



Confirmed minutes of the 97th Natural England Board meeting 22 July 2020

Board Members Attending	
Dr Tony Juniper, Chairman	Professor Sue Hartley
Lord Blencathra, Deputy Chairman	Peter Unwin
Dr Andy Clements	Kerry ten Kate
Catherine Dugmore	Kim Shillinglaw
Henry Robinson	Rosamund Blomfield-Smith
Professor Michael Winter	

Executive Team	
Marian Spain, Chief Executive (and ex-officio Board Member)	Dr Tim Hill, Chief Scientist
Alan Law, Deputy Chief Executive	Navroza Ladha, Chief Officer Legal and Governance
Richard Cornish, Chief Operating Officer	Gleny Lovell, Chief Officer Planning and Performance

Guests	
David Hill, Defra	Graham Tibbetts, Principal Advisor, Legal & Governance
Abdul Razaq, Finance Director	Mick Oliver, Chief of Staff, Legal & Governance
Ken Roy, Director Corporate Governance	Matthew Wood, Governance (Secretariat)

Welcome from the Chairman and Declarations of Interest

The Chairman welcomed the Board to the virtual meeting.

The Chairman began by noting and welcoming the reappointment of Professor Michael Winter and Dr Andy Clements as Board Members for the next two years.

The Chairman made the Board aware of the refresh to the process of noting Board Member interests and considerations of conflict of interest. The Board pack will set out the summary

of Board Member interests, both to prompt any updates and to highlight in advance whether there may be any conflict in relation to specific agenda items.

Board Members made the following comments:

- Henry Robinson highlighted that his farm is within an AONB (Area of Natural Beauty). Henry is also applying for Countryside Stewardship.
- Rosalind Blomfield-Smith also farms within an AONB
- Kerry ten Kate is on the Board of the RSPB.

Action: Update register of interests (**Ken Roy, leaun Edwards**)

1. Confirmation of June Minutes and Matters Arising

1.1. The Board approved the unconfirmed June minutes.

Action: Publish June's minutes (**Governance team**)

2. Update from Board sub-committees

2.1. Natural England Science Advisory Committee [NESAC] (NEB 97 01)

2.2. Dr Andy Clements provided the Board with an update on recent NESAC meetings. Andy also confirmed NESAC's intention to consider new evidential information on the effects of burning on blanket bog, and consider whether Natural England's position on burning on blanket bog should be reviewed. The Board discussed and agreed that they would welcome advice from NESAC on this matter

2.3. Andy updated the Board on 7 July NESAC meeting that looked at SSSI monitoring sites and Green Recovery.

2.4. Professor Michael Winter highlighted minor amendments to the NESAC minutes.

2.5. Audit & Risk Committee [ARAC] (NEB 97 02)

2.6. Catherine Dugmore updated the Board on items covered by the 10 June ARAC meeting including a workshop on the Corporate Services, Risk, Covid-19 and year end reporting.

2.7. The Board discussed the ongoing issues around the fitness for purpose of the current Defra group Corporate Services model. Catherine confirmed that this would remain as a standing item at ARAC.

2.8. Remuneration Committee [REMCOM] (Verbal update)

2.9. Lord Blencathra provided an update on the Pay Flexibility case discussions. The Board endorsed the committee's recommendation to the Executive to further pursue the pay case.

Actions:

Share internal review of peat-related evidence with Board Members, schedule a further NESAC formal review, consider the option of a blog from Dr Andy Clements with regards to external evidential reports and review NESAC minutes (**Tim Hill**);

Write to the Permanent Secretary regarding the pay flexibility business case and share with staff (**Marian Spain**)

3. CEO report (NEB 97 03)

3.1. Marian Spain introduced the item and focused on topical issues, specifically;

- The Comprehensive Spending Review;
- Peatland Burning;
- The Green Challenge Fund;
- The Shared Outcomes Fund;
- Hen Harrier Brood Management (HHBM) trial.

3.2. The Board noted the report and discussed:

- The Hen Harrier Brood Management (HHBM) trial and agreed the value of a further briefing
- Discussed the potential implications of the Government's Project Speed.

3.3. Richard Cornish provided an update on Natural England's ongoing response to Covid-19 and noted:

- That we were winding down the internal crisis management mechanism (the Business Disruption Forum);
- The ongoing work of the cross-Defra group Project Horizon which will co-ordinate the re-opening of offices following a full risk assessment process at each site.

3.4. The Board discussed the Covid-19 response and:

- Commended the Executive's handling of the Covid-19 crisis to date, noting the positive staff feedback in the recent Pulse Survey response;
- Advised that the increased range of internal communications approaches adopted during the crisis should be built on in the ongoing engagement with staff;
- Questioned the potential financial implications, particularly on the impact on our agri-environment and statutory delivery activities and asked for continuing updates on the position.

3.5. Richard Cornish and Alan Law took the Board through the Q1 Performance Report. Richard highlighted the specific impacts of Covid-19 (e.g. on feasibility of some types of work and on staff capacity) and noted the areas of continued positive performance.

3.6. Navroza Ladha updated the Board on ongoing legal casework.

Actions:

Convene a Board briefing session to consider HHMB trial (**Alan Law/Rob Cooke**);

Provide a further update to the Board on the overall governance and reporting structures for our use of the shared outcomes funds (**Gleny Lovell**);

Develop a briefing for Board Members to explain the role and interfaces of the new complex cases unit (**Richard Cornish**);

As offices re-open, identify opportunities for the Board and senior staff to both communicate what working safely looks like and to engage, where possible with staff. As part of this develop appropriate options for Board site visits with Area teams (**Governance Team**);

Continue to work with Defra group Communications to build the use positive proactive communications (including in contentious areas of work) and review the way that Board Members are sighted on planned communications **(Alan Law / Graham Tibbetts)**

4. Corporate Risk Register (NEB 97 04)

4.1. Gleny Lovell introduced the paper which provided an update on the Corporate Risk Register and invited the Board to note the changes made as a result of Board feedback in June.

4.2. The Board provided a range of steers, including:

- The continued need for the right overall culture, specifically that our risk management system avoided the outcome of increased risk aversion;
- The need to refine the expression of the risks related to the use of evidence and the wider need for the organisation to be evidence led

Actions:

Review the consistency of the performance narrative / scores (preceding paper) and the scoring of performance related risks **(Gleny Lovell / Richard Cornish)**;

Review and if necessary, breakdown the expression of reputational/stakeholder risks as each require different mitigations **(Alan Law / Navroza Ladha)**

5. Health and Safety review (NEB 97 05)

5.1. Richard Cornish introduced the paper which provided the Board with its quarterly review of health and safety activities, including an analysis of incidents over this period and a summary of Covid-19 implications to date.

5.2. The Board were asked to note the actions taken in quarter one and the incident statistics recorded.

5.3. The Board noted the paper and:

- Welcomed some of the positive changes, including reductions in levels of incidents related to stress;
- Requested that in teams where this may have been related to reduced levels of externally-driven demand, steps were in place to ensure that improvements would not be reversed.

5.4.1 Richard confirmed that recruitment and reforms are targeted in key areas (particularly licensing).

Action:

Manage risk of increased workload-related stress by worst case scenario planning for Q3 onwards and be ready to redeploy staff to ensure we hit KPIs. **(Richard Cornish)**

6. Annual Report and Accounts (NEB 97 06)

6.1. Abdul Razaq presented the paper which sought to provide the Board with an update on the progress of the 2019/20 Annual Report and Accounts (ARA).

- 6.2. The Board were asked to note the revised 2019/20 ARA timelines due to the impact of COVID-19 and agree delegation of clearance of the ARA to the Chair of the Audit Risk and Assurance Committee (ARAC).
- 6.3. Abdul requested that the Board view the list contingent liabilities that has been circulated separately and consider whether anything needs to be added.
- 6.4. Catherine confirmed to the Board that the accounts would be signed off by the accounting officer following the extraordinary ARAC meeting on 2 September.
- 6.5. Catherine asked the Board to provide any feedback or comments directly by close of play on Friday 24th July.

Action:

Provide comments on the ARA by 24 July (**Board Members**)

7. The Glover Landscapes Review (NEB 97 07)

- 7.1. Alan Law introduced the session by providing a background on NE's historical role and work with regard to designated landscapes and noting the recommendations in the recent Glover review.
- 7.2. The Board were asked to consider:
 - What they would wish to see from the new landscape service proposed by the review?;
 - What we should be advising Defra in terms of how it responds to the review recommendations?;
- 7.3. The Board discussed and:
 - Agreed that our advice to Defra on what the new national landscape service is trying to achieve should be drafted as a one-page document (with detailed annexes) by the Landscapes team and in conjunction with a Board working group (including Kerry ten Kate, Kim Shillinglaw, Professor Michael Winter and Peter Unwin).
 - Agreed the response should be drafted with humility (with reference to historical reductions in funding for work in this area) but also with a confidence that Natural England can embrace this space and should cover the following:
 - A statement of the importance of partnerships and local delivery/engagement to deliver successful outcomes;
 - the importance of integrated multipurpose landscapes and their contribution to government objectives
 - The opportunity for a clearer national perspective to bring the right level of shared ambition and implement best practice;
 - The continued case for a single body that is responsible for co-ordinating nature, beauty and related people activities efficiently and effectively.
 - Agreed that the Chair should send a letter to the Secretary of State with an offer to meet and discuss our advice, with a parallel letter for stakeholders.
- 7.4. The Board were then asked to advise on future designation work, including our ambition to develop new approaches to, and types of, landscape designation; opportunities for reforming the current National Parks and AONBs designation/variation process to be more efficient and better engage stakeholders; and priorities for

future designation and variation work. The Board were reminded of their previous commitment to progress a variation to Surrey Hills AONB boundary and the opportunity this could provide to test out some reforms.

7.5. The Board noted the current focus on planning system reform and the opportunity to speed up both development and protections at the same time. They also noted that resources in this area remained constrained

7.6. The Board welcomed the paper and agreed its recommendations to:

- Test improvements to the designation/variation process through our next case
- Progress proposals for Surrey Hills AONB boundary variation, subject to resources being made available by Defra
- Work with Defra to ensure that the future resources devoted to this area reflect the scale of ambition
- Develop a revised, future-focused approach to landscape designations.

7.7 The Board also noted that in communicating any new process, we should bring together a compelling view of the benefits that had resulted from previous designations.

Action:

Prepare an agreed response to the Glover Review and letters to the Secretary of State and stakeholders by 5 August.

(Alan / Caroline Cotterell with Board working group)

8. Governance Report (NEB 97 08)

8.1. Navroza Ladha and Ken Roy introduced the paper. The purpose of the session was to:

- Update the Board on the progress of the Action Plan agreed following the Governance Reviews in 2018 and 2019;
- Seek steers on the remaining work (including on the refresh of the Board Retained Authority document) and;
- to seek Board endorsement of the proposed Board Member roles for 20/21, of Committee Terms of Reference and of the high-level calendar of governance related work for the remainder of the year.

8.2. The Board welcomed the paper and:

- Commended the work in this area over the last year which has seen the professional implementation of the previously agreed actions;
- Endorsed the proposition for the work to refresh the 2006 statement of the Board's Retained Authority
- Endorsed the proposed suite of Board Member roles for 20/21.
- Requested some further advice on approaches adopted elsewhere re the transparency of the work of the Board.

Navroza Ladha took the Board through the review of decision-making with regard to species licensing and in particular the approach to escalating issues to ensure that the Board is adequately sighted. The Board agreed with the recommendations.

Actions:

Report back on the range of approaches adopted for similar organisations re the transparency of Board business **(Ken Roy)**;

Confirm Board Member leads to Area Managers and ask them to make contact **(Richard Cornish)**;

Confirm executive leads for each champion role – and ask Lead Directors to start engagement **(Ken Roy)**;

Convene a Board briefing session on communications and engagement **(Alan Law/Navroza Ladha)**

9. Forward Look (NEB 95 09)

9.1. The Board reviewed and the programme of forward business noting the uncertainties about meeting logistics over coming months.

9.2. The Board agreed that it would continue to meet by videoconference in September and provisionally schedule a face to face meeting for November.