



Date: Wednesday, 1 December 2021

Time: 1.00 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire,
SY2 6ND

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PERFORMANCE MANAGEMENT SCRUTINY COMMITTEE

TO FOLLOW REPORT (S)

6 Climate and Ecology Bill (Pages 1 - 12)

To consider a request by Council to convene a task and finish group to consider a response to the Climate and Ecology Bill, report to follow

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**Performance Management
Scrutiny Committee**

1 December 2021

Item

Public

Climate and Ecology Bill

Responsible officer

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1.0 Summary

1.1 This paper seek approval for the appointment of a Task and Finish Group to scrutinise the Climate and Ecology Bill in accordance with the motion passed at Council in February 2021.

2.0 Recommendations

2.1 That members set up a task and finish group to scrutinise the Climate and Ecology Bill and to make any recommendations as appropriate..

3.0 Opportunities and risks

3.1 This report is provided by for information only. Any recommendations that the Task and Finish Group makes would require further consideration (to include risks and opportunities) by the Performance Management Scrutiny Committee.

4.0 Financial assessment

4.1 This report is provided for information only. .

REPORT

5.0 Background

5.1 On 25 February 2021 Council received debated a motion that called on Council to "Support the Climate and Ecological Emergency Bill".

5.2 At the meeting, Council resolved to support an amendment to the motion to : "Refer this matter to a Task & Finish Group to look at the Climate & Ecological Emergency Bill in detail and to make recommendations on Shropshire Council's response to the Bill."

5.5 Although Council can request that the council's overview and scrutiny function set up a task and finish group to scrutinise a particular issue, it is up to the relevant overview and scrutiny committee to decide whether it wishes to do so.

6.0 The Climate and Ecology Bill

6.1 The (then called) Climate and Ecological Emergency Bill was a private members bill that was brought to parliament by Caroline Lucas MP in the 2019-2021 parliamentary session. Its progress through the House of Commons has been delayed and a planned second reading has been postponed on a number of occasions and is not now due to take place until 10 December 2021.

6.4 The Climate and Ecology Bill, as it currently stands, is attached as Appendix 1.

List of background papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Climate and Ecological Emergency Bill 2020 EDM 832

Climate and Ecology Bill 2021

Cabinet Member (Portfolio Holder)

All

Local Member

All

Appendices

The Climate and Ecology Bill

Climate and Ecology Bill

[AS INTRODUCED]

CONTENTS

- 1 Duty of the Secretary of State: climate and nature targets
- 2 Duty of the Secretary of State: climate and nature strategy
- 3 Public involvement
- 4 Duties of the Committee on Climate Change and the Joint Nature Conservation Committee
- 5 Approval by devolved legislatures
- 6 Acceptance and implementation of the strategy, or any revisions made thereto
- 7 Financial provisions
- 8 Interpretation
- 9 Extent, commencement and short title

[AS INTRODUCED]

A

B I L L

TO

Require the United Kingdom to achieve climate and nature targets; to give the Secretary of State a duty to implement a strategy to achieve those targets; to establish a Climate and Nature Assembly to advise the Secretary of State in creating that strategy; to give duties to the Committee on Climate Change and the Joint Nature Conservation Committee regarding the strategy and targets; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty of the Secretary of State: climate and nature targets

- (1) The Secretary of State must achieve the objectives in subsection (2) (‘the objectives’).
- (2) The objectives are to ensure that the United Kingdom—
 - (a) reduces its overall contribution to global greenhouse gas emissions (‘emissions’) at a rate consistent with—
 - (i) limiting the global mean temperature increase to 1.5 degrees Celsius compared to pre-industrial levels; and
 - (ii) fulfilling its obligations under the UNFCCC and the Paris Agreement, taking into account the United Kingdom’s and other countries’ —
 - (A) historical emissions;
 - (B) common but differentiated responsibilities; and
 - (C) respective capabilities, considering national circumstances;
 - (b) halts and reverses its overall contribution to the degradation and loss of nature in the United Kingdom and overseas, thereby —
 - (i) increasing the health, abundance, diversity and resilience of species, populations, habitats and ecosystems so that by 2030 nature is visibly and measurably on the path of recovery, and—
 - (ii) fulfilling its obligations under the UNCBD and its protocols, following the commitments set out in the Leaders’ Pledge for

Nature, taking into account the United Kingdom's and other countries' –

- (A) historical contributions to the degradation of nature;
- (B) common but differentiated responsibilities; and
- (C) respective capabilities, considering national circumstances;

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('the nature target').

- (3) The duty applies to matters of devolved legislative competency subject to section 5.

2 Duty of the Secretary of State: climate and nature strategy

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- (1) The Secretary of State must, within twelve months of the passing of this Act, publish and lay before Parliament a strategy ('the strategy') to achieve the objectives specified in section 1.

- (2) The strategy must include annual interim targets consistent with the achievement of the objectives and the Secretary of State must take all reasonable steps to meet those annual interim targets.

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- (3) The strategy must include measures that, in the opinion of the Secretary of State, and subject to sections 3 and 4, will achieve the objectives specified in section 1 by –

- (a) reducing greenhouse gas emissions from sources caused by human activity as far and as rapidly as possible;

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- (b) ensuring that the UK's emissions are calculated on the basis of UK consumption and include international aviation and passenger shipping;

- (c) ensuring that steps taken to mitigate emissions minimise, as far as possible, damage to ecosystems, food and water availability, and human health;

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- (d) ensuring that steps taken to increase the health, abundance, diversity and resilience of species, populations and ecosystems follow the mitigation and conservation hierarchy, with avoidance of the loss of nature prioritised;

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- (e) restoring and expanding natural ecosystems, and enhancing the management of cultivated ecosystems to protect and enhance biodiversity, ecological processes and ecosystem service provision, including climate change mitigation;

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- (f) including measures to protect, restore and enhance ecosystems in the United Kingdom (and elsewhere, when activity generated from within the United Kingdom is harmful to such ecosystems);

- (g) ending the exploration, extraction, export and import of fossil fuels by the United Kingdom as rapidly as possible; and

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- (h) taking every possible step to avoid, limit – and where limiting is not possible – compensate for the adverse impacts of United Kingdom-generated cycles of consumption, trade, financing and production on ecosystems and human health; including, but not limited

to, the extraction of raw materials, deforestation, land degradation, pollution and waste production.

- (4) The measures in the strategy must—
- (a) be projected to have a net positive impact on—
 - (i) local communities, including those with a high deprivation rating according to Government deprivation indices; 5
 - (ii) young people; and
 - (iii) people with protected characteristics under section 4 of the Equality Act 2010; and
 - (b) include sufficient financial support and retraining for people whose livelihoods and jobs will be affected by the proposed measures, including those measures that require transitioning out of industries characterised by high emissions and high impacts on ecosystems. 10
- (5) The strategy may include measures in areas of devolved legislative competency subject to section 5. 15

3 Public involvement

- (1) The Secretary of State must, within two months of the passing of this Act, procure by open tender an expert independent body to establish a Climate and Nature Assembly ('the Assembly') comprising a representative sample of the United Kingdom population. 20
- (2) The body appointed pursuant to subsection (1) must secure the establishment of the Assembly within three months.
- (3) The Assembly must consider expert advice and then recommend measures to be included in the strategy.
- (4) Where a recommendation has been approved by— 25
- (a) at least 66% of members of the Assembly, the Committee on Climate Change (CCC) or Joint Nature Conservation Committee (JNCC) must try to reach agreement with the Assembly on a proposal to include that recommendation in the strategy;
 - (b) at least 80% of the Assembly, the CCC or JNCC must agree to propose the inclusion of that recommendation in the strategy unless in their opinion there are exceptional and compelling reasons, which must be stated, not to. 30
- (5) If a recommendation is supported by at least 80% of the Assembly, and by the CCC or the JNCC, the Secretary of State must consider and try to reach agreement with those bodies on the inclusion of that recommendation in the strategy. 35

4 Duties of the Committee on Climate Change and the Joint Nature Conservation Committee

- (1) The CCC and the JNCC must— 40

- (a) evaluate, monitor and report annually on the implementation of the strategy and on the achievement of the interim targets; and
- (b) undertake the duties referred to in sections 3 and 6.
- (2) The CCC must recommend annual carbon budgets for the United Kingdom, Scotland, Wales and Northern Ireland with a view to the requirements of section 2 being met. 5
- 5 Approval by devolved legislatures**
- (1) The targets in section 1 apply to matters of devolved legislative competency if the condition in subsection (2) is met.
- (2) That condition is – 10
- (a) in relation to Scotland, that the Scottish Parliament has passed a motion of the form “That the Parliament agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2021”;
- (b) in relation to Wales, that Senedd Cymru has passed a motion of the form “That Senedd Cymru agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2021”; 15
- (c) in relation to Northern Ireland, that the Northern Ireland Assembly has passed a motion of the form “That this Assembly agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2021”. 20
- (3) The strategy under subsection 2 may include measures in areas of devolved legislative competency if the condition in section (4) is met.
- (4) That condition is –
- (a) in relation to matters within the legislative competency of the Scottish Parliament, that the Scottish Parliament has passed a motion of the form “That the Parliament agrees to the measures in the climate and nature strategy”; 25
- (b) in relation to matters within the legislative competency of Senedd Cymru, that Senedd Cymru has passed a motion of the form “That Senedd Cymru agrees to the agrees to the measures in the climate and nature strategy; 30
- (c) in relation to the Northern Ireland Assembly, that the Northern Ireland Assembly has passed a motion of the form “That this Assembly agrees to the agrees to the measures in the climate and nature strategy”.
- 6 Acceptance and implementation of the strategy, or any revisions made thereto** 35
- (1) The Secretary of State must –
- (a) lay the strategy before the House of Commons; and
- (b) move a motion in the House of Commons of the form in subsection (2) for agreement or amendment by that House.
- (2) The form of the motion is “That this House approves the Climate and Nature Strategy, laid before this House on [date], without amendment.” 40

- (3) The Secretary of State must implement the strategy, including—
- (a) any amendments made to the strategy made by resolution of the House of Commons by amending the Motion in subsection (2);
 - (b) any revisions made under subsection (5).
- (4) The Secretary of State must report annually to Parliament on the implementation of the strategy or any revisions thereto; and progress towards achieving the objectives and interim targets under sections 1 and 2. 5
- (5) If at any time, based on up-to-date scientific evidence, in the opinion of the Secretary of State, or the CCC, or the JNCC, or the House of Commons (by motion stated), the measures in the strategy or the interim targets are unlikely to achieve the objectives, the Secretary of State must revise the strategy and in such case the provisions of subsections (3) and (4) shall apply. 10

7 Financial provisions

There is to be paid out of money provided by Parliament—

- (a) *any expenditure incurred under or by virtue of this Act; and* 15
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

8 Interpretation

In this Act—

- “limiting the global mean temperature increase to 1.5 degrees Celsius” means with a 66% or greater probability of limiting peak warming to 1.5 degrees Celsius according to the Intergovernmental Panel on Climate Change report, Global Warming of 1.5°C, published on 8 October 2018 or else, the most ambitious 1.5 degrees Celsius pathway available if and when the 66% or greater probability of limiting peak warming to 1.5 degrees Celsius, according to future Intergovernmental Panel on Climate Change (IPCC) reports, is superseded; 20
- “UNFCCC” is the United Nations Framework Convention on Climate Change which entered into force on 21 March 1994;
- “Paris Agreement” is the agreement of the UNFCCC which entered into force on 4 November 2016; 30
- “nature” includes—
- (a) the abundance, diversity and distribution of animal, plant, fungal and microbial life and its risk of extinction;
 - (b) the extent and condition of habitats; and 35
 - (c) the health and integrity of ecosystems;
- “ecosystems” includes both natural and managed ecosystems and the air, soils, water and abundance and diversity of organisms of which they are comprised;
- “UNCBD and its protocols” is the United Nations Convention on Biological Diversity, which entered into force on 29 December 1993, and all subsequent agreements and protocols (if any) arising from it; 40

“Leaders’ Pledge for Nature” is the agreement of the UN Summit on Biodiversity of 28 September 2020;

“calculated on the basis of UK consumption” means all UK territorial emissions except those generated in the production of goods and services exported from the UK; all consumption emissions generated abroad in the production and distribution of goods and services imported to the UK; all emissions generated from UK passenger transportation demands related to both personal and commercial passenger travel outside of UK territory, including international aviation, passenger shipping;

“mitigation and conservation hierarchy” refers to resolution 58 of the World Conservation Congress, hosted by the International Union for Conservation of Nature from 1 to 10 September 2016.

9 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland, and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Climate and Ecology Act 2021.

Climate and Ecology Bill

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*Presented by Caroline Lucas
supported by Barry Gardiner, Alan Brown,
Ed Davey, Liz Saville Roberts, Claire Hanna,
Stephen Farry, Clive Lewis, Alex Sobel,
Brendan O'Hara, Sarah Olney and Ben Lake.*

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