



Scottish Government consultation on Provisions for a Future Islands Bill – SPT response

Committee Strategy and Programmes

Date of meeting 29 January 2016

Date of report 7 January 2016

Report by Assistant Chief Executive (Operations)

1. Object of report

The object of this report is to recommend approval of SPT's response to the Scottish Government's consultation on Provisions for a Future Islands Bill¹. SPT's response was submitted within deadline of 9 January 2016 subject to Committee approval. SPT's response is attached at Appendix 1.

2. Background

- 2.1 The Scottish Government stated that the aim of the consultation is to seek the views of interested stakeholders on plans for more power and protection for Scotland's islands.
- 2.2 In June 2014, the Scottish Government published a prospectus for Scotland's islands, 'Empowering Scotland's Island Communities', that set out a package of recommendations regarding further devolution of functions of the Crown Estate, social and economic matters, energy, renewables, transport and governance issues. Various initiatives followed to take these forward, including the establishment of a Ministerial Working Group, who are also overseeing this Islands Bill consultation.

3. Outline of proposals

- 3.1 The Scottish Government's consultation seeks views on five separate but connected issues:
 - *Island-Proofing* – whether a legal duty should be placed on Ministers and relevant public bodies to 'island-proof' their functions and decisions;
 - *Empowering Island Communities* – identifying what additional powers and functions could be passed to island councils to benefit or better protect the island communities they serve;
 - *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 island communities;

¹ The consultation document can be accessed at: <http://www.gov.scot/Resource/0048/00486539.pdf>.

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- *Na h-Eileanan an Iar boundary* - Statutory protection for the Na h-Eileanan an Iar (formerly the Western Isles) Scottish parliamentary constituency boundary; and,
- *Local Government Electoral Wards* – whether the Local Government Boundary Commission in Scotland should have discretion to recommend wards with less than three councillors so that populated islands are not placed in an electoral ward that contains a significant proportion of mainland population.

3.2 The key elements of SPT's response can be summarised as follows:

- SPT do not think that the concept of 'island proofing' requires to be enshrined in legislation, as the current democratically accountable governance and decision-making arrangements are satisfactory, and will indeed be bolstered by the new Community Empowerment Act.
- SPT believes that peninsulas should be included in any island-proofing, and that areas of the mainland (remote rural areas, deprived urban areas, for example) should also be considered within the context of enhanced assistance/protection.
- The consultation document does not appear to acknowledge the statutory role of Regional Transport Partnerships in the delivery of positive outcomes for islands. Our response highlights, as an example, that we have promoted our 'Ten Point Plan for Bus', seeking changes to the regulatory framework, as being the type of issue RTPs can continue to address in future. Furthermore, SPT provides significant investment in supported bus services, transport infrastructure and ticketing. In addition SPT administers the Strathclyde Concessionary Travel Scheme on behalf of our constituent councils and this provides crucial support to islanders as well as people across the west of Scotland to ensure they have access to vital transport links which enable them to go about their daily lives.
- Islands present particular difficulties and challenges, including in the delivery of public transport services. Their very nature gives rise to significant barriers to competition in road transport services, with little availability of premises / land, pool of labour etc. to enable new entrants to the market to become established. This can lead to a situation where a single operator is in a position to be, either the sole operator of commercial bus services and / or the sole tenderer for subsidised bus services. In such circumstances, it might be appropriate to consider alternative models of service delivery, including direct operation of bus services by public transport authorities.
- SPT welcomes the proposal to establish a National Islands Plan but this need not be framed as 'island proofing' but could provide a useful framework of high-level, strategic principles and guidance in setting policy and planning objectives for islands, island communities and island groups.
- While islanders are best placed to advise on local priorities for their communities, decisions about transport are best made 'in the round' at a local authority or regional level (as appropriate) to ensure equitable and balanced decisions about services and infrastructure within budgets available, whilst being sensitive to local need and reflecting the needs of the wider community.

4. Conclusions

The Scottish Government is undertaking a consultation on Provisions for a Future Islands Bill. SPT has submitted a draft response subject to Committee approval attached at Appendix 1.

5. Committee action

Members are recommended to approve SPT's response attached at Appendix 1.

6. Consequences

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| Policy consequences | <i>SPT's response is in line with the RTS.</i> |
| Legal consequences | <i>None at present.</i> |
| Financial consequences | <i>None at present.</i> |
| Personnel consequences | <i>None at present.</i> |
| Equalities consequences | <i>None at present.</i> |
| Risk consequences | <i>None at present.</i> |

Eric Stewart
Assistant Chief Executive (Operations)

Gordon MacLennan
Chief Executive

For further information, please contact *Bruce Kiloh, Head of Policy & Planning* on 0141 333 3740.

Appendix 1

Provisions for a Future Islands Bill - Consultation

Response by Strathclyde Partnership for Transport (SPT)

Island Proofing

(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.

No.

While islands have particular needs in terms of transport, SPT believes these are accounted for appropriately in the governance frameworks and democratically accountable decision-making processes already in place, and therefore legislation is not required to achieve this. SPT remains supportive of strengthened partnership working, community engagement and empowerment, but this is already being handled through the Community Empowerment Act.

Effective arrangements are already in place in the SPT area where there are two islands, Arran and Cumbrae. Both islands require significant public support and investment to ensure effective transport arrangements and to this end, SPT works closely with North Ayrshire Council and local communities to ensure effective bus services and infrastructure are provided on the islands, including support for bus services on Arran and Cumbrae, and capital investment in, for example, Brodick bus facility and roads on Cumbrae.

SPT also operates and administers the Strathclyde Concessionary Travel Scheme (SCTS) on behalf of our constituent Councils. Given the demographic profile of many islands, with many residents over 60, the ability of people to travel to services - some of which can only be accessed on the mainland – through the SCTS is a substantial benefit which not only reduces isolation but also potentially stabilises the population. This is important to the sustainability of island life. It is based on an 'unlimited' year round discounted fare rather than a 'limited' (e.g. 10 per year) free return trip.

Indeed, the SPT area covers a range of urban, suburban, rural, remote rural and island communities and there are particular challenges facing each. It could be reasonably argued that the needs of communities in, for example, remote mainland rural areas are often as great as those of island communities. While in no way diminishing the very real challenges faced by many of our island communities, there are also communities in, for example, deprived urban areas which face a profound range of challenges in terms of accessing services whether this be for employment, health and social care,

housing and transport, and the concept of 'proofing' should therefore also be taken into account with those areas.

Notwithstanding the above, SPT works to ensure that communities across the west of Scotland have effective public transport and active travel access to jobs, education, health, leisure, shopping etc. in a way that is equitable but reflective of local needs and community priorities, and budgets available. This does not mean that "one size fits all" for all communities rural or otherwise but rather results in a proportional level of service mindful of the needs of each community. It does not mean that there will be an equal investment per head of population or an "equal" level of service regardless of population.

Regarding governance arrangements, the democratically accountable nature of councils and Regional Transport Partnerships (RTPs), including SPT, ensures that a balance is struck between the needs and transport requirements of all areas, from heavily urbanised towns and city to remote mainland and island rural areas.

(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?

N/A

(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?

N/A

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

N/A

Current Powers

(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.

No.

For clarification, SPT would highlight that powers in relation to the ability to deliver positive outcomes for islands are not restricted to councils. For example, SPT is the statutory Regional Transport Partnership and Public Transport Authority for the west of Scotland and has a range of powers, duties and operational provisions which affect all our councils and therein, with respect to North Ayrshire and Argyll & Bute, islands and a peninsula.

Notwithstanding the above clarification, SPT has long argued for greater powers in relation to public transport (particularly for bus) and for greater investment in support for public transport services.

However, for the reasons outlined in response to question 1, SPT believes that it is unnecessary to address these issues through island-specific legislation, but rather through new legislation or indeed, amendments to existing legislation that would cover a wider remit than simply islands.

(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.

SPT has for some time now, been promoting a 'Ten Point Plan for Bus' which seeks a series of changes to the current regulatory framework for the bus market in Scotland. We firmly believe that, if adopted, these would deliver positive change for both private and public sector stakeholders in the bus market, and most importantly, people and communities across the west of Scotland, including islands and other rural areas . Indeed, progress has been made in relation to some of the Ten Point Plan – for example, in relation to bus registrations – and SPT look forward to working with the Scottish Government and other members of the Bus Stakeholders Group to deliver further progress.

Islands present particular challenges, including in the delivery of public transport services. Taking the example of Arran, where SPT, in partnership with North Ayrshire Council, has invested heavily in the island: capital for new buses, road improvements, and in the future development of the new bus facility at Brodick; for revenue, for supporting bus services around the island (there are no commercial bus services on Arran beyond a proportionately small number of summer tourist services).

SPT will continue to provide support for Arran in future (subject obviously to ongoing budgetary support from councils and Scottish Government), but we would highlight the ongoing difficulty in securing a good return for this public investment when there is currently only one private sector operator in situ. The very nature of islands gives rise to significant barriers to competition in road transport services, with little availability of premises / land, pool of labour etc. to enable new entrants to the market to become established. This can lead to an effective monopoly position in which a single operator is in a position to be, either the sole operator of commercial bus services and / or the sole tenderer for subsidised bus services. In such circumstances, it might be appropriate to consider alternative models of service delivery, including direct operation of bus services by public transport authorities.

(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.

No, however, SPT would highlight the importance of equity between island communities (and their respective councils) and therefore if the above Acts provide their communities and councils with additional benefits which are not currently available to others, then this is an issue which should be addressed.

(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.

See above answer to question 7.

National Islands Plan

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

Yes.

This need not be framed as "island proofing" but could provide a useful framework of principles and guidance in setting high-level, strategic, policy and planning objectives for islands, island communities and island groups. .

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

This would need to very much be assessed evidentially, but potentially could include all areas of policy and planning.

(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?

SPT believes that the appropriate timescale for a high-level, strategic document as being suggested should be 15-20 years, with regular reviews (e.g. every 5 years).

Statutory Powers

(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.

While this does not directly affect the SPT area, SPT would like to seek clarification on the full implications of any such decision and to whether it would, in whatever form, disproportionately benefit Na h-Eileanan an Iar, Orkney and Shetland to the expense of other areas in Scotland, for example, remote rural mainland areas.

(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.

Yes, with the caveat that the same flexibility and certainty should be applied to areas of the mainland which may have special needs or particular issues e.g. remote rural areas, or areas defined as being within the 15% 'most deprived' as specified in the Scottish Index of Multiple Deprivation.

(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.

Transport is a critical issue for island communities and SPT welcomes initiatives that result in a more integrated approach to the planning and delivery of transport services, including for example, rail services on the mainland to ferry ports, road access to mainland ferry ports, public transport provision on islands and the needs of island inhabitants as well as the needs of visitors and the tourist and / or other island industries.

While islanders are best placed to advise on local priorities for their communities, decisions about transport are best made "in the round" at regional / local council level to ensure equitable and appropriate decisions about services and infrastructure, whilst sensitive to local need, reflect the needs of the wider community and Scotland as a whole.