

**Mayor and Councillors**  
COUNCIL

16 JULY 2015

Meeting Status: **Public**

Purpose of Report: For Decision

## **PUBLIC ART PANEL – COUNCIL REPRESENTATION**

### **PURPOSE OF REPORT**

- 1 I propose that the current Council representative on the Public Art Panel, Councillor Jackie Elliott, be discharged and another Councillor appointed to the Panel.

### **DELEGATION**

- 2 Council has the authority to address this matter.

### **BACKGROUND**

- 3 In April 2012 the Environment and Community Development (ECD) Committee approved the Kāpiti Coast District Council Strategy for Supporting the Arts, and under the umbrella of this Strategy, a Public Art Policy was subsequently approved by the Committee in August 2013.
- 4 The Public Art Policy included the establishment of a Public Art Panel ('the Panel') to assist with the implementation of the policy and a Public Art Register. Terms of Reference (TOR) were drawn up for the Panel and approved by the ECD Committee on 28 November 2013. The TOR included the requirement to report back to Council at least once a year and describes the Panel as being "appointed by the Kāpiti Coast District Council to oversee the public art programme".
- 5 The TOR (see Appendix 1) included the appointment of one Councillor as full time member of the Panel and as Council liaison to the Panel. At that time Councillors Gurunathan and Elliott expressed interest in being considered for membership on the Panel. Other members included an arts professional nominated by Te Whakaminenga o Kāpiti, a representative of Mahara Gallery, up to three independent arts professionals, and up to three independent urban design professionals. Members would be appointed for a three year term. The TOR also allowed the Panel to appoint its own Chair.
- 6 On 13 February 2014 the ECD Committee decided on the appointments, including the appointment of Cr Elliott as a member. The group's first meeting was held in March 2014 and at that meeting the Panel elected Cr Elliott as its Chair.

### **ISSUES AND OPTIONS**

#### **Issues**

- 7 The responsibilities of the Panel include presenting to Council at the start of its three year term a public art programme, and ensuring that its programme

includes a proposal for the purchase or commissioning of a significant public art work at least every two years.

- 8 Since its inception the Panel has met three times in 2014 and only once in 2015. In May 2014 it presented to the ECD Committee a number of recommendations each with a different focus:
  - the sale of the tui sculpture and using that money to fund a new artwork;
  - seeking further views on the retention or disposal of a specific artwork; and
  - seeking support for commissioning of a work by a specific artist in the 13/14 financial year for the Civic Building.
- 9 The Committee agreed with the first two, but rejected the commissioning of the new artwork commenting that the proposal lacked context. It was apparent that there was not a strong linkage between the elected Council and the Panel.
- 10 According to Council financial records the Panel spent \$4,000 in 2013/14, but in 2014/15 there was no expenditure at all from an allocated budget of \$54,053. This means that this money has to be carried over into the 2015/16 budget.
- 11 Having considered the Panel's lack of performance to date, and to assist the Panel in moving forward with a more integrated focus it is proposed to change the Council representation on the Panel. It is not unusual for Councillor appointments to various bodies to be reviewed and changed from time to time.
- 12 Given the importance of the work this Panel should be doing and the need for a strong connection to the elected Council it is proposed that the Deputy Mayor be appointed to the position.

## CONSIDERATIONS

### Policy considerations

- 13 There are no policy considerations.

### Legal considerations

- 14 This report has been reviewed by Legal Counsel. As it was a Council Committee who appointed Cr Elliott as the Councillor representative on the Panel, clause 31 of Schedule 7 of the Local Government Act 2002 is relevant :

*(1) a local authority may appoint or discharge any member of a committee or a subcommittee*

*(2) unless directed otherwise by the local authority, a Committee may appoint or discharge any member of a committee or a subcommittee...*

### Financial considerations

- 15 There are no financial considerations. Panel members are not remunerated.

### Tāngata whenua considerations

- 16 There are no tāngata whenua considerations.

## **SIGNIFICANCE AND ENGAGEMENT**

### Degree of significance

17 This matter has a low level of significance under Council policy.

### Consultation already undertaken

18 No consultation is required on this matter.

### Engagement planning

19 An engagement plan is not needed to implement this decision.

### Publicity

20 There will be community interest in this matter and a media release will be prepared.

## **RECOMMENDATIONS**

21 That Council agrees to discharge Cr Jackie Elliott as a member of the Public Art Panel;

22 That Council agrees to appoint Cr Cardiff as a member of the Public Art Panel for the remainder of the 2013-2016 Triennium.

### **Report prepared by**

Ross Church BCA, JP  
Mayor

## **ATTACHMENTS**

1 Terms of Reference for the Public Art Panel

## Appendix 1 – Terms of Reference for the Public Art Panel

(As approved by ECD Committee November 2013)

### Goals

1. The Public Art Panel is appointed by the Kāpiti Coast District Council to oversee the public art programme. The Public Art Panel's primary goal is to assist the Council to implement the Council's Public Art Policy (August 2013).
2. By encouraging, providing and managing public art the Council aims to:
  - 2.1. promote Kāpiti Coast District's sense of community, civic pride and distinctive identity;
  - 2.2. acknowledge and celebrate the whakapapa and history of tāngata whenua as well as matawaka cultural identity through Toi Maori;
  - 2.3. provide opportunities for artists to work in and with communities in public places;
  - 2.4. encourage a culture of creativity and innovation in the public realm, which heightens people's understanding and enjoyment of art, including introducing work from noted artists living and/or working outside the District;
  - 2.5. contribute significantly to the development of cultural tourism and economic development in the District;
  - 2.6. acknowledge and celebrate the diverse communities within the District;
  - 2.7. provide opportunities for young people to lead or be involved in the creation of public art;
  - 2.8. integrate public art into public space design including town centres, facilities and open space.

### Membership

3. The Panel is made up of experts from a range of fields and includes:
  - One Councillor
  - One professional nominated by Te Whakaminenga o Kāpiti
  - One representative of Mahara Gallery
  - One independent arts professional
  - One independent urban design professional
4. All members of the Public Art Panel:
  - should demonstrate significant knowledge and expertise in the field of public art;
  - should keep informed of current trends in the arts and creative sectors;
  - should be familiar with the Kāpiti Coast District and be aware of developments, issues and concerns in the Kāpiti Coast community; and
  - may be Kāpiti Coast residents although this is not an absolute requirement.
5. The Council's Arts and Museums Development Officer will provide secretariat support to the Public Art Panel.

### **Appointment Process**

6. The Public Art Panel will be appointed by the Kāpiti Coast District Council.
7. The Council will appoint one Councillor who will be a full member of the Panel and will also serve as Council liaison to the Panel.
8. The Council will review the nominations for the remaining four positions and appoint these. These nominations will consist of:
  - an arts professional nominated by Te Whakaminenga o Kāpiti;
  - a representative of the Mahara Gallery;
  - a shortlist prepared by Council staff of up to 3 independent arts professionals who are willing to serve on the Panel; and
  - a shortlist prepared by Council staff of up to 3 independent urban design professionals who are willing to serve on the Panel.
9. Nominations for the independent arts professional and urban design professional will be advertised in the local newspapers, on the Council's website, and in other media as deemed appropriate. Suitable persons with eligible experience may be directly contacted by the Council's Arts & Museums Development Officer and invited to submit a nomination.

### **Tenure**

10. Members of the Public Art Panel are appointed for a three-year term.
11. The independent arts professional and the independent urban design professional may not serve for more than two consecutive three-year terms. A former member can be reappointed after a gap of at least one term out of office.

### **Roles and Responsibilities**

12. The Panel will appoint a Chair at its first meeting of each three-year term.
13. The responsibilities of the Panel include:
  - 13.1. maintaining an overview of public art activity in the District;
  - 13.2. making recommendations to the Council on:
    - priority sites for public art,
    - proposals for public art activity,
    - acquisition, bequest, donation or loan of art for public spaces,
    - relocation of public art, and
    - removal and de-accessioning of public art;
  - 13.3. developing links with stakeholders interested in encouraging and being involved in cultural philanthropy; and
  - 13.4. suggesting ways to develop sector skills and nurture the creation of public art projects.
14. Recommendations, proposals and progress reports to Council will be developed by the Panel. Council staff will prepare the covering report to Council.

### **Meetings**

15. Meetings must be held at least every six months (but may be held more frequently if the Panel chooses to do so).

16. The quorum of the meeting shall be a simple majority of the appointed members. Recommendations of a quorum shall be considered those of the full Panel.
17. Each member has one equal vote.
18. Any member who is absent from three consecutive meetings of the Panel without leave of absence from the Panel, or without reason satisfactory to the Panel, shall cease to be a member of the Panel.
19. The Chair of the Panel will set meeting dates and agenda. Minutes of the meeting will be provided by Council staff. Meeting arrangements (notifications, room bookings and so on) will be made by Council staff. Meetings will not generally be open to the public (unless the Panel chooses to make a meeting public) as the Panel reports regularly in a public forum to the Council.

### **Deliverables**

20. The Public Art Panel will develop a public art programme to cover its areas of responsibility at the start of each three-year term. The Panel will present this to the Council. The inaugural public art programme may be brief, and be further developed over the first three-year term.
21. In accordance with the Public Art Policy (August 2013), the Public Art Panel should ensure that its programme includes a proposal for the purchase or commissioning of a significant public art work at least every two years.
22. Proposals from the Public Art Panel for purchase or commissioning a public art work must demonstrate that these have all funding secured.
23. The Public Art Panel will report to the Council at least once a year on its progress on the public art programme.

### **Process and Jurisdiction**

24. The Public Art Panel's programme must be developed with reference to and in accordance with the Council's Strategy for Supporting the Arts (April 2012), the Council's Public Art Policy (August 2013) and the Council's public art acquisitions budget.
25. The Public Art Panel makes recommendations to Council regarding the public art programme.
26. The public art programme should include activities to actively engage with the arts community and the wider public. Of specific interest is the development of links with individuals and organisations to foster cultural philanthropy, and to develop art sector skills and community involvement in the arts.
27. The public art programme will include, but not be limited to, the acquisition of public art. The programme may include consideration of artworks for de-accessioning. From time to time, offers of gifts, bequests or donations of public art, or questions of deaccessioning may be referred to the Public Art Panel for assessment under the acquisition process. Acquisition and de-accessioning processes are described in the Public Art Policy.

28. The Public Art Panel and relevant Council staff will meet and discuss potential and priority sites for public art. The Public Art Panel's role is to provide advice on sites. Council will decide the list of priority sites for public art.
29. From time to time and acting on advice from the Public Art Panel, Council will call for proposals for the commissioning of a new work or the acquisition of an existing work for a specified agreed site. The Public Art Panel will provide input into the documents calling for proposals.
30. The Public Art Panel will review and assess all submissions. The assessment process will include an assessment against the Council's Public Art Policy goals and assessment criteria.
31. Upon the completions of its assessment, the Public Art Panel will make a recommendation to Council. Recommendations to Council for one or more proposals should contain all the detailed information obtained from the proposer, plus details of funding and source of funds.
32. The Public Art Panel should ensure that recommendations are made with due regard to New Zealand laws including those regarding copyright, censorship and obscenity.
33. The Council will make decisions and enter into formal agreements with artists and suppliers.
34. The Public Art Panel should work with Council to communicate progress on the public art programme to the public and to engage the public in debate and education about public art. The Public Art Panel cannot make public statements on behalf of the Council without prior approval from the Council's Communications Team.

### **Remuneration**

35. Membership is a voluntary role, and there will be no remuneration for members' time, or for attendance at meetings.

### **Resources and budget**

36. Council will make available meeting rooms and any Council-owned presentation equipment required for meetings.
37. There is no Council operating budget allocated to the Public Art Panel. Council staff time will be met from existing operating budgets.

### **Fund sources and management**

38. Council makes provision for the capital purchase of public art in its Annual Plan process. The Council or the Public Art Panel may secure additional funds from outside sources (e.g., central government agencies, corporate or private funders) for the acquisition of public art. Details of expenditure are included in the Council's regular financial reports.

39. The Council will make payments to artists and suppliers associated with the agreed public art programme.

**Storage of information and documentation**

40. Minutes of Public Art Panel meetings, proposals and progress reports made to the Kāpiti Coast District Council will be held in the Council filing system.
41. Details of Council-owned public art will be recorded in the Council's Public Art Register.

**Code of Conduct**

42. Members are required to declare any conflict of interest with any matter to be discussed by the Panel.
43. Members are not permitted to directly or indirectly benefit from their participation in the Public Art Panel during their tenure, and for a period of 12 months following the completion of their term.
44. Members are required to:
- 44.1. prepare for and actively participate in meetings;
  - 44.2. act in a courteous manner, respecting views and opinions of others;
  - 44.3. respect the decision of the consensus view as adjudicated by the Chair;
  - 44.4. publicly support recommendations made by the Panel even if their personal view differs from the consensus view; and
  - 44.5. treat information with sensitivity and confidentiality as appropriate.

**Evaluation and review**

45. The Council may choose to alter these Terms of Reference at any time.
46. Council reserves the right to review the operations of, or need for, the Public Art Panel at any time.