

Citizen Participation and Public Petitions Committee

2nd Meeting, 2021 (Session 6), Wednesday, 1
September 2021

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

Note by the Clerk

Petitioners	Rona MacKay, Angus Campbell & Naomi Bremner on behalf of Uist Economic Task Force
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.
Webpage	petitions.parliament.scot/petitions/PE1862

Introduction

1. This is a new petition that has been under consideration since 24 March 2021.
2. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe A**.
3. While not a formal requirement, petitioners have the option to collect signatures and comments on their petition. On this occasion, the petitioner elected to collect this information. 466 signatures and 32 comments have been received.
4. In Session 5, the Public Petitions Committee agreed to seek advanced views from the Scottish Government on all new petitions before they are formally considered. The Committee has received a response from the Scottish Government and this is included at **Annexe B** of this paper.

5. The petitioner has provided a submission. This is included at **Annexe C** of this paper.

Scottish Government submission

6. In its written submission, the Scottish Government explains that the requirements for the appointments to a public body board will be set out in the public body's founding legislation. Such legislation typically sets out details regarding—
 - how many people are required for the boards,
 - the length of time served, and
 - whether the appointments process is regulated by the Ethical Standards Commissioner.
7. Should the process be regulated by the Ethical Standards Commissioner, which is the case for more than seventy boards, the appointing Minister will agree who sits on the selection panel, the person specification and the appointment criteria.
8. In setting the specification and criteria, the Minister must take into consideration succession planning information, skills audit and board priorities to define the skills, knowledge and experience required for the board.
9. The Scottish Government states that some public body boards require board members to be resident in a certain area. The Trossachs and Loch Lomond and the Cairngorms National Parks, for example, which require that some people are appointed as 'local members' together with nominations from local councils within the park boundaries.
10. The appointing Minister can also, on a case by case basis, require that a board member should be resident in the Board's locale. In 2018, for example, the appointments to the Highlands and Islands Enterprise Board required that 2 of the 3 vacant positions should be filled by people who live, work or study in the Highlands and Islands region.
11. The petitioners cite the example of Highlands and Islands Airports Limited (HIAL) as a public board which, they believe, should have community representation.
12. HIAL is one of the public body boards where the appointment process is regulated by the Ethical Standards Commissioner. The Scottish Government states that this means that, as far as possible, the recruitment process is fair, transparent and based on merit.
13. In its submission, the Scottish Government states that the role of the HIAL Board is to represent Minister's interests and provide constructive challenge to the management of the company.

14. It assures that board members are appointed based on their skills, knowledge and experience, and residents of island communities are free to apply to become board members.
15. The submission further states that boards consider the concerns and needs of all stakeholders. Full and accurate information on the decision-making processes and activities of each public body should also be widely available, and stakeholders and the general public should have the opportunity to influence decisions and actions.
16. In its submission, the Scottish Government notes that there are other ways to participate in local decision-making. It highlights the introduction of—
 - [participation request](#) legislation, designed to provide people with a way to have their say about improvements to public services; and
 - participatory budgeting, which aims to give people more power to make decisions on spending in their local areas.
17. It also highlights the Local Government Review it is conducting with which is considering how powers, responsibilities and resources are shared across national and local spheres of government, and with communities.

Petitioner submission

18. In their written submission, the petitioners argue that the public boards which have been put in place to deliver lifeline services to island communities do not value or recognise how those with island knowledge could enhance their decision making.
19. The petitioners state that this lack of local knowledge means that decisions are made without fully considering the practical impact of those living on the islands.
20. They believe that by introducing community representation on those boards, communities and place would be put at the heart of good government in a meaningful way.

Action

21. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Briefing for the Citizen Participation and Public Petitions Committee

Petition Number: [PE1862](#)

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

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

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.

Introduction

The petition focuses on the representation of communities on public boards, specifically on the board of [Highlands and Islands Airport Ltd \(HIAL\)](#).

This briefing gives an overview of reports and legislation relevant to community representation, and sets out the role of HIAL and the Highlands and Islands Transport Partnership (HITRANS).

Background

Christie Commission

The Commission on the future delivery of public services was launched in 2010, and reported in 2011. The Commission was asked to:

- address the role of public services in improving outcomes, what impact they make, and whether this can be done more effectively;
- examine structures, functions and roles, to improve the quality of public service delivery and reduce demand through, for example, early intervention; and
- consider the role of a public service ethos, along with cultural change, engaging public sector workers, users and stakeholders.

As part of its key recommendations, the report of the Christie Commission recommended:

- Maximising scarce resources by utilising all available resources from the public, private and third sectors, individuals, groups and communities.
- Working closely with individuals and communities to understand their needs, maximise talents and resources, support self-reliance, and build resilience.

The report gave examples of instances where local authorities and health boards had taken steps to increase community participation in the management of services. It also recommended that core partners, including Regional Transport Partnerships, participate in community planning, and that Scottish Ministers promote and encourage community planning. The expectation was that the (at the time) proposed Community Empowerment Bill would “embed community participation in the design and delivery of services”.

The role with HIAL in working with HITRANS as a partner is unclear.

Our Islands, Our Future

In Spring 2013, following the announcement that there would be a Scottish Independence Referendum, Scotland's three island authorities - Orkney, Shetland and Comhairle nan Eilean Siar - formed a joint constitutional working group. The aim of this working group was to consider the relevance, potential impact and opportunities posed by possible constitutional reform.

On 17 June 2013 the three authorities launched a joint campaign - Our Islands Our Future (OIOF). The campaign was "non-partisan, and took no position on the outcome of the Referendum, but sought to engage and negotiate with political leaders and decision makers on either side of the independence debate to ensure that the particular nature and needs of Scotland's Island groups were recognised and taken fully into account"

On 25 July 2013 the former First Minister, Alex Salmond, announced that a new ministerial working group would form to look at further empowerment for Scotland's island communities. The group would include representatives from the Our Islands Our Future campaign. The work of this group culminated in the publication of its prospectus, Empowering Scotland's Island Communities, on 16 June 2014.

As well as setting out the aspirations for a potential Island Act, the prospectus set out a vision for jointly-delivered public services. Much of which was later delivered as part of [the Public Bodies \(Joint Working\) Scotland Act 2014](#).

Legislation

[Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#)

The [Public Bodies \(Joint Working\) \(Scotland\) Bill](#) was introduced in the Scottish Parliament on 29 May 2013 and aimed to enact the Scottish Government's commitment to integrate adult health and social care.

The policy ambition of the Bill was to:

“...improve the quality and consistency of services for patients, carers, service users and their families; to provide seamless, joined up quality health and social care services in order to care for people in their homes or a homely setting where it is safe to do so; and to ensure resources are used effectively and efficiently to deliver services that meet the increasing number of people with longer term and often complex needs, many of whom are older.”

[Community Empowerment \(Scotland\) Act 2015](#)

The [Community Empowerment \(Scotland\) Bill](#) aimed to empower community bodies through the ownership or control of land and buildings, and by strengthening their voices in decisions about public services.

The [Local Government in Scotland Act 2003](#) set out the Community Planning Process, which aims to help public agencies to work together and with the community to plan and deliver better local services.

Part 2 of the Community Empowerment (Scotland) Act set out the public authorities which take part in community planning and places new duties on them. These authorities form a Community Planning Partnership (CPP) for each local authority area.

HIAL is not named as having duties under Part 2 of the Community Empowerment (Scotland) Act, [however HITRANS is](#).

The Bill was passed by the Scottish Parliament on 17 June 2015, and Part 2 came into force on 20 December 2016.

[Islands \(Scotland\) Act 2018](#)

The [Islands \(Scotland\) Bill](#), introduced to the Scottish Parliament on 9 June 2017, focussed on provisions designed to strengthen and protect Scotland's island communities.

The Bill was passed on 30 May 2018 and became law on 6 July 2018.

The Islands (Scotland) Act does not suggest or create duties which specify that there should, or must be community representation on boards of public organisations. It does, however, introduce duties, placed upon Scottish Ministers and other relevant public bodies, to have regard to island communities in exercising their functions. Under the Bill, the 66 public authorities cited, when introducing a new or revised policy, strategy or service, would have to prepare an island communities impact assessment when the

impact on island communities is likely to be significantly different from the effect on other communities.

HIAL is named under the [Schedule](#) as one of the bodies covered by these duties, and these duties were [enacted by SSI](#) and came into force on 18 April 2019.

To date, the only Island Communities Impact Assessment carried out by HIAL has been on its [Air Traffic Management Strategy](#) in March 2021.

Scottish Parliament Action

Relevant questions

On HIAL

20 June 2018 - [S5O-02294](#): Tavish Scott (Shetland Islands), Scottish Liberal Democrats.

3 June 2020 - [S5W-29596](#): Liam McArthur (Orkney Islands), Scottish Liberal Democrats.

3 June 2020 - [S5W-29597](#). Asked by: Liam McArthur (Orkney Islands), Scottish Liberal Democrats.

16 December 2020 - [S5W-34106](#): Liam McArthur (Orkney Islands), Scottish Liberal Democrats.

16 December 2020 - [S5W-34107](#): Liam McArthur (Orkney Islands), Scottish Liberal Democrats

On community representation on boards

9 March 2021 - [S5W-35870](#). Angus MacDonald (Falkirk East), Scottish National Party

Key Organisations and relevant links

HIAL

Highlands and Islands Airports Limited (HIAL) is responsible for the management and operation of 11 regional airports serving some of the nation's remotest communities: at Barra, Benbecula, Campbeltown, Dundee, Inverness, Islay, Kirkwall, Stornoway, Sumburgh, Tiree and Wick John O'Groats.

As a private limited company wholly owned by the Scottish Ministers, HIAL receives subsidies from the Scottish Government in accordance with section 34 of the Civil Aviation Act 1982 and is sponsored by Transport Scotland – Aviation, Maritime, Freight and Canals Directorate.

[HIAL's Strategy and Covid-19 Recovery Plan 2021-2026](#) references serving and working with communities, but does not explain in detail how this will take place.

HITRANS

The Highlands and Islands Transport Partnership (HITRANS) is the statutory regional transport partnership covering Eilean Siar (Western Isles), Orkney, Highland, Moray and most of the Argyll and Bute area (Helensburgh and Lomond is covered by SPT).

HITRANS works with Councils, the Scottish Government, Transport Scotland, HIE, transport operators and other stakeholders to improve transport services and infrastructure in the north of Scotland and on routes to the Highlands and Islands. HITRANS' role is to support the Community Planning Partners in developing transport in order to help achieve the National Outcomes. Of the 15 National Outcomes, 12 can be advanced through delivering the regional transport strategy.

Ailsa Burn-Murdoch
Senior Researcher
[22/04/2021]

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Scottish Government submission of 8 June 2021

PE1862/A

The functions public body boards are to: ensure that the body delivers its functions in accordance with Ministers policies and priorities; to provide strategic leadership; to ensure financial stewardship; and to hold the Chief Executive and senior management team to account.

Highlands and Islands Airport Ltd. (HIAL) is one of many public body boards where the appointment process is regulated by the Ethical Standards Commissioner. A list of boards with regulated appointments is here: [Regulated Bodies | Ethical Standards Commissioner](#)

Public Appointments are 'regulated' if the process is overseen by the Ethical Standards Commissioner. The Public Appointments Team delivers the regulated public appointments process on behalf of Scottish Ministers and follow the Ethical Standards Commissioner's Code of Practice. This means that, as far as possible, the recruitment process is fair, transparent and based on merit. A copy of the Code is available here: [Code of Practice | Ethical Standards Commissioner](#)

The requirements for the appointments to a public body board will be set out in the public body's founding legislation. The legislation typically sets out details about how many people are required for the boards, the length of time served and if the appointments process is regulated by the Ethical Standards Commissioner.

At the outset of a regulated appointment round the appointing Minister will agree who sits on the selection panel, the person specification and the appointment criteria. Each appointment round will meet the requirements of the founding legislation and will use succession planning information and other regulatory requirements to identify what skills, knowledge and experience is required for the board appointment.

There are some public body boards where the founding legislation requires board members to be resident in a certain area, for example, The Trossachs and Loch Lomond and the Cairngorms National Park both require that some people are appointed as 'local members' together with nominations from local councils within the park boundaries.

In some cases, the appointing Minister will require that a board member should be resident in the Board's locale, for example the appointments to the Highlands and Islands Enterprise Board in 2018 required that 2 of the 3 vacant positions should be filled by people who live, work or study in the Highlands and Islands region. This sort of requirement happens on a case by case basis and is at the discretion of the responsible Minister.

Taking the Petitioners' example of Highlands and Islands Airports Limited (HIAL), Ministers are the sole shareholder in the company and Board members role is to represent Ministers interests. They should provide constructive challenge to the management of the company to ensure that the company is run in line with Ministers expectations. Board members are appointed based on their skills, knowledge and experience. Residents of island communities are free to apply to become members of the HIAL Board. An understanding of the role of transport, including aviation, in maintaining the economic and social integrity of the Highlands and Islands is a requirement for all Board members.

In practice, many Boards establish committees to deal with particular areas of interest outside main Board meetings and are required to submit substantive reports to summarise issues, debates and decisions. The extent to which Boards use committees will be dependent on the size of the organisation. Examples of Board committees include: Remuneration Committee; Audit Committee; Succession Planning Committee; Area or Regional Boards where appropriate. Committees may also be set up to deal with specific aspects of the Board's role, such as: Staff Governance; Finance; Policy; Development. Where appropriate, committees can allow for specialist areas relating to the Board's role to be debated in detail by members

with the appropriate knowledge or skills. The key points can then be presented to the full Board for ratification, making more effective use of scarce time. For some organisations, individuals with specific skills and/or expertise may be invited to serve on committees as co-opted members. Co-opted members do not hold Board member status and must never constitute a majority of the membership of any committee.

Boards will consider the concerns and needs of all stakeholders and actively manage its relationships with them. Stakeholders – and the general public – should have access to full and accurate information on the decision-making processes and activities of each public body and have the opportunity to influence decisions and actions. Scottish Ministers expect all public bodies to communicate clearly with their stakeholders, make information widely available, consult thoroughly and imaginatively and seek feedback on the public body’s performance, acting on it as appropriate.

Board membership is only one way to participate in local decision making and public life. The Scottish Government is committed to supporting communities to work together and to make their voices heard in the planning and delivery of services. Participation request legislation was introduced to provide people with a way to have their say about improvements to public services, more information is available here: [Participation Request statutory guidance](#)

The Scottish Government is supporting community participation by introducing participatory budgeting in Scotland. This will give people more power to make decisions on spending in their local areas.

The Local Governance Review is examining how Scotland’s diverse communities can have greater control and influence over decisions that affect them most. This involves considering how powers, responsibilities and resources are shared across national and local spheres of government, and with communities. The [new Democracy Matters material](#) describes a scenario where people are able to come together in their communities to create new autonomous and democratically accountable decision-making bodies which can take full responsibility for

a range of public services. The Scottish Government and COSLA will continue to work together to strengthen local democracy, and released a joint statement about progress with the review in March 2021. [Local governance review: joint statement - 18 March 2021](#)

Petitioner submission of 26 August 2021

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

Community and place should be at the heart of good Government. This principal is the basis of the Islands Act and the commitments contained in it.

For the Islands this manifests itself in how our lifeline services are constructed and managed. In our view, public Boards which have been put in place to do this have historically not recognised Islanders knowledge and life experience of these services as a necessary skill that should be recognised as a vital component of good decision making.

We believe that deficiency means that decisions can be made with unseen consequences for our Island Communities, the country as a whole and work against the best outcomes for sustainable services.

Much effort and resource is being applied to try and address the recognised challenges for our Islands such as demographics, population and economy. There are often instances where public boards make decisions that work against these efforts simply because they don't have the complete mix of skills around the board table. No value or recognition seems to be given to the contribution Island knowledge can bring to enhance decision making and ensure all consequences are considered. These are publicly owned companies that should be aligned with Islander and national needs and ambitions and should not be taking decisions divorced from real cause and effect on the wider world.

It is fully recognised that skills such as finance, good governance and legal are essential to a board but equally important is the knowledge and skills of those who lives are dependent on these services.

We call on the Parliament and the Government to recognise this fact and demonstrate that by making it part of the essential skills required for membership of these boards delivering lifeline services to Scotland's Island communities.

Put communities and place at the heart of good government in a

meaningful way.