

**Minutes of Board update meeting on 21 May 2021, 10:00 – 14:00
(Held on MSTeams)**

Present

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| Jim Martin (JM) | Chair |
| Richard Dixon (RD) | Member |
| Marie Fallon (MF) | Member |
| Paul McAleavey (PM) | Member |
| Annalisa Savaresi (AS) | Member |

In attendance

Transition Team:

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| Brendan Callahan (BC) | Interim CEO |
| Neil Langhorn (NL) | Head of Interim Strategy Development |
| Jamie McGrandles (JMcG) | Head of Investigations |
| Rebecca Peppiette (RP) | Head of Secretariat |

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| 1 | Board closed session |
| 2 | Welcome |
| | <p>As an ongoing declaration of interest RD shared that, as part of his remit with Friends of the Earth Scotland, he takes part in air quality and transport related campaigning and manages their air pollution campaigner.</p> <p>RD and AS have also previously been members of the steering group that carried out the independent review of the Scottish Government's Cleaner Air for Scotland Strategy.</p> <p>The minutes from 30 April 2021 were approved. The running list of matters arising was reviewed.</p> |
| 3 | CEO Update |
| | <p>BC shared the ESS draft milestone plan, a high-level document that maps out the critical path of ESS set-up pre and post-vesting. The plan also highlights items that need to be considered, and/or approved, by the Board.</p> <p>It was agreed that the investigation complaints and appeals procedure will be included in the milestone planner, and that the Environmental plan, and Equalities and Diversity plan, will to be brought forward in the scheduling.</p> <p>A staffing structure paper is also being prepared, based on previous discussion on the ESS interim strategy and investigation functions. Separately, the transition team is progressing with the specification for a data/content management system.</p> <p>This all links to the ESS business model, ambition and planning going forward, which will in turn inform submissions to the SG spending review process in Summer 2021.</p> |

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| 4 | Governance |
| | <p>RP shared the draft budget, and plans for the establishment of the Audit and Risk Committee.</p> <p>The Scottish Government Framework was also shared with adjustments as discussed previously. The Board requested further updates: to pull over further information from the legislation on budgets and confidentiality of proceedings; committee set-up; civil service recruitment and remuneration; shared services reviews; clarification on other environmental governance bodies and co-operation internationally; and a simplification of the term Board ‘members’ for plain English purposes.</p> <p>NL updated the Board on the approach to bringing in analytical support through a number of options that are being actively pursued. Short-term support should be available from the end of June, and longer-term support from the Autumn.</p> <p>The communications company procurement is now live with a view to the final communications strategy being presented to the Board at the end of August. The legal contract will be extended to the end of the calendar year and the web hosting for a further year. HR procurement is about to be launched to cover both payroll and support requirements.</p> <p>The accommodation business case has been developed for Minister consideration. Further work is being carried out regarding health and safety, office security access control and IT surveys.</p> <p>An update was provided on recruitment in the business and investigation teams. The Board agreed the principle of recruiting three senior investigation officers.</p> <p>A paper on stakeholder meetings was provided, with a verbal update on progress including a positive meeting with the Joint Nature Conservation Committee and the principles of developing Memorandums of Understanding with key organisations.</p> |
| 5 | Interim Strategy |
| | <p>NL introduced the draft overview of the ESS interim strategy. The Board agreed that the interim strategy will also include the corporate plan. A separate business/delivery plan will also be developed to cover the first year of operation.</p> <p>Through discussion on the potential size of the monitoring and evaluation team, it was agreed that a team of approximately 5-10 staff members will be required, with consideration also given to contracting analytical support and working collaboratively with other organisations. This will ensure ESS is proactively</p> |

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| | <p>involved in reviewing compliance and effectiveness through data, rather than solely through representations.</p> <p>With this team, ESS will have capacity to undertake/commission the analysis of data sources and reports prepared by other organisations, and as required, also publish a series of reports on a planned regular cycle. ESS will also take a prominent role in driving improvements in the availability and interpretation of environmental data.</p> <p>The Board also considered ESS' approach to resolving cases without recourse to formal interventions. It was agreed that a broad statement of intent on agreeing resolution within reasonable timescales should be clearly set out as standard. However, where there is an immediate need, or if a longer dialogue is required in the information gathering stage and/or resolution stage, then flexibility will be needed. Discussion included the level of information that will be published, to ensure ESS remains transparent in its operation.</p> <p>Finally, the Board agreed that ESS should have its own clear and high-level statement for determining whether a matter is "serious".</p> <p>A draft of parts of the interim strategic plan will be sent to the Board in June for consideration and discussion at the next meeting.</p> |
| 6 | Investigation planning |
| | JMcG gave an interim verbal update on air quality research and will report more fully to the Board in June. |
| 7 | Any Other Business |
| | <p>Future schedule of meetings:</p> <p>Friday 25 June 2021, Friday 30 July 2021, Friday 27 August 2021.</p> |

James Martin
Chair, Environmental Standards Scotland
25 June 2021