



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 27th March 2018, MacRobert Estate, Tarland

Present: Andrew Thin (Chair), Lorne MacLeod, Prof David Adams, Megan MacInnes, Dr Sally Reynolds (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner), Hamish Trench, Caron Munro, Sarah Allen, James MacKessack-Leitch (Scottish Land Commission).

The Chair advised that he and Hamish had met with the Cabinet Secretary to discuss the work of the Land Commission over the first year. He advised this was a positive discussion about the work that the Land Commission has undertaken and produced throughout the first year and the direction ahead.

Hamish provided the Commissioners with an update of the work that the Land Commission is currently carrying out. He advised that the recruitment for the Community Engagement Advisor had been successful and the post has been offered on a job share arrangement.

Action 27031801	Hamish to circulate details of contractors and working group members to Commissioners.
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1. Minutes of meeting held on 27th February 2018

The Commissioners agreed the minutes of the meeting as a true and accurate record. All actions had been completed.

2. Updated Programme of Work

Hamish advised the Commissioners that the updated Programme of Work will be laid in Parliament on 29th March and will be published on 1st April 2018. Hamish advised that the Commission expects to publish an updated Programme of Work annually.

It was agreed that reference to private trusts should be included in 2.2 which currently refers only to charitable trusts.

Action 27031802	Hamish to update page 3, section 2.2 to read 'review of the role of charitable and trust status in land ownership. Hamish to also consider the wording of section 2.2a.
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3. 2018/19 Annual Business Plan

Hamish advised the Commissioners that the Annual Business Plan would also be published 1st April 2018 with the Programme for Work.

Action 27031803	Hamish to amend the staffing costs to ensure that they are the same amount in both annex A and B.
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The Commissioners agree that they will continue to review the budget quarterly.

It was suggested that the Annual Business Plan should link to the Land Rights and Responsibilities Statement.

Action 27031804	Hamish to discuss with the management team the options for presenting the links between our work and the Land Rights and Responsibilities Statement.
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The Commissioners' agreed to sign off the Annual Business Plan.

4. 18/19 Communications Strategy

Hamish provided the Commissioners with a summary of the communications strategy and advised that the document is an internal document.

The Commissioners discussed the importance of internal communications to maintain the culture within the organisation.

Hamish advised the Commissioners that following the staff away day in November 2017 he has been working to create a staff development programme across the next year for both the management team and the staff. It was suggested that it would be beneficial to make use of the time when Commissioners are in the office to meet with all staff.

The Commissioners discussed the benefits of using local newspapers for increasing public awareness of the Land Commission, particularly linked to public meetings.

It was suggested that the use of the term 'land owners' and the term 'community land owners' needs to be consistent throughout the document to ensure that all types of Land Owners are taken into account.

Action 27031805	Posy to consider rewording section 7 to ensure consistency of 'land owners'.
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It was suggested that the Land Commission should be proactive in reviewing which stakeholder groups the Commission engages with.

Recent public meetings suggested more background information about the organisation may be necessary in presentation.

Action 27031806	Posy and Sara to consider updating the presentation slides.
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The Commissioners discussed the term 'Land Ownership' and agreed to refer to it as 'Modernising Land Ownership' going forward to make it more clear what the aim is but agreed it is not necessary to update all documentation.

Hamish advised the Commissioners that the first anniversary communications campaign will include a press release, radio interview and publication of the Programme of Work, the Annual Business Plan and an annual review.

5. Codes of Practice and Guidance

Bob advised the Commissioners that the Code of Practice regarding late payment of rent is currently being prepared for publication and the guide to alternative dispute resolution will be published at the Tenant Farmers Advisory Forum in April.

Bob advised that the system of seeking agreement from stakeholders on the codes of practice has been successful. He suggested that it would be beneficial to write a paper to stakeholders to update on the work of the Tenant Farming Commissioner.

The Commissioners discussed the rent review process for the tenant farming sector and agreed to discuss this with the Scottish Government Agricultural Holdings Team and discuss again in three months' time if there have been any further developments.

Bob advised that the next code under consideration is regarding short term tenancies and a requirement for the tenant and landlord to record an initial agreement to ensure clarity of expectations at the end of the lease of tenancies.

The Commissioners discussed the lack of awareness surrounding the amnesty. Hamish advised that Posy is currently working with the Scottish Government to prepare a press release regarding the amnesty.

6. Review of the Operations of Agents

Sarah advised the Commissioners that the second phase of the review was completed in February 2018 and consultation with stakeholders on the results is now underway.

The Commissioners were advised that a summary of the research and a draft report on the work that is still to be done will be completed by the end of March and a final report on recommendations to Ministers will be completed by the end of April.

Sarah advised that the research is now focussing on the 17% of respondents who were dissatisfied to find out how this can be improved. The Commissioners agreed that although this is a small percentage it is a large problem.

Action 27031807	Sarah to circulate the draft report to Commissioners.
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It was queried how many of the recommendations made by the TFC would result in changes to be implemented by the TFC. Bob advised that most of the recommendations would be for other organisations to take forward.

The Commissioners also discussed the wider point raised by some regarding agents wider role in facilitating discussions between land owners and communities.

Action 27031808	Andrew, Bob and Hamish to consider whether further Commissioners discussion on the report is required.
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7. Tenant Farming Casework

Sarah provided the Commissioners with an overview of the Tenant Farming Commissioner's (TFC) casework over the past year.

It was highlighted that there is a need to keep under consideration the workload implications for Bob as there are many people going directly to him for advice instead of reporting breaches.

It was agreed that the Commissioners should be made aware of any amber or red flag areas of work for the TFC.

The TFC advised that he will be preparing a report to be published in regards to the Buccleuch case. The terms of reference have been agreed. The review will focus on whether the behaviour and approach of those involved is appropriate and consistent with good practice. He advised that the report will be public and will include lessons learned.

8. Increasing Availability of Farmland for new Tenants

James advised that the final draft on Increasing Availability of Farmland for new Tenants is due to be received by 30th March.

Sarah advised that the Fit to Farm discussion paper is expected to publish in mid-April.

The Commissioners discussed the planned joint workshops with the Farming Advisory Service and NFUS. It was agreed that the location of these meetings may need to be reconsidered as not all locations may be relevant for these workshops.

Action 27031809	James to reconsider the location of these meetings.
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9. Any Other Business

Andrew advised that annual appraisals are required to be carried out in April for all Commissioners.

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The Commissioners discussed getting another board observer. It was agreed that as 2018 is the year of the young people the Commission could look into getting a young person as the board observer.

Action 27031810	Andrew to contact Changing the Chemistry and request a board observer
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Date of next Meeting: Tuesday 1st May 2018

**Scottish Land Commission
March 2018**