

## LINK Governance Group 20 April 2018

### Meeting Note

**Attending:** Lloyd Austin (RSPB Scotland); Jen Anderson (LINK); Lorna Scott (NTS); Daphne Vlastari (LINK); Robin Parker (WWF Scotland); Mary Church (FOES – present for part of meeting); Lisa Webb (LINK); Amy Mount (Greener UK); Sam Gardner (WWF Scotland – present for part of meeting).

**Apologies:** Joyce McMillan (LINK President), Charles Dundas (Woodland Trust Scotland), Bruce Wilson (SWT)

#### 1. Brexit

##### *Continuity Bill*

Good work on the successful amendments by Daphne, Robin and Isobel and others, in relation to environmental principles and the governance gap. The amendments preserve EU environmental principles and require Scottish Ministers to consider them in terms of Sections 11, 12 and 13 of the Bill. Also, the amendments require the Scottish Government to consult on the environmental governance gap emerging from the loss of functions currently performed by EU bodies and agencies. The debates on the Bill also brought useful statements about the Commission and ECJ, inferring agreement that we will need a replacement.

ECCLR currently considering environmental and animal welfare principles (LINK evidence submission is [here](#)). Likely to be a consultation on this coming out before summer recess.

In summary, ScotGov is required to consult on three things (i) principles (ii) governance gap and (iii) long term environmental strategy. Not yet clear on how they will do this eg whether via three separate consultations or some aspects together.

These issues will be further discussed at upcoming LINK meetings with Bridget Campbell (early May) and Roseanna Cunningham MSP (8 May).

The Group agreed it is important to consider how all of the above fits with the next Programme for Government and our asks for that. For example, a Scottish Environment Act? ScotGov may be considering a strategic assessment of environmental legislation.

Despite the positives of the Continuity Bill amendments, this may have been in vain as the UK Government has gone to the Supreme Court in an attempt to quash it. That case won't be heard until the Withdrawal Bill has been through the Lords around the end of the month.

At the meeting on 17 April (see below), Mike Russell MSP mentioned that there would be a JMC the following week and that they were close to being in some agreement on Clause 11. If that was the case then the Continuity Bill could be withdrawn and LCM granted. In this scenario, there would be none of the 'environmental gains', discussed above, on the statute book. However, Mike Russell said that ScotGov is still committed to those environmental benefits. Note - at time of writing, the Welsh government has accepted proposals re Clause 11 but ScotGov has not.

*Meeting with Mike Russell MSP, Brexit Minister*

On 17 April, Charles Dundas, Lloyd Austin, Calum Duncan, Bruce Wilson, Robin Parker and Daphne Vlastari met Mike Russell and officials. Quite a positive and friendly meeting. Mr Russell was clear about their commitment to non-regression on environmental standards. He seemed quite pessimistic about the creation of an ECJ model in the UK.

**Action: Daphne to circulate a note of the meeting - DONE**

*Institute for Government report*

The "[Devolution after Brexit: Managing the environment, agriculture and fisheries](#)" report was published in April. ScotGov generally positive and Mike Russell said it was a helpful contribution. Some discussion in the group about how it had been received at UK level, as perhaps the main aim should be to ensure its key messages are heard at Whitehall, while avoiding it landing badly in Scotland and Wales. G-UK noted they had met the Cabinet Office and they were aware of the report and had found it helpful. Cabinet Office are mooting an enhanced JMC process (G-UK offered to help/ input into the development of this).

The Governance Group discussed whether it would be helpful to have a meeting between officials from all four administrations and reps from eNGOs. Agreed this could be worthwhile and an opportunity to focus on some policy issues to develop in this context – however, it was flagged that we should be cautious that such a meeting shouldn't highlight to the officials the areas where eNGOs are not in agreement. Discussion about what work we need to do on this and whether we need to put forward our own ideas. We should be careful that we don't end up doing the work for the governments but there may be some benefit in doing analyses of frameworks in some key areas eg agriculture. In summary, the general view among the group was that a meeting would be useful to discuss all the various frameworks and how they might be developed, on a Chatham House rules basis. It was suggested that such a meeting with the four administrations might benefit from a 'neutral' facilitator. At this stage, we're unsure if Scotland, Wales and N Ireland would be willing to participate in such a meeting.

**Action: Lloyd to speak to Isobel and Daphne and produce a skeleton that can be developed for the frameworks analysis**

**Action: Amy to take forward the meeting with officials**

**Action: Lloyd to speak to Stephen Hinchley about next steps for the IfG report eg a meeting with David Lidington.**

**Action: Lloyd and Robin to discuss how to further highlight the report to the Scottish Conservatives**

*Update from Greener UK (Amy Mount)*

Greener UK is coordinating a letter to the Prime Minister, outlining the need for commitment to non-regression on environmental standards. The letter will be covered in the Observer on Sunday.

**Action: Amy to share that letter with Devo group**

The G-UK campaign launched around the Article 50 anniversary at the end of March is being further developed with a workshop taking place in a couple of weeks. There will be participants from organisations based in Scotland and Wales so scope to have devolution issues represented. G-UK will allow sufficient time to be built into campaigns and other areas of joint working to allow time for Daphne to go out to LINK members for thoughts and input before feeding back.

No sign yet of Agriculture or Fisheries Bills but the Agric Bill is expected in the second half of the year. Gove indicated that Environment Act would be announced in Queen's speech.

Local elections on 3 May could weaken May and the Conservatives – wait and see!

Noted a good graphic in a [Guardian article](#) about the Brexit legislation logjam in UK Parliament.

**Action: Amy to report back to G-UK that there is interest in having a devolved rep on the G-UK Board. Robin and Lloyd to call for this via RSPB and WWF reps.**

### *Brexit Communications Strategy*

At the February meeting of the Comms Strategy subgroup, it was agreed to go ahead with an external consultant to develop the media plan. Daphne is currently briefing the consultant and developing the contract. The aim is for the subgroup to meet together with the consultant late May/ early June at a workshop to progress this work.

**Action: Daphne to circulate latest update and plan - DONE**

### *Funding implications*

The group discussed whether we should aim to gather support from other Member States about the implications of Brexit in terms of reducing funding for conservation/ environment across the EU. It was noted that there is limited capacity and already enough for the LINK Brexit subgroup to focus on. However, it was agreed that this issue could be raised at the next EEB Board meeting.

**Action: Daphne to consider further and liaise with Lloyd and Attracta about taking to the EEB Board.**

## **2. Party Conferences**

The Group discussed attendance at the Spring conferences and activities planned for upcoming conferences. LINK, RSPB and WWF attended Labour and Green conferences in March and they proved good opportunities for discussing the Continuity Bill with MSPs and staff. Tory conference was cancelled due to bad weather and has not been rescheduled.

At upcoming SNP conference in June, WWF may do a stand on climate issues, still to be decided. RSPB is holding a fringe event on seabirds.

Greener UK will go to the SNP conference in October as observers. We could consider doing a fringe event then.

**Action: Discuss potential for event at Autumn conference at next Governance Group meeting in July.**

### **3. Lobbying Register**

The Group had a short discussion on experiences so far with registering lobbying activities. We agreed to have a longer session on this at the next meeting as the Register will have been active for more than 4 months by then. We'll discuss (i) our own experiences of registering activity and (ii) discuss how we can use the information to review the activities of private companies. One suggestion is that we could set up a project for intern or student to undertake a review.

**Action: Lobbying Register to be added to agenda for Governance Group meeting in July**

### **4. Legal Strategy**

There had been a Legal Strategy subgroup meeting earlier that day, which discussed next steps for taking forward an Environmental Rights Centre. It was noted that this work will overlap with our response to ScotGov consultation on the governance gap (expected in summer), in relation to environmental courts. It was also noted that there is strong overlap with LINK Planning Group and their call for Equal Rights of Appeal. The Vermont example was stated where they changed their approach so that planning appeals no longer went to the executive but to the judicial branch, effectively bringing about ERA. An environmental court in Scotland could do the same.

The legal strategy subgroup is considering two workshops to take this work forward. First will be in September and will be for those who will be directly involved in a Centre such as potential funders, potential trustees and for those with interest/ experience in environmental justice. The second event will take place in October and will be a more public-facing and political event.

### **5. Date of next meetings**

Next face to face Governance Group to take place late July. Brexit telecalls to take place in late May and late June.

**Action: Lisa to Doodle for dates.**