



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 30th January 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, Katherine Pollard, James Mackessack-Leitch (Scottish Land Commission), Rachel Ross (guest), Maggie Bruce (Audit Scotland).

The Chair welcomed Maggie Bruce from Audit Scotland to the meeting and introduced Katherine Pollard and James Mackessack-Leitch to the Commissioners' as the new members of staff in the Land Commission who have recently taken up post as Policy Officers.

1. Minutes of meeting held on 19th December 2017

The minutes of the meeting were agreed as a true and accurate record subject to the following amendments being made.

- Section 2, add 'There are a large number of community groups waiting for secondary legislation to be enacted for Abandoned, Neglected and Detrimental Land and the right to buy for Sustainable Development (the former is moving forward but the latter is not expected to be enacted until 2019). Discussed whether it is essential to have such secondary regulation enacted, or will their theoretical impact be felt anyway' as an additional bullet point.
- Section 2, first bullet point, amend text to read 'the importance of community ownership and the relationship between scale and accountability'.

All actions were either complete or currently in process.

Action 30011801	Caron to update the minutes with the agreed amendments and Megan to send Caron the text for the additional bullet point.
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2. Quarterly Progress Report

Delivery

Hamish gave an overview of the delivery progress report and highlighted the reasoning behind each of the amber rated areas of workstreams and why they had been given that rating. There was a clear sense that many of the areas of

workstreams which are currently rated as amber are due to natural progression of the workstreams and the capacity of the staff to take forward priority areas.

The Commissioners raised concerns over the completion dates for some workstreams as many are currently set as 2019/20 however the Commissioners agreed that the Commission needs to be seen to be having a quick impact and producing work in 2018/19.

The Chair raised concerns that there are some issues of capacity in the delivery report which need to be taken into account as this can lead to stress and strains on staff and the organisation.

Finance

Hamish advised the Commissioners that the expected outgoings of the Commission for 2017/18 would be £900,000. He advised that Scottish Government are still required to approve all expenditure until the end of the financial year but they have approved all quarter three expenditure.

Hamish advised the Commissioners of the reasoning behind the variance in spend on the budget. It was queried why the research budget had varied so much. Hamish advised that this was due to staff capacity and the care taken to ensure that the research undertaken is of high quality.

The Commissioners agreed with the amendments made to the budget.

Risk

Commissioners were invited to review the risk register and particularly advise on any additional risks or significant changes in risk. Hamish provided the Commissioners with an overview of the layout of the risk register. He advised that he anticipates an increased risk on 'stakeholders not seeing the value from the Commission in directly influencing practice on the ground' due to the upcoming first anniversary of the Land Commission being a natural point to reflect on the difference we are making. Commissioners agreed with the need to focus on delivery in considering updates to the Programme of Work.

The Commissioners were advised that Caron, Claire and Posy's job descriptions have now been updated to include work carried out on internal organisational policies and governance.

The Commissioners discussed that lack of resource could be an implication for risk 7 and 15 however it is not captured in the risk register. It was agreed that the risk register should be updated to include this.

It was discussed that risk three should be updated to show that the Commissioners are non-executive.

It was agreed that when reviewing the risk register, when new risks are added consideration is given to remove any redundant risks or merge risks to avoid overly complicating the register. It was agreed that this would be done at staff level.

Action 30011802	Hamish to update the risk register.
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Audit Tracker

Hamish advised that the Scottish Statutory Instrument has now been completed so he is officially appointed as the Accountable Officer and Audit Scotland have been appointed as the external auditor for the Land Commission.

The Commissioners were advised that a Business Continuity Plan for the Land Commission has been created and necessary measures have been put in place to follow if any issues occur.

The Commissioners discussed recommendation 9 on the audit tracker. Hamish advised that the Commission has had discussions with the SEAS team which revealed that the issue with the Land Commission and Community Justice Scotland sharing a ledger can't be resolved. He advised that the finance team are currently working around this issue by naming the journal entries in a certain way to prevent sharing of sensitive information. It was agreed that this information would be fed back to internal audit at the next Audit and Risk Committee Meeting.

It was queried if there would be a statement on the annual report to show that recommendations 1 and 2 from the internal audit in particular had been resolved by Scottish Government within the financial year. Maggie advised that she would need to look into this before advising.

Action 30011803	Caron to add recommendation 9 to the next Audit and Risk Committee Meeting agenda. Hamish to discuss with Maggie Bruce how these issues will be reflected in the annual audit report.
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Communications

Posy gave the Commissioners an overview of the communications from the last quarter. She advised that the Policy Officer jobs and the blog had increased social media traffic for the Land Commission.

The Commissioners were advised that Pagoda have been commissioned to offer communications support to the Commission on a 12 month contract. Posy advised that Pagoda are currently carrying out a survey in regards to how the Commission engages with people.

The Commissioners agreed that there is a need to increase the profile of the Land Commission and the Commissioners on social media. It was discussed that it would be beneficial for the Commissioners to be engaged in discussions or direct discussion to the Land Commission whilst being careful about sharing opinions. Posy advised that there is currently a social media strategy in place for the Land Commission but she will look into developing this further.

It was suggested that the Land Commission could make more use of regional newspapers by sharing discussion pieces in the week running up to the Meet and

Greet event in that area to promote discussion and attendance at Meet and Greet events. Posy advised that opinion pieces are included as part of the Communications Strategy so this option will be explored.

The Commissioners were advised that to help increase the profile of the Land Commission, Pagoda have also been commissioned to target campaigns in specific areas related to our four workstreams to people who are not necessarily aware of the Land Commission and more general 'Land Reform' debates.

It was suggested that the term 'Meet and Greet' could be giving the wrong impression of the format of the public meetings that the Commission are holding. It was agreed that Posy will take the promotion of these meetings into account when evaluating the Communications Strategy for 2018/19. The Commissioners discussed that there is a need to consider the desired outcomes for the Communications Strategy as well as the actions to be taken.

Action 30011804	Posy to update the Social Media Strategy medias part of the review of the Communications Strategy. Posy to review the Communications Strategy and consider desired outcomes for agreement in March. Caron to add the Communications Strategy for 18/19 to the Commissioners' Meeting agenda for the March meeting.
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3. Updating the Programme of Work

The Chair advised that the Land Commission is required to publish their Programme of Work by the Land Reform (Scotland Act 2016).

Hamish advised that the Programme of Work should be updated to reflect the outcomes of recent Commissioners meetings focused on taking forward the first three workstreams. These updates reflect a better understanding of the priority and focus for our work in the themes already set out.

He also sought Commissioners views on the more strategic consideration of priorities and milestones within the three year Programme of Work, which will inform development of the 18/19 Business Plan and mapping strategic milestones ahead.

The Commissioners discussed the next stages in the Programme of Work and how best to take forward the main priority areas over the next year in line with the Strategic Plan.

The Commissioners discussed Workstream 3.3 and the emphasis of 'good practice' instead of 'best practice'. Commissioners emphasised the priority of developing codes and guidance to influence practice on the ground. The option of following a similar process to the Tenant Farming Commissioner was discussed although it was noted that any guidance notes or codes created would not have the same statutory authority behind them that the Tenant Farming Codes have. It was suggested that it would be beneficial to develop a programme of good practice with an ability to recognise those who excel beyond normal practice. The Commissioners agreed that

it would be essential to monitor effectiveness of implementation, for example through survey approaches.

Action 30011805	Hamish to prepare a paper for the February Commissioners' Meeting to agree the approach to Good Practice Guidance.
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Hamish advised that the Land Commission is expected to play a key role in supporting implementation of the Scottish Government Guidance on Involving Communities in Land Use Decisions, and in promoting wider community engagement. He advised Commissioners that he is intending to recruit a fixed term Community Engagement Adviser to lead this area of work. The relationship to other organisations providing community engagement support was discussed and it was agreed that the Commission has a broader role to play in leading culture change as well as a particular focus on supporting implementation of the guidance by land owners. It was also recognised that the Commission will be a reference point for advice on implementation of good practice in engagement.

The Commissioners also discussed workstream 2.3 and the priorities related to section A of this workstream. It was agreed that the first priority in this strand is to research the tax exemptions in relation to diversity of ownership and land use decision making, before addressing wider fiscal policy.

The Commissioners discussed workstream 3.4, the use of Land Value Taxation (LVT). It was suggested that the change made to this workstream suggests that the Land Commission will be implementing LVT.

It was suggested that the timescale for completion of workstream 2.1 was too far away and there is a need for the Land Commission to have involvement in Community Right to Buy. The Commissioners agreed that they are happy to remove the mapping exercise in workstream 2.1 as it is no longer required and move the timescale forward for work to be started on this workstream.

The Commissioners discussed the Charitable Land Ownership workstream 2.2. Shona advised that the Commission are proposing to undertake a mapping exercise to identify areas of land owned by either charities or charity trustees as this is something which is not currently recorded. Hamish advised the Commissioners that the work on good practice guidance for charitable land owners does not need to wait for the mapping exercise to be completed and is a priority for 18/19.

Action 30011806	Hamish to consider rewording the activity in 3.4 taking into account the sensitivity and need for clarity in this work. Shona to develop activity level for workstream 2.1 in particular relation to monopoly ownership. Hamish and Shona to reflect on the priority and need for mapping of charitable land.
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It was raised that section 1, Land for Housing and Development is very urban focussed in the Programme of Work and whether we should set out something specific in relation to rural housing. It was agreed to reflect on this after Megan and Hamish have attended the Rural Housing Scotland conference in February.

4. Events Programme 2018

Posy advised the Commissioners that the events programme for 2018 has been split into three strands; Meet and Greet events, priority workstream events and Agricultural Shows. She advised that the first in the series of events focussed on the priority areas would be in April with a focus on Public Interest-Led Development. It was suggested that the development of codes and guidance could tie in with the proposed events, particularly on land ownership and land use which could be reframed so that the youth event focuses on ownership options.

It was suggested that there will need to be a focus on Human Rights which could be done at a roundtable event.

It was suggested that the Land Ownership event proposed in 2.2 would need to have a broader focus and involve other bodies in addition to Scottish Land and Estates.

The Commissioners discussed the Meet and Greet events. It was noted that the Communications Team have been recording notes of key points raised at each of the Meet and Greet events. It was agreed that the Meet and Greet events were valuable in increasing the public visibility of the Land Commission. Posy reminded all Commissioners to contact Sara to advise if they are speaking at any events and which Meet and Greet events they are planning to attend.

The Commissioners discussed the possibility of holding a surgery style drop-in session for anyone looking to speak with a Commissioner on a one-to-one basis. T

Action 30011807	Posy to consider reframing the land ownership and land use decision making events to include ownership options and human rights dimensions. Posy to reconsider the format of the Land Ownership event, and look into the possibility of holding a surgery to enable confidential contributions.
Action 30011808	Commissioners to contact Sara with details of events they are attending or speaking at and any Meet and Greet events which they plan to attend.

5. Any Other Business

Future Commissioners' Meetings

Hamish shared the programme of Commissioners' Meetings with the Commissioners. He advised that the next meeting will be held in Inverness with Scottish Government officials from the Sponsor Team attending in the morning and Kirsteen who is writing the discussion paper on Human Rights will attend for the afternoon session.

The Commissioners were advised that the March Commissioners' Meeting will be held at the MacRobert Estate in Tarland. It was queried if there will be a Meet and Greet event held in the evening after the Commissioners' Meeting. Posy advised that there isn't currently a meeting planned but the Communications Team can look into arranging one.

The Chair advised that there will be an evening event held in Tarland on 26 March and all Commissioners attending should be there for a 5.00pm start.

Action 30011809	Communications Team to look into arranging a Meet and Greet event near Tarland for 27th March.
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Tenant Farming Update

The Tenant Farming Commissioner (TFC) advised that there are now four Tenant Farming Codes of Practice published and guidance notes.

The Commissioners were advised that there is now an enquiries system in place where tenant farmers and landlords are encouraged to speak with the TFC to discuss any issues before making a formal inquiry.

The TFC advised that a Tenant Farming Advisory Forum has now been set-up and the next meeting will be held in April.

The next area of work that the TFC will be looking into is Future Models of Tenant Farming which Sarah and James will be starting work on.

The TFC gave the Commissioners an overview of recent work that they have carried out in relation to issues raised with the end of limited partnerships. It was discussed that human rights increasingly need to be taken into account when ending limited partnerships as issues such as redundancy notices and the right to housing.

Community Right to Buy

Hamish advised that the Commission has received the draft Community Right to Buy (Abandoned, Neglected or Detrimental Land) Regulations from Scottish Government. It was agreed that the Commission will prepare a response to the Scottish Government with comments on the regulations.

Action 30011810	Hamish to circulate to commissioners for their comments and submit a response. Hamish to advise the Scottish Government that the Land Commission will be preparing a response.
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Other

It was suggested that there may need to be an amendment made to the research policy to ensure that any research contractors are not influenced by other interests in their research produced for the Commission.

Action 30011811	Shona to consider making an amendment to the research policy to show this.
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Date of next Meeting: Tuesday 27th February 2018

Scottish Land Commission
January 2018