

# CROFTING COMMISSION

## MINUTE OF THE COMMISSION MEETING HELD ON 6 FEBRUARY 2024, ST KILDA, GREAT GLEN HOUSE

Present:	Malcolm Mathieson	Convener
	Andrew Thin	Commissioner (until 12pm)
	Mairi Renwick Mackenzie	Commissioner
	Duncan Gray	Commissioner
	Iain Maciver	Commissioner
	Duncan Macaulay	Commissioner (via Teams)
	Colin Kennedy	Commissioner
	Rod Mackenzie	Commissioner
	Gary Campbell	Chief Executive
	Aaron Ramsay	Director of Operations
	David Findlay	Commission Solicitor
	Jane Thomas	Director of Corporate Services & minute-taker
	Observers	Members of staff, CCAR's and public via Teams

### 1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English. Apologies were received from Commissioner MacDonald. Commissioner Thin explained that he would need to leave the meeting at 12pm.

### 2 DECLARATION OF INTERESTS

No interests were declared.

### 3 BOARD MINUTES FROM 6 DECEMBER 2023

The Minute was approved, being proposed by Commissioner Rod Mackenzie, and seconded by Commissioner Thin.

### 4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING

The CEO drew attention to Action Point 17 regarding a paper on remote and hybrid working. He explained that it might not be possible to bring the paper to the March Board meeting but that, if this were the case, it would be delivered at a subsequent meeting.

The Action Point relating to the establishment of a steering group to oversee work on the Future of Crofting was considered. There had been a discussion on this point at the Board meeting of 23 January 2024 and a concern raised that care should be taken to ensure a steering group did not become a 'shadow' Board.

There was agreement that all relevant stakeholders, including CCAR's, should be involved in the Future of Crofting work at the appropriate time. The CEO confirmed that local informal meetings are planned with CCAR's and that they will be involved in discussions on the project.

<b>Action Point 1</b>	Make sure we engage with CCAR's on 'The Future of Crofting.'
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## **5 MATTERS ARISING FROM PREVIOUS MINUTES**

There were no Matters Arising from the previous Minute.

## **6 AUDIT & FINANCE COMMITTEE REPORT**

### **(a) Update from Vice Chair of Committee**

The Vice Chair provided the Board with an update on what had been a positive committee meeting, wishing to note the high level of assurance given to the Commission by Internal Audit relating to the work of the Finance team. Thanks were given to the team for the exceptionally high quality of their work.

The Vice Chair made two recommendations to the Board arising from the meeting, emphasising the need for SMART targets to be attached to the Business Plan and highlighting the need for a third line of assurance on cyber security. In response to a question on whether the Board's views on risk appetite are being applied, the Vice Chair said that this was something the committee would keep on top of.

### **(b) Draft Minutes from 24 January 2024**

The draft Minute was noted.

## **7 Q3 PERFORMANCE REPORT**

The CEO introduced the report, providing an update on item 1.4 on Customer Satisfaction rates, which has a Red RAG status. He was happy to report positive movement on this performance measure, following an initiative to use the annual Crofting Census mailout as a means of contacting customers for feedback. With several weeks still to run, the Commission has already received over one hundred responses, which are currently around 80% positive. More work on this is planned going forward, which will include analysing what customers remain dissatisfied about.

The Board felt this was a positive report. Director of Operations confirmed that the outstanding Milestone 4b on quality assurance is going ahead, after being delayed due to competing priorities. The CEO reflected that it was disappointing to see a reduction in staff engagement (4.1) in the 2023 staff survey and that the Executive Team, in conjunction with the Staff Engagement Group, would be looking at the results in detail, to plan improvements. Board members were keen to do what they could to help.

## **8 Q3 STRATEGIC RISK REGISTER**

The Board noted the updated Strategic Risk Register and wished to discharge the risk added in the last quarter, relating to the introduction of the new CEO. No increasing risks were recorded but the Board felt caution could be applied to the decreasing risks at S4 and S9.

## **9 DRAFT BUSINESS PLAN 2024-2025**

The CEO invited the Board to comment on the draft plan, as it begins to take shape, explaining that the draft has been considered by the AFC and will return as a final document to the Board meeting in March for approval. He explained that it is in a similar format to previous years and that he hoped the Board would point out anything they feel needs to be added. The Convener confirmed that further discussions could be arranged

before the plan is signed off and that the draft will go to Sponsor Division for comment before returning to the March Board. Board members were pleased with the CEO's timeframe.

There was agreement that the amount of narrative in the plan should be limited and that targets must be capable of being monitored, with a call for SMART KPIs.

There was a discussion on the desire to move away from the focus on a 'backlog' and towards the more useful measure of average turnaround times. Director of Operations flagged up a tension between this desire and the format used in the Business Plan, which follows that set out in the Corporate Plan (and therefore does not use turnaround times as a measure).

While acknowledging the need to move towards turnaround times as the primary focus, the Convener cautioned that the plan needs to be consistent, to show trends. The CEO agreed to discuss this issue with Sponsor Division so that the organisation can move towards a position of greater understanding of what actually constitutes a backlog of cases. The Board agreed that we need to move away from a situation where every open case is counted in a 'backlog.'

It was agreed that some publicity would be positive on the plan, with outward communication planned to coincide with its approval in March.

<b>Action Point 2</b>	Outward communication to be planned to coincide with approval of the Business Plan in March.
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## 10 REGULATORY CASEWORK UPDATE

The Director of Operations introduced the paper. In response to a question on the length of time between the receipt of an application and its being declared invalid, the Convener requested an Action Point, to clarify the point, rather than have it debated at the Board meeting, as the information alluded to was not contained in the Board paper.

Director of Operations confirmed that he would provide a timespan report.

There was a discussion on the recent change agreed by the Board, relating to the 28-day period for returning incomplete applications and whether this had been communicated to crofters and agents. The CEO confirmed that the change has been communicated in a variety of ways and is currently being repeated.

Commissioners were encouraged by the report and wanted to thank the key staff involved. The CEO reiterated that the new procedure is being rigorously enforced, with incomplete cases being closed, linking this to the Board's risk appetite.

<b>Action Point 3</b>	Produce a timespan report to clarify- how long cases judged to be invalid have been with the Commission.
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## 11 SCHEME OF DELEGATION: REVIEW OF DELEGATION PARAMETERS RELATING TO THE DECROFTING PART CROFT REGULATORY FUNCTION

The paper had been brought to the Board to ensure clarity on the parameters in question and to ensure the Board is content for more decisions to be taken at Tier 1 under the Scheme of Delegation.

There was agreement that staff must be empowered to take appropriate decisions and not only those in senior positions. Approval of the recommendation represents quite a change, and it was agreed that it makes sense to review the impact of the change in six months' time.

<b>Decision</b>	<b><i>The Board approved the recommended change to the Scheme of Delegation parameters as set out in the paper.</i></b>
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<b>Action Point 4</b>	Review approved change to Scheme of Delegation in relation to decrofting in six months' time.
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## 12 TIER 3 – WHEN IS A DECISION A DECISION?

The paper proposed that decisions made by the Commission can be made when grounds and reasons are sufficient and agreed, recommending that processes are amended to enable decisions to be taken in most cases at a scheduled meeting.

The CEO gave his interpretation of what presently happens when a case goes to a Tier 3 meeting, focusing on the order in which things happen and the way the decision is intimated. Logically, he would expect the decision to come at the end of the process, but this is not the case. The intimation of the decision in written form could come several weeks or months after the relevant meeting.

In future, it is proposed that cases will go to Tier 3 in the following situations:

- i) Where the Scheme of Delegation stipulates this.
- ii) Where there appears to be a possible conflict of interest for staff.
- iii) Where, looking at and weighing the competing options, staff, including the Executive Team cannot come to a decision.
- iv) Where there are two or more valid outcomes.

The CEO explained that the cases would go to Tier 3 with grounds prepared and options set out, to enable the decision-makers to fully discuss the options. It was agreed that this will take time to bed in and that training for Commissioners would be helpful. There was broad support for the change but also recognition that it represents a shift that is not risk free and should therefore be reviewed, so that the consequences can be considered.

The recommendation was approved.

<b>Decision</b>	<b><i>The Board approved the recommendation that Tier 3 officials provide a set of recommendations, including a list of material issues and draft grounds in advance of meetings, in order that a Decision can be made at the Tier 3 meeting.</i></b>
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<b>Action Point 5</b>	Board members to receive training on changes to Tier 3 decision-making process.
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<b>Action Point 6</b>	Carry out a Review of new Tier 3 procedure.
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## 13 DATE OF NEXT MEETING

The next meeting will be held on 20 March 2024 in St Kilda, Great Glen House.

**14 ANY URGENT BUSINESS**

No urgent business had been communicated to the Convener or CEO.

**15 EXCLUSION OF THE PRESS AND PUBLIC**

The Convener thanked everyone for their contribution and closed the meeting at 13:45.