

Minutes of Environmental Standards Scotland (ESS) Board meeting held on 25 March 2022, 10:00 – 14:00

DRAFT - SUBJECT TO APPROVAL AT 20 MAY 2022 BOARD MEETING

Board Room, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

Present

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

In attendance

Brendan Callaghan (BC)	Interim CEO
Neil Langhorn (NL)	Head of Strategy and Analysis (via TEAMS)
Jamie McGrandles (JMcG)	Head of Investigations, Standards and Compliance
Rebecca Peppiette (RP)	Head of Secretariat
James Aldred (JA)	Business Manager (Minutes)

1.	Private session
2.	<p>Welcome and declaration of interests</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 were originally listed in the publicly available Board Minutes of May and June 2021.</p> <p>Minutes and matters arising</p> <p>The minutes of the previous meeting were approved. On the matters arising, BC noted that proposed RSPB meeting dates were still to be confirmed.</p>
3.	<p>CEO update</p> <p>BC updated on recruitment progress, noting a consistently high level of interest and standard of applications:</p> <ul style="list-style-type: none"> • Recently appointed posts - Senior Communications Officer; Strategy and Policy Officer; and two Business Support Officer posts; • Posts currently live – Chief Executive Officer; Head of Strategy and Analysis; Head of Policy Analysis and Horizon Scanning; and Principal Scientific Advisor;

	<ul style="list-style-type: none"> • Posts shortly to be advertised - Head of Corporate Services and Communications; Lawyer; Business Manager; and Audit and Risk Committee co-opted members. <p>On the milestone planner, BC noted some challenges in the implementation of the SEAS finance system.</p> <p>RP shared that joint working was underway with the Scottish Fiscal Commission and Consumer Scotland, to support the further development of finance and HR processes and procedures.</p> <p>RP reported that requirements against equalities, climate change and similar reporting duties were being assessed, and that work was underway to scope and collect the information required. RP undertook to bring a list of reporting requirements to the next Audit and Risk Committee.</p>
<p>4.</p>	<p>Strategy and Analysis</p> <p>On the proposals for consultation on the Strategic Plan, NL introduced the paper, noting that consultation questions had been developed to align with requirements in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.</p> <p>Regarding the proposed targeted engagement with business representatives, NL confirmed that in addition to business representative organisations such as: Chambers of Commerce; Confederation of British Industry; and Federation of Small Businesses; a key target group would be those businesses engaged in land ownership and management (e.g. through National Farmers Union Scotland and Scottish Land and Estates). The Scottish Environmental Protection Agency had also offered to assist with making contacts with regulated businesses in relation to their functions.</p> <p>Board members also undertook to support consultation sessions, including one with European Union (EU) based stakeholders.</p> <p>The Board:</p> <ul style="list-style-type: none"> • Requested a revision to the question under Section 3 to read ‘Are there any other factors that you think we should consider in exercising our functions?’; • Approved the approach to ask open questions and gather comments (including one on our proposed early priorities); • Approved the proposed draft structure and consultation approach, as amended. <p>NL and BC presented the proposed framework for analysis prioritisation, noting the aim to review and prioritise issues identified both through representations and horizon scanning.</p> <p>In discussion, the Board:</p>

	<ul style="list-style-type: none"> • Agreed the need to ensure a strong baseline of evidence and data to support the outcomes of the prioritisation exercise, and requested a further review of published data and reports be undertaken in-house; • Requested that certain cross-cutting issues, such as keeping pace with EU legislation, be separated out and included as part of the proposed horizon scanning methodology; • Requested that the shortlist of high-level key issues be circulated by correspondence prior to the May Board for comment, then brought to the May Board 2022 for approval, to be consulted on as part of the wider Strategic Plan; • Requested that revised proposals for our approach to prioritisation be developed and brought to the Board for discussion.
<p>5.</p>	<p>Investigations and representations</p> <p>JMcG introduced the report on representations and enquiries received to date. The Board thanked the Senior Investigation Officers for their reports, and requested that a summary table of cases, alongside current status, be included in the cover report for future meetings.</p> <p><i>At this point RD left the meeting in accordance with his declarations of interest.</i></p> <p>The Board received and considered an update on the progress of the Air Quality investigation. JMcG reported that all Local Authorities with Air Quality Management Areas currently in place had been contacted. A draft investigation report (providing specific recommendations, timescales for response, and actions to be taken) will be brought to the Board for discussion, as soon as all the responses have been gathered and assessed.</p> <p><i>At this point RD rejoined the meeting.</i></p>
<p>6.</p>	<p>Governance</p> <p>The Chair updated the Board on Scottish Government Public Appointments planning to expand the ESS Board’s membership from four to six.</p> <p>The Board reviewed and approved the January minutes of the Audit and Risk Committee (the Committee).</p> <p>MF provided an update on the March 2022 meeting of the Committee, noting that:</p> <ul style="list-style-type: none"> • MF had attended the Audit Committee Chairs Network, hosted by the Scottish Fire and Rescue Service, to share experiences, common issues and good practice; • The September 2022 Committee would undertake to scrutinise Executive Team contingency planning to review options for future use of projected financial underspend, and would review the current operation of the risk register and risk management approach; • The process for co-opting members onto the Committee was underway, with an aim to recruit two additional members;

	<ul style="list-style-type: none"> • Future meetings of the Committee would include ‘deep dives’, with initial outline topics: the challenges and benefits of the setup of a new organisation during a pandemic; and, the risks and benefits of ESS’ current reliance on shared services. <p>The Board reviewed the reported risk register, noting that it had been considered by the Audit and Risk Committee at its March 2022 meeting. RP undertook to circulate a copy of the draft Business Continuity Plan to the Board, in advance of bringing it to the May 2022 Board meeting for further discussion.</p> <p>RP introduced the budget report, noting an increased projected underspend due primarily to unfilled posts and unused consultancy service contingencies. This had been reported to Scottish Government.</p> <p>The Board reviewed proposals for the presentation of ESS’ first Annual Report to Parliament, noting the proposed approach to package and present the Report alongside the Strategic Plan consultation process. The Board requested that current and planned Parliamentary engagement be summarised in the appropriate section, and approved the recommendations.</p> <p>On communications, RP presented recent activity and noted an upcoming update to the ESS website content on investigations and representations. The Board requested that the stakeholder engagement section includes summary information on areas of interest in future Board papers.</p>
7.	<p>AOB</p> <p>It was reported that a New European Scientific Advisory Board on Climate Change had been established.</p> <p>The Board approved the proposed forward meeting plan. The Chair noted his possible non-attendance at the 29 July 2022 meeting and requested that the Chair of the Audit and Risk Committee chair in his absence if required.</p>

James Martin
Chair, Environmental Standards Scotland
1 April 2022