



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 6th October 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, Caron Munro, James MacKessack-Leitch, Katherine Pollard (Scottish Land Commission)

There were no declarations of interest.

The Chair welcomed James MacKessack-Leitch and Katherine Pollard to the meeting.

1. Minutes of previous meeting 1st September 2020

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

- Page 2, item 2, paragraph 3, remove the last sentence as it is potentially confusing and is not necessary.

All actions have been completed.

2. Concentrated Land Ownership: Legislative Proposals

Hamish summarised the purpose of the proposed publication paper. He noted that this is the next step in developing the recommendations made in 2019 for specific statutory mechanisms addressing the impacts of concentrated land ownership. He emphasised that the paper is intended to inform further discussion, for both Parliament and the public, setting out further information on the rationale and key principles for the proposed measures. He emphasised that it is not a detailed legislative proposal, work for which would have to be led by Government in due course with wide engagement.

Hamish proposed that having had initial feedback on the paper, the format could be adjusted to be better presented as a discussion paper and asked Commissioners to consider this.

James provided Commissioners with a summary of the proposed approach, emphasising that the proposed measures take parallels from the work of the Competition and Markets Authority and Tenant Farming Commissioner. He emphasised the legal principles involved in relation to the public interest and ECHR and gave Commissioners a summary of the legal advice received to date.

The Commissioners discussed the paper. The main points of the discussion were:

- Commissioners agreed that it would be helpful to reframe the paper as a more discursive piece which is clearly and explicitly designed to prompt discussion.
- They felt it would be beneficial to explain thinking more in areas where there is a risk of the information being misinterpreted, or of significant principles being underplayed.
- Commissioners considered the balance between focusing on a set of clear principles, while providing enough detail to help people understand their potential operation, acknowledging that much of this detail could only be developed through further engagement.
- There is a need for a clear communications plan for the paper and this area of work.
- Commissioners would like to see this piece of work published by the end of the year.
- Commissioners agreed to ask Hamish to decide if this paper will be taken back to Commissioners for discussion at the November or December Commissioners' Meeting, and to liaise with the Scottish Government.

Action 20100601	Hamish to bring a revised paper to the November or December meeting
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3. Diversifying Land Ownership Workstream: Progress and Priorities

The Commission set out three clear groups of recommendations on this work in 2019 and Commissioners noted the progress against these set out in Annex A. Shona advised that the next steps will be undertaken broadly in the order set out in the paper, if the Commissioners agree with the proposed focus. The Commissioners agreed this way forward.

Commissioners asked that priorities in this workstream include a focus on proactive policy measures to promote more diverse ownership. It was suggested that the Commission could investigate for example, the role for different market and governance models, such as consortia, as well as the other potential interventions at point of sale.

Shona advised that the policy team are currently reviewing the best way to take forward the policy and practice reforms area of work, which will include a potentially broad scope of options. Shona advised Commissioners that James is currently researching a number of related areas including consortium sales and ownership.

Commissioners sought an update on the work of the Community Ownership Leadership Group, chaired by Scottish Government. Hamish advised Commissioners that Group last met in February and the Commission hopes that the group will start up again soon.

Commissioners agreed with the proposed scope of the workstream and asked that a particular focus is given to the policy and practice options, and to governance models.

4. Review of Potential Tax Reforms: Priorities and Next Steps

The Commissioners were advised that the proposal intends to take a systemic and rigorous approach to exploring potential tax reforms, and that this will be a long-term area of work influencing long term change. Commissioners agreed the importance of a systemic approach, while noting the need to address some issues quickly, particularly given the urgency of impacts post-Covid.

Commissioners sought more information on the proposed expert group. It was noted that the group set up will take into account lessons learned from the Vacant and Derelict Land Taskforce, and its role will be to guide and inform the work, as well as promote wider public discussion. Commissioners were advised that the Commission have an existing contract with Alma Economics to carry out this work and they will be looking into all the tax options noted. Commissioners emphasised the value of ensuring potential unintended consequences are considered as an integral part of the work.

Commissioners noted concern over the potential impact on housing in rural communities following the pandemic as many are looking to move to rural areas which may impact house prices.

The Commissioners gave strong support for the priorities for this workstream. The Commissioners agreed to nominate Lorne as the Commissioner to chair the working group.

It was agreed that the Commissioners would be sent a separate formal paper for expenditure authorisation, as the Commission had now received a quote for the proposed next phase above the delegated authority level.

Action 20100602	The board to consider a formal expenditure authorisation by correspondence
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5. Update on Programme for Government

Hamish advised the Commissioners that the Programme for Government was very positive in relation to the role of land in the economy. He noted that the first ask of the Commission in relation to making the most of land in Scotland's economy will be delivered through multiple areas of work and advice to Government, rather than a

single report. The second ask in relation to financing of community ownership will be taken forward in conjunction with wider land ownership work, to report in the second half of 2021/22.

6. Any Other Business

Communications Campaign Plans

Posy advised Commissioners that the aim of the campaign is to reach a broader audience with the Commission's communications and engage with those who have not yet been engaged with. The main call to action for this campaign will be for people to visit the MyLand.Scot web page. The plan is to run the campaign in mid-February for between 2 and 4 weeks primarily focussing on work that the Commission has already published.

The Commissioners noted the implications of the pre-election period in relation to communications, and then the need to consider engagement with a new Parliament post-election.

November/December Board Meetings

Hamish advised that Commissioners that Fiona Taylor, Head of Land Reform and Land Use in the Scottish Government, has been invited to attend the November Commissioners' Meeting.

The Commissioners will also carry out their annual review discussion in November.

It was agreed that it is important to make arrangements with stakeholders for engagement over the coming months to maintain relations. It was agreed that the discussions will be tailored to each stakeholder, in the context of our new strategic plan, and Commissioners will be advised as these are scheduled in due course.

Board Meeting with Cabinet Secretary

The Chair noted that the board have the annual meeting with the Cabinet Secretary on 3rd November.

Action 20100603	The chair to advise board members of agenda and format for this meeting
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Financial Update

Commissioners sought an update on the current finance position. Hamish advised that the Commission is not anticipating a significant underspend as a result of the pandemic with the spend as at last month being approximately £660,000. He also advised that the Scottish Government has not asked for return of uncommitted expenditure at this stage.

Public Meeting Webinars

Posy advised Commissioners that the first of the online public meetings will be held by webinar at the end of October with Megan and Andrew hosting. The dates for the programme of webinars will be live on the website soon.

Date of Next Meeting: 3rd November 2020

**Scottish Land Commission
October 2020**