



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

**Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 26<sup>th</sup> September 2017 at Longman House Inverness**

**Present:** Andrew Thin (Chair), Dr Sally Reynolds, Lorne MacLeod, Prof David Adams, Megan MacInnes (Land Commissioners), Dr Bob McIntosh (Tenant Farming Commissioner), Hamish Trench (CEO), Posy MacRae, Caron Munro, Sarah Allen, Shona Glenn (Scottish Land Commission), Rachel Ross (guest)

The Chair welcomed Rachel Ross to the meeting. Rachel is going to shadow the Commissioners' Meeting as part of a Scottish Government programme to get more people involved in public body boards.

The Chair advised that both the Minister and sponsor team are happy with the Strategic Plan and it was signed off by the Minister with no requested changes.

**1. Minutes of meeting held on 29<sup>th</sup> August 2017**

The Commissioners are happy to sign off the minutes as a complete and accurate record subject to the following change:

- Section 4, paragraph 3, add the following sentence after the first sentence. 'It was suggested, as a general principle, that research should normally seek to collect evidence for views expressed, and not just views.'

The Commissioners discussed the upcoming programme of board meetings. Hamish advised that the revised budget would be presented to the Commissioners at the meeting in October. It was discussed that it would be beneficial for the Commissioners to get out and about as much as they can although any meetings in popular tourist areas should be kept outwith the tourist season to reduce travel and accommodation costs. **(Action: Caron to send the updated Board Programme to the Commissioners.)**

**2. CEO Report**

Hamish highlighted that the administration assistant will be starting on 2<sup>nd</sup> October. He also advised that the budget was currently under review and would be presented to the Commissioners at the next Commissioners' Meeting in October.

### **3. Communications report**

The Commissioners were advised that the main focus of the communications team over the past month has been arranging the Land Commission conference. It was discussed that the public meetings have been successful with a diverse range of attendees at each meeting.

### **4. Strategic Positioning and Key Messages**

#### Programme for Government

The Commissioners discussed the Programme for Government which was launched recently. It was agreed that the Land Commission will need to consider the implications of the Programme for Government in terms of timings for the Land Commission's Programme of Work.

Hamish advised that he and Shona Glenn had met with Andrew Mott, from the Scottish Government's More Homes Division, to discuss the role of the Land Commission in relation to the work of the More Homes Division. He advised that the Division are supportive of the Land Commission and the role we can play.

The Commissioners discussed need for the Land Commission to be productive and take immediate action to deliver change of the ground. It was also discussed that there may be information already available to allow the Land Commission to develop guidance in certain areas.

#### Conference

The Chair asked the Commissioners to consider what they want the three key messages from the conference to be.

Posy advised the Commissioners of the plan for the day of the conference and provided each of the Commissioners with a delegate pack and information they may require for the day of the conference.

The Commissioners discussed what would be done with the outcomes of each of the workshops at the conference. It was agreed that the outcomes would be taken forward in the programme of work. Posy advised that the facilitators of each workshop would be taking notes which would be collated into a summary document.

#### Environment, Climate Change and Land Reform Committee Hearing

The Chair advised the Commissioners that he would be attending the Environment, Climate Change and Land Reform Committee Hearing on 3<sup>rd</sup> October with Hamish and Sally.

Hamish advised that he had discussed with a clerk from the Scottish Parliament the expected areas of the Committee's focus. He also advised that members of the committee are likely to be equally as interested in urban land as rural land.

David advised those going to the committee that they may receive comments or questions in regards to the planning bill.

Hamish advised that they may be questioned on the Land Rights and Responsibilities Statement. It was agreed that the Land Commission are planning to develop guidance as required on how to implement the statement.

## 5. Research Quality and Assurance

The Commissioners discussed the research quality and assurance paper. It was agreed that research should always be undertaken for a specific purpose and the Land Commission should be mindful of what the research is being undertaken for, not just carrying out research because it is interesting.

It was agreed that a project management approach to research contracts would be the most beneficial to ensure quality. Quality checks will be factored into the decision making on tenders submitted.

It was suggested that one way to develop on the process outlined in paragraph 7 would be to search and identify what research has already been undertaken and what gaps there are.

The process of evaluating research quality was discussed. It was advised that within academic institutions there is a grading system used to evaluate the quality of researchers. It was agreed that this principle is a relevant consideration to ensure quality but it is only relevant to academics and is potentially outdated as the last exercise was undertaken in 2014.

It was queried where the research brief would be posted to invite researchers to submit tenders. Shona confirmed that the brief is posted on the Public Contracts Scotland (PCS) website but particular pieces may also be posted on other organisations websites and the Commission may contact particular people who may be interested to advise that the brief is on the PCS website if they would like to submit a tender. It was discussed that if the Land Commission is working in collaboration with other organisations for particular pieces of work then this will assist with quality checking as the other organisations may have experience working with some researchers. **(Action: Shona to add in text to highlight the benefit of working with stakeholder organisations to help with quality checking.)**

The Commissioners discussed access to sensitive information for audit purposes. It was agreed that the Land Commission could manage what information the auditors are able to see and there will be a non-disclosure in place to protect sensitive information.

It was queried how information gathering would be undertaken in line with data protection guidelines. Shona advised that there is a data protection policy which will be added to the Research Quality and Assurance paper. **(Action: Shona to add in the data protection policy.)**

The Commissioners discussed whether there is benefit in the use of independent peer review before research is published. It was agreed that this principle should be considered although it may not be relevant for all reports or types of research. **(Action: Shona to add statement of principle in regards to peer review.)**

The Commissioners agreed that they are happy to sign off this paper to be published on the Land Commission website subject to the agreed changes being made. It was agreed that this paper would be reviewed every two years provided there were no issues.

## **6. Research Priorities to 31<sup>st</sup> March 2018**

Shona advised that the list of discussion papers in paragraph 2 is a view of specific projects that the Land Commission are in a position to start work on now to be undertaken and paid in this financial year but is not a complete picture of how the Programme of Work as a whole is being progressed.

Sarah provided the Commissioners with a brief overview of the newly formed Tenant Farming Advisory Forum. Sarah advised that the key outcome of the recent meeting was that the wider research impact on Tenant Farming should be considered.

The Commissioners agreed that if possible they would like to see more short-term work begun this year on Land Ownership as this is something that is often raised. **(Action: Shona to consider work on Land Ownership, in particular Charitable Status and Land Value Tax.)**

It was discussed that there will be some research projects that will be beneficial for the Commissioners to discuss and approve. **(Action: Hamish to discuss with the Chair delegated limits for the CEO.)** It was agreed that the Commissioners meetings can be used to discuss sections of work and for the staff to share research ideas with the Commissioners.

## **7. Organisational Development Strategy**

Hamish advised the Commissioners that the HR shared services are currently being reviewed as the service that is in place is not suitable for the Land Commission. Three organisations have been asked to provide quotes to the Land Commission for providing a shared HR service which will be more suitable for the needs of the Commission.

The staff gave their views on the issues experienced with shared services and systems. Hamish advised the Commissioners that the HR shared services are currently being reviewed and a review of other services will follow.

Hamish advised that the recruitment process for the policy support roles will start over the next month. He also advised that there may be substantial pieces of work that require either a contractor or someone on secondment for a period of time.

The Commissioners discussed the current level of communications and agreed that they do not want to change the direction of external communications. It was agreed that as the organisation grows there will be an increased need for internal communications. Posy advised the Commissioners that at the end of the year the Communications Team will be evaluating where there are any gaps in the external communications.

## 8. Any Other Business

### Risk Appetite

Lorne advised the Commissioners that Audit Scotland are currently in the process of creating guidance on how boards can move between high and low risks. Hamish advised that the risk register would be reviewed and updated at the next Audit and Risk Committee in October.

It was agreed that the Strategic Risk Register must be reviewed on a quarterly basis. **(Action: Hamish to add to the Commissioners' Meeting agenda for October.)**

### Board Member Training

The Chair advised that he had carried out 6 monthly reviews for all Commissioners and highlighted the importance of Continuing Professional Development and advised that the Commission will cover costs within reason. He advised that the next appraisals would be carried out in April 2018.

### Tenant Farming Commissioner (TFC) Update

The TFC advised that there has been one code of practice published with a further two due to publish imminently and work being carried out on the next one. He also advised that there is currently a guide on dispute being commissioned.

Sarah advised that the Conduct of Agents research is currently in process and the final report is due by mid-January 2018.

The TFC advised that the casework workload is building. It was discussed that the Land Commission need to consider how casework is recorded and reported on. The Chair advised that a monthly newsletter worked well when he was undertaking the interim Tenant Farming Advisor role but this may or may not be appropriate for the TFC. The TFC advised that so far he has been following the Public Service Ombudsman's model. **(Action: Bob, Hamish and Sarah to review any potential risk of the TFC's position becoming prejudiced by prior involvement in casework.)**

## 9. Medium Term Strategic Priorities to 2021

The Commissioners discussed the Strategic Positioning of the Organisation between 2017 and 2021. It was agreed that the Commission must be evidence based in any

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work carried out and ensure work is of a high standard to build confidence in the organisation.

**Date of next Meeting: Tuesday 31<sup>st</sup> October 2017**

**Scottish Land Commission  
September 2017**