

**DRAFT Minutes of the Environmental Standards Scotland Board Meeting
held on Friday 23 September 2022, 9:00 – 13:00**

SUBJECT TO APPROVAL AT NEXT BOARD MEETING, FRIDAY 2 DECEMBER 2022

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

Board:

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

*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
Charlotte Lowe (CL), Business and Case Support Officer (Minutes)
Ailie Clarkson (AC), Head of Data and Quantitative Analysis Team**
Ingrid Wallace (IW), Senior Investigations Officer***

**Present at items 2-3 only

***Present at item 5 only via Microsoft Teams

1. Private Session
2. Welcome and Declaration of Interests The Chair welcomed the Board and ESS Team. 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.

It was noted that whilst RD has had sight of the papers relating to the Air Quality investigation, he will be present at item 5 for information only and will not participate in the discussion.

Minutes and Matters Arising

The Board approved the minutes from the previous meeting of the Board.

On the matters arising, the Board requested that considerations for further stakeholder engagement be brought to the 2 December 2022 meeting of the Board.

3. Strategy and Analysis

AC introduced the paper on analytical priorities and the forward work plan, highlighting the progress towards finalising the eight Baseline Evidence Reviews. These had been shared with the Board for information. These reviews will be published alongside the Strategic Plan.

The Board approved the 14 proposed analytical priorities, requesting that:

- the analytical priorities paper and the Strategic Plan both explain that the prioritisation is flexible and will be subject to regular review; and
- the ESS team regularly update the Board on the ongoing Analytical work programme, including work undertaken to identify emerging issues and to review existing priorities.

The Board discussed the importance of monitoring Scotland's commitment to keeping pace with environmental legislation in the European Union (EU). The Board agreed that:

- the ESS team should present options for the establishment of a sub-committee to oversee this work the 2 December 2022 board meeting; and
- the ESS team develop proposals for an event focusing on developments in EU legislation and keeping pace, to be held during summer 2023.

NL introduced the Strategic Plan, alongside supporting documents, including a Statement to Parliament and the formal consultation analysis. MR presented the

accompanying communications plan. In discussion, the Board:

- highlighted the importance of monitoring environmental policy as well as environmental law;
- approved the Strategic Plan and accompanying Statement for submission to the Scottish Parliament, subject to minor changes to be agreed between the Chair and MR;
- agreed the communications plan, subject to minor additions to the list of stakeholders; and
- thanked the ESS team for their work.

At this point AC left the meeting.

4. Governance

MF updated the Board on the activities of the Audit and Risk Committee. The minutes of the 5 September 2022 Audit and Risk Committee meeting were approved by the Board.

Introducing the Internal Audit Governance Advisory Review, MF highlighted that ESS achieved a Substantial assurance rating. The Board:

- thanked the ESS team for their work, noting their reassurance in the governance approach; and
- requested that a copy of the report be sent to Brendan Callaghan, former Interim CEO of ESS.

MF also introduced the Audit and Risk Committee's forward planner, noting that consultant Eleanor Ryan will be undertaking work on the deep dive into "Establishing ESS during a pandemic" from November 2022. An overview of findings will be reported to the Audit and Risk Committee's 16 December 2022 meeting, with a view to a final report being prepared in January 2023.

On ESS' corporate risk register, MF noted that the approach to reporting risk to the

Board will continue in the same format until the end of this financial year. Thereafter a refreshed approach will be submitted to the Board for consideration. RD highlighted the Audit and Risk Committee's recommendation that data loss be added to the register.

MR presented the paper on budget and expenditure, noting that:

- Scottish Government has shared updated pay offer information, which is now being considered by the relevant Unions. ESS will analogue with this offer if accepted; and
- in recognition of wider pressures in public sector finances, ESS has identified a saving of 4% in the 2022/23 in-year budget.

RP updated the Board on the successful procurement of a Finance and Accountancy Adviser. In discussion, the Board highlighted the importance of strategic financial planning in determining budget requirements over the coming years.

5. Investigations and Representations

At this point IW joined the meeting via Microsoft Teams.

JMcG introduced the papers on the Air Quality investigation, noting that comments received during the period of checking for factual accuracy resulted in no material changes to the contents of the report. The Board:

- discussed implications of the recommendations in the report and next steps, with particular regard to ongoing monitoring;
- approved the report for laying in the Scottish Parliament, noting that RD was not part of the approval and decision-making process;
- agreed the communications plan, subject to the addition of two organisations that may be approached for comment;
- requested that the 2 December 2022 Board meeting include a discussion on the Air Quality investigation as a blueprint for future investigations; and
- thanked the ESS team for their work.

JMcG updated the Board on enquiries and representations received to date, highlighting progress on investigations into climate change delivery and Aarhus Convention compliance in Scotland, as well as updates to the ESS investigations casework webpage. The Board requested an update on investigations being carried out by the EU and implications for ESS at the 2 December 2022 Board meeting.

At this point IW left the meeting.

6. CEO Update

MR updated the Board on ESS activities, noting the organisational response to the passing of HM Queen Elizabeth II. MR highlighted:

- ESS' first full-team development session, which took place in August 2022;
- a number of stakeholder meetings that had taken place across the organisation, including with representatives of organisations such as RSPB and the Climate Change Committee; and
- current and upcoming developments in the Scottish and UK-wide legislative frameworks.

On recruitment, MR noted:

- the Governance Manager post is currently live on the ESS website;
- posts for a Senior Data Analyst and Data Analyst are being progressed; and
- the successful candidate for the Senior Environmental Analyst post is progressing through Civil Service security checks.

MR also introduced a streamlined version of the milestone planner, for the Board's information.

The Board requested that the ESS team coordinate a meeting with representatives of the Office for Environmental Protection and the Interim Environmental Protection Assessor for Wales.

7. Communications

RP updated the Board on communications and stakeholder engagement. In addition to communications planning in relation to the Air Quality investigation and the Strategic Plan, RP reported: a focus on internal communications; improvements to the ESS website; and preparation of the Communications Strategy for submission to the 2 December 2022 Board meeting.

The Board requested that they be notified when job adverts go live in order to assist with their promotion.

James Martin

Chair, Environmental Standards Scotland

[DATE]