



GLA 20/8.2 Hampton Implementation Review

September 2008

BOARD PAPER REFERENCE – GLA 20/8.2 – Hampton Implementation Review

Issue

1. This paper is for information only to appraise Board members of the Hampton Implementation review, and timescales.

Background

2. In July 2008 the Regulatory Enforcement and Sanctions Act 2008 was passed. This Act introduces a range of new sanctions that may be used by regulators to address identified non-compliance (the “Macrory” penalties). Schedule 5 to the Act lists the regulators who may be authorised to use the sanctions, which includes the GLA. As a first step towards being authorised to use the sanctions the GLA is required to undergo a Hampton Inspection by the Better Regulation Executive.
3. All regulators listed in Schedule 5 will undergo a Hampton Inspection. The Inspections will occur between September 2008 and September 2009. The aim of the inspection is to determine a regulator’s compliance with Hampton principles in the manner that it discharges its responsibilities.
4. Regulators have been divided into three groups:
 - “Big Five” – inspections completed, and used to refine the future process
 - Group 1 – will undergo a comprehensive inspection (1 week on site)
 - Group 2 – “light touch” review (3 days)
5. The GLA is in Group 1. Organisations in each of those groups are listed in Appendix 1.

Timescales and process

6. The GLA’s inspection is scheduled for March 2009. It will be conducted by a 4 person review team drawn from: BRE, NAO, another Regulator, and an external body.
7. A successful inspection will allow the GLA to apply for the new sanctions. The process is set out in Appendix 2. Following approval by the Panel for Regulatory Accountability a Defra sponsored 12 week consultation will be required. At the end of this process an Affirmative order will be required by Parliament to grant the powers.
8. Implementation is not expected before April 2010, due to common commencement date rules. BRE do not expect any Group 1 or 2 regulators to obtain an earlier commencement date (Commencement for the “Big five” is expected to be October 2009).

9. Further information on progress, and the GLA's proposals on applying the new sanctions will be provided at future meetings.

Appendix 1

“Big Five”

- Environment Agency
- Financial Services Authority
- Food Standards Agency
- HSE
- OFT

Group 1

- Animal Health
- Civil Aviation Authority
- Gambling Commission
- Gangmasters Licensing Authority
- Maritime and Coastguard Agency
- Medicines and Healthcare Products Regulatory Agency
- Pensions Regulator
- Security Industry Authority

Group 2

- Animals (Scientific Procedures) Inspectorate (ASPI)
- Central Science Laboratory (CSL)
- Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
- Charity Commission
- Companies House
- Drinking Water Inspectorate (DWI)
- Driving Standards Agency (DSA)
- Driver and Vehicle Licensing Agency (DVLA)
- Employment Agency Standards Inspectorate (EASI)
- Equality and Human Rights Commission (EHRC)
- Financial Reporting Council (FRC)
- Football Licensing Authority (FLA)
- Forestry Commission (FC)
- Human Fertilisation and Embryology Authority (HFEA)
- Human Tissue Authority (HTA)
- Information Commissioners Office (ICO)
- Insolvency Service (INSS)
- Marine and Fisheries Agency (MFA)
- National Weights and Measures Laboratory (NWML)
- Natural England
- Vehicle Certification Agency (VCA)
- Vehicle and Operator Services Agency (VOSA)
- Veterinary Medicines Directorate (VMD)

Appendix 2 Process for the award of new sanctioning powers

