

## **Regulatory Review Group Meeting Minutes**

Wednesday 14 December 2016

Atlantic Quay, Glasgow

### **In Attendance:**

Professor Russel Griggs OBE (Chairman)	CBI
Mari Tunby	CBI
Steven Bunch	CMA
Gregor Scotland	CBI
Mike Cross	HSE (for agenda item number 3)
Sheena Brown	Scottish Government
Laura McGlynn	Scottish Government
Wendy McCutcheon	Scottish Government

### **Apologies:**

Susan Love	FSB
Scott Walker	NFUS
Alice Telfer	ICAS
Garry Clark	Scottish Chambers of Commerce
Ewan MacDonald-Russell	SRC
Sheila Scobie	CMA
Ian Cass	FPB
Robert Nicol	COSLA
Stephen Boyd	STUC
Sarah Smith	Regulatory Delivery, BEIS
David Skilling	Scotland Office

### **Welcome and introductions**

1. The Chair welcomed everyone to the meeting, followed by round table introductions. This was the first meeting since better regulation activity had been aligned with consumer and competition policy. The Chair explained that this was a sensible approach with significant benefits in uniting both these areas to meet the Scottish Government's objective of increasing sustainable and inclusive growth.

### **Agenda item 1: minutes of previous meeting**

2. The minutes were approved and an update on action points provided.

### **Agenda item 2: Chairman's report**

3. The Chair provided an oral update on recent meetings listed in the tabled paper.
4. The Coal Restoration Working Group meeting on 27 October officially brought the Coal Taskforce to its conclusion. The meeting with Bob Downes of Scottish Environment Protection Agency (SEPA) raised an interesting discussion on Brexit and the acknowledgement that the EU Directives will have more of an impact than the actual legislation. Prof Griggs advised the meeting that Amanda Bryan

has been appointed as Shadow Chairing Member of Crown Estate Scotland (Interim Management).

### **Agenda item 3: overview of Health and Safety Executive in Scotland**

5. Mike Cross, HSE Director for Scotland attended RRG to provide an update on the work of HSE. The last time HSE had attended RRG, the organisation had just moved into the robust phase for charging for services and RRG members had raised concerns over this. Mike gave an overview of the work of HSE stating that as HSE is a national organisation the field work in Scotland can draw support GB-wide as well as Scotland providing support to other areas within GB.
6. HSE has recently launched its [\[strategy\]\(http://www.hse.gov.uk/strategy/index.htm\)](http://www.hse.gov.uk/strategy/index.htm) for health and safety which has six key themes. Mike also advised the meeting that the [\[Smith Commission\]\(https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/474257/health-and-safety-in-scotland-review-aug-2015.pdf\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/474257/health-and-safety-in-scotland-review-aug-2015.pdf) recommended a review of the operational delivery of health and safety in Scotland. The review concluded that there were no significant health and safety reasons to change the reserved status of health and safety or HSE. The Partnership for Health and Safety in Scotland (PHASS) has been revitalised since the Smith Commission.
7. HSE research has shown that Scotland has an overall fatal injury rate lower than Wales but higher than England. Scotland has a specific issue with injuries and fatalities in farming and this is an area that HSE is focusing on.
8. Mike also advised of the Scottish Plan of Action for Health and Safety which all those in the Scottish health and safety system work together on to improve workplace health and safety. It is a living plan that will evolve over time based on the latest evidence and practical experience. This will be held on the Scottish Government's Fair Work website. This plan is based on the overall HSE approach of regulation ie focus on high risk sectors of which the three main ones are agriculture, construction and waste and recycling. HSE also adhere to the recommendations in Professor Löfstedt's independent [\[review\]\(https://www.gov.uk/government/publications/reclaiming-health-and-safety-for-all-lofstedt-report\)](https://www.gov.uk/government/publications/reclaiming-health-and-safety-for-all-lofstedt-report) of health and safety legislation.
9. Regarding enforcement issues, Mike stated that HSE will spend more time with those deemed as high risk and use a light touch approach with others. Any form of prosecution will be made on a case by case basis.
10. The Chair highlighted some inconsistencies in charging policies. Mike did state that there is an accumulation of Standards and Codes with some organisations being over prescriptive. To change the overall attitude to risk, everyone needs to understand the longer term implications.

#### **Action points:**

**\* Secretariat to provide members with Scottish Plan of Action for Health and Safety.**

#### **Agenda item 4: RRG workplan update**

11. This paper had been produced to provide an overview of how the recent internal changes in relation to better regulation could impact on RRG. It also provided an opportunity to reflect on the work of RRG and consider options for future work. The work RRG is undertaking is already close to the policy direction of Scottish Government such as the collaborative economy, government-sponsored voluntary regulation and business regulatory impact assessments (BRIAs). RRG as an independent group is vital to being a 'critical friend' to Scottish Government. However with the policy landscape changing and with the Scottish Government working within tight funding, it would be seen as beneficial for RRG's workplan to align with Scottish Government policy development. This would allow RRG to challenge and shape policy development at an early stage.
12. Consumer and Competition Policy Unit (CCPU) already has as a focus ethical regulation and there is now a need for RRG to consider this alongside the better regulation agenda to ensure that all regulation is fit for purpose.
13. The Chair did state that members, and others, did come to use with issues and we need to ensure that we still provide a two-way flow of information.
14. Mari Tunby commented that we needed to ensure that there was an evidence base of what RRG was trying to solve. Sheena mentioned that the CCPU team had recently produced a document which clearly stated our principals and [\[policy statement\]\( https://beta.gov.scot/publications/delivering-better-outcomes-consumers-businesses-scotland/pages/3/\)](https://beta.gov.scot/publications/delivering-better-outcomes-consumers-businesses-scotland/pages/3/).
15. It was agreed that members needed time to review this draft paper and if needed the Chair and Sheena would meet with individual members. The workplan to be added to February's meeting for a wider discussion.

#### **Action points:**

- \* **All members to consider RRG workplan paper.**
- \* **Chair and Sheena Brown to meet with individual members if required.**
- \* **RRG workplan paper to be added to agenda for February's meeting.**

#### **Agenda item 5: any other business (AOB)**

16. There were two items under AOB:

- \* Secretariat would appreciate suggestions from members for forthcoming agendas.
- \* Scottish Government phone numbers are changing. The direct line for secretariat is Wendy McCutcheon – 0131 244 1210.

#### **Action points:**

- \* **RRG members to provide suggestions for forthcoming meetings.**

17. There being no further business, the Chair closed the meeting by wishing everyone a Merry Christmas.

**RRG Secretariat  
January 2017**