**LINK Governance Group, 29 January 2019**

**Meeting Note**

**Attending**: Lloyd Austin (Convenor); Deborah Long (LINK); Daphne Vlastari (LINK); Lyndsey Croal (WWF Scotland); Sheila George (WWF Scotland); Bruce Wilson (SWT); Lisa Webb (LINK); Thom Quinn (RSPB Scotland – for party conference agenda item)

**Apologies**: Sarah Dolman (WDC); Isobel Mercer (RSPB); Calum Duncan (MCS)

1. **Brexit**

The Group discussed the latest Brexit developments including the various amendments to the Withdrawal Agreement, and the meaningful vote taking place in the Commons this evening of 29/01. Brady and Cooper amendments are the ones to be watching.

The group discussed the possible outcomes (i) no deal; (ii) amended deal; (iii) People’s Vote or 2nd referendum/ extending or revoking Article 50. Several feel the probability of the latter is decreasing. Either option of extension or revocation of Article 50 is only likely to happen with good reason eg if there were a People’s Vote or General Election.

The group discussed what the LINK position might be under the various scenarios. Daphne had previously prepared an internal briefing on the various outcomes. This briefing “*Overview of the UK’s EU Withdrawal Agreement and Political Declaration for the future relationship: Implications for LINK advocacy*” is available [here](http://www.scotlink.org/brexit-link-members-section/).

Should LINK highlight the dangers of a ‘no deal’ Brexit? Greener UK and other members have written blogs warning of dangers of ‘no deal’ for the environment eg Martin Harper’s RSPB [blog](https://community.rspb.org.uk/ourwork/b/martinharper/posts/why-a-no-deal-brexit-increases-risks-to-the-environment); Greener UK [blog](https://greeneruk.org/environmental-concerns-around-no-deal). Agreed we would consider how to draw attention to our concerns eg a letter from LINK Chair to a newspaper. FFSN campaign will be doing some publicity on this also. It was discussed that a risk of saying we disagree with no deal is that it could be spun to say we actually support the deal!

**Action: Lloyd, Daphne et al to consider approach for ‘no deal’ publicity after outcome of today’s vote is known.**

With a tweaked deal option, we’ll continue asking for Government to address principles and governance issues and our call for all that needs to be done to have protections in place by Jan 2021.

The group agreed to develop a statement for each of the three potential outcomes. This could include an overarching statement of the importance of the environment and its protections, and why this is needed regardless of the Brexit outcome. The statement would then outline what is needed to ensure this under each of the 3 scenarios.

**Action: Daphne and Lloyd to discuss this statement.**

*Scottish Continuity Bill*

The Supreme Court ruling on the Scottish Continuity Bill was issued in December and declared which provisions are within and outside the competence of the Scottish Parliament.The section on the environment that contained key LINK amendments still stands. The Scottish Government is considering next steps for this and whether to 1) re-introduce the old bill, and propose amendments to Parliament that remove/amend the clauses that the Supreme Court found to be *ultra vires* (apparently there is an, unused to date, Parliamentary procedure for this); (2) introduce a new bill that includes all the *intra vires* parts of the Continuity Bill (and potentially anything else they wish to add); or (3) do nothing and let the Continuity Bill disappear. Regardless of the fate of the bill, we will still use the commitments given by ScotGov to press for our asks on principles and governance.

*Governance and principles consultation*

The consultation launch has been slipping which is frustrating. The consultation is now expected in the first half of February. A media statement was prepared and circulated in an email by Daphne on 25/01. *Update: this was published by Ilona Amos in Scotsman on 31/01. Read PR* [*here*](http://www.scotlink.org/public-documents/article-in-scotsman-31-1-19-call-for-scotland-to-safeguard-eu-environmental-laws-to-protect-people-and-nature-after-brexit/)

We’re also speaking to MSPs about increasing pressure on ScotGov to publish the consultation.

*Update – Lloyd met Ian Jardine on 30/01 and discussed a number of Brexit related issues including this consultation. Daphne circulated that email (content is confidential and to be kept internal) on 31/01.*

*Statutory Instruments and Scottish Statutory Instruments*

On 28 January, Daphne Vlastari, Lloyd Austin, and Paul Walton and Rosie Sutherland (by phone) met Scottish Government to discuss progress on SIs and SSIs. Likely to have sight of Birds and Habitats SIs in mid-February. ScotGov is signing up to a number of SIs via UK (approx. two thirds of environmental legislation will be done this way).

**Action: Daphne to circulate a note from that meeting**

ScotGov reiterated that there is scope to change the SIs in the two year transition period. In the event of no-deal, there are emergency measures – if these are tabled in Parliament, we will flag concerns and encourage Committees to scrutinise.

An SI tracker is available on the Scottish Parliament website [here](https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/99948.aspx).

WCL have negotiated a ‘reading room’ with Defra where they can view SIs before they are tabled. This has allowed them to highlight errors (which Defra amended before they were tabled) and has enabled GUK to write briefings for the Westminster Committee. So, all in all, a positive arrangement. Lloyd asked ScotGov if we might do the same here and SG officials said they would explore this option but we’re not hopeful this will happen.

*UK Environment (Principles and Governance) Bill*

The bill was published in December 2018. ScotGov do not think the Bill covers devolved versus reserved matters satisfactorily. The Environment, Food and Rural Affairs Committee and the Environmental Audit Committee launched a joint call for written evidence for pre-legislative scrutiny of the Bill. The Group discussed whether LINK would join in with the ELUK response and/ or whether to do a specific response to the question that asks “Are there any conflicts with other legislators or legislation, for example the Scottish Continuity Bill?”

**Action: Sheila and Daphne to discuss further and Daphne to speak to Dan at WCL and Ruth at GUK to ensure responses to that question are aligned.**

*Update – Daphne emailed the group on 31/01 with a draft SE LINK response to that question.*

*UK Fisheries and Agriculture Bills*

Helen at WWF and Alex at RSPB Scotland are engaging with the UK fisheries bill.

The group also discussed the agriculture bill. NFUS are very vocal that Scotland should take the powers via a schedule in the UK bill in order to give Scottish farmers some certainty (see [here](https://www.nfus.org.uk/news/news/nfus-calls-on-uk-and-scottish-governments-to-resolve-differences-on-agriculture-bill)). Sheila asked whether LINK has, or should have, a view on this.

**Action: Daphne, Sheila to discuss with Food & Farming subgroup.**

Bruce Wilson would soon be meeting Deidre Brock MP and offered to use this as an opportunity to raise our points with her.

*ELUK and Greener UK*

The ELUK Nature Brexit group and GUK Devolution Group were merged late last year. The first telecall of the ‘new group’ took place in December and there was a F2F meeting in January which was attended by Daphne and Lloyd. The aim of the group is to develop each country’s priorities while identifying shared priorities on which we can work together.

**Action: Daphne to circulate notes from that group**

*Fight for Scotland’s Nature campaign*

A face to face campaign planning meeting was held on 23 January. Work is underway on setting up the e-action, on refining the Environment Act asks and identifying the various media and channels we can use to engage decision makers and the public.

**Action: Lisa to circulate minutes from the 23 January meeting along with this meeting minutes.**

1. **Legal Strategy Subgroup**

The subgroup met on 28 January with Lloyd Austin, Mary Church and Mark Lazarowicz present. The main areas of work are (i) progression of an Environmental Rights Centre and (ii) advocacy around environmental justice.

Members of the subgroup and staff (Alice) are busy following up the actions from the ERC workshop held last year, primarily trying to get funding. A funding application to William Grant Foundation was declined but we will try People’s Postcode Lottery, Joseph Rowntree and others. The group will also make a bid to the DPF for kickstarter funding.

New rules on protective expenses orders were introduced late last year. LINK had previously responded to the Scottish Civil Justice Council consultation on this. There are some positive additions and some not so positive. The subgroup will submit a complaint to the Scottish Courts and Tribunals Service to highlight that this does not comply with Aarhus.

Re: environmental courts, the group was reminded that LINK had responded to a consultation on this issue in 2016. Things have been very quiet on this issue since then. LINK chair wrote a letter to Humza Yousaf MSP, CabSec for Justice, highlighting we need to revisit this important issue. We received a response offering us a meeting with ScotGov official Walter Drummond-Murray. Lloyd and Mary to attend this meeting on 1st February and they will point out that work for envtl courts options needs to be progressed.

The First Minister’s Human Rights group reported in December and one of the recommendations is that everyone should have a right to a healthy environment. The group discussed whether it would be most useful to have this captured in an Environment bill or on a more ‘social’ bill. We will pursue both routes. A Human Rights taskforce will be set up. Details are yet unknown but some suspect it will be a group including both civil servants and stakeholders (similar to the Marine Strategy Forum). We might submit PQs to probe further on this.

Parli events under the FFSN banner could go down environment strategy route (SNP) or the environmental courts angle (Conservatives).

1. **Party Conferences**

The Group discussed attendance at the Spring conferences. LINK staff, WWF and RSPB are liaising closely on this. We will have a stand and fringe event at the LibDem conference in Hamilton on 22-23 February, with a focus on climate and the recent report on climate impacts on Scotland’s biodiversity.

There will also be a presence at the Labour conference in Dundee on 8-10 March, and thought is being given to our approach for the SNP conference in Edinburgh in late-April and Conservatives in May.

1. **AOB**

*Charity law consultation* – by OSCR with a deadline of 1 April 2019. This seems to be benign, and probably positive, for LINK and its members. However, the group agreed it was worth a further look and discussion with others, such as SCVO, for thoughts.

**Action: Lisa to flag with LINK staff and establish whether it warrants a LINK response.**

*Coul Links/ Ramsar –* a ScotGov clarification of Ramsar protection in Scotland was issued on 22 January. See [here](https://www.gov.scot/publications/implementation-of-scottish-government-policy-on-protecting-ramsar-sites/). This is worrying in terms of the implications for the Coul Links planning case. CEOs of members involved in the Coul coalition are undertaking advocacy around this and media profile via the Ferret is likely. Discussed that John Campbell should write to Ministers on this issue pointing out the clarification is not Aarhus compliant.

1. **Date of next meetings**

Next face to face Governance Group to take place late April. Brexit telecalls to take place in late Feb and late March.

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

*Lisa Webb 06/02/2019*