Report for Scottish Ministers on Compliance with Climate Change Duties for 2017/18

Report by Mary Smith, Director Education, Communities & Economy

1   Purpose of Report

The purpose of this report which was approved by Cabinet on 27 November 2018 is to inform Committee of the Council's statement of Compliance with Climate Change Duties for 2017/18, a copy of which is available in the CMIS Document's Library, and was therefore submitted to Scottish Government by the due date of 30 November 2018.

2   Background

2.1   Since 2007, all Scottish local authorities have been signatories to Scotland's Climate Change Declaration; publicly committing themselves to reducing greenhouse gas emissions, taking steps to adapt to climate change impacts and working in partnership, including with communities, on climate change.

2.2.   The Climate Change (Scotland) Act 2009 introduced a statutory requirement for public bodies to undertake "climate change duties" and to act in the way best calculated to contribute to delivering Scotland's greenhouse gas emissions targets and to help deliver any Scottish programme for adapting to the impacts of a changing climate. Targets for reducing Scotland's greenhouse gas emissions are set out in the Act: 42% by 2020 and 80% by 2050 (against a 1990 baseline), with annual targets set through secondary legislation. These are economy-wide targets, not organisational ones. Scotland's Climate Change Adaptation Programme was published in 2014 and sets out Scottish Ministers objectives, policies and proposals to tackle the impacts of climate change and achieve the set targets.

2.3   The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 requires local authorities and other major public bodies to report to Scottish Ministers each year on what they have done to comply with the above duties, the focus being estate and operational activity. Local authorities must submit reports by the end of November in respect of the preceding financial year.

2.4   The format of, and information to be supplied in the annual report is prescribed by secondary legislation. Public bodies report by completing an online pro-forma which forms part of a national database. A copy of the Council's submission is available in the CMIS Member's Library. Section 3 of this report provides a summary of the proposed submission.

2.5 The section of the report entitled "Recommended Reporting: Reporting on Wider Influence" is non-statutory and relates to activity and emissions beyond the Council's estate and operational activity, i.e. by others but able to be influenced by the Council. Public bodies are encouraged to complete what they can within this part of the database, the hope being to complete it more fully in the years ahead as data and information becomes more readily available.

3 Summary of the 2017/18 Report on Compliance with Climate Change Duties

3.1 This section provides a summary of and explanatory notes in respect of the Report of Compliance with Climate Change Duties 2017/18 (hereafter referred to as the *submission*).

STATUTORILY REQUIRED SECTION

PART 1: PROFILE OF REPORTING BODY

3.2 The Council's submission provides commentary against set actions/targets and technical data. This section of the report provides a summary of the key findings on both the statutory (Parts 1 – 6) and non-statutory sections of the Council's submission.

3.3 During the report year the Council employed 3719 FTE staff and its budget was £202,134,462.

3.4 The Council provided services to a mid-2017 estimated population of 90,090, an increase of 1.7% on the mid-2016 estimate, the highest percentage increase of all Scottish local authority areas over the period. Over the period from mid-2007 to mid-2017, Midlothian has seen the second highest such population increase in Scotland at 12.1%. It is projected that Midlothian will have the highest percentage population increase of all Scottish local authority areas over the period 2014 to 2039 at 26%, compared to 7% for Scotland as a whole. These figures are indicative of the challenges and opportunities faced by the Council in addressing climate change.

3.5 The report year fell within an ongoing period of considerable financial constraint and organisational change for the Council, which coupled with increasing service demands and customer expectations has served to intensify the challenge of addressing climate change.

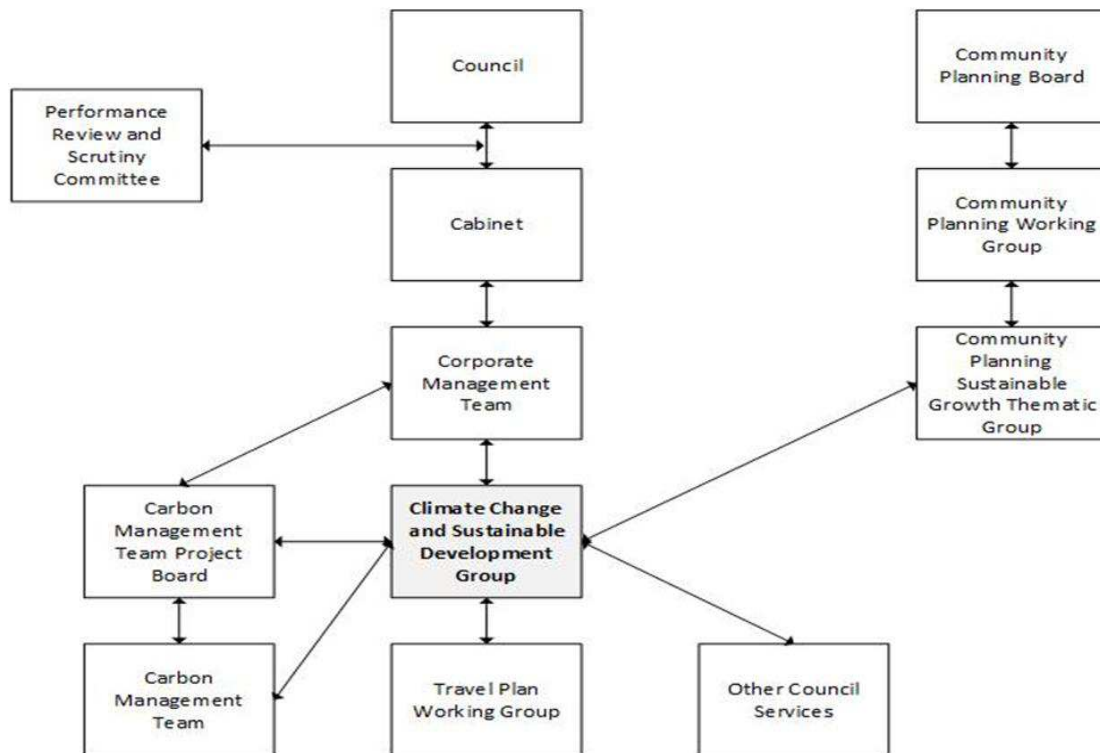## PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

Governance

3.6 Political leadership and responsibility for Council climate change action lies with its Cabinet. The Cabinet Spokesperson for Communities and Economy is the climate change lead within the Cabinet. A cross-divisional Climate Change & Sustainable Development Group

(CCSDG) of officers reports to the Corporate Management Team and to Cabinet in turn. The Performance Review and Scrutiny Committee (PRSC) is responsible for reviewing performance against policy objectives and commenting on decisions and policies and their impact.

Managing and embedding climate change

3.7   The cross-divisional CCSDG has a key role in driving the Council's approach to contributing to sustainable development, including in relation to climate change. The Planning Team has been lead for the group and for the Council's corporate climate change strategy. Operational Carbon Management Plan (CMP), Staff Travel Plan, property and facilities, energy projects, risk management and procurement interests are also represented on the CCSDG. The group reports to the Corporate Management Team and/or Cabinet. The group was dormant during the report year due to other work priorities and organisational change, with no Climate Change & Sustainable Development Action Plan for the report year.

3.8   The Council's Property & Facilities Management service leads on the CMP and chairs the Carbon Management Team. This cross-divisional team (including building, waste, street lighting and fleet interests) is intended to report to a Carbon Management Project Board comprising all Directors and the Head of Property & Facilities Management. There was no Carbon Management Plan for 2017/18 and the Carbon Management Team was dormant during the year due to other work priorities and organisational change.

3.9   A Travel Plan Officer within Commercial Operations was lead officer for the Council's Staff Travel Plan and the Travel Plan Working Group during the report year.

3.10   The application of strategic environmental assessment and an in-house 'Sustainability Impact Check' informed strategic and other decisions during the report year with reports to Council, Cabinet and Committee's requiring to set out the contribution or otherwise to addressing climate change and sustainable development more generally.

3.11   The 'Watts Going Down' energy awareness campaign (including a network of energy champions), the Healthy Working Lives initiative and Travel Plan initiative along with the Council's participation in Earth Hour continue to build awareness of climate change and wider sustainable development considerations amongst staff during the report year.

Figure 1 – Climate Change Governance and Management

Strategy

3.12 The Council's Corporate Climate Change Strategy contains the following objectives:

- To continue to better understand the impacts of, and risks from, a changing climate;
- To develop a 'One Council' approach to climate change, mainstreaming carbon reduction and resilience to a changing climate;
- To provide climate change leadership to our partners, communities and businesses;
- To ensure that the Council continues to lead by example on the climate change agenda;
- To monitor and publicly report our climate change progress.

3.13 The Single Midlothian Plan 2017-18 includes objectives to address climate change and respect environmental limits.

3.14 Other key plans and strategies with a connection to estate/operational aspects of climate change include the Forth Estuary Local Flood Risk Management Plan 2016-2022, Midlothian Local Development Plan 2017, Midlothian Council Travel Plan 2017/21, Midlothian Council Procurement Strategy 2015-18, Effective Working in Midlothian – Strategy, Home Working Scheme, adverse weather plans and policies, service plans and school travel plans.

3.15 Priorities for climate change governance, management and strategy for 2018/19 are as follows:

- To progress the preparation of a Local Heat and Energy Efficiency Strategy;

- To action those matters identified in the Internal Audit Report on Climate Change Reporting agreed by the Council's Audit Committee at its meeting on 1 May 2018: review and update the existing Corporate Climate Change Strategy, the re-introduction of carbon management planning and preparing a Carbon Management Plan, progress management of climate risks in accordance with Adaptation Scotland's 'Five Steps to Managing Your Climate Risks' and consider using the Climate Change Assessment Tool;

- Progress high-level planning in response to climate change duties (the Corporate Climate Change Strategy commits to combining the Sustainable Development, Climate Change and Biodiversity improvement plans into a singular Climate Change Strategy);

- Explore the possibility of developing an Sustainable Energy Action Plan or equivalent, as a partnership plan for mitigation and adaptation across Midlothian under the governance of the community planning structure;

- Dedicate resource to address climate change work streams.

PART 3: CORPORATE EMISSIONS, TARGETS AND PROJECTS

Emissions and Targets

3.16 Estate/operational emissions for the purposes of the submission are those arising from the use of mains electricity, mains (i.e. natural) gas, mains water, heating and fuel oils, diesel and petrol. Table 3b of the submission breaks these down for the report year. Table 3a of the submission shows that estate/operational emissions are estimated to have reduced by 11% from 2016/17 to 2017/18.

3.17 The 2016/17 submission showed a reduction in estate/operational emissions from 2006/07 to 2016/17 of 20%, however emissions reported for these years included those arising from commuting and staff use of private motor vehicles and excluded emissions associated with stair lighting, door entry systems and Christmas/festive lighting. For this year's submission, reported emissions for the baseline year 2016/17 and report year 2017/18 now exclude emissions from commuting and staff use of private motor vehicles but include emissions associated with stair lighting, door entry systems and Christmas/festive lighting; better aligning with carbon management planning and climate change reporting by other public bodies.

3.18 The 2017/18 submission identifies the first installation of renewable energy technologies on the estate, solar photovoltaics at Gore Glen and Bilston Primary Schools.

Projects and Changes

3.19 Estimated annual savings in estate/operational greenhouse gases from the Council's projects are estimated at 93 tCO_{2e} in the report year (tables 3e and 3f of the submission) and expected to be around 740 tCO_{2e} in 2018/19 (table 3h of the submission).

PART 4: ADAPTATION

3.20 This part sets out how the Council has assessed current and future climate related risks, arrangements for managing such risks and adaptation actions.

3.21 Progress in delivering on the Scottish Climate Change Adaptation Programme includes preparation of supplementary guidance in relation to green networks and development of green network projects, protection and enhancement of woodlands, implementation of The Forth Estuary Local Flood Risk Management Plan and consideration of climate change impacts in reaching Planning decisions.

PART 5: PROCUREMENT

3.22 This part sets out how procurement policies and activity have contributed to compliance with climate change duties, and sets out examples of best practice.

PART 6: VALIDATION

3.23 This part sets out the Council's validation of the data processes.

RECOMMENDED REPORTING PART: REPORTING ON WIDER INFLUENCE (NON-STATUTORY PART)

3.24 Table 1a of this part of the submission shows that the Midlothian area's per capita level of greenhouse gas emissions (those emissions considered by the UK Government to be at least influencable by the Council) has reduced from 6.78 tonnes CO_2 in 2006 to 4.68 tonnes in 2016 (the latest year for which an official figure is available), a reduction of 31%.

3.25 Table 1a separately shows that the Midlothian area's waste emissions have reduced from 11,035 tonnes CO_{2e} in 2006 to 8,860 tCO_{2e} in 2015, a reduction of 20%. It has not been possible to calculate a figure for 2016.

3.26 Table 5 sets out key biodiversity, water and procurement actions related to area wide climate change activity. These include green

network development activity, woodland protection and extension, promotion of biodiversity matters through Curriculum for Excellence and administration of the Local Biodiversity Sites system.

4 Report Implications

Resource

4.1 Recent reporting of risk to Corporate Management Team has noted that the Council's services are not adequately resourced to fulfil the requirements of the Climate Change (Scotland) Act and this is reflected in the priorities for 2018/19.

4.2 For relevant actions in the Internal Audit Report, recent reporting of risk to Corporate Management Team highlights these actions as off-target, no action having been taken because of other work priorities, with initial work to address the situation described as requiring collaboration between the Head of Communities and Economy and Head of Property and Facilities Management.

Risk

4.3 Scottish Government guidance states that responsibility for compliance with the public bodies' climate change duties and reporting rest with the reporting organisation, which will run the risk of legal challenge or reputational damage if compliance cannot be demonstrated. Under the Act, Scottish Ministers may instruct investigations into compliance. The Scottish Government intends to assess reports on compliance to monitor progress.

Single Midlothian Plan and Business Transformation

4.4 Themes addressed in this report:

☐ Community safety
☒ Adult health, care and housing
☐ Getting it right for every Midlothian child
☒ Improving opportunities in Midlothian
☒ Sustainable growth
☒ Business transformation and Best Value
☐ None of the above

Key Priorities within the Single Midlothian Plan

4.5 The impact of unchecked climate change would be significant, including detrimentally impacting economic growth, increasing the risk to properties and businesses from flooding and extreme weather, higher costs and a lower quality of life. The Low Carbon Scotland – Meeting Our Emissions Reductions Targets 2013-2027 (June 2013) report acknowledges that our economy's sustainability is dependent on a low carbon transition. Scotland's Economic Strategy (March 2015) acknowledges that in the decades to come, climate change will continue to be a key challenge that all economies face and will only increase in importance; and that the Scottish economy is well placed to benefit from the development of the low carbon economy.

Impact on Performance and Outcomes

4.6   Climate change is incorporated into the priorities in the Single Midlothian Plan 2017/18 and related Council 2017/18 Service Plans.

Adopting a Preventative Approach

4.7   The Scottish Parliament Finance Committee has identified climate change as a major area of policy where preventative spending could have impact. The impacts of a changing climate are likely to fall hardest on the disadvantaged, for example in terms of higher energy bills and greater vulnerability to flooding.

Involving Communities and Other Stakeholders

4.8   Communities and stakeholders have not been involved in the preparation of the proposed report.

Ensuring Equalities

4.9   No actions with 'people implications' are proposed that would necessitate Equalities Impact Assessment.

Supporting Sustainable Development

4.10   The Council's Sustainable Development Framework lists reporting climate change activity amongst its arrangements for contributing to the achievement of sustainable development. The proposed report is not a strategic action in terms of the Environmental Assessment (Scotland) Act 2005, therefore it is not subject to any strategic environmental assessment related requirements

IT Issues

4.11   There are no IT issues arising directly from this report.

5   Recommendations

It is recommended that Performance, Review and Scrutiny Committee note the attached report as the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2017/18 which was submitted to the Scottish Ministers by the required date of 30 November 2018

13 November 2018

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Background Papers: Climate Change Submission November 2018