
ARGYLL AND BUTE COUNCIL

**ARGYLL ISLANDS
STRATEGIC GROUP**

CUSTOMER SERVICES

12 SEPTEMBER 2017

ISLANDS (SCOTLAND) BILL CONSULTATION RESPONSE

1.0 EXECUTIVE SUMMARY

The purpose of this report is to ask the Argyll Islands Strategic Group to note the detail from the recent consultation exercise facilitated with 15 island communities, and to agree that this be the Council's submitted response to the consultation on the Bill currently being undertaken by Scottish Government.

ISLANDS (SCOTLAND) BILL CONSULTATION RESPONSE

2.0 INTRODUCTION

- 2.1 Scottish Government is currently carrying out consultation on the provisions within the Islands (Scotland) Bill, and the Council has been invited to give evidence to the Rural Economy and Connectivity Committee regarding the bill on Wednesday 20th September. Facilitated conversations were held with island communities on 22nd August 2017 to ask them for their views on the provisions of the legislation; a summary of the information gathered is attached to this report, and the group is asked to agree that this is the consultation response to be submitted, and is the basis of the information to be presented to the Holyrood Committee.

3.0 RECOMMENDATIONS

- 3.1 That the group agree the consultation response relating to the provisions within the Islands (Scotland) Bill attached as Appendix 1 to this report, and agree that the detail contained within Appendix 1 form the basis of the evidence presented by the Council to the Rural Economy and Connectivity Committee on 20th September 2017.

4.0 DETAIL

- 4.1 The Islands (Scotland) Bill was introduced by the Cabinet Secretary for Rural Economy and Connectivity Committee on 9 June 2017. It contains provisions for a national islands plan; to impose duties in relation to island communities on certain public authorities; to make provision about the electoral representation of island communities, and to establish a licensing scheme in respect of marine developments adjacent to islands.
- 4.2 Scottish Parliament is currently carrying out consultation on the draft bill, with responses requested to be submitted by 25th September. In recognising that the Argyll Islands Strategic Group would be submitting a response to this consultation at the meeting

held on 18th August it was agreed that a series of facilitated discussions would be held with island communities to obtain their viewpoints on the terms of the draft legislation. These discussions took place by video and telephone conferences on Tuesday 22nd August, and a summary of the feedback obtained is attached at Appendix 1 of this report. Eleven participants took part over 5 sessions, representing 7 of Argyll and Bute's inhabited islands.

- 4.3 The group is asked to note the content of the responses made by island representatives during the conference discussions, and to agree that this detail is submitted by the group to the Scottish Parliament consultation process. In addition, the group is asked to agree that this information is passed to the Council representative who will be giving evidence to the Rural Economy and Connectivity Committee on 20th September, in order that these views are fully relayed as part of the process of information gathering currently being carried out on the terms of this legislation.

5.0 CONCLUSION

- 5.1 This report provides members with a draft response to the consultation being carried out by Scottish Government in respect of the provisions within the Islands (Scotland) Bill, Members are asked to consider the detail and agree the response.

6.0 IMPLICATIONS

- 6.1 Policy – None at this stage, the final legislation may require the Council to consider its policy framework as it impacts on island communities
- 6.2 Financial – None in regards the consultation, resource may be required to carry out any work required by the final legislation.
- 6.3 Legal – None
- 6.4 HR – None
- 6.5 Equalities – the terms of the proposed legislation aim to remove any inequalities experienced by citizens who live on islands.
- 6.6 Risk – None
- 6.7 Customer Service – None

Executive Director of Customer Services
Policy Lead – Councillor Robin Currie
29th August 2017

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APPENDIX 1

Islands (Scotland) Bill Discussion, 22 August 2017

PART TWO – National Islands Plan

1. The Bill creates a duty to publish a **National Islands Plan** and lay it before the Scottish Parliament.
 - (a) What are your views on this provision?

Each of the groups indicated agreement/approval for the creation of a National Islands Plan, and there was universal agreement that this should then lead to the creation of an Argyll and Bute Islands Plan as a realistic method of helping island communities overcome the challenges they face.
 - (b) To what extent will this enable island communities in Argyll and Bute to address their particular issues?

It was agreed that a National Plan would safeguard services (education, health, social work etc) to ensure they retain parity with services provided to mainland communities and look to reduce some of the disadvantages currently experienced by island residents. It was also felt that a National Plan would require the Scottish Parliament to consider and address issues for islands as whole and not just in part and this was welcomed.
 - (c) Will it make the government and the other relevant authorities more accountable to islands communities? How?

Providing the plan is detailed and, importantly resourced, the expectation is that it will, by way of the suggested annual reporting mechanism, make the government more accountable to island communities, but this will be dependent on those communities being involved in developing the plan to ensure its actual relevance to the communities it is supposed to be for. In terms of local service providers the feeling was that in recognising that whilst many island issues are shared there are many issues which are unique to specific islands that hold just a much significance, more local Islands Plans (Argyll and Bute level at a minimal) would improve accountability for local service delivery, particularly if targets for key areas of delivery are included.
 - (d) Is 5 years too long or about right for the first agreed Plan to lie (it will be reported on each year)

Agreed that 5 years was just about right.
 - (e) Who else should be involved in preparing the plan?

All public service agencies, and island residents should be able to have strong and effective input into the development process.
 - (f) Should the plan have local elements or be one big national plan?

There was strong support for an Argyll and Bute Plan as a living document which replicates themes in the National Plan but provides support/solutions specific to local islands. There was also discussions about the potential for the Argyll and Bute plan to be further split into plans for individual islands or clusters of islands in recognition of individual issues, and recognition that this work could pull together some of the Community Action Plans which have been developed by Community Trusts etc, and as part of the development of Local Action Plans by the Community Planning Partnership. There was strong

support from Islay Community Council representatives for individual islands plans to be developed.

PART 3: DUTIES IN RELATION TO ISLAND COMMUNITIES: (or “Island proofing”)

2. The Bill will require Scottish Ministers and certain Scottish public authorities, to prepare **island communities impact assessments**, when they are preparing a new or revised policy, strategy or service especially where that is **LIKELY TO HAVE A SIGNIFICANTLY DIFFERENT EFFECT ON ISLAND COMMUNITIES COMPARED TO OTHER COMMUNITIES (INCLUDING OTHER ISLANDS)**.

- (a) Do you agree with this provision?

Broadly, all participants agreed with this provision, which should help to ensure greater parity of service, and was seen to be potentially most effective if service providers were required to carry out impact assessment before all service **changes**, highlighted examples all related to health where NHS has redesigned specific services (urology in Oban etc) which has resulted in all appointments now being in Paisley, the effect of which is that many patients simply no longer attend, with resulting deterioration of their long standing conditions and greater pressure then being put on local acute services. In carrying out the island proofing exercise it is important that services should be safe, sustainable, **and accessible**.

- (b) How do you think it should work in practice?

All public bodies should be required to carry out a specific Island Impact Assessment as part of their policy development framework and this should be extended to cover any proposed changes to service delivery mechanisms. Island communities should be provided with reassurance that the needs of their specific community has been taken into consideration at all times, though it was recognised that where impact (particularly negative impact) is identified it may be the case that mitigation is put in place and that the solution would not always be equality. The idea of diversity in service delivery is not always a weakness, and marrying different views together can be done with an outcomes focus. It was felt strongly that impact assessments must be consultative and have input from groups on the islands themselves to facilitate local empowerment and ensure best use of limited resources.

- (c) How would you decide that something might have a “significant effect” and what would you expect to be done about it?

Significant impact would have to be detailed on a statistical basis, and there could then be scope for provision within legislation that if the significant effect reached a particular point on a scale (e.g. 50% of service recipients on an island would be negatively impacted), there could be a requirement to tailor services to avoid this. Islanders do get most of the services, but often experience a lack of choices within those services.

- (d) What are the issues that impact the unique heritage and character of your island(s)?

Transportation, accessibility

The islanders value their heritage: Islay in particular were keen to see its preservation. They also wished to remind the Strategy Group that islands can produce innovation too.

(e) What other benefits might “island proofing” bring?

Responses included that plans and policies would become much more transparent and would bring a tailored approach to service development on islands, it should also improve joint working and give cross sector agencies a better understanding of island issues. Effective island proofing could also result in improved joint working across agencies, leading to improved sustainability in the longer term through more efficient use of resources with resulting economic benefits for public sector organisations and for island communities.

The understanding that public bodies would be expected to report on their island impact assessments as part of their annual reporting processes would ensure that island proofing was carried out routinely and in accordance with the detail contained within the Bill.

PART 4 – REPRESENTATION OF ISLAND COMMUNITIES:

3. The Bill proposes to make an exception to the rules for Local Government electoral wards to allow areas with inhabited islands to return 1 or 2 members (instead of the usual 3 or 4).

(a) What are your views on this proposal?

There were mixed views on this proposal, with some participants feeling that it would be positive, however during the course of the discussion the viewpoint became almost universally less enthusiastic. Jura Development Trust felt strongly that having elected representatives covering communities with less than 2000 would be beneficial and would give those communities more say over service development and delivery. The feeling overwhelmingly was that island communities need strong representation, and that, generally, representatives who live on islands have a better understanding of island issues due to their experience of “living it”. It was recognised that current representatives do a good job in representing those views, though Islay Community Council in particular felt that the views of Islay could become lost when they were considered as part of wider island groupings, and they felt strongly that only by having authorities focused only on Islay could the specific issues which they face be realistically dealt with. One participant said that it was often advantageous to have a representative who covered both a mainland and an islands area as it could “smooth” friction between islands and mainlands communities.

More generally, it was noted that in the current Council make up there are 14 elected Members who represent island Communities (3 Members for Kintyre and the Islands, 4 for Oban South and the isles, 4 for Oban North and Lorn and 3 for Bute),and further that in the event of moving to island only wards this could reduce to 7 or 8 members (on the basis of 2 for Islay/Jura /Colonsay, 2 for Mull/Coll and Tiree, 1 for the remaining Atlantic islands and 3 for Bute) and that this would in fact significantly reduced the number of members representing island views, albeit that those members would have no representational duties for mainland communities and therefore potentially have increased capacity to deal with island matters.

It was further noted that to totally ensure island representation it would be necessary to make provision for island members/candidates to have to demonstrate a direct link to the islands in the ward, rather than a wider link with the local authority area.

- (b) Will it allow the distinct interests of island communities to be represented at Council discussions?

It was felt that having members focusing only on island matters would give direct voice to island issues but that within the political make-up of the Council where matters are often decided on a majority basis the reduced number of members representing islands could result in some decisions being lost on a purely political basis, which would be counter-productive to the spirit of the Bill.

PART 5- DEVELOPMENT IN THE SCOTTISH ISLAND MARINE AREA:

4. The Bill will provide a regulation-making power for the Scottish Ministers to create a **marine licensing scheme** for coastal waters. Do you agree with this power? Do you have any comments on how it should be used?

- (a) What advantages might that bring? For whom?

There was general disappointment with the proposals contained within this section of the draft bill, participants noting that it brings limited opportunity for island communities, and that the things which are important to islanders have not been included. There was also a feeling that the proposals could bring about another tier of bureaucracy and actually give islanders more red tape to deal with, which would be singularly unhelpful and actually disadvantage them over mainland communities! The Lorn Islands Partnership were generally more enthusiastic about this section than other participants, and felt there is more to be welcoming of than concerned about, but did note their concerns that the provisions could create inequalities between islands which do not exist at present. Jura Development Trust felt that the Marine Licensing Scheme and the Crown Estates should be more connected to make it easier for communities to determine the level of use and care needed for their own assets. Participants from Islay were concerned that the provisions of the bill would actually provide more regulating powers to Edinburgh which they were vehemently against, they felt the proposals don't go nearly far enough and that islands should be able to have absolute autonomy and control over development in their area, including fish farm development. Overall the feeling was that this section of the bill has not given any real powers to islanders and was disappointing.

- (b) What disadvantages might that bring? For whom?

There were no specific disadvantages highlighted during the discussion, but a general consensus that the provisions could lead to greater potentials for inequalities between islands and mainland communities, particularly some of Argyll and Bute's remote and rural communities who often face similar challenges to islands; if specific powers were put in place through this section of the bill that could lead to island communities having opportunity which would not be available to those mainland areas that could create inequalities which do not currently exist.

FINALLY-

5. Does the Bill achieve its aims and are you in favour overall?

- (a) Is there anything else that you feel should be included or excluded from the Bill?

There was a general feeling that the terms of the Bill are reasonable, but that the detail to be included in the National Islands Plan will be critical to the success of this work. It is essential that island communities, and their

representatives, are given the opportunity to shape and inform the Islands Plan, in order that it is truly representative of the issues which need to be addressed. There was strong support for each islands authority (or authorities with islands) to be resourced to develop and deliver its own individual Islands Plan, and that further devolution to create plans for individual islands, linking to existing processes, community action plans and local action plans for Community Planning Partnerships should be in place.

There was universal emphasis on the need for young people to be proactively included in the process of developing plans and processes to ensure the long term sustainability of island committees, and a feeling that this age group should have been actively targeted as part of the current consultation process.

Islay Community Council proposed that in order to ensure the provisions of the Bill are actually delivered an Islands Ombudsman should be put in place, otherwise the legislation is toothless. Similarly, it is important that for each area there should be a person identified as responsible for delivery of the islands Plan(s) to ensure delivery of actions.

6. Do you have any comments on the bill in relation to human rights or equalities?

- (a) Will this bill have the same effects for Argyll & Bute Council as it does for the western and northern isles?

There was general consensus that the Bill has been drafted specifically with the western and northern isles in mind, and that Argyll and Bute has been added at a later date. The feeling was that the challenges which Argyll and Bute face in terms of both islands and remote and rural communities had not been particularly thought through in the drafting of the bill. In regards the provision for protection of the constituency of Na h-Eileanan an Iar one participant felt strongly that the same protection should be applied to the Argyll and Bute constituency.

- (b) Will it create different opportunities/ disadvantages for some parts of Argyll & Bute Council compared to other parts?

There was strong feeling that while many of the provisions contained within the bill could provide greater support and understanding for island communities it would be important to ensure that in providing that disadvantage for other communities did not occur, and that the need for island proofing in particular could cause difficulties in an authority such as Argyll and Bute with residents on islands but also in remote and rural mainland areas, and in larger towns, some of which are relatively close to the central belt.