



Minutes

Meeting of the Board
 Thursday 8 June 2023 9am
 MS Teams

Members

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

Peter Ashford	General Counsel
REDACTED	Business Planning & Analysis Officer (item 23.40)
Alexis Edward	Head of Finance and Corporate Services
Mike Fox	Head of Communications and Strategic Relations
Andy Lester	Head of Business Strategy and Planning
Richard Marsh	Head of IT and Digital Services (item 23.42)
Professor Robbie McDonald	Chief Insights Officer
Helen Venn	Chief Regulatory Officer
REDACTED	Business and Governance Officer (Secretariat)
REDACTED	Principal Environmental Analyst (item 23.39)

23.37 Apologies for absence and declarations of interest

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

23.38 Minutes and matters arising

The Board AGREED the minutes of the 20 April 2023 Board meeting and noted the matters arising.

The Board queried whether we can track the extent of public access to Board minutes on the website. ACTION Head of Communications and Strategic Engagement to provide data to interested Board members.

23.39 Report of the Chief Executive

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

The launch of our first Northern Ireland investigation has been widely publicised, resulting in increased public recognition of the OEP in Northern Ireland.

We are also expanding our engagement in Northern Ireland and have meetings arranged with most of the political parties, besides Sinn Fein, which is still being arranged. In the absence of a sitting assembly this is the established approach.

The Board was informed of correspondence with Defra with regard to our approach to data analysis in our EIP progress report published in January. We are confident in our analysis and conclusions. The Board noted the merit in an agreed approach under which all interested stakeholders inside and outside of government could use the same data set. It was noted that analysis and interpretation of the data will still differ between parties.

We are progressing on the recruitment of our college of experts to expand the routes through which we can access external expertise. Board Members were encouraged to promote this opportunity through their networks. The Board expressed some concern that the role is unremunerated, as this could mean that we are not able to appoint a sufficiently diverse range of candidates. The executive will monitor this aspect closely.

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

The Supreme Court will consider the case of Finch v Surrey County Council on 21 and 22 June.

The Board discussed our proposed response to the Department for Levelling Up, Housing and Communities consultation on Environmental Outcomes Reports (EOR). This is a high level consultation. We have had conversations with the Department for Levelling Up, Housing and Communities, and they are welcoming of our proposed response.

The Board received assurance that the consistency of our views between our Environmental Outcomes Reports consultation response, and the Finch case had been considered and was being managed.

This consultation is informed by the environmental law report in course on environmental assessment regimes.

The Board commented that the draft response is focused on the role of local authorities, as the arrangements for national elements of the regime, for example the work of the Planning Inspectorate and Nationally Significant Infrastructure Projects is not yet clear from the consultation material.

The Board discussed that planning officers may seldom fully monitor and enforce compliance with associated planning conditions. Conditions alone are not enough, without compliance or enforcement alongside it. The Board flagged a risk that there will be a period of litigation to test any new regime implemented which will create uncertainty.

The Board was updated on the implementation of our stakeholder engagement strategy. It was explained that we have retained capacity for one big stakeholder event, which will be the EIP Report launch. The Board hopes to see a large attendance at this event. There is a range of wider stakeholder engagement through a variety of forums, which will continue.

23.40 Business Plan and Budget

The proposed business plan and budget maintain the priorities and high-level judgements the Board considered at its March meeting, including the actions taken to balance delivery and financial risks.

The Board noted that we are seeking additional resources from DAERA in relation to our Northern Ireland functions. We will have to stop or slow down activity in relation to Northern Ireland if additional resource is not provided. The same may be true for England (albeit to a lesser extent) if we are unable to mitigate resource pressures in the ways set out.

Prioritisation decisions will return to the Board in-year as needed, in line with the delegation policy. The Board sought assurance on the robustness of our approach to monitoring delivery against the business plan, given the projected overspend. Dedicated monthly executive meetings are used to bring together delivery progress, risk, financial and other considerations to deal with new and emerging issues and re-prioritise where needed.

The Board commended the thought and attention that had been put into the business plan. It sought assurance on the Executive's confidence in its deliverability. The plan has been scrutinised closely, prioritised extensively and the Executive is as confident as it can be at this point.

The Board queried the split of resources between objectives, noting that there is a high percentage dedicated to our work on our organisational influence and excellence. This has been challenged by the Executive and thought appropriate at present.

The Board questioned the scope for assessing our impact and reach. The Executive is considering how to best evaluate impact while further evidence-led approaches are developed. The Board urged that this work be developed further, whilst noting that resources had not been retained for expansive work on this in the business plan.

The Board noted that recruitment (at pace) and procurement (with the obvious risks) are the largest areas of vulnerability.

The Board AGREED the business plan, and budget for 2023/24.

The Board considered and commented on the corporate plan.

The Board pressed for the need to strengthen the wording around our resources in relation to Northern Ireland. It is better to state firmly that we expect our resourcing needs to be met so that we can deliver as the Assembly intended. This needs to be consistent with the statement of sufficiency we must make in the Annual Report and Accounts.

The Board debated the extent we should highlight our work on UK reserved matters in the plan. It was noted that this is a relatively small body of law, and therefore a relatively small component of some of our programmes. This will be made more clear.

The Board AGREED the corporate plan subject to its comments and to delegate approval of its final form to the Chief Executive in consultation with the Chair.

23.41 Boxxe Contract Update

The Board noted the breakdown of the Boxxe contract and variations made to date. It was assured that the cost of the contract was in line with expectations for an organisation of our size and complexity.

The Board noted that all future contract variations will continue to be authorised by the Chief Executive, in accordance with the Schemes of Delegation.

The Board noted the intention to extend the current contract by a further two years.

23.42 Any other business

There was no other business.