

## The Highland Council

Minutes of Special Meeting of the **City of Inverness Area Committee** held in the Council Chamber, Headquarters, Glenurquhart Road, Inverness on Tuesday, 20 August 2019 at 2.00pm.

### Present:

Mr R Balfour	Mr A Graham
Mr B Boyd	Mr A Jarvie
Mr I Brown	Ms E Knox
Mrs C Caddick	Mr R Laird
Miss J Campbell	Mrs B McAllister
Mrs G Campbell-Sinclair	Mrs I MacKenzie
Mrs H Carmichael	Mr D Macpherson
Mr A Christie	Mr R MacWilliam
Mr G Cruickshank	Mrs T Robertson
Mrs M Davidson	Mr G Ross
Mr K Gowans	Mr C Smith
Mr J Gray	

### Non-Members in attendance:

Ms M Smith	Mr A Baxter
Mrs A MacLean	

### Officials in Attendance:

Mrs D Manson, Chief Executive  
Mr S Fraser, Head of Corporate Governance  
Mr M MacLeod, Head of Planning & Environment  
Ms A Clark, Acting Head of Policy & Reform  
Mr D Haas, Inverness City Area Manager  
Mr J Kelman, Principal Project Manager  
Ms R Cleland, Corporate Communications Manager  
Miss J MacLennan, Democratic Services Manager

### Also in attendance:

Professor J Mooney, River Ness Arts Programme Evaluation Panel (Lead)

**An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to Committee.**

**Mrs H Carmichael in the Chair**

## Business

### 1. Apologies for Absence Leisgeulan

There were no apologies for absence.

### 2. Declarations of Interest

## **Foillseachaidhean Com-pàirt**

The Committee **NOTED** the following declarations of interest for Item 3:-

Mr G Ross – Non-Financial  
Mr D Macpherson – Non-Financial  
Mr A Jarvie – Non-Financial  
Mr K Gowans – Non-Financial

### **3. Inverness City Arts – River Ness Flood Alleviation Scheme Public Art Project – Progress Report Pròiseact Ealain Abhainn Inbhir Nis**

#### **Declarations of Interest –**

**The following Members declared non-financial interests in this item as detailed below but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion and voting -**

**Mr G Ross – connection with one of the local artists  
Mr D Macpherson – Director of High Life Highland  
Mr K Gowans – employee of UHI (Inverness College)**

**Mr A Jarvie declared a non-financial interest as a Director High Life Highland and on the basis of a relationship with one of the funding partners and in this latter regard confirmed that he would not take part in the discussion or voting.**

There had been circulated Report No. CIA/34/19 dated 14 August 2019 by the Chief Executive.

In this regard, the report confirmed that the enhanced governance arrangements which had been agreed by the City of Inverness Area Committee for the delivery of the arts programme had been adhered to throughout and an update on the Inverness City Arts projects and the next steps for the Working Group was also provided.

Further, the report highlighted the considerable financial and reputational implications of any decision not to progress with the remaining arts programme and that any such decision would require to be remitted to a meeting of the full Council to determine how any additional costs would be met.

Following a welcome to all those present and a summary of the procedure to be followed for the meeting, the Chair confirmed that, at the appropriate time, she would move the recommendations within the report to support the current arrangements and to re-affirm the previously agreed commitment to the project.

At this point, the Chief Executive expressed her strong support for the staff involved with the project and thanked them for the hard work which had been undertaken in the preparation of the report for the meeting. In particular, and in emphasising that the foundations of the Council were based on integrity and

trust at all times, she highlighted their outstanding conduct throughout the process.

In regard to the terms of the report, she highlighted the total project budget (£758,350), the total spend to date (£526,406) and the potential additional costs to the Council in relation to cancellation - (£125,860 – whole programme) or (£190,273 – My Ness).

As such, and in stressing that any decision taken had to be the right decision for the City, she re-affirmed that governance had been and continued to be critical as part of the project and the model which had been followed, whereby the Working Group regularly reported to the City Committee, was standard throughout Scotland in similar initiatives. In addition, the comprehensive level of detail which had been requested and which had been provided in the report had been available to all Members throughout the process on request and this would continue to be the case until completion.

In a short presentation, Professor Mooney advised that public art was often the subject of debate and at times controversial but it was his opinion that debate on such issues was an important part of the culture of modern society. However, and whilst defending the rights of individuals to not be interested in a specific piece of art, it was important that the rights of others to enjoy the same piece of art were not denied.

In terms of the My Ness project, it was his personal opinion that this was an extremely elegant and eloquent piece of art which was respectful to the location in which it was to be sited. He had been dismayed at the level of opposition but was reassured that due diligence had been undertaken throughout the process by all Officers, specifically in relation to the selection process by the Evaluation Panel which had been open and transparent throughout.

Whilst it was a matter of regret that there would be disappointment for some after this meeting, it was important to take account of the potential reputational damage for the Council in the long term if the project was to be cancelled and also, and not least, the needs and rights of the citizens of the future to enjoy public art in the City.

The Chair of the ICArts Working Group summarised the history and aims of the scheme from the outset, including the public consultation/community engagement process which had been undertaken. Specifically, she stressed that democracy was fundamental to the Working Group and she had ensured (when she had taken up the position of Chair) that the Group had closely followed its remit throughout and this had been confirmed by an Internal Audit which had been previously completed

In highlighting that it was her firm view that public art mattered for local people, she advised that it was her intention to put forward two additional recommendations at the appropriate time, namely that there should be no further commitment of public funds and that the project should be completed in the following 12-18 month period.

Thereafter, and during discussion, Members raised the following issues:-

- this was an extremely important issue for the City and the very strong concerns which had been expressed by some residents, particularly in the local area, had to be highlighted. In this regard, it was not considered acceptable that opposing or disliking this particular piece of public art was being equated to not liking art in its entirety as it was in essence a very subjective issue;
- it was very disappointing that to date not all of the projects had been completed as had originally been envisaged at the outset;
- it was felt that there had not been enough consideration given to the importance of local knowledge or environmental concerns and this was extremely concerning;
- following information being sought on future maintenance costs and specifically how they would be met, it was confirmed that such costs were to be kept to a minimum and this had been contained within the Artist's Brief and would be the subject of future scrutiny and monitoring;
- further information was required in relation to the potential future use of the Inverness Common Good Fund in this regard;
- in relation to information being sought on whether an environmental impact assessment had been undertaken for the My Ness project, it was confirmed that this had not been required but that there had been consultation with relevant bodies and no objections had been raised;
- further information was required in respect of consultation with SEPA on the My Ness project and there had been concerns raised by the public about the use of delegated powers in terms of planning permission;
- the continued conservation of the riverside had to be paramount;
- it was disappointing that there seemed to be a lack of confidence in the capacity of the art work to preserve the riverside;
- whilst strong objections had been raised, these objections had to be balanced against the 'silent majority' and it was important that a decision, once taken, was followed through;
- thanks should be conveyed to the Officers concerned who had followed instructions closely throughout the process;
- it had to be highlighted that all Members of the City Committee had had the opportunity to raise concerns throughout the duration of all projects;
- the issue of 'accessibility for all' was extremely important and at present the plans did not provide full access arrangements for wheelchair users or parents with young children in prams and this had to be addressed. As such, it was suggested that members of the Local Access Panel in particular should be consulted to allow them to express their views and it was agreed that the Chief Executive should take this forward as a matter of priority;
- it had to be highlighted that there was concern among local people in relation to potential harm to the environment and also to local wildlife;
- it was regrettable that local residents had not been satisfied with the local consultation which had been undertaken; and
- it was felt that there was a need for additional seating along the River and this project would deliver on that requirement.

At this point, and to allow fuller and more detailed debate on this very important issue, Mr R MacWilliam, seconded by Mr R Laird, **MOVED** the suspension of

Standing Order 19 which would have the effect of allowing Members to speak for in excess of 5 minutes at the meeting.

As an **AMENDMENT**, Mrs M Davidson, seconded by Mr G Cruickshank, moved that no such suspension of this Standing Order should be granted.

On a vote being taken, the **MOTION** received 7 votes and the **AMENDMENT** received 15 votes, with no abstentions, and the **AMENDMENT** was therefore **CARRIED**, the votes having been cast as follows:

**For the Motion:**

Mr B Boyd, Mr I Brown, Mrs G Campbell-Sinclair, Mr K Gowans, Ms E Knox, Mr R Laird and Mr R MacWilliam.

**For the Amendment:**

Mr R Balfour, Mrs C Caddick, Miss J Campbell, Mrs H Carmichael, Mr A Christie, Mr G Cruickshank, Mrs M Davidson, Mr A Graham, Mr J Gray, Mrs I MacKenzie, Mr D Macpherson, Mrs B McAllister, Mrs T Robertson, Mr G Ross and Mr C Smith.

In continuing discussion, the following issues were raised:-

- there was a need to closely consider the longer term value for the City, not least in terms of the revenue costs for ongoing maintenance of the art work;
- it was felt that there had been a shift from the original intentions of the art works programme which had been set up in 2012 and it was disappointing that so few projects had been completed to date;
- further clarification was needed in respect of management fees and how they, and any related overspend, would be met in future;
- there was a strong feeling amongst those who had objected to the My Ness project that public art had to be appropriate for the area and not foisted upon communities;
- whilst being sympathetic to those people who did not agree with the project, the overall reputational damage for the Council in cancelling the project at this stage had to be recognised;
- it was considered that there would be no major damage caused to the River through the siting of this art work which it was felt would be beneficial not just for visitors to the area but also the local community;
- in order to further address concerns which had been raised, it was suggested that a meeting should be arranged with the local community to hear their views in order to find a solution which might be acceptable for all, particularly in relation to biodiversity;
- local democracy was in place and had been from the outset in regard to the proposals taken forward by the ICArts Working Group and every opportunity had been given to all Members of the City Committee to become involved or to raise concerns in this respect;
- it had to be recognised that the River Arts projects had changed over time and this had caused problems for local communities. As such, it was disappointing that arts projects with more local support had not come forward;

- in regard to any changes to the River Arts Programme, it was highlighted that, should a decision be taken not to progress any or all of the remaining projects, there would be implications for the spend to date, any funds already committed and the potential of being able to utilise funding to support any alternative project. As such, the respective funders had provided confirmation of their position and this had been detailed in the report; and
- above all, it was imperative that lessons were learned from this project and the issues raised by the local community fully addressed wherever possible.

Thereafter, the Chair, seconded by Mr G Ross, **MOVED** the recommendations within the report to support the current arrangements and re-affirm the previously agreed commitment to the project – with the addition of the two proposals put forward by the Chair of the ICArts Working Group that there should be no further commitment of public funds and the project should be completed within the following 12-18 month period.

As an **AMENDMENT**, Mr R MacWilliam, seconded by Mrs G Campbell-Sinclair, moved that the ICArts Working Group should be disbanded and that all future decision making relating to the Working Group's remit should be referred back to the City of Inverness Area Committee. Also, that all projects should remain suspended until a final decision was taken by the City Committee at a future date in order to allow a full external audit of project finances, contractual liabilities and cancellation costs.

On a vote being taken, the **MOTION** received 15 votes and the **AMENDMENT** received 7 votes, with no abstentions, and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

Mr R Balfour, Mr I Brown, Mrs C Caddick, Miss J Campbell, Mrs H Carmichael, Mr A Christie, Mr G Cruickshank, Mrs M Davidson, Mr J Gray, Mrs I MacKenzie, Mr D Macpherson, Mrs B McAllister, Mrs T Robertson, Mr G Ross, and Mr C Smith.

**For the Amendment:**

Mr B Boyd, Mrs G Campbell-Sinclair, Mr K Gowans, Mr A Graham, Ms E Knox, Mr R Laird and Mr R MacWilliam.

The Committee therefore **AGREED** the recommendations in the report to support the current arrangements and re-affirm the previously agreed commitment to the project – on the basis that there should be no further commitment of public funds and the project would be completed within the following 12-18 month period.

The meeting ended at 4.30pm.