



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE

AGENDA

15th Meeting, 2018 (Session 5)

Thursday 31 May 2018

The Committee will meet at 9.00 am in the James Clerk Maxwell Room (CR4).

1. **Decision on taking business in private:** The Committee will decide whether to take item 3 in private.
2. **Post-legislative scrutiny Biodiversity and Biodiversity Reporting Duties:** The Committee will take evidence in a roundtable format from—
 - Sally Thomas, Director of Policy and Advice, Scottish Natural Heritage;
 - Craig Macadam, Wildlife Subgroup Leader, Scottish Environment Link;
 - Anneke Freel, Countryside and Outdoor Activity Services Manager, East Ayrshire Leisure Trust;
 - Fiona Stewart, Director of Estates and Facilities, National Museums of Scotland;
 - Lloyd Austin, Head of Conservation Policy, RSPB Scotland;
 - Alastair Kay, Energy Manager, NHS Ayrshire and Arran;
 - Alison Anderson, Greenspace Team Leader, Dundee City Council.
3. **Work programme:** The Committee will consider its approach to the Justice Committee's post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012.

PAPLS/S5/18/15/A

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The papers for this meeting are as follows—

Agenda Item 2

Clerks note

PAPLS/S5/18/15/1

PRIVATE PAPER

PAPLS/S5/18/15/2
(P)

Agenda Item 3

PRIVATE PAPER

PAPLS/S5/18/15/3
(P)

Public Audit and Post-legislative Scrutiny Committee

15th Meeting, 2018 (Session 5), Thursday 31 May 2018

Post-legislative Scrutiny of Biodiversity and Biodiversity Reporting Duties

Introduction

1. The Committee has agreed to undertake post-legislative scrutiny on the biodiversity and biodiversity reporting duties under the Nature Conservation (Scotland) Act 2004 and Wildlife and Natural Environment (Scotland) Act 2011. The duties placed on public bodies are set out in Annexe A.

2. At its meeting today the Committee will take evidence, in a roundtable format, from a selection of public bodies. Those attending are:

- Sally Thomas, Director of Policy and Advice, Scottish Natural Heritage
- Lloyd Austin, Head of Conservation Policy, RSPB Scotland
- Craig Macadam, Wildlife Subgroup Leader, Scottish Environment Link
- Anneke Freel, Countryside and Outdoor Activity Services Manager, East Ayrshire Leisure Trust (undertake biodiversity work on behalf of East Ayrshire Council.
- Alistair Kay, Energy Manager, NHS Ayrshire and Arran
- Fiona Stewart, Director of Estates and Facilities, National Museums of Scotland
- Alison Anderson, Greenspace Team Leader, Dundee City Council

Background

3. On 7 December 2017 the Committee heard informally from the stakeholders who had made the post-legislative scrutiny suggestion, prior to agreeing its next steps. The main issues raised by the stakeholders at the informal discussion and in their written submissions were:

- concerns that the purpose of the biodiversity and reporting duties was not being met;
- that there appears to be confusion amongst public bodies about the responsibility placed on them by the duties;
- different public bodies interpret the biodiversity duty in different ways which limits the impact of this requirement on halting biodiversity loss.

4. At its meeting on 18 January 2018 the Committee agreed to undertake a short inquiry focusing on the extent to which the biodiversity and reporting duties placed on public bodies have been successful.

Call for evidence

5. The Committee issued a [call for evidence](#) which ran from 29 January to 23 March 2018. In addition to being posted online and tweeted on the Committee's twitter feed it was also emailed directly to approximately 140 public bodies and environmental stakeholders. In total 13 written submissions were received and have been posted [online](#). Prior to this meeting a submission from an individual (Lynn Watson) was submitted and is also available online.

Roundtable format

6. A roundtable discussion is designed to be more informal than usual in that witnesses and members are interspersed around the meeting table, and witnesses are free to ask each other questions. The meeting will still be broadcast and an *Official Report* produced.

7. It is proposed the themes for the discussion will follow the lines of the call for evidence, which are:

- How well do you believe public bodies understand the biodiversity and reporting duties placed upon them?
- Do you believe that public bodies are adequately resourced to comply with the biodiversity and reporting duties?
- Do you think the requirement to report on the biodiversity duty leads to effective actions for improving and conserving biodiversity by public bodies?
- Are there any changes that could improve the actions taken by public bodies in respect of the biodiversity and reporting duties?

**Clerks to the Committee
May 2018**

Biodiversity and biodiversity reporting duties on public bodies

The duties on public bodies are as follows:

Duty to further the conservation of biodiversity

(1) It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

(2) In complying with the duty imposed by subsection (1) a body or office-holder must have regard to—

(a) any strategy designated under section 2(1), and

(b) the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or any United Nations Convention replacing that Convention).

Reports on compliance with biodiversity duty

(1) A public body must prepare and publish a biodiversity report within 3 years of—

(a) the base date,

(b) the date on which a report was last published by the body under this subsection.