

## Public Art Information Sheet - DRAFT

### Making new public art and looking after what we have: Facilitating Changes to Public Art and Monuments in Birmingham

The following information will help you gain the right advice from the right people within Birmingham City Council to facilitate the development, maintenance, relocation and decommissioning of public art, monuments, memorials and other public realm items, within Birmingham.



#### This information sheet is for:

- artists and arts organisations making art within Birmingham's public realm
- community, voluntary, faith, education and private sector organisations working alongside artists to make art within the public realm
- Birmingham City Council officers and other statutory sector organisation officers working on schemes involving public art, monuments and memorials

#### This information sheet covers:

1. What is meant by public art?
2. When and how do I make a public art enquiry?
3. What is the Public Art Gateway Group (PAGG)?
4. What are the legal and local policy requirements for public art?
5. What public art policies might I need to refer to?
6. What is the Birmingham Design and Conservation Panel and how is it linked?
7. What arts development advice and guidance is available?
8. What examples are there of projects facilitated through PAGG?
9. Where can I go for further information?

## 1. Public Art: Definitions

For the purpose of '*Collaborations in Place-based Creative Practice: Birmingham Public Art Strategy 2015-19*' and for this information sheet, public art is defined as a place-based creative practice: the act of producing permanent or temporary (including participatory and event-based) art within the public realm. The outcome of the artists' creative practice can form a part of the physical built environment, or it can form part of the community engagement process of developing or redeveloping an area.

Monuments, memorials, clocks, fountains and certain other designed features in the public realm are also included under this guidance.

## 2. Public Art Enquiries

All enquiries and upcoming projects involving public art in Birmingham should be directed to Birmingham City Council's (BCC) Public Art Gateway Group (PAGG) by completing the online public art enquiries form, providing ideally two months' notice of the event or project (for the link, see Section 9). The PAGG advises on all public art projects, whether on public or private land; whether independently commissioned or otherwise.

## 3. Public Art Gateway Group

The PAGG is a BCC officer working group set up to facilitate changes to Birmingham's public art portfolio, advise on new commissions and upcoming schemes, and make recommendations for decisions relating to public art in line with the vision and purpose of *Collaborations in Place-based Creative Practice: Birmingham Public Art Strategy 2015-19* (see Section 9). The group meet on a monthly basis, usually the second week of the month.

PAGG representation includes:

- BCC Highways
- BCC City Centre Operations
- BCC City Centre Design and Conservation Team
- BCC Cultural Development Service,
- BCC Business Improvement Districts Ambassador
- Birmingham Museums Trust (BMT) (BMT oversee the upkeep of Birmingham's public art portfolio on behalf of BCC)
- Birmingham Civic Society (Public Art Committee)

The four aims of the PAGG are to:

1. provide a centralised function for ensuring the commissioning, monitoring and decommissioning of public art works and schemes across Birmingham have been undertaken correctly, including consideration of artistic quality, planning suitability and maintenance obligations
2. signpost organisations wishing to commission or install public art works to relevant advice and guidance
3. work with partners to effectively and regularly communicate public art developments and opportunities; advocate for the inclusion of public art works within the city, and contribute to relevant policies and strategy documents

4. respond to enquiries involving the planning and commissioning of public art and to relationship manage external organisations and individuals leading on public art projects as relevant

It is important to understand the different steps in the development of public art works: some are legal requirements; others are local policy requirements, and others are recommendations to promote good-practice arts processes and high-quality outcomes.

#### 4. Legal and Local Policy Requirements

The PAGG provides advice and guidance around the following requirements:

**1. Land owner permission:** You will need permission from the land owner of the site upon which you plan to develop your art work. This includes festivals and events. To find out who the land owner is, you will need to contact PAGG, who may refer you to BCC Property Services, or the Land Registry Office. There may be a fee for this information. The land owner will be interested in the risk assessment for the art work, and its liability for the public and their business.

**2. Planning permission:** If your public art work is to be situated within an outdoor space (either public or private) for longer than 28 days, planning permission may need to be gained from the City Council. The nature, location and size of the art work will dictate whether planning permission needs to be sought. Advice on this can be obtained by the Planning Department, via their pre-application service. If the enquiry relates only to the art work, this advice will be free of charge. If however, it forms part of a pre-application for a Major Application (10+ dwellings or 1000m<sup>2</sup>); the advice will be subject to a fee. Pre-application advice takes 6 weeks for Major Application, or 4 weeks for smaller schemes. If pre-application advice is being sought, it is recommended appropriate detailing about the art work be submitted at this stage to gain constructive feedback.

If planning permission is needed, detailed drawings and plans should be submitted with the planning application, to illustrate the proposal. Small scale planning applications take up to 8 weeks to determine. Major applications take up to 13 weeks.

The planning application fee will need to be included in your project budget, unless this will be covered as part of a wider scheme's application. The planning officer should work with PAGG to provide any necessary additional advice.

**3. Conservation areas and listed buildings:** If your public art work is situated within a conservation area, planning permission may need to be gained. This designation may also have a bearing on the type, size and style of art considered acceptable. If you're seeking to install an art work adjacent to (within the setting), or on a listed building, listed building consent (in addition to any planning consent) is likely to be needed. It is unlikely that permission will be granted for art work physically attached to a listed building. Advice on these issues will be provided by the planning officer as part of the pre-application process. Unauthorised works to a listed building is a criminal offence.

**4. Artworks affecting pedestrian flow or working at height:** If you will be working at height, or obstructing the pavement, you may require special Highways Permits (such as a

scaffolding or crane permit) in advance of your project (see Section 9). This is a local policy requirement.

**5. Festivals, events and performances:** If you are holding a festival or event with that uses music, performance or alcohol either in an open space or within a building that does not currently have a licence for this type of activity, you may require permission for a Temporary Events Notice from BCC (costing £21 for fewer than 500 people), providing ten working days' notice in advance of your event (see Section 9). Larger scale events require more advance notice, additional fees and you may have to attend a Safety Advisory Group meeting. If your event includes children or animals in the performance, you will need a Child Performing License (unless there is a valid reason for exemption) or a Performing Animals Certificate. Fees may also apply. These are legal requirements.

**6. Documentation and Video Art:** If you are documenting a site, or your art project is using film in public realm areas, you may require a filming permit via Film Birmingham for BCC owned land, or from the land-owner if private (see Section 9). This is a local policy requirement.

**7. Public Art in planning conditions:** If public art has been included as a planning condition, or has been developed using any element of BCC finances or in-kind contribution, it is a requirement that the development of the art work is facilitated via PAGG. This is a local policy requirement.

**8. Dressing, maintaining, relocating or decommissioning public artwork:** If the public art work in question involves maintenance, decommissioning, relocation or dressing, the relevant policy should be referred to and appropriate paperwork submitted (see Section 5).

All other advice and guidance is to promote good practice in arts development (see Section 7).

## 5. Public Art Policies

Birmingham's Public Art Strategy outlines several areas for policy and guidance development to improve the efficiency and effectiveness of public art changes in the city. Three policies have been adopted to date (see Section 9 for links); these policies should be adhered to:

- PA02 & PA03 Maintenance, Review, Decommissioning and Relocation of public realm items: artworks, clocks, fountains, monuments and other designed features in the public realm (see also the corresponding 'decommissioning public art report template')
- PA04 Dressing Public Art (see also the corresponding 'dressing public art' exceptional request form')

Further policies and guidance will be developed in the near future, as outlined on page 39 of the Strategy.

## 6. Birmingham Design and Conservation Review Panel

A Design and Conservation Review Panel (BDCRP) is being assembled by BCC to support the implementation of the forthcoming Birmingham Design Guide Supplementary Planning



Document (SPD). Both Birmingham's Design Guide and Public Art Strategy share the vision to ensure attractive, safe and enjoyable spaces: high quality streets and improved legibility of the city with the creation of public realm that is distinctly Birmingham.

Therefore, in certain instances, in particular on larger scale developments and projects, the BDCRP may request developers/ designers engage with PAGG to develop public art proposals for their site.

## 7. Arts Advice and Guidance

As well as facilitating practical considerations around public art enquiries, the BCC Cultural Development Service, who co-ordinate the PAGG, may be able to provide good practice arts development support to artists, arts and non-arts organisations to develop public art proposals in the following ways:

- Provide links between artists, arts sector organisations and non-arts sector organisations
- Provide advice on a co-designed approach working with local communities, and creative consultation ideas for engaging residents in your project
- Provide advice on artist's briefs, arts commissioning budgets, timescales and approaches (including steering group membership)
- Provide advice and guidance around the recruitment of artists/ lead-arts commissioning agencies
- Act as an advisor on interview panels
- Provide examples and ideas for arts projects/ creative consultation/ community engagement programmes
- Provide information on relevant funding streams including section 106 and CIL

For larger scale projects where BCC is a key partner, the Cultural Development Service may also be able to:

- Provide advice on applications to Arts Council England Grants for the Arts, a letter of support where appropriate.
- Facilitate meetings where helpful
- Provide feedback on developing Public Art/ Arts Engagement Plans for development sites or projects

## 8. Examples of Public Art Support

The PAGG are engaged in many different kinds of requests and strategic public art development, varying in size and location. Examples of practical support include:

- **Birmingham Smithfield Public Art Vision:** working with Dallas Pierce Quintero consultancy to develop a public art vision for the redevelopment of Birmingham Wholesale Markets, outlining aspirations for artistic temporary uses, as well as the history of the site to be creatively incorporated within its future use
- **Birmingham Big Art Project:** initial community engagement support, ongoing facilitation of discussions with future potential project partners and funders; support for use of hoardings for art, working with construction company Bouygues UK.
- **Public Art Erdington:** support to Polish Expats Association, Erdington Business Improvement District and Erdington Community Library with permissions and protocols for installing an art work into the pavement
- **The Big Hoot:** Co-ordination between the PAGG members and event organisers Wild in Art to ensure appropriate locations were selected, schools and community groups

identified to work with as partners; out of hours telephone number was available for reporting repairs; support with logistical arrangements, and links to artist networks to promote commissioning opportunities to local artists

- **Chamberlain Square & Centenary Square redevelopment:** working with Argent PLC, BMT and BCC to ensure statues are appropriately removed, stored and relocated within the new public realm; decommissioning public realm items designed by artist Tess Jaray; working with artist Gillian Wearing and original commissioner Ikon to ensure *A Real Birmingham Family* is relocated appropriately
- **City of Colours Street Arts Festival:** support via BCC Property Services and other BCC departments for wall use permissions; provided guidance for scaffolding permits

## 9. Further Information

Public Art Gateway Group & Public Art Enquiries Form:  
[www.birmingham.gov.uk/pagg](http://www.birmingham.gov.uk/pagg)

Birmingham's Public Art Strategy:  
[www.birmingham.gov.uk/info/50050/culture\\_arts\\_and\\_heritage/1250/public\\_art\\_strategy/2](http://www.birmingham.gov.uk/info/50050/culture_arts_and_heritage/1250/public_art_strategy/2)

Policy PA02 & Policy PA03 Maintenance, Review, Decommissioning and Relocation of public realm items: artworks, clocks, fountains, monuments and other designed features in the public realm:  
[www.birmingham.gov.uk/info/50050/culture\\_arts\\_and\\_heritage/1254/maintenance\\_decommissioning\\_and\\_relocating\\_public\\_art](http://www.birmingham.gov.uk/info/50050/culture_arts_and_heritage/1254/maintenance_decommissioning_and_relocating_public_art)

Policy PA04 Dressing Public Art:  
[www.birmingham.gov.uk/info/50050/culture\\_arts\\_and\\_heritage/1251/dressing\\_public\\_art](http://www.birmingham.gov.uk/info/50050/culture_arts_and_heritage/1251/dressing_public_art)

Birmingham City Council Planning Applications Information, Advice and Submissions:  
[www.birmingham.gov.uk/info/20160/planning\\_applications](http://www.birmingham.gov.uk/info/20160/planning_applications)  
[https://www.birmingham.gov.uk/info/20160/planning\\_applications/79/pre-application\\_advice/1](https://www.birmingham.gov.uk/info/20160/planning_applications/79/pre-application_advice/1)

Birmingham City Council Cultural Development Service:  
[arts.team@birmingham.gov.uk](mailto:arts.team@birmingham.gov.uk) / 0121 303 2434  
[www.birmingham.gov.uk/info/50050/culture\\_arts\\_and\\_heritage](http://www.birmingham.gov.uk/info/50050/culture_arts_and_heritage)

Film Birmingham:  
[www.filmbirmingham.co.uk](http://www.filmbirmingham.co.uk)

Birmingham City Council Licencing  
[www.birmingham.gov.uk/info/20081/licensing](http://www.birmingham.gov.uk/info/20081/licensing)  
[www.birmingham.gov.uk/info/50075/children\\_in\\_entertainment\\_and\\_employment](http://www.birmingham.gov.uk/info/50075/children_in_entertainment_and_employment)  
[www.birmingham.gov.uk/info/20187/animal\\_welfare](http://www.birmingham.gov.uk/info/20187/animal_welfare)  
[www.birmingham.gov.uk/generalpermitrequest](http://www.birmingham.gov.uk/generalpermitrequest) (Highways Permits)

Arts Council England:  
[www.artscouncil.org.uk/advice-and-guidance](http://www.artscouncil.org.uk/advice-and-guidance)

Public Art Online:  
[www.publicartonline.org.uk](http://www.publicartonline.org.uk)

*This information sheet was adopted in **????? 2018** and will be reviewed annually by the PAGG. The next review will take place **??? 2019**.*

Alternative formats of this information sheet can be made available on request. These include other languages, large print, Braille and audio version. If you require another format, please contact the Cultural Development Service on 0121 303 2434 or email [arts.team@birmingham.gov.uk](mailto:arts.team@birmingham.gov.uk).

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