



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Community Land Leadership Group

Tuesday 12th September 2023, 2pm, Online

Draft Note of Meeting

Present: Lorne MacLeod (Chair, Land Commissioner), Hamish Trench, Gemma Campbell, Bruce Morrison (Scottish Land Commission), Ailsa Raeburn (Community Land Scotland), Linda Gillespie (COSS), Eilidh Todd (SoSE), Sandra Holmes (HIE), Malcolm Combe (University of Strathclyde), Calum MacLeod (Harper MacLeod LLP).

Apologies were received from Fiona Taylor, Dave Thomson (Scottish Government), Rebekah Dundas (National Lottery Community Fund), and Kirsten Logue (South of Scotland Enterprise).

Introduction

It was agreed that members were happy that the previous note of meeting accurately reflected discussion. The chair noted that a summarised version of the note would therefore be published on the Land Commission website for transparency.

Topic Discussion: Community capacity and support

Members discussed issues around community capacity and support, including recent experience, challenges and barriers, and the support mechanisms available. The detailed support and advice provided by COSS/DTAS throughout Scotland was noted. Members discussed differences in application rates across regions. It was suggested that there were 'cold spots' in Land Fund and right to buy applications in parts of the central belt, Aberdeen, Dundee, Tayside, and Fife. Members also emphasised the northeast more broadly as an area that hasn't historically seen many applications. Members also identified that these areas do not benefit from the proactive approach taken by HIE and SoSE.

It was suggested that the regional enterprise agencies provide a more targeted function to support communities than providing funding alone – members agreed that the agencies tend to provide a continuity of support, and support can be tailored through the different phases of community ownership, particularly the ‘after care’ support provided following a successful acquisition. Discussion suggested this may be one reason why low application rates have been observed in areas not covered by the enterprise agencies.

It was noted that the issue of support coverage is being discussed further, and followed up directly between Scottish Enterprise, HIE, as well as Scottish Government colleagues within the group.

Members discussed whether the fact that the Land Fund has not hit its budget in recent years indicated a low level of engagement or whether other factors such as COVID-19 played a role. Members suggested that whilst the Land Fund has not necessarily been fully spent in recent years, the situation is improving, and case volume is high, with many purchases of lower financial value assets such as buildings. A high level of interest is generally welcomed however it was noted that staff capacity can be stretched.

Members also discussed other avenues of funding, and the opportunity for improved alignment. It was suggested that the group could be used to pull together wider support networks.

The chair summarised the discussion by noting the challenges communities face at early stages, the need for a level playing field of support across Scotland, the benefits of post-acquisition support, and the alignment and signposting of funding options.

Topic Discussion: Community Empowerment

Asset Transfer

Members discussed the ongoing review being led by the Scottish Government on the Community Empowerment Act. As part of this, COSS are looking at the data on asset transfers and the details of the asset transfer process. It was noted that stakeholder

consultation will take place as part of the review, but this is unlikely to be a large-scale public consultation.

The National Asset Transfer Group was also identified as a relevant stakeholder group. It was agreed that members of the group should be invited to future discussion on community empowerment.

Discussion raised the large-scale disposal of local authority assets. Though there has previously been interest from communities on taking on assets, there are risks as local authorities rationalise their estates, including cutting core service assets in some cases. Members also discussed the role of leasing assets to communities as part of rationalisation of local authority estates.

Discussion identified that 140 public authorities across Scotland have responsibility for asset transfers, but there are capacity issues on both the public authority and community side. Members discussed other challenges with asset transfers, both cultural and practical.

Members also discussed how asset transfers interact with Community Right to Buy (CRtB) under Part 2 of the Land Reform Act (2003). It was suggested that communities can sometimes be unsure as to which route they should use. Members also noted that no Part 2 applications on public land have been successful since modifications were made to Part 2 under the 2015 Community Empowerment Act.

Members also asked whether deprivation played a role in asset transfer rates. Work currently being carried out by DTAS and the Scottish Government was discussed. The work so far appears to indicate that SIMD scores are not a major indicator of the success (or otherwise) of asset transfers, however this is not consistent with previous findings in Glasgow. Members also suggested that in an urban context and in deprived areas, it is often preferable to build capacity within communities themselves, rather than bringing in external support on a short-term basis.

Community Right to Buy

Members discussed challenges communities face when considering submitting right to buy applications under Part 2 of the Land Reform Act. Members identified that the process can be resource-intensive from the beginning, while only guaranteeing a pre-

emptive right. It was felt by some members that the amount of work that goes into applications at the initial stage is not necessarily proportionate.

Some members also felt that the late applications process has become almost impossible, and it has been lost as a tool that communities can use. Members also noted that landowners are required to provide a full response to any applications, regardless of their intention to sell the land or asset concerned, raising further proportionality questions.

Members highlighted that minor mapping issues can result in the wholesale rejection of applications, and that it would be helpful if a mechanism was available for corrections to be made without re-starting the process.

Members were informed of an unpublished paper from Community Land Scotland setting out proposals for CRtB reform that would see a two-stage process put in place, including a pre-registration stage, which could allow communities to make a full application when a suitable opportunity becomes available. Members also discussed Community Land Scotland work examining case law in relation to CRtB.

Members questioned how specific proposals in the Land Reform Bill consultation would work together with a more effective CRtB process. It was suggested that a presale notification process would need to be accompanied by a sufficient time period.

Information sharing - relevant current work and opportunities to connect

Members shared other updates of relevant and forthcoming work.

Date and focus of next meeting

The chair noted that Common Good was not discussed in depth but will be covered in future. It was agreed that further discussion of Part 2 CRtB would take place at the next meeting.