



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 5th July 2022

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

In Attendance: Posy MacRae, Gemma Campbell, David Stewart, James MacKessack-Leitch, Gillian Brown (Scottish Land Commission), Fiona Harrison (Scottish Government)

Apologies: Hamish Trench, Emma Cooper, Caron Munro (Scottish Land Commission)

Declarations of interest: Megan MacInnes is an employee of the Trust referenced in the case study for the Development Land Workstream (Paper No 3).

The chair welcomed Fiona Harrison to the meeting.

1. Minutes of previous meeting 3rd May 2022

The Commissioners agreed the minutes of the meeting as a true and accurate record of the discussion.

It was noted that the minutes from meeting on 21st June 2022 are to be issued.

Action 22050302 - Perceptions audit still outstanding, Posy confirmed this action is still ongoing.

2. Land Reform Briefing

Fiona provided an overview of the Scottish Government's proposals for the Land Reform Bill and the consultation.

Fiona noted her support from the Commission for the launch the previous day and for the upcoming roadshows. She welcomed the Commission's input to the consultation but reinforced the role of the Commission to remain neutral, in particular the proposals regarding the potential extension to the organisation's remit.

Commissioners expressed their support in promoting the consultation and encouraging responses, along with providing evidence to inform the proposals.

Lorne questioned the recent press coverage of the Bill which focused on potential enforcement through fines. Fiona stated that financial sanctions had been listed as an example for enforcement in the consultation.

Action 22070501	Posy and Hamish to discuss promotion and support of the consultation
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3. Good Practice Programme – Progress Report

Gemma provided an update on the Good Practice Programme. She advised that the final report is still to be submitted however the initial feedback is positive and it has provided valuable insight. Gemma informed Commissioners that the protocols will be reviewed and updated in line with the revised LRRS.

Commissioners noted the positive impact of the programme and team and supported the next steps in the work. Commissioners queried if the protocols would need to be reviewed alongside the move towards more legislative codes, as proposed in the Land Reform Bill consultation. Gemma advised that all protocols would need to be revisited if statutory underpinning is to be introduced.

Commissioners agreed that the report provided good evidence of the impact of the organisation's work and that this needs to be visible, and awareness raised of the impact it is having on the ground.

Fiona advised that the revised LRRS is due to be in Parliament in September.

4. Development Land Workstream

David Stewart introduced the paper. Discussion followed regarding where the Commission can make most impact and added value within the resources of the organisation. It was suggested that the work needs to be focused and narrowed down to specific proposals within the workstream.

Action 22070502	David and Hamish to agree on where to focus the workstream so that it makes the most impact.
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5. Audit and Risk Committee update

Megan provided an update on the last Audit and Risk Committee (ARC) meeting held on 6th June 2022. Co-opt member Yvonne MacIntosh has completed her term of appointment and Michelle Ashford, WICS will join the ARC as co-opt member at the next meeting in September. Andrew noted his thanks to Yvonne for her expertise and contribution to the ARC.

Commissioners queried the timescales for the annual report and accounts. Posy advised that the Commission is continuing with the usual timescale of the report to be completed by September. Audit Scotland have advised that they may need to push this back to November depending on capacity but provided assurance that the audit will be completed ahead of the December deadline for laying the accounts in Parliament.

Action 22070503	Posy to send Andrew the invite for the next ARC meeting
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6. Quarterly Progress Report

Delivery

Posy introduced the progress report. Commissioners queried the amber on the delivery tracker, in particular the mediation scheme. Bob explained that this was due to the low take up of the scheme. The Commission has continued to promote the scheme and has delivered what was outlined in the business plan.

Commissioners queried the activity around Diversification of Ownership and what the output will be. Gemma confirmed that this will be guidance for landowners and managers.

Action 22070504	Gemma to send copy of the diversification of ownership guidance to Lorne
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Budget

Posy provided an overview of the budget and noted that we are focusing on bringing spend forward to the first half of the year.

Risk

It was agreed that the risks with static risk movement should be reflected on to ensure the risk appetite is correct. This will help feed into the next strategic plan and risk review.

Commissioners queried Risk 6, 'Manage relationship across Scottish Government so that Commission's work is understood, and recommendations are well received'. Although static the risk score remains high. Posy advised that it is anticipated the risk will reduce at the next review due to the Commission working with Scottish Government on the Land Reform Bill, Agricultural Bill and the Community Wealth Building Bill with strong connections in Scottish Government.

Commissioners queried whether the Land Reform Bill consultation poses a strategic risk to the organisation. Posy noted that it is covered through the reputational risks, however she will review and update if necessary.

Action 22070505	Hamish and Posy to review whether the Land Reform Bill consultation raises a specific strategic risk that needs to be monitored.
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Communications

Posy reported that there was a lot of activity around the Natural Capital report which has raised the profile of the Commission. Andrew commended the communications team for a good quarter of activity.

7. Staff Survey and Organisational Development Update

Posy introduced the paper and highlighted the benefits of doing the more regular pulse surveys. Posy commented that the latest staff survey in May saw an increase in the values scoring and believed that this was a result of starting the conversation with staff around the demonstrated behaviours of the values. Posy advised that following the values workshop held by Toward in June, the behaviours will be finalised at the staff meeting in August.

Looking at the comparison report, Posy acknowledged that as a small organisation a couple of responses can skew results. The Management Team take this into account however closely monitor emerging patterns should there be a trend that needs to be addressed.

Posy informed the Commissioners that the organisational development programme is moving on to its next phase, with a series of focused workshops and coaching sessions throughout the year specifically to upskill the organisation in areas identified at the all staff away days such as feedback and effective communication.

The Chair agreed that the pulse surveys provide a valuable insight, and Commissioners need to monitor trends and not become complacent. Commissioners are content with the focus the management team are putting on this.

8. Human Rights Advisory Forum

(Malcolm Combe and Jill Robbie joined the meeting for this item)

James introduced the paper and provided a brief background and context to the forum and its discussions to date.

Malcolm provided an overview of the work of the forum, and its' remit in proactively looking at land reform and human rights and reacting to legislation and proposals that occur.

Jill gave an overview of carbon rights issues that have arisen from the Commission's discussion paper. James agreed that there are still fundamental issues that need to be looked at including clarifying what carbon rights are, how they function and how that is articulated. Discussion took place around carbon rights, the definition and how to clarify ownership.

It was agreed that James keeps this under review and looks at the best way to provide clarification to the carbon market.

The chair thanked Jill and Malcolm for their contributions.

Action 22070506	James to discuss the carbon rights clarification with Hamish.
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9. AOB

The board had a discussion on the launch of the Land Reform Bill consultation and agreed that the Commission's role is to promote discussion and encourage responses to the consultation.

Date of Next Meeting: 6th September 2022

**Scottish Land Commission
July 2022**