



Office for Environmental Protection

Minutes

Meeting of the Board

Thursday 20 April 2023 9am

MS Teams

Members

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| Malcolm Beatty OBE | Board Member |
| Julie Hill MBE | Board Member |
| Richard Greenhous | Chief of Staff |
| 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 |

OEP Attendees

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| Peter Ashford | General Counsel |
| Alexis Edward | Head of Finance and Corporate Services |
| Mike Fox | Head of Communications and Strategic Relations |
| REDACTED | Principal Complaints and Investigations Manager (item 23.34) |
| Andy Lester | Head of Business Strategy and Planning |
| Dr Cathy Maguire | Head of Assessments (item 23.32) |
| REDACTED | Principal Lawyer (item 23.34) |
| Professor Robbie McDonald | Chief Insights Officer |
| REDACTED | Principal Lawyer (item 23.34 and 23.36) |
| Kate Tandy | Head of Litigation and Casework (item 23.34) |
| Helen Venn | Chief Regulatory Officer |
| REDACTED | Business and Governance Officer (Secretariat) |

Other Attendees

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| REDACTED | Director, Independent Audit Limited |
| REDACTED | Consultant, Independent Audit Limited |

23.29 Apologies for absence and declarations of interest

There were no apologies for absence.

There were no new declarations of interest. Paul Leinster, Richard Macrory and Julie Hill declared an ongoing interest as former employees or Board members of the Environment Agency in respect of item 23.34.

Having taken advice, the Chair decided the discussion on item 23.34 would be split into two parts. Paul Leinster and Julie Hill were able to participate in the first part and then were recused for the second part. Richard Macrory was able to participate in both parts of the discussion.

23.30 Minutes and matters arising

The Board AGREED the minutes of the 2 March 2023 Board meeting and the 16 March 2023 extraordinary Board meeting. It noted the matters arising.

The Board noted that it took a decision via electronic business on 6 April 2023.

The Board had AGREED that the contract for refurbishment and construction of the Wildwood premises be awarded by Defra on behalf of the OEP and that the costs will be met by the OEP in line with Section 2.4 of the Delegation Policy. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

23.31 Report of the Chief Executive

The Board noted the progress in delivery of our strategic objectives.

The Chief Executive reported that she had met with the DAERA Permanent Secretary in April and updated the Board on different areas of work in Northern Ireland. We have published our responses to DEARA's consultation on a draft ammonia strategy and the Department for the Economy's consultation on a draft circular economy strategy, both of which lay the groundwork for our work in Northern Ireland. The DAERA Permanent Secretary thanked us for this work. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and to relations in the United Kingdom and as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*

We received permission to intervene in the supreme court case *Finch v Surrey County Council*. Permission is limited to written intervention, with the limitation understood to result from the short time given to the case overall.

The Board noted that we will respond to the Department for Levelling Up, Housing and Communities' consultation on environmental outcome reports, and that response (as advice or a consultation response) will be considered by the Board at a future meeting.

Defra has published its “integrated plan for delivering clean and plentiful water” which we will consider further in our project on the implementation of water framework directive (WFD) regulations and in our review of progress in implementing the EIP and environmental targets.

We have received four complaints since the last Board meeting. We have developed the complaints section of the website, with further work in train. The Board encouraged officers to consider how we best measure our impact in the handling of complaints and expressions of concern, for example measuring where we signpost a complainant to a local authority or different organisation.

The Board congratulated the team on the publication of the report on the implementation of post implementation reviews of environmental law. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*, the report seems to have been well received. The board noted that the Secretary of State had made a prompt and measured Written Ministerial Statement in response.

The Board queried whether we will have an opportunity to produce a follow up report, either as a standalone report or as part of the wider EIP reporting process. The Executive will consider in the light of business planning constraints for the current year.

The Chief of Staff provided an update on business planning. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*. Further prioritisation is therefore required before the business plan can be completed and recommended to the Board. It will be brought before the Board at the earliest opportunity. The Board acknowledged this and encouraged officers to complete this with the minimum of delay.

The Board sought assurance on how any risks to underspend this financial year are being managed. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*. The Board has already agreed to proceed with early intended procurement, and this is being actively reviewed to seek to ensure that any uncertainty in the plan does not hinder procurement unnecessarily. Whilst appreciating the uncertainties leading up to business planning this year, the Board urged the OEP to bring forward business planning next year, to manage risk of underspend in 2024-2025

The Chief Executive updated on difficulties experienced in the flow of information sought from Defra under its duty to cooperate. We now have a tracker detailing the relevant details. The Board discussed the potential reasons for the difficulties and offered advice and support.

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

The Board congratulated the Executive on the excellent results of the people survey. It discussed some of the work proposed in response and to continue to define the culture of the organisation.

23.32 EIP assessment report: Scoping and approach

The paper was outlined. It proposes the focus area for the next EIP progress report, and the long-term plan for future reports.

The Board expressed concern that it will become progressively harder for the UK Government to meet the goals of the EIP with the progression and speed of climate change, and *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains information for future publication.*

The Board considered that looking at trajectories will be just as important as looking at trends, and we will need to highlight as soon as possible where the trajectory is of concern. The Board welcomed work now in hand to settle data standards and ensure consistent data quality so far as is possible.

This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains information for future publication.

The Board AGREED to the six key components of an EIP progress report.

The Board AGREED the proposed focus on *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains information for future publication* for the English EIP progress report for 22/23. It did, however, urge that the report should not neglect areas such as *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains information for future publication.*

The Board considered and commented on the options for in-depth and cross-cutting assessments from 2024-2028 and AGREED the criteria and selection process, with the caveat that timeliness needs to be considered. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and as it contains information for future publication.*

The Board considered and commented on the governance and peer review of the EIP progress reports. It endorsed the governance proposition but highlighted that if we are to use a college of experts then this would need to be done in a structured way.

The Board AGREED to adopt the proposed approach to EIP assessment in Northern Ireland. This should be brought back to the Board should the situation change in Northern Ireland, as it does rely on DEARA publishing an EIP.

ACTION Chief Insights Officer to discuss Board critical friends for the English EIP progress report with the Chair.

23.33 Evidence Strategy and Plan

The paper was introduced. The plan is broad in scope, and ultimately aims to develop the science profession in the organisation.

The Board urged caution with publishing stand-alone research papers undertaken through procured services, particularly if it is at odds with our strategic outputs. It debated the quality assurance processes in place, and the extent to which such papers are peer reviewed.

The Board queried the relationship between this proposal and the work going on with intelligence and horizon scanning. The two workstreams intersect, and it is about understanding current and future states of the environment and related law and policy, in both quantitative and qualitative terms. ACTION Chief Insights Officer and Chief Regulatory Officer to produce a diagram to show the flow of different information in the organisation.

The Board sought assurance that a college of experts would be adequately governed and managed. It highlighted that there are risks both in keeping the same experts and in having a more disparate body of people. It needs comprehensively mapping to realise the benefits, and needs linking to the stakeholder strategy.

The Board AGREED the approach set out in the evidence strategy, the approach to securing access to expertise, the approach to developing our evidence procurement and the approach to developing the OEP science profession. However, it urged that the approach needs to be evaluated adequately to ensure it is fit for purpose.

23.34 *This section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.*

Part One

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.

Part Two

Paul Leinster and Julie Hill were recused from this part of the discussion and left the meeting.

The Chief Regulatory Officer updated the Board verbally on the investigation, *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs, it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement and it contains legally privileged advice.*

23.35 Board Effectiveness Review Report

The Board effectiveness review report was presented, and the Board was invited to comment on the recommendations, particularly advising on those it viewed as most important.

The Board welcomed the assessment of its maturity, and recognised the description of its strengths and the areas to consider set out.

The Board discussed the recommendation that *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs*, noting that there is a lot that cannot be delegated under the Environment Act 2021. The key will be in striking a balance between the Board needing to approve a piece of work, and the degree to which it oversees directly the work that informs that product, and its drafting. Similar organisations manage to balance the two, and it will be necessary for the Board to discuss its priorities and focus. The Board welcomed that the critical friend model appears to be working in support of this aim.

The Board judged all recommendations to be valuable, but that some things are already done, some are not, and will need further definition by turning into specific actions.

The Board is particularly keen to see an evolution of the risk management process and consideration of key people risks. It also sought further clarity on how the OEP will use strategic relationships and media influencing.

ACTION The Chair and Chief Executive will formulate a plan to address the recommendations, and this will be brought to a future Board meeting.

23.36 Any other business

The Board discussed the proposed response to Defra's consultation on a draft revised Air Quality Strategy.

The Board discussed the tone of the proposed response. It advised that the language used could be sharpened.

This section has been redacted as its publication would be prejudicial to relations within the United Kingdom.

The Board discussed the short consultation period, and supported reference to that in the response.

The Board asked for an update on the Retained European Union Law Bill at its next meeting. **ACTION** Chief Regulatory Officer.