

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 $\frac{3}{4}$ 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.