

Case: 201005073, Crofting Commission (Crofters Commission)
Sector: Scottish Government and devolved administration
Subject: handling of application
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C and Mr B, who are both crofters, applied to the Crofters Commission (now the Crofting Commission) to apportion four areas in two common grazings. (Apportionment is where the commission may allow an individual who holds a right in common grazing land to have exclusive use of an area of the grazing.)

They complained that the commission delayed in determining the applications; used inadequate procedures and provided misleading advice; failed to take appropriate account of a conflict of interest on the part of one of the grazings committee; breached their Code of Conduct by commissioning a report on the matter from Mr C's line manager; failed to take action on an assurance they gave about township accounting; and failed to respond appropriately to Mr C's complaints.

Our investigation found that there were avoidable delays in processing the applications, but as the chief executive had apologised directly to Mr B for this, we made no recommendations. We did not uphold Mr C's other complaints.

We found that procedures in apportionment applications differ from other crofting applications, and a local public meeting had been followed by a properly convened meeting of Commissioners. The public meeting allowed dissenting members of the grazings committee to put their views forward and the matter of a conflict of interest in the commissioning of the report was a matter for Mr C's employer. There was conflicting information about whether the assurance about township accounting had been kept and, in the absence of relevant evidence, we were unable to determine what actually happened, so could not uphold the complaint. We found that Mr C's complaint was dealt with appropriately.