

LAND MANAGEMENT - SUSTAINABLE TENANTS POLICY

1. INTRODUCTION

1.1 This Policy sets out how the Urras will deal with all cases of absenteeism and neglect of croft land; with the aim of revitalising and protecting crofting for future generations.

1.2 The Crofters (Scotland) Act 2010 requires the Crofting Commission to consider all the circumstances of absentee cases, including the general interest of the crofting community. The Commission will seek proposals for the occupation of crofts. Ultimately failure to reside on, or assign the croft to another, may result in the tenancy being terminated and the croft re-let.

1.3 The Crofting Commission notify the Urras of absentee cases and this policy will outline the Urras's aims to achieve sustainable tenancies and tackle issues of croft neglect and absenteeism.

2. POLICY STATEMENT

2.1 *Aims and Objectives*

The Urras aims to:

- Achieve sustainable tenancies which support the retention of population on the Galson Estate
- Ensure that decisions on tenancies of crofts are dealt with in a fair and non-discriminatory manner
- Minimise the number of crofts affected by absenteeism by creating a process that allows for re-let of the tenancy as quickly as possible
- Ensure all enquiries and requests regarding tenancies are dealt with consistently

- Protect the rights of outgoing tenants by ensuring that any compensation due will be paid, after liabilities are accounted for.
- Ensure that the overarching aims and objectives of the Trust are taken into consideration in assigning or re-letting the tenancies of croft land

In this context, consideration will be given to:

- Maintaining the local population
- Whether the proposed tenant will be a new entrant to crofting
- The wider interest of the communities of the Galson Estate
- Whether the proposed tenant's proposals for the croft will contribute to the sustainable development of the community and demonstrate a "useful purpose" ⁱ for the land
- The demand for crofts on the Galson Estate
- Any existing arrangements which may be pertinent

3. IMPLEMENTATION

3.1 The procedure, which accompanies this Policy, provides an extensive list of checks and procedures that are completed by the Urras as part of the process of re-letting a croft that is deemed to have an absentee tenant.

3.2 The following guidelines are adhered to as part of the implementation of this policy;

- The Crofting Commission hold regulatory powers to tackle absenteeism. The Commission will seek proposals for the occupation of crofts. Ultimately failure to reside on, or assign the croft to another, may result in the tenancy being terminated and the croft re-let. ⁱⁱ
- The Urras will be notified of any vacant croft available for re-let and will arrange for a survey of the croft to allow for assessment of compensation due. ⁱⁱⁱ
- The outgoing tenant will be liable for any arrears of rent, an administration fee, advertising costs of and a valuation survey fee as well as any other associated costs incurred as part of the re-letting process.

- The Urras will advertise the tenancy of a croft to be re-let in the local press and invite letters of interest along with a plan of how a tenant will cultivate or put the land to good use.^{iv}
- Letters of interest outlining plans will be considered and scored by an assessment panel formed by the Trust. The panel will constitute of the Urras Manager, the local Grazings Clerk for the relevant township and a director from Urras Oighreachd Ghabhsainn’s Board of Directors.^v
- The tenancy of the croft will be offered to the candidate who offers a plan that best meets the criteria set as part of the assessment process.
- Interested parties will be contacted in writing to inform them of the decision within 21 days.
- Any appeals to the decision should be made in writing within 21 days of the decision.
- The new tenant must pay the Urras the amount advertised as part of the re-let, this payment is used to pay the compensation owing to the outgoing tenant.
- The Urras will issue all appropriate documentation to enable a new tenant to take over a tenancy as quickly as possible.
- Crofts will not be sold to absentee tenants
- Crofts that have been re-let will not be sold to incoming tenants
- In line with the Urras’s aims and objectives, title will be granted for a 1st house site on the croft.
- It is the responsibility of the new tenant to inform the Crofting Commission that they have taken over the tenancy of the croft and this should be done in line with the guidelines set out by the Commission.

4. RESPONSIBILITY

- 4.1 Overall responsibility for the implementation of this policy lies with the Board of Directors of Urras Oighreachd Ghabhsainn.
- 4.2 The Urras’s Manager is responsible for the day-to-day implementation and application of the policy and procedures, as well as having responsibility for monitoring and making recommendations for improvement.

5. CONSULTATION

- 5.1 The Urras will consult on an annual basis with the assessment panel, grazings committees and other relevant bodies to promote continuous improvement and develop good practice in this policy.

6. REVIEW

- 6.1. The Urras will formally review this policy on an annual basis, unless changes in legislation or regulation require an earlier review.

7. TRAINING

- 7.1 The Urras will provide all those involved in implementing this policy with appropriate training.
- 7.2 Training will be given to:
- New Staff
 - Existing staff, as a refresher/update as require
 - All those involved in the assessment process
 - Training for staff/panel after change to policy/legislation

8. POLICY REVIEW SUMMARY

Policy title:	Land Management - Sustainable Tenants Policy
Dated created:	17 th July 2012
Person responsible:	Commercial Development Manager
Version:	4
Date last amended:	August 2016
Authorised by:	n/a
Formal Review:	Annually or more frequently, if required
Review committee	Urras Oighreachd Ghabhsainn Board of Directors
Date of last review:	August 2016
Date of next review:	August 2017

ⁱ A useful purpose for the land can be any planned or managed use that isn't harmful to the croft or the surrounding area, and doesn't go against public interest or the interests of the Trust. This could include using the land for forestry, tourism, or renewable energy. The tenant will have to get permission from the Trust and possibly the Crofting Commission to use the land in this way.

ⁱⁱ More information on the Crofting Commission's Croft Occupancy Initiative can be viewed on their website: <http://www.crofting.scotland.gov.uk/occupation.asp>

ⁱⁱⁱ Under the Crofters Holdings (Scotland) Act of 1886, gave crofting tenants security of tenure, the right to a judicially reviewed rent and the right to compensation for improvements on leaving their holdings.

^{iv} Cultivation includes: keeping livestock, poultry or bees, growing fruit, vegetables or other crops, planting trees and using land as woodland. The land should also be kept in a fit state of cultivation, for example, by keeping down pests, vermin and harmful weeds.

^v Conflicts of Interests will be noted and a panel member will be replaced should there be any conflicts arising.