

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 22 JUNE 2016

Present:	Colin Kennedy	Convener
	IG Macdonald	Vice Convener
	David Campbell	Commissioner
	Marina Dennis	Commissioner
	Kathleen Sinclair	Commissioner
	Murdo MacLennan	Commissioner
	Catriona Maclean	Chief Executive
	Donna Smith	Head of Information Systems
	David Findlay	Commission Solicitor
	Joseph Kerr	Head of Regulation
	John Toal	Head of Policy
	Posy MacRae	Communications Manager
	Jane Thomas	Head of C&CS/Minute-taker
	Trudi Sharp	Sponsor Division
	Lucy Carmichael	Sponsor Division

1 APOLOGIES AND WELCOME

Apologies were received as follows:

Arnie Pirie

The Commission welcomed Ms Sharp and Ms Carmichael to the meeting and thanked them for their attendance.

2 DECLARATION OF INTERESTS

There were no interests to declare in the public part of the meeting.

3 APPROVAL OF DRAFT BOARD MINUTE OF 4 MAY 2016

The Minute of the Meeting of 4 May 2016 was approved subject to the following amendments:

Page	Item	Paragraph	Amended/Additional text should read
1	Attendees		Insert space between officers and BBC Alba
1	2	Last sentence	Add "without Commissioner MacLennan" to end of sentence.
2	4	Last sentence	Add 'Communications Manager' after 'Mrs MacRae'.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 4 May 2016 were reviewed:

- Chief Executive confirmed that we await word from Registers of Scotland on availability of resources for continuation of Grazings Registration work. As far as a handling strategy is concerned, Ms Carmichael offered the help of Sponsor Division in the wording of final letters
- Chief Executive confirmed a letter has been drafted but not yet sent to Scottish Government on continuing concerns regarding late farm payments. Ms Sharp confirmed this issue was a top priority for the department and that she would make sure the communications material being issued regularly by RPID is forwarded to the Commission. The concerns of the Commission, particularly on how delays were affecting young people, would be taken back to Sponsor Division.

5 ADVANCED PAPERS FOR APPROVAL

(a) Apportionment

Commissioners discussed and confirmed approval of the paper previously circulated by e-mail. They were pleased that it articulated the commitment to support communal working.

The Chief Executive confirmed there is a right to apply for an apportionment order but no automatic right of approval, as the merits of the case need to be examined and balanced.

The Commission discussed reasons for the prevalence of communal working in some areas rather than others, suggesting that recognition of such differences was perhaps an issue for future legislation.

Decision	The Commission agreed to give further consideration to its apportionment procedure, with reference to the implementation of the apportionment order issuing at point of decision and effected at registration and any other amendments considered appropriate.
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(b) Re-letting

Head of Regulation explained that a working group had been set up to consider this issue. From a policy perspective, the only deviation from the general policy to favour those without a croft is in cases of deemed crofts with a grazings share. This would be in order to associate the share with the croft.

The Commission approved the paper.

Decision	The Commission approved a revised process of letting vacant and owner-occupied crofts based on the recommendations in the paper.
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(c) Succession

Commission solicitor provided the background to the paper and explained how proposed changes to the law may affect crofters. It is possible for the Commission to make a submission to the Civil Law Reform Unit in early July. Ms Sharp reflected that the agricultural sector generally was under-represented in the consultation, so a submission by the Commission would be a positive move, especially focused on distinguishing the differences between crofting and 'normal' succession.

Decision	Commission agreed that the Commission solicitor draft a submission to the consultation, for circulation to Commissioners by early July and that the Civil Law Reform Unit should be invited to a future Board meeting to allow these matters to be discussed.
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6 UPDATE ON GRAZINGS REGISTRATION

This issue was brought to the public meeting of the Board after previous discussion in May. Head of Information Systems sought to confirm whether the Commission wished to agree Option 1 of the paper and cease all pro-active work on the registration of grazings, due to lack of resources.

After discussion, it was agreed that, in cases where registration is sought and the process is almost complete, the Commission will continue to the conclusion of the process and that, in order to do so, the Chief Executive, as Accountable Officer, will draft a paper for the Audit & Finance Committee, as budgets will have to be adjusted accordingly. She confirmed that this is un-budgeted expenditure and Head of Information Systems confirmed there are over 100 cases that may fall into the category agreed above.

Ms Carmichael reflected this had been a learning exercise for Scottish Government, given the original target of 100% registration. Chief Executive confirmed it had always been a concern to the Commission (including the previous Commission) that the new duties imposed by the 2010 Act could not be delivered on a cost-neutral basis. All agreed the objective is to assist grazings and Ms Sharp undertook to work with the Chief Executive on what is deliverable.

Decision	Commission agreed to continue to process Grazing Registrations which are almost complete and seek budget adjustments via a paper to the Audit & Finance Committee.
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7 SHORT TERM WORKING GROUPS

Head of Regulation reported that there are currently two groups (one reviewing application forms and the other looking at the apportionment process) but neither had met recently because the work agreed by the groups was being progressed by officers.

8 EVENTS PLANNED OR ATTENDED

Vice Convener Macdonald had attended four tele-conference meetings in all but had not been able to attend a meeting with the Soil Association as planned.

Commissioner Dennis had attended three tele-conferences, a meeting in Lewis in May and at the end of June would attend a meeting of the Woodland Croft group in Inverness, as an observer.

Commissioner Sinclair attended one tele-conference and a show meeting, and had been busy with croft business in Shetland.

Commissioner MacLennan attended various tele-conferences, a special meeting of the Board, a Hearing in Tiree, a JCC special meeting with the Chief Executive, a meeting with Point/Sandwick Power on turbines on common grazings and the Pairc Community Buy-Out opening event. He would be attending the cross-party group next week in Edinburgh.

Commissioner Campbell had attended various Commission meetings, the Hearing on Tiree, a meeting in Lewis, the Scottish Land and Estates conference in Edinburgh and planned work with the Assynt Foundation, in the course of which he may declare an interest if this becomes necessary.

Convener Kennedy had been to Lewis twice and to Tiree on Commission business and also had meetings with Scottish Government, four tele-conferences and Commission meetings in Inverness, with the cross-party group meeting in Edinburgh to come shortly.

9 COMPLAINTS AUDIT REPORT

Head of Corporate & Customer Services explained that as part of the Commission's obligations under the Public Services Reform Act, the organisation must have a procedure in place for dealing with complaints from members of the public. This procedure had recently been subject to a week-long audit by Scott-Moncrieff. The resulting report showed the Commission has robust controls in place, only highlighting minor housekeeping issues, which have now been actioned.

Commissioners thanked all concerned for the progress made in this area and were pleased that the procedure has received such a positive report.

10 DATE OF NEXT MEETING

The next meeting of the Commission will be 17 August 2016 in Great Glen House. At this meeting Commissioners will be asked to sign off the Annual Report and Accounts. Head of Corporate & Customer Services confirmed a draft would be sent to Sponsor Division and Commissioners shortly.

11 AOB



Due to the resignation of William Swann, Vice Convener Macdonald formally proposed Commissioner MacLennan as Chair of the Audit & Finance Committee. This was seconded by Commissioner Dennis. Chief Executive confirmed she would write a letter of thanks to Mr Swann on behalf of the Commission, thanking him especially for the valuable contribution he made to the work of the Audit & Finance Committee.

Decision	Commissioner MacLennan was appointed Chair of Audit & Finance Committee.
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12 STANDING ORDERS

Head of Policy explained this was a late paper drawn up because it had become apparent that two amendments are required to bring the Standing Orders up-to-date.

Point 13 referring to the holding of meetings needed to include reference to meetings held by video and tele-conference. It was agreed to amend Standing Orders to clarify that properly constituted meetings of the Commission can include those by video and tele-conference. The additional amendment at Point 16 was also approved.

Decision	Commission approved amendment of Standing Orders to show that properly constituted meetings of the Commission can include those conducted by video and tele-conference methods and that discussion can be by e-mail.
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13 EXCLUSION OF PRESS AND PUBLIC

14 URGENT BUSINESS UPDATE

APPROVAL OF DRAFT MINUTE OF SPECIAL MEETING 9 MAY AND 7 JUNE 2016

Commissioners approved the draft Minute of 9 May 2016, subject to an amendment on page 2 in the Decision Box, [REDACTED]

Commissioners approved the draft Minute of 7 June 2016, subject to an amendment on page 5, [REDACTED]

[REDACTED] Commissioners also wished to see a Post-Meeting note added to page 4, [REDACTED]

The Convener closed the meeting at 12:30pm, thanking all for their contributions and efforts.