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Secretary of State

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Department of the Environment
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Dear Minister

Thank you for your letter of 30 August about the new burdens procedure on local government. *fap*

I agree with you that we should look wherever possible for savings to local government, and I believe the process of replacing health and safety regulations that the Health and Safety Commission has undertaken since 1974 has resulted in a better regulatory framework that is simpler and cheaper for local authorities to enforce. That the new regulations are better is due in no small part to assessments by the Health and Safety Executive (HSE) of compliance costs and I was pleased to note that you appreciated the cost benefit analyses which HSE undertakes in support of any proposals.

I find such assessments a great aid in deciding whether to accept proposals by the Commission because they ensure that the costs, not only to local government but also to industry, are fully evaluated and appreciated. HSE's expertise in the field of cost benefit analysis is widely recognised and they have had some success in getting European proposals based on a sound assessment of risks and benefits.

When considering burdens on local government imposed as a result of health and safety legislation, I think it is necessary to distinguish very clearly between the effect on local government as employers and as enforcers of legislation. As employers, their burdens are pro rata those of industry's. As enforcers with statutory obligations, there are two mechanisms within HSE and the Commission which ensure their costs are fully evaluated.



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You will probably be aware that HSE uses a committee structure, the Health and Safety Executive Local Authority Enforcement Liaison Committee (HELAL) as an interface between its own inspectorates and the health and safety inspectors employed by the local authorities in Great Britain. This is an extremely effective mechanism and one which has been recognised by the Cabinet Office and is being used now as a model for central Government's liaison arrangements with local authorities. MAFF, I understand, are considering it in the context of their administrative arrangements under the Food Safety Act.

Through HELAL, the Health and Safety Commission was able to satisfy itself that a net transfer of somewhere in the order of 125,000 premises from the Executive to local authorities for enforcement under the Health and Safety (Enforcing Authority) Regulations 1989 could be undertaken without additional costs. These additional responsibilities have been accommodated through the increasing use by local authorities of priority planning systems which ensure that the resources available are directed at the areas of highest risk. HELAL has been responsible for issuing guidance on priority planning systems and it has also issued guidance which, indirectly, assists local government in discharging its enforcement responsibilities under health and safety legislation. It has, for example, produced two open learning training courses on the Control of Substances Hazardous to Health Regulations and the Electricity at Work Regulations. A further open learning course on the Construction Regulations will shortly be available.

These activities produce improvements in efficiency and help offset any burdens that arise due to new statutory responsibilities. These responsibilities are very important. The Commission's latest report on the service industries for 1988-89, the area where most local authority enforcement activity takes place (to be published 12 September), will show an 8% increase in accidents, and I understand that provisional figures for 1989-90 as yet unpublished also show a significant increase in the number of fatal accidents.

New burdens may arise because however good the Commission's consultative procedure and evaluation of legislative proposals, the major force for change in the health and safety field is Brussels. The best way open to us for reducing burdens on industry and on enforcers, whilst protecting health and safety standards, is to influence policy formulation in Brussels at the earliest possible stages. This also forms part of the Commission's policy.

Consequently, most of the legislative burdens under health and safety legislation stem from obligations to implement European directives and in working up proposals for regulations to translate these Treaty obligations into national law. I can assure you that the Commission and I are always conscious of the



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need to implement them in a cost effective way. They do, however, have to be enforced and they have to be enforced across the board by all health and safety enforcing authorities, including local authorities. HSE has had some success in negotiations in ensuring that new directives disturb UK legislation as little as possible, thereby reducing or eliminating new burdens, but as I am sure you will realise, we cannot succeed in every case.

You will, of course, be aware that the Commission itself has two members representing local government interests, Colin Bhannon from the Association of District Councils and Edward Carrick from the Convention of Scottish Local Authorities. This should provide some reassurance that the burdens on local government are fully considered at all levels within HSE and the Commission.

I am copying this letter to the Prime Minister, Members of E(LG) and to Sir Robin Butler.

Yours sincerely

APM Elf

PP

MICHAEL HOWARD

(Approved by the Secretary of State
and signed in his absence)



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