

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

SUBJECT:

**WELSH GOVERNMENT CONSULTATION ON PROPOSALS FOR A SUSTAINABLE DEVELOPMENT BILL
WHITE PAPER – A SUSTAINABLE WALES – BETTER CHOICES FOR A BETTER FUTURE**

Purpose of Report

1. **To inform members of a Welsh Government (WG) consultation on a White Paper in respect of proposals for a Sustainable Development Bill**
2. **To seek the support of the members for the proposed response to the consultation document**

Background

3. The WG carried out a consultation on proposals for a Sustainable Development Bill last year. The WG has committed in its Programme for Government to legislate to make sustainable development the central organising principle of the WG and public bodies in Wales and to create a sustainable development body for Wales. The consultation last year sought views on the WG's preferred approach to a sustainable development duty that applies to organisations delivering public services, its preferred approach to the role and functions of a new independent sustainable development body, the barriers that are currently faced to taking more long term joined-up decisions, other evidence that exists about progress in promoting sustainable development, opportunities for reviewing legal duties and the merits of having a single definition of sustainable development.
4. The consultation, the subject of this report, is in respect of the White Paper that has been informed by the responses from the previous consultation exercise. The WG intends to legislate to embed Sustainable Development as the central organizing principle of public services in Wales and the White Paper sets out the proposed way in which legislation will deliver this.
5. The consultation seeks views on:
 - the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales;
 - the proposals for an independent sustainable development body;
 - the proposed phasing and implementation of the duty, including the timing for the creation of the independent sustainable development body; and

- the proposals to improve the accountability framework for sustainable development in Wales

Main Proposals

6. The aim of the legislation is to ensure that in the pursuit of a better long term future the best possible decisions are made that achieve the maximum possible long term benefits to the economic, social and environmental well being of Wales within environmental limits.
7. The fundamental elements to bring forward this legislation are:
 - Duty - A new duty that requires specified public service organisations to embed Sustainable Development as their central organizing principle – this will be embedded in strategic decision making processes with organisations clearly identifying the outcomes they are working to and how these outcomes will be achieved with regard to economic, environmental and social considerations. The duty will apply to all strategic decision making processes that have a key role in contributing to Sustainable Development rather than focusing on high level decisions.
 - Support – Establishing an independent body on a statutory basis to support organisations in embedding Sustainable Development and joined up working.
 - Implementation – Through a range of actions that strengthen the governance for Sustainable Development and support the change to deliver the outcomes needed
 - Accountability – Reporting and scrutiny arrangements to ensure that Sustainable Development is fully embedded.
8. It is intended to define Sustainable Development using One Wales One Planet as the base for this definition. In addition, however, the WG intends to set out the economic, social, environmental and long term components of Sustainable Development.
9. There is no intention to define the outcomes for organisations but to leave to their individual requirements to allow for flexibility. There will however be a need to measure the success in the outcomes through indicators with the Sustainable Development duty applying to those decision making processes that guide strategy, corporate plans, budgetary and procurement policy. Sustainable Development outcomes will need to be demonstrated through normal reporting frameworks on at least an annual basis and an evidence base will be required for this.
10. The White Paper advocates the need for Sustainable Development to be carried out in collaboration with other organisations to be effective with the use of Local Service Boards and Single Integrated Plans forming the basis for meeting shared outcomes. The WG is considering putting the single integrated planning framework on a statutory footing. The Bill will define the organizations subject to

the duty; this will not however apply to advisory bodies, tribunals and inspectorate bodies – including the new Sustainable Development Body. The duty will apply to relevant organisations from April 2015.

11. The response to the consultation last year emphasised the need for the proposed Sustainable Development Body to provide support through expert advice and guidance for developing a knowledge base on how bodies embed the principle of Sustainable Development. It is intended that the Body will add value in supporting change and facilitating integration in the public service and will have a key leadership role. The Body will comprise the Commissioner, supported by a secretariat and support staff which will demonstrate the interdisciplinary nature of Sustainable Development and the need to focus on integrating the economic, social and environmental considerations. The public appointments process will be used for appointments to the Body and it will be required to report regularly (not less than every five years).
12. It is intended to bring the duty forward in a phased approach with its application from the beginning of the financial year. Accountability will be through embedding the duty into the frameworks already in place for public sector organisations. The Auditor General for Wales will be given a duty to include an examination on how organisations have embedded Sustainable Development as their central organizing principle with a clause being included in the Code of Audit Practice for assessing relevant organisations.

Main Considerations

13. The WG has provided a standard response form to this consultation and the detailed responses to each question are provided in Appendix A.
14. In summary, the proposals for a new duty to embed Sustainable Development as the central organising principle and the proposals for a new Sustainable Development Body are supported. However, there are concerns that the duty only applies to certain organisations with a strategic decision making role and not to others with a more advisory or supportive role. It is considered that at the very least, other organisations that have a role in the economic, social and environmental well being of Wales have an obligation to act in accordance with the principles of the duty.
15. It is also considered that the definition of Sustainable Development needs to be very clear and transparent to enable those organisations that are subject to the duty to be able to be properly accountable to meeting that duty and to provide realistic evidence of measures of success. This will rely on the new Sustainable Development Body setting out those measures very clearly and for the Auditor General to agree that those measures are those to be used for auditing purposes. There is concern that collecting further evidence to meet the Sustainable Development duty could have further resource implications that are difficult to absorb in the current economic climate. Clear guidance and advice from the new Sustainable Development Body will therefore be required at an early stage of the

implementation of this duty to ensure that the indicators can be set and the evidence collected in time for auditing purposes.

Recommendation

That the Committee endorses the response to the consultation document set out in Appendix A.

Background Documents

WG Consultation Document – Welsh Government White Paper – A Sustainable Wales, Better Choices for a Better Future, 3rd December 2012.

WG Consultation Document – Proposals for a Sustainable Development Bill – May 2012

(Contact Vicki Hirst, Head of Development Management)

CONSULTATION FORM

Sustainable Development Bill White Paper

We want your views on our proposals for a Sustainable Development Bill.

Please submit your comments by 4 March 2012.

If you have any queries on this consultation, please email:
SDBill@wales.gsi.gov.uk or telephone: (02920 82) 1728 or 6541

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

CONSULTATION FORM

Sustainable Development Bill White Paper		
3 December 2012 – 4 March 2013		
Name	Vicki Hirst	
Organisation	Pembrokeshire Coast National Park Authority	
Address	Llanion Park Pembroke Dock Pembrokeshire SA72 6DY	
E-mail address	vickih@pembrokeshirecoast.org.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	What are your views on the proposals for a new duty to embed sustainable development as the central organising principle of selected organisations in Wales? [Chapter 2]
Please provide your views below:	
<p>The principle of a new duty is agreed with. It is however noted that this duty will only apply to those organisations who have executive functions and are strategic decision makers. Whilst the reasons for this are understood, it is considered that all organisations and bodies should have an obligation to act in accordance with the principles of the duty in their work (in the same way as is advocated for the new Sustainable Development Body). The principle of Sustainable Development can only work if this is applicable to all bodies that have a role in the economic, social and environmental well being of Wales, whether through a strategic decision making role or through an advisory or supportive role.</p> <p>Clarity is also required as to the level at which the duty will apply. It is essential that for the duty to be effective that this is translated through all levels of decision making whether at a corporate/strategic level or in the day to day individual decision making level. Mechanisms for the cascading of these strategic level decisions into the more service delivery level of decision making will need to be transparent and workable and supported through auditing and reporting indicators. The WG should be clear in its objectives in this regard and on how the performance will be monitored and assessed is critical to success.</p>	

Q2

What are your views on the proposals for an independent sustainable development body? [Chapter 3]

Please provide your views below:

The principle of this Body in an advisory and support capacity is supported but its role, function and interaction with relevant organisations will need to be clearly identified. There is concern that its effectiveness may be constrained by resource limitations.

The interaction of the body with the Auditor General for Wales is also essential to ensure that any advice given (particularly on how the Sustainable Development objectives and success indicators are developed and assessed) are supported by the Auditor General for Wales in assessing the success of organisations to meet the new duty.

Q3

What are your views on the proposed phasing and implementation of the duty, including the timing of the establishment of the independent sustainable development body? [Chapter 4]

Please provide your views below:

The phasing and implementations timescales appear reasonable. However, it is imperative that early dialogue and advice from the Sustainable Development Body is given to enable strategies to be prepared in good time to enable the indicators and evidence of success to be collected for auditing purposes.

Q4

What are your views on the proposals to improve the accountability framework for sustainable development in Wales? [Chapter 5]

Please provide your views below:

As set out in the answers to Q3 and 4 it is essential that the accountability framework is set up with clear indicators of success - the definition of Sustainable Development and the indicators in respect of economic, social and environmental considerations are essential in this regard. The measurement of success against these indicators needs to be clear and based on data that is easy to collect and record without requiring significant additional resources on Authorities, particularly during the current economic recession.

As set out in Q3, the relationship between the Sustainable Development Body and the Auditor General is critical in achieving consensus on the measures to be derived and that these form the basis for auditing. The success of the accountability framework lies in the definition of Sustainable Development outcomes and measures being clearly defined at a WG level as well as at an individual organisation level.

Q5

We have asked five specific questions. Do you have any related issues which we have not specifically addressed, for example with regards the implementation of the proposals? Please use the consultation response form to express your views.

Please provide your views below:

Confidentiality

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential please indicate here:

How to respond

Please submit your comments by 4 March 2013, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to: SDBill@wales.gsi.gov.uk Please include 'WG17030' in the subject line.</p>	<p>Please complete the consultation form and send it to: Sustainable Development Bill Team Welsh Government Cathays Park Cardiff CF10 3NQ</p>

Additional information
<p>If you have any queries on this consultation, please contact us by email or telephone: Email: SDBill@wales.gsi.gov.uk Telephone: (02920 82) 1728 or 6541</p>