

**DRAFT Minutes of the Board Meeting held on Friday 24 March 2023, 10:00-12:30**

**SUBJECT TO APPROVAL AT THE 25 MAY 2023 BOARD MEETING**

**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)\*

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**Attendees:**

**ESS Team** (Items 2-9 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 (Minutes: items 2-3)  
 Charlotte Lowe (CL), Business and Case Support Officer (Minutes: items 4-9)\*\*

\*via Microsoft Teams

\*\* present at items 4-9 only

**AGENDA**

<b>1.</b>	<b>Private session</b>
<b>2.</b>	<p><b>Welcome</b></p> <p>The Chair welcomed the Board and the Environmental Standards Scotland (ESS) team, and led introductions for the recommended new appointments to the ESS Board, Morag Sheppard and Professor Chris Spray, who joined the meeting as observers.</p> <p>There were no declarations of interest.</p> <p>The Board agreed to take the review of the Corporate Services and Communications Team structure at item 9 first.</p>
<b>3.</b>	<p><b>Review of Corporate Services and Communications team structure</b></p> <p>An update was provided to the Board on the Corporate Services and Communication team recruitment planning. No substantial concerns were raised.</p>

<b>4.</b>	<p><b>Minutes and matters arising</b></p> <p><i>At this point CL joined the meeting.</i></p> <p>RP noted that ESS will be required to pay fees to external audit and that this will need to be corrected at item 3 of the draft minutes of the previous meeting. The Board approved the minutes, subject to this amendment.</p> <p>On the matters arising, the Board requested an update regarding Board stakeholder engagement and the establishment of the International Advisory Panel. These updates were covered at item 5.</p>
<b>5.</b>	<p><b>CEO Update</b></p> <p>MR provided an update to the Board on ESS activities since the last Board meeting, highlighting:</p> <ul style="list-style-type: none"><li>• upcoming stakeholder events, including a meeting between ESS, the Office for Environmental Protection (OEP) and the Interim Environmental Protection Assessor for Wales (IEPAW), and a lecture by Dr Hans Bruyninckx, outgoing Executive Director of the European Environment Agency</li><li>• planning for further stakeholder engagement for the Board following the induction of the new Board members</li><li>• ESS will soon seek nominations for experts to sit on its International Advisory Panel</li><li>• the Board would be invited to comment by correspondence on ESS' first report on mainstreaming equalities and equality outcomes</li></ul> <p>The Board discussed preparations for meeting with the OEP and IEPAW, and highlighted potential opportunities for European-level engagement. This included the EPA Network and the incoming Executive Director of the European Environment Agency.</p>

	<p>MR presented the high-level milestone planner. The Board noted that the Scottish Government is due to lay its Air Quality Improvement Plan before the Scottish Parliament on 27 March 2023 and discussed ESS' proposed response.</p> <p>The Board also requested an update on ESS' approach to accessing expert advice and regular updates on horizon scanning activities at future Board meetings.</p>
<b>6.</b>	<p><b>Strategy and Analysis</b></p> <p>NL introduced the update on ESS' analytical priorities, highlighting that:</p> <ul style="list-style-type: none"><li>• progress against projects on air quality and sewage discharge into the aquatic environment will be presented at the May 2023 Board meeting</li><li>• the team is reviewing a draft specification from the OEP regarding a joint commission opportunity on waste</li><li>• analysis projects are largely progressing to schedule, but there may be a delay in commissioning the project on antimicrobial resistance due to external factors</li></ul> <p>In discussion, the Board:</p> <ul style="list-style-type: none"><li>• recommended, where possible, considering the perspective and concerns of communities in analytical projects, particularly regarding sewage discharge</li><li>• recommended the team consider carbon offsetting and genetically modified organism (GMO) standards within the horizon scanning programme</li><li>• recommended considering climate change and its future effects as an explicit theme throughout analytical projects</li></ul> <p>NL presented an update on the analytical project on threats to the marine environment. NL noted that, in order to ensure flexibility and provide additional in-house expertise, the team has considered resourcing the project with an external secondment or a fixed-term appointment (FTA) rather than commissioning a third</p>

	<p>party organisation. The Board approved the allocation of budget to support a secondment/FTA, whilst highlighting the importance of ESS' independence when approaching relevant bodies.</p>
<p><b>7.</b></p>	<p><b>Investigations and representations</b></p> <p>JMcG provided an update on representations and enquiries to date, including:</p> <ul style="list-style-type: none"> <li>• progress following receipt of the draft Scottish Government's Air Quality Improvement Plan</li> <li>• ongoing liaison with SEPA and monitoring of its plan to remove redundant weirs</li> <li>• the Scottish Government's response to ESS' invitation to achieve informal resolution on the climate change investigation</li> </ul>
<p><b>8.</b></p>	<p><b>Governance</b></p> <p>MF updated the Board on activities of the Audit and Risk Committee, highlighting:</p> <ul style="list-style-type: none"> <li>• the Committee will work with external consultant Eleanor Ryan on its self-assessment</li> <li>• the Chair will observe the 24 March 2023 Committee meeting, which will include the review of a number of ESS documents ahead of the 25 May 2023 Board meeting</li> <li>• annual work plans for the Committee and for internal and external audit have been finalised</li> </ul> <p>CL presented the updated risk register, noting only minor changes in anticipation of the Audit and Risk Committee's upcoming review of ESS' approach to risk management and reporting. The Board approved the risk register, recommending that the action target date against the cyber security risk be updated to reflect the team's ongoing work to develop a more in-depth business continuity plan exercise.</p>

	<p>RP presented the budget and expenditure update, and an overview of the external audit timeline and progress, noting that:</p> <ul style="list-style-type: none"> <li>• whilst ESS has underspent in financial year 2022/23 due to a slowed approach to recruitment, the team is now in a position to provide more accurate forecasting for the coming financial year</li> <li>• timelines for external audit may be subject to change due to external factors at ESS' external auditor</li> </ul> <p>The Board approved expenditure related to resourcing the threats to the marine environment analytical project, as per item 6, and ESS' approach to external audit and producing the Annual Report and Accounts.</p>
<p><b>9.</b></p>	<p><b>Any other business</b></p> <p>PM noted that he will be presenting to Scottish Council for Development and Industry in Brussels and will provide an overview of ESS.</p> <p>The Board congratulated the Chair on his lecture given as part of the University of Edinburgh's Brodies Environmental Law Lecture Series.</p>

**James Martin**  
**Chair, Environmental Standards Scotland**  
**[DATE]**