

Chairperson and Committee Members
STRATEGY & POLICY COMMITTEE

9 MARCH 2017

Meeting Status: **Public**

Purpose of Report: For Decision

PUBLIC ART PANEL - REVIEW OF TERMS OF REFERENCE

PURPOSE OF REPORT

- 1 This report seeks the Committee's approval of a revised Terms of Reference for the Public Art Panel.

DELEGATION

- 2 The Committee has the authority to consider this matter under the Governance Structure and Delegations. *"The Committee will deal with all strategy and policy decision-making that is not the responsibility of Council."*

BACKGROUND

- 3 The Council develops and manages public art for the district guided by its Strategy for Supporting the Arts (2012) [available from: <http://www.kapiticoast.govt.nz/Your-Council/Forms-Documents/Policy-and-Strategy/Council-Strategies/>] and Public Art Policy (2013) [Appendix 1] The Public Art Policy establishes the Public Art Panel.
- 4 The existing Public Art Panel Terms of Reference [Appendix 2] were adopted by the Council in November 2013 and appointments were made to the Panel. During the last Triennium the Panel was unable to achieve the installation of a public artwork although some progress was made towards the end of the triennium in relation to the proposed artwork for Paraparaumu Beach.
- 5 The existing terms of reference for the panel have been reviewed to identify any structural elements that might be acting as barriers to the success of the panel. The practices of other Councils have been considered as part of this, but these practices differ markedly.

ISSUES AND OPTIONS

Issues

- 6 The existing terms of reference for the Public Art Panel give the Panel responsibilities that seem too broad for its capacity. The 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; and

- removal and de-accessioning of public art.
 - developing links with stakeholders interested in encouraging and being involved in cultural philanthropy; and
 - suggesting ways to develop sector skills and nurture the creation of public art projects.
- 7 The terms of reference give the Panel the lead role in Council's public art activity but as a volunteer group the Panel has limited time and insufficient influence over other Council work streams and processes to effectively develop and manage a comprehensive programme of public art activity. These work streams and processes can include: urban design; roading and utilities; parks and open spaces; and the involvement of iwi and community boards. The outcome of the existing terms of reference is that little progress has been made during the last triennium.
- 8 The terms of reference provide that membership of the current panel consists of:
- one elected member;
 - an arts professional nominated by Te Whakaminenga o Kāpiti;
 - a representative of Mahara Gallery;
 - an independent art professional appointed by Council;
 - an independent urban design professional appointed by Council.
- 9 The current Terms of Reference Council makes decisions in relation to site and artwork selection. Secretarial support is provided by the Arts and Libraries Project Coordinator.

Options

- 10 Of the local authorities in New Zealand that have art policies and public art policies specifically, only a proportion of them have advisory panels specifically for public art. A number of Councils delegate this responsibility directly to staff, external public trusts or community boards. Public art panels are most common where the Council is the primary player because there is little activity by private groups investing private funds in developing art for public spaces.
- 11 Where these panels exist, the focus is commonly on advising on long term/strategic planning to inform Council public art programmes. Following this emerging best practice, and because of the Council's relatively modest scale of investment, it is recommended that the Panel's role be recast from having responsibility to develop and manage a programme, to a more focused role of independent advisor in the determination of the artistic merit of public art proposals and programmes.
- 12 The driver for this model is to obtain independent expert artistic assurance and advice, as the selection of public art is often controversial within a terrain that can be mired by subjective opinion.
- 13 In this alternative model, Council's public art role of project leader, custodian and developer of public space, facilitator, funder and asset manager would be led and managed by Council staff in much the same way as other functions are managed. Reports about priority sites, budgets and timing are made by staff with advice as required from the Panel on matters of artistic merit. Decisions about the selection of public artworks would continue to be made by Council.

- 14 The proposed Terms of Reference in Appendix 3 outlines the role of the Public Art Panel to provide expert artistic advice on the Council's public art programme.

Matters for consideration

a) Membership of the panel

- 15 Best practice for appointment to a panel follows two parallel paths. Firstly, spaces are reserved for representation by key stakeholders that the community would expect to have a voice, for instance iwi and the district's gallery. The remaining members are recruited to ensure the panel has all the expert skills and knowledge necessary to fulfil its advisory function. This is essentially the current process.
- 16 Consideration needs to be given to whether it is desirable for there to be an elected member on the Panel bearing in mind that its role would be to act as an expert advisor rather than "manager" of the public art programme.
- 17 The proposed Terms of Reference in Appendix 3 seeks members who can contribute to providing Council with expert advice on a public art programme.
- 18 Following the Committee's adoption of the revised Terms of Reference Mahara Gallery and Te Whakaminenga o Kāpiti will be invited to confirm their appointees to the panel under the new Terms of Reference. Expressions of interest for the remaining positions on the Public Art Panel will be called for through advertising.

b) Decision making process

- 19 Consideration needs to be given to the most appropriate decision-making process for the final selection of public artworks. Currently, staff, with the Public Art Panel, take recommendations first to the relevant community board and then to the relevant committee of Council. It is staff opinion that public art selection does not lend itself readily to such a multi-layer approval process because of the divergent and subjective nature of opinions on the artistic merit of an artwork proposal. A single layer approval process is likely to be more effective.

Options for a single layer approval process include:

- all decision-making by a committee consisting of the full Council,
 - delegation to a sub-committee of elected members that includes a community board member from the community within which the subject artwork is to be located;
 - decision making on programme and programme budget by Council, with delegation of individual artwork decision making to relevant community board or staff;
- 20 Delegation to a sub-committee including a relevant community board member, is the preferred option as a smaller number of decision makers are more likely to be able to deal effectively with the potentially controversial nature of public art than is a larger group. The involvement of a community board member could remove the call for some form of separate approval at that level. If this option was approved it would require an amendment to the governance structure and staff would be asked to bring a report to a future meeting on this matter.

- 21 The decision-making process should rely heavily on the artistic expertise of the Panel as a means of avoiding potential artistic mediocrity. This principle should be enshrined in the Public Arts Policy.

CONSIDERATIONS

Policy considerations

- 22 The Public Art Policy (2013) establishes the Public Art Panel. The Public Art Policy will require consequential amendment to align with any changes to the Public Art Panel Terms of Reference.

Legal considerations

- 23 There are no legal considerations.

Financial considerations

- 24 The Public Art Panel has no operating budget.

Tāngata whenua considerations

- 25 The existing and revised Public Art Panel Terms of Reference align with the tāngata whenua considerations in the Council's Strategy for Supporting the Arts (2012).

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 26 The proposed revised Terms of Reference have a low level of significance under Council policy.

Consultation already undertaken

- 27 No external consultation has taken place on this matter.

Engagement planning

- 28 A community engagement plan is not needed to implement this decision.

Publicity

- 29 There are no publicity considerations at this stage.

RECOMMENDATIONS

- 30 That the Committee adopts the proposed Terms of Reference for the Public Art Panel (with any amendments) attached in Appendix 3 of report CS-17-117.
- 31 That the Committee authorises the Chief Executive to make consequential changes to the Public Art Policy to align with the revised Terms of Reference.
- 32 That staff call for expressions of interest for Public Art Panel members as per the Public Art Panel Terms of Reference

Report prepared by	Approved for submission	Approved for submission
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ATTACHMENTS

Appendix 1

Public Art Policy (2013)

Appendix 2

Terms of Reference for the Public Art Panel (2013)

Appendix 3

Proposed Terms of Reference for the Public Art Panel (2017)

Kāpiti Coast: Choosing Futures

**Public Art Policy
2013**

delivering on the community's plan



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;

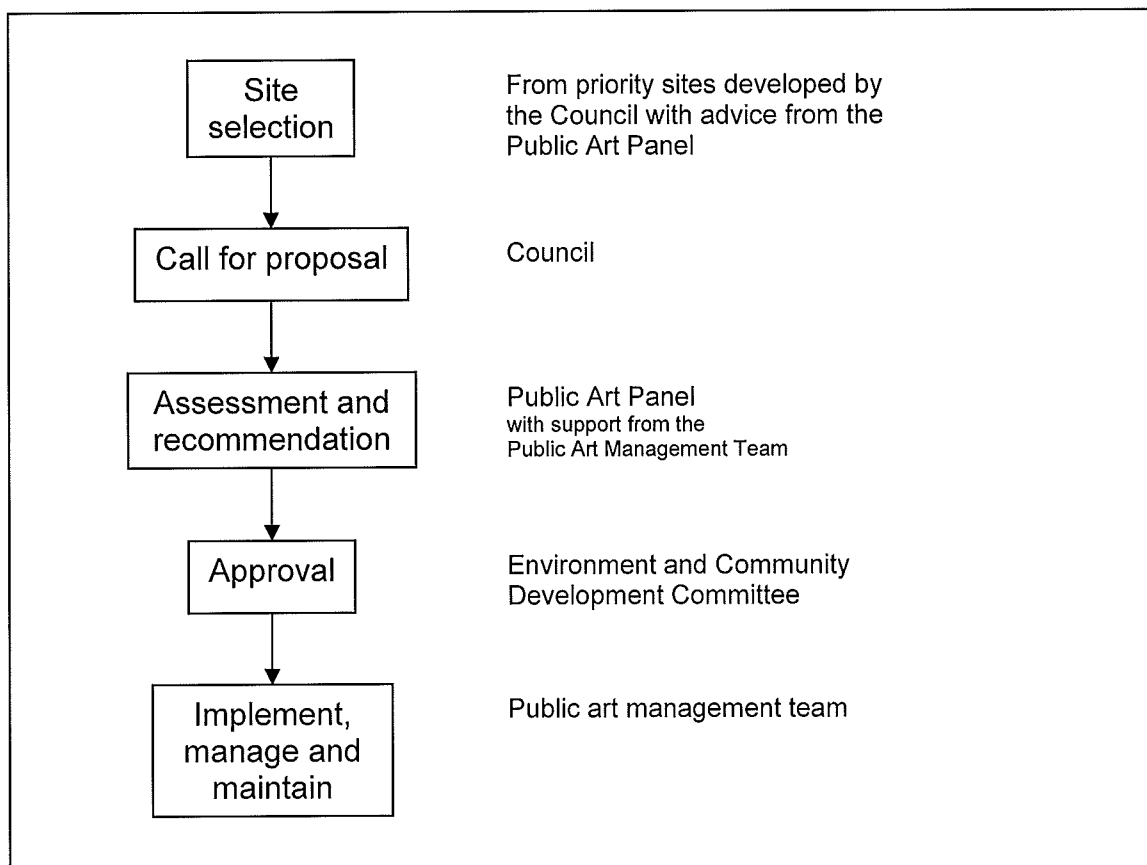
- provide opportunities for artists to work in and with communities in public places
- encourage a culture of creativity and innovation in the public realm, which heightens people's understanding and enjoyment of art
- contribute significantly to the development of cultural tourism and economic development 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 policy 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

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.

Relocation

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, or for reasons unrelated to the artist as creator. 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 and/or deaccessioning 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.

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:
 - promote Kāpiti Coast District's sense of community, civic pride and distinctive identity;
 - acknowledge and celebrate the whakapapa and history of tangata whenua as well as matawaka cultural identity through Toi Maori;
 - 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.

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:

- prepare for and actively participate in meetings;
- act in a courteous manner, respecting views and opinions of others;
- respect the decision of the consensus view as adjudicated by the Chair;
- publicly support recommendations made by the Panel even if their personal view differs from the consensus view; and
- 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.

PROPOSED PUBLIC ART PANEL TERMS OF REFERENCE

2017

Goals

47. The Public Art Panel is appointed by the Kāpiti Coast District Council to act as an independent advisor on the Council's public art programme. The Public Art Panel's primary goal is to provide expert recommendations to enable the Council to implement its Public Art Policy.

48. By encouraging, providing and managing public art the Council aims to:

- promote Kāpiti Coast District's sense of community, civic pride and distinctive identity;
- acknowledge and celebrate the whakapapa and history of tangata whenua as well as matawaka cultural identity through Toi Maori;
- 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.

Membership

49. The Panel shall have between three and five members, including a dedicated role for an arts professional appointed by Te Whakaminenga o Kāpiti and a representative of Mahara Gallery. Members will be selected for their appropriate expertise, relevant, proven experience and networks, to ensure that collectively the Panel has the following skill areas:

- credibility and relationships in the community, especially the creative community
- experience in the commissioning of public art
- ability to identify strong artistic concepts
- knowledge of local, national and international public art history
- knowledge of Kāpiti's geography, local environments social and built heritage
- appreciation of Kāpiti's changing demographics and diversity and the opportunities and challenges these pose to the development of the district
- a globally informed perspective of the role creativity plays in place-making and transformation
- commitment to understanding the principals of Te Tiriti o Waitangi
- knowledge of tikanga Māori and toi Māori

50. Council staff will manage the Council's public art programme and provide secretariat support to the Public Art Panel.

Appointment Process

51. The Public Art Panel will be appointed by the Kāpiti Coast District Council or delegated committee from a shortlist prepared by Council staff in response to expressions of interest and nominations from Te Whakaminenga o Kāpiti and Mahara Gallery.

52. Expressions of interest for positions on the Public Art Panel will be called for through advertising.

Tenure

53. Members of the Public Art Panel are appointed for a three-year term that coincides with the then current Council triennium.

Roles and Responsibilities

54. The Panel will appoint a Chair at its first meeting of each triennium.

55. The responsibility of the Public Art Panel is to provide expert artistic advice on the Council's public art programme, including:

- Commissioning processes and artist selection methods, brief development, including budget and risk considerations;
- Site selection;
- Selecting artists to respond to a brief, and reviewing expressions of interest;
- The merit of artist concepts and detailed designs;
- Protocols for artwork opening/unveiling, relocation and removal;
- Artworks to be deaccessioned or relocated;
- External proposals, bequests, donations or loans of artwork for public spaces.

56. Recommendations, proposals and progress reports to Council or delegated committee will be developed by Council staff with advice from the Panel.

Meetings

57. Meetings will be held as required.

58. 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.

59. Each member has one equal vote.

60. 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.

61. Meeting agendas, minutes and 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).

Process and Jurisdiction

62. The Public Art Panel makes recommendations to Council or delegated committee regarding the Council's public art programme.
63. The Public Art Panel's recommendations 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.
64. The Public Art Panel should ensure that recommendations are made with due regard to New Zealand laws including those regarding copyright, censorship and obscenity.
65. The Council will make decisions and enter into formal agreements with artists and suppliers.
66. The Public Art Panel can advise Council staff on public communications and engagement plans. The Public Art Panel cannot make public statements on behalf of the Council.

Remuneration

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

Resources and budget

68. Council will make available meeting rooms and any Council-owned presentation equipment required for meetings.
69. 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

70. Council makes provision for the capital expenditure on public art in its Annual Plan process. The Council or the Public Art Panel may seek to secure additional funds from outside sources (e.g., central government agencies, corporate or private funders) for public art. Details of expenditure are included in the Council's regular financial reports.
71. The Council will make payments to artists and suppliers associated with the agreed public art programme.

Code of Conduct

72. Members are required to declare any conflict of interest with any matter to be discussed by the Panel.
73. 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.

74. Members are required to:

- prepare for and actively participate in meetings;
- act in a courteous manner, respecting views and opinions of others;
- respect the decision of the consensus view as adjudicated by the Chair;
- publicly support recommendations made by the Panel even if their personal view differs from the consensus view; and
- treat information with sensitivity and confidentiality as appropriate.

Evaluation and review

75. The Council may choose to alter these Terms of Reference at any time.

76. Council reserves the right to review the operations of, or need for, the Public Art Panel at any time.