



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

## Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 2<sup>nd</sup> March 2021

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

**In Attendance:** Hamish Trench, Posy MacRae, Shona Glenn, Emma Cooper, Caron Munro, David Stewart (Scottish Land Commission)

**Declarations of Interest:** David Adams declared an interest in the Community Right to Buy discussion as he advised one of the community bodies who made an application under part 3 of the Act.

### 1. Minutes of previous meeting 2<sup>nd</sup> February 2021

The minutes were agreed as a true and accurate reflection of the discussion, no amendments to be made.

Following action 21020204 Hamish advised the Commissioners that he discussed the legislation and guidance with Scottish Government team. They are aware of the feedback from communities and intend to consider whether any further guidance can help provide clarity about the tests applications under the right to buy are expected to meet.

Hamish and Andrew have discussed key elements of the board programme for the coming months, including continuing with stakeholder meetings. It was noted that the board programme for the year ahead will need to retain flexibility.

<b>Action 21030201</b>	Hamish to share the updated programme of Commissioners' Meetings with Commissioners
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It was queried if a meeting with NFUS has been set following the election of their new President. Hamish advised that he will be inviting NFUS to a future Commissioners' meeting and will seek to confirm a date shortly.

## 2. Review of Land for Housing and Development: Conclusions

Before considering the substance of the paper a query was raised seeking clarity on the governance process for agreeing papers within the Management Team. Hamish advised that the Management Team meet fortnightly and include consideration of forthcoming board agendas and papers. He also noted that, as in this case, the board usually receive papers to consider conclusions and recommendations before the format of publications are finalised.

Commissioners noted the need to carefully consider the timing of publication of this work and that the Commission must be conscious of the pre-election period and whether the publication would be best timed following the election.

Hamish noted that the paper sets out some substantial conclusions and recommendations and the Commission needs to consider when and how this is published most effectively.

Thanks was expressed to David Stewart for his work on this, including building a strong relationship with relevant stakeholders over the past couple of years.

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

- Commissioners felt the paper provides a good analysis but should be clearer in highlighting the core issue that the Commission is trying to address with the recommendations. In particular this should focus on the role of the land market in the system.
- That the paper risks making too many recommendations across a wide suite of issues and could be developed further to ensure a clear focus on the land reform opportunities.
- The scope of interaction between land reform and planning reform, and how the Commission's particular remit can best add value amongst many other organisations addressing housing.
- It was suggested that there is a need to strengthen the analysis and arguments to demonstrate the link between land market failures, the housing crisis, and the planning system.
- The potential for a more specific recommendation on a rural land agency to address the lack of land available in rural areas. It was also noted that the paper needs to place the rural discussion in the context of what is currently happening in terms of housing pressure.
- The fiscal context and the constraints this may place on delivery, but also the opportunity for recommendations that would lever additional resources through reinvesting land values in infrastructure.
- The potential to make stronger connections to the Infrastructure Commission's work.
- It was also noted that the Commission needs to consider further what the purpose of any ongoing convening role is to be in this area of work.

Commissioners concluded that the report should be published post-election, given the close pre-election period, and that the report should be developed further in order to maximise the clarity and impact of the recommendations. Given the wide current interest in this work, it was suggested that there may be scope for a blog or other communications profile for this work before the pre-election period begins. Commissioners asked Hamish to consider what would be appropriate.

<b>Action 21030202</b>	Hamish to consider what short-term communications are appropriate ahead of the pre-election period and let the Commissioners know the outcome
<b>Action 21030203</b>	The final paper will be presented to the board for consideration prior to publication

### **3. Draft 2021/22 Annual Business Plan: Discussion on Priorities**

Hamish advised Commissioners that he will present a full annual business plan and budget for approval at the next Commissioners' Meeting.

Commissioners agreed the need for flexibility within the business plan due to staff capacity during the pandemic, the election and new government and a possible new land reform bill in the next parliament. Commissioners agreed that the paper reflects current priorities.

Hamish noted that the current budget split is approximately 70% fixed costs and 30% flexible. He advised that the Senior Management Team recognise the need for potentially one project support role to work across teams. Commissioners were supportive of the need to bring in an additional staff member although asked that the management team retain the 70/30 fixed/flexible balance of spend. Commissioners questioned what the timeframe for recruiting this support role was. Hamish advised that he would be looking to recruit this role early in the next financial year.

Commissioners asked for more information on the propose work relating to community ownership funding and the Scottish Land Fund. Hamish advised that the Government asked the Commission to look at how other sources of finance can be brought alongside the land fund, and that Commissioners would have further input to scoping this work.

Commissioners also questioned if there had been any indication from Scottish Government on the Commission's role in the review of the Land Rights and Responsibility Statement and the impact that this could have on the Commission. Hamish advised that we expect the Government to seek advice from the Commission towards the end of the financial year and that we have a wide range of information and experience to pull together to prepare a clear set of advice.

It was noted that the tax workstream and diversification of land ownership should be priorities in the business plan. Commissioners also welcomed the intended progress in establishing the Human Rights Advisory Group. Hamish advised more information on how this will be established will be shared with Commissioners at a future meeting.

Some potential areas of more specific work on land markets were raised. It was also noted that if new priorities are added, other areas of work will need to be reduced.

Commissioners noted the draft business plan feels ambitious in its scope and agreed the need for focus and priorities, given both limited capacity and the need to retain flexibility. The risks to quality of outputs by working at too fast a pace were noted. Commissioners asked the management team to continue finalising the plan in order to ensure a realistic set of priorities for the coming year.

#### **4. Any Other Business**

The Chair noted the next public meeting on 24<sup>th</sup> March and reminded Commissioners that this is the day before the pre-election period starts, so care should be taken in line with the guidance for public bodies.

**Date of Next Meeting: 6<sup>th</sup> April 2021**

**Scottish Land Commission  
March 2021**