



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 27th February 2018, Longman House, Inverness

Present: Andrew Thin (Chair), Lorne MacLeod, Prof David Adams, Megan MacInnes, Dr Sally Reynolds (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner), Hamish Trench, Posy MacRae, Caron Munro, Shona Glenn, Sarah Allen, Gillian Brown (Scottish Land Commission), Rachel Ross (guest).

The Chair advised the Commissioners that this would be Rachel's last meeting observing the Commission. He thanked Rachel for her input throughout her time with the Commission.

1. Minutes of meeting held on 30th January 2018

The Commissioners agreed the minutes of the meeting as a true and accurate record subject to the following amendment.

- The second sentence in action 30011807 is to be amended to 'Posy to reconsider the format of the Land Ownership event, and look into the possibility of holding a surgery to enable confidential contributions'.

Action 27021801	Caron to update the previous minutes.
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Hamish advised that, in relation to action 30011810, comments on the draft Community Right to Buy (Abandoned, Neglected or Detrimental Land) Regulation were sent from the Land Commission to Scottish Government.

2. Revised Scottish Government Framework Document

Hamish advised the Commissioners that the Framework Document has been updated in line with the new template from Scottish Government.

The Commissioners agreed to accept this updated version of the Framework Document.

3. 2018-21 Strategic Milestones

Hamish provided the Commissioners with an overview of the strategic milestones that set out timescales for the major reviews identified in the Programme of Work. It was advised that any updates to the Programme of Work must be laid in Parliament and the Commission are planning to do this at the beginning of April to tie in with

publication of the Annual Business Plan. It was agreed that this format is beneficial for an internal view of the milestones but we must maintain a focus on the Programme of Work as the main document for stakeholders.

The Commissioners discussed the need to ensure the Commission is maintaining its profile by producing quality work at regular intervals in line with the strategic priorities.

The Commissioners agreed that there is a need to increase awareness of the Land Commission. It was discussed that there is a need to highlight that the Commission focuses on both urban and rural land. It was also agreed that in addition to the research milestones there are significant milestones relating to the publication of codes of practice and guidance.

Action 27021802	Hamish to present the updated Programme of Work to the Commissioners at the March Commissioners' Meeting.
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4. Draft 18/19 Business Plan

Hamish highlighted that the purpose of the annual business plan is primarily for resource planning purposes.

Action 27021803	Hamish to present the final Annual Business Plan at the March Commissioners' Meeting.
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Hamish advised that the budget follows a different format to the current set-up year in that it now follows the structure of our Programme of Work. The Commissioners discussed the research budget for 18/19. Commissioners queried the presentation of the budget and requested that it also show the allocation of staffing and other spend allocated against the priorities where appropriate. It was noted this reflects the normal practice to show budget against outcomes and gives a fuller picture of the resource allocation against key workstreams. Shona advised that each strategic plan priority area will have a project plan which will include the staff time and costs.

Action 27021804	Budget format to be amended to show delivery costs in each strategic priority area. Lorne and Hamish to discuss the presentation of the layout.
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It was queried what is included in the Digital Transformation Service (DTS) Review. Hamish advised that the DTS review is looking into the digital and IT systems that the Land Commission require with a view to developing a business case for more proportionate systems, including casework management.

Land for Housing and Development

Shona advised the Commissioners' that the Land Commission are currently in discussions with SEPA in relation to establishing a 'breakthrough partnership' to prompt a more ambitious approach to vacant and derelict land. Shona also advised that the Commission is also planning to work with a local authority to pilot work on public interest led development.

The Commissioners agreed that the issues of the rural housing land market should be more visible in the activity for 2018/19. It was suggested that a discussion paper may be a useful starting point for this area of work.

More generally it was suggested that the Business Plan could articulate the relationship between our delivery and the Land Rights and Responsibilities Statement.

Action 27021805	Hamish to consider how best to demonstrate connection to the Land Rights and Responsibilities Statement.
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Land Ownership

It was discussed that the term 'Modernising Land Ownership' better explains the purpose of this area of work.

It was queried when the Discussion Paper on this area of work is going to be published. Hamish advised that it will be published in late March with a blog alongside the report on international experience in measures to limit land ownership. Commissioners asked staff to consider whether this remains appropriate or whether publication of the Discussion Paper should proceed in the meantime.

Action 27021806	Shona and Posy to reconsider proposed publication timeline.
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It was suggested that the term 'concentration of land ownership' does not fully cover the area of work as monopoly land ownership is also a specific issue in this area of work.

Action 27021807	Hamish to reword the workstream description in row 1 to include monopoly land ownership.
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The Commissioners discussed the review of community ownership. Shona advised that this review will be looking into how to make community ownership a more mainstream option of land ownership. She also advised that although the Community Right to Buy (Abandoned, Neglected or Detrimental Land) Regulation was not in the scope of the review it will be taken into consideration.

Land Use Decision-Making

The Commissioners discussed the Use of Land Value Taxation workstream and where it fits in the business plan.

Action 27021808	Hamish to consider whether the Use of Land Value Taxation workstream should be moved to the Land Ownership section of the Business Plan and reworded.
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Agricultural Holdings

Sarah provided the Commissioners with an update on the Tenant Farming area of work including the codes of practice and guidance notes which are due to be produced. She also advised that the follow-up work on the review of agents which was being undertaken by Research Resource has now been completed.

The Commissioners were advised that the Tenant Farming Commissioner will provide recommendations to Ministers in April 2018. It was suggested that the activity against this line should be reworded.

Action 27021809	The text in the Workstream and the 18/19 Activity columns in row two should be reworded. More information on the measures to be added to the above workstream.
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5. Good Practice Codes and Guidance

The Commissioners discussed the proposed approach to developing codes of practice and guidance for land ownership and land use decision making.

It was agreed to develop non-statutory Codes of Practice in a similar model to the Tenant Farming Commissioner Codes as they are likely to have more impact than producing guidance notes and they follow a demonstrably successful model. The Commissioners also agreed that the Codes of Practice should be written in such a way that a benchmarking audit could be carried out in the future to measure or assess implementation.

It was agreed that the early priority for Codes is landowner/community relations, with potential codes including community engagement and negotiations for community ownership proposals. Further Codes could consider delivery of the public and private interest in land use.

The Commissioners agreed that the codes would need to define who would be able to allege a breach against the code and to have an agreed process for investigation and subsequent decision/recommendation by Commissioners. However, the intention behind the Codes is to influence changes in practice that resolve issues at an earlier stage. Commissioners emphasised the potential significance of Codes to the Commission's objectives and signalled a high degree of priority should be given to their development.

Date of next Meeting: Tuesday 27th March 2018

**Scottish Land Commission
February 2018**