

**Minutes of Environmental Standards Scotland (ESS) Board Meeting held on 20
May 2022, 9:15 – 13:15**

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

Present

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

In attendance

ESS Team:

Brendan Callaghan (BC), Interim CEO
Neil Langhorn (NL), Head of Strategy and Analysis
Jamie McGrandles (JMcG), Head of Investigations,
Standards and Compliance
Rebecca Peppiette (RP), Interim Head of
Corporate Services and Communications
Charlotte Lowe (CL), Business and Case Support
Officer (Minutes)

*via Teams

Mark Roberts (MR), Appointed CEO (Observer)

1.	Private session
2.	<p>Welcome and Declaration of Interests</p> <p>The Chair welcomed the Board, ESS Team and Mark Roberts, the newly appointed CEO who joined the meeting as an observer.</p> <p>RD's 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 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 minutes of the previous meeting were approved.</p> <p>On matters arising, NL confirmed the details of the upcoming meeting between the Board and RSPB. Plans for meetings with the European Environment Agency and other EU stakeholders were also discussed and confirmed.</p>

<p>3.</p>	<p>CEO Update</p> <p>BC updated on recruitment progress:</p> <ul style="list-style-type: none">• Recently appointed posts – Chief Executive Officer; Head of Strategy and Analysis; Head of Policy Analysis and Horizon Scanning; and Principal Scientific Advisor;• Posts currently live – Lawyer; Audit and Risk Committee Co-Opted Members; Head of Corporate Services and Communications;• Posts shortly to be recruited – Environmental Analyst/Scientific Insights Officer Assistant Statistician; Business Manager; Access and Support Officer; and Policy and Horizon Scanning Officer. <p>BC noted that the other roles in the analytical team will be progressed on a staged basis over the next three to six months.</p> <p>RP shared that the office will accommodate 18 desks by mid-June. Assessment of additional staff room requirements is currently being carried out, which may incur further costs. The Board agreed this approach.</p> <p>On the milestone planner, BC noted no critical issues. In discussion, the Board suggested the milestone planner make the distinction between the Annual Report and Accounts, and any specific Parliamentary Annual Report.</p>
<p>4.</p>	<p>Strategy and Analysis</p> <p>On the revised proposals for analytical priorities, NL acknowledged the hard work of the Strategy and Analysis team in completing seven of the eight baseline reviews. The eighth review will be progressed during consultation on the draft Strategic Plan.</p> <p>NL noted engagement with key stakeholders is ongoing regarding data collection and analysis. The team will engage with key organisations on the conclusions of the baseline reviews, the revised proposals for analytical priorities, and next steps, during the consultation process.</p> <p>Overall, the analysis confirmed previous conclusions and allowed for a better understanding of the evidence base with minor updates to be made to priorities.</p> <p>These updates include:</p> <ul style="list-style-type: none">• Confirmation of nine of the ten priorities originally proposed;• Removal of one issue from the initial priority list, (though this issue will be added to Horizon Scanning programme);• The addition of progress against climate change adaptation, progress against circular economy, recycling and waste targets, and progress against river basin management planning targets to the proposed list of priorities for consultation. <p>The Board thanked the Strategy and Analysis team for this work.</p>

	<p>It was requested that:</p> <ul style="list-style-type: none"> • the role of horizon scanning be emphasised within the Plan, to inform priorities in the future; • access to justice and compliance with the Aarhus Convention be included within the priority list within the eighth environmental category (cross-cutting environmental governance); • all 13 priority issues to be included in the draft Strategic Plan; • the analytical team bring regular updates to the Board on areas of work identified through horizon scanning, alongside progress on analysis of priority issues. <p>On the Strategic Plan and Annual Report to Parliament, the Board:</p> <ul style="list-style-type: none"> • Agreed that both documents should be published (subject to some minor drafting changes being made to the text); • Requested further direct engagement with MSPs be undertaken (e.g. by highlighting the Annual Report to Parliament and new videos on the role of ESS which will be published shortly); • Approved the associated Communications Plan.
<p>5.</p>	<p>Investigations and representations (JMcG)</p> <p><i>At this point RD left the meeting in accordance with his declarations of interest.</i></p> <p>The Board received and considered an update on the progress of the Air Quality investigation. JMcG reported that local authorities have now responded to requests for information and the draft Investigation Report is at an advanced stage. It was agreed that the draft will be presented to the Board in early July through correspondence.</p> <p><i>At this point RD rejoined the meeting.</i></p> <p>JMcG updated the Board on representations and enquiries received to date and presented a paper on the systems in place concerning public bodies' duties relating to climate change. In discussion, the Board approved the recommendation to progress this from pre-investigation to investigation status, with a view to considering the effectiveness of the systems in place concerning local authorities' contribution to the delivery of climate change targets. The Board highlighted the requirement for a separate communications plan in respect of this investigation.</p>

6.	<p>Governance</p> <p>The Chair gave a verbal update on Board recruitment, noting that these will be ministerial appointments. Updates will be provided as the process progresses.</p> <p>In discussing the governance update, the Board:</p> <ul style="list-style-type: none">• agreed to publish draft Board minutes online, within 15 working days of each Board meeting. Confidential/private areas will be marked-up as such (for example information related to live investigations);• approved the proposed amendments to the Standing Orders and Code of Conduct;• Agreed that RP will amend the “Fees and Expenses” section once this update has been confirmed. <p>The Board approved the Minutes of the Audit and Risk Committee, 15 March 2022.</p> <p>BC updated the Board on the latest version of the Risk Register, noting that revisions have resulted in some scoring reductions. BC introduced two additional columns concerning risk appetite, following recommendations from the Audit and Risk Committee. Only the general area of Business Continuity is currently outwith the Board’s risk appetite.</p> <p>The Board agreed:</p> <ul style="list-style-type: none">• ESS should undertake a mock exercise to test contingency for failing electronic systems;• to continue to consider a full list of risks until the September 2022 Board meeting, at which the Audit and Risk Committee will recommend proposals for the future consideration of risk. <p>RP presented a simplified version of the budget to the Board, noting the Audit and Risk Committee will continue to receive the fuller version. RP flagged that the slower approach to recruitment may result in changes to cash flow planning. The Board agreed that contingency reporting will be added to the next Audit and Risk Committee and Board meetings.</p> <p>RP updated the Board on Communications and Engagement, highlighting that the newly appointed Senior Communications Officer will start on 6 June 2022. RP presented upcoming activity, including videos to increase ESS consultation engagement.</p>
7.	<p>AOB</p> <p>BC highlighted a report published by the Office for Environmental Protection (OEP) and updated on recent meetings with other UK counterparts.</p> <p>As this is the last Board meeting BC will attend before returning to his post at Scottish Forestry, the Board thanked BC for his commitment and hard work in getting ESS operationally and strategically established.</p>

James Martin
Chair, Environmental Standards Scotland
29 July 2022