

Climate and Ecological Emergency Bill

Report of the Chairman of the Overview and Scrutiny Committee

Recommended:

1. That the findings of the Climate and Ecological Emergency Bill panel set out in Annex 2 to the report be noted.
2. That it is noted that the panel could not come to a firm conclusion on whether or not the motion (contained at Annex 1 to the report) relating to the Climate and Ecological Emergency Bill could be supported; however as the Bill will not be progressing, as the 2021-2022 session of Parliament has prorogued, it is recommended that the work of the panel be concluded.
3. That the recommendations of the panel, as set out in paragraph 6.2 to the report, be considered as part of future reviews of the Council's Climate Emergency Action Plan.

Recommendation to Council

SUMMARY:

- The Climate and Ecological Emergency (CEE) Bill was put forward to assist the UK government to meet its legally binding target of net zero carbon emissions by 2050. In response to a motion to Council on 1 September 2021 seeking to support the Bill, it was agreed that an OSCOM Task and Finish Panel be established to review the implications of the CEE Bill on Test Valley and consider whether to support the Bill or not. The CEE Bill was being considered through the House of Commons at the point the 2021-22 session of Parliament was brought to a close.

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 was subsequently reviewed and reintroduced¹ for the 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 (now referred to as Zero Hour). A Motion was presented to Council on 1 September 2021 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 Formally known as the Climate and Ecology Bill, see: <https://bills.parliament.uk/bills/2943>

- 1.3 The Council subsequently approved to refer the motion to OSCOM for consideration and response given the committee's key role in monitoring the Climate Emergency Action Plan (see Annex 1). Accordingly, an OSCOM Task and Finish Panel was established. This report sets out the findings of that Panel.

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 would significantly expand the remit and scope of the Climate Change Act 2008, including attaining net zero carbon emissions as rapidly as possible. 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.

3 Overview of the Climate and Ecological Emergency Bill

- 3.1 The CEE Bill put forward 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 includes 11 expectations² which 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.

² Derived from information that was published on the CEE Bill Alliance (now 'Zero Hour') website. Please note, the wording may not directly reflect that contained within the Bill itself.

- 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](#). 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 It was suggested that the panel would achieve this with a four month deadline. Unfortunately this has not been achieved due to difficulties in being able to bring all of the panel together (at times in person) to enable the consideration of the matters it was to address. .

4 Legislative process

- 4.1 At the time of the final meeting of the panel, the CEE Bill was due its second reading at the House of Commons, which represents a relatively early stage in the legislative process. The Bill had been delayed on several occasions with the most recent date for the second reading having been scheduled for 18 March 2022, which was deferred until 6 May 2022. The parliamentary session for 2021-22 was brought to a close on 28 April, therefore it is indicated that there will be no further progress on the Bill. It is not known whether the Bill may be re-introduced in future parliamentary sessions, and if it is re-introduced whether it would have been subject to amendments. The panel anticipated that should the Bill have been enacted, the government would have needed to fill in some of the details of the requirements of the Act by making regulations or orders.

5 Response of the CEE Bill Task and Finish Panel

- 5.1 In October 2021, OSCOM agreed that in order to fulfil its role set by Council a Task and Finish Panel should be established. This panel comprised Councillor Lodge (Chairman) and Councillors Gwynne, Hatley, Parker and Swain. Councillor Johnston also participated as an external advisor. The scope of the work focused on four areas. This section of the report reviews each of those four areas and summarises the response of the panel.
- a) Seek to understand the background of the Bill and investigate the impact that this might have on the Council and the Borough, including our communities
- 5.2 The panel were provided with briefing notes on the background to the Bill and information on the legislative process. This helped inform the approach and order of the investigation.
- 5.3 One of the points highlighted at the beginning was that the provisions within the CEE Bill are directed at national government and given the uncertainty regarding the process and application of the Bill it would prove a challenge for the panel to fully ascertain the impact of the Bill.
- 5.4 Despite this, the panel has investigated, as best as possible: the connections between the expectation of the Bill and other legislation, how the Climate Emergency Action Plan (CEAP) and other potential local implications may arise, and what conclusions can be drawn. Annex 2 to the report sets out the understanding and conclusions of the panel.
- 5.5 In reaching those conclusions the panel identified a number of general comments. They were mindful of the scale of the requirements and that the provisions within the Bill go beyond the remit of local authorities. In addition, the panel recognised the need for clarity on how any legally binding requirement would work, be measured and monitored. There were also issues with the language and terminology used in terms of being able to properly understand the purpose of the Bill and its implications.
- 5.6 It was highlighted that if the CEE Bill were to become law, the government would need to ensure that sufficient funds are allocated to implement and achieve its content at both a national and local level. This would 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.
- b) Understand the extent to which the Climate Emergency Action Plan (CEAP) aligns with the detail of the Bill and how any differences may need to be addressed (as far as appropriate to do so);
- 5.7 Annex 2 identifies where there are opportunities for the CEAP to be revised in the future – these are shown in bold in the final column of the table in Annex 2. One area of focus is that the Council's CEAP predominantly focuses on the climate emergency. A key component of the CEE Bill is elevating the nature crisis so that it is considered on an equal par with the climate emergency.

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. Whilst the CEAP 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, it was considered that the profile of the ecological crisis should be emphasised.

- 5.8 At a local level, this could mean greater commitments and actions in relation to ecological issues. The panel considers that this should be supported. The Council already has a comprehensive land purchase and community ecology programme. Our approach to biodiversity will also be influenced by the requirements of the Environment Act 2021 and linked secondary legislation and policy which is due to follow. This includes the introduction of mandatory Biodiversity Net Gain through the planning system.
- 5.9 The reinforcing of the ecological element within the CEAP and the rolling out of the Council's approach to the requirements of the Environment Act 2021 are recommended to be supported.
- 5.10 The Panel considered that the scope of the Council's ability to reduce greenhouse gases should look at both addressing the Council's own emissions and also assisting with signposting our communities to opportunities for them to explore. This remains an element of the CEAP and is recommended that it be supported.
- c) Understand the implications and potential opportunities, and reflect on our experiences of deliberative democracy in relation to how this may work at a national level, as well as more local implications;
- 5.11 The Bill proposed that the preparation of a Climate and Ecological Emergency Strategy would in part be informed by a Climate and Nature Assembly. The panel heard from the Head of Strategy and Innovation and the experience of deliberative democracy and running a citizen 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. The panel considered that based on the Council's previous experience they are valuable but can be very resource intensive and need careful structuring.
- 5.12 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.
- d) Through developing our understand of the Bill and the implications at a national and local level make recommendations as to how the Council should consider whether to support the principle of the Bill and those other elements raised through the motion to Council on 1 September 2021.

- 5.13 As this Bill was at such an early stage of the process and lacking the background or detail of what it will require, it proved difficult for the panel to fully understand the implications. Whilst the panel has made informed assumptions about possible consequences there remain gaps in our understanding.
- 5.14 The task of comprehending the implications has been made even more complex because the Bill is directed towards national government and not at the local level. This uncertainty made it challenging for the panel to determine whether the principle of the Bill should be supported, with panel members drawing different conclusions on this matter. Therefore, no firm conclusion was reached on whether the panel recommended that the Council ‘in principle’ support the Bill in line with the motion (Annex 1).
- 5.15 However, there are elements within the Bill which may be applicable to a local context including those which complement actions in the Council’s Climate Emergency Action Plan (CEAP) or which could be considered as part of its refresh. These are highlighted within Annex 2.
- 5.16 There are elements of the Bill that would appear to have a logical basis but in the opinion of the panel required further clarity or refining. These are highlighted in Annex 2. For example in terms of annual interim targets to achieve the overarching climate and nature targets, the panel understands the strength and weight of a legal target but the Bill was silent on how this would be enforced and how would it work in practice.
- 5.17 A further example is where the Bill proposed that the UK takes responsibility for its entire ecological footprint during production, trade and consumption in the UK and internationally. Whilst there is a sound basis for the proposal there are some doubts on whether this can be achieved when its compliance is dependent on international circumstances.
- 5.18 As indicated above, following the final meeting of the Panel, the parliamentary session for 2021-22 was brought to a close; the implication being that the CEE Bill will not progress further. In light of the status of the Bill, it is proposed that the work of the Panel be concluded.

6 Conclusion

- 6.1 The CEE Bill was put forward to require the UK government to meet its commitments in achieving net zero carbon emissions and aims to tackle the climate-nature emergency.
- 6.2 The Task and Finish Panel has considered the CEE Bill as required by the Council motion. As the Bill is no longer progressing, it is recommended that the work of the Panel on whether to support the Bill be concluded. However, the Panel has highlighted elements of the Bill which it can support and which can add value to our existing CEAP. The recommendations of the panel for consideration as part of future reviews of the Council’s CEAP comprise:

- Think about re-focusing on biodiversity (taking account of the forthcoming implications of the Environment Act 2021), including the link to the CEAP; and
- Add targets and milestones to the CEAP.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Test Valley Borough Council’s Climate Emergency Action Plan (2020)			
<u>Confidentiality</u> 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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