

CROSS-PARTY GROUP on CROFTING
Meeting 4 of Parliamentary Session 5
Scottish Parliament, room Q.1.03
Wednesday 14 December 2016 at 17.30

MINUTES

Present:

Kate Forbes MSP ⁱ (Convener)	Wendy Kenyan SPICe
Patrick Krause SCF (Secretary)	Siobhan MacDonald SAC;
John Finnie MSP	Donald MacKinnon SCFYC
Gordon Jackson SG	Lucy Carmichael SG
Brian Inkster CLG	Pam Rodway CCx
Russell Smith SCF	Donald Inch SLE
Angus MacDonald MSP	Donald Meek Crofter
Rhoda Grant MSP	Fiona Mandeville ^v
Zoe Laird, HIE	Bill Barron ^v
Eileen Stuart, SNH	Maria Scholten ^v
Edward Mountain MSP	
Lucy Sumsion NFUS	^v By video link
Sandy Murray NFUS	
William Neilson Crofter	
Graeme Beale SG	

1. Welcome and Apologies

The convener welcomed everyone. Apologies were received from:

Derek Flynn SCF; Fiona MacKenzie UHI; Neil Ross HIE; John Brownlee SG; Donald Cameron MSP; David Stuart MSP; Trudi Sharp SG; Tavish Scott MSP; Murray McCheyne SLE; Katy Dickson SLE; George Farlow HC; Pete Ritchie NS; Eleanor Garty WTS; Sheens Howden Lantra; Janette Sutherland SAC; Michael O'Neill SG; David Campbell CC; Brendan O'Hanrahan SCF; Donna Smith CC; Emma Harper MSP; Rea Cris RSPB; Mark Shucksmith NISR; Jean Urquhart Observer; Lorne MacLeod CLS; David Atkinson SCRG; Jim McPherson SCF; Robin Haig SCFYC; Maree Todd MSP; Gail Ross MSP; Ian Davidson SG; Craig Smith SG; Ross McLaren SCRG; Jamie McGrigor Observer; Uisdean Robertson CnES^{VF}; Murdo MacKay CnES^{VF}.

^{VF}Had intended coming in by video but failed – very irritated that SP do not provide a video facility for CPGs for remote attendees, especially from a local authority.

2. Minutes of previous meeting

The minutes of the previous meeting on 02 November were agreed by all.

3. Matters Arising

- i. Bill Barron has not managed to answer the questions the group sent to the CC but will.
- ii. 90% of letter to producers explaining payments have been sent out.
- iii. The SP executive has been asked about provision of video link to CPGs.

4. Wild Geese

Eileen Stuart, SNH's Head of Policy and Advice, gave an update on the management of the wild goose problem in the islands.

The last review of national goose management was in 2010 and had 3 objectives: to safeguard the wild goose population; to protect farmers and to provide value for money.

Over the 5 years 2010/11 – 2016/17 the budget for goose management has increased from £1.1M to £1.3M pa (against a decline in the overall SNH budget). Goose management accounts for c10% of the SNH budget.

There are 5 pilot Adaptive Management Schemes – all are reducing populations of resident greylag geese and damage with input from local farmers and crofters. Costs a total of £100K pa, with variable costs in different locations. The biggest challenge is in Orkney (20,000 geese with annual budget of £18k), then Uist (9,000 geese with annual budget of c£18k). Populations are coming down, also in Lewis, Harris and Tiree. Control without licence is coming. Licensed sale of goose meat has helped-it was a driver of previous population crashes. Sale is dependent on good co-ordination and information on bags to ensure no risks to populations.

In Islay the management strategy is addressing problems of growing barnacle geese population (c40,000). The strategy aims to reduce damage through range of management actions including population reduction. This is controversial as barnacles are a protected species under UK & EU legislation. SNH worked with local farming community to develop the approach. A legal challenge has been made on the basis of risk to populations of migratory geese.

SNH are working with European neighbours on development of European Goose Flyway– this is giving an insight into population management in other countries.

Changes to protection of species – Canada Geese on general licence & resident geese to be included.

Major population growth among most goose species. They used to winter and breed on marginal land but now are concentrated on high quality grassland and stay year-round – the impact is significant. Climate change increasing movement and breeding and wintering areas change. Growing populations coincided with constraints on public funding. SNH are looking for longer term sustainable solutions.

The SCF petition focusses mainly on greylag geese; barnacles are becoming a significant problem in the Western Isles too – the population is increasing rapidly. A compensation scheme would be prohibitive costly.

Three main options:

1. Reducing populations - needs to be done in a carefully managed way. Practically challenging; legislation is complex and we don't have good information on numbers of geese taken – bag data. It is difficult to monitor and ensure populations not put at risk. Public perception may be problematic (tourists still like to see geese). Or
2. Payment of compensation to farmers and crofters - budget likely to grow indefinitely. Geese move and so difficult to respond as payment needs to be based on damage costs. Potential state aid difficulties and audit risks as payment not integrated with wider SRDP. Or
3. Adjust farming systems to cope with goose populations – complex, and economic and environmental impacts likely. Being considered by other European countries.

None of these are easy and the group's views would be welcome. The exit from Europe provides an opportunity for fundamental reform of agricultural support systems which could allow greater support to be directed to crofting counties: High Nature Value farming systems deliver multiple benefits and tops according to range of important habitats and species supported.

Comment: It is necessary to reduce populations not just where geese are as they are constantly moving.

Comment: There is a lack of awareness of which geese can be shot, which need a licence; many crofters simply don't know. It is essential that SNH raises awareness on goose control.

Answer: Agree with goose movement problems – it is difficult to predict where they will move. Yes, we need to do more on communication.

Comment: Encouraging crofters to go out and shoot geese when in season is all well and good but we need to shoot more of the protected species – for example there are thousands of barnacles in Tiree yet crofters in Tiree get nothing like the compensation the farmers in Islay get.

Question: Are you going to continue with goose schemes?

Answer: Yes, the intention is to continue this phase. Funding is competitive though so will be difficult.

Question: And the barnacle geese in Tiree?

Answer: We look at the impact regardless of species. Also we look at populations across Europe – we need to look at totals.

Question: We welcome a general licence in Lewis and Harris. Does this save SNH money? Who is coordinating this?

Answer: There will be a small saving on issuing licences, but not significant. We aim to make it clearer to crofters. Is SAC coordinating?

Answer (SAC): Not now. It is a member of the shooting team.

Question: why is there such a big difference in the budget for Islay versus the budget for the Uists?

Answer: Islay is dealing with a protected species so it is a different model of management. The cost should decrease as the population decreases.

Question: Is a general licence for all species?

Answer: Yes it will be – for the resident population.

Question: In Tiree is there a problem with greylags?

Answer: Greylags have been a problem but barnacles are the main problem now. But in Tiree there is no compensation scheme.

Question: So is there a target to get the numbers down?

Answer: No, not with barnacles.

Eileen closed with saying that there is an on-going revision of policy and SNH welcome input from members of this group. SCF and NFUS are on the NGMRG and there is an additional place for an SCF and an NFUS crofting representative.

5. Broadband

Zoe Laird, HIE's Director for Community Broadband Scotland (CBS), gave an update on CBS's efforts to deliver broadband infrastructure across the Highlands and Islands.

CBS has been set up to support and grant-aid broadband networks by communities. It is run by HIE and employs staff in both HIE area and in the rest of Scotland. It works with communities in the most remote areas of Scotland where commercial providers of broadband are not delivering.

14 projects to date and has plans for a further 19 projects. Other communities have expressed interest but await the outcome of the wider Scottish Government planning before taking these further. CBS is part of Scottish Government's Reaching 100% (R100) programme. This programme is currently in its planning stage and will be delivered through a range of mechanisms including a large scale procurement of a commercial operator. Further clarity will be available in spring 2017.

There is no such thing as a typical CBS project. Projects can be small for single communities e.g. in Fair Isle a planned project will target 40 premises. They can also be large, extending over multiple communities e.g. a planned project for Ettrick in the Scottish Borders will target 3000 premises. Projects can include a mix of technologies including fibre and wireless, and can include varying degrees of physical or managerial engagement from communities. Some communities choose to design, build and operate their own networks, others tender for an experienced commercial provider. CBS is keen to develop solutions with each community that suit its particular skills, topography and requirements. In each case CBS provides extensive technical, governance and financial support.

The main ask from CBS is that each project develops a sustainable business case and this means that it does not require long term funding to keep going. Ultimately in most cases, this will involve the employment of local staff to run and maintain the networks.

Where is CBS operating? See map appended.

How can crofters get good broadband? Due to population dispersal and low numbers in remote areas of Scotland the business case for local networks to cover their own operating costs is marginal. Access to sites for infrastructure and the challenges in reaching agreements between the community and the landowner cause many of the delays in planned projects. All land owners, including crofters and farmers, can be part of the solution by enabling access to sites for mast placement or trenches for fibre. In most cases, charges for the site are not made but landowners receive free access to broadband as a compensation for their goodwill.

Question: In our area BT is the problem: they won't put in the infrastructure or say whether they intend to do so, so we don't know whether to go to CBS.

Answer: Yes this happens a lot. BT have the contract so CBS can't go in to a community to replace them until BT say that they will not be going in. Another step in delivery is whether BT will provide broadband to all in the community (many communities have a hub but also many outlying houses). BT delivery isn't the end of the road. BT can do some (the hub) and CBS can help the outlying homes.

Question: Is it correct that BT work by postcode?

Answer: Yes it is – and it means the level of service is very different in different areas. But this will change and service will be provided at premises level.

Question: How does this fit with “reaching 100%”?

Answer: It is not simple. Different providers all contribute. CBS is a part of R100 but only one strand. Our position is difficult to explain. It is not just about the market place, but a test is whether a commercial provider would service an area.

Comment: A word of encouragement – satellite broadband has made an enormous difference to Tiree.

Comment (by convener of the RECC): The REC is looking at broadband delivery and the 2021 target for 100%. The SG will be held to account. No one is sure how much delivery will cost but every avenue will be used to reach 100%. The final few % will be very expensive but people in remote areas should not be disadvantaged so community broadband will always be needed. Scottish Parliament is very aware of the situation – incredibly conscious. Keep at your MSPs if you are not getting the service. It is not acceptable that BT are not being clear about their intentions for roll-out.

Comment: More joined-up thinking is needed – there are communities where different homes get different speeds.

Comment: Not every community has the wherewithal to get organised to initiate a community broadband project – it is not just about money but also about community capacity.

Comment: There have been grants given for one-off satellite systems, and there has been great success in use of mobile networks e.g. the Faroe Isles use 4G for broadband.

Answer: A grant is available from Digital Scotland Better Broadband Scheme to pay for satellite but it is essential to check the length of contract as satellite is very expensive. People should be mindful as plans for fixed broadband become clearer, people might have access to other service providers and are encouraged to keep open the option to transfer if lower cost services become available through a different means.

4G in the Faroes – There has been a lot of work going on in Scotland to improve mobile coverage and apparently 5G is near to launching, but I don't know much about this. The Faroes have a different licencing regime. I think our willingness to pay is not as high as in other countries.

Joined-up thinking – it is surprisingly complex but yes, we are all trying to work together.

6. Crofting Development (*Standing item*)

updates from SG, agencies and NGOs.

SGCSF is pulling together papers on the five priority themes: simplification of crofting legislation; new entrants; affordable housing; development of crofting; financial incentives. These will inform the NDPC. Milestones and timelines will be developed.

Question: Is the SGCSF a public forum? Do crofters know about it? Who are the ‘stakeholders’?

Answer: All crofters are stakeholders, as are agencies working for crofting. SCF and NFUS attend the meetings as representatives of crofters – they inform their members.

Question: Can information about the meetings be put on the SG website?

Answer: We can look at doing this. Information can be put in the assessors’ newsletter too.

Comment: if the NDPC tries to get everything in it before doing anything some things will delay others. It is important to get on and do the straightforward things now.

Action: SG to investigate putting notes from SGCSF on SG website.

Houses on croft-land booklet: HIE commissioned Calien Maclean to take pictures of Plockton, Balmacara and Shieldaig. HIE have received these – they are good. The typeset has been done but needs to be re-worked to include the new case studies - that are strongly connected to crofting, these augment the HSCHT case studies. HIE are also discussing optional inclusion of Neisabost (west Harris Trust). The booklet is in the final stages and a draft will be ready for consultation with key stakeholders (SCF, CC, HSCHT) early 2017.

Crofting Connections: ran several workshops and carried out a survey – attendees and respondents all very keen that CCx continues, in its current format. A business plan has been requested by SG and will be presented in January. The main policy driver for the new phase will be 'Developing Young Workforce'. CCX is also about developing crofting communities; CLS has expressed an interest in being involved. The new phase will fit well with the 'Year of History & Heritage' and the 'Year of Young People'.

7. Crofting Law and Administration (*Standing item*)

7.1. Legislation

Graeme Beale, SG, gave an update on proposals to take crofting law reform forward.

Michael O'Neil, who leads the Crofting Bill Team, has started a programme of workshops engaging with crofting stakeholders. Two have been held – one with SG officials and one with organisations' representatives in Inverness. He is basing the workshops on the 3 questions:

- What are we trying to achieve through crofting?
- Why do we need crofting legislation and changes to be made?
- How might we go about delivering the changes that are identified? (There may be, for example, alternative avenues to resolving issues to legislation).

The purpose is to get an end-to-end picture, working back to the first principles, the aims of legislation. In getting to the heart of the 3 questions pertaining to crofting we look at aims; outputs; resources; opportunities; barriers; agricultural issues; cultural issues; legal issues.

We will meet with a group of young crofters, then will be going to other areas such as Shetland and so on. There will be five more workshops – it is important to recognise diversity and differences over the crofting areas. The intention is to be as inclusive as possible. There will be a consultation to test a draft bill next year.

Question: where do these workshops fit with the REC sessions that some of us gave evidence to?

Answer: the bill team will take into account the evidence given to the REC.

Question: Can young crofters still in school be consulted?

Question: Where can I see the results of this study?

Answer: We probably cannot consult schools. The results will be published on the SG website. A link will be circulated.

Action: Graeme to circulate link to legislation inquiry results on SG website.

7.2. Administration

Gordon Jackson gave a summary of the **governance review** taking place at the CC.

The review will consider Crofting Commission Board governance arrangements and the systems, procedures and support mechanisms that are in place to underpin effective decision making. It will give due regard to the three recent Common Grazings cases at Bohuntin, Upper Coll and Mangersta, although not the decisions taken.

The review will also examine arrangements that are in place to handle conflicts of interest. The work will be undertaken by business advisors and accountancy firm Scott-Moncrieff.

This review will help to promote effective governance within the Crofting Commission and it is an opportunity to take stock, learn from experiences and examine positives as well as opportunities for improvement.

It is expected that the report together with its findings will serve to inform the new Board of the Crofting Commission following the crofting elections in the Spring of 2017 and Scottish Government will work with the Crofting Commission through its normal sponsorship arrangements to ensure that due regard is given to the review outcomes. The report will be made available early in the new year.

Lucy Carmichael gave an update on **CC elections**.

The Scottish Parliament has approved legislation that will help ensure next year's Crofting Commission elections run smoothly. Regulations will come into force on Friday, 16 December

The legislation covers:

Who should be able to stand for election;

Absent and proxy votes;

The maximum amount and process for election expenses;

The process of appointing a new Commissioner, should a vacancy arise before 2022.

Electing Commissioners to the Crofting Commission has helped give crofters a stronger say in how they are regulated. Elected members can bring valuable local knowledge and experience, to help safeguard a strong and vibrant future for crofting. It is vital that all crofters make their voice heard by voting in next year's election to ensure that the Crofting Commission represents and reflects the interests and diversity of our crofting communities.

Key dates for the election are:

5 January 2017 – candidate nomination open - packs available from Comhairle nan Eilean Siar and from local Returning Officers. The pack will be on the Comhairle's website as well as the website of other Councils within the Crofting Election areas.

26 January 2017 – deadline to submit papers to stand as a candidate.

2 March 2017 - Ballot papers issue by post.

16 March 2017 4pm – deadline for ballot papers to be received.

17 March 2017 – date of count.

Information will be sent to crofters along with this year's crofting census which will issue before the end of 2016. SG appreciate the work that has been done so far by various organisations who are here today in raising awareness about the elections. A stakeholder

toolkit has been circulated and SG would welcome the group's continuing support in communicating key dates to crofters.

Bill Barron, CEO of the CC, was available by video to take questions regarding the CC. He introduced this by saying that the board had met today; there were tensions. There were criticisms of members of staff, two of whom that would usually attend board meetings, decided not to.

The crofting census was due to go out this month but there have been IT problems. However, it is still roughly on track.

Question: What is the current position of the Convener?

Answer: Colin Kennedy is still the Convener.

Question: Is money raised by grazings committees considered to be income, and as such can be taxed by HMRC? This could go back a long way. If this is the case should the money not belong to individuals rather than the committee?

Answer: We are aware of the issue in CC. Advice has been sought from HMRC but the advice given has not been clear, so this is not answerable at this stage.

Question: When will we know about the ministerial appointments?

Answer: Soon.

Question: As tax liability is the concern of HMRC, what has this to do with the CC?

Answer: As the CC alerted all to this issue it is right that CC should be advising crofters on it. The legal status of grazings committees is not clear in the law. A new act can clarify this.

Comment: Crofters are very concerned about what they hear about the CC. You say all is well but it clearly is not so. Confidence is waning. A clear position of the CC and SG is needed.

Answer: There are very difficult policy and legal issues to be resolved.

Question: Does the Convener have a board? It was reported that they had all indicated no confidence in him.

Answer: 6 members of the board asked the Convener to stand down. This has not been rescinded. The Convener has chosen not to stand down. The situation now is that the board will try to work together, but there are tensions.

Comment: Officials should not be put in the difficult position of explaining the status of the CC. This group should write to the Cabinet Secretary for an explanation. **Agreed.**

Answer: While it will not deal with personality clashes and differences, the governance review of the Commission that Gordon has mentioned earlier is expected to help identify improvements to the decision making process at the Commission.

Action: Bill Barron will provide answers to the written questions before the next meeting.

8. CAP and Crofting (*Standing item*)

SG update on CAP payments and SRDP schemes.

90% of the payment letters have gone out and 85% of entitlement letters are out.

13,000 of the 18,000 eligible producers have responded positively to the offer of a loan. It is not clear why the others are not taking it up. RPID made 200 phone calls to try to ascertain this. It seems from this survey that the majority who have not responded simply do not want a loan – the culture is to not borrow.

Comment: Many crofters rely on letters from RPID as they don't have broadband. There were big gaps over the summer where payments arrived but no explanatory letters, so many crofters have no knowledge of what the payment was.

Answer: Could they not ask their local RPID office?

Comment: Many did but the office didn't know either. I know of only one person who received a letter – I would be surprised if 90% have gone out.

Answer: That is the figure I was given but I will update at next meeting.

Question: Is there any news on the AECS?

Answer: We will know after the budget tomorrow.

Action: SG to update on what letter have been sent out at next meeting.

Action: SG to update on AECS.

9. AOB

i. The CC has advised a grazings clerk in Skye that he must advertise his committee's meeting in a newspaper and that it is a public meeting. Both of these instructions appear to be in contravention to the 1993 Act. It is usual practice for committee meetings to be advertised by notice in a prominent place or by simply inviting the members personally. It seems the CC are being unreasonable.

Answer: Perhaps a case of letter of the law versus spirit of the law. This will be looked into.

Action: CC to report back on notification of grazings committee meetings.

ii. Crofters and grazings clerks are being asked by SNH to provide information on the sporting rates of the estate on which they have grazing rights. Usually they will have no idea as sporting rights are kept by the landlord, but they are being threatened with legal action and potential fines if they fail to provide the information. Why is SNH doing this and who is providing the information on crofters' contact details to SNH?

Answer: This will be investigated.

Comment: If the crofter has no interest in the sporting rights they should simply say that on the question sheet and return it to SNH.

Action: SG to report back at next meeting.

iii. Mapping of the common grazings has ceased because SG are not providing the funding for the CC to do it. CC want to do it and SG pledged that CC would do it. SG are not honouring

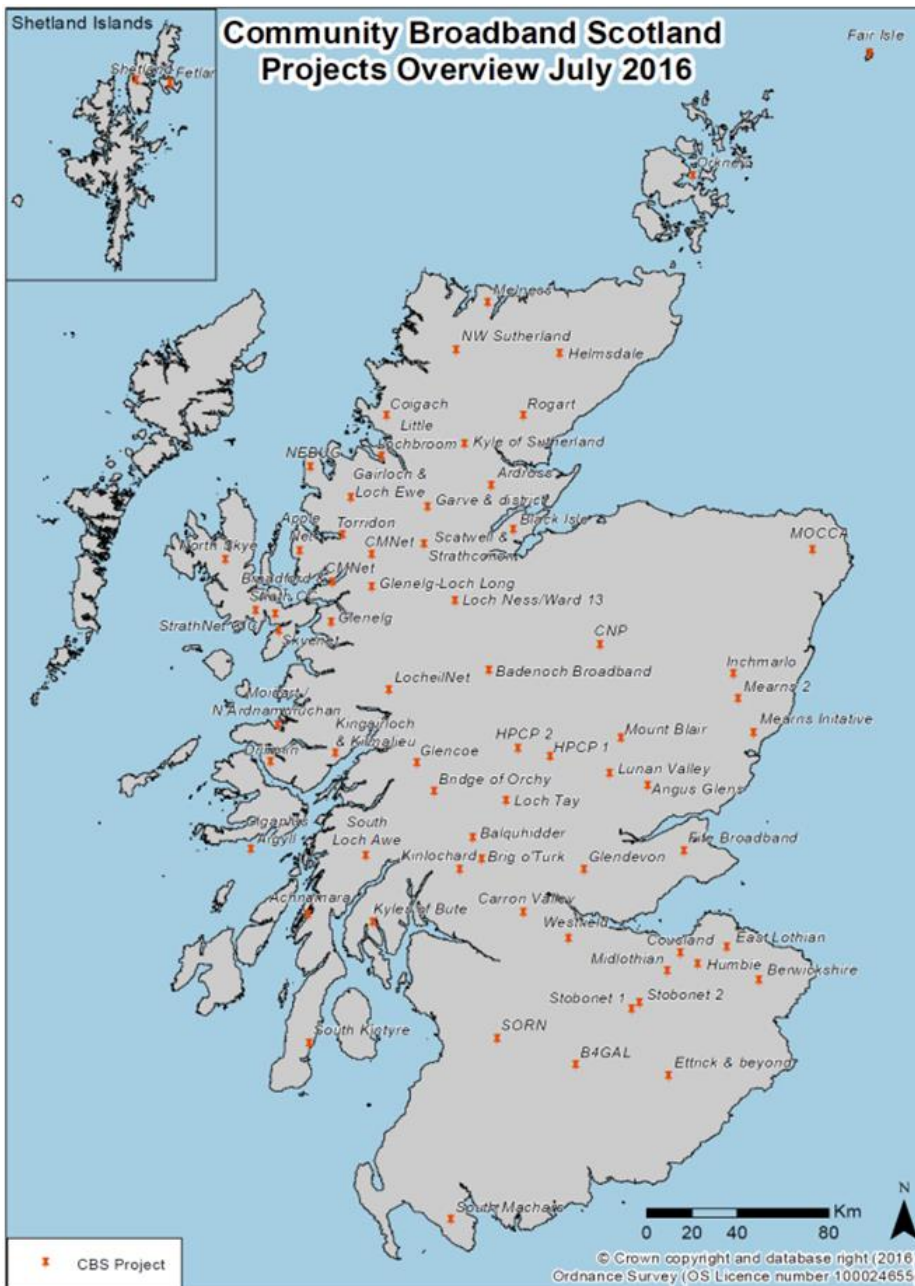
their commitment yet individual crofters are doing their duty by mapping their crofts. This item needs to be raised every meeting until we get an answer from SG as to whether they will honour their commitment to map the common grazings. **Agreed.**

Answer: The Common Grazings Project was undertaken by the CC and was funded by SG at £100k p/a over a 4 year period, to the end of March 2016 (£400k total). The intention at the onset was for the CC to facilitate registration of all Common Grazings (circa 1000 Grazings). As it transpired, there was a significant shortfall in terms of the anticipated number of CGs that were registered and the project did not meet its objectives.

9. DONM.

25 January 2017

Appendix: Map of community broadband projects



i **Acronyms:** AC Animate Consulting; AECS Agri-Environment Climate Scheme; AF Assynt Foundation; ASC Assist Social Capital; CAB Citizens Advice Bureau; CBS Community Broadband Scotland; CC Crofting Commission; CAGS Crofting Agricultural Grant Scheme; CCx Crofting Connections; CFS Care Farming Scotland; CGF Common Good Food; CHGS Croft House Grant Scheme; CLG Crofting Law Group; CLS Community Land Scotland; CnES Comhairle nan Eilean Siar; CRSF Crofting Register Stakeholder Forum; DEFRA UK Gov Dept for Environment, Food and Rural Affairs; EC European Commission; ECCLR Scottish Parliamentary Committee on Environment, Climate Change and Land Reform; 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; NDPC National Development Plan for Crofting; NGMRG National Goose Management Review Group; NISR Newcastle Institute for Social Renewal; NFUS National Farmers Union Scotland; NS Nourish Scotland; NTS National Trust for Scotland; REC Scottish Parliamentary Committee on Rural Economy and Connectivity; RoS Registers of Scotland; RSABI Royal Scottish Agricultural Benevolent Institution; 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; SGCLSG Scottish Government 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; SRN Scottish Rural Network; SRP Scottish Rural Parliament; 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.