

# **Climate and Ecological Emergency Bill**

Report of the Chairman of the Overview and Scrutiny Committee

## **Recommended:**

**That the Overview and Scrutiny Committee set up a task and finish group to review the implications of the CEE Bill and report back within 4 months.**

### **SUMMARY:**

The Climate and Ecological Emergency (CEE) Bill is currently progressing through the House of Commons. The CEE Bill has been put forward to assist the UK government to meet its legally binding target of net zero carbon emissions by 2050. It seeks to provide a viable roadmap for the UK to play an essential role in restoring nature, limiting its emissions, and tackling the climate-nature emergency.

This paper has been prepared following the resolution in response to a motion to Council on 1 September 2021. It provides an overview of the Bill, the legislative process and reflects on links with the Council's Climate Emergency Action Plan. It recommends setting up a task and finish group to review the local impact of the Bill.

## **1 Introduction**

- 1.1 The Climate and Ecological Emergency (CEE) Bill was presented to Parliament in September 2020 as a private members bill (formally referred to as the Climate and Ecology Bill). The Bill has subsequently been reviewed and was reintroduced for the new parliamentary session in June 2021.
- 1.2 A campaign is in place to seek support for the CEE Bill, promoted by the CEE Bill Alliance, which is made up of a team of scientists, academics, lawyers and campaigners.
- 1.3 A Motion was presented to Council on 1 September 2021 (see Appendix 1) which sought that the Council resolve to support the CEE Bill; inform the local media of this decision; write an open letter to Kit Malthouse MP and Caroline Nokes MP (shared with our residents through local and social media) urging them to sign up to support the Bill; and write to the CEE Bill Alliance expressing the Council's support.
- 1.4 As the Overview and Scrutiny Committee has a key role in monitoring the Climate Emergency Action Plan (CEAP), the Council resolved to refer the motion to this Committee for further consideration and response.

- 1.5 This report outlines the scope of the proposed Task and Finish Panel with a view to outline the work programme for responding to and the motion as well as providing an opportunity to identify where the Bill complements and could enhance the existing CEAP.

## 2 Background

- 2.1 The Climate Change Act 2008 sets out legally binding targets for reducing carbon emissions, processes for setting carbon budgets, and reporting in relation to adaptation to climate change among other matters. The legislation was amended in 2019 to commit the UK to a legally binding target of net zero carbon emissions by 2050.
- 2.2 The Climate and Ecological Emergency Bill<sup>1</sup> would significantly expand the remit and scope of the Climate Change Act 2008 and help the government meet its net zero carbon emissions target by 2050. It proposes to assign new duties to government, parliament and the advisory Committee on Climate Change to enact a strategy that meets more ambitious targets for both climate change and biodiversity loss.

## 3 Overview of the Climate and Ecological Bill

- 3.1 This section provides an overview of the proposed CEE Bill, this is derived from information published on the [CEE Bill Alliance website](#). The CEE Bill provides a framework of overarching policy imperatives that recognises our responsibility to reduce the UK's entire emissions and ecological footprint, urgently and fairly. The CEE Bill would ensure that:-
- a. *The nature emergency is addressed shoulder to shoulder with the climate crisis via an urgent, joined-up whole-of-government approach.*
  - b. *The UK plays its full and fair role in limiting the mean global temperature rise to the most stringent end of the Paris Agreement (i.e. reducing UK emissions at a rate consistent with at least a 66% probability of limiting peak warming to 1.5°C compared to pre-industrial levels) via a new legally binding climate target.*
  - c. *The UK takes responsibility for its entire greenhouse gas footprint—i.e. its consumption emissions, including passenger shipping, flights and land-based transport—by accounting for all of the emissions that take place overseas in the manufacture, transport and disposal of goods consumed in the UK.*
  - d. *The reduction of the UK's greenhouse gas emissions is achieved first and foremost, by stopping emissions' sources caused by human activity, whilst also ending the exploration, extraction, export and import of fossil fuels.*
  - e. *The UK nations adhere to national, legally-binding carbon budgets set each year—not every five years.*
  - f. *The UK has a strict nature target so that by 2030 nature is visibly and measurably on the path of recovery in line with the [Global Goal for Nature](#).*

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<sup>1</sup> More information, including the latest draft of the Bill are available at:  
<https://bills.parliament.uk/bills/2943>

*The Bill also ties this nature target to international pledges, locking them into law. This will ensure that the UK will comprehensively fulfil its obligations under the UN Convention on Biological Diversity—and meet the commitments set out in the [Leaders' Pledge for Nature](#).*

- g. The UK's ecosystems are protected and restored with a focus on biodiversity and ecosystems that act as resilient natural carbon sinks—and that the health of nature is achieved, above all else, by avoiding its destruction.*
- h. The UK takes responsibility for its entire ecological footprint. This means preventing adverse impacts on ecosystems and human health caused by consumption, trade and production in the UK and internationally—including via the extraction of raw materials, deforestation, land degradation, pollution and waste.*
- i. An emergency strategy is drawn up via a temporary Climate and Nature Assembly, representative of the UK population, in order to advise on the fairest way forward. The Assembly would work directly with the Climate Change Committee and the Joint Nature Conservation Committee, before the strategy is laid before and approved by Parliament.*
- j. More vulnerable communities are positively impacted by the proposals in the strategy, and that financial support and retraining is offered to those people currently working in high-impact industries.*
- k. Annual interim, legally-binding targets are set in order to achieve the Bill's objective*

- 3.2 Part of the rationale for the original Bill was that, based on the latest progress report from the Committee on Climate Change, government policy implementation has not met the required ambition and that the UK needs to reduce its carbon emissions faster. When reintroducing the Bill to the new parliamentary session, the Bill was amended in order to condense it and update its content taking advice from scientists, lawyers and environmental experts.
- 3.3 The main changes in the updated version are:
- Amending the position in terms of the UK's net zero target; the Bill proposes that this should be at a rate consistent with at least a 66%<sup>2</sup> chance of limiting global temperatures to 1.5°C (based on the strictest modelling from the Intergovernmental Panel on Climate Change (IPCC) in their report on the implications of global warming of 1.5°C).
  - Including a legally binding nature target, which is to be carried out in line with international obligations.
  - Expands on 'supply chains' to give a more comprehensive description of the UK's cycle of consumption in the context of our ecological footprint; also it focuses on the mitigation hierarchy i.e. avoiding first.
  - Requires the end of exploration, extraction, export and import of fossil fuels as rapidly as possible.

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<sup>2</sup> The UK's current target is based on a global trajectory of no greater than 50% chance of limiting mean global heating to a 1.5°C rise in temperature

- Updates the approach to negative emissions technologies, so that such technologies are not even on a limited statutory footing; with emissions from human activity being cut as far and rapidly as possible, which would include via nature based solutions.

- 3.4 The Bill establishes two objectives that would need to be achieved including reducing greenhouse gas emissions as well as halting and reversing overall contributions to degradation and loss of nature. A Climate and Ecological Emergency Strategy would need to be prepared that would achieve the stated objectives, and would in part be informed by a citizen's assembly.

## 4 Legislative process

- 4.1 The CEE Bill is currently going through its second reading at the House of Commons, the progress and detail of which is explained below

### Bill passage



- 4.2 Most bills will need to go through the following stages in each House before becoming law.
- First reading:** this is a purely formal stage, and there is no debate on the bill.
  - Second reading:** this is a debate on the main principles of the bill, held in the chamber. No amendments can be made to the text of the bill at this stage, although members may give an idea of the changes they will be proposing at later stages. At the end of the debate the House will vote on the bill. If the vote is lost by the government, the bill cannot proceed any further.
  - Committee stage:** This is a line-by-line consideration of the detail of the bill. A Public Bill Committee in the Commons can take oral and written evidence on the bill. The amendments tabled may propose changes to the existing provisions of the bill or may involve adding wholly new material. However, there are limits to what can be added to a particular bill, as the amendments must be sufficiently close to its subject matter when introduced.
  - Report stage:** Only amendments are discussed, so if none are tabled this will be a purely formal stage. As in committee the amendments may change what is in the bill already or may involve new provisions being added.

- **Third reading:** In the Commons this is another general discussion of the bill which invariably takes place immediately after Report. No amendments are possible. In the Lords, Third Reading will take place on a later day, and tidying up amendments can be tabled.
- 4.3 Both Houses must agree on the text of a bill before it can become an act. This means that if the bill is amended in the second House, it must return to the first House for those amendments to be considered. The first House can reject the amendments, make changes to them or suggest alternatives. A bill may move backwards and forwards between the two Houses a number of times before agreement is reached.
- 4.4 A bill that has been passed by both Houses becomes law once it has been given Royal Assent and this has been signified to Parliament. It will then become an act. Even then the act may not have any practical effect until later on. Most provisions in an act will either come into operation within a set period after Royal Assent (commonly two months later) or at a time fixed by the government. This gives the government and those people who are directly affected by the act time to plan accordingly. The government may need to fill in some of the details of the new scheme by making regulations or orders under powers contained in the act, for example to deal with procedural matters.
- 4.5 The CEE Bill is relatively early in the legislative process; according to the [CEE Bill Alliance website](#) the second reading will be taking place on 29 October, however this isn't confirmed. Beyond this the timetable is not known. In addition, there may be amendments to the content of the Bill as it progresses.

## 5 Implications of the Bill for Local Government

- 5.1 The provisions within the CEE Bill are directed at national government. The impact of this Bill at a local level is unknown at this stage, in part because of the relatively early stage of the legislation process. It is anticipated that it would affect a number of areas, the majority of which complement actions in the council's Climate Emergency Action Plan (CEAP).
- 5.2 The CEE Bill may require local authorities to report on a wider scope of emissions and provide greater detail in our annual Greenhouse Gas (GHG) emission report. Producing an annual GHG report is currently not a statutory requirement<sup>3</sup>, however, it allows local authorities to be accountable for their emissions, helps to identify actions to reduce carbon emissions and monitor the impact of such measures. The Council has used its 2018/19 GHG emissions report as a baseline to identify key actions within the CEAP. Subsequent annual GHG reports allow the council to monitor its progress in becoming net zero as soon as possible. As part of our ongoing work on the CEAP we are in the process of commissioning consultants to review the scope and help inform our approach to emissions reporting going forward.

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<sup>3</sup> Under the Government's Environmental Reporting Guidelines, local authorities in England have been requested by Government to measure and report their GHG emissions from their own estate and operations.

- 5.3 The CEE Bill will potentially involve setting annual interim legally binding targets at a national level to achieve the Bill's objective. This could filter down to a local level. We are not in a position to advise on the achievability of implementing such targets at this time.
- 5.4 While the council's CEAP predominantly focuses on the climate emergency, it also reflects on our role in working to conserve and enhance biodiversity, with one of the themes in the action plan relating to the natural environment. A key component of the CEE Bill is elevating the nature crisis so that it is considered on an equal par as the climate emergency. At a local level, this could mean greater commitments and actions in relation to ecological issues.
- 5.5 The Council already has a comprehensive community ecology programme and the approach to biodiversity is likely to be influenced by the Environment Bill<sup>4</sup>. Locally we have some ecosystems of international and national importance that could benefit from the proposal put forward in the CEE Bill. The Bill would ensure that UK's ecosystems are protected and restored with a focus on biodiversity and ecosystems that act as resilient natural carbon sinks. This is an area we are exploring in the Council's CEAP; and would continue to ensure that the importance of local ecology and biodiversity is reflected in the CEAP actions going forward. The Bill may help with implementing policies and work to this effect.
- 5.6 A further potential implication of the Bill is that the Council may be expected to take a more proactive role working with communities, residents and businesses to reflect the objectives set out in the Bill. This theme is already incorporated in the CEAP under Supporting Communities and Businesses. We are continuing to support and signpost opportunities; this has been a feature of the work undertaken e.g. recently we have delivered a climate change workshop at the annual TVAPC conference.
- 5.7 As indicated above, the Bill proposes that the preparation of a Climate and Ecological Emergency Strategy would in part be informed by a Climate and Nature Assembly. The Council has experience of running a citizen's assembly, being one of three authorities to pilot such an approach through the government's Innovation in Democracy Programme. It is unclear whether there would be an expectation of deliberative democracy approaches required at a local level - based on our previous experience they are valuable but can be very resource intensive.
- 5.8 If and when the CEE Bill becomes law, the government will need to ensure that sufficient funds are allocated to implement and achieve targets at both a national and local level. This will hopefully be of benefit to local authorities, as it may assist with the resourcing of cutting carbon emissions, protecting and restoring ecosystems, and facilitating work with communities, residents and businesses.

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<sup>4</sup> This includes introducing a system of biodiversity net gain through the planning system, updating the biodiversity duty, and introducing the requirement for the preparation of local nature recovery strategies.

5.9 In its current state there are elements of the Bill which compliment the CEAP, however, there may be aspects of the Bill which would need to be reflected in the CEAP when enacted. The implications of the Bill requiring the UK to take responsibility for reducing its entire greenhouse gas emissions and its ecological footprint means that the Council may need to actively review its approach and set annual targets to achieve the Bill's objective.

## **6 Next Steps**

- 6.1 The CEE Bill is currently at the early stages of the legislative process, therefore there may be amendments to the content of the Bill as it progresses.
- 6.2 With this in mind and due to the potential implications of the CEE Bill on the council and borough, the council have requested that OSCOM review this motion for further consideration and response. This is proposed to be best achieved through a Task and Finish group with a reporting deadline of 4 months.
- 6.3 The Task and Finish Group would need to:
  1. Understand the background of the Bill and investigate the impact that this might have on Test Valley Borough Council and the Borough including our communities;
  2. Understand the extent to which the CEAP aligns with the detail of the Bill and how any differences may need to be addressed;
  3. Understand the implications at a national and local level and prepare the council to be able to respond to the content of the Bill.
  4. Understand the implications at a national and local level and prepare the council to be able to respond to the Bill.

- 6.4 Following the review by the task and finish group, the Committee would be better placed to make recommendations on the proposed response to the motion to Council (see Appendix 1).
- 6.5 Attached to the report, see Appendix 2, is a proposed work programme which builds on the 4 points above (ref 6.3). This will form the structure of the four Task and Finish Group meetings.

## **7 Conclusion**

- 7.1 The CEE Bill has been put forward to further the UK government to meet its legally binding target of net zero carbon emissions by 2050 and aims to tackle the climate-nature emergency.
- 7.2 Going forward the Bill may be subject to alteration and its full implications on the Council cannot be determined at this stage and requires further investigation through an OSCOM Task and Finish group. This will also provide opportunity to demonstrate connection with and add value to our existing CEAP.

Background Papers (Local Government Act 1972 Section 100D)

Test Valley Borough Council Climate Emergency Action Plan (2020)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	2		
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