



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

21 AUGUST 2024

**CROFTING COMMISSION MEETING
ST KILDA, GREAT GLEN HOUSE
21 AUGUST 2024 AT 0900 hrs**

AGENDA

1 APOLOGIES	<i>Oral</i>	<i>Standing Item</i>
2 DECLARATIONS OF INTEREST	<i>Oral</i>	<i>Standing Item</i>
3 DRAFT MINUTES FROM 26 JUNE 2024*	<i>Minutes</i>	<i>For approval</i>
4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (of 26 June 2024)	<i>Paper</i>	<i>For info</i>
5 MATTERS ARISING FROM PREVIOUS MINUTES	<i>Oral</i>	<i>Standing Item</i>
6 AUDIT & FINANCE COMMITTEE REPORT		
(a) Update from Vice Chair of Committee	<i>Paper</i>	<i>Standing Item</i>
(b) Draft Minutes from 24 July 2024*	<i>Minutes</i>	<i>For info</i>
(c) Annual Report on Committee Activity to Board	<i>Report</i>	<i>For info</i>
(d) Annual Report & Accounts 2023-24	<i>Report</i>	<i>For approval</i>
7 REVIEW OF PERFORMANCE REPORT Q1 – APRIL-JUNE 2024	<i>Paper</i>	<i>For info</i>
8 REVIEW OF STRATEGIC RISK REGISTER Q1 – APRIL-JUNE 2024	<i>Paper</i>	<i>For info</i>
9 ANNUAL REVIEW OF GAELIC LANGUAGE PLAN MONITORING REPORT	<i>Paper</i>	<i>For approval</i>
10 VACANT CROFTS	<i>Paper</i>	<i>For approval</i>
11 BOARD DATES FOR 2025	<i>Paper</i>	<i>For approval</i>
12 REVIEW OF APPROVED PUBLICATIONS	<i>Paper</i>	<i>For approval</i>
13 DATE OF NEXT MEETING		
9 October 2024 – St Kilda		
14 ANY URGENT BUSINESS		
15 EXCLUSION OF THE PRESS AND PUBLIC		

**Not in public copy*

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION MEETING

21 August 2024

Report by the Chief Executive

Review of Action Points from 26 June and 23 January 2024

ACTION POINTS FROM 26 JUNE 2024					
ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
1	Paper to be brought back to the Board meeting on 27 November to review the scheme of delegation.	DoP	November Board		
2	Convener to come back to the Board with an update, no later than the October 2024 Board meeting, or earlier as appropriate.	Convener	October Board		Relates to review of crofting governance.
3	Officials to consider if further changes recommended for common grazings, and either come back with proposals at a future Board meeting or confirm no further changes are recommended.	DoP	TBC		If no further changes proposed, can be discharged after communicated.
4	CEO to bring back a short paper around proposals to change the meeting frequency, format and idea of alternating formal and informal meetings, as well as the suggestion to hold an annual fully online Board meeting.	CEO	August Board		
5	CEO to contact Sponsor to ask for an advance preview of the Bill changes presentation and note attendance by Board at as many locations as possible.	CEO	Convener	Complete	
6	Head of Policy, Grazings and Development to arrange a strategy afternoon after the August Board meeting focusing on the future vision of crofting paper presented.	Head of PDGC	August Board		
7	CEO to bring a paper reviewing the CCAR role back at the August Board, with proposals.	CEO	August Board		

ACTION POINTS FROM 8 MAY 2024					
ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
5	A draft training plan is to be produced and taken to the AFC prior to presentation to the Board for agreement.	CEO	August Board		Asked to be kept live at June Board meeting for future update. Commission solicitor is organising specific training. On return to work, DoCS confirmed training plan already exists.

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

21 August 2024

Report by the Vice-Chair of Audit & Finance Committee

SUMMARY

The purpose of this paper is to provide the Board with an update of the Audit & Finance Committee meeting of 24 July 2024.

BACKGROUND

The Board has established an Audit & Finance Committee (AFC) as a Committee of the Crofting Commission Board to support Board Members in their responsibilities for issues of risk, control and governance and associated assurance through a process of constructive challenge.

CURRENT POSITION

The Vice-Chair will provide Board Members with a verbal update of the AFC meeting of 24 July. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. We reviewed financial performance for Q1 and identified no significant issues.
2. We noted a minor matter relating to an unbudgeted croft succession project.
3. While the forecast outturn is currently close to break even, we noted significant overspend risk relating to evolving capacity issues within the Executive Team.
4. Early indications are that 2025/26 will be another difficult year for public spending, and we noted the importance of close ongoing dialogue with our SG Sponsor.
5. We reviewed an External Audit report on the 2023/24 Annual Accounts and agreed a recommendation relating to Best Value self -assessment.
6. We reviewed the Commission's Assurance Framework and noted continuing weak assurance in relation to some data accuracy. An internal audit is scheduled for this financial year.
7. We reviewed operational and strategic risk registers.
8. We reviewed follow up reports on outstanding audit actions and were encouraged by the good progress now being made.
9. We reviewed the Commission's Code of Corporate Governance and agreed that this should be revisited once wider governance issues including the Framework Agreement have been reviewed/revised later this year.
10. We had a useful private meeting with both Internal and External Audit, both of whom reported positively.

RECOMMENDATION

The Committee recommends that the Board should –

- **Keep under close review the adequacy of executive management resource and an associated overspend risk.**
- **Approve the Annual Report and Accounts for 2023/24.**
- **Agree some relatively modest changes to the Strategic Risk Register.**

Date 24 July 2024

Author Andrew Thin, Vice-Chair, Audit & Finance Committee

CROFTING COMMISSION MEETING

21 August 2024

Report by the Audit & Finance Committee

Annual Report on Committee Activity for 2023/24 to the Board

BACKGROUND

As part of the approved Committee workplan the Vice-Chair of the Audit & Finance Committee has drafted an annual report on the Committee's activity for the year for approval, prior to submitting to the Board for review.

OVERVIEW

The Committee met four times in 2023/24 and followed a carefully planned programme of work throughout the year. In addition to an ongoing emphasis on continuous improvement in relation to corporate governance, the committee paid particular attention to both medium term financial forecasting and risk appetite during the year. This reflects the resource challenges facing all public sector organisations and the board's emphasis on risk appetite as an integral element in delivering Best Value.

There have been significant senior level staff changes during the year including the appointment of a new CEO with effect from January. The risks inherent in this have been recognised by the committee and continue to be closely monitored. It is worth recording the high level of priority that the new CEO attaches to keeping corporate governance arrangements under close review, and the committee looks forward to working closely with him on this important priority.

I would like to thank all committee members for their wisdom and diligence during the year and pay tribute to the quality of support provided to the committee by executive staff. In a period of extremely tight resourcing, changing demands for our services and the prospect of imminent legislative reform, the committee's role remains vital.

Attendance at AFC Meetings (All meetings were quorate):

Attendance at Audit and Finance Committee Meetings during 2023/24		
Andrew Thin	AFC- Vice Chair & Commissioner	4/4*
Rod Mackenzie	AFC Member & Commissioner	4/4*
Duncan Macaulay	AFC Member & Commissioner	4/4*
James Munro	Co-opted AFC Member	3/3*
Bill Barron	Chief Executive Officer	2/3*
Gary Campbell	Chief Executive Officer	1/1*
Aaron Ramsay	Director of Operations	3/3*
Jane Thomas	Director of Corporate Services	2/2*
Neil Macdonald	Head of Finance	4/4*

* = Number of attendances/Number of meetings possible to attend

The Remit of the AFC is contained within its [Terms of Reference](#) that are published on the Commission website.

The 2023/24 Committee’s self-assessment review as part of the Commission’s focus upon good governance practices is summarised at the [following link](#).

The work covered by the AFC during 2023/24 is listed below.

<p>April 2023</p> <ul style="list-style-type: none"> • Review External Audit Plan for 2022/23 • Review Committee Workplan for forthcoming year • Internal Audit Report: Complaints Handling Review • Internal Audit Report: Annual Assurance 2022/23 • Review Internal Audit Workplan for 2023/24 • Review Anti-Fraud/Conflict of Interest Policy • Review Equalities & Diversity Plan • Review Financial Systems Shared Service SLA Performance • Review Collated Results of Board Self-Assessment Questionnaire Issued in Q4 2022/23 • Consider Staff Survey Action Plan
<p>July 2023</p> <ul style="list-style-type: none"> • Review Risk Appetite Statements • Review Commission Code of Corporate Governance • Review Audit & Finance Committee Performance • Annual Report on Committee Activity to the Board • Review Commission Assurance Framework • Internal Audit: Follow Up Review of Previous Audit Recommendations
<p>November 2023</p> <ul style="list-style-type: none"> • Review Final Accounts for 2022/23 and External Auditor’s Final Report on the 2022/23 Audit • Internal Audit: Corporate Governance Review • Business Continuity Plan Update • Consider Staff Survey Action Plan • Reviewed Board Scheme of Financial Delegation • Reviewed Standing Financial Instructions • Reviewed Committee Terms of Reference • Private Meeting with External Audit • Private Meeting with Internal Audit • Reviewed Draft 2024/25 Draft Budget
<p>January 2024</p> <ul style="list-style-type: none"> • External Audit update and review of 2023/24 annual audit plan • Consider Commission Draft Business Plan 2024/25 Prior to Submission to Board • Consider Commission Medium Term Financial Strategy • Review of Workforce Plan Update • Internal Audit: Core Financial Audit • Cyber Security Audit Results 2023 • Review External Auditor’s Wider Scope Governance Report on the 2022/23 Audit • Review of Commission Risk Management Policy • Business Continuity Plan Update • Consider Annual Improvement Report • Board Self-Assessment Evaluation for 2023/24 • Review Committee-Self Assessment for 2023/24 • Reviewed Key Accounting Policies for 2023/24 Accounts • Review Draft 2024/25 Budget and Recommendation to Board
<p>Standing agenda items reviewed at each meeting</p> <ul style="list-style-type: none"> • Review of Operational Risk Register • Review Strategic Risk Register • Progress Review on Audit Recommendations • Health, Safety & Welfare Update • Review of Complaints Handling Report • Review of Financial Performance to date

RECOMMENDATION

The Committee is asked to consider and approve the report prior to presentation to the Board.

Date 10 July 2024

Author: Table of Activity completed by Crofting Commission Head of Finance and Overview approved by Commissioner Andrew Thin

CROFTING COMMISSION MEETING

21 August 2024

Report by the Chief Executive

Annual Report & Accounts 2023/24

SUMMARY

The Crofting Commission Annual Report & Accounts 2023/24 are presented to the Board for approval.

BACKGROUND

The Annual Report and Accounts for 2023/24 have been finalised.

The final draft was considered by the Audit & Finance Committee on 24 July 2024 and a copy was subsequently e-mailed to the Board. The Board is asked to confirm approval of the draft at the meeting.

While the Board's approval (assuming that it is given) will be recorded in the public minutes, the draft Annual Report itself has not been included in the public papers for the meeting. This is because the Principal Clerk at the Scottish Parliament has advised that the Annual Report & Accounts should be laid in Parliament before any reference to its contents appears in the public domain. This is standard practice.

CURRENT POSITION

The Audit & Finance Committee considered the Annual Report and Accounts and recommend these documents to the Board for approval.

The Audit Report includes confirmation that Audit Scotland has accepted the Annual Report and Accounts. Audit Scotland will publish this report on their website once the Annual Report & Accounts have been laid before Parliament¹. The Commission has been advised that the report should not be placed in the public domain until this process concludes.

Financial key points include:

- A) The Commission has prepared its Annual Report & Accounts in line with the Financial Reporting Manual requirements, and no areas of non-compliance with accounting standards or good practice were identified.
- B) No issues arose that required a financial adjustment to the draft financial statements.
- C) There are no significant matters from that work to draw to the attention of the Board.

¹ Provided the Board approves the Annual Report and Accounts, the Principal Clerk at the Scottish Parliament has advised that they will be laid before Parliament in September.

Provided the Board is content to approve the Annual Report & Accounts, the Chief Executive, Convener and Audit Scotland will electronically 'sign off' on the report. This will ensure that the Commission can meet its statutory obligation to lay the Annual Report & Accounts before the Scottish Parliament once permission to do so is granted by the Auditor General for Scotland.

Impact:	Comments
Financial	N/A
Legal/Political	Ensures that the Crofting Commission adheres to its statutory duty to lay the audited statement before the Scottish Parliament
HR/staff resources	N/A

RECOMMENDATION

It is recommended that the Board approves the Annual Report & Accounts for 2023/24.

Date 30 July 2024

Author Gary Campbell, Chief Executive & Accountable Officer, Crofting Commission

CROFTING COMMISSION MEETING

21 August 2024

Report by the Chief Executive

Performance Report Q1 2024-25

SUMMARY

The quarterly Performance Report is one of the Commission's key reporting tools, with Outcomes linked to the Corporate and Business Plans.

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/240821/7-Annex-A-Q1-April-June.pdf>

It is considered by the Audit & Finance committee each quarter before being brought to a subsequent Board meeting for information.

BACKGROUND

The Performance Report is split into four sections, with information detailed against Outcomes, as follows:

- Outcome One – Crofting is regulated in a fair, efficient and effective way
- Outcome Two – Crofting continues to thrive and evolve
- Outcome Three – Crofts are occupied and used
- Outcome Four – Our workforce has the right skills and motivation, and our governance processes are best practice.

CURRENT POSITION

There is currently one KPI within the report showing a red RAG status. This is 2.1(b) relating to an increase in the number of grazings committees adopting new template regulations. More resources have been put into the Grazings team but the targets on Outcome 2 remain challenging, with Outcome 2.1(a) and 2.2 showing an Amber status in Q1.

Other items showing an AMBER status in Q1 are:

- Outcome 1 – 1a. Target completion date is June 2024. There is a slight delay as the Commission waits for confirmation from RoS on an agreed approach to fraud prevention.
- Outcome 3 – 3a, 3b and 3.3. All in progress but slightly behind July 2024 target date.
- Outcome 4 – 4.2 on carbon emissions, due to an increase in business travel as the Commission has increased engagement with crofting communities.

Members of the Executive Team will be present at the meeting and happy to take questions from Board members on the details set out in the report.

Impact:	Comments
Financial	Tasks detailed in the report are costed within the 24/25 budget
Legal/Political	N/A
HR/staff resources	Staff resources from all teams are expended delivering the targets outlined in the report.

Date: 7 August 2024

Author: Jane Thomas, Director of Corporate Services

CROFTING COMMISSION MEETING

21 August 2024

Report by the Chief Executive Officer

Review of Strategic Risk Register for Quarter 1 2024/25

SUMMARY

The Board is invited to note the Strategic Risk Register for Quarter 1 (period to end June 2024), which can be found here:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/240821/8-Strategic-Risk-Register-Q1-April-June-2024.pdf>

It has been updated by the Executive and was considered by the Audit & Finance Committee at its meeting on 24 July 2024. The paper is for information.

BACKGROUND

The Strategic Risk Register is reviewed by the Audit & Finance Committee (AFC) at each of its quarterly meetings and then by the Board at the meeting following AFC meetings.

The Executive Team has provided a cover paper to highlight key points. This paper provides that analysis in the form of four tables.

POINTS TO NOTE

HIGHEST OVERALL RISKS (score 100+)			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
None	-		All risks are currently below 100.

NEW RISKS			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
S14	Board Membership	30	<i>New Convener and possible Board member requires appointment in Autumn.</i>

RISKS THAT ARE INCREASING (since last update)			
Ref no	Topic	Risk score	Comments
S2	RoS Forms	40	<p>Risk Reference S2 <i>“The Commission’s regulatory decisions are inconsistent and/or too many decisions are vulnerable to being overturned on appeal in the Land Court”</i></p> <p>Current risk score was 30. The Commission Director of Operations has adjusted the current risk score to 40.</p> <p>The increase in risk score is due to <i>“The Commission has completed its consultation with RoS, and now RoS and SG Sponsor need to progress the action. This currently appears to be stagnated and is being escalated.”</i></p>

RISKS WHICH COULD POTENTIALLY HAVE THE MOST SERIOUS CONSEQUENCES (Current impact 25 or 50)			
Ref no	Topic	Current impact score	Comments
S1	Casework	25	Although the overall risk score has decreased in Quarter 1, this remains a key focus for the Commission.
S7	RALUT	25	It is important to maintain a strong Residency and Land Use team to continue addressing and resolving breaches of crofting duties, contacting those who do not respond to the census, absentee landlords of vacant crofts and failed successions.
S9	Budget	25	Although the current risk score fell in Quarter 3 2023/24 due to a confirmed balanced budget allocation for 2024/25 there remains a significant risk for 2025/26 and beyond.

RISKS WHICH ARE MOST LIKELY TO TRANSPIRE (Current likelihood 4 or 5)			
Ref no	Topic	Current likelihood score	Comments
S2	RoS Forms	4	Increased by Director of Operations. Refer to ‘Risks that are increasing’ table above
S3	Inconsistent regulatory decisions	4	Increased by Solicitor in Q4 2023/24.
S6	Credibility of crofting	4	Need to progress work of development team alongside the more established RALUT and grazings teams to ensure we are encouraging new entrants and active crofting, plus need for comms activity to highlight the continuing benefits of crofting.
S13	Take-up of online applications	5	While the system is working well and popular with users, reaching the preferred levels of use may depend on resolving key issues with Registers of Scotland, especially about fraud prevention.

RISKS THAT THE EXECUTIVE RECOMMENDS ARE DISCHARGED		
Ref no	Topic	Comments
S10	Next release of Commission CIS	CIS version 1063 was brought to live on 6 October and is now operational.

Impact:	Comments
Financial	The Strategic Risk Register is a high-level tool which influences the prioritisation of objectives and deployment of resources across the Commission.
Legal/Political	
HR/staff resources	

RECOMMENDATION

The Audit & Finance Committee has reviewed the Strategic Risk Register and recommends that *Risk S10: Next release of the Commission CIS* is discharged,

Date 30 July 2024

Author: Head of Finance, Crofting Commission

CROFTING COMMISSION MEETING

21 August 2024

Report by the Chief Executive

Annual Review Gaelic Language Plan

SUMMARY

The Crofting Commission must review its Gaelic Language Plan annually, in advance of a report being submitted to Bòrd na Gàidhlig.

BACKGROUND

Under the Gaelic Language Act (Scotland) 2005, public authorities in Scotland have a duty to complete a Gaelic Language Plan (the plan), which must be submitted for approval by Bòrd na Gàidhlig. The plan is publicised and reviewed annually, along with an annual progress report, which is submitted to the Bòrd. A complete update of the plan takes place every five years.

The first Gaelic Language Plan, submitted by the Crofters Commission, was approved in 2009. The second iteration was approved for the Crofting Commission in 2015, and the third edition was approved by the Bòrd in October 2020, which is for the period 2020 to 2025.

Monitoring Reports which detail progress in meeting commitments in the Gaelic Language Plan are written by the Gaelic Officer and submitted on a quarterly basis to the Executive Team/Senior Management Team by the Director of Corporate Services. The Annual Report Form <https://www.crofting.scotland.gov.uk/userfiles/file/appendices/240821/9-Annex-A.pdf> is submitted annually to the Commission Board.

CURRENT POSITION

The Commission invested considerable time in developing a Gaelic Language Plan with a range of practical commitments, aimed at supporting the objectives of the National Plan for Scotland, by enhancing the status of Gaelic, promoting staff learning, and encouraging the use of the language in the workplace.

The organisation's commitment reflects the importance Gaelic has in the culture of some crofting communities, with Gaelic-speaking households making up a significant base in many of the most widely-crofted areas.

All staff are expected to have an awareness of the Gaelic Language Plan. The plan forms part of the Induction process for new staff and for ongoing staff development. The Plan is included in the Commissioners' Induction Pack. The Commission Gaelic Language tuition classes have been running throughout 2023/24 and are part-funded by Bòrd na Gàidhlig under the 'Gaelic Language Act Implementation Fund' (GLAIF) programme, following a successful application. The GLAIF programme funds 80% of the cost of delivering the language training.

The next Gaelic Language Plan will be drafted for the period 2025 to 2030. Work on this will begin during the latter part of 2024.

Impact:	Comments
Financial	<p>April 2023 to March 2024:</p> <p>Gaelic translation of 'Succession Planning' booklet £190</p> <p>Gaelic Awareness Session £105</p> <p>Gaelic Classes <u>£1,938</u></p> <p>Total £2,233</p> <p>These costs are equivalent to 0.05% of the overall budget allocation</p>
Legal/Political	The Commission is required to have a Gaelic Language Plan, under the National Gaelic Plan for Scotland and the Gaelic Language Act.
HR/staff resources	Resource focus is on the Development Officer as the Gaelic Language Officer of 0.5/1 day p/wk.

RECOMMENDATION

Commissioners are asked to consider the Gaelic Language Plan Annual Return Form, and if they are satisfied with progress against commitments, recommend the report to Bòrd na Gàidhlig.

Date 26 July 2024

Author Gary Campbell Chief Executive Officer

CROFTING COMMISSION MEETING

21 August 2024

Report by the Chief Executive

Vacant Crofts

SUMMARY

The purpose of this paper is to obtain the Board's approval to engage with owners of vacant crofts advising:

- “Landlords” of vacant crofts of their responsibilities to re-let vacant crofts, and
- other “Owners” of vacant croft that their land is part of a regulated system of tenure and where it is not occupied and worked as such, the Commission can and will require that it be let to someone who will fulfil these requirements.

1. BACKGROUND

1.1 Introduction of the status of “Owner-Occupier Crofter”

When section 34 of the Crofting Reform (Scotland) Act 2010 Act (“the 2010 Act”) inserted new sections 19B to 19D into the Crofters (Scotland) Act 1993 (“the 1993 Act”) introducing the status of “owner-occupier crofters”, the Commission went through all the entries for “vacant” crofts on the Register of Crofts, to differentiate between those owners of vacant crofts who satisfied the 3 statutory conditions set out at section 19B to qualify as an “Owner-Occupier Crofter” and those which did not. The status of the owners who satisfied the conditions were revised to that of “Owner-Occupier Crofter,” and the owners who did not satisfy the three conditions were given the status of “Landlord of vacant croft” in order to establish a clear distinction between “Owner-Occupied Crofts” and those crofts which remained “Vacant.”

1.2 Commission Policy

1.2.1. At its Board meeting held on 18 March 2021 the Commission adopted the following Policy:

“The Crofting Commission seeks to ensure that all croft holdings will be occupied and cultivated. Over and above the legislative requirements to administer crofting duties, the Commission will require the occupancy and management of vacant croft holdings. This process will entail that landlords of vacant crofts will be notified and advised of their responsibilities to relet vacant crofts. Other owners of croft land will also be notified that the land is part of a regulated system of tenure and where it is not occupied and worked as such, the Commission can and will require that it be let to someone who will fulfil these requirements.”

For completeness, the full policy in relation to vacant crofts can be accessed at this link: [Commission policy on vacant crofts.pdf](#)

- 1.2.2** Those “Landlords of vacant crofts” who are public or private owners of crofting estates, where the tenancy had been terminated or renounced would be expected to submit re-letting applications to ensure the croft was occupied and worked by a croft tenant.
- 1.2.3** Those “Landlords of vacant crofts” who are tenants who had purchased the crofts (or were their their successors in title) but did not satisfy the three conditions to be considered an owner-occupier crofter, the Commission would not call for letting proposals **providing** they were cultivating the croft or putting the croft to another purposeful use and were resident on or within 32 kilometres of the croft. In contrast, if the Commission received a report that they were not cultivating or putting the vacant croft to another purposeful use or were not resident on or within 32 kilometres of the vacant croft, the Commission would investigate and potentially serve a notice requiring letting proposals.

2. FURTHER DEVELOPMENTS

2.1 Differentiating between the 2 types of “Landlords of vacant crofts” currently on the Register of Crofts

To implement the distinct aspects of the policy, the Commission had to distinguish between the different categories of vacant crofts. The Commission went through all the Register of Crofts entries which currently have the designation of “Landlord of Vacant Croft” and has identified those crofts where we propose changing the crofter status to “Owner” of vacant croft. These are the vacant crofts where the policy at **1.2.1** and **1.2.3** above would apply and where the RALU Team will be able to accept and process reports of non-use of land and non-residence by vacant croft owners. The Commission identified a total of **908 crofts** which will fall within the new status of “Owner” of vacant croft.

The remaining crofts will retain the designation “Landlord of a vacant croft” and the policy at **1.2.1** and **1.2.2** above would apply. The Commission issued a press release in April 2024 announcing an initiative which aims to ensure landlords of vacant crofts are aware of their responsibilities and to encourage the re-letting of crofts which are currently vacant.

2.1.2 The Creation of new processes

The Commission had to create new procedures and workflows, revised reporting form, revised SGRPID Inspection form and supporting letters and other documents to facilitate the implementation of the policy. These tasks have now been completed.

2.1.3 Potential legislative changes

Included in the Crofting Bill Consultation Document is the proposal to give to the Commission the “Power to grant Owner-Occupier Crofter status.” Should this proposal progress to being incorporated into future crofting legislation, then the Commission’s policy on “vacant crofts” can be revisited to enable the Commission to consider bringing “vacant crofts” within the scope of duties compliance (section 19C of the 1993 Act) and duties enforcement (section 26A to 26K of the 1993 Act) by exercising its power to grant owner-occupier crofter status.

SEEKING BOARD APPROVAL

This paper comes to the Board to give its approval to:

- i) Introduce the new crofter status of “Owner” of vacant croft in respect of those vacant crofts which are owned by former tenants who purchased their crofts (or who are their successors in title), in order to differentiate between “Landlords of vacant crofts” who are owners of public, private or community crofting estates. This does not change the croft status, which remains vacant. It is for administrative and policy purposes to distinguish between the two types of owners of vacant crofts.
- ii) Make “Landlords” of vacant crofts aware of their responsibilities to relet their vacant crofts.
- iii) Make “Owners” of vacant crofts aware that their land is part of a regulated system of tenure, but also give an assurance that providing they work and occupy the croft the Commission will not require the croft to be let. In contrast, where the croft is not worked and occupied, the Commission can and will require that it be let to someone who as tenant would comply with crofting duties.
- iv) Implement the facility to accept and investigate reports received of non-cultivation and non-residence by “Owners” of vacant crofts.

Impact:	Comments
Financial	Other than the cost of postage, which will include recorded delivery, there should not be any considerable financial implications.
Legal/Political	The relevant references in terms of crofting legislation are covered in the paper. There may be possible human rights arguments in relation to enjoyment of private property, but nothing beyond what is permitted in crofting legislation is being suggested. There is potential for exception to be taken to what may be perceived by some as interference with private property. However, as long as the rationale is well set out in the initial approach, it should be recognised that the Commission is being consistent in its approach to all croft land and is performing its primary function to regulate crofting and its system of land tenure
HR/staff resources	Will require a dedicated resource at the initial stages but thereafter, will require to be modulated in line with competing priorities and the demands of processes that have defined legislative requirements and timescales. However, overall this is a substantial task and will make further demands upon the Commission’s Residency and Land Use resources.

RECOMMENDATION:

For the Board to consider and approve the recommendations set out in this paper.

Date: 30 July 2024

Author: Joseph Kerr, Head of Regulatory Support

CROFTING COMMISSION MEETING

21 August 2024

Report by the Chief Executive

Proposed Board meeting dates for 2025

SUMMARY

To propose and agree Board meeting dates for 2025.

BACKGROUND

This paper is submitted to the Commission laying out proposed meeting dates for Board meetings in 2025. As per previous discussions, this will introduce a blend of in-person and virtual meetings and also tie in with a day where Commissioners can formally meet all staff in June and lead on a strategy day in October. As is the case now, extraordinary board meetings may be called on other dates if required.

SUMMARY OF RECOMMENDATIONS

The Commission is asked to agree the meeting dates outlined in the table below.

BOARD MEETING DATES 2025
Wednesday 26 February 2025 – in person
Wednesday 30 April 2025 – virtual
Wednesday 25 June 2025 – in person then overnight for Thursday 26 June 2025 – staff day
Wednesday 27 August 2025 – in person
Wednesday 29 October 2025 – in person then overnight for Thursday 30 October 2025 – Strategy Day
Wednesday 17 December 2025 – virtual

RECOMMENDATION

Schedule of meetings outlined above is recommended.

Date 6 August 2024

Author Gary Campbell, Chief Executive

CROFTING COMMISSION MEETING

21 August 2024

Report by the Director of Operations

Review of approved publications

SUMMARY

This paper sets out the current guidance for publications as previously set by the Board, some issues with this that officials would like to highlight, and recommended actions to address the issues

BACKGROUND

The Commission currently has a policy document visible on its website which details advertising requirements, the definition of a publication and a list of accepted publications

(<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/240821/12-ANNEX-1-Factsheet-Advertising-200416.pdf>).

This guidance also indicates that exceptions to the list require “consent...in advance from the Area Commissioner on a case by case basis.”. This policy was put in place by a previous Board and has been standing for a number of years.

ISSUES WITH CURRENT GUIDANCE

The current guidance is ambiguous as to how consent from an Area Commissioner is obtained and could be read by an applicant that they need to contact the Area Commissioner directly. The guidance is also unclear as to which publications are acceptable depending on the geographic location of the applicant. This results in scenarios where a crofter submits an application to the Commission, which can or cannot be present on the current list, and then are told that the publication used is not acceptable in their area and advised of which ones the Commission accepts, and to advertise again.

Commission case workers also have no definitive list based on area for accepted publications for advertising, and often have to contact the Area Commissioner, local news agents, or publications in order to verify the availability or distribution of publications.

SUGGESTED CHANGES

The Commission suggests the following changes:

Proposal 1

It is proposed that the wording of the guidance, and corresponding process, should be clarified to make it clear that queries regarding a publication not on the list should be directed to the Commission, who will in turn verify with the appropriate Area Commissioner the suitability of the publication. This will allow the list to be updated and ensure that both Commission case workers and future applicants are aware of the outcome.

Proposal 2

The guidance will be updated with a list of Area Commissioner accepted publications on a geographical basis (see <https://www.crofting.scotland.gov.uk/userfiles/file/appendices/240821/12-ANNEX-2-Publication-list-for-review-MOCK-LISTS.pdf> for mock designs). This will allow applicants to see publications which are already approved in their specific area before paying for an advert that may then be refused by the Commission. This list will be adopted as a “single source of truth” for use by both Commission officials and applicants, removing the need for repeat verification of suitability.

These examples are based on a recent review carried out with Commissioners where they were asked to approve the current list of publications based on geographic splits, combined with suggested amendments from officials based on publications which were previously accepted. It is recommended that Area Commissioners confirm agreement with, or amendment to, this list in order to create an agreed publication list.

Proposal 3

When an Area Commissioner changes, or post an election, it is proposed that the list will be redistributed to all elected Area Commissioners to verify it as still correct after a suitable time¹. This will ensure that the list is periodically reviewed, as well as giving new Commissioners the opportunity to amend the list in a structured way.

SUMMARY

The changes will clarify which publications are suitable on a geographic basis, which will remove ambiguity for applicants and Commission officials. Alteration of the process by which publications not on the list are queried will ensure that Commission officials are aware of any changes, as well as making this clear for future applicants. Introducing a periodic review linked to changing elected Commissioners will ensure the list remains accurate.

Impact:	Comments
Financial	n/a
Legal/Political	n/a
HR/staff resources	Negligible resource impact to carry out updates and periodic reviews.

¹ This would be carried out once new Commissioners had completed their onboarding process.

RECOMMENDATION

The Board is invited to review the proposals and agree approval as appropriate.

Date 24 July 2024

Author Aaron Ramsay, Director of Operations

DATE OF NEXT MEETING

9 October 2024 - St Kilda

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC