

Regulatory Review Group Meeting Minutes

Wednesday 10 May 2017

Atlantic Quay, Glasgow

In Attendance:

Professor Russel Griggs OBE (Chairman)	CBI
Scott Walker	NFUS
Sheila Scobie	CMA
Ewan MacDonald-Russell	SRC
Marion McCormack	Scottish Government
Jill Rosie	Scottish Government
Wendy McCutcheon	Scottish Government

Apologies:

Susan Love	FSB
Alice Telfer	ICAS
Gregor Scotland	CBI
Garry Clark	Scottish Chambers of Commerce
Ian Cass	FPB
Robert Nicol	COSLA
Grahame Smith	STUC
Sarah Smith	Regulatory Delivery, BEIS
David Skilling	Scotland Office
Oonagh Gil	Scottish Government

Welcome & Introductions

1. The Chair welcomed everyone to the meeting and introduced Jill Rosie, who has recently joined the better regulation team as the better regulation policy manager.
2. The Chair also recorded RRG's sadness at the death of former RRG member, Douglas Sinclair.

Agenda Item 1 – Minutes of Previous Meeting

3. The minutes were approved and an update on action points provided. Marion McCormack declared an interest in Food Standard Scotland (FSS) in relation to action point 6. Marion sits on the strategy board of FSS.

Agenda Item 2 – Chairman's Report

4. The Chair provided an oral update on recent meetings listed in the tabled paper.
5. Liz Ditchburn, Director General Enterprise, Environment and Innovation, stated at her meeting with RRG Chair that she was supportive of the work of RRG.
6. The Chair highlighted that this year's Regulators and Sponsors event had been productive and well-attended. Discussion then followed over ensuring that this event remains fit for purpose and the need to plan for it throughout the year. RRG members were encouraged to consider items for inclusion. Involving

customers / business would be an area to consider for future events. The Chair suggested inviting FSS to the next event.

7. Jeane Freeman has tasked the Chair and Jo O'Hara, Head of Forestry Commission Scotland to look into community forest issues, such as putting tracks of land back into the community. This is a long-term commitment for communities of 70 years with a long lead-in period for income streams. Scott Walker highlighted potential areas of concern where forests are adjacent to farms such as maintenance of fences.
8. The CAP greening group has now had its first meeting. It is hoped that this work will be complete by the summer.
9. The Chair advised that due to current workload, and after discussions with the Chair of the Review of the Regulation of Legal Services group, he would not accept the position of sitting on the group. There will be limited regulatory issues and when they do arise, RRG Chair / RRG will be called upon for advice. Sheila Scobie mentioned that she had recently met with legal officials and following these discussions thought it would be helpful if the Review group was made aware of the Code of Practice.

Action Points:

- Secretariat to discuss with officials of the Review of the Regulation of Legal Services group the Code of Practice.

Agenda Item 3 – Scottish Consumer and Competition Taskforce

10. Laura McGlynn was unable to attend this meeting. However she will attend June's meeting. The Chair took this opportunity to provide an update on the work of the Business Rates group that he is a member of. Prof Griggs raised the issue of compliance by local authorities. For example, local authorities exempt charity shops from paying business rates. However, they are only exempt if they use the premises wholly, or mainly, for charitable purposes. Therefore larger charities could be eligible for paying rates. The question Prof Griggs posed to RRG was who in local authorities has responsibility for compliance policy. RRG secretariat is due to meet with Robert Nicol of COSLA and will pose this question. It was noted that the Northern Irish Government had previously carried out a review on the Small Business Bonus Scheme that is worth reading.
11. There was also a short discussion on the collaborative economy work. The Chair sits on the newly formed expert group that has been established to look at the collaborative economy. It would be helpful if RRG members were able to see and input into any papers from this group. It was also agreed that should RRG Chair not be able to attend a meeting, then a RRG member would be invited to attend. The Chair also requested that secretariat obtain a position update from UK Government on their work to date on the collaborative economy.

Action Points:

- **Secretariat to enquire about compliance procedures within local authorities.**

- **Secretariat to get update on the Westminster Group's Activity.**

Agenda Item 4 – RRG Workplan Update

12. The RRG workplan had been circulated to members. Marion McCormack talked through the workplan which will be updated to reflect discussions. In summary:

- RRG annual report – Prof Griggs is working on this and would appreciate any contributions from members.
- Voluntary Regulation Healthy Choices – it was agreed that further work on this review should not continue. However, secretariat and Ewan MacDonald-Russell will work together to produce a voluntary regulation template and guidance which will be embedded into Scottish Government policy.
- BRIAs have been expanded to include information on a Digital Impact Test and an expanded Competition and Consumer Impact Assessment section. Sheila Scobie offered to run a training session on this part of the BRIA as she had run similar sessions for colleagues who found this helpful. RRG Chair suggested that RRG provide Paul Wheelhouse, Minister for Business, Innovation and Energy with a paper outlining RRG's recent discussion on BRIAs and raising the potential for BRIAs to be considered mandatory in the future.
- Scottish Regulators' Code of Practice Review – the first meeting of the Review workshop had been held and RRG Chair sits on this group. Secretariat will be meeting with relevant policy officials to take this work forward.
- Mobile Traders Food Hygiene National Standard – Secretariat, in conjunction with FSS and SFELC, are organising a workshop for local authorities to ensure consistency in using this standard. A review of this Standard will be carried out in a year's time and it would be helpful if RRG could lead on this.
- Regulatory Forum – Secretariat to meet with SEPA to discuss.
- RRG Membership – membership of the group could be expanded to include those with a specific expertise if required in an area that RRG is looking at.
- It was agreed that this coming year, RRG would review the recommendations from Part 3 of the Fire (Scotland) Act review that RRG had carried out over the period 2014-2015.

13. Prof Griggs intimated that he would like to meet with Mike Russel MSP to discuss RRG's role in looking at regulatory issues around Brexit.

Action Points:

- **Secretariat to note and action the above comments around the workplan.**
- **Secretariat to arrange meeting with RRG Chair and Mike Russel MSP.**

Agenda Item 5 – Crofting Commission

14. Secretariat had recently met with Crofting Commission officials and will continue discussions with them around inclusion in the Scottish Regulators' Code of Practice. Additionally, the Crofting Commission is establishing a Bill team taking forward work around the future legislation of crofting. Scott Walker advised that

there was good dialogue ongoing with the European Commission. RRG agreed that they are keen to offer any regulatory advice to crofting commission officials as this Bill progresses. Catriona Maclean, Deputy Director, Rural Economy and Communities will be able to provide background information if required.

Action Points:

- **Secretariat to advise policy officials of feedback from RRG.**
- **Secretariat to note contact details of Catriona Maclean.**

Agenda Item 6 – AOB and Date of Next Meeting

15. There were two items under AOB:

- Air Weapons and Licensing (Scotland) Act 2015 – implementation of provisions requiring additional vehicles to be licensed under taxis and private hire car licensing. As Susan Love had raised this as a discussion topic, it will be brought forward to June's meeting.
- Suggestion for forthcoming agendas included inviting a Scottish Government official along to talk about the implications of regulation with Brexit.

16. Date of next meeting, Wednesday 21 June 2017 from 10 am – 12 noon.

Action Points:

- **Secretariat to note future agenda items.**

**RRG Secretariat
May 2017**