



**CROFTING COMMISSION
COIMISEAN NA CROITEARACHD**

COMMISSION MEETING

26 FEBRUARY 2025

**CROFTING COMMISSION MEETING
ST KILDA, GREAT GLEN HOUSE
26 FEBRUARY 2025 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 27 NOVEMBER 2024*	<i>Minutes</i>	<i>For approval</i>
4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (of 27 November 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 <i>(a) Update from Chair of Committee</i> <i>(b) Draft Minutes from 5 February 2025*</i>	<i>Paper</i> <i>Minutes</i>	<i>Standing Item</i> <i>For info</i>
7 2025-26 DRAFT BUDGET	<i>Paper</i>	<i>For approval</i>
8 REVIEW OF PERFORMANCE REPORT – Q3 – OCTOBER-DECEMBER	<i>Paper</i>	<i>For info</i>
9 REVIEW OF STRATEGIC RISK REGISTER – Q3 – OCTOBER-DECEMBER	<i>Paper</i>	<i>For info</i>
10 DRAFT BUSINESS PLAN 2025-26	<i>Paper</i>	<i>For approval</i>
11 ANNUAL REVIEW OF EQUALITY & DIVERSITY PLAN	<i>Paper</i>	<i>For info</i>
12 ANNUAL REVIEW OF WORKFORCE PLAN	<i>Paper</i>	<i>For</i>
13 ANNUAL REVIEW OF STANDING ORDERS	<i>Paper</i>	<i>discussion</i>
14 DELEGATED PARAMETERS	<i>Paper</i>	<i>For decision</i>
15 OUTCOMES FROM CROFT VISITS RESULTING FROM THE 2023 ANNUAL NOTICE	<i>Paper</i>	<i>For approval</i> <i>For decision</i>
16 DATE OF NEXT MEETING <i>7 May 2025 – via Teams</i>		
17 ANY URGENT BUSINESS		
18 EXCLUSION OF THE PRESS AND PUBLIC		

**Not in public copy*

APOLOGIES – ORAL

DECLARATIONS OF INTEREST – ORAL

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Review of Action Points from 27 November 2024

ITEM	ACTION	RESPONSIBLE OFFICER	DEADLINE	DATE COMPLETED	COMMENTS
1	Draw up a rolling programme to ensure all non-AFC Board members attend an AFC meeting each year	DoCS	As soon as possible	28/11/2024	
2	Special Meeting of Board/ET/SMT to be arranged via Teams in January, on selection of new Chair	DoCS	13 January 2025	17/01/2025 24/01/2025	Two Special Board Meetings were actually held on 17 and 24 January.
3	<p>a) Revised paper on Positions Statements to come back to Feb Board meeting</p> <p>b) A redrafted paper should be prepared for the Board addressing the following points:</p> <ul style="list-style-type: none"> • a need to be clear in outcome terms about the purpose of the proposed programme • a need for clarity about the proposed timeframe for the programme • Specifics about what will be delivered by the programme in the timeframe (KPI's) • Some indication of the resource cost of the programme. 	AR/CEO	February Board		
4	<p>a) Engage external consultant to consider functionality and value for money of CIS and consider possible off the shelf alternatives</p> <p>b) Bring paper detailing planned development of database system to Board in February</p>	Head of Digital/DoCS/ CEO			Following updated information from Head of digital, this matter is currently being discussed by CEO and new Commission Chair.
5	Check where 'help' button is displayed on screen when customers use the digital application process and communicate this to the Board	Head of Digital	Straightaway	28/11/2024	

MATTERS ARISING FROM PREVIOUS MINUTES – ORAL

CROFTING COMMISSION MEETING

26 February 2025

Report by the 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 5 February 2025.

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 Committee Chair will provide Board Members with a verbal update of the AFC meeting of 5 February. Full details are in the following draft minute of the meeting.

Key points for Board Members to note –

1. We reviewed financial performance for Q3 and noted no “red issues”. We expect to come in very slightly below budget at the financial year end.
2. We noted a cash flow delay arising from late submission of Board Member expenses and agreed to discuss this with those involved.
3. We reviewed a draft budget for 2025/26 and noted that despite a slightly lower than requested budget allocation from SG we should be able fulfil our priorities.
4. We reviewed our medium term financial plan and agreed that the issues involved are of sufficient priority to justify further discussion involving the whole board.
5. We discussed board self-assessment and wider issues around board development, performance management, succession planning and CPD that we agreed justify further discussion involving the whole board.
6. We noted a significant operational risk relating to Oracle and the civil service payroll system over which we have limited control or capacity to mitigate.
7. We noted limited change in the strategic risk environment but recognised growing pressure from Ministers around public service reform and crofting duties.
8. We were pleased to note that all outstanding audit recommendations have now been closed off – a credit to our staff.
9. We reviewed two internal audit reports both of which were positive in their findings – again a credit to our staff.
10. We briefly discussed risk management policy and agreed that our evolving thinking on risk appetite deserves further discussion by the whole Board in the light of public service reform priorities.
11. We were pleased to note that a Best Value self-assessment will come to the AFC for discussion in April.
12. We noted a positive report on complaints handling with a continuation in the downward trend in number of complaints received.

RECOMMENDATION

The Committee recommends that the Board should –

- **Consider and agree interim arrangements for AFC membership and chair pending lifting of the SG recruitment freeze.**
- **In the light of the above, consider and agree a refreshed skills matrix for the Board that will form the basis for recruitment of new board members later this year.**
- **Schedule an open strategic discussion with the board and senior management around issues arising from the Public Sector Reform Summit hosted by the Minister for Public Finance on 17 February, including medium term financial planning and evolving risk appetite.**
- **Schedule a board discussion to agree priorities for board development, performance management, succession planning and CPD for 2025/26.**

Date 5 February 2025

Author Andrew Thin, Chair, Audit & Finance Committee

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

2025-26 DRAFT BUDGET

SUMMARY

An initial draft budget was presented to the Audit & Finance Committee at its 6 November meeting based upon an assumption of an award of £4.987M¹ for 2025/26. An award of £4.870M was subsequently confirmed in the Scottish Government's draft budget published in December.

A re-profiled allocation of funding between Staff and Non-Staff costs was subsequently considered by the Commission's Audit and Finance Committee on 5 February 2025.

The Audit & Finance Committee is content to forward the proposed budget to the Board and recommends approval.

CURRENT POSITION

Although the budget award was less than requested for 2025/26, it represents a 7.6% increase on 2024/25. The Executive Team adjusted the initial forecast accordingly with the outcome being not to recruit to the posts originally profiled within the November draft budget.

- New B2 Post: Planning/Mapping officer
- New B2 Post: Learning and Development/HR officer
- Vacant B3 Post: Head of Business Support and Compliance

This means that the Commission will be short of resource in terms of interacting with Local Authority and others on planning matters in the comprehensive manner we would prefer. While we will be able to meet our statutory obligations regards planning in the most basic sense, we will not be able to contribute to Local Plans or undertake any additional consultation relating to planning. This is particularly unfortunate when it has been recognised this year by Ministers that Crofting can play a part in helping with the housing emergency.

Regards the other two posts, this leaves the Commission light in terms of business support (especially staff development) and compliance, however we will be able to fulfil our statutory obligations.

On a positive note, the budget settlement does enable the Commission to fill three long outstanding vacancies (IS Team:2 and RALUT:1) that were put on hold due to the 2024/25 emergency spending controls.

¹ The request to the Scottish Government was subsequently increased to £5.070M to fund increases to Employer National Insurance costs announced after the AFC November meeting. The award of £4.870M represents a £200k shortfall on post Employer NI adjusted request.

Overall, the Executive Team are content with the award and are confident that it will support the Commission's Business Plan operational requirements for the financial year.

The basis of the elements of the proposed **£4,870,000** budget are as follows:

Item	Budget basis	Risk
<p>Salaries (including Board) 86.5% of cash budget</p>	<p>All current vacancies filled.</p> <p>A staff churn estimate of 1.5% (£62k) has been factored into the estimate.</p>	<p>Staff turnover & recruitment timing is unpredictable: the exact costs incurred during the year may vary.</p> <p>The exact staff skills required may change to ensure delivery of the Commission Corporate Plan.</p> <p>The Scottish Government pay negotiations for 2025/26 are ongoing, so the draft budget is based upon an estimate.</p>
<p>Running costs – “fixed” 12.7% of cash budget</p>	<p>Relatively predictable running costs to support the organisation as a whole.</p> <p>There is limited room for discretion from year to year.</p> <p>The margin for flexibility has been reduced with the cuts identified when setting previous year's budget.</p>	<p>All these costs can vary to some degree year to year for reasons outside our control or where there are significant step changes to activity. An unpredictable factor for 2025/26 will be T&S costs.</p> <p>One specific uncertainty relates to legal costs which historically have varied significantly but have been relatively stable in recent years because of care taken to minimise losses on appeal.</p> <p>These costs are viewed as low risk based upon recent years actual spend.</p>
<p>Running costs - Delivery of Crofting Census. 0.6% of cash budget</p>	<p>These items are usually reported within the main running cost headings in the management accounts, but for clarity have been separated out in the attached budget report.</p>	<p>Costs may vary from year to year to some degree but are viewed as relatively predictable and low risk.</p> <p>Significant savings delivered with the move to a 'digital only' annual notice.</p>
<p>Capital expenditure 0.2% of cash budget</p>	<p>At present this is solely IT hardware.</p>	<p>Could be affected by unexpected equipment failure in any given year.</p>

	BUDGET	DRAFT
	2024-25	2025-26

Salaries/Remuneration

Commissioners	105	105
Former Commissioner pensions	14	10

Staff Salaries	3,735	4,097
Total salaries	3,854	4,212

Budget includes increased Employer NI costs. Includes a 1.5% (£62k) of anticipated efficiency savings/churn.

	BUDGET	DRAFT
	2024-25	2025-26

Core Running costs"Fixed" costs

Great Glen House - cost of occupation	146	131
Great Glen House - supplies & services	32	33
Legal fees	24	20
Information systems	201	207
Training	18	24
Communication	27	20
Statutory Regulatory Advertising	31	31
Travel & subsistence - staff	25	25
Travel & subsistence - Commissioners	21	34
Audit fees & bank charges	49	53
Other running costs	34	39

Subtotal	608	617
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"Discretionary" costs

Assessors' conferences/meetings	3	-
Subtotal	3	-

Census & RoS direct costs

Crofting Annual Notice Hard Cost of Delivery	24	29
Commission Service Link to RoS	3	-
Subtotal	27	29

Capital expenditure

Hardware	8	12
Software	-	-
Subtotal	8	12

TOTAL	4,500	4,870
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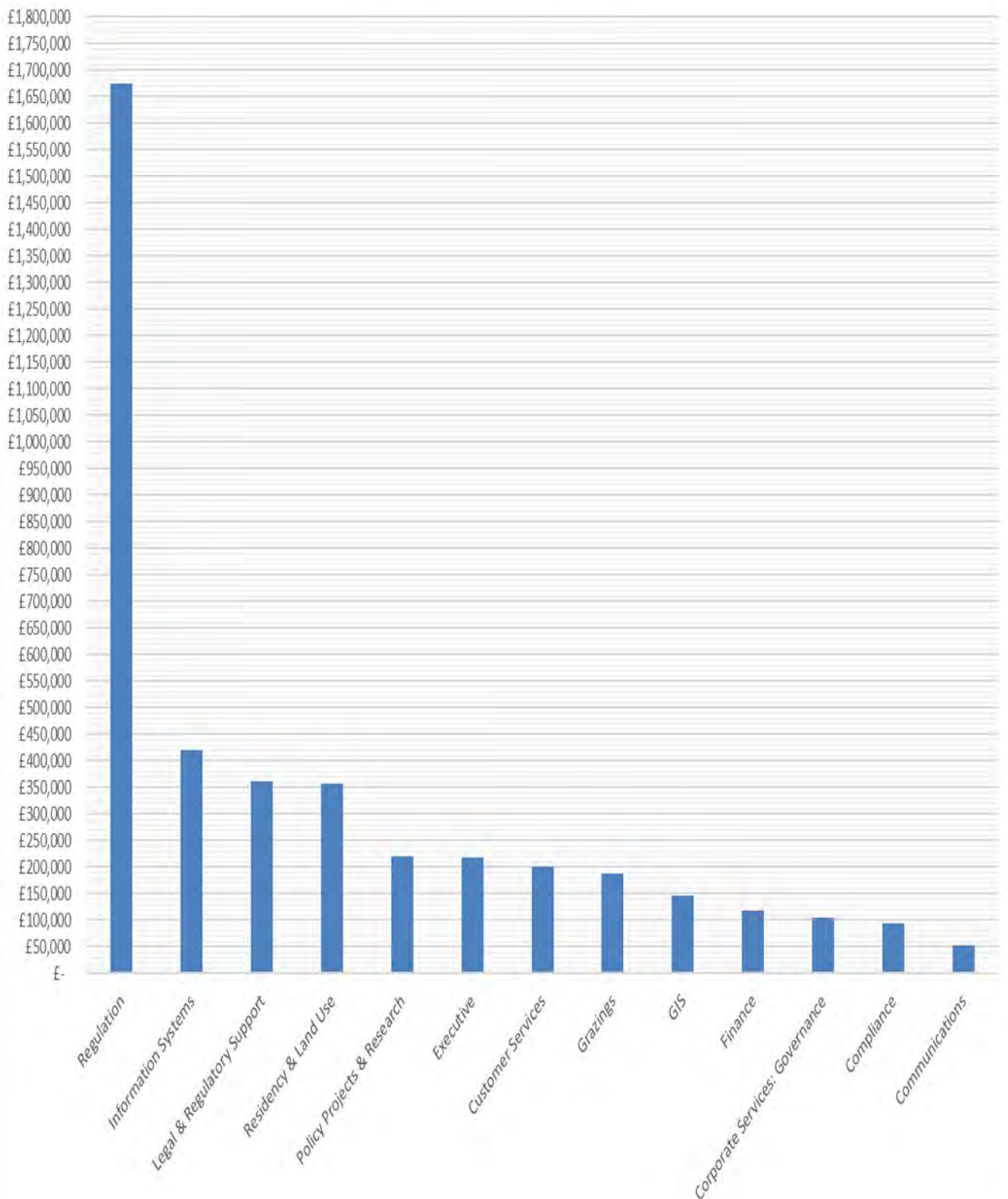
Grant-in-Aid (Cash) allocation from Scottish Government	4,500	4,870
	4,500	4,870

Salary Resource Analysis by Operational Area

It should be noted that this reflects colleagues 'home' teams. There is considerable resource overlap between teams.

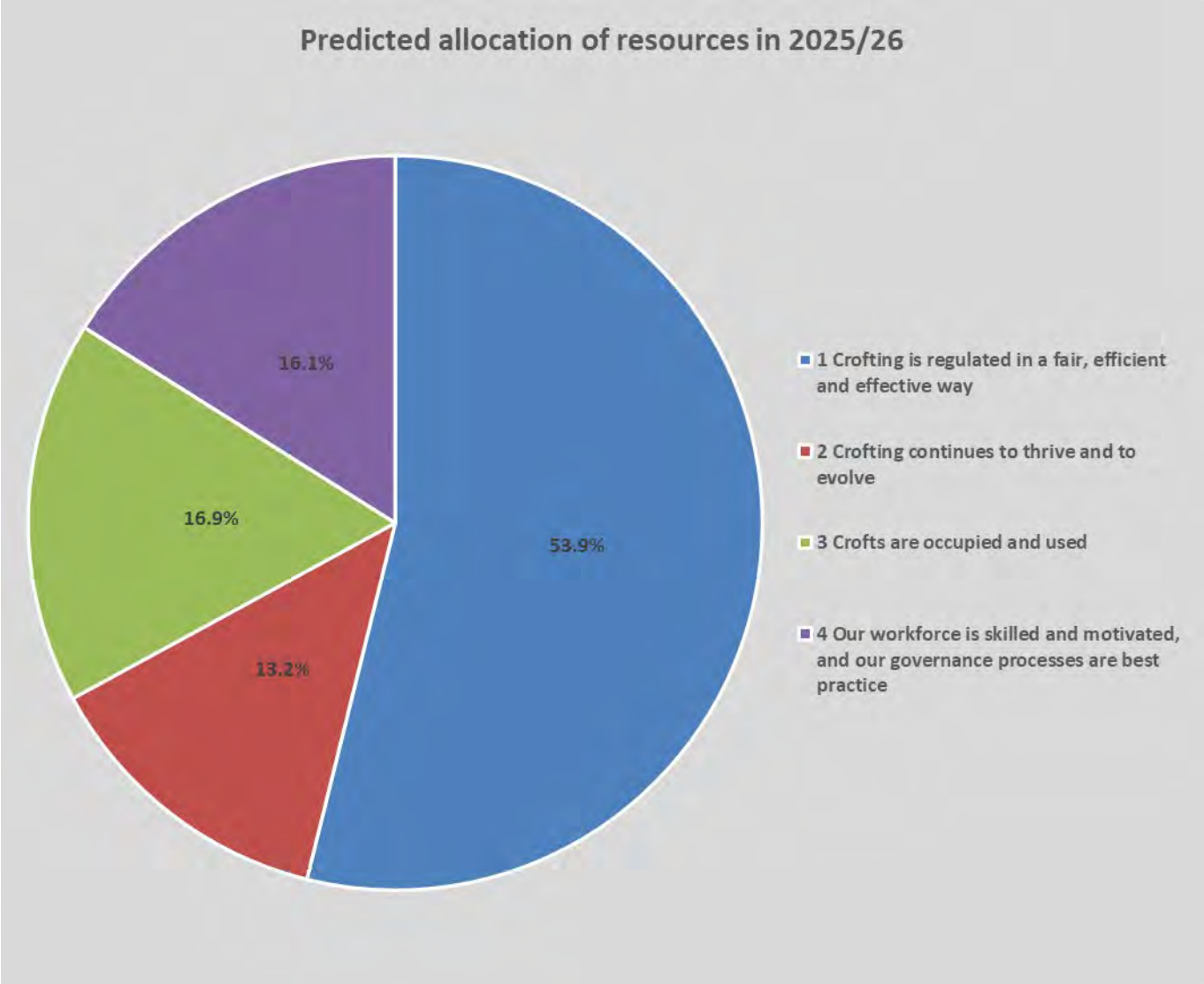
Team	Full Time Equivalent	% of Staff Budget
Regulation	31.64	40.26
Information Systems	6.76	10.12
Legal & Regulatory Support	4.50	8.68
Residency & Land Use	6.72	8.61
Policy Projects & Research	3.43	5.29
Executive	2.40	5.25
Customer Services	4.40	4.83
Grazings	3.50	4.54
GIS	2.69	3.52
Finance	1.65	2.85
Corporate Services: Governance	1.15	2.52
Compliance	2.00	2.27
Communications	1.00	1.26
Total	71.84	100.00

Team Resource Estimate 2025/26



Linking Budget to the Corporate Plan

The following provides a broad estimate regards how resource would be allocated within the Commission's Corporate Plan Outcomes.



RISKS

1. **Staff Turnover is overestimated.** Finance Team is assuming a 1.5% staff turnover, equating to £62k due to recruitment lead in times.
2. **CC Finance Team underestimate pay uprate.** Viewed as a low risk as modelled staff salaries on a 5% uprate which the Commission considers as the higher end of any potential pay award.

Impact:	Comments
Financial	The 2025/26 Budget Paper is the tactical financial plan that sets out the Commission's spending priorities for the forthcoming financial year which is linked to the Commission's Corporate and Business Plan.
Legal/Political	Section 6 of the Commission's Standing Financial Instructions highlights that the Commission should have an approved budget prior to the start of a financial year. This is in line with established best practice. The Public Finance and Accountability (Scotland) Act 2000 details the budgetary responsibilities for the Commission's Accountable Officer.
HR/staff resources	Allocation of staff resources is detailed within the 2025/26 Budget Paper. The Commission Finance Team monitors and co-ordinates all the Commission's financial responsibilities in terms of the Scottish Public Finance Manual (SPFM).

RECOMMENDATION

Board Members are asked to consider whether they are content to approve the draft budget allocation of £4.870M for 2025/26.

Date 6 February 2025

Author Neil Macdonald, Head of Finance, Crofting Commission

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Performance Report Q3 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/250226/Q3-October-December-Performance-Report-2024-2025.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

Most of the measures detailed in the Performance Report have a Green RAG status. Out of a total of 19 Key Milestones, one is flagged as Red and two are at Amber, the rest being Green. Of the 16 Performance Measures, two are Red, three are Amber, the remaining measures are Green.

The Red Milestone at 1a of the report relates to securing agreement with Registers of Scotland on acceptance of digital applications. Though this remains static, members of the Executive Team had a very constructive in-person meeting with representatives of the Bill team and RoS on 20 January, which has allowed progress on a number of issues.

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: 31 January 2025

Author: Jane Thomas, Director of Corporate Services

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Review of Strategic Risk Register – Q3 – Oct-Dec

SUMMARY

The Board is invited to note and comment on the Strategic Risk Register which has been updated by managers and considered by the Audit & Finance Committee prior to its presentation to the Board.

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/250226/9-Annex-A.pdf>

BACKGROUND

The Strategic Risk Register is reviewed by the AFC Committee at each of its quarterly meetings and then subsequently by the Board.

Azets have recommended that a cover paper should be prepared by the Executive Team 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>
S9	Future budget allocations do not keep pace with inflation.	75	This remains the risk with the highest score. However, it has fallen from 125 to 75 over the quarter, following the announcement of the budget settlement for 2025/26 of £4.870m. Although short of the total requested, with adjustments the budget will meet requirements for the coming year.

NEW RISKS			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
No new risks have been identified during the quarter.			

RISKS THAT ARE INCREASING (since last update)			
<i>Ref no</i>	<i>Topic</i>	<i>Risk score</i>	<i>Comments</i>
No risks have increased this quarter			

**RISKS WHICH COULD POTENTIALLY HAVE THE MOST SERIOUS CONSEQUENCES
(Current impact 25 or 50)**

Ref no	Topic	Current impact score	Comments
S7	RALUT	25	It is important to maintain a strong Residency & Land Use team to continue addressing and resolving breaches of crofting duties, contacting those who do not respond to the annual notice, absentee landlords of vacant crofts and failed successions.
S9	Budget	25	The overall current risk score has fallen in Quarter 3.

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 in Q2.
S3	Inconsistent regulatory decisions	4	Increased by Solicitor in Q4 2023/24. Static in Q1, Q2, and Q3 2024/25.
S6	Credibility of crofting	4	Need to progress work of Policy, Projects & Research 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.
S12	Take-up of online applications	5	While the system is working well and popular with users, reaching the potential levels of use depends on resolving key issues with Registers of Scotland, especially about fraud prevention. Changes in secondary legislation are required.

RISKS THAT THE EXECUTIVE RECOMMENDS ARE DISCHARGED

Ref no	Topic	Comments
S1	Regulatory O/S volumes	<p>This risk is now as mitigated as possible. The impact of intakes exceeding clearance will always be high, with only the likelihood varying. Currently the lowlihood is tied to staffing levels, which are intrinsically linked to staff reducing either through leavers or budget constraints. The potential for staff leavers does not correlate to a likelihood score of lower than 2.</p> <p>As such, this risk is now considered static and minimised by operational management.</p>

RECOMMENDATION

The Board is invited to comment on the content of the Strategic Risk Register and confirm it is content to discharge item S1 and suggest any additions to the register.

Date 6 February 2025

Author: Jane Thomas, Director of Corporate Services, Crofting Commission

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Draft Business Plan 2025/26

SUMMARY

The draft Business Plan for 2025/26 can be found here:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/250226/10-Annex-A.pdf>

BACKGROUND

The Commission wishes to publish its annual Business Plan prior to 1 April 2025.

The main section of each Business Plan comprises the Key Performance Indicators (KPIs) – the specific actions (milestones) that the Commission intends to deliver and the targets it will adopt for various key measures. The Board is invited to consider what milestones and measures should be set for the year ahead, based on the draft at the link above.

The Business Plan is based on and consistent with the 5-year Corporate Plan which was agreed between the Crofting Commission and the Scottish Government. The final draft has been shared with Scottish Government.

While the content of the proposed Business Plan is similar to previous years, it has been restructured to make it more accessible to the reader.

CURRENT POSITION

The draft Business Plan was reviewed by the Audit and Finance Committee on 5 February. The Committee was content to forward the draft Business Plan to the February Board meeting for discussion/approval without adjustment.

Amendments

Some minor amendments were made to KPIs within the plan since AFC review. These are as follows:

- Milestone 1d had its planned delivery date altered from Oct 25 to Mar 26 after additional feedback from teams suggesting a longer timeframe was needed due to other priorities
- KPI 3.4, contacting crofters with overseas addresses, has been removed
- KPI 7.1 had the baseline employee engagement index amended from 63% to 60% as this was an error

Provided the Board is content, any final figures will be added as appropriate and the approved plan will be published on 31 March 2025.

Impact:	Comments
Financial	Proposed milestones and targets have been set in the light of the £4.87m budget set by the Scottish Government for 2025/26.
Legal/Political	The Commission decides its own Business Plan, but this must be based on the Corporate Plan that requires Scottish Government agreement.
HR/staff resources	A full staff complement should be sufficient to deliver the commitments proposed for the Business Plan.

RECOMMENDATION

The Board is invited to approve the Business Plan for 2025/26.

Date 6 February 2025

Author Gary Campbell, CEO

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Annual Review of Equality & Diversity Plan

SUMMARY

The public sector Equality Duty came into force on 5 April 2011 and was extended in 2012. In 2017 the Crofting Commission, which had previously taken guidance on Equalities issues directly from Scottish Government, adopted its own Equality & Diversity Plan.

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/250226/11-Annex-A.pdf>

This was approved in October 2017 and is subject to annual review.

CURRENT POSITION

Under the Equality Act 2010, the Crofting Commission is required to have regard to three particular duties, called 'general duties'. These are:

- The need to eliminate unlawful discrimination
- The need to advance equality of opportunity
- The need to foster good relations.

The Equality & Diversity Plan has been updated to reflect activity undertaken in 2024/25 and to look forward to 2025/26. It is brought to the Board for comment and for information.

Impact:	Comments
Financial	Where there is a cost, this is funded from the Training budget, as it supports the Learning and Development of staff.
Legal/Political	The Commission is subject to the General Duties under the 2010 Equalities Act.
HR/staff resources	For internal staffing issues, the Commission can take guidance and support from SG HR professionals. The Commission must identify a member of staff as the Equality & Diversity Officer. This is presently the Head of Finance, supported by Director of Corporate Services.

Recommendation

The Board is asked to review the Equality & Diversity Plan and confirm it is content with work completed and planned.

Date: 24 January 2025

Author: Jane Thomas, Director of Corporate Services

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Annual Review of Workforce Plan

SUMMARY

The Board is invited to comment on the revised draft of the Workforce Plan which was considered by the Audit & Finance Committee (AFC) at its meeting on 5 February 2025. Please see link here to access the plan:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/250226/12-Annex-A.pdf>

BACKGROUND

The Commission revised its Workforce Plan each year. The current version aligns with the Medium-Term Financial Plan. The AFC was invited to comment at its meeting on 5 February before the revised draft came to the Board meeting.

Much of the content concerns how the Commission's management support, manage and develop the staff. The Plan also includes a general consideration of the future shape of the Commission's workforce in the event of either an expansion or a contraction in our real terms budget, and cross refers to the Medium-Term Financial Plan in which potential future budget trends are considered in greater detail.

CURRENT POSITION

In the summer of 2024, the CEO directed the Executive Team to re-engage with Glen Shuraig to assess what further changes to staff structure might be required to ensure the Commission's future success within its Development, Grazings and RALU functions, in light of the original report of 2022.

However, following the announcement of the Scottish Government's emergency spending review, consideration of the report's findings has been put on hold. There has also been minor internal restructuring, with a B2 officer from the Development team and the Communications Officer moving to the Customer Services team, to focus on improvements in communications to customers and the remaining members of the Development team being realigned to focus on delivery of Policy, Research and Projects.

There has also been considerable attention paid throughout the year to delivering the training actions identified in the Action Plan associated with the Workforce Plan. This has included delivery of training in Performance Management to all line managers. Attention has also been paid to Succession Planning, with a new Annex provided detailing arrangements for initial cover of all key staff roles.

Updates to the plan are shown in bold and italicised. The plan now also includes a link to

the Organisational Chart, which is updated when there are any staff changes.

Impact:	Comments
Financial	The Workforce Plan should be viewed with financial detail provided in the MTFP
Legal/Political	The Commission has a legal duty of care to its' staff and a range of Employer responsibilities.
HR/staff resources	The Workforce Plan is drawn up within the context of central SG HR policies.

RECOMMENDATION

The Board is asked to confirm it is content with the revised version of the Workforce Plan and/or suggest additional revisions

Date: 6 February 2025

Author: Jane Thomas, Director of Corporate Services

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Annual Review of Standing Orders

SUMMARY

The Standing Orders governing Commission meetings are subject to an annual review. The Orders were last reviewed in March 2024, with no changes being made at that point.

BACKGROUND

Standing Orders represent one of the key governance documents in the Commission. They are shown here:

<https://www.crofting.scotland.gov.uk/userfiles/file/appendices/250226/13-Annex-A.pdf>

and were last reviewed by the Board in March 2024. The annual review offers an opportunity for the Commission to ensure every member of the Board is familiar with the details contained in Standing Orders and content with the working document.

CURRENT POSITION

During 2022 and 2023, minor adjustments were made to Standing Orders following Board consideration in February and October 2022, and March 2023. No change was made as a result of the Board review in March 2024. However, following the November AFC and Board meetings, members agreed to a minor change, removing the reference to the need for the Chair of the Commission to always be denoted as the Chair of its committees. A further slight alteration has been made, following the decision to return to the use of the term 'Chair' of the Board, rather than using the term 'Convener'.

The Standards Officer does not recommend any further changes at this point.

Impact:	Comments
Financial	No financial implications.
Legal/Political	The Commission is required to adhere to Standing Orders as a Scottish Public Body.
HR/staff resources	The Standards Officer is responsible for ensuring the Board adheres to the provisions set out in Standing Orders.

RECOMMENDATION

The Standards Officer does not recommend any further changes are made to Standing Orders at this point.

Date 24 January 2025

Author Director of Corporate Services

CROFTING COMMISSION MEETING

26 February 2025

Report by the Chief Executive

Delegated Parameters

SUMMARY

The purpose of this paper is to:

- Provide an update on the impact of the changes to the Parameters which have taken place during 2023/24.
- Obtain the Board's agreement to a proposed amendment to the Delegated Parameters relating to the decisions on Decrofting Part Croft by a landlord (Sections 24(3) and 25(1)(a)); Decrofting Part Croft by a tenant (Sections 24(3), 25(1)(a) and 25(4)); Decrofting Part Croft by an owner-occupier crofter (Section 24A and 25(1)(a)) of the Crofters (Scotland) Act 1993 ("the 1993 Act").
- Obtain the Board's agreement to introduce a new Parameter of Delegation document in relation to applications for the "Extension to a Termed Apportionment (Section 52(11) of the 1993 Act).

1. Update on the impact of changes to parameters which have taken place during 2023/2024

This update provides a review of the impact of changes to the parameters agreed previously by the Board. The table below shows the percentage of cases which have been disposed of at each Tier.

TIERS	First 7 months of 2023	First 7 months of 2024
Tier 1	75%	83%
Tier 2	22%	16%
Tier 3	3%	1%

It can be noted from the table above that the number of cases decided at Tier 1 has increased by 8%. In contrast, the number of cases decided at Tier 2 and Tier 3 have decreased by 6% and 2% respectively over the same period. The increased number of cases now disposed of at Tier 1, particularly in relation to decrofting, letting and assignation correlate to the changes made in the parameters for these functions. We would anticipate a corresponding decrease in the timescales for disposing of these types of applications.

These are encouraging figures, and we will continue to review the parameters for delegation for our range of regulatory functions on an ongoing basis. In particular, we will work closely with our Policy, Projects and Research team to ensure that delegation parameters for regulatory functions are reviewed in line with ongoing work within that team as further policy clarifications are issued.

2 Reviewing the Delegation Parameters relating to the decision on:

- Decrofting Part Croft by a landlord (Sections 24(3) and 25(1)(a));
- Decrofting Part Croft by a tenant (Sections 24(3), 25(1)(a) and 25(4));
- Decrofting Part Croft by an owner-occupier crofter (Section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”))

Please see below the current parameter relating to the above decision:

Are we considering any other decrofting applications for this croft?

If no, the case can be considered at the first tier of decision making.

If yes, the case should be escalated to the second tier of decision making.

Revised Parameter:

Are we considering any other decrofting applications for this croft?

If no, the case can be considered at the first tier of decision making.

If yes, and the combined extent does not exceed 0.4 hectares, the case can be considered at the first tier of decision making.

If yes, and the combined extent exceeds 0.4 hectares, the case should be escalated to the second tier of decision making.

Reasoning: This change will allow the further Decrofting - Part Croft decisions to be made at Tier One without the need for further escalation where there are no concerns raised over the combined extent applied for, while allowing Tier Two to focus on those cases where the combined extent sought is potentially excessive in relation to the stated purpose.

3 Introduction of the Delegation Parameters relating to the decision on:

- Extension to a Termed Apportionment (Section 52(11) of the Crofters (Scotland) Act 1993 (“the 1993 Act”).

New Parameters:

If the application is for an Extension to an individual termed apportionment, have any negative submissions to the proposed review been received from the grazings committee or the owner of the grazings?

If no, the case can be considered in the first tier of decision making.

If yes, the case should be escalated to the second tier of decision making.

If the application is for an Extension to a township apportionment, have we had any negative submissions from: the owner of the grazings?

If no, the case can be considered in the first tier of decision making.

If yes, the case should be escalated to the second tier of decision making.

Reasoning: This introduction will allow Extension to Termed Apportionment decisions to be made at Tier One, without the need for further escalation, where the application meets the newly introduced parameters and is not opposed by other interested parties, while allowing Tier Two to focus on those cases where negative submissions have been made by either the grazings committee or the owner of the common grazings.

Impact:	Comments
Financial	None.
Legal/Political	There could potentially be reputational benefits for the Commission in cases being dealt with more quickly.
HR/staff resources	No additional resources will be required. However, these changes will allow more decisions to be taken at Tier One.

RECOMMENDATION:

For the Board to note and consider.

- the update on the impact of the changes to the Parameters which have taken place during 2023/24.

For the Board to approve the recommendations set out in this paper to:

- Amend the Delegated Parameters relating to the decisions on Decrofting Part Croft by a landlord (Sections 24(3) and 25(1)(a)); Decrofting Part Croft by a tenant (Sections 24(3), 25(1)(a) and 25(4)); Decrofting Part Croft by an owner-occupier crofter (Section 24A and 25(1)(a)) all of the 1993 Act.
- Introduce a new Parameter document in relation to the Extension to a Termed Apportionment (Section 52(11) of the 1993 Act

Author Mary Ross

Date: 03 February 2025

CROFTING COMMISSION MEETING

26 February 2025

Report by the Director of Operations

Outcomes from croft visits resulting from the 2023 annual notice

SUMMARY

This paper details the findings of the in-person visits carried out on suspected breach cases after the 2023 Annual Notice.

BACKGROUND

The Commission re-introduced physical site visits on the back of the 2023 annual notice results, with a view to examining cultivation and maintenance specifically. The visits were focused on those which the croft information system (CIS) indicated were not likely to be resident based on the distance of their known address from their associated croft address(es), and which had not returned an annual notice to the Commission in the 2023 return, or either of the preceding two years. All visits were to be carried out by RPID officers acting as agents for the Commission.

Once a list of crofters matching the criteria to be visited was produced (this includes a mix of tenant and owner-occupier crofters) the volume possible to have a physical visit was identified based on resource available and training requirements. Visits primarily took place during Q3 of the 2024/25 reporting year. The initial volume of planned visits was kept low to allow RPID to carry out necessary upskilling and accommodate resource demands at RPID's end, and for the two organisations to maintain tight control for the first batch of visits.

OUTCOMES

The Commission presented 29 cases to RPID to carry out visits. The visits were not checking residency as the method of identifying potential visits was restricted to only those potentially non-resident¹, but instead focused on cultivation and maintenance of the croft.

The results of the visits are displayed in table 1 below.

Table 1 - visit outcomes – cultivation and maintenance²

Total croft visits	29
Number where report suggests potential breach (cultivation and maintenance only)	8 (28 %)
Number where no breach is evident (cultivation and maintenance only)	21 (72 %)

¹ Based on Register of Crofts scans to identify where the crofters address and croft address were more than 32 kms apart, allowing for a margin of error of 8 kms.

² Note percentage figures should not be taken as indicative as being correct across all crofts due to small sample size examined

Within the results, 6 visits out of the 29 identified that the crofter was resident and a failure of action on behalf of the crofter had resulted in incorrect details being held within the Register of Crofts. Of these 6 visits, one reported that the crofter was resident but that a breach was suspected around cultivation and maintenance. Conversely out of the 29 cases selected for visitation based on there already being a suspected breach of residency, 5 in fact had no identified breaches of any duty.

It can also be extrapolated that out of the 21 cases where there was no reported breach of cultivation or maintenance, 15 were still considered to be potentially non-resident. Further exploration of these outcomes would be needed to fully understand the reasons for this; however the likely explanation is that the land is being cultivated or maintained by a third party.

LESSONS LEARNED

In general, the time taken for the initial training at the RPID end was longer than anticipated, and the visits did not start as predicted (anticipated for a Q2 commencement). This is likely to be less of an issue in future years, however consideration should be given to this when planning future timelines.

The Commission would potentially benefit from a Comms campaign to emphasise the importance of verifying and updating address and contact details throughout the whole year. This update is currently possible via the digital applications system and the ease of this should be emphasised during any public communications on this topic.

Commission specific feedback

A number of crofts had incorrect addresses on the Register of Crofts. This generated limited enquiries to the Commission due to letters notifying of the intent to visit not being received. Although dealt with quickly, better awareness in the Corporate and Customer Services team of the visitation work, as well as access to the list of crofts visited, may help these concerns be answered more quickly in the future.

RPID specific feedback

RPID colleagues met with the Commission and offered feedback from their perspective, with a view to future visit work in following years. This feedback is summarised below.

The criteria for neglect can be confusing in some cases where there are multiple stakeholders involved; further guidance would be appreciated around this.
In the small circumstances where open crofts exist (no boundaries between crofts) cultivation is difficult to measure. Allowing RPID to screen potential visitation cases and confirm any potential issues would facilitate a better selection of crofts to enable more efficient use of RPID time.
The form supplied by the Commission for the visits included reference to GAEC; further clarification as to how this applies to crofting would be beneficial.
More training in general around what the Commission means by cultivation and maintenance would be beneficial, especially for newer RPID officers.
Allowing a bigger visitation window and list of cases for visits may allow RPID the flexibility to carry out more visits by tying them with other planned travel.
The letter notifying of the visits could allow an element of flexibility for the RPID officer so that they can accommodate poor weather etc, where a delay may be unavoidable.
Continuing to focus on only registered crofts moving forward will make the process easier and allow for more potential visits due to established boundaries being known.

SUMMARY

Commission officials consider this work to be highly successful and suggest that further visits are carried out in conjunction with future annual notice issuances, though the criteria may be varied to capture different views of the state of cultivation and maintenance. One such possible change would be to include a random selection of crofters who have indicated on their annual notice return that they are cultivating and maintaining their crofts. This would indicate if the view of compliance held by the crofter aligns with the view of the Commission, or if the actions taken by crofters do not meet the standard of cultivation and maintenance as required by the Act.

Commission officials would also like to see an increase in the number of croft visits carried out, though this is subject to selection criteria, the resources available to the Commission's RALUT team, and RPID resource available to carry out visits. Starting these earlier in the year would allow for a greater number of visits.

Given this, Commission officials suggest continuing the physical croft visits and that the following criteria be used for visits post the 2024 annual notice:

- Continue to focus on registered crofts
- Focus on two categories of annual notice returns:
 - Non returners who have not already been selected in this tranche of visits
 - Resident returners who have indicated that they comply with cultivation and maintenance duties

A different weighting can be applied to each category if the Commission wished to prioritise one selection criteria over another.

Commission officials would like to extend our thanks to RPID for dedicating time and resource to support this work in addition to the regular agreed visits.

Impact:	Comments
Financial	N/a
Legal/Political	This work presents a good political opportunity to show the Commission as being proactive in enforcement of duties.
HR/staff resources	A small impact on Commission time to support RPID officers and oversee the work. Resource required to address suspected breaches. RPID resource required to carry out visits and complete reports.

RECOMMENDATION

The Board is invited to confirm if they are content for physical croft visits to continue and, if so, that it is in agreement with the selection criteria proposed by officials.

Date 06 February 2025

Author Aaron Ramsay, Director of Operations

DATE OF NEXT MEETING

7 May 2025 - via Teams

ANY URGENT BUSINESS

EXCLUSION OF PRESS & PUBLIC