



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

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Greg Hands MP

Minister of State for Energy, Clean Growth, and Climate Change

Paul Scully MP

Minister for Small Business, Consumers, and Labour Markets
Minister for London

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Dear Greg and Paul,

Thank you for the Late Payment and Radioactive Substances Provisional Frameworks submitted on 16 December 2021, which were considered by the Committee on 18 January. We welcome these two frameworks which we believe provide a good foundation for cooperation in these areas. However, we have concerns about ongoing parliamentary and stakeholder engagement. We would also welcome additional clarity in the frameworks on the UK Internal Market, and the dispute mechanism and level of commitment to core principles in the Radioactive Substances Framework.

We are disappointed to note the absence in these frameworks of any commitments on ongoing engagement with Parliament. We note the absence of any commitments in the texts of these frameworks to publish reviews of the frameworks or to update legislatures on the outcomes of reviews. The Government has separately committed to improving transparency in Intergovernmental Relations. Transparency in this area should include regular statements to legislatures on the functioning of these frameworks.

We recommend that the frameworks should be updated to include a commitment to update the House of Lords, House of Commons and the three devolved legislatures on the ongoing functioning of these frameworks after the conclusion of the scheduled reviews.

While we note the ability for the Radioactive Substances Delivery Board to include stakeholders in discussions, we regret the absence of a commitment to meaningful ongoing stakeholder engagement in either framework. In our Committee's March 2021 report, we concluded that frameworks were weakened by the lack of stakeholder consultation and

recommended that future reviews of frameworks should include an open and well-publicised stakeholder consultation process that reaches beyond the small number of stakeholders previously consulted. We believe that this is necessary in these frameworks as it is with other frameworks.

We recommend that the first review should include an open consultation process with stakeholders and the frameworks should be updated to include an ongoing commitment to stakeholder engagement where necessary.

We note that the Government has previously acknowledged the interaction between these frameworks and the UK Internal Market Act 2020 in its 24 May letter to the Committee. These two frameworks should include some acknowledgement of this interaction. It is especially unclear where the Radioactive Substances Framework interacts with the Act, but frameworks should explain clearly where they interact with the Act and identify associated risks. Both frameworks should also acknowledge the process set out in the Minister for Levelling Up, the Union and Constitution's 9 December Written Ministerial Statement.

We recommend that the frameworks should be updated to reference their interaction with the UK Internal Market Act 2020 and acknowledge the process for agreeing exemptions from that Act.

We note that the dispute mechanism in the Radioactive Substances Framework states that disputes of the Radioactive Substances Programme Board will be considered by senior civil servants or directors. However, Figure 3 depicting the dispute resolution process does not feature this step. We also note that the Framework states that the Radioactive Substances Programme Board is staffed of senior officials, typically of deputy director level. As deputy directors are members of the senior civil service it would be clearer for the dispute process to state that disputes from the programme board are escalated to directors, if that is the case, and for the diagram to reflect that.

We recommend that the Radioactive Substances Framework should be updated to clarify the role of senior civil servants in its dispute process.

We also have a minor drafting point to highlight to ensure a consistent level of commitment to the core principles of the Radioactive Substances Framework, as set out under Section 4 on page 11. Under Section 4, it states that "the standards of radiological protection in force upon the UK's exit from Euratom should at least maintain, or exceed standards". However a stronger commitment to the principles listed underneath is implied through the use of "will." It would be more consistent for "will" to be used throughout that section to demonstrate a strong commitment to all core principles within the Framework.

We recommend that the Radioactive Substances Framework should be updated to ensure a consistent level of commitment to its core principles through its use of language.

We understand that each of the four governments are currently receiving views on these Provisional Frameworks from their respective legislatures. We therefore look forward to your response to this letter once these have been received, and our recommendations have been considered, together with the final versions of these frameworks.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee