

**THE HIGHLAND COUNCIL**

**29 October, 2015**

**Consultation on Provisions for a Future Islands Bill  
Report by the Chief Executive**

Agenda Item	16
Report No	HC/50/15

**Summary**

**This report provides members with a summary of the Scottish Government's consultation on Provisions for a Future Islands Bill and seeks members' input on the Council's formal response.**

**1. Background**

1.1 The Consultation on Provisions for a Future Islands Bill was published at the end of September and the deadline for replies is 23 December 2015. The aim of the consultation is to seek the views of interested stakeholders on plans for more power and protection for Scotland's islands.

1.2 The Government's decision to introduce an Islands Bill is a direct result of the Our Islands Our Future campaign (OIOF), launched by the three Islands Councils, Orkney, Shetland and Comhairle nan Eilean Siar. The Highland Council has maintained contact with the Scottish Government and the three island authorities throughout this process to ensure that Highland interests are not undermined by this campaign and have received assurances to this effect. There are clear parallels between the OIOF campaign goals and many of the objectives set out in the Council's Programme, Highland First.

1.3 The Scottish Government's consultation seeks views on 5 separate but connected issues:

1. Island-Proofing – whether a legal duty should be placed on Ministers and relevant public bodies to 'island-proof' their functions and decisions;
2. Empowering Island Communities – what additional powers and functions could be passed to island councils to benefit or better protect the island communities they serve;
3. National Islands Plan – whether a legal duty should be placed on all future Scottish Governments to prepare a 'National Islands Plan', setting out on-going commitments across all policy areas of Government to support, promote and empower our island communities;
4. Statutory protection for the Na h-Eileanan an Iar Scottish parliamentary constituency boundary; and
5. Local Government Electoral Wards – whether the Local Government Boundary Commission in Scotland should have discretion to recommend wards with less than three councillors so that populated islands are not placed

in an electoral ward that contains a significant proportion of mainland population.

1.4 In addition to making general comments around each of these themes, respondents are invited to answer a series of questions at the end of each section. These are listed in Appendix 1, attached.

## **2. Proposed approach**

### 2.1 Member and community engagement

2.1.1 The reason for bringing this early report to Council is to provide all members with the opportunity to contribute to the Council's response to the consultation. To that end, it is proposed to establish an informal members' working group with representatives from all Groups to agree a response to come to Council on 17 December 2015 for formal approval.

2.1.2 It is proposed that the Scottish Government consultation should also be circulated to all Highland Community Councils representing island communities so that their views can be reflected in the Highland Council's response.

### **3. The draft Islands Bill - Proposed response**

It is proposed that the Council's response should focus on the first three strands of the consultation: Island proofing; Empowering Island Communities; and National Islands Plan.

#### 3.1 Equal island status

3.1.1 It is proposed that the central theme of the Council's response should be that any Islands Bill should give equal status to all of Scotland's islands and not just those that are stand-alone local authority areas. This is implicitly acknowledged in some parts of the consultation but needs to be made explicit throughout the Bill.

#### 3.2 Island/ Rural proofing

3.2.1 All of the principles contained in the consultation document explaining the need for island proofing new policies and legislation could apply equally as well to remote and rural areas. Consequently, it is proposed that the members' working group consider whether the Council's response should argue for rural proofing to be included as a new duty in the Bill in addition to island-proofing.

#### 3.3 Empowering island communities

3.3.1 The Our Islands Our Future campaign sought additional powers and resources including:

- Control and management of the sea bed around the islands, allowing revenues currently paid to the Crown Estate to be channeled into local needs;

- New grid connections to the Scottish mainland to allow world class wave, tidal and wind energy resources to generate maximum benefits for both the islands and the Scottish economy;
- New fiscal arrangements to allow the islands to benefit more directly from the harvesting of local resources, including renewable energy and fisheries; and
- Clear recognition of the status of the three island groups in the new Scottish Constitutional Settlement and within the European Governance Framework.

3.3.2 These are all things from which Highland communities would benefit, and without any detriment to our island authority neighbours. Consequently, it is proposed that our response should make clear that any additional powers which include these arrangements should extend to the mainland as well as to the islands.

3.3.3 There are also questions in the consultation about extending powers to local authorities with island responsibilities, including extending the powers of the Zetland and Orkney County Council Acts 1974. The members working group will be asked to consider whether our response should support the granting of additional powers and responsibilities and the reasons for doing so.

### 3.4 National Islands Plan

3.4.1 One of the proposals being consulted on is whether there should be a duty for all future Scottish Governments to prepare a 'National Islands Plan', which would set out an on-going range of commitments across all policy areas of Government to support, promote and empower Island communities to build a wealthier and fairer future for themselves.

3.4.2 Linked to this duty, it is also proposed that Ministers would have the ability to issue statutory guidance on island-proofing, which relevant public bodies would require to have regard to in connection with the exercising of their functions and duties. The draft 'National Islands Plan' would be subject to parliamentary and public scrutiny as part of its development, and Scottish Ministers could also be required to report annually to the Scottish Parliament on progress with the plan.

3.4.3 The members working group will be asked to consider the implications of the proposal for the Council and whether it should be supported.

## **4. Implications**

4.1 Resource There are potential financial implications arising for the Council, depending on what measures are included in the Bill. The Council's response should therefore seek assurances from the Scottish Government that funding will be provided to cover any additional resources required to implement the provisions of the Act.

4.2 Legal, Equality and Climate Change: There are no legal, equality or climate change implications arising from this report.

4.3 Rural: the rural implications of the Bill may be significant and will require further

investigation. This will form part of the work in drawing up the Council's response to the consultation.

## **5. Recommendation**

5.1 Members are asked to approve:

- i) The proposed approach;
- ii) The establishment of a short life member working group; and
- iii) That the draft response to the consultation be brought back for members' approval at Council in December 2015.

Signature:

Signed: Steve Barron  
Designation: Chief Executive

Authors: Kate Lackie, Business Manager

Date: 19 October 2015

## Questions

- (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.
- (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?
- (3)** If you answered 'Yes' to question 2, please state which public bodies, and what specific decisions this statutory guidance you think this should relate to?
- (4)** Are there any other areas that you feel the policy of Island-Proofing should cover?
- (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.
- (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.
- (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.
- (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.
- (9)** Do you think the Scottish Government should introduce a 'National Islands Plan'? Yes/ No. Please explain the reasons for your answer.
- (10)** Are there any specific areas you feel the plan should cover and report on?
- (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?
- (12)** Do you agree that statutory protection should be given to the Na h-Eileanan Scottish parliamentary constituency? Yes/No. Please explain the reasons for your answer.
- (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.

**(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.