

1. Update on the Scrutiny Recommendations agreed by Cabinet in December 2011 as at August 2014

A. Public Art provision should be considered under the commissioning umbrella.

Public Art has not been considered specifically under the Commissioning project for Leisure and Culture and it is currently not an explicit outcome that the trust has been asked to deliver. However it could be seen as delivering one or more of the council's outcomes and clearly it would seem appropriate that the expertise of the trust are involved in the process. This is an area that would need to be included in the scope of any scrutiny review.

B. The wider membership of the Public Art Panel and its supporting officers is broadly correct but would benefit from some adjustment, including the introduction of a Public Art Advisor.

Public Art Advisor – Jacquie Grange of Creative Solutions joined the Panel on invitation. Jacquie is a local public art project manager and advises the panel on public art projects. She has since taken up a place on the Leisure and Culture Trust Shadow Board, continues to sit on the Panel and is now a member of the Public Art Project Management Pool (*see item F (below)*).

C. The Public Art Panel should be chaired by an independent “lay-member”.

The Panel elected Nick Sargeant as Chair at its January 2012 meeting. Nick is Associate Dean / Head of School Art & Design at Gloucestershire University.

The Panel did not agree a term of office and this is an issue still outstanding. However, one reason for the “lay” appointment of Chair was the need for continuity in this position and it has been suggested (but not agreed) that this initial chairmanship runs for a 3 year period and that commencing January 2015, the Chair is elected for a 2 year period.

D. The Public Art Panel should have a regular programme of standing meetings, within the Council’s municipal calendar.

The Panel now meets every two months. Meetings are within the Municipal Calendar. There has been a problem finding a cycle of meeting dates which suit all members of the panel.

E. The Public Art Strategy and the Public Art Supplementary Planning Guidance are in need of review.

No progress to date.

The Panel has recognised the need to review its Strategy and is considering how this might best be achieved. This is a significant commitment in terms of time and the Panel is inclined to appoint outside experts to undertake the work. However, the Panel’s funding is based on Section 106 agreements under Planning Legislation; the current wording of agreements focuses funding tightly on the implementation of public art, rather than any “administrative” work related to the Public Art Panel or public art generally. As such, there is currently no funding available for Strategy work – it is possible that this might be addressed through the introduction of the Community Infrastructure Levy - *see discussion in item H (below)*.

The current Supplementary Planning Document is about 10 years old. It covers most issues related to implementation of a piece public art and is usable, though not ideal. In the circumstances, and with a heavy workload on Planning staff for the foreseeable future, review of the SPD is not a high priority.

F. Processes should be in place to ensure that each public art project has a fully developed project management and funding plan at the start of a project.

Slow delivery of projects and spending of S106 funds previously, has largely resulted from an inability to properly project manage – this is largely a result of an inability to put sufficient officer time into project managing public art work. The re-established Panel sees project management as an important part of the implementation process.

The O&S Review group was of the opinion that project management could be delivered at nil cost if there was a Public Art Advisor on the Panel (see item B (above)); Jacqui Grange was brought on to the Panel to fulfil this advisory role.

With this advisory role in place, three projects have been run under the reformatted Panel; the project management coming from volunteers within the Panel. However it became apparent that a lack of dedicated and funded Project Management resource is an impediment to the smooth delivery of a programme of works difficult. Consequently the Panel has established a “Pool” of four project managers who are available to manage individual projects. The pool was selected through a proper process and individual members will be on a “call-off” contract – effectively they will be selected individually for each available job and funded from within individual project budgets. The pool is listed below (paragraph 2).

Proper funding management of each project is an essential part of individual projects and the Panel receives a budget update at each meeting.

G. A project leader/manager should be established.

The Panel has adopted a protocol (under constant review) which establishes a basis for running a public art project. It requires each project to have a lead contact who is a member of the Public Art Panel to liaise between the Panel and the project manager, artist, developer and/or community.

H. It is essential that a proper mechanism is put in place to ensure adequate funding is available to meet the objectives of each project.

Funding of public art has frequently failed to match ambition and has often been insufficient to cover even modest projects. One of the difficulties arises from the understandably low priority given to public art compared to the various other requirements within a S106 agreement (affordable housing, play space, transport, education, etc.). This is compounded by an inability to manage public art strategically because of the site focussed budget established through S106.

The Panel has held discussions with the Council’s lawyers and planners in an attempt to address the difficulties with funding.

The conclusion was that in the current climate it may be difficult to significantly raise the profile of public art in the negotiation process. The Panel is hopeful

that the introduction of the Community Infrastructure Levy (CIL) with public art as a component element would improve funding for public art in general; it would allow the funds to be more widely used across the town, rather than targeted at specific sites; and it would allow the development of a strategy. The Head of Planning is recruiting (with JCS partners) an officer to develop a CIL tariff.

I. Funding must provide for administration/project management costs and for maintenance, in addition to the cost of any works.

As mentioned above, budgets have frequently struggled to meet costs or indeed the ambition. There was concern at the time of the O&S Review that the funding available could only be used on the artworks itself, not on project management, associated landscape works or other peripheral costs. The 2004 Public Art Supplementary Planning Guidance document is the Borough's main guide to the implementation of public art through the planning process. It lists the scope of any public art legal agreement as:

- The scope and scale of the works;
- The type of work to be pursued;
- The role of the artist(s);
- Commissioning the artist;
- The extent, if any, of direct public involvement;
- The timing of the project in the overall capital programme;
- The identification of budgets and committed overall costs;
- A statement on future maintenance responsibilities and costs;
- De-commissioning.

In fact this is a broad range of items and could reasonably be held to cover most of the requirements of a project. Since the review, the Panel has adopted an approach which uses funding for any necessary works associated with a project. There remains a concern regarding maintenance, which seems likely to require a specific funding stream from the agreement. Additionally, the ability to spend on a range of commissioning issues does not address the tight budgetary issues on many projects mentioned in H (above).

J. There should be an ability to take Section 106 contributions on smaller schemes and pool them in order that they can be reasonably used.

As mentioned in H (above) frequently the PAP is given sums through a S106 which are inadequate to deliver a meaningful project. Additionally it occasionally has small unspent sums remaining on completion of a project. The advice given to the Review was that it was not possible to pool sums. However, it has since been suggested that, if the wording of the S106 is appropriate, it may be possible to redirect funds with the agreement of the signatories.

The Panel has not yet used this approach on small schemes – and as suggested above, the introduction on CIL may address the issue on a broader basis. However, there are cases where developers have agreed to redirect funding - some to the town centre and in one case to nearby projects, where arguably there is a more wide-ranging benefit for the town than the development site. The circumstances vary, but commonly funding is redirected because the developer has built out the site, failed to make the required contribution or to place a piece of art on-site and agreed to do so in retrospect following invoicing, or enforcement action.

2. Current membership of the panel

The Review indicated that the Panel should consist of at least 5 members from specific bodies, an advisor and any co-optees which the panel saw as appropriate. As such the panel now consists of the following membership:

Panel Recommendation	Member Name	Attendance		
		2012 6 mtgs	2013 6 mtgs	2014 4 mtgs
Member of Planning Committee	Councillor Diggory Seacome	6	4	3
Councillor with an interest in art or culture	Councillor Andrew Lansley – <i>appointed part-way through 2012; meeting cycle clashed with CBH meeting (adjusted timing 2013)</i>	0/3	2	1
University of Gloucestershire Art Dept	Nick Sargeant (Chair of Panel)	6	6	4
Cheltenham Arts Council	Niki Whitfield – <i>appointed part-way through 2012</i>	2/3	5	4
Civic Society	Jenny Ogle – <i>appointed start 2014</i>	-	-	2
Public Art Advisor	Jacqui Grange – <i>appointed part-way through 2012</i>	2/2	5	3
Co-optee	Andy Hayes (GAVCA representative) – <i>appointed part-way through 2012</i>	1/1	5	4
Co-optee	James Harrison (Panel invitee) – <i>appointed part-way through 2012; resigned July 2014</i>	2/2	3	1
Co-optee	George Breeze (Panel Invitee)	5	6	3

Public Art Pool (appointed July 2014)

- Jacqui Grange
- Diana Hatton
- Bridget Houseago
- Nicky Whittenham

Officer support varies but includes the following:

- Judith Baker Administration, Built Environment
- Stevie Edge-McKee The Wilson
- Paul McKee The Wilson
- Wilf Tomaney Urban Design, Built Environment

3. Summary of achievements to date

Since the review the Panel has overseen the following works

Completed

- Reading Chair, Hester's Way Library
- Poppy, Montpellier Chapter, Bayshill Road
- Enamel, Bath Road

Commissioned (not yet complete)

- Hatherley schools art project
- St Mary's Minster living sculpture
- Promenade Phone Boxes – Art Space