

**Minutes of Board meeting held on 24 September 2021, 10:00 – 14:00  
(Held on MSTeams)**

**Present**

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

**In attendance**

Transition Team:

Brendan Callaghan (BC)	Interim CEO
Neil Langhorn (NL)	Head of Interim Strategy Development
Jamie McGrandles (JMcG)	Head of Investigations
Rebecca Peppiette (RP)	Head of Secretariat
James Aldred (JA)	Business Manager (Minutes)
Dr Rupert Hough (RH)	SEFARI Fellowship (Item 5)

<b>1.</b>	<b>Private session</b>
<b>2.</b>	<p><b>Welcome and declaration of interests</b></p> <p>RD's and AS' declarations of interest related to air quality matters, and membership of the steering group that carried out the independent review of the Scottish Government's Cleaner Air for Scotland Strategy, remain current. These are listed in the publicly available Board Minutes of May and June 2021.</p> <p>The minutes from the August meeting were approved.</p> <p>The running list of matters arising was reviewed and approved. Items 7 and 8 were noted as deferred to the October Board meeting.</p>
<b>3.</b>	<p><b>CEO update</b></p> <p>BC noted recent media interest in the issue of sewage discharge into rivers and the capacity of sewer systems to handle peak storm events.</p> <p>BC reported on proposed amendments to the Environment Bill in the House of Lords, arising from criticism of the proposed level of ministerial oversight of the Office of Environmental Protection's budget and appointments.</p> <p>The Board then reviewed the milestone planner, noting that the Commencement Order had been laid in Parliament and would come into force on 1 October 2021. BC reported that liaison was underway with the Scottish Government to ensure ESS is appropriately included in external whistleblower arrangements, and that the implementation of the court rules necessary to allow ESS to apply to the Court of Session for enforcement</p>

	<p>against non-compliant bodies was likely to have a lead time of between 3 and 6 months. These issues would not affect the proposed vesting date.</p> <p>The Board confirmed its support for the vesting date and thanked the Transition Team for the work carried out to date.</p>
<p><b>4.</b></p>	<p><b>Governance</b></p> <p>RP presented an update on the ESS budget, noting no items of concern.</p> <p>The Board reviewed the draft risk register and noted that the Audit and Risk Committee would consider the full set of risk papers at its next meeting, prior to a future Board discussion.</p> <p>On communications, arrangements for the formal launch event were discussed and the associated list of FAQs reviewed. The Board requested that a paper be brought to a future Board meeting on the continued development and proposed delivery of the Communications Strategy.</p>
<p><b>5.</b></p>	<p><b>Analytical services update</b></p> <p>RH gave a presentation on the SEFARI Fellowship's work to date, noting the intention to derive and develop a shortlist of environmental priorities for ESS. The draft framework took into account the existence and clarity of policies in the area, as well as evidence of current compliance or lack thereof.</p> <p>In discussion, Board members recommended additional sources of information for consideration, including existing public sector analyses of environmental priorities and reports from the Climate Change Committee. The DPSIR (Drivers, Pressures, State, Impact, Responses) conceptual framework, as used by the European Environment Agency, was also recommended for consideration in analysing potential priorities.</p> <p>The Board noted the value of the work in ensuring ESS' limited resources are targeted towards key priorities, and the limited timescale available for a clear statement of priorities to be developed.</p> <p>The Board thanked Dr Hough for the presentation and for his work to date.</p>
<p><b>6.</b></p>	<p><b>Interim Strategy</b></p> <p>NL presented the proposed approach to engagement and consultation regarding the Interim Strategic Plan. In discussion, the Board noted that the upcoming COP26 conference would likely reduce the capacity of some stakeholders to engage, and requested that the consultation of EU bodies and stakeholders be considered.</p>

	<p>The proposed approach was approved.</p> <p>The Board requested that a small print run of the Interim Strategy be undertaken to provide hardcopies for distribution to stakeholders, ministers, etc.</p> <p>NL noted the twin legislative requirements that a) within six weeks of completing the formal consultation, the proposed final Strategy must be sent to the Scottish Government for information, and b) the final Strategy must also be shared with Parliament within a year of ESS' vesting date. More detailed proposals for the formal consultation approach would be brought to a future meeting of the Board.</p>
<p><b>7.</b></p>	<p><b>Investigations and representations</b></p> <p>JMcG reported that no further representations had been received since the last Board meeting.</p> <p>On the proposed points of communication during investigations, Board members requested that the mention of judicial review be clarified to include joining judicial reviews brought by other organisations.</p> <p>The Board noted that the consideration of draft investigation reports was likely to require close scrutiny and detailed discussion, and suggested that the Board, or a subset of it, sit as a separate ad-hoc committee for this purpose.</p> <p>The approach was agreed with these amendments.</p>
<p><b>8.</b></p>	<p><b>AOB</b></p> <p>The Board noted that Scottish Government guidance continued to discourage face-to-face meetings, and resolved that its next meeting would be held virtually. Date of next meeting: Friday 29 October 2021.</p> <p>Forward dates: 3 December 2021 28 January 2022 25 March 2022</p> <p>Forward Audit and Risk Committee meeting dates: 18 October 2021 22nd November 2021 17th January 2022 14th March 2022</p>

**James Martin**  
**Chair, Environmental Standards Scotland**  
**29 October 2021**