



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 1st February 2022

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

In Attendance: Hamish Trench, Emma Cooper, Posy MacRae, Caron Munro, James MacKessack-Leitch (Scottish Land Commission),

Apologies:, No apologies were received

Declarations of Interest: There were no declarations of interest

1. Minutes of previous meeting 7th December 2021

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

Matters arising

Megan requested if the Commissioners could receive the previously requested paper on tax positioning around LVT in advance of any public meetings. It was noted that a clear public position is needed on LVT given the complexity of the subject. Hamish noted that the position is included in the briefing note which was sent with the tax paper, and that further advice can be given to Commissioners on request.

2. Audit and Risk Committee update

Megan provided the board with an update following the Audit and Risk Committee meeting held on 31 January 2022. She advised the Commissioners that recruitment for a new co-opted member to take over from Yvonne has started.

She advised that internal audit presented two audit reports, both with moderate assurance, and the Committee agreed the 2022-23 audit plan. It was noted that this plan links to the risk register and feeds into current work such as the development of the next strategic plan. She also advised that the Audit Scotland external audit plan for 2021-22 is delayed and will be agreed by email but noted that this should not impact the timescales of the audit.

Megan advised the Commissioners that the Committee held a discussion around organisational resilience and flagged the length of staff notice periods and the impact that this can have on the organisation.

Megan also advised that the Committee suggested risk 1 is removed from the risk register due to it now being at the target risk score and remaining static. It was noted that this risk will continue to be monitored.

Megan advised the Commissioners that the Committee held a closed meeting with Audit Scotland after their meeting and also undertook a self-assessment.

Andrew requested that the Commissioners receive a copy of the internal audit plan.

Action 22020101	Hamish to send the 2022-23 internal audit plan to all Commissioners.
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Megan advised that the Committee also discussed the current budget and predicted underspend. She noted that the Committee discussed lessons learned from the previous financial year. Hamish noted that the Committee discussed the balance of certainty when planning budget as well retaining flexibility in order to adapt to emerging priorities.

The Commissioners' expressed their thanks to the Committee for this update.

3. Quarterly Progress Report

Delivery

Hamish advised the Commissioners that the delivery outputs are on track for year end.

Hamish advised that the Commission has recently welcomed Aisling Brady on an internship working on developing engagement with young people. He also noted that the Commission is currently recruiting for a Project Assistant Modern Apprentice and will be recruiting for two new fixed term roles in research and training soon.

Commissioners sought clarification on the staff wellbeing KPI as the previous report had noted an increase of 24% whereas the current report shows an average of 39%. Posy advised that this is due to a change in approach as the Commission has moved from an annual survey to quarterly surveys so are looking to get an average response across the year. Posy noted that the most recent survey results will be shared at the next Staffing and Remuneration Committee meeting in March.

Megan queried if the board will be included in the organisational development programme. Posy advised that the programme is currently in the early diagnostic stages and Toward who are leading this will want to speak to a Commissioner at this stage. Hamish added that the Commission will look to how the board will be engaged in further stages of the programme. Andrew noted that the board must lead and set the tone for corporate culture.

Budget

Hamish advised that the Commission has brought forward spend in the business plan into this financial year where appropriate but does still expect an underspend above the 2% target. He advised that reductions in staffing costs due to the departure of a member of the management team have contributed to an underspend. He advised that staff are working to ensure spend and outputs are delivered within the current financial year.

Lorne raised concern over the budget being balanced across the year as there is just under £500k expected to be spent in the last quarter of the year. Megan highlighted the lessons that could be learned from budget planning the previous year. It was requested that board get an update on budget position at the next meeting.

Action 22020102	Hamish to give the board a verbal update on the budget outturn at the next meeting
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Hamish noted that staff are working to ensure expenditure within the year. He advised that the Commission is looking to bring forward spend throughout the year for 2022-23 to prevent the Commission from being in a similar position next year. It was agreed that the Commissioners will receive more information on the spend profile at their next quarterly meeting.

Risk

Megan advised that the Audit and Risk Committee proposed removal of risk 1 from the risk register on the basis that it is at the target risk score and remains static. It was agreed to remove this risk from the register.

David noted that some risks currently have a risk score higher than the target score with the target date being March 2022. He suggested that a more succinct report may be better than the current layout. Posy advised that the 'target date' is the date for review and suggested that the wording on the report is changed to make this clearer. Andrew suggested that the current methodology of the risk register is well established across public sector and a change would need a strong argument to move away from this process. Hamish added that this process is also used within other aspects of the organisation such as the operational risk register. Lorne added that both internal and external audit recognise this process as a tried and tested method.

Action 22020103	Posy to amend the wording in the risk register to reflect that it is a target review date.
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Commissioners discussed the risks around staffing as they are still an amber rating. Hamish advised that this is due to the cumulative impact of the pandemic and home working catching up with people. He also noted that staff illness in the past year has been higher than previous years. Posy noted that the Commission has an ongoing focus on staff wellbeing with surveys, wellbeing campaigns and the offer of 1-1 coaching sessions following the results of the last survey. She noted that the Commission continues to review reprioritisation of work and the change in staff structure.

The Commissioners asked Hamish to give further thought to staff wellbeing and noted their continuing focus on this risk. Hamish noted that he will continue to review this and will schedule a full discussion for the Staffing and Remuneration Committee meeting on 1st March.

Action 22020104	Staffing and Remuneration Committee to fully consider staff wellbeing at their next meeting
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Communications

Posy provided the Commissioners with an overview of the communications for the last quarter. She noted that the statistics provided include the communications around the conference as well as the dip over the festive period. She highlighted that the number of articles around Natural Capital mentioning the Commission reflects the position that the Commission has on this area of work.

Posy also highlighted the use of the MyLand website and social media as an avenue to appeal to an alternative audience.

The Commissioners commended Posy and the communications team for the work they have done.

David queried how the Commission intends to monitor the long term impact of the Commission as opposed to the current reports which show short-term statistics. He requested either a quarterly or 6 monthly report on the impact of the Commission. Posy advised that the Commission has a perceptions audit scheduled in the coming months and a logic model approach which will gather information to report on the current strategic plan. Hamish added that there are KPIs currently in the strategic plan but agreed there is still a gap in the wider reporting of land reform progress overall. He also noted that the Commission should be using the National Outcomes Framework.

Megan requested that a Natural Capital section is added to the website as it is currently difficult to find this information. Posy agreed that this would be added.

Lorne requested an update on requests for Gaelic media coverage. Posy noted that the Gaelic Language Plan has been agreed by Bord na Gaidhlig. She advised that there has been minimal coverage to date but she hopes to expand on this and Jess will be leading on the Gaelic coverage.

Megan also suggested that there is a gap in capturing changes in policy in relation to recommendations the Commission has made. She suggested that this would be helpful for the Commission to gather.

Emma advised the Commissioners that the Good Practice team is evaluating the Good Practice programme and currently following up on the self-assessments.

4. Draft Programme of Work and Draft Annual Business Plan 2022/23

Hamish asked Commissioners for comments on the current drafts and noted that he is looking to approve the final versions at the Commissioners Meeting on 1st March.

He noted that the management team are currently looking at the staff and budget allocations in the business plan.

David welcomed the Commission's commitment in the Programme of Work to work on land development.

Megan queried how the commitment in the Business Plan to diversify engagement would fit in with the current work on MyLand. Megan also expressed concern that there is little work around the recommendations made to the Scottish Government on community land ownership and asked whether the Commission should be returning to more focus on this. Hamish noted that there are opportunities to use forthcoming work to support the Commission's recommendations in this area, particularly in the work on financing community ownership. He also noted that there is commitment in the Programme for Government to review community asset transfers.

Andrew noted the importance of maintaining momentum with a strong Programme of Work that feeds into the Communications plan. Posy noted that she is currently shaping the communications plan for the year ahead.

The Commissioners noted the Programme of Work and draft Business Plan are developing in line with their expected priorities.

5. Supporting more diverse land ownership

Hamish provided the Commissioners with an overview of this area of work. He set out relevant current workstreams and the opportunity to connect these in a clearer way to supporting more diverse land ownership. In particular he raised the relevance of work on natural capital and the land market and the risks and opportunities it brings in terms of more diverse land ownership.

Hamish advised of current discussions with stakeholders on potential ways to stimulate different governance models, the opportunity to harness natural capital finance effectively, and the need to consider wider forms of control as well as ownership, in line with the Land Rights and Responsibilities Statement.

The Commissioners discussed this area of work. The main points of discussion were:

- The need to show if diversification of ownership is happening or not and establish a baseline to measure against. Bob suggested the Commission may want to commission a piece of work on this. David suggested that monitoring this area of work is something that could be done gradually when resources are available. Hamish agreed that this work can be considered within the next financial year.
- Megan noted that there is a need to be careful not to exclude alternatives to full community ownership.
- It was noted that the Commissioners previously discussed the opportunity for more private landownership as a route to diversification, and that this should be factored into future work.
- It was requested that the Commissioners receive the full consultants report on Community Ownership Financing and the full Alma Economics report.

- It was suggested that the Commission should consider how to encourage land sales in lots rather than as a whole estate. It was also noted that there is a risk that Natural Capital work will reduce the chance of owners looking to sell small parcels of land as carbon is worth more on larger scales.
- James advised that the Commission has a contract in place with SRUC to provide market analysis of the rural land market.
- The Commissioners were also advised that the Commission is working with Registers of Scotland to help build a picture of land ownership due to old records and the need to transfer information from the sasines register to digital.
- Commissioners suggested the need for visibility of this work and to consider communications opportunities.

Action 22020105	Hamish to share the Alma Economics report and the report on Community Ownership Financing with Commissioners
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6. Reflection on board meeting with the Minister for Environment & Land Reform

Commissioners noted the positive discussion with the Minister on the Commission's current work and future priorities. The Commissioners noted how useful it was to have this meeting annually with the Minister.

Commissioners reflected on the importance of the Commission's role in providing evidence to inform legislative and policy consideration, and the need to continue to focus on where evidence and analysis can be most helpful for both government and stakeholders.

7. Any Other Business

Public Meetings

It was noted that Megan will be doing the presentation at the next public meeting with Lorne, Andrew and Emma present for answering questions.

Next Commissioners' Meeting

Hamish noted that the next Commissioners' Meeting will be in person and will send details by email.

Andrew asked the following meeting (May) should if possible include a board visit.

Bob gave his apologies for the March meeting.

Date of Next Meeting: 1st March 2022

**Scottish Land Commission
February 2022**