

Consultation on Provisions for a Future Islands Bill

1.0 EXECUTIVE SUMMARY

1.1 On 29 September 2015, the Scottish Government published a Consultation on Provisions for a Future Islands Bill which seeks views on various proposals to be contained within a future islands bill. The consultation contains proposals in relation to:

- Island-Proofing
- Empowering Island Communities
- A National Islands Plan
- Statutory protection for the Na h-Eileanan an Iar Scottish parliamentary constituency boundary; and
- Local Government Electoral Wards.

1.2 A draft response to the consultation is attached at Appendix 1 and further input from the Council regarding the content of the response would be welcomed. The consultation period closes on 23 December 2015.

Recommendations

- 1.3 That Council:
- (i) Provides feedback on the draft response to the Consultation on Provisions for a Future Islands Bill contained at Appendix 1;
 - (ii) Delegates authority to the Executive Director of Development and Infrastructure in conjunction with the Leader of the Council and the Leader of the Opposition to agree the final wording of the Council's response.

Consultation on Provisions for a Future Islands Bill

2.1 INTRODUCTION

- 2.1 Since the launch of the Our Islands Our Future Campaign in 2013, the issue of additional powers and protection for Scotland's islands has been widely discussed at both a Scottish and UK level. In June 2014, the Scottish Government published Empowering Scotland's Island Communities Prospectus which set out a series of proposals which could give greater power to island communities. The appointment of Derek Mackay as Minister for Transport and Islands in November 2014 and the re-convening of the Islands Ministerial Working Group in February 2015 have added further weight to this movement.
- 2.2 Argyll and Bute Council also recognises the importance of our islands and the need for special consideration. On the 23 January 2014 the Council agreed to the setting up of a short life working group to investigate the issues affecting our islands and to develop a vision statement as well as key actions necessary to address the issues. Council received an update on the activities of this group on 25 June 2015.
- 2.3 On 29 September 2015, the Scottish Government published a Consultation on Provisions for a Future Islands Bill which seeks views on various proposals to be contained within a future islands bill.

3.0 RECOMMENDATIONS

- 3.1 That Council:
- (iii) Provides feedback on the draft response to the Consultation on Provisions for a Future Islands Bill contained at Appendix 1;
 - (iv) Delegates authority to the Executive Director of Development and Infrastructure in conjunction with the Leader of the Council and the Leader of the Opposition to agree the final wording of the Council's response.

4.0 DETAILS

- 4.1 The future island bill consultation seeks the views of interested stakeholders on plans for more power and protection for Scotland's islands. The responses to the consultation document will help shape the development of a future Islands Bill. The consultation document, which is available from <http://www.gov.scot/Publications/2015/09/5388>, sets out a number of issues as follows:
- Island-Proofing – whether a legal duty should be placed on Ministers and relevant public bodies to 'island-proof' their functions and decisions. Island-

proofing involves building an awareness of the needs and circumstances of the islands into decisions made by the public sector and taking these into account when exercising their functions.

- Empowering Island Communities – what additional powers and functions could be passed to island councils to benefit or better protect the island communities they serve? Whether additional powers are required for councils responsible for islands including whether any of the powers set out in the Zetland County Council Act 1974 and Orkney County Council Act 1974 should be extended to cover other relevant councils.
- National Islands Plan – whether a legal duty should be placed on all future Scottish Governments to prepare a ‘National Islands Plan’, setting out on-going commitments across all policy areas of Government to support, promote and empower our island communities.
- Statutory protection for the Na h-Eileanan an Iar Scottish parliamentary constituency boundary; and
- Local Government Electoral Wards – whether the Local Government Boundary Commission in Scotland should have discretion to recommend wards with less than three councillors so that populated islands are not placed in an electoral ward that contains a significant proportion of mainland population.

4.2 We have produced a draft response to the consultation which is attached at Appendix 1. Further input from the Council regarding the content of the response would be welcomed. The consultation period closes on 23 December 2015.

5.0 CONCLUSION

5.1 The Council has the opportunity to comment on the possible provisions for a future Islands Bill at an early stage in the legislation making process. A draft response is attached at Appendix 1 for consideration by the Council.

6.0 IMPLICATIONS

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|----------------|---|
| 6.1 Policy | Should the proposals contained within the consultation proceed it could create a legal duty on the Council to undertake island-proofing in carrying out its duties. It could also result in the creation of a National Islands Plan which may influence Council policy. Possible changes to Council powers and electoral wards would also have implications if implemented. |
| 6.2 Financial | None at this stage although a draft Island Bill may identify implications. |
| 6.3 Legal | None at this stage. |
| 6.4 HR | None at this stage. |
| 6.5 Equalities | None at this stage. |

- 6.6 Risk Failure to response would limit our ability to influence forthcoming legislation.
- 6.7 Customer Service None at this stage

**Pippa Milne, Executive Director of Development and Infrastructure
Policy Lead – Councillor Scoullar**
6 November 2015

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Appendix 1 Draft Consultation Response

**APPENDIX 1 – DRAFT CONSULTATION
Consultation on Provisions for a Future Islands Bill**



RESPONDENT INFORMATION FORM

Please note that this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name / Organisation

Title Mr Ms Mrs Miss Dr **Please tick as appropriate**

Surname
Forename

Organisation Name

Argyll and Bute Council

2. Postal Address

Whitegates Offices		
Whitegates Road		
Lochgilphead		
Postcode <input type="checkbox"/> PA31 8SB	Phone	Email

3. Permissions I am responding as an...

Individual	/	Organisation or Group
<input type="checkbox"/>		<input checked="" type="checkbox"/>

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate
 Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate
 Yes No

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response and name available, but not my address

or

Yes, make my response available, but not my name and address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

Question 1

Is the concept of 'Island-Proofing' something the Scottish Government should consider placing in legislation through the proposed Islands Bill?

Yes No

Please explain the reasons for your answer.

The islands across Scotland whilst offering significant opportunities and benefits also have significant challenges associated with living and working on them. It is appropriate for the Scottish Government to consider whether their proposals are likely to adversely impact or disadvantage these areas and if so whether any mitigation measures or amendments are required to ensure that all of the islands around Scotland remain vibrant and viable communities which can compete with the rest of Scotland for new businesses, residents and visitors.

In addition, we would request that where the island proofing process identifies that isolated, rural peninsulas would also be disproportionately influenced as a result of new legislation that any amendments or mitigation are also extended to these areas to ensure equality with their island neighbours.

Question 2

If you answered 'Yes' to question 1, do you agree that Scottish Ministers should have the power to issue statutory guidance to other relevant public bodies related to Island-Proofing which they would be required to adhere to in exercising their functions and duties.

Yes No

Whilst we recognise that it will not always be possible to achieve the same level of services on all islands, as it is not possible to deliver the same level of services to all areas of the mainland, we consider that an island-proofing process would be beneficial to ensure that the specific needs of islands are taken into consideration by other public bodies as they go about their operational duties and the islands are not disproportionately disadvantaged as a result of policy.

This statutory guidance should, whilst requiring consideration of the impacts associated with operation on the islands, retain some flexibility to enable those public bodies to deliver their functions and duties in an appropriate way for both the island(s) and any other locations where they are also exercising their functions and duties. The statutory guidance should require an island-proofing process to be undertaken so that decisions on service delivery can be made with an awareness of the implications for island communities so that they are not specifically disadvantaged.

The rural and remote nature of many parts of Argyll, including our more remote peninsulas, means that these areas often face the same challenges as island living. The emphasis of island-proofing should be equality, as much as possible, between island and mainland areas without favouring one location over another.

Question 3

If you answered 'Yes' to question 2, please state which public bodies, and what specific decisions this statutory guidance you think this should relate to?

The principle focus should be the Community Planning Partnerships. If the preparation of the Single Outcome Agreement is subject to island-proofing then the individual organisations within the CPP should take this into account in preparing their own plans and policies. Other organisations for which island-proofing could be considered include local authorities, Police Scotland, NHS, housing associations and the enterprise agencies.

Question 4

Are there any other areas that you feel the policy of Island-Proofing should cover?

Island-proofing should take into consideration all the Scottish islands acknowledging the variances between them and their relationships with the mainland and each other. There is not a one-size-fits-all solution and this should be recognised within the policy.

Question 5

Do you agree that the current powers Island Councils, and Councils with Island responsibilities presently have are sufficient to deliver positive outcomes for their local island communities?

Yes No

There is a clear appetite for Councils to be given more powers and as such there could be opportunities for further devolution of powers.

Question 6

If you answered 'No' to question 5, please outline what additional powers you feel they require to benefit or better protect the island communities they serve, and explain the reasons for your answer.

The disbursement of income from The Crown Estate (waters, seabed and foreshore) to the local authority – this would ensure that local communities have a level of control over development in their local area and can also benefit directly from developments. In this way they are encouraged to support economic development which will have wider benefits for the local area.

Question 7

Do you feel there is a requirement to make any additions to the existing Zetland and Orkney County Council Acts of 1974?

Yes No

If 'Yes' please state what additions should be made and give the reasons for your answer.

Question 8

Should any of the powers currently set out in the Zetland and Orkney County Council Acts of 1974 be extended to the Western Isles and other relevant Councils?

Yes No

If 'Yes' please explain which powers and give the reasons for your answer.

We believe that the same powers should be available to all Council's responsible for delivering services on the islands.

Argyll has 23 inhabited islands, the most of any local authority in Scotland, with a significant proportion of our population living on the islands (approx. 17% or 15,000 inhabitants). The issues and challenges associated with the Argyll islands are not dissimilar to those of Orkney or Shetland. With island populations ranging from just 1 person to circa 6,400 on Bute we want to ensure that our islands thrive and can make a positive contribution to the Argyll and its economy.

The Argyll Islands Taskforce has been set up to consider the issues associated with the Argyll islands and has identified the following vision for our islands:

"It is recognised that our islands play a vital role in delivering economic growth across our area. We want to see our islands prosper and grow, providing education and employment for our young people, supporting and growing our businesses and communities and benefiting from the communication and transportation infrastructure and services necessary for them to be sustainable and prosper."

We understand that the powers associated with the Zetland and Orkney Acts have enabled positive action to be taken to ensure that those communities can benefit from their natural resources. The Shetland Island Council's submission to the Smith Commission highlights the positive benefits associated with the powers related to the Zetland County Council Act 1974.

"Shetland has benefited from perhaps one of the best examples of subsidiarity and local empowerment in practice. The Zetland County Council Act 1974 was passed by the UK Parliament at a time of great opportunity but also great risk for the Shetland community. It has served this community well, allowing the Council to play a meaningful role, on behalf of the community, in the regulation of industrial developments taking place around our shores."

"We feel that the ZCC Act is as relevant to our community's future as it is to our past, and look to its continued preservation as an essential condition for the sustainability of these islands. We also feel that the way the Act has been deployed over the years - and the positive impact it has had on our community - is a useful indicator of the positive benefits that can be derived from the transfer of responsibility from national to local level."

They state that *"Shetland, as a community with significant natural resources, should have a greater say in the harnessing of those resources and the powers to share in the benefits derived, the principle of community benefit."* These comments apply equally to Argyll and we would support the extension of powers for the benefit of our island communities and the wider Argyll economy.

Question 9

Do you think the Scottish Government should introduce a 'National Islands Plan'?

Yes No

Please explain the reasons for your answer.

It would be beneficial for the islands to develop a National Islands Plan setting out a vision for the islands and the activities to be undertaken during the period of the plan to support the islands and ensure that they develop and prosper.

Question 10

Are there any specific areas you feel the plan should cover and report on?

The Plan should consider:

- The disbursement of powers and income, including income from The Crown Estate, to our island communities;
- Scottish Government capital investment in key island infrastructure such as ports, ferry terminals and vessels;
- Investment in training and employment incentives for island based companies to boost island employment and help in the retention of young people;
- The integration of transport networks including ferries, buses, air and rail connections to minimise journey times;
- Parity for our island communities with regard to mail order delivery surcharges;
- Digital connectivity;
- Water and waste water infrastructure;
- Adequate GP and health worker provision;
- Innovative and cost effective affordable housing; and
- Fuel poverty.

Question 11

If such a plan was introduced, what in your view would be an appropriate life span for the plan – e.g. 3 years/5 years/other?

A five year period would appear appropriate for the issues highlighted above.

Question 12

Do you agree that statutory protection should be given to the Na h-Eileanan an Iar Scottish parliamentary constituency?

Yes No

Please explain the reasons for your answer.

Question 13

Should the Scottish Government consider amending the Local Governance (Scotland) Act 2004 to allow the LGBCS the power to make an exception to the usual 3 or 4 member ward rule for use with respect to populated islands?

Yes No

Please explain the reasons for your answer.

We believe that such a proposal would undermine the principles around a single transferable vote. A better approach would be to allow the Council to vary the ratio of councillors to electors on islands so that an island ward, for example Bute, could have three councillors with only 5,000 electors rather than the 6,000 electors required in mainland wards [based on a parity figure of 1 councillor to 2,000 voters].

Further the Local Government Boundary Commission for Scotland should take account of the departure [or departures] when assessing total councillor numbers of the Council area so that it doesn't result in an overall reduction in councillors for any council. This could be done by having a notional electorate for any ward with a departure in place for the purposes of working out overall Councillor entitlement.

Question 14

Please provide details of any additional issues, not addressed in your other responses, that you think should be considered in relation to the introduction of a future Islands Bill and its potential provisions.

We would request that where local authorities are being invited onto bodies to advise on island issues that representatives from all local authorities with inhabited islands are invited to attend. The differing and unique nature of each island is such that each local authority should have the opportunity to input to discussions.