



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 29th August 2017 at Longman House Inverness

Present: Andrew Thin (Chair), Dr Sally Reynolds, Lorne MacLeod, Prof David Adams, Megan MacInnes (Land Commissioners), Dr Bob McIntosh (Tenant Farming Commissioner), Hamish Trench (CEO), Claire Bremner, Posy MacRae, Caron Munro, Sara Smith, Sarah Allen, Shona Glenn (Scottish Land Commission).

Apologies: Keith Connal (Scottish Government)

The Chair shared with the Commissioners the main points which Keith had been going to discuss with the Land Commission. He advised that the Programme for Government is due to be published over the next couple of weeks, the Government will be consulting on revised themes for the National Performance Framework and they are currently finalising the Land Rights and Responsibilities Statement.

1. Minutes of meeting held on 11th July 2017

The minutes of the meeting were agreed as a true and accurate record and all actions arising had all been completed or were underway.

Hamish noted that he has spoken with the sponsor team regarding wild land and we will keep this under review. .

The Commissioners were advised that the single tender limit on professional services is £10,000.

2. CEO update and Finance Report

Hamish highlighted to the Commissioners that the first two discussion papers were underway and asked that if anyone had any suggestions for future topics they share these with Shona and Sarah for consideration. It was discussed that there is a requirement to ensure that they are not promoted as the views of the Land Commission and that it is clear they are for promoting discussion on topics.

It was agreed that the Programme of Research would be discussed further at the Commissioners Meeting in September.

Hamish advised that the budget would be set out differently at the Commissioners' Meeting in September as it would be the 6 month point in the financial year and the budget will be reviewed at that point.

The Commissioners were advised that the draft internal audit report has been received and the auditor will be meeting with Hamish later this week to discuss the report. Lorne shared that, as the Chair of the Audit and Risk Committee, he is happy with the audit and that the issues raised can be resolved by the end of the year.

It was queried what the next stage would be in the staff recruitment process. The Commissioners were advised that the CEO, the Head of Policy and Research for Land and the Head of Policy and Research for Tenant Farming are currently discussing the requirement for policy support roles. It was noted that any further roles will then be considered with the possibility of fixed term contracts for certain areas of work.

3. Communications report

Posy advised the Commissioners that following the busy summer events programme the Communications Team are planning to discuss the events and review which ones will be beneficial to have a presence at next year.

The Commissioners were advised that the conference is now fully booked with 140 attendees confirmed and a waiting list in operation. The workshop choices for the event have been sent to delegates for them to choose their preferred option. It was confirmed that there is a range of attendees and all the partner bodies are being represented at senior level.

The Commissioners were presented with a draft of how the Strategic Plan will look once it has been finalised. The animation for the Strategic Plan is being prepared for the launch of the Strategic Plan at the conference.

Posy advised that there have been more dates added to the schedule of Meet and Greet events over the coming months including meetings in Dundee, Ullapool and Kelso. **(Action: The Commissioners are to advise Posy which of the upcoming Meet and Greet events they are able to attend.)**

4. Briefing on Tenant Farming

Bob provided the Commissioners with an overview of his work over the past month including the focus on the next Code of Conduct.

Sarah advised that there is currently a brief out for tender of Public Contracts Scotland for the Review of Agents. It was advised that this research will be carried out in a three phase approach with the final report expected to be taken to Ministers

in March 2018. David has asked if Commissioners could see the brief which has been sent. **(Action: Sarah to send the brief to David and Megan.)**

It was queried if those involved in the research will only be asked for their views or if they will be asked to provide evidence to back up their reviews. It was suggested, as a general principle, that research should normally seek to collect evidence for views expressed, and not just views. It was agreed that it is only practical to seek views. **(Action: Bob and David to have a discussion on how best to present findings for this research.)**

It was raised that the Scottish Government have recently launched a Crofting Consultation and it was queried if this is something that the Land Commission should be responding to. It was agreed that the first step is for the Land Commission to have a discussion with the Crofting Commission. **(Action: Hamish to discuss with Bill Barron.)**

5. Strategic Plan

Commissioners were asked to approve the Strategic Plan for submission to Ministers. Hamish advised that the Strategic Plan reflects the commissioners' discussions to date, engagement with stakeholders and Scottish Government expectations. It seeks to emphasise that the Commission's role is as much about non regulatory leadership as review of legislation and policy.

It was suggested that bullet point 1 in paragraph 3.5 could be reworded. **(Action: Hamish to reword bullet point 1.)** It was also suggested that there should be a bullet point within 3.5 regarding place making and public value in land. **(Action: Hamish to create wording and add a bullet point in 3.5 regarding place making and public value in land.)**

It was noted that in paragraph 4.6, section 2, there should be a bullet point regarding Community Right to Buy. **(Action: Hamish to add a bullet point in paragraph 4.6, section 2, regarding Community Right to Buy.)**

It was raised that the use of the word 'progressive' in paragraph 4.7 wasn't relevant. **(Action: Hamish to remove 'progressive' from paragraph 4.7.)**

Commissioners agreed the Strategic Plan for submission to Ministers. The Chair shared his thanks to the Commissioners, Hamish and Posy for all the work that has gone into developing the Strategic Plan.

6. Programme of Work

The Commissioners were advised that the Programme of Work is required by the Act to be submitted to Ministers and published. It will be continually updated and a new version will be published every twelve months. They were also advised that there will be specific actions within each workstream in the Programme of Work that will be further detailed in our annual business plans for each financial year.

It was queried where the Programme of Work fits into the structure of the Strategic Plan and Business Plans. Hamish explained that the Strategic Plan covers three years, the Programme of Work is continuously updated and the Business Plans are prepared annually in line with financial year. **(Action: Posy to add a diagram explaining this to the Strategic Plan.)**

It was suggested that paragraph 1.2 should be reworded to include place making. **(Action: Hamish to add text to include place making in paragraph 1.2.)**

The use of the word 'consider' throughout the Programme for Work was discussed and the Commissioners agreed that this should be amended. **(Action: Hamish to amend the document and replace 'consider' with 'evaluate'.)** The Commissioners also discussed the use of the word 'efficiency' in paragraph 1.3. **(Action: Hamish to consider alternative wording for paragraph 1.3.)**

The wording of paragraph 2.1 was discussed and it was decided that the wording should be changed to 'Address issues arising from scale and/or concentration of land ownership'. **(Action: Hamish to amend the wording of paragraph 2.1 to include 'and/or'.)**

The Commissioners discussed the location of paragraph 3.2 in the document. It was agreed that this would be best located in section 2 to be in line with the Strategic Plan. **(Action: Hamish to move paragraph 3.2 to section 2.)**

It was noted that paragraph 3.3 relates to the Land Rights and Responsibilities Statement. **(Action: Hamish to make reference to the Land Rights and Responsibilities Statement at paragraph 3.3.)**

It was suggested that some of the workstreams could have the timescale amended to 'commenced 2017' as there are think pieces currently being written in relation to some workstreams. **(Action: Hamish to amend where appropriate.)**

It was noted that there is a need to ensure the Programme of Work gives a sense of immediate action and non-regulatory leadership. **(Action: Hamish to strengthen this aspect in the Programme of Work.)**

It was queried how those who are carrying out the work on think pieces are procured and how the quality of those selected is ensured. Shona advised that an ethics policy has been developed to address this. **(Action: Caron to add an agenda item for the September meeting to discuss quality assurance. Shona to prepare a paper on quality assurance and how it is ensured that work is both rigorous and useful.)**

It was noted that there is no specific section on Human Rights in the Programme of Work as it is embedded within each workstream. It was suggested that it may be beneficial to add a sentence to clarify that Human Rights is embedded within the four sections. **(Action: Hamish to ensure that Human Rights are evident.)**

Hamish asked if the Commissioners were happy to approve the Programme of Work prior to the September board provided the discussed changes were made, so that it can be published with the Strategic Plan. Commissioners agreed the revised Programme of Work should be agreed by the Chair and Chief Executive for submission to Ministers. **(Action: Hamish to revise Programme of Work and agree with Andrew for its submission.)**

7. Programme of Board Meetings

Hamish proposed to move to a quarterly cycle of Commissioners' meetings. Concern was raised about what would happen if any urgent business came up. It was agreed that the programme is sufficiently flexible to accommodate any urgent business required each month. It was agreed that it would be suitable to continue the Commissioners' Meetings on the last Tuesday of each month. **(Action: Caron to send the Commissioners' proposed dates for the meetings next year.)**

The possibility of arranging ARC meetings to take place on the same date as Commissioners' Meetings was discussed as this would reduce the requirement for overnight accommodation.

It was queried if Commissioners would be able to dial in to any meetings if they were not able to attend in person. The Chair advised that this was not preferable as this can limit board effectiveness.

8. Feedback from recent events and shows

The Commissioners discussed their views from attending events over the recent months and how beneficial they found various events to be.

The use of animation and video to share information and the benefits of these methods were discussed. The Chair welcomed any thoughts on how this or other media could be used by the Land Commission.

It was noted that the majority of the interest in the first few months has been from people who already have an interest in Land. The Commissioners agreed that the focus in the second year should be increasingly targeted at specific groups relevant to our Programme of Work, while maintaining the general profile.

9. Board member appraisals

The Chair advised that he will carry out six month appraisals for each of the Commissioners. He advised that the purpose of the appraisals is to ensure that the Commissioners are receiving the right support to carry out their role effectively. The appraisals will be completed along with 360 feedback received from Hilary Pearce, Interim CEO.

10. Briefing on Human Rights

Megan led a discussion on an overview of the Human Rights legislation, how Human Rights fit in to Land Reform and the implications for the Commission's work.

11. Any other Business

There was no additional business to be discussed.

Date of next Meeting: Tuesday 26 September 2017

**Scottish Land Commission
August 2017**