



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minute of the meeting of the Scottish Land Commissioners held on Tuesday 5th December 2023 at An Lochran, Inverness.

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

In Attendance: Hamish Trench, Gemma Campbell, James MacKessack-Leitch, Karen Grant, Emma Cooper, Nikki Nagler, Felicity Peall (Scottish Land Commission)

Apologies: David Adams (Land Commissioner).

Declarations of interest: None

1. Minutes of previous meeting 7th November 2023

The minutes were agreed as a true and accurate reflection of the discussion held: No amendments required.

Matters Arising: None

2. Report from Chair of Audit and Risk Committee

Lorne introduced the paper and provided key points from recent ARC meeting, noting the recent complaint and lessons learned, budget review and the adjustment to the risk register to better reflect reputation risks associated with impact of advice.

The board sought assurance from the Chief Executive on the point raised about spend profile and risk of underspend. Hamish advised significant progress has been made in Qtr 3 in reallocation and bringing spend forward in order to meet out budget expectations.

The chair also noted that the board will need to review the ARC membership once new Commissioners have been appointed in the new year.

Action 23120501	Hamish to provide update on spend profile at next meeting (budget update will be included in Quarterly Report)
Action 23120502	Board to review membership of the ARC once new Commissioners appointed

3. Good Practice Casework

Emma introduced the good practice casework policy for agreement, noting the board's previous discussion on our approach to casework. She emphasised the value in having an agreed policy that provides clarity and transparency internally and for members of the public.

The Board agreed the value in having an agreed policy. Members discussed if and when escalation of cases to the board may be appropriate. It was agreed that in cases where no response is received from an approach by the Commission to relevant parties, if there are issues of sufficient impact or public interest, staff should escalate the case to the board for consideration. That consideration will include whether it is appropriate for the Commission to make a public statement on the matter.

It was agreed that the board will continue to receive quarterly updates on casework for information.

The board also asked that minor additions be made to the policy to be clearer about how the Commission prioritises its limited capacity in handling LRRS casework.

Subject to making changes to reflect the points above, which the board delegated to staff, the board agreed the policy.

Action 23120503	Hamish to agree amendments to wording in the casework policy before publishing.
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4. 24/25 Outline business planning

Hamish introduced the paper on outline business planning for 24/25. He noted the clear framework in our new strategic Plan and Programme of Work that should guide our planning. He also noted the planning assumption of a flat grant-in-aid, although Government is due to publish its draft budget on 19th December. He emphasised this is an initial discussion to consider key areas, detailed business planning will be taken forward in the new year, with board discussions in February and March.

The board agreed the broad areas of focus set out in the paper address key areas the Commission will be expected to be working on. The board noted that a flat grant-in-aid is a realistic planning scenario but that it will mean a real-terms reduction in resource, so prioritisation of staff time and finance will be required.

The board also noted that our business planning should retain a good level of flexibility, to respond to both the board transition with new Commissioners being appointed between now and March and to be able to respond effectively to the land reform bill, for which publication date is currently unknown.

The board asked that particular consideration is given to our ongoing role and work on natural capital. It is expected this will continue to be a strong theme influencing land and land reform. Hamish noted that many parts of government and public bodies are involved in work which is increasingly being co-ordinating through Scottish Government programmes. He identified a continuing need for the Commission to contribute to the development of the market framework and policies that government is developing, as well as continuing to provide thought-leadership on approaches to natural capital in relation to land governance and land value. The board asked for a briefing at the next board meeting on the wider context of Scottish Government and public sector work on natural capital in order to consider our planned work in that context.

The board also noted the range of legislative bills likely to be relevant, including reference to potential charities reform and crofting legislation.

Action 23120504	Hamish and Emma to provide briefing on the context for our natural capital work at the next board meeting.
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5. Communications Update

Nikki gave a communications update, noting the good level of publications, visibility and coverage over recent weeks and what is coming up. The board noted their thanks to all staff and Nikki and Sara in particular for the quality and coverage of recent communications, particularly noting we have reduced staff capacity at present. The board asked for an updated organisational chart to be circulated given a number of new staff appointments.

The board agreed a January online public meeting should proceed as planned, and arrangements for the future public meetings programme will be agreed with an incoming chair.

Nikki noted that communications are in-hand for timing as and when there are announcements on new Commissioner appointments and/or the land reform bill.

Members sought an update on conference planning. Nikki confirmed the date and venue will be agreed before Christmas and circulated. The focus for the conference will be on practical approaches to more diverse land governance models.

Action 23120505	Nikki to schedule public meeting for mid-January.
Action 23120506	New updated organisational chart to be circulated.

6. Tennant Farming Update

Bob briefed the board on the proposed tenant farming measures that are expected to be included in the land reform bill. These have been well discussed through the Tenant Farming Forum Advisory Group and reflect Bob's advice as TFC. The Government has also consulted on a strategic environmental impact assessment which has set out the proposed approach.

Members noted the proposed measures. The board highlighted in particular the relevance of the proposed Land Use Tenancy to the wider work of the Commission in relation to governance, tenure and access to small land holdings.

AOB

Community Land Leadership Group

Lorne gave an update from the recent Community Land Leadership Group, highlighting the discussion on a proposal from Community Land Scotland to simplify registration for community right to buy, and on the increasing use of sale conditions which can constrain acquisitions through the Scottish Land Fund. The board agreed that the Commission should consider, and if necessary seek its own advice on the proposals for Community Right to Buy. It noted the Commission's previous recommendation to simplify rights to buy where possible as well as the range of potential legal and practical issues involved.

Board Recruitment

Andrew updated the board on the recent recruitment, advising that interviews have now taken place and the recommendation of the independent panel passed to Ministers. The appointments process is continuing through the parliamentary stages so there will be no further updates until that is concluded.

He also noted that he is preparing the skills matrix so that Scottish Government can begin in good time the recruitment process for the next board appointments due in December 2024.

Andrew also noted that work is in-hand to prepare the induction plan for new Commissioners and he will share this with the board.

Action 23120507	Andrew to submit to government relevant information for the 2024 board recruitment.
Action 23120508	Andrew to agree an induction plan for new Commissioners with Hamish, to be shared with the board,

At the end of the Board meeting the board thanked Megan and David for their commitment and outstanding work as members of the board since the establishment of the Commission.

Date of Next Meeting: 6th February 2024

