

Minutes of the Environmental Standards Scotland Board Meeting held on Friday 26 April 2024, 10:00 – 14:00

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

Board:

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

Attendees:

ESS Team (Items 2-8 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
 Charlotte Lowe (CL), Governance Lead (Minutes)

1.	Private session
2.	<p>Welcome and declaration of interests</p> <p>The Chair welcomed the Board and attendees to the meeting. The Board noted that during its private session MF had been nominated to deputise in the event that the Acting Chair is absent from a meeting of the Board.</p> <p>CS' declaration of interest related to his former position as Chair of the UK SPA [Special Protection Areas] and Ramsar Scientific Working Group. It was noted that the current agenda item relating to ESS' SPA investigation is for information only, but at the point the Board discusses the investigation, CS will recuse himself from such discussions.</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 of previous meetings</p> <p>The minutes of the previous meeting were approved by the Board.</p> <p>Regarding matters arising, the Board requested that action points are noted in the minute going forward.</p>
<p>3.</p>	<p>Chief Executive's update</p> <p>MR provided an update on ESS' activity since the last Board, highlighting:</p> <ul style="list-style-type: none"> • engagement with consultations and legislative proposals (including those related to potential additional monitoring powers/duties for ESS) • upcoming publications, and work on cross-cutting themes, across ESS investigations and analysis • the completion on schedule of the retrofit of the office ahead of new accommodation sharing arrangements with Consumer Scotland <p>The Board agreed to hold a more in-depth discussion regarding potential monitoring roles at its next meeting.</p> <p>Action: to discuss potential monitoring roles at the 5 July 2024 Board meeting.</p>
<p>4.</p>	<p>International Advisory Panel</p> <p>AS introduced the draft minute and provided a summary of the ESS International Advisory Panel's first meeting that took place in February 2024, including an overview of membership. The Board discussed the potential to commission work regarding keeping pace with the European Union and agreed to consider a proposal at the next meeting.</p> <p>Action: to develop a proposal for commissioning work on keeping pace with the European Union.</p> <p>Action: to add section on the International Advisory Panel to the ESS website.</p>

	<p>PM also raised potential engagement opportunities with the European Commission’s Joint Research Centre, the Scottish Government’s EU Secretariat, and the EFTA Surveillance Authority.</p> <p>Action: to consider potential engagement opportunities as above.</p>
<p>5.</p>	<p>Equalities</p> <p>MF introduced the first equalities update as the Board Equality Champion, presenting a paper on ESS’ progress against its equality outcomes and related activities. MF also provided an update on her attendance at a recent Diversity and Inclusion in Leadership Conference.</p> <p>The Board noted that there has been good progress developing ESS’ People Strategy through facilitated staff working groups, and that a variety of in-person and online learning and development opportunities are available to staff.</p>
<p>6.</p>	<p>Governance</p> <p>MF updated the Board on the Audit and Risk Committee’s activities since the previous meeting, highlighting:</p> <ul style="list-style-type: none"> • ongoing engagement with the Scottish Government iTECS team regarding cyber security • completion of the deep dive review into third party contracts, which focused on risk, value and sustainability • the 2024/25 internal audit plan, which includes reviews of ESS’ risk management and performance reporting processes <p>MF noted updates to governance arrangements for the Committee, reporting that:</p> <ul style="list-style-type: none"> • RD will remain on the Committee while also performing the role of Acting Chair of the Board • MS has been appointed as Deputy Chair of the Committee

- the Committee would draw on a nominated Board member to join the Committee should the need arise

The Board agreed these actions.

RP presented an update on final expenditure for 2023/24, noting that underspend continues to decrease year-on-year, but due to lower-than-expected costs for the office retrofit supplied by a local, small to medium-sized enterprise, the 2023/24 underspend was slightly higher than projected.

RP also noted that a reforecast budget for 2024/25 would be brought to the Committee for discussion, to consider in particular the resource in place for staffing and external advice, and milestone planning for in-year returns where applicable. The Board agreed to consider the refreshed budget by correspondence.

Action: to circulate the revised 2024/25 budget for approval by correspondence.

CL introduced the annual review of the Audit and Risk Committee Terms of Reference and the Board's Standing Orders, summarising Committee discussions on its membership, and quorum of both the Committee and the Board. The Board agreed the recommended updates and noted that work is underway regarding a specific scheme of delegation.

CL presented updates to ESS' corporate risk register, highlighting:

- increases to residual scoring regarding resource requirements and the recruitment of a permanent Chair
- the finalised role briefs for Equality, Cyber and Sustainability Champions
- recommendations to appoint a Board Sustainability Champion

In discussion the Board approved the updates to the register and agreed the appointment of CS as Sustainability Champion.

MS provided an verbal update as the Board's Cyber Champion, highlighting the importance of cyber awareness on the Board and some of the activities that Champions will undertake to promote this across ESS.

CL presented a high-level review of ESS' Risk Management Framework and Policy, noting that only minor updates were recommended as a fuller review of ESS' risk management approach would take place during development of the next Strategic Plan. The Board approved the updates.

CL presented the annual assessment of risk maturity, which the Executive Team had agreed as 'managed' due to positive efforts at corporate-level to implement and review risk processes. The Board noted that areas for improvement related to embedding risk management across all levels of the organisation.

CL presented ESS' final performance and management indicators (PMIs) and accompanying narrative for the 2023/24 financial year, noting that these will be publicly reported in ESS' next Annual Report and Accounts. The Board discussed successes and considered approaches to less frequently reported PMIs such as the long-term outcome and stakeholder perception.

7. Strategy and Analysis

NL presented the outline process and timelines for the development of the next Strategic Plan. The Board agreed that plans for both internal and external engagement were positive and noted their enthusiasm to participate in dedicated sessions with members and staff.

Action: to update Strategic Plan outline process to include Board/staff and Board/stakeholder sessions.

NL introduced the paper on of the soils analytical scoping project, highlighting the risks to soils and the wider environment that had been identified and recommendations for further analytical and investigatory work by ESS, as well as recommendations to relevant public authorities. In discussion, the Board:

- considered various impacts on both climate change and biodiversity

	<ul style="list-style-type: none"> • considered how the issues identified relate to compliance with and effectiveness of environmental law • agreed to delegate approval of the final report to PM, CS and MR <p>NL provided an update on the work of the Strategy and Analysis team, highlighting that responses to recent consultations have been published, as well as the launch of ESS' first public call for evidence on the control and impact of invasive non-native species.</p> <p>NL presented a review of approaches to accessing expert advice, noting that a variety of methods have been useful and that the incoming Principal Scientific Advisor will continue to monitor this work.</p>
8.	<p>Investigations and representations</p> <p>JMcG provided an update on ongoing casework, including:</p> <ul style="list-style-type: none"> • a new representation relating to the Scottish Government's compliance with s36 of the Climate Change (Scotland) Act 2009 • ongoing monitoring in cases such as Ramsar site protection and removal of weirs progress • recent publication of informal resolution reports and monitoring of implementation of related recommendations <p>The Board discussed climate change targets in Scotland and highlighted the relevance of international obligations, such as the Paris Agreement's 'no backsliding' principle.</p>
9.	<p>Any other business</p> <p>There was no other business to consider.</p>

Dr Richard Dixon

Acting Chair, Environmental Standards Scotland

5 July 2024