



# Office for Environmental Protection

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## Minutes

Meeting of the Board

Wednesday 12 July 2023 10am

The Swan at Wittington, Worcester.

## Members

Malcolm Beatty OBE	Board Member
Richard Greenhous	Chief of Staff
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

## OEP Attendees

Peter Ashford	General Counsel
REDACTED	Senior Investigations Officer (item 23.47)
REDACTED	Principal Finance Officer (item 23.49)
Alexis Edward	Head of Finance and Corporate Services
Mike Fox	Head of Communications and Strategic Relations
Andy Gill	Head of Insights Operations (item 23.47)
Andy Lester	Head of Business Strategy and Planning
Richard Marsh	Head of IT and Digital Services (item 23.51)
Professor Robbie McDonald	Chief Insights Officer
REDACTED	Principal Lawyer (item 23.47)
Kate Tandy	Head of Litigation and Casework (item 23.47)
Helen Venn	Chief Regulatory Officer
REDACTED	Board Secretary and Private Office Manager (Secretariat)

### **23.43 Apologies for absence and declarations of interest**

The Board received apologies from the Chief Regulatory Officer.

The Chief of Staff and Chief Executive declared an interest as SCS grade staff in respect of item 23.50.

The Chief Executive declared an interest as the OEP's accounting officer in respect of item 23.51.

### **23.44 Minutes and matters arising**

The Board AGREED the minutes of the 8 June 2023 Board meeting, subject to an amendment to the paragraph on page 3 to clarify the split of resources by strategic objective.

The Board noted the matters arising.

### **23.45 Report of the Chief Executive**

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

The statutory deadline for the Northern Ireland Environmental Improvement Plan (EIP) to be adopted is 25 July 2023. We have been in discussions with DAERA to date, and will write formally if this date is not met. *This section has been redacted as its publication would be prejudicial to relations within the United Kingdom.*

Work on our EIP progress report for England is continuing. Overall, it is not at risk for delivery *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* Instead, the risk is to the quality of the analysis. The Board appreciated that the delivery mechanisms for some of the elements of the plan do not all rest within core Defra, and noted that we have sought information as to how all delivery mechanisms interconnect to deliver the stated ambitions.

The Board requested further information on the research contracts for our evidence programme. ACTION Chief Insights Officer.

The Board noted its previous discussions on how we take account of socio-economic factors in our work, and our approach to having regard to the need to act proportionately. This will be considered again as we review our strategy at the end of the year.

We have now had sight of the Defra toolkit to support the English Environmental Principles Policy Statement. We are seeking further information from Defra about how its implementation is to be governed across government. In this, and wider initiatives, the Board urged focus on the level of ambition in implementation.

We have had two new complaints, and have nine open overall. *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.* It sought assurance on how complainants were being kept up to date. It also expressed concern on the moratorium on some planning decisions instigated by DAERA following our current NI investigation. We are taking opportunity to clarify our position in the media, as it arises.

The Board discussed the climate action plan due to be produced by DAERA by June 2024 under the Climate Change Act (Northern Ireland) 2022. The Board noted that the Act sets a very ambitious target.

In discussing our body of work, the Board emphasised the need to follow through on our recommendations, including where similar issues are revisited by Government. To do this, we need to be clear how and to what extent our advice is followed.

The Board commended the corporate plan now published. It was reminded that we have deliberately over programmed. We are therefore carefully monitoring our progress against delivery and expenditure in year to see if it reduces in year as we expected. Absent this, it is likely that we will decide whether several work programmes can continue at mid-year. The Board requested that it be kept closely informed. We have been provided with an extra £100,000 from DAERA which does provide some more flexibility for our Northern Ireland activity, *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

Construction on our Wildwood Office is progressing ahead of the office move in September. We have advised staff that the expectation will be they attend the office a minimum of two days per week. A small minority of staff have raised concerns about the shift to hybrid working from largely remote. We are developing a toolkit for staff. The Board queried whether there is going to be an all-staff event for the office opening which the Board can attend. ACTION Chief of Staff.

The Board ask if it could have more detail of our engagement with Parliamentarians. It queried whether our relationship with Defra is unusual compared to similar organisations, such as the Climate Change Committee. Learning from Defra's relationships with other comparable bodies is informing our work on how we work well together. ACTION Head of Communications and Strategic Relations.

#### **23.47 England's Environmental Improvement Plan**

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

#### **23.48 Finance report**

The Board reviewed the year end results, and in particular the variance between these and the Q3 forecast.

The Chair of the Audit and Risk Assurance Committee provided comment. The Committee met to scrutinise the figures prior to the Board meeting. It was particularly concerned about the increase in underspend in Q4 despite the organisation focussing on the accuracy of forecasting at Q3.

The Committee had in particular sought assurance on the lessons learned from last financial year and the actions taken to prevent recurrence. The Audit and Risk Assurance Committee offered to provide further scrutiny in year, prior to the Board's deliberations at Q2 and Q3. The Board would welcome further scrutiny, but this would need to be properly governed. ACTION Head of Business Strategy and Planning.

The Board noted the proposed actions and lessons learned. These included that the business plan for the 2023/24 year is over programmed by 29% for non-pay; that the Board agreed that we should recruit and procure ahead of the start of the financial year meaning we are already advancing delivery. In addition, we continue to work to secure that the

finance team has capacity; Executive Directors meet monthly to discuss progress on forecasting against budget, the outputs of which will be brought to Board and the Audit and Risk Assurance Committee on a quarterly cycle; we are identifying now the critical path decisions needed to manage the risk of overspend and/or underspend.

The Board highlighted the importance of explaining clearly the underspend in the Annual Report and Accounts. This is particularly important in the context of the statement on the adequacy of funding.

The Board noted the work remaining to be completed on the year end accounts, and that final figures will be tabled to the Audit and Risk Assurance Committee in August (in the draft Annual Report and Accounts) prior to release to the auditors. The final Annual Report and Accounts will be tabled to the Board for approval in October.

### **23.49 Website improvement project**

The Board received a presentation on the website improvement project, including the feedback received from users and the actions intended to be taken as a result. Feedback is broadly positive, but identifies a number of opportunities to improve.

The Board sought assurance on how long the proposed staggered approach to redevelopment would take and whether it would be future proof. It was assured that the platform itself is future proof, the improvement will be around the content rather than core functionality. We expect to start to see new pages within three months, and that it would be completed by the end of the financial year. The Board endorsed the staggered approach.

### **23.50 One off payment**

The Board considered the paper, and noted the views of the Prospect Trade Union, particularly the payment that should be made to part-time staff. The Board had previously agreed to align with Defra's pay conditions. Defra is to pro-rata the payment for part time staff, in line with Cabinet Office guidance.

The Board AGREED a one off, non-consolidated payment of £1500 to all full-time staff at below SCS grades on the OEP's payroll who were in post on 31 March 2023 and who are still in post on 12 July.

The Board AGREED equivalent payments to eligible part time staff should be pro-rata based on hours worked on 31 March 2023.

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

The Board AGREED payments should be made in July, with an option for 3 instalments offered for any staff who may be affected by Universal Credit rules.

### **23.51 Framework document**

The Board commended the work and tenacity that has gone into getting the document agreed. It still needs to be approved by the Secretary of State and the Permanent Secretary, but Defra and DAERA do not anticipate any material changes.

The Board AGREED the OEP's Framework Document and noted the letter from the Minister provided.

### **23.52 Board effectiveness action plan**

The Board considered the action plan for the Board effectiveness review. It endorsed the main recommendations and the associated action plan.

The Board was assured that the Executive has scrutinised the plan and believe it to be deliverable. An update will be brought to the Board in Q3 to assess progress on the plan.

The Board is keen for time to be carved out for non-executives only, either a meeting or a Board dinner. This would need to be done within the Governance Framework. ACTION Board Secretary.

The Board AGREED the Board effectiveness review action plan.

### **23.53 Delegation policy**

The Board discussed the proposal to delegate approval of non-strategically significant policy, previously retained by the Board, to the Chief Executive. It queried what would constitute a strategically significant policy. Broadly speaking, a strategically significant policy would be something external such as the enforcement policy, or upcoming transparency policy.

The Board noted that the decision to withhold information held by the OEP under section 36 Freedom of Information Act 2000 is not currently delegated to the OEP by the Minister. It was proposed to be delegated to the Chief of Staff, if the Minister agrees. It is understood that the Minister is to be advised to reserve this to the Chief Executive, and our policy will therefore be amended accordingly.

The Board APPROVED the amended delegation policy and to its subsequent publication, subject to this amendment.

### **23.54 Any other business**

The Chief of Staff's term as executive Board member ends on 31 July 2023, and he will not attend the 25 July 2023 extraordinary Board meeting. If timing allows, he will provide comments in advance of the meeting.

The Chief Insights Officer advised the Board that the likely date for the EIP progress report launch will be *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs* January 2024.