

## **Submission to Scottish Government: Compliance with Climate Change Duties 2014/15**

### **Report by Ian Johnson, Head of Communities and Economy**

#### **1 Purpose of Report**

The purpose of this report is to inform Cabinet of the Council's statement of Compliance with Climate Change Duties for 2014/15 and to recommend its submission to Scottish Government by the due date of 30 November 2015.

#### **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; and, since 2008/9, reporting voluntarily each year on their Climate Change actions.
- 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 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.
- 2.4 To date, powers in the Act, to introduce a requirement for public bodies to report on compliance with the climate change duties, have not been used; although the voluntary reporting requirements under the Declaration have evolved to directly address the duties.
- 2.5 It was announced in June 2015 that Scotland's emissions target had been missed for the fourth year in a row. The Minister subsequently stated: "Whilst there were a number of reasons for this, this creates an even stronger imperative for the public sector to lead by example and ramp up emission reductions. To demonstrate my commitment to ... increasing emission reductions, I have therefore asked that the powers

in the [Act], to introduce reporting on compliance with the climate change public bodies duties, be used.”

- 2.6 2015/16 will be the first year in respect of which there is a statutory requirement for a report on compliance, in the form of an official template completed by the Council, to be submitted to the Scottish Government by 30 November 2016. To test the emerging template, the Council has agreed to the Minister’s request to complete it in respect of 2014/15, for submission by 30 November 2015. A ‘Recommended’ section of the emerging template, relating to the Council’s wider influence (i.e. beyond corporate emissions and associated with the community, etc.) has not been completed for this reporting year; however the intention is to do so for 2015/16. The completed template for 2014/15 is attached to this report.
- 2.7 Of particular note in the completed template is that:
- The Council’s corporate emissions comprise those within the scope of the Council’s Carbon Management Plan (i.e. associated with the Council’s estate, fleet and street lighting) as well as those associated with staff commuting and non-fleet business mileage (both within the scope of the Council’s Travel Plan);
  - Total corporate emissions have fallen from 27,237 tCO<sub>2e</sub> in 2006/7 to 23,513 tCO<sub>2e</sub> in 2014/15;
  - Corporate emissions within the scope of the Carbon Management Plan have fallen from 23,142 tCO<sub>2e</sub> in 2006/07 to 18,191 tCO<sub>2e</sub> in 2014/15 (although the format of the template does not make this clear);
  - Corporate management plan emissions from the Council’s estate (i.e. operational buildings) have fallen from 17,850 tCO<sub>2e</sub> in 2006/07 to 12,795 tCO<sub>2e</sub> in 2014/15;
  - Corporate emissions associated with staff commuting are estimated to have risen from 3,721 tCO<sub>2e</sub> in 2006/7 to 4,899 tCO<sub>2e</sub> in 2014/15 (although the format of the template does not make this clear);
  - Corporate emissions associated with non-fleet business mileage (claimed only, assuming an ‘average car’) are estimated to have risen from 365 tCO<sub>2e</sub> in 2006/7 to 423 tCO<sub>2e</sub> in 2014/15 (although the format of the template does not make this clear). Although the average car has become greener during this period, business miles have been rising fairly consistently, from approximately 1,192,457 in 2006/7 to 1,388,295 in 2014/15; and
  - The ‘Top 5’ priorities for climate change governance, management and strategy for the “year ahead” (2015/16) in 2f are a positive response to the Minister’s call and represent what is increasingly expected of local authorities in terms of climate change response.

### **3 Report Implications**

#### **3.1 Resource**

Preparation of the statement of compliance can be met from current budgets. The Council’s Planning Service is currently undergoing a

service review and one consequence of the review will be an enhanced focus on climate change.

### 3.2 Risk

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

### 3.3 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

### 3.4 Key Priorities within the Single Midlothian Plan

The impact of unchecked climate change would be significant, including lower economic growth, properties and businesses at higher risk from flooding and extreme weather, higher prices and lower quality of life. Low Carbon Scotland – Meeting Our Emissions Reductions Targets 2013-2027 (June 2013) 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.

### 3.5 Impact on Performance and Outcomes

Reducing Midlothian's greenhouse gas emissions and adapting the area to climate change impacts are outcome areas for improvement in the Single Midlothian Plan 2015/16.

### 3.6 Adopting a Preventative Approach

The Scottish Parliament Finance Committee 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.

### 3.7 Involving Communities and Other Stakeholders

Not applicable.

### 3.8 Ensuring Equalities

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

### **3.9 Supporting Sustainable Development**

The Local Government in Scotland Act 2003 requires Best Value duties to be discharged “in a way which contributes to the achievement of sustainable development.” Reporting the Council’s climate change activity is listed amongst the arrangements for contributing to the achievement of sustainable development set out in the Council’s Sustainable Development Framework, part of its Best Value Framework.

The proposed completed template is not a plan or programme in terms of the Environmental Assessment (Scotland) Act 2005, and therefore not subject to any Strategic Environmental Assessment related requirements.

### **3.10 IT Issues**

There are no IT issues arising directly from this report.

## **4 Recommendations**

It is recommended that Cabinet:

- (a) approves the statement attached to this report on Compliance with the Public Bodies Climate Change Duties for 2014/15;
- (b) agree to the submission of that statement to Scottish Government by 30 November 2015; and
- (c) refers this report to the Performance Review and Scrutiny Committee for its information.

**10 November 2015**

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**Background Papers:** None