



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

**Commissioners Meeting**  
**4<sup>th</sup> March 2025, 9.30am, An Lochran, Inverness**

**A G E N D A**

Item no	Item	Paper no	Action	Lead
	Welcome/Apologies			
	Declarations of Interest			
1.	Minutes of the previous meeting	1	For agreement	Chair
2.	Report from Chair of Audit & Risk Committee	2	For information	Craig Mackenzie
3.	Commissioners' updates	Verbal Briefing	For information	Commissioners
4.	Land Reform Bill update	Verbal briefing	For discussion	Hamish Trench & Andy Proudfoot (SG)
5.	Programme of Work and 2025/26 Business Plan & Budget  Annex A: Programme of Work Annex B: Business Plan Annex C 25/26 Budget	3	For agreement	Hamish Trench
6.	Land Rights and Responsibilities Protocols – approach to refreshing Protocols	4	For agreement	Gemma Campbell
7.	Land Reformed Scotland project	5	For agreement	Hamish Trench
8.	Scottish Government update	Verbal briefing	For information	Patrick Kirkham/Sian Ledger (SG)
9.	Monthly budget update	6	For information	Nikki Nagler
10.	AOB			Chair

*Members of the Scottish Government Land Reform team will attend the board meeting: Patrick Kirkham, Sian Ledger, Andy Proudfoot*

*Following the board meeting there will be an informal workshop with all staff and board.*

*A sandwich lunch will be provided and meetings will complete by 3.00pm.*



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**Minute of the meeting of the Scottish Land Commissioners held on Tuesday 4<sup>th</sup> February 2025 at An Lochran, Inverness.**

**Commissioners Present:** Michael Russell (Chair) Deb Roberts, Craig Mackenzie, Lucy Beattie, Calum MacLeod (Land Commissioners), Rob Black (Tenant Farming Commissioner)

**In Attendance:** Hamish Trench, Nikki Nagler, Emma Cooper, Gemma Campbell (for item 5), Annabel Davidson-Knight (for item 5), James MacKessack-Leitch (for item 3), (Scottish Land Commission);

**Apologies:** None

**Declarations of interest:** No declarations in relation to agenda items. Craig noted he is now a member of a Scottish Government Ecosystems Code Advisory Group.

**Minutes of previous meeting 3 December 2024**

The minutes from the meeting held on 3 December 2024 were agreed as a true and accurate record with no matters arising.

**1. Commissioners Updates**

The Chair welcomed the new Commissioners to their first board meeting.

Commissioners provided updates on their key activities and events since the last meeting.

**2. Land Reform Bill**

Hamish provided an update in relation to Part 1 noting the Commission's additional advice had been published and provided to the Parliamentary Committee. The board noted the parliamentary timetable for the expected completion of Stage 1, and the potential for an additional online board meeting in April if required.

Rob provided an overview of the TFC advice on Part 2 of the Bill. The advice was drafted by Bob McIntosh as outgoing TFC and is informed by discussions of the Tenant Farming Advisory Forum. Rob advised that the Forum had not been able to reach consensus on a number of aspects in the Bill and that the advice is therefore framed as TFC advice, not an attempt to represent collective views of the Forum.

The board recorded its thanks to Bob McIntosh for the updated advice provided as part of the TFC transition. Commissioners noted the background to the advice and the outgoing TFC's view that consensus on several parts was not possible to reach. The board agreed

the Commission should publish the advice and submit it to the NZET Committee, with the addition of an introductory section making clear it does not seek to provide a collective view of TFAF, but is the Commission's advice.

### **3. Quarterly Progress Report**

Hamish introduced the Quarter 3 report.

The board welcomed the delivery progress and asked for updates in relation to Scottish Government's CPO Review, the Community Wealth Building Bill and the collaboration with Crown Estate Scotland on the Community Land Accelerator.

The board welcomed the improved budget monitoring information and noted the current position showing a projected outturn within the target of 3% underspend.

Commissioners noted the updated risk register reflecting the board's November discussion, and that the ARC will consider this in detail at its next meeting. The board discussed the likely timeframe for managing the risk associated with resourcing new obligations that arise from the land reform bill. Hamish advised the next review point of possible implications will be as the shape of the bill firms up in Stage 2 and Government provides updated information on the accompanying financial memorandum.

Commissioners noted good communications profile over the Quarter, particularly the successful webinar series. The board asked whether some year-on-year comparisons or benchmarking against others could be included in communications reporting to provide context.

Nikki highlighted the need for all Commissioners to complete online cyber security training, a risk addressed in the recent governance audit undertaken by internal audit.

<b>Action 04022501</b>	<b>Scarlett to review options to provide context for communications monitoring statistics</b>
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<b>Action 04022502</b>	<b>All Commissioners to complete online cyber security training</b>
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### **4. Quarterly Casework Report**

The board welcomed the overview provided by Gemma, noting the range of topics and the geographical spread of cases.

Emma provided brief updates on some recent cases for information and context.

### **5. Programme of Work**

Hamish introduced the proposed Programme of Work, noting the opportunity it presents for the board to set a refreshed agenda for the coming 18 months. The board supported the priorities identified and raised the following for inclusion or amendment:

- Include reference to work to improve data on tenant farming;
- Include in scope possible work on the Land Use Strategy or Regional Land Use Partnerships, to be discussed with Scottish Government in context of the next Land Use Strategy review;

Commissioners also noted the importance of work on land information and data, and that the context of work on the 'land reformed Scotland' theme would provide an opportunity to bring together several of the priority areas over the coming 18 months.

Commissioners agreed that the Programme of Work should set out a focused programme of priorities. The board also emphasised the importance of remaining open and able to respond to changes in external environment over the 18 months, acknowledging that resource constraints means that additional work would require either additional resource or reductions in focus elsewhere.

Hamish noted that he is sharing the draft Programme with Scottish Government sponsor team colleagues for feedback.

<b>Action 04022503</b>	<b>Hamish to present final draft of Programme of Work for agreement at the March meeting</b>
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#### **6. AOB**

- All Commissioners to advise Nikki on travel and accommodation requirements for the next board meeting a month ahead;
- The board agreed to change the day of board meetings from May onwards to a Thursday. Nikki will circulate revised dates;
- The May meeting will be a board visit to Caithness to take place over Thursday 8<sup>th</sup>/Friday 9<sup>th</sup> May.

***Date of next meeting:***

***Tuesday 4<sup>th</sup> March 2025***

***An Lochran, Inverness***

**Actions from Board Meetings - Update of actions to date**

Action number	Date Raised	Context	Action Detail	Responsible	Date Required	Date Closed	Comments
03122401	03/12/2024	Good Practice	Staff to develop a proposal for expanding the Good Practice Programme, identifying the resource that would be required.	Good Practice team			Consideration of options underway, for further board discussion in summer
4022501	04/02/2025	Comms reporting	Scarlett to review options to provide context for communications monitoring statistics	Scarlett Macfarlane			For inclusion in future reporting
4022502	04/02/2025	Governance	All Commissioners to complete onloine cyber security training	Commissioners		31/03/2025	Outstanding
4022503	04/02/2025	Business Planning	Hamish to present final draft of Programme of Work for agreement at the March meeting	Hamish Trench		04/03/2025	On agenda 4/3/25



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## **Commissioners' Meeting 4<sup>th</sup> March 2025**

### **Report from the Chair of the Audit and Risk Committee – Meeting held on 13<sup>th</sup> February 2025**

- The Audit and Risk Committee (ARC) met on 13<sup>th</sup> February with full attendance from members, including new coopted member, Malcom Mathieson; Deloitte (External Audit) and BDO (Internal Audit).
- We welcomed Malcom Mathieson to the Committee and confirmed he had no conflicts.
- We noted that Saffrey has been appointed as accountants to SLC and are assisting our transition to Xero, the new accounting system.
- The transfer to the Xero system should take place at the beginning of the new tax year. All is going well. ARC will review at its next meeting.
- Reviewed the 2024/25 budget. We expect to finish the year within 2% of our planned expenditure.
- Reviewed the planned 25/26 budget. This includes a proposed £100,000 increase in staff costs (reflecting the NI increase introduced by the UK Budget and expected uplift from the coming pay awards).
- External auditors, Deloitte, set out plans for their audit work this year, including a review of the shift to Xero.
- Internal auditors, BDO, reported completion of the corporate governance audit. This raised a few procedural issues for the Board to address: completing an annual self-assessment of collective performance (in addition to the individual

assessment the Board Chair has conducted); completion of cybersecurity training by Commissioners; and ensuring standing orders are up to date.

- BDO shared plan for upcoming audits: medium term financial planning, complaints procedures, and the Commission's preparedness for implementation of the Land Reform Bill.
- A review of the Risk Register was undertaken. Agreed to include new risk item on resourcing for expanded Commission scope as envisaged by the Bill. The plan for detailed risk interrogation was agreed for the year.

Craig Mackenzie, Chair, ARC, 24<sup>th</sup> February 2024





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## Commissioners Meeting 4<sup>th</sup> March 2025 An Lochran, Inverness

### PAPER 2

#### Programme of Work and 25/26 Business Plan

<b>Purpose:</b>	To agree the refreshed Programme of Work and the 2025/26 business plan
<b>Business Plan context:</b>	New Business Plan
<b>Previous board papers:</b>	4 <sup>th</sup> February 2025, Paper: Programme of Work
<b>Action required:</b>	For agreement

#### 1. Programme of Work

In February the Board discussed a refreshed Programme of Work for the 18 months from 1 April 2025. The Programme of Work sets out our priorities for this period and is required by the Land Reform (Scotland) Act 2016 to be laid in Parliament.

With some changes reflecting the board's consideration in February, the refreshed Programme of Work is attached at Annex A for agreement.

#### 2. 2025/26 Business Plan

The annual business plan for 2025/26 sets out the specific delivery planned against the Programme of Work for the coming financial year. The associated budget sets out how we will allocate our financial resource.

Annex B provides the proposed Business Plan; Annex C provides the proposed budget.

##### 2.1 Delivery priorities

The Business Plan focuses delivery on the following key priorities:

- Supporting development and implementation of the land reform bill;
- Engaging on what a 'land reformed Scotland' looks like to inform a future reform programme;
- Policy advice on diverse land ownership and governance, community land ownership, public land leadership and a route map for tax reforms;

- Supporting practical implementation of Scotland’s Land Rights and Responsibilities Statement, including refreshing the LRRS Protocols;
- Supporting the Tenant Farming Commissioner functions;
- Sound governance and organisational development

We will need to retain a degree of flexibility in order to be able to advise on the land reform bill as the parliamentary process progresses and plan for its implications for the Commission.

The Land Reform Bill identifies potential changes in functions for the Commission. While these would not come into effect until later years, work on considering the organisational implications of possible changes should develop within the 2025/26 financial year.

## **2.2 Financial context**

The Scottish Government budget for 2025/26 provides grant-in-aid of £1.68M to the Commission, a small increase on the budget of £1.6M in 2024/25. Like last year, much of the Commission’s spend is committed from the start of the year through staffing and operating costs, as well as some known delivery spend. There is therefore limited flexibility to respond to new or changing priorities mid-year without accompanying resource.

Like most bodies the Commission faces a challenge in rising costs (including staff and Commissioner costs, operating and service procurement costs), and the need to be sufficiently flexible to adapt in an uncertain policy and financial environment with one-year budget settlements.

Our medium-term financial strategy identifies the following levers to manage this:

- Staff turnover – reviewing deployment of posts as vacancies arise.
- Efficiency savings – seeking savings through shared services and as contracts are reviewed;
- Partnership & collaboration – seeking greater value through joint working with others where appropriate.

We will continue to make full use of these levers through the year in order to seek savings and provide some flexibility. Compared to 2024/25 we have reduced our corporate operating costs through efficiency savings in core services such as IT and licence costs.

## **2.3 Staffing**

As an advisory body staffing is our most significant resource and spend. Our planned staffing for 2025/26 is as follows:

- Total FTE: 17.6 (April 24: 17.3)
- Total headcount: 18 (April 24: 18)

- Of which 15 posts on permanent contracts, 3 posts on fixed term contracts, one with external funding.

These figures include the Corporate Services Assistant post currently vacant, for which we are seeking to recruit a Modern Apprentice. Although our overall FTE remains largely the same there are some changes in our staffing. Within the current financial year one fixed term post has ended early and has not been replaced, providing a small saving in staff costs going into the new financial year. One new fixed term post started in February 2025 and is substantially funded through external project funds.

## 2.4 Annual budget

Annex B provides the draft budget for approval.

Against a total budget of £1.68M our breakdown of planned spend is as follows:

Expenditure	25/26	% of 25/26 budget	24/25
Staffing and Commissioners	1,317	78%	1,218
Corporate & Organisational Development	231	14%	248
Communications and Events	62	3.8%	62
Programme and Project	70	4.2%	86
<b>TOTAL EXPENDITURE</b>	<b>1,680</b>		<b>1,619</b>

Please note that in addition to the £1.68M grant-in-aid, we have agreed with sponsor team the allocation of £40,000 from the tax-payers equity retained from prior years to meet the one-off costs associated with renewal of our website in order to improve accessibility and functionality.

Staffing costs account for 73% of our total 25/26 budget, a small percentage reduction from 75% in 24/25 and Commissioner costs remain at 5%.

The projected staffing costs take account of increased National Insurance contributions and make an assumption of agreeing a pay award in line with public sector pay policy. If that changes in-year or the award agreed is different that will require adjustments within the budget.

## Summary

The Business Plan sets out a clear focus for our work to deliver on agreed priorities, including sufficient staff flexibility to respond to and advise on the land reform bill. The associated budget is targeted to delivering these priorities and although it provides some limited flexibility in-year, significant changes would require additional resource to be secured.

**Recommendation: The board is asked to agree the 2025/26 business plan and budget**

***Hamish Trench***

***Chief Executive***



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**Commissioners' Meeting 4<sup>th</sup> March 2025**

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**PAPER 3**

**Good Practice Protocols Update**

<b>Purpose:</b>	To consider the process for updating the Good Practice protocols
<b>Previous board papers:</b>	Good Practice Programme Refresh and Focus, December 2024
<b>Action required:</b>	For discussion and agreement

## **1. Background**

Our nine Land Rights and Responsibilities protocols were published between 2019 and 2022, and set out reasonable expectations for land owners, land managers and communities to implement the Land Rights and Responsibilities Statement (LRRS). The LRRS was published in 2017 and updated by Scottish Government in 2022. We intend to review and update the protocols to ensure that they remain aligned with the LRRS, continue to reflect the messages that we share with stakeholders on the LRRS principles, that they are practicable and action-focussed, and that they are easy to use and understand.

We propose restructuring and rebranding the protocols to make them clearer and easier to use, and to bring them in line with more recent design changes across the Commission. We intend for the protocols to be online documents but will keep in mind that we may occasionally print them to take to events.

This review is taking place while the Land Reform Bill progresses through the Scottish Parliament, so we are aware of the need to be mindful of how the review is carried out and any perceived connection to the Bill and the measures it proposes. For this reason, we propose to carry out a relatively light-touch update.

## **2. Process**

As we are proposing a light-touch update and will be basing our work on existing materials which were signed off by stakeholders and Commissioners for initial publication, we propose following the process as outlined below.

### **Internal review and redraft of protocols**

We will review the expectations set out in the protocols, drawing on our experience of delivering the Good Practice Programme over the last five years to assess whether changes are required. We will update and amend the expectations to fully reflect the messages that we share with stakeholders, the advice we give, and the updated context around land reform, and the updated LRRS.

We intend to reformat the protocols to make expectations clearer and to make them easier to follow and will consider how design can be used to support this.

We have considered the order of the work and the priorities we have for each protocol, and this is set out in the next section of this paper.

### **Stakeholder engagement**

The members of the Good Practice Advisory Group (GPAG) are the key stakeholders for the update of the protocols and will review and provide feedback on the redrafted documents. It is important to ensure we retain stakeholder buy-in to the expectations we set out and that GPAG members feel able to support and take responsibility for promoting good practice within their own networks.

We propose that as the GPAG chair, Deb will act as a key contact for members with the Commissioners and take a lead role in championing the protocol updates. She would ensure that discussions with members and at our GPAG meetings are useful in shaping the refreshed protocols, and that Commissioners are kept up to date on progress of the work.

### **Refine and design of protocols**

We will collate and consider feedback on the content and layout from all stakeholders and update the drafts to reflect this.

Our Communications team will oversee the redesign work to be carried out by our designer. It is likely that we will move away from the current graphics and branding for the protocols, bringing the protocols in line with more recent Commission publications.

### **Reporting**

We intend to report to Commissioners at their July meeting on the key changes to be made to protocols, feedback from stakeholders, and plans for publication and promotion.

### **Publish protocols**

The updated protocols, along with associated templates and guidance documents, will be published on our website. This will be planned alongside the website redevelopment project, which is being led by our Comms team. We will work with Comms on the messaging and promotion of the updated protocols, being mindful of context at the time of publication. We will not conduct any significant publicity for the refresh of the protocols as this is intended to be a light-touch process.

### **3. Priorities and key changes**

The Good Practice team has discussed our experiences of working with the protocols and how often we refer to or use each in our work. We have considered how up to date we feel the protocols are and whether the expectations set out in each align with our current messaging and our work with stakeholders.

We will begin by updating the protocols on community engagement and transparency, as these provide the foundation for the rest of our protocols. We will then review the protocols in pairs and consider updates and rationalisation of existing supporting guidance and documentation alongside these. Through our discussions we have identified anticipated key changes as follows:

#### *Good Stewardship and Natural Capital and Responsible Carbon Management*

We are aware that there may be some overlap in content in these protocols so they will be considered together. There is a need to review the expectations we have set out and structure them across protocols appropriately. The topics covered in the Good Stewardship Protocol are very wide-ranging and we will consider whether it would be beneficial to create an additional protocol to ensure that all subjects are covered clearly and with a focus on actions that can be taken.

#### *Land Ownership by Charities and Land Ownership by Private Trusts*

These protocols are accessed and referred to less than the other protocols. They were written at a time when there was a keen interest in how land ownership by trusts and charities might impact community access to land. They were written for specific audiences and the expectations set out in these are largely reflected in our other protocols. Taking these factors into account, we will consider with stakeholders whether we should turn these documents into guidance, rather than updating them as protocols.

#### *Crofting*

We have been approached by the Crofting Commission who would like to work with us to publish a protocol for crofting landlords. We will work with the Commission to publish a suitable document and will consider whether the content is best suited to a

protocol or guidance (which could be part of a suite along with the guidance for trusts and charities).

#### **4. Timeframe**

We will prepare the initial drafts of the updated protocols in March and April.

We will carry out stakeholder engagement on the updated content and format of the protocols between March and July.

We will bring a paper to Commissioners outlining the key changes to be made and the feedback from stakeholders in June or July.

We will publish the refreshed protocols in September 2025.

#### **5. Recommendation**

The board is asked to approve the approach set out in the paper.

**Gemma Campbell, Land Rights and Responsibilities Manager**

**February 2025**





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**Commissioners Meeting  
4<sup>th</sup> March 2025**

**An Lochran, Inverness**

**PAPER**

**‘Land Reformed Scotland’ Project**

<b>Purpose:</b>	To agree the strategic positioning and approach to delivering the ‘Land Reformed Scotland’ project in 2025/26
<b>Business Plan context:</b>	New Business Plan
<b>Previous board papers:</b>	4 <sup>th</sup> February 2025, Paper: Programme of Work
<b>Action required:</b>	For agreement

**1. Background**

In discussing the Programme of Work the board has identified the strategic opportunity in the coming year to engage on envisioning a completion to Scotland’s current land reform journey in order to inform a policy agenda in the next parliament and beyond.

This paper asks the board to agree the strategic positioning and approach for this work, so that staff are able to develop the delivery plans and put in place arrangements for the first phase.

The draft Business Plan for 25/26 includes this as a distinct project and makes provision for staff capacity, board engagement and associated financial resource to deliver.

**Purpose**

The proposed purpose is to refocus land reform debate on envisioning a completion of Scotland’s current land reform journey and the steps needed to achieve this.

**2. Rationale**

The rationale for taking this approach draws on the following observations:

- From a parliamentary perspective, land reform has been a consistent policy goal for 25 years but remains unfinished and uncertain;
- From the perspective of those campaigning for land reform, there is frustration the legislative steps taken do not yet add up to the big picture change desired;
- From the perspective of many land owners there is frustration that an assumption of continued legislative change without a clear outcome in focus creates uncertainty and can hamper delivery or investment;

- From a Land Commission perspective, we have made a wide range of recommendations for change on individual topics – bringing them together into a ‘big picture’ policy agenda may improve engagement and impact;

### **3. Desired outcome**

We propose the desired outcome of this project is two-fold:

- A reinvigorated debate that looks beyond individual pieces of legislation to a long-term big picture outcome;
- A policy agenda that offers a credible route map and increased certainty of direction.

The wider political context is one in which all parties and stakeholders will be looking ahead to the agenda for the next parliament.

### **4. Opportunities and Risks**

The board is asked to consider the opportunities and risks involved and how these are managed.

Potential opportunities include:

- Opportunity to build refreshed momentum and engagement;
- Opportunity to draw out where there is a reasonable level of consensus on changes needed and where views diverge;
- Value in offering more certainty in direction of travel, even where full consensus not possible.

Realising these opportunities will require engagement with a wide range of perspectives and a willingness to open up space for different and potentially divergent views.

Potential risks include:

- Risk of raising expectations that cannot be met in full;
- Risk of embracing too wide an agenda to which the Commission cannot do justice;
- Risk that people feel unable or unwilling to engage in big picture thinking at this time.

Addressing these risks will need a communications plan that provides clear framing for the engagement and clarity about how people can engage and how we will use their contributions. It will also need a recognition that the Commission’s resulting advice will seek to draw on but not depend on consensus. It will need practical resourcing in order to be able to share and make use of the contributions we receive and proactive communications through both Commissioners and staff.

### **5. Strategic positioning:**

In taking this approach we are seeking to position the Commission in a leadership space that will:

- Convene different perspectives by asking a bold question that looks beyond current delivery;
- Open up discussion first, using the resulting information together with our experience and existing body of work to offer a credible vision and route map.

## **6. Key elements of delivery**

### **Phase 1: opening up the question (April – September)**

- Hold initial stakeholder roundtable to introduce the project, stimulate different perspectives and seek support to engage stakeholder networks (planned for 8<sup>th</sup> May);
- Invite short written perspectives from a range of 20-30 individuals, to be collated in a Phase 1 output that will help stimulate discussion;
- Offer an open invitation to contribute a short response based on simple prompt questions (to be available on our website and to be promoted via events and engagement);
- Collate a Phase 1 output that shows the breadth of contributions and draws out key themes of consensus or divergence.

### **Phase 2: shaping the policy agenda (September -January)**

- Use the phase 1 output to identify key themes for proposed policy agenda;
- Invite influencer voices to reflect on the Phase 1 output;
- Use existing/planned SLC policy work and targeted engagement to develop proposed policy agenda.

### **Conclusion: (February – March)**

- Publish a policy advice document that demonstrates where there is consensus or divergence, crystallises the envisioned outcome of the current land reform journey and sets out a credible policy route map.

## **7. Recommendation: the Board is asked to:**

- a) Agree the purpose and desired outcome;**
- b) Consider the opportunities and risks;**
- c) Agree the key elements proposed for delivery phases.**

## **8. Next steps**

Based on agreement of this strategic positioning and approach, staff will make arrangements to begin phase 1 in late April/early May and put in place a communications plan.

***Hamish Trench***

***Chief Executive***