



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 19th December 2017, Longman House, Inverness

Present: Andrew Thin (Chair), Lorne MacLeod, Prof David Adams, Megan MacInnes, Dr Sally Reynolds (Land Commissioners), Hamish Trench, Posy MacRae, Caron Munro, Shona Glenn, Sarah Allen, Sara Smith, Gillian Brown (Scottish Land Commission)

Apologies: Bob McIntosh (Tenant Farming Commissioner) and Rachel Ross (guest) gave their apologies for this meeting.

1. Minutes of meeting held on 28th November 2017

The minutes of the meeting were agreed as a true and accurate record and all actions were complete.

It was queried if there were any further thoughts regarding the location of the February Strategy Meeting. Hamish advised that plans were still to be finalised for this but he would prepare a more in depth programme of meetings to be shared at the January Commissioners' Meeting.

Action 19121701	Hamish to prepare the programme of meetings to be added to the agenda for the next meeting.
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The Chair thanked the Communications Team for the new newsletter and advised that it is well written and well thought through.

2. Commissioners' Briefing – Community Land Ownership – now and what next?

Sally presented the Commissioners with a presentation on Community Land Ownership and raised questions relating to several themes of our work programme.

Key points raised included:

- whether scale is an issue for community ownership and the relationship between scale and accountability;
- the need to link the thinking of land for the common good to the implementation of right to buy mechanisms, and the implicit human rights issues;

- the need for the Commission’s review of right to buy to focus beyond the mechanisms to what is required to make community ownership a more normal option for communities across Scotland;
- a range of practical issues facing community land owners and relevant to our review;
- the opportunities for case studies of good practice in the community land ownership sector;
- the different approaches and solutions that are likely to be relevant across different parts of Scotland.

3. Strategic Discussion on Workstreams: Land Ownership and Land Use Decision Making

It was agreed by the Commissioners that it is important to recognise the need to get a balance between research and scoping exercises and work to have a more short-term impact on the ground.

The Commissioners discussed the workstreams on Land Ownership and Land Use Decision Making. In relation to Scale and Concentration the Commission needs to ensure that the term ‘scale’ is clearly defined and that there is a good understanding of what is meant by this. It was agreed that the issues can be both rural and urban. At present the priority is a focus on whether there are issues associated with scale in rural land holdings. A potential role for the Commission to take evidence of issues in particular locations was suggested as part of the approach to understanding scale and concentration.

The Commissioners discussed charitable status land ownership. It was agreed that guidance, particular focused on accountability, is the priority in relation to this. There is a requirement to understand what is being referred to in terms of charitable status and be clear about terminology.

The Commissioners agreed that a scoping exercise is needed in regards to fiscal policy before focussing on specific aspects, but cautioned on the potential scale of work. It was agreed a scoping study identifying the way tax policy influences decision making is a useful starting point, but that attempting to quantify costs and benefits may be a more longer term and potentially substantial area of work.

Action 19121702	Shona to take forward a scoping exercise identifying the way tax policy influences decision making
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The Commissioners discussed the Land Rights and Responsibilities Statement and what needs to be taken forward to promote this. It was agreed that this may provide a useful framework for guidance and advice which the Commission is planning to take forward.

Commissioners agreed that the Leadership role of the Commission, and wider engagement, remains a key part of delivering against these workstreams and recognised that there needs to be a ‘planned opportunism’ approach to this element of our work.

4. Best Practice Programme

The Commissioners discussed the development of a best practice programme. It was agreed that all Commissioners are content with the way in which this aspect of work is moving forward. It was also agreed that this is something that the Commission will need to develop and will be an evolving process over the next few years.

However, Commissioners want to ensure a focus on being able to identify and address poor practice and agreed the potential role of Codes of Practice as well as guidance should be considered in developing this programme. The guidance should set out clarity of expectations that all should adopt, not address only 'best practice' for a small minority.

The Commissioners also agreed that the Commission can learn from the Tenant Farming Commissioner and Agricultural Holdings in relation to Codes of Practice but at this stage we intend to continue with the TFC Codes as a stand-alone programme.

5. Updating Programme of Work and prioritisation

Hamish advised that Commissioners that he would share the updated Programme of Work with them at the January Commissioners' Meeting.

Action 19121703	Shona and Hamish to update the Programme of Work
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Commissioners agreed that the current programme needs further prioritisation. Judgments on priorities should consider the potential impact on the ground, the scale of work, stakeholder expectations and resourcing.

6. Any other business

Organisational Values

Hamish shared with the Commissioners the organisational values that had been created by staff following the staff development day in November. He advised that the views of both Commissioners and staff had been taken into account when creating the values and that staff had also come up with ideas on behaviours to reflect the values. The Commissioners all agreed that they were happy with the values.

It was queried where these values will be shared. Posy advised that they will be included in published documents such as the annual accounts and strategic plans.

The Chair advised that the values should be adhered to by both staff and Commissioners in their work.

Pre-Meeting Briefing for National Farmers Union Scotland (NFUS)

The Commissioners discussed the agenda for their meeting with NFUS in the afternoon and identified aspects of work that they would like to discuss.

Future Commissioners' Meeting

Hamish advised that the next meeting will be a quarterly business meeting which will include a risk review and the Communications and Events programme for 2018. The results of the agricultural holdings review will also be shared with the Commissioners at this meeting.

Hamish advised that he is currently looking into possible locations for the February Commissioners' Meeting, which will focus on agricultural holdings, but he will advise the Commissioners of the details once they have been confirmed. He advised that it will follow a similar format to the meeting in Glasgow with a roundtable event the night before the meeting. It was advised that timings and location will need to be taken into account as there is an Audit and Risk Committee meeting in Inverness in the afternoon the day prior to the Commissioners' Meeting.

The Commissioners discussed the number of Commissioners' Meetings that are scheduled for 2018 and all agreed that given the level of workload they were happy to arrange 12 meetings but keep the number of meetings under review.

Date of next Meeting: Tuesday 30th January 2018

**Scottish Land Commission
December 2017**