

<b>Meeting Date:</b>	5 December 2006	<b>Open Gov. Status:</b>	Partially Closed
<b>Type of Paper:</b>	Above the line	<b>Paper File Ref:</b>	
<b>Exemptions:</b>			

**Minutes of a meeting of the Health and Safety Commission held on 5 December 2006 in the Globe Room, Rose Court London**

<p><b>Present</b></p> <p><b>Bill Callaghan – Chair</b> <b>Sandy Blair</b></p> <p><b>Danny Carrigan</b> <b>Judith Donovan</b> <b>Sayeed Khan</b> <b>Hugh Robertson</b> <b>Elizabeth Snape</b> <b>John Longworth</b> <b>John Spanswick</b></p> <p><b>Apologies: Margaret Burns, Alex Brett-Holt</b></p>	<p><b>Officials Present</b></p> <p>Geoffrey Podger Justin McCracken Jonathan Rees Tony Fausset Vivienne Dews Colin Douglas Susan Mawer Neal Stone Trevor Cain Ann Marie Farmer</p> <p>Jane Willis– Item 5a Elizabeth Gibby– Item 5b Mike Weightman – Item 6, 7 Eddie Morland– Item 8 Steve Dennis – Item 10 Mike Lacaille – Item 10</p>
	<b>Welcome/Introduction</b>
	The Chair welcomed everyone to the meeting and in particular Tony Fausset who was attending on behalf of Alex Brett-Holt.
<b>1</b>	<b>Minutes of the meeting held on 7 November 2006 (HSC/M10/2006)</b>
<b>1</b>	The minutes were agreed.
<b>2</b>	<b>Urgent Business</b>
<b>2.1</b>	None.
<b>3</b>	<b>Future items for the agenda</b>
	The Commission noted the below the line paper on the “Report-back on the evaluation of the HSC’s Enforcement Policy Statement” and asked for a substantive discussion on this in the new year.
<b>4</b>	<b>Chief Executive’s Report</b>
<b>4.1</b>	<p>Presenting his report Geoffrey Podger highlighted the following issues:</p> <p>The explosion at Festival Fireworks UK Limited, Ringmer, East Sussex on 3 December. Two fire fighters were killed and a number of people injured attempting to control a fire and explosion at the HSE licensed explosives site. HSE was involved with the police and fire service ensuring that the site was safe and had assembled a multi-disciplinary team. Access to the site was limited and so HSE was not yet in a position to start an investigation or reach any preliminary conclusions.</p> <p>The Barrow in Furness Public Hearings held the day before had gone well and had provided relatives with the opportunity to question those in authority. A report would be published in due course.</p>

	<p>The Health and Safety Action Plan for Scotland detailed in paragraphs 14 and 15 was a very important initiative which everyone was keen to bring to a productive conclusion.</p>
4.2	<p>The Commission thanked the Chief Executive for his report.</p> <p>It was happy with the progress being made with the Scottish initiative. The Commission discussed the Horizon scanning workshop (para. 13) and the Executive confirmed that a report on the workshop would be brought to the Commission in March or April.</p>
5	<p><b>Mid-Year Review against the HSC Business Plan 2006/07 (HSC/06/75)</b></p>
5.1	<p>Vivienne Dews introduced the paper which had been produced in response to a request by the Commission. It reported in detail against the Business Plan's objectives, which were mostly activity rather than outcome based. Paragraph 12 set out some significant activities not included in the Plan in which HSE had invested significant resource.</p> <p>The Commission's views were sought on the future format of the HSC business plan and what it would like to see in future reports on progress.</p>
5.2	<p>The Commission thanked officials for a very useful paper which read in conjunction with the papers on Fit3 gave a clear picture of what was being done to support the Commission's strategy.</p> <p>Commenting on progress against objectives the Commission questioned the disparities in resource allocation to major hazards and the issues behind this such as difficulties with recruitment. Pressures on major hazard resources had to be carefully managed so that those resources were used in the most critical areas. It also asked about the resource going into Fit3 regulation.</p> <p>Discussing the kind of information they were looking for in such mid year reviews the Commission made the following points:</p> <ul style="list-style-type: none"> <li>• A strategic planning process should include a reflection on whether resources (people and finance) were being used effectively</li> <li>• The table looking at planned resource allocation against outturn was helpful</li> <li>• Was the allocation of resource kept under review to ensure it was still appropriate</li> <li>• The table could show the resource allocated to areas such as science, communications</li> <li>• It would be helpful to know what resources had been expended on the significant activities identified in para. 12</li> <li>• A wider use of work recording would provide better information on resource allocation</li> <li>• It would be helpful if the plan could indicate the resource LAs were committing, although this would be dependent on local government being able to provide the quantitative information.</li> <li>• It would be helpful to have an understanding of the proportion of resources allocated to reactive work</li> <li>• The plan and review should make it clear what work was not being done</li> <li>• The annex provided useful information but did not necessarily help the</li> </ul>

	<p>Commission to make strategic decisions. A short resource related report would be more helpful: a clear statement on work plan, objectives, resources. It recognised that not all HSE's interventions produced immediate results</p> <ul style="list-style-type: none"> <li>• It supported the Executive's aim of having smarter objectives</li> </ul>
5.3	<p>Concluding the Chair said that the Commission had identified some areas where progress was on track and others where things needed to be done. It agreed:</p> <ul style="list-style-type: none"> <li>• The proposal in para 17 for smarter objectives in the next business plan and less narrative;</li> <li>• That it should be reviewing progress against plan regularly</li> <li>• The next business plan should include a review mechanism;</li> <li>• Reviews should not be detailed.</li> </ul>
6	<p><b>Fit for work, fit for life, fit for tomorrow, strategic programme (Fit3): achieving impact, reducing harm (HSC/06/86) and Injuries Reduction Programme – Progress Report (HSC/06/96)</b></p>
6.1	<p>Introducing the papers Jane Willis provided an overview of progress on the Fit3 programme, setting it in the context of the recently released 2005/06 annual health and safety statistics. The key message was that the programme was working, as demonstrated not just by the annual statistics but also from other indicators such as outcomes from publicity campaigns.</p> <p>The LA partnership had been critical to Fit3 success. HSE had set up closer working arrangements with clear jointly agreed priorities. This had delivered targeted reductions, had made sense to stakeholders and other duty holders and had enabled HSE to capitalise on wide reaching publicity.</p> <p>The key had been to get the balance right with a mix of interventions. The mix was constantly under review and adjusted in terms of desired outcomes and lessons learned from the fine tuning review would aid in doing this.</p> <p>Elizabeth Gibby then presented a detailed analysis of the progress towards achieving the Injuries Reduction Target and highlighted areas which remained of concern.</p> <p>HSE had not had a real impact on slips and trips across any sector, the performance overall was static. HSE needed to invest more for longer to achieve the sort of impact and culture changes required.</p> <p>The performance of the recycling sector was a concern. The industry was growing due to international and environmental pressures but so too were the number of fatalities and major injuries. HSE were devoting more attention to this sector.</p> <p>Communications were critical, there was no one size fits all; each outcome and audience required a different interventions mix. Within a climate of tightened resources it was important to work smarter and through others. Resource would also have to be reduced in some areas as had just been done in foundries and shipbuilding where there had been little buy in from key stakeholders.</p>
6.2	<p>The Commission thanked the presenters who had shown that we were getting a better understanding about the mix of interventions which worked in different sectors. The effectiveness of our interventions should be made known more widely across Whitehall. The Commission supported HSE's work which was</p>

	<p>core to it's business and had generated huge buy-in from stakeholders. The model described in paragraph 9 had proved very effective in reducing injury.</p> <p>The Commission shared HSE's concern on performance in some of the sectors and supported the actions being taken, such as on recycling. An initiative by Bristol CC ,involving HSE and HSL, with Lloyd's Bank and its delivery contractors, was an exemplary model of how to deal with the problems caused by contracting out risk.</p> <p>It was concerned that HSE was withdrawing from initiatives in some areas because of lack of engagement: the TUC would be willing to help with this.</p> <p>Discussing the statistics the Commission made the following points:</p> <ul style="list-style-type: none"> <li>• It would like a detailed report on the trends in the services sector</li> <li>• The fatalities statistics dealt with immediate deaths, which were only a proportion of overall deaths, such as from work-related cancers</li> <li>• Why the injuries statistics were not declining at the same rate as fatalities; it would be useful to look at the reasons behind this in more detail.</li> </ul> <p>It discussed whether stakeholders should be involved in developing advertising campaigns or whether such campaigns, aimed at hard to reach groups, were best left to communications professionals.</p> <p>Other issues raised by the Commission included:</p> <ul style="list-style-type: none"> <li>• The importance of having a mix of interventions including enforcement which was vital in keeping momentum going when campaigns had finished;</li> <li>• The important contribution proper risk assessment made to improved health and safety;</li> <li>• The value of encouraging stakeholders to be honest about near misses and to share the information learnt;</li> <li>• Whether there should be an inspirational target of no deaths;</li> <li>• Small firms rarely encountered major injuries or deaths and so did not have personal experience of the consequential financial costs.</li> </ul>
6.3	<p>Concluding the Chair said the Commission congratulated staff for the good work they were doing which had gained the respect of stakeholders. It was impressed with the monitoring being done and recognised that improvements could not be taken for granted but needed continuing efforts.</p> <p>If the Commission could help in getting stakeholder engagement it should be asked to do so although it recognised that HSE had limited resources and could not be in all sectors to the same extent and that it was not possible to force unwilling partners.</p>
7	<p><b>Operational Issues: Impact of the Energy review on Nuclear Safety Directorate. (Oral update no paper)</b></p>
7.1	<p>Mike Weightman gave an update on the nuclear safety programme and preparations for nuclear reactor new build. The nuclear safety directorate secured its health and safety objectives by regulating, influencing and earning trust. He described the environment in which it operated and outlined its resources which did not currently meet its need. He set out the progress being made in delivering the PSA target and how the risks were being managed. He outlined the pre-licensing proposals for new build and preparations for regulating new build. One of the biggest challenges would be resourcing.</p>

7.2	<p>The Commission asked when, following publication of the Government White Paper in March, work on prelicensing would start. Responding Mike Weightman said that NII had already had discussions with possible vendors and operators so that they could understand and get confidence in our regulatory system. This could be done without a political decision being made. Guidance was being prepared for the new year and NII would be in a position to start when the regulations enabling fees to be charged were in place.</p> <p>The Commission questioned whether industry and stakeholders recognised the need for absolute safety in both the short and long term and also explored the availability of nuclear expertise including in universities.</p> <p>It stressed the importance of the regulator being above economic and political issues and being seen as objective and providing reassurance to the public and workforce that their well-being was being looked after.</p>
7.3	<p>Concluding the Commission thanked Mike Weightman and his colleagues for the work they were doing. NII had shown its skill in dealing with potentially difficult situations. The Commission was confident that, despite the challenges, NII would continue to operate in an open and transparent way and maintain trust in its objectivity.</p>
8	<p><b>Proposed Transfer of the Office of Civil Nuclear Security and part of the UK Nuclear Safeguards function from DTI to HSE (HSC/06/89)</b></p>
8.1	<p>Mike Weightman introduced the paper which sought approval for the proposed transfers subject to satisfactory resolution of finance legal and other considerations.</p> <p>There already was an overlap in interests and there had been close collaboration post 9/11 on the vulnerability of sites. The transfer offered synergies in business systems and joined up regulation.</p>
8.2	<p>The Commission was reassured that the remit of OCNS did not extend to the regulation of the security services. It discussed the retention of offices at Harwell and the basing of some staff in HSE's London office.</p>
8.3	<p>The Commission agreed to the proposed transfers subject to satisfactory resolution of any outstanding financial issues.</p>
9	<p><b>Health &amp; Safety Laboratory (HSL) Update (Oral presentation no paper)</b></p>
9.1	<p>The Chair welcomed Eddie Morland and Patrick Macdonald, Chief Scientist, who were attending a Commission meeting for the first time.</p>
9.2	<p>Eddie Morland provided an overview of HSL which had the widest science base of any equivalent European laboratory, and described the work it did and how the work fitted with the Commission's strategy. He summarised HSL's financial performance and set out its key aims for the future.</p>
8.2	<p>The Commission congratulated HSL on its work; it was a world leader in its field.</p> <p>The Commission was interested in how high HSL thought it could increase external revenues whilst still maintaining its service to HSE. The interface between public and private in a single body was challenging to manage. Private work helped maintain funds but the key aim was to have the capacity to provide excellent work for HSE. The issue for HSE was whether it was getting best</p>

	<p>value, which meant that the governance arrangements were important. The Commission also needed to be assured that the work HSL was doing was relevant to its strategy.</p> <p>It asked about HSL's marketing propositions and thought it would be helpful if the material it had produced explaining HSL to the outside world was sent to Commissioners.</p>
9.3	<p>The Chief Executive commented that he regarded HSL as part of HSE and was pleased that Eddie Morland was part of the Board. HSE was improving the quality of its purchasing of research which would assist HSL. At the moment only spare capacity was being sold and in areas helpful to HSE; this could be a tricky area in the future. HSL was an expensive facility and the aim was to retain the good whilst reducing costs. Increased private income contributed to this. He suggested that the Commission would wish to monitor future performance.</p>
9.4	<p>The Commission thanked Eddie Morland for an excellent presentation. It asked to be kept informed of the governance arrangements once the details had been agreed.</p>
	<p><b>Closed Session</b></p>
10	<p><b>HSC/E Resources – Finance Report (HSC/06/100) Fully closed Fol Section 36 Prejudice to effective conduct of public affairs</b></p>
	<p><b>Below the Line</b></p>
11	<p><b>Proposed Biocidal Products (Amendment) Regulations: recommendations following consultation (HSC/06/59)</b></p>
11.1	<p>The Commission approved:</p> <ul style="list-style-type: none"> <li>• the draft Biocidal Products (Amendment) Regulations 2007 for submission to the Minister; and</li> <li>• the letter and background note from the Chair to Lord Hunt.</li> </ul>
12	<p><b>Fully Closed Fol Section 43 Commercial Interests Health and Safety (Fees) Regulations 2007 (HSC/06/97)</b></p>
13	<p><b>Evaluation of the Enforcement Policy Statement (HSC/06/78)</b></p>
13.1	<p>The Commission noted the findings from the evaluation of the Enforcement Policy Statement and the next steps.</p>
14	<p><b>Fully closed Fol Section 22 Information intended for future publication. PSA Targets for Comprehensive Spending Review 2007 (HSC/06/98)</b></p>
15	<p><b>Cost recovery for 'pre-licensing' regulatory assessment of nuclear power stations (HSC/06/99)</b></p>
15.1	<p>The Commission agreed HSE's intention to utilise the 2007 Fees Regulations to allow for the recovery of its costs in carrying out pre-licensing' assessments of new nuclear power station designs.</p>
	<p><b>Misc Papers</b></p>
16	<p><b>Renegotiating the European Regulation 304/2003/EC concerning the export and import of certain dangerous chemicals (MISC/06/26)</b></p>
16.1	<p>The Commission noted the information provided.</p>
17	<p><b>Better Regulation – recent Developments (MISC/06/27)</b></p>
17.1	<p>The Commission noted the recent better regulation developments.</p>

