



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 23rd October 2018, Longman House, Inverness.

Present: Andrew Thin (Chair), Lorne MacLeod, Prof David Adams, Megan MacInnes, Dr Sally Reynolds (Land Commissioners), Bob McIntosh (Tenant Farming Commissioner), Hamish Trench, Caron Munro, Shona Glenn, Sarah Allen, James MacKessack-Leitch, Eilidh Mackintosh (Scottish Land Commission).

David Adams declared an interest in item 2 as he is a trustee and convenor of a group who were interviewed for the research. It was agreed that this did not pose a conflict.

1. Minutes of meeting held on 4th September 2018

The minutes were agreed as an accurate record subject to the below amendment:

- Section 2, amend text to 'Lorne proposed that Yvonne be approved as the co-opted member of the Audit and Risk Committee until June 2020. The Commissioners agreed this proposal.

All actions have been completed or are in progress. Hamish advised that following action 04091803, the Commission is currently holding discussions with stakeholders regarding the codes of practice.

Action 23101801	Caron to amend the minutes of the previous meeting
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2. Report and Recommendations on Community Ownership and Rights to Buy

James presented the draft recommendations and advised that the Commission has met with stakeholders to discuss the findings of the research and the direction of the recommendations.

The Commissioners agreed that the recommendations should be reworded with recommendation 1 as the strategic recommendation and further recommendations as delivery recommendations, in order to focus on the need for a stakeholder group to take forward the vision and delivery of subsequent recommendations.

James advised that the Commission is contracting research into international experience of Community Ownership in order to provide comparators and experience to draw on in moving to community ownership being a normal option. The Commissioners agreed that the wording of section 2 should be amended to 'Proactive consideration of community asset ownership is embedded as an integral

part of community planning such as local place plans', in order to connect to wider mechanisms beyond Local Plan Plans.

It was agreed that the final paragraph in recommendation 2 should be amended so that the sentence ends after '...intended sales' and the text following that is deleted.

It was agreed that it would be beneficial to develop a suite of indicators to replace the 'million acres' target as per recommendation 3.

The Commissioners agreed to remove paragraph 3 from recommendation 4.

It was agreed that the first paragraph of recommendation 5 should be reworded to include viability and sustainability.

It was suggested that the wording of the last paragraph in recommendation 5 could be misleading so should be reworded to make it clear that it is referring to policy teams within the Scottish Government.

It was suggested that charitable and trust ownership should be referenced in recommendation 7 in regards to tax and fiscal policy.

It was agreed that the legislative recommendations section should be replaced with a delivery recommendation to consider simplification and in due course consolidation of legislation.

Hamish advised that the SRUC report will be submitted to Ministers with the recommendations in the next two weeks. He advised that the Commission will then publish the report to Ministers with the SRUC report in November. Following the response from the Ministers the next stages of work will begin at the start of the new year.

Action 23101802	James to re-draft the recommendations as per the agreed amendments for submission to Ministers
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3. Report on Call for Evidence on Concentration of Land Ownership

Commissioners discussed the emerging findings and themes from the call for evidence and considered the following points in particular:

- The relationship between monopoly power and economies of scale;
- The definition of market power and localised land monopoly in this context;
- The relevance of human rights in framing the analysis and discussion;
- The relationship between economic factors and social power and the evidence received on social power issues;
- The policy context of increasing rural population;

Commissioners discussed the types of potential intervention that the evidence leads us to consider including statutory and non-statutory options, and the criteria that might be helpful in prioritising effective interventions to address the issues.

The Commissioners discussed the next steps for the Commission in this area of work. Shona advised that the draft report on the Scale and Concentration of Land Ownership will be presented to the Commissioners at the next meeting. Hamish advised that the final report is likely to be presented to Ministers in December and published in January. The next phase of work would then move on to consideration with Government and stakeholders on the more detailed options for intervention to address the issues identified.

4. Quarterly Progress Report

Delivery

Hamish advised that the current constraint on the delivery of the workstreams is staff capacity so he is looking to expand the staff by recruiting two members of staff to support the housing and development workstream and the land rights and responsibilities 'good practice' programme.

Finance

Hamish advised that the budget has been reviewed at the half year point with revisions being made to reflect up to date projections. The format of report has been changed in order to improve scrutiny of variance and committed spend. Commissioners identified the risk of underspend in the current year, Hamish advised that the management team are looking at the remaining uncommitted spend as a matter of priority.

Risk

Hamish advised that following the internal audit review on risk the recommended changes to the layout of the risk register will be presented to the Audit and Risk Committee at their next meeting. Commissioners noted the current risk assessment.

Other

Hamish advised that the business plan for 2019/20 will be discussed at the Commissioners' Meeting in December, prior to development of a draft for agreement in February/March.

Commissioners asked for an update on Scottish Government's intentions to take forward work on the Compulsory Sales Order proposal. Shona confirmed this is with the Regeneration team to agree with Ministers. Commissioners asked Hamish to obtain an update from Scottish Government for the next meeting.

Action 23101803	Hamish to seek an update from Scottish Government on the intended timescale for progressing the Compulsory Sales Order proposal.
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Shona advised the Commissioners that the Commission's work on Vacant and Derelict Land will help with the Government work on Compulsory Sales Orders. She also advised that a secondee has been appointed from Arcadis to the Scottish Futures Trust in collaboration with the Commission to progress work on land value capture models.

5. Any Other Business

Tenant Farming update

Bob advised that the mediation service is now in operation and there are three possible cases which will be making use of this service.

He advised that he has updated the tenant farming amnesty and rent negotiations guidance and is currently developing a code of practice on lease agreements. He advised that the Government will be releasing new requirements for the standards of farm houses.

Sarah advised that the Commission is working with RICS, SAVVA and the law association on taking forward the review of agents workstream.

Land Rights and Responsibilities Codes and Reviews

Hamish advised that the Commission have received constructive feedback on the draft codes of practice from stakeholders.

Commissioners discussed the overall approach to good practice in relation to land rights and responsibilities. It was agreed that the Commissioners should give further consideration at a future meeting to how the Codes of Practice sit alongside a wider good practice programme of promotion and advice. A communications campaign is in preparation for the launch of the community engagement code of practice when complete.

Hamish also advised that the proposed staff recruitment and changes discussed earlier in the meeting are intended to better resource the good practice workstream.

Action 23101804	Add further discussion on Land Rights and responsibilities good practice to a future meeting agenda.
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Wildland Ltd.

Hamish advised that he has met with and subsequently written to the CEO of Wildland Ltd They are keen to work with the Commission and have requested guidance on community engagement.

It was agreed that the next steps will be for Hamish and 2 or 3 Commissioners to meet with the CEO of Wildland Ltd.

Action 23101805	Hamish to arrange a meeting with 2-3 Commissioners and the CEO of Wildland Ltd.
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Buccleuch estates

It was agreed that Hamish will respond to the letters from both Buccleuch estates and Scottish Land and Estates on behalf of the Commission, to emphasise that the Commission continue to support the use of Limited Duration Tenancies, recognise the legal right of land owners to take land in hand at the end of a fixed tenancy, and that the negotiations and decisions should be made in line with the expectations of the Land Rights and Responsibilities Statement and TFC Codes of Practice.

Action 23101806	Hamish to respond to the letters from Buccleuch estates and Scottish Land and Estates.
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Date of next Meeting: Tuesday 27th November 2018

**Scottish Land Commission
October 2018**