



House of Commons

Business, Energy and Industrial  
Strategy Committee

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**Pre-appointment  
hearing with the  
Government's preferred  
candidate for the Chair  
of the Regulatory Policy  
Committee**

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**Fourth Report of Session 2019–21**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 9 March 2021*

## Business, Energy and Industrial Strategy Committee

The Business, Energy and Industrial Strategy Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Business, Energy and Industrial Strategy.

### Current membership

[Darren Jones MP](#) (*Labour, Bristol North West*) (Chair)

[Alan Brown MP](#) (*Scottish National Party, Kilmarnock and Loudoun*)

[Judith Cummins MP](#) (*Labour, Bradford South*)

[Richard Fuller MP](#) (*Conservative, North East Bedfordshire*)

[Ms Nusrat Ghani MP](#) (*Conservative, Wealdon*)

[Paul Howell MP](#) (*Conservative, Sedgefield*)

[Mark Jenkinson MP](#) (*Conservative, Workington*)

[Charlotte Nichols MP](#) (*Labour, Warrington North*)

[Sarah Owen MP](#) (*Labour, Luton North*)

[Mark Pawsey MP](#) (*Conservative, Rugby*)

[Alexander Stafford MP](#) (*Conservative, Rother Valley*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

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Committee reports are published on the Committee's website at [www.parliament.uk/beis](http://www.parliament.uk/beis) and in print by Order of the House.

### Committee staff

The current staff of the Committee are Bradley Albrow (Second Clerk), Zereena Arshad (Committee Specialist), Stephen Aldhouse (Senior Committee Specialist), Dawn Amey (Committee Operations Manager), Gary Calder (Media Officer), Dr Rebecca Davies (Clerk), Catherine Kisanji (Inquiry Manager Intern), Dr Matthew Lecznar (Committee Operations Officer), and Becky Mawhood (Committee Specialist).

### Contacts

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You can follow the Committee on Twitter using [@CommonsBEIS](https://twitter.com/CommonsBEIS)

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## Regulatory Policy Committee

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1. The Regulatory Policy Committee (RPC) is an independent public body, sponsored by the Department for Business, Energy and Industrial Strategy (BEIS). The RPC was established in 2009, as the first body in the UK set up to provide independent scrutiny of proposed regulatory measures, put forward by Government. In 2012, the RPC became an independent advisory non-departmental public body.
2. The RPC is formed of independent experts from a range of backgrounds, including the private and voluntary sectors, business, the legal profession, and academia. The RPC is supported by a secretariat of civil servants formed of economists, policy advisers and operational researchers.
3. The RPC assesses the quality of evidence and analysis used to inform regulatory proposals affecting the economy, businesses, civil society, charities and other non-government organisations. The RPC offers independent advice and scrutiny which is intended to help ensure that ministerial policy decisions are based on accurate evidence, and helps to produce better regulation. The RPC has three main objectives:
  - Promote strategic, evidence-based and innovative public policy outcomes by identifying, developing, and disseminating a global vision for regulatory policy and governance;
  - Support efforts across the whole of government and within its branches to design and deliver effective, efficient, and equitable regulatory frameworks; and
  - Strengthen public governance through regulatory policy leading to high quality, fit-for-purpose laws and regulations that ensure transparency, legitimacy, accountability and respect for the rule of law.

## Recruitment process

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4. The previous Chair of the RPC, Mr Anthony Browne, stepped aside in November 2019, and Mr Stephen Gibson became Acting Chair. Mr Gibson then became Interim Chair on 16 December 2019, and has remained in that position since.

5. A competitive recruitment process was launched to permanently fill the Chair vacancy on 14 September 2020. Out of 18 applicants, six were invited to interview, and five were considered appointable. The recruitment process ended on 25 October 2020.

6. On 1 March 2021, the Secretary of State for Business, Energy and Industrial Strategy wrote to us to confirm Mr Stephen Gibson as the Government's preferred candidate for role of the Chair of the RPC.<sup>1</sup> This was announced publicly on 4 March 2021.<sup>2</sup> The Government proposed that Mr Gibson be appointed as Chair for a three-year term.

7. In line with Cabinet Office and Liaison Committee guidance, the appointment of the Chair of the RPC is subject to a pre-appointment hearing by the Business, Energy and Industrial Strategy Committee. We conducted a pre-appointment hearing on 9 March 2021.

8. Pre-appointment hearings scrutinise the quality of ministerial decision-making, which is a proper part of ministerial accountability to Parliament. Although the outcome of hearings are not binding on the Government, a Committee's view should inform the Ministerial decision on whether to proceed with an appointment.

### Government's preferred candidate

9. Mr Stephen Gibson has been a member of the RPC since May 2018 and became Acting Chair and then Interim Chair in November 2019 and December 2019 respectively. Mr Gibson is a lecturer in Microeconomics at Birkbeck University and previously lectured at City University. He has over 25 years' experience as a professional economist across a range of regulated sectors including post, water, ports, rail, aviation, energy and telecoms, working as a consultant. Mr Gibson is a Member of the Civil Aviation Authority Senior Advisory Board, providing advice on the regulatory framework for Heathrow and the National Air Traffic Services. In 2011 he set up SLG Economics, a consultancy providing expert regulatory and competition economics advice to regulators, regulated companies, and consumer bodies.<sup>3</sup>

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1 [Letter from Secretary of State to Chair regarding the Government's preferred candidate for the Chair of the Regulatory Policy Committee, 1 March 2021.](#)

2 [Stephen Gibson confirmed as preferred candidate for Chair of Regulatory Policy Committee, 4 March 2021](#)

3 The candidate's full curriculum vitae is included in appendix 1.

## The pre-appointment hearing

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10. Mr Gibson gave evidence to us at a pre-appointment hearing on 9 March 2021.<sup>4</sup> We wrote to Mr Gibson on 24 February 2021, asking him to complete a short, written questionnaire in advance of that hearing. The questionnaire sought information on Mr Gibson's motivation for applying for the role, concerns about the recruitment process, conflicts of interest, personal independence, risks to the RPC, as well as Mr Gibson's priorities upon appointment.<sup>5</sup>

11. During the hearing on 9 March 2021, we were pleased to be joined by Stephen McPartland MP, Chair of the Regulatory Reform Committee. We questioned Mr Gibson on a number of areas including his professional background, and what he would bring to the role; the current and potential future challenges faced by the RPC, and his priorities as Chair; previous public comments he has made about the role and influence of the RPC; the importance of the RPC's profile and public engagement; and the conduct of the recruitment process.

### Conclusion

12. During the pre-appointment hearing Mr Gibson demonstrated extensive relevant experience, a strong understanding of the challenges facing the RPC, as well as appropriate priorities for his proposed tenure.

13. We are satisfied that Mr Gibson has the professional competence and personal independence required of the Chair of the RPC, and that the recruitment campaign, and Mr Gibson's selection as the Government's preferred candidate, are in accordance with the Governance Code on Public Appointments.

14. We are pleased to endorse Mr Gibson's appointment and look forward to engaging with him during his tenure as Chair of RPC.

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4 [Qq1-28](#)

5 The candidate's questionnaire is included in appendix 3.

# Appendix 1: Candidate curriculum vitae

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## Stephen Gibson

Extensive experience of operating at Board level and leading major economic projects across a range of industries including aviation, rail, post, telecoms, broadcasting, energy, ports and water. Expert understanding of regulation, competition policy, consumer policy, impact assessments, regulatory strategy development and regulatory governance.

## Employment experience

### *Regulatory Policy Committee, Interim Chair/Board Member (May 2018–present)*

Interim Chair of the Government's Regulatory Policy Committee leading 7 person Board and 28 person secretariat, responsible for independent scrutiny of government regulatory proposals and verifying the impacts on businesses of government regulatory policy. Chair of the methodology committee, lead for the RPC Board on Brexit / 'no deal' impact assessments, assessment of trade agreements and economic regulation. Lead the relationship between the RPC and Ministers, senior civil servants and Chief Economists of different government departments.

### *Civil Aviation Authority Senior Advisory Board, Board Member (Feb 2019–present)*

Appointed to provide expert independent assurance of the process, policies and decisions in developing new regulatory controls for Heathrow and the regulatory framework for the third runway expansion.

### *SLG Economics Ltd, Director/Owner (Sept 2011–present)*

- Setting up a new economic consultancy to provide expert regulation and competition policy advice to regulators, regulated companies, consumer bodies and Governments.

[REDACTED]

### *Bowel Cancer UK, Deputy Chair and Trustee (Aug 2010–Jan 2018)*

- Transforming BCUK from a family network into a highly respected, financially-secure national charity supporting those affected by bowel cancer and sponsoring research into the disease.
- Chair of the Governance Board Committee which rewrote the Articles of Association, Chair of the Strategy Board Committee which refocused the charity on sponsoring research,

- Working with the boards of BCUK and Beating Bowel Cancer (BBC) to undertake due diligence on BBC before successfully merging the two charities into one national bowel cancer charity.

*Birkbeck College, London, Lecturer in Applied Economics (Sept 2005–present)*

Lecturer on undergraduate and MSc courses in applied economics—covering economic regulation, competition policy, financial economics, impact assessments and public policy questions.

*Ofwat, Interim Chief Economist (January–June 2016)*

[REDACTED]

*City University, London, Lecturer in Regulatory Economics (September 2011–June 2014)*

Lecturer on MSc in Competition and Regulation—covering economic regulation, financial economics, competition economics, public policy, regulatory governance and impact assessments.

*Postcomm, Chief Economist and Director, Economic Policy (November 2007–September 2011)*

- A member of Postcomm's Executive Board reporting to the CEO.
- Head of Postcomm's Economic Policy directorate (12–15 specialist staff in 3 teams, £500k pa consultancy budget).
- Directing strategic projects aimed at developing a new regulatory framework for the postal sector.
- Directing the first market study of the postal sector, assessing Royal Mail's market power.
- Directing all anticompetitive investigations into Royal Mail's behaviour.
- Responsible for economic and strategic input into all Postcomm's policy decisions.
- Leading Postcomm's corporate strategy including negotiations on merging Postcomm into Ofcom.

*Ofcom, Principal Economic Adviser (July 2004–November 2007)*

Managing the provision of expert strategic, regulatory and competition economics advice across telecoms, radio-spectrum and broadcasting sectors. This included strategic policy development, competition casework, consumer protection projects, public policy projects, market reviews, mergers, impact assessments, auction design, dispute resolution, appeals to the CAT and a Judicial Review.

### *NERA Economic Consulting, Senior Consultant (March 2003–July 2004)*

Directing and managing consultancy project's in NERA's transport and postal practices. Providing advice on pricing, costing, economies of scale, elements of the value chain and barriers to entry.

### *Railtrack PLC, Head of Economics (December 2000–March 2003), Regulatory Economics Manager (June 1994–December 2000)*

- Head of the Economic Regulation Group (5–8 staff and £2 million consultancy budget).
- Responsible for managing the 1997–2001 periodic review of the incentive framework—developing a new structure of charges including capacity charges (£40m pa) and growth incentives (£50m pa).
- Advice on charging for major upgrades (Thameslink, West Coast, Southern electrification)
- Leading the development of the post-privatisation competitive framework between train operators.
- Leading all incentive/charging, compliance and competition issues.

### *The Post Office, Competition Policy Analyst (January 1993–June 1994), Economist/Statistician (June 1989–December 1992)*

Working in the Strategy Development Department and Economic Advisory Division.

### *Other Experience*

- Over 50 Media interviews: BBC News, Sky News, ITV, BBC Breakfast TV, Radios 4 and 5 and regional radio.
- Board member involved in planning £2 million community development building project.
- Pro-Bono economics projects for Marie Curie Cancer Care, Tavistock Institute, United Synagogue and Macmillan Cancer Support.
- Director and Company Secretary of Mortgage Consortium Holdings Ltd for 18 years—a group of companies that manage a portfolio of property and financial assets.
- Recognised for outstanding contributions to the community at the Post Office Honours Lunch.
- Visiting faculty member of Indian School of Competition Law and Market Regulation.

## Education and qualifications

- Kings College, London, Diploma in EC Competition Law (2006–07)
- Cambridge University, External supervisor for PhD in railway economics (2000–03)
- London Business School, Corporate Finance evening course (2000)
- ACCA, Certified Diploma in Accounting and Finance (1990)
- Sidney Sussex College, Cambridge, Post-Graduate Diploma in Computer Science (1987–88)
- Sidney Sussex College, Cambridge, MA in Economics and Management Studies (1984–87)
- Haberdashers' Aske's School, Elstree, 'A' Levels: Mathematics, Economics and History (1976–83)

## Publications

- *Opinion piece published by Institute of Economic Affairs (IEA) Did industry unduly influence Ofcom's decision on restricting TV advertising of unhealthy kids' foods?* (2019)
- Opinion piece in *The Times* on the Future of the Postal Universal Service. (2016)
- Multi-Modal Competition and the Future of Mail (M Crew & P Kleindorfer eds.), Author of chapter on: *A Market Study of Packets and Parcels Services*. (2012)
- Utilities Policy *Incentivising Operational Performance on the UK Rail Infrastructure*. (2005)
- Utilities Policy *The Allocation of Capacity in the Rail Industry*. (2003)
- Journal of Transport Economics and Policy *Capacity Charges on the UK Rail Network*. (2002)
- Infrastructure Charging on Railways (C Nash & E Niskanen eds.) Author of chapter on: *Charging for the Use of Railway Capacity*. (2000)
- The Lancet Joint author of a paper on the link between auto-antibodies and breast cancer. (1995)

[REDACTED]

## Appendix 2: Candidate's declaration of interests

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Mr Gibson has provided the Committee with a description of his self-declared relevant interests. This declaration is as follows:

I have previously provided advice to the Advertising Association on regulations relating to the advertising of HFSS food, I declare this interest and am not included in any RPC discussion of the area. My wife is CEO of a pharmaceutical company, I declare this interest and am not included in any RPC discussion of the area. Any potential conflict of interest is recorded in the RPC Register of Interests and managed appropriately in discussion with the Head of Secretariat in line with the RPC's policy on conflicts of interest.

Mr Gibson declared no relevant political activity.

## Appendix 3: Candidate's questionnaire responses

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On 24 February 2021 the Chair of the Committee wrote to Mr Gibson to request a response to a number of preliminary questions ahead of the pre-appointment hearing. It is usual practice for a questionnaire to be sent to the candidate in order for them to have the opportunity to disclose any conflicts of interest, demonstrate their experience and expertise, their independence, and to indicate their initial priorities once in post.

Mr Gibson's responses are listed below.

### *What motivated you to apply for this role?*

As an economist, having the opportunity to comment on the quality of analysis underpinning important government regulatory measures is my ideal role! I have been very pleased to have the opportunity to do this, both as a member of the RPC for 2 years and as Interim Chair for the last year. I look forward to taking on the role as substantive Chair.

### *Do you have any concerns about how the recruitment process was conducted?*

Yes. I was appointed Interim Chair in December 2019 (and Acting Chair in November 2019) and have continued in that role for the last 14 months. I am concerned at the length of time it has taken to get to the point where a preferred candidate has been selected for the role and the total length of time it will have taken to fill the substantive position.

### *Do you currently or potentially have any business, financial or other non-pecuniary interests or commitments, that might give rise to the perception of a conflict of interest if you are appointed?*

I have noted all of my interests in the RPC Register of Interests.<sup>6</sup> The RPC has a strict policy (which we are currently updating) about avoiding committee members working on IAs or other areas of RPC work where they may have a potential conflict of interest. I have always followed the conflict of interest policy in my work at the RPC and would continue to do so.

### *If appointed what professional or voluntary work commitments will you continue to undertake, or do you intend to take on, alongside your new role? If so, how will you reconcile these with your new role?*

I currently run my own economic consultancy business (SLG Economics) and sit on the CAA expert panel and ICCAN expert panel as well as lecturing at Birkbeck University. I have occasionally undertaken voluntary economic scoping projects for Pro Bono Economics. I have managed to reconcile this work with my RPC role over the last 3 years and would expect to continue to do so.

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6 Regulatory Policy Committee, [Register of Interests](#)

*How will you protect and enhance your personal independence and the institutional independence of the Regulatory Policy Committee from the Government?*

The independence of the RPC is very important to the reputation and integrity of the RPC and the decisions that we make. I would continue to ensure that all of our decisions are reached without political or other influence and that we operate so as to robustly maintain our independence and integrity. One aspect of this is properly implementing the updated RPC Policy on managing conflicts of interest that we plan to publish on our website.

*If appointed, what will be your main priorities on taking up the role?*

I see three immediate priorities:

- To effectively engage with the forthcoming Government review of the Business Impact Target (BIT) so as to ensure that RPC views are properly taken into account in any decisions that result from that review.
- To raise the profile and reputation of the RPC so as to ensure that our decisions are as impactful as possible.
- To ensure that as lockdown restrictions are eased, the transition for the RPC from working from home to working in the office happens smoothly and that we take any lessons learned from remote working into our new way of working. This will include re-engaging face-to-face with internal and external contacts to rebuild some of the networks that have been weakened by remote working over the last year.

*What risks do you think the Regulatory Policy Committee will face during your term of office? How do you intend to manage them?*

There is a risk that the RPC is marginalised in the government policy making process, for example the Agriculture Bill IA was only submitted to the RPC shortly before it received Royal Assent and the Fisheries Bill passed through parliament without an IA. It is important that we work with Government to ensure that we are seen as a valuable part of the policy-development process particularly given the opportunity for reviewing the regulatory landscape post-EU exit and post-Covid. We are also seeking to encourage departments to submit IAs to us at an earlier stage in the process—at consultation stage rather than at the final stage when the policy is already decided on, so that our opinion on the quality of the evidence and analysis in the IA can better support the decision making process.

There is also a risk that the Business Impact Target (BIT) which is supposed to represent the impact of government regulations on business, fails to achieve that purpose because of exemptions from the BIT framework. For example the impacts of measures associated with Covid, Brexit and Grenfell are not included in the calculations (because they are: temporary measures, a result of an international treaty and have a specific exemption; respectively). There are also problems with the EANDCB (Equivalent Annual Net Direct Cost to Business) metric used to calculate the BIT. We will engage with the forthcoming government review of the Business Impact Target to seek to improve the BIT metric and framework so that it is aligned with government policies and objectives.

*Do you have any plans to reform the strategic approach or processes of the Regulatory Policy Committee?*

Not immediately. We have recently updated the templates for our decisions to make them more accessible and communicate our decisions more effectively and have restructured the RPC secretariat so that analysts and policy specialists can more effectively deliver our casework and other outputs. As a committee we will keep the strategic approach and processes of the RPC under review and develop them as appropriate.

*What criteria should the Committee use to assess the Regulatory Policy Committee?*

We have a series of key performance indicators (KPIs) which are published in our Business Plan that we use to assess the effectiveness of our work in delivering our objectives. I would recommend that the Committee use the KPIs to assess the RPC.

These currently cover:

- Delivering independent opinions that are timely, clear and consistent;
- Verifying regulatory impacts against the Business Impact Target (BIT);
- Encouraging and assisting departments and regulators to improve the quality of their IAs and evaluation of regulations;
- Engaging effectively with parliamentarians, business, civil and voluntary organisations, and the public on the evidence and analysis supporting regulatory proposals;
- Contributing to the development and implementation of policies for better regulation and inform the wider regulatory landscape in the UK; and
- Enhancing UK regulatory scrutiny through engagement with international counterparts, and encouraging evidence-based regulation in our trading partners.

**Stephen Gibson, February 2021**

## Appendix 4: Role specification, diversity information, and recruitment campaign

### Role specification

To lead a committee of independent members, who provide robust and objective advice to government, parliament, and the wider public regarding the quality of evidence and analysis supporting decisions on proposed changes to legislation that impact or regulate businesses.

#### *Your role as a chair of the RPC is to:*

Lead and improve the capability of the RPC and its Secretariat in scrutinising and assessing the quality of evidence used to support decisions on regulatory proposals.

Lead the Committee, which works closely with its Secretariat, in providing expert, independent advice to Ministers on the quality of analysis and evidence that underpins specific policy proposals and on post-implementation reviews—in accordance with guidance provided by the responsible minister or sponsor department.

Lead the Committee and its Secretariat on its work to become a centre of excellence for regulatory impact assessments.

Lead the Committee’s engagement with stakeholders—businesses and representatives of business groups and wider civil society—to understand the impact of regulations and internationally identify and share best practice.

Engage with parliament, ministers and senior leaders across Whitehall on the role of the RPC in the wider agenda of better regulation, including how this may be modified in order to support the Government’s policy objectives, for example assessing the impact of regulatory proposals on net zero targets, or the potential impacts of proposed trade agreements.

### Recruitment diversity information

Table A—Gender

	Percent Male	Percent Female	Percent identify another way	Percent not declared
Applicants	67%	28%	–	6%
Shortlist (applicants invited to interview)	In line with Cabinet Office Guidance on sharing diversity data (Page 10, Para 2) information on gender at the shortlist stage is not being shared as there were fewer than five candidates in one or more of the given categories.			

Table B—Ethnicity

	Percent White	Percent Ethnic minority	Percent Not declared
Applicants	In line with Cabinet Office Guidance on sharing diversity data (Page 10, Para 2) information on ethnicity at the application stage is not being shared as there were fewer than five candidates in one or more of the given categories.		
Shortlist (applicants invited to interview)	In line with Cabinet Office Guidance on sharing diversity data (Page 10, Para 2) information on ethnicity at the shortlist stage is not being shared as there were fewer than five candidates in one or more of the given categories.		

## Recruitment campaign

<b>Campaign Launch Date</b>	<b>14 September 2020</b>
Campaign Closing Date	25 October 2020
Reason for any changes in timetable that originally published	N/A
Advertising strategy	<p>The role was advertised through various channels, including:</p> <ul style="list-style-type: none"> <li>• Cabinet Office Public Appointments Newsletter</li> <li>• Cabinet Office Public Appointments website</li> <li>• BEIS LinkedIn</li> <li>• BEIS Talent Newsletter</li> <li>• A range of diversity networks</li> </ul> <p>A number of individuals were identified as potentially being suitable for the role and their attention was drawn to the role by email.</p>
Advisory Assessment Panel	<p>Jaee Samant—Director General, Market Frameworks—BEIS Representative and Panel Chair</p> <p>Philip King—Interim Small Business Commissioner</p> <p>Dr Alison Walker-Fraser—Director, Xifra Business Solutions—Independent Panel Member</p>
Number of applicants	18
Number of candidates invited to interview	6
Number of candidates found appointable	5

## Formal minutes

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**Tuesday 9 March 2021**

Virtual meeting

Members present:

Darren Jones, in the Chair

Judith Cummins	Charlotte Nichols
Richard Fuller	Mark Pawsey
Ms Nusrat Ghani	Alexander Stafford
Paul Howell	

Draft Report (*Pre-appointment hearing with the Government's preferred candidate for the Chair of the Regulatory Policy Committee*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 14 read and agreed to.

*Resolved*, That the Report be the Fourth of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 16 March at 9:45am]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 09 March 2021

**Stephen Gibson**, Government's preferred candidate for Chair of the Regulatory  
Policy Committee

[Q1-28](#)

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

### Session 2019–21

Number	Title	Reference
1st	My BEIS inquiry: proposals from the public	HC 612
2nd	The impact of Coronavirus on businesses and workers: interim pre-Budget report	HC 1264
3rd	Net Zero and UN Climate Summits: Scrutiny of Preparations for COP26—interim report	HC 1265