

Net Zero, Energy and Transport Committee
Tuesday 18 February 2025
6th Meeting, 2025 (Session 6)

Appointment of new Chair of Environmental Standards Scotland - Note by the Clerk

Parliamentary and Committee oversight of ESS appointments

1. Environmental Standards Scotland (ESS) is Scotland's environmental watchdog. It is a Non-Ministerial Office established by [the UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) (the "Continuity Act"). ESS was established on an interim basis in 2020 prior to the Continuity Bill passing and has been functioning as a statutory body since October 2021.
2. The rules in relation to the appointment of members of the ESS Board, including the Chair, are set out in Schedule 1, paragraph 2 of the Continuity Act. Amongst other things, these provide that the Scottish Ministers may appoint a person as a member only if the Scottish Parliament has approved the appointment.
3. Where an Act provides that the Scottish Parliament has a confirmatory role in relation to a particular public appointment, the Parliament will usually delegate the role of making a recommendation on whether to approve the appointment to what appears to be the most relevant Committee to consider that matter. This can be made by way of a letter or short report which the whole Parliament can then consider. In the case of appointments to ESS, the Net Zero, Energy and Transport Committee is the relevant Committee.
4. Jim Martin stood down as ESS's first Chair on 31 March 2024. On [17 June 2024](#), the Cabinet Secretary for Net Zero and Energy wrote to the Committee to outline the proposed procedure for selecting a new Chair. The Convener wrote back [on 27 June](#), outlining how the Committee proposed to scrutinise the appointment. Amongst other things, the letter indicated that the Committee intended to keep open the option of taking evidence in person from the nominee once the Scottish Government's own recruitment, interview and nomination process had concluded.
5. The Acting Cabinet Secretary wrote back on [8 July](#) to confirm the Scottish Government's process for finding a new Chair.
6. At its meeting on 17 December, the Committee formally agreed to invite the Scottish Government's nominee for ESS Chair to give evidence prior to the Parliament considering a motion to appoint the Chair. (This was before the appointment process had concluded and the Committee had not been made aware of who any candidates for the role were.)

7. The Scottish Government's appointment process concluded with the nomination of Dr Richard Dixon as new ESS Chair. Dr Dixon is a current ESS Board Member and has been acting Chair since Jim Martin's resignation. The Scottish Government has provided information about the appointments process and Dr Dixon's background and experience in support of his nomination. This includes information as to how the Scottish Government considers it has met the "person specification" for role of Chair as set out in the Continuity Act. This information is appended as annexes to this paper.

About ESS

8. The [Committee held its last general "check-in" session with ESS on 5 March 2024](#), where Dr Richard Dixon represented ESS, as Deputy Chair, but indicating he would soon be acting Chair.
9. *Main functions:* ESS's principal function is to monitor public authorities' (including Scottish Ministers') compliance with environmental law, the effectiveness of environmental law and how environmental law is applied. The body was created to fill 'governance gaps' in relation to enforcement and monitoring of compliance with environmental law as a result of EU exit. It may take appropriate action to secure a public authority's compliance with environmental law, or to secure improvement in the effectiveness of environmental law. This includes powers to:
 - issue an **information notice** requiring a public authority to provide it with any information needed to carry out its functions.
 - issue a **compliance notice** requiring a public authority to take steps to address a failure to comply with environmental law, and report a public authority to the **Court of Session** if it fails to comply with a compliance notice.
 - issue an **improvement report** where it finds a systematic failure to comply with environmental law, recommending measures to address the failure. In response, Scottish Ministers must present an Improvement Plan within certain timeframes, and the report must be laid before and approved by the Parliament.
 - apply for **judicial review** or intervene in civil proceedings if a public authority's conduct represents a serious failure to comply with environmental law and it is necessary to do so to prevent or mitigate serious environmental harm.
10. The ESS website [provides a record of current investigations and 'pre-investigations'](#). No legal action has been taken by ESS to date although two Improvement Reports have been issued (on air quality and scope 3 emissions, both scrutinised by the NZET Committee).
11. *Strategic Plan:* ESS's first statutory Strategic Plan (for 2022-25) was [approved in November 2022](#) It states that ESS is "led by a Chair and Board, who have significant experience in leading independent scrutiny organisations and expertise in environmental law, policy and regulation."

12. *Budget*: Schedule 1 of the Continuity Act requires that the Scottish Ministers must provide ESS with sufficient resource to perform its functions. In [the 2025-26 Scottish Budget](#) ESS was allocated a budget of £3.79 million, a cash terms increase of 29.7% on its £3.02 allocation in [the 2024-25 Budget](#).

Evidence session on 18 February and next steps

13. The Committee's evidence session with Dr Dixon is likely to focus on his views as to his qualifications, experience and abilities in relation to this role and what he sees as ESS's main challenges and priorities for the future, especially in the coming 4 years.¹
14. After the evidence session, the Committee will have a discussion about making a recommendation to the Parliament. This is likely to be by way of a short letter to the Scottish Government. The Committee's decision will also be minuted. The Parliament is then likely to take a motion on Dr Dixon's appointment in the near future.

Clerks to the Committee February 2025

¹ The post was advertised as a 4-year post and clerks understand that the motion before the Parliament is likely to specify a 4-year tenure.

Annexe – Correspondence from Cabinet Secretary for Net Zero and Energy received on 14 January 2025

Dear Edward,

Environmental Standards Scotland (ESS) – Appointment of Chair – Candidate Recommendation

In June and July this year, Màiri McAllan and I wrote to you and your Committee to agree the approach to appoint a Chair to the Board of ESS. On 3 October, I provided members with a further update on the process, advising the advertising period was to be extended.

I am grateful to you and the Committee for your engagement and support throughout this important appointment round and following the interview process in November, I am pleased to propose the following candidate to the Parliament:

- Dr. Richard Dixon

As the Committee is aware, appointments to the Board of ESS are subject to Parliamentary approval in accordance with the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (“the Act”).

For assurance purposes and to support the Parliament in its role in approving the proposed candidate, the following information is set out in Annexes A - D:

- Annex A Overview of Scottish Government’s appointment process
- Annex B Person specification
- Annex C Selection panel recommendation and candidate career summary
- Annex D Parliamentary scrutiny (as advertised)

Background

As planned, the role was originally advertised in July and supported by a robust attraction strategy developed by ESS. The selection panel identified two candidates who demonstrated evidence which met the criteria tested. Unfortunately, one

candidate had to withdraw from the process as they were disqualified under Schedule 1, Paragraph 3 of the Act.

As this left only one candidate being shortlisted for interview, the selection panel consulted the Ethical Standards Commissioner on the possibility of extending the advertising period with a view to attracting a more competitive field.

The Commissioner confirmed his support for this approach and granted a variation of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (The Code) which allowed for the extending of the advertising period.

Revised Approach

The role was advertised from 7 October 2024 until 5 November 2024 with the interviews scheduled for 27 November 2024.

I can confirm no changes were made to the role description or person specification and following guidance from the Commissioner, original applicants were given the opportunity to amend their applications, submit a new one, or leave it to be considered as was originally submitted.

The attraction strategy was further strengthened with a particular focus placed on academic networks and advertisements in national publications, including the Scotsman and the Herald.

Next Steps

I note the Committee's intention to meet with the proposed candidate on the 4th February and I hope the information enclosed will inform that meeting and ultimately, support the Committee in reaching a decision.

Should the Scottish Parliament deem the proposed candidate suitable for appointment, the appointee will be appointed for a period not exceeding 4 years in accordance with Schedule 1, Paragraph 2 (4) of the Act.

I am grateful for your support to ensure that there is appropriate Parliamentary scrutiny in line with the requirements of the Act.

Yours sincerely,

GILLIAN MARTIN

Annex A - Overview of Scottish Government's appointment process

Appointment

1. The Chair role has been advertised on two occasions. Following a limited field of applicants on the first occasion, the selection panel extended the advertising period.

Selection Panel

2. The selection panel comprised:
 - Dave Signorini, Director of Environment and Forestry, Scottish Government;
 - Marieke Dwarshuis, Chair of the Office of the Scottish Charity Regulator;
 - Paul Matheson, Independent Public Appointments Adviser, Ethical Standards Commissioner.

Applications and Shortlisting

3. The selection panel held the first shortlisting meeting on 26 August 2024 and considered seven completed applications. Following consideration of the completed applications, the selection panel agreed that two applicants should be shortlisted for interview. However, one applicant was disqualified from applying which left only one applicant shortlisted for interview.
 - Dr Richard Dixon
4. The advertising period was then extended and at the closing date and one further application was received. Following consideration of their completed application, the selection panel agreed that this applicant should not be shortlisted for interview.
5. A summary of the selection panel's decision on each application can be provided if required.

Assessment

6. The interview was held on 27 November 2024. The candidate took part in an interview with the selection panel which tested the essential criteria fully. The candidate also received an ESS Board Paper and asked to prepare a response, lasting between five and seven minutes, to the following question:
 - Can you explain how you would facilitate a board discussion about this paper, and what you would want to achieve with that discussion?

Fit and Proper Person Test

7. In terms of the fit and proper person tests, the candidate had confirmed in their application that they understood the work of the body and the nature of

the appointment and were not aware of having committed any offence or performed any act incompatible with the position; that they were not disqualified on any grounds from being appointed; and that they had read, understood and agreed to be bound by the members code of conduct for the Board. All applicants were also asked to provide details of any political activity within the past five years, for consideration by the selection panel in the context of their ability to perform the role.

8. Having undertaken these checks and additional questioning at interview, as highlighted in the candidate summary, the selection panel are satisfied to the best of their knowledge that the candidate is a fit and proper person.

Selection Panel Recommendation

9. As detailed at paragraphs 4 and 5, the selection panel has recommended the following candidate:
 - Dr Richard Dixon
10. The Cabinet Secretary for Net Zero and Energy and the First Minister accepted the selection panel's recommendation on 6th and 10th December respectively.

Annex B - Person specification

Ministers are looking for a new Chair who can put their ability to good use on the Board. The table below sets out the skills, understanding and experience that we are seeking and explains how the criteria will be tested. You may have gained this through work, by being active in your community, in a voluntary capacity or through your own lived experience.

Essential Criteria	Example indicators	How this will be assessed
Understanding of the environmental regulatory and scrutiny landscape in Scotland	<ul style="list-style-type: none"> • broad understanding of ESS' strategic context within the Scottish environmental landscape including political issues. <p>This understanding may have been gained in a variety of ways, for example through experience of working in:</p> <ul style="list-style-type: none"> • a regulatory or scrutiny capacity; • the academic environment; • a regulated industry; • a policy or legal context/capacity. 	<p>You will be asked to provide evidence in your application. The evidence will be tested further at interview if you are invited.</p>
Leadership	<ul style="list-style-type: none"> • experience of leading and chairing a Board, or similar, to make strategic decisions; • the ability to build and develop a high performing board with a collaborative and supportive culture; • the ability to demonstrate a values led and inspiring leadership approach, encouraging new and diverse thinking; • the ability to build a challenging but constructive relationship with the CEO and the senior executive team. 	<p>You will be asked to provide evidence in your application. The evidence will be tested further at interview if you are invited.</p>

<p>Communication and Influencing</p>	<ul style="list-style-type: none"> the ability to act as an ambassador for ESS, ensuring/protecting its independence, and to represent and promote the body to a wide range of partners and stakeholders; 	<p>You will be asked to provide evidence in your application. The evidence will be</p>
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	<ul style="list-style-type: none"> the ability to communicate ESS' regulatory role particularly in areas of complexity and contention; the ability to work constructively and collaboratively with partner organisations and stakeholders; the ability to be highly persuasive and convincing in discussions and negotiations. 	<p>tested further at interview if you are invited.</p>
<p>Governance</p>	<ul style="list-style-type: none"> experience of ensuring effective governance at senior management or board level; able to articulate what board responsibilities are from a fiscal and legal perspective and demonstrate direct involvement in implementation of good governance principles; clear understanding of audit and risk management and able to demonstrate effective practical application of that understanding. 	<p>You will be asked to provide evidence in your application. The evidence will be tested further at interview if you are invited.</p>

<p>Strategy</p>	<ul style="list-style-type: none"> • experience in successfully formulating strategy at a senior executive/non- executive level; • experience of providing performance oversight and holding the executive team to account for the delivery of the organisational strategy and plans. 	<p>The evidence will be tested at interview if you are invited.</p>
<p>Scrutiny</p>	<ul style="list-style-type: none"> • a broad understanding of ESS' scrutiny role including what makes for effective scrutiny in an environmental context; • confidence to operate within the frameworks of public accountability, including Parliamentary scrutiny. 	<p>The evidence will be tested at interview if you are invited.</p>

Annex C - Selection panel recommendation and candidate career summary

Applicant	Date of Interview
Dr Richard Dixon	27 November 2024

Fit and Proper Person Test	
Conflict of Interest	No issues.
Time Commitment	No issues. Dr Dixon is able to meet the commitment.
Conduct/Principles of Public Life	No issues. Dr Dixon confirmed that his conduct to date was compatible with the nine Principles of Public Life and agreed to commit to them.

Recommendation
<p>Dr Richard Dixon submitted a well-presented application which provided good evidence of <u>understanding of the environmental regulatory and scrutiny landscape in Scotland; leadership; communication and influencing; and governance</u>. During the final stage of assessment Dr Dixon set out good evidence of <u>understanding of the environmental regulatory and scrutiny landscape in Scotland; leadership; communication and influencing; strategy; and scrutiny</u> and acceptable evidence of <u>governance</u>. He did not highlight any conflicts of interest; confirmed his conduct to date was compatible with this public appointment; provided assurances he could meet the time commitment required; and confirmed in his application that they had not been involved in any political activity in the last five years.</p> <p>The selection panel recommend Dr Richard Dixon to the Cabinet Secretary for Net Zero and Energy and the First Minister as the applicant most able to meet the requirements of the Chair role and the needs of the ESS Board.</p>

Dr Richard Dixon – Tailored Career History

Paid employment

- April 2024-present: Acting Chair, Environmental Standards Scotland (ESS)
- 2023-March 2024: Deputy Chair, ESS
- 2022-present: environmental consultant
- 2021-present: Board member, ESS, including membership of the Audit and Risk Committee
- 2017-2024: Weekly environment column in the Scotsman (paid since 2022)
- 2012-2022: Director, Friends of the Earth Scotland
- 2011-2019: Board member, Scottish Environment Protection Agency (SEPA), including seven years on the Audit and Risk Committee

- 2005-2012: Director, WWF Scotland
- 2002-2005: Head of Policy, WWF Scotland
- 1994-2002: Head of Research/Senior Campaigner, Friends of the Earth Scotland

Voluntary experience

- 2024-present: Trustee of the Postcode Innovation Trust
- 2020-2023: Chair of the Postcode Education Trust, Postcode Global Trust, Postcode International Trust & Postcode Justice Trust
- 2013-2020: Board member, Postcode Culture Trust, Postcode Equalities Trust & Postcode Education Trust including two years as Treasurer and Chair of the Risk and Audit Committee
- 2013-2018: Chair, Edinburgh Community Solar Co-operative
- 2012-2018: Board Member, SNIFFER environmental research charity
- 2006-2018: Founder and Board Member, Stop Climate Chaos Scotland coalition
- 1998-2021: member, Scottish Power Environment Forum/External Stakeholder Forum
- 1997: Founder member, Transform Scotland transport campaigning charity

Career summary

I have spent three decades as a highly-successful leader, communicator and campaigner in the environmental sector with Friends of the Earth Scotland (twice) and WWF Scotland, as well as public service on the Board of the SEPA for eight years and currently as Acting Chair of ESS. I spent seven years on the SEPA Audit and Risk Committee and I am in my third year on ESS' Audit and Risk Committee. I also spent two years as Chair of the Risk and Audit Committee of a group of four Postcode Lottery Trusts, with a combined annual turnover of around £60m.

For the past two years I have been working as an environmental consultant. Recent work has included a major report on Financing Climate Justice and a Climate Manifesto for Stop Climate Chaos Scotland, energy and climate research for the European Climate Foundation, and work with the Westminster Foundation for Democracy to help create a Climate Bill for the country of Georgia.

Much of my job in the environment movement and as a consultant has been to evaluate complex information and interpret it for a range of audiences from staff in other NGOs and community groups to the media and politicians, all aided by my scientific background gained from my PhD and MSc. For the past seven years I have been writing a weekly column on environmental and climate change topics for the Scotsman newspaper.

Annex D - Parliamentary scrutiny (as advertised)

Under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Scottish Ministers may appoint individuals to ESS only if the Scottish Parliament has approved the appointment. Consequently, the Scottish Parliament will consider for approval the appointment of the individual Scottish Ministers have assessed as being most able for this Chair role.

The candidate selected by the appointing Minister will be considered by the Scottish Parliament's Net Zero Energy and Transport Committee (the Committee). This may involve meeting the Committee to discuss the nominees' relevant skills, understanding and experience. This may be formal or informal (in either public or private as the Committee decides). This is part of the appointment process. A formal invitation will be issued by the Committee with further details prior to the session. Candidates should be aware, if the Committee decides to meet publicly with a nominee, this will form part of a meeting of the Committee and will be broadcast online via Scottish Parliament TV.

Following its consideration of the nominee, the Committee will report its findings to the Scottish Parliament and there will be a Chamber motion and vote on the approval of candidate, which may comprise of a short parliamentary debate. The candidate would not be expected to attend this.

If nominated for appointment by the Minister, information from the candidate's application form and a summary of the evidence from the assessment process will be shared with the Committee and will be published on the Scottish Parliament website via the Committee's report after consideration of the appointment. This will include how the candidate's skills contribute to the requirement on the Scottish Ministers that ESS, as a whole, has experience and knowledge in the attributes set out in UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 and will confirm the candidate's suitability for public appointment, including the results of the fit and proper person test.

Personal contact details will be redacted and information on protected characteristics from the Public Appointments monitoring form such as age, ethnic grouping, disability and sexual orientation etc, will not be shared. However, in order to arrange the private session with the Committee, the candidate's contact details; email address and phone number, will be passed to the Committee in order that they can issue an invitation to meet with them.

By applying for this Chair role, candidates agree to the sharing of this data for the above purposes only.