

CROFTING COMMISSION

MINUTE OF THE COMMISSION MEETING HELD AT GREAT GLEN HOUSE ON 16 SEPTEMBER 2015

Present:	Colin Kennedy	Convener
	IG Macdonald	Vice-Convener
	Kathleen Sinclair	Commissioner
	William Swann	Commissioner
	David Campbell	Commissioner
	Arnie Pirie	Commissioner
	Marina Dennis	Commissioner
	Murdo MacLennan	Commissioner
	Catriona Maclean	Chief Executive
	Donna Smith	Head of Information Systems
	John Toal	Head of Policy
	Joseph Kerr	Head of Regulation
	David Findlay	Commission Solicitor
	Gordon Jackson	Head of Agriculture Development & Crofting, Scottish Government
	Betty Mackenzie	Communications Officer
	Morag Menzies	PA to Convener, Minute-taker
	Vivienne Montgomery	Member of the public
	Donald MacKinnon	Member of the public (from 09:50 hrs)

1 APOLOGIES AND WELCOME

Apologies were received as follows:

Jane Thomas, Head of Corporate & Customer Services
Posy MacRae, Communications Manager

The Convener welcomed everyone to the meeting, especially Gordon Jackson from the Scottish Government and Vivienne Montgomery, a young crofter from Newtonmore.

2 DECLARATION OF INTERESTS

The Vice-Convener and Commissioner MacLennan declared an interest in the Mangersta case at item 14c.

3 APPROVAL OF DRAFT BOARD MINUTE OF 5 AUGUST 2015

The Minute of the Meeting of 5 August 2015 was approved.

4 MATTERS ARISING FROM PREVIOUS MEETING

The Action Points from the previous meeting on 5 August 2015 were reviewed:

- Page 7, Item 5b, Commissioner Elections, the Chief Executive advised that she has had a discussion with Scottish Government about the Commissioner Elections in 2017 and fed back learning points from the last election to them. Discussion took place about a need for training for potential applicants and the Chief Executive advised that it would be difficult to deliver training before the elections but there would be lots of publicity leading up to them, to give prospective applicants as much information as possible, and a good training plan implemented for the new Commissioners, once they start. The Commission felt it was important to know if any of the current appointed Commissioners would be standing again, in advance of the elections in 2017, in order to gauge for example whether someone would be required with Audit & Finance experience or not. The Chief Executive will be meeting with Scottish Government again in October to continue discussions.
- Page 8, Item 8, the Chief Executive advised that the Annual Report has been laid before Parliament.
- Page 13, Item 12, first paragraph, the Chief Executive advised that there was to have been a Paper brought to this Board Meeting to look at the costs of advertising in newspapers and local newspapers, to try to save money for the Commission and our customers, but it was decided to ask Assessors at the upcoming Roadshows which newspapers they think would be the most cost effective, and a Paper will come to the Board after that.
- Page 13, Item 13, the Head of Policy, Commissioner Campbell and Commissioner MacLennan drafted a response to the Land Reform Bill Consultation and a submission was sent on behalf of the Commission.

5 ADVANCED PAPERS FOR APPROVAL

(a) Board Dates for 2016

The Commission approved the Paper, with three amendments, and agreed the dates for the Board Meetings in 2016.

Decision	The Commission agreed that the dates for the Board Meetings in 2016 would be as follows: Wed 3 February 2016 Wed 9 March 2016 Wed 4 May 2016 Wed 22 June 2016 Wed 17 August 2016 Wed 28 September 2016 Wed 9 November 2016 Wed 14 December 2016
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(b) Commissioner Training

Commissioners felt that the Training Plan for the remainder of their term was too intensive and did not reflect the role of the Commission, and the Chief Executive agreed to reduce it to include only essential training. They felt that they did not get enough training at the start of their term when they should have.

They were content with the proposed Training Plan for the new Commissioners in 2017.

The Commission felt it was beneficial to attend at least one external course each year.

Decision	The Commission rejected the Training Plan for the remainder of their term as it was too intensive and approved the Training Plan for the new Commission in 2017.
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6 SHORT TERM WORKING GROUP UPDATES

Grazing Census STWG – The Vice-Convener advised that this group met on 15 September 2015 and consisted of himself, the Convener, Commissioner Dennis and members of staff.

They reviewed the form and stripped it back to just what is required by the Act. The Commission agreed that the Grazing Census form will not be issued until 2016.

Decision	The Commission agreed that the Grazing Census form will not be issued until 2016.
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Delegated Decision Making STWG – Commissioner Dennis advised that this group met on 15 September 2015 and it was a very productive meeting with a lot of decisions being made. The parameters on Croft House Site and Garden Ground were revised and the Policy on Resumption was changed, to bring the two in line with each other. They also agreed parameters for Subletting, Short Term Letting and Consent to be Absent, which will come to a future Board Meeting for approval.

RPID Reporting STWG – The Head of Regulation advised that this group met on 15 September 2015 and there is a lot of work still to be done. A lot of training and communication is required between the Commission and RPID.

7 REPORT FROM COMMISSIONERS – EVENTS PLANNED AND/OR ATTENDED

Convener – Attended a meeting with RPID in Edinburgh, attended a meeting about the Vision for Crofting in Edinburgh, attended a meeting with the Minister, attended the Cross Party Group Meeting in Edinburgh, attended a meeting with SCF in Broadford, attended the Standards Commission training in GGH, attended the Devolved Decision Making, RPID Reporting, and Grazing Census STWG Meetings in GGH, attended the Dalmally Show and had various telephone meetings over the month. Will be attending a meeting of the Convention of the Highlands & Islands in Elgin on 5 October, a Cross Party Group Meeting in Edinburgh on 28 October, and the Complaints & Investigations Meeting on 14 October.

Donald MacKinnon, a young crofter from the Isle of Lewis joined the meeting at 09:50 hrs. The Convener extended a warm welcome to Donald on behalf of the Commission.

Vice-Convener – Took part on a Crofting Panel at the Belladrum Music Festival, attended the Skye Show, attended the Lairg lamb sale and managed to speak briefly to the Cabinet Secretary Richard Lochhead, had a meeting with Davie McCracken from the SRUC to talk about sheep disease, had lots of telephone calls from a journalist called Sally Bramhall who was writing an article for the New Statesman, attended a meeting with young crofters in Staffin, attended a meeting with the National Trust in Kyle and a Land Reform Meeting in Portree. Will be attending the Crofting Roadshow in Lairg next week.

Commissioner Swann – Was scheduled to attend a Land Reform meeting but withdrew because he was concerned that there was the potential for distraction from the topic due to press attention. He wanted to stress that if a Commissioner is attending an event, that it is made clear to the organisation that they are attending as part of the Commission and not as an individual. Will attend a HIE meeting in Orkney in October and suggests that the Convener might like to meet with the Convener of HIE sometime in the near future.

Commissioner MacLennan – Attended the lamb sales in Stornoway, attended a meeting with Finlay Beaton and the Chief of Police in Stornoway regarding straying stock and advised that it is not a problem for the Commission, attended a meeting with Matt Bruce of 'Point Power' in the Stornoway RPID office, a community owned turbine energy company who want to invest in young crofters in Point, and was visited by 10 crofters who were concerned about the recent Census letter that was sent out from the office. Will be attending a drop-in session held by the Citizens Advice Bureau in Barra, will attend the Crofting Roadshow in Stornoway in October, and will be doing an interview with BBC Alba for RPID, regarding the new hogs scheme.

Commissioner Dennis – Attended the Grantown Show, the Standards Commission Training in GGH, had two 2 hour sessions mentoring young crofter Vivienne Montgomery, attended the three STWG Meetings on 15 September, and will attend the Crofting Roadshow in Thurso in October.

Commissioner Pirie – Attended the West Mainland Agricultural Society Show in Dounby and the Orkney County Show, Kirkwall in August, and was interviewed by a Stirling University student who is doing a survey on the goose cull in Orkney. They are being assisted by SAC, SNH and RPID. Will be attending the Crofting Roadshow in Thurso and hopes to attend the ploughing championships in Kinloss in October.

Commissioner Sinclair – Attended a meeting in Shetland with the Minister on 10 August where an array of problems and issues were raised by crofters in attendance, attended the local Show in Shetland and will attend the Crofting Roadshow in Lerwick in October.

Commissioner Campbell – Attended various meetings, Short Term Working Groups, Standards Commission Training, Land Reform Bill Consultation meeting and the lamb sales. Commissioner Campbell advised that the Chairman of the Scottish Land & Estates Crofting Group has recently retired and he is concerned that the group may not continue. The Chief Executive advised that as the Chairman has retired, she would write to the group on behalf of the Commission and advise how much the Commission values the group and hopes it will continue.

The Convener thanked all Commissioners for their contributions and explained to Vivienne Montgomery and Donald MacKinnon that apart from attending Board Meetings, it was important that Commissioners attended various events throughout the crofting counties, to offer advice to crofters and other organisations.

8 UPDATE ON VISION DOCUMENT

Gordon Jackson from Scottish Government presented the Vision Document, which was launched by the Cabinet Secretary at the Royal Highland Show. It is entitled 'The Future of Scottish Agriculture' and the strapline for the Vision is 'Scotland has a green, innovative and profitable agricultural industry which is outward looking and resilient, supporting economic growth, environment and communities, and contributing to global security'.

The Vision is not time bound and nine outcomes have been identified which include such things as sustainable growth, value chain linkages, supply chain resilience, training and skills, and innovation and best practice. The idea is that it becomes part of a national discussion and organisations are encouraged to hold local meetings, to promote the national discussion and to engage with people and identify appropriate actions to govern how agriculture progresses in the future towards the Vision that has been identified.

A toolkit and website have been produced and there are dedicated sites on Twitter and Facebook.

The Scottish Government ask that the Vision Document is signposted and promoted at the forthcoming Crofting Roadshows, documents are available from the RPID offices which can be distributed at the events, and they encourage everyone to provide feedback through the web portal to the Scottish Government.

The Commission felt it was vital that it is involved in promoting the Vision from a crofting point of view, and to feedback separately to other stakeholders.

The timeframe for feedback is 6-8 months from the Royal Highland Show in June 2015, and the Commission agreed to set up a working group consisting of the Head of Policy, the Convener, Commissioner MacLennan, Commissioner Swann and Commissioner Dennis, to produce a response to the Vision Document on behalf of the Commission.

Decision	The Commission agreed to set up a working group consisting of the Head of Policy, the Convener, Commissioner MacLennan, Commissioner Swann and Commissioner Dennis, to produce a response to the Vision Document on behalf of the Commission.
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9 CONFIRM PLANNING REMIT

The Head of Policy presented the Paper, which asks the Commission to consider its role as a key agency and statutory consultee in the planning process, and advised that the Paper was discussed at the Policy in Development Meeting on 5 August 2015.

After discussion the Commission agreed that they want the first two bullet points on page 30 of the Paper removed: 'Advising planning departments of the local authorities when new crofts are being created', and 'Advising planning departments of applications for division of crofts in case there are housing implications'. The Commission is only going to consult with the Local Authorities, and not the Planning Departments.

When consulting with the Local Authorities, the Commission is doing so to determine the social and economic benefits of bringing land into crofting.

The Chief Executive will think about how best to engage with Planning Departments and in particular discuss the issue of creating new crofts, and revisit the wording of letters that the Commission sends to Local Authorities, to improve clarity.

When the new computer system comes in at the end of this year, Local Authorities will be advised how they can view crofting boundaries etc on the Commission's Croftview system, which will hopefully help them decipher whether a planning application is on croft land or not.

Decision	The Commission agreed that they want the first two bullet points on page 30 of the Paper removed: 'Advising planning departments of the local authorities when new crofts are being created' and 'Advising planning departments of applications for division of crofts in case there are housing implications'. The Commission is only going to consult with the Local Authorities and not the Planning Departments.
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10 CENSUS: GRAZINGS/OPTIONS FOR THIS YEAR'S CENSUS

The Head of IS presented the Paper, which presents options for consideration in relation to the issue of the second Crofting Census and first Common Grazings Census.

Of the 85% returns of the first Census issued in October 2014, 9000 indicated a change of some kind and of those, 770 changes have been completed so far, 740 crofts have indicated a change of status from tenant to owner-occupier, and all these changes have to be updated before the next Census form can be issued.

The options for the format of the second Census form are on page 32 of the Paper and after discussion the Commission agreed to approve Option 3, which is to issue the Census in the same way as the first year, with only the croft and crofter's details prepopulated. The Commission agreed that it was important to stress that the Census is an annual requirement.

The Chief Executive advised that there will be a publicity campaign to advise how to fill in the next Census form and highlight the lessons learned. The Short Term Working Group will reconvene to discuss how the process can be improved, including the tone of the letters issued.

The Head of IS advised that it had been decided to leave the issue of the Grazing Census form until next year.

Follow up letters were issued recently to the crofters who indicated they were not complying with their duties and this has resulted in a huge amount of telephone enquiries to the office. There have been various areas of confusion and the STWG will consider whether a different form should be issued in future to crofters who have only a share and not a croft.

Discussion took place about the Commissioner Elections in 2017 and the issue of only crofters and owner-occupier crofters being allowed to vote, as it is now clearer which crofts are owned by owner-occupier crofters, and there will be people who voted last time who will not be allowed to vote next time. The Head of IS will be looking into this issue and deciding how best to advise the public about this change.

The Chief Executive, and the Convener on behalf of the Commission, wished to thank all staff for the huge amount of work involved in the issue and return of the Census forms. They appreciate the volume of work and the intense pressure that staff are under.

Decision	The Commission approved Option 3 of the Paper, which is to issue the second Census in the same way as the first year, with only the croft and crofter's details prepopulated. The Commission agreed that it was important to stress that the Census is an annual requirement. The second Census will be issued on 1 December 2015, provided all the notified changes from the first Census have been processed. The Grazing Census will not be issued until 2016.
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11 ASSESSORS

(a) Assessors – Stage 2

The Head of Policy presented the Paper, which considers the appointment of Assessors that will specialise in specific regulatory functions. The Commission will appoint individuals with the attributes to undertake this role and they will become part of its revised decision making process.

The functions of the Assessor are now split, with the majority not being involved with regulatory applications and adopting more of an advisor's role, and a small number having a more specialist role.

In the third tier of the Delegated Decision Making process, there is the option of having specialist Assessors helping to take decisions on regulatory applications. Specific training would be given.

Any Assessor appointed to the specialist role would need to be committed. There is no payment and only expenses can be given. They would have to comply with the Commission's Code of Conduct and specialist Assessors would be dealing with all areas of the crofting counties, not specific areas.

It is proposed to test the process with only Assignment applications initially. The process can be adjusted and once it is working well, it can be adopted.

There are currently around 80 Assessors and, after discussion, each Commissioner agreed to nominate up to two Assessors' names that they think would be suitable for the specialist role. They will pass those names to the Chief Executive.

Concern was expressed that if the Commission does not ask interested Assessors to apply for either role, it cannot assess the applicant's skill set, and this was accepted.

The Commission approved the Paper.

Decision	The Commission approved the Paper and agreed to think of up to two Assessors' names each, who could possibly be considered for the specialist Assessor role, and pass those names to the Chief Executive. The Commission stressed that it was vital that adequate training was provided for those appointed. The Commission agreed it was important for prospective Assessors to apply formally for the role, in order to assess their skill set.
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(b) Paper on future selection of Assessor panel and consider training requirements relevant to adjusted role of Assessors

The Head of Policy presented the Paper, which looks at consideration of how the Commission appoints any further Assessors.

The Commission could decide to continue with a simple self-nomination form, decide to ask for references from other crofters, or consider other alternatives. The Commission may wish to consult with other bodies e.g. the Scottish Crofting Federation, regarding any change of process.

Commissioner Swann suggested that it would be worth looking at the protocols for charitable sectors and how they train and appoint volunteers. He said that he thought he might have some information that he could pass to the Commission.

Concern was expressed that if the Commission allows applicants to self-nominate, how does it know if the applicant has the skills required for the job. When Assessors are out and about and give advice to anyone, they are acting on behalf of the Commission, and it is important that they act in a professional way.

The Commission suggested that instead of new Assessors being appointed at the same time as the new Board, the selection of new Assessors could be delayed for a year and appointed at the end of the first year of the new Commission.

After discussion, the Commission agreed to continue to not appoint any new Assessors at the moment, and to set up a Short Term Working Group to consider the way forward and look at timing and the application process. The group could include some Assessors and/or the SCF. The Convener and Vice-Convener volunteered to be part of the group.

Decision	The Commission agreed to continue to not appoint any new Assessors at the moment, and to set up a Short Term Working Group to consider the way forward and look at timing and the application process. The group could include some Assessors and/or the SCF. The Convener and Vice-Convener volunteered to be part of the group. The Commission suggested that instead of new Assessors being appointed at the same time as the new Board, the selection of new Assessors could be delayed for a year and appointed at the end of the first year of the new Commission.
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Betty Mackenzie left the room.

12 DATE OF NEXT MEETING

4 November 2015 – Skeabost House Hotel, Skeabost Bridge, Isle of Skye

13 ANY URGENT BUSINESS

- The Convener asked Commissioners where they thought the Commission should hold its Board Meeting out of the office next year, and after discussion the Commission agreed to hold the Board Meeting on 28 September 2016 in Brora.

Decision	The Commission agreed to hold the Board Meeting on 28 September 2016 in Brora.
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- The Convener asked the two young crofters in attendance at the meeting to give a short summary of their crofting experience.

Donald MacKinnon advised that he is from the Isle of Lewis and that he works his mother's croft with a few sheep and some vegetables. He has always been interested in crofting. He has helped Commissioner MacLennan with the gathering on Scarp and enjoys the variety of work. He is currently at University in Glasgow studying Geography and Politics. He attended the Young Crofters Gathering in Assynt in March and found it really interesting.

Vivienne Montgomery advised that she is a crofter born and bred and is one of the Craggan Crofters from Newtonmore. She got her assignation about 2½ years ago from a non-family croft in the township that her dad had the sublet of for 35 years. It is a 42 acre croft with a sixth share in the common grazings. She has 50 blackie ewes and 36 hogs on it at the moment and her dad winters his cows on it as well, to use it up a bit more. The six crofters in the township work really well together. She attended the Young Crofters Gathering in Assynt in March and is treasurer for the Young Crofters Group. Because of bad publicity, she set up a Facebook page which is for any crofter to join, not just young crofters, and so far there are about 105 members. Through the Facebook page, crofters can give advice and help each other. The most important thing is to help and encourage young people/crofters, as Vivienne knows how important this is. She received a lot of help herself and wants to pass this knowledge and experience on to others.

Through SCF, Vivienne is running a Foundation Common Land on her own croft. She is running a Crofting and Environmental Schemes Course on 22 September 2015, and she has ten people coming to her croft from different organisations including Cairngorm National Park, John Muir Trust, RSPB, SNH for the day, to find out how a crofting township and common grazing works.

Vivienne has recently found out that her niece and herself have been awarded the contract for outside catering for the work taking place on the A9 between Kingussie and Kinraig.

Trudi Sharp and Lucy Carmichael from Scottish Government, and the Chief Executive, are visiting Vivienne's croft on 24 September 2015.

The Convener thanked Donald and Vivienne for coming to the Board Meeting and the Commission felt their croft work was most encouraging.

Donald MacKinnon and Vivienne Montgomery left the room at 11:55 hrs.

14 EXCLUSION OF THE PRESS AND PUBLIC

The meeting ended at 14:50 hrs.