

Communities and Economic Development Cabinet Advisory Board

05 June 2019

Is the final decision on the recommendations in this report to be made at this meeting?

No

Public Art Guidance: Seeking Consultation

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Councillor Jane March – Portfolio Holder for Culture, Leisure and Economic Development
Lead Director	Paul Taylor – Director of Change and Communities
Head of Service	Nicky Carter – Head of HR, Customer Service and Culture
Lead Officer/Author	Jeremy Kimmel – Audience Development Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

That this Guidance be submitted for public consultation.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- **Cultural Strategy**, “be the Cultural Capital of the Weald by 2024”.
- Contributes to the **Local Plan**, one of the 8 Big Projects listed in the **5 Year Plan** as well as the **Enhancing the public realm in the borough** project, also listed.

Timetable	
Meeting	Date
Agreed for publication by Portfolio Holder	20 May 2019
Agreed for publication by Head of Service	20 May 2019
Management Board	20 May 2019
Cabinet Advisory Board	05 June 2019
Cabinet	27 June 2019

Public Art Guidance: Seeking Consultation

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Seeking approval of Cabinet to go to public consultation of new Public Art Guidance.
 - 1.2 The draft Public Art Guidance was written using commissioned reports, sector best practice and TWBC's 5 Year Plan and Cultural Strategy, as well as discussion between Planning and the Culture Team. It seeks to help define expected commitments of new developments within the Borough, and set out a clear definition of Public Art that takes into account the many and varied expressions of culture.
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2. INTRODUCTION AND BACKGROUND

- 2.1 Section 106 agreements are legal agreements between applicants seeking planning permission and the local authority – monies given as part of the agreement are used to mitigate the impact of new building developments on the local community and infrastructure. This can include the creation of public art.
 - 2.2 At present there is no usable 'Public Art' document which TWBC can use to help inform decisions of this kind – and opportunities for effective collaboration to ensure high quality work is produced, and occasionally the opportunity to seek funding at all often are missed.
 - 2.3 Planning Services and the Cultural Service working together, can ensure that all agreements are sought at every appropriate opportunity, and that they respond to the Cultural Strategy and local need.
 - 2.4 At present there are 'Public Art' projects valued at £22,034.88 which were not created in consultation with the Culture Service, and thus these monies risk being misspent or opportunities to create real public benefit and impact may be missed. However, through working in partnership, a way forward has been found to produce a highly effective procedure to the benefit of the entire Borough – The creation of official Public Art guidance.
 - 2.5 The need for a proper process for Public Art so that delivery deadlines and opportunities are not missed and Section 106 monies will have to be returned to developers with interest is clear, and acknowledged by both the Planning and Cultural services.
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3. AVAILABLE OPTIONS

- 3.1 Do Nothing – Continue with a 'piecemeal' approach to Public Art and very likely miss out on thousands of pounds of funding for the arts from developers.

- 3.2 Approve Guidance Draft – This draft of the Public Art Guidance then goes to Cabinet for similar approval and then to the public for consultation. Once this has occurred it will come back to the Cabinet Advisory Board and Cabinet for approval and adoption, meaning a more curated and ambitious approach to Public Art for the Borough.
- 3.3 Further information required or significant editing required – This draft goes back to the Culture Team for further work or editing before progressing further. This approach will delay the final approval of this document potentially into 2020 and may cause TWBC to miss opportunities to obtain funding for Public Art programming from upcoming major developments.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Approval of Guidance Draft is the preferred option. Choosing this option will allow the process to continue on to Cabinet and then to public consultation with the eventual aim of this coming back to Cabinet after the appropriate processes for the meeting on 12 September.
- 4.2 Selecting this option allows for the current timetable to continue and ensure that opportunities to secure outside funding for arts & culture are not missed.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Once appropriate approvals have been given, this Guidance will go to public consultation. This has not yet been undertaken.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If approved for public consultation, the Guidance will go out to the public for a 6 week consultation period. Any necessary edits will be made and then the Guidance will come back to Cabinet via the Cabinet Advisory Board for approval and adoption by TWBC as an official guidance document.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	As the document is 'guidance' and not 'policy', and the document is based on a similar document adopted by Maidstone Borough Council there should not be any legal implications.	Cheryl Parks Trainee Lawyer (Planning) 13 May 2019

Finance and other resources	None	Jeremy Kimmel Audience Development Manager 24 May 2019
Staffing establishment	None	
Risk Management	None required	
Data Protection	None	
Environment and Sustainability	N/A	
Community Safety	N/A	
Health and Safety	N/A	
Health and Wellbeing	N/A	
Equalities	N/A	

8. REPORT APPENDICES

- Appendix A: Draft Public Art Guidance

9. BACKGROUND PAPERS

- None