Written submission from the Regulatory Review Group

The Regulatory Review Group would like to offer the following observations in response to Rural Affairs, Climate Change and Environment Committee’s call for evidence on the Regulatory Reform (Scotland) Bill. The Regulatory Review Group (RRG) is an independent business-led committee which works to promote and develop a culture and environment where both business and Government work together to create better regulation for all.

The RRG works with the Scottish Government to actively promote an improved regulatory landscape and reduce unnecessary burdens on business. From an early stage, we have been involved in informal discussions and stakeholder events with policy officials and the Minister for Energy, Enterprise and Tourism to influence thinking and development on the bill, principally on the enterprise elements, to ensure that it delivers the principles of better regulation, and consistency in particular.

Consistency in delivery and implementation are also key competitively. Issues around inconsistent interpretation, implementation and enforcement of regulation frequently come to the attention of RRG – both in generic and specific terms. While recognising that good examples of consistency being applied do exist, and that decisions need to be taken at the right level, a Scotland wide consistent approach can provide greater efficiency and effectiveness. Decisions need to be made in the right place and level, and in many cases that may be very local, but consistency in process and procedures is clearly required to support and deliver better regulation.

Respecting the principles of better regulation requires an approach that ensures regulation is transparent, proportionate, consistent, accountable and targeted only where needed. Regulation is necessary to provide protection but it also has an important role in driving competitiveness and economic growth – the Government’s main purpose. Ensuring regulators consider the contribution of their regulatory activity on sustainable economic growth, while finding the appropriate balance between economic and other regulatory objectives, is key to this.

RRG encourages and works with regulators to help ensure they adopt an enabling, risk based approach. While not all regulatory issues can be handled in the same way, proportionate, effective and consistent regulation should be built into any future system to become the cultural norm and deliver the desired efficiency and simplification.

Our annual reports have previously commented on the good progress SEPA has made in making better regulation work in practice and we hope the framework within the Bill will enable them to build on this. SEPA has made significant steps in the right direction by introducing much needed proportionality to environmental regulation by relating enforcement and compliance directly to risk to the environment. For many businesses their activities are, by and large, of low environmental risk and compliance issues are almost always a reflection of “confused” operators rather than those that would be placed in the “careless”, “chancer” or “criminal” categories. We

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1 This response reflects the collective view of RRG but the position of individual member organisations may vary on some aspects.
would like to see implementation of the SEPA’s change proposals result in the delivery of real changes to existing registration, licensing and charging regimes to truly reflect the degree of risk to the environment. These changes must move environmental regulation and its enforcement away from a catch all, ‘belt and braces’ approach that often results in more than just the polluter paying.

RRG would be happy to engage further with you on this as your considerations progress.