

**Cheltenham Borough Council**  
**Overview and Scrutiny Committee – 22 February 2016**  
**Public Art Panel Scrutiny Task Group - Review of Progress**

<b>Accountable member</b>	<b>Rowena Hay, Cabinet Member Healthy Lifestyles</b>
<b>Accountable officer</b>	<b>Wilf Tomaney – Townscape Manager</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	This report sets out progress in implementing recommendations arising from the scrutiny task group into the Public Art Panel agreed at Cabinet in March 2015.
<b>Recommendations</b>	<ol style="list-style-type: none"> <li><b>1. That progress is noted in respect of implementing recommendations arising from the Public Art Panel scrutiny task group agreed at Cabinet March 2015.</b></li> <li><b>2. That Committee considers whether further scrutiny or follow up is required.</b></li> </ol>

<b>Financial implications</b>	<p>None directly arising from this report.</p> <p><b>Contact officer: Nina Philippidis, Business Partner Accountant</b>  <b>nina.philippidis@cheltenham.gov.uk, 01242 264121</b></p>
<b>Legal implications</b>	<p>None directly arising from this report.</p> <p><b>Contact officer: shirin.wotherspoon@teWKesbury.gov.uk, 01684 272017</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>No direct HR implications arising from the content of this report</p> <p><b>Contact officer: Julie McCarthy,</b>  <b>julie.mccarthy@cheltenham.gov.uk, 01242 264355</b></p>
<b>Key risks</b>	Failure to implement all recommendations will impact on performance, delivery or transparency.
<b>Corporate and community plan Implications</b>	<p>Public Art provision supports the following strategic objectives:</p> <ul style="list-style-type: none"> <li>• Cheltenham’s environmental quality and heritage is protected, maintained and enhanced</li> <li>• Sustain and grow Cheltenham’s economic and cultural vitality.</li> <li>• People live in strong, safe and healthy communities.</li> </ul>

<b>Environmental and climate change implications</b>	No direct implications
<b>Property/Asset Implications</b>	No direct property implications but budgetary consideration and allowance needs to be made for future maintenance.  <b>Contact officer: David Roberts@cheltenham.gov.uk</b>

## Background

- 1.1 In March 2015 Cabinet agreed a set of recommendations in respect of the Public Art Panel following a Scrutiny Task Group Report. This report sets out progress in achieving the recommendations in the table below.

<b>Cabinet Resolution</b>	<b>Progress</b>	<b>Comment</b>
1. 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.	Achieved	Attached – Appendix 2
2. 2 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.	Achieved	Julie Finch CEO of the Trust sits on the Panel
3. 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	Achieved	<ul style="list-style-type: none"> <li>• University of Gloucestershire Art department <ul style="list-style-type: none"> <li>○ Vacant</li> </ul> </li> <li>• Cheltenham Arts Council <ul style="list-style-type: none"> <li>○ Niki Whitfield</li> </ul> </li> <li>• Civic Society <ul style="list-style-type: none"> <li>○ Jenny Ogle</li> </ul> </li> <li>• GAVCA <ul style="list-style-type: none"> <li>○ Andy Hayes</li> </ul> </li> <li>• Cheltenham Trust <ul style="list-style-type: none"> <li>○ Julie Finch</li> </ul> </li> <li>• Up to 3 co-optees <ul style="list-style-type: none"> <li>○ George Breeze</li> <li>○ Nick Sargeant</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>o Vacant</li> </ul>
4. That officers seek opportunities to fund the development of a Public Art Strategy from within existing or future Public Art funding.	On-going – outside CBC control	Negotiations on-going with B&Q to redirect an element of its S106 funding from its Hatherley Lane development to fund a Public Art Strategy.
5. Agrees that the Public Art Panel should be consultees on the Community Infrastructure Levy project.	Achieved	Director of Planning has met the panel to discuss CIL and a separate meeting held with CEO of Cheltenham Trust. The Planning team is aware of the need to consult Public Art panel and keep the panel engaged as CIL progresses to the next stage of consultation.
6. Requests officers to review the project management process for Public Art with the council's business development team.	In progress	The Public Art Project Management Pool representative has met the council's Project Management team. There was a strong degree of synergy between methods. Public Art pool is reviewing arrangements in detail. Slow progress, but task is in-hand
7. 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	Achieved	New system established. Cabinet Member Healthy Lifestyles is now invited to each Public Art Panel meeting. Formal decisions

should be published as part of the democratic process.		gateways (at project initiation and artist selections) are now established for each project and decisions published.
8. Requests the Townscape Manager to use the Members Briefing to report on Public Art Panel on a quarterly basis meetings to provide an update to all Councillors and make minutes of the Public Art Panel available on the intranet	Achieved	Quarterly publication of project & funding status on the Member Briefing. Minutes available on Modern Gov.

## 2. Reasons for recommendations

- 2.1 Overview & Scrutiny Committee notes the good progress made to achieving the Cabinet recommendations.

## 3. Alternative options considered

- 3.1 Not applicable

## 4. Consultation and feedback

- 4.1 The recommendations of Cabinet were based on those of the Overview & Scrutiny Task Group.

## 5. Performance management –monitoring and review

- 5.1 Report back on outstanding items directly to Cabinet Member.

<b>Report author</b>	<b>Contact officer: Wilf Tomaney, Townscape Manager</b> <b>wilf.tomaney@cheltenham.gov.uk,</b> <b>01242 26 4145</b>
<b>Appendices</b>	1. Public Art Panel Terms of Reference
<b>Background information</b>	Cabinet response to STG recommendations – 17 March 2015

## PUBLIC ART PANEL

## TERMS OF REFERENCE

The Public Art Panel was originally set up to encourage the provision of public art within the borough by setting up an advisory group in which officers, Members and representatives of relevant organisations within the borough can meet to provide a consultation and discussion forum.

<b>Role</b>	<ol style="list-style-type: none"> <li>1. To provide appropriate direction and advice regarding the disposal of public art funding received via the Section 106 process;</li> <li>2. To make recommendations to the appropriate Cabinet Member Director/Officer where Executive decisions are required as part of the Democratic process. These will then be formally published on the Council's website in the interests of transparency;</li> <li>3. To subsequently keep the Cabinet Member informed of progress in implementing those decisions and bringing to their attention any key issues;</li> <li>4. To provide guidance and support to anyone involved in projects containing elements of public art within the borough;</li> <li>5. To undertake activity aimed at encouraging understanding and appreciation of public art through advocacy, education, training and promotional activity;</li> <li>6. To encourage wider community involvement in terms of the siting and development of public art projects;</li> <li>7. To advise on the choice of artists and the broad direction that the public art should take in order to maintain quality; and.</li> <li>8. To advise the Director of Environmental &amp; Regulatory Services on the commissioning of project managers or community groups to carry out public art projects with the panel acting as a project review board and keeping the relevant stakeholders, sponsors and budget holders up to date with progress.</li> </ol>
<b>Status</b>	<p>An advisory group which assists the Director of Environmental &amp; Regulatory Services with his public art commissioning and programme management responsibilities but has no budget of its own.</p>
<b>Membership</b>	<ul style="list-style-type: none"> <li>• Two Cheltenham Borough Councillors <ul style="list-style-type: none"> <li>- one should be a Member of the Planning Committee</li> <li>- one should be a Councillor with an interest in art and culture</li> </ul>           (ideally the Councillor representation should be cross party but this is not essential)         </li> </ul>

	<p>One representative from each of the following organisations:</p> <ul style="list-style-type: none"> <li>• University of Gloucestershire Art department</li> <li>• Cheltenham Arts Council</li> <li>• Civic Society</li> <li>• GAVCA</li> <li>• Cheltenham Trust (to be invited)</li> </ul> <p>• Up to 3 co-optees which the panel may wish to appoint for a period of up to three years because of their specialist expertise or community representation. Co- optees may be re-appointed for a further 3 year term thereafter.</p> <p>The members representing an organisation may be changed at any time by the organisation notifying the administrator of the panel. Each organisation may also nominate a substitute to attend the panel if their nominee cannot attend. Generally the panel will encourage organisations to nominate an individual for a period of at least three years but will welcome new nominees after that period in order to bring fresh ideas to the group.</p>
Chair	<p>The members of the panel will appoint a chair from its membership excluding the elected Members. They could be elected for a period of three years but will be eligible for re-election for a further three-year term after which they will retire. Although standing down as chair, the representative could, if their organisation agreed, continue to sit on the panel as a representative of their organisation.</p>
Officer support	<p>This will vary but the core support will be provided by</p> <ul style="list-style-type: none"> <li>• Townscape Manager, E&amp;RS</li> <li>• Parks development team, E&amp;RS</li> <li>• Planning Administration, E&amp;RS.</li> </ul>
Public Art Pool	<p>A group of project managers with experience in delivering public art projects who are appointed by authorised officers of the council. They are available to the Public Art Panel to recommend to the Director of Environmental &amp; Regulatory Services or Cabinet Member for selection for specific public art projects and any remuneration will be paid from the funds available for the project.</p> <p>A member of the pool cannot be a member of the Public Art Panel but they can attend meetings of the panel by invitation, typically to update the panel on any projects they are working on.</p>
Cabinet Member	<p>The Cabinet Member with responsibility for Public Art will receive agendas and minutes of the meeting and can attend meetings of the panel by invitation or with prior notification to the chair as an observer.</p>
Budget holders	<ul style="list-style-type: none"> <li>• Director of E&amp;RS is the budget holder for the section 106 money and the S106 agreements are worded to the effect that public art must be provided to the satisfaction of the director E&amp;RS.</li> <li>• Cheltenham Development Task Force MD is the budget holder and the Cabinet Lead is the Cabinet Member Built</li> </ul>

	<p>Environment.</p> <ul style="list-style-type: none"> <li>• Cheltenham organisations seeking guidance from the panel e.g. Civic Society.</li> <li>• Other groups: bids for funding from various community groups are agreed by Cabinet and these groups may then ask the panel for assistance and advice.</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>• Accountability to the Cabinet Member with responsibility for public art.</li> <li>• Accountability to the budget holder who has commissioned a work of public art through the panel.</li> </ul>
Meetings	<ul style="list-style-type: none"> <li>• Bi-Monthly.</li> <li>• Structured agendas, to include progress reports on the programme of projects.</li> <li>• Notes to be taken and action points monitored</li> <li>• Appropriate follow-up communications after the meeting to interested parties.</li> </ul>
Conflicts of Interest	<ul style="list-style-type: none"> <li>• Members must declare any interests or conflicts of interest in the business of the panel.</li> <li>• Where conflicts exist, panel members may be asked to leave the meeting for the agenda item.</li> </ul>