

Islands (Scotland) Bill Update

1.0 EXECUTIVE SUMMARY

1.1 This report provides members with an update in regard to the progress of the Islands (Scotland) Bill.

1.2 The Scottish Government Bill was introduced by the Cabinet Secretary for Rural Economy and Connectivity on 9 June 2017. The Bill completed Stage 1 on 8 February 2018 and Stage 2 on 28 March 2018.

1.3 RECOMMENDATIONS

That members consider this update.

Islands (Scotland) Bill – Update

2.0 INTRODUCTION

2.1 This report provides members with an update in regard to the progress of the Islands (Scotland) Bill.

2.2 The Scottish Government Bill was introduced by the Cabinet Secretary for Rural Economy and Connectivity on 9 June 2017. The purpose of the Bill is to:

- make provision for a national islands plan
- to impose duties in relation to island communities on certain public authorities to have regard to island communities (the principle of island proofing)
- to make provision about the electoral representation of island communities
- to establish a licensing scheme in respect of marine development adjacent to inhabited islands.

2.3 The Bill completed Stage 1 on 8 February 2018 and Stage 2 on 28 March 2018.

3.0 RECOMMENDATIONS

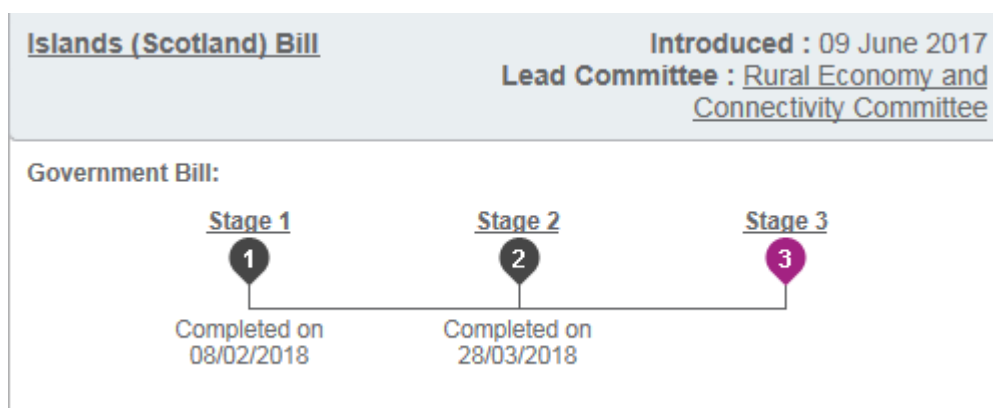
3.1 That members consider this update

4.0 DETAIL

4.1 The Scotland (Island) Bill was introduced to Parliament on 9 June 2017. The Bill was assigned to the Rural Economy and Connectivity (REC) Committee for Stage 1 consideration. Following the conclusion of the consideration of evidence, both written and in person, the REC committee published its report on 22 January 2018. <https://sp-bpr-en-prod-cdnep.azureedge.net/published/REC/2018/1/22/Stage-1-Report-on-the-Islands--Scotland--Bill-1/RECS052018R2.pdf>.

The report contained 68 recommendations including the desirability or otherwise of subsidiary island plans.

- 4.2 The Stage 1 plenary debate on the Bill was held on 8th of February and the Scottish Parliament unanimously voted for the general principles of the historic Islands Bill.
- 4.3 Amendments to the Bill were lodged week beginning 12 March 2018 and Stage 2 was completed on 28 March 2018. The table below shows the progress of the Bill to date.



- 4.4 The Bill requires public authorities to undertake an island community impact assessment (Section 7) when developing, redeveloping and delivering a policy, a strategy or a service, if it is anticipated to have a significantly different effect on an island community which is significantly different from other communities (including another island community). An island community's impact assessment must contain a description of the differential effect which is anticipated and the authority's assessment of the extent to which development or delivery can be carried out in such a way as to improve or (in the case of potentially adverse effect) mitigate the outcomes for island communities resulting from the policy, strategy or service in question.
- 4.5 The purpose is to ensure the impact of Scotland-wide policies and legislation is understood in relation to island communities, it will also require Councils to screen their own policy, strategy and service delivery decisions in terms of island impacts. Authorities must publish information about how they have complied with this duty under Section 7 in their chosen reporting period of up to a year and also if not preparing an impact assessment, it must publish an explanation. It is for the authority to determine how to publish this information but the Explanatory Notes on the Bill state: *"the intention is that island communities impact assessments will become a normal procedural step in public authorities' decision-making processes, in the manner of the equality impact assessment."*
- 4.6 The Bill also establishes a new licensing regime for Scottish Island Marine Areas, giving legislative responsibility to Island local authorities. A local authority will have to apply for the licensing power and then can licence

development activities offshore for 12 nautical miles. If the licensing regime is not adhered to, local authorities can issue compliance and remediation notices. The Council will have to consider whether to apply for this new power.

- 4.7 Following completion of Stage 2 of the Bill a number of amendments have been made. These can be viewed via the following link and by accessing the Island (Scotland) Bill (as amended at Stage 2). (<https://bb.parliament.scot/Legislation>). Some of the main amendments are highlighted below
- Amendment to definition of island community to include a single uninhabited island or group of islands
 - Specifically name six local authorities under island authority definition (including Argyll and Bute Council)
 - Inclusion of the six local authorities with island interests as *statutory* consultees to the National Islands Plan;
 - Inclusion of consideration of financial implication by Scottish Ministers when preparing island community's impact assessment (ICIA)
- 4.8 The Committee had recommended that the Bill be amended to “make the creation of local authority level island plans a statutory requirement.” However at this time this is not included in the Bill as amended. It was the proposed inclusion of this requirements on each local authority to produce an islands plan that would have introduced an increased cost to the local authority and in turn would have impacted on the Bill's Financial Memorandum. An amendment would have been required to fully reflect the cost of this requirement.
- 4.9 **Next Steps**
- 4.10 Following completion of Stage 2 the final stage is Stage 3. Where the Bill is amended at Stage 2, as is the case in this instance, Stage 3 amendments must relate to the “as amended” version of the Bill. There will be no further chances to amend the Bill after Stage 3 so what goes in the Bill at that point will stay in the Bill.
- 4.11 It is anticipated that Stage 3 of the Islands Bill will be considered at the end of May, at the time of writing the date had still to be confirmed by Parliament.
- 4.12 Discussions are ongoing in regard to issues raised at stage 2 and there may still be changes made to those currently reported.

5.0 IMPLICATIONS

- 5.1 Policy – The Bill will ensure island proofing and consideration of island issues in the development of policy, strategy and service delivery

- 5.2 Financial – There will be resource implications as a result of the new legislation. The Financial memorandum will be critical to ensure that any additional resources required as a result of the Bill are in place.
- 5.3 Legal – The legislation will result in the Council having a range of new legal obligations as set out in the Bill (as amended) going forward to Stage 3.
- 5.4 HR – None at this time.
- 5.5 Equalities – The new Bill is designed to have a positive impact on island communities. The acknowledgement by the Rural Economy and Connectivity Committee that the issues which affect islands can also impact on remote and rural mainland areas means that there is also potential for the Scottish Government to take a similar approach to 'island-proofing' for remote rural areas.
- 5.6 Risk – See finance section above.
- 5.7 Customer Service – None at this time.

Executive Director of Development and Infrastructure Pippa Milne
Policy Lead Cllr Aileen Morton
01/5/2018

For further information contact: Audrey Martin, Transformation Projects and Regeneration Manager