

## ANOTHER CROFTING VILLAGE CALLS FOR INQUIRY INTO COMMISSION AFTER RULINGS WHICH THREATEN 'ENTIRE SYSTEM OF CROFTING AGRICULTURE'

The grazings committee of a second Lewis crofting village has been dismissed by the Crofting Commission - for allegedly failing to make payments to a long-term absentee tenant who has claimed a personal share of grants secured by the village over a 15 year period.

In a statement, members of the now defunct Mangersta Grazings Committee said: "We have observed with great interest events in Upper Coll and see significant parallels with our own experience. The role of the Crofting Commission has been appalling and the sooner there is an inquiry into its entire operations, the better".

They accused the Crofting Commission of overbearing and inconsistent behaviour and warned that if the right of individual tenants to receive personal shares of public money intended for village improvements and participation in agri-environmental schemes is upheld, the entire system of crofting agriculture will face collapse.

The individual who has pursued claims worth thousands of pounds against the Grazings Committee was an absentee tenant from 1994 to 2012. In response to his claims, there have been repeated investigations, all of which concluded that the village's affairs have been managed with integrity and efficiency.

In 2012, the Crofters Commission investigated the absentee tenant's claims and allegations, finding that the only payment due to him was £65.38, being a share of resumption income. A cheque for this amount was sent to the individual concerned in December 2012 but was returned by him.

Following a further barrage of correspondence and Freedom of Information requests, the Crofting Commission convened a meeting of Mangersta shareholders which was held in March 2014. Those present say that this meeting was dominated by Mr Colin Kennedy, then vice-convenor of the Commission - and now convenor - with little opportunity for other voices to be heard.

At the conclusion of this meeting, Mr Kennedy said the village must make payments to the complainant from Resumptions (plus interest), a Forestry Scheme and Scottish Rural Development Programme grants. Despite severe doubts about the propriety of this action and its implications for crofting more generally, the Grazings Committee acquiesced. When asked what would happen if the absentee tenant again sent back the cheque, Mr Ian Bryce of the Commission replied: "That will be the end of the matter".

The cheque was duly sent, after close consultation with the Crofting Commission about the calculation of sums. Ian Bryce then advised in writing: "I have had word back from Colin and he has no issues with the your calculations and the direction you are taking". The cheque for £1749 was returned uncashed and the

Commission informed. A further 20 months elapsed without any further advice or instructions emanating from the Commission.

Then, out of the blue, in November 2015, the Grazings Clerk received a letter from Chief Executive, Catriona Maclean asking for confirmation along with supporting evidence that all the actions from the March 2014 meeting had been taken. Despite the short notice given for replying (less than two weeks) the Clerk sent the Commission a detailed report to demonstrate that this was the case.

A few days before Christmas, all members of the Grazings Committee received letters from the Crofting Commission telling them that they had been removed from office and a Grazings Constable was to be appointed. The only reason offered for this extreme action was that the Committee had failed to pay "undisputed resumption monies" to the complainant.

The Mangersta statement said: "The only interpretation of this was that we should have sent him two cheques rather than one. The only 'undisputed' money was the £65 plus interest, £120 in total. But at no point during the calculation of the £1749 had there been any suggestion from the Crofting Commission that the 'undisputed resumption monies' should be paid separately.

"To dismiss the Grazings Committee for this supposed breach, after 20 months of silence and without warning, was inexplicable behaviour on the part of the Crofting Commission. However it was made clear in their letter that there was no right of appeal against their decision or the appointment of a Grazings Constable.

"Four months later we are still waiting on the Grazings Constable to conclude his report. An interim report which he submitted, introducing yet another figure for monies supposedly due to the complainant, was withdrawn and even the Commission has acknowledged that the continuing delay, during which the Grazings Committee remains debarred, is unacceptable.

"As things stand, and on the basis of exactly the same evidence, this village has been told by the Crofters/Crofting Commission to pay three widely varying amounts of money to a former shareholder, who was himself in breach of the Crofters (Scotland) Act for his entire tenancy. We have no idea what the final conclusion will be if and when the Constable (who lives in Argyll) gets round to submitting another report.

"It is a complete and utter shambles which has created a huge level of worry and outrage in this small community.

"We continue to believe that the only report which came to a sensible calculation was the first one, carried out by the Crofters Commission. Any other outcome has massive implications for crofting as whole. It would bankrupt every Grazings Committee if individual tenants could make retrospective claims on monies which were secured for communal agricultural purposes".

The statement concluded: "Our dealings with the Crofting Commission have given rise to serious doubts about what purpose this organisation is supposed to serve. At no point has it shown any interest in defending the crofting interest and instead has inflicted untold damage on the morale of a well-run, active crofting village through its erratic, overbearing and contradictory behaviour."

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