

REPORT TO COMMUNITIES COMMITTEE – 20 FEBRUARY 2020

CONSULTATION ON REMOTE RURAL COMMUNITIES BILL

1 Reason for Report / Summary

- 1.1 This report details Aberdeenshire Council's response to the proposal for a Bill to enhance the consideration given to remote rural mainland communities by public bodies in Scotland.

2 Recommendations

The Committee is recommended to:

- 2.1 *Acknowledge Aberdeenshire Council's response submitted under delegated powers and following consultation.***

3 Purpose and Decision Making Route

- 3.1 The Scottish Parliament is consulting on a proposal for a remote rural communities bill. The bill has been proposed by Gail Ross MSP and would offer similar protection for mainland communities as the 2018 Islands Act does for Scottish islands. It would create a duty for Scottish ministers to publish a national remote rural plan and ensure the impact of public policy on remote rural communities would be taken into consideration. The bill is intended to complement other pieces of legislation such as the Community Empowerment Act and the Land Reform Act.

<https://www.parliament.scot/parliamentarybusiness/Bills/113252.aspx>

4 Discussion

- 4.1 The Scottish Parliament considered and took evidence on the Islands Bill in 2017 and 2018 and the Act was given Royal Assent in July 2018. In considering this Bill it became clear that many of the issues facing island communities were equally relevant to rural communities. Similar to the Islands (Scotland) Act, a Remote Rural Bill would have proposals for:

- *Remote Rural Proofing* - building broad based remote rural awareness into the decision-making process of relevant parts of the public sector
- *Empowering remote rural communities*
- Developing a *Remote Rural Plan* – setting out an on-going range of commitments across all policy areas of Government to support, promote and empower our remote rural communities to build a wealthier and fairer future for themselves.

https://www.parliament.scot/S5MembersBills/GR_Consultation_Final.pdf

- 4.2 As this consultation involves all services across the council, it was decided that officers' views would be collated by the Corporate Policy and Strategic Community Planning Team. The questions were emailed on 31st October 2019, with a closing date of 9th December 2019. Responses were collated prior to the submission closing date of 31st January 2020.
- 4.3 Responses were received from the council's Housing Service, Economic Development, Finance, Transport and Customer Services Teams as well as Community Planning Officers. Where responses allowed for only one tick box answer, the option with the most ticks was submitted. Appendix 1.
- 4.4 As specified by the Scheme of Governance, due to the timelines of Communities Committee meetings, the draft response was sent to the Chair, Vice Chair, and main Opposition Spokesperson of the Communities Committee for review and approval. The response was approved and submitted on 30th January, prior to the consultation closing date of 31st January.
- 4.5 In summary, Aberdeenshire Council is supportive of legislating to enhance the consideration given to remote rural mainland communities by public bodies in Scotland. Remote rural communities have unique characteristics and Aberdeenshire Council would welcome a national plan that requires action from the Scottish Government. However, it is felt that the Scottish Government should not necessarily have any jurisdiction over local authorities, unless it is backed up by devolution of additional financial resources to enable local authorities to deliver on any new statutory requirements for remote rural areas.

5 Council Priorities, Implications and Risk

- 5.1 This report is relevant to all 11 Council Priorities but in particular it helps deliver Priority 1 - Support a strong, sustainable, diverse and successful economy; and Priority 2 - Have the best possible transport and digital links across our communities.
- 5.2 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial		x	
Staffing		x	
Equalities		x	
Fairer Scotland Duty		x	
Town Centre First		x	
Sustainability		x	
Children and Young People's Rights and Wellbeing		x	

- 5.3 An equality impact assessment is not required because this is a response to a consultation and does not have a differential impact on any of the protected characteristics.
- 5.4 The following risks have been identified as relevant to this matter on a Corporate Level:
Changes in government policy, legislation and regulation - this is controlled through COSLA membership, SOLACE membership and membership of professional bodies at both corporate & individual level.

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Communities Committee is able to note this report in terms of Section D1.1f of Part 2 A - List of Committee Powers in the Scheme of Governance. Chief Officers can submit a Council response to an external consultation on any policy matter, according to Section A22 of the List of Officers Powers in Part 2B of the Scheme of Governance, where the timescale for responding does not permit an opportunity for approval by the appropriate policy committee.

Any response submitted under this delegated power shall be made following consultation with the Chair and Vice Chair and main Opposition Spokesperson of the appropriate policy committee, where possible, and must be reported to the next committee meeting.

Ritchie Johnson
Director of Business Services

Report prepared by: Moyra Stephen, Strategic Policy Lead, 30th January 2020

List of Appendices

Appendix 1 – Aberdeenshire Council Response

APPENDIX 1 - ABERDEENSHIRE COUNCIL'S RESPONSE TO CONSULTATION

1. Which of the following best expresses your view of legislating to enhance the consideration given to remote rural mainland communities by public bodies in Scotland?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

(One responded 'partially supportive')

Please explain the reasons for your response.

In many engagement exercises, we hear from the communities involved that rurality and access to services is a major issue for people of all ages.

The diversity of urban and rural communities in Scotland requires a flexible and sophisticated approach to the development of legislation, policy and guidance for public bodies. Definition of rural and remote rural

Remote rural areas face similar issues to those of island communities and some of the provisions of the Islands Act could usefully be replicated for remote rural areas. However, consideration needs to be given to the costs to local authorities of service delivery in remote rural areas and the imposition of statutory requirements should therefore be resisted, given the overall financial pressures facing the sector.

Any provisions included in future legislation should apply to all public sector service providers, and not be solely focussed on local authorities.

2. What do you think would be the main practical advantages and disadvantages of the proposed Bill?

If the bill recognises that it cannot be "a one size fits all solution" and allows for each area designated as "Remote Rural" to address the challenges it faces, then it would be a good thing, but there has to be funding available to allow for solutions to be implemented.

Anything that could create a more level playing field for remote rural areas (e.g. postal charges / fuel charges) would be welcomed.

REMOTE RURAL PROOFING

3. Which of the following best expresses your view of placing the concept of Remote Rural Proofing into legislation?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

(One responded 'partially supportive')

Please explain the reasons for your response

In housing there have been examples of legislation and policy, particularly in homelessness, affordable housing and energy efficiency, that have been aimed at meeting the needs of urban communities, often either at the expense of rural communities or in a way that is impractical to deliver in a sparsely populated area. Robust remote rural proofing of legislation and policy would ensure that this is not repeated.

We need to protect and enhance, our rural heritage and support those who choose to live a rural life. If we lose this vital part of our culture, we will never reignite it, it will be lost for generations to come.

Aberdeenshire Council's Area Committee structure and relationship with the Cairngorms National Park Authority ensures remote rural considerations are factored into decision-making where it affects service delivery and policy development at a local level. Formalising this into remote rural proofing might offer a useful framework to ensure that this is more consistently applied and might help in making the case for greater investment in services for remote rural areas.

4. Which of the following best expresses your view of giving Scottish Ministers power to issue statutory guidance to other relevant public bodies related to Remote Rural Proofing which they would be required to adhere to in exercising their functions and duties?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed

Unsure

In terms of transport, if there was a requirement or expectation that remote rural areas have public transport funding ring-fenced or that they be provided with preferential treatment then without additional funding other areas of Aberdeenshire could suffer. On the other hand, if public bodies, e.g. NHS/Scottish Ambulance Service, are required to provide more services locally then perhaps there will be less need to travel by public transport.

5. If Scottish Ministers had such a power, which public bodies should it apply to, and in relation to which of their functions and duties?

It should apply to all public bodies and all of their functions. Public bodies should be required to demonstrate what 'reasonable adjustments' they can put in place to equalise access to essential and discretionary services.

EMPOWERING REMOTE RURAL COMMUNITIES

6. Do you agree that councils that serve remote rural areas currently have sufficient powers to deliver positive outcomes for their communities?

Yes

No

Don't know

(Two responded 'no')

Please give reasons for your response (and suggest any additional powers that you think these councils should have).

Councils already have sufficient powers. The issue is that they do not have sufficient funding to utilise their existing powers to deliver services to the level that they and the communities may wish.

The lack of additional funding to service remote rural areas means that they cannot be supported as we would like at times. If there was legislation around this, including funding from the Scottish Government or Westminster, then it would ensure the voices of the few were heard. It is crucial however that in forming legislation that it adds to the current frameworks and there are already many powers available to Local Authorities. New Acts should not include powers that are in essence unfunded duties as seen with the recent Transport and Planning Acts.

Communities contact the council to express their concerns of the limited services they perceive they currently receive from paying their council tax, including lack of gritting/ snow clearing, street lighting, bin collections from end of rural roads, lack of grit bins and pick-up points for children and safe routes for schools via rural routes.

REMOTE RURAL PLAN

7. Which of the following best expresses your view of requiring the Scottish Government to prepare a 'National Remote Rural Plan'?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

(One responded 'partially' and one responded 'Neutral')

Please explain the reasons for your response

The success of a national plan will depend on how well it is tied into the provision of critical services that dictate the viability and sustainability of rural communities. The availability of sufficient funding for local authorities and partner agencies will be important in ensuring it will be a meaningful plan that has an impact on the issues rural communities face.

We need to recognise and address the issue before it is too late. All too often, the focus is on the Central belt and Edinburgh and Glasgow, which have very different needs to a remote rural community.

Remote rural communities have unique characteristics and local authorities are best placed to respond to the challenges and opportunities faced by rural residents and businesses. Whilst a national plan that requires action from the Scottish Government would be welcomed, it should not necessarily have any jurisdiction over local authorities, unless it is backed up by devolution of additional financial resources to enable local authorities to deliver on any new statutory requirements for remote rural areas.

A national plan can only work if it allows regional variations and in-built flexibility to allow authorities to do what is best in their area. That local flexibility has to include the rural/remote rural dimension.

8. How often should the plan be reviewed?

- Every 10 years
- Every 5 years
- Every 3 years
- Every year
- Other frequency (please specify)

- No need for regular reviews
 - Don't know
- (One ticked 'Every 5 years')

ELECTORAL WARDS AND CONSTITUENCIES

9. The Boundary Commission is normally required to ensure that all constituencies and wards contain similar populations, even if that results in rural constituencies and wards being much larger than urban ones. At present, the only exceptions are for a few island areas (e.g. Orkney, Shetland and the Western Isles must remain separate constituencies, despite their relatively small populations). Do you believe further exceptions should be made for mainland remote rural areas?

- Yes
- No
- Don't know

Please explain the reasons for your response.

If you pool communities together, there is no saying they relate to one another with their needs and issues. If they are pooled, vital issues could get lost in the process, meaning we are failing our communities.

Any proposal that results in an increase in the number of constituencies is unlikely to be supported by either the Scottish or UK governments. Whilst it is agreed that further exceptions should be made it is worth noting that has not been any particular lobbying or representation from Aberdeenshire's remote rural communities for any boundary changes.

FINANCIAL IMPLICATIONS

10. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

- (a) Government and the public sector
 - Significant increase in cost
 - Some increase in cost
 - Broadly cost-neutral
 - Some reduction in cost
 - Significant reduction in cost

Unsure

(b) Businesses

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(c) Individuals

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Please explain the reasons for your response.

Providing services to remote areas can prove more costly, however this should not prevent them from being provided. As a result, individuals should have lower costs to access services.

Public bodies would likely see an increase in costs if there are additional statutory requirements to ensure access to services in remote rural areas. These would need to be clearly articulated to the Government and agreements would need to be secured covering how these additional costs would be met. This should include rebalancing the formula used to allocate government funding for councils to give more weight to the needs of remote rural communities

If legislation could remove or reduce the remote rural premium (e.g. transport and fuel costs; heating costs (lack of mains gas); postal charges), this would have a beneficial impact for businesses and individuals in those areas.

11. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Not if encouraging thriving and sustainable remote rural communities is the core objective.

EQUALITIES

12. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act

2010): age, disability, gender re-assignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response.

The introduction of the legislation may increase the appeal of remote rural living to some people.

Enhanced service provision in remote rural areas could stimulate other third or private sector activity, which would have positive impacts for protected groups. Enhanced public sector service delivery could have a positive impact for all groups, but could be disproportionately negative for those more vulnerable in society.

13. In what ways could any negative impact of the Bill on equality be minimised or avoided?

SUSTAINABILITY

14. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- Yes
- No
- Don't know

Please explain the reasons for your response.

If implemented in a way that is relevant to remote rural areas, then it shouldn't have a negative impact for other areas.

This should be a core objective. Remote rural areas already have high environmental standards (some covered by National Park legislation) and these could be protected and enhanced by the provisions of this legislation. The proposals should have positive economic and social impacts if they result in more sustainable communities.

However, if we make remote rural areas very attractive to live in then potentially this could lead to an increase in overall travel and vehicle emissions because people will travel from remote rural areas to larger towns/cities to access some services but, if more local services are provided then this could decrease the need to travel to access these particular services.