

# **Consultation on Provisions for a Future Islands Bill**

## **Analysis of Responses**

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# EXECUTIVE SUMMARY

This report presents the findings of an analysis of responses to the Scottish Government's consultation on provisions for a future Islands Bill. The consultation ran from 30th September 2015 until 23rd December 2015 and explored respondents' views of:

- Island-proofing.
- Empowering Island Communities.
- A National Islands Plan.
- Statutory Protection to the Na h-Eileanan an Iar Scottish parliamentary constituency.
- Amendment of the Local Governance (Scotland) Act 2004.

A total of 192 responses were received. The largest number of responses were from individuals (65%). Responses were also received from Community Councils (10%); third sector organisations (6%); public bodies (5%); representative bodies, trade bodies, or trade unions (5%); and local authorities (4%). Small numbers were also received from: private sector organisations or trusts (3%); politicians or political parties (2%); and other respondents (1%).

A large amount of detailed information was provided, and the findings on each of the issues are summarised below. Further details are given in the main report.

## Island-proofing

There was a high level of support for the Scottish Government to consider placing the concept of island-proofing in legislation through the proposed Islands Bill. Almost all (91%) of those who expressed views believed that this should be done.

Among the perceived benefits of, or reasons for a need for island-proofing, three common themes emerged, which were:

- The existence of specific issues impacting on islands (e.g. isolation; remoteness; environment and climate issues; and population issues).
- The need for a tailored approach to legislation, policy and services (rather than "one size fits all").
- Other benefits of island-proofing (e.g. more: joint working; equality; understanding of island issues; sustainability, accountability; empowerment; consistency with European provision; efficient use of resources; and economic benefits).

A small number of respondents mentioned drawbacks of island-proofing, which focused on a perceived lack of need for this, disagreement with the overall principle and concerns about potential negative consequences.

There was also a high level of support for Scottish Ministers to have the power to issue statutory guidance to other relevant public bodies related to island-proofing. Almost all (98%) of those who expressed their views on this believed this should be the case.

When respondents were asked to identify which public bodies and decisions the statutory guidance should relate to, a very common theme was that all public bodies and / or all of their decisions should be covered by this. A number of public bodies and decisions in particular policy areas were also highlighted. These policy areas were:

- Communications.
- Community safety.
- Economic development and planning.
- Education, arts and culture.
- Employment and benefits.
- Energy and power.
- Environment and tourism.
- Finance.
- Health and social care.
- Housing and building.
- Transport.
- Waste management.

Within these, many topics for inclusion were mentioned, as were specific public bodies that should be covered.

A number of additional suggestions were made for the policy of island-proofing to cover, including that it should take account of the need to consider all aspects of island life, and the impact of specific issues.

Many comments were made about the overall approach that should be taken to island-proofing, such as that it should be embedded in the decision-making process, and promote: equality; diversity; flexibility and proportionality; responsiveness and meaningful action; community empowerment; joint working; transparency and accountability.

Some suggestions were also made about types of issues to be covered in the statutory guidance or other issues for consideration in taking this forward (e.g. clarification of terminology; extension of the focus of the Bill to include other remote and rural areas; and the need for monitoring, scrutiny, challenge and review of policy and decisions).

## **Empowering Island Communities**

A clear majority (73%) of respondents who expressed their views stated that the current powers of island councils, and councils with island responsibilities, were not sufficient to deliver positive outcomes for their local island communities.

The main reasons given by respondents for this view focused on:

- Issues with the nature of current powers and the approach to these (e.g. remote and “top-down” decision-making and some policy areas with a major impact on islands being outwith local authority functions).
- The need for equity between areas.
- The potential positive impact of additional powers (e.g. on inshore fisheries; coastal zone; on and offshore energy; transport; land ownership; responsiveness to island needs; and service delivery).

A small number of respondents indicated that, in their view, existing powers were sufficient and there was no need for additional powers.

A number of issues were raised for the Scottish Government to consider in the extension of powers. Small numbers of respondents, for example, raised concerns about local decision-making and democracy, or the potential extension of powers. Some identified

further points for consideration (e.g. the potential impact on other organisations or key sectors; the potential costs; and the means of implementation).

Suggestions were also made about a need for: research; resources; clarity and definition of the proposals; a wider democratic base; and decentralisation of power.

Many respondents identified types of additional powers required, and these related to:

- Legal and fiscal issues (e.g. the power to vary or derogate from some laws; greater fiscal freedom; and the adoption of the principles of the European Charter of Local Self-Government).
- Greater control of aspects of the environment (e.g. coastal waters, energy production, fisheries and the seabed; and the Crown Estate).
- Greater control of transport (e.g. strategic planning; investment; infrastructure; contracts; and external transport links).
- Greater control of economic development and infrastructure (e.g. key public services; investment; renewable power generation; calibration of rent and rates levels).
- Other miscellaneous powers (e.g. greater control of decision-making and priorities for education, health and social care, income generation and building requirements).

Respondents also made suggestions about ways in which any changes to powers should be taken forward. These included, for example, the need for: subsidiarity in the operation of all powers; delegation of more power to local communities; and the need for island communities to be properly represented. A number of suggestions were also made about alternative administrative structures, or models of local government.

### Additions to the existing Zetland and Orkney County Council Acts of 1974

Views were evenly split on whether or not additions should be made to the existing Zetland and Orkney County Council Acts of 1974.

Reasons given for additions included the view that powers needed to be “modernised” or “updated”, and that the powers available to Shetlands Islands Council should be mirrored for Orkney Islands Council. A few respondents stated that the only amendment required to the Orkney County Council Act 1974 was an extension of territorial jurisdiction similar to that in the Zetland County Council Act 1974.

Comments on the nature of the additions seen to be required related most commonly to aspects of the environment, particularly the need for greater control of the seabed, coastal waters, harbours and the Crown Estate. A small number of suggestions were made about additions relating to other policy areas (e.g. economic development; planning; and taxation).

### Extension of powers to the Western Isles

Over three quarters (77%) of those who expressed their views of whether the powers currently set out in the Zetland and Orkney County Council Acts of 1974 should be extended to the Western Isles and other relevant councils believed that they should.

Many suggested that this should be done in order to have parity with Shetland and Orkney, or to be fair, and some identified similarities between the Western Isles, Shetland and Orkney.

The nature of powers suggested for extension related to:

- Coastal waters and the seabed.
- Energy.
- Crown Estate powers.
- Other specific issues (e.g. planning and licensing; development control; compulsory purchase; works licensing; and financial powers, including borrowing).

A small number of respondents made comments on the means of taking forward the extension of powers (e.g. where these powers should lie, and the areas to be covered).

## **A National Islands Plan**

There was a high level of support for the Scottish Government to introduce a National Islands Plan. A large majority (85%) of those who expressed views of this believed that such a Plan should be introduced.

Among the perceived benefits of, and reasons for a National Islands Plan, common themes were:

- General positive views of such a development (including examples of other successful plans).
- The potential to address issues facing island communities (as well as to keep a focus on these, and tackle changing needs).
- The provision of a structure and clarity (e.g. a framework for identifying goals, objectives, actions and responsibilities; and enabling monitoring, review and accountability).

A small number of respondents identified drawbacks, or reasons why there should not, in their view, be a National Islands Plan. The most common theme was that islands should be empowered to make their own decisions. A few disagreed with the overall principle, or expressed concerns about potential negative consequences of a Plan.

Three main areas were identified for a Plan to cover and report on:

- Overall challenges affecting island areas (particularly population, overall sustainability and service delivery issues).
- Specific policy areas (the same as those identified for coverage by the statutory guidance).
- The general coverage and approach of the Plan (e.g. to cover and report on: all relevant areas, bodies and proposals; measures and activities; empowerment and inclusion; and equality).

Many respondents commented on what they saw as additional requirements for a National Islands Plan (e.g. that it should recognise the overall context and existing work; that local communities and relevant organisations should be involved in preparing and monitoring it; and that there should be mechanisms for accountability, reporting and review).

The most commonly suggested lifespan for a National Islands Plan was five years, although other suggestions were made (particularly three years, and over five years). Among the perceived benefits of a five-year period were that it would align with the timescales for parliamentary and political cycles, other local plans and strategies. It would also allow time for strategies to be put in place, and for monitoring and reporting.

## **Statutory Protection to the Na h-Eileanan an Iar Scottish parliamentary constituency**

There was a large majority (86%) in favour of giving statutory protection to the Na h-Eileanan an Iar Scottish parliamentary constituency among those who expressed views on this issue.

The reasons provided for such protection included a need for fairness and equity, and parity with Orkney and Shetland. A further theme was the distinctive nature of the Western Isles and the need for provision of a “voice”.

Some additional suggestions were also made for the Scottish Government to consider in giving statutory protection (e.g. that: the protection should be extended only to the parliamentary constituency, not the local authority; there should be scope for future flexibility; and the statutory protection should be extended to other islands and remote rural areas).

## **Amendment of the Local Governance (Scotland) Act 2004**

There was a high level of support for the Scottish Government to consider amending the Local Governance (Scotland) Act 2004 to allow the Local Government Boundary Commission for Scotland (LGBCS) the power to make an exception to the usual three or four member ward rule for use with respect to populated islands. A large majority (86%) of those who expressed their views of this were in favour of such an amendment.

Many respondents identified perceived benefits of, or reasons for amending the Act, and a number of common themes emerged:

- Provision of an “island voice” and representation of the diversity of Scottish islands.
- The need for “local” representation and understanding of local issues.
- Promotion of fairness and democracy (e.g. to address an existing “democratic deficit” and strengthen local democracy and accountability).

A small number of respondents identified drawbacks with the amendment of the Act, focusing on: a lack of need; potential unfairness; cost; the impact on governance; and the potential for the same issues to affect other communities.

Respondents also made some suggestions or raised additional points about the way forward. Comments were made about the specific nature of the changes required (e.g. having one or two member wards; or allowing councils to vary the ratio of councillors to electors on islands). Suggestions were also made about the overall principles and approach required (e.g. the need for: community empowerment; locality planning; flexibility and equality). A few respondents suggested having a minimum population threshold.

## **Other issues for consideration in a future Islands Bill**

Respondents were given a further opportunity at the end of the consultation questions to give additional views, and many further comments were made. There were three broad themes: the consultation itself; the proposals overall; and areas already discussed at other questions.

Comments on the consultation itself included details of the nature of respondents and / or their response, and a small number of comments were made about the consultation

overall (e.g. positive comments on the opportunity to respond; and a few concerns about the nature or focus of the consultation or specific questions).

Comments on the proposals overall included general positive comments from several respondents (e.g. welcoming the proposals or specific aspects of these). Several respondents also raised general issues or concerns (e.g. expressing overall disagreement with the proposals or their coverage).

Many comments were also made on areas already discussed at previous questions, particularly to reiterate the challenges facing island communities, and the overall approach that should be taken to a future Islands Bill.

All of these findings, along with the detailed material within the full report and the individual responses will help to inform the Scottish Government's consideration of the way forward.

# 1. BACKGROUND AND CONTEXT

1.1. This report presents the findings of an analysis of responses to the Scottish Government's consultation on provisions for a future Islands Bill.

## Background

1.2. Since 2013, there has been an increased focus on the place of island areas in Scotland and the roles of national and local government in addressing the issues they face. There has been growing recognition of both the strengths of Scotland's island areas and the challenges they face.

1.3. Three island local authorities (Shetland Islands Council, Orkney Islands Council and Comhairle nan Eilean Siar) launched a campaign in 2013, entitled "Our Islands – Our Future (Ar n-Eileanan – Ri teachd)" to highlight such issues.

1.4. The "Lerwick Declaration" was made in response to the campaign. In July 2013, the then First Minister, on behalf of the Scottish Government, announced the establishment of a Ministerial Working Group (the Island Areas Ministerial Working Group) to look at further empowerment for island communities. The declaration stated the Scottish Government's commitment to the principle of subsidiarity and local decision-making.

1.5. The Working Group (involving the island authorities and the Scottish Government) was instrumental in developing a series of proposals, some of which formed the basis of the current consultation. In June 2014, the Scottish Government published the "Empowering Scotland's Island Communities" prospectus<sup>1</sup>. This set out a package of measures to empower Scotland's islands, which was predicated on the transfer of all powers to the Scottish Parliament in the event of a Yes vote in the 2014 Independence Referendum.

1.6. The prospectus committed the Scottish Government to: providing island communities with greater control over economic, fiscal and environmental issues; ensuring that island communities were represented in government; and that relevant measures implemented at a national and local level were properly "proofed". At the centre of the proposals was a commitment to produce an Islands Bill.

1.7. In February 2015, the Ministerial Working Group was reconvened to implement as many of the prospectus commitments as possible within the existing powers of the Scottish Parliament, and any future powers that would come through the Smith Commission recommendations and future Scotland Bill. As part of this work, it was considered important to seek wider views on the provisions which may be included in a future Islands Bill, and this consultation was carried out to gather these views. The findings will help to inform the Scottish Government's consideration of the way forward.

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<sup>1</sup> Island Areas Ministerial Working Group (2014) *Empowering Scotland's Island Communities*. Edinburgh: Scottish Government

## The consultation

1.8. The consultation ran from 30<sup>th</sup> September 2015 until 23<sup>rd</sup> December 2015. A consultation document<sup>2</sup> was issued and this explored views of:

- Island-proofing.
- Empowering Island Communities.
- A National Islands Plan.
- Statutory Protection to the Na h-Eileanan an Iar Scottish parliamentary constituency.
- Amending the Local Governance (Scotland) Act 2004
- Any other issues for consideration in a future Islands Bill.

1.9. The consultation asked 14 questions. Eight of these questions asked respondents to express their agreement or disagreement with an aspect of the proposals, while the remainder asked for general views of particular issues. Almost all of the questions provided an opportunity for respondents to give detailed information. A full list of the questions is provided at Annex 1.

1.10. A response form was provided on which respondents could record their answers, and they were also asked to complete a Respondent Information Form (RIF) giving their own details.

## Submissions and respondents

1.11. A total of 192 responses were received. The types of respondent are set out in Table 1 (below). A full list of respondents is provided at Annex 2.

**Table 1. Respondents by category**

Category	No.	% <sup>3</sup>
Individuals	125	65
Community Councils	19	10
Third Sector organisations	11	6
Public bodies	10	5
Representative bodies, trade bodies or trade unions	10	5
Local authorities	7	4
Private sector organisations or trusts	5	3
Politicians or political parties <sup>4</sup>	3	2
Others	2	1
	192	

1.12. As is clear from the table, the largest number of responses were from individuals.

<sup>2</sup> Scottish Government (2015). *Consultation on Provisions for a Future Islands Bill*. Edinburgh: Scottish Government.

<sup>3</sup> Numbers do not sum to 100% due to rounding. This is also the case at other points in the report.

<sup>4</sup> In addition, 8 individual respondents identified themselves as being either an elected member, an MSP or an MP, but stated that they were responding as an individual.

1.13. The majority of respondents addressed the specific questions and followed the format of the response form, although not all of them addressed all of the questions. A total of 10 respondents did not follow the form, and provided their response either at Question 14 or in a separate document. Five respondents requested that their response should be treated as confidential.

## **Analysis of the data and presentation of the information**

1.14. The analysis of the data involved a number of stages, which were:

- Design of an Access database to include the data for each question.
- Input of verbatim material provided by the Scottish Government.
- Quantitative analysis (where appropriate).
- Preparation of a series of Word documents for the qualitative material, containing all responses to each question.
- Identification of the key themes and sub-themes for each question.
- Summary of the findings and preparation of this report.

1.15. The presentation of the information involves some quantitative material, although most of the detail is qualitative. The quantitative information includes:

- The number of respondents overall, and the number / proportions of different types of respondents (Table 1 above).
- The proportion of respondents who answered each question.
- The views expressed at the “yes/no” questions.

1.16. Pie charts have been used to give a visual presentation of the quantitative findings at the “yes/no” questions.

1.17. The additional comments made at each question (e.g. where respondents were asked to give reasons for their answer, or to provide more general views) also provided a large amount of additional qualitative detail. It would be inappropriate to attempt to quantify these views for a number of reasons, including that:

- Many of the detailed points were made at different questions. To avoid too much repetition, these were included at the most relevant question.
- Some responses represented the views of a number of individuals or organisations.
- The focus of the qualitative analysis was on the range and nature of views, rather than a “weighing” of responses.
- The respondents were self-selecting. As such, it is not possible to generalise from these findings.

1.18. Qualitative terms (e.g. “a small number”; “a few”; “several”; “many”; etc.) are used to present the detailed information, and the overall themes and range and depth of views are described. The report cannot provide a compendium of the consultation material, nor present every individual point made, as there was a large volume of detailed information. It does, however, summarise the themes and issues raised, even where these involved

small numbers of respondents. The full text of the responses can be viewed on the Scottish Government website<sup>5</sup>.

1.19. The wording used to present the qualitative material sometimes follows the wording of a response closely, to ensure the message is represented accurately (although not presented as a “quote”). Quotations have not been presented in the report, as this might imply that the views of one respondent carried more weight than another.

1.20. There were no clear variations in patterns of views by type of respondent, given the large proportion of responses from individuals. For that reason, the report does not list the types of respondent identifying each individual theme, as this would make the report difficult to read.

1.21. The term “respondent” refers to one response, even if it represents the views of more than one contributor. A small number of respondents endorsed another response in full. In these cases, their answers have been taken to be the same as those in the endorsed response.

1.22. The remainder of the report presents the findings of the consultation analysis, as follows.

- Section 2: island-proofing (Questions 1-4).
- Section 3: Empowering Island Communities (Questions 5-8).
- Section 4: A National Islands Plan (Questions 9-11).
- Section 5: Statutory Protection to the Na h-Eileanan an Iar Scottish parliamentary constituency (Question 12); amending the Local Governance (Scotland) Act 2004 (Question 13); and any other issues for consideration in a future Islands Bill (Question 14).

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<sup>5</sup> [https://consult.scotland.gov.uk/islands-team/islands-bill-consultation/consultation/published\\_select\\_respondent](https://consult.scotland.gov.uk/islands-team/islands-bill-consultation/consultation/published_select_respondent)

## 2. ISLAND-PROOFING

2.1. This section presents the findings relating to Questions 1-4, covering island-proofing. There was found to be some overlap in a few of the detailed themes raised at these questions, and some additional relevant points were made at other questions. Where this was the case, these have been presented together at an appropriate point, to avoid repetition<sup>6</sup>.

### Question 1: Inclusion of island-proofing in legislation

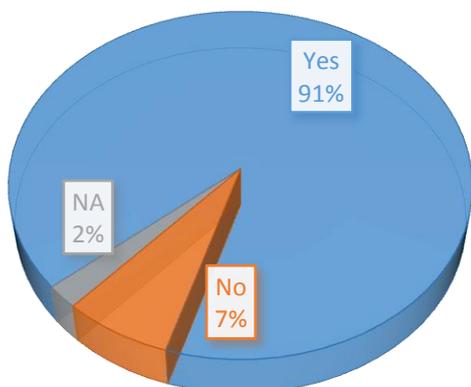
2.2. Question 1 asked:

*“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.”*

#### Overall views

2.3. Almost all of the respondents (97%) addressed Question 1. Of these<sup>7</sup> almost all (91%) answered “yes”, expressing the view that the Scottish Government should consider placing the concept of island-proofing in legislation, through the proposed Islands Bill. Only 7% answered “no”, and 2% did not answer “yes” or “no” but made other comments at this question.

**Chart 1: Should the Scottish Government consider placing the concept of island-proofing in legislation?**



2.4. Respondents were asked to explain the reasons for their answer, and most of those who addressed the question did so (although just over a quarter did not).

2.5. Most of the comments focused on respondents’ views of the benefits of island-proofing and why there was a need for this. A small number of respondents made comments on perceived drawbacks. Further details of these comments are given below.

2.6. Additionally, many respondents made further suggestions about the way forward for island-proofing, and these are presented later in this section (at Question 4).

<sup>6</sup> This is the case throughout the presentation of the findings on specific questions.

<sup>7</sup> At the quantitative questions, where proportions of respondents who answered “yes” or “no” are given, these are, in each case, the proportions of those who addressed the question.

## Benefits of, and reasons for a need for island-proofing

2.7. Among the perceived benefits of, or reasons for a need for island-proofing, three common themes emerged, which were:

- The existence of specific issues impacting on islands.
- The need for a tailored approach to legislation, policy and services.
- Other benefits of island-proofing.

### *The existence of specific issues impacting on islands*

2.8. One of the most common benefits, or reasons given for a need for island-proofing was the existence of specific issues affecting island communities. Many respondents described the ways in which island circumstances were different from the mainland, particularly mainland urban communities. A few also noted the diversity of islands or island groups themselves.

2.9. Many respondents made the general point that islands faced their own issues and challenges, which could impact on all aspects of life, including social and economic issues and service delivery.

2.10. Many respondents gave examples of circumstances which could create particular challenges, such as:

- Isolation and remoteness.
- Distance from other centres and the Scottish mainland.
- Environmental issues.
- Climate and severe weather.
- Declining, sparse and ageing populations and problems retaining young people.

2.11. Many stated that problems could include:

- General difficulties in providing, sharing and staffing services (and problems with specific services).
- High costs of service delivery, business and building.
- High cost of living and below average wage levels.
- High fuel costs and high levels of fuel poverty.
- High transport costs to, and within islands (for goods and passengers) and limited public transport services.
- Lack of access to specialist services and skills.
- Difficulties in participating fully in social and economic life (e.g. national politics; economic opportunities and markets; sport).
- Lack of connectivity (e.g. technology and digital; grid; transport).
- Lack of access to business skills development, employment opportunities and further or higher education.
- Lack of access to resources and erosion of provision.

### *The need for a tailored approach to legislation, policy and services*

2.12. Many respondents stated that, given these particular circumstances, a “one size fits all” approach to legislation, policy and services was inappropriate. It was suggested that there was often a lack of account taken of island issues, and that national solutions, or

those designed for central Scotland, did not adequately reflect the circumstances of island living.

2.13. A small number of respondents mentioned, additionally, that even local authority decision-making did not always reflect the needs of island communities.

2.14. Several respondents stated that a lack of consideration of island issues could lead to negative consequences for island communities such as:

- Failure to address their needs and concerns.
- Inappropriate or reduced services and opportunities.
- Difficulties for services in meeting national targets.
- Damage to the interests of the islands.
- Overall disadvantage and inequality compared to mainland Scotland, (as well as the UK and internationally) and inequalities between islands.

2.15. A number of examples were given from different policy areas, where respondents felt that island circumstances had not been taken into account, and the outcome for islands had not been positive. These included:

- The proposed requirement for new head teachers to hold the Into Headship qualification, with the suggestion that this could lead to recruitment problems for islands.
- The creation of single police and fire and rescue authorities, with the suggestion that this could create difficulties in providing services to outlying islands and isolated communities, and could lead to problems in recruitment and accountability.
- The joint working arrangements of the Public Bodies (Joint Working) Scotland Act 2014, which did not enable the concept of one local public authority to deliver all services in an island area.
- The opportunity for GPs to opt out of out of hours provision, making it difficult to provide services in an island area.
- Centralised procurement policies (e.g. centralised building contracts and the Hub for Procurement) which it was suggested could make it difficult for local businesses to win work.
- Requirements and incentives (e.g. building requirements, and the Carbon Reduction Commitment) which it was suggested could penalise the use of electricity and fail to recognise, for example, the use of this for carbon saving.
- The application of the Road Equivalent Tariff (RET) scheme to some islands, which it was suggested had created inequalities in islands' ability to compete and access opportunities.
- Planning guidance (e.g. the Local Development Plan Framework) which could result in different interpretation in areas with different land mass or geography.
- The use of national statistics and indicators (e.g. in the distribution of funding), which it was suggested did not recognise the nature of island areas.
- Housing policy changes, which it was suggested had led to a reduction in financial assistance for housing improvements and repairs, and had had an impact on private housing stock.
- National regulations on food production that were seen to contribute to making some island businesses non-viable.

- Crofting legislation that was seen to have reduced local discretion and increased statutory time for relevant processes.
- The Waste (Scotland) Regulations 2012, which it was suggested could lead to increased recycling costs for islands, and difficulties in meeting national standards.

2.16. Many respondents stated that there was a need for island-proofing to help ensure that, in future, the particular issues facing islands would be taken into account at all stages and that this would be embedded in policy processes. It was argued that this would enable a more tailored approach to legislation, policy and services which would reflect the needs, circumstances and characteristics of island communities.

2.17. This would, in turn, make legislation and policy more responsive to island requirements, and help ensure optimal solutions for them. One respondent noted that such an approach had worked well with other legislative assessments.

2.18. A few respondents gave specific examples where they felt island circumstances had been taken into account, and had led to a positive outcome. These included:

- Joint working to promote island priorities and carry out local planning.
- Local developments managed directly by communities.
- Service provision to remote communities.
- The consideration of rurality or island issues in funding or financial support.
- Representation from islands on decision-making bodies.

2.19. One respondent stated that island-proofing could help avoid duplication, where beneficial local frameworks were already in place.

2.20. A small number of respondents mentioned that the concept of island-proofing was not new, and some provided details of previous requests for this, and previous developments. A small number made reference to the recognition of rural and island issues in Articles 170 and 174 of the Treaty on the functioning of the European Union (TFEU) (also referred to by some respondents as the “Lisbon Treaty”) but suggested that there had been a lack of formal recognition of island status in legislation.

2.21. A few respondents argued that the Scottish Parliament’s Standing Orders did not address island-proofing sufficiently and effectively. It was suggested, for example, that the policy memorandum referred to therein (requiring an assessment of the effects of a Bill upon island communities) did not generally have the desired effect; that there was insufficient screening; and that the islands “check” was carried out late in the process.

### *Other benefits of island-proofing*

2.22. Many respondents identified other benefits of island-proofing. While some stressed its overall importance, or welcomed the proposal in general, additional specific benefits highlighted included the potential for this to enable:

- Increased joint working to address island issues.
- Greater equality and action to address and prevent disadvantage.
- Better understanding of the issues facing islands.
- Good economic, social and environmental solutions.
- Better sustainability, and the opportunity for island communities to thrive and achieve their economic potential.

- Improved accountability of relevant authorities.
- Empowerment of island communities, better local control, consultation, engagement and involvement.
- Consistency with European provision, and a commitment in legislation to recognise island issues.
- More efficient use of resources, reduced costs and improved public services.
- Wider benefits to the Scottish and UK economies.

2.23. Several respondents highlighted the strengths and value of the islands, in terms of, for example, their: contribution to the economy and wealth generation; quality of life; language, culture and heritage; provision of products; energy resources; tourism; food and drink; and creative industries.

### **The drawbacks of island-proofing**

2.24. A small number of respondents (almost, but not all of whom expressed disagreement with placing island-proofing in legislation), mentioned drawbacks with this. A few stated that there was a lack of need for this, with existing powers and structures in place which could deliver the Scottish Government's priorities in all parts of Scotland.

2.25. Additionally, two respondents expressed disagreement with the overall principle of island-proofing. Another expressed the view that other remote and rural areas faced the same, or greater challenges (a point made by some other respondents and discussed later at para 2.83) and one stated that this would generate demands from other areas for "proofing".

2.26. A further respondent suggested that there was a need for greater integration and inclusion of the islands, whereas island-proofing could contribute to a perception of separation. Two expressed concerns about the nature of their local decision-making and the consequences of the provision of greater local power.

### **Questions 2 and 3: The power for Scottish Ministers to issue statutory guidance and the coverage of such guidance**

2.27. Question 2 asked:

*"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"*

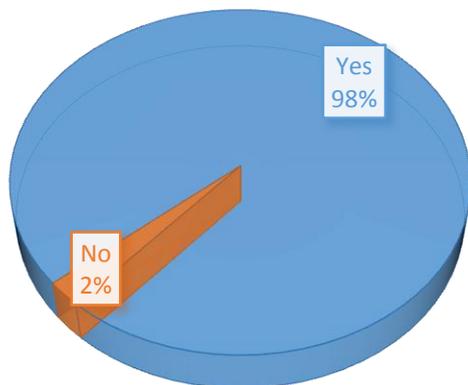
2.28. Detailed comments on the coverage of statutory guidance were then requested at Question 3, which asked:

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

### **Overall views**

2.29. Almost all respondents (89%) addressed Question 2. Of these, almost all (98%) answered "yes", expressing the view that Scottish Ministers should have the power to issue statutory guidance to other relevant public bodies related to island-proofing. Only 2% answered "no".

**Chart 2: Should Scottish Ministers have the power to issue statutory guidance on island-proofing?**



2.30. Two respondents qualified their responses. One expressed agreement, but stated that unconditional agreement could not be given without more detailed information about what island-proofing would entail. Another stated that their agreement was dependent on guidance that would work for both public bodies and island communities.

2.31. Almost all respondents (86%) addressed Question 3, and most of these comments focused on identifying the types of public bodies and decisions which respondents felt should be covered by the statutory guidance (and included in the island-proofing process).

2.32. Two respondents stated that more information (e.g. a definition of public bodies; or further research) was required before they could comment on which public bodies to include. A few stated that it was either not yet possible to determine the nature of specific decisions, or the range was too diverse to name all decisions, or they did not have the knowledge to do so.

2.33. Among the many respondents who identified public bodies or decisions to be covered by the guidance, common themes (discussed in detail below) were the need to include:

- All public bodies and / or decisions.
- Public bodies and decisions in particular policy areas.
- Public bodies by particular type of organisation.
- Decisions on particular topics.

### **All public bodies and / or decisions**

2.34. A very common theme was that all public bodies and / or all of their decisions should be covered by the statutory guidance and included in a requirement for island-proofing.

2.35. A few respondents specified that the duty should include all Scottish Government or Parliament controlled or funded public bodies and agencies. One respondent suggested that Scottish Government-funded bodies providing grants to others should consider their expectations of these funded organisations.

2.36. A few respondents stated that the duty should apply to all public bodies unless they could satisfy Scottish Ministers that it was not relevant to its functions, while one respondent stated specifically that none should be exempt.

2.37. Many stated that any decision having an impact on people in island communities should be included, and it was suggested that virtually all policies had such an impact (although a small number noted that some decisions would have a greater impact than others).

### **Public bodies and decisions in particular policy areas**

2.38. Many respondents commented on the need to include public bodies or decisions in particular policy areas, with a lot of overlap between the types of bodies and the types of decisions.

2.39. The areas mentioned for inclusion were public bodies and decisions relating to:

- Communications.
- Community safety.
- Economic development and planning.
- Education, arts and culture.
- Employment and benefits.
- Energy and Power.
- Environment and tourism.
- Finance.
- Health and social care.
- Housing and building.
- Transport.
- Waste management.

2.40. Those highlighted most frequently were: health and social care; transport; environment; economic development and planning; and education, arts and culture.

### **Public bodies by particular type of organisation**

2.41. Some respondents provided details of the nature of particular public bodies for inclusion by type, such as:

- Central and local government.
- Community Councils and groups.
- Community Planning Partnerships / Partners.
- Executive agencies.
- Non Departmental Public Bodies (NDPBs) both executive and advisory.
- Public Corporations.
- Regulatory bodies.
- Tribunals.

2.42. A few respondents suggested that third sector and third sector interface bodies should also be covered by the guidance. Many suggested particular named organisations or types of organisation, and a list has been included at Annex 3.

### **Decisions on particular topics**

2.43. Many respondents provided examples from each policy area of the types of decisions they felt the guidance should relate to (sometimes with detailed examples of specific issues for consideration). These are summarised below.

2.44. The types of **communications** decisions respondents felt the guidance should relate to included: digital connectivity, the digital network, broadband and mobile service provision; general telecommunications; postal services and costs; standards and coverage.

2.45. The types of **economic development and planning** decisions respondents felt the guidance should relate to included: economic and social development; trade development; sustainable development; local business, innovation and enterprise; food pricing; engineering; fishing and fisheries management; farming; crofting; land use; animal health and welfare; planning frameworks; trading standards; structure, infrastructure and regulation.

2.46. The types of **education, arts and culture** decisions respondents felt the guidance should relate to included: education and lifelong learning opportunities; skills development; school provision; rural education; access to further and higher education; education priorities and standards; Gaelic language; arts, heritage and culture.

2.47. The types of **employment and benefits** decisions respondents felt the guidance should relate to included: employment opportunities; access to training; unemployment, welfare and benefits; income and wage levels; and youth employment.

2.48. The types of **energy and power** decisions respondents felt the guidance should relate to included: energy development; energy efficiency programmes; fuel availability; power generation; energy transmission; fuel tariffs and prices; fuel poverty; and renewable energy.

2.49. The types of **environment and tourism** decisions respondents felt the guidance should relate to included: protection of the island environment; flooding; maritime issues; marine planning; ports; land use; Crown Estate functions; road maintenance and grading; and tourism priorities.

2.50. The types of **financial** decisions respondents felt the guidance should relate to included: funding (including the distribution of EU structural and other funding, and Third Sector funding); procurement; spending and distribution of resources; support to rural and island areas; taxation; and investment.

2.51. The types of **health and social care** decisions respondents felt the guidance should relate to included: health policy, overall provision and standards; means and model of delivery of health and social care; access to services; recruitment and staffing; integration of health and social care; and regulation of social care.

2.52. The types of **housing and building** decisions respondents felt the guidance should relate to included: housing investment and supply; housing development; social housing; construction; planning requirements; building regulations and standards; repairs and improvements.

2.53. The types of **community safety** decisions respondents felt the guidance should relate to included: policing local areas; gun licensing; use of custody; emergency planning; emergency services' staffing and training; and operational issues.

2.54. The types of **transport decisions** respondents felt the guidance should relate to included: national transport policy; transport infrastructure and integration; transport links (with the mainland and inter-island); transport funding; prices, fares, subsidies and

concessions; operation of transport services (bus; ferry; air); lifeline travel; access to services; timetables; ticketing; safety; RTE; and the deployment of assets.

2.55. The types of **waste management** decisions respondents felt the guidance should relate to included: water and waste infrastructure; recycling; marine pollution; waste collection; licensed disposal sites; charges and costs; and application of targets and standards.

2.56. Several respondents stated more generally that the guidance should cover decisions about policy and practice relating to the delivery of all services to the islands, and to all areas of service providers' responsibilities. It was suggested that this should include decisions about:

- Overall policy.
- Levels and costs of service.
- Access to services.
- Future provision.
- Local engagement.
- Targets, data gathering and statistics.
- Resources and costs.
- Staffing.
- Regulation.

2.57. One respondent stated that the preparation of Single Outcome Agreements (SOAs) should be subject to island-proofing and another that this should apply to local government budget allocation and use. A few respondents mentioned that the approach should be applied when any national reviews of policy were carried out. One respondent stated that island-proofing should be applied retrospectively to existing laws and regulations.

2.58. Several respondents suggested a need to include decisions relating to some wider UK and EU issues (e.g. EU and national designations on land and water; animal transport legislation; energy policy; transport links; socio-economic activity; food production; and distribution of EU structural funds, as noted). It was argued that it would make sense that policies and legislation from EU institutions were subject to island-proofing.

2.59. Some stated that the Scottish Government should take the interests of the islands into account when negotiating with the UK Government and the EU, or that there should be formalisation of island-proofing between the Scottish and UK Governments and UK institutions.

2.60. One respondent stated that the UK Government should adopt the guidance for consideration of policy reserved to them and all their agencies with a remit in Scotland. Another stated that island-proofing should apply to all UK Government laws where they applied to the Scottish islands.

2.61. One respondent expressed the view that the Scottish Government should also make a commitment to exert pressure on not only public, but also private organisations to recognise island issues, when, for example, setting rates or standards for universal services.

## Question 4: Other areas for the policy of island-proofing to cover

2.62. Question 4 asked:

*“Are there any other areas that you feel the policy of island-proofing should cover?”*

### Overall views

2.63. Just under three quarters of respondents (72%) addressed Question 4. Many of the comments focused on the types of public bodies or the types of decision that should be covered by island-proofing and the statutory guidance (as detailed above).

2.64. A few additional common themes were identified:

- Key issues to take into account in island-proofing.
- The nature of the overall approach.
- The benefits and nature of the statutory guidance.
- Implementation issues and suggestions for the way forward.

### Key issues to take into account in island-proofing

2.65. Many respondents suggested some broad issues that island-proofing should take into account. These included the need to consider all aspects of island life and the general well-being of island communities. Some also suggested the general need to take account of the particular challenges and strengths of the Scottish islands which were highlighted in responses to Question 1 (paras 2.10, 1.11 and 2.23) and will not be reiterated in detail here.

2.66. Some additional, specific issues were mentioned, including the need to recognise the impact on islands of previous experiences. One respondent, for example, stated that years of decline could lead to a loss of confidence and sense of identity in small communities. A few respondents mentioned a need to take account of fragile economies.

2.67. Comments were also made about the challenges of service delivery, and the need, for example, to have alternative arrangements in place where someone could not access a service. A few respondents highlighted the particular impact of some of the island challenges on specific groups (particularly some equality groups). Examples included:

- Lack of access to local support for parents of disabled children.
- Difficulties for women and children experiencing domestic abuse.
- Isolation and fuel poverty among elderly people.
- Limited care sector provision and community capacity to meet the needs of elderly people.
- General inequality of outcomes or opportunities.
- Social exclusion.

2.68. There was seen to be a need to take account of all of these issues in island-proofing.

2.69. A small number of respondents stated that funding for Scotland’s councils with responsibility for islands should be kept under review, and that this should be a key element of island-proofing.

## The nature of the overall approach

2.70. Many respondents made comments about the nature of the overall approach that should be taken to island-proofing, to the guidance, or to the Islands Bill overall. It was suggested that this should recognise and promote:

- Equality (including a recognition that specific actions may be required to ensure equality and prevent further disadvantage).
- Diversity (recognition of the diversity of islands, including within island groups; inclusion of all island communities).
- Flexibility and proportionality (with the potential for variation in responses to issues facing particular islands; and a recognition that not all public body operations will have equal relevance to islands).
- Responsiveness (with a focus on local needs).
- Community empowerment and leadership (with increased local decision-making; consultation; inclusion of a strong and representative “island voice” in decision-making, and on relevant Boards and Advisory Groups; and increased powers at a local level).
- A positive, meaningful and proactive approach (including that this should be more than a tokenistic or “tick-box” approach; and should recognise islands’ potential).
- Joint working (between government, public bodies and communities and at all levels).
- Transparency and accountability (including a need for clear lines of communication).

2.71. Several respondents stated that the island-proofing approach should be embedded in the process for assessing decisions (e.g. in a similar way to the public sector Equality Duty). A few respondents also stated that there should be early assessment, and that island issues should be considered at all stages. One stated that there should be a systematic approach that could be challenged effectively.

2.72. Several respondents stated specifically that island-proofing should be a legal duty, and should be mandatory, and that the duty (and guidance) should encompass the principles of Articles 170 and 174 of the Lisbon Treaty. A few respondents suggested that appropriate mechanisms to reinforce island-proofing in a European context, such as the Ordinary Legislative Procedure (OLP), should also be explored.

2.73. A few respondents made reference to the relevance of the findings and principles of the Montgomery Committee (1984)<sup>8</sup>, and the duties in “Empowering Scotland’s Island Communities”<sup>9</sup>. A few respondents stated that there was scope for amendment of the Standing Orders.

## The benefits and nature of the statutory guidance

2.74. Several respondents commented on the specific nature, benefits or importance of statutory guidance (in addition to the benefits of island-proofing mentioned previously). It

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<sup>8</sup> The Committee of Enquiry and Functions and Powers of the Island Councils of Scotland chaired by Sir David Montgomery which prepared a report submitted to the UK Parliament in April 1984.

<sup>9</sup> Op cit.

was suggested, for example, that this would help to improve awareness and understanding of island issues, and ensure a consistent approach by public bodies.

2.75. Some comments were made on the types of issues that should be covered in the guidance, such as:

- The definition of island-proofing.
- The implications of island-proofing and how it should be implemented.
- The level of island-proofing required, and matters of detail.
- Key considerations required.
- The specific minimum level of provision to island communities.
- Consultation and involvement of local communities.
- Other relevant legislation.

2.76. A small number of respondents suggested that examples could be used to promote good practice. One, for example, stated that central bodies should demonstrate how things can work in small rural settings. Another stated that the findings of a local commission on tackling inequalities could be a valuable source of examples of how people could be disadvantaged by a “one size fits all” approach<sup>10</sup>. A small number of respondents stated that the guidance should provide vision in the island communities.

2.77. A few respondents suggested that local partners and members of island communities should be involved in developing the approach and writing the guidance. One stated that thought should be given to the level of specificity in the guidance.

2.78. One respondent stated that specific guidance should also be issued to civil and public servants about the challenges of rurality and the specific challenges facing island communities.

2.79. A few respondents expressed the view that the guidance should take account of reducing resource levels, and should not require additional resources for implementation.

## **Implementation issues and suggestions for the way forward**

2.80. Many respondents made comments on implementation issues and suggestions for the way forward for island-proofing, guidance and / or the Islands Bill.

### *Terminology and definition*

2.81. Among these, a common theme related to the terminology and definition of island-proofing. Some found the term unclear or inappropriate. It was also suggested that there was a need to differentiate between islands and island authorities. One respondent stated that it may have been more appropriate to have considered establishing a Commission to investigate the concept.

2.82. Several respondents stressed a need for further refining and clarification of the term. A few suggested the use of alternative terminology, such as “island resilience”; “islands-aware”; “islands-ready” and “island enabling”. A few suggested “rural-proofing”, or “remote and rural proofing”, reflecting other comments discussed below. A small number of respondents suggested joint working to identify a mutually acceptable language.

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<sup>10</sup> Shetland’s Commission on Tackling Inequalities, established by the Shetland Partnership in 2015.

### *Extension of focus / coverage*

2.83. A further theme, mentioned by several respondents, was the potential extension of the focus of the Bill, and the concept of island-proofing, to other areas. Several respondents suggested that some of the challenges experienced by islands were also apparent in remote and rural areas of Scotland. As such, some argued that “proofing”, mitigation and amendments should be extended to these areas. A small number of respondents suggested specific areas for inclusion.

2.84. A small number of respondents, however, stated that island-proofing should cover the islands only, and not any part of the mainland.

2.85. One respondent mentioned the range of challenges faced by communities in deprived urban areas and suggested that the concept of “proofing” should be taken into account with those areas.

2.86. One respondent stated that a package of proposals for island-proofing could sit alongside a package of proposals for “local government proofing”, which would provide an effective level of “proofing” across the whole of local government.

### *Monitoring, challenge and review*

2.87. A further issue raised was a need for a process for monitoring, scrutiny, challenge and review of policy and decisions.

2.88. Suggestions included that island communities should not only be able to input their views to any new legislation, but that they should be able to question policy on the basis of island-proofing, and that there should be power to review and change provision where necessary. A few respondents stated, for example, that island communities should have the right to scrutinise new legislation and recommend amendments, but, failing the adoption of these, they should have the right to “opt out” of the legislation.

2.89. One respondent suggested that there should be mandatory arbitration facilitated by an independent third party in the event of significant disagreement between an island community and a public body.

2.90. Some respondents suggested a need for independent assessment through, for example, an Independent Commission which could examine ways to reinforce island-proofing, with representation from island communities. A further suggestion was to carry this out via a compliance committee in the Scottish Parliament.

2.91. A small number of respondents expressed the view that the establishment of a Scottish Parliamentary Committee with responsibility for islands could enable public bodies to be called to account for how they ensure that island communities receive equitable services. A few stated that the Islands Desk at the Scottish Government should be made permanent.

2.92. One respondent stated that there should be inbuilt reserve powers to enable changes to be introduced, in the light of practical experience.

### *Other actions*

2.93. A few additional actions were suggested (by small numbers in each case). Comments included that:

- An independent research organisation should be established, to undertake research on relevant issues across many sectors (such as SINTEF in Norway).
- The third sector should be treated as an equal partner, given its importance in the delivery of services.
- Action should be taken to redress the current under-representation of islands in the Scottish media.
- More financial resources should be made available to facilitate consultation and engagement with local communities.

2.94. Some comments were also made about changes of powers, or structural changes to decision-making, and these have been included in Section 3.

## 3. EMPOWERING ISLAND COMMUNITIES

3.1. This section presents the findings from Questions 5-8 relating to Empowering Island Communities.

### Question 5: Sufficiency of current powers

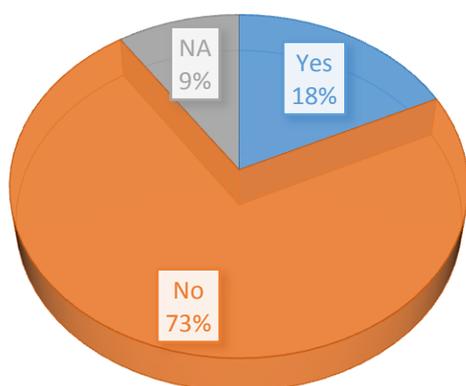
3.2. Question 5 asked:

*“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?”*

#### Overall views

3.3. Almost all of the respondents (93%) addressed Question 5. Of these, a clear majority (73%) answered “no”, to indicate they did not consider the current powers to be sufficient to deliver positive outcomes. Of the remainder, 18% answered “yes”, while 9% neither ticked “yes”, or “no” but made comments at this question.

**Chart 3: Are current powers of island councils and councils with island responsibilities sufficient to deliver positive outcomes for local island communities?**



3.4. Just over half of the respondents (54%) provided additional information to support their views. Almost all of the comments were from those who felt the powers were not sufficient, giving their reasons for this view. Some respondents also raised particular concerns or points for the Scottish Government to consider.

3.5. A number also outlined the nature of additional powers which they felt should be devolved to local authorities, and these comments have been included at Question 6 (below).

#### Reasons for powers being considered insufficient

3.6. The reasons given for powers being considered insufficient focused on three main areas:

- Issues with the nature of current powers and the approach to these.
- The need for equity between areas.
- The potential positive impact of additional powers.

### *Issues with the nature of current powers and the approach to these*

3.7. The most common theme, identified by many respondents, related to the nature of current powers and the approach to these.

3.8. Several respondents noted that islands faced a number of disadvantages in relation to decision-making, including:

- The perceived remoteness of current decision-making (with Edinburgh, London and Brussels mentioned).
- The nature of decision-making, described by one respondent as “top-down”.
- The imposition of “Edinburgh-led directives”, resulting in wasted resources, and irrelevant initiatives.
- Some policy areas being outwith the functions of local authorities, but having a major impact on island communities.

3.9. A small number of respondents also mentioned difficulties faced by islands within local authorities where the majority of the population lived on the mainland, and where decisions were taken centrally. One respondent highlighted what they considered to be a particular funding disparity between one island and other island authorities in relation to education.

3.10. One respondent suggested that the local authorities should have additional powers as “of right” on the basis of subsidiarity, rather than these being devolved as a result of a decision by the Scottish Parliament. Another, however, suggested that powers should be delegated, not devolved.

### *The need for equity between areas*

3.11. A further common theme, identified by several respondents, was the need for equity between areas. One respondent described the principle of subsidiarity as relevant to this.

3.12. Some respondents suggested a need for all islands to have similar powers, while some mentioned a need for parity between island authorities, and those authorities with islands (North Ayrshire, Argyll and Bute and Highland). One argued that the lack of powers in one local authority area had hindered the development of some islands, and pointed to the lack of mechanism for budgets to be controlled at an island level in those authorities with islands.

3.13. A small number of respondents suggested that, while supporting the general need for equity between local authorities, there was also a need for parity between islands and other communities in the same local authority area. One suggested, for example, that different islands within individual local authorities may have different characteristics and needs, and that there would be benefits in devolving powers to a local level.

3.14. Several respondents suggested that any proposals should allow local authorities to further devolve decision-making to individual islands. One noted that these additional powers would be required to maximise positive outcomes for communities. A number also identified the relevance of the Community Empowerment Act 2015.

3.15. One respondent suggested that the issue was not simply about having “more powers”, but also about the means of exercising these powers, potentially involving new

and responsive structures. Two respondents suggested that a named local authority should be broken up.

### *The potential positive impact of additional powers*

3.16. Several respondents suggested that extending the powers available to local authorities would bring positive benefits, and most gave examples. Among these were providing additional control over (and obtaining benefits from):

- The management of inshore fisheries.
- The management of the coastal zone and the assets associated with this.
- Onshore and offshore energy, wind and wave power.

3.17. A small number of respondents suggested that such powers would have a positive impact on transport, particularly in increasing local control over ferry and air services, as well as having the potential to improve local and national collaboration, clarify roles and lines of communication, and establish a process which would account fully for island-specific views.

3.18. The potential for a positive impact on land ownership was also noted by a small number of respondents, specifically in relation to reviewing compulsory purchase processes.

3.19. A small number suggested generally that such powers would allow local authorities to be responsive to local needs, and would allow island communities to have more say over key issues such as transport and schools.

3.20. One respondent suggested that there could be a positive impact on collaborative working, and on the development of new models of public service delivery. Another noted that locality planning could be an effective means of delivering on priorities for specific areas.

### **Concerns or points for the Scottish Government to consider**

3.21. A number of respondents while (in most cases), supporting the principle of extending powers, expressed reservations about existing local authorities, or elected members, or suggested that they had not served their individual communities well. Small numbers in each case stated, for example, that:

- There was inadequate local input into decisions, or power was too centralised.
- Local authorities were too diverse, or lacked specific expertise to cover the wide range of potential issues which could be covered by extended powers.
- Local authorities lacked drive or vision (and one respondent suggested that it would take a “generation” to empower staff to make the most of new powers).

3.22. Several respondents identified concerns about aspects of local democracy, including:

- A perceived democratic deficit at the level of individual islands.
- Perceptions of conflicts of interest (for example, in relation to the commercial activities of local authorities or the approach of individual elected members).

- The limited pool of potential elected members, or elected members being spread too thinly.

3.23. A few respondents raised other concerns about the potential extension of powers, or identified points that they felt the Scottish Government should consider in this. Issues raised included:

- The potential impact of extension of powers on other organisations, such as the Crown Estate.
- Whether regulation could impact negatively on fishing, oil or shipping, or on the environment.
- How any proposals may be implemented, including the use of secondary legislation and staged implementation.
- Whether there may be hidden and future costs for the islands.

3.24. Some respondents also suggested a need for:

- More research on issues relating to empowerment.
- Resources to accompany any additional powers.
- Clarity of whether the proposals would relate only to oil, or to other matters.
- Definition of “locality” in the context of the right of islands to be represented on community planning organisations.
- Widening of the democratic base from which elected members are chosen.
- Decentralising power as a means of encouraging people to become involved in local government.

3.25. One respondent suggested that planning powers currently held by the Scottish or UK governments should not be given to local authorities. Another respondent suggested that final decisions on large-scale renewable energy developments should remain with the Scottish Government, following consideration by the local authority (and public consultation).

3.26. One respondent argued that, while island communities may be best placed to advise on local transport priorities, decisions should be made at a regional / local authority level.

3.27. A small number of respondents expressed the view that there was no need for additional powers, as those available already were sufficient.

## Question 6: Additional powers

3.28. Question 6 asked:

*“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.”*

### Overall views

3.29. Almost three quarters (72%) of respondents addressed this question. A large number of comments were made about the nature of additional powers that were seen to be required and these are detailed below. Some comments were also made on points to consider in implementing new powers.

## Types of additional powers

3.30. The suggested additional powers fell into the following main areas:

- Legal and fiscal issues.
- The environment and the Crown Estate.
- Transport.
- Economic development and infrastructure.
- Other miscellaneous powers.

### *Legal and fiscal issues*

3.31. The largest number of comments were about additional powers relating to legal and fiscal issues.

3.32. Several respondents suggested that local authorities should be given the power to make variations to, or derogate from some laws. Among the areas mentioned were:

- Road traffic.
- Roads and other infrastructure.
- Building control.
- Aspects of health and social care.

3.33. One respondent suggested that local authorities should be the final arbiters of planning decisions on the islands. Another suggested giving local authorities a veto over legislation which was seen to be detrimental to island communities.

3.34. Additional suggestions included that local authorities should have powers to:

- Address the needs of small, specific areas.
- Address issues identified in the Local Outcome Improvement Plan process, and to support the work of Health and Social Care locality planning groups.
- Vary national policy where there were seen to be differences between “mainland” and “island” issues (e.g. crofting and culture).

3.35. One respondent suggested the creation of specific incentives for island areas, such as innovation zones.

3.36. One respondent argued specifically that local authorities should not be given powers to override environmental protection legislation. They suggested that local communities which owned their own land should have powers over that land, as well the shoreline.

3.37. Several respondents argued that local authorities should be given more fiscal freedom. A number mentioned that they should receive and control the revenues currently generated for the Crown Estate (see para 3.43 below). Others mentioned business rates and council tax, or, in one case, taxes on whisky. One respondent suggested that revenue income could be used to reduce council tax.

3.38. A small number suggested that local authorities should be given the power to raise taxation, and one stated that they should be allowed to change the system of valuation underpinning council tax bands. Some stated generally that local authorities should be given more freedom in relation to the use of existing powers, and the priorities for the use of funds.

3.39. A small number of respondents suggested that the principles of the European Charter of Local Self-Government should be adopted, giving local authorities discretion to exercise initiative over any matter not specifically excluded, nor assigned to another authority. They also suggested that the Scottish Government should enact primary legislation to ensure that the three island authorities should continue to have all current special powers, and that no legislation should be passed which either derogated from these powers or varied territorial jurisdiction.

3.40. A small number of respondents expressed the view that there was a need to link additional powers to community empowerment and land reform, and one stated that local authorities should have more autonomy in general. A further suggestion was that more power should be given to communities (e.g. as a pilot for Scotland). One respondent stated that any proposals to increase powers for island authorities, should also apply to local authorities with islands.

### *The environment and the Crown Estate*

3.41. Many respondents made reference to the need for additional powers relating to the environment, and some mentioned specifically the powers currently held by the Crown Estate.

3.42. Many suggested that control of coastal waters and the seabed should pass to local authorities (with suggestions including, variously, 12, 20 and 50 mile limits around individual islands). One respondent suggested the introduction of a power of general competence for local authorities, extending over the seas adjacent to its coast, while another noted that similar control should be extended to the coastline.

3.43. Several respondents suggested that the powers of the Crown Estate and the revenues currently generated (as noted at para 3.37) should pass to local authorities. It was argued that the revenues could be reinvested for local development and to address issues such as fuel poverty. A small number suggested the devolution of the Crown Estate to individual islands, rather than local authorities. One argued that a named local authority should be invited to participate in the Crown Estate Stakeholder group.

3.44. One respondent suggested that any changes related to the Crown Estate should apply to mainland coastal areas, as well as islands. Another noted that any changes should be considered carefully in terms of their effect on the fishing industry, and stated that there would be a need for national level protections for the industry.

3.45. A small number of respondents suggested that local authorities should have:

- Greater control over energy production, and the development of renewable energy (e.g. with the benefits able to be reinvested in local development).
- Greater powers to regulate and control fisheries, and take forward the management of marine designations (e.g. to address current issues such as over-fishing, or the views of local communities being over-ruled in marine designations).
- Better involvement in Ministry of Defence (MOD) land issues.

3.46. More generally, a small number of respondents suggested that local authorities should have greater control over the management of assets, including infrastructure. A further suggestion was that communities should be granted responsibility for common resources, such as, for example, wildlife.

## *Transport*

3.47. Transport (in all forms) was identified by several respondents as a policy area in which there should be additional powers.

3.48. Among the suggestions made (by small numbers in each case) were that there should be powers to enable more local control of, or influence on:

- Strategic planning of transport, with holistic planning involving all modes.
- Investment decisions.
- All infrastructure, such as airports and ports.
- The awarding and management of contracts for ferry and air services.
- External transport links.

3.49. A small number of respondents suggested a need for protection against the operation of services providing external transport links “wholly for private external shareholder profit”. One linked a lack of local representation to a diminishing of transport services in recent years.

3.50. Additional suggestions were that there should be:

- Legislation to protect transport services.
- A statutory requirement for relevant local authorities to be represented on bodies such as Highlands and Island Airports Ltd (HIAL) and Caledonian MacBrayne (CALMAC).
- Revisions to fare structures for all forms of transport.
- The development of a publicly-owned air service.
- Additional resources for bus services.

3.51. One respondent provided details of a partnership-based approach to bus services in one island which, in their view, could deliver benefits in other areas. A further suggestion was that motor vehicles which never left an island should be charged a lower rate of road tax.

## *Economic development*

3.52. A variety of issues relating to additional powers relevant to economic development were raised by respondents (by small numbers in each case).

3.53. Among the issues raised were that there should be powers to enable more local control of, or influence on:

- Key public services to enable economic development.
- Investment, planning and connectivity decisions.
- Renewable power generation (e.g. with bills being charged as a premium to the council tax).
- Calibration of rent and rates levels set by the District Valuer, to help protect local businesses.

3.54. While not related to specific additional powers, a range of other suggestions were made (again by small numbers) including that there should be:

- Account taken of both economic and social objectives in decision-making.

- A statutory requirement for relevant local authorities to be represented on Highlands and Islands Enterprise (HIE).
- A proportion of jobs related to transport contracts based in island communities.
- A more integrated approach to economic development (involving employment, housing, and resources).
- Local authority-run development banks to provide loans.
- More support for communities to obtain and use assets without having to purchase these at market value.
- Better recognition of the additional costs associated with the islands.
- Guidance on relocation of workplaces and offices to allow for consideration of whether they could be carried out in an island location.
- Location of Government posts designated as Gaelic essential / desirable within Gaelic-speaking island communities.

3.55. A small number of respondents identified the need for improved connectivity, particularly in relation to broadband in island areas, and the constraints which local authorities faced in seeking to improve this.

3.56. One respondent stated that the level of deprivation in a specific area (a remote rural area of mainland Scotland) required “special attention” to boost the local economy.

#### *Other miscellaneous powers*

3.57. Other policy areas in which respondents stated there should be powers to enable greater local control or influence (mentioned by small numbers in each case) were:

- Education (e.g. investment in, and resources for education; educational priorities; teacher numbers and ratios; length of the school day; models of school management)
- Community and public health and social care, including priorities.
- Income generation to fund the development of social and economic infrastructure in support of Gaelic.
- Insulation levels, or the fuel sources used for public buildings and new houses.

3.58. It was also argued that there should be:

- Protection for rural culture and music.
- Additional resources for social care.
- More flexibility to access money for housing improvements in areas with poor housing stock and no contractors eligible to work on national insulation schemes.

#### **Points to consider in implementing new powers**

3.59. Some comments were made on points to consider in implementing new powers. A number of respondents, for example, made comments about the need for subsidiarity in the operation of all powers, including extended powers.

3.60. Many respondents suggested that local authorities should delegate more power to local communities, to sub-committees or to community councils. A small number of respondents suggested that Community Councils specifically should be empowered by local authorities and the Scottish Government.

3.61. Several respondents stated that island communities must be properly represented. Some provided examples of particular bodies on which they felt island communities should be represented (e.g. local authorities; committees; Ministerial Advisory Groups; and NDPBs). One suggested that the Local Government Boundary Commission for Scotland (LGBCS) should address the need for some islands to have an elected member (discussed further in Section 5).

3.62. Several respondents suggested alternative structures or powers which could represent island communities' interests. Examples included a "Three Islands Parliament"; the realignment of boundaries or amalgamation of particular authorities; and, variously, for islands to have the same arrangements or powers as:

- The Isle of Man.
- Åland in Finland.
- Those available to Orkney and Shetland.
- Those available to British Overseas Territories and Crown Dependencies.
- The Faroe Islands (specifically in terms of not being in the EU, while retaining the benefits of being in the UK for defence and international relations).

3.63. One respondent suggested that the Scottish Government should set up island-based departments, including transport, crofting, enterprise and tourism.

3.64. A small number of respondents suggested that individual islands should be given autonomy from the relevant local authority. A few suggested that some island communities needed "protection" from their local authority (e.g. due to a lack of consideration of individual island communities in drawing up improvement plans and policies).

3.65. A few respondents made other suggestions for consideration including that:

- All inhabited islands with a population of more than 3,000 should have a "formal governing body", at least a constituted Community Council.
- Individual communities should be given the power to "flag-up" issues requiring to be proofed for that island by the local authority.
- In the event of constitutional change, people of that area should be given an opportunity to seek the power of self-determination.
- There should be improved partnerships and communications between Community Councils, local authorities and national government.
- Any extension of powers would require increased accountability, transparency and good governance.

## **Question 7: Additions to the existing Zetland and Orkney County Council Acts 1974**

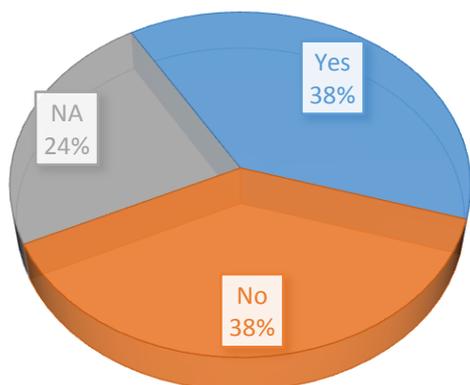
3.66. Question 7 asked:

*"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."*

## Overall views

3.67. Almost three quarters of respondents (73%) addressed this question. Among them, views were evenly split about whether any additions to the existing Zetland and Orkney County Council Acts were required. Over a third (38%) answered “yes” and the same proportion (38%) answered “no”. The remainder (24%) were unsure, or did not answer “yes” or “no” but made comments at this question.

**Chart 4: Is there a need for any additions to the Zetland and Orkney County Council Acts of 1974?**



3.68. Almost two thirds of respondents made further comments, and these focused on the reasons for additions to the Acts, or the nature of the additions seen to be required.

## Reasons for additions to the Acts

3.69. Several respondents made comments on why they believed additions to the Acts were required. Among these, some made general comments in support of this, while others referred to a need for the powers to be “modernised”, or updated”.

3.70. A small number suggested that there was a need for the powers available to Shetland Islands Council to be mirrored for Orkney Islands Council (with most suggesting that no changes were required for the former). A few stated that the only amendment required to the Orkney County Council Act 1974 was an extension of territorial jurisdiction similar to that in the Zetland County Council Act 1974. It was suggested that this would allow the council to respond to opportunities relating to energy and enable a greater local control of inshore fisheries.

## The nature of additions

3.71. The most common additions identified related to aspects of the environment, including the sea bed, coastal waters, harbours and the Crown Estate. Among the specific suggestions made were a need for additions to enable:

- Control of planning and licensing relating to all developments in these areas.
- Control of energy production.
- Control of relevant revenues, including these currently managed by the Crown Estate and those from oil and renewables.
- Powers to protect sea areas from harm.

- Additional powers over harbours in relation to requiring the input of fishing operators, or for harbour authorities.
- More control over inshore fisheries.
- National Park status for Shetland and surrounding waters.
- Support for new models of development, and models of best practice.

3.72. One respondent stated that communities should be allowed to take a share in offshore renewables. Another suggested allowing communities to be exporters of renewable energy, with support being provided for the network infrastructure.

3.73. A small number of suggestions were made about additions relating to other policy areas. A few respondents, for example, suggested that there should be an extension of the powers granted under Section 69 of the Orkney County Council Act 1974, to help achieve sustainable economic growth, and to allow needs to be met with bespoke solutions.

3.74. One respondent suggested that local authorities should be given full control over local taxation, with changes in local government procurement to allow more to be sourced locally. Two suggested more autonomy, or full control of planning for the local authorities.

3.75. A small number of respondents suggested that the additional powers should be granted to individual islands, rather than to local authorities. One argued that, rather than additions to the current Zetland Act, a new approach was required which would develop autonomy for the area.

## **Question 8: Extension of powers to the Western Isles and other relevant councils**

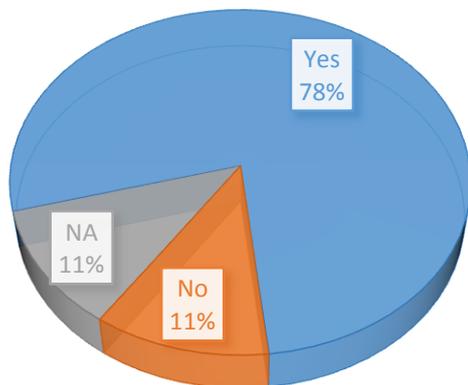
3.76. Question 8 asked:

*“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.”*

### **Overall views**

3.77. Almost all respondents (88%) addressed question 8. Over three quarters (77%) answered “yes” to indicate that the powers currently set out in the Zetland and Orkney County Council Acts should be extended, as described. Among the remainder, 11% answered “no”, and 11% did not tick “yes” or “no”, but made comments at this question.

**Chart 5: Should any powers in the Zetland and Orkney County Council Acts of 1974 be extended to the Western Isles and other relevant councils?**



3.78. Most (84%) of respondents provided additional information, and the comments focused on reasons for the extension of the powers and the nature of the powers for extension. Some respondents also made suggestions about the means of taking forward the extension of powers.

### **Reasons for the extension of the powers**

3.79. Many of those who supported the extension of powers to the Western Isles and other relevant councils suggested that this should be done in order to have parity with Shetland and Orkney, or to be fair. A number suggested that the current arrangements were unfair or expressed a need for equal treatment or a level playing field. Some stated that the existing powers had brought benefits to Shetland and Orkney.

3.80. Several respondents stated that the Western Isles, Shetland and Orkney shared similar populations, issues or characteristics (including relative isolation, transportation issues, renewable energy, oil development, the loss of population and connectivity). It was suggested that, as such, the powers should be extended to the Western Isles.

### **The nature of the powers for extension**

3.81. The powers identified most commonly for extension related to coastal waters and the seabed, with many comments on the need for these communities to have control of such developments, and to benefit from these.

3.82. Some respondents specifically mentioned control over developments such as oil exploration, or off-shore wind farms. A small number, reiterating points made previously, referred to the need to transfer the powers of the Crown Estate, as well as those available to Orkney and Shetland.

3.83. Several respondents also identified specific issues relating to energy, particularly the need to benefit from developments. A number of respondents mentioned renewable energy specifically, as well as oil. One suggested that an extension of powers could help these areas win decommissioning work.

3.84. Several respondents suggested that Parts I, II, IV and V of the Zetland County Council Act 1974 were particularly relevant to the Western Isles, and should be extended to that area. Another suggested an extension of the geographic application of works licensing powers contained in the Orkney County Council Act 1974.

3.85. A small number of respondents suggested the extension of powers relating to other issues. Those mentioned included:

- Planning and licensing.
- Development control.
- Compulsory purchase.
- Works licensing.
- Financial powers, including borrowing.

### **Means of taking forward the extension of powers**

3.86. Some comments were also made on the means of taking forward the extension of powers.

3.87. A small number of respondents, for example, as at question 7, suggested that the powers should be vested in individual islands, rather than council areas. One argued that the extension of powers should encompass mainland coastal areas, as well as islands, citing an example of the current differences in the powers available to communities only a short distance apart.

3.88. One respondent suggested that the extension of powers could be achieved in an Islands Bill by normalising powers across all island areas. Another suggested that the extension of powers could be phased in, and could be achieved through secondary legislation on the basis of being able to demonstrate that these powers would enable them to protect the island communities they serve better.

## 4. A NATIONAL ISLANDS PLAN

4.1. This section presents the findings relating to Questions 9-11, covering a National Islands Plan.

### Question 9: The introduction of a National Islands Plan

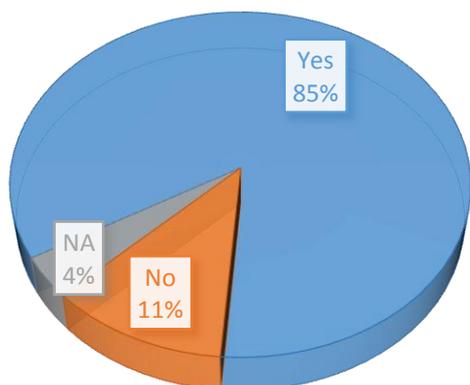
4.2. Question 9 asked:

*“Do you think the Scottish Government should introduce a ‘National Islands Plan’ Yes/No? Please explain the reasons for your answer.”*

#### Overall views

4.3. Almost all of the respondents (95%) addressed Question 9. Of these, a large majority (85%) answered “yes”, expressing the view that the Scottish Government should introduce a “National Islands Plan”. Among the remainder, 12% answered “no” and 4% either answered “don’t know” or did not express an overall view, but made other comments.

**Chart 6: Should the Scottish Government introduce a “National Islands Plan”?**



4.4. Respondents were asked to explain the reasons for their answer and most (88%) of those who addressed the question did so.

4.5. A large majority of the comments focused on the benefits of a National Islands Plan, or views of why there was a need for this. Just under one in ten respondents made comments about the potential drawbacks of such a Plan.

4.6. Many respondents made further suggestions about the requirements for such a Plan. Further details of all of these comments are given below.

#### Benefits of, and reasons for a National Islands Plan

4.7. Among the perceived benefits of, and reasons for a National Islands Plan, common themes were:

- General positive views of such a development.
- The potential to address issues facing island communities.
- The provision of a structure and clarity.

### *General positive views*

4.8. Many respondents expressed general positive views about a National Islands Plan. Some, for example, simply stated that they felt this was a good idea, or would be a positive development.

4.9. Several respondents gave examples of other plans (e.g. the National Ferries Plan and the Gaelic Language Plan) which they considered to have been successful. A few stated that the approach would fit well with other national and local work, including Locality Planning and the Government's economic and social agenda. One individual stated that preventative planning was better than responding to problems at a later stage.

### *The potential to address issues facing island communities*

4.10. Many respondents expressed the view that a National Islands Plan would have the potential to address the particular issues and challenges facing island communities. Some gave examples of these challenges, which were consistent with those issues raised in Section 2, and will not be reiterated here. It was also stated that a Plan would help to promote equality and prevent further inequality, and would promote the empowerment and involvement of island communities.

4.11. It was suggested that a Plan would allow regular and longer term action. Several respondents made the point that a National Islands Plan would increase the profile and recognition of island issues and keep them on the national agenda, enabling a continuing focus on these in the future.

4.12. Several stated that a National Islands Plan would recognise the changing nature of island communities' needs, and allow these to be addressed. A few stated that a Plan would place an obligation on future Scottish Governments and local authorities to take account of the needs of island communities.

### *The provision of a structure and clarity*

4.13. A further very common perceived benefit of a National Islands Plan was the provision of a structure and clarity for action to address the issues facing islands. Several respondents, for example, stated that a Plan would provide a framework for: identifying goals and setting objectives; identifying and taking action; monitoring and review; and enabling accountability.

4.14. One respondent stated that it would cement the provisions of an Islands Act, and a small number stated that it could provide a useful focal point for an Islands Minister.

4.15. Several respondents suggested that a Plan would provide a focus for, and help clarify: planning; aims and expectations; actions; and responsibilities. It was stated that it would provide consistency and transparency, as well as helping to map out island-proofing requirements. A few respondents expressed the view that a Plan would demonstrate a Government commitment to the islands.

4.16. A number of other comments were made about the provision of a structure and clarity, including that a Plan could lead to: a more co-ordinated and collaborative approach; a standard for provision to islands; more proactive work; and continuity for the work of the Island Areas Ministerial Working Group.

4.17. Several respondents stated that a National Islands Plan would offer a means of monitoring progress and enabling accountability. Among the comments made were that a Plan would help to monitor the commitments made by the Scottish Government and others across policy areas (e.g. following the island-proofing process), the actions taken and the impact of these.

### **Drawbacks of a National Islands Plan**

4.18. Several respondents (almost all of whom answered “no” to question 9) identified drawbacks, or reasons why there should not, in their view, be a National Islands Plan.

4.19. Among these, the most common theme was that the islands should be empowered to make their own decisions (e.g. about the need for a Plan, the production of any Plan, and any actions). One respondent argued that, if a Plan were produced by the island communities, the Scottish Government should be duty bound to negotiate the detail of the actions within it, and to implement those subsequently agreed.

4.20. A few respondents expressed disagreement with the general principle of having a National Islands Plan.

4.21. Other concerns raised, by small numbers of respondents, related to: the current nature of local representation; potential inaction or “window dressing” with a Plan; the danger of a “one size fits all” Plan; and the possible dilution of powers.

4.22. One respondent expressed the view that a Plan would become unwieldy and bureaucratic, and expressed the view that the Gaelic Language Plan had been wasteful of time and money. Another stated that a Plan would be an expensive and unnecessary exercise.

### **Overall requirements for a National Islands Plan**

4.23. Many respondents (most, but not all of whom were in favour of a National Islands Plan) commented on what they saw as particular requirements for this. Common themes were:

- Recognition of existing work and the overall context.
- Inclusion and involvement of local communities and relevant organisations.
- Accountability, reporting and review.
- The general nature of a Plan.

#### *Recognition of existing work and the overall context*

4.24. Several respondents suggested that a National Islands Plan should be similar to other plans (mentioned previously at para 4.9) and should focus on individual islands’ needs and key areas.

4.25. Some also stated that it should fit with the existing structure, and with Locality Planning. A few stated that it should be aligned to the development of Community Plans, Single Outcome Agreements, and Local Outcomes Improvement Plans, as well as being consistent with UK and Scottish Government plans and proposals. It was also stated that it should underpin, and be underpinned by, island-proofing.

4.26. A further issue raised was that a Plan should recognise the differences between islands, and the diversity of their circumstances and priorities.

### *Inclusion and involvement of local communities and relevant organisations*

4.27. A further very common requirement for a Plan was that local communities and relevant organisations should be involved in preparing and monitoring this. Comments included the need to avoid a “top-down” approach, and for input at a local level (including, for example: consultation; local formulation of a Plan; and collaboration). A few respondents expressed a specific wish to be involved.

4.28. A small number of comments were made on specific roles. One respondent, for example, suggested that local Community Planning Partnerships (CPPs) should play a key role in facilitating national and local links. One respondent suggested that it would be useful if community development work was led by one body.

4.29. Two respondents stressed a need to ensure that the nature of consultation was understood, and to avoid tiring people of this (e.g. by the Scottish Government combining their efforts with development trusts and councils).

4.30. A few respondents mentioned the particular importance of local decision-making, and one stated that they would not support a Plan that reduced subsidiarity or constrained the current powers and responsibilities of local government. Another stated that a Plan should not give Scottish Ministers the power of direction that may conflict with local decision-making.

4.31. A small number of respondents stressed that a Plan should not increase bureaucracy. A few stated that it would need resources, or an identified budget, and one expressed the view that there should be no additional financial burden on councils as a result of a Plan, unless fully funded by the Scottish Government.

### *Accountability, reporting and review*

4.32. Some respondents mentioned the need for mechanisms for accountability, reporting and review. A few expressed specific support for a requirement for Ministers to report annually to the Scottish Parliament on progress with the Plan. A few stated specifically that the Plan should demonstrate and report on community benefit, while a few suggested particular measures (e.g. the assessment of well-being of individuals or communities; and the use of population as a measure of success).

### *The general nature of a Plan*

4.33. Comments were also made on the general nature of a Plan. Additional perceived requirements for a National Islands Plan (mentioned by small numbers in each case) were that it should be:

- Active and “working”.
- Ambitious.
- Clear and focused.
- Flexible.
- Outcome-focused.
- Realistic and deliverable.
- Rolling.

4.34. A small number of respondents raised concerns about the terminology. A few stated that it should not be called “national”, or suggested that it should be named a “Scottish

Islands Plan”. One respondent suggested the use of the term “Islands Charter”. One respondent suggested that there should be greater guidance on the purpose and desired outcome of a Plan.

## **Question 10: Areas for a Plan to cover and report on**

4.35. Question 10 asked:

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

### **Overall views**

4.36. Just under three quarters (71%) of respondents addressed Question 10, and most of the comments focused on identifying the areas respondents felt should be covered and reported upon in a National Islands Plan.

4.37. A small number of respondents made reference to their answers to previous questions and did not provide further comment. A few stated that it should be for the island local authorities themselves to determine the specific nature of the content.

4.38. Among those who provided details, three common overall themes emerged. These were the need for the Plan to cover and report upon:

- Overall challenges affecting island areas.
- Issues relating to specific policy areas.
- The general coverage and approach of the Plan.

### **Overall challenges affecting island areas**

4.39. Many respondents stated that a Plan should cover and report on overall challenges facing island areas. Among those identified, the three issues mentioned most commonly were population, overall sustainability and service delivery issues.

4.40. Some respondents, for example, mentioned the overall importance of population issues, or the general need to understand how island communities were monitoring pressures and planning for demographic change. Several mentioned the need to include specific population issues such as: the age balance of the population; depopulation; sparsity; out-migration; and the retention and attraction of population (including young people).

4.41. Several respondents mentioned the need to include sustainability issues, both in specific policy areas (discussed below) and more generally. Comments were made, for example, about: the general need to promote island sustainability; the need for infrastructure to support this; and the need for sustainability of communities, culture, economy and specific services.

4.42. Many comments were made about planning and delivery of services in specific policy areas, and these are discussed below. Some respondents also made comments about a general need for a Plan to cover and report on the service challenges for island areas. Issues raised included: the delivery of key public services; the level of services; access to services; service charges and equality of public and private services; and the need to include third sector and volunteering services.

4.43. Other overall challenges facing island areas identified for inclusion (by a small number of respondents in each case) were:

- Cost and affordability of island living.
- Isolation and remoteness.
- Weather and climate.
- The negative impact or unintended consequences of some previous initiatives (with a few examples provided).

4.44. A small number of respondents stated that the uniqueness and reality of island life should be emphasised within a Plan. One respondent suggested the inclusion of a baseline analysis of “what an island is”.

### **Issues relating to specific policy areas**

4.45. A further very common theme was the identification of specific policy areas and issues that a Plan should cover and report upon.

#### *Specific policy areas*

4.46. The policy areas identified for a National Islands Plan to cover were the same as those suggested at para 2.39 for coverage in the statutory guidance.

4.47. Among them, those mentioned most frequently for inclusion in a National Islands Plan were: transport; economic development and planning; education, arts and culture; communications; and energy and power. Health and social care, and housing and building were also common suggestions. Also mentioned were the other policy areas of: community safety; employment and benefits; environment and tourism; finance; and waste management.

4.48. Within each of the policy areas, as was the case in relation to the statutory guidance, respondents highlighted particular issues they felt a National Islands Plan should cover and report upon.

#### *Issues identified by policy area*

4.49. The most common **communications** issues mentioned for inclusion in a National Islands Plan were broadband and mobile coverage, as well as general digital infrastructure and connectivity. A few respondents mentioned the need for inclusion of telecommunications generally, and a few postal services.

4.50. Many respondents mentioned **economic development and planning** issues for a Plan to cover and report on. Those mentioned most frequently were: general opportunities for economic development and growth; and support for businesses and social enterprises. Comments were also made on specific sectors, such as: fishing and fisheries; agriculture; crofting; planning (and marine planning); food, drink and tourism. A small number of respondents stated that there should be recognition in a Plan of wealth generation on the islands and of the added value Scottish islands products can bring.

4.51. Many respondents mentioned **education, arts and culture** issues for inclusion in a Plan, and the most common was the protection and promotion of island cultures, languages and dialects. Other issues suggested included: educational attainment; and rural education and schools (including funding, roles and quality).

4.52. Several respondents mentioned **employment and benefits** issues for inclusion in a Plan, such as: general employment and unemployment issues; income levels; opportunities for young people; apprenticeships; volunteering; feeding the local employment pipeline; job creation; and investment in training and employment incentives for island-based companies.

4.53. A further commonly mentioned area for inclusion was **energy and power**, and the most common issues mentioned for a Plan to cover were: power grid and connectivity; measures to address fuel poverty and energy costs; energy production and export; support for innovative energy solutions; renewables; emerging technologies; and energy ownership and regulation.

4.54. A few respondents mentioned **environment and tourism** issues for inclusion in a Plan, such as: natural resources and protection of the marine and coastal environment; the local community environment; and the needs of the changing environment. One respondent suggested that the Plan should consider National Park status for Shetland (an issue mentioned previously). A few commented on the general need to include tourism, and to develop and encourage sustainable tourism (related to economic development, as noted above).

4.55. A small number of respondents mentioned **financial issues** for inclusion in a Plan, and the issue raised most frequently related to Crown Estate monies and their disbursement to island communities. Other financial issues suggested were: development funding (including EU funding); investment (e.g. in island infrastructure); procurement; island subsidies; and funding for service provision.

4.56. Several respondents mentioned **health and social care** issues for inclusion. Several focused on the general need to cover these issues, with specific comments on the need for a Plan to cover: rural surgeries; GP and health worker provision (including out of hours); maternity care; mental health care; care for older people; and the ambulance service.

4.57. A further policy area mentioned by several respondents was **housing and building** issues. Comments were made on the need for a Plan to cover affordable, innovative, cost-effective and appropriate housing (including rented housing), as well as: planning regulations; building standards; housing standards; housing repairs; and housing grants.

4.58. A few respondents highlighted **community safety** issues, and those mentioned for a Plan to cover and report on were: police; fire and rescue services; and the coastguard.

4.59. Many respondents suggested that a Plan should cover and report upon **transport** issues. Common issues mentioned included: general transport provision and development (including air, ferry and bus services); transport links, integration and connectivity; and fares (particularly air and ferry fares). Other issues mentioned included: freight and haulage; transport infrastructure; “lifeline” services; and RET.

4.60. **Waste management** issues were mentioned by a small number of respondents, with a suggested need for a Plan to include water and waste water infrastructure, and zero waste and circular economy strategies.

## The general coverage and approach of a Plan

4.61. The third very common theme was the general coverage and approach of the Plan. Within this, the issues raised most frequently were: the overall areas for inclusion (policy and geographical); proposals and measures; empowerment and inclusion; and equality.

### *Overall areas for inclusion*

4.62. Many respondents made comments on the overall areas for inclusion in a Plan. Several stated, for example, that it should address all aspects of community life, or all areas of policy, planning, economic and cultural development. A small number stated that it should be based on the issues which emerged from the “Our Islands, Our Future” campaign.

4.63. Several respondents expressed the view that a Plan should cover all public services or the work of all public bodies. A few stated that it should cover all areas of devolved Government, or the issues and responsibilities held at Scottish level. Some suggested that it should recognise not only issues controlled by the Scottish or UK Government, but also EU issues.

4.64. A small number of comments were also made on the geographical coverage of a Plan. These included the suggestion that it should cover the whole Highlands and Enterprise area, and the suggestion that it should include provision not only for island authorities, but also for islands within local authorities. A few respondents stated that the coverage of a Plan should be extended to other remote and rural communities.

### *Proposals and measures*

4.65. Many respondents stated that a Plan should detail the proposals for island communities, as well as the measures and activities undertaken (by all relevant parties). Comments included, for example, that it should include a vision for Scotland’s islands, and that it should develop a set of priorities (national and local). It was also suggested that it should include long term commitments.

4.66. A few respondents expressed the view that it should also identify any additional resources required for its implementation.

4.67. It was also suggested that a Plan should detail how island-proofing had been addressed, in order to help ensure its effective implementation and measure its impact. A few respondents stated that it should establish core indicators to evidence the outcomes, and that these should be tracked.

4.68. Several respondents also stated that a Plan should record all legislation and policy development where island-proofing was not considered necessary, and the reasons for this.

### *Empowerment and inclusion*

4.69. A further area raised frequently for a National Islands Plan to cover and report on was the issue of community empowerment and inclusion. Comments included, for example, the need for it to cover: a greater obligation for consultation by public bodies; community capacity building; community enterprise; community representation on decision-making bodies; community ownership of assets; local decision-making and the principle of subsidiarity.

## Equality

4.70. The need for a Plan to cover and report upon equality issues was also a common theme. Respondents suggested, for example, that it should focus on reducing and preventing inequality and should ensure that islands are treated fairly and equitably, recognising the specific issues they face.

## Other comments on general coverage

4.71. A small number of other comments were made about the general coverage and approach of a Plan. For example, a small number of respondents suggested that it should cover issues such as: managing expectations in the islands; the downsides, as well as benefits of measures; and local accountability.

## Question 11: The appropriate life span for a Plan

4.72. Question 11 asked:

*“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?”*

## Overall views

4.73. Just over three quarters (78%) of respondents addressed this question. This question did not provide a “tick-box” option, so it is not possible to give definitive quantitative information for distinct time periods, as some respondents expressed positive views about more than one period, or suggested a maximum and / or minimum period. It is possible, however, to determine the overall pattern of views from the qualitative responses.

4.74. On this basis, the largest number of respondents made positive comments about a lifespan of five years for a Plan. Just over half of the respondents made positive comments about such a period (although sometimes alongside positive comments about other possible periods).

4.75. Around a quarter of respondents made positive comments about a three-year period in some form, and a similar proportion expressed such views about a longer period (over five years). Again, some of these respondents suggested more than one potential period.

4.76. A very small number of respondents suggested a lifespan of under three years. Some general comments were also made about the timescale.

## A five-year lifespan for a National Islands Plan

4.77. As noted, many respondents made positive comments about a lifespan of five years for a National Islands Plan, and this was the most common theme. Many respondents stated specifically that they favoured a five-year period, while others suggested a five-year period in some form, while making additional comments.

4.78. For example, many respondents stated that five years should be the minimum period for a Plan. Among them, several suggested a period of 5-10 years, or a ten-year period with a five-year review. A small number suggested a period of 5-7 years, and a few suggested a five-year lifespan with provision to amend the Plan, if required.

4.79. Several respondents suggested that a five-year lifespan should be part of a longer term process (e.g. two, three or more five-year plans, with reviews), emphasising the need

to continue over a lengthier period. A small number suggested that five years should be the maximum period, with these respondents generally suggesting a 3-5 year period.

4.80. Many respondents mentioned perceived benefits of a five-year period, in some form. The most common view was that this would accord with the wider context. For example, some respondents stated that this would be appropriate to coincide with parliamentary and political cycles, or that it would align with key local plans and strategies. One respondent stated that this would be comparable to the timescale for the Gaelic Language Plan. A small number of respondents noted that some EU funding programmes covered a period to 2030, and suggested a need for a number of plans, with reviews.

4.81. A few respondents stated that a five-year period would allow strategies to be put in place, as well as allowing time for the Plan to be effective, and ensuring sufficient time for monitoring and reporting. One respondent expressed the view that a five-year plan, with a longer term strategy, would address short and longer term needs.

4.82. A few expressed the view that a three-year period would be too short. A few stated that the period should be no longer than five years or, for example, the Plan may become dated.

### **A three-year lifespan for a National Islands Plan**

4.83. Around a quarter of respondents made positive comments about a three-year lifespan for the Plan, and several stated specifically that they favoured this period. Others suggested a three-year period in some form, while making additional comments.

4.84. For example, a few respondents stated that this should be the minimum period (with these respondents generally suggesting 3-5 year cycles). One suggested starting with three years, and changing to five when the Plan was better established. As was the case with those who suggested a five-year period, some respondents stressed that this should be part of a longer term process (e.g. a “rolling” Plan).

4.85. Several respondents mentioned perceived benefits of a three-year period. The most common view was that this would provide a regular opportunity for monitoring the targets, implementation and outcomes of a Plan.

4.86. A few respondents stated that 3-5 years would fit with Community Planning cycles, and one stated that it would take account of changing Government and policies. It was also suggested that this would ensure a continuing focus on island issues, and that it would allow for any changes required. One respondent stated that a three-year Plan would not be onerous.

### **A lifespan of over five years**

4.87. Around a quarter of respondents made positive comments about a lifespan of over five years for the Plan. A few stated that it should be five years plus. Several suggested specifically that it should be 5-10 years, and a common view was that it should be a minimum of five years, or a ten-year period with a five-year review.

4.88. Other suggestions, by small numbers in each case, included: 6-8 years; 5-7 years; 10 years; 15 years; and 20+ years. Again, some respondents suggested a long term process with reviews at different points.

4.89. Among the benefits of a lifespan of over five years, respondents cited a need for longer term thinking and goals. It was suggested that this would provide a sufficient period for development, actions, change and measurement. A few respondents mentioned that a Plan over a shorter period would be vulnerable to political change or interference.

### **A lifespan of under three years**

4.90. A very small number of respondents stated that the Plan should have a lifespan of under three years, suggesting a rolling annual Plan, or a one-year Plan in the first instance, increasing to three thereafter.

### **Other comments about the lifespan of a Plan**

4.91. Many respondents made additional comments relating to the lifespan of a Plan. These included comments on: the general nature of the timescale; factors to consider in determining the lifespan; and the need for review.

#### *The general nature of the timescale*

4.92. Several respondents made suggestions about the general nature of the timescale. Among these, several commented (as has been clear above) on the longer term nature of the overall timescale, and / or the importance of a rolling Plan. It was argued, for example that this would allow a long term vision and goals, enable effective implementation and monitoring, align with other longer term programmes and work, and enable the Plan to respond to changing circumstances.

4.93. Other comments on the general nature of the timescale included that this should enable flexibility and amendment of the Plan and ensure continuing action over the period. One respondent suggested that there should be an overall plan for Scotland, broken down for each community.

4.94. Additional suggestions included a long-term plan and more specific short-term plans or goals, and a short period to the first revision, followed by longer periods in future.

#### *Factors to consider in determining the lifespan*

4.95. Several respondents mentioned factors they felt should be taken into account in determining the lifespan of a Plan. These included:

- The level at which a Plan was pitched.
- The maximum period for which effective forecasting could be undertaken.
- The issues covered within a Plan
- The lifespan of the Scottish Parliament (with the suggestion that a new Government should be required to present a draft Plan within a given period, subject to consultation before a final Plan).
- The local authority electoral term.

#### *The need for review*

4.96. Several respondents stressed the importance of having a process of review for a National Islands Plan, and a common suggestion was that this should take place mid-term of its lifespan. A few respondents suggested an annual review.

4.97. Other comments included that a review process would:

- Help ensure that actions were appropriate.
- Allow a regular check on whether island-proofing was delivering meaningful change, and identify examples.
- Enable a Plan to be updated and respond to emerging issues.
- Allow a longer term process to embed.

4.98. It was also suggested that Islands Councils and members of the community should have an input to the review process.

## 5. STATUTORY PROTECTION; LOCAL GOVERNMENT ELECTORAL WARDS; AND OTHER ISSUES FOR CONSIDERATION

5.1. This section presents the findings for Questions 12-14 covering statutory protection to the Na h-Eileanan an Iar Scottish parliamentary constituency; local government electoral wards; and any other issues for consideration in a future Islands Bill.

### Question 12: Statutory protection to the Na h-Eileanan an Iar Scottish parliamentary constituency

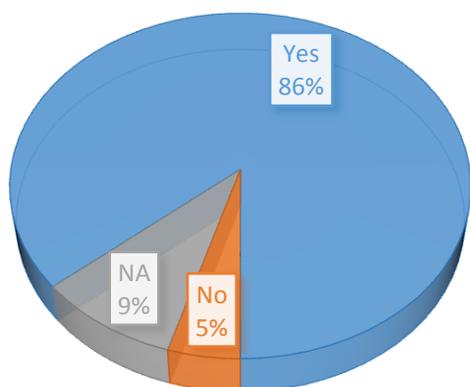
5.2. Question 12 asked:

*“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.”*

#### Overall views

5.3. Almost all (90%) of respondents addressed Question 12. Of these, a large majority (86%) answered “yes” indicating that statutory protection should be given to the Na h-Eileanan an Iar Scottish parliamentary constituency. Only 5% answered “no” while the remainder did not tick “yes” or “no”, but made other comments.

**Chart 7: Should statutory protection be given to the Na h-Eileanan an Iar Scottish parliamentary constituency?**



5.4. Just under half of these respondents provided additional information, with comments focusing on: reasons for giving statutory protection; and issues for the Scottish Government to consider.

#### Reasons for giving statutory protection

5.5. A number of comments were made on reasons for giving statutory protection. The main reasons were the need for: fairness and equity; and the nature of the Western Isles and the need for provision of a “voice”.

5.6. Several respondents, for example, stated generally that it was important for the Na h-Eileanan an Iar Scottish parliamentary constituency to be given the same statutory protection as Orkney and Shetland. A small number suggested simply that it would be

“fair” to do so, while others suggested that the issues faced by the three areas were similar.

5.7. One described the current situation as anomalous, while others suggested that the failure to have done so previously was an “oversight”, which could now be remedied.

5.8. Several respondents suggested that nature of the Western Isles provided a justification for providing protection to the Na h-Eileanan an Iar Scottish parliamentary constituency. Some, for example, identified the specific character of the Western Isles, its geographic isolation, the issues it faced and its cultural heritage.

5.9. A small number of respondents made comments about the need for a “voice” for the Western Isles. These included views that giving statutory protection would:

- Guarantee the level of MSP representation, fundamental to ensuring island voices are heard.
- Protect the islands from the “historical indignity” or other negative consequences of being joined with a mainland constituency.
- Preserve a stronger link with their MSP than if he or she also represented a mainland area.
- Maintain consistency of coverage between the constituency and the unitary authority.

### **Issues for the Scottish Government to consider**

5.10. Comments were also made on issues for the Scottish Government to consider in relation to giving statutory protection. For example, several respondents suggested that the protection should only be extended to the parliamentary constituency, not to the local authority. A few suggested a need to ensure that any arrangements had scope for future flexibility.

5.11. A small number of respondents suggested that statutory protection should be extended to other islands and remote rural areas, in addition to the Western Isles and one cited Article 174 of EU Lisbon Treaty in support of this view.

5.12. A few additional suggestions were made by a small number of respondents. These included that there should be:

- Clarification of whether or not this action would disproportionately benefit Na h-Eileanan an Iar, Orkney and Shetland at the expense of other areas in Scotland.
- Explanation of what “statutory protection” meant.
- Consideration of whether the Na h-Eileanan an Iar Scottish parliamentary constituency was too large and diverse, and whether all communities could be represented appropriately.

5.13. One respondent suggested possible alternative approaches, including island-proofing for all islands, or the development of a Scottish Rural Parliament. Another suggested the creation of an “Inner Hebrides” council, and extending the same level of protection to that area.

## Question 13: Amendment of the Local Governance (Scotland) Act 2004

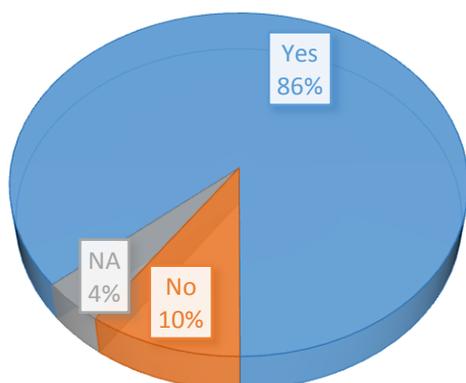
5.14. Question 13 asked:

*“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.”*

### Overall views

5.15. Almost all respondents (90%) addressed Question 13. Of these, a large majority (86%) answered “yes”, expressing the view that the Scottish Government should consider amending the Local Governance (Scotland) Act 2004, as described in the question. Only 10% answered “no” and 4% did not answer “yes” or “no”, but made other comments at this question. A small number of respondents stated that they did not understand the question.

**Chart 8: Should the Scottish Government consider amending the Local Governance (Scotland) Act 2004?**



5.16. Respondents were asked to explain the reasons for their answer, and most of those who addressed the question (85%) did so.

5.17. Most of these comments focused on respondents’ views of the benefits of amending the Local Governance (Scotland) Act 2004, or why they saw a need for this. A small number of respondents made comments on perceived drawbacks or concerns and many made further suggestions about the way forward. All of these themes are discussed below.

5.18. One respondent provided detailed information about the current role, responsibilities, and considerations of the Local Government Boundary Commission for Scotland (LGBCS) and the nature of relevant legislation.

### Benefits of, and reasons for a need for amending the Local Governance (Scotland) Act 2004

5.19. Many respondents identified perceived benefits of, or reasons for amending the Act, and a number of common themes emerged:

- Provision of an “island voice” and representation of the diversity of Scottish islands.
- The need for “local” representation and understanding.

- Promotion of fairness and democracy.

### *Provision of an “island voice” and representation of the diversity of Scottish islands*

5.20. Many respondents stressed the need for adequate representation of island communities, and the provision of a “voice” for them, including those with small populations.

5.21. It was suggested, for example, that multi-member wards militated against representation from less highly populated areas, and made it less likely that small populated islands would have their voices heard. One respondent stated that this meant that small populated islands would not be properly represented at local authority, Scottish Government, or European level.

5.22. Related to this, several respondents noted the diversity of islands (an issue raised before). Among the points raised were the differences between islands and the mainland, as well as differences between islands, in terms of their population sizes, economic circumstances, communities and challenges. It was suggested that these issues required local representation.

5.23. Without this, it was argued that an island could be disadvantaged (e.g. through their particular interests not being considered, or their interests conflicting with those of other parts of a ward).

5.24. It was stated that there could be islands (either within island councils or in councils with island responsibilities) without an elected member from that island. There were specific examples where respondents felt they were disadvantaged by factors such as: gaps in current representation from smaller areas; inclusion in a mainland ward; not having a councillor of their “own”; being combined with an area they had little in common with; or having their interests overshadowed by a larger area.

5.25. Some expressed concerns about particular ward boundaries, or what they considered to be inappropriate combinations of communities. It was also suggested that the requirement for wards to have three or four members did not necessarily reflect natural groups of communities, settlement patterns, heritage, geographical or locality boundaries.

5.26. A few respondents stated specifically that a “one size fits all” approach to representation was not appropriate to islands.

### *The need for “local” representation and understanding*

5.27. Many respondents stressed the importance of having a local member of the community representing island views, and some stated specifically that elected members should be residents of the island, and based in the community they served.

5.28. It was suggested that this was important in order to enable elected members to:

- Focus on local issues and represent views at the most local level.
- Have a proper understanding of the issues experienced by each island, and the local knowledge needed.
- Participate fully in community life, attend relevant events and be available to constituents (e.g. via surgeries).

5.29. Several respondents highlighted practical problems for elected members whose constituencies included islands, but who were based in other areas. It was suggested that this restricted their ability to engage with groups and attend community events on islands (and, related to this, to represent their interests).

5.30. The most common difficulties identified were: the geographical distances for travel; the time required; the cost of travel; logistical issues; and the availability of transport. Some local examples of these problems were provided.

5.31. One respondent stated that there was an assumption that these problems could be overcome through the use of technology, but that (in their case) there was a lack of broadband and mobile coverage.

### *Promotion of fairness and democracy*

5.32. A further very common theme was that having a dedicated elected member in an island community was an important strand of democracy, and that it could strengthen local democracy and accountability.

5.33. Several respondents stated specifically that there was a “democratic deficit” in relation to the representation of individual islands in local government. It was argued that the use of three or four member wards was not consistent with local empowerment, engagement and democracy.

5.34. A small number of respondents suggested that the current situation and the size of three or four member wards could discourage people from standing for local authority election, while amendment of the Act could encourage them to do so. One stated that the three or four member ward model could cause voter confusion, with elected members geographically distant from their constituents.

5.35. One respondent (while stating that the introduction of multi-member wards had meant, in their area, that every ward had a contested election), noted that the benefits of party political proportionality through multi-member wards did not apply in the island councils, where most, or all councillors were usually independents.

5.36. Some respondents also suggested that it was important to ensure fairness in promoting the interests of particular areas, and that the current system did not do so. A few made reference to their concerns about current LGBCS proposals.

### **Drawbacks or issues with amending the Local Governance (Scotland) Act 2004**

5.37. A small number of respondents identified drawbacks, or issues with amending the Local Governance (Scotland) Act 2004 (almost, but not all of whom were against this).

5.38. A few respondents stated that there was a lack of need, because, in their view: the democratic issue was not geographic gaps, but certain sectoral gaps in representation; digital communications should enable well-informed representation; and current representation was fair.

5.39. A small number of respondents suggested that such amendment would lead to unfairness (e.g. if very small islands had greater representation than larger areas). One respondent expressed disagreement with the notion of islands having distinctive interests. Another argued that membership representation must be proportionate.

5.40. Two respondents raised issues about the expense involved in the suggested change, and two raised concerns about the impact on governance (e.g. that it could lead to a lack of candidates, or undermine the principles of a single transferable vote).

5.41. A small number of respondents suggested that the same issues may affect other communities in Scotland. One, who did not express an overall view of the potential change, observed that where a ward contained both island and mainland populations, it may be the mainland population in the minority.

### **Suggestions or issues to consider in the way forward**

5.42. Respondents made a number of suggestions or additional points about the way forward, focusing on comments about the nature of changes and the overall principles and approach.

#### *The nature of changes*

5.43. Several respondents expressed the view that there should be one or two member wards, and some made specific suggestions about the nature of individual wards. One expressed the view that the definition and size of wards should be under the Islands Bill, with island councils able to adapt this to suit their local circumstances.

5.44. A few respondents made reference to past or current actions by the LGBCS, or expressed disappointment that any proposed amendment could not be implemented within the current review<sup>11</sup> and reflected in the 2017 local government elections. One stated that there should be a retrospective review of authorities and island communities on which there was an adverse impact, to ensure that the benefits of a revision would be implemented in 2017.

5.45. One respondent stated that the LGBCS review had noted that there were occasions where greater flexibility to vary the number of councillors in a ward would have helped the design of proposals for wards to better meet the Schedule 6 criteria. They stated that the Commission did not give consideration to occasions where single member wards may have been used.

5.46. A few respondents noted that amending the 2004 Act to allow for one or two member wards would not in itself ensure that no populated island was part of a ward with mainland or other island communities. A small number stated that the Local Government (Scotland) Act 1973, requiring that the ratio of electors to councillors in each ward in a council area should, as near as possible, be the same, presented further barriers to the number of elected members meeting the needs of islands. One noted that the Schedule 6 rules would continue to set the framework.

5.47. Two respondents expressed the view that the change and flexibility should extend to other remote rural areas of the mainland.

5.48. A few respondents (with varying overall views of amendment) suggested that it would be better (or better in some cases) to allow the council to vary the ratio of councillors to electors on islands. One stated that the LGBCS should take account of departures when

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<sup>11</sup> The Fifth Review of Electoral Arrangements, which will make recommendations to Scottish Ministers in Spring 2016 for the council elections in 2017.

assessing total councillor numbers, to avoid an overall reduction in councillors for any council.

5.49. One respondent suggested that it would be preferable to have an advisory body of representatives of each inhabited island, and noted that Community Councils already did this. The same respondent stated that communication links should be improved.

5.50. One respondent suggested that some administrative functions could remain pooled, to keep costs to a minimum.

### *Principles and approach*

5.51. Several respondents made comments about the principles and approach required. These included the need to recognise the principles of community empowerment (and the intentions of the Community Empowerment Act) and locality planning (aligning the work of councillors and their wards) in determining representation. Other general principles or aspects of the overall approach mentioned included a need for flexibility and equality.

5.52. A small number of respondents commented on population issues, including the views that: there would need to be a definition on population; there should be a minimum population threshold; and both geographical area and population density should be considered.

5.53. One respondent stated that islands themselves should decide on the wards and members. Two argued that each island council should have the power to make the case to the LGBCS for the introduction of single or two member wards, with the LGBCS having a duty to respond positively where it could be demonstrated that it would improve the representation of those living in the proposed smaller wards.

5.54. Two respondents stated that there was no reason to depart from the single transferable vote as a means of electing members.

5.55. One respondent stated that elected members should have a minimum standard of business education and experience.

## **Question 14: Other issues for consideration**

5.56. Question 14 asked:

*“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.”*

### **Overall views**

5.57. Around two thirds of respondents (67%) addressed Question 14. Among these, some respondents made comments on the consultation itself, or on the proposals overall. Most of the additional comments, however, related to common areas already discussed in responses to other questions. These included comments on current challenges, as well as the overall approach to the Bill and specific actions required.

5.58. A great deal of additional qualitative information was provided, which will be summarised briefly below. The points already discussed, however, will not be repeated in detail.

## The consultation

5.59. Comments on the consultation focused on two issues: the nature of the respondent or response; and the consultation overall.

5.60. Information about the nature of respondents or their response included details of their: expertise; area of work; type of organisation; and aims or vision. Some gave details of: whose views were represented; the focus of the response; and how it was generated.

5.61. A small number of respondents made comments on the consultation overall, and most welcomed the opportunity to respond. One respondent welcomed the collaborative approach to consideration of the proposals. Another noted that the process of responding to this consultation had prompted them to seek the views of local organisations in relation to their own area of work.

5.62. A few respondents raised issues with the nature or focus of the consultation. A small number, for example, made comments on the design or wording of questions. One stated that some members of the community may be unable to participate in a consultation process such as this (e.g. through being unaware of it, or lacking time to respond). The same respondent suggested the use of a simple questionnaire, distributed widely at a local level.

## The proposals overall

5.63. Several respondents made comments on the proposals overall (both identifying general benefits, or raising general issues or concerns)

5.64. For example, a few respondents made comments welcoming the proposals overall. Some welcomed specific elements of the proposals, such as island-proofing; an Islands Plan; the recognition of islands; community empowerment; and the potential for change.

5.65. A small number of respondents expressed their general view that there should not be a Bill, expressed disagreement with the principle or this, or stated that there was not a need for the Bill. A few expressed concerns about local decision-making or potential negative consequences of the Bill.

5.66. A small number of respondents raised other general issues with the proposals (although not all of these respondents expressed overall opposition to the Bill). A few, for example, suggested that the proposals did not focus on all of the areas in Scotland experiencing challenges (e.g. other remote or isolated areas), or did not focus on all of the Scottish islands.

5.67. One respondent stated that, although the Scottish Government had shown some commitment to subsidiarity, the consultation was based on the principle of power remaining at the centre, with those at the centre deciding whether or not to devolve powers (while requiring to take account of local circumstances in doing so).

5.68. One respondent stated that the proposals did not mention the Smith Commission's<sup>12</sup> recommendations. Another stated that the proposals did not provide the option of the type

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<sup>12</sup> The Smith Commission (2014): *Report of the Smith Commission for further devolution of powers to the Scottish Parliament* Edinburgh: The Smith Commission

of constitutional change they sought (and that the Scottish Government did not currently have the power to grant this).

### **Common areas already discussed**

5.69. Many respondents identified current challenges facing Scottish island communities and the consequences of these (as discussed in Section 2).

5.70. Many commented on the overall approach to the Bill, and specific actions seen to be required. A common theme was the need to take account of previous and existing commitments, as well as other provisions and local work. Reference was made to the findings and principles of the Montgomery Committee; Articles 170 and 174 of the Lisbon Treaty; Empowering Scotland's Island Communities; the Community Empowerment (Scotland) Act 2015; the European Charter of Local Self-Government; and the Commission on Strengthening Local Democracy.

5.71. One respondent stated that there should be a clear recognition of the status of the three island groups in the new Scottish Constitutional Settlement and within the European Governance framework.

5.72. A further common theme was the importance of increased local powers and subsidiarity (discussed in Section 3).

5.73. One respondent stated that it would be helpful for the Bill to clarify whether the provisions would allow for future action through secondary legislation.

5.74. Comments were also made about the potential to extend the coverage of the Bill to other remote and rural areas (an issue raised at various points). It was also argued that the Bill should cover all Scottish islands, and all councils with island responsibilities.

5.75. Other issues raised (and recurrent themes) were the need for:

- Recognition of: the uniqueness of islands; the nature and reality of island issues; diversity among islands; and the need for flexibility in solutions and actions.
- Empowerment and representation of local communities (including: the improved representation of specific areas; representation on particular bodies; and the improved representation of specific groups, such as women and young people).
- Equality and fairness.
- Monitoring, review and opportunity for challenge.
- Resources.

5.76. Many respondents made additional comments on actions in particular policy areas which should be addressed through the Bill. The areas mentioned reflected those which respondents stated that the statutory guidance should cover, and those for inclusion in an Islands Plan.

5.77. Some respondents made very specific (and in some cases very detailed) suggestions for particular actions in these policy areas. While it would be inappropriate to

describe these in a summary report, they are available to view in the full responses on the Scottish Government website<sup>13</sup>.

5.78. A few respondents provided additional examples of their own practice, or what they saw as positive developments (existing or planned). These included: the development of innovative solutions in marine spatial planning and inshore fisheries management; the development of innovation zones; financial support to local island-based organisations; the Community Empowerment (Scotland) Act; a pilot community empowerment project; and joint working to address employment issues.

5.79. A small number of respondents commented further on ways of taking the proposals forward. Suggestions included, for example, that the Convention of the Highlands and Islands could be used to progress the agenda. A few respondents stated that a Parliamentary Islands Committee could be established for first consideration of a Bill. Some respondents expressed their own willingness to continue to be involved.

5.80. All of these findings, along with the detailed material within the responses, will help to inform the Scottish Government's consideration of the way forward.

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<sup>13</sup> [https://consult.scotland.gov.uk/islands-team/islands-bill-consultation/consultation/published\\_select\\_respondent](https://consult.scotland.gov.uk/islands-team/islands-bill-consultation/consultation/published_select_respondent)

# Annex 1: The consultation questions

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.

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

Question 3: If you answered 'Yes' to question 2, please state which public bodies, and what specific decisions you think this statutory guidance should relate to?

Question 4: Are there any other areas that you feel the policy of island-proofing should cover?

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?

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.

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.

Question 9: Do you think the Scottish Government should introduce a 'National Islands Plan' Yes/No? Please explain the reasons for your answer.

Question 10: Are there any specific areas you feel the plan should cover and report on?

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?

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.

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.

## Annex 2: The respondents

125 individuals

An Comunn Gaidhealach

Argyll And Bute Council

Arran Community Council

Barra Heritage Centre

Birsay Community Council

Bòrd Na Gàidhlig

Bornish Community Council

Carloway Estate Trust (Urras Oighreachd Chàrlabhaigh)

Co-Cheangall Innse Gall

Comhairle Nan Eilean Siar

Community Land Scotland

Comunn Eachdraidh Bharraidh's Bhatarsaidh

Comunn Eachraidh Bharrigh & Vatersay

CoSLA

Creative Scotland

Dave Thompson MSP & Ian Blackford MP

Delting Community Council

Highlands And Islands Enterprise

Hoolan Energy

Islay Community Council

Isle Of Arran Scottish National Party

Jura Community Council

Lerwick Community Council

Local Government Boundary Commission For Scotland

North Ayrshire Council

North Ronaldsay Community Council

North Uist Community Council

Orkney Builders (Contractors) Limited

Orkney Fisheries Association

Orkney Islands Council

Orkney Partnership (Orkney Community Planning Partnership)

Orkney Renewable Energy Forum

Our Islands Our Future (OIOF)

Pairc Community Council

Point Community Council, Isle of Lewis

Re-JIG

RMT

RSPB Scotland

Sandwick Community Council

Scalloway Community Council

Scottish Council for Development and Industry

Scottish Islands Federation

Scottish Salmon Producers' Organisation (SSPO)

Seafood Shetland (incorporating Shetland Fish Processors And

Shellfish Growers)  
Shetland Arts Development Agency  
Shetland Fishermen's Association  
Shetland Islands Council  
Shetland Partnership Board  
Shetland SNP  
Skills Development Scotland  
Society Of Local Authority Lawyers And Administrators In Scotland  
(SOLAR)  
South Harris Community Council  
South Ronaldsay and Burray Community Council  
Stòras Uibhist  
Strathclyde Partnership for Transport (SPT)  
Stronsay Community Council  
The Crown Estate  
The Highland Council  
The Nicolson Institute Higher Modern Studies Class  
The Western Isles Fishermen's Association  
Tìree Community Council  
Unison Scotland  
Unst Community Council  
Urras Oighreachd Ghabhsainn (Galson Estate Trust)  
Voluntary Action Shetland  
Wir Shetland  
Yell Community Group

## Annex 3: Named organisations for inclusion in statutory guidance on “island-proofing”

As noted in Section 2, Question 3 asked respondents which public bodies statutory guidance should relate to. Many specific types of organisations, or named organisations (largely, but not only public bodies) were suggested for inclusion, as follows:

Agricultural organisations.  
Arts and culture organisations.  
Big Lottery Fund.  
Bord na Gaidhlig.  
BT.  
Building Control.  
Caledonian Maritime Assets Ltd.  
Care Commission.  
Care Inspectorate.  
Children’s Panel.  
Community Broadband Scotland.  
Communications companies and broadband suppliers.  
Community Councils and groups.  
Community Planning Partnerships.  
Convention of Scottish Local Authorities (CoSLA)  
Creative Scotland.  
Crofting Commission.  
Crown Estate.  
Crown Office and Procurator Fiscal Service (COPFS).  
Department for Work and Pensions (DWP).  
Emergency and protective agencies.  
Employment and welfare organisations.  
Education establishments.  
Education Scotland.  
Energy providers.  
Enterprise / development agencies.  
Environmental bodies.  
European Office.  
Executive agencies.  
Farming organisations.  
Ferry operators (CALMAC; David MacBrayne Ltd.).  
Financial organisations.  
Fishing bodies.  
Flight companies.  
Food Safety Authority.  
Food Standards Scotland.  
Forest Enterprise Scotland.  
Forestry Commission.  
Health and social care organisations.  
Highlands and Islands Airports Ltd. (HIAL).  
Highlands and Islands Enterprise (HIE).  
Highlands and Islands Transport Partnership (HITRANS).

Historic Environment Scotland.  
Historic Scotland.  
HM Revenue and Customs (HMRC).  
Home Energy Scotland.  
Housing agencies.  
Housing associations.  
Integration Joint Boards.  
Jobcentre Plus.  
Local authorities and their service departments.  
Local Government Boundary Commission for Scotland (LGBCS).  
Marine Scotland.  
Maritime and Coastguard Agency.  
Mobility and Access Committee for Scotland (MACS).  
National Trust.  
Non-departmental Public Bodies (NDPBs)  
NHS (including all Health Boards and service providers).  
Northern Lighthouse Board.  
Ofcom.  
Office of Gas and Electricity Markets (OfGEM).  
Office of the Scottish Charities Regulator (OSCR).  
Planning services.  
Police Scotland.  
Port Authority.  
Post Office.  
Public Corporations.  
Public Transport Users Committee for Scotland.  
Rail service providers.  
Regulatory bodies.  
Royal Society for the Protection of Birds (RSPB).  
Scottish Agricultural College.  
Scottish Agricultural Wages Board.  
Scottish Ambulance Service.  
Scottish Enterprise.  
Scottish Environment Protection Agency (SEPA).  
Scottish Development International (SDI).  
Scottish Fire and Rescue Service.  
Scottish Funding Council.  
Scottish Futures Trust.  
Scottish Government (including non-ministerial government departments).  
Scottish Housing Regulator.  
Scottish Police Authority.  
Scottish Qualifications Authority (SQA).  
Scottish Natural Heritage (SNH).  
Scottish Social Services Council (SSSC).  
Scottish Water (and water boards).  
Seafish.  
Skills Development Scotland.  
Social work services.  
Sportscotland.  
Third Sector.  
Transport agencies.

Transport Scotland.

Tribunals.

University of the Highlands and Islands (UHI).

Utilities companies.

VisitScotland.

Zero Waste Scotland.



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