

# Proposed Wellbeing and Sustainable Development (Scotland) Bill

## Introduction

A proposal for a Member's Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a Commissioner for sustainable development and wellbeing.

The consultation runs from 14 December 2022 to 24 March 2023

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (\*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

*No Response*

## About you

Please choose whether you are responding as an individual or on behalf of an organisation.  
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

*No Response*

Please select the category which best describes your organisation

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).  
(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Aberdeen City Council

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

[REDACTED]

**Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").**

Q1. Which of the following best expresses your view of the proposed Bill? (Please note, that this question is compulsory.)

Partially supportive

**Please explain the reasons for your response.**

We are partially supportive of the proposed Bill and in principle welcome future legislation around this agenda. We recognise the benefits it could bring in moving towards more focus, clarity and constancy to

Q1. Which of the following best expresses your view of the proposed Bill? (Please note, that this question is compulsory.)

sustainability and wellbeing; with less risk of confusions of terminology in different contexts becoming a barrier to progress. However, we also feel that the proposed Bill is limited in setting out what it seeks to achieve and would welcome more detail in relation to meeting a duty, any reporting requirements or guidance and how alignment and avoidance of duplication with other reporting duties will be achieved. There is reference in the consultation document to the National Performance Framework being the mechanism the Scottish Government uses to reflect the Sustainable Development Goals in a Scottish context, and that the Bill presents an opportunity to improve the efficacy of the National Performance Framework as the distinct overarching framework for achieving national outcomes, and to reaffirm its focus on sustainable development and wellbeing. We recognise that a significant step forward has occurred in spatial planning recently with the new Planning (Scotland) Act 2019 and National Planning Framework 4. But there could be a comparative focus on community planning generally, Community Planning Partnerships, Local Outcome Improvement Plans and the overarching duty to improve outcomes including wellbeing and sustainable development. There is concern that any resulting reporting of sustainability and wellbeing indicators should be routed through existing reporting systems to be efficient with staff resources. Procurement professionals have concerns that the sustainable procurement duty would need to change and that a wider focus on sustainability and wellbeing could result in paralysis rather than improvement making the task of securing relatable sustainable outcomes and meaningful community benefits more challenging. It is felt that the proposed Members Bill is timely in seeking to define different terminologies which can often be mixed up in interpretation by different groups of people working on economic development, planning, procurement, wellbeing, community planning and sustainability.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Generally it is thought that the aims of the Proposed Bill could be better delivered under the existing National Performance Framework, existing statutory regimes and emerging policy around the circular economy, wellbeing economy and community wealth-building aspirations. Supplementary guidance to Part 2 of the Community Empowerment Act could ensure the principles of this Proposed Bill are embedded in how local authorities work with partners and communities to achieve sustainable outcomes. Other implementation routes could be achieved by strengthened audit and reporting drivers, for example: the Audit Commission could be required to more robustly assess sustainability performance of public bodies within the Best Value process; there could be guidance around sustainability reporting for public bodies in Scotland issued in the same way that it is by the UK government ; and duties for annual climate change reporting, waste reporting, air quality reporting, financial reporting and public procurement reporting could be aligned with any proposed sustainability reporting. More detail would be welcomed on how the avoidance of duplication in reporting will be achieved. However this proposed Bill could have a role to play in placing sustainability front and centre, embedding it more firmly into the national direction and ironing out ambiguities of interpretation left by the existing policy landscape.

Q3. Which of the following best expresses your view on whether 'sustainable development' should be defined in legislation?

Neutral (neither support nor oppose)

**Please explain the reasons for your response, including any views on what the definition should include.**

We have mixed views around the relative merits of legally defining sustainable development. Procurement colleagues felt the sustainable procurement duty adequately sets out and defines social, economic or environmental wellbeing. Community planning colleagues felt a definition may be helpful in supplementary guidance to the Community Empowerment Act. Other views were that the term 'sustainable development' may now be outdated as it is increasingly embedded into culture and policy. It could even conflict with an emerging definition of "the wellbeing economy". There was acknowledgment that the term sustainable development is often defined from different angles to suit particular specialisms or reduced to its component parts, or even used in 'greenwashing'.

Q3. Which of the following best expresses your view on whether 'sustainable development' should be defined in legislation?

Increasingly sustainable development is used synonymously with climate action in particular and a legal definition would counter this proliferating narrow view.  
If a legal definition is to be pursued, then referencing the planetary boundaries and the Sustainable Development Goals within the definition would be very helpful. The planetary boundaries approach frame sustainable development as keeping human activity within 'a safe operating space' giving it a robust, science-based underpinning. In addition, by referencing the Sustainable Development Goals the complexity and co-dependencies of sustainable development are articulated and integrated with the global vision and aims.

Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?

Partially supportive

**Please explain the reasons for your response, including any views on what the definition should include.**

A definition of wellbeing may be helpful in supplementary guidance to the Community Empowerment Act. People, prosperity and place is already a focus of our Local Outcome Improvement Plan and other strategies and plans, and it was felt that "wellbeing" would be encompassed within this in its broadest sense. If a definition is to be pursued it is felt that a definition of wellbeing should encompass the two main scientific concepts of wellbeing. Indeed, the definition could be strategically focussed on the relationship between sustainable development and wellbeing. However opposition was voiced around any additional requirement to report on wellbeing which could lead to higher resource implications.

Q5. Which of the following best expresses your view on whether there should be a Commissioner for sustainable development and wellbeing?

Partially supportive

**Please explain the reasons for your response, including any views on what the key functions of the proposed Commissioner should be (see pages 19 to 20 of the consultation document), what model of governance could be adopted (see page 22 to 23), and whether the Commissioner could play a role in strengthening existing duties or legislation.**

Community planning felt they could be supportive if the role was to strengthen sustainable development principles within existing Community Empowerment Act legislation rather than create new and overlapping systems.

Otherwise, it was felt that a commissioner could help with achieving aims and objectives; ensure accountability and governance attributed to achieving sustainability in Scotland; overseeing goals, reporting and monitoring processes. More detail would be welcomed around how the function of a commissioner would sit alongside the existing audit processes contained within the sustainable development theme of the Best Value duty.

Q6. What, in your view, should the title of the proposed Commissioner be?

Please explain the reasons for your response.

Sustainability and Wellbeing Commissioner

Q7. Which of the following best expresses your view on whether there is a need for duties for public bodies to promote sustainable development and wellbeing in policy development and implementation?

Partially supportive

**Please explain the reasons for your response including views on any barriers to implementation of these duties and on how the effectiveness of implementation could be measured.**

Procurement specialists have concerns about the perceived burden of reporting which could flow from this legislation. Otherwise there is support for this proposal. Looking at the Community Empowerment Act through the lens of sustainable development there is a case for being more explicit about the duty on public bodies to match the expectation on community bodies.

Environmental sustainability could be better integrated into the broader assessment processes used by local authorities for policies, plans and strategies; for example Strategic Environmental Assessment and internal impact assessments. More policies and implementation plans could be screened into requiring these assessments if the focus was on a well defined sustainable development and wellbeing criteria.

## Financial Implications

Q8. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

some increase in costs

**Please explain the reasons for your response, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.**

There is a perception that extra costs will be needed for the adherence to and reporting against this legislation although the proposed Bill lacks detail in this area. The cost will likely vary depending on where organisations are on their sustainability journey. Cost will likely be needed towards education and awareness raising, implementation, monitoring, reporting and enforcement.

## Equalities

Q9. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your response and if there are any ways you think the proposal could avoid negative impacts on particular people.

Sitting alongside the existing equalities and Fairer Scotland regime the outcome of this proposed Bill could encounter similar issues, resistance and unintended consequences. There is an opportunity however to include a global perspective to equalities considerations and our role as global neighbours from a fair and ethical perspective. Impacts are not obvious or direct for many in Scotland and this could be developed wider to better reflect impacts on people supplying food and raw materials which cannot be grown or produced locally for example (coffee, tea, chocolate, bananas etc). Accountability in supporting and fairly trading with global producers could be built into equalities considerations.

## Sustainability

Q10. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

If the Proposed Bill is enacted, then it's whole remit will be focussed on achieving sustainability.

## General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

An alternative approach could be to embed sustainable development and wellbeing more robustly into the National Performance Framework and not as an additional, separate strand that could lead to duplication.