



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 6th September 2022

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

In Attendance: Posy MacRae, James MacKessack-Leitch, Hamish Trench, Gillian Brown (Scottish Land Commission), Fiona Taylor, Janet Mountford-Smith, Anna Leslie (Scottish Government)

Apologies: Emma Cooper (Scottish Land Commission)

Declarations of interest: No declaration of interest.

The chair welcomed Fiona, Anna and Janet to the meeting and thanked them for joining.

1. Minutes of previous meeting 5th July 2022

David Adams raised Page 2, item 4 – change action point to read

Action 22070502	David Stewart and Hamish Trench to agree where to focus the workstream and report back to the board.
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The Commissioners agreed that with this correction, the minutes of the meeting are a true and accurate record of the discussion.

Action Tracker

All actions discharged.

2. Audit and Risk Committee update

Megan reported that there was full attendance at the ARC meeting on 5th September and reported key points of the Committee's discussion including:

- Office move and business continuity
- There are interim arrangements in place until the Head of Communications and Corporate services post is filled.
- Annual Audit Report is on track and should be ready for sign off at the ARC and board meetings in November.

- The committee agreed to adopt the updated and simplified Asset Management Policy.
- 2 risks have increased due to the Land Reform Bill consultation. Board succession was also discussed as being a potential risk and it was agreed that risks will be discussed at the next quarterly board meeting.
- The budget is on target and in a similar position at this point to previous years.
- A closed session with BDO followed after the committee meeting.

3. Update from Scottish Government

Scottish Government staff in attendance provided an update on the Land Reform Bill consultation. The consultation period closes on the 25th of September 2022. They also confirmed the revised LRRS is to be published on the 23rd of September and the team have been in touch with Posy to discuss communications support associated with this.

A discussion followed on the next stages including Scottish Government’s plans for analysis and reporting on the consultation and future stakeholder engagement. Commissioners noted that the Commission is ready and willing to support the next steps by providing advice as required and participating in stakeholder discussions. Commissioners noted the resource implications for the Commission in the short-term to ensure time to support the bill development process. Commissioners also noted the potential for longer term resource implications if new functions or expectations for the Commission result from the proposals.

Commissioners also noted the value in previous annual board meetings with the Minister and asked when the next opportunity for the board to meet with the Minister would be scheduled.

Action 22090601	Hamish and Fiona Taylor to arrange an appropriate date for the board’s annual meeting with the minister and 6 monthly meetings with the chair.
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4. Scottish Land Commission Response to Land Reform Bill Consultation

Hamish introduced the paper setting out the proposed focus for the Commission’s response. In discussion Commissioners supported the proposed focus noting the following points:

- That there is value in the response focusing on the strategic context, intended purpose of the proposals and key issues that will need to be considered, rather than pre-empting discussion on detailed points of implementation.
- Noting the strong link between the proposed public interest test and proposed review mechanism for LRRS.
- Supporting the use of cross-compliance mechanisms as a proportionate approach to enforcement.
- Considering the application of the public interest test to aggregate land holdings.

- The relevant interactions with the Agriculture Bill and the Human Rights Bill
- The nature of the evidence available to inform development of the proposals and the value of different forms of evidence in providing a robust basis.

The board agreed the proposed focus set out in the paper and delegated final sign off on the paper to Hamish and Andrew.

James MacKessack-Leitch, Anna Leslie and Janet Mountford-Smith left the meeting.

5. Approach to next Strategic Plan

Hamish introduced the paper with the intention of agreeing the approach and the timeline for developing the next strategic plan. The new strategic plan must be in place by September 2023. Commissioners agreed the need to retain a clear sense of purpose and momentum.

Commissioners considered the implications for board succession, noting that a future board will have flexibility to adopt a new strategic plan at any point, also noting the value in ensuring the organisation has a clear sense of direction and strategic priorities through a board transition period.

The board agreed the proposed timetable and approach. A question was raised on how the early scoping discussions would be held, and it was agreed these should be structured in a way to encourage shared open thinking between board and staff, drawing on different perspectives and experience in considering horizon scanning, potential priorities and how the Commission creates impact.

Action 22090602	Hamish to schedule workshop discussions on the strategic plan for the November board date
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6. 2022/23 Business Plan update

Hamish provided the board with an update on the direction of delivery and focus for the second half of the year. He noted that the LRRS and TFC pillars of delivery continue largely as planned, while the context for advice on bills and advice for policy and practice is continuing to develop rapidly. In particular the paper sets out the proposed prioritisation in considering forthcoming bills and our advice on a) natural capital and the land market and b) development.

The board agreed that the priorities for consideration of forthcoming bills should focus on the land reform bill, community wealth building bill, agriculture bill and human rights bill.

The board supported the proposed focus for the second half of the year on natural capital and the rural land market, noting this maintains a clear sense of focus. Commissioners welcomed the intention to re-establish the Community Land Ownership Leadership Group, noting the value in this. The board also supported the proposed focus for the development workstream in this financial year, noting that

further board discussion will be needed to develop next steps on land assembly, which will be for consideration in the next financial year.

7. LRRS Training Programme update

Lisa Busby and Karen Grant (Scottish Land Commission) joined the meeting online for this item and left at the end of the discussion.

Lisa introduced the paper to provide an update on the development of the LRRS winter training programme. The programme is intended to provide more structured opportunities for a range of audiences to engage in training, responding to both demand and opportunities identified by the Commission.

Commissioners welcomed the ongoing engagement with public bodies and sought assurance that the programme will also target 'harder to reach' landowners and those less likely to voluntarily adopt changes in practice. Lisa and Hamish confirmed the winter training programme is one part of the wider LRRS Good Practice Programme. The Commission has deliberately sought to increase implementation of LRRS through public bodies as key points of influence. However, work continues through representative bodies and directly with individual landowners, including the private sector, to reach others.

The board asked that consideration be given to clarity in the indicators of success for the training programme.

8. Youth Engagement Strategy

Posy introduced the paper, noting it responds to the board's stated desire to bring more diverse voices into land reform. The paper is informed by the internship undertaken earlier this year which provides a solid basis of analysis for developing an effective approach.

Commissioners' discussion included appropriate definitions of young people, and the range of steps the Commission could take. The board supported the direction set out in the paper and asked that in developing the strategy further, consideration is given to prioritisation and value for money in identifying which steps the Commission should take first.

9. Scottish Government Agriculture Bill consultation

Bob provided an update on the Scottish Government's consultation on the Agriculture Bill and the intended purpose behind the proposals.

The Board also noted the effectiveness of the TFC blog and the continued opportunity for key TFC messages such as the mediation example to inform wider land reform approaches.

10. AOB

Hamish provided the board with an update on the interim arrangements in place until the Head of Communications and Corporate Services role is filled.

Noting this is Posy's last meeting Sally expressed thanks on behalf of the board to Posy for all her hard work and leadership which has been central to the success of the Commission. Posy returned her thanks to the board for their support and opportunities provided during her 5 years at the Commission.

Date of Next Meeting: 4th October 2022

**Scottish Land Commission
September 2022**