

# **CROFTING COMMISSION**

## **MINUTE OF THE COMMISSION MEETING HELD VIA TEAMS AT 9AM ON 7 MAY 2025**

Present:	Andrew Thin	Chair
	Mairi Renwick Mackenzie	Commissioner
	Duncan Gray	Commissioner
	Iain Maciver	Commissioner
	Duncan Macaulay	Commissioner
	Colin Kennedy	Commissioner
	Donald Macdonald	Commissioner
	Rod Mackenzie	Commissioner
	Gary Campbell	Chief Executive
	Aaron Ramsay	Director of Operations
	David Findlay	Commission Solicitor
	Jane Thomas	Director of Corporate Services and minute-taker
	Joseph Kerr/	Regulatory Support staff/Case Officer for item 15(a)
	Mary Ross/	
	Jacqueline MacBean/	
	Christopher Gaff	
	Observers	Members of staff and public via Teams

### **1 APOLOGIES AND WELCOME**

The Chair welcomed everyone to the meeting, with a greeting in Gaelic provided by Commissioner Maciver. There were no apologies. The Board has decided to hold at least two Board meetings a year via Teams and the Chair welcomed feedback on this. The Chair reflected that the two months since the last Board meeting have been busy and productive, for which he wanted to thank staff.

### **2 DECLARATION OF INTERESTS**

No interests were declared in this part of the meeting. The Chair explained that Commissioner Kennedy would be declaring an interest and leaving the meeting for item 15(a).

### **3 DRAFT BOARD MINUTES FROM 26 FEBRUARY 2025**

The draft Minutes of 26 February 2025 were approved with no changes.

### **4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING**

The Chair went over the Action Points listed. Item 1 is scheduled on the Board Planner for 2026, the Chair clarified that there was one paper associated with item 2, not two, item 3 will be discharged at the June Board and items 4 and 5 had been completed.

## **5 MATTERS ARISING FROM PREVIOUS MINUTES**

There were no Matters Arising.

## **6 AUDIT & FINANCE COMMITTEE REPORT**

The Chair thanked Commissioner Renwick MacKenzie for taking on the role of the Committee Chair until at least September.

### **(a) Update from Chair of Committee**

The Committee Chair summarised what had been a good meeting on 23 April, with the inclusion of a new co-opted member promising to be of benefit to the scrutiny role played by the AFC. She reported that there are no Red issues, and that the Committee welcomed recommendations from two internal audit reports, which had been largely positive.

On Stakeholder Engagement, the audit had recommended adjustments to customer telephone call handling. The CEO confirmed these are being taken forward. The Committee Chair noted that the Staff Survey Action Plan is a live document, which will be reviewed again in a few months' time and drew attention to the paper on Best Value, which had been included in the Board papers for information, as it represents an important summary of the work undertaken in the Commission to ensure Best Value cuts across all of the organisation's work.

The Committee Chair also drew attention to the quarterly/annual Complaints report, which illustrates a downward trend in complaints submitted for investigation.

The Chair wished to put on record his thanks to the Corporate & Customer Service team, who handle calls coming into the Commission so well and reflected that for an organisation which is engaged in thousands of customer interactions each year, the number of actual complaints received and upheld is a very small number. It points to there being systems in place to ensure good performance management, echoed in the Best Value review.

### **(b) Draft Minute from 23 April 2025**

The draft Minute was noted.

### **(c) Annual Best Value Review Self-Assessment**

The paper was noted.

## **7 REVIEW OF PERFORMANCE REPORT – Q4 – JANUARY-MARCH**

The CEO introduced the report for Q4, noting that indications are that Q1 of 2025/26 is going well. The Chair commended a positive report, with most measures having a Green RAG status. The CEO wanted to thank staff for pulling together to make continuous improvements.

## 8 REVIEW STRATEGIC RISK REGISTER – Q4-JANUARY-MARCH

The Chair confirmed the register had already been reviewed by the AFC and that the risks are quite stable at the moment. It was agreed that S12 can be discharged and that the risk at S13 relating to Board recruitment can be reduced, as discussions with sponsor division are well underway.

In response to a query on a new risk logged at S14, the Chair explained that this was not urgent or a particularly high risk but that there needs to be a formal agreement between the Commission and Scottish Government relating to the loan of staff. It is intended to include this in the Framework Document in 2026. The CEO stressed that this will not result in any changes to staff Terms & Conditions of employment.

<b>Action Point 1</b>	<b>Discharge risk S12 from SRR and reduce risk score for item S13.</b>
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## 9 APPLICATIONS BY AGENTS AND MANDATARIES

Director of Operations introduced the paper, explaining that the last paper on the issue had been discussed and decided at the November Board meeting. At the November meeting, Commissioners accepted the Recommendations in the paper. Subsequently, the Short Term Working Group set up to consider implementation, reviewed how the changes would work in practice, concluding that alternative advice should be given to the Board.

The revised Recommendation is to go back to the system used previously, as the level of risk of fraud is judged to be very low, but it is suggested that measures are strengthened by writing to check that consent to use a non-professional agent has been given by the applicant.

The paper contained 3 Recommendations. The Board confirmed approval of Recommendation 1 and 2. On Recommendation 3 they agreed that the agent should not be the direct beneficiary unless they have been given Power Of Attorney prior to submitting the application.

<b>Decision</b>	<b><i>The Board approved:</i></b>  <b><i>Recommendation 1 -The Commission introduces a signed mandate form for all types of agents, including a digital equivalent.</i></b>  <b><i>Recommendation 2 – The Commission introduces a letter, at point of application receipt, to the main applicant, confirming that an application has been received, and the agent named has been accepted to act on their behalf for it.</i></b>  <b><i>Recommendation 3 – That the Board confirm that they wish to continue restricting the agent from being a direct beneficiary unless the agent has a valid power of attorney which pre-dates the application.</i></b>
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## 10 CARE HOME COSTS

The Chair explained that the purpose of the paper was to conclude a discussion which had been raised with the Board in 2020 but not closed off. The CEO explained that at least one local authority appears to have received legal advice that a tenanted croft can be a disposable asset used to collect a debt. It was the view of the CEO that such matters are between the crofter and the debt collector, with the Commission having no locus.

In answer to a question on the Policy Plan, the Chair confirmed that this is not something to include in the plan, as no policy is required, as no responsibility lies with the Commission. The Board agreed, the Commission has no locus in this matter.

## 11 DUTIES/NOTICES ACTION

The Chair introduced this oral item, with a reminder that completing the Annual Notice is a legal obligation and the Minister has made it clear that he expects to see a tightening up of enforcement action. The Chair wished to thank the team for their sterling work this year, which has resulted in more Annual Notice returns than ever.

The CEO explained that officers need guidance from the Board to help decide how to focus resources, with roughly 3.5k crofters not complying with the duty to submit a return. By ignoring the Annual Notice, people are ignoring the law, but the statistics will also include people for whom we have incorrect contact details or where a change has taken place that we have not been informed of.

The Board considered what options are open to the Commission, including reporting cases to the Procurator Fiscal. The Chair said the Minister is focused on Outcomes, the best outcome being that more crofts are put to purposeful use, with people residing on them. Rather than rushing decisions, he stressed the need for measured consideration, recognising resource constraints. He requested a paper with proposals be brought to the June Board, looking at how we can help people resolve their position if they have not returned the Annual Notice.

Members discussed assorted options, such as re-opening the return 'window' for a month and conducting random checks, to ensure we are not being given false information, also raising the issue of apathy, as people assume no action is taken as a result of the return. It was agreed that the Commission needs to show people the organisation is serious about taking action and put in place measures to allow them to rectify the situation if they are not compliant.

Director of Operations reminded the Board that a new round of croft visits, arranged with RPID, will be taking place this year and these will also include random checks on those who have indicated that they are compliant. He also explained that we have improved data to match locations and postcodes, to help provide evidence.

The Board considered the question of who can report a potential breach and what help can be given to those who require assistance completing a return. There was a concern that the return window is too long, being 3 months, though this is in the legislation. Commissioners wish to see a PR campaign and use this to encourage a cultural shift. It was agreed this should make it clear that completing the notice correctly is a legal duty.

Summing up the discussion, the Chair outlined four Action Points:

<b>Action Point 2(a)</b>	<b>(a) Arrange media announcements highlighting how seriously the Commission views completion of the Annual Notice and that failure to complete the notice or knowingly to provide false information is a criminal offence.</b>
<b>Action Point 2(b)</b>	<b>(b) Consider what the Commission can do if individuals wish to rectify non-completion at this stage.</b>
<b>Action Point 2(c)</b>	<b>(c) Draft formal proposals to Board in a paper to consider ideas for medium-longer term actions to address non-compliance with the duty to complete the Annual Notice.</b>
<b>Action Point 2 (d)</b>	<b>(d) Use a part of the programme for the staff Away Day as an opportunity to engage with staff on this issue.</b>

The Chair concluded by saying that this is now a serious strategic focus for the organisation because it is vital for the future of crofting.

## **12    FRAMEWORK DOCUMENT**

Commissioners approved the revised Framework Document with Scottish Government, thanking staff in sponsor division for their help on this, agreeing that it is essential to have a good working relationship at this level.

## **13    DATE OF NEXT MEETING**

The next meeting will be held in St Kilda on 25 June followed by staff day on 26 June.

## **14    ANY URGENT BUSINESS**

There was no urgent business.

## **15    EXCLUSION OF THE PRESS AND PUBLIC**

The Chair thanked everyone for their contribution and closed the meeting at 14:10.