

Partnership on Health And Safety in Scotland

Better regulation: update on activity in Scotland (agenda item 3.8)

Issue

- 1 Implementing the better regulation agenda: its impact in Scotland.

Background

2 At the last meeting, members discussed the Scottish Executive's approach and how it differed in important respects from implementation in England and Wales. In summary SE were reluctant to adopt universal changes without evidence of their likely benefit to business; they preferred instead to continue the process of consulting closely with businesses to define specific measures which had clear support.

3 There had been discussions about a range of cross-regulator issues and HSE and the Scottish Executive intended to examine the options for better coordination. A meeting of regulators from devolved and reserved functions took place on 31 July. The content of this paper is drawn from the note of that meeting.

5 SE, HSE, FSA, Dundee, East Lothian, LACORS and SEPA were represented. Colin Mair, Local Government Improvement Service was unable to attend.

6 It was acknowledged that there was difficulty in gaining a full appreciation of precisely what was happening at the (UK) centre. Current understanding is that the main groups dealing with the issues are:

- (a) a strategic group - a Chairs and Chief Executives Forum, with representatives from the Office of Fair Trading, the Financial Services Authority, the Food Standards Agency (at chair level), the Environment Agency and HSE (at CEO level);
- (b) the Thematic Regulators Forum. However this group had already decided that it should cease to exist, and its work would be better shared between the strategic group and
- (c) RHING, a more operational group that met monthly and which would in future feed into the strategic group.

7 Neither SEPA nor Scottish LAs are directly represented on the "Whitehall" driven groups, although COSLA would be joining the Local Better Regulation Office (LBRO) steering group (but this is just one component of the better regulation co-ordination agenda).

PHASS/04/07

8 The key elements of work, which feed into the wider better regulation co-ordination agenda include:

- (a) the Hampton review recommendations.
- (b) the development of LBRO, aimed at reducing burdens on business/improving worker/ consumer/ environment etc protection;
- (c) the Legislative and Regulatory Reform Bill (LRRB) - currently going through the parliamentary process; soon to become an Act, which (through Statutory Instrument) would introduce a statutory Compliance Code (mandatory for reserved matters) to replace the voluntary Enforcement Concordat;
- (d) the standard cost model exercise;
- (e) the McCrory work on examining different approaches to penalties;
- (f) the Davidson work on “gold plating” of regulations;

LBRO

9 Its objectives are to help LAs:

- reduce burdens on business;
- maintain/improve protection for consumers/workers/citizens/environment and it would:
 - simplify priorities/performance management demands on LAs;
 - review the Home/Lead Authority principle;
 - advise central Govt on enforcement/compliance of new legislation; and
 - work with partners to address concerns re unnecessary burdens.

10 LA regulation areas for LBRO include: trading standards; health and safety; food control; environmental protection; business and street trading licensing; housing and other public health issues.

11 Representatives at the meeting acknowledged that if they were to influence the scope and nature of LBRO and its application in Scotland, an early response to the Chairs/CEO Forum was required in time for their September meeting. As part of the response, it was proposed that the Local Government Improvement Service (who had previously offered resource) should be commissioned to carry out work with trading standards/ environmental health bodies to establish the current position and provide proposals for future improvements/better delivery. This work would then provide the basis for a co-ordinated Scottish response. LACORS agreed to set up a meeting with LGIS to take this forward.

Compliance Code

12 There would be a further opportunity to comment on this when the SI was drafted. The feeling amongst representatives at the meeting was that current practice in Scotland already fell into line with the requirements of the Code. (To reflect the devolved situation, the Code might have to be adapted and used on a voluntary basis by organisations currently using the Concordat. In practical terms it was unlikely to make much difference).

Information exchange

13 Representatives agreed that there was scope for better sharing of business data, consumer complaints, business registers, co-ordinated communication on standards, better understanding of the role of regulators etc. The challenge would be

to find the mechanisms to do so. It was noted that SEPA had created a website guide for small businesses to help them comply with environmental legislation. This was regarded as a good example of the type of initiative, which could lend itself to contributions from all regulators rather than have each organisation duplicate the exercise individually.

Future meetings of a Scottish regulators' forum

14 It was agreed that in the short term, representatives should communicate on an informal basis. Other regulators eg COPFS, SEERAD, Care Commission, etc could be drawn in as the need arose. A further meeting will be arranged in approximately 6 months time, or earlier if there were a need to review the evidence provided by the Improvement Service.

Action

15 The committee is invited to note and offer comments on these developments.

September 2006