

BETTER REGULATION AND SIMPLIFICATION REVIEW FINAL TERMS OF REFERENCE

Review Aim

“To improve the way in which the Department of Agriculture and Rural Development (DARD) and the Department of Environment (DOE) operate to meet their regulatory policy objectives and EU obligations, so that compliance by the agri-food sector is facilitated and the cost of compliance is reduced.”

Review Requirement

“To review the regulatory controls applied by DARD and DOE and make recommendations for simplification of processes, consistent with maintaining policy effectiveness and public accountability”.

The review will be undertaken by an independent Review Panel which should, within 6 months of its establishment:

- identify the full extent of the regulatory controls applied by DARD and DOE which impact on the Northern Ireland agri-food sector, and quantify the administrative burden which they place on the sector;
- compile a Simplification Plan for DARD and DOE, taking account of the NI Better Regulation Strategy, the Report of the

Better Regulation Taskforce, and action at UK and EU levels on regulation and simplification, and benchmarking against comparable arrangements in other EU Member States, including particularly the Republic of Ireland;

- advise on internal structures and arrangements within each of the two Departments which will ensure the successful implementation of the Simplification Plan, maintain a partnership with stakeholders, monitor ongoing costs and benefits, and embed the ability to maintain better regulation into the future;
- consult with stakeholders about the above matters and, in particular, about how they can contribute to simpler and more cost-effective regulation; and
- report to Ministers, setting out conclusions and recommendations.

Focus of the review

The Review will cover all regulatory controls applied to the agri-food sector (excluding fisheries) by DARD and DOE (implemented by the Environment and Heritage Service (EHS)). It will embrace administrative processes, inspections and sanctions, and all associated documentation and interaction with agri-food businesses. It will include controls operated by DARD on behalf of other parties such as the Rural Payments Agency and the Food Standards Agency.

In preparing the Simplification Plan, the Review Panel should concentrate on those areas of regulation which impose the greatest burden and offer the greatest scope for simplification of processes within a risk-based approach in line with policy objectives. The presumption should be that the Plan should aim to achieve an overall reduction in the cost of regulation of at least 25%, in line with the approach adopted in Great Britain.

The focus should be on simplified implementation, as the general presumption should be that existing policy objectives are maintained and policy effectiveness is not prejudiced. If policy issues arise as a by-product of the consideration of implementation procedures, these should be referred for separate consideration by the two Departments in conjunction with stakeholders, but should not be further explored within the Review. However, where EU requirements have been transposed into NI/UK legislation, and the resulting elements of a policy are considered to exceed EU requirements (ie, there is evidence of “gold-plating”), the scope for realignment should be considered.

Where relevant, consideration should be given to the potential to increase effectiveness and efficiency through measures such as improved guidance and advice or the adoption of new technology.

The review should not seek to address structural issues, which have been the subject of separate consideration under the Review of Environmental Governance Arrangements in Northern Ireland,

but any relevant recommendations arising from that Review should be taken into account.

Where the scope for streamlining implementation is being assessed, probity, equity and accountability must be maintained and EU regulatory requirements must continue to be met.

The Simplification Plan should identify specific priorities for action, with associated timescales and targets for the benefits to be achieved.

Review arrangements

Annex A sets out the Review structure.

The Review Panel will set the programme of work to be undertaken to enable it to meet the requirements of the terms of reference. It will assess the outputs of this work and decide on the conclusions to be drawn.

It will be supported by a Project Team, which will act as its secretariat and take forward the work programme. The core membership of the Project Team will comprise DARD officials. DOE nominees will co-ordinate and facilitate the DOE input to the Review. Additional members from DARD and DOE will be assembled into function-specific teams to undertake projects in relation to particular areas of regulation. In addition, a secondee from the Ulster Farmers' Union will work with the core and functional teams to inject the industry perspective. The Project

Team will secure external expertise as necessary to facilitate its work.

A Project Management Board, comprising representatives of DARD, DOE and stakeholders, will manage the work of the Project Team in accordance with project management principles, ensuring that the Team is adequately resourced, is accorded cooperation as required, and delivers the outputs sought by the Review Panel within the agreed timetable. The Project Management Board will report as necessary to the Review Panel on these matters. Its role is limited to facilitating the review process. While it should quality-assure the work undertaken for the Review Panel, it has no role in forming judgments about the outputs of the review work or the conclusions which should be drawn. The Project Management Board may co-opt additional members if necessary.

To assist it in obtaining the views of stakeholders, the Review Panel and the Project Team will have access to a Stakeholder Consultative Forum, comprising representatives of the agri-food sector and environmental interests. It will be for the Review Panel and the Project Team to decide, in accordance with the terms of reference, how and when the Stakeholder Consultative Forum should be used to obtain comments on the matters under review. However, the Review Panel is not required to consult on its final report before submission to Ministers. The Panel's report will be published after consideration by Ministers.

DARD & DOE

May 2007

Annex A: Review structure

Independent Review Panel

Three-person Panel, to reflect legal, business process and governance expertise

Project Management Board

Role: to manage the work of the Project Team

Chair: DARD
Members: 2 DARD
2 DOE
5 Stakeholders
(4 agri-food,
1 environment)

Project Team

Role: to undertake the work required by the Review Panel

Project Manager: DARD
Secretariat: DARD
DOE liaison: DOE
Industry liaison: UFU
Function-specific teams: as required from DARD and DOE

Stakeholder Consultative Forum

Role: To advise the Review Panel and Project Team

Chair: DARD
Members: drawn from full spread of agri-food & environmental interests