



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 1st December 2020

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

In Attendance: Hamish Trench, Sarah Allen, Posy MacRae, Shona Glenn, Emma Cooper, Caron Munro, James MacKessack-Leitch, Gillian Brown (Scottish Land Commission)

There were no declarations of interest.

1. Minutes of previous meeting 3rd November 2020

The minutes were agreed as a true and accurate reflection of the discussion, no amendments to be made.

Matters arising: KPI indicators ARC paper

Lorne MacLeod confirmed the ARC are happy with the proposed KPI's and see them as a positive move forward.

No other matters arising.

2. Concentrated Land Ownership Proposals

The Chair thanked Shona and James for the significant volume of work to get the proposals to where they have, which reflects the previous board discussion. Hamish introduced the paper asking the board to consider both the substance of the proposals and the positioning of the paper. He outlined the intention to develop the paper further in order to set it in the wider context of Scotland's land reform programme.

The board discussed the substance of the potential legislative measures, particularly the public interest test. Key points discussed were:

- The need for clarity of purpose and vision of what such a package of measures would achieve;
- Human rights context and compliance with ECHR;

- The operation of a potential public interest test including the role of scoping relevant transactions, the point of application and its relationship with a statutory review mechanism;
- The challenge of notifying private sales that happen off-market;

The board agreed that the discussion of potential measures in the paper addresses the key issues and asked that consideration is given in final drafting to the structure of the paper, to ensure the paper remains focused on the key issues.

The board concluded that the paper should be published as a discussion paper by the end of January, with the intention of informing further parliamentary and public consideration in due course.

For Information -

The board agreed that a final version of the paper will be circulated to Commissioners for information and that final sign-off for publication will be delegated to the chair and Sally Reynolds.

Action 20120101	Staff to develop final paper for circulation to Commissioners in January and sign-off for publication by Andrew and Sally
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3. Land for Housing – emerging recommendations

Note: David Stewart (Scottish Land Commission) joined the meeting at this point.

The Chair welcomed David and asked him to introduce the paper.

David asked Commissioners to consider the key messages and audiences for a final report bringing together the strands of work in this review. David presented the Commissioners with the report and the key findings.

The Commissioners welcomed the report, and noted the extent and rigour of the analysis that has been pulled together. A discussion followed on how the Scottish Land Commission can maximise the impact of the report.

The Commissioners agreed that the final review publication should be aimed at a wide set of audiences to influence change. It was agreed that this work leads not just to recommendations for government but to wider advice to inform culture and practice. Commissioners identified key messages about the reform of land markets, and public/private sector collaboration that should come through in the final report. Commissioners also noted the relevance to recovery and renewal and the theme of investing in Scotland’s future.

David and Posy advised that the final publication is planned for February and that consideration is being given to a wider communications package to accompany publication.

4. Tenant Farming Commissioner Update

Sarah introduced the highlights of the paper and explained that casework continues to rise, mainly due to the end of the amnesty. Into the New Year they anticipate more variety in enquiries, some of these expected to be related to succession and rent reviews in particular.

There was discussion about the new mediation scheme that is planned for next year, which builds on the previous pilot and seeks to embed mediation more within the sector. Commissioners welcomed the continued focus on mediation and noted the potential lessons for wider land rights and responsibilities casework. Sarah explained that there is a mock mediation event being hosted week commencing 7th December which will demonstrate how mediation works and the benefits of it.

Bob summarised how the role of Tenant Farming Commissioner has developed over the last 4 years, particularly in the approach he has taken to being a facilitator, which has seen the system work well.

Commissioners asked about implications of new requirements for housing standards. Bob went on to discuss the advance work done by Scottish Government to investigate the scale of the problem with tenanted house standards. He anticipates this to be quite a challenging topic, but he is confident the right approach to move forward.

It was noted the importance of this role and the work being done and that it should continue to be integrated as there's important cross overs with other work within the Commission.

Commissioners noted the wide range of work underway and the successful approach. It was requested that there be more frequent updates on TFC work given the useful parallels with wider Commission work.

5. Any Other Business

No other business was discussed.

Date of Next Meeting: 2nd February 2021

**Scottish Land Commission
December 2020**