

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD ON 25 JUNE 2025 IN GREAT GLEN HOUSE

Present:	Andrew Thin	Chair
	Mairi Renwick Mackenzie	Commissioner
	Duncan Gray	Commissioner
	Iain Maciver	Commissioner
	Duncan Macaulay	Commissioner (via Teams)
	Colin Kennedy	Commissioner
	Donald Macdonald	Commissioner (for item 15a)
	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
	Lynne Hendry	Policy Officer (from item 9a) in public session
	Finlay Beaton	Grazings team manager (from item 9b) in public session
	Joseph Kerr/ Jacqueline MacBean/ Christina MacInnes/ Daniel MacLean	Regulatory Support/ Regulatory and Grazings team members for item 15(a)
	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, followed in English. There were apologies from Commissioner MacDonald, who was able to join the meeting for item 15a.

The Chair reflected that this was a busy period for the organisation and particularly wanted to thank the Comms team for the work completed to promote the recruitment opportunity for two appointed members, which had resulted in twenty applications and a 50/50 gender split, which was a great achievement.

2 DECLARATION OF INTERESTS

No interests were declared in the public session.

3 DRAFT BOARD MINUTES FROM: (a) 7 MAY and (b) 22 MAY 2025 (*Open Session*)

The draft minutes of 7 May (Open session) and 22 May (Open session) were approved.

4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING (*of 7 May and 22 May 2025 (Open Session)*)

Board members were satisfied that all Action Points had either been cleared or were on the agenda for this or a future planned Board meeting.

5 MATTERS ARISING FROM PREVIOUS MINUTES

There were no Matters Arising.

6 COMMUNICATIONS PLAN 2025

The item was introduced by Director of Corporate Services, who explained that the main focus of the plan for 2025 was on external communications priorities. Board members agreed it was important for the plan to have KPI's attached to it and were pleased to hear that these will be monitored by the ET on a quarterly basis.

Commissioners also agreed that, particularly when attending external events, it is important to have a clear message to impart to the relevant target audience. While agreeing the principle, the CEO explained that the plan did not go into that level of detail because the Comms environment needs to be fluid and able to react to change quickly. The Chair agreed to circulate notes to the Board with key leadership messages. The 2025 Communications Plan was approved.

Action Point 1	The Chair will circulate notes of leadership messages to Board members, to be used at external events
-----------------------	--

7 DRAFT GAELIC LANGUAGE PLAN 2025-2030 – FOURTH EDITION

Director of Corporate Services introduced the draft plan, explaining that each plan since 2009 must be revised for a new 5-year period, using the format required by Bord na Gaidhlig. Once approved by the Commission Board, the draft will go forward to the Bord, for formal approval, before becoming a public document.

Commissioner Maciver confirmed that he was content with the draft plan, as the current Gaelic speaking Commissioner.

Director of Corporate Services explained that once the plan is in place, the series of commitments or targets which are appended are monitored by the Executive Team on a quarterly basis. There is also an annual survey conducted with staff to gauge movement in the use of Gaelic in the workplace, and it is hoped that a small sub-group can be set up, of staff with an interest in promoting the use of Gaelic, to make the most of opportunities to add value to the plan.

Director of Corporate Services confirmed there had been 8 responses to the public consultation on the draft and, following a request from Commissioner Mackenzie, a summary would be forwarded to him.

The draft plan was approved.

Action Point 2	Provide Commissioner Mackenzie with a summary of consultation responses on the draft Gaelic Language Plan
-----------------------	--

8 ANNUAL NOTICE COMPLETION – NEXT STEPS

The Chair introduced the item, stressing the priority being given to the issue of residency and population retention by the Minister and the role the completion of the Annual Notice has in this, in providing the Commission with crucial information, as few landlords or crofters are reporting breaches to the Commission. Our aim must be to do all we can to ensure that all crofters are self-declaring that they are complying (or not) with their duties and that the information they are providing us with is truthful.

The CEO confirmed that a huge piece of work is required to take us from the current situation, where around 25% of crofters are not fulfilling their legal duty to return the Annual Notice. We must take whatever practical steps we can to increase the return rate in 2025. The Commission has a list of non-returners and conducted a trial in Shetland, with assistance from Commissioner Gray. As a result, the non-returners in Shetland were broken down into 3 categories:

- Resident on or near the croft but have not completed the notice, for whatever reason
- No longer resident – this category includes those who are deceased or have moved, are no longer the crofter but have failed to tell the Commission
- ‘Don’t know’ – no obvious local knowledge of the whereabouts of the person named on the RoC.

Of the three categories, around two thirds are in the first category in Shetland. Therefore, if this is mirrored elsewhere it would appear that by far the largest number of non-returners are still the resident crofter but are ignoring their legal duty to complete the return. By focusing on this group we hope to raise the return rate of the Annual Notice to 90%. A letter writing campaign will be coupled with an expanded series of croft visits by RPID, on our behalf, some of which will be made randomly to people who have reported being resident and using the croft, as an anti-fraud measure.

Once the paper is approved, the CEO explained that the measures would be backed up with a detailed Comms plan. The period for completing the 2024 Annual Notice is closed and cannot be re-opened, due to the wording of the Act, which stipulates a 3-month period for its submission. Therefore the focused message will be that if a crofter does not complete the 2025 Annual Notice, they will be reported to the Procurator Fiscal. This is the plan to take the organisation through to April 2026.

Commissioners commended this direction of travel, stressing the need for clear and unambiguous language in letters to crofters, so that no-one can dismiss the seriousness which is attached to this legal duty and will understand that action will be taken on non-compliance.

There was a discussion on whether action should be taken on Section 23(2) cases and whether it is possible to link subsidy conditions with compliance with the Annual Notice. Cross-compliance issues will be discussed with sponsor division but do not form part of this first stage.

The CEO confirmed that an increased rate of return of the Annual Notice could increase regulatory workloads, as crofters seek to remedy non-compliance. However, this is being planned for, with minor shifts in resources. Taking a step by step approach means the Commission should be able to cope, and as part of this push we will shorten the time we allow for people to take up residency once an assignation is granted.

The Board approved the recommendations in the paper, stressing the need to be clear that anyone falsely claiming to be resident is committing a fraud and would appear to have broken the law.

The Chair summed up the discussion saying that everyone has an important part to play in getting the message out about how seriously the Commission views either non-compliance with duties, by not submitting a return or committing a fraud by providing false information. It was agreed to keep actions under review and that if a significantly higher return rate were not achieved for the Annual Notice in 2025, further steps would be taken.

It was agreed that the CEO will consider the implications of section 23(2) breaches of the Act and email Commissioners. It was also agreed to raise the idea of cross compliance action relating to non-return of the Annual Notice with Sponsor Division.

Action Point 3	CEO to consider implications of Sections 23(2) of the Act breaches and email Commissioners
-----------------------	---

Action Point 4	Raise idea of cross compliance action relating to non-return of the Annual Notice with Sponsor Division
-----------------------	--

9 POLICIES FOR REVIEW:

(a) Policy Plan

The Chair confirmed that a large amount of work is needed to ensure the next iteration of the Policy Plan was as clear as possible. The Director of Operations explained that the Policy Team will be looking at this in stages, going up to 2027/28, when a new plan will be agreed.

Policy team officer referenced the paper at 9(b) as an example of the approach being taken. There is an element of overlap across policies and, as well as looking at the Policy Plan, work is being conducted to improve information for customers on the website regulatory pages, from the standpoint of the customer journey.

Commissioners highlighted the need to have clear aims and objectives for the Policy Plan, which are aligned with the priorities of the Minister. A comparison was made with the Planning process. The CEO reflected that this is a large piece of work that involves several teams, will be focused on improving the Plain English quality of communications and the customer journey, so that information can be consolidated and streamlined.

The Chair thanked the team for the paper, agreeing with Board members that clear aims and objectives must be to the fore in the plan, which should also reflect the evolving socio-economic environment. The Board needs to be confident that the plan works from the customer point of view and enables further delegation to staff, to make decision-making faster and more efficient.

In answer to a question, the Chair confirmed that the Commission makes its' own decisions and is not at present subject to a Ministerial Direction but that it is also important to deliver government priorities, as Ministers must approve the Policy Plan.

The Chair confirmed that a paper should be brought to a future Board meeting to cover longer term planning on the Policy Plan, to explain the further work planned.

Action Point 5	Bring paper to Board explaining further work planned by the Policy team on the Policy Plan
-----------------------	---

(b) Apportionment Policy

The Chair introduced the item asking the Board to consider whether the policy on Apportionment is strategically and environmentally sound, looking forward over the next five years.

Several members reflected the increased potential for large sums of money to be going into common grazings due to developments such as wind farms, and the possible tension caused if apportionments are granted which deprive the wider crofting community of that development value. There is a need to protect the wider community, which members felt was reflected in the paper.

However, there was also a view that the paper did not look forward and was based on an outdated view of what common grazings are used for, with a focus on livestock which is not mentioned in the 2010 Act.

Director of Operations explained that the paper looked at the present position, wanting to make policy clearer, as the current Policy Plan cannot be fundamentally altered, that is for the future, and may well be impacted by the new Bill once it passes. The aim is to clarify where we are now, for the customer journey (the applicant).

Commissioners discussed 'other purposeful use' brought in by the 2010 Act and the Commission solicitor commented on the Bill proposals, which include provision for the use of common grazings for a wide variety of environmental uses. Director of Operations explained that an Impact Analysis has not been done yet, as the team needs a steer from the Board.

The Chair reflected that though there was some difference on the Board in relation to where we want to get to, and what the policy aims and objectives should be, the paper is an important step forward. This led on to a discussion on how the Review process is used in apportionment cases, with the Chair confirming that Commissioner Kennedy requests greater clarity of Aims and Objectives in the policy and with Commissioner Maciver wishing to see a clearer policy on Reviews so that crofting communities know what will happen if an apportionment is not used correctly. So the policy needs to be clear on the Commission approach to regular review and what action the Commission will take if the review conclusions are negative.

The CEO explained there was a concern that there are examples of people applying for an apportionment for reasons which differ from those stated in the application, so there is a principle at issue, with a need to be clear to customers what is and what is not acceptable, strategically what is and is not likely to be approved.

The Chair summed up by confirming the Board is not keenly supporting Termed Apportionments but wishes to see greater use of the review process. The Policy Plan on apportionments is not being fundamentally changed but this is an interim extension to policy. More work is needed by the team to produce clear aims and objectives and to think about the policy on reviews where the stated purpose for the apportionment is not being adhered to, especially if there is a request for review from the grazings committee. It is important to bring the policy up to date so that it reflects the focus on population retention.

The Board confirmed approval of all recommendations in the paper and asked the team to come back with a revised paper, to redraft articulating the aims and objectives of the policy.

Action Point 6	Redraft paper on Apportionment Policy to articulate Aims & Objectives of the policy.
-----------------------	---

10 COMMON GRAZINGS WORKSHOPS

The Grazings team manager gave the background to the workshops, explaining that common grazings represent an important element of crofting's uniqueness. The workshops were developed to be more pro-active, to try to avoid committees making mistakes. They are a way of delivering training as referenced in the National Development Plan for crofting and the Policy Plan and supporting people who are largely working in a voluntary capacity.

The aim is to deliver 12 workshops this year and there is funding via the Farm Advisory Service for the next 2 years. The Grazings manager confirmed average attendance is around 18 people, which is capacity. He also confirmed in answer to a question that FAS do not deliver the workshops themselves as the Commission has greater expertise, with more up to date knowledge.

The Board confirmed approval that the planned series of workshops should continue.

11 COMMON GRAZINGS – DELEGATED DECISION MAKING

The Grazings team manager explained that the paper seeks Board approval for changes to the delegated decision-making levels currently in place in relation to confirming new grazings regulations and proposed amendments to existing regulations.

He explained the desire is to fast track and streamline decision-making so that decisions are taken at a Tier 1 level for most cases.

The Chair agreed that this reflects the current risk appetite of the Board and members approved the recommendations, with the levels of delegated authority as follows:

- Tier 1: Grazings Officer
- Tier 2: Panel consisting of Grazings Officer, Grazings Manager and Head of Regulatory Support. A member of the Senior Management Team may substitute for the Grazings Manager or Head of Regulatory Support.
- Any cases which cannot be decided at Tier 2 will revert to the full Board.

Decision	<i>The Board agreed to delegate decision-making in Section 49(4) cases and Section 49(6) cases as follows:</i> • <i>Tier 1: Grazings Officer</i> • <i>Tier 2: Panel consisting of Grazings Manager and Head of Regulatory Support. A member of the Senior Management team may substitute for the Grazings Manager or Head of Regulatory Support.</i> • <i>Cases which cannot be decided at Tier 2 will revert to the full Board.</i>
-----------------	---

12 SCOTTISH LAND MATCHING SERVICE REVIEW

Director of Operations introduced the paper, reviewing the value of remaining connected to the work of the SLMS. The recommendation of officers is for the Commission to explore promotion of the service more actively, to assist in making statistics more robust and to enable the Commission to use information in relation to expressed demand, when processing cases.

Director of Operations explained that very little Commission resource is expended in working with SLMS but the data they provide adds valuable Management Information and is a useful tool. The CEO gave a recent example of its use in a large whole croft decrofting application case, adding that it will also be a useful aid to the priority work on residency duties.

The Board approved the recommendation.

13 DATE OF NEXT MEETING

The next meeting will be held in GGH at 9am on 27 August 2025.

14 ANY URGENT BUSINESS

There was no urgent business.

The Chair thanked all those in attendance and closed the public part of the meeting at 11:25am. Commissioner Macaulay left the meeting at 12pm.

15 EXCLUSION OF THE PRESS AND PUBLIC