

Board Meeting held on Friday 6 December 2024, 10:00 – 14:45

DRAFT SUBJECT TO APPROVAL AT THE 7 FEBRUARY 2025 BOARD MEETING

**held in Lomond, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD
and via Microsoft Teams**

Board:

Richard Dixon (RD), Acting Chair

Marie Fallon (MF)*

Paul McAleavey (PM)*

Annalisa Savaresi (AS)

Morag Sheppard (MS)

Chris Spray (CS)

*via Microsoft Teams

Attendees:

ESS Team (Items 2-10 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

Charlotte Lowe (CL), Governance Lead

Rory Angus (RA), Business Support Officer (Minutes)

1. Private session	The Board attended a private session.
2. Welcome and Declaration of interests	<p>The Chair welcomed the Board and attendees to the meeting.</p> <p>CS noted his interests relating to biodiversity due to his former position as Chair of the UK SPA [Special Protection Areas] and Ramsar Scientific Working Group.</p> <p>MS declared an interest relating to her position as interim Board Member of the Water Industry Commission for Scotland.</p> <p>The minutes of the previous meetings on 13 and 23 September 2024 were approved by the Board.</p>

The Board noted the running list of matters arising and actions.

3. Chief Executive's update

MR gave an update on ESS' activities since the last Board meeting including:

- updates to staffing
- engagement with the Scottish Parliament regarding the Constitution, Europe, External Affairs and Culture Committee (CEEAC) call for views on alignment with EU policy
- contributions to the Net Zero, Energy and Transport (NZET) Committee's scrutiny of the Climate Change (Emissions Reductions) (Scotland) Bill and improvement plan on climate change duties
- engagement with the Scottish Government (SG) on the progress of the Natural Environment Bill

In discussion the Board:

- asked for the call for views response to the CEEAC Committee to be circulated
- requested further detail on engagement with the SG on the Natural Environment Bill
- noted the postponement of the next meeting of the International Advisory Panel and requested a new date be found for early 2025

MR provided an update on the SG's statement to the Scottish Parliament regarding the SG's review of environmental governance. In discussion the Board:

- noted elements of the SG's statement which appear inconsistent with the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021
- reiterated its intention to write to the NZET Committee on this matter

4. Strategic Plan

NL presented the Strategic Plan development paper and identified areas for consideration. In discussion the Board considered:

- terminology around the documentation, agreeing to move from a Strategic Plan to a Strategy
- ESS' future approach to benchmarking with international (including- the EU) standards
- ESS' independent role in scrutinising and reporting on Scotland's environmental progress
- the impact assessments required in developing the Strategy

The Board noted that the full draft document will go to the Board for approval in April 2025 with sections of the plan taken to the Board for comments beforehand.

[At this point MF left the meeting.]

5. Governance

MS gave a verbal update on the Audit and Risk Committee (the Committee) meeting on 25 November 2024 noting the key points:

- on finance, the Committee approved an in-year return of £100,000 of the 2024/25 budget to the SG for further consideration by the Board and discussed the 2025/26 draft budget
- updates following discussion with the SG's Information and Technology Services (iTECS) team, including potential cyber risks and mitigations in place
- progress in the external audit of ESS and planned agreement of the 2024/25 audit timeline in April 2025

RP presented the budget and expenditure update sharing the re-profiled 2024/25 budget noting the organisation's underspend and future mitigations for this. The Board approved the in-year return of £100,000 to the SG.

In discussion about the 2025/26 draft budget the Board:

- acknowledged the draft budget
- considered proposed mitigations to allow for budget flexibility and for ESS to maintain good service delivery
- noted that the draft budget will be reprofiled and brought to the Committee and then the Board for approval in 2025
- noted ongoing work to develop ESS' budget profile for the next ten years

CL presented the risk register to the Board. The Board approved the risk register and the proposed updates to the register made by the Committee on 25 November 2024.

CS provided an update on sustainability actions as the Board sustainability champion.

CL presented the progress against ESS' performance management indicators (PMIs) for the first six months of 2024/25. In discussion, the Board:

- reiterated the Committee's recommendation to expand on the PMIs related to representations and enquiries
- noted final figures would be presented to the Committee and Board in April 2025 before their inclusion in ESS' next annual report and accounts
- noted the ongoing review of ESS' PMIs by internal audit and requested the feedback from this review to be shared

Action: to share internal audit feedback on PMIs with the Board.

6. Strategy and Analysis

NL provided an update on the work of the Strategy and Analysis team, highlighting:

- the publication of analytical reports on soil health and marine litter, and follow up work with public bodies on the particulate matter analytical report
- engagement with public bodies and the Scottish Parliament on a number of consultations and bill processes
- planned development of an areas of research interest statement following analytical work
- completion of the six-monthly review of analytical priorities

	<p>. In discussion the Board:</p> <ul style="list-style-type: none"> • recommended engaging with the Climate Change Committee throughout work on the next Climate Change Plan • requested a more visual representation of work progression and noted work currently being undertaken to develop ESS' approach to programme management and reporting <p>NL presented the summary of responses to the call for evidence on invasive non-native species (INNS), noting the next steps for the analytical project, and that the summary is expected to be published in February 2025. The Board requested feedback on the lessons learned from the call for evidence process and considered communications for the report.</p>
<p>7.</p>	<p>Investigations and representations</p> <p>JMcG provided an update on ongoing casework. On the access to environmental justice case, the Board agreed to conduct further monitoring of the Aarhus Convention Compliance Committee's UK progress report.</p> <p>[At this point RP left the meeting.]</p> <p>JMcG provided assurance to the Board on the team's capacity to manage active casework and monitoring of resolved cases, noting that the team will be recruiting additional resource in the coming months.</p>
<p>8.</p>	<p>Any other business</p> <p>The Board noted future meeting dates and future Committee dates for 2025.</p>

Dr Richard Dixon

Acting Chair, Environmental Standards Scotland

[DATE]