

## **The Hampton review of regulatory inspection and enforcement Call for submissions from business**

The Government has asked Philip Hampton to carry out a review of regulatory inspection and enforcement. As part of its work the Review Team is seeking the views and experiences of businesses of all sizes that have dealings with relevant regulatory bodies. **The Review Team is particularly keen to hear from businesses that have significant concerns about the ways in which inspection and enforcement regimes currently operate, and also any ideas for beneficial changes that could be introduced.**

### **Background to the Review**

The Hampton review was announced in Budget 2004 with the following scope:

“The enforcement activity of regulatory bodies is a significant driver of business compliance costs. As the Better Regulation Task Force recognised in their 2003 report *Independent Regulators*, well targeted inspection programmes are vital, not only to deliver the outcomes society demands, but also to minimise the costs borne by compliant firms. Regulators understand these challenges and some are making progress. Enforcement strategy is a theme of a document recently published by the Health and Safety Executive, and the Environment Agency's consultation *Delivering for the Environment*. Building on this work, the Government has asked Philip Hampton, former finance director of LloydsTSB, BT and British Gas, to consider, with business, regulators, and in consultation with the BRTF, the scope for promoting more efficient approaches to regulatory inspection and enforcement while continuing to deliver excellent regulatory outcomes.”<sup>1</sup>

### **About your business/ organisation**

It would be useful context for the Review if you could provide some background information about your company

- How many employees does your company have within the UK?
- What is your company's annual turnover?
- Where are your key operations located?
- What are your main products or services?

### **Interactions with regulators**

- Which regulators do you have dealings with (for example HSE, Environment Agency, Food Standards Agency, Local Authorities)?
- In each case what form do these contacts take (information provision via form-filling, licence applications, telephone advice and guidance, on-site inspections)?

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<sup>1</sup> Paragraph 3.57, Budget 2004

- In each case how often do these contacts take place?
- What overlaps (if any) are there in the information you are required to provide to different regulators?
- For which regulators (if any) have you been able to complete forms and respond to information requests online? Have you found this efficient? Can you think of other areas of interaction where you would like regulators to offer you such options?
- Do you employ anyone specifically to handle your dealings with regulators?
- Do you participate in any self-regulatory schemes?
- Have you estimated the administrative costs of compliance with regulatory demands?

### **Inspection**

- How often are your premises inspected? And by whom?
- In your perception do the regulators you deal with co-ordinate their inspection programmes?
- Have you received useful advice on improving aspects of your operations during and following a visit from an inspector?
- How would you rate the quality of the inspectors you deal with?
- Would you prefer to receive visits from a general inspector who could subsequently draw in expertise as required, or specialised inspectors who could provide expert advice on the spot?
- Do you pay a charge for inspections and related regulatory interventions? If so how much?

### **Enforcement**

- Have you been subject to a formal warning or enforcement notice from a regulatory body? If so can you describe the circumstances?
- Have you been fined or prosecuted as a result of non-compliance with regulatory standards? If so was that appropriate?
- Have you featured in a regulatory 'league table' or suffered adverse media coverage as a result of non-compliance? Did you find that fair if so?
- Do appropriate mechanisms exist through which you can appeal regulatory advice and judgements?
- Are regulators sufficiently tough at clamping down on poor performers? Is there any case for tougher fines and penalties?
- Do regulators sufficiently recognise good business performance through awards, kitemarks, best practice case studies etc?

### **Assessing risk**

- Do you feel that regulators take appropriate account of the riskiness of your operations in deciding where to focus their resources? If not, what should they do?
- Do you feel that regulators take adequate account of your past record of performance in their dealings with you?

- Are your management systems subject to third party accreditation (e.g. ISO 9001, 14001, 18001 etc.)? If so does this have any impact upon levels of inspection?

### **Consistency**

- Do you ever get conflicting advice from different regulators? If so when?
- Do you feel that regulators treat you fairly compared to your competitors?
- Have you ever experienced different regulatory standards being applied to your operations in different parts of the country? If so when?

### **Accessing advice**

- Do you find that regulators provide a useful source of advice and guidance for compliance with relevant legislation?
- What mechanisms do you find most useful for receiving advice and guidance from regulators – through leaflets and other printed material, online via websites, over the telephone, or through face-to-face meetings?
- Do you receive advice on regulatory compliance from any other sources (e.g. Business Links, Small Business Service, CAB etc.)? If so how useful have you found them?
- Would you feel able to ask regulators for advice in a situation where you feared that you were currently non-compliant?

### **Recommendations for change**

- Have you any experience of inspection and enforcement regimes in other countries? Is there anything they do that the UK could learn from?
- Are there any other changes or improvements to regulatory inspection and enforcement regimes that you would like to see?

### **How to submit your views**

The Review welcomes responses to the issues and questions raised in this paper by 15<sup>th</sup> September 2004. We would prefer electronic submissions where possible.

All responses received may be made public unless specifically requested otherwise. In the case of electronic responses, general confidentiality disclaimers that often appear at the end of e-mails will be disregarded for the purposes of publishing responses unless an explicit request is made in the body of the response.

### **Responses should be sent to:**

e-mail: [hamptonreview@hm-treasury.gsi.gov.uk](mailto:hamptonreview@hm-treasury.gsi.gov.uk)

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