# Minute of the meeting of the Scottish Land Commissioners held on Thursday 1st October 9:30am at An Lochran, Inverness

- **Commissioners present:** Michael Russell, Craig Mackenzie, Deb Roberts, Lucy Beattie
- **In attendance:** Hamish Trench, Nikki Nagler, Katherine Pollard, Kayleigh Wilson, Ellen Grant, Peter MacDougall, Gemma Campbell
- **Apologies:** Rob Black
- **Declarations of interest:** None

## 1. Minutes of previous meeting- Thu 6th Aug

The board agreed the minutes from the 6th of August were true and accurate.

Hamish provided an update on the actions from these minutes. The quarterly reporting format from finance will be developed once new staffing is in place. The strategic plan has now been approved and published. Uwe will bring the terms of reference for the responsible land ownership leadership group to the November board meeting.

## 2. Commissioners Updates

Rob was unable to attend the meeting due to sickness.

Michael provided an update on his recent activities, including Scottish Government meetings for the recruitment of the new Land and Communities Commissioner which remains on the expected schedule.

Michael also highlighted his continued meetings with external bodies and the circulation of the new strategic plan to MSPs.

Commissioners provided updates on relevant recent activity on behalf of the Commission.

## 3. ARC Chair Report

Craig provided an update from the recent Audit and Risk Committee meeting in September.

The Committee has reviewed the internal audit of GDPR arrangements. Audit recognise that the Commission are managing their responsibilities effectively for an organisation of its size. They also identified opportunities for further development. It was noted that the Commission's requirements are likely to change with regulatory responsibilities.

The Committee discussed the potential need for further investment in technology to support the Commission's developing responsibilities.

Deloitte have provided positive feedback on the Annual Report and Accounts process. The annual report is now completed with the exception of outstanding pension information due from Capita. Nikki will update on this later in the agenda.

The Committee also reviewed the risk register, including risks relating to the public service reform agenda and the availability of sufficient resources.

## 4. Quarterly Report

Hamish highlighted the significant level of activity undertaken during the quarter, including the publication of work on community ownership, taxation and the Strategic Plan.

### Annex A- Delivery

Hamish reported that approximately 80% of activity was on track. Q3 is expected to have fewer publications than Q2 but will be busy in relation to Act implementation, stakeholder engagement and advisory work.

### Annex B- Finance

Nikki apologised for an error in the finance report previously circulated to the Board. An updated report had since been issued. Nikki reported a projected underspend of approximately £30,000. Finance and management will continue to review this and allocate spend where necessary. Several significant contracts are currently being awarded and, overall, the financial position remains positive for this stage in the financial year.

### Annex C- Risk Management

Hamish advised that the risks associated with the implementation of the Land Reform Act remain high and active. Staff turnover due to changes in the finance team has also been identified as a rising risk currently.

The Board discussed risks arising from the public service reform agenda, including potential direct and indirect financial implications. Hamish noted that the programme does not currently affect the Commission directly in relation to proposed structural changes but highlighted opportunities relating to land data, public land ownership and local government reform.

Hamish also advised that recruitment for the Finance and Business Systems Lead post is underway with interviews having just taken place on Tuesday.

### Annex D- Communications

Nikki reported an 8.5% increase in website traffic, with tenant farming featuring among the three most visited areas of the website. Increased use of video content had

contributed to higher levels of engagement on Instagram, while performance against LinkedIn targets remained on track.

Overall communications activity was lower than during the previous year, reflecting the significant volume of communications undertaken in relation to the Land Reform Act during that period.

Nikki highlighted ongoing work to develop owned content, including blogs, and reminded the Board that the consultation on the Gaelic Language Plan closes this month.

The Board discussed communications performance indicators and agreed that it would be helpful for future reporting to provide additional context against baseline measures where appropriate.

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| **Action 261001.01** | Nikki & Scarlett to provide additional context to comms performance indicators in future reports |

### Annex E- Good Practice

Gemma provided an update on Good Practice activities undertaken during the quarter. It was noted that case numbers were slightly lower than expected, noting that the report figures have been extracted early for reporting purposes.

The primary theme emerging from enquiries related to diversification of ownership and tenure. Several enquiries received fell outwith the Commission's remit and required referral to other organisations.

Gemma also highlighted the increase in AI formatted emails received and flagged the potential confusion it can create in terms of people's expectations about our remit.

### Annex F- Tenant Farming

Peter provided an update on tenant farming activity. Although figures had been extracted before the end of the usual reporting period, enquiry levels were reported to be approximately double those received during the corresponding period of the previous year.

Casework activity had also increased significantly across both Q1 and Q2, rising from 35 to 60 cases.

## 5. Tenant Farming Work Programme Update

Hamish introduced the update, highlighting the increased resources allocated to the tenant farming programme, the improvements being made to our data and reporting and the proactive approach being developed by Peter and Ellen.

Peter and Ellen reflected on the strong engagement over this year and the increasing complexity of casework which can often involve multiple issues.  Peter highlighted the ongoing challenge of ensuring TFC support can reach those most in need, who often may not be connected through online or stakeholder networks. Ellen is delivering a programme of improvements to communications and reach of our tenant farming work. Examples include a tenant farming newsletter and guidance materials for the mediation scheme.

The team is developing its approach to data, research and project prioritisation, supported by the new Tenant Farming SharePoint system. Work on improving data on tenant farming is being taken forward with colleagues in the policy team, connecting to the Commission's wider workstream on improving land data.

The Board discussed the context for the ongoing decline in use of agricultural tenancies, and some of the significant data gaps and challenges in information provision, for example in relation to rents. The board welcomed opportunities identified to improve data and information building on our existing rural land market reporting, as well as working with Scottish Government on sector-wide data.

The board agreed that the Commission as a whole has a role, in support of the TFC functions, to consider the long-term direction of the tenanted sector in context of land ownership and tenure overall. Commissioners discussed the importance of looking at ways to open up more tenancy options in the context of the Commission's focus on new land opportunities.

The board welcomed the opportunity of a more in-depth discussion on tenant farming, and thanked Peter and Ellen for the work highlighted.

## 6. Land Reform Act Implementation Progress Report

Hamish provided an update on implementation of the Land Reform Act. He highlighted the strategic risks, recent delivery progress and Scottish Government's planned consultation on the community engagement obligation. The Commission will respond to this consultation and board discussions on this are scheduled for November and December.

The board noted in particular that ongoing uncertainty about government's implementation timetable for Part 2 impacts the Commission's resource planning for 2027/28.

## 7. Annual Report & Accounts 2025/26

Nikki reported that the annual report and accounts are complete with the exception of accurate pension information which has not yet been provided by Capita. Our external auditors have confirmed that this is an issue affecting multiple public bodies and that they are not yet satisfied that Capita is providing accurate information. Initial advice from Audit Scotland to auditors has been that annual report and accounts should not be signed off until auditors can be satisfied they have received the correct pension

information. This may impact the statutory deadline for submission of the annual report to parliament if not resolved soon. Nikki confirmed that sponsor team are aware of this and the risk to the submission date.

The board noted the outstanding issue and that it is out with the Commission's control. The board asked Nikki to ensure that every effort is made to obtain the necessary information, and if it is not provided by Capita, to seek written confirmation of Audit Scotland's advice and our auditor's decision. The board asked that they be kept informed.

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| **Action 261001.02** | Nikki to get written clarity if unresolved from Audit Scotland & Deloitte |

## 8. AOB

Kayleigh reminded commissioners to send in their travel requests for the next in person board meeting in December.

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| **Action 261001.03** | Commissioners to send Kayleigh travel requests for December board in Inverness |

Kathie updated commissioners on the award of a contract to review the impact of our rural land market reporting.

Kayleigh also spoke about the 2027 board calendar, she will send out the new dates for meetings to commissioners and asked if they could confirm their suitability. The Feb 2027 meeting will be a Tuesday and all others in the year will be on a Thursday.

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| **Action 261001.04** | Kayleigh to send 2027 board calendar to commissioners and commissioners to confirm date suitability |

The next board de-brief session will take place on Tue 6th Oct at 11am with Michael and Deb. Lucy confirmed she will do the next board de-brief session.

Staff left the meeting at this point, and the board/management team held a board self-assessment review discussion.

**Date of next meeting:**

Thursday 5th November

Online