

CROSS-PARTY GROUP on CROFTING
Meeting 12 of Parliamentary Session 5
Scottish Parliament, room Q.1.03
Wednesday 07 March 2018 at 17.30

MINUTES

Present:

Rhoda Grant MSP ⁱ (Convener)	Sandy Murray NFUS
Patrick Krause SCF (Secretary)	Robin Haig SCFYC
Kevin Patrick LANTRA	Gordon Jackson SG
Bill Gillies SAA	Donna Smith CC
Alastair Kirkwood SAA	Michael O'Neil SG
Katy Dickson SLE	Raymond Monahan SG
Rhona Elrick RoS	Irianna Vlachopoulou JHI
Bill Barron CC	Edward Mountain MSP
James Scott CC	Russell Smith SCF ^{VC}
Lucy Sumsion NFUS	Brian Inkster CLG ^{VC}
Barney MacAskill NFUS	
Kate Fry office of Rhoda Grant MSP	

1. Welcome and Apologies

The convener welcomed everyone. Apologies were received from:

Fiona Mandeville SCF; Brendan O'Hanrahan SCF; John Scott MSP; Siobhan MacDonald SAC; Rosemary Champion SHS; Janette Sutherland SAC; Ross McLaren SCRG; Eleanor Garty WTS; Jamie McIntyre WCP; Tavish Scott MSP; Donald Crichton CnES; Donald E Meek crofter; Michael Nugent SG; Stephen Sandham SG; Rod Mackenzie CC; Liam MacArthur MSP; Jamie Halcro Johnston MSP; Padruig Morrison SCFYC; Murdo MacKay CnES; Billy Neilson CC; Fiona MacKenzie UHI; Donald Cameron MSP; Neil Ross HIE; John Finnie MSP; Kate Forbes MSP; Angus MacDonald MSP; Graeme Dey MSP; Emma Harper MSP; Gail Ross MSP; Maree Todd MSP; Donald MacKinnon SCFYC; Wendy Kenyon SPICE; Murray McCheyne SLE.

2. Minutes of previous meeting

The minutes of the previous meeting held on 17 January were agreed.

3. Matters Arising

- Geese: An SCF representative from Uist will meet with Cabinet Secretary for Environment, Roseanna Cunningham, tomorrow.
- FAS: The one-to-one service could be worth crofters taking up.

4. Crofting Development

4.1. Crofting Development – Rates for sporting rights.

Alastair Kirkwood, SAA vice-President and Bill Gillies, Assessor for Highland & Western Isles Valuation Joint Board, reported on the system in place for assigning a rateable value to sporting rights on agricultural land. This included:

Up until 1995 sporting rights were excluded from the valuation roll. This was repealed on the land reform 2016 act, when sporting rights and forests were entered on the valuation roll. Previous data has not been kept so it was necessary to start again. Information was provided by Scottish government and other agencies, together with Who Owns Scotland, and so on. Forms were sent to all land occupiers. There was a general presumption that occupiers of less than 50 ha won't have sporting rights that would result in an entry in the valuation roll. Therefore most crofts would be left out (except common grazings).

We are aware that the right to shoot is not necessarily passed to the croft tenant by the landlord, but there are some exceptions. Hence the form gave an opportunity for the holder of the sporting rights to be identified. Note this is about rights, not about land ownership.

If a crofter has been sent a rates demand and they do not hold the sporting rights it is very important that they contact their local Assessor and the issuing authority.

Discussion:

Question: would the crofter have to prove who holds the sporting rights?

Answer: Normally Assessors would take their word that they do not hold the rights although if there is contrary information proof may be required.

Question: is it recognised that sporting rights differ from shooting marauding deer?

Answer: yes, a crofter would only be entered on the valuation roll if they held sporting rights. If a crofter does hold sporting rights, but they believe there is an incorrect valuation they should discuss this with their local Assessor. If they are still unsatisfied they can appeal.

Question: if this is a crofting estate, and the rights are on the common grazings, who is liable to collect the rates from the shareholders in this, i.e. who actually holds the rights? Is each shareholder liable for their share?

Answer: notice would have been served to the clerk. If crofters are tenants, rights are probably with the landlord, whoever that may be. If it is a croft-owned estate the crofters may hold rights. Ultimately research will be required to determine who has the rights.

Comment: it would have been helpful if a covering letter was sent by the local authority with the demand for payment spelling out how this affects crofters, who may hold the rights, how they can contact assessors, how they can appeal, etc.

Question: if a crofter got help to shoot vermin would that be considered sporting?

Answer: shooting vermin can be complicated; some vermin may be sporting rather than vermin control, it can be a grey area. Generally shooting vermin for crop protection is distinct from sport shooting.

Question: if a crofter let out their right to shoot vermin, for example marauding deer, for a value, would this be rateable?

Answer: if the crofter only has the right to control vermin, getting somebody else to control vermin would not normally be considered eligible to be put on the valuation roll; if the crofter has the sporting rights and sublets these to somebody else, they are liable for the rates, the same as if a landlord lets out sporting rights they may still be liable for rates. It is important to ask the assessor in the specific circumstance.

Comment: crofters don't have the rights to shoot marauding deer on common grazings.

Comment: I'm a crofter and I received the form. I filled it in saying I don't have sporting rights; this was accepted and I have heard nothing since.

Answer: yes, this should be very straightforward. If the form was filled in saying 'no sporting rights' this would normally be accepted by the assessor. If the form has not been filled in and

an entry has been made in the valuation roll crofters can still contact their assessor and it should be sorted quickly. They also need to contact the local authorities finance department about the demand.

Question: what is the empty property relief?

Answer: if the sporting right is unexercised the holder may get relief; this lies with the local authority. It is possible for it to be 100% relief. We think that only a very small number of crofters are affected by this.

In summary if a crofter thinks they have been wrongly assessed they should contact their assessor; they may be taken off the valuation roll or they can appeal, or they can apply for relief - small business bonus scheme or vacant property relief. Applying for relief does not imply that the valuation or entry on the valuation roll is correct or incorrect. It is important to appeal within six months.

Comment: it would be helpful if the Scottish Assessors Association gave guidance to local authorities as they don't seem to be very knowledgeable about crofting and the options crofters could have.

Question: will the cost of running the system be valued against the rates raised?

Answer: that is the Scottish Government and local authorities to decide.

4.2. Other updates from SG, agencies and NGOs

SGCSF: the final paper on common grazings has been completed and all papers are nearly consolidated and will be circulated to the SGCSF members.

5. Crofting Law and Administration

5.1. Legislation

Michael O'Neill, SG Head of Crofting Bill Team, gave an update on crofting law reform and the consultation.

The analysis of the consultation will be published shortly. The Cabinet Secretary for Rural Economy, Fergus Ewing, would like to attend a meeting of this group to inform of his intentions in taking crofting legislative reform forward. A date suggested is 28 March. This will be confirmed presently. [*sec. note: this date is confirmed*].

5.2. Administration

5.2 Crofting Administration

Bill Barron gave an update on crofting commission regulation, highlighting 3 issues:

1. Recruiting assessors; there will be a smaller panel (23) which will work closer with the board. It will be a better setup that will enable keeping in closer touch with a smaller group. The new assessors will meet at the crofting commission on the 21st and 22nd March.
2. Communication; the CC is seeking to improve its communication, on what the crofting commission is doing, what is expected from crofters, how crofting works, "keeping under review matters affecting crofting", and so on. We need crofters to let us know what is useful.
3. Registration; the challenge of the 2010 act. If a crofter has not been registered before and it comes to the crofting commission it can take at least five weeks to process. There are often no authoritative historical maps. Despite the challenges, we have 4000 to 5000 Crofts registered now and we will possibly ask for changes in the bill to make registration more straightforward.

Discussion:

Question: there are now 23 assessors, they used to be over a hundred; is the coverage adequate?

Answer: CC: yes, it should be fine. The assessors will work in a different way. It is a five-year appointment. We are learning as we are going along but it is important to use the assessors more, the Commission didn't do a lot in the recent past with the assessors.

RoS: a high number of corrections are needed (RoS don't charge). The whole ethos about registration is that crofters don't have to spend a lot. Community mapping is encouraged as this saves money, produces more accurate maps and also has community strengthening benefits. There is no discount now but instead RoS offer dedicated resource to help with the preparation of a community mapping application. Community mapping still works best.

6. Crofting Support

Gordon Jackson, SG, gave an update on support schemes:

2016 payments

BPS, Greening and Young Farmer, only 3 claims left to pay.

SSBSS and SUSSS have been 100% paid.

LAFASS 95.7% of eligible claims have been processed.

RP 97.8% paid

AECS 96.5 % paid and FGS 94.6 paid

BES 95% paid

LMO 98.1% paid

2017 loans

BPS loans 17,595 farmers and crofters made a loan offer (total value £344 million.) 13,461 claims have been paid (value £314.8 million)

Croft House Grant Scheme - attendees at the CPGoC meeting on 17 January were informed that there were 22 eligible applications from the December 2017 tranche. It is confirmed that 14 out of the 22 applications were approved following scoring. This amounts to some £489k of approvals from this round and this brings the total for 2017/18 to £2.5m.

CAGS - it was confirmed that the budget for 2018/19 has been set at £1.5m. An update on the quarterly stats will be provided at the next CPGoC meeting.

Discussion:

Question: It seems to be impossible for a grazings clerk to register their common grazings on-line as the clerk, rather than under their own private IACS.

Answer: This is understandable; will take away and respond next meeting.

Question: Would it be useful to ask someone from the Agriculture Champion to the next meeting? **Agreed.**

Action: Gordon to find out about submitting IACS on-line for common grazings.

Action: Sec to invite a representative from Agriculture Champions.

7. AOB

None

8. DONM.

28 March

25 April

i **Acronyms:** AECS Agri-Environment Climate Scheme; AF Assynt Foundation; CAB Citizens Advice Bureau; CBS Community Broadband Scotland; CC Crofting Commission; CAGS Crofting Agricultural Grant Scheme; CCx Crofting Connections; CFS Care Farming Scotland; CHGS Croft House Grant Scheme; CLG Crofting Law Group; CLS Community Land Scotland; CnES Comhairle nan Eilean Siar; CRSF Crofting Register Stakeholder Forum; CWA Community Woodlands Association; DEFRA UK Gov Dept. for Environment, Food and Rural Affairs; EC European Commission; ECCLRC Scottish Parliament Environment, Climate Change and Land Reform Committee; EFNCP European Forum for

Nature Conservation & Pastoralism; FCS Forestry Commission Scotland; FFRWG Freight Fares Review Working Group; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; JHI James Hutton Institute; 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; RECC Scottish Parliament Rural Economy and Connectivity Committee; RoS Registers of Scotland; RSABI Royal Scottish Agricultural Benevolent Institution; RSPBS Royal Society for the Protection of Birds Scotland; SAA Scottish Assessors Association; 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; SFT Sustainable Food Trust; 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; SHS Small-Holder Scotland; THC The Highland Council; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.