



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

## **Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 27<sup>th</sup> November 2018, Longman House, Inverness.**

**Present:** Andrew Thin (Chair), Lorne MacLeod, Megan MacInnes, Dr Sally Reynolds (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner), Hamish Trench, Caron Munro, Shona Glenn, Sarah Allen, James MacKessack-Leitch, Eilidh Mackintosh, Posy MacRae, Helen Barton (Scottish Land Commission).

**Apologies:** David Adams sent his apologies for the meeting due to illness.

The Chair noted the good work of the Commission over the past month including:

- the success of the Amnesty meetings which are being held in partnership with the STFA and have received good feedback from tenant farmers;
- the communications around the publication of community ownership recommendations as the report has been well received and has been capturing international attention; and
- the Commission's engagement in the Planning Bill and land value capture which exemplifies the growing credibility of the Commission.

### **1. Minutes of meeting held on 23<sup>rd</sup> October 2018**

The minutes were agreed as a true and accurate reflection of the discussion.

The Tenant Farming Commissioner advised that the first mediation session has taken place and was successful.

Hamish advised that following action 23101803 he has contacted the Scottish Government to find out the timescale for progressing the Compulsory Sales Order proposal but there is currently no confirmed timescale.

It was agreed that, following action 23101804, a discussion on the Land Rights and Responsibilities good practice will be added to the programme of Commissioners' Meetings for March/April 2019 so the action can be discharged.

Following action 23101805, Hamish advised that he, Andrew and Lorne met with the CEO of Wildland on 26 November for a discussion on community engagement, monopoly ownership and long term governance planning. The meeting will be followed up with a letter to the CEO from Hamish which will be circulated to Commissioners. Andrew advised that reassurances have been given from Wildland Ltd. that they have no major acquisitions of land planned. Hamish advised that he has suggested a further meeting with Wildland Ltd. in a few months' time.

Hamish advised that, following discharge of action 23101806, he, Andrew and Bob will be meeting with Scottish Land and Estates on 29 November to discuss land rights and responsibilities.

The Commissioners discussed the Land Rights and Responsibilities Statement and how best to implement the codes that the Commission is producing. It was agreed that communications on land rights and responsibilities can be increased ahead of the launch to raise awareness before they are published, with opportunities for blogs etc.

<b>Action 27111801</b>	<b>Communications team to promote awareness and good practice in relation to land rights and responsibilities.</b>
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The Tenant Farming Commissioner advised that he has been in continued discussions with the Buccleuch estate to help get a solution for the Telfer case.

## **2. Land Value Capture: Progress and next steps**

Shona gave a presentation to the Commissioners on Land Value Capture and the work that has been done in this area. She advised that the Commission are currently working jointly with the Scottish Futures Trust to look at what is currently in place in this area. She also advised that the Commission recently commissioned Tony Crook to research and write a paper on what is done in Germany and the Netherlands and how what they do is consistent with the European Convention of Human Rights. As part of his research Tony also looked into the issues relevant to the proposed amendments to the planning bill. . Hamish advised that Tony's paper will be published week beginning 3<sup>rd</sup> December.

<b>Action 27111802</b>	<b>Shona to share Tony's research paper with the Commissioners.</b>
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Shona advised that she has recently met with Graham Simpson to discuss his proposed amendment to the planning bill.

It was agreed that land-pooling/assembly should be developed in parallel with compensation arrangements in the Commission's next steps in this work. .

The Commissioners agreed that they are happy with the emerging policy position as set out in the paper.

## **3. Community Ownership – response from Cabinet Secretary**

The Commissioners welcomed the positive response from the Cabinet Secretary to the Commission's recommendations. Commissioners asked Hamish to seek clarity with the Scottish Government on the governance arrangements for the Community Ownership Delivery Group.

<b>Action 27111803</b>	<b>Hamish to report back to the Commissioners re governance of the Community Ownership Delivery Group at the December Commissioners' Meeting.</b>
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#### **4. Community Engagement Code of Practice**

Hamish advised that there is broad stakeholder support for the principle and substance of the proposed Code. However, some stakeholders have raised concerns over calling the document a 'code of practice', principally due to concerns about confusion with TFC Codes of Practice. Sally proposed that the document should be called a 'protocol'. The Commissioners agreed to call the document 'Land Rights and Responsibilities Protocol on Community Engagement'.

Commissioners emphasised that the protocols and wider promotion of land rights and responsibilities should emphasise that these are clear expectations, not an 'optional extra' and that we should seek to support leadership within the sector to champion implementation.

Sally advised that the document will be published in January and consideration will be given to how best to show that it is endorsed by stakeholder organisations. It was agreed that Sally and Sarah will sign off the final version of the protocol.

Posy advised that any communications surrounding the protocol will emphasise that the purpose of the protocol is to set out expected behaviours which will help to implement the land rights and responsibilities statement.

The Commissioners agreed that the protocol should make clear that evidence of its use, good and poor practice, will be used by the Commission to shape recommendations to Scottish Government on future review of Land Rights and Responsibilities and whether further policy or regulatory tools are required.

#### **5. Any Other Business**

##### Audit and Risk Committee update

Lorne advised the Commissioners that BDO, the internal auditors, have finalised their financial controls report. He advised that the Commission has commenced work on the recommendations given, have improved the strategic risk register and developed an asset management policy.

The Chair noted his thanks to the Audit and Risk Committee for their work.

##### Tenant Farming Commissioner update

The TFC recommended that the Commissioners visit Falkland estate as part of their 2019 programme of Commissioners meetings as it would relate well to the Commission's work on connecting public and private interests.

##### Community Land Scotland event

Megan provided the Commissioners with an overview of the event on rural renewal and repopulation that she and Hamish attended. She advised that there were discussions around land supply, land value and how the planning bill affects the role of the land.

Hamish suggested that the Commission could convene a follow-up meeting next year on how the emerging findings of the Commission links to rural repopulation.

Programme of Commissioners' Meetings

Sally suggested a visit for the Commissioners to a community land owner would be beneficial for the Commission's programme.

Hamish suggested that it would be a good use of Commissioners time to meet more with stakeholders. It was suggested that the Commission could hold some focused round table events with stakeholders. It was also suggested that making contact with Highland and Islands Enterprise at board level would be beneficial.

<b>Action 27111804</b>	<b>Add discussion on 2019 programme of Commissioners Meetings to the agenda for the December Commissioners' Meeting.</b>
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**Date of next Meeting: Tuesday 18<sup>th</sup> December 2018**

**Scottish Land Commission  
November 2018**