



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

## **Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 3<sup>rd</sup> May 2022**

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

**In Attendance:** Hamish Trench, Posy MacRae, Caron Munro, Sarah Allen, Calum Stewart, Bruce Morrison, James MacKessack-Leitch and Jess Barbier-Marsden (Scottish Land Commission)

**Apologies:** Apologies were received from David Adams (Land Commissioner) and Emma Cooper

**Declarations of Interest:** There were no declarations of interest

The Chair welcomed Bruce and Calum to the meeting and introduced them to Commissioners.

### **1. Minutes of previous meeting 1<sup>st</sup> March 2022**

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

There were no matters arising.

### **2. Perceptions Audit**

Posy provided the Commissioners with an overview of the perceptions audit findings. She noted that report offers positive feedback and useful insight.

Commissioners discussed the report, the main discussion points were:

- It is positive that the Commission is still seen by some as challenging, that reflects the nature of our role.
- Useful insights into the Good Practice role of the Commission, the way this is seen and the potential to develop further.
- The shift in communications over the pandemic have been well received and provides learning for future.

- that the Commission should consider further how it can demonstrate its impact. It was agreed that the Commissioners will have a discussion on this point at a future meeting.
- It was noted that a third of respondents wanted to see more communications in mainstream media.
- The ongoing need to balance the emphasis of work over time across both urban and rural focus, and recognition of this by stakeholders.

Posy advised the Commissioners that the audit will be undertaken again in 2 years' time. Bob suggested looking into how this audit compares to that of other similar bodies. It was agreed that Posy will look into this.

The Commissioners noted their thanks to Pagoda for the audit and to the staff team for their work which is well reflected in the report. Posy noted that the report will be circulated to the stakeholders who took part.

<b>Action 22050301</b>	Schedule Commissioners' discussion on demonstrating impact at a future meeting.
<b>Action 22050302</b>	Posy to look into how this audit compares to similar bodies

### **3. 2022/23 Communications Strategy**

The Chair welcomed Jess to the meeting and noted credit to Posy, Jess and Sara for their work over the past year.

Posy presented the communications strategy for 2022/23 to the Commissioners and an overview of the communications in the past year.

Posy also highlighted the progress of the MyLand campaign and the new ways the Commission has used to develop this with separate social media to the Commission and promotion through influencers as well as local press. She also noted that the MyLand campaign and social media channels have been generating interest for people in adverts for roles that the Commission is recruiting for. Lorne raised a question about the links between the MyLand campaign and the Commission brand and asked to ensure that MyLand is signalling people towards the Commission.

Posy noted that the online conference in 2021 increased the reach of communications and the Commission will take forward learnings from this. She advised that the long-term engagement strategy with young people will be a key part of communications this year and the Commission will explore the use of social media and influencers to help this.

Posy also highlighted internal communications and the continued work on the organisation development plan, staff surveys and monitoring staff wellbeing. She noted the Commission will be working to increase hybrid working and relations between the staff and board.

The Commissioners noted their support of the strategy. Megan asked that the communications team identify key opportunities where the board can be involved such

as blogs and podcasts. It was agreed that there is a need to increase board visibility. The Commissioners also commended the inclusion of Gaelic in the plan.

The Chair noted the strength in the way the Commission integrates communications throughout the staff team.

#### **4. Land Rights and Responsibilities: Draft Natural Capital Protocol**

Hamish introduced the paper, noting that the proposed protocol will provide an important reference point to work with people in implementing LRRS in the context of natural capital, and the Scottish Government's 'interim principles' for responsible investment.

Sally noted that it is positive to hear positive stakeholder feedback on the early draft and the need for the protocol. She suggested a possible need to enhance points F and G within the protocol.

Bob queried if there has been any pushback given the Commission does not have powers to enforce the protocol. Hamish noted that the most challenging aspect is on expectations for community benefit, but that key stakeholder groups understand the dynamic of the LRRS protocol series in setting expectations for responsible practice.

Lorne noted that he would like there to be stronger reference to the risks of carbon offsetting and asked if it could be more prominent within the protocol. Hamish noted that the framework for carbon trading is set through other processes including the carbon codes and the carbon market and noted that the government's interim principles will be referred to more clearly in the final version.

Commissioners also asked that it be made clear that the protocol is likely to need to be updated given the rapidly developing nature of this sector, the Commission's work and the wider regulatory framework.

The Chair noted the need for caution around the language used as 'natural capital' and 'carbon management' are not terms known to many. Hamish assured the board that the protocol will go through plain English checks before publication.

The board agreed that the proposed expectations for the protocol address the key issues and that where possible the protocol should err towards ensuring expectations are sufficiently rigorous and demanding.

#### **5. Tenant Farming Commissioner: 2021/22 overview**

Bob and Sarah provided the Commissioners with an overview of the TFC work in the past year. Bob noted the close working relationship with the Scottish Government in relation to policy advice and their use of the tenant farming advisory forum on key issues.

Sarah provided an overview of the results from the recent survey of those who have contacted the TFC as well as stakeholders. She noted that most people who have

contacted the TFC have done so through membership organisations such as STFA. She advised that there was also a lot of feedback on the TFC newspaper articles and column with many commenting that they like this as a source of information.

It was noted that the TFC is expecting to be busy over the next few months providing advice to the Government on the tenant farming aspects of the agriculture bill. Bob also noted that he will be looking at tenant farming leases and how these relate to the current carbon market.

<b>Action 22050303</b>	Schedule a discussion for Commissioners on the agriculture bill when appropriate.
------------------------	---

Lorne noted that there have been no formal breaches of the codes of practice reported to date and queried if this is positive due to relations not reaching that stage or if it will impact on people's views of the code if they aren't enforced in this way. Bob agreed that in general it is positive that cases are addressed without resort to formal breach inquiries, but that it would also be helpful for the inquiry powers to be used in some instances to reinforce the importance of compliance with the Codes.

Commissioners noted how well the TFC team have improved relations in the sector in the last few years.

## **6. Quarterly Progress Report**

### Delivery

Hamish noted that the team worked well in the last quarter of the financial year to ensure that all work was delivered against the business plan outputs. He also advised that the financial position for the year end came in on target with a projected underspend of 1%, reflecting significant work from the team. Commissioners noted that both aspects are very positive.

### Strategic Risk Register

Lorne noted that the Commission needs to ensure it remains vibrant as it gets older and ensures that work is not slowed down by disproportionate policies and procedures and that audit recommendations are considered in relation to the size of the organisation.

Andrew raised concern that although risks 9 and 10 remain static they are at an amber level. Hamish advised that over the last couple of months staff have been able to get out more and travel to meetings where appropriate as well as holding a successful all staff workshop and encouraging more office use which is supporting improvement on these risks. Posy also noted that the Commission is currently recruiting for three new roles which will help to improve staff capacity. The board agreed the need to keep these risks under active review. Hamish advised that there will be another staff survey in May and the results will be shared with the board.

## Communications

The Commissioners noted that it is a very successful quarter across all aspects.

Megan queried if there has been any feedback from the Scottish Government on the proposed move from Longman House to An Lochran. Hamish advised that he hopes the Commission will be able to make the move within the current year and has received advice from the Government that the move does not require ministerial approval.

Sally queried if the organisational development programme is looking at the move to hybrid working. Posy noted that this is encompassed within the organisational development programme, developing our working culture. She added that she will send the proposed programme for the year ahead to the Commissioners.

## **7. Revised Board Code of Conduct**

The Chair noted that the code of conduct has been strengthened, including on the issue of lobbying which the Commissioners should note particularly given the upcoming Land Reform Bill.

The Commissioners agreed to adopt the revised code of conduct.

## **8. Audit and Risk Committee Co-opted Member**

Megan advised that she recommends that Michelle Ashford joins the ARC as a co-opted member from the end of June. She noted that herself and Posy met with Michelle who has a range of experience and is fully supported by her Chief Executive for development in this role.

Andrew asked the board to confirm they are satisfied to proceed, noting that the new co-opted member doesn't have financial qualifications. Megan and Lorne agreed they are happy with this given the composition of the committee. The board recognised that Michelle does not have financial qualifications but are satisfied that another member of the ARC does.

The board agreed to co-opt Michelle Ashford to the ARC.

## **9. Any Other Business**

### Board Shadowing

Sally advised that she has suggested the opportunity to shadow the board to the Women in Agriculture group that she is part of. It was agreed that the Commission should be active in seeking diverse board shadows and that the board should also play a role in promoting the recruitment of new board members when advertised.

### Future Meetings

Hamish advised that the Commissioners will meet with stakeholders in Perth at their next meeting in June to discuss the land market report.

He also noted that there will be a meeting with stakeholders on re-peopling and the land market directly after this meeting.

He added that there will be a presentation to staff and Commissioners later this day from Aisling Brady who has been carrying out an internship for the Commission on a long-term strategy for engaging young people.

**Date of Next Meeting: 7<sup>th</sup> June 2022**

**Scottish Land Commission  
May 2022**