



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

## **Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 11<sup>th</sup> May 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, Emma Cooper, Caron Munro (Scottish Land Commission)

**Apologies:** Shona Glenn

**Declarations of Interest:** Sally declared an interest in the LRRS discussion as she works for Carloway who were one of the case studies in the pilot and she was interviewed by Community Land Scotland for the case.

### **1. Minutes of previous meeting 6<sup>th</sup> April 2021**

The minutes were agreed as a true and accurate reflection of the discussion and all actions have been taken forward.

### **2. Quarterly Report**

Hamish provided the Commissioners with an update on the quarterly progress. He advised that the underspend for 2020-21 is now 1.4%. He also noted that the Commission is making steady progress on organisational development with good staff engagement and feedback.

#### Delivery and Finance

It was noted that although the Commission has completed 65% of the outputs in the annual business plan which is lower than the KPI, this was anticipated and planned, as work was rescheduled in response to capacity available as a result of the pandemic. Hamish advised that much of the rescheduled work has been incorporated into the current year's business plan.

Commissioners queried how much the Commission feels working from home has impacted on delivery. Hamish advised that the reductions in capacity experienced during the year were the direct result of lockdown periods when staff had caring

responsibilities, particularly during times when schools were closed. Changes in work scheduling also reflected reduced capacity among stakeholders. More widely he advised that while online working has enabled the Commission to continue to deliver, and in some ways reach more people through online engagement, it has also reduced opportunities for creativity and collaboration.

Commissioners asked how future working home working arrangements will address this risk. Posy noted that the Commission will offer blended home and office working. Beyond Covid restrictions, the Commission will be active in creating a culture which encourages teams to spend time meeting in person. There will be regular scheduled whole staff meeting days, and encouragement for other teams and combinations of staff to meet in person regularly. Commissioners noted the importance of continuing to monitor how this evolves through home working and that the approach remain flexible to future needs of the organisation and staff.

Commissioners asked when the next review date for use of the office would be. Hamish advised that the next Scottish Government review date for use of Longman House is the end of June so the Commission will remain fully working from home until then at least.

Commissioners noted the achievement on a 1.4% underspend and noted that the budgeting and profiling this year is a good way of working to build on. Hamish advised that the budget is reported against the grant-in-aid.

Commissioners queried the spend in the Research Capacity Building line of the budget and why nothing had been spent from the allocated budget. Posy advised that this is for the national student award which was postponed from 2020 to April 2021 so will come out of the budget for the current financial year.

A question of the balance of spend on research was raised. It was agreed that this should be considered in a future Commissioners discussion.

#### Risk

Hamish advised the board that risk 5, relationship management, is rising due to the election and a new parliament and ministers being elected as well as covid response and recovery.

#### Communications

Posy advised that communications have been quieter recently due to the pre-election period but the legislative proposals earlier in the quarter provided increased coverage and the public meetings have been successful with more planned for after the pre-election period.

### **3. Audit and Risk Committee Update**

Lorne advised the board that the next committee meeting is on 31<sup>st</sup> May so an update will be provided to Commissioners at their next meeting.

He advised that the internal audit plan for the next year has been agreed and the areas of focus are:

- Business Continuity
- Quality Management
- Staff Wellbeing
- Finance

#### **4. Land Rights & Responsibilities Self Assessments – Review of Pilot Phase 1**

Note: Gemma Campbell, Kirsty Tait and Helen Barton joined the meeting for this discussion.

Emma advised the Commissioners that the pilot has covered more cases than originally intended, working with partners to undertake these. She also expressed thanks to the stakeholders and individuals who have been involved in the self-assessments.

Helen provided the Commissioners with an overview of the casework that was undertaken. She advised that the team has learnt from the process that those who are used to dealing with the principles of the statement and reporting have found the process easier and that there has been a need for some support in taking many through the process. She noted that almost all cases underestimated how much they are contributing to the LRRS. She also advised that participants offered very positive feedback for providing the opportunity to work with either the Commission or their membership organisations (Community Land Scotland or Scottish Land and Estates).

It was noted that the team have been able to pull out good examples from the casework to create guidance for the next stage as well as feedback on the process and language used.

The Commissioners welcomed the substantial work carried out with stakeholders and the learning to date. Commissioners considered key issues for the next phase include:

- How this approach can be embedded in stakeholder practice and what level of support the Commission can and should provide;
- Whether the approach develops towards a more formal accreditation model, noting pros and cons;
- The interaction with potential statutory measures, including the possibility of greater statutory weight for land rights and responsibilities and the specific proposal for LRR reviews.

Commissioners agreed there is a need to continue to promote voluntary collaborative approaches as well as possible statutory backstop measures, drawing on the operation of TFC Codes and Guidance.

Commissioners emphasised the key purpose of this work should continue to focus on supporting change in practice, noting there is a difference between assessing current practice and stimulating continuing improvement.

Note: Kirsty Tait and Helen Barton left the meeting at this point.

## **5. Community Ownership Financing – scoping discussion**

Hamish advised that the purpose of the discussion is to have an early scoping discussion at the planning stage of the project. He noted that the Commission has already published support and a guide in this area and are looking to bring in external contracted support for this project.

The Commissioners noted that they welcome the opportunity to discuss the work at the early scoping stage.

Commissioners discussed the purpose of the work, emphasising its connections to wider work on land markets and values, land rights and governance. Key issues for consideration were identified to include:

- Clarity of scope re capital funding for acquisition or acquisition and development;
- Constraints of communities taking on long-term loan debt;
- Potential of public funding crowding out other sources of finance;
- The need to look at tailored approaches for different circumstances (e.g. urban/rural, land and buildings), not a single option for all;
- Links to opportunities and risks of emerging green finance sector

Commissioners agreed the work should seek to help government develop a longer strategic approach to aligning and leveraging different finance sources and would need to have regard to the implications for the operation of the Scottish Land Fund.

## **6. 2021 Conference Proposal**

Posy presented the Commissioners with a proposal for holding the Commission's biennial conference online this year. She noted that the intention is to position land reform and the Commission's work in relation to Scotland's big public policy priorities and reach beyond those already interested in land reform. She advised that the team is looking to build on experience of our own events and from attending online events hosted by others. She noted the flexibility and broader reach that an online format can offer.

Commissioners agreed the conference should connect into Scotland's public policy priorities, noting that the emphasis can be tailored once the priorities of a new parliament and government are clear. Commissioners noted that if international speakers are invited, they should be well briefed on the Scottish context and able to connect into this meaningfully. Posy advised that all speakers would be well briefed to ensure that their presentations are relevant to the audience and the conference.

Posy advised that the blended format of pre-recorded and live webinars provides us with content that can be used in the future and allows attendees to dip in and out of the sessions that are of interest to them. She noted that the sessions would be across a few days but would not be all day.

The Board noted their caution around accessibility of the conference and the need to ensure that we continue to make it accessible to all in terms of language and format.

Commissioners agreed the proposal to run the conference in an online format and asked staff to further develop the proposed format and content.

## **7. Revised Scottish Government Framework Agreement**

Hamish advised that the framework document has been revised by Scottish Government to ensure it is in line with changes in their finance policy as required periodically.

Clarity on the wording of the delegated authority section was sought in relation to the role of the Accountable Officer and board.

Commissioners approved the revised Framework Agreement.

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| <b>Action 21051101</b> | Hamish to check the wording with Scottish Government |
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## **8. Any Other Business**

### Public Meetings

The next public meeting is being held on 19<sup>th</sup> May based in Glasgow. The Chair suggested that David Adams should be present if available given his expertise and knowledge in this area. It was agreed that David would attend this meeting with Andrew and Lorne.

### Commissioners Meeting

The Chair noted that board feedback indicates a desire to get the board together in person for informal discussion, in a format designed to be in line with Covid-19 guidance.

Hamish advised that he would look at dates of future meetings and suggest a suitable time for this meeting to take place.

**Date of Next Meeting: 1<sup>st</sup> June 2021**

**Scottish Land Commission  
May 2021**