

RPC meeting 9 May 2022 - minutes
Attendees
The Committee

Chair: Stephen Gibson
Jonathan Cave (remotely)
Daniel Dalton (remotely)
Stephen Gifford
Hilary Jennings
Andrew Williams-Fry (remotely)

Apologies

John Longworth
Derek Ridyard

Better Regulation Executive

Sarah Montgomery – Deputy Director

Cabinet Office

Chris Carr – Director, Brexit Opportunities Unit

RPC Secretariat

Stuart Sarson – Head of Secretariat

A. Minutes of committee meeting (March) and matters arising

1. The **minutes of the March committee meeting** were agreed [and have since been published on the RPC website].
2. **Register of interests:** committee members confirmed the accuracy of their entries in the RPC register of interests [which is available on the RPC website].
3. **Gifts and hospitality register:** committee members confirmed the accuracy of their entries in the gifts and hospitality register [again available on the RPC website].

B. BRE update
Review of the Better Regulation Framework

4. BRE reported that it is in the process of holding a series of bilateral meetings with government departments to discuss proposals for reform. The feedback is generally positive although there were some concerns around the level of [official/departamental] resources that would be required to implement the proposals. Questions centred around roles of the ministerial star chamber and the scrutiny body. Concerns were raised about proportionality, turnaround times and resources. Further thought is being given to how best to encourage better consideration of alternative options to regulation, and to capturing the impacts of regulation on households. BRE continues to work closely with the Brexit Opportunities Unit in the Cabinet Office and the RPC and will do so for piloting the new approach.
5. The following comments were made:
 - It is important that RPC can make a genuine step change in consideration of alternative options. Is there a common understanding of the tools and methodologies available? The

RPC should be clear on the range of options. Departments should understand the difference between alternative options and co-regulation.

- The committee was pleased to hear that there was positive feedback on the consultation from departments and stakeholders. However, some departments are concerned about the burden of administrative resources required to run the new system, especially as they are being asked to do more PIRs. Pushback from DfT and DLUHC is expected.
 - There was concern that there should be no significant exemptions to the new BRF as this would seriously undermine it.
 - There was discussion of plans for BRE to work with government departments and external stakeholders on replacing the EANDCB and the BIT with new metrics.
6. Chris Carr assured the committee that the Government are supportive of independent scrutiny and that the current proposals would have no fundamental carte blanche exemptions from the framework. Departments are rightly concerned about the potential for new burdens being created on them at a time when resources are being reduced. BRE is working closely with government departments and external stakeholders to ensure that the new process can be as effective and efficient as possible with minimum burdens. Consideration is being given to replacing the BIT with new metrics. Ultimately this will depend on collective agreement.

HO immigration opinion

7. Stephen Gifford provided a brief update on the ongoing efforts to resolve the lack of verification of the EANDCB for the Home Office immigration skills measures. Disagreement on the direct/indirect impacts on the labour market remain. Work will continue to see whether the RPC could issue a green-rated opinion retrospectively.

C. Engagement update

8. A list of engagements in which the chair and the committee members were involved had been circulated in advance to the committee. The committee welcomed these engagements as an effective way to understand the concerns of stakeholders and to raise the profile of the RPC.

D. External presentation – Which?

9. Which? representatives set out the purpose of their organisation as being strongly representative of consumers [in various ways]. It has over 1.5 million members and a website with over 900 product reviews. It estimates that over 6 million purchasing decisions a year are made using the information it provides.
10. It seeks to make life simpler, fairer and safer for consumers through awareness campaigns, influencing politicians and law makers, and holding business to account. It seeks to:
- empower and equip consumers to avoid and tackle harm by providing advice;
 - challenge and support policy makers and businesses to do better through systemic change
11. Which? described a range of issues on which it is currently working to try to assess impacts on households, which is difficult. Which? has worked with BEIS previously on similar projects. The HMT Green Book is helpful but does not provide straightforward solutions. Many of the impacts on households are qualitative and subjective and so are very difficult to measure. For instance,

how should the impact on consumers of the choices involved between traditional taxis and the newer 'Uber' models? Political and ethical considerations come into play. Also, how should the value of the ethical considerations in the decision to eat free range chickens rather than cheaper factory farmed chickens be made? These are all consumer choices that stretch traditional approaches to economics and are difficult to measure objectively.

12. Discussion focused on methodologies that might capture behavioural and ethical issues, and other approaches that might be used to assess impacts on consumers including the 'intelligent customer' concept as a proxy in an imperfect market. There was also discussion on other areas that Which? was looking into, including tackling cyber-crime and encouraging business to be more effective in protecting consumers from scams. The committee concluded that these are difficult areas and welcomed the work Which? is doing to help develop understanding of impacts.

E. External presentation - British Chamber of Commerce

13. The Chair welcomed Alex Veitch (Director of Policy and Public Affairs) and David Bharier (Head of Research) to the meeting. Alex explained that he had recently joined the BCC and welcomed the opportunity to engage with the RPC. He explained that the BCC represented a federated network of 53 local chambers which collectively represent tens of thousands of businesses with over 6 million employees. There is a heavy focus on businesses that export, and the BCC has global connections. As one of the big 5 business representative organisations, the BCC work closely with the others (CBI, IoD, Make UK and FSB). David described the BCC's quarterly survey which has been undertaken since 1989 and described some of the issues that had been flagged up by the most recent results. He explained that they engage with BEIS on aspects of what this survey reveals about business perspectives.
14. Alex explained that the current focus of BCC activity was fourfold: 1. Economic prosperity (including transport, planning etc.); 2. Skills & people; 3. Trade; and 4. Climate change. He explained that the BCC supports the better regulation framework and the work of the RPC to ensure that stakeholder views are reflected in consideration of impacts of regulation. He summarised the four key principles of the BCCs input on the recent consultation on improving the better regulation framework as: simplicity and stability; clarity of what is required; strengthened scrutiny; and involving business in the process. They had supported the case for earlier scrutiny and for a greater focus on evaluation and post-implementation reviews. They thought the £5m de minimis threshold might be too high and miss some important regulations. They were supportive of many of the proposals set out in the Benefits of Brexit document, in particular that government should only seek to regulate when clearly necessary. They also felt the current EANDCB has too narrow a focus and that it would be good if IAs could consider a broader range of impacts and offered to feed in further views if that would be helpful.
15. In discussion, the following points were made:
 - While it might be good to lower de minimis to capture more measures, the current threshold did appear to have been effective in allowing the RPC to focus on the most significant cases.
 - The RPCs opinions were not commonly read or referred to in business community and we might give more thought as to how they might be more useful to that audience. But it was always going to be a problem getting the attention of small businesses who have very little time to worry about strategic issues.

- We should consider whether it might be worth the RPC engaging directly with individual chambers if resources permit.
- We might usefully consider whether there was potential for the RPC or BRE engaging with the BCC on using their surveys to answer appropriate questions.

The chair thanked Alex and David for an interesting discussion.

Annex A: outstanding and ongoing actions grid

	No actions from this meeting		
Key Actions completed	Actions to be discussed at meeting	Work in progress	Actions not completed