

**Cheltenham Borough Council**  
**Cabinet**  
**10 February 2015**  
**Scrutiny Task Group Review – Public Art Panel**  
**Covering Report**

<b>Accountable member</b>	Councillor Tim Harman, Chair of the Overview and Scrutiny Committee
<b>Accountable officer</b>	Rosalind Reeves, Democratic Services Manager
<b>Executive summary</b>	<p>At its meeting on 3 November 2014 Overview &amp; Scrutiny Committee requested that a workshop be set up where scrutiny members could meet with members of the Public Art Panel to review the governance of the panel. Their findings and recommendations are set out in detail in the attached Scrutiny Task Group Report.</p> <p>Their report was considered by the O&amp;S committee at their meeting on 12 January 2015 when they endorsed the recommendations from the task group and agreed to forward them to Cabinet for their consideration. They were happy with the report and noted the achievements of the panel and that public art projects could sometimes be difficult to draw together and achieve a successful outcome. They suggested that an Annual Report of public art achievements in Cheltenham would help promote the work of the panel and requested that ward members should always be kept informed of work going on in their area.</p>
<b>Recommendations</b>	<p><b>That Committee endorses the recommendations set out in the Scrutiny Task Group Report and recommends that Cabinet :</b></p> <ol style="list-style-type: none"><li><b>i. Commends the achievements of the Public Art Panel to date in the support of Public Art in the borough.</b></li><li><b>ii. Approves the revised terms of reference for the Public Art Panel as set out in the Appendix for adoption by the Public Art Panel at their next meeting and that the revised Terms shall be communicated to the organisations represented on the Public Art Panel.</b></li><li><b>iii. Agrees that a representative from the Cheltenham Trust be invited to the Public Art Panel and if accepted, that the membership of the Public Art Panel be extended accordingly.</b></li><li><b>iv. Agrees that the non- councillor membership of the Public Art Panel be formally appointed at the next meeting of the Public Art Panel and a review date set for 3 years hence in 2018</b></li><li><b>v. Allocates a sum not exceeding £6000 to enable the Director of Environmental &amp; Regulatory to carry out a refresh of the Public Art Strategy.</b></li><li><b>vi. Agrees that the Public Art Panel should be consultees on the Community Infrastructure Levy project.</b></li></ol>

- vii. Requests officers to review the project management process for Public Art with the council's business development team.
- viii. Request Officers supporting the Public Art Panel to work with Democratic Services and One Legal to agree when and by whom decisions are being taken and which decisions should be published as part of the democratic process.
- ix. Requests the Townscape Manage to use the Members Briefing following the Public Art Panel meetings to provide an update to all Councillors and make minutes of the Public Art Panel available on the intranet subject to any confidentiality and to produce an Annual Report on behalf of the panel.

<b>Financial implications</b>	<p>A review of the Public Art Strategy will cost in the region of £5000 to £6000. This may be funded by top slicing Section 106 receipts with the consent of the developers. If it cannot be financed from existing budgets, a request for additional funding will need to be made and approved by Cabinet.</p> <p><b>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</b></p>
<b>Legal implications</b>	<p>As an advisory body to the authority, the governance and decision making provisions applicable to the Public Art Panel are set out in the Council's constitution. The decision maker in respect of public art matters will vary depending on the circumstances under consideration. To assist the Public Art Panel, the report of the scrutiny task group identifies some important decision points within a project and suggests appropriate decision makers.</p> <p><b>Contact officer: shirin.wotherspoon@tewkesbury.gov.uk, 01684 272017</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>The report recommends publishing Public Art decisions so this may mean additional work for the officer who supports the Public Art Panel.</p> <p><b>Contact officer: Julie McCarthy</b>  <b>email: <a href="mailto:julie.mccarthy@cheltenham.gov.uk">julie.mccarthy@cheltenham.gov.uk</a>,</b></p>

<b>Planning implications</b>	<p>S106, as clearly set out in national planning guidance may be negotiated if they “mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind”. In the past we have discussed with One Legal top slicing S106 but this wasn’t supported. In the context of the guidance on S106 should the Council progress on top slicing, then it would need to clearly demonstrate that the tests have been met.</p> <p>Secondly, the Council is currently undertaking the work to progress a community infrastructure levy (CIL). This is being led by the Planning and Liaison Member Working Group. However, given the costs involved in preparing a public art strategy, I would suggest that if One Legal support the principle of top slicing then this should be progressed on the funds already committed to public art via S106 thereby negating any need to negotiate any sums via CIL.</p> <p><b>Tracey Crews, Head of Planning</b>, tracey.crews@cheltenham.gov.uk <b>01242 264168</b></p>
<b>Key risks</b>	As set out in the report
<b>Corporate and Community Plan implications</b>	Strengthening our communities
<b>Environmental and climate change implications</b>	None.
<b>Property/Asset Implications</b>	None.

## 1. Background

1.1 As set out in the report

## 2. Reasons for recommendations

2.1 The Overview and Scrutiny Committee were requested to set up a scrutiny task group to review the governance of the Public Art Panel.

## 3. Alternative options considered

3.1 There are a number of options and these are set out in the report.

## 4. Consultation and feedback

The Cabinet Member Healthy Lifestyles and the Public Art Panel were involved in the review. The Cabinet Member indicated at the O&S meeting on 12 January that she was very pleased with the task group report and the recommendations as set out would give the process the

transparency in decision making she felt had been lacking. The Public Arts Panel considered the report at their meeting on 21 January and were happy with the recommendations.

## **5. Performance management –monitoring and review**

**5.1** The Cabinet Member will continue to monitor the success of the new arrangements. O&S have suggested an Annual Report on the work of the Public Art Panel.

<b>Report author</b>	<b>Contact officer: Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937</b>
<b>Appendices</b>	1. Risk Assessment 2. Task Group report
<b>Background information</b>	None

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the governance arrangements for the panel are not made clear there may be confusion about the accountability for the delivery of public art and potential damage to the council's reputation if they are not delivered effectively	Wilf Tomaney	1/12/2014	2	3	6	Reduce	Get agreement to the revised terms of reference		RR	

**Explanatory notes**

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close