

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

Yes**Public Art Guidance, for adoption**

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Jane March, Cabinet Member for Culture, Leisure and Economic Development
Lead Director	Paul Taylor – Director of Change & Communities
Head of Service	Nicky Carter – Head of HR, Customer Service & 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 the Guidance be accepted as an official TWBC Guidance document

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
Pre-consultation report agreed for publication	20 May 2019
Cabinet Advisory Board	05 June 2019
Cabinet (to approve public consultation)	27 June 2019
Public consultation	01 July 2019 – 16 August 2019
Management Board	11 September 2019
Cabinet Advisory Board	02 October 2019
Cabinet (for adoption)	24 October 2019

Public Art Guidance, for adoption

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Seeking approval of Cabinet to accept this Public Art Guidance as an official guidance document relating to Section 106 contributions.
 - 1.2 The draft Public Art Guidance was written using commissioned reports, sector best practice and TWBC's 5 Year Plan & Cultural Strategy, as well as discussion between Planning and the Culture Team. It has also undergone 6 weeks of public consultation on the Council's public consultation website. 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, nor an appropriate process to follow – 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 & 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 in a sensible and cost-effective way.
 - 2.4 The need for a proper process for the provision of 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 is 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 final draft of the Public Art Guidance then goes to Cabinet for similar 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 for final approval and acceptance at the meeting on 24 October, 2019.
- 4.2 Selecting this option ensures that opportunities to secure outside funding for arts & culture are not missed because of any delay.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Public consultation on this document took place between 1 July – 16 August, 2019 (the required 6 week period). Five comments were received and the appropriate edits and sense-checks were undertaken. The specific feedback given is attached to this document.

RECOMMENDATION FROM CABINET ADVISORY BOARD

- 5.2 The Communities and Economic Development Cabinet Advisory Board were consulted on this decision on 02 October 2019 and agreed the following:

That the recommendation set out in the report be supported.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If approved the Guidance go to Cabinet for final approval and adoption by TWBC as an official guidance document.
- 6.2 This document will then be communicated to the wider Planning team, and the Planning Committee.
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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 MBC there should not be any legal implications.	Cheryl Parks Trainee Lawyer (Planning) 13/05/19
Finance and other resources	None	Jeremy Kimmel Audience

Staffing establishment	None	Development Manager 24/09/19
Risk Management	None required	
Data Protection	None	
Environment and Sustainability	N/A	
Community Safety	N/A	
Health and Safety	N/A	
Health and Wellbeing		
Equalities	N/A	

8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: Draft Public Art Guidance
- Appendix B: Public Consultation Results

9. BACKGROUND PAPERS

- None