



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 8th August 2023 at An Lochran

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

In Attendance: Hamish Trench, Emma Cooper, Nikki Nagler, Gillian Brown (Scottish Land Commission),

Apologies: Megan MacInnes (Land Commissioner).

Declarations of interest: Andrew Thin and Lorne MacLeod declared an interest in the confidential item raised for AOB.

Confidential AOB item

The board discussed a confidential item of AOB before the main agenda. Andrew Thin and Lorne MacLeod left the meeting for this item.

1. Minutes of previous meeting 6th June 2023

The minutes were agreed as a true and accurate reflection of the discussion, subject to the following amendment.

All actions and matters arising are discharged.

2. Report from ARC Chair

Lorne presented the report on behalf of Megan, highlighting the following key points.

- The committee has received a good level of assurance through internal audit reports.
- New external auditors Deloitte have begun work. A closed session with Deloitte raised no issues and reported that Commission staff have been cooperative and helpful to date.
- There are some internal audit actions that have not yet been implemented which the committee has considered. This raised consideration of proportionality and whether all actions can be practically achieved as set out.
- The committee had agreed two learning points are a need to discharge actions quicker on our own work planning and the management responses we agree should be careful in ensuring proportionality and deliverability.

Hamish raised the matter of external audit fee for information. The committee had agreed the annual fee with Deloitte earlier in the financial year. However, Hamish received this week an email

from Audit Scotland stating that an additional £9,000 would be charged due to an error in calculating the fee. Hamish advised this raises a significant value for money question and that he does not consider an additional fee increase to be reasonable. The board supported the need to question the additional fee noting value for money and the impact in financial planning.

The chair passed on his thanks the ARC chair for the report.

3. Strategic Plan and Program of Work

Hamish presented the paper for agreement, noting the next steps to submit the plan and programme of work to the Minister and to be laid in Parliament. The board asked for clarity on the timing and obligation for the programme of work, and whether this needs to be published at the same time. Hamish advised a refreshed programme should be published as the current programme is based on delivering the previous strategic plan.

In relation to the Strategic Plan the board:

- Noted the plan is a high level corporate strategy, this gives flexibility, a clear direction and purpose.
- Welcomed the focus on ‘People, Power and Prosperity’.
- Asked that the text is strengthened to make clear the difference that delivering on these ambitions would make to Scotland.
- Asked that reference to community engagement should be sufficiently ambitious and set out an intent to build further beyond current accepted practice.
- Asked that the budget allocation better reflects the division of staff costs across respective work areas.
- Subject to making these editing changes, the board approved the strategic plan.

In relation to the Programme of Work the board:

- Agreed the proposed 18 month time horizon.
- Noted the need for the Programme to set out a bold agenda and asked that it is strengthened to better communicate the major outputs.
- Sought clarity on the scope of work proposed under the land valuation heading. Hamish noted the intention is to focus on public value, approaches to non-market value, and bring scrutiny to the ways land valuation approaches may need to change. The board agreed this is a useful focus and asked that the text reflects this.
- Asked that the text on LRRS casework better reflects our proactive role in making contact with land owners both when concerns are raised but also when we have other reason to be proactive.
- Overall, the board asked that the text is developed further to expand on the main scope of work proposed.
- Subject to that editing, the board agreed the Programme of Work.

Action 23080801	Hamish to make edits in line with above for sign-off by Andrew prior to submitting the Plan and Programme of Work to Ministers
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4. Quarterly Progress Report

Hamish introduced the paper, showing that delivery and budget management is on track at this stage in the financial year. He noted there are several changes in staffing, the Tenant Farming Manager post has been successfully recruited, candidate due to start 23rd October; Recruitment for

Land Governance post has closed, and interviews scheduled for w/c 14th August; Replacement Communications Manager and Good Practice Advisor posts will be advertised mid August.

Delivery

- Given delivery showing largely as green it was asked if we were being ambitious enough. Hamish advised the staff team is operating at full capacity and regularly adjusting priorities carefully to deliver. It was noted this report reflects Qtr 1 and that more recent staffing vacancies will likely have an impact on delivery in Qtr 2.

Budget

- The board sought assurance that planning is in place to ensure possible savings made through staff vacancies are re-used to support delivery, and if possible, the Commission should bring forward planned research commissions.

Risk

- The increased risk associated with delay in board appointments was noted.

Communications

- The board welcomed the continued flow of communications and noted the importance of keeping this running through Qtr 2. The board also recognised the communications team will have a vacancy through Qtr 2 which will have an impact and mean prioritisation is required.

5. Quarterly Good Practice Casework Report

Emma provided an update and presented the report.

- Emma advised a public facing policy would be helpful to be clear on our approach to cases.
- The board sought more information on how we currently work with communities/owners proactively, noting there are times when we should not wait or require a concern to be raised by others. Emma confirmed this is the case and referred to current examples.
- The suggestion was made that a structured approach to capturing the learning from each case could strengthen an 'action learning' approach to the Good Practice Programme.
- Emma advised the LRRS Protocols may need to be updated and refreshed in the coming year.

The board welcomed the report, noting the skilled work of the Good Practice team in handling sometimes difficult issues and shaping positive change. The board agreed that further strategic consideration should be given to the way the Good Practice programme develops ahead, the appropriate balance of resource and how we prioritise within this. Therefore, a workshop discussion in October will be scheduled.

Action 23080802	Emma to structure workshop session on the Good Practice Programme for the October board meeting
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6. 'Land at Lunch' Series Evaluation

Emma presented the evaluation, noting the reported impact of the programme in influencing changes in practice. The board welcomed the evaluation report, noting the success and impact of the programme. The board also welcomed the approach, in which staff took the initiative in developing an innovative approach drawing on skills across the staff team.

7. Update on Community Benefit Guidance

Emma provided an update noting:

- extensive conversations with different stakeholders to scope useful guidance.
- the intent is to publish guidance than can be widely applicable to responsible land ownership, as well as the specific prompt of natural capital investment.
- It will refer to delivering on the LRRS, Interim Principles for Responsible Investment as well as Community Wealth Building
- Guidance is to be published in October, with case studies including theoretical examples.

Emma also flagged the proposed staff post focused on the Cairngorms National Park to be funded through the National Lottery Heritage Horizons Programme (funding bid by CNPA pending). If funding received, the Commission would host a post focused on brokering delivery of benefits between land owners, project developers and communities.

The board welcomed the proposed scope of the guidance and noted the need for it to give clear messaging. The asked that a draft of the guidance is considered at the September meeting.

Action 23080803	Board to consider the scope of the draft guidance at its meeting in September.
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8. Staff Survey Report

Nikki presented the paper and highlighted the key points including:

- Steady level of engagement
- New format as planned and informed by SEF discussions.
- Need to be careful of making assumptions and develop discussion with staff to better understand what staff are telling us in the surveys.

The board welcomed the report and noted the encouragement it took from the results presented. In particular the board welcomed demonstrable improvements in internal communications and the difference this makes.

9. Communications Update

Nikki gave a verbal update noting:

- Jess is leaving the Commission on the 25th of August, in the interim Sara is stepping up to provide additional support until the post is filled.
- There is a significant pipeline of communications outputs planned through September and October.
- The board asked the management team to review the options for hosting a conference, currently proposed for February, given changes in timing of board appointments, the context of the land reform bill and wider considerations for the Commission in maintaining communications impact.

Action 23080803	Management team to review options for proposed conference
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10. Strategic Risk Management

Hamish introduced the paper and asked the board to consider its risk appetite in relation to different types of risk. He noted the importance for the executive of having a clear sense of the board's appetite to different types of risk, in order to help staff make effective judgements.

The board discussed the types of risk presented and agreed it is a helpful way of articulating risk appetite. The board considered it has a low appetite in relation to legal and financial risk. It also has a low appetite in putting at risk the reputation of the Commission as a robust and credible authority in land reform.

The board considered there may be a more open risk appetite to undertaking research, though without compromising on research quality. Indeed, a risk may be that research is insufficiently ambitious or resourced.

The board also considered that partnerships and collaborations bring higher risk to the Commission. It recognised the need to balance an ability to work in collaboration, particularly to increase impact or realise value for money, with a low appetite for compromising the Commission's ability to give clear, independent and robust advice.

The board agreed that it will consider a set of risk statements, to be developed informed by this discussion.

Action 23080804	Hamish to develop risk statements for agreement
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11. AOB

Land Reform Bill

The board asked for an update on the proposed bill. Hamish confirmed there is still an expectation that the bill will be introduced this year. The sponsor team will be attending the next board meeting in September and will provide an update on the bill then.

Board meetings

- September meeting to be held in Inverness, with Scottish Government sponsor team attending.
- October meeting to be held in Inverness.
- November meeting to be a site visit in Central Scotland and will include a stakeholder meeting on Monday 6th late afternoon – details to be confirmed.

Date of Next Meeting: 5th September 2023

**Scottish Land Commission
August 2023**