



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Audit and Post-legislative Scrutiny Committee

**Thursday 31 May 2018**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE**  
**15<sup>th</sup> Meeting 2018, Session 5**

**CONVENER**

\*Jenny Marra (North East Scotland) (Lab)

**DEPUTY CONVENER**

\*Liam Kerr (North East Scotland) (Con)

**COMMITTEE MEMBERS**

\*Colin Beattie (Midlothian North and Musselburgh) (SNP)

\*Bill Bowman (North East Scotland) (Con)

\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

Iain Gray (East Lothian) (Lab)

\*Alex Neil (Airdrie and Shotts) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Alison Anderson (Dundee City Council)

Lloyd Austin (RSPB Scotland)

Alastair Kay (NHS Ayrshire and Arran)

Craig Macadam (Scottish Environment LINK)

Fiona Stewart (National Museums Scotland)

Sally Thomas (Scottish Natural Heritage)

**CLERK TO THE COMMITTEE**

Lucy Scharbert

**LOCATION**

The James Clerk Maxwell Room (CR4)



**Scottish Parliament**  
**Public Audit and Post-legislative**  
**Scrutiny Committee**

*Thursday 31 May 2018*

*[The Convener opened the meeting at 09:00]*

**Decision on Taking Business in**  
**Private**

**The Convener (Jenny Marra):** Good morning and welcome to the 15th meeting in 2018 of the Public Audit and Post-legislative Scrutiny Committee. We have received apologies from Iain Gray.

Agenda item 1 is consideration of a decision on whether to take an item of business in private. Do we agree to take item 3 in private?

**Members** *indicated agreement.*

**Biodiversity and Biodiversity**  
**Reporting Duties: Post-legislative**  
**Scrutiny**

09:00

**The Convener:** Item 2 is post-legislative scrutiny of biodiversity and biodiversity reporting duties. I welcome our participants and thank them for coming along this morning.

The purpose of the evidence-taking session is to hear directly from stakeholders on the extent to which they consider that the biodiversity and reporting duties that have been placed on public bodies have been successful and what improvements, if any, could be made.

We want the discussion to be free flowing, so you are welcome to ask questions of each other. However, we still want some structure, so please indicate to me or the clerks if you want to contribute. Your microphone will be activated automatically, so there is no need for you to touch the console.

I ask that all MSPs and participants introduce themselves briefly before we begin. I will start. I am a member for the North East Scotland region, and I am the committee convener.

**Craig Macadam (Scottish Environment LINK):** I am the vice-chair of Scottish Environment LINK and the convener of its wildlife sub-group.

**Liam Kerr (North East Scotland) (Con):** As well as being a member for the North East Scotland region, I am the deputy convener.

**Sally Thomas (Scottish Natural Heritage):** I am the director of people and nature at Scottish Natural Heritage.

**Alex Neil (Airdrie and Shotts) (SNP):** I am the MSP for Airdrie and Shotts. I apologise in advance for having to leave at 10.30, if we are not finished by then.

**Fiona Stewart (National Museums Scotland):** I am the director of estates and facilities at National Museums Scotland.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** I am the MSP for Midlothian North and Musselburgh.

**Alison Anderson (Dundee City Council):** I am the green space team leader for Dundee City Council.

**Bill Bowman (North East Scotland) (Con):** I, too, am a member for the North East Scotland region.

**Alastair Kay (NHS Ayrshire and Arran):** I work for NHS Ayrshire and Arran.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I am the MSP for Kilmarnock and Irvine Valley.

**Lloyd Austin (RSPB Scotland):** I am the head of conservation policy at RSPB Scotland.

**The Convener:** Thank you very much. Our first theme is how well public bodies understand the biodiversity and reporting duties that have been placed on them. I ask Colin Beattie to kick off the questioning.

**Colin Beattie:** This scrutiny started because of the perception that public bodies do not understand their role and do not carry out the reporting duty that has been placed on them. Do public bodies value and understand the reporting process? Only 44 per cent of public bodies have produced a report, which means that 56 per cent have not bothered for one reason or another. What is your take on that? Do they understand what they are supposed to do? Do they understand the importance of the reporting duty?

**The Convener:** Which of our witnesses wants to kick off the discussions? Is the duty understood?

**Lloyd Austin:** The honest answer is that the figures that you have cited and the feedback on the substance of each of the reports that have been done suggest that the picture is mixed. That probably highlights a flaw in the process rather than in the understanding of the individual public bodies.

It is assumed that every public body should do exactly same thing. That is one of the problems in what we and other non-governmental organisations view as the missing stage in the biodiversity duty and strategy process. We have a strategy and a duty to report on its implementation, but the strategy is not converted into clear actions regarding who does what, and when. Therefore, it is difficult for public bodies to know what they are expected to do, when and how. If the actions were slightly clearer, it would be easier for the responsible bodies to report clearly on the actions that had been assigned to them.

**Colin Beattie:** You say that you believe there is no clarity on how the reporting should take place.

**Lloyd Austin:** No, there is guidance on how the reporting should take place; the challenge is to link the actions to the overall priority species and habitats that are on the biodiversity list and so on. It is about the actions that are needed for the conservation of those species as opposed to general good practice for biodiversity.

**Sally Thomas:** As you will be aware, the Scottish Government undertook an evaluation after the first round of reporting. In response to that evaluation, it asked SNH to develop further guidance, information, reporting templates and case studies to help public bodies. The Government stressed that each public body did not need to report in the same way and that a range of activities that bodies undertake can contribute to their fulfilling their duty. Anecdotally, we have had feedback that that has been very helpful to public bodies in reporting.

In the past couple of years, a lot of work has been done to make it easier for public bodies to understand what they are required to report against and how the work that they undertake as part of the day-to-day running of their organisations can contribute to fulfilling the duty.

**Craig Macadam:** The reports that are coming through in the current round of reporting show that there is still some confusion about the outcome that public bodies are meant to be reporting against. Some reports are heavily about sustainability and contain very little on biodiversity. As Lloyd Austin said, it would clarify things if the outcome that we wanted from the biodiversity duty was defined so that public bodies could report against it.

**Fiona Stewart:** I concur with what has been said about the need to define the outcomes. In our submission we say that, in general, we feel that there is an uneven understanding of the duties among public bodies. I think that that comes down to the need to make the outcomes clearer in order that organisations of different types and sizes can respond to them more appropriately.

**The Convener:** Fiona, correct me if I am wrong, but I think that your submission says that biodiversity is not a core function of what you do at National Museums Scotland. Do you think that there should not be such a duty on public bodies to report?

**Fiona Stewart:** I think that there is benefit in raising the profile of biodiversity and improving what we do. We say that it is not necessarily our core business, but we produced a report and collated information from our learning and programmes and from our natural science colleagues to show what we do to promote biodiversity.

**Alison Anderson:** I agree with Lloyd Austin, although I can speak only for Dundee City Council and not for other local authorities. I am sure that you are aware that ours is a very urban area with a really tight administrative boundary and lots of competing priorities for us to deal with. We do not have a biodiversity officer or a local biodiversity partnership, and we would welcome some tailored

guidance for Dundee about where we fit into the national scheme of things.

If you asked Dundonians what significant biodiversity is, they would come up with robins and blue tits. In the national scheme of things, robins and blue tits are important, but they are not of national significance. We have invasive species, but there are other things in the Scottish biodiversity strategy that we do not have influence over, and it would be nice to have a link between what we have locally and what we can do nationally.

**The Convener:** That is useful to know. As an individual local authority, how do you feel about the duty to report?

**Alison Anderson:** You will be aware that we did not report in the first round but that we have reported in the second round. Our report is not on the Scottish Government's website even though we sent the link in December. I assumed that the report had been put on the Government's website but, when I looked, last week, I saw that it was not there. I sent an email and the Government has confirmed that it has received the link but the report has not been put on the website.

**The Convener:** You submitted your report to the Scottish Government. You feel that you have done the work, because you have submitted the information, but nothing has been done with it.

**Alison Anderson:** That is right.

**The Convener:** That is useful to know. Is the duty to report useful?

**Lloyd Austin:** Yes, I think that it is useful.

I entirely take Sally Thomas's point about the guidance and the work that the Scottish Government has done to make things easier for public bodies, but more could be done in that direction. As Alison Anderson said, more could be done to give a clearer steer on what national priorities the Scottish Government is trying to achieve in the national interest.

We should be focusing our attention on the national commitment to the significant species and habitats, and identifying what needs to be done for those priority species and habitats. Further, there should be greater attention on identifying which public bodies are the key ones for taking the key actions. We should focus the reporting and delivery on those bodies instead of encouraging a wide range of reporting on things that are good but not key to the delivery of the national priorities. We should not discourage activity in other areas, but the national policy priorities are focused on reversing the decline in the state of nature and, in my view, it is crucial that we focus on the key actions that can do that.

**Alex Neil:** At the moment, a long list of public organisations are statutorily required to provide biodiversity reports. The danger is that, because so many reports are produced by so many organisations, nobody is looking at the issue across the piece. As Lloyd Austin says, instead of pursuing the national priorities, people are getting diverted into all sorts of cul-de-sacs, with the result that they are not adding a great deal to biodiversity.

Is there a need to streamline the number of public authorities that have to produce such reports on a statutory basis? That would not prevent organisations from producing them on a non-statutory basis. As well as focusing on the national priorities, do we need to give a body such as SNH or the environment department under Roseanna Cunningham a statutory duty to pull the process together at a national level? I do not think that that happens at the moment.

**Lloyd Austin:** What Mr Neil has described is what I described earlier as the missing link in the steps to implement the biodiversity strategy—the pulling together at a national level of an action plan of what needs to be done, and by whom, to achieve the key national priorities. Putting that information on a statutory basis and flexing the reporting procedure so that it focuses on those national actions would be the right way of focusing resources and effort on the key priorities.

**Alex Neil:** We might make that a recommendation in our report.

**The Convener:** Indeed—that is possible.

**Alison Anderson:** I think that it is also really important for Dundee City Council to have some kind of local reporting mechanism, because we could do more for biodiversity locally and it is extremely important that we get buy-in. I do not know how we would square that circle.

**The Convener:** Are public bodies adequately resourced to comply with the biodiversity reporting duties? I am aware of the pressures on your local authority in social work, education and all the other key areas in which we expect local authorities to act. Are we expecting too much of local authorities in asking them to report on biodiversity, too, given the current financial climate?

09:15

**Alison Anderson:** On one level, there is adequate resourcing. We could pull together a report about what we are doing for biodiversity relatively easily, but the information to underpin that reporting is missing in Dundee. We have not had a wildlife survey carried out in Dundee since 2000, so we are talking about information that is 18 years old. Fortunately, we have been able to

rectify that situation, and we will get quotes tomorrow for a re-survey of our local wildlife sites.

We are taking actions, but we do not really understand whether we are impacting positively on biodiversity. Anecdotally, I hear that we are. We have red squirrels and grey squirrel control, for example, but we do not know how many red squirrels there are.

**The Convener:** Out of interest, why is there an 18-year gap since a survey was done?

**Alison Anderson:** It is down to priorities.

**The Convener:** That is fair enough.

**Liam Kerr:** A couple of questions arise from what has been said. How do public bodies resource the cost of producing a report? I would have thought that, if there is a statutory obligation to produce a report, a specialist employee and/or training for current employees would be needed to produce whatever is supposed to be produced. That begs the question: is there a template? How much detail does one have to go into? Is that mandated? How does a public body resource that?

**Alison Anderson:** As I said, we do not have a local biodiversity partnership or a biodiversity officer per se. Thirty years ago, I was employed as Dundee urban wildlife project officer by the Nature Conservancy Council for Scotland. Although my role has changed significantly, people always come to me about biodiversity, because they assume that I still know about that.

**Liam Kerr:** I presume that you have to stop whatever you do on a day-to-day basis to produce a report.

**Alison Anderson:** To be honest, that is happening more and more. As the staff complement shrinks, we become multifunctional.

**Liam Kerr:** How much time does the production of one of those reports take your organisation?

**Alison Anderson:** I cannot remember how much time the report that we have done took, but we have a lot of the information in our heads, so we just sit down and write.

**Liam Kerr:** I ask the same question of Fiona Stewart. She said that, in the great scheme of things, not so much biodiversity work goes on in her organisation. How much time does your organisation spend on that production?

**Fiona Stewart:** Like Alison Anderson, it is difficult for me to give a specific number of hours or days. Staff resource, time and expertise are needed to pull together aspects. We pull together a range of things that are done across the organisation to form our biodiversity report. We do not have a biodiversity officer or such expertise or

a specialist to write a report. We have a sustainable development group, and we have added to its actions the task of pulling together information to form the report. We stop doing other things to enable us to have the time to do that.

**Liam Kerr:** Alison Anderson talked about producing a report. If I may be blunt, who reads it? Who gets it, and what happens if you do not further conservation? Who checks that? Who decides whether Dundee City Council or RSPB Scotland is not sufficiently doing whatever it is supposed to be doing? What are the sanctions?

**The Convener:** Nobody can read the Dundee City Council report at the moment, as the Scottish Government has not posted it. Is that correct?

**Alison Anderson:** It is on our website.

**The Convener:** Right.

**Alison Anderson:** If you search for “biodiversity report Dundee”, it will come up, I hope. On who sanctions it, obviously it has gone through our elected members and committees and has been seen by chief officers, for example.

**Liam Kerr:** What happens if you just do not produce the report?

**Alison Anderson:** To be honest, we did not produce the first report.

**Liam Kerr:** What happened?

**Alison Anderson:** Our community noticed and said, “You haven’t done this.” That was great from my perspective, because it got us thinking about how we could get the next report together. That helped, to be honest. We were brought to task by our community.

**The Convener:** When you say “community”, does that mean community groups with a specific interest in the environment?

**Alison Anderson:** Yes.

**Lloyd Austin:** RSPB is not a public body, so we do not produce such a report. We are a very active partner in a lot of biodiversity projects around the country, both nationally and locally.

From a non-public body perspective, the issue underlines the need to ensure that whatever resources are expended on such things are expended on the most important actions and activities and that there is some form of feedback loop that checks whether the actions that are necessary to deliver biodiversity are taken.

That applies as much to the Scottish Government as it does to other public bodies—the duty applies to the Scottish ministers as well as to public bodies. The ministers produce a three-yearly report that they submit to Parliament, which is the body that should be responsible for



scrutinising that ministerial report. Again, that has not had much attention. The Environment, Climate Change and Land Reform Committee once had a brief session to look at one of those reports, but not much more has happened. It is important to identify the priority actions and then check whether those priority actions have been taken. Scrutiny of this kind could encourage that to happen more.

**The Convener:** I will bring in Alastair Kay to tell us about the impact of the reporting duty on his public body, NHS Ayrshire and Arran. I will then bring in Willie Coffey, but I will come back to Liam Kerr if he has more questions.

**Alastair Kay:** Just to echo the others, we have little to no resource for the reporting requirement. Unfortunately, it is mandatory, and we complete the reports thanks to the good will of people in the organisation who take a keen interest in the issue, mainly in relation to improving public health. Our sustainable management steering group takes that on board—it forms part of our sustainability policy.

We feel that there could be a greater commitment nationally to help mainstream the duty and that, accordingly, NHS boards could be given resourcing to help us to transform our outdoor estate and fully meet the requirements of the biodiversity duty.

**The Convener:** So you need more money from the Scottish Government to properly meet the duty.

**Alastair Kay:** We definitely need resource to assist. The benefit of the reporting for us is that it shows what can be done with absolutely no resource. Our programme of work has not involved any NHS capital expenditure—we have achieved everything with funding that is external to our organisation. Our green space initiatives in biodiversity across the estate are a demonstrator project and have been carried out without funding from the capital budget. Biodiversity is not seen in any way as a core business for us, so it is very difficult.

**The Convener:** You are the energy manager for NHS Ayrshire and Arran, so I imagine that you are under a lot of pressure to reduce electricity bills and so on to get costs down. Does the biodiversity duty fall to you and your team to manage?

**Alastair Kay:** I am just one person and I look after sustainability and environment. The duty falls under the sustainability remit, so I assist where I can to try to pull reports together.

**Willie Coffey:** I remind friends and colleagues that the whole purpose of the duty is to try to integrate nature conservation in public processes. Reporting on whether public bodies have achieved that is at the tail end of the process.

I am looking at the submission from a colleague in East Ayrshire, Anneke Freel, who could not attend today. She cites a couple of examples of biodiversity becoming more embedded in practice in East Ayrshire. For example, protecting biodiversity is already being considered through planning and building standards. A protected species survey also has to be maintained when anyone is considering maintenance and capital programmes, and there is European Union guidance on that. That is beginning to be embedded in East Ayrshire, and that is probably where the value of the process is, rather than in who reads the report—although I would quite like to read the report. Do the panel members get the sense that the same process of embedding is taking place across the rest of Scotland, if not the reporting itself?

**Craig Macadam:** Just before you started speaking, I was going to say that the whole idea is about mainstreaming biodiversity and encouraging people to think about how they can help biodiversity in their everyday activities. It does not necessarily have to cost much to do that. It could be about reducing the mowing regime on green space or road verges, which could be a cost saving. It is about bodies adjusting what they are doing to ensure that biodiversity is taken into consideration in the same way that their impact on the climate or on energy is being taken into consideration in decision making.

**Alison Anderson:** The evaluation of the first round of reports said that, just because public bodies are not producing reports, that does not mean that they are not doing anything for biodiversity. One reason why we were able to bring together our report so quickly is that we are doing such a lot, and we have done for a number of years. Our local development plan has a couple of policies that protect local wildlife sites and wildlife corridors. We have green network guidance and we have a number of operations and sites. Just because we did not produce a report the first time round, that does not mean that we were not doing anything. It is relatively well embedded, but obviously we could do more.

**Bill Bowman:** Because I am sitting next to Alison Anderson, I have been able to have a quick look at the Dundee report, and I have a couple of questions on it. It says:

“Tayside ... does not have a formal biological recording centre, (unlike Fife and Aberdeenshire).”

It also says that the new Tayside biodiversity action plan excludes Dundee. Is it just the case that it is a mosaic that is not joined up?

**Alison Anderson:** Yes. Traditionally, we have not had a local records centre, although there have been a number of attempts to set one up.

That is why I was relatively reticent about producing a report, because I think that we need more information and because I know for sure that getting that will involve a resource cost.

**The Convener:** Do you need more guidance or information on what is required in the report?

**Alison Anderson:** About what?

**The Convener:** You say that you need more information. Do you mean more guidance on what should be in the report?

**Alison Anderson:** No—I mean biological information. Sorry.

**The Convener:** Right.

**Alison Anderson:** A local records centre would collect the biological records for a certain area. We do not have that kind of baseline information. Fife and Aberdeen have that, but I think that I am right in saying that Tayside still does not have a central repository for local records. It is difficult to tell whether we are going in the right direction if we do not have that baseline information, and getting those biological records together is resource intensive, which is why a centre has never been established.

**The Convener:** I will bring in one of the policy people on that point.

**Craig Macadam:** A number of years ago, I was involved with biological recording in Scotland and I brought a petition to the Parliament that resulted in the establishment of the Scottish biodiversity information forum. That has now been going for four or five years, and it is just putting together the case for how we deal with biological recording across Scotland to ensure that we have that coverage. When we put together the petition, we saw that there was a patchwork of different types of records centres. The museum in Dundee collects records, but it is not a functioning records centre. It does not provide all the services, such as planning searches and things like that. The idea is that the Scottish biodiversity information forum's business plan will establish records centres of a type across Scotland.

09:30

**The Convener:** Would anyone else like to speak? I want to make sure that everyone has an opportunity.

**Alison Anderson:** My response to Craig Macadam is that the McManus collects records, but it does not put them in any system. If it is asked for information about X, it will provide quite old records, rather than what has been collected more recently.

**The Convener:** That is an information point.

**Alex Neil:** Perhaps the committee can recommend that whichever national body is charged with putting all the information together should pull together all the local databases to get a national picture. It seems that a lot of raw data that is being collected is not being used as effectively as it could be.

**The Convener:** We will put all the evidence to the cabinet secretary next week, so I am glad that we teased out that good example of the difficulties that public bodies have in fulfilling the reporting requirements.

**Colin Beattie:** We have heard quite a few bits and pieces about weaknesses in the system and about how things could be done differently. What could the Scottish Government do to make everything work better? Is it the body that could take action on that?

**The Convener:** I call Sally Thomas.

**Sally Thomas:** I cannot speak on the Scottish Government's behalf.

**The Convener:** No. Colin Beattie is asking for your opinion on how the system could work better and who needs to take action.

**Sally Thomas:** We work closely with the Government, so I am not in a position to go into detail about work that is under way. After the first round of reporting, in 2015, we recognised some difficulties for public bodies in understanding the requirements. That is why we put in place the evaluation, the guidance and the templates.

The system has a number of glitches that we could look at to make it work better. Bodies are not required to submit biodiversity duty reports to the Government—that is advisory—so we could look at whether that should become mandatory. Reports could go directly to SNH to publish on a website; we currently publish the reports, but only after they are forwarded by the Government. We could look at such process issues, but I cannot comment on what the Government should or should not do, because we are too close to the process, in working with the Government.

**Lloyd Austin:** The Government could do a few things. First, in relation to the information question, the Government could back the ideas from the Scottish biodiversity information forum about how all the information could be better collected and managed. Reconsideration of the priority action planning process that I spoke about, and a steer for Government departments, as well as for public bodies, would be a useful step for the Government to take. The Government also needs to recognise that it, too, is a public body in the discussion, and that it could ensure better co-ordination or integration—the term “embedding” has been used—of biodiversity in various Government

functions, such as agriculture, planning and transport.

The global picture is that the biodiversity duty stems from the Convention on Biological Diversity, which was begun at Rio in 1992. Everybody is working towards the Aichi targets for 2020, which were agreed at the conference of the parties in Japan in 2010. The targets will be reviewed at the next conference of the parties, which will be in 2020.

**The Convener:** Will you clarify the name of the targets?

**Lloyd Austin:** They are the Aichi targets. That is the town in Japan where they were globally agreed.

SNH recently produced a useful report on Scotland's progress towards delivering on the targets. We are on track for only six out of 20 targets, so there is work to do, although the press release highlighted the fact that we were the first country to report that we are on track for only six out of 20 targets.

**Sally Thomas:** There is a danger of our conflating things in the biodiversity duty. The duty relates to public bodies and how they exercise their functions; it is not a duty to deliver against international targets. However, it is clear that those targets are extremely relevant, so we work closely with public bodies that have lead roles in delivering targets. That is and will be reflected in their biodiversity duty reports, because that activity is a large proportion of the activity that they currently undertake. They work with us to do that. However, we need to be careful that we do not conflate a number of things that have been set up for different purposes. That is not to say that I do not agree about the need to prioritise action.

As part of delivery of the biodiversity strategy, SNH has set up a number of delivery agreements with key public bodies that work with us on a range of partnership projects, many of which contribute to the international Aichi targets. The agreements have been very helpful for those bodies in respect of how they frame their duty reports, because they give them a clear set of priorities that they work to, that they have committed to, and that they can feed into information on how they perform when they come to produce their reports.

**Craig Macadam:** Just before Sally Thomas started her second point, I was going to say that the Aichi targets are important because they should be driving our national targets, down to the local targets.

**Sally Thomas:** I am not saying that they are not important, but—

**Craig Macadam:** They are important in the context of the biodiversity duty. A public body might not know what it needs to do, as Alison Anderson has said, to help with the national targets. If the national targets are based on what we need to do to meet the Aichi targets, that should all flow through. However, the key bit that is missing is what a public body has to do to meet those targets.

**The Convener:** I will bring in Alison Anderson, then try to pull the discussion together a bit, so people should think about any final points that they need or want to raise.

**Alison Anderson:** I want to follow up on what Sally Thomas said. Dundee City Council would very much welcome some help with the delivery agreement from SNH to help to link things together. I was going to bring that up, as I read SNH's evidence.

**Sally Thomas:** We could certainly provide that, and we would be very happy to do so.

**Alex Neil:** I want to emphasise the very important point that Craig Macadam made. Correct me if I am wrong, but I think that he said that what matters is outcomes vis-à-vis the targets, not what people are doing or how they are doing it. Maybe one recommendation that we should consider—depending on what we hear from the cabinet secretary next week—is that the duty should relate directly to achieving the targets rather than just to a list of what public bodies are doing, for example. In a sense, that is almost irrelevant; what matters is their achieving the targets. It seems to me that we should completely shift the emphasis in the reporting towards outcomes, rather than it being on the internal processes.

**Lloyd Austin:** I agree with Mr Neil again very firmly, because I think that the focus should be on the link to the national targets, which are drawn from the international targets, and on the actions that are necessary to meet those national targets, whether by national public bodies, local public bodies or other Government departments. Those are the actions that we need to see, and we need to ensure that the reporting is on actions that deliver outcomes. If we look at our national data on our biodiversity, we see that we are not meeting those national biodiversity outcomes. Therefore, there is, in a sense, a need to reduce the effort on reporting on process and to increase the effort on delivering actions that deliver outcomes, and to focus reporting and scrutiny on whether the actions that deliver outcomes are being taken.

**The Convener:** That is a good note on which to bring our discussion together.

**Liam Kerr:** I will try to bring it together, but I would like to ask about outcomes and reporting cycles. East Dunbartonshire Council talked about a duty to publish a report on 1 January that covers the previous three years. I did not see where that date came from, but I guess that it is accurate. East Dunbartonshire Council suggested that that is problematic—people will be taking time off because it is 1 January. That means that the report will be front loaded and will not capture what has been done in the previous six months. Is that a reasonable concern? If so, would it be better not to have a duty to report on 1 January, but to have the date pushed back? Would that be of benefit?

**The Convener:** I will add a little bit to that question, because my final question was going to be about what changes, if any, the witnesses would like to see being made to the statutory requirements—that is, the reporting duty, including the deadline. Are there other changes that you would like, and do you agree with East Dunbartonshire Council's point that the deadline should be changed? What do the representatives of public bodies think?

**Fiona Stewart:** We said in our response that it would be appropriate for the list of public bodies to which the duties apply to be reconsidered, and to focus on the bodies to which the duties are more directly relevant. If the list of bodies is to remain as it is, it would be beneficial for the reporting requirement and guidance to be much more proportionate, as would be appropriate for the types and sizes of organisations.

On the deadline, I agree that 1 January may not be the easiest date to achieve, so a date mid-year—not around the financial year end—would certainly be beneficial.

**Alison Anderson:** Our report missed a few months, to be honest, because we had to get it through a committee and we had to prepare it well in advance, taking into account timescales for staff and so on. I presume, however, that the situation would be relatively flexible and that we could tack that information from the missing months to the next report.

As Fiona Stewart said, the duty has to be proportionate: local authorities are not all the same. As members know, Dundee City Council has a tight administrative boundary and is very urban; the Highlands and Islands are completely different and have a completely different set of biodiversity priorities, so there has to be proportionality.

**The Convener:** I assume that for the public bodies that Alastair Kay and Fiona Stewart represent—for the NHS and for National Museums Scotland—it is a matter of getting the report ready

and getting it past the chief executive, whereas for councils it is a different kettle of fish, because it can take weeks for papers to be tabled for committees and go through all the processes. That may also need to be considered.

Alastair—would you like to see changes to the 1 January deadline, and are there any other changes to the statutory requirements that would help you?

**Alastair Kay:** It might be good to tie the deadline to the climate change reporting at the end of November. That would help—papers must go through the governance procedures, and it can take up to three months to go through the various board groups, so bringing forward the deadline could be beneficial. It would also be good to capture in the reports the impacts of interventions that have been carried out on the natural environment. Perhaps the review could identify good practice across the public bodies, with a view to sharing, learning and promoting collaboration between boards.

Given the regionalisation of the NHS, a possibility is that the four regions do their own biodiversity reports.

**Willie Coffey:** Where, if anywhere, does public engagement sit in the process? How do the public engage with the process and shape what it becomes, and should they be much more involved in the future? Do they notice that reports are not posted and come in then, or do they get involved in the early stages? When I was talking to him earlier, Lloyd Austin talked about a lovely project in the Garnock valley.

**The Convener:** Would any of the public bodies like to comment, or shall I bring in one of the policy people? Who would like to answer? Lloyd Austin looks as if he wants to speak.

09:45

**Lloyd Austin:** I will answer Mr Coffey's question after I respond to the previous question.

I am not sure where that date came from, to be honest. The statute says that the base date is the date when the Wildlife and Natural Environment (Scotland) Act 2011 came into force, so it probably stems from that.

**The Convener:** Are you talking about the 1 January reporting deadline?

**Lloyd Austin:** Yes. I see no reason why we would object to ministers trying to change that date if it would make the public body process more practical and deliverable.

I would change the duty to focus it on priorities and actions that deliver outcomes, as we discussed earlier. That might be something on

which the public could get involved. The biodiversity strategy is in the form of what the Scottish Government called a route map, which has a series of priority projects. Each of those projects has a number of partners. RSPB Scotland is a partner in many of them, as are many other voluntary organisations. The public are very involved in those individual projects: that is how the public can benefit most and be involved.

The route map and the projects in it are not complete as an action plan of priorities, but they are a step towards that. However, that is not part of the reporting process.

**Alison Anderson:** I referred to the tension between national significance and local significance. It is really important to bring the community along with us. In Dundee, we do not have significant biodiversity with sea eagles or capercaillie—although sea eagles do fly over Dundee, so that is good.

**The Convener:** Plenty seagulls fly over Dundee. [*Laughter.*]

**Alison Anderson:** We need to try to relate the biodiversity duty to the things that our community finds important in Dundee, as well as trying to satisfy the national targets. It is a balancing act. People get passionate about trees being cut down in Dundee. Those trees figure in climate change, obviously, but where do they figure nationally? They are very important in Dundee. The same number of people do not want trees, however, so we have to balance that. The community needs to be involved because it needs to be on our side.

**The Convener:** How do you do that? You raised an interesting point on Willie Coffey's earlier question, when you said that community groups had been in touch with you about the fact that the council had not produced the previous year's report and they were encouraging you to do so. Could more be done to engage the community?

**Alison Anderson:** Yes.

**The Convener:** How would you do that?

**Alison Anderson:** It is about resources. We work in partnership with a lot of groups in Dundee. We support them and help them to achieve what they want to achieve in respect of biodiversity and green space. That is the way that we are going, because resources are reducing and we need the help of our community in maintaining our biodiversity. However, we do not always make the right decisions, in the community's eyes.

**The Convener:** Does anyone have other points to make?

**Sally Thomas:** To clarify Lloyd Austin's point, I note that the reporting deadline date is set out in legislation.

SNH is required to produce a report as well; we report on outcomes, on activities and on work that is being done, rather than on process. The guidance and existing templates encourage public bodies to do that.

On local engagement, there is a strong role for the local biodiversity action partnerships, which work with a range of organisations locally, and they work with communities, school groups and local action volunteers. In the majority of cases, they are well plugged into the local authorities. They do a fantastic job in wider community engagement on biodiversity on local patches.

**The Convener:** Alex Neil made some good suggestions about how to take the matter forward, and Lloyd Austin elaborated on them. Those comments will be in the *Official Report*. All the points that the witnesses have made in their evidence will be put to Roseanna Cunningham, the Cabinet Secretary for the Environment, Climate Change and Land Reform, who will give us evidence on the topic next week.

I thank the witnesses very much indeed for their contributions and their time. Your evidence is much appreciated.

09:50

*Meeting continued in private until 10:06.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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