



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minutes of the meeting of the Scottish Land Commissioners held on Tuesday 14^h February 2023 at An Lochran

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

In Attendance: Hamish Trench, Emma Cooper, Nikki Nagler, Gemma Campbell, Alex Currie, Bruce Morrison, Gillian Brown (Scottish Land Commission),

The chair welcomed Nikki and Alex to the Commission and their first board meeting.

Apologies: No apologies.

Declarations of interest: No declaration of interest.

1. Minutes of previous meeting 6th December 2022

The minutes were agreed as a true and accurate reflection of the discussion. Outstanding actions on the Action Tracker are deferred to the next remuneration meeting.

2. Report from Chair of ARC

Megan presented the report.

- Board to consider medium term financial planning (item 7 on the agenda).
- Annual audit fee has increased by 30%, and the underlying rate is significant higher than comparable bodies. The ARC considers this raises a question of value for money, which the Chief Executive has raised with Audit Scotland.
- Internal audit plan is to be considered by correspondence before the next ARC meeting.

Action 23021401	Hamish to follow up question on the Audit fee and advise board on the outcome
-----------------	---

3. Community Benefit in Natural Capital Investment

Emma provided an update and review of how the work is progressing, noting the publication of the discussion paper and next steps planned.

Discussion addressed the following considerations:

- The expected nature of the Scottish Government's planned market framework and the extent to which this will include regulatory actions;

- The complexity of natural capital investment and therefore clarity of expectations. The board considered that a simple clear message about expectations of community benefit remains important notwithstanding its implementation may vary in different circumstances;
- Agreed value in setting an expectation where if someone is investing in land, they should also be investing in communities associated with the land;
- The benefits of this work in providing practical guidance;
- Questions on the extent to which there is willingness and evidence of community benefit being put into practice;
- Ongoing need to consider clarity of messaging and plain English communications in a technically complex area of work;

The board noted the intention that this work will a) lead to practical sector guidance on implementation and b) inform policy advice to help shape the market framework being developed by Scottish Government. The board welcomed progress in this rapidly developing field, noting the need for continued leadership and clear communication.

4. Community Land Ownership Leadership Group

Hamish presented the paper proposing the purpose and chairing arrangements for the group. Discussion addressed the following:

- The need to develop clear terms of reference for the group before it is launched that set expectations for what the group is and is not intended to do. Hamish agreed this is the next step following the board's consideration of the scope.
- The board agreed a commissioner should chair the group, Lorne was nominated and accepted.
- The board agreed the group is advisory in nature not excluding advice on statutory framework, and its emphasis should be on making things work and align better to support and develop community land ownership.
- The board also emphasised the importance of the remit focusing on governance and opportunities for a wider range of community involvement in ownership and governance beyond the current model.
- The group should be time limited, with a clear end and review point and clear set of objectives. The group will need to operate over a few years to have the chance to make an impact.
- The name of the group should be reconsidered to take into account the wider focus on governance in its remit.

It was agreed that staff will take forward the establishment of the group in liaison with Lorne and that its terms of reference will be circulated to the board for information when agreed.

5. Quarterly Report

Hamish provided an update noting delivery progress is on track. He highlighted the different budget position this financial year with year-end management focusing on ensuring spend is achieved as planned and managing risk of overspend. The board considered:

Delivery

- The board welcomed delivery progress despite staffing gaps through the year;
- Staff well being – the board queried when the next staff survey is scheduled. It is going out before the end of February, the results of which will be presented to the board at the staffing and remuneration meeting.

Finance report

- The board queried the large variance in diversifying land ownership. It was noted this is due to £10k for project spend that has not been required and has been reprofiled to other lines.

Risk

- Board succession risk as agreed at the last meeting is now risk 3.
- Risk 7 has decreased due to more structured engagement with Scottish Government now in place and risk 12 is also decreasing as immediate risks of the transfer to hybrid working have passed.
- The board noted the need to have a fuller annual discussion on risk including review of risk appetite and asked this is scheduled into the meeting schedule.

Communications

- The board welcomed the intention to refresh content of digital platforms and the review use of the MyLand branding;
- The board emphasised the continued need to make the work the Commission is doing more accessible to a wider audience and use of clear language;
- When discussing targeting younger audiences, the board considered the 20-35 age group as being the priority;
- Improvements to the virtual public meetings are being considered by staff;
- The board emphasised the need to ensure we deliver on our Gaelic Language Plan obligations in our communications strategy;
- The board asked for tailored training on social media use;

Action 23021402	Annual review of risk and risk appetite to be scheduled into board programme
Action 23021403	Communications strategy to be considered in full at a future board meeting

6. Good Practice Casework Quarterly Report

Gemma presented the report and noted her thanks to Bruce for his support on the reporting aspect of this piece of work. The board considered:

- How can we measure significance of impact, it's difficult to measure behaviour change but it is important that we can say we have made a difference. Bob noted the TFC survey approach as one way of capturing this.
- Questions on the volume of casework and whether it is at a manageable level for the staff resource we have. Emma confirmed that although it fluctuates, overall the level is manageable within resource and that we actively seek casework.
- Emma noted the value of casework in providing an opening for wider discussions with land owners and communities, it is an effective means of delivery for the Commission.
- The board noted that assessing outcomes should be qualitative as well as quantitative, recognising the value in influencing culture and practice for longer term outcomes.
- The relevance of the casework experience to inform the Land Reform Bill measures and the need to think beyond the bill in relation to continued voluntary approaches;

Gemma confirmed that the staff team will be bringing together a review of the casework experience over the last three years, on completion of this financial year, which will seek to address some of the questions raised including impact and can inform future planning.

7. Medium Term Financial Strategy

Hamish presented the paper seeking the board's consideration of the medium-term financial strategy. Discussion addressed:

- Agreement that the scenarios are realistic options for which the Commission should be planning.
- The implications for developing our next strategic plan – it was agreed the scenarios provide a realism about the level of resource likely to be available. Hamish confirmed the strategic plan would as normal need to set out the financial strategy for the period.
- The board noted the high sensitivity to changes in terms of delivery capacity. In particular 2% plus or minus makes a significant change in the scope of what the Commission is able to deliver.
- The board agreed that the scenarios demonstrate that should any changes in the Commission's functions be proposed, these would need to be accompanied by commensurate resource.
- The board noted the ability to revise a strategic plan at any point should significant changes arise after completing the new plan, for example as a result of legislative or government change.
- The board recognise the need to prioritise where the Commission focuses in developing strategic and business plans given reducing real terms resource.
- The board agreed the means identified for managing our financial strategy and that these should be built into development of strategic and business plans.

8. Strategic Plan Development

Hamish introduced the paper seeking early board views on the strategic context and role of the Commission within this. The board considered:

- Recognition of the net zero context and the wider Scottish Government policy context;
- The value in the Commission's work retaining a clear focus on the role of land reform within this national context;
- The need for more thought to be given to clarity of language to ensure it is accessible and relevant;
- The desire for the plan to articulate a clear sense of direction in the way outcomes or objectives are framed;

The board acknowledged the early stage in the process but asked that further work is done to articulate the priorities for the strategic plan. There were different views expressed by board members on where the focus should lie. The board therefore agreed that a further discussion workshop should be held outwith the board meeting cycle to progress this.

Action 23021404	Further board discussion to be scheduled.
-----------------	---

9. Draft 23/24 Business Plan

Hamish presented the plan and discussion addressed:

- Agreement that the plan seeks to complete delivery of our current Programme of Work;
- Request that the Organisational Development section should include board succession;
- Whether balance of rural/urban focus is appropriate. The board noted that current priorities give a notable focus to the rural context, particularly driven by natural; capital and land

market work. The board noted there remains significant potential for further work on land development and regeneration which is not currently being taken forward. Hamish advised this reflects the deliberate prioritisation of our current business plan and that given limited resource the Commission needs to prioritise and accept that some opportunities cannot be pursued immediately. The board agreed it is comfortable with the current prioritisation, which reflects strategic decisions taken by the board on where to prioritise resource. It noted the strategic plan provides an opportunity to look ahead and consider the overall balance of focus.

10. 2023 Conference

Nikki reflected on feedback from previous conferences that the Commission has held and what a successful conference for 2023 would look like. The board noted the value of the conference in communicating the Commission's work, engaging a wider audience and networking. However it also noted the need for careful cost control in the context of current budgets.

The consensus of the board is that the conference should be delivered online in order to maximise reach and deliver on value for money considerations. Nikki advised that a staff working group will develop the conference proposal.

11. TFC section 38 Land Court Reference

Bob provided an update on the use of Section 38. Bob has contacted the Scottish Government legal team and awaits a response from them, which will inform his decision on how to proceed. The board supported the approach being taken.

12. AOB

- Hamish confirmed that the Commission would be responding to the Community Wealth Building Bill consultation, with Gemma leading on the response.
- Andrew informed that Scottish Government would start advertising the boards posts in the Spring and that it's important for the Commission to promote the recruitment well.
- Hamish to circulate estimated timings for the March and May board meetings.

Date of Next Meeting: 7th March 2023

**Scottish Land Commission
February 2023**