

SCOTTISH LAND COMMISSION COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 28 February 2017 at Longman House Inverness

Present: Andrew Thin (Chair), Dr Sally Reynolds, Lorne MacLeod, Prof David Adams, Megan MacInnes (Land Commissioners), Dr Bob McIntosh (Tenant Farming Commissioner), Hilary Pearce (interim CEO), Scott Strachan (interim HR Manager) Jillian Gardner (SG).

1. Minutes of meeting held on 24 January 2017

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

- Page 2 that the Strategic Plan (in Land Reform Act) refers to the Corporate plan, and the Work Plan (in Act) refers to the business plan)
- Page 3 that CTC refers to Changing the Chemistry.

Actions arising had all been completed or were underway.

(Action: Hilary to amend minutes)

2. Organisational Set Up progress report

Paper 2 was noted, including reference to the need for the Commission's position regarding the appointment of external auditors (Audit Scotland or another) needing to be clarified by Scottish Government. Confirmation was required from all commissioners of their preferred email addresses and phone details for land commission work **(Action: Hilary to request details from all commissioners)**

3. Interim Corporate Plan 2017-18

The Interim Corporate plan had been read by all commissioners and it was noted that a key piece of work for the Commission going forward, relating to paragraph 26 second bullet, would be a literature review or database of key reports. It was noted that at paragraph 26, fourth bullet, monopoly should be changed to "oligopoly" (domination of a market by a small elite) and refer to "tackling land market inefficiencies". It was also noted that Scottish Government had reference should be made to the socio economic contribution made by land owners. This might be covered by reference to promoting sustainable economic growth".

The chair explained that the Corporate Plan for the first year needed to be sent to the Cabinet Secretary for agreement in order for the finalised document to be on the

Commission's website from 1st April. **(Action: Andrew to issue a revised version to Commissioners for agreement by the end of the week, then to forward to Cabinet Secretary).**

4. Business plan for 2017-18

It was noted that the business plan for 2017-18 sets out how the resources of the Commission will be deployed to deliver the aims of the Corporate Plan. It was noted that a generic brief for a series of Think Pieces (thoughtful essays about land issues) should be drafted in order to start the commissioning process for this work in advance of the policy posts being filled. **(Action: David to liaise with Hilary on this)**. The proposed literature review would also be added to the business plan and with reference to the proposed annual conference, contact would be made with Community Land Scotland a view to the Land Commission taking future responsibility for organising an annual land reform conference. **(Action: Hilary to liaise with Linsey Chalmers)**

At paragraph 2 second bullet reference should be made to the development of the website and social media presence. At paragraph 4, second sentence, the level of workload, should be amended to the "nature" of workload. The estimated budget allocations for research and for legal advice should be increased significantly at this point. At paragraph 7, after 'annual conference' the sentence should read "a series of public receptions (for example in village halls) across the country to meet interested people".

It was noted that the Business plan would be expanded and further budget details given in the version to be considered by Commissioners at the March meeting. **(Action: Hilary to amend)**

5. Draft Framework document

It was noted that the issue about the appointment of external auditors requires to be resolved by SG and paragraph 53 should refer to the Commission striving to use local services wherever possible as long as compatible with best value. **(Action: Jillian to amend and put to SG sponsor team for agreement).**

6. Strategic Risk Register

It was noted that the strategic risk register was intended to list the high level risks of the Commission as a whole. It was intended to be a working document subject to regular monitoring and updating. There would also be a detailed risk register of covering risks to staff, etc., alongside this, which was the responsibility of the accountable officer.

The risk register was agreed subject to the amendments to phrasing of:

- Risks 7 to read "confidence and competence" and
- Risk 8 to read "lose the confidence of Scottish Ministers due to lack of political acuity".

- The addition of an extra column to list the opportunities afforded by each risk. The strategic risk register would be considered by the Audit and Risk Committee on a quarterly basis from now on and the Commissioners would be advised of any changes as necessary.

(Action: Jillian to amend and add to Agenda for first ARC meeting on 28th March)

7. Public Engagement Strategy

It was noted that this document would be made available on the Commission's website once the Communications and Events Manager had had a chance to consider the content and draft a Comms plan that would implement the strategy. It was noted that the Commission would need a strong social media presence and that the new Communications and Events Manager would be able to ensure that this was not too cautious and sluggish. A social media protocol would also need to be developed.

Other helpful items might be a list of leading opinion formers for Commissioner to meet with, and a list of publications in which articles about the Commission or its work could be written and placed.

The possibility of and options for a launch event were discussed in some detail, including locations and the involvement of the Cabinet Secretary. It was agreed that the new Communications and Events Manager should advise the Commissioners at 28 March meeting on how best to get the message across that the Commission is up and running and what the Corporate plan says it will be doing, and separately how best to promote the Strategic (3 year) corporate when it is published in September.

8. Land Rights and Responsibilities Statement - consultation

The chair welcomed Fiona Taylor and Naomi Rayner (Land Reform team, Scottish Government) to the meeting. Fiona and Naomi outlined the background to and development of the draft Land Rights and Responsibilities Statement and in particular the context of the four key themes for Land Reform, that the Cabinet Secretary for Environment, Climate Change and Land Reform had set out at the Community Land Scotland conference in October 2016. These were: Collaboration, Diversity, Social Justice/sustainable development/human rights, and Breadth across Scotland.

It was explained that the Land Rights and Responsibilities Statement had then been drafted not as a policy but as a framework from to develop a range of policies. The context of each of the six principles were also explained and the Commissioners discussed the language, context and interpretation of the statement in detail. It was agreed that the Commissioners wanted to make a constructive response to the consultation in order, where possible, to improve the precision of the statement without detracting from its strategic approach.

The chair summarised that the Commission given its statutory duty to take the LRRS into account, in its response to the consultation would consider whether the Statement is precise, understandable, usable, human rights based, monitor-able and whether it is clear that it is just one part of a longer land reform journey. Ultimately does the statement set out reasonable expectations, given that it is not mandatory nor enforceable. The Commissioner agreed to provide a consultation response to the Government in early April, which would be published on the Commission's website. The final report on the Statement was likely to go to Parliament at the end of April or early May. The chair thanks Fiona and Naomi for coming to the meeting to assist with the Commissioners' consideration of the LRRS. Their explanations had been extremely valuable. **(Action: Andrew to circulate a first draft of the consultation response within a fortnight. The final draft response to be added to the Agenda for the Commissioners' meeting on 28 March - Hilary). The Commissioners agreed to provide its recommendations on the consultation on the LRRS in early April.**

9. Any other business

It was noted that the SNH consultation over wild land designation was a technical consultation and therefore not appropriate for the Commission to respond.

It was noted that a consultation on planning reform had been issued and that it would be appropriate for the Commission to respond after 1st April **(Action: David to draft for consideration by other commissioners)**

It was noted that Sally was attending media training (Gaelic) in March and that David was also interested in this **(Action: Hilary to forward details to David)**

Date of next meeting: Tuesday 28 March 2017

**Scottish Land Commission
February 2017
(Minutes agreed 28 March)**