

# Public Art in Oxfordshire

## Frequently Asked Questions and Guidance

### 1. The Policy

Each local authority has a Public Art policy that is adopted through the planning process (previously referred to as Percent for Art). Planning departments throughout the county encourage developers to commission artworks and projects as part of any commercial, private or public development. Criteria will depend on the size of development, location and local authority area. Please refer to each area's Local Plan or Supplementary Planning Documents for further details and definitions;

Oxford City Council: <http://www.oxford.gov.uk/planning/index.cfm>

Cherwell District Council <http://www.cherwell.gov.uk/index.cfm?articleid=2797>

Vale of White Horse District Council <http://www.whitehorsedc.gov.uk/Planning/>

West Oxfordshire District Council <http://www.westoxon.gov.uk/planning/index.cfm>

South Oxfordshire District Council

<http://www.southoxon.gov.uk/ccm/navigation/environment/planning-and-building-control>

For further help and advice contact the relevant local authority public art specialist:

Oxford City Council - Ceri Gorton on 01865 252829 (from October 2012)

email: [cgorton@oxford.gov.uk](mailto:cgorton@oxford.gov.uk)

Vale of White Horse D.C. - Abigail Brown on 01235 540338

email: [abigail.brown@whitehorsedc.gov.uk](mailto:abigail.brown@whitehorsedc.gov.uk)

West Oxfordshire D.C. - Heather McCulloch / Hannah Cervenka - on 01993 861562/1554

email: [heather.mcculloch@westoxon.gov.uk](mailto:heather.mcculloch@westoxon.gov.uk) / [hannah.cervenka@westoxon.gov.uk](mailto:hannah.cervenka@westoxon.gov.uk)

South Oxfordshire District Council - Miranda Laurence on 01235 515134

email: [miranda.laurence@southoxon.gov.uk](mailto:miranda.laurence@southoxon.gov.uk)

Cherwell District Council – Nicola Riley on 01295 221701

email: [nicola.riley@cherwell.gov.uk](mailto:nicola.riley@cherwell.gov.uk)

## 2. Why is it important

The reasons for each commission will vary. Here follows a list of comments collected through consultation with colleagues, planners, artists, developers, architects and local residents.

Public Art is important because it:

- Creates unique identity for an area
- Adds interest, quality and distinctiveness in the physical environment
- Fosters pride among communities
- Provides a legacy for the future - creating tomorrow's heritage
- Provides employment for artists and craftspeople
- Encourages debate about art and change in public spaces
- Can be enjoyed by local people and visitors
- Can bring people together
- Encourages individual well being, aspirations and empowerment
- Integrates new developments into existing townscapes
- Gives places personality and a positive image
- Indicates a passion for a local community
- Gets the local community involved in art
- Can be used as a good consultation tool, to empower local communities and allow people to feel 'listened to'
- Celebrates local communities' creativity
- Unlocks identity and heritage
- Makes sense of the surroundings and creates a sense of belonging

## 3. Guidance for Planners

### **What are the priorities for Public Art in the county?**

Public art is never intended to make bad developments good (bad developments are not given planning permission). Public Art is intended to enhance and develop the quality, distinctiveness and future heritage of an area. Developments that trigger a public art requirement are:

- Major / large scale residential or commercial development
- Highly visible/ landmark locations
- Those where the community need to be more engaged with the development
- Those near public land in need of enhancement.

### **What is normally included in legal agreements?**

The following items will normally be included in a legal agreement:

- The amount of contribution and who hosts the money (sometimes the developer directly commissions the artists, other times the Council hosts the money and commissions on the developers behalf).
- The date for the implementation of the art work.
- Any specified locations
- Additional roles of the developer (such as installation of the work etc)

- The ownership (including insurance and maintenance responsibilities) of the final piece if it is the developer
- Agreement on not altering the work without the Council's and/or artist's approval.

Some of the above are negotiated after the S106 agreement, but it is always preferable to have clearly defined roles at an early stage. A key decision to make early on with the Council is whether it's preferable for the Council to host the contribution and commission the artwork on the developer's behalf, or for the developer to retain the money and undertake the work directly in consultation with the Council.

#### **Where should the art work be sited?**

Works achieved through the development of a single site through this process should be sited so as to be visible to the public and reasonably related to the development. Often developments also include contributions to open space and play areas to be maintained by the Council. These areas lend themselves to incorporating works of art but remember that this may result in greater contributions being needed to assist with the maintenance schedule. Contributions to off site provision may be considered where justified.

#### **Who should approve final designs?**

A steering group (comprising the developer, a planning officer and the Council's public art specialist) will oversee each stage of a project. The group can include other representatives. This group will agree the final design.

#### **What are the planning requirements for implementing a work of art?**

Art work secured as part of a planning permission to be provided on site is normally considered as part of discharging the landscape conditions. Off-site provision may require a separate application for planning permission. Advice on whether or not planning permission will be required for a particular work of art can be obtained from the case officer in the Council's Development Control Team.

## 4. Guidance for Developers/ commissioners

### How do we start to create the project?

After the public art requirement has been determined as part of the planning process it is advisable to seek further input from the relevant Council's public art or arts development officer. Through discussions it will be easier to determine the scope for the project such as;

1. Who will manage the project and lead on decision making?
2. Where is the site?
3. What is the scope for the work – location, size, materials, function
4. Are there any constraints?
5. Who will own the art work?
6. Who manages and maintains the artwork?
7. Are there any community engagement plans
  - Who will benefit?
  - Have you a theme or inspiring idea?
  - What local arts groups can be involved?
  - Will it help with the marketing of the development
  - How will you inform new residents?

Determining the process may include the following:

	Detail	timescale
Write brief		
Advertise for artist		
Interview artist		
Contract artist for design phase		
Artist conduct research/ workshop etc		
Present design/s		
Design adjustments		
Apply for planning permission		
Contract artist for fabrication phase		
Making		
Installation		
Launch/ unveil		

### Where to start with commissioning an artist?

There are a number of ways to appoint an artist. First you need to decide which selection method to use:

- advertise locally, nationally or internationally - in this process you choose the artist based on their work and experience rather than any specific detailed proposal. You could shortlist and interview say 4 artists but should pay them a fee to attend the interview.
- invite a small number of artists to produce a proposal and invite for interview. The artists should be paid a fee to come up with a specific proposal for the project.

- approach an artist directly and invite them to undertake the commission. In this process you choose the artist based on their work and experience rather than any specific detailed proposal. In some cases an artist might approach you with a proposal.

### **Where can we find artists?**

The Arts Development service can help search for artist. You can also search online on sites such as:

<http://www.axisweb.org/Directory.aspx>,  
<http://www.rbs.org.uk/>  
<http://www.photostore.org.uk/HOME.aspx>

More specialized sites such as:

British Artists Blacksmiths Association - <http://www.baba.org.uk/>.

Commissions for artists can be easily advertised in the arts press both nationally on sites such as <http://www.a-n.co.uk/> and locally for free on [www.oxonarts.info](http://www.oxonarts.info)

### **What should be included in an artists brief?**

All commissions, however small, should be accompanied by an artist's brief which should aim to foster, rather than restrict, the creativity and imagination of the artist. The artist's brief should include the following information:

- General description of the project
- Aims and objectives of the commission
- Description of the artist's role
- Scope for the work; any themes, preferred materials or locations
- Appointment procedure
- Membership and responsibilities of the steering group
- Details of team members, role and responsibilities
- Management of the project
- Plans for community consultation and involvement
- Maintenance and durability
- Timetable
- Budget
- Artists copyright position and clarifications of ownership
- Planning requirements if needed
- Consideration of risk and impact on local community and amenities

### **Does each commission need to involve the community?**

Commissioners should consider appropriate ways of involving the public in new projects. These may include community consultation on schemes, artist's residencies, workshops, exhibitions or presentation and talks. However, some developments will be commissioning public works of art before communities have moved in. Therefore advice on community involvement must be sought from the relevant Council's public art or arts development officer.

### **Do I need to contract the artist?**

A contract is often a 2 way agreement but can also involve more parties – including artist, developer, landowner (or future management company) and even subcontractors. If you want

to know what to expect from a contract then contact the relevant Council's public art or arts development officer .

There are a number of sample contracts available but they need to be made specific to your project and you should always seek legal advice. See a-n The Artists Information Company ([www.a-n.co.uk](http://www.a-n.co.uk)) and the Royal Society of British Sculptors ([www.rbs.org.uk](http://www.rbs.org.uk)). A contract should cover the following

- Scope of the work, design development and brief
- Insurance and indemnities
- Ownership, copyright and moral rights
- Fees, costs, payment schedule
- Defects and warranty terms
- Key contractual dates
- Site preparations, installation and maintenance obligations
- Arbitration – who can mediate when/if things go wrong
- A schedule detailing the size, materials, location and technical details of the work

### **Is further planning permission required?**

A public art feature, if previously included as part of a previous planning application, does not need its own planning permission.

If however it was not indicated on the plans or the location was not specified at the time of full planning consent then further approvals for the artwork need to be sought. All proposals for art features need to be discussed with the planning department at the relevant Council.

Some more functional items such as street furniture, railings, paving and lighting may not need further planning permission. However if the feature is a 'stand-alone' work and over 1.5m tall, a planning application will be required

A planning application will require you to submit as much information about your proposal as possible, including a design statement, location and site plans, sketches, photos, materials used, site ownership, risk assessments, certificates, scale and measurements, installation plan, nature of any community involvement, considerations to neighbours and local people and a maintenance plan.

## **5. Guidance for Artists**

### **The role of an artist**

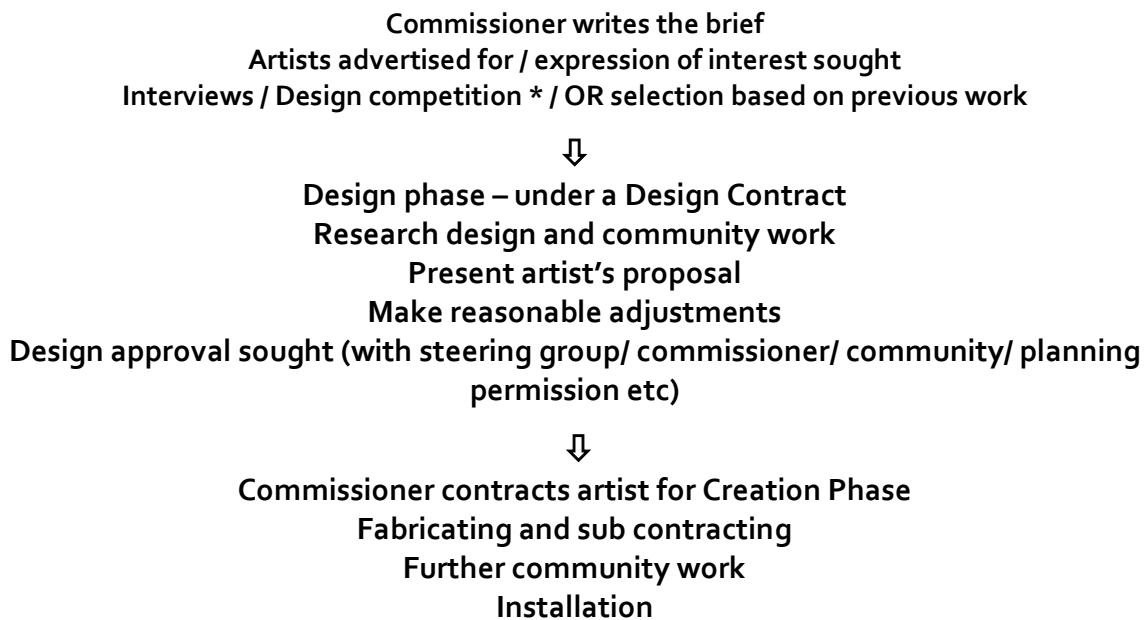
Unlike studio art, public art is more prescriptive and an artist is directed more by the client, the location and restrictions of a project (mostly timescales and budgets). Things to consider are:

- Your response to the parameters set by the client/ commissioner
- The features of the site - its sense of place, history or local characters
- Making it contemporary – making new work and innovation match a unique place
- The nature of the design process – does it include community engagement workshops or talks and seminars, before the work can be created

**Main roles are:**

- Designer
- Researcher
- Community engager
- In some cases managing a subcontractor for fabrication
- Ensuring that the work is delivered on time and on budget
- Making proposals and presentations
- Having many areas of specialism – health and safety, transport, installation, marketing
- ..... as well as artist and creator of the work

**Here is a summary of the commissioning process;**



\* A selection of artists paid to submit a design.

**The Artists proposal**

At the end of the artists research and design phase the artist will either propose one design (for discussion) or several designs (for choice). The proposal should cover the following points:

1. What the work is about (what it says/ represents)
2. How it responds to the brief and the site (where the inspiration came from)
3. Factual information about the work (how big, dimensions and weight etc)
4. Location of work
5. Materials it is made of (durability/ quality etc)
6. The making process ( if you need any other specialist to work with)
7. Installation process and transport – who does what
8. A risk assessment

9. Any maintenance/ care issues
10. Realistic timescale
11. A budget - this should include/ take account of, materials and fabrication, artists time (creation time as well as admin and logistics), site works, transport and installation costs

### **Design Statement**

If your artwork needs separate planning permission after its design a Design and Access Statement needs to accompany your proposal. A Design and Access Statement is a short report accompanying and supporting a planning application that explains and justifies the proposal in a structured way. The level of detail required will depend on the scale and complexity of the application but should cover both the design principles and concepts and how issues relating to access will be dealt with. This will help your commissioner apply for planning permission for the work.

Most commissioners follow a process of commissioning in two contracting phases. The first is a design contract where the research, design and community consultation is undertaken. The second is concerned with the creation and installation of the work. This allows negotiation, planning permission and publicity of the work to form a genuine role in informing the work and ensuring that the commission is bespoke and site specific.

### **The creation of the work**

The commissioner will contract the artist for the creation phase. Each commission will be different and each aspect will need negotiating differently - considering all aspects of fabrication, installation and maintenance. The most important points to clarify at this stage would be;

- location, size, scale, materials and finishes of the work
- preparation of the site and installation works
- launch events and publicity
- maintenance and decommissioning
- defects and making good period
- insurances and liabilities

Further help and advice can be sought from the relevant Council's public art or arts development officer.

## **7. Maintenance and decommissioning**

The artist should, as part of their role, produce a maintenance plan with all technical specifications and other relevant issues clearly considered through all stages of the commission. This should also include routine cleaning methods and minor repairs. The



following factors should also be taken into account when considering the initial design and maintenance budgets:

- Circumstances change and art works might need to be decommissioned – removed, relocated, stored or even disposed of. Public art should be designed for as long as is appropriate given the context and use of the space in which it is located.
- It is recommended that permanent works are reconsidered every generation (20-25 years) against agreed criteria to ensure that they are still relevant and attractive in their setting.
- Writing in a decommissioning agreement from the outset will be positively received if it is communicated in a clear and informative way and is discussed openly following consultation and explanation.

# The Commissioning Process

