

## Environment and Sustainability Committee

### Scrutiny of the Minister for Communities and Tackling Poverty – Written evidence on sustainable development

#### Introduction

1. This paper provides written evidence from the Minister for Communities and Tackling Poverty on progress towards the Sustainable Development Bill.

#### Background

2. Sustainable development grew out of the need for a model of development that was not solely focused on economic growth – in order to respond to growing environmental and social justice awareness. The term sustainable development came to public attention following the publication of the United Nations Brundtland Commission’s report, *Our Common Future*, in 1987. It states that

*Humanity has the ability to make development sustainable – to ensure development that meets the needs of the present without compromising the ability of future generations to meet their own needs*

3. The National Assembly for Wales under section 121 of the Government of Wales Act 1998 and then Welsh Ministers under section 79 of the Government of Wales Act 2006 have had a duty requiring them to make a scheme setting out how they propose, in the exercise of their functions, to promote sustainable development. There have been three schemes published since 1998, the latest of which *One Wales: One Planet – The Sustainable Development Scheme of the Welsh Assembly Government* was published in 2009. This sets out the Welsh Government’s vision for a sustainable Wales, and defines sustainable development as follows:

#### **Sustainable development in Wales**

Sustainable development means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations in ways which;

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits – using only our fair share of the earth’s resources and sustaining our cultural legacy.

Sustainable development is the process by which we reach the goal of sustainability.

4. Under section 79 of the GOWA 2006, Welsh Ministers have a duty to publish a report on how the proposals set out in the sustainable development scheme were implemented in that financial year. In November 2012 the Welsh Government published its 12th Sustainable Development Annual Report. This included commentary from the Commissioner for Sustainable Futures. The Welsh Government also publishes a set of Sustainable Development Indicators for Wales in order to communicate and highlight progress in key issues and priority areas for sustainable development. The latest indicators were published in August 2012.
5. Until March 2011, the Sustainable Development Commission (SDC) was the Welsh Government’s adviser on sustainable development. Its role was to provide the Welsh Government with policy advice, capability building and independent assessment. Following the closure of the SDC, the Welsh Government appointed a Commissioner for Sustainable Futures to provide leadership for sustainable development in Wales.

#### *Proposals to legislate*

6. In the Programme for Government the Welsh Government committed to legislate to embed sustainable development as the central organising principle of devolved public service organisations in Wales, and to establish an independent sustainable development body.
7. In the First Minister’s statement on the Welsh Government’s legislative programme on 12 July 2011, he stated that

*We will legislate to embed sustainable development as the central organising principle in all of our actions across Government and public bodies, bringing forward a Sustainable Development Bill. The approach will set Wales apart as a sustainable nation, leading from the front... the*

*Bill will provide for the establishment of an independent body to continue the legacy of the Sustainable Development Commission in a way that best reflects Welsh interests and needs.*

8. The Welsh Government is committed to bringing forward a Bill in this Assembly term and in developing the proposals for the Bill the Welsh Government has engaged and consulted with a wide range of stakeholders since this commitment was made. This has included:

#### December 2011

An exploratory document to gather the views of stakeholders was published and discussed at an engagement event held at the Millennium Stadium in Cardiff.

#### May 2012 – August 2012

A consultation paper on the proposals for a Sustainable Development Bill was launched on 9<sup>th</sup> May 2012 for a ten week period, closing on 18<sup>th</sup> July 2012. As well as the launch event in Swansea, four further open consultation events were held in Bangor, Cardiff, Pembroke Dock and Wrexham.

Overall there were 3,927 written responses to the consultation by which the large majority (3,749) were made up of two standard responses sent by members of the public and on behalf of WWF and Oxfam, each contributing 3,163 and 586 responses respectively. The remaining 178 responses came from a range of respondents from the third sector, local government, public services, individuals and private organisations. A consultation summary report was issued in September 2012 to the website and copies of all consultation responses were published.

#### December 2012 – March 2013

A White Paper setting out proposals for a Sustainable Development Bill was launched at Blaenavon Heritage Primary School on 3<sup>rd</sup> December for a thirteen week period, concluding on 4<sup>th</sup> March 2013. Approximately 5,000 organisations and individuals received bulletins from the Welsh Government over the consultation period. Opportunities to engage further

with stakeholders were sought during the consultation period. This included Welsh Government led events in Llanudno Junction, Llandrindod Wells and Cardiff. Around 190 people attended these sessions with delegates coming from a cross section of sectors, including those working in health, education, Fire Service, the Police, transport, planning, Local Authorities, council members and members of the public.

The Welsh Government received 473 responses to the consultation. 177 responses were received from members of the public sending a standard response on behalf of the Welsh Language campaign group Cymdeithas yr Iaith. 142 responses were received from members of the public sending a response on behalf of Friends of the Earth Cymru. The remaining 154 responses were received from a wide variety of organisations and private individuals, mostly in the public sector but also in the private and third sector.

### *Reference Group*

9. In September 2012 the Welsh Government established an external reference in order to inform the development of the Bill. The group chaired by the Commissioner for Sustainable Futures, includes representatives from a range of public service organisations that will be subject to the Bill, and organisations interested in sustainable development. The Minister for Communities and Tackling Poverty has written to the Commissioner to emphasise the need for the membership of the Reference Group to be appropriately balanced to ensure that there is sufficient representation from the social and economic as well as environmental sectors, and those who will be affected by the provisions in the Bill.

### *Key Requirements*

10. The Welsh Government has established five key requirements to help shape the policy development underpinning the legislative proposals. These are:
  - To support the embedding of sustainable development into the decision making processes of the public sector.
  - To empower and drive positive change.
  - To avoid adding layers of additional bureaucracy and cost, and becoming a tick box exercise.

- To avoid stifling innovation and removing the flexibility from organisations to reach the sustainable solutions that are best for their circumstances.
- To ensure that sustainable development will have a practical effect and not simply be a set of high level principles.

11. These requirements continue to guide the development of the policy following the White Paper to ensure that we deliver effective legislation.

### *International*

12. At the international level, in June 2012 governments across the world met for the Rio+20 United Nations Conference on Sustainable Development. The conference agreed *The Future We Want* outcomes document, which set out a range of long term outcomes and commitments to advance sustainable development. At the conference a consensus emerged that Sustainable Development Goals were needed to focus and integrate future global development. These goals are currently being considered by a High Level Panel with a view to establishing these goals post 2015.

13. At the summit the Minister for Environment and Sustainable Development signed two declarations. The first committing to the Climate Group's 'Clean Revolution and the Green Economy' and the second committing to a 'New Paradigm for Sustainable Development and Poverty Eradication' – presented at the States and Regions Alliance General Assembly.

### **Post-White Paper policy development**

14. How Wales as a nation develops needs to ensure social justice and be economically viable and environmentally sound. It should look forward so that today's decisions secure a safe and prosperous future for our children and grandchildren. This Bill provides unique opportunity to focus our public service in Wales on addressing the key challenges that face current and future generations, in a way that reflects core Welsh values of fairness and sustainability.

15. Following the White Paper the Welsh Government has considered the views expressed in the consultation responses and has engaged further with the Commissioner for Sustainable Futures and the external Bill Reference

group to inform my thinking. This has raised a number of key discussion points that are currently being explored in greater depth. The Committee's thoughts on these would be welcome to inform the policy development in the lead up to the introduction of the Bill.

### *Engagement and involvement*

16. People and communities are at the heart of sustainable development. The discussion on the challenges we face as a nation and the solutions we choose needs to be more inclusive. The Bill could play an important role facilitating a sustained national conversation on how we resolve conflicts and maximise our opportunities. This could be led by the independent Body and would culminate in a periodic report on behalf of future generations.
17. Such a report could be focused on analysing the needs of future generations in Wales in order to help us, and the wider public service make better choices for our communities. Australia provides an interesting example in producing a report looking at the long term trends, as well as an independent report on progress towards sustainability. The National Assembly for Wales could play an important role in debating this periodic report.
18. Further to this, the consultation responses have demonstrated the interest from a variety of sectors and interest groups in the Bill. It will be important to ensure that those from the business and social sectors are as involved as other stakeholders. This would help re-balance the discussion. This is important as we cannot separate out our environment from our economic activities and our action to secure social justice for people and communities.

### *Focus on communities*

19. The Welsh Government is keen to ensure that the focus of the Bill remains on the needs of people and communities in Wales, not organisations or service providers. This recognises that our communities are the recipients of many different public services, irrespective of who provides these services. This means that the Bill must support and facilitate better joined

up working where there is shared responsibility for addressing challenges such as social disadvantage.

### *Better choices*

20. The Bill should change fundamentally how big decisions are made in Wales. By making sustainable development the central organising principle the Bill can ensure there is a clear focus on what the public service is seeking to address, and ensure that decisions recognise the connections between social justice, economic prosperity and the management of natural resources. There is currently no consistency in how public service organisations consider how their decisions provide social, economic and environmental benefits, now and in the long term, and seek to address the key challenges facing Wales. These are the gaps that the Bill intends to fill.

### *Defining*

21. The Welsh Government recognises the need to clarify, through the Bill, what sustainable development means. However, this does not just mean defining sustainable development and leaving organisations to determine what this means in practice, but using the legislation to be clear on what organisations will need to do to. The White Paper looked to focus the Bill on improving the wellbeing of Wales, in order to secure sustainable development as defined (para 3). The term wellbeing is used in section 60 of the Government of Wales Act 2006. This provision enables Welsh Ministers to do anything which they consider appropriate to promote or improve the economic well-being, social well-being, and environmental well-being of Wales. The Committee has expressed views about the use of this term. This is being considered carefully in the context of the duty to be placed on organisations.

### *Current duty*

22. Our proposals for a duty will extend to the Welsh Government, and we have indicated the need for the Welsh Government to be one of the first organisations to be subject to the requirements of the Bill. There will therefore need to be consideration of the current duty of the Welsh Ministers to make a sustainable development scheme, in the Government of Wales Act 2006. It continues to be our preference that the new, stronger

duty should replace the existing duty. The National Assembly for Wales however does not currently have the legislative competence to amend the relevant section of the Government of Wales Act 2006. We are currently in discussions with the UK Government following our request for the extension of the Assembly's competence in this matter.

### *Accountability*

23. It is essential that organisations are accountable for the decisions they make and their contribution to current and future generations. This needs to be seen in the context of our wider actions to improve accountability in the public service. The Bill can play an important role in strengthening accountability on sustainable development. However the Welsh Government is equally keen to ensure that we first look at opportunities to embed sustainable development into the existing mechanisms for accountability rather than it being the sole responsibility of a separate organisation. This means looking at how we improve transparency in decision making, the way in which we can strengthen how we measure and track progress towards sustainability, how organisations are audited (including the role of the Wales Audit Office), the internal scrutiny arrangements that exist and the role of democratic scrutiny.

### *An independent Sustainable Development Body*

24. The challenges for our public service to deliver this are great, but cannot be avoided. The Welsh Government sees a key role for the Body as an advocate for future generations, supporting and guiding organisations in Wales. The White Paper proposed that powers would be conferred on a Commissioner, who could be supported by an advisory panel. This advisory panel could provide an important role in on the preparation of a periodic report on behalf of future generations as highlighted above. The Welsh Government will continue to look at the best model for the Body in light of the duty that will be placed on organisations and the ways in which accountability can be strengthened. It is only then can we best determine where the gap is and what role the body can, and should play.

### **Next steps**



25. The Welsh Government has consulted and engaged with a range of stakeholder on the Bill since the commitment was first made. We do not intend to consult on a draft Bill prior to introduction. The First Minister will be making a statement on the legislative programme on 16<sup>th</sup> July.

26. Our underpinning duty to promote sustainable development in the Government of Wales Act has continued to have cross-party consensus. The Welsh Government is keen to ensure that this continues. Not least because we are strongly committed to sustainable development as how we deliver our priorities and ensure we create a better future current and future generations in Wales. The views of the Committee on the areas referred to above would be helpful in informing policy development.

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Minister for Communities and Tackling Poverty**