



UKELA BREXIT TASK FORCE – TERMS OF REFERENCE

The following Terms of Reference set out the role and responsibilities and administrative and operating procedures for UKELA's Brexit Task Force (Annex 4 contains details of the members of the Task Force and will be updated from time to time).

Role

- To advise UKELA's Trustees from time to time on all matters relating to and arising from the UK's decision to leave the European Union ('Brexit') insofar as this impacts environmental law, practice and enforcement in the UK
- To help UKELA take full advantage of the opportunity to engage with Government and other organisations in contributing to any resettlement of the UK's environmental laws which arises as a result of Brexit
- To review from time to time UKELA's stated public position in relation to Brexit (see below) and, as appropriate, to recommend updates thought to be appropriate

Responsibilities

- Review annual Brexit-related work plans, as per approved budget, for presentation to April Board meeting
- Annually review the Task Force's mandate to ensure that it remains relevant; evaluate the effectiveness of the work undertaken by the Task Force over the preceding year; and make such recommendations to UKELA Trustees thought necessary to make the Task Force's work more impactful
- Communicate results of work undertaken to UKELA's Trustees

Sub-groups/individual members to:

- 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
- review draft submissions and consultation responses concerning Brexit prepared by UKELA's working parties, and provide comments where appropriate
- Advise and assist working parties with work analysing:
 - i. current national law in key areas to see how EU law is reflected to help clarify the sort of transitional models needed;
 - ii. relevant international conventions which UK has ratified (Ramsar, Basel etc.) and how they may inhibit and influences changes that might be proposed.

UKELA's Public Position on Brexit

This is set out at Annex 2.

Membership

- 26 members maximum plus UKELA's Chair and 3 ex officio UKELA staff members. If extra staff time is required to carry out the role, UKELA Council or UKELA Executive Committee approval will be needed
 - additional members may be added to the Task Force from time to time at the request of the Chair and the approval of UKELA's Council
 - budgets for travel/per meeting allowances, will be as set out in UKELA's expenses policy, see Annex 3
 - UKELA staff support for the Task Force will include UKELA's Executive Director, Working Party Adviser and/or the Events and Membership Manager
- All Task Force appointments to be approved every year by UKELA's Council at the October Council meeting (commencing October 2017)
- Members of the Task Force 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 Task Force member missing three consecutive meetings of the Task Force without contributing in writing or appointing a substitute, will be asked by the Chair to stand down from the Task Force, whilst noting that the Task Force is a voluntary membership

- Failure to achieve quorum for two consecutive meetings shall trigger a review by UKELA's Council of the Task Force's work, membership and future role

- Members failing to attend a meeting of the Task Force without prior notification of regrets will be recorded as absent in the meeting minutes

Task Force Chair

- To be confirmed by the Task Force

- Acting Chair to be appointed by Task Force if considered appropriate by the members of the Task Force at the first or subsequent meetings

- Chair (or designate) will represent Task Force at meetings and events as required

- Chair will encourage each member to contribute and develop ideas on projects, partnerships, etc.

- The role of Chair may be shared by up to two Co-Chairs

- The Chair shall be assisted by up to five Vice-Chairs

Quorum

- 33% plus 1 of Task Force membership is the quorum for all meetings (whether in person or virtual)

Frequency of Meetings and Manner of Call

- The Task Force is to meet up to 4 times per year, and to include as a minimum:

- preparation of work plan for the upcoming year
- review of progress of work plans
- review work completed and evaluate if objectives were met – and, if not, what steps are required to make the work of the Task Force even more effective

- Additional meetings may be held if 50% of the Members of the Task Force agree

- A dedicated page will be set up on UKELA's website for members of the Task Force to access and share information with fellow members. This will be a page for Task Force members only.

- The Task Force shall establish meeting dates for the year ahead at the last meeting of the year
- Notices of Task Force meetings shall be sent to Task Force members by or on behalf of the Chair by electronic means a minimum of 14 calendar days prior to the meeting, with agendas and any papers available to Task Force members on the dedicated Task Force page of UKELA's website not less than 5 working days prior to the meeting date.
- the Chair of the Task Force shall have discretion to hold meetings of the Task Force via conference calls and/or video conferencing instead of an in-person meeting

Resources

- The Task Force shall be assigned a UKELA staff member to provide administrative and related support and to act as rapporteur
- Task Force members will be paid on request a travel allowance in accordance with UKELA's expenses policy, see Annex 3

Reporting

- Chair or designate will prepare a short report, via the draft meeting minutes of the Task Force, to UKELA's Chair after each Task Force meeting
- All recommendations of the Task Force that require funding shall be communicated to UKELA's Executive Director and UKELA's Council or UKELA's Executive Committee will make a final decision on such recommendations and its decision shall be communicated to the Chair of the Task Force in a timely manner

Communications

- Notices of meetings of the Task Force to be posted on the dedicated Task Force page of UKELA's website
- Press releases on major recommendations of Task Force to be issued after Board approves minutes
- Approved minutes of the Task Force to be posted on the dedicated Task Force members' page of UKELA's website

ANNEX 1 – ORGANISATIONS WITH AN INTEREST IN THE IMPACT OF BREXIT ON THE UK'S ENVIRONMENTAL LAWS

- Defra
- Department for Business, Energy and Industrial Strategy
- Environment Agency
- Natural England
- The Law Society of England & Wales
- DOE NI
- EPLANI
- The Law Society of Northern Ireland
- Scottish Government
- SEPA
- Scottish Natural Heritage
- The Law Society of Scotland
- Welsh Assembly Government
- Natural Resources Wales
- Aldersgate Group
- British Venture Capital Association
- CIWM
- Institute of Environmental Management and Assessment
- PEBA

ANNEX 2 – UKELA'S PUBLIC POSITION STATEMENT ON BREXIT, JULY 2016

1. UKELA considers it imperative that the UK's current environmental legislation is preserved pending proper review, full and open consultation on options for change and the involvement of Parliament as far as possible.
2. UKELA considers preservation is critically important in order to ensure ongoing compliance with international law and applicable EU law, regulatory stability and continued protection of the environment.
3. UKELA considers that the level of environmental protection, and the ability of citizens to participate in environmental decisions and take action in the courts where necessary, must not be diminished by any future changes to domestic legislation.

4. The development of a post-Brexit framework of environmental legislation presents a unique and critically important opportunity for the UK Government and devolved administrations to explore ways of improving and strengthening environmental regulation.

5. UKELA will ensure that the UK Government, devolved administrations and regulators are aware of the immense body of legal expertise within the association that may be employed to assist with the next steps.

ANNEX 3 – UKELA’S EXPENSES POLICY

Travel expenses – this policy applies to paid contractors, staff and volunteers including Council members and speakers at UKELA events.

UKELA is grateful to its paid contractors, staff and volunteers who have to travel on UKELA business. It is not the intention of UKELA that contractors, staff or volunteers should be out of pocket whilst carrying out travel on behalf of the organisation. However, UKELA is a charitable organisation with limited resources so we cannot support more than modest claims for out of pocket expenses.

Reasonable expenses for travel will be met and should be claimed as soon as possible after they have been incurred, on the standard claim form. All claims for expenses must be made within 3 months of having been incurred unless the Treasurer makes an exception for special circumstances. Any expenses claims submitted outside the specified time shall be liable not to be reimbursed.

UKELA encourages its paid staff, contractors and volunteers to travel by public transport, bicycle or on foot whenever possible. If private car, van or motorcycle use is essential for UKELA business, the rates in force (from 1 January 2008) are:

Cars 40p/mile – if one or more passengers are carried on UKELA business the rate is increased to 40p a mile.

Bicycles 22p/mile

Motorcycles 26p/mile

These rates are reviewed annually by the Trustees.

Second class, pre-booked at the lowest rate available, train travel will be regarded as reasonable expenditure and it is recommended that contractors and volunteers use this method of travel as a first choice for environmental reasons. Plane travel for journeys of more than 370 miles one way are acceptable provided no other method of travel is practical and will be regarded as reasonable expenditure provided it is an advance booking at the lowest possible cost.

Trustees attending UKELA Council or Executive Committee meetings may claim for expenses on the basis above. If a member wishes to bring an extra benefit to UKELA they can “claim” the expenses and then return them as a donation, to which Gift Aid applies. This cannot be done if the expenses have been covered by your firm.

Overnight stays on UKELA business are required for both trustees and staff on occasion. Any overnight stay must be entirely related to UKELA business (eg a UKELA meeting one day followed by one the next or a very early start if the individual has to travel from far away). The cost of the stay must be agreed in advance with the Treasurer and is not expected to exceed a reasonable cost (which may vary depending where it is but Travelodge or Premier Inn standard should be considered the benchmark).

If anyone is in doubt about what constitutes reasonable expenditure the Treasurer or Chair should be consulted before any booking is made.

ANNEX 4 – UKELA TASK FORCE MEMBERS

<u>First Name</u>	<u>Last Name</u>	<u>Reason for invitation</u>	<u>Emails</u>
Richard	Macrory QC	Patron, Senior Member and distinguished QC	r.macrory@ucl.ac.uk
Sir Francis	Jacobs	Patron and Professor of Law with expertise on European issues	francis.jacobs@kcl.ac.uk
Anne	Johnstone	Trustee and Vice Chair	anne.johnstone@malcolmhollis.com
Andrew	Bryce	Senior Member and representative from private practice	andrew@ehslaw.co.uk
Richard	Wald	Trustee	richard.wald@39essex.com
Penny	Latorre	Trustee and WP Co-Ordinator	penelope.latorre@watermangroup.com
Bridget	Marshall	Trustee and public sector representative	Bridget.Marshall@Sepa.org.uk
Phil	Hunter	National Council Member for Scotland and Trustee	philip.hunter@brodies.com
Karen	Blair	National Council Member for Northern Ireland and Trustee	k.blair@cfrlaw.co.uk
Haydn	Davies	National Council Member for Wales, Trustee and WP Co-Ordinator	haydn.davies@bcu.ac.uk
Stephen	Tromans QC	Senior Member, Barrister and distinguished QC	stephen.tromans@39essex.com
Bob	Lee	Senior Member and Professor of Law	r.g.lee@bham.ac.uk
Colin	Reid	Senior Member, Professor of Law and Scottish Law working party topic group convenor	c.t.reid@dundee.ac.uk
Paul	Davies	Senior Member and representative from private practice	Paul.Davies@lw.com
Eloise	Scotford	a representative from academia	eloise.scotford@kcl.ac.uk
Begonia	Filgueira	Representative from legal consultancy	begonia@eric-group.co.uk
Richard	Barlow	Nature Conservation Working Party Chair (or WP representative)	Richard.Barlow@brownejacobson.com
Stephen	Hockman QC	Climate Change and Energy Working Party convenor (or WP representative)	qc@shed31.demon.co.uk
Angus	Evers	Waste Working Party convenor (or WP representative)	angus_evers@yahoo.co.uk
Peter	Harvey	Waste Working Party convenor (or WP representative)	peter.j.harvey@thomsonreuters.com
Cate	Davey	Water Working Party convenor (or WP representative)	Catherine.Davey@stevens-bolton.com
Jill	Crawford	Environmental Litigation Working Party convenor (or WP representative)	Jill.Crawford@blmlaw.com
Andrew	Wiseman	Contaminated Land Working Party convenor (or WP representative)	andrewwiseman@hglaw.co.uk
Francis	McManus	Noise Working Party convenor (or WP representative)	f.mcmanus1@btinternet.com
Patrick	Duffy	Planning and Sustainable Development Working Party convenor	patrick.duffy@watermangroup.com
Stephen	Sykes	Chair	stephen@ukela.org
Linda	Farrow	Executive Director	linda@ukela.org
Rosie	Oliver	Staff	rosieoliver.ukela@gmail.com
Alison	Boyd	Staff	alisonboyd.ukela@ntlbusiness.com