



EXETER CITY COUNCIL

# **PUBLIC ART COMMISSIONING GUIDELINES**

## EXETER CITY COUNCIL

### Public Art Commissioning Guidelines

#### CONTENTS

<b>1</b>	<b>Benefits and applications of Public Art</b>	page 2
<b>2</b>	<b>Identifying suitable schemes</b>	page 2
<b>3</b>	<b>Project management considerations</b>	page 3
<b>4</b>	<b>How to write a Brief</b>	page 3
<b>5</b>	<b>The role of the artist</b>	page 4
<b>6</b>	<b>Artist selection methods</b>	page 5
<b>7</b>	<b>The commissioning process</b>	page 6
<b>8</b>	<b>Pricing</b>	page 7
<b>9</b>	<b>Legal aspects and contracts</b>	page 8
<b>10</b>	<b>Consultation and community involvement</b>	page 9
<b>11</b>	<b>Marketing and documentation</b>	page 10
<b>12</b>	<b>Maintenance and decommissioning</b>	page 11
<b>13</b>	<b>Support</b>	page 12





## 1. Benefits and applications of Public Art

**A**RT in public places is usually created by artists and craftspeople for a particular place, commissioned by working in collaboration with other professionals such as architects, landscape designers, planners, developers, house builders and arts officers. Where appropriate, the artist may work with some of the people who will use or be affected by the site and the installation.

Although the traditional notion of Public Art as a statue on a plinth can still be effective, public art is now becoming integrated within developments, design and features and can take the form of lighting, seating, street furniture, glassworks, banners, railings and security features, signage, new

media, and temporary or community projects.

Many public and private sector organisations are now recognising the benefits of Public Art. Exeter City Council is among them and has adopted a Public Art Policy, which you are encouraged to read alongside these guidelines.

Schemes of lasting quality and enjoyment can benefit all partners and stakeholders. This requires forethought, planning time, a mechanism that suits everyone, and commitment.

These notes are designed to offer guidelines in commissioning public artworks.

## 2. Identifying suitable schemes

**W**HAT constitutes Public Art, especially if it is integrated within design or architectural features?

The following criteria offer guidance. They are not prescriptive but act as a checklist.

- The project is commissioning a professional artist or craftsperson
- Even if integrated, the work of the artist can be separately identified
- The artwork should be unique
- The feature or artwork enhances the use, enjoyment or interpretation of the site in a creative, aesthetic and singular way.
- The work is created for a particular place, commissioned by or working in collaboration with others such as architects, landscape designers, planners, developers, arts officers, and community representatives.

Developments that offer scope for public art projects include:

- Town and City centre redevelopment, pedestrianisation, regeneration schemes
- Major new developments
- Schools and house building programmes, and community facilities
- Heritage, cultural and tourism initiatives
- Transport schemes, new roads, roundabouts or rail, bus and cycle schemes
- Landscaping, woodland, park and public open space schemes
- Signage or interpretation

Not all successful Public Art arises from major schemes. A very small scheme may offer opportunities to enhance the character of a neighbourhood, or set a standard and model for future development.



## 3. Project management considerations

**P**ROJECT management needs for each project including technical and installation aspects, will be determined and accounted for on a project by project basis. Large or complex schemes may be advised to employ a Public Art project manager. Each project must make provision for:

- Management and budgeting systems
- Setting a brief
- Setting criteria and a selection process and mechanism
- Selection, appointment and contracting of artists
- Achieving planning consent if required, and other legal aspects
- Appropriate consultation
- Monitoring and support
- Insurance and maintenance plans
- Installation
- Documentation, Education and Marketing
- Completion and handover

## 4. How to write a brief

**T**HE brief does not need to be lengthy, but should contain all relevant information and requirements. Briefs should strike a balance between being open enough to allow an artist room to be an artist, and detailed enough to ensure a professional outcome

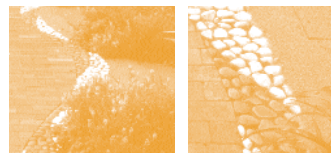
A Public Art project should not be used to distract from poor quality architecture or design. It cannot tackle issues and problems beyond the means of a single piece of work (e.g. 'To banish all vandalism forever').

A good, constructive brief, however, should give the artist context, background and technical information, and let them know what is needed and expected of them and of the resulting artwork. This will lead to the commissioner having confidence that aesthetic, technical, maintenance and timetabling issues are agreed and will be carried out. The following is a checklist of headings for an artist brief:

### ■ BRIEF

- The aims of the commission e.g. enhancing a site, providing a focal point
- The exact nature of the site and its intended use and users with site plan if relevant
- Relevant historical, social or other contextual detail
- The role of the artist and possible themes for the artists consideration
- Any community or public involvement required
- Any specifications about materials, perhaps for reasons of availability, durability, environmental concern or aesthetics, and information on 'in-house' styles
- Any constraints on the project
- The design team that the artist will collaborate with
- The budget for design, production and installation
- Time-scale for design stage, production and installation
- Planning permission requirements
- Maintenance requirements
- The selection procedure





## 5. The role of the artist

**T**HE quality and content of the artist's work is important to a project. Their ability to communicate and to collaborate with others involved in the process is critical. Recognising professional status is important in attracting the best artists to work on Public Art projects. Artists should be treated as peers in their work with planners, architects and other professionals. They should also be given realistic timescales for design ideas and creation of supporting material.

It is important that commissioning bodies acquire the knowledge to be able to locate suitable artists for each project and to use them in the right context.

### ■ Artist as designer

Artists can create a design for a prototype, which can be made in limited edition. Examples of this approach exist with design for street bollards, lighting columns and brick paving.

### ■ Artist as designer & maker

Artists and craftspeople more usually design and fabricate work themselves or with sub-contractors. The artist will be responsible for production, completion and usually installation, perhaps working with a foundry, or quarry.

### ■ Artist on design team

An effective way to develop a building or landscape project is to employ an artist as a member of the design team. They offer creative lateral solutions to design issues and can add skills and value to the collaborative process.

### ■ Lead artist

The main function of a lead artist is to manage the Public Art element of a project and its interrelation to other concerns of the project. The artist may be commissioned to produce their own work, but primarily they would oversee the artistic development of styles, themes and commissions of other artists which will benefit the distinctive identity of the development.

### ■ Artist in Residence

The artist is commissioned to produce work, usually after a time of consultation and within the community whilst based at a location near to the site or community where the Public Artwork will be placed. This is a valuable method of raising local awareness and involving communities in shaping their environment.

Residences need a clearly defined brief, contract and management and must be supported in their location.



Kate Malone



## 6. Artist selection methods

There are various methods of selecting or commissioning an artist.

### ■ Direct invitation or approach

This is where an artist is directly invited to submit a proposal. Payment is made for the research and design stage. This is a good model in circumstances where a brief is clear-cut, or in projects where the time scale may preclude the advertising of the commission. It can be the best model where a commission would be enhanced by the work or reputation of a particular artist.

### ■ Limited competition

A small number of artists are asked to develop and submit proposals for a site following a site visit and delivery of the artists brief. A fee is paid to each artist for a proposal – a figure of £300-£750 is reasonable for outline ideas, drawing, maquette (model), draft budget, time-scale and maintenance schedule. The artwork content of a proposal will normally remain the property of the artist on completion of the project.

This is a good model for many schemes. It allows for selection between ideas and schemes and can offer flexibility in approaches and brief requirements. It is a contained process, which allows for the active involvement of commissioners with an invited panel and is relatively low in time and money resources to implement.

### ■ Open Competition

The competition is announced by placing advertisements briefly describing the site and the commission in appropriate sources. These may include:

- South West Arts Board Newsletter
- Public Art Southwest Network news
- Local press
- Any local arts networks
- Circulars to arts officers and visual arts organisations

The full artists brief is not sent out at this stage. Artists are invited to send up to six slides or images showing examples of recent or relevant work (which should be returnable), and a CV. A panel of appropriate people then selects a small number of these artists. The artists are then paid a small fee to draw up proposals exactly as in a limited competition.

This may be the best method to ensure equality of opportunity. Commercial developers have used the open competition very successfully to gain positive publicity for the site from the outset. This method uses more resources in staff time and money.



Kate Malone



## 7. The commissioning process

### ■ The selection panel

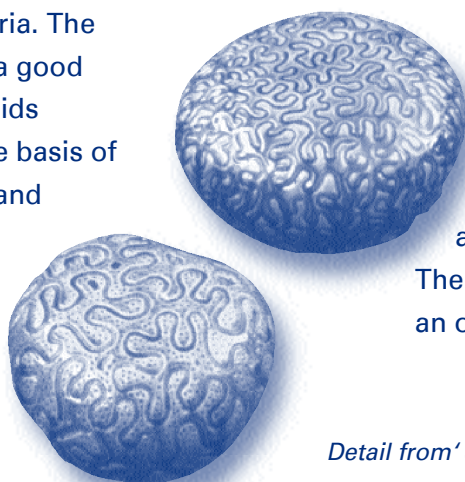
The work should be commissioned to agreed criteria by appropriate representatives of the commissioning body, with the necessary information and authority to take decisions and to make sure those decisions are honoured. A selection panel may include:

- One or two representatives of the commissioner
- An arts officer or professional public art consultant
- A representative of the local community
- A planning officer
- The architect

This is not an exhaustive or prescriptive list, and not all these people may be needed to commission.

Members of the selection panel should be involved from the earliest stage in the selection process and should see the process stages through to completion. Whenever possible, consensus over the final decision should be reached, and all parties should at least agree to the final choice.

It is important that the panel itself sets some criteria. The artist's brief is a good guide. This avoids selection on the basis of personal taste and subjectivity.



*Detail from 'Sea Garden', Kate Malone*

### ■ Timetable

With Commissioning and shortlisting, artists should be given 4-6 weeks to arrive at their costed design submission. They may be offered a site visit at the beginning of that period.

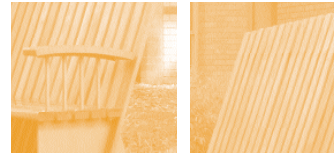
With fabrication and installation, approximate timescales should be indicated in the brief, and then appropriate timetables can be negotiated, with milestones agreed and indicated within the contract. Timetables may depend upon:

- Milestones within the contract
- Involvement of sub-contractors
- Community involvement
- Scale and medium of the artwork
- The time of year
- The artist's work schedule

Development and building contracts often have complex contractual timetables, which can change. This apparent uncertainty and complexity should not deter the decision of if and when to introduce an artist into the scheme. The earlier an artist is engaged the better the results can be.

Once an artist is commissioned, however, it may be better to delay fabrication or installation until the development is well established. This avoids damage and potential vandalism. The siting and installation can also act as an opening or a launch of a scheme.





## 8. Pricing

### The budget may include:

- Advertising and selection costs
- Project management fees
- Artist's design fees (set at an equitable level with other professionals).
- Exhibition and presentation costs.
- Artist's commission fee
- Materials and fabrication costs (The artist's fee and materials budget do not have to be separated out by the client – it can be left to the artist to identify their fee and material costs within the whole budget for design, fabrication and installation.)
- Travelling and workshop expenses
- Insurance/Public Liability and/or Professional Indemnity costs
- Installation if appropriate (site preparation, services to site, landscaping extra labour etc.)
- Transport and security costs
- Professional fees and legal costs
- Consultation costs
- Documentation, Education, Marketing and opening or launch event costs
- Maintenance costs
- VAT
- Contingency



Walter Jack, 'Seating'





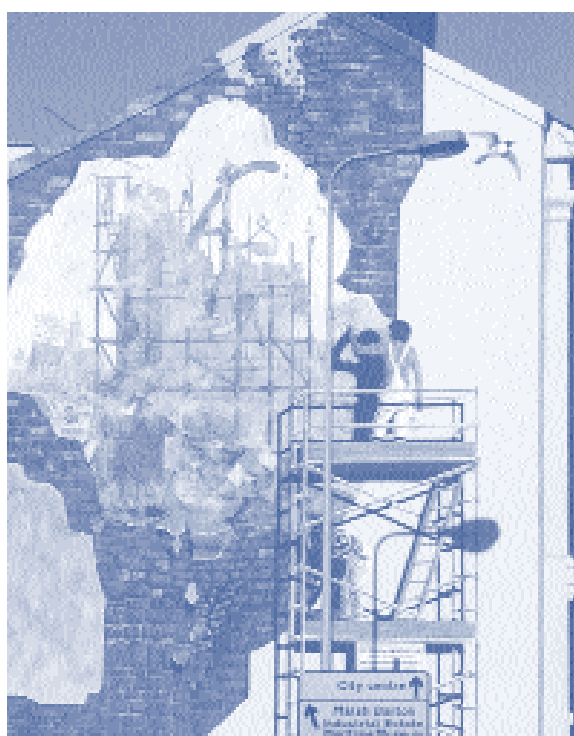
## 9. Legal aspects and contracts

A Public Art Section 106 agreement, or Percent for Art agreement may be one among many other agreements and contractual arrangements. In most cases the commissioner would have to agree a separate agreement or contract with the artist regarding the commission itself. The artist work falls into three categories:

- Design only, supply and install by others
- Design and supply, install by others
- Design, supply and install by artist

The artists programme of work can also be broken down into three stages for administrative, budgeting and decision making purposes. These are:

- Sketch scheme
- Detailed design (including budget and timetable)
- Implementation

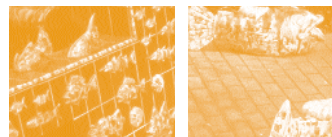


### ■ Contracts

Contracts should be clearly agreed and issued prior to any work taking place. It is essential that the client and the artist have had an opportunity to discuss and agree a mutually acceptable contract. Briefly a contract should include the following:

- Definition of involved parties names and addresses
- Details of the commission, the design phase and the artists brief
- Responsibilities of the commissioner (e.g. site preparation, planning consents)
- Delivery of work, installation and insurance requirements, including professional indemnity
- Warranties and repairs
- Fees and methods of payment
- Ownership/adoption
- Risk of loss or damage
- Maintenance agreement
- Copyright, reproduction rights, credits and moral rights
- Relocation or decommissioning
- Termination of agreement
- Disputes procedure
- Schedule of work with milestones and completion date

*Andrew Stacey, 'Festival of Architecture', Southgate, Exeter*



## 10. Consultation and community involvement

Some artists are particularly skilled in communicating ideas through presentation or workshops to generate ideas, which can be fed into the final design process.

Artists must be informed at briefing stage if consultation is required and to what level. Opportunities for encouraging public awareness, or direct public involvement in a scheme, do need to be carefully managed. The integrity of the artist should be respected and equally the public should not be patronised. It must be made clear where the roles and responsibilities lie so that members of the public are not misled into thinking they are being offered opportunities to design or choose work if they are not.

### ■ Benefits of Community Involvement

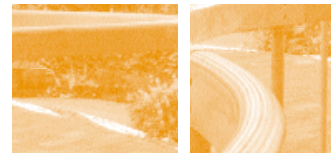
- Calming fears of environmental disturbance and conveying the best intentions of the commissioner
- Development of a sense of place, local identity and community pride
- Can decrease vandalism and create concern for the local environment
- Can create a sense of ownership of the piece

### ■ Responding to Community Initiatives

Projects and schemes may not always be generated from developers. It is important to be aware of, and receptive to, initiatives which come from the community.



Walter Jack, 'Seating'



## 11. Marketing and documentation

Cultivating and maintaining a positive media and public image is important for commissioners. Public Art projects offer excellent opportunities to promote positive messages about quality services, particularly in terms of environmental and urban improvements. It is important to maximise each scheme's potential.

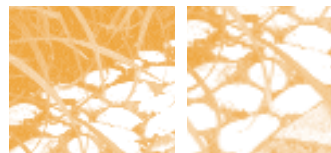
The positive reporting of Public Art projects requires careful management. The timing of announcements to implement a Public Art commission, local involvement and its final unveiling is crucial to minimise any potential hostility. All parties involved in the scheme should be consulted about how best to involve the media and at what stage. If a scheme goes for formal planning approval it is crucial that PR staff are alerted and have comment and information available.

Documentation of the project, in the form of reports and good quality images, is very important. Wherever possible, an allowance should be made within each commission for documentation, and the commissioner should set up an archive, both digital and hard copy of commissions as they arise. The disclosure of the costs of the project is a matter for relevant funders. It is advisable to be clear about the sources of funding for each scheme, and put the costs in relation to the overall scheme costs.

The unveiling of the work presents PR opportunities. Commissioners could:

- Encourage local community organisations to arrange seminars or opportunities for architects, artists, planners and officers to discuss their scheme
- Invite prominent local people to unveil the work
- Link the launch into an existing festival or local cultural event
- Install a plaque or other permanent record of the work
- Mount a small exhibition or publish a leaflet, booklet or series of postcards to educate and make work more readily accessible





## 12. Maintenance and decommissioning

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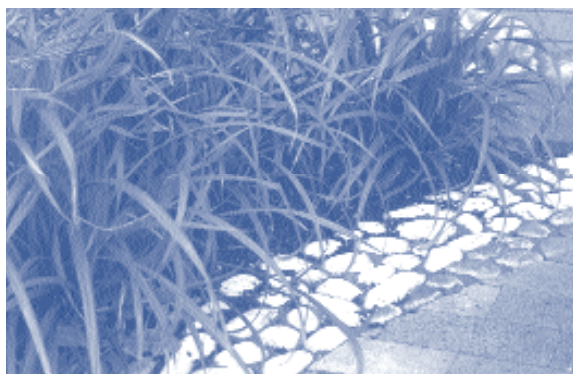
Maintenance of Public Art commissions can be a difficult issue. Much funding for Public Art is for capital requirements and maintenance is essentially a revenue cost.

Exeter City Council requires commissioned works to be as durable and maintenance light as possible. This should be emphasised at briefing and contract level.

Major commissions should require a costed maintenance schedule from artists, along with listed finishes, and a timetable for maintenance.

It would be unreasonable to expect every work to be completely maintenance free and vandalproof, any more than any other piece of street furniture or physical object in the public realm.

If the commissioner is aware of the maintenance within the area of commissioning, then they should make arrangements and agreements within those works to add in care of the artwork if appropriate. This may include power cleaning, landscape care, polishing and re-painting.



It is the responsibility of each brief and commission to ensure that any special maintenance requirements are detailed and can be met before commissioning goes ahead.

It is important to determine the eventual owner of the work when determining maintenance.

Community involvement, a quality selection process and a good commission can help to reduce the threat of vandalism, and high maintenance.

Sometimes changing circumstances, such as a complete change of use of a particular site, or user will necessitate decommissioning (removal, re-siting or storage) of a work.

Some commissioners have been resistant to commissioning permanent works, because of a feeling that permanent means hundreds of years.

In general, a Public Artwork should be designed to endure in a location, for as long as is appropriate given the surrounding environment, other physical objects in the space, and the use that space is intended for.

It is recommended that a 'permanent' work is 're-visited' every generation, say 20-25 years, against agreed criteria, to ensure that it is still relevant and attractive in its setting.





## 13. Support

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Public Art Southwest, a service funded through Southwest Arts – the regional arts board.

They co-ordinate a public art network of officers, artists and other interested professionals which covers the South West.

They host a website – [www.publicartonline.org.uk](http://www.publicartonline.org.uk), an online resource for detailed information on public art practice. The site includes links to other useful sites, case studies, directories and news.

They hold a register of consultants and freelancers working in the public art field.

They offer some training, advice and can point to other resources.

- **Contact Director Maggie Bolt**  
☎ 01392 229226

Crafts Officer South West Arts:

- **Contact Erica Steer**  
☎ 01392 218188

### ■ Other sources of information

**National Artists Association** who publish guidelines on contracts and agreements.

☎ 01237 470440

#### **Publications such as:**

- Artists' Newsletter
- South West Arts newsletters on public art and Visual Arts
- Craft Magazine

#### **Local artist networks and arts organisations:**

- Contact Exeter City Arts Officer

#### **Axis**

The national database of Artists.

**[www.axisartists.org.uk](http://www.axisartists.org.uk)**

**Arts, Planning and Housing Officers** in other authorities who have experience of commissioning public art

**Devon County Council Environment Directorate**