

**City of Inverness Area Committee
Inverness City Arts Working Group**

Minutes of the Meeting of the **Inverness City Arts Working Group** held in Committee Room 4, Council Headquarters, Inverness on Tuesday 27 August 2019 at 3.30 pm.

Present:

Mrs H Carmichael
Mrs I Mackenzie
Mr G Ross

In Attendance:

Ms A Clark, Acting Head of Policy
Mr D Haas, Inverness City Area Manager
Ms R Cleland, Corporate Communications and Resilience Manager
Ms S Barrie, Programme Manager (Property)
Ms F MacBain, Committee Administrator, Chief Executive's Service

Also in attendance:

Ms C Shankland, Exhibitions Officer, High Life Highland

Mrs I MacKenzie in the Chair

1. Apologies for Absence

Apologies were submitted on behalf of Mr I Brown.

2. Declaration of Interest

Item 5 – Mr G Ross (non-financial)

3. Exclusion of the Public

The 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 in respect of any issues relating to the circumstances of third parties on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 Part 1 of schedule 7A of the Act.

4. Actions from Previous Minutes

There had been circulated and was **NOTED** the minutes of the Working Group held on 09 April 2019. The City Area Manager highlighted progress on actions agreed at the last meeting:

- As a significant amount of time had passed since the previous meeting in April 2019, many actions had been superseded, and / or considered at the special meeting of the City of Inverness and Area Committee on 20 August 2019.
- Rest Spaces and My Ness would be updated under Item 5.

- The minutes from today's meeting would go to the City of Inverness and Area Committee on 21 November 2019.

Members **NOTED** the minutes and actions.

5. River Connections Public Art Project Programme

Declaration of Interest – 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 him from taking part in the discussion.

There had been circulated Report No ICArts 05/19 by the Inverness City Area Manager dated 20 August 2019, with a tabled supplementary report 5A dated 22 August 2019.

The City Area Manager introduced the report and explained that the supplementary report and recommendations, 5A, reflected the outcome of special meeting of the City of Inverness and Area (CIA) Committee held on 20 August 2019 to consider the River Ness Public Art Project. In addition to the supplementary report, attention was drawn to concerns raised about the possible need for an Environmental Impact Assessment (EIA), however this had been dealt with through the planning application process, which had included consultation with other interested parties such as SNH and SEPA. As reported at the CIA meeting on 20 August, an EIA had been undertaken as part of the wider Flood Alleviation Scheme, and the River Art project environmental impact will be managed through the application of planning conditions, which will evidence the management of environmental impacts, to the community. A minuted meeting had been held with Ballifeary Community Council in March 2019 at which environmental concerns had also been addressed. It was pointed out that reference had been made in the Press to the lack of an EIA when in fact there was no requirement for one due to those issues being fully covered by planning application conditions which could be found here;

<https://wam.highland.gov.uk/wam/applicationDetails.do?activeTab=document&keyVal=PK19CQIHJ4O00>

It was clarified that reports for the Working Group were issued on pink (confidential) papers due to the commercially sensitive information often contained within them. However the minutes of the discussion were public, as part of the papers submitted to the CIA Committee, with the reasons for all decisions fully explained within them. All Council members were welcome to attend meetings of the Working Group and attention was drawn to the governance section of the report (5A), which stated, *'Members will note that prior to the start of each meeting the Working Group is invited to agree that the discussions will be undertaken in private under the terms of the Local Government Act 1973 (as amended). Please note that this is done to protect the interests of third parties who have contracted with the Council to provide services. Care will continue to be taken to provide a full minute of discussions so as to allow the public to understand how the decisions reached were made.'*

Project Updates:

River Connections – Mary Bourne

This was complete.

Rest Spaces – Dress for the Weather

The City Area Manager explained that immediately prior to the meeting an inspection had taken place of two possible alternative sites, and an options appraisal with scaled visuals of both sites was now recommended, as well as a possible inspection of the platform itself and a revised communications plan including community engagement. Electronic photos of the platform were shown.

During discussion, the following issues were considered:

It was important that the reasons for the proposed change of site was properly explained to the Press and public. The Acting Head of Policy explained that the artwork and foundation platform had already been constructed, however installation had been on hold whilst additional risk and safety assessments were considered. Since the original design was developed in 2014 new guidance for local government on water safety has come into force: Scotland's Drowning Prevention Strategy 2018-2026 and the Council was currently developing a water safety policy for the Highland Council area based upon this guidance.

Further assessments undertaken had identified that the proposed site outside the Mercure Hotel on Bank Street would not be the best location for such a feature. This was due to the following considerations:

- Its proximity to several places of entertainment and the purpose of the design is to attract people to the waterside.
- The fast flowing nature of the river would mean that the placement of life rings would likely be ineffective in the event that an individual entered the water.
- Additional features would be recommended to the installation including, a gate which could be locked at high risk times, signage, monitored CCTV coverage and night time patrols.

As a result, the following had been recommended:

'That installation of the piece in the proposed location does not progress. Instead, alternative sites for the piece have been proposed including within the new park area at Torvean and between the two canal bridges as a viewing platform for the canal. The latter would retain the original concept of a connection with water but the piece would not overhang the canal and its location not present the risks outlined above'.

Members voiced support for the recommendation and suggested that the Corporate Communications and Resilience Manager produce a Press release after the meeting. However, discussion then took place on whether the specific alternative sites could be made public at this stage, and it was decided that Creative Scotland and the artist should be alerted in the first instance. Following this, a process of public engagement on the two options was required, noting

the restrictions on budget that were in place. Other issues considered were the possible need for planning permission for any new site, accessibility issues including the possibility of a ramp onto the structure, and the possibility of incorporating the siting of the platform into ongoing work on the West Link Road, thereby achieving possible economies in terms of shared equipment etc

In relation to the production of visuals and noting budget and time restrictions, the Programme Manager (Property) offered to source this from within her team. In the meantime, the City Area Manager would work on the producing more detail on the two site options, with the possibility of a further site inspection if required, and another meeting of the Working Group to be held in the near future.

Sculptural Destination – Annie Cattrell

This was complete.

My Ness (the New Gathering Place) Sans Façon and OSA

Of critical importance was to identify design changes and associated costs to ensure the structure became fully accessible to wheelchair users or parents with young children in prams as agreed by the CIA Committee on 20 August 2019 where it had been highlighted that there was a difference between 'accessible' and 'wheelchair accessible'. Significant changes to the structure might require an amendment to the planning application. It was clarified that the contractual relationship was between the artist and the builders, with significant input from Council officers for guidance purposes.

Due to the additional funds required to fulfil full wheelchair accessibility, and the budget restrictions on the project, agreement was sought in principle for two planned features be dropped from the overall proposal: the Trail and the Children's Water Feature. With regard to Creative Scotland's position, an indication had been received that they were amenable to the Trail being dropped, however a revised business case would have to be presented to them, once the actual costs of the amended design were known, before they could take a final decision on their funding position for the principal project, My Ness. £18k of the funds for the Children's Water Feature had been for the educational element and it was hoped this could be incorporated into My Ness, for example wall engravings, pavement plaques and / or school involvement in the design.

In summary, The City Area Manager proposed the following actions: the Working Group take a decision in principle, the cost implications were identified, the affordability of the proposals assessed, consultation take place with Creative Scotland and the artist including any termination fees, then report back to the Working Group and to Creative Scotland.

A connected matter was the fisherman's hut and it was explained that Ness Angling Club had endorsed the points made at the CIA Committee meeting on 20 August 2019 and that while they were not entitled to funds as part of this project, advice would be provided to them by the project team to seek funds elsewhere, including the Inverness Common Good Fund. Where possible, synergy between all projects would be sought to achieve economies of scale through joint working and timetabling etc.

Reference was made to the intention for an illustration of the revised design to be made available at the meeting, something which had been superseded by events but would be sought for a future meeting. It was clarified that all work to remove trees had been planned following appropriate consultation (see link to Planning Notice, above).

A revised communications plan was required and would include issues such as the importance of issuing a Press release after every meeting, publicising the start of work by holding a formal turf cutting ceremony and organising an event upon completion, possibly with the involvement of Eden Court.

There followed further discussion of the recommendations in the original report (Item 5) dated 20 August 2019, the updated recommendations in the additional report (Item 5A), and the discussion at the CIA Committee meeting on 20 August 2019 where there had been consensus around the chamber about the importance of accessibility. Members then:

- i. **NOTED** the developments regarding the re-siting of the Rest Space;
- ii. **NOTED** the progress with the Children's Water Feature;
- iii. **NOTED** the budget position and **CONSIDERED** necessary adjustments to the Project Programme;
- iv. **AGREED** in principle not to proceed with the Trail and the Children's Water Feature and to instruct officers to come back with a detailed budget for My Ness taking into account changes agreed by the City of Inverness and Area Committee on 20 August 2019;
- v. **AGREED** to instruct officers to liaise on the proposed changes with Creative Scotland and the Artist as appropriate;
- vi. **AGREED** to hold a further meeting or briefing of the Working Group within two weeks;
- vii. **NOTED** that changes would be made to the Media Communications Plan to reflect progress and the issues raised during discussion; and
- viii. **NOTED** that community engagement plan would be picked up at the next meeting once the necessary information had been sourced.

6. Financial Monitoring

There had been circulated Report No ICArts 06/19 by the Inverness City Area Manager dated 20 August 2019. The report set out the revenue monitoring position for the period to 31 July 2019 and showed the actual expenditure to date.

The City Area Manager explained that the financial summary documents had been presented to the CIA Committee and work was being undertaken with accountants to ensure all relevant budget information would be kept up-to-date.

The budget was overspent by approximately £46k, notably £25k in management fees, which was largely due to the additional time the project had taken and which had not been correctly accounted for at an early stage, something which had been picked up during the audit process. Cancellation of the Trail and the Children's Water Feature would bring the budget back in line and allow sufficient funds, it was hoped, to complete My Ness as discussed under Item 5. Clarification of the redesign costs was a priority. Other points made included the following:

- The £5k allocated from the Common Good Fund for paths to the Children's Water Feature could be reassigned to paths to My Ness and / or cycleway works with the consent of the ICGF Sub Committee.
- The importance of early resolution and regular and early communication with the public was emphasised.
- There was a risk that the costs to include full wheelchair accessibility would be prohibitive, although it was hoped this would not be the case.

Members scrutinised and otherwise **NOTED** the content of the report.

7. Press relations and forthcoming PR opportunities and risks

This had been included in the discussion at Item 5.

8. Date of next Meeting

Members **NOTED** there was a meeting scheduled for Tuesday 17 September 2019, Second Floor Committee Room, Town House, Inverness, but that an earlier briefing was to be arranged as discussed at Item 5.

The meeting closed at 5pm.