

From the Office of the Minister

NETHERLEIGH
MASSEY AVENUE
BELFAST
BT4 2JP
Tel: 028 90 529452
Fax: 028 90 529545
E Mail: private.office@detini.gov.uk

Councillor Ó Donnghaile
Lord Mayor
Belfast City Council
By e-mail

7th February 2011

Dear Councillor Ó Donnghaile

EXTENDING BETTER REGULATION STRATEGY TO INCLUDE LOCAL AUTHORITIES

I am writing to seek your Council's formal agreement to the scope of the Northern Ireland Better Regulation Strategy being extended to include all Northern Ireland's local authorities.

A summary of the Better Regulation Strategy is attached.

As it shows, following a review of the Strategy in 2009/10, a Forward Work Programme was agreed by the Executive. This included the proposal to extend the Strategy to cover all local authorities and all enforcement and regulatory bodies.

As you know, local authorities have a key role in enforcing regulation, particularly in relation to environmental health, building control and business licensing. It is therefore important to ensure and demonstrate that these functions are being exercised in a consistent fashion and in accordance with regulatory best practice.

My officials have been in touch with officials in all Councils and met with many of them to discuss this initiative and listen to any areas of concern. I am encouraged that Councils are already applying the principles of better regulation in their approach to implementing regulation. This exercise is therefore to some extent a formality and will certainly not add any additional resource pressures on your existing services. It will, however, afford your officials greater opportunity to promote the good work they are doing in protecting citizens and supporting business growth. It will also help to develop a closer working relationship with Departmental officials and other regulators.

I would also like to take this opportunity to highlight a number of other areas where there are existing collaborations with regulatory services in councils and NI departments.

My Department hosts on a regular basis a Better Regulation Stakeholders Forum, open to all those with an interest in better regulation. Invitations are extended to policy makers, regulators, business representative bodies and others and the objective is to inform on initiatives being taken forward across government which are designed to improve and fairly regulate the local marketplace as well as learn on what initiatives are taking place – whether at UK or EU level.

In early October 2011, the first meeting of a new Regulators Forum took place. This brought together, for the first time, some thirty regulatory bodies and the forum has the potential for developing a set of best practice processes and policies for regulatory implementation. I understand that the chairs of the respective cross council collaborative groups for environmental health, licensing and building control all participated in this, once again representing the frontline delivery of regulation at local government level.

I trust that the attachment, along with this brief overview of the work I am taking forward on regulatory reform and better regulation, will give you and your Council members sufficient information and background to confirm your Council's endorsement of extending the better regulation strategy to include local authorities. I look forward to receiving your confirmation of this.

A handwritten signature in black ink, appearing to read 'Arlene Foster', written in a cursive style.

ARLENE FOSTER MLA
Minister of Enterprise, Trade and Investment

Northern Ireland Better Regulation Strategy

Better Regulation Strategy was first **endorsed** by the **NI Executive in 2001**. Its aim was to **reduce the regulatory burdens on businesses**, and in so doing to encourage and assist the **competitiveness** and **growth** of Northern Ireland **businesses**.

Key proposals in the 2001 Strategy were:

- Adoption of the Principles of Better Regulation: **Proportionate; Accountable; Consist; Transparent** and **Targeted**;
- To **review** all **legislation** which previously required a Regulatory Impact Assessment (RIA)
- Introduce a **micro-business test** as part of the RIA process to assess the potential impact on very small businesses
- **Revise NI Guidance on RIA** requirements
- Consideration of **business concerns**
- **Guidance on new legislation** affecting business to be provided by Departments and/or Agencies **at least 12 weeks before** the legislation comes into effect
- Introduction of a **Concordat** to serve as a blueprint for **fair, practical and consistent enforcement**

2006-07 Review

Strategy was reviewed in 2006-7, with the main purpose of ensuring that Northern Ireland regulatory policy and practice appropriately reflected developments since 2001 in Great Britain and elsewhere. The outcome was an **endorsement of the principles underlying the 2001 strategy**, together with an **Implementation Action Plan**. This included **10 key strategic actions**, designed to enhance and develop the strategy.

1. Produce a Better Regulation Annual Report
2. Incorporate a Better Regulation Objective into Departmental Corporate Plans
3. Training for officials on undertaking a Regulatory Impact Assessment
4. Use of websites to support better regulation
5. Involvement with stakeholders
6. Review of existing legislation
7. Review of forms currently issued to business
8. Review of RIA requirements
9. Review of enforcement arrangements
10. To examine Whitehall Simplification Plans and consider need to replicate in NI

2009-10 Review

A further review was carried out in 2009-10 and the report on this review is available on the DETI Better Regulation website pages at

http://www.detini.gov.uk/report_on_2nd_review_of_ni_better_regulation_strategy-3

The report summarised the relevant and current standards and commitments of the NI Better Regulation Strategy as being:

- Principles of Better Regulation: **Proportionate; Accountable; Consistent; Transparent** and **Targeted**
- **UK Enforcement Concordat** and **Regulators Compliance Code** (however recommended that the new Regulators Forum could consider if Northern Ireland versions of these would be more relevant)
- **Statement of Intent** between NI and the UK Local Better Regulation Office (LBRO) for the **UK Primary Authority Scheme**
- Northern Ireland **Guidance on Regulatory Impact Assessment** (to be reviewed)
- **NI Code of Practice on Guidance on Regulation** (endorsed by The NI Executive in July 2010)
- To continue to produce a **Better Regulation Annual Report** to promote regulatory reform activities
- To continue with the **Better Regulation Stakeholders Forum**
- To continue effective and meaningful **dialogue** with **stakeholders** and other **UK regions and EU Member States** on better regulation
- Greater use of **web-based technologies** to support better regulation

A **Forward Work Programme of 21 strategic actions** was endorsed by the Executive in July 2010, which includes:

1. Extend the NI Better Regulation Strategy to cover all local authorities and all enforcement and regulatory bodies
2. Simplification Plans
3. Common Commencement Dates
4. Overview workshop / roadshows for policy makers/legislators/ enforcers on the NI Better Regulation Strategy
5. Interdepartmental Committee/Group to oversee the NI Better Regulation Strategy (now the Regulatory Reform Group)
6. Review of Regulatory Impact Assessment
7. Standard costing model to be used in conjunction with RIA process
8. Better Regulation Stakeholders Forum
9. Enforcement Organisations Forum (now the Regulators Forum)
10. Guidance on Regulations

11. Regulators Compliance Code/Enforcement Concordat
12. Monitoring of RIAs and wider adoption of NI Better Regulation Strategy
13. Technology adoption
14. Liaison with Whitehall and other Devolved Administrations
15. Trading Places Initiative (LBRO initiative)
16. Intelligent Inspections

17. Sharing Intelligence on the compliant or more importantly the non-compliant
18. Overarching Marketing Communications Plan for Better Regulation for NICS
19. Publication of Better Regulation annual report
20. Improve internal communications across the NICS network of better regulation contacts in all organisations
21. Improve communication and consultation with stakeholders on better regulation