

Tunbridge Wells Borough Council

Public Art Guidance

2019

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<u>Index</u>	<u>Page</u>
Vision & Introduction	1
1. Purpose	1
2. Developing this Guidance	2
3. Policy Context	2
4. Defining Public Art	5
5. Defining Practitioner	6
6. Benefits and roles of Public Art	7
7. Community Engagement	8
8. Commission Timeframes	8
9. Implementation and Obligations	9
10. Thresholds	9
11. Spending of Public Art Contributions	10
12. Application process	12
13. Public Art Delivery Plans	13
14. Developer Guidance	13
15. Choosing a Practitioner	14
16. Maintenance of Artwork & Ownership	15
17. Insurance	15
18. Ongoing Ownership & De-commissioning	15
19. Review and Monitoring	16

A VISION FOR PUBLIC ART IN THE BOROUGH OF TUNBRIDGE WELLS

To identify and develop all possible funding and support for art & heritage projects in public places and with local communities

To foster a local sense of place and to celebrate the significant and the unique features of the borough

To enhance the quality of the environment which supports cultural wellbeing and community health as well as attracting businesses and visitors to the borough

To achieve this by working with developers, artists and local communities

Public Art is a key component in the delivery of cultural provision. Tunbridge Wells Borough Council's **Cultural Strategy 2014-24** sets out an ambitious ten-year vision: *"to grow our role as the cultural centre of Kent & Sussex High Weald, so that by 2024 the Borough of Tunbridge Wells is nationally recognised for its vibrant cultural provision."*

Public Art is more than just a physical structure or installation. Public Art can be events, performance, engagement activities (e.g. a celebration of local heritage, a drama class, or an educational programme). Public Art responds to the cultural needs and aspirations of the local community to make it a better place to live.

1. Purpose

1.1 Tunbridge Wells Borough Council (TWBC) has produced this Public Art Guidance; it is intended for use by applicants, agents, Trusts, private charities and planning officers. It has a borough wide remit and is designed to assist in the commissioning of Public Art schemes through the planning process, assisting in delivering the objectives of the Local Plan. It provides further detail about how national, regional and local planning policies will be applied in relation to the commissioning of 'Public Art' (as it is defined later in this document) on commercial and residential development and regeneration schemes across the borough.

1.2 This guidance is in place to ensure that opportunities are not missed regarding integrating art and culture into a development or regeneration scheme to create a sense of place, celebrate uniqueness and preserve or create character. Public Art has a significant role when creating distinctive places and helping to establish successful and vibrant communities. Public spaces provide the most appropriate setting for Public Art and can make us think about the places that we live, work and visit.

1.3 TWBC is ambitious in its aspiration for the borough and its people and recognises that when done well, Public Art contributes to, emphasises and enhances the borough's unique heritage, culture and natural assets. It feels strongly that Public Art should be inclusive, accessible, sustainable and environmentally conscious; and that the process of its creation should be open and transparent.

1.4 The incorporation of a Practitioner within the process of designing the public realm means their contribution of creative thinking, interpreting the use, history or hidden meaning of a space can express the aspirations of the communities that use them or will be a part of it's future.

1.5 TWBC advocates that Practitioner involvement must be considered at the early stages of a development scheme. Practitioner contributions can be meaningfully and sustainably integrated within the physical infrastructure and pivotally for the communities that will be a part of a development's future.

2. Developing this Guidance

This guide has been developed in consulting with key stakeholders, including TWBC Planning Officers, TWBC Cultural Services, Public Art Consultant Frances Lord, Portfolio Holders, the Communities and Economic Development Cabinet Advisory Board, and Cabinet.

3. Policy Context

NATIONAL GUIDANCE

3.1 National Planning Policy Framework (NPPF) (2019)

The National Planning Policy Framework (NPPF), February 2019, states that the planning system should, "take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community" (pp. 27, NPPF, Feb 2019) .

The inclusion of **cultural well-being and cultural facilities** within the NPPF is a major opportunity for Public Art; as is the focus on the social role of the planning system to create *'a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'*(pp. 5, NPPF, Feb 2019).

3.2 Ixia Public Art Think Tank

The public art think tank, Ixia's 2013 public art survey concludes that the main driver for Public Art continues to be private sector money aligned to public sector policy, especially the planning system. The recovery in the housing and development sectors and the inclusion of cultural well-being and public art within national planning policies and guidance has begun to generate more funding and opportunities for Public Art at a local level. Capital and planning spend on Public Art via local authorities was £37m in 2013 (latest figures). Overall the Public Art market was estimated as worth over £167m from 2011-13 which included monies raised via the local planning system and local authority capital budgets for public art projects, primarily within the health and education sectors and publicly and privately funded arts organisations.

Ian Dove QC in his latest 2014 research for Ixia concluded that public art is a legitimate expectation of development, in circumstances where there is an evidence base in the form of design requirements or established public art policies and programmes which demonstrate the link between proposed development and public art which is required as part and parcel of it.

Socially engaged practice (i.e. artists working with community groups) and art and architecture (including art integrated within urban design and landscape architecture) remained the most typical

forms of Public Art projects, with outdoor arts and events-based activities showing a steady growth in popularity. Large-scale permanent or temporary Public Art projects remain of interest but are less common than the above.

REGIONAL CONTEXT

3.3 The Kent Design Guide

Public Art is encouraged in development proposals and planning for its provision should be an integral part of the design process.

Works of art on existing and new buildings or within developments can be a potential means of improving the quality of the environment. Distinctive works of art can contribute to and enhance the creation of a sense of place and local identity.

According to the guide, successful Public Art will:

- Engage with the public and develop their understanding and appreciation of the works
- Involve educational projects and promotional activities
- Encourage collaboration and partnership with both public and private sector organisation, and between arts organisations

The provision of Public Art will vary according to the nature of the proposal and its location. There are layout and detail design implications in making provision for Public Art, which need to be embedded in the development process from the beginning rather than as an add-on.

Suitable locations for Public Art might include public open space, key gateways to districts, arrival points within towns and villages and integral parts of buildings and structures themselves.

It can be found in:

- New infrastructure – for example within the design of roads, viaducts, bridges and public utilities structures
- Landmark buildings – with public access such as retail centres, civic buildings, stations, ports or schools
- New and existing public areas – enhancing streets, open spaces, cycle ways, bridleways and footpaths within, for example, signage, street furniture, paving and lighting
- New landscaping – using land form and planting
- Temporary or moveable structure – for example on construction site hoardings or moveable light shows
- Developments on larger sites that could accommodate a series of public art pieces should have a strategy for their location, design and commission. There are a number of ways to achieve this including art masterplans, public art strategies and policies included within local plans. Local development frameworks, development briefs and community participation programmes. It is recommended that specialist public art consultants are engaged at an early stage to develop such strategies.

3.4 KENT COUNTY COUNCIL Cultural Strategy “Inspirational Creativity: Transforming Lives Every Day”, 2017 – 27

“Culture is an essential ingredient for fulfilling a richly rewarding life. Creativity helps us to see the world differently and understand our place within it. A rich cultural heritage builds our sense of who we are and where we are from, affirms our identity and helps us to build our resilience and self-esteem.” Kent County Council

In addition to highlighting the importance of culture as a place-maker, the document also highlights its importance as an economic driver (a key component to sustainable communities):

“Culture is a key driver for the prosperity of our country... The digital and creative industries are highlighted by government as a priority for growth...” (KCC)

KCC has committed to ensuring that Kent is a vibrant county, where ‘extraordinary cultural activity’ is available. They have set themselves an ambition to support this by investing in creativity and innovation, as well as transforming the cultural product through collaboration as well as resourceful cultural planning.

Specifically, they aim to facilitate this by undertaking, what they define as, Three Key Actions: Create, Innovate, Sustain. Each a key component to the long-term growth of the county as well as the cultural offer, these Three Key Actions will all apply to the process laid out in this document.

LOCAL CONTEXT

3.5 The Local Plan 2016 - 2036

The current Local Plan 2016-2036 states, “At the local community level, the provision of leisure, recreation, and cultural facilities will enhance the sustainability of communities and, at a wider borough level, will create a more vibrant economy that will attract *businesses*, visitors, and tourists to the area.” (pp.26, TWBC. 2019)

Within the document’s strategic objectives (pp. 28, TWBC. 2019) it states that it will ensure the Borough is, “is vibrant, culturally rich, and economically buoyant.”

However, most crucially, it sets out the role of culture in the Borough:

“Royal Tunbridge Wells as a town is rooted in culture, leisure, and the arts, and the borough as a whole has strong cultural opportunities, with more people enjoying cultural and arts activities than the average across England. There is an increasing body of evidence as to how the cultural offer of an area can benefit wellbeing, and as such the population of the borough has a cultural need. As above, the provision of cultural opportunities are also beneficial to the economy.” (pp. 35, TWBC. 2019)

And in Policy STR 5 it states that, “Infrastructure will be provided to mitigate the impact on cultural need through the provision of buildings and spaces that allow for increased or improved cultural opportunities, and through the provision of public art.” (pp. 48, TWBC. 2019)

3.6 The Five-Year Plan 2017-2022

TWBC's Five- Year Plan sets out a range of proposals and key projects over the next five years. The **Local Plan** (pp 16, TWBC Local Plan 2017-2022) and key documents such as the **Urban Design Framework** and other associated guidance aim to ensure that all future work in the public realm and on development sites will comply with a coherent plan and support a consistency in design and quality and maintain local distinctiveness.

The Five-Year Plan acknowledges that although Tunbridge Wells town centre is the main focus of the Urban Design Framework and associated documents, the principles are applicable throughout the borough.

3.7 Public Art is referred to in the **Local Development Framework Core Strategy Development Plan Document, adopted June 2010:**

"The public realm refers to the parts of settlements that are available to be used by everyone, such as streets, squares, parks and other open spaces. The Borough Council will consider the appearance of the street scene, including surface materials, street furniture and signs, lighting and opportunities for public art and will facilitate the appropriate integration of landscape within external spaces. Developments should integrate positively with the public realm and the borough council will seek a partnership approach to its design and management." (Policy Core Policy 5: Sustainable Design and Construction section on the Public Realm, Paragraph 5.130)

3.8 TUNBRIDGE WELLS BOROUGH COUNCIL Cultural Strategy, 2014-2024

"Culture is integral to everyday life. It contributes to the economy, to a sense of place and enables people to work, learn, play and create together. It is one of the things that makes life better." - Councillor Jane March, Cabinet Portfolio Holder

The Tunbridge Wells Borough Council Cultural Strategy sets out an ambitious vision to grow our role as the cultural centre of the Kent & Sussex High Weald by 2024 – so that it is recognised nationally for its vibrant cultural provision. It states that a key aspect of this vision is the creation of 'Place', and that the "built and natural environment are vital in creating civic pride, encouraging a sense of belonging and contributing to residents' well-being and health."

It also states that the economy is boosted by the provision of local culture, both for local residents and via the visitor economy. Locally, Tunbridge Wells welcomes around 4.5 million visitors each year, spending an estimated £231m, and employing around 4,500 residents.

In summary, the document states that 'Culture' is seen as an important component in the broader borough council plans, and thus is of strategic importance to achieving the Council's vision.

4. Defining Public Art

It is recognised that the term 'Public Art' is universally accepted terminology, however this document interprets this in a wider cultural sense to mean 'culture in the public realm' - which relates to artists of many kinds, or heritage practitioners creating permanent and temporary

installations, community activity/engagement, interventions and artworks in a range of media within the built, natural, urban or rural environment.

Thus, 'Public Art' aims to integrate cultural practitioners' skills, vision and creative abilities into the whole process of creating new spaces and regenerating old ones.

Public Art and site-specific installations can bring out a sense of uniqueness in a new development and enliven and animate a public space by creating a visually stimulating and mentally engaging environment.

Successful Public Art and site-specific installations resonate with the site, place and context, and create an opportunity for those using the site to engage with it. By involving Practitioners in the conception, development and transformation of the public realm, such installations can contribute to urban and rural regeneration.

4.1 Public Art therefore encompasses a variety of disciplines and can take many forms including:

- large-scale and/or standalone permanent or temporary artworks e.g. sculpture, landmarks, environmental land works
- art and architecture: incorporated within a building's structure or resulting in the creation of new architectural spaces and public spaces; landscaping (hard and soft), seating; play areas/structures; lighting; signage; paving and flooring; architectural glass; photography, print, murals
- art integrated within the rural or urban landscape; e.g. trails, site-specific installations
- outdoor arts and events-based activities; e.g. performance, events, music, projections, moving images
- large-scale and/or standalone permanent or temporary heritage projects, which seek to preserve, research or deepen public engagement with the heritage of the local area
- socially engaged practice; e.g. education and/or engagement programmes for local people

Public Art can involve a wide range of organisations and stakeholders, including local authorities, publicly funded and private arts & culture organisations and those involved with the development, regeneration, health and education sectors.

Public Art can introduce narrative or text, be issue based, decorative, humorous, subtle, challenging or contentious.

Whatever the outcome, Public Art has one consistent quality: it is specific to the place and relates to the context of that place. Thus, each work or commission will be unique.

5. Defining Practitioner

For the purposes of this document, the term 'Practitioner' is understood to mean a person who is actively engaged in an arts, heritage or other cultural discipline or profession. The Practitioners referred to herein are assumed to be experienced professionals producing work of a high standard suitable for the public realm.

6. Benefits and roles of Public Art

The role and value of Public Art is recognised as a key component in cultural, economic, social and community wellbeing by government and other agencies. Nationally the benefits of Public Art can be seen in business and retail developments, housing, healthcare, education and countryside developments.

“Public art is about good design. And good design makes good sense. Quality environments send out positive messages. Good quality, attractive buildings and public spaces play a key role in urban and rural regeneration and, in particular, attracting residential and commercial occupiers.” - Public Art Resource 2009

6.1 Community and environmental benefits

Good Public Art should celebrate the particular story of a place and engage with the community in its making. It can also:

- promote social, health and cultural well-being
- contribute to and celebrate local distinctiveness, and act as part of the environmental fabric which helps build healthy communities
- give voice and value to marginalised and ignored people, groups and heritage within a community
- support and improve wayfinding
- create landmarks at entrances and other key points in public spaces
- attract investment from public and private sectors
- stimulate the local economy through creating employment and developing skills
- encourage tourism by giving an area a competitive edge in relation to competing visitor destinations
- increase the use of open spaces, reclaiming areas and helping reduce levels of crime and vandalism by creating a sense of ownership and security
- raises the standard of landscaping and interior design through creative use of materials and finishes
- humanise environments, promote sustainability and integrate community involvement in creating a cultural legacy for the future
- enhance the public realm by involving artists' creative skills, vision and imagination
- advocate the necessity for inclusive, accessible art and design

6.2 Developer and commissioner benefits

Public Art is a powerful demonstration that those who commission and incorporate it care about the quality of the environment and, by extension, quality of life.

Public Art provides a marketing tool: a public statement demonstrating a commitment to quality and positive attitudes to the present and future. It shows the developer has a commitment to the ongoing wellbeing of the communities that their developments have facilitated and reflects positively on their character as organisations.

The provision of Public Art can be a defining factor that lifts a new development above others and makes it distinctive. By introducing Public Art into a scheme there is also an opportunity to foster

community involvement and highlight or nurture cultural heritage within the area which in turn can lead to 'buy-in' and a sense of ownership and pride. This can have positive cultural, social, environmental and economic benefits and can also act as a catalyst for the regeneration of an area.

6.3 Local Economic Benefits

Public Art has great potential to benefit the economy of a community. We encourage those commissioning Public Art to seek out local practitioners and fabrication sources through creative involvement and coproduction in the commissioning process.

It should seek to develop the local cultural economy by supporting and developing local practitioners, as well as making contributions to culture regionally, nationally or globally.

7. Community Engagement

A key factor in good Public Art practice is community engagement. Where applicable TWBC advocates that Public Art can be a platform for openly engaging with communities both existing and future alongside the commissioning process. A sense of ownership, public access and contribution to content development can be harnessed through artist engagement. The community can be involved in the Public Art process in a variety of ways such as:

- Inviting local stakeholders with an interest in the project to be on a steering group. The steering group can act as ambassadors for the project and provide vital connections and resources to assist artists in the creation of the final work
- Holding workshops to share skills and Practitioner talks to widen the knowledge of how cultural professionals work
- Running Practitioner led activity or events to highlight the changes that will take place as part of the development
- Inviting people to participate in creating an artwork, by generating ideas working with local school children or colleges animating a place before construction begins with temporary artworks such as the use of hoardings around a development site
- Holding a celebratory event to open a development or announce the arrival of an artwork, or the start of an event, activity or campaign
- Creation of digital resources in order that people in more rural areas can access and engage regardless of geography

8. Commission Timeframes

8.1 'Permanent artwork' should be designed to last indefinitely – while recognising that deterioration is unavoidable, a 25-year minimum lifespan for work 'at it's best' will be assumed. Maintenance will have to be factored into the commissioning process to allow any artwork to withstand this timeframe.

8.2 A 'semi-permanent' commission will have a life span of up to 10 years and could be in place while construction takes place.

8.3 'Temporary' commissions usually have a life span of less than 5 years. Commissioning temporary interventions before development begins is a good way of animating a site before or during

construction. Temporary commissions can include activity, events and performance, as well as community engagement and is a good way of engaging with existing or new communities – and thus should not be overlooked.

8.4 It should be noted that each development and site should be looked at individually and discussions should be had to determine which is most appropriate for the area – and that this could include any combination of the above.

9. Implementation and Obligations

There are a number of good practice principles which should be followed in respect of commissioning public art for new developments. Proposals should be discussed as part of any pre-application discussions with officers from TWBC Planning, the Cultural Service and early involvement of the local community, ward members and parish/town councils (Southborough, Paddock Wood, Cranbrook, etc) where appropriate. Artists/practitioners should be brought on as part of a team working collaboratively with other professionals in the project/design team where their work is integrated into the scheme as a whole. Public Art should not be seen as an ‘add on’ or as an afterthought. For advice on commissioning artists or practitioners for the public realm, please contact the TWBC Cultural Service.

When considering the potential for Public Art, TWBC advise that a cultural advisor should be engaged as early as possible into the process. By exploring the commission potential at an early planning stage, appropriate Public Art commissioning can be conceived, approved and managed as part of the development timeframe.

Rather than proposing a generic formula for contribution thresholds, it is recommended that the amount of money proposed for allocation to Public Art should be negotiated on an individual basis with developers at the pre-planning stage (i.e. be plan-led).

10. Thresholds

The Council expects new development to make a positive contribution to local culture through the provision of Public Art on or near a development site. Development proposals meeting the following criteria will be encouraged to make provision for Public Art as part of the development proposals:

- i. The provision of 10 or more dwellings,
- ii. A net increase in 1,000m² or more of commercial or industrial floor space
- iii. Redevelopment, conversions or change of use of 1000m² or more of existing built development
- iv. Any form of development where the site area is 1ha or more

Where possible Public Art proposals should be provided within the development site itself. It is recognised, however, that in certain circumstances this may not be possible because of site constraints for example. If it is not practical to make provision for commissions within the application site, as an alternative the option of providing a contribution to Public Art in the vicinity of

the application site, to an ongoing cultural programme within the Borough or contribution to a central pot of funds to be used for Public Art as defined by this document should be considered. The Council will generally seek the provision of Public Art from development proposals in the following order of preference:

- i) In the first instance provision on the site of a new development
- ii) Where this is not practical then in collaboration with the Council a financial contribution will be sought towards public art in the vicinity of the application site that may be funded by one or more developments. The sum to be set aside or provided for the provision of public art on site or off site will be negotiated with the Council during the planning application process. The sum will be influenced by the nature, scale and viability of the proposal as well as the opportunities identified with a particular site but will need to be sufficient to practically deliver meaningful public art measures.

Off site contributions will need to be secured by a planning obligation/legal agreement tied to any planning permission. Local authorities are encouraged to employ formulae and standard charges where appropriate, as part of their framework for negotiating and securing planning obligations. This Council considered what level of charge might be appropriate and having reviewed other Local Authorities and recent developments considers that a minimum charge for suitable sum to be set aside for public art would be calculated at a rate **£3/m²** of gross internal floor space.

The indicative contribution for a development towards public art is illustrated by the examples below:

- Housing development of 50 units with an average size of 100m² @£3m² = £15,000
- Housing development of 250 units with an average size of 100m² @£3m² = £75,000
- Industrial development of 1,500m² @£3m² = £4,500
- Conversion of A1 Retail and B1 Office to D2 Leisure 1050m² @£3m² = £3,150

11. Spending of Public Art Contributions

Once a budget for a Public Art Commission has been set and allocated, it may be used to cover the following:

- Advertising and selection costs
- Artist's design fees
- Practitioner/Artist commission fees
- Exhibition costs
- Materials and fabrication costs
- Interpretation
- Travel

- Insurance and public liability
- Installation costs
- Transport and security costs
- Professional fees (including additional planning fees) and legal costs
- Licensing
- Publicity, documentation and inauguration costs
- Contingency, possibly 10% of overall cost
- Evaluation costs
- Maintenance and upkeep for the specified amount of time

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12. Application Process

Stage	Applicant	TWBC
Pre-Application	<p>Consider the need for Public Art against the thresholds set out in this document.</p> <p>Consider a Practitioner as part of the design team/masterplan stage.</p> <p>Scope content for Public Art Delivery Plan and potential public art.</p> <p>Note: Some commissions may require separate planning permission.</p>	<p>During discussions, advise applicant of relevant guidance & expectations.</p> <p>Advise applicant that specialist advice would help with briefing, selecting and appointing artists – and that TWBC can provide this advice via the Cultural Service.</p> <p>Advise applicant to involve the local community, ward members and parish councils where appropriate.</p>
Application Submitted	<p>Submit a Public Art Delivery Plan. This could be included as part of the Design and Access statement or as a separate document.</p> <p>Include full description of the commissioning process, detailed proposals for involving Practitioners, budget and maintenance details.</p>	<p>Advise applicant to submit a Public Art Delivery Plan as part of the planning application supporting information. The Plan will be considered as part of the application.</p>
Application Determined	<p>Where a Public Art Delivery Plan has not been approved with the application, an acceptable Plan will need to be submitted and approved after the application is determined.</p>	<p>If an acceptable Public Art Delivery plan has been submitted with the application, the Plan will be approved as part of the planning consent.</p> <p>If it is not included in the application, the requirement to prepare and submit a Public Art Delivery Plan will instead be subject to a condition to discharge Public Art requirements.</p>
Commission & Delivery	<p>Start commissioning and selection process.</p> <p>Select and or commission Practitioners for Public Art.</p>	<p>TWBC advises that a representative from its Cultural Services are included as part of any Practitioner selection panel.</p>

This process is in the interests of good planning, the procurement of high quality art and cultural experiences, and place-making/shaping in accordance with TWBC aspirations.

13. Public Art Delivery Plan

A Public Art Delivery plan should be submitted alongside planning applications if contributions to Public Art are deemed appropriate for the development by TWBC Officers or the developer. The following are details that applicants should consider including in a Public Art Plan. There may be some variation in detail depending on whether the application is in outline or in full.

- Description of the relationship between the Public Art Plan and the relevant policies outlined in this guidance.
- Description of the site wide approach to be taken toward Public Art including key locations, connectivity, reasoning and context or heritage explored as well as information on form, themes and materials.
- Details of the selection and commissioning process for the Public Art.
- Indicative timescales for the Public Art commissioning process.
- Indicative budget allocations for the delivery of Public Art.
- Indicative details of ownership, maintenance and de-commissioning of Public Art.
- A Commissioning Brief.
- Details of proposed community engagement if advised.
- Evaluation methodology

TWBC can provide a template for Public Art Delivery Plans upon request.

14. Developer Guidance

14.1 Commissioning Practitioners for the Public Realm

There are various ways to engage a Practitioner. Writing a clear, precise Commission Brief will help to attract the right person for your Plan. A Commission Brief should include: length of commission, materials required, fees and budget, appropriately researched themes, background to the context of the commission, maintenance, insurance and decommissioning criteria. Briefs should be open and inclusive and consider the impact the work will have on the local environment. The Commission Brief should not be prescriptive, leaving the exact nature of the work to the creator's expertise, but having regard to any design guidance that is relevant. Where possible Practitioners should be from Kent or the South East area.

TWBC can provide templates for Commission briefs upon request.

14.2 TWBC as 'Commissioning Agents'

The TWBC Cultural Service can act as 'Commissioning Agents' for developments in order to discharge the planning requirement. In these instances, the developers will provide contributions direct to TWBC and the work of procuring a Practitioner and the Public Art process are managed by TWBC directly.

14.3 'Open Call'

Placing an advert on specialist culture websites can attract the right Practitioner for your project. Digital images or links to websites are submitted, with decision made on the performance and

quality of past and proposed work at interview. This can be a lengthy process and takes up a lot of management time but can be a good way to discover Practitioners based in the local area.

14.4 'Limited Call Out'

A number of Practitioners are invited to respond directly to the brief in the form of a proposal. Practitioners are chosen on the strength of their work and approached to apply. This is a quicker process and more direct. Knowledge of their work is vital when choosing this method. A decision is made on the performance and quality of past and proposed work at interview.

14.5 'Direct approach'

A practitioner is approached directly through advice from specialists or the TWBC Cultural Service. This is the quickest process and is very direct. Knowledge of the Practitioner's work and suitability for the project is vital when choosing this method.

14.6 Interviewing and assessment

When choosing Practitioners for a commission, it is recommended that interviewing will produce the right environment for an open and inclusive selection process. Interview panels are best made up of 'stakeholders', developers and cultural specialists – which TWBC Cultural Services can provide. Artwork should not be judged on personal subjective opinion alone when considering the quality and selection of the work.

14.7 Stakeholder

Involving others in the appointment of Practitioners is beneficial to the commission outcome. For example a steering group may be appropriate for a large development at the higher end of the Threshold. This could include members of the development team, local community representatives, Councillors (town and/or borough), appropriate TWBC Portfolio holders, TWBC officers or other cultural professionals. Selection panels should be properly briefed and clear guidance be given on their responsibilities and the extent of their influence. At the lower end of the threshold the minimum requirement would be local community representatives, including parish councils where appropriate.

14.8 Contracting

On appointment of a Practitioner(s) contracts should be drawn up that include agreed fees, budgets, timetable, defects and maintenance regimes, insurance and decommissioning agreements. This mutually agreed contract should also include details on the moral rights of the Practitioner, attribution and acknowledgement, copyright and reproduction rights. The TWBC Cultural Service can be contacted for advice on the creation of these.

TWBC can provide templates for Practitioner contracts upon request.

15. Choosing a Practitioner

Practitioners should be considered from a range of disciplines, and should have a track record of producing high quality, original work in the public realm – with a competent track record over the

last 5 years. This track record should include having successfully devised Public Art considered by clients as fit for purpose, cost effective and free of maintenance complications, as well as delivered to deadline.

They should have experience working with a wide range of audiences on community engagement, or outreach as part of a project. The Practitioner should also have valid insurances including professional indemnity and public liability insurance, as well as a valid DBS check, or a willingness to undertake this.

The responsibility of the final choice of Practitioner to be commissioned should be determined prior to submission of planning application (i.e., whether this will be the responsibility of the developer, a third-party commissioning agent or TWBC Cultural Service acting as commissioning agent). Developers are always encouraged to seek advice from Public Art experts, the TWBC Cultural Service or TWBC Portfolio Holder for Culture, to involve and consult with the local community.

16. Maintenance of Artwork & Ownership

16.1 Maintenance requirements for any artwork should be provided by the Practitioner and agreed with the commissioner. A maintenance plan or Service Level Agreement should include details on the type of care that the materials, design and performance of the work requires. Cleaning, wear of materials, specialist equipment or treatments such as anti-vandalism requirements should be included. On completion of installation the maintenance and cleaning of the work falls under the responsibility of the commissioner, or their successor in title.

16.2 After the pre-agreed Maintenance period is completed, Public Art installations placed within the Public Realm defaults to the ownership of TWBC (e.g. 'Permanent' artwork, as stated earlier in this document, is defined by TWBC as works which are intended to be in their position and state for a minimum of 10 years – after this point it becomes TWBC's responsibility).

Public Art installations placed on or within privately owned property immediately become the responsibility of said owner.

17. Insurance

Throughout the commission process the Practitioner is required to have adequate insurance cover that includes public liability insurance with appropriate cover against risk of loss or damage to the work during research and development, consultation, production and installation. On completion of the installation the insurance of the work falls under the responsibility of the commissioner. This should be budgeted as part of the overall commission.

If the commission is for a performative piece, or public engagement work, the Practitioner is responsible for the activities taking place and should have appropriate public liability insurance to cover these.

18. Ongoing Ownership & De-commissioning

The continued integrity with which an artwork/installation has been commissioned can over time become compromised through changes in use, character or design of a site for which the

artwork/installation was commissioned. Physical deterioration, costly repairs or damage beyond repair can also affect the work. If this cannot be resolved through restoration, removing the work may be the best solution. It may also be required at some point in the future that the work is moved to a different location due to new developments or the changing environment. Commission contracts for physical artwork or installations should include decommissioning agreements with criteria to be considered for decommissioning, movement of the work, detailed life expectancy, review periods and maintenance agreement.

19. Review and Monitoring

To support the delivery of high-quality Public Art, all works created will need to be monitored, evaluated and reviewed against a set of indicators. Delivery will be assessed using planning application information and reported on a biannual basis. Indicators will include:

- Number of qualifying developments
- Number of qualifying applications where Public Art was delivered successfully
- Sum allocated on successfully delivered Public Art schemes
- Number of qualifying applications where Public Art was not successfully delivered

More than this though, evaluation of Public Art should help ensure that projects are justified and appropriate – that they represent best value, best practice and make a high quality cultural contribution to a community. Finally, evaluation of Public Art should be shared widely, so that all can benefit from the learning, and it can help inform and improve future projects.