



Interim Office for Environmental Protection

Minutes

Meeting of the Board
Wednesday 6 October – 9.30am
Pear Tree Inn, Smite, Worcester

Members in Attendance

Julie Hill MBE	Board Member-designate
Professor Dan Laffoley	Board Member-designate
Dr Paul Leinster CBE	Board Member-designate
Professor Richard Macrory CBE	Board Member-designate
Natalie Prosser	Interim CEO-designate
Dame Glenys Stacey	Chair-designate

Other Attendees

Peter Ashford	Head of Legal
<i>Redacted</i> (item 21.26)	Investigations Officer
Alexis Edward	Head of Finance & Corporate Services
Neil Emmott	Head of Complaints & Environmental Law
<i>Redacted</i> (item 21.23 onward)	Team Leader, Scrutiny & Advice
Louise Jakobsson	Head of Strategy, EIP Monitoring & Reporting
<i>Redacted</i> (items 21.23 to 21.26)	Principal Officer, Strategy & Governance
Andy Lester	Head of Business Strategy & Planning (acting as Board Secretariat)
<i>Redacted</i> (item 21.26)	Principal Lawyer
Maniv Pathak	Head of Insights & Analysis

21.20 **Apologies for Absence and Declarations of Interest**

Apologies were received from Sandy Rowden, Head of Establishing the OEP

In respect of item 21.26, Natalie Prosser declared her interest as a marathon open water swimmer, and member of the Outdoor Swimming Society. This is recorded in the Register of Interests.

There were no other declarations of interest.

21.21

Minutes and Matters Arising

The Board **AGREED** the minutes of the meeting of 12 August 2021, and the matters arising were noted.

The Board considered and noted the minutes of the steering group of the 25 YEP Monitoring Report.

This section has been redacted as it relates to legally privileged advice

21.22

Report of the Interim CEO-designate

The Board noted the reported position on the current financial forecast. There had been movement since the last report, and the Board sought assurance on the certainty of the forecast presented. While there are known areas of risk, there is confidence in most areas of forecast expenditure. A detailed finance report is to be provided for the next Board meeting **ACTION** Head of Finance & Corporate Services.

The Board was informed that the outcome of the spending review was expected to be announced by the Chancellor of the Exchequer at the end of October. A three-year budget planning process will then be undertaken by Defra, concluding in March 2022. This will be challenging for the OEP given uncertainties around future work volumes and demands. It is critical to secure the right budget, and the planned opportunity for early review is an important mitigation.

The Board welcomed the new staff appointed, and noted that staff had been redeployed across functions to mitigate pressures arising from the exit of interim staff. This augurs well for the operation of the intended flexible organisational design.

This section has been redacted as it relates to legally privileged advice

The Board questioned the progress of a communications approach for vesting and launch and the role members could play in supporting it. Proposals would be brought to a future Board meeting. **ACTION** Head of Business Strategy & Planning.

The Board was updated on progress in establishing the OEP. A range of risks and complexities exist, including the interdependency of royal assent of the Environment Bill, completion of the staff transfer scheme and the date of HR and payroll system transfer. Cash and payroll transfers can only be made on 1st of any month, and the possibility of a short delay to bill passage expected puts 1 December at risk. Contingency plans are developed and being tested for a 1 January implementation of these aspects. The Board noted that an implementation beginning in December and ending on 1 January remains on track, but managed risks exist.

An update on the progress of end-user computing was provided. An unsuccessful initial procurement tender had delayed contract award and had created risks in implementation, given a shorter implementation window. The Executive is confident in the provider now selected, and progress is being made. A contingency plan to bring forward some equipment delivery is in place, to ensure system testing can continue as planned.

The Board welcomed the additional staff resource now available to support preparation for any OEP role in Northern Ireland. The uncertainty in the timing of a NI decision was acknowledged. The Board emphasised the complexity of the legal framework for the OEP in NI.

This section has been redacted as it relates to legally privileged advice

Progress in establishing remaining governance policies for the OEP was noted. The Board discussed the framework agreement being developed and its importance in correctly setting the relationship between Defra and the OEP. The Board sought assurance that key risks in that document were being considered by officers, particularly relating to the OEP's independence and any approvals required to the OEP's corporate and business plans.

The Board was informed that there appeared to be a delay in Defra's readiness to consult, or seek advice, on the areas prioritised by the Board in its July meeting. It was hoped that momentum would now gather after recess. Working relationships with relevant policy teams remain constructive.

The Board commended officers on the achievements in the period.

21.23 **Developing the OEP strategy**

The Board discussed the timeline for developing, consulting on and adopting the OEP's strategy. It was intended that the strategy would be published for consultation at the same time as the OEP's functions legally commence. This should enable the organisation to consider consultation responses and then adopt a final strategy at or around the start of next business year, at the same time as the OEP's corporate plan is published.

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

The Board noted the timeline presented. It **AGREED** to a consultation of between six to eight weeks provided that it receives assurance that sufficient pre-consultation activity has been completed, and sufficient concurrent activity planned for while the consultation is open. **ACTION** Head of Business Strategy and Planning.

21.24 **A prioritisation approach for the OEP**

The paper proposing an approach to prioritisation within the OEP was introduced. Its intent is to narrow the options for how the OEP may prioritise its activities, such that substantive proposals can be developed.

The Board discussed the proposed principles for prioritisation and judged them to be well developed and intuitively right. It endorsed the principle that prioritisation will be a matter of judgement but queried whether the principles adequately reflected the necessity for that judgement to be informed by the available evidence. Decisions would be required when information was uncertain or incomplete.

The proposed factors informing the OEP's judgement were considered. It was recognised that these must enable relative judgements to be made to differentiate between compelling alternatives.

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The proposed factors for considering the scale or nature of the issue were discussed.

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Factors important to the OEP's capacity and capability to deliver were discussed.

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The Board considered how stakeholder and public views should be included within any prioritisation judgement.

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The Board debated the role for government policy to inform priorities the OEP may determine.

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

21.25 **Tactical questions – a series of case studies**

The Board considered three case studies and considered a range of questions as to how the OEP could determine the best approach to tackle an issue across its functions.

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21.26 **Developing the OEP enforcement policy**

The paper set out the progress made in developing the OEP enforcement policy since its last review by the Board. A range of changes in approach were explained, following the Board's feedback and advice from expert enforcement specialists engaged since.

It discussed the proposal to develop a range of resolution mechanisms beyond the enforcement powers set out in statutory provisions. It was noted that those we oversee will likely want to get to resolution before a case goes to court. Transparency in the OEP's approach is likely to support to resolution.

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A range of drafting improvements to the policy were recommended and areas of the proposed policy discussed in detail. The Board favoured further explaining the definitional words in the Environment Bill if that would provide clarity to the reader.

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The Board commended the draft policy as a basis for further development.

21.27 **Stakeholder Engagement**

The paper was introduced setting out a proposed approach to pre-consultation engagement with identified stakeholders. It was recognised that the OEP must be deliberate and purposeful in its engagement in this critical period.

The proposed objectives for engagement on the OEP's strategy were considered and **AGREED**. An additional priority might be to ensure understanding of stakeholders' awareness and expectations of the OEP.

The Board discussed the proposed audiences and approaches to engagement set out. It was questioned whether there was sufficient representation from certain groups and if there was a need for a more proactive approach to engage underrepresented groups and in particular:

- non-governmental organisations in the marine sector – it will be important to ensure that stakeholders seek to bring their internal expertise in terrestrial, freshwater, air and marine matters
- areas of the environment which are underrepresented by NGOs, such as waste, chemicals, and the urban environment. A useful cross-check could be made to the goals of the 25-year environment plan. **ACTION** Head of Strategy, EIP Monitoring and Reporting
- central government departments outside of Defra, in particular the Departments for Transport; Levelling Up, Housing and Communities; Cabinet Office, HMT and Business, Energy and Industrial Strategy.
- academia including research councils and similar bodies

The Board were invited to supplement those stakeholders that had been identified. **ACTION** Board members are to be asked to contribute Head of Strategy, EIP Monitoring and Reporting

The approaches to engagement were considered. The Board expressed its concern in the value of the standing stakeholder forum, established by Defra and considered if could be developed into something more fit for purpose. It was explained that the forum had become more informative, than discursive in recent months. A better structure for discursive engagement was judged to be the special interest groups proposed.

The Board welcomed an active role for it in engagement events proposed. **ACTION** Head of Strategy, EIP Monitoring and Reporting to provide key message information, and a slide deck for use.

Consideration should also be given to the future programme of conferences and events where the OEP should maintain a presence. **ACTION** Head of Business Strategy and Planning

21.28 **Strategic objectives for the OEP**

The Board considered the proposals outlined in the paper. It **AGREED** that

- a. the OEP should define strategic objectives
- b. there should be four or five objectives covering all of the OEP's work
- c. these should be objectives of outcome, not activity
- d. they should build from and collectively say something more than our mission about our intent
- e. they will form the basis of how we tell our story through our strategy, corporate and business plans and annual report and accounts, and be useful in doing so.

The Board considered the nature of the outcomes which might underpin the OEP's objectives.

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The Board reflected on its agreed mission statement, which includes statements of the activities the OEP must complete. Consideration should be given the effect of each of the described functions, to inform development of objectives.

The Board considered it probable that its objectives should be intermediate outcomes as proposed in the paper. It did **NOT AGREE** this recommendation, but suggested that options were developed with different outcomes for it to consider. These would be developed based on the Board's discussion. **ACTION** Head of Business Strategy and Planning.

The Board **AGREED** that objectives should intend to endure in the medium-term. Objectives may evolve over time but should expect to endure beyond a three-year planning cycle. The Board expressed a preference for objectives that are short, clear, enduring and stable. It should be obvious that meeting the strategic objectives means that we have delivered our principal objective.

The Board considered where it should set out its objectives, and the merits of doing so in its strategy for consultation or plans. It **AGREED** that objectives should be set out for consultation, and anticipated consultation outcomes could help refine and improve the objectives suggested.

21.29 **Publication of papers and any other business**

The Board **AGREED** that papers be published as indicated on each paper presented. There was no other business. The meeting closed at 15.25