



The Scottish Parliament
Pàrlamaid na h-Alba

Published 8th December 2016

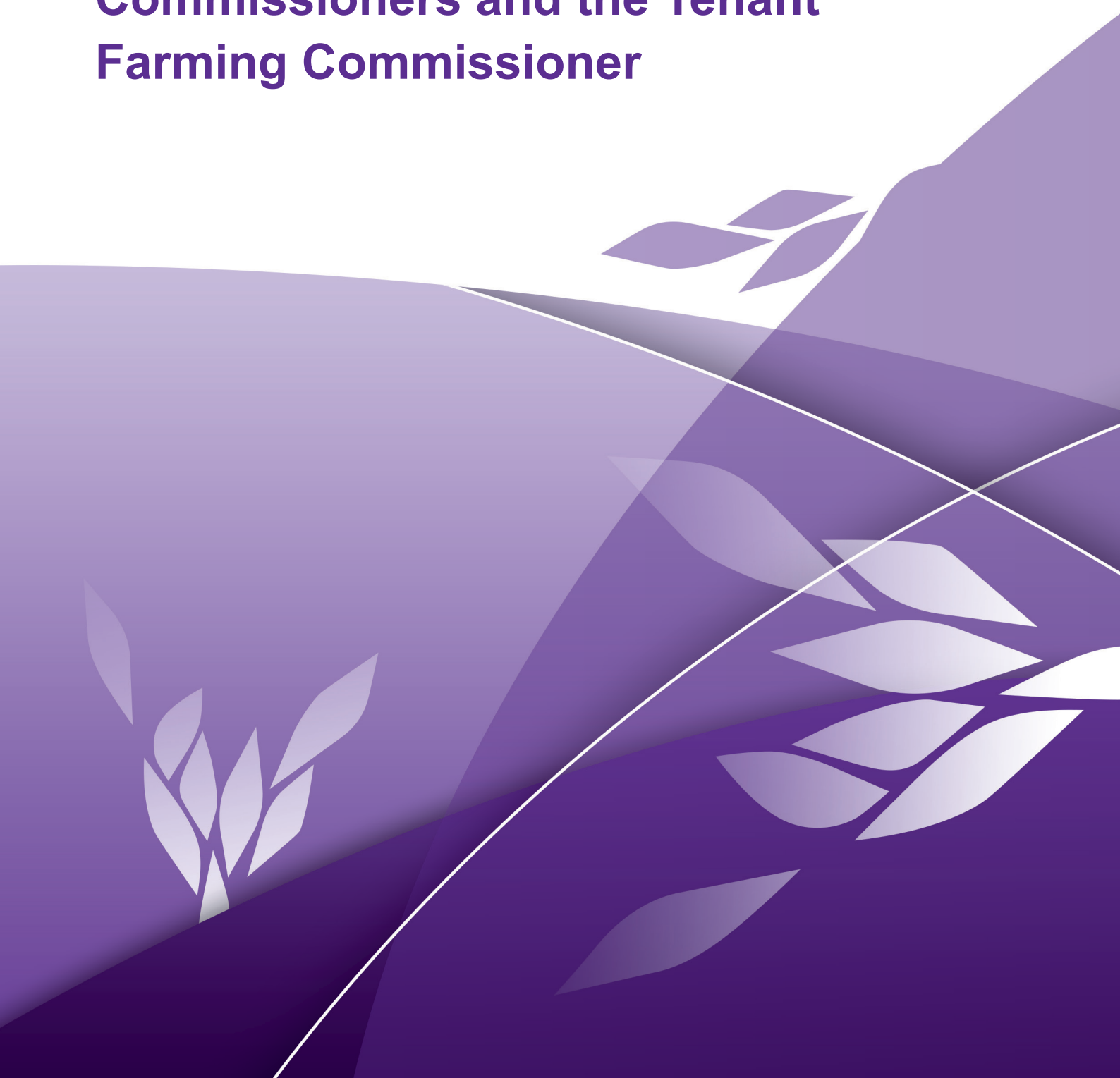
SP Paper 50

4th Report, 2016 (Session 5)

Web

Environment, Climate Change and Land Reform Committee

Appointment of the Scottish Land Commissioners and the Tenant Farming Commissioner



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Environment, Climate Change and Land Reform Committee

Appointment of the Scottish Land Commissioners and the Tenant Farming Commissioner, 4th Report, 2016 (Session 5)

Environment, Climate Change and Land Reform Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Environment, Climate Change and Land Reform.



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Introduction

The Scottish Land Commission

1. The [Land Reform Act 2016](#) provided for the establishment of a Scottish Land Commission (SLC). The purpose of the SLC is to:
 - to review the impact and effectiveness of any law or policy in relation to land
 - to recommend changes to law or policy;
 - to gather evidence;
 - to conduct research;
 - to prepare reports; and
 - to provide information and guidance.

The Scottish Land Commissioners and Tenant Farming Commissioner

2. Part 2 of the 2016 Act states that the SLC should consist of five Land Commissioners and a Tenant Farming Commissioner (TFC). The functions of the Land Commissioners are provided in [Chapter 2 of Part 2 of the 2016 Act](#) while the functions of the Tenant Farming Commissioner are listed in [Chapter 3](#).
3. While these appointments are to be made by Scottish Ministers, they must also be approved by the Scottish Parliament.
4. In appointing members to the Land Commission, the Scottish Ministers must have regard, among other things, to the desirability of the Land Commission (taken as a whole) having expertise or experience in:
 - land reform
 - law
 - finance
 - economic issues
 - planning and development
 - land management
 - community empowerment
 - environmental issues
 - human rights

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- equal opportunities
 - the reduction of inequalities of outcome which result from socio-economic disadvantage, and:
 - encourage equal opportunities and, in particular, the observance of the equal opportunity requirements.
5. Scottish Ministers must take every reasonable step to ensure that at least one of the Commissioners is a speaker of the Gaelic language. In appointing the TFC the Scottish Ministers must ensure that the person appointed has expertise or experience in agriculture.
6. A person may not be appointed as a member of the Land Commission if they are or have been at any time during the previous 12 months, an MP, MSP, MEP, Councillor, or an office holder of the Scottish Administration. A person may not be appointed as the TFC if that person is the owner or a tenant of land subject to a relevant tenancy (Defined in section 12(3) of the Act).

Role of the Environment, Climate Change and Land Reform Committee

7. The Scottish Land Commission is within the remit of the Environment, Climate Change and Land Reform Committee. In order to be satisfied that the appointments process for the Land Commissioners and tenant farming Commissioner is appropriate, fair and will result in a Commission that reflects the requirements set out in [Part 2 of the 2016 Act](#), the Committee agreed at its meeting on 29 September 2016 to:
- [write to the Scottish Government](#) asking for information on the appointments process;
 - request a brief biography of each of the nominees as well as a short statement outlining their suitability for the role;
 - hold an evidence session with the six nominees; and
 - report its findings to the Parliament.
8. The Committee did not wish to hold a repeat of the Scottish Government's appointment process. Rather, it wished to assess the nominees as a whole as it is widely understood that no one person is likely to have expertise or experience across all the desired areas as set out in the 2016 Act. The Committee also reflected on the previous Rural Affairs, Climate Change and Environment Committee's recommendation in its [Stage 1 report on the Land Reform \(Scotland\) Bill](#) that the overriding importance is that the Commissioners are people of integrity, principle and vision that are respected and trusted by the people of Scotland.

Candidates nominated for appointment

The Scottish Government's appointment process

9. The posts were advertised on Tuesday 2 August 2016 with interviews held during October. On 11 November the Cabinet Secretary for Environment, Climate Change and Land Reform wrote to the Committee to announce the names of the Scottish Government's nominees to be Land Commissioners. The letter, which can be read in **Annexe A**, also outlines the appointments process followed by the Scottish Government.
10. The names of the Scottish Government's nominees for Scottish Land Commissioners were:
 - Professor David Adams
 - Megan MacInnes
 - Lorne MacLeod
 - Dr Sally Reynolds.
 - Andrew Thin (proposed Chair of the Commission)
11. The Scottish Government also nominated Dr Bob McIntosh as the Tenant Farming Commissioner.

The Committee's scrutiny of the nominees

12. Following the Scottish Government's announcement of the nominees, the Committee wrote to all six requesting a brief biography of their relevant experience as well as a short statement outlining their suitability for the role. The response from each nominee is listed in **Annexe B**.
13. The Committee also invited each of the nominees to give evidence at a public evidence session on [Tuesday 29 November 2016](#). As the Rural Economy and Connectivity Committee also had an interest in this work, [it appointed Edward Mountain MSP](#) as a reporter and the Committee invited him to participate in this meeting.

The proposed Tenant Farming Commissioner

14. The Committee first heard from Dr Bob McIntosh and asked him a range of questions in relation to his suitability to the role, including his farming experience, his approach to the role and any potential conflicts of interest.

Farming Experience

15. In outlining his farming experience to the Committee, Dr McIntosh highlighted three main areas of involvement with the agricultural sector:
- 15 years of experience as a part-time farmer in Northumberland
 - His career with the Forestry Commission which included responsibility for over 1.3 million hectares of land. Dr McIntosh outlined that much of this land was not forest and he therefore had “a lot of immersion in dealing with tenants and tenancies of all types, including in the agriculture sector.”
 - His role in encouraging and promoting starter farms while also at the Forestry Commission. This gave new entrants “a start on the farming ladder on land with buildings that we would otherwise have sold.”¹
16. In responding to questioning on his knowledge of the agricultural holdings legislation and whether he had any direct involvement in rent reviews and tenancy resumptions, Dr McIntosh said that he had not been directly involved in the “nuts and bolts” of tenancies but was studying the legislation into agricultural holdings and acknowledged that he needed to “get up to speed pretty quickly in understanding the legislation in more depth”. Dr McIntosh added that he would have access to expert advice to aid him in his work and that the “technicalities of legislation do not really come under my role. If there are technical or legal issues, those are really for the Land Court to resolve.”²

Approach to the role

17. When questioned on how he planned to engage with the sector, Dr McIntosh said it was “vital” to work with key stakeholders such as the Scottish Tenant Farmers Association, Scottish Land and Estates, NFU Scotland and the Royal Institution of Chartered Surveyors. He also hoped to “be out there on the ground” on farms to help understand the issues faced by tenants.³
18. Dr McIntosh also considered that a primary part of his role was in relationship building:
- “...it is not so much about the technicalities as about trying to create a culture whereby landlords and tenants can work in an area of mutual respect and understanding in a fair and reasonable manner. Having read the report of the agriculture holdings review, there seem to be a lot of dysfunctional landlord-tenant relationships around. It is about building relationships as much as anything.”⁴
19. During questioning on how he might handle mediating between parties with entrenched views, Dr McIntosh accepted that such work was challenging but pointed to his previous role in the Scottish Government where he often dealt with conflicting opinions.⁵

Potential conflicts of interest

20. While Dr McIntosh is a board member of Highlands and Islands Enterprise and a member of the executive committee of the Association of Deer Management Groups, he did not consider either role represented a conflict of interest. However, if any potential for a conflict did arrive in the future, he said he would declare it. Dr McIntosh also said he was considering whether to continue his membership of the Royal Institution of Chartered Surveyors given their connection with land agents.⁶

The proposed Scottish Land Commissioners

Eligibility for appointment

21. As stated previously, the Committee sought to consider the nominees as a whole given that no one person would likely have expertise or experience across all the desired areas set out in the Land Reform Act 2016. Therefore, the Committee questioned the Land Commissioners collectively rather than individually so as to consider their combined experience and skillset.
22. The Committee asked each nominee to outline what they might bring to the Commission's work and also any possible weakness of the panel as a whole. It was acknowledged that none of the panel had specific legal expertise but that the Commission could seek legal advice across the breadth of the law as and when required. Andrew Thin believed that this need for legal advice would have been necessary whatever the make-up of the Commission:

” Even if we were to have five or six specialists on the commission, we would still not have all the specialists we would need, and we would not have any other talent.⁷

23. The panel were also asked about their wider agricultural experience or expertise, which ranged from oversight of farming operations to a background in crofting. However, Professor Adams questioned the requirement for specific sectoral representation:

” I have some concern about members relegating the commission to being a farming organisation. It could, equally, be asked why we do not have a house builder or someone from a financial institution on the commission. As the commission goes forward, it will be very important—as I mentioned earlier—that we think about land in all Scotland and not just in rural areas.⁸

Relationship between the Tenant Farming Commissioner and the Land Commissioners

24. The 2016 Act outlines the specific functions of the Tenant Farming Commissioner and Land Commissioners. The Committee therefore asked both Dr Bob McIntosh and Andrew Thin, who is the proposed chair of the Commission, on how they will interact. Dr McIntosh believed that it would be advantageous for the Tenant Farming Commissioner to sit on the Commission given the expected links in their functions and that he would have “no difficulty marrying the two.”⁹ Andrew Thin,

who is also the acting Tenant Farming Commissioner provided under the 2016 Act, said: “I hope that I will be able to assist when that is wanted and shut up if it is not.”¹⁰

Potential conflicts of interest

25. The Committee explored with the proposed Land Commissioners any potential conflicts of interest and were satisfied with their responses. The Committee notes that Lorne MacLeod referred to his role as Chairman of Community Land Scotland and a co-opted director of the community owned estate in the islands of Eriskay, South Uist and Benbecula as possible conflicts of interest. However, he said that he would resign from both roles by the end of 2016.¹¹
26. Andrew Thin said that as Chair it would be his responsibility to ensure that any potential conflicts are properly managed. He added that he had done this “many times in many public bodies” and would always seek advice from support staff and lawyers if necessary.¹²

Conclusions and recommendations

Proposed Tenant Farming Commissioner

27. The Committee considered the experience of the proposed Tenant Farming Commissioner, specifically his lack of direct involvement in dealing with tenant farmers, agents and landlords on tenancy issues; his limited experience in the agriculture sector; and his unfamiliarity with the detail of relevant legislation. As a result the Committee believes that Dr McIntosh may have a challenge in reassuring stakeholders that he is suitably equipped for his role.
28. However, the Committee acknowledges that not coming from a particular agricultural sector and approaching the role without a predetermined view on many of the issues affecting tenant farming does provide Dr McIntosh with an advantage of perceived neutrality. This should assist him in building relationships with stakeholders and in mediating any disputes. The Committee also considers Dr McIntosh’s range of previous roles as advantageous and were impressed by his astute and nuanced responses to the Committee’s questions during the evidence session.
29. On the issue of neutrality, the Committee considers that as the Royal Institution of Chartered Surveyors is likely to be a significant stakeholder in the Tenant Farming Commissioner’s work and it is important that the Commissioner is and is perceived to be impartial, it would be a requirement that Dr McIntosh resign his membership of RICS prior to his appointment.

Proposed Land Commissioners

30. The Committee recognises the challenge in appointing a Commission which covers the range of expertise and experience set out in Section 11 of the 2016 Act. However, the Committee considers that the collective skillset of the proposed Commissioners covers the requirements of the legislation. It also welcomes the appointment of two Gaelic speakers on the Commission which goes beyond what is required in the Act.
31. Of the desirability for the Commission to have expertise and experience in law, the Committee notes that the nominees have some degree of legal knowledge and experience, but notes that this is a perceived area of weakness, as highlighted in evidence. Nevertheless the Committee recognises that the breadth of legal knowledge that will be required by the Commission is likely to be wide and that outside counsel can and will be sought. The Committee notes there is, as required by the Act, land management experience amongst the proposed nominees although this does relate more to some specific areas, such as forestry and crofting, than others.

Potential conflicts of interest

32. The Committee is also satisfied that there are no obvious conflicts of interests of any of the proposed Land Commissioners that cannot be resolved ahead of the Commission starting its work in April 2017. It also welcomes Andrew Thin's assurance that he will ensure that any future conflicts are properly dealt with.
33. While the Committee notes that the Scottish Government followed the Commissioner for Ethical Standards for Public Life in Scotland's Code of Practice for Ministerial Appointments to Public Bodies, the Committee was nevertheless concerned that potential conflicts of interest were not highlighted to it at an earlier stage in its parliamentary consideration. The Committee also notes that the appointment process was not regulated by the Commissioner for Ethical Standards for Public Life in Scotland but that the Scottish Government intends that future appointments will be regulated in this way.

34. Following consideration of the nominees, the Committee recommends that the Parliament approves the appointment of Dr Bob McIntosh as Tenant Farming Commissioner and Professor David Adams, Megan MacInnes, Lorne MacLeod, Dr Sally Reynolds and Andrew Thin as Scottish Land Commissioners. The Committee also endorses the selection of Andrew Thin as Chair of the Commission.
35. The Committee's recommendation is subject to Dr McIntosh resigning his membership with the Royal Institution of Chartered Surveyors and Lorne MacLeod standing down as Chairman of Community Land Scotland and as a co-opted director of the community owned estate in the islands of Eriskay, South Uist and Benbecula in advance of their respective appointments.¹³

Additional points

36. The Committee recommends that the Scottish Government inform the Committee of any potential conflicts of interest at an earlier point in the process of future appointments or Scottish Land Commissioners.
37. The Committee asks the Scottish Government to provide a date for when the appointments process will be regulated by the Commissioner for Ethical Standards for Public Life in Scotland.
38. The Committee also asks the Scottish Government to confirm the period of appointment for each Commissioner.

Ongoing scrutiny of the Scottish Land Commission

39. The Committee very much welcomes the appointment of the Scottish Land Commissioners as it considers the establishment of the Scottish Land Commission to be a key part of the Land Reform Act 2016. The Committee is also clear that it sees this appointments process as the first step in its wider scrutiny of the Commission's work. Following its establishment it intends to hear from the Commission on:
 - the development of its strategic plan;
 - the capacity of the Commission in carrying out its functions, both with regard to the Commissioners and its support staff;
 - what plans will be in place to ensure a smooth transfer between future post holders;
 - the internal systems in place for the ongoing monitoring and management of potential conflicts of interests of Commissioners;
 - its structures for seeking the provision of appropriate legal advice and counsel; and
 - how its work covers the whole of Scotland and takes account of land issues in rural, semi-rural and urban areas.

¹ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 2. Available at:

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/99753.aspx>

² Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Cols 4-5.

³ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 5.

⁴ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 5.

⁵ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 5.

⁶ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 17.

⁷ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 14.

⁸ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 15.

⁹ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 6.

¹⁰ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 13.

¹¹ Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 17.

¹² Scottish Parliament Environment, Climate Change and Land Reform Committee. Official Report 29 November 2016 Col 17.

¹³ After agreeing the report, the Committee received notification from Dr Bob McIntosh that he had resigned his membership of the Royal Institution of Chartered Surveyors with effect from 30th November 2016. This is included in **Annexe D**.

Annexe A

Cabinet Secretary for Environment, Climate Change and Land Reform to the Convener of the Environment, Climate Change and Land Reform Committee

Appointments to the Scottish Land Commission

Thank you for your letter of 28 September, in which you asked about the approach we have been taking to the important task of making appointments to the first Scottish Land Commission (SLC).

I am sorry that I have not been able to reply sooner but we have now completed the Ministerial process and I am pleased to be able to tell you the names of those we have selected, subject to Parliamentary approval, to be Land Commissioners. They are

Andrew Thin
Professor David Adams
Megan MacInnes
Lorne MacLeod
Dr Sally Reynolds.

As provided for in section 10(7) of the Land Reform (Scotland) Act 2016, we have selected Andrew Thin to chair the Commission.

Ministers have also selected Dr Bob McIntosh as the Tenant Farming Commissioner.

I wish to assure the Committee that, although this appointment round is not regulated by the Commissioner for Ethical Standards for Public Life in Scotland, our appointment process has followed the principles of the Commissioner's Code of Practice for Ministerial Appointments to Public Bodies in Scotland. We intend that future appointments to the SLC will be regulated.

At the start of the process, and in line with the provisions of the Code, I approved the following selection panel:

- Chair - Bridget Campbell (Scottish Government, Director of Environment & Forestry)
- Dr Alison Elliot (Centre for Theology and Public Issues, University of Edinburgh, former Moderator of the General Assembly of the Church of Scotland and Chair of the Land Reform Review Group)
- The Hon Lord McGhie (Retired Chairman of the Scottish Land Court and President of the Lands Tribunal for Scotland).

Professor Mark Shucksmith (Director of Newcastle Institute of Social Renewal) was a member of the panel to shortlist the applications but other commitments meant that he was unable to take part in the interviews. The panel was confident that it could continue to support the appointment round with two independent members.

Our approach to this appointment round has also been compliant with the specific requirements in the Land Reform (Scotland) Act 2016 ('the Act') and, under the terms of Section 11(4), I attach a statement demonstrating how our approach has fulfilled the legislative requirements.

As the Committee will be aware, following the Code of Practice ensures that an appointment process is fair, open and merit based, and affords equality of opportunity to a wide and diverse range of applicants. The Code also stipulates a fit and proper person test, to ensure that issues of conduct and conflict of interest are rigorously explored. Assessment is based on criteria identified at the outset by the appointing Minister and only applicants who most closely meet the requirements of the role, as set out in the published criteria, and who pass the fit and proper person test, are presented to the appointing Minister as suitable for appointment. Further details of the approach we have followed are set out in the attached statement.

As you note in your letter, the Act provides that the Scottish Parliament has a role in approving the appointment of those persons whom the Scottish Ministers have assessed as being most suitable to be members of the Scottish Land Commission. Though not unprecedented, such a role in the public appointments process is unusual and I am sure that you will agree it is important that it be exercised in a careful and proportionate way, ensuring that no new selection criteria in addition to those publicised (and against which the candidates have already been assessed) are introduced as this would be against the principles of the Code of Practice and could potentially deter well qualified persons from applying for such roles in the future.

I am confident that the Parliamentary stage in the process will be a positive part of this appointments round and, at its conclusion, I am very much looking forward to working with the first members of the Scottish Land Commission as they play their part in our wider endeavour on land reform.

Roseanna Cunningham
Cabinet Secretary for Environment, Climate Change and Land Reform
11 November 2016

Scottish Government's approach to the appointment process

1. This report has been prepared in accordance with section 11(4) of the Land Reform (Scotland) Act 2016 ('the Act'). It is a statement of how the Scottish Ministers have complied with their statutory duties under sections (1) to (3) of the Act.
2. The Scottish Ministers consider that the various steps taken through the appointments process, in particular the recommendations made by the selection panel and the final consideration by the Cabinet Secretary for the Environment, Climate Change and Land Reform, demonstrate compliance with the relevant duties.
3. As well as complying with the terms of the Act, the appointments process, while not regulated by the Commissioner for Ethical Standards for Public Life in Scotland, has

followed the principles of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland ('the Code').

4. Section 10(2) of the Act states that the Scottish Ministers may appoint a person as a member only if the Scottish Parliament has approved the appointment.

5. Section 11(4) states that when the Scottish Ministers refer an appointment to the Scottish Parliament for approval under section 10(2), they must lay before the Scottish Parliament a statement as to how they have complied with the duties in subsections (1) to (3).

6. This report is set out in three parts, one part for each duty contained with section 11.

Section 11(1)

7. Section 11(1) of the Act provides that in appointing members to the Commission, the Scottish Ministers must -

(a) have regard among other things to the desirability of the Commission (taken as a whole) having expertise or experience in -

- (i) land reform,
- (ii) law,
- (iii) finance,
- (iv) economic issues,
- (v) planning and development,
- (vi) land management,
- (vii) community empowerment,
- (viii) environmental issues,
- (ix) human rights,
- (x) equal opportunities,
- (xi) the reduction of inequalities of outcome which result from socio-economic disadvantage, and

(b) encourage equal opportunities and in particular the observance of the equal opportunity requirements.

8. The Scottish Ministers have taken account of these requirements throughout the appointments process to seek to ensure that the Commissioners who are appointed have, in so far as possible, the desired range of expertise or experience. The duty is to have regard to among other things the desirability of the Commission (taken as whole) having expertise or experience in the areas that are listed. The Commission will have staff to support it in fulfilling its functions, and it will also have the ability to procure additional services should that be desirable.

The selection criteria used

9. The Code provides that when considering any appointment the Scottish Ministers will identify the skills, knowledge and experience needed by a Board (in this case the

Scottish Land Commission) for it to perform its statutory functions and to do so economically, efficiently and effectively.

10. The selection criteria for the Tenant Farming Commissioner are set out in paragraph 39 of this report. For the Land Commissioners, Ministers agreed the following selection criteria:

- Leadership
- Communicating and influencing
- Approaching work strategically and setting a strategic direction for a programme of work
- Working collaboratively and constructively
- Challenging the views of others in a constructive and supportive way
- Analysing information and making decisions

11. These selection criteria were set out in the advertisements for the Land Commissioners, and applicants were asked to give examples of each in the application forms that were submitted. In addition to these, the advertisements listed the expertise and experience set out in section 11(1) and the application forms invited applicants to state any relevant examples of the expertise and experience listed in section 11(1).

Appointment Plan and Advertising

12. The Code requires that the selection panel agree an appointment plan containing the publicity, application and assessment methods to be used. The agreed methods are those the panel considers most likely to attract a diverse range of able applicants, taking account of relevant information held by or available to the Scottish Government. The appointment plan also contains a timetable specifying key dates within the round.

13. The Code says that publicity or advertisements about posts, details about posts, the assessment criteria to be applied, and the application forms (or equivalent) should be clearly and plainly drafted using simple, easy to understand, language. The objective should be to encourage applications from people from all backgrounds and to help the optimum number of people to apply for positions and for people to find it a comparatively easy exercise to submit applications.

14. The application forms and information packs were compiled to reflect the selection criteria and the posts were advertised in accordance with the agreed appointment plan.

15. The posts were advertised on the Scottish Government Public Appointments website www.appointed-for-scotland.org on Tuesday 2 August. A “sign posting service” (where individuals who have expressed an interest in public appointments and are considered to be potentially suitable for the advertised post have the post drawn to the attention) was also used.

16. To augment this approach, the Scottish Government used its networks to circulate the advertisement to as wide an audience as possible, including professional membership organisations, NGOs and public and private sector companies that cover a wide number of subject areas but with a focus on:

- Urban / planning / regeneration
- Legal and arbitration
- Academic
- Agriculture
- Land ownership
- Finance
- Environment
- Diversity on boards

17. Advertisements were also placed in three sector-specific publications to cover: third sector, law and agriculture (i.e. Third Force News, Scottish Legal News and the Scottish Farmer).

Shortlisting for interviews

18. The selection panel considered all of the applications received and assessed them against the above criteria. In line with the Code, panel members received guidance on how they might score the evidence of each criteria provided by the applicants. Panel members used the markings to draw up a shortlist and assess applicants' suitability for appointment at interview. Decisions were based on an objective assessment of the applicant's suitability for the advertised posts.

19. Throughout the sift, the panel took account of the particular requirements in section 11(1) of the Act. In selecting the candidates for interview, the panel assessed the application forms against the list of expertise and experience in section 11(1) and were satisfied that the candidates selected for interview covered the requirements.

20. All applicants were notified in writing as to whether they had been successful in being shortlisted for interview.

The interviews

21. Interviews were held on 12, 13, 14 and 25 October. The approach taken, of inviting the candidates to deliver a presentation and answer a series of questions, complied with the Code's requirements that the assessment methods used to assess applicants will ensure that the most able people on merit are identified and recommended for appointment. The Code provides that the selection panel will assess the merits of applicants against the skills, knowledge and experience needed using the methods they have agreed. The Code requires that no new requirements should be introduced during the appointment round.

22. Before interview, the candidates were advised in writing that the process would include a five minute presentation on the following question:

What are the challenges facing the Scottish Land Commission in its first years of operation and how will you as a Commissioner help to overcome them?

23. The interviews conducted by the selection panel were used to identify the applicants who demonstrated the skills, knowledge and experience required to be effective in the role and those who did not.

24. Section 10(7) of the Act provides that Ministers must select one of the Land Commissioners to chair the Commission. Accordingly, all applicants were asked if they wished to be considered for the post of Chair of the Scottish Land Commission. Applicants for the post of Chair were specifically asked to provide evidence or experience in governance. Applicants for the post of chair were also expected to demonstrate significant qualities of leadership; communication and influencing; of approaching work strategically and of setting a strategic direction for a programme of work and leading an organisation.

Scottish Ministers 'consideration

25. Following the conclusion of the interviews, the selection panel identified the applicants who had demonstrated the skills, knowledge and experience required. The selection panel agreed an applicant summary for each applicant for the appointing Cabinet Secretary. The summary set out the panel's assessment of how each applicant did or did not demonstrate the skills, knowledge and experience required to be effective in the role. The applicant summary was based on the information provided by each applicant during the appointment round and was intended to be sufficiently detailed to:

- Identify to the appointing Cabinet Secretary the most able applicants and
- Provide evidence that the panel's assessments were valid.

26. The report to the Cabinet Secretary contained particular reference to the expertise and experience listed in section 11(1).

27. The conclusion of the process involved the appointing Cabinet Secretary considering the candidates who are most able and who, subject to approval by the Scottish Parliament, should be appointed to the Commission.

28. The Act provides at 11(1)(b) that in appointing members to the Commission Scottish Ministers must encourage equal opportunities and in particular the observance of the equal opportunities as defined in schedule 5 of the Scotland Act 1998. The selection panel and the Cabinet Secretary took account of this requirement throughout the appointments process.

Section 11(2)

29. Section 11(2) provides that: 'In appointing the Land Commissioners, the Scottish Ministers must take every reasonable step to ensure that at least one of the Commissioners is a speaker of the Gaelic language'.

30. The aspects of the appointments process where particular consideration was given to fulfilling the requirement in section 11(2) are set out below.

The selection criteria used

31. Detail in relation to the selection criteria used is set out above. The selection panel recommended to Scottish Ministers that the ability to speak the Gaelic language should not constitute a selection criterion in itself. However, the application form had a specific question that asked applicants to declare if they are a speaker of the Gaelic language.

Appointment Plan and Advertising

32. Detail in relation to the steps undertaken in terms of the appointment plan and advertising is set out above. In addition, the advertisements were translated into Gaelic, released online, signposted from the English language advertisements and publicised via the Scottish Government's Gaelic Twitter page.

Shortlisting for interviews

33. Detail in relation to shortlisting for interviews is set out above. Throughout the shortlisting, the panel took account of the particular requirements in section 11(2) of the Act.

The interviews and Scottish Ministers' consideration

34. Detail in relation to the interviews and Scottish Ministers' consideration is set out above. The panel invited all interviewees to say whether they could speak Gaelic in the application form. All interviewees were invited to give a view as to why they considered the ability to speak Gaelic to be of significance to the Commission.

35. One Gaelic speaker is among those selected by Scottish Ministers to be appointed as a Land Commissioner.

Section 11(3)

36. Section 11(3) of the Act provides that: ' In appointing the Tenant Farming Commissioner, the Scottish Ministers must ensure that the person appointed has expertise or experience in agriculture'.

37. The appointments process for all members of the Land Commission is outlined above. The aspects in the appointments process where particular consideration was given to fulfilling the requirement in section 11(3) are set out below.

Composition of Selection Panel

38. In approving the selection panel for the appointments process Ministers recognised that it would be important for one of the independent panel members to have experience and knowledge of the tenant farming sector. Therefore, the Hon. Lord McGhie was invited to be a member of the panel. Lord McGhie is a retired Chairman of the Scottish Land Court and President of the Lands Tribunal for Scotland and has a wealth of experience in dealing with disputes in respect of agricultural holdings legislation.

Approval of the Selection Criteria

39. Detail in relation to the selection criteria used for the Land Commissioner posts is set out above. To ensure that applicants for the post of Tenant Farming Commissioner had the necessary experience or expertise of agriculture in addition to the qualities required to be a Land Commissioner, the selection criteria for the Tenant Farming Commissioner were as follows:

- Experience or expertise in agriculture
- Communicating and influencing
- Analysing information and making decisions
- Working collaboratively and constructively with others
- Challenging the views of others in a constructive and supportive way
- Strategic approach to working

40. The application form for the position of Tenant Farming Commissioner asked applicants to provide evidence of all of these.

Appointment Plan and Advertising

41. Detail in relation to process undertaken on the appointment plan and advertising is set out above. In particular, the advertisements were placed in three sector-specific publications to cover: third sector, law and agriculture (i.e. Third Force News, Scottish Legal News and the Scottish Farmer).

Shortlisting, interview and Scottish Ministers; consideration

42. Detail in relation to shortlisting, interview and Scottish Ministers' consideration is set out above. The selection panel took account of the particular requirements in section 11(3) at all stages.

Annexe B

Biographies of each nominee as well as accompanying statements outlining their suitability to the post

- 1. Dr Bob McIntosh**
- 2. Professor David Adams**
- 3. Megan MacInnes**
- 4. Lorne MacLeod**
- 5. Dr Sally Reynolds.**
- 6. Andrew Thin**

1. Written submission from Dr Bob McIntosh

I am a retired public servant with extensive experience in public policy and in land management issues. I was employed by the Forestry Commission for 41 years, occupying various roles in land management, research, regulation and policy development, including 7 years as Chief Executive of Forest Enterprise. Following the devolution of forestry policy, I became Director of Forestry Commission Scotland, responsible for all aspects of the FC's work in Scotland including advising Scottish Ministers on the development and delivery of forestry policy. I was an Executive Forestry Commissioner for 17 years. I have 15 years of experience as a hands-on livestock farmer. In my last three years I was seconded into the Scottish Government as the first Environment and Forestry Director with responsibility for managing the Divisions supporting Ministers on all aspects of the development and delivery of policy in forestry, land use, biodiversity, environmental quality and the purchase of research supporting the agriculture and land management sectors. Since retirement I have continued my lifelong interest in rural Scotland and in land ownership and management issues in particular. I am a Board member of Highlands and Islands Enterprise, I Chair the Board of Trustees of the Scottish Forestry Trust and I am a member of the Executive committee of the Association of Deer Management Groups.

Relevant Knowledge and Experience

Land Management

As CEO of Forest Enterprise I was responsible for the management of 1.2million ha of land and forests throughout Scotland, England and Wales. This was a very public role, in a politically sensitive area, and involved engaging with a wide range of different stakeholders and sectoral interests in order to achieve a balanced portfolio of economic, social and environmental outcomes. I doing so I was involved in a wide range of land ownership and management related issues, including landlord/tenant relationships.

Agriculture

For 15 years I was a partner in a 650 acre hill farming business, initially as a tenant then as owners of the business. During this period I was a part time, but very hands-on, livestock farmer involved in all aspects of the business. In my role as SG Environment

and Forestry Director I worked with key organisations such as Scottish Land and Estates, the National Farmers Union of Scotland and the Scottish Tenant Farmers Association over issues such as the Scottish Government's Land Use Strategy and the integration of woodland expansion and food production strategies. I was involved in the introduction of the FCS's starter farms initiative which gave new entrants an opportunity to get onto the farming ladder by renting land and infrastructure not required for planting and which would formerly have been sold.

Relevant Qualifications

I have an Honours degree and a PhD in Applied Ecology and Natural Resource Management. I am a Fellow of the Royal Institute of Chartered Surveyors and of the Institute of Chartered Foresters.

Land Reform and Community Empowerment

As Director of Forestry Commission Scotland I oversaw the introduction of a major community engagement strategy aimed at providing local communities with a menu of choices relating to their engagement with their local FCS forest. This included introduction of the National Forest Land Scheme which gives communities the right to ask to acquire FCS land and forests even if they are not advertised for sale. The NFLS was a ground breaking scheme and many aspects of it have now been incorporated into recent Land Reform legislation.

Reduction of Inequalities Arising from Socio-Economic Disadvantage

I oversaw the introduction of an urban forestry and greenspace agenda within FCS which was geared towards using woodlands and greenspace to improve the environment within which urban disadvantaged communities live, work and play. With an emphasis on community involvement and health benefits, the agenda also included providing back to work opportunities for people recovering from drug and alcohol addiction.

Environmental Issues

In my roles as Director FCS and SG Environment and Forestry Director I was involved in the development of environmental policy (biodiversity, wildlife management, waste, pollution, flooding, land use) and the delivery of key environmental priorities. I was sponsor Director for SNH, SEPA, the two National Park Authorities and the Royal Botanic Gardens.

Finance

As an Accountable Officer within both FCS and the SG I was accustomed to handling multi-million pound income and expenditure budgets. As a former Forestry Commissioner and current board member of Highlands and Islands Enterprise I am familiar with the duties and responsibilities that are associated with being a non-executive Commissioner/ board member.

2. Written submission from Professor David Adams

I currently hold the Ian Mactaggart Chair of Property and Urban Studies at the University of Glasgow. I moved there in 2004 after eleven years spent at the University of Aberdeen, where I served as Professor and Head of the Department of Land Economy for five years. I previously held academic appointments at the Universities of Manchester and Reading, and before that spent five years in professional practice with a large city authority. I hold a PhD and MA from the University of Cambridge and a Master of Civic Design from the University of Liverpool.

My research interests are in state-market relations in land and property, with particular focus on planning and land policy, real estate developers, speculative housebuilders, brownfield redevelopment, and place quality. I have undertaken extensive research on these issues for the Scottish and UK Governments, ESRC, RICS, RTPI and other bodies. During the course of my career, I have authored six books and over other 150 publications, including *Greenfields, Brownfields and Housing Development* (co-author 2002), *Planning, Public Policy and Property Markets* (co-editor 2005) and *Shaping Places: Urban Planning, Design and Development* (co-author 2013). In 2014, I served as Deputy Chair of the Research Evaluation Framework (REF) Sub-Panel that evaluated research quality in Architecture, Built Environment and Planning across 45 universities UK-wide. I am a Fellow of both the Academy of Social Sciences and the Royal Society of Arts.

There are further details of my experience, grants and publications etc. available at: <http://www.gla.ac.uk/schools/socialpolitical/staff/davidadams/>

Selected examples of experience relevant to section 11 of the 2016 Act that I will bring to the post of Land Commissioner

Land Reform

I served as an Adviser to the Land Reform Review Group, drawing on my earlier and substantive research on land ownership constraints to urban redevelopment and related topics. My 2013 Dublin conference paper entitled 'The potential for urban land reform in Scotland' recommended the introduction of what, in the final LRRG report, become Compulsory Sale Orders, Majority Land Assembly, and Urban Partnership Zones.

I since wrote seven short briefing papers on these and others ideas on urban land reform (available at <http://policyscotland.gla.ac.uk/urban-land-reform/>). Over the past two years, I have also spoken on urban land reform at meetings and conferences organised by CBRE, Community Land Scotland, Edinburgh Development Forum, Glasgow and West of Scotland Forum of Housing Associations, Glasgow School of Art, Royal Institution of Chartered Surveyors Scotland, Royal Town Planning Institute Scotland, Royal Society of Arts Scotland, Scottish Planning and Environment Law, the Saltire Society and others.

Economic Issues

I have taught and written extensively on the operation of urban land and property markets, where I have sought to contrast mainstream economic approaches with more

institutional and behavioural economic perspectives that can help us better understand the strategies and actions of landowners and developers in reality.

Planning and Development

I have taught, researched and published widely on planning and development for over 30 years, having previously practised in the field. I have a particular interest in bringing vacant and derelict land back into use, and in removing institutional barriers that can impede much-needed urban redevelopment projects. I am professionally qualified as a Fellow of both the Royal Institution of Chartered Surveyors and the Royal Town Planning Institute.

Community Empowerment

Away from the University, I serve as Convenor of the Helensburgh Community Woodlands Group. HCWG is an active community organisation based in West Helensburgh that aims to manage local woodlands for community benefit. We operate under a formal and democratic constitution, and are registered as a Scottish Charitable Incorporated Organisation.

With over 100 paid-up members and a much wider support base, HCWG are one of the largest community organisations in the Helensburgh area. This November, we become one of the first community organisations in urban Scotland to successfully apply to register a community interest in land since the 'Community Right to Buy' provisions of the Land Reform (Scotland) Act 2003 were extended to urban areas in April 2016.

3. Written submission from Megan MacInnes

I have worked for 17 years on land reform and natural resource governance, in Asia and internationally. Since 2009 I have worked for the international London-based NGO Global Witness, where I designed and managed their Land Campaign, and currently am on maternity leave from the position of part-time Land Advisor. While in Asia I worked with a number of international NGOs (including WWF) as well as local Cambodian grassroots organizations on a range of land-focused community development projects. From 2006 to 2008, I sat on the Board of Directors of two NGOs in Cambodia, holding the Deputy Chair position for one. Since joining Global Witness I have been involved in international land policy and human rights developments. These include being part of the civil society delegation negotiating the UN Voluntary Guidelines on the Governance of Tenure of Land, as well as revisions made to international land policies of the UK, US and German governments, and that of the World Bank. Since 2015 I have been re-engaging in land issues in Scotland, further details are given below. I grew up on Skye and currently live in Applecross.

Selected examples of experience relevant to section 11 of the 2016 Act that I will bring to the post of Land Commissioner

Land Reform

I have experience working on land reform in a number of countries and at the international level:

- Whilst working with the NGO Forum on Cambodia (2007-2009) I led civil society engagement in government consultations on land legislation which resulted in better recognition of indigenous collective land rights and the urban housing rights;
- Whilst working with Global Witness I provided technical input to the organisations' submissions on land reform legislation in Laos and Myanmar. I also led its engagement in the negotiations which resulted in the strengthening of international standards for land reform – for example the aforementioned Voluntary Guidelines and 'Responsible Agriculture Investment Principles';
- I made substantial contributions to Parts 1 and 3 of the Land Reform (Scotland) Act 2016 and during 2016 was an Associate Staff Member of the University of Dundee, School of Humanities for the project "Re-writing the rulebook of landownership: analysing and assessing the economics of community landownership".

Law

Although not a lawyer, I have been part of civil society efforts to progressively reform land policies and legislation in Cambodia, Laos and Myanmar, at the international level, as well as in Scotland's Land Reform Act. This has included participating in public consultations, preparing technical submissions and engaging directly with policy and law-makers.

Finance

Whilst in charge of Global Witness' Land Campaign (2012-15) I was responsible for its financial management, including: fundraising (I raised a total of £1.5 million in grants over four years); annual budget forecasting, reviews and reconciliation of accounts (the annual budget was approximately £200,000); oversight over staff country-level budgets and expenditure; and the hiring and management of consultants with their own research budgets.

I also have experience working on the financial sector (banks, public and private investors) and their involvement in land related issues, through European-focused campaigning work I have been responsible for at Global Witness since 2015. Undertaken in coalition with other European NGOs, this campaign researched the involvement of European public and private investors in projects which cause land rights violations overseas (for example through their financing of palm oil companies), engaged with the investors to develop safeguards to stop causing harm, and engaged with European institutions to strengthen the financial regulatory systems. Although engagement with investors has yet to gain results beyond a project-level, our advocacy has led to the strengthening of two separate European financial regulations.

Land Management

I grew up on a croft on Skye and currently live in the crofting community of Applecross. During my time with Global Witness I led negotiations with a number of agribusiness companies and Government agencies on how to reduce the harmful environmental and social impacts caused by large-scale agribusiness projects. This involved working with rubber plantation companies owning large areas of land in Cambodia and Laos to address specific problems and also working with Government agencies to better respect peoples land rights within policy and legislative frameworks for industrial agricultural developments.

Community Empowerment

A number of the development projects I worked with in Asia included community empowerment as a primary objective. Examples include supporting indigenous communities to improve their understanding, access to and use of new rights in law to register their collective land titles; community organising with urban communities at risk of eviction; facilitating public engagement in consultations about land reform; and strengthening networks between groups involved in land disputes with large agribusiness companies.

Environmental Issues

My BA (Hons) in Geography and Development Studies and MSc in Environment and Development provided me with a strong methodological background in environmental sciences. The research which I undertook as part of these studies required me to analyse environmental evidence including: climatic conditions, watershed systems, soil and ecosystem biodiversity, and agricultural and land use patterns. My MSc thesis was on the anthropogenic fire regimes of indigenous groups in Cambodia's upland areas

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and done in collaboration with WWF-Cambodia and the International Institute for Environment and Development.

Both NGO Forum on Cambodia and Global Witness consider environmental issues to be inseparable from land governance. Environmental research and advocacy for which I was responsible included: deforestation and illegal logging; lowland and upland agricultural systems; water resource management; and environmental pollution.

Human Rights

I have worked with human rights frameworks consistently throughout my career. At a country-level, I used international human rights instruments to analyse land rights abuses and form technical recommendations for how legislative and policy systems can better protect those rights. Examples of this are: advocacy to integrate the UN Declaration on the Rights of Indigenous Peoples' into Cambodia's legal system; and reflecting the UN Voluntary Guidelines on the Governance of Tenure of Land within Myanmar's National Land Policy. I have also used the UN Human Rights Council's periodic reviews and complaints mechanisms to get UN and government recommendations for ending rights violations in Cambodia, Laos and Myanmar.

In terms of recognition of human rights within the Land Reform (Scotland) Act, I testified to the RACCE committee, analysed the draft Bill in comparison to the aforementioned Voluntary Guidelines, and made technical submissions to the Government and Parliament during the Bill's progression.

4. Written submission from Lorne MacLeod

I live in Oban, and am currently Chairman of Community Land Scotland, and also a co-opted board member of the community owned estate for the islands of Eriskay, South Uist and part of Benbecula (Stòras Uibhist). I qualified as a Chartered Accountant in 1988, and I am a director and shareholder of a retail and distribution business in Skye. I was involved in undertaking consultancy assignments for charities and community businesses for many years, including work with several community landowners. I was a co-opted director of the Isle of Gigha Heritage Trust for six years until 2008, involved in overseeing the development, and land management of the island. I was previously Director of Strengthening Communities at Highlands & Islands Enterprise, and prior to that was Chief Executive of Skye & Lochalsh Enterprise. I have had non-executive director experience with the David MacBrayne Group, and with the Scottish Further Education Funding Council.

Selected examples of experience relevant to section 11 of the 2016 Act that I will bring to the post of Land Commissioner

Land Reform

I was a founding director in 2010 of Community Land Scotland, the membership organisation representing the interests of community landowners. I am presently Chairman of the organisation, and have been involved in working with colleagues in developing policy positions in relation to Land Reform.

Whilst Director of Strengthening Communities at HIE, the Community Land Unit was part of my portfolio of responsibilities, which provided me with experience of land reform policy development going back to 1998.

Finance

I am a Chartered Accountant, and have practical experience in investment appraisal, risk management, budgeting, cash flow management, and financial analysis.

I oversee the financial management of a retail and distribution company in Skye, and am currently leading discussions on the financing of a new expansion project. The business now employs 26 staff, and has grown considerably since my first involvement back in 2001.

I was a member of the audit committee of the David MacBrayne group, and also the joint audit committee for the Scottish Further Education Funding Council and Scottish Higher Education Funding Council.

Economic Issues

I have worked in several roles with the economic development agency, Highlands & Islands Enterprise, and, thereafter, my career has involved experience in economic development and business growth initiatives.

Planning and Development

I am a member of the Scottish Government's Crofting Stakeholder Forum, which is considering several key issues which shall be input to the preparation of a national development plan for crofting.

As the Chief Executive of a local enterprise company I had responsibility for four industrial estates, and this provided me with experience in design and planning issues.

Land Management

Through my involvement with Stòras Uibhist, I have board level responsibilities for overseeing a 93,000 acre estate comprising over 900 crofts, sporting, housing, deer management, drainage and coastal erosion work, a golf course, and other land management responsibilities.

When I was a director in Gigha, I was involved in a reorganisation of dairy farms through the allocation of additional land from a vacant farm, to make each existing unit more viable.

As Chief Executive of Skye & Lochalsh Enterprise, I was responsible for the HIE owned estate on the Isle of Raasay, comprising farmland, a hotel, outdoor centre, harbour and other assets.

Community Empowerment

As Director of Strengthening Communities at HIE, I had responsibility for delivering HIE's community development function, and was involved with many community empowerment policy initiatives.

I was Vice Chair of South Uist Renewable Energy Limited, involved in overseeing the delivery of a £10M, 6.9MW community owned wind turbine facility at Loch Carnan, which is now producing significant funds annually for re-investment in community projects.

Environmental Issues

As Chief Executive of Skye & Lochalsh Enterprise, I was responsible for an environmental renewal and land improvement budget. This provided me with experience of implementing small scale land reclamation projects, clearing of derelict land, as well as environmental renewal projects.

Equal Opportunities

The importance of equal opportunities has been embedded in the work of organisations with which I have been involved, and I am familiar with the terms of the Equality Act in taking forward my board member responsibilities.

Reduction of Inequalities of Outcome which Result from Socio-economic Disadvantage

As Director of Strengthening Communities at HIE, I was responsible for implementing the government's 'Initiative at the Edge' programme aimed at helping those rural communities which were particularly disadvantaged in terms of economic fragility and peripherality.

5. Written submission from Dr Sally Reynolds

I was born and brought up on a croft on the Isle of Lewis. Following the completion of my studies, I returned to the island. I am an active crofter and play an active role in the local community. I am currently the Grazing Clerk for my township, a Director of my local Community Centre and Company Secretary for Lewis Crofters Ltd.

I am currently working as the Development Officer for Urras Oighreachd Chàrlabhaigh (Carloway Estate Trust). I am involved in all elements of estate management including crofting matters, commercial leases and sporting leases. I previously worked as an agricultural consultant. This included delivering one-to-one advice for crofters and common grazing committees on all aspects of their agricultural enterprises. My areas of expertise included environmental management plans, training and knowledge transfer projects. I currently coordinate the Lewis and Harris Goose Management Project on behalf of SNH.

Selected examples of experience relevant to section 11 of the 2016 Act that I will bring to the post of Land Commissioner

Land Reform

I have experience and skills gained from my personal and professional experience in Land Reform. Personally, I am a croft tenant and experienced the process of land changing from private to community ownership. Professionally, I am the sole employee for a community owned estate and have assisted as they take on the responsibility and challenge of Community Land Ownership.

Law

Through my previous role as an Agricultural Consultant and my current role with a Crofting Estate, I have knowledge and practical experience dealing with crofting legislation. I have wide experience dealing with agricultural and environmental legislation including protected sites, access and pollution.

Finance

Through my professional and voluntary roles, I have responsibility and experience dealing with finance for a selection of bodies. These include a Community Owned Estate, Community Centre, Common Grazings and Lewis Crofters Ltd. I have wide experience in planning, raising finance and managing budgets for projects.

Planning and development

Following my Ph.D. I worked within UHI as a Research Associate. My role included built environment research and the development of a new laboratory.

Land Management

Personally, I am an active crofter and livestock keeper. I play an active part in the management of not only my croft but also the Common Grazings through my role as Grazing Clerk.

My professional experience includes estate management within my current role and my previous role as an Agricultural Consultant. This included farm business consultancy, business development, sheep and beef consultancy, crofting regulations, agri-environment projects and training. This involves preparing applications on behalf of crofters, farmers and common grazing committees to source funding for land and asset improvements (including Scottish Rural Development Programme applications). I facilitated a Grassland Improvement Group (Knowledge Exchange Group) and coordinated a voluntary graylag goose management project for SNH.

Community empowerment

I have wide and varied experience working with communities both through my professional and personal roles. I am actively involved in the community engagement activity of Carloway Estate Trust. As a Director and Vice-Chair of my local Community Centre I play a key role in management, and specifically event organisation involving large numbers of volunteers. I have wide experience dealing with different community groups and external agencies.

Environmental Issues

I have a Master of Research degree in Environmental Biology and a Ph.D in Mathematical Ecology studying the effect of disease on the spread of invasive species. My role as an Agricultural Consultant ensured I have a knowledge of a range of environmental issues surrounding land use including biodiversity loss, invasive species and diffuse pollution. My work included planning and writing environmental management plans for crofters, farmers or common grazings to help improve these issues.

Gaelic Language

I am a Gaelic speaker.

6. Written submission from Andrew Thin

I am currently Chairman of Scottish Canals, and was until recently a Non-Executive Director within the Scottish Government. I have almost thirty years of experience in leadership roles in the public, private and third sectors, including with the Highlands and Islands Development Board, Caithness and Sutherland Enterprise, Crofters Commission, Cairngorms National Park Authority, Scottish Natural Heritage, Children's Hearings Scotland, John Muir Trust, Footpath Trust and Ardtornish Estate Company Ltd. I chaired the Wild Fisheries Legislation Review in 2014 and coordinated the work of the Agricultural Holdings Legislation Review Group in the same year. In 2015 I was appointed as Independent Adviser on Tenant Farming on a part-time basis pending appointment of a Tenant Farming Commissioner. I live near Inverness with my wife and family, and in my spare time enjoy hill walking, cycling, sea kayaking, and working on a very small amenity landholding.

Selected examples of experience relevant to section 11 of the 2016 Act that I will bring to the post of Land Commissioner

Land Reform

As CEO of Caithness and Sutherland Enterprise and as Chair of Scottish Natural Heritage I played a direct supporting role in community buyouts in Assynt (in 1993) and Rum (in 2009).

As Chair of Scottish Natural Heritage I was responsible for overseeing implementation of the Land Reform (Scotland) Act 2003 with respect to part 1 (Access Rights).

Law

In 2014 I chaired the Scottish Government's Wild Fisheries Legislation Review and authored its report.

In 2014 I chaired most of the discussions of the Scottish Government's Agricultural Holdings Legislation Review Group (Mr Lochhead was formally the chair), coordinated its work and co-authored its report.

Finance

I have a postgraduate Master of Business Administration (MBA) degree and specialised in corporate finance.

As a Non-Executive Director in the Scottish Government I was a member of the main Audit Committee, the Infrastructure Investment Board, and chaired the Learning and Justice Audit Committee (until 2016).

Economic Issues

In the late 1980s and early 1990s I was a Senior Investment Manager and Team Leader in the Highlands and Islands Development Board. In 1991 I became CEO of one of the new Local Enterprise Companies.

As Chairman of Scottish Canals I have been overseeing since 2014 a strategic shift from an organisation largely in the business of delivering transport infrastructure for a small minority of Scots to one that seeks to redefine itself as one of Scotland's leading economic regeneration organisations.

Planning and Development

From 2003 to 2006 I chaired the Planning Committee of the Cairngorms National Park Authority.

Scottish Natural Heritage is a statutory consultee in the planning process, and one of my priorities when I took up the chair in 2006 was to conduct a full review of this function which led to a substantial change programme.

Land Management

I was from 2001 to 2006 a director of Ardtornish Estate Company which includes commercial farming, tourism and sporting operations.

As chair of Scottish Natural Heritage I oversaw a merger with the Deer Commission for Scotland in 2010, and subsequently led the strategic reassessment that followed.

I have a BSc Honours degree in Agricultural Science, and since 2015 I have been acting as part-time independent adviser on tenant farming to the Scottish Government.

Community Empowerment

As chair of the John Muir Trust from 1998 to 2006 I played a lead role in the organisation's strategic shift into working jointly with communities that led to buyouts in Knoydart and Harris.

A central plank of our modus operandi in Scottish Canals is to co-create new initiatives through a variety of planning charrettes and other participative community based techniques.

I set up and led for several years a community based educational charity serving the community in which I live.

Environmental Issues

I was chair of Scottish Natural Heritage from 2006 to 2014, a period that saw considerable development of environmental legislation in Scotland and at an EU level of which I had to be aware.

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I was chairman of the John Muir Trust from 1998 to 2006, a charity concerned with caring for “wild” land.

Human Rights

Central to my work with the Agricultural Holdings Legislation Review Group was an understanding of the implications of the European Convention on Human Rights as it applies to land rights and legislation.

Equal Opportunities

I have held several board level public positions, all of which have required close attention to equal opportunities (and human rights) policy and the Equality Act in discharging my responsibilities.

Reduction of Inequalities of Outcome Which Result from Socio-Economic Disadvantage

I was a board member of Children’s Hearings Scotland from 2011 to 2015, a public body established under the Children’s Hearings (Scotland) Act 2011 to reform operation of the Children’s Panel and refocus its effectiveness more firmly on addressing inequalities of outcome.

I chair a small private charitable trust active in supporting work in this area.

Annexe C

Extracts from the minutes of the Environment, Climate Change and Land Reform meetings at which the appointments were discussed

5th Meeting, 2016 (Session 5), Tuesday 20 September 2016

9. Appointment of Scottish Land Commissioners and the Tenant Farming Commissioner (in private): The Committee agreed to consider its approach to engaging with the appointment of the Scottish Land Commissioners and the Scottish Tenant Farming Commissioner at the next meeting of the Committee.

6th Meeting, 2016 (Session 5), Tuesday 27 September 2016

3. Appointment of Scottish Land Commissioners and the Tenant Farming Commissioner (in private): The Committee agreed its approach to engaging with the appointment of the Scottish Land Commissioners and the Scottish Tenant Farming Commissioner, and agreed to write the Scottish Government outlining its approach.

13th Meeting, 2016 (Session 5), Tuesday 29 November 2016

2. Appointment of the Scottish Land Commissioners and the Tenant Farming Commissioner: The Committee took evidence from—
Bob McIntosh, Tenant Farming Commissioner nominee;
Professor David Adams, Lorne MacLeod, Megan MacInnes, Dr Sally Reynolds, and Andrew Thin, Scottish Land Commissioner nominees.

Edward Mountain declared an interest as a partner in a farming business and a surveyor for the past 15 years working on farms and estates.

Alexander Burnett declared an interest in agricultural forestry holdings

3. Appointment of the Scottish Land Commissioners and the Tenant Farming Commissioner (in private): The Committee reviewed the evidence heard earlier in the meeting in order to inform the drafting of its report.

14th Meeting, 2016 (Session 5), Tuesday 6 December 2016

5. Appointment of the Scottish Land Commissioners and the Tenant Farming Commissioner (in private): The Committee considered a draft report. Various changes were agreed to. The Committee delegated to the Convener responsibility for finalising the draft report for publication.

Annexe D

Supplementary written submission from Dr Bob McIntosh

During the committee's questioning of potential Land Commissioners on Tuesday 29th November, the question of my membership of RICS was raised as a potential conflict of interest, particularly in view of the review of the role of agents of tenants and landlords which the Tenant Farming Commissioner is duty bound to carry out.

I am conscious of this as an issue and therefore am writing to notify you that I resigned my membership of the RICS with effect from 30th November.

Dr Bob McIntosh
7 December 2016

