

FOOD STANDARDS SCOTLAND - DRAFT REGULATORY STRATEGY

RESPONSE FROM FSB SCOTLAND

Introduction

The Federation of Small Businesses (FSB) welcomes the opportunity to respond to Food Standards Scotland's consultation on its draft regulatory strategy.

FSB Scotland offers expert support and advice to over 18,000 smaller businesses, many of whom will be affected by the work of Food Standards Scotland (FSS), whether in food production, retail or hospitality. We also have an interest in wider regulatory strategy for Scotland and are represented on the Regulatory Review Group in Scotland.

We welcome the engagement we have had with FSS on the development of this strategy and hope to continue discussions as the strategy moves towards implementation.

This response sets out a number of comments about the draft strategy. In many cases, these relate to the need for further detail and/or information on priorities outlined in the draft strategy.

Comments

1. Better Regulation

The commitments given to ensure FSS meets the duties of the Regulatory Reform (Scotland) Act 2014, as well as striving for best regulatory practice are welcome. However more detail on certain commitments would be welcome. For example, in paragraph 3.2 FSS refers to its aim to eliminate obsolete and inefficient regulation and tackle inconsistencies.

While this is a strategy document, nonetheless some detail about planned processes or actions to achieve these aims would be useful, for example, how the impact of change might be measured and whether these might be reflected in performance indicators referred to in paragraph 7.2. Lastly, we would welcome further detail in relation to National Standards (referred to in paragraph 5.19).

2. Voluntary Regulation

Some of the challenges associated with voluntary regulation, as well as the need for further consultation, are set out in the document. We agree that further discussion is required on the merits of voluntary and statutory regulation, recognising that different types and size of business require different approaches. Sanctions for non-participation with voluntary regulation, in particular, needs further consideration before it features in strategy. These discussions may impact upon the ways of working set out in paragraph 2.10.

3. Business Support

We very much welcome the commitment of FSS proactively working with business support organisations to provide a more joined-up service of advice and support to businesses. We need to see a more consistent way of working between Scottish regulators and business support bodies and would welcome further discussions with FSS about how this could be improved. In particular, future mechanisms for registration (as referred to in paragraph 5.23) should consider whether closer involvement with Business Gateway or other council services would be helpful. For clarity, paragraph 5.18 should also refer to involving local government, as the principle providers of the Business Gateway service.

4. Sanctions

We understand that consumer protection must remain FSS's overriding priority. It is, however, right to reflect that recent events have highlighted the need to ensure that small businesses have accessible, fair routes of challenge and appeal. Reviewing current processes to ensure small businesses feel they will be treated fairly in regulatory matters should be considered as part of the work outlined in paragraph 5.22.

5. Future Funding

We note the need to respond to non-compliance flexibly, as set out in the compliance spectrum. However, the link between the 'polluter pays' principle, improving compliance and routine inspection fees is less clear. In the current challenging business environment, we would strongly oppose any disruptive changes to charging structures.

Further information and contact

For further information on any of the points raised in this submission, please contact Susan Love, Policy Manager on susan.love@fsb.org.uk or 0141 221 0775.