

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT THE SPORTS HUB PAVILION, TAYNUILT, ARGYLL ON 8 OCTOBER 2019

Present:	Rod Mackenzie	Convener
	Andy Holt	Commissioner
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	Cyril Annal	Commissioner
	James Scott	Commissioner
	Bill Barron	Chief Executive
	Mary Ross	Head of Operations & Workforce
	Aaron Ramsay	Head of Digital & Improvement
	David Findlay	Commission solicitor
	John Toal	Head of Policy
	Joseph Kerr	Head of Regulatory Support
	Fiona MacDonald	Compliance Officer and minute taker
	BBC Reporter	
	Representative	SGRPID
	Representative	NFUS
	Four members of public	

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the Board meeting, giving a welcome in Gaelic and English, stating that the meeting was taking place in beautiful surroundings. He also welcomed members of the public, and NFUS and SGRPID representatives to the meeting.

Apologies were noted from Jane Thomas, Head of Compliance.

2 DECLARATION OF INTERESTS

No interests were declared in the public part of the meeting.

3 BOARD MINUTE OF 19 AUGUST 2019

The Minute of the Meeting of 19 August 2019 had been approved by email and published on the website. It was brought to the meeting for information only. There were no questions.

4 MATTERS ARISING FROM PREVIOUS MEETING

Commissioners asked for an update on the Crofting Bill which was an item in the previous minutes.

CEO advised there was a meeting that Solicitor and himself had attended which had a lot of discussion about three key items the Government wanted to put in the Bill. However, a short time after that, there was an announcement by the Cabinet Secretary that because of all the Brexit work forthcoming, there may not be time to do a Bill in this Parliament at all.

Cabinet Secretary is meeting with crofting stakeholders this week in Edinburgh and CEO will be attending to hear about the way ahead.

CEO reported that at the earlier meeting, there had been good quality discussions about joint tenancies, Standard Securities and deemed crofts. on joint tenancies, there had been some support, especially from crofting solicitors, for the Commission's stance that it would present difficulties, and Government had agreed to take it back to rethink this. Also talked about Standard Security proposal where it was quite clear that lenders would not have automatic right to decroft a piece of land. It was suggested that what to offer to lenders was that if it ended up in default and had to be repossessed, it could be reassigned without Commission consent. Those present at the meeting had felt this was an acceptable way out for lenders.

However, Commissioners were not happy to agree to this, arguing that the controls on assignments should be retained even in the case of repossession.

5 'ROUND THE TABLE' UPDATES FROM COMMISSIONERS

Commissioner Scott attended a workshop on Strategic Transport Review by Jacobs Engineering in Glasgow. This was very environmentally focused. He believed the freight workshop would be more beneficial to the crofting communities. The presentation is available if anyone wishes to see it.

Commissioner Mathieson attended the Lochaber Show and suggested that attendance next year at the Appin Show with a small stand would be beneficial. He had also enjoyed the Commissioners and staff golf tournament.

Commissioner Annal dealt with some crofting complaints. These take time but he had managed to sort them all satisfactorily. Would be good to have a paper explaining the rules for transfer of croft land made available to Solicitors as they are not aware of crofting restrictions surrounding this.

Commissioner Maciver attended the Western Isles Council Crofting JCC. Usual topics i.e. deer, geese, eagles; and also housing. Since last meeting a lot of people outwith estate seeking advice, being redirected to the appropriate office i.e. Crofting Commission, Tìree/Area office. Looking forward to attending meeting with grazings clerks in the hope that out of office committees will be encouraged to return.

Commissioner Campbell has been heavily involved in an SEC project for new power line from Bonar Bridge to near Lairg which crosses croft land. Has been speaking to people who will be affected by this, which in turn leads to talking about crofting matters and he has found it helpful to be out speaking to crofters on the land. Attended the Lairg sale where livestock numbers were lower than the previous year.

Commissioner Mackenzie was in Kinlochbervie on a fact-finding visit for a Tier 3 case. Also attended a meeting of the RSABI who are worried about the Brexit fallout for crofters' and farmers' mental health. An emergency meeting will be put in place to discuss this.

Commissioner Holt dealt with a couple of queries re financial assistance, including a question about registration which was forwarded to the office. Also dealt with a landlord who was very upset about a croft being sold to an absentee, this was also forwarded to the office. Asked to comment on 71 different maps in connection with local development planning. Advised that this would not be possible but made the point that Commission policy is not to allow decrofting of good agricultural land. Attended Agricultural Support Group meeting in Lerwick. Next meeting will be addressed by Steven Thomson on 29 November and although he would like to attend, this clashes with the Board's Strategic meeting.

Commissioner Neilson has travelled round Lochaber, Kilchoan and two or three markets. Interesting visit in Skye for a week. Environmental issues was on the agenda. Had taken notes of problems which he has referred back to office staff to deal with. People asking for opportunities to get crofts. Hoping to attend future Agricultural College meetings.

Convener Mackenzie, along with Commissioners Campbell and Mackenzie, Head of Policy, CEO and Solicitor attended a meeting of the Scottish Land Commission. Crofting Commissioners and staff had a useful discussion with Board members and staff of the Scottish Land Commission on areas of mutual interest to crofting and land reform. This included discussions regarding diversity of land tenure.. Land Commission members will be invited back to a future Crofting Commission Board meeting. Convener Mackenzie had also taken part in the Tier 3 visit to north-west Sutherland. Encouraged by price of sheep at sales in Shetland. SRUC are doing a study on lone working and has been invited to comment on lone working crofters/farmers in connection with mental health with SRUC possibly setting up a help station. Impressed with resilience of crofters/farmers carrying on working, albeit with the uncertainty of Brexit.

6 ENVIRONMENTAL ISSUES

Solicitor introduced the paper stating that it was not an academic paper but more to raise awareness of how certain issues e.g. climate change could impact on crofting. He highlighted the following points:

- It is recommended that the Board uses this as a stepping-stone to liaise with other organisations regarding commissioning further research and to invite Professor Stewart Angus, SNH who does important work connected to coastal ecology in South Uist and its relation to crofting, to come to a future Board meeting to do a presentation.
- Rising sea levels associated with climate change pose a threat, especially in South Uist. North Uist, parts of Benbecula and potentially Tiree are all potentially vulnerable as well. The antiquated drainage system in South Uist is in danger of being inundated with sea water through storms etc and gradual levels rising, which could result in the land being infertile due to increasing salinity. Professor Angus Stewart, for instance, sees crofting as an important way of managing change, particularly through machair management.
- Carbon sinks consisting of peatland/peatbogs in Scotland are nationally important. There is potential opportunity here for crofting to argue it is contributing to the maintenance of vulnerable habitat and also important carbon sinks. It would be useful to have further research regarding this.
- Neglected land can result in certain species increasing in number in an unbalanced way and therefore finding a balance is important. People using the land productively and maintaining grassland ties in with Commission's duties re neglect of land. There was discussion as to whether common grazings that are neglected could be brought back into productive use?

- If crofting can establish the importance of crofting to sustainable land use, as well as delivering all the other benefits (such as population retention and contribution to the rural economy) then the Commission and other stakeholders could more easily argue the case for financial assistance.

Discussion followed by Commissioners agreeing that this was an excellent paper and very thought-provoking and informative. There was discussion as to how the Commission should communicate more clearly the environmental benefits associated with crofting, and how further information and research (with other bodies and organisations) could assist the Commission in making a case for the environmental benefits associated with crofting.

Solicitor to draw up an Action Plan and report back to a future Board meeting. Board will also consider asking relevant experts to present short papers directly to the Board.

7 REVIEW OF STANDING ORDERS

CEO introduced the paper on behalf of Head of Compliance. He advised that Head of Compliance checks all policies annually and has highlighted two changes to the Standing Orders.

The first addition is at No 7: Place of Meetings as follows:

Alternatively, the Commission will hold public meetings in the Crofting Counties, in addition to public Board meetings in Inverness.

Commissioners made the point that there wasn't much difference between the meetings talked about in the previous paragraph, compared to the additional one proposed. It was agreed that Head of Compliance would change the wording to distinguish between the two types of meeting.

The second one is paragraph 18 in connection with how the minutes are processed. The new text says:

A draft copy of the minutes will be circulated to members by email, for comment and suggested amendment. A final version of the minutes will then be circulated to members as the approved minute of the meeting and will be made available to the public on the Crofting Commission's website. A copy of the approved Minute will be available to members at the next Board meeting, for information and reference.

Decision	Approval of amendments/additions with Head of Compliance to change the wording to distinguish between the two types of meeting at No 7.
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8 UPDATE ON IS AND IMPROVEMENT PROGRESS

Head of Digital & Improvement introduced the paper, stating that he would touch briefly on each point:

- 1 Intune – all devices have been rolled out, which is still in learning mode. The goal is not to make it restrictive, so functions such as stopping installation of apps will not be turned on unless it is deemed needed. Once the software has policies enforced full documentation will be issued which will include information on any requirements, such as specific password length etc. Currently the only difference being is that if you don't comply with some basic security essentials you will be informed that you are not complying, for example being asked to set a stronger password.

- 2 Next CIS release – the System Architect has gained promotion in another government body. A plan in place to deliver the next rollout of CIS and support go live, with steps being taken to replace the System Architect. The next version should enter testing in November 19. CIS documentation – testing phase in place first and will be picked up once the new System Architect is in place.
- 7 Building resilience – IS team are working towards putting in place a knowledge repository of everything they do to move away from specialised skills. Exploring employing an external company to manage the servers, firewall and other physical hardware, which will let IS team concentrate on other aspects.
- 3 Online decrofting directions – Head of Digital & Improvement gave a presentation on the model template and is pleased to announce that they are now ready to go online after board approval. He went through the template and showed everyone how to access decrofting directions. After testing, it was found there were some inaccuracies which will be investigated once back in the office before turning the service on. The next big milestone will be apportionments, which will include a lot more manual work.

Commissioners wished to pass on their congratulations to everyone involved in the work.

- 4 Electronic payments – One of other parts of the work is to look at changing the way payment is made for registering crofts. Head of IS presented the different options and it was suggested that Worldpay would be preferred. Financially, the worst case scenario would incur circa £4000 in fees to the Commission, but savings would be made in staff time and also improve the service we offer to the crofter.

The question was asked as to whether we could redirect the processing of payments to RoS but legislation states the Commission has to take payment. Commissioners suggested that RoS should be doing more in the process and that a long term future solution needs to be agreed with RoS.

- 5 Online digital applications – Within IS team, the business analyst has produced a draft paper exploring the different options available to the Commission. Was hoping this would have been implemented by end of year but this is not going to be the case as there are a lot of restrictions and guidelines affecting this. It is looking like 2-3 years to complete this task and will be very costly (£250,000-£400,000 estimate). An interim solution may be possible meantime by taking the paper forms and changing them to smart pdfs, however further planning work is needed around this and it may still cost an estimated £10k-£15k.

Commissioners asked if a private contractor had been consulted. It was advised that the Commission as working with the ARE Digital Transformation Team, who are consultants; contractors have to be sourced specifically tailored to our needs. The expectation is that Scottish Government funding will be available to assist with the costs.

- 6 New Apple update not gone well and the IOS requires some patching before robust. If Commissioners are asked to upgrade to IOS13, they are advised not to go ahead until informed to do so.

New iPads – Business Analyst looked at iPads -v- Windows Option. Commissioners will collectively get the choice but iPads seem the better option. Estimated cost to replace is £7,700; agreement to wait until next financial year for the iPads however keyboards will be purchased now for anyone who wishes one.

- 8 Disposal of old Commission hardware – as stated in paper.

- 9 Performance Improvement Project Update – a working group spent a whole day with ARE’s team where 21 improvements were identified throughout the office. Work ongoing on these improvements now. Additionally, a workshop was run in Inverness which was shared with other local bodies to share the methodology and allow us to run future improvement exercises ourselves.

Commissioners congratulated Head of Digital & Improvement on an excellent paper which was easy to understand and wished congratulations to be passed on to the team.

Meeting adjourned at 1200hrs for Donald Harrison’s presentation, followed by lunch at 1250hrs.

Meeting resumed at 1335hrs.

9 LAND REFORM REPORT UPDATE

Solicitor introduced the paper by saying he had attended the Land Commission Board meeting in Longman House, Inverness. There had been a productive discussion touching on the many difficulties faced on the small scale control of land and participation in land rights. Also how crofting is relevant towards the ongoing work of the Land Commission. Discussion about neglect and the possibility to make this a liability. This would be explored further by the Land Commission.

Commissioners Campbell and Mackenzie stated that many of the Land Commission’s concerns and objectives were similar to the Crofting Commission’s. Many of the problems could be addressed by approaches akin to crofting regulation. It was suggested that neglected land and a reminder of the 1919 Act’s initiative to make land available for use to crofters should be among the items on the agenda for the next joint meeting.

Land Commission will be invited to a future Board meeting to discuss the different issues raised by Commissioners.

10 FUTURE OF CROFTING

Convener asked for reflections from the previous evening’s public meeting.

Commissioners made the point that it would be good to get the views of the public attending the meeting who had been there the previous evening at the public meeting.

The views were as follows:

Assignment of shares – thought shares transferred automatically – it was good to learn this and will pass this information to other crofters.

Good to meet people at the Board and know you can get in touch with any queries.

From a member of the public that wasn’t present at the previous evening meeting – on Future of Crofting Discussion, is it envisaged that it will be fed into the Scottish Government’s thinking about a National Development Plan for Crofting? Although the two pieces of thinking will run concurrently, Convener thought there would be limited overlap between them.

Commissioners raised the point made from the public meeting that land availability was a popular subject and that owner-occupied crofts may not be the best long term solution.

Member of the public asked if the question on the Census form could be changed from 'Do you work your croft' – Yes/No be expanded more for the 'No' answer. CEO advised that Duties team were concentrating on this aspect of the form. Maybe a softer question would be more appropriate e.g. if the answer is 'No', would you be willing to give up your croft to a new entrant? Commissioners suggested that a short preamble at the top of the form to explain duties might be helpful. This would be taken away for consideration but will be too late to be incorporated into this year's census.

Commissioners agreed that environmental benefits have a good connection to activity on crofts. Where environmental actions are connected to keeping livestock, this would make it more attractive for people.

Convener asked the guests attending if there were any more issues they would like progressed.

Member of the public asked that the Commission stop thinking about schemes as it is going to be much more farmer led, with radical changes being put in place on forms. Representative from NFUS stated that SNH are looking at community-based agri-environmental schemes, which is based on some of the work in the islands and is being headed up by Ross Lilley.

Convener thanked the public for their input and for coming along to the meeting today.

11 DATE OF NEXT MEETING

28 November 2019 – Great Glen House

12 ANY URGENT BUSINESS

Commissioners raised the issue of transfer of shares in the common when a croft is transferred and CEO said that a solution is being sought.

The matter of joint tenancies was raised and Solicitor said that the Land Court has indicated they could be receptive to a reference being put to them. Next stage is to contact the Land Court for more detail and find out the costs. Could Government funding be sought? It was thought that it could. Is there scope for another external solicitor (SG)? This would be investigated.

There were no interests declared for the private part of the meeting.

13 EXCLUSION OF PRESS AND PUBLIC

Convener touched on the response by the Cabinet Secretary to his letter in which the Cabinet Secretary praises the early successes of the RALUT. He also read out a part of the response, stating that he would e-mail the Board with a copy on his return.

Head of Policy touched on the point Donald Harrison had made about the funding supplied for grants and Bill Dundas, RPID had stated that CCAGS was under review and asked should the Commission be consulted on this before RPID report to Ministers? It was agreed that this would be brought to the attention of Sponsor Division at their meeting later on in the month.

Minute taker asked that thanks be recorded for Karen Johannesen, who had organised the external Board meeting and this was agreed.

As there were no questions, the Convener thanked everyone for their contribution and closed the meeting at 1520hrs.