

Scottish Land & Estates welcomes the opportunity to respond to this consultation on the proposals for establishing the Interim Body to Manage the Crown Estate Assets in Scotland and that there will be a further consultation on the long-term framework. We are a membership organisation representing landowners, land managers and rural businesses across Scotland, including The Crown Estate. Scottish Land & Estates is also a member of The Crown Estate Scottish Liaison Group.

We would comment on the specific proposals as follows (with reference to the paragraph numbers in the consultation document):-

## **Policy Statement**

Paragraph 16 – we welcome the draft principles as set out and believe it to be good for the Crown Estate to continue to operate on this basis.

## **Establishing the interim body**

Paragraph 18 – we agree that a body corporate is the appropriate model for the interim body. The economic and income generating focus and principles of managing Crown Estate Assets should not be lost as we feel the interim body could be an exemplar economic model. We would not wish the interim body to evolve into a bureaucratic or administrative public body, without that focus.

Paragraph 19 – we have some concerns regarding the potential retention of the interim body on a more long-term basis once permanent arrangements are in place. This would need to be carefully scrutinised and the relationship between the interim and permanent bodies properly thought through to avoid duplication and conflict.

Paragraphs 20 and 21 – while not a ‘catchy’ title, it does what it says and we would agree with the name “Crown Estate Scotland (Interim Management)” as proposed, unless a more streamline title can be found. Similarly we agree that the interim body ought to benefit from Crown Status with all that entails.

## **Membership of the interim body**

Paragraph 23 (a) – we believe the proposals, while not prescriptive, should give a better indication of eligibility for appointment and specifically the desirability of expertise or experience in areas such as law, finance, economic issues, planning and development, land management and environmental issues.

Paragraph 23 (b) – conflicts of interest can occasionally arise and are potentially not always foreseeable. We would therefore suggest that provided any conflict is appropriately declared in advance and due process followed, the proposal as currently drafted is too stringent and should be modified.

Paragraph 23 (c) – we would add councillors and employees of any local authority; and office holders of the Scottish Administration to the list for disqualification. As with other bodies corporate, for consistency it may be sensible that this disqualification exists not only during the period in the relevant excluded office, but in the preceding 12 months.

### **Members' terms of appointment, resignation and cessation**

Paragraph 25 – we agree with resignation procedure. However, in the proposals it should be clarified here that the public appointments process will be regulated by the Commissioner for Ethical Standards in Public Life in Scotland, to which reference is made at Paragraph 36.

### **Removal of members**

Paragraph 26(c) – we assume that this proposal would include those who are incapacitated, either physically or mentally; but also those who are unsuitable through conviction of an 'imprisonable' criminal offence.

### **Chief Executive and employees**

Paragraph 27 - the person employed as Chief Executive should not be a Member, although may sit on the Board.

### **Committees and meetings**

Paragraph 28 – we agree that committees and indeed sub-committees may be established where those relate to the functions of the interim body and with the obligation to establish an audit committee. However, such committees must comply with any directions given to it by the Board which should retain ultimate responsibility. If any appointments were to be made to a committee or sub-committee then these should follow the rules of eligibility for Members.

Paragraph 29 – we agree that the new body should have flexibility and procedurally regulate itself.

### **Functions**

Paragraph 31 – we agree that the functions are those already exercisable under legislation.

### **Annual Report and corporate plan**

Paragraph 34 – we agree with the publication of an annual report which is to be laid before Parliament. The report should be as soon as practicable after the financial year end and set out an assessment of the body's performance in undertaking its functions and meeting any objectives in terms of the corporate plan.

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