



Public Bodies Climate Change Duties: Putting them into practice

26 November 2010

Introduction

Friends of the Earth Scotland welcomes the opportunity to respond to the Scottish Government consultation on draft guidance to the public bodies on their climate change duties.¹ We have helped prepare the Stop Climate Chaos Scotland response and fully support its contents, particularly around the need for regular reporting and scrutiny mechanisms. This response is additional to the SCCS response, and focuses on areas where we have specific expertise and interest – in particular the need for the guidance to make clear that the public bodies duties could be subject to judicial review and that the guidance must therefore form the basis of what should be adhered to.

1. Is the draft guidance clear and easy to understand?

Yes No In part

If the guidance is not always clear or easy to understand, please tell us which sections this applies to and why.

Generally the guidance is clear and covers all aspects of the public bodies duties. However it should be made entirely clear that public bodies could be the subject of a legal challenge concerning their compliance with the duties. By acknowledging the possibility of judicial review, the guidance will prevent any uncertainty or confusion further down the line. We believe the actions listed in section 2 – board level leadership, the setting of targets, an associated action plan, the use of carbon assessments to inform decision making etc, should form the basis on which public bodies would be able to demonstrate their compliance. Making this clear may also enhance compliance with the duty.

2. Do you currently have strategies and procedures in place to help your organisation respond to climate change?

Yes No

If yes: go to question 3

If no: go to question 4

3. If you do have strategies and procedures in place for addressing climate change, is this guidance compatible with them?

We have a travel policy that prevents flying within the UK. Flying overseas requires the permission of the Chief Executive and consideration is only given if the journey takes over 18 hours. Members of staff have recently travelled overland to the Czech Republic, Brussels and Copenhagen.

We believe consideration should be given to a ban on domestic flights for all public bodies.

¹ <http://www.scotland.gov.uk/Publications/2010/09/16112110/0>

7. Are the suggested actions contained within each of the steps of Section 3 helpful in providing a steer on areas of activity to cover?

Yes No In part

Please suggest any additional actions you think should be included.

We agree with the suggested list of actions. Board level leadership, the setting of targets, an associated action plan and the use of carbon assessment tools are 4 areas where public bodies should be leading the way in their response to climate change.

However these list of actions should be 'requirements', rather than merely 'suggestions' for major public bodies.

These kind of high level actions signaling buy in across the organisation will be essential for achieving the public bodies duty as laid out in the Climate Change Act so failure to implement such procedures and adequately demonstrate associated activities supporting achievement of the 2020 and 2050 targets, should be open to challenge in the courts.

Stating these suggested actions as explicit requirements would form the basis upon which compliance with the statutory duty can be judged. It would therefore help public bodies ensure that they are in compliance to the duty and don't run the risk of legal challenge against them.

10. If you have any other feedback on the draft guidance, please provide your comments in the box below.

A specific area where more attention should be directed is that of sustainable procurement. Friends of the Earth Scotland and Stop Climate Chaos Scotland have proposed a sustainable procurement bill in our alternative manifestos, see: http://www.foe-scotland.org.uk/Eleven_for_11. We agree with the SCCS response that it is disappointing that food procurement and the example of East Ayrshire Schools haven't been given more attention. Some of the benefits of sustainable public procurement are headlined below:

Build Public Trust

A lot of time and effort on the climate agenda is spent asking individuals and families to make changes to their way of life. While this is well intentioned and necessary, when members of the public make these sacrifices, yet still see public bodies – be that schools, hospitals, local authorities – failing to change their behaviour confidence is lost.

We will not be able to change individual behaviour if we don't change cultural values more widely.² Public space is a means to do this. It is only by 'walking the talk' that public bodies will cut their own emissions while contributing to wider behaviour change. This is particularly important in Scotland where a quarter of our population work in the public sector.

Promote wider community benefits

Joined up Government requires public bodies and local businesses to work together to sustain and create jobs and improve health, knowledge and wellbeing. Sustainable procurement has a vital role to play in this regard – supporting local

² WWF Weathercocks and signposts report would be a good starting point in relation to this point:

http://www.wwf.org.uk/research_centre/research_centre_results.cfm?uNewsID=2224

businesses, keeping money in the local economy, and promoting healthy eating and travel. A New Economics Foundation study undertaken in partnership with Northumberland County Council found that every £1 spent with a local supplier is worth £1.76 to the local economy, and only 36 pence if it is spent out of the area.³

Case Study - East Ayrshire School Meals Programme

The East Ayrshire Schools programme provides quality, local, seasonal food to schools in Ayrshire. It engages local producers and farmers, integrates food education with the curriculum and promotes a 'social dining' experience. Within the schools covered it has ensured 30% organic, 50% locally produced and 75% unprocessed food. AEAT research for SEPA has shown that the programme delivered a reduction of 3.97 Tonnes of CO2 emissions in one school, in one month, with a forecasted annual saving of 37.7 Tonnes.

The programme has widespread support amongst parents, pupils and producers. ADAS research for the Scottish Government shows that 77% of parents believe it is a good use of the Council's money; 67% of pupils think the meals taste better; and 79% of producers welcome the opportunity and take pride in community involvement. The research also found catering staff appreciate working with quality produce & local suppliers; and teachers are positive about educational benefits and quality.⁴

The programme works by utilising a points system and although 50% is still based on cost, 10-15% is weighted on a range of other factors such as the ability to supply to deadlines, quality and range of foods, food handling arrangements and the use of resources.

The additional investment required has been estimated to be £71,000 more than a 'normal' school meals programme. This amounts to an extra 13p for every two-course meal. However, using Social Return on Investment methodology, studies have demonstrated that the service achieves a rating of 6.19. In effect offering a £6 return on every £1.⁵

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³ <http://www.neweconomics.org/press-releases/buying-local-worth-400-cent-more>

⁴ The research also found that: 95% parents believe it keeps money in the community, 80% parents think it is better for the environment; 88% pupils say they like fresher food and 91% pupils think it's better for the environment. ADAS (2006) <http://www.scotland.gov.uk/Publications/2006/07/27135746/0>

⁵ <http://www.footprintconsulting.org/blog/37-news/154-good-school-meals-offer-600-return-on-investment>