

PUBLIC **a**rt

GUIDING PRINCIPLES



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PURPOSE of GUIDING PRINCIPLES

Public art can be a positive force for the city, creating a sense of place and building on key visions and programmes.

This document sets out Leicester City Council's guiding principles for the commissioning and maintenance of public art in the city.

These Guiding Principles outline the need for public art to be integrated within the council's own strategic and capital programme and establishes requirements to commission and maintain public art of high quality within Leicester. It identifies key priority locations for large permanent public artworks and identifies sources of funding to deliver these programmes.

It also acknowledges the budgetary constraints within which an on-going programme should be delivered and advocates for quality rather than quantity in commissioning, from artistic, planning and financial perspectives.

Where these Guiding Principles refer to public art, it refers only to public art for which Leicester City Council has a duty of care, unless otherwise stated.





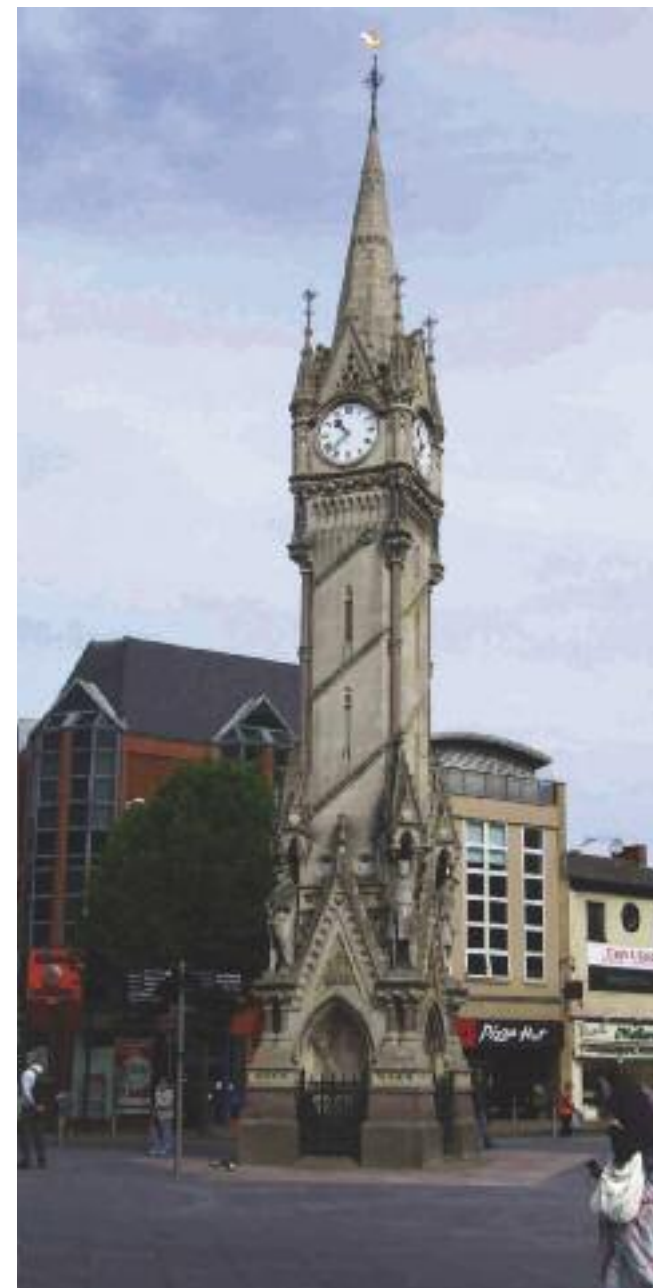
PUBLIC ART: GUIDELINES

Public art is both the process and impact of artists in creating temporary or permanent artwork in and for public spaces.

Public art commissioning must respond to the following:

- Artwork must create a sense of place and build on key visions and programmes
- People in the city should have a say about art in the City
- The artwork must be site specific
- The artwork must be relevant to the City and its people
- The process and artwork must engage with the community and the site
- The artwork must be appropriate and robust
- The process and artwork must take account of budgetary constraints (i.e. be appropriately funded, including on-going maintenance and decommissioning)
- Providing a clear line of responsibility for the final artwork, including safety, reactive and proactive maintenance requirements, and liability

A detailed commissioning process is outlined in the Commissioning Guidelines. This must be followed for public artwork commissioned for which Leicester City Council has, or will have, a duty of care.



The Strategic Context

Public art delivers against key policies and strategies; including the City Mayor's priorities, Leicester's Cultural Ambition, and key planning documents. The commissioning, maintenance and decommissioning of public art should therefore be integrated within the council's own strategic and capital programmes.

Provision will also respond to a broader regional and sub-regional context, including Arts Council England priorities, and those of neighbouring district, borough and county councils.

Funding

Public art can be funded through the planning process, and public and private funds. These will include the Community Infrastructure Levy, S106 funds, the local authority's capital and strategic programme funds, funding applications and private donations.

Leicester City Council will also impact on public art through conditions placed on new development, although the final duty of care will rest with the applicant. However, developers will be expected to follow the Commissioning Guidelines to ensure appropriate quality of these works.

Commissioning must consider both the costs of commissioning, creating and installing public art and of the on-going costs of maintenance and any on-going running costs (e.g. power, water). Funds must be allocated or identified and agreed at the point of commissioning to pay for maintenance during the lifetime of the public artwork (i.e. up until the decommissioning date stated in the commissioning contract). Associated decommissioning and/or removal costs must also be allocated or identified and agreed.

Leicester City Council does not have a commissioning fund for new public art or funds for the maintenance of new public art and these funds must therefore be identified at the start of each project or programme.

Where and When

Leicester City Council will exploit all relevant potential sources of funding for public artwork commissions for Leicester consistent with these guiding principles. Commissioning will be based on quality rather than quantity, and must take account of the long term budgetary constraints.

Locations identified for new public art commissions using the funding identified are:

- Key gateway locations
- A response to major developments
- Strategic programme delivery
- Integrating public artwork within new schemes

This does not preclude the commissioning of other smaller scale permanent or temporary interventions in other locations. However, a clear case for such public artwork must be made.

Ownership and duty of care within Leicester City Council

Unless otherwise agreed in writing the departmental landowner of the land where public art is sited will have the duty of care and budgetary responsibility for maintenance (and decommissioning where applicable) of this public art.

Requests for new public art

Leicester City Council regularly receives requests from individuals, community and other special interest groups, and partners to support public art commissioning in the city. We are able to offer advice and support for such projects provided that commissions support these Guiding Principles and that the commissioners' of the public art have identified maintenance and decommissioning provision and have the agreement and support of the landowner where they wish to locate the new commission. Leicester City Council cannot accept gifts or commissions of public art for location on Leicester City Council land or commission new public art in response to ad hoc requests, for the artistic, strategic and financial perspectives outlined in these Guiding Principles, except in exceptional cases. Where exceptional cases are identified, written agreement must be provided by the local authority, and a process for such acceptance agreed in writing in advance.





guidelines

Commissioning
Decommissioning

BACKGROUND

Inventory of existing public art (including maps)



COMMISSIONING

When commissioning a public artwork, the following elements must be considered:

- Consultation and engagement
- Commission brief preparation
- Artist appointment
- Budget
- Technical checklist
- Risk assessment for project

Leicester City Council follows these guidelines when commissioning public art. They are not intended to be exhaustive, but offer a sound basis for planning a public art project.

If an organisation or individual wishes to commission public artwork for installation on Leicester City Council land or buildings, they must contact the local authority in the first instance. Should agreement be afforded by the local authority, a process for commissioning will be agreed by the two parties, based on these guidelines. On-going maintenance and running costs will also need to be agreed at this point.





CONSULTATION AND engagement

Consultation is essential to ensure commission plans can be communicated to partners and members of the public and that their views are included in the process.

Consultation will lead to greater understanding and appreciation of the project and must be embedded early so that consultation views can inform the process.

It can also lead to members of the public being actively involved in the production of the artwork. It can help provide a focus for a community group.

- Why do it – be clear about the purpose and the implications?
- Will people be directly involved in design/ manufacture?
- Is there an educational value/purpose?
- Is it about getting feedback?
- Is it about conforming to policies that require consultation?

Consultation in some form should always be a part of the process. The type and depth will depend on the site, scale and sensitivity of the commission. It is essential to involve ward councillors and the local community as a minimum.

Engagement with local communities during the design and consultation process is essential to ensure local ownership of artwork, and produces a more relevant artwork that is likely to suffer less from vandalism.





COMMISSION BRIEF

Brief should cover –

- Aims and objectives of the commission
- Timetable, overall project deadline, interview dates, expected attendance at meetings
- Criteria for selection, who is part of project group, who is key contact person
- Site details – e.g. land ownership
- Context, history, maps, drawings, photos, other development around etc.– facility to meet artists on site
- Practical issues around site – such as access to site, safety, construction methods etc.
- Role of artist
- Type of art envisaged; scale/materials
- Artist appointment method – e.g. open competition, invitation
- What pre-preparation is needed
- Any associated landscaping
- Budget
- Consultation – how much and what form and who is involved
- Permissions
- Artists copyright position and clarification of ownership of work
- Any other paperwork, review, evaluation
- Health and safety
- Liabilities and insurances
- Maintenance
- Decommissioning
- Celebration



artist appointment

There are several ways to appoint an artist. The best or preferred method will depend on the scale and nature of the project.

There are three main ways to identify and appoint an artist. These are:

- Open competition
- Limited competition
- Direct invitation to artist

Open competition

Advertise commission through national, regional, art press and through arts organisations.

Prepared competition packs sent out on application or downloadable from website. Artists requested to submit a statement of interest, e.g. CD containing images of relevant prior work. Artists are not requested to provide design ideas for the public art commission at this stage. From this submission, a shortlist is drawn up, with shortlisted artists asked to submit design ideas and proposals for an agreed fee and/or attend an interview. The commission will need to pay expenses for interview. Copyright of these proposals will rest with the artists.

Limited competition

A suitable list of artists is drawn up, and all or a selection of these artists will be asked to submit a statement of interest, with final selection process followed as above.

Direct invitation

A single artist is identified and approached to deliver the project, within the constraints of the artist's brief.

All three processes are very collaborative, and require flexibility both from the commissioner and artist.

Leicester City Council is able to advise on ways to identify public artists, including public resources available.



BUDGET

Budget needs to take account of:

- advertising and selection costs
- artist's design fees (set at an appropriate professional level)
- exhibition costs (if client wishes to exhibit designs and maquettes for comment or information)
- artist's commission fee - this should be equivalent to other design professionals involved
- materials and fabrication costs - the artist's fee and materials budget does not necessarily have to be specified by the client; it can be left to the artist to identify their fee and material costs within the whole budget
- travelling and workshop expenses
- insurance/Public Liability costs
- installation (site preparation, running electricity, water to site, landscaping, extra labour, structural calculations, etc.)
- transport and security costs
- professional fees and legal costs
- consultation costs
- publicity, documentation and inauguration costs
- maintenance costs
- VAT and/or other tax
- contingency
- evaluation costs.
- documentation costs
- decommissioning costs

Liaison with Leicester City Council asset strategy is also required.



technical checklist

Commissioning a public artwork is both a highly technical and creative process. Some of the key technical considerations are listed below:

	Ownership	
Site	Any restrictions, e.g. future development proposals and any additional agreements and statutory requirements applicable due to site location (e.g. additional highways requirement)	
Maintenance responsibilities	Long term: Which city department – or private landowner – will have the responsibility for maintenance and duty of care (including budget). For public art for which Leicester City Council has a duty of care, the responsibility for commissioning and maintenance of public art sits across a wide range of council departments, and is dependent on location (such as parks, buildings, highways, public spaces), commissioning lead, and technical responsibility (such as planning, highways). Responsibilities for the final artwork must be agreed at the very start of the process	
Services	Any underground services	
Disability access	How will this be achieved	
Planning	Check if planning consent is required	
Pre installation	Submit construction plan Discuss maintenance – materials/cleanup, etc. Implications for technology – maybe power sources, computer programmes etc	How much prep work will be needed for the site What works will be needed once the artwork is in place, e.g. landscaping
Consultation/workshop	Agreed process	Who from city council is working alongside the artist
Installation	Health and safety Method statements Agree times of working	
In-use	Maintenance – how do you routinely maintain it Who could carry out repairs If there are necessary software elements who has information	Agree lifespan What funds are required for on-going maintenance and any running costs
Publicity	Agree - extent of artist promotion/Leicester city promotion/developer	
Materials	Due consideration of source and nature of materials used, e.g. carbon footprint, recyclability	





DECOMMISSIONING PROCESS FOR PUBLIC ART

The purpose of this document is to outline the decommissioning process for public art commissions in Leicester, for which Leicester City Council has a duty of care. Where this process refers to public art in Leicester, it refers only to public art for which Leicester City Council has a duty of care, unless otherwise stated.

1 Responsible stewardship

- 1.1 It is Leicester City Council's responsibility to ensure that we have the necessary resources to adequately care for public art in Leicester City, for which the City Council has a duty of care, for the benefit and safety of Leicester residents and visitors.
- 1.2 The adequate care of public art includes ensuring maintenance of the structure of public artworks to ensure public safety under reasonable interaction, as well as necessary cleaning and other maintenance to ensure the best presentation of any artwork
- 1.3 We have finite, limited budgets to maintain public art, and must ensure that any budgets available are appropriately directed.
- 1.4 We must ensure that any public art in Leicester is relevant to the city of Leicester; to its heritage, residents, strategic developments, and future aspirations.
- 1.5 We will ensure that under health and safety regulations that the pieces of artwork will be kept to a safe condition with regard to reasonable public interaction.
- 1.6 We will carry out ongoing assessment and any necessary ad hoc assessment of public artworks to ensure that public artworks are relevant to the city of Leicester, are presented to a sufficient standard, and do not provide a risk to any person under reasonable interaction.
- 1.7 If following any assessment, public art no longer meets these criteria we will initiate decommissioning.
- 1.8 The decommissioning of public artworks relates to the permanent removal of public art from the duty of care of Leicester City Council, not storage or other removal from public view.



2 Decommissioning Procedures

- 2.1 Public art can take many forms, from free standing artworks, public realm works, e.g. artist designed street furniture, or building design elements.
- 2.2 Decommissioning procedure for free-standing works
- 2.3 We will establish if we are legally free to decommission a public artwork. Any decision to decommission of a public artwork will be taken only after due consideration.
- 2.4 When decommissioning of a public artwork is being considered, we will establish if it was acquired with the aid of external funding, and if so, whether any conditions attached to the grant will impact on decommissioning.
- 2.5 Decisions to decommission of items will not be made with the principal aim of generating funds.
- 2.6 Any monies received by Leicester City Council from the decommissioning of items will be applied for the benefit of public art in the city. This can be commissioning of new works or the maintenance of existing pieces.
- 2.7 A decision to decommission a public artwork, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be decommissioned of by any other means) will be the responsibility of Leicester City Council.
- 2.8 Other options, such as relocation of the artwork within the public domain or temporary storage will be considered prior to a decision to decommission of an artwork.

- 2.9 Full records will be kept of all such decisions on decommissioning and the items involved
- 2.10 Unless contractually, or otherwise required, the City Council is under no obligation to replace decommissioned artworks. Replacement is unlikely to be a preferred option.
- 2.11 In all cases of decommissioning, the artist will be given first refusal to purchase the artwork concerned, unless funders' provisions, other contractual obligations or legal provisions, requires other action, or if the piece must be removed or destroyed urgently due to its condition and/or pressing health and safety issues.
- 2.12 Where practicable, prior to removal, we will notify the artist and discuss our plans with them. We will also notify relevant Assistant Mayors, local ward councillors and relevant service staff of the intention to decommission public artworks.
- 2.13 Information plaques or any other interpretative material about the piece will also be removed.
- 2.14 In some instances, there will be additional costs to make good the site where the piece was sited. These costs, and budgets to cover them, must be agreed prior to decommissioning, unless pressing health and safety issues require urgent removal.
- 2.15 Decommissioning of building incorporated artwork
- 2.16 This will be the responsibility of the landlord, and is likely to be required if a building is to be remodelled, replaced, or removed. To be managed through planning process where statutorily required or in discussion with building heritage, conservation and

arts staff. The preservation of building incorporated public artwork from buildings that are to be remodelled, replaced, or removed is not covered by this process. Please refer to the Maintenance provision and any appropriate planning or conservation requirements.

3 Decommissioning by Destruction

- 3.1 Public artworks will only be decommissioned by destruction in the case of an item too badly damaged or deteriorated to be decommissioned by any other means or due to pressing health and safety requirements, notifying the artist beforehand, where reasonably practicable.
- 3.2 If possible, materials will be recycled or materials sold, with any funds from free-standing artworks applied for the benefit of public art in the city.

4 New Commissions

- 4.1 All new public artworks should be commissioned with an agreed decommissioning date, with an agreement to extend if required taking safety, budgetary, aesthetic and local opinion into account. New commission projects must demonstrate availability of funds to enable decommissioning at the initial decommissioning date.





INVENTORY of art

Officers in Leicester Arts and Museums Service and Planning and Economic Development will maintain and update as complete an inventory of public art within Leicester City as possible, which will be added to as new public art is commissioned by Leicester City Council or we are notified of new artworks or artworks not already on this list.

This inventory is a celebration of the depth and breadth of public art across the city, and therefore includes all public artworks in the City, and is not limited to those for which the local authority has a duty of care.



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