

Report for the Scottish Ministers on Compliance with Climate Change Duties for 2015/16**Report by Ian Johnson, Head of Communities and Economy****1 Purpose of Report**

- 1.1 The purpose of this report is to inform Cabinet of the Council's statement of Compliance with Climate Change Duties for 2015/16, a copy of which is attached to this report, and to recommend its submission to Scottish Government by the due date of 30 November 2016.

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; working in partnership, including with communities, on climate change.
- 2.2 Public body climate change activity became a statutory requirement in 2011 with the coming into force of "climate change duties" in the Climate Change (Scotland) Act 2009: a "public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of [Scotland's greenhouse gas emissions] targets; in the way best calculated to help deliver any [Scottish programme for adapting to climate change impacts]; and in a way that it considers is most sustainable." Regard must be had to statutory guidance accompanying the duties.
- 2.3 The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 requires local authorities and other major public bodies to report on their activity complying with the climate change duties, its focus being on the management of its estate and its corporate activity. Following a 2014/15 pilot, reports for 2015/16 are required by statute to be submitted to the Scottish Ministers by 30 November 2016. This replaced the voluntary regime which was in place from 2008/9. Public bodies report by completing an online form, the format and content of which are prescribed by the Order and the Scottish Government.
- 2.4 A non-statutory part of the form relating to activity and emissions beyond the Council's own estate and corporate activity ("Recommended Reporting: Reporting on Wider Influence") has been partially completed for 2015/16. It is intended to complete it more fully for future reporting years as data and information becomes available. Public bodies are encouraged to complete what they can within this part of the report.

- 2.5 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.

3 Summary 2015/16 Report on Compliance with Climate Change Duties

- 3.1 The Council's statement on Compliance with Climate Change 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 statement.

Part 1: Profile of Reporting Body

- 3.2 Part 1 gives a brief indication of the scale and nature of the Council's operation. The population of Midlothian is estimated at 87,390 for 2015, an increase of 1.4% from 2014. This is the largest rate of growth in Scotland and presents challenges and opportunities with regard addressing climate change.

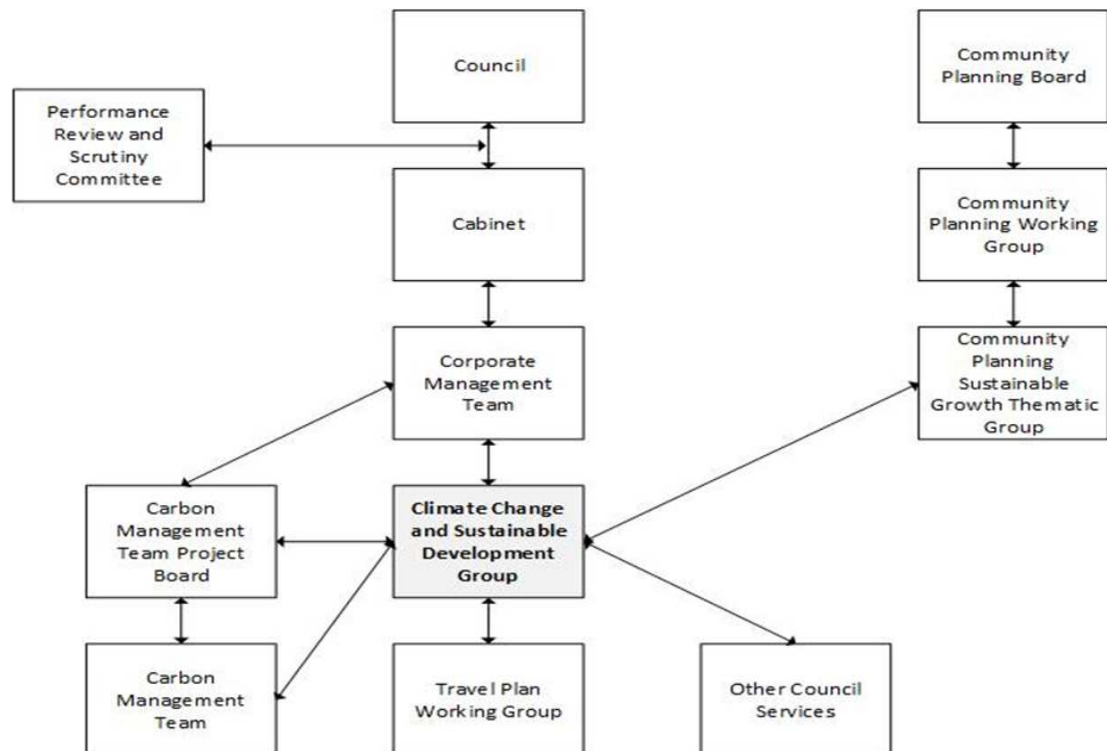
Part 2: Governance, Management and Strategy

- 3.3 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.
- 3.4 Corporate Management Team (CMT) is responsible for Corporate Climate Change Strategy and associated action planning and performance monitoring. The Director Education, Communities and Economy (ECE) is the climate change lead within CMT. The lead service within the Council is Communities and Economy within the ECE directorate.
- 3.5 The Climate Change & Sustainable Development Group (CCSDG) of officers, drawn from across all services, drives the Council's approach to contributing to the achievement of sustainable development, including in respect of climate change. This group is chaired by the Planning Manager. The remit of the group is subject to review as a consequence of a Planning Service Review which has seen a new Planning team structure with new roles and responsibilities being established. The Council's Sustainable Development Framework No1 sets out the organisation's principal arrangements for contributing to the achievement of sustainable development, including development of a 'Corporate Climate Change and Sustainability Development Action

Plan' overseen by the group, for subsequent approval by CMT. The action plan is scheduled to be reviewed in 2016/17.

- 3.6 An integral part of the Council's approach to climate change is its implementation of its own Carbon Management Plan with the target of achieving a 25% (8,800 tonnes) reduction in its own Carbon emissions based on the 2006/7 Carbon output tonnage of 27,237CO_{2e}. The Council has exceeded its target and achieved a CO₂ emissions tonnage reduction of 31% (11,035 tonnes).

Figure 1 – Climate Change Governance and Management



- 3.7 The Council's Corporate Climate Change Strategy was approved by Cabinet at its meeting of 22 April 2014 and 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; and
 - To monitor and publicly report our climate change progress.
- 3.8 Other key plans and strategies relating to climate change include the Midlothian Council Zero Waste Strategy, Midlothian Local Plan 2008,

the Proposed Midlothian Local Development Plan, Midlothian Council Carbon Management Plan 2013-16, Midlothian Local Housing Strategy 2013-2017, Midlothian Council Strategic Housing Investment Plan 2015/16-2019/20, Midlothian Council Travel Plan 2013/17, Effective Working in Midlothian – Strategy, Midlothian Council Procurement Strategy 2015-18, service plans and school travel plans.

- 3.9 The proposed top five priorities for climate change governance, management and strategy for 2016/17 are:
- Draft a Corporate Climate Change and Sustainable Development Action Plan (Single Midlothian Plan 2016-17, p.55);
 - Further progress management of climate risks in accordance with Adaptation Scotland's 'Five Steps to Managing Your Climate Risks';
 - Approve and commence implementation of a revised Midlothian Council Carbon Management Plan, with consideration given to incorporating business travel ('grey fleet') and commuting;
 - Review the governance structure and management system in relation to climate change; and
 - Develop and launch an internal employee e-learning site to raise awareness on climate change issues.

Part 3: Emissions, Targets and Projects

- 3.10 Greenhouse gas emissions covered by the Council's Carbon Management Plan 2013-2016 relate to its buildings and other estate, waste (the Council area's waste, not just the Council's 'own' waste), street lighting and fleet. At its meeting of 11 October 2016 Cabinet considered a report regarding the Council's Carbon Management Plan, which confirmed that the target to reduce overall emissions by 25% over the plan period had been exceeded (31.2%).
- 3.11 Corporate emissions for the purposes of the Council's statement are those covered by the Carbon Management Plan, excluding area waste emissions (the Council is currently unable to disaggregate data pertaining to its 'own' waste from Midlothian wide waste which it reports to government), but adding emissions from staff business travel ('grey fleet') (claimed for business miles only) and staff commuting. Applying this definition, table 3a shows that corporate emissions are estimated to have dropped by 8% from 2012/13 to 2015/16 and 16% from 2006/7 to 2015/16. These reductions do not take into account the significant emissions savings from the Council's management of the area's waste.
- 3.12 Background data to the proposed report clarifies that emissions associated with staff commuting are estimated to have risen from 3,721 tCO_{2e} in 2006/7 to 4,899 tCO_{2e} in 2015/16, an increase of 32%. Emissions from grey fleet are estimated to have risen from 365 tCO_{2e} in 2006/7 to 426 tCO_{2e} in 2015/16, an increase of 17%. Business miles

claimed have risen every year from 2009/10 to 2015/16, from 1,137,228 to 1,418,997, an increase of 25%.

Note: The references to Scope 1, Scope 2 and Scope 3 in the proposed report are to emissions scopes within the international Greenhouse Gas Protocol, recognised by government as a standard for reporting greenhouse gases.

Scope 1 covers all direct greenhouse gases by an organisation. It includes mains gas and other fuel combustion and fleet.

Scope 2 covers indirect greenhouse gases from an organisation's consumption of purchased electricity, heat or steam.

Scope 3 covers other indirect emissions, including transport-related activities in vehicles not owned or controlled by the organisation, electricity-related activities not covered in Scope 2 (e.g. losses through the grid), waste disposal, etc.

- 3.13 Suggested reasons for increasing grey fleet mileage were reported to Cabinet on 12 January 2016 and Performance Review and Scrutiny Committee on 8 March 2016 and include:
- An upturn in the local economy has resulted in an increase in construction activity and as a consequence increased site inspections;
 - Changes in care provision has resulted in an increasing demand for home care arrangements/visits;
 - Changes to the location of staff bases; and
 - Staff increasingly ensuring they re-claim their travel expenses.
- 3.14 A budget proposal that will seek to reduce mileage across the Council is before the Senior Leadership Group for consideration. This has been informed by a report on the grey fleet commissioned by the Council from the Energy Saving Trust. Consideration is also being given to incorporating grey fleet and commuting within the scope of the Council's new Carbon Management Plan, which is under preparation.
- 3.15 Estimated annual savings in corporate greenhouse gases from the Council's projects to make its buildings and actions more efficient are estimated at 568 tCO_{2e} in the report year (tables 3e and 3f) and expected to be around 245 tCO_{2e} in 2016/17 (table 3h).
- 3.16 The Council's 'Watts Going Down' energy awareness campaign, 'Healthy Working Lives' and travel plan initiatives, and participation in Earth Hour, continue to promote awareness of climate change and wider sustainable development issues to staff.

Part 4: Adaptation

- 3.17 This section of the statement sets out how the Council has assessed current and future climate-related risks, arrangements for managing such risks and adaptation actions. Progress in delivering on the Scottish Climate Change Adaptation Programme includes preparation of the Forth Estuary Local Flood Risk Management Plan 2016-22, the promotion of green networks, protection and enhancement of woodlands, consideration of climate change impacts in reaching planning decisions, engagement in the 'Home Energy Efficiency Programme for Scotland' and 100% of Council houses being classed as energy efficient.

Part 5: Procurement

- 3.18 This section of the statement 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

- 3.19 This section of the statement sets out the Council's validation processes of the data and information in the report.

Recommended Reporting - Wider Influence (Non-Statutory)

- 3.20 The Single Midlothian Plan 2015-16 (SMP) included an objective to reduce greenhouse gas emissions across Midlothian to 4.5 tonnes per capita by 2020 (table 2). The figure has reduced from 6.47 tonnes CO₂ in 2005 to 5.17 tonnes in 2014, a reduction of 25% (table 1a). This excludes waste emissions.

Note: The basket of emissions covered by the Single Midlothian Plan 2015/16 per capita target (table 2) is the same as the Department of Energy & Climate Change (DECC) 'subset dataset' in Table 1a. Emissions are attributed to the end energy users.

- 3.21 Midlothian's waste emissions (not included in the SMP per capita target) have reduced from 11,035 tonnes CO_{2e} in 2005 to 7901 tCO_{2e} in 2014, a reduction of 28%.
- 3.22 The statement sets out key biodiversity, water and procurement actions related to area-wide climate change activity. This includes green network development activity, woodland protection and extension, teaching of biodiversity through 'Curriculum for Excellence', Midlothian Ranger Service activities, administration of the Local Biodiversity Sites system and preparation of the Forth Estuary Local Flood Risk Management Plan 2016-2022.

4 Report Implications

4.1 Resource

Future priorities highlighted in the proposed report can be met from existing resources.

4.2 Risk

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.

4.3 Single Midlothian Plan and Business Transformation

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

4.4 Key Priorities within the Single Midlothian Plan

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.

4.5 Impact on Performance and Outcomes

Climate change is incorporated into the priorities in the Single Midlothian Plan 2016/17 and related Council 2016/17 Service Plans.

4.6 Adopting a Preventative Approach

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.

4.7 Involving Communities and Other Stakeholders

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

4.8 Ensuring Equalities

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

4.9 Supporting Sustainable Development

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.

4.10 IT Issues

There are no IT issues arising directly from this report.

5 Recommendations

It is recommended that Cabinet:

- (a) approves the attached proposed report as this Council's Report on Compliance with the Public Bodies Climate Change Duties for 2015/16;
- (b) agrees to submission of the report to the Scottish Ministers by 30 November 2016; and
- (c) refers this report to the Performance Review and Scrutiny Committee for its information.

14 November 2016

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Background Papers:

1. Corporate Climate Change & Sustainable Development Action Plan.
2. Carbon Management Plan 2013 – 2016 and associated Cabinet paper dated 11 October 2016.
3. Climate Ready Scotland: Scottish Climate Change Adaptation Programme (Scottish Government, May 2014)