



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 4th February 2020, Longman House, Inverness

Commissioners Present: Andrew Thin (Chair), Sally Reynolds, Lorne MacLeod, Megan MacInnes, David Adams (Land Commissioners)

In Attendance: Hamish Trench, Sarah Allen, Posy MacRae, Shona Glenn, Caron Munro (Scottish Land Commission)

Apologies: Bob McIntosh (Tenant Farming Commissioner) gave his apologies for the meeting.

There were no declarations of interest.

1. Minutes of previous meeting 5th November 2019

The Commissioners agreed the minute of the previous meeting as an accurate record of the discussion subject to the following amendment:

- At the start of section 2, Audit and Risk Committee Update, insert the sentence 'The board received a written report from the Chair of the Committee.'

Actions 19120301 – 19120303 are to be removed as the proposal for the office move has been withdrawn. Action 19120304 can be discharged as it will be incorporated into the protocols process.

As a matter arising from the recent ARC meeting, the Chair of the ARC suggested that it is best practice to ensure the minutes of the Commissioners' Meetings reflect the level of challenge and scrutiny from the board.

Action 20020401	Hamish and Caron to discuss the formatting of the minutes to ensure they reflect the level of scrutiny and challenge from the board.
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The Commissioners discussed the implications of the Commission staying at Longman House and the impact it has on the health and safety of staff, Commissioners and visitors in particular relation to the roads surrounding the office. In particular Commissioners sought assurance that action is being taken to address the road safety risks. Staff advised that the Commission, in conjunction with the Longman House user group, are in discussions with Transport Scotland and Bear Scotland to improve safety measures and reduce the number of incidents and near misses that staff and visitors have with traffic. Commissioners were advised that a near-miss log is now being set

up and all incidents should be reported to Police Scotland. The Commissioners confirmed their strong support for these actions and for the Commission to provide high-vis clothing or other appropriate safety measures for staff as required. Posy advised that the office surroundings are recorded and monitored as a risk in the Commission's operational risk register.

Hamish advised the Commissioners that following the discussion on potential office relocation, the Commission has concluded that there are at present no suitable live opportunities available.

2. Quarterly Progress Report

Delivery

Hamish advised that the majority of the Commission's work is on track for delivery by the end of the financial year in line with the Annual Business plan for 2019-20.

The Commissioners asked for further details on the workstreams with an amber progress status. Hamish advised that the status of the work on Vacant and Derelict land was currently amber with the next steps on this project to be discussed under item 4 on the agenda for this meeting.

Commissioners queried why the status of the work to investigate and promote best practice in proactive land assembly had a status of green and not amber as it appeared from the progress outline that it was delayed. It was advised that the Commission has been carrying out CPD events with councils in order to promote this area of work and that the outputs due to be carried out in this business plan has been done. It was noted that the description of 'delayed' in the commentary referred to one particular aspect.

It was suggested that it would be helpful for Commissioners to receive details of current contracts that the Commission has and their timescales. It was agreed that Hamish will consider the level of information required by Commissioners and how best to present it.

Action 20020402	Hamish to consider how best to keep Commissioners informed about current contracts and outputs at an appropriate level.
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The Commissioners noted their thanks to the staff team for the progress made on the workstreams and that the Commission is in a positive place with no workstreams having a red status.

Finance

Hamish advised the Commissioners that the Commission is currently projecting an approximate underspend of 5%. He advised that some areas of work have been delayed as there were no satisfactory bids received for tenders however the staff team are focussed on delivering the outstanding work by the end of the financial year.

The Commissioners queried if the Commission had an understanding of why there had been no satisfactory bids received for tenders. Hamish noted that the ARC had considered this risk in detail at its recent meeting. He advised that the lack of bids appeared to be due to the time and capacity of consultants and the complexity of the tenders. He advised that the Commission is reviewing how to frame the tenders that they are releasing and the need to build long-term contracts and framework agreements with researchers and consultants, reducing reliance on individual tenders.

It was suggested that some of the tenders require specific skills and knowledge which few researchers/consultants have but that building long-term contracts and frameworks will help to bridge the skills gaps. It was also noted that the researchers and consultants bidding for tenders are from varying sizes of companies, so some are put off by large tenders whereas others are put off by smaller tenders. Commissioners noted that this is a challenge shared by other organisations.

It was noted that the management team are aware of the issues with recent tenders and are working to manage the risk. It was also noted that in general the Commission has successfully tendered contracts for most areas of work, but that ongoing work to improve our procurement and targeting is appropriate.

Audit and Risk

The Commissioners were presented with a written report from the Chair of the Audit and Risk Committee to give a summary of the committee meeting on 3rd February. The Chief Executive gave the committee an update on organisational governance. The Chair of the Committee advised that they had a discussion on the openness and transparency of Commissioners' Meetings and would recommend that the Commission makes information about board meetings more prominent on the website as well as publishing the papers of meetings. Currently the Commission publishes the agenda and minutes of board meetings on the website. It was noted that where appropriate papers can be held in confidential closed session, and this would be stated on the agenda. Commissioners agreed that from 1st April board papers should be published on the Commission's website.

The Chair of the committee also noted that since the last meeting a member of staff has raised a concern with him through the 'raising a concern' procedure which worked effectively and is an important procedure to have in place.

The committee received and agreed annual audit plans for 2020-21 from both internal and external audit.

Action 20020403	Posy to circulate the annual audit plans to the Commissioners.
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Risk Register

Hamish advised the Commissioners that risk 3 on the risk register had previously been removed but has now been reinstated due to the recent issues with securing

appropriate bids. He advised that as part of the Audit and Risk Committee's schedule of risks this risk was interrogated at the meeting on 3rd February.

He made the Commissioners aware that risk 12 is increasing due to particular work pressures in relation to good practice and tenant farming, and the key stages that several workstreams are at, and the management team are monitoring this. The Commissioners were also informed that there is currently a staff survey live to gather staff views on wellbeing and work. The questions for the survey were formed by the Commission and responses will be gathered and analysed anonymously by our HR advisors. The responses to the survey will be tabled at the next Commissioners Meeting. The Commissioners agreed the importance of carrying out staff surveys.

The Commissioners queried how many contracts each member of staff were managing and suggested it may be more appropriate to have a few large contracts which would take less time in terms of contract management instead of several small contracts. Commissioners suggested that risks 3 and 12 may be reduced with larger contracts in place requiring less project management time from staff. Hamish agreed that the Commission is considering this in line with setting up contract frameworks. It was also suggested that wider scope tenders can deliver more value for money.

Action 20020404	Management Team to review the tendering process and consider ways to improve both efficiency and effectiveness.
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Communications

Posy gave the Commissioners an overview of the communications work over the past quarter noting that the main focus has been the launch of the new website, the launch of the Good Practice Programme and the publication of the Jim Hunter paper on Re-peopleing Empty Places to mark the centenary of the Land Settlement Act.

The Commissioners were advised that the communications team are focussed on developing a rolling programme of blogs which are now integrated on the Commission's website. It was advised that the reduction in Facebook engagement is most likely due to changes in the Facebook algorithm for posts.

Commissioners asked if the levels of social media followers could be compared to other similar public bodies in order to determine the success of the communications. Posy advised that the Commission would benchmark against other public bodies and feed this into the annual communications plan.

It was requested that Commissioners receive details of any upcoming meetings and events the Commission is holding.

Action 20020405	Posy to send Commissioners details of upcoming events and include this in future quarterly Communications updates.
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3. Audit and Risk Committee Terms of Reference

The Commissioners agreed and approved the changes to the Audit and Risk Committee Terms of Reference.

4. Vacant and Derelict Land – Next Steps

Shona gave a presentation to Commissioners outlining the importance of the workstream and the progress being made as well as the identified possible next steps.

The Commissioners discussed the next steps for the vacant and derelict land (VDL) workstream. The main outcomes of the discussion were:

- This area of work is successful with a high level of impact for the people of Scotland.
- The workstream has transformed wider thinking on what land reform is for.
- Commissioners emphasised that the Commission's role should remain focused on the land reform aspects of vacant and derelict land – i.e. transforming the system, addressing ownership, value and market barriers, and not get drawn into site delivery which is rightly the remit of others.
- The Commission needs to consider the next steps for the VDL taskforce.
- The Commission needs to give sufficient communications resource to this project to address the communications challenges about long term change and multi-partner roles.
- The Scottish Government are currently considering the proposals made to resource delivery of key parts of the Statement of Intent, although timescales for this are currently unknown.
- The Commissioners support the proposal to prepare a clear set of recommendations.
- The Commissioners support the proposal in point 3, supporting community-led regeneration and the principle behind this with the need for clarity at the outset and the length of the agreement that is required.

5. Annual Business Plan 2020-21

Hamish advised Commissioners that the Commission's budget for 2020/21 is currently unknown as the Scottish Government has not yet announced the budgets. The draft business plan has been developed on the basis that the budget will be similar to the current year with considerations made for a 5% or 10% reduction. Commissioners were asked to consider the draft plan, in particular the direction, narrative and outputs. The finalised business plan with budget allocation will be presented to the Commissioners' at their meeting in March for approval.

It was queried if the Key Performance Indicators are going to be developed further over the next few years, Commissioners felt some could be stronger. Hamish advised that the current indicators are a base line and will develop as the Commission does.

It was suggested that the second sentence under the Community Empowerment heading on page 3 needs to be amended so that it does not equate land use and land ownership but shows that both are important. It was also suggested that some of the outputs in the plan are currently activities rather than outputs and should be sharpened up.

It was also suggested that the activity on Land Assembly and Placemaking needs to be reworded to 'Undertake research on **market** factors...'

Action 20020406	Wording in the second sentence of the Community Empowerment section of page 3 to show both land use and ownership are important but not equate the two. Amend activity on the Land assembly and Placemaking workstream to 'Undertake research on market factors...'
Action 20020407	Hamish to reword some of the 'outputs' in the plan.

The Commissioners gave strong support for the business plan and the direction of work. They sought assurance that there is sufficient staff capacity to undertake the plan. The Commissioners remain aware of staffing constraints and are cautious not to overstretch staff workloads. Hamish advised that management team have considered this in developing the plan and it represents realistic deliverables for the year.

6. Perceptions Survey

Posy advised the Commissioners that the outcomes of the perceptions survey will be reflected in the development of the communications plan, business plan and strategic plan. She advised that the Commission is planning to carry out another perceptions survey in 2 years' time.

It was suggested that it would be useful to consider how to get insight into wider stakeholder and/or public perceptions, as this survey mainly takes into account the perceptions of the Commission's stakeholder organisations and those who are closely interested in the work of the Commission. It was felt that it would be beneficial to carry out a survey with the wider land reform community and the members of some of the Commission's stakeholder organisations. Posy advised that this will be considered for the next survey.

The Commissioners are pleased with the positive and constructive report and welcomed all comments.

7. Any Other Business

Leadhills

The Chair made Commissioners aware of the recent announcement by SNH suspending a general licence at Leadhills and advised that the Commissioners should

be aware of the situation in the context of land rights and responsibilities. The Commissioners asked Hamish to discuss with SNH and Scottish Land and Estates the implications of this scenario in terms of leadership in delivery of the expectations set out in the land rights and responsibilities statement.

It was suggested that the Commission may want to consider developing a Good Practice Protocol on environmental stewardship.

Action 20020408	Hamish to arrange a discussion with SNH and SLE
Action 20020409	Sally and Sarah to consider whether environmental stewardship may be appropriate for a Good Practice Protocol.

Date of Next Meeting: 3rd March 2020

**Scottish Land Commission
February 2020**