

Housing, Communities and Local Government Committee

House of Commons, London SW1A 0AA

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Rt Hon Christopher Pincher MP
Minister of State for Housing
Ministry of Housing, Communities and Local Government
4th Floor, Fry Building
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17 December 2020

Dear Chris,

Hazardous Substances (Planning) Common Framework

We are grateful for your letter (24 November) inviting us to scrutinise the provisionally confirmed Hazardous Substances (Planning) Common Framework. We are grateful, too, for your explanation of how MHCLG developed the framework in collaboration with the devolved administrations and of the role of the committee's scrutiny in the process of approving common frameworks.

We began our scrutiny of the framework with a call for evidence on Tuesday 1 December that ran until Monday 14 December. In that time, we also sought evidence directly from key stakeholders and liaised with our counterpart committees in the devolved legislatures and with the House of Lords Common Frameworks Scrutiny Committee.

We welcome the detail in the provisional framework, especially the nine principles for future working, which provide a clear basis for future collaboration between the UK government and the devolved administrations. We particularly welcome the expectation that administrations will consider appropriate evidence and expert advice on the levels and types of substances to be regulated under the framework.

In our call for evidence, we raised specific questions about regulatory consistency, the consequences of policy divergence across the nations of the UK, the process for consulting devolved administrations before ratifying changes to relevant international agreements and the process for dispute resolution. We are grateful for the comprehensive responses you have given to those questions in your submission to our inquiry, which we have published on our website.

You state in the cover sheet that the framework is non-contentious, and this was borne out in the evidence we received to our inquiry, including in liaison with our counterpart committees. We note evidence from the Health and Safety Executive that states that "regulatory consistency across the four nations is not always necessary, primarily because of local needs, however significant divergence may provide some difficulties for

HSE, both operationally and in terms of ensuring the UK meets its International commitments.” The Committee believes, to avoid an adverse impact on the efficiency of HSE’s role as a statutory consultee, that the framework should include provision whereby, in the event of any proposed legislative divergence, MHCLG and the devolved administrations engage with HSE, at an early stage to manage the impact of any proposed changes.

We also note the concern expressed by the House of Lords Common Frameworks Scrutiny Committee about the lack of planned external scrutiny during any review of the procedure for common frameworks. Like the Lords committee, we recommend that the government commit to seeking evidence from stakeholders, including non-industry stakeholders, during the review process and that the report from the review be published and laid before the UK parliament and devolved legislatures.

We have no further concerns and look forward to the publication of the final framework.

I am copying this letter to Chairs of the relevant devolved Committees and the House of Lords Common Frameworks Scrutiny Committee.

A handwritten signature in black ink, appearing to read 'Clive Betts', with a stylized flourish above the name.

Clive Betts MP
Chair, Housing, Communities and Local Government Committee