

Climate action in England: the case for legal reform and empowerment of local government



Laura Mai explains why Parliament must urgently consider introducing a statutory duty for local government to address climate change, why central government must adequately support local climate action, but also why any legislative reform and empowerment must not shift responsibility from central government to the local level.

The [2019 amendment](#) to the [Climate Change Act](#) commits the UK to completely reduce greenhouse gas emissions over the next three decades. While the Act has enabled central steering of national climate policy, leading to the [transformation of the power sector and ensuring political consensus](#), it neglects the role of local government. As a result, domains which fall into the remit of council decision-making, such as housing and public transport, have not yet achieved significant emission reductions. To [illustrate](#), while nationally regulated sectors, such as energy and business, have made good progress (recording, respectively, 63% and 42% emission reductions), the transport and buildings sectors are two key areas where only minimal reductions have been achieved (respectively, 5% and 17%).

The failure to enrol local government in the national effort to reduce emissions is untenable. In light of the urgency of the climate crisis, the potential of local authorities to contribute to the UK's emission reduction efforts simply cannot be left untapped. A [2018 report](#) of the Intergovernmental Panel on Climate Change, the global scientific advisory committee, estimated that the planet had, on average, already warmed by up to 1.2°C. Time is of the essence. Nevertheless, to date, the UK government has failed to empower local government in England to contribute to national emission reduction efforts, albeit the Climate Change Commission (CCC) having argued – already in 2012 – that '[emissions reductions without local action will be insufficient](#)'. More [recently](#), the CCC has reiterated this position.

With the UK planning to host the next [international climate conference](#), referred to as 'COP26', in Glasgow in November 2021, the government must lead by example and show that local climate action is critical to achieve the goals of the [2015 Paris Agreement](#) – the most recently concluded international climate treaty. Westminster must urgently pass legal reform and empower English councils to address climate change.

The case for legal reform

Under current law, local government in England does not have a statutory duty to act on climate change. Nevertheless, under the '[general power of competence](#)' councils can, formally speaking, take relevant steps. In practice, however, having the competence and having the capacity are not the same. In the absence of statutory requirements, local climate programmes often fall victim to spending cuts or do not take off in the first place because of limited resources. Having conducted interviews with local government staff, a recurring theme was the absence of a statutory duty to support the national climate target. Respondents stressed that councils are forced to prioritise those issue areas for which such a legal duty exists:

Because local authorities are not formally obliged to do anything on climate change by law, if the local council is trying to make savings – as nearly every council in the UK is because of the reduction in central government funding – the non-statutory functions, including climate programmes, will be inevitably one of the first to go.

Problematically, in addition to having to prioritise, policy conflicts inhibit local climate action as '[\[c\]arbon reductions, improved health and clean air are not sufficiently valued](#)' in transport and housing policy. Lacking in-house expertise and under-staffing were cited as other key reasons for councils not taking climate action. This is unfortunate, as councils are responsible for many key [climate-relevant policy areas](#), including planning, housing, local transport and waste management.

Is now the right time?

Following the 2019 series of climate protests, a large number of English councils [declared climate emergencies](#). To date, an impressive [74%](#) of councils have adopted such declarations. Evidently, communities were demanding climate action and local government was willing to respond. However, with the unfolding COVID-19 crisis, is now the right time to formally make local government responsible for yet another issue? Do councils not have enough on their plate in dealing with the fallout of the pandemic?

Intuitively, it might seem irresponsible to shift more responsibility to local government in times of acute crisis, with ensuing pressures on budgets and staff. However, [now is the time](#) to empower local government to address climate change. The pandemic is raising fundamental questions about [how we organise communities](#) and design [public space](#). From street layouts, public transport and green spaces to culture, social care and housing – adapting to COVID-19 is fundamentally affecting how we live locally. It would be reckless to not ensure that climate change is factored into every local recovery programme and related political choices – particularly, since these decisions will lock-in emissions in the decades to come.

Importantly, synergies between climate and COVID-19 do not only exist in terms of adapting to living with the virus. Local climate action leads to [‘co-benefits’](#) that can help reduce the risk of serious illness. For instance, studies suggest that improved [air quality](#), the consequence of many climate programmes targeting local transport, can reduce the risk of dying from infection. Further, measures enhancing energy efficiency in housing will benefit low-income groups who have [been disproportionately affected by the pandemic](#). In short, pandemic recovery and climate action must go hand in hand – including at the local level.

Three things Westminster should do

First, Parliament must urgently consider introducing a statutory duty for local government to address climate change. While existing efforts of councils are laudable, comprehensive climate action at the local level is needed. Voluntary actions by select frontrunners are not sufficient. All councils must accord the climate crisis the attention it requires, rather than putting it on the back burner in light of statutory priorities which formally take precedence. The statutory duty should include the requirement to develop local climate action plans that cover mitigation and adaptation. To ensure community buy-in and fit with local context, these plans should be formulated in a [participatory way](#). Further, to ensure accountability, local climate plans should include concrete emission reduction targets, risk assessments, a list of co-benefits and be followed-up by regular progress reporting.

Second, [central government must adequately support local climate action](#). Many frontrunners have been doing the heavy-lifting with support of academic partners, consultants and support networks. Access to such partnerships, however, is highly context dependent and not necessarily available to all councils. As such, inclusive support structures should be set up which provide access to financial resources, know-how, partnerships and networks. The aim of these support measures must be to empower local government to build in-house capacity, including on climate data and reporting, access to public and private climate finance and technical knowledge. That this is doable is proven by the development of freely available [online tools](#) which are intended to support local climate action.

Third, and importantly, any legislative reform and empowerment must not shift responsibility from central government to the local level. The onus cannot be on councils to work out how local efforts fit with national climate policy. Therefore, an [integrated long-term plan](#) for how national and local government can work together is needed. Allocating responsibility for addressing the climate crisis is not question of ‘either-or’. Rather, a clear framework is needed which sets out how all levels of government can work together.

About the Author



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