

Report To:	Policy and Resources Committee	Date: 24 May 2011
Report By:	Corporate Director, Regeneration and Environment	Report No: R&E/R&E/KB/025
Contact Officers:	Stuart W. Jamieson	Contact No: 2402
Subject:	Climate Change (Scotland) Act 2009: Public Bodies Duties	

1.0 PURPOSE

- 1.1 The purpose of this report is to advise Members of action required by the Council to comply with the Public Bodies Duties of the Climate Change (Scotland) Act 2009.

2.0 SUMMARY

- 2.1 In February 2011, the Scottish Government published guidance to assist public bodies to comply with the climate change duties placed upon them by the Climate Change (Scotland) Act 2009.

- 2.2 The Guidance contains information on the following key areas:

- Context
- Strategic Framework
- Scope of the Duties and Key Principles of the Guidance
- Putting the Duties into Practice: A Step-By-Step Approach
- Practical Support and Tools
- Next Steps.

- 2.3 From 1 January 2011, the Act requires that public bodies, in exercising their functions, must act:

- in the way best calculated to contribute to delivery of the Act's emission reduction targets;
- in the way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

- 2.4 Where appropriate, the language and expressions used in the Guidance document are also used in this report.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee:

- a. notes the publication of the Public Bodies Guidance and the duties placed on the Council;
- b. remits it to the Corporate Director, Regeneration and Environment, to submit an action plan for approval to the Corporate Management Team and the Safe, Sustainable Communities Committee and work with Directorates to implement the Suggestions Actions outlined in the Appendix.

Stuart W. Jamieson
Head of Regeneration and Planning

4.0 BACKGROUND

- 4.1 The Climate Change (Scotland) Act 2009 sets clear and ambitious targets for emissions reduction, including a 42% reduction by 2020 and an 80% reduction by 2050, together with other climate change provisions, including adaptation.
- 4.2 It is estimated that the public sector accounts for approximately 3% of Scotland's total greenhouse gas emissions. The public sector is seen as having a crucial leadership role in the delivery of the Scotland's climate change ambitions in terms of emissions reductions, adaptation and in acting sustainably. In recognition of this, with effect from 1 January 2011, the Climate Change (Scotland) Act 2009 places duties on public bodies regarding climate change.
- 4.3 From 1 January 2011, the Act requires that public bodies, in exercising their functions, must act:
- in the way best calculated to contribute to delivery of the Act's emission reduction targets;
 - in the way best calculated to deliver any statutory adaptation programme; and
 - in a way that it considers most sustainable.
- 4.4 All public bodies are required to comply with the Duties. The public bodies to which the Guidance applies are defined as a Scottish public authority within the meaning of Section 3(1)(a) of the Freedom of Information (Scotland) Act 2002 (as amended). Local Authorities are classed as public bodies and, additionally, as 'Major Players' which are bodies 'with large estates and/or staff numbers, high impact and influence, large expenditure, or an auditing or regulatory function'. Major Players like Inverclyde Council are expected to be ambitious in their approach to implementing the Duties and to take more action than smaller public bodies.
- 4.5 A report on the Public Bodies Duties was considered by the Corporate Management Team at its meeting on 28 April 2011.
- 4.6 The Council signed Scotland's Climate Change Declaration on 16 January 2007. The Declaration is a public statement where Councils acknowledge the reality and implications of climate change and their responsibility to respond effectively. The Declaration acknowledges that Councils have a key role to play in their collective response to the challenge of climate change and, by signing the document, Inverclyde Council publicly demonstrated its commitment to action. By taking action to comply with the Public Bodies Duties, the Council will complement the work it carries out in response to the Climate Change Declaration.

5.0 GUIDANCE

- 5.1 On 4 February 2011, the Scottish Government published a document entitled 'Public Bodies Climate Change Duties: Putting them into Practice – Guidance required by Part 4 of the Climate Change (Scotland) Act 2009'.
- 5.2 The Guidance is an advisory document only, not a definitive statement of the law. Responsibility for compliance with the duties therefore rests with public bodies like the Council.
- 5.3 The Guidance document comprises 87 pages, made up of six chapters:
- 5.3.1 Chapter 1 - Context

This section outlines the legal context, the purpose of the Guidance, who should have regard to it and how it should be used.

5.3.2 Chapter 2 – Strategic Framework

This Chapter explains the importance of action on climate change and outlines where the Guidance sits within the Scottish Government’s strategic framework for action on climate change.

5.3.3 Chapter 3 – Scope of the Duties and Key Principles of the Guidance

Chapter 3 talks about the key issues of mitigation and adaptation and introduces the concept of ‘Major Players’ which includes Local Authorities. The Chapter also outlines the key principles which underpin the Guidance:

- focus on outcomes
- use of evidence
- consultation and involvement
- transparency
- building capacity
- cultural change
- simplicity
- cost
- leadership
- empowerment
- partnership working.

5.3.4 The Chapter goes on to outline a step-by-step approach to assist public bodies to integrate climate change into their business practice:

- | | |
|---------------------------------|--|
| Step 1: Understand the Duties → | Step 2: Assess impact and influences → |
| Step 3: Take action → | Step 4: Report and evaluate |

5.3.5 Chapter 5 – Practical Support and Tools

This part of the Guidance describes the information, tool, programmes and methodologies available to public bodies to help them comply with the Duties.

5.3.6 Chapter 6 – Next Steps

The final Chapter details plans for reviewing the Guidance to ensure it remains an effective source of support to public bodies in their action on climate change.

6.0 SUGGESTED ACTIONS

6.1 The Guidance is an advisory document only and its intended use is to assist public bodies to fulfil their duties under Part 4 of the Act. The onus is therefore on the Council to identify actions which comply with the Duties and with the key principles outlined at point 2.3.

6.2 However, to assist public bodies to comply with the Act, the Guidance contains a number of suggested actions, paraphrased as an Appendix. It is proposed that, as a first step, the Council should focus on implementing the Suggested Actions and thereafter identify and develop further actions to ensure compliance with the requirements of the Act.

APPENDIX

7.0 FINANCIAL IMPLICATIONS

7.1 Finance:

Cost Centre	Budget Heading	Budget Year	Proposed spend this report	Virement from	Other comments
n/a	n/a	n/a	n/a	n/a	n/a

7.2 Financial Implications – Annually Recurring Costs/Savings:

Cost Centre	Budget Heading	With effect from	Annual Net Impact	Virement from	Other comments
n/a	n/a	n/a	n/a	n/a	n/a

8.0 CONSULTATION

8.1 The Head of Legal and Democratic Services has been consulted regarding the content of this report.

9.0 BACKGROUND PAPERS

9.1 The document entitled 'Public Bodies Climate Change Duties: Putting them into Practice – Guidance required by Part 4 of the Climate Change (Scotland) Act 2009' can be viewed on the Scottish Government's website:
<http://www.scotland.gov.uk/Publications/2011/02/04093254/0>.

10.0 CONCLUSION

10.1 The Public Bodies Climate Change Duties of the Climate Change (Scotland) Act 2009 came into effect on 1 January 2011 and the Council must take action to ensure it complies with the Duties. It is proposed that Members note the introduction of the Duties and the implications for the Council and remit it to the Corporate Director, Regeneration and Environment, to submit an action plan for approval to the Corporate Management Team and thereafter to the Safe, Sustainable Communities Committee, and to work with Directorates to implement the Suggested Actions outlined in the Appendix.

CLIMATE CHANGE (SCOTLAND) ACT 2009

Paraphrased from the Scottish Government document “Public Bodies Climate Change Duties: Putting them into practice”

SUGGESTED ACTIONS

Actions in **bold** are considered to have particular reference to Major Players, other actions can apply to all public bodies.

Governance, leadership and commitment

- Develop commitment to climate change within the senior management of the organisation to ensure that climate change is visible in management processes and decisions and to promote increased awareness of climate change and appropriate action at all levels of the organisation.
- Promote this climate change commitment to staff, service users, stakeholders, delivery partners and suppliers, e.g. by referring to it in other published material (such as a medical practice handbook), website, displaying it within the public body’s premises etc.
- **Be able to demonstrate commitment and leadership in addressing climate change and consider where appropriate a formal governance system for addressing climate change within the organisation with a nominated lead or champion from senior management.**
- **Consider demonstrating visible leadership by making a public commitment to address climate change through the actions of the organisation. This could be part of an organisation mission statement or stated priorities. Joint action in association with partners is also encouraged and there are already good examples of these. Joint action in association with partners is also encouraged and there are already good examples of these (the local authorities’ Climate Change Declaration).**

Developing a strategy or action plan

- Develop a set of climate change **objectives** and **commitments**.
- Build climate change into business planning processes by ensuring a **climate change test/check is applied** to all new and existing plans, policies and proposals.
- **Develop a detailed strategy or action plan. The programme of work should include action and commitments to contribute to the delivery of Scotland’s targets and to help prepare for a changing climate. Strategies could be part of existing corporate plans or in a separate document depending on the nature of the organisation. It is likely that Major Players will have more detailed strategies.**

Setting targets for direct and indirect emissions

- **Major Players with a significant influence on emissions are encouraged to set baselines and annual targets for emissions and to show these at least for the five years ahead (and preferably through to 2022). They are also encouraged to strive to meet or exceed annual targets, wherever possible, without rollover.**

- Major Players with less influence on emissions and other public bodies could set baselines and targets more flexibly to fit in with their planning processes, perhaps over a three- or five-year period. It is recognised that these bodies may also require more flexibility around rollover and smoothing between year ends.
- Where possible, baselines and targets should include both direct and indirect emissions. The boundaries of emissions included in baselines and targets should be clearly defined. Where baselines and targets do not already exist, appropriate baselines and targets based on the most recent information available should be established, by 2012 where possible.
- Actions to reduce emissions should be identified. Public bodies should understand the principles of good carbon management and put these into practice in the way they run their operations in order to achieve high standards and continuous improvement in their operational environmental performance.
- Any targets set for direct and indirect emissions and the actions to reduce these emissions should be published in a plan or delivery statement. This plan could be part of an existing corporate plan, or a separate document, depending on the nature of the organisation.
- Public bodies should work to improve energy efficiency: for example, switching off lights and office equipment at night and following the principles and programme set out in the Energy Efficiency Action Plan.
- Public bodies should seek to put in place a travel plan for business travel, travel by staff to and from work, and travel by visitors to and from the service provided and to reduce emissions associated with staff travel by using more sustainable modes of transport and travelling less frequently.
- Public bodies should work to promote sustainable workplaces through identifying areas for action within the office which would tackle emissions and identify opportunities to promote and influence sustainable thinking among staff.

Carbon impact assessments

- **Consider using carbon impact assessments to ensure that carbon is factored into all decision making. Internal procedures and processes should be put in place using qualitative or quantitative assessments.**

Prepare your organisation for the changing climate

- Public bodies should ensure that their operations and service delivery have planned for changes in the climate, for example through resilience planning, risk assessment and delivery of locally-appropriate adaptation measures.

Helping Scotland adapt to the changing climate

- Public bodies which are responsible for local and national plans and policies should analyse whether the plans and policies are resilient to the impact of the changing climate.
- Public bodies should identify how these local and national plans and policies can help Scotland adapt to a changing climate.
- Public bodies should take into account how their plans and policies can help Scotland's natural environment adapt to climate change.
- Public bodies should consider and support Scotland's Climate Change Adaptation Framework.

Acting sustainably

- Public bodies should work to understand the impact of their corporate operations, policies and service delivery on the environment, society and the economy and explore ways to reduce this, in accordance with the principles of sustainable development.
- Public bodies should, where necessary, assess the sustainability of their business activities and decisions to ensure they are acting sustainably by taking into account their impact on society, economy and the environment, in line with the principles and requirements of Strategic Environmental Assessments.

Partnership working

- Public bodies should seek opportunities to work in partnership to help address climate change and should consider how this commitment could be demonstrated through examples which provided positive outcomes.

Raising awareness and engagement

- Public bodies should work to raise awareness of and achieve buy-in to action on climate change at all levels of their organisation.
- Public bodies should support the climate change Public Engagement Strategy to involve the whole of Scottish society in helping to deliver climate change objectives.
- Public bodies should develop their leadership capacity in relation to the low-carbon economy through their work to reduce carbon.
- **Public bodies should put an internal sustainable development/climate change awareness training programme in place (e.g. through induction/continuing professional development) to help employees to understand their role in addressing climate change.**

Reporting

- Public bodies undertake **regular reporting** of their climate change actions under the public bodies duties, either through dedicated reporting process or through an existing reporting mechanism.
- **In the case of Major Players, it is recommended that reporting should be on an annual basis;** for other public bodies reporting less frequently (for example, on a three year cycle) may be more appropriate.
- Public bodies' reporting should cover action taken against each of their three duties: mitigation, adaptation and sustainability.