



ENVIRONMENT COMMISSION 25 September 2006

Report of the Director of Corporate and Adult Social Services

Draft Scoping Report and Timetable for the Commission's review of Public Art

RECOMMENDATION

1. That the members consider and agree the draft scoping report and the timetable for the Commission's view of public art.

SUPPORTING INFORMATION

- 2.1 At their meeting on 31 July 2006 Environment Commission members considered the Council Cabinet report entitled 'Public Art: A Decision Making Framework' and concluded that, because the City was undergoing significant development, that it would be appropriate for the Commission to conduct a review of public art.
- 2.2 The scope of a possible review was further investigated at a meeting on 5 September 2006 between members of the Commission, the head of Arts and Events and the Head of Environmental Sustainability.
- 2.3 The report contained in Appendix 2 sets out the possible scope and timetable for a review of Public Art in Derby in which the Commission would investigate the way in which the Council uses Section 106 monies to procure public art.

For more information contact: David Romaine 01332 255598 e-mail david.romaine@derby.gov.uk
Background papers: Appendix 1 – Implications
List of appendices: Appendix 2 - Preliminary Scoping Report for the Environment Commission's review of Public Art in Derby

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. High quality public art benefits all Derby people.

Corporate Objectives, Values and Priorities

5. This report has the potential to link with the following Corporate Objectives,
 - Improve the quality of life in Derby's neighbourhoods
 - Deliver excellent services, performance and value for money

Preliminary Scoping Report for the Environment Commission's Review of Public Art in Derby

1. Introduction

1. At its meeting on 31 July 2005 the Environment Commission considered a report by the Corporate Director of Regeneration and Community entitled 'Public Art: A Decision Making Framework'. The report, which was approved by Council Cabinet on 25 April 2006, made the following recommendations:
 1. to endorse the creation of an Officer working group with Cityscape to implement the public art strategy
 2. to create a small steering Group, chaired by the Cabinet Member for Leisure and Direct Services, to which the Cabinet could delegate the commissioning of artworks and the signing of designs.
2. At the 31 July meeting, members also considered the Commission's work plan for 2006/07 and subsequently decided, in view of the Director's report and because the city is undergoing significant development, that this would be an appropriate time for the Commission to consider public art.
3. Members therefore resolved to investigate the scope of a possible review of Public Art in Derby and a meeting to examine this was arranged with Peter Meakin, the Head of Arts and Events, and Phil Murnaghan, Head of Environmental Sustainability on 5 September. At this meeting the Commission members decided to conduct a review with the primary objective of examining the way in which Section 106 monies are used to provide public art. This report sets out the possible scope of such a review.

Background Information

4. The following draws on information contained within 'Public Art: A Decision Making Framework' (report to Council Cabinet 25 April 2006) and on the Council's public art strategy.
5. The Cabinet report explains that decisions about public art can be difficult, as they involve questions of appropriateness, quality, taste, impact and cost.
- 6 The report cites the 'Angel of the North' as an example of where a bold and imaginative installation has helped to define the identity of a city or region and has raised its profile. Public art also:
 - Encourages the creative industries;

- Makes a city, town or area an attractive place to live, work, visit and invest;
 - Celebrates and builds on an areas cultural strengths and identity.
7. The City Council supported by Arts Council England, East Midlands, commissioned the consultancy 'Public Arts' to prepare the city's Public Art Strategy. The Strategy defines public art as:

“the work of fine artists or craftspeople which is physically and/or visually accessible to the public, outside the traditional arenas for art”

8. Public art can be permanent or temporary and can incorporate any medium from the traditional bronze to digital projection and light works. It may be free standing, incorporated into the fabric, fixtures or furniture of a building or it may be part of an environment.

Public Art Steering Group

9. The Public Art Strategy document contains a number of recommendations, including the establishment of a Public Art Steering Group. In April 2006, the Council Cabinet agreed that the Steering Group would be made up of an academic from the University of Derby, an entrepreneur from the Creative Industries and the Council Cabinet Member for Leisure and Direct Services to chair the group. This would leave the Council Cabinet with the job of determining the policy framework, but would distance it from arguments about artistic merit.

Public art working group

10. In addition to the Public Art Steering Group, a cross-disciplinary Public Art Coordination Group has been set up with representation from Derby City Council and Cityscape. The group consists of officers with expertise in urban design, town planning, arts and events, design, transportation and project management. This group will also be responsible for drafting and implementing a three year action plan for public art in the city.
11. The Public Art Strategy is available to view on the Council's website and can be found using the link
<http://www.derby.gov.uk/Environment/PublicArt/DerbyPublicArtStrategy.htm>
12. The Strategy was signed off by Arts Council East Midlands who provided the funding for the consultants' work. The Strategy covers the process of commissioning public art. It does not relate to the form that the art should take.
13. There are a number of other documents about Derby's public art on the Council's website. These include the 'Heritage in Public Art Circular Walk' and the 'Derby Public Artwork Series'. The purpose of the series was to:

- i. Help draw attention to some of the public artworks in Derby and to give some basic information about them.
- ii. Record views about individual artworks from people interested in public art in Derby, to help foster a broader appreciation of its public artworks.
- iii. Build a good information base about public art in Derby that would be useful for environmental education.

Section 106 agreements and Public Art

14. At its meeting on 31 July 2006 the Commission also received a report on Public Art and Section 106 agreements. The key points from the report are reproduced below:

- Section 106 agreements (S106s) are a key mechanism through which public art is funded. These are legal agreements made with landowners through planning applications. However a wide range of infrastructure and community facilities are secured through S106s. Therefore public art has to compete with other community facilities such as schools and public open spaces.
- Policy E30 of the City of Derby Local Plan Review sets out the context for securing public art on developments. It states that:

'The Council will encourage the incorporation of environmental art where it will contribute to the quality and appearance of new developments or to the general townscape.'

'Where appropriate, the City Council will seek to enter into an obligation under Section 106 of the 1990 Act to provide voluntary commission of work or works of art with the developers of major commercial, industrial, leisure and residential schemes.'

The Council's Regeneration Division seeks to implement this policy on major commercial, industrial, leisure and residential schemes of 100 dwellings or over. Where public art is secured, the policy anticipates that public art is incorporated into the development, rather than as a financial contribution that can be spent by the council. Most S106s are drafted to ensure that the developer is responsible for submitting a scheme for art to the Council for approval.

The reasoned justification for Policy E30 includes a target of 1% of the cost of the new development. It is not always possible to secure this, as there are many competing requirements to be secured through S106. Care must also be taken to ensure that S106 requirements do not undermine the economic viability of the development.

- The major S106 that has secured public art in recent years is the one associated with the redevelopment of the Eagle Centre. This specifically secured a £200,000 scheme for art within the new centre

itself. This S106 also secured £1.5million for 'regeneration purposes', although there is some flexibility within the agreement to spend up to £3million in total on this. The objective behind this agreement is to ensure that other quarters of the City can be enhanced in ways which will counteract the potential dominance of the new Eagle Centre in relation to shoppers and visitors. £1.27million of this money has already been allocated for various projects, with £50,000 being earmarked for public art. This is to be spent on public art on Victoria Street and the Strand. The remaining money is to be allocated once the impacts of the Eagle Centre are known.

- It was reported in the Derby Evening Telegraph of 8 September 2006 that a review of public art was to be launched after it had been revealed that only £15,000 of an available total of £325,000 had been spent since 2001. The article quoted the Council Cabinet member for Leisure and Direct Services as saying that creating public art had not always been high enough on the agenda as part of development agreements.

3. Proposed Objectives of the Review

15. It is suggested that possible objectives of this review could be to:

1. Understand the role of the Public Art Officer Working Group and Steering Group and become familiar with 2001 Public Art Strategy
2. Understand the process whereby S106 monies can be used to provide public art
3. Look at existing public art in the city and find out what public art has been commissioned and installed in the last five years and the mechanism by which it was achieved
4. Find out how other Cities go about obtaining public art and how successful they have been
5. Look in detail at the use over the past five years of S106 monies to procure public art and at the outcomes and costs of this process
6. Develop recommendations for the future use of S106 monies to procure public art for Derby.

4. Stakeholders in the Review

16. There appear to be three main stakeholder groups in the provision of public art. These are:

- a) The providers of the S106 monies – essentially the developers
- b) The facilitators – in general the Council and specifically the Council's Public Art Officer Working Group, headed by the Assistant Director for Culture and the Public Art Steering Group, headed by the Cabinet Member for Leisure and Direct Services
- c) The recipients of the public art – essentially all those who live in, work in and visit Derby

17. It is suggested that for the purposes of this review the Commission should concentrate on the role of the facilitators. The developers are an essential part of the process, but if the Commission is to concentrate on the use of S106 monies, the developers can make only a limited contribution to the review. The public will undoubtedly have strong and probably conflicting views on the public art of the City but again, if the Commission is to concentrate on the use of S106 monies the public will have little to offer to the review.

5. Proposed Methodology for the Review

18. In order to achieve the proposed objectives the Commission would need to hold the following meetings.

	Requirement	Action to achieve
1.	Understand the role of the Public Art Officer Working Group and Steering Group and become familiar with 2001 Public Art Strategy	Meeting(s) with representatives of these groups to explore the brief and priorities of the groups and the role that group members see themselves as having.
2.	Understand the process whereby S106 monies can be used to provide public art	A short meeting with relevant officers to familiarise Commission members with this process
3.	Look at existing public art in the city and find out what public art has been commissioned and installed in the last five years and the mechanism by which it was achieved	Undertake the Heritage in Public Art Circular Walk (extended as appropriate), and pay particular attention to material commissioned in the past five years. This would take a morning or afternoon session. The Commission may wish to contact the tourist information centre for a guided walk. It would be helpful if the Head of Arts and Events and the Head of Environmental Sustainability could accompany the Commission on this tour.
4.	Find out how other Cities go about obtaining public art and how successful they have been	Contact other Cities and visit those which have examples of good practice use of S106 monies to procure public art

5.	Look in detail at the use over the past five years of S106 monies to procure public art and at the outcomes and costs of this process	Interviews with relevant officers of the City Council
6.	Develop recommendations for the future use of S106 monies to procure public art for Derby.	Review the information obtained in the course of the review and develop appropriate recommendations

Suggested Timetable for the Review

19. The Commission indicated that it would wish to complete its work by the end of 2006 as its first meeting in the New Year will be used to consider the 2007/08 draft revenue budget. The following timetable is suggested as a way in which the Commission could achieve the objectives of the review.

	Activity	Provisional dates
1	1. Meeting with Public Art Officer Working Group 2. Meeting with Public Art Steering Group and the Cabinet Member for leisure and Direct Services	w/c 16 October (2 two-hour meetings)
2	Tour of the City's public art and in particular that which has been commissioned in the past five years	w/c 16 October (half day needed for tour – 10.00 to 14.00 with lunch?)
3	Visit to other local authorities which have examples of good practice use of S106 monies to procure public art – or visits to Derby by representatives of those local authorities	w/c 6 November (depends how many examples the Commission want to see – one day/visit or two hours/meeting)
4	Meeting with relevant AD and officers involved in setting up S106 agreements to: a) discuss the process b) find out about what use has been made of S106 monies to procure public art in past five years	w/c 6 November (one two-hour meeting)
5	Meeting to assess evidence and develop recommendations	w/c 20 November (one two-hour meeting)

6.	Draft report and recommendations for consideration of the Commission	w/c 11 December (short meeting of around one hour)
----	----------------------------------------------------------------------	-------------------------------------------------------

20. Based on this timetable the provisional time commitment for Commission members would be about 17 hours if no visits or 32 hours if there are two visits to other local authorities.

DRR 11 September 2006.