

# **Dún Laoghaire-Rathdown County Council**

## **PUBLIC ART POLICY**

**Adopted 13<sup>th</sup> February 2012**



## INTRODUCTION

Dún Laoghaire-Rathdown County Council is committed to supporting artistically ambitious public art programmes across all art forms that impact, animate and connect with the public or local community for whom they are made. The Council is committed to following best practice in the planning and implementation of public art programmes and commissions and to complying with the National Guidelines.<sup>1</sup>

Public art, broadly defined, can take many forms and perform many functions but essentially public art is art that is often viewed outside formal art presentation structures.

*'Public art creates connections with a people, a time and a place . . . creating opportunities for public engagement with contemporary arts practise. Public art projects can be of any form and can work within or across many art forms.'*<sup>2</sup>

## SCOPE

- The scope of this policy covers the commissioning of permanent and temporary public artworks sited both indoors and outdoors in the County that are commissioned or originated by any department in the County Council on sites owned or managed by Dún Laoghaire-Rathdown County Council.
- The scope covers work commissioned through the national Per Cent for Art scheme and through internal capital developments; it also covers Council-funded public art commissions separate to those relating to Per Cent for Art.
- The scope covers any proposed loans or gifts or proposals from the public regarding artworks for public display on sites owned or managed by Dún Laoghaire-Rathdown County Council.
- The scope of this policy does not include work that falls under the remit of the County Collection, which is housed in Council Offices.

## SCOPE OF ARTWORKS/ARTFORMS

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<sup>1</sup> Public Art: Per Cent For Art Scheme, General National Guidelines, Department of Arts, Sport & Tourism, 2004

<sup>2</sup> Ibid

Dún Laoghaire-Rathdown County Council is committed to commissioning a broad range of artworks across art-forms, including work of both a permanent and temporary nature. The Council recognises the importance of adopting a flexible approach to the type and range of work commissioned, allowing for work that responds in a unique way to the context of the County and provides a wealth and range of experiences for the public.

### **Public Art Commissioning Artistic Principles and Aims**

- Public art commissions will aim to encompass a broad range of artistic practice and will pursue artistic excellence in process and delivery
- There will be a commitment to ensuring as broad a geographical spread as is feasible across the County
- Public participation and engagement will form a central part of any public art commission
- Early integration of artwork into any capital build will be strongly advocated for.
- It is an objective of the Council that, subject to any conditions attached to future capital development funds, the display of public art shall be reasonably balanced across the several Wards making up the County.

## **INTERDEPARTMENTAL COLLABORATION, PLANNING AND IMPLEMENTATION**

A Public Art Steering Group will be formed to oversee all public art commissioning and will have overall responsibility for the implementation of public art in the County. All public art commissioning in the County will be centralised through this Steering Group in order to ensure the most effective use of funding, the commissioning of the highest quality work and the most strategic approach in terms of connection to other key objectives including the County Development Plan, the Arts Policy, the Open Space Strategy, and urban and rural renewal schemes.

Separate to the Steering Group, a Public Art Working Group will have responsibility for identifying potential budgets for commissioning.

Potential funding sources for public art commissions may include:

- Per Cent for Art monies generated through externally funded capital construction budgets
- Internal capital projects
- Council-funded public art commissions/purchases excluding Per Cent for Art commissions (i.e. those not funded as part of capital projects).

All externally funded Per Cent for Art commissions will be managed through the Arts Office. The central Public Art Capital Code will include approved expenditure on externally funded Per Cent for Art under Housing, Transportation, E.C.C. and Waste and Water Services and will be managed by the Arts Office.

All departments undertaking internally funded capital construction projects will allocate funding for Per Cent for Art commissions as per the principles of the Per Cent For Art Scheme General National Guidelines up to a maximum limit of €64,000. Departments may pool funding from smaller-scale capital projects up to the limit of €64,000. Each individual department will be responsible for fully managing these commissions, adhering to Council procurement procedures as outlined in this document. The Arts Office will provide advice and advocacy as requested.

With regard to Council-funded public art commissions initiated by individual departments (separate to Per Cent for Art capital projects), procurement and assessment of work will be subject to the criteria outlined in this document; full management of these commissions will be the responsibility of each individual department. Again, the Arts Office will provide advice and advocacy as requested.

The Arts Office will be responsible for nominating assessment panels for the selection of work to be approved by the Public Art Steering Group as detailed below.

## **PUBLIC ART STEERING GROUP**

The overall make-up of the Public Art Steering Group will be drawn as comprehensively as possible to ensure a broad base of representation and support for the process. The role of the Steering Group is to:

- Develop a vision for the County's Public Art Programme – setting out clear aims and objectives for the commissioning programme
- Approve relevant commission briefs for artists, setting out the process for procurement and criteria for selection
- Approve an Assessment Panel for any assessment process
- Approve projects for implementation
- Provide ongoing guidance and support during project implementation phase
- Review the programme and feed into the development of county's public art policy and general art policies

The Steering Group will be put in place for a year initially, with a proviso that members may serve up to three years. The Public Art Steering Group will be comprised of 11 people with a quorum of 6. Following extensive research it is recommended that the Public Art Steering Group should include:

1. The Chair of the Culture, Community and Environment S.P.C.
2. A non Councillor/Council representative from the E.C.C. SPC.
- 3/4. A representative from each of the E.W.H. Area Committees (2)
5. E.C.C. Director of Services
6. Representative from the Parks Section – Senior Parks Superintendent or Senior Executive Parks Superintendent
7. Representative from the Architects' Department – County Architect or Senior Architect
8. County Arts Officer
9. Representative from the Public Art Working Group
- 10/11. 2 x external with artistic expertise (e.g. professional arts practitioner, curator, arts manager)

## **PUBLIC ART WORKING GROUP**

The purpose of the Working Group is to identify commission budget opportunities, both internal and external, and to ensure that applications are made for this funding. The Working Group will include representatives from the following departments:

- Architects
- E.C.C. (Arts Office)
- E.C.C. (Community)
- E.C.C. (Libraries)
- E.C.C. (Parks)
- Housing
- Transport
- Waste and Water Services

The Working Group will be responsible for:

- Ensuring that the Per Cent funding is included at initial budget cost approval on any capital scheme
- Notifying the Public Art Steering Group of Per Cent for Art and internal capital budget applications and responses
- Reporting on the status of internally funded public art commissions
- Drawing down Per Cent for Art budgets from relevant external departments/agencies
- Arranging the transfer of any external Per Cent for Art into the central Public Art Capital Code which is managed by the Arts Office.

The Arts Office representative will be responsible for liaising with the Public Art Working Group on a regular basis and for reporting on its work to the Steering Group. The Arts Office representative will present information to and assist the workings of the Public Art Steering Group.

## PROCUREMENT PROCEDURES

Procurement of artworks will follow the National Guidelines <sup>3</sup>; the procurement process must be fair, open, transparent and accountable. There are three options that may be considered in terms of procurement:

- Open competition
- Invited or limited competition
- Direct commission. Where it is believed after a period of research and discussion that a specific artist's practise or work is absolutely appropriate to the aims and objects of the commission, the Public Art Steering Group, working with curators or advisers where required, can appoint that artist directly to a commission or to work with a given budget. It is envisaged that direct commission will only be utilised in exceptional circumstances.

The use of an assessment panel, as outlined below, will be required for all of the outlined procurement methods.

## DONATIONS/PROPOSALS EXTERNAL TO THE COUNCIL

Proposals to donate work or to commission artwork to be sited on Council land/property will be considered twice a year and will be subject to assessment by a convened assessment panel. This panel will meet every six months. A number of criteria will be used to ascertain the suitability of the proposed work including artistic merit, appropriateness to the suggested site, cost implications (if relevant) and ongoing maintenance. Accepted donated work will be subject to a formal agreement outlining the responsibilities of both the County Council and the donor.

The County Council recognises that from time to time public art proposals are brought to the attention of various departments outside of a formal call for submissions. Proposals of this nature will be considered in the same way as donations and will be assessed twice a year. Proposals put forward for consideration in this manner must include full details of the artwork including visual representation, C.V. of the artist and technical details regarding fabrication, installation and ongoing maintenance requirements. Detailed budgets including artist's fees, fabrication, transport, installation and maintenance should be included along with details of funding and source of funds. <sup>4</sup>

The Public Art Steering Group will be responsible for delegating assessment of these proposals to a sub-group of the Steering Group which shall form the assessment panel referred to above. This will consist of four people, a

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<sup>3</sup> Ibid

<sup>4</sup> 'Policies and Strategies regarding Public Art', Dublin City Council, Public Art Advisory Group

minimum of two of whom will have artistic expertise and one of whom will be an elected member.

All work will be subject to the County Council Decommissioning Guidelines.

## **ASSESSMENT PANELS**

The Assessment Panel for any commission or programme of commissions funded by Per Cent for Art monies and/or internal funding sources will be appointed by and must include member(s) of the Public Art Steering Group. The panel should consist of a minimum of three people and must include at least one member of the Public Art Steering Group, an elected representative and an external art professional. Depending on the size and nature of the commission, a larger selection panel with additional expertise may be required, for example technical expertise (engineer, architect) and/or local stakeholders or community representation. If a selection panel has four or more members, the number of participants with artistic expertise should be increased.<sup>5</sup> The Public Art Steering Group via the Arts Office representative will ensure that all necessary artistic and technical advice is available to the panel.

The Assessment Panel will be required to:

- Undergo briefing on the scope of the capital project funding the Per Cent for Art commission, if applicable.
- Review the commission aims and objectives, set out at planning stage
- Review criteria for submissions, outlined in the artist's brief
- Attend artist presentations (when relevant)
- Assess submissions and recommend project(s) for development and/or realisation
- Work through submissions / applications responding to artist's brief/display of interest
- Present recommendations on shortlist and/or selection to Public Art Steering Group. However in the case of larger projects where Part 8 is required, the Director of E.C.C. will also present to the Management Team. Part 8 proposals also require Council approval.

## **DECOMMISSIONING OF WORK**

Dún Laoghaire-Rathdown County Council recognises that not all artworks have an indefinite lifespan, and some may become unsuitable for display in a particular location either because of changes in the surrounding context or deterioration of the artwork. The County Council has developed comprehensive guidelines<sup>6</sup> around the decommissioning of work that will be adhered to by all departments. Respect for the artist, the artwork and the

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<sup>5</sup> Public Art: Per Cent For Art Scheme, General National Guidelines, Department of Arts, Sport & Tourism, 2004

<sup>6</sup> See Appendix 1 for Dún Laoghaire Rathdown Public Art Decommissioning Guidelines



community where the work is sited will form an integral part of any decision making process.

## **MAINTENANCE**

Display of works in storage:

Following the adoption of this policy, the Public Art Steering Group shall review works in storage with a view to resolving their long term status and displaying these where suitable and appropriate.”

The Arts Office will be responsible for securing independent professional advice with relation to the maintenance of the public art collection on an ongoing basis.

Maintenance of works sited in parks and public green spaces will fall under the remit of the Parks Department; the Arts Office will provide advice as required.

The Arts Office will be responsible for coordinating the maintenance of the remainder of the public art collection in conjunction with the relevant internal department/section.

The Arts Office will apply a maintenance levy on all public art commissions to fund the ongoing maintenance of public art works owned and commissioned by the County Council.

An offer from a third party, external to the Council, to fund the repair of an existing artwork will be welcomed; the Public Art Steering Group will be responsible for making the final decision on this.

## **DOCUMENTATION & PROMOTION**

The County Council will endeavour to record a substantial archive of the public art collection to date and, going forward, to document new commissions. Records of public art projects will be made available to the public through an online archive and via the public library service.

A comprehensive public education and promotion campaign will be undertaken during the lifetime of this policy. This policy shall have a lifetime of 7 years from adoption and shall be reviewed in February 2019.

## APPENDIX

# Dún Laoghaire-Rathdown County Council Public Art Decommissioning Guidelines

## Introduction

Dún Laoghaire-Rathdown County Council is committed to commissioning and promoting high quality public art throughout the County. The Council recognises that, on occasion, there may be cause to review the siting and ongoing public exhibition of a particular work. Deaccession is the complete removal of an artwork from public display and from the County Collection of public artwork. Dún Laoghaire-Rathdown County Council acknowledges that deaccession of an artwork should only take place after a considered process and it will not be a widely used procedure. Respect for the artist and artwork will form an integral part of the decision making process, which will be informed by professional impartial judgement.

## Objectives

- To establish clear and transparent procedures for the deaccession and removal of artworks sited in public places in Dún Laoghaire-Rathdown.
- To respect the rights of the artist and the integrity of the artwork.
- To respect the rights of the Community.

## Scope

- These guidelines cover public artworks sited outdoors and owned by Dún Laoghaire-Rathdown County Council or on long-term loan to Dún Laoghaire-Rathdown County Council. The Guidelines also cover work located indoors and commissioned under the per cent for art scheme.
- These Guidelines do not include artworks of a temporary nature or artworks sited indoors which have been purchased outside the per Cent for Art Scheme.

## Role of Manager and Elected Members

- Under normal circumstances matters of de-Commissioning will be dealt with under the guidelines.
- The Manager or delegated Officers may direct works to be carried out as deemed appropriate.
- In the event of disagreement in relation to a proposal to decommission an item of public art the matter will be decided by the Elected Members.

Criteria for initiating a review process into removing or re-siting an artwork  
The Dún Laoghaire-Rathdown County Council Public Art Steering Group may consider the deaccession of an artwork if any of the following conditions apply:

- The artwork has deteriorated to such a degree that it poses a danger to public health and safety and remedy is impractical, not feasible or will undermine the integrity of the public artwork
- The artwork has deteriorated to such a degree that the quality of it is significantly inferior to the standard of other artworks in the collection
- The artwork requires a high level of maintenance and/or conservation constituting an expenditure level that is unsustainable
- The environment where the artwork is sited has significantly altered and necessitates a re-evaluation of the relationship of the art to it
- The site where the artwork is located is to be redeveloped, sold or significantly altered and it is not possible to incorporate the artwork into the redevelopment without compromising the integrity of the artwork or incurring excessive costs
- The artwork is fraudulent, is inauthentic or violates copyright law
- The artwork possesses inherent design or workmanship flaws which result in excessive maintenance or a danger to public safety
- It is not of sufficiently high standard to justify continued exhibition.

## Procedures

- The Arts Office will consider requests for removal of an artwork and shall prepare a report/recommendation for consideration by the Public Arts Steering Group. In the case of an immediate health and safety risk to the general public from an artwork, the Arts Office will liaise with the County Council Health and Safety Officer and, under advice from him, will take any actions deemed to be immediately necessary to prevent danger to the public. The Public Art Steering Group will always be informed in advance of any such actions.
- A request for removal or re-siting must be submitted in writing for the attention of the Dún Laoghaire-Rathdown County Council Arts Office. It should outline the reason(s) why removal is considered necessary. If the reason does not fall into one of the specified criteria above, the Arts Office shall recommend to the Public Art Steering Group that the request be dismissed.

- The Arts Office will acknowledge receipt of the request in writing and will outline the procedure and timeline. Dún Laoghaire-Rathdown County Council will aim to complete the review within 4 months of receiving a written submission.
- The Arts Office will locate information relating to the artwork as available, including:
  - details of the original selection/acquisition process;
  - any contracts with the artist or relevant loan agreements;
  - documented publicity or correspondence relating to the artwork;
  - a valuation for the artwork;
  - estimated cost for removal;
  - a condition report for the artwork from a professional conservator;
  - if relevant, the opinion of the Council Legal Department;
  - alternatives to removal including any resiting or storage options, and estimate of costs relating to same.
- Where applicable and achievable, the artist will be contacted and invited to comment in writing on the proposed decommissioning of the work.
- A meeting of the Public Art Steering Group sub-committee will be convened to review the request and all related material.
- Based on information available, the sub-committee will make a recommendation regarding the artwork which could take the form of one of the options outlined below:
  - Permanently remove the artwork, either to storage or disposal
  - Gift the work back to the artist
  - Relocate the work with input from the artist. If the artist objects to resiting the work, an alternative site or option will be considered
  - Put the work into storage for a specified period with a view to revisiting the case at a later date. After an artwork has been in storage for 5 years, the Public Art Steering Group may decide to permanently remove it
  - Return the artwork to the lender (if work has been loaned to the County Council)
  - Carry out restoration works
  - Leave the artwork as is
- The Public Art Steering Group will examine the recommendation at their next meeting and, should they endorse it, the Arts Office will carry out the actions outlined.
- If the Public Art Steering Group does not agree with the recommendations of the sub-committee and feels that a different course

of action would be preferable, the matter will be escalated to the Senior Management Team.

- The Arts Office will make every reasonable effort to contact the artist or a representative of his/her estate to inform them of any decisions made to remove or decommission an artwork.

#### Future Commissions

- After 8 years in place, the status of any future commission of public art shall be reviewed by the Public Art Steering Group.