

## **LGA Consultation - Local government and legal responsibilities to act on climate change.**

### **ADEPT response (10<sup>th</sup> June 2025)**

*There are no clear specific duties on local authorities to take action that mitigates or adapts to climate change, they do not receive core funding for this action and are often uncertain about how their local action fits into a national plan. We would like to hear your views on the reforms needed around local and national collaboration on climate action. Deadline for responses is 11.45pm on Friday 30th May 2025.*

#### *1. In a few words, please describe what one thing would assist your council to better lead climate action locally?*

A clear framework of roles and responsibilities for different levels of government, with clear mandates for Strategic Authorities to lead and convene and for Local Authorities<sup>1</sup> to deliver. All authorities must be adequately resourced to do this.

Local authorities are essential to the delivery of national ambitions on climate and environment. We need a genuine partnership with national government that recognises the need for a place-based approach to mitigation, adaptation and environmental improvement, with adequate funding and support. Ambitious local climate action agreements should be part of all devolution arrangements.

Preparing for the future means not only decarbonising to mitigate the climate and nature emergencies but also adapting to the changes that are already happening and making our places more resilient. Successive governments have so far failed to provide proper leadership on adaptation and resilience. Local authorities can help deliver but need national leadership and a clear framework of roles and responsibilities.

#### *2. What do you consider to be the headline advantages of your suggestion in enabling local authority delivery?*

A clear mandate for local authorities to lead and deliver at the scale and pace needed. A clear requirement for local climate action to be prioritised in resource allocation and given equal weight to authorities' specific legal requirements in other areas.

Good value for money. Local authorities can help deliver sustainable growth that creates green jobs and skills and protects the environment. Decarbonisation of our places is a significant investment opportunity and local action delivers bigger benefits at a third of the cost compared to national action alone.

Long-term, non-competitive funding would enable local authorities to build the capacity and capability needed to develop comprehensive programmes and attract private investment. The government should fund a minimum level of capacity and activity across all local authorities, with financial incentives to go beyond this. Funding should be targeted at the co-ordination of all public spending locally and leveraging in additional private investment.

Joined-up planning at the sub-national level, ensuring that climate and environment priorities are front and centre in spatial plans, local growth and infrastructure plans.

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<sup>1</sup> In this response we use Local Authorities (capitals) to refer to the new unitary authorities described in the Devolution White Paper; local authorities (no capitals) refers to local government as a whole sector including district, county, unitary and combined authorities.

The local delivery of climate action plans maximises opportunities for local authorities to deliver co-benefits in terms of improved health outcomes, social inclusion, and a fair transition. Local authorities are best placed to engage with communities and local businesses to support them make climate-friendly choices.

*3. What do you consider to be the risks of your suggestion in enabling local authority delivery?*

The main risk is financial: if local authorities do not have the required resources needed to lead and deliver the mandate it simply will not happen; resources will continue to be prioritised for other duties and responsibilities.

*4. What needs to be considered for your suggestion for question 1 to be implemented?*

The framework must be co-designed with local government. The Devolution Bill must provide the primary legislative opportunity for the framework to be developed. The duties of the new Strategic Authorities must include leadership and delivery of climate strategy (mitigation and adaptation). The national policy context needs to be clear and consistent, with policy alignment across government departments and long-term certainty and funding for the delivery of local programmes.

## **Duty**

*There is interest in local government having a statutory duty to act on climate change. A statutory duty could take different forms. It/they could be simple general duties to have regard to certain objectives or targets, or specific about council responsibilities, services, plans, and the way it operates. There are also different options for having different elements within primary or secondary legislation, or in guidance. There are likely to be advantages and disadvantages of different approaches, and we would like to hear more about your views of the options.*

*5. Assuming local government is provided required resources and wider support, what do you see as the key advantages and disadvantages of the following options 6 - 11?*

*6. A general duty, such as the current duty to 'set the overall strategic direction and long-term vision for the economic, social and environmental well-being of a local area'.*

This is too general, too vague. Instead, Strategic Authorities should have a specific duty to produce a climate action strategy in the same way that they will be required to produce Local Growth Plans and Spatial Development Strategies. This could be in the form of a locally-determined contribution, i.e. a local carbon budget that is consistent with the UK delivering its national carbon budget. Strategic and Local Authorities would have to ensure that any other plans and strategies they produce are consistent with the local carbon budget.

Similarly, there should be a mandatory local resilience strategy setting out adaptation actions to make the economy, infrastructure and environment resilient to current and future impacts of climate change. Again, all local plans and strategies should demonstrate consistency with and contribution to the resilience plan.

Other public bodies should be required to contribute to the preparation of local carbon budgets and resilience plans and be required to ensure that these objectives are central to their own planning and operational activities.

*7. A set of specific duties around individual responsibilities, such as the current duty to 'enforce Minimum Energy Efficiency Standards', this might be around plan making, or retrofitting council housing.*

We recommend a precise general duty (as above) rather than a patchwork of very specific duties – the risk is that anything not covered by a specific duty will fall through the gaps.

*8. A set of specific duties around achieving targets or objectives, such as decarbonising the local government estate (scope 1), or deliver heat and buildings decarbonisation across an area (scope 2&3).*

A more general duty to set a local carbon budget would ensure that decarbonisation of buildings and transport is included there.

*9. A set of specific duties around new tasks that contribute to the objectives; as an example, to create a local area energy plan (LAEP), or to bring together local partners to develop an area-wide action plan.*

A LAEP would be picked up under a local carbon budget though this could also be a specific duty given adequate resources and expertise. Strategic and Local Authorities would also have to ensure that all other plans and strategies they produce are consistent with the local carbon budget and resilience strategy.

*10. Duties around reporting on progress, such as mandatory reporting of action taken to adapt to climate change, or to reduce emissions.*

It is reasonable that local authorities should be mandated to report on the delivery of their climate strategies, the decarbonisation of their assets and operations, and the extent to which they are contributing to national mitigation, adaptation and Environment Act objectives and targets. However, this should be a light touch regime that does not require extensive additional work. There may be some lessons to be learnt from the existing voluntary ARP exercise.

*11. Integrating a responsibility to have regard to climate change into the existing statutory duties, for instance around transport, housing, energy, nature social care, either at a strategic planning level, or detailed delivery level.*

Yes, see comments under 6 above.

*12. Please state your preferred options / preferences from questions 6 - 11.*

6 (but not too general), 10 and 11.

There are various legal options for the statutory duty, we would look to the LGA to do further work on the options and draw on specialist legal advice to explore the pros and cons of these.

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*13. Related to statutory duties, would you like to see a greater level of statutory and non-statutory guidance for local authorities on tackling climate change?*

Yes, this would be an essential part of the framework we want to see. The statutory duty/duties will necessarily be set at a high level in primary legislation so further requirements and guidance will be important, these should be co-designed with the local government sector.

## **Funding**

*The New Burdens doctrine requires Whitehall departments to justify why new duties, powers and targets etc should be placed on local authorities, how much these policies will cost and where the funding will come from to pay for them. The New Burdens Doctrine is government guidance and is applied at ministerial discretion.*

*14. How important is it that councils receive new burdens for any new statutory duty? What deliverables would be reasonable?*

Essential. Adequate funding is required to provide the capacity, capability and delivery that local authorities need. Without the statutory duty and new burdens funding, climate action will continue to be deprioritised given the acute financial pressure on local authorities. We anticipate that the consultation responses from individual local authorities will provide many specific examples of where budgets and staff for climate change have been reduced or removed. This demonstrates the need for ongoing revenue funding for staff to deliver the new burdens, in addition to capital for programmes and projects.

## **Other accountability mechanisms**

*Statutory duties can be viewed as a tool to hold the sector to account for action on climate. There are other options for accountability, and we are interested to hear about your views about the advantages and risks with different accountability options.*

*15. What do you see as the key advantages and risks of a statutory duty, where local authorities are under a legal requirement?*

So long as climate change is largely non-statutory it will continue to be dependent on the vagaries of local politics and will not be given equal priority to statutory services in budget setting. The advantages of a statutory duty/duties are that it would give climate change legitimacy and priority and helps avoid it becoming a political football. It would also give legitimacy and clout to the local authority's role as a leader and convenor of climate action across all sectors and stakeholders in the place.

We feel that now is the right time to introduce a statutory duty; many local authorities have targets to be carbon neutral by 2030 and there is a risk that not delivering this on time will be seen as a failure of local government. A statutory duty now would build on all the great foundational work that has been done and drive the next phase of ambition.

*16. What do you see as the key advantages and disadvantages of outcomes frameworks, where local authorities are accountable to deliver outcomes from resources or powers?*

Outcomes would need to be measurable and within the ability of local authorities to achieve (SMART).

*17. What do you see as the key advantages and risks of agreement arrangements/contracts, where local authorities are accountable to deliver outputs or actions in return for resources or powers?*

Outputs and actions would need to be measurable and within the ability of local authorities to achieve (SMART). Achievability/control will vary from place to place depending on factors beyond

the direct influence of local authorities, for example where nationally significant growth and infrastructure is allocated.

*18. What do you see as the key advantages and risks of wider legal and regulatory requirements to the whole of society / economy, including local authorities e.g. requiring old gas boilers to be replaced with heat pumps or Future Homes and Building Standard impacting homes being built by councils?*

Some climate policies and actions are nationally significant and require national leadership to ensure priority, consistency and action at scale. For example, policies to ensure that homes are built or retrofitted to minimum climate standards, or to phase out fossil fuels in heating, transport and industry must be national. The scale of such changes requires a national approach to send clear and consistency messages to designers, producers, customers and residents so that there is a clear direction of travel.

*19. Are there other options for bringing about further accountability?*

Statutory officers (Head of Paid Service and S151 Officer) should be accountable for managing the climate risks to the local authority. Link to the Climate Change Act, carbon budgets and National Adaptation Programme. This will help embed climate action as business as usual across the entire organisation, underpinned by clear leadership, financial systems, and cross-departmental collaboration.

Procurement and commissioning are also pivotal. Given that the procurement of goods and services represents about 90% of a council's emissions it is by far the largest component of the council's carbon inventory and must therefore be integrated into contract design, supplier selection, budget and performance monitoring.

Mandatory reporting (see comments at Q10 above).

### **Devolution and local government reform**

*The English Devolution White Paper will likely impact local authorities and climate action plans. Devolution to Strategic Authorities, the creation of new Strategic Authorities, and the prospect of local government reorganisation will touch all parts of the country in one way or another. Further information about the potential impact of the devolution agenda on climate action is summarised in section 3.7 of the English Devolution White Paper. We would like to understand the issues around new statutory duties in this context.*

*20. What are the opportunities and challenges created by the English Devolution White paper in bringing forward new statutory duties on local government to act on climate change?*

We were pleased to see the section on climate and environment in the White Paper but disappointed that it lacked the emphasis and detail given to other issues such as planning and transport. We are working with colleagues in the sector and in government departments to articulate what this should have said and to influence the drafting of the Devolution Bill accordingly.

Strategic Authorities should have statutory responsibility for climate and environmental leadership and strategy. We need further discussion within the sector about how this should be framed, and what the corresponding duties of Local Authorities should be in contributing to and delivering the strategy. It is essential that we get this right and don't miss the opportunity that the Devolution Bill will offer, it is difficult to see any other opportunity in the near future for legislating on duties.

*21. What are the opportunities and challenges created by the prospect of local government reform in bringing forward new statutory duties on local government to act on climate change?*

A simplified and standardised landscape of Strategic and Local Authorities across this country will help bring clarity and consistency. There will still be some tensions in the system, such as in cases where the Local Authority is controlled by a different political party to the elected Mayor. The statutory duty will need to be robust enough to ensure that all authorities are required to deliver effective climate action.

*22. What do you consider to be the best distribution of statutory duties across Strategic Authorities and constituent authorities?*

As stated above (Q1) we want clear mandates for Strategic Authorities to lead and convene and for Local Authorities to deliver. Strategic Authorities will be able to lead on those issues which operate at a larger spatial scale, such as transport and energy infrastructure, while Local Authorities will be best placed to lead on community engagement, behaviour change, and smaller scale initiatives. Beyond that, there is no easy answer at this stage to how the statutory duties should be allocated between them, this is one of the main questions to be addressed in the engagement and co-design process.

Currently, combined authorities have different levels of leadership and delivery capacity, this is due in part to them arising from individual devolution deals and being at different levels of maturity. We welcome the thrust of the Devolution White Paper to move to a standard template of responsibilities for Strategic Authorities and get away from individual deals.

### **Local partnerships**

*Local authorities are conveners and enablers of partnerships in places, and the response to climate change demands whole-system change and partnership. Therefore, we would be interested in the potential role for new statutory duties on climate change on other public sector partners, and how they may interrelate with new duties on local authorities.*

*23. Are there other public bodies that you think should have new duties to act on climate change? If so, which other public bodies and what might those duties look like?*

Yes, the starting point should be that all public bodies should have a statutory duty to act on climate change, just as they do in other areas of policy and operations – safeguarding, equalities, employment, and so on. Part of this should be a requirement to act in partnership with local government and other public bodies locally for partnership-based delivery. The duty should extend to private companies that provide public goods such as water, energy and transport (including companies that are brought back into public ownership where private operation has failed), and the relevant sector regulators should have the duty and powers to enforce this.

Procurement is a key tool to drive climate action in the supply chain. With all public bodies having statutory duties this would be a powerful incentive to the markets for suppliers to up their game across all their clients. The Procurement Act and National Procurement Policy Statement already require contracting authorities to align with government missions including reducing carbon emissions, minimising waste, and promoting high environmental standards, this would be strengthened by statutory duties on public bodies.

*24. How might a statutory duty requiring partnership working between public bodies be set out to be productive, work well and achieve success?*

Local Resilience Forums provide a model that could be considered.

### Timeframes

*The Government's commitment to reach net zero emissions by 2050 is now 25 years away. Many councils have set even more ambitious local targets for their council activities or the authority area to reach net zero emissions earlier than 2050. We are interested in the views on the time frames that new statutory duty or duties could be introduced.*

*25. When should new statutory duties, and the associated reforms necessary for local authorities to deliver on those duties, be introduced?*

With urgency, as soon as possible. The Devolution Bill offers a good opportunity to embed the duty in primary legislation, if this is not taken there may be a long wait for a further opportunity. Once legislation is in place there will need to be an intensive period of engagement and co-design to produce the statutory guidance and give local government the opportunity to gear up for the duty coming into force (bearing in mind that many authorities will be going through reorganisation and the establishment of new Strategic Authorities at the same time). Delays will lead to missed opportunities such as missing planning and pricing windows for utility providers and transport bodies.

*26. What does local government need to help lead local climate action for mitigation? Please rank the following in order of importance*

1. Statutory duty
2. Certainty of government funding
3. Resources
4. Wider policy certainty
5. Powers
6. Access to workforce
7. Access to technical support
8. Data
9. Flexibility

*27. What does local government need to help lead local climate action for adaptation and resilience? Please rank the following in order of importance*

1. Statutory duty
2. Certainty of government funding
3. Resources
4. Wider policy certainty
5. Powers
6. Access to workforce
7. Access to technical support
8. Data
9. Flexibility

*28. What does local government need to help lead local climate action for nature restoration? Please rank the following in order of importance*

1. Certainty of government funding
2. Resources

3. Wider policy certainty
4. Statutory duty
5. Powers
6. Flexibility
7. Access to workforce
8. Access to technical support
9. Data

*29. Please use this space to make any other points you would like to make*

Nature restoration is vitally important but is not the only element of environmental improvement, we would like to see Strategic Authorities given a wider remit to bring all environmental strategies, programmes and funding together. Government should commit to a place-based approach to the delivery of the refreshed Environmental improvement Plan when it is published.

**About us**

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