**Regulatory Review Group Meeting Minutes**

Wednesday 24 August 2016

Atlantic Quay, Glasgow

**In Attendance:**

Professor Russel Griggs (Chairman) CBI

Susan Love FSB

Ewan MacDonald-Russell SRC

Steven Bunch CMA

Peter Midgley FSS (agenda item 3)

Daniel Kleinberg Scottish Government (agenda item 3)

Marion McCormack Scottish Government

Graham Tait Scottish Government

Caitlin Heaney Scottish Government

**Apologies:**

Sandra Reid Scottish Government

Wendy McCutcheon Scottish Government

Scott Walker NFUS

Alice Telfer ICAS

Sheila Scobie CMA

Ian Cass FPB

Garry Clark Scottish Chambers of Commerce

Robert Nicol COSLA

Stephen Boyd STUC

Mari Tunby CBI

Glenn Preston Scotland Office

Sarah Smith Regulatory Delivery, BEIS

Niall Boyle Regulatory Delivery, BEIS

**Welcome & Introductions**

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

**Agenda Item 1 – Minutes of Previous Meeting**

# The minutes were approved and an update on action points provided. Fair Work Directorate have been contacted and invited to future RRG meetings, a reply has yet to be received.

# **Agenda Item 2 – Chairman’s Report**

1. The Chair spoke with Lorraine King, Scottish Government on 18th August 2016 to discuss the proposed Competition Advisory Forum. It was mentioned that the Forum is expected to have limited impact on RRG. It was suggested that Business Organisations are invited to specific meetings on certain subjects rather than the forum.
2. The Chair also met with Mary McAllan, Director for Economic Development (Scottish Government) on 18th August 2016. Much of the time was taken by discussions on Brexit and if and when it happens, what would the effects on SEPA and other regulators be. Accepting that it is the First Minister’s wish for Scotland to remain in Europe it was suggested a list would need to be created with regard to the impact of Brexit on regulations for business and any possible legislative changes. The impact of this would be that a new work plan would be needed. The Chair also noted that the UK government has started work on new structures but still in early days.
3. The Chair met with Bill Brash, Scottish Government on 18th August 2016 to discuss the EC Environmental Assessment Directive roundtable meeting that he will be chairing on 5th October 2016. This will be led by Bill Brash and will have Ministerial Attendance. RRG assisted with the invitation list and members can access this on request.
4. Scottish Parliament Committee Call for Evidence on Brexit Implications for Scotland – RRG were asked for views on Brexit Implications for Scotland. The Chair reported overall that everyone feels it is still too early to say what the implications are for Scotland.
5. Planning Review – The Chair has received a note from Fiona Simpson, Planning and Architecture Division (Scottish Government) to discuss the 48 recommendations resulting from the independent review of the Scottish planning system.

**Action Points**

* **Share EC Environmental Assessment Directive roundtable meeting stakeholder list with RRG members on request.**
* **Arrange meeting with Chair and Marion McCormack.**
* **Arrange meeting with Chair and Fiona Simpson, Planning and Architecture Division (Scottish Government).**

# **Agenda Item 3 – Voluntary Regulation Review**

# **3.1 - Supporting Healthy Choices Voluntary Framework**

1. Daniel Kleinberg, Health Improvement Division provided background on the Healthy Choices Framework. Daniel pointed to extensive discussions across industry in drawing up the documents and said he thought the nature of the policy and approach meant it was about partnership working and communication. He thought it unlikely any business would feel ’pressured’ by the approach and queried whether, in fact, it fitted the model of voluntary regulation.
2. It was raised there have been many positive changes in some aspects of retailers labelling and product placement. The Federation of Small Business’ were interested in this process and its success in achieving an outcome, and also how successful it has been from a policy perspective.
3. A new strategy on Health and Obesity is to be brought forward from a manifesto commitment:

“Public health challenges and health inequalities require a broad response; they cannot be met by treatment alone. We will bring forward a new strategy on diet and obesity to reinforce co-ordinated action on the promotion of unhealthy foods.”

1. Peter Midgley understood that sectors of the food and drink industry feel fatigued with voluntary regulation and he considered that credit should be given where sectors had taken positive steps to improve the diets of their customers. FSS provided advice in January 2016 on a range of steps it considered necessary to improve Scotland’s diet[[1]](#footnote-1), including steps that might be taken by industry. This was based on a continued and urgent need to make progress towards consumption of diets that met the Scottish Dietary Goals. Peter suggested that a possible alternative to government-sponsored voluntary regulation might be for businesses to work collaboratively to produce industry-led proposals that would reduce or eliminate the need for regulatory or voluntary initiatives. SRC shared that they have received complaints from various businesses about the volume e.g. Marks and Spencer’s for example have 162 Voluntary Regulations to comply with.

RRG will be interested in the process, impact and outcomes achieved as well as the journey that SG, stakeholders such as the Retail Consortium members and FSS have gone on. It was noted that at the time that this was introduced FSS was not in place though so FSA would have been the operating regulator.

1. Members agreed to focus on healthy choices not progressing further work on Nitrate Vulnerable Zones and that the review should move on to phase 2 to seek evidence on the implementation journey of the Framework.

**Action Point**

* **SRC to provide information on any expectation raising/ pressure by Government on Supporting Healthy Choices.**
* **Secretariat to prepare a structured document on next steps.**

**Agenda Item 4 – RRG Workplan and Risk Register**

1. The new Director for Economic Development is aware of RRG’s work plan. The Chair highlighted that perhaps a discussion on new business models should take place with Mr Wheelhouse to check if he still wishes for RRG to take this forward this piece of work.
2. The workplan shows that there is a potential for slippage in September and October but if the work drifts into November then there may be a capacity issue and RRG may need to review the workplan and timeline accordingly.
3. There is potential for scrutiny surrounding Brexit Implications and the Risk Register will be especially helpful if Brexit happens.
4. The Secretariat welcomes views on what piece of Statutory Regulation RRG should review next.

**Action Point**

* **All members to consider and make suggestion on what piece of statutory regulation RRG should consider reviewing next.**
* **All members to review risk register, feeding back comments to Secretariat before the next RRG meeting**

**Agenda Item 5 – Business and Regulatory Impact Assessments**

1. Marion McCormack updated the group on the progress made to update the content of BRIAs in respect of competition assessment, new consumer assessment and a new digital impact assessment section. The current process has historic foundations.
2. The Chair highlighted the need to ensure BRIAs were being carried out and were of quality standard. Marion confirmed that SG Directors were responsible for QA of BRIAs in their own areas, however she was looking at options around how we can gather QA information from across the Directors areas too.

**Action Point**

* **Susan/ Ewan to check with members for their views.**

**Agenda Item 6 - New Business Models Regulatory Landscape**

1. Members discussed how there may be a need to prioritise other RRG work over the new business models work given other priorities. There was also a discussion around how other parts of SG are already looking at digital disruption and the impact of this and it may be useful to wait to see the outputs from this before committing further RRG resource to this. Concerns were raised that the older legislation does not adapt to current situations and there are challenges for governments on how to keep things current in the new models that are emerging.

**Agenda Item 7 - Forthcoming Agendas**

1. It was decided that October’s RRG Meeting is to be cancelled and rearranged due to lack of members being available to attend.

**Agenda Item 8 – AOB**

1. Members have been contacted about the EU Referendum Business Information Service and its content on Regulation. The Your business and the EU Referendum website is now live and available at https://www.mygov.scot/eu-referendum-business/.
2. Ministers have asked the Independent Regulatory Review Group to work with the Scottish Government to ensure that the regulatory landscape post-Brexit will continue to provide a supportive business environment with opportunities for all to flourish.

**RRG Secretariat**

**August 2016**

1. [Link to FSS Board Paper January 2016](http://www.foodstandards.gov.scot/sites/default/files/Board%20meeting%20-%202016%20January%2020%20-%20Diet%20and%20Nutrition%20Proposals%20for%20setting%20the%20direction%20for%20the%20Scottish%20Diet%20160104.pdf) [↑](#footnote-ref-1)