

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 29 MARCH 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	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
	Gordon Jackson	Scottish Government
	Public- 6 + press	

1 APOLOGIES AND WELCOME FROM CHIEF EXECUTIVE

There were no apologies.

The Chief Executive welcomed everyone to the first meeting of the full Board, following elections on 17 March 2017. He looked forward to working with all members and getting to know everyone. He explained that this would be a busy period, with learning on both sides and that a programme of support had been put in place to assist Commissioners in their new roles.

The selection of a Convener is being considered by Scottish Ministers so in the meantime, the CEO will act as Chair at Board meetings.

2 DECLARATION OF INTERESTS

The Standards Officer explained that Declaration of Interests appears as a Standing Item at the beginning of all Board meetings and that Commissioners, having considered the Agenda for the meeting and any papers, should state at this point if they are aware they have an interest in any items to be discussed. They should state, "I declare an interest" and provide the Standards Officer with enough information to record the interest in the Minute.

In answer to a statement from a Commissioner, the Standards Officer confirmed that anyone present could declare an interest at any point during the meeting, as soon as they become aware they may have an interest in an issue being discussed. Whether this meant the individual must then leave the room would depend on the circumstances.

Interests in items covered under Exclusion of press and public should be declared when the meeting went into private session.

3 APPROVAL OF DRAFT BOARD MINUTE OF 8 FEBRUARY 2017

Three members of the current Board had attended the meeting on 8 February. The Minute of the Meeting of 8 February 2017 was approved with no amendments.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Chief Executive explained that substantive papers on items 8 and 9 of the Minute would be brought to the Board later this year.

5 ADVANCED PAPERS FOR APPROVAL (a) & (b) Delegated Decision-making

Head of Regulation explained that in certain circumstances issues are discussed in 'Policy in Development' meetings. This allows officers and Commissioners to have a discussion, often on a policy issue and agree a way forward. Any papers arising from such meetings, where the issue has been agreed, will then be e-mailed to Commissioners prior to the next Board meeting and will be formally ratified in public at the Board meeting. This saves Commissioners having to go over issues they have already discussed and reached agreement on.

Head of Regulation explained the content of the papers on Delegated decision-making and confirmed that a substantive paper will be prepared for Commissioners to consider in May, looking at whether the system of delegated decision-making should be taken further.

Commissioners approved the recommendations in paper (a) and (b).

Decision	Commission approved parameters for dealing with applications on section 50B cases and agreed extending the list of functions under delegation.
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6 BUSINESS PLAN

Deputy Chief Executive took Commissioners through the draft Business Plan, explaining that a final version would come to them for the Board meeting in May. In order to review how the KPIs are calculated, feedback from Commissioners was requested on the proposed targets. The KPIs on regulatory casework, for instance, do not necessarily reflect the complexity of the situation, especially where there are delays outside the control of the Commission. In order to make this more visible, a 'stop the clock' feature was mentioned, which could address some of the difficulties associated with first Registration.

The Chief Executive reflected that there are a number of plans for Commissioners to become familiar with, including the Business Plan, which is linked to the Corporate Plan and the Policy Plan, which has a different function. The former two are more closely linked with the daily operational work of staff in the Commission, while the latter will articulate the Commission position as approved by the Board on a number of policy issues.

7 AUDIT & FINANCE COMMITTEE MEMBERSHIP AND MEETING DATES

Deputy Chief Executive explained that this is the only statutory committee of the Commission. It oversees financial performance and information, contact with internal and external auditors, budgets, the organisation's Risk Register and a number of governance functions.

One anomaly of the legislation is that it stipulates the Convener of the Commission must Chair the committee but this goes against good practice guidelines and Scottish Government have approved a situation where the Convener sends a standing apology to committee meetings, thereby delegating the Chair.

Therefore three Commissioners are needed to join the committee and attend the quarterly meetings, which are also attended by representatives from the internal and external auditors and relevant members of staff.

Malcolm Mathieson, David Campbell and Rod Mackenzie were nominated by fellow Commissioners and accepted, with Commissioner Mathieson agreeing to act as Chair. Deputy Chief Executive would liaise with Commissioners and the Finance Manager to agree dates for the quarterly meetings and arrange for the first meeting to be held in April.

Decision	Malcolm Mathieson, Rod Mackenzie and David Campbell agreed to join the Audit & Finance committee, with Mr Mathieson as Chair.
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8 CONFIRM BOARD MEETING DATES

Board meeting dates had been agreed for 2017 by the previous Commissioners but now required to be confirmed to ensure they were suitable for the majority of the new Commissioners.

Commissioner Scott gave his apologies for 4 May, which will be a training day.

The following dates were confirmed:

- 27 April – Induction Training
- 3 May – Board meeting
- 4 May – training
- 21 June – Board Strategy day
- 22 June – training
- 16 August – Board meeting
- 20 September – Strategy day
- 1 November – Board meeting
- 13 December – Strategy.

It was explained that one meeting each year is held outside Inverness and that Commissioners would choose the location for this meeting (which will be held in September) when they meet in May.

The schedule for the first few months includes training to assist Commissioners in their new roles and the whole schedule has been designed to alternate Business meetings with an opportunity to discuss more strategic issues.

9 POLICY PLAN

Head of Policy introduced the paper, explaining that the Board has 6 months to agree a Policy Plan. This must be presented to Scottish Ministers by 18 September 2017.

The General Themes were found on page 27 of the paper and Head of Policy explained that the current version is the third iteration of the plan and that there is an obligation to consult on a new plan with HIE and local authorities where there are crofts.

The Commission agreed that a broader consultation was necessary and that this should be done at the outset, rather than waiting for a draft to be circulated. The timescale was challenging and the Commission wished to see as much engagement as possible with interested groups and individuals. Given the amount of negative press the Commission has suffered over the last year, Commissioners wished to see active positive engagement with crofters and crofting communities.

The Options for producing the plan set out on page 30 were discussed, with the Commission favouring Option 1 and stressing the need to use local media and local networks including the Assessor Network, to encourage engagement on the Plan consultation. It was recognised that the language of the full Plan could be off-putting and that something accessible should be produced. Officers were asked to investigate whether there are any campaigns due to be launched by partner organisations, which the Commission could utilise. It was agreed that there was a need to engage on broad principles but seek out particular issues people may have and also that there is a need to challenge the perception that the Commission is able to act without restriction.

Ultimately, it is for the Commission to take a direction on policy, within the limits imposed by the Act, and this should be reflected in the Plan, with the scope for further individual policies to be adopted in slower time once the Plan has been approved. What legislation will allow and what people want may not always coincide but it was agreed consulting on the Plan would be a useful exercise.

10 CONFIRM GAELIC SPOKESPERSON

The Chief Executive explained that it is a statutory requirement to select a Gaelic Spokesperson for the Commission. Commissioner Maciver agreed to take on this position.

11 DATE OF NEXT MEETING

3 May 2017, Great Glen House

12 AOB

(i) Deputy Chief Executive explained there are a number of stakeholder groups which the Commission is involved with and asked if anyone is interested in attending meetings of any of the following:

- Cross Party Group
- Convention of the Highlands and Islands
- Crofting Stakeholder Group.

Commissioner Neilson currently attends the Cross Party Group and asked if this represents an Interest and whether he could continue to attend. The Commission agreed it was in order for him to continue to attend and this does not represent an interest as the meetings are open to all.

Malcolm Mathieson, Rod Mackenzie and James Scott all expressed an interest in attending the Cross Party Group.

(i) Head of Regulation explained that it was to be expected that crofters and others would bring issues to the attention of Commissioners, especially locally and this was in order. However, Commissioners should not become involved in individual cases as they may end up being involved in the decision on the case and would be potentially compromised by earlier involvement with the applicant or objector.

If Commissioners are contacted or approached about cases or problems a party/parties is/are experiencing, which should be dealt with by officers, the enquirer should be advised to contact the Commission offices or the Commissioner should pass comments on to the CEO.

If people require help to complete submissions to the Commission they should either seek their own advice or seek help from organisations such as the Citizens Advice Bureau.

13 EXCLUSION OF PRESS AND PUBLIC

Chief Executive then closed the meeting, confirming that a press statement would be issued at the end of the Board meeting and that Commissioners would be joined by several of the previous Commissioners for lunch.