

It was agreed that discussions regarding specific Bill team Phase 1 proposals would be done outside formal Board meetings and by e-mail or group discussions involving several Commissioners.

7 DELEGATED DECISION MAKING – ESTABLISHING PARAMETERS TO EXTEND THE RANGE OF DELEGATED FUNCTIONS

Head of Regulatory Support introduced the paper, by confirming that the August Board agreed that a further nine regulatory functions/decisions be included in the delegated decision making process. Four were introduced with immediate effect and five were to come back to the Board for discussion and agreement once parameters for delegation had been drafted by officials.

There were three here today:

(a) Consent to Purposeful Use

Parameters agreed. If there were no objections received by landlord or the crofting community following consultation, then this could proceed under Tier 1.

(b) Recrofting Land

Parameters agreed. It was noted that there have generally only been three or four cases annually which fall into this category. It is not so much the parameters but the validity checks which were the main issue here e.g. only if the reasonable purpose Direction had been issued within the last 20 years, could a recrofting be considered. The case would be escalated if the crofter challenged the assertion that a breach in the direction had occurred.

(c) Enlargement of Common Grazings

Parameters agreed. This would generally be dealt with at Tier One where there was a demonstrated benefit to shareholders and the common grazings, and there were no access issues involved. If there was no universal agreement, the case would be escalated to determine whether an enlargement could proceed but only involving those shareholders who were in agreement (in such a case any enlargement may require a separate list of shareholders and distinct regulations).

Commissioner Scott wished it recorded how delegated decision making was working more widely and this was good for staff morale.

The Board decided to approve this paper.

Decision	The Board decided to approve this paper.
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8 ISLANDS BILL AND LOCAL GOVERNANCE REVIEW

Solicitor introduced the paper. The Commission may, in certain circumstances, have to carry out an Islands Communities Impact Assessment (ICIA). It would be for the Commission to decide whether its policy, strategy or services will impact one or more islands differently from the mainland or other islands.

Commissioner Campbell said that the Act would potentially require the Commission to think in a new way about a range of issues that impacted on islands. For example, next time the Commission discussed the pros and cons of locating selected posts outwith Inverness, the Islands Act would be relevant.

Commissioner Holt asked is there is a template for the Island Communities Impact Assessment?

Commissioner Campbell commented on the issues of road equivalent tariffs for the Northern Isles, potentially available through the so-called "Islands Deal". CEO said officials would find out a bit more about the Islands Deal.

CEO advised that the Commission already considers the impact of its policies and services on all the communities it serves, including island communities and remote mainland communities, such as Ardnamurchan and NW Sutherland.

Solicitor noted that the identification of owner-occupier crofters and status concerning them was an example of the Commission taking into account the particular facts and circumstances of all the crofting areas served by the Commission.

Convener asked the Solicitor how he wished it to be taken forward and the Solicitor replied by stating that officials would, in the first instance, identify if any policy, strategy or service would likely have a significantly different effect on any particular island community

Michael Nugent, SG advised that protecting and promoting the islands was a high priority for the Scottish Government.

9 CEO MEETINGS

CEO began by advising he had attended many SG meetings, one of which had brought public bodies together to be warned of the pressures on SG's budgets for future years.

He had also discussed the backlog with Michael Nugent, Gordon Jackson and Ian Davidson. SG had suggested an improvement project regarding the process of the handling of casework and officials were now considering how to scope such a study.

The Away Day at Cantraybridge College was well received and had built a sense of togetherness within the organisation.

Attended Cross Party Group.

Had been struck by a comment by a crofter whose paid job was in forestry, that demand for wood would likely outstrip supply within a decade. Should crofters be encouraged to do more with wood?

Attended the annual conference of the Highland Small Communities Housing Trust. He had been struck by the very hard work required of volunteers to drive community initiatives forward – the conference had highlighted successes in Achiltibuie (crowd-funded for a wind turbine) and Strontian (raised funds, built school and rented it to Highland Council to use as a primary school). In crofting, grazings committees were designed to play a strong community role – could they be empowered to do so more?

He had met with Hamish Trench of the Scottish Land Commission and agreed that the two organisations would produce a joint paper drawing out common themes, including the democratisations of land rights.

Convener and CEO going to meeting on Monday to have preliminary discussions with HIE.

10 REFLECTION ON SHOWS

Commissioners attended various shows which were well represented with Commissioners and staff.

Commissioner Neilson said that there was a lot of positive feedback.

Commissioner Holt asked that if they were to return to the Cunningsburgh show, could it be in a more prominent place? Regulatory staff got a lot of good questions and it was very beneficial for staff to be there with their regulatory knowledge.

Commissioner Scott said that it was good to speak face to face and Commissioner Campbell said it was also very beneficial on a personal level.

Commissioner Annal said that the County Show went down well.

Commissioner Campbell said that official gilets were good for smaller shows and Commissioner Mackenzie said it was more beneficial walking around meeting people rather than standing at a stall.

Convener said the Cabinet Secretary's visit to our stall at the Black Isle Show had helped to highlight the Commission.

Commissioner Maciver made the point that it would be more advantageous having a stall in the middle of the show. He had spoken to a lady who was annoyed that her CCAGS application had been disallowed, not understanding that this is no longer the Commission's remit.

Convener asked to formulate a plan for next year's shows and Commissioner Campbell made the suggestion that we could share a stall with some other organisations.

It was agreed that the Board would decide on the number of shows and locations, and to work round the holidays for these.

11 DATE OF NEXT MEETING

29 November 2018 – Great Glen House

12 ANY URGENT BUSINESS

The Board would like to record their thanks to Fiona MacDonald for organising the external public/board meetings and the external trip.

At this point, the meeting went into closed session and the BBC Alba reporter, Radio Orkney reporter and member of the public left the room.

13 EXCLUSION OF PRESS AND PUBLIC

The Convener thanked everyone for their input and closed the meeting at 1310hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 29 NOVEMBER 2018

Present:	Rod Mackenzie	Convener
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	James Scott	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	Iain Maciver	Commissioner
	Cyril Annal	Commissioner
	Bill Barron	Chief Executive
	Donna Smith	Deputy CEO
	David Findlay	Commission solicitor
	Joseph Kerr	Head of Regulatory Support
	Jane Thomas	Head of Compliance
	John Toal	Head of Policy
	Fiona MacDonald	Minute-taker
	Betty Mackenzie	Comms Officer
	Garry Laws	Head of Residency and Land Use Team
	Morag Menzies	Residency and Land Use Team Officer
	Reporter & Camera person	Alba

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting in Gaelic and then in English. He also welcomed the BBC reporter and camera person until Item 9.

There were apologies from Commissioner Holt.

2 DECLARATION OF INTERESTS

Convener asked if anyone had any interest to declare in the public part of the meeting, explaining that any interests to declare at item 9 should be made known when the Board went into private session.

No interests were declared.

3 BOARD MINUTES FOR 3 OCTOBER 2018

The Board Minutes have been approved and published on the website.

4 MATTERS ARISING

Item 6 – CEO said that there had been discussion at the last meeting re the Phase 1 Bill. He explained that Solicitor and himself had a meeting the day before and that things were progressing well. CEO would keep everyone in touch regarding this.

Commissioner Neilson asked whether there would be the opportunity to comment and CEO said that there would be. He also asked if there could be a summary drawn up of the stage we are at now and it was agreed that this would be done.

Item 7 – Head of Regulatory Support gave an update on extending the list of delegated functions to include resolving long standing unresolved successions. An unresolved succession (termination of tenancy) had been resolved through the letting of the croft to a young person.

Item 13(b) – Head of Regulatory Support advised that Mary Ross, Regulatory Manager, was going to tidy up the Tier 2 report to focus on decisions being made. This would be e-mailed to Commissioners at the end of the year, with the focus then being on e-mailing the report quarterly.

Commissioner Campbell said that he was keen to see an annual summary for each function. Deputy CEO advised that these are detailed in the annual report.

Item 4.1 – Convener asked that an item come to the next Board meeting for an oral update on the progress being made on Assessors.

5 AUDIT AND FINANCE COMMITTEE REPORT (AFC)

(a) Update from Malcolm Mathieson

Commissioner Scott had been welcomed as an observer to the last AFC meeting.

The 2018-19 Business Plan had been amended with the requested alterations and AFC welcomed the decision to start work on the 2019-20 Business Plan . The KPIs were reviewed. Commissioner Mathieson advised that a trial would be done for electronic papers at the January meeting and he would report back to say how this had gone.

There had been an increase in complaints over the summer, due to the backlog but the majority had been handled at the early stage.

There were no issues arising with the Internal Audit Report. He advised that Internal Audit also got audited and they had received a glowing report, which is good for the Commission.

Compliance Manager gave an update on complaints, saying that the third quarter was now back within normal expectations.

(b) Draft Minutes from 24 October 2018

The draft Minutes were noted and would be approved at the next AFC meeting.

(c) Key Performance Indicators

Noted.

(d) Complaints Handling Report

Commissioner Annal asked about the progress of the backlog and he was advised that the crisis was now past and good progress was being made.

(e) Scheme of Financial Delegation

Commissioner Mathieson explained the document was before the Board for approval and it was approved.

(f) Standing Financial Instructions

Commissioner Mathieson explained the document was before the Board for approval and it was approved.

(g) Anti-Fraud Policy

Commissioner Mathieson explained the document was now up-to-date and it was approved by the Board.

CEO advised that the Business Plan has now been published.

6 RESIDENCY AND LAND USE

Head of Regulatory Support introduced the paper, setting out the background to the range of duties and initiatives involved.

He explained that the team had been helping out with the regulatory backlog during the summer but management recognised the priority the Board give to this work and intended that in future the team concentrates solely on their team duties.

Residency and Land Use Team (RALUT) Manager explained the weekly working of the team members, stating that two team members had been progressing RALUT actions and two were looking at the work processes e.g. updating template letters, amongst other things. By early in 2019 it was anticipated that all staff would be engaged in core RALUT casework.

Head of Regulatory Support stated that an information paper would be brought to a future Board meeting regarding the steps taken in terminating a tenancy, which can be quite lengthy.

The census returns were helpful in getting cases moving quickly as people were pointing out on their form that they were in breach of their duty.

Working with crofting landlords – this hasn't progressed as much as the Commission would have liked – Jura was an example. RALUT Manager advised that Scottish Government Estates need to be investigated to find out which crofts are vacant and any outstanding successions.

Solicitor advised that, in a legal context, work must be done on these cases, not just cherry-picked.

Commissioner Mathieson asked that if the applicant of a Tier 3 case (decrofting) is found to be in breach of duties, can the application be stopped? The answer was no.

RALUT Manager advised he was waiting on a report from the IS Team on stats and that he would e-mail the Board once he got the results back from them. There were two stages: 'letter one' (first breach) and 'letter two' (second or more consecutive years in breach). He advised that there were around 100 'letter ones', and to date 137 'letter twos', and that 112 had been resolved – the majority of which were 'letter one'.

Commissioner Mackenzie asked if there was any benefit in making the census biennial and Deputy CEO advised that a request had been put forward to Phase 1 to move it to every two or three years. There was a lot of work and cost involved in the process of putting the census out annually and there would be financial benefit and staff time saved if the process could be moved beyond the yearly census.

Convener asked the Head of Policy to gather the stats from 2010-2014 for new entrants.

Commissioner Scott raised the point as to whether the non-returns of census forms should be investigated (about 3000 have never returned their forms). Head of Regulatory Support explained that the intention was to start addressing some of these cases in the near future. He also asked if we have sufficient data information sharing agreements with RPID (as breach of GAEC is one of the conditions for satisfying neglect) to enable these breaches to get back to the Commission.

Head of Policy explained that in a previous initiative, over 2000 files were investigated for non-residence.

Convener asked what the Board could do to help allay people's fears of being approached by the RALUT. A suggestion was made that awareness is raised at roadshows, meetings etc helping people to understand that it is not a scary process. Could Assessors be used to promote this?

Head of Regulatory Support advised that meetings with PAOs would be done bi-annually.

Convener asked that this item be put on the agenda frequently for Board meetings over the next few months.

Commissioner Scott asked if we could widen our options and take something forward re communication on the options for subletting etc for non-active crofters and it was agreed that the Comms Manager could put a video together regarding this.

The Board decided that the RALUT continue with the process.

Decision	The Board decided that the RALUT continue with the process.
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7 DATE OF NEXT MEETING

7 February 2019 – St Kilda, Great Glen House

8 ANY URGENT BUSINESS

Commissioner Campbell asked if a surgery could be put in place for solicitors, agents, SAC etc for ¾ of an hour before the meeting in Skye. It was felt to be too close to the date to contact Solicitors etc for the Skye meeting, but it was agreed this would be considered for future public meetings.

At this point (1045hrs), the Board went into Closed Session and the BBC reporter, camera person, Residency and Land Use Manager, Residency and Land Use Officer and Comms Officer left the room.

9 EXCLUSION OF PRESS AND PUBLIC

Convener thanked everyone for their input and closed the meeting at 1550hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT 09:30 ON 7 FEBRUARY 2019

Present:	Cyril Annal	Commissioner
	Andy Holt	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 Regulatory Support
	Jane Thomas	Head of Compliance & Minute-taker
	Betty Mackenzie	Communications Manager

1 APOLOGIES AND WELCOME

The Convener opened the meeting with a bilingual greeting and explained that the Commission wishes to reduce the amount of paper used at Board meetings. A paperless meeting had been trialled by the Audit & Finance committee and several Commissioners had decided to use Commission iPads today, rather than hard copy papers.

The Convener also explained that Matt Goddard of CTI was in the building today, meeting staff as part of an organisational development project. He would attend some of the Board Strategy day on 8 February, the format for which was a trial.

Apologies were received from Mairi Mackenzie and Fiona MacDonald (Minute-taker).

2 DECLARATION OF INTERESTS

There were no interests to declare in the public part of the meeting.

3 BOARD MINUTES OF 29 NOVEMBER 2018

The Minute of the Meeting of 29 November 2018 had been approved by e-mail and published on the website. It was brought to the meeting for information only.

Commissioners discussed the style of Board Minute, agreeing they would prefer a less personalised style, focusing on the collective nature of discussion and decision-making.

4 MATTERS ARISING FROM PREVIOUS MEETING

There were no matters arising to note.

5 AUDIT & FINANCE COMMITTEE REPORT

(a) Update from Malcolm Mathieson

The Vice-Chair of the committee explained that the meeting in January had trialled the use of electronic papers successfully.

The major item to bring to the attention of the Board was the budget reduction for 2019/20; the impact of which is being discussed with SMT members, so that it can be managed carefully. Attention was also drawn to the Workforce Plan, which had been considered for the first time. It was noted that this is a key document for an organisation as small as the Commission as even slight shifts, such as an increase in staff turnover, can have important consequences.

The Self-Assessment exercise undertaken last year by AFC members is being repeated shortly and will then be rolled out to the full Board. It is important for every member to engage in the exercise, to allow a useful reflection on where the Board is at present.

(b) Draft Minutes from 23 January 2019

The draft Minute had been tabled. The Chief Executive commented on news from the external auditor Deloitte, that due to changes required by Scottish Government, future audits would increasingly be looking at broad organisational governance, as well as financial management.

The Commission was content with the draft Minute but would ask the Finance Manager to revisit the wording of bullet point 5 on scenario planning and Scottish Government policy.

(c) Operational Risk Register & Issues Log

Commissioners were content with the information set out in the Register and Log.

(d) Key Performance Indicators

There were no comments on the report.

(e) Complaints handling report

Commissioners considered the statistical report, which showed an increase in complaints at Stage 2 but with numbers still low. They were content with the procedure for investigating formal complaints.

(f) 2019-2020 Budget

The Commission is facing quite a high percentage budget reduction in the next year, which will be managed to try to minimise the impact on the staff side of the budget. The Chief Executive explained how, traditionally, underspends can occur on staff budget forecasts because of staff turnover and delays in recruitment. Given this experience, management planned to over-budget at the beginning of the year and look for savings outside the staff budget. This approach had been explained to the external and internal auditors.

The Chief Executive was not aware whether the same percentage cut had been applied across Scottish Government but reflected that many departments and organisations had faced budget cuts for several years.

Commissioners were content that, given historic staff turnover rates, the approach outlined was sensible. It was further noted that the departure of the deputy CEO/ Head of Operations in March represented a risk to the organisation, which has been captured in the Issues Log.

Decision	The Commission approved the budget for 2019-2020.
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6 (a) REVISIONS TO CORPORATE PLAN

The Chief Executive introduced the paper, explaining that changes had been made as a result of previous discussions with Commissioners. It was expected that a few more revisions would be necessary before the draft was ready to submit to Sponsor Division for approval, for instance on the text setting out the Commission's Vision. More work is also needed on the Measures.

After discussions with staff, the Commission Values have been revised to 5:

- Caring about crofting communities
- Positive teamwork
- Commitment to service quality and improvement
- Encouraging staff development
- Being fair and impartial.

Commissioners discussed the role of the organisation and crofting with regard to the environment, deciding that the first Value should read, "Caring about crofting communities and environment." It was also agreed to add Commissioners to Value 4 on development.

The Chief Executive explained that Outcome 6 had been subsumed into Outcome 5 in the draft, which would be checked with Sponsor Division.

Commissioners agreed to forward comments on the draft to the Chief Executive by 21 February.

Joseph Kerr left the room at 10:30am.

6 (b) STRATEGIC RISK REGISTER

Deputy Chief Executive explained that this Register is for the Board as a whole to own, coming out of earlier discussions on the appropriate risk appetite for the organisation. This was the first time it had been presented to Commissioners, who confirmed they were happy with the format and content. It would be presented to the Board on a quarterly basis, to enable members to track the organisation's main activities and risks.

Commissioners discussed work being undertaken to follow up on non-returns of the Annual Notice. It was confirmed that the issuing of the Annual Notice is not connected with the Agricultural census and that a link had been considered before the 2010 Act was finalised but dropped from the legislation. Management agreed to raise the possibility of a link in the future with Sponsor Division.

Commissioners approved the format of the register and the Outcomes detailed.

Decision	Commission approved format/content of Strategic Risk Register
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Joseph Kerr returned to the room at 10:50am

7 PROGRESS WITH BUSINESS PLAN

Deputy Chief Executive explained that it is not possible to finalise the 19/20 plan until the data for 2018/19 is complete. Quite a lot of updating will take place after the end of March but Commissioners were asked to comment on how the draft Business Plan for the coming year is shaping up. More work is needed on Milestones and the Key Performance Measures need to be agreed. Commissioners were encouraged to forward comments and suggestions to the CEO as soon as possible, as the intention is to have the Business Plan in place as early as possible in the new year.

Commissioners discussed the pros and cons of switching to a paperless environment and agreed that a more in-depth discussion should take place to consider our carbon footprint, later in the year.

8 CEO MEETINGS

The Chief Executive gave a summary of meetings he had attended recently, including one with SAC before Christmas, various discussions with Scottish Government on Phase 1 of the new Act, Matt Goddard on organisational development and HIE.

Deputy Chief Executive provided an update to Commissioners on engagement with stakeholders on the plans to move to online applications. The stakeholders include agents and solicitors, as they are often completing forms for crofters. Shetland and Skye will be visited next week. The reception so far has been positive.

There are challenges, as the Crofting Registration forms belong to RoS and cannot be altered without a change to secondary legislation. Currently the law says the form has to be printed on paper. The Commission is engaged with RoS and SG to try to resolve this issue. The Commission is also speaking to RoS again about switching to online payments for croft registration, instead of cheques. This change also requires an amendment to the secondary legislation.

Deputy Chief Executive confirmed that shared services had been considered with SNH but did not prove practical and also that Sponsor Division would be approached if the cost of moving online was significant. It was hoped that it would not be too costly, and funds have been set aside in this year's budget to begin the development. It was also confirmed that, at least initially, crofters would have the choice of submitting a paper application if they preferred.

9 'ROUND THE TABLE' UPDATES FROM COMMISSIONERS

Commissioner Holt began the update, noting that he is pleased that the CEO is making progress with the SIC on enabling remote VC meetings from Shetland. This will allow him to take part in more meetings.

Commissioner Mathieson highlighted interesting points made in an IPSOS MORI presentation to the Cross- Party Group recently. Commissioners agreed it would be good to invite them to a future Strategy meeting of the Board.

Commissioner Scott highlighted several calls from crofters that he has received after his Commission blog was posted, mainly concerned with ways to formalise informal use of a neighbour's croft land.

Commissioner Neilson had visited many crofting units since the last Board meeting and wished to highlight how good it is to see a second generation of crofters coming through on Jura after work undertaken there by the HICES in the early 2000's had introduced 8 new crofters. He drew attention to the continuing issue of access to affordable housing for young people in crofting areas.

Commissioner Campbell highlighted a planning case which is causing concern in Easter Ross, where the views of the planners seem at odds with the need to retain croft land in the area. The results of a recent exercise by Albyn Housing Association show that people do want to live in rural communities.

Commissioner Maciver would be speaking to students at Lews Castle College and had spoken with people from various grazings committees. As had been mentioned by several other Commissioners, he finds it very common for crofters to believe that the Commission is still 'in charge' of grants. The message that this function was removed several years ago has not got through to everyone.

Convener Mackenzie had enjoyed engaging with Assessors at various roadshows. It was agreed that, if meetings between a Commissioner and local Assessors had not been possible, we would look at the logistics of inviting these Assessors to Inverness the evening before the scheduled meeting in March, to facilitate this.

The issue of increasing media coverage was touched on and would be discussed in more depth on 8 February.

10 ASSESSORS (INCLUDING 20-21 MARCH EVENT)

The Chief Executive apologised for the paper being tabled. He explained that the focus was on the need to finalise the agreed role for Assessors, take stock of what is working well and confirm the Programme for the March event.

Regarding the role, it is expected that all Assessors will be asked to give general observations about crofting, housing and planning issues in their area and give the Commission their views on general crofting issues (points (a) and (b)) in the paper). In this way, Assessors will boost the pool of knowledge available to the Commission.

Items (c) and (d) in the paper are more specific, based on inviting Assessors to join two different types of focus group. The intention would be to convene meetings of the groups 3-4 times a year.

Item (e) in the paper concerns gaining information from Assessors, on a voluntary basis, to assist the Residency and Land Use Team. And (f) would see some Assessors engage in HIE-led local initiatives.

Commissioners discussed whether individual Assessors would be content for their name to be used on a 'Duty Compliance Notification' form and also how expectations would be managed if more cases of potential breaches were notified than the Commission had resources to respond to quickly.

The public role of the Assessor was discussed and issues around trying to de-personalise the information received, to protect the privacy of the individual. It was agreed that the solicitor would bring forward a paper on Openness and Transparency, in this context.

The Commission approved the approach set out in the paper by the CEO and looked forward to seeing the Assessors in March.

Decision	Commissioners agreed to the setting up of two Assessor focus groups and the drafting of a new role description for Assessors.
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Following the lunch break, the meeting re-convened at 1:15pm and members confirmed there were no interests to declare.

11 DRAFT GUIDANCE TO GRAZINGS COMMITTEES

Head of Policy introduced the paper and stressed that it was guidance for committees and not instructions to them. Its aim is to help grazings committees and Commission staff, who are constantly asked questions by committee members and clerks. The main contentious issue that the Commission has been asked to intervene over in the past few years concerns the holding and distribution of funds by committees.

The paper, at page 110, sets out the Commission's position. It provides an example of the kind of support the Commission can give committees.

Head of Policy confirmed that committees receive a letter alerting them when they have gone out of office, followed up by a phone call.

Commissioners discussed the difficulties of getting new people to take on roles on committees, especially the clerk and the issue of lack of knowledge of the Regulations held by individual committees. This compounded the issues relating to the status of grazings committees, which has not evolved to match changes in circumstances, presenting concerns about liability and protection for committee members. As they do not have limited status, there are not the protections that Trustees, for instance, could have and there is no Crown Immunity. The position was likened to a barometer of what is happening in crofting, with less people choosing to work together. The lack of current flexibility in the status of grazings committees could be seen as frustrating opportunities in utilising the land asset managed by committees.

It was observed that there may not always be alignment between crofters' rights and the objectives of community land buy-outs and Commissioners agreed further wide-ranging discussions were needed on this important strategic issue.

The guidance produced was welcomed as helpful, clear and a useful resource for both staff and grazings committees. It was agreed that a press statement should be drawn up and the information disseminated to the key audiences in a variety of ways.

Decision	The paper was approved by the Commission with no amendments.
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12 HIE

The Chief Executive introduced the item, reflecting that meetings with HIE followed the Cabinet Secretary's desire to see greater collaboration between the two bodies. Commissioners had a note of the most recent meeting, between the CEO and two officers from HIE.

Commissioners agreed that working with HIE on Phase Two of the Crofting Bill could give more local weight to discussions with SG and the same may be true on issues around future support for Scottish agriculture. The Commission is helping HIE in communities where the aim is to create new crofts and would use the Assessor network to help HIE's food and tourism initiative. There are, however, several areas where there are challenges to collaborative working.

Commissioners agreed there are merits in meeting with the HIE Board again and that the focus should be on trying to get across the Commission's objective of promoting crofting. It was agreed that it is important to keep channels open and that a conversation between the Convener and the HIE Chair would be beneficial.

13 DATE OF NEXT MEETING

21 March 2019 – Great Glen House

14 AOB

1. Deputy CEO explained that there has been a loss of access to the internal intranet and, due to the specialist nature of the fix, the issue cannot be resolved until April. Commissioners expressed concern that the Audit & Finance committee had not been informed.
2. Commissioners asked whether case-related work is beginning to build up again and whether this represents a backlog or reflects increased workloads. It was agreed that analysis should be carried out and Sponsor Division informed.

15 (b) ITEM TAKEN IN PUBLIC

The proposal to move from Tier-3 to Tier-2 the delegated authority for officers to refuse applications for 'Consent to be Absent' was considered and agreed by the Commission. Head of Regulatory Support confirmed that such cases would still be escalated to Tier-3 if there were any complex issues requiring Commissioner consideration.

Decision	The Commission approved moving delegated authority from Tier-3 to Tier-2 where there is a proposal to refuse a 'Consent to be Absent' application.
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15 EXCLUSION OF PRESS AND PUBLIC

The Convener thanked everyone for their engagement and closed the meeting at 3:45pm.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT THE KINGSMILLS HOTEL AT 09:00 ON 21 MARCH 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	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 Regulatory Support
	Jane Thomas	Head of Compliance & Minute-taker
	Betty Mackenzie	Event Organiser/ Communications Manager
	Fiona MacDonald	Event Helper
	John Gillies	Assessor
	BBC Alba reporter and cameraman	

1 APOLOGIES AND WELCOME

There were no apologies and the Convener welcomed everyone to the meeting, in Gaelic and English, welcoming the BBC and Mr Gillies to observe proceedings.

2 DECLARATION OF INTERESTS

No declarations of interest were made.

3 BOARD MINUTES OF 7 FEBRUARY 2019

The Minute of the Meeting of 7 February 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

Commissioners requested a formal update on Phase One of the Crofting Bill at the next Board meeting in May. It was confirmed that this would be placed on the Agenda.

It was noted that the recently published Guidance for Grazings Committees was being well received and proving useful.

The Convener and Commissioners wished to record a vote of thanks to Donna Smith, Deputy CEO, as this would be her last Board meeting before leaving the Commission at the end of the month. Donna was thanked for the significant contribution she has made to the work of the Commission over the last 8 years and Commissioners wished her well in her new venture.

5 ROUND TABLE UPDATES FROM COMMISSIONERS

Commissioner Scott had attended a meeting of the Moorland Forum and Commissioners discussed the relative merits of remaining on this group, concluding that continuing engagement was hopefully beneficial.

Commissioner Campbell had attended a useful reception with the CEO on 19 March, with the SRUC in the Scottish Parliament, reflecting that it is important for the Commission to be visible at such events in order to promote the interests of crofting. It would benefit the Commission to share out attendance, to extend the experience of the Board and ensure maximum coverage of events.

Commissioner Campbell has recently joined a new housing forum, which is focused on reversing population decline in the Highlands. He will attend the first meeting, with the option that this can be shared in the future.

Commissioner Mackenzie was congratulated on being selected for and completing a Rural Leadership Programme, which she has found very beneficial. It was felt that the experience would bring benefits to the Board as a whole.

Commissioner Nielson explained that he is giving evidence to the 'Climate Change and Land Reform' committee, in his role as a land manager. He had given a presentation to Commission staff the day before, which was very well received. It was hoped the same could be repeated with other Commissioners later in the year.

Commissioner Annal raised a question concerning funding for crofting and the distribution of funding support by HIE. It was noted that officers from HIE will be attending the Board meeting in May and that the Highlands & Islands Croft Entrant Scheme had been a good example of collaborative working between organisations.

Commissioner Maciver wished to record his thanks to staff for organising a recent visit to the Uists to meet crofters and others. The meetings had been very positive, and this was a worthwhile initiative, helping communities to resolve issues.

Commissioner Holt had attended a meeting of the Agricultural Support Group in Shetland, where topics such as Brexit and LFASS had been discussed and where it was evident that there is still a lot of misunderstanding of the current Commission's remit. He would continue to attend, to listen and to try to raise awareness of what the Commission can and cannot do.

The Convener reflected that the updates show that Commissioners are attending a lot of meetings and events and would benefit from greater awareness of these by sharing notes. It was agreed that the best method of sharing and communicating would be investigated by officers and tuition provided to Commissioners on request.

The Convener had recently given a presentation at a training event run by the SCF in Portree, which was attended by 18 people, from those aspiring to become crofters, to new entrants and established crofters. He highlighted that it was easy to access misleading information on crofting, by visiting websites whose information on crofting and the Commission is out of date. It was agreed that the Commission would try to identify these and send them a link to our own website, to ensure information stayed up-to-date.

This led to a general discussion on the continuing challenge of getting clear messages out to the crofting public, which would be re-visited at the May Board meeting.

6 CEO MEETINGS

The Chief Executive reported that, along with colleagues from the management team and Commissioner Campbell, he had attended a useful meeting with internal Auditors, Scott-Moncrieff regarding the new Assurance Framework, being drawn up to take a broader look at good governance in the organisation.

He had also had a wash-up meeting with Matt Goddard, whose work on organisational development had now been completed. A copy of the resulting report would be circulated to Commissioners.

As a result of a meeting with the Sponsor Division, Commissioners were asked if they wished to engage with SG on the question of constituency boundaries, ahead of new Crofting Commission elections. This would be prior to a broader consultation exercise. It was agreed that this should go ahead, with information circulated to Commissioners for future discussion.

7 DRAFT BUSINESS PLAN 2019-2020

Deputy Chief Executive introduced the paper, explaining that the draft would come back to the Board for formal approval in May. Some changes had been made to Milestones and targets, with further information on performance targets to be added after the year end, in early April. Commissioners considered each draft Outcome in turn.

For Outcome One, it was felt that a little more narrative, in the form perhaps of an Explanatory Note, is needed where it is not clear why a particular target is pertinent. While it was accepted that targets must be productive and measurable, it was felt that they would convey a better message if the language was positive rather than negative. For instance, 'increasing occupation' is more positive language as a target than 'reducing the number of vacant crofts'.

Commissioners discussed how action is prioritised, for instance in relation to Crofting Census Returns, with current priority given to following up those returns reporting a possible breach of duty; Commissioners noting that action would be taken in other cases if potential breaches are reported by members of crofting communities.

Outcome Two concerns grazings and it was agreed that the Commission has to focus on management structures because market driven elements are not under the Commission's control. It was felt that there would be benefits in using the Assessor Network to engage with townships and grazings committees.

Outcome Three mainly related to process improvements in Regulatory work, with new performance measures being developed. Head of Regulatory Support explained that the triage system previously approved by the Board is being taken forward, with a pilot to test its effectiveness.

For Outcome Four, the Chief Executive explained that there are no measures, but Milestones have been identified. It was agreed that land reform should be given greater prominence and a meeting arranged with the Land Commission and that a further discussion was needed on 'Support for Crofting' ahead of any meeting on this with partners or SG. It was further agreed that a facilitator should be identified to lead this discussion at a future Board meeting.

For Outcome Five, Commissioners were reminded that the previous Outcome Six on the environment was now included in this Outcome. It was suggested that where positive action was measurable on environmental improvements, such as switching to more paperless meetings, this could be tagged with a 'green flag'. The desire to shift the balance from issuing documents and communicating by letter to more use of e-mail was discussed and will be investigated further.

8 ORGANISATION OF GENERAL EXTERNAL VISITS

The Chief Executive introduced a brief paper outlining the current approach to external visits, with information on costs and the aims behind the various types of visit to crofting communities, undertaken by Commissioners and staff.

The Convener explained that, with increased pressure on budgets, the Commission needs to use resources carefully and decide which approach provides the best value for money.

Commissioners discussed the relative merits of the different types of visit currently undertaken, agreeing that the Commission must be a customer-facing organisation and that it is important to consider value as well as cost. Questions were raised as to whether it is necessary, for instance, for all Commissioners and several members of staff to be present at some external meetings, where the same outcome might be achieved by fewer people. It was suggested that this needs to be balanced by the symbolic nature of certain visits, especially as there is currently no live streaming of Commission meetings. It was pointed out that HIE broadcast a live forum debate each week and that advances in digital technology offer an opportunity to reach more people, for instance via podcasts.

The Deputy CEO suggested that completing a cost/benefit analysis could provide useful information and the Convener favoured a more structured and targeted approach, which would assist in planning and budgeting.

It was agreed to bring the item back for further discussion at the next Board meeting in May.

9 DATE OF NEXT MEETING

The next meeting will be held on 9 May 2019 in Great Glen House.

10 AOB

There was no urgent business and the Convener thanked everyone for attending and closed the meeting at 12:20pm.