

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD IN GREAT GLEN HOUSE AT 9:30AM ON 8 FEBRUARY 2023

Present:	Malcolm Mathieson	Convener
	Andrew Thin	Commissioner
	Mairi Mackenzie	Commissioner
	Duncan Gray	Commissioner (via Teams)
	Iain Maciver	Commissioner
	Duncan Macaulay	Commissioner (via Teams)
	Colin Kennedy	Commissioner
	Rod Mackenzie	Commissioner
	Bill Barron	Chief Executive
	David Findlay	Commission solicitor
	Christopher Reynish	Director of Operations & Policy (from 9:50)
	Finlay Beaton	Head of Grazings (for item 11 and 12)
	Kirsteen Currie	Communications Officer (for item 11)
	Karen MacRae	Development Officer (for item 12)
	Jane Thomas	Head of Compliance and minute taker
	Aileen Rore	Scottish Government (via Teams)
	Gift Mlambo	Scottish Government (via Teams)
Observers:		Members of staff, Assessors, and the public via Teams

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English. Apologies were received from the Director of Corporate Services and Commissioner Macdonald.

2 DECLARATION OF INTERESTS

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

3 DRAFT BOARD MINUTES FROM 30 NOVEMBER 2022

It was agreed that future Board Minutes would record Action Points within the body of the Minute, as well as in a separate paper.

The draft Minutes were approved.

4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING

The Convener requested an update on points 4-10 as several appeared to be outstanding. It was agreed that the CEO would provide this by the end of the week, with specifics and deadlines. It was further agreed to revise the format of the paper to show completion dates and more detail.

Action Point 1	Provide Convener with update on Action Points 4-10 of previous list by 10 Feb
Action Point 2	Revise format for displaying Action Points to show date of completion and any relevant details

5 MATTERS ARISING FROM PREVIOUS MINUTES

There were no Matters Arising.

6 AUDIT & FINANCE COMMITTEE REPORT

(a) Update from Vice Chair of Committee

Before handing over to the Vice Chair, the Convener reflected that audit training had been arranged for Board members the previous day, which only two members had attended. He hoped that Commissioners would take advantage of training opportunities provided to them. Head of Compliance & Board Support was asked to check whether it would be possible to create a training portal for Commissioners.

The Vice Chair then highlighted several issues which had been discussed by the committee, including the need to ensure Board competence on risk management and the question of appropriate governance of IT projects, with the CEO being asked to consider within the next two weeks whether a Project Governance group is required, rather than resurrecting a Steering group. The possibility of this group including an external member was raised.

Commissioners discussed the question of cost and IT systems and it was agreed that it will be important to get the views of staff after the next release of CIS.

It was agreed that the Board require Risk Management/Risk Appetite training. This is being taken forward by the Head of Finance following the Committee meeting.

Action Point 3	Investigate whether a portal can be set up for Commissioners housing information on Board training
Action Point 4	Consider and advise whether the Commission requires a Project Governance group to oversee IT projects, rather than a Steering group

(b) Draft Minutes from 25 January 2023

For noting.

7 REVIEW OF PERFORMANCE REPORT Q3 2022-2023

The Chief Executive went through the tables, highlighting items with a red RAG status, the main ones being CIS delays and the backlog. He reported that the situation is improving but not as quickly as we would like.

In answer to a question on the stalled digital applications project, the CEO reported that external legal advice is being sought on the verification of signatures issue. Hopefully, the issue will soon be resolved but the service will still need to be taken up in greater numbers.

To explain the single biggest factor behind the backlog, the CEO cited previous staff under-resourcing and the complexity of legislation.

Though the focus of the discussion was on items with a red status, it was also noted that many other items were 'green' and that staff are motivated and focused on improvement.

8 STRATEGIC RISK REGISTER UPDATE FOR Q3 2022-2023

The Chief Executive introduced the paper, explaining that the risks are expressed in terms of what might go wrong or get worse and that it might be worth another look to see if this is the best way to express risk. He drew attention to a new risk at S7, around future financial risk because of the level of uncertainty on future budgets and requested that S5 and S6 be removed as discharged. This was agreed.

The Convener wished to record the complimentary remarks of the Auditor General, who had been impressed by how seriously the organisation had applied itself to acting on the recommendations of the Deloitte Report.

There was a discussion on scoring in the register and the difficulties of areas such as Grazings, where the impact of support mechanisms was greater than anything the Commission could reasonably achieve. It was suggested that the Commission carries out a Risk Identification Review after the Risk Management training. This would probably pick up any strategic risks around CIS.

It was agreed that the CEO will facilitate a review of the risk registers once the new Corporate Plan has been approved and the Risk Management training completed.

Action Point 5	Items S5 and S6 discharged from SRR with agreement of Board
Action Point 6	Carry out a Risk Identification Review after Risk Management training

9 REGULATORY CASEWORK UPDATE

The Director of Operations & Policy was asked to provide the update for the Board. He explained that towards the end of 2022 the cases discharged figure was looking good but throughput had been lower in December and January. Staff leave could account for the lower December figures but not for January.

Commissioners wished to understand where the pinch points were, in addition to the overall statistics. It was reflected that the Director of Operations & Policy was articulating a clearer picture. Concern was expressed by the Director of Operations & Policy and by some Commissioners that part of the issue lies with the computer system.

The Convener expressed confidence that the Director of Operations & Policy, management and staff were motivated to look at this issue from the bottom up, to try to get it right. He looked forward to the strategic discussion planned on productivity in the afternoon session.

10 DRAFT BUSINESS PLAN 2023-2024

The Chief Executive led the discussion and, in answer to a question from the Convener, explained that Sponsor Division had come back with a couple of suggested amendments to the draft Corporate Plan. It is for the Board to decide whether to accept the changes. Sponsor would like the Commission to aim higher on the target number of Grazings Committees and backlog reduction.

It was agreed that the Commission wants to be ambitious but that picking another number as a target might not be the right way to achieve this. It was agreed that the target for the number of Grazings Committees in office is ambitious and should not be increased and that the CEO will amend some of the narrative in the Corporate Plan and circulate to the Board.

On the draft Business Plan, it was felt that there may be a gap on costs and best value. The CEO was asked to bring the full document back for further discussion.

Action Point 7	Confirm to sponsor target of 500 grazings committees in office stands in new Corporate Plan.
Action Point 8	Put together form of words to forward to sponsor explaining positive ambition of Corporate Plan tempered by what can reasonably be achieved. Circulate this to the Board.
Action Point 9	More work needed on draft Business Plan. Bring full document back to Board.

11 AGRICULTURAL SHOWS 2023

The Communications Officer introduced the paper, explaining that this was the first year we had data on the shows attended. She provided an update on the estimated costs of attending the Royal Highland Show.

Commissioners had decided to favour getting out into crofting communities over having an external Board meeting this year and discussed what outcomes they wished to achieve by attending shows. There was a concern that this is an operational decision and that shows are one of a variety of ways to connect with different audiences. The CEO was asked for a view and felt that the benefits of being seen at local shows were greater than attending the RHS, which was more costly in financial and staff resource terms.

It was agreed that the CEO will draft a paper on the topic of the visibility of the Commission in crofting communities, looking at different options and that Commissioners will email the Head of Grazings with their views on whether shows require marquees or whether an informal walkaround is best.

Action Point 10	Commissioners to email Head of Grazings with views on type of presence at agricultural shows, e.g. marquee or walkaround.
Action Point 11	CEO to bring forward paper on visibility of Commission in crofting communities, looking at mixed offer.

12 FUTURE OF ASSESSOR ROLE

The Convener reminded members that a meeting had been held with Assessors in October, to discuss a future panel, as the term of the current panel is coming to an end. The Development Team subsequently put together the paper, which contained recommendations on the role description for new panel members and the recruitment method to be used.

The role definition has grown out of discussions with current Assessors, who feel the word 'assessor' could be a barrier and suggest Crofting Commission Area Representative instead. While legally the title of Assessor has to remain, it was confirmed that there is nothing to stop the use of an alternative term.

Several differing views were expressed, with some Commissioners feeling that Assessors could be used to increase engagement with external stakeholders and are useful for signposting new crofters to the information they need, while others questioned whether a new panel should be appointed at all or whether there is a potential clash with the Code of Conduct or whether spending on a panel represents value for money.

The CEO explained that Assessors sign a Code of Conduct and there is little risk of a conflict of interest because they do not get involved in casework. It has been difficult to develop and support the current panel but now that there is a Development Team in place there is a greater opportunity to use the panel for defined purposes.

It was agreed that the Commission will go ahead with a recruitment exercise to appoint a panel of 30 Assessors for an initial period of three years. The Board will then carry out a review and may extend the panel term to 5 years in total. The Board approved the Recommendation on the role description, confirmed the working title will be Crofting Commission Area Representative and agreed to use the recruitment method recommended and approve the 2023-2024 budget. The Board did not feel there was a need to select a specific Board member as an Assessor contact.

Action Point 12	Assessor panel recruitment to go ahead on basis of 3-year term with review.
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13 REPORT ON MEETINGS WITH SPONSOR DIVISION

The Convener reported that meetings with Sponsor Division are now shorter and more strategically focused. The CEO agreed, explaining they occur on a quarterly basis and that additional meetings with the Bill team are technical in nature.

14 DATE OF NEXT MEETING

The next meeting will be held in Great Glen House on 22 March 2023, with the option to link remotely via Teams.

15 ANY URGENT BUSINESS

No urgent business had been raised with the Convener. The Convener closed the public meeting, thanking everyone who had attended.

Before moving into the next session, the Convener checked whether there were any interests to declare. There were none to record.

During the closed session, the Board considered two proposals from officials for possible inclusion in a forthcoming Crofting Bill and asked officials to remit both to the Scottish Government for further consideration.

16 EXCLUSION OF THE PRESS AND PUBLIC

The Convener thanked everyone for engaging and thought the discussion had been very useful, closing the meeting at 3:35pm.