

Chairperson and Committee Members

ENVIRONMENT AND COMMUNITY DEVELOPMENT COMMITTEE

28 NOVEMBER 2013

Meeting Status: **Public**

Purpose of Report: For Decision

PUBLIC ART POLICY - DRAFT PUBLIC ART PANEL TERMS OF REFERENCE FOR APPROVAL

PURPOSE OF REPORT

- 1 This report seeks approval of the Committee to adopt the Public Art Panel draft Terms of Reference (Appendix 1).

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy. It is consistent with the 2012-32 Long Term Plan strategic direction.

BACKGROUND

- 3 The Kāpiti Coast District Council's Public Art Policy was adopted by Council in August 2013 and included the establishment of a Public Art Panel to assist with the implementation of the policy and a Public Art Register.
- 4 The first steps in implementing the Public Art Policy require the definition of the Terms of Reference for the Public Art Panel. This will enable the appointment of the Panel to proceed. Membership of the Panel consists of one representative from each of: the Council; Te Whakaminenga o Kāpiti; and Mahara Gallery, plus an independent arts professional and an independent urban design professional.

CONSIDERATIONS

- 5 The draft Public Art Panel Terms of Reference has been developed as a companion document to the Council's Public Art Policy. (Appendix 2).
- 6 The appointment process for the Public Art Panel is a mixed model. Three members are nominated by specific groups (Council, Te Whakaminenga o Kāpiti, and Mahara Gallery). Nominations for the positions of the two independent professionals will be sought via public advertisement and may also be sought by direct invitation to suitably eligible persons to submit nominations.
- 7 Once the Public Art Panel Terms of Reference has been approved, the nomination process for the Panel membership will commence.
- 8 Nominations will be assessed and brought to Council for appointment. This is expected to be in February 2014.

- 9 The Public Art Register has been established, and will be progressively populated with information regarding public art currently owned by Council.
- 10 The Public Art Register has been established in a simple spreadsheet form. (Appendix 3). The medium-term objective is to make the key details (including an image) of the works in the Public Art Collection available to the public online.
- 11 Full information about any new works will be added to the Register on acquisition.

Financial Considerations

- 12 There are no financial considerations.

Legal Considerations

- 13 There are no legal considerations.

Delegation

- 14 The Environment and Community Development Committee has delegated authority to consider this matter under section 7.1 of the Council's Governance Structure and Delegations:

7.1 Authority to develop (within any wider existing strategic framework) policies and work programmes that support the social, economic, environmental and cultural wellbeing of the community. This authority encompasses the power to:

have oversight of all cultural, arts and heritage matters.

Consultation

- 15 There was no requirement for consultation in the development of the draft Terms of Reference.

Tāngata Whenua Considerations

- 16 Te Whakaminenga o Kāpiti was asked to consider the nomination of an arts professional to be a member of the Public Art Panel.

Publicity Considerations

- 17 Nominations for the two independent professionals to sit on the Panel will be advertised in a range of media.

RECOMMENDATIONS

- 18 That the Environment and Community Development Committee approves the Kāpiti Coast District Council Public Art Panel Terms of Reference (Appendix One of report CS-13-1039), subject to any amendments.
- 19 That the Environment and Community Development Committee notes that the

nominations for appointment to the Public Art Panel will be brought to the Committee for review and appointment in February 2014.

- 20 That the Environment and Community Development Committee notes that the Public Art Register has been established.

Report prepared by:

Approved for submission by:

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Arts & Museums Development Officer

**Group Manager
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ATTACHMENTS:

Appendix One: Kāpiti Coast District Council Public Art Panel Terms of Reference

Appendix Two: Kāpiti Coast District Council Public Art Policy 2013

Appendix Three: Kāpiti Coast District Council Public Art Register (excerpt)

APPENDIX ONE: PUBLIC ART PANEL TERMS OF REFERENCE

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 tangata 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.

APPENDIX TWO: PUBLIC ART POLICY 2013

APPENDIX THREE : PUBLIC ART REGISTER (EXCERPT)