

Economy and Growth Committee

Date of Meeting:	17 th January 2023
Report Title:	Notice of Motion – Public Arts Consultations
Report of:	Jayne Traverse, Executive Director Place
Report Reference No:	EG/25/22-23
Ward(s) Affected:	All wards

1. Purpose of Report

- 1.1. A Notice of Motion – Public Art Consultations was received by Full Council on 19th October 2022. Council deferred the matter to the Economy and Growth Committee.

This report is presented to the Committee for consideration.

2. Executive Summary

- 2.1 This report sets out the current processes in place for consultation on public art and goes on to explain the review which is currently underway of the Council's Cultural Framework. The report further sets out the context for consideration of the Notice of Motion as part of the Cultural Framework and recommends that full consideration of this matter is dealt with as part of the same.

3. Recommendations

- 3.1. The report recommends that full consideration of the Notice of Motion be given at the March meeting of the Economy and Growth Committee in the context of a report on the Council's Cultural Framework.

4. Reasons for Recommendations

- 4.1. A report on the Council's Cultural Framework is scheduled to be received by Members at the March Committee. The Cultural Framework will include full details of commissioning of art and cultural activity and as such will address the issues raised in the Notice of Motion in its full context.

5. Other Options Considered

5.1. This section is not applicable.

6. Background

6.1 A Notice of Motion – Public Art Consultations, was presented to Full Council on 19th October 2022 and deferred to the Economy and Growth Committee for consideration.

6.2 The Notice of Motion, proposed by Councillor A Gage and seconded by Councillor S Edgar, reads as follows:

“This Council resolves that all works of public art undertaken by the council or works of public art to be undertaken by third parties on council owned land or assets should be subject to a public consultation of residents within the affected settlement area.

Where singular or multiple artwork option(s) are proposed the consultation should provide the consultees with the option to oppose the proposed artwork.

The consultation should last no less than 21 days and all results should be made readily available to the Cheshire East public before a final decision is made. The consultation will act in an informative and advisory capacity with all final decisions on the commissioning of public art to be decided by the relevant body of democratically elected members as defined by the council's constitution.”

6.3 Commissioning of Artworks

6.3.1 Commissioning of artworks by Cheshire East Council falls within the remit of the Cultural Economy Service.

In 2017 the Council approved a Cultural Framework which sets out the Council's priorities for Culture and mechanisms for commissioning. This framework runs until 2022 and as such is currently under review with a revised framework due to go to Committee in March of 2023, in order to be operational from April.

The framework was developed following a period of consultation with cultural organisations, key stakeholders and funding bodies such as Arts Council England and National Lottery Heritage Fund.

Cheshire East Council's goal for Culture is to **transform lives and places through access to great culture**. Our role is to enable the economy, communities and places of Cheshire East to benefit from engagement with culture.

The Council's cultural priorities under the framework are attached at Appendix A.

In addition to mechanisms set out under the Framework, the Council may also commission artworks in direct response to planning conditions, regeneration

plans or may also provide advice to partner organisations on commissioning processes.

6.3.2 Commissioning Mechanisms

The current Cultural Framework sets out three key mechanisms for the commissioning of cultural activity which includes artworks.

a) Restricted Funding– Cultural Organisations

These commissions may last between 1 and 4 years and are likely to be strategic in nature and part of a wider cultural economy, supported by Arts Council England and Heritage Lottery programmes and will form part of an ongoing strategic conversation with these bodies.

b) Strategic Commissioning

The service will, from time to time, as appropriate to need and available budgets, issue invitations for tenders for specific interventions or programmes of work.

c) Co-commissioning

From time to time there may be opportunities for the Cultural Economy team to partner with other commissioning services, either within the Council or external, in order to maximise available budgets and meet a wider identified need.

6.3.3 Commissioning of Artworks

In line with the Council's Cultural Priorities, the Cultural Economy Service actively seek out and advocate for artworks to be included within the public realm.

Such artworks can increase a sense of belonging, a sense of pride in one's community or place, they can inform, educate or celebrate the heritage of a place, in addition to enhancing quality of design and uniqueness of our towns and villages.

The opportunity to commission and fund such artworks arises in a variety of ways, this is described in the table below.

Type of Commission	Funding	Likelihood
Direct by the CE service in response to an identified need or request from the community	Funded in its entirety by CEC	Rare
Commissioning of artworks as part of a wider scheme or programme of works. Multiple partners and funders.	Generally from external sources but may include elements of Council funding	Typical

Commissioning on behalf of another organisation, Council will act as an agent on their behalf.	Entirely by external organisation	Very Rare
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6.3.4 Processes

The Council advocates for a best practice process in the commissioning of artworks to be placed in the public realm, in order to achieve high quality, value for money, engagement with residents and businesses.

The process generally follows the pattern below, however, dependant on requirements of funders, particulars of a scheme (including site location, partners involved and role of Council), the emphasis given to each of these stages may vary between different commissions.

Step 1 - Need or opportunity and desired outcomes are identified. Funding is either identified or a fundraising strategy is put in place. Often this will involve making application to funders and can be a lengthy process.

Step 2 – Engagement strategy is agreed. Best practice advocated for always includes public engagement. The extent to which this takes place and methods used, will vary according to the scale, profile and impact of each commission and whether the Council is commissioning directly or in rare circumstances, acting as an agent.

Step 4 – Commissioning method is agreed. This is most usually through an open call to artists, however in some circumstances this may be limited to artists from the local area. The method used will be in accordance with CEC procurement rules. A brief is developed to articulate the requirements of the commission. Depending on the agreed engagement strategy, consultation may take place at this stage.

Step 5 – The brief is published, artists are invited to respond. Artists are shortlisted and invited for interview. Depending on the agreed engagement strategy, at this stage artists may be asked to undertake public presentation of their response to the brief. A stakeholder panel will be established to select the artist.

Step 6 – Design process undertaken. Public engagement is encouraged at this stage however, the extent of this will be in accordance with the agreed engagement strategy.

Step 7 – Final design is selected and artist is instructed accordingly. This will be undertaken by the stakeholder panel in accordance with the engagement strategy.

6.3.5 Planning Consent

Some, but not all public artworks will require planning consent. This is dependant on whether they are temporary or permanent, their location and ownership of the site. Those which are part of a larger scheme will be incorporated into planning applications related to that scheme. In some situations other licences may be required such as third party permissions.

7. Consultation and Engagement

8. The matter under consideration will be addressed by the review of the Cultural Framework. As such, consultation will be carried out as part of the review process. This will include Members, cultural partners and stakeholders such as Town and Parish Councils.

8.1. Legal

- 8.1.1. There are no direct Legal implications of this report.

8.2. Finance

- 8.2.1. There are no direct financial implications of this report.

8.3. Policy

- 8.3.1. There are no direct policy implications of this report.

8.4. Equality

- 8.4.1. There are no equality implications of this report and its recommendations/decisions.

8.5. Human Resources

- 8.5.1. There are no direct human resource implications of this report.

8.6. Risk Management

- 8.6.1. There are no risk management implications of this report.

8.7. Rural Communities

- 8.7.1. This report has no direct implications on rural communities.

8.8. Children and Young People/Cared for Children

- 8.8.1. This report has no direct implications for children and young people, and cared for children.

8.9. Public Health

- 8.9.1. This report has no direct implications on public health.

8.10. Climate Change

- 8.10.1. This report has no direct implications on climate change.

Access to Information	
Contact Officer:	Helen Paton Helen.paton@cheshireeast.gov.uk 07824 301369
Appendices:	CEC Cultural Framework 2017 - 2022
Background Papers:	There are no background papers to this report.

Cheshire East Council Cultural Framework 2017 – 2022

Cheshire East Council Cultural Framework

1. Who is the Cultural Framework for?

Cheshire East Council's goal for Culture is to **transform lives and places through access to great culture**. Our role is to enable the economy, communities and places of Cheshire East to benefit from engagement with culture, contributing to wellbeing, quality of place, creative skills and prosperity. This is achieved through the provision and commissioning of arts, heritage, museums, creative media, festivals and events. (CEC's Strategic Priorities for Culture - See appendix A).

The Cultural Framework is designed to be widely used in Cheshire East by Cheshire East Council, the Council's partners, national agencies and stakeholders, the voluntary sector, faith sector, commissioners of public services for the people of Cheshire East, and cultural organisations and individuals in the cultural sector.

Culture can empower and influence in various ways that help to shape:

- Relationships between individuals and groups
- Shared memories, experience and identity
- Diverse cultural, faith and historic backgrounds
- Social standards, values and norms
- What we consider valuable to pass on to our children

These effects have individual, economic and social dimensions that can be fleeting, life-changing or affect successive generations, and which we are mainly interested in when we commission culture for outcomes. We believe that culture has a significant role to play in bringing these benefits to the people of Cheshire East.

2. What We Mean by Culture

For the purpose of the Cultural Framework, culture will address: arts, public art, heritage, museums, festivals & events, creative media, creative and digital industries. This relates to activity delivered by or through the Council, and the activity delivered by or through other individuals or organisations including arts, heritage and museum bodies, businesses, charities, community organisations and faith groups to name a few.

While not an exclusive definition, this is intended to closely align with the functions covered nationally by the DCMS (excluding sport) and also the priorities of Arts Council England.

3. Quality of Place

Quality of Place is a strategic priority for the Council and recognised as a key economic driver by the Local Strategic Enterprise Partnership (LEP). The cultural offer, quality of our natural & built environment, vitality of our towns and reputation for business, creativity, educational standards, lifestyle and wellbeing all contribute to Quality of Place. Distinctiveness of identity influences perceptions and supports place marketing opportunities. As well as supporting the prosperity of its residents and businesses, 'quality of place' can help create and communicate the 'identity' of a place.

Culture has a pivotal role in contributing to or achieving each of these elements of Quality of Place.



Achieving Quality of Place

4. The Framework

4.1 Purpose

The purpose of the Framework is to:

- a) Inform a cohesive approach across the Council to engage with the cultural sector to ensure delivery of Quality of Place.
- b) Develop a comprehensive understanding of the benefits of engaging with the Cultural sector across public sector commissioners and Council services.
- c) Develop a cohesive approach across the Council, to engage with the cultural sector to ensure high quality outcomes for specific programmes of work.
- d) Support the Cultural sector to engage with Public Sector commissioners and Council services.
- e) Facilitate closer relationships with the Cultural sector to maximise opportunities for investment in cultural activity in Cheshire East.

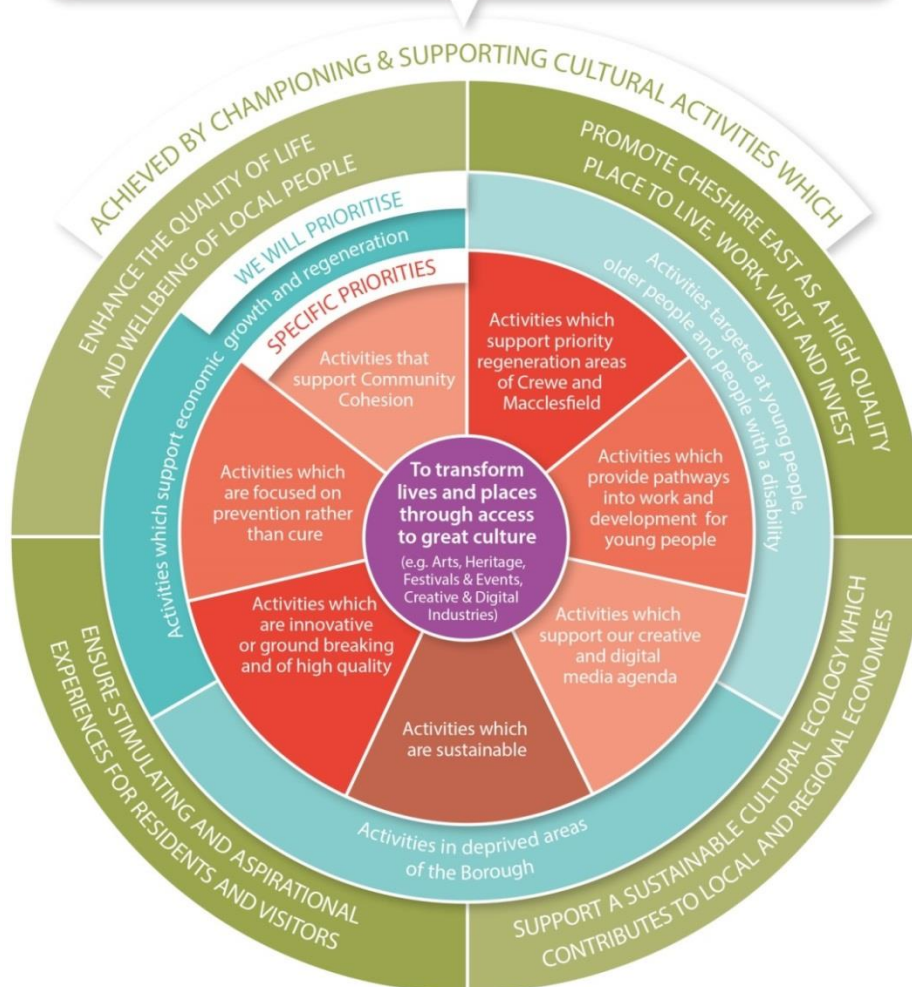
4.2 How it will be used

This framework is intended as a guide for Council services in delivering Quality of Place through Cultural interventions and the Council's priorities for Culture. It is designed to inform how the Cultural sector can be engaged by different service areas, to deliver specific objectives and in particular to inform the work of the Council's Cultural Economy Service in delivery of the Council's outcomes.

4.3 Council Priorities for Culture

The Council has adopted a set of priorities to inform the commissioning of cultural provision and services. These are set out at appendix A. These priorities are intended to inform all instances where the Council will commission or directly provide cultural activity in order to deliver Quality of Place.

Enabling the economy, communities and places of Cheshire East to benefit from engagement with culture, contributing to lifestyle, wellbeing, quality of place, creative skills and prosperity



Cultural Priorities

4.4 The approach

To help achieve its goal for Culture, **‘to transform lives and places through access to great culture’**, the Council can enable engagement with culture that contributes to wellbeing, quality of place, creative skills and prosperity. Cultural activity, engagement and interventions should:

- **Help to achieve the Council’s stated goal and priorities for culture**
- **Be delivered by appropriate, quality providers in an efficient, effective way that delivers for our residents.**
- **Seek opportunities to add value, capacity or resource.**
- **Maintain and conserve quality and standards and seeking betterment where possible.**
- **Be outcome focused, supporting the quality of place agenda and the Council’s outcomes**

This can be achieved in a number of ways through direct engagement by the Council, through partnerships or through commissioning and other delivery mechanisms. To maintain quality and ensure that the Council is best advised on appropriate mechanisms and providers, the Cultural economy Service will support services in delivering against this framework as well as its own direct service provision.

5. Delivering the Framework

5.1 Role of the Cultural Economy Service

This describes how the Cultural Economy Service will use core budget to commission cultural services in line with the Council's priorities for Cultural provision. In addition, the Cultural Economy Team will be involved in the design of all tenders that potentially involve cultural activity, and in the ensuing processes of selection, appointment and evaluation.

The responsibilities of the Cultural Economy Team as sponsors of the Framework are threefold; to monitor, evaluate and report on progress towards the Framework objectives; to work collaboratively with commissioners and commissioning bodies including through cross-sector working groups; and to develop the capacity of the cultural sector to take up the additional opportunities for funding with the Framework.

5.2 What We Mean by Commissioning

Bringing about development and change in communities is often a slow process and it may involve testing different approaches and evaluating their impact. The outcome we want to achieve may only come about as the result of a number of initiatives being commissioned over quite a long period of time. When we talk about 'commissioning for outcomes' we are drawing attention to the impact of the activity on those it is intended to benefit. Commissioning therefore always involves those who are receiving the service, or engaging in the activity, in helping to shape it. Within the context of the cultural development framework we define commissioning as, the provision of a quality service/s for individuals and communities to address needs and inequalities within the resources available.

Having decided the best way to achieve outcomes, the council will then contract with an individual or organisation to provide the service. Contracts for cultural activity may be issued by any of the commissioning bodies referred to in the Framework. The Cultural Economy Team should be involved in the design of all specifications that potentially involve cultural activity, in order to ensure quality as part of the selection, appointment and evaluation processes.

5.3 Delivery Mechanisms

a) Restricted Funding– Cultural Organisations

The Cultural Economy service is keen to support development of a vibrant and sustainable cultural economy in the Borough. To this end, and in line with Council priorities, we will commission a number of Cultural organisations to deliver a range of

services or programmes of work. These commissions may last between 1 and 4 years and are likely to be strategic in nature and part of a wider cultural economy, supported by Arts Council England and Heritage Lottery programmes and will form part of an ongoing strategic conversation with these bodies. Invitations to submit proposals for this commissioning strand will be issued on an annual basis. Organisations may only have one restricted funding operating at any given time.

b) Strategic Commissioning

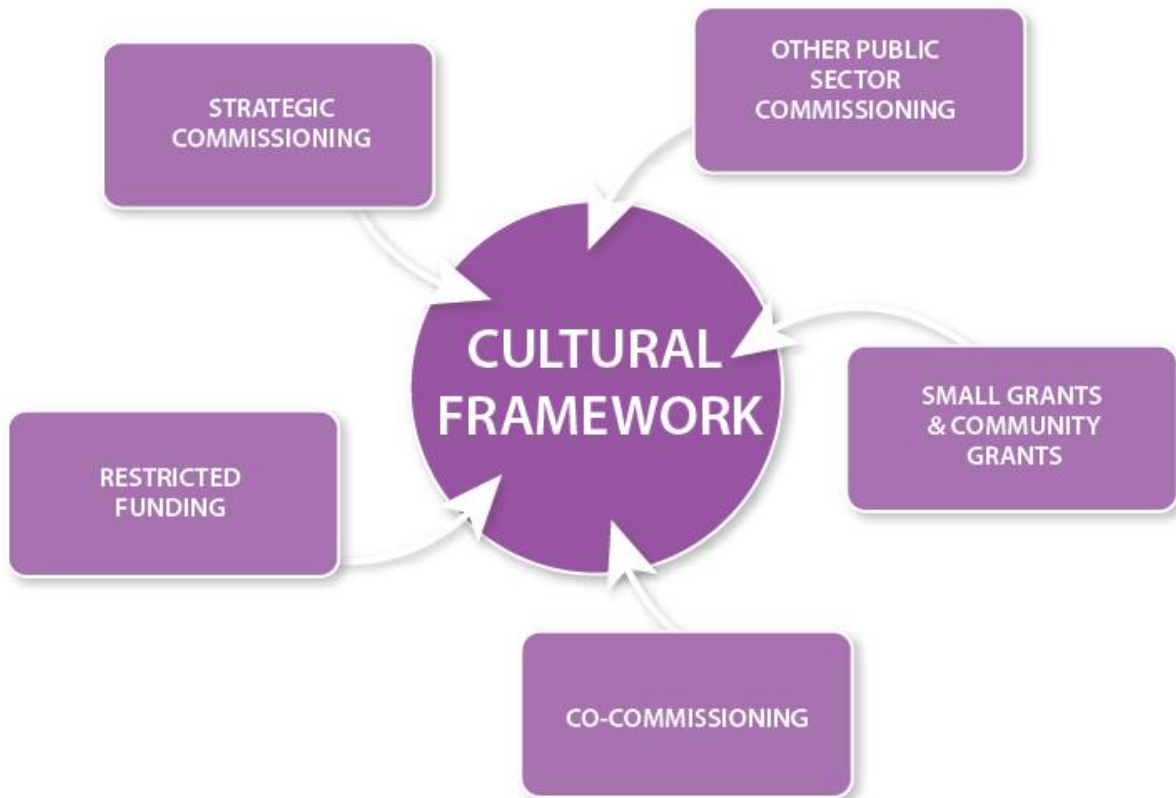
The service will, from time to time, as appropriate to need and available budgets, issue invitations for tenders for specific interventions or programmes of work. These will be in response to an identified strategic need, again, in line with service and Council priorities. Invitations to submit tenders for these contracts will be issued on the basis of need.

c) Small Cultural Grants

Smaller grants may be issued to Cultural organisations or other, constituted, not-for-profit organisations wishing to undertake a cultural activity. This is likely to be conducted through the Council's existing Community Grants programme although at times, and where specific need is demonstrated, it may be undertaken by the Cultural Economy Service in line with published priorities. When these opportunities are available they will be published and open applications will be invited.

d) Co-commissioning

From time to time there may be opportunities for the Cultural Economy team to partner with other commissioning services, either within the Council or external, in order to maximise available budgets and meet a wider identified need. We will actively seek out these opportunities and will publish as and when they are available.



Delivering the Framework

5.4 Use of the Framework by Other Services

Any service intending to commission or contract cultural provision should refer to the Council's priorities for Culture (Appendix A) to use as a guide to what should be prioritised. The framework and its priorities may also be of value as a guide for other commissioning bodies. The Council's Cultural Economy Service is able to support engagement with the Cultural sector and to provide help and assistance to ensure that appropriate specifications, tender documents, selection and evaluation criteria are in place.

5.5 Monitoring and Measuring Success

Depending on its complexity, the evaluation of the resulting contract should take account of the outcome, the benefit that is conferred on residents, visitors, businesses, and other target groups. When asking how successful a commission has been we may, for instance, not just want to know about the number of people taking part, but how they or their community were affected as a result. This would enable the services that are provided to be placed in the wider strategic context of Cheshire East.

Striving for the highest quality in everything we commission, or provide, is of the utmost importance in achieving outcomes. The Quality Benchmark we will use draws on Arts Council England's guidance on the subject. They offer areas to consider throughout

the life of projects, from planning to evaluation, and ensure that the voice of communities remains firmly at the heart of activities.

When evaluating bids we will expect applicants to explain how they address the following aspects of quality where they are relevant to the nature and size of the commissioned service or project.

- Striving for excellence
- Emphasising authenticity
- Being inspiring, and engaging
- Ensuring a positive audience experience
- Actively involving people
- Providing a sense of personal progression
- Developing a sense of ownership and belonging

Detailed evaluation criteria will be made available along with tenders or funding opportunities and requirement will be scaled appropriately according to size of investment.

6. Sector Support

Cheshire East Cultural Forum

For the Framework to succeed, cultural organisations will require the capacity to engage with partners and with commissioners. Building their capacity includes creating the structures and systems, identifying the right people and embedding skills so that they are better able to meet their objectives and engage in consultation and planning, manage community projects and take part in partnerships and community enterprises.

In the first instance this will be delivered through the establishment of a Cultural Forum. The Cultural Economy Team will provide support and co-ordination for this forum in the early stages. Following the first year, the group will determine the best way to proceed.

The functions of the Forum will be to:

- Evolve a collective voice for culture in Cheshire East
- Discover and share commissioning opportunities
- Identify partners to collaborate with
- Share and develop best practice
- Work together to lever in funding for Cultural activity
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The Cultural Economy team will also work with the forum in its early stages to identify training needs of the sector in relation to commissioning and responding to tenders and to introduce the Framework.

7. Resources

The Framework is designed to encourage flexible and adaptable use of available resources. Wherever possible, opportunities to lever in additional funding from external sources will be pursued. Partnership working and collaborative commissioning will also be explored fully and put into place wherever possible in order

to maximise available resources. In this way the Framework will seek to ensure value for money.

Appendices

Appendix A – Cheshire East Council Cultural Priorities

Appendix B - Other Public Sector Commissioning Priorities

Appendices

Appendix A – Cheshire East Council Cultural Priorities

Purpose:

To transform lives and places through access to great culture ¹.

Enabling the economy, communities and places of Cheshire East to benefit from engagement with culture, contributing to lifestyle, wellbeing, quality of place, creative skills and prosperity.

Achieved by: *Championing and supporting cultural activities which;*

- Promote Cheshire East as a high quality place to live, work, visit and invest
- Support a sustainable cultural ecology which contributes to local and regional economies
- Ensure stimulating and aspirational experiences for residents and visitors
- Enhance the quality of life and wellbeing of local people

We Will Prioritise:

(Overarching)

- Activities targeted at young people, older people and people with a disability
- Activities in deprived areas of the Borough
- Activities which support economic growth and regeneration

(Specific)

- Activities which support priority regeneration areas of Crewe and Macclesfield
- Activities which provide pathways into work and development for young people
- Activities which support our creative and digital media agenda
- Activities which are sustainable
- Activities which are innovative or ground breaking and of high quality
- Activities which are focused on prevention rather than cure
- Activities that support Community Cohesion

Nb ¹ Culture: arts, heritage, museums, festivals & events, creative media, Creative and digital industries

Appendix B - Other Public Sector Commissioning Priorities

As part of the consultation process in 2015 the cultural economy team and its consultants met the members of the Joint Commissioning Forum and invited the commissioning managers to describe their current priorities. Every public service commissioner produces a detailed strategy document that would normally be the basis for discussion when a service is designed or redesigned. These are the principal commissioning bodies and their priorities that were described at the time:

Adult Social Care: The emphasis is on helping people over 18 to live well for longer. As the population includes a substantial number of older people this means a focus on independent living, helping people to stay active and to avoid loneliness. Service delivery is increasingly likely to be through personalised budgets.

Public Health: In April 2013, responsibility for local public health functions transferred to Cheshire East Council. Alongside mandatory responsibilities such as providing public health advice to local NHS commissioners and information and advice to address health protection threats, responsibility for the commissioning of a number of public health services was also transferred. Public Health has commissioned an Integrated Wellness and Lifestyle Support System (Passport 2 Health), assessing individual need for access to primary prevention, lifestyle services, information and advice. Other preventative services such as the 0-19 Healthy Child Programme, Substance Misuse Services and Infection Control services are also commissioned.

Children and Young People: The emphasis is on respecting the voice of the child in planning and delivery stages of service provision. Services provided are often statutory, but communication and advocacy are important factors in successful implementation.

Police and Crime: The emphasis is on helping people to feel safer, addressing re-offending rates and undertaking early intervention through engagement with schools.

Partnerships and Communities: The emphasis is working on inequalities in wards of Cheshire East through community hubs that provide access to a wide range of services e.g. community grants, improving disaster resilience and empowerment.

Regeneration: The emphasis is on place shaping as an approach with the aim of increasing footfall in town centres through the strategic use of assets. Eventual outcomes include increased and better quality employment in e.g. science, rail and creative industries. Geographical regeneration priorities for the Council are Macclesfield and Crewe.

Visitor Economy: The emphasis is on developing the distinct identity of Cheshire East for the visitor, building on local assets and addressing skills weaknesses in the hospitality sector. Festivals are seen as an important tool in engaging communities, creative practitioners, volunteers and visitors in raising the profile of the area.