

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD ON 27 AUGUST 2025 IN GREAT GLEN HOUSE

Present:	Andrew Thin	Chair
	Mairi Renwick Mackenzie	Commissioner
	Duncan Gray	Commissioner
	Iain Maciver	Commissioner (via Teams)
	Colin Kennedy	Commissioner
	Donald Macdonald	Commissioner
	Rod Mackenzie	Commissioner
	Gary Campbell	Chief Executive
	Aaron Ramsay	Director of Operations (Open Session only)
	David Findlay	Commission Solicitor (Open Session only)
	Jane Thomas	Director of Corporate Services and minute-taker
	Heather Mack	Head of Policy (Open Session only)
	Observers	Members of staff and public via Teams

1 APOLOGIES AND WELCOME

The Chair welcomed everyone to the meeting, with Commissioner Maciver providing a greeting in Gaelic, followed in English.

Apologies were received from Commissioner Macaulay. This would have been the Commissioner's final meeting as a Board member, but he was unfortunately unable to be present. The Chair wished to record his thanks for the contribution that Commissioner Macaulay had made to the Board and the Audit & Finance Committee since his appointment in September 2022, which he had found most valuable.

The Chair also wished to record his thanks to the staff for the continued efforts to improve turnaround times for cases and for engaging in work to increase the focus on Duties. This included the work of the Comms team.

2 DECLARATION OF INTERESTS

No interests were declared in the public session.

3 BOARD MINUTES FROM 25 JUNE 2025

The draft Minute of 25 June 2025 was approved with no amendments.

4 REVIEW OF ACTION POINTS FROM PREVIOUS MEETING

The Chair reviewed the Actions listed, all of which had been discharged or were on the agenda for the day's meeting, except for item 7, which is on the Board Planner for October.

5 MATTERS ARISING FROM PREVIOUS MINUTES

There were no Matters Arising to discuss.

6 AUDIT & FINANCE COMMITTEE REPORT

(a) Update from Chair of Committee

The committee Chair reported that it had been a good meeting, and she wished to record her thanks for the contribution being made by Mr McLeod, the external co-opted member. The financial forecast so far predicts a small underspend due to efficiency savings, principally made by the IS team, but with no final pay award yet agreed, this could change.

The CEO agreed that the contribution made by Mr McLeod was reinforcing the scrutiny role played by the committee. Also, in terms of good governance, the Board Chair drew attention to the new Framework Agreement with Scottish Government and hoped all members would read this. He also agreed with the committee's suggestion that members be provided with Data Protection training.

The committee Chair suggested that, considering the Board's focus on the Policy Plan and with just two years to produce a new plan, this should be placed on the Strategic Risk Register. Some concern was expressed that the current Board could expend a lot of time and effort on a new Policy Plan, with no guarantee it would be accepted by a new Board elected in 2027. However, with that caveat, the Board agreed this should be added to the risk register, with the committee Chair, Board Chair and CEO to draft the relevant wording.

Action Point 1	New risk on Policy Plan to be added to Strategic Risk Register with Board Chair, committee Chair and CEO to provide the wording
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(b) Draft Minutes from 23 July 2025

The draft Minutes were noted.

(c) Annual Report on AFC Activity

The Annual report on committee activity was noted, and the Board Chair reflected that the composition of the committee may be reviewed once the two Board appointments were confirmed.

7 REVIEW OF PERFORMANCE REPORT Q1 – APRIL-JUNE

Director of Corporate Services introduced the paper, which highlighted the status of the 31 agreed Performance Milestones in Q1 and the 31 Performance Measures, explaining that this was the first report using the revised Business Plan format.

Of the measures recorded, there is one Milestone with a Red RAG status. This relates to the publication of the Vision for Crofting, which has been postponed until after the new Reform Bill has been passed. There is also one red RAG status recorded in the measures, relating to carbon emissions.

The Board were pleased to review a largely positive picture and commended staff for their focus on continual improvement.

8 REVIEW OF STRATEGIC RISK REGISTER Q1 – APRIL-JUNE

In light of the discussion on item 6, the Board had agreed to add a new risk to the register, relating to the Policy Plan. The Chair also confirmed that, due to circumstances that had arisen since the paper was drafted, the Board would not agree the recommendation to discharge the risk relating to Board recruitment. That will remain on the register for the time being. The Chair clarified that it is hoped the appointment process will be concluded by 1 October.

The Board noted and agreed the inclusion of a new strategic risk relating to CIS replacement, with an explanation from the CEO, confirming that work is underway to build a business case to submit to Sponsor Division for the funds required. The CEO confirmed that the new system, which would not be bespoke, would bring with it increased ability to drive efficiency savings, via automation, for instance.

Action Point 2	Add new risk relating to CIS replacement to SRR
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9 ANNUAL REVIEW OF GAELIC LANGUAGE PLAN

Director of Corporate Services introduced the paper, explaining that this will be the final review of the 2020-2025 GLP. The new draft plan was approved by the Board in June and is currently with Bòrd na Gàidhlig. The outcome of the submission should be known by October. In the meantime, the 2020-2025 plan remains in place.

If the Board is contented with progress made on the 2020-2025 commitments, a report on the final year of the plan will be forwarded to Bòrd na Gàidhlig in September.

Director of Corporate Services confirmed that Gaelic Language classes continue to be offered to all staff, with an average attendance of 3-5 for both Beginner and Intermediate classes and that Commissioners are welcome to join the classes.

The Board were content with progress made towards the commitments set out in the plan and confirmed that a report should be submitted to Bòrd na Gàidhlig for a final review.

Action Point 3	Submit report to Bord na Gaidhlig on final year of 2020-2025 Gaelic Language Plan
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10 PROPOSED BOARD MEETING DATES FOR 2026

The Chair explained that there is a balance to be struck between the benefits of face-to-face meetings and the associated carbon costs. The dates set out in the paper relate to formal Board meetings for 2026, but the Chair emphasised the need to continue to extend opportunities for more regular informal interaction via Teams.

The CEO explained that each in- person meeting costs one tonne of carbon, and to offset this, 50 trees would need to be grown. He further clarified that the 2026 suggested dates mirror those of 2025.

There was a discussion on a variety of specific dates and general agreement that the Board will wish the two new members to become part of the team as quickly as possible, with regular meetings forming an important part of this. It was therefore agreed that the December 2025 meeting would be in-person, rather than online as previously planned.

Overall, members favoured moving to one virtual meeting per year, rather than two as previously decided, with May 2026 switching from virtual to in-person. They agreed to approve the dates set out in the paper for now, with a review early in the New Year.

Action Point 4	Switch December 2025 and May 2026 Board meetings from virtual to in-person and review dates in the New Year
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11 POLICY PLAN REVIEW SCHEDULE

The Chair set the discussion within the context of the Policy Plan being a key statutory document in the Act and the Act detailing the Commission's functions. To conduct those functions, the Commission must have regard to the Plan. The present Plan had been approved by the Board in May 2022, with agreement that while its focus was high-level, the detail would go into guidance notes.

With the experience gained over the last 3 years, the Board now see a risk in this approach and wish to re-visit the structure of the Plan, to ensure clarity, consistency and reduce areas of ambiguity. The Board recognise that the environment in which the Commission operates is changing rapidly and that the Plan represents the Board's responsibility to articulate those changes every 5 years. The Plan should set out a vision of what crofting is for, followed by explanations of what our policies seek to achieve.

The Chair commended the Head of Policy for her work on the paper so far, understanding the process the team has begun work on will take at least 18 months. The Board wished to agree the Table of Contents to help the team to structure their work, with the Director of Operations commenting that the team is happy to take instructions from the Board.

Board members agreed they need to articulate the direction of travel to enable officers to develop proposals. The direction of travel is towards 2027, to help prepare for the next iteration of the Policy Plan, following the elections. There was agreement that this required collaborative work, with the whole Board engaged.

After further discussion, the Board approved the schedule proposed in the paper, subject to a need to bring back a revised paper on apportionments and that, ahead of developing a proposed policy paper for each item, there will be an online scoping discussion meeting between the Board and the team.

The Board accept and understand that the present Policy Plan cannot be changed but the proposals produced, if approved, will represent interim policy guidance, until the next Plan is devised.

The proposed Policy Plan Contents 2027 were approved subject to the need to:

- Ensure the Introduction is about setting out the statutory basis of the Policy Plan
- Ensure the Vision is about setting out what the Commission thinks crofting is for in contemporary terms, giving particular emphasis to section 1(2A) of the Act
- Ensure the chapter headings proposed in the paper are regrouped under four headings to reflect the statutory functions.

Action Point 5a	Head of Policy to redraft proposed Policy Plan Table of Contents and forward to Chair for circulation to the Board.
Action Point 5b	Head of Policy to schedule a series of scoping discussion meetings with the Board

12 APPORTIONMENT

(a) Apportionment Policy – Reviews, Duties & Regulations

The paper was introduced by Director of Operations, who explained that the original paper discussed at the June Board meeting had tried to do two things; to fill in gaps in policy and look at four things that could be done. The present paper looks at three of these: Reviews, Duties and Annual Notice compliance and Regulated Grazings.

On Reviews, the Director recommended that it would be wise to wait until the new legislation is in place before acting, as the resource implications of making changes now are not clear but the Bill proposals, if passed, would allow ad hoc reviews, which could be easier to manage.

On the Duties proposal, advice had been received that it would also be best to wait and see what was in the new legislation before acting. Director of Operations explained that the paper articulates possible solutions to operational issues that cause delays.

The CEO reflected that the Board had requested the paper come back with more detail, after the initial discussion in June but that this may now have been somewhat superseded by the consideration and discussion on paper 11.

The Chair wished the Board to consider both paper 12(a) and 12(b) together (12(b) being on Apportionment policy), to distil general views before addressing the questions in each paper, as there is a need to consider the bigger picture on apportionments.

The Commission then discussed use of common grazings, as this was relevant in the context of the reasoning behind apportionment applications. There was a view that diverse use of common grazings should be pro-actively supported but that apportionments can also be seen as attempts to grab land to exclude others and that it was preferable if applications to apportion land were supported by the majority of shareholders.

There was also a discussion on Purposeful Use and the duty to Cultivate and Maintain and Misuse and Neglect and Commissioners considered whether Planned Schemes should be encouraged. The Commission solicitor confirmed that the Act gives the Commission the ability to Reorganise, but this tool is not used often and there have only been two Planned Schemes approved in the last 10 years.

To sum up a wide ranging discussion, which the Chair reflected constituted the kind of scoping discussion outlined during the consideration of paper 11, it was agreed that the Board wishes to move in a more permissive direction on apportionments, preferring a planned systematic approach if there is shareholder agreement and supports diverse use of common grazings.

On paper 12(a), the Board agreed recommendations 1 and 2, which will need to come back to the Board once the Bill has progressed through parliament. Recommendation 3 was not agreed, as it was felt that this was too restrictive and could impact the Board's desire to encourage active land use.

It was agreed that paper 12(b) should be revised as a tool to help people understand that position, as interim guidance, and, following a Proposal from Commissioner Mackenzie, seconded by Commissioner Kennedy, the recommendation as it stands was not approved. The conclusion of the Board's discussion was agreement that the overriding aim of apportionment policy should be to increase land productivity, especially when this contributes to social and economic community benefits, that there is a presumption in favour of apportionments wherever this is supported by the majority of shareholders, and that encouraging planned schemes could aid this outcome.

Members further supported the use of apportionments where the purpose was to create new crofts, deliver clear benefits to the local community and contribute to population retention, and that they should normally be subject to review at fixed periods; to confirm they are being put to the use intended.

On the question of balancing rights and fair use of the common grazings, there was no clear consensus, and it was agreed this issue should return for further discussion in the revised paper in October.

Action Point 6	Revised paper on Apportionment Policy to be brought to October Board meeting
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13 DATE OF NEXT MEETING

The next meeting will be held on 29 October in St Kilda with a Strategy Day in St Kilda on 30 October. The Chair urged Board members to keep diaries free for the Strategy Day.

14 ANY URGENT BUSINESS

There was no urgent business, but Commissioner Mackenzie wished to put on record his thanks to the Chair for facilitating what had been a complex and important discussion.

15 EXCLUSION OF THE PRESS AND PUBLIC

Thanking all present for their contributions, the Chair closed the meeting at 14:05.