

Canterbury City Council Policy Statement Public Art Commissioning (in effect from December 2003)

Introduction

Canterbury City Council recognises the important role that the arts play in contributing to the quality of life. This applies in the physical environment, and in the contribution they can make to health and well being as well as in the provision of arts activities and arts facilities.

The Council therefore endorses the principle of **public art commissioning** – bringing the specially commissioned work of artists and craftspeople into the public realm, both in terms of the physical environment around us and within social activity and interaction.

The Council recognises that public art commissioning works best where the artwork or project has been specially made to reflect the place and the people – that is **site-specific**.

The Council sees public art commissioning as an important contributor to many of its cross-service strategies and provision, in particular contributing to the aims of its cultural strategy.

Policy Statement

The Council can detail its policy on public art commissioning as follows:

Objectives

The Council's policy on public art commissioning has a number of objectives, which dovetail with strategic aims across the authority, in particular those laid out within the Cultural Strategy –

- **Boosting and Diversifying the local economy** – by increasing opportunities for artists; by increasing the attraction of the District for cultural tourism
- **Developing Audiences and increasing participation** – by bringing the work of artists into the public realm; by commissioning varying types of work which include participative projects
- **Improving health and well being** (including Community Safety) – by commissioning artists to encourage healthy activities e.g. cycle tracks; by commissioning artists to work closely on making public spaces safer and more welcoming
- **Creating and supporting new opportunities for learning and development** – by commissioning education and training programmes alongside public art commissions where possible
- **Enhancing, protecting and promoting public spaces** – through the intervention of artists as members of design teams and contributors to the creation of the public realm

In addition to these strategic objectives, the public art commissioning policy has specific objectives of its own:

- **Quality** – to achieve high quality in concept, execution and ongoing maintenance of all public art commissioning projects; create the opportunities for artists to work with other design disciplines to achieve the best results; encourage adventurous commissioning; attract the best artists locally, nationally and internationally
- **Recognition and Distinction** – to achieve recognition as a leading local authority in public art commissioning
- **Partnerships** – to encourage partnerships with regional and national arts providers and funders, environmental and transport bodies and developers

Definitions

The Council's public art policy recognises that public art commissioning can include a variety of artforms and materials, including:

- Collaborative design work between an artist and architect or other design professional - e.g. an artist influencing the design of buildings, landscape, lighting (but not items designed solely by architects or landscape architects);
- Artist interventions using sound, light and colour;
- 3D and sculptural interventions in all materials (but not pre-existing freestanding works of sculpture purchased "off the shelf");
- Digital work in the public realm of the internet;
- Books, film and video;
- Temporary, seasonal and ephemeral work;
- Participative or event-based work.

All of these variations and materials are valid ways in which an artist can contribute within the public realm.

Council Policy summary:

- Encouragement of private developers, through the planning process, to include the **site-specific** commissioning of artists and craftspeople in new developments.
- Ensuring that artist commissioning within private developments follows good practice (see below)
- Ensuring that Council planning officers are equipped to advise and encourage developers on commissioning artists

Within Council-led developments and activity:

- Scrutinising Council-led developments and environmental improvements, and include the **site-specific** commissioning of artists and craftspeople wherever possible and appropriate.
- Ensuring that Council-led commissioning adheres to good practice (see below)
- Ensuring that this Council-led commissioning is effective across departmental boundaries and not confined to Culture and Communications initiatives
- The setting out of plans and targets for Council-led commissioning which contribute to strategic aims across the authority

Mechanisms for carrying out the Policy

Background - Local Plan

The emerging Local Plan (revised deposit draft) has text and policy relating to public art:

6.52 Public art can greatly benefit a new development. It can create a sense of place and engender civic pride; it creates distinctiveness of places and spaces, and can ensure that a building, development or landscape scheme is unique. A site-specific artist commission can increase involvement of and ownership by local residents and workers to firmly link schemes to local areas. Landmark public art can also act as recognisable orientation points, lasting symbols for particular buildings and as cultural tourism attractions. The City Council has an agreed methodology of selecting, appointing and commissioning artists. Public art advice can be sought through the City Council. Public art will be sought and secured through a legal agreement as part of new development.

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In order to improve the physical environment of the public realm the Council will encourage the promotion of public art, subject to appropriate consultative and planning considerations. Where new development changes or creates new public places, the Council will expect the provision of public art to be included as part of the proposal

Planning and Development Control

The public art policy will be pursued and carried out through a variety of methods, but the role of Planning and in particular Development Control, is vital.

There are a number of mechanisms within the Planning process that the Council will use:

- **Development Briefs** – where issued for significant sites, will include the requirement for appropriate public art commissioning
- **Supplementary Planning Guidance** – an SPG note on the subject of public art commissioning to assist and inform developers will be developed by Leisure and Culture with the Planning Department
- **Pre-application Discussions** – where these are held with prospective developers, planners can identify the likely requirement for public art with advice from Culture and Communications, and give appropriate guidance on how this might be achieved
- **Negotiation on planning applications received** – planners will scrutinise all suitable major applications received for the possibility and appropriateness of including public art. (Not all major developments will be appropriate, and smaller scale applications will in most cases not offer sufficient opportunities). CCC receives approximately 40 – 50 major applications each year.

In addition, the weekly planning applications list will be scrutinised by the Arts and Creative Development Manager or another nominated officer within Culture and Communications for possible opportunities for public art commissioning. Where an opportunity is identified, Culture and Communications will discuss this with the appropriate Planning Officer.

Any public art commissioning opportunities, which are identified and agreed, should be done so within the first three weeks of the planning application procedure. Wherever possible, the general form of the public art commission should be agreed with the developer during negotiations and therefore an outline description included in Planning Committee reports.

- Wherever possible, once a requirement for public art commissioning has been explored and agreed, delivery will be ensured through the use of Planning Conditions.

Other Council Departments

Opportunities for commissioning may be identified through development projects in other areas of the Council, particularly Highways, Parks, Tourism, Housing and Education. These projects should be scrutinised through the planning process, but wherever possible, and particularly in the case of large scale projects, the inclusion of public art should be considered from the outset, as part of the overall project brief.

Role of Culture and Communication

- Culture and Communications can input into development briefs to ensure the inclusion of public art on key sites.
- Culture and Communications will assist and advise Planning Officers, and officers within other Council Departments, on identifying opportunities, and advising developers on how to go about commissioning public artworks. Where appropriate, the Council's public art advisor may be brought in for an advisory meeting.
- Culture and Communications can give information on public art advisors/commissioning agents who can carry out commissioning projects for developers, as well as information on other advisory arts bodies and possible further funding sources.
- Culture and Communications will also lead on the development of a strategic programme of commissioning within Council-led projects.

Good practice Guidelines

- To encourage innovation in commissioning in all circumstances, and collaboration between artists and design teams wherever possible
- To encourage good practice in the commissioning of artists and craftspeople:
 - The use of specialist advice where appropriate
 - An open and inclusive selection process for appointment of artists (see East Kent Public Art Consultancy guidance notes on selection and appointment)
 - A written brief to be agreed for all commissions
 - Fees, budgets and timetables to be agreed in advance and included in briefs and contracts
 - Appointment on mutually agreed contracts, to include details on the moral rights of the artist, attribution and acknowledgement, copyright and reproduction rights,
 - Contracts in particular should include defects and maintenance regimes and decommissioning agreements (see detail below)
 - Artists to be treated as professionals, with realistic rates of pay

Decommissioning and Maintenance

- The Council will include a decommissioning agreement within all public art projects it originates, where appropriate.
- The Council will encourage use of its decommissioning policy by all other bodies commissioning work within the District.
- The Council will require maintenance arrangements to be in place on all commissions as a condition of Planning Approval.

Funding

Public art commissioning can be funded in a number of ways:

- Through the development process – i.e. developers including the cost of commissioning artists as part of their development budget. Note that this does not have to be a large add-on cost, but can take the form of commissioning an artist to influence lighting, landscape, colour etc within a development.
- In exceptional cases, sums may be commuted from large scale developments which are unsuitable for public art commissioning, and put towards commissioning projects within the Council's own strategy.
- Through CCC identifying money within its own development or environmental improvement projects to commission public artworks
- Through external sources – funding applications can be made to a variety of arts bodies and charitable trusts to assist with public art commissioning. In general however, these bodies will need to see evidence of partnership funding from the commissioner in the first place. In reality therefore, outside funding is likely to bolster funding from private developers and the Council as outlined above.

Review and feedback

Officers from Culture and Communications and Planning should review this policy after one year of operation, to look at the effectiveness of process and the numbers of outcomes. This might include interviews with developers for their views on the process and policy.