

**FALKIRK COMMUNITY TRUST**  
**Public Art Procurement Guide for Developers**

**Introduction**

The following guide has been developed to accompany the Falkirk Local Development Plan 2 (LDP2), adopted August 2020, and associated Supplementary Guidance (SG13) on Developer Contributions. These documents seek to promote the provision of public art as part of new development. LDP2 expresses this commitment through Policy PE01 Placemaking which states:

*‘Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 ‘Developer Contributions’ and the public art procurement guide produced by Falkirk Community Trust.’*

SG13 further elaborates on this as follows:

*‘Policy PE01 states that developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. This provision will apply to residential developments of 200 houses or more, and retail/ commercial leisure/community/civic developments of 2,500 sqm or more. The scale of investment/ contributions will be broadly proportionate to the scale of the development and geared towards the public art opportunities identified within the strategy. A guide to the procurement of public art will be produced by Falkirk Community Trust and will provide further information on the definition and scope of public art, as well as good practice in developing and delivering public art projects.’*

This procurement guide is intended to assist developers where they are required to prepare and deliver strategies for public art associated with their sites. It is predicated on the basis that a commitment has been made to commission an artwork(s) for the public realm; that appropriate funding is in place<sup>1</sup>; and that the commission is being undertaken within an overall strategic context. It has been developed to support stakeholders in the commissioning process and to ensure that the commission is a positive and inspiring experience for all involved.

**Background**

A second Public Art Strategy for the area was produced by Falkirk Council in 2006 with a key objective to develop approaches to ‘work with appropriate partners to stimulate the commissioning and production of Public Art throughout the Falkirk Council area’.

The context for the Public Art Strategy was the production in 2003 of The Strategy for the Arts in the Falkirk Council Area 2003-8 which emerged as part of a response to the areas’ industrial decline where the arts were part of a wider, publicly-funded regeneration programme. It placed access and opportunity at the heart of arts provision and the ‘universal offer’ of the arts at the centre of the areas’ renaissance. Promoting the areas’ cultural assets and activities has been

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<sup>1</sup> If the whole funding package is not in place, all parties involved should be made aware of this.

instrumental in creating a new sense of place and the transformation of the quality of the environment across the Falkirk area.

In September 2016, an Arts Delivery Plan for the area was approved by Falkirk Council; this Plan recognises the expansion of the public, third, voluntary and independent arts sectors over the past 15 years across all artforms. The Plan endorses a shared vision of 'a vibrant place in which the arts are integral to the lives of all who live and work here and where the value of the arts is explicit to all who visit'; and a shared mission 'to work together in a way that connects people, ideas and resources across the arts sectors'.

### **Current Context**

This Procurement Guide has been produced within the policy context of Falkirk Council's strategic aims.

The cultural context for the commission is the area's Arts Delivery Plan <https://www.falkirkcommunitytrust.org/about-the-trust/our-strategies-policies-plans-and-document-downloads/> and its shared vision:

- A vibrant place in which the arts are integral to the lives of all who live and work here and where the value of the arts is explicit to all who visit.

and mission:

- To work together in a way that connects people, ideas and resources across the arts sectors.

Further to this, a number of the Council's guiding principles, established as part of the Public Art Strategy 2006-11, continue to inform the area's approach to public art, namely:

- to make the public spaces within Falkirk Council area more vibrant and visually stimulating and contribute to place making
- to ensure the involvement of artists at the earliest stage in architectural, environmental and community regeneration projects and initiatives in order that visual art forms an integral part of the realisation of ideas and concepts
- to create opportunities for artists to make work in response to Falkirk Council area's urban and rural environments
- to ensure community participation and involvement in the process of developing, commissioning and, where appropriate, creating artworks for public spaces

The Arts Delivery Plan recognises that public art is as equally aligned to the regulatory framework for the built environment as it is to cultural strategy. The following notes provide practical guidance to developers on the area's approach to public art commissioning.

### **Definition of Public Art**

There is no single definition of Public Art. It is generally accepted that the term refers to work produced by artists or makers that is integrated within the built or natural environment in both urban and rural locations.

Public Art is not an art form in itself; it is a form of artistic practice. There is no specific approach to making art for public spaces, the materials that are used or techniques/ skills that are employed. Public Art may be temporary or permanent, a standalone piece that exists as a form

within its own right or it may be incorporated into, or be an integral part of, other non-art structures, spaces or objects. By its nature, Public Art is site specific, relating directly to the context of the site or area on, or in which it is located.

### **Public Art Strategy for a Proposed Development**

Where the provision of public art is required in association with a proposal, SG13 requires developers produce a strategy for its delivery. This may be prepared and submitted as part of the application, or post consent as a requirement of a planning condition. Such a strategy should set out:

- A broad assessment for the opportunities afforded for public art on or adjacent to the site, in terms of potential locations, local themes, and integration with the design and landscape framework for the site; and
- The process to be followed including establishing working groups, consulting with the public and stakeholders, developing the brief, and commissioning the work, as described in the guidance below.

### **Managing the process**

Establishment of the steering or management group to direct and monitor the commission from start to completion of the process is essential. The group should represent the 'client' organization (the originators of the commission); the local community (in which the commission will be cited); arts expertise (to provide specialist guidance and support to the group). In addition, local authority representatives may be included on the group as may representatives from specific community group(s). It may be that a school pupil or member of a youth group is also included. A representative from Falkirk Community Trust, as the specialist advisers to Falkirk Council on culture, should be co-opted to the group.

The group should be led by an arts professional who will be the link between the steering group and the artist on the day to day delivery of the commission. Falkirk Community Trust Culture team has previously taken this role (as a dual role with their abovementioned specialist advisor role) on a number of public art commissions over the past decade. In other instances a public art consultant or Lead Artist has been engaged to take on this role<sup>2</sup>. The lead 'officer' on the group is responsible for supporting the group, many of whom may be involved in a public art commissioning project for the first time, as well as the artist, who may not be familiar with the wider process or local dynamics, etc.

It is the responsibility of the group as a collective to establish the objectives and intended outcomes of the commission at the outset.

#### **Case Study 1**

Working with the Rediscovering the Antonine Wall (an HLF-funded initiative) project team in 2019, the Greenhill Heritage Society proposed the creation and installation of a plaque as part of the Bonnybridge and District Heritage Park that would highlight the heritage of the area and signpost visitors to further information. The project team contacted Falkirk Community Trust for advice and support.

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<sup>2</sup> In these instances, FCT would still have a role on the steering group,

The Trust worked with society members and the project team through the commissioning process from development and advertising of the brief; shortlisting and interviewing artist applicants; to contracting the selected artist.

From the outset the group had a clear idea of what they required (ie an information point at a particular location) but the artist helped them to realise this in a visually interesting form.

### **Objectives of the commission**

The objectives for the commission should be developed by the group and should include a number of practical as well as conceptual considerations. The group should be clear about the following:

- Where is the artwork to be located and why
- Will the work be temporary or permanent
- Are there any restrictions on the type of materials that could be used
- What planning/ consent permissions are likely to be required
- What are the implications of installation (i.e. additional groundworks or landscaping requirements)
- What is the budget for the commission and what anticipated costs does it include/ not include
- What is the timescale for the commission
- How will the artist be recruited

### **Developing the brief**

Once the rationale for the commission is established the group should define the scope of the commission. It should be clear in the commission brief as to what the expectations of the artist are. Does the group want the artist to create a work based on a pre-determined theme; do they want the artist to respond to the site/ locale themselves; do they want the artist to work with representatives of the local community or 'user group(s)' to develop the concept and design proposals for the work.

The brief is the key element in 'recruiting' the artist and so it should contain as much detail about the background to the commission/ commissioning body(ies) as possible. It should also articulate clearly the purpose and scope of the commission; the budget and any information about the type of artist the group are looking for.

Although, the group should have local stakeholder representation on it from the outset, it may be appropriate to engage the wider community or local/ specific interest groups on the development of the brief to ensure all potential immediate beneficiaries of the commission have had the opportunity to contribute to its conception.

The brief should include the following information:

- The purpose of the commission (aims, objectives)
- Background information providing local, practical and strategic context to the commission. This may include documents, site maps, etc that will help the artist understand more fully the provenance of the commission and any geographic implications of the site

- The artist's role in the commission. This section should clarify for the artist the expectations that the group has of him/ her; the extent to which community engagement and/ or consultation will feature in the commission; the artists' skillset or the type of artist the group is looking for; clarification of copyright/ intellectual property arrangements
- Any specifications regarding particular materials that should be used as well as any anticipated planning/ consent that may be required
- The budget for the commission and the areas of expenditure that this covers/ excludes. It is usual practice to invite shortlisted artists to present as part of the interview their cost plan for the commission (based on their knowing the overall commission fee)
- The anticipated timescale for the commission and any key milestones (ie presentations to stakeholders, community consultation events, etc)
- Information about the steering group, the members' roles and responsibilities
- The process and timescale for recruitment/ selection of the artist
- Information about any pre-appointment checks that may be required such as PVG/ Disclosure (Scotland) prior to appointment
- Maintenance arrangements for the artwork including expectations around de-commissioning
- Requirements for project evaluation

### **Selection of the Artist**

As part of the development of the brief the group should ascertain how they wish to recruit the artist. Generally, we would recommend open competition to ensure equality of opportunity. However, there may be instances where limited competition (ie inviting a small selection of artists to apply for the commission on the basis of their predetermined suitability) is appropriate. Occasionally, public art is commissioned through direct invitation to an artist (again selected on predetermined criteria). We would strongly recommend that if the group wish to pursue a limited competition or direct invitation approach to recruitment they consult with Falkirk Council/ Falkirk Community Trust in the first instance.

If the group are taking the more common, open competition approach, they should consider where best to target the adverts. As a general rule, we would recommend publicising the opportunity through the Creative Scotland Opportunities page, Public Contracts Scotland website and Voluntary Arts Scotland website. In addition, we would distribute the information to artists studios (such as WASPs); artists workshop spaces ie printmakers studios, sculpture studios; art schools/ colleges; artists collectives. There is no charge to promote listings in these forums. If the group has an advertising budget then they may wish to take out paid advertising in publications (arts journals and publications and/ or local/ national press). The stakeholders should also post or announce the opportunity on their respective websites/ social media platforms.

The advert should summarise the opportunity and include a link to the brief (or an invitation to request the brief if you want to monitor the initial response to the advert) which will contain all the information the artist will require in making a decision to apply or not. You should state clearly in the advert what you are expecting from the artist for the first stage of selection.

There are two general approaches to selecting an artist:

- 1 The advert invites artists to send images of some previous work (relevant to this commission) and a statement outlining their interest in the commission. The panel (the steering group) would consider all applications and shortleat a number of artists to attend interview.

All shortleated artists would be interviewed. Generally the applicant would be required to deliver a short presentation demonstrating his/ her approach to the commission, initial drawings/ proposals and evidence of previous experience. The selected artist would then work with the steering group and other stakeholders (if required) to develop a proposal for consideration for the panel. Once agreed, the artist would then be responsible for creating the piece of work.

- 2 As above, the advert invites artists to send images of some previous work (relevant to this commission) and a statement outlining their interest in the commission. The panel (the steering group) would consider all applications and shortleat a number of artists to produce more detailed designs/ maquettes of their proposal. In this instance, a design fee would be offered to each selected artists to cover their time/ materials in producing the proposal (this would generally be in the region of £200-£300).

The designs would then be presented to the steering group and, often, a wider community group – who would then consider and ‘vote’ on their preferred design. The steering group would then consider the result and appoint the artist.

Regardless of approach it is important that the steering group is involved in the selection process.

### **Case Study 2**

In 2011, as part of the Helix development, artist Jephson Robb was commissioned to create a piece of artwork for the Helix North site. The commission formed part of the Helix Public Art Plan. Jephson spent a lot of time meeting and working with individuals and groups local to the area in which the work was to be sited. He then developed sketches and models for an artwork and presented these to the steering group as a proposal. Whilst the community had no input into the visual design of the artwork, they were fully integrated into the process that shaped Jephson’s concept.

The artwork was titled Love and Kisses and was installed in 2012.

### **Contracts**

The contract has two parts that require to be agreed and signed by the artist and an appropriate representative of the commissioning client. The first part of the contract is the terms and conditions on which the commission is awarded. It will include any legal responsibilities as well as any formal, technical requirements such as compliance with planning legislation, etc. The second part of the contract is, essentially - the contract brief. In signing both documents, both parties should be clear about their respective roles and expectations in the commission.

### **Case Study 3**

The Camelon Local History Society had long held an ambition to commission an artwork that would recognize Camelon as the birthplace of Thomas Clement Douglas, Canadian politician and founder of Medicare, the first universal healthcare programme in Canada in the 1960's.

With planning gain funding from the Tesco and Aldi supermarket development in Camelon, Falkirk Council provided the funding to the group to commission an artwork. The history society invited two artists whose work was known to them to make a proposal for a portrait bust of Thomas Clement Douglas. Artist, Walter Awlson was selected and created the work. Falkirk Community Trust worked with the society throughout the process, providing contractual and project management support.

The artwork has been on permanent display in the Visitor Centre at the Falkirk Wheel since it was completed in 2016.

### **The commission**

Once selected, the artist will then work closely with the steering group and any related teams (for example the artist may be co-opted onto the project design team if the commission forms part of a larger capital initiative (such as a building or landscaping development project)).

Equally, the nature of the commission may be that an artist is selected to help realise the ambitions of the community/ client group and as such the artist would be commissioned to work for a period of time with community groups, clubs and organisations to generate ideas/ themes for the artwork. The artist would then produce designs/ proposals for consideration and comment from the community. Once agreed the artists would create, or organise fabrication of, the work.

In each case, the artist would continue to be 'line managed' by the steering group/ lead individual on the steering group but would work across teams.

Client and community engagement and consultation is essential to ensuring the commission realises the ambitions of the steering group and wider stakeholder group as well as 'ownership' of the artwork once completed and installed. This engagement process should be built into the brief so that both artist and client can ensure that the engagement process is meaningful and informative.

The contract should stipulate whether the artist is responsible for organising installation of the artwork or if this part of the commission will be undertaken by a third party. Regardless of which approach, the artist will be required to work closely with the third party (most likely the Project Design team or other services/ departments/ estate owners) throughout the design and fabrication process in order to ensure that this is undertaken appropriately.

### **Monitoring and Evaluation**

Throughout the process, there should be a requirement for regular progress meetings. These may be required for timeline reasons ie to sign off design proposals/ amendments to design proposals or simply to ensure that all stakeholders are updated/ in the loop. In large capital

projects deadlines/ approvals, etc will impact on all aspects of the developments but the meetings may simply be to ensure that the steering group is up to date on the artists' progress in terms of engagement, design or fabrication.

It is good practice to complete a project report on completion and installation of the commission. This should be completed by the lead officer on the steering with input from the artist and other stakeholders as required.

### **Maintenance**

Increasingly commission briefs are specifying that the artwork should require low or no maintenance as it is unlikely that the commission budget will include funds for on going maintenance of the artwork. However, installation of the artwork may incur potentially 'hidden' maintenance costs for years to come. For example an impact on grass cutting or planting around the artwork); additional lighting may be required for safety rather than aesthetic reasons as such it is important that these or similar elements are considered at the design consultation stage and any discussions and agreements with relevant parties are made.

Over and above this, the artist will be required to complete a maintenance plan for the artwork. Generally, this would be cleaning requirements or repair in the event of damage rather than regular or routine maintenance of the artwork, prior to sign off of the design by the steering group.

### **Launch/ celebration**

Celebrating installation and/ or completion of the commission acknowledges the hard work undertaken and the range of stakeholders involved and is a good way to promote the artwork and the location to a wider audience.

### **Further information/ contacts**

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