



Gangmasters  
Licensing Authority

# **GLA40/10.1 Regulatory Change – Impact on the GLA**

**15 January 2014**

# **Board Paper Reference – GLA40/10.1 – Regulatory Change Impact on the GLA**

## **1. Purpose of the Report**

- 1.1 To discharge Board action point BM21(8): “Circulate information regarding Better Regulation Activity “

## **2. Recommendation**

- 2.1 The Board is invited to note the information provided at Annex 1.

## **3. Reasons for Recommendation**

- 3.1 No action required – provides an update on current better regulatory activity.

## **4. Summary of Key Points**

- 4.1 Annex 1 covers

- Regulators compliance code
- Duty of growth
- Accountability for regulatory impact
- Defra smarter guidance project and migration to Gov.uk
- Powers of entry code of practice

## **5. Financial Implications and Budget Provision**

- 5.1 None

## **6. Organisational Risks**

- 6.1 The GLA demonstrated in its response to the Hampton inspection, Red Tape Challenge review, and contributions to the recommendations on the forestry and farming reviews that it delivers a proportionate regulatory approach. It also set out how it meets the principles of the existing compliance code, and will take a similar approach when the new code is published.

## **7. Policy Implications and Links to Strategic Priorities**

- 7.1 As part of the exemption of the GLA website from migration to Gov.uk the GLA will continue to monitor beset practice with Gov.uk, and across Defra, where they may be overlaps or opportunities to consider best practice by other Defra network regulators.

## **8. Details of Consultation/EQIA**

8.1 None.

## **9. Background Papers and Relevant Published Documents**

9.1 None.

**Report Author: Darryl Dixon**

**Senior Responsible Officer: Paul Broadbent**

## **Appendix 1      Regulatory change – impact on the GLA**

### **The Regulator's Compliance Code**

This is a revision of the existing code. The current code came into operation in 2007, issued by the Better Regulation Executive. Section 22(1) of the Legislative and Regulatory Reform Act 2006 Act established the statutory Compliance Code. It came into force through Statutory Instrument 3548 The Legislative and Regulatory Reform Code of Practice (Appointed Day) Order 2007.

The new code can be found here:

<https://www.gov.uk/government/publications/regulators-code>

It is expected to be introduced in April 2014. Further discussions within Government are continuing.

The GLA issued guidance on its website to explain how it meets the current code:

<http://gla.defra.gov.uk/PageFiles/920/How%20the%20GLA%20meets%20the%20requirements%20of%20the%20statutory%20compliance%20code.pdf>

It will do so again when the new code is published.

### **The Duty of Growth Code**

In addition to the revised Regulator's code BIS are also considering further guidance on the "duty of growth" to be introduced through the Deregulation Bill. The scope of the guidance will require the impact on economic growth of a regulated entity by a regulator to be considered in the decisions it reaches. It is important that such guidance does not prevent appropriate and proportionate criminal and civil compliance action. It is also noted that there may be overlaps with the draft Regulator's code, which require further discussions within Government.

### **Accountability for regulatory impact (ARI) scheme**

This scheme introduces additional consultation and analytical procedures where regulators are planning a significant change in policy or practice – they will now assess and quantify the impact of that change on business. Regulators will complete a Business Engagement Assessment (BEA), and discuss assessments with trade associations and other business representatives before carrying out proposed changes. Effectively this is a non-statutory consultation process for new changes that may be proposed. Each regulator is required to provide regular reports to its sponsor Department where it intends to make changes, and undertake this activity.

Currently all changes in development stem directly from the public consultation exercises undertaken by the GLA and Defra, which pre-dated the introduction of this scheme. Where such consultation, or statutory consultation has occurred, or where the change relates to activities from new domestic or European legislation this scheme does not apply.

A flow chart identifying when ARI BEAs can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/212421/bis-13-1041-accountability-for-regulator-impact-flowchart.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212421/bis-13-1041-accountability-for-regulator-impact-flowchart.pdf)

## **Defra smarter guidance project and migration to Gov.uk**

As part of Defra's preparation for the migration of its agencies to Gov.uk it is reviewing the guidance its agencies issue to ensure clarity and avoid overlaps. This is important as part of the website migration as there is an expectation that website content and guidance in issue will be reduced.

Whilst the GLA sits within the Defra Regulator's network group, which considers issues such as on farm inspection, there is limited overlap in terms of the focus of the GLA and other Defra regulators. The same also applies to the guidance issued by the GLA. Currently, guidance issued by the GLA relates to changes which stem from the Red Tape Challenge changes. Defra will continue to rely on GLA's active and close involvement in the Defra Network 'Smarter Guidance' and 'Strategic Alignment' programmes where they touch on GLA activities.

The GLA has secured exemption from migration to Gov.uk, and will retain an independent website.

## **Powers of Entry Code of Practice**

This review, and planned code of practice, is the responsibility of the Home Office.

You can find more here:

<https://www.gov.uk/government/consultations/powers-of-entry-draft-code-of-practice-consultation>

It is expected that the new Code will come into force in April 2014. It sets principles on how organisations with powers of entry should operate those powers, providing greater accountability. The GLA's Compliance and Enforcement Codes of practice cover powers of entry in relation to its section 16 and 17 powers. Currently they are being revised to amalgamate them into one code, and to incorporate any specific new issues from the Home Office code, not already covered in the original codes.