

Minutes

Meeting of the Board

Thursday 8 December 9.30am

The Abbey Hotel, Great Malvern, Malvern WR14 3ET

Members

Malcolm Beatty OBE	Board Member
Julie Hill MBE	Board Member
Professor Dan Laffoley	Board Member
Dr Paul Leinster CBE	Board Member
Professor Richard Macrory CBE	Board Member
Natalie Prosser	Chief Executive
Dame Glenys Stacey	Chair
Helen Venn	Chief Regulatory Officer

OEP Attendees

Peter Ashford	General Counsel
Alexis Edward	Head of Finance and Corporate Services
Mike Fox	Head of Communications and Strategic Relations
Andy Gill	Head of Environment and Climate Analysis (item 22.98)
REDACTED	Principal Analyst (item 22.98)
Richard Greenhous	Chief of Staff
REDACTED	Principal Environmental Analyst (item 22.98)
Andy Lester	Head of Business Strategy and Planning
Richard Marsh	Head of IT and Digital Services (item 22.102)
Professor Robbie McDonald	Chief Insights Officer
REDACTED	Senior Environment Specialist (item 22.98)
REDACTED	Principal Environmental Analyst (item 22.98)
REDACTED	Business and Governance Officer (Secretariat)

Non- OEP Attendees

REDACTED	Woodnewton Associates (item 22.99)
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22.94 Apologies for absence and declarations of interest

There were no apologies for absence. There were no new declarations of interest.

22.95 Minutes and matters arising

The Board AGREED the minutes of the 27 October 2022, 2 November 2022 and 9 November 2022 Board meetings.

The Board noted the matters arising. It clarified that the recorded matter on the implementation of EU derived law related to the transposition of EU derived law into Northern Ireland environmental law rather than its implementation.

22.96 Report from the Chair of ARAC

The Chair of the Audit and Risk Assurance Committee gave an update. He clarified the section in the 27 September 2022 minutes about the sufficiency statement. The minutes state that the statement is discretionary, but it is the nature of the statement that is discretionary rather than the statement itself.

He also clarified that the target date for the 2022-2023 annual report and accounts is set by the National Audit Office. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs* so it is likely that it will be September 2023 before the annual report and accounts are published.

The Chair then gave a summary of the 30 November 2022 ARAC meeting. The internal audit reports were very positive, and the mandatory training is now up to date for all staff members.

22.97 Report of the Chief Executive

The Chief Executive reported on the work of the organisation since the last Board meeting. We continue to work on the basis of the prioritisation decisions reported to the Board at its last meeting.

Work is progressing in readiness to advise on the expected DAERA consultation on a Northern Ireland ammonia strategy. The Board suggested looking at different European countries' ammonia strategies, for example Scandinavian and Baltic countries, to understand the wider context of the work and the approach others take.

A targeted call for evidence has been issued in respect of our environmental assessments project. Key stakeholders have been made aware and the Institute of Environmental Management & Assessment (IEMA) has promoted it to its members.

Three new complaints have been received, *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*.

The Board queried whether we are capturing data around the broader impact we have on the community, i.e. signposting or re-directing complainants to the correct authority. It would be helpful to see the metrics on this the next time a complaints report is brought to the Board. ACTION Chief Regulatory Officer.

The Board received a verbal update on *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*

The Board queried the process for conflicts of interest related to contractors employed to provide evidence related to the investigation, who may also be contracted by those we are investigating. The Board was assured that procedures are in place to address this and were being used actively.

The Board noted the ongoing work to obtain information on legacy EU infraction cases *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

The Board was advised that discussions with respect of our future funding continue. We do not yet have an indication of Defra and DAERA's thinking. We continue to take the line agreed with the Board. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

We were able to make the pay award, and staff have been paid their updated salaries in November. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

The Board was updated on negotiations over office premises in Northern Ireland and England. We now have a touchdown space in Northern Ireland and aim to be in our Worcester premises by June. The Board queried whether staff were unsettled by the lack of office premises. There is no evident unease amongst staff, but the delay is hindering the full development of the collaborative ways of working needed to optimise the OEP's impact.

The Board was updated on the framework document. It was assured that steps would be taken to ensure that we act in line with it, as and when it is settled and implemented.

22.101 Finance Report

The Board considered the quarter 2 financial results, and the updated forecast for the remainder of the financial year. The OEP is expected to use much of its remaining available resource within year.

This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.

Defra had welcomed the underspend returned early, at end Q2. Any further anticipated surplus will be returned at end quarter 3.

22.99 Research – influence and voice

The Board was presented with slides outlining the findings culminating from research by Woodnewton into the OEP's influence and voice.

The Board was interested in the stakeholder position 12-months on from the OEP's establishment. When the OEP was set up there were concerns around our independence. There was also talk of needing a 'slam dunk' in enforcement in our first 12 months.

A positive picture was presented. Almost universally, stakeholders judged that we had made a good start, that recognition of our credibility and expertise was growing and that we had positioned our work to date well. Stakeholders recognised the quality of the OEP's people, and work. We are understood to be independent.

Challenges were also identified, not least the challenge of our remit. Stakeholders recognised the need for the OEP to remain strategic, and focussed on important issues where we can make a difference. Our transparency to date was welcomed, albeit greater transparency of our prioritisation decisions was encouraged.

Stakeholders in Northern Ireland valued the approach we had taken there, to date.

The Board queried whether any concerns about independence had been raised, given the prominence of this during passage of the Act. There were none, though some concern about the potential for guidance from the Secretary of State was noted.

The Board questioned whether the OEP should have greater public profile, debating the purpose of that profile and how it would improve the influence we could have. Stakeholders are aware of the need for the OEP to be strategic, and respect that we have commented to date based on evidence. Public understanding could be powerful, in time.

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The Board queried what impact stakeholders judged the OEP to have had. It is early days. It discussed approaches others take to demonstrating impact. NAO publish information on the ways in which they have saved the public money - this is agreed with the departments. We do not currently have any analogous model in the OEP.

The Board suggested improvements to the website could be made to summarise our activity from the previous months. It would need to be immediately visible and accessible. Further work is planned on the website and the Communications team will have an additional staff member from January 2023.

22.98 EIP Report Update

The paper was introduced, and the timeline was set out. There will be an extraordinary Board meeting on 5 January 2023 to sign off the report and the final version will be laid in Parliament on 18 January 2023.

The Board reflected on the report. The picture that it paints is dominantly negative, which is a different balance to last year's 'Taking Stock' report. It queried whether this was a reasonable overarching reflection of overall progress, and whether there are positive elements that can be given prominence, for example air quality. It is, however, the dominant picture and the report must reflect that reality.

The Board considered the merit of distinguishing between something getting worse and something showing no improvement. The EIP aims to both protect and improve the environment, but must set out a path for significant improvement in the natural environment. It noted that the lack of evident improvement can sometimes be due to the lack of available data.

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The Board debated the approach to recording the status of targets where there was a 'near miss', such as on bathing water standards – which is currently coloured red, when 98-99% of bathing water is up to standard.

The Board suggested points to include in the report. It suggested more explanation of why climate adaptation is given prominence in the report.

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We could use this report to set out the OEP's expectation of the revised EIP, referring back to 'Taking Stock'.

The Board suggested a five-year cycle of EIP monitoring reports could be created, to focus our analysis on the points of influence within the EIP review cycle.

ACTION The Head of Communications and Strategic Relations will consider whether the EIP report launch needs a Northern Ireland press release.

22.100 Ineffective Implementation of Statutory Deadlines (verbal update)

The Board was advised that minister Trudy Harrison has responded to the letter that Dame Glenys Stacey sent on 28 October 2022. Both letters will be published on the OEP website with a press article and a statement on social media.

We have received further assurance that Government will make the targets regulation before the end of this year.

An extraordinary Board meeting is scheduled on 22 December to consider this issue further, if needed. This will be cancelled if progress is made as indicated.

22.102 DDAT Strategy

The paper was presented and the Board praised the work done by officers on an important strategy.

The Board **AGREED** the four design principles: cloud first, security by design, common standards and web accessibility, to drive future decision making. It would like to see adaptability included too. **ACTION** Head of IT and Digital.

The Board **AGREED** to exploit the full length of contracts if SLAs are met and we are satisfied with the service, performance, user experience and functionality. The Board was assured that all suppliers are certified to ISO27001.

The Board AGREED the proposed DDAT operating model of a small inhouse team managing supplier performance and procurement; supporting staff through training, guidance and IT expertise; expanding the team when required for project work through outsourced talent. This is dependent on the market, as the Board does not want to see quality compromised.

The Board AGREED the further development of the Intelligence Management System with a view to be able to start work next financial year, subject to Business Plan approval.

The Board AGREED to initiate a project to develop an evidence led plan of website improvements and to subsequently deliver in an iterative manner, subject to Business Plan approval. It asked for a timescale. User testing will be completed this financial year, and the contract with the current provider ends in April 2023 so this will determine the timeline.

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22.103 Any other business

There was no other business. The meeting ended at 14:35.