

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD VIA TEAMS 30 NOVEMBER 2022 AT 9:30 hrs

Present:	Malcolm Mathieson	Convener
	Andrew Thin	Commissioner
	Mairi Renwick Mackenzie	Commissioner
	Rod Mackenzie	Commissioner
	Iain Maciver	Commissioner
	Duncan Gray	Commissioner
	Donald MacDonald	Commissioner
	Duncan Macaulay	Commissioner
	Bill Barron	Chief Executive
	Aaron Ramsay	Director of Corporate Governance
	David Findlay	Commission Solicitor
	Chris Reynish	Director of Operations & Policy
	Joseph Kerr	Head of Regulatory Support
	Jane Thomas	Head of Compliance and minute-taker
	Arthur Macdonald	Head of Development
	Finlay Beaton	Head of Grazings
	Aileen Rore	Scottish Government
	Gift Mlambo	Scottish Government
Observers:		Members of staff and the public

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English. Apologies were received from Commissioner Kennedy.

2 DECLARATION OF INTERESTS

No interests were declared in the Open Session of the meeting.

3 BOARD MINUTES FROM 27 SEPTEMBER 2022

The Board Minutes from 27 September had previously been circulated, agreed, and published and were brought back to the public meeting for information. Following a request, it was agreed that the Board would revert to the practice of approving the draft Minute at the Board meeting, rather than by email.

4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING

All Action Points save one had been discharged. The CEO provided an update on the outstanding action, regarding the need to revisit arguments about potential fraud in the online application process, agreeing to expedite this as soon as possible.

5 MATTERS ARISING FROM PREVIOUS MINUTES

No Matters Arising were brought up at the meeting.

6 AUDIT & FINANCE COMMITTEE REPORT

(a) Update from the Vice Chair

The Vice Chair drew attention to the main discussion topics covered at the last committee meeting, with special reference to the importance of financial planning. The Medium Term Financial Plan had been done a while ago and, in the light of potential budgetary constraints in the future, there is a need to focus on this over the next few months.

(b) Draft Minutes of 2 November 2022

There were no questions arising from the draft Minutes.

7 REVIEW OF KEY PERFORMANCE INDICATORS Q2 2022

The CEO led on the discussion of the paper, explaining that we have reached the halfway point in the year with quite a lot of the performance indicators on track but that the focus for the meeting should be on the Amber and Red items.

He reported that RALU team follow-up work on the 2021 Crofting Census is a little behind schedule but has started, and that the indicator on grazings committees modernising their Regulations is proving a difficult one to move on. The Template provided to committees is useful but achieving a higher take-up is resource intensive.

Some indicators are linked to the next release of CIS, which has been held back until early 2023, after testing highlighted several issues to be resolved before going 'live'. The digital Apps item is sitting at Amber until the question over verifying identity is resolved.

On Casework, the CEO reported that customer satisfaction scores have gone down, which is understandable given the backlog of cases and delays in processing applications. On a positive note, recruitment to new posts has gone well. However, Commissioners expressed concern regarding the potential impact of future tight budgets on this core element of work and emphasised the need to drive up productivity. It was agreed that a detailed discussion was required on this issue.

There was a question on training and the length of time required to bring new recruits fully up to speed, in order to make more inroads into the backlog and a recognition that continuing delays are causing frustration but also a recognition that staff work best in a stable environment and, though the Commission faces difficult challenges, a lot of work is being done and there is a need to pull together.

8 STRATEGIC RISK REGISTER UPDATE FOR Q2

The CEO led the discussion, explaining that it made sense to consider the paper along with the consideration of the KPI report. He drew attention to the headway being made on the backlog and suggested that the outcome on the Deloitte report was now discharged. He also explained that the RALU work on duties is being augmented by work conducted by the Development team and an initiative led by RPID.

On Grazings, the numbers are up, due to dedicated work by the Grazings team but the question of entry to crofting requires further awareness raising, and in that sense is linked to the Communications Policy. Commissioners urged that this is used to explain more about what the Commission can and cannot do and to highlight successes.

Following a query on whether the number of young people entering crofting via a sublet route is increasing, officers agreed to see if there is evidence of this.

9 REGULATORY CASEWORK UPDATE

The Convener introduced the paper, reflecting that this is a particularly important aspect of the organisation. Director of Operations & Policy explained the purpose of the paper was to provide high level information about outputs. There has been an improvement in the numbers of cases processed in the last 3 months, but it is important to consider a rolling average and to show all the work being completed in Regulation, not just application processing.

Commissioners confirmed the usefulness of the information and the desire to understand the complete picture.

10 CORPORATE PLAN 2023-28

The CEO explained the Board had considered an earlier draft at a previous meeting and that, in the revised draft before them he had tried to focus on more specific aims. There was a discussion on the wording on turnaround times and whether a numerical target should be included. The CEO explained that it is easier to identify a range of targets in the yearly Business Plans, keeping the 5-year Corporate Plan more general in tone but that he would act on the discussion and Commissioner ideas and circulate a revised draft of the plan.

11 COMMUNICATIONS POLICY

Director of Operations & Policy explained that he and the Communications Officer sought the views of the Board on a range of proposals set out in the paper. The Communications Officer reported on which activities are working well, building an audience.

There was a discussion on the relative merits of attending agriculture shows, with some members favouring the impact made at smaller shows and others feeling that a presence at an event such as the RHS was important. It was also felt that, as well as workshops for landlords, it is important to arrange public meetings with crofters.

Commissioners agreed there are a variety of audiences we are trying to reach, including non-crofting voters in the wider Scottish community and there is a need to decide, given the limited resources available, the most important things we are trying to achieve. In this vein, it was felt it is important to explicitly link the Communication Plan to the Corporate Plan and that print media continues to be important, as well as building social media platforms.

While there was support for face-to-face meetings, the Board appreciated that they are resource intensive, so online events provide another option, which allows Board members to engage more easily. When planning events, the Convener requested that the Board is notified of details.

The Board was informed that the Development Team is working on a paper, evaluating the impact of attending agricultural shows and looking forward to 2023, with a plan to bring this to the Board in February for discussion. It was agreed that the Evaluation should be forwarded ahead of the Board meeting and that a Communications Plan will be prepared.

Director of Operations & Policy left the meeting at 11:30am.

12 COMMISSIONERS AND THE COMPLAINTS PROCESS

The Convener provided the context for the consideration of the paper, with the CEO explaining the basics of the Complaints process. He requested that if Commissioners receive written correspondence from crofters, this should be forwarded to the office and that, if approached in person, members should adhere to the 'one Commission' approach and be careful to avoid giving guarantees or any advice that could be interpreted as interfering in the decision-making process.

It was felt that, while Commissioners use their judgement, it is crucial that they distance themselves from any lobbying on behalf of particular crofters, or any actions which might be interpreted as giving preferential treatment to one crofter over another. Such actions could breach the members Code of Conduct. Therefore, more explicit guidance is required for Commissioners. It was agreed that the paper will be revised, and the Standards Officer will arrange a training session for the Board in the New Year. There was also a request to consider adding an internal Appeals process to the Complaints Procedure and members wished to be copied into responses following up issues brought to them by crofters.

13 FURTHER DELEGATION AND DECISION-MAKING

Head of Regulatory Support explained that it had at one time been Commission policy when granting apportionments, to apportion for a termed period in the majority of cases, most often for 15 years. Around two hundred termed apportionments were issued between 2008 and 2015 and the terms are due to start to expire in 2023-24. There is a provision in the 1993 Act to apply to extend the term of an apportionment, and the Head of Regulatory Support sought the agreement of Commissioners to extend the Scheme of Delegation to include this type of application.

Head of Regulatory Support confirmed that it is not possible to extend a termed apportionment if it has already lapsed, as it would have been extinguished. He also confirmed that the termed apportionment could not be converted to a permanent apportionment, which would require a new application. He further confirmed that the apportionment automatically transferred as part of the tenancy of the croft on the death of the original applicant.

The Commission agreed to amend the Scheme of Delegation to allow decisions on applications to extend termed apportionments to be delegated to staff. Commissioners requested that those affected be contacted ahead of time, to allow them to make a decision on whether to apply for an extension.

Decision	<i>The Commission agreed to extend the Scheme of Delegation to include applications to extend termed apportionments. They also agreed the parameters for delegation of this function.</i>
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14 REPORT ON PROGRESS AGAINST STRATEGIC OUTCOMES

The CEO explained that the report originated from a suggestion by the Internal Auditors that the Board receive a report twice a year to show outcomes against the Corporate Plan. This will be the final report associated with the 2017-22 plan. He took the Board through the Outcome and Success Factors, explaining the RAG status for each point, flagging up the Commission's work on the development of crofting as a significant change since 2019.

The Commission noted the report.

15 REPORT ON MEETINGS WITH SPONSOR DIVISION

The Convener explained the context within which this report is brought to each Board meeting. The CEO wished to draw the Board's attention to the top line, which highlighted that he had discussed the role of Convener with Sponsor Division. On the question of the increased budget, and the recruitment and reduced backlog that would be achieved, the CEO explained that Sponsor Division were supportive but wished to see the budget being used well.

16 DATE OF NEXT MEETING

The next meeting will be held in Great Glen House on 8 February 2023. A brief review of Board members' preference for meeting location was requested.

17 ANY URGENT BUSINESS

There was no urgent business to discuss.

18 EXCLUSION OF THE PRESS AND PUBLIC

The Convener thanked everyone for their engagement and thanked the staff for the quality of papers presented and closed the meeting at 15:20.