



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 5th February 2019, Longman House, Inverness.

Present: Andrew Thin (Chair), Lorne MacLeod, Megan MacInnes, Dr Sally Reynolds, David Adams (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner), Hamish Trench, Caron Munro, Shona Glenn, Sarah Allen, James MacKessack-Leitch, Eilidh Mackintosh, Posy MacRae, Katherine Pollard (Scottish Land Commission).

1. Minutes of meeting held on 18th December 2018

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

- Under Any Other Business the minutes should include ‘The Tenant Farming Commissioner provided an update on the ongoing discussion with Buccleuch regarding the situation with the Telfer family.

Hamish advised that following action 27111803 Hamish will discuss the Terms of Reference for the Community Ownership Delivery Group with Simon Cuthbert-Kerr, Scottish Government, and will circulate them to the Commissioners when finalised.

2. Conclusions and recommendations on scale and concentration of land ownership – report to ministers

Hamish provided the Commissioners with an overview of the conclusions and recommendations and advised that Commissioners consider both the substance and communications approach.

Commissioners agreed that the conclusions and recommendations address the key issues emerging from the evidence report.

Commissioners discussed the following specific points:

- Ensuring the emphasis on fulfilling the expectations of the Land Rights and Responsibilities Statement runs through the recommendations;
- Clarity on the relationship between scale and concentration;
- The role of local authorities;
- Clarity on who would be responsible for implementing each recommendation;
- The role of both local accountability and wider public interest in governance and decisions;

Subject to considering these points Commissioners agreed the recommendations. It was agreed that the Chair and Chief Executive should agree the final changes prior to submission to Ministers.

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| Action 05021901 | Hamish and Andrew to agree changes to the recommendations based on the discussion, prior to submission to Ministers. |
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It was agreed that the evidence report is of considerable public importance of itself, and that there is a risk in publishing both evidence and recommendations together that the former will be eclipsed by media interest in the latter. The board considered carefully the option of first publishing the evidence report on its own, with recommendations delayed until a later date.

It was agreed, however, that the evidence report and recommendations should be published together, but that a communications plan to draw public attention to the evidence report should first be developed and shared with Commissioners.

The communications plan should consider what we will do to engage the public and stakeholders in the findings of the research in a sustained way beyond publication of the report, recognising that the recommendations may only be part of the long term response needed to address the findings of the evidence report.

The Commissioners requested an update on progress of the report and communications at the next Commissioners' Meeting.

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| Action 05021902 | Posy to prepare a communications plan that draws attention to the evidence report to be shared with Commissioners |
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3. Quarterly Progress Report and Annual Risk Review

Delivery

Hamish advised that most 2018/19 activities are either complete or approaching completion. Commissioners considered the amber and red items in particular. It was agreed that the activity on land value data shown as red be removed as a current priority as it is unachievable in its current form, but that the Commission will need to return to it in a future workstream.

The three areas of the workplan which are showing amber ratings are delayed but the work is now progressing in these areas.

It was advised that the Commissioners will be presented with the 2019/20 Business Plan for consideration at the March meeting.

Finance

Hamish advised that the Commission is currently anticipating a £100,000 underspend which Scottish Government have been made aware of. The underspend is due to savings in pieces of work that have been carried out, rather than work not being taken forward.

Risk

Lorne advised that the Audit and Risk Committee (ARC) considered the risk register on 4th February 2019 and looked at risk 5 in depth. The ARC suggested that a target risk of 3 may be too low for risk 5 and the Commission should consider is there is an appetite for a higher risk level. Commissioners agreed that the risk appetite for this risk could be increased. It was advised that the risks showing an increasing movement are due to the combination of priorities evolving in multiple workstreams and constraints in staff capacity. Business Planning for 19/20 is an opportunity to reconsider priorities.

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| Action 05021903 | Management team to consider further the appropriate risk appetites. |
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Hamish advised that risk 10 is increasing for the current financial year. The Commissioners noted the continuing risk of underspend and the increase in budget for 2019/20 with an expected more complex Business Plan.

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| Action 05021904 | Hamish and Lorne to discuss financial controls and report back to Commissioners at the next meeting. |
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It was advised that risk 8 reflects the increasing complexity as the Commission's work and relationships cross several portfolios of the Scottish Government. It was requested that the Commissioners receive a summary of the key Scottish Government relationships for the Commission. It was agreed that a horizon scanning discussion with the Scottish Government policy lead would be helpful.

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| Action 05021905 | Hamish to circulate a summary of key Scottish Government relationships for the Commission. |
| Action 05021906 | Hamish to invite the Scottish Government Head of Land Reform to a future Commissioners meeting. |

Organisation development

Hamish advised that Gillespie MacAndrew have been appointed to provide legal services to the Commission. It was noted that any legal advisor will have the potential of a conflict of interest and Hamish confirmed that appropriate procedures are in place should this situation arise.

Communications

Posy advised that the Commission's Social Media following has a steady growth. She advised that Sara is working on the public meetings plan for 2019 and will send details to Commissioners. It was advised that the public meetings will be focused on particular workstreams including the findings and recommendations on concentration of land ownership, community engagement protocol, and vacant and derelict land where appropriate.

4. Any Other Business

ARC Report

Lorne advised that the Audit and Risk Committee received the audit report on Agricultural Holdings casework which provided a moderate assurance and agreed

the 2019/20 internal audit plan with BDO. It was requested that the Commissioners receive a copy of the internal audit plan.

He also advised that the external audit fee for Audit Scotland for the 2018/19 will be £24,500.

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| Action 05021907 | Caron to add a section to the quarterly Commissioners Meeting agenda to include an ARC update and circulate ARC minutes to the Commissioners. |
| Action 05021908 | Share the internal audit plan with the Commissioners. |

Letter from STFA

The Chair advised that he will respond to the letter addressed to Commissioners from the STFA regarding Islay to advise that the Commission intends to hold a public meeting in Islay.

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| Action 05021909 | Andrew to respond to the STFA. |
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TFC update

The Tenant Farming Commissioner updated Commissioners on the progress of negotiations with Buccleuch Estate and the Telfers.

IT update

Posy advised that, following the migration to a new IT system, all Commissioners will be given Land Commission email addresses and IT equipment to access their Land Commission emails in a way that is compliant with security obligations. Posy will contact the Commissioners with options for their IT equipment.

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| Action 05021910 | Posy to send Commissioners details of the IT equipment options that they have for accessing their Land Commission emails. |
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Next Meeting

Hamish advised that the next meeting will be held in the James Hutton Institute in Aberdeen with the meeting in the morning, followed by an afternoon workshop on International Experience of Community Ownership hosted by the James Hutton Institute and an International Land Reform Conference the following day.

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| Action 05021911 | Caron to contact Commissioners regarding travel logistics for the next Commissioners' Meeting. |
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Date of next Meeting: Tuesday 5th March 2019

Scottish Land Commission
February 2019