



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

**Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 1<sup>st</sup> November 2022 at An Lochran**

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

**In Attendance:** Hamish Trench, Gemma Campbell, Gillian Brown (Scottish Land Commission),

**Apologies:** Emma Cooper, Jess Barbier-Marsden (Scottish Land Commission)

**Declarations of interest:** No declaration of interest.

The chair thanked Sally for her involvement with the recruitment of the Head of Communications and Corporate Services post.

**1. Minutes of previous meeting 4<sup>th</sup> October 2022**

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

**Audit and Risk Committee Report**

Megan provided an update from the ARC meeting held on 31<sup>st</sup> October including the following:

- Internal Audit have provided substantial assurance with 2 good practice recommendations on a review of partnership working.
- The Committee considered the annual audit report and draft annual report and accounts. External Audit have provided an unqualified opinion and reported that they have all the relevant assurances. The committee recommend to the board approval of the annual report and accounts (to be addressed in item 2).
- Audit Scotland will have a handover discussion with the Commission's new external auditors Deloitte.
- The Committee considered the strategic risk register and recommend to the board the addition of a new risk on board succession (to be addressed in item 3).
- The committee held a closed session with Audit Scotland.

**2. Annual Report and Accounts 2021/22**

Following the recommendation from the Audit and Risk Committee, Hamish provided an update on the Audit Scotland annual audit report and the draft annual report and accounts for the financial year 2021-22. He asked Commissioners to have regard in particular to the key messages and recommendations of the annual audit report. The board considered the two recommendations made by Audit Scotland:

- FReM compliance

- More detail in financial strategy, should there be a change in budget. It is the Commission's responsibility to evidence that this is being considered throughout and efforts are being made in response to the risk recommendation.

The board agreed the importance of giving consideration to the medium term financial strategy again in light of changing conditions and potential scenarios and asked Hamish to schedule consideration of this as well as the business planning for 2023/4.

Action 22110101	Board to consider recommendation on medium term financial strategy in a forthcoming meeting.
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The board agreed to approve the Annual Report and Accounts for 2021-22, with Hamish and Andrew signing them via DocuSign.

### 3. Quarterly Progress Report

Hamish presented the report, highlighting delivery progress, financial position, the risk register and communications report.

The board welcomed delivery progress, noting the high level of planned outputs on track. The board asked how the risk of overspend is being managed, recognising this is a different dynamic from previous years in which committed spend was less at this point. Hamish confirmed staff are now focused on ensuring delivery of planned spend and not on bringing new spend forwards.

The board considered the risk register, seeking more information about the two risks identified as increasing:

- Risk 2 – we are still functioning with a reduced staff carrying two vacancies until the 2 new members of staff start, therefore affecting our ability to react to issues arising, once these positions are filled Hamish anticipates the risk will reduce.
- Risk 5 – remains high due to the Land Reform Bill and consultation period. The board noted that the period until the consultation report is published by government carries risk as well given there will not be visible progress on the bill in the public domain. Demonstrating the wider work of the Commission through our communications remains important.
- The board agreed the recommendation from the ARC that a new risk addressing board succession is included in the strategic risk register.
- The board also note that risks associated with staff succession should be considered and asked that this is considered in a future board discussion.

#### Communications

- The board welcomed the continued communications profile and activity, particularly recognising that capacity in the team is currently reduced.

Action 22110102	Hamish to schedule board discussion on staff succession
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#### **4. Good Practice Quarterly Casework Report**

Gemma presented the report, which gave the board a summary of the volume and type of cases that the Good Practice team are working on.

The chair passed on his thanks to Bruce for helping to produce the report and noted the range of casework undertaken during the Quarter.

Discussion followed on:

- This is an evolving area of work, and we need to ensure the focus is on maximising impact and being clear where the Commission should and should not be involved.
- The potential implications of consideration in the Bill of a more statutory footing for Land Rights and Responsibilities and the need to give careful consideration to how this will affect the Commission's role and approach to casework.
- It would be beneficial to look into underlying trends and how the volume of casework might be expected to change, this would help in horizon scanning and feeding into strategic planning.
- The need to consider in due course the balance of resourcing, informed by expectations of likely volume of casework, implications of the Bill proposals and future financial settlements.
- How we monitor the outcome and impact of casework.

#### **5. AOB**

Hamish informed the board that the Commission has been asked for advice on the disposal of Kinloch Castle on Rum. The board noted the opportunity for public body leadership in putting in place effective governance for the long term and noted the Commission will continue to offer advice to all parties involved to support delivery of land rights and responsibilities.

Commissioners asked when the next staff survey is being run. Hamish confirmed the latest pulse survey has been run during October and the results will be shared with the board for consideration at the December board meeting.

**Date of Next Meeting: 6<sup>th</sup> December 2022**

**Scottish Land Commission  
November 2022**