

PE1722/K

Petitioner submission of 20 April 2020

Thank you for inviting us as the five petitioning community organisations to respond to the Scottish Government's submission (02.03.20) regarding our Petition, above.

We recognise that everyone's current focus, including at community level, is on the Covid-19 emergency, with issues such as this Petition for attention at a later date. When that time comes:

Our Petition concerns serious failures of governance and the need to redress vulnerabilities and inequities for remote and fragile island communities. These issues could not be more relevant to the central vision and purpose of the Islands Act 2018 as a flagship piece of legislation designed to "support and help meet the unique needs of Scotland's islands now and in the future" and "help create the right environment for sustainable growth and empowered communities" by future-proofing island life.ⁱ

In our view, the Scottish Government's response fails to address:

- **The vision and objectives of the Islands Act**, instead seeming to reduce the Act to a vehicle for generating impact assessments: the Scottish Government's response is sadly limited to two technical procedures – the ongoing two year delay in implementing island community impact assessments and mechanics of traffic management;
- **The serious issues that have driven the need to petition the Committee**: the Scottish Government's response emphasises local authorities' discretion to behave as they see fit whilst ignoring the Petitioners' perspective;
- **The need for policy coherence across the Scottish Government** in terms of actively and fully integrating the letter and spirit of the Islands Act, and other relevant laws and policies;
- **The important commitments made by the Islands Strategic Group, which is chaired at ministerial level, and includes the islands councils and councils with responsibilities for island communities**: through the Islands Strategic Group, all parties agreed that the Scottish Government would support these local authorities to "make the most of existing powers available to them. **Helping them to engage and empower their communities so that they can deliver efficient, improved and more responsive public services, leading to better outcomes**"ⁱⁱ (emphasis added).

The Island community impact assessment deficit

We believe that the Scottish Government and its Islands Team needs to be (and should have been since 2018) much more assertive and effective in ensuring local authorities and other public bodies implement the spirit as well as the letter of the legislation, including by carrying out **effective Island community impact assessments (ICIAs)**. The Islands Act did not invent impact assessments, and the Islands Team does not have to invent a template. Assessing and mitigating risks and impacts is a longstanding basic requirement of any responsible, competent decision-making process by public bodies. Appropriate tried and tested island impact assessments exist, along with multiple other forms of impact assessment. These existing templates could and should have been made widely available and implemented without any need for delay, in partnership with other relevant public bodies and the communities involved. **The Scottish Government should publicly demand and ensure the immediate implementation of existing templates without any further delay** (including learning from local authorities such as Shetland that have carried out versions of ICIAs).

Contrary to the Scottish Government's response, we do not believe that funding is a relevant issue, given current legislation (for example, the Local Government in Scotland Act 2003) and obligations within which local authorities and other public bodies are obliged to operate using existing financial and staff resources.

We are very disappointed that the Scottish Government response failed to address our concerns (5 October 2019 submission, 1PE1722/H) about conflicting with its own policy commitments regarding the global climate emergency, by effectively incentivising island residents to take their vehicles to the mainland to avoid high costs of car parking on island.

In conclusion, the Scottish Government response is mired in the mechanics of traffic legislation, who owns particular car parks and timescales to implement island community impact assessments, whereas the Petition is about principles of fairness and equity for all island residents, who depend on ferries to access basic public and other services which are only available on the mainland. Islanders have no choice as to which ferry terminals to use, and no say on the provision or terms of use of car parks. It is straightforwardly wrong to have to depend on whichever organisation happens to own car parks and abide by whatever charging policy they impose.

We believe it is simple, right and financially feasible to redress major demonstrable failures and vulnerabilities for island populations through supporting the substance of this Petition. We urge the Committee to press the Scottish Government to address the fundamental issues and principles of the Petition, and consistency with legal and policy commitments; and given the lack of compelling arguments against it throughout the process of considering the Petition – versus, e.g., its very clear consistency with the Islands Act – we request that it is now

supported by the Scottish Government. The Committee may also wish to ask why Transport Scotland has not been instructed to develop and implement an islander-focussed integrated transport policy for ferry services, to include island travel and appropriate provision at the port (car parking, transport interchange, etc) as integral to the wider provision of lifeline ferry services.

We would be pleased to explain any aspect of the above submission to the Committee.

ⁱ <https://www.gov.scot/policies/community-empowerment/empowering-our-island-communities/>

ⁱⁱ <https://www.gov.scot/groups/islands-strategic-group/>