

Consultation on Guidance to Local Authorities in England and Wales on Climate Change Mitigation and Fuel Poverty

May 2007

dti



Why is the Government conducting this consultation?

The Climate Change and Sustainable Energy Act 2006 commits government to producing an 'energy measures report' by August 2007. The report must contain information on measures that local authorities can take in order to:

- Improve energy efficiency;
- Increase the levels of microgeneration;
- Reduce greenhouse gas emissions; or
- Reduce the number of households living in fuel poverty.

In this consultation the government is seeking views from local government and others on the approach it should take towards this report.

Issued 9 May 2007

Respond by 1 August 2007

Enquiries to Stuart Pyle
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Executive Summary

Local government has a key role to play in cutting emissions of greenhouse gases, and in promoting sustainable and affordable energy.

The government is committed to producing an 'energy measures report' by August 2007. This report must contain information on measures that local authorities can take in order to:

- Improve energy efficiency;
- Increase the levels of microgeneration;
- Reduce greenhouse gas emissions; or
- Reduce the number of households living in fuel poverty.

Local authorities will have to 'have regard' to the report when exercising their functions.

In this short consultation paper the Government is seeking views on the approach it should take towards the report.

The report will form part of a wider package of measures taken forward in England and Wales to support local authorities to take action on climate change and sustainable and affordable energy.

This consultation will be of particular interest to local government and others with an interest in the measures which local authorities can take on climate change and sustainable and affordable energy. It will also be of interest to those organisations with interests in energy efficiency, microgeneration and fuel poverty.

How to respond

Responses should reach DTI by Wednesday, 1 August 2007

When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

If any of your responses relate to government policy and actions, please indicate whether responsibility should lie with the UK Central Government, Devolved Administrations or Local Authorities.

A response can be submitted by email, by using the response forms on the DTI website or by letter to:

Stuart Pyle
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Department of Trade and Industry
1 Victoria Street
London SW1H 0ET

Tel: 020 7215 5358
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Confidentiality & Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Help with queries

Questions about the policy issues raised in the document can be addressed to:

Stuart Pyle
Energy Strategy and International Unit
Department of Trade and Industry
1 Victoria Street
London SW1H 0ET

Tel: 020 7215 5358
Email: stuart.pyle@dti.gsi.gov.uk

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Kathleen McKinlay
Consultation Co-ordinator
Better Regulation Team
Department of Trade and Industry
1 Victoria Street
London SW1H 0ET

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Fax: 020 7215 2235
Email: kathleen.mckinlay@dti.gsi.gov.uk

A copy of the Code of Practice on Consultation is at Annex.

Background and Context

The Climate Change and Sustainable Energy Act 2006¹ commits government to producing an 'energy measures report' by August 2007.

This report must contain information on measures that local authorities² can take in order to:

- Improve energy efficiency;
- Increase the levels of microgeneration³;
- Reduce greenhouse gas emissions; or
- Reduce the number of households living in fuel poverty.

Local authorities will have to 'have regard' to this report when exercising their functions.

Whilst the report will focus on emissions reduction and fuel poverty measures, it will also make clear the link with adaptation to climate change.

Introduction

In this short consultation paper the Government is seeking written views, from local government and others, on the approach it should take towards the energy measures report.

Local government has a key role to play in cutting emissions of greenhouse gases, and in promoting sustainable and affordable energy. This role includes opportunities to reduce energy use on, and emissions from, local government estates and services. It also includes opportunities to cut emissions and tackle fuel poverty in the wider local area through functions such as planning, local transport and housing, by working through local partnerships, and by leveraging local government's leadership position in the community. Local authorities can, in promoting climate change and sustainable energy solutions, help to ensure that people from a wide range of backgrounds, incomes and geographical locations, have access to the opportunities offered.

The importance of this role has been made clear in a number of key policy documents covering England and Wales, including the 2006 Local Government White Paper '*Strong and prosperous communities*'⁴, the 2006

¹ <http://www.opsi.gov.uk/ACTS/acts2006/20060019.htm>

² County councils, county borough councils, district councils, London borough councils, Common Council of the City of London, Council of the Isles of Scilly, parish councils, community councils

³ Microgeneration means the small scale production of heat and/or electricity as set out in subsections (6), (7) and (8) of the Energy Act 2004

⁴ <http://www.communities.gov.uk/index.asp?id=1137789>

Energy Review Report⁵, the 2006 Climate Change Programme⁶ and the Environment Strategy for Wales⁷.

The energy measures report will form part of a wider package of measures taken forward in England and Wales to support local authorities to take action on climate change and sustainable and affordable energy. Other parts of the package include:

- Ongoing leadership and peer support from the LGA and exemplary beacon councils;
- The inclusion of an appropriate focus on climate change into the local authority performance framework;
- Practical support for local action from the Energy Saving Trust and Carbon Trust;
- Enhanced opportunities to access resources for local action from national public and private sector sources (e.g. the low carbon buildings fund, Warm Front and other fuel poverty programmes and joint working with energy suppliers to deliver an ambitious Energy Efficiency Commitment in phase 3).

The Government's Approach to the Report

The report will set out the steps that local authorities can take to reduce greenhouse gas emissions, and promote sustainable and affordable energy through:

- Land use planning
- Building control
- Transport
- Waste management
- Housing, particularly improving energy efficiency
- Public sector estate management and procurement
- Advice, community leadership and public awareness
- The use of wellbeing powers

Q1. Are there other key areas of local authority activity, relevant to the scope of the report, that need to be covered?

As far as possible the report will seek to reference and build upon, rather than replicate, existing guidance on the steps local authorities can take to reduce emissions of greenhouse and promote sustainable and affordable energy is also available from such sources including:

⁵ <http://www.dti.gov.uk/energy/review/page31995.html>

⁶ <http://www.defra.gov.uk/environment/climatechange/uk/ukccp/index.htm>

⁷

http://new.wales.gov.uk/topics/environmentcountryside/epq/Environment_strategy_for_wales/About_the_strategy/?lang=en

- the Nottingham Declaration online action pack⁸,
- the Energy Saving Trust's EST's Practical Help service⁹,
- the Carbon Trust's Local Authority Carbon Management Programme¹⁰,
- the Centre for Sustainable Energy's report on tackling fuel poverty at local and regional level¹¹
- when published, the Sustainable Energy Beacon Council Toolkit.

We also hope that the report may also be possible for it to draw upon initial findings of the LGA Climate Change Commission¹².

Q2. Are there other existing sources of guidance that the report should reference? Where are the key gaps and weaknesses in existing guidance that this report could usefully fill?

The report will offer general advice on steps all LAs can take; but will also provide tailored advice to different types of LAs, based on their powers and local responsibilities, including parish councils, rural districts, urban authorities and county councils.

Q3. Do you agree that tailored advice for different types of local authorities is needed? If so, how might the report approach the needs and perspectives of different types of local authority?

The report will need to cover steps that LAs can take on their own, and steps they can take working with other local and regional partners. This will include highlighting where authorities working together might be helpful.

Q4. What key opportunities for joint working do we need to highlight in the report? Who are the key delivery partners on climate change and sustainable and affordable energy at a local and regional level?

Government imposes an energy efficiency obligation on netbound energy suppliers to deliver savings in carbon within the domestic sector. Opportunities therefore exist for LAs to work jointly with suppliers to enable local resources to be maximised.

LAs should consider local heat distribution networks and other ways of utilising heat or efficiencies of heat that could be supplied. The report will also set out the links with the current and forthcoming local government performance framework, and the opportunities that arise: in particular to suggest practical approaches to Local Area Agreements (e.g. how LAAs can cement local partnerships, clarify which local partners can best do what and

⁸ <http://www.nottinghamdeclaration.org.uk>

⁹ <http://www.energysavingtrust.org.uk/housingbuildings/localauthorities/>

¹⁰ <http://www.carbontrust.co.uk/carbon/la/default.htm>

¹¹ <http://www.cse.org.uk/pdf/pub1075.pdf>

¹² <http://www.lga.gov.uk/>

set out examples of expected impacts) and the development of Local Service Boards in Wales.

Q5. Are there key issues that the report needs to address in the translation of climate change and sustainable energy and affordable energy goals into LAAs and similar agreements?

The report will need to include case studies on existing examples of successful action. This should include examples that may be more accessible to LAs who are just starting to engage with climate change and energy issues. It will seek to identify less well known examples of action and signpost existing sources for those that are already well known (e.g. EST's 'Practical Help').

Q6. Do you have any specific examples of successful case studies that could be included in the report? Or existing sources of good practice examples which could be referenced in the report?

Regulatory Impact

In line with wider commitments to local government, the guidance and advice contained in the report will not impose or imply an unfunded new burden on local government or a pressure on council tax. The report will also take account of the section on guidance set out in paragraphs 64-74 in the Local Government White Paper Implementation Plan¹³.

The report will explain clearly what the legal requirement on local authorities to 'have regard' to its content means.

We aim to ensure that the guidance overall has net positive resource implications on local authorities considering action on climate change and sustainable energy issues – by offering clear, straightforward advice, and by making more accessible sources of help and support. We hope that this will be particularly true of those local authorities who are just beginning to engage in these issues – perhaps in anticipation of the inclusion of climate change in the local authority performance framework from 2008.

Q7: How can the report help the most in reducing the up front resources local authorities have to commit in developing their approach to climate change and affordable and sustainable energy issues?

¹³ <http://www.communities.gov.uk/index.asp?id=1505697>

Information

The DTI currently publishes detailed electricity, gas, oil etc consumption data at local authority and more detailed level on the DTI Energy website¹⁴.

Q.8 How useful do you find this information or would national consumption data be sufficient?

Q9: Are there any other general points you want to make on the contents of the report?

Publication of the Report

It is expected that the report will be published by 21st August.

¹⁴ <http://www.dti.gov.uk/energy/statistics/regional/index.html>

ANNEX

The Consultation Code of Practice Criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The complete code is available on the Cabinet Office's web site, address <http://www.cabinetoffice.gov.uk/regulation/consultation/index.asp>