HIE and Cairngorm Mountain Scotland Ltd â?? unaccountable and out of control

Description



Four days after its damp squib of an official opening on 19th December (above), Cairngorm Mountain Scotland Ltd (CMSL) announced that it was shutting up shop indefinitely (see here), but also that it had decided to lock the snow gates at Glen More for good measure, making it very hard for anyone else to enjoy Cairn Gorm.

The decision, which was apparently made by its Board in consultation with the police and Highland Council (Cllr Bill Lobban is both on the Board of CMSL and Convener of Highland Council), is almost certainly unlawful. The road up to the Coire Cas car park is a public road and, under the Road Traffic Acts, Highland Council, as the Public Roads Authority, has a duty to *â??manage and maintain all such roads in their areaâ?•.* This generally means keeping them open to the public except in specific circumstances.

There is a provision in the Road Traffic Act 1984 to close snow gates (see here) *â??when snow is rendering or has rendered that road unsafe for such traffic; and where in the opinion of a constable such an occasion has arisen as respects a road he (or, where the constable is a chief constable, a person acting on his behalf) may, until the road is once again safe for vehicular traffic, close and secure any snow gate on the road against all such traffic except that engaged in the provision or restoration of essential services.â?•*

However, the statement from CMSLâ??s management (see here) makes it clear that snow is NOT the reason why the gates have been locked:

â??We understand the desire of locals to use the access road during winter. However, the First Minister informed Parliament yesterday that she fully expected to announce further restrictions in the coming days in order to do all that is possible to attempt to contain the transmission of the new strain of the Covid virus as it is seeded all over Scotland. She advocated that only essential travel should be undertaken and within a very small local radius.â?•

In other words, CMSL have locked the snow gates to prevent people living within Highland Region from exercising their access rights. CMSL may have the right to close what remains of the lift system at Cairn Gorm to protect its staff, but it has no legal right to stop other people from enjoying the mountain for other forms of outdoor recreation. Unfortunately in Scotland there are almost no safeguards to prevent organisations abusing their power in this way and very few lawyers (its not their fault, they donâ??t get paid for defending rights) prepared to take up such cases.

While Nicola Sturgeon is now threatening to restrict peopleâ??s right to undertake outdoor recreation still further, that is not yet law. It would also, in my view, not be justifiable (there is a debate about this in relation to the road closure on the Cairn Gorm facebook page (see here). The science says the risk of Covid-19 transmission outdoors is very low and, while the current spread of the virus is dire, about the one thing people can still safely do is get out in the countryside. The Scottish Government should be encouraging that for the physical and mental health of everyone. There was a reminder of the importance of that yesterday when it was revealed (see here) that Scotlandâ??s self-harm and suicide rate has increased 19% since the start of Covid.

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People out in the Campsies yesterday, 29th December, tobogganing. ,

This disastrous situation at Cairn Gorm has come about because CMSL maintains the ski road on behalf of Highland Council and both organisations appear to have lost sight of their roles. If Highland Council want to close the road to Coire Cas for reasons other than snow, it should do so through proper

legal processes which can then be challenged by the public in the courts.

The wider issue is that Highland Council and Highlands and Islands Enterprise/CMSL are far too close, represented not just by Speyside Cllr Bill Lobban holding prominent roles in both, but in the way that senior executives move between the two organisations.

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■ROTTEN BOROUGHS■

HIGHLAND GAMES

INFLATED salaries and eye-watering payoffs, as reported in recent *Eyes*, are not the preserve of southern English local authorities. "Independent"-dominated Highland council, where some 235,000 people rattle around in 25,000sq km, can give any other authority a run for its (taxpayers') money.

When she arrived in 2018, chief exec Donna Manson set about a restructure of the senior management team which was supposed to rein in the amount the cash-strapped council was spending on senior salaries. But her maths seems to have gone awry. Manson, who is paid £147,000 per year, inherited four directors, each of whom was paid £110,000, with extra dosh for one who also acted as deputy chief executive.

Manson scrapped the four directorship posts and replaced them with *eight* executive chief officer (ECO) posts paid slightly less – £92,000 each – with a deputy chief executive earning £122,000, although that post remains vacant.

Of the original four directors, one retired within a month of Manson's arrival and another in 2019. A third, Stuart Black, took up an ECO post before leaving for a job at Highlands & Islands Enterprise, whence he had come in 2008, having received a payoff as "director of global connections" of £138,375 after less than a year in his £61,000-a-year job. HIE is now chaired by Manson's predecessor but one, Alistair Dodds, who became chief exec at Highland council in 2007 and appointed Black. Small world!

That left one director, William Gilfillan. He left within days of the new structure being announced in 2019. It recently emerged that with 20 years' service he had pocketed a monster £475,000 payoff.

It also emerged in the summer that Manson, in secret, had appointed a London-based consultant to the vacant ECO post for education, which lay unfilled after two rounds of failed recruitment. Paul Senior was paid £936 a day – the annual equivalent of around £244,000. His trouser-filling days were terminated just 10 weeks after his appointment.

With budget shortfalls made worse by Covid-19 and a black hole of some £30m, at the end of last month councillors agreed to set aside £10.9m of reserves to plug some of the gap. Many councillors feel they've had enough of CEO Manson, but fear the cost of her own departure could break the bank.

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Private Eye, October. Highland Council subsequently denied anything was wrong in the Inverness Courier (see here)

The Board of Directors and Senior Management at CMSL should recall they have been almost totally funded by the public for two years now , having raised hardly a penny of income in that time. CMSLâ??s latest accounts reveal that no less than 61 staff and Directors (what Directors are being paid is not stated) are being supported through the public purse:

Cairngorm Mountain (Scotland) Limited

Notes to the financial statements (continued)
For the period ended 31 March 2020

4 Employees

The average monthly number of persons (including directors) employed by the company during the period was:

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	2020 Number
Total	61

It is this ongoing public subsidy (Â£9.76m â?? Â£14.57m committed by HIE in the next 5 years for running costs alone) that has enabled CMSL to close when the other ski areas have no choice but to remain open if they are to survive financially. Even if CMSL, as a government run operation, has been instructed to close its lifts at this difficult time, they should still be working for the public. More specifically that means they should still be working to enable anyone who lives in Highland Region, and wishes to do so, to drive up to the Coire Ciste and Coire Cas car parks, whether that is to go for a walk, a toboggan, a snow shoe outing, a ski tour or to go mountaineering.

Category

1. Cairngorms

Tags

1. access rights
2. CMSL
3. HIE
4. Local communities
5. outdoor recreation

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