

**CAIRNGORMS NATIONAL PARK AUTHORITY  
FINANCE & DELIVERY COMMITTEE**

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**FOR DISCUSSION**

**Title: VISITOR GIVING SCHEME: MEMO OF AGREEMENT  
WITH CAIRNGORMS TRUST**

**Prepared by: Murray Ferguson, Director of Planning & Rural  
Development**

**Purpose**

To present a draft of the Memo of Agreement that is proposed with the Cairngorms Trust and which will underpin our partnership approach to management of the Scheme.

**Recommendations**

**The Finance & Delivery Committee is requested to:**

- a) **Note and discuss the Memo of Agreement which will be subject to further discussion with the Trust and signed off by CNPA CEO.**

## Background

1. The CNPA Board approved establishment of a Visitor Giving Scheme in June 2018 on the basis of a number of proposals that are attached at **Annex I**.

## Summary of recent progress

2. Since that time the Cairngorms Trust has employed a part-time Trust Manager, Nancy Chambers, who has been charged with development of the proposals for a Scheme that will be led by the Trust.
3. Further discussions with the Cairngorms Business Partnership have taken place and they have decided not to be part of the Scheme. They are still supportive of a visitor giving scheme in principle but do not wish to be actively involved as a partner at this time.
4. Earlier this month, as part of the Budget settlement, Scottish Ministers announced that they will legislate to provide local authorities with powers to raise additional revenues through a Transient Visitor Levy (TVL). There will be public consultation of detailed proposals before any such legislation is introduced.

## Proposed Memo of Agreement

5. The draft Memo of Agreement is attached at **Annex 2** and is self-explanatory.
6. Members are invited to discuss the proposed agreement to ensure it provides a satisfactory basis for CNPA to act as partner in the Scheme, recognising the proposals that were approved in principle by the Board.

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**12 February 2019**  
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**Annex 1: Critical success factors and associated proposals agreed by CNPA Board in June 2018**

- a) **Keep administrative costs low and maximise the benefits** – experience elsewhere highlights the risk of administration costs consuming a considerable proportion of the total funds raised from donors. To address this we propose to:
- Develop a scheme that makes most use of existing Park-wide organisations and the structures that we have in the Park – with the principal parties being the Cairngorms Trust (an established charity), the Cairngorms Business Partnership (CBP) and the CNPA
  - Cover administration costs, as far as possible, through linkages to staff existing work programmes and, if necessary, providing staff support from existing CNPA staff resources as we do for other community and voluntary organisations and activities.
- b) **Strong leadership and clear and transparent governance** – several organisations will be involved and there needs to be clear and transparent governance arrangements in place to minimise the risks to all parties and build confidence amongst all relevant partners and donors. To address this issue we propose to:
- Invite all the principal parties to sign a Memorandum of Understanding (MoU) setting out roles and responsibilities, the guidelines and mechanisms by which it will be decided what projects are supported, etc. For CNPA the MoU will be approved by the Finance and Delivery Committee.
  - Establish a VGS Partnership Group to oversee management of the Scheme and compliance with the MoU.
  - Encourage development of a Business Plan for the Scheme for a period of three to five years to set targets and priorities (e.g. which projects to fund, which business sectors to work with most closely, etc.)
  - Transfer the lead role for development of the Scheme, at an appropriate point, to the Cairngorms Trust – this will bring benefits in terms of separation from public sector duties and transparency, accountability through processes that are managed by OSCR.
  - Develop simple procedures for any business willing to become involved in promoting the Scheme.
  - Update the CNPA Board and all stakeholders on progress with the Scheme annually, including the total funds raised, numbers of businesses participating.
- c) **Business support for the Scheme** – this is a key issue in the National Park and the success of the Scheme will significantly rely on promotion by businesses – especially as neither CNPA nor the Cairngorms Trust have daily direct face-to face contact with visitors. A summary of the results of a survey that was undertaken through the CBP Business Barometer is available at **Annex 3**. This shows that around half of businesses indicated that they would be willing to participate in some way and this has been confirmed by the direct discussion staff have had with businesses. The survey also recorded a range of comments that are useful to see the

factors that businesses consider to be important – e.g. transparency in expenditure, separation from public sector duties, etc. The CBP position statement is attached at **Annex 4**. Discussions also took place with the SCDI, who support the Scheme in principle, and with the Federation of Small Businesses who noted “*The FSB understands the need for additional and ongoing investment in the Cairngorms National Park’s natural assets, especially in light of the funding pressures facing the public sector. As such, we are sympathetic to the proposal for a business-friendly, visitor giving scheme. However, given the current attempts by a number of local authorities to introduce a tourism tax, we are unable, at the moment, to fully support the proposal*”. To address this issue we propose to:

- Work positively with the Cairngorms Business Partnership as a partner in the Scheme and with individual businesses who wish to support the Scheme. The CBP have strong membership representation within the National Park and operate the website VisitCairngorms.com and several social media channels which give good opportunities to encourage visitors to contribute.
- Develop a range of levels for individual businesses to become involved in promoting the Scheme, for example :
  - i. Basic – where a business promotes the Scheme and refers customers to a dedicated website or text-giving facility
  - ii. Intermediate – where a business works the Scheme to integrate payments into their existing booking or payment system
  - iii. Advanced – where a business uses or promotes specific technology dedicated to the Scheme to make it easy for customers to make donations.
- Link the Scheme to the use of the National Park brand image by setting a positive expectation that if using the National Park brand to promote a business, then the Scheme should be promoted to visitors.
- Develop the Scheme incrementally based on pilot projects, learning from experience, and building support from businesses and donors over time.

d) **Making it easy for people to contribute** – we need to make this as easy as possible. People are most likely to contribute if the payment system is easy to administer and people are asked to make contributions at the point when they are making payment for other goods or services. To address this issue we propose to:

- Collect funds as far as possible using digital means, linked to existing payment systems and avoiding cash
- Develop dedicated fundraising approaches based on use of digital technology including integration with apps with locational capability (e.g. apps that are being developed for Badenoch Great Place Scheme and Snow Roads project)
- Endeavour to build ongoing relationships with customers to complement one-off donations
- Make the Scheme attractive to anyone who loves the Cairngorms National Park.

e) **Encouraging donations towards practical work that people care about and can see is delivered** – the research shows that people are most likely to contribute towards projects that relate to the special qualities of the destination and to its active enjoyment. To address this issue we propose to:

- Raise funds generally for two themes: Recreation/Access (e.g. paths and bridges) and Nature/Landscape conservation projects (e.g. native woodland creation).

Both of these are strongly related the reasons why visitors say they come to visit the National Park

- Ensure that a small portfolio of specific flagship projects are developed and highlighted for funding through specific campaigns – these will change over time as the projects are delivered
- Ensure that the projects to be delivered are well distributed around the National Park

f) **High visibility of the Scheme and the work it supports** – it is essential that the Scheme has a high profile and that visitors, and the businesses promoting the Scheme, can easily see the practical effects of the contributions made. To address this issue we propose to:

- Brand the Scheme as #LoveCairngorms (subject to further market testing)
- Develop a range of specific communications materials to encourage people to contribute and make them aware of the impact of donations
- Integrate the messaging of the Scheme in relevant publications, websites and project work that are administered by the principal parties
- Support the Scheme generally through CNPA's overall approach to communications as noted in the Communications and Engagement Strategy.

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## Annex 2: Memo of Agreement with Cairngorms Trust

### DRAFT MEMORANDUM OF AGREEMENT **BETWEEN**

**THE CAIRNGORMS TRUST** being a registered Charity and having their Office at 14 The Square, Grantown on Spey, PH26 3HG (hereinafter referred to as the “TCT”)

And

**CAIRNGORMS NATIONAL PARK AUTHORITY** being a National Park Authority incorporated under The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 and having their Principal Office at 14 The Square, Grantown on Spey, PH26 3HG (hereinafter referred to as the “Authority”).

This MEMORANDUM OF AGREEMENT is hereby made and entered into by the Authority and The Cairngorms Trust.

#### DEFINITIONS

The following terms appearing in this Memorandum of Agreement are to be interpreted solely in line with the following definitions.

Cairngorms Visitor Giving Scheme (the Scheme)	Means a scheme to encourage voluntary contributions from visitors to the Cairngorms National Park which are to be reinvested in projects benefiting the area.
Cairngorms Tourism Partnership	Means an advisory group established by the Authority and which brings together stakeholders involved in tourism to oversee delivery the Cairngorms Tourism Action Plan.

## **PURPOSE**

1. This agreement explains the respective roles and responsibilities of The Cairngorms Trust and the Authority in the development, delivery and management of a Visitor Giving Scheme for the Cairngorms National Park.

## **STATEMENT OF MUTUAL BENEFIT AND INTERESTS**

2. The four statutory aims of the National Park are set out in the National Parks (Scotland) Act 2000 and are:
  - a. To conserve and enhance the natural and cultural heritage of the area.
  - b. To promote sustainable use of the natural resources of the area.
  - c. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.
  - d. To promote sustainable economic and social development of the area's communities.
3. The purpose of the Cairngorms National Park Authority is to ensure that these four aims are collectively delivered in a coordinated way. The Authority prepares a National Park Partnership Plan every five years which sets out the vision and overarching strategy for managing the Park.
4. The Cairngorms Trust is a Scottish Charitable Incorporated Organisation. The organisation's purposes are wholly charitable and, in particular, are to advance, for the benefit of the public, sustainable and community-led local development within and outwith Scotland.
5. The Cairngorms National Park is accredited under the European Charter for Sustainable Tourism in Protected Areas which is a practical management tool that enables protected areas to develop tourism sustainably. The core element of the Charter is working in partnership with all relevant stakeholders to develop a common sustainable tourism strategy and an action plan. The Cairngorms National Park was the first National Park in the UK to be awarded the Charter in 2005. The accreditation process requires external verification every five years. In 2019 the Cairngorms was one of 101 sustainable destinations across 16 European countries and one of only three such destinations in the UK.

## **THE VISITOR GIVING SCHEME**

6. The purpose of the Scheme is engage with visitors and other people who enjoy the Cairngorms to generate funds to reinvest in projects that benefit the National Park. Following a period of research and discussion with partners, the Authority agreed in principle, in June 2018, to work with partners and establish such a Scheme.

## **RESPONSIBILITIES OF PARTIES**

### **THE CAIRNGORMS TRUST**

7. The Cairngorms Trust's responsibilities will be to:



- a. Administer and promote the Scheme, including planning and day-to-day management.
- b. Prepare a Business Plan for the Scheme for a period of two to three years to set targets and priorities (including, for example which types of project to prioritise for funding and which business sectors to work with, etc.)
- c. Establish and chair a Visitor Giving Scheme Partnership Group to oversee management of the Scheme which will meet at least two times per year and which will:
  - i. Approve the Business Plan for the Scheme
  - ii. Agree the allocation of funds raised by the Scheme to projects within the Park
  - iii. Monitor delivery of the Scheme including the total funds raised, numbers of visitors contributing, numbers of businesses participating
- d. Lead on the overall promotion of the Scheme to businesses and to visitors
- e. Develop procedures for any business willing to become involved in promoting the Scheme.
- f. Report on the Scheme as part of the normal reporting arrangements to the Office of the Scottish Charity Regulator
- g. Ensure that for at least the first two years of the Scheme, all of the visitor contributions will be spent on projects within the Park with no contribution going to cover administration costs
- h. Lead on review and renewal of this Agreement as required.

## **THE CAIRNGORMS NATIONAL PARK AUTHORITY**

8. The Cairngorms National Park Authority responsibilities will be to:
  - a. Assist with establishment of the Scheme though providing staff resource to advise on the Scheme, and in particular on which projects require funding and on communications issues.
  - b. Contribute towards the costs of establishing the Scheme as part of the Operational Plan, agreed annually.
  - c. Nominate one member of staff to sit on the Visitor Giving Scheme Partnership Group along with the Chair of the Cairngorms Tourism Partnership
  - d. Promote the Scheme as part of integration with the communications and engagement activity of the Authority including the use of social media channels, campaigns and websites

- e. Provide opportunities for wider debate and advice on the Scheme through access to stakeholders on the Cairngorms Tourism Partnership
- f. Report annually on the Scheme to the CNPA Board as part of arrangements for monitoring the delivery of the Tourism Action Plan

## **REVIEW OF AGREEMENT**

- 9. This operation of this agreement shall be reviewed at least every two years.

## **COMMENCEMENT AND TERMINATION**

- 10. This agreement will take effect on XXX and shall terminate on YYY unless otherwise agreed in writing.
- 11. Any party shall be entitled to terminate this agreement on giving six months' notice in writing to the other parties.
- 12. Prior to any such notice being issued, and cause which may give rise to a potential notice to terminate must be communicated in writing to the office of the relevant party, stating clearly the issues which could lead to termination and the proposed remedies which could avoid such action. The party making the written representation must allow for at least 6 months for the issues raised and their proposed remedies to be considered and solutions agreed.
- 13. Either party shall also be entitled to seek to extend this agreement beyond the stated termination date. At least 6 months' notice should be given of the desire to extend the agreement and this communicated in writing to the other party. The party receiving the request to the agreement should respond within 60 days of receipt of the request.

## **ARBITRATION**

- 14. In the event of any dispute under this agreement between the parties a reference shall be made to a single arbiter to be mutually appointed.
- 15. Failing agreement thereon, a single arbiter shall be chosen by The Cairngorms Trust. The decision of any such arbiter will be final and binding.

Signed on behalf of ....