



Chartered  
Institute of  
Environmental  
Health

# Consultation Response

Response to the Proposals for the transfer of petroleum licensing functions from district councils to HSENI and related matters

Original proposals issued September 2006 by Health and Safety Executive for Northern Ireland

12 January 2007

# The Chartered Institute of Environmental Health

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Any enquiries about this response should be directed in the first instance to:

Gary McFarlane  
Director  
Chartered Institute of Environmental Health  
Philip House  
123 York Street  
Belfast  
BT15 1AB

Telephone 028 9024 3884  
Email [g.mcfarlane@cieh.org](mailto:g.mcfarlane@cieh.org)

## 1.0 Overview and summary

- 1.1 CIEH notes, concurs with, and supports the submissions that have been made to this consultation by others, namely the Northern Ireland Local Government Association (NILGA) and the Chief Environmental Health Officers Group (CEHOG).
- 1.2 CIEH is of the firm view that the consultation process in itself is fundamentally flawed in that both its authorship and timing is inappropriate. We would also have to question the integrity of the consultation given that CIEH are listed as consultees yet no correspondence or communication has been received by us from them in relation to this current proposal.
- 1.3 CIEH believes that the proposals contained within the consultation are completely contrary to other central government policies namely the Review of Public Administration (RPA) and the Hampton Review. In addition some proposals appear to be misinformed.
- 1.4 CIEH rejects HSENI's suggestion that district councils are deficient in skills and expertise in relation to risk assessment techniques. District council staff employed in health and safety enforcement are wholly familiar with risk assessment. We request that HSENI produce evidence to this effect or retract such suggestions.
- 1.4 It appears that the key driver for this proposal is the Organised Crime Taskforce. Whilst we acknowledge their concerns regarding the revenue lost due to illegal fuels and their concerns around the fact that some of these fuels may be reaching petrol filling stations, the transfer of responsibilities for the same will in itself not solve this problem. Improved liaison and cooperation between district councils and HM revenue and Customs would be a more appropriate way forward. District Councils in NI have an excellent track record in joint working and partnerships in a variety of policy areas.
- 1.5 We would, once again, question whether current arrangements for Health and Safety in Northern Ireland (NI) are satisfactory and consistent given the absence of a Health and Safety Commission in NI and the resultant conflicting roles of HSENI in policy development and service delivery.

## 2.0 Specific comments

- 2.1 Other responses (most notably CEHOG) have covered the proposals contained within the document in some detail. CIEH does not propose to reiterate much of that detail but would both support and conclude with all the points made within it.
- 2.2 Review of Public Administration
  - 2.2.1 The ethos and principals set out in the RPA were unequivocal in the desire to transfer functions to local government whilst at the same time reducing, where appropriate, the responsibilities of non departmental public bodies. This proposal in fact suggests the complete contrary, i.e. the removal of a function.

- 2.2.2 There is no evidence, as intimated in the document, to suggest that this function, currently carried out within the existing district councils in NI, is failing to either protect consumers and the general public or proving inconsistent. CIEH would call on HSENI to provide satisfactory evidence or retract such assertions.
- 2.2.3 The proposed changes are, in fact, likely to increase, not reduce, public expenditure. We consider the proposed transfer of this function and subsequent appointment of additional staff within HSENI wholly unnecessary.

## 2.3 Hampton Review

- 2.3.1 As with RPA these proposals are completely contrary to the spirit and ethos of the Hampton Review in that they would increase, not decrease as suggested, the number of regulatory bodies visiting petrol stations. The fact that the document suggests such a reduction makes it factually incorrect.
- 2.3.2 In fact, given that almost all petrol filling stations are now small retail stores and that this in turn means that they fall within other regulatory responsibilities of local authorities such as food safety; health and safety; consumer protection and environmental protection creates an even stronger case in Hampton terms for retaining the responsibility for petroleum licensing within district councils. It also offers significantly improved economy and efficiency than the current proposal.
- 2.3.3 It is our understanding that Local Authorities are currently developing alternative enforcement strategies that will see further integration of existing functions and a potential reduction of the burden on businesses in line with Hampton's recommendations.

## 3.0 Conclusions

CIEH are fundamentally opposed to the proposals for the reasons outlined in the previous sections. Furthermore we find much of the document misinformed, at times factually incorrect and lacking in evidence for many of its assertions. We question the validity of the actual consultation process itself. The document and process raises other related issues which we will be pursuing through more appropriate routes.