

ENVIRONMENTAL Standards Scotland

Minutes of Board meeting held on 10 December 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 Strategy and Analysis
Jamie McGrandles (JMcG)	Head of Investigations
Rebecca Peppiette (RP)	Head of Communications and Corporate Services
James Aldred (JA)	Business Manager (Minutes)

1.	Private session
2.	Welcome and declaration of interests 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 were originally listed in the publicly available Board Minutes of May and June 2021. RD declared an additional potential interest in that Friends of the Earth Scotland were actively involved in opposing the Cambo oil field development, which was the subject of an enquiry being reported to the Board. As the report in question was for information only and did not require a decision from the Board, he remained in the meeting during its discussion.
3.	Minutes and matters arising The minutes of the previous meeting were approved. RP noted that a revised Model Code of Conduct for members of devolved public bodies had been approved by the Scottish Parliament. This was to be circulated to the Board for information and ESS' Standing Orders reviewed accordingly. The Board requested that a briefing on ESS' staff induction arrangements be brought to the next meeting for information.
4.	CEO update BC reported that a paper had been received from RSPB Scotland on issues of possible interest to ESS, and undertook to circulate this to the Board for information.

Discussions were reported to be underway between the EU and the devolved administrations regarding the development of a Cooperation Forum between the European Commission and the supervisory bodies for the environment within the United Kingdom, as required under Article 395 of the Trade and Cooperation Agreement. BC undertook to circulate further information to the Board by correspondence.

5. Governance

The Board reviewed and approved the October minutes of the Audit and Risk Committee.

MF provided an update on the November meeting of the Committee, including discussion on the budget, noting that the Committee had requested that the likelihood of increased energy costs be reflected, and that the position on insurance requirements for ESS staff and Board members be clarified. The Committee had also reviewed the risk register and the proposed delegation limits, which had been approved with some minor amendments to delegation levels.

The Board then received and considered the draft Business Plan 2021/22 – 2022/23, noting that the document intended to lay out how ESS would operationalise the strategic direction laid out in the agreed Interim Strategy, and that a new Plan would be produced once the final Strategic Plan 2022-25 had been developed and agreed.

In discussion, the Board requested:

- To include reference to the development of stakeholder relationships under the 'work to date' section.
- That the section on 'Taking action to ensure compliance and effectiveness' be reviewed to place greater emphasis on the potential use of ESS' formal powers in cases of persistent non-compliance.
- That the 'Monitoring and evaluation' section be reviewed to consider including reference to international engagement and keeping pace with international developments, and to consider including preparation for ESS' input to the upcoming Scottish Government review of environmental governance.
- That the draft distribution of resources be reviewed for accuracy and validity given the early stage of ESS' operation.

It was agreed that a revised version of the Plan would be circulated for agreement by correspondence.

The Board reviewed the revised risk register, noting that it had been reviewed and recommended by the Audit and Risk Committee, and approved it for use as a baseline for future review and monitoring. It was requested that the register be brought as a standing item to future Board meetings.

RP presented the updated budget report, noting that a piece of work would be undertaken to reprofile the 2022/23 budget in light of the confirmation of ESS' funding settlement for the next year, and that a revised budget would be brought to the January meeting.

The Board reviewed the proposed revisions to the Framework Document and approved it as amended.

On communications, RP reported that ESS' comms provider had undertaken a review of the website and made recommendations to improve readability and user-friendliness, which would be taken forward appropriately.

On stakeholder engagement, NL noted that two information sessions were being organised to be held in January, one for community groups and members of the public and the other targeted at key stakeholders but open to all. Board members were invited to participate.

6. Strategy and Analysis

NL presented the report on the proposed development of ESS' analytical function and outline staffing structure.

In discussion, the Board noted that ESS' primary role in this area was expected to be the collation and synthesis of data gathered and analysis undertaken by other bodies, supplemented by ESS' own analysis where necessary. As a result, it was requested that the proposed structure be reviewed to increase the focus on policy, legal and technical knowledge and potentially reduce the focus on statistical expertise.

The Board also requested that the team's balance of priorities be reviewed with a view to increasing the focus on supporting developing and ongoing investigations with research and analysis.

Given the short timescales for the recruitment of the Heads of the teams, the Board requested that NL and BC undertake an initial discussion with PM and AS to review the job descriptions for these posts prior to commencing this recruitment, in line with the discussion referred to above.

NL was requested to review and reframe the staffing structure as appropriate in accordance with discussion, and to consider potential matrix management requirements for the provision and resourcing of cross-service support, and to bring back revised proposals to the February meeting of the Board.

NL then introduced the paper on proposals for establishing liaison arrangements and formal relationships with other scrutiny, advisory and regulatory bodies, noting that this

	had previously been circulated to the Board for correspondence. The proposals were approved.
7.	<p>Investigations and representations</p> <p>JMcG introduced the report on representations and enquiries received since the previous meeting of the Board, noting that if any issues were proposed to go forward to full investigation, a further paper would be brought to the Board for confirmation.</p> <p>The Board reviewed the detail of the report and noted the spread of issues raised and the work undertaken by the investigations team to review and analyse these.</p>
8.	<p>AOB</p> <p>The Board requested that the current approach to the circulation and publication of Board papers and minutes be reviewed to ensure confidentiality was being appropriately maintained.</p> <p>The Chair requested that a date be found in January for an informal meeting of the Board, to last 2 hours.</p>

James Martin
Chair, Environmental Standards Scotland
3 February 2022