



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minute of the meeting of the Scottish Land Commissioners held on Tuesday 3rd October 2023 at An Lochran

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

In Attendance: Hamish Trench, Nikki Nagler, Emma Cooper, Gemma Campbell, James MacKessack-Leitch, David Stewart, Gillian Brown (Scottish Land Commission)

Apologies: None

Declarations of interest: None

1. Minutes of previous meeting 5th September 2023

The minutes were agreed as a true and accurate reflection of the discussion.

Matters Arising

Action tracker

James provided the board with an update on the Land and Human Rights Advisory Forum.

Hamish informed the board that a revised version of the Community Benefit Guidance is completed and now with the designers, to be published shortly.

2. Confidential item Staff and Remuneration Committee

The board had a closed discussion on the first agenda item.

3. Report from ARC chair

Megan introduced the paper and provided key points from the recent ARC meeting, noting the annual audit report, annual report and accounts, risk management and budget review. Hamish gave an update on the external audit fee, noting there has been no response from Audit Scotland on the question of why an additional fee is reasonable.

The board asked for more information about the learning taken from the external audit process, given it is the first year of working with new auditors. Nikki provided a brief summary of key learning points. The board welcomed the positive audit report.

Action 23100301	Hamish to circulate the finalised risk appetite statements to board members
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4. ARC Chair appointment

Megan's appointment as Commissioner expires in December. The board agreed to appoint Lorne as ARC chair with immediate effect. Megan remains on the committee until 18th December. From then, to ensure a quorate committee, Sally will be an interim ARC committee member, and this will be reviewed once board recruitment is completed.

5. Annual Report and Accounts

Hamish presented the 22-23 Annual Report and Accounts for formal agreement to be submitted to parliament, asking the board to note the key messages in the external audit report and the recommendation from the Audit and Risk Committee.

- The board recorded their thanks on a positive audit report.
- The board noted the ARC's detailed consideration of the annual audit report and the annual report and accounts. Lorne confirmed that the points raised by the ARC had been addressed satisfactorily.
- The board considered the audit report and the annual report and accounts.
- It was noted that the wording for Sally's profile needs to be updated, **subject to that amendment, the board approved the 22-23 Annual report and Accounts.**

Action 23100302	Amend Sally's profile on the Annual Report
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6. Progress review of Vacant and Derelict Land taskforce recommendations – scope of review

David Stewart introduced the paper. The board considered the paper and the following key points:

- The proposed research could usefully consider the institutional barriers that are stopping the recommendations being taken up and look in more depth than the initial research.
- The review should be clear about the intended outcome and impact.
- Compulsory Sales Orders are a recommendation already made, can the review help articulate the case or address the barriers to introducing a CSO mechanism? It was noted the existing work addressed the human rights context for the proposal.
- The review provides the opportunity to consider if VDL is too broad a concept and whether future SLC work on this should focus on a particular segment, for example on where impact can be greatest.
- The board welcomed the opportunity to assess progress against a baseline of information previously collated.

With these comments to shape the review, the board agreed the scope of the review and emphasised the value in the Commission's role maintaining a focus on vacant and derelict land.

7. Land Governance workstream

James provided an overview of the workstream including a summary of the current collaborative work with Dark Matter Labs that explores options for longer term systemic change. He asked the board particularly to focus on the balance in our work between thought-leadership on long-term change and shorter-term opportunities to support steps to more diverse governance.

The board welcomed the progress to date and the proposed Land Focus briefing paper. The board also welcomed the work underway to scope and provoke ambitious thinking about different land governance models. The board sought more information about the focus of the new Land Governance Adviser role and the opportunity to provide practical guidance. Recognising that examples are currently limited, the board suggested that hypothetical examples could be useful, such as examining options for different ways governance could be constructed if a large land holding comes to the market.

Collaboration with the Scottish Graduate School of Science may provide an opportunity to partner with a PhD to support the longer-term element of the work.

The board noted the appetite that exists now to explore more diverse governance structures and that the workstream should ensure sufficient focus on supporting practical opportunities to take steps towards this, such as guidance on appointment of trustees, on community/landowner partnerships, Heads of Terms for different approaches.

The board identified strong value in using international experience to inform what Scotland can do and the potential for further research work.

The board agreed that the workstream should ensure sufficient priority is given to supporting changes that can be made in practice within the existing system, while steadily developing discussions on long-term change that addresses thinking beyond current property rights.

8. Rural Land Market data report

Hanna presented the report, key messages and findings as well as the arrangements to secure this work in future years through collaboration with SRUC and RESAS. The report is to be published in the coming weeks.

The board welcomed the report, noting the wide stakeholder interest in the land market reports and its value in informing policy. The board's discussion focused on how to maximise value from this reporting.

The board welcomed the collaboration with SRUC and RESAS, noting the improved value for money and plans to continue market insights and data reports for the coming three years. Hanna also noted there would be additional value in collaborating with an industry partner, particularly to improve estates data.

The board sought more information on the use of Registers of Scotland data and how the constraints can be addressed. Hanna confirmed staff work closely with RoS colleagues, but their statutory functions mean data is not specifically collated for these policy purposes. The process has already identified possible improvements that could be made and options to improve data for public policy purposes.

The board asked that careful consideration is given to the communications approach to help ensure impact, given the range of different sectors interested in the report and its relevance to a number of current policy matters.

9. AOB

Community Land Leadership Group

Lorne provided an update on the group and its discussions to date. Discussion covered:

- The opportunity to connect the consideration of rights to buy with the discussions of the Human Rights Advisory Forum, James to note for agenda planning.
- The proposals made by stakeholders for improvements to community rights to buy.
- The value of the CLLG in convening stakeholders and providing an opportunity to pursue more detailed consideration of improvements to encouraged community land ownership.

Action 23100303	Circulate minutes of recent CLLG for information
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Crown Estate Scotland Collaboration

Hamish provided an update on the collaboration, confirming the project manager is now in post at CES. The current focus is engaging key stakeholders, identifying opportunities and putting in place the necessary

governance and business processes that will enable CES to act. The board noted the wide interest in the initiative and the need to keep people well informed on progress.

Date of Next Meeting: 7th November 2023

**Scottish Land Commission
October 2023**