



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

**Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 11 July 2017 at Longman House Inverness**

**Present:** Andrew Thin (Chair), Dr Sally Reynolds, Lorne MacLeod, Prof David Adams, Megan MacInnes (Land Commissioners), Hilary Pearce (interim CEO), Posy MacRae, Caron Munro, Shona Glenn (Scottish Land Commission), Hamish Trench (guest).

**Apologies:** Dr Bob McIntosh (Tenant Farming Commissioner) arrived at 12.00pm at the beginning of the discussion on the initial draft research programme.

**1. Minutes of meeting held on 27 June 2017**

The minutes of the meeting were agreed as a true and accurate record subject to the following clarification:

The last item in AOB to be amended to *'The John Muir Trust's proposal that additional protection be given to wild land status in the forthcoming Planning Bill, in line with that afforded to National Scenic Areas, was raised by Lorne. David declared an interest in this subject, as he is a member of the John Muir Trust. Lorne raised a concern that if this proposal was to gain support, then this could negatively impact on potential land development in peripheral and fragile communities. He suggested that the Land Commission should give advice on this issue. The Chair advised that if a consultation is sent out on wild land in Scotland, the Land Commission will be ready to provide a response, but there is currently no action required.'* **(Action: Caron to amend the minutes)**

Actions arising had all been completed or were underway.

The Commissioners noted recent public discussions about wild land designations. **(Action: Hilary and Hamish to discuss this with the sponsor team to determine if any advice is likely to be required from the Land Commission)**

**2. Minutes of ARC Meeting on 26 June 2017**

Lorne provided a brief overview of the Audit and Risk Committee Meeting. He advised that Tony Forteza from the Scottish Government had attended the meeting as he was undertaking the internal audit of the Land Commission when the meeting took place.

Lorne advised the Commissioners that work has started on the operational risk register and it will be developed further once Hamish is in place.

Andrew noted that as the Commissioners are responsible for the strategic risk they will require to see the audit plan for next year.

Lorne advised that the Audit and Risk Committee will be undertaking training over the next few months. **(Action: if any other Commissioners are interested in this training they should speak to Hilary or Hamish)**

### **3. Finance Quarterly Report**

Lorne queried if the legal advice received by the Land Commission will be sent out as a procurement contract. **(Action: Hilary to check the single tender limits on professional services)** Hilary advised that she is currently liaising with the Crofting Commission to arrange for David Findlay, solicitor, to provide ad hoc legal advice to the Land Commission.

David asked what the current plans are for any further staff recruitment given the budget has been allocated. Hilary advised the Commissioners that an advert has been added to the Land Commission website and S1 jobs on 10 July for an admin assistant. The Commissioners were also advised that Shona Glenn and Sarah Allen will be considering their requirements for support and further development of the staffing structure will be a priority when Hamish starts his role.

### **4. Communications report**

Posy advised the Commissioners that the next focus for the Communications Team will be promoting the Land Commission and arranging the conference which is taking place in September.

Save the date invitations have been sent for the conference and registration for the conference will be released in the next week. Posy confirmed that Laurie MacFarlane has agreed to be a speaker at the conference.

The Chair confirmed with the Commissioners that they are not required to stay at the stand at upcoming agricultural shows as there will be staff at the stand and the Commissioners can network instead.

It was requested that the Commissioners advise Posy when they are doing any communications or events so that she can keep track of this and search for any specific articles or interviews.

Sally queried if the Land Commission should be issuing any press releases in Gaelic. The Commissioners had a brief discussion on the Gaelic Language Plan and it was agreed that Posy would ensure any press releases and media would reflect the Gaelic Language Plan.

## 5. Briefing on Urban Land Reform

David Adams presented a slideshow to the Commissioners with an overview of the issues surrounding Urban Land Reform and examples of how other countries approach the issues that arise in urban areas including vacant and derelict land, land values, housing shortages and so on.

The Chair suggested it may be beneficial for the Commissioners to meet in Glasgow in the autumn and look at some of the issues highlighted by David's presentation.

It was discussed that some issues such as land banking are equally relevant in rural as well as urban areas.

## 6. Initial Draft Research Programme 2017-18

Shona advised the Commissioners that the initial priority is to ensure that the Land Commission know what research has been carried out or is currently taking place in the areas we are interested in to ensure that we are adding value to existing research instead of cross-cutting or duplicating existing research. It was agreed that it would be beneficial to map out existing research before undertaking any research.

It was discussed that all research undertaken should clearly link to the three year Strategic Plan and there should be clear outcomes identified for all areas of research. It was also agreed that the research undertaken should have an element of challenge and should not be tactical.

Hamish advised that he has had discussions with the Scottish Government regarding the use of Safari for linking with organisations for carrying out research.

It was suggested that there should be an additional bullet point under paragraph 13 relating to the Land Rights and Responsibilities Statement. It was queried by the Commissioners why the area of research mentioned in paragraphs 18 and 19 had previously been knocked back by the Scottish Government. Shona advised that this had been due to financial restraints. **(Action: Commissioners to send any suggestions of changes to Shona)**

The Commissioners discussed the need to have a quality assurance process built in when procuring research contracts. The Chair advised that this was already built in to the Scottish Government procurement process.

It was suggested that the title 'Urban Land Reform' is changed to 'Land Market Issues' when referring to housing as this is an issue that is relevant to both urban and rural areas. **(Action: Shona to amend this in the research programme)**. The Commissioners agreed that they need to think about whether, and to what extent the Land Commission should be dividing the focus between rural and urban issues.

The Commissioners considered whether there is a need for a research committee, similar to the Audit and Risk Committee. It was agreed that they need to be cautious

that the Commissioners aren't excluded from areas of discussion. This suggestion will be discussed at a later date.

The Commissioners discussed if they felt the lack of people available to carry out research to be an issue. It was suggested that it may be beneficial for the Land Commission to speak to the Scottish Doctoral Training Centre about the possibility of a collaborative research programme.

The Chair noted that a very common concern raised by members of the public at the Meet and Greet events is the tax and fiscal incentives.

It was discussed that it is important to ensure that community engagement and community empowerment are seen to be relevant.

## **7. Strategic Plan – Workshop 4**

The Commissioners discussed the Strategic Plan (version dated 29 June 2017), and agreed that it represented a significant step forward. A number of specific and detailed changes were requested which they will send to Hamish via Hilary for consideration.

It was noted that Hilary and Hamish were both meeting the SG sponsor team on 26<sup>th</sup> July to talk through this version with a view to eliciting the broad reactions of Ministers, prior to submitting the Plan formally for Ministerial approval later in August.

## **8. Key Strands Programme of Work**

It was noted by all that the Strategic Plan 2018-19 to 2020-21 would determine the Programme of Work for 2018-19 and the subsequent programmes of work. Andrew reminded everyone that the work of the Commission must be presented within the wider political context which could of course change quickly or without warning. The Commission therefore needed to build broad public support – so that it is seen to be a valuable body not simply one that produces high quality research. From the public engagement so far it appears that there is a two-fold expectation that the Commission:

- Carries out high quality research and challenges the status quo.
- Settles disputes of various kinds and stops them happening.

Lorne suggested that a relatively quick piece of work might be to produce a Code of Practice for Charitable Trusts which own land. Sally noted that the Commission's work must be relevant and accessible to the next generation – possibly through the Curriculum for excellence. Megan noted that the Programme of work could include pilot projects and also re-state our commitment to Human Rights.

## **9. Any Other Business**

It was noted that the September Commissioners' meeting in Inverness would be two days before the Conference in Dunfermline. Alternative dates were discussed but none were considered better so the September meeting remains on Tuesday 26 September. (Conference: Thursday 28 September).

It was noted that FOI training was being arranged for staff on Tuesday 31 October and could be made available for Commissioners in the afternoon (Commissioners' meeting scheduled for the morning). Claire would send an email to all Commissioners' about this.

It was reported to the Commissioners that the formal delegation of the Accountable Officer role was still not concluded and that this may be dependent on the completion of the Statutory Instrument in the Scottish Parliament to ensure that the Commission is brought within the remit of the Auditor General for Scotland.

As this was her last Commissioners' Meeting Andrew expressed the thanks of all Commissioners to Hilary for her work in setting up the Commission. In reply Hilary thanked the Commissioners for their enthusiasm, hard work and support over the past 9 months and wished them the very best for the future.

**Date of next Meeting: Tuesday 29 August 2017**

**Scottish Land Commission  
July 2017**