

CROSS-PARTY GROUP on CROFTING

Meeting 30 of Parliamentary Session 4

Scottish Parliament, room Q.1.03

Wednesday 09 September 2015 at 17.30

MINUTES

Present:

Jean Urquhart MSPⁱ (Chair)
Patrick Krause SCF (Sec)
Jamie McGrigor MSP
Derek Flyn SCF
David Campbell CC
Catriona Maclean CC
Colin Kennedy CC
John Brownlee SG
Ian Davidson SG
Lucy Sumsion NFUS
Sandy Murray NFUS
Ross McLaren SCRG
Gordon Jackson SG

Brian Inkster CLG
Uisdean Robertson CnES
Andrew Midgley SLE
Douglas Pattullo office of Jamie McGrigor
Dave Thompson MSP
Craig Smith SG
Lucy Carmichael SG
Michael Gough SG
Pam Rodway SAS
Angela Mitchell SAS
Fiona Mackenzie UHI
Angus MacDonald MSP
Rhoda Grant MSP

1. Welcome and Apologies.

Jamie McGrigor MSP welcomed everyone and invited introductions. Apologies were received from:

Fiona Mandeville SCF; Russell Smith SCF; Neil Ross HIE; Rob Gibson MSP; George Farlow HC; William Neilson NFUS; Iain MacKinnon Coventry University; James Shewan SCFYC; Robin Haig SCFYC; Brendan O'Hanrahan AF; Murdo MacKay CnES; Tom Edwards SPICe; Jeanette Sutherland SAC.

2. Minutes of the previous meeting

Minutes of the last meeting held on 03 June 2015 were agreed subject to amendment: Item 6. 21k, not 27k.

3. Matters arising

Item 3. Secretary read out a reply from the Parliament executive regarding the provision of IT for video connection to allow participation in the group from those unable to attend in person (see attached). In summary, the executive will not provide this service but the group can use existing facilities for Skype or some such service. Brian Inkster suggested a video conferencing service called OdroVision. It was **agreed** to try this out at the next meeting.

Item 5. Jean Urquhart MSP will meet Highland Council leader on Monday to discuss possible use of HC chamber for a crofting conference later in this year.

Item 6. Secretary read a paragraph from Jeanette Sutherland SAC regarding CAGS on common grazings:

"Common grazings can register on the RPID system using a PF01 form. It is important that common grazings do this so that they will be eligible to apply for CAGS grants. CAGS grant rates for common grazings are currently 80%. It would be good to ensure more grazings were aware of this new attractive rate."

4. Crofting Regulation

The convener of the Crofting Commission, Colin Kennedy, outlined the suggested amendments to the commission's Policy Plan.

Discussion:

Chair asked for a note of the talk given by Mr Kennedy to be circulated.

Has the CC got the legal power to revise the Policy Plan?

The Crofting Act states that the CC has the power to amend the existing plan.

On the 4th September the draft revised plan went out to consultation with statutory consultees and was placed on the CC website inviting comments.

Will the revised plan have to go back to the minister for approval?

Yes.

The 'duty to cultivate' is a new duty which crofters have and presents challenges in enforcement.

Absenteeism is based on address. Will this change?

No, the Act stipulates the definition of absentee but there is a change in approach. There will be a hierarchy in dealing with all the duties of crofters. CC will also be working with the SG to ensure that they, as landlords, should lead by example and ensure that their tenants comply with the duties in the Act.

4,500 letters have gone out to those who did not return the census or did not complete it. The letters say that the recipient is in breach of duties and that failure to complete the census is a criminal offense.

Some of these letters seem to not reflect a change in circumstances.

Yes, with so many letters going out there is bound to be some that are incorrect particularly as circumstances on crofts can change at any time, but it seems to be in only a few cases.

It is a lot of letters – it is 25% of crofts (each croft got a census form).

Yes, but we must remember that we have received many responses to that letter which have confirmed that the individuals are not in breach. We should not underestimate the task in hand, the CC originally issued over 18,000 letters, which represents the most significant update of the Register of Crofts in 60 years and the CC is having to deal with the 'tsunami of information' the census has generated. We are working through the changes but it will take some time to bring all the information up to date.

Does the CC have a response regarding the vote of no confidence in the former convener?

No, there was no vote of no confidence only a request by a majority of Commissioners, as per standing orders, for a meeting to be arranged to discuss the matter. The then Convener resigned before this meeting took place. The Board are of the view that the matter is now closed and wish to focus their energy on delivering the requirements of the Crofting Act which is the express will of Parliament.

What is being done about the fact that there was a leak to the press from a commissioner, which is a breach of the code of conduct?

While a newspaper claimed their was leak by a Commissioner, as Accountable Officer the CEO has carried out an internal investigation which found no evidence that any Commissioner had breached the code of conduct by leaking information on the matter to the press.

Action: CM to send a note of Colin Kennedy's presentation to secretary for circulation to the group.

5. Crofting Development

Crofting Connections. The current phase ends at the end of November and a new phase is being developed. An evaluation has been carried out by the Glasgow School of Education, and was very positive. It concluded that this is a very useful project. The report will be on the SAS website soon.

The project hosted a 'Kenyan Connections' event this year, which linked schools in the Crofting Connections project with Kenyan schools in rural areas that have small-scale, subsistence holdings. 4 community representatives and 4 teachers came over from Kenya and at the end of September teachers from 4 crofting connections schools will go to Kenya.

In March 30 pupils attended the SCF 'Young Crofters 20:20' gathering and in June there was a Crofting Connections event in the Nicholson Institute in Stornoway.

Angela Mitchell was introduced as the head of SAS whilst Laura Stewart is on maternity leave.

Scottish Government. Lucy Carmichael was introduced as SG lead on crofting, having taken over from Richard Frew. The Croft House Grant Scheme (CHGS) consultation is with her. The analysis of the consultation responses was published on 3 August. The Scottish Government is considering stakeholders' points and expects to carry out a 'mini-consultation' to a few key consultees – SCF, NFUS, HIE and LAs that responded to the consultation. It is quite a tight timescale as the intention is to complete the revisions to the scheme before the end of this parliamentary session.

Discussion:

There is a lot of interest in what revisions are made to the croft housing scheme, especially concerning young crofters.

Will it account for inflation as the scheme has devalued considerably over the years?
SG is looking at appropriate rates. The original consultation had inflation built in.

Had inflation from when?
From the last review in 2004.

But that review didn't account for inflation from the previous period. When the scheme first started it could build a house. It comes nowhere near to building a house now, so it is only worth applying for if you have lots of capital. The consultation showed that many think the rates have to be much higher than the SG suggested rates. If it is too low it is only taken up by those who don't actually need it.

There are limited resources to fund this scheme so SG is looking at how to target it best. SG will welcome views in the mini-consultation.

It was a grant and loan scheme. Is a loan element being considered by SG? Just increasing the grant can simply put the price of bare-land crofts up. The young crofters made a point about needing a loan; commercial loans are very difficult to get on crofts.

Island-only higher rates are not acceptable as remote mainland areas are just as expensive to build in. For islands, why are commercial vehicles not simply given RET?

The consultation responses have been analysed and the mini-consultation is expected to address these specific issues.

The SGCSF met in a facilitated workshop last week to formulate a shared vision for crofting. An action plan is being developed, to be continued in the next meeting in November.

Crofting Commission. The CC is piloting a board mentoring scheme for young crofters, whereby they get to see how the board operates. It is being trialled with two YCs. They will benefit whether they are elected to the board or not.

CC is carrying out 'geopilots' with HIE, targeting a specific area and looking at croft, house and job, and ensuring all public sector organisations are working together. CC also working on joint croft forestry projects.

Discussion:

Mentoring young folk; there was a Rural Leadership programme run in SE and HIE areas but HIE withdrew its funding so it is now just in the non-HIE rural areas. HIE say they are giving leadership training in other ways. This seems like a huge loss to the young folk in the Highlands and Islands – SE produce rural leaders and HIE don't.

Action: ask HIE to comment on this in the next meeting.

6. CAP and Crofting

Ian Davidson, SG, gave an update on CAP payments.

65% of Pillar 1 applications are on-line. The application deadline was extended to 15th June due to IT problems, yet there were still late *paper* forms coming in. By 12th June deadline there were some 940 Pillar 2 Agri-env & Climate Scheme (AECS) applications and about 100 rejected. Applications for the sheep voluntary coupled support closes on 16th October. SG will write to all potential holders. 80% of grazing needs to be Region3 in order to be eligible for the sheep VCS scheme.

Discussion:

How do people know what region their land is?

SG gives indicative regions and holders can accept this or apply for a review.

Many people don't know what to do with their hogs. Gathering has not taken place yet.

Wintering is very expensive and this year will be particularly so due to the weather and lack of forage. Have SG consulted with crofters and hill farmers about 16th October?

SG – for most people 16th October is acceptable.

No, it will be very difficult for most.

Some people have never received a letter giving an indicative region.

Most extra applications are likely to be for R1 land. Why is there no activity requirement for R1, yet there is for R2 and R3?

Yes, that is correct, there is no activity requirement for R1.

If more people keep sheep to use the VCS scheme will the rate per hog drop?

Yes.

There is an issue with SG averaging on common grazings; active crofters are being penalised for in-active share-holders. If averaged they drop below minimum activity even though they are using their full share and souming.

SG are looking at this; the problem seems to be mainly in Skye. Non-active will not get paid; that is the basic rule. Calculations are done on the majority of the shares claimed, this determines whether a Common Grazing is allocated to R2 or R3. It is done on Field Identifiers – many common grazings fall wholly within one land parcel.

Areas of Natural Constraint scheme (ANC), to replace LFASS, will come in 2018. This is being looked at by the ANC stakeholder group. It will be important to look at impact on common grazings.

Will SG gather data to look at the impact of regionalisation on common grazings?

There will be confirmation of regions and what the impact is.

Once the decision is made regarding regions there is no appeal.

Next year there will be a glut of gimmers so the price will drop.
It is up to producers to make business decisions.
But decisions are forced by subsidies, which are controlled by SG.
It has to be remembered that 3 regions and VCS was lobbied for tooth and nail by NFUS.

There will be an agri-environment co-operation scheme to encourage people to work together launching end of September with £10M.

Uptake on CAGS is slow.

There have been complaints to CC that their applications for CAGS have been refused.

SG needs to look at individual cases.

Invitation for Tender for the advisory services was issued last week, with close for tender applications 30th October. There is no ring-fencing of advisory budget for crofting.

Weather Impact. Cold and wet weather in the North and West delayed animals getting out and have reduced grass growth impacting on animal weights, condition and how much silage and hay is being cropped. It is expected that the impact will really be felt later in the year when decisions have to be made regarding how many breeding animals to keep for over-wintering. SG is monitoring the situation and has made a donation of £50k to RSABI to help with severe cases of hardship. RSABI have added money and are helping with provision of straw in Orkney – which had its highest rainfall for 100 years.

Action: GJ to signpost group to information on tendering for advisory services.

7. Crofting Law

The minister's letter regarding SG action on 'The Sump' could have been written the day after the stakeholder group (CLSG) presented the findings in December 2014; it doesn't take us any further. The issues regarding succession and permanent improvements are straightforward and could be a start at addressing the list.

In her letter the minister says she is waiting for the SGCSG 'vision for crofting'. What has this to do with The Sump? SG simply needs to lay out a plan of action on how it intends to address the list of legal anomalies in The Sump.

The CLG have put its annual conference on hold waiting for a ministerial response and SG plan of action. The minister's response now does not take this forward and the conference is late; SG knew that CLG has been waiting. SG should lay out a timetable of action (ref. Brian Inkster's letter to the CPGoC).

SG cannot have a prescriptive timescale; we are approaching the end of the Parliamentary Session.

A committee could be set up to take, succession for example, forward.

SG thinks there is a range of succession issues, some of which as yet unidentified in The Sump; the minister therefore needs more information.

But the CLSG suggested expert committees back in November 2014. The minister's letter does not even mention them.

SG and the minister need some time. We understand the frustration. Some of the crofting issues, such as succession, could potentially be looked at with wider policy issues.

No, crofting succession is particular to crofting law. It is highly unusual and does not pertain to wider Scots Law. It needs an expert group to look at this. The sooner, the better. Does CLG hold its conference which simply ignores The Sump? It is not possible to ignore it. CLG can hold its conference in February and will invite the political parties each to comment on The Sump and how they will address the issues should they come into power.

Even the CC has had to change their Policy Plan to accommodate the issues in The Sump that are not being resolved. There needs to be some structure given on how to deal with these issues. It is currently lacking.

SG will set up a meeting of the CLSG to discuss a structure to deal with these issues, though it would not be possible to do so in the next 4 weeks due to other pieces of work (such as the CHGS review).

But *no progress whatsoever* has been made! There are 127 items to address, which the stakeholders have narrowed down to 57 varieties of problem. A start has to be made.

The minister has been considering. There are many important things SG are working on such as land reform and agricultural holding; lots of reasons why the minister was busy. SG will convene the CLSG. The reality is that there just isn't the time to take forward crofting legislation this session. The minister will take this into the next session if necessary.

We don't expect the minister or SG to "do the crofting stuff". There is plenty of work that can be done now by crofting law experts in expert committees. The work that has been done by the CLG cannot be shelved.

Action: SG to convene a meeting of the CLSG the structure of a way forward to deal with issues in The Sump. A date will be issued before the next CPGoC.

8. AOB

Broadband in remote areas. This is a prime topic identified in the Scottish Rural Parliament survey of rural issues. It would be useful to have someone from SRP at the next meeting to discuss this issue.

SG has increased funding of broadband provision to remote areas and is making private broadband companies erect masts in remote areas.

Action: Sec to ask the SRP for someone to attend next meeting.

9. DONM

28 October

ⁱ **Acronyms:** AC Animate Consulting; AF Assynt Foundation; ASC Assist Social Capital; CAB Citizens Advice Bureau; CC Crofting Commission; CAGS Crofting Agricultural Grant Scheme; CCx Crofting Connections; CFS Care Farming Scotland; CHGS Croft House Grant Scheme; CLG Crofting Law Group; CnES Comhairle nan Eilean Siar; CRSF Crofting Register Stakeholder Forum; DEFRA UK Gov Dept for Environment, Food and Rural Affairs; EC European Commission; EFNCP European Forum for Nature Conservation & Pastoralism; FCS Forestry Commission Scotland; HC Highland Council; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; HWU Herriot-Watt University; JHI James Hutton Institute; JMT John Muir Trust; LANTRA Land-based & Environmental Industries Training; MSP Member of the Scottish Parliament; NFUS National Farmers Union Scotland; NS Nourish Scotland; NTS National Trust for Scotland; RACCE Scottish Parliamentary Committee on Rural Affairs Climate Change and Environment; RoS Register of Scotland; RSPBS Royal Society for the Protection of Birds Scotland; SAC consulting arm of SRUC; SAS Soil Association Scotland; SCF Scottish Crofting Federation; SCFYC SCF Young Crofters; SCRG Scottish Churches Rural Group; SCVO Scottish Council for Voluntary Organisations; SG Scottish Government; CLSG Crofting Legislation Stakeholders Group; SGCSF Scottish Government Crofting Stakeholder Forum; SGRPID (RPID) Scottish Government Rural Payments and Inspections Directorate; SLE Scottish Land & Estates; SNH Scottish Natural Heritage; SPICe Scottish Parliament Information Centre; SRA Scottish Rural Action; SRUC Scottish Rural (University) College; RSPB Royal Society for the Protection of Birds; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.