



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 1st September 2020

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

In Attendance: Hamish Trench, Sarah Allen, Posy MacRae, Shona Glenn, Emma Cooper, Harriet Donald, Caron Munro, Claire Bremner (Scottish Land Commission), Maggie Bruce (Audit Scotland)

There were no declarations of interest.

The Chair welcomed Maggie Bruce to the meeting. He also welcomed back Sara Smith who has returned to work from Maternity Leave.

1. Minutes of previous meeting 7th July 2020

The minutes were agreed as a true and accurate reflection of the discussion subject to the following amendment:

- Page 5, TFC rent review, amend sentence to 'Bob advised the Commissioners that he is currently working on a Rent Reviews Process Code of Practice...'

All actions have been completed.

In relation to action 20070701, Hamish advised the Commissioners that the Common Good Land work is dependent on engagement with Local Authorities and work is planned to progress in quarter 4 of 2020/21 with a view to completing proposals in summer 2021. He also advised that the Community Land Ownership Leadership Group have not met recently but the scheduled work in this area for the Commission is continuing.

Commissioners were advised that in relation to action 20070702, Posy has spoken with HR about adding Gaelic as a desirable skill to the recruitment process and has agreed to bring the date for this forward as requested by Commissioners.

Commissioners were advised that the tax scoping report is planned for publication in October 2020.

Matters Arising

The Commissioners queried when the programme of online public meetings was expected to commence. Posy advised that the communications team are planning to start this at the end of September with Sara focussing on arrangements for this.

2. Annual Report and Accounts

The Commissioners were advised that the Audit and Risk Committee (ARC) considered the annual report and accounts on 31st August. Hamish expressed his thanks to the staff involved and Audit Scotland for preparing the annual report and accounts. He highlighted that the performance report is positive, and the governance report sets out the necessary assurances and reports on risks. He also noted that there has been significant progress made in the financial processes from the previous year.

The Chair of the ARC noted that the ARC looked at the report and accounts with detailed scrutiny on 31st August and noted that there are no unadjusted misstatements of the accounts. He advised that the ARC recommend to the Board that they formally approve and adopt the annual report and accounts.

Maggie thanked the Commission for their work on this in helping Audit Scotland to complete the audit on time with no delays as a result of the pandemic. She noted that this is a testament to the working relationship that Audit Scotland and the Commission have established.

Commissioners asked Maggie to expand on what the Commission can do in order to meet the going concern around future financial planning given the Commission receives their grant-in-aid allocation on an annual basis. Maggie confirmed that the Commission should be considering reductions to grant-in-aid as well as anything from the Government to indicate withdrawal of funding. Maggie advised that Audit Scotland would be looking for a 5-year financial planning strategy with 3-year detailed planning. The Chair asked Lorne, as Chair of the ARC, to monitor this throughout the year.

The Commissioners noted their thanks for completing the annual report and accounts during the pandemic with an improvement on last year as well as including more than the statutory financial information.

The Commissioners agreed to approve and adopt the annual report and accounts.

3. Strategic Plan and Programme of Work

Hamish advised Commissioners that the Government will be publishing the Programme for Government later today (1st September).

Commissioners were advised that once the Strategic Plan is approved it will be sent to the Cabinet Secretary for approval before being laid in Parliament with publication expected for the end of September.

It was noted that the Strategic Plan aims to maintain the current balance of staff costs vs programmed spend. Hamish advised that the Programme of Work can be updated annually, or as required, to reflect any changes as a result of changing priorities or new asks from Government.

Note: Claire Bremner left the meeting at this point.

The Commissioners discussed the Strategic Plan and Programme of Work. The main points of the discussion were:

- There are some dates missing in the Programme of Work which should be added in.
- Some of the evaluation tools for measuring success may be cost and time intensive, although the Commission does have baseline surveys in place from previous work carried out which can be used to base some of the evaluations on.
- Whether the programme of work should include more investigation on the potential implications of a right to buy for 1991 Act agricultural tenancies, though it was noted this is not a current policy proposal.
- How the programme of work will address opportunities for diversifying ownership through for example restructuring of holdings and sales, with a view to increasing the diversity of private ownership.
- Agreement that the Commission should undertake work on the human rights implications and that this should include analysis of the practical implementation and compensation issues as well as the legal principle.
- Language should where possible be simplified and be positive and engaging about the Commission's purpose and direction. The Strategic Plan is currently being plain English checked before finalising.
- The budget presentation should be adjusted to show the allocation of staff time against jet areas of work.

The Commissioners agreed that following the meeting the Chair will sign off the final version of the Strategic Plan and Programme of Work so that it can be submitted to the Cabinet Secretary for approval. The final version will be shared with the board members.

Action 20090101	Hamish to finalise strategic plan and programme of work in line with discussion. Andrew to sign off final documents for submission to Ministers.
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Note: Maggie Bruce left the meeting at this point.

4. Vacant and Derelict Land Taskforce

The Commissioners expressed their thanks to Shona and Kathie who have done a huge amount of work on the workstream and are held in high regard by the VDL

taskforce. The Commissioners welcomed the clear recommendations from the Taskforce.

Shona advised that there are many discussions with partners ongoing which is a sign of the traction of this work among stakeholders. Partners are supportive and committed to the recommendations that the taskforce have agreed.

It was noted that the Commission has worked with the Scottish Government on this and there is a clear view of the Land Commission's role and added value in working on this issue. The work that has been carried out has also helped to drive forward land reform, especially in an urban context.

Commissioners were advised that Kathie has been invited to be on the board of a time limited Land Commission which has been set up in Liverpool City Region, reflecting the impact of this work.

The Commissioners noted that it is a strong report and highlights the benefits of working with stakeholders and is a good example of how research, stakeholder engagement and analysis can be done. They noted that the report was linked well to other areas of the Commission's work such as Good Practice.

Commissioners sought further information about partner involvement. Shona advised that partners are aware of the specific recommendations and have been closely involved. Shona advised the Commissioners that she is in contact with Registers of Scotland to discuss linking the data publications to the ScotLIS website. Posy advised that the Commission is leading on the communications around publication of the report and working with key stakeholders. The Good Practice team are bringing forward the area of work on the DUSTEs sites and contacting owners in advance of publication to provide them with information and guidance.

Commissioners emphasised that although our role is now evolving, the Commission should retain and build on the relationships established through the taskforce. They also agreed that the Commission should seek to maintain the momentum of progress, for example through a regular progress update, and should consider how to carry out a longer-term review of delivery.

The Commissioners approved the report and recommendations to be submitted to ministers.

5. Regional Land Use Partnerships

Harriet provided the Commissioners with an update on the work that has been carried out since the interim report was published, including hosting a webinar, inviting stakeholder responses, a survey, one to one engagement and collaboration with both the James Hutton Institute and Edinburgh University. It was noted that there is final work ongoing to improve the presentation of the recommendations and report.

Commissioners discussed the proposals and recommendations and made the following points in discussion:

- The headline recommendations and messages should be drawn out more clearly;
- It would be helpful to group the recommendations;
- The connections to the Land Rights and Responsibilities Statement should be expressed more clearly, so that the principles of the LRRS are built into the remit of Partnerships;
- More clarity on the value of a regional approach and interaction with local partnerships and initiatives would be helpful;
- The governance section should make clear whether the community membership is intended to be representative – in practice it is more likely to be individuals with appropriate expertise within communities.
- More explanation of the changes in context since the 2016 Land Use Strategy would be helpful;
- Agreement that the Partnerships should focus on multiple land use outcomes, not solely climate change;

It was also noted that RLUPs are likely to be part of the next Land Use Strategy which is being prepared for March 2021.

The specific role for partnerships in resolving tensions was raised and discussed. It was agreed that Megan will contact Harriet further to discuss the issue in more detail.

Hamish advised that on completion of the advice, the lead role for taking forward implementation will lie with Scottish Government, and they are currently recruiting a new team. The Commission is able to offer further advice on implementation as appropriate, once the government has considered how it intends to proceed.

Subject to making changes to the report in line with the discussion, Commissioners agreed the substance of the proposals and asked the Chair and Sally to approve a final version of the advice on behalf of the board, so that it can be submitted to Government ahead of the next board meeting.

Action 20090102	Harriet and Megan to arrange a phone call
Action 20090103	Harriet and Hamish to complete the report for agreement by Andrew and Sally

Note: Harriet Donald left the meeting at this point.

6. Addressing Concentration of Land Ownership

The Commissioners were advised that a paper on the proposed legislative measures to address concentrated land ownership will be on the agenda for the October meeting. This will address the three proposed legislative measures that the

Commission's 2019 report to Ministers set out. The Commission is currently taking legal advice on the human rights context of this work.

Hamish outlined some of the associated workstream progress in relation to other recommendations on policy and practice. There was concern expressed that limited progress has been made on potential policy options such as rights of pre-emption and the structuring of sales, particularly in relation to increasing diversity of private ownership.

The board asked that the October agenda includes a paper summarising progress on all aspects of the associated land ownership workstream, including the recommendations made in 2019. The Chair noted that he will ensure sufficient time on the agenda for the October meeting for Commissioners to discuss this.

7. 3-Year Review Summary

Posy advised the Commissioners that the 3-year summary of work from 2017-2020 will be published ahead of moving to the Commission's second Strategic Plan. The Commissioners welcomed the document which provides a good summary of the Commission's work. It was suggested that it could be useful to note the actions taken against the recommendations made.

Action 20090104	Hamish to consider whether further information on follow-up action should be included.
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8. Any Other Business

ARC Chair Report

The Chair of the ARC provided the Commissioners with an update following the meeting of the Committee on 31st August. He advised that the internal auditors have undertaken an audit on Business Performance Management and given a substantial level of assurance.

Commissioners were advised that there has been one instance of a minor data breach in the Commission but this was handled quickly with internal review functions working well to determine the nature of the breach and note that the breach was not reportable beyond the Commission.

Good Practice Protocols

It was noted that the Commission has made significant progress delivering this work as planned with a full set of protocols published reflecting all the principles of the LRRS. Each of the protocols is being published with the support of Stakeholders which is very positive.

The Commission is currently holding a series of webinars which have excellent levels of attendance with around 100 people at each.

The Commissioners were advised that the next steps for this area of work is to provide sector specific guidance and encourage use of the Protocols.

Covid-19 recovery

Hamish advised that the Commission will continue to work from home over the next couple of months at least with Longman House not expected to re-open for some time yet. There is now a Future Ways of Working group in place to consider how the Commission moves forward from the current situation with a mixture of staff and Commissioners on the group. The Commission will consider both physical office and HR implications of moving to new ways of working.

The Commissioners were advised that staff having begun meeting in person in small groups to maintain contact and staff morale.

Posy reminded Commissioners that in considering the possible future ways of working the Commission will also incorporate the Commission's climate action plan.

Other

The Commissioners queried if there will be a meeting with the Cabinet Secretary as this is usually held around this time of year. Hamish advised that he is seeking to make arrangements for this with sponsor team and will update Commissioners.

Commissioners also requested an update on the agenda for Commissioner meetings from now until the end of the year and dates for 2021 Commissioner Meetings.

Action 20090105	Hamish to send Commissioners updated plan for 2020 board meetings and dates for 2021 meetings.
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Hamish advised that he has met with Fiona Taylor who has started recently as the Head of Land Use and Land Reform for the Scottish Government.

Date of Next Meeting: 6th October 2020

**Scottish Land Commission
September 2020**