

# CROFTING COMMISSION

## MINUTE OF THE COMMISSION MEETING HELD AT THE POLOCHAR INN, SOUTH UIST ON 20 SEPTEMBER 2017

Present:	Cyril Annal	Commissioner
	Andy Holt	Commissioner
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	James Scott	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	Rod Mackenzie	Convener
	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, Minute-taker
	Ian Davidson	Sponsor Division
	Gordon Jackson	Sponsor Division
	Donald Lamont	BBC Alba
	Camera	BBC Alba
	One member of the public	

### 1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the Board meeting. Apologies were received from Jane Thomas (Head of Corporate & Customer Services).

Commissioner Annal paid tribute to Matthew Budge, Area Assessor and crofter from Orkney who died recently following a short illness. Matthew was a young man in his early thirties who leaves behind a young family. Matthew made an important contribution to his community and continued to work his croft until his final weeks. Cyril passed a press clipping about Matthew's life around the table.

The Convener advised that Mrs Mackenzie (Media Officer) had written to the family expressing the Commission's condolences.

### 2 DECLARATION OF INTERESTS

Commissioner Campbell declared an interest in Garvary Common Grazings at item 10(a) Appeals to SLC (exclusion of press and public).

David Findlay (Solicitor) declared an interest in Garrynamonie Common Grazings for the same item in the agenda.

### 3 APPROVAL OF DRAFT BOARD MINUTE OF 16 AUGUST 2017

The Minute of the Meeting of 16 August 2017 was approved. This would now be checked and made ready for display on the Commission's website.

### 4 MATTERS ARISING FROM PREVIOUS MEETING

The Chief Executive confirmed that the Action Points relating to completing and forwarding the Policy Plan to the Scottish Government, and the publication of the revised Grazing Regulations Template had been discharged.

### 5 ADVANCED PAPERS FOR APPROVAL

#### (a) Next tranche of DDM parameters

The paper was agreed.

#### (b) Commenting on Resumption Orders

The Head of Regulation clarified that there is no requirement for the SLC to agree the protocol adopted by the Commission for objecting to resumption applications. The Commission has a statutory entitlement to oppose or support an application under section 20(1A) of the Crofters (Scotland) Act 1993 ("the 1993 Act"). However, he considered that it may be worth having a discussion with the SLC, about them taking a flexible approach, in terms of allowing extensions in timescales to enable the Commission sufficient time to obtain and consider information from SGRPID, in determining whether to submit a response to the application.

The Head of Regulation further clarified that it is only the landlord of a tenanted croft, or the landlord of a common grazings, who can submit applications to the SLC to remove croft or common grazing land from crofting tenure by means of a resumption under section 20(1) of the 1993 Act.

Landlords of vacant crofts under section 24(3), tenants in advance of purchase under sections 24(3) and 25(4) and owner-occupier crofters under section 24A (all the 1993 Act) submit applications directly to the Crofting Commission to remove croft land from crofting tenure by the decrofting route.

It was agreed that the Board paper would be amended to include reference to "appropriate substitutes" in relation to the Commissioners delegated to assist the Chief Executive in determining whether to respond to resumption applications. Subject to that amendment, the paper was agreed.

<b>Decision</b>	<b>Approve paper with addition as noted above.</b>
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### 6 EQUALITIES AND DIVERSITY PLAN

The Deputy CEO introduced this paper by explaining that the Best Value audit recommended that, as the Crofting Commission was now a Non-Departmental Public Body, that we should have our own Equalities and Diversity Plan, rather than using the Scottish Government Plan. She advised that in drawing up the Commission's own plan, we had used the SG Plan as the bench mark, while adapting it to suit the particular circumstances of the Commission.

Commissioner Scott requested that there should be reference to interacting with the trade unions, and it was agreed that this would be taken forward.

It was also agreed at the suggestion of Commissioner Scott that the plan would incorporate a review deadline within the document.

The Plan was accepted subject to these changes. The Deputy CEO would e-mail the revised Plan with the agreed changes.

Commissioner Holt raised the issue of 50:50 by 2020 in relation to the Cabinet Secretary's decision to select three males as appointed Commissioners, and suggested that the Cabinet Secretary should have led from the top.

Commissioner Holt also noted that there had been only 1 or 2 female crofters at the public meeting the previous day.

There then followed a general discussion on encouraging more women to apply for the roles of both appointed and elected Commissioners. The suggestion was made that the Commission should contact the "Women in Agriculture" initiative co-chaired by Fergus Ewing and Joyce Campbell.

<b>Decision</b>	<b>Approve Equalities and Diversity Plan subject to additions as noted above.</b>
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## **7 ASSESSORS' NETWORK**

The Deputy CEO introduced the paper and explained that a working group of Commissioners had met in August to discuss Assessors. They discussed the role of Assessors, the number required, the skill set required and the recruitment process.

The importance of the correct skill-set was emphasised, with the view being expressed that it was better to have no Assessor representing an area, rather than have an Assessor who did not have the skills required for the role.

Commissioner Neilson emphasised the importance of communication with and training for those individuals recruited as Assessors.

The Convener advised that the responses to the letter sent out to the current network of Assessors was very positive.

Commissioner Maciver commented on the provision for capacity building and having a network of Assessors supporting Commissioners, valued by the Commission and valued by crofters.

Commissioner Mackenzie commented on the diversity of crofting areas, and the benefit of having a local telephone contact who could advise on issues like whether to object or support resumption applications as discussed earlier.

There then followed a discussion on the advantages and disadvantages of Assessors being area-based, including the potential benefit in being neutral when acting in a mediation role and the benefits of sourcing grass roots local knowledge, while accepting there was also a risk that the Commission could sometimes get information and input which was prejudicial.

There then followed a discussion on the respective merits of getting small groups of Assessors together in meetings led by a Commissioner, or getting the network of Assessors together in a conference setting.

There were a number of suggested changes to the paper which were agreed:

**Page 32:** Assessor Recruitment process: Point 4 reference to “The local Commissioner will then review applications...” should be revised to “The Working Group will then review applications...”

**Page 33:** Role Description: The third paragraph “examples of experience of land based activity” should be reworded to make it more exclusive and reflect equality and diversity.

**Page 41:** Skills and Criteria required: “Internet connectivity/use of e-mail should be classed as “Desirable” rather than “Essential”.

It was agreed that once the above changes were made, the Commission would write to the current panel of Assessors, arrange to meet with Assessors and encourage others to stand.

<b>Decision</b>	<b>Approve Assessors Role Description with changes as noted above.</b> <b>Write to all Assessors and arrange meetings with current and potential new Assessors.</b>
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## **8 DATE OF NEXT MEETING**

The next meeting will be in Great Glen House on 1 November 2017

## **9 ANY URGENT BUSINESS**

Commissioner Mathieson made reference to casework groups of three Commissioners and the importance of cascading the outcome and decisions to the Commissioners not present. As an example, he made reference to a Public Meeting held in Griminish following a decision by a casework group. The issue had been raised at the meeting the night before and he was in the uncomfortable position that he was not aware that the meeting had been held.

It was agreed that the Head of Regulation would arrange for a report of decisions and outcomes reached at Tier 3 Casework Groups to be circulated to the full Board once the decisions had been actioned by officials and intimated to relevant parties.

<b>Decision</b>	<b>The Head of Regulation to arrange reports of decisions of Tier 3 Casework Groups to be circulated to all Commissioners</b>
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## **10 EXCLUSION OF PRESS AND PUBLIC**

The Convener thanked everyone for their contribution and closed the Board Meeting.