



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

13 MAY 2021

**CROFTING COMMISSION MEETING (TEAMS)
13 MAY 2021 AT 0900 hrs**

AGENDA

- | | | | |
|----|---|----------------|-----------------------|
| 1 | APOLOGIES | <i>Oral</i> | <i>Standing Item</i> |
| 2 | DECLARATION OF INTERESTS | <i>Oral</i> | <i>Standing Item</i> |
| 3 | BOARD MINUTES FROM: | | |
| | <i>(a) 4 March 2021 Special Meeting (already published)</i> | <i>Minutes</i> | <i>For info</i> |
| | <i>(b) 18 March 2021 (already published)</i> | <i>Minutes</i> | <i>For info</i> |
| 4 | MATTERS ARISING FROM PREVIOUS MINUTES | <i>Oral</i> | <i>Standing Item</i> |
| 5 | EMAILED PAPER FOR APPROVAL:
<i>Budget 2021-2022</i> | <i>Paper</i> | <i>For approval</i> |
| 6 | AUDIT & FINANCE COMMITTEE REPORT | | |
| | <i>(a) Update from Malcolm Mathieson</i> | <i>Oral</i> | <i>Update</i> |
| | <i>(b) Draft Minutes from 28 April 2021</i> | <i>Minutes</i> | <i>For info</i> |
| | <i>(c) Review of Key Performance Indicators Q4 2020-21</i> | <i>Paper</i> | <i>For info</i> |
| 7 | RESULTS OF THE CROFT UNDER-USE AND AVAILABILITY SURVEY | <i>Paper</i> | <i>For info</i> |
| 8 | NATIONAL DEVELOPMENT PLAN – ANALYSIS AND ACTIONS | <i>Paper</i> | <i>For decision</i> |
| 9 | BUSINESS PLAN 2021-2022 | <i>Paper</i> | <i>For approval</i> |
| 10 | ADDITIONAL QUESTIONS FOR CENSUS | <i>Paper</i> | <i>For discussion</i> |
| 11 | REVIEW OF APPORTIONMENT POLICY | <i>Paper</i> | <i>For decision</i> |
| 12 | REPORTS FROM HEADS OF TEAMS | | |
| | <i>(a) IS Team</i> | <i>Oral</i> | <i>For info</i> |
| | <i>(b) RALU & Reg Support</i> | <i>Oral</i> | <i>For info</i> |
| | <i>(c) Operations & Workforce</i> | <i>Oral</i> | <i>For info</i> |
| | <i>(d) Grazings & Policy</i> | <i>Oral</i> | <i>For info</i> |
| | <i>(e) Crofting Development</i> | <i>Oral</i> | <i>For info</i> |
| 13 | ‘ROUND THE TABLE’ UPDATES FROM COMMISSIONERS | <i>Oral</i> | <i>Standing Item</i> |
| 14 | DATE OF NEXT MEETING
24 June 2021 – Teams | | |
| 15 | ANY URGENT BUSINESS | | |
| 16 | EXCLUSION OF THE PRESS AND PUBLIC | | |

APOLOGIES – ORAL

DECLARATION OF INTERESTS – ORAL

CROFTING COMMISSION

MINUTE OF THE COMMISSION SPECIAL MEETING HELD AT 5PM BY TEAMS ON 4 MARCH 2021

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
	Aaron Ramsay	Head of Digital & Improvement
	David Findlay	Commission solicitor
	John Toal	Head of Policy & Grazings
	Joseph Kerr	Head of Regulatory Support
	Mary Ross	Head of Operations & Workforce
	Heather Mack	Head of Development (until 18:15)
	Neil Macdonald	Head of Finance
	Jane Thomas	Head of Compliance and minute taker
	Betty Mackenzie	Communications Manager
	Aileen Rore	Sponsor Division
	Gordon Jackson	Sponsor Division
	John Kerr	Sponsor Division
	Conor Healy	External Audit

13 members of staff attended all or part of the meeting, as observers.

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English.

2 DECLARATION OF INTERESTS

The Convener asked if anyone had an interest to declare in the business proceedings of the meeting. There were no declarations of interest.

3 PAPER: DEPLOYMENT OF ADDITIONAL RESOURCES IN 2021/22

The Convener gave some background information, explaining the reason for the Special Meeting was to consider the paper on the deployment of additional resources, as shortly after the meeting of the Audit & Finance Committee in January, it became apparent that there would be unallocated budget resources available in 2021/22.

The Convener handed over to the CEO, who set out the context, explaining that the vision in the paper is an ambitious one, building on the agenda in the Business Plan and wishing to go further. The Board has been clear that it places a high priority on expanding

grazings work, improving customer services and on residency and land use work. In addition, since summer 2020, the Commission has had to plan for the utilisation of funds for development work and appreciate the ambitions for it in the National Development Plan. Work associated with IT improvements, to accelerate the move to online applications is also clearly at the forefront of the Commission's agenda.

The CEO was proud to put forward an ambitious plan, which now comes to the Board to ensure that resources are managed carefully and in line with the wishes of the Board.

The CEO went on to explain that the paper is in three parts, with one section looking at the budget, one focused on agreeing priorities and a third part on deployment of resources. At the AFC meeting in January, it appeared the budget for 2021/22 was committed but the actual budget was confirmed the following day and, with certain features such as the pay award coming in at a lower rate than anticipated, this gave the Commission more leeway than expected. As always, there is a fine balance to be struck when committing resources at the start of a year. A cautious approach might delay full deployment but then there is the risk of an underspend, which is not desirable. With encouragement from sponsor division, the approach of the CEO is to commit the full £120K in the year but to do so in a sustainable way, for instance with short-term investments which will bring early gains for the organisation, against the Board's key priorities.

Commissioner Annal asked whether there had ever been a base budget review carried out, to look at what all the staff do. It was confirmed that SG used to carry out reviews every five years, but such exercises had not been carried out for several years and there are no plans to reintroduce them. The CEO agreed to send a copy of the Workforce Plan and Medium-Term Financial Plan to the Commissioner and for SMT to consider an external review of what each member of staff in the Commission does.

Vice chair of the Audit & Finance Committee confirmed he is now content in his understanding of the budget figures.

Going on to look at Priorities, the CEO explained that the Board's priorities are the priorities of the organisation, though these also have to align with the wishes of Scottish Ministers, as outlined in the Framework Document. These are usually set out in the Corporate Plan and annual Business Plan, but the unprecedented situation caused by the pandemic from March 2020 has had a substantial impact on the latter. Coupled with the extra resources announced in summer 2020 and the need to accelerate IT improvements, the 2020 Business Plan now looks out of date. The new iteration, which will be circulated to Commissioners shortly, will reflect this.

The priorities listed in the paper offer opportunities. Several are familiar:

- Improvements to the IT system
- Improving customer service
- Investment in the RALU team.

There are also two listed that have arisen after conversations with Commissioners:

- Capturing the knowledge and experience that Board members have gained as part of the Tier 3 process and using this insight to help improve crofting law.
- Support for crofting and what the Commission can do to influence this.

Other considerations are the turnover of crofts, improved information for crofters and enhanced use of common grazings.

In answer to a question, the CEO confirmed that the desired improvements in IT included CIS efficiency development.

The options in the paper were set out with costs and, apart from further expanding the RALU team, could be delivered as short-term projects. The CEO took members through each option, beginning with the IS Team, explaining that the team is presently engaged in pushing forward several high-profile projects, with limited staff resources. The option is to bring in an external Project Manager for a year to help deliver what has been started.

On Regulation, the CEO reflected that this is an area that the Board is understandably interested in and there are big challenges in delivering a fast enough throughput of cases. Therefore, the option suggests bringing in additional A3 staff.

On RALU, the Board has been clear that the team must be expanded, and this commitment is already underway. Two of the new posts from 2020 were allocated to the team and in the next couple of months the team should be up to six B1 officers. The option is for a seventh post to be added.

Managing the new Development function requires changes at SMT level, with the proposal to continue the current TRS situation, to allow a dedicated manager to work with the new B2 recruits and build a good foundation for their work in the first year.

The final option sets out a proposal to bring in a C2 grade officer on secondment, to act as Deputy CEO.

The Convener wondered why a secondment would be needed, as there seems to be sufficient experience and skill within the organisation, that could be called upon to assist the CEO.

Commissioner Scott wondered, given the recent experience of the protracted time taken to recruit to new posts, whether the Commission should consider over-committing the budget, in order to avoid an underspend. He supported Option 1 on IT improvements but asked whether there might be someone suitable in the organisation already, rather than needing to bring someone in. His least preferred option was Option 5.

Vice Chair of AFC thanked the CEO for his paper, which he felt expressed the situation in an understandable and logical way. His preference was to prioritise Option 4, Option 1, and Option 2, in that order.

Commissioner Campbell questioned why there is a need to re-organise the SMT when this was carried out around 18 months ago. He favoured Option 1 and Option 2, wondering whether a B1 was needed as well as A3s.

Vice Convener Mackenzie prioritised Option 4, then Option 1, Option 3 and Option 2, in that order.

Commissioner Neilson concurred with other Commissioners and felt the decision on whether to invest more in RALU or the Regulatory team should be informed by talking to the staff involved.

Commissioner Maciver felt a lot clearer now, thanks to the paper and agreed with colleagues. He supported options 1-4.

In answer to a question from Commissioner Holt, the CEO clarified that we have not had a Deputy CEO since the previous post-holder left 2 years ago. Commissioner Holt's preferred top priority is Option 3.

Commissioner Annal had no comment.

The Convener felt that Options 1-4 were all important, with Option 1 being critical. He was cautious however, agreeing with comments from Commissioner Holt about the need to ensure that the IT projects are delivered on time. He wanted to see a timetabled plan, with committed targets and deadlines. On Regulation, he understood the challenges and wanted to see customer service improvements. Head of Operations and Workforce confirmed extra staff resources are needed, to make a difference but, having consulted the staff, this is at A3 level, rather than B1.

The Convener questioned why a dedicated manager is required for the new recruits in the development role. Several SMT members explained that, in their opinion, the development work would be hampered if the new officers joined the organisation with no support to assist them. If the work is to have an impact, the officers need to understand crofting regulation in context and work from a firm foundation and this would be very difficult to achieve on their own, coming in new to the Commission. There would be a real danger of them being pulled in different directions, with no clear focus.

Addressing some of the points raised in the discussion, the CEO reflected that there are members of staff working uncomfortably hard trying to deliver projects. Delivery is progressing but he wants to see swifter progress and, with more investment the projects can reach the terminus. He will consider the question of over-committing the budget with the Finance Manager. On the question of the skills already in the organisation, he agreed and said work around succession planning needs to be developed further, with a paper to the Board. On the structure of SMT, it had been his decision after the C1 officer left in March 2019 to recruit a B3 Head of Digital & Improvement and a B3 Head of Operations and Workforce, as he felt combining these duties with the Deputy CEO role had been too much. That seemed the highest priority at the time but with the added pressures this year, it needed a re-think.

To conclude, the Convener asked for confirmation on the options selected by the Board. He felt a little nervous that the IS costings are estimates but observed the benefits of the project outcomes would be felt across the whole organisation and help customers. On a question on the current outsourcing of mail handling, the Finance Manager confirmed this is budgeted for in Q1 of 2021/22 and Head of Compliance confirmed there are plans in place to bring the tasks back in-house by the end of April.

In answer to the Convener's question, Board members confirmed the top priority for deployment of additional resources is Option 1, IS investment. The next priority is Development. On a choice between RALU and Regulation, it was agreed to leave this with SMT to see what could best be achieved with the remaining funds. The Convener was pleased to reach a consensus on this and thanked everyone, including the staff who had joined the meeting as observers, for their time, closing the meeting at 18:37

Decision	<i>It is the Decision of the Board that top priority for the deployment of additional resources is given to Option 1 in the paper, followed by Option 4, with SMT deciding how to utilise the remaining funds between RALU and Regulation teams.</i>
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CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT 0900hrs BY TEAMS ON 18 MARCH 2021

Present:	Rod Mackenzie	Convener
	Andy Holt	Commissioner
	Mairi Mackenzie	Commissioner
	Malcolm Mathieson	Commissioner
	Iain Maciver	Commissioner
	David Campbell	Commissioner
	Billy Neilson	Commissioner
	James Scott	Commissioner
	Bill Barron	Chief Executive
	Aaron Ramsay	Head of Digital & Improvement
	David Findlay	Commission solicitor
	John Toal	Head of Policy
	Joseph Kerr	Head of Regulatory Support
	Mary Ross	Head of Operations & Workforce
	Heather Mack	Head of Development
	Neil Macdonald	Head of Finance
	Jane Thomas	Head of Compliance and minute taker
	Betty Mackenzie	Communications Manager
	Aileen Rore	Sponsor Division
	Gordon Jackson	Sponsor Division

Assessors, members of the public and staff joined as observers.

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting, with a greeting in Gaelic, followed in English. Apologies were received from Commissioner Annal.

2 DECLARATION OF INTERESTS

There were no declarations of interest in the public part of the meeting.

3 BOARD MINUTES FROM 4 FEBRUARY 2021

The Minutes had previously been approved and published and were presented for information.

4 MATTERS ARISING

There were no Matters Arising.

5 REPORT FROM THE WOMEN & BOARDS STWG

Head of Compliance introduced the paper, providing the background context. As a Scottish public body, the Commission has a duty to report on work completed to comply with the Gender Representation Act, aimed at a 50% representation of women in appointed positions on Boards by December 2022. The first report is due to be made public in April 2021.

The paper represented a Final Report to the Board from the STWG set up in 2020. The focus of the group has been to agree practical measures that can be taken to encourage more women to come forward to sit on the Board, whether by applying for Appointed positions or to seek election.

Vice Convener Mackenzie took the Board through the Recommendations set out in the paper, explaining that she has now been involved in three panel discussions with networking opportunities and has been delighted with the positive response from women interested in crofting and what the Board is doing.

It was agreed that the questionnaire distributed by the STWG should receive further promotion on social media and that anyone who can add value to the Board should be encouraged to stand. Overall, Commissioners supported the idea that trying to increase the pool of candidates could only be a good thing, whether this was women or other under-represented groups, such as young people. It was agreed that staff should organise an Open Day at GGH (or virtually, if this is not possible) to welcome people to come along and learn about the Commission, ahead of the elections next year and Commissioner Scott offered to write a blog, from the perspective of a younger member of the Board.

The Recommendations were agreed.

Decision	<i>The Board accepted the Recommendations in the paper.</i>
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6 GRAZINGS REGISTRATION PROJECT

Head of Development introduced the paper, which has been researched over the last couple of months, with discussions taking place with staff, stakeholders and both committees and landlords of a sample of registered grazings. Issues highlighted included the time it takes to reach a collective understanding and get this down and agreed on paper, and the time taken to sort out mismatches in shareholder details. The emphasis was placed on seeing this as a long-term project.

Commissioners understood how difficult this work is but also how important it could be in townships, affecting people on a daily basis. It appears that the SLC is broadly sympathetic to the way the Commission has conducted itself over registrations. The rights of crofting land would be augmented by registration and this would enable neglect of this land to be more easily identified.

Commissioners considered the scale of the challenge, with only around a third of grazings registered to date and the costs associated with delivery far exceeding the funds released by Scottish Government. Active work on the project was halted around 4 years ago because of a lack of resources and there was a concern that re-visiting the work could not be done without moving resources from an area the Board has already prioritised. There was, therefore, a call for the CEO to go back to government to consider how to adequately fund the work.

One of the issues highlighted is that only the Crofting Commission can register a grazings. Consideration could be given to the idea of widening the category of those able to register a common grazing. However, this would require legislative change.

Commissioners rejected the first Recommendation in the paper but asked that the issue be brought back in 6-7 months, during which time discussions on resourcing it should take place with Scottish Government.

Decision	<i>Recommendation 1 is rejected. On Recommendation 2, the Board will re-visit the position in 6-7 months' time, after discussions have taken place with SG.</i>
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7 LAND MATCHING SERVICE

Head of Development introduced the paper, explaining that there is a land-matching service available in the farming sector and the idea has been floated that something similar should be developed for crofting. The Commission does have some data on unused croft land, which could be a useful starting point.

Commissioners wondered how successful such a project would be, given market forces and the values placed not just on the sale of crofts but also on tenancies. There was also discussion on the need to ensure that policy decisions are not compromised, for instance the agreed policy on sublets.

Some Commissioners wondered if it is possible to take a more informal approach, putting would-be entrants in touch with crofters who are not working their crofts, giving people an opportunity to try crofting without altering anyone's status. The experience of the HICES scheme was referred to and questions on whether it is possible to use the Annual Notice to extend purposeful use to 'growing season' lets.

It was agreed that Succession and croft turnover involved very sensitive, cultural issues, which had to be considered, alongside the desire to see more young people engaged in crofting.

There was concern that directly leading a Land Matching project could compromise the Commission's position as the Regulator of crofting and that it is more appropriate for stakeholders such as the SCF to be the lead. The Commission did not want to stand in the way of seeing the project develop to help population retention and activity and it was agreed to work with partners on ideas to help encourage the turnover of croft land.

8 STRATEGIC RISK REGISTER

The CEO explained that the register comes to the Board on a quarterly basis, so that a check can be made on key risk areas. He explained that several areas show the risk as static, but this does not mean no work or progress is being made. On Residency and Grazings, for instance, it is expected that work will move forward in 2021/22. On Workforce, Covid lockdown has resulted in challenges for staff but the situation is being managed.

On the Future of Crofting, this has been a time of flux but 2021/22 should see more stability. Regulatory casework productivity has been hit by the January lockdown, but extra resources are being put into this area and we are making headway on cases over 12 months old. Commissioners stressed that targets need to be made clear, so that the Board can assess the level management are planning to get to, within the next few months, with the extra resources. It was agreed that these will be included in the Business Plan.

9 DRAFT BUSINESS PLAN 2021-2022

The CEO explained that it has not been possible to use the 2020/21 Business Plan as envisaged because of the dual factors of the Covid restrictions and the expanded role impacting on the Commission through the year. He explained that when planning the draft plan for 2021/22, the five Outcomes seemed to stand up well and, acting upon a recommendation from external audit, more targets have been included.

He explained that delays in recruiting new staff affected some targets and milestones and that some targets are challenging but wanted to gauge whether the draft represented what the Board wishes to see.

Commissioners want to see definitive target times added, for instance on 3.1 and 3.3. CEO confirmed that once the end of year figures are available at the beginning of April, the draft plan can be finalised and presented to the AFC and then onwards to the Board for approval. Commissioners wanted the opportunity to view the staff structure, with the new positions included, so that they could make suggestions. It was agreed that the plan should reflect the positive position on reductions in the Board's carbon footprint. The decision to continue to hold Tier 3 meetings by video link, for instance, will have a positive impact, which should be captured. And on 4b it was agreed that the key is to find ways of dealing with the issue, rather than carrying out further investigations.

10 VACANT CROFTS

Head of Policy & Grazings introduced the paper, explaining that there had been a paper in June 2020 and that the context of the 1976 Act and the Right to Buy must be kept in mind because of its impact. The 2010 Act created parity for owner-occupier crofters but did not include all crofters. The Commission's Policy Plan says that the organisation can use its discretion in re-letting but it does not provide details on this. It is the will of Parliament that all crofts should be occupied and worked but the Commission has always been mindful to allow for individual circumstances.

It is important to be able to identify crofts, when situations arise that the Commission is not aware of. So, a Notice, similar to the Crofting Census but not used every year, could be helpful in identifying changes. The options detailed in the paper provide the Board with suggestions aimed at using its discretion to enable access to new entrants.

It is important to understand that the crofts in question are not subject to the same provisions governing Duties cases. It was confirmed that the Commission can take information from any source and use this to act if it decides to. It is the croft being Vacant that allows the Commission to take action.

The Commission agreed that there are different types of vacant crofts; for example there are 'ordinary' vacant crofts where the Commission should require the landlord to let the croft and there are those small pockets of croft land, where there are multiple owners. The latter are often very small and could not be let to form a workable croft. They are anomalies which should be removed from crofting, with a change in the law, or a Special Instrument. The Commission could still retain some discretion in these cases and has proved through the Tier 2 and 3 system that it can use discretion successfully.

It was agreed that if the Commission wants to head in this direction, a Policy is needed. It was agreed that discretion should be used so that active crofters were not targeted in any enforcement action. Head of Regulatory Support agreed that work could be carried out to ascertain which vacant crofts were truly vacant and which comprised tiny pockets of land on crofts, where the 'main' croft is still being worked. It was agreed that this should be done, to break down the categories and include this in the 2021/22 Business Plan.

The Recommendations in the paper were approved.

Decision	<i>The Recommendations in the paper were approved without amendment.</i>
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11 PEATLAND RESTORATION

Commission solicitor introduced the paper, explaining that it looks at the legalities around peatland restoration and some of the funding aspects of development. It is important to bear in mind that crofters have limited rights, with significant cases being decided last year in the Court of Session. Conservation activity needs to be carried out in collaboration with the landlord because it affects the landlord's interest. If developments are led by the landlord, agreement would usually have been reached with the shareholders of a common grazings and/or crofters involved. A landlord could use Purposeful Use or Grazings provisions in the Act. Crofting rights may be suspended by a restoration project, such as grazing or peat-cutting rights. The actual work would be done by contractors.

Funding for restoration work may come from government sources and third parties might buy contracts to off-set carbon emissions. Most schemes in Scotland are likely to go forward via Peatland Action. There are options for the Commission to facilitate collaborations between landlords and grazings committees, particularly via the new development posts in the Western Isles. Scottish Ministers estates and community landlords could be a starting point.

Concern was expressed that projects could be going ahead which could negatively impact crofters, without them gaining any benefits and that there could be speculative developments which could impact crofting communities for generations, as the work will be very long-term.

It was agreed to work collaboratively in the Western Isles as a starting point, providing crofters with information. The recommendations in the paper were agreed.

Decision	<i>The Recommendations in the paper were approved.</i>
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12 'ROUND THE TABLE' UPDATES FROM COMMISSIONERS

The Convener began the round of updates, describing the Tier 3 meetings as a good way to conduct casework, which should continue into the future. On 15 March, he had attended the COHI meeting with the CEO, which had included a good discussion on crofting and stressed the importance of developments in infrastructure and connectivity in rural areas.

Commissioner Neilson had been working with the online forms group and 'virtually' touring the Western Isles for QMS.

Commissioner Mathieson had attended the recent meeting of the Cross-Party group.

Commissioner Maciver reported the usual pattern of approaches from local crofters, who he had asked to contact officers. It is frustrating not to be able to make an announcement about the Western isles-based jobs, as the recruitment process has not been completed. CEO agreed and regretted how long things like background checks are taking but confirmed there will be publicity once everyone is in post.

Commissioner Campbell drew attention to the difficulties and delays that can be caused by Intestate Succession and hoped that staff would bear this in mind and do everything they can to encourage crofters to think about Succession, as this needs constant promotion.

Vice Convener Mackenzie had attended meetings of the Hill and Upland committee and is looking forward to getting out with the Communications Manager as soon as possible, to do more filming of case studies to showcase the good work going on, on crofts.

Commissioner Holt had attended a Tier 3 meeting and an SCF meeting on access to crofts, which he found very educational.

13 REPORTS FROM HEADS OF TEAMS

(a) IS Team

Head of Digital & Improvement explained that the issue with the Annual Notice returns had been resolved, with the forms now with the contractor and running at about the same level as last year and with around a 50% increase in the number of electronic returns. It is hoped this trend can be focused on for the next crofting census.

It was confirmed that there will be a thorough wash-up at the end of the census period, to go over all the issues that have arisen this year, learn appropriate lessons and plan for next year.

The exercise to call a selected number of census form non-returners was completed, with thanks to the Assessors who took part. This was a very limited exercise, but the results were interesting and suggest that an expanded exercise would be worthwhile next year.

The ability to use Teams for calls to customers has been rolled out to all the selected staff, as agreed with the Board and a more extensive system is being organised for the Customer Service team, with a hunt group to take calls. This should provide better customer service. Voice messages are being organised in English and Gaelic and the new system will be in operation shortly.

Annual cyber testing has been carried out. A report is awaited but nothing significant was noted during the security tests. The website refresh is progressing to its final stages. This will be tested internally and should be completed within the next fortnight.

External testing and consultation on the website accessibility will begin after the refresh is completed. Quotes have been received from contractors. This should be finished in early April. The online applications project is progressing. This represents a major piece of work, which is building towards being signed off by SG Digital First. The project can be reviewed internally by self-assessment.

After the Special Board meeting on 4 March, discussions have begun to try to identify project manager resources for IT projects, to see if a secondment from SG is possible. The B1 grade vacancy in IS/GIS has been advertised, with the sift of applications taking place next week. There has been a good response.

On CIS, progress towards the next release is being made and, in answer to a question on staff involvement, it was confirmed that staff are involved on an improvement group, looking at future development of CIS.

Commissioners stressed the need to bring someone in as quickly as possible to assist with project management and to bring in a contractor if necessary. Head of Digital & Improvement confirmed that testing for the new release of CIS will take place in April and then training and upskilling and delivery needs to be looked and care must be taken not to do anything that could interfere with the production of statistics for the Annual Report, which means that the new release will not go live until May.

It was confirmed that £70k of resource has been ring fenced within the 2021/22 budget to assist with the delivery of IS projects. The Convener and Vice Chair of the AFC committee expressed concern about delays in the implementation of CIS improvements and the Board requested sight of a timeline for the release and clear targets for implementation. The Board also want to see feedback from staff on CIS.

(b) RALU & Regulatory Support

Head of Regulatory Support gave an update on the work of the RALU team, reminding Commissioners of the situation outlined at the last Board meeting. Notices had been issued in February and quite a few Consent to be Absent applications have been received. Cases are being sent to Tier 3 and one Termination Order has recently been issued. The let of a croft in Lewis to a new entrant should be finalised this month, 5 reports of Breach of Duty have been received and good progress is being made on Skye. The team has also asked for legal advice on any potential impact Brexit might have, for residency cases.

On Regulatory Support, the maximum cases that can be coped with at Tier 2 is about 10 a week and that is what the team are currently working to. The recent policy change on sublets over 5 years has seen cases going to Tier 2, which can be escalated if necessary. Triage information has been revised on the website and Head of Regulatory Support wished to thank the Communications Manager for her help in creating a new leaflet.

Several changes to the way objections are dealt with were agreed by the Board in December and these are being worked through, including changes to templates for RPID reports.

(c) Operations & Workforce

Head of Operations & Workforce explained that there have been pressures caused by the second lockdown from January onwards. Several staff are coping with a variety of caring responsibilities, which has an impact on their productivity. However, adverts are now live to recruit extra staff, as recently agreed with the Board and an existing agency member of staff is being kept on until May.

Staff are working hard to progress cases, after delays in January. Monitoring of cases over 12 months old is carried out and the most significant delays are caused by external factors and blockages, so a plan needs to be developed to deal with these. The issue of revisions to Registration forms to allow for online payments is being taken forward with RoS.

(d) Grazings & Policy

Head of Policy & Grazings explained that this time last year there had been concerns about how grazings committees were going to fulfil duties regarding appointments, when they could not meet in person. Therefore, the Commission had approved interim arrangements, and these are working well.

Lots of enquiries continue to come into the team and these are dealt with. One thing to note is that not many new Regulations are coming in for approval, though some are in the pipeline. The template created to assist committees draw up their Regulations is a good tool, and they will be encouraged to use it.

It is good to report that training has continued, and a good working relationship established with FAS. The team themselves had training in agricultural land use and suggested an abridged version was created for staff in general. This was delivered last week to 25 staff, showing the high level of interest of staff. The team has recently been augmented by the addition of an agency member of staff to cover administrative tasks and this has been a great help.

And finally, Commissioners were thanked for the time they had given to comment on the consultation on animal transportation last month.

(e) Crofting Development

Head of Development gave a brief overview of what the team is engaged in, with one B2 officer based in the Western Isles now in post and another expected to take up a post in April. Meetings are beginning, with staff and stakeholders, to refine plans and prioritise tasks. This includes an initial meeting with Board members next week. There is also a survey on under-used land, which will be circulated to the Board shortly.

14 UPDATE FROM THE APPLICATION FORMS RE-DESIGN GROUP

Head of Regulatory Support explained that the working group has reviewed 9 application forms and identified multiple modules from these. As well as online forms, pdf versions also have to be created. Since the last Board meeting, activity has focused on the Guidance Notes and sub-letting and Assignment forms. It is hoped that the work on the pdfs will be completed by the end of next week and a meeting has been arranged to go over them with the print contractor. Decrofting is being looked at in April.

Commissioner Neilson wished to compliment staff on their input to this important project.

15 DATE OF NEXT MEETING

The next meeting will be held on 13 May 2021 by Teams.

16 ANY URGENT BUSINESS

There was no urgent business.

The public meeting closed at 15:00, with the Convener thanking staff, members of the public and Assessors for their interest in attending.

17 EXCLUSION OF THE PRESS AND PUBLIC

The Convener thanked everyone for their contributions to the meeting, which had a very full agenda today and closed the meeting at 15:35.

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

13 May 2021

Report by the Head of Finance

Budget 2021/22

SUMMARY

As part of the governance framework, the Board should approve the Commission's budget.

BACKGROUND

The Scottish Government normally has a draft budget published by December, however the Finance Secretary Kate Forbes confirmed that due to the absence of a UK Autumn Budget and amidst an unprecedented global pandemic, this was not possible.

The Audit & Finance Committee (AFC) was therefore presented with a 2021/22 draft budget for scrutiny/consideration on 27 January based upon a number of assumptions in advance of Scottish Government budget being published. It was recognised that this would be subject to revision and re-circulation via e-mail to the Committee dependent upon the Scottish Government's Grant-in-Aid award to the Commission for 2021/22.

The draft budget for 2021/22 was adjusted after the Board meeting of 18 March to reflect the agreement reached regarding allocating additional resource towards key priorities such as the delivery of IS projects. The final draft was then circulated to the AFC. The Vice-Chair of the AFC confirmed that the draft had captured the Board's recommendations from 18 March. The draft budget was subsequently circulated to the Board by e-mail for approval.

A copy of the summary draft budget is attached at **Annex A** to this paper for information purposes.

CURRENT POSITION

No dissent was received via e-mail from Board members.

Impact:	Comments
Financial	In line with good governance, the Commission's Financial Standing Orders state that the Board should approve the Commission's budget prior to the start of the financial year. While there is a slight delay for 2021/22, this is understandable given the circumstances.
Legal/Political	N/A
HR/staff resources	N/A

RECOMMENDATION

It is recommended that the Board formally ratifies the approval of the 2021/22 Budget.

Date 29 April 2021

Author Neil Macdonald, Head of Finance, Crofting Commission

CROFTING COMMISSION 2021-22 BUDGET SUMMARY - £000s

2021-22 NOTES

SAVINGS TARGET AUDIT RECOMMENDATION: The Commission should separately disclose in the budget paper the specific savings targets for each area, enabling monitoring throughout the year. For each area, it should be made clear in the budget how many of the required savings are identified/unidentified at the time.

Salaries/Remuneration

Commissioners	100	106
Former Commissioner pensions	13	13

Current staff, current vacancies & agency staff cover (2020/21 represents 2.025M initial budget + 0.112M In-Year Funded)

Total salaries	2137	2496
	2250	2615

Budget based on 1% uprate for salaries >£25k and £750 underpin for salaries < £25k. Anticipate efficiency savings detailed within 'Salaries Summary Tab'

	BUDGET	DRAFT
	2020-21	2021-22

Core Running costs"Fixed" costs

Great Glen House - cost of occupation	182	183	Anticipate efficiency savings detailed within 'Detail Tab'
Great Glen House - supplies & services	39	36.5	
Information systems			

	86	134	Anticipate efficiency savings detailed within 'Detail Tab'
Training	8.5	9.5	
Communication	20	22	
Statutory Regulatory Advertising	38	34	
Travel & subsistence - staff	24	16	
Travel & subsistence - Commissioners	32	26	
Audit fees & bank charges	35	36	
Other running costs (Including £2k rounding): -(highlighted with X in detail)	31	40	
Subtotal	496	537	

"Discretionary" costs

Assessors conferences/meetings	-	-	
Legal fees	8	0	Will be met from recovery of legal expenses

Board meetings outwith GGH	-	-	Will be met from Travel & Subsistence budget
Subtotal	8	0	

Census & RoS direct costs

Crofting Census Hard Cost of Delivery	29	34	Anticipate efficiency savings detailed within 'Detail Tab'
Crofting Census: IT Related Cost	5	-	
Commission Service Link to RoS	4	3	
Subtotal	38	37	

Capital expenditure

Hardware	7.5	10
Software	10	-
Subtotal	17.5	10

NON-STAFF PROJECTS & HARDWARE FUNDED BY IN-YEAR ALLOCATION 20/21

	213	0
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TOTAL	3022	3200
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Initial cash allocation from Scottish Government	2697	3200
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In-Year Funded cash allocation from Scottish Government	325	
	3022	3200

Non-cash items

Depreciation		
Hardware	35	37

Software	28	28
	63	65

CROFTING COMMISSION PERFORMANCE REPORT

QUARTER 4 – APRIL 2021

Our Outcome		1. CROFTS ARE OCCUPIED AND MANAGED		RAG Status	Page
Key Milestones	1/1	May 2020 – Review all 2019 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.		RED	5
	1/2	August 2020 - Write to 2019 census respondents who have advised us for the first time they are in breach of one or more of their duties, setting out their options for resolving their breach of duty at their own hand		RED	5
	1/3	Sept 2020 - Write to a selection of crofters who have never responded to the census and whose address indicates a breach of residency setting out their options for resolving their breach of duty at their own hand		RED	5
	1/4	Sept 2020 - Develop options for Commissioners and Assessors to be pro-actively involved in ensuring crofts are occupied and managed, potentially focusing on the resident non-user of their croft.		ACHIEVED	6
	1/5	Ongoing - Follow-up action on the 2018 census returners advising of first time breaches, re-iterating options for resolving their breach of duty and escalating to the serving of notices as appropriate		ACHIEVED	6
	1/6	Ongoing - Follow-up action on all 2017 and 2018 returners who were in breach on more than one occasion, to progress cases through the section 26C to 26H enforcement provisions if they have failed to resolve the situation at their own hand.		ACHIEVED	6
Performance Measures	1.1	Reduce number of vacant crofts		ACHIEVED	7
	1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected		RED	8
	1.3	Number of RALU breaches resolved by a crofter in breach of their residency duty by taking up residence on their croft		RED	8
	1.4	Number of RALU breaches resolved by assignation of the croft, or sale of an owner-occupied croft		RED	9
	1.5	Number of RALU breaches resolved by sublet, or by short-term lease of an owner-occupied croft		RED	9
	1.6	Number of RALU breaches concluded by tenancy terminations, approval of letting proposals etc		ACHIEVED	10

SUMMARY

Our Outcome		2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE		RAG Status	Page
Key Milestones	2/1	Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange election of a new Grazings Committee		ACHIEVED	11
	2/2	Ongoing - Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification		ACHIEVED	11
	2/3	Ongoing – Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.		RED	11
	2/4	Ongoing – Encourage grazings committees to adopt the revised template for grazings regulations.		RED	11
Performance Measures	2.1	Increase in number of common grazings with a Committee in office		ACHIEVED	12
	2.2	Increase in number of grazings committees who have adopted the new template regulations		RED	12
	2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings		RED	13
	2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.		ACHIEVED	13
	2.5	Develop and assist with training and other events for grazings committees and the management of common grazings		ACHIEVED	14

Our Outcome		3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY			
			RAG Status	Page	
Key Milestones	3/1	May 2020 – Next build of the Crofting Information System released and upskilling delivered		RED	15
	3/2	June 2020 – Extend to other regulatory functions (currently decrofting and division) the triaging process for identifying potentially contentious cases at an earlier stage of the process to manage customer expectations in relation to the time taken to process their case and potential outcome.		ACHIEVED	15
	3/3	June 2020 – Review website to minimise the number of incorrect forms received		RED	15
	3/4	June 2020 – Confirm and roll out system to measure customer satisfaction on Regulatory Applications		ACHIEVED	16
	3/5	July 2020 – Establish a consistent MI suite for all areas of the Commission for the annual report, leading with Regulatory.		AMBER	16
	3/6	Sept 2020 - Undertake review of “Division by Tenant” process (section 9)		AMBER	16
	3/7	Sept 2020 – Confirm with Sponsor funding availability for progressing online applications, and agree what direction this work will take between the options presented with planning in place.		ACHIEVED	16
	3/8	Dec 2020 – Undertake review of “Letting of vacant crofts” process (section 23(3))		AMBER	17
	3/9	Dec 2020 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented		AMBER	17
Performance Measures	3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)		RED	18
	3.2	Decrease in number of regulatory cases outstanding after 12 months		ACHIEVED	19
	3.3	Customer satisfaction rates		ACHIEVED	19
	3.4	Decrease in number of general enquiries		ACHIEVED	20
	3.5	Reduce number of applications rejected because of use of an incorrect form		RED	20

Our Outcome		4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS			
			RAG Status	Page	
Key Milestones	4/1	May 2020 – Advise Scottish Government of our views concerning their forthcoming National Development Plan for Crofting.		ACHIEVED	21
	4/2	June 2020 – Joint Board level meeting with Land Commission Board members		RED	21
	4/3	August 2020 – Have a formal Commission presence at 6 agricultural shows across the Highlands and Islands.		RED	21
	4/4	Sept 2020 - Publish a Commission paper on the Future of Crofting		RED	21
	4/5	Nov 2020 – Commission paper on how crofting can maximise its contribution to protecting biodiversity and mitigating climate change.		ACHIEVED	21
Performance Measures	<i>There are no Key Performance Measures for this Outcome</i>				

Our Outcome				5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE		
				RAG Status	Page	
Key Milestones	5/1	April 2020 – Complete implementation of 2019 Staff Survey action plan.		ACHIEVED	22	
	5/2	May 2020 – Implement automated retention schedule procedures within revised CIS.		RED	22	
	5/3	June 2020 – Expand succession planning for key posts as set out in the Workforce Plan.		AMBER	22	
	5/4	Oct 2020 – Produce an internal plan for staff deployment and development, as set out in the Workforce Plan.		AMBER	22	
	5/5	Mar 2021 - Conduct 2021 Staff Survey		ACHIEVED	22	
Performance Measures	5.1	Increase in staff engagement rating		ACHIEVED	23	
	5.2	Corporate carbon emissions		GREEN	23	

DETAILED PROGRESS REPORTS

The following sections provide a detailed report on both the milestones and performance measures for each Outcome.

Our Outcome 1. CROFTS ARE OCCUPIED AND MANAGED By ensuring crofters are compliant with their Duties and by working with crofting communities and stakeholders, we can increase the number of crofts that are occupied and well managed.				
Milestone	Covid Effect	RAG Status	Responsible Manager	Details
1/1 May 2020 – Review all 2019 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.		RED	Joseph Kerr	The RALUT Manager completed a DPIA to enable the census forms to be obtained from GGH and stored with him. The RALUT have been working with reduced resources through the continuing secondment of a member of RALUT to provide resilience to the proactive regulatory casework team, long term sickness absence within the team, and a reduction in productivity due to home working. They now have a member of staff returned from absence and have a new member of staff appointed to the work of the team who is undergoing training. They will not however have the resilience to progress this milestone until the new year when we would already be in a new census year cycle. The team will therefore focus on progressing existing cases and in dealing with new cases arising from written information of suspected breaches of duty provided section 26A of the 1993 Act.
1/2 August 2020 - Write to 2019 census respondents who have advised us for the first time they are in breach of one or more of their duties, setting out their options for resolving their breach of duty at their own hand.		RED	Joseph Kerr	(see comments at 1/1)
1/3 Sept 2020 - Write to a selection of crofters who have never responded to the census and whose address indicates a breach of residency setting out their options for resolving their breach of duty at their own hand		RED	Joseph Kerr	(see comments at 1/1). This is one of the priority areas agreed by Commissioners at the December 2020 Board meeting which will be taken forward in 2021/22

<p>1/4 Sept 2020 - Develop options for Commissioners and Assessors to be pro-actively involved in ensuring crofts are occupied and managed, potentially focusing on the resident non-user of their croft.</p>		<p>ACHIEVED</p>	<p>Joseph Kerr</p>	<p>This was considered within the wider context of the Short Term Working Group on Duties (who met on 4 occasions in the second half of 2020) and formed part of the recommendations which were agreed by the Board in December 2020. A further paper was considered at February 2021 Board meeting where the recommendations were categorised in order of priority.</p>
<p>1/5 Ongoing - Follow-up action on the 2018 census returners advising of first time breaches, re-iterating options for resolving their breach of duty and escalating to the serving of notices as appropriate</p>	<p>The RALUT have been significantly impacted by covid-19 due to loss of output by staff being on Special Leave or on reduced productivity due to limitations imposed by the HWE</p>	<p>ACHIEVED</p>	<p>Joseph Kerr</p>	<p>Ongoing. However, following a change of policy by the Board the team will no longer be re-iterating options. If the breach has not been resolved the case will progress to the issue of a section 26C(1) suspected breach of duty notice, or a determination will be made that there is a good reason not to do so.</p> <p>46 crofters have been written to on that basis..</p>
<p>1/6 Ongoing - Follow-up action on all 2017 and 2018 returners who were in breach on more than one occasion, to progress cases through the section 26C to 26H enforcement provisions if they have failed to resolve the situation at their own hand.</p>	<p>The RALUT have been significantly impacted by covid-19 due to loss of output by staff being on Special Leave or on reduced productivity due to limitations imposed by the HWE</p>	<p>ACHIEVED</p>	<p>Joseph Kerr</p>	<p>Ongoing</p>

PERFORMANCE MEASURES -

Number	Aim	Baseline	Target/Indicator	Measure
1.1	Reduce number of vacant crofts	144 in March 2019	Reduce by 5%	Figure will be taken from the Register of Crofts. 'Vacant' will be defined tightly, as those not only legally vacant but also having no <i>de facto</i> owner occupier.

PROGRESS:

The team have been involved in virtual meetings with Commissioners in relation to engaging with identified estates to have vacant crofts let. Following those meetings the team are currently engaging with estates in Caithness and Wester Ross with a view to progressing a number of cases to the letting application/proposal process stage. The Commission approved 3 letting proposals from landlords under section 23(5) of the 1993 Act to let vacant crofts. We are currently processing a letting application from a landlord under section 23(3) In a case in Harris where the Commission terminated the tenancy. The proposed tenant will be a new entrant to crofting. In terms of taking on the letting of the croft at the Commission's own hands under sections 23(5B) and (5C) of the 1993 Act, the team progressed the letting of a vacant croft in Lewis which, again, resulted in a new entrant to crofting.

A virtual meeting was held early in the new year with a crofting estate in Kilmallie area and a plan agreed to resolve a number of issues relating to vacant crofts and unresolved successions on the estate. The Commission also approved the first of 3 applications from a landlord in Skye to let crofts which have remained vacant since they were constituted as crofts over a decade ago. The team are currently dealing with 36 cases where the succession has remained unresolved after 3 years, we would anticipate that a significant number of these will result in the successions being resolved and the crofts being occupied in the new year.

Q1	Q2	Q3	Q4
AMBER	GREEN	GREEN	ACHIEVED

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected	77	Initiate RALU correspondence with 100 new cases	Records of administrative action. Those contacted will include all those whose 2019 census indicated a possible breach for the first time, a selection of census non-respondents, and other cases generated by e.g. notifications or regulatory casework

PROGRESS

For the reason provided in page 6 the Commission will not be progressing the 2019 census cases at this time. They are however initiating correspondence with crofters who have been identified as being suspected of being in breach of duty following written information received under section 26A of the 1993 Act. The team received information on **10** such cases in the first half of the year which they are currently progressing. Following a change in policy agreed by the Board in June 2020, we initiated correspondence with the **44** remaining 2018 census returners to either have the cases resolved or progressed to the issuing of a notice of suspected breach of duty under the section 26C(1) enforcement provisions.

Q1	Q2	Q3	Q4
GREEN	AMBER	RED	RED

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure
1.3	Number of RALU breaches resolved by a crofter in breach of their residency duty taking up residence on their croft	32	Maintain or increase the number in 2019-20	Records of administrative action

PROGRESS

There has been **2** case resolved by the crofter taking up residence. The Team have however also processed **20** applications for consent to be absent of which **16** were approved and **4** were refused. In addition, the Team processed and approved 2 applications for extensions of consent for absence.

Q1	Q2	Q3	Q4
AMBER	AMBER	RED	RED

Responsible Manager: Joseph Kerr

Number	Aim	Baseline	Target/Indicator	Measure								
1.4	Number of RALU breaches resolved by assignation of the croft, or sale of an owner-occupied croft	28	Maintain or increase the number in 2019-20	Records of administrative action								
<p><u>PROGRESS:</u></p> <p>11 crofters resolved their breach by assigning their tenancies with the consent of the Commission.</p> <p>1 additional case was resolved by the tenant purchasing and letting the tenancy with the Commission's consent.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td>GREEN</td> <td>RED</td> <td>RED</td> </tr> </tbody> </table> <p>Responsible Manager: Joseph Kerr</p>					Q1	Q2	Q3	Q4	AMBER	GREEN	RED	RED
Q1	Q2	Q3	Q4									
AMBER	GREEN	RED	RED									

Number	Aim	Baseline	Target/Indicator	Measure								
1.5	Number of RALU breaches resolved by sublet, or by short-term lease of an owner-occupied croft	88	Maintain or increase the number in 2019-20	Records of administrative action								
<p><u>PROGRESS</u></p> <p>15 crofters resolved their breach of by subletting in the first three quarters of the year. The Commission changed their policy on subletting during the first half of the year in that they will not normally approve sublets or short term lets for a term of more than 5 years. As a result, we can anticipate a greater number of modifications and refusals of applications for terms longer than 5 years moving forward.</p> <table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td>AMBER</td> <td>RED</td> <td>RED</td> </tr> </tbody> </table> <p>Responsible Manager: Joseph Kerr</p>					Q1	Q2	Q3	Q4	AMBER	AMBER	RED	RED
Q1	Q2	Q3	Q4									
AMBER	AMBER	RED	RED									

Number	Aim	Baseline	Target/Indicator	Measure
1.6	Number of RALU breaches concluded by tenancy terminations, approval of letting proposals etc	6	Maintain or increase the number in 2019-20	Records of administrative action

PROGRESS

During this period, the Commission issued **13** Section 26C(1) notices of suspected breach of duty – **11** were as a result of census returns and **2** following a section 26A reported breach of duty.

There were also **12** Section 26C(5) decisions that duties were not being complied with, **11** generated by census returns, and **1** reported under section 26A.

There was **2** section 26C(5) decisions that a duty was being complied, **1** generated by a census return and 1 following a report under section 26A.

There was **1** section 26D(1) Notice issued providing the crofter with an opportunity to provide an undertaking to resolve their breach duty.

The Commission issued **4** tenancy termination Orders under section 26H. **2** of these terminations were as a result of census returns and **2** were as a result of reports by grazing committees under section 26A.

Q1	Q2	Q3	Q4
AMBER	GREEN	GREEN	ACHIEVED

Responsible Manager: Joseph Kerr

Our Outcome 2. COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE

Shared management and productive use of common grazings are important for the sustainability of crofting. The Commission works with grazings committees and crofting communities, providing both guidance and support, to ensure the effective management and use of common grazings.

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
2/1 Ongoing - Contact all Grazings Committees whose terms are about to end, encouraging them to arrange election of a new Grazings Committee		ACHIEVED	John Toal	Grazings Committees approaching the end of their 3 -year terms are contacted and advised that if willing to serve another term the Commission will appoint the same members in terms of section 47(3) of Crofters(Scotland) Act 1993 for another term. Normally, shareholders in a common grazings are required to hold a public meeting at which a committee is appointed by the shareholders in attendance. Some common grazings which have had no committee in place have also been assisted to have a committee appointed by the Commission.
2/2 Ongoing - Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.		ACHIEVED	John Toal	The guidance continues to be the main reference point and will be used for smaller items of guidance and training initiatives over the coming year
2/3 Ongoing – Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.		RED	John Toal	The primary purpose of this is to enable shareholders to meet and appoint a grazings committee. While there was much less opportunity to do this in a pro-active manner as public meetings could not take place during the year, there have been limited opportunities to appoint a few committees for common grazings which had ceased to have them.
2/4 Ongoing -Encourage grazings committees to adopt the revised template for grazings regulations.		RED	John Toal	Grazings Committee have been unable to meet during this period and fewer than usual revised grazings regulations have been approved.

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure								
2.1	Increase in number of common grazings with a Committee in office	485 Grazings Committees in office on 31 March 2020	The number of Grazings Committees in office	Administrative records								
PROGRESS												
<p>Measures put in place to enable the appointment of existing committees going out of office has allowed some committees to return and continue the management of common grazings. There are 500 grazings committees in office at the end of this period.</p> <p>Covid Effect</p> <p>It is difficult for shareholders in a common grazings that does not have an existing committee to appoint a committee due to covid 19 restrictions. Section 47(1) of the Crofters (Scotland) Act 1993 requires the appointment of a committee by shareholders to be made at a public meeting. The Commission has employed section 47(30) of the Act to ensure that outgoing committees can be appointed to serve a further term and ensure continuity of management for these common grazings. Additionally, it has in specific circumstances used the same powers to appoint committees for some common grazings that have not had a retiring committee.</p>												
<table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>AMBER</td> <td>AMBER</td> <td>AMBER</td> <td>ACHIEVED</td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	AMBER	AMBER	AMBER	ACHIEVED
Q1	Q2	Q3	Q4									
AMBER	AMBER	AMBER	ACHIEVED									
Responsible Manager: John Toal												

Number	Aim	Baseline	Target/Indicator	Measure								
2.2	Increase in number of grazings committees who have adopted the new template regulations	6 in 2019-20	Commission approvals of new regulations submitted by committees based on the template.	Number of new grazings regulations approved which are based on the new template.								
PROGRESS												
<p>Covid Effect</p> <p>It has not been possible for possible for grazings committees to meet during this period. Consequently, there have been no new requests in this period. However, there are 10 already submitted at various stages of progress, although some will still require further consultation with grazings committees. Ultimately, only 3 sets of regulations were approved in the year.</p>												
<table border="1"> <thead> <tr> <th>Q1</th> <th>Q2</th> <th>Q3</th> <th>Q4</th> </tr> </thead> <tbody> <tr> <td>GREEN</td> <td>GREEN</td> <td>GREEN</td> <td>RED</td> </tr> </tbody> </table>					Q1	Q2	Q3	Q4	GREEN	GREEN	GREEN	RED
Q1	Q2	Q3	Q4									
GREEN	GREEN	GREEN	RED									
Responsible Manager: John Toal												

Number	Aim	Baseline	Target/Indicator	Measure
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings	33 in 2019-20	The numbers of townships where grazings issues have been assisted, progressed, or resolved, following Commission engagement.	Records of administrative action. (Note that this covers different types of Commission intervention: getting Committees into office; resolving medium size queries; and helping to address deeper divisions.)

PROGRESS

12 cases have been recorded.

Covid Effect

While there has been little opportunity for grazings committees to meet during this period, this does not necessarily entail that disputes will not arise in relation to committees and their management of common grazings.

Q1	Q2	Q3	Q4
GREEN	GREEN	RED	RED

Responsible Manager: John Toal

Number	Aim	Baseline	Target/Indicator	Measure
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	14 in 2019-20	Number of townships researched	Records of administrative action

PROGRESS

An overall total of 15 shareholding positions have been researched and updated.

Covid Effect Lack of access to historical files and documentation has added difficulty and increased the time requirement for carrying out this work.

Q1	Q2	Q3	Q4
GREEN	GREEN	RED	ACHIEVED

Responsible Manager: John Toal

Number	Aim	Baseline	Target/Indicator	Measure
2.5	Develop and assist with training and other events for grazings committees and the management of common grazings	9 in 2019-20	Number of events	Records of administrative action

PROGRESS

An on-line survey was sent to 365 grazings clerks in November 2020 to determine the level of interest in providing training to assist with arranging virtual meetings. This elicited 114 responses. A number of virtual training sessions on holding meetings on-line as well as training in mediation and conflict management were held during the last 2 quarters.

Covid Effect

There is less likelihood of continuing the interactive training events for grazings committees that were initiated last year. However, recent discussions have taken place with SAC who have been encouraged to use FAS funding for common grazings development. Consideration is being given to different on-line and digital training and events that should be beneficial to common grazings and those responsible for their management.

Q1	Q2	Q3	Q4
AMBER	AMBER	GREEN	ACHIEVED

Responsible Manager: John Toal

Our Outcome 3. CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY

We are committed to providing a quality and professional service to all our customers, especially those that make regulatory applications to us or who send us applications for registration of their croft, for us to review and forward to the Registers of Scotland. We are committed to fairness in all our decision-making, and we monitor turnaround times for all the different types of process.

We are also committed to continuous improvement of our internal processes, to deliver consistent and fair decision making that is compliant with legislation, and that also delivers value for the public purse. By changing and expanding how we deliver our services to customers, we can provide a faster, more consistent and more informative service to our customers, thereby improving customer satisfaction and confidence.

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
3/1 May 2020 – Next build of the Crofting Information System released and upskilling delivered	IS Team have needed to spend much time addressing connectivity issues for Home Working	RED	Aaron Ramsay	We have taken steps to reduce the calls on the system architect's time, to allow him to complete the work required to prepare the new CIS system for testing. However, the original schedule has obviously been missed and the next revision of CIS is due to reach a testing phase in May 2021, with a full final build hoped for August 2021.
3/2 June 2020 – Extend to other regulatory functions (currently decrofting and division) the triaging process for identifying potentially contentious cases at an earlier stage of the process to manage customer expectations in relation to the time taken to process their case and potential outcome.		ACHIEVED	Joseph Kerr	Subletting (section 27) and short term letting (section 29A) were identified as the two regulatory functions most suited for inclusion in the triage process. A number of tasks were completed including a review of the delegated parameters, updating the check lists and the creation of a triage letters and leaflets in relation to both functions. These went live in March 2021.
3/3 June 2020 – Review website to minimise the number of incorrect forms received		RED	Mary Ross	Application and Notification Forms are reviewed and updated on an annual basis. The original target date has not been met but plans are in place to review all forms in the current Financial Year, as part of the introduction of interactive pdfs.
3/4 June 2020 – Confirm and roll out system to measure customer satisfaction on Regulatory Applications	Suspension of the customer satisfaction forms at end of March 2020 due to centralised issuing of mail.	ACHIEVED	Mary Ross	Customer Service Forms issued for a four month period up to March 2020. A small sample of completed forms were received and all of the forms received were positive. The forms are now being issued with all decision letters.

<p>3/5 July 2020 – Establish a consistent MI suite for all areas of the Commission for the annual report, leading with Regulatory.</p>		<p>AMBER</p>	<p>Aaron Ramsay/ Mary Ross</p>	<p>Case Progression Report is being produced and issued on a monthly basis.</p> <p>Report is available to show the cases that have been received more than 12 months ago but have not yet been discharged. Following the initial exercise of investigating these cases, work is continuing to prioritise these cases and bring them to conclusion.</p>
<p>3/6 Sept 2020 - Undertake review of “Division by Tenant” process (section 9)</p>		<p>AMBER</p>	<p>Joseph Kerr</p>	<p>This is currently being undertaken in conjunction with the work of the sub-group of the short term working group looking at the conversion of the Commission regulatory application forms to a pdf format. The sub-group meets on a weekly basis and both the “Division By Tenant” and “Division by “Owner-Occupier” application forms are being reviewed as part of the work of the group.</p>
<p>3/7 Sept 2020 – Confirm with Sponsor funding availability for progressing online applications, and agree what direction this work will take between the options presented with planning in place.</p>		<p>ACHIEVED</p>	<p>Aaron Ramsay</p>	<p>This will be delivered as one of the one-off projects funded with the additional resources provided by the SG in the current year. The option of a full online website was evaluated and decided that it is possible with an allocation of funding and an internal resource, working with an external contractor. This work will be combined with a redesign of all the current paper application forms to refresh the content and make them mirror the new digital application process.</p> <p>This work is now underway with an aspiration to deliver both strands of the work through 2021.</p>
<p>3/8 Dec 2020 – Undertake review of “Letting of vacant crofts” process (section 23(3))</p>		<p>AMBER</p>	<p>Joseph Kerr</p>	<p>This is currently being undertaken in conjunction with the work of the sub-group of the short term working group looking at the conversion of the Commission regulatory application forms to a pdf format. The sub-group meets on a weekly basis and the “Letting of vacant croft” forms and guidance are in the process of being reviewed as part of that process.</p>
<p>3/9 Dec 2020 – Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented</p>	<p>A pause to this work due to Registers of Scotland staff initially not being able to work remotely.</p>	<p>AMBER</p>	<p>Mary Ross</p>	<p>Improvements have been discussed with Registers of Scotland (ROS). A group has been established, improvements have been discussed, including the issue of online payments. ROS have all of the suggested improvements and they are preparing mock forms for final agreement.</p>

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2019/20: Assignment 8 weeks Decrofting CHS 8 Decrofting Part 13.3 Letting by Landlord 9.4 Owner Occupier Letting 11.4	Reduce median turnaround times for the main regulatory functions	Time taken from application to notification of decision, <i>for cases where no registration is required</i>

PROGRESS

Covid Effect

There has been a slip in the turnaround times for this quarter's report, though covid disruption of our operations will have contributed to this. Pressure of work remains high, the volume of applications being received in recent months having returned in line with previous years. It should be noted that the number of applications received in March 2021 has significantly increased. Ongoing monitoring will be required to establish if this is an ongoing trend.

Q1	Q2	Q3	Q4
AMBER	GREEN	AMBER	RED

	Approx Number of cases per year	Median weeks (2019-20)	Median weeks (2020-21 to date)
Assignment	c125	8	10.71
Decrofting Croft House Site	c50	8	13.0
Decrofting Part Croft	c100	13.3	22.57
Letting by Landlord	13	9.4	14.14
Letting by Owner Occupier	c10	11.4	12.14

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.2	Decrease in number of regulatory cases outstanding after 12 months	Not available	Reduce number of cases still live after 12 months	Number of live regulatory cases (of all types, including those involving registration) on 31 March, which are more than 12 months since first received by the Commission

PROGRESS

Covid Effect

A report has been produced allowing the Regulatory Team to identify and investigate the cases which have not been discharged within 12 months. The Regulatory Team are working through the cases. These cases are complex by nature and are progressing to Tier 2 and Tier 3 as required, but wherever possible the cases are being cleared and the number outstanding is reducing.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	ACHIEVED

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.3	Customer satisfaction rates	Not available	% of respondents reporting satisfaction to the CC enquiries	The customer satisfaction system was launched towards the end of 2019-20 but no baseline can be calculated from the limited data available so far

PROGRESS

Covid_Effect

Customer Service Forms are now being issued to applicants for all decision types. A small number of completed forms have been received and all of the forms received were positive.

Q1	Q2	Q3	Q4
AMBER	GREEN	GREEN	ACHIEVED

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.4	Decrease in number of general enquiries	2,394 in 2019-20	Reduce number	Number of general enquiries received

PROGRESS

Covid Effect

There was a slight decrease from the number of enquiries received during 2019/20 compared to 2018/19. A further reduction was expected following the uploading of the apportionment orders to the online Register of Crofts, and this has been reflected in a substantial reduction in 2020/21, to around 1500.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	ACHIEVED

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
3.5	Reduce number of applications rejected because of use of an incorrect form	48 forms were rejected in 2018/19 due to selecting an incorrect type	Reduction in incorrect form types submitted	Customers are better guided to choose correct application form type, reducing rejected applications and saving resource

PROGRESS

Covid Effect

This will be significantly reduced by the introduction of the PDF applications forms as the form type available will be defined by the status of the applicant.

Q1	Q2	Q3	Q4
AMBER	AMBER	RED	RED

Responsible Manager: Mary Ross

Our Outcome

4. THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS

The Commission has a responsibility to promote the interests of crofting, and to advise the Scottish Government about crofting issues. We welcome collaborative initiatives with other organisations in order to contribute towards the sustainable development of crofting

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
4/1 May 2020 – Advise Scottish Government of our views concerning their forthcoming National Development Plan for Crofting.	SG’s timescale for this publication has been put back by a few months	ACHIEVED	Bill Barron	We advised SG several times over the course of the year and the Plan was published by SG in March 2021.
4/2 June 2020 – Joint Board level meeting with Land Commission Board members	Pressure on how many matters can be included on Board agendas	RED	David Finlay	This has been postponed – no new date set yet.
4/3 August 2020 – Have a formal Commission presence at 6 agricultural shows across the Highlands and Islands.	All shows have been cancelled	RED	Bill Barron	It will not be possible to achieve this Milestone in 2020/21.
4/4 Sept 2020 - Publish a Commission paper on the Future of Crofting	March Mtg postponed and papers’ schedule disrupted	RED	Bill Barron/ David Findlay/ John Toal	It was not feasible to deliver this during year. Instead, Commission staff have contributed to (a) the Law Society’s review of aspects of crofting law; (b) the Scottish Government’s National Development Plan; and (c) the Commission’s implementation of its expanded role of promoting the interests of crofting.
4/5 Nov 2020 – Commission paper on how crofting can maximise its contribution to protecting biodiversity and mitigating climate change.		ACHIEVED	David Finlay	Paper and presentation at October 2020 Board meeting.

There are no Performance Measures for Outcome 4

Our Outcome 5. OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, OUR GOVERNANCE PROCESSES ARE BEST PRACTICE

By ensuring that our staff and Board Members have appropriate training and continued investment, we can develop a high-performing workforce. We will ensure that our organisation fulfils its legal requirements and contributes to the Scottish Government’s broader objectives for Scotland.

Milestone	Covid Effect	RAG Status	Responsible Manager	Details
5/1 April 2020 – Complete implementation of 2019 Staff Survey action plan.		ACHIEVED	Bill Barron	All actions have been fully or partially completed, and any outstanding points were built into a new Plan based on the 2020 survey. CEO reported to all staff about progress against the Plan on 13 October 2020.
5/2 May 2020 – Implement automated retention schedule procedures within revised CIS.		RED	Jane Thomas	This requirement has not been met because there has been no implementation of the next version of CIS. The delay is related to the extra work required of the Systems Architect due to the COVID-19 crisis.
5/3 June 2020 – Expand succession planning for key posts as set out in the Workforce Plan.		AMBER	Bill Barron	Substantial progress has been made, and this will be completed early in 2021/22. Action taken on particularly specialist posts during the year included: reducing dependency on the DevOps Engineer and advertising to recruit a 3 rd Gaelic speaker. In addition, we have continued to use TRS opportunities to broaden staff’s knowledge; and to look for opportunities to involved new members of the Customer Services team with the work of other teams.
5/4 Oct 2020 – Produce an internal plan for staff deployment and development, as set out in the Workforce Plan.		AMBER	Mary Ross	Work has commenced on the production of the Commission Succession Planning document.
5/5 Mar 2021 - Conduct 2021 Staff Survey		ACHIEVED	Bill Barron	The 2021 Staff Survey has been released with the closing date of 23 rd April 2021.

PERFORMANCE MEASURES

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in staff engagement rating	51% in Spring 2019	Increase to 55%	Average scores for a set of fixed questions in the annual staff survey

PROGRESS

Covid Effect

Issue of staff survey delayed due to Covid-19. Survey was issued in August 2020 and the results have been analysed. The 2020 survey shows that the average scores for a set of fixed questions in the survey increased to 57%

Q1	Q2	Q3	Q4
AMBER	AMBER	ACHIEVED	ACHIEVED

Responsible Manager: Mary Ross

Number	Aim	Baseline	Target/Indicator	Measure
5.2	Corporate carbon emissions	15.2tCO ₂ e in 2019/20	Maintain or reduce	Emissions from business travel by staff and commissioners

PROGRESS

Covid effect

The Commission has calculated and submitted its Public Sector Report on Compliance with Climate Change Duties 2020 to the Scottish Government ahead of the 30 November deadline. It reflects overall carbon emissions of 15.2tCO₂e (15.5tCO₂e 2018/19). This represents a minor improvement on 2018/19. Overall flight travel reduced while car mileage has increased.

When the figure for 2020/21 is eventually known, it will have fallen sharply because of Covid-19 restrictions on travel. As we only report on the figure one year in arrears, i.e. we would show the figure for 2019/20 in our annual report on 2020/21 this will take a while to filter through, but reference will be included within the narrative regards expectations.

Q1	Q2	Q3	Q4
GREEN	GREEN	GREEN	GREEN

Responsible Manager: Bill Barron

CROFTING COMMISSION MEETING

13 May 2021

Report by the Chief Executive

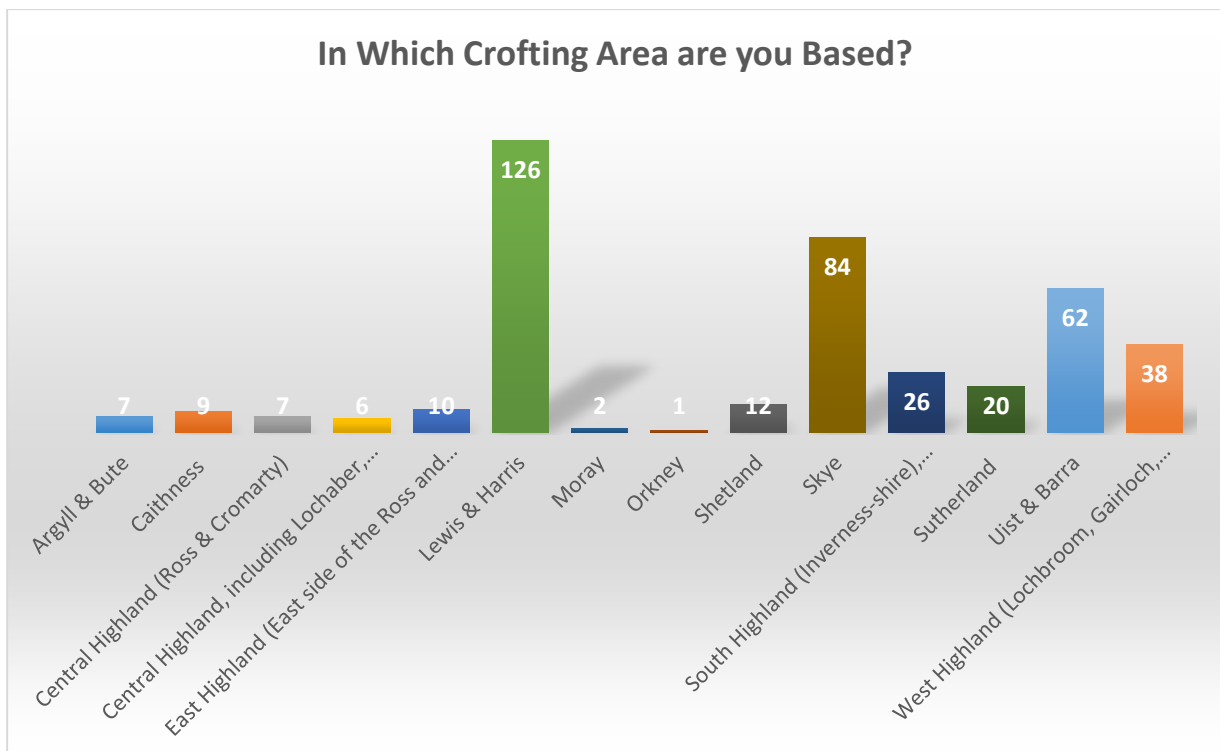
Croft Underuse and Availability

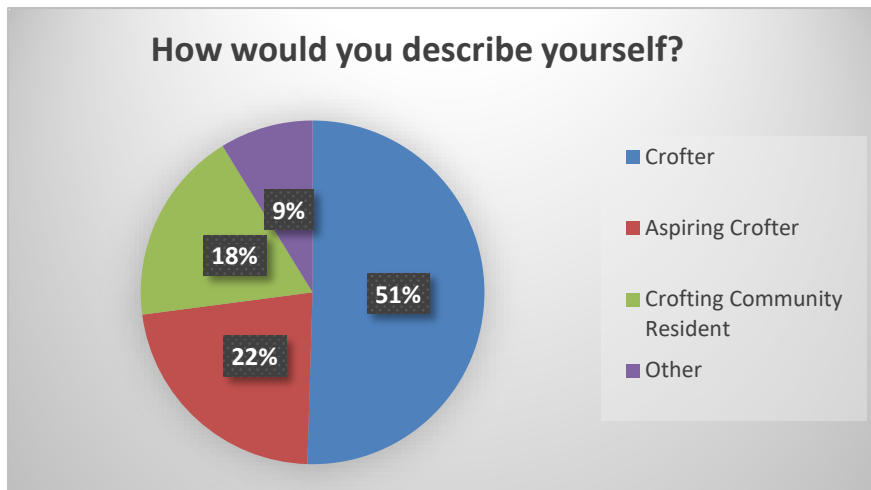
SUMMARY

A short survey was issued to the crofting community via the website and social media to get a better understanding of the issues surrounding croft underuse and availability. The results give an insight into the most perceived reasons for unused crofts and what may help tackle this. This is useful to help determine priorities for the Commission development work.

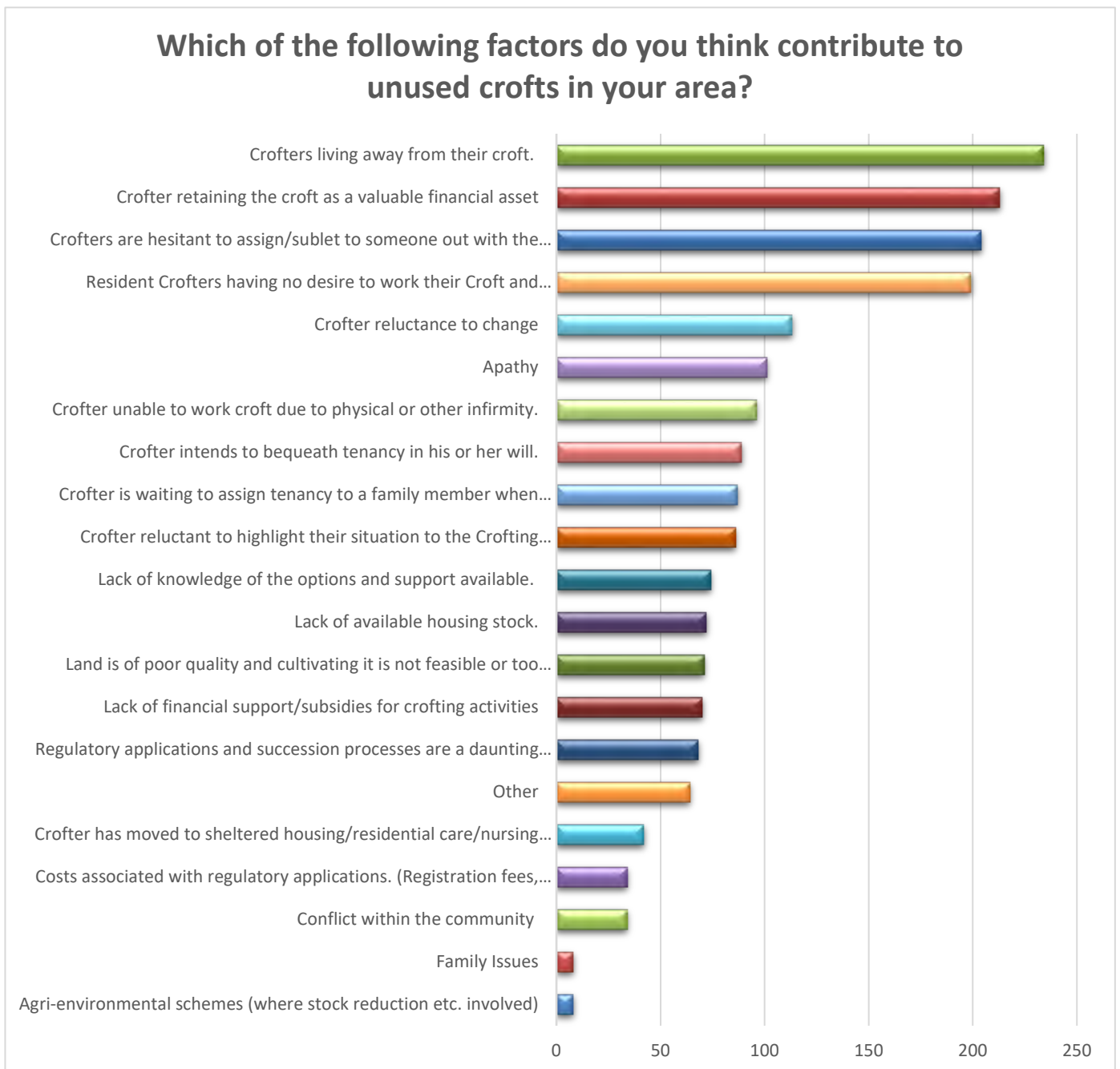
BACKGROUND

The survey was issued between 26 March and 23 April 2021 and generated a total of 410 responses. Results are presented in the following charts.





UNUSED CROFTS – 87% of respondents identified unused crofts as an issue in their areas.

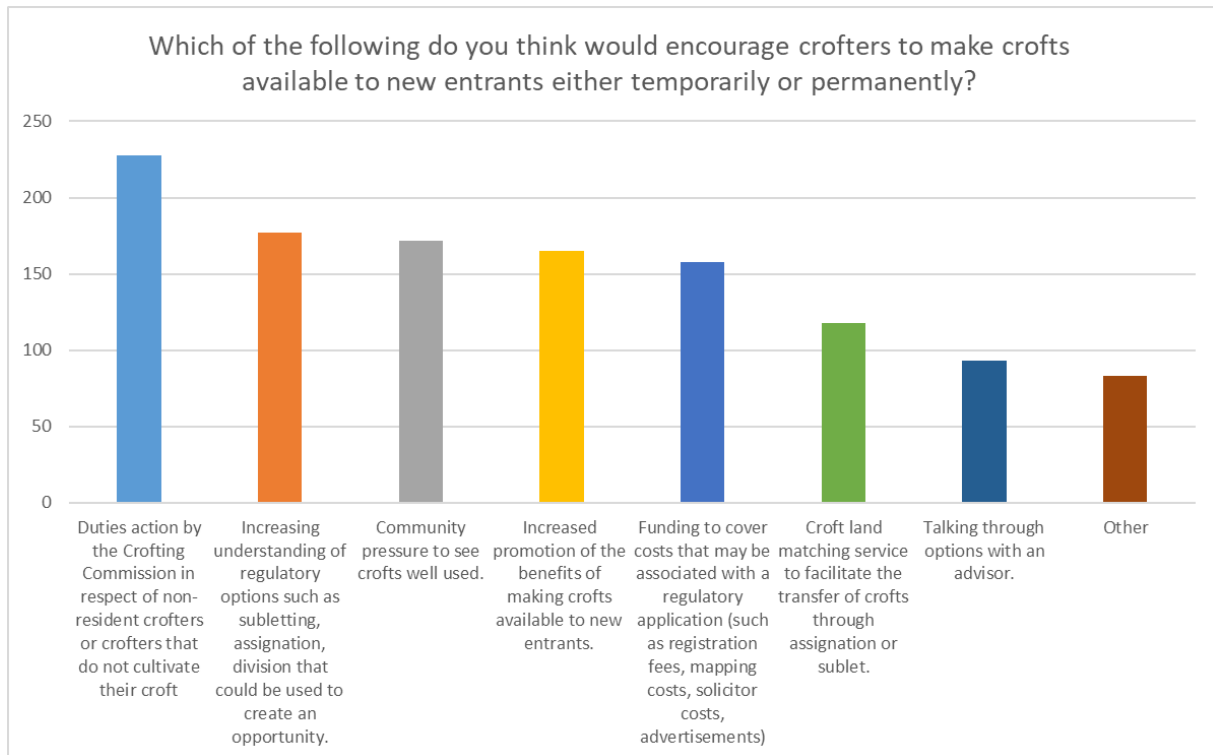


Respondents listed the following four contributing factors to this as being the most prevalent by a significant margin.

- Crofters Living away from their Croft
- Crofters Retaining the Croft as a valuable financial asset
- Crofters are hesitant to assign/sublet their croft to someone out with the family
- Resident Crofters having no desire to work their crofts.

90% of respondents feel that lack of croft availability to new entrants is an issue in their area.

HOW TO ENCOURAGE CROFTERS TO CREATE NEW ENTRANT OPPORTUNITIES



The top five responses point to a mixed approach to promoting new entrant opportunities: enforcement work is top of the list and is seen as essential, but it can be supported by educational/promotional work; community pressure; and, where possible, incentives.

Proposed work to action the top four factors identified above are as follows.

Duties action by the Crofting Commission in respect of non-resident crofters or crofters that do not cultivate their croft. This is part of RALU team’s ongoing work. The Development team can also support this by encouraging crofters that are in breach but are not currently under investigation by RALU to meet their duties.

Increasing understanding of regulatory options such as subletting, assignation, division that could be used to create an opportunity. Development team, with input from the Regulatory support team, could organise the production of user-friendly materials such as videos, factsheets and case studies to make it easier for crofters to understand their options.

Community pressure to see crofts well used. The Development team will be working within crofting communities and will encourage communities to see the benefits of well used croft land. The Development team will carry out communications on crofting duties and the benefits of well used croft land.

Increased promotion of the benefits of making crofts available to new entrants. The Development team will work on producing articles and social media covering the benefits of this and ensuring any new material is shared widely. They will try and identify case studies on examples of crofters that have created new entrant opportunities.

OTHER ISSUES

At the end of the survey, respondents were invited to raise any other issue which they felt was relevant. 189 individual responses were received and are broadly categorised below.

Issue raised	Number of mentions
Concerns over croft prices	40
Want more duties action	39
Concerns about incomers buying crofts/absenteeism/second homes	35
Negative comments about Commission	23
Comments about length of time to approve applications	12
Concerns about crofters holding multiple crofts	12
Concerns about ageing crofting community	5
Commission needs more funding	4

Impact:	Comments
Financial	Minor costs associated with creating materials to communicate the processes and value of regulatory options available to unused crofts.
Legal/Political	This work will help address a very topical issue.
HR/staff resources	Staff time required mainly from the Development team with support from other teams.

RECOMMENDATION

The development team should use the results generated from the survey to help determine priorities and carry out the specific tasks outlined.

Date 27 April 2021

Author Karen MacRae, Crofting Development Officer
 Heather Mack, Head of Development

CROFTING COMMISSION MEETING

13 May 2021

Report by the Chief Executive

National Development Plan for Crofting

SUMMARY

The table of actions for the National Development Plan for Crofting is presented. Additional details are given of the Commission progress to date and timescales going forward.

BACKGROUND

The [National Development Plan for Crofting](#) was published by the Scottish Government (SG) in March 2021. This outlines the SG plan to ensure crofting remains at the heart of rural communities in crofting areas. The Crofting Commission were consulted on the plan during 2020 and 2021.

A significant part of the plan relates directly to the Crofting Commission and other actions lie with other organisations. Table 1 (see **Annex A**) presents the full list of actions from the plan. Additional columns (**in blue**) have been added to detail the Commission's involvement and progress on relevant items.

If SG set up an NDPC implementation plan, the Commission would expect to be part of it and thereby to support progress against all of the plan.

Impact:	Comments
Financial	Main financial requirements are via the staff resources.
Legal/Political	The work will progress the steps in crofting development laid out by the Scottish Government.
HR/staff resources	Input from several teams including the development team, RALU, grazings and regulatory.

RECOMMENDATION

To consider and approve the Crofting Commission current and planned actions associated with the National Development Plan for Crofting.

Date 26 April 2021

Author Heather Mack, Head of Development

Table 1 – The National Development plan for Crofting table of actions. Additional columns (**in blue**) have been added to detail the Commissions involvement and progress on relevant items.

		COMMISSION INVOLVEMENT?	PROGRESS	DETAILS	TIMESCALE FOR COMPLETION?
1	THE CROFTING COMMISSION'S ROLE IN THE DEVELOPMENT OF CROFTING				
1.1	The Crofting Commission will expand its current capacity, going beyond the delivery of regulatory functions to further enhance its role in crofting development activity.	Yes	Complete	Development team formed March 2021.	N/A
1.2	The Scottish Government, in partnership with the Commission, will create new Commission jobs. The first stage, in 2020/21, will see two additional development posts in the Western Isles, additional residency and land use officers in the Western Isles and Inverness, and an administrative assistant in the Western Isles.	Yes	In progress	One development officer and the Inverness RALU officer are already in post. Two posts have start dates in May. One post is being recruited.	June 2021
1.3	The Commission will continue to support existing committees and the establishment of new grazings committees to increase active management of common grazings	Yes	Ongoing	This forms part of the grazings team ongoing work. The Development team are writing to long term out of office grazings in the Western Isles (May 2021).	Ongoing
1.4	The Commission will encourage partnership working between common grazings committees and landlords to encourage diversification of the use of the grazings, including woodland creation and peatland restoration.	Yes	In progress	Discussions about peatland restoration are underway following a board paper in March 2021. COHI group on environment and crofting is being formed.	Mar 2022 (and beyond)
1.5	By June 2021, the Commission will have reviewed the practicalities and the benefits of common grazings registration, consider when and how the work can be resumed, and report to the Scottish Government with a plan to progress the registration exercise.	Yes	In progress	Report has been completed and presented to the board. Discussions with Sponsor division will start in April 2021.	Oct 2021
1.6	The Commission will explore new ways to ensure that entry to crofting is more accessible.	Yes	In progress	(a) Survey on croft under-use and availability is currently underway. This will help inform avenues for the Commission to help explore the possibility of seeking to persuade crofters to make crofts available in advance of taking more formal duties action. (b) A working group with other COHI organisations will be set up. This will include discussions regarding the limitations around mortgages and costs of croft land.	(a) May 2021 (b) Mar 2022

1.7	The Commission will encourage a culture of succession and turnover of crofts from people who no longer wish to work them, to those who do, creating opportunities for new entrants.	Yes	In progress	Survey on croft under-use and availability will inform avenues for the development team to approach this.	May 2021
1.8	The Commission will continue to work with those crofters who return their annual notice.	Yes	Ongoing	This is already taking place.	N/A
1.9	In 2021, the Commission will expand its Residency and Land Use work by: <ul style="list-style-type: none"> ○ Following up on those who do not return their annual notice. ○ Taking action on failure to cultivate and neglect of croft land as well as non-residency. ○ Implementing policies to require non-resident owners of vacant crofts to let them. ○ Piloting a Land Matching Service to facilitate the transfer of crofts through assignation or sublet. 	Yes	In progress	All this is in hand for the expanding RALU team, except for the Land Matching Service which needs further consideration. Specific plans include: <ul style="list-style-type: none"> (a) The RALU team will engage with a selection of 2020 census respondents who have advised or appear to be in breach of their residency duty. (b) The development team will engage with a selection of crofters that are resident but are not cultivating their croft and provide information about their options. They will follow up any opportunities to 'match' any interested crofters with aspiring crofters held on lists by other organisations (such as SCF). (c) Telephone a selection of crofters who have not returned their Annual Notice for several years to encourage them to do so. (d) Commission approved a policy to consider asking owners to re-let vacant crofts where the owner is not in physical possession of the holding and/or is not using it. RALU will initiate selected cases in 2021-22. 	(a) Oct 2021 (b) Dec 2021 (c) Mar 2021 (complete) (d) Mar 2022
1.10	In 2021, the Commission, in consultation with other organisations, will produce information for crofters who are considering passing on their croft. This will include information about their options and the implications of these.	Yes	Not started	This will complement other work to engage crofters where possible.	Sept 2021
1.11	The Scottish Government will ensure that there are closer working relations between the Commission and RPID.	Yes	Ongoing	(a) Ongoing meetings between RPID and regulatory teams and recent collaborations via the development team. (b) Discussions are taking place around the practicalities and usage of the RPID mapping tool by the Commission and it is hoped that it will be available to the Commission by the end of 2021.	N/A (b) Jan 2022

1.12	The Scottish Government and the Commission will engage with, and actively encourage applications from, women, young people and minority groups, and Gaelic speakers, for the role of Commissioner and Assessor.	Yes	In progress	The Commission had a short term working group looking that this and a survey to help identify barriers has recently been completed. A series of follow up actions has been planned for the period leading up to the 2022 elections.	Mar 2022
2	CROFTING REGISTER				
2.1	Registers of Scotland will continue to work collaboratively with the Scottish Government, the Crofting Commission and other crofting stakeholders to continually improve the Crofting Register registration process for all involved within the current legislation.	Yes	Ongoing	Discussions are ongoing with ROS to continue to work together effectively and specifically to progress the updates required to ROS application forms.	Ongoing
3	ECONOMIC AND COMMUNITY DEVELOPMENT				
3.1	HIE will work with the Crofting Commission and others to increase the synergy between crofting development and the wider rural community development and economic resilience.	Yes	Not yet started	The Commission development team will meet with HIE to consider how their work can complement each other.	Nov 2021
3.2	HIE will work with relevant partners to encourage innovation and diversification which will create economic opportunities for crofters in rural and island communities.	No	-	-	-
3.3	HIE will work with relevant partners to enhance the attractiveness and resilience of rural and island communities, leading to population retention and growth within crofting communities.	No	-	-	-
3.4	HIE will continue to work with stakeholders with a view to mainstream future skills funding.	No	-	-	-
4	SKILLS DEVELOPMENT				
4.1	The Scottish Government, through the Skills Action Plan for Rural Scotland, seeks to ensure that we have the right people with the right skills, and support inclusive growth.	No	-	-	-
4.2	The Scottish Government, through the Climate Emergency Skills Action Plan, will support or create significant numbers of additional green jobs in rural and remote areas of Scotland, with associated skills development and training.	No	-	-	-
4.3	The Scottish Government will continue to improve Scotland's digital skills base, and provide opportunities for under-represented groups, such as women.	No	-	-	-
5	LOCAL FOOD NETWORKS AND AGRI-TOURISM				
5.1	The Scottish Government will work with Scotland Food and Drink to connect crofters with the network of regional food groups.	Possible	-	-	-
5.2	The Scottish Government will establish a project group to review the crofting brand marque, and map networks of current crofters who produce food.	Possible	-	-	-
5.3	The Scottish Government will source support to project manage a crofting food network.	Possible	-	-	-

5.4	The Scottish Government will deliver training to equip crofters with the skills to market their goods and promote their business.	Possible	-	-	-
5.5	The Scottish Government will continue to support agritourism through the Rural Tourism Infrastructure Fund.	Possible	-	-	-
6	LAND, ENVIRONMENT AND BIODIVERSITY				
6.1	Under the Crofting Agricultural Grant Scheme the Scottish Government will ensure that environmental issues are considered for each investment carried out on land within an environmental designated area.	No	-	-	-
6.2	The Scottish Government will continue to support and encourage management practices that support biodiversity.	Possible	-	-	-
6.3	The Scottish Government will continue to explore the possibility of introducing a beekeeping package under the Crofting Agricultural Grant Scheme.	No	-	-	-
6.4	The Scottish Government will continue to support and encourage action to ensure our native pollinators thrive as part of the Pollinator Strategy for Scotland.	No	-	-	-
6.5	The Scottish Government will continue to provide funding to support the restoration of degraded peatland, and to explore the need to provide funding to support the maintenance of healthy peatland.	Yes	In progress	Peatland restoration was discussed by the board in March 2021. Collaboration with Sponsor will take place to identify long term solutions with regard to peatland management and support.	Mar 2022
6.6	NatureScot, in partnership with the Commission, will identify those areas of degraded peatland in the crofting counties with a view to prioritising engagement with crofters and common grazing committees.	Yes	In progress	Work is underway for the development team and solicitor to work with NatureScot, grazings committees and landlords to help identify grazings for peatland restoration.	Mar 2022
6.7	The Scottish Government will support or create significant numbers of additional green jobs in rural and remote areas of Scotland, with associated skills development and training.	No	-	-	-
6.8	The Scottish Government is encouraging private sector forestry companies to support new forestry jobs in rural and remote Scotland.	No	-	-	-
6.9	The Scottish Government will support woodland expansion that helps integrate woodland with traditional crofting activities.	Possible	-	-	-
6.10	The Scottish Government, through the forestry grant scheme, will provide grant support to crofters and common grazing committees to support the sustainable management of existing forests and woodlands.	Possible	-	-	-
6.11	The Scottish Government will introduce a forestry loan scheme to help crofters and grazings committees with the cash flow challenges associated with woodland creation.	Possible	-	-	-

6.12	The Scottish Government, through Scottish Forestry, supports the Croft Woodlands Project to provide local advisers to help crofters and common grazings committees assess what is possible and realistic on the land and develop woodland proposals.	Possible	-	-	-
6.13	The Scottish Government, through the forestry grant scheme, will provide grant support to crofters and common grazing committees to plant trees and create woodlands on croft and common grazing land.	Possible	-	-	-
7	ADDITIONAL CARBON INCOME FOR NEW WOODLANDS AND PEATLAND RESTORATION				
7.1	The Scottish Government, Scottish Forestry and the IUCN UK Peatland Programme, will continue to promote the Woodland Carbon Code and Peatland Code to provide opportunities for private sector funding to make more woodland creation and peatland restoration projects viable – for all landowners including crofters.	Yes	To be started	Following the engagement of common grazings that are interested in peatland restoration the Commission will encourage use of the peatland code to provide funding opportunities.	Mar 2022
8	WILDLIFE				
8.1	The Scottish Government, in partnership with NatureScot, will continue to support a Sea Eagle Management Scheme and help mitigate the impact of sea eagles on crofts and farms.	No	-	-	-
8.2	Through the Crofting Agricultural Grant Scheme, grant support is available for sheds for lambing, and for CCTV cameras used for monitoring livestock during lambing and calving.	No	-	-	-
8.3	The Scottish Government, in partnership with NatureScot, will continue to support goose management schemes and help mitigate the impact of geese on crofts and farms.	No	-	-	-
8.4	The Scottish Government, in partnership with NatureScot, will continue to support deer management schemes and help mitigate the impact of deer on crofts and farms.	No	-	-	-
8.5	Through the Crofting Agricultural Grant Scheme, grant support is available for deer fencing for the protection of crops and grassland, or for deer farming.	No	-	-	-
9	HOUSING				
9.1	The Scottish Government will continue to provide financial assistance to those crofters who wish to build or improve their croft house, and will prioritise those who are most in need.	No	-	-	-
9.2	The Scottish Government will continue to review annually the Croft House Grant scheme to assess its impact and effectiveness and ensure that it continues to provide much-needed support to active crofters.	No	-	-	-

9.3	The Scottish Government will continue to target support at those crofters and their families who would not otherwise be able to live in the remote and rural areas of Scotland, and work their croft without grant funding.	No	-	-	-
9.4	The Scottish Government will continue to monitor the use of assessment criteria, and refine parameters as necessary to ensure that the Croft House Grant scheme targets priority considerations.	No	-	-	-
9.5	Through the Croft House Grant, the Scottish Government will continue to invest in works that improve the energy efficiency of current and future croft homes.	No	-	-	-
9.6	The Scottish Government will continue to support the delivery of affordable housing in order to meet the needs of rural and remote communities.	No	-	-	-
9.7	The Scottish Government's future ambitions for self-build will be set out in the Housing 2040 route map, which will be published in 2021.	No	-	-	-
9.8	The Commission will continue to work in partnership with council planners, and engage with councils, together with stakeholder organisations, in the production or review of Local Development Plans.	Yes	Ongoing	We continue to comment on drafts of Local Development Plans and will consider what further assistance we can give to planning authorities in their general understanding of crofting priorities.	Ongoing
9.9	When assessing the merits of decrofting applications which are for the purpose of the provision and development of affordable housing, the Commission will balance the impact on the interests of the crofting community and those of the wider public interest, alongside the impact of the loss of the land to crofting.	Yes	Ongoing	This is part of the ongoing work of the board and staff, supported by policy.	n/a
9.10	The Scottish Government will continue to support crofting communities with any enquiries or applications under the Crofting Community Right to Buy.	No	-	-	-
10	SIGNPOSTING				
10.1	In 2021, the Commission, in partnership with the Scottish Government, will create an online central signposting portal for crofters, which will also be made available in Gaelic.	Yes	In progress	-	Aug 2021
10.2	The Commission, in partnership with the Scottish Government and stakeholder organisations, will make available crofting factsheets and flowcharts providing information and guidance on a range of subjects.	Yes	In progress	(a) A leaflet aimed at tourists is in progress to promote and explain crofting and encourage responsible access and support to crofting businesses. (b) Other guidance or communication will be considered following the results of the croft under-use and availability survey. This will include producing flowcharts where these can helpfully supplement the existing factsheets on regulatory processes.	(a) May 2021 (b) Sept 2021

10.3	The Commission and stakeholders will encourage crofting communities to continue to support one another through the sharing of knowledge, information and good practice.	Yes	Ongoing	The Commission will continue to maintain and forge links and dialog with relevant organisations, such as RPID, ROS, SCF, NFUS, FAS.	N/A
11	SCOTLAND'S FARM ADVISORY SERVICE (FAS)				
11.1	The Scottish Government's Farm Advisory Service will continue to evolve, respond to changing needs, and ensure delivery of high quality knowledge transfer and advisory services to crofters.	Possible	Ongoing	We can provide them with feedback to ensure crofting advice is accurate and with info from surveys to help them tailor guidance.	N/A
12	BROADBAND INFRASTRUCTURE				
12.1	The Scottish Government is committed to ensuring that every home and business in Scotland can access superfast broadband.	No	-	-	-
13	CROFTING LEGISLATION				
13.1	The Scottish Government remains committed to modernising crofting law to make it more transparent, understandable and workable.	Yes	Ongoing	The Commission will continue its thinking and discussions about this and will advise the Scottish Government as needed.	N/A
13.2	The Scottish Government will continue to engage with stakeholders in regard to legislative reform.	Yes	Currently dormant	When the SG reconvenes a Bill Group, the Commission will play a strong part in it.	TBC
14	FINANCIAL INVESTMENTS				
14.1	The Scottish Government will work with crofters through the sector led groups to develop new schemes and approaches to support low carbon sustainable crofting.	Possible	-	-	-
14.2	New pilots will be co-developed alongside these groups and crofting stakeholders to enable crofting communities to play a greater part in addressing climate change and enhancing biodiversity and the environment. During the 2021-24 transitional period, support will continue for crofters in recognition of their role as food producers, we will engage with crofters around potential changes to existing support mechanisms so funding begins to work harder to help reduce greenhouse gas emissions and produce food more sustainably.	No	-	-	-
14.3	The Scottish Government will continue to support and invest in crofting businesses and young crofters.	No	-	-	-
	CAGS				
14.4	All crofters will be allowed to apply for CAGS support. As in the current scheme, sufficient business justification will always need to be demonstrated before any approval of grant.	No	-	-	-
14.5	The Scottish Government will continue to explore the possibility of introducing standard costings.	No	-	-	-
14.6	The Scottish Government will continue to explore the possibility of introducing advanced payments by way of a pilot scheme.	No	-	-	-

14.7	There will be updates to the CAGS Guidance for eligible items to reflect advances in technical equipment.	No	-	-	-
14.8	The Scottish Government will continue to explore financial assistance towards the purchasing and applying of agricultural lime, based on soil sampling and analysis.	No	-	-	-
14.9	The Scottish Government will support applications for laptops to help crofters manage their business.	No	-	-	-
14.10	The Scottish Government will remove the need to engage a consultant to help establish a new common grazings committee. Grant support will be given for costs such as advertising and booking halls to help establish a new committee.	Yes	Ongoing	Grazings team provide ongoing guidance and support to grazings that are looking to put a committee in office.	N/A
14.11	The Scottish Government will continue to explore the possibility of introducing a beekeeping package.	No	-	-	-
14.12	The Scottish Government will widen the scope of horticultural works to include tree nurseries, growing flowers, and other ornamental plants.	No	-	-	-
14.13	The current grant conditions will be modified to help ensure value for money.	No	-	-	-
	HIGHLANDS & ISLANDS VETERINARY SERVICES SCHEME				
14.14	The Scottish Government will continue to support crofters and their animals through the provision of a subsidised veterinary service.	No	-	-	-

FINAL DRAFT BUSINESS PLAN

PLANA GNOTHACH

2021/22



CROFTING COMMISSION
COIMISEAN NA CROITEARACHD

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FOREWORD

2020/21 was a critical year for the Crofting Commission, not only because of the coronavirus pandemic which disrupted our progress towards some of our goals, but also because in Summer 2020, the Scottish Government invited us to take on an expanded role. We very much welcome the additional role and the associated resource which was provided in-year, and which has also been built into our core budget for 2021/22 (see Budget Information, page 18).

In the light of these new opportunities, the Board of the Crofting Commission revised its forward planning and this Business Plan for 2021/22 sets out a new and ambitious set of plans and objectives. Three aspects of the Commission's work have particularly been enhanced:

Under Outcome 1, we set out our plans for an expanded Residency and Land Use team, increased by 2 posts as a result of the additional funding from the Scottish Government. Crofts need to be used, and the Commission is determined to play its part in ensuring that they are.

Under Outcome 3, we set out plans for delivering facilities for online regulatory applications. This work is already under way, and will be delivered during the coming year. Alongside this, we will aim to improve turnaround times at least back to the levels we were achieving in 2019-20, before the pandemic.

Under outcome 4, we present a largely new set of ambitions based on a new workstream led by our development team. Although some of this work will initially be concentrated in the Western Isles, by demonstrating the effectiveness of these interventions we aim to create momentum for an active development function across all of the crofting counties.

Finally, during the coming year we will be preparing for the crofting elections in March 2022, when the crofting public will elect 6 Commissioners to carry the work forward for the next 5 years. These are exciting times for crofting and the Commission, and we look forward to engaging with all who are interested in standing for election to the Board.

Bill Barron – Chief Executive

May 2021

PURPOSE OF THE BUSINESS PLAN

Each year, our Business Plan sets out the Commission’s key objectives for the coming year. These are set out in the tables below, which describe our key intentions and aims. During the year, the Business Plan becomes a tool for monitoring our progress and to assist in managing our staff, finances and other resources, to achieve the desired outcomes.

Progress against this Plan will be reviewed regularly by the Senior Management Team and reported to the Audit & Finance Committee through our quarterly performance management reports. Regular reporting helps to ensure that we remain focussed on the priorities and have the right resources in the right place at the right time. Progress will be measured through our Key Performance Indicators of which our Board will receive regular progress updates.

The Corporate Outcomes highlighted in our Corporate Plan 2019 – 2022 are as follows:

Outcome One	Crofts are occupied and managed
Outcome Two	Common grazings are regulated and shared management practices continue
Outcome Three	Crofting is regulated in a fair, efficient and effective way
Outcome Four	The future of active crofting is supported by well-informed engagement with stakeholders
Outcome Five	Our workforce has the right skills and motivation to perform well, our governance processes are best practice

OUTCOME ONE – CROFTS ARE OCCUPIED AND MANAGED

By ensuring crofters are compliant with their Duties and by working with crofting communities and stakeholders, we can increase the number of crofts that are occupied and well managed.

Narrative

Since 2017, we have been expanding our work to encourage – and where necessary enforce – the requirements for crofters to reside on or near their crofts and to cultivate and maintain the land.

It has been a consistent call of the Crofting Commission’s Board that action to promote croft residency and active land use should be high on the Commission’s list of priorities. The Board has responded to the Commission’s enhanced budget allocation by indicating that some of this new allocation should be used to promote residency and active land use and build upon the existing work of the Commission’s Residency and Land Use team.

We will therefore continue to investigate reported breaches of duty, work with public and private crofting landlords, engage with croft tenants who report their own non-compliance through the crofting census or whose breach of duties comes to our attention through regulatory casework, and take action to resolve longstanding intestate succession cases where the tenancy has not been transferred within the statutory timescales.

Moving forward, the team will place equal focus on owner-occupier crofters as croft tenants, since the intention of the 1993 Act is that both tenants and owner-occupier crofters are subject to crofting duties. In addition, we will investigate individuals who have failed to return their census form but whose address details would indicate that they are not ordinarily resident on their crofts; and we will initiate correspondence with landlords of vacant crofts (or parts of crofts) who are not resident and/or do not cultivate the croft, with a view to the seeking a solution either through the landlord ensuring the croft is occupied and worked, or through the Commission taking action under the vacant croft provisions of the 1993 Act to ensure the croft is occupied by a tenant who will comply with the residence and land use duties.

Our approach will be supportive: we will help advise tenant and owner occupier crofters on the options open to them to resolve their breaches of duty; and likewise, we will work with landlords and help them understand how best to ensure that all crofts are managed in a positive way either through their own actions or by the Commission taking steps to ensure the croft is occupied and worked.

Key Milestones

Number	Date	Milestone
1a	September 2021	Create workflows, processes and supporting documentation to support investigations and engagement with landlords (owners of vacant crofts) who are suspected of not being resident and/or not cultivating their crofts.
1b	June 2021	Review 2020 Census returns in order to extract all cases where the respondent has identified they are in breach of one or more of their statutory duties.
1c	August 2021	Write to a selection of 2020 census respondents who have advised us they are in breach of their duty to be ordinarily resident, obtaining their plans and intentions for resolving the breach and establishing whether there is a good reason not to issue a notice of suspected breach of duty under section 26C(1) of the 1993 Act.
1d	October 2021	Write to a selection of crofters and owner-occupier crofters who have not responded to the 2020 census and whose address would indicate they are in breach of the residence duty. Should correspondence confirm that they are in breach then the case would be followed up in terms of 1c above.
1e	December 2021	Write to a selection of tenant and owner-occupier crofters who have indicated in their 2020 crofting census returns that they are complying with the duty to be ordinarily resident but who are not cultivating the croft, giving information about their options.
1f	February 2022	Follow-up with a selection of resident crofters whose crofts are not in use to encourage, and where necessary enforce, the requirements for crofters to cultivate and maintain the land.

Key Performance Measures

NB – some baselines shown are for 2019-20, the last ‘normal’ year of operation.

Number	Aim	Baseline figure	Target/Indicator	Measure
1.1	Number of formerly vacant crofts let by the landlord or the Commission following the Commission initiating action under the unresolved succession (section 11) or vacant croft (section 23) provisions of the 1993 Act.	7	15	Records of administrative action.
1.2	Initiate correspondence with more crofters where a breach of RALU duties is suspected	77 in 2019-20	Initiate RALU correspondence with 100 new cases	Records of administrative action.
1.3	Initiate correspondence with landlords (owners of vacant croft) who are failing to reside on and/or cultivate their vacant crofts	Baseline to be established after review.	Initiate correspondence with 30 cases	Records of administrative action
1.4	Number of RALU breaches resolved by a crofter or an owner-occupier crofter in breach of their residency duty taking up residence on their croft	17 (average over the previous 2 years)	17	Records of administrative action
1.5	Number of RALU breaches resolved by the assignation of the croft, or the letting or sale of an owner-occupied croft.	20 (average over the previous 2 years)	20	Records of administrative action

Number	Aim	Baseline figure	Target/Indicator	Measure
1.6	Number of RALU breaches resolved by the Commission giving consent to the sublet of a tenanted croft, the short-term lease of an owner-occupied croft, or by a consent to be absent being given to a tenant or an owner-occupier crofter.	61 (average over the previous 2 years)	No target (this is not a priority in its own right)	Records of administrative action
1.7	Number of RALU breaches escalated to the issue of a Notice of suspected breach of duty (section 26C), or a Notice providing an Undertaking (section 26D).	26 (based on 2020/21)	No target (this is an intermediate phase en route to KPI 1.8)	
1.8	Number of RALU breaches concluded by tenancy terminations orders (section 26H), or approval of letting proposals submitted by owner-occupier crofters following a direction to do so (section 26J).	4 (based on 2020/21)	4	Records of administrative action

OUTCOME TWO – COMMON GRAZINGS ARE REGULATED AND SHARED MANAGEMENT PRACTICES CONTINUE

Shared management and productive use of common grazings are important for the cohesion and sustainability of crofting. The Commission works with grazings committees and crofting communities, providing both guidance and support, to ensure the effective management and use of common grazings.

Narrative

The bulk of the work of the Grazings Team is to support, develop and encourage common grazings committees in carrying out their duties. Over the next year we will prioritise communication between the Commission and grazings committees while also promoting the importance and effectiveness of having committees, where there are currently no committees in place. To progress this, we will continue to communicate with shareholders of grazings who have not returned committees to office and establish contact with shareholders whose grazings have not had a grazings committee for a number of years. In addition, we will provide and contribute to training and other events related to the formation of grazings committees and the management of common grazings.

We will continue to assist committees and shareholders to resolve difficulties and to operate within the requirements of legislation pertaining to common grazings. Committees will be specifically encouraged to adopt the revised template for grazings regulations to ensure compatibility with current crofting legislation. Ensuring that the shareholding situation and relevant souming share are established on common grazings will also receive continued attention. In addition, initial work will commence on examining individual grazings to establish what should and should not be included as common grazings on the Register of Crofts.

Key Milestones

Number	Date	Milestone
2a	Ongoing	Contact all Grazings Committees whose terms are about to end, encouraging them to arrange the appointment of a new Grazings Committee
2b	Ongoing	Highlight to Grazings Committees and Shareholders the availability of the guidance, published February 2019, for effective management of common grazings. Respond to any questions for clarification.
2c	Ongoing	Maintain contact with shareholders of common grazings that have not returned a committee to office and establish contact with shareholders who have not had a committee for a longer period of time.
2d	Ongoing	Encourage grazings committees to adopt the revised template for grazings regulations

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
2.1	Increase in number of common grazings with a Committee in office	500 Grazings Committees in office on 31 March 2021	Maintain the number of Grazings Committees in office (notwithstanding the pandemic)	Administrative records
2.2	Increase in number of grazings committees who have adopted the new template regulations	3 in 2020-21	Increase by at least 10 Commission approvals of new regulations submitted by committees based on the template.	Number of new grazings regulations approved which are based on the new template.
2.3	Meetings or other substantial engagement with Grazings Committees and shareholders (as required) to support them with the regulation and management of common grazings.	12 in 2020-21	No numerical target as this is in large part demand led.	Records of administrative action. (Note that this covers different types of Commission intervention: getting Committees into office; resolving medium size queries; and helping to address deeper issues.)
2.4	Establish correct shareholdings on common grazings by researching and updating records of shareholder situations.	15 in 2020-21	10 more townships researched in 2021/22	Records of administrative action
2.5	Develop and assist with training and other events for grazings committees and the management of common grazings.	5 in 2020-21	5 events in 2021/22	Records of administrative action

OUTCOME THREE – CROFTING IS REGULATED IN A FAIR, EFFICIENT AND EFFECTIVE WAY

We are committed to providing a quality and professional service to all our customers, especially those that make regulatory applications to us or who send us applications for registration of their croft, for us to review and forward to the Registers of Scotland. We are committed to fairness in all our decision-making, and we monitor turnaround times for all the different types of process.

We are also committed to continuous improvement of our internal processes, to deliver consistent and fair decision making that is compliant with legislation, and that also delivers value for the public purse. By refining how we deliver our services to customers, we can provide a faster, more consistent and more informative service to our customers, thereby improving customer satisfaction and confidence while simultaneously improving value for money.

Narrative

In 2020/21, the pandemic and associated lockdowns caused some challenges for our regulatory services, affecting mail handling, connectivity and staff availability at certain points in the year, and we saw a gradual increase in the number of outstanding cases over the course of the year. A key aim for 2021/22 will be to process more casework than we receive, in order to recover a more stable position and improve turnaround times.

Facilities for on-line applications are under development, and will become available to customers during 2021/22.

We will also work with Registers of Scotland to reach agreement on any changes that are necessary to improve the way the two organisations handle croft registration work, especially where it interacts with crofting regulation applications.

Key Milestones

Number	Date	Milestone
3a	Aug 2021	Next build of the Crofting Information System released and upskilling delivered, and CIS migrated to the cloud
3b	Aug 2021	Digital system implemented for notifications
3c	Nov 2021	Agree, with Registers of Scotland, improvements to our combined processes, and how they can be implemented
3d	Dec 2021	First 8 application types available digitally

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
3.1	Decrease in median turnaround times (registered crofts, Tier 1 approvals)	Figures for 2020-21: Assignment - 10.7 weeks Decrofting CHSGG - 13 Decrofting Part Croft - 22.6	Reduce medians to: Assignment – 9 weeks Decrofting CHSGG – 11 Decrofting Part Croft – 16	Time taken from application to notification of decision, <i>for cases where no registration is required</i>
3.2	Decrease in number of live regulatory cases at a point in time	807 on 31 March 2021	Reduce to 732 (the level from June 2020)	Number of live regulatory cases on 31 March
3.3	Decrease in number of regulatory cases outstanding after 12 months	159 on 31 March 2021	Reduce to 140	Number of live regulatory cases on 31 March, which are more than 12 months since first received by the Commission
3.4	Customer satisfaction rates	100% satisfaction reported from a limited number of responses in 2020-21	At least 80% of responses positive	Proportion of respondents answering 5 or 4 on the 5-point scale for overall satisfaction

OUTCOME FOUR – THE FUTURE OF ACTIVE CROFTING IS SUPPORTED BY WELL-INFORMED ENGAGEMENT WITH STAKEHOLDERS

The Commission has a responsibility to promote the interests of crofting, and to advise the Scottish Government about crofting issues. We welcome collaborative initiatives with other organisations in order to contribute towards the sustainable development of crofting. We will work in conjunction with the Scottish Government to take forward the actions set out in the Scottish Government’s National Development Plan for crofting.

Narrative

We welcome the exciting addition of a development team to the Commission this year. This team will allow a renewed focus on promoting the interests of crofting and is well timed with the publication of the National Development Plan for crofting. In the coming year we will focus on building up understanding of some of the reasons behind key issues faced by crofting, using our knowledge base and links to organisations and crofters. This will enable us to take steps to address some of these issues. We will work with others to develop and implement strategies for encouraging turnover of crofts, with the aim of making better use of underutilised crofts and meeting some of the considerable demand for them. There will also be close collaboration with other organisations to work together on some of the issues including accessibility of croft land, future support schemes and peatland restoration and management.

Key Milestones

Number	Date	Milestone
4a	August 2021	Develop a signposting portal within Commission website in order to direct crofters and the public to relevant websites and information related to crofting.
4b	Sept 2021	Produce information about choices for crofters who are considering passing on their croft.
4c	Dec 2021	Investigate reasons why crofts are not passed on (temporarily or permanently) when duties are not met and develop strategies to promote croft turnover. Establish a cross-organisation working group via COHI (Convention of Highlands and Islands) to look at croft turnover and entry into crofting.
4d	Ongoing	Consider the affordability and accessibility of croft land to aspiring crofters, particularly the legal, policy and financial factors that influence croft prices.
4e	Sept 2021	Establish a cross-organisation working group via COHI to identify opportunities to reduce carbon emissions, increase carbon capture and enhance biodiversity within the crofting sector.
4f	Ongoing	Participate in discussions with stakeholders and SG on crofting interests and particularly the development of future support systems for crofting.

Key Performance Measures

There are no Key Performance Measures for this Outcome

OUTCOME FIVE – OUR WORKFORCE HAS THE RIGHT SKILLS AND MOTIVATION TO PERFORM WELL, GOVERNANCE PROCESSES ARE BEST PRACTICE

By ensuring that our staff and Board Members have appropriate training and continued investment, we can develop a high-performing workforce. We will ensure that our organisation fulfils its legal requirements and contributes to the Scottish Government’s broader objectives for Scotland.

Narrative

As a public body, we will fulfil the legal requirements and strive for best practice in our handling of information, our responsiveness to our customers, and our pursuit of clear communication, efficiency and value for money. In the coming year, we will continue to embed our processes for handling information and records in accordance with the requirements of GDPR and the Data Protection Act.

We will improve our assurance of customer satisfaction by ensuring that we have robust and effective mechanisms in place to resolve and address any complaints from customers. We will continue to respond timeously to all complaints and to learn lessons whenever a complaint is upheld.

We will implement the Workforce Plan we developed in 2019-20 and updated in 2020-21, seeking to improve the training, engagement and job satisfaction of our staff. Two particular priorities in the coming year will be succession planning and devising a policy on the location of our workforce.

Just as crofting contributes to environmentally sustainable food production and the protection of biodiversity, we as its regulator will continue to monitor our corporate carbon emissions and to implement measures to reduce them. In 2020/21, the Commission radically reduced its business travel because of the pandemic, and we are committed to retaining greater use of telecommunications, such as remote meetings for regulatory casework decisions, even when normal travel is again permitted. Our KPI measure runs one year behind, so during 2021/22 we will report on the emissions from our business travel in 2020/21 – which is expected to be extremely low because of the effects of the pandemic.

Key Milestones

Number	Date	Milestone
5a	April 2021	Publish a report about the steps taken by the Commission to encourage more female Board members
5b	June 2021	Develop and implement continuity planning for key posts
5c	July 2021	Develop a Commission policy on the location of our workforce over the next period
5d	Aug 2021	Implement automated retention schedule procedures within revised CIS
5e	Aug 2021	Complete implementation of 2020 Staff Survey action plan
5f	Dec 2021	Highlight the opportunities for election to the Board, across the crofting counties and encouraging nominations from both women and men

Key Performance Measures

Number	Aim	Baseline	Target/Indicator	Measure
5.1	Increase in staff engagement rating	57% in Summer 2020	Maintain or surpass the record high achieved in 2020	Average scores for a set of fixed questions in the annual staff survey
5.2	Corporate carbon emissions	15 tCO2e in 2019/20	Reduce by 90% in pandemic year 2020/21	Emissions from business travel by staff and Commissioners
5.3	Redeploy efficiency savings within £3.2m core budget	3.4% (£95k) 2020/21	3%	Funding redeployed as a result of efficiencies in existing operations

MEASURING SUCCESS

In our Corporate Plan 2019-22 we identified a set of high level performance indicators which are reflected in this Business Plan as shown:

High Level Indicator	Objective	2019/20 Business Plan
Number of vacant crofts let	Increasing	1.1
Number of breaches of duty, resolved through Commission action	Increasing	1.4, 1.5, 1.6, 1.8
Number of regulated grazings with committee in office	Increasing	2.1
Regulatory application turnaround times	Decreasing	3.1
Customer satisfaction rates	Increasing	3.4
Staff engagement rating	Increasing	5.1
Corporate carbon emissions	Decreasing	5.2

NATIONAL OUTCOMES

The outcomes of our Corporate Plan are aligned with those of others in the public sector to bring about delivery of the Scottish Government’s National Outcomes contained in the new National Performance Framework. We believe that we contribute to 4 of the National Outcomes:

- We value, enjoy, protect and enhance our environment.
- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We respect, protect and fulfil human rights and live free from discrimination.

A summary of how we have contributed to each National Outcome is included in our Annual Report each year.

BUDGET INFORMATION

We receive Grant-in-Aid funding from the Scottish Government. Public budget decisions which set our Grant-in-Aid allocation are made on an annual basis therefore we have confirmation of the funding allocation for 2021/22 only. The annual Business Plan will direct financial and staff resources into the priority areas identified in this Corporate Plan and agreed by the Board.

The Crofting Commission has been allocated grant in aid of £3.200m for 2021/22, around 79% of which will be directly allocated for staff salaries, and the remainder covers costs associated with Board members and the standard running costs of the organisation.

In terms of the Business Objectives for 2021/22, we can estimate the cost of delivery for each outcome. The table below indicates the number of FTEs estimated as working on each outcome and the approximate cost is based on the associated salaries for those FTEs, plus any other associated costs. Fixed running costs (for instance for our occupation of Great Glen House) are incorporated on a pro-rata basis per FTE.

In addition to this, there are other remuneration costs associated with historical pensions and the Board totalling approximately £150k.

Corporate Outcome	FTEs	Approximate Cost
Crofts are occupied and managed	7.0	£380k
Common grazings are regulated and shared management practices continue	3.4	£170k
Crofting is regulated in a fair, efficient and effective way	32.8	£1,480k
The future of active crofting is supported by well-informed engagement with stakeholders	7.4	£520k
Our workforce has the right skills and motivation to perform well, our governance processes are best practice	8.7	£500k

CROFTING COMMISSION MEETING

13 May 2021

Report by the Chief Executive

Annual Notice and Additional Survey

SUMMARY

This paper sets out possible additional questions on the annual notice (census) questions for consideration. It also sets out questions for an optional extra survey. An anonymous extra survey was run alongside the census in 2018 and a similar survey could be run again to help better understand trends in usage of crofts. Extra census questions could be used to address particular issues. Consideration should be given to the GDPR implications and what work would be required to follow up on the results generated.

BACKGROUND

The Crofting Reform Act (2010) brought in the annual notice, commonly referred to as the census. This means the Commission must give notice to each crofter a requirement to provide specified information to the Commission including whether they are complying with their duties. In 2018 the Commission also ran an additional anonymous survey as an extra sheet that was enclosed with the census questions.

The 2020 census contained four questions on duties as well as the space to update the crofter's information. There may be the possibility of asking additional questions on the census. The extra survey could also be re-run alongside the next census and similar questions to the last survey would be valuable for comparison purposes and some extra questions could be considered.

CENSUS QUESTIONS

Questions from the 2020 census and possible extra questions in red:

- Are you ordinarily resident on, or within 32 kilometres of, the croft? Yes/No
- If you have marked No, do you have the Crofting Commission's consent to be absent? Yes/No
- Is the croft being cultivated and maintained or put to another purposeful use? Yes/No
- 1. If you have marked Yes, is this done by yourself? Yes/No/Partially
- Is the croft misused or neglected? Yes/No
- 2. If you have shares in any Common Grazings are these used? (Please note if your grazings share has been separated from the croft, for example if you purchased your croft land, you will receive a separate notice in respect of the grazings share) Yes/No/Partially
- 3. Are measures routinely taken to control bracken, whins, rushes and other harmful weeds and to maintain drainage? Yes/No

The extra questions need to be qualified for GDPR purposes and as such the Commission will need to have a clear use for this data.

Question 1 is a follow up to the cultivation question and results should indicate which crofters do this work themselves or otherwise. Results could be used to write to crofters that do not cultivate themselves and do not have a sublet or short term let, to encourage them to put a sublet or short term let in place. The value of this would need to be weighed up against the resources required to do this.

Question 2 about grazings shares relates to the cultivation duty but is specific to the grazing share. This information could be used to engage crofters or grazings committees regarding unused shares. However, it may prove difficult to make use of this information in an effective way with the resources available.

Question 3 relates to the land use duties and could be considered to form part of the questions on land use duties. Results from this could be used alongside the information obtained from the census questions on cultivation and on misuse. This could then contribute to Commission work on addressing crofts that do not fulfil their duties with regard to land use. However, the extra results would mean additional analysis by staff.

The resource implications of adding extra census questions is critical and consideration will need to be given as to how they sit with existing priorities. They are likely to impact several teams including RALU, IS, Grazings, Development and Regulatory. It may be that the questions could be added as a one-off or included in the anonymous survey instead.

There also would be cost implications to adding extra questions due to extra pages and printing. This could be in the region of £8,500 although this will depend on how the census will be run next year (which will be discussed with the Board once the 2020 census is done).

ADDITIONAL ANONYMOUS SURVEY

Questions from the 2018 survey and possible extra questions in red:

What is your geographical area? (Multiple choice answers)

Common Grazing Activity

Do you use the croft's grazing share? Yes / No / I don't have a share

If No: Why are they not used? (Multiple choice answers)

Are the common grazings currently managed as a sheep stock club? Yes / No

If yes: are there any issues with this? Yes/No

If Yes: Why is this? (Multiple choice answers)

How do you use your croft?

Is your croft used for any of the following purposes?

Silage

Crops

Horticulture

Woodland Management

Caravan/campsite

B&B/Holiday let/**glamping**

Tourism

Housing development

Environmental benefits/schemes

Renewable energy production

Leisure

Wood processing

Equestrian stabling/riding centre

Aquaculture

Golf course

Livestock:

Sheep

Cattle
Poultry
Pigs
Other
Crofting Support during the 2021/22 Period
Have you looked for any advice/support on crofting activities? Yes / No
Which of the following sources have you approached (either by direct contact or by browsing their website) for advice or support on crofting activities?
Crofting Commission staff
Crofting Commission Commissioner
Crofting Commission assessor
Crofting Commission website / social media / other material
Family/friend
Another crofter (Crofting community)
Grazings clerk or committee
Scottish Government Rural Payments and Inspections Directorate (SGRPID) (including CCAGS CHGS LFASS)
Scottish Rural Development Programme (SRDP)
Scottish Crofting Federation (SCF)
National Farmers Union, Scotland (NFUS)
Landlord of croft / Community landlord
Agent - SRUC or other rural advisor or consultant
Forestry & Land Scotland / Scottish Forestry (Forestry Grant Schemes)
Woodland Trust/Woodland Crofts Partnership
Solicitor or estate agent
Bank/Finance house
Government department
Scottish Land Court
Are you aware of what support schemes are available for crofting? Yes / No
Conservation
Do you engage in planned and managed conservation activity on the croft? Yes / No
What are these? (Multiple choice answers)
Succession
Do you have a succession plan in place for your croft? Yes / No (This may include making a reference in your Will regarding who you wish to leave your croft and shares to or plans to transfer it whilst you are living)
If you would like to receive information on croft succession, please enter your email address and the Commission will send this out to you.

The additional survey was sent out as an extra sheet last time which was fairly resource and cost heavy. If it is run online only then it would have minimal costs and resource implications to the Commission. It could be run via Microsoft Forms and be included as a link at the end of the online census questions. This will almost certainly provide a sufficient sample size of results to provide useful data. An alternative option would be to keep it entirely separate from the census and contact crofters to invite them to complete it at a different time.

Impact:	Comments
Financial	The addition of questions to the census is likely to involve an increase in printing and postage costs. If the additional survey is done online only, then financial implications are minimal.
Legal/Political	If additional questions are added to the census, then the Commission will need to demonstrate a clear use for that data within our remit.
HR/staff resources	Extra results from the census and additional survey will put some pressure on staff resources.

RECOMMENDATION

- 1. The Commission should discuss and consider which questions to include in the 2021 census. Use of the results for each question should be clarified.**
- 2. The Commission should discuss and consider whether to run the anonymous survey in addition to the 2021 census.**

Date 26 April 2021

Author Heather Mack, Head of Development

CROFTING COMMISSION MEETING

13 May 2021

Report by the Chief Executive

Review of Apportionment Policy

SUMMARY

This paper considers how the Commission might most effectively prevent apportionments falling into disuse. A policy proposal is provided for the Commission's consideration of the option to apply fixed interval reviews when agreeing to apportion a part of a common grazing.

BACKGROUND

The Commission's Residency and Land Use Working Group, which met between July and October 2020, covered the use of all croft land as part of its deliberations. As a consequence, the use of land apportioned from common grazings was also considered leading to the following advice and recommendation:

The working group identified unused apportionments as an issue that merits further investigation. The group recommends that the Board revisits its policies on granting apportionments and, in particular, considers whether more apportionments should be termed for a particular period (depending on the reasons why the apportionment is sought) and whether reviews at fixed intervals should form part of apportionment orders. It is recognised that reviews of apportionments could require an increased staff resource.

The Crofting Reform Act 2007 introduced what is now section 52(10) of the Crofting (Scotland) Act 1993 which allows the Commission to either or both –

- a) apportion a part for a period
- b) determine that an apportionment shall be subject to review at fixed intervals,

which they shall specify.

From 2009 onwards, the Crofters Commission generally limited the period of an apportionment to 15 years, considering that this would be the time by which fences would be showing signs of wear and tear. In its first Policy Plan the Crofting Commission indicated its intent to continue with this policy stating that “in most circumstances, this is likely to be for a period not exceeding 15 years.” However, it did indicate a willingness to extend beyond this timescale depending upon the proposed use of the particular area. Following a legal review and rewrite of parts of the Plan, the 15-year stipulation was removed from the revised Policy Plan of November 2015. The replaced section remains intact in the current Commission Plan and reads as follows:

The Commission may apportion an area of land to an individual crofter for a fixed period of time or provide that the apportionment will be subject to review consistent with any planning permission that has been granted for any particular development on the land to be apportioned.

CURRENT POSITION

The minute of the RALU Working Group from its 19th August 2020 meeting indicates that the issue was raised in the context that those that can seek a review of an apportionment which may no longer be in use or has poorly maintained fences is restricted to certain categories: the individual crofter, the grazings committee or the owner of the common grazings. In such circumstances the Commission is the recipient of the application and not a body that can initiate a review. It was particularly felt that it would be better if the Commission itself was in a position to ensure a proactive approach to the beneficial use of croft land.

The recommendation from the working group is that the Commission reviews its policies in relation to apportionments. In this case, the Policy Plan allows for a fixed term apportionment or for a review to be undertaken that is consistent with the lifespan of any consented development. While there is a logic to reviewing apportionments that have a limited period of use and that should be consistent with any planning consent, these are relatively rare, and it is understood that the recommendation from the working group was that apportionments might be more generally subject to reviews.

Reviews at Fixed Intervals

The potential benefits of the Commission employing the review option are that it allows the Commission to be proactive in ensuring that apportionments are managed and used, and that any supervision is not solely reliant on review requests from other parties.

The review that can be requested by other parties under section 52(12) permits the Commission to:

- i. Vary or revoke any condition imposed under subsection (6)
- ii. Impose a new condition under that subsection
- iii. Bring an apportionment to an end.

It is understood that the Commission has at least the same facility to utilise these options or not as it sees fit, if undertaking reviews at fixed intervals.

It is indicated that this could have additional resource implications, but this depends upon how demanding a process is devised. The last 4 years' figures for apportionment approvals indicates that there are an average of 24 apportionment applications approved per annum. A simple self-reporting form on the management and use of an apportionment every 7 years (or whatever interval is considered appropriate) would not be particularly demanding. Non returns or particular information could trigger further inquiry and, potentially, a site visit, with an ongoing process if escalating further. It is acknowledged that, over time, there would be a cumulative effect on review numbers with potentially first, second and third etc stage of reviews being undertaken in the same year. Although, it might be anticipated that some reviews would result in the cessation of some apportionments. In this context the fixed interval at which a review is required is important in that the further apart they are kept should result in less immediate demand upon resources.

It has to be considered that the purpose of introducing such options within the legislation was to ensure that apportioned land was used and to address concerns raised about apportioned areas having been effectively abandoned.

The Commission solicitor points out that It would appear that the legislation requires that reviews be carried out at **fixed** intervals. This would make it difficult to have a single review of an apportionment, which could be desirable in some cases. Instead, the review intervals have to be fixed in advance, and at the time the apportionment is granted. The fixed intervals need not be the same – for instance, the first review could be after 5 years and subsequent reviews could be at 10 year intervals – but it is considered that it would be appropriate and administratively convenient to have the same interval for each review.

Another practical reason for a review is that in more recent years the procedure for apportionments has changed due to the requirements of croft registration. Previously, an apportionment order would be issued only once the apportionment had been fenced and surveyed by RPID and government surveyors. As a result of croft registration, the Commission now makes an apportionment order and, in almost all cases (with a few exceptions), requires the crofter to fence within a reasonable period. One of the functions of a review could be to assess whether a fence is being maintained and is still stockproof.

Apportionment for a Period

As already indicated, the Crofters Commission did introduce fixed term apportionment after the Crofting Reform Act 2007. Exceptions were made for apportionments for purposes requiring permanence such as house or other building, and the period of time could also be varied for other uses. It has to be considered that the rationale for the introduction of such options was the apparent number of apportionments that through time had fallen into disuse. The fixed term option (normally 15 years for stock management purposes) was considered the appropriate option.

The initial apportionments conditioned in this manner will begin to reach the end of their term around 2024. The crofter to whom the area has been apportioned is entitled to apply to the Commission for a further extended period. It is not apparent that there have been any applications to date for an extended period as permitted under section 52(11). It is presumed that such applications will have some impact upon resources, and potentially greater impact if an application for extension is not made timeously and results in the same area being applied for effectively as a new apportionment.

Options to Apportion for a Period and/or Review at Fixed Intervals

In policy terms there is already an option available to apportion for a period or to review an apportionment in line with any planning consents. It would be possible to have both apportionments for fixed period and reviews at fixed intervals. However, this would appear excessive, particularly when there has been a period in which little use has been made of either option. The success or otherwise of the earlier use of apportioning for a period is not yet apparent and may be perceived as unnecessary in some cases and lead to confusion if extensions are not timeously applied for.

From a Commission perspective, reviews at fixed intervals allows for more proactive management on its part and the capacity to make decisions that may be appropriate at particular times. This need not entail a complex process but one that simply reminds that the area has been apportioned for a purpose and has associated conditions. This should entail a better management and use of apportionments in the longer term and also their release if no longer in use.

Where the land to be apportioned has development potential or what is referred to as “hope value”, such as an area earmarked for housing or some other development in a local authority’s local plan for the area, a review at fixed intervals or a termed apportionment could allow an apportionment for, say, stock management purposes to be brought to an end if it becomes evident that the land in question is likely to be used for housing and may have to be resumed. In these circumstances, it would usually be appropriate for all shareholders to benefit from the uplift in value as a result of development, particularly where the original applicant for the apportionment seeks the apportionment for stock management or some other agricultural purpose.

Policy Proposal

While the Commission will want to have a relatively consistent approach to the introduction and implementation of the policy, there is a need to be mindful of individual circumstances. This is reflected in the legislation which indicates that the Commission has discretion on each application whether to determine that an apportionment be subject to review at fixed periods. There will be instances where it would not be appropriate to have reviews at intervals, such as where an apportionment is for house or some other permanent structure. The Commission has to exercise caution, however, in granting an apportionment for a purpose that would be considered a “purposeful use”, as any such use requires the consent of the landlord.

Accordingly, any policy must allow for the requirements of individual circumstances whilst ensuring that there is a level of consistency within its application. It is proposed that the policy reads as follows:

The Crofting Commission will consider the option to make an apportionment subject to review at fixed intervals. The Commission will generally review an apportionment at intervals of seven¹ years or at whatever other interval it considers appropriate or not, depending upon the purpose and proposed use of the apportionment.

Impact:	Comments
Financial	There should not be any considerable financial impact.
Legal/Political	This option was provided for in the Crofting Reform Act 2007 and, as such, is there to enable the Commission with the regulation of crofting.
HR/staff resources	Some additional work may added to the apportionment process as a result of periodic reviews. This should not be of major consequence on current figures.

<p>RECOMMENDATION</p> <p>It is recommended that the Commission approves the proposed policy, confirming the intervals at which an apportionment may be generally subject to a review or adapting as considered appropriate.</p>

Date 21 April 2021

Author John Toal, Head of Policy

¹ This is simply a suggestion at this stage.

REPORTS FROM HEADS OF TEAMS - ORAL

- (a) *IS Team***
- (b) *RALU & Reg Support***
- (c) *Operations & Workforce***
- (d) *Grazings & Policy***
- (e) *Crofting Development***

'ROUND THE TABLE' – ORAL UPDATE

DATE OF NEXT MEETING – 24 JUNE 2021 (TEAMS)

ANY URGENT BUSINESS – ORAL

EXCLUSION OF PRESS & PUBLIC