

**RPC meeting 15 May 2023 - minutes**

**Attendees**

<p><b>The Committee</b>  Chair: Stephen Gibson  Jonathan Cave  Daniel Dalton (On-line)  Stephen Gifford  Hilary Jennings  John Longworth  Derek Ridyard  Andrew Williams-Fry</p>	<p><b>RPC Secretariat</b>  Stuart Sarson – Head of Secretariat</p> <p><b>Better Regulation Executive</b>  Rhiannon Harries (RH) – Interim Director  Nasrine Fielding – Deputy Director</p> <p><b>Institute for Government</b>  Matthew Gill, Programme Director for Public Bodies</p> <p><b>Institute of Directors</b>  Dr Roger Barker, Director of Policy, and Governance</p>
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**A. Minutes of committee meeting 13 March and matters arising**

1. The **minutes** were agreed [and are now available on the RPC Website.]
2. **Register of interests:** committee members confirmed the accuracy of their entries in the RPC register of interests [available on the RPC website]. Members were reminded of the importance of ensuring that they are clear when making any public personal statements that they are not speaking on behalf of the RPC.
3. **Gifts and hospitality register:** committee members confirmed the accuracy of their entries in the gifts and hospitality register [available on the RPC and BEIS websites].

**B. Better Regulation Executive (BRE)**

**BRE Update**

4. Rhiannon Harries (RH) gave the BRE update. She made the following posts:
  - The approach being taken to sunsetting in the Retained EU Law (Revocation and Reform) (REUL) Bill has been changed as the Bill has passed through Parliament. Subject to Royal Assent, it is now likely that the Act will contain a schedule that sets out all of the measures that will be allowed to sunset at the end of 2023.
  - On 9 May, the Government published a policy paper ‘Smarter regulation to grow the economy’, the first in a series of regulatory reform announcements, focused on how regulations can be improved across the UK economy to reduce burdens, push down the cost of living and drive economic growth. This paper included a public commitment to reform the Better Regulation Framework as previously discussed.
5. The following comments were raised by the committee:
  - The RPC welcomed the announcement of the BRF reforms.
  - We would need to ensure that the new process places appropriate focus on non-regulatory alternative options and on PIRs.
6. The aspiration is for the new BRF to be up and running by the summer.

### C. Engagement Update

7. A list of engagements in which the chair and the committee members were involved had been circulated in advance of the meeting.

### D. External Presentation – Institute for Government

8. Matthew Gill, IfG Programme Director for Public Bodies, summarised the aims of the Institute and described its plans to consider regulation and the oversight of regulation by Parliament. He welcomed the opportunity to test the planned approach with the RPC.
9. The broad aim was to consider whether the right balance is being struck between regulator independence and oversight by Parliament and others. The work would consider:
  - Is there clarity on process and accountability for parliamentary scrutiny and what it is seeking to achieve?
  - Are select committees set up to deliver this scrutiny and do they have necessary “bandwidth” to do so?
  - How best can all this be communicated?
10. In discussion, the following points were made:
  - It will be worth considering the role of other bodies such as the NAO in the scrutiny of regulators.
  - Could more use be made of select committees, in appointment hearings for example?
  - Clarity is needed on the objectives of scrutiny before it is possible to know how best to deliver it.
  - We will need to be clear on whether the statutory requirements on regulators are aligned with strategic objectives.
  - It is critical to consider the relationship of regulators with those they regulate.
  - It is timely to reconsider this issue following Brexit and any changes this means for relationships with UK national regulators.
  - It is important that we do not delegate too much of government’s responsibility to regulators.
  - The implications of any changes in approach for smaller businesses should be kept in mind.

### E. External Presentation – Institute of Directors

11. Roger Barker explained the remit and role of the Institute of Directors (IoD) and how, as a business group, with others they met on a regular basis with the Secretary of State. One of its roles is as an advocacy for its members on which the IoD polls monthly on key issues. Regulation is seen by members as their 8th priority in a list of 10. IoD recognises the need for regulation and therefore calls for better regulation to assist its members. In relation to regulation in the context of Brexit, the IoD sees the Windsor Framework as a positive step while the recent ministerial statement of the number of retained EU regulatory measures to be sunset is welcomed. The IoD considered the REUL bill’s previous position as one that in its view did not appear to adhere to the principles of better regulation, including the need to consult, which had provided uncertainty to business as well as being seen as a recipe for bad law making. The IoD cited its recent survey of members where it asked in which policy area is the greatest opportunity for the

UK Government to reduce the regulatory burden of EU-retained law. Members' preference was for stability in the current regulatory framework in order for them to have certainty.

12. The IoD see IAs as essential for scrutiny of proposed regulation, noting that within these documents there should always be consideration to alternative options to regulation. The IoD believes the RPC fulfils a valuable role within the Better Regulation Framework and welcomes the fact that the revised framework will provide the RPC an opportunity to assist departments with the development of their IAs at an earlier stage. The RPC's opinions provide an important independent view, particularly when providing a red rating, which is valued by all stakeholders. The IoD, as one of the original proposers of the Small and Micro Business Assessment (SaMBA), see its inclusion within the RPC's opinion as an essential assessment of the impact of proposed regulation and welcome the fact that the SaMBA will be kept as part of the new framework. The IoD shares the concerns of many in the delay of the revised framework particularly in light of the increasing number of late introductions of IAs to Parliament, and the apparent deterioration of the quality of these documents as shown by the increase in red ratings from the RPC. Looking forward, the IoD supports a robust framework with independent scrutiny as central part of the process.

#### **F. AOB**

13. Next Full Committee Meeting is on Monday 17 July 2023