

# CROFTING COMMISSION

## MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 9 MAY 2019

|          |                   |                                  |
|----------|-------------------|----------------------------------|
| 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                  |
|          | Heather Mack      | Head of Operations & Workforce   |
|          | David Findlay     | Commission Solicitor             |
|          | John Toal         | Head of Policy                   |
|          | Joseph Kerr       | Head of Regulatory Support       |
|          | Jane Thomas       | Head of Compliance, Minute-taker |
|          | Betty Mackenzie   | Communications Manager           |

Three officers from HIE joined the meeting at 13:00.

### **1 APOLOGIES AND WELCOME**

Everyone was present. The Convener opened the meeting with a welcome in Gaelic and English and especially welcomed Heather Mack to her first meeting as the new Head of Operations & Workforce.

### **2 DECLARATION OF INTERESTS**

Members were asked to consider whether anything on the Agenda required them to declare an interest. No interests were declared.

### **3 APPROVAL OF DRAFT BOARD MINUTE OF 21 MARCH 2019**

The Minute of the Meeting of 21 March 2019 had been approved by e-mail and published on the website. It was brought to the meeting for information only.

### **4 MATTERS ARISING FROM PREVIOUS MEETING**

The CEO explained that two items mentioned at the previous meeting required papers to be brought to the Board. These are on electoral constituencies and external meetings. Both will be added to the Board Agenda for June.

The Convener told members that the Communications Manager had made up a list of publications to which the Commission would be submitting articles or blogs in the coming months. He asked Commissioners to get in touch if they are able to volunteer to cover any of these.

## 5 **AUDIT & FINANCE COMMITTEE REPORT**

### **(a) Update from Malcolm Mathieson**

The Vice-Chair of the AFC gave a verbal update on the meeting held on 24 April 2019. A comprehensive range of items had been covered by the committee, including confirmation of Scott-Moncrieff as the Internal Auditors and a committee workplan for the year. Progress against past audit recommendations had been considered and revised and it was agreed that the committee will look at Workforce Planning at their next meeting. Consideration had been given to the Operational Risk Register, particularly any items shown as Amber. Finally, a report from Scott-Moncrieff on the organisation's Business Continuity Plan had been discussed, with the management team now working on the audit recommendations, with a view to renewing the analysis, completing a revised plan and testing it, within the next 18 months.

### **(b) Draft Minute from 24 April 2019**

There were no questions on the draft Minute.

### **(c) Key Performance Indicators Q4**

The AFC report comprised various papers and the majority of Commissioners were viewing the Board papers electronically. They were disappointed not to be using the new software for electronic papers, nor to have had the training on it. Management hoped to arrange training on the use of electronic Board papers before the next Board meeting in June.

The Audit & Finance committee had looked at the KPI report, focusing on those items with an Amber marking. Commissioners wish to see an enhanced RoC online available to the public as soon as possible, to facilitate quicker access to information. They considered the roll-out of this to be taking too long. The CEO apologised for the delay, explaining that there are many information system areas which need to be considered, to ensure the correct balance of priorities matches the resource available.

Commissioners wished to see positive messages communicated to customers, explaining why there may be delays; this being preferable to continued references to backlogs.

There was a concern over a particular Apportionment record, which Head of Regulatory Support will investigate, and the level of staff sickness for the quarter. In answer to the latter, the CEO explained that though short-term sickness absence had increased for the quarter, long term absences had fallen and that, overall, the Commission's figures on absences were running below the Scottish Government average. Commissioners agreed that, despite this, staffing concerns remain a high-risk area.

### **(d) Complaints Handling Report**

There were no questions on the Complaints Handling Report.

**(e) Board Evaluation Questionnaire**

The committee Vice-Chair explained that the questionnaire was first issued in 2017/18 and now reconsidered, with the CEO providing a comparison report for the Board. Overall, the results were encouraging but there was concern over a number of 'don't knows', for instance on the relationship between the Commission and Sponsor Division. There was also concern that the results may indicate a lack of consensus on the organisation's risk appetite. It was agreed to look at the survey results further at the next Board meeting.

**(f) Operational Risk Register**

As discussed previously, Commissioners agreed that the risk register highlights the main operational risk to be staffing. It was hard to see, in the current environment, how all risks could be mitigated to such an extent that they could be shown as 'green' and, as a consequence, the Commission may see a rise in the number of complaints in the future.

**6 'ROUND THE TABLE' UPDATES FROM COMMISSIONERS**

The Convener reported that he had attended various meetings in the Commission over the past few weeks and had also attended a very worthwhile meeting of the Cross-Party Group, held in Great Glen House. It was excellent to see staff at this meeting, giving them access to strategic level discussions. The Convener and CEO had also had a good meeting with Kate Forbes MSP, who showed an interest in the work being undertaken on online applications and the Commission's interaction with RoS. Succession planning for the Board had been discussed and it was agreed that the Board should look at options for the involvement of young people at Board meetings. Officers will bring an options paper to the Board for consideration.

Commissioner Maciver reported that he has been answering lots of queries from individual crofters, for instance on applications and this experience was shared by other Commissioners.

Commissioner Campbell had attended an annual seminar organised by Harper Macleod. The theme had been renewables and he had found this very interesting, noting that 72% of UK renewable energy is produced in the Highlands & Islands. Commissioners discussed the wider issue of renewables in the crofting counties.

Commissioner Neilson had attended a Tier 3 meeting in April and been involved in issues relating to a common grazings in Taynuilt. He explained that he would be travelling to Mull soon, as part of a group looking at a drop in lambing percentages on the island.

Commissioner Scott had had contact with several crofters and was quite concerned that there may be a misconception that working with an agent removes any need to interact with the Commission. This will not always be the case, though the agent may understand the system better.

Commissioner Mackenzie had attended an interesting meeting with the NFU in Inverness, which led on to a discussion about certain crofts on Skye. She had also attended a meeting in Skye organised by RoS, which unfortunately attracted no members of the public, given the time of year.

The meeting then went into Closed Session at 10:05am for discussion of item 14(e).

The meeting then returned to the public session.

## **7 CROFTING BILL TEAM PROPOSALS AND JOINT TENANCIES OF CROFTS**

The Commission solicitor introduced the paper, explaining that this was an opportunity to explore the issue of joint tenancies, as well as Phase One of the Bill and the potential impact of the proposed changes on the work of the Commission. The key background to the issue of joint tenancies comes from a Women in Agriculture report, which considered whether there is discrimination against women in the agricultural sector. This led to a view that not allowing joint tenancies could have a discriminatory effect and the Scottish Government wishing to address this by allowing joint tenancies and for this to be included in Phase One of the new Act.

The Commission discussed some of the practical challenges that could arise from this change, including the danger that it could ultimately lead to the fragmentation of the crofting system. Possible solutions, such as joint tenants forming partnerships (with the partnership then being identified as the tenant) were discussed. It was agreed that Commissioners would be provided with a report aiming to show the difference in numbers between male and female tenants currently on the RoC.

Commissioners appreciated the aim of the change to allow joint tenancies and felt the change could be welcomed by couples aspiring to become crofters but there was concern that the many complexities that would arise as a result of the change needed to be thought through, before a change in the law took place. It was therefore agreed to write to the Scottish Government, and the CEO would speak to Sponsor Division, to explain that it would be difficult to complete the thinking on this issue if it was included in Phase One of the Bill. In the letter, the Commission would include a range of suggestions, such as limiting joint tenancies to two people. It was agreed there needs to be a thorough review of the implications of the change on other parts of the Crofting Act and there is too little time to achieve this, if joint tenancies are included in Phase One.

Commissioners also discussed the complexities surrounding deemed crofts, again agreeing in principle with the Government aim of preventing the creation of new deemed crofts but concluding that more thinking is required to work through the complexities that arise. As with joint tenancies, the Commission will write to the Scottish Government to suggest deemed crofts should be included in Phase Two of the Bill, rather than Phase One.

The Commission solicitor will draft a letter and circulate it to Board members by the end of the month and the CEO will speak to sponsor.

## **8 CEO MEETINGS**

There was nothing to report under this item.

## **9 BUSINESS PLAN 2019/20**

The CEO introduced the latest iteration of the plan, explaining that Commissioners had discussed the draft in some depth at the March Board meeting. He explained that the missing information covering the end of the previous year has now been added to the draft and the forward-facing element of the plan augmented with more details of the range of targets and milestones. Text has also been added to make it clear that 2020/21 will see a big push for improvements to operational performance, such as turnaround times.

Commissioners approved the plan, subject to final editing by officials.

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| <b>Decision</b> | <b>Commission approved the 2019/20 Business Plan</b> |
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## **10 UPDATED COMMS STRATEGY**

The CEO highlighted the current priorities set out in the strategy for 2019 and explained that the document provides a way of understanding what the Communications Manager is covering, day-to-day. Following a recommendation by the auditors, the stakeholder mapping had been updated. Commissioners wished to see various additions to this, including SNH, SRUC, RSPB, Forestry Commission and other advisory bodies.

The CEO confirmed that a new suite of videos had been produced and initial versions would be ready to view in the near future. They will run for a maximum of three minutes.

Commissioners returned to the question of writing articles or blogs to appear in local/regional publications, with the CEO hoping one of the Assessors could prepare something. He will discuss further with Commissioners what the key messages are that we wish to promote.

## **11 STRATEGIC RISK REGISTER**

It was agreed to circulate the register and invite comments from Commissioners by e-mail.

## **12 DATE OF NEXT MEETING**

The next Board meeting will take place on 27 June in Great Glen House. It will be followed by a training day for Commissioners with David Nicholl on 28 June. Commissioner Mathieson asked for his apologies to be noted.

## **13 ANY URGENT BUSINESS**

There was no urgent business brought to the meeting.

## **14 EXCLUSION OF PRESS AND PUBLIC**

The meeting then broke for lunch, with Commissioners and staff being joined by three officers from HIE. The meeting resumed at 13:35pm.

## **15 HIE – JOINT PAPER**

The Convener thanked Ms Buxton, Mr Cowan and Mr Ross for coming along and closed the meeting at 15:05.