

**Minutes of the Environmental Standards Scotland Board Meeting held on
Thursday 25 May 2023, 13:00 – 16:00**

Board Room, 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*
Ailie Clarkson (AC), Head of Data and Quantitative
Analysis**
Ailsa Stroud (AiS), Principal Scientific Advisor**
Charlotte Lowe (CL), Governance Lead (Minutes)

*Present at item 5 only

**Present at item 4 only

1.	Private session
2.	Welcome and declaration of interests The Chair welcomed Board members and attendees to the meeting. 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. The Board approved the minutes of the previous meeting.

3. CEO update

MR provided an update to the Board, highlighting:

- completion of the air quality investigation improvement report process in the Scottish Parliament, which included an evidence session at the Net Zero, Energy and Transport Committee attended by MR and JMcG
- work in preparation for the upcoming release of the Scottish Government's review of environmental governance
- staffing updates, including two upcoming student placements from the Scottish Graduate School of Social Science (SGSSS) and the appointment of AiS to the Natural Environment Research Council's Future Leaders Council

In discussion, the Board considered:

- next steps in recruiting an internal lawyer, and membership of the international advisory panel
- approaches to analysis and communications around the environmental governance review and the Retained EU Law (Revocation and Reform) Bill ("the REUL Bill")

On the milestone planner, it was noted that a map of relevant legislation and regulations is in development and would be shared with Board members.

4. Strategy and Analysis

At this point AC and AiS joined the meeting.

NL provided an overview of the analytical projects: Progress Against Air Quality Targets for particulate matter; and Sewage Discharge into the Aquatic Environment. The analysis, emerging conclusions and potential recommendations for each project were presented by AiS and AC respectively.

In respect of both projects, the Board:

- highlighted the importance of public health concerns and discussed public and institutional appetite for action

- expressed concerns regarding data and monitoring, namely a lack of available data on sewage discharges in Scotland, and the potential loss of projections from the National Emissions reduction Commitments (NEC) Directive under the REUL Bill

On the recommendations, the Board:

- considered ESS' position on keeping pace with the EU standards whilst aiming for World Health Organisation recommended targets/standards
- agreed the language of the recommendations could be refined and strengthened

The Board thanked AC and AiS for their work. *At this point AC and AiS left the meeting.*

NL updated the Board on progress in taking forward ESS' analytical priorities, noting additional support from the new SGSSS placements and movement in some timelines.

NL introduced the six month review of analytical priorities, noting some minor additions and reassessments to the long list of potential issues, but no substantive change to existing priorities as a result.

5. Investigations and representations

At this point SK joined the meeting.

JMcG updated the Board on representations and enquiries received to date. The Board noted the positive reception of the Air Quality Limits (for Nitrogen Dioxide) investigation and congratulated the team for their work.

On the climate change delivery investigation, JMcG updated the Board on progress towards seeking informal resolution with the Scottish Government. The Board sought further clarity on the work carried out thus far, and agreed to continue working towards informal resolution in the short term. *At this point SK left the meeting.*

<p>6.</p>	<p>Governance</p> <p>MF provided a verbal update on the activities of the Audit and Risk Committee, highlighting that internal audit had issued a substantial assurance following its review of ESS Investigations procedures.</p> <p>RP presented the budget and expenditure update, noting progress towards preparing final accounts for the 18 months from vesting. RP reported a low level underspend against projections to date for 2023/24, due to minor delays to recruitment and procuring expert advice.</p> <p>MR introduced the review of the approach to risk management and reporting, presenting the current risk register against a revised, streamlined version, reflecting ESS' relative maturity. The Board approved the new risk register, subject to minor amendments, and the recommendations on the frequency and format of risk reporting.</p> <p>RP presented the review of delegated limits of financial purchasing authority, recommending an increase in delegation limits, as per benchmarking against comparator organisations and Audit and Risk Committee considerations. The Board approved these recommendations.</p> <p>CL presented a review of the Board Standing Orders and Audit and Risk Committee Terms of Reference, aligning the Committee minute approval process with that of the Board. The Board approved the updates, subject to amended wording regarding the Committee's referral of "recommendations" to the Board, rather than "considerations".</p>
<p>7.</p>	<p>AOB</p> <p>On the forward meeting dates, it was noted that an informal session for Board members and ESS staff to meet would take place over the summer.</p>

Jim Martin
Chair, Environmental Standards Scotland
18 August 2023