

DRAFT Minutes of Environmental Standards Scotland (ESS) Board Meeting held on Friday 29 July 2022, 10:00 – 13:10

SUBJECT TO APPROVAL AT NEXT BOARD MEETING, FRIDAY 23 SEPTEMBER 2022

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

Present:

Jim Martin (JM), Chair
 Richard Dixon (RD)
 Marie Fallon (MF)
 Paul McAleavey (PM)
 Annalisa Savaresi (AS)

In attendance:

ESS Team

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), Business and Case Support Officer (Minutes)
 Ingrid Wallace (IW), Senior Investigations Officer*

*present for Item 5 only.

1.	Private session
2.	<p>Welcome and Declaration of Interests</p> <p>The Chair welcomed the Board and ESS Team.</p> <p>RD's 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 live. These were originally listed in the publicly available Board Minutes of May and June 2021.</p> <p>Minutes and Matters Arising</p> <p>The Board approved the minutes of the previous meeting, subject to a minor change in wording at item 5.</p> <p>On the matters arising, NL undertook to meet with MF and PM ahead of the September meeting to consider short and long term performance indicators. The Board agreed to remove point 6 relating to accessing expert advice, which is being progressed on an operational level by the ESS team, and point 1 of the post-vesting matters, which is now considered business as usual.</p>
3.	<p>CEO Update</p> <p>MR updated the Board on progress since starting as Chief Executive Officer in June, highlighting a range of stakeholder meetings that have taken place. This included a series of meetings held in Brussels and MR thanked PM for facilitating this.</p>

	<p>The Board discussed ESS' work in the context of the European Union (EU) and keeping pace with EU legislation.</p> <p>On recruitment, MR informed the Board that two new members of staff will be joining ESS in September, and work is underway to recruit a new permanent Statistician, replacing the current Fast Stream post that was not refilled. RP noted ongoing work towards recruiting a lawyer.</p> <p>MR introduced the milestone planner, highlighting that the finalisation of the draft Strategic Plan and the Air Quality Investigation Report will both take place in September.</p> <p>In discussion, the Board:</p> <ul style="list-style-type: none"> • agreed to review the draft Strategic Plan through correspondence ahead of the September Board meeting; • highlighted the publication of Scottish Government's "Building a New Scotland" series, changes to UK Government leadership, and potential impacts for ESS; • requested sight of RSPB's parliamentary briefings; and • requested that a higher level milestone planner be submitted to the Board at future meetings.
<p>4.</p>	<p>Strategy and Analysis</p> <p>NL provided a verbal update on the consultation process for the draft Strategic Plan, highlighting a number of public and stakeholder information sessions. ESS has received good feedback and further engagement following these sessions. NL reported that, due to a range of factors, no bids were received on the procurement tender for analysis of the consultation, but ESS' Strategy and Analysis team has the expertise to carry this work out internally, if necessary.</p> <p>NL reported progress on finalising the baseline evidence reviews, which are currently going through a quality assurance process. Revisions following this process will be made available to the Board for comment through correspondence in early September, and will inform the analytical priorities going forward. NL noted good engagement and positive feedback from stakeholders during this process and highlighted the substantial work carried out by the Strategy and Analysis team in this area.</p>
<p>5.</p>	<p>Investigations and representations</p> <p>JMcG updated the Board on enquiries and representations, highlighting progress on the licencing of weirs investigation and the informal resolution of the investigation into use of Acoustic Deterrent Devices (ADD). The Board agreed the approach to publishing the ADD Informal Resolution Report, subject to any minor revisions to be supplied through correspondence.</p>

At this point RD left the meeting in accordance with his declarations of interest. IW joined the meeting.

JMcG introduced the report into the Air Quality Limits investigation. The Board:

- approved the report to be sent to relevant bodies for a period of factual accuracy checking, subject to minor revisions recommended during the Board discussion;
- agreed to review comments arising from the fact checking at the September Board meeting;
- approved the timeline for publication; and
- thanked the Investigations team for their work.

At this point IW left the meeting. RD re-joined the meeting.

6. Governance

MF updated the Board on Audit and Risk Committee activities, highlighting the recruitment of the new co-opted member Neil Oakley and progress towards carrying out a deep dive into “Establishing ESS during a pandemic”. MF also reported that the Committee is confident in ESS’ schedule of corporate reporting requirements. In discussion, the Board:

- requested a forward plan of Audit and Risk Committee activities be brought to future Board meetings; and
- agreed to invite the new co-opted member to observe a future Board meeting.

RD updated the Board on his attendance of the Audit Committee Chairs Network meeting, on MF’s behalf. The discussion covered risk appetite and RD reported that ESS is on track in this area.

The Board approved the minutes of the Committee’s last meeting.

MR provided an update on the risk register. On the Audit and Risk Committee’s recommendations, revisions include:

- a new risk relating to compliance with corporate reporting requirements; and
- the generalisation of the risk relating to the climate change investigation’s communication strategy, to instead cover all investigations.

MR also highlighted a reduction in scoring on reputational risk.

RP introduced the finance update, reporting ESS is working to budget on the majority of budget headings. However, due to planned delays in recruitment and the contracting of expert advice, projections have been updated following the last Audit and Risk Committee report and recommendations.

The Board:

- discussed options for commissioning expert advice, particularly in terms of further research into the analytical priorities and horizon scanning;
- suggested the ESS team consider financial planning from 2024 in more detail; and
- approved in advance additional funding for procurement of a website host, should the need arise.

Communications and Stakeholder engagement

RP updated the Board on communications and stakeholder engagement, reporting that, since the last Board meeting, the appointed Senior Communications Officer has started in post and is making progress on both the Internal and External Communications Strategies.

In discussion, the Board requested that:

- the Senior Communications Officer present the updated ESS Communications Strategy at the December Board meeting;
- the Communications Strategy address how to increase ESS' external profile, recommending that ESS consider hosting collaborative events; and
- the ongoing communications update include total number of Twitter followers.

The Board provided an update on attendance at the Interim Environmental Protection Assessor for Wales's stakeholder event, and considered further engagement of the Board with relevant organisations.

James Martin
Chair, Environmental Standards Scotland