



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 4th June 2019, Longman House, Inverness.

Attendees:

Andrew Thin (Chair), Lorne MacLeod, Megan MacInnes, David Adams, Sally Reynolds (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner) Shona Glenn, Posy MacRae, Hamish Trench, Sarah Allen, Gemma Campbell, David Stewart, James MacKessack-Leitch, Caron Munro (Scottish Land Commission)

There were no declarations of interest made.

The chair welcomed Gemma and David to the meeting as the Good Practice Manager and Senior Policy Officer who have recently joined the Commission.

It was advised that the Community Ownership funding report has received positive feedback.

It was noted that the consultation on community engagement being carried out by Buccleuch estates is a positive step and reflects the ongoing work of the community engagement team.

1. Minutes of previous meeting 2nd April 2019

The Commissioners agreed the minutes of the meeting as a true and accurate record of the discussion.

It was advised that an action point tracker will be issued with the minutes of each meeting following a recommendation from the Corporate Governance Audit. All outstanding actions have been discharged and action 05031903 will be discussed at the Commissioners' Meeting in August.

Following action 02041903 Posy will send hard copies of the Scale and Concentration report, briefing note and infographics to Sally and Lorne.

There were no matters arising.

2. Quarterly Progress Report

Hamish advised that the recruitment for the Communications Manager is live. He also advised that due to a restructure in the Scottish Government the Land Commission will move to the new directorate which will result in a change in the sponsor team. It

was agreed that Hamish will update the Commissioners at the next meeting with any further information.

The Chair advised that the meeting with the Cabinet Secretary and evidence session at the ECCLR committee in March had both been positive.

Delivery

Commissioners considered delivery as at the completion of the 2018/19 Business Plan. It was agreed that, while the developing of a proposal for regular public reporting of land value data was removed from the 2018/19 workplan Commissioners will keep under review if this can be delivered within our current 3-year strategic plan period.

The Commissioners were advised that the review of the role of charitable trusts status in land ownership are showing a RAG status of Amber as the timings for the projects have been adjusted and are now being taken forward within the 19/20 Business Plan.

Posy advised that the Casework Management System has been delayed as the implementation of the Finance system was given priority, but the CMS system is now being developed and due to be in place by August 2019.

The Commissioners noted that there has been positive public feedback and level of input in the work produced by the Commission.

It was advised that the Community Engagement land owner survey has been extended and the survey will be refined.

Finance

Hamish advised the Commissioners that there was an underspend of approximately £124k in 2018/19 which was expected. The reasons for the underspend were principally due to projects costing less than forecast. The underspend was reported to Scottish Government in advance of year end.

The draft annual accounts have been prepared by the accountants and approved by the ARC and will be shared with Audit Scotland this week for auditing.

Hamish explained that the variance in expenditure in the Vacant and Derelict Land workstream was due to additional work being commissioned in order to maximise effectiveness.

It was advised that the paper on Land Value and House prices has been completed and will be published in June 2019.

Audit Report

The Chair thanked the ARC members for their input to the committee.

Lorne advised that the ARC met on 3rd June and discussed the Progress, Corporate Governance, Project Management, Annual and Follow-up audit reports received from BDO. He advised that the follow up report received positive feedback on how quickly the Commission is implementing recommendations. He also advised that the

Committee reviewed the Commission's gifts and hospitality policy to ensure that it was sufficient for the organisation.

The Commissioners were advised that BDO have set out a three-year audit plan with the areas of work that they will be focussing on. The reviews proposed for 2019/20 were agreed with the Committee and endorsed by Commissioners.

Communications

Posy advised that the publication of the Scale and Concentration report created an increase in website traffic and social media interest. She also advised that the programme of public meetings started in March and staff have been speaking at a significant number of conference and events.

The Chair thanked Posy for her effective work on the Commission's communications, particularly surrounding the Scale and Concentration report.

Risk Register

The Audit and Risk Committee recommended that risk 1 is to be removed from the risk register and the Commissioners agreed with this recommendation. The Commissioners were advised that risk 8 is increasing due to the complexity of the Commission's work spanning across Government directorates and the recent announcement of the creation of a new directorate which the Commission will be included in.

3. Tenant Farming Commissioners 2018/19 Report

The Commissioners were advised that there has been a steady production of codes of practice and guidance throughout the year which have been well received

It was noted that there has been an increase in contact with the TFC in October and November in both 2017/18 and 2018/19. There has also been an increase in contact with the TFC before cases escalate and cause angst between the parties.

Sarah advised that the TFC has produced a booklet on the Tenant's amnesty which will be available at the Royal Highland Show and included in the STFA newsletter. It was noted that the uptake on the amnesty has been lower than hoped but there has been a high level of promotion from various organisations.

The Commissioners were advised that the mediation service that has been provided by the Commission has received positive feedback and has benefitted all parties involved. It was advised that the contract for the mediation service was awarded through Public Contracts Scotland and the value for public money was considered prior to offering the contract. Sarah advised that there is a strict set of criteria that parties must meet in order to use the service. The current contract ends in July 2019 and will be reviewed. It was agreed that there is a need to consider the criteria for using the service and the public value of the service as part of the review. It was

agreed that the success of the mediation service gives evidence of potential positive impacts in other areas such as the Land Rights and Responsibilities Statement.

The role of the TFC is due to be reviewed by Scottish Government in the next year which will include a public consultation. It was agreed that the Land Commission will need to feed in to the review of the TFC role and Hamish will discuss this with Scottish Government.

4. Review of Programme of Work

It was agreed that the Programme of Work will be reviewed annually, and the updated version will be published. Posy advised that the design of the documents is in line with the Land Commission's document style and shows the flow of workstreams between last year, this year and next year. It was agreed that hyperlinks to any documents on the website which are referenced in the Programme of Work would be beneficial.

Action 04061901	Posy to add hyperlinks to the Programme of Work
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Commissioners agreed the updated Programme. It was agreed that the Commissioners will need to consider further work planning to ensure that the work flows through after March 2021.

Posy confirmed that the updated Programme of Work will be laid in parliament.

5. Update on Community Ownership

James advised that the Community Land Ownership Leadership Group (CLOLG) has now been established following the Commission's recommendations and the first meeting was held in May 2019. James advised that the feedback received from local and public authorities was that they found the experience of asset transfer and selling to community groups different to selling to commercial businesses.

The report on Community Funding models was published in May 2019. It was advised that although community groups may be aware of some funding models they are not aware of all the options that are available to them.

James advised that the Commission will have an PhD student on an internship from September to December 2019 to further explore the two innovative funding models which were noted in the report. The advert for the internship will go live next week.

The Commissioners discussed the Community Funding Models report and summary sheet that have been published. It was agreed that the summary sheet is very beneficial to community groups and should be promoted. It was suggested that this

should be promoted through DTAS, HIE and the South of Scotland Enterprise Agency.

It was proposed that the Commission could be doing further work to support simplification of legislative requirements in rights to buy. It was agreed that Hamish will raise the issue of legislation complexity at the next CLOLG meeting or with the Scottish Government sponsor team and will report back at the next Commissioners' Meeting.

Hamish advised the Commissioners that the draft regulations on Community Right to Buy and Sustainable Development are expected to be received from Scottish Government soon.

6. Common Good

Commissioners considered the initial steps in reviewing options for Common Good Land, noting that Ministers have asked the Commission to consider ways to enhance community benefit from Common Good Land. Commissioners noted that this work is at early stages and needs to progress through close engagement with local authorities.

7. Establishment of Staffing and Remuneration Committee

The Commissioners were asked to agree the Terms of Reference to establish a Staffing and Remuneration Committee. They were advised that the committee was a requirement for the Commission in line with the move away from 'analogue' status with Scottish Government in relation to annual pay awards.

The Commissioners were advised that any bargaining the committee is required to undertake will be done with the staff engagement forum. The staff engagement forum is formally constituted and meets quarterly with HR to discuss implementation of new policies and procedures and any current HR issues. It was requested that the staff engagement forum Terms of Reference are shared with all committee members. It was advised that the committee would receive further information about the staff engagement forum at their first meeting.

Action 04061903	Staff and Remuneration Committee members to receive the staff engagement forum terms of reference.
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It was advised that the Staff and Remuneration Committee will be a standing committee with the terms of reference set and agreed by the Commissioners. Commissioners agreed to establish the Committee and the terms of reference proposed.

8. Any Other Business

Land Commission conference

The Commissioners were advised that the Land Commission conference will be taking place on 2nd October at Dynamic Earth. The Cabinet Secretary will be speaking, and other speakers are currently being confirmed. Posy advised that there will be keynote speakers throughout the day and a panel session in the afternoon.

The main focus for the conference will be land ownership and the economy. Commissioners discussed the purpose and nature of the conference. It was agreed that there needs to be a balance between internal and external speakers and an emphasis on importance of the Land Commission's work in land reform as a means to delivering wider outcomes.

Action 04061904	Posy and Hamish to reflect on the discussions in shaping the conference agenda. Andrew and Hamish to consider bringing a further discussion on the conference to the next Commissioners' Meeting.
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Next Commissioners' Meeting

Hamish advised that the Commissioners will visit Falkland Estate on 2nd July to discuss governance and ownership with the estate. He is also planning a meeting for the afternoon of 2nd July with representatives of Fife Council to meet with the Commissioners.

Meeting with Scottish Land and Estates

Sally advised that she and Hamish met with Sarah-Jane Laing, David Johnstone and Mark Tenant from Scottish Land and Estates (SLE). It was agreed that the Commission and SLE will work together to develop guidance around the Land Rights and Responsibilities Statement and management plans. SLE also advised that they would like a representative from the Commission to speak at their conference in 2020.

Commissioners' IT

Posy reminded the Commissioners that as they now have Commission IT devices they should only be using their Land Commission email addresses for any Commission business.

Date of Next Meeting: 2nd July 2019

**Scottish Land Commission
June 2019**