

Regulatory Review Group Meeting Minutes

Wednesday 26 October 2016

Atlantic Quay, Glasgow

In Attendance:

Professor Russel Griggs OBE (Chairman)	CBI
Mari Tunby	CBI
Garry Clark	Scottish Chambers of Commerce
Ewan MacDonald-Russell	SRC
Niall Boyle	Regulatory Delivery, BEIS
Marion McCormack	Scottish Government
Wendy McCutcheon	Scottish Government

Apologies:

Susan Love	FSB
Scott Walker	NFUS
Alice Telfer	ICAS
Sheila Scobie	CMA
Ian Cass	FPB
Robert Nicol	COSLA
Stephen Boyd	STUC
David Skilling	Scotland Office

Welcome & Introductions

1. The Chair welcomed everyone to the meeting, followed by round table introductions.

Agenda Item 1 – Minutes of Previous Meeting

2. The minutes were approved subject to one change to paragraph 22 – RRG should read Scottish Government. An update on action points was also provided.

Action Points:

- **Secretariat to amend the August minutes.**

Agenda Item 2 – Chairman's Report

3. The Chair provided an oral update on recent meetings listed in the tabled paper.
4. The meeting with Lorraine King of the Consumer and Competition Policy Unit in the Scottish Government discussed ethical regulation and the link to the better regulation agenda. A pilot project is being run with one of the economic regulators to ascertain the effectiveness of ethical regulation. A competition advisory forum is also being established and secretariat to follow-up with Lorraine as to the inclusion of RRG Chair on this forum.
5. The meeting with the Minister for Business, Innovation and Energy focused on the EC Environmental Assessment Directive. Therefore another meeting has to be organised to discuss RRG and the better regulation agenda.

6. The EC Environmental Assessment Directive roundtable was a well-attended event with over 100 people in attendance. This event had been organised following advice from RRG regarding multi-lateral pre-development. The Chair stated that this event highlighted that businesses do want to get involved in decisions involving important regulations.
7. The Forestry Summit is one of a range of summits that the Cabinet Secretary for Rural Economy and Connectivity is organising. This particular summit was specifically around the review of forestry and associated regulations. RRG Chair to meet with Jo O'Hara the Chief Executive at Forestry Commission Scotland.
8. The planning review meeting discussed the 48 recommendations in the Crawford Review. However it was noted that there are common threads running through these recommendations such as consistency. Garry Clark advised the meeting that he had been involved in generic discussions around this review.
9. In relation to the analysis of responses on the consultation on mobile traders food hygiene national standards, the Better Regulation Team in the Scottish Government is working with Food Standards Scotland (FSS) to ascertain if there are any key documents within FSS that the standards would be best placed to sit. The benefit of this would be utilising an existing mechanism that local authorities are already familiar with.

Action Points:

- **Secretariat to discuss Chair's inclusion on the competition advisory forum with policy officials.**
- **Secretariat to arrange meeting with Chair and the Minister for Business, Innovation and Energy.**
- **Secretariat to arrange meeting with Chair and Jo O'Hara at Forestry.**

Agenda Item 3 – New Business Models Regulatory Landscape

10. At the August RRG meeting, there was a discussion around how other policy areas within the Scottish Government are also looking at the collaborative economy. RRG secretariat recently met with policy officials leading on this work to discuss the appropriate way forward.
11. The collaborative economy continues to grow and regulation cannot be looked at independently. To ensure the best possible outcome, this needs to be looked at at its widest contact. It is important to understand which sectors / parts of the economy are most impacted by these models and why. Therefore it is proposed that RRG write to the Minister suggesting that the Scottish Government establish an Expert Advisory Panel with the Chair of RRG as one of the Panel members. This proposal was accepted by members.
12. Secretariat has also been in contact with UK Government to discuss their work on the collaborative economy. Niall was interested in this and secretariat will forward the contact details to him.

Action Points:

- **Secretariat to draft a submission to the Minister suggesting the establishment of an Expert Advisory Panel.**
- **Secretariat to provide Niall with UK contact.**

Agenda Item 4 – Voluntary Regulation Review – Stage 2

13. Policy officials from Health Improvement Division and Food Standards Scotland had recently attended a RRG meeting and provided background on the Healthy Choices Framework. Following this update, it was agreed that secretariat would prepare a structured document on next steps on taking forward this review and members, especially SRC, would provide information on companies' views of this framework.
14. Secretariat had prepared a paper with a potential survey to be issued to key businesses and Ewan MacDonald-Russell has been canvassing his members. Some of the comments on this framework scheme that Euan has received have centred around issues such as the difference between UK and Scotland commitments; lack of government appreciation of action already in place; reputational risk of not signing up and no specific end date. These issues are important to the success of any initiative and it is important that all the conventions that the Scottish Government has eg Fair Work, etc that when looking to introduce indicators or guidelines that policy officials think about them in terms of a form of voluntary regulation and check whether they should be carrying out BRIAs on these.
15. RRG discussed how it is important to encourage voluntary regulations to be time bound with clear review plans in place as many of these initiatives end up being created but never reviewed or ended.
16. It was agreed that secretariat and Euan would work together on finalising the survey and agreeing a contact list. RRG members were also encouraged to comment on the survey and provide contacts for secretariat. It is anticipated that this phase of work will last until the end of this year.
17. It was noted that Health Improvement Division did not class the framework as voluntary regulation. As much as this framework was established before the SRC launched their framework, it was acknowledged that there was work to do in ensuring that Scottish Government officials were aware of what exactly voluntary regulation consists of.
18. There then followed a conversation on Brexit and the potential role of RRG.
19. The Chair raised the point he had already raised previously with the group and with the Minister for Business, Innovation and Energy around his view that he thinks there should be a consolidated list of all regulatory areas and a plan to deal with them in advance of the UK Government triggering article 50. Niall Boyle advised that it is business as usual until article 50 is triggered by the UK Government.

20. Marion McCormack advised the group that although one single list is not available the different policy areas within the Scottish Government are aware of the areas within their own policy areas that will be affected should article 50 be triggered. Niall also confirmed that he thought this was what UK Government was doing in relation to this too with individual areas taking responsibility for their own areas.

Action Points:

- **Secretariat and Euan MacDonald-Russell to work on finalising survey.**
- **All members to provide feedback on survey and provide contacts.**
- **Secretariat to consider the BRIA guidance in relation to updating for stronger line on voluntary regulation, etc.**
- **Secretariat to discuss convention guidelines with Fair Work colleagues.**

Agenda Item 5 – RRG Workplan and Risk Register

21. The RRG workplan, risk register and 2017 meeting dates were discussed.

22. Secretariat had produced potential areas of legislative review that RRG could undertake. The Chair suggested that RRG may wish to undertake a review of the EC Environmental Assessment Directive process. This would be another innovative initiative by RRG in that this would be a review of legislation in action.

23. It is understood that Susan Love may also have a suggestion for a legislative review and secretariat will follow up with Susan.

24. The risk register was tabled for the first time at August's RRG meeting. No comments have been received on it. It was agreed that the risk register would be discussed at meetings alongside the workplan.

25. The 2017 meeting dates were noted and secretariat will issue calendar requests.

Action Points:

- **Secretariat to discuss with Susan Love potential suggestions for RRG review.**
- **Risk register to be discussed at meetings alongside the workplan.**
- **Secretariat to issue calendar requests for 2017 meetings.**

Agenda Item 6 – Forthcoming Agendas

26. The agendas for November and December were noted.

Agenda Item 7 - AOB

27. Secretariat tabled a paper on the recommendations from the Review of Part 3 of the Fire (Scotland) Act 2005. All recommendations are being worked on and all at various stages of progress. This paper will be emailed to members along with the draft minutes.

28. The analysis of responses to the consultation on mobile home sites regulations has been [published](#). Members may wish to note the comment on page 10 – *Finally, a private sector organisation or trade body which had not answered Question 1 made a further comment. They raised broader concerns about how the proposed system will affect the long-term viability of park home businesses and suggested that proposals around licence renewal are disproportionate and could prove onerous for smaller, family run businesses in particular.*
29. Niall Boyle provided an update on the primary authority scheme in Wales and England. Scottish Government work is still on-going and secretariat will ensure that RRG is kept updated.

Action Points:

- **Secretariat to circulate progress paper on the recommendations within the Review of the Fire Scotland Act 2005.**

**RRG Secretariat
November 2016**