

Report to:	QSMTM
Report by:	Helen Gardner-Swift
Meeting Date:	01 June 2018
Subject/ Title: (and VC no)	Biodiversity Report VC101065
Attached Papers (title and VC no)	None

Purpose of report

1. To provide the SMT with the background to the biodiversity report due for 2015-2017 and to recommend that the Governance Reporting Arrangements be amended to include an additional statutory reporting requirement.

Recommendation and actions

2. I recommend
 - (i) the SMT notes the action taken to date
 - (ii) the Governance Reporting Arrangements be amended to include an additional statutory reporting requirement, the next report being due on 1 January 2021.
 - (iii) this report is published in full

Executive summary

The Biodiversity Duty

3. The Nature Conservation (Scotland) Act 2004 places a statutory duty on all public sector bodies in Scotland to further the conservation of biodiversity.

“It is the duty of every public body and office holder, in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

4. The Wildlife and Natural Environment (Scotland) Act 2011 (the WANE Act) came into force on 1 January 2012 and introduced a requirement for all public bodies to make a report publicly available on their compliance with biodiversity duty. Biodiversity duty reports are required every three years.
5. Public bodies already established in 2011 were due to produce and publish their first report by 1 January 2015 to cover activities carried out during 2012 to 2014 inclusive. The second report was due by 1 January 2018 to cover activities carried out in 2015 to 2017 inclusive.
6. Public bodies established after 1 January 2012 are required to produce a report within three years of the date of their establishment and every three years thereafter.

7. Biodiversity duty reports can be part of an existing report or as a standalone document but they should be made publicly available. Whilst the WANE Act does not specify where biodiversity duty reports should be published, the guidance indicates that is preferable for them to be available online.
8. The guidance explains that the biodiversity duty is about connecting people with the environment and managing biodiversity in the wider environment all around us, not just in specific protected sites.

Scottish Government and biodiversity

9. The **“2020 Challenge for Scotland’s biodiversity: A strategy for the conservation and enhancement of biodiversity in Scotland”** (the 2020 Challenge) was published by the Scottish Government in 2016. The 2020 Challenge is a supplement to the Scottish Biodiversity Strategy (2004) and is focused on desired outcomes for 2020 and shows how the Scottish Government, its public agencies, Scottish business and others can contribute to the Strategy’s aims as well as supporting sustainable economic growth. With the publication of the document, the Scottish Government designated the two strategy documents together, as comprising the Scottish Biodiversity Strategy. The 2020 Challenge provides greater detail in some areas, responds to new international targets, and updates some elements of the 2004 document.
10. In 2016 the Scottish Government published **“Guidance for Biodiversity Duty Reporting”**.

How is biodiversity relevant to the Scottish Information Commissioner?

11. All Scottish public bodies have a statutory duty to further the conservation of biodiversity. Therefore, understanding how this organisation’s role and activities impact or link to biodiversity helps us to identify actions that we can implement.
12. Scottish Natural Heritage has developed a checklist to help an organisation identify how it links to biodiversity:
 - Do you have an Environmental Management System?
 - Is your organisation involved in the management and/or use of land or natural resources?
 - Are you involved in healthcare or social services provision?
 - Are you involved in the provision or promotion of sport and recreation, or tourism?
 - Are you involved in the provision of education?
 - Are you involved in promoting business development and regeneration?
 - Are you involved in conserving and enhancing cultural and built heritage?

- Are you involved with implementing action for the Scottish Biodiversity Strategy (SBS), its associated working groups, or with any local biodiversity partnerships, habitat or species action plans?
13. If an organisation can answer yes to any of these questions, there are likely to be several different types of activity that can be undertaken to directly benefit biodiversity within Scotland.
14. If an organisation answers no to all of the above questions, there are still general steps that can be taken to benefit biodiversity. Examples include:
- Raising awareness through company newsletter
 - Funding, for example grant aid
 - Corporate volunteering - providing opportunities for staff volunteering for activities such as native tree planting or litter picks;
 - Instigating a purchasing policy which ensures that you use resources more efficiently and purchase sustainable sourced products , for example, organic/seasonal food or sustainably produced paper; and
 - reducing waste to landfill through recycling and composting.
15. We are not able to answer yes to any of the specific questions set out in paragraph 13 and, therefore, we should consider the general steps that can be taken to benefit biodiversity.
16. Our Environmental Policy (VC9706) sets out the following aim:
- “Our aim is continually to improve our environmental performance and to protect the environment by reducing pollution and resource consumption, and to operate in a manner that supports and encourages the natural diversity of plant and animal life.”
17. The Environmental Policy also sets out the objectives by which we will achieve this aim.
18. Our diversity report should indicate how we have met these objectives as regards biodiversity, should be based on the template set out in the guidance issued by the Scottish Government in 2016, include reference to other areas where we have sought to conserve biodiversity and include reference to our future aims. Although it is possible to embed the biodiversity duty report within another report (such as an annual sustainability report) it may then make it hard to find, especially for the general public. Therefore, I am of the view that the our biodiversity report is a standalone report which will be published on our website.
19. It is not clear if a report on biodiversity was submitted for the period 2012-14. I have found no record of such a report but it may be that it was embedded within another report.
20. The Biodiversity Report for 2015-17 is being prepared and the Senior Management Team (SMT) will be asked to comment on the same in due course. In the meantime, the SMT should let me have any thoughts or comments on the matters to be included in the report.

Risk impact

21. Risk 7 in the Operational Risk Register relates to governance arrangements and statutory duties. It appears that we have not been meeting the required statutory reporting duties to date. However, provided we publish the required biodiversity report for the period 2015-17 we will be back on track and there will be no need to amend the residual risk assessment.

Equalities impact

27. There is no direct equalities impact.

Resources impact

28. Any resource implications in ensuring that the reporting duty is complied with can be met from within existing resources.

Operational/ strategic plan impact

29. None.

Records management impact (including any key documents actions)

30. The Biodiversity Report 2015-17 will be a Key Document within Class 7 and will be added to the Register of Key Documents. The HOCS will be the Responsible Manager, the SMT the approver and the next review should take place by October 2020 (as the required report will be due by 1 January 2021).
31. The Biodiversity Report 2015-17 (when finalised) should be uploaded to the Commissioner's Guide to Information, Class 7.

Consultation and Communication

32. Blog, website and QSMTM minutes

Publication

33. I recommend that this committee report is published in full.