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AITHISG OIFIGEIL

# Meeting of the Parliament

Thursday 8 February 2018

Session 5



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# Scottish Parliament

Thursday 8 February 2018

[The Presiding Officer opened the meeting at 11:40]

## General Question Time

### ScotRail (Meetings)

1. **Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government when it will next meet ScotRail. (S5O-01774)

**The Minister for Transport and the Islands (Humza Yousaf):** Ministers and Transport Scotland officials regularly meet representatives of ScotRail to discuss a wide range of issues relating to rail services.

**Linda Fabiani:** When he does next meet ScotRail, will the minister discuss the East Kilbride to Glasgow train line, with particular reference to a passenger count that I have been assured was being done? I do not have the results of that yet, but I am concerned about reports that the number of passengers has decreased on the East Kilbride to Glasgow line. Could it be placed on the record at that meeting with ScotRail that the absolutely convincing argument that commuters have come to me with is that the decrease has happened because travelling on that line is a nightmare, due to the shortage of carriages and overcrowding, and because people are being forced to leave trains before their required stops?

**Humza Yousaf:** Linda Fabiani has rightly raised the East Kilbride line on many occasions. I am familiar with that line because, as she knows, I have travelled on it frequently as it is the service that gets me home.

I will ensure that members across the chamber are given the findings of the independent review on performance that is taking place. That review concludes soon.

I know that Linda Fabiani has met ScotRail representatives, and its managing director, Alex Hynes, is very aware of the issues on the East Kilbride line. I will ask about where we are with the passenger counts and feed that back to the member in writing, if she does not mind.

Conversations are going on at the moment about the possible retention of class 156 trains. If that deal can be struck and we can hold on to them for longer, that will help with some of the overcrowding. The longer-term plan is, of course, to get the Hitachi class 385 trains in, which will allow the cascading of rolling stock across the network.

I assure the member, and those members who have raised the Fife circle line, that we know that it and the East Kilbride line are the two lines that need urgent attention. Linda Fabiani is right to continue to raise the issue with me and I will make sure that she is kept up to date.

**Graham Simpson (Central Scotland) (Con):** Linda Fabiani is right to raise the issue. Recent figures show that passenger numbers have fallen at East Kilbride and Hairmyres, but not at all stations on the line. That stands to reason, because the service at East Kilbride is so poor.

The minister referred to an independent review and said, rather vaguely, that that will publish its results soon. What does he mean by "soon"? Can he be more specific?

When will we get an actual answer on when the line will be fully dualled and electrified?

**Humza Yousaf:** The public performance monitoring figures and moving annual average figures for the East Kilbride line are generally above the national average. However, that is not to dismiss the concerns that Graham Simpson and Linda Fabiani have raised, particularly those about overcrowding. That problem is well recognised in the figures that we see, and I understand why the member raises his points.

On the question about when the independent review will be ready, I say, with the greatest respect, that it is an independent review. I would not want to be seen to interfere by asking for it to be accelerated. I have to give Nick Donovan, a well-respected railway expert, the time to complete his review, but he understands that there is some urgency. When the findings come to me, it will be for ScotRail to decide how they are appropriately shared with members across the chamber.

On the point about electrification and dualling of lines, I have said to the member previously that it is for local authorities and regional transport partnerships to go through the Scottish transport appraisal guidance process, to go through the guide to railway investment projects process, and to present the Government with a fully robust business case. With control period 6 coming up, there are opportunities for further rail enhancements. It is for the local authority, the regional transport partnership, the promoters and others to take the initiative.

I gently say to the member that when it comes to funding new railway stations and new railway projects, we are not helped by the fact that the United Kingdom Government is slashing our railway budget for control period 6 by at least £400 million.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Will the minister provide an update as to

when the newer rolling stock will be fully instated on the two Inverclyde lines?

**Humza Yousaf:** The member will be aware that we are investing heavily in class 385 trains for the Inverclyde routes. There will be about 234 carriages in the 70 trains, which will gradually be introduced across the network. Having seen the new 385s in the Newton Aycliffe plant, I can say that they are fantastic rolling stock. In order to make allowances and allocations, drivers need to go through training. When we have a sufficient number of new 385s, they can be introduced and we can phase out and replace the older class 314 trains that run on the Inverclyde routes at the moment, and we can also free up more class 380 trains.

As has been publicly documented, we are having issues with Hitachi with regard to delivering those trains to the schedule that has been agreed, but we will continue to push Hitachi on the matter. I will get the most up-to-date progress report from my officials and feed it back to Stuart McMillan as best I can. I promise that we are working hard to get those trains and new rolling stock, which will revolutionise our rail network right across Scotland.

### Edinburgh Tram Inquiry Report

**2. Miles Briggs (Lothian) (Con):** To ask the Scottish Government when the Edinburgh tram inquiry will publish its report. (S5O-01775)

**The Minister for Transport and the Islands (Humza Yousaf):** The Edinburgh tram inquiry was set up to operate independently of Scottish ministers, who have no control over the inquiry's timetable. Ministers are however aware that progress is being made with evidence taking at the oral hearings, and that the latest public hearing date that the inquiry has published is 22 February 2018. Details of the order of events, documents and transcripts of the oral hearings are published on the inquiry website.

Following conclusion of the hearings, Lord Hardie will review the written and oral evidence and other information that has been obtained by the inquiry, in order to produce a final report and recommendations. Before publication of the report, any witnesses who are subject to criticism in it must be notified of that criticism and given a reasonable opportunity to comment. Experience in other inquiries has shown that undertaking that necessary step can delay publication of the final report.

**Miles Briggs:** When the inquiry was established in 2014 by the then First Minister Alex Salmond, the Scottish Government promised the public that it would be carried out quickly, efficiently and cost effectively. Years later, the costs continue to

rocket and have passed the £8 million mark, with no indication of when the inquiry will conclude.

Although I accept that the subject is complex, does the minister understand the level of frustration among Lothian residents at the cost to the taxpayer that is being incurred? Should ministers not apologise for making promises on the costs and duration of the inquiry that they have been simply unable to keep?

**Humza Yousaf:** Of course I understand the public's frustration, but I remind the member that we did not support the trams in the first place, and his party voted for them.

I gently say to the member that his hypocrisy knows no bounds. One week he—in his words—drags Scottish Government ministers to the chamber for so-called Government interference, and now he states that I do not interfere enough and demands that I interfere in an independent inquiry on the trams. That is an unacceptable position, and I suggest to the Tory member that he develop a consistent argument. It is an independent inquiry in which I will not interfere, and I would have some real issues if the member was urging me to do so. If he wants to write to me with some suggestions of how he thinks that I can speed up an independent inquiry, I will of course be all ears.

### Short-term Letting of Domestic Flats

**3. Andy Wightman (Lothian) (Green):** To ask the Scottish Government what action it will take to regulate the commercial short-term letting of domestic flats. (S5O-01776)

**The Minister for Local Government and Housing (Kevin Stewart):** Our vision for housing is that all people in Scotland should be able to live in high-quality, sustainable homes that they can afford and that meet their needs. Our commitment to deliver 50,000 affordable homes over the course of this session of Parliament supports that.

Scottish ministers understand the pressure in some parts of the country to have new controls over short-term letting of residential properties. We need to strike the right balance between enabling tourists to find places to stay, which is important for supporting local economies and jobs, and residents being able to afford to live—and enjoy living—in their neighbourhood. Different parts of Scotland face different pressures and we want to support local authorities to take the right action to balance the competing demands in their area.

We will consider the recommendation in the report from the Scottish expert advisory panel on the collaborative economy and will consult on any proposed changes to regulation to ensure that they meet the five better regulation principles.

I look forward to meeting Mr Wightman later today to discuss the issue in more detail.

**Andy Wightman:** As the minister says, the collaborative economy report has been published; it is now time for action. Will the minister confirm that, as the First Minister acknowledged at First Minister's question time on 18 January, there is a distinction between a person renting out a room or their property while it remains their main residence—that is the collaborative economy—and the commercial short-term let economy, in which domestic dwellings are being bought by investors and converted? Does the minister agree that the Scottish expert advisory panel on the collaborative economy looked only at the first of those and that the second has had little attention from the Scottish Government, even though it is in the public interest to give councils the powers and flexibility that they need to regulate that growing sector?

**Kevin Stewart:** I could not be more clear on this than I have been. As the First Minister said on 18 January, we will look at what the expert advisory panel has said about short-term letting.

As Mr Wightman is well aware, the situation in certain places is different from the situation here in Edinburgh. His colleague Mr Finnie, for example, would tell him that regulation in the Highlands and Islands would have to be somewhat different from regulation in Edinburgh.

As Mr Wightman has mentioned previously, we already have legislation to allow local authorities to take action on antisocial behaviour in short-term lets. That includes the Antisocial Behaviour Notices (Houses Used for Holiday Purposes) (Scotland) Order 2011, which, unfortunately, has been little used by local authorities. I would expect them to use that legislation as needs be.

We will look at the issue carefully, and we will publish our response to the expert advisory panel in the spring. As I say, I am willing to have further discussions on the issue with Mr Wightman later today.

### **Broadband Connectivity**

**4. Bruce Crawford (Stirling) (SNP):** To ask the Scottish Government whether it will provide an update on providing faster broadband connectivity in the Stirling constituency. (S5O-01777)

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** In addition to the coverage provided by commercial suppliers, the digital Scotland superfast broadband programme has provided fibre broadband access to 12,998 premises in the Stirling constituency. Fibre broadband access is now available to 91 per cent of premises in the wider Stirling council area,

with the vast majority capable of accessing superfast speeds.

The Scottish Government is committed to building on the success of the DSSB programme by extending superfast broadband access to 100 per cent of premises—all homes and businesses—in Scotland by the end of 2021. We will invest £600 million through the first phase of the reaching 100 per cent—R100—programme to achieve that goal. Procurement is under way and deployment will begin in 2019. This is the biggest public investment ever made in a United Kingdom broadband project and it underpins the first universal superfast programme in the UK.

**Bruce Crawford:** I thank the cabinet secretary for his helpful reply, but will he tell me what the percentage uplift in premises connected to faster broadband in the Stirling area has been as a result of investment from digital Scotland superfast broadband compared with what it would have been without that investment?

While the cabinet secretary may not be in a position to make any specific commitments today regarding faster broadband speeds for rural communities such as Kinlochard, Stronachlachar, Brig o' Turk and Strathfillan in the Stirling area, can he assure me that all of those communities will be connected to faster broadband at the earliest possible date?

**Fergus Ewing:** Yes. As a result of the superfast broadband programme and commercial coverage, more than 91 per cent of all premises in the Stirling area can now access fibre broadband and more than 88 per cent can access speeds of 24 megabits per second and above.

Mr Crawford has campaigned tirelessly on this issue over the past years. To answer his question, I can tell him that it is estimated that just 59 per cent of premises would have had access to fibre broadband otherwise. In other words, the Scottish Government's digital Scotland superfast broadband programme has meant an increase of 32 per cent in Mr Crawford's constituency—nearly one third more people in his constituency now have access to superfast broadband as a direct result of this Government's investment.

**The Presiding Officer:** Question 5 has been withdrawn.

### **Victim Rights (Court Procedures)**

**6. Kezia Dugdale (Lothian) (Lab):** To ask the Scottish Government, further to the First Minister's meeting with the family of Shaun Woodburn, who was killed on new year's day 2017, what plans it has to enhance the rights of victims during court procedures. (S5O-01779)

**The Cabinet Secretary for Justice (Michael Matheson):** The First Minister and I met Shaun Woodburn's family on 10 January. We were both struck by the dignity with which they have conducted themselves in such difficult circumstances. I understand that the family are with us in the chamber today and I take the opportunity to offer again my condolences for their tragic loss.

This Government has already taken a number of steps to enhance the rights of victims. The Victims and Witnesses (Scotland) Act 2014 improved the support and information made available to victims. That includes providing victims and bereaved relatives with new rights to access information and reasons for decisions made about their case. It also created a duty on justice organisations to set clear standards of service, so that victims know what to expect and whom to contact if the service that they receive does not meet their expectations. In addition, we published the "Victims' Code for Scotland", which clearly and simply sets out the rights of victims in one place.

It is important that we continue to listen to the experience of victims and their families and consider further improvements that can be made. Indeed, we are currently working with our justice partners and victims organisations to explore a single-point-of-contact model for victim support. That will help to ensure that those who experience serious crimes receive a consistent and individually tailored level of support for as long as they feel is necessary.

**Kezia Dugdale:** Shaun's killer received a sentence of just four years. The family, who have shared their story with the *Daily Record* today, believe that the sentence should have been longer—of course, they do. They also accept that that is why an independent judge determines these matters—not the media, not victims' families and not even politicians—but what they cannot understand is why no one will explain why that decision was made, what the process was, what was considered and what was not considered.

When I raised this with Lord Carloway, he drew my attention to section 6 of the 2014 act, which gives victims the right to request the final decision of a court in a trial and any reasons for it. Given that right, which was delivered by the cabinet secretary's Government, why has the sentencing report not been shared with the family and what steps will the Government take to improve the transparency of court proceedings?

**Michael Matheson:** Sentencing in any given case, including decisions relating to the publication of sentencing statements, is a matter for the court. A judge will often give reasons for imposing a particular sentence in court at the time of sentencing or, where the disposal is under

challenge, in a subsequent report to the appeal court. The sentencing of convicted persons is usually announced orally in court and, in certain cases, a sentencing statement may also be published thereafter.

The decision on whether to publish a sentencing statement is at the discretion of the independent judge in the performance of their judicial function; the Scottish Government cannot interfere with that. However, we as a Government support transparency in sentencing, so that everyone involved in a case can understand the reasons why a sentence has been given.

As I mentioned previously, in the meeting with Mr Woodburn's family on 10 January, the victims' code provides relatives with the opportunity to request of the Scottish Courts and Tribunals Service that the reasons for sentencing decisions be published and made available to the family.

Of course, I will ensure that the issues that the member has raised are highlighted to the Lord President to see whether any further progress can be made on improving how the system is operating.



## First Minister's Question Time

12:00

### Scottish Police Authority (Process for Appointment of Chair)

#### 1. Ruth Davidson (Edinburgh Central) (Con):

We have had the resignation of two chief constables, we are on to our third head of the Scottish Police Authority, we have an investigations body that is overwhelmed by complaints, and we have a Cabinet Secretary for Justice pulling the strings when it suits him. Can the First Minister really say that the single police force has been well managed over the past five years?

**The First Minister (Nicola Sturgeon):** Our police officers the length and breadth of the country do an exemplary job. It is because they are doing that exemplary job that we have rates of crime in Scotland that are at a more than 40-year low.

Of course there are issues in the leadership of Police Scotland; I have acknowledged that in Parliament, as has the justice secretary. The chief constable tendered his resignation yesterday. That is entirely a matter for him and I respect that decision. It allows for policing in Scotland to move forward with a clear focus on delivering the long-term strategy—which, of course, Phil Gormley helped to develop—and that is what will happen now. It is for the Scottish Police Authority to decide what further consideration is appropriate in terms of the timescale for appointing a new chief constable.

I hope that we can all continue to support our police officers as they do the important job across the country of keeping us all safe.

**Ruth Davidson:** I take my hat off to the rank-and-file officers who do the exemplary job that they do, but I think that they deserve better than they have had in the past five years.

Parliament voted to create a single police force, but Parliament also has a duty to learn from mistakes, when they are exposed, and to put them right. There is an obvious flaw—the head of the SPA is supposed to be independent of Government, yet it is the justice secretary who appoints that person. As this affair has shown us, that same justice secretary can pull the head of the SPA into a room and make him change his mind. Does the First Minister think that that sounds like true independence?

**The First Minister:** First, as I have said on two previous occasions at First Minister's question time, Ruth Davidson is simply wrong in her

assertions about the actions of the justice secretary and has produced no evidence to substantiate the claims that she is making.

The justice secretary behaved entirely appropriately; he asked questions about the process that the SPA had followed and when those questions could not be answered, the SPA and the then chair of the SPA reconsidered the decision.

As I have said to Ruth Davidson before, if she continues to maintain that she thinks that the justice secretary acted inappropriately in doing what he did, logically her position must be that the justice secretary should not have asked those questions and the then chief constable should have been allowed to return to work the following day, without the senior command having been informed, without the Police Investigations and Review Commissioner having been consulted about the impact on the on-going investigation, and without any steps having been taken to ensure the welfare of officers who had made complaints. I do not think that that would have been the right course of action. I will leave Ruth Davidson to explain why, as it seems, she thinks that it would.

Of course, we now have a new chair of the SPA in place. We have to act within the law in making such appointments—the process is laid down in law. However, a member of the Scottish Parliament was nominated by the Justice Sub-Committee on Policing to take part in that process. The Government was happy to accommodate that and we are open to looking at how further changes can be made. We have to be frank in telling Parliament that substantial changes to that appointments process would require primary legislation, but we are open to discussing that. I am sure that the debate will be taken forward in the months ahead.

**Ruth Davidson:** Let us look at the timeline for this appointment and at how other statutory watchdogs are appointed—for example, the Scottish Information Commissioner. That commissioner is selected by a cross-party panel that is approved by Parliament. As a result, in the words of the Minister for Parliamentary Business, Joe FitzPatrick,

"The commissioner is independent of the Government"

and is able to function

"without fear or favour."—[*Official Report*, 21 June 2017; c 38.]

He is right. That is exactly what we need from a Scottish Police Authority chair, as well.

The First Minister is correct to say that, five months ago, every party in the chamber, bar the SNP, signed up for Parliament to be in charge of

appointing the SPA chair, to take it out of the hands of ministers and—like the appointment of the information commissioner—to put it in the hands of the whole Parliament. Five months ago, she said that she would consider that. Today, she has said the same. What has happened in between?

**The First Minister:** What happened in between was that an MSP was appointed to take part in the process. Therefore, in that intervening period, the change that was made was one that could be made within the law that we are, frankly, bound by in making the appointment.

Ruth Davidson may think—she may well be right—that there are in place for other bodies different processes that would be preferable. The point is that the process that we have to abide by right now is laid down in statute. We cannot simply ignore it. If we want to make more substantive changes in the future, we will need to do so through primary legislation. It would be entirely appropriate for Parliament to consider that, but that is what would be required.

On the appointment that has just been made, we involved Parliament in a way that is consistent with the law by which we are bound. That was the right thing to do. We now have a new chair of the SPA in place: I hope that we will all support her in getting on with the job that she is doing. She has made an excellent start in that job.

**Ruth Davidson:** The First Minister stands here saying again, five months after she previously stood here saying it, that she cannot go further because that would require a change in the law. Guess what, First Minister. This is a Parliament, and changing the law is what we do. If the First Minister is serious about strengthening the structure and oversight of the single police force, having the SPA's chair appointed by Parliament and not at the grace of ministers—with or without a token person there from the Justice Sub-Committee on Policing—would be a good place to start.

The First Minister has said throughout the process that she is not unsympathetic. I tell the First Minister that if she brings forward a change in the law, she will have support from all Conservative members and we can pass that change in the law together. I make her that offer in good faith. Will she act on it?

**The First Minister:** First, I say to Ruth Davidson that Mary Fee is the chair of Parliament's Justice Sub-Committee on Policing and was the MSP who took part in the process. Mary Fee and I are political opponents and we have many disagreements, but I do not think that she was a token appointment. She was there to do

a job: she did it appropriately and she did it well. *[Applause.]*

Of course, we can consider whether legislative change would be appropriate. I suggest that it is proper to consider that fully and robustly. Why should we take time? It is because right now we have a new chair of the Scottish Police Authority, who is at the start of her term of office. She is doing an excellent job and we should get behind her in that. I think that we should consider, in the fullness of time, before we come to appoint a new chair, whether changes are necessary. That will be the right and proper way to do things—which is probably why it is not the way that is being proposed by the Scottish Conservatives.

**The Presiding Officer (Ken Macintosh):** Question 2 is from Richard Lochhead—sorry, I mean Richard Leonard.

### Police Scotland

**2. Richard Leonard (Central Scotland) (Lab):** The merger of Scotland's eight regional police forces into one national force is the biggest single public sector reform undertaken by this Government. So far, it has been nothing less than an abject failure, from the axing of more than 2,000 civilian jobs to pay restraint year upon year, and from the sheer incompetence that led to a VAT liability and an information technology disaster to the on-going crisis at the top. It has been gravely demoralising for all those rank-and-file officers across Scotland who turn out every shift regardless. Following the departure of yet another chief constable, what reassurance can the First Minister give to all those front-line officers and those remaining civilian police staff who serve our communities across Scotland today?

**The First Minister (Nicola Sturgeon):** First, our police officers serving our communities across Scotland are doing a fantastic job—I am glad that Richard Leonard has recognised that. That is why crime is now at a 43-year low in Scotland. I do not think that it is fair for anybody in the chamber, notwithstanding the issues that we have been facing, to describe policing as being in any way, shape or form in crisis. Our police officers are keeping this country and the communities of this country safe, and they deserve our thanks for doing so.

In order to support our police officers, we are increasing investment in our police service and ensuring that the front-line resource spending of Police Scotland is increasing in real terms. It is right to do that and we will continue to support our police service in that way. Of course, we argued over many years that the position on VAT was indefensible. We were eventually backed on that by Scottish Labour, although it took a long time; rather than backing us from day 1, Labour backed

the position of the Scottish Conservatives for a long time.

On the issue of a single police force, I still remember the days when Iain Gray was leader of Scottish Labour—if Labour eventually runs out of members from its own ranks to be leader of the Scottish Labour Party, I am sure that Richard Lochhead would be prepared to stand in temporarily—and I vividly remember watching him on a Saturday, I think, give a conference speech as leader of the Scottish Labour Party in which he announced that the policy of Scottish Labour was to have a single police force and he criticised the Scottish Government for dragging its feet in not committing to the same thing. It therefore used to be the case that Scottish Labour claimed the single police force as its idea.

Let us get behind our police service and the new chair of the Scottish Police Authority, and when the new chief constable is in place, which will be on a timetable to be determined by the SPA, let us get behind him or her as well. Let us support our police officers to continue to do the job that they are doing so exceptionally well right now in keeping this country safe from crime.

**Richard Leonard:** Scottish Labour did support the creation of a single police force, but not one that concentrated too much power in too few hands with too little accountability. In fact, in November 2015 we came up with constructive proposals and solutions to make the single force work, when Scottish Labour published a review of policing in Scotland that was led by Graeme Pearson, who is a former senior police officer. The review came up with 10 recommendations, from improved parliamentary oversight to staffing support and meaningful local accountability. We submitted it to Michael Matheson at the time. Can the First Minister tell me which, if any, of its recommendations were implemented? If they were not, why not?

**The First Minister:** As, I assume, Richard Leonard knows, a governance review is under way. Indeed, it is due to be published soon and it will no doubt make recommendations for change. I will be very happy at that stage to go into the detail of what those recommendations might be and how the Scottish Government might respond to them.

Richard Leonard mentioned parliamentary oversight. As I have just said in exchanges with Ruth Davidson, Mary Fee, as convener of the Justice Sub-Committee on Policing, was involved in the process around the appointment of the chair of the Scottish Police Authority. We will, of course, continue to listen when sensible proposals are made.

However, I come back to the fundamental point that nobody on the Scottish National Party

benches is seeking to deny the challenges that we have faced around the leadership of Police Scotland. I say very seriously that they are deeply regrettable. However, the central point is that we have an excellent police force in this country that is working hard day in, day out to make sure that crime is at a 43-year low, and we should not lose sight of that fact; sometimes when I listen to the debates in the chamber, I think that some members do occasionally lose sight of it.

**Richard Leonard:** The problem is that, week after week, the First Minister stands up in the chamber and demands solutions from Opposition parties to problems that her Government has created in the first place. Labour offered 10, but her justice secretary ignored them. Since then, two chief constables have gone, morale among rank-and-file officers has sunk and public confidence has declined, and all the time the First Minister refuses to take responsibility. Will she take responsibility and look again at the recommendations of the Pearson review and will she find a new justice secretary to deliver them?

**The First Minister:** As I said in my previous answer, a governance review has been under way. That will report shortly, and all of us right across the Parliament will be able to consider any proposals and suggestions that come forward as part of that.

Richard Leonard talked about local engagement, for example. It is the responsibility of the Scottish Police Authority to make sure that local engagement arrangements are in place. Over the past few weeks, I have had members—to be fair to Richard Leonard, it has usually been the Scottish Conservatives, but some members of the Scottish Labour Party have done this, too—come to the chamber criticising the justice secretary, erroneously I may add, for inappropriately interfering in the work of the Scottish Police Authority. Today, they come here and stand up to demand that I, as First Minister, and the justice secretary intervene in the responsibilities of the Scottish Police Authority.

We have a new chair of the Scottish Police Authority in place, and she is doing a good job. I think that we should get behind her and support her in seeking to tackle the challenges that have been faced, and above all we should support the policemen and women across this country, who are doing such an excellent job on our behalf.

**The Presiding Officer:** We have three constituency supplementaries. The first is from Jenny Gilruth.

#### **Blueprint Recruitment Ltd**

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** Blueprint Recruitment Ltd is a Glenrothes-

based recruitment company that was subcontracted by Carillion to provide labour for the Aberdeen western peripheral route. It is owed over £360,000 for work that has already been completed and its future hangs in the balance. Given that the impact of Carillion's collapse reaches far beyond the company's own workforce, can the First Minister offer Blueprint any advice or support?

**The First Minister (Nicola Sturgeon):** I thank Jenny Gilruth for raising that question. I advise her that I understand that Transport Scotland has written to the company this morning, and I hope that that letter will be helpful. Obviously, we are deeply concerned for all of Carillion's employees and subcontractors. I should say that everyone will be paid for what they have been instructed to do since the company went into liquidation. For agency workers on the Aberdeen western peripheral route, the joint venture partners, Balfour Beattie and Galliford Try, are currently exploring ways to ensure that affected agency staff and operatives can remain on the project.

However, for work that was carried out before the company's liquidation, all of Carillion's creditors, including their subcontractors, must submit their claims to the United Kingdom official receiver. The official receiver is following a legally defined process for distributing money to creditors.

I fully appreciate that that still leaves many companies in a very difficult situation. That is deeply regrettable. The British Business Bank is offering support to subcontractors through Government-guaranteed loans, I understand, up to a total fund of £100 million. I hope that that will help to ease the pressure on firms that are owed money by Carillion.

I hope that that information, together with the information that Transport Scotland has provided to the company, will be useful. Keith Brown, the economy secretary, will be happy to continue to provide any advice that he is able to provide.

#### **Coul Links (Golf Development)**

**John Finnie (Highlands and Islands) (Green):** The First Minister will be aware of the proposal for a golf development at Coul Links in Sutherland. In 2016, the planning minister rightly advised me that that is a matter for Highland Council as the planning authority. Since that time, I have put in a series of freedom of information requests and parliamentary questions, which have revealed that the developer has had many meetings with the Government, including the rural economy secretary.

When Donald Trump built his course in Aberdeenshire, we were told that it would improve the environment. The site there is now in danger

of de-designation. Similar environmental improvement claims have been made about Coul Links. Does the First Minister not see that history is repeating itself? How can we have faith in a planning process when there is this level of interference?

**The First Minister (Nicola Sturgeon):** This is a live planning case and the planning application is currently being considered by Highland Council. It is important to note that no meetings with Scottish Government ministers or officials have taken place since the planning application was made.

However, of course Government engages with companies that are proposing planning developments, and the suggestion that we should never do that before planning applications are made is a ridiculous one. We regularly engage to try to encourage companies to invest in Scotland, but I add that part of the reason for the engagement is to help people who are proposing major developments to understand the strict planning rules that they must then adhere to. There has been such engagement in a range of developments—from the Lochaber smelter to Aberdeen harbour and Inverness castle, for example—but I stress that it took place before the planning applications were lodged. Once such an application has been lodged, it becomes live and is entirely a matter for the planning authority. That is right and proper, and it completely follows due process.

#### **Regional Performance Centre (Dundee)**

**Jenny Marra (North East Scotland) (Lab):** I am sure that the First Minister's intention cannot be to tax community sports facilities, with all the implications that that would have for public health. However, her budget looks as though it will land the planned regional performance centre in Dundee with an £800,000 tax bill, through the Barclay review. Will she take this opportunity to reassure the people of Dundee that the Barclay review will not tax community sports facilities, that she will deliver our regional performance centre—which she and Shona Robison promised—and that she will do so tax free?

**The First Minister (Nicola Sturgeon):** Derek Mackay set out in the budget, and partly in advance of it, the Government's response to the Barclay review of business rates. Recommendations were made in that regard. Of course we do not want to put burdens on community sports facilities, as Derek Mackay has made clear. I understand that there may have been—or may be about to be—discussions between the finance secretary and Dundee City Council in respect of the Dundee regional performance centre, and I will ask Derek Mackay

to update the member on those discussions in due course.

### **Prestwick Airport**

**3. Patrick Harvie (Glasgow) (Green):** When I last asked the First Minister about the Scottish Government's oversight of the publicly owned Prestwick airport, she told me, very clearly, that the Government had had no discussions about the relationship between the airport and the Trump Organization. Thanks to the work of *The Guardian* newspaper, we now know that such discussions took place, with the Government's own transport agency lobbying ministers to meet Trump's representatives and the airport being marketed as the staging post for Trump's business.

We also know that concerns about that public asset go far deeper than that and concern the airport's contractual relationship with the United States military, involving the servicing of aircraft on active missions at a time when the US was involved in air strikes in Syria that the First Minister vocally opposed. The Scottish Government must take responsibility for the use of its own property in that way. Can the First Minister tell us—and if she does not know, will she find out urgently and report back to Parliament—how many military strikes have been facilitated by Prestwick airport through its relationship with the US military?

**The First Minister (Nicola Sturgeon):** What I said to Patrick Harvie the last time that he raised this question in Parliament was absolutely correct.

There are two key so-called revelations at the heart of the story. The first is that ministers somehow lobbied Trump on behalf of Prestwick airport. That is based on the fact that, back in early 2015—which, incidentally, was way before Mr Trump was even a candidate, let alone President—Transport Scotland passed on a request from Prestwick for ministers to meet the Trump Organization during Scotland week that year. Those meetings did not happen, so that part of the story is categorically untrue. There has been no contact whatsoever by the Scottish Government or Transport Scotland with the US military, the Trump Organization or Trump Turnberry in relation to Prestwick airport.

The second so-called revelation is that Prestwick airport handles military flights, including flights for the US. I have to say that the fact that it provides fixed-base operations and refuelling facilities for military flights is neither new nor a revelation. The airport's strategic plan, which was published in April 2017, talks about that. Its annual accounts, which were published in, I think, December 2017, talk about it. Its website also actively promotes it. What is more, Prestwick airport has been doing such work for 80 years.

I am not old enough to remember this—and I do not think that Patrick Harvie is, either—but those who are old enough will remember the day that Elvis Presley touched down at Prestwick airport. He was there because he was on his way home from national service, on a military plane that landed at Prestwick to refuel. That is not new and it is not a revelation: it is a load of bunkum.

**Patrick Harvie:** That dismissive response from the First Minister was extremely disappointing. She denies that meetings took place between ministers and the Trump Organization; no one has suggested that they did, but discussions most certainly did take place, and she should acknowledge that the Government was aware of those discussions at the time.

The First Minister also talks about Prestwick's long 80-year history, but the airport is now Scottish ministers' property, and that brings a new responsibility. The First Minister and her colleagues have quite rightly challenged the United Kingdom Government for refusing to step in when a business that it largely owns—the Royal Bank of Scotland—fails to work in the public interest. Public ownership carries the responsibility of ensuring the proper conduct of a business, but this public asset, which the First Minister has said should be looking to freight and retail development for its future, now appears to have based its business model on servicing military attacks that the Scottish Government claims to oppose and promoting the toxic Trump brand, which can only damage Scotland's reputation.

Full disclosure is needed. Will the Scottish Government now release all the information that it holds on the situation, with nothing redacted or held back by ministers or special advisers simply because it is inconvenient or unhelpful to the Government? Will it publish?

**The First Minister:** We have published. As I understand it, it was a freedom of information request submitted by *The Guardian* that allowed the story that we are talking about to be published in the first place.

Let me make it absolutely clear—and I think that Patrick Harvie has to be careful to be clear here, too—that there have been no discussions on the part of the Scottish Government, whether through ministers, officials or Transport Scotland, with the US military, the Trump Organization or Trump Turnberry. That is what I said the last time in Parliament, it is what I said in my previous answer, and it is absolutely the case. Transport Scotland passed on a request from Prestwick airport that was never followed up—the meetings did not take place. When we first asked about that by *The Guardian*, I think that there was a suggestion that there had been a request for me to do those meetings during Scotland week in 2015—I did not

even go to Scotland week in 2015. The meetings and discussions did not happen.

As for the work at the airport, Glasgow Prestwick offers refuelling and fixed-base operations for a wide range of private flights, scientific research flights and military flights. Those are not actually contracts; they are non-contractual agreements, and they are the same type of agreements that were in place well before the airport was in public ownership and have been in existence for decades.

This is not new, and it is not a revelation. This is the kind of work that happens at Prestwick. My mother is from Prestwick and my grandparents lived in Prestwick. We used to watch the flights on a Sunday afternoon. This is not new. *[Interruption.]* I had an exciting life as a child.

**Ruth Davidson (Edinburgh Central) (Con):** Was there nothing on the telly?

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** There were very few televisions in those days. *[Laughter.]*

**The First Minister:** I have to say that no grief that I get in this session of First Minister's questions is going to equal the grief that I am going to get from my mother for what I have just said.

This is a serious issue, but it is work that Prestwick airport has been doing for 80 years. Let us come back to the fundamental point: the airport would not be open right now if this Government had not stepped in to save it. We want to get it back into private hands as soon as possible, but, because of the action taken by this Government, it is open and providing employment to lots of people in Prestwick and further afield in Ayrshire.

**The Presiding Officer:** I have quite a lot of requests for supplementaries. I call Alex Cole-Hamilton.

### Stagecoach (Rail Contracts)

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Stagecoach has failed to meet a number of contractual obligations in respect of the operation of the east coast main line service, which goes through my constituency and the constituencies of many members in the chamber. It has walked away from millions and millions of pounds' worth of taxpayer obligations. Will the First Minister take this opportunity to join cross-party calls, started by Lord Adonis, to finally strip Stagecoach of that franchise in its entirety and ensure that it is prohibited from bidding for any future rail contracts in this country?

**The First Minister:** I am delighted that Alex Cole-Hamilton seems to have just declared

Scotland independent. Let me explain something to him. That franchise is not one that the Scottish Government is a party to. It is a United Kingdom Government franchise—it is clearly a franchise that it has made a mess of.

I agree that serious questions undoubtedly have to be asked of the operator, but also of the UK Government. Obviously, it is an issue that matters to many members of the Scottish travelling public, so we will continue to bring to bear whatever pressure we can to ensure that those questions are asked and answered. However, fundamentally, the franchise is a matter for the UK Government, so perhaps Alex Cole-Hamilton would like to put some pressure on it as well.

### Freedom of Information Requests

**Rhoda Grant (Highlands and Islands) (Lab):** The First Minister appears to be aware that her Government and its special advisers are holding back from freedom of information requests material that could cause the Government embarrassment. Does she therefore believe that sparing the Government's blushes is more important than transparency and, indeed, the law?

**The First Minister (Nicola Sturgeon):** The great irony here is that I have just been asked questions by Patrick Harvie that were based on information that was released under freedom of information legislation. If we were withholding that information in some way, Patrick Harvie could presumably not have asked me the questions that he has just asked me.

Freedom of information requests are handled by Scottish Government officials, who seek comments from relevant parts of the Scottish Government and consider whether ministerial clearance should be sought. That is entirely appropriate because the legal duty to comply with freedom of information legislation lies with Scottish ministers—I think that that is specified in paragraph 1 of part 1 in schedule 1 to the Freedom of Information (Scotland) Act 2002. At all times, freedom of information requests are handled in line with the legislation, including consideration of whether particular exemptions are applied.

### Social Care Visits

**Miles Briggs (Lothian) (Con):** Four years ago, the Scottish National Party Government promised to bring an end to the indignity of 15-minute social care visits. The report that was published this morning by Leonard Cheshire Disability reveals that 5,000 people in Scotland are still being subjected to 15-minute visits to support their free personal care needs. Can the First Minister explain why many vulnerable members of our society still continue to receive these vital care

visits in arbitrary 15-minute slots? Why has the Government not kept its promise to end that practice? When will the practice of having 15-minute social care visits end in Scotland?

**The First Minister (Nicola Sturgeon):** The member raises an issue that is important to many elderly people and their families across Scotland. As I know that he is aware, through our on-going reform of adult social care, we are working to shift to a model of care that focuses not on tasks but on outcomes. Where a person is assessed as needing a level of care, we expect that to be delivered, and the appropriate length of visit should be provided to ensure that the care is given to a high standard. Fifteen-minute visits are appropriate only in limited circumstances, for example, to check whether someone has taken the required medication. We continue to work towards that model of care.

Of course, we are investing significantly in social care. In the current financial year, almost £500 million of front-line national health service spending will be invested in social care services and integration. We will work to deliver that shift, which is important not only for the older people who are getting care right now but to the future sustainability of health and social care services.

### Mortuary Standards

**Richard Lochhead (Moray) (SNP):** As the First Minister will be aware, yesterday ministers accepted the recommendations of the group that was set up to improve mortuary standards in Scotland. She might also be aware that that was the result of a campaign that was launched by a constituent of mine, Mrs Whyte, and her daughters, to improve standards after their horrific experience at the Moray mortuary. Does the First Minister agree that their achievement is truly exceptional, given that they campaigned at the same time as they were grieving the loss of a loved one, their husband and father, Frank Whyte? Will she join me in paying tribute to the family, whose efforts will ensure that other families do not go through what they went through, as there will now be improved standards to ensure that the needs of grieving families are taken into account; that there is dignity for the deceased; and that there are better working environments for the staff? Does she agree that the task now is to implement the recommendations as quickly as possible?

**The First Minister (Nicola Sturgeon):** I thank Richard Lochhead for his question and acknowledge his involvement on behalf of his constituents on this issue.

We welcome the mortuary review group report recommendations, which aim to produce mortuary service standards across national health service

boards. I think that it is correct to say that that would not have happened without the commitment of the Whyte family, who bravely shared their experiences with us and who continue to play a crucial role as part of the group. I take the opportunity today to thank them for that.

The information that was gathered from each of our NHS boards and other providers has helped to identify areas in which we need to focus our efforts in order to ensure that the appropriate standards of service are being provided. We want post-mortem examinations to be carried out exclusively in health board facilities, in the appropriate environment and with an agreed protocol.

Our focus now is very much on implementation, and I thank everyone, including the Whyte family, who has had an input into getting us to where we now are.

### Bank Branches (Rural Scotland)

**4. Gail Ross (Caithness, Sutherland and Ross) (SNP):** I remind members that I am a parliamentary liaison officer to the First Minister.

To ask the First Minister what engagement the Scottish Government is carrying out with the banking sector regarding the importance of maintaining branches across communities in rural Scotland. (S5F-02044)

**The First Minister (Nicola Sturgeon):** We know that bank branch closures can have an adverse impact on the sustainability of communities, particularly those in rural areas. The Royal Bank of Scotland and Bank of Scotland closures that were announced at the end of last year are of particular concern. Since those announcements, ministers have engaged directly with the banking sector through the Financial Services Advisory Board. We welcome the news that RBS has decided to keep some branches open, for the time being at least. However, I know that many communities and staff will be concerned about the future.

The issue of rural bank closures concerns all banks and a sector-wide approach is needed to ensure that communities can access the services that they need. We will continue to work with all banks to ensure that essential services remain accessible to everyone.

**Gail Ross:** I am pleased that the Tongue branch in my constituency has had a reprieve until the end of the year, thanks to a sustained campaign by the community and the Scottish National Party. However, Wick and Tain branches continue to face closure, as do a further 50 branches throughout Scotland. Will the First Minister join me in calling for RBS to listen to its biggest shareholder—the taxpayer—to stop the

decimation of high-street banking across Scotland?

**The First Minister:** Yes, RBS should listen to the voice of the public on the issue. That said, I welcome RBS's announcement on the reprieve given to 10 branches. That is welcome, although it leaves many other communities facing continued uncertainty. I pay tribute to members of Parliament, led by Ian Blackford, who persuaded RBS to make the decision that led to the announcement earlier in the week.

We all understand that the way in which people access banking services has changed and will continue to do so, with online services being used much more widely. We also know that, for many communities, banking facilities are a crucial part of the community's sustainability. We have to find the right balance as we look to the future.

As I said, a sector-wide approach is needed and we are engaging with the banking sector through the Financial Services Advisory Board and will continue to do so. All banks, but particularly those such as RBS that have been given assistance from the taxpayer over recent years, should be very attuned to public opinion. I hope that they will continue to work hard on that.

#### **Protection from Abuse (Politicians and Candidates)**

**5. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the First Minister what action the Scottish Government will take to protect politicians and candidates from abuse. (S5F-02026)

**The First Minister (Nicola Sturgeon):** First, it is important to say that freedom of speech is a crucial part of democracy. The public have a right to make their views known to politicians and they have a right to protest on occasions if they do not like the decisions that politicians are taking. That freedom of speech is an essential part of any healthy democracy.

That said, abuse of any nature, whether online or otherwise, against anyone, regardless of whether they are in public life, should not be tolerated. The Scottish Government fully supports the police, prosecutors and our courts in taking a robust approach when dealing with offending against anyone who suffers abuse. In 2010, the SNP Administration introduced the statutory offence of threatening and abusive behaviour, which provides legal protections for everyone, including politicians and candidates.

**Rachael Hamilton:** In the week in which we celebrated some women getting the right to vote, we should realise that encouraging women into politics is not just a matter of law but is also about culture. The Scottish Parliament has done good

work in calling out sexual harassment and setting out a platform for reporting such incidences. To that end, does the First Minister believe that a healthy political culture starts with all current politicians calling out trolling, online abuse and misogyny and will she support setting up a platform to report such things?

**The First Minister:** I am happy to consider any suggestions about platforms for reporting. We all have responsibility for the matter. Many of us in the Scottish Parliament—the women in particular, although not exclusively—will have experienced the most horrendous abuse, particularly online. I have to say that I have experienced some of it from members of Rachael Hamilton's party, some of whom have not been called to account or disciplined for that.

We all have to take responsibility and put across the message not just that it is justified, but that it is absolutely right and proper in a democracy that people can share their views with politicians. One of the great things about social media is that it brings all of us closer to those whom we represent, but it must be done in a proper, dignified and tolerant way and abuse should not be tolerated.

We have to start with our own behaviour, call out those within our own parties and lead by example in the standards that we set. If we all do that, perhaps we can play our part in contributing to a much healthier space for public discourse on social media. I believe very strongly as a fairly avid user of Twitter, if not of all other social media platforms, that social media should be a force for good in democracy. If we all lead by example in how we use it, perhaps we can contribute to making sure that it is such a force for good.

**John Mason (Glasgow Shettleston) (SNP):** Does the First Minister accept that there is a balance to be struck in all this? On the one hand, we want to protect politicians and candidates and so on but, on the other hand, we must be prepared to take a certain amount of insults and robust challenge—I have certainly had a few insults along the way.

**The First Minister:** Yes—I agree with the point about balance. As I said in my previous answer, although the ability to challenge and to criticise politicians—and, on occasion, to insult politicians, if that is not done abusively—is not always comfortable for those of us who are politicians, it is an essential part of a healthy democracy in any country.

It is important that we all contribute to a public discourse that is respectful and encourages debate about what are often difficult and complex issues, and that that debate does not immediately get reduced to the hurling of insults in different



directions. It is not always easy territory for any of us but, as I have said, if we start with our own behaviour and that of our parties, perhaps we will help to improve a matter that I know is of great concern to many in politics, but particularly to women.

### Support for Mortgage Interest Scheme

**6. Mark Griffin (Central Scotland) (Lab):** To ask the First Minister how the United Kingdom's proposed changes to the support for mortgage interest scheme could impact on householders in Scotland, and whether it has asked UK ministers to pause the introduction of these changes. (S5F-02035)

**The First Minister (Nicola Sturgeon):** The Scottish Government estimates that changes to the support for mortgage interest scheme being introduced by the UK Government would affect between 10,000 and 20,000 households in Scotland, reducing social security spending by £20 million a year by 2020-21.

The changes are just another example of cost cutting, with no thought whatsoever for how they will impact on those who desperately need help. In Scotland, we are continuing to protect the most vulnerable and those on low incomes by investing more than £100 million a year to mitigate the worst impacts of the UK Government's welfare cuts, as well as arguing against those cuts.

The sooner that comprehensive welfare powers are in the hands of this Parliament, the better, because we will then be able to make decisions that are in the best interests of the people we serve.

**Mark Griffin:** Like the bedroom tax, this is another Tory policy that will hit those on low incomes, put at risk their homes and drive those already out of work further into debt. Right now, 11,000 Scots who rely on the current scheme have little more than two months to decide whether to take out what would effectively be a second mortgage at the behest of Serco and the Department for Work and Pensions.

The First Minister will be aware that Royal London has published statistics showing that barely 7,000 people across the UK have moved over to the new scheme. Thousands of Scots without work, a disproportionate number of which are pensioners and the disabled, are at risk of having their home repossessed if they do not move over to the new scheme.

Like the First Minister, my colleagues at Westminster and I want to see the scheme changes reversed altogether. Will the First Minister confirm whether the Scottish Government is working with its partners in local government, the third sector and possibly lenders in order to be

ready to step in to support anyone who could be at risk of losing their homes in a matter of months?

**The First Minister:** We will, of course, work with local authorities and other partners to provide whatever support we can to any individual facing that situation.

As Mark Griffin and members across the chamber know, we mitigate the impact of welfare changes as far as we possibly can but, with the best will in the world—members should believe me that we have the will—we cannot mitigate the impact of every UK Government welfare change. When the UK Government makes those cuts, it does not give us our share of the money; it keeps the money that it saves from the cuts that it makes, and every penny of mitigation that we invest has to come from the health service, education or other services that we are responsible for. We will mitigate where we can, but it comes back to the fundamental issue.

I am looking at the Tories. Not one of them can look up from their desk at the moment, because we are talking about the impact of the Tories' dreadful welfare cuts on the most vulnerable people in our society.

I hope that Labour's position is changing and that we can have consensus and a joint approach to the matter. The real answer is to get those powers completely out of the hands of Tory Governments at Westminster and into the hands of the Scottish Parliament, where we can exercise them in the best interests of the people we serve.

### Saltire Prize for Marine Energy

**7. Liam McArthur (Orkney Islands) (LD):** To ask the First Minister on what date funds from the saltire prize for marine energy will be distributed. (S5F-02036)

**The First Minister (Nicola Sturgeon):** The saltire prize has already helped to draw international attention to the potential of marine energy. It has sparked the interest of technology developers around the world and put Scotland—particularly Orkney—and its marine expertise on the map. However, the prize has not been awarded, as the independent competition judging panel's view was that no competitor was in a position to meet the criteria for it.

The simple reality is that the industry has found it harder to meet the challenge than was perhaps expected back in 2008. That is why I asked officials to work with the saltire prize challenge committee to reshape the prize so that it can continue to drive innovation and incentivise investment in Scotland. Research has been commissioned on the current state of the industry, and a report will be published shortly, which should assist the committee with its deliberations.

**Liam McArthur:** As the First Minister said, the saltire prize was launched in 2008, after which it seemed that barely a month went by without Mr Salmond relaunching it. The value to the marine energy sector of having a statement of intent from the Scottish Government that might, as the First Minister says, stimulate interest in the world-leading work that is being done on marine energy in Scotland, including in my Orkney constituency, is not in question, but, a decade on, the saltire prize appears to have gone the way of the historic concordat.

Does the First Minister believe that the saltire prize will be won before the end of this parliamentary session? If so, does she recognise the need for it to better reflect where the marine energy sector is and will be over the next few years?

**The First Minister:** Yes, I recognise that. That is why I have asked officials to work with the challenge committee to reshape the prize so that it can continue to drive innovation and incentivise investment.

It is important to recognise that, notwithstanding the fact that the prize has not been awarded, the marine energy industry—I know that Liam McArthur knows this from his constituency interest—has taken major steps forward since the prize was established in 2008. There are a number of high-profile successes—Nova Innovation, Atlantis Resources and Scotrenewables Tidal Power, for example—but the hard reality is that the path to commercialisation is taking longer and is proving more difficult than was initially anticipated. The industry has faced a series of challenges—technological, financial and environmental challenges, and challenges to do with the availability of grid connections—and the investment climate has not been helped by the United Kingdom Government's decision to remove the ring-fenced subsidy for marine energy.

Those are the reasons why no competitor was able to meet the deadline of June 2017. However, the challenge committee, which oversees the prize, has been keeping the criteria and competitive progress under review, and it asked for an up-to-date analysis of the industry before recommending a way forward for the prize. That was commissioned in 2017 and, as I said earlier, the report is due to be published shortly.

**Neil Findlay (Lothian) (Lab):** On a point of order, Presiding Officer. On Rhoda Grant's question, yesterday the journalist James McEnaney exposed yet again the Government's conduct in its handling of freedom of information requests, with special advisers routinely being copied into and politically interfering in replies. The Deputy First Minister was caught ordering key

documents to be withdrawn. Presiding Officer, I hope that you agree that that is a very serious issue. Last year, the Parliament supported a fully independent review of the Government's performance on freedom of information. Have you been informed when that review will take place? How can you assist us in ensuring that the will of Parliament prevails?

**The Presiding Officer:** I thank Mr Findlay, but I do not regard that as a point of order at all. He has made a point, but he knows that when a motion is agreed to by Parliament, it is for the Government to choose how to respond, although we expect the will of Parliament to be responded to.

## East Neuk First Responders

**The Deputy Presiding Officer (Linda Fabiani):** I ask members of the public who are exiting the gallery to do so quietly.

The next item of business is a members' business debate on motion S5M-10145, in the name of Willie Rennie, on East Neuk First Responders. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament commends the work of the charity, East Neuk First Responders, which provides care in life-threatening emergencies until an ambulance arrives; recognises the difference that early interventions can make in a medical emergency, such as CPR and defibrillation to the chances of survival from a heart attack and cardiac arrest; understands that East Neuk First Responders also provides first aid training, covers at events, runs a school lifesaver project and works in partnership with community councils to install public access defibrillators; considers that there are potential lifesavers in every community who could assist in the period it takes for the emergency services to arrive; notes the opportunities for partnerships to further utilise the expertise that exists, connecting and alerting volunteers who are qualified to provide critical care when they happen to be in the vicinity of a medical emergency, for example through the GoodSAM system, which can simultaneously dispatch the emergency services and local first aiders; recognises that, particularly in rural areas, the quick response and intervention of community first responders can save lives, and thanks the volunteers and staff at East Neuk First Responders and other initiatives that exist around the country.

12:51

**Willie Rennie (North East Fife) (LD):** I am disappointed that so many people are leaving the gallery, because they will miss the debate of the year. They still have time to turn around if they wish to hear the fantastic speech that I am about to make.

East Neuk First Responders is an independent community resuscitation charity that works to improve the survival chances of people who suffer life-threatening emergencies in the east neuk of Fife. It covers the beautiful fishing and coastal villages of Elie, St Monans, Pittenweem, Anstruther, Cellardyke and Crail, as well as the inland communities. The heart of the area is a good 20 minutes from St Andrews and 30 minutes from Leven, which are where the nearest ambulance stations are.

The charity is totally funded by public donation, and it supports its community with life-saving equipment, training, first-aid cover at events and health awareness. I want to pay tribute to the work that it does for its community. East Neuk First Responders deserves Parliament's recognition.

East Neuk First Responders works with the Scottish Ambulance Service to respond to life-threatening emergencies and to provide care until an ambulance arrives. The responders form a vital link in the chain of survival, and they increase people's survival chances—especially those of people who have suffered heart attacks or cardiac arrests. The charity has equipped every community in the area with a public access defibrillator—a feature of the east neuk is the flashing white light that can be seen on green boxes that are fixed to the sides of public buildings. It is also running the schools CPR—cardiopulmonary resuscitation—lifesaver project.

However, East Neuk First Responders wants to do more to save more lives. For some time, the charity has been finding it difficult to access training for volunteers to add to the network. The Scottish Ambulance Service insists that it should conduct all the training, but it has not provided sufficient local training opportunities on a frequent enough basis. It seems that volunteers are giving up because they are having to wait so long, or because it is not feasible for them to access the training that is available. My first request is for the Scottish Ambulance Service to provide more training in a range of areas across the country on a more frequent basis. Alternatively, it should change its model.

That brings me on to use of new technologies. GoodSAM, which is short for Good Smartphone Activated Medics, operates internationally. It is the world's most advanced emergency alerting and dispatching platform. The phone app allows alerters to dial the emergency services and, at the same time, to notify nearby medically qualified responders of a medical emergency. GoodSAM connects people in need with people who have the skills to provide critical help before the emergency services arrive. It offers real-time encrypted on-scene footage—it is quite an amazing piece of technology—and people can book off and on.

Worldwide, 30,000 volunteers access the GoodSAM network; in the United Kingdom alone there are 8,000 responders. It has been used successfully in London, the East Midlands and the North West England, and has saved many lives. By the end of this year, the majority of ambulance services in England will have access to and be partnered with GoodSAM. It is endorsed by the Resuscitation Council (UK) and has been funded by Nesta, the innovation foundation.

Appropriately trained volunteers can register with the GoodSAM app by submitting their qualifications for approval. The qualifications might not have been gained through the Scottish Ambulance Service; people can be qualified by their membership of other professional bodies. That means that each community has access to a

large number of first-responding volunteers at the press of a button.

We are all never further than three feet from a spider and are probably no more than 200m from a doctor, a nurse or a paramedic. The GoodSAM app connects us with that health professional if we are in trouble. A patient who suffers a cardiac arrest is 10 per cent less likely to survive with every minute that passes without CPR.

GoodSAM is a not-for-profit organisation. It was co-founded by Professor Mark Wilson, who is a neurosurgeon and air ambulance doctor. There are similar apps in the United States of America, one of which is called PulsePoint. There is one in Sweden called SMS Lifesaver. GoodSAM has been developed with the UK ambulance partners and is already being used across the UK.

A randomised control trial found that the Swedish app increased bystander CPR from 48 per cent to 62 per cent, but it did not increase the survival rate. The operators in Sweden have therefore rolled out defibrillators and connected them to the app to increase the survival rate. In Sweden now, many patients receive their first defibrillator shock within five minutes, with a survival rate of 70 per cent, which is quite a remarkable change.

GoodSAM is expanding the automated external defibrillator network in the UK and has mapped and verified what is, by far, the UK's and world's largest AED registry.

East Neuk First Responders is already embracing the new technology, but in a limited way only, because the Scottish Ambulance Service has not adopted it. It is considering it, but it has been doing so for some time. The technology is free to responders and would cost just £15,000 a year for the Ambulance Service. We have never, and nor will we ever, had an ambulance on every street corner, but we can have a lifesaver on every corner for next to nothing.

The benefits are clear and the potential is great. The cost is low and the number of lives saved could be high. I therefore urge the Scottish Ambulance Service to embrace the technology swiftly so that we can access that wide network of experienced health professionals in every community. With more training and the adoption of new technology, we could save more lives.

12:58

**Liz Smith (Mid Scotland and Fife) (Con):** I thank Willie Rennie for securing debating time to acknowledge the hugely significant work in the east neuk. I pay tribute to all first responders across the country, some of whom I have seen at

first hand probably saving the life of a former colleague.

The invaluable work that ENFR carries out in partnership with the Scottish Ambulance Service is first class, as is the speed at which responders arrive on the scene of an incident to provide lifesaving treatment before the arrival of an ambulance. That is particularly important in rural areas such as the east neuk, where it can often be difficult for an ambulance to arrive quickly.

ENFR forms a vital link in the chain of survival that is well proven to increase dramatically a casualty's chances of survival from heart attack or cardiac arrest, in particular. That is important, because we know that there are about 3,500 out-of-hospital cardiac arrests each year in Scotland, with a sadly very low survival rate of only 8 per cent. The sooner effective CPR is started, the better the chance of survival, and for every minute's delay the patient's chance of life drops by 10 per cent. If the first shock from a defibrillator is delivered within three to five minutes, the reported survival rates can soar to 74 per cent, as Willie Rennie said.

As the motion notes, ENFR has also done invaluable work in installing life-saving defibrillators in 24 locations across the east neuk. My colleague Miles Briggs has been a very passionate campaigner on that issue in Lothian, working in conjunction with the Jamie Skinner Foundation. The foundation was named after a talented young footballer whose life was tragically cut very short by a sudden cardiac arrest while he was playing for Tynecastle Football Club. His friends and family have asked many times whether his life could have been saved if a nearby defibrillator had been used.

Willie Rennie said much about the GoodSAM app system. I could not agree with him more on its importance. Emergency services staff and members of the public with basic life-support skills are being encouraged to sign up as volunteers, but I note Willie Rennie's request that we need to ensure that there is better support for the volunteers—I certainly encourage my constituents to take part if they can.

I know that the organisation is strongly supported in the community, relying as it does on charitable donations and essential volunteers. Most recently, a large number of people undertook the east neuk dook to raise money for ENFR by plunging into Anstruther harbour in freezing temperatures on new year's day. I was not there, but I could certainly have given them all my support from the beach.

At this point, I mention Scottish Mountain Rescue, which is a similar and equally commendable organisation. It also provides

emergency first aid in areas that are inaccessible to the Ambulance Service in Mid Scotland and Fife and right across the country. Scotland's Charity Air Ambulance also does important work and I am proud to say that it shares my constituency association's office building. We see and hear a lot about what the charity does.

I commend all those who are involved with East Neuk First Responders for giving up their time and for, quite literally, providing a life service.

Members will know that Willie Rennie is in the Carnegie Harriers and will soon be taking part in the 116.5-mile run around Fife's coastal path. We wish him well and hope that he does not trouble East Neuk First Responders on that particular occasion.

13:02

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank Willie Rennie for bringing this members' business debate to the chamber.

As a Fifer, I know the east neuk area well and extend my thanks to all the members of East Neuk First Responders for everything that they do.

I have spoken in many members' business debates since I was first elected, including ones that have praised the work of local charities and community organisations, especially those from my region of Mid Scotland and Fife. We speak a lot during regular business in the chamber about the problems that face our communities and services, but members' business debates often give us the opportunity to talk about the positive and great work that takes place on the ground.

We should all be proud of the work that East Neuk First Responders is doing and of the number of lives that it touches and changes. It is no exaggeration to say that the east neuk first responders are truly life savers.

We all know about the battle that we have had in tackling heart disease in this country. Statistics published just last week from the information services division of NHS National Services Scotland highlight that, over the past 10 years, the mortality rate from coronary heart disease in Scotland has fallen by 39.6 per cent. Although we all welcome that, heart disease is still a leading cause of death in Scotland and there is much work to be done, especially in tackling the gap between rich and poor, and among males, in this country.

However, the statistics show that we are moving in the right direction. For individuals who are admitted to hospital with their first heart attack, their chances of surviving at least 30 days have increased from 86 per cent to almost 93 per cent. Among those aged 75 and over, their chances have increased from 71 per cent to 85 per cent.

That rise is not a coincidence. It is due to awareness raising about triggers for heart attacks and the early warning signs of an oncoming attack; and it is due to the hard work of our health professionals. Early intervention can make a vital difference—the use of CPR and defibrillators can make all the difference.

On last year's European restart a heart day, the Scottish Ambulance Service released figures that showed that more Scots are being resuscitated following a cardiac arrest. Our ambulance services and paramedics do a great job in treating heart attack victims and patients who experience life-threatening emergencies. Often, the most crucial time is between the attack and the emergency services getting there. That can present a unique challenge in more rural areas and is where first responders can step in.

It can be a scary moment to be first on the scene when a person they know and love, or even a complete stranger, suffers an attack. Someone's ability to react can be what determines whether that person survives. Everyone in the east neuk should be proud not only that East Neuk First Responders can improve the survival rates of people in their area who experience a life-threatening emergency but that the charity is resourced solely from public donations.

It is important that first responders are able to work in partnership with the Scottish Ambulance Service. Willie Rennie made good points about the benefits that would come from the Scottish Ambulance Service being prepared to invest more in training and new technology. The GoodSAM medical dispatching app provides life-saving care. That innovative solution is a vital link in the chain of survival, and we should commend all those involved in setting up the initiative and welcome the positive working relationships that are developing.

The volunteers of East Neuk First Responders are not content with just saving lives; they are committed to working with others in the local community to ensure that they, too, are equipped with the skills and—in the case of public access defibrillators—the equipment to help others. ENFR's schools CPR life-saver project is building a whole new generation of life-savers, and perhaps a whole new generation of first responder volunteers. It is no mean feat that the project will be rolled out to every primary school in the east neuk. As has been mentioned, the project goes beyond just training children, as it actively encourages those children to pass their new skills on to family members and friends. Kirkton of Largo school pupils have trained an extra 66 people, Colinsburgh a further 79 and Anstruther an extra 105. With a success rate like that, the east neuk must be one of the leading areas in Scotland for

trained life-savers per head of population. For that, and for all the work that East Neuk First Responders do, I and my constituents thank them dearly.

13:06

**Tom Arthur (Renfrewshire South) (SNP):** I congratulate Willie Rennie on securing the debate and thank him for providing an opportunity for members to highlight the fantastic contribution made by community first responders in the east neuk and throughout Scotland.

My constituency of Renfrewshire South is home to Neilston & Uplawmoor First Responders and I am delighted to welcome to the public gallery representatives Lewis McColl, Ryan Ledgerwood and Jim Wilson.

As members can imagine, I will focus a wee bit more on Neilston & Uplawmoor First Responders than I will on East Neuk First Responders. This is not the first time that Neilston & Uplawmoor First Responders have been acknowledged in the Scottish Parliament. In October 2014, my constituency neighbour, Jackson Carlaw, in his previous role as a West Scotland regional member, led a members' business debate congratulating Neilston & Uplawmoor First Responders on dealing with their 100th emergency call since becoming operational. Within two years, that number had passed 700; I imagine that it must now be more than 1,000.

This debate complements Johann Lamont's recent members' business debate in which, inter alia, we discussed out-of-hospital cardiac arrests and the importance of bystander CPR. Community first responders can be important actors in the chain of survival. That was recognised by my predecessor as MSP for Renfrewshire South, Hugh Henry, who, in Mr Carlaw's debate, rightly stated that community first responders

"can complement the work of our excellent ambulance service and ... can make a difference by saving lives."—  
[*Official Report*, 30 October 2014; c 29.]

The value of community first responders is clear to us all and we owe a debt of gratitude to the volunteers who provide that valuable service. However, we must also recognise the great leadership that enables those community first responders to operate. In Stuart McLellan and Ross Nelson, Neilston & Uplawmoor First Responders have two outstanding leaders who have demonstrated vision and skill in taking an idea and transforming it into an organisation that is delivering front-line medical care to communities right across my Renfrewshire South constituency, including in Barrhead, Johnstone, Linwood and Lochwinnoch, not to mention communities in Eastwood and Ayrshire.

That success has been made possible thanks to not only the hard work of Stuart, Ross and the many volunteers but the generosity of organisations such as St John Scotland, which has donated thousands of pounds, and Arnold Clark Car & Van Rental, which has provided two brand-new four-by-four vehicles, which prove particularly useful during the winter months. The award-winning Uplawmoor Hotel has helped by providing accommodation for meetings, and there have been contributions from individuals such as local historian Gina Henderson, who donated £5,000 from the proceeds of her book "Recollections of Neilston". There is a real sense of a community coming together to support a great local organisation.

As invaluable and appreciated as those contributions have been, we need to consider how we secure the financial future of all Scotland's community first responders, and I look forward to meeting Stuart and Ross again shortly to discuss that issue. One suggestion that they previously made—indeed, they made it again recently—was to set up a national charity dedicated to community first responders, similar to the Royal National Lifeboat Institution or St Andrew's First Aid. I am keen to explore that and I would welcome the opportunity to engage with other members on it.

I thank Willie Rennie again for bringing this subject to the chamber and reiterate my support for and gratitude to community first responders in Neilston and Uplawmoor, the east neuk and across the whole of Scotland.

13:10

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am grateful for the opportunity to take part in the debate and I congratulate Willie Rennie on bringing it to the chamber.

As politicians, we hope to do all that we can to help individuals—it is perhaps the reason why we come into this occupation. Individuals who give of their time and their talent to help others get even more of my understanding and support. It is tremendous that individuals provide such assistance. That includes the responders that we are talking about, whose professionalism ensures that help is provided before medical assistance arrives.

We have heard about the East Neuk First Responders, an independent community-based organisation that works to improve the survival rates of and outcomes for people who suffer life-threatening emergencies in the east neuk. As we have heard, the east neuk is a beautiful part of Scotland that covers little towns and villages, some of which are recognised the world over.

The East Neuk First Responders are funded by donations. They support the community by providing life-saving equipment, community training, first aid cover at events, health awareness training and carrying out myriad other roles. They carry out partnership work with the Scottish Ambulance Service, which is great to see. We have already heard about the GoodSAM mobile app. That technology is helping individuals to ensure that lives are saved. It helps to provide care in life-threatening emergencies until the ambulance service arrives.

Each volunteer is equipped with life-saving equipment, including defibrillators, which we have talked about already and which are saving lives on a regular basis. Responders deal with category A calls. The community first responder who arrives on the scene first can deliver life-saving treatment before the arrival of the back-up provided by the ambulance and other individuals who can support them.

First responders form a vital link in the chain of survival, which demonstrates that casualties' chances of survival are greater if they are given support for a cardiac arrest or heart attack. The chain of survival is essential, but is little known outside the medical profession. There are four elements to it: early recognition and a call for help; early CPR to buy time; early defibrillation to restart the heart; and post-resuscitation care to restore quality of life for the individual.

All equipment and running costs are supported by charitable donations. The first responders are doing so well in the community because of donations from individuals and organisations.

Since 2009, when the group was formed, it has attended category A life-threatening 999 situations, provided first aid cover at local events, delivered training and essential health checks and installed more than 40 public access defibrillators across the area. The work of the East Neuk First Responders should be recognised by a wider audience and their essential life-saving for the communities that they represent, in an area that is miles from the nearest hospital, should be retained.

I commend the work of the volunteers and wish them continued success in all that they do to maintain and sustain life in the community that they serve.

13:14

**The Minister for Public Health and Sport (Aileen Campbell):** I, too, thank Willie Rennie for giving us this opportunity to recognise the fantastic contribution that all staff and volunteers involved with East Neuk First Responders make to saving lives in that beautiful part of Fife. It is a beautiful

part of the world, as Alexander Stewart and others have recognised—I certainly know that from family holidays—but it is a rural part of the country and it is not without its challenges. That is why it is important that Willie Rennie took the opportunity to describe the huge amount of collaborative work that is going on in the East Neuk First Responders group. In the work that they have undertaken voluntarily, they have been driven and motivated to protect and keep safe their community and I am certainly glad to have the opportunity to record my thanks for that complete dedication.

I also value the important role that is carried out by the 132 community first responder schemes across Scotland and I am delighted to have the opportunity to recognise their contribution in the Parliament.

Those who volunteer in a community first responder scheme are trained in a wide range of emergency skills, learning to use specialist equipment such as automatic external defibrillators and oxygen therapy to provide an early intervention in situations such as heart attacks or breathing problems before the ambulance crew arrives. By delivering these life-saving procedures, they are helping with patient survival and recovery.

They also support their local communities by providing training, ensuring that more and more people have these invaluable life-saving skills. However, I will absolutely reflect on Willie Rennie's point about the potential capacity issue regarding the training of volunteers. Volunteers are a phenomenal resource and we certainly do not want to see anybody being unnecessarily put off from becoming part of the important chain of survival.

At present, there are 132 community first responder schemes, providing 894 active volunteers throughout Scotland, supported by the Scottish Ambulance Service. Although this is something that we as a society can be proud of, I believe that there is always the opportunity for expansion and the introduction of more community first responder schemes. I would therefore like to take the opportunity to encourage communities across Scotland to follow the lead of the East Neuk First Responders and other established schemes by engaging with the Scottish Ambulance Service to set up a first responder scheme in their own areas.

The underlying principle and ethos behind first responders in Scotland is to equip the community with skills that can and do save lives. Community first responder schemes are about developing greater resilience in our communities. We know that surviving a medical emergency such as a cardiac arrest depends on the chain of survival: the recognition that it is a cardiac arrest, swiftly

followed by CPR and defibrillation. It is by rapid bystander intervention at incidents such as a cardiac arrest that the greatest gains in survival will be achieved. Starting CPR and calling 999 buys crucial minutes until medical help arrives.

The Scottish Ambulance Service advises—as Willie Rennie and others have described—that for every minute that passes without defibrillation, the chances of survival decrease by 14 per cent. Research also shows that applying a controlled shock within five minutes of collapse provides the best possible chance of survival.

The Scottish Government out-of-hospital cardiac arrest strategy has two key aims. By 2020, we intend to equip an additional 500,000 people in Scotland with cardiopulmonary resuscitation skills and increase survival rates from out-of-hospital cardiac arrest, saving an additional 1,000 lives.

Another part of our out-of-hospital cardiac arrest strategy involves the mapping of static defibrillators. That will allow ambulance control centres to identify and utilise publicly accessible defibrillators that are registered on the SAS computer-aided dispatch system.

That information will be built in to the ambulance control centres, so that when it receives a 999 call for a cardiac arrest, an ambulance control centre will be able to signpost the caller to the nearest defibrillator. That knowledge improves the chain of survival and helps to increase the likelihood of survival. As of 16 November last year, the Scottish Ambulance Service had registered 1,553 public access defibrillators on its command and control system. That number is expected to grow.

There are also a number of other initiatives going on throughout the country that further support our first responders and help to make communities far more resilient. As well as ensuring that we have public access defibrillators in a range of locations, supported by local training and awareness raising, Save a Life for Scotland has been working with Education Scotland to develop resources to support schools that wish to access CPR training.

However, Willie Rennie and others specifically and legitimately raised the opportunities for improving out-of-hospital cardiac arrest survival rates through innovation and new technology.

A specialist sub-group of Scotland's cardiac arrest strategy delivery group—which includes the SAS, the British Heart Foundation, the Government and the University of Edinburgh—is looking at a strategy for the use of public access defibrillators in Scotland. The sub-group is examining the potential role of apps to assess whether and how apps, such as the GoodSAM system that is mentioned in the motion, could fit in to the service.

I recognise the comments that were made by Liz Smith, who paid tribute to the Jamie Skinner Foundation for its awareness-raising work and to Scottish Mountain Rescue for its selfless work and efforts to keep people safe on our mountains and help them to enjoy Scotland's great outdoors safely. I agree with her tribute to Scotland's Charity Air Ambulance at Perth airport; it is closer to the village of Balbeggie—near where I grew up—and it is a facility that I know well. It was rightly recognised in the recent *Daily Record* and NHS Scotland health awards for the phenomenal work that it does to keep people safe across Scotland.

I also recognise Tom Arthur's comments about the long-term financial sustainability that is so important to keep people who volunteer involved in that important work. I am happy to listen and engage with him on those suggestions as they develop. Similarly, Claire Baker was correct and right to speak about inequalities and how we need to do more preventative work to stop poor health from happening in the first place. She recognised that work is needed to address inequalities across a range of fronts—not just health, but social security, housing, education and employability. If we do that work upstream, it will help to prevent poor health in the first place. It is right to link that preventative agenda to this debate.

I am delighted to have been part of the debate to recognise the role that all our community first responders have in helping to save lives, including the first responders in the East Neuk of Fife. Those volunteers across Scotland deserve our congratulations and our recognition. I sincerely thank Willie Rennie for today's opportunity to do that.

13:21

*Meeting suspended.*



14:30

*On resuming—*

## **Islands (Scotland) Bill: Stage 1**

**The Presiding Officer (Ken Macintosh):** The first item of business this afternoon is a debate on motion S5M-10358, on stage 1 of the Islands (Scotland) Bill.

**The Minister for Transport and the Islands (Humza Yousaf):** I am delighted to open the stage 1 debate on the Islands (Scotland) Bill. It is fair to say that being transport minister does not make me the most popular person on the planet, but my colleagues and members from across the parties envy the islands part of my portfolio. I am envied when I travel across Scotland, seeing some of the most stunning scenery and the most beautiful places in which to live in what is a naturally beautiful country, which for me is a great honour and privilege. Our islands are wonderful places in which to live, work and study, and to visit, and they contribute so much to Scotland. It is vital that Parliament acknowledges the unique role that they play in our identity, economy and society.

Since becoming the minister with responsibility for the islands and their communities, I have been struck by not only their geographical differences but their strong similarities. They share a resilience, vibrancy and warmth and, thanks to everyone who lives on them, our islands are welcoming and open.

Nevertheless, there are challenges. On every island to which I travel there is a common thread of issues. Anyone who lives on, travels to or represents our islands will recognise the common challenges: remoteness, transport, digital connectivity, housing, health and many other issues, which can all work together to contribute to the issue of declining populations.

The Scottish Government has been working in partnership with others to address many of those challenges through a range of policy initiatives and investment. They include investment of more than £1 billion in ferry services, including the budget proposal for £10.5 million for Orkney and Shetland internal ferry services; investment of £25 million in the rural housing fund and £5 million in the islands housing fund to deliver affordable homes; fuel poverty—Liam McArthur has mentioned that that is a huge issue for the Orkney islands—and energy efficiency programmes, with more than £16 million invested in island council areas; more than £270 million invested in airport facilities across the Highlands and Islands, with investment of more than £60 million in the air discount scheme; and the recently announced £6 million for the rural tourism infrastructure fund. I can speak more about some of those in my closing speech.

**Liam McArthur (Orkney Islands) (LD):** I am grateful to the minister for referring to fuel poverty, which is experienced at the highest level in the Orkney Islands community. It is a policy area where island proofing now would be beneficial. He will be aware of the issue, as I have raised it with him and his ministerial colleagues. Will he reconsider the committee's recommendation to apply island proofing retrospectively to some of the most egregious examples of where policy and legislation are not working for islands? It would be a sensible move.

**Humza Yousaf:** I thought that that point might come up, and I will address it later in my speech. It is fair to say that the committee recommendation was not to take a blanket retrospective approach to legislation, but to consider specific examples. Perhaps there is a way in which we can work closely to identify those examples and see whether we can come to a common solution. I will come to that in more detail later.

I want to improve outcomes by creating the right conditions for investment, empowerment and increasing sustainable economic growth. The Islands (Scotland) Bill is part of that, but let us be under no illusion that there is a simple solution, magic bullet or single policy that will make that happen. The measures in the bill, alongside the actions taken by the Government, local authorities, public bodies and communities themselves will contribute to creating the right conditions for growth.

I welcome the Rural Economy and Connectivity Committee's report, which recommends that the Parliament supports the general principles of the bill. I thank members of the REC Committee, and other parliamentary committees, for their thorough scrutiny of the bill.

The Rural Economy and Connectivity Committee was no doubt helped by its efforts to take evidence from and consult a wide range of organisations and people. I know that meetings took place on Mull, Orkney and the Western Isles, and there was good use of videoconferencing to speak to people in the University of the Highlands and Islands and the people of Arran. It is heartening to see colleagues making it easier for people to participate in the development of a bill through the use of technology. Thanks are due to everyone who took the time to offer their views and experiences to the committee or to us in Government.

Time and time again, I have been encouraged to hear organisations and individuals express confidence that the bill will make a real difference in helping public bodies to look at islands differently. In particular, I thank the local authority leaders and chief executives who have been

feeding in their comments and aspirations through the islands strategic group.

It was willingness to collaborate and co-operate that brought forward the bill, and credit must go to the fantastic our islands, our future campaign in that regard. I want to continue that collaboration, good work and engagement with the local authorities and council leaders. I have a good relationship with the leaders of not only the three wholly island councils, but the other three local authorities that have islands within their boundaries.

**Tavish Scott (Shetland Islands) (LD):** Will the minister give way?

**Humza Yousaf:** I will first finish my brief point. It would be remiss of me not to give credit to the previous leaders of Orkney Islands Council, Shetland Islands Council and the Western Isles Council.

**Tavish Scott:** Having been beautifully pre-empted, I had better think of something else to ask. The Minister for Transport and the Islands will be well aware of the arrangements for inter-island ferries and of the need to resolve issues related to capital expenditure and revenue expenditure—indeed, he plans to have a working group with the Cabinet Secretary for Finance and the Constitution on those issues. I ask that the person whom he plans to chair that group will be someone who can give it the impetus that is clearly needed by not only the Government but those who use the services daily.

**Humza Yousaf:** Liam McArthur—my apologies, I meant to say Tavish Scott. I will move on. Tavish Scott makes a very good point. I completely understand that the agreement secured in the budget must be seen very much in tandem with the working group that is looking at longer-term arrangements. We must absolutely take forward that work, and I will take on board his remarks. I have to say that the conversation with the local authority leaders has been incredibly constructive, as it has been with the Liberal Democrat MSPs and members across the chamber. Tavish Scott is absolutely right to raise that point and to put it on the record.

I welcome that, at stage 1, we have already established a broad range of consensus on the bill's provisions, although that makes me feel slightly nervous about the stages to come. I will always be happy to discuss issues where we have differences and attempt to come up with a common solution, where such a solution can be found.

Part 2 of the bill places a duty on the Scottish ministers to prepare, lay before Parliament and publish a national islands plan. The plan will set out the main objectives and strategies for

improving outcomes for our island communities. That clear statement of purpose will also allow the Government of the day the flexibility to say what it will do to achieve that purpose. The plan will work alongside existing plans and frameworks, provide a strategic direction, focus resources and, where necessary, set targets for key areas of activity.

As a key component of the bill, the national islands plan has attracted a great deal of comment. The committee has made a number of recommendations about it, and I want to address some of those today.

The committee recommends that high-level objectives are placed in the bill. I appreciate the intent behind that, but we need to be mindful of the purpose of legislation. We make law to give legal effect to things that we want to achieve or, indeed, to prevent. Bills are not necessarily the place to make policy statements. Any overall statement of purpose would need to be legally meaningful to a court, and I am not convinced that that recommendation would achieve that.

However, I want to look at what alternatives are available, to see whether something can be done in, for example, the national islands plan. We can consider lodging amendments that would set out the high-level objectives within the current frame of improving outcomes for island communities. That would seem to have the potential to meet the overall purpose of the committee proposal, and I would be happy to discuss that further with members.

In the Government's response to the stage 1 report, I said that I will accept the committee's recommendation to make local authorities statutory consultees and consider other changes, including, for example, a time limit for the submission of the annual progress report, and strengthening of the language regarding consultation with communities.

Part 3, which is on island proofing, has been broadly welcomed and has attracted a lot of discussion and comment during the committee process. The idea is straightforward: we want to ensure that an awareness of the needs and circumstances of our island communities is embedded in the decision-making processes of public bodies. The bill places a duty on public bodies to do that, and it will ensure that the interests of island communities are placed firmly and squarely at the centre of legislative, policy and service considerations. Many members across the chamber have said that Government should already be doing that—indeed, Liam McArthur said that in his intervention. I give members the absolute assurance that that is already happening. A good example of that is the social security legislation that is being taken forward. Although the Islands (Scotland) Bill has not yet been

passed, my colleague Jeane Freeman is already looking to island proof where she can.

To help with that, we have included an island communities impact assessment process. An impact assessment must be undertaken where new or revised legislation, policies or, indeed, services will have an effect on islands and our island communities that is significantly different from the effect on other communities. As with other impact assessments, the details of the process will be set out in statutory guidance.

Island proofing has the potential to change the practice, culture and values of our public bodies. I think that every single one of us agrees that we do not want to see a simple tick-box exercise—that was mentioned time and again in the committee's proceedings. In the words of the committee:

“The process must be agile and fit for purpose”.

The committee has made a number of recommendations on island proofing, and we welcome and agree with most—although not all—of them, as is set out in our response.

**John Mason (Glasgow Shettleston) (SNP):** The minister mentioned island proofing. Does he accept that there is a slight difference between island proofing and an island communities impact assessment, and that island proofing might suggest going further than the bill intends to go?

**Humza Yousaf:** The island communities impact assessment is, of course, the process that would have to be gone through. However, John Mason is absolutely right: it is not necessarily just about the impact assessment itself; it is about changing the entire culture of how we think about implementing legislation not just—this is important—in the Government, but in the 60-plus listed public authorities. John Mason has made a good point in that regard.

On the retrospective ask that some have made—Liam McArthur made it in his intervention—a specific provision in the bill on retrospective island proofing is unnecessary. It could lead to unrealistic demands across a range of policies and legislation that would be difficult to manage, and it would be overly bureaucratic. That would not be legislation that was, in the committee's words,

“agile and fit for purpose”.

The committee has asked the Government to consider putting an appeals mechanism in the bill. I am concerned that that approach would risk creating the sort of tick-box exercise and culture that I am keen to avoid. Other impact assessments that are set out in legislation, such as equality impact assessments, do not have an appeals process, but they have been incredibly successful. They have worked because they have

been clear, flexible and responsive. I seek to achieve that aim for island communities impact assessments. I will ensure that the issue is explored through consultation on the statutory guidance and that a dispute resolution process is developed. We all want the bill to have its intended impact and to focus on improving outcomes to achieve that.

Part 4 has two elements. The securing of a special status for the Western Isles Scottish Parliament constituency has been universally welcomed. The proposal to allow the Local Government Boundary Commission for Scotland the flexibility to recommend the creation of one or two-member wards consisting of inhabited islands has attracted much more comment. The comments have largely been very positive. I believe that we have the right approach in the bill to allow for greater flexibility, but I accept the argument that has been presented by the Local Government Boundary Commission for Scotland and the committee that a small change to the language in the bill might well increase flexibility further. I have therefore indicated that, in line with the committee's recommendation, I will amend section 14, to change the wording from “wholly or mainly” to “wholly or partly”.

Part 5 relates to development and the new Scottish island marine area licences. I want all our island local authorities to have the opportunity to build on the experiences of Shetland and Orkney and to have more control over the development of the seas around their islands. We have taken a purposely cautious approach to that part of the bill to ensure that it properly reflects the needs and circumstances of our islands. The bill allows for a local authority with an inhabited island in its area to ask to be designated as a marine development licensing authority and, after consultation, regulations will be laid that set out the details of the scheme.

**Lewis Macdonald (North East Scotland) (Lab):** Has consideration been given to the impact of the requirement that the island be inhabited, given that, under the Zetland County Council Act 1974, Shetland Islands Council can regulate in that area without having to meet such a requirement?

**Humza Yousaf:** Yes, consideration has been given to that issue. I will try to reflect on that in my closing speech. That point was put to me directly during the committee proceedings. Where the Zetland County Council Act 1974 and the Orkney County Council Act 1974 have worked well, we will look to replicate that, but where it is sensible to diverge from the approach that was taken in those acts, we will. The issue of the impacts on uninhabited islands has been considered with particular reference to St Kilda, so we are not

unaware of them. As far as marine development licensing is concerned, I will deal with the effect on uninhabited islands in my closing remarks, because I must conclude shortly.

I am proud to be the minister who has introduced the first ever piece of legislation solely for islands in the Scottish Parliament, but I will be even more proud when we manage to get the bill passed into law in a few months' time, as we hope to do.

I welcome the Rural Economy and Connectivity Committee's deliberations to date. Its thoughtful approach has been extremely helpful, and I look forward to working with members across the chamber at stages 2 and 3. The Government will keep an open mind, because, ultimately, we want the same as any member: the best outcomes possible for our island communities for the future.

I move,

That the Parliament agrees to the general principles of the Islands (Scotland) Bill.

**The Presiding Officer:** I call Edward Mountain to open for the Rural Economy and Connectivity Committee.

14:46

**Edward Mountain (Highlands and Islands) (Con):** On behalf of the Rural Economy and Connectivity Committee, I say that we are delighted to present our report on the Islands (Scotland) Bill. Sadly, as time is limited, I will not be able to cover all the points in our report, so I will try to pick out the most salient ones. The committee notes the minister's detailed response, which we received last Friday.

As part of our evidence gathering, the committee undertook visits to Orkney, Mull and the Western Isles. We took evidence via videoconference from islanders on Arran, as well as from students from multiple locations, including the University of the Highlands and Islands. We want to thank the islanders who met the committee—sometimes on very windy and blustery nights—to share their views. I would also like to thank the committee's members for their diligence in tackling the task, and the clerks for their hard work in preparing the report.

The committee is very aware of the hopes that islanders have invested in the bill, which were embodied in the our islands, our future campaign, but we are concerned that there will be a gap between what islanders expect and what they will get from the bill. We urge the Scottish Government to manage those expectations carefully.

I turn to our key findings. The committee called on the Scottish Government to review the definitions of the terms "island", "inhabited island",

"island community" and "high and low tide", which the Law Society of Scotland feels require further clarification. The committee notes that the Scottish Government has reviewed the definitions, but that it has not, in its response, committed to any undertaking. We look forward to the Government providing a resolution at stage 2.

On the national islands plan, the committee recommended that island communities and other stakeholders be comprehensively consulted so that the plan reflects the priorities of islanders. We note that, in his response, the minister agrees.

The committee also felt that a national islands plan that has an overarching strategy and which takes into account the individual nature of each island is a prerequisite. We believe that that will best be achieved through local decision-making structures, so we recommend that the Scottish Government amend the bill to make the creation of local authority-level island plans a statutory requirement. We welcome the Scottish Government's agreement to consult the six local authorities involved to seek their views on that recommendation.

The committee acknowledged the importance of the role that uninhabited islands can play in terms of their cultural, economic and environmental significance, so we recommended that uninhabited islands not be left out of the national islands plan. We welcome the Scottish Government's reassurance that there is nothing to prevent uninhabited islands from featuring in the plan, and that they will feature in consultation.

The purpose of the Islands (Scotland) Bill is to improve outcomes for island communities: we feel that it is important that performance can be tracked. The committee therefore recommended that the national islands plan be developed with clear outcomes and targets, and measurable indicators. We also suggested that a time limit for the annual report be included in the bill. We are therefore pleased that the Government has acknowledged the need for monitoring and assessment of progress.

On island impact assessments, the committee called on the Government to provide clear and consistent terminology. We felt that the terms "island impact assessment" and "island proofing" were used interchangeably in the bill's supporting documents. Both duties have significantly different meanings, so that confused many of the people whom we consulted. The committee notes the Scottish Government's view that the terms were not used interchangeably, but we welcome its recognition that clarity and consistency in terminology are important, and we welcome the fact that it will ensure that the consultation and guidance around the duty are clear.

The committee and islanders are adamant that the island impact assessment should not be a box-ticking exercise, so I welcome the minister's comment on that today. The assessments must be real and meaningful.

The committee agreed that, for islanders to have confidence in the island impact assessments, they must have a mechanism by which they can appeal against or object to assessments. Although the Government acknowledged our recommendation, I note that it is at this stage unprepared to include an appeal mechanism in the bill.

On retrospective island impact assessments, the committee recognised that it is unrealistic to assess all current legislation. However, we believe that retrospective action is appropriate if it can be demonstrated that specific legislation has had a negative impact on the islands. We note that the Scottish Government is in agreement and we welcome that. We also note that the Government does not believe that it is necessary to seek views on that issue specifically as part of its consultation on the guidance for legislation or policy that could be problematic for islands. The committee will have to consider that issue further at stage 2.

I turn now to marine licensing powers. The committee acknowledged that local authorities support the principle of greater marine licensing powers, and we look forward to seeing further details on that from the Scottish Government. The committee also recognised that the interaction between marine licensing powers in the bill and in existing legislation caused confusion for some stakeholders. Although the committee felt that a provision for marine licensing powers should be included in the bill, we are concerned about how it will work in practice. The addition of an extra layer of bureaucracy might overcomplicate the marine licensing scheme and there could be duplication. We call on the Government to provide further details on the relationship and interaction between the Islands (Scotland) Bill and the Marine (Scotland) Act 2010.

On constituency boundaries, the committee and everyone to whom we spoke welcomed the fact that the Scottish Government included in the bill a provision that will protect the Western Isles as a Scottish Parliament constituency. The committee also welcomes that the Scottish Government will act on the suggestion of the Boundary Commission for Scotland to provide greater flexibility to better balance council wards that consist of inhabited islands, so we look forward to seeing the Government's amendment on that at stage 2.

Our report raises many issues, and the committee looks forward to seeing positive action on all our recommendations. The committee

recommends that Parliament, subject to the points that we raise in our report, agree to the general principles of the bill.

14:54

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

I am pleased to open for the Conservative group. I thank my fellow Rural Economy and Connectivity Committee members, the clerks and especially all the people who gave evidence, for getting the bill to this stage.

It must be remembered that the bill has its origins in the our islands, our future initiative, which was a piece of work that was started in 2013 by the councils of Orkney, Shetland and the Western Isles to look at constitutional reform to give the islands more autonomy and more powers over the sea bed and renewable resources.

The bill is an enabling bill that provides for future action by the Scottish Government. It is therefore important to manage the expectations of islanders who might expect more immediate and tangible outcomes.

The Conservatives support the bill. An extensive consultation process has got the bill to this point. As the convener said, the Rural Economy and Connectivity Committee held videoconferences with Arran community representatives, the University of the Highlands and Islands and Heriot-Watt University. We also visited the island of Mull, the Western Isles and Orkney to speak to island councils and islanders themselves. It was fantastic to get a feeling for the enthusiasm and expectation that island folk have for the bill. It was also a personal pleasure for me to see close up some beautiful parts of Scotland and the strength of the sense of community that they possess.

There are 93 inhabited islands in Scotland, with a population of just over 103,000, which is 2 per cent of the population. Only five of those islands are connected to mainland Scotland by a bridge or causeway, so they are dependent on ferries or planes to reach the mainland. It is clear that the constituents of those islands face considerable obstacles to accessing higher education and, in some cases, even secondary education. Access to healthcare and hospitals can be difficult and people who require long-term and on-going care often have to be away from their families for long periods. On some islands, there are no care homes for the elderly, which creates severe problems for families.

Access to such facilities is taken for granted on the mainland, so it is clear that if the bill is to mean anything it must start to redress some of those missing services, provide real assurance to islanders and improve outcomes for them.

We believe that the bill needs to include one or two high-level objectives to give it greater purpose and focus. We want to avoid confusion over what the bill is in place to achieve, so its purpose should be included and outlined from the beginning.

The bill will be judged on the practical difference that it makes on the ground for islanders. Targets and indicators will enable the public to see the progress at every review. I therefore welcome the Government's response in accepting that those should be included in the bill.

The committee recommends that the six island authorities be made statutory consultees during the national islands plan's development. The Government does not want to include a prescriptive list in the bill—I understand that—but the island authorities must be consulted. The national islands plan should be an overarching and strategic framework in which each individual island community can take full advantage of the opportunities that the bill offers.

I welcome the bill and its concept of the islands impact assessment, which mandates the Government and its agencies to take into account the impacts that any new services or policies would have on the islands and to address them appropriately. The term "island proofing", which has been used interchangeably with "island impact assessment", is one that the Government needs to use with caution. The enthusiasm that has been shown by the islanders during consultations must not turn to disappointment—expectations need to be managed. The use of the term "island proofing" provides much greater expectation than "island impact assessment" does, which might raise expectations that cannot be delivered.

It is quite clear that retrospective island impact assessments would be unrealistic, but I agree that there should be an opportunity for any current legislation that severely impacts on island communities to be retrospectively reviewed. Although that would lead to more questions for the Government, it would help to strengthen what the bill sets out to do.

There was a lot of support from the local authorities for increased powers for marine licensing, which would potentially be a big boost for coastal communities. However, there was some confusion regarding marine licensing, which needs to be reviewed by the minister. For instance, the applications to vary work licences that were granted under Zetland legislation would be exempt if they were made after the area had been designated. There is also confusion around the responsibilities and boundaries in relation to the 12 nautical miles limit. In some cases, islands would share some of that area, so that needs to be clarified.

The last and biggest concern that I want to raise is finance—or, in the case of the bill, the lack of it. The costs that are outlined in the financial memorandum are related only to delivery of the duties in the bill. There is no budget to implement new services on the islands or to implement the national islands plan, and there is no budget to mitigate anything that an island impact assessment indicates requires improvement.

**John Mason:** Does Peter Chapman accept that although some things would cost money, Orkney Islands Council told the committee that if it was given more powers, it could use the existing money to produce a better result?

**Peter Chapman:** I accept that, but I reiterate that there is a need for extra funds to address the many issues that we know exist.

If the bill is to improve island life, it must contain a budget to add new services, new facilities and new opportunities. There are expectations for significant improvement in those areas, but with no budget those expectations cannot be met.

It is clear that the bill needs further work and that we can expect changes and improvements at stage 2. I look forward to seeing the implementation of those changes and improvements, because we all want the bill to be a success for the people of the islands.

15:01

**Colin Smyth (South Scotland) (Lab):** Labour supports the principles and the spirit of the Islands (Scotland) Bill. Our islands make an enormous contribution to Scotland's cultural and economic wellbeing, but as the our islands, our future campaign made clear, there is a real need to better support and empower our islands. It is to the credit of those who established that campaign that Parliament is debating the bill. I hope that the campaign has fired the first shots in efforts to address the decade of centralisation of power in Scotland. This is an opportunity to empower our island communities and put local experiences and expertise at the heart of decision making.

It would, nevertheless, be fair to say that the islands bill is more evolution than revolution. I suspect that, even if it is amended, it will not be as ambitious as the island communities that it seeks to deliver for. Managing expectations will be challenging. The bill's important but modest provisions, although welcome, will not give our islands the power to fully transform their communities, as they clearly want to. Amendments can be made to strengthen the bill, though, and I look forward to working with parties across the chamber as the bill makes its way through the parliamentary process.

For example, the Rural Economy and Connectivity Committee rightly argues for the bill to be amended to include a purpose section that sets out clear, overarching objectives. Of course, such a section should not be overly prescriptive or limiting, and I acknowledge the minister's concern that it must have a clear legal purpose. However, an explicit indication of the bill's aspirations and how it will help to deliver equity and sustainability for our islands would help to ensure that the reality of the bill better matches its ambition so that provisions such as the proposed national islands plan do not fall short in practice.

Paving the way for the development of a national islands plan is a key element of the bill, as is outlined in part 2. That plan must set out not only a clear direction but practical measures to be delivered, and local communities and stakeholders must be at the heart of the plan's development. I am pleased that the Government has agreed to the call from the Rural Economy and Connectivity Committee to make local authorities statutory consultees in the development of the plan and guidance. A one-size-fits-all approach would not work for such a plan, which must be about enabling local communities. As the Federation of Small Businesses argued in its evidence to the committee, we need local solutions to meet local needs and aspirations.

**Jamie Greene (West Scotland) (Con):** Colin Smyth is talking about how we can empower local communities and decentralise decision making. Which section of the bill does that? I see very little in the bill, other than the creation of marine licensing powers, that will give statutory powers to local communities.

**Colin Smyth:** That is really a question for the minister. I am certainly not going to defend the scope of the bill, because I think that it does not go as far as it could to empower local communities. The call to make local authority-level island plans a statutory requirement would help in that regard, and I welcome the Government's decision to seek the views of local authorities on that matter.

It is important that the bill acknowledges the differences between the islands that it covers and that the unique needs of each island and island grouping are fully recognised.

As a member of the Rural Economy and Connectivity Committee, I am pleased that the committee will undertake regular scrutiny of the national plan and its annual reports. In particular, I welcome the commitment in the committee's report to provide stakeholders with the opportunity to present their views.

Likewise, I welcome the Government's indication that the plan will include clear outcomes, targets and measurable indicators by which to

assess performance. Giving Parliament a chance to monitor and scrutinise the plan's impact is vital, so I echo the committee's call for the bill to include a set time limit for the submission of the plan's annual report.

Part 3 of the bill covers duties in relation to island communities, including the introduction of island communities impact assessments. The Government's guidance on that process will be key to ensuring that the assessments function as they should. I am glad that a commitment has been made to lodge an amendment that would make the affected local authorities statutory consultees in the development of the guidance. In order for the impact assessments to be reliable, they must also have a strong evidence base, and the Government has made a welcome commitment to review the data that are available on island communities as part of the implementation of the bill and to address any gaps that arise. Such data will provide a crucial foundation for accurate and dependable assessments.

I am, nevertheless, disappointed that, in its response to the committee, the Government failed to take on board the committee's recommendation that it introduce an appeal or objection mechanism for impact assessments. I appreciate that there are concerns about the bureaucracy that that might entail, but it would provide accountability and ensure that islanders had confidence in the process. There is a balance to be struck, but I do not believe that it is an unreasonable ask.

There is also a need to be cautious about the language that is used—a point that the committee stressed and that several members have raised in the debate. The phrases "island proofed" and "impact assessed" appear to have become interchangeable, but it is clear that they have different meanings. Impact assessing something does not immediately guarantee that action will be taken to resolve any issues that the assessment raises, and there is a danger that describing the process as "island proofing" may raise expectations beyond what the bill will deliver. As Liam McArthur said, there is a case to be made for retrospective impact assessments of carefully selected acts.

Part 4 of the bill includes the protection of the Scottish Parliament's Western Isles constituency boundary to deliver parity with Orkney and Shetland, which is welcome, as is the provision of flexibility for the Local Government Boundary Commission for Scotland to recommend smaller wards where that will lead to island communities being better represented.

The need for such provisions highlights the wholly inadequate rules that are currently in legislation—and that are, on occasion, simply

made up by the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland—when it comes to recognising local ties, particularly in rural areas. The requirement for the commissions to have regard to local ties is often meaningless, as arguments about parity completely outweigh arguments about the bonds of local communities. The wider issue of the need to address the complete carve-up of communities by the boundary commissions might be a debate for another day, but it is certainly one that we should have.

My colleagues will talk about other aspects of the bill, such as the inclusion of uninhabited islands. The last area that I will highlight is the proposal, in part 5, to establish new marine licensing powers. That is welcome, but it must be developed and implemented carefully and in line with the existing legislation. There remains a need for clarity on how exactly the powers would operate.

Labour welcomes the general principles of the bill, but work remains to be done. Not only will there be a need to amend the provisions in the bill; as it stands, the bill fails to explicitly reference natural heritage. Scotland's natural heritage is of huge cultural, environmental and economic value, particularly on our islands. That should be reflected in the bill with a clear commitment to safeguarding natural heritage on our islands.

We also need to address local authorities' understandable concerns about the financial burdens associated with the bill. With council budgets already stretched beyond breaking point, the Scottish Government must ensure that the implementation of the bill does not put our island authorities at a financial disadvantage.

The REC Committee highlighted that

“many of the issues which affect islands can also impact on remote and rural mainland areas.”

Although I appreciate that this is beyond the scope of the bill, there is an opportunity to reflect on the approach that is being taken and ensure that, in the future, we better support and seek to empower all our rural and remote communities.

15:08

**Kenneth Gibson (Cunninghame North) (SNP):** Since long before the launch of the our islands, our future campaign, island communities have demonstrated time and again that they are more than capable of setting their own agenda for development, and they are presenting their own ideas about how to deliver the best possible future for their own islands.

In my constituency of Cunninghame North, in the communities of Arran, Cumbrae and Holy Isle, I witness at first hand how passionate islanders are about protecting and promoting their islands. With everything from ferry committees to economic groups, from coastal protection task forces to community councils and from elderly forums to rescue teams, island communities are independent, resilient and, in many ways, self-sufficient. I believe that the bill not only will help to mitigate some of the challenges that island communities face but will empower them to make the most of their natural, economic and cultural resources.

Some of the challenges that are thrown up by island living are highly visible, and those of us who live in rural areas can relate to them. Transport, physical remoteness and infrastructure can all be significantly different from mainland services. However, more hidden challenges, including population decline and the lack of high-quality digital connectivity, can make modern life more difficult.

Of the 192 responses to the consultation that was published in 2016, over 85 per cent supported the Scottish Government's aim of introducing a national islands plan. Respondents appreciated that such a plan, which is to be laid before Parliament within 12 months of the date on which the act comes into force, will tackle pressing issues, maintaining focus instead of offering quick fixes and addressing need as it changes and develops with time.

The islands plan will also increase accountability. By identifying objectives, setting measures and defining responsibilities, we can ensure that the bill delivers the real and lasting change that our island communities are calling for. Some respondents called for tighter definitions and better mechanisms for reporting and review, and I believe that those points should be considered as the bill progresses.

A phrase that we will hear increasingly often throughout the bill process—we have already heard it on a number of occasions today—is “island proofing”, which is the duty that is to be placed on ministers and public bodies to consider the unique nature of life on our islands in exercising their functions. That will bring awareness of our islands to the forefront of political decision making and ensure that proper assessment of any new or revised policy, strategy or service is carried out when it is likely to impact directly or indirectly on Scotland's inhabited islands.

That proposal was supported by 91 per cent of consultation respondents, who appreciated the need for a tailored approach to legislation instead of our islands being shoehorned into one-size-fits-



all policies, because all our islands are different. The Clyde islands are hugely different in size, population, governmental structure and character from the three island authority areas, and the Inner Hebrides and their communities also want the bill to work for them.

From working alongside my islands constituents, I know how proud they are of the coastal beauty and marine life that make their landscape unique. Islanders already take pride in the south Arran marine protected area and Lamlash bay's no-take zone. I am confident that they will welcome the opportunity to have more control over the development of the seas around their islands via the implementation of a marine licensing scheme.

The adoption of a holistic approach to the process of marine planning has been commended by the Law Society of Scotland. It is vital that any new licensing regime fits into the national framework that has been in place since 2010. The 2010 act created a more open and transparent licensing process, and changes resulting from the bill should help, not hinder, this coherent approach to managing Scottish waters. Private businesses form an important part of island life, and the national islands plan should bolster support for sustainable island businesses.

The Federation of Small Businesses reported that 86 per cent of business owners on Arran and Cumbrae felt that their island is a good place to do business. However, 28 per cent of respondents admitted that they had considered relocating to the mainland.

Creating a positive business environment on our islands requires a multifaceted approach, with issues of transport and digital connectivity being of particular importance. Of course, the Scottish National Party Government is investing £600 million to reach 100 per cent of homes and businesses with superfast broadband by 2021. Were it not for Scottish Government investment to date, only 65 per cent of premises in North Ayrshire would be connected to fibre broadband. I am pleased that 94 per cent of North Ayrshire residents now have access to superfast broadband, and, with a new fibre cabinet currently being installed in Kildonan, even more Arran residents will achieve superfast speeds in 2018, with 100 per cent of even the most remote island residents across Scotland having access by 2021.

In addition to the connection of homes and businesses, more must be done to attract young, skilled workers to our islands to guarantee their future and to ensure that they are dynamic and attractive places in which to live and work. The challenge of Scotland's ageing population is felt even more acutely on our islands, and the national islands plan must address that.

The Scottish Government has already been working for our islands. In my constituency, there have been a number of tremendous improvements in the past decade. There have been housing developments at Benlista on Arran and Saint Beya in Cumbrae, and we have seen road equivalent tariffs introduced for ferries, which has more than halved the cost of cars going to Arran. In addition, £61.1 million has been invested in two new ferries for Arran, £12 million has been invested in a ferry for Cumbrae and there is a new £31 million harbour at Brodick. Over the next year or so, a new harbour will also be built at Ardrossan, and there has been a £5 million development of Largs pier, which serves Cumbrae. Furthermore, when the university marine biological station in Cumbrae was threatened with closure, which would have meant the loss of 28 jobs, the Scottish Government stepped in to help to save it.

The islands bill should not be seen in isolation but rather as part of the larger framework of legislative and policy activity that is under way to protect our island communities. Work relating to the Crown Estate and the Community Empowerment (Scotland) Act 2015 is helping us to make significant strides towards returning more responsibility to island communities. This historic bill demonstrates just how much our islands mean to the fabric of Scottish culture and society. It is a bold step forward in meeting the unique needs of Scotland's islands now and for years to come.

15:14

**John Scott (Ayr) (Con):** I am delighted to speak in the stage 1 debate on the Islands (Scotland) Bill, which will see real devolution to island communities at a time when we increasingly see greater centralisation to the central belt.

Although I am not an islands MSP, I admire and acknowledge the strength and tenacity of island communities. The difficulties and challenges that arise due to weather and inaccessibility require the residents of all islands to be resilient and determined to make things work. Naturally, we all want to see more power in the hands of our islands, and they are eager for positive change so that they can set the agenda to better themselves and their communities.

Back in 2014, when the our islands, our future vision was set out, we saw the islands grasp the bull by the horns and put themselves out there with a plan that, regardless of the outcome of the referendum, would see more powers devolved to the islands. The Scottish Government brought the bill to Parliament, but the island communities must be commended for their initiative to get the ball rolling—we must not forget that.

However, we must also not forget that the people who live in remote and rural mainland communities may be slightly worried about the bill. Many communities in those areas can be several hours from the nearest large town. That was highlighted in the stage 1 committee report and, rightly, the Rural Economy and Connectivity Committee welcomes the Scottish Government's willingness to reflect on whether a similar approach to island proofing may be considered for remote rural areas. Places such as Ardnamurchan and the Mull of Kintyre are classic examples of peninsular mainland areas that are far from larger towns and, therefore, lack choice of public services and amenities.

The Mull of Kintyre, for example, is 37 miles from my constituency of Ayr as the crow flies, but the drive in a car would take nearly six hours through Glasgow traffic to reach Campbeltown. Those peninsular areas, while they are connected to the mainland, often face accessibility issues when a vital transport link is obstructed; to reach the Mull of Kintyre if the pass at Rest and Be Thankful is blocked requires a lengthy detour via Dalmally and Crianlarich. As we know, time is money, and that remoteness can have a significant knock-on effect on small businesses and delivery times. In short, that produces the same effect as if a ferry to an island were delayed. We do not want to see the elevation of islands in status at the expense of those remote rural areas and we welcome the acknowledgement of that point in the stage 1 report.

On the issue of constituency boundaries, I welcome the intention that the Na h-Eileanan an Iar constituency will be given the same protection as the Orkney and Shetland constituencies. It is important that the Outer Hebrides archipelago is recognised as a separate entity and community of interest. In the future, having those boundaries protected for geographical, historical and practical reasons will mean that the constituents who send their MSP to this place can be sure that they are fully accountable to their islands, and not to a part of the mainland as well.

**John Mason:** On John Scott's point about rural Scotland, does he agree that we may need to review the three constituencies that cover the whole west coast of Scotland's mainland?

**John Scott:** I can only imagine that that would flow from what I have just said; self-evidently there would be a need to do that.

I turn to the national islands plan, about which some Conservative colleagues have voiced their concerns. I stress that it is imperative that, with a national islands plan, we will see proper action and progress, not merely warm words and weak promises. I am glad that the committee recognised that and that it has called for clarity. We must

ensure that there are achievable targets and objectives in order that the islands will experience the positive change that they seek, and that those are fully funded by the Government.

As the committee noted, it is important that local knowledge is harnessed and that there are local decision-making structures in place. I am therefore pleased that the committee recommended that the Scottish Government should amend the bill to make the creation of local authority-level island plans a statutory requirement. From speaking to my Conservative colleagues, I know that there has been a real sense of enthusiasm and passion from the islands to make a success of this, and we must not let them down.

Turning to definitions, I reiterate the Law Society of Scotland's point that further consideration needs to be given to ensuring that the bill provides the clarity and certainty required to ensure that the legislation can be properly implemented. The committee and stakeholders have acknowledged that definitions need to be properly defined, particularly of the terms "island" and "island community".

We want the enthusiasm for positive change in the island communities to translate into actions by the Scottish Government. For too long, the agenda of the devolved Scottish Government has been one of centralisation, and it still is. Finally, however, we have a bill that goes some way—in part—towards devolving power from Edinburgh into the hands of those who make the best decisions for the islands: the islanders themselves.

My Conservative colleagues and I will support the bill at stage 1 but will seek to amend it at stage 2 to ensure that it is robust and effective.

15:20

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** As deputy convener of the Rural Economy and Connectivity Committee, I thank everyone who gave evidence on the bill in person and in writing, all the people whom we visited on the islands, all the councils involved and the people who have taken the time to provide us with briefings for this debate—their input has been extremely valuable. I also thank the committee clerks and the Scottish Parliament information centre for all their hard work and I thank my fellow committee members for a unanimously agreed stage 1 report. The report is a comprehensive, in-depth piece of work and I do not think that any of our committee imagined, when we started our scrutiny all those months ago, that we would produce a report with nearly 300 points.

The bill came about largely due to the work that was put into the our islands, our future campaign

by Orkney Islands Council, Shetland Islands Council and Western Isles Council, and the subsequent report “Empowering Scotland’s Island Communities” in 2014. We also now include not just island local authorities but local authorities with islands, namely Highland Council, Argyll and Bute Council and North Ayrshire Council.

When our committee was tasked with bringing forward the stage 1 report on the bill, the obvious place to start was with islanders themselves. Many people were unsure how much scope the bill would have, what its objectives were to be and how that would be turned into something with tangible benefits. We were, and still have to be, very careful to try to manage expectations around what the bill is trying to achieve. The bill focuses on provisions that are designed to protect and strengthen Scotland’s island communities; it aims to meet the unique needs of Scotland’s islands by making sure that impact assessments are carried out on policy and decisions by public bodies to ensure that they do not have a detrimental or negative effect on our island communities; and it puts in place a provision for the development of an islands plan. We expect that to set out both a clear strategic approach and the practical approaches to delivery. We want to be assured that the priority areas featured in the plan will reflect the actual priorities of islanders.

We recommended that the consultation on the plan should be undertaken as widely as possible and that the plan should contain a list of who was consulted. There should be a method that allows a body or group that was not consulted, but feels that it should have been, to address any concerns to the Scottish Government. We would like to see young people being a focus of the plan in order to try to keep them on the islands and we want islanders to have the opportunity to present their views in the Parliament on the annual reports and the five-year refresh of the plan.

This is an islands bill, but many of the issues that arose as challenges on the islands can also be applied to remote and rural communities. As the representative of a large rural constituency, it is only right that I address those. When Highland Council’s director of development and infrastructure, Stuart Black, gave evidence to the committee, he told us:

“Many communities, particularly remote and rural ones, are facing challenges that cannot necessarily be addressed through a piece of legislation. However, if the spirit of the bill involves examining remote areas and considering that they need additional protection, that is positive for the wider Highland area.”—[*Official Report, Rural Economy and Connectivity Committee*, 20 September 2017; c 25.]

When the Minister for Transport and the Islands, Humza Yousaf, gave evidence to the committee, I asked him about remote and rural communities, and he replied:

“Rural communities should consider island proofing as a great opportunity. If the Islands (Scotland) Bill is passed ... and island proofing is successful in its implementation ... there is no reason why the Government should not look at that success and consider whether we want to explore that approach for rural Scotland as well.”—[*Official Report, Rural Economy and Connectivity Committee*, 8 November 2017; c 7.]

However, our islands face different challenges. We have never disputed that, and hearing islanders’ testimony at first hand has made us acutely aware that the bill is necessary. Being completely surrounded by water is one of those challenges, although the submission from the Law Society of Scotland threw up some questions about the definitions and it asked that we look at them in closer detail. In the light of that, we called on the Scottish Government to look at the terms “island”, “inhabited island” and “island community” as well as “high tide” and “low tide”. That is in relation to pieces of land that may be accessible at low tide by a natural causeway but which are surrounded by water at high tide, and not islands that are accessible by bridges, which are indeed islands, as my colleague Kate Forbes will attest to.

RSPB Scotland supported our call for the cultural, environmental and economic significance of uninhabited islands to be recognised, and it asked us to go further and include them specifically in the bill. We have sought reassurance that they will be included in the national islands plan, but I am interested in hearing the minister’s response to the idea that they should be included in the bill.

As a member of another committee in Parliament, the Equalities and Human Rights Committee, I am pleased to say that we included in our report recommendations on both equalities and human rights. We fully expect them to be considered as part of the implementation of the bill, and we have asked the Scottish Government whether the Scottish Human Rights Commission was considered as a consultee for the national islands plan.

There is much more in the report than I can cover today, and I urge everyone with an interest to read it. I once again thank everyone who contributed to it. One of the most important things that we heard was that islands are not looking for special treatment but are merely seeking equity. They are looking for the decisions that are made by public bodies not to disadvantage them, and a lot of islanders stressed to us their hope that the bill will also have knock-on effects for the mainland. As you can imagine, Presiding Officer, I hope that it will do so as well. I commend the report to the Parliament.

15:26

**David Stewart (Highlands and Islands) (Lab):**

This is an important and historic debate for the islands and, indeed, all of Scotland. As a Highlands and Islands regional member, I am delighted to contribute. I put on the record my recognition of the work of Orkney Islands Council, Shetland Islands Council and Western Isles Council. Their first-class policy analysis and campaigning work on the issue was rightly recognised with a national joint campaign award. In addition, the minister has been a doughty and persistent campaigner for an islands bill—I hope that that praise from me does not ruin his political career.

Why a bill just for the islands? Surely mainland rural areas have the same problems. What about deprivation, unemployment and poverty in our inner cities? Well, of course, this is not a zero-sum game. As iconic Secretary of State for Scotland Willie Ross said in the second reading of the Highland Development (Scotland) Bill,

“It has never been more important than today that all the country’s resources should be fully exploited, and the Highlands”

and Islands

“have much to contribute. This is not a case of giving to the Highlands”

and Islands.

“This is a case of giving the”

islands and the

“Highlands a chance to play their full part in the future of Britain.”—[*Official Report, House of Commons*, 16 March 1965; Vol 708, c 1086.]

Of course, much has changed in our island communities since Willie Ross’s stirring speech echoed across Westminster—the discovery of oil and gas; the development of the University of the Highlands and Islands, with five of its 13 academic partners being wholly based on the islands; the common agricultural policy; the minimum wage; the air discount scheme; the introduction of route development funding; the road equivalent tariff; the rural fuel rebate; and European structural and investment funds. However, whether the policy in question originated in Brussels, London or Edinburgh, the end result was a win-win for island communities. To echo the EU’s global Europe 2050 vision, policies should not be “territorially blind”.

However, some things have not changed. At a conference that was organised by Shetland Islands Council and the Committee of the Regions, the 2011 Euroislands study, which analysed island communities across the EU, was debated and discussed. The common characteristics are that islands have below-

average connectivity, their gross domestic product is below the European average, economic convergence is slower, numbers of job and career opportunities are low and services are of variable quality and high cost.

As a counterweight, the 2012 Geospec survey concluded that islands have close-knit communities, high-value natural capital and the potential for renewable energy. Perhaps the minister will share my view that the UK should have joined the other 14 EU countries in the clean energy for EU islands initiative, which was signed in Malta in 2017. However, the survey also said that islands experienced higher vulnerability to climate change through heightening sea levels and an increased likelihood of storms.

I believe that the time is right for a new islands act that builds on the best practice from Scotland, as exemplified by the our islands, our future campaign, which has been mentioned often today and which looks to Europe and beyond.

Perhaps the best exemplar that I can find for future legislation—and the minister is aware of this—is the Japanese Remote Islands Development Act of 1953, with which all members will be intimately familiar. It was one of the first pieces of legislation in the world to recognise the distinct nature of island communities. As a result of that act, the Japanese island of Okinawa, which has close ties with the UHI, became a prefecture, which is the first level of jurisdiction and administrative division in Japan. Perhaps, in winding up, the minister could comment further on best practice. I hope that he has swotted up on the 1953 act since I last warned him about it. In addition, I ask the minister to say whether he supports the plea to have a single public service authority in the islands, which would combine health, local authority and elements of Highlands and Islands Enterprise.

Nearer to home, it is worth stressing that there is nothing new in the argument for strengthening our island communities. The Montgomery committee, which reported in April 1984, recommended consolidating, developing and extending the powers of island councils. One of the key elements of the Treaty on European Union was the principle of subsidiarity—that is, taking decisions in a localised, decentralised way. The EU has always had strong and consistent policies to give special attention to the specific characteristics of territories with serious and permanent handicaps, including islands. Those handicaps are well known to islanders: limited and costly modes of transport, restricted and declining economic activities, the fragility of markets and the loss of young people.

So what would an islands bill look like? As we have said, the template is the our islands, our

future campaign. However, 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 onwards to the community land and harbour trusts. New powers need strategic decision making in the planning, designing and commissioning of mainland-to-island ferry services, and the recognition of island status in the Scottish constitutional set-up.

As well as gaining new powers, we must keep what works well. As the old cliché says, if it ain't broke, why fix it? That is why many of my colleagues across the chamber are so keen to see HIE's headquarters remain in the Highlands and Islands, with a single HIE board and chief executive, and continued decentralisation of staff in our island authorities. The bigger picture is that we need active Scottish Government and Westminster Government commitment to the relocation of public sector jobs to island communities—for example, CalMac jobs to the Western Isles, Marine Scotland jobs to Shetland and the Crown Estate's headquarters to Orkney, as a starter for 10. It is clear that there is support for the principle of island proofing to fight isolation, remoteness and peripherality.

I will finish my speech as I started it, by quoting Willie Ross in the 1965 debate about the Highlands and Islands. He said:

"No part of Scotland has been given a shabbier deal by history from the '45 onwards. Too often there has been only one way out of troubles for the person born in the Highlands and islands—emigration."—[*Official Report, House of Commons*, 16 March 1965; Vol 708, c 1095.]

Those who are entrusted with carrying out the duties in the new Islands (Scotland) Bill might find themselves involved in a date with history and being part of the history of Scotland. In the words of Sir Walter Scott, all that we need is

"The will to do, the soul to dare."

15:33

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

I, too, would like to thank the various participants who have contributed to the debate and to the briefings, and also our staff. I am very grateful to my colleague David Stewart. Life is an education, and I did not think that I would ever be making a note of the Japanese Remote Islands Development Act of 1953, which will be my bedtime reading tonight.

A lot of reference has been made to the our islands, our future campaign, which is entirely what politics should be about—local communities coming together with shared interests and people working to shape policies. All the individuals, serving and past, who were involved in the

campaign are to be commended. That ties in with paragraph 4 of the Government's policy memorandum, which says:

"Some of the most resilient and supportive communities in Scotland are within the islands."

Many of us knew that already, but if we had been in any doubt, it would have become apparent during many of our visits out. The policy memorandum goes on to say:

"However, island communities face challenges around geographic remoteness, declining populations, transport and digital connections, and other issues."

It is fair to say that some of those are not unique to islands. Contributors have spoken about the challenges in remote areas in Highland and also in Argyll and Bute, and reference has been made to the other local authority that has island responsibility, which is North Ayrshire Council.

Very welcome steps have been taken such as the introduction of RET, and I was delighted to be part of the resolution of the internal ferries funding issue for the northern isles, which the Parliament was in agreement over and which has been a very positive development for the islands.

As the minister is aware, expectations have been raised by the bill. Indeed, others have referred to the expectations with regard to remote communities; in that respect, I would point out Knoydart and Scoraig in my part of the world which, although part of the mainland, are accessible only by ferry.

The policy memorandum goes on to talk about the issues that were consulted on, the first of which is island proofing. My word, but we had a lot of discussion about what that meant and the expectations that it raised. There is an opportunity for some retrospection. I do not think that that should mean revisiting everything, but if an arrangement or system is not working—for instance, my colleague Liam McArthur mentioned fuel poverty—it should be revisited, and part of that work should include island proofing. We should never say never.

As for the bill's implications for the Parliament and local government, we have to be alert to unintended consequences. There was a lot of discussion about the implications for ward size, membership and make-up, with a particular issue with wards that straddle island and mainland communities.

As ever, nothing is straightforward. I believe that my colleague Peter Chapman talked about care homes; I absolutely think that there are opportunities in that respect, but they have to be realistic. Not every island will have its own secondary school or hospital, but if we had more of the collaborative working that was commended

by the Christie commission—which we all talk about and on which we still have a long way to go—some of these things could be delivered. Indeed, I think that David Stewart asked the minister for his position on a single purpose authority.

Of course, such things have to be viable. With hospitals, for example, that might be about being able to recruit and retain staff and having the necessary flow of business to ensure people's continuing professional development. However, there are also opportunities. In gathering evidence for our report on the bill, the committee looked at the use of information technology, which is very much the norm in many parts of the Highlands and Islands and is to be commended. After all, we have to grow our population, and not just in the islands; Community Land Scotland talked about repopulating areas that had been cleared. I absolutely agree. The glens used to be full of people, and I would like to see them full of people again.

With regard to the Rural Economy and Connectivity Committee's stage 1 report on the bill, it says under the heading "Local empowerment and devolution of powers":

"The Committee supports the empowerment of island communities and the devolution of appropriate powers by the Scottish Government."

I would hope that that would be the position, without reservation, of everyone in the chamber, because that is what the very issue is. That said, there is still a debate to be had about the areas that should be covered and the implications of some of the legislation. As for the national islands plan, there is also an issue about the expectations that are being raised, and I am pleased that the local authorities will have an on-going involvement in that.

People on the islands have always been creative, but they should not have to keep finding ways of offsetting some of the implications of decisions that are taken here or elsewhere. The issue of assessment has been mentioned, but we need evidence for that, and many of the flawed decisions that have been made at UK, Scottish and, indeed, local authority levels have come about as a result of inadequate assessment of the implications.

In the very short time that I have left, I will mention something that would be very helpful to not only island communities but rural communities and, indeed, the whole place: a resolution of the procurement issue. When we visited the islands, we heard about the challenges of bidding for contracts; people find that contracts get awarded to one of the very large national organisations and are then subsequently subcontracted to local

communities, obviously with a sum of money removed. We need to get procurement right.

Overall, there are lots of positives, but there is more work to be done.

15:39

**John Mason (Glasgow Shettleston) (SNP):** I am delighted to speak on the bill. I am not sure whether we are meant to enjoy our work in Parliament, especially when that involves working on a bill, but I have to say that I have not enjoyed working on any legislation as much as I have enjoyed working on this bill. Scotland's islands are fantastic, and not only for their inhabitants; I believe that they are a central part of the culture and heritage of us all.

As members have heard, the committee had a formal meeting in Orkney and a full visit to Mull. Some of us went to Harris and Lewis and, along the way, I also managed to get to Skye and Ulva, so I am particularly delighted that the latter is now moving towards a community buyout.

The reality is that there was a huge amount of agreement on the committee and, I think, among the islanders and their representatives whom we met that we want to make things better for islands and their communities and that we want this Parliament and other organisations to have them more at the front of our minds rather than at the back. Therefore, we probably all agree on some 90 per cent of the bill. Inevitably, however, today we must focus on the 10 per cent about which we have questions or reservations.

The first issue is the question of a purpose clause for the bill. I think that there is an argument for all, or most, bills having a purpose clause. The act that re-established the Scottish Parliament stated:

"There shall be a Scottish Parliament."

Donald Dewar liked that, and I like that. I wonder whether it should be more of the norm in our legislation that we put more emphasis on the principles behind an act and move away from a very legalistic approach where the focus is on the individual words, which brings with it the danger that we and the courts might sometimes lose sight of the bigger picture.

I accept that there are challenges to including a purpose clause and I have read the Government's comments on that. For example, we would have to decide what the wording should be. However, something along the lines of "Our intention is that Scotland should have thriving islands" would be the kind of thing that I would like.

The second issue concerns the phrases "island proofing" and "island impact assessment". In some

of our meetings, those phrases were used interchangeably, as has been mentioned already this afternoon. We spent a bit of time in the committee discussing those two terms, whether they meant the same thing and what message they sent out. To me, “island proofing” suggests an idea such as waterproofing, whereby someone is just as dry standing out in the rain as they would be indoors because of the waterproof clothing that they are wearing. However, that cannot be what is meant. Living on an island has many benefits as well as many challenges. It can never be the same as living in a city or even in a remote mainland area.

The third issue—remaining on the issue of island impact assessments—concerns the decision not to fully mitigate differences. I think that it is important to clarify that. We discussed many scenarios around island impact assessments and what would happen when they were carried out. Clearly, what will not happen in every case is that the same services that are available on the mainland will be available on every island—John Finnie just made that point. One example was whether a care home on Mull could be justified. We asked whether, if the difference is not to be fully mitigated—for example, if there is a decision not to provide the care home on Mull—a cost benefit analysis and/or an explanation should be given. I am glad that the Government agrees with us on that point.

The fourth issue concerns uninhabited islands. The focus of the bill is on island communities, and rightly so. However, we have islands that used to be inhabited and are now uninhabited, the most dramatic example of which is St Kilda. The RSPB has argued that such islands are important in relation to wildlife. However, to me, St Kilda is much more than a place for birds to feed and nest. I always wanted to visit the island after reading its story and finding out about the struggles that people had before the evacuation in 1930. It is part of our heritage and our story as a nation. Visiting it was one of the most special experiences of my life. While I note the Government response that inhabited islands will be covered in the plan, I confess to being a little bit disappointed, because I think that uninhabited islands deserve a mention in the bill.

**Gail Ross:** Does John Mason agree that there are also islands that are inhabited at some times of the year and not others?

**John Mason:** That is a valid point, and I absolutely agree.

The fifth issue concerns the definition of an island. Having made some comments on this issue in the committee, I think that I need to make some comments about it this afternoon—I can see Kate Forbes looking at me sharply.

As members will have seen, we heard the argument that remote parts of the mainland such as Ardnamurchan and Cape Wrath have similar challenges to islands. However, on Mull, we were reminded that, if someone is seriously ill at night, the only option is a lifeboat or a helicopter. In that respect, islands are different. On Skye or in Ardnamurchan, it is at least possible to drive or get an ambulance, albeit the distances and travel times are very great.

I agree with the definition in Hamish Haswell-Smith’s excellent book on all Scottish islands, which says that an island must be

“entirely surrounded by seawater”

at lowest tide and have

“no permanent means of dry access”.

I accept that that is just one definition and that the definition in the bill is different and wider. I am sure that the Government will be glad to hear that I do not intend to lodge an amendment on that point. However, I agree with the wider argument that very remote parts of the mainland—such as Knoydart, which is on the mainland but must be accessed by ferry—need similar consideration.

I have really enjoyed working on the bill. I have visited 38 Scottish islands—by my definition—and I want to see a bright future for those key parts of our nation’s identity. The bill has room for amendment, but I look forward to it passing stage 1 later tonight.

15:45

**Mike Rumbles (North East Scotland) (LD):** The Scottish Liberal Democrats welcome the fact that we are debating the Islands (Scotland) Bill, which we support. That should come as no surprise, given that we said in our 2016 election manifesto that we would

“Introduce an Islands Act to island-proof all legislation, to give Scottish ministers the right to issue guidance to public authorities as to the way they can vary national services to make them more suitable for islands, subject to local authority consent.”

If the Liberal Democrats had laid an islands bill before Parliament, it would have been a little more robust than the Scottish Government’s bill—although, as I said, we welcome the bill that we are discussing today.

As we have heard, members of the Rural Economy and Connectivity Committee took a great deal of evidence when we examined the bill. It is testament to the constructive approach of all 11 members of the committee that we were able to agree a unanimous report. I hope that the minister takes that on board at stage 2, when he lodges amendments. It is almost always more effective for

the minister to lodge amendments, which we can then all support.

As we have already heard, the committee heard from islanders and other stakeholders that they would have liked the bill to identify objectives because that would have given the legislation greater purpose and focus. However, the Government has declined to do that, preferring to address the issue in the national islands plan, which will be published some time after we have finished scrutinising the bill. As MSPs, it is our job to interrogate the bill and we must do so without sight of the Government's plan. That is not a good start.

One of our main concerns about the bill relates to the issue of island proofing. Our worry is that the Government may be raising expectations among islanders that, for every one of their service changes, the 66 public bodies that are mentioned in the bill will have to adapt their plans to meet the needs of islanders. As we have heard, no extra public money is being made available to islanders as a result of the bill—and we are not requesting that it should be. However, the approach means that all 66 public bodies, which all affect the lives of our islanders, must show how they have taken account of the special circumstances of the islands when they make policy decisions.

When I have discussed the bill with islanders, one of their most important concerns is that the process of island proofing, or of undertaking impact assessments, must not under any circumstance turn into a simple tick-box exercise. That point came across time and again. I foresee that as a major issue that should have been addressed in the bill. We should have a clear process—as the Liberal Democrats outlined in our manifesto—by which those 66 bodies should conduct the impact assessments. We cannot have a board member sitting in an office in the central belt filling in a form to say that he or she has considered the impact of such and such a policy on the islands and is proceeding with it anyway. We need a clear direction from the Government as to exactly how public bodies should approach the impact assessments when island proofing their policies.

In its recommendations, the committee said that the guidance produced by the Scottish Government must require those conducting an impact assessment to make clear the ways in which the views of local people will be incorporated in the decision-making process. That does not necessarily mean that those public bodies must do what local people say, but they must make it clear why they have a particular policy or why they cannot do something. Although in its response to the committee's report the Scottish Government welcomes that

recommendation, it goes on to say that it does not want to be prescriptive—but that is the point. We are missing an opportunity here.

There are other missed opportunities in the bill, one of which is the lack of a section dealing with the retrospective island proofing of legislation. As colleagues have said, we do not necessarily have to throw open the doors to every piece of legislation, but the bill should include a process that allows aspects of previous legislation to be looked at.

**Humza Yousaf:** I will address that issue in more detail in my closing speech, but does the member have in mind a piece of legislation that he wants us to look at retrospectively, on which we can perhaps engage and have a conversation?

**Mike Rumbles:** I welcome that very constructive suggestion. My two colleagues Liam McArthur and Tavish Scott certainly have pieces of legislation in mind. We will come to see the minister as a result of that kind invitation.

I know that James Stockan, the leader of Orkney Islands Council, considers that a section on retrospective island proofing, among other things, would make a profound difference to island communities and would enhance this historic piece of legislation. We all want to see the bill transform communities; we do not want to miss this opportunity.

The Scottish Liberal Democrats welcome the bill and will support it, but it can be improved and we will aim to do just that—with the minister, we hope—at stages 2 and 3 of the legislative process.

15:51

**Angus MacDonald (Falkirk East) (SNP):** I refer members to my entry in the register of members' interests: I own a non-domestic property in the Comhairle nan Eilean Siar area.

I am pleased to contribute to this debate on the Islands (Scotland) Bill, given that I was born and bred on the Isle of Lewis, where my family have farmed more than 400 acres just outside that great metropolis of Stornoway for nearly 100 years and where I have seen at first hand the challenges faced by businesses, especially by my family's firms, which involved wholesale and retail butchering and livestock auctioneering.

It has always been a challenge to farm in the Outer Hebrides, as farmers are faced with the double whammy of Atlantic gales and transport costs; running successful businesses there is no mean feat. However, over the years, successive Governments have taken welcome measures to make life for island businesses easier—for example, our cattle lorries could travel one way on the ferry free as long as they were empty, which



helped to reduce the added financial burden when transporting livestock to and from the island. The same measure applied to any lorries that we had coming over from the mainland with livestock feed or hay and straw.

Those measures were all very welcome, but they were not enough to stop us throwing in the towel in the mid-2000s, when we closed down our auction mart. We did not leave the crofters high and dry—we provided a purpose-built crofters' co-operative with the land to build a new auction mart, for which they secured HIE funding.

Around the same time, faced with transport costs, supermarket competition in Stornoway and more excessive red tape, the scunnered factor well and truly set in and we closed down our wholesale and retail butchering businesses. Given the reported challenges that Brexit will bring to sheep farming in the Highlands and Islands, the days of the family farms in Stornoway may well be numbered, too.

The Islands (Scotland) Bill is coming along at just the right time and, along with the Community Empowerment (Scotland) Act 2015, the Land Reform (Scotland) Act 2016, the forthcoming crofting bill that is expected during this session of Parliament, and the Scottish Crown Estate Bill that was introduced a couple of weeks ago, as well as accelerated provision of high-speed broadband, there is hope that decline in the Inner and Outer Hebrides can be reversed.

That said, I agree with Edward Mountain, the convener of the Rural Economy and Connectivity Committee, that the Islands (Scotland) Bill is not a panacea that will solve all our island challenges. Furthermore, it will not exempt the islands from a lot of the pain that we will all feel post-Brexit.

The committee is correct to state in its stage 1 report that the Scottish Government will need to manage the expectations of islanders, who may expect more immediate, tangible outcomes to be delivered from the bill, should it be passed. Therefore, it is vital that the planned island-proofing provision in the bill is not token, and it is doubly important that the Scottish ministers should have the power to issue statutory guidance on island proofing to relevant public bodies. Those bodies would have to adhere to the guidance in the exercise of their functions and duties. As Comhairle nan Eilean Siar has suggested, an appropriate way to proceed would be to entrench the statutory guidance in the process for making decisions, in a similar manner to that used to fulfil the public sector equality duty. Comhairle nan Eilean Siar made the specific suggestion that the duty should apply to all public bodies, unless a particular public body can satisfy the Scottish ministers that the duty is not relevant to its functions.

Island proofing should apply to the development of any policy or law within the competence of the Scottish Parliament and, of course, it should be hoped and expected that the UK Government will adopt similar guidance for the consideration of policies that are reserved to Westminster and the agencies that have a remit in Scotland.

The UK Government's proposal to ban live animal exports is a current salient example. Such a ban would have a devastating effect on livestock producers in the Western Isles as well as, I am sure, the northern isles. By necessity, livestock that travels from the Outer Hebrides to the mainland can often be on trucks for longer than livestock that crosses the English Channel, because of ferry timings and storm delays. Although that is far from ideal, it is the only way for island producers to get their stock to markets or to send their stock to better pasture for finishing. I was therefore delighted to see the Cabinet Secretary for Rural Economy and Connectivity, Fergus Ewing, take a strong stance on the issue a couple of days ago. He said:

“this is one UK-wide framework the Scottish government will not be participating in.”

That is a prime example of how, without island proofing, the economy of the islands and the livelihoods of crofters and farmers could be severely disadvantaged. I note that the Deputy Presiding Officer, Christine Grahame, is attempting to bring to the chamber a members' business debate on banning live animal exports. If her motion secures cross-party support, I look forward to that debate taking place. Needless to say, I have not signed the motion.

**The Deputy Presiding Officer (Christine Grahame):** I remind Angus MacDonald that I am in the chair, so I am silenced. However, inside I am not silenced.

**Angus MacDonald:** Okay. That is noted, Presiding Officer.

In written evidence to the committee, Community Land Scotland put forward a pertinent argument, saying that

“a key question to be asked”

when new policy and law is being considered

“would be whether the devolution of more power to the Islands Councils or Councils with islands would be potentially advantageous to the governance and sustainability of those areas.”

There is merit in that argument, and I hope that it will be considered during the development of the national islands plan, which will, I understand, be laid before the Parliament within 12 months of the act coming into force.

There are so many aspects to the bill that it is impossible to cover all of them in the time

available, but I hope that I have given a sense of where I come from on it. Suffice it to say that I wish the Rural Economy and Connectivity Committee well for stage 2, and I look forward to the bill returning to the chamber for stage 3.

15:57

**Donald Cameron (Highlands and Islands) (Con):** I welcome the opportunity to contribute to this stage 1 debate on the Islands (Scotland) Bill, which marks a significant step towards real island devolution.

One of the great aspects of being a Highlands and Islands MSP is the ability to represent islanders in the Parliament. Having been to Islay and Lewis in the past month—I have another visit to Lewis tomorrow—I am acutely aware of what the bill could do for those communities. I commend the Rural Economy and Connectivity Committee for its visits across the islands. It has certainly succeeded in getting people talking—at least, the people whom I have met in the past months.

I join others in thanking the island councils and the communities in those islands for all their work in helping to bring the bill to fruition. It was their persistence—principally through the our islands, our future campaign, which other members have mentioned—that drove the Government to deliver on that, and it is because of their efforts that we are having this debate. That is why it is so important that they are still involved in the process as we go forward.

I have argued before in the chamber against the SNP Government's centralising agenda. It is refreshing to see, for once, the Government looking to devolve power away from the centre and deliver real support for our island communities.

As others have said, it is crucial that we ensure that there is not simply a box-ticking exercise. Many people have used the phrase “tick-box exercise”—in a way, the phrase has been overused—but that says something very important. The legislation must be meaningful. It must strengthen and support those in our most remote areas, and it is important that we lay the groundwork for a national islands plan that can build on the bill and deliver real and tangible change. Mike Rumbles gave the very vivid image of someone in the central belt just filling in a form. We cannot allow that to happen. The legislation must be meaningful.

The Rural Economy and Connectivity Committee has recommended to the Government that the six local authorities with island interests be made statutory consultees in the development of a national islands plan, and I support that, because

it is essential to guarantee that the island communities that inspired the bill and the plan, and which they seek to benefit, are at the centre of the process.

That recommendation recognises another point, which is that, although much of the debate is rightly centred on the three island authorities that have driven the process, we must be aware that they are not the only local authorities in Scotland that have islands in their areas and which face complex needs. In the Highlands and Islands region, which I represent, Argyll and Bute Council has some 23 inhabited islands in its area, which is more than any other local authority in Scotland, and the Highland Council area includes 15 inhabited islands, according to the most recent census. In addition, as John Finnie mentioned, there are many mainland areas that are in some ways like islands—they might have peninsulas or be very far away from other parts of the country—and I am glad that the committee covered them in its final recommendation.

Although all the councils with islands are administered from the mainland, with the bulk of their populations being in mainland settlements, we must not forget that they face issues that are very similar to those that are faced by the three island authorities. Council colleagues across the political spectrum who represent island communities regularly tell me that they often struggle to implement many of the changes that are directed by Government and, in common with the three island authorities, they find it difficult to do things such as fund care for the elderly, meet the additional support needs of the most vulnerable people, and assist children as they transition from primary to secondary education.

It is also important to note the diversity of the councils that cover large urban populations and remote island communities. The island-proofing process must be able to fit the unique complexities of all the authorities with islands because, as the report states,

“the success of the Bill will be determined by the practical difference that it makes to individual communities.”

That is the central point. That is how the bill will be judged. The islanders I know are independent minded and robust in their views, and they will be frank and honest if the bill makes no practical difference. It is clear that island proofing is a step in the right direction.

Other members have said that there is a strong case for retrospective impact assessments to be carried out, and I hope that the Government takes heed of those calls. After all, how can we bring about substantial change in our island communities if we island proof only new legislation? I believe that the Government needs

to look at relevant previous legislation and determine whether it is fit for the islands, too. That will be no mean feat, but if we want to get this right, we must attempt it.

Beyond the intricacies of the bill, many members have mentioned the difficulties that islanders face nowadays. They have an ageing population; they face high delivery charges, high building costs and high fuel costs; and far too many premises still do not have a broadband connection. An issue that many island communities mention to me is the risk of depopulation. Argyll and Bute has a particular problem in that respect. Reversing that trend must be at the heart of the bill.

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** As far as broadband is concerned, Mr Cameron knows that we have the £600 million reaching 100 per cent scheme, almost all of which is funded by the Scottish Government—the UK Government proposes to contribute only 3 per cent. Will Mr Cameron join us in calling on the UK Government to increase its contribution to that scheme from a measly and pathetic 3 per cent of the total?

**Donald Cameron:** I will not rise to the bait, although I will mention that I have spoken to a business that could have set up anywhere, but which did so in the Western Isles. It had to move away after a couple of years, because it did not have a good enough signal or broadband of sufficient quality. That is the reality.

I welcome the bill's intentions, and I sincerely thank local authorities for their efforts in driving it forward. It is essential that its provisions do not become empty words. The Scottish Government needs to clarify the overarching aim of the plan, to incorporate in the process those councils that have already worked so hard in developing it and to ensure that the bill is meaningful for all our island communities.

16:04

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** As a non-declaration of interests, I say that there are no islands in my constituency. However, I am a member of the Rural Economy and Connectivity Committee, so I thank the clerks and all who gave evidence during stage 1.

I particularly enjoyed the opportunity to visit Mull and to hear at first hand how the bill will impact positively on communities. That was the only island visit that I managed to go on.

We have had much ground-breaking legislation in Parliament recently: the bill is certainly in that category. It aims to offer greater powers to the

islands local authorities and to meet the specific challenges of their communities. Our island communities face a host of issues including depopulation, housing, transport and jobs. We must accept that the challenges in addressing those issues are different from the challenges in addressing similar issues on the mainland, which is why we need the bill.

The bill includes giving islands councils powers over activities that take place on or around their coastlines—the hope being that communities there can benefit from greater empowerment. I welcome the positive contributions of the islands authorities, which have fought for more powers for a long time.

The main principles of the bill include the creation of a national islands plan, which will set out the main objectives and strategies of the Scottish Government, including greater flexibility around councillor representation in island communities. I believe that my colleague Richard Lyle will talk a bit more about that later. It also includes extending to islands councils powers in relation to marine licensing.

I want to concentrate on a couple of areas. Tourism is probably most relevant to me. I recall my first trip to Skye many years ago—I say that Skye is an island—on a clear weekend with beautiful scenery and eagles flying in the sky. On the Sunday, it was difficult to find open shops or to get fuel for the car. Those were all new experiences.

As a member of the committee, how do I hope the bill will benefit tourism? Better transport and accessibility should increase tourism. People can fall in love with places like Skye and want to stay there, which helps to address depopulation issues.

The £6 million rural tourism infrastructure fund was announced by the First Minister in October to support sustainable growth in rural tourism across Scotland. The latest figures indicate notable increases in visitor numbers to rural tourism sites, and I am pleased with that. I know that Skye is one of those areas, but there was a lot of bad press about it which, I have to confess, I do not totally understand. I would have thought that an increase would be a good thing, but I stand to be corrected if that is not the case. Of course, we also have the “Outlander” effect at the moment, which means that people are visiting Historic Environment Scotland sites.

We have also touched on the broadband issue: it is talked about a lot in the chamber and at the Rural Economy and Connectivity Committee. Achieving better connectivity through providing broadband and through making it faster where it already exists will provide more scope for people to run sustainable businesses. Business brings people, which is good for island communities.

The SNP will build on earlier successes and, through the reaching 100 per cent programme—R100—and its £600 million, we will deliver a future-proofed national fibre broadband network that will make rural Scotland one of the best-connected places in Europe, and will underpin future economic growth. By the end of 2021, Scotland will be the only part of the UK where every single home and business can access superfast broadband. That is the level of commitment to all our communities.

It is worth mentioning equalities: the committee report welcomes the potential of the bill to improve equalities. In evidence, we heard about occupational segregation between men and women on the islands, and about issues around equality for the lesbian, gay, bisexual and transgender communities.

We did not take a lot of evidence on Brexit but, again, question marks hang over the status of EU citizens who work in our tourism and other sectors. On human rights, we discussed the lack of nursing homes and foster placements, and what people do when they need those services. People often need to leave the islands to go into a home, for example.

It is also worth mentioning how we scrutinised the bill. My colleague Jenny Gilruth is on the record talking about how the committee is all male, apart from the deputy convener, Gail Ross. It is worth recognising that we scrutinised the bill in that context. We should reflect on that.

Presiding Officer—you will know that I always take time to talk about my constituency in every debate in which I speak. From the outside, it might seem as though there is no link between the bill and Coatbridge and Chryston. In my opinion, that is untrue. One of the themes in committee was that many of the issues that island communities face are also faced on the rural mainland, as Gail Ross and others have mentioned.

This innovative bill can perhaps lead the way and teach us how to proof all our communities. I was born and raised in the largest and most urban part of my constituency—Coatbridge—but since being elected I have made it my business to understand the village communities that make up the Chryston part of the constituency name. There are some striking similarities with what we have heard about the islands. All the villages—Stepps, Chryston, Moodiesburn, Gartcosh, Glenboig and Muirhead—have fairly small populations but unique identities and issues, and they have passionate communities.

Working-class Moodiesburn has shocking poverty and health statistics, and is home to the Auchengeich miners memorial site, but, ironically, it has very little in the way of health and leisure

facilities. There is a feeling that it has been left out in the transfer of the health boards. In more affluent Stepps, where many older people live, the last bank in town, the Royal Bank of Scotland, is being stripped from the community, and those people also face the closure of the only care home that covers the whole village area. The issue in those towns, including Gartcosh, is perhaps expansion rather than depopulation. We maybe need to think about how village identities can be maintained and how people's voices can be heard. The list could go on—

**The Deputy Presiding Officer:** No it cannot, because you have had your six minutes.

**Fulton MacGregor:** The Islands (Scotland) Bill can lead on those issues for all communities.

16:11

**Lewis Macdonald (North East Scotland) (Lab):** Action to support Scotland's islands is a good thing, but we need to be clear about what kind of action is needed and on which islands. That is why part 1 of the bill is important. Definitions matter; no amount of detailed provision will achieve the desired effect if the definitions fail to make it clear where the law will apply, or if the definitions are too narrow. I could mention the High Hedges (Scotland) Act 2013 as a recent example of such a failure, but that is for another day.

This bill's definition of "island", as we have heard, is now uncontroversial, and that is good. The problem is that the bill makes a distinction in law between inhabited and uninhabited islands, which in the context of the history and culture of Scotland's islands is unnecessary and undesirable.

New legal categories such as "inhabited island", "permanently inhabited island" and "island communities" are not required in order to deliver the policy purposes of the bill; island communities are not defined by counting heads.

For example, the isle of Harris, which I know well, is a permanently inhabited island with a very strong sense of identity and community. However, the community of Harris does not stop at its beaches—fabulous though so many of them are. The inhabited islands of Scalpay and Berneray off Harris are strong communities in their own right and more than meet the criteria in the bill. They are also part of the community of Hearachs—Harris people—and they are seen as such by the people who live there and by those who live on Harris itself.

The wider community does not stop there. Taransay, Scarp, Ensay and St Kilda all ceased to be permanently inhabited in the 20th century, and

Pabbay was cleared for sheep in the 19th century. That does not mean that they have ceased to be islands with a history and culture of their own, nor does it mean that they have ceased to be part of the wider community of Harris.

St Kilda is well known. It is a world heritage site that belongs to the National Trust for Scotland, which works to conserve and protect the natural environment and the cultural heritage of the St Kilda islands in partnership with Scottish Natural Heritage and the Ministry of Defence.

Taransay hit the nation's television screens with the series "Castaway", which was one of the first—and certainly one of the best—reality TV series of this century. Scarp is famous for the experiment in rocket post in the 1930s, when people still lived there all year round. Pabbay and Ensay are less well known, but they are still included in the common grazings of crofters in Harris.

A definition of islands communities that excludes any or all of those islands would not reflect the community of Harris as it is understood by Hearachs, and an islands plan that covered Berneray but not Ensay would fail to address in a holistic and joined-up way the challenges that our islands face.

It is misguided, too, to create a legal category of "permanently inhabited" islands. The Law Society of Scotland objects that there is no such concept in Scots law, and proposes "ordinary residence" instead, but in fact neither of those constraints on the application of the bill is necessary or useful.

As far as local council wards are concerned, people included in the register of electors would count, so there is no need for further definition in that regard. However, if there are permanently inhabited islands, then there are, by implication, permanently uninhabited islands too, which is a notion that most islanders would strongly reject.

If Harris crofters can land their sheep on Ensay, that island is within the scope of human habitation, even if there is no one living there at the moment. When I went out to the Shiant Islands on a fast RIB—rigid-inflatable boat—last summer, there were clothes drying on a line next to a house on what this bill will, by default, define as an uninhabited island. What is true for Harris and its satellite islands is surely true for all the island groups, from Shetland to the islands of the Firth of Clyde. Island plans, which could include only permanently inhabited islands and exclude their neighbours, would not properly deal with whole island groups and communities.

For example, as I mentioned to the minister earlier, the policy intention of the bill is said to be to extend the provisions of the Zetland County Council Act 1974 to other island local authorities, but in fact it will limit island licensing areas to

areas including an inhabited island. I can find no such limitation in the Zetland County Council Act, which means that the bill potentially reduces the scope of that act in the Shetland Islands—never mind extending it to other islands.

Neither human habitation nor the lack of it defines an island, nor should depopulation ever be defined by this Parliament as "permanent". Islands that have been emptied of people can be inhabited again, as Vatersay has been. Where that has not been achieved, repopulation is often still the aspiration of those who once lived there or their descendants. To maximise the future potential for living communities in our islands we should plan for each and all of our island groups as whole groups and not only for the currently inhabited parts. If we take that approach, we can also envisage them in a holistic way from the point of view of nature conservation, protecting native species from invasive species, and maximising the tourism and economic potential of all our islands—inhabited or otherwise.

A national islands plan must cover all our islands—those that are inhabited only in the summer, those that are inhabited all year round and those that are currently uninhabited. That way, we can really deliver in support for our island communities the step change that they need and deserve.

16:17

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** Our islands are not mini museums, visitor centres or somebody's play park. They are homes, for the most part. It has never been so important to promote islanders' voices, to harness islands' resources and to enhance the wellbeing of island communities. We talk about remoteness, but the islands are not so much remote from Edinburgh as Edinburgh and London are remote from the islands. That is why the term "island proofing", which has been used frequently in the debate, is so important, because islanders face changes in healthcare, education and public services, as they develop the huge renewable energy potential of their natural resources, and as they use community empowerment legislation and the £10 million community land fund to turn their ideas into reality.

As I see it, all that has one aim: to reverse the trend of depopulation on the islands. One of the greatest challenges, for example, remains recruiting and retaining staff in public services. Another challenge is enabling private businesses to grow by giving them access to talent pools. Just yesterday, the UK Government blocked a Canadian Gaelic teacher from coming to Scotland and starting her new job as a primary school teacher on the Isle of Mull after the role had been

vacant for six months. There are serious questions about recruitment and retention, and about skills and talent pools, and the last thing that we should be doing is clamping down on immigration.

One size does not fit all. Highland Council does what it can in an area the size of Belgium and with a coastline that, including islands, is more than 20 per cent of Scotland's total coastline. Changes that are rubber-stamped in Inverness, Edinburgh or London must recognise the geography of our island communities, where ferry timetables, stormy weather and long distances have got to be factored in. The bill is needed because decision making is not always sufficiently island proofed at the moment. I will give two negative examples of that, followed by two positive examples of where it works.

On healthcare, I have been fighting for overnight out-of-hours cover on the Isle of Raasay for almost two years since I was elected, but NHS Highland has still not recruited somebody to cover those out-of-hours overnight periods on an island whose link to the mainland ceases to exist at 6 pm every night when the ferry stops running and does not recommence until the next morning. It is not possible to hop in the car and get help and it is not always possible for emergency services to dock or land in stormy weather, so why is there still no out-of-hours overnight cover on the Isle of Raasay?

Over the water in Skye, island residents in the far north depend on out-of-hours urgent care in Portree but, despite the hard work and dedication of doctors and nurses there, the too-frequent suspension of that out-of-hours cover is not acceptable, because it is not sustainable.

**Edward Mountain:** I speak at this point as an individual, not as the convener of the committee, as I did earlier. One of the things about people moving to live on islands is the fact that that requires a huge commitment from families. Surely part of the island-proofing process must be to ensure that contracts are sufficiently long term to attract people. That is one of the messages that we should put across.

**Kate Forbes:** I agree. Contracts have to be long term and there have to be decent salaries, but consideration also has to be given to alternative jobs in island communities. That goes back to clamping down on immigration. A lot of people who are working in our health service have come from beyond the UK. We should actively recruit people with the necessary skills in education and healthcare to move to our islands, as we saw with the very effective recruitment campaign for the Isle of Muck.

The Government has a good track record in adapting policy to islands and rural communities, such as the £5 million island housing fund that

complements the £25 million rural housing fund. That is vital because the gap between average incomes and average house prices in our remote communities is too wide, and it is not helped by the high number of holiday homes.

Our island residents know the meaning of the word "resilience". The people of Muck, Rum, Canna, Eigg, Raasay and Skye, to name just a few, have known it for centuries. I am sympathetic to John Scott's point about including remote and rural parts of the mainland, too, given that my family comes from Applecross.

I will close with a brief story, which could just as easily be applied to islands, about how Governments can make or break communities by either investing in them or ignoring them. In August 1883, in a village near Applecross, my great-great-grandfather appeared before the Napier commission to plead for a road. He told the commissioners that 400 people were living in the 12 villages on the north coast of the peninsula and that there were three primary schools but no road. The people promised to build the road themselves and they promised to raise their rents, but the Government would not build them a road. Over the next 100 years, people left and the schools closed. Finally, in the 1970s a bulldozer appeared to blast through the rock as Government funds were finally found to build a road because the Ministry of Defence needed the inner sound for a torpedo range. That is history, but it is the context to the bill. That is why I believe that the bill is making history.

16:23

**Jamie Halcro Johnston (Highlands and Islands) (Con):** As an MSP representing the Highlands and Islands, and as an Orcadian, I welcome the introduction of the bill and the commencement of its legislative process. I extend my thanks to the Rural Economy and Connectivity Committee for its stage 1 report and the scrutiny work that it has undertaken.

Scotland's island communities are distinct societies with distinct identities within Scotland and the wider United Kingdom. Those communities have long histories that are intertwined with but often separate from Scotland as a whole.

I was only four years old when my family moved home to Orkney in 1979. There is no doubt that, even since then, the islands have changed. We have welcomed many newcomers to our shores over the centuries, and they have made a huge and positive contribution to island life, but our rich and distinct island heritage has not been lost and, importantly, it needs to be recognised, cherished and protected.

In one way, the bill is unusual—it was not introduced at the behest of a political party, but resulted from the campaigning of the islands' representatives themselves. I welcome the fact that this work, led by the island authorities—particularly through the our islands, our future campaign—is raising the particular needs of island communities up the political agenda, at both Scottish and UK levels.

It is fundamental to any attempt to build and expand local democracy that communities are involved from the outset, and that their views and our views are taken into account throughout the process. A key part of this islands agenda will be the agreement of a coherent and robust national islands plan by the Scottish Government. The bill enables this but does not develop it; the islands agenda will be on-going and it must receive the attention and resources that it merits in the coming months and years.

As mentioned by my colleague Edward Mountain, who spoke on behalf of the Rural Economy and Connectivity Committee, the islands each have their own individual identities. I support the committee's broad objective to ensure that local authorities also have island-level planning. We often speak of the islands facing challenges—in the delivery of public services, the availability of local employment, in relation to local infrastructure and in ensuring their communities' sustainability for the generations ahead. In that, as John Scott and Gail Ross mentioned, the islands share many of the issues that are faced by remote and rural communities in mainland Scotland, where public services may be distant and connectivity may be poor. The islands serve as a helpful reminder that policy decisions made in Edinburgh must work not just for the populated central belt or the lowlands, but for Scotland in its entirety.

The bill's commitment to island impact assessments is welcome and expectations are high that the Scottish Government and the 66 public bodies referenced in the bill will take full notice of the outcome of those assessments and address the need to mitigate policy choices that may have a negative effect on island communities.

In its response to the committee, the Scottish Government outlined that it accepted in principle that retrospective assessment of policies could take place where specific issues are highlighted. Additional clarity from ministers on how such a mechanism could be triggered would be welcome, because it is clear that there are policy decisions that have held the islands back. We know from recent figures that the islands lag seriously behind mainland Scotland and the rest of the UK in access to broadband as well as 4G connectivity and yet these are communities where, in many cases, the benefits of such connectivity could be

greater than the benefits for mainland communities.

The wider point is that the impact must be interpreted as being about examining not only where islands are disadvantaged by change, but where they are left behind when change is being implemented in mainland communities. Within the island authorities, additional issues are often faced by the smaller islands, particularly in Orkney and Shetland. I am concerned that insufficient attention has been paid to those cases, where public services can often be at their most distant.

Sometimes, the wrong sort of investment can be a problem. During a trip to Westray, one of Orkney's islands, in 2016, some residents told me that the broadband roll-out has left them with a less reliable and slower service than the satellite connections they had been encouraged to move away from. Island-level planning, as I mentioned previously, is one solution, but equally, island needs must be considered as part of wider planning from the Scottish Government.

Kate Forbes mentioned health services. At the end of last year, I spoke to the Cabinet Secretary for Health and Sport about the challenges facing Stronsay's general practice; NHS Orkney suspended the resident medical team and reduced the service pending a review. Such services are vital and their importance should be understood across all tiers of government.

The private sector is of course a key provider of services to the islands. Although Orkney and Shetland have not been affected by the current round of RBS branch closures, we often see businesses and residents struggling when key services move away. The committee certainly recognised that the Scottish Government cannot place requirements on the private sector—although the Government's response contained some welcome points on procurement—but I suggest that ministers could, in some cases, assess the level of access to such services as part of a wider view of island communities and their sustainability. That can affect how public services ought to be delivered, as well as highlight opportunities where the Scottish Government may be able to exert influence to positive effect.

There is hope on the islands that the bill could serve as a first step in giving greater recognition at the heart of Government to the priorities of island communities. Although I have joined colleagues and the committee in noting a number of concerns and areas in which further detail would be helpful, the bill remains a positive starting point for those discussions.

16:29

**Richard Lyle (Uddingston and Bellshill) (SNP):** I am delighted to contribute to this stage 1 debate on the Islands (Scotland) Bill, particularly as a member of the Rural Economy and Connectivity Committee, which takes a keen interest in the areas that the bill addresses. I pay tribute to all who gave evidence, the clerks, the convener and members of the committee, and, of course, Humza Yousaf, the Minister for Transport and the Islands.

I begin by reflecting on how historic, frankly, the bill can and will be. It will address the unique needs of Scotland's islands, now and in the future. I hope that it will create the right environment for sustainable growth and, importantly, that it will empower communities. The development of the bill has had many milestones, and it is only right to acknowledge the Government's work in getting us to where we are. I refer in particular to the work of the island areas ministerial working group, which responded to the our islands, our future campaign of Orkney Islands Council, Shetland Islands Council and Western Isles Council in 2013.

In 2014, the group published the prospectus "Empowering Scotland's Island Communities", which confirmed a commitment to principles of subsidiarity and local governance. The prospectus included a series of measures that were unanimously endorsed by the group, and the group reflected those principles by adopting the idea that decisions about island communities are best determined if they are made by those who know them best—the island communities themselves. The development of the measures was based on three fundamental objectives: promoting the voices of the islanders; harnessing island resources; and enhancing the wellbeing of our island communities.

In November 2014, the Government fulfilled the commitment that was made in the prospectus. I believe that the Government continues to provide a focus on the issues that are most important to all Scotland's island communities and a voice for those communities at its centre.

A key commitment in the SNP manifesto in 2016 was that the party would

"consult on, and bring forward, an Islands Bill to reflect the unique needs of these communities and implement our ten-point manifesto for our islands".

In addition, in its programme for government that year, the Government announced:

"to help the islands build a more prosperous and fairer future for their communities, we will introduce an Islands Bill and the new Islands Strategic Group will meet for the first time in the autumn to begin its work on the creation of a National Islands Plan".

This is, indeed, a historic moment. The bill can be thought of as a key point—the culmination of many efforts made over the years by the SNP Government to deliver for our island communities.

Of course, we will always continue to do more and deliver the best outcomes for all Scotland's communities. That is why the SNP has already invested £6 million in the rural tourism fund, which was announced by the First Minister on 10 October to support sustainable growth in rural tourism across Scotland, but especially in our island communities. We heard from the Cabinet Secretary for Finance and the Constitution that there is a further commitment in the budget to deliver for our island communities through the funding that has been assigned.

As a member of the REC Committee, I was delighted that it recommended to Parliament that the general principles of the bill be agreed. The committee's consideration of the bill meant an opportunity for members to visit areas. I took part in visits to Mull and Orkney, as well as engaging digitally with Arran islanders and islanders who attend the University of the Highlands and Islands. All that engagement by the committee helped us to better understand the context in which the bill sits.

I am particularly pleased about the proposal to look at improved councillor representation for the islands. I am sure that that issue will be looked at closely as the bill progresses, and I hope that the Boundary Commission for Scotland will work closely with local authorities that have islands to ensure that they have the number of councillors that they deserve.

I was a councillor for 36 years, and I know that the needs of constituents require attention daily. I have been reminded that I was a councillor for a year before Jamie Halcro Johnston was born. [*Laughter.*] I agree that I look young for my age. Islanders must have the representation that they deserve so that their needs are represented in local authorities. There is a suggestion that island councillors may have a closer working arrangement with the council administration; many of them would welcome that, and I hope that it will happen.

I am also pleased by the record support for Scotland's islands by our SNP Government as we work to tackle the many changes and challenges faced by island communities. Of course, that work can only be done, as it has been, by working in partnership with island communities, local authorities and other organisations to support the delivery of policy and change. Local authority partners and the Scottish Government have shown that, by working together, we can deliver positive outcomes in all our communities.



With regard to how the bill's ambitions will be delivered, the bill requires the Government to island proof future legislation and policies. That means that, by law, our island communities will not be forgotten again and will always have a voice. Scottish ministers and relevant public bodies will be required to take into account the interests of island communities. I believe that they will do that. I wish the bill well.

**The Deputy Presiding Officer:** I call Rhoda Grant to close for Labour in six minutes or thereabouts. I see that you have got my cold, Ms Grant—although it is not mine but one that is going round.

16:35

**Rhoda Grant (Highlands and Islands) (Lab):** I sincerely wish that you had kept it to yourself, Presiding Officer. [*Laughter.*]

We on the Labour benches are happy to support the Islands (Scotland) Bill. It has the potential to make a step change in how islands are governed by empowering them to make decisions that affect their own future. However, the bill as it stands is far too timid and will achieve nothing unless it is strengthened. As David Stewart said, the bill is a tribute to the work of the three islands councils and their vision in the our islands, our future campaign. I hope that we can strengthen the bill to realise their dream.

We need high-level objectives in the bill, but I was disappointed to hear that the minister appears not to be keen on that. At the moment, the bill is simply warm words. It needs to be clear about why we are legislating. Colin Smyth said that the bill needs to have ambition in order for it to meet its aspirations. There are high expectations of what the bill can and will do, but those are not in the bill in its current form.

I believe that we need to have high-level expectations in the bill in relation to issues such as depopulation, which Donald Cameron spoke about. Last week, Community Land Scotland put forward a submission on the Planning (Scotland) Bill that addressed the issue of repopulation. Lewis Macdonald illustrated that issue in much more detail in his speech than I will be able to in this one when he talked about Taransay, St Kilda and Scarp and giving life to the policy of repopulation in places that were depopulated in the past. Angus MacDonald illustrated that point well from a personal point of view when he talked about the "scunnered factor" in illustrating why people leave. They do so because they have had enough: they fight against the elements for so long, but eventually they cannot fight any more and they leave.

That point has been recognised by the EU, and I think that that is why so many of us have concerns about Brexit. The EU recognises subsidiarity—David Stewart talked about that in some detail—and the need for local decision making. It also recognises that certain areas have permanent handicaps, which is true of our island communities.

**John Scott:** Does the member acknowledge that, regrettably, the desertification that she describes as taking place in the islands is also a feature of our remote and rural communities, and that it is a much wider problem, which needs to be addressed?

**Rhoda Grant:** Indeed I do. I come from an area where that has happened, and I recognise that it happens in remote and rural areas. However, it is worse in the islands because people have to cross the sea to get to services. We can find answers to some of those questions through the bill, and those answers could then be rolled out throughout rural areas as good practice, to everyone's benefit. It is not about pitting people against people; it is about trying to find better ways to support communities and repopulate areas, which is incredibly important.

Some more work is needed on island impact assessments, or island proofing, because I do not think that all the organisations that affect islands and islanders' wellbeing are covered. We must look at the list of bodies that will need to island proof their policies, and the Government must issue clear guidelines on how they are to carry out the impact assessments—Mike Rumbles made that point in his speech.

There must be a mechanism for a right of appeal, otherwise island proofing will just become a tick-box exercise, which will not help anyone. We also need retrospective assessments, and there must be a mechanism in the bill for that, too. John Finnie said that not all legislation should be revisited, and of course he is right. However, we all know of pieces of legislation that have serious impacts on island communities. We need to look back and, where there is a united expectation that things are going to be dealt with and enough people are asking for it, there needs to be a mechanism to allow that to happen.

So much of the bill hangs on the national islands plan. Very little detail appears in the bill and we are promised that all the detail will be contained in the islands plan. The bill should state the overarching principles, while the islands plan should say how they will be followed. It is important that there is an islands plan, but we must also recognise that all islands are different, and the plan must cover those differences as well as what binds islands together.

One example of how we can island proof—and indeed of how the islands plan needs to work—is to recognise how the islands differ. John Finnie talked about local contractors. When we were on Orkney, we noticed that the local hospital had put in a wood-burning stove. They have no wood in Orkney, but they have loads of cheap electricity, so that seemed absolutely crazy and a really bad policy.

John Mason talked about how the committee went out and about to a lot of the islands. My colleague Colin Smyth said to me that I had all the fun on the committee and now he has the heavy lifting to do, but I see those islands all the time. It is a real privilege to represent all but two of Scotland's inhabited islands. I have a distinct knowledge of what they need if we are to make a real difference, and it is ambition. The three islands councils had the ambition to come forward with the our islands, our future campaign, which brought the legislation to this stage. We need to meet that ambition and those expectations and strengthen the bill at stage 2.

**The Deputy Presiding Officer:** I call Jamie Greene to close for the Conservatives. You have eight minutes, please, Mr Greene.

16:42

**Jamie Greene (West Scotland) (Con):** Presiding Officer,

“No man is an island, entire of itself”.

Those are, of course, the famous words not of John Mason but of John Donne in his famous 17th century poem, but the reality is that islands are entire of themselves in many ways: they face a unique set of challenges that mainlanders do not always face or even understand. A weekend in Millport or a week in August on the Isle of Arran might give people a flavour of the beauty of our islands or the warm reception that visitors receive there, but it probably does not give them an inside perspective on the difficulties that locals face.

Our island constituents come to us as members of the Scottish Parliament and rightfully point out discrepancies in access to public services, be it someone who needs to travel to the mainland to see a hospital consultant being given an appointment before the arrival of the first ferry, or the cost of importing goods when people are trying build a home of their own on an island. They all share common difficulties including the cost of petrol on islands, the lack of mains gas, the inflated prices of groceries and, often, the poor state of many of their roads.

Scotland's 93 islands make up 2 per cent of our population, but the population of many of them and the business that is done there will balloon

during the busy peak season. They are at the very heart of what makes Scotland unique on the international stage. Tourists flock to visit their distilleries, climb their mountains and sail their coasts. However, they are also home to people. Their thriving communities face harsh weather conditions, making connectivity tricky, and although their economies have changed and evolved, many are still struggling. In addition, their public services are struggling to recruit and retain doctors, teachers and carers. Kate Forbes eloquently outlined some practical examples of the illogical provision of public services.

Although many policies that aim to improve island life are welcome, such as RET, we also took evidence from islanders on some of the negative effects that inflated visitor numbers can have on the infrastructure of islands. Those islands that have not seen an exodus of their enthusiastic young generation are growing, but with an ageing population, as many flock to retire on islands and enjoy the next chapter of their lives with the stunning views and friendly communities that islands offer. All of that comes at a price, and we have a responsibility to address those challenges.

My colleague John Scott reminded us that the bill was not born out of top-down Government or party-political motivations, but has grown from a grass-roots need to look at how public bodies address inequalities on islands. For that reason, I, too, commend the work of the our islands, our future campaign.

As a member of the Rural Economy and Connectivity Committee, I have been privileged to have had a glimpse into island life through our visits and evidence sessions. While we sit in the wood-lined committee rooms here at Holyrood, it is easy to forget that the work that we do here affects those on the other side of a Loganair flight.

Islands are diverse and as different as rural Scotland is to urban Scotland. Indeed, island groups themselves often struggle with the remoteness of some of their own island communities, who feel as though their island's mainland is just as disconnected from them as the mainland's mainland. Our committee took a trip to Mull and Orkney, and we spoke to people with that very view. It is neither a criticism of the bill nor an expression of disappointment in it to say that, by its very nature, it is a one-size-fits-all measure, because it has to meet its objective as an enabling bill. However, we should remember that such an approach will not work for our communities when it comes to the national islands plan. As Edward Mountain and Colin Smyth mentioned, each island has an individual identity that must be taken into account in the production of the plan.

I would also like to touch briefly on some of the other issues that were raised today. In the committee's evidence sessions, HIE made some important comments—they have also been made by members in the debate—about the issues that are faced by islands being the same as those that are faced by other remote rural communities. Although the bill is focused on islands, its consequences should not negatively affect or impact other rural communities: if anything, it is an opportunity to have a positive influence on them.

Much has also been said about the request from the committee, in its report, that the Government should consider a high-level aim or objective for the bill. I should add that that request came not from MSPs but from members of the community. I recall sitting around the table with a group on our visit to Mull. There was unanimous agreement that what was lacking in the bill was a high-level objective, which meant that it was difficult to see what its overarching outcome would be. It was felt that, rather than saying just that we should “have regard to” islands, it should have measurable objectives so that we, as a Parliament, could look back and decide whether the bill had achieved what it was meant to. Notwithstanding the legal implications around the language that might be used to achieve that, I ask the minister not to rule it out, given the broad support for it.

Another important issue that was raised was the retrospective scope of the bill. I agree that it would be unreasonable to propose a blanket retrospective assessment of all current policies or all service changes that have been made by every public body since devolution. However, there may be existing policies that could and should be looked at if they are currently deemed to be negatively affecting islands, and we need to ask what the mechanism for doing that is. In a similar vein, the committee recommended that islanders should have a clear mechanism to appeal against or object to an island impact assessment decision.

Perhaps the issue around the bill that carried the most contention was that of expectations. The concept of island proofing has been discussed at great length, both in the committee and in the chamber. The term “island proofing” has been used interchangeably with “island impact assessments”, but the two things are not the same. Much could be said about whether we can properly island proof all decisions that are made by all public bodies and all Government departments. If we were truly to do so, the cost would be unparalleled and probably unthinkable. The biggest risk facing us as we present the bill to Parliament and to the communities that it seeks to serve is that of raising false hope and expectations.

Many members spoke with concern about the financing of the bill and the need for clarity over the effect that it has on funding decisions. At present, the only costs that are outlined in the financial memorandum relate to delivery of the duties in the bill. I want to put this into context: this is not about Opposition parties asking for more money. Instead, it is an honest realisation by us all that true island proofing comes at a cost.

I am pleased to support the bill as a welcome step forward in how the Government and its public agencies address our island communities. We must ensure that its outcome is a robust national islands plan that reflects islanders' priorities and which has clear outcomes and targets and measurable indicators. We must have honesty and transparency from Government to ensure that, when it makes decisions that might have a negative impact on islanders, it is honest about them and accepts that resources or funds might not be available to mitigate the consequences of every action that it takes. The bill's end product should be a tangible and noticeable shift in mindset when decisions are made in the lofty offices of Government in Glasgow and Edinburgh that affect people on islands. We cannot just have warm words without any action or weight.

I ask the minister to consider the recommendations of the stage 1 report in his response. We welcome the bill, but policy decisions that are being made today should already be mainstreamed and ingrained in the culture. We do not need a bill to consider islands—that kind of work can be done today. Expectations are high among islanders, and we cannot let them down.

16:51

**Humza Yousaf:** This has been an excellent debate, and the speeches across the chamber have certainly given me and my officials a lot to reflect on.

I will try to address some key themes but, first, I note that the debate has been largely consensual. There has even been praise from some members of the Opposition. I am sure that this will not be the kiss of death to him, but if there was one member of the Opposition I would want praise from, it would be David Stewart. Without him, I would never have known about the Japanese Remote Islands Development Act of 1953. After hearing about it at the committee, I looked it up for the purposes of research; although most of the information was in Japanese, I now know that in Japan there are 421 inhabited islands out of a total of 7,000. Every day is an education with David Stewart as a committee member.

As I have said, I want to address some of the key themes of the debate, and I want to get right into the issue of expectation management, which I believe was raised by almost every speaker. When I have travelled to the islands, I have tried to ensure that people do have expectations for the bill, but I have also pointed out that we are doing more than what is in the bill itself. We are taking forward a whole suite of measures for our islands; for example, there is the Scottish Crown Estate Bill, the community empowerment legislation and, indeed, the national islands plan. I want to ensure that the bill is seen not in isolation but as part of a suite of measures.

Many members also talked about putting a high-level objective into the bill. I have listened to the reasoning and rationale behind that proposal; although I am not convinced, I accept that many members across the chamber are, and I therefore promise to reflect further on the matter. I would say, though, that a reason for not putting a high-level objective into the bill is that it would not have any meaningful legal effect, which is, after all, why legislation should be there. It could be in the national islands plan or guidance, but I hear what the chamber is saying in that respect.

**Mike Rumbles:** Of course, in the Scotland Act 1998, Donald Dewar famously said:

“There shall be a Scottish Parliament.”

That is the sort of high-level objective that we are talking about. Surely if it was good enough for the Scotland Act 1998, it is good enough for this bill.

**Humza Yousaf:** Somebody else made the same point about the Scotland Act 1998. As I have said, I am not closed minded; I will listen to members. Indeed, I suspect that members will lodge an amendment at stage 2 to that effect. Let us not be closed minded about this.

As for some of the other important issues and key themes that have been raised in the debate, I note that, with regard to the suite of measures that we are taking forward, some members mentioned the financial memorandum and suggested that the finances for the national islands plan have not been accounted for. However, the fact is that I do not have a crystal ball. The plan is not just my plan; it is our plan, and every single one of us will be involved in its development. I will be discussing with the cabinet secretary, who is sitting to my left, the financial resource that will need to be put behind it once it has been developed.

Many members also mentioned statutory local island plans. As I said in my response to the committee, I will have that conversation with local authorities; indeed, I would rather do this with the authorities instead of imposing it on them. However, I am very aware of what members have

said about that. I suspect that it will come about organically, anyway.

Other key themes that were mentioned in relation to the national islands plan concerned having national targets and measures that can be monitored and evaluated. I agree that the national islands plan has to be meaningful, and perhaps measurable targets and so on will be part of that. As I said, the national islands plan will be a consultative effort and I will therefore not be closed minded to such suggestions.

Gail Ross and Colin Smyth mentioned the need to give consideration to having national heritage in the bill. Again, that might be something that we can consider in the national islands plan. Once again, to continue the theme that I have followed since the beginning of this bill process, I will not be closed minded to that suggestion.

**Gail Ross:** Alongside the issue of heritage, does the minister agree that the massive renewable energy potential of the Scottish islands still needs to be realised?

**Humza Yousaf:** Yes, without a doubt. Of course, for many places to which I have travelled, such as Orkney, the issue of renewable energy is not just about the beneficial impact that it can bring but about the innovative technology that is being tested. Of course, we welcome the UK Government's U-turn on this issue, which was brought about through pressure from my colleagues Paul Wheelhouse and Fergus Ewing among many others.

The chamber has clearly said that there needs to be some clarity about the definition of island proofing and island impact assessments. We will absolutely reflect on that. I should say that island impact assessments involve a process that is similar to the process for equality impact assessments. We have an extremely robust process for screening, evidence gathering, assessing, decision making, signing off and publishing. However, clearly, all of us agree that we do not want to have a simple tick-box exercise. Therefore, we will ensure that we reflect on the issues before the statutory guidance goes forward.

**Jamie Greene:** What does the minister think will happen in the event that an island impact assessment produces an outcome that states that a Government policy decision will have a negative impact on island communities? Is it likely that that decision would be reconsidered at that stage or that additional funds might be provided to mitigate the consequences of the decision? In practical terms, that would be real island proofing.

**Humza Yousaf:** I am conscious of time, so I will send Jamie Greene the example that I have just given of the equality impact assessment. Because of the five stages in the equality impact

assessment, the scenario that he mentions should generally be avoided. That is one example, and I will send that to him.

I want to make some progress, because my time is limited. On the issue of island proofing, I refer to the point that Kate Forbes made very well about immigration. Undoubtedly, one of the biggest challenges that our islands face is depopulation. It would be useful if the UK Government could consider what we are going to do in relation to island proofing because, although we have some of the levers in our hands, many of the other levers that would help to reverse the trajectory of depopulation are in the hands of the UK Government.

I thought that Gail Ross, John Scott and others made good points about rural proofing as well as island proofing. Having travelled across much of Scotland, I know that the challenges that are faced by rural communities may well be just as challenging and difficult as those that are faced by many of our island communities.

**David Stewart:** Will the member take an intervention?

**Humza Yousaf:** I have only a minute left, but as the member is my favourite member of the Opposition, I will of course give way.

**David Stewart:** That just ruined my career.

I would like the minister to clarify a technical point. Will the Zetland County Council Act 1974 and the Orkney County Council Act 1974 be repealed or replaced?

**Humza Yousaf:** No; we have no intention of doing that.

In the time that I have left, I will address the points that were made by Mr Stewart's colleague Lewis Macdonald. They were largely the points that were made in the submission from the Law Society, which I thought was useful and helpful. The definition of island community goes beyond geography. Section 2(b) makes clear that the meaning of the phrase goes beyond geography, saying that it

"is based on common interest, identity or geography."

The definitions in the bill work for the purposes required. Uninhabited islands can absolutely be covered by the national islands plan—we have said that already.

Lewis Macdonald made many points about potential unintended consequences, and although I cannot go into them all given that I am in the last minute of my speech, we will reflect on the Law Society's submission.

The Islands (Scotland) Bill is historic—I am pleased that members from all parties recognise

that. Although I am proud to be the minister to introduce the bill, I must thank my predecessors—including the first-ever minister with responsibility for the islands, Derek Mackay—the local authorities, the islands strategic group and the committee, which gave such careful consideration to the bill. If we get it right, as we intend to, and take the other measures that I have talked about, I hope that we will reverse the depopulation of our islands.

We know that our islands represent 2 per cent of the population of Scotland, but their value to Scotland is immeasurable. As a boy who was born, bred and raised in Glasgow, it has been a great pleasure and honour for me to travel to 30-plus islands across Scotland. I intend to do the bill justice. I thank members for their careful consideration, speeches and suggestions. I look forward to passing what will be a historic piece of legislation.

## Point of Order

17:01

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer—*[Interruption.]* In 10 years, I have never forgotten to insert my card for the microphone, but now I have done it twice in one week.

Presiding Officer, I want to raise a point of order under rule 3.1(d) of the standing orders, which states that your role as Presiding Officer includes the responsibility to

“represent the Parliament in discussions and exchanges with any parliamentary, governmental, administrative or other body, whether within or outwith the United Kingdom”,

and under chapter 15 of the standing orders, the purpose of which is to ensure that parliamentary scrutiny takes place in a spirit of openness and accessibility.

Yesterday, the UK Government wrote to you regarding material that it wished to make available to MSPs to examine on an extraordinarily limited basis and on the condition of secrecy. That letter was sent to business managers and committee conveners at 1 o'clock, which was at the end of the first session of that limited availability. The remainder of those sessions are either during times when the Parliament is meeting or when MSPs are in their constituencies and regions. I have been told that, of the small number of members who managed to make it to the limited session this afternoon, many were given the opportunity to look at only even-numbered pages, turning an insult into a farce.

Presiding Officer, what was your response to the UK Government on behalf of the Parliament in respect of the absurd and limited amount of scrutiny that was made available to us? Mr Walker, the UK minister, describes it as facilitating parliamentary scrutiny, yet parliamentary scrutiny must be transparent and open in the spirit of chapter 15 of our standing orders. I hope that you will communicate to the UK Government the Scottish Parliament's rejection of that sign of complete contempt.

**The Presiding Officer (Ken Macintosh):** Thank you for advance notice of your point of order, Mr Harvie. I am not surprised to hear you express your dismay in such a manner.

For your information and that of other members, I note that my office circulated the letter to business managers and conveners of the relevant committees as soon as I was aware of it, which was at lunch time, following First Minister's question time.

I fully understand the concerns that you raise, and I agree that the arrangements that have been put in place for members of the Scottish Parliament to view the documents offer limited opportunity for scrutiny and, further, that it was unhelpful to receive such late notice of those proposals. I trust that the UK Government will reflect on the arrangements that it has put in place. If you wish to raise your objections further, I advise you to do so directly with the UK Government.

## Islands (Scotland) Bill: Financial Resolution

17:04

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of motion S5M-09803, in the name of Derek Mackay, on the financial resolution for the Islands (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Islands (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Derek Mackay*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Decision Time

17:04

**The Presiding Officer (Ken Macintosh):** There are two questions to be put as a result of today's business. The first question is, that motion S5M-10358, in the name of Humza Yousaf, on the Islands (Scotland) Bill at stage 1, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Islands (Scotland) Bill.

**The Presiding Officer:** The second and final question is that motion S5M-09803, in the name of Derek Mackay, on the financial resolution for the Islands (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Islands (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

*Meeting closed at 17:05.*





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