

**The Highland Council**

Minutes of Meeting of the **City of Inverness Area Committee** held in the Council Chamber, Town House, Inverness on Thursday 21 November 2019 at 10.00 am.

**Present:**

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

**Non-Members also present:**

Mr A Henderson

**Officials in Attendance:**

Mr S Black, Executive Chief Officer Transformation and Economy  
Mr M MacLeod, Executive Chief Officer Environment and Infrastructure  
Mr A McCann, Economy and Regeneration Manager, Development and Infrastructure Service  
Mr J Kelman, Principal Project Manager, Development and Infrastructure Service  
Ms J Vivers, Principal Housing Officer, Community Services  
Mr E Foster, Head of Corporate Finance and Commercialism, Corporate Resources Service  
Ms A Clark, Acting Head of Policy, Chief Executive's Office  
Mr D Haas, Inverness City Area Manager, Chief Executive's Office  
Ms F MacBain, Committee Administrator, Chief Executive's Office  
Miss M Murray, Committee Administrator, Chief Executive's Office

**Also in attendance:**

Mr M Kelly, Highlands & Islands Enterprise (HIE)  
Mr A McEwan, City Fibre  
Mr D Wilson, Area Group Commander, Scottish Fire and Rescue Service

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

**Mr G Ross in the Chair**

**Preliminaries**

Prior to the commencement of the formal business, the Depute Provost made the following announcements:

- The Provost, Mrs Helen Carmichael, had been taken ill and was wished a quick recovery on behalf of the Committee;
- Ms E Roddick was congratulated on her recent election to Central Ward;
- Mr Ron Archer, Housing Manager, was congratulated on his recent award of Highland Council Employee of the Year;
- Ms Krista Munro was congratulated her award of Primary Teacher of the Year at the recent Highland Heroes event;
- Agreement was sought and provided to amend the running order of the agenda and consider Item 8 immediately after Item 5;
- Attention was drawn to late papers and updates that had been circulated.

The Committee **NOTED** the preliminaries.

### **1. Apologies for Absence Leisgeulan**

Apologies for absence were intimated on behalf of Mr R Balfour and Mrs H Carmichael.

### **2. Declarations of Interest Foillseachaidhean Com-pàirt**

The Committee **NOTED** the following declarations of interest: -

Item 5 – Mr A Christie (non-financial)  
 Items 6 and 7 – Mr K Gowans (non-financial)  
 Item 8 – Miss J Campbell (non-financial)  
 Item 9c – Mr A Graham (non-financial)

The Inverness City Area Manager sought and received confirmation that all Members who had declared an interest intended to stay in the Chamber during debate of the relevant items, for the reasons provided and detailed under the item headings.

### **3. Presentation – Making Inverness One of the UK’s First Gigabit Cities Taisbeanadh – A’ toirt Inbhir Nis an lùib ciad bhailtean gigabit na RA**

Arising from the Inverness City Region Deal, five public sector organisations had come together with the objective of improving the digital connectivity of the Highlands. A presentation was undertaken by City Fibre on their plans to make Inverness one of the UK’s first gigabit cities, with their initial project being to extend the footprint of full fibre, gigabit capable internet connections in Inverness. Other issues covered included a project overview, trends in internet usage and the need for improved infrastructure, the benefits to all sectors, the timescales for the project (due to be ready for use in 2021) and the construction process.

During discussion, the following issues were considered:

- the project was welcomed and the benefits to a wide variety of sectors were summarised, including education (such as the use of chrome books by pupils at home and in school) and health (such as home-based eHealth technology). Synergy between public sector initiatives and this project was urged and

- would be discussed with HIE, noting that many of the earmarked sites were primary and secondary schools;
- with reference to people living in remote and rural areas with poor internet connections, it was hoped this infrastructure would eventually be rolled out beyond cities. It was confirmed that HIE was working with the Scottish Government to improve rural broadband;
  - as door to door communication was not the preferred method for some communities, other means of communication such as mail campaigns and drop in centres were suggested, as was attendance at community councils and residents' association meetings. An Inverness-based marketing manager would take much of this forward;
  - it was reported that in some areas work had started with local residents and Members being adequately informed;
  - assurance was sought and provided that there would be no connection fee to residents;
  - equipment should be put beneath grass verges wherever possible and it was vital that all pavements were reinstated to an acceptable standard. Details on measures in place to ensure this was done, including post-work inspections, were provided;
  - ongoing updates on the rollout of the project should be provided to local Members via Ward Business Meetings;
  - Members welcomed the initiative which would be of significant benefit to Inverness; and
  - in response to a query about City Fibre's relationship to BT Openreach, it was explained they were competitors in the field of building and maintaining internet infrastructure. Cityfibre, as a younger organisation, did not have a pre-existing network of infrastructure to maintain. Information on their use of contractors was provided.

The Committee **NOTED** the presentation and **AGREED** the rollout of the project be regularly communicated to local Members through Ward Business Meetings.

#### **4. Scottish Fire and Rescue – Area Performance Report Smàladh is Teasairginn na h-Alba – Aithisg Coileanaidh Sgìreil**

There had been circulated Report No. CIA/51/19 dated 26 October 2019 by the Local Senior Officer for Highland.

During discussion, the following issues were considered:

- clarification was provided that there had not been hydrant pressure issues at a recent incident in Ardersier and that it was standard practice to set up hoses from nearby open water sources, such as the sea, as a potential back up;
- Members commended the preventative measures and awareness raising initiatives that were being undertaken;
- concern was expressed in relation to properties which had a high turnaround of tenants and might require more regular fire safety inspections;
- information was sought and provided on recruitment efforts, with particular need for additional fire officers in rural areas. Reference was made to the importance of encouraging more females into the service, and efforts to address this were outlined; and
- assurance was provided on the programme for school visits and that they included both male and female officers.

The Committee **NOTED** the Area Performance Report.

**5. Housing Performance Report – 1 April 2019 to 30 September 2019  
Aithisg Coileanaidh Taigheadais – 1 Giblean 2019 gu 30 Sultain 2019**

**Declaration of Interest – Mr A Christie declared a non-financial interest in this item as the General Manager of Inverness, Badenoch and Strathspey Citizens Advice Bureau 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. CIA/52/19 dated 6 November 2019 by the Executive Chief Officer Customer and Communities.

The Principal Housing Officer drew attention to Section 7 of the report, Rent Arrears, and explained that anomalies in the reported figures were partly due to timing issues, with Universal Credit being paid on a 4-weekly rather than a calendar month basis. These would be smoothed out at the end of the financial year. It was likely Universal Credit might move to daily payments which would be helpful.

During discussion, the following issues were raised:

- in relation to efforts to seek compensation from the UK Government for hardship suffered as a result of Highland being a pilot area for Universal Credit, a case had been made but progress had stalled due to the forthcoming general election on 12 December 2019. This would be followed up in due course;
- the possible move to daily Universal Credit payments was welcomed and would ease hardship for many, especially at the start of the process;
- in relation to Council house refusals, the current policy allowed two refusals within 12 months, after which the applicant was suspended from the waiting list for six months before becoming eligible again;
- it would be helpful to have more information on the reasons behind rent arrears, refusals and homelessness to facilitate more appropriate support being provided, and a more detailed report was requested in future, to understand, in particular, causes of debt and to understand how mental health and wellbeing could be supported. This would be investigated, noting that not all required information was recorded; and
- a new way of considering voids might also be helpful, for example, considering them by location and a brief summary was provided of improvement measures in this area that had already been undertaken.

The Committee **NOTED** information provided on housing performance in the period 1 April 2019 to 30 September 2019 and **AGREED** the Principal Housing Officer investigate the possibility of providing a more detailed report in future, noting the need to understand causes of debt and to understand how to improve mental health and wellbeing.

**8. Victorian Market, Inverness – Business Plan – Market Hall/Fish Hall  
Transformation - Inverness Common Good Fund  
Margadh Bhictòrianach, Inbhir Nis – Plana Gnothachais – Cruth**

## **atharrachadh Talla na Margaidh/Talla an Èisg – Maoin Math Coitcheann Inbhir Nis**

**Declaration of Interest – Miss J Campbell declared a non-financial interest in this item as a Member of the Victorian Market Stakeholder Group but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that her interest did not preclude her from taking part in the discussion.**

There had been circulated Joint Report No. CIA/55/19 dated 13 November 2019 by the Executive Chief Officer Transformation and Economy and the Inverness City Area Manager.

The Depute Provost introduced the Business Case, which had been requested by the Committee on 29 August 2019, and prepared by Graham and Sibbald, who had extensive knowledge of the local property market and how it was influenced by national and local trends. The Victorian Market was a principal asset of the Inverness Common Good Fund and Inverness Members, as custodians of the fund, had a duty to ensure the right decisions were taken to achieve best value, not only for financial reasons, but to ensure the market remained an asset to the city and a destination in its own right. The report represented a culmination of work that had started in summer 2016 with a series of workshops which had led to the creation of the Victorian Market action plan, agreed by the committee in June 2017, and which included the refurbishment of the market hall. All engagement undertaken, including with the Victorian Market Stakeholder Group, and the support proposed for current tenants, were detailed in the report. Support for the proposals had been indicated by the Federation of Small Businesses, the Inverness Chamber of Commerce, Inverness BID, and the Stakeholder Group, who were thanked for their contributions.

Attention was drawn to recommendation four of the report, which sought agreement on the compensation awarded to tenants. With this in mind and noting that aspects of the proposal could directly affect the financial interest of the tenants, it might be necessary, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for any discussion of individual tenants.

The Executive Chief Officer Transformation and Economy gave a presentation that included detail on the Business Case, the vision and aims of the project, the finances of the project, the proposed layout, rental returns, footfall and customer experience. The presentation also covered transformational change and the wider benefits to the city centre, risks, communication issues and next steps.

In summary, the market was a key asset of the Inverness Common Good Fund and was not currently performing as it should. The proposed project would have wider benefits for the area.

During discussion, Members made the following comments:

- the Business Case was welcomed and the need for change was emphasised. The market was currently a liability and required renovation to ensure it remained structurally sound. Reference was made to the concerns of the current traders but a managed transition was preferable to the prospect of an

abrupt closure if the building became structurally unsafe. In addition to bringing the building back up to an acceptable standard, it was suggested that it might thereafter be sold to the private sector for future management, given the length of time (14-25 years) to recoup the cost of refurbishment;

- in response to the suggestion about the market being sold to the private sector, it was pointed out that this would most likely increase the rent levels. The importance of the building and its role in attracting people into the city centre meant that even if it was run at a slight deficit, it should remain a valuable asset of the Common Good Fund
- it was suggested that the market was losing money due to high management costs and that the vision for the market's future was too similar to the Eastgate Centre;
- clarification was sought and provided that the Committee had the necessary authority to approve the £1.5m expenditure from the Common Good Fund;
- with reference to the role of the Inverness and Area Members as trustees of the Common Good Fund, the importance of ensuring the Market remained a valuable asset was emphasised, not only for the current tenants of the market, but for the many other businesses in the city centre and for the wider benefit of the people of Inverness;
- concern was expressed about the plight of the current tenants of the market and several Members voiced suggestions on differing levels of compensation and support that should be offered to them, including the provision of one to one business advice and assistance sourcing alternative facilities for the duration of any refurbishment works;
- in response to a suggestion that insufficient market research had been undertaken and that the Business Case lacked the necessary retail knowledge, reference was made to the details in the report on the research that had been undertaken and the credentials of the experts involved in preparing the Business Case;
- concern was expressed at the management of the market to date which had led to it being run at a loss and it was suggested there had been insufficient attention paid to feedback from current tenants who were not being treated with adequate care. Additional support and help to find them alternative premises were urged;
- clarity was sought and provided that it was usual for the total project budget, in this case £1.5m, to be publicly available and this did not influence the tendering process for individual aspect of the project, for example construction works;
- assurance was sought and received that the sections of the market which were in various private ownership would not be affected by the refurbishment;
- some Members suggested deferring approval of the Business Case pending more information on levels of support and compensation that could be provided to current tenants, while others felt it important the matter be determined without further delay;
- information was sought on plans to increase the use of the market by young people;
- the previous tenancy framework and details on what had been changed were sought by Ms E Roddick;
- an explanation was sought and provided on why the selection process for new tenants aimed to avoid taking in a new tenant that would be in direct competition to an existing tenant;

- in response to suggestion the market could be transformed into a 'mini Eastgate centre', it was explained that while the Eastgate centre mainly hosted large national retailers, the market would remain for independent local retailers;
- the usefulness of the market as a wet weather visitor attraction was highlighted and it was hoped that a closer tour bus drop-off point could be arranged;
- it was vital the Council did all it could to support the current tenants to continue trading during the refurbishment; and
- reference was made to the Council's obligation to the hundreds of businesses in the vicinity of the market, not only the 14 tenants of the market, and it was important a decision was made without further delay.

In response to Members' comments, the experience and knowledge of the consultants used to prepare the Business Case was emphasised, as was the market research undertaken. There was a strong case on environmental reasons alone to refurbish the market to increase the value of the asset and provide a destination for locals and tourists in the city centre, as well as the other 800-1000 local businesses that formed part of Inverness BID, who were supportive of the proposals. The role of the Council's business gateway service in assisting current tenants was outlined, with the possibility of entering into immediate discussions with tenants as soon as the business Case had been approved. In relation to management of the market, reference was made to the retained high occupancy rates throughout the recession. There were current empty units in the market in preparation for the refurbishment. As soon as the business case was approved, current tenants would be invited to bid for a unit.

At this point in the meeting, Members indicated a desire to discuss the detail of compensation to be offered to current tenants and the Committee **RESOLVED** that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from this part of the meeting on the grounds that it might involve the likely disclosure of exempt information as defined in Part 1 of Schedule 7A of the Act.

While in private session, Members discussed various proposals for levels of compensation. There following a ten minute adjournment to facilitate the drafting of amendments to the recommendations in the report. Following the adjournment, the Committee **AGREED** it was no longer necessary to exclude the public and they were invited to return to the meeting.

Mr G Ross, seconded by Mr J Gray, **moved** the recommendations as detailed in the report. Mr A Christie, seconded by Mrs C Caddick, moved as an **amendment**, that the following three bullet points be added to the recommendations in the report:

- that subject to recommendation 4, those traders not returning will be entitled to compensation of 9 months and those returning will be entitled to 6 months as detailed in the report plus an additional 6 months rent free;
- that the common good fund arrange one to one consultations with the tenants of the Victorian Market impacted by the proposals to try and agree where feasible individual tailored solutions for progressing in co-production with all concerned

- that decanted traders meeting the new criteria be invited to apply for a new tenancy and be given the first option right to said tenancy.

Mr R MacWilliam, seconded by Mrs G Campbell-Sinclair, moved as a **second amendment** to reject the recommendations in the report and refer the Business Case back to a City of Inverness Area Committee special meeting in December 2019.

Mrs G Campbell-Sinclair, seconded by Mr K Gowans, moved as a **third amendment** to award 12 months rent compensation for leaving current tenants and 6 months rent compensation plus 9 months free rent for returning current tenants.

On a vote being taken between the **third (Campbell-Sinclair) and second (MacWilliam) amendments**, the result was as follows:

- For Mrs Campbell-Sinclair's amendment: Boyd; Brown; Campbell-Sinclair (3)
- For Mr MacWilliam's amendment: Gowans; Graham; Knox; MacWilliam; Roddick (5)
- Abstentions: Caddick; Campbell; Christie; Cruickshank; Davidson; Gray; Jarvie; MacKenzie; MacPherson; McAllister; Robertson; Ross; Smith (13)

Mr MacWilliam's amendment was carried and on a vote being taken between **the second (MacWilliam) and first (Christie) amendments**, as detailed above, the result was follows:

- For Mr MacWilliam's amendment: Boyd; Gowans; Graham; Knox; MacWilliam; Roddick (6)
- For Mr Christie's amendment: Brown; Caddick; Campbell; Campbell-Sinclair; Christie; Cruickshank; Davidson; Gray; Jarvie; MacKenzie; MacPherson; McAllister; Robertson; Ross; Smith (15)
- Abstentions: None

Mr Christie's amendment was **carried** and Mr Ross withdrew his motion in favour of Mr Christie's amendment, which became the **decision** of the meeting, as follows:

- i. **NOTED** the further work undertaken since the report presented to Committee on 29 August 2019;
- ii. **AGREED** the Business Plan attached, relating to the letting of a Tender for the transformation of the Market Hall and Fish Hall of the Victorian Market (Appendix 1);
- iii. **AGREED** to allocate £1.5m from the Inverness Common Good Fund and instruct officers to draft and publish an Invitation to Tender for the Transformation of the Market Hall and Fish Hall of the Victorian Market described within this report and the Business Plan;
- iv. **AGREED** that compensation was awarded to the tenants currently in the Market Hall and Fish Hall to help with the necessary relocation, with all tenants in the two Halls being offered the final 6 months of their rent as compensation (either to remain in situ rent free or as a final payment). Noting that this would amount to a compensation settlement of £55,772, with formal



- Notices to Quit likely to be served on Tenants in early 2020 to allow for the Project to commence in Spring 2020;
- v. **NOTED** that the rental income would be significantly reduced during the compensation (6 months), refurbishment (10 months) and letting periods (6 months). In total this was likely to be in region of 22 months and the equivalent loss of rental of £204,497. It was hoped some of this would be absorbed in the cost the £1.5m allocation;
  - vi. **NOTED** that further reports would be made to the City of Inverness Area Committee on progress, with a Tender Report being prepared and presented to the City of Inverness Area Committee for approval if required by Financial Regulations and Contract Standing Orders as soon as practicable in 2020;
  - vii. **NOTED** that all practicable steps were being taken to maximise third party funding opportunities, including an application to the Town Centre Fund, which had a deadline of committed funds 31st March 2020;
  - viii. **AGREED** that subject to recommendation 4, those traders not returning would be entitled to compensation of 9 months and those returning would be entitled to 6 months as detailed in the report plus an additional 6 months rent free;
  - ix. **AGREED** that the common good fund arrange one to one consultations with the tenants of the Victorian Market impacted by the proposals to try and agree where feasible individual tailored solutions for progressing in co-production with all concerned; and
  - x. **AGREED** that decanted traders meeting the new criteria be invited to apply for a new tenancy and be given the first option right to said tenancy.

## **6. Torvean and Inverness Campus Sports Provision – Developer Contributions**

### **Solar Spòrs Campas Thòrr Bheathain agus Inbhir Nis – Tabhartasan Luchd-leasachaidh**

**Declaration of Interest – Mr K Gowans declared a non-financial interest in this item as an employee of UHI 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. CIA/53/19 dated 8 November 2019 by the Executive Chief Officer Infrastructure and Environment.

The Executive Chief Officer Infrastructure and Environment gave a presentation in amplification of the report.

During discussion, Members raised the following issues in relation to the proposed Inverness Campus sports facilities:-

- there was a desperate need for sports facilities in the east of Inverness and the proposals were welcomed;
- whilst recognising the need to accommodate Craig Dunain Rugby Club, there would be a significant call on the facilities by students and residents, and the need for maximum flexibility, and not to favour one group over another, was emphasised;
- information was sought, and provided, on when more detailed designs would be available, and it was suggested that further information on the design proposals be provided by way of a Members’ Briefing;

- Members were keen to see the project move forward sooner rather than later, and information was sought, and provided, on how it was intended to fill the funding gap;
- the facilities would allow Inverness College and UHI to develop courses that were not currently available, putting them on a more level playing field with other colleges and universities;
- the facilities would be attractive not only to the public but to professional athletes. It was understood that Caledonian Thistle Football Club had expressed interest as they did not currently have an all-weather pitch to train on, and helping them to achieve their potential would be something to celebrate;
- the strategic location of the campus was important in terms of its connectivity with the A96, the A9 and the West Link road, as well as its proximity to the airport and Inverness Station;
- some of the most affluent and some of the poorest areas in Inverness were located nearby and the facilities would provide sport for all;
- information was sought, and provided, on what consideration had been given to taking developer contributions from one area of Inverness and allocating them to another area;
- the benefits of the proposed facilities were immeasurable in terms of health, wellbeing and activity; and
- Culloden to the Inverness Sports Centre was approximately a 20-mile round trip so the new facilities would be a boon for the surrounding areas.

In relation to Torvean Park, the report stated that an element of the funding would be used for maintenance of the park and other green spaces, and it was hoped that the area would be better maintained than the pathway between Whin Park and the rugby pitches, which was overgrown and unsightly. In response, the Depute Provost confirmed that the issue of grounds maintenance at Whin Park had been taken up at ward level and the Head of Environmental and Amenity Services and the Amenities Manager (South) would be in attendance at the Ward Business Meeting on Monday 25 November.

Thereafter, the Committee:-

- NOTED** the intended purpose of these strategic sports facilities in supporting future growth in the City and the steps towards delivery;
- AGREED** the funding of £25,000 from developer contributions towards the delivery of the Torvean Park project as detailed in paragraph 5.4 of the report;
- AGREED** in principle to the funding of £250,000 of developer contributions towards the delivery of the Inverness Campus Sports Pitch as detailed in paragraph 6.3 of the report, and subject to confirmation from partners on the arrangements for community use and compatibility with the aspirations of Craig Dunain Rugby Club; and
- AGREED** that more detailed information on the proposed design of the strategic sports facilities be provided by way of a Members' Briefing.

## 7. Town Centre Fund Maoin Meadhan a' Bhaile

**Declaration of Interest – Mr K Gowans declared a non-financial interest in this item as an employee of UHI 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. CIA/54/19 dated 12 November 2019 by the Chief Executive Officer Transformation and Economy.

The Depute Provost explained that, at its meeting on 7 November 2019, the Environment, Development and Infrastructure (EDI) Committee had agreed to defer any approval of funding to Inverness projects, and that the Inverness projects proposed to receive support from the Town Centre Fund be brought to the City of Inverness Area Committee for ranking. The agreed governance for decisions on the projects sat with the Town Centre Working Group and the EDI Committee.

He was aware there was a wish to consider the full range of projects within the paper and, should the Committee decide to rank any projects that were considered ineligible, he had been advised that these would need to be agreed by the EDI Committee. Given that there were no meetings of the EDI Committee or its successor until the beginning of February 2020, any such recommendation would go to Council as a starred item.

He emphasised that the Committee was not here to discuss the process, and that the focus must be on how to move forward. It was a fantastic opportunity to support a range of projects in the city and area, and it was necessary to concentrate on the projects and make recommendations as time was pressing.

During discussion, Members raised the following issues:-

- the deferral of the Inverness projects to allow consideration by the City of Inverness Area Committee was welcomed;
- concern was expressed that the eligibility criteria had not been applied consistently;
- it was necessary to take a wider view of what constituted a town centre and not look purely at Inverness town centre;
- the need for any projects submitted to have all funding in place was emphasised;
- there were lessons to be learned from the process and, if Town Centre Funding became available in the future, it was suggested that more innovative projects could be found that would help people who were vulnerable, lonely, isolated or housebound; and
- if any of the projects submitted were not accepted the funding should be reallocated to one of the approved Inverness projects.

Thereafter, having debated the merits or otherwise of individual projects, the Committee **AGREED** that the following projects be submitted for consideration for Town Centre Funding with the proviso that if any of the projects were not accepted the funding be reallocated to one of the approved Inverness projects:-

Midmills Phase 2 (WASPS) - £160,000  
The Victorian Market - £250,000  
The Pavilion, Cromal Hill, Ardersier - £40,000  
Fisherman's Hut, Bught Park - £20,000  
Inverness Campus Sports Pitch – £126,901

Following the conclusion of the item, Members commented that it was necessary to ensure such a situation did not happen again. There appeared to be confusion regarding what constituted a town centre within the City of Inverness Area and, the need for a proper definition having been emphasised, it was suggested that officers should liaise with their counterparts in the Scottish Government to ensure that there was no confusion in the future. It was further suggested that the Committee agree to ensure that town centre plans existed that reflected investment priorities for the City of Inverness Area in future. Support was expressed in that regard, and it was confirmed that the request would be noted in the Minutes.

## **9. Inverness Common Good Fund Maoin Math Coitcheann Inbhir Nis**

### **(a) Financial Monitoring and Capital Projects Sgrùdadh Ionmhasail agus Pròiseactan Calpa**

There had been circulated Report No. CIA/56/19 dated 7 November 2019 by the Inverness City Area Manager.

The Inverness City Area Manager drew attention to the revised Appendix 2 that had been circulated, which showed an estimated variance of £40k in respect of the Victorian Market Academy Street entrance. In that regard, it was explained that the £30k grant from the Townscape Heritage Fund had yet to be claimed. That was in process and thereafter the estimated variance was likely to be in the region of £7.5k.

During discussion, Members commented that it was useful to have the information provided in the monitoring statement. However, some of the budgets were quite large and, whilst it was appreciated that further information on some aspects, such as Events and Festivals and Common Good Grants, was reported to the relevant Working Group/Sub-Committee, it was suggested that it would be helpful, in future reports, to provide a more detailed breakdown of expenditure. The Inverness City Area Manager confirmed that he would explore the possibility with finance officers.

Thereafter, the Committee

- i. **NOTED** the financial monitoring report to 31 October 2019 and that overall expenditure was within agreed budgets;
- ii. **NOTED** the current status of capital projects; and
- iii. **AGREED** that the possibility of providing a more detailed breakdown of expenditure in future reports be explored with finance officers.

### **(b) Inverness Common Good Fund – Annual Report 2018/19 Fo-Chomataidh Maoin Math Coitcheann Inbhir Nis – Aithisg Bhliadhnail 2018/19**

There had been circulated Joint Report No. CIA/57/19 dated 5 November 2019 by the Executive Chief Officer Resources and Finance and the Inverness City Area Manager.

The Committee **NOTED** the final monitoring report and balance sheet for the Inverness Common Good Fund as at 31 March 2019.

**(c) Grants Applications over £10,000**  
**Iarrtasan Tabhartais thar £10,000**

**Declaration of Interest – Mr A Graham declared a non-financial interest in the application by Blythwood Care as a family member was a volunteer for Blythwood 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. CIA/58/19 dated 5 November 2019 by the Inverness City Area Manager. A copy of supporting documentation had been circulated as Booklet A.

The Committee:-

i. **APPROVED** the following applications for funding:-

Inverness Men’s Shed - £27,554  
Blythwood Care - £20,000; and

ii. **NOTED** that the Grants Budget for 2019/20 had been fully allocated and no new applications would be accepted for grants until the 2020/21 budget was approved by the Committee in early 2020.

**(d) Inverness City Arts - Annual Report**  
**Ath-sgrùdadh Bliadhnail/Plana-gnìomh Ealain Baile Inbhir Nis**

There had been circulated Report No. CIA/59/19 dated 11 November 2019 by the Acting Head of Policy.

The Depute Provost explained that the report provided a general update on the Inverness River Art Project Programme but specifically updated Members on the actions following the Special Meeting of the City of Inverness Area Committee in August 2019.

The decisions taken that day included officers exploring how to increase access to the My Ness art piece. Work had been ongoing with the contractors and the Principal Project Manager would provide a short presentation on that work, including the costings. He would also provide an update on the proposals to re-site the Rest Spaces piece.

The Principal Project Manager then provided a presentation as described, following which the Depute Provost reminded Members that they were being asked to note the updates provided to deliver on the recommendations from the City of Inverness Area Committee in August. This included that work was ongoing to address the additional funding required.

During discussion, Members raised the following issues:-

- in relation to the Gathering Place/My Ness, an assurance had been given that the final design would be fully accessible but it appeared that execution had

fallen short of ambition. The report stated that the design had been revised to allow a turning circle of 1500mm. However, the Department of Transport's access guidelines stated that for a 180 degree turn the minimum space should be 1600mm by 2000mm, and that users of electric scooters and large electric wheelchairs may require more space. The Countryside for All Good Practice Guide suggested 2000mm by 2000mm, increasing to 2100mm for mobility scooters. It therefore appeared that the improvements would still leave the artwork inaccessible to people who used wheelchairs and other mobility aids. It had been explained that the path started at 900mm, widening to 1500mm. Even if it was considered that 1500mm provided a turning circle there was no room to pass. Moray Council's Inclusive Design Handbook suggested passing places should be at least 1800mm by 1800mm at reasonable intervals to allow wheelchairs to pass. Concern was expressed regarding people in wheelchairs being made to feel like they were holding everyone up while they enjoyed the artwork, and it was suggested that those faced with that possibility would not bother visiting. It was also questioned whether a 900mm path was wide enough for a visually impaired person guided by a sighted person. Furthermore, concern was expressed regarding the sloping parts of the path and it was queried whether they were all below the 1:12 incline recommended in the guidelines. If an Equality Impact Assessment involving equality groups and people with lived experience had been carried out at the start of process the design would have been compliant and there would be no requirement for additional funding for accessibility improvements. Only now that a considerable amount of funding had been spent had there been what was described in the report as "informal consultation" with the disbanded Inverness Access Panel and, had the Access Panel been operational and the full range of disability representatives present, it was questioned whether it would have agreed that the structure was accessible. The Council had a legal duty to ensure that the artwork was fully accessible, and it was suggested that it was not only about compliance but about making everyone feel genuinely included. The Chief Executive had spoken about the reputational damage to the Council of calling a halt to the project but it was contended that the Council failing to meet its equality duty would also cause reputational damage;

- information was sought, and provided, on whether the possibility of leaving the turning circle as it was and putting a turning "bulb" at the end had been explored, and the length of the cantilever. The most cost-effective design was a gradual increase in the cantilever section;
- in relation to the proposed bench on the opposite side of the river from the Fisherman's Hut, concern was expressed that the 45 degree bank was unsafe for young children. It was confirmed that a health and safety assessment had been carried out and the structure would not be on a 45 degree angle;
- public art was designed to fit into the area it was going to be displayed in, and relocating the Rest Space structure from its original intended site to the proposed old golf course site would render it nothing more than an ornamental piece. It was confirmed that the proposed location had been agreed with the artist;
- concern was expressed that, had it not been agreed that The Trail and the Children's Water Feature could no longer proceed, the project deficit would be closer to £92k, and information was sought, and provided, on how the budget had come to be in such a position;

- there was considerable disquiet amongst the local community about the effects of the project, particularly the environmental impact, and the incremental changes that were being introduced were adding to the disquiet;
- given that work had not yet started, it was questionable whether the project would be completed within the 12 to 18 month period previously agreed by the Committee;
- concern having been expressed that costs were not being contained as agreed by the Committee on 20 August 2019, the Depute Provost emphasised that no further expenditure had been committed;
- it was queried whether it was still the position of the Council that cancelling the project would cost an additional £190k;
- given the issues raised in terms of accessibility, confirmation was sought that the My Ness design was compliant with equalities legislation;
- thanks were expressed to officers and the Inverness City Arts Working Group for their continued work in what had been an extremely difficult time;
- many of the points raised had been discussed at the briefing session that had taken place, and Members were reminded that any Member could attend the Inverness City Arts Working Group or approach the Chair and/or officers to seek further information;
- continuing to the change the parameters would lead to further expenditure being incurred;
- officers had done what was requested of them at the Special Meeting of the Committee in August, and it was necessary to note the Annual Report, move forward, finish the project in what was now a challenging timescale, and learn from the process;
- it was questioned whether Members were the right people to take forward any future public art projects, and it was suggested that there might be merit in a joint group comprising some Councillors, members of the public, local businesses etc;
- it was necessary to make the artwork as inclusive as possible without committing any additional funding; and
- in the event that external funding could not be obtained, it was queried whether it would be within legislation to revert back to the original design.

In responding to the points regarding accessibility, the Principal Project Manager confirmed that both the original and revised My Ness designs complied with equalities legislation as it applied to public art. The proposed 1500mm turning circle was the industry standard, and the sloping sections of the path were all below the maximum 1:12 incline recommended. The requirement to provide passing places only applied to footpaths greater than 50 metres in length. In relation to whether the path was wide enough for a visually impaired person to be guided, written confirmation had been received from members of the disbanded Inverness Access Panel that they were comfortable with the proposals. It was also confirmed that the original proposals had been considered by the Inverness Access Panel.

Following discussion, Ms E Knox, seconded by Mrs G Campbell-Sinclair, **MOVED** to defer signing off on the final design until the accessibility issues now raised were addressed to ensure maximum accessibility, namely, to ensure a turning circle of 2000mm by 2000mm and regular passing places of 1800mm by 1800mm.

As an **AMENDMENT**, Mr J Gray, seconded by Mrs C Caddick, moved that the Committee note the report as recommended.

On a vote being taken, the **MOTION** received 6 votes and the **AMENDMENT** received 13 votes, with 2 abstentions. The **AMENDMENT** was therefore **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

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

**For the Amendment:**

Mr I Brown, Mrs C Caddick, Mr A Christie, Mr G Cruickshank, Mrs M Davidson, Mr A Graham, Mr J Gray, Mrs I MacKenzie, Mr D Macpherson, Mrs E McAllister, Mrs T Robertson, Mr G Ross and Mr C Smith.

**Abstentions:**

Miss J Campbell and Mr A Jarvie.

**Decision**

The Committee **NOTED**: -

- i. the report;
- ii. the adjustments required for the Inverness River Art Project Programme to meet the recommendations agreed at the Special Committee in August 2019;
- iii. that officers would explore further options with partners to fund the required changes to the programme; and
- iv. thanked Creative Scotland and other partners for their continuing support for the Project Programme.

**10. Street Naming Report**  
**Aithisg Ainmeachadh Sràide**

There had been circulated Report No. CIA/60/19 dated 4 November 2019 by the Inverness City Area Manager.

The Committee **AGREED**:-

- i. to homologate one new street name for housing development in Drummond as Drummond Hill;
- ii. to homologate one new street name for housing development in Slackbuie as Rothes Place;
- iii. one new street name for housing development in Culloden West as Urchal Park; and
- iv. three new names for distributor roads: Milton of Leys Road, MacAskill Drive and Slackbuie Brae.

**11. Minutes**  
**Geàrr-chunntas**

There had been circulated Minutes of Meetings as follows: -



- i. Victorian Market Stakeholder Management Group held on 13 August 2019 and 10 September 2019 – **NOTED**;
- ii. City of Inverness Area Committee held on 20 August 2019 and 29 August 2019 for noting – **NOTED**;
- iii. Inverness City Arts Working Group held on 27 August 2019, 17 September 2019 and 6 November 2019 for approval – **NOTED**; and
- iv. Inverness Common Good Fund Grants Sub-Committee held on 4 November 2019 for approval – **APPROVED**.

It was further **NOTED**, in relation to the Declaration of Interest at item 11 a) of the Minutes of the City of Inverness Area Committee on 29 August 2019, that Mrs T Robertson was not the Chair of the Special Needs Action Project but rather it was a family member.

The meeting ended at 4.00 pm.