



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

## **Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 2<sup>nd</sup> February 2021**

**Commissioners Present:** Andrew Thin (Chair), Sally Reynolds, Lorne MacLeod, Megan MacInnes, David Adams (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner)

**In Attendance:** Hamish Trench, Sarah Allen, Posy MacRae, Shona Glenn, Emma Cooper, Caron Munro, (Scottish Land Commission)

There were no declarations of interest.

It was noted that this is the first meeting for David Adams and Megan MacInnes since being reappointed as Land Commissioners. It was noted that Parliament is currently working to confirm the reappointments.

### **1. Minutes of previous meeting 1<sup>st</sup> December 2020**

The minutes were agreed as a true and accurate reflection of the discussion, no amendments to be made.

David requested an update on the Land for Housing and Development publication. Commissioners were advised that the publication will be at the beginning of March and the communications surrounding the publication will include an opinion piece, an animation and stakeholder communications. It was agreed that Commissioners will be sent information on the release prior to the publication date.

<b>Action 21020201</b>	Posy to send Commissioners communications campaign information prior to publication date
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### **2. Audit and Risk Committee Report**

The Commissioners were advised that the Committee has received and agreed the annual audit plans for the next year for both internal and external audits.

The Chair of the ARC advised that the Commission has received a moderate level of assurance from internal audit for IT general controls with a positive report and few recommendations. He also advised that the Committee received assurance on the

Commission's efforts to enhance cyber security and remain vigilant following the recent attack on SEPA. The Chair also advised that the Committee had reviewed the quarterly budget update and noted a forecast 3.2% underspend.

The Chair reported on the risk interrogation carried out which this time focused on the strategic risks in effective engagement with Government. The Committee had discussed the range of actions in place and noted the effective relationship being maintained. It was noted that the Vacant and Derelict Land Taskforce was a good example of how well the Commission and Scottish Government can work collaboratively.

The Commissioners discussed the Commission's work on Cyber Security and the potential threat to the Commission. They were advised that the Commission has ongoing work in this area and are working with the IT provider to implement recommendations on the back of the cyber-attack on SEPA. Commissioners agreed that the Audit and Risk Committee scrutiny of this risk provides assurance to the board.

### **3. Quarterly Progress Report**

Hamish provided the Commissioners with an update on the Commission's current work and capacity in response to current lockdown measures. He advised that staff are currently managing the reduced capacity and managers are working with their teams to monitor workloads. The Commission has rescheduled the MyLand campaign to later in the year in order to free up staff time across teams as well as taking place when people are more likely to have time to engage with the campaign. By delaying the project, it releases budget in the current financial year which is unlikely to be reprofiled.

It was noted that the tenant farming area of work is experiencing a current increase in workload, including a new statutory function in relation to relinquishments and assignation.

The Commissioners noted the very good progress the Commission continues to make on projects and workstreams despite reduced capacity.

Commissioners noted the success of the recent secondment for the Regional Land Use Partnerships project and noted the chance for the Commission to learn from this experience and consider similar secondments for other areas of work in the future.

Commissioners asked if any decisions have been taken on future office space in light of the intention to offer full home working. Posy advised that the Commission has not given notice to Scottish Government to leave Longman House at this point, given that we have not yet made a formal offer to staff and do not yet know our future requirements. The future ways of working offer will be made to staff over the next few months.

Commissioners sought more information on the amber rated outputs relating to diversity of land ownership. Hamish advised that the original intention to prepare a discussion paper had not worked as planned, so the Commission has revised its

approach to this work, which is now being taken forward as per the new strategic plan. The first element of this progressed this month with the issue of a tender on the benefits of diversity in the economy.

Commissioners welcomed the recent announcement of a £50M fund by Scottish Government to help implement the VDL taskforce recommendations and noted they would like to have a future discussion, specifically in relation to maintaining momentum of the focus now established.

<b>Action 21020202</b>	Discussion on VDL monitoring to be added to the agenda for a Commissioners' Meeting in the coming months
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#### Risk Register

It was noted that there were not new or increasing risks for the Commission, but that several risks remain high. Commissioners queried if the Commission was prepared to live with the current high levels of some risks or whether further action is needed. They were advised that the target dates on the register are when each risk will be reviewed, and the management team will review the actions in place and determine if more needs to be done to mitigate the risk. Commissioners noted that some risks will continue to be high in the current Covid-19 circumstances.

Commissioners sought particular assurance on staff wellbeing. Hamish advised that risks 11 and 12 continue to be a high priority for the Commission to support staff wellbeing and the Commission are being proactive in continuing the staff wellbeing campaign, sourcing staff wellbeing training, and managing workloads since returning to work at the beginning of January.

#### Communications

Commissioners noted the positive communications report for the last quarter. Commissioners requested whether further qualitative information on the 'negative' category of coverage could be provided, to help judge the likely impact.

<b>Action 21020203</b>	Discussion on communications to be added to the agenda for a Commissioners' Meeting in the next few months
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#### **4. Quarterly Report on Land Rights and Responsibilities Casework**

Emma provided the Commissioners with an update on this area of work. She advised that there has been an increase in casework and areas where the Commission has been able to make a positive impact. She noted that the release of the vacant and derelict land recommendations created an increase in cases. It was noted that the casework report is useful for the Commissioners to understand the practical application of the protocols.

Commissioners welcomed the report and discussed the balance of casework and where the Commission can have most impact. It was noted that the current focus is to build up capacity within stakeholder groups, so that others are able to support implementation of the protocols. Commissioners noted that it will be important that the

Commission has capacity to engage with some of the most difficult cases, particularly those which may not be addressed through membership groups or other networks.

Commissioners discussed the potential benefit of legislative underpinning for the protocols. It was suggested that there is a need for a legislative backstop for the protocols as well as continuing voluntary measures. It was also noted that the Commission has a sufficient number of examples and casework to highlight why legislative backing would be beneficial. It was noted that this should be considered as part of the Commission's advice to government on review of the Land Rights and Responsibilities Statement this year.

## 5. Any Other Business

### Tenant Farming Commissioner Update

The Tenant Farming Commissioner provided Commissioners with an update on this area of work. He advised that the Commission is currently working to set up a panel of valuers in relation to new legislation that comes into place later this month.

He advised that surrounding the deadline for the Tenant's Amnesty in December there has been an increase in casework. He also noted that the Commission has launched a mediation scheme for Tenant Farmers following some pilot mediations.

### Community Right to Buy Abandoned, Neglected or Detrimental Land

It was noted that there have been cases recently where applications under the Community Right to Buy (Abandoned, Neglected or Detrimental Land) have not been successful. Commissioners reported feedback from stakeholders that raised questions about whether further guidance could be offered to communities. It was agreed that Hamish will raise this matter with the Scottish Government land reform team.

<b>Action 21020204</b>	Hamish to raise this query with the Scottish Government and report back to the Commissioners
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**Date of Next Meeting: 2<sup>nd</sup> March 2021**

**Scottish Land Commission  
February 2021**