

## GOVERNANCE AND DEVOLUTION GROUP – TERMS OF REFERENCE

The following Terms of Reference (ToR) set out the role and responsibilities and administrative and operating procedures for UKELA’s Governance and Devolution Group (the Group).

### Role of the Group

1. To co-ordinate and lead UKELA’s work on environmental governance and devolution issues within a new, post-EU, environmental law and policy framework, in particular:
  - 1.1 working alongside UKELA’s Working Parties; ensuring that the Group’s work on governance and devolution complements and integrates with Working Parties’ ToR, providing a coordinating and facilitating role<sup>1</sup>;
  - 1.2 keeping Trustees and members apprised of developments in environmental governance across the different parts of the UK and the implications of those developments for the implementation of environmental law in the UK generally;
  - 1.3 co-ordination of UKELA’s work on the Environment Bill (published 30.1.20), in particular on cross-cutting environmental governance issues, but also, where required, providing evidence (both written and oral) for Parliamentary Committees and ensuring the consistency of UKELA’s messaging in Working Party engagement on specific topics (such as waste, biodiversity, water and air quality);
  - 1.4 representing UKELA at Defra’s OEP external stakeholder group meetings during 2020 and reporting to Trustees on issues arising<sup>2</sup>;
  - 1.5 establishing a relationship with the OEP in the early years of its operation;
  - 1.6 monitoring the performance of the OEP including e.g. identifying areas where

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<sup>1</sup> For example: a question such as ‘is the law being adequately enforced?’ is perhaps too broad a task for the Group. Whereas specific questions such as: “Is s.34 of the EPA 1990 being effectively applied in England and Wales and how does this contrast to s. 34 in Scotland and any equivalent Northern Ireland provisions?” may be best suited for the Waste WP with the Group’s co-ordination in the devolved nations.

<sup>2</sup> Defra’s OEP stakeholder group meetings are generally monthly meetings. The areas of discussion can be wide, and the detail of each meeting may not be known in advance. In order to participate effectively at the OEP meeting, Group members will be informed of the next stakeholder meeting date around two weeks before that meeting, updated on the last meeting (where appropriate) and asked to provide any thoughts to the Group Chairs/UKELA staff before the next meeting at the earliest opportunity. It is recognised that the views of over 1,400 UKELA members will be wide-ranging and so UKELA attendees at the OEP stakeholder meetings will have discretion to raise points and participate in the OEP stakeholder group debate as they think fit and on the basis that the views expressed may not be shared by some UKELA members. In terms of reporting to Trustees on issues arising; it is recognised that aspects of the OEP Stakeholder Meetings will be regarded as confidential to the meetings. It will nevertheless be helpful for UKELA attendees to inform Trustees and UKELA members generally that OEP stakeholder meetings took place and that UKELA participated in these meetings. Having regard to the need to avoid breaching confidentiality at the meetings the UKELA meeting representatives will have discretion to report any specific points arising from the OEP Stakeholder meetings to Trustees.

environmental law is not effective or is not being effectively implemented or scrutinised with a view to reporting to UKELA's Council<sup>3</sup>;

- 1.7 continued scrutiny of legislation arising from Brexit;
  - 1.8 providing support, co-ordination and oversight on UK devolution as it applies and impacts on environmental law and policy;
  - 1.9 monitoring the position of environmental law in any agreement on the future relationship between the UK and the EU, and in any trade deals agreed between the UK and other countries or trading blocs; and
  - 1.10 scrutiny of the review of the legal justice systems across the UK and/or other mechanisms relating to the environmental rights and justice provisions in the UK.
- 2 To advise UKELA's Trustees from time to time on matters relating to and arising from the UK's decision to leave the EU insofar as this impacts on environmental law and policy.
  - 3 To help UKELA take the opportunity to engage with government and other organisations in contributing to the development of the UK's environmental law and policy.

## **Responsibilities**

1. Review annual work plans of the Group.
2. Annual review of the group's mandate to ensure that it remains relevant; including an evaluation of the effectiveness of the Group's activities in the preceding year; and make such recommendations to UKELA Trustees thought necessary. The first review to take place at the end of the anticipated Brexit transition period (i.e. by 31.12.20).
3. Communicate results of work undertaken to UKELA's Trustees at each Council meeting.
4. Subgroups/individual members to:
  - a. assist with making connections with other like-minded organisations actively involved in responding to government consultations concerning the impact of Brexit on the UK's environmental laws, including but not limited to the organisations listed at Annex 1
  - b. review draft submissions and consultation responses concerning Brexit prepared by UKELA's Working Parties, and provide comments where appropriate.

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<sup>3</sup> This may be with a view to proposing further work e.g. research into OEP, although it is recognized that this may prompt a separate proposal or perhaps search for funding.

- c. Advise, assist and support UKELA's Working Parties with tasks (including but not limited to) analysing:
  - i. relevant existing and emerging domestic law and policy and to help clarify the need for transitional provisions;
  - ii. relevant international conventions which the UK has ratified (e.g. the Aarhus Convention, the Ramsar Convention, the Basel Convention etc.) and how they may be operating and further to influence any changes that might be proposed and considered relevant by and on behalf of UKELA;
- d. The Group should work closely with the Working Parties to ensure no undue overlap so that the Group focuses on cross-sectoral issues that Working Parties are unlikely to be able to handle individually.

### **Membership**

1. One WP convenor from each WP, appointed co-Chairs, any other members of the former Brexit Task Force expressing an interest to join the Group; plus UKELA's Chair and 2 x UKELA staff members.
2. Additional members may be added to the Group from time to time at the request of the Group's Chair and the approval of UKELA's Council.
3. UKELA staff support for the Group will include UKELA's Director and Working Party Adviser.
4. All Group appointments to be approved every year by UKELA's Council at the autumn/winter Council meeting.
5. Members of the Group who are unable to attend a meeting will be able to contribute in writing or to appoint a substitute to attend on their behalf. However, any Group member missing three consecutive meetings without contributing in writing or appointing a substitute, will be asked by the Chair to stand down, whilst noting that the Group has a voluntary membership.
6. Failure to achieve quorum (set below) for two consecutive meetings shall trigger a review by UKELA's Council of the Group's work, membership and future role.
7. Group members failing to attend a Group meeting without prior notification of regrets will be recorded as absent in the meeting minutes.

### **Group Chair or Co-chairs**

1. The role of Chair may be shared by up to 2 Co-Chairs.

2. The BTF co-chairs have both agreed to continue to co-chair the Group to end 2020 to ensure continuity.
3. The Chair(s) will represent the Group and UKELA at meetings and events as required.
4. The Chair(s) will encourage each member to contribute and develop ideas on projects, partnerships, etc.
5. The Chairs shall be assisted by up to 5 Vice-Chairs.

### **Frequency, manner, and quorum of Group meetings**

1. The Group is to meet up to 4 times per year, and to include as a minimum:
  - a) preparation of work plan for the upcoming year;
  - b) review of progress of work plans;
  - c) review work completed and evaluate if objectives were met – and, if not, what steps are required to make the work of the Group even more effective.
2. Additional meetings may be held if 50% of the Group Members agree.
3. The Group shall set meeting dates for the year ahead at the last meeting of the year.
4. Notices of Group meetings shall be sent to Group members by or on behalf of the Chair by email at least 14 days before the meeting, with agendas and any papers.
5. The Group Chair shall have discretion to hold meetings by virtual conferencing instead of in person; this will be encouraged to minimise costs and travelling time.
6. 33% +1 attendance (in person /virtual) of Group members is the meeting quorum.

### **Resources**

1. The Group shall be assigned a UKELA staff member to provide administrative and related support and to act as rapporteur.
2. UKELA to acknowledge that more staff resources may need to be available to the national areas of Northern Ireland, Scotland, Wales and for the domestic group to have regard to the fact that the level of participation and sophistication in terms of WP's that may be England-based are not currently mirrored in e.g. Scotland where there is only really the main Scottish WP group (subject to the reporting and approval discussed below).
3. Group members are encouraged to join via video conference as their first choice, rather than incurring travel costs, or to incorporate their travel as part of other business. If travel solely for the purpose of attending the meeting is unavoidable, travel costs may be reimbursed in accordance with UKELA's expenses policy (Annex 3).

## **Reporting**

1. The Chair(s) will prepare a short post meeting report, via the draft meeting minutes, to UKELA's Chair.
2. All activities of the Group that have funding implications will be referred to UKELA's Council/Executive Committee who will make a final decision on progressing those activities, subject to budget constraints and its decision shall be communicated to the Chair(s) of the Group in a timely manner.
3. Feedback from meetings with external bodies e.g. Defra's OEP stakeholder group to be provided to the UKELA Executive Committee/Council and, as appropriate and practicable to UKELA members generally.

## **Communications**

1. Notices of Group meetings to be posted on the Group's UKELA webpage.
2. Press releases on major recommendations of the Group to be issued after approval of minutes by the Chair(s) and after these have been sent to UKELA's Chair and Director with an opportunity to comment.
3. Approved minutes of the Group's meeting to be posted on the Group's website page.

6.5.20