



**Public Art Process
and Procedure**

Public Art Process

Good Practice in Commissioning

The Council's Public Art Strategy seeks to ensure the delivery of high-quality public art commissions across the Borough. Defining quality within the context of public art is not an exact science, but key quality indicators include:

- work which is original in its conception and implementation
- a high standard of execution and finish appropriate to the chosen medium
- work which is site specific and therefore sensitive and appropriate to its location
- work which has been informed by an appropriate community engagement process.

By definition, each public art commission will be unique but there are tried and tested commissioning processes, which are designed to achieve high-quality outcomes. It is therefore recommended that the guidelines outlined below be followed when commissioning public art in Eastleigh Borough.

The key principles which underpin good practice in commissioning are:

- having a clear overall vision
- involving key stakeholders in the process
- involving the artist at the earliest stage of development
- having a clear decision-making and approval process
- involving professionals with public art expertise.

The commissioning process follows a sequence that takes place over five stages:

- Preparation
- Artist appointment
- Proposal development
- Delivery
- Completion.

These stages are detailed below and summarised in a flow chart at the end of this document.

Stage 1 - preparation

The decisions made at this stage will affect the outcome of the whole project and therefore they need to be considered carefully.

This stage includes:

- Defining the overall vision for the commission
- Ensuring funding is secured, whether externally or through the appropriate planning process
- Establishing a steering group with representation from key stakeholders. This will vary with each commission but should include representation from a public art specialist from the Local Authority, representatives of the commissioner or developer and representative/s from the local community
- Developing the artist's brief - this is the key document which will guide the appointment of the artist and the subsequent commission
- It should include:
 - the overall vision for public art as part of the development
 - details of the steering group and / or project team and their roles
 - the selection process, including the artist specification and selection criteria (see Stage 2)
 - information on the context for the commission, including site description, relevant themes, local references such as heritage, topography, site uses and demography, any constraints or technical issues
 - requirements for community engagement and/or consultation
 - requirements as to durability, maintenance, health and safety and decommissioning
 - decision making and approval process
 - budget covering all costs
 - timescale for completion.

Stage 2 - artist appointment

A representative selection panel drawn from the steering group should undertake the appointment of the artist. There are three suitable processes for appointing artists:

- open submission with opportunities advertised nationally or internationally
- limited competition by invitation to a small number of recommended artists
- direct invitation to a specific artist - only to be used in special circumstances, for example, where the budget is very limited.

Whichever process is used it is important that the selection is made based on criteria relating to the objectives of the commission. These can include:

- a significant reputation in their chosen field as demonstrated through exhibitions, commissions, residencies etc.
- a track record and experience of working on public art commissions

- experience of working with a range of professionals to deliver work in the public realm e.g. architects, landscape designers, engineers
- experience of managing budgets
- an understanding and experience of different methods of community engagement
- the ability to communicate with a variety of people.

When the Council selects artists, we send out a criteria table with the artist brief. This helps artists understand the Council's requirements and produce a submission with relevant information. It also helps the Council select the best artist for a particular commission.

Once the artist is selected, they should be issued with a contract to cover artist and commissioner obligations, scope of works, fees and milestones, warranties, indemnities and insurance, ownership and maintenance responsibilities, intellectual property rights and copyright, decommissioning arrangements, accreditation and dispute resolution.

Stage 3 - proposal development

At the beginning of this stage the artist undertakes a period of research and consultation in order to develop an outline proposal. This will involve research into the site and its geographical, historical and social context, and meetings with key stakeholders, relevant professionals and community engagement.

Once an outline proposal has been agreed by the steering group, the artist moves into the detailed design and specification of the proposed work with input from other professionals as appropriate. This will lead to detailed costings, technical specifications for the artwork and any foundations, feasibility testing, health and safety assessments, production and installation method statements, proposals for community engagement, documentation and marketing.

At this stage the appropriate approvals should be sought e.g. landowner's permission and planning permission. The position of any underground services should also be investigated. The detailed proposal will also be shared with the steering group for approval.

Stage 4 - delivery and installation

This stage includes the production and installation of the artwork. Responsibilities and roles at this stage will have been specified in the contract and will be determined by the scale of the work, its relationship to the development as a whole, whether it is temporary or permanent, and whether its installation is part of a wider programme of public realm works.

Prior to installation, the artist, commissioner and other relevant people should meet on site to confirm exact location(s) of the artwork(s) and review the method statement and risk assessment and add any relevant information and actions arising from the site meeting.

Stage 5 - completion

The contract will specify the point at which the artwork is considered to have been completed and signed off and who is formally responsible for it from this point, including funding and undertaking ongoing maintenance. The completion arrangements should include the handover of an operations and maintenance schedule for the artwork to include:

- site location and description of artwork
- dimensions
- photographic documentation

- material and installation details
- technical information and replacement parts where appropriate
- cleaning recommendations and inspection schedule
- decommissioning instructions
- contact details.

The contract will specify decommissioning arrangements, whether because of the artwork being damaged beyond repair or reaching the end of its anticipated life.

Finally, a project launch is an opportunity to celebrate completion of the project, raise its profile locally and nationally, and involve community engagement participants.

Throughout the project evaluation and monitoring should be considered. A review meeting with the artist and stakeholders at the end of the project can be a valuable tool for improving future projects. The Council has its own procurement guidelines, so all Council projects will follow these in addition to the guidelines set out above.

Public Art process flowchart



Resources

The Council recognises that new developments in Eastleigh Borough offer significant opportunities for the delivery of the Public Art Strategy. The resources generated through the planning process are a key part of this, whether through planning conditions or planning obligations. Resources can be allocated on-site or off-site for public art commissions as part of the Council's aim for all new developments to achieve high-quality design and enhance their local environment. Local Authority in-house staff provision should be allocated and utilised to ensure efficiency and embedding of a strategic approach to public art throughout the Borough.

The provision of public art can be secured through a planning condition (attached to the planning permission and used for on-site provision) or a planning obligation (a separate legal agreement, known as a Section 106 agreement and usually used for off-site provision and pooled contributions). Where appropriate and especially for major developments, the Council will expect a Public Art Statement to be produced as part of the planning application, setting out the developer's strategic approach to the provision of public art.

Where it is not possible or practicable for on-site public art to be provided, the Council will seek contributions to enable strategic public art commissions to be delivered (Appendix 6).

The responsibility for funding and undertaking maintenance and decommissioning will normally be with the commissioner. Where a public art commission is funded through a planning obligation and subsequently handed over to the Council, the agreement should include a commuted sum from the developer to cover maintenance costs for up to 25 years, or until the work is decommissioned.

For public art commissions funded by pooled contributions and undertaken by the Council, maintenance costs should be identified and set aside for each commission. Responsibility for undertaking maintenance will need to be part of the public realm arrangements.

It is important that the whole life costs of maintaining and eventually decommissioning public artworks be built into commission budgets. Artist's briefs specify the need for proposals to be robust, durable and low maintenance.

Core development budgets can be used to fund public art commissions where appropriate. Within new developments or significant refurbishment projects developers can choose to commission artists to deliver integral, budgeted aspects of the project such as landscaping, street furniture and lighting. Temporary commissions designed to raise the public profile of a development (such as hoardings projects), can also be funded through marketing budgets. While there are likely to be additional costs associated with commissioning artists the allocation of existing budgets can keep these low.

Other sources of funding and information are listed below. Funding achieved through grants etc. can be used to contribute towards public art commissions or specific aspects of projects such as community engagement programmes, environmental improvements, and heritage interpretation. Funders will have specific applicant requirements and commercial developers are not usually eligible to apply.

Maintenance

The maintenance of contemporary public artworks represents a considerable challenge for councils. Artworks are commissioned by a wide variety of organisations and individuals and if projects do not start out as the responsibility of the local council, they can often end up becoming so.

Artists use a vast range of materials and technologies; many with a degree of experimentation, meaning that maintenance is object-specific and diverse and often requires specialist skills.

Unless other provisions are in place, public artworks in the Borough are considered to be an integral part of the public realm and it is the responsibility of the landowner to maintain them along with other assets (like for example street furniture or play equipment). It would also be the landowner's responsibility to fund the decommissioning of artworks should the need arise.

To reduce ongoing maintenance costs:

- Those commissioning new public artworks for the Council will be encouraged to integrate artworks into specific buildings or landscaped areas, where they can be incorporated into existing grounds and building maintenance schedules.
- Prior to installation commissioners will need to provide a costed maintenance schedule with confirmation that artworks have been assessed for their suitability for the site and prevention of vandalism has been considered.

Funding sources include:

- Arts Council England – National Lottery Project Grants - www.artscouncil.org.uk/ProjectGrants
- National Lottery Heritage Fund - www.heritagefund.org.uk/funding
- Esmée Fairbairn Foundation - esmeefairbairn.org.uk/applications
- Paul Hamlyn Foundation - www.phf.org.uk/our-work-in-the-uk/arts-access-participation
- Henry Moore Foundation - henry-moore.org/what-we-do/grants-fellowships

Public art information:

- IXIA (the Public Art Think Tank) - <https://ixia-info.org>

Decommissioning

Decommissioning procedure:

- Public artworks, like most elements of the public realm, can deteriorate and become outdated, or need to be redeveloped. To ensure that the Council's public art collection and the surrounding areas remain of high quality, artworks that are no longer relevant or have reached the end of their lives will be decommissioned.
- For new commissions, issues of decommissioning will be addressed by the contract at the outset. Considerations will be made to life expectancy, review periods and maintenance agreements.
- Unless other provisions are put in place, those responsible for the maintenance of specific artworks are also responsible for funding their decommissioning.
- Proposals to relocate or decommission an artwork will be made to the Council for consideration. An assessment of the artwork will be undertaken to ascertain the appropriate course of action – cleaning or conservation works, relocation, storage or decommissioning. Independent expertise will be sought if deemed necessary.
- Notification and/or consultation will take place with relevant Council officers, Councillors and representatives of local communities.
- Every reasonable effort will be made to notify and/or consult with the artist, donor, or legally recognised representative(s) of these parties.
- The final decision to decommission rests with the Council, which reserves the right to take immediate and appropriate action to protect public health and safety if the artwork is considered to be a cause of imminent danger.

Decommissioning options and considerations:

Relocation

- The issue of site specificity is of great importance to many artists and they should be consulted regarding proposals to relocate a work. The context, be it physical, spatial, historic, social, or otherwise is often a factor in the artistic concept and placement of artworks. Therefore, consideration must be given regarding the impact on the appearance or meaning of the artwork in any proposal to relocate a work. In certain cases the relocation of an artwork can enhance its appearance and relevance.

Storage

- There are times when there is a need to remove works to place them in storage. These can include when environmental improvement works are taking place in the vicinity of the artwork. This can also occur because of risk of damage or as an interim stage to the relocation of a work. Storage conditions should ensure that the work is protected from deterioration, theft, vandalism, or accidental damage. Responsibilities and liabilities connected with removal to storage and subsequent relocation should be agreed prior to commencement of works. This should take place in consultation with the Council's Public Art Officer and should be supervised by appropriate expertise.

Deaccession

- Deaccession involves removing a work from the Council's collection. This can include the return to the artist, donor or other agreed party, or the destruction of the work. The permanent removal and destruction of an artwork should only take place as a last resort. A full process of assessment and consultation will take place before such action is undertaken.