

# Citizen Participation and Public Petitions Committee

7th Meeting, 2022 (Session 6), Wednesday 4  
May 2022

PE1862: Introduce community representation  
on boards of public organisations delivering  
lifeline services to island communities

## Note by the Clerk

<b>Lodged on</b>	24 March 2021
<b>Petitioner</b>	Rona MacKay, Angus Campbell & Naomi Bremner on behalf of Uist Economic Task Force
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations delivering lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1862">https://petitions.parliament.scot/petitions/PE1862</a>

## Introduction

1. The Committee last considered this petition at its meeting on [2 February 2022](#). At that meeting, the Committee agreed to write to the Cabinet Secretary for Rural Affairs and Islands.
2. The Committee also suggested that the Clerks liaise with the Clerks of the Net Zero, Energy and Transport (NZET) Committee to establish whether the issues raised in this petition might feature in their work programme. The CPPPC Clerks have been in touch with the Clerk for the NZET Committee and our understanding is that whilst there is some work planned in relation to ferries, it is unlikely this will focus on the specific issues raised in this petition.
3. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.

4. The Committee has received a new response from the Minister for Transport, which is set out in **Annexe C**.
5. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
6. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
7. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

## Action

The Committee is invited to consider what action it wishes to take.

**Clerk to the Committee**

## Annexe A

# PE1862: Introduce community representation on boards of public organisations delivering lifeline services to island communities

## Petitioner

Rona MacKay, Angus Campbell & Naomi Bremner on behalf of Uist Economic Task Force

## Date lodged

24 March 2021

## Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations delivering lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018.

## Previous action

Raised issue with the MSPs Beatrice Wishart, Liam McArthur and Alasdair Allan.

## Background information

One of the strategic objectives of the National Islands Plan is designed to empower island communities and strong local partnerships.

We believe that public organisations delivering lifeline services to island communities, such as the Highlands and Islands Airport Ltd (HIAL), should have representation from those communities on their boards. We also believe that this is in line with the National Islands Plan.

We believe this change will empower our communities based on a cohesive, place-based and holistic approach to policy. It will build economic, social and environmental considerations in an integrated approach to strategy for the infrastructure and services that support our lifeline services. We believe that local knowledge should be viewed as

an essential skill for the Boards of organisations accountable to the Scottish Government. Such knowledge would bring an appreciation and understanding of local community needs relevant to the service which is being delivered. In particular, we believe that local knowledge will bring insight to boards into economic and infrastructure development, local investment and planning, employment, housing, education and health and social care and how these relate to the service the public organisation provides.

This petition comes in the spirit of delivering active change as the communities have overseen community ownership transfers such that much of our land ownership and decision-making is now made in the islands and Caithness by communities themselves. We make this petition in the same belief that our communities should have ownership, through our place on boards, appointed on merit, over assets which are there to serve us. We want to create more local resilience in our communities through the decentralisation of strategic planning and decision-making.

HIAL is one example where this change could be applied. Its board meets regularly to provide strategic direction for the Company and is responsible for the determination of the company's strategic plan and direction. In particular, the board reviews safety, security, risk management, corporate governance, operational matters, financial management, business and commercial strategy, route development, pay, pensions and human resources.

It is the role of the HIAL board to challenge the senior management team on its strategy for the business and to provide guidance and support on aviation and non-aviation issues. The board is entrusted to provide leadership, direction, support and guidance to ensure that HIAL delivers and is committed to delivering its functions effectively and efficiently and in accordance with the aims, policies and priorities of the Scottish Ministers. The board is also responsible for appointing, with the approval of the Scottish Ministers, the Managing Director.

Major policy decisions are made at board level, drawing on information provided by the management team, the Scottish Government and other appropriate sources. There is, however, currently no specific requirement to draw on information from the Councils or communities that the decisions potentially affect.

Using HIAL as an example, we have set out how our petition aims could be achieved to increase community participation—

1. Reserving a place on the selection panel for the Chair of HIAL, for either the chair (or substitute) of the HITRANS or ZetTrans boards, and include island local authorities in the selection process;
2. Assigning three of the seats on the HIAL board to people who live in the communities served by the HIAL airports (we suggest a preference for island residents, on the grounds of air services being lifeline to islands, but commercially desirable for mainland areas);
3. One of these seats should be retained for a co-opted member from the HITRANS/ZetTrans Board. It is noted that this member while sitting on the HIAL Board would act only in the best interests of the HIAL 'company'; and/or
4. At least one Council allocated a place on the board, from either Western Isles Council, Orkney Islands Council or Shetlands Islands Council. Local authorities should not, however, be excluded from other appointments or limited to involvement just with these appointments, and again while sitting on the HIAL Board the member would act only in the best interests of HIAL, as is the case with members of NHS Boards drawn from local authorities.

We believe that this approach is in keeping with the principles of public appointments, namely appointed on merit, and committed to diversity and equality, with a board that is representative of the community that the organisation seeks to provide services for.

We believe that by having community and island representation on this, and other, boards will increase accountability and participation. This is consistent with principles of accountability, inclusion and community empowerment, and a more human rights-based approach. This would create ownership, monitoring and accountability, a fair and inclusive approach which is consistent with the Scottish Government's Purpose and National Outcomes.

## Annexe B

### Extract from Official Report of last consideration of PE1862 on 2 February 2022

**The Convener:** PE1862, which was lodged by Rona MacKay, Angus Campbell and Naomi Bremner on behalf of the Uist economic task force, calls on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations that deliver lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018.

I am delighted to welcome back Liam McArthur and to welcome Alasdair Allan, both online, to speak to the petition. Before I come to our guests, I will provide a little additional background.

We last considered the petition on 1 September 2021. At that meeting, the committee discussed an earlier submission by the Scottish Government, which explained that the requirements for the appointments to a public body board are set out in the public body's founding legislation. The committee highlighted that there was

“nothing in the Scottish Government's submission to suggest that it has any plans to amend founding legislation for public bodies on the basis that lifeline services to island communities require community representation on their boards”.—[Official Report, Citizen Participation and Public Petitions Committee, 1 September 2021; c 19.]

The committee therefore agreed to write to the Scottish Government to clarify whether it had any plans to amend founding legislation for such a purpose. As with one of the previous petitions, we have had no response as yet from the Scottish Government ahead of our consideration today. However, I am happy to bring in both of our parliamentary colleagues for further comment. I ask Alasdair Allan to comment first.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I begin by thanking Rona MacKay, Angus Campbell and Naomi Bremner for the work that they have done in my constituency on behalf of the Uist economic task force to bring the petition to the committee.

Island communities are all reliant on lifeline transport links. They are vital to every aspect of our lives. However, the organisations that are tasked with delivering those services have virtually no one with experience of living in the communities that they serve on their boards. The petitioners' submission rightly states that community and place should be at the heart of good government.

Given that the principal mission of organisations such as David MacBrayne Ltd, Caledonian Maritime Assets Ltd and Highlands and Islands Airports Ltd is to serve island communities, it is not in the interests of good governance of the boards of those organisations to be as remote from their service users as they currently are. I say that as no criticism of existing board members, but I do not think that any of them probably faces the experience that I, fairly enough, face of hearing people's views about CalMac Ferries every time I go to buy a pint of milk.

Since the committee last considered the petition in early September, I led a members' business debate in the chamber on reserving seats for islanders on the board of CalMac. There was a large degree of cross-party consensus on the need for more representation of islanders. The then transport minister, Graeme Dey, signalled that the Scottish Government is open to changes, and in responding to a recent parliamentary question of mine the minister also stated that he had tasked the newly appointed chair of David MacBrayne to look at ways of getting an island-based presence on the boards.

Briefly, one other development that is relevant to a petition that you have just considered is that HIAL has recently confirmed that it will be taking a different approach to its ATMS plans on air traffic control jobs. The issue with HIAL also partly motivated the petition that we are presently discussing. The announcement comes after five years of bitter dispute with the affected communities and the air traffic controllers trade union. It is fair to speculate on whether the process would have been as long, acrimonious and protracted if more board members of that organisation had been based in island communities.

In closing, I will borrow a point that Rona MacKay from Uist made to me. Last year, Uist and Lewis both won titles of social enterprise places of the year. That is a testament to the large number of social enterprises on the islands, which each have unpaid boards of islanders. Islanders are not strangers to boards and nor, relevantly, is there any shortage of islanders who know about seafaring. There exists a large and healthy degree of involvement in public life in the islands. It would be in everyone's interests if that could be utilised on the boards of the organisations that deliver lifeline services to them.

I urge the committee to keep the petition open and to push for changes in the criteria for board appointments in the organisations that we have discussed to give much more prominence to the experience of living in an island community.

**The Convener:** Unfortunately, Mr McArthur has been called to another meeting, so we do not have his further contribution to hear. Do members of the committee want to comment?

**Ruth Maguire:** The update on the members' debate was interesting. Alasdair Allan indicated that the transport minister at the time was open to the suggestion, so I

wonder if the best thing for us to do is to write to the cabinet secretary to ascertain the current position, and take things from there.

**The Convener:** Do members agree with that suggestion? We could reference the members' business debate to which Mr Allan drew attention. There is wide cross-party interest in the issues underpinning the petition. We will see what the cabinet secretary says in response. It may well be that that leads to an evidence session on the issue at a later date.

**Paul Sweeney:** Is it worth making the lead committee aware of the petition, in the sense that it might be worth an inquiry into the basis on which public appointments are made to the boards of CalMac and CMAL? I am approaching it less from a rural perspective and more from a shipbuilding perspective, but my understanding is that the boards are problematic, to say the least, in how they govern those agencies. There is very little public oversight of the characters who have been appointed to the boards. There is a potential for conflicts of interest and there is ignorance of many other aspects of how the organisations should be operating.

**The Convener:** I suggest that the clerks liaise with the clerks of that committee to see what understanding they have of the issue. Maybe that committee can come back to us and we can decide how its work might fit with anything that we are doing.

Are we agreed on that approach?

**Members** *indicated agreement.*

**The Convener:** Thank you all, and thank you, Mr Allan.

## Annexe C

### Minister for Transport submission of 13 March 2022

#### PE1862/C – Introduce community representation on boards of public organisations delivering lifeline services to island communities

Thank you for your letter of 16 February 2022 which was addressed to Ms Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands. Your letter has been passed to me as the Minister with portfolio responsibility for delivering lifeline ferry and air services to the Scottish islands.

It is for the appointing Minister to agree who should sit on the selection panel for each Public Body recruitment exercise. The current process involves that selection panel making recommendations to the Minister on all aspects of the recruitment exercise, including what the key criteria, for each vacant position, should be. Given therefore that our current arrangements already allow for such decisions to be taken, legislative change is not required.

In considering what the key criteria should be, the selection panel will consider what skills, knowledge and experience is required – based upon the skills matrix agreed for each board. The key criteria may vary depending on the requirements of each position, and any particular requirements of the Board itself.

It is worth noting that all board members appointed on the basis of any particular skill, experience or background must be able to represent the interests of Scottish Ministers. In addition, and in the case of DML, HIAL and CMAL, Board members must also have regard to any fiduciary duties and responsibilities it has to the organisation or company itself under the Companies Act 2006.

However, I fully understand the concern expressed on this matter and would be keen to strengthen our approach in this area, ensuring the

views of communities can be fed more directly into our boards. I have asked my officials for further advice on this issue and will be happy to provide the Committee with a further update in due course.

I hope my reply is helpful.