

From Small to Big Commissioning Handbook

Practical advice for designer makers interested in
developing their practice towards working on large scale
public craft commissions

Researched and written by Frances Lord
www.franceslord.com

© Designer Maker West Midlands and Frances Lord
July 2010

Designer Maker West Midlands is a Limited Company by Guarantee Not for Profit
Registered in England and Wales number: 6529943
Registered address: Suite 77, 27 Colmore Row, Birmingham B3 2EW



Supported by
**ARTS COUNCIL
ENGLAND**



Contents

Introduction

Key questions

Context

Artist roles

Selection methods – who commissioners select artists

Skills – what sort of skills do you need

Identifying opportunities

Responding to opportunities and meeting the brief

Making a strong proposal and what to include in an application

Interviews and presentations

Making design proposals

Public consultation

Budgets and fees

Artists' contracts

Managing projects successfully

Appendices

1. Public art: some definitions

2. Benefits of public art

3. Resources

4. National planning context

local authority context

percent for art policies and planning issues

national planning guidance

mechanisms for delivery

Introduction

There are all sorts of ways in which designer makers can be involved in public art and large scale craft commissions. There are an increasing number of opportunities, and great potential, for artists to be creatively involved in for example shaping a vision for a new development scheme or working on a large scale public realm commission.

Working on large scale commissioning projects can draw on many of your existing skills as a designer maker and provide opportunities to expand on these skills in a variety of settings to embrace the role of facilitator, researcher, educator, maker, collaborator.

Key questions

If you have not had prior experience of working on public art or large scale craft commissions you may find the following questions about your practice, current position and aspirations helpful:

How do you see your role as an artist in relation to public art and large scale commissioning?

What ideas do you have so far?

What are the likely settings or contexts for you and your work?

How will you identify opportunities relevant to you and your practice?

Who might your clients be?

What will be the benefits to you and your practice?

How will others benefit from your experience and skills as an artist?

What qualities, skills and experiences can you bring?

Where do you want to work geographically, and in what kind of environment or location?

Context

A number of artists nowadays define themselves as 'public artists' and their entire professional life is spent making work within the public realm.

Artists can be invited to work alongside architects, landscape designers, engineers, regeneration officers and other professionals contributing their own creative and practical skills as part of a design team. Recommended practice, in terms of delivering a successful scheme, is for the commissioner to bring in artists at the earliest possible stage, ensuring that their contributions are integral to the concept and design of the overall scheme. See *Appendix 1* for a detailed breakdown of definitions of public art and current practice and *Appendix 4* for the national planning context and mechanisms for delivering public art.

Artist roles

You will need to be clear about your role as an artist: are you, for example, to be

- an active member of the design team

- appointed as 'lead artist' or 'consultant artist'
- commissioned for a one-off work for a specific site
- appointed as artist-in-residence

A *lead artist* role is where an artist works much like a consultant and is employed to create a vision and propose work for a particular site, often suggesting several artists commissions to be included as part of the overall scheme. With this role the lead artist often identifies one of these commissions as a vehicle for their own work.

An *artist-in-residence* role is where an artist spends time with the users of the site and/or the local community to inform ideas which feed into a commissioned work.

An artist's role *within a design team* can be, as well as making a commissioned work, to advise on a particular colour scheme, paint finish, lighting design, or landscaping and planting scheme.

These roles can often blur and overlap.

Some schemes provide *mentoring and shadowing* opportunities for early career artists, locally based artists or artists at any stage in their career wishing to gain experience in the field of public art and working to large scale commission. This is a way of bringing on the skills of less experienced artists in an increasingly competitive field and can be an extremely useful way of learning first hand about the practical issues of managing a commission.

How commissioners select artists

There are several ways in which commissioners select artists. It is sensible to do some initial research into the track record of the potential client or commissioner to get a feel of their approach and whether you feel your work would be appropriate and of interest to them.

Selection methods

Artists are normally selected either through:

- open competition – by placing an advert in specialist publications and websites. The advantage of this method for the commissioner is a wide choice of artists (up to 100 submissions is not unusual)

Artists are usually asked to apply by sending in images, a letter of application explaining their interest in the project, supporting material and a CV, from which a short list is drawn up.

- limited competition – through a long list compiled by a public art specialist, commissioning agency or advisor. Artists are then invited (usually following a site visit) to develop proposals for the site.
- direct invitation – where an artist who is felt to have the appropriate skills and experience is invited – without competitors - to be part of a project. The invitation could be to join the design team and propose work for a particular site, act as 'lead artist' or 'consultant artist' to develop an overall vision for a scheme, or respond to a particular brief for an artwork.

Skills – what sort of skills do you need?

Artists working on large scale commissions will need particular skills to complement their practice, such as the ability to consult and negotiate with groups and individuals whose views may well be different from their own; the ability to devise activities at an appropriate skill level for the participants; to enthuse and engage people; to act as facilitator and communicate potentially complex technical information and ideas in an accessible manner. An awareness of health and safety issues is also important.

Commission briefs can often require an artist to deliver workshops in community settings - say with the elderly in a care home setting or a special needs group – or at a primary or secondary school.

Key requirements for artists working in community settings are passion and enthusiasm, 'people skills', communication skills and teaching ability, although this does not have to be in the form of a formal qualification.

Identifying opportunities

The word-of-mouth network, meeting one key individual with vision and commitment, or self-initiated, artist-led projects (whether as an individual or part of an artists' group) can be as fruitful as making contacts through more formal methods.

Networking suggestions:

- Sign up to newsletters and become a member of professional organisations specialising in public art
- attend seminars and conferences
- Join Databases such as Axis, Photostore
- Apply for commissions through a-n magazine, Arts Jobs and other sources
- Approach commissioning agencies and individuals such as freelance arts consultants by phone, email or through a newsletter to inform them about your current work and plans
- Set up meetings with key individuals and agencies such as arts officers, public art officers, commissioning agencies to show your portfolio of work and discuss potential collaborations
- Establish a mailing list. Keep in touch with contacts. Send out information about current and forthcoming projects

Responding to opportunities and meeting the brief

A well researched thorough brief will set out a clear vision, a realistic budget and a clear framework for the artist to work within.

A brief should include:

- Background information about the site and location - history, notable facts and figures, etc
- Commission aims and objectives
- Theme, if any, for the work
- Materials specifications, if any
- Description of artist's role
- Details of project team members and their roles and responsibilities
- Timetable
- Budget including responsibilities for landscaping, lighting, installation, transport, insurance
- Description of site conditions and any constraints such as location of services, accessibility
- Whether planning permission is required
- Description of selection process and criteria for selection
- Maintenance and durability requirements
- Community and education requirements
- Artist's copyright position and clarification of ownership of work

If maps, drawings, site plans and other contextual information are not included with the brief ask the commissioner to forward them to you.

Making a strong proposal and what to include in an application

If the commission has been advertised in a-n magazine, for instance, it is not unusual for the commissioner to have received up to 100 applications. You need yours to stand out from the crowd. How might you do this?

Be realistic about your level of experience when applying for opportunities. For example a commissioner will probably want to appoint an experienced artist to lead on large-scale complex projects. This involves less risk. Proving track record is probably the biggest challenge and potential hurdle to overcome when you are new to the commissioning field. Start off with a smaller scale project to build confidence.

Visuals

A CD of images or a powerpoint are the most usual form of visuals required by commissioners, backed up by leaflets, postcards, catalogues and other promotional material. Folios of work including photographs of past commissions can also be a useful way of showing your work and can be handed around for a selection panel to look through.

Do ensure that any images sent reflect the quality of your work and, in the case of site-specific commissions, show the context. And do keep to the image limit specified as it can be time consuming, and ultimately counter-productive to you the artist, for a selection panel to trawl through lots of images.

Written information

Be sure to demonstrate exactly how you meet the selection criteria. The written part of the application should state clearly and specifically how you will meet the

requirements of the brief in terms of the work you propose, your role, relationships with other people involved, choice of materials, budget requirements, timescale, etc.

Even if the brief does not require you to write about why you are interested in the commission it can be advisable to include a short paragraph to this effect. Emphasise any special skills or experiences you have which relate to the commission or place it is located. If you are able to visit the location, then all the better. If you have any initial ideas of how you might approach the commission write these down, even if they are at the sketchy stage. It is not helpful, however, to include actual designs or sketches at this early stage, and indeed this can be counter productive. Always see the site first!

Be aware of the role and value of public art as a part of place-making when making your proposal or submitting your application: you may find it useful to look at the Benefits of Public Art section in *Appendix 2* to help build your case.

Interviews and presentations

Having got to the interview or presentation stage you will, again, need to sell yourself and make yourself stand out from the crowd. Briefly introduce yourself: where and how you trained; describe your current practice; what you specialise in; current research interests; what interested you in this particular commission; what materials you plan to work with, why you have chosen them, their strengths etc. It is important to be confident about your skills and knowledge and present a professional image.

If this is your first commission then be up front about this and emphasise how your experience working as a designer maker provides you with a skill base to take on the commission. For example you may lack experience in making large scale public works, but you have an established reputation for your production range and are recognised for the quality of your making skills, your knowledge of, and experimentation with, materials and so on.

Be prepared, and anticipate, questions about perceived gaps in experience of working to a larger scale and think about how you will answer these questions. For example, you might propose you work closely with an experienced fabricator; bring in the expertise of a structural engineer (necessary on many public art schemes); collaborate with another artist or creative individual with complementary skills; make a scale prototype and so on.

When preparing for interviews and design presentations, it is often best to assume ignorance on behalf of a selection panel. Commissioners will want to know and be reassured about basics such as materials and their durability and longevity; resistance to vandalism (this always crops up and it is best to have your response prepared beforehand!); how the work is to be made – whether by you the artist or by a fabricator. Selection panels can often include members who have little, or no, experience of working with artists so be patient with your answers! Basically they want to be confident that you have thoroughly researched the commission and have all the skills needed to carry out the work.

Sometimes shortlisted artists will be asked to present initial design ideas, or sketches, at a first or second stage interview. A design fee should be offered if a fully developed design proposal is required at this stage, to enable you to carry out any necessary research and visit the site or location for the work.

Making design proposals

Following your appointment you will be asked to attend a site meeting and carry out research and development, consultation and come up with design proposals to present to the client or advisory group.

Design proposals should include a written proposal, technical information, accurate costings and presentation of the design in a format such as drawings, sketches, computer images or a scale model.

In terms of the actual designs these should show how the proposed artwork fits into the specific site. There is a definite art to this. For instance you can obtain the architect's or developers drawings of the site and superimpose your work to show scale and perspective and generally show the client what they would expect to see if the commission gets the go ahead.

Some artists present models, others make powerpoint presentations – usually the format is up to you, although sometimes this can be specified by the client, especially if the designs need to be submitted as part of a planning application.

A budget breakdown listing all costs relating to the commission, i.e. artists fees, research, development, consultation, materials, construction, any structural engineering costs etc should also be included.

Public consultation

With most public art and large scale commissions, some form of consultation with current or potential users of the site will be necessary to gain both formal and informal feedback. This could take the form of public meetings, workshops, presentations or an exhibition of proposals, ideally organised by the client. Sometimes the artist will be asked to propose appropriate consultation methods.

There are many different ways to go about the consultation depending on the type of commission and the site and location. Consultation should be considered as an investment in terms of making people feel involved and encouraging community participation and ownership. Local people like to have a say and make a positive contribution to the appearance of their environment.

Budgets and fees

Budgets are set for commissions in various different ways. It is most usual however for the commissioner to identify a total sum within which the artist must work, and for the artist to provide a breakdown of how much each individual element will cost.

With public art projects some of the items included in the budget checklist below, such as site preparation and installation costs, may be paid for by the commissioner from a separate (i.e. additional to the public art) budget. These issues need to be checked with the commissioner and should be identified in the project brief. It is also worth checking what allowances have been included within the overall capital budget for the element you are designing and making for. For example it may be possible for the cost allocated within the overall scheme to purchase, and for a contractor to install, proprietary items such as furniture, paving or flooring to be offset against for the public art element, so increasing the artist's budget.

Budget checklist

When putting together a budget you will need to ensure you have included:

- Artists' fees – many artists work out their fees on a percentage basis – eg 10% - 30% of the total value of the commission depending on their experience
- Materials
- Fabrication costs
- Education/community involvement e.g. workshops, talks, presentations
- Installation, transport, possibly traffic management (may be paid from a separate budget)
- Site preparation – landscaping, extra labour costs, services etc (may be paid from a separate budget)
- Insurance including public liability
- Last, and certainly not least, a contingency, anywhere between 10% - 20%

Payment schedules

The most usual fee payment schedule is for an initial design fee at the design proposal, research and development and consultation stage; followed by staged payments at the fabrication and installation stage.

Artists' contracts

Most artists' contracts are based on existing models and are tailored to the requirements of the particular commission.

Although specimen contracts for public art commissions do exist it must be stressed that as each commission is individual caution should be exercised when referring to contracts written by other parties. Contract clauses should reflect the requirements of each individual commission and therefore contracts written for another commission should only be used as reference. Depending on the scale and importance of the project artists may benefit from checking the contract with a lawyer.

An artist's contract should include:

- Names and addresses of artist and commissioner
- Scope of work
- Copyright issues, reproduction rights, credits and moral rights.
- Role of artist
- Role and responsibilities of commissioner e.g. site preparation, installation costs.
- Fees and payment schedules
- Insurance requirements including public liability
- Defects and warranty terms
- Timetable and key dates
- Maintenance obligations
- Ownership of work
- Decommissioning policy including transfer of Ownership and removal of work
- Arbitration

You would expect to see the following clauses regarding copyright and other rights in a commissions contract:

Copyright and reproduction rights

- Copyright of the work, including any preliminary designs, remains at all times with the artist.

- It is usual for the client, without payment to the artist, to make (or authorise others to make) any photograph, film or video of the designs and to include this in any advertising, brochures, or other publicity materials or film, video or television broadcast provided that any such reproduction is intended to promote or record the making of the work and is used for non-commercial purposes.

Credits and Moral Rights

- The artist will be identified as the originator of the designs on all occasions when the work (including any preliminary designs sketches or maquettes) or any photograph or other permitted reproduction is exhibited, published or issued to the public.

Insurance

Most commissioners require artists to provide their own public liability insurance – the most usual amount is £5 million for public art projects although more coverage can be requested for big budget commissions. Public and Products Liability Insurance can be provided free through a-n the artists information company's AIR membership scheme, or through a specialist broker.

Criminal Records Bureau (CRB)

If the artist is to work with children or vulnerable adults, they will be subject to a CRB check in accordance with the Council's safeguarding policy and an 'Enhanced Disclosure' certificate will need to be provided.

Maintenance, relocation and decommissioning

A schedule for maintenance should be drawn up to ensure the work is regularly inspected and repaired if necessary. This responsibility normally resides with the owner of the work.

A decommissioning policy is also recommended in the event that the work deteriorates or becomes damaged beyond repair and a decision needs to be taken about its future.

For newly commissioned works issues of decommissioning should be addressed by the commission contract at the outset. All commission contracts should stipulate that the artist provides a maintenance manual which details how often an artwork should be cleaned, the use of any specialist cleaning materials, and advice as to whether this work should be carried out by a specialist firm or by the artist.

A commission contract should also include clauses that address:

- anticipated life expectancy
- ownership: who owns the work?
- decommissioning: what happens in the event that the work deteriorates or becomes damaged beyond reasonable repair
- relocating: who needs to be consulted if it is proposed that the artwork is moved to another site?

A permanent record of the identity of the artist, other key contacts, all their contact details, and the commission contract should be kept on file.

The artist should always be notified and consulted on any proposed alteration of the site and relocation of the work which would affect its intended character and appearance.

Managing projects successfully

A mixture of being clear about the requirements of the brief, while at the same time being flexible enough to respond to any changes that might occur, is recommended as a route to achieving a successful project.

Budgets will often be tight so it is essential to have a contingency to draw on.

Be up front about any problems as soon as they occur and offer solutions. Good communication and keeping in regular contact with key people involved with your commission or project are also crucial. It is important to follow up meetings and telephone conversations with a quick email confirming arrangements and clarifying responsibility for action points. This evidence trail of dates and who said what and when can be helpful, and potentially absolutely crucial, at later stages of a project if problems do occur and there a dispute arises over budgets or responsibilities.

APPENDIX 1

Public Art – some definitions

Public art involves the commissioning of high quality artworks made specifically for the public realm by artists, makers and designers. Public art can have a key role in delivering objectives such as environmental enhancement, community development, neighbourhood renewal, education, employment and tourism as well as make a considerable impact on quality of life.

Many of the most successful public art projects come about through an integrated and collaborative approach, whereby the works of art and or craft and design are conceived as part of the building or landscape from the outset, rather than as an added feature.

Whatever the nature of the work, public art should always be site-specific: that is being created specifically for the particular site or location and relate to the context of that site.

Public art can be realised in a variety of ways: for example lighting schemes, street furniture, fencing, paving, signs, sculptures, murals, architectural glass, mosaics, banners, sound, and text.

Public art can be either **temporary** – for example a projection on the façade of a building, a film, video, sound installation - or **permanent**, for example a sculpture on a roundabout, or artworks in a school, library, hospital or new housing or retail development, or sited along a river walk way or in a public park.

Artists can become members of design teams, and work closely with architects, landscape architects, engineers, planners and urban designers. Bringing artists in at the earliest possible stage, ensuring that their contributions are integral to the concept and design of the overall scheme, is generally recognized as being the best way of realizing a successful scheme. So called socially engaged schemes, where in depth engagement and consultation with a community are seen as integral, and the end product may only be a small part of the whole process, are also common these days.

Work commissioned might replace “off the shelf” products with original works in signage, seating, paving, fencing, gates, banners, flags, mosaics, carpets, ceramic tiling, and flooring.

For government funded organisation **ixia** who provides guidance on the role of art in the public realm:

“The spectrum of artistic practice represented by the term ‘public art’ encompasses art commissioned as a response to the notion of place, art commissioned as part of the designed environment and process based artistic practice that does not rely on the production of an art object. When searching for a definition, it is helpful to regard public art as the process of artists responding to the public realm.”

APPENDIX 2

Benefits of Public Art

The role and value of public art is internationally recognised as a key component in cultural, economic, social and community regeneration by government and other agencies. Nationally the benefits of public art as a part of place-making can be seen in business and retail developments, housing, healthcare, education and countryside developments.

Public art can

- enhance the built environment
- humanise public spaces and create meaningful places where people feel comfortable and relaxed
- stimulate discussion and debate
- help create a sense of identity and community and improve the quality of the environment and of people's lives
- increase the use of open spaces and reduce vandalism by encouraging a sense of pride and ownership
- provide benefits in terms of tourism
- boost the local economy through creating local employment
- add to peoples' appreciation of a particular place as well as aiding orientation
- add an individual and distinct character to public and private sector developments
- by involving local communities in the consultation process build up knowledge, trust and confidence in local environments
- enhance developers status and image locally and nationally
- help build our cultural heritage

APPENDIX 3

Resources

Commissioning agencies and public art consultants (selected)

There are a number of UK based commissioning agencies, some with a regional remit and others with a national remit. Although most concentrate their work within a specific region they will also work out of region. Some keep indexes and registers of artists, others research individually as projects emerge. It is advisable to check individual websites for an overview of the agencies area of work.

A comprehensive list of commissioning agencies and freelance public art consultants can be found on Public Art On Line www.publicart.org.uk

MADE

www.made.org.uk

Regional Architecture Centre for the West Midlands and a member of the national Architecture Centre Network.

Public Arts, based in Wakefield

www.public-arts.co.uk

Commissions East, based in Ely, Cambridgeshire

www.commissionseast.org.uk

Arts Council England funded

Artpoint, based in Oxford

www.artpointtrust.org.uk

Arts Council England funded

Freeform Arts Trust, based in London

www.freeform.org.uk

General Public Agency, based in London

www.generalpublicagency.com

Helix Arts, based Newcastle

www.helixarts.com

Beam (formerly Public Arts), based in Wakefield

www.beam.uk.net

Ginkgo Projects Ltd, based Somerset with an office in Scotland

www.ginkgoprojects.co.uk

InSite Arts, based London and Warwickshire

www.insitearts.com

Maggie Bolt Associates, based Exeter

www.maggiboltassociates.com

Modus Operandi, based London
www.modusoperandi-art.com

Safle, based Cardiff
www.safle.com

Willis Newson Ltd, based Bristol
www.willisnewson.co.uk
 arts and healthcare specialists

Vital Arts, based Barts Hospital, London
www.vitalarts.org.uk

Organisations (selected)

That section contains a list of organisations offering information, support, advice and opportunities.

Ixia – the national support agency for Public Art, based in Birmingham
www.ixia-info.com

Ixia promotes excellence in public art through information, education and debate and aims to support critical discourse in order to promote the best opportunities for artists to contribute to the public realm.

Public Art Online

National and international case studies; information sheets, examples of Public Art Policies, advice on commissioning, contracts and other current issues. An excellent resource for public art and commissioning
www.publicartonline.org.uk

Architecture Centre Network (ACN)

CAN works for the creation of better quality neighbourhoods, buildings and public spaces across the UK.
www.architecturecentre.net

Axis: all about artists

www.axisweb.org

National database of contemporary UK based artists.

The public realm section contains featured projects and case-studies.

Crafts Council Photostore and Picture Library

Over 30,000 images of craft disciplines. Print-outs available.
www.craftscouncil.org.uk/photostore

a-n the Artists Information company

A national resource for artists: publications, information sheets, contracts, commissions, etc. www.a-n.co.uk

Artquest

ArtQuest's web site: an archive of articles from Art Monthly by Henry Lydiate.
www.artquest.org.uk/artlaw/browse.html

Landscape & Arts Network

www.landartnet.org

Cabe (Commission for Architecture and the Built Environment)

CABE is the champion for architecture in England. CABE's role is to promote high standards in the design of buildings and the spaces between them. CABE offers advice to all those who create, manage and use the built environment.

www.cabe.org.uk

Arts Council England

www.artscouncil.org.uk

Funding for artists and projects.

APPENDIX 4

National planning context

Local authority context

There are many different ways to deliver public art projects, for example through advocacy, local plans, planning guidance and section 106 agreements. Although it is not necessary for a local authority to have a formally adopted public art policy and strategy to commission artists, it does help to have one in place so opportunities to involve artists can be acted on quickly and decisively and the public art can be placed firmly within the planning and development framework for the site.

Local authorities are keen to utilise and build on local skills by working where possible with local artists and groups – this is something to be noted and exploited by artists.

The range of support and resources allocated to public art within local authorities varies considerably. Some local authorities have specialist Public Art Officers who are located within an arts development or planning team whilst elsewhere the work is incorporated into the briefs of other local authority posts. Some local authorities bring in regionally based commissioning agencies and/or consultants to work on specific projects.

National Planning Guidance

Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) set out the Government's national policies on different aspects of the planning process. PPS explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. They also explain the relationship between planning policies and other policies which have an important bearing on issues of development and land use. Although they do not make specific references to public art they do state that sustainable development should involve good design and community engagement, aspects that artists can influence.

CABE (Commission for Architecture and the Built Environment), the government's advisor on architecture, urban design and public space also promotes improving quality of life through the quality of the built environment, good design and the use of public space:

'Artists can best become involved at the start of the process, so that they can contribute conceptually to a project – if you use them to bolt-on art work at the end, opportunities are missed and results may be unsatisfactory. If your project has a percent for art policy, you could appoint a lead artist to formulate a creative direction, and advise on how to involve other artists and arts organisations. Using an artist can add considerably to the distinctiveness of your scheme – it may be a factor that makes one bid stand out from the rest in a tendering process'.

'The work of artists should be integrated into the design process at the earliest possible stage if it is to be used effectively'

By Design – Urban Design and the Planning System (CABE/DETR, 2000)

'Green space is a vital part of the public realm. Attractive, safe and accessible parks and green spaces contribute positive social, economic and environmental benefits, improving public health, well-being and quality of life.'

Green Space Strategies: A Good Practice Guide; (Cabe Space May 2004)

'Public Art can make a major contribution to giving a place character and identity, bringing people into and through places'

Urban Design Compendium (English Partnerships and The Housing Corporation, 2000)

Mechanisms for Delivery

Percent for Art - Section 106 Agreements - Local Development Frameworks (LDFs)

The term Percent for Art refers to a widely used funding mechanism to support funding for public art schemes. The Arts Council of England launched the Percent for Art Initiative in 1988. Aimed at local authorities the initiative was intended to promote an awareness of public art and to encourage authorities to adopt a percent for art policy and encourage percent for art in their development schemes. It is worth noting here that Percent for Art is not mandatory, but voluntary, in the UK although it can be linked with legislation.

With Percent for Art a proportion of the capital costs of a new development or refurbishment is set aside to commission artworks which will be integral to the site. The recommended percentage is usually 1% of the overall budget, but this can vary considerably depending on local resources and policy and also on a project's size. Legislation exists through The Town and Country Planning Act of 1990, Section 106 – the so-called **Section 106 agreement** – that enables a **planning obligation** to be entered into by an agreement between a developer and a local authority to ensure the provision of necessary infrastructure and community facilities directly relating to a proposed development. This can include the provision of public art.

Percent for Art is usually linked with a local authority's **Local Planning Framework (LDF)** which commits local authorities to improving public services and the quality of life of residents. LDFs are gradually replacing Local Plans. Although relatively few authorities have written public art policies or strategies where public art is included in a Local Planning Framework an opportunity exists to encourage developers, within both the public and private sectors, to allocate a percentage of the total building costs for the commissioning of public art. Wording within a Local Planning Framework is usually along the lines of

"Where major developments are proposed, the Council will seek a contribution towards public art from developers. The nature of the contribution will be negotiated with the developer and will take the form, either of provision for works of art or artists' input to the building and its surroundings, or through a financial contribution towards public art works, arts facilities or events. The type of public art and level of

contribution will depend on the nature of the development proposal, the characteristics of the site and its surroundings. However, a nationally acceptable guideline is that it will be around 1% of the construction costs.”

Hastings Borough Council

The implementation of the policy is usually subject to negotiation between an authority and developer. A productive route to obtain funding for public art often starts with planning departments identifying opportunities through planning applications. The potential for including public art can then, in conjunction with the arts department, be regarded as a planning gain issue and be included in section 106 negotiations.

Local authorities with active Public Art Policies often produce **Supplementary Planning Guidance** (SPG) leaflets which provide guidance and contacts for developers on the commissioning process. This assists developers on how to fulfil public art conditions as set out in the section 106 agreements. The SPG will detail some of the material considerations that can be taken into account when determining a planning application. The SPG is intended to provide helpful guidance for the developer consistent with the provisions of the LDF and should be read in conjunction with the LDF. SPG leaflets are automatically sent out by Planning departments with requests for planning applications.