



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Minute of the meeting of the Scottish Land Commissioners held on Tuesday 7 May 2024 at An Lóchran, Inverness.

Commissioners Present: Michael Russell (Chairman) Deb Roberts, Caig Mackenzie, Lorne McLoed, Sally Reynolds (Land Commissioners), Bob McIntosh (Tennant Farming Commissioner)

In Attendance: Hamish Trench, Emma Cooper, James MacKessack-Leitch, Scarlett Macfarlane, Felicity Peall, Kathie Pollard.

Apologies: None

Declarations of interest: None

1. Minutes of previous meeting 05 March 2024

The wrong draft of the minutes had been circulated, it was agreed the actual draft minutes should be circulated and approved by email.

Matters Arising: None

2. Commissioners Update.

Commissioners provided updates on key activities on behalf of the Commission since the March Board meeting.

3. Land Reform Bill update.

Hamish provided a verbal update on the Land Reform Bill. He noted the call for views published by the Net Zero, Energy and Transport Committee and confirmed committee clerks have asked the Commission to give evidence in June. He also noted a call from the Finance and Public Administration Committee for views on the financial memorandum.

The board agreed to schedule further discussion sessions for board and staff on key proposals in the bill that require further consideration in the Commission including land management plans and lotting.

24050701	Hamish to schedule series of online meetings on the land reform bill.
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4. Land Reform Bill Draft Submission to NZET committee.

Hamish introduced the draft response for board consideration.

The board welcomed the proposed response and in discussion identified the following aspects to be developed further or strengthened:

- Reference to strengthening implementation of the Land Rights and Responsibilities Statement, particularly in relation to land management plans and the value of increased disclosure;
- The need for clear criteria for lotting;
- The interaction of the proposed Land and Communities Commissioner with the existing Land Commissioners;
- Reference to the Commission’s original advice on the public interest test;
- More reference to what our land market evidence shows providing context for the scale thresholds;

It was agreed that the response should reflect the board’s view that the proposed Land and Communities Commissioner should be required to consult with Land Commissioners, in order to ensure effective integration within the operation of the board.

Bob noted that there are a number of areas in Part 2 of the bill on which there is shared agreement among stakeholders on the Tenant Farming Advisory Group. However, he also noted a number of aspects that require further clarification. He also noted requirements as drafted for the Tenant Farming Commissioner to appoint valuers, which should not be necessary, unless parties cannot reach agreement.

Bob also noted the tension inherent in proposals which may improve the rights of existing tenants but may further reduce the amount of land which is available for future tenancies. The board agreed the response should acknowledge the decline in the extent of the tenanted sector.

The board agreed the scope of the response, subject to additions to reflect the points discussed. The board asked that where relevant, references should be included, and the response should make full use of the Commission’s published research.

The board agreed to delegate sign-off of the final response to the Chair and Chief Executive.

24050702	Hamish to amend and finalise response for sign off by Michael
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5. Vacant and derelict land progress report.

David presented the paper on Vacant and Derelict land, highlighting the positive progress found in the research report. The board welcomed the research and paper, noting the positive story it shows.

Commissioners asked for information about the types of re-use and noted the relevance to the housing challenge. The board welcomed the proposed next steps, noting the importance of discussing the findings with key partners, and asked David to provide a further paper in July summarising the next steps and recommendations for further action.

24050703	Vacant and derelict land research report to be circulated to Commissioners for information
24050704	Paper on next steps to come to board following partner discussions

6. Land Governance workstream – research on international experience in Natural resource governance.

James Introduced the paper on research on international experience in natural resource governance. He noted the scope of phase one and summarised the six case studies being considered in more depth in phase 2. On completion of the phase 2 report, the board will be asked to consider the implications for the Commission’s work and advice.

The board welcomed the progress and noted the importance of being able to advise on ways to secure public value from natural resource management. The current context of nature finance and renewables sector were discussed. As a general point it was agreed that reports will normally be circulated to Commissioners prior to publication or decisions about further steps.

24050705	CLES Phase 1 report to be circulated to Commissioners for information
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7. Quarterly Progress report – Q4 of 23/24.

Hamish introduced the final quarterly report for 2023/24 looking at the delivery, finance, risk, communications and casework.

Commissioners agreed that the organisation's KPIs should be refreshed. Hamish noted that staff have already begun to identify some improved KPIs, and it was agreed this should be reviewed in the second half of the financial year.

Delivery – Commissioners welcomed completion of delivery for the financial year, noting that the contracts due in Qtr. 4 were completed as planned.

Finance review – Hamish noted this is not yet a final accounts position but gives a good indication of the final out-turn. Commissioners noted the final position is marginally above the target 2% underspend but is a reasonable position given in-year changes and requests for reduced spend from Scottish Government.

Audit and Risk – The strategic risk register was examined by the board with questions on cyber security and the dynamic external environment. No further changes to strategic risks were identified.

Communications – Scarlett introduced the communications report focusing on output during the final quarter. The board welcomed the communications analysis and the proactive approach.

Casework – Discussion highlighted the relatively high proportion of cases from the Highlands and Islands area.

8. Medium term financial planning.

Hamish introduced Paper 6, noting the challenge of the medium-term financial position which requires either reductions in scope of delivery or increase in resource.

The board considered the scenarios to be a sensible basis for planning but noted the high level of uncertainty given single year budget settlements. The board noted that the central planning scenario would require changes to the delivery model beyond year two or three. Commissioners also noted that within this timeframe there will likely be further resource pressures arising from the land reform bill. It was agreed that the Chair and Chief Executive should continue to review future resourcing with the sponsor team.

The board affirmed the importance of the current means identified to manage our medium-term financial position which includes fixed term contracts ending as planned, review of each vacant post before a decision to recruit, seeking savings when service contracts are reviewed. The board noted the limited scope a small NDPB has to make savings in core governance and business systems.

The board asked that further consideration be given to collaborative working and opportunities to draw on external funding, particularly in developing long term research relationships. For example, the role of central Scottish Government RESAS research was flagged as an opportunity for more effective joint working.

24050706

Paper 6 (Medium term planning) to be included in the next Audit and Risk committee agenda, on the 10 June 2024.

9. Conference Update.

Scarlett confirmed the conference programme is now agreed and arrangements in place. Attendance is fully booked with a waiting list. Further briefing for the running of the day will be provided nearer the time.

AOB

Hamish noted there is a forthcoming consultation by Scottish Government on its future tax strategy that the Commission will wish to respond to.

Hamish also noted a revised approach to publication of the land market report this year. Due to a change in timing for the data analysis, the Commission will proceed with publication of the rural land market insights report separately, as it has in past years.

Date of Next Meeting: 12 June 2024

**Scottish Land Commission
May 2024**