

Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2023/24**Report by Chief Officer Place****Report for Decision****1 Recommendations**

- 1.1 It is recommended that Cabinet:
- (a) approves the Council's Report on Compliance with the Public Bodies Climate Change Duties for 2023/24; and
 - (b) agrees to the submission of the report to Scottish Ministers by 30th November 2024.

2 Purpose of Report/Executive Summary

- 2.1 The purpose of this report is to inform Cabinet of the Council's statement of compliance with its statutory climate change reporting duties for 2023/24, a copy of which is available in the CMIS Member's Library, and to recommend its submission to Scottish Government by the due date of 30 November 2024.

Date: 15 October 2024

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3 Background

- 3.1 Since 2007, all Scottish local authorities have been signatories to Scotland's Climate Change Declaration; publicly committing themselves to reducing greenhouse gas emissions and taking steps to adapt to climate change impacts.
- 3.2 The Climate Change (Scotland) Act 2009 set economy-wide (not organisational) emissions reduction targets. It introduced a statutory requirement for public bodies to undertake 'climate change duties' and to operate in the way best calculated to contribute to delivering these targets and to help meet any Scottish programme for adapting to the impacts of a changing climate. The Scottish Government voted in 2019 to strengthen the Act's targets for cutting greenhouse gas emissions. It now requires a 75% cut in emissions by 2030 (compared to a 1990 baseline) and it set a net-zero emissions target for 2045. In 2019, Midlothian Council adopted a target of reaching net zero by 2030.
- 3.3 The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015, as updated by the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2020, 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.
- 3.4 The format of the report is prescribed by legislation and administration is managed by the Sustainable Scotland Network (SSN). A copy of the Council's proposed submission is available in the CMIS Member's Library. This has been adapted from the exact proposed template return to SSN due to that spreadsheet pro-forma not being conveniently presentable for discussion at this Cabinet meeting. The version in the CMIS Member's Library is nevertheless an accurate representation of both the substance and spirit of the proposed return.
- 3.5 The sections of the report entitled 'Recommended Reporting: Reporting on Wider Influence' and 'Other Notable Reporting Activity' are non-statutory and often relate to activity and emissions beyond the Council's estate and operational activities (i.e. by others but able to be influenced by the Council).

4 Summary of the Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2023/24

- 4.1 This section provides a summary of the key findings of the Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties (PBCCD) 2023/24, hereafter referred to as the 'submission'.

STATUTORILY REQUIRED SECTION

PART 1: PROFILE OF REPORTING BODY

- 4.2 During the report year, the Council employed 4,053 full-time equivalent staff and its revised budget was £275,703,159.
- 4.3 According to the latest population estimates from National Records of Scotland (NRS), Midlothian Council provided local authority services to a population of 101,081. Midlothian remains the fastest growing local authority in Scotland with an increase of 16.1%. MLC has seen a 1.8% (741 household) increase in the number of households between 2022 and 2023, the highest annual increase since 2008. The level of growth is 13.4% higher than the Scottish average of 2.7%. In terms of households, Midlothian saw the highest percentage increase at 17.2% since the 2011 census. Population density in Midlothian is 273.1 residents per square kilometre compared to the Scottish average of 69.8. All of these figures reflect the scale of growth locally and the attendant challenges and opportunities faced by the Council in addressing climate change.

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

- 4.4 Political leadership for the Council's climate change work lies with a Cabinet of Elected Members drawn from the political administration. Council management and staff follow their direction in relation to climate change mitigation and adaptation. The Council's emergency motion of December 2019 declared a climate emergency and set the goal of making the Council's activities net zero carbon by 2030 and is a primary driver for the response and how this is governed.
- 4.5 The motion led to the creation of the Council's Climate Change Strategy and a 'Climate Emergency Group' to focus collective effort on meeting the commitments of the motion across Midlothian and within the Council. This is composed of representatives of the Council, industry, community groups and non-departmental bodies of the Scottish Government. Its work has led to several outcomes related to climate change forming part of the Single Midlothian Plan. The Plan in turn requires the Service Plans of Council departments to have regard to its aims, therefore service managers must take its commitments for carbon emissions into account when organising their activities.
- 4.6 Other means by which strategic matters such as climate change are governed by the Council are:
- The Business Transformation Steering Group (BTSG);
 - The Council's Business Transformation Board; and
 - The Corporate Management Team.
- 4.7 The Council's Internal Auditors and Audit Committee also help steer Midlothian Council's climate change governance. The Audit Committee provides independent review of the Council's governance, risk

management and control frameworks and internal auditors have reported twice on climate change work, once in 2017/18 and again in 2021/22. Internal Audit have also reported on energy and water consumption in 2022/23. These reports have been fed back to the Audit Committee and to senior management.

- 4.8 While emissions reduction is a Council-wide priority, services in the Place Directorate perform many of these actions, including:
- From Planning, Sustainable Growth and Investment – drafting the Council’s latest Climate Change Strategy and compiling information provided by other services to complete the annual PBCCD submission;
 - From Property & Facilities Management – monitoring power/fuel use to track the emissions from the Council’s estate, and taking forward emissions reductions projects (including with the Council’s Energy Services Company, Midlothian Energy Ltd);
 - From Neighbourhood Services – replacing streetlights with low-energy LEDs and managing emissions from the Council’s vehicle fleet;
 - From Building Services - delivering the Energy Efficiency Standard for Social Housing and implementing the Local Authority Carbon Management Plan.
- 4.9 In terms of 3rd sector climate action, Midlothian Climate Action (the Hub) was established in September 2023 following a successful joint application by Midlothian Voluntary Action (MVA) and Midlothian Climate Action Network (MCAN) for Scottish Government funding who they continue to report to. The primary role of the Hub is supporting communities to come together and engage collectively on climate action, supporting the transition to low carbon and climate resilient living and driving wider behaviour change.
- 4.10 The Hub has the support of Midlothian Council and the Midlothian Community Planning Partnership (CPP) of which, both MVA and MCAN are members. This approach will reduce duplication of effort and facilitate a joined up, collaborative approach to the challenges of climate change. MCAN and MVA are represented on the Community Planning Partnership’s multi-organisational Climate Emergency Group. This group was convened specifically to generate added value from sharing and engaging with others. In future the Hub Manager will attend.
- 4.11 Midlothian Council recognises that the partnership ethos underpinning the Hub is vital to the achievement of the local authority’s target of Net Zero by 2030. MVA has deep and established connections with Midlothian’s communities and will play an important support role in signposting those groups to the Hub Team. The Hub will work with and support those groups and organisations working across Midlothian that strive to increase food security, reduce energy bills and alleviate poverty. There is significant interplay between the Hub and Council

facilitated Community Planning Climate Emergency Group (CEG) at authority level. Both the Hub and CEG also contribute to regional and national climate focused initiatives such as the Climate Ready South East Scotland work programme, currently driving forward an environmental and economic regional risk assessment relating to climate adaptation. This will help inform local action and support regional prioritisation of action across regional partners.

4.12 In the submission, Councils must identify specific climate change mitigation and adaptation objectives in its corporate plans. Those listed include:

- The Climate Emergency Declaration of December 2019 and the Climate Change Strategy that was created in response to it;
- The Single Midlothian Plan 2023-27, which has three intended outcomes for the next four years, one of which is 'significant progress is made towards net zero carbon emissions by 2030'; and
- The Midlothian Council Transformation Blueprint, which is designed in line with the Single Midlothian Plan and is supported by the Council's Service Plans, both of which aim to reduce the emissions from the Council's activities.

4.13 The submission requires the identification of other corporate documents and strategies that cover more specific areas of climate change work, such as adaptation, energy efficiency, transport and biodiversity. Those referred to include the Economic Growth Strategy 2020 – 2025, the Midlothian Local Development Plan and the Council's Procurement Strategy.

PART 3: EMISSIONS, TARGETS & PROJECTS

4.14 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. These are detailed in tables 3a and 3b using data supplied by the Council's Property & Facilities Management Service (see section 5 of this report regarding future risks in this area). Emissions in these tables are broken down into the following components:

- 'Scope 1' emissions are those arising from the direct use (burning) of primary fuels by the Council;
- 'Scope 2' emissions are from electricity use; and
- 'Scope 3' emissions are those resulting from electricity losses in the power network, water supply & treatment and those from homeworking employees.

4.15 Table 3a shows that total emissions for 2023/24 are 14,943, tonnes of carbon dioxide equivalent (tCO₂e). This is a reduction of 12% over the figure of 16,974 tCO₂e in 2022/23. The table also shows there was a minor decrease in the Council's scope 1 and minor increase in its scope 2 emissions between those years. There has been a significant

decrease in Scope 3 emissions from 1,790tCO₂e to 403 tCO₂e (this reduction is in part a reflection of enhanced measuring/recording).

- 4.16 Table 3b also reveals that year-on-year:
- Electricity consumption in Council buildings changed very little, increasing by 0.1%.
 - Electricity consumption from street lighting was also almost stagnant.
 - Natural gas consumption used to heat the Council's building estate decreased quite significantly by approximately 9.1%.
 - Diesel consumed by the Council's fleet of vehicles increased by 2.9% with petrol fuel consumption increasing significantly by 69%. In terms of understanding these trends, there has been an increase of 21 vehicles/users drawing diesel in 2024 compared to 2023.
 - All Council cars are now electric or use petrol rather than diesel. The Council Travel Team has also reported an increase in Council fleet vehicles being requested rather than colleagues using their own vehicles, this has resulted in an increase in 16 shell card users in 2024.
 - Emissions from journeys from staff using their vehicles for work purposes (i.e. arising via business mileage claims) was similar to the year before, increasing 1.1%.
- 4.17 2.7% less electricity was generated than 2022/23. A further 104,036kWh of electricity consumption was avoided by the generation of this amount by the solar photovoltaic systems installed on the Council's estate. This avoided the release of 19.85tCO₂e.
- 4.18 It is important to consider the Council's emissions in the context of demographic trends. In 2014/15 for example, its carbon footprint was 23,500tCO₂e and Midlothian's population was 86,500. The respective figures for 2023/24 were 14,943tCO₂e and 101,081 population equivalent. This means that the carbon efficiency with which it has delivered its services over this time has improved dramatically, from 0.27tCO₂e annually per resident to 0.15tCO₂e – an improvement of 45%
- 4.19 Another way of expressing the Council's carbon footprint would be to relate it to the size of its workforce. In 2014/15 this was 3,350 staff, compared to around 4,050 in 2023/24. This means that the carbon footprint of its staff has reduced from 7.02tCO₂e per employee per year to 4.19tCO₂e per employee per year at present.

PART 4: ADAPTATION

- 4.17 This part of the submission sets out how the Council has assessed climate-related risks, arrangements for managing them and adaptation actions. It references the Council's Strategic Risk Profile and work done by the Council's Internal Audit staff. Also referred to is the Forth Estuary Local Flood Risk Management Plan which assists in managing and adapting to such risks alongside internal Council plans which include the Winter Service Policy and Operational Plan and the Severe Weather Plan. The Council's overall approach in the area of risk and accountability for it is outlined in its Risk Management Policy and Strategy.
- 4.18 Part 4 of the submission also requires public bodies to demonstrate progress in delivering the goals of the Scottish Climate Change Adaptation Programme. The response on this topic highlights work in several areas: work to improve the energy efficiency of the Council's building stock, manage severe weather and promote outdoor learning in nature.

PART 5: PROCUREMENT

- 4.19 The final mandatory part of the submission (other than validation and sign off information) sets out how procurement policies and activities contribute to compliance with climate change duties. It notes that environmental matters are addressed prominently within the Council's Procurement Strategy. It has five strategic themes to promote ethical standards, including staff in this area working to secure environmental benefits. In practical terms this may involve considering sustainability factors where appropriate in supplier selection and tender evaluation and taking a whole lifecycle approach to costs.

RECOMMENDED REPORTING (NON-STATUTORY) PARTS

- 4.20 Table 1a of this part of the submission shows that Midlothian's per capita level of greenhouse gas emissions (those considered by the UK Government to be at least influenced by the Council) have reduced from 7.32tCO_{2e} in 2011 to 4.92tCO_{2e} in 2022 (the latest year for which an official figure is available). This equates to a reduction of 32.8%. The table also shows that the Midlothian's total emissions have fallen from 422,070 tCO_{2e} in 2011 to 332,060 tCO_{2e} in 2021. Most sectors have seen substantial falls over this timescale. Reductions in emissions from transport however, one of the largest contributors, have been modest¹.
- 4.21 Under 'Other Notable Reporting Activity', table Q5 sets out climate change actions that are not readily amenable for inclusion elsewhere

¹ Transport emissions were substantially lower in 2020, but this was likely due to reduced journeys over the periods of Covid lockdowns.

within the submission. Examples provided include work to improve biodiversity, investment in energy efficiency and renewable energy projects, use of the Council loan funding for projects that have a climate change element to them and measures to promote active travel.

5 Report Implications (Resource, Digital, Risk and Equalities)

Resource

- 5.1 Previous reporting to management noted that the Council's services were not adequately resourced to fulfil the requirements of the Climate Change (Scotland) Act. This was highlighted by an Internal Audit report in 2018. A follow-up in 2022 came to similar conclusions and noted the importance of agreeing the Terms of Reference and membership of a 'Carbon Neutral by 2030 Board' as soon as possible. The resourcing of this group and the cascading of information from it is integral to future PBCCD submissions.
- 5.2 Similarly, the full completion of other portions of the pro-forma relies on the collaboration of managers and staff across the Council's services to support the work of the proposed Board and to ensure compliance with our statutory duties and avoid the risks noted below.

Digital

- 5.3 None.

Risk

- 5.4 In respect of data pertaining to Part 3 (Emissions, Targets and Projects) of the report. Only the Property & Facilities Management Service of the Council have access to this information and control of the factors that influence it. Therein, much of the related work is undertaken by a sole post holder (an Energy Assistant Development Officer). This dependency on a single post, obviously adds significant risk to the Council's ability to complete annual auditing and is not the ideal in terms of wider business risk. 2023/24 saw the post holders predecessor depart and a new staff member start.
- 5.5 Under the Climate Change (Scotland) Act, Scottish Ministers may instruct investigations into PBCCD reports. Critical scrutiny in this area has already come from the local and national press, and Audit Scotland.
- 5.6 Though the content of the reporting template has remained largely similar over the last few years, expectations for what is included increased substantially prior to that. Alterations in what is required in future returns may expose any deficiencies in resourcing of climate change work within the Council.

Ensuring Equalities

5.7 Not applicable.

Additional Report Implications

5.8 For additional report implications see Appendix A.

Appendices

Appendix A – Additional Report Implications

Appendix B – Background Papers/Resource Links

APPENDIX A – Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to addressing climate change a key priority under the Single Midlothian Plan. This report will assist in reporting on progress towards this goal.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits all
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

A.4 Delivering Best Value

The PBCCD submission has been expanded in recent years to provide a more thorough account of activities that the Council has been doing in relation to climate change. This has been done partly through the use of information within existing department Service Plans and Performance Reports, ensuring that this expansion in the content of the submissions has been done in a manner which is as efficient as possible for staff. It has not involved the use of additional financial or equipment resources.

A.5 Involving Communities and Other Stakeholders

Not applicable – producing the PBCCD submission is an internal Council process.

A.6 Impact on Performance and Outcomes

The submission of the report will demonstrate compliance with climate change legislation. The comprehensive nature of the submission demonstrates transparency and a commitment to go beyond the minimum requirements in this regard.

A.7 Adopting a Preventative Approach

The timely and thorough completion of the PBCCD submission reduces the likelihood of legal challenge or investigations into the Council regarding non-compliance with the requirements of climate change legislation. The participation of Council staff in making future submissions as comprehensive as possible is necessary in maintaining this position.

A.8 Supporting Sustainable Development

This report only concerns sustainable development in that it reports on what the Council is doing to promote it.

APPENDIX B – Background Papers/Resource Links

Midlothian Council Statutory Report to Scottish Ministers on Public Bodies Climate Change Duties 2023/24 – CMIS Library