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MINUTES of MEETING of HELENSBURGH & LOMOND AREA COMMITTEE held in the MARRIAGE ROOM, HELENSBURGH AND LOMOND CIVIC CENTRE, HELENSBURGH on THURSDAY, 19 SEPTEMBER 2019

Present:

Councillor Ellen Morton (Chair)

Councillor Lorna Douglas	Councillor Barbara Morgan
Councillor George Freeman	Councillor Aileen Morton
Councillor Graham Archibald	Councillor Gary Mulvaney
Hardie	Councillor Richard Trail
Councillor David Kinniburgh	

Attending:

Shona Barton, Area Committee Manager
Hugh O'Neill, Network and Standards Manager
John Blake, Fleet, Waste and Infrastructure Manager
David Allan, Property Development Manager
Kirsty Moyes, Community Development Officer
Colin Young, Senior Transportation Delivery Officer
Inspector MacNeill, Police Scotland

The Chair moved and the Committee agreed to vary the order of business to accommodate attendance from Inspector MacNeill of Police Scotland in accordance with his operational duties. This Minute reflects the order in which discussion was had.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillor Iain Paterson.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTE OF THE PREVIOUS MEETING OF THE HELENSBURGH AND LOMOND AREA COMMITTEE HELD ON 20 JUNE 2019

The Minute of the previous meeting of the Helensburgh and Lomond Area Committee held on 20 June 2019 was approved as a correct record.

4. PUBLIC QUESTION TIME

Dr Peter Brown of Helensburgh Community Council asked the following question:-

Would the Councillors care to comment on why they are only noting the report on the Waterfront Development despite this announcing a seven month delay to the project caused by the council's tendering process. Figures in the report say that a year's delay would increase the project cost by 1.5%. The seven month delay therefore requires the Council to find an additional £170,000 to address inflationary costs – this further reduces the opportunities to provide the slide and other leisure facilities that the community clearly desires. Instead it is just paying for what is described as a "technical breach" in the tendering process. In real-world terms, that means a

mistake has been made, otherwise the council would not have needed to re-tender. I would therefore ask the Councillors two questions:

- Concerning the mistake that will eventually cost tax-payers £170,000, has an investigation been conducted to pinpoint the costly shortfall of Council competence in issuing a flawed Bid for Tender?
- How are they ensuring that another mistake will not be made in the current tendering process, which would mean our ageing swimming pool would have to last even longer?

Councillor Gary Mulvaney, Policy Lead for Strategic Finance and Capital Regeneration Programme advised that the report was for noting because there was no decision to be made by the Area Committee. The Invitation to Tender documentation package, which was issued by Argyll and Bute Council, was fully compliant with the Public Contracts (Scotland) Regulations.

He advised that he did not agree that it was a flawed bid and as noted in the report, the issue was with respect to communications received by the Council in connection with the procurement exercise.

Our procurement processes must comply with the Key Principles, set out in the Regulations:

1. **Equal treatment and non-discrimination** – everyone must be treated equally and given an equal chance of winning a contract;
2. **Transparency** – contracting authorities must ensure that their procurement and contracting processes are clear and transparent.
3. **Proportionality** – tender requirements must be set in accordance with the needs of the contract in question

As soon as the potential issue was identified immediate steps were taken to assess the potential impact against the Key Principles that we have just mentioned.

Following specialist procurement advice from our officers and external legal advisors, and to ensure that there was no question as to the Equality of Treatment of all bidders, the decision was taken to abandon the procurement exercise.

In going back out to tender we have strengthened the wording in our various Instructions to bidders to ensure that there is no dubiety as to the appropriate communication channels between them and us. We have also reviewed and strengthened written guidance to our project team to ensure all guidance is strong and robust to mitigate any chance of this happening in the re-tender process.

5. AREA SCORECARD FQ1 2019/20

The Committee gave consideration to a paper presenting the Area Report and Scorecard for Financial Quarter 1 2019/20 (April-June 2019) and illustrating the agreed performance measures.

Decision:

The Helensburgh and Lomond Area Committee agreed:

1. to note the performance presented on the Scorecard and supporting commentary;
2. that upon receipt of the Quarterly Performance Report they contact either Sonya Thomas or the Responsible Named Officer with any queries; and
3. to note that work is ongoing and to respond to Sonya Thomas with requests or comments regarding the layout and format of the Report and Scorecard.

(Reference: Report by Executive Director with responsibility for Performance and Improvement, dated 19 September 2019, submitted.)

6. MONITORING OF SUPPORTING COMMUNITIES FUND 2018/19

The Committee gave consideration to a report providing monitoring information on the grants distributed through the Supporting Communities Fund in 2018/19.

Decision:

The Helensburgh and Lomond Area Committee agreed:

1. to note the positive contribution of the grants to community projects, detailed in paragraph 4.1 of the report and the attached table; and
2. that the unspent funds of £1,178 be carried forward and added to the £22,500 available for dispersal in 2020/21, making a total of £23,678 available for dispersal within the Helensburgh and Lomond area.

(Reference: Report by Chief Executive, dated 19 September 2019, submitted.)

7. ROADS AND AMENITIES REVENUE AND CAPITAL UPDATE

The Committee gave consideration to a report providing an update on the Roads and footways operational matters in the Helensburgh and Lomond area.

Decision:

The Helensburgh and Lomond Area Committee agreed to note the contents of the report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services, dated 19 September 2019.)

8. POLICE SCOTLAND UPDATE

The Committee gave consideration to a report providing information on the current activities being carried out by Police Scotland in the Helensburgh and Lomond area. Discussion took place in respect of the ongoing speeding issues at Ardoch; the

measures taken when dealing with youths who have been associated with the recent spate of vandalism and drug use and associated crime in the area.

Decision:

The Helensburgh and Lomond Area Committee agreed:

1. to note the information provided; and
2. that a written update will be provided by Police Scotland for every meeting, with attendance only required when operational matters permit.

(Reference: Report by Inspector McNeill, Police Scotland, dated 19 September 2019, submitted.)

9. RECYCLING PERFORMANCE

The Committee gave consideration to a report providing detail on the Council's recycling and landfill diversion performance along with national policy, targets and regulations which are likely to impact on future performance.

Decision:

The Helensburgh and Lomond Area Committee agreed to note the contents of the report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services, dated 19 September 2019, submitted.)

10. HELENSBURGH WATERFRONT DEVELOPMENT PROJECT POSITION STATEMENT

A report providing a progress update on the delivery of the Helensburgh Waterfront Development Project, following the abandonment of Procurement Exercise 1 (ProcEx-1) and relaunching the Procurement Exercise (ProcEx-2) for the main works contract, and its impact on the project programme, was before the Committee for noting.

Decision:

The Helensburgh and Lomond Area Committee agreed to note:

1. the progress update for the Helensburgh Waterfront Development; and
2. that a report will be brought to the March 2020 meeting of the Area Committee, following completion of the Procurement Exercise.

(Reference: Report by Executive Director with responsibility for Commercial Services, dated 19 September 2019, submitted.)

11. HELENSBURGH MAKING PLACES REPORT

A report presenting the final Helensburgh Making Places report prepared by Ice cream Architecture and Willie Miller Urban Design and summarises the main findings from community engagement activity delivered over 2018, was before the Committee for noting.

Decision:

The Helensburgh and Lomond Area Committee agreed to note the content of the Helensburgh and Lomond Making Places report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, dated 19 September 2019, submitted.)

12. HELENSBURGH AND LOMOND AREA COMMITTEE WORKPLAN

The Helensburgh and Lomond Area Committee workplan was before the Committee for noting.

Decision:

The Helensburgh and Lomond Area Committee noted the contents of the workplan.

(Reference: Helensburgh and Lomond Area Committee Workplan, dated 19 September 2019, submitted.)

13. HELENSBURGH, CARDROSS AND DUMBARTON CYCLEWAY UPDATE

The Committee gave consideration to a report providing an update on the progress made since their last meeting on 20 June 2019 in relation to the delivery of Argyll and Bute Council's long-standing commitment to the provision of a dedicated, high quality walking and cycle route linking Helensburgh, Cardross and Dumbarton.

Decision:

The Helensburgh and Lomond Area Committee agreed:

1. to note the update of progress provided in relation to the legal agreement in terms of land between the Council and Cardross Trust for the Cardross to Geilston Burn section of the route;
2. to note and particularly welcome the progress in relation to Sustrans provisionally awarding 2019/20 funding £150,000 for construction of the route linking Cardross Station and the Geilston Burn and also an additional £60,000 Sustrans funding to progress the design of Phase 2 Cardross to Dumbarton;
3. to note and particularly welcome the progress in the submission of a further bid of Sustrans for £100,000 funding to enable engineering investigation and design on the alternative Phase 1 route (Colgrain, Helensburgh to Cardross) identified as per the results of the recent consultation held with members of the public and as directed by this Committee; and

4. to record their thanks to the Senior Transportation Delivery Officer and his team for their ongoing work in getting this longstanding commitment delivered.

(Reference: Report by Executive Director with responsibility for Development and Infrastructure, dated 19 September 2019, submitted.)

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in the Paragraph 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

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E2 **14. EXTENSION TO LICENCE FOR ARGYLL COLLEGE AT KIRKMICHAEL CENTRE**

The Committee gave consideration to a report providing an update on matters relating to Argyll College and their ongoing use of the Kirkmichael Centre.

Decision:

The Helensburgh and Lomond Area Committee agreed to the recommendations in the report.

(Reference: Report by Executive Director with responsibility for Commercial Services, dated 19 September 2019, submitted.)