

**Minutes of the Environmental Standards Scotland Board Meeting**

**held on Friday 2 December 2022, 10:00 – 13:10**

**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)

Neil Oakley (NO), Audit and  
 Risk Committee co-opted  
 member (Observing)

\*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)  
 Alan Hunt (AH), Head of Policy Analysis and Horizon  
 Scanning\*\*  
 Alasdair Dewar (AD), Business and Finance Manager\*\*\*  
 Megan Falloon (MeF), Business and Case Support  
 Officer\*\*\*

\*\* Present at item 4 only

\*\*\* Present at item 6 only

<b>1.</b>	<b>Private session</b>
<b>2.</b>	<p><b>Welcome and Declaration of Interests</b></p> <p>The Chair welcomed the Board, the ESS team and Audit and Risk Committee co-opted member Neil Oakley, who joined the meeting as an observer.</p> <p>There were no declarations of interest.</p> <p><b>Minutes and Matters Arising</b></p> <p>The Board approved the minutes from the previous meeting of the Board, subject to a minor change to wording at item 3.</p>

	<p>The Board noted that all pending matters arising are on the agenda for this meeting of the Board.</p>
<p><b>3. CEO update</b></p>	<p>MR updated the Board on ESS activities since the last meeting of the Board, highlighting that:</p> <ul style="list-style-type: none"> <li>• The Strategic Plan has been laid before and subsequently approved by the Scottish Parliament, following a positive evidence session with the Net Zero, Energy and Transport (NZET) Committee;</li> <li>• The Improvement Report into Air Quality Limits has been laid before the Scottish Parliament and the Scottish Government (SG) have indicated that they intend to accept the recommendations. ESS will continue to monitor their implementation;</li> <li>• ESS will be added to the list of prescribed people and bodies for whistleblowing as of 15 December 2022 and that the team are preparing for this;</li> <li>• The ESS team are engaging with relevant stakeholders in the planning of events on environmental scrutiny in the UK and keeping pace with the European Union;</li> <li>• The ESS team and the Scottish Government have started engaging on SG’s upcoming review of environmental governance.</li> </ul> <p>MR also introduced the milestone planner and a letter from Dame Glenys Stacey, Chair of the Office for Environmental Protection, regarding the Retained EU Law (Revocation and Reform) Bill. It was noted that ESS has written to the Constitution, Europe, External Affairs and Culture Committee on their inquiry into changing devolution post-EU exit.</p> <p>In discussion, the Board congratulated the Chair, MR and NL on their appearance before the NZET committee, and requested that:</p> <ul style="list-style-type: none"> <li>• The ESS team share details of the whistleblowing procedures;</li> <li>• The ESS team develop an approach to reporting on its information-gathering activities and expertise;</li> <li>• MR draft a response to Dame Glenys Stacey’s letter on the Chair’s behalf.</li> </ul>

#### **4. Strategy and Analysis**

*AH joined the meeting.*

NL presented the update on taking forward analytical priorities, noting that work has started on five of seven priority issues, two of which will be commissioned to external contractors in the early stages. In discussion, the Board recommended that:

- The ESS team remain mindful of opportunities to procure external advice internationally as well as in the UK, where appropriate;
- The ESS team will consider integrating external peer review into the quality assurance process for analytical projects when appropriate;
- PM1 be considered as part of the analytical project into air quality.

AH presented papers on the proposed approach to horizon scanning and reviewing analytical priorities, and on development of proposals for providing advice on “Keeping Pace”.

The Board discussed ESS’ position on keeping pace with the EU, whilst highlighting that this should not limit ESS’ ambition to improve the environment in Scotland if there were more effective approaches identified outwith Europe. The Board approved the proposal to form an Advisory Panel on Keeping Pace, chaired by an ESS Board member, requesting that the ESS team bring a more detailed proposal to the next meeting of the Board.

The Board thanked the ESS team for their work. *AH left the meeting.*

#### **5. Investigations and Representations**

JMcG presented a summary of enquiries and representations to date, as well as providing a verbal update on activity against the Air Quality Limits investigation since the improvement report was laid in the Scottish Parliament. JMcG highlighted that the NZET Committee will take evidence on SG’s improvement plan once submitted.

The Board discussed papers relating to pre-investigation work into compliance with the Aarhus Convention and access to environmental justice, and considered the issue in the context of SG’s upcoming review into environmental governance. The Board noted

the Investigation team's approach to pause the investigation whilst monitoring outcomes of the relevant reviews.

JMcG introduced papers on outstanding EU investigations, and on the customer service aspects of ESS investigations. The Board noted that it was content with ESS' investigation procedures and thanked the team for their work.

## **6. Governance**

MF updated the Board on Audit and Risk Committee activities, highlighting:

- Progress on the Deep Dive into establishing ESS during a pandemic;
- The appointment of Deloitte as ESS' external auditors; and
- Plans for the Committee development session taking place in tandem with the next meeting of the Committee.

RP also provided an update from the Audit Chairs Network meeting, which she attended on MF's behalf.

RP presented the update on budget and expenditure, noting that the Board will receive a fuller update by correspondence once SG budget discussions have been concluded later in December. The Board approved budget allocations for the contracts of the Interim Finance and Accountancy Advisor and the Interim Data Analyst positions.

RP introduced the outline structure for ESS' Business Plan 2023/24. In discussion, the Board:

- Recommended the inclusion of activity against SG's environmental governance review;
- Requested that the ESS team develop a programme for reporting progress on key management indicators to the Board.

*AD and MeF joined the meeting.*

	<p>MR presented the Sustainability Plan, noting that ESS has completed its Climate Change (Scotland) Act 2009 reporting duties. In discussion, the Board recommended that the ESS team:</p> <ul style="list-style-type: none"> <li>• Consider opportunities for accreditation relating to sustainability, such as EMAS Global;</li> <li>• Consider opportunities to improve on direct and indirect carbon emissions relating to procurement and Board travel, for example, as well as considering broader elements of sustainability including waste production, water use, etc.; and</li> <li>• Monitor data for office-based carbon emissions for ESS' records, despite these emissions being reported by the building's landlord.</li> </ul> <p>The Board approved the Plan, subject to minor amendments, and thanked the team for their work. <i>AD and MeF left the meeting.</i></p>
<p><b>7.</b></p>	<p><b>Communications and stakeholder engagement</b></p> <p>The Chair updated on proposals for stakeholder engagement among Board members, requesting that an engagement programme be built into the Board's forward work plan.</p> <p>RP provided an update on communications and stakeholder engagement, and introduced the paper on the Communication and Engagement Strategy, thanking RD for his support in drafting the document. In discussion, the Board approved the Communication and Engagement Strategy, recommending that ESS continue to work with external stakeholders in the delivery of this Strategy.</p>
<p><b>8.</b></p>	<p><b>AOB</b></p> <p>There was no other business for the Board to consider.</p>

**James Martin**  
**Chair, Environmental Standards Scotland**  
**3 February 2023**