

SOME INFORMATION HAS BEEN REDACTED FROM THIS MINUTE. THIS HAS BEEN DONE TO COMPLY WITH THE DATA PROTECTION ACT AND WHERE ADVICE HAS BEEN PROVIDED, WHICH IS COVERED BY LEGAL PRIVILEGE

CROFTING COMMISSION

**MINUTE OF THE COMMISSION MEETING
HELD AT GREAT GLEN HOUSE ON 14 MAY 2014**

Present:	Susan Walker	Convener
	Colin Kennedy	Vice-Convener
	IG Macdonald	Commissioner
	Murdo MacLennan	Commissioner
	William Swann	Commissioner
	Marina Dennis	Commissioner
	Kathleen Sinclair	Commissioner
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	Jane Thomas	Head of Communications
	John Toal	Head of Policy & Duties
	Joseph Kerr	Head of Regulation & Legal Team
	Gordon MacDonald	Head of Finance
	Donna Smith	Head of IS
	Morag Menzies	PA to the Convener, Minute-taker
	Donald Lamont	BBC Alba arrived at 09:35 hrs
	Simon Allison	Project Manager (from 11:40 hrs)

1 APOLOGIES AND WELCOME

The Convener welcomed everyone to the meeting. No apologies were received.

2 DECLARATION OF INTERESTS

Commissioners Murdo MacLennan and IG Macdonald declared an interest in item 6b, the report about Mangersta Common Grazings.

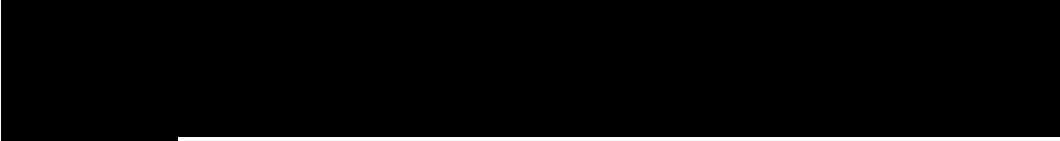


3 APPROVAL OF DRAFT BOARD MINUTE OF 26 MARCH 2014

The Minute of the Meeting of 26 March 2014 was approved subject to the following amendment:

Page	Item	Paragraph	Amended/Additional text should read
9	AUB	Bullet point 3	Add additional text to say that Commissioner MacLennan had visited Jura and he was delighted to see how well the young crofters had done in rebuilding houses following subdivisions which had created several new crofts.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 26 March 2014 were reviewed:

- The Convener and Chief Executive met with Roy McLachlin of SGRPID on 2 May 2014 and discussed several issues. There will be ongoing discussions but the Commission agreed that there needs to be an urgent meeting set up to discuss how to deal with any perceived conflict of interest where SGRPID writes reports on cases where they are also the landlord. The Chief Executive will arrange an urgent meeting with David Barnes and the Convener will also attend the meeting.
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- Garry Laws will arrange a meeting of the Land Court Appeals Group which will comprise the Convener, Vice Convener and Commissioner IG Macdonald. This group can also decide what training the Commissioners would like to receive.
- The Chief Executive would like Commissioner Kathleen Sinclair to provide a quote in Shetland dialect to add to the Corporate Plan.
- Commissioners have been sent a copy of the responses received to the Commission's Revised Policy Plan. The Head of Communications needs to know if the Commissioners wish to take on board the practical suggestions made. Some rewriting needs to be done on the apportionment policy and this amendment will be circulated to Commissioners by e-mail for approval. Then the Policy Plan needs to be approved by the Minister.
- Commissioner IG Macdonald has provided the following quote in Gaelic to be put into the Policy Plan 'Lean gu dlùth ri cliù do shinnsre', which translates as 'Follow closely the legacy of your forefathers'. The Bob Marley quote is to be removed.
- Duties Casework Review Meetings are likely to resume in August, once the new process is in place.
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- The Chief Executive will seek advice from Sponsor Division again regarding legal advice about Crown Immunity and Commissioner liability.

4a AUDIT AND FINANCE COMMITTEE UPDATE

Commissioner William Swann gave an update on the recent Audit & Finance Committee Meeting that took place on 2 May 2014. Three recommendations were discussed at the AFC meeting with the external auditor and it was agreed that they are appropriate. The recommendations are that (1) Financial Reports, Risk Register updates and Performance Reports should be standing items at appropriate Board Meetings, (2) the Commission should develop Performance Indicators now that the Corporate Plan has been finalised and (3) be responsible for the governance of the organisation.

The internal auditors, Scott Moncrieff are content with progress on audit matters.

Commissioner Swann had a private meeting with Audit Scotland and some recommendations will be discussed with the Chief Executive and will be implemented.

Approved Accounting Policies were reviewed, the Draft Government Statement was approved, and the Management Accounts were reviewed.

It will be important to pick up on any underspend early throughout the year.

The Commission wish to thank Commissioner Swann for the way he has slotted into the Chairperson's role of the AFC and also thanks to Commissioners Murdo MacLennan and Kathleen Sinclair for the work that they do on the Committee.

5 PAPERS FOR HOMOLOGATION

(a) Individual Area Assessor Application

Decision	The Commission approved the application by Adam Doull to become the Assessor for Northmavine in Shetland.
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(b) Standing Financial Instructions for the Audit & Finance Committee

Decision	The Commission approved the Standing Financial Instructions (Annex A)
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(c) Revised Proposals for Regulatory Applications returned by the Scottish Land Court

Decision	The Commission agreed the recommendation that when a case is remitted back to the Commission, an oral report of the reasoning and outcome of the appeal decision will be given at the next Board Meeting. At that point the Board will determine the appropriate delegated decision level for the reconsideration of the case based on the circumstances, with the default position being that the case will normally be considered by a casework group of three Commissioners, the majority of which were not parties to the original decision.
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(d) Revised Code of Conduct for Board Members

Decision	The Commission approved the revised Code of Conduct for Board Members.
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6 COMPLAINTS & INVESTIGATIONS

(a) Quarterly Complaints Update

Commissioner IG Macdonald presented this Paper which includes the Terms of Reference for the Complaints Committee and a copy of the Quarterly Report from January to April 2014. In that time, 18 complaints have been received and they have all been resolved at the Frontline Resolution stage (stage 1), within 5 days. There are two legacy cases ongoing at the Investigation stage (stage 2).

Staff are to be congratulated on how quickly they have adapted to the new complaints process.

A discussion took place regarding the overlap between the Ombudsman’s role and the Scottish Land Court’s role and what would happen if the Commission made a decision based on information provided which later is discovered to be wrong and so a wrong decision has been made. How can the Commission reconcile that decision?

The Chief Executive will contact Lord Gill for advice on this issue.

Complaints about staff and Commissioners are stored securely on the intranet with restricted access.

The Committee will meet quarterly and report to the Board following their meetings.

The Commission approved the Terms of Reference and the Convener thanked the Complaints Committee for their work.

Decision	The Commission approved the Complaints Committee Terms of Reference.
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(b) Report by Commissioner on Mangersta Common Grazings

To be heard in private.

7 ARRANGEMENTS FOR VISIT TO SHETLAND

A discussion took place regarding the Commission’s visit to Shetland from 23 to 25 September 2014 for their Board Meeting. Commissioner Kathleen Sinclair came up with suggestions for various visits and meetings while the Commission are there.

The Head of Communications will liaise with Commissioner Sinclair and draft a timetable of suggested visits and meetings.

At the request of the Convener, Commissioner Sinclair agreed to speak at the start of all the meetings arranged in Shetland.

8 REVIEW OF ROLE OF ASSESSORS

The Head of Policy & Duties presented this Paper which reviews the role of Assessors and the method of appointing Assessors.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Decision	The Commission agreed to hold an Assessors Conference at the end of November 2014. The Commission agreed that ex-members of the Crofting Commission cannot apply to be Assessors until 2 years have passed from the date of leaving the Commission. <i>(Please see minute from Board Meeting of 10 December 2014 for amendment).</i>
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9 360 DEGREE TRAINING

The Business Manager gave an update to the Board about the 360 Degree Training system which enables Commissioners to choose a minimum of four people from the Board or the Senior Management Team, to fill in a questionnaire regarding their performance. The questionnaire is confidential and is then discussed with the 360 Degree trainers. The aim of this assessment system is to allow each Commissioner to identify those areas where they are performing well or others where they might want to improve their performance, and to allow them to perform to the best of their abilities. The Convener reported that research has shown that Board Members who undertake formal appraisal are the most likely to be a well-performing Board.

Commissioners will receive a telephone call from the 360 Degree provider with the feedback from the questionnaires.

The Commission agreed to proceed with the 360 Degree Training and the Business Manager will contact the provider to start the process.

Decision	The Commission agreed to proceed with the 360 Degree Training and the Business Manager will contact the provider to start the process.
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Simon Allison entered the room at 11:40 hrs.

10 MEDIA PROTOCOL

The Convener explained to the Commissioners that the Commission will possibly attract media interest in the coming months due to the Duty to Report and the issue of the Annual Notices. She explained that she is the media spokesperson for the Commission and that if a Commissioner is approached by the media to give a statement or interview, they should contact the Convener in the first instance for advice or to discuss the line to take and if she is not available they should contact the Chief Executive. It is important that a concerted team effort is applied to make sure the Commissioner concerned is as well informed as they can be before speaking to the media.

It was agreed that Commissioners should feel confident when speaking at public meetings if the media are present, but to always remember that they are Commission Board Members.

Two people are being interviewed at the end of May for the Temporary Campaigns Manager role. The successful applicant's principle focus will be the media campaign for the Annual Notices and Duty to Report.

11 CONSULTATION RESPONSES ON DUTY TO REPORT AND REVISED GRAZINGS REGULATIONS

Simon Allison, Project Manager presented this Paper, the purpose of which is to seek approval from the Commission for the STWG's recommendations for the delivery of the Duty to Report and Common Grazing Regulations projects.

The Convener advised that a variety of responses were received to the consultation on the Duty to Report. Some were very detailed with practical suggestions and some gave very little information with no comments at all. Fifty-three grazing committees completed and returned the forms, rather than simply commenting on them.

The Paper contains graphs showing various statistics from the responses and it was noted that there is not an equal response from all the geographical areas. Eleven responses out of 132 said the whole process should be scrapped and this was considered a very small number overall.

The biggest concern was highlighted as being Section 4 of the form, where a township can fill in individual details about a crofter, with some committees saying they would resign if they had to fill this in. What had not been understood by some was the voluntary nature of Section 4. This should be made clear on the form.

The purpose of the Duty to Report process is to obtain information to work with townships to help them find resolutions to the problems they may have through self-regulation. It is not designed for terminating tenancies.

Concern was expressed about townships that will not respond at all and the Commission agreed that the process must be seen as positive and a process that townships want to respond to. It is going to be a huge task for staff.

The Commission suggested that if a township was having difficulty forming a committee, the Commission could appoint a Grazings Constable who could respond to the Duty to Report.

On a positive note, since the Crofting Commission came into office in 2012, the number of grazing committees has increased.

It was suggested that the Duty to Report form should state clearly at the top the importance of statistical evidence, to demonstrate the value that crofting brings.

The Commission approved the six recommendations in the Paper regarding Duty to Report, but agreed that the wording that introduces section 4 needs to be changed to let people know that this section only needs to be completed where committees consider there is a problem in their township.

Decision	The Commission approved the six recommendations in the Paper regarding Duty to Report, but agreed that the wording that introduces section 4 needs to be changed to let people know that this section only needs to be completed where committees consider there is a problem in their township.
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The response to the Common Grazing Regulation consultation was that the document itself was too complex and there was too much in the document, committees felt the treasurer's role should be optional and not compulsory, and there was a lot of misunderstanding about the existing regulations and how they applied.

[REDACTED]

[REDACTED]

[REDACTED]

The Commission decided to defer recommendations 1-5 and to approve recommendation 6. Once the Commission hears the responses from the Working Group, they will reconsider recommendations 1-5.

Decision	The Commission decided to defer recommendations 1-5 of the Common Grazing Consultation Report, and to approve recommendation 6. Once the Commission hears the responses from the Working Group they will reconsider recommendations 1-5.
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The Chief Executive will think of the best way to set up the working group and asked Commissioners to pass names of suitable participants to her to consider.

Simon Allison left the room.

12 GRAZINGS PROJECT

The Business Manager updated the Commission on the progress of the grazings registration project. There are now 63 common grazings registered, six are with GIS and another eight are in the pipeline going out this week.

There was a successful trip to the Western Isles recently with the help of Commissioner Murdo MacLennan, and the staff engaged with 34 common grazings while there. The paperwork has now been sent to them and is ready for signing.

A group of staff are also going to visit Tiree during the summer, to help 30 common grazings with their mapping so that they can be registered.

The Grazings Project team have engaged with 234 common grazings in this current year so far.

A discussion took place about the fact that we are only engaging with common grazings that have committees in office and that grazings with committees out of office were missing out on the free service from the Commission to get maps produced for their common grazings.

The Convener asked that the Commission think of different terminology for regulated and unregulated common grazings as this was causing confusion.

Commissioner Murdo MacLennan reported that there had been a very positive response from the North Harris Trust and Urras Galson to the staff going out to the Western Isles. The Commission agreed that once the common grazings in the Western Isles have been registered there should be a press story, as this was very good news.

The Convener said that there also needs to be a media story about the need for common grazings to form committees.

13 RECORDS MANAGEMENT PLAN

The Head of IS presented the Paper and gave an update on the progress of work to date on the Records Management Plan, which must be submitted by 31 May 2014.

The Paper lists the key pieces of work, and sample sections of each of the relevant documents are included as appendices for information.

The Retention and Destruction Policy and Business Classification Scheme are major changes for the Commission and will have to be implemented. The Commission have to decide what to do about application forms and croft files and local archiving was suggested.

The Information Commissioners Office has been in touch to say that they are hoping to visit the Commission to give some advice in August 2014.

It is anticipated that the Records Management Plan will be submitted on time. Once approval of the Plan has been received, a follow-up project will be required. This follow-up project will be formally defined at a later date, once a full understanding of requirements has been reached.

The Convener thanked the Head of IS and Commissioner Murdo MacLennan for their work so far.

14 DATE OF NEXT MEETING

25 June 2014 – Great Glen House

24 June 2014 – ECHR Training with Gillespie Macandrew Solicitors, Kingsmills Hotel

15 ANY URGENT BUSINESS

- Commissioner Murdo MacLennan raised the issue of Crofting Commission jobs being created outwith Inverness. The Chief Executive said that she would speak to Commissioner MacLennan about it.
- Commissioner Colin Kennedy expressed his concern about the use or non-use of grazing regulations which needs addressing urgently. The Convener asked if a substantive Paper could be brought to a future Board Meeting as soon as possible to discuss this issue, and how to get common grazings working better.

16 CLOSED SESSION (DISCUSSED IN PRIVATE)

- a) Late objection for Assignment of grazing share application for croft
7 Durnamuck (share)

The Head of Regulation & Legal Team presented this Paper under the terms of the Instrument of Delegation, where a late objection was received from a member of the crofting community, one week after the closing date, to an application to assign a deemed croft at 7 Durnamuck. The reason for the late objection was that they were working away at the time and only recently heard about the application.

[REDACTED]

[REDACTED]

Decision	The Commission decided that they are not accepting the late objection as the reason given was not exceptional, to be consistent with previous decisions. However the objector will be advised that the concerns they raised were raised by others.
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- b) Report by Commissioner Colin Kennedy on the complaint regarding Mangersta Common Grazings.

Commissioner Murdo MacLennan declared an interest and left the room at 12:50 hrs. Commissioner IG Macdonald declared an interest but remained in the room and made no comment.

Commissioner Kennedy presented an update on the findings into the complaint case regarding Mangersta Common Grazings.

After discussion the Chief Executive advised that the Commission needed to speak to the SPSO for advice and then take the case to conclusion.

The meeting closed at 13:45 hrs.

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CROFTING COMMISSION

**MINUTE OF THE COMMISSION MEETING
HELD AT GREAT GLEN HOUSE ON 25 JUNE 2014**

Present:	Susan Walker	Convener
	Colin Kennedy	Vice-Convener
	IG Macdonald	Commissioner
	Murdo MacLennan	Commissioner
	Kathleen Sinclair	Commissioner
	Marina Dennis	Commissioner
	David Campbell	Commissioner
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	Jane Thomas	Head of Communications
	John Toal	Head of Policy & Duties
	Joseph Kerr	Head of Regulation & Legal Team
	Gordon MacDonald	Head of Finance
	Donna Smith	Head of IS
	David Findlay	Solicitor
	Richard Frew	Scottish Government
	Morag Menzies	PA to Convener, Minute-taker
	Grant Jones	Crofting Services Officer
	David Barnes	Deputy Director (from 10:55 hrs)

1 APOLOGIES AND WELCOME

Apologies were received from Commissioner William Swann.

The Convener welcomed everyone to the meeting, especially the new Commissioner David Campbell who was attending his first meeting and Richard Frew from Scottish Government.

2 DECLARATION OF INTERESTS

[REDACTED]


[REDACTED]

3 APPROVAL OF DRAFT BOARD MINUTE OF 14 MAY 2014

The Minute of the Meeting of 14 May 2014 was approved.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 14 May 2014 were reviewed:

- The issues regarding SGRPID are ongoing.
- The Appeals Group consisting of the Convener, Vice-Convener, Commissioner IG Macdonald, the Head of Regulation & Legal Team and Garry Laws met yesterday 24 June 2014.
- Commissioner Kathleen Sinclair provided the following Shetland quote to be put into the Corporate Plan: 'Many o da crofts are passed doon trowe da generations. Crofters tak pride in keepin or makkin a better job o da gud wirk dat has been done afore dem.'
- The Convener and David Findlay, Solicitor gave an update on the legal advice given for the croft 37 North Ballachulish.
- A discussion took place regarding Regulatory Applications returned by the Scottish Land Court and it was agreed that all these cases should come to the full Board who will then determine the appropriate delegated decision level for the reconsideration of the case. A casework review meeting could be held by teleconference if reconsideration is required before the next arranged meeting.
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- The Convener advised that the 360 degree training for appraisals was ongoing and the Chief Executive reminded Commissioners that they should choose fellow Commissioners, or members of the Senior Management Team who could ask the views of other staff, to complete questionnaires about themselves, and not to choose junior members of staff to complete the questionnaires.
- Concern was expressed that not many newspapers had printed an article about Duty to Report. The Convener advised that a new Campaigns Manager had just been appointed and that media issues and publicity should improve from now on.
- The Chief Executive will ask each Commissioner to provide nominations for lay members for a Working Group to consider grazing regulations, by 4 July 2014.
- A group of staff are visiting Tiree at the end of August 2014 to help crofters complete common grazing registration applications.
- The Convener asked that articles be published in the press once the common grazings in Harris and Tiree are registered.
- The Head of IS advised that the Records Management Plan has been submitted. The Commission is awaiting an interim report by July 2014.

13 EXCLUSION OF PRESS AND PUBLIC (*EXCLUSION OF PRESS AND PUBLIC*)

a) 4 FEARNAMORE – FAMILY ASSIGNATION APPLICATION







[REDACTED]

[REDACTED]

[REDACTED]

Decision	The Commission approved the application and it was agreed that David Findlay, Solicitor would refine the grounds provided by Commissioners and then the Head of Regulation & Legal Team will circulate those grounds to the Commissioners by e-mail. The grounds would then be homologated at the next Board Meeting.
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Discussion took place about objections and the Chief Executive suggested that a Paper be brought to the Board to discuss this issue with regards to the wider crofting community, to consider the question of whose comments can be taken into account.

Post-meeting note: The timing and content of this Paper will be dependent on the outcome of a current Scottish Land Court Appeal.

It was agreed that the Policy & Procedure STWG would look at Reorganisation at their next meeting.

David Findlay and Grant Jones left the room at 10:37 hrs.

David Barnes, Deputy Director arrived at 10:55 hrs.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



5 PAPERS FOR HOMOLOGATION

(a) POLICY & PROCEDURES STWG – ISSUES FOR DECISION

The Head of Policy & Duties presented this Paper.

After discussion the Commission agreed that it was competent for any crofter to apply to sublet for a period of up to 10 years. It was further agreed that any application should be accompanied by justification for the length of the sublet requested.

The Commission homologated all of the following Papers:

- Tenant Crofter: residency duty
- Owner-Occupier Crofter: residency duty
- Tenant Crofter: duty to cultivate and maintain
- Owner-Occupier Crofter: duty to cultivate and maintain
- Tenant Crofter: duty not to misuse or neglect croft
- Owner-Occupier Crofter: duty not to misuse or neglect croft
- Division of tenanted croft
- Division of an owner-occupied croft
- Subletting of croft
- Letting of owner-occupied crofts – ‘short lease’

and requested that the implications of the decision contained in the sublet Paper be reflected in all the other Papers and the Policy Plan.

Decision	<p>The Commission agreed that it was competent for any crofter to apply to sublet for a period of up to 10 years. It was further agreed that any application should be accompanied by justification for the length of the sublet requested.</p> <p>The Commission homologated all of the following Papers:</p> <p>Tenant Crofter: residency duty Owner-Occupier Crofter: residency duty Tenant Crofter: duty to cultivate and maintain Owner-Occupier Crofter: duty to cultivate and maintain Tenant Crofter: duty not to misuse or neglect croft Owner-Occupier Crofter: duty not to misuse or neglect croft Division of tenanted croft Division of an owner-occupied croft Subletting of croft Letting of owner-occupied crofts – ‘short lease’</p> <p>and requested that the implications of the decision contained in the sublet Paper be reflected in all the other Papers and the Policy Plan.</p>
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(b) **SHETLAND VISIT**

The Convener advised that she would like each of the Commissioners to introduce themselves at the beginning of the Public Meeting in Shetland on 23 September 2014 and she will give a shorter presentation herself at the meeting than is scheduled in the timetable.

Discussion took place about having a surgery at the same time as the Public Meeting, as the majority of attendees will probably want to attend the Public Meeting and it was agreed that the invitation letter should explain that the surgery will be available throughout the Public Meeting. There will also be another surgery in the afternoon of 24 September in the SGRPID office in Lerwick. The Convener asked that the invitation letter points out that the surgery will be on a first come first served basis.

The Commission needs to decide whether Casework Review Meetings can go ahead while in Shetland, as the Crofting Services Officers will not be present. Video Conferencing facilities will be investigated.

Decision	The Commission homologated the Paper taking into account the above mentioned changes.
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Decision	The Commission agreed that Commissioners need to be provided with all the information in a case, to be able to make an informed decision, and it was agreed that Commissioner Kathleen Sinclair should be provided with all the information and she can then either reject the objection, or if she approves the objection, the application must then come back to the full Board for approval.
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6 APPEALS TO SCOTTISH LAND COURT

The Commission noted the content of the Paper and the Head of Regulation and Legal Team gave an update on progress of current appeals.

Decision	The Commission noted the contents of the Paper.
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7 CROFT REGISTRATION

The Head of Regulation and Legal Team presented this Paper and gave an update on the progress of Register of Crofts applications.

The Head of IS advised that staff from the Registers of Scotland team had visited the Commission on 23 June 2014 and there was to be a full review of the processes with ROS in the next 2 to 3 weeks to see if any efficiencies can be identified.

A new Community Mapping Liaison Officer has just been appointed by RoS.

The Convener advised that a major disincentive for group registrations was that once someone had registered their croft for the first time, if there are any changes after that, the applicant has to pay the full amount all over again. It would be less onerous if the cost of any changes after initial registration were reduced, however the Commission noted that the fee was set in legislation.

The Commission noted that while the cheques were made out to the Commission and the work carried out with the crofter was by the Commission, all the monies received were passed to Registers of Scotland. The Commission took the view this could create the impression that the Commission was responsible for the Register and also that no additional funding had been allocated to carry out these additional tasks.

Reports are being developed to analyse how many staff hours are spent on RoS work.

RoS are looking at the issue of deemed crofts and the Head of Regulation and Legal Team will follow up at an early date for a reply.

The Business Manager gave an update on the Grazings Project and advised that 73 Common Grazings have now been registered and 13 are waiting to be passed to Registers of Scotland.

Decision	The Commission noted the Paper.
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8 ANNUAL NOTICE

Simon Allison presented this Paper to seek the Board's approval on a policy for the non-return of the Annual Notice.

After discussion by the Annual Notice STWG, the name of the Annual Notice has been altered to more readily reflect its function and it will now be called the Crofting Census form. The planned issue date is 17 October 2014.

The new Campaigns Manager will be working on producing promotional material to be sent out to crofters advising them about their statutory duties and what they can do if they are in breach of their duties, prior to the Crofting Census form being issued.

A meeting has taken place between Commission staff and the Procurator Fiscal to discuss what would happen if the Commission were to take action against crofters for not returning the Crofting Census form. They advised that the Commission would have to become a Specialist Reporting Agency and would have to have internal IT communications set up with the Procurator Fiscal's office.

The Commission will ask the Post Office if the Commission would be entitled to a discount for sending such a large amount of letters all at once.

The Chief Executive advised that the Crofting Census and Duty to Report should be sent out at the same time which would give a more comprehensive picture of the situation on the ground.

The Head of Regulation and Legal Team advised that the Commission could not refuse to deal with a regulatory application because the Crofting Census had not been returned, but it could decide that it needed the information from the Census in order to deal with the application. In that way, the Commission would only deal with an application if the Census information had been provided by the crofter.

The Commission agreed that when the Census form is sent out that 'Crofting Census' be printed on the front of the envelope in big letters to alert crofters of the importance of the contents.

After discussion the Commission agreed that a publicity campaign needs to begin which should emphasise a positive message, the Census forms should be sent out advising that the information from the Census is required for any regulatory applications that might be submitted and a single reminder will be issued after issue.

Decision	After discussion the Commission agreed that a publicity campaign needs to begin which should emphasise a positive message, the Census forms should be sent out advising that the information from the Census is required for any regulatory applications that might be submitted and a single reminder will be issued after issue.
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The Commission wished to thank Simon Allison for all the good work that he has put into the Annual Notice/Crofting Census process and as this will be the last Board Meeting before Simon leaves the Commission they want to thank him for his contribution and wish him well for the future.

9 RISK REGISTER

The Head of Finance presented this Paper which was to update the Board on progress, and explained that the Register had been prepared around the Corporate Plan objectives.

The Convener asked if the first four boxes on page 83 under 'Controls in Place' could refer to the Policy & Procedure role out and that was agreed.

The Commission agreed that the Risk Register will be submitted to the next Audit & Finance Committee meeting for scrutiny and then it will come back to the next Board Meeting. If Commissioners have any comments or thoughts about the Register, they should e-mail the Head of Finance before the 16 July 2014. The comments will then be taken to the AFC meeting and then the Board can consider the scrutinised version.

Decision	The Commission approved the Paper and agreed that the Risk Register will be submitted to the next Audit & Finance Committee meeting for scrutiny, and then it will come back to the next Board Meeting. If Commissioners have any comments or thoughts about the Register, they should email the Head of Finance before the 16 July 2014. The comments will then be taken to the AFC meeting and then the Board can consider the scrutinised version.
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10 PROPOSALS FOR RE-LETTING OR LETTING A CROFT

The Head of Policy & Duties presented this Paper which considers the meaning of proposals for letting a croft under sections 23(5) and 26J of the Crofters (Scotland) Act 1993.

Legal advice was sought and the Commission accepted the advice and agreed that there is no obvious right of appeal, but that may be tested through the Land Court.

Decision	The Commission approved the Paper and agreed that there is no obvious right of appeal, but that may be tested through the Land Court.
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11 APPORTIONMENT POLICY

The Head of Policy & Duties presented this Paper. The Policy & Procedure STWG recently revised the Apportionment Policy and has recommended the removal of the general 15 year fixed term apportionment. There is an entitlement to apportion for a fixed period of time and the group recommends that this period can be subject to review at various intervals.

The Head of Regulation and Legal Team advised that no-one has an entitlement to an Apportionment.

The Convener asked that the Commission's media campaign should include a push to encourage more grazings committees to be regulated.

The Commission clarified that it wants to use the following terms of (a) 'Unregulated Common Grazings' which means that the grazings committee have never had grazings regulations ever, (b) 'Grazings Committee in Office' which means the grazings committee have regulations and are in office and (c) 'Grazings Committee Out of Office' which means the grazings committee have regulations but don't currently have a grazings committee in office. This needs to be defined on the Commission's website.

Decision	The Commission approved the Paper and agreed to the recommendation of the removal of the general 15 year fixed term apportionment, the entitlement to apportion for a fixed period of time and the recommendation that this period can be subject to review at various intervals. The Commission clarified that it wants to use the following terms of (a) 'Unregulated Common Grazings' which means that the grazings committee have never had grazings regulations ever, and (b) 'Grazings Committee in Office' which means the grazings committee have regulations and are in office, and (c) 'Grazings Committee Out of Office' which means the grazings committee have regulations but don't currently have a grazings committee in office.
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Commissioner Murdo MacLennan left at 14:52 hrs.

14 DATE OF NEXT MEETING

6 August 2014 – Great Glen House

15 ANY URGENT BUSINESS

Simon Allison entered the room at 14:55 hrs.

- Led by Commissioner Colin Kennedy, a discussion took place about RPID reports. The Chief Executive provided Commissioners with an update on her meeting with RPID and it was agreed that the Service Level Agreement of 2011 will be reviewed. RPID have stated that they may find the 28 day deadline for reports challenging.

David Barnes provided Commissioners with information on present budgetary constraints within the Scottish Government.

Commissioner Kathleen Sinclair left at 15:15 hrs.

- Simon Allison presented a Paper on CAP Reform and discussion took place about what the changes will mean to crofters in different areas.

David Barnes from Scottish Government gave clarification of what the new scheme will mean over the next four years.

The Convener thanked David Barnes for his advice.

- The Convener advised that following consultation with Commissioner Murdo MacLennan, Phil Burns and Richard Frew from Sponsor Division, they agreed that the Commission will put a Paper with the Commission's views on the Crofting Housing Grant to the Scottish Government by the end of July 2014 and the Scottish Government will include this information in their review of the scheme which will also include wide consultation.

The Convener thanked everyone for attending and especially David Barnes and Richard Frew for their input.

The meeting ended at 15:35 hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 6 AUGUST 2014

Present:	Susan Walker	Convener
	Colin Kennedy	Vice-Convener
	IG Macdonald	Commissioner
	Murdo MacLennan	Commissioner
	Kathleen Sinclair	Commissioner (from 09:50 hrs)
	Marina Dennis	Commissioner
	David Campbell	Commissioner
	William Swann	Commissioner
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	Jane Thomas	Head of Corporate & Customer Services
	Joseph Kerr	Head of Regulation & Legal Team
	Gordon MacDonald	Head of Finance
	Donna Smith	Head of IS
	Morag Menzies	PA to Convener, Minute-taker
	Asif Haseeb	Audit Scotland (from 11:15 hrs)

1 APOLOGIES AND WELCOME

Apologies were received from John Toal, Head of Policy & Duties.

The Convener welcomed everyone to the meeting.

2 DECLARATION OF INTERESTS

There were no declarations of interests.

3 APPROVAL OF DRAFT BOARD MINUTE OF 25 JUNE 2014

The Minute of the Meeting of 25 June 2014 was approved subject to the following amendment:

Page	Item	Paragraph	Amended/Additional text should read
3	13b	1	Amend wording from 'a letter revived by him' to 'a letter received by him'.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 25 June 2014 were reviewed:

- Page 1, first bullet point, will be covered under Any Urgent Business.
- Page 2, seventh bullet point, the Chief Executive advised that Commissioner MacLennan, the Convener and Commissioner Kennedy had recommended people for a Working Group to consider grazing regulations. It was agreed that a geographic spread would be good. Commissioners will be asked again to nominate suitable candidates and advise the Chief Executive as soon as possible.

- Page 2, fourth bullet point, Commissioner Swann advised that he had spoken with Audit Scotland who suggested that the Commission needs to develop an Anti-Corruption and Fraud Policy which will advise that if an appeal is received against the Commission suggesting corrupt practice by staff or Commissioners, an in-house investigation should take place first to establish if the allegation is justified and the complainant should be advised that they have 28 days to go to the Ombudsman, before the appeal is passed to the Land Court.
- Page 2, fifth bullet point, discussion took place about the usefulness of the 360 Degree Appraisal System. It was suggested that the process was incomplete when staff who work most closely with Commissioners are not involved in the process, only the Senior Management Team. The Convener pointed out that the feedback was meant to provide comment on the functions of Commissioners as Board Members, which is why only senior management had been involved, but acknowledged that feedback on our functions as regulators would be very useful. The Chief Executive will look at ways for staff to provide feedback. The Commission felt that due to them being Non-Executive Board Members who are not employed full time, this system was not the right one for them, although it was acknowledged that the Commission will not have a clear idea about the usefulness of the system until everyone has received their feedback reports. The Convener commented that it was encouraging that all Commissioners had engaged in the process which showed that, as a Board, they all have a commitment to improving their performance. The 360 Degree Appraisal System and alternative options will be discussed at the next Board Meeting.

Post Meeting Note	It was decided that the matter of the 360 Degree Appraisal System would be best considered at a Full Board Business Meeting, rather than a Public Board Meeting and, as such, will be brought back to the next Business Meeting at the earliest opportunity.
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Commissioner Sinclair arrived at 09:50 hrs.

- The Chief Executive advised that she has written to the Scottish Government inviting them to undertake a review of the Mangersta Common Grazings complaints case, and has also asked them to look into the issue of appointed and elected Commissioners for the Board to be quorate.
- An alternative date will be found for the Regulatory Casework Review Meeting which was due to be held on 24 September 2014.
- Regarding the issue of how to deal with objections received from a 'person the Commission consider has a relevant interest in the application' as mentioned in 58A(4d), it was expected that the issue of having an interest in the outcome of an application and having an interest in the process of an application will hopefully be brought to the November Board Meeting, once a Land Court decision on this issue has been made.
- The new definitions of 'Unregulated Common Grazings', 'Grazings Committees in Office' and 'Grazings Committees Out of Office' have been updated on the Commission website.
- Regarding Apportionment Policy and the decision made on page 8, item 11, the Commission was concerned about the legal implication of termed apportionments but also the need to find a process to review unused apportionments and agreed that this required to be discussed by the Policy & Procedure Group, who would make a proposal to be taken to the Board for further discussion and agreement.

Decision	The Commission agreed that Apportionment Policy needed further discussion and should be considered by the Policy & Procedure Group to be brought to an early Board Meeting.
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- Discussion took place about the length of time it takes to receive RPID reports, which seems to vary in different areas. The Commission agreed that a small group made up of Commissioner Kennedy and Commissioner MacLennan should meet to discuss and try to resolve the issues. The Chief Executive asked for any examples of late reports or reports where there is a concern about the content, to be passed to her.

It was agreed to ask Bill Dundas of SGRPID to attend a future Board Meeting.

6 ARRANGEMENTS FOR THE MINISTER’S VISIT IN OCTOBER

The Commissioners suggested various subjects that could be discussed with the Ministers Paul Wheelhouse and Richard Lochhead when they visit on 6 October 2014 which included: Problems with the Act, the Brian Pack Report, Residential Duties, Feedback from the Shetland Survey, Commission Resources, Changes to CAP Reform, Commissioner Elections and Reimbursement of Election Expenses, Land Reform, Report on Economic Condition of Crofting, How much does the Scottish Government value Crofting?, Inconsistency of Land Court Decisions, and Examples of Delivery of the Commission’s Work.

The Commission agreed that it would be better to choose two or three key issues to discuss, as time would be short. The Head of Corporate & Customer Services will co-ordinate the subjects for discussion.

Decision	The Commission agreed that it would be better to choose two or three key issues to discuss, as time would be short. The Head of Corporate & Customer Services will co-ordinate the subjects for discussion.
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The Chief Executive and Commissioner IG Macdonald gave their apologies as they will be unable to attend the meeting on 6 October.

5 AUDIT & FINANCE COMMITTEE UPDATE

(a) Approval of the Annual Report and Accounts

Asif Haseeb from Audit Scotland presented the Annual Accounts. The main points were discussed and Audit Scotland is satisfied with the Commission’s accounts.

Commissioner Swann advised that for future reference, it is very important that there is good communications between the Legal Team and the Finance Team.

The Commission approved the Annual Accounts and Mr Haseeb left at 11:50 hrs.

The Commission wish to thank internal and external staff who have been working on the Annual Accounts and the Annual Report.

Decision	The Commission approved the Annual Report Accounts.
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(b) Risk Register

The Head of Finance presented this Paper and pointed out that there was one adjustment to be made under ‘Controls in Place’ which should reflect the Policy & Procedure role.

The proposed approach is to scrutinise the Risk Register on a quarterly basis at the Audit & Finance Committee Meeting, and then bring it to the following Board Meeting.

The Commission approved the Risk Register.

Decision	The Commission approved the Risk Register.
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(c) Other Matters

- Commissioner Swann advised that the Commission continues to hold approximately £5,600 on behalf of the Highlands & Islands Croft Entrant Scheme (HICES) which is no longer operating and a decision needs to be made as to where the money should go. The Chief Executive agreed to contact HIE to discuss proposals for disbursement of these funds to give benefit to crofting communities, in particular new entrants.
- Following on from the discussion under Matters Arising about the Commission needing to develop an Anti-Corruption and Fraud Policy, the Chief Executive and Commissioner Swann agreed to write to the Land Court to outline the Commission's proposal and to make sure they are content with the proposal, and to check that they will sist appeals where there is a possibility that a complaint may go to the SPSO. A copy of the letter will be sent to Commissioners.

Decision	The Commission agreed that the Chief Executive and Commissioner Swann will write to the Land Court to outline the Commission's proposal of developing an Anti-Corruption and Fraud Policy which will advise that if an appeal is received against the Commission suggesting corrupt practice by staff or Commissioners, an in-house investigation should take place first to establish if the allegation is justified, the complainant should be advised that they have 28 days to go to the Ombudsman before the appeal is passed to the Land Court. The letter is to make sure the Land Court is content with the proposal, and to check that they will sist appeals where there is a possibility that a complaint against a member of staff or Commissioner may go to the SPSO. A copy of the letter will be sent to Commissioners.
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The Audit & Finance Committee will develop the Policy initially, and bring it to the Board for approval.

- It is important that Commissioners' Declaration of Interests are kept up-to-date.
- Discussion took place about non-returns of the Annual Notice/Crofting Census, the procedure for which was agreed at the Board Meeting on 25 June 2014.
- Commissioner MacLennan advised that he wishes to stand down from the Audit & Finance Committee as it was agreed by the Board that Commissioner MacLennan's appointment was only for a temporary period until a permanent replacement was found. Commissioner Campbell agreed to take his place.

Decision	Commissioner MacLennan advised that he wishes to stand down from the Audit & Finance Committee as it was agreed by the Board that Commissioner MacLennan's appointment was only for a temporary period until a permanent replacement was found. Commissioner Campbell agreed to take his place.
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- The Convener thanked the Audit & Finance Committee and the Annual Report Team for their efforts.

7 COMPLAINTS & INVESTIGATIONS COMMITTEE

Commissioner Macdonald presented the Paper and gave an update from the Complaints & Investigations Committee quarterly meeting held on 16 July 2014.

Any complaints received have been resolved at Stage 1 and no new cases have progressed to Stage 2 in the last quarter.

The recommendation of the Committee is that the Board should agree a strengthened procedure for reporting and concluding Complaints cases reviewed by the Committee, and press for an urgent resolution of the quorate issue for Board Meetings.

The Chief Executive advised that she has written to Sponsor Division about the quorate situation and they are taking legal advice.

Complaints do not normally come to the full Board for decision and while the Commission agreed that the position with regards to being quorate was a matter for concern, the Mangersta complaint case came to the Commission for noting rather than a decision, as the case is already being considered by the SPSO.

The Committee is very encouraged by the way the new complaints procedure is progressing and they wish to thank staff for their diligence in this regard.

Decision	The Commission approved the Paper.
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8 RECORDS MANAGEMENT PLAN

The Head of IS gave an update on the Records Management Plan which was submitted to the National Records of Scotland in June 2014 and advised that an interim report has been received back from them.

On the whole the interim report is fairly positive. There are 14 elements to the plan which are assessed on two aspects: are they present in the plan, and has enough evidence been provided. Seven elements have been marked green (good), three have been marked amber (OK), two have been marked almost amber, and two have been marked red (needs action).

The two elements that need to be decided on are 'Archiving' and 'Destruction of Paper and Electronic Records'.

It is hoped to get the red elements changed from red to amber by the end of August 2014 and then to submit the Plan formally to the Keeper at that time.

The Commission agreed that the Land Court should be kept informed of progress with destruction of records, and to see if they have any response to it.

Regarding the Archiving of Records, UHI do not have storage facilities but Highland Council do, so the Commission will meet with Highland Council by the end of August to discuss.

9 COMMISSIONER AREAS

The Chief Executive advised that the Regulatory Team had recently restructured and it was now necessary to think about the best way to delegate decisions.

One of the ideas being considered is a functional remit of possibly separate committees dealing with different areas of work e.g. decrofting, apportionment etc, instead of geographical areas for decisions. Also, possibly an internal auditing/appeals process for individuals who aren't happy with their decision.

These ideas need to be considered by the Delegating Decision Making Group and brought back to the Board for their agreement.

In the short term Commissioner Dennis was asked to continue dealing with decisions for the Orkney and Caithness areas, Commissioner Campbell was asked to take on Commissioner Swann's area with the proviso that if Commissioner Campbell felt he needed advice about a case, Commissioner Swann will help in the first instance, or if he was unavailable, the Convener would give advice.

Commissioner Macdonald will continue with his Skye and Mainland area.

It was agreed that a formal arrangement for dealing with all conflict of interest cases would be put in place and that all would be sent to Commissioner Swann, or to the Convener if he was unavailable.

The Commission agreed to these suggestions.

Decision	<p>The Commission approved the following:</p> <p>In the short term, Commissioner Dennis will continue dealing with decisions for the Orkney and Caithness areas, Commissioner Campbell will take on Commissioner Swann's area with the proviso that if Commissioner Campbell feels he needs advice about a case, Commissioner Swann will help in the first instance, or if he is unavailable, the Convener will give advice. Commissioner Macdonald will continue with his Skye and Mainland area. It was agreed that a formal arrangement for dealing with all conflict of interest cases would be put in place and that all would be sent to Commissioner Swann, or to the Convener if he was unavailable.</p>
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Discussion took place about the good practice of staff and Commissioners not dealing with the same geographical areas for too long and to rotate to different areas, and the Chief Executive agreed that this was an issue that would be looked at.

Some Commissioners felt very strongly that they would not want to lose the geographical area that they were elected to.

Discussion followed about the Commissioners' roles of good governance and regulatory functions and staff making decisions on behalf of Commissioners by following Policy decided by the Board, and it was agreed that this discussion should be brought to a future Board Meeting.

The Convener advised that a sub group consisting of herself, Commissioner Kennedy and Commissioner MacLennan will meet to discuss this issue but if any other Commissioner would like to join the sub group, they will be very welcome.

Decision	<p>The Commission agreed that the Commissioners roles of good governance and regulatory functions, and staff making decisions on behalf of Commissioners, should be brought to a future Board Meeting for discussion.</p> <p>The Convener advised that a sub group consisting of herself, Commissioner Kennedy and Commissioner MacLennan will meet to discuss this issue but if any other Commissioner would like to join the sub group, they will be very welcome.</p>
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10 FULL BOARD DECISIONS – PAPERS TO CASEWORK MEETING

11 EXCLUSION OF THE PRESS AND PUBLIC

N/A

12 DATE OF NEXT MEETING

24 September 2014 – Shetland

13 ANY URGENT BUSINESS

- The Chief Executive advised that Commissioner Kennedy has requested that the Commission undertake a reorganisation of the township of Kilvaree, but in order to do that full Board agreement is required. If the Board agree to undertake the reorganisation, the decision as to whether the reorganisation is implemented will be taken by three Commissioners. After discussion, the Board agreed to undertake the reorganisation of Kilvaree, and the Convener advised that Reorganisation will be discussed at the next Policy & Procedure STWG meeting.

Decision	The Commission agreed to preparation of and consultation on a reorganisation of the township of Kilvaree. It further agreed to change the scheme of delegation so that a casework group of three Commissioners would make any final decision on whether to put into effect the reorganisation. This arrangement is to stand pending consideration of Reorganisation by the Policy & Procedure Group, to be brought for a decision to the Board.
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- The Convener gave an overview of the recent report received by Brian Pack, and the Chief Executive has drafted a response to the report.
- The Annual Report that was signed today will now be passed to Sponsor Division to give to the Minister. The Minister should reply to the Commission within two weeks. When Ministerial approval is received, the Annual Report will be bound and 500 copies will be printed, in time for the next Board Meeting in Shetland.
- The Policy Plan has been to Sponsor Division who have suggested some changes. Commissioners were shown a copy of the suggested changes and if any of them has any comments to make, they should advise the Head of Corporate & Customer Services by 13 August 2014.

The meeting ended at 13:00 hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT THE SCALLOWAY HOTEL, SHETLAND ON 24 SEPTEMBER 2014

Present:	Susan Walker	Convener
	Colin Kennedy	Vice-Convener (from 10:10 hrs)
	IG Macdonald	Commissioner
	Murdo MacLennan	Commissioner
	Kathleen Sinclair	Commissioner
	Marina Dennis	Commissioner
	David Campbell	Commissioner
	William Swann	Commissioner
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	Donna Smith	Head of IS
	Gordon MacDonald	Head of Finance
	John Toal	Head of Head of Policy & Duties
	Joseph Kerr	Head of Regulation & Legal Team
	Morag Menzies	PA to Convener, Minute-taker
	David Cormack	SGRPID
	John Ridland	Assessor

1 APOLOGIES AND WELCOME

No apologies were received.

Commissioner Sinclair welcomed everyone to the first Board Meeting of the Crofting Commission in Shetland.

The Convener advised that it was the Commission's Policy to hold one Board Meeting a year out of the office and the Commission were very happy to be in Shetland. The level of crofting activity apparent in Shetland was impressive and the Convener wished this to be recorded in the Minute.

2 DECLARATION OF INTERESTS

None.

3 APPROVAL OF DRAFT BOARD MINUTE OF 6 AUGUST 2014

The Minute of the Meeting of 6 August 2014 was approved subject to the following amendments:

Page	Item	Paragraph	Amended/Additional text should read
2	Matters Arising	2	Text should read 'suggesting corrupt practice' instead of 'suggesting corrupt practise'.
4	5	4 th bullet point	Add the words after 'Finance Committee', 'as it was agreed by the Board that Commissioner MacLennan's appointment was only for a temporary period until a permanent replacement was found, and Commissioner Campbell agreed to take his place' and also amend the Decision box.
3	5a	4	Amend to read 'staff who have been working on the Annual Accounts and Annual Report' and amend the Decision box.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 6 August 2014 were reviewed:

- Page 2, top bullet point, Commissioner Macdonald and Commissioner Dennis are now the Commissioner representatives in the Grazing Regulations Working Group. The group will decide which members from the crofting counties to co-opt, to look at modernising the grazing regulations, and they will report back to the Board.
- Page 2, fourth bullet point, the Business Manager advised that the complaint that was with SPSO regarding Mangersta Common Grazings has been withdrawn by the complainant. The Complaints Committee will look at the implications of that withdrawal and report back to the next Board Meeting.
- Page 2, fifth bullet point, the next Regulatory Casework Review Group Meeting will take place on the morning of 6 October 2014.
- Page 3, below second bullet point, Bill Dundas from SGRPID in Oban will attend the November Board Meeting.
- Page 3, third bullet point, the Chief Executive advised that she had not had a meeting with HIE yet regarding the allocation of money held on behalf of the Highlands & Islands Croft Entrant Scheme because she was waiting for a meeting to take place between HIE and Sponsor Division, but it will happen soon.
- Page 4, first bullet point, the Chief Executive advised that a letter had recently been circulated to Commissioners with the views from the Land Court about the Commission's Anti-Corruption & Fraud Policy and within the letter was an invitation to meet with Lord McGhee, Chairman of the Land Court. Lord McGhee is retiring at the end of September and his successor will be Sherriff MacLeod, so the Chief Executive will write to Lord McGhee, thanking him for his invitation and will suggest a meeting with Sherriff MacLeod and the Commission's Head of Regulation & Legal Team.
- Page 4, second bullet point, the Convener advised that the Audit & Finance Committee will be looking at the issue of staff declarations of interest.
- Page 7, 13, first bullet point, the Head of Regulation & Legal Team advised that the reorganisation of the township of Kilvaree was discussed at the Policy & Procedure STWG. The group had considered whether it would be better to await the Land Court decision on multiple ownership which is being heard on 6 October 2014. The Commission agreed that the reorganisation should go ahead without waiting for the Land Court decision and Kilvaree will act as a pilot case. The Head of Regulation & Legal Team will liaise with Commissioner Kennedy and get the process started.

Decision	The Commission agreed that the reorganisation of the township of Kilvaree should go ahead without waiting for the Land Court decision on 6 October 2014 and it will act as a pilot case. The Head of Regulation & Legal Team will liaise with Commissioner Kennedy and get the process started.
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- Page 8, first bullet point, the Annual Report was presented to the Minister and copies have now been printed and are being distributed.
- Page 8, second bullet point, the Policy Plan is still with the Minister for approval and the Commission cannot implement any changes and improvements until the Plan is approved. The Chief Executive has asked Sponsor Division to give the Policy Plan priority.

5 PAPERS FOR HOMOLOGATION

(a) DATES FOR 2015 BOARD MEETINGS

The Commission homologated the Paper and agreed the dates for the Board Meetings in 2015.

Decision	The Commission agreed that the dates for the Board Meetings in 2015 would be as follows:
	Wed 11 February 2015 Great Glen House
	Wed 25 March 2015 Ullapool
	Wed 13 May 2015 Great Glen House
	Wed 24 June 2015 Great Glen House
	Wed 5 August 2015 Great Glen House
	Wed 16 September 2015 Skye
	Wed 4 November 2015 Great Glen House
	Wed 9 December 2015 Great Glen House

6 SHETLAND VISIT

The Convener advised that in the afternoon of 23 September, the Commissioners, Chief Executive and Head of Regulation & Legal Team had a very positive meeting with the Shetland Agricultural Support Group in Lerwick. In the evening, members of staff ran a surgery in the Brae Hotel from 18:30 to 19:30 and this was followed by a Public Meeting.

In the afternoon of 24 September there will be another surgery in the SGRPID office in Lerwick from 14:30 to 16:30 with members of staff and at the same time, the Commissioners and other staff members will visit the Mart and the Jamieson & Smith Wool Brokers.

In the morning of 25 September, the Commission will visit Commissioner Sinclair's croft at Scousburgh, before getting the afternoon flight back to Inverness.

Commissioner Sinclair wished to express the condolences of the Commission to the family of Dean Gilfillan, an experienced Assessor, who sadly passed away very recently. The Convener advised that she has written to the family, on behalf of the Commission, to express its condolences.

7 APPORTIONMENT POLICY PAPER

The Convener advised that this Paper came out of the Policy & Procedure STWG and is coming to the Commission for discussion and hopefully approval.

The Head of Policy & Duties Team presented the Paper and advised that the Apportionment Policy was agreed and adopted at the June Board Meeting but there were procedural concerns at that time, in particular about notifying landlords and owners of common grazings.

The Paper also covers purposeful use and states that the applicant must seek and obtain their landlord's consent for the purposeful use of their apportionment, before making the application to apportion.

Discussion took place about the problem where a landlord refuses to give consent for purposeful use and what an applicant is supposed to do in this case. The applicant would not be able to progress without that consent.

The Commission rejected the recommendation in the Paper. The Policy & Procedure STWG will discuss the matter again and bring a new Paper to the December Board, listing various options and the implications of each option. The Head of Policy & Duties Team will circulate an Options Paper to the Commissioners by e-mail, and Commissioners were asked to make any comments before 4 November, the date of the next Policy & Procedure STWG Meeting.

Decision	The Commission rejected the recommendation in the Paper. The Policy & Procedure STWG will discuss the matter again and bring a new Paper to the December Board, listing various options and the implications of each option. The Head of Policy & Duties Team will circulate an Options Paper to the Commissioners by e-mail and Commissioners were asked to make any comments before 4 November, the date of the next Policy & Procedure STWG Meeting.
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8 REORGANISATION PAPER

The Head of Policy & Duties Team presented the Paper and asked the Commission to agree the process for the reorganisation of crofting townships. It is a complex process which will involve serving Notices on a number of occasions for each case, and the Paper covers every eventuality. It is hoped that, in the future, a more simplified process can be developed.

After discussion, the Commission agreed to approve the Paper and start the process of reorganising the township of Kilvaree. This case will act as a pilot and will highlight how easy or difficult the process will be for future cases. It was agreed that a crofting community needs to have done all the groundwork for a reorganisation, and come to an agreed position with how they want their crofting community to be reorganised, as has happened in Kilvaree. It also sends a message to crofters that self-regulation is possible.

The Head of Regulation & Legal Team will contact Commissioner Kennedy and get the process started.

Decision	The Commission approved the Paper and agreed to start the process of reorganising the township of Kilvaree.
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9 UPDATE ON PROGRESS OF CROFTING CENSUS

The Convener reminded everyone that in the legislation the Crofting Census is referred to as the Annual Notice. The Census will be sent out to every crofter on 21 October 2014 to find out if every crofter is complying with their duties, and the information gathered will be used in a positive way to record what is happening in the crofting counties. The Census must be returned by the deadline of 16 January 2015.

The Business Manager advised that it had been necessary to send letters to all multiple owners of crofts, to find out who the Crofting Census should be sent to for their croft, as one Census will be issued for each croft.

The Crofting Census itself is an A3 page folded, in order to make it easier for scanning once it is returned to the Commission. Data from the Register of Crofts will be prepopulated into the Census forms and the crofters will then be asked to confirm if the information is correct, or amend the information as necessary. Each Census form will have a barcode on it which will be personal to each croft, and that barcode will be used on future correspondence.

If a crofter has multiple crofts they will receive multiple Crofting Census forms, one for each croft. The Commission wished to stress that it should not be an onerous task to fill in the Crofting Census form as it is a short form and should only take five minutes to complete.

The Head of IS clarified that the information gathered from the Census was purely for the Crofting Commission's use and to help produce statistics, and was not for the general public to view.

The Commission agreed that it was an opportunity to do something about the inactivity in some crofts.

The Convener advised the Board that she and Commissioner Sinclair were interviewed by Radio Shetland the previous day and she thought it would be a good idea for all Commissioners to speak on their local radio station, if they have one, about the Crofting Census. All the Commissioners were happy to do this. A script will be produced for each Commissioner, highlighting the main points to get across.

The Commission asked to be kept informed by the Campaigns Manager of any publicity/press releases that are to be issued by the Commission, so that they are aware and then they will be prepared to answer questions.

The Chief Executive advised that there will be a team set up in the office to deal with any telephone queries from the public regarding the Census, once it is sent out.

The Business Manager advised that the Common Grazing Census will be presented at the Assessors Conference in November and after that a launch date will be agreed.

The Convener, Commissioner Macdonald and Commissioner Dennis are in the Common Grazing Census Working Group and will be finalising the form very soon.

Decision	Commissioners will speak on their local radio stations, if they have one, about the Crofting Census and a script will be produced for them by the Campaigns Manager, highlighting the main points to get across.
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10 UPDATE ON ASSESSORS CONFERENCE ARRANGEMENTS

The Chief Executive advised that the Assessors Conference will run from midday on 19 November until 16:00 hrs on 20 November 2014 in the Kingsmills Hotel in Inverness. All the invitations have been sent out and part of the conference will involve other groups coming in to share information and knowledge in a marketing capacity.

There will be staff from the Mapping Team on hand to give advice about registering crofts and common grazings and a draft agenda is currently being worked on.

The main theme of the Conference is going to be the role of the Assessor, is the Commission making best use of the Assessors network and is there a better way of using this excellent resource of experience and knowledge?

Discussion took place about the importance of RPID officers attending the Conference and the Chief Executive agreed to contact RPID to encourage as many as possible to attend. There will be training for RPID officers on 18 November 2014 with the Head of Regulation & Legal Team and other members of staff.

11 UPDATE ON MINISTERS VISIT ARRANGEMENTS/SUBJECTS FOR DISCUSSION

The Convener advised that Paul Wheelhouse MSP, The Minister for Environment & Climate Change and Richard Lochhead, Cabinet Secretary will be visiting the Commission in the afternoon of 6 October 2014 for a meeting with Commissioners. As the Chief Executive is unable to attend, the Head of IS will represent the Management Team at the meeting.

This is part of a regular review process undertaken with NDPBs but will be a useful opportunity for the Commission to hear the Scottish Government's vision for crofting, and for the Commission to explain the key issues that are emerging. The Commission hopes to discuss the possibility of the Scottish Government having a national policy for crofting, which could then be embedded into government thinking and would hopefully impact on other decisions that they make.

Each Commissioner will bring an important issue to the meeting as follows: Crofter Housing Grant, Landlords and how the Commission can encourage them to be more proactive, the Act and the problems with the legislation, Crofting Development, CAP Reform and the effect of how PGRS (Permanent Grass over 5 years old) and RGR (Rough Grazings) are going to be assessed, and the Natural Environment.

12 NEW WORKING GROUPS

The Chief Executive advised that the Grazings Working Group has been reinvigorated and it is hoped that individuals from the crofting counties will join that group soon.

There have been a number of Working Groups over the last year looking at application forms, processes and procedures, and these groups are coming to an end. The work of these groups has resulted in a whole new raft of work that now needs to be looked at.

- Measuring success will be looked at by a Key Performance Indicator Working Group.
- A Working Group will look at report forms and the requesting of information from e.g. SPRPID, to ensure that these forms cover the right information required.
- A Working Group will look at the Commission's Instrument of Delegation to see if it is at the right level, and whether the Commission's decisions could be dealt with in a different way. In order to do that the Commission would have to have key guidelines to ensure that any delegation was done within strict parameters.

The Convener advised that the following Commissioners were involved in the new Working Groups as follows:

- Instrument of Delegation Working Group – The Convener, Commissioner Kennedy and Commissioner MacLennan.
- Parameters Working Group – Commissioner Macdonald and Commissioner MacLennan.
- Key Performance Indicators Working Group – The Convener, Commissioner Swann and Commissioner Campbell.

- Review of Reports Working Group – The Convener, Commissioner Campbell, Commissioner Dennis, David Cormack from SGRPID, Shetland and Anne Cameron from SGRPID, Inverness.
- Grazings Working Group – Commissioner Macdonald and Commissioner Dennis.

Post Meeting Note: Commissioner Campbell also volunteered for the Parameters Working Group.

13 SHORT REPORT ON EVENTS ATTENDED BY COMMISSIONERS

- Commissioner Macdonald advised that he had recently been invited to an NFUS Woodland Meeting in the south of Skye along with the Convener, to see what is going on in Woodland Development in Sleat. They were concerned to see good farm land ploughed up and trees planted on it, and there was an opportunity for good crofts to have been created there, particularly as the Commission knows of several young people very keen to be crofters.

It was more concerning that this initiative had gone ahead with what was felt locally to be inadequate consultation. The Commission is not routinely consulted on forestry or woodland plans that can have an impact on crofting.

The Convener advised that a deer fence had been put up covering 300 hectares which is having a big impact on crofters and farmers ability to work their land, as it has blocked off an access to inbye land and common grazing land, and has resulted in additional deer pressure on surrounding croft land.

There are now about 27 different forestry schemes in Sleat, some on good quality arable land and it was reported that it is having a big impact on crofters, principally through the increased impact of deer.

The Commission agreed that they would wish to have been consulted before these schemes were implemented, and the Commission requested that their concerns be advised to the Scottish Government.

Decision	The Commission agreed that they would wish to have been consulted before these schemes were implemented, and the Commission requested that their concerns be advised to the Scottish Government.
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- Commissioner Campbell attended a Scottish Land & Estates Meeting.
- Commissioner MacLennan and the Convener attended a joint Community Land Scotland-CNES event in Stornoway. The purpose of the meeting was to try to get the Local Authority to engage better with Community Land Scotland and to take that forward in a wider way throughout the Highlands & Islands.

Commissioner MacLennan also attended a meeting at Highland Archives in Inverness with Gerry McGarry to do with the Records Management Plan, and to find out if they would have the capacity to store croft files. The Commission will have to develop an Access Policy and a Memorandum of Agreement and then should be able to store records in Thurso, Fort William and Inverness.

- Commissioner Dennis attended a Highland Land Use Strategy Meeting.

The Commission had been contacted by a French Study Group, which Commissioner Dennis hosted. They were very interested in crofting and the cattle.

Commissioner Dennis gave a talk on crofting to a local history group in Rothiemurchus and attended a meeting of the Highland Environment Forum. Next week she is attending a meeting in Edinburgh about Delivering Favourable Conditions.

- The Convener and Chief Executive attended an NFUS Meeting with Lucy Sumsion and Sandy Murray, and a Legislative Stakeholder Forum Meeting regarding the Sump. The Convener attended a Crofting Stakeholder Meeting which looks at the future of crofting and a Cross Party Working Group Meeting in Edinburgh.

14 AREA ASSESSOR APPLICATIONS

Commissioner Sinclair presented the two Area Assessor applications from Iain Stout from Fair Isle, and Mrs Ingrid Sutherland from Whalsay & Skerries.

The Commission approved both of the applications.

Decision	The Commission approved the new Area Assessor applications from Iain Stout from Fair Isle and Mrs Ingrid Sutherland from Whalsay & Skerries.
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15 EXCLUSION OF THE PRESS AND PUBLIC

N/A

16 DATE OF NEXT MEETING

5 November 2014 – Great Glen House

17 ANY URGENT BUSINESS

- The Business Manager advised that there are now 113 common grazings registered, of which six are in Shetland. Letters are going out this week to common grazings in Dunrossness, Fair Isle and Halilee, Scousburgh to advise them that the Commission will be starting to prepare the maps for registration and contacting the Land Court to get details of any resumptions in those areas. The next step will be to start the registration process for the seven common grazings in Unst and the five common grazings in Yell.

In total there are now 600 crofts registered across the Highlands & Islands.

- The Head of Regulation & Legal Team advised that the Sump has issued a Consultation Paper which is listed by Policy area. It lists all the different issues that have been identified by the Commission and other bodies contributing to the Sump, and has attempted to prioritise them.

The document has been sent out to all stakeholders and has asked them to provide a return, advising whether they agree with the level of priority given to each issue, by 15 October 2014.

The Commission agreed that because time is short, the Head of Regulation & Legal Team should construct a response to the Sump and e-mail it out to Commissioners, for them to get back to him as soon as possible. It was agreed that the issues that are going to affect the largest amount of people and are most important, need to be highlighted as top priority.

- Commissioner MacLennan reported that the Records Management Plan has been approved and he would like to thank the staff who were involved in drawing it up and getting approval. The Plan requires continuous monitoring and implementation, and work is ongoing.

The meeting ended at 12:20 hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 5 NOVEMBER 2014

Present:	Susan Walker	Convener
	Colin Kennedy	Vice-Convener
	William Swann	Commissioner
	IG Macdonald	Commissioner
	David Campbell	Commissioner
	Marina Dennis	Commissioner
	Murdo MacLennan	Commissioner (from 09:45 hrs)
	Kathleen Sinclair	Commissioner (from 09:45 hrs)
	Arnie Pirie	Commissioner (from 09:45 hrs)
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	Donna Smith	Head of IS
	Gordon MacDonald	Head of Finance
	John Toal	Head of Policy & Duties
	Joseph Kerr	Head of Regulation & Legal Team
	Morag Menzies	PA to Convener, Minute-taker
	Bill Dundas	SGRPID, Oban
	Uilleam Smith	Member of the public

1 APOLOGIES AND WELCOME

Apologies were received from Jane Thomas, Head of Corporate & Customer Services.

2 DECLARATION OF INTERESTS

None.

3 APPROVAL OF DRAFT BOARD MINUTE OF 24 SEPTEMBER 2014

The Minute of the Meeting of 24 September 2014 was approved subject to the following amendments:

Page	Item	Paragraph	Amended/Additional text should read
7	13	4	Instead of 'all on good quality arable land' amend to read 'some on good quality arable land'.
8	13	6	Instead of 'about Favourable Conditions' amend to read 'about Delivering Favourable Conditions'.
7	12	6	Under 'Review of Reports Working Group', add Anne Cameron, SGRPID Inverness as a participant.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 24 September 2014 were reviewed:

- Page 2, fifth bullet point, the Chief Executive advised that the Head of Finance has sought the views of partners regarding the allocation of money held on behalf of the Highlands & Islands Croft Entrant Scheme amounting to £6000 and they are content for the money to be used for the development of crofting. The Scottish Crofting Federation is holding a conference for young crofters in the spring of 2015 and the Chief Executive asked the Commission if they thought the money could be donated to them to help with the funding for that event. The Commission thought this was an excellent idea and the Chief Executive agreed to advise HIE and approach the SCF with the offer of the funding.

The Convener asked if a representative from the Commission could attend the SCF Young Crofters Conference in 2015 as it would be interesting to see how the money had been used, and that was agreed.

Decision	The Commission agreed that the money held on behalf of the Highlands & Islands Croft Entrant Scheme should be donated towards the funding for the Scottish Crofting Federation Young Crofters Conference in the spring of 2015 and a representative from the Commission will attend the Conference.
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- Page 2, sixth bullet point, Commissioner Swann advised that Sherriff MacLeod is now styled Lord Minginish and has formally been appointed on to the Land Court.
- Page 3, third bullet point, the Commission's Policy Plan has now been approved by the Minister.
- Page 4, Item 8, the Convener asked for an update under the Reorganisation Paper about the Crofting Law Conference and the Sump containing the proposal of a mini reorganisation. The Head of Regulation & Legal Team advised that staff have been liaising with Commissioner Kennedy regarding the reorganisation of Kilvaree and a check is being done to clarify that the names held in the Register of Crofts for that township are the same names of the people who have crofts on the ground. The process is progressing well.
- Page 5, Item 9, Commissioner Dennis was interviewed by Moray Firth Radio on the day of the Crofting Census. The Commission wish to congratulate Posy MacRae, Campaigns Manager for an excellent media campaign leading up to the launch of the Crofting Census. The Commission also thought that having the words 'Crofting Census' printed in red ink on the envelopes had had a very positive effect. Commissioner Dennis wished to say 'Well done' to all the staff who had worked on and produced the very excellent and useful leaflet that had accompanied the Crofting Census.
- Page 7, update on new Working Groups:
Instrument of Delegation Working Group – a very positive meeting was held two weeks ago.
Parameters Working Group – this group hasn't met yet but the Regulatory staff have been working behind the scenes collating information for this group.
Key Performance Indicators Group – one meeting has been held so far where areas to be looked at were agreed.
Review of Reports Working Group – this group hasn't met yet. Anne Cameron from SGRPID Inverness will also participate in this group.
Grazings Working Group – this group hasn't met yet but will do so soon and will agree which lay members to invite to this group.
- Page 5, Item 9, second paragraph, Commissioner Sinclair asked when the letters had been sent out to multiple owners and the Head of IS advised it was mid-September 2014.

- Page 9, Item 17, first para, the Business Manager advised that the Land Court had recently provided details of resumptions for some Shetland Common Grazings and work is ongoing.

5 APPORTIONMENT PROCEDURE (OPTIONS)

The Head of Policy & Duties Team presented the Paper, and an Options Paper was circulated which was produced following discussion at the STWG Policy & Procedure Meeting the previous day on 4 November 2014.

The Options Paper provided four options showing how the Commission could deal with the notification aspect of Apportionment Applications. The only guidance given in the Act for apportionments is that the Commission should consult the grazings committees, so more detailed guidance is required.

At the STWG Policy & Procedure Meeting yesterday the favoured Option was Option 3 which states that the applicant must give public notification of their application in a newspaper that circulates in the relevant area. That then allows anyone with an interest who wants to make comment to do so and no separate letter would go out to landlords, owners of common grazings or grazings committees at the initial stage of the application process.

After discussion the Commission agreed to approve Option 3.

Decision	The Commission agreed to approve Apportionment Procedure Option 3.
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Regarding Purposeful Use, the Head of Policy & Duties explained that the applicant is required to seek the approval of the Purposeful Use from their landlord and if they are unable to obtain that approval they can still apply for the apportionment but will have to apply for Consent to the Purposeful Use from the Commission later on in the process. The Apportionment Application and Purposeful Use Application are two separate decisions but one is reliant on the other.

The Commission approved the option for a Proposed Other Purposeful Use and asked for a Paper to be brought to a future Board Meeting regarding Apportionment for Purposeful Use. The Commission would also like something put on the Commission website advising crofters of today's decision and separating Purposeful Use from Apportionments so that the guidance is clear.

Decision	The Commission approved the option for a 'Proposed Other Purposeful Use' and asked for a Paper to be brought to a future Board Meeting regarding 'Apportionment for Purposeful Use'. The Commission would also like something put on the Commission website advising crofters of today's decision, and separating 'Purposeful Use' from 'Apportionments', so that the guidance is clear.
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The Commission felt it is important to produce a more simplified version of the procedures for crofters and the Chief Executive advised that this was already planned.

6 360 DEGREE TRAINING

The Commission agreed to defer the discussion on 360 Degree Training to the February 2015 Board Meeting, once a final report has been received from the provider.

Decision	The Commission agreed to defer the discussion on 360 Degree Training until the February 2015 Board Meeting.
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8 CROFTING CENSUS

The Head of IS gave an update on the Crofting Census that was issued on 21 October 2015. A lot of telephone calls were received in the office following the issue but they have reduced now. The themes of telephone enquiries were: one croft but two forms received (one would have been regarding the shares i.e. a deemed croft), croft sold but form still received (again this would have been for the shares), crofter but no form received, and queries about informal arrangements regarding livestock and working the croft.

The Chief Executive advised that unfortunately the Scottish Government issued a form to crofters regarding the Economic State of Crofting on the same day as the Crofting Census was issued, so that caused a lot of confusion and the majority of telephone calls to the Commission were queries about the SG form as crofters thought the SG form was from the Commission. The Convener is going to write to the Scottish Government to express the Commission's disappointment about this, especially as they had assured the Chief Executive that their form would be issued at the beginning of September.

The Commission agreed that telephone calls received about the Crofting Census should not be recorded as complaints, unless another issue was highlighted during the conversation.

1205 forms have been returned so far and 145 forms have been returned marked 'Addressee Gone Away' which will need investigation.

Discussion followed about 'Grazing Lets' or 'License to Occupy' which were informal arrangements and it was agreed that a Paper should be brought to a future Board Meeting to look at this issue in more detail, along with initial guidance regarding how informal arrangements should be dealt with in regards to regulatory application decisions.

Decision	The Commission agreed that a Paper should be brought to a future Board Meeting to look at the issue of 'Grazing Lets' or 'License to Occupy' which were informal arrangements, in more detail, along with initial guidance regarding how informal arrangements should be dealt with in regards to regulatory application decisions.
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The Chief Executive advised that there were bound to be a number of policy issues that will emerge once the returned Crofting Census forms are analysed and the Head of Policy & Duties Team will bring these issues to the Board as they come up.

9 COMPLAINTS & INVESTIGATIONS COMMITTEE

Commissioner Macdonald presented the minutes from the Complaints & Investigations Committee Meeting on 3 November 2014 and a spreadsheet showing the quarterly results from July to September 2014.

The shareholders in the Mangersta Common Grazings were given a year from May 2014 to improve their fences and the Commission agreed that a reminder letter should go out now to remind the shareholders that this is required to be done by May 2015. The Business Manager will arrange for this to be done.

Decision	The Commission agreed that a reminder letter should go out now to remind the shareholders of the Mangersta Common Grazings that they need to improve their fences by May 2015.
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The Commission wished to commend everyone on the Complaints & Investigations Committee for the work they are doing and also the staff for the way they have taken to the new system for recording and dealing with complaints.

Commissioner Kennedy wished to thank the Convener for her assistance in accompanying the Commission with its tasks and for her input which has been very helpful.

The Head of Regulation & Legal Team advised that all letters had been updated to clearly state that applications could be delayed because of the registration process, and hopefully this will reduce the number of telephone calls and complaints due to delays in the regulatory application process.

7 ASSESSORS CONFERENCE

Members of staff Betty Mackenzie and Posy MacRae entered the room and circulated the proposed agenda for the Assessors Conference on 19 & 20 November 2014 in the Kingsmills Hotel. Commissioners were allocated to various tasks and roles.

The Commission agreed that Assessor Sandy Murray should be asked to be on the Q&A Panel.

Decision	The Commission agreed that Assessor Sandy Murray should be asked to be on the Q&A Panel.
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Colin Campbell, comedian will be the After Dinner Speaker on 19 November and he has said that he would like his fee to be donated to the MacMillan Nurses.

The Convener thanked Betty and Posy for their work in organising the Assessors Conference, and she also thanked Posy for her excellent work with the Media Campaign leading up to the launch of the Crofting Census.

10 AUDIT & FINANCE COMMITTEE

Commissioner Swann gave an update from the Audit & Finance Committee Meeting held on 24 October 2014 and the minutes from the meeting were circulated, along with the updated Risk Register.

The timetable for next year's External Audit has been agreed and the work programme for the Internal Audit included 'Workforce Management and Personnel' which was found to be satisfactory and the 'Casework Admin System' which has raised concerns but will hopefully be resolved with the launch of the new CIS system.

Regarding the Anti-Fraud Policy, the fraud risks to the Commission are more non-financial than financial and the Internal Auditors are going to help with the development of that Policy.

Policy documents were reviewed and considered still fit for purpose and required no change.

The Policy document that contains the Audit & Finance Committee's Terms of Reference did require some minor changes which will come to the December Board Meeting for approval.

The requirement for Commissioners to declare interests in townships is currently reviewed every 6 months and that policy will not change. Staff Declarations of Interest will be dealt with in the same way as Commissioners.

The Risk Register has two new risks added: 'Governance, Staffing & Infrastructure' and 'Support Legislative Reform'.

Discussion took place about the Sump and the Commission thought that 15 top priorities were going to be put forward but Derek Flyn advised at the STWG Policy & Procedure Meeting on 4 November that only 10 top priorities are going forward.

The Head of Regulation & Legal Team advised that he thought there would be one more opportunity to prioritise the items in the Sump, before the deadline date of 10 December 2014 and it is thought that the Commission will be asked to come up with solutions to the problem issues.

11 UPDATE ON CHGS FROM BILL DUNDAS

Bill Dundas from SGRPID in Oban gave a very informative report on the Croft House Grant Scheme and circulated an update report highlighting the statistics of CHGS activity over the last 10 months and a list of operational changes made to CHGS over the last 12 months.

The application process has been made more detailed with all applicants now having to submit a plan of what they are going to do with their crofts and these plans are monitored over the period of the grant.

The applicant has to live in the croft house for a minimum of 10 years following the grant being awarded.

The Convener thanked Mr Dundas for his very helpful update.

12 DATE OF NEXT MEETING

10 December 2014 – Great Glen House.

The Convener advised that she is going to attend the Sump Group Meeting in Edinburgh on 10 December with the Head of Regulation & Legal Team, so Commissioner Kennedy will chair the next Board Meeting.

13 ANY URGENT BUSINESS

- The Commissioners gave an update of meetings they had attended since the last Board Meeting:

Commissioner Kennedy – STWG Policy & Procedure Meeting and a Delegated Decision Meeting.

Commissioner Swann – HIE Board Meeting in the south of Skye and a meeting with the Community Trust.

Commissioner MacLennan – SRUC Conference in Edinburgh in relation to the Rural Parliament and the Crofting Law Conference in Lochmaddy.

Commissioner Dennis – A meeting with three Assessors from Caithness, a Scottish Land Use Strategy Meeting, a Scottish Moorland Forum Meeting in Perth which was mostly about peatland and a meeting of the Woodland Croft Group in Newtonmore.

Commissioner Campbell – Non-Executive Directors Seminar in Edinburgh, the Crofting Law Conference in Lochmaddy and a meeting with Huw Francis of Storas Uibhist which highlighted that Storas Uibhist have approximately 160 absentees and 120 people looking for crofts. The Chief Executive advised that it had been hoped to start a pilot exercise in South Uist to try and resolve the absentee issue but that hasn't started yet due to resource issues.

The Convener – Decision Making Group Meeting, Convention of the Highland & Islands Conference, the Crofting Law Group Conference and the Storas Uibhist Meeting.

The meeting ended at 12:23 hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 10 DECEMBER 2014

Present:	Colin Kennedy	Vice-Convener
	Murdo MacLennan	Commissioner
	IG Macdonald	Commissioner
	David Campbell	Commissioner
	William Swann	Commissioner (by teleconference)
	Kathleen Sinclair	Commissioner (by teleconference)
	Marina Dennis	Commissioner (by teleconference)
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	Donna Smith	Head of IS
	John Toal	Head of Policy & Duties
	Mary Ross	Manager of Regulatory Team
	Morag Menzies	PA to Convener, Minute-taker
	Betty Mackenzie	Communications Officer
	Uilleam Smith	Member of the public

1 APOLOGIES AND WELCOME

Apologies were received as follows:

Susan Walker, Convener
Arnie Pirie, Commissioner
Jane Thomas, Head of Corporate & Customer Services
Gordon MacDonald, Head of Finance
Joseph Kerr, Head of Regulation & Legal Team

In the absence of the Convener, Vice-Convener Kennedy chaired the meeting and welcomed everyone, especially the Commissioners who were joining the meeting by teleconference.

2 DECLARATION OF INTERESTS

None

3 APPROVAL OF DRAFT BOARD MINUTE OF 5 NOVEMBER 2014

The Minute of the Meeting of 5 November 2014 was approved subject to the following amendments:

Page	Item	Paragraph	Amended/Additional text should read
3	5	3	Amend 'allows anyone who wants to make comment' to 'allows anyone with an interest to make comment'.
5	9	2	Amend the word 'March' to read 'May' and also in the Decision Box.

The Chief Executive pointed out that the reason for the numbering of the items in the draft Board Minute being out of order was because that was the order the items were taken on the day of the Board Meeting. From now on, the Minute will show each item in order, regardless of which order they are taken on the day.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 5 November 2014 were reviewed:

- Page 4, Item 8, second paragraph, the Chief Executive discussed this matter with Sponsor Division and this was noted in the Minutes of the Sponsor Meeting.
- The Head of IS gave an update on the Crofting Census and advised that 5645 Census forms have been returned so far. Some forms have been returned with questions unanswered and the Working Group will decide how to deal with these. Reminder letters will be issued in early January 2015 to those who have not returned their Census Forms and the Campaigns Manager will issue reminders in the media.
- The Chief Executive has been in talks with the Scottish Crofting Federation regarding donating £6,000 towards the Young Crofters Conference and making sure the money is used for a specific purpose, perhaps the making of a film. Audit Scotland have also been consulted regarding the proper transfer of the money to SCF. The money will be transferred before the end of this financial year.
- Betty Mackenzie gave an update on the Assessors Conference that was held on 19 & 20 November 2014 in the Kingsmills Hotel and a report was circulated recently to Commissioners. Notification of the amount collected at the Conference for the MacMillan Nurses will be included in the letter that is to be sent to the Assessors, along with the report. The Commission agreed it was an excellent Conference and it is important that the comments made by Assessors are taken on board.

5 E-MAILED PAPER FOR APPROVAL

(a) Amendments to Audit & Finance Committee's Terms of Reference

The proposed amendments marked in red were approved by the Commission, but Commissioner MacLennan stated that he had a number of amendments to which he required that consideration be given as follows:

- Page 10, second paragraph, regarding membership of the AFC, the Terms of Reference advises it will comprise a minimum of three non-executive Board Members, but four Board Members have been nominated. This is as a result of legislation which in practice means that the Convener does not attend the AFC Meetings. This matter should be referred to the AFC and reflected in the Terms of Reference.
- Page 12, first bullet point, amend the last line to say 'Two of the three Members must be elected **Members**'. The AFC only has one elected Member and this must be addressed. Refer the matter to the AFC to consider and make recommendations to the Board.
- Page 12, fifth bullet point, after the word 'officials' add '**or staff members**'.
- Page 12, eighth bullet point, add after 'or by post for Committee members', '**who can choose either method for comment to agree or disagree**'. The Commission felt that sending Papers electronically doesn't always work and Members should also be sent Papers in the post. It was also agreed that a nil return should not be taken as agreement to the Paper and this needs to go back to the AFC for refinement and to discuss, then to the Board for approval.

- Page 12, ninth bullet point, amend 'Chari' to 'Chair'.
- Page 13, final paragraph, remove the word 'referred' and replace with 'forwarded'.

Commissioner Swann advised that he would speak to Audit Scotland about the above changes and the AFC Terms of Reference should be referred back to the AFC, who in turn will bring these matters to a future Board Meeting for approval.

<p>Decision</p>	<p>The proposed amendments marked in red were approved by the Commission, but Commissioner MacLennan stated that he had a number of amendments to which he required that consideration be given as follows:</p> <ul style="list-style-type: none"> • Page 10, second paragraph, regarding membership of the AFC, the Terms of Reference advises it will comprise a minimum of three non-executive Board Members, but four Board Members have been nominated. This is as a result of legislation which in practice means that the Convener does not attend the AFC Meetings. This matter should be referred to the AFC and reflected in the Terms of Reference. • Page 12, first bullet point, amend the last line to say 'Two of the three Members must be elected Members'. The AFC only has one elected Member and this must be addressed. Refer the matter to the AFC to consider and make recommendations to the Board. • Page 12, fifth bullet point, after the word 'officials' add 'or staff members'. • Page 12, eighth bullet point, add after 'or by post for Committee members', 'who can choose either method for comment to agree or disagree'. The Commission felt that sending Papers electronically doesn't always work and Members should also be sent Papers in the post. It was also agreed that a nil return should not be taken as agreement to the Paper, and this needs to go back to the AFC for refinement and to discuss, then to the Board for approval. • Page 12, ninth bullet point, amend 'Chari' to 'Chair'. • Page 13, final paragraph, remove the word 'referred' and replace with 'forwarded'. <p>These Terms of Reference should be referred back to the AFC, who in turn will bring these matters to a future Board Meeting for approval.</p>
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6 UPDATE REQUIRED ABOUT THE REORGANISATION OF KILVAREE

Mary Ross gave an update on the progress of reorganising the township of Kilvaree and advised that Vice-Convener Kennedy had provided maps and staff were looking at the occupiers. One occupier was deceased and one was unknown to the Commission, so they will need to be investigated, but it is hoped to issue letters to all the other occupiers next week.

7 STRUCTURE FOR BUSINESS MEETINGS

The Head of Policy & Duties presented the Paper which considers whether it may be more appropriate to present certain Papers, in particular those relating to policy in development and those relating to processes, at the Commission Business Meetings as opposed to the Board Meetings.

After discussion, the Commission agreed that it was important that the Commissioners were able to discuss policy in development freely and in private. Any decisions made at the Business Meetings would have to come back to the following Board Meeting for formal approval. That would allow more time at the Board Meetings to discuss other matters.

The Commission agreed that Business Meetings should be properly recorded and minuted. Commissioners just need to be aware that decisions made at a Business Meeting may have to wait one or two months to come to the next Board Meeting to be approved.

Commissioners also recognised the need to hold each other to account when the matter returned to the Board for approval, to prevent the issue being debated afresh.

Decision	The Commission approved the Paper and agreed that Papers relating to policy in development and those relating to processes should be discussed at the Business Meetings, which will be properly recorded and minuted, and then be brought back to the next Board Meeting for formal approval. Commissioners also recognised the need to hold each other to account when the matter returned to the Board for approval, to prevent the issue being debated afresh.
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8 REVISED INSTRUMENT OF DELEGATION

Mary Ross presented the first part of the Paper which discusses late objections in Section 58(A) applications. Currently, late objections are referred to a single Commissioner who decides whether they are going to accept the late objection or not. If they accept them, the case is then referred to the full Board for a decision.

The Paper seeks to review this arrangement as there is a policy that was agreed in April 2013 which states clearly what would be a good reason for a late objection. If a single Commissioner refers to the policy, there would be no need to refer the case to the full Board.

The Commission agreed to approve this proposal, as long as Commissioners were issued with a copy of the relevant policy document. Mrs Ross agreed that when a late objection is received, it will be forwarded to a single Commissioner with a copy of the policy for them to refer to.

If Commissioners felt that for some reason they could not make a decision based on the policy, they could still refer the case back to the full Board for discussion and decision.

Decision	<p>The Commission approved the first part of the Paper regarding late objections in Section 58(A) applications, that if a late objection is received, it will be referred to a single Commissioner along with a copy of the relevant policy, and the single Commissioner will make the decision themselves, whether to accept the late objection or not and the case will not be referred back to the full Board.</p> <p>If Commissioners felt that for some reason they could not make a decision based on the policy, they could still refer the case back to the full Board for discussion and decision.</p>
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If Casework Officers notice inconsistencies in decisions by Commissioners regarding late objections, they should notify the Chief Executive, to ensure consistency of decisions.

The Head of Policy & Duties presented the second part of the Paper which looks at Consent to be Absent applications, where the Commission have 28 days to reach a decision.

Currently three Commissioners make this decision but it is proving difficult to get the decision made within the 28 days.

The Paper recommends that a single Commissioner makes the decision on Consent to be Absent applications, which would be in line with a single Commissioner making a decision on Sublet applications.

The Commission approved the Paper.

Decision	<p>The Commission approved the second part of the Paper which recommends that a single Commissioner will make a decision on Consent to be Absent applications and to any extension or any variation of the Consent.</p>
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9 SHORT REPORT ON EVENTS ATTENDED BY COMMISSIONERS

The Commissioners gave an update of meetings they had attended since the last Board Meeting:

Commissioner Sinclair – Meeting with Tavish Scott MSP and others, to discuss the questionnaire that was issued to crofters in Shetland & Orkney and a CAP Reform Meeting.

Commissioner Dennis – The Assessors Conference in Inverness, the Grazings Regulations STWG and the RPID Reports Meeting (by teleconference).

Commissioner Swann – No meetings attended but a request for advice regarding a local landlord undertaking a 1000% rent review. Advice given was to contact the Scottish Land Court for advice.

Commissioner Macdonald – Meeting with Rachel Jackson regarding a new abattoir in Skye.

Commissioner Campbell – CAP Reform Meeting in Inverness, RPID Reports Meeting and On Board Training in Glasgow.

Commissioner MacLennan – Three CAP Reform Meetings in Stornoway and a Good Governance Conference.

Vice-Convener Kennedy – Assessors Conference.

10 DATE OF NEXT MEETING

11 February 2015 – Great Glen House

12 February 2015 – Away Day at Cantraybridge College

11 ANY URGENT BUSINESS

- Commissioner MacLennan reminded the Chief Executive of the need to consider the migration of posts out of Inverness and he would like a response within the first quarter of 2015.
- The Chief Executive advised that Richard Frew from Scottish Government is moving on to a new post with Registers of Scotland in the New Year and his replacement has not yet been announced. David Barnes from Scottish Government is also moving post. The Commission wished to thank both Richard and David for all their help and advice, and it was agreed that a letter should be sent to both from the Convener on behalf of the Commission.
- The Chief Executive advised that the Convener was sending a letter to the new Minister for Environment, Climate Change and Land Reform, Aileen McLeod to welcome her and ask if she could meet with the Commission at her earliest convenience, either in Inverness or Edinburgh.
- The Commission advised that they would like a letter to be sent to Paul Wheelhouse MSP, to thank him for his support while he was Minister. The Chief Executive will liaise with the Convener on this matter.
- The Head of IS gave an update on the new CIS computer system. It had been hoped to launch it earlier this year but it is hoped to launch the first release at the end of January 2015.
- Vice-Convener Kennedy proposed an amendment to the Minute of the Board Meeting of 14 May 2014, to ensure clarity of Decision.

At Item 8 of the Board Minute of 14 May 2014, under ‘Review of Role of Assessors’, the narrative clearly states that the decision relates to Commission staff, however the text in the Decision Box could have been clearer. So in order to avoid any ambiguity, the Chief Executive is proposing an amendment to that Decision Box to say ‘The Commission agreed that ex-members of the Crofting Commission **staff** cannot apply to be Assessors until two years have passed from the date of **their** leaving the Commission.’

The Commission approved the amendment to the Board Minute of 14 May 2014.

Decision	The Commission approved the amendment to the Board Minute of 14 May 2014 at the Decision Box under Item 8 ‘Review of Role of Assessors’ to say: ‘The Commission agreed that ex-members of the Crofting Commission staff cannot apply to be Assessors until two years have passed from the date of their leaving the Commission’.
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The meeting ended at 11:22 hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 11 FEBRUARY 2015

Present:	Susan Walker	Convener
	Colin Kennedy	Vice-Convener
	William Swann	Commissioner
	IG Macdonald	Commissioner
	David Campbell	Commissioner
	Murdo MacLennan	Commissioner (by teleconference until 10:25 hrs. In person from 12:10 hrs)
	Marina Dennis	Commissioner
	Arnie Pirie	Commissioner (from 09:50 hrs)
	Kathleen Sinclair	Commissioner (from 09:50 hrs)
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	John Toal	Head of Policy & Duties
	Joseph Kerr	Head of Regulation & Legal Team
	Neil Macdonald	Acting Head of Finance
	Donna Smith	Head of IS
	David Findlay	Solicitor
	Morag Menzies	PA to Convener, Minute-taker
	Posy MacRae	Communications Manager
	Anne Williamson	Duties Casework Officer
	Fiona MacDonald	Member of staff
	Betty Mackenzie	Communications Officer
	Finlay Beaton	Crofting Advisory Officer (from 12:05 hrs)
	Uilleam Smith	Member of the public

1 APOLOGIES AND WELCOME

Apologies were received as follows:

Jane Thomas, Head of Corporate & Customer Services
Gordon MacDonald, Head of Finance

The Convener welcomed David Findlay, the Commission's new Solicitor, to his first Board Meeting.

2 DECLARATION OF INTERESTS

None

3 APPROVAL OF DRAFT BOARD MINUTE OF 10 DECEMBER 2014

The Minute of the Meeting of 10 December 2014 was approved.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 10 December 2014 were reviewed:

- Page 2, third bullet point, the Chief Executive gave an update regarding donating £5,545, which was the residual funding originally earmarked for the Croft Entrant Scheme, to the Scottish Crofting Federation towards the Young Crofters Conference. The SCF have proposed that the money be put towards the making of a film to be called 'Crofting Conversations' and this proposal was circulated to Commissioners. Following this, Commissioner MacLennan suggested that the Commission should be given a high profile in the film and he also wanted an emphasis on Gaelic, in line with Gaelic Policy. The SCF have implemented Commissioner MacLennan's suggestions and the money will be transferred in March 2015. The Commission approved the proposal.

Decision	The Commission approved the proposal to donate £5,545, which was the residual funding originally earmarked for the Croft Entrant Scheme, towards the Young Crofters Conference and the making of a film by the Scottish Crofting Federation called 'Crofting Conversations'. The Commission will be given a high profile in the film and there will be an emphasis on Gaelic, in line with the Gaelic Policy. The money will be transferred to the SCF during March 2015.
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- Page 2, fourth bullet point, Betty Mackenzie, Communications Officer advised the Commission that Assessor William Mowatt from North Ronaldsay had recently sent a letter of resignation after over 40 years as an Assessor. The Chief Executive has written to thank Mr Mowatt for his contribution to crofting and his involvement in the Assessors Network over the years. The Commission also wish to thank Mr Mowatt for his outstanding service and helpful advice over the years.
- Page 4, Item 7, the Convener asked when the Paper regarding the structure and conduct of Business Meetings would be coming to the Board and the Chief Executive advised it would be either the March or May Board Meeting.
- Page 6, Item 11, first bullet point, the Chief Executive advised that she is still investigating the possibility of migrating staff posts out of Inverness and she would like to have an informal discussion with Commissioner MacLennan regarding this, as he was the Commissioner who requested it. Commissioner MacLennan agreed to the discussion.
- The Convener advised that letters of thanks had been sent to Richard Frew, David Barnes and Paul Wheelhouse which were circulated to Commissioners, and the Convener has received acknowledgements and thanks for those letters.
- The Convener advised that she had a very positive meeting with the new Minister Aileen McLeod, and the Minister is actively looking for a date when she can meet with the Commission.

5 COMMUNICATIONS

(a) Marketing and Communication Plan

Posy MacRae, Communications Manager gave a PowerPoint presentation and overview of the Communications Strategy.

The Commission asked for landlords to be added to the Communications Strategy and for Cairngorm National Park Authority to be added to the list of agencies.

The Commission website will be updated to make it more user friendly and social media will be used more and more as it is low cost and a very good way of communicating information.

The Commission approved the Communications Strategy and commended Posy on the presentation and the amount of work that she has put into the Strategy.

Decision	The Commission approved the Communications Strategy.
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(b) Annual Report

Posy MacRae, Communications Manager presented copies of the draft Annual Report to Commissioners, which is still at an early stage of development. The Chief Executive advised that this year a complete review had been done of the Annual Report, to align it more with the Corporate Plan and it will now only contain essential information.

It is hoped to have articles on each of the Commissioners talking about their own areas and interviews with the Senior Management Team about their objectives for the coming year.

The Commission were happy with the proposals and thanked Posy for her work on the Annual Report so far.

Commissioner MacLennan's teleconference terminated at 10:25 hrs.

6 COMPLAINTS COMMITTEE UPDATE

(a) Complaints & Investigations Committee Meeting Draft Minutes of 14 January 2015 and Update

Commissioner Macdonald gave an update following the quarterly meeting of the Complaints & Investigations Committee held on 14 January 2015, which looked at complaints received in the quarter 1 October 2014 to 31 December 2014.

There were three frontline complaints and three Stage 2 complaints received. One of the frontline complaints progressed to Stage 2, but by the end of the quarter all the complaints received had been concluded and closed.

The Committee also looked at five cases that could possibly lead on to be complaints.

The SPSO require the Commission to display any complaints received on the Commission website, publish trends and actions taken, and use case studies and examples to demonstrate how complaints have helped to inform and improve the Commission's services.

One of the complaints investigations referred to application timescales not being adhered to and the Registers of Scotland process not being highlighted on the application forms.

Following this complaint, all application forms have now been amended to highlight the fact that applicants will have to register their croft before a regulatory application can be dealt with and advises that this may result in a delay to their application.

Another learning point came from someone who submitted a complaint which has since been dealt with and closed, and there was an issue to do with the writing up of Minutes from a meeting. It is very important that the public who attend the meetings which will be reported by the Commission, and the reader of any subsequent reports, are clear that any comments made are those of the individual and not necessarily supported by the Commission.

With this in mind, the Complaints & Investigations Committee are adjusting their operational processes to make sure that a statement is read out at the start of any meeting, reminding participants to be truthful and that anything they say will be recorded and may be challenged.

A disclaimer is also required at the beginning of any note taken at a meeting, reminding the reader that comments contained in the note of the meeting are a record of what was said and not necessarily reflecting the views of the Commission.

Commissioner Macdonald pointed out the draft Minute of the Complaints & Investigations Committee Meeting which was for information and will be approved at the next Complaints Meeting on 15 April 2015, then submitted to the Board for approval in May.

Discussions took place about two complaints cases and it was agreed that these cases should be discussed at the Complaints & Investigations Committee Meeting and not at the Board Meeting.

The Commission also discussed the issue of complaint or investigation and wondered if there should be an Investigations Team set up to look at investigations only.

It was agreed that the Complaints & Investigations Committee will look at proposals of how to deal with investigations and bring their proposals to a future Board Meeting.

7 CENSUS UPDATE

The Head of IS advised that of the 16,781 Census forms issued, 12,260 had been returned so far, which equates to 73%. This figure is much higher than expected.

Reminder letters will be going out soon to those who haven't replied.

There have been teething issues with the software but staff are currently verifying data, scanning the forms and soon they will be able to run reports to analyse the data received.

Some forms have been returned with neither the 'Yes' box or 'No' box answered.

The Commission agreed that they would like a media campaign to advise crofters how many Census forms have been returned so far, and to try to encourage the rest to return their forms. The Communications Manager will be deal with this.

The Commission agreed that they would like the reminder letters to go out soon and for Commissioners to see the letter before it is issued, with a return date set for before the next Board Meeting on 25 March 2015. At the Board Meeting they want to be advised how many Census forms have been returned and decide how to deal with the non-returns.

It was also agreed to reconvene the Census STWG with the Convener, Commissioner Macdonald and Commissioner Dennis, to consider the information obtained from the Census. The Head of IS will arrange the meeting.

The Commission enquired about the progress of the Duty to Report and the Chief Executive advised that the new Grazings Regulations were being developed and this will link in with the Duty to Report.

8 AUDIT & FINANCE COMMITTEE REPORT

(a) Update from William Swann

Commissioner Swann gave an update on the recent Audit & Finance Committee Meeting.

- There is ongoing work with the development of the Anti-Fraud Policy.
- The AFC has looked into the issue of elected Commissioners making decisions for their own geographic areas and it has found that there is no risk to the Commission in the first term of their appointment. However, it could become an issue if a Commissioner is re-elected for a second term and the Commission will have to look into this if this were to happen. A Paper suggesting options will come to the Board in due course regarding this.
- The AFC will produce a Paper regarding clarifying Declarations of Interest by Commissioners in due course.
- The AFC have agreed, with the external Auditor, the work plan for the auditing of accounts.
- One of the areas to be looked at this year is the change in management structure and the Chief Executive has assured the AFC that the risks are being managed.
- There are a couple of changes to the Risk Register. The Crofting Census has been removed and the risk regarding loss of data is being managed and new back-ups are in place.
- Regarding sending Papers out to Commissioners electronically, the AFC recommend that the Commission continue doing this wherever possible, but if there are individuals who cannot work electronically because of a bad internet connection, they will be taken account of on an individual basis.
- Regarding there being a majority of elected Commissioners on Commission Committees, the AFC is asking for a change in the Terms of Reference to remove the words that 'two of the three members must be elected', and amend to 'the majority of members should be elected members where this is achievable'. The Commission approved this recommended change to the Terms of Reference.

Decision	The Commission approved the Audit & Finance Committee recommended change to the Terms of Reference regarding elected Commissioners being members of Commission Committees, to remove the words 'two of the three members must be elected' and amend to 'the majority of members should be elected members where this is achievable'.
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- The AFC have modified the standard arrangements with the internal Auditors to include two additional items, one being the Anti-Fraud development and the other is a Best Value Review. The Chief Executive advised that a Best Value Review is something the Commission is required to do in terms of its governance and can be very helpful in setting a baseline for performance on a number of fronts e.g. stakeholder engagement and customer service.

- The Budget for 2015/2016 is tabled and the Commission approved the Budget. Commissioner Swann highlighted that the £310,000 additional pressure funding is not money that the Commission has to spend. It is there as extra funding if required for specific purposes.

Decision	The Commission approved the Budget for 2015/2016.
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- Commissioner Swann advised that there are still risks associated with legal costs.

The Commission approved all the recommendations made by the Audit & Finance Committee and thanked the members Commissioner Swann, Commissioner Sinclair and Commissioner Campbell for their ongoing work on the Committee.

Decision	The Commission approved all the recommendations made by the Audit & Finance Committee.
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9 ECONOMIC CONDITION OF CROFTING

Commissioner MacLennan drew to the attention of the Commission the report entitled the Economic Condition of Crofting laid before Parliament in December and stated that this was a very good baseline document. The leverage of 7:1 of investment by crofters in their crofting activities makes a good case for the Commission in its negotiations with the Scottish Government. The report highlights that on average 11.75 hours are worked per week. The net average return is only £1000 per annum.

The Scottish Agricultural College's input said it was pleasing to see that the Commission absentee initiative was seen as positive, but crofters wanted a greater emphasis on tenants who are inactive.

Commissioner MacLennan also highlighted that if CAP reforms are not right then crofters project a 25% reduction in their investment to the figure of £85 million over the period.

The document underpins the strength of crofting financially to the area in which the Commission works.

The Convener added that the first report on the Economic Condition of Crofting four years ago had been lacking in in-depth analysis and noted that it was encouraging that serious work has gone into the preparation of the current report, including information from the Commission and a range of other agencies and bodies. The production of such an in-depth report helps to raise the status and enforce an understanding nationally of the importance of the crofting system for fragile and rural areas.

10 CONSULTATIONS ON CHGS AND LAND REFORM

CHGS

Finlay Beaton, Crofting Advisory Officer entered the room at 12:05 hrs and advised that the Croft House Grant Scheme is currently up for discussion and there is a consultation open for it, with a deadline of the end of March 2015.

One of the recommendations is to reduce it from three payment regions to two payment regions, which means that if someone is closer to a major population they would get the lower rate and if they were further out in the Western Isles for example, they would get the higher rate.

Some Commissioners felt that there should be one payment region throughout the Highlands & Islands to make it fairer and others felt there should be two payment regions, with higher payments for the Isles to reflect higher costs. They also felt that £28,000 for the CHGS was far too low.

Mr Beaton advised that the Communications Manager had written out to Assessors to ask for their input to the Commission's response and the Commission asked for reminders to be sent out to Assessors if they have not replied.

The Commission asked Mr Beaton to draft a response to the consultation on CHGS and circulate that draft to Commissioners by e-mail for their approval. The Commission agreed that they recommend that the CHGS should be increased to £65,000 and that they need to make a very strong case.

LAND REFORM

The Convener circulated copies of the Land Reform Consultation questions and a draft response which was put together by the Convener, Commissioner Campbell, Commissioner MacLennan and Finlay Beaton. The deadline for submitting the response was 10 February 2015 but the Commission have been advised that they have until 12 February to submit their response.

The Commission approved the draft response to the Land Reform Consultation.

Decision	The Commission approved the draft response to the Land Reform Consultation.
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The Commission advised that they are aware of the large amount of work that Finlay has had to deal with and thanked him for all the work he has put into all the consultation documents.

11 STWG UPDATES FROM COMMISSIONERS

Grazing Regulations STWG – Commissioner Macdonald advised that this STWG is moving forward and Ian Bryce, Business Manager has produced a Minute of work done so far.

Assessor Joyce Wilkinson has been co-opted onto the STWG and there will be one more meeting before bringing the outcomes to the Board Meeting.

Key Performance Indicators STWG – The Chief Executive advised that the interim KPIs have been agreed and have been sent to Sponsor Division. The Head of IS has arranged the date of the next meeting, to look specifically at outcomes.

12 SHORT REPORT ON EVENTS ATTENDED BY COMMISSIONERS

The Commissioners gave an update of meetings they had attended since the last Board Meeting:

Vice-Convenor Kennedy – The Cross Party Group in Edinburgh where the Forestry Commission gave a presentation in relation to SRDP and they advised that £3,000 per hectare could be given in grants for forestry. They also advised that 2015 was to be the base year for the Single Farm Payment.

Commissioner Swann – HIE Board Meeting on 10 February 2015.

Chief Executive – The Chief Executive advised that she and the Convenor met with the Chief Executive and Chairperson of HIE to discuss crofting development and geo-piloting. Following that, the Chief Executive met with the Head of Regulation & Legal Team, Hughie Donaldson and Neil Ross of HIE and it was agreed that there would be natural places where the Commission might wish to be involved in a geo-pilot and discussions will take place about which areas would be most suitable.

Discussion took place regarding crofters having to obtain planning consent before applying for decrofting and it was agreed that the Head of Policy & Duties will look into the policy issues surrounding this situation, to see if there are circumstances where the Commission would remove this requirement.

Commissioner Dennis – Grazing Regulations STWG and a seminar at Eden Court run by the James Hutton Institute called 'Transgrass', about grasslands and grazing.

Commissioner Campbell – The Scottish Land & Estates Meeting that Commissioner Campbell was supposed to attend was postponed due to a change in Chairperson. It will now take place in the next 2-3 weeks.

Commissioner Macdonald – Grazings Regulations STWG, Complaints & Investigations Committee Meeting and a Community Mapping Meeting with Registers of Scotland in Ullapool.

Convenor – Meeting with Ronnie MacRae of Highland Small Communities Housing Trust in December, meeting to finalise the Commission's response to the Consultation on the Future of Land Reform in Scotland, a series of meetings in Edinburgh over two days: SG Crofting Legislation Stakeholders Group, meeting with the new Minister Aileen McLeod, SG Crofting Stakeholder Forum Meeting, RoS Crofting Register Stakeholder Forum, meeting with Irene Morrison regarding fair and equal representation of people onto Boards, Cross Party Group Meeting and a teleconference with Barbara Brown, Clerk to the Land Court.

Commissioner MacLennan – Chaired two Register of Scotland meetings and attended a Local Authority Joint Consulting Committee of Crofting Meeting.

The Chief Executive advised that she attended the Chief Executives' Forum recently and there was a presentation about 50/50 by 2020 where they want to have 50% of Board Members being females by 2020. As far as the Crofting Commission Board is concerned, the Commission cannot control the number of females who apply or are voted onto the Board.

The Chief Executive would also like to explore the possibility of mentoring young crofters who may be interested in being a Board Member in the future.

13 DATE OF NEXT MEETING

25 March 2015 – Royal Hotel, Ullapool

14 ANY URGENT BUSINESS

- The Chief Executive advised that she has been invited by the Scottish Government to be a Board Member on a new delivery body that has just been developed by the Minister for Rural Affairs. The Board is going to be called The Rural Affairs Food and Environment Delivery Board and its vision is to see communities, nature and the economy flourishing together. The new Board will meet six times a year.
- The Chief Executive has discussed this appointment with the Convener and it was agreed that it was appropriate for her to accept the appointment, but she will draw back as a member of the Law Society. The Convener commented that it was encouraging to see that the Commission would be represented on this new board and that it recognises the valuable contribution that the crofting system makes to rural issues.
- Vice-Convener Kennedy asked for consent to discuss an urgent matter at the Business Meeting.
- The Chief Executive advised that the Commission has been asked to make comments to the wording of the Statutory Instrument regarding changes to CCAGS and she distributed copies of the document to Commissioners.

The Chief Executive advised that she has asked Finlay Beaton, Crofting Advisory Officer to look at the consultation urgently on behalf of the Commission.

Mr Beaton talked through the proposed changes and said although the proposed increase in the grant is a good thing, his advice to the Commission's response would be, that unless they increase the ceiling rate, the increase in CCAGs is meaningless.

CCAGS is also proposing to offer up to £500 for a properly constituted grazing committee.

Mr Beaton said he would draft a response to the consultation today and e-mail it out to Commissioners for their comments and approval, in order to meet the deadline for the response.

The meeting ended at 12:50 hrs.

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT THE ROYAL HOTEL, ULLAPOOL ON 25 MARCH 2015

Present:	Susan Walker	Convener
	Colin Kennedy	Vice-Convener
	William Swann	Commissioner
	Kathleen Sinclair	Commissioner
	Murdo MacLennan	Commissioner
	David Campbell	Commissioner
	IG Macdonald	Commissioner
	Catriona Maclean	Chief Executive
	Ian Bryce	Business Manager
	Donna Smith	Head of IS
	David Findlay	Commission Solicitor
	John Toal	Head of Policy & Duties
	Joseph Kerr	Head of Regulation
	Posy MacRae	Communications Manager
	Morag Menzies	PA to Convener, Minute-taker
	Ronnie MacRae	Highland Small Communities Housing Trust
	Stewart Wilson	Tighean Innse Gall (from 09:45 hrs)
	Brian Whittington	Tighean Innse Gall (from 09:45 hrs)
	Eddie Meyer	Assessor

1 APOLOGIES AND WELCOME

Apologies were received as follows:

Marina Dennis, Commissioner
Arnie Pirie, Commissioner
Jane Thomas, Head of Corporate & Customer Services
Gordon MacDonald, Head of Finance
Neil Macdonald, Interim Head of Finance

The Convener welcomed everyone to the meeting, especially Ronnie MacRae, Stewart Wilson and Brian Whittington.

The Convener explained that the Commission Board visit different parts of the crofting counties once or twice a year and this year they are delighted to be in Ullapool. The purpose for this is to give members of the public the opportunity to attend the Commission Board Meetings and Public Meetings and for the Commissioners to see the different manifestations of the crofting system throughout the crofting counties.

2 DECLARATION OF INTERESTS

None

3 APPROVAL OF DRAFT BOARD MINUTE OF 11 FEBRUARY 2015

The Minute of the Meeting of 11 February 2015 was approved subject to the following amendments:

Page	Item	Paragraph	Amended/Additional text should read
5	8	Second bullet point	Amend 'However, it does become an issue' to 'However, it could become an issue'.
8	12		Add 'Commissioner MacLennan – Chaired two Register of Scotland meetings and attended a Local Authority Joint Consulting Committee of Crofting Meeting.'

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 11 February 2015 were reviewed:

- Page 2, Item 4, second bullet point, the Chief Executive advised that it is hoped to make a film about William Mowatt, a recently retired Assessor from South Ronaldsay with 40 years of experience, to be used as a publicity campaign and to raise awareness for other Assessors. Posy MacRae, the Communications Manager is arranging a date to go and see Mr Mowatt.
- Page 2, Item 4, fourth bullet point, Commissioner MacLennan advised that he had had a discussion with the Chief Executive about the migration of staff posts out of Inverness but it was not a full discussion.
- Page 5, Item 8, Commissioner MacLennan wanted it noted that the Audit & Finance Committee is the only statutory committee that the Commission has and it was following the import of Parliament that the members are 2/3 elected and 1/3 appointed.
- The Financial Budget is on track for this financial year.

5 CENSUS UPDATE

The Head of IS gave an update about the Crofting Census returns. Just under 17,000 forms were issued and so far about 12,500 forms have been returned, which equates to 76%. The closing date for returns was 16 January 2015.

Last week 4,000 reminder letters were issued to the people who didn't return their forms and this has generated a very large number of telephone calls to the office by people asking for duplicate forms to be re-issued to them.

Stewart Wilson and Brian Whittington from Tighean Innse Gall arrived at 09:45 hrs.

So far the lowest amount of returns are from Orkney and Argyll, with 67% returns and the highest are from Shetland with 80% returns.

A final return date has been set for 24 April 2015 and after that a full analysis will be carried out of all the data received.

The Commission wish to thank staff for all the extra work they have had to undertake with regards to the Crofting Census and they felt that the media campaign led by the Communications Manager had really made a big difference to the number of forms returned.

6 SHORT TERM WORKING GROUP UPDATES

Delegated Decision Making STWG – Vice-Convener Kennedy advised that the group had met recently and are testing cases and developing a framework for the delegation of decision making. The most important issue will be parameters and clear policy statements cascaded from the Board to the staff. It was a very positive meeting.

Key Performance Indicators STWG – The Chief Executive advised that the Commission's KPIs have been passed to the Scottish Government and a review is required to look at what has been achieved in the last year and to look forward to Year 2.

Technical Reports STWG – Commissioner Campbell reported that they had a good meeting and it was felt that RPID reports need to be more focused on information that the Commission require rather than agricultural status reports. The group are looking at making major efficiencies by requesting RPID reports during the 28 day objection period instead of waiting until after the 28 day objection period to request a report, and the Head of Regulation is taking this forward.

Grazings Regulations STWG – Commissioner Macdonald advised that the group is working on simplifying the template and making the guidance more extensive. The group will report back to the May Board Meeting.

The Chief Executive had recently asked Commissioners to volunteer to help with a Duties Process STWG and she had received a good response. The first meeting will take place on 23 April 2015 and will consist of Commissioner MacLennan, Commissioner Campbell and Commissioner Macdonald.

The Convener advised that some Commissioners and members of senior staff had recently attended Media Training which was very current and relevant.

7 SHORT REPORT ON EVENTS ATTENDED BY COMMISSIONERS

The Commissioners gave an update of meetings they had attended since the last Board Meeting:

Commissioner Sinclair – An SRDP Roadshow in Shetland. The deadline for registration, which must be done online, is 29 May and only 50% of claimants have registered so far. It is important that grazings committees register as well or they won't be able to claim the SRDP.

Commissioner MacLennan – Chaired a SRDP meeting in Barvas, attended the interviews for the tenant of a vacant tenancy in North Uist and attended The Changing Role of Regulation & Scrutiny in Scotland Conference in Edinburgh.

Commissioner Campbell – Attended a SRDP launch meeting in Inverness and spent a day at the SCF Gathering of Young Crofters in Assynt, which was very stimulating. It is hoped that the SCF will be able to keep up the momentum of enthusiasm amongst the young people, who have arranged a follow up meeting in May and have set up a Facebook page already.

Commissioner Macdonald – Attended the interviews in North Uist for the tenancy of a vacant croft which was a very positive experience. There were five applicants but only one tenancy. While in North Uist he also attended a good meeting with North Uist Estates about trying to let more vacant crofts. Attended two meetings with SGRPID in Portree, one of which was to discuss errors in the calculation of hectareage for grazing shares, which had occurred where shareholders had shares in more than one common grazing.

Convener – Attended the interviews in North Uist for the vacant tenancy, was asked to appear as a Witness on the subject of Land Reform at the Scottish Parliament’s Rural Affairs & Climate Change & Environment Committee Meeting in Edinburgh and a Training Session for local authority planners in Fort William, also attended by Finlay Beaton. The Planning Training Session highlighted the need for the Commission to find a more efficient way of working with the Planning Authorities and a Paper on this subject will come to the Board for discussion. Attended Media Training, the SCF Gathering of Young Crofters and the Cross Party Group Meeting in Edinburgh.

8 UPDATE ON NEW APPLICATION FORMS

The Chief Executive advised that the five most common application forms have been revised and will be issued, with guidance notes, around 20 April 2015. It is hoped that the more detailed application forms will lessen the processing time and reduce the need for RPID reports.

There will be a Media Campaign to advertise the launch of the new forms and factsheets have been circulated to Commissioners for their approval and any comments by 1 April 2015. Factsheets will be available digitally and new leaflets will be produced which will be available to the public in Area Offices, as well as from the Commission.

9 PRESENTATION BY RONNIE MACRAE, HIGHLAND SMALL COMMUNITIES HOUSING TRUST

Ronnie MacRae gave a presentation about the Highland Small Communities Housing Trust, its aim to help rural communities and information about The Rural Housing Burden and their Rent to Buy Scheme.

The Rent to Buy Scheme resulted from the HSCHT’s successful application to the Scottish Government’s call for innovative new projects to deliver housing in rural areas. HSCHT recognised that it was becoming increasingly difficult to secure mortgages due to the large deposits required. The Rent to Buy Scheme aims to help people who wish to become home owners by allowing them to rent a new home for 5 years whilst saving up for a deposit. The Rent to Buy Scheme aims to help people who are on modest incomes to become home owners in rural communities by returning a cash-back ‘loyalty’ sum to the tenant at the end of their 5 year rental period if they purchase the property. This sum is used for the deposit required to secure a traditional mortgage. The tenant becomes the owner. Another benefit is that the house price is set. This means that if house prices increase over the 5 years, they will not have to pay any more.

Priority will be given to people living in social housing, private rent or with relatives, or if there has been a significant change in circumstances. Those who own or part-own a home can apply, although they need to sell their interest in that property.

The building of these new houses also provides much needed work in rural communities.

There are huge issues for self-builds and the HSCHT is hopeful of an announcement next week about a Self-Build Fund that the Scottish Government is creating. It is only going to be for 2 years but it is a revolving fund where people can get a self-build mortgage for the full amount from the government right at the start of the project to help them to do their self-build, and then they transfer onto the standard mortgage.

If that can be set up and demonstrated to work, the Scottish Government have suggested that, funds permitting, they will extend the scheme.

The Convener thanked Mr MacRae for his very interesting presentation.

10 PRESENTATION BY STEWART WILSON AND BRIAN WHITINGTON, TIGHEAN INNSE GALL

Stewart Wilson and Brian Whittington gave a presentation about the work of Tighean Innse Gall.

Throughout the Western Isles there are about 800 derelict croft houses lying empty and there is an urgent need for jobs for young people. Many leave to go to University and don't return. TIG wants to purchase properties, do them up to a very high energy efficient standard so that the running costs are dramatically reduced and have young people working on the houses to rebuild their communities. They are very keen to preserve the landscape by taking off the roofs of the houses and dropping in new insulation, therefore maintaining the traditional look of the houses.

TIG have approached the Carnegie Trust who have been in touch with the William Grant Foundation for potential financial backing and they are keen to support the project. HIE and Historic Scotland, among others, are also supportive of the concept.

TIG are keen that croft land is not decrofted and they are interested to know if the Commission think their plans are possible.

Discussion took place about how TIG would access houses for their project and provide enough of a financial incentive to crofters to sell their properties. TIG are keen for the Commission to engage with crofters and try to encourage them to get involved.

Mr Wilson asked if the Commission thought it would be possible for TIG to buy a whole croft and what would be the implications of that, and the Chief Executive said she would be happy to discuss the issue with Mr Wilson to try to find solutions.

The Convener agreed it was a very interesting concept and thanked Mr Wilson and Mr Whittington for their interesting presentation.

11 DATE OF NEXT MEETING

13 May 2015 – Great Glen House

12 ANY URGENT BUSINESS

None

The meeting ended at 11:17 hrs.