

GBG's Response to [Consultation on the Growth Duty, Draft Statutory Guidance](#) (response submitted online January 2024)

Overarching

1. The draft revised guidance sets out economic growth as 'Sustainable Economic Growth'. This is in line with the recommendations of the McLean report and the Financial Services and Markets Act. Do you have any views on this definition of economic growth? [No Comment.](#)

2. The draft revised guidance outlines that economic growth has a number of different drivers and behaviours and describes some, but does not attempt to provide an exhaustive list. In this way, is the revised guidance clear on the Government's expectations of regulators on meeting the Growth Duty?

[The updated Guidance rightly states that " It is a regulator's responsibility to design rules that set a level playing field between businesses and to ensure adequate protections for consumers and the environment" . However, ensuring the protection of consumers should not be used to stifle the growth and innovation of well-regulated compliant businesses.](#)

3. Do you have any examples of behaviour that encapsulate the application of the Growth Duty that the guidance would benefit from using as case studies? [No Comment.](#)

4. Is there anything you think the draft revised guidance should or should not reflect? [It would be helpful to have greater clarity on the relationship between the Growth Duty and the Regulators' Code as statutory measures that support improvements in the implementation and delivery of regulation, given that one of the principles of the Regulators' Code is "Regulators should carry out their activities in a way that supports those they regulate to comply and grow " \(see response to Q11\).](#)

Reporting:

5. Do you consider that the Government should commence the statutory reporting requirement of the Growth Duty in Section 110A of the Deregulation Act 2015? [Yes. The Gambling Business Group's preference is for statutory reporting.](#)

6. The consultation document sets out a high-level alternative approach for nonstatutory reporting. Would this approach deliver improved outcomes compared to the statutory requirement? Would this approach ensure suitable levels of transparency and accountability? Do you have any other comments [We have concerns about the Gambling Commission's record of lack of transparency and accountability to the Regulators' Code and therefore our preference is for the statutory reporting requirement to be enacted.](#)

7. Considering the plurality of regulators and regulated sectors, which metrics would be effective for regulators to report against, to enable a comparative assessment of their application of the Growth Duty? [No Comment.](#)

Regulatory Agility:

8. Would the International Fast Track outlined in this consultation help to improve the speed of regulatory decision making? What would you expect the impacts of such a process to be? [No Comment.](#)

9. What is your view on the proposed Targets for Regulatory Approvals as outlined within this consultation document? What impact would you see from the enactment of this? [No Comment.](#)

10. What is your view on the proposed Productivity lock as outlined in this consultation document? What impact would you see from enactment of this? [No Comment.](#)

Monitoring

11. In your view what would be the best way to monitor the regulatory application of the Growth Duty? Who would best undertake this role? What would be the most effective comparative metrics to assess performance against the Growth Duty?

[One of the Principles of the Regulators' Code \(the Code\) is "Regulators should carry out their activities in a way that supports those they regulate to comply and grow". It therefore makes sense to monitor compliance with the Regulators Code alongside monitoring the regulatory application of the Growth Duty.](#)

[Gambling Business Group members have longstanding concerns about the Gambling Commission's commitment to the Regulators' Code and have tried to ascertain who in Government is responsible for monitoring compliance with the Code.](#)

[Through engagement in 2023 with the Office for Product Safety and Standards \(formerly The Better Regulation Delivery Office, the original owners of the Code\) we ascertained that the OPSS "supported regulators with adherence to the principles of the Code through informal advice but does not ensure that individual regulators adhere to the Code".](#)

[Minister Hollinrake responded to a question in the House on 10th February 2023 that "the Office for Product Safety and Standards works to support the effective implementation of the Regulators' Code".](#)

[Despite further dialogue, including with the Regulatory Reform Group, we were unable to ascertain which government department was responsible for monitoring compliance with the Code.](#)

[Given the overlap between the Growth Duty and the Regulators' Code it would prudent that monitoring regulatory application of both is conducted by the same](#)

entity. The Department for Business & Trade, as the Department for Economic Growth, is the most logical home.

Other:

12. Do you have anything else you would like to raise that is relevant to this consultation? [No Comment.](#)