



# Scottish Government consultation on *Public Bodies Climate Change Duties: Putting them into practice*<sup>1</sup> Response from Transform Scotland

Friday 26th November 2010

## 1 About Transform Scotland

1.1 Transform Scotland is the national sustainable transport alliance. We campaign for a more sensible transport system, one less dependent on unsustainable modes such as the car, the plane and road freight, and more reliant on sustainable modes like walking, cycling, public transport, and freight by rail or sea. We are a membership organisation bringing together rail, bus and shipping operators; local authorities; national environment and conservation organisations; local environment and transport campaign groups; and individual supporters.

## 2 Introduction

2.1 Transform Scotland welcome the opportunity to respond to this consultation.

2.2 As a member of Stop Climate Chaos Scotland, we are aware of the detailed response that the Coalition has submitted,<sup>2</sup> and are happy to endorse its main recommendations:

- *Ministers should use their Order-making powers under the Act to set up an effective mandatory annual reporting regime for the public bodies climate change duties.*
- *The Scottish Government and Scottish Parliament, where relevant, should establish a system of effective scrutiny. As part of this, Audit Scotland should be tasked with producing an annual report on performance against the duty, based on the reports from public bodies.*
- *Overall, the guidance needs more emphasis on community/public engagement and on the need for public bodies to involve their entire organisation, instead of expecting a top down approach to drive change.*

2.3 We are also content with the detailed answers provided by SCCS in response to the consultation questions and, as such, have decided not to replicate its answers in our consultation response.

2.4 As such, we have limited our comments to some additional points, mainly relating to transport.

## 3 Principal comments

### 3.1 The consultation sets out a compelling case as to why Public Bodies must take action on climate change

3.1.1 This is stated very clearly in a number of places in the document, for example:

*“The public sector will need to play a key role if Scotland is to successfully reduce its energy consumption by the magnitude required to meet Scotland’s climate change targets.” (§2.2.3)*

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

<sup>2</sup> The SCCS response is available at <<http://www.stopclimatechaos.org/public-bodies-consultation-response.pdf>>.

*“It is essential that public bodies put mitigation and adaptation strategies in place and act sustainably to address climate change in Scotland” (§2.1.4)*

3.1.2 Furthermore, we are content with the proportionality principle proposed in the document, for example:

“... major players would be expected to do more than smaller public bodies” (p.23).

### **3.2 The consultation gives good and comprehensive advice on how Public Bodies could take action**

3.2.1 We note and welcome the list of actions set out in Annex 1 which Public Bodies could take to reduce emissions from transport.<sup>3</sup> Box 3 (p.35-36) also suggests a number of ways in which Public Bodies can take action on transport. We also welcome the reference on p.47 to Travel Plans as it is our view that all Public Sector organisations should have in place a functioning Workplace Travel Plan which, amongst other things, seeks to reduce emissions from both their business travel and their employees’ travel-to-work.<sup>4</sup>

### **3.3 It is however deeply unsatisfactory that action by Public Bodies is voluntary**

3.3.1 We note the statements such as:

*“[W]hilst reporting is suggested, the guidance is deliberately more flexible in respect of how and when other bodies should report. Ultimately, it is up to each public body to decide what they should do.” (§1.3)*

*“[The guidance] is an advisory document only” (2.1.3)*

3.3.2 The voluntary nature of much of the obligations reduces the perception of the severity of the problem by essentially advocating a ‘take it or leave it’ attitude as to whether Public Bodies should take action on climate change.

3.3.3 The consultation goes on to state:

*“Transparent and open reporting on the delivery of the public bodies climate change duties, which generates public confidence in the performance of public bodies, drives improvement and assists public bodies in demonstrating compliance with their climate change duties.” (p.63)*

3.3.4 We agree with this statement – but the voluntary nature of the reporting directly undermines confidence that we would have in the extent and quality of reporting produced by the Public Bodies.

3.3.5 It would be better a far better approach to require annual reporting in a standardised format to show how each organisation is progressing towards reducing their carbon footprint by their own actions (not including carbon trading).

3.3.6 We note that the consultation states:

*“[T]he interpretation of the duties is for the public bodies themselves and ultimately for the courts to decide” (§2.3.3)*

3.3.7 This is an unsatisfactory situation. Are we to understand this to suggest that third parties might have to pursue legal action against Public Bodies in order to get them to report satisfactorily on their action on climate change? This suggests a vagueness on behalf of the *Climate Change (Act) Scotland 2009*. As such, we consider that, if necessary, it may be necessary to amend the Act in order to provide greater clarity on this matter.

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<sup>3</sup> We would however suggest that this be cross-checked with the transport ‘Proposals’ set out in the Draft RPP published on 17/11/10.

<sup>4</sup> Travel Plans have been highlighted in the Draft RPP as one of the most effective ways of reducing emissions from the transport sector.

### 3.4 Transport questions that Public Bodies might want to consider as part of their reporting

3.4.1 While we would not offer this as a definitive list, we would suggest that Public Bodies should seek to address questions such as these as part of their reporting:

1. Does your organisation have a Travel Policy?
2. Does this policy encourage the use of sustainable transport where practical (where sustainable transport refers to public transport, cycling, walking)?
3. Does this policy encourage the use of less polluting modes such as rail vs. air for longer distances where practical?
4. Does your organisation provide cars as a benefit or for use at work?
5. What is your policy on company cars?
6. Are company vehicles provided on the basis of fuel efficiency?
7. If the answer to question 6 is “No”, are there plans to move to low emission vehicles in future in order to meet the 2014 target of 130g/km and the 2020 target of 95g/km?
8. Do you know the current average vehicle emission for company vehicles (see <http://www.vcacarfueldata.org.uk/search/vedSearch.asp> for detail)?
9. Does air travel make up more than 50% of long distance business trips (>200 miles)?
10. How many flights have been taken in the last calendar year?
11. Are there plans to diminish the share held by air in future?
12. Does your organisation provide staff with information on how to reach their work premises (i) on foot, (ii) by bike, and (iii) by public transport?

3.4.2 Should information of this sort not be provided by the ‘Major Player’ Public Bodies then we would be unsurprised to see third parties seek to obtain such information through use of the Freedom of Information (Scotland) Act 2002. It would be preferable – *and almost certainly a better use of public funds* – should Public Bodies be required to report on information such as the above rather than have to put this information together in an *ad hoc* fashion as requested by third parties under the terms of the FoI Act.

## 4 Additional comments

- 4.1 In Section 2.2.2, mention is made of the CRC Energy Efficiency Scheme incorporating emissions trading. This does not strike us as a good way forward because it allows ways out of actually requiring local action by purchasing someone else’s allowance. This is too open to abuse at a global level as is already being observed.
- 4.2 We note the example in Box 10 of actions taken by SEPA relating to staff awareness. What would also be interesting would be to learn of what actions SEPA has taken to reduce their own footprint, how that was done, and the magnitude of reduction. Real examples would provide great incentive to other organisations.

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Transform Scotland is the national sustainable transport alliance, campaigning for a more sustainable and socially-just transport system. Our membership includes bus, rail and shipping operators; local authorities; national environment and conservation groups; consultancies; and local transport campaigns. Transform Scotland Limited is a registered Scottish charity (SC041516).

Transform Scotland  
5 Rose Street, Edinburgh, EH2 2PR  
t: 0131 243 2690

e: [info@transformscotland.org.uk](mailto:info@transformscotland.org.uk)  
w: [www.transformscotland.org.uk](http://www.transformscotland.org.uk)