

Case ID – IESS.21.012

An investigation into the effectiveness of the systems in place to support local authorities in their duty to contribute to the delivery of climate change targets

Frequently Asked Questions

Why did ESS investigate this matter?

ESS received a representation concerning the inconsistent quality of Scottish local authority climate plans. The representation asserted that, without adequate support and scrutiny of local authorities' performance in this area, it would be difficult to achieve the net zero target.

In light of what was alleged within the representation, and given the scale of emissions which local authorities are directly responsible for, or have levers to influence, ESS took the decision to launch an investigation into the effectiveness of the systems in place to support local authorities in their contribution to the delivery of climate change targets.

What is an improvement report?

An improvement report is a report which ESS can issue recommending measures that the Scottish Ministers, or any other public authority, should take in order to comply with environmental law, or improve the effectiveness of environmental law or of how it is implemented or applied. The report is issued to the Scottish Ministers and laid before the Scottish Parliament.

Why has ESS decided to issue an improvement report rather than a compliance notice?

The weaknesses identified by ESS concerned the systems in place under the law, as opposed to any public authority failing to comply with the law. Accordingly, the most appropriate mechanism to remedy the issues identified is an improvement report.

What happens next?

The Scottish Ministers have up to a maximum of nine months to prepare and submit an improvement plan to the Scottish Parliament setting out how they intend to implement ESS' recommendation, including the timescale for this. Accordingly, it is for the Scottish Parliament to approve the actions and timescales put forth by the Scottish Ministers.

Does ESS have any further role in this specific issue?

ESS will monitor the implementation of the recommendations and will evaluate whether further action is necessary in this area.

Did ESS seek information from other bodies during its investigation?

Yes – ESS issued information notices to the Scottish Government.

How long did the investigation take?

ESS' investigation was launched in May 2022 and concluded in March 2023.

Will you publish a report of your findings?

Yes – ESS intends to work openly and transparently. The full improvement report was published on our website at the same time we laid the report before the Scottish Parliament.

December 2023