

## ERCS Board Meeting: Minutes of 20 May 2025, 2-5 pm

Hybrid meeting at RSPB Scotland headquarters, 2 Lochside View, EH12 9DH

**Present:** Lloyd Austin - Chair (LA), Tom Ballantine (TB), Kevin Dunion (KG), Campbell Gemmell (CG), Juliet Harris (JH), Jim Jarvie (JJ), Deborah Long – Vice chair (DL), Pippa Scott (PS), Aedán Smith (AS).

**Apologies:** Julie Christie - Treasurer (JC), Clare Symonds (CS).

**In attendance:** Shivali Fifield - Chief Officer (SF), Jack Withy – Finance & Ops Manager (JW).

		Actions
1.	<p><b>Welcome and apologies</b></p> <p>Trustee Check-In</p> <p>Apologies were noted from Julie and Clare.</p> <p>Lloyd noted that this was the first Board meeting with Kevin, Pippa and Jim present and the three re-introduced themselves to each other.</p> <p><b>Trustee declaration of any conflicts of interest</b></p> <p>The Conflicts of Interest Policy was approved at the May 2023 Board meeting and states that:</p> <p><i>All trustees have the obligation to identify and disclose any conflict of interest at the start of the appropriate board meeting and any ongoing discussions.</i></p> <p><b>There were no new declarations of interest.</b></p>	
2.	<p><b>Minutes of last meeting 18 February 2024 - Paper 1</b></p> <p>Minutes</p> <p>There were no comments on the Minutes and no matters arising that were not covered on the agenda.</p> <p>Lloyd noted that all actions had been completed.</p>	<p>25/09: SF to post approved Feb Board minutes on website and remove oldest minutes.</p>



	<b>Decision: The Board approved posting the Board minutes on the website and the oldest Board minutes being removed to keep a 2-year rolling cycle.</b>	
3.	<p><b>Executive report – Paper 2</b></p> <p><b>Summary</b></p> <p>In summary, the highlights in this reporting period were:</p> <ul style="list-style-type: none"><li>• Leading the Race &amp; the Right to a Healthy Environment project and working with community partners to produce <a href="#">a short film</a>, summary of the <a href="#">lived experience workshops</a> and <a href="#">full project report</a>.</li><li>• Collaborating with Inclusion Scotland and Glasgow Disability Alliance on Disability Inclusive Climate Adaptation.</li><li>• Submitting our second communication to the Aarhus Convention Compliance Committee on the failure of SCJC to hold a public consultation on the review of court rules.</li><li>• Kate Smith joining ERCS as our second solicitor and moving forward with establishing ERCS Legal Ltd for July.</li><li>• Co-chairing the Expert Advisory Group for Monica Lennon’s Ecocide (Prevention) Bill.</li><li>• Influencing the Parliamentary <a href="#">debate on the Aarhus Convention and access to environmental justice</a> which reflected our reputation and credibility on the subject.</li><li>• Publishing a <a href="#">new briefing on the potential efficiency savings of an Environment Court</a>.</li><li>• Coordinating joint letters to Ministers <a href="#">on engine idling</a>, <a href="#">Everyone’s Environment</a> and to the <a href="#">Council of Europe on the right to a healthy environment</a>.</li><li>• Finalising the Salary review and introducing a bespoke ERCS incremental scale.</li><li>• Increasing our website activity, updating our webpages and strengthening relationships with the press media.</li><li>• Steadily increasing our membership and subscribers.</li></ul> <p>Shivali gave a verbal update on each section of the report.</p> <p>There was considerable discussion about the meeting with ESS on 12 May with reflection on ERCS’s approach, evidence-based follow up on representations and advocacy on environmental governance.</p>	



	<p>It was agreed to arrange an ad hoc advocacy working group meeting in July to finalise ERCS's manifesto and prepare for 2026 Holyrood elections.</p> <p><b>The Board noted the report and accompanying papers. The trustees asked Shivali to ensure the team were congratulated on their work.</b></p>	
4.	<p><b>Financial report – Paper 3</b></p> <p><b>Accompanying papers for information:</b></p> <ul style="list-style-type: none"><li>- Paper 3a: Management accounts to 31 March 2025 (year end).</li><li>- Paper 3b: 2025 – Budget forecast 2024-8 with salary incremental awards.</li></ul> <p>In Julie's absence, Shivali presented the financial report (Paper 3) to the Board.</p> <p><b>Income and expenditure at 31 March 2025 - Paper 3a</b></p> <p>Paper 3a presented ERCS's management accounts at 31 March 2025. The Cash Summary Report has an additional column which separates out the costs attributable to the Advice Service/Legal Practice Unit (LPU) and shows <b>actual income as £436,841, total expenditure as £371,998, net cash surplus of £64,122 and an overall cash balance of £322,285.</b></p> <p>The Balance Sheet provides a comparison to last year and shows <b>total capital and reserves as £336,689 at 31 March 2025 compared to £265,475 at 31 March 2024.</b></p> <p><b>Going concern tests</b></p> <p>Following discussion at the February Board meeting, the Treasurer recommended the following amendments so that, each quarter, trustees can ensure ERCS is a going concern based on available cash, confirmed income and reserves (should they be needed):</p> <p><i>At every Board meeting, trustees will consider whether the following three standards are met (going concern tests):</i></p> <ol style="list-style-type: none"><li><i>1. There is confirmed available cash for ERCS to meet all its cash commitments for the next six months.</i></li></ol>	



2. *There is a robust and credible budget which shows that ERCS is able to break even or better for the next following six months.*
3. *There are sufficient reserves to cover the forecast three months' operating costs.*

Shivali referred to the budget and financial forecast to show how these tests have been met for May 2025.

#### 2025/6 Budget – Paper 3b

The revised budget with the inclusion of ERCS salary incremental scale was presented and approved.

#### Salary & Pension Policy – Paper 4

The Salary & Pension Policy (Paper 4) recommended by the Operations Subcommittee was also approved: this provides the rationale for ERCS's salary structure which is transparent, consistent and allows for pay progression linked to length of service.

#### The Board

1. **Noted the income and expenditure at 31 March 2025 with a cash balance of £322,285.**
2. **Approved the 2025 - 26 budget.**
3. **Approved the revised Salary & Pension Policy.**
4. **Noted the financial forecast and fundraising workplan.**
5. **Noted that ERCS SCIO now has a fourth bank account with Unity Trust Bank Instant Access Savings Account and ERCS Legal Ltd also has a business account with them.**
6. **Noted that ERCS has instructed WBG as new auditors for 2024/5 Independent Examination.**
7. **Approved the amended three going concern tests.**
8. **Agreed that the going concern tests were met.**

#### 5. Fundraising workplan – Paper 5

Shivali presented the fundraising workplan/ strategy.

25/10: SF to present 6 month progress of fundraising workplan at



	<p>Trustees noted their thanks in having a comprehensive workplan. JH suggested adding corporate donors as a future option (adhering to our ethical fundraising strategy).</p> <p>Trustees were supportive of recruiting a volunteer with fundraising experience to support the donations/legacy strategy.</p> <p>All noted the considerable funding challenge and the importance of diversifying funding streams in the next couple of years.</p>	<p>November meeting.</p> <p>25/11: SF to circulate members survey.</p> <p>25/12: SF to recruit a volunteer fundraiser.</p>
6.	<p><b>Governance</b></p> <p><b>Trustees' retiral schedule and succession planning– Paper 6</b></p> <p>Trustees suggested candidates for Shivali to approach as potential trustees for co-option. Tom highlighted that the priority is to find people with governance and treasurer / fundraising skills.</p> <p>Shivali also mentioned the need to fill the gap left by Campbell in relation to environmental regulations/governance expertise.</p> <p>Lloyd confirmed that he is happy to continue as Chair until 2026 AGM and will up for retiral at 2027 AGM.</p> <p>Campbell suggested this is also the time to approach potential new ERCS supporters in the judiciary, faculty and retired procurators fiscal / legal professional influencers.</p> <p><b>Annual report and strategy</b></p> <p>Shivali to circulate draft annual report in June and draft strategy for August Board meeting.</p> <p><b>Risk Register – Paper 7</b></p> <p>The trustees noted the October 2024 risk register with May updates, which shows very good outcomes in addressing the previous significant risks. The workplan for ERCS Legal Ltd (Paper 7a) is also on target for a soft launch in July.</p> <p>Aedán identified that the risk rating for funding risks has increased to 'high' with planned actions reducing risks to 'significant'. Shivali agreed, noting that the greatest external risk is funding and internal</p>	<p>25/13: Trustees to send SF ideas for future trustees.</p> <p>25/14: SF to compile long list of potential trustees for co-option.</p> <p>25/15: Trustees to complete skills audit for November Board meeting.</p> <p>25/16: SF/BC/CG/LWA to consider legal professional influencers.</p> <p>25/17: SF to circulate draft annual report (June) and strategy (August).</p> <p>25/18: SF to update risk</p>



	<p>risk is having sufficient capacity for financial controls. Lloyd acknowledged this but was also confident that the team were monitoring and managing the risks with Julie's support.</p> <p>Campbell noted again that he welcomed the structure, content and approach of the risk register.</p>	<p>register noting 'High - Significant' risks wrt finance management and to provide a revised risk register for November Board meeting.</p>
7.	<p><b>AOCB</b></p> <p>Trustees agreed that it would be good to have the August Awayday in Stirling area – in contrast to recent Edinburgh area meetings – e.g Kelpies/ Falkirk Wheel.</p> <p>Dates for the diary:</p> <ul style="list-style-type: none"><li>- Tuesday 19 August Board/ staff awayday.</li><li>- 18 September 6-8pm ERCS 5 Birthday Party and launch of ERCS Legal Ltd.</li><li>- Wednesday 8 October AGM 6-7.30pm.</li><li>- Tuesday 18 November 2-5pm Board Meeting.</li></ul> <p>There being no other business, the meeting closed at 4.40pm.</p>	<p>25/19: JW to confirm August Board Awayday.</p>

These minutes were approved as an accurate record on 19 August 2025.



Signed by Lloyd Austin, Chair.