



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 28th November 2017 at Scottish Canals office, Glasgow

Present: Andrew Thin (Chair), Lorne MacLeod, Prof David Adams, Megan MacInnes, Dr Sally Reynolds (Land Commissioners), Dr Bob McIntosh (Tenant Farming Commissioner), Hamish Trench, Posy MacRae, Caron Munro, Shona Glenn (Scottish Land Commission), Rachel Ross (guest)

1. Minutes of meeting held on 31st October 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.

The Chair expressed his thanks to Gillian and Caron for preparing the minutes from the previous meeting.

Hamish advised that following the action regarding delegated limits he had a discussion with the Chair and it has been agreed that any expenditure over £50,000 or that could be seen as novel or contentious would be taken to the Commissioners' for approval. All Commissioners are happy to approve this. This will be reflected in the organisation's budget management policy.

The importance of making use of the expertise among the Commissioners was highlighted. It was agreed that staff should make use of the knowledge of specific Commissioners where appropriate.

2. Standing Orders for Commissioners' Meetings

The Commissioners' discussed paragraph 4.2. It was agreed that this can be removed on the basis that no decisions in relation to the work of the Tenant Farming Commissioner will be made without him present.

All agreed that they were happy to approve this paper subject to the above amendment. **(Action: Hamish to make the agreed amendments.)**

3. Revised Terms of Reference for the Audit and Risk Committee

Hamish advised that the Terms of Reference were shared with the Audit and Risk Committee at their recent meeting and they were approved.

It was discussed that the wording in section 4.5 should be amended from 'required' to 'expected' and the second sentence should be removed.

It was agreed that the text in section 7.1 should be amended to 'Representatives of Internal and External Audit will have free and confidential access to the Chair of the Audit Committee.'

All agreed that they were happy to sign off this document subject to these amendments. **(Action: Hamish to make the agreed amendments.)**

4. Bullying and Harassment Policy

The Commissioners agreed that they were happy to endorse the policy framework and agree that the Commissioners will be expected to adhere to the internal Bullying and Harassment Policy.

5. Discussion on Land for Housing and Development Workstream

Sections 2 – 4

The Commissioners discussed stakeholder engagement and the importance of including stakeholders in discussions. It was agreed that the roundtable discussion on 27th November was a very informative and beneficial way of engaging in discussion with stakeholders and that we should continue to use this format where relevant.

It was noted that this area of work already has many active players and we must ensure that the Land Commission are not overlapping or duplicating anything that already exists, but adds value.

The Commissioners discussed the concerns around the accuracy of the vacant and derelict land study. It was agreed that the Land Commission should continue to be in contact with the Scottish Government in relation to this. It was also agreed that there are some gaps in the land value data that is available which will affect several workstreams and the Commission needs to consider targeted ways to address data gaps. Commissioners highlighted international examples of approaches to valuation that could provide useful precedent in tackling data gaps.

It was noted that discussions to date indicate clear regional variations in the nature of issues and likely solutions, so a national approach may not be suitable for this and work may need to be done on a regional level to have an impact.

It was noted that the Commission need to be seen to be delivering immediate action on the ground as well as political and stakeholder engagement on these issues.

Section 5 – Vacant and Derelict Land

The Commissioners discussed the principle of embedding a member of staff in a central belt based organisation to work with local authorities and other partners on a strategic approach. The commissioners agreed that they are supportive of this principle.

The Commissioners discussed whether the focus of this work should be primarily on micro or macro level consequences. It was agreed that micro level work would be beneficial in casework examples to focus on specific areas however macro level systems thinking is highly relevant. It was agreed that Human Rights will be included in the analysis of consequences and opportunities of vacant and derelict land.

It was agreed that it is a high priority to move quickly and respond to the Scottish Government expectations in order to enable action on the ground. Given there are existing recommendations from the Land Reform Review Group and existing work on topics such as Compulsory Sales Orders, work on setting out the policy options for taking these forward should be considered a priority, with a view to then making recommendations to Scottish Government in the coming year.

Section 6 – Constraints to Land Assembly

The Commissioners discussed the constraints to Land Assembly. It was queried what would be done with the think pieces once they have been created. Posy advised that each will have a different format but all will be published on the Land Commission website and the first will be accompanied by a blog post with the opportunity for the Land Commission and the public to add comments for discussion.

It was agreed that it is important to have focussed work on the potential policy tools to address land assembly, e.g. Urban Partnership Zones and Majority Land Assembly, in addition to the 'best practice' engagement proposed. Reviews of these policy options should aim to result in recommendations for Scottish Government.

Section 7 – Housing Land Supply

It was noted that Land Value Tax (LVT) needs to be looked into more urgently than was initially intended. Shona advised that she is currently working on a briefing for a research contract regarding LVT to look into what is done in other countries and what we can learn in order to provide an initial overview of options. Two other strands for LVT work were identified, firstly addressing valuation techniques and secondly building public understanding of land value tax.

In relation to Land Value Capture, the Commissioners agreed the purpose of this piece of work is to determine what necessarily is meant by Land Value Capture. It was agreed that work will need to be done to 'clear the fog' before the Land Commission can focus on specific recommendations related to Land Value Capture.

Given the wide range of factors affecting the housing market system, Commissioners agreed that our focus is on the housing land market, recognising that the nature of interventions and solutions is likely to vary across a rural/urban and regional context. The likely need for legal advice on human rights considerations was identified.

The Commissioners discussed what needs to be done in regards to Land Banking. It was agreed that this review should be progressed in order to provide recommendations as requested by the Scottish Government.

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The Commissioners discussed the use of a blog for the Land Commission to share views and provide information on topical issues. Posy advised that she is currently developing this.

6. Any other business

Hamish advised the Commissioners that interviews for the two Policy Officer roles would take places on Wednesday 29th November.

Megan asked if the Commissioners could be sent an updated programme of Commissioners Meetings with details of locations. **(Action: Caron to distribute this to all Commissioners.)** Hamish advised that the December meeting will be focussed on the Land Ownership and Land Use Decision-Making workstreams with a visit from NFUS.

Date of next Meeting: Tuesday 19th December 2017

**Scottish Land Commission
November 2017**