

# Bregulation: rethinking regulation after Brexit

Everyone has a plan until they get punched in the mouth. And in my experience everyone dislikes regulation until they need it, and then they want even more of it than we regulators can supply. All the politicians I meet, all the media that scrutinise us, and all the local communities in which we operate want more not less regulatory action from the Environment Agency (EA) to tackle things like waste dumps, smelly factories, dirty rivers and so on.

It's a good problem to have. And a reminder that the answer you get to any question often depends on how you ask it. Does any of us want red tape and bureaucracy? No. Do we want clean water, air that's safe to breathe, a green country, jobs and growth? Yes – and those are some of the things you get from regulation when it's done right.

My pitch to you today is this: good regulation is essential for most of the things we all want. The report we are launching today “Regulating for people, the environment and growth” – the clue is in the title – sets out what the EA does to support those things.

But no regulatory system is perfect, including ours. Brexit is a massive opportunity to rethink how we do regulation in this country. The government has embarked on that process, and we welcome the debate. Today I want to suggest some pointers about where that debate might usefully take us and the key principles that I think should guide it.

## **Regulation works**

Let me start with an important fact: regulation works. Examples:

**Water security:** the EA regulates the abstraction of water in this country. If you want to take more than 20 cubic meters a day out of a river or the ground, you need an EA licence. The EA has been reviewing, changing and in some cases revoking these licences to bring them into line with what is sustainable. That has removed the risk of the abstraction of some 1.7 trillion litres of water. That's enough water to supply London for two years. Nature, wildlife and all of us are better off as a result.

**Water quality:** in 2021, due to the EA's regulation of water companies, a record 99% of bathing waters around England's coasts met or exceeded the minimum quality standard. That is the highest level it has been since new tougher standards were introduced in 2015. Thirty years ago most of our bathing waters would have failed to meet even the minimum standards we have now. Regulation did that.

**Air quality:** since 2010, emissions of nitrogen oxides (NO<sub>x</sub>) from the industrial sites we regulate have decreased by 72%, sulphur oxides (SO<sub>x</sub>) by 90%, and small particulate matter (PM<sub>10</sub>) by 52%. So our air is cleaner than

it was, and cleaner air means people live longer and healthier lives. Regulation did that too.

Waste: I have called waste crime “the new narcotics”: it harms people, places and the economy, including by undercutting the legitimate waste industry. Our regulation of the sector ensures waste is managed safely and our fight against the criminals helps the economy: every £1 we spend on it brings at least £4 of benefit to the economy. The right regulation helps deliver growth.

Climate: in 2021 the climate change emissions trading and energy efficiency schemes that the EA manages delivered a nine million tonne reduction of CO<sub>2</sub> compared to 2020. And since 2010, emissions of greenhouse gases from the sites we regulate have decreased by 50%. The planet is better off as a result. Regulation works.

## **Rethinking regulation**

But no regulatory system is perfect. Both the regulations themselves and how regulators behave need to move with the times. They need to reflect changes in technology, in the needs of business, in the risks we are trying to manage, in public demand, in government policy and the law, and in the wider world around us.

Brexit is a massive opportunity to rethink how we do regulation in this country.

The government has embarked on an exercise to remove, revise or retain the body of EU-derived law currently in force, much of which is the basis for most environmental regulation in this country. We welcome that. We think it is a great opportunity to deliver better regulation and better outcomes – for people, for business and for nature.

There is already a big debate as to what pieces of legislation should be retained, what should be reformed and what should be repealed. And there should be a debate, because this really matters and because if we make the right calls we can do what the Environment Agency exists to do: create a better place.

There will be examples of laws we find we don't really need. There will be examples where changing the law will allow us to achieve better outcomes for the environment and nature and support economic growth. And there will be some laws that it will make eminent sense to keep.

Let me give you a real-life example of each. These are my personal views, not those of the EA or the government, but the point I want to illustrate is that we should not regard the current body of laws as sacrosanct.

I would repeal the Floods Directive. This requires EU member states to carry out flood risk assessments, create maps of flood risk and flood risk management plans. That is all very sensible, which is why the UK was already doing those things before the Directive arrived and why the EA will carry on doing them now, because they are good practice and policy. But the purpose of

the Directive was to drive cooperation between continental EU member states that share river basins – clearly we are not in that category.

I would reform the Water Framework Directive (WFD) in order to drive better environmental outcomes. Each time I say this I get flak from everyone, so let me say again for the avoidance of doubt, I'd reform it in order to enhance water quality and restore nature, not degrade them. The WFD rightly sets high standards for water quality in rivers, lakes, estuaries and groundwater. But the way it requires us to categorise the status of those waters is complex, and can be misleading about the real state of those waters, both for better and for worse. And because the Directive stipulates that waters can only get "good" status if they tick all of several different boxes, it can force regulators to focus time and resources on indicators that may not make much difference to the actual water quality, taking focus away from things that would. I wouldn't repeal the WFD. But I would reform it, to ensure it drives action that will deliver the clean and plentiful water we all want.

I would keep the Bathing Waters Directive, which protects public health and the environment by keeping coastal waters free from pollution. It has done exactly that, driving the water companies, the regulators, the local authorities and local communities to make huge improvements in water quality at most of our beaches. High quality bathing water benefits health and wellbeing as well as boosting local economies. According to Visit Britain, the 135 million day visits taken to the seaside in England in 2019 were worth £4.4 billion to the economy. A great example of good law and good regulation producing better outcomes for nature, people and the economy.

### **Principles of good regulation**

As we have this debate about what kind of regulation we want for the future, let's be guided by a few principles. Mine would be:

- Reframe how we think: good regulation is not red tape. It's what gets you green growth and a blue planet.
- Focus on outcomes. Start and finish with the ones we want: safe and healthy people, nature restored (not just protected or its degradation slowed), sustainable and inclusive growth.
- Believe in better. The test for any regulatory change should be whether it will produce better outcomes.
- Less is more: have fewer regulations, better targeted. Regulate only the things that need regulating.
- Do it right: when you do have to regulate, do it well. Good regulation is proportionate, risk-based, evidence-driven, outcome focused, and (provided businesses do the right things) business-friendly.
- Strong regulation needs strong regulators: if regulators are going to do their jobs they need the right powers, the right resources, the right laws and the right support.

### **Conclusion**

Ronald Reagan said that Government's traditional view of the economy could be summed up in a few short phrases: "If it moves, tax it. If it keeps moving,

regulate it. And if it stops moving, subsidise it". He was, it is pretty safe to say, not a natural fan of regulation or indeed of government. But he also said: "Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves."

That's a good distinction. Regulation doesn't exist to protect us from ourselves. It exists to protect the things we value – people, nature, our economy – that would otherwise be harmed. So let's have no more regulation than we need, and let's have the right kind. But when we need it, let's make sure we have it.

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## [Charity Commission launches inquiry into religious charity over serious regulatory concerns](#)

Press release

Statutory inquiry opened into The Saint George Educational Trust (1043158) due to concerns including about potential political activity.



The Charity Commission has opened a statutory inquiry into The Saint George Educational Trust over serious regulatory concerns that there is or has been misconduct and/or mismanagement in the administration of the charity.

In particular, concerns have been identified in relation to activities carried out by the charity that do not appear to further its religious purposes, including material it had posted online and political activity or campaigning. The Commission also has significant concerns that the charity has associations with an extreme right-wing organisation and how this furthers its religious purposes, something that the Commission has previously investigated.

The charity, based in Andover, Hampshire, has charitable purposes that

include the advancement of the Catholic religion.

The inquiry will examine:

- the administration, governance, and management of the charity by the trustees – including, but not limited to, its relationships with external organisations and individuals, and use of the internet and social media
- the financial controls and management of the charity, and whether its funds have been properly expended in accordance with the charity's purposes and can be accounted for
- the conduct of the trustees
- whether or not the trustees have complied with and fulfilled their duties and responsibilities as trustees under charity law

The Commission may extend the scope of the inquiry if additional regulatory issues emerge.

Immediately following the opening of the inquiry, the Commission took action to freeze a bank account holding the charity's funds so that no one can access or move them without the Commission's prior consent.

The Commission has also ordered the trustees to review and remove content from the charity's website and social media pages that does not further the charity's purposes, and directed them not to allow such material in future. At this time the charity's website is no longer available to view.

**ENDS**

## **Notes to Editors**

1. The Charity Commission is the independent, non-ministerial government department that registers and regulates charities in England and Wales. Its purpose is to ensure charity can thrive and inspire trust so that people can improve lives and strengthen society.
2. The charity has been the subject of three previous statutory inquiries, two of which opened in 1997 and 1999. The second inquiry was opened to consider the charity's association with an extreme right-wing organisation. On 25 July 2022, the charity became part of the Commission's Statutory Class Inquiry, having failed to submit financial information to the Commission for two or more years over the last 5 years. The charity ceased to be part of the Class Inquiry with the opening of this new inquiry, however its accounting information (for the financial years ending 31 March 2020 and 2021) remains outstanding, which will be considered as part of the new inquiry.
3. This latest inquiry was opened on 7 October 2022, under section 46 of the Charities Act 2011 ('the Act').

4. Section 76(3)(d) of the Act gives the Commission power to order any person who holds any property on behalf of a charity not to part with that property without the approval of the Commission.
5. Section 84 of the Act gives the Commission power to compel trustees to take specified action(s) which the Commission considers to be expedient in the interests of the charity.
6. Section 84A of the Act gives the Commission power to direct trustees not to take or continue to take a specific action(s) if the Commission considers the action(s) would constitute misconduct or mismanagement in the charity's administration.

## Press office

Email: [pressenquiries@charitycommission.gov.uk](mailto:pressenquiries@charitycommission.gov.uk)

Out of hours press office contact number: 07785 748787

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## [Free legal advice piloted to help people facing financial difficulties](#)

- Free early legal advice for thousands facing debt, housing and welfare benefit difficulties
- Legal advice to help stop people falling into further debt and having to appear in court
- Five-month pilot test phase launched in Manchester and Middlesbrough

The pilot in Middlesbrough and Manchester expands the scope of legal aid funding to more people who previously would not have been eligible for free legal advice, to help them address issues before they become more complex or costly.

The aim is to ensure people have a better chance of swiftly resolving legal problems, stopping them from spiralling into further difficulties.

Currently, many people do not access legal advice until too late, causing further problems, such as having to appear in court, increased debt, and even homelessness. The pilot will explore if these issues can be avoided by providing legal advice earlier.

The pilot advice will be offered to individuals struggling with housing issues, paying bills or experiencing problems with their benefits, with no means or merits tests required. To understand what difference the pilot service makes, participants of the pilot will either receive up to three hours of free legal advice and support or be signposted to existing advice services.

Justice Minister Lord Bellamy KC said:

Early legal advice can be invaluable for people that find themselves in difficult and stressful situations, helping struggling individuals avoid falling further into debt or ending up in court.

Through this pilot we are paving the way for more people to receive free legal advice, at an earlier point in time so that their problems can be addressed before they worsen.

A legal adviser can explain issues like council tax arrears, and provide further information about housing rights and how to apply for Universal Credit, if required.

Invitations to the scheme will be sent out to people who have fallen behind on council tax payments by Manchester City Council and Middlesbrough Council. Invitees will then be asked to complete a confidential survey to determine whether they have a legal issue that requires support.

After the 5-month initial testing phase, the Ministry of Justice will review evidence collected through the evaluation and use this to inform the design of a future larger-scale pilot.

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## **New £155m facilities management contract comes into service in Gibraltar**

The £155 million contract, which provides maintenance work, repairs, servicing, and hard facilities management to the MOD's estate in Gibraltar, was awarded to Mitie in May by the Defence Infrastructure Organisation (DIO). It will cover every part of the MOD estate in Gibraltar, from the harbour and the runway to offices and accommodation.

It is the first contract to come into service under DIO's new Overseas Prime Contracts (OPC) programme, which will also see further contracts come into

force at Defence sites including Cyprus, Germany, the Falkland Islands and Ascension Island. The contract is for an initial period of seven years and aims to be more flexible and responsive to the needs of service personnel and staff in Gibraltar, allowing them to focus on their work in the knowledge that they have safe and resilient infrastructure to work from.

The new contracts have been developed taking into account recommendations for improvements to the current arrangements and will mean a better service for hundreds of military personnel based overseas. They seek to provide better value for money and quicker repairs, reducing bureaucracy and unnecessary processes to keep the estate operational.

Greater alignment to current industry standards will mean increased collaboration between DIO and its suppliers and allow for services to be better tailored to the requirements of specific sites. A new, integrated software system will enable information to be shared more effectively.

The contracts have been designed to promote more efficient processes and the quicker delivery of high volume, lower value works, ensuring increased value for money. Performance targets will encourage a high standard of repairs and reduce the need for repeat visits.

The contract is expected to directly sustain around 200 jobs in Gibraltar.

**DIO's Chief Operating Officer David Brewer said:**

DIO is committed to supporting people across the Armed Forces who depend on us to provide facilities and essential services which allow them to work safely and securely.

This important milestone follows years of hard work to design a contract that builds on the successes of existing hard facilities management arrangements while adding additional services and improvements to improve the quality of life for our Armed Forces in Gibraltar.

**Commodore Tom Guy, Commander British Forces Gibraltar, said:**

I look forward to the new contract coming into effect, and the benefits it will bring to our people, both uniformed and civilian, here in Gibraltar. I am particularly pleased to hear of the promised improvements, which I hope will do two things: firstly help us to execute our mission effectively, while preparing Gibraltar better for the future, and secondly, to improve the daily lived experience for all our people.

**Brian Talbot, Managing Director, Central Government & Defence, Mitie, said:**

As proud supporters of the British Armed Forces, we are delighted to be running the new Overseas Prime Contract for Gibraltar. We are committed to working with the Defence Infrastructure Organisation to improve services for our Armed Forces based in Gibraltar, delivered by our exceptional colleagues and building on the technology solutions we have implemented on our Future Defence Infrastructure Services contract in Scotland and Northern Ireland.

The next OPC contract to be awarded will be for hard facilities management in Cyprus in early 2023, with the final contract to be the South Atlantic Islands in summer 2024.

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## [UK boosts Ukraine's cyber defences with £6 million support package](#)

Press release

The UK's Ukraine Cyber Programme is utilising world-leading expertise to protect Ukraine's critical national infrastructure and vital public services from cyber attacks.



- UK's Ukraine Cyber Programme is protecting the Ukrainian Government and its critical national infrastructure from malicious cyber attacks.
- Partnership with industry is preventing Russian malign actors from accessing vital networks and providing forensic capabilities to the Ukrainian authorities.
- An initial £6.35 million package was mobilised in response to an increasing tempo of Russian cyber activity in the days following the invasion of Ukraine.

A £6.35 million support package from the UK Government is protecting Ukraine's critical national infrastructure and vital public services from cyber attacks, Foreign Secretary James Cleverly has revealed.

The UK's Ukraine Cyber Programme was mobilised shortly after Putin's invasion in February to protect against increased Russian cyber attacks. The programme has not been made public until now to protect its operational security.

Utilising the expertise of world-leading cyber security providers, the UK's Ukraine Cyber Programme has to date:

1. Provided incident response support to Government of Ukraine entities, protecting them against destructive cyber attacks, including malware such as Industroyer2. This is preventing malicious actors from accessing vital information relevant to the war effort.
2. Limited attacker access to vital networks and supported Ukraine to harden their critical infrastructure against future attacks.
3. Delivered frontline cyber security hardware and software including: firewalls to prevent attacks taking hold; DDoS protection to ensure Ukrainian citizens can continue to access vital information; and forensic capabilities to enable Ukrainian analysts to fully understand system compromises.

Foreign Secretary James Cleverly said:

Russia's attack on Ukraine is not limited to its horrific land invasion. It has also persistently attempted to invade Ukraine's cyberspace, threatening critical information, services and infrastructure.

The UK's support to Ukraine is not limited to military aid – we are drawing on Britain's world-leading expertise to support Ukraine's cyber defences. Together, we will ensure that the Kremlin is defeated in every sphere: on land, in the air and in cyber space.

Lindy Cameron, CEO of the National Cyber Security Centre, said:

The NCSC is proud to have played a part in supporting Ukraine's cyber defenders. They have mounted an impressive defence against Russian aggression in cyberspace, just as they have done on the physical battlefield.

The threat remains real and the UK's support package is undoubtedly

bolstering Ukraine's defences further.

Russian actors have a long history of hostile and destabilising activity against Ukraine, including:

- Shutting off part of Ukraine's electricity grid in December 2015, leaving 230,000 people without power for up to 6 hours.
- Destructive cyber attacks in 2017 targeting Ukraine's finance and energy sectors and government services, leading to knock-on effects on other European partners.
- Kyiv metro and Odessa airport disrupted by ransomware that encrypted hard drives.
- Distributed Denial of Service (DDoS) attacks on 15-16 February 2022, which the UK's National Cyber Security Centre (NCSC) judge were the work of Russia's GRU military intelligence agency.
- A series of cyber attacks since the invasion, including against commercial operators such as Viasat in March which had a serious impact on access to internet and other services across both Ukraine and other parts of Europe.

The tempo of Russian cyber attacks against Ukraine increased significantly following its illegal invasion in February 2022, seeking to undermine Ukraine's sovereignty and strategic advantage in the war.

The UK's support is strengthening Ukraine's cyber defences and improving collective long-term cyber resilience.

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