

ART in PUBLIC PLACES - A STRATEGY FOR HALTON CONSULTATION DRAFT

COMMISSIONING CODE

Public Art Steering Group & Facilitator

The key to this Public Art Commissioning Code is the acceptance and valuing of the need and role of the Halton-wide Public Art Steering Group, ideally with some form of facilitated central role – be that externally funded consultancy, fixed-term or salaried post. The existing model for the Widnes Waterfront is a useful starting point for considering the Steering Group, but this needs to be enhanced, with more interested parties and champions invited in.

The continuation of the facilitation role of **beam** in developing the Widnes Waterfront public art programme and Halton-wide public art strategy is clearly fine for the short-term, but is not sustainable in the longer term. In addition, a project-by-project approach of different teams – albeit with enhanced funding and the benefit of a potential public art Planning Guidance Note – would not build legacy for Halton, but would merely provide a continuation of the previously occurring piecemeal approach to public art commissioning.

Clearly what is needed is some form of centralised base within Halton BC to be able to assist in the coordination of project development (but not delivery), and to provide some form of strategic focus for a range of clustered pilot projects that will doubtless begin to develop over the next few years. Project funding for these is not seen as a problem necessarily, however revenue funding to deal with enablement, support and legacy-building, certainly are.

The funding for such a support post has precedents elsewhere – such as the Northumberland and Tees Valley Regeneration based public art posts seconded part-time to Commissions North / Arts Council England NE. More locally, Arts Council England NW has a special relationship with Liverpool Biennial and its own Public Art Managers – however, this is currently only built around the Liverpool Biennial and Capital of Culture programme.

The funding for strategic programmes built around issues such as research and development, evaluation, maintenance and marketing will prove more tricky, but are deemed the most essential ingredient to help raise the overall quality of public art within Halton and make it truly sustainable.

Selection of Projects

A statement of how projects meet a set of established Funding Criteria for Commissions must support all projects and should ideally be considered initially through the vehicle of a facilitated Public Art Steering Group. Such an enhanced Steering Group should be established to ensure that all projects, which are considered and recommended for approval, and take account of the following:

- Illustrate huge quality and innovation in the arts
- Represent value for money
- Have realistic targets and timescales
- Are appropriately budgeted and offer market rates to artists and project managers

- Can demonstrate support for the project, including community support/consultation – if appropriate
- Offer a distribution of projects across Widnes Waterfront and wider Halton.
- Have taken account of any relevant planning regulations, bye-laws, listed building or Site of Special Scientific Interest status (SSSI)
- Have taken account of physical ownership, copyright, health & safety and maintenance issues
- Guarantee reasonable public access to the commission location/site, including any private sector scheme or development to which the Innovation Fund has committed financial support.
- Incorporate appropriate and effective evaluation which will be publicly accessible for research purposes

Artist Selection Methods

The Steering Group could help teams select artists from both direct appointments and through open and closed competition. An outline project proposal should be prepared to indicate which selection method is proposed, and the reasons for the method of Artist Selection used. Selection panels should be properly briefed and clear guidance be given on their responsibilities and the extent of their influence. A number of alternative mechanisms are usually used to achieve this:

- Limited Design Competitions - An invitation to a minimum of three or four artists to respond to the brief in the form of a proposal. This could include a maquette or model of the proposed work, drawings, site plans and budgets. A decision will be made on quality of past or potential work and performance at the interview.
- Open Competitions - A Call for Artists advertised in the art press, slides or portfolios are submitted to the selection panel. This may precede a limited competition. A decision will be made on quality of past or potential work and performance at interview.
- Solicited Appointment - An approach is made directly to an artist, usually preceded by research and studio visits. It is most usual for this approach to take place with the advice of a specialist consultant or the Steering Group in order to ensure that the needs of both the client and artist are met.
- Competitive Interviews - Artists invited to attend interview and make presentations of past work to the Steering Group. A decision will be made on quality of past or potential work and performance at interview.

Project Briefs

For any projects project-led by external agencies and funded by respective Halton Teams, responsibility for drawing up project briefs should lie with the relevant Project Manager but should ideally be presented to the Steering Group for discussion and approval.

Artist Briefs

The Steering Group can taken account of both the Public Art Policy and Good Practice Guidelines for Commissioning taken from Artists information sheets from Arts Council England, The Artists Information Company and other agencies as identified on a project-by-project basis (possibly as conditions on funding). It is suggested that the Artist's brief should normally consider:

- Who the commissioner is, their mission and normal areas of work.
- Background to the project including principles established by the feasibility
- Vision for the project
- Site details - factors to be considered

- Technical brief
- Timescale
- Selection criteria and panel
- Selection procedure
- Outline of contract stages and sample contracts
- Budget - is this global, does it include VAT
- Ownership and copyright - including designs, models etc.
- Requirements of artists in responding to the brief
- Indemnity and Public Liability insurance requirements - during development and post completion
- The artist's role in consultation
- Life cycle and Decommissioning factors

Project Management

It is assumed that projects can normally be monitored through the various area-based Regeneration Teams, Landscape Services or the Arts Development Teams (subject to resources and priority). They can also be managed via the employment of an external Project Manager or Lead Artists. A pool of such Project Managers and Lead Artists can be sought via an application and artist selection process set out above, and these can be selected to form an Approved Suppliers List, in accordance with any Halton Borough Council Financial Regulations. Project Managers or Lead Artists can be selected for one-off projects or for a programme of work based on these lists - according to their availability and suitability to the particular project or stakeholder.

Artist Agreements and Contracts

Artist's contracts can be issued having regard to standard guidelines adopted by the Steering Group, which should be based on the standard Halton Artist Contract (modified in 2007 for use on Widnes Waterfront) as well as recommendations of Arts Council England and The Artists Information Company. These will need to also be in compliance with Halton Borough Council's Contract Standing Orders and Financial Regulations. In certain cases where standard contracts are required for minor scale built environment work, it is suggested that a standard JCT Minor Works Contract, with Contractors design (MWD) be the favoured standard.

Tendering Procedures

It is suggested that full-tendering procedures might be adopted for all projects valued in excess of £50,000. For projects with a value less than £50,000 procurement could follow standard agreed tendering procedures in all instances where appropriate and in order to demonstrate value for money. However, where three tenders are not available (owing to the specialist nature of a commission) a waiver could be sought subject to the agreement of the Steering Group. This information is subject to the standard terms of Halton Borough Council of course.

Eligibility for Funding

The following areas of work are suggested to be eligible for consideration for funding under any public art programme within Halton, provided that they are part of a solicited or invited commission:

- Speculative Research and feasibility studies for projects
- Artist's design proposals
- Artist residency programmes (and associated costs)
- Artist's fees, travel and subsistence expenses
- Transport, site preparation and installation costs
- Promotion and marketing costs
- Project management fees (for externally placed project management)

- Community participation programmes linked to projects
- Speculative project Seed-funding – See Section 6.5
- Project documentation and evaluation – See Section 6.6
- Maintenance or after-care endowment (for Halton Borough Council-owned property/land only)

Innovation & Incubator Fund

Whilst the remit of this report is not about getting comprehensively engaged in the complex and specialised world of facilitating creative industries, artist incubators and live-work studios, there is nevertheless, a potential programme relationship that can be developed and refined with regards this consideration, by using highly creative and proactive methods. Acting as chief advocate, through parallel arts intervention within Halton, it is suggested that the active allocation of a variety of artist and creative industry seed-funding, can be made (subject to project fund granting and availability) through a R&D Innovation & Incubator Fund, released to a variety of programmes as proposed by the Facilitator and agreed with the Steering Group.

A sub group to the bigger Steering Group, could be established to select projects for support and to oversee the management and distribution of such a Fund. This group could meet approximately four times each year and will be coordinated by any appointed Facilitator. Membership of the group could be drawn from key cultural, regeneration, community and academic organisations as well as having representation from Halton BC, Arts Council and other stakeholders.

In terms of sustainably funding this, it is suggested that a regular project levy be imposed by the application of Section 106 or otherwise, to help fund an ongoing programme of artist and creative seed-funding through the Innovation & Incubator Fund.

Evaluation & Monitoring Fund

Linked to models of good sustainable practice as well as the developing brief from DCMS to integrate higher levels of evaluation into all Culture-in-Regeneration initiatives, it is suggested that all public art programmes set up ought to aim at eventually becoming self-sufficient. In order for this to happen, methods to highlight and evaluate good practice must be developed in parallel to the on-going programme. This undertaking would fit with all current suggested models being advocated by DCMS and Arts Council.

Such an evaluation programme could help to work strategically with partners such as DCMS and Arts Council to help deliver their aims within the context of artists engaging with regeneration and the built environment – and working locally but with a national perspective. It is likely to be something they are particularly interested in – with current exemplars by IXIA under its Open Space Evaluation Model being the suggested initial model for consideration. Details of this model are included in the Appendix.

As ‘action research’ it could help explore and develop best practise procedure for the future on such issues as evaluating the economic benefit of:

- Artist as creative catalyst through temporary works
- Artist as spatial planner, master planner and lead artist.
- Artist as collaborative design team member.
- Artist as community facilitator
- Artist as fabricator – designer-maker
- Integration of the arts as part of a cultural masterplan
- The value of Culture Tourism
- Commissioning and employing artists in temporary installational programmes
- Creative consultation and community involvement
- Development of localised public art strategies
- Contracting artists and consultants

- Engaging artists in the built environment, regeneration, and major capital builds generally
- Advocacy & presentations
- Development of steering groups
- Seed funding R&D
- Artist and professional CPD workshops and seminar delivery
- Production of Information Services
- Website and publication production
- Production of marketing guidelines and leaflets
- Development of evaluation and appraisal methods
- Development of maintenance and decommissioning programmes

It is suggested that as per the other described funds, a project levy be imposed by the Steering Group to help fund an ongoing period of evaluation. The outcome of such work is also likely to have practical benefits to the marketing and advocacy programme.

Maintenance & Decommissioning Fund

Often forgotten about, the important issues of maintenance and decommissioning need to be considered at the outset, with a contingency created to deal with the hypothetical typical life of a commission – be it a 1-week temporary installation project or a 30-year permanent sculpture. It is suggested that based on experience a figure or percentage be agreed at the outset of all projects and an endowment levied and kept in trust to deal with maintenance and decommissioning issues that are deemed over and above the normal everyday duties of Halton BC. Note that the ‘normal’ level of local authority maintenance might not be considered acceptable, and precedents might be set to even consider an out-sourcing of this service to an external body, much like bus shelters often are today, and public art was years ago, when maintained by Liverpool Architecture & Design Trust (LADT) on behalf of Liverpool City Council.

Whether it be through poor design or workmanship, latent defects, wear and tear or pure wanton vandalism, it is clear that a budget needs to be set aside from somewhere for a degree of maintenance – particularly in the first 12 months and then increasing as the project begins to enter the mid to late term of its pre-designated lifespan.

Documented research by Public Art Online, lists a number of recommendations with regards to the decommissioning of public art. These recommendations range from quite basic ideas – e.g. making sure that all contracts include items such as life expectancy, review periods and maintenance agreements – to more detailed discussion of criteria to be considered by decommissioning review panels.

In summary, a number of issues are recommended for consideration and incorporation, namely:

- For all new commissions, issues of maintenance and decommissioning should be addressed by the contract at the outset
- For bodies responsible for existing artworks, there should be a policy defining the principles of maintenance and decommissioning criteria
- The policy should include an agreed process of assessment which would decide the future of public art works in accordance with the maintenance and decommissioning criteria.

It is suggested that as per the other described funds, a project levy be imposed by the Steering Group to help fund an ongoing period of maintenance, leading ultimately one day, to decommissioning.

Marketing & Advocacy Fund

The practice of justifying the benefit of art and culture in regeneration (particularly commercial developments) is notoriously difficult to prove factually – particularly where clients and

stakeholders are ill informed or (worse) lacking in interest or motivation. In addition to this, public art often generates extremes of public reaction, rather than a comfortable middle ground of consensus. Because of this, the local media outlets of local papers and television often showcase public art in a trivial manner to debate the worth of local tax payers funding fine art – often with highly destructive results. Because of this, it is important that stitched-on to any public art public realm strategy is a sophisticated and regular advocacy and marketing system to pre-empt such bad press. Some initial suggestions to help address this are as follows:

- Newsletter - Cultural updates and press releases should be forwarded on a regular basis for the Widnes Waterfront, Castlefields and other area-based and Halton-wide newsletters. In addition to this, 3D visual representations of physical work (permanent or temporary) could be illustrated on an extended enhanced version of the Widnes Waterfront 3D model to show the Mersey Crossing and Waterfront Regional Park and wider context.
- Website - Either as an add-on to the main Halton or area-based website (perhaps most sensibly in the short-term) or as a bespoke site, there are major opportunities to start to showcase best practice in public art – both locally and wider. In terms of new media arts, there is also the added potential of looking to feature related initiatives such as use of media work and community web networks, facilitated by artists, to further raise the profile and explore and illustrate ideas virtually.
- Wider advocacy - Marketing press releases with associated illustrative visualisations ought to be more widely circulated on a regular basis to Local TV, Radio and Press, Arts Council England, DCMS, NWDA, Mersey Partnerships and Environment Agency etc. A budget for a marketing and PR programme is important, ideally under a stand alone budget, or alternatively as a strap-on to the main development one run by Widnes Waterfront.

It is suggested that as per the other described funds, a project levy be imposed by the Steering Group to help fund an ongoing programme of engagement, advocacy and marketing.

Commissioning Code – Action Plan

A number of key issues come out of this section and these are summarised briefly as follows:

- Public Art Steering Group be enhanced to liaise with Area Teams responsible for public art clusters – including the appointment of a designated central Facilitator.
- Funding draw-downs from Section 106 or otherwise be agreed to create designated funds for targeted areas of enabling and supporting work.
- Supplementary Project Levies be implemented to cover seed-funding, evaluation, ongoing maintenance / decommissioning and marketing

The key to the successful establishment and sustainability of such a programme would be centred around the further enhancement and authority of the Steering Group, and its ability to solicit sustainable interest and funding from other stakeholders – public and private sector. Another key task of such a group, would be as a vehicle to help engage more directly with the executive levels of Halton BC itself, and those of key strategic stakeholders drawn from both regeneration, community, design and cultural organisations. It is important that this Steering Group does not just compose of Halton BC employees, but looks to wider regional and national stakeholders and identified champions.