



Minutes

Meeting of the Board

Wednesday 6 November 2024 13:45

Thursday 7 November 2024 09:15

Derry

Members

Malcolm Beatty OBE	Board Member
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

OEP Attendees

Peter Ashford	General Counsel
REDACTED	Complaints Officer (item 24.101)
REDACTED	Legal Researcher (item 24.105 and 24.106)
REDACTED	Principal Complaints and Investigations Manager (item 24.101 and 24.105)
Mike Fox	Head of Communications and Strategic Relations
Richard Greenhous	Chief of Staff
Andy Lester	Head of Business Strategy and Planning
Angel Lai	Head of Finance and Corporate Services
Dr Cathy Maguire	Head of Assessments (item 24.100)
Professor Robbie McDonald	Chief Insights Officer
Craig McGuicken	Northern Ireland Lead (item 24.102)
Ray Purdy	Head of Legal Research and Analysis (item 24.105 and 24.106)
REDACTED	Board Secretary and Private Office Manager
REDACTED	Legal Researcher (24.105 and 24.106)
Kate Tandy	Head of Litigation and Case Work (item 24.101)
REDACTED	Principal Legal Researcher (item 24.105 and 24.106)

24.97 Apologies for absence and declarations of interest

Apologies were received from Helen Venn and Paul Leinster.

Dame Glenys declared an interest in agenda item 24.105 due to being the Chief Executive for Animal Health for 5 years between October 2004 and March 2008.

24.98 Minutes and Matters Arising

The Board AGREED the minutes of the 25 September.

The Board noted the matters arising report.

24.99 Report of the Chief Executive

The Board was updated on a range of strategic matters since its last meeting.

The Board noted the continuing busy period of significant publications and announcements within Northern Ireland including the recent publication of our Drivers and Pressures report. This had generally been well received amongst stakeholders. It was noted that further meetings with the agrifood industry and farmers' representatives were planned after some negative reception to the report from the Ulster Farmers Union. It was confirmed that the Chief Executive's recent speech in Stormont had also been well received.

It was confirmed to the Board that Defra's rapid review of the EIP is expected to be published in spring 2025 but the exact timetable is not fixed, it was noted that this review will be released after our annual progress report is published.

The Board were made aware that a consultation on Bathing Waters regulations would be carried out by Defra, but the timing is unknown. Members of the Board queried whether we were aware of any differences from the consultation to our report soon to be published. Defra have had receipt of our draft report for some months, to support their preparations for consultation.

The Chief Executive highlighted the water review being carried out at Defra. This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs. The terms of reference appear to suggest this is a focus of the review. The Board noted Defra's review of regulation.

The Board were updated on the progress of our on-going interventions and investigations.

The Chief Executive gave an update on our investigation into the emergency authorisations of neonicotinoid pesticide Cruiser SB in 2023 and 2024. This section has been redacted as it relates to information recorded for the purposes of OEP's functions relating to investigations and enforcement.

The Board were made aware that our Annual Report and Accounts had been laid before Parliament. The Board discussed the fine balance of mitigating both over and underspend and the measures taking place to mitigate this risk, the issue of a headcount cap still being a contributing factor.

The Board noted the success of the General Election working group and that we continue to develop a consistent approach to lessons learned as many of these are transferable and can be applied to future projects.

24.100 England EIP 2023/24 progress assessment - update and forward look

The Board was provided with an update on the progress of the 2023/24 EIP Progress Report for England. It was confirmed to the Board that the complete report is due to be presented at the 27 November Extraordinary Board meeting.

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

The Board noted that where progress is being made within the EIP, this progress is slow. The Board requested that this progress highlighted the areas of opportunity.

The Board discussed how the EIP report is presented each year, and how this may need to evolve in time. This is a large report and there may be opportunities to take different approaches considering the organisation's limited resources, whilst achieving the same impact.

The Board requested consideration be given to how it can be clear whether the report refers to the current or previous government to ensure that continuing accountability is held with the government considering the change in previous year.

The Board welcomed the use of infographics throughout the report but requested that, where possible, there was a comparison to previous years side by side to allow for easier comparison.

24.101 CMS 384 Agricultural Pollution – Farming Rules for Water (FRfW)

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

24.102 Our Work in Northern Ireland – Verbal Update

The NI Lead updated the Board on our work in Northern Ireland, and how this has been received. The Board were updated on the areas of work that are judged to have been successful and where the opportunities may now lie within Northern Ireland for the OEP to have the greatest impact.

24.103 Strategy and Enforcement Policy

The Board considered the consultation report. The Board noted the range of bodies consulted, and sought assurance where known stakeholder groups were absent. The Board encouraged continued efforts to reach the broadest range of stakeholders.

The Board considered the changes to the strategy proposed in light of the consultation. It discussed the need to link up our Whistleblowing policy from our website to the Strategy and Enforcement policy to ensure these align.

The Board agreed to adopt the policy, subject only to non-material amendments required in light of its discussion. It agreed that these non-material amendments should be delegated for approval to the Chief Executive in consultation with the Chair. The Board also agreed to publish and lay the strategy and enforcement policy in both Parliament and the Northern Ireland Assembly.

24.104 EA inspection of regulated facilities in the waste sector

The paper was introduced to the Board and the Board discussed the emerging findings in relation to the implementation of this inspection regime.

The Board challenged the strategic intent of the report. It noted that this report should be positioned within the context of the state of the environment and therefore what is needed to be done to improve the environment through inspections carried out. This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs. A workshop is to be held shortly to discuss and explain our conclusions so far.

The Board highlighted the need to consider tone when the report is being written, in this context.

The Board noted that our report should not necessarily identify solutions to the issues raised. The development of an inspection regime is the responsibility of the inspectorate. Our report should assist in highlighting any failings and opportunities for improvement.

The Board noted the estimated timeline for publication.

24.105 Environmental Inspections in England – Case Studies on selected laws and their implementation

This project is a broad assessment of a number of inspection regimes. It has considered what agencies are doing in the inspections they are accountable for conducting and how these regimes are detailed in law.

The Board considered the wider implications of inspections regimes and the need for the culture, context and purpose of inspection regimes to be considered as part of the report. Inspections are an important and critical part of the overall regime of environmental law. Making this clear, and situating this in context may be helpful.

The Board considered the need for the report to deep dive further into the details initially reported and consider the use of fewer case studies to focus on those that provide a clear representation of the state of environmental inspections. There may not be a need to use each example to illustrate our key points.

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

The Board requested, that where possible, an environmental example of the implications of a poor implementation of an inspection regime were considered to highlight the real-life consequences.

The Board queried the strategic intent of the report. It noted that the initial evidence gathering phase of this work is now concluded. The initial findings are illuminating, but careful thought is needed as to how these are best used to drive improvement.

The Board highlighted the importance of this piece of work which it judged to have significant potential impact.

The Board requested that an update to the Board at the 11 December Board be provided, outlining the structure, key messages and strategic intent. ACTION Head of Legal Research.

24.106 Q2 Finance Report

The Board noted the Q2 financial report and the forecast for the remainder of the financial year 2023/24. We are currently forecasting to underspend by £147,680 and are acting to minimise this.

The initial assessment of the OEP's financial risk suggests a potential reduction in the OEP's balance of funding of £300k to £500k, if the 1.9% reduction in Defra's RDEL set out in the Chancellor's autumn budget and the employers' national insurance contribution increase were both passed on.

We have bid for resources for 2025/26 from the Defra business planning round, which will follow the budget settlement.

The Board discussed the longer-term financial plan and was advised that an enhanced approach to budgeting and planning beyond 12 months will be trialled in the 2025/26 budgeting and planning round. By planning further in advance, we can better manage our resources and maximise our impact.

24.107 Delegation Policy

The paper and updated policy was presented to the Board and they noted the changes to the policy from the previous version. The Board were made aware that changes made had been to make the policy clearer.

The Board agreed with the recommendations of the paper to approve the amended delegation policy and to its subsequent publication. The Board also noted the intention to review our general approach to delegation in the next six months.

24.108 Any other business

It was confirmed to the Board that the Electronic Business paper of the 17 October was confirmed by all members. The Board agreed to approve a variation to the contract with Boxxe by up to £70,620 by increasing the CEO's delegated spend approval by £56,731, to replace that for £20,000 which it approved on 25 September.