

Regulatory Policy Committee - meeting minutes

Monday 8 September 2014
1 Victoria Street, London

Present: Michael Gibbons (Chair), Alex Ehmann, Jeremy Mayhew, Ian Peters, Martin Traynor, David Parker; Ken Warwick; Secretariat.

Apologies: Sarah Veale

Also attending: Scott McAusland (communications advisor); For the item on post-implementation review: Stephen Hodgson, Better Regulation Executive, Department for Business, Innovation & Skills; and Steven Finch, Department for Transport.

1. Minutes of the previous meeting, updates and matters arising

The Committee approved the minutes of the previous meeting, subject to minor drafting changes.

The framework review project plan has been set-up and will be presented to the October meeting.

The Whitehall survey, of departmental experience of IAs and the RPC, for the first quarter has been completed. The dashboard of results will be circulated to members soon.

The Chair provided feedback on his meeting with the Minister, Matthew Hancock. Two items were on the agenda – completion of the OITO accounts, and new or reappointments.

The Committee thanked Cara Maguire for her work for the RPC and wished her good luck in her new role.

2. Post-implementation review (PIR) guidance

Gordon Manickam and Stephen Finch introduced the PIR paper (a brief summary of the guidance). The guidance is intended to help departments when developing PIRs, and in particular whether the outputs can effectively inform decisions on ‘renewal, amendment, removal or expiry, replacement’. A large volume of PIRs is expected in the second half of 2015, with more clarity over timing of the individual PIRs expected in the coming months.

Members felt that there should be more emphasis on PIRs assessing the accuracy and methodology in departments’ original impact assessments, and how any identified problems will be rectified in future assessments. Improving methodology and identifying improvements from the original assessment and in future impact assessments should be a key aspect of the RPC role. The focus on informing decision on ‘renewal, amendment, removal or expiry, replacement’ should not mean not taking advantage of the opportunity for improving how proposals are assessed in future.

Members expressed a number of specific thoughts, including:

- Emphasis – the default position should be removal or expiry unless the need to continue in some form is demonstrated (this option should be the first listed instead of renewal), and the evidentiary bar for renewal must be set so it does not become a tick box exercise for departments;
- Replacement – it was unclear what the Committee would be effectively signing off through any endorsement of this category. Any validation of a ‘replacement’ PIR should not be seen as an endorsement of a different proposal, which may not have been fully assessed at the point of the PIR. The guidance should also ensure there is reference / emphasis placed on adequate consideration of alternatives to regulation under the replacement option. The option would benefit from separating into separate strands and increased clarity;
- The analysis for all the options needs to clearly consider all impacts of the policy, not just the economic impacts; and
- The evidence table should more clearly emphasise an assessment of the realised costs and benefits to reflect the potential to improve subsequent analyses

3. Methodology

The methodology discussion focused on some key cases in relation to direct / indirect impacts, using for background the paper prepared by the Secretariat in response to the Department of Health plain tobacco packaging consultation stage proposal.

4. RPC as a knowledge centre

Cara Maguire presented the paper including findings from the knowledge centre project’s assessment of the first six months of 2014. In discussing the SaMBA members recognised that could be more analysis in impact assessments regarding trade-offs. Departments often state a default position of exemptions or mitigations not being possible as that would result in not meeting the policy objectives. . There are some good examples of how departments have responded to Red SaMBAs. These cases should be highlighted and discussed in the annual report.

Members wanted further information in relation to the data presented on the alternatives to regulation, and in particular the cases that did not discuss non-regulatory alternatives.

5. AOB

None raised.