

REPORT TO SUSTAINABILITY COMMITTEE – 21 FEBRUARY 2024

ENVIRONMENTAL STANDARDS SCOTLAND REPORT

1 Executive Summary/Recommendations

1.1 This report contains a summary of the Environmental Standards Scotland (ESS) Improvement Report titled: An investigation into the effectiveness of the systems in place to support local authorities in their duty to contribute to the delivery of climate change targets (Case Reference IESS.21.012). The ESS report contains 5 recommendations which were made to Scottish Ministers. The Scottish Government has agreed to put in place measures which implement recommendations 1, 2, 3 and 5. In respect to recommendation 4 (make the reporting of Scope 3 emissions mandatory for local authorities), where informal resolution has not been achieved, Scottish Ministers must now respond in the form of an improvement plan to the Scottish Parliament.

1.2 The Committee is recommended to:

1.2.1 Consider and comment on the Environmental Standards Scotland report (a summary is provided in Appendix 1).

2 Decision-Making Route

2.1 Environmental Standards Scotland (ESS) was established under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (“the Continuity Act”) to fill the environmental governance gap caused by the UK’s departure from the European Union. It is an independent body, accountable to the Scottish Parliament.

2.2 Their role is to ensure effective scrutiny of public authorities’ compliance with and effectiveness of environmental law, and the way it is being implemented and applied in Scotland. They may investigate matters in response to concerns brought to its attention (known as representations), or on its own initiative.

2.3 On 15 June 2022 the Environmental Standards Scotland (ESS) launched an investigation into the effectiveness of the systems in place concerning local authorities’ contribution to the delivery of climate change targets. The investigation was the result of a submission of a representation to ESS highlighting concerns regarding current arrangements.

2.4 In March 2023 ESS completed their investigation and, on the 6 December 2023 laid their improvement report in Parliament. The improvement report was in respect of the Scottish Government’s support of local authorities in the delivery of their climate change duties and provided 5 recommendations to the Scottish Government. A copy of the report can be found here:

<https://environmentalstandards.scot/wp-content/uploads/2023/09/ESS-Investigation-Climate-Change-Improvement-Report-IESS.21.012.pdf>.

2.5 The Sustainability Committee has been kept up to date on the progress of this investigation at previous meetings through the Outstanding Actions updates. **Appendix 1** provides a short summary of the report.

3 Discussion

3.1 The report shares key findings and 5 recommendations for the Scottish Government following ESS's investigation into the effectiveness of the systems in place to support local authorities in their duty to contribute to the delivery of climate change targets

3.2 The 5 recommendations made by ESS to the Scottish Government were:

1. Make climate, adaptation and sustainability plans at local authority level compulsory.
2. Ensure that the planned statutory guidance covers the full breadth of local authorities' climate change responsibilities and includes the changes which will be required as a result of the recommendations contained within this report.
3. Introduce a separate reporting framework for local authorities.
4. Make the reporting of Scope 3 emissions mandatory for local authorities.
5. Identify or introduce an appropriate monitoring body and give the monitoring body the necessary powers, including the powers to: scrutinise compliance; follow-up on climate plans; and recommend improvements in climate activity.

3.3 The Scottish Government accepted 4 of these recommendations and ESS considers that sufficient pathways have been provided by Scottish Government for how these will be implemented. ESS will be monitoring progress of these to make sure they are done. In respect of recommendation 4 that the Scottish Government did not accept ESS have reported this to Parliament and the Scottish Government must now prepare an improvement plan for Parliament's consideration and approval.

3.4 Officers are aware that COSLA discussed their position on the ESS improvement report at the Environment and Economy Board on Friday 15 December 2023 where the Board were asked to agree a position on the recommendations from the inquiry.

3.5 The Sustainability and Climate Change team will continue to monitor any further developments from this report through the Sustainable Scotland Network. Inclusion of the recommendations into the Council's Route Map Action Plan has been considered and where this has taken place it is highlighted within the plan.

4 Council Priorities, Implications and Risk

4.1 This report helps deliver the Strategic Priority “Climate Change” within the Pillar “Our Environment”.

Pillar	Priority
Our People	<ul style="list-style-type: none">• Learning for Life• Health & Wellbeing
Our Environment	<ul style="list-style-type: none">• Climate Change• Resilient Communities
Our Economy	<ul style="list-style-type: none">• Economic Growth• Infrastructure and public assets

4.2 The table below shows whether risks and implications apply if the recommendations are agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities and Fairer Duty Scotland			X
Children and Young People’s Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

4.3 There are no direct staffing or financial implications arising from this external performance monitoring report.

4.4 The screening section as part of Stage One of the Integrated Impact Assessment (IIA) process has not identified the requirement for any further detailed assessments to be undertaken. An IIA is not required as this report is providing a summary of an external report being brought to the Committee for consideration and comment only.

4.5 The following Risks in the Corporate Risk Register have been identified as relevant to this matter on a Corporate Level. However, it is acknowledged that working towards a 75% reduction in Council owned emissions has the potential to impact upon any number of areas across the Council risk portfolio.

- Risk ID ACORP010 as it relates to environmental challenges; and
- Risk ID ACORP006 as it relates to reputation management.

The following Risk in the Directorate Risk Registers has been identified as relevant to this matter on a Strategic Level:

- Risk ID ISSR010 as it relates to Climate Change.

4.5.1 Mitigation of these risks could be addressed by sufficient communication and engagement on the progress Aberdeenshire Council is making with regards to climate change mitigation and adaptation both internally and externally. This includes being transparent on the challenges of addressing climate change as well as the opportunities for the organisation and region.

5 Scheme of Governance

5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

5.2 The Committee is able to consider and take a decision on this item in terms of Section R paragraph 1.1 (a) of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to reviewing and monitoring the Council's work in respect of sustainable development and climate change.

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9 February 2024

List of Appendices

Appendix 1: Environmental Standards Scotland Report Summary