



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

**Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 27 June 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), Hilary Pearce (interim CEO), Scott Strachan (interim HR Manager), Claire Bremner, Posy MacRae, Caron Munro, Sara Smith, Sarah Allen, Shona Glenn (Scottish Land Commission), Hamish Trench (guest).

**1. Minutes of meeting held on 23 May 2017**

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

The Commissioners' agreed that their On-Board training had been very useful. It was discussed that minutes of all meetings should be shared between 5 and 10 days after the meeting. **(Action: Caron to ensure that minutes are signed off and shared in this timescale)**

Megan requested notes following the meeting with Our Land as it was felt that these would be beneficial. The Chair advised that there were no notes taken during the discussion but the main message that was received during the meeting was that Our Land were looking to help the Land Commission and were asking what they could do to help.

The Chair introduced the Commissioners and staff to Hamish Trench, the new CEO, who will be taking over from the interim CEO at the end of July/start of August. Hamish provided a brief overview of his background, including projects he has been involved in with his current role at the Cairngorms National Park Authority.

**2. Interim CEO update and Finance Report**

Hilary reminded the Commissioners that the internal audit started on 19<sup>th</sup> June and was continuing this week. The findings of the audit will be reported to the CEO in August and then shared with the Commissioners at the following Commissioners' Meeting. **(Action: Audit and Risk Committee (ARC) to report findings of the audit to the Commissioners)**

The Commissioners' were advised that the ARC had its first meeting on 26 June 2017. Lorne provided a brief overview of the meeting and advised that the co-opted member of the ARC is Yvonne McIntosh from Scottish Natural Heritage. Lorne also advised that the ARC found the internal audit to be beneficial at this early stage.

Hilary advised that the cash in bank total was currently high as the payroll had not yet been taken out for the month. It was suggested that the Commissioners may find it beneficial to receive the financial report at a different time in the month so that they can see an accurate reflection of how the amount fluctuates throughout the month.

Sally queried when the 'Changing Chemistry' person, Rachel Ross was due to start. The Chair advised that she was due to start in September, after the height of the tourist season.

### **3. Communications report**

The Communications Manager advised that communications in May were quieter following the launch of the Land Commission. The focus has been on developing social media and promoting the Meet and Greet events.

The date for the Land Commission conference has been confirmed as 28 September 2017 and the venue is the Carnegie Conference Centre in Dunfermline. The focus of the conference will be the vision on how the land of Scotland will look in 20-30 years' time. The Commissioners were thanked for their suggestions for speakers at the conference. **(Action: Hilary and Posy to discuss and make decision on who to invite to be a speaker)**

The Chair asked David to share his reflections on the recent Meet and Greet event in Leith. David noted that he was interested to see the range of people who attended the meeting and found it to be a positive meeting, with a wide variety of issues raised.

The dates of the next Meet and Greet events are confirmed as 27 June, Inverness; 13 July, Islay and 17 August, Oban.

### **4. Briefing on Tenant Farming**

The Tenant Farming Commissioner (TFC) presented a slideshow to the Commissioners with an overview of the Tenant Farming sector, the issues commonly raised and the role of the TFC.

The TFC advised on changes that have been made to legislation and issues associated with these changes. One outcome of the changes being the reduction in secure tenancies being given and the increase of limited time tenancies with the associated issues when the tenancy comes to an end.

The Commissioners were advised of the increase in land owners moving away from tenancies in favour of shared or contract farming where the farming is either contracted out without the agreement of a tenancy or it is shared with an agreement to split profits and costs. This type of farming is not as regulated as tenant farming so there is more freedom for variations in contracts.

The TFC provided an overview of the recent Code of Practice that has been brought out and the future planned Codes of Practice. He advised that the recent Code of Practice was brought out in connection with National Farmers Union Scotland, Scottish Land and Estates and Scottish Tenant Farmers Association to show industry support on the Code.

It was queried if there was going to be a code prepared on the condition of farm housing. The TFC advised that this is something the Government are planning to carry out a review on.

It was advised that the Codes of Practice can be based on the Tenant Farming Advisor's (TFA) codes. The difference between the codes is that the TFA's Codes were advisory so did not need to be adhered to whereas the TFC's Codes are a statutory function of the TFC so have greater force.

It was raised that the Human Rights of tenant farmers will need to be considered when making changes to tenancy agreements and creating Codes of Practice. **(Action: Megan to make presentation to the Commissioners during the Commissioners' Meeting on 29 August to outline to Human Rights issues)**

## 5. Any Other Business

It was noted that when the research contracts are put out to tender there may be interest from Glasgow University to carry out this research. David queried if this would be a conflict of interest given that he works in the university. It was agreed that as the Commissioners are not involved in the procurement of contracts this would not cause an issue.

The Commissioners were introduced to Shona Glenn, the Head of Policy and Research for Land. Shona provided the Commissioners with a brief overview of her background and what she is looking to do with the Land Commission. **(Action: Shona and Sarah to prepare a draft research programme for the next Commissioners' Meeting)** The Chair advised that the Commissioners should approve the research programme by the end of the Commissioners' Meeting in August. Shona asked the Commissioners to provide her with any suggestions on what the Land Commission should be researching. **(Action: Commissioners to send any ideas they have to Shona or Sarah)**

David queried if it would be possible to carry forward the research budget to the next financial year. Hilary advised that this would not be possible but she has had conversations with Scottish Government colleagues to discuss the budget requirement for the next financial year and is looking to agree the same or a similar budget.

Hilary advised that the Framework Agreement with SG was almost identical to the previous document but it had been updated to show the auditor general. The Commissioners agreed they were happy to sign off the Framework Document.

The Chair suggested that it would be beneficial for the Commissioners to carry out team building activities as they are newly formed. Hamish advised that he would be very interested in doing this with both the Commissioners and staff once he is in post. Suggestions for team building included an away day meeting once a year to visit something of relevance or an evening meal prior to the Commissioners' Meetings given that half of the Commissioners were travelling to Inverness the day prior to the meetings anyway. It was agreed by all that this some form of team building activity would be beneficial to the Land Commission.

It was discussed that all Commissioners had undertaken On-Board training and the ARC were soon to be undertaking similar training specifically targeted to audit and risk.

The John Muir Trust's proposal that additional protection be given to wild land status in the forthcoming Planning Bill, in line with that afforded to National Scenic Areas, was raised by Lorne. David declared an interest in this subject, as he is a member of the John Muir Trust. Lorne raised a concern that if this proposal was to gain support, then this could negatively impact on potential land development in peripheral and fragile communities. He suggested that the Land Commission should give advice on this issue. The Chair advised that if a consultation is sent out on wild land in Scotland, the Land Commission will be ready to provide a response, but there is currently no action required.

## **6. Strategic Plan – Workshop 3, Pause for Reflection**

The Commissioners held a workshop to develop the strategic plan. They heard views from Hamish Trench on how he feels the Strategic Plan should look and what should be included. Each Commissioner shared what they felt the priorities should be on the Strategic Plan and how it should be set out.

**Date of next Meeting: Tuesday 11 July 2017**

**Scottish Land Commission  
June 2017**