



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Wednesday 30 May 2018**

**Session 5**



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Pàrlamaid na h-Alba

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## Scottish Parliament

Wednesday 30 May 2018

[The Presiding Officer opened the meeting at 14:00]

### Business Motion

**The Presiding Officer (Ken Macintosh):** Good afternoon. The first item of business is consideration of business motion S5M-12423, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for consideration of the Islands (Scotland) Bill at stage 3.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Islands (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 1 hour

Groups 4 to 6: 2 hours

Groups 7 to 10: 2 hours 45 minutes.—[Joe FitzPatrick]

*Motion agreed to.*

## Islands (Scotland) Bill: Stage 3

14:00

**The Presiding Officer (Ken Macintosh):** We turn to the stage 3 proceedings on the Islands (Scotland) Bill. In dealing with the amendments, members should have with them a copy of the bill as amended at stage 2, which is SP bill 15A; the marshalled list and the supplement to the marshalled list; and the groupings paper.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, a voting period of one minute will be allowed for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

### Section 2—Meaning of “island community”

**The Presiding Officer:** Amendment 1, in the name of Liam McArthur, is grouped with amendment 6.

**Liam McArthur (Orkney Islands) (LD):** It is a pleasure to get stage 3 of the Islands (Scotland) Bill under way. It feels slightly counterintuitive to start by focusing on uninhabited islands rather than islands that sustain populations and communities but, as the committee acknowledged at stage 2 when it supported my original amendment on the subject, the importance of uninhabited islands should never be underestimated.

As I said at stage 2, although fewer than 20 of Orkney’s islands are inhabited, all 70 or so play a crucial role in making Orkney the unique place that it is, not least in sustaining populations of birds that are of not just national but global significance.

In its briefing, as well as drawing attention to the fact that uninhabited islands can be a refuge for some of Scotland’s most at-risk or sensitive species, RSPB Scotland points to the fact that islands such as St Kilda can also be of considerable cultural significance. The committee agreed, and at stage 2 it took the step of reflecting what it saw as the

“cultural, environmental and economic significance”

of uninhabited islands and including a provision to that effect in the bill.

However, it was accepted by everyone that we needed to ensure that the changes properly reflected our collective intent, and amendment 1 seeks to achieve that by making more explicit the link between uninhabited islands and the inhabited

islands to which they make such a significant contribution.

I am very grateful to the minister and his officials for their help in this tidying-up exercise. I also thank RSPB Scotland and committee members—in particular, John Mason, who lodged similar amendments at stage 2—for their support to date, and I hope that Parliament will follow suit.

I move amendment 1.

**The Minister for Transport and the Islands (Humza Yousaf):** I am delighted to get stage 3 consideration of the Islands (Scotland) Bill under way on behalf of the Government. On a point of consensus, I thank Liam McArthur for lodging amendment 1. At stage 2, I indicated that the Government agreed with his original amendment to bring uninhabited islands within the scope of the bill. I also indicated that we had a technical concern about the wording of his amendment and the way in which it fitted into section 2—it read as though an “island community” could be an uninhabited island on its own.

I am pleased that the member has worked with us to produce amendment 1, which makes it clearer that uninhabited islands fit within the

“common interest, identity or geography”

of the people on islands rather than constituting communities in their own right. I am happy to support amendment 1.

Amendment 6 is a technical amendment. Section 2A, which was introduced into the bill at stage 2 by amendment 29, in the name of Colin Smyth, provides a definition of “islands authority” in the list of key definitions. The definition was intended to be used for the purposes of amendments that were not agreed to by the committee, and the term “islands authority” is therefore not used in the bill as amended at stage 2. As such, the definition of the term is redundant and serves no legal purpose. The local authorities that are covered by the bill are already listed in the schedule, so amendment 6 simply removes section 2A from the bill as amended at stage 2.

**Colin Smyth (South Scotland) (Lab):** As the minister said, amendment 6 will remove the definition of the term “islands authority”, which was added at stage 2 as a result of one of my amendments. That amendment was consequential to two other amendments that I lodged at stage 2 that were not agreed to. Accordingly, the inclusion of the term “islands authority” is no longer necessary.

I have lodged amendments at stage 3 that are similar to the two amendments that were not agreed to at stage 2. However, I have chosen not to use the phrase “islands authority”, so there is no longer a requirement for that phrase to be in the

bill. Therefore, I am content with amendment 6, which will remove that definition.

I also support amendment 1, in the name of Liam McArthur, which will amend the current provision and cover the fact that uninhabited islands can be considered island communities. The amendment rightly recognises such islands’ natural, cultural and economic value, and it has Labour’s full support.

**Liam McArthur:** I thank Colin Smyth and the minister for their supportive comments. It was helpful for the minister and Colin Smyth to set out the background to amendment 6, which is a technical amendment that we will also be supporting.

*Amendment 1 agreed to.*

### **Section 2A—Meaning of “islands authority”**

*Amendment 6 moved—[Humza Yousaf]—and agreed to.*

### **Section 3—National islands plan**

**The Presiding Officer:** Amendment 7, in the name of the minister, is grouped with amendments 17 to 23 and 8.

**Humza Yousaf:** There has been a wide-ranging discussion throughout the bill process about the level of detail that should be included in the national islands plan. Although I have expressed my wariness about putting too much detail on specific points in the bill, I have welcomed the debate and the good discussion that we have had on the issue.

I hold to my central premise on the matter. It would be unfair for Parliament to present to island communities and other stakeholders a pre-populated plan for them only to tinker around the edges with. We have to allow a meaningful process for developing and populating the plan. That said, there is clearly an appetite for the plan to consider and cover particular issues, and I have taken that on board. I welcome the positive discussions that I have had with members across the chamber on a series of amendments.

Amendment 7, in my name, is a minor and technical amendment that will restructure section 3 to allow for more topics to be listed.

Amendment 17, in the name of John Mason, will include “environmental wellbeing” as a topic to be included in the national islands plan, and I am happy to support that amendment.

Amendments 18 to 21, in the name of Liam McArthur, will include “improving transport services”, “improving digital connectivity”, “reducing fuel poverty” and

“ensuring effective management of the Scottish Crown Estate”

as topics in the national islands plan. I am happy to support those amendments.

Amendment 22, in the name of John Finnie, will include

“enhancing biosecurity (including protecting islands from the impact of invasive non-native species)”

as a topic in the national islands plan. I am happy to support that amendment.

Amendment 23, in the name of Jamie Greene, deals with an issue that was raised at stage 2. Jamie Greene proposed that all the objectives in the national islands plan should be measurable. I raised some concerns during the stage 2 debate that I do not think that it is possible to guarantee that every objective, particularly high-level objectives, that will be covered by the plan could realistically be measured. Amendment 23 takes those concerns on board and will place a duty on ministers to consider how to measure the improvement of outcomes, whether quantitatively or qualitatively. It is a good amendment that will require ministers to consider the measurement of outcomes but which will allow for flexibility when it would be difficult to measure outcomes. I am happy to support amendment 23.

Amendment 8, in the name of John Mason, follows from an amendment that he lodged at stage 2. He argued that, although the bill sets out those who must be consulted about the national islands plan, it misses a broader constituency of people who are not based on the islands but who have an interest in the islands—John Mason and I are such people. Amendment 8 is straightforward and will help to deliver John Mason’s aim of including the wider public interest in the national islands plan.

I hope that members will agree to all the amendments in the group.

I move amendment 7.

**John Mason (Glasgow Shettleston) (SNP):** I will speak to amendments 17 and 8, both of which concern the national islands plan.

The focus of the bill is, rightly, on island communities. Therefore, in section 3(3), the bill focuses on improving and promoting sustainable economic development, health and wellbeing and community empowerment. The focus on those issues is absolutely fine. However, as we heard in the debate on the first amendment, which was about uninhabited islands, there is more to islands than people. That is why the RSPB and I were keen to have a specific mention of the natural heritage of Scotland’s islands in the bill, as that means that it will be embedded in forthcoming and future island plans.

Using the phrase “environmental wellbeing” is more consistent with other legislation such as the Community Empowerment (Scotland) Act 2015 and the Scottish Crown Estate Bill. I therefore hope that members will support amendment 17, so that the three pillars of sustainable development—economic, social, and environmental interests—are all included in the bill.

On amendment 8, as the minister said, I lodged an amendment at stage 2 to widen the range of those consulted on the islands plan to include a broader constituency of people who are not based on the islands but who have an interest in the islands. As it stands, the bill does not limit those who can respond to consultation but rather provides that certain persons and groups must be consulted. Amendment 8 aims to include the wider public interest. I see that as positive, because there is a genuine commitment to our islands beyond those who normally live on them. Should the amendment be accepted, the relevant provision in the bill will say that the Scottish ministers must consult such persons “as they consider likely to be affected by or have an interest in the proposals” that are contained in the plan.

I hope that members will support both of the amendments.

**Liam McArthur:** Although the national islands plan enjoys widespread support, it is fair to say that there has been healthy debate about what it should contain, and about the extent to which legislation should set that out explicitly.

I appreciate the balance that needs to be struck here. If the content of the plan is too rigidly defined, it is unlikely that it will have the necessary flexibility to meet effectively the different and changing needs of island communities now and into the future. Nevertheless, as I pointed out at stage 2 when speaking to amendments that Tavish Scott and I lodged, there are key areas on which it would be inconceivable for the plan to remain silent, and it would be helpful for those to be reflected in the bill. The examples that we cited were ferry services, broadband, fuel poverty and Crown Estate powers. Other colleagues made further suggestions. Again, I am grateful to the minister for his willingness since stage 2 to work with me and Tavish Scott in coming up with ways of achieving our shared objectives.

Amendment 18 reflects the fact that, although ferry services are crucially important to our island communities, they are not the only lifeline transport links on which our island communities depend. Similarly, amendment 19 is an acknowledgement that, more than high-speed broadband, the future vitality and even viability of many of our island communities will be reliant on digital connectivity—I say that with apologies to

my colleague Tavish Scott, who I know has an aversion to the phrase—that keeps pace with technological advances.

Amendment 20 also includes in the bill an acknowledgment of the importance of national islands plans also addressing the scourge of fuel poverty, which continues to affect a higher proportion of households in rural and island areas than anywhere else.

Again, I thank the minister and his colleague Kevin Stewart for meeting me last week to discuss on-going concerns that I and many people with a direct involvement in rural fuel poverty issues have about the fact that, in redefining fuel poverty, the Government risks ignoring the specific rural dimension to the problem. I hope that, by the time the Government publishes its fuel poverty bill, it will have addressed those concerns. In the meantime, by including the reduction of fuel poverty in the national islands plan, we make that outcome more likely.

Finally, another issue on which the substantive debate will take place in the context of other legislation revolves around the devolution of the Crown Estate's functions and responsibilities. The stand-alone bill will provide an opportunity for us to debate our respective positions on where those responsibilities are best exercised. For the record, I believe that that should be at island authority level, where there is a desire for that to be the case. For now, amendment 21 will ensure that the national islands plan reflects the importance to our island communities of the effective management of these assets.

Through the islands plan, the bill offers a chance to put in place firm commitments and safeguards to ensure that the provision of services in our islands meets certain standards as a minimum, and that our island communities are not constantly left as an afterthought. I hope that the amendments in my name will go some way to making sure that that happens.

14:15

**John Finnie (Highlands and Islands) (Green):**

I hear what the minister said about pre-populating a plan. I also align myself with Liam McArthur's comments about the general direction of travel and I echo his comments about the positive engagement that there has been with the minister and officials.

The Scottish Green Party will support all the amendments in the group, which will enhance what is already a good bill. I will talk in particular about amendment 22, which provides for consideration of

“enhancing biosecurity (including protecting islands from the impact of invasive non-native species).”

Internationally important breeding populations of birds are concentrated on the islands and are vulnerable to predation from ground-based predators such as rats, mice and stoats. Those mammals are not native to the islands, and when they are introduced, whether that happens deliberately or by accident, there can be significant effects, because species cannot breed at the same rate at which they are being preyed.

Our breeding seabirds are a global asset—a phrase that has been used—and it is imperative that we protect our islands from invasive species by implementing a biosecurity and early warning rapid response capacity.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Would it be helpful if the member indicated that in referring to “invasive non-native species”, the member is referring to the ecostructure of individual islands rather than Scotland?

**John Finnie:** Yes, of course. Each island is different, and different threats are posed. There are species that are indigenous in some islands but not in others.

Seabird colonies face climate change-driven impacts. There has been a massive impact, particularly in Shetland and Orkney, which has been linked primarily to the falling population of nutritious prey fish, especially sand eels, whose declines, in turn, are linked to warming seas. We must therefore maximise the resilience of Scotland's seabird population.

Members might be aware that there is a rolling programme of island restoration, which has included Ailsa Craig, Canna and, more recently, the Shiants, where rodent eradication has taken place. However, that ambition will be pointless unless there are solid biosecurity arrangements for our islands. The protection of currently uninvaded islands is where amendment 22 comes in.

In July 2017, the international island invasives conference was held in Dundee. The event happens only every six or seven years, and it took place in Dundee because the world-leading rodent eradication project in South Georgia, which has officially been declared a success, was led by a team that is based at the University of Dundee.

In the context of the success of past projects and the challenges of unfolding issues, such as the presence of stoats in Orkney, we are well placed to develop a timely and groundbreaking public policy in this regard. I hope that members will support amendment 22 and the other amendments in the group.

**Jamie Greene (West Scotland) (Con):** I will speak to my amendment 23 and to other amendments in the group.



As the minister said, we came to a position on amendment 23 after I lodged an amendment at stage 2 to give effect to a recommendation of the Rural Economy and Connectivity Committee. The committee said in its stage 1 report:

“The Committee recommends that the National Islands Plan be developed with clear outcomes, targets and measurable indicators by which to establish performance.”

That is important. We should be able to hold the Government of the day to account on the plan, and the introduction of measurable objectives, where possible, would be helpful. I appreciate that we have come some way in the language of amendment 23, and I thank the minister and his bill team for the element of compromise in that regard. I am pleased that we will have support for the introduction of the concept.

It is fair to say that we are broadly supportive of most of the other amendments in the group. However, the problem is that we are doing at stage 3 what we said that we would not do: we are putting in primary legislation a list of items that we agreed we would hope to see in the national islands plan. The committee agreed that a large number of policy areas particularly affect islands, and there are key priority areas, including transport and digital connectivity.

Therefore, although it is pleasing to see members bring in those elements, it is also slightly disappointing that it is happening at stage 3, when it is difficult to say no to some of the concepts. They are indeed things that we should think about in considering outcomes for islands, but I am slightly disappointed that, at this stage, we are trying to create an exhaustive list. The proposed elements do not include access to education, health and social care, housing or workforce and employment opportunities or some of the other things that the committee identified as equally important measures that should be in the plan. We are creating a very small list of things that must be in the islands plan, but we are leaving out things that maybe should be in it. That is my concern about the addition of the list.

**John Mason:** I take the member’s point that we should not have too much detail, but does he accept that all the proposed additions are at a fairly high level and do not go into a huge amount of detail, and that they are certainly not exclusive?

**Jamie Greene:** They do not go into a huge amount of detail and they are high level, but it is only two or three issues. Are we therefore saying that those issues are more important than some of the other high-priority areas that the committee discussed? I would hate to think that people would see digital connectivity, transport, reducing fuel poverty and the Crown estate as the only issues that are of importance to the Parliament.

**John Finnie:** I recognise what the member says, but does he acknowledge that there was an opportunity to lodge amendments to that effect, had he sought to do so?

**Jamie Greene:** I beg your pardon, Presiding Officer, but I could not hear the member properly.

**The Presiding Officer:** I ask John Finnie to repeat himself.

**John Finnie:** I acknowledge what Jamie Greene says about the list, but does he acknowledge that, given the timeframe for the consideration of the bill, had he thought that the issues that he listed were important, he could have lodged amendments to that effect?

**Jamie Greene:** Yes, we could have, but at stages 1 and 2 the committee collectively thought that it was not right to start creating lists, for the reason that I set out, otherwise we would not be having this discussion. We could have added things, but we would have ended up with a very long list of things that we think the islands plan should contain. Nonetheless, I hope that, when the minister produces the islands plan, those things will be in there so, for that reason, we will support the amendments on those issues. We will also support Mr Finnie’s amendment 22, on enhancing biosecurity on islands. That is an important addition, and there is little to disagree with in it.

However, we are less in favour of two of the amendments. The first is John Mason’s amendment 17, on environmental wellbeing. I thank the member for explaining that in a little more detail, but the term “environmental wellbeing” is unclear and a little vague for the bill. What does he mean by it?

**John Mason:** Will the member take an intervention?

**Jamie Greene:** Yes. If Mr Mason can help us with that, it would be much appreciated.

**John Mason:** The original wording was “natural heritage”, and the RSPB, the Government and I were comfortable with that. However, to get consistency with other legislation, the preference is for “environmental wellbeing”. The two phrases are really meant to mean the same thing.

**Jamie Greene:** I do not think that they are the same thing. I still think that “environmental wellbeing” is a very non-specific phrase that does not have a huge amount of meaning in legislation.

Amendment 8, which is also from John Mason, is on the duty to consult on the production of the plan, which we had a lot of chat about. If the amendment were agreed to, it would mean that anyone who had “an interest” in islands would have to be consulted in the production of the plan. I hope that it would not be a consequence of that

that any stakeholder with any interest would somehow get involved in the process, as that would detract from the fact that islanders should be at the heart of consultation on and preparation of the plan. The phrase “have an interest in” would open up the process far too much to any stakeholder anywhere in the country who had a vested interest in any matter that the plan may address. For that reason, we are unable to support amendment 8.

**Colin Smyth:** I welcome amendment 7, in the name of Humza Yousaf, which ensures that the reference to increasing population remains in the bill. At stage 2, I lodged an amendment to ensure that increasing population was included in the aims of the national islands plan, and I am pleased to see that the minister recognises the importance of that in his amendment by retaining the reference, albeit that it is now worded slightly differently. Depopulation is a key challenge that islands communities face, and it is essential that the national islands plan sets out proposals to tackle that challenge. Explicitly stating that in the bill is an effective way to ensure that it remains a priority not just now but in the future.

I am pleased to support amendments 17 to 22 from John Mason, Liam McArthur and John Finnie, which all provide more detail and a statutory underpinning to the aims of the national islands plan. I support the principle of outlining the aims of the plan in the bill as a means to ensure that the plan’s ambition and aims are not watered down over time. The issues that are referenced in amendments 17 to 22 are critically important to island communities and should be included.

Amendment 23, in the name of Jamie Greene, creates a reasonable and useful requirement for ministers to outline how they will measure the extent to which the aims of the plan are realised. That is a valuable addition to the bill, which I am happy to support.

I am also happy to support amendment 8, in the name of John Mason, which broadens who should be consulted in the preparation of the national islands plan to include those with “an interest in” the relevant proposals. That is a logical amendment, which serves to strengthen the consultation process and, I hope, the final plan.

**Edward Mountain (Highlands and Islands) (Con):** I will talk about amendment 17. I listened carefully to what John Mason has just said about the definition of “environmental wellbeing”. The term still seems very vague to me and is open to all sorts of interpretation. If Mr Mason would be any clearer in his definition, rather than saying that he thinks it that it means the same as something else, I would be delighted to hear it now, as that may sway the Conservatives. I am prepared to

give way to Mr Mason if he is prepared to defend it.

**John Mason:** I am not sure that I can add an awful lot to what I have already said. Our first choice was “natural heritage” and, as I said, it is our intention that “environmental wellbeing” means the same as that. We are seeking consistency with other legislation; if we use such terms in a variety of legislation, it is better to use the same terms, and those words seem to have been accepted in other legislation.

**Edward Mountain:** I thank Mr Mason for trying to explain that. The problem is that “environmental wellbeing” will mean different things to different people with regard to different environments; the wellbeing of one environment may be improved by something, but that of a different environment may not.

I come to the chamber with 15 years’ experience as a land manager and a degree in land management—[*Interruption.*] I have never before come across this term or definition, which seems unquantifiable. Because I believe that good legislation requires tight definitions that are explainable and definable, it is impossible for me and the Scottish Conservatives to vote for the amendment.

**Mike Rumbles (North East Scotland) (LD):** In the interest of good legislation and good government, we want to get the bill right at stage 3. I ask for some clarification from the minister on John Mason’s amendment 8. I heard what Jamie Greene said about whether the amendment will open up the process too widely to those with “an interest” and take the focus away from islanders. Is the Government content that the amendment will make for good legislation? I am genuinely interested to hear what the minister has to say, as it would be very helpful.

**Humza Yousaf:** Once again, the debate has been good and informative on the content of the plan. I give reassurance to Jamie Greene that he is absolutely right that there has to be a balance with regard to not producing an exhaustive list and, in some respects, it could be argued that we are starting to fall down that trap. However, we have safeguards and checks and balances, because we are discussing generally high-level objectives.

The list is not exhaustive, and the important part is section 4, “Preparation and scrutiny of plan”. The island communities will be very much part of the engagement process when we come to develop the national islands plan. Others might have an input—perhaps those who do not live on islands and represent the mainland—but, realistically, pragmatically and practically speaking, there is no doubt in anybody’s mind that

we will travel to many island communities to hear directly from them about their needs and interests in relation to the national islands plan.

The point is well made—it is on the record—that there is no need for an exhaustive list. We have a general direction of travel about high-level important issues. Amendment 17, in the name of John Mason, falls into that category of high-level objectives, and we would be splitting hairs if members cannot accept that “environmental wellbeing” is an overarching high-level objective, which it very much is. We will support John Mason’s amendment and all the amendments in this group.

I am pleased that we have achieved a degree of consensus and agreement on the plan, and I ask members to support the amendments in my name and the other amendments in the group.

*Amendment 7 agreed to.*

*Amendment 17 moved—[John Mason].*

**The Presiding Officer:** The question is, that amendment 17 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. This is the first division, so I suspend proceedings for five minutes.

14:31

*Meeting suspended.*

14:36

*On resuming—*

**The Presiding Officer:** We move to the division on amendment 17.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 94, Against 28, Abstentions 0.

*Amendment 17 agreed to.*

*Amendments 18 to 21 moved—[Liam McArthur]—and agreed to.*

*Amendment 22 moved—[John Finnie]—and agreed to.*

*Amendment 23 moved—[Jamie Greene]—and agreed to.*

#### Section 4—Preparation and scrutiny of plan

*Amendment 8 moved—[John Mason].*

**The Presiding Officer:** The question is, that amendment 8 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 89, Against 34, Abstentions 0.

*Amendment 8 agreed to.*

#### Section 8—Island communities impact assessment

**The Presiding Officer:** We turn to group 3. Amendment 24, in the name of Peter Chapman, is grouped with amendments 25, 10, 12, 28 and 33.

**Peter Chapman (North East Scotland) (Con):** I will speak to all the amendments in the group, including amendment 25, which is also in my name.

Amendment 24 introduces into the bill the concept of retrospective island impact assessments. That concept was widely supported at stage 1 across all parties, but it was not

supported at stage 2. It is a simple amendment that seeks to ensure that

“A relevant authority must prepare an island communities impact assessment in relation to a—

- (a) policy,
- (b) strategy, or
- (c) service,

which, in the authority’s opinion,”

has had

“an effect on an island community which is significantly different from its effect on other communities”

It is clear that the Scottish Government and members of the Rural Economy and Connectivity Committee support the concept of island proofing, and amendment 24 would enable authorities to submit an assessment to the Scottish Government on any previous legislation that has significantly hindered island communities. It was argued at stage 2 that that simple amendment could create an overbureaucratic exercise for authorities and could open the door too widely to change, but the amendment makes it clear that it would operate in the same way as future island impact assessments, and only if an authority felt that a policy, service or strategy has had a significant impact on an island community would it have to prepare an assessment.

I appreciate that the Minister for Transport and the Islands has verbally committed to reviewing any past legislation that has had a significant impact on an island community. Given that commitment, if a relevant authority brings something to his attention, I think that it is appropriate to acknowledge that in the bill.

Amendment 25, which is also in my name, is consequential on amendment 24. As a technical change, it copies the wording in section 8(1) to ensure that relevant authorities do not have to publish explanations for not carrying out island communities impact assessments unless the policy, strategy or service has

“had an effect on an island community which is significantly different from its effects on other communities”.

We support amendment 10, in the name of the minister. Amendment 10 is a technical amendment that ensures that relevant authorities can effectively comply with the section 7 duty to

“have regard to island communities”,

and therefore to produce island communities impact assessments, as set out in section 8.

We also support amendment 12, in the name of Liam McArthur, and amendment 28, in the name of Colin Smyth. Those amendments also relate to retrospective island communities impact

assessments, but they are much more prescriptive than my amendment.

Amendment 12 sets out a process for Scottish ministers to follow in responding to requests from relevant authorities, and also places on Scottish ministers a duty to publish retrospective island communities impact assessments. That would be particularly useful for authorities that do not have the time to carry out their own assessments. Amendment 28 ensures that new regulations set out by ministers must be laid before the Parliament, and that each local authority listed in the schedule, and any other relevant person, must be consulted.

Both amendments 12 and 28 add to the scrutiny of the Scottish ministers' role in the process, which is important to ensuring that the Scottish Government commitment is met. Amendment 33 is consequential on amendment 28, and we will therefore support it, too.

I move amendment 24.

**Humza Yousaf:** Amendment 24, in the name of Peter Chapman, is a repeat of an amendment that he lodged at stage 2. I am afraid that I still cannot support it. I will reiterate a lot of what I said at stage 2, as it remains relevant.

The amendment seems to require all the relevant authorities to review all previous policies, services or strategies that they believe may have had a significantly different impact on island communities from their effect on other communities. As there are no criteria or thresholds for the retrospective element, the amendment has no time limit on how far back the relevant authority would need to go. Would it have to go back years, or even decades? I asked that question at stage 2 and the answer still seems to be that it would be mandatory for an authority to review and potentially prepare an impact assessment for every policy, strategy or service that it has ever developed, delivered or redeveloped. That is neither practical nor reasonable. Undertaking those reviews could also take a significant amount of resource, which could be deployed elsewhere.

14:45

Amendment 25, which was also lodged by Peter Chapman, seems to require that, when a relevant authority does not prepare an island communities impact assessment for a policy, strategy or service that

“is likely to have or have had”

a significantly different effect on an island community from its effect on other communities, it must publish its reasons for not doing so. Under section 8(1), if there is a significantly different effect on an island community, the relevant

authority is under a duty to prepare an island communities impact assessment. It has no choice. There would be no question of the authority publishing the reasons for not undertaking such an assessment because, in those circumstances, it would have done the assessment.

I hope that that reassures Mr Chapman that there is already adequate provision in the bill to achieve broadly the same purpose as that of his amendment 25 and that he will not press it. If he does press it, I cannot support it, as it is a measure that duplicates process and requires that an excessive burden be placed on the resources of affected relevant authorities.

**Jamie Greene:** I think that the minister is saying that amendment 24 would mean that all historical legislation must be looked at for its effect on islands, but the key phrase in the bill is “in the authority’s opinion”. There is still an element of subjectivity in relation to which historical legislation has to be looked at, so not all pieces of legislation would have to be looked at. If amendment 24 were agreed to, the safeguard of the phrase “in the authority’s opinion” would remain in the bill.

**Humza Yousaf:** I accept Jamie Greene’s point, which could, in a sense, make the proposal redundant. What is the purpose of Peter Chapman’s amendment if the power rests with the authority to determine whether to review legislation? I will come on to a couple of other amendments that tackle that issue slightly better.

Colin Smyth’s amendment 28 would require ministers to develop regulations to set up a scheme to allow island local authorities to make a request that legislation be amended. I know from experience that one island authority can indicate that it is having difficulty with the requirements of a particular piece of legislation and is keen to see it changed, but other islands authorities will have no issues with the same legislation. The problem might be a more local issue regarding implementation rather than a problem with the legislation itself. I fear that, if amendment 28 were agreed to, it could become the default starting position for islands authorities that do not like a particular piece of legislation, rather than their engaging proactively to seek resolution through other means.

Colin Smyth’s amendment 28 seems to ignore the fact that we are creating island proofing of legislation in the bill. His amendment would create a future in which, no matter that a piece of legislation had been through the island-proofing process as set out in the bill, a local authority could still put in a request and essentially relitigate the whole process at any time.

I turn to Liam McArthur’s amendment 12, to which a number of issues that are similar to those

that I outlined in speaking to amendment 28 apply. However, amendment 12 has the benefit that it would create a simple and straightforward process that focuses on requests for island communities impact assessments rather than leaping to the need for legislative change.

I understand the point that has been made. I have listened and tried to work out what we can do to respond to members' concerns flexibly and proportionately. To address those concerns, I lodged amendment 10, which is based on a stage 2 amendment that was lodged by Colin Smyth, to whom I am grateful for his input. Amendment 10 will put in place a requirement to have an ongoing, flexible and proportionate review process that would have the same effect as a retrospective assessment process. Indeed, it would support better governance all round. The Government, public authorities and agencies should keep policies and legislation under review, and we should want to test continuously how things are working in practice and make necessary adjustments or changes as needed. Amendment 10 recognises that there is a continuing need to reflect on current policies and strategies and to undertake island communities impact assessments when required in a flexible and proportionate way.

In order to give members even further reassurance, I agree that it would be useful to determine whether there is existing legislation that the Parliament has passed that needs to be addressed in view of the interests and needs of islands. My offer to islands authorities has always been that I have an open door and that they can come forward with any proposals on legislation that they think needs to be re-examined. I give members a further undertaking that I will continue to work with cabinet secretaries and fellow ministers to proactively trawl their portfolio interests for recent legislation, policies, strategies and plans in order to review the impact on islands. That action would have the impact and effect that are being sought, without the need for legislation.

I hope that members will support amendment 10, in my name. I urge Mr Chapman to withdraw amendment 24 and not to move amendment 25. I urge Colin Smyth not to move amendments 28 and 33, as they would lead to the many problems that I have outlined. I ask Liam McArthur not to move amendment 12, although if he moves it, I will be happy to support it.

**Liam McArthur:** The centrepiece of the bill is its promise of so-called island proofing. It is a commitment that future policy and legislation will be tailored to reflect the needs and circumstances of island communities and is a move away from a damaging one-size-fits-all approach to governing.

That is welcome, of course, but it cannot be the extent of our ambition.

For years, I have highlighted examples of decisions by Government and its agencies that have failed to take proper account of the island dimension. For island proofing to be properly effective in meeting the needs of our island communities, we need to be able to look back as well as forward. I accept that that cannot be wholly open ended. Unfortunately, an amendment that I lodged at stage 2 risked the prospect of legislation down through the ages being subject to some kind of island-proofing MOT. Government, whether at the national or at the local level, does not have the time, resources or appetite to get bogged down in a never-ending review of every piece of legislation on the statute book.

Having listened to the minister's concerns at stage 2, I believe that my amendment 12 now offers a proportionate means of enabling island proofing to take place retrospectively. Islands authorities would be the route through which an application for a review of existing legislation or strategies would be made to ministers. Ministers would then have three months in which to grant or refuse any request, giving reasons in the case of the latter. Where a request was granted, ministers would have six months in which to prepare a retrospective island communities impact assessment.

Those are reasonable timescales and a proportionate response to the case made by all three island councils, the committee and many others for island proofing to be extended to existing legislation, policy and strategies. I acknowledge and welcome the steps taken by Peter Chapman and Colin Smyth to address the same issue, although I hope that they and their colleagues might agree to support my amendment 12 in order to take forward our common objective.

Previously, I have given examples of regulations governing issues as diverse as building standards and homecare provision that, in an Orkney context, risk achieving the opposite of the laudable intentions behind them. That is in no one's interests, least of all those of our island communities. The bill must prevent such situations from arising in future, but amendment 12 allows us an opportunity to right at least some of the wrongs that already exist. I am grateful to the minister for the indication of his support, albeit caveated, for amendment 12. I am also grateful to Colin Smyth for the collaborative approach that he has taken to amendment 12, and I look forward to voting on it later.

**Colin Smyth:** Amendment 28, in my name, would require ministers to establish a scheme for requests by local authorities to improve or mitigate the effect of existing legislation. Amendment 28 is

entirely in keeping with the aims of the bill. The introduction of island impact assessments recognises the unique nature of the islands and the need to ensure that protections are in place against any unintended negative consequences of legislation. To limit that solely to new legislation when the impact of existing laws could be detrimental to our island communities would not capture the spirit of the bill.

I believe that my amendment 28 complements Liam McArthur's amendment 12 on retrospective impact assessments. There is a need for a general retrospective impact assessment mechanism and I fully support Liam McArthur's amendment 12 in that regard. However, what amendment 28 seeks to do is slightly different and might help reduce the administrative burden of retrospective impact assessments. If a specific problem with existing legislation has already been identified, going through the entire impact assessment process would be unnecessary; instead, local authorities would have the ability to request that legislation be amended.

Throughout the bill process, the Government has been keen to suggest that the inclusion of any retrospective impact assessment mechanism would be a bureaucratic burden and that we would be creating scope for endless assessments of every piece of legislation. However, I do not think that that is the case with amendments 28 and 12. Under both those amendments, local authorities would be required to make the case as to why any given piece of legislation should be assessed or amended, and if the request was groundless, it would be rejected. Moreover, we should trust local authorities not to make frivolous or unnecessary requests. Given that the bill came about following the excellent work done by islands authorities in the our islands, our future campaign, it would be disappointing to send a message to island communities that we do not trust them to highlight legitimate concerns about the impact of existing legislation and will not give them a formal mechanism for doing so.

Just as legislation should be subject to the new duties created by the bill, so too should the policies, strategies and services of relevant authorities. Amendment 10, in the name of Humza Yousaf, requires relevant authorities to review policies, strategies and services to ensure that they are compliant with the new statutory duty to have regard to island communities. As the minister said, amendment 10 came about as a result of my discussions with him after stage 2. Members may recall that at stage 2 I proposed an amendment setting out a requirement to review a decision not to conduct an island communities impact assessment. I did not press my amendment at the time, after the minister indicated that he would lodge a suitable amendment at stage 3, which he

has done. I hope that all members will support amendment 10.

Amendment 33, in my name, requires that any regulations brought forward as a result of amendment 28 should be subject to the affirmative procedure. It simply adds an element of oversight and accountability to ensure that ministers bring forward a scheme that is in keeping with the spirit of amendment 28, as well as the letter of the law, and that requires the affirmative endorsement of Parliament.

I have a great deal of sympathy with the intention behind Peter Chapman's amendment 24, which seeks to ensure that relevant authorities' existing policies are subject to island impact assessments. I am, however, concerned that, as worded, the amendment would create an unreasonable and unnecessary burden for the relevant authorities. Under amendment 24, they would be required to conduct an impact assessment of any policy, strategy or service that has had, at any point, a significantly different impact on an island's community, regardless of whether it continues to do so.

Furthermore, I believe that the aim of amendment 24—of ensuring that existing policies are subject to the new statutory duty to have regard to island communities—is already met in amendment 10, which requires the relevant authorities to review their policies, strategies and services as needed to ensure that they comply with that duty.

My interpretation of Peter Chapman's amendment 25 is that its purpose is similar to that of my amendment 26, but I am concerned that it may weaken the existing provision. Under amendment 26, relevant authorities would be required to provide an explanation as to why they did not conduct an islands impact assessment in relation to any decision affecting an island community. Under Peter Chapman's amendment 25, it would seem that relevant authorities would be required to do so only in instances in which the effect is likely to be significantly different from the effect on other communities.

That is an important distinction and significantly raises the bar with regard to which decisions require an explanation. In instances in which relevant authorities do not consider that an impact assessment is necessary, on the ground that the policy will not have a significantly different impact on island communities, it is right that local communities receive an explanation as to how that decision was reached. That does not appear to be the case under amendment 25.

Therefore, we will not support amendments 24 and 25.



**Stewart Stevenson:** I rise to speak to Peter Chapman's amendments 24 and 25. Amendment 25 uses the phrase "in the authority's opinion". I read that as meaning that the authority has to have an opinion—it cannot avoid having an opinion. It is to have an opinion and, given that in the amendment we also read the words "or have had", the authority must also have an opinion on every single thing that affects the island. It has to invest time and effort only to discover that it ends up with no material opinion on anything—but it has to have an opinion.

**Peter Chapman:** Will the member take an intervention?

**Stewart Stevenson:** No, not at this stage.

The equivalent amendment at stage 2—amendment 62—was voted down. At the time, I referred to the Common Good Act 1491, because Comhairle nan Eilean Siar has no common good funds and is therefore different from other islands. It would therefore be necessary to consider the effect of the 1491 act on the Western Isles as compared with other islands.

However, I note that the legal effect of the 1491 act is minimal, so I bring forward a different example, not from decades ago but from centuries back—the Minority Act 1663. That act relates to the position of minors who have property on which the leasehold will expire before they achieve their majority. Is there a difference in the islands? Actually, there is, because in Orkney and Shetland there is property law called udal law, which applies only on those two groups of islands. Udal law has an effect on the way that leaseholds work. People who are minors without tutors are affected in that particular regard.

15:00

**The Presiding Officer:** Mr Stevenson, I do not really want to halt you mid flow, but we have allocated one hour for groups 1 to 3 and we need to get John Finnie in, so perhaps you could bring your remarks towards a conclusion.

**Stewart Stevenson:** You have just pre-empted me, Presiding Officer. I was just going to say that the final point that I want to make is about the phrase "significantly different". Udal law is significantly different, but of course it is significantly beneficially different to Orkney and Shetland. Under amendment 25, they would still be forced to consider whether they should continue it, even though it is beneficial.

**John Finnie:** My colleague Liam McArthur said that the centrepiece of the bill was island proofing. That phrase has recurred frequently. It has led to a lot of expectations, not least with regard to the question of retrospection. Although no reasonable

person would expect there to be a blank cheque associated with this, and a retrospective application would be unusual, of the amendments that are before us, Liam McArthur's amendment is measured and proportionate. I urge him to press it; I hope that members will also support the minister's amendment 10.

**The Presiding Officer:** As we are nearing the agreed time limit, I am prepared to exercise my power under rule 9.8.4A to allow the debate on this group to continue beyond the time limit in order to avoid the debate being unreasonably curtailed. I ask Peter Chapman to wind up and to press or withdraw his amendment.

**Peter Chapman:** I wish only to state that I will press amendment 24.

**The Presiding Officer:** Thank you very much. In that case, the question is, that amendment 24 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)

Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 28, Against 94, Abstentions 0.

*Amendment 24 disagreed to.*

**The Presiding Officer:** I call amendment 25, in the name of Peter Chapman, and ask whether he wishes to move it.

**Peter Chapman:** Given that it is consequential on amendment 24, I will not move it.

*Amendment 25 not moved.*

**The Presiding Officer:** We come to group 4. Amendment 26, in the name of Colin Smyth, is grouped with amendments 9, 9A, 2, 11, 5, 15 and 34.

**Colin Smyth:** Amendment 26 amends the wording of my stage 2 amendment 69 requiring that, should a relevant authority decide not to conduct an island impact assessment, it must publish an explanation as to why. Amendment 26 clarifies that that provision relates only to policies, strategies or services that have an effect on an island community. I should make it clear that it is not intended to weaken or limit the current provision and will exclude only decisions that are entirely irrelevant to island communities.

Amendment 9, in the name of Humza Yousaf, concerns a review mechanism for island impact assessments. In its stage 1 report, the committee described such a mechanism as “essential”—a view that I entirely share. If island communities are to have faith in the process, there must be greater accountability, and the introduction of a review mechanism is a straightforward way of ensuring that decisions can be challenged and the voices of island communities are heard. The wording that is proposed by the minister would make the creation of that mechanism a possibility, whereas I believe that it should be a requirement. Therefore, amendment 9A, in my name, seeks to make that the case.

Amendment 2, in the name of Tavish Scott, requires that the guidance that is issued in relation to authorities’ new duty to have regard to island communities be approved by the Parliament

before it comes into force. I fully understand why Tavish Scott wishes that requirement to be included in the bill. Indeed, a great deal of the bill's potential remains to be realised—its impact and scope are dependent on the development of guidance, regulations and the national islands plan. As a result, there is a strong case for parliamentary oversight of future provisions, so I am sympathetic to amendment 2.

I have no objection to amendment 11, in the name of Humza Yousaf. Likewise, I am happy to support amendment 15, in his name.

Tavish Scott's amendment 5 outlines ministers' duties to consult island communities on changes to any relevant policy, strategy or service. Establishing island communities' rights and ministers' responsibilities in that regard is obviously very beneficial, and I have no objections to that amendment.

Finally, amendment 34, in my name, simply edits the wording of my stage 2 amendment 59—which included integration joint boards on the list of relevant authorities—in order to future proof the provision and ensure that any changes are automatically captured.

I move amendment 26.

**Humza Yousaf:** I am happy to support amendment 26, in the name of Colin Smyth. Having discussed with him the impact of his stage 2 amendment 69, which put the new section 8(4) into the bill, I welcome his amendment 26. Amendment 26 provides helpful clarification that relevant authorities would not be required to publish reasons for not undertaking an island communities impact assessment if the policy, strategy or service did not impact on an island community in any way.

I am also happy to support Colin Smyth's amendment 34. It makes a technical change to future proof his stage 2 amendment 59, which included all the IJBs as relevant authorities in the schedule to the bill.

Amendments 9 and 15 are in my name. At stage 2, Colin Smyth lodged an amendment that attempted to create a process that would allow for a review of a relevant authority's decision not to undertake an island communities impact assessment. There were a number of problems with that amendment, and I offered to come back at stage 3 with a revised proposition and a compromise—which is to include a power that would allow ministers to make regulations with respect to reviews.

If the operation of the new island-proofing measures in the bill identifies issues and problems that mean that a review would be beneficial, my amendments would allow a review to take place

on the basis of the evidence. That seems to be the sensible approach to take. It enables a remedy to be sought, should one be required, instead of imposing a remedy before anyone can determine whether one might be needed. Taking a power to set up a review mechanism through regulations also allows greater flexibility. Although the provision is silent on this, my intention is to enable the views and feedback of stakeholders and communities to inform how subsections 2(a) to (f) of the proposed new section could best be implemented to ensure that reviews take place in the most effective way.

Although amendment 31, in the name of Jamie Greene, will be discussed with group 10, it can be considered as complementary to my amendment 9. Amendment 31 would establish a mechanism to review the operation of the act as a whole, including the provisions on island communities impact assessments, with that review taking place within four years of the bill receiving royal assent. Taken together, those two amendments would provide evidence that would enable us to reach a conclusion as to whether a separate review process was required, and they would provide the means to put that into effect. On that basis, I ask members to support amendment 9 and amendment 15, which is a technical amendment that would ensure that the regulations were subject to the affirmative procedure.

On that basis, I cannot support amendment 9A, which was lodged by Mr Smyth. His amendment replaces "may" with "must", which would mean that we could not wait until the publication of the report and the evaluation of the act nor establish whether any evidence had emerged of the need for a review process. Instead, ministers would have to make regulations to set up a review process as soon as they could after the provisions had come into force. That seems unnecessary and disproportionate, and it would risk our creating a process for its own sake without thinking through what resources that would take or, indeed, whether it was needed. We could decide that it was not needed but, unfortunately, we would have to go ahead with it because of Colin Smyth's amendment.

Nevertheless, I understand why Mr Smyth thinks that a review might be needed. I therefore give him an undertaking on the record that we will evaluate the operation of the impact assessments process and that we will create a review process, should one be necessary, which will have the statutory underpinning that is set out. I hope that that is sufficient to persuade the member not to move amendment 9A. If he does, I ask members to vote against it.

As I have said, amendment 11, in my name, is another technical amendment. The criteria under

section 12(3) were changed by Jamie Greene's stage 2 amendment 78, which added a financial implications requirement to the section 12 island communities impact assessment of legislation. That means that the criteria in section 12(3) are now different from, and more onerous than, those in section 8(3). My amendment 11 makes it clear that an assessment that is completed under the more stringent criteria of section 12 should also be considered to be an island communities impact assessment under section 8, thereby demonstrating compliance with the duty in section 7.

Amendment 2, in the name of Tavish Scott, is drafted in the same terms as his stage 2 amendment 23. As I said at that time, I understand what he seeks to achieve with the amendment, but I cannot support it. The content of the guidance is crucial to understanding what is expected of public bodies in practice in relation to implementing and delivering the island-proofing duty, and section 10 makes it clear that public authorities will be expected to follow that guidance, which will be developed in full consultation with islands authorities, island communities and other relevant stakeholders. I am determined to ensure that that is a meaningful process.

However, amendment 2 would stop the application of that guidance until Parliament had considered and approved it. It therefore has the potential to slow down implementation of the island-proofing duty substantially. It would also potentially require every iteration of the guidance to come before Parliament for approval, meaning that relatively small changes or additions would be subject to a lengthy and cumbersome process. I believe that that would reduce flexibility and adaptability and would slow things down.

The guidance will need to adapt with experience, to highlight good practice and caution against bad practice. It is not normal practice for the Parliament to approve guidance that is issued by the Scottish ministers rather than guidance that is issued by the Parliament itself, for the very good reason that the Parliament has limited time and resources. To look at detailed guidance every time it is changed would be quite a burden.

I offered a compromise at stage 2, and I am happy to offer it again. I committed to bringing before Parliament the very first version of the guidance in draft before it is published, so that Parliament can contribute to the development process. That seems to be the most important stage for members to have sight of the guidance, rather than every single time that it is altered. I undertake to do that and, on that basis, I ask Tavish Scott not to move amendment 2. If he does, I ask members to vote against it.

Amendment 5 is also in the name of Tavish Scott, and I am grateful to him for lodging it. The amendment includes a further step for ministers, after they have prepared an island communities impact assessment under section 8, requiring them to undertake a further consultation in circumstances in which a "material change" has taken place. I have some worries because the amendment would introduce a new term—"material change"—that is not used elsewhere in the bill and because such a process could add another layer of complexity. However, I understand the principle behind the amendment, so I am happy to support it.

**Tavish Scott (Shetland Islands) (LD):** I am terribly tempted to start with a debate on udal law, but I will spare members that for another day. I am really exercised to lodge an amendment on udal law, but at some stage there will be a bill that allows us do so.

I will speak briefly to amendments 2 and 5. I hear what the minister says about bringing a first draft of the guidance to Parliament. I also recognise what he said about amendment 2 slowing down island proofing, which is very much against what I would argue for. Therefore, although, as Colin Smyth set out rather well, the arguments are in favour of the guidance being scrutinised adequately and properly—this is an enabling piece of legislation, and it is important that any bill that is constructed in such a way is properly scrutinised by Parliament—I take the minister's line, which he has read on to the record this afternoon, that presenting the first draft to Parliament will allow proper scrutiny not just by committees and members of the Parliament but by island communities themselves. On that basis, I am minded not to move amendment 2.

Let me be blunt in saying that amendment 5 would not have been lodged were it not for Highlands and Islands Airports Ltd. The principle of consultation is enshrined in numerous Government documents of all political persuasions, yet HIAL—which, for those who do not know, is and always has been wholly owned by the Government—plans to impose car parking charges on Kirkwall, Stornoway and Sumburgh airports without consultation. It has flatly refused to consult, which no one in the islands appreciates at all—nor, I believe, should the Government.

15:15

HIAL's defence—I will not even give it credit for having mounted one—is that it knows the answer to the question, "Would you like to pay for parking at our airports?" Could the Government imagine Shetland Islands Council, for example, deciding to close a school and saying, "We're not going to bother consulting parents, because we know what

they would say”? Not surprisingly, the Government’s response would be to say, “No, you can’t do that. You must consult, and here’s why: there’s legislation, there are all these documents and there are your own strategies and many other mechanisms in place. You must consult.” I cannot conceive how a Government agency—in this case, Highlands and Islands Airport Ltd—could get away with not consulting on such a matter.

I hope that, even at this late stage, the minister recognises that, in the context of island proofing, it is extremely important that HIAL is made to consult properly, just as any other local authority or public agency would have to. That is the basis for amendment 5, and I ask members to support it.

**Peter Chapman:** We support amendment 26, in the name of Colin Smyth, as it would provide a safeguard for relevant authorities that may not have the time or the resources to publish reports quickly. The amendment would give an authority the time and latitude to publish

“as soon as reasonably practicable afterwards and in such manner as it considers appropriate”.

That would be appropriate.

We will support amendment 9, in the name of the minister, but only if it is amended by amendment 9A, in the name of Colin Smyth. Amendment 9 would add a new section titled “Reviews of decisions relating to island communities impact assessments”. Although I am glad that the minister wants to add that section, Colin Smyth’s amendment 9A is necessary, as it would change “may” to “must”, ensuring that the provision allowing the appeal of decisions must be included in the bill. That change, which was recommended at stage 1, is important, as it would enable authorities to challenge a decision on an island communities impact assessment when they felt that there had been a significant impact on their community that had not been successfully assessed.

We support amendment 2, in the name of Tavish Scott, which would ensure that Scottish ministers would have to lay the

“guidance they propose to issue”

to islands authorities “before the Scottish Parliament” for it to be subsequently approved by the Parliament. The amendment would ensure cross-party scrutiny so that local authorities would receive the best guidance for their community.

We support amendment 15, which is a technical amendment.

We support amendment 11, in the name of the minister, which came about as a result of amendment 31, in the name of Jamie Greene, which has yet to be debated. In the light of the

minister’s comments, we can now support his amendment 11.

We support amendment 5, which would add a new section to the bill, ensuring that island communities are statutory consultees.

We also support amendment 34, which is another technical amendment and which would make a change to the bodies that are listed in the schedule.

**The Presiding Officer:** I call Colin Smyth to wind up and to press or withdraw his amendment.

**Colin Smyth:** I press amendment 26.

*Amendment 26 agreed to.*

### After section 8

*Amendment 9 moved—[Humza Yousaf].*

*Amendment 9A moved—[Colin Smyth].*

**The Presiding Officer:** The question is, that amendment 9A be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)

Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 62, Against 60, Abstentions 0.

*Amendment 9A agreed to.*

**The Presiding Officer:** Minister, do you wish to press amendment 9, as amended?

**Humza Yousaf:** Yes.

*Amendment 9, as amended, agreed to.*

#### Section 9—Compliance with section 7 duty

*Amendment 10 moved—[Humza Yousaf]—and agreed to.*

#### Section 10—Guidance about section 7 duty

*Amendment 2 not moved.*

#### Section 12—Preparation of island communities impact assessment by Ministers

*Amendment 11 moved—[Humza Yousaf]—and agreed to.*

#### After section 12

**The Presiding Officer:** We move to group 5. Amendment 4, in the name of Tavish Scott, is the only amendment in the group.

**Tavish Scott:** Amendment 4 would require the Scottish ministers to prepare an island communities impact assessment in relation to existing legislation and strategies on waste management. The impact assessment would have to describe the effect of that legislation and those strategies on the recovery and disposal of waste in island communities.

I take on board the arguments that Jamie Greene and other members made earlier in relation to the list, but amendment 4 has a specific purpose that relates to the waste flow in Shetland. The issue that my amendment deals with is a very simple one. Waste is used in a waste-to-energy plant. The energy that is produced heats water

that is pumped through Lerwick's district heating system, which heats the Gilbert Bain hospital in Lerwick, care centres and schools across the capital, and many homes. That is the way in which recycling of waste is done there. The system, which was built many years ago using local and central Government moneys, completes a waste loop.

I appreciate that much waste regulation has changed and that it will continue to change. My intention in amendment 4 is simply to ensure that, in the waste legislation and strategies that Government and local government devise and adhere to, there is an understanding of the dynamics of what happens in islands. In the example that I have given, that is not currently the case. I look to the minister for recognition of that fact, and I hope that he might be able to find a way to deal with the situation in the context of my amendment.

I move amendment 4.

**Stewart Stevenson:** I will be brief. It is worth saying that islands are allowed to be different in all sorts of different ways.

I have some technical issues with subsection (2) of the new section that amendment 4 seeks to insert in the bill, which hooks the whole thing to royal assent. It is worth looking at what the bill says. On the day after royal assent, only sections 1, 2, 22 and 24 will come into force, so the new section that amendment 4 provides for would not be included. There is therefore a wee bit of a lacuna in the way in which the amendment has been constructed.

In any event, given that, on royal assent, only the housekeeping bits of the bill—not the powers—will be brought into force, it is only when a commencement order is laid that any parts of the bill that matter to islands will come into effect. I am therefore slightly doubtful about the construction of amendment 4 and I ask Tavish Scott to address that in his closing remarks.

**Jamie Greene:** I thank Tavish Scott for bringing the issue to the Parliament's attention through amendment 4. It deals with a specific issue that relates to a localised area on a specific island. I see what the member is seeking to do. One could argue that the bill is not the place to address such specific environmental issues, but it is the Islands (Scotland) Bill, and if it is not the place and now is not the time to deal with such issues, where and when should they be dealt with? For that reason, and given that there is nothing in particular in amendment 4 for us to disagree with, Tavish Scott will have the support of Conservative members for it.

**John Finnie:** This is a graphic example of the importance of geography. Tavish Scott talked

about understanding the dynamics. This is a clear example of a situation where we could argue that there are conflicting policies. There might have been an expectation that I would rise to say something, but I am not going to say it. We need to have a pragmatic approach and look at everything in the round. If Tavish Scott presses amendment 4, the Green Party will support it.

**Humza Yousaf:** I appreciate that remote communities, including our island communities, can face challenges to meeting our policy ambitions for tackling waste. That is why we continue to work closely with island councils, through Zero Waste Scotland, to assist them in achieving compliance.

I am aware that island councils are making steady progress towards achieving compliance with the existing legislation. For example, we expect the recycling rate in Shetland to increase significantly as new recycling services are rolled out with assistance from Zero Waste Scotland, particularly in light of Shetland Islands Council's decision in 2017 to sign up to the Scottish household recycling charter.

A retrospective impact assessment of existing legislation and strategies, as proposed in amendment 4, would be of little value because a significant amount of our existing law and policy is underpinned by European Parliament and European Council directives. Any deviation from those requirements could result in costly infraction proceedings being undertaken. It is more constructive to focus on the practical steps that are needed to improve recycling performance and consider waste management options, which is what we are doing through Zero Waste Scotland.

Bearing in mind the good points that Tavish Scott articulated, I am happy to commit to review the best practical environmental options for the collection and processing of recyclable waste in Shetland, in order to assist island councils in their duties. I am happy to ask my colleague the Cabinet Secretary for Environment, Climate Change and Land Reform to meet Tavish Scott to discuss that work, and to bring together the relevant stakeholders. I believe that she has given Tavish Scott that undertaking outside the chamber, and I am happy to give that commitment again.

Given those assurances, I hope that Tavish Scott will not press amendment 4.

**Tavish Scott:** I thank colleagues for speaking to amendment 4 in the way in which they have. I take John Finnie's point given his party's position on what I might call a waste energy plant and what he might call something else.

I take the minister's point about a Government review of the best environmental options. I accept

that concession and the spirit in which it was given. I am grateful to the minister for that. Given that Parliament will agree to Liam McArthur's amendment 12, which we debated a few minutes ago, there will be a mechanism in place to pursue the issue in a different way. Those two factors make it clear to me that the parties that need to come together to resolve the matter in the round can do so, given what the minister and Parliament have said. On that basis, I will not press amendment 4.

*Amendment 4, by agreement, withdrawn.*

*Amendment 12 moved—[Liam McArthur]—and agreed to.*

*Amendment 28 moved—[Colin Smyth].*

**The Presiding Officer:** The question is, that amendment 28 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)



Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 66, Abstentions 0.

*Amendment 28 disagreed to.*

15:30

**The Presiding Officer:** Amendment 27, in the name of Colin Smyth, is grouped with amendments 13, 32 and 16.

**Colin Smyth:** Amendment 27 would require ministers to create a scheme in which local authorities can request devolution of functions to be considered. Similarly, Liam McArthur's amendment 13 would require the creation of a scheme for local authorities to request additional powers. Amendments 32 and 16 would require both schemes to be subject to affirmative procedure. Either one of amendments 27 or 13 would make an invaluable contribution to the bill. Accordingly, I will support both.

The bill was created on the basis that island communities have unique and varied needs, and it purports to strengthen those communities. However, it could do more by way of community empowerment and strengthening decision-making powers for those communities. The amendments in group 6 would create a mechanism whereby islands authorities could request additional powers, if they were needed. That would improve their ability to respond to specific local problems and to develop policy in line with communities' needs and priorities. It would put power in the hands of communities and help to protect island communities against centralisation.

As was the case with regard to the amendments on retrospective island proofing requests, the case would have to be made for having the powers by the local authority. The amendments in group 6 do not seek to overburden already stretched councils with powers that they do not want, nor would they create a system in which any power could be devolved automatically on request. The systems that are proposed are practical and balanced.

In recent months, there has been much debate—rightly so—about so-called power grabs, and about which powers should or should not be

devolved to this Parliament. However, our local councils are often forgotten in that debate. As more and more powers come to the Scottish Parliament from the United Kingdom Parliament, they should not automatically rest in Edinburgh, which can often seem distant from our island communities. If this Parliament genuinely believes in local democracy, it should support the modest mechanisms in the amendments in group 6, because they could make that happen for our island communities.

I move amendment 27.

**Liam McArthur:** I associate myself with Colin Smyth's comments. As was the case with the earlier amendments on retrospective island proofing, I am conscious that he and I have our tanks parked on each other's lawns. For the record, I state that I am not partisan with regard to which of the amendments Parliament chooses to support.

My amendment 13 and the consequential amendment 16 are an attempt to future proof the legislation. As Donald Dewar once wisely observed, devolution is a process, not an event. The bill should not and must not be the sum total of our ambition to empower our island communities. We must leave open the possibility and the option for local authorities, acting in the interests of the communities that they represent, to request additional functions and responsibilities; perhaps we must even encourage them to do so. The granting of any such request would not be a foregone conclusion. A robust case would need to be made, weighing up the pros and the cons. By the same token, any refusal by ministers would need to be based on sound evidence and be subject to appeal.

As with my approach on retrospective island proofing, I believe that amendment 13 is both reasonable and proportionate in meeting what has been a consistent demand from all three of the islands authorities. On that basis, I hope that it, or Colin Smyth's amendment 27, will find support across the chamber.

**Jamie Greene:** I rise to give the Conservatives' support for amendments 27 and 13. They make important points. The Rural Economy and Connectivity Committee took a lot of evidence throughout the progress of the bill, and much of the evidence that we got from people on islands was about decentralisation of power and decision making; it is felt that decisions that are made closer to communities are better. The amendments would merely facilitate schemes for requests for devolution of specific functions, and would not create a major new governance framework change. I do not think that the bill would be the place to do that.

The rationale behind the amendments in group 6 is an important one for us to consider in the context of what the bill is seeking to achieve. For that reason, Conservatives will support all the amendments in the group.

**Stewart Stevenson:** Colin Smyth said that islands

“have unique and varied needs”.

I absolutely agree. Jamie Greene talked about bringing decision making closer to the islands. However, having read amendments 27 and 13, I see quite the opposite effect: they would prevent the islands from deciding how to present a case for devolution, because they would mandate that we in the Scottish Parliament dictate to the islands how such a case must be constructed. If either amendment were to be agreed to, lawyers in local authorities would inevitably be required to verify that requests were being presented in the correct legal form.

Quite frankly, I trust local authorities and would much prefer that they would decide how to make such requests. Neither amendment 27 nor amendment 13 would create a new power for local authorities; in contrast, both amendments would handcuff local authorities by prescribing a particular way in which they must do things. I feel very uncomfortable about that approach.

**Liam McArthur:** Amendments 27 and 13 would put in place a process. Stewart Stevenson might take issue with the process, but the islands authorities support the amendments that Colin Smyth and I have lodged. The amendments would put in place a process that does not currently exist—a mechanism whereby additional powers could be devolved to local authorities. Therefore, unless one of the two amendments is agreed to, we will miss an opportunity to future proof the bill and to enable powers and responsibilities to be exercised more appropriately at local level, if that is desired.

**Stewart Stevenson:** I disagree. There is such a process—it exists. The whole bill will empower island communities and local authorities. We are talking about communities and local authorities; it is not just about saying what local authorities must do.

Colin Smyth’s amendment 27 even says that the Scottish ministers may make regulations

“specifying consultation to be undertaken by an authority before making a request”.

Although I acknowledge that what Tavish Scott had to say about consultation by HIAL had some merit, I am reluctant to put handcuffs on local authorities and, potentially, to place additional legal costs on them by prescribing what they must do, when they can do everything already. If neither

amendment 27 nor amendment 13 is agreed to, no local authority or community will be prevented from requesting that the rules be changed to benefit the community.

**John Finnie:** Devolution of power is what the Greens are about, and there is a clear role for the recipients of devolved power and their communities. Lest we all think that such devolution is some kind of nirvana, I can tell members that when Rural Economy and Connectivity Committee members were out and about we heard that some communities are wary of powers going to local authorities.

I am aware of on-going reviews and work with the Convention of Scottish Local Authorities and the minister, but I do not think that we can wait for ever. The bill is the vehicle through which some of what we seek can be delivered. There are challenges, not least because half the recipient authorities contain landward areas and most if not all local authority areas include some coastline, in relation to which the authority might have aspirations. All things considered, a lot of work will be required, but that will be done during discussions about the regulations that will follow. Therefore, the Greens will support amendments 27 and 13.

**Humza Yousaf:** Amendment 13, from Liam McArthur, and amendment 27, from Colin Smyth, seek to allow islands authorities to request devolution of functions from the Scottish ministers. Amendments with that effect were debated at stage 2, and Colin Smyth has amended his version of the proposed approach, following their defeat in committee.

There are two main reasons why we will not support the amendments in group 6. First, we do not think that the bill is the right place to put the approach. Secondly, we think that the amendments could have negative unintended consequences for island communities, as opposed to councils.

In December, we took an important step on the community empowerment journey when, jointly with COSLA, we launched the local governance review. That is the right place for the discussion about the approach in amendments 27 and 13. The review’s purpose is to reform how Scotland is governed at local level. Our approach is built on work that others have done on the issue—for example, the COSLA-backed commission on strengthening local democracy in Scotland and the 2014 report on Parliament’s Local Government and Regeneration Committee’s inquiry into the flexibility and autonomy of local government.

The review’s focus on local governance requires consideration of a wide range of Scotland’s public services over which people may want more local

control, and not just services that are provided by councils. Under the joint political oversight arrangements, the Government and COSLA leadership will meet next month to discuss an invitation to individual local authorities, community planning partnerships, regional partnerships and other public sector organisations to come forward with proposals for place-specific alternative approaches to governance. In last year's programme for government, we made a commitment to support islands authorities that want, for example, to establish a single authority model of delivering local services, and we know that islands authorities are already actively working with local partners to develop concrete proposals.

The review is part of a process that will include a local democracy bill, which we are committed to introducing in this session of Parliament. That bill will provide a more appropriate legislative vehicle with which to make provision for the transfer of powers, because it will build on the collaborative work that will be undertaken throughout the review. It will also ensure full and proper consultation on such a significant issue as transfer of powers, which was not available to us when amendments have been discussed at stages 2 or 3 of the Islands (Scotland) Bill.

My second point is on local communities. Our starting point has always been the power that local communities hold rather than the powers that are held by institutions. Ultimately, we want power to be transferred to local communities, rather than to local government. I know from the many island visits that I have undertaken that, for some island communities, the local council seems as distant as Holyrood—on many islands that I have travelled to in the Argyll and Bute Council area, as well as Barra in the Western Isles, people have suggested that. We want to ensure that, ultimately, power is devolved to local communities, which should not be conflated with local government.

On Monday, the Scottish Government invited people the length and breadth of Scotland to join a conversation about community decision making in order to help to make public services more locally focused. That conversation, which is called "Democracy Matters—Your Community. Your Ideas. Your Future.", will run for six months. We can expect many good ideas to emerge from the conversation with island communities. As members know, communities on the islands have often blazed the trail in community self-determination, whether that is community development trusts making use of renewables, community landowners driving inclusive economic development or the recent buyout of Ulva by the North West Mull Community Woodland Company.

Although my colleagues across Government and I agree with the spirit of the amendments in group 6, we believe that something as fundamental as transfer of powers needs to go through a proper and rigorous engagement and consultation process, which will best be achieved through the local governance review. I therefore cannot support the amendments. In particular, Colin Smyth's amendment 27 focuses on promoting legislation. That may be too restrictive, because non-legislative avenues might better meet such requests from authorities, so the amendment could confine rather than liberate. As such, I ask Colin Smyth not to press his amendment 27 and I ask Liam McArthur not to move his amendment 13.

**The Presiding Officer:** I call Colin Smyth to wind up and to say whether he wishes to press or withdraw amendment 27.

**Colin Smyth:** I fundamentally disagree with Stewart Stevenson's concerns and, more important, so do the islands authorities. It is strange for Stewart Stevenson to accuse islands authorities of trying to handcuff themselves.

My amendment 27 and Liam McArthur's amendment 13 would put in place a mechanism that does not already exist to devolve more powers to our island communities. Both amendments should be supported, and I am sure that it would be possible to bring forward regulations to deal with both.

The minister said that there is no need for amendments that provide a mechanism to devolve more powers to our communities, because that will be dealt with in a possible future local democracy bill. My response is simply to say that if members support giving more power to our island communities, they should vote to provide those communities with a mechanism to request those powers. We should not wait for a bill that may or may not include such a provision some time in the future, and which Parliament may or may not pass. We have a duty to consider the legislation that is before us now and not what may come at a later date. I therefore urge members to support all the amendments in the group.

I press my amendment 27.

**The Presiding Officer:** The question is, that amendment 27 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)

Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 62, Against 60, Abstentions 0.

*Amendment 27 agreed to.*

*Amendment 5 moved—[Tavish Scott]—and agreed to.*

**The Presiding Officer:** We are slightly ahead of schedule. We will take a short break.

15:45

*Meeting suspended.*

15:52

*On resuming—*

**The Presiding Officer:** We resume with group 7. Amendment 3, in the name of Tavish Scott, is grouped with amendment 3A.

**Tavish Scott:** Amendment 3 would create a “Shetland mapping requirement”. With a single vote, it would stop the practice—intensely annoying to islanders and with which they have put up for too long—of placing Shetland not in its correct place 200 miles to the north of Aberdeen, but in a box off the Scottish coast. Whether that is the Moray coast, the Orkney coast or any other coast, it is not the right coast. We will no longer accept the lazy interpretation of maps that we have put up with for so long, which has been the case with Governments of all political persuasions, including the one that I might have been involved in—it is best to fess up on that before the minister comes up with an example.

It is right that we get this correct, and this is why: just after stage 2, when we debated the issue fully and the minister rightly drew attention to the fact that the permanent secretary had addressed the Government with a circular intimating that maps were to be correct in future, I read Twitter the very next day—probably something that one should not do—and alighted on a tweet from the energy minister. I have a copy of it here. It was about renewable sources—it was all good stuff—but the import of the tweet was a map of Scotland that excluded Shetland altogether, which was on a Scottish Government news release. [*Interruption.*]

**The Minister for Business, Innovation and Energy (Paul Wheelhouse):** I reassure Mr Scott that I have raised that issue with my officials and it has been addressed.

**Tavish Scott:** I am grateful for that, as—no doubt—are the minister’s officials.

**John Mason:** I have a lot of sympathy, because Shetland should not appear next to Aberdeen. However, does the member accept the reality that the scale of all maps of Scotland would have to be reduced and Shetland—and everywhere else—would appear smaller?

**Tavish Scott:** I am grateful to Mr Mason for his intervention, but that is the cartographer’s argument. That is the argument that the men and women of maps have made to me and, no doubt, to other members. I just do not buy it.

We have put up with this for a long time. The cartographers make an intellectually coherent argument, but if one lived in a different part of the country, or if one was not particularly happy with the BBC weather map, for example—some colleagues expressed that view during stage 2—members of all political persuasions would raise it

and ask for it to be corrected. I understand intellectually the cartographer’s argument, but I just do not accept it. If the member represented Shetland, he would not accept it either.

I recognise that the minister has worked hard on this; I also recognise the manuscript amendment that he lodged today. When he speaks on amendment 3A, will he clarify the phrase

“provide in such manner as they consider appropriate”

the reason why Shetland cannot be shown in the correct place? Subject to that point, I am grateful for the support of colleagues across the parties in making sure that, when we pass an islands bill, we put the islands in the right place.

I move amendment 3.

**Humza Yousaf:** I know how important the issue is to Mr Scott and many other members, and I am sympathetic to his position and the spirit of his amendment. Any one of us as constituency MSPs would be concerned if our constituency was distorted on any map. I certainly would not like Glasgow Pollok to be misrepresented as being in the central belt or beside Edinburgh—heaven forbid. We can therefore all have sympathy with the spirit of Tavish Scott’s amendment and it is important that he has brought it to the debate.

In conversations that I had with Mr Scott subsequent to stage 2, I tried to highlight why I am not convinced that the bill is necessarily the best way of dealing with the issue. We now have a standing instruction with our publishing contractor to ensure that images of Scotland in future publications published by the Scottish Government should seek to portray accurately the geographic location of all Scotland’s islands, not just that of Shetland. My understanding is that there have been no further issues since then, but in shaming my colleague Mr Wheelhouse, Mr Scott made the point that these things sometimes happen.

I have had useful discussions with the member and with other members who represent island communities and are concerned about this issue and the ways in which we can reinforce the message. I have also written to public bodies to highlight the issue and ask that they, too, ensure that wherever possible they represent Scotland’s islands as accurately as possible in relation to the rest of Scotland.

I recognise the continued desire for recognition of the issue in statute, specifically in relation to Shetland. I therefore looked closely at amendment 3 and the changes in the proposal from that in Tavish Scott’s stage 2 amendment, in particular the leeway offered when an authority would be “unable to comply” with the mapping requirement. While some flexibility in that type of legal duty is a welcome improvement, “unable to comply” is still a

high bar to reach and it could have the unintended consequence of making the duty quite inflexible in many cases. I know that flexibility was a specific concern for the committee at stage 2. We do not want too inflexible a requirement. There might be good reasons for an authority not to comply; indeed, it might even want to make Shetland disproportionately larger on the map, for whatever reason.

Amendment 3A therefore suggests a slightly different test for the flexibility that we are looking for: when ministers or a public authority consider that there are reasons not to comply, they may not follow the mapping requirement, although they must still provide information about those reasons. I hope that that reassures Tavish Scott.

The change proposed in amendment 3A is small, but I think that it is helpful; it will allow more discretion and flexibility when the circumstances dictate, such as allowing different maps to be produced when that will help the reader or the authority to make a particular point about Scotland. Compliance with the mapping requirement should remain of a fairly high standard, and it should take into account that a public authority has a duty to act reasonably and will not be able to just ignore the basic requirement without good reasons.

Amendment 3A also spells out more clearly who is covered by the duty, specifically identifying Scottish ministers and local authorities without limiting the Scottish public authorities that would be covered by amendment 3.

I am happy to support amendment 3 and I ask members to also support amendment 3A in my name.

I move amendment 3A.

16:00

**Peter Chapman:** As a group, the Conservatives note Tavish Scott's amendment. I guess that the issue has aggravated many people in Shetland and beyond over the years. However, having been contacted by several professional cartographers—to return to John Mason's argument—from a research institute in my region, I have some concerns over amendment 3. It would mean reducing the size of the rest of Scotland by something like 40 per cent, because there is just so much water surrounding Shetland, thus losing much of the detail in any maps that we produce. I therefore support the minister's amendment 3A, which states that, where that cannot be taken into account, an explanation can be published as to why. That gives flexibility, which I welcome.

We therefore support amendment 3A, in the minister's name—the amendment to Tavish

Scott's amendment—as it makes the best out of an impractical amendment.

**Stewart Stevenson:** I very much welcome amendment 3, in the name of Tavish Scott. In particular, I welcome his use of the words:

“in a manner that accurately and proportionately represents their geographical location in relation to the rest of Scotland.”

We might even, for the first time, see the relationship that the Shetland Islands have to near neighbours Norway, which most maps utterly fail to show, despite Shetland being closer to Norway than to many significant cities in the United Kingdom.

When I was at school, Mercator's projection was what produced globes and maps, because the earth is round and a map has to be put on a flat surface. I recommend to the minister that he consider using a Lambert International Organization for Standardization conformal projection, which would produce not a map but a chart. The reason that that is important is that, whenever one lays a ruler on it, one gets the correct distances between any point on that chart. If it is a chart, not a map, it is impossible for the proportion of Shetland to be other than accurately and proportionately represented. In the implementation of the issue, I encourage the minister to consider that option, even though it will not be legally required if, as I hope we do, we agree to the amendments.

**The Presiding Officer:** I call Tavish Scott to wind up on amendment 3, and then I will call the minister to wind up on amendment 3A.

**Tavish Scott:** I am grateful to colleagues for their support, and to the Conservatives for their change in position on the amendment. It strikes me as ironic that Peter Chapman, being from the north-east, might oppose getting Shetland in the right place. I do not know how many times, when I ran a farm in a previous life, his colleagues from the north-east would come up to buy lambs and would complain about there being 200 miles of sea to cross before those lambs got to Mr Chapman's neighbours. If we were where some of Mr Chapman's maps have us, the transport distance for our lambs would be much shorter, and we would be paid £5 more a head, but that is a matter for a different debate.

I hope that the minister was listening to Stewart Stevenson. I did not follow all of what he said, but I absolutely take his point, even if I did not necessarily get it. It was, nevertheless, an important lesson for us all. The serious point is that I recognise what the Government has done in this area, and I hope that the minister will accept that there would have to be a very good reason—not necessarily for me, but for those people at

home who feel incredibly strongly about this—for a public agency or an authority to say, “No, we’re not doing it that way, we’re going to do it in a different way,” and then still keep us in a box off the Moray coast. Having said that, I recognise what the Government has done to bring the issue to a sensible conclusion, and I will certainly support the amendment in the minister’s name.

**Humza Yousaf:** There is nothing for me to add other than to thank members for their contributions. We have found a sensible way forward. I was going to use a phrase from “Dirty Dancing” and say, “Nobody puts Shetland in a corner”, but that is exactly where we are going to end up putting it on the map.

*Amendment 3A agreed to.*

*Amendment 3, as amended, agreed to.*

### **Section 14—Number of councillors in wards with inhabited islands**

**The Presiding Officer:** We turn to group 8. Amendment 29, in the name of Jamie Greene, is the only amendment in the group.

**Jamie Greene:** A big part of the bill is about the creation of one and two-member wards in local authorities on islands. We know that the needs of island communities can be quite different from those of mainland communities. The current rules under the Local Government Boundary Commission for Scotland on the creation of electoral wards have two key recommendations. One is that local authority wards should comprise only three or four members. The bill seeks to address that with the potential creation of one-member and two-member wards, which is, I think, welcome across the chamber. The second recommendation is to do with the principle of parity. Across each individual local authority, the ratio of electors per councillor should be the same. That is not exactly the case in all wards. The commission recommends that wards should have no more than 10 per cent variation from parity with one other. There is not a standard Scotland-wide number of electors per councillor.

Councils are divided into five categories, depending on the degrees of rurality and deprivation in their areas. Let us look at the councils that are impacted by the bill. The three island councils have a ratio of 800 electors per councillor; Argyll and Bute Council has a ratio of 2,800 electors per councillor; and North Ayrshire Council, which is in my region, has a ratio of 3,000 electors per councillor. The current rules dictate that there must be the same number of electors per councillor across the entire local authority area. The problem with that is that it fails to recognise that islands may have degrees of rurality and deprivation that are very different from

those of the adjoining mainland areas in the same local authority area. That is very much the case in North Ayrshire.

My amendment 29 seeks to allow the Local Government Boundary Commission for Scotland to alter the electors-to-member ratio in an island ward in a local authority area that contains islands and mainland areas. That does not apply to all island authorities. The amendment has been carefully worded to affect only three authorities—North Ayrshire Council, Argyll and Bute Council and Highland Council—and its effect would be to revoke the rules that require parity across the entire local authority area. It would allow the commission to consider arguments that are based on geography and local ties, for example, for a different electors-per-councillor ratio to apply in island wards, and any decision on that would ultimately be for the commission. Other mainland parts of the local authority area would be unaffected. The important thing to note is that due process must always be followed with those requests.

I have consulted North Ayrshire Council on the specific anomaly, and I believe that there is a broad consensus of support in that council and its electorate across partisan views.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Will the member take an intervention?

**Jamie Greene:** I will do so shortly, but I first want to further clarify what the amendment would do.

I would not want the bill to rightfully allow for the creation of one-member and two-member wards with the net effect of a reduction in representation on the Isle of Arran, for example. Currently, the 3,000 electors per councillor ratio would mean that, if we created an Arran-only ward, there would potentially be one councillor there. For the people of Arran to have two councillors, the ratio would need to be changed to around 1,800 to one. That would be a great variance from parity with other wards in that council area, and there is no precedent for doing that. In fact, I believe that the percentage of disparity would be such that the Local Government Boundary Commission for Scotland would be unable to approve that. Allowing for such a change is what the amendment seeks to achieve.

**Gail Ross:** Jamie Greene said that he consulted North Ayrshire Council but, obviously, the proposal also affects Argyll and Bute Council and Highland Council. Has he consulted those two other councils?

**Jamie Greene:** Yes. Last week, I had a very long conversation on the phone with the leader of Highland Council, who had questions about the wording of the amendment. I am happy to tell

members that one of the concerns that were raised was whether the change would be automatic across all the island authorities. If one island in a local authority area made a request to the Local Government Boundary Commission for Scotland and the change was agreed to, that would not have an automatic consequence across all the other island authorities. Things would still be done on a case-by-case basis. The current process of applying to the commission would still apply. All that the amendment would do would be to allow the commission the power to create a disparity that does not already exist. Therefore, there has been consultation with other authorities.

In the Argyll and Bute example, where there are a number of smaller islands with small populations, at the moment there is nothing stopping the council from making representations to the Local Government Boundary Commission for Scotland to create a ward under the normal process. What my amendment would specifically allow is the creation of one-member and two-member wards where the ratio is different. It would be a shame if we passed the bill with the result that we had no tangible changes for some of our largest island communities. I therefore ask members from across the political spectrum to support amendment 29.

I move amendment 29.

**Neil Bibby (West Scotland) (Lab):** I speak in support of amendment 29, in Jamie Greene's name. As has been indicated, amendment 29 relates not just to the bill but to the Local Government (Scotland) Act 1973. Schedule 6 to the 1973 act sets out that the ratio of electorate per councillor should be the same in each ward in a local authority. However, as Jamie Greene has said, there is a strong case for ensuring that the bill allows for exemptions to that ratio for not just all-island wards but all wards that consist wholly or partly of one or more islands.

North Ayrshire Council, whose area includes the island communities of Arran and the Cumbraes, supports amending section 14 of the bill. The council says that, to make the most of section 14, there must be flexibility around the underlying ratio. In North Ayrshire, where 95 per cent of the population lives on the mainland, the ratio of population per councillor for the authority as a whole is driven by the mainland's profile of rurality and its demographics. However, the bill's proposals for island proofing should allow the unique characteristics of island communities to be taken into account. North Ayrshire Council believes that the Local Government Boundary Commission for Scotland should be able to consider an island ratio of electorate per councillor that reflects the profile of the island, not the

mainland. However, that will not be possible under the bill's current wording.

Amendment 29 would simply give the commission power to consider arguments that islands that have widely different demographics from their adjoining mainland should be able to have a ratio of electorate per councillor that reflects their unique circumstances. In practice, and with all other things being equal, an unamended section 14, as Jamie Greene said, could result in Arran getting one fewer resident councillor than it gets at present, because of the application of the ratio. That is why North Ayrshire Council believes that the commission should have more flexibility. As Jamie Greene said, the commission currently has only limited power to deviate from electoral parity and aims to restrict any deviation to 10 per cent. The commission does not have power, as things stand, to propose a variation from parity of 36 per cent in Arran or 63 per cent in Cumbrae, which is required to island proof the democracy of North Ayrshire and create a two-member ward for Arran and a one-member ward for the Cumbraes. That is why amendment 29 is required.

North Ayrshire Council has made compelling arguments in support of amendment 29, which would strengthen democracy and accountability in island communities in my region. I am happy to support amendment 29.

**Kenneth Gibson (Cunninghame North) (SNP):** As far back as 26 September last year, North Ayrshire Council asked me, as a constituency member, to lodge an amendment like amendment 29 to increase the number of North Ayrshire councillors from 33 to 35 by having an additional councillor for the island of Cumbrae and an additional councillor for the island of Arran. I declined to support the council's position and explained my reasons for that, which I will share with members shortly. However, I am curious as to why Mr Greene has moved amendment 29, given that North Ayrshire Council Tories made a right song and dance about what they alleged to be a waste of public money when an increase from 30 to 33 councillors was mooted prior to the 2017 local authority elections.

Nowhere in North Ayrshire Council's briefing on the proposed amendment is it mentioned that current legislation already allows the Local Government Boundary Commission for Scotland to depart from electoral parity where "special geographical considerations" apply. Paragraph 2 of the relevant rule states:

"The strict application of the rule stated in paragraph 1(2) may be departed from in any area where special geographical considerations appear to render a departure desirable."



I support single-member wards for island communities far from the mainland and argued for that, in relation to Arran, when the Local Government and Communities Committee took evidence from Joe FitzPatrick, the Minister for Parliamentary Business, and Derek Mackay, the finance secretary. Both ministers expressed sympathy for that argument. However, I am also in complete agreement with schedule 6 of the Local Government (Scotland) Act 1973, which states that there should be parity across any local authority area. The Western Isles has 674 voters per councillor and North Ayrshire has 3,294. What is important is that each vote within the local authority area is of roughly the same value.

16:15

It would be completely undemocratic for a vote in Arran, which has two councillors for 3,904 electors, to be worth almost twice what a vote in Saltcoats is worth, or for a vote in Cumbrae, where there are only 1,098 electors, to be worth three times more than a vote in Largs—Cumbrae is an 8 mile ferry trip from Largs. Other areas of Scotland, such as Argyll and Bute, would also have their arrangements distorted if the amendment is agreed to.

One of my constituents has contacted me to support the view expressed by the previous two speakers. Both Arran and Cumbrae voted strongly for the Scottish National Party in recent years, so backing such an amendment could benefit my party electorally. Nevertheless, because it breaks the principle of vote parity within a local authority, I urge Mr Greene to withdraw amendment 29. If he does not, I urge members to vote against it.

**Humza Yousaf:** Notwithstanding that it could benefit us politically, I will not be supporting Jamie Greene's amendment 29 for a couple of reasons, which Kenny Gibson articulated very well. I will briefly go through some of what I said at stage 2. For North Ayrshire, the trouble is that it would potentially mean there would be two different ratios for the islands of Arran and Cumbrae. Amendment 29 seeks to disapply the rule requiring electoral parity for wards that consist wholly or partly of one or more inhabited islands, in local authorities that have wards both on islands and on the mainland of Scotland

I agree that the bill as it stands does not change the priority of electoral parity in the relevant legislation, but the current legislation already allows the Local Government Boundary Commission for Scotland to depart from electoral parity where special geographical considerations apply, as Kenny Gibson said. At stage 1, Jamie Greene asked the chair of the commission, Ronnie Hinds, a question on whether there should be an

ability to change the ratio. I will quote Mr Hinds directly, as his answer is important.

"Our feeling is that, in the spirit of what the bill is seeking to achieve, the ability to have a choice between one or two-member wards and three or four-member wards in the island areas would probably get us to a position comparable to what is being sought. For example, we can readily construe a means by which we would change the current representation in Arran. That might mean that a ratio applied in Arran that was different from the ratio that applied in the rest of North Ayrshire, but to achieve such an end there would be no need for a new provision in the bill; it could be done by means of what is being offered in the bill."—[*Official Report, Rural Economy and Connectivity Committee, 27 September 2017; c 28.*]

That statement shows that the Local Government Boundary Commission for Scotland is willing to look at what could be done for each local authority area and to work flexibly. Whether it will be able to go as far as Jamie Greene and North Ayrshire Council want is another question.

Gail Ross's intervention was important, because she asked whether there had been consultation with Argyll and Bute Council and Highland Council. Jamie Greene talked about some of the concerns those local authorities had raised, but did not indicate whether they supported the amendment.

Argyll and Bute, for example, has 23 inhabited islands. No doubt many of them will at some point argue the case for having more island councillors, and the impact could become onerous. Some very small islands could argue the case for having their own councillor. What is to stop an island with only two people living there asking for their own councillor? Electoral reviews can already be contentious and disputed and I am not sure that amendment 29 would reduce the potential for those disagreements.

Also, as Kenny Gibson highlighted in his contribution, I am not sure that the mainland parts of a local authority area will be unaffected. If the Local Government Boundary Commission for Scotland maintains its approach of determining council size and then determining the wards, increasing the number of island councillors may result in a decrease in the number on the mainland. Does Jamie Greene think that that will happen? Does he have a view on how we should respond to that?

If the commission does not take that approach to council size and there are more councillors on the islands, it could lead to an increase in the total number of councillors. Taking the example of Argyll and Bute, where there are 23 islands, there could be up to 23 additional councillors, with all the associated costs and so on.

Stage 3 of the bill process is a difficult point at which to introduce new proposals such as this, because we cannot reflect further on those

important questions and amend the bill later. The issue would perhaps be better addressed through appropriate local government legislation, which I have already said will be coming before Parliament, so I ask Mr Greene to withdraw amendment 29. If he does not, I urge members not to support it.

**Jamie Greene:** I thank the majority of members for their input on this group. Neil Bibby made some valid points. He perhaps put the argument in a slightly different way, but he made some important points.

The minister said that in his view the commission is comfortable that it can already make these ratio changes, but at the moment the precedent is for a difference of no more than 10 or 15 per cent. We are talking about a disparity of around 63 per cent in the example of Cumbrae and there is no precedent in that regard. There has been no confirmation on the record that the commission would be willing to make that type of ratio change. My amendment would allow it to do so.

On the idea that every island in Argyll and Bute, for example, will tomorrow suddenly request its own councillor, I point out that they could do that today if they wanted to. The amendment would not change the process that would have to be gone through, either today or after the bill passes. However, it would ensure that if island councils made representations to the commission for an alteration, the commission would have the ability to create those member wards. There would be no deviation from existing due process and practices. There was a suggestion that the councils will suddenly want 23 extra councillors, but that is not the case at all.

I do not think that it is worth spending a huge amount of time reflecting on Kenny Gibson's comments. Given that he sought to make cheap political points out of a very important bill, those comments do not deserve any more of my time. Mr Gibson might not think that the votes of Arran and Cumbrae are worth it, but we on the Conservative benches absolutely do. That is why I ask members to support my amendment.

**The Presiding Officer:** The question is, that amendment 29 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)

Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine)  
 (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the  
 division is: For 51, Against 71, Abstentions 0.

*Amendment 29 disagreed to.*

### After section 15

*Amendment 13 moved—[Liam McArthur].*

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)

Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-  
 shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 62, Against 60, Abstentions 0.

*Amendment 13 agreed to.*

### After section 20

**The Presiding Officer:** We come to group 9. Amendment 14, in the name of the minister, is the only amendment in the group.

**Humza Yousaf:** The purpose of amendment 14 is to amend the Marine (Scotland) Act 2010 to allow the Scottish ministers to delegate regional marine planning to a single local authority in the three island Scottish marine regions of the Orkney Islands, the outer Hebrides and the Shetland Isles in order to carry out the functions related to preparing a regional marine plan.

As it stands, section 12(2) of the 2010 act states that any council or public authority cannot have

outright delegated authority on its own; there must be another person nominated by the Scottish ministers. Marine Scotland has been working closely with Orkney Islands Council to consider the options for creating a partnership there and to try to address some of the issues that the council has had in finding a partner for the purpose of marine planning.

The difficulties in Orkney were raised by the local authority in its written submission on the bill at stage 1. Colin Smyth lodged an amendment at stage 2 to try to address the issue and I thank him for doing so. I gave a commitment then to liaise with him and come back with an appropriate amendment to address the technical requirements of this issue at stage 3. The result is amendment 14, which I lodged after discussions with Colin Smyth on what was quite a technical drafting exercise. The amendment provides for the situation where, if there is difficulty in establishing a partner for marine planning for an island council in Orkney, the Western Isles or the Shetland Isles, it may be appropriate to allow for delegation to a council as a single entity. The amendment will not affect any of the other eight Scottish marine regions.

Even if the local authority were to be delegated to as a single entity, there is a legal requirement—under section 12(5) of the Marine (Scotland) Act 2010—that the ministerial direction on marine planning includes a statement of the reasons for delegating to a public authority instead of to a group.

There is also a requirement under section 12(5) of the 2010 act for the public authority to consult with others and

“to have regard to any representations made”

when preparing a regional marine plan, so although the local authority will take the lead in the regional marine plan, others will be able to have their say. I consider that these measures provide the remedy that is needed here.

I move amendment 14.

**Peter Chapman:** We support amendment 14 in the name of the minister. We support the islands having greater authority and flexibility in relation to their marine licensing powers and the ability to allow regional marine plans.

**Colin Smyth:** As the minister said, his amendment 14 concerns an issue that I raised at stage 2. I thank the minister for making good on his commitment to lodge an amendment at stage 3 to address that issue. Island authorities can often face particular challenges in finding the required partner for the delegation of marine planning functions, preventing those local authorities from being granted those functions.

Amendment 14 provides an exemption, allowing Orkney, Shetland and the Western Isles to carry out functions for regional marine planning as single public authorities if they are able to demonstrate difficulty in finding a suitable partner.

That reflects the unique problems that those local authorities can have in that regard and ensures that they are able to experience the benefits of delegated marine planning functions in spite of the barriers that they face. That will improve efficiency and promote the integration of terrestrial and marine planning. It will therefore be no surprise to learn that I fully support amendment 14.

*Amendment 14 agreed to.*

### Before section 21

**The Presiding Officer:** We turn to group 10. Amendment 31, in the name of Jamie Greene, is the only amendment in the group.

**Jamie Greene:** Briefly, amendment 31 is about having a report on the operation of the act. The amendment says that ministers must prepare

“a report on the operation of this Act”

and, more importantly, that ministers must consult the island

“authorities listed in the schedule”.

I lodged a similar amendment at stage 2, with a perhaps slightly onerous timeline of one year. That may have been a little bit optimistic, given the timescales for the introduction of a new bill. After some discussion with the minister and his team, I am pleased to be able to bring back a revised amendment with the intention that we review and report on the operation of the act after four years.

I think that it is right that this act receives some scrutiny in the next parliamentary session and that island authorities can be involved in that scrutiny to make sure that the act achieves its intentions.

I move amendment 31.

**Humza Yousaf:** I will simply say that I very much welcome this amendment. Jamie Greene lodged an amendment at stage 2 to include a report on the act. Although his timescales were a little short, I was happy to agree in principle. We had good and useful discussions in the lead-up to stage 3. Amendment 31 requires that, four years after royal assent, the Scottish ministers must publish and lay before Parliament a report on the operation of the act and must consult public authorities and others as appropriate in preparing that report. That is a sensible proposal with an eminently sensible timescale and I am happy to support amendment 31.

*Amendment 31 agreed to.*

## Section 21—Regulations

*Amendment 15 moved—[Humza Yousaf]—and agreed to.*

*Amendment 33 moved—[Colin Smyth].*

16:30

**The Presiding Officer:** The question is, that amendment 33 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)

Wells, Annie (Glasgow) (Con)  
Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Campbell, Aileen (Clydesdale) (SNP)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Constance, Angela (Almond Valley) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Denham, Ash (Edinburgh Eastern) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fabiani, Linda (East Kilbride) (SNP)  
Finnie, John (Highlands and Islands) (Green)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Greer, Ross (West Scotland) (Green)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Johnstone, Alison (Lothian) (Green)  
Lochhead, Richard (Moray) (SNP)  
Lyle, Richard (Uddingston and Bellshill) (SNP)  
MacDonald, Angus (Falkirk East) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Derek (Renfrewshire North and West) (SNP)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Maguire, Ruth (Cunninghame South) (SNP)  
Martin, Gillian (Aberdeenshire East) (SNP)  
Mason, John (Glasgow Shettleston) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
McAlpine, Joan (South Scotland) (SNP)  
McDonald, Mark (Aberdeen Donside) (Ind)  
McKee, Ivan (Glasgow Provan) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
Neil, Alex (Airdrie and Shotts) (SNP)  
Paterson, Gil (Clydebank and Milngavie) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)  
Russell, Michael (Argyll and Bute) (SNP)  
Somerville, Shirley-Anne (Dunfermline) (SNP)  
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Swinney, John (Perthshire North) (SNP)  
Todd, Maree (Highlands and Islands) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)  
Wightman, Andy (Lothian) (Green)  
Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 66, Abstentions 0.

*Amendment 33 disagreed to.*

*Amendment 32 moved—[Colin Smyth].*

**The Presiding Officer:** The question is, that amendment 32 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Ballantyne, Michelle (South Scotland) (Con)  
Beamish, Claudia (South Scotland) (Lab)  
Bibby, Neil (West Scotland) (Lab)  
Bowman, Bill (North East Scotland) (Con)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Cameron, Donald (Highlands and Islands) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Chapman, Peter (North East Scotland) (Con)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Corry, Maurice (West Scotland) (Con)  
Davidson, Ruth (Edinburgh Central) (Con)  
Dugdale, Kezia (Lothian) (Lab)  
Fee, Mary (West Scotland) (Lab)  
Findlay, Neil (Lothian) (Lab)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Greene, Jamie (West Scotland) (Con)  
Griffin, Mark (Central Scotland) (Lab)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Harris, Alison (Central Scotland) (Con)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Kelly, James (Glasgow) (Lab)  
Kerr, Liam (North East Scotland) (Con)  
Lamont, Johann (Glasgow) (Lab)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Lindhurst, Gordon (Lothian) (Con)  
Lockhart, Dean (Mid Scotland and Fife) (Con)  
Macdonald, Lewis (North East Scotland) (Lab)  
Marra, Jenny (North East Scotland) (Lab)  
Mason, Tom (North East Scotland) (Con)  
McArthur, Liam (Orkney Islands) (LD)  
McNeill, Pauline (Glasgow) (Lab)  
Mitchell, Margaret (Central Scotland) (Con)  
Mundell, Oliver (Dumfriesshire) (Con)  
Rennie, Willie (North East Fife) (LD)  
Rowley, Alex (Mid Scotland and Fife) (Lab)  
Rumbles, Mike (North East Scotland) (LD)  
Sarwar, Anas (Glasgow) (Lab)  
Scott, Tavish (Shetland Islands) (LD)  
Simpson, Graham (Central Scotland) (Con)  
Smith, Elaine (Central Scotland) (Lab)  
Smith, Liz (Mid Scotland and Fife) (Con)  
Smyth, Colin (South Scotland) (Lab)  
Stewart, Alexander (Mid Scotland and Fife) (Con)  
Stewart, David (Highlands and Islands) (Lab)

Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 66, Abstentions 0.

*Amendment 32 disagreed to.*

*Amendment 16 moved—[Liam McArthur].*

**The Presiding Officer:** The question is, that amendment 16 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)

Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 62, Against 60, Abstentions 0.

*Amendment 16 agreed to.*

#### Schedule—Duties in relation to island communities: relevant authorities

*Amendment 34 moved—[Colin Smyth]—and agreed to.*

**The Presiding Officer:** That concludes consideration of the Islands (Scotland) Bill at stage 3.

At this stage, I have to make a determination. As members will be aware, I am required, under the standing orders, to decide whether, in my view, any provision in the bill relates to a protected subject matter—that is, whether it modifies the electoral system or franchise for Scottish parliamentary elections. In my view, no provision of the Islands (Scotland) Bill relates to a protected subject matter, and therefore the bill does not require a supermajority at stage 3.

Before we move on to the debate, we will have a short suspension.

16:33

*Meeting suspended.*



16:41

*On resuming—*

## Islands (Scotland) Bill

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-12437, in the name of Humza Yousaf, on the Islands (Scotland) Bill at stage 3. Before I invite Humza Yousaf to open the debate, I call the Cabinet Secretary for Rural Economy and Connectivity to signify Crown consent to the bill.

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** For the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Islands (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

**The Deputy Presiding Officer:** We now begin the debate. I call Humza Yousaf to speak to and move the motion.

16:42

**The Minister for Transport and the Islands (Humza Yousaf):** I am delighted to open this afternoon's historic stage 3 debate on the passing of the Islands (Scotland) Bill. The final passage of the bill represents an important milestone for Scotland's island communities, and it is a unique occasion not just in this Parliament but in any Parliament, in that we are marking the passage of one of the world's first and only place-based laws. I say "one of the first" because David Stewart would not forgive me if I did not mention Japan's Remote Islands Development Act of 1953.

That is entirely fitting for our islands, which contribute so much to our culture, our language, our landscape and our heritage; which have inspired poets, writers, songwriters, composers and artists; which attract visitors from near and far; and which have contributed hugely to our past and our present and which, through the Islands (Scotland) Bill and other measures, will now have the opportunity to contribute further to their own and our collective futures.

I have been the Minister for Transport and the Islands for the best part of two years, and I have to say that travelling around the islands and meeting island communities is one of the best parts, if not the best part, of my portfolio.

Today's debate marks the culmination of a five-year journey that will result in the passing into law of a series of measures that are designed to improve outcomes for Scotland's island communities. There are many people whom I

would like to thank for their work over those five years. The Cabinet Secretary for Finance and the Constitution, who is sitting on my right, has been heavily involved in the endeavour, as was his predecessor.

It is important for me to recognise everyone who has helped to shape our journey. Back in 2013, the three island councils—Orkney Islands Council, Shetland Islands Council and Western Isles Council—seized the opportunity to push for greater recognition for Scotland's island communities with their bold our islands, our future campaign, which started us on that journey. It would be remiss of me not to put on record my thanks to the three leaders of the island councils at that time: Angus Campbell, Steven Heddle and Gary Robinson, whom I still call the three wise men. I think that Angus Campbell and Steven Heddle might be in the gallery. I thank them for the constructive manner in which they pursued their proposal. The bill is the culmination of their hard work and efforts, as well as of the efforts of their successors, who have also engaged constructively at the tail end of the process.

Since then, the Government has worked constructively with those three councils. More recently, it has worked constructively with North Ayrshire Council, Highland Council and Argyll and Bute Council to take forward our commitment to deliver an islands bill. I have very much valued their advice, input and guidance, and I look forward to that relationship continuing as we move into the bill's implementation stage.

I thank the members of the Rural Economy and Connectivity Committee and other members, particularly those who represent islands in whole or in part. The biggest thanks are reserved for island communities and those who have engaged with the process and given their thoughts on the bill.

There is a range of provisions in the bill. I will not go through them all, but it is important to mention one or two. The bill will place a duty on the Scottish ministers and the wider public sector to island proof, which means that they must take into account the needs and circumstances of island communities in the decision-making process. That will help to bring an awareness of the needs of island communities into the decision-making process in Parliament and more widely.

The national islands plan has been looked at extraordinarily carefully. We have already debated it during the consideration of amendments at stage 3. A few high-level objectives are already in the bill, but there is much more room for consultation, discussion and engagement with island communities to see what else can inform the national islands plan.

Any plan will require support to deliver its key objectives and, over the past 11 years, the Government has worked very hard to ensure that we deliver for our island communities. Since 2007, we have invested £1 billion in our ferry services. We have introduced the road equivalent tariff, which has led to a boom in the islands in the Clyde and Hebrides, and we will introduce the RET to the northern isles in the first half of this year. In the most recent budget, we have also given support to internal ferries for Orkney and Shetland. We have maintained the air discount scheme, and increased the maximum level of discount available to 50 per cent. We have established rural and island housing funds, which are worth £30 million. We have committed £600 million to the R100—reaching 100 per cent—programme, which is the biggest public investment that has ever been made in a United Kingdom broadband project. By the end of 2021, Scotland will be the only part of the UK where every home and business will be able to access superfast broadband.

One of the objectives of the national islands plan will be to improve and promote community empowerment. We can start that now: I am delighted to announce an award of £114,000 through the Scottish land fund for North Yell Development Council on Shetland to enable it to purchase two separate areas of land in Cullivoe. The Scottish Government fully supports the role of community ownership in bringing new employment, business start-up and tourism opportunities to the islands.

I am delighted that we have very good engagement with our island communities. The islands ministerial group was set up by my colleague the finance secretary. That engagement is hugely important and, more recently, it has centred around a potential islands deal. The Scottish Government is committed to growth deals that will cover 100 per cent of Scotland, and my colleagues are in continued dialogue with islands and local authorities on that issue.

Today's debate marks the conclusion of the parliamentary process, but it signals the start of the vital work that has to take place following royal assent. I give an assurance to all members that communities will be an inherent part of that work. I hope that communities will feel that the national islands plan is their plan and one that will unlock the potential of island communities across Scotland.

On my appointment as Minister for Transport and the Islands, the First Minister assured me that the job came with great views. It certainly does, but it also comes with great people. Over the past two years, I have been tremendously fortunate to have travelled to—I think—34 islands across

Scotland, where I have met island communities and heard their expectations for the bill.

The bill is not for Government, for Parliament or for the agencies that will play a key role. It is about people and it is for people—those who have contributed to our islands' heritage, those who contribute to the islands' wellbeing now and those who are yet to come. The bill gives them and us all a strong platform on which to build a bright future for Scotland's islands.

I move,

That the Parliament agrees that the Islands (Scotland) Bill be passed.

16:49

**Peter Chapman (North East Scotland) (Con):**

I am pleased to open the debate on behalf of the Conservatives. As in any stage of any bill, it is important to thank my fellow committee members, the clerks, the bill team and every consultee and stakeholder we have worked with to get to this point. In particular, thanks need to go to Orkney Islands Council, Shetland Islands Council and Western Isles Council, which started the work to get us to this point in 2013 with their our islands, our future initiative. I hope that, after today, they are pleased with the bill and that it gives them the autonomy and the powers that they hoped for.

I have reiterated at each stage of the bill that the enthusiasm and drive from the island communities has been fantastic and a driving force behind the desire of the members of the Rural Economy and Connectivity Committee and everyone else involved in the bill to get it right. On our visits, it was clear that there is an inspiring community spirit on the islands, and a willingness to work together and support each other that is, sadly, often lacking in some of our mainland communities. The bill is a positive step for the islands and the Conservative group supports the bill, as we believe that it can make a difference to our island communities.

A recommendation that was made at stage 1 that I felt strongly about concerned the concept of retrospective island impact assessment. As the term "island proofing" was used from early in the progress of the bill, it was clear that expectations would be raised that the bill could significantly improve outcomes where islands had been heavily impacted by legislation that was designed for and focused on the mainland. Retrospective impact assessments would enable islands that have been significantly impacted by previous legislation to have that reviewed by the Scottish ministers with the intention of mitigation. Although it was not my amendment that enabled that aspect to be added to the bill, I am pleased that Liam McArthur's amendment was agreed to.

**Fergus Ewing:** Looking prospectively, rather than retrospectively, can Mr Chapman tell me whether the Scottish Conservatives still support the position that was expressed in a letter to Angus Campbell in his then capacity as leader of Western Isles Council, which was that David Cameron supported the empowering of the islands to enable their renewable resources to be realised, to the enormous benefit of their communities, by granting of the necessary contract for difference arrangements to allow the island connections to take place?

**Peter Chapman:** We on these benches absolutely recognise the potential that exists in the islands for the production of wind power.

Stage 3 has seen an improvement in the devolution of powers to local authorities. Island communities can sometimes feel disconnected from the mainland, but having that autonomy can make a big difference. I am pleased to see amendments passed today that allow that. The main point of the bill is to empower island communities, and that can now start through the islands' own councils and authorities. We will monitor that post-legislatively to ensure that island authorities are achieving the results that the amendments intend.

Another area that I expressed concern about at stages 1 and 2 is marine licensing. There was cross-party concern at stage 1 that existing legislation—the Zetland County Council Act 1974—would be overruled by the marine development and plans section of the bill, and that the dual licensing powers would not work on the ground. At stage 2, I attempted to safeguard those powers. However, at this stage, with amendment 14 from the minister, I am assured that the Zetland County Council Act 1974 is protected from unintended repeal and that the bill also retains provisions to enable continuity of existing development and enforcement.

I have had discussions with some of the councils that currently require marine licensing powers and I am assured that they are comfortable with their current powers and their ability to increase future licensing powers. I look forward to monitoring the progress that the island authorities make in marine development and any future marine licensing schemes.

It is clear that the approach to the bill, which has been fairly consensual since stage 1, is even more so now at stage 3. This afternoon, we have agreed amendments by members from across the chamber that strengthen the bill and ensure that it can empower every aspect of the islands and their communities.

It was a pleasure and a privilege to visit so many of our beautiful islands during the

consultation process and to hear islanders' views on what the bill means to them and their hopes for it. Over the next year and beyond, I hope to hear that those aspirations have come to fruition. The Conservative group will continue to monitor all the pressing matters that we have discussed throughout the process, to ensure that snags and difficulties in the bill's implementation are dealt with as soon as possible.

During this afternoon's proceedings, there has been a tone of hope and expectation from members of all parties on what the bill will achieve for our island communities. Much of the change that we want to see can be achieved if islanders' needs are considered right at the start of the process for all legislation, but it must be recognised that much of the disadvantage that our island communities face can be addressed only if the necessary money is allocated to make things happen.

**The Cabinet Secretary for Finance and the Constitution (Derek Mackay):** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is in his final few seconds.

**Peter Chapman:** If there is no budgetary commitment, many of the aspirations in the bill will remain just aspirations. I sincerely hope that that is not where we end up.

16:55

**Colin Smyth (South Scotland) (Lab):** Labour shares the ambitions and aspirations of Scotland's proud island communities, who want to grow their populations, protect their islands' stunning natural beauty and environment, improve the physical and digital infrastructure, and tackle the scandal of fuel poverty. If that potential is to be fulfilled, we need greater empowerment for those communities and we need more locally driven decision making. The Islands (Scotland) Bill is a positive step in that direction. Does it deliver everything that we want? No, of course it does not. Could it have been more radical?

**Derek Mackay:** Will the member take an intervention?

**Colin Smyth:** I will take an intervention—for entertainment value, if nothing else.

**Derek Mackay:** The Tories' talk about cash triggered my attempt to intervene earlier, and now Colin's point about population has done the same thing. He makes a fair point: repopulating our islands is a key feature of the strategy that is required to secure economic sustainability for our islands.

The member went on to talk about empowerment and devolution for island communities, but is not it the case that if we are to be able to deliver our population strategy for our country, we require immigration to be devolved to Scotland, so that we can repopulate the country and our island communities? I know that the island council leaders agree with me on that point. Does the Labour Party?

**The Deputy Presiding Officer:** I will give you time back for that intervention, Mr Smyth. I remind all members to use full names in the chamber.

**Colin Smyth:** Yes, I agree—although the issue is slightly outwith the remit of the bill.

The bill is a step forward. It could have been more radical and given islands more powers. However, there is much in it that we support. For example, the national islands plan has the potential to be transformative in developing local solutions to local challenges, by putting the voices and priorities of island communities at the heart of policy making.

Island impact assessments and the new statutory duty to have regard for island communities are also welcome. All too often, island communities are put at a disadvantage as a result of a one-size-fits-all approach to policy being taken by many of our very centralised public bodies. The impact assessment process will allow us to identify and mitigate unintended consequences for island communities of the policies, strategies and services of public bodies, as well as the laws that we make in Parliament.

The changes to marine licensing and planning are also a positive step that recognises the importance of our marine environment to island economies and communities. The new marine licensing powers, in particular, present an opportunity to empower local communities, and the exemption that was agreed to today, which will allow island authorities to carry out delegated marine planning functions without a delegate partner, addresses a long-standing problem for some islands authorities.

The provisions on improved flexibility in electoral wards and the protection of the Na h-Eileanan an Iar constituency boundary also improve representation for our island communities.

Labour thinks that the bill could have gone further. We would have liked the bill to have devolved more powers to our island communities, thereby really empowering them and putting local experience and expertise at the heart of decision making—and reversing the centralising drift that we have seen in Scotland in recent years. More and more powers have rightly come to the Scottish Parliament from the United Kingdom Parliament, but little has been done to devolve power from this

Parliament to our local councils, including those of our island communities.

As a result of amendments that have been agreed at stage 2 and today, the bill is much stronger than it was at stage 1. I am especially pleased by the success of the amendments that I lodged to create a mechanism whereby island communities may request more powers, and to ensure that the Government must make regulations on a review mechanism for assessing the impact of policies on island communities.

Scottish Labour put forward positive proposals that have strengthened the bill, as have the welcome Government amendments that adopted some of Labour's stage 2 proposals, and as have amendments from members of other parties that received cross-party support. When it comes to the vote later today, Labour will support the bill. I hope that it receives unanimous support.

The priority will then shift to ensuring that the bill's aims are realised. Many of its key provisions will rely on future work—most significantly, the development of the national islands plan. We must aim to ensure that the plan and any guidance, regulations and schemes reflect not only the letter but the spirit of the bill that I hope we will pass later today. I look forward to working with the Rural Economy and Connectivity Committee and with colleagues from across the chamber to ensure that the bill's aims are met in its delivery.

I record my thanks to the people who have made the bill possible—Scotland's island communities. The work of many of those communities through the our islands, our future campaign made it clear that there is a real need to support and empower our islands better. Our 93 islands might represent only 2 per cent of the population of Scotland, but their value to our nation is truly immeasurable. Today, by passing Scotland's first-ever islands bill, as I hope we will, Parliament will take a small but important step forward in recognising and respecting the value of those islands.

17:00

**John Finnie (Highlands and Islands) (Green):** I, too, thank the various people who have contributed to our getting to this point, including our valued staff and the witnesses who engaged. The bill has been an example of excellent cross-party working. We have heard from members about the early ministerial engagement on proposals, which is a good template for how we should do business.

I think that the bill will turn out to be a historic piece of legislation. It is certainly the direction of travel that the Scottish Green Party wants; indeed, we want more of it. The principle of subsidiarity

has been referred to, and that is what we want. However, it is not about powers for powers' sake; we want the additional powers to be used wisely—as they will be. Of course, ultimately, we would like powers to be extended to giving greater tax-raising powers to local authorities so that they could raise revenue for a greater proportion of their budget.

The bill is welcome, and has created a lot of expectations. Time alone will tell whether those expectations will be realised. The bill will also have raised expectations among rural communities that are not associated with any of the three exclusively islands authorities or the islands of the three mainland authorities with islands. I am talking about places such as north-west Sutherland and Ardnamurchan, which were often referred to in evidence to the committee, and where many of the problems that we have discussed—and, I hope, have gone some way towards addressing—also apply.

It is clear that no two islands and no two communities are the same. The bill gave us a great opportunity to get out and about—especially the southerners who do not get up to the far north frequently. As happens anywhere when there is a group of people in a room, we heard a range of views. I hope that we have embraced the wide range of views that were expressed.

There are opportunities coming up to consider the issues further. The committee is going to look atcrofting legislation. Issues such as new entrants tocrofting will be important to the desire to sustain communities. “Sustain” is a much-abused word, but I mean it in its real sense of retaining populations and having vibrant rural communities. The University of the Highlands and Islands has shown the way with its collegiate system of delivering education in order to retain the population, but as has been touched on, immigration will be an important consideration for our islands. In the previous session of Parliament, I represented the then independent and Green group on a ministerial group on the issue, which was chaired by Humza Yousaf. There was cross-party consensus—including the Conservatives—on the need to reintroduce the post-study work visa system. However, the then Home Secretary—a Mrs May—couped the legs out from that. We need to look at making our islands truly sustainable.

A lot of expectations have been built around the retrospection aspect, on which we have discussed a number of amendments today. As others have said, the discussion on the amendments showed that a proportionate approach has been adopted. In life, we do not always get what we want, and that applies to amendments to bills, too. However, nothing in that should take away from the need for any organisation to continually evaluate any policy

or process. If, as we know, some policies have already had a disproportionate impact on island communities, that should be addressed.

Nothing summed up the situation better than the example of waste management that my colleague Tavish Scott brought to the debate, and the pragmatic way that that has been addressed. There will always be challenges; I hope that the bill will go some way towards addressing them.

17:04

**Mike Rumbles (North East Scotland) (LD):** After 14 years of law making in the Scottish Parliament, for me this has been a very unusual bill process. I am the Liberal Democrat lead on the bill, but I recognised at the outset the particular interest and expertise of my two Liberal Democrat colleagues: Liam McArthur, who is the constituency MSP for the Orkney Islands, and Tavish Scott, who is the constituency MSP for the Shetland Islands. They have worked extremely hard on successful amendments to improve the bill for their constituents on Orkney and Shetland, and their constituents have been extremely well represented by them both. They have taken some of the work from my shoulders.

However, when the bill was first published, I was worried about raising the expectations of our islanders. Although it gives more powers to islands councils and communities, it does not provide any extra funding or resources—to be fair to the Government, I say that it did not say that it would—to the 66 public authorities to which the bill applies and which are listed in the schedule. On our committee visits—I went to Mull and Orkney—we spoke to islanders, and I felt that, when they heard that the bill was about island proofing, there was an expectation that funds would somehow be found to put things right.

**Derek Mackay:** Does Mike Rumbles recognise that, although the bill does not come with a new pot of money per se, the bill in its entirety, and in negotiation with leaders and communities, can make sure that our public services are reconfigured to support island communities as they have been asked to do?

**Mike Rumbles:** I appreciate that. I was reflecting what the islanders said to the committee.

Another major concern was that island proofing could be no more than a tick-box activity by the 66 public authorities that are identified in the schedule. As the bill stood, for instance, any of the 66 authorities might have been able to have someone sit in an office in the central belt and claim that they had conducted a desktop impact assessment. That should not now be possible, because amendments that we have agreed to

today mean that “consultation” will mean real consultation.

There have been major improvements made to the bill. When the Rural Economy and Connectivity Committee looked at the national islands plan, we asked what was the purpose of the bill. Islanders expected headline activities, so I am pleased—despite what happened earlier—that we have included increasing population levels, environmental wellbeing, improving transport services, improving digital connectivity, reducing fuel poverty and ensuring effective management of the Crown Estate. Those are all important issues that we have got into the bill. That is not to say that other issues are excluded, but MSPs came forward with the issues that they felt were important because they reflected what people had said to us.

The inclusion of island proofing, or community impact assessments, and requests for retrospective island community impact assessments are important and are, along with the inclusion of a scheme for requests by local authorities for devolution of functions, significant changes and real improvements. I am convinced that we have, through the amendments that have been agreed to today, a much-improved bill.

I am not criticising the Government; this shows the benefits of examination by a Parliament in which the Government does not automatically have a majority. A good thing about our process here is that the Government cannot just whip its MSPs to vote bills through. There are genuine attempts to improve bills. When I asked the minister how he was going to approach a particular amendment, he said, “Oh, we’re opposing it. Does that mean you’ll support it?” We did not, because we have always said that we are conscious that we are, at stage 3, making law and we want to make sure that we get it right. I think that we have got it right. The bill has been much improved and I am sure that we can all support it.

17:09

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** It is perhaps no surprise that it was the Scottish National Party that introduced the Islands (Scotland) Bill, because it is the only political party, as far as I am aware, that has previously owned an island, as Eilean Mòr MacCormick was gifted to our then party leader in 1979. It is now on a slightly different footing as it is looked after by a trust that is a registered charity. I look forward to the new arrangements for electing councillors leading to one person living on Eilean Mòr MacCormick, electing himself or herself as councillor and serving as such for that island.

It is worth having a wee look back at the history of how things happened. A hundred years ago, someone living in Tarbert on Harris was part of a council that had its headquarters in Inverness, and someone living in Stornoway on Lewis was part of a council that had its headquarters in Dingwall, because one was in Inverness-shire and the other was in Ross and Cromarty. That was a most idiosyncratic way of looking at things, notwithstanding the intense rivalry between the people of Harris and Lewis.

In more modern times, when postcodes were first introduced after a trial in Norwich in the early 1960s, the postcode for Stornoway was PA. In other words, it was a Paisley postcode, because the second-class mail was sorted there and the aircraft that transported the mail to Stornoway came from the Glasgow aerodrome in Paisley. We now have a postcode that reflects the character and individuality of the area—HS. I have no idea where the HS comes from. [*Interruption.*]

“Hebrides” has just been whispered in my right ear. See? We learn something every single day.

One thing that the debate has done is that it has written Tavish Scott’s obituary—which I hope will not be required for many years to come. When his obituary is published, at the top of the page will be written, “The man who saved Shetland from obscurity”, because he got through the amendment that has put Shetland in its proper place in the cartographer’s world.

That is not a trivial matter, and it is not just an emotional matter. In the early 70s at the Bank of Scotland, we did a mathematical modelling exercise to work out where our branch network should be—it is amazing how some things come back again—and we looked at how far some people might have to travel to different branches. A company in London did the data preparation, and when we did the first run of the model, the results looked a bit odd because the Lerwick branch should, apparently, have had customers from Elgin and the coast of the Moray Firth. We were able to see that such a gross error had occurred because staff in the London company had not realised that Shetland was not in the Moray Firth, and had mapped it accordingly. Sometimes, there are practical effects of such things.

It has been an interesting debate. My little contribution to the islands is that I had the privilege of being the minister who brought RET to the islands and other places. I gather that RET is not 100 per cent popular, but I have not met people with whom it is unpopular.

We will now move from the purple paper of the bill to the vellum of the act. The parliamentary beehives will be working overtime to provide the

beeswax to create the seal on an excellent act. I wish it Godspeed and I wish every success to our island communities.

17:13

**Jamie Greene (West Scotland) (Con):** I have no idea what will be in Stewart Stevenson's obituary, but I dread to think.

I am sure that everybody in the chamber will reflect on not just today's debate, including the beeswax and maps, but the process that we have gone through as a Parliament to get to stage 3 of the bill. I thank the transport minister—probably not something that I do very often, coming from the Conservative side of the chamber—for introducing the bill and engaging with members from different parties on our amendments. It has been a constructive process. We have not always agreed on wording or concepts, but some excellent amendments have been agreed to this afternoon.

The process was much more than an academic exercise. It was about getting out into the heart of the islands. The minister went to a number of islands and many members and committee members met various communities. As John Finnie said, if we put a bunch of people into one room, they will all have different views, and even in island communities, there are different views about how things should be done. A point was raised earlier about the fact that some people do not want local authorities to have more power because they see their local authorities as being as far away and as detached from them as central Government in Edinburgh. There are lots of things to think about.

It is not easy to produce a bill that will do everything for all people. However, if we look at where we have got to from stage 1, a number of things that the committee recommended are in the final version of the bill—local empowerment and the devolution of powers; the national islands plan and who should be consulted on that; measuring the plans and their outcomes and reviewing the act; putting islands at the heart of consultation; and the retrospective element of impact assessments. We have made progress in several areas.

The national islands plan will be the proof of that pudding. Although there are some issues with the bill, they are not quite enough. I am pleased that the islands plan will go through an iterative process and come to Parliament in due course, but I hope that it is more than just words on paper. We talked a lot about the concept of island proofing and the committee decided that the bill does not really do that. The creation of island impact assessments is not the same as mitigating

the findings of those impact assessments. Impact assessments cannot just be bits of paper or box-ticking exercises; they must be genuine analyses of policy, strategy, legislation, and of decisions that are made at parliamentary and local authority level. They cannot just become a piece of paper that says that we have thought about the islands, we have ticked that box and we will move on.

The Cabinet Secretary for Finance and the Constitution is not here, but the bill is not about asking for more money; it is about doing things in a different way. Despite our best efforts, island communities will not change overnight. People who live there will still pay more for petrol than people who live on the mainland. They will still struggle to get hospital appointments because of the logistics of getting to mainland hospitals. They will still struggle to fill professional teaching and general practitioner posts—all those things that we talk about so much in this chamber. The bill will not magically make our roads better, make our beaches cleaner or create housing, nor will it create parity in access to our public services.

However, in the spirit of positivity, the bill has made a start. It has forced MSPs, policy makers and Government to have a public discussion about what our islands want and need. I hope that that discussion will turn into action. At the heart of every decision that we make, we should be thinking about its effect on our island communities. The fact that we are thinking that is progress, and I welcome the bill.

17:18

**David Stewart (Highlands and Islands) (Lab):** As a Highlands and Islands member, I strongly support any and every political initiative to support, grow and develop our island communities. I welcome today's debate and thank the minister, my MSP colleagues and the councils, particularly those of Orkney, Shetland and the Western Isles, for their tireless work on this endeavour. I also welcome representatives of those councils to the public gallery.

There is nothing new in the argument at home and abroad about strengthening our island communities. The minister will expect me to mention the 2016 Japanese act on remote islands and, if we go back in time, we have the Montgomery committee that reported in April 1984 and recommended consolidating, developing and extending the powers of island councils.

Other members have mentioned the key element of the Treaty of the European Union—the principle of subsidiarity—which means taking decisions in a localised and decentralised way. The European Union has always had strong and consistent policies to give special attention to the

specific characteristics of territories with serious and permanent handicaps, including islands. That is why the development of structural funds was so important for our island communities.

The handicaps are well known to our islanders: limited and costly modes of transport; restricted and declining economic activity; and the fragility of markets and loss of young people. However, some things have not changed. A conference that was organised by Shetland Islands Council and the Committee of the Regions looked at the 2011 Euroislands study. That analysed island communities across the EU, and many issues were debated and discussed, looking at common characteristics across the 28 nations. It found that, by and large, islands have below-average connectivity, their gross domestic product is below the European average, economic convergence is slower, the number of job and career opportunities is low, and services there are of variable quality and high cost.

However, there has to be a counterweight to that, and the 2012 geographic specificities and development potentials in Europe survey concluded that islands have close-knit communities, high-value natural capital and the potential for renewable energies. It also noted that islands experienced higher vulnerability to climate change through heightening sea levels and an increased likelihood of storms.

All of that comes together to mean that policies and laws affect island communities in a way that they do not affect anywhere else. Although islands have some similarities with rural regions in general, the specificity and peripherality of islands mark them as different. Because of that, it is important that we are not “territorially blind”, to use the words of the EU’s global Europe 2050 vision.

Much of the bill is to be celebrated. It has good intentions, it is very high level, and it leaves much of the detail to be set out in regulations. However, it is hard to determine what the work will look like in practice. As Western Isles Council has argued in a letter to me, the acid test will be strong and effective island proofing. That will be the mark of success of the bill, as well as of the future of our island communities.

How and when will an island communities impact assessment be required? Real devolution means additional powers to island communities. Will that happen with the bill? New powers need new financial muscle. Real devolution means resource-based control—transferring control of the sea bed from the Crown Estate to island authorities and perhaps onward to the community land and harbour trusts. New powers also need strategic decision making in the planning, designing and commissioning of mainland-island

ferry services, and the recognition of island status in the Scottish constitutional set-up.

**Humza Yousaf:** I agree with what the member says, but does he recognise that the Islands (Scotland) Bill is part of a suite of measures, taking into account the Crown Estate measures and the community empowerment legislation that have been taken forward, as well as the national islands plan that will be developed as a result of the bill?

**David Stewart:** I intend to touch on that, and I agree with what the minister says.

Real devolution means public sector job relocation, as Jack McConnell did when he moved Scottish Natural Heritage’s headquarters from Edinburgh to Inverness. How about moving the CalMac Ferries HQ to the Western Isles, the Scottish Crown Estate HQ to Orkney, or the Scottish Land Commission HQ to Shetland? What about single public authority status for the health board, the local authority and Highlands and Islands Enterprise under one umbrella in each island authority?

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Will the member take an intervention?

**David Stewart:** I am in the final minute of my speech.

**The Deputy Presiding Officer:** The member must close.

**David Stewart:** I celebrate the fact that the bill has been brought forward, acknowledging the different and varying needs of island communities. A journey of 1,000 miles begins with a first step. This bill is a first step, and it is to be welcomed.

I finish with the words of Sorley MacLean, who said:

“my tale is of the ethos of our island ebbed”.

Our islands have been ebbing for too long. Now is the time to change that tale.

**The Deputy Presiding Officer:** I am glad that you managed to get that in, Mr Stewart.

17:22

**John Mason (Glasgow Shettleston) (SNP):** I am delighted that we have got to stage 3 with this bill, which has to have been one of the most enjoyable bills—as well as being very important and useful, of course—that I have been involved in. To be able to visit a number of Scotland’s fabulous islands with the Rural Economy and Connectivity Committee, and count it as work, was absolutely great. When we visited Mull, I took the chance to pop over to Ulva, so I think that there is something symbolic about the fact that the community buy-out of that island has moved



ahead so far, even as the Islands (Scotland) Bill has made its way through Parliament.

Islands are a key part of Scotland's history and geography, so I believe that we all, as a nation, have a responsibility for them, for their communities, and for their general wellbeing. Despite representing a city constituency, I know that many of my constituents have connections with islands, such as families coming from there or relatives who still live there, so I do not see the bill as some kind of minority interest. Rather, it is of national interest, and it makes it clear that Scotland's islands must be in the mainstream of our thinking, particularly here in the Scottish Parliament.

The committee spent a lot of time considering topics such as what should be included in the bill and what should be in the islands plan. Within that, we considered the question of what should be in the bill about the islands plan and its contents. There was clearly a temptation to put more in the bill. There has been movement on that point, and we have reached a reasonable position. Then again, the question of island communities impact assessments has been the subject of much discussion and debate.

The term "island proofing" has been used, as well. My concern has been that that term might suggest that we could make life on the islands exactly the same as life on Scotland's mainland, although it is clear that that can never be the case. When a person lives on a piece of land that is surrounded by water and they cannot get on or off it for 24 hours each day, there is something different. It is true that Ardnamurchan and other parts of the mainland can be extremely remote and that residents in those places face challenges that are similar to those that people who live on the islands face, but I remain convinced that islands are uniquely different and that it is not only justified but necessary to have legislation specifically for them. We hope to pass such legislation today.

I do not believe that we can island proof in the sense we can waterproof something, but island impact assessments can make various public authorities, including us in Parliament, think more carefully and consider more often what the impact of our actions and decisions might be on islands.

When the Rural Economy and Connectivity Committee visited various islands, the subject of ferries was always high on the agenda. Just this morning, we had CalMac at the committee to discuss capacity, RET and a host of related matters. The committee is therefore well aware that ferries are central to island life, but we can expect such topics to appear in the national islands plan rather than in the bill.

I am particularly pleased that an amendment to include uninhabited islands in the bill was agreed to at stage 2. The fact that no one lives permanently on a particular island does not mean that that will continue to be the case. Even if no human being at all lives on an island, it can still be vital for birds and other wildlife. In that regard, I am particularly grateful to RSPB for its commitment and assistance in framing amendments relating to natural heritage and environmental wellbeing, for example.

Now that we have got the ball rolling more seriously for Scotland's islands, I am planning to spend my summer holiday visiting some of England's islands. Maybe I will report back on how they are doing. However, for now, I commend the bill to Parliament and very much hope that it will be passed at decision time.

17:27

**Rhoda Grant (Highlands and Islands) (Lab):** I thank the councils and communities that worked to shape the bill, which needed to empower rather than protect. Protection assumes that the Scottish Government knows best, but that is seldom the case. The people on the ground know best, and they need to be empowered to make decisions that affect their future. That was the vision of the three island councils when they brought forward the our islands, our future initiative. We have strengthened the bill, but much work still needs to be done on the islands plan if it is going to meet expectations.

Colin Smyth said that the bill could have gone further. That is true, of course, but his amendment 27 and a similar amendment that Liam McArthur lodged allow Scottish Government powers to be devolved to island authorities, which would allow islands to make decisions that suit their needs. We have too often seen islands being handed down policies and targets that run contrary to their needs.

David Stewart said that powers need to come with resources. That is very much the case. If those powers are to be devolved, the resources to make things happen also need to be devolved. That will allow those policies to make a genuine difference to our island communities.

Amendments to do with retrospection, which are very important to the legislation, have been agreed to. I do not think that every law should be reviewed to see how it works with regard to islands, but there are policies and legislation in place that damage our island communities.

We have recently seen Highlands and Islands Airports Ltd, which is a company that is wholly owned by the Scottish Government, looking to centralise its air traffic control. That could move

those jobs out of islands and, indeed, out of the Highlands and Islands altogether, and that would be a retrograde step. I hope that the amendments to do with retrospection will make Highlands and Islands Airports Ltd look again at what it is doing.

As Colin Smyth said, other Government bodies and arm's-length authorities should look at their centralising policies, which have damaged islands by removing jobs from communities that very much need them. We need to strengthen and build those communities. The amendment on depopulation is crucial, because the real barometer of the act's success will be whether the populations of our islands grow and become much more sustainable.

Yes, we need more people in the whole of Scotland, but the need is much more urgent in our island communities. People want to come back to the islands. They will do so—and others will relocate there for a better quality of life—but there must be jobs and opportunities to allow them to come back. David Stewart said that fragile communities lead to the loss of young people, and we have seen that throughout our island communities for many years. We need to stop that trend, then reverse it in order to make our islands grow and the bill has the potential to do that if the national islands plan is right.

As Jamie Greene said, the plan will be the proof of the pudding. Many of the powers in the bill will be implemented through the plan, so how that is done will be crucial. There should be clear outcomes and targets and measurable indicators to track performance, so that we can see whether the plan is working. The REC Committee must be able to scrutinise the plan and look at the annual reports and the like, with input from stakeholders, in order to ensure that the plan is working. The plan will make a difference to our island communities if it works right.

The bill has shown how the parliamentary process can improve legislation. The original bill was timid and, although we know that it could have gone further, the finished article is much stronger. That is a tribute to my colleague Colin Smyth, who put a lot of work into the bill, and to the communities and councils who worked alongside us to strengthen the bill, especially the three island councils that started the process in the first place with our islands, our future. I hope that, through the bill, they will have a greater say in that future.

**The Deputy Presiding Officer:** I call Donald Cameron to close for the Conservatives. You have a generous six minutes, Mr Cameron.

17:31

**Donald Cameron (Highlands and Islands) (Con):** The Scottish Conservatives have always welcomed the Islands (Scotland) Bill and we are pleased to support it at stage 3. From a personal perspective, as a Highlands and Islands MSP, I am under no illusion as to how important the legislation is to the communities that I represent. I hope that their expectations will be fulfilled.

One of the most important amendments was one of the last; it was introduced by Jamie Greene and supported by the minister and was on having a report on the act. The four-year report will be fundamental in assessing how well the act performs and whether it empowers communities, which is the issue that we have spoken so much about. I was very pleased to see the consensus around that amendment.

It is perhaps sad that the Islands (Scotland) Bill has always been an enabling bill first and foremost, when it could have done more. However, to be fair to the Government, it has always been clear that it would be an enabling bill. We accept the bill as such, and it has been strengthened considerably at stages 2 and 3, as many members have mentioned. If the bill had not been amended, it would have fallen short of our islands' expectations.

I spoke during the stage 1 debate on the bill, but then felt slightly removed from the process because I am not on the REC Committee. It gives me great pleasure to return to the bill now in its final version, which is much improved. I join Jamie Greene in commending the minister, Humza Yousaf, for his engagement with us from the start. I recall a meeting with him, alongside other members of my party, before the bill was introduced. He has engaged with us throughout the bill process. I am glad, too, that other Opposition members have helped to strengthen the bill, unlock its potential and deliver what campaigners have called for, which is an islands bill that might truly empower island communities. The phrase "tick-box exercise" is overused, but the essential point remains that the bill must achieve tangible, meaningful change.

**Fergus Ewing:** Will the member confirm that one substantial way of empowering the island communities would be for his party to campaign with all other parties to unleash the potential of the islands' renewable energy and support the connection to the islands to enable that? Earlier, Mr Chapman said that he recognised the potential, but he stopped short of committing the Scottish Conservatives to continuing to support those projects. I would be most grateful if Mr Cameron could now confirm that the Tories still do support that connection, as did David Cameron.

**The Deputy Presiding Officer:** You will get your time back, Mr Cameron, so do not look agitated.

**Donald Cameron:** Thank you, Presiding Officer. We do not want to get confused by Mr Camerons being mentioned.

We fully support renewable energy on the islands. I point the cabinet secretary to our manifesto for the general election last year, in which we made an explicit commitment to remote island wind. That has now been honoured and is allowing projects across the Western Isles into the auction in 2019. We have put our money where our mouth is, cabinet secretary.

To continue my speech, it is the islands that must take credit for campaigning tirelessly for an islands bill, especially the local authorities, which I would like to mention by name: the Western Isles, Orkney Islands, Shetland Islands, Argyll and Bute, Highland and North Ayrshire councils. As others have said, five years ago Scotland's three island councils—if I can call them that—started the our islands, our future campaign, and they were soon joined by other councils with islands and, indeed, smaller communities. Together they have lobbied and lobbied until it was accepted that change was needed.

I first came across the our islands, our future campaign when I was a candidate in Orkney and Shetland in the 2015 election, three years ago. Even then, there was a huge amount of excitement around the campaign, and one of the great pleasures has been to witness it building momentum, because for too long this Parliament has felt too remote to islanders and with this bill they can no longer be ignored. Their voices will now be heard and that is vital. It refreshing to see the Government for once looking to enable devolution of power away from the centre, rather than the other way around.

I have said before that one of the great aspects of being a Highlands and Islands MSP is the ability to visit the islands across the area. Last Friday, I was on Bute on a wonderful day, and it was interesting talking to people there. Simply being on an island does not necessarily mean that people are treated exceptionally and I hope that this bill will change that. As others have said in debates before, we have to be careful about how we characterise islanders or island communities. Others have mentioned that people who live in remote areas of the mainland, which are very like islands but not technically islands, deserve to be kept in mind as well.

The bill must be the start, not the end, of empowering island communities. As Rhoda Grant and Jamie Greene both said, the national islands plan will be critical in that regard. People on the

islands are watching carefully. They want the practical devolution of power. They feel remote and ignored, or dealt with inflexibly, and if this is truly to be an enabling bill it must be the catalyst for further change.

I think that the minister realises, because he spoke of a suite of measures, that the bill also has to be set in the wider context of islands with issues relating to transport, the tourist industry, infrastructure and devolution of the Crown estate, to mention just a few. The bill must not be empty words, but effect real change to the benefit of all on our islands.

**The Deputy Presiding Officer:** I call Humza Yousaf to close the debate for the Government. You have seven minutes, minister.

17:38

**Humza Yousaf:** I thank everyone who has contributed to the debate, which has been excellent. I have rarely applauded every contribution in this chamber as I have today. Stewart Stevenson threatened to take us to a dark place when he started talking about Tavish Scott's obituary, but I am pleased that we managed to get the debate to a more positive place.

I will address a few of the points and common themes that came from everybody's contributions. I also join the chorus of members who have said that the parliamentary process on this bill has been a great example of how to deal with legislation. Really good and constructive ideas have come from right across the chamber, and I am delighted that many of them have made it into the bill that I hope we will pass in a few moments time. I note the constructive nature of the process and thank all members who have been involved.

This is the culmination of part of the journey that we are on. I say to Colin Smyth and others who made that point that it was this Government, of which I am very proud to be a part, that brought forward the Lerwick declaration, the prospectus for our islands and now the Islands (Scotland) Bill, which no previous Administration has done. We also introduced community empowerment legislation and the Scottish Crown Estate Bill.

As Donald Cameron just reiterated, the bill is part of a suite of measures that will empower our island local authorities. I am unashamed—in fact, I am really proud—to be part of a Government that has delivered that suite of measures and I hope that there will be many more to come, to help empower our island communities.

John Finnie made a really good point about the diversity that exists on our islands. All of us, including me at times, have been guilty of talking about our islands as one homogenous block, but

they are not. Anybody who has travelled to our islands will know the differences between them, including between neighbouring islands, whether Yell and Unst, Westray and Papa Westray or North Uist and South Uist. Rivalries and cultural differences exist between islands that neighbour each other. John Finnie was right to make that point about diversity. The bill and the national islands plan must reflect that diversity.

We are delighted with the measures in the bill. Some important measures are being taken forward. The concept of island proofing will undoubtedly be watched closely by members, local authorities and communities. I thought that Mike Rumbles's point about that was good: island communities have an expectation of what the bill will deliver. What it says on paper is one thing; what it will practically and pragmatically deliver is something that our island communities will be watching with great interest. I am sure that island proofing will be tested very early on, once the bill has been given royal assent.

I turn to other key measures. I thank Tavish Scott, because the Shetland Islands can now be assured that no public authority gets to put them in a box on a map in future. That is a serious and really important issue, but it has sometimes been spoken about—perhaps even in the media—a little bit flippantly. It is about how we perceive our island communities. People might have thought when they put the islands in a box next to Moray or the Aberdeen coast that those communities do not matter and that we could just move them, shift them and do what we want with them. We are sending a very clear message that that cannot and should not be done, because we value our island communities just as much as we value our mainland communities. That is a really important point to have raised.

I say gently to Rhoda Grant that we have delivered for and empowered our island communities. I have talked about the Crown estate measures that we are taking forward and the community empowerment legislation. Her colleague Jackie Baillie, who is sitting behind her, often asks me to centralise and take ownership of the Gourock to Kilcreggan ferry. There are times when local authorities will ask us to take such powers to the centre and, of course, I am happy to have that conversation with them.

**Jackie Baillie (Dumbarton) (Lab):** The minister mentioned the most important ferry service in Scotland, which of course is the Kilcreggan to Gourock service, so can I ask when he is going to take it over?

**Humza Yousaf:** Those constructive discussions with Strathclyde partnership for transport are continuing. In principle, I will look at that request very favourably. That of course is an example of

centralisation that she is asking me to take forward. I put that point gently, because this has been a very good and constructive debate.

I will end by saying that I have learnt from my travels to 34 islands across Scotland that islands play a huge role in our lives collectively as a nation. People have fought to keep the islands' heritage very much alive. I am thinking of John MacCormick, Iain Crichton Smith, Sorley MacLean, George Mackay Brown and women such as Naomi Mitchison, Ishbel MacAskill and Màiri Mhòr nan Òran, which for those who do not speak Gaelic translates as Big Mary of the Stories. There is also a rich seam of modern island writers whose works we can draw on, such as Kevin MacNeil, Peter May, Anne Cleaves and Amy Liptrot, and amazing musicians, which many of us will have heard of, such as Capercaillie, Stornoway, Aly Bain and the Blazin' Fiddles. In fact, almost every year there is a new generation of talent appearing. We have the majesty of Peter Maxwell Davies's work, inspired by the life that he made on Orkney, and we have the traditional and the modern melded together in music and cultural festivals on Shetland, the Hebrides and, indeed, Millport.

I should perhaps be wary of talking about this 14 days into Ramadan, but we also have the great taste of our islands. There is the Taste of Arran, the distilleries of Islay and Jura, the seafood of Mull and the black pudding of Stornoway. Food and drink on our islands is absolutely flourishing.

Then there is the diversity on our islands. We spoke about the diversity between one neighbouring island and the next, but there is also diversity on each of our islands. Our islands have changed in terms of their demographics. I am delighted that, this month, Stornoway became the place where we have the first ever island mosque, which opened just in time for Ramadan. I do not think that I will be going to Stornoway for Ramadan, because the sunset there will be quite a bit later than it is where I am on the mainland, but I certainly intend to visit sometime in the future.

I am delighted that we have this historic islands bill, which I hope we will vote for unanimously, in a cross-party fashion. I am not ashamed to admit that during its passage, I have learnt a lot about Scotland's islands—about a fundamental part of Scotland's soul that hitherto was hidden from me. Having visited many of our islands, I have a much better understanding of what they are and consequently, who we all are, why our islands matter and what they mean to all of us.

I will quote Andrew Greig's poem "Orkney / This Life":

"It is the way you lean to me  
and the way I lean to you, as if  
we are each other's prevailing".

That sense of prevailing is very deep-rooted—it is vital. I am confident that the bill that we pass today will help our islands and their communities not just to prevail but, I hope, to thrive. [*Applause.*]

## Business Motion

17:46

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-12484, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 5 June 2018

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Debate: Celebrating Scotland's Volunteers

*followed by* Legislative Consent Motion: Parking (Code of Practice) Bill – UK Legislation

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 6 June 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Culture, Tourism and External Affairs; Justice and the Law Officers

*followed by* Stage 3 Proceedings: Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 7 June 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate: Lord Bracadale's Independent Review of Hate Crime Legislation

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 12 June 2018

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Topical Questions (if selected)
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Wednesday 13 June 2018	
2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions: Education and Skills
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Thursday 14 June 2018	
11.40 am	Parliamentary Bureau Motions
11.40 am	General Questions
12.00 pm	First Minister's Questions
<i>followed by</i>	Members' Business
2.30 pm	Parliamentary Bureau Motions
2.30 pm	Scottish Parliamentary Corporate Body Questions
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time

and (b) that, in relation to First Minister's Questions on 7 June 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".—[*Joe FitzPatrick*]

*Motion agreed to.*

## Decision Time

17:46

**The Presiding Officer (Ken Macintosh):** There is one question to be put as a result of today's business. Because it is a question on a bill at stage 3, we will have a division. The question is, that motion S5M-12437, in the name of Humza Yousaf, on the Islands (Scotland) Bill at stage 3, be agreed to. Members should cast their votes now.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)

Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 122, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Islands (Scotland) Bill be passed.

**The Presiding Officer:** The motion has been agreed to unanimously and therefore the Islands (Scotland) Bill is passed. [*Applause.*]

## People with Learning Disabilities (Housing)

**The Deputy Presiding Officer (Linda Fabiani):** The final item of business is a members' business debate on motion S5M-11737, in the name of Joan McAlpine, on appropriate housing for people with learning disabilities. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament recognises what it sees as the importance of where a person with a learning disability lives to his or her quality of life; welcomes the reported reduction in recent years in the number of people in hospitals or other NHS settings when there is no clinical need for them to be there and the shift away since 2000 from using residential care homes toward a greater use of supported accommodation; recognises the continuing challenges of ensuring the availability of appropriate housing, the accessibility of tenancy agreements and balancing sustainable care provision with people's housing preferences, and notes the view that the Scottish Government, local authorities and relevant partners should work together to ensure that every person in the South Scotland region and across the country who has a learning disability can access the appropriate housing and support that is required to give that person the choice and control to live the life that he or she wants.

17:49

**Joan McAlpine (South Scotland) (SNP):**  
Presiding Officer,

"The ache for home lives in all of us, the safe place where we can go as we are and not be questioned."

Those words by Maya Angelou are particularly appropriate for today's debate. Four walls and a roof make a house, but many people with learning disabilities ache for a home.

I am grateful to the cross-party group on learning disability, whose members asked for this motion and shared their experiences and opinions on the subject. I also thank Enable Scotland for its briefing today.

In 2017, the Scottish Government commissioned the wide-ranging report "Improving outcomes for people with learning disabilities: opportunities and challenges for housing" from the Scottish Commission for Learning Disability. The report offers very clear routes forward, and the purpose of today's debate is to ensure that those routes are followed.

First, let us talk about progress. Fewer people with learning disabilities are now forced to live in hospitals or institutional care when they have no clinical need to be there—it is fewer people but not none. There are examples of excellent practice and stories of people whose lives have been transformed by having appropriate homes. Their movement out of institutions and into the

community in the past 20 years is a mark of our society's progress towards equality and inclusivity.

However, the report found that good practice varies significantly across local authorities. Overall, the report found a lack of suitable homes for people with learning disabilities. There is also a lack of clear guidance for people with such disabilities who are looking for homes. Restrictions on housing and disability benefits that have been imposed by the United Kingdom Government are making things much worse. In some places, too many individuals live in inappropriate residential care. There were reports of local authorities suggesting that people who currently live independently move to care homes for cost reasons, which I think we can all agree is completely unacceptable. In 2017, 698 households that were homeless or threatened with homelessness had "learning disability" recorded as a support need.

As I have said, the overall direction of travel is positive. In 1998, only 600 people with learning disabilities lived in supported accommodation. That figure rose to 4,622 in 2015, and more people now live in mainstream housing with support. However, 23,186 adults with learning disabilities are known to local authorities across Scotland. Some do not require or want housing support—but others do, and we need a better understanding of their needs. One in three adults with learning disabilities lives with their parents or family carers. If that is their choice, that is good. However, families understand the need to plan for a time in the future when parents can no longer care. Often, the options—if they are offered at all—are unsuitable.

There is a wide spectrum of need among people with learning disabilities. Some individuals require 24-hour care and others far less, but most will require adapted accommodation. We know from the Government's groundbreaking research entitled "The keys to life" that people with learning disabilities are more likely to suffer from physical ill health. The report recommends that ground-floor accommodation be offered. People First (Scotland), which is an organisation that is led by people with learning disabilities, has told us that they often want to live close to their families and friends. Social isolation and bullying can be a serious problem for people with such disabilities, but local authorities often offer them accommodation in areas in which crime rates are high, which leaves them vulnerable. James McNab of People First (Scotland) told the cross-party group that housing application forms are often too complicated, so support in completing them should be offered. Mr McNab also said that people with learning disabilities in shared tenancies often had little say in who their flatmates



were, which was a lack of choice that was also highlighted in the SCLD's report.

The report found a growth in what is called a core-and-cluster model of supported housing, in which people live in their own homes around a hub of support, usually with some communal space. I know from personal experience that such a model can be very successful, as it provides independence while also tackling social isolation. In my view, provided that developments remain small, with high-quality person-centred support packages, any concerns that the model risks being institutional will be unfounded. However, it should not be forced on tenants who are currently happy to live in their own tenancies with support.

The SCLD report recommends starting a national conversation on how to achieve better housing outcomes for people with a learning disability. I hope that this debate contributes to that conversation.

The report recommends ways to improve data, particularly at local level, which is a big challenge that we need to address. It also asks the Government to develop an implementation framework to prevent people with learning disabilities from being accommodated in healthcare settings unnecessarily.

The report recommends that there be more specific guidance to ensure that local housing strategies more effectively address the needs of people with learning disabilities. It also asks for greater consideration of "The keys to life" outcomes within strategic planning and commissioning processes.

On a pleasingly practical level, the report calls for joint protocols between local authorities and other registered social landlords, again to achieve positive housing outcomes for people with learning disabilities.

It is a great start that the recommendations come from a Government-commissioned report; so, too, is the housing minister's letter to the cross-party group on learning disability in which he says that his officials are working to strengthen links between the housing sector and organisations representing people with learning disabilities, their families and carers. We must monitor that work. I welcome Mr Stewart's instruction that councils' local housing strategies must set out their priorities and plans for meeting the needs of people with a learning disability. I understand that the Scottish Government's guidance for councils on local housing strategies is under review, which offers a tremendous opportunity to put into practice the report's recommendations. Sometimes, local authorities need clear direction to ensure that the priorities set

by Government and endorsed by the Parliament are adhered to.

I look forward to hearing more from the minister on the plans to ensure that people with learning disabilities no longer ache for a place to call home.

17:56

**Jeremy Balfour (Lothian) (Con):** I thank Joan McAlpine for securing this debate on an important topic. Things have moved on pleasingly well in Scotland since the 1970s, the 1980s and even into the 1990s, when too many people were left in hospitals or institutions that were totally unsuited to meeting their needs or the needs of their families.

Last night, I was talking to some friends about how the mindset remains that people with learning difficulties need to live with family or with care. I was interested to note that 65 per cent of people with learning disability live alone in appropriate housing. We can be proud of giving people that choice.

I will make a couple of points in the short time that I have. The people to whom I have spoken are concerned that practices differ among local authorities across Scotland. People will know from yesterday's debate on planning that I do not favour centralisation, but we must make sure that learning disability services are not postcode led and that the service that people get in one local authority area is the service that people get in another. The Scottish Government has, at least, a role to play in encouraging, monitoring and pushing local authorities to make sure that the policies that we have that are applied in some parts of Scotland are applied in them all.

I do not want to return to yesterday afternoon's debate, but I again push the minister on the need to have appropriate housing built for people with disabilities. People with learning difficulties will in certain circumstances require adaptations that will be different from mainstream housing, and it is often expensive for a local authority or housing association to make such alterations at a later stage.

**The Minister for Local Government and Housing (Kevin Stewart):** I have said before in the chamber, and I reiterate—without opening up the can of worms that is subsidy as a whole—that there will be additional subsidy available for such housing for folk with learning disabilities and physical disabilities, if councils talk to my officials. I hope that every member in the chamber will reiterate that to their local authority when they discuss such matters.

**Jeremy Balfour:** I am very grateful to the minister for those remarks, but I still think that, as

a Parliament, we can look at the issue as part of our consideration of the Planning (Scotland) Bill at stages 2 and 3.

Although it is great that many people who have a disability can live alone, there is a danger of loneliness. We cannot look at housing without looking at other issues. In parts of my area, people face transport problems because of lack of buses or because of where their housing has been built. We must make sure that people with learning difficulties have the same opportunities as we do—which we take for granted—to take part in leisure activities, and the same access to job opportunities and volunteering that we have.

As I said at the outset, a lot of progress has been made over the past 20 years. There is still a way to go, but I hope and sense that there is cross-party support for progress on what is not a political issue, but one on which we can work together to help the people in our society who might need a little extra help.

18:01

**Pauline McNeill (Glasgow) (Lab):** I thank Joan McAlpine for bringing a very significant issue to the chamber for debate. I apologise for not being able to stay for the whole debate, but I wanted to take part in it.

Having a decent warm home that suits one's needs is a human right, as is having the ability to live the best possible quality of life. Society must and should give support to all those who need it. Scotland's 120,000 people with learning disabilities must have the support that they need to live in a home of their choice, and to live the best quality of life that they can live, as Joan McAlpine said.

According to Enable Scotland, most people who have a learning disability do not get any form of social care support. As Jeremy Balfour pointed out, it is a very long time since we first decided to make the shift from residential care to helping people to live in the community in supported accommodation. I, too, remember Lennox castle in Glasgow: children who were born in that institution are now part of the community. We are talking about a highly significant policy, and we must finish what we started.

People with learning difficulties are much more likely to live in social housing—52 per cent of people with learning difficulties do so, compared with 21 per cent of the general population—and they are much less likely to own their own homes. In 2016-17, 698 people who presented as homeless were recorded as having a learning disability. In recent years, there has been an upward trend in the proportion of homelessness applicants who are assessed as having support

needs. I am told that attitudes to people with learning difficulties among social workers and landlords need to be improved. Long delays and provision of inappropriate accommodation are among the key factors that we must address.

There are mixed views on whether progress continues to be made on positive housing outcomes for people with learning disabilities, or has halted. In 2017, the Scottish Commission for Learning Disability reported on some of the key barriers to housing for such people, including the current short supply of housing and the lack of accessible accommodation. I welcome what the minister said to Jeremy Balfour in that regard.

The SCLD also highlighted a lack of consistency in access to advice about housing options, and major challenges with regard to funding of housing support, which are impacting on the ability of providers to deliver effective person-centred support to people with learning disabilities. It recommended that the Scottish Government develop an implementation framework to prevent people with learning disabilities from being accommodated in healthcare settings unnecessarily, and to ensure that they receive appropriate advice and support so that they can make informed choices about housing.

In the final minute of my speech, I want to highlight two serious issues on which a response is required. Professionals in local authorities are not always sufficiently aware of adaptations that people with sensory impairments, learning disabilities or autism spectrum disorders might require. One respondent said that they were told that they were not entitled to adaptations to allow them to live in their own home, and wondered whether that would be the case if they had been physically disabled.

There is an emphasis on online applications—that probably applies to almost everything that we discuss in the chamber—and that is an area in which we need to be mindful of people with learning difficulties. It can be much more difficult for them if they need someone to explain things to them or someone to be on hand to check or clarify aspects of the process. Advice, advocacy and guidance are very important—not least in order that people can sustain a housing tenancy and, in many cases, in order to prevent people from falling into arrears, which could lead to eviction.

There is a lot of work to do in this parliamentary session to ensure that everyone has a sustainable home that is appropriate for their needs. I welcome the debate this evening and I hope that in this parliamentary session we can achieve a lot more for people with learning difficulties who need our support in the homes that they want to live in.

18:05

**Graeme Dey (Angus South) (SNP):** I congratulate Joan McAlpine on bringing the debate to the chamber and, from my perspective, on her impeccable timing. The motion before us dropped into my inbox while I was in the throes of dealing with a perplexing situation in my constituency that relates to the motion's subject matter. Indeed, if memory serves, I was just off the phone to my office manager who I had been ranting to over the issue in question. Therefore, forgive me for seizing the opportunity to raise a quite intolerable situation, which impacts a number of my constituents and their families in the southern part of Angus South.

A report to the Angus integration joint board in May 2016 that concerned learning disability accommodation highlighted that there were no local facilities of that nature in Carnoustie or Monifieth, and that Carnoustie has the highest population of ageing carers for people with a learning disability and/or autism. The report identified demand for a minimum of four core supported housing units in Carnoustie over the following two years to meet local and wider need.

However, here we are, two years on, and no progress has been made. That demand was the third of three accommodation-related priorities that the IJB had identified. The first was addressed, the second is being addressed, but the third has not been addressed. I am advised that the reason is that there is currently no revenue funding source available to meet staffing costs for such a development, which are estimated to be north of £450,000 a year. Until that funding can be found, either from the existing IJB budget or from Angus Council—which I think I am right in saying has the duty to meet that need—no progress will be made on that priority.

But here is the rub. A few short months ago, Angus Council was granted an additional £1.565 million by the Scottish Government for the purposes of health and social care and to help it to reach budgetary settlements with its health and social care partnership. The council passed on just £510,000 of that money and retained the other £1 million plus. It was able to do that because, although it was agreed with the councils what the moneys, which totalled £66 million across Scotland, were for, it was taken on trust that that was where those moneys would go.

In Angus Council, that did not happen. Our health and social care partnership has admitted to me that

“Had the SCP been able to agree a more generous recurring budgetary settlement with Angus Council then this would have assisted overall in its service delivery plan.”

Put simply, had that £1 million made its way to where it should have gone, at the very least the chances of delivering that housing provision would have been enhanced.

Housing provision for people with learning disabilities in south Angus is an issue that I have been involved in for some time. A little over two years ago, I approached Angus Council to highlight the Scottish Government's recently announced long-term financial planning assumptions around housing supply, and to seek a commitment that an element of the cash would be deployed to meet the identified learning disability need with a purpose-built facility. In responding, the then chief executive revealed that a housing, health and social care strategic planning group had been established and that, through that, the council would identify which development opportunities should include an element of specialist provision. That was an acceptance that, rather than adapting existing stock on a house-by-house basis, a bespoke unit of the type that south Angus parents of adults with learning disabilities had been campaigning for was on the cards. However, here we are in 2018 and nothing is on the horizon.

Angus Council is able, in a build context, to say, “No can do,” because there is insufficient funding available to staff such a unit, when one might contend that that is because the council failed to pass on moneys that were given by the Scottish Government for that kind of purpose. Is it any wonder that SAPALD and I, as the constituency MSP, are exasperated by the situation?

That exasperation is made all the greater by the fact that the Minister for Local Government and Housing announced recently that, over the next three years, Angus Council will receive in excess of £25 million to support housing supply. The Scottish Government is passing over additional pots of money to the local authority to meet housing need across the county and to meet health and social care demand, yet an identified priority for housing and supporting adults with learning disabilities remains unmet.

I pay tribute to SAPALD for its campaigning work on this issue and its willingness to try to find solutions. It has sought to move things on by sourcing funding to meet staffing costs itself. However, of course, every potential funder that it has approached has come back with the same answer: “Sorry, but we don't fund statutory services.” That means that we remain in this impasse. I question where that sits in terms of disability discrimination and the human rights of those concerned. What is beyond question is that this situation is wholly unacceptable. I am grateful to Joan McAlpine for providing an opportunity to highlight it in Parliament.

I will conclude by quoting from Joan McAlpine's motion. It says:

"the Scottish Government, local authorities and relevant partners should work together to ensure that every person ... across the country who has a learning disability can access the appropriate housing and support that is required to give that person the choice and control to live the life that he or she wants."

The Scottish Government has provided the means to give my constituents in Angus South that choice, and the minister has tonight indicated that additional sums might be available. Those constituents and their families are asking why, in that case, Angus Council has failed to meet their needs.

18:11

**Jackie Baillie (Dumbarton) (Lab):** I, too, congratulate Joan McAlpine on securing the debate and on the content of her speech. She and I are core members of the cross-party group on learning disability, and I know that the other members are excited that this subject is being discussed. I also welcome the focus that has been brought to this issue by Enable Scotland through its report on where people live, and by the SCLD's report earlier this year, "Improving outcomes for people with learning disabilities: Opportunities and challenges for housing".

It is undeniable that our surroundings, community and home environment are essential to the quality of life that each and every one of us enjoys. The connection between our living conditions and our quality of life is even more vital for those who have a disability, and, of course, tonight we focus on those with a learning disability, for whom more needs to be done to improve provision.

There are a number of misconceptions surrounding how people with learning disabilities live and the level of independence that they have. Many people assume that someone with a learning disability is likely to live at home with their parents and will have no hope of a relationship, job or a social life. However, the SCLD report tells us that 65 per cent of people with a learning disability do not live with a parent or carer—they live on their own or with others with a learning disability, and 52 per cent of them live in social housing, while 17 per cent of them live in supported accommodation.

In every area of our lives, whether it be what to wear in the morning, what to eat for breakfast or how to spend our spare time, we enjoy the autonomy of tailoring our choices to suit our wants and needs. People with a learning disability deserve to have the same freedom of choice as anyone else. It is important that the relevant bodies have the support, resources and ability to

offer a balance between the provision of first-class, sustainable social care and the provision of a choice of accommodation to those who need it, which is of central importance.

We cannot have a return to the days of the large hospitals such as Lennox Castle or people being given inappropriate placements in care homes when they do not have a clinical need to be there. I welcome the fact that the SCLD report shows that there has been a significant reduction in the number of people in institutional care. However, as others have said today, there appear to be noticeable variations depending on the local authority. In some places, there appears to be more shared accommodation that is of a scale that borders on institutional. We do not need that. We know that people's preference is for supported or core-and-cluster accommodation, or, in many cases, to be able to live in their own home with good social care support.

I very much welcome the minister's comments about providing additional resource to build core-and-cluster and supported accommodation and I will make sure that my local government colleagues in Argyll and Bute Council understand that, because just now we are dealing with cases in which young men are being boarded out of the local authority area although a return home would be good for them, good for their parents and good for the council budget. I cannot conceive of other circumstances in which reducing the budget could give such positive results.

**Kevin Stewart:** I discussed the situation in Argyll and Bute with Cornerstone, when I met the charity in Aberdeen on Monday. I recognise what Jackie Baillie is saying in relation to certain local authorities. She is absolutely right, as was Graeme Dey, to highlight how much it is costing councils to keep folks in unacceptable situations. Moreover, in doing that, what is the human cost? I will do all that I can to encourage Argyll and Bute Council and other local authorities to use the finances that are available to look at the issue very carefully indeed.

**Jackie Baillie:** I am conscious of time, but I want to say that I take that as a positive message from the minister, which he can be sure I will repeat ad nauseam to everyone in Argyll and Bute.

**Kevin Stewart:** Please do.

**Jackie Baillie:** I look forward to working with the minister to secure additional funding, to improve the lives of people with learning disabilities in my area.

There has been considerable cross-party consensus on the whole issue today. I hope that that encourages the Scottish Government, local authorities and relevant bodies to work together,

because we can improve the type and standard of housing that is available, and we need to do so for people with a learning disability, so that we can give them, and so that they can enjoy for themselves, the quality of life that they truly deserve.

18:16

**Gillian Martin (Aberdeenshire East) (SNP):**

Everyone should expect to have the opportunity to live independently if they want to do so and to have the same life chances that anyone else has. Having somewhere to call one's own is fundamental to that.

Last week, I spoke in the Government debate on the disability employment gap, the existence of which has a hugely negative impact on adults with learning disabilities as they strive to achieve economic and social fulfilment and independence. This week, I am pleased to add weight to the argument for social and economic independence as I congratulate my colleague Joan McAlpine on securing this debate on a key component of such independence: the availability of and access to suitable supported housing.

As many members have done, I will reference the great work of housing associations and the third sector in securing independent living for people. I want to talk about an organisation that I mentioned in the employment debate because of the training and work opportunities that it offers. Inspire (Partnership Through Life), in Inverurie in my constituency, also offers support with living and access to tenancies for adults with learning disabilities.

I mention Inspire first, because I will always remember chatting to a young woman who was working in Inspire's soap-making initiative—Inspire has a little shop in Inverurie. She told me that she had just got the keys to a flat. She was very excited about moving into her new home and about the independence that awaited her, but it was particularly important to her that she would still be able to walk a wee bit up the road to visit her mum whenever she wanted to do so.

The importance that she placed on that reinforces an important point about the availability of affordable housing in rural areas. The same point was made clearly in the report that Enable Scotland circulated. Independent living should not mean that someone has to move out of their community and away from their family, friends and support network. Supported housing should be readily available locally, in small towns, as it is in Inverurie, where Ark Housing Association also offers supported independent living.

In the disability employment debate, I made the point that for parents of teenagers with autism, in

particular, who are coming to the end of their school lives, there is considerable worry about what their children's adult lives will bring by way of employment. The stress of balancing the wishes of a maturing young adult for the same freedoms and space of their own that their peers enjoy against concerns that support should be available for the young person must be acute. Young adults with learning difficulties want the same things that everyone else wants: they want privacy, they want love and sexual relationships, and they want to do their own thing.

The marrying of the two areas of support and independence must take into account the geography of family support. It is all the better if the housing comes with links to employment support programmes or befriender services. I take Jeremy Balfour's point that loneliness can be a big factor and a big worry for parents as young adults move into supported accommodation.

The Scottish Government is engaged in the biggest programme of building affordable housing in 50 years, with a plan for 50,000 affordable houses by the end of this session of Parliament and a commitment that 35,000 of those will be available for social rent. I welcome the minister's commitment to work with the Scottish Commission for Learning Disability to ensure that everything possible is being done to increase the suitability of that new stock for those with learning disabilities.

The housing voluntary grant scheme, which is provided by the Scottish Government, assists the third sector to provide the sort of housing advice and advocacy that can take some of the worry out of the process of accessing suitable accommodation, both for the people who are moving into it and perhaps for the parents of young adults who are trying to access it. As my son prepares to leave home, I am finding that that is not very easy, and it must be even harder for parents of young adults who need additional support to let them go and live an independent life. That advocacy and advice will be invaluable.

Just as the Government has committed to closing the disability employment gap, we must work with the Government, the third sector, housing associations, local authorities and learning disabled people to close the gap in housing to allow independence with support, and the life chances and opportunities that come with it, not just in urban environments but in smaller communities.

18:21

**Graham Simpson (Central Scotland) (Con):** I must say how much I have enjoyed the contributions from all members. In particular, I thank Joan McAlpine for bringing the debate to the

chamber. We then heard from Jeremy Balfour, Jackie Baillie, Gillian Martin and Pauline McNeill, who is not here at the moment. I was particularly struck by Graeme Dey's comments. He spoke with real passion about the situation in his area. I am often cynical about members' debates, but Graeme Dey has really shown what we can do with them. The fact that the debate has come from a cross-party group is encouraging. I have been cynical about cross-party groups, too, but that one is obviously doing great work. I again thank Joan McAlpine.

It is clear that more needs to be done to support independent living for people with learning disabilities. Of course, that is not unique to them—more needs to be done for people who are homeless, those with a physical disability and the elderly. We certainly need greater choice in housing in this country. According to statistics produced by the Scottish Commission for Learning Disability, in 2013, there were just over 26,000 adults with a learning disability who needed support, and 16,000 children who were known to councils. The recent Equality and Human Rights Commission report "Housing and disabled people: Britain's hidden crisis" made for harrowing reading. It pointed out that just 17 per cent of councils have a target for funding to adapt housing for people who need it, and that over half of councils reported that finding funding for adaptations is a challenge. I was heartened by the minister's words on that issue.

The report calls for the setting of targets for accessible housing. I know that the minister is not in favour of that, for good reasons. I was also encouraged to hear that he has written to councils recently telling them to up their game, because they certainly need to step up to the plate. There is a shortage of suitable housing in Scotland across the board, and people with learning disabilities suffer disproportionately from that.

If we consider what is needed to provide supported living schemes for people with a learning disability, we see why local authorities need to improve. Supported living schemes include on-going assessment, hands-on and practical assistance, skills training and general advice and support. In my previous role as a South Lanarkshire councillor, I saw what can be done if we work properly with the disabled. I was involved in setting up a group for people to use self-directed support, and it is important that we empower people who have any sort of disability—learning or physical.

I thank Joan McAlpine again and every member who has spoken in this debate, particularly Graeme Dey.

18:25

**The Minister for Local Government and Housing (Kevin Stewart):** I am grateful for the opportunity to respond on behalf of the Government. I welcome this debate and the positive contributions from every member who has spoken. I particularly thank Joan McAlpine for raising this important issue and I acknowledge her role as vice-convenor of the cross-party group on learning disability.

This is one of the debates in which my speech will change dramatically from what it was originally going to be. I make no apologies for that. I want to get across a number of messages, including the Scottish Government's clear commitment to improving the lives of people with learning disabilities, which is set out in our keys to life strategy and its four strategic outcomes: a healthier life, choice and control, active citizenship, and independence.

We understand the importance of housing in achieving those outcomes and the role that appropriate housing can play in realising our vision for people with learning disabilities. We all know that a house is about more than bricks and mortar. It can be a safe space, the place that anchors us to our community and gives us a sense of place, and the place in which we gather with friends and families. People with learning disabilities have no less right to those things than any of us here. They have the right to participate as full and equal citizens, and that is what we should strive to achieve right across the country.

We want all disabled people in Scotland to live life to the full in homes that meet their needs. "A Fairer Scotland for Disabled People", which was launched in December 2016, set out a number of housing-related commitments that support that ambition. We have delivered supported housing projects across the country for people with learning disabilities. As Gillian Martin rightly pointed out, such projects should take place in rural areas as well as urban areas. Because Ms McAlpine is a South Scotland MSP, I have listed a number of projects that have taken place in the region in recent years, including in Galashiels, Kirkcudbright and Annan. Those projects have benefited those communities greatly.

However, there are many places where we are not getting it right. Graeme Dey was right to highlight the difficulties that there have been in Angus. I say to all local authorities that, when they formulate their strategic housing investment plans, make decisions about what is required in their areas, look at housing needs and demand assessments and follow the guidance of the local housing strategy that we are about to refresh, they should go beyond those. They should use a bit of common sense and gumption, look at their own

casework and housing lists and interrogate the not only their own waiting lists but those of the housing associations and other organisations that operate in their areas. By using that gumption and common sense, they can put together the housing packages that are required to meet the needs of folk with learning difficulties and physical disabilities in their area.

Quite frankly, I imagine that the current situation of some of the folk whom Mr Dey talked about is costing Angus Council more than it would to provide them with the right facilities. Every single council has a duty to look at all that as they formulate plans, because we know that those fixes—which is what they often are—cost much more than just getting on with the job of delivery.

There is little excuse not to do that, as the affordable housing programme has put £756 million in the hands of local authorities this year, and, over the next three years, they will have £1.79 billion. That has given them the comfort of knowing exactly what they will have in the bank over the piece. Some councils have not managed to spend according to their resource planning assumptions.

**Graham Simpson:** I know that the minister does not want to set top-down targets for councils. Does he think that they should set their own targets?

**Kevin Stewart:** I definitely think that local authorities should look at the exact needs and demands in their area and meet those needs and demands. That is not rocket science. The affordable housing programme is a programme for all Scotland and all Scotland's people, so we have to look at the ambitions of people with disabilities, whether learning or physical disabilities, and deliver for those folk as well.

Mr Simpson mentioned the Equality and Human Rights Commission and its report on housing for disabled people, which largely concentrated on folk with physical disabilities. I met representatives of the EHRC this morning and I hope that we can move forward in dealing with some of the recommendations that were made in the report. However, the report focused mainly on physical rather than learning disabilities.

I take cognisance of organisations that were mentioned by Jackie Baillie, Joan McAlpine and other members, such as Enable and the SCLD, which have a positive role to play in all this.

Beyond such organisations, I like to talk to people themselves. I always have great pleasure in going to the Aberdeen stronger together learning disability group to hear at first hand the views of people there, which are often somewhat different from the views of folk who advocate for them. It is good to hear directly from folk about

their ambitions and what they want with regard to housing and other issues.

Whether on housing or other areas, we require not only continued effort from Government and stakeholders, including those in the housing sector, but co-operation from folk in local government. I have no problem with interrogating strategic housing investment plans and telling local authorities where they are and are not doing well. As elected members, every one of us has the duty to point out where local authorities are not meeting the expectations of our constituents.

I return to the point about listening to folk who have learning disabilities. No one knows their needs, concerns or aspirations better than they do. We all need to listen, including those folk who might not be doing quite so well with delivery.

*Meeting closed at 18:35.*





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