

Board Meeting held on Friday 18 August 2023, 13:15 – 16:45

Boardroom, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

Board:

Jim Martin (JM), Chair
 Richard Dixon (RD)
 Marie Fallon (MF)
 Paul McAleavey (PM)
 Annalisa Savaresi (AS)*
 Morag Sheppard (MS)*
 Chris Spray (CS)

Attendees:

ESS Team (Items 2-7 as noted):
 Mark Roberts (MR), CEO
 Neil Langhorn (NL), Head of Strategy and Analysis*
 Jamie McGrandles (JMcG), Head of Investigations, Standards and Compliance
 Rebecca Peppiette (RP), Head of Corporate Services and Communications
 Susan Kenworthy (SK), Senior Investigations Officer**
 Alan Hunt (AH), Head of Policy Analysis and Horizon Scanning***
 Hannah Eamer (HE), Senior Policy Analyst***
 Katie Thomson (KT), Data Analyst***
 Charlotte Lowe (CL), Governance Lead (Minutes)

*via Microsoft Teams

** present at item 5 only

*** present at item 4 only

1.	Private session
2.	<p>Welcome and declaration of interests</p> <p>The Chair welcomed Board members and attendees to the meeting. There were no apologies.</p> <p>CS raised a potential conflict of interest through his role as a member of the Scottish Biodiversity Programme Board Advisory Group, which acts to provide expert scientific and evidence based advice to Scottish Government and NatureScot.</p> <p>Members were reminded that any significant conflicting interests should be raised at the point that they become relevant.</p>

Minutes and matters arising of previous meetings

The minutes of the 25 May 2023 and 5 July 2023 Board meetings were approved.

On the matters arising, the Board sought further details on the formation of an international advisory panel, noting that work is ongoing to recruit expert members. The Board requested an update on the Community and Engagement programme, which is in progress and due to become operational in autumn 2023.

3. CEO update

MR updated the Board on ESS' key activities and milestones, as well as policy and legislative changes in Scotland and across the UK, since the last Board meeting.

On the milestone planner, the Board requested the inclusion of key dates for the international advisory panel. The Board also sought clarity on any milestones that have been delayed and requested these are clearly presented in future reports.

4. Strategy and Analysis

At this point HE and AH joined the meeting.

MR introduced the paper on the Scottish Government's review of environmental governance, seeking a steer from the Board on forming ESS' draft response to the upcoming consultation.

In discussion, the Board noted the narrow scope of the review, and made a number of recommendations for the consultation response including:

- to take a helicopter view of the system to highlight potential gaps
- to consider issues relating to individual regulatory decisions and limits to administrative justice
- to consider crossover with investigatory work, such as ongoing monitoring of access to environmental justice

MR clarified the next steps for responding to the consultation, noting that the response will be finalised by correspondence ahead of submission by the consultation deadline.

At this point KT joined the meeting.

AH presented the paper on the Scottish Government's consultation on the Human Rights Bill. The Board discussed proposals for ESS' consultation response, and:

- noted the interaction between this Bill and the environmental governance review
- considered the interaction between different rights contained within the Bill
- highlighted the need for a clear and robust definition of the right to a healthy environment
- stressed the importance of the enforceability of the right.

AH presented progress on the analytical project scoping the issues around biodiversity decline, highlighting key priorities and potential strands of work to pursue, forthcoming consultations by the Scottish Government on the topic, and initial recommendations for next steps. In discussion, the Board:

- recommended a greater focus on pressures, as well as mitigation strategies and implementation
- agreed to progress work on the invasive non-native species analytical priority, including the use of a call for evidence

NL introduced the monitoring and analysis update, highlighting key updates to milestones and outputs to March 2024.

The Board thanked the team for their work. *At this point HE, AH and KT left the meeting.*

5. Investigations and representations

JMcG provided an update on ongoing casework, highlighting a number of cases moving towards informal resolution. Given an increase in new enquiries and representations, the Board sought reassurance on the resourcing of the Investigations team, noting that a new Senior Investigations Officer joined ESS in August.

At this point SK joined the meeting.

JMcG updated the Board on the progress of the investigation into Local Authorities' climate change duties, highlighting that informal resolution has been achieved in three of the five recommendations made to the Scottish Government. The Board considered pathways to securing implementation of the remaining two recommendations, and agreed:

- to progress drafting an improvement report to the Scottish Government in respect of reporting on Scope 3 emissions
- further consideration is required into how recommendation five, regarding the appointment of a monitoring body, could be operationalised

The Board thanked the team for their work. *At this point SK left the meeting.*

6. Governance

MF provided a verbal update on activities of the Audit and Risk Committee, highlighting an overall annual assurance opinion of substantial was given by Internal Audit, and that the Committee has undertaken a self-assessment exercise which will be reported to the Board's next meeting.

RP gave a verbal update on the ongoing external audit process, noting that the team is progressing the auditors' requests and recommendations. RP set out the next steps, including the approval and laying process.

	<p>RP presented an update on expenditure to date, updates to the 2023/24 budget, and indicative proposals for the 2024/25 budget. The Board approved the revised budget, staffing proposals for 2023/24, and an in-year budget return of £150,000.</p> <p><i>At this point AS left the meeting.</i></p> <p>CL presented the updated risk register, highlighting minor changes to risk scoring and risk appetite. The Board agreed to consider ESS' future role in monitoring and reporting in the context of being a threat or opportunity by the end of 2023.</p> <p>The Board thanked the team for their work.</p>
7.	Any other business In case of the Chair's absence, the Chair nominated RD to deputise where required. The Chair updated the ESS team that MS will join the Audit and Risk Committee.

Jim Martin
Chair, Environmental Standards Scotland
29 September 2023