

Minutes of the Environmental Standards Scotland Board Meeting held on Friday 24

November 2023, 14:00 – 17:00

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
 Lauren Queen (LQ), In-house Solicitor
 Sandy Bendall (SB), Senior Policy Analyst*
 Charlotte Lowe (CL), Governance Lead (Minutes)

Apologies:

Neil Oakley (NO), Co-opted Committee Member

*Item 4 only

1.	Private session
2.	<p>Welcome and declaration of interests</p> <p>The Chair welcomed the Board and attendees to the meeting, and introduced LQ who has joined the team as ESS' In-house Solicitor. The Chair, Board and ESS team offered their congratulations to RD for his recent Green Action Lifetime Achievement award.</p> <p>There were no new declarations of interest, although RD's and AS' declarations of interest relating 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 Board minutes of May and June 2021.</p> <p>The minutes of the 29 September 2023 and 12 October 2023 Board meetings were approved.</p>

On the running list of matters arising:

- the Board noted its agreement during the private session that its meetings would not be held in public due to the nature of ESS' scrutiny work
- NL agreed to provide an update on approaches to accessing expert advice at the April 2024 Board meeting
- AS and MR agreed to discuss engagement opportunities with the Aarhus Convention Compliance Committee

3. CEO update

MR provided an update on ESS' activities since the previous Board meeting and introduced ESS' milestone planner. The Board noted an update request had been received from the Net Zero, Energy and Transport Committee regarding sewage discharges. Information regarding the enforcement of controlled activities regulations (to be published on 11 December 2023) would be shared with the Committee. However, no information regarding ongoing investigations would be provided.

MR reported that an initial meeting will be scheduled with five prospective members of the International Advisory Panel. The Board noted that AS will chair the panel, and discussed the potential for expert speakers to attend panel meetings as and when appropriate.

4. Strategy and Analysis

[At this point SB joined the meeting.]

NL presented the latest draft of the analytical report on particulate matter, highlighting key updates following the previous Board meeting and peer review by colleagues from the Office for Environmental Protection. NL updated the Board on the next steps towards publication.

In discussion, the Board:

- considered the impact of different sectors on particulate matter emissions, particularly regarding transport and agriculture

- recommended that the report's relation to ESS' remit, and its scrutiny of the effectiveness of legislation, is clarified in the introduction
- noted the report's focus on the impacts of particulate matter on human health, but included some additional references to the effects of particulate matter on sensitive habitats and environments in the background section

The Board agreed the next steps towards publication, subject to approval of final edits by PM and CS on behalf of the Board.

SB introduced the Strategy and Analysis team's monitoring update and forward work programme, following an internal review of ESS' 14 analytical priorities. The Board discussed the proposals, and:

- noted that keeping pace with the European Union and international developments is a theme within each priority, supplemented by ESS' horizon scanning work
- agreed the proposed reprioritisation of analytical priorities and noted that access to environmental justice, climate change mitigation and illegal waste management would not be the subject of immediate analytical work, given other work by ESS and other organisations
- requested sight of the team's regulatory remit map

[At this point SB left the meeting.]

5. Investigations and representations

JMcG provided an update on casework, highlighting:

- the closure of several cases resulting in informal resolution
- preparation of associated summary reports for publication
- progress towards the publication of an improvement report regarding the climate change duties investigation

The Board considered the role of the incoming Senior Communications Officer post in publicising outcomes of ESS' investigatory work.

	<p>JMcG presented the outline of the Community and Stakeholder Engagement Programme and provided an update on progress since the programme has become operational. The Board considered the approach to selecting communities for outreach and considered the role of the Board in ESS' stakeholder engagement activities.</p>
<p>6.</p>	<p>Governance</p> <p>MF provided an update on Audit and Risk Committee activities since the last Board meeting and noted the upcoming Committee development session and meeting on 4 December 2023.</p> <p>RP provided an update on budget and expenditure, reporting that:</p> <ul style="list-style-type: none"> • the budget is currently on target and now includes a capital figure in line with International Financial Reporting Standards (IFRS) 16 requirements • procurement in relation to ESS' new accommodation will commence soon • the Audit and Risk Committee will consider a longer-term financial plan at its next meeting <p>CL presented the six-monthly update on progress against ESS' Performance and Management Indicators (PMIs). The Board approved proposals for a new indicator relating to consultation responses, and agreed the next steps including future consideration of targets, and review of the current set of PMIs during development of the next Strategic Plan.</p>
<p>7.</p>	<p>Any other business</p> <p>There was no other business to consider.</p>

Jim Martin
Chair, Environmental Standards Scotland
2 February 2024