

**Cheltenham Borough Council**  
**Social and Community Overview and Scrutiny Committee**  
**11 July 2011**  
**Public Art Review Working Group – Final Report**

<b>Accountable member</b>	<b>Councillor Andrew McKinlay, Cabinet Member Leisure and Culture</b>
<b>Accountable officer</b>	<b>Wilf Tomaney – Urban Design Manager</b>
<b>Accountable scrutiny committee</b>	<b>Social and Community</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	At its September meeting, the Social and Community Overview and Scrutiny Committee agreed to the establishment of a group to review Public Art provision in the Borough. The Working Group has made a series of recommendations, which it considers will improve provision.
<b>Recommendations</b>	<p><b>That the Committee endorse the recommendations of the Public Art Review Working Group as set out below and recommend them to Cabinet:</b></p> <p><b>The Review Group recommends that:</b></p> <ul style="list-style-type: none"> <li><b>A. Public Art provision should be considered under the commissioning umbrella.</b></li> <li><b>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.</b></li> <li><b>C. The Public Art Panel should be chaired by an independent “lay-member”.</b></li> <li><b>D. The Public Art Panel should have a regular programme of standing meetings, within the Council’s municipal calendar.</b></li> <li><b>E. The Public Art Strategy and the Public Art Supplementary Planning Guidance are in need of review.</b></li> <li><b>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.</b></li> <li><b>G. A project leader/manager should be established.</b></li> <li><b>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.</b></li> </ul>

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

<b>Financial implications</b>	<p>As detailed throughout the report with specific reference to 1.20 to 1.30 of the report. The intent of the Working Group's recommendations is that there should be a sustainable funding strategy for all public art projects. This approach is supported - projects should be entirely self-funding with the whole cost of a project (including "peripheral" items such as selection of art work, project management, landscape, long-term maintenance etc.) being identified early in the project and funded through a properly managed budget.</p> <p><b>Contact officer: Paul Jones, <a href="mailto:paul.jones@cheltenham.gov.uk">paul.jones@cheltenham.gov.uk</a>, 01242 775154</b></p>
<b>Legal implications</b>	<p>Legal advice was provided to the Review Working Group throughout its deliberations and appropriate legal advice and comments have been incorporated into this report.</p> <p><b>Contact officer: Nicolas Wheatley , <a href="mailto:nicolas.wheatley@tewkesbury.gov.uk">nicolas.wheatley@tewkesbury.gov.uk</a>, 01684 272695</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>The administration of a regular cycle of Public Art Panel meetings may have implications on officer capacity. Some time is already spent on this function under the current arrangements; it is not clear if the new arrangements will significantly alter the time commitment.</p> <p><b>Contact officer: Julie Mccarthy – HR Operations Manager , <a href="mailto:julie.mccarthy@cheltenham.gov.uk">julie.mccarthy@cheltenham.gov.uk</a>, 01242 264355</b></p>
<b>Key risks</b>	<ol style="list-style-type: none"> <li>1. There is a risk to the Council's reputation if Public Art is either not delivered or its delivery is badly managed.</li> <li>2. There is a risk of not achieving some Civic Pride objectives if the Council cannot deliver Public Art effectively and efficiently – this may have knock on impacts on environmental quality, economic function of the town centre etc.</li> </ol>

<p><b>Corporate and community plan implications</b></p>	<p>1. Ability to deliver Public Art impacts on a number of Corporate Strategy Improvement Actions 2010 – 2011 across a range of objectives, principally:</p> <p><b>Environment:</b> Cheltenham’s natural and built environment is enhanced and protected.</p> <p><b>Economy:</b> We attract more visitors and investors to Cheltenham.</p> <p><b>Arts and Culture:</b> Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.</p> <p>2. As part of a wider strategic approach to the environment, public art can also deliver on Corporate Strategy outcomes aimed at safer communities and encourage low carbon travel.</p>
<p><b>Environmental and climate change implications</b></p>	<p>No direct impacts resulting from this report.</p>

## 1. Background

1.1 At its September meeting, the Social and Community Overview and Scrutiny Committee agreed to the establishment of a group to review Public Art provision in the Borough. The Committee resolved that:

- 1 A Public Art Review Group be established and Councillors Seacome and R Hay nominated as the Borough Council members. A County Council member, art community representative and community representative are also to be included in the Review Group.
- 2 The processes, policies and procedures associated with delivering public art be examined by the Review Group.
- 3 A detailed timetable be established by the Review Group at their first meeting, with the aim of bringing a final report to the Social and Community Overview and Scrutiny Committee in approximately 6 months, with interim progress reports as necessary.

1.2 The Review Group met 4 times and consisted of:

- Councillor Diggory Seacome – Chair
- Councillor Rowena Hay
- Councillor Antonia Noble (GCC)
- Professor James Harrison (S&C O&S Committee)
- Jenny Ogle (Civic Society)
- Judith Baker (Admin)
- Paul McKee (Arts Development Officer)
- Hilary Mervyn-Smith (Project Manager)
- Nicolas Wheatley (Solicitor)
- Wilf Tomaney (Urban Design Manager)

1.3 The Review Group discussed a range of issues covering governance, funding, commissioning, delivery, ambition, the Public Art Panel, Civic Pride, policy, strategy and processes.

### Current Arrangements

1.4 Delivery of public art within the Borough is governed by a number of processes and procedures:

a The **Public Art Panel** was set up in 1992 in order to encourage the provision of public art within the Borough; to provide direction, advice and support to those delivering it; and to encourage wider community involvement in the siting and development of projects. Its current membership is as follows

- Cabinet Member Sport and Culture (chair)
- Planning Committee representative (currently Councillor Seacome)
- Nick Sargent (University of Gloucestershire)
- Brian Carvell (Cheltenham Arts Council)
- George Breeze (Community representative)

Officer support is led by

- Arts Gallery and Museum Manager

supported by

- Arts Development Officer
- Parks Development Manager and
- Urban Design Manager

Over its lifetime there has also been occasional attendance from

- Cheltenham Business Partnership Manager
- Jenny Ogle (Civic Society)
- Lesley Green (independent arts consultant)
- Public Art South West
- MAD Youth Council

- b A Supplementary Planning Guidance note (SPG) was adopted in 2004 to establish a planning policy basis for the provision of public art pieces through new developments – either through funding contributions or the delivery of pieces of work.
- c A Public Art Strategy was published in 2004 to help tie the various elements together and establish a co-ordinated approach to the delivery and management of public art provision in the town.
- d The Civic Pride Urban Design Framework SPD establishes public art as an important component of the regeneration initiative.

**1.5** Delivery of public art is through a number of processes, including:

- a Planning applications – either as part of a building or landscape design or through funding provided under a Section 106 agreement (planning gain)
- b Council-led projects – particularly through the Art Gallery and Museum, Parks, Built Environment and, in the future, as part of Civic Pride (the Cheltenham Development Task Force Public Realm Working Group includes public art in its terms of reference and includes a representative from the Public Art Panel).
- c Other Projects led by individuals or organisations – e.g. Civic Society involvement in the Holst statue and the Hare and Minotaur.

**The Review Group Recommendations**

- 1.6** Although the Review Group recognised that public art is successfully commissioned and delivered within the town, it identified a number of problems with the current system.
- 1.7** At the root of the problems, the Review Group considers, is that the delivery of public art has a low priority corporately and that delivery suffers as a result. Thus, there are issues which hamper commissioning and delivery, such as a lack of funding; an inability to provide sufficient officer resource to support projects; and the ad hoc operation of the Public Art Panel. This was not intended as a criticism of those involved in the processes, who are genuine in their desire to see public art delivered, but more a recognition that for the Council, public art is a peripheral activity and not a significant element in any portfolio or job description.
- 1.8** In considering the issues, the Review Group recognises that the Council is not in a position to put significant additional resources into public art and so has considered how the environment around its delivery might be adjusted to help delivery.

**Commissioning**

**Recommendation A. The Review Group recommends that Public Art provision should be considered under the commissioning umbrella.**

- 1.9** The Group identified that there are a range of difficulties and opportunities in the delivery of the whole public art function which make it a good candidate for commissioning. These difficulties are identified in the discussion below. However, they include management of the public art panel, project management of installations and the need for championing of public art.

## Public Art Panel

1.10 The Review Group concludes that the Public Art Panel lacks focus and makes the following recommendations:

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

1.11 The Review Group considers that the Panel requires specialist advice on Public Art matters and suggests that a Public Arts Advisor is invited onto the panel. This is intended as an unpaid post which will aid the Panel in its tasks of appraising projects and in being proactive in seeking opportunities for new projects. The advisor would be someone with experience in previous projects, being able to advise on the artistic merits of proposals, ways and means of putting ideas into practice, and ready to explore new ways of identifying and funding new approaches. In the past this role was provided at various times by Public Art South West (PASW) and Lesley Green (at that time an officer of the County Council).

1.12 Additionally, Recommendation C (below) identifies issues with current arrangements for Cabinet representation on the Panel. The Review Group considers that specific Cabinet representation is not important on the Panel but that representation by a Council Member with a strong interest in the arts and culture is important. Additionally, a continued link to Planning Committee is considered important.

1.13 Thus, the Review Group considers that at its core, Public Art Panel would consist of:-

- An independent chairman (see Recommendation C below)
- Two CBC councillors (see Recommendation C below)
  - one a member of Planning Committee;
  - another councillor with an interest in art or culture.
- Cheltenham Arts Council representative
- University of Gloucestershire Art Department representative
- Civic Society representative
- A public art advisor

and possible co-optees

- Community representative (specific to particular projects and their locality)
- Project leader (see Recommendation G below)

The Panel itself might like to consider if members with other skills or from representative groups would be helpful and should be co-opted on an ad hoc basis.

Officer support with reference to any particular project will be drawn from the following teams

- Art Gallery, Museum and Tourism
- Parks Team – many art works are on parkland and are delivered by the parks team
- Built Environment Division – the other main corporate source of public art work (including coordination of public realm works and input to the Civic Pride project).

**Recommendation C. The Review Group recommends that the Panel should be chaired by an independent “lay-member”.**

1.14 The Panel is currently chaired by a council member – generally (currently) the Cabinet member with a culture brief. As such, when chairmanship changes, continuity can be difficult as an incoming Chair is unlikely to have been previously involved in the Panel. Additionally, public art is

often a small element of both the culture brief and of the overall portfolio of the Cabinet member (in recent years for example, this brief was accompanied by the finance brief).

- 1.15 The Review Group feels that handing the chair to a lay member will enable the Panel to be put in the hands of someone with a strong commitment to public art.

**Recommendation D. The Review Group recommends that the Public Art Panel should have a regular programme of standing meetings, within the Council’s municipal calendar.**

- 1.16 As mentioned earlier, the Group considered that the Panel has lacked focus. It is apparent from the discussion above that there are a number of reasons which might have led to this. However, a contributory factor is the intermittent nature of the meeting schedule (again a result of Public Art’s low corporate priority). This should be addressed through the establishment of a scheduled series of meetings every 3 months, with ad hoc meetings more frequently if a particular project needs discussion. These fixed meetings should be registered on the Council Calendar. A more formalised reporting structure should be considered. Administrative support to the panel will be provided by Cheltenham Borough Council.

**Policy**

- 1.17 Public Art sits well with the Council corporate objectives:

<b>Objective</b>	<b>Public Art’s role</b>
Enhancing and protecting our environment	By creating beautiful places  By creating a backdrop which can encourage sustainable transport choices – particularly walking & cycling, but also providing a focus for transport nodes
Strengthening our economy	By providing a pleasant, interesting and attractive destination for visitors By providing a town centre which has richness and variety in its public realm, to supplement the towns retail, commercial, leisure and cultural offer
Strengthening our communities	By providing a focus for community activity and engagement in design and implementation  By providing a centre piece for spaces which people will want to use
Enhancing the provision of arts and culture	By expanding the town’s cultural resource

- 1.18 In addition there is a series of lower level policies which more directly act on public art delivery – Public Art Strategy, Public Art Supplementary Planning Guidance and the Civic Pride Urban Design Framework Supplementary Planning Document and its supporting Technical Appendices.

**Recommendation E. The Review Panel recommends that the Public Art Strategy and the Public Art SPG are in need of review.**

- 1.19 The Strategy is due for a review as some of its contents are out of date. It could be refocused to establish a clear set of delivery objectives, supported by the more up-to-date Civic Pride SPD.

- 1.20 The Public Art Review Group considers that the Supplementary Planning Guidance needs to be redrafted in order to enable the Council to better use funding delivered through Section 106 agreements. In particular, this would assist towards the Panel's aspirations of firstly enabling top-slicing to support project management and maintenance; and secondly, of allowing pooling of smaller funding contributions so that they can be reasonably used on public art projects. It is appreciated that current Government policy places limitations on the use of S106 contributions in these ways.
- 1.21 In April 2011, Cabinet considered its planning policy work programme and determined that because there were insufficient staff resources available, the redrafting of the Supplementary Planning Guidance is not a priority for this year and will not be undertaken. Capacity for redrafting will be reconsidered in 2012. Despite this the Review Group still considers that there is an urgent need to redraft the SPG.

### **Delivery**

- 1.22 Delivery of public art is a specialist process involving the selection of artists and work; procurement; legal, property and planning issues and finally, installation and maintenance. Delivery of public art is neither a regular occurrence, nor a major element of any one officer's job description. As a result, each project is additional to "the day job" and involves unfamiliar processes. A number of authorities (particularly those involved in major regeneration projects) use a "lead artist" – effectively, a specialist art project manager to coordinate public art procurement and delivery.

**Recommendation F. The Review Group recommends that 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.**

- 1.23 One reason for the difficulties in delivering public art projects has been the ad hoc nature of their inception. This regularly leaves resources (both funding and staffing) stretched. In future, each scheme needs to be seen as an individual project and be properly programmed and managed. This will help delivery and ensure there is a proper focus on the project in hand.

**Recommendation G. The Review Group recommends that a project leader/manager should be established.**

- 1.24 The project leader would be an important member of the Public Art Panel. The lead artist would not be a permanent officer of the Council, but would be retained on a term-contract arrangement. The contract could establish varying fees, depending on the nature of particular pieces of work undertaken. The job description would include advising the Panel on procurement and fund-raising, project managing public art delivery etc. Funding would need to be drawn through a "top-slice" of funds for public art (e.g. from Section 106 funding, or other ad hoc public art project funding).

### **Funding**

- 1.25 The Review Group found that funding is rarely adequate for each project. Although costs vary depending on the nature of each piece, all recent major installations have struggled for sufficient funding to meet expectations. Each generally needs significantly more than procurement of the art piece – and costs regularly include landscape and engineering work; legal, planning and project management fees; and on-going maintenance. Failing to make allowance for on-going maintenance is not acceptable to the Council and could threaten the approval of future projects on Council land.

**Recommendation H. The Review Group recommends that it is essential that a proper mechanism is put in place to ensure adequate funding is available to meet the objectives of each project.**



- 1.26 A number of recent projects have been under-funded for their ambition. Those negotiating funds need to be aware of the likely costs of each project. This will involve those commissioning projects engaging at an early stage with the project manager to establish project objectives, possible solutions, an understanding of “peripheral works” (e.g. landscape architecture) and likely costs. It may involve meetings between the project manager and contributing developers.
- 1.27 Concerns were raised at the Review Group about the timing of the Panel’s involvement in any particular project and where it should fit in the planning process. To often projects are merely considered as addenda to a development, leaving them ill-thought out and poorly funded. Any mechanism needs to consider this issue of communication between the Public Art Panel and those negotiating, particularly on planning applications.

**Recommendation I. The Review Group recommends that funding must provide for administration/project management costs and for maintenance, in addition to the cost of any works.**

- 1.28 The level of contribution for these areas needs to be established, but is likely to be around 10% for administration etc. and at least 5% for maintenance (this will need to be considered on a case-by-case basis).

**Recommendation J. The Review Group recommends that there should be an ability to take Section 106 contributions on smaller schemes and pool them in order that they can be reasonably used.**

- 1.29 Over the years, the Council seems to have collected a number of Section 106 contributions around the £300-£700 mark. It is difficult to find suitable public art projects for this level of funding. The Review Group received reports indicating that pooling of Section 106 monies in this way may not be acceptable in legal terms, but considers that it should be possible to:
  - a explore the pooling of existing monies through contact with the relevant developers; and
  - b establish a system which enables continued collection of contributions from smaller schemes and the pooling of such funds.
- 1.30 Schemes funded in this manner would need to be situated in locations where they have a wide ranging benefit – either a central location or a major park.

**2. Reasons for recommendations**

- 2.1 To improve the policy and delivery environment around public art in the Borough.

**3. Alternative options considered**

- 3.1 The recommendations result from a series of wide-ranging discussions over four meetings which addressed a range of issues and considered various approaches to resolving issues.

**4. Consultation and feedback**

- 4.1 The Working Group included a representative from the Civic Society, a lay-member of the O&S Social & Community Committee and Borough and County Councillors.

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

- 5.1 The report represent the findings a review process. It included input from a Project Manager on delivery and process issues.

<b>Report author</b>	<b>Contact officer:</b> Wilf Tomaney, wilf.tomaney@cheltenham.gov.uk, 01242 264145
----------------------	---

<b>Appendices</b>	1. Risk Assessment
<b>Background information</b>	None.

**Risk Assessment**

**Appendix 1**

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Reputational risk if Public Art is either not delivered or its delivery is badly managed.	Urban Design Manager	August 2010	2	3	6	Reduce	Establish proper project management and funding arrangements	To be confirmed	Urban Design Manager	
	Risk of failing on Civic Pride objectives if the Council cannot deliver Public Art effectively and efficiently	Urban Design Manager	August 2010	2	3	6	Reduce	Establish proper project management and funding arrangements	To be confirmed	Urban Design Manager	