

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE AT 10:30 ON 1 NOVEMBER 2017

Present:	Cyril Annal	Commissioner
	Andy Holt	Commissioner
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	James Scott	Commissioner
	David Campbell	Commissioner
	Rod Mackenzie	Commissioner
	Iain Maciver	Commissioner
	Bill Barron	Chief Executive
	Donna Smith	Deputy CEO
	David Findlay	Commission solicitor
	John Toal	Head of Policy
	Joseph Kerr	Head of Regulation
	Jane Thomas	Head of C&CS, Minute-taker

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the Board meeting in Gaelic, followed by a welcome in English. Apologies were noted from Commissioner Neilson. Commissioner Annal's flight was slightly delayed. He arrived at 10:50.

2 DECLARATION OF INTERESTS

No-one had any interests to declare in the public part of the meeting.

3 APPROVAL OF DRAFT BOARD MINUTE OF 20 SEPTEMBER 2017

The Minute of the Meeting of 20 September 2017 was approved.

4 MATTERS ARISING FROM PREVIOUS MEETING

Assessor Network

Deputy Chief Executive provided an update on work completed on the Assessor Network since the Board meeting in September, explaining that Roadshows have been organised for all areas except the Western Isles, as Commissioner Maciver wished to discuss these at today's meeting.

Packs for the Roadshows were available for Commissioners and Deputy Chief Executive went over the arrangements for the meetings with current Assessors in local areas, which will be followed by a public meeting, led by a Commissioner.

Commissioner Maciver felt at least 2 meetings are necessary in the Western Isles and that, to maximise value, it may be possible to hold a daytime meeting, as well as an evening one. Commissioner Neilson had indicated that he could join Commissioner Maciver for a meeting in Uist and Commissioners Campbell and Mairi Mackenzie could attend a meeting in Stornoway if the date was suitable. It was agreed that Commissioner Maciver would liaise with Deputy Chief Executive as soon as possible to establish dates for the meetings and that these would be held in the second half of November – early December.

Equality & Diversity

The Convener updated Commissioners on plans in place on diversity, with a workshop arranged for 16 November and a meeting arranged with Joyce Campbell of the 'Women in Agriculture' network.

Meeting arrangements

Commissioner Holt asked that care is taken, when arranging meetings such as the external Board meeting, not to clash with other events going on in the locality.

5 ADVANCED PAPERS FOR APPROVAL

(a) Environmental Obligations

Commission solicitor explained that the paper had previously been circulated to the Board and came to the meeting today for ratification. The only comments received by e-mail had been from Commissioner Neilson, who had concerns about the generalised comment of Counsel, noted on page 27 of the Board papers, regarding overgrazing by sheep. Commissioner Maciver noted that undergrazing could also be problematic.

Commissioners discussed the kind of circumstances in which consultation on designated sites with SNH may be required, and noted that an RPID report on land use may be sought to aid the Commission, when dealing with regulatory applications and that the applicant would also be required to provide a copy of any Management Agreement with the relevant public body. Commissioner Neilson's point was taken note of and the paper approved.

Decision	The Commission will adopt necessary procedures in order to comply with environmental law and seek advice from Scottish Ministers on issues raised in the paper and take forward specific proposals as per Annex A.
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6 AUDIT & FINANCE COMMITTEE REPORT

(a) Update from Malcolm Mathieson

Commissioner Mathieson explained that the committee had considered various processes and procedures at the meeting on 9 August. He commended the quality of the papers and commented on the Self-Assessment Questionnaire, which the committee had asked to see in revised form, to ensure it was directly relevant for the organisation. A revised version had now been provided. He further explained that the committee discussed risks relating to the Commission's IT system and the need to test back-up procedures. It was felt that the organisation needs to re-visit the Disaster Recovery Plan for IT systems, with the development of CIS and officers will bring this to the next meeting of the committee for discussion.

Commissioner Mathieson was pleased to report that financial commitments are running in line with the budget.

(b) Draft Minutes from 9 August 2017

The draft Minutes were noted and approved.

(c) Risk Register

The Risk Register had been considered by the committee after updates undertaken by the SMT. The Convener confirmed that a training session has been arranged for the Board in February to help the Commission agree its Risk Appetite.

Committee members highlighted the need to ensure all members of the Board have a good understanding of the role of the Audit & Finance committee and it was agreed that the AFC Board paper would be revised to include a Standing Note, with an explanation of the committee's role and responsibilities. In addition, a rota is being drawn up to provide all non-members with an opportunity to attend a committee meeting as observers.

(d) Key Performance Indicators

No comments were made on the KPI report.

(e) Complaints handling report

Head of Corporate & Customer Services explained that there had been a number of Stage 2 Complaints which had come in right at the end of the quarter. She confirmed all live cases had now been dealt with and closed. In order to provide more meaningful information to the committee, on from there to the full Board, a 'Lessons Learnt' table will be added to the Complaints information provided from January.

(f) Updates to Policies requiring Board approval

The Commission approved the updates to the policies on the committee Terms of Reference and the Commission Anti-Fraud policy.

7 CONSULTATION RESPONSE

Chief Executive introduced the discussion paper, explaining that a Workshop led by Sponsor Division would take place after the meeting to augment the discussion. The consultation was an opportunity to put the views of the Commission across Scottish Government and also to the public. Following today's discussions, a revised paper will be circulated next week, with a final draft ready by 16 November.

Commissioner Annal hoped that the paper could address the distinct differences between crofting in the Northern Isles and Caithness and crofting practices elsewhere.

There was a discussion on this and how decrofting under the present legislative framework raises challenges for the Commission in fulfilling its purpose to protect croft land, particularly on non-reasonable purpose croft decroftings.

Commissioners also considered the relative priorities of duties work, contrasting the impact of absenteeism, neglect and misuse and the challenges of working with a clean slate as opposed to revising legislation. It was agreed that using GAEC as the measure for an assessment of neglect does not really work in a crofting context. It was agreed that different issues are likely to have a greater impact in different areas and that this is also seen in the way grazings are being used.

Chief Executive hoped that the new Act could be used to clarify what Grazings Committees can and cannot do, as the present legislation has not kept pace with changes on the ground. Commissioners agreed this is a very complex area and wished to see the Commission resourced to act as facilitators to assist grazings committees, as well as playing a regulatory role.

8 DATE OF NEXT MEETING

13 December in Great Glen House.

9 AOB

There was no urgent business.

10 EXCLUSION OF PRESS AND PUBLIC

The Convener thanked everyone for their input and closed the meeting at 13:20.