



SCOTTISH LAND COMMISSION
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Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 4th September 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, James MacKessack-Leitch, Kathie Pollard, Claire Bremner, Eilidh Mackintosh (Scottish Land Commission).

Maggie Bruce (Audit Scotland) attended the meeting for items 1-3.

Jayne Glass (Perth College UHI) and Rob McMorran (Scotland's Rural College) joined the meeting for items 7 & 8.

Anna Lawrence (Random Forest Ltd.), Jon Hollingdale (Community Woodland Association) and Kirsty Tait and Helen Barton (Scottish Land Commission) joined the meeting for item 8.

The Chair welcomed Maggie Bruce from Audit Scotland to the meeting and Eilidh Mackintosh who will be joining the Commission as maternity cover for the Office Manager role.

David Adams declared an interest in item 8 as he is a trustee and convenor of a group who were interviewed for the research. It was agreed that this did not pose a conflict.

1. Minutes of meeting held on 31st July 2018

The minutes were agreed as an accurate record subject to the below amendment:

Item 2, recommendation C – amend to:

'c) exploring the potential of land value tax to improve the productivity of land use and diversity of land ownership in rural areas; and
d) exploring the potential of land value tax on residential properties to complement the Commission's ongoing work on land value capture.'

The Chair advised that in relation to action 31071802 he wrote to the Duke of Buccleuch. Hamish advised that he spoke with the Scottish Land Fund who are in contact with both parties.

Lorne queried this action given the importance of maintaining contact with both parties as per the intention of the original action. It was agreed that Hamish will write to the Wanlockhead community group to update them on the action and confirm that

Commissioners continue to take a strong interest in seeing a successful conclusion to the current negotiations.

Action 04091801	Hamish to contact the community to advise that the Commission has been in contact with the Scottish Land Fund and the estate.
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It was advised that Shona had sent information to David with a list of contractors for the commission as per action 31071804. It was agreed that this will be forwarded to all Commissioners.

Action 04091802	Shona to forward contractors information to all Commissioners.
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Action 31071805 is still outstanding and a discussion on public meetings will be added to a future Commissioners' Meeting agenda.

Hamish advised that following action 31071806, a visit to Hopetoun estate, Linlithgow has been arranged for 1.30pm on 25th September for the Commissioners.

2. Matters arising

Lorne proposed that Yvonne be approved as the co-opted member of the Audit and Risk Committee until June 2020. The Commissioners agreed this proposal.

3. 17/18 Annual Report and Accounts

Lorne advised the Commissioners that the Audit and Risk Committee met on 3rd September and recommend that the Commission adopt the annual report and accounts as presented.

The Commissioners agreed to approve the annual report and accounts.

Hamish advised that the Commission has now agreed a capitalisation policy with a £5,000 threshold. He advised that he is satisfied with the position of the annual accounts that do not to capitalise the Commission's current assets in this year's report due to the materiality level.

Commissioners discussed the three recommendations of the audit report and the management responses. Commissioners accepted all three recommendations.

Hamish advised that the audit report recommended long term scenario planning for three years ahead. It was agreed that this should be incorporated into the business plan for the next year.

Maggie advised that scenario planning can also be used to include a plan for being able to adapt to additional budget opportunity as well as potential budget reductions.

The Commissioners were advised that the Commission are working on developing key performance indicators for the business plan and will develop a performance framework for the Strategic Plan.

The target audience for the annual report was queried. Hamish confirmed it is written for submission to Parliament following specific reporting requirements, and is not intended as a public communications tool. The Commission published at the start of April a public facing annual review summary and plans to do the same at the end of the current financial year.

4. Review of IT services – Digital Services Strategy

Posy advised that the review of IT services has been undertaken in line with the Organisational Development Strategy. This reflects the greater understanding the Commission now has of its operational requirements and it is clear that the constraints of the current service established during the set-up of the Land Commission is not fit for purpose. She advised that the new service would incorporate email access for Commissioners, a case management system and a finance system. She also advised that there will be an annual cost saving in future years by moving away from the current system.

Posy advised that the proposal was awarded through Public Contracts Scotland and scored using quality (60%) vs. cost (40%) in the same way that the Commission's other contracts are awarded to ensure that the project is value for money.

Commissioners queried the risks involved in changing system and how these are being managed. Hamish advised that Posy has spoken with other organisations who have used the IT company and have gone through a similar process in order to mitigate the risk. Posy advised that the Commission will also be using off the shelf software so there is not the risk of developing new software.

Posy advised that the casework system would also be used for general inquiries, freedom of information requests, data protection requests and other potential future casework requirements.

Posy advised that there would be a further expenditure of approximately £20,000 for capitalised items such as laptops, phones and tablets.

It was queried if being in Longman House would cause any issues for the Commission to not use the SCOTS network. Posy advised that the new network would be through the broadband connection which is already set up so there would not be any issues.

Posy advised that the SCOTS equipment can be returned to the Scottish Government to be redistributed.

The Commissioners agreed that appropriate options have been explored and they have received assurances on the risk involved in the project being reduced. Commissioners agreed the business case for changing the system based on operational requirements.

The Commissioners agreed to approve the expenditure for the project.

5. Land Commissioners Code of Practice

It was agreed that the suite of codes that the Commission are planning to produce will be based on the Land Rights and Responsibility Statement.

The Chair proposed to nominate a Commissioner to take a lead on the codes of practice and liaise with staff. It was proposed and agreed that Sally would take the lead on this.

It was agreed that the three month period in section 6, paragraph 3 should be removed as it may not be beneficial for the process to have a limited timescale.

Action 04091803	Consider and adjust wording of template to improve clarity on the inquiry procedure.
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Commissioners queried the resource availability and commitment. Hamish advised that the Community Engagement Advisers will take forward the work on the community engagement code of practice including any inquiries. As these posts are fixed term this will allow the Commission to adapt the roles and resource requirement as appropriate.

Hamish advised that the Commission have not yet sought legal advice in regards to the codes of practice but he has been in discussions with Scottish Government who have offered to seek advice from their lawyers. It was agreed that Hamish will take legal advice on the codes when appropriate.

It was agreed that having stakeholder buy-in on the codes of practice is of considerable benefit to the Commission and effective operation of the codes, though acknowledging that the Commission will be able to decide on content and publication. The Commissioners agreed that communications of this work is particularly important and will need to include an indication of the likely initial topics for codes.

6. Trust Status in Land Ownership – next steps

Hamish advised the Commissioners that Harper MacLeod have been commissioned to prepare the report in relation to trust status in land ownership. He also advised that the draft report can feed into the production of codes of practice.

The Commissioners agreed the approach being taken on this area of work.

7. Call for Evidence on Concentrated Land Ownership – update and discussion

Shona gave a presentation on the emerging findings of the call for evidence on concentration of land ownership.

Commissioners discussed:

- The relationship and differences between scale and concentration
- The emerging evidence of advantages and disadvantages
- The need for a clear framework of analysis from which to draw conclusions
- The central issue of monopoly control and potential impacts on the public interest

Commissioners discussed the next steps including completion of analysis and consideration of implications for policy and agreed to consider these at a discussion in October once the analysis has been completed.

Action 04091804	Discussion on the findings and policy implications to be scheduled on the agenda for the Commissioners' Meeting on 23rd October.
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8. Review of Community Right to Buy – presentation from research team and discussion of findings

The research team presented the findings of their research to the Commissioners.

Hamish advised that the Commission will give the SRUC report to Government with a report from the Land Commission giving Commissioners' recommendations to Ministers. This report and recommendations will be agreed at the Commissioners meeting on 23rd October.

Commissioners discussed the need and opportunity for a more strategic approach to community ownership that reflects the maturing of the sector, its potential contribution to urban and rural communities and a more proactive approach.

Commissioners agreed that the SRUC report has provided a significant body of evidence and recommendations to inform the Commission's own recommendations to Ministers. The next steps agreed are to:

- Engage stakeholders in the findings of the SRUC report;
- Prepare Commissioners' report and recommendation to Ministers for agreement on 23rd October;
- Publish reports and recommendations.

Action 04091805	Schedule discussion on Community Right to Buy to the agenda for the Commissioners' Meeting on 23rd October.
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9. Any Other Business

Tenant Farming Commissioner update

Bob advised that he and Sarah have made further contact with those involved in the review of agents to follow up implementation of the recommendations. He also advised that Sarah is currently preparing advice regarding standards and complaints processes for agents.

The TFC will be meeting with the Cabinet Secretary on 5th September to provide an update on the work being carried out.

Communications Review

It was agreed that the Commissioners will review the communications for the Land Commission including the schedule of public meetings for 2019 at their meeting in November.

Date of next Meeting: Tuesday 25th September 2018

**Scottish Land Commission
September 2018**