

Board Meeting held on Friday 7 February 2025, 10:00 – 14:00

Board Room, Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD OR via Microsoft Teams

Board:

Richard Dixon (RD), Acting Chair

Marie Fallon (MF)

Paul McAleavey (PM)*

Annalisa Savaresi (AS)

Chris Spray (CS)

Morag Sheppard (MS)

*via Microsoft Teams

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

Lauren Queen (LQ), In-house Solicitor*

Kirsty Laing (KL), Business Support Officer

Charlotte Lowe (CL), Governance Lead (Minutes)

1.	Private session
2.	<p>Welcome</p> <p>The Chair welcomed the Board and attendees to the meeting, and welcomed Kirsty Laing to ESS.</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 Board approved the minutes of the previous meeting.</p> <p>On the matters arising, the Board noted updates on the progress of internal audit reviews and consideration of signposting resources for public enquiries.</p>
3.	Chief Executive's update

	<p>MR provided an update on ESS' activities since the last Board meeting, highlighting:</p> <ul style="list-style-type: none"> • continued engagement with the Scottish Government (SG) on the Natural Environment (Scotland) Bill, including input to the financial memorandum • planned engagements with the Scottish Parliament through evidence sessions with the Net Zero, Energy and Transport (NZET) Committee and the Constitution, Europe, External Affairs and Culture (CEEAC) Committee • people updates, including progress in recruiting ESS' permanent Chair and next steps <p>In discussion the Board:</p> <ul style="list-style-type: none"> • reiterated the importance of understanding ESS' proposed scrutiny role regarding the Natural Environment (Scotland) Bill • noted the recent publication of the European Commission Joint Research Centre's report on the European Green Deal, and subsequent planning for ESS' next International Advisory Panel meeting • requested further detail on engagement with colleagues from ESS' fellow scrutiny bodies, UK and Devolved Governments and the European Union under Article 395 of the Trade and Cooperation Agreement
4.	<p>Investigations and representations</p> <p>JMcG presented the update on representations and ongoing casework, highlighting:</p> <ul style="list-style-type: none"> • progress by the SG in implementing statutory guidance on carbon emission reporting following ESS' climate change duties investigation • engagement with the SG regarding its decision-making on the Agriculture and Rural Communities (Scotland) Bill • updates to the Investigations team structure and capacity <p>The Board noted the update and requested further detail on anticipated timelines for ongoing casework. The Board also considered opportunities where ESS might engage with judicial reviews, for example, by supporting applications.</p>

	<p>JMcG presented a series of projections relating to potential representation trends for the next two years, noting that, with the current resource and systems in place, the most likely projections can be managed. The Board requested that the team keep this under review and return to the Board if demand management becomes problematic.</p> <p>The Board also noted the scope of the projections and highlighted additional factors which may be useful to consider in the future, such as public sector financial constraints or a rapid decline in the state of the environment.</p>
<p>5. Governance</p>	<p>MF provided a verbal update on the Audit and Risk Committee's activity since the last meeting. MF noted engagement with Deloitte LLP and Audit Scotland on the quality of the external audit service provided to ESS, and the ongoing discussions with a newly co-ordinated smaller non-ministerial office (NMO) group, regarding their external audit experience. RP also provided an update on actions being taken by the ESS team to advance key pieces of audit work.</p> <p>RD noted that the Board carried out its annual review of ESS' committee structure and membership during the private session, reporting that the Board is content with the Audit and Risk Committee and its membership will be kept under review in light of anticipated changes to Board membership.</p> <p>The Board Champions updated the Board in their subject areas with:</p> <ul style="list-style-type: none"> • MS highlighting the assurance provided by the review of ESS' cyber risk register at the recent meeting of ESS Cyber Champions • CS updating on the Sustainability Champions' progress in drafting the next iteration of ESS' Sustainability Plan • MF noting feedback would be provided following her upcoming attendance at the both the next Equality Champions meeting and the all-staff equality impact assessment training organised by ESS

	<p>RP noted that the team is liaising with Consumer Scotland to arrange collaboration in these areas through the Champions programme.</p> <p>RP provided an update on 2024/25 expenditure, noting that year-end projections are on track and allow for final elements of the office retrofit to be progressed. RP also noted that approaches to underspend and ringfencing funds are being discussed among the smaller NMO (Non-Ministerial Offices) group.</p> <p>RP presented the 2025/26 budget, highlighting that, other than a minor edit to the expert advice line, the overall budget remained as it was at the Committee's review in January 2025. The Board approved the 2025/26 budget.</p> <p>RP introduced the 10-year profile of ESS' budget and expenditure, noting that an early understanding of anticipated future pressures is allowing the team to explore and implement potential mitigations, such as flexible staffing, shared use of office space and artificial intelligence.</p>
6.	<p>Strategy and Analysis</p> <p>MR introduced the update on developing ESS' next Strategy, highlighting key items requiring agreement such as prioritisation, mission statement and strategic outcomes. The Board agreed ESS' proposed approach to prioritisation while retaining flexibility to respond to emerging areas of environmental concern and ensuring legacy pieces of work are completed.</p> <p>NL updated that discussions are ongoing with the Scottish Environment Protection Agency (SEPA) regarding its plans for reporting on the state of the environment, and the Board considered the role that ESS might play in scrutinising this.</p> <p>NL provided an update on the work of the Strategy and Analysis team, highlighting:</p> <ul style="list-style-type: none"> • publication of recently completed and follow up analytical work in relation to particulate matter (air quality) and invasive non-native species • engagement with the SG, SEPA and Scottish Water, and with Marine Directorate, on ESS' analytical reports into combined sewer overflows and marine litter respectively

	<ul style="list-style-type: none"> • areas for future input such as the Natural Environment (Scotland) Bill and the SG's Climate Change Plan <p>In discussion, the Board noted the value of: the updates on ongoing follow-up work; recognising the impact of ESS' outputs; and sharing learning on different approaches, such as using calls for evidence or using fellowships for analytical work.</p>
7.	<p>Any other business</p> <p>The Board noted a further workshop is being planned to discuss specific elements of ESS' next Strategy.</p>

Dr Richard Dixon

Acting Chair, Environmental Standards Scotland

25 April 2025