

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 8 FEBRUARY 2018

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, Minute-taker
	John Toal	Head of Policy
	Joseph Kerr	Head of Regulation
	Jane Thomas	Head of C&CS

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting in Gaelic and then English.

Apologies were received from the Commission Solicitor, David Findlay.

2 DECLARATION OF INTERESTS

James Scott declared an interest due to his father-in-law being an owner-occupier crofter in Orkney.

3 APPROVAL OF DRAFT BOARD MINUTES OF: 1 NOVEMBER 2017 AND 13 DECEMBER 2017

The Minute of the Meeting of 1 November 2017 was approved with no amendments.

The Minute of the Meeting of 13 December 2017 was approved with the following amendments:

Page	Item	Paragraph	Amended/Additional text should read
8	3(a)	5	Commissioner Annal wished to record his dissent with the decision on the decrofting case in Birsay.

4 MATTERS ARISING FROM PREVIOUS MEETING

Commissioners wished to reconsider the 19 Rodel case following the receipt of further information. This was added to the agenda for later in the meeting.

5 ASSESSORS RECRUITMENT

Linda Gourlay, Projects Manager, joined the meeting and introduced the paper which outlined the recruitment process that had been used for the new panel of Assessors. She explained that 22 applications had been received and also one further late application. She explained that one of the applications was from an ex-Commissioner and one from a previous member of staff. The Commission’s previous policy had been that applications for an Assessor were not allowed from previous members of staff within two years of them leaving the Commission, however it was for the Commission to consider whether they wanted to review this policy. On balance, the Commission felt that given that the recruitment process had now changed and was more thorough, this policy was not required.

The Commission also considered the length of term for the new panel and confirmed that five years was appropriate in order to give an overlap with the next Commission elections in 2022.

Commissioner Maciver noted his disappointment that some areas did not have any applicants and Commissioner Mairi Mackenzie noted that all the applicants were from areas where a roadshow meeting had been held and wondered whether meetings in more places would have encouraged a higher number of applicants.

There was then some discussion about whether the new panel would cover specific areas but the Commission decided to devolve further discussion and a decision on this to a sub group of Commissioners.

Discussion on the individual applications was deferred to the Closed Session.

Decision	A sub group of Commissioners, namely Billy Neilson, Cyril Annal, Iain Maciver and James Scott to meet for a further discussion about the role of Assessors now that the numbers are known.
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6 AUDIT & FINANCE COMMITTEE REPORT

Commissioner Mathieson provided an overview of the last Audit & Finance Committee meeting and explained that Commissioner Mairi Mackenzie had attended the meeting as a guest and that all Commissioners should attend a meeting at some stage in order to expand their understanding of the business of the Committee.

Commissioner Mathieson explained that the latest Internal Audit reports considered by the Committee were all very positive.

He went on to explain that outstanding actions from previous audits were considered at length as there were a number that had not made much progress and/or were past their target completion dates. He confirmed that for some, the target date can be extended as they were not critical but wanted to mention two issues in particular, related to IT. Firstly, that the Commission’s IT provision is largely dependent on one person and the other was around whether there were adequate provisions in place for data backup and recovery. He did stress that he did not expect either of these to cause a significant issue but that they were worth noting for due diligence.

Other key topics discussed by the Committee were around the Cyber Resilience work from Scottish Government and a new Whistle Blowing Policy specifically for Commissioners as they are not covered by the same one as staff. The Risk Register and Complaints were also discussed and the draft Budget for 2018/19.

Commissioner Holt asked for further clarification of Risk Number 072, related to the impact of conflict within crofting communities on the reputation of the Commission. The CEO explained that people in conflict often think it is the Commission's issue to resolve even when it is not within our powers to do so. This is therefore something that we need to continually work at through good communications. Commissioner Campbell noted that the Commission will not ordinarily have much direct contact with the vast majority of crofters which makes it difficult to get any message across.

Commissioner Scott asked what progress was being made in relation to the implementation of the General Data Protection Regulation (GDPR). Head of Corporate Services explained that plans were well underway and a paper will be going to the AFC in April with a progress update.

The Commission were then asked to approve the Board Evaluation Questionnaire as recommended by the AFC, subject to the addition of a 'Don't Know' option for each question.

Decision	The Commission approved the Board Evaluation Questionnaire subject to one change.
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The Commission were then asked to approve the Budget for 2018/19 as recommended by the AFC. Commissioner Mathieson wished to record his appreciation for the quality of financial information that the AFC receive.

Decision	The Commission approved the Budget for 2018/19.
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7 DECENTRALISING JOBS – HOW TO CONSIDER WITH NEW BOARD

The CEO introduced this paper by explaining that the Commission used to have staff based at various locations around the crofting counties when they had a Development role but with the loss of that role, staff had been located since in Inverness. He explained that the question of decentralising some jobs had been briefly discussed by the previous Board, with the Commissioner from the Western Isles at that time explaining some of the economic benefits of having Commission staff based in areas outwith Inverness. The CEO explained various models of deployment that could be considered if the Commission were minded to pursue this discussion further.

All the Commissioners then contributed to a lengthy discussion on the merits and potential problems of having staff deployed in different locations with the key merits being identified as contribution to the local economy, and having someone based within a community who can better build local relationships and understanding of the Commission's role. These merits, however, were countered with the disadvantages with all Commissioners raising concerns around logistics of management, isolation from team members, career limitations and unrealistic expectations of someone who would be considered locally as being responsible for all crofting functions where in reality they would only really be there to do their specific role. There were also concerns raised related to the size of the Commission and the extra budgetary impact of basing staff remotely from the main office. It was acknowledged, however, that certain roles could lend themselves better to working in this manner where the role was a largely individual one that did not require the knowledge or support of a team day-to-day.

There was also some discussion about how some of these benefits, such as increased local understanding of the Commission's role, could be better delivered and it was acknowledged that working better together with SGRPID and the new Assessors could support this.

Decision	The Commission confirmed that they do not wish the Executive to further consider the decentralisation of jobs at this time.
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8 OWNER-OCCUPIER CROFTS IN ORKNEY & CAITHNESS

This paper came to the Board following a request for a discussion on crofting in Orkney from Commissioner Annal and a recent visit to Orkney by the Convener and Commissioner Mairi Mackenzie and the Head of Policy. The Head of Policy introduced the paper which presented a summary of the history of crofts in Orkney which is quite different from that of crofts in other areas. The key distinctions highlighted were around lack of common land, and the ability to purchase land occurred much earlier in Orkney which also had a big impact on how crofting evolved. He highlighted that there are currently 450 crofts in Orkney with only 64 of these tenanted, the rest being owned.

There was then a lengthy discussion about what Commissioner Annal perceived to be the difficulties faced by crofters in Orkney and he outlined that there is no distinction in Orkney made between the status of the land, with croft land often being subsumed by surrounding farm land and managed as one big unit. He also highlighted the difficulty that crofters have borrowing on croft land due to lack of standard security.

It was clarified that Regulation and Policy make no distinction currently because, ultimately, the land is croft land and therefore subject to the same considerations as everywhere else with individual cases being considered on their own merits.

Commissioner Mairi Mackenzie asked Commissioner Annal for clarification of what he thought the main issue was. Commissioner Annal confirmed that it was borrowing of money, however several Commissioners highlighted that this same issue was faced by all crofters no matter where they live and that there were also some financial benefits linked to croft land, with crofting specific grants available.

After further discussion, it was felt that any change sought by crofters in Orkney could not be addressed by the Commission and was a matter for Scottish Government, perhaps in conjunction with any discussion about revised legislation.

Commissioner Annal accepted this conclusion.

9 COMPLIANCE AND THE COMMISSION – FOI/EIR/DPA ETC

This item was deferred until a future meeting of the Board due to time constraints.

10 DATE OF NEXT MEETING

22 March 2018 – Great Glen House

11 AOB

No other business was raised and the meeting closed at 11.55am.

12 EXCLUSION OF THE PRESS AND PUBLIC

The meeting closed at 1.10pm.