



Office for Environmental Protection

Minutes

Extraordinary meeting of the Board
Thursday 6 October 2022 9am
MS Teams

Members

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

Attendees

Peter Ashford	General Counsel
REDACTED	Principal Finance Officer (item 22.72)
Neil Emmott	Head of Monitoring Environmental Law (item 22.73)
Mike Fox	Head of Communications and Strategic Relations
Helena Gauterin	Head of Environmental Law (item 22.73)
Andy Gill	Head of Environment and Climate Analysis (item 22.74)
REDACTED	Principal Analyst (item 22.74)
Richard Greenhous	Chief of Staff
REDACTED	Principal Environmental Analyst (item 22.74)
Andy Lester	Head of Business Strategy and Planning
Professor Robbie McDonald	Chief Insights Officer
REDACTED	Senior Environment Specialist (item 22.74)
REDACTED	Business and Governance Officer (Secretariat)
REDACTED	Principal Analyst (item 22.74)

22.71 Apologies for absence and declarations of interest

Apologies were received from Malcolm Beatty and Alexis Edward.

There were no new declarations of interest.

22.72 Annual Report & Accounts

The accounts were presented. The Board commended the work done by officers in the circumstances of the OEP's establishment, and the quality of the report produced.

The Board noted that Natalie Prosser (in her capacity as Accounting Officer) has reviewed the annual report and accounts and given assurance that the information contained within is accurate. The audit and risk assurance committee had scrutinised and also recommended that the Board approve the annual report and accounts.

There is nothing material to note in the financial statements, in light of the audit by the National Audit Office. The audit identified a £32,000 discrepancy that has been rectified.

The Board's attention was drawn to two important statements in the annual report. The governance statement sets out that the data and information provided to the Board was proportionate and of appropriate quality. The Board endorsed this. The annual report also includes the OEP's first statement on the sufficiency of its funding, required under the Act.

The Board made suggestions for improvements in future years including that information on diversity of staff be included. It also suggested that the OEP could draw attention to the work that has not been possible to undertake within the resources provided. This is an exceptional reporting period, and the annual report will be developed in future years to explain the delivery of the OEP's functions.

The **Board APPROVED** the annual report and accounts subject to any comments arising from the ministerial review and finalisation of the external audit. It **AGREED** to delegate the final approval and letter of representation to the Chair of the audit and risk assurance committee together with the Chief Executive in the event of non-material amendments arising from either of these.

22.73 Discussion on political uncertainty

The Chief Executive introduced a discussion on a number of recent policy proposals from government in England, and the approach the OEP may take in response.

The Retained EU Law (Revocation and Reform) Bill (REUL) provides opportunity to restate, amend or revoke most retained EU law, a substantial proportion of which is related to the environment. A full list of in-scope law is not publicly available; the legal and MEL teams are conducting our own research.

The Board commented on a preliminary diagnosis of the issues raised by REUL prepared by the Executive. The Board highlighted the importance of an evidence-based assessment and noted the differences in views between government and some environmental organisations on the risks and potential impact. The Board discussed how the OEP's statutory functions can be used in these circumstances. *This section has been redacted as it contains legally privileged advice.*

The Board was in agreement that we should not duplicate work currently being done by other public authorities. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* This would be intended to allow for further work focusing on individual laws, if this were warranted. It would also be intended to allow ongoing assessment of the effectiveness of the system of environmental law, as it is proposed to be revoked or reformed by REUL. The Board noted the need to create a clear set of governance rules setting out specifically which of the OEP's functions will be engaged.

ACTION Chief Regulatory Officer to form a multi-disciplinary team to engage with Defra and DAERA to monitor their programmes for revoking and reforming retained EU environmental law.

The Board emphasised that the uncertainties in REUL exemplified the need for rapid access to expertise. It queried the progress of the work to establish a call off panel of experts or similar. The Board suggested that it might be possible to use another organisation's framework. *This section has been redacted as it contains legally privileged advice.* ACTION Chief of Staff to provide an update on the progression of establishing a call off panel at the 27 October Board meeting.

The Board considered the REUL work to be a priority, and agreed that the Executive undertake a prioritisation exercise, and stop or pause other work if needed. The result will be presented to the Board at the October meeting. ACTION Head of Business Strategy and Planning.

The Board discussed the UK Government's emerging policy for investment zones. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and it contains information for future publication.*

22.74 25YEP Monitoring report – key messages and progress update

The Board considered and commented on the key messages provided in Annex One to the paper and whether any are missing.

The Board emphasised the need to sharpen the wording of the recommendations *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* In depth analysis of the data is crucial to securing the appropriate tone.

The Board suggested that the total number of recommendations should be limited to under 10, if possible, and the detail should be challenging, but manageable. The Board re-iterated the position taken at its meeting of 7 September 2022, *this section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.* There is also a need to be consistent with other reports or advice that the OEP has produced.

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The Board emphasised the need to relate the recommendations and analysis back to the four cornerstones of environmental governance in Part 1 of the Environment

Act. It is important to highlight that government needs to set its environmental agenda and priorities. It is also important to emphasise that the environment, social wellbeing and economic prosperity are interlinked. The Board suggested that the wording “environmentally sustainable economic growth” is a good summation to align our mission with the UK Government’s growth goals.

Any other business

The Board noted that the OEP will write to the Secretary of State for the Environment, Food and Rural Affairs today in regard to forthcoming statutory deadline to adopt environmental targets. The Chair and Chief Executive will report back to the Board after meeting the Secretary of State.

The meeting ended at 11:40.