



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 18th December 2018, 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, James MacKessack-Leitch, Eilidh Mackintosh, Posy MacRae, Helen Barton, Katherine Pollard (Scottish Land Commission).

Hamish advised that the Scottish Government proposed budget has been released and the Land Commission have been allocated £1.5M for the 2019/20 financial year. The Chair advised that this is very positive allowing the Commission to continue the momentum that they have established with the programme of work.

1. Minutes of meeting held on 27th November 2018

The minutes were agreed as an accurate record of the discussion and all actions have been completed or are in progress.

Hamish advised that following action 27111803 he will meet with Simon Cuthbert-Kerr from the Scottish Government in January to discuss the terms of reference for the Community Ownership Delivery Group. Hamish will update the Commissioners further at the next meeting.

The Chair advised that he, Hamish and Bob met with Scottish Land and Estates to discuss working collaboratively to progress the Land Rights and Responsibilities Statement.

Tenant Farming Commissioner Update

The TFC advised that he will be launching a code of practice on Managing and Agreeing Agricultural Leases.

There has been a rise in inquiries being raised with the TFC in 2018 compared to those raised in 2017.

James advised that the Farm Advisory Service have received positive feedback on the events that they have been running with the Land Commission focussing on succession and joint ventures. He advised that they are likely to run more workshops next year following a different theme.

The TFC advised that there is a high level of communications around the improvements amnesty to raise awareness.

2. Review of Scale and Concentration in Land Ownership – Report on Call for Evidence and Recommendations to Ministers

The Commissioners considered the evidence report and discussed the proposed recommendations to ministers.

The main points of the discussion were:

- Agreement that the draft evidence report provides a robust and well explained set of evidence on which to base recommendations.
- The presentation of the report could be further strengthened through an introduction that signposts the relevant themes, greater explanation of the rigour of the methodology and an executive summary.
- Consideration of the language to ensure technically correct use of monopoly terminology and ease of understanding.
- Agreement that issues of market and social power are the core issues that our recommendations should address.
- Whether there is a fundamental principle that can provide the basis for our recommendations - that ownership of land at any scale should be contingent on responsible behaviour.
- Commissioners agreed the recommendations need further development in order to provide clear recommendations to Ministers that can be acted on. Further consideration should include:
 - clarifying the intentions of the recommendations as currently drafted and improving the language;
 - more explicit reference to parallels in the Competition and Markets Authority;
 - the potential role of licencing as a tool;
 - more emphasis on the potential role of the Community Right to Buy to further Sustainable Development;
 - the context of population retention and growth;
 - Greater direct connection to the Land Rights and Responsibilities Statement;
 - potential for recommendations on immediate short-term action pending further legislative change

The commissioners agreed to consider the recommendations to ministers again at the next Commissioners' Meeting. It was agreed that Hamish and Shona will continue to work on the recommendations prior to the Commissioners' Meeting. Hamish advised that he will liaise with Scottish Government and stakeholder as appropriate prior to submission and publication.

Action 18121801	Recommendations to Ministers to be added to the agenda for the February Commissioners' Meeting.
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3. Direction for 2019/20 Business Plan and updated Programme of Work

Hamish advised the Commissioners that recruitment for two new posts will begin in January. One post will be for a Good Practice Manager within the Land Rights and Responsibilities team and the other will be a Senior Policy Officer leading on housing and development within the policy and research team.

The Commissioners discussed how the Commission can implement culture change and increase knowledge and awareness of Land Reform.

Commissioners agreed the proposed direction for revising the Programme of Work and for the 19/20 Business Plan.

It was suggested that the Commission could consider research into public interest governance models to investigate different or improved governance models currently being used or available. However, this is in addition to continuing the existing work specifically on charitable and trust land ownership.

Commissioners asked that the Commission be proactive in working with Scottish Government as the implementation of the Community Right to Buy to further Sustainable Development progresses.

Commissioners advised that the business plan should signal the Commission's awareness of the continuing and emerging political priorities.

4. 2019 Commissioners' Meeting Programme

The Commissioners discussed the meeting programme for 2019. As well as the visits proposed, Commissioners agreed that it would be beneficial to visit a charitable sector landowner.

It was suggested that a visit to somewhere with relevance to the scale and concentration report would be helpful for the Commissioners. Also that visits and discussions relevant to our urban work would continue to be useful.

It was agreed that Hamish will consider the Commissioners suggestions and circulate an updated programme.

Action 18121802	Hamish to circulate updated Programme for Commissioners meetings
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5. Any Other Business

The Tenant Farming Commissioner provided an update on the ongoing discussion with Buccleuch regarding the situation with the Telfer family.

Date of next Meeting: Tuesday 5th February 2019

**Scottish Land Commission
December 2018**