



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 6th August 2019, Longman House, Inverness.

Commissioners Present: Andrew Thin (Chair), Lorne MacLeod, Megan MacInnes, Sally Reynolds (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner)

In Attendance: Shona Glenn, Posy MacRae, Hamish Trench, Sarah Allen, Gemma Campbell, David Stewart, James MacKessack-Leitch, Kathie Pollard, Claire Bremner, Gillian Brown (Scottish Land Commission)

Apologies: David Adams (Land Commissioner) gave his apologies for this meeting.

The Chair welcomed Claire back from Maternity Leave.

There were no declarations of interest made.

1. Minutes of previous meeting 4th June 2019

The Commissioners agreed the minutes of the meeting as a true and accurate record of the discussion.

It was noted that the staffing and remuneration committee minutes remain outstanding and given the next meeting will be some time away, minutes should be approved in the meantime. The minutes will be circulated, and approval confirmed at the next Commissioners' meeting.

Andrew, Hamish and Posy have discussed the conference agenda and the programme has been circulated. Action 04061903 has been discharged.

Hamish confirmed that the 180 spaces for the conference have all been booked, with a good mix of people signing up. More information on the conference will be circulated later this month.

Matters Arising

The Commissioners noted the Land Value and House Prices paper that was due to be released in June has been deferred to September, so it could be released together with the report on land banking.

Hamish welcomed Claire back from maternity leave and thanked Eilidh for all her hard work whilst covering Claire's post.

Hamish advised that the Commission has recruited a new Communications Manager who will be joining the Commission on the 19th August.

2. Quarterly Progress Report

Delivery

Commissioners considered the progress commentary and focused on the amber assessments. Hamish confirmed the amber assessment on tax and fiscal policy reflects the fact that the project plan is still to be developed, and this work is due to commence in Quarter 3. The casework management system development is now underway, having given the finance IT system priority for the start of the financial year.

Commissioners noted the good progress across the workstreams. Commissioners asked about the next steps on scale and concentration of ownership, noting the need to maintain momentum following stakeholder engagement. Hamish confirmed that the project plan is being developed and the next steps will be considered at the September Commissioners meeting. Commissioners noted the importance of taking forward the proposed work on diversifying private ownership.

The Commissioners were advised some items are marked as white because they have not yet started but that there are no concerns on the timetable.

Finance

Commissioners noted the current position at end of Quarter 1. Commissioners agreed it is not necessary to reprofile the budget at end of Quarter 1, given that the intended budget review at end of Quarter 2 will be based on a better indication of spend to date and commitments for the second half of the year.

Commissioners sought clarity on the additional £48k funds unallocated. It was confirmed that this represents funds from the previous year that Scottish Government advised should be retained. These will be incorporated into the budget review and allocated at end of Quarter 2.

Lorne asked for clarification on the organisation's approach to over-programming, in order to manage potential underspend. Hamish confirmed that management team are managing the risk through bringing spend forward in the year, improved project planning, and identifying potential additional spend priorities should underspend become available.

Strategic Risk Register & Report from ARC Chair

The Commissioners were advised that there has not been a further ARC meeting in the meantime and a report from the ARC chair will be given at the next meeting in September.

The Commissioners were informed that risk 9 is still amber to reflect that we are aware of the risk of an underspend and need to continue to take action to mitigate it.

With reference to risk 10, Lorne asked whether there is a record of sick days that can be compared to others in the industry. Posy confirmed that there is a log and the

Commission is well below average. Lorne requested that a note of this available for the next ARC meeting.

Action 19080601	Andrew and Hamish to discuss improved reporting of KPIs.
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Communications

Posy confirmed that comparisons of Communications Report are made month to month not year on year. The dip this quarter is measured against a peak in the last quarter reflecting publication of the scale and concentration report. Posy confirmed press coverage remains good and the revised format of public meetings appears to be working well.

A question was raised on whether we can further improve regional press coverage, to help promote wider awareness of the Commission's work. Posy confirmed that our communications targets all media platforms including regional press and that in general we achieve good coverage in regional publications. The chair asked that Posy give a brief presentation at a future meeting to provide more information on implementation of our communications strategy and the monitoring information we have.

Action 19080602	Hamish to schedule an update on implementation of the communications strategy for a future meeting
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3. Presentation on Land for Housing and Development Workstream

The Chair thanked David for his presentation and noted that this workstream is progressing well. In discussion the following points were raised:

- The potential connection to the Scottish National Investment Bank's low carbon and place making missions. Hamish confirmed Shona will be meeting with SNIB officials shortly to discuss these connections and the opportunity for investment in vacant and derelict land;
- How stakeholders view the issues we will be addressing and where the likely drive for change will come from;
- The opportunity to focus our messages on creating a system that works with clear public sector leadership in which the private sector has a clear role to play;
- The potential for rural case studies to include the crofting context;

Commissioners supported the direction of work set out and noted the need to connect widely with Scottish Government and stakeholders, while maintaining a clear focus on the land issues within the system that is where the Commission can add value.

4. LRRS Good Practice Programme

The Chair confirmed that Sally is the lead commissioner for Good Practice.

Sarah explained that the programme reaches across all 4 workstreams and that the land rights and responsibilities statement underpins the programme. She highlighted the importance of articulating our approach to good practice and why we do this, rather than simply focus on the mechanisms, noting that promotion and communication are fundamental to how we take this forward. Discussion raised the following points:

- The value of learning from experience of the TFC approach. Bob noted that he seeks support from stakeholders for codes, but collective approval is not required. The background work prior to the TFC role being established is considered as critical to the successful implementation of TFC codes. We therefore should recognise the need to build similar support and awareness for a wider programme of good practice.
- The opportunity for training and CPD is significant, but could be resource intensive. Gemma and Sarah confirmed our approach is to work with those in a position to influence others, for example, stakeholder representative organisations and agents.
- Commissioners noted and welcomed the appetite for CPD and training, already evident for example through RTPI seminars and some land agent firms.
- The value of positive case studies to raise awareness and influence others;
- The need to develop awareness and promote the good practice programme as a concept, not just individual protocols etc, including whether a form of launch or other profile building event would be appropriate.

Commissioners discussed the balance between statutory backed mechanisms and voluntary/expected good practice. Noting that we have made a recommendation for statutory measures in the report on scale and concentration, Commissioners agreed that the good practice programme should focus on taking forward action now, rather than waiting for statutory measures, and that it should be focused on the collaborative approach set out in the paper. Experience of implementing this programme will inform Commissioners consideration of further options and recommendations in future.

Commissioners agreed the proposed framework for the programme. Commissioners noted the significant stakeholder support for engaging in the good practice programme, noted the value of having a lead Commissioner identified and confirmed strong support for the direction of the programme and the need for it to become a more visible part of the Commission's work.

5. LRRS Reviews

Gemma introduced the paper, which builds on Commissioners' previous discussions about the role of LRRS reviews, and Commissioners' recommendations in the report on scale and concentration of ownership. Gemma emphasised that we see the review concept being an integral part of the Good Practice Programme previously discussed. Discussion raised the following points:

- The potential value of providing a framework for self-assessment against the LRRS;
- That any review process at this stage is non-statutory and requires collaboration to be effective;
- A presumption that the outcomes of a self-assessment review should be publicly available to improve transparency;
- More work with stakeholders is needed to refine the approach in order to ensure effective buy-in, including clarity in the language used;
- Whether the approach is equally applicable in urban or rural contexts – some further work with urban stakeholders is likely to be required in order to develop an easily applicable approach;
- Commissioners sought clarity about the extent of support the Commission should/is able to offer – it was confirmed that we will provide guidance and advice, rather than undertake the process for others.

Commissioners agreed that the priority should be developing an approach to self-assessment against the LRRS as an integral part of the Good Practice Programme. Where the Commission is asked to help address particular places or issues, it can also consider whether a review approach would be appropriate.

6. Trust Status in Land Ownership

Commissioners welcomed the report by Harper MacLeod as a clear summary of trust status and the issues to consider.

Discussion raised the following points:

- The need to engage with OSCR in taking forward work relating to charitable trusts;
- That the emphasis is on addressing the operation of trusts, rather than making changes to trust law;
- How we are reporting progress on this work to Ministers;
- The importance of tax as an influence, which should be addressed as part of our wider review of tax and fiscal issues;
- That expectations for charitable status owners should reflect the public benefits and advantages conferred by charitable status;

Commissioners agreed the proposed next steps including publication of briefings and guidance, potential for a protocol and engagement through the good practice advisory group. Commissioners also agreed an additional action to investigate the potential for changes to the status of land going into and out of trusts, so that it could trigger application of community right to buy.

Action 19080603	Gemma to incorporate consideration of status of disposals into and out of trusts into the next steps
Action 19080604	Hamish to discuss next steps and reporting to Ministers with Scottish Government policy team

7. Any Other Business

The Chair passed on his thanks to Eilidh, she has held the role of Office Manager very ably.

Megan asked how the Commission will engage with Scottish Government on the current consultation on the regulations implementing the right to buy for sustainable development. Hamish advised that staff will discuss the regulations with the policy team and asked Commissioners to feed in specific issues or suggestions to him.

Date of Next Meeting: 3rd September 2019

**Scottish Land Commission
August 2019**