

PE1722/H

Petitioner submission of 5 October 2019

We note that none of the submissions present any argument against the principle of our petition. It is therefore reasonable to infer that the principle is acceptable, that a) public bodies should not charge for parking at island lifeline ferry ports, and b) any proposed island parking charges must be subject to prior rigorous impact assessment. Parking at lifeline CMAL owned ports is already free. Currently there is no formal Transport Scotland policy on this issue. However Transport Scotland has commented that any charging at lifeline car parks which deters travellers from leaving cars at the port, and instead 'incentivises' them to take their vehicles to the mainland in place of using mainland public transport would be counter to Scottish Government global climate emergency efforts.

We provided in the background to our petition strong generic reasons against charging in car parks at lifeline ferry ports and in favour of rigorous impact assessment. The scale of support for and comments on the petition demonstrate how powerfully this reasoning resonates with island residents and visitors. **There should be no 'postcode lottery', either by geography or by provider, for car parks which are clearly associated with ferry terminals.**

Our experience also proves the need for the Scottish Government to provide a standard that protects free parking at island lifeline ferry ports and requires any decisions on island parking charges to be based on robust understanding and mitigation of impacts. Over the past year, our Council's pursuit of parking charges on Mull has depleted public and community resources, damaged trust and relations, and forced our communities to seek legal protection from the actions and decisions of local authority officers and elected members whose responsibility is to support and represent us. This draining episode resulted in instigation of a public interest legal case against the Council, which eventually accepted that it was highly likely to lose the case. Our experience demonstrates the pointlessness and damage of pursuing charges at lifeline ports, and it is vital to protect other island communities from being subjected to similar harm.

As the submission of our local authority, Argyll & Bute Council, confirms:

- **In June 2019, Oban, Lorn and the Isles Area Committee determined by four votes to three to implement a Traffic Regulation Order (TRO) that would impose parking charges across Mull, including at two lifeline ferry ports**, despite enormous, sustained and reasoned protest from its island communities and absence of any meaningful impact assessment whatsoever. Charges would apply at: Craignure which is integral to the lifeline ferry service linking the communities of Mull, Iona and Ulva to the mainland; and Fionnphort which is the lifeline to Iona for both residents and visitors (who cannot bring vehicles to Iona and need to use the car park for long stay purposes at the end of a long and arduous single-track journey to the ferry).
- **In September 2019, the Council CEO was forced to issue publicly an "unreserved apology" for the TRO to the communities of Mull and Iona, and the Area Committee revoked the TRO**, whilst also approving recommendations (including an internal review and to change how the

Council engages with communities. The CEO particularly affirmed the need to repair damage to trust and relations with the Council's island communities.

In the period between passing and revoking the TRO, Govan Law Centre (GLC) agreed unhesitatingly to act for our island communities as our case against the TRO and the Council's handling of it is so clearly justified and in the public interest. A driving force of the communities' case was and remains the Council's complete failure to understand (or even try to understand) the nature of island lifeline ferry services and the car parks' integral role in them. The Council has confirmed that this external challenge was the reason that it abandoned the TRO. Despite a colossal and sustained effort by the island communities over almost a year, the Council refused to listen to us about the nature and importance of our lifeline services for residents and visitors, and the damage charges would inflict on island businesses.

Our experience demonstrates that extra protection is needed for vulnerable island communities to stop public bodies from charging for parking at island lifeline ferry services. No other island community should have to go to such efforts at such cost to demonstrate why this matters.

In response to specific comments from Argyll & Bute Council:

1. Island Communities Impact Assessments (ICIA)

Island communities demanded consistently that our Council carry out a pilot ICIA in partnership with Scottish Government. The Council's repeated legalistic response was that they could not carry out an ICIA because its provisions were not yet enacted. This is a weak response and it is wrong: the stage of enactment only affects whether the Council is legally *required* to carry out an ICIA. Assessing impacts is fundamental to *any* informed and responsible decision-making and failing to do this shows reckless disregard for the threats to communities that the Council is supposed to be serving. It is astonishing that the Council is still disputing this point. We note by contrast that Orkney Island Council proactively carries out ICIA's.

The Council in its submission claims that in order to "respect the intent of the Act the Council has carried out an Equalities and Socio-Economic Impact Assessment specifically on this TRO to consider and evidence the impact on the affected island communities of Mull, Iona and Ulva. This picked up a range of additional issues and some of the positive outcomes that the TRO could have provided, including improved facilities for disabled parking."

The Council's claim is inaccurate. The Equalities and Socio-Economic Impact Assessment contains no meaningful content whatsoever. The reference to island populations begins and ends as follows (p.6):

'Protected characteristic'	Negative
Island populations	x

A cross in a box to state that we are island populations is not identifying impacts. It is not assessing impacts and it is not mitigating them. The Council's purpose with impact assessments is solely to tick (or cross) a box with no expectation of

producing useful content to inform and improve decision-making. This is further proof of the necessity of our petition.

2. ‘Concessions’

The Council refers to ‘concessions’ included in the final TRO to reduce an annual parking permit by 80% for some residents, but the proposed ‘concessions’:

- Only applied to some residents, ignoring others – e.g., lifeline ferry crew, key workers and others commuting to Iona from Mull, who would still have to pay £9 per day or £475 per year – the Council failed to understand (or try to understand) how the car parks are used or communities that rely on them;
- Would have been temporary only, in order to get the TRO voted through, as its acknowledged purpose was to generate central revenue and 80% ‘concessions’ are incompatible with this purpose;
- Prove the principle that public bodies must not charge for parking at island lifeline ferry ports, because the Council’s actual objective of raising central revenue was insupportable, and no other objective was served by charges (noting the Council’s secondary claim to address safety, whereas the communities and e.g. RNLI have demonstrated the TRO made safety worse).

3. Financial incentives

We recognise that our Council, like all public bodies, faces financial pressures. What it cannot do in response to those pressures is inflict further costs, unexamined risks and damage on fragile island communities and economies, undermining the Council’s own fundamental role, its most important policy objectives and its public commitments – e.g. proactively respect and implement the Islands Act.

Conclusion: as Argyll & Bute Council’s submission demonstrates, our experience is testament to the damage of lifeline parking charges and of uninformed decision-making. It is testament to local authorities’ difficulty in understanding (or seeking to understand) the unique needs and vulnerabilities of each island context, and therefore the importance of Scottish Ministers setting a standard that protects island communities in line with the principle of the petition.

We continue to frame these concerns in the context of the relationships we expect to have with our local authority (and other public bodies). We expect principles of community engagement and participation to be implemented meaningfully and formatively from the earliest stages of any proposal through to development of well-informed recommendations from officers. For forthcoming ICIA’s to be of value and to be credible, there must be a mechanism to require and enable public bodies to engage with communities in order to a) determine whether an ICIA is required and b) co-produce it. When the Council makes a decision, therefore, we should be fully confident of the way those recommendations were constructed and elected members should be fully, fairly and responsibly informed when reaching their decision.