



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Tenant Farming Advisory Forum

**DRAFT Minutes of the Meeting of the Tenant Farming Advisory Forum (TFAF)
held on Thursday 24 January 2019, NFUS Offices, Ingliston**

Present:

Dr Bob McIntosh	Tenant Farming Commissioner	TFC
Sarah Jane Laing	Scottish Land & Estates	SJL
Kate McLeish	Scottish Land & Estates	KM
Christopher Nicholson	Scottish Tenant Farming Association	CN
Angus McCall	Scottish Tenant Farming Association	AMc
Andrew McCornick	NFUS	AM
Gemma Cooper	NFUS	GC
Jen Willoughby	Scottish Government	JW
Ian Austin	SAAVA	IA
Naill Milner	RICS	NM
Jon Robertson	Agricultural Law Association	JR
Sarah Allen	Scottish Land Commission	SA
Sara Smith	Scottish Land Commission	SS

Actions:

1. Welcome and Apologies

TFC welcomed everyone and thanked NFUS for hosting the meeting.

Apologies from David Johnston (SLE), Andrew Wood (RICS), Rob Forrest (SAAVA).

2. Minutes of the last meeting – 17 April 2018

Agreed

3. Presentation from Revenue Scotland – LBBT Leases & Penalties (overview)

TFC welcomed Barbara Kennie & Marcus Chalmers (Revenue Scotland), Ian Goldsmith (SG) who joined the meeting for this item. Barbara made a presentation on how and when LBBT submission is required by agricultural tenants. Guidance and online calculators are available on RS website

Action	SA to circulate presentation & Revenue Scotland contact details to group
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4. Update from TFC

Code on Agreeing and Managing Agricultural Leases agreed with stakeholders and to be published.

Casework is steady – Oct/Nov were busy (same as previous year). Most contacts from tenants, broad subject matter. Repairs & Maintenance top of list and Amnesty.

Amnesty – agreed that best progress was being made where both parties agreed to meet on farms. More communication about the amnesty needed particularly to raise awareness that as the process takes 9 months to complete, the deadline to get started is autumn 2019. STFA farm days worked well and were at capacity.

Mediation service – all 3 were a great success. Positive feedback from tenants and landlords involved with a range of issues resolved. It was suggested that the success of the mediations should be promoted along with the costs.

5. Feedback from TFAF survey

As the survey looked at the period April 2017- March 2018, many of the issues raised are being actively addressed. Looking forward to priorities for the coming year, members agreed that:

- The sector could work with the TFC/SLC in promoting the work of the TFC through their own campaigns e.g. business resilience, diversification, succession planning, geographical campaigns. Link Bob's Blog to members sites. STFA advised that TFA in England had a good media campaign around Brexit.

Action	SLC to develop a TFC comms strategy for the coming year which links with members media plans
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Bob said that he was working on a Guide on Succession and Assignment.

Members agreed that given current uncertainties in the agricultural sector, the strategic focus for the immediate future should be on tenure neutral productivity and survival. However, members were keen not to lose sight of Jeremy Moody's paper which stimulates discussion on making more land available for those who want to farm. Members felt that promoting a full range of joint venture opportunities continues to be important.

Sarah asked whether members would be interested in mediation workshops or training to promote not only the use of mediation in solving specific issues but a mediation-type approach in all transactions. SAAVA, ALA and RICS have done this in the past but members felt that there is more demand for it, and not just for professionals but also for tenants and landlords

Action	SLC to look into developing mediation workshops for tenants, professionals and landlords
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6. TFC Guide on Professional Conduct of Agents

Final Draft Guide was discussed. Comments from SAAVA, RICS and ALA had been incorporated. SAAVA contact details to be added.

Checklist on the front is really useful. Make it clear that agent's firms have a full complaints handling process that should be used before going to any professional body.

Action	SA to add contact details for SAAVA; amend text to make it clear that there is a CHP prior to contacting the professional body; and to amend text to make guide applicable to anyone in the sector – not just landlords and tenants
Action	SA to circulate to RICS, ALA & SAAVA for final comments prior to publishing

7. Joint venture hub (NFUS)

Launched at AgriScot in November 2018 provides a platform for members and non-members of NFUS to register to offer an opportunity or look for an opportunity (done by postcodes). 22 people have registered to date. Gemma mentioned that people who register are often looking for a house/ accommodation and so far people aren't prepared to move to get the opportunity that they seek. Members discussed the opportunity for potential agricultural businesses to be based in buildings with little accompanying land, and that this could be added to the site.

This is an industry tool not just for NFUS members and may be developed further with FONE members in due course. Members welcomed the initiative and could see its value also in the tenanted sector.

8. SG Update (JW)

Resources and capacity are tight as all legal team working on Brexit. Can't give timescales at the moment for relinquishment and assignation and rent reviews.

Members were advised that a consultation on merging the lands tribunal and land court would be issued soon.

Ian Davidson is retiring at end march and being replaced by John Kerr.

Jen advised that the Schedule 5 amendments are now in legislation and commenced 10 January.

9. AOB

Members discussed issues that had been raised at the STFA amnesty farm walks. Bob had provided a steer on dealing with issues such as: evidence required, eligibility vs value, how to include improvements that had a mix of finance, labour and materials provided by landlord and tenant, write down agreements, and stone removal. TFC happy to provide advice where required and respond to breaches in the Code.

10. Date of next meeting

Members agreed to be flexible. Likely next meeting in July prior to harvest.