
PROPOSED AMENDMENTS TO COMMITTEE REPORT IMPLICATIONS SECTION

Report by Executive Director, Economy and Corporate Improvement

SCOTTISH BORDERS COUNCIL

28 January 2021

1 PURPOSE AND SUMMARY

- 1.1 This report proposes some changes to the Implications section of committee reports to take account of UN Sustainable Development Goals and Climate Change, and also to include a new statement around Data Protection compliance.**
- 1.2 At its meeting on 25 September 2020, Scottish Borders Council decided that the 'implications' section of Council reports would be reviewed and updated generally, with a specific objective of addressing the UN Sustainable Development Goals. This review and updating was to be overseen by the Sustainable Development Committee and a report on the proposed changes was approved by that Committee at its meeting on 4 December 2020.
- 1.3 The implications section of committee reports covers a number of specific areas: Financial, Risk and Mitigations, Integrated Impact Assessment, Acting Sustainably, Carbon Management, Rural Proofing, and changes to the Schemes of Administration and Delegation. The paragraphs which are being reviewed are the ones relating to Acting Sustainably and Carbon Management.
- 1.4 To ensure officers take account of the UN Sustainable Development Goals when drafting reports, it is proposed that a checklist is completed and details are given in a new section, "Sustainable Development Goals", on the specific UN goals which are being impacted. A checklist is attached as Appendix A to this report. The intention is that report writers complete the checklist and draw the most salient issues into a brief narrative in the 'Sustainable Development Goals' section of the report, explaining relevance and (where appropriate) how the recommendations in the report support progress against the Sustainable Development Goals.
- 1.5 While 'taking urgent action to combat climate change and its impacts' is a UN SDG (SDG 13), it is recognised that national legislation, the Scottish public policy context (e.g. the Programme for Government 2021-2022), and Scottish Borders Council's own commitments manifested in the Responding to the Climate Emergency Report of 25 September 2020 require specific reference to be made to the Council's efforts and progress in this area.

Accordingly, it is proposed that a paragraph in the implications section is retained under the title 'Climate Change' with report writers setting out details of the impact of the report in this area, and (where appropriate) how the recommendations in the report support progress against Climate Change objectives. A checklist to this effect for officer use is attached as Appendix B. Guidance and training for report writers will be provided to ensure they understand and take account of the new requirements.

- 1.6 The Council has obligations under Data Protection legislation and non-compliance could result in substantial fines. If a proposal includes any new processing of personal data, or any change to the way personal data is currently processed, then officers must be able to evidence that the potential impact on the privacy of citizens has been fully considered and that any risk around the process has been identified and mitigated appropriately. It is therefore proposed that a new paragraph is added to the Implications section of committee reports covering Data Protection.

2 RECOMMENDATIONS

- 2.1 **I recommend that Council approves the following changes to committee reports:**
 - (a) the amendment of the Acting Sustainably and Carbon Management sections of committee reports to reflect the UN Sustainable Development Goals and Climate Change;**
 - (b) that updated guidance/checklists and further training is provided to report writers to ensure they understand and take account of the new requirements; and**
 - (c) a Data Protection Impact Statement is added to committee reports to ensure that compliance with Data Protection legislation is confirmed, with further guidance on this provided to report writers and support given by the Data Protection Officer as required.**

3 BACKGROUND

- 3.1 At its meeting on 25 September 2020, Scottish Borders Council considered a report 'Responding to the Climate Emergency'. During the discussion on the report, Councillor H. Anderson, seconded by Councillor Haslam, proposed an amendment, adding a new recommendation "that the 'implications' section of Council reports shall be reviewed and updated generally, with a specific objective of setting out the UN Sustainable Development Goals addressed by the actions proposed in the recommendations of the report. This review and updating will be overseen by the Sustainable Development Committee with recommendations for a finalised format and approach to the 'implications' section of reports to be brought to Council for decision by 31 January 2021 at the latest".
- 3.2 Councillor Aitchison and Councillor Fullarton, the original mover and seconder of the recommendations in the report, agreed to accept the additional recommendation. A further amendment to the recommendations in the report was proposed and seconded by Councillor Jardine and Councillor Edgar. After a roll call vote, the Council decided to accept the recommendations in the report and the new recommendation on the proposed review of the implications section of committee reports to take account of the UN Sustainable Development Goals. The Sustainable Development Committee considered and approved a report on the proposed changes to committee reports at its meeting held on 4 December 2020.

4 ACTING SUSTAINABLY AND CARBON MANAGEMENT – IMPLICATIONS SECTION OF COMMITTEE REPORTS

- 4.1 The implications section of committee reports covers a number of specific areas: Financial, Risk and Mitigations, Integrated Impact Assessment, Acting Sustainably, Carbon Management, Rural Proofing, and changes to the Schemes of Administration and Delegation. When officers are drafting reports they need to consider any implications or consequences of either carrying out or not carrying out the proposals in the report, and detail these in this section. The paragraphs which are being reviewed are the ones relating to Acting Sustainably and Carbon Management.
- 4.2 Guidance currently given to officers on these paragraphs is as follows:
- (a) Acting Sustainably – in order to help meet the duties set out in the Climate Change (Scotland) Act 2009, all reports are required to demonstrate how the three facets of sustainable development (economic, social and environmental) will be taken into account in the development and implementation of your project/activity. The purpose of this section is to demonstrate that you have considered the long term sustainability issues related to your report. You should describe succinctly how your project or activity contributes to each of these elements, or where it specifically undermines any of these goals. This should help the reader check that the overall impacts of a proposal have been considered and that an integrated solution is being recommended.

- (b) Carbon Management - Alongside its duty to 'act sustainably', the Council must also reduce its carbon footprint. As well as meeting key national targets, this is also a major cost issue for the Council now, and in the future. You need to state in this section of the report if there will be any impact on the Council's carbon emissions of doing or not doing what is proposed, and evaluate any impact and/or mitigation efforts. If there are no significant effects on carbon emissions or if these are not known, then say so.

4.3 On 25 September 2015, the Member States of the United Nations agreed on the 17 Sustainable Development Goals (SDG), which will guide global action on sustainable development until 2030. The Goals are:

- SDG1: End poverty in all its forms everywhere.
- SDG2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- SDG3: Ensure healthy lives and promote wellbeing for all at all ages.
- SDG4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all potential.
- SDG5: Achieve gender equality and empower all women and girls.
- SDG6: Ensure availability and sustainable management of water and sanitation for all.
- SDG7: Ensure access to affordable, reliable, sustainable and modern energy for all.
- SDG8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- SDG9: Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation.
- SDG10: Reduce inequality within and among countries.
- SDG11: Make cities and human settlements inclusive, safe, resilient and sustainable.
- SDG12: Ensure sustainable consumption and production patterns.
- SDG13: Take urgent action to combat climate change and its impacts.
- SDG14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
- SDG15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.
- SDG16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
- SDG17: Strengthen the means of implementation and revitalise the global partnership for sustainable development.

4.4 On 29 August 2019, in considering the Embedding Sustainable Development Report, Council agreed (inter alia) 'formally to commit to implementing the UN Sustainable Development Goals as they relate to local government'. To ensure officers take account of the Goals when drafting reports, it is proposed that a checklist is completed and details are given in a new paragraph "Sustainable Development Goals" on the specific UN goals which are being impacted. A checklist is attached as Appendix A to this report. The intention will be to replace the current paragraphs on Sustainable Development and Carbon Management in future committee reports.

- 4.5 While 'taking urgent action to combat climate change and its impacts' is a UN SDG (SDG 13), it is recognised that, national legislation, the Scottish public policy context (e.g. the Programme for Government 2021-2022), and Scottish Borders Council's own commitments manifested in the Responding to the Climate Emergency Report of 25 September 2020 require specific reference to be made to the Council's efforts and progress in this area. Accordingly, it is proposed that within the implications section, the paragraph on 'Carbon Management' is replaced with one on 'Climate Change', with report writers setting out details of the impact of the report in this area, and (where appropriate) how the recommendations in the report support progress against Climate Change objectives. 'Climate Change' better reflects the fact that action on Climate Change is not limited to carbon emission, but must include action to reduce all greenhouse gases, as well as adaptation to those Climate Change impacts such as 'hotter drier summers, warmer wetter winters and increased flooding' that we have already begun to experience. A checklist (Appendix B) and further guidance has also been developed for this Climate Change section for report writers and suitable training will be provided as required.

5 DATA PROTECTION

- 5.1 The Council has obligations under Data Protection legislation and non-compliance could result in substantial fines. In promoting any project proposal which involves personal data, officers need to consider whether a Data Protection Impact Assessment (DPIA) is required. It is recommended that this DPIA is carried out even where the proposal is not regarded as high risk, because the DPIA serves as an important record of the Council's consideration of the data protection implications. This needs to be reflected in committee reports.
- 5.2 If a proposal includes any new processing of personal data, or any change to the way personal data is currently processed, then officers must be able to evidence that the potential impact on the privacy of citizens has been fully considered and that any risk around the process has been identified and mitigated appropriately.
- 5.3 It is therefore proposed that a new paragraph is added to the Implications section of committee reports covering Data Protection and that the following options will need to be considered for inclusion in the report:
- All potential risks of non-compliance with Data Protection legislation have been identified, assessed and recorded within a Data Protection Impact Assessment. The controls to mitigate any potentially negative impacted identified within the Assessment have been/will be implemented to ensure the proposed change to/new data processing complies with Data Protection legislation.
OR
 - There are no personal data implications arising from the proposals contained in this report.
OR
 - It is anticipated that the proposals in this report will have a minimal impact on data subjects and the Data Protection Officer has confirmed that a Data Protection Impact Assessment is not required.

- 5.4 By including a Data Protection Impact Statement in committee reports, the Council will ensure greater transparency for the public by confirming the way it uses personal information complies with data protection legislation. Guidance is available to officers on how to consider and complete a DPIA and further advice can be gained from the Data Protection Officer.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

- (a) There is a reputational risk to the Council if it does not address the UN Sustainable Development Goals. By including details in committee reports, this will evidence the seriousness with which the Council is taking its responsibilities.
- (b) By including a statement about compliance with Data Protection legislation, the Council will ensure that any new or any proposed changes to the processing of personal data is being considered in a robust manner.

6.3 Integrated Impact Assessment

No Integrated Impact Assessment is required as the report is applicable to everyone.

6.4 Acting Sustainably

The change to committee reports will help address any negative economic, social or environmental impacts.

6.5 Carbon Management

There are no effects on the Council's carbon emissions.

6.6 Rural Proofing

The changes proposed are applicable to everyone.

6.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

7 CONSULTATION

- 7.1 The Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, and the Service Director HR & Communications, have been consulted and any comments received have been incorporated into the final report.

Approved by

Rob Dickson

Executive Director (Economy and Corporate Improvement)

Signature

Author(s)

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Background Papers: None

Previous Minute Reference: Sustainable Development Committee, 4 December 2020

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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APPENDIX A

PROPOSED UN SUSTAINABLE DEVELOPMENT GOALS CHECKLIST

Consider each of the UN Sustainable Development Goals below, and decide whether your project/action plan/recommendations will make a difference to any of these. If the answer is yes, then you need to comment on the specific goals and what the impact/difference is likely to be in the Sustainable Development Goals paragraph in your committee report.

	UN SD Goal	Potential SBC Impact examples	YES	NO
1	End poverty in all its forms everywhere	<ul style="list-style-type: none">• Change to service provision• Encourage local action• Retain or improve local income• Encourage & support community enterprise		
2	End hunger, achieve food security and improved nutrition and promote sustainable agriculture	<ul style="list-style-type: none">• Change to service provision• Encourage local action• Promote local food chains, including transport to market• Encourage & support community enterprise• Multi-agency approach to tackle child and adult malnutrition		
3	Ensure healthy lives and promote wellbeing for all at all ages	<ul style="list-style-type: none">• Change to service provision• Encourage communitiy involvement• Work with partners• Use planning and public transport to reduce pollution• Manage natural resources and protect the environment• Encourage walking and cycling		
4	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all potential	<ul style="list-style-type: none">• Identify and tackle the barriers to school attendance• Integrate technical and vocational training programmes into local economic development strategies• Reach out to vulnerable and marginalized individuals and communities to ensure access to education and training to meet their needs		
5	Achieve gender equality and empower all women and girls	<ul style="list-style-type: none">• Ensure non-discriminatory service provision to citizens• Tackle violence and harmful practices to women• Encourage women into elected office• Mainstream gender equality		

	UN SD Goal	Potential SBC Impact examples	YES	NO
6	Ensure availability and sustainable management of water and sanitation for all	<ul style="list-style-type: none"> • Ensure natural resource management and urban planning • Ensure private water supplies are fit for purpose • Establish joined up approach to water resources management 		
7	Ensure access to affordable, reliable, sustainable and modern energy for all	<ul style="list-style-type: none"> • Identify gaps in access to affordable energy, particularly to vulnerable groups • Ensure Council buildings are energy efficient, making best use of renewable resources wherever possible • Identify areas for improvement for transport and carbon emissions • Generate energy from renewable resources or waste 		
8	Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	<ul style="list-style-type: none"> • Generate growth and employment through local economic development opportunities • Provide safe and secure working environments with equal pay for equal work • Work with local communities to develop strategic tourism plans 		
9	Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation	<ul style="list-style-type: none"> • Promote small scale start ups in economic development strategies taking account of local resources, needs and markets • Identify gaps in access to IT and the internet in communities 		
10	Reduce inequalities within and among countries	<ul style="list-style-type: none"> • Build capacity to identify and tackle poverty and exclusion • Promote the participation of minority or under represented groups in public consultations • Provide services in a non-discriminatory way • Align budgets to boost employment opportunities and income in the poorest communities 		
11	Make cities and human settlements inclusive, safe resilient and sustainable	<ul style="list-style-type: none"> • Work to make access to affordable housing attainable • Promote public transport • Provide citizens with safety, green public spaces • Promote re-use and recycling • Protect cultural heritage • Take action to mitigate the effects of climate change 		

	UN SD Goal	Potential SBC Impact examples	YES	NO
12	Ensure sustainable consumption and production patterns	<ul style="list-style-type: none"> • Support short supply chains to reduce transport and carbon emissions • Effect sustainable procurement policies and conditions • Raise awareness of the importance of sustainable production and consumption • Monitor the impact of tourism 		
13	Take urgent action to combat climate change and its impacts	<ul style="list-style-type: none"> • Ensure sufficient capacity to deal with climate related hazards and natural disasters and protect communities • Raise awareness of climate change at local level • Integrate climate change adaptation and mitigation into urban and regional planning 		
14	Conserve and sustainably use the oceans, seas and marine resources for sustainable development	<ul style="list-style-type: none"> • Ensure coasts and rivers are protected from pollution and run off • Develop planning and building regulations to allow construction in suitable areas 		
15	Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss	<ul style="list-style-type: none"> • Protect natural resources and habitats by raising awareness to gain behavioural change in communities • Have biodiversity as an integral part of urban planning and development strategy • Multi agency approach to the creation of biodiversity and wildlife corridors • Encourage involvement of communities in halting biodiversity loss and prevent extinction 		
16	Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	<ul style="list-style-type: none"> • Tackle corruption and increase public access to information • Expand efforts on participatory budgeting and planning • Encourage local action & decision making • Become more responsive to communities • Reduce violence 		
17	Strengthen the means of implementation and revitalise the global partnership for sustainable development	<ul style="list-style-type: none"> • Direct budget to sustainable development • Develop policies to address poverty reduction and sustainable development 		

	UN SD Goal	Potential SBC Impact examples	YES	NO
		<ul style="list-style-type: none"> Encourage partnerships between public and private sector and communities Ensure local data is available to monitor progress 		



CLIMATE CHANGE IMPLICATIONS - DRAFT CHECKLIST

Any proposal, plan or project must be assessed against the criteria set out below and you must clearly identify opportunities to mitigate and/or enhance the activity in terms of climate change impacts. These mitigations and/or enhancements should be set out in the table below and summarised in the 'Climate Change Implications' section in the report.

The assessment of climate change impact in this section goes beyond carbon management as previously assessed, and impacts include direct and indirect greenhouse gas emissions resulting from the entirety of the project/proposal, as well as the ability of the project/proposal to adapt to a changing climate.

All projects/proposals, no matter which scale and service area, will have some climate change impact, from use of resources and energy to their ability to evolve to meet the needs of changing circumstances, so it is no longer acceptable to state that the project/proposal has no impact across all of the criteria set out in the checklist.

This checklist is the first step in the development of a rigorous climate change assessment process for all Council policies and programmes.

It is intended that training resources will be developed to support officers in the scoping, planning and delivery of projects and proposals, and that analysis of reports will be undertaken initially on a sample basis, to ascertain the effectiveness of the checklist and assessment process going forward.

	Impact	Yes/No	Details of Proposed Mitigation/Enhancement
1	<u>Energy Use/Carbon Emissions</u> Does the proposal:		
	Eliminate the use of unsustainable fuels		
	Ensure optimal efficiency of operation		
	Ensure minimum energy demand		
	Generate energy from renewable sources or waste		
2	<u>Transport</u> Does or could the proposal:		
	Adopt the sustainable transport hierarchy promoted by the National Transport Strategy by encouraging/supporting		

	walking and wheeling or cycling		
	Develop safe routes associated with the project		
	Promote/support use of accessible & shared transport		
	Support the use of ULEV/electric cars and electric bicycles		
	Reduce the need for unnecessary car journeys (pursue options for 20 minute neighbourhoods)		
3	<u>Waste & Resource Use</u> Does or could the proposal:		
	Ensure circular economy principles are embedded to minimise/eliminate waste and support materials reuse and repurposing		
	Ensure minimisation of water use		
	Support accessible and local waste management initiatives		
4	<u>Infrastructure & Land Use</u> Does or could the proposal:		
	Provide/enhance local amenities/services		
	Reuse/conserve buildings and local assets		
	Make use of existing under/disused heritage assets		
	Provide local opportunities for food growing, recreation, education/skills development, health and wellbeing benefits		
5	<u>Biodiversity</u> Does or could the proposal:		
	Ensure protection of species and habitats identified within the Local Biodiversity Action Plan through an ecosystems approach		
	Provide enhancements for species and habitats in the Local Biodiversity Action Plan		

	adopting an ecosystems approach.		
6	<u>Adaptation</u> Does or could the proposal:		
	Ensure that infrastructure/assets will be able to withstand likely changes in climate/weather events		
	Ensure that the geographical location of building or service will be able to adapt to a changing climate in terms of transport/access		
	Ensure that the resilience of the community/stakeholders will be enhanced		