

**The Highland Council  
City of Inverness Area Committee**

Minutes of Meeting of the **Inverness City Arts Working Group** held in the First Floor Committee Room, Town House, Inverness, on Wednesday, 7 August 2013 at 10.00 am.

**Present:**

Mr K Gowans (Chair)	Mr T Prag
Mr I Brown	Mr G Ross
Mrs B McAllister	

**Officials in attendance:**

Mr D Haas, Inverness City Manager  
Mr C Howell, Project Design Unit Manager, TEC Services  
Mr G Fyfe, Public Relations Manager  
Mrs R Moir, Principal Committee Administrator

**1. Apologies for Absence**

There were no apologies for absence.

**2. Exclusion of the Public**

The Working Group **RESOLVED** that, under Section 50(A) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting during discussion of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part 1 of schedule 7A of the Act.

**3. Declarations of Interest**

Mr K Gowans – item 5 (non-financial)  
Mr G Ross – item 5 (non-financial)

**4. Flood Alleviation Scheme – Project Progress to Date**

The Project Design Unit Manager updated Members on progress with the Flood Alleviation Scheme (FAS) and how this tied in with the proposed City Art projects. In particular, the Project Design Unit Manager confirmed that:-

- The Phase 1 contract had been awarded to the Morgan Sindall Group plc.
- While the formal contract start date had been 5 August 2013, the need to put site offices, etc. in place at the outset of the project meant that actual construction works were scheduled to start on 19 August 2013, with an anticipated completion date of February 2015.
- A detailed works programme, taking into account all the various constraints such as traffic, commerce, etc., was currently in preparation.

- Contact details would be provided and publicised for Sally Cooper, who would act as the public relations contact point for all enquiries, comments, etc. relating to both the flood alleviation project and the public art programme; Sally would in turn liaise closely with Cathy Shankland, Exhibitions Officer with HighLife Highland, who was acting as interim project manager for the public art programme.
- 126 people had attended the public meeting held on 26 July, where the majority of comments had focussed on loss of parking spaces in Huntly Street and restriction of access to the river banks for dog walkers; a further public meeting was to be arranged to follow up on issues raised.
- Invitations to tender for Phase 2 of the project would be issued on 23 September 2013, with a return date of early December 2013 and with a view to work running from January 2014 to March 2015.

The Project Design Unit Manager acknowledged that the most disruptive part of the project was likely to be the piling works, for which the initial phase was planned for November 2013 and January 2014. Every effort would be made to minimise disturbance and contract compliance would be closely monitored.

During discussion it was confirmed that earlier efforts had been made to engage widely with local residents and businesses, including with those who were now expressing concern about parking restrictions; however, many reactions had been received only now, when matters had become more imminent. Details of the earlier contact initiatives could be supplied to Members if required. Members were also advised that provision for disabled parking would be enhanced, while the needs of local funeral companies would be accommodated.

Members expressed the view that the works and associated arts programme would enhance the ambiance of the riverside area, leading to increased footfall and improved business opportunities. It was important to optimise the river amenity and to open the area up to greater leisure use.

After discussion, Members **NOTED** the current position.

## **5. River Ness Public Art Programme - Project Management and Action Plan Update**

### **Declarations of Interest**

**Mr K Gowans declared a non-financial interest in this item as a Director of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

**Mr G Ross declared a non-financial interest in this item on the grounds of having a close relative who was a local artist but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report No ICArts 10/13 by the Inverness City Manager updating Members on the progress of the project programme.

In introducing the report, the Inverness City Manager reminded Members that the Acting Project Manager, Susan Christie, had intimated her withdrawal from the project. However, as reported at the previous meeting of the Working Group, additional officer support from HighLife Highland had already been put in place, with particular assistance being provided by the Exhibitions Officer. He assured Members that working with HighLife Highland would ensure a continuing high level of project management, pending the establishment of more permanent arrangements with the appointment of the Project Manager (item 7 below refers), thus allowing the project to continue to make good progress in the interim.

In speaking to the report content, the Inverness City Manager outlined the updates given on the procurement processes, both for the post of Project Manager and for the commissioning of artists to realise the project. He highlighted the completion and publication of the River Connections Artist Brief and the steps being taken to disseminate it so as to attract high quality applications, together with the progress made on the development of the further two briefs, "The Trail" and "Seating/Rest Spaces".

During discussion, Members commented on the vital importance of securing at the earliest opportunity a high calibre, highly-regarded and experienced Project Manager to drive the project forward. Whilst it was acknowledged that the former Acting Project Manager had played a key role in the formulation and presentation of the original project brief, Members confirmed their determination to ensure the realisation of that vision. It would be essential to give particular reassurance to Creative Scotland, as the major funding body, that the project remained on track, was being effectively managed in the interim, and would in early course be led by a project manager well able to deliver the standard envisaged in the approved Stage 1 funding application. As Mr Sandy Blair, Project Manager with Creative Scotland, had not been able to be present at this particular meeting of the Working Group, it was suggested that the Chair, Vice Chair and the City Manager might usefully offer to meet with him separately, to brief him directly and fully on progress and to reassure him, if required, of the Council's continuing commitment to the project and its appreciation of the timescales involved, with particular reference to the submission of the Stage 2 application by February 2014. An invitation could also be extended to Mr Blair to participate in the Project Manager appointment process.

After discussion, Members **NOTED** the progress being made in relation to the previously agreed procurement processes, and **AGREED** that close liaison be maintained with Creative Scotland, with, in particular, the Chair, Vice Chair and City Manager seeking an early meeting with Mr Blair.

## 6. Artist Procurement – Advisory Panel

There had been re-circulated for reference Report No ICArts 04/13 by the Inverness City Manager on progress with regard to competition for the

provision of public art as part of the River Ness Flood Alleviation Scheme, previously considered by the Working Group at its meeting held on 2 May 2013. At that meeting, the Working Group had agreed in principle the process outlined in the report, including the establishment of an artist selection advisory panel.

Having been invited to discuss and agree how such a panel might best integrate with the Working Group, Members considered in depth its appropriate role and composition. During a full discussion, Members took account of the importance of their governance role in ensuring transparency and accountability, while recognising its differentiation from officers' technical/specialist executive role. Members acknowledged that, whilst it was their delegated responsibility to approve the final award of the artists' commissions, they were not themselves, as elected Members, arts specialists. It would accordingly be essential that the artists' submissions were evaluated for artistic merit and brief fulfilment by a small panel of three individuals with experience and expertise in the field of public art, who would thereafter make a clear recommendation. It was vital that suitable specialists be quickly identified for this. General support was expressed for approaching Dr Ken Neil of the Glasgow School of Art to join such an advisory Selection Panel, and for seeking the assistance of Creative Scotland in identifying two other suitable experts, while at the same time leaving it open for Members also to put forward names for consideration.

It would further be necessary for there to be a technical assessment as to whether the concepts put forward could be realised in practice. This would require professional input from Council services such as Planning and Development and TEC Services, who would provide advice to the artistic advisers as to whether projects were achievable and therefore worth taking forward for consideration. It was concluded that an appropriate technical group could comprise:

- Colin Howell, Project Design Unit Manager, or Matt Smith, Principal Engineer and Team Leader (Flood Team), TEC Services
- Ann Hackett, Principal Projects Officer, Planning and Development Service
- Cathy Shankland, Exhibitions Officer, HighLife Highland, as Interim Acting Project Manager
- David Haas, Inverness City Manager.

It was suggested that the appropriate process on receipt of responses to the artists' briefs would be an early verification sift, to assess competence in terms of the relevant brief(s) and eliminate clearly incompetent submissions, and thereafter a more thorough appraisal with a view to drawing up a short-list for in-depth evaluation and interview, all carried out by the appointed art specialists with the benefit of technical officer input as outlined above. The resulting recommendation would be the responsibility of the advisory Selection Panel and on presentation would be considered promptly by the Working Group for final decision, with Members undertaking to prioritise the need to meet at short notice so as not to delay progress.

As it would be important to move quickly once artists' submissions were received, delay should also be avoided in appointing the members of the Panel, once Creative Scotland advice was received. To that end, it was confirmed that authority should be delegated to the Inverness City Manager, in consultation with the Chair and Vice Chair of the Working Group, to finalise the Panel membership and thereafter circulate the outcome to the other Working Group Members. The Inverness City Manager also undertook to circulate a revised procurement schedule to all Working Group Members, taking into account the various matters agreed at this meeting.

Accordingly, following discussion, the Working Group **AGREED**:

- i. that an independent advisory Selection Panel be established, comprising three individuals with appropriate expertise in the field of public art, to evaluate artists' submissions in response to the three distinct approved Artist Briefs, and to bring a recommendation in respect of each Brief to the Working Group for final approval;
- ii. to approach Dr Ken Neil of the Glasgow School of Art to sit on the Panel and to seek advice from Creative Scotland as to a further two members with public art expertise;
- iii. to delegate authority to the Inverness City Manager, in consultation with the Chair and Vice Chair of the Working Group, to finalise the Panel membership; and
- iv. that a group of officers, comprising the Inverness City Manager, the Interim Acting Project Manager, and a representative from each of TEC Services and the Planning and Development Service, advise the Panel on technical considerations relating to the deliverability of artist submissions.

## **7. Project Manager - Update**

There had been circulated Report No ICArts 11/13 by the Inverness City Manager updating Members on progress made on the procurement of a Project Manager, as previously reported to the Working Group held on 13 June 2013. The report set out a range of factors to be taken into account when considering the alternative options of either contracting an independent sub-contractor, or creating a new post within the Council's establishment and employing an individual on a fixed-term contract.

In speaking to the report, the Inverness City Manager advised Members that, after further consideration and having discussed the issue with the Chief Executive, taking into account the withdrawal of the Acting Project Manager, it was now his recommendation, given the crucial need to deliver the project within a limited timescale, that an independent sub-contractor be appointed. In response to Member questions, he acknowledged that it was important to weigh up all factors, including costs. He recognised that direct Council employment could have advantages such as integration with other Services and clear lines of delegation, and acknowledged that any cost differential was unlikely to be significant. However, creating a new Council post required a formal, multi-stage approval process, and any slippage in the timescales involved could place the entire programme at risk, particularly taking into

account the recent change in interim management arrangements. It was also vital to reinforce the confidence of the funding bodies.

Members having pressed again for reassurance on the cost issue in particular, to ensure proper governance, the Inverness City Manager recapped the project budget elements and confirmed that adequate funds had been identified. After discussion, having taken all factors into account, Members concluded that the direct employment route carried too much risk. A detailed project management brief had been drawn up and was ready for imminent issue, which should permit an external appointment to be made by November 2013.

The Working Group accordingly **AGREED** that an independent sub-contractor be appointed to fulfil the delivery requirements of the SHIFT//SEOL ICArts Project Programme for the 3 year period from 1 November 2013.

## **8. Media Relations - Protocol**

There had been circulated Report No ICArts 12/13 by the Inverness City Manager setting out a recommended Communications Protocol to be followed by ICArts, utilising the facilities and services of the Highland Council's Public Relations Office.

The Public Relations Manager expanded briefly on the services available, as set out in the report, and highlighted the advantages of using established facilities, contacts and methodology. He pointed out that media coverage could effectively be coordinated with that provided in relation to the flood alleviation works, highlighting as an example a forthcoming prominent Inverness Courier article alerting the public to the works commencement on 19 August 2013, which would also draw attention to the public art element of the project.

During discussion it was confirmed that, while the Protocol would promote consistency and responsiveness through a strategic overview and the use of central contact points, this need not stifle the possibility of specific local initiatives where appropriate.

The Working Group **NOTED** the content of the report and **AGREED** to adopt the proposed Communications Protocol.

## **9. Project Management (former Ramada Commission)**

The Inverness City Manager confirmed that a positive discussion had been held with the new Chief Executive Officer of Jupiter Hotels, the owners of the now Mercure Hotel, with regard to the potential resurrection of the joint project that had been initiated with the previous owners. He was pleased to report that interest had been shown in taking matters forward.

Members welcomed the update and expressed hope that progress could be made towards improving the façade of this hotel and its contribution to the streetscape, which would also commercially benefit the hotel's image. They

urged that active contact be maintained with the new owners, who could perhaps be invited to view the ideas originally drawn up for this project.

The Inverness City Manager also confirmed that positive discussions had been held with Creative Scotland as to the potential for recovering a sizeable proportion of the grant figure previously awarded. This would require submission of a formal application.

During discussion, attention was also drawn to the item to be considered at the forthcoming meeting of the City of Inverness Area Committee on the proposed refurbishment of the Council's premises at 1-5 Church Street, Inverness, which might provide a further opportunity for the installation of some public art.

Thereafter, the Working Group **NOTED** the report.

#### **10. Financial Monitoring**

The Inverness City Manager updated Members on the revenue monitoring position as at 30 June 2013, the only costs showing to date being contractor costs. He also looked ahead to the full revenue monitoring statement to be presented to the next meeting of the City of Inverness Area Committee, and offered reassurance that, while the figure showing in that statement for Common Good Fund expenditure on this project might appear overspent, this could and would be explained in accounting terms.

The Working Group **NOTED** the position.

#### **11. Minutes**

There had been circulated and were **NOTED** the minutes of meeting of the Working Group held on Thursday, 13 June 2013.

#### **12. Date of Next Meeting**

The Working Group **NOTED** that a suitable date for the next meeting had still to be identified and would be notified to Members in early course.

The meeting ended at 12.05 p.m.