

Public Art Policy

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DRAFT

Public Art Policy

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Introduction

The Public Art Policy is a key component of the Kāpiti Coast District Council's Strategy for Supporting the Arts (2012). It outlines why public art is important to the District and what the Council wishes to achieve for the District through public art. It provides direction for the Council, relating to public art on Council land or in Council facilities, in the areas of:

- acquisition and commissioning
- asset management
- managing donated/gifted works
- relocation or removal

This policy does not cover public art on private or non-Council owned land or facilities. However, the Council encourages others to provide public art on their land and they can use this policy as guidance. They may also seek advice from the Public Art Panel as per this policy.

Why public art?

The arts are part of the living heart and soul of the Kāpiti Coast, linking the District from north to south, and providing a distinctive identity for the District in the Wellington region.

Public art is the most visible and accessible form of art and important contributor to local distinctiveness and a sense of identity.

Public art is an avenue to explore and understand the whakapapa and history of tāngata whenua.

Public art can inspire, provoke, challenge, delight it can make people think and talk about the places we live and work in.

Public art plays a role in making our places desirable, encouraging tourists and visitors and enhancing the environment for businesses and residents alike.

Public art provides opportunities to recognise noted artists, to showcase local talent and reveal the history and culture of a place.

Using art in public places can increase the amenity and use of open space, help reclaim underused or undervalued areas and help reduce levels of crime and vandalism by creating a sense of community ownership and identity.

What is public art?

“Arts” includes all forms of creative and interpretive expression (from the Council's *Strategy for Supporting the Arts* 2012).

“Public art” is any creative work located in a public place owned or administered by the Kāpiti Coast District Council that produces a lasting

asset. Public artworks may include sculpture, murals, street-art, painting, new-genre public art, relational aesthetics and/or installations.

“Public places” includes open spaces, streets, pathways, parks, squares, and foreshore areas, but may also include designated areas within council-owned buildings held for civic, community, cultural or recreational purposes.

Scope of the policy

This policy applies to public art on Council land or in Council facilities. It does not cover public art on private or non-Council owned land or facilities.

What do we want to achieve?

By encouraging, providing and managing public art the Council wants to:

- promote Kāpiti Coast District’s sense of community, civic pride and distinctive identity;
- acknowledge and celebrate the whakapapa and history of tāngata whenua as well as mātāwaka cultural identity through Toi Māori;
- provide opportunities for artists to work in and with communities in public places;
- 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;
- contribute significantly to the development of cultural tourism and economic development in the District;
- acknowledge and celebrate the diverse communities within the District;
- provide opportunities for young people to lead or be involved in the creation of public art;
- integrate public art into public space design including town centres, facilities and open space.

Public Art – Where?

The Council wishes to develop a worthwhile, enduring and varied collection of artworks right across the District and have public art that contributes to a sense of place and identity for local communities. The Council will determine sites for public art in a number of ways. These include:

- as part of town centre developments; and
- as part of the development of significant civic, community, recreation or cultural facilities.

The Council will also use the planning and development processes to integrate public art into the design of public spaces and places.

The Council, with advice from the Public Art Panel (described later in the policy), will develop a list of priority sites for public art. As part of this process tāngata whenua will have the opportunity to identify sites of significance to them.

Tāngata whenua will also be asked to identify important sites, where they may wish to see an installation or where they would prefer there where no provision. Where they have identified a site for any art installation they would input into the panel via the Te Whakaminenga o Kāpiti appointed member in deciding on any art work.

Public Art – Funding

The Council intends to purchase or commission a significant piece of public art work at least every three years. Funding for this will need to be secured before proceeding with acquisition.

There is funding available through the Council's Public Art Acquisition fund. It may also include funding from central government arts funds, private or corporate donations, or from arts trusts or other community organisations. Note: there is no funding for public art from developer contributions.

Public art will also be a specific consideration in the development of budgets for relevant capital works projects.

Acquisition Process

The process for acquiring public art, whether it is an existing work or a commissioned work, is outlined at Figure 1.

Priority sites

The Council, with advice from the Public Art Panel (described later in the policy) will develop a list of priority sites for public art.

Call for proposals

The Council will call for proposals for commissioning a public art work or for acquiring an existing artwork for a site as per the priorities.

The Council will also use the assessment process if other significant opportunities arise or if the Council is offered public art by gift, bequest or donation.

If the proposal is for a site of significance identified by tāngata whenua, they will be involved in developing the call for and assessment of proposals.

Assessment

The proposal or artwork will be assessed against what the Council is trying to achieve ie how well does or will it address at least one of the following:

- promote Kāpiti Coast District's sense of community, civic pride and distinctive identity;
- acknowledge and celebrate, where relevant, the whakapapa and history of tāngata whenua as well as mātāwaka cultural identity through Toi Māori;

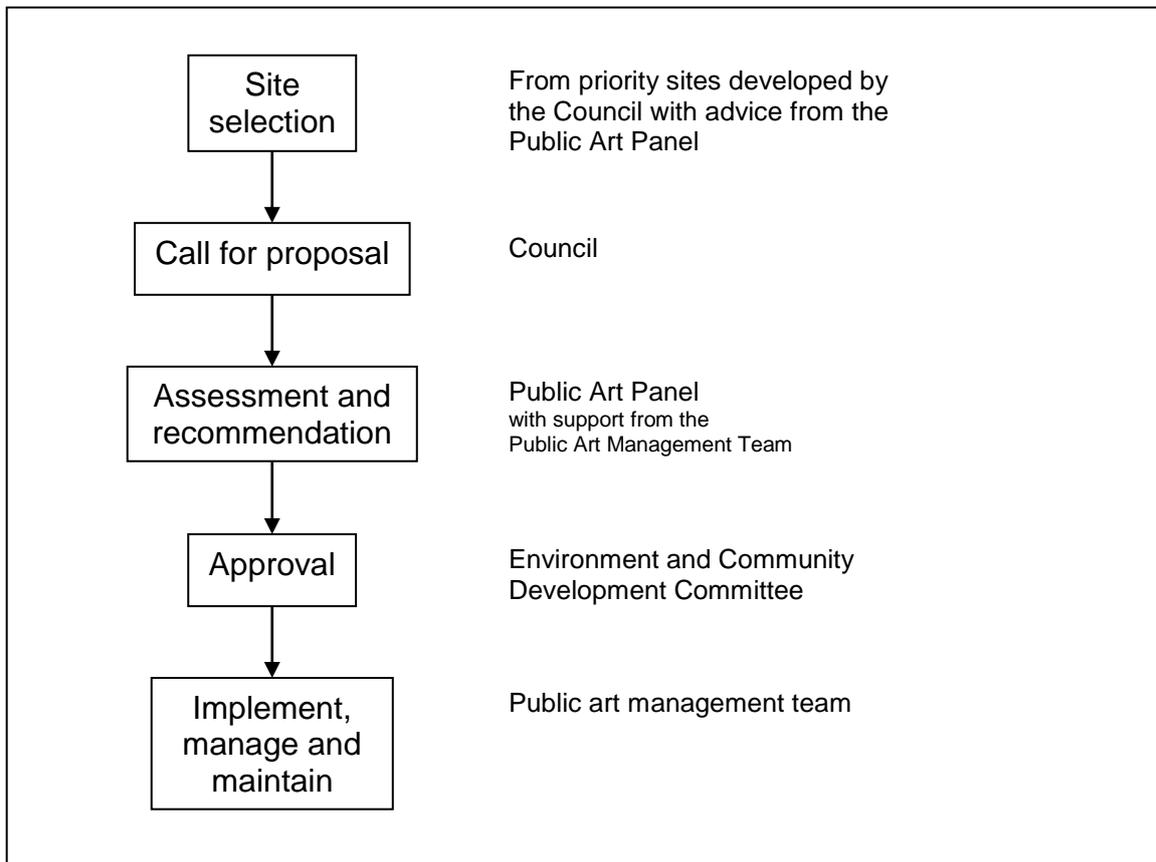
- provide opportunities for artists to work in and with communities in public places
- encourage a culture of creativity and innovation in the public realm, which heightens people’s understanding and enjoyment of art
- contribute significantly to the development of cultural tourism and economic development in the District
- acknowledge and celebrate, where relevant, the diverse communities within the District
- provide opportunities for young people to lead or be involved in the creation of public art
- integrate public art into public space design including town centres and open space.

In addition, the proposal or existing work must meet the following criteria:

- demonstrate a high standard of artistic excellence;
- demonstrate appropriate consideration of public safety and the public’s access to and use of the public space;
- indicate that it will meet credible maintenance and durability requirements;
- respond to the proposed site, taking into account the site’s context(cultural, historical, environmental).

The assessment will be undertaken by the *Public Art Panel*, supported by the *Public Art Management Team*, both described below. Approval will be given by the Environment and Community Development Committee.

Figure 1: Process for acquisition of public art



Implementation

This includes contract management, cataloguing, capturing the story of the development of the artwork and ongoing management and maintenance of public art. This will be done by a cross Council *Public Art Management Team*. For a commissioned work the Public Art Panel will act as an advisory group for management of the project.

Public Art Panel

This panel will be appointed by the Council to oversee the public art programme. The Panel is made up of experts from a range of fields and includes:

- Councillor
- Arts professional nominated by Te Whakaminenga o Kāpiti
- Representative of Mahara Gallery
- An independent arts professional
- An independent urban design professional

The Arts and Museums Development Officer will provide secretariat support to the Public Art Panel.

The Panel will operate under a Terms of Reference that will cover membership, responsibilities and procedures. The activities and responsibilities of the Panel include:

- maintaining an overview of public art activity in the District
- 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
 - removal and de-accessioning of public art
- developing links with stakeholders interested in encouraging and being involved in cultural philanthropy
- suggesting ways to develop sector skills and nurture the creation of public art projects.

Public Art Management Team

This is a cross Council team that includes the Arts and Museums Development Officer, and representatives from the Sustainable Development, Leisure and Open Space, Property and Roading Teams. The role of the team is to:

- provide advice to the Public Art Panel on proposals eg check site suitability, check artwork maintainability;
- maintain a public art register;
- decide owner of public art asset and develop and implement an asset management plan.

Gifts and Bequests

All offers of gifts, bequests or donations of public art to the Kapiti Coast District Council will be referred to the Public Art Panel to be considered under the acquisition process. The Council is not bound to accept any gift, bequest or donation, nor is the Council bound to display any artwork acquired by gift, bequest or donation.

The donor of an artwork must have legal title in order to gift, bequest or donate it to the Council. Gifts and bequests should be unrestricted, although the Panel may consider the acceptance of gifts and bequests with restrictions in special circumstances. If the work is accepted, the Council will assume ownership of the work.

If a work acquired by gift, bequest or donation is to be disposed of, the process is:

- to give the donor the choice of repossessing the work, if the original donor is still alive, or
- to use the removal and de-accessioning guidelines, if the original owner is deceased, cannot be contacted or declines repossession of the work.

Ownership of public art

Works purchased, commissioned or accepted as a gift, bequest or donation by the Council will be the property of the Council.

The artist will retain copyright of the work under the Copyright Act 1994.

The Council intends that all works acquired under this property shall remain accessible to public viewing for as long as the Council owns the work.

The Council retains the right to de-accession the work or remove it from public view according to its de-accessioning guidelines.

Asset Management

Public Art Register

A Public Art Register will be established, under the Council's asset management framework. This register will identify every public artwork, provide a site and condition report, estimated value and a plan for maintenance and long-term sustainability (which may include instructions from the artist when the Council acquired the work). This register will also record the story of the work and its development, including those involved.

Insurance

Upon transfer of ownership of the work to the Council, the Council will arrange suitable insurance for the artwork and public liability.

Maintenance responsibility

It is the responsibility of the Arts and Museums Development Officer to manage the Register. The Public Art Management Team will ensure that the public artworks are maintained to a safe standard, and the artistic integrity is retained.

Advice and input

The Public Art Panel may be used as an advisory group as required by the Public Art Management Team.

Relocation or removal

Relocation

It is important to have clear processes for the relocation or removal of public art works belonging to the Kāpiti Coast District Council. It is equally important that the processes are insulated from the fluctuations of fashion.

The Council may consider relocating a public artwork for a range of reasons including:

- public safety;
- changes to the design and use of the public space occupied by the artwork;
- a new and better site has become available for an artwork.

Approval to relocate a work will be made by the Environment and Community Development Committee on recommendations from the Public Art Panel.

Removal

Deaccessioning refers to the process of removing an art work from a collection through sale, exchange, gift or any other means.

Removal should be a deliberate and seldom-used procedure. The Council will not dispose of artwork simply because it is not currently in fashion, or whose worth might not yet be recognised. In any case, no artwork will be removed within seven years of its acquisition, unless under special circumstances (see below).

Approval to deaccession or remove a work will be made by the Environment and Community Development Committee on recommendations from the Public Art Panel.

The Public Art Panel will consider a request to remove a work if any of the following conditions apply:

- it is clearly of inferior quality; or in the Panel's opinion the work has received consistent adverse public reaction over a period of seven years or more;
- it is fraudulent, not an authentic work, or there is valid challenge to its title;

- it possesses faults or design or workmanship which results in excessive or unreasonable maintenance, a threat to public safety, and /or damage to an extent where repair is unreasonable or impractical;
- destruction of or changes to the site threaten the artwork's survival or result in a significant diminishing of its artistic integrity and effectiveness;
- a written request from the artist has been received;
- there is an exceptional and unforeseen reason for removing the artwork from its current site, and no other suitable site can be found.

In determining whether to remove the work, the Public Art Panel may consider as many of the following as deemed necessary to make their recommendation:

- reasons for the proposed deaccessioning;
- opinion of the Council's solicitors;
- acquisition method and cost;
- estimate of the current value of the work (and if the acquisition cost exceeded \$10,000, at least one expert appraisal of the current value of the work)
- cost of deaccessioning or removal;
- any documented public response to the work;
- a report on the condition of the work from a professional conservator;
- a list of appropriate recipients.

Where practicable, the artist who created the work will be notified and invited to provide comment.

If the panel recommends removal, it will also recommend a course of action which may be one of the following:

- give the artist an opportunity to regain ownership of the work; which may be at the current appraised value;
- return to donor if originally a gift, bequest or donation;
- sell, auction or trade the artwork;
- relocate the work;
- store the work temporarily or long-term.

Dealing with controversy

Public art sometimes proves controversial. A number of factors contribute to this:

- the diverse nature of the viewing public, with widely varying degrees of familiarity with arts and its syntax;
- issues of appropriate use of public funds, places and resources;
- the desire of the artist to provoke;
- issues of public safety and civic oversight.

Controversy is not a reason in itself to rule out the acquisition of a particular work or to de-accession an art work.