

CABINET MEETING: 14 JULY 2016

CARDIFF STATUE AND MONUMENT PROTOCOL

REPORT OF DIRECTOR OF CITY OPERATIONS

AGENDA ITEM: 7

**PORTFOLIO: TRANSPORT, PLANNING & SUSTAINABILITY (COUNCILLOR
RAMESH PATEL)**

Reason for this Report

1. This report seeks that Cabinet approve the 'Cardiff Statue and Monument Protocol' as a guidance note for external groups, individuals and organisations, which explains the issues and procedures involved in assessing proposals to install statues and monuments in Cardiff.

Background

2. Cardiff contains over 200 public artworks that make a significant contribution to the architectural and cultural heritage of the city.
3. The Council regularly receives enquiries from people and organisations seeking to commemorate individuals, groups and historical events in Cardiff. Regrettably, it is not possible to accommodate all of these requests and proposals need to be considered with regard to the following issues:
 - That suitable sites within Cardiff are extremely limited and individual proposals need to be carefully assessed with regard to the character, setting and existing / future operational requirements of potential locations.
 - That whilst the Council is keen to encourage examples of high quality and appropriately sited public art, it needs to ensure that the public realm does not become cluttered with artworks that have limited direct association with the city.
4. Guidance relating to Public Art is currently provided through the Cardiff Public Art Strategy (2005) and the Cardiff Public Art SPG (Supplementary Planning Guidance / 2006). It is recognised however that there is a need for additional guidance to be provided (through the Cardiff Statue and Monument Protocol), in order to identify the issues that need to be taken into consideration by groups and individuals who may be considering proposals in Cardiff and to assist Council Officers and

Elected Members in determining the suitability and acceptability of such proposals.

5. Previous experience has shown that implementing a project, including securing agreement to progress a proposal, finding an appropriate site, developing an acceptable design and securing the necessary finance can involve complex and lengthy negotiations. Additionally, supplementary issues such as installation, landscaping and future maintenance costs can lead to the total budget required for a project being significantly greater than that of commissioning the artwork itself. An aim of the protocol is to identify these issues from the outset, so that groups and individuals can be clear of their obligations and the likely timescales involved.
6. Whilst much of the guidance in the protocol relates to statues and monuments, it may also be applicable to proposals for sculptures and other forms of artwork within the public realm.

Issues

7. The Statue and Monument Protocol will provide guidance on a series of issues, including:

Determining the initial suitability and acceptability of proposals

8. Whilst it is recognised that each proposal submitted to the Council will have a high degree of significance to the groups and individuals involved, there is a need to ensure that artworks relate to Cardiff and are suitable to be located within specific sites, in order to ensure that the public realm does not become cluttered with commissions that have limited direct association with the city.
9. The Council normally requires statues and monuments to have a historical link with their proposed location. Proposals will have to be recognised as being of a high standard / quality and the Council will want to ensure that the form and setting of the artwork will enhance the character and appearance of the city.
10. As part of the Statue and Monument Protocol, it is proposed to establish an Advisory Panel led by an independent expert but including officers from relevant Council service areas (including Planning, Highways, Parks, Cardiff Harbour Authority, Bereavement Services and Culture, Tourism & Events). This expert would consider all relevant issues of suitability, quality, deliverability and long-term maintenance of proposals and produce an assessment report. The following decision making process is proposed*:
 - a) Proposals submitted to the Council's public art mailbox at publicart@cardiff.gov.uk, together with payment of associated fee – to fund scheme assessment.

- b) Proposal considered by the Public Art Advisory Panel led by the Independent Expert who produces a report on recommendation.
 - c) Recommended decision to support or decline artwork proposal reported to associated Cabinet Member.
 - d) Applicant informed of decision to support or decline artwork proposal.
11. The above advice would be provided without prejudice to any future permissions / consents. Notification of the initial acceptability of a proposal would not allow work to commence on a project and the commissioner would then need to proceed to securing all relevant permissions / consents that would be required (e.g. planning permission).

Suitable Sites

12. Statue and Monument proposals within Cardiff have tended to focus on locations within the city centre and Cardiff Bay, however suitable sites are extremely limited. A survey has been undertaken of existing artworks within these areas (refer to Appendix 1 / Map 1) and a buffer zone has been applied to each piece to help ensure that areas do not become 'cluttered' with new commissions. Any proposals within these areas are unlikely to be supported and consideration should be given as to whether a proposal could be more appropriately commemorated in another part of Cardiff, or in an alternative way.
13. The presumption would be that proposals for statues and monuments outside City Hall in the Civic Centre and the Senedd in Cardiff Bay will not be supported.
14. In addition to the character and setting of a location, consideration also needs to be given to the existing and future operational requirements of an area, including access routes for service / delivery vehicles and the use of public spaces for temporary / seasonal events, which may render potential locations unviable.
15. Not all areas of the pedestrian environment are owned by the Council and before a site is selected, commissioners should make all relevant enquiries to determine whether an artwork could be situated at the location proposed.

Project Funding and Management / Maintenance Responsibilities

16. In addition to commissioning an artwork, the installation of a statue or monument includes a number of additional costs, such as undertaking landscaping works, appointing contractors and the future management / maintenance of the piece. As part of a proposal, commissioners will need to ensure and will be expected to demonstrate that they can fund all costs associated with their project.

17. Commissioners of sculptures / monuments will be expected to own, insure and maintain the piece in perpetuity and will be required to enter into a legal agreement with the Council in respect of these issues prior to the commencement of development.
18. In circumstances where the Council agrees to maintain an artwork, the commissioner will be required to provide a commuted maintenance sum to cover the associated costs prior to the commencement of development. The value of a commuted sum will vary depending on the specific design (size / use of materials) and location of the sculpture / monument. As an indication, the minimum cost for a simple bronze life-size figure located at street level (i.e. no plinth) would be in the region of £12,500 (excluding VAT).

Decommissioning / Relocation / Floral Tributes

19. The Council reserves the right to relocate or decommission statues / monuments where the need arises. This would be undertaken in consultation with the commissioner of the piece.
20. If the original commissioner sought to remove a statue or monument, they would be expected to pay all reasonable costs associated with the removal of the piece and the restoration of the land to its original condition.
21. To assist with management / street cleansing, decorations and floral tributes are not permitted on statues and monuments, except for on event days / ceremonies that have been agreed in writing with the Council prior to the event.

Timescales

22. As identified above, previous experience has shown that it can take over a year to develop an idea to a stage where it is appropriate to apply for planning permission and other relevant consents. As such, commissioners should allow a realistic timescale for both a decision from the Council as to whether a proposal would be supported and for the subsequent implementation of a project, particularly in circumstances where a proposed statue or monument is linked to a particular anniversary or event.

Local Member consultation

23. The protocol is a citywide guidance note. Local Member consultation would be undertaken on relevant future projects.

Reasons for Recommendations

24. To provide a guidance note for external groups, individuals and organisations that explains the procedures and issues involved in assessing proposals to install statues and monuments in Cardiff.

25. To define a decision making process for determining the initial acceptability and suitability of statue and monument proposals.

Financial Implications

26. No financial implications are expected to arise from the implementation of this Policy as applicants will be responsible for either the cost of commissioning and maintaining the artwork themselves or by paying the Council an appropriate Commuted Maintenance sum. Given the long term nature of statues and monuments the Public Arts Working Group will need to ensure that they are content with the ability of the applicants to discharge these long term maintenance obligations.

Legal Implications

27. There are no direct legal implications arising from this report.

RECOMMENDATIONS

Cabinet is recommended to:

1. Note the content of the report.
2. Approve the Cardiff Statue and Monument Protocol as a guidance note for assessing proposals to install statues and monuments in Cardiff.
3. Agree the decision making process for determining the initial acceptability and suitability of proposals for statues and monuments.

ANDREW GREGORY

Director

8 July 2016

The following appendix is attached:

Appendix 1: Cardiff Statue and Monument Protocol (July 2016)

The following background papers have been taken into account:

- Cardiff Public Art Strategy (2005)
- Cardiff Public Art Supplementary Planning Guidance (2006)

Cardiff Statue and Monument Protocol

July 2016



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Cover Photo:

- Statue of Ivor Novello, Roald Dahl Plass, 2009, Peter Nicholas. (All images © Cardiff Council)

1. Introduction:

- 1.1. The aim of this Protocol is to explain the Council's procedure for assessing proposals to install statues and monuments in Cardiff.
- 1.2. The Council is keen to encourage examples of high quality and appropriately sited public art, but needs to ensure that the public realm does not become cluttered with artworks that have limited direct association with the city.
- 1.3. The Protocol identifies that a proposal to erect a statue or monument will involve supplementary issues (such as installation and maintenance) that can lead to the total cost of a project being significantly greater than that of commissioning the artwork itself and which will need to be considered fully from the outset of a project. It also provides guidance on the timescales that should be allowed for obtaining planning permission and other necessary consents.

2. Background:

- 2.1. Cardiff contains over 200 public artworks that make a significant contribution to the architectural and cultural heritage of the city.
- 2.2. The Council regularly receives enquiries from people and organisations seeking to commemorate individuals, groups and historical events in Cardiff. Regrettably, it is not possible to accommodate all of these requests and proposals need to be considered with regard to the following issues:
 - That suitable sites within Cardiff are extremely limited and individual proposals need to be carefully assessed with regard to the character, setting and existing / future operational requirements of potential locations.
 - That whilst the Council is keen to encourage examples of high quality and appropriately sited public art, it needs to ensure that the public realm does not become cluttered with artworks that have limited direct association with the city.
- 2.3. Previous experience has shown that implementing a project, including securing agreement to progress a proposal, finding an appropriate site, developing an acceptable design and securing the necessary finance can involve complex and lengthy negotiations. Additionally, supplementary issues such as installation, landscaping and future maintenance costs can lead to the total budget required for a project being significantly greater than that of commissioning the artwork itself. An aim of this protocol is to identify these issues from the outset, so that groups and individuals can be clear of their obligations and the likely timescales involved.

3. Determining the suitability of proposals

- 3.1. Whilst it is recognised that each proposal submitted to the Council will have a high degree of significance to the groups and individuals involved, there is a need to ensure that artworks relate to Cardiff and are suitable to be located within specific sites, in order to ensure that the public realm does not become cluttered with commissions that have limited direct association with the city.
- 3.2. The Council normally requires statues and monuments to have a historical link with their proposed location. Proposals will have to be recognised as being of a high standard / quality and the Council will want to ensure that the form and setting of the artwork will enhance the character and appearance of the city.

4. Policy

- 4.1. Proposals for statues and monuments are considered in the context of Policy KP5 (Good Quality and Sustainable Design) of the Cardiff Local Development Plan 2006-2026. Further guidance is provided in the Cardiff Public Art Strategy (2005) and the Cardiff Public Art SPG (Supplementary Planning Guidance / 2006), which can be viewed / downloaded from www.cardiff.gov.uk/citydesign.

5. [Suitable Sites](#)

- 5.1. Statue and Monument proposals within Cardiff have tended to focus on locations within the city centre and Cardiff Bay, however suitable sites are extremely limited. A survey has been undertaken of existing artworks within these areas (refer Map 1) and a buffer zone has been applied to each piece to help ensure that areas do not become 'cluttered' with new commissions. Any proposals within these areas are unlikely to be supported and consideration should be given as to whether a proposal could be more appropriately commemorated in another part of Cardiff, or in an alternative way. Proposals for statues and monuments outside City Hall in the Civic Centre and the Senedd in Cardiff Bay will not be supported.
- 5.2. In addition to the character and setting of a location, consideration also needs to be given to the existing and future operational requirements of an area, including access routes for service / delivery vehicles and the use of public spaces for temporary / seasonal events, which may render potential locations unviable.
- 5.3. Not all areas of the pedestrian environment are owned by the Council and before a site is selected, commissioners should make all relevant enquiries to determine whether an artwork could be situated at the location proposed.

6. [Project Funding and Management / Maintenance Responsibilities](#)

- 6.1. The Council will want to ensure that you can fund the entire project costs and that you will make provision for the artwork and any associated landscaping to be maintained in perpetuity and to a specification agreed by the Council.
- 6.2. The costs of installation and landscaping works can be high, particularly where alterations to hard landscaping are required. Any works to the highway will need to be carried out by a company or individual with street works accreditation and will need to meet the Council's Highways Specifications.
- 6.3. It is expected that the sculpture / monument will be owned, insured and maintained in perpetuity by the commissioner and you will be required to enter into a legal agreement with the Council in respect of these issues prior to the commencement of development.
- 6.4. In circumstances where the Council agrees to maintain an artwork, the commissioner will be required to provide a commuted maintenance sum to cover the associated costs prior to the commencement of development. The value of a commuted sum will vary depending on the specific design (size / use of materials) and location of the sculpture / monument. As an indication, the minimum cost for a simple bronze life-size figure located at street level (i.e. no plinth) would be in the region of £12,500 (excluding VAT). Confirmation that the Council agrees to adopt an artwork would need to be agreed in writing prior to applying for planning permission and you will need to confirm your commitment to meeting these costs at the time you apply for Planning Permission.

7. [Timescales:](#)

- 7.1. You should contact the Council for advice at an early stage to ascertain if your proposal is likely to be supported (refer to paragraph 8) and certainly before commissioning an artist or sculptor to work up a design for a site.
- 7.2. Agreement to a particular project, finding an appropriate site, developing an acceptable design and securing the necessary finance can involve complex and lengthy negotiations, consultation and fundraising. It is therefore important that you allow a realistic timescale for your project, particularly where a proposed statue or monument is linked to a particular anniversary or event.
- 7.3. Previous experience has shown that you should normally allow a minimum period of a year to develop an idea to a stage where it is appropriate to apply for planning permission and other relevant consents.

8. Submitting a Draft Proposal*

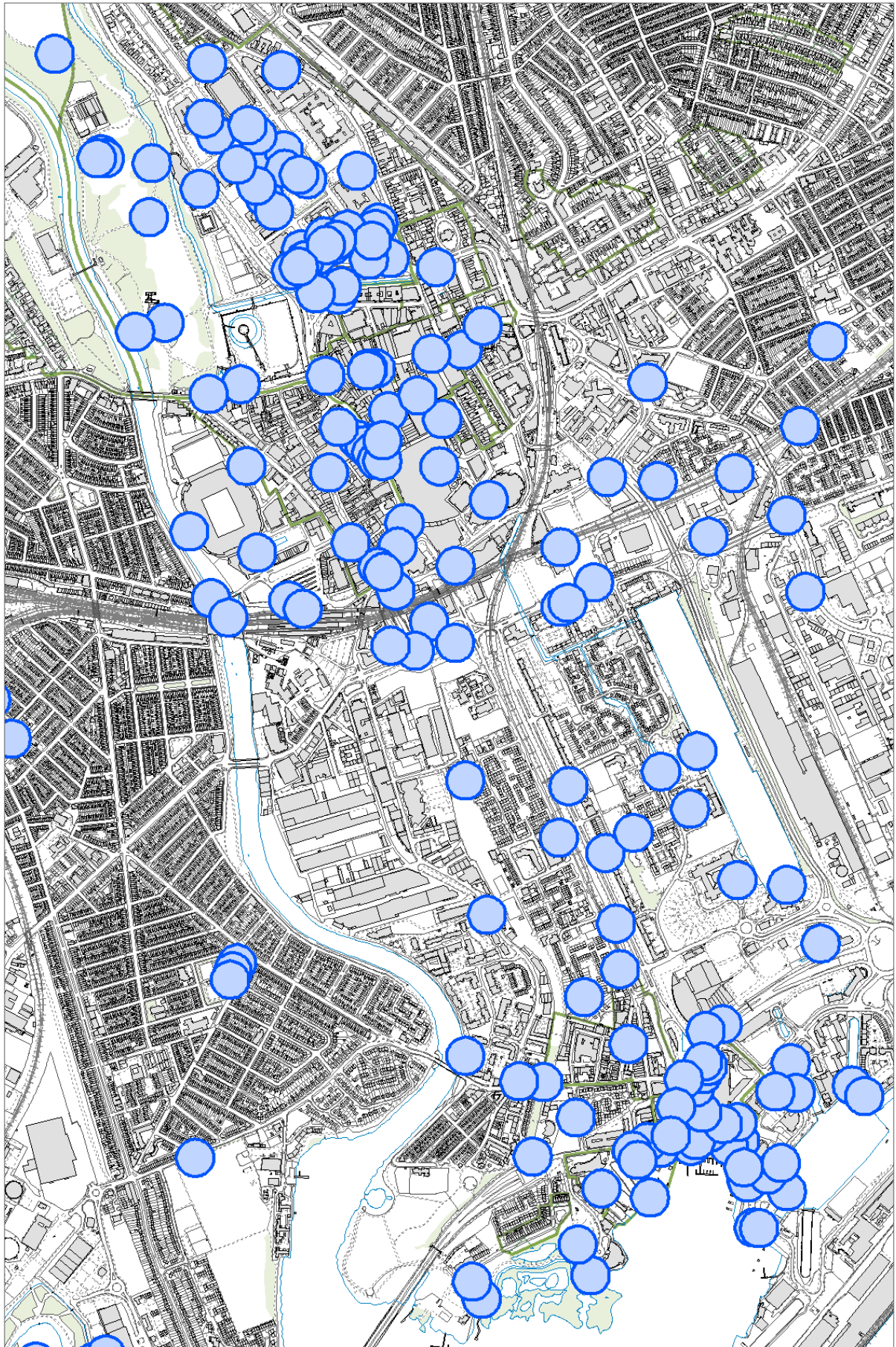
- 8.1. Draft proposals for statues or monuments that have taken on-board the content of this protocol and are considered to meet the identified criteria should be sent to the Council's public art mailbox at publicart@cardiff.gov.uk.
- 8.2. Submissions should contain the following information:
 - Details of the statue / monument proposed and how it relates to Cardiff,
 - Initial views on scale / design / use of materials,
 - Initial thoughts on potential / preferred locations,
 - Details of how the artwork will be funded,
 - Details regarding management, maintenance and associated funding,
 - Payment of associated fee.
- 8.3. Following receipt, the proposal will be considered by the Council's Public Art Advisory Panel. The applicant will then be informed of the decision to support or decline the artwork proposal.
- 8.4. Applicants should allow a period of around 8 weeks between the submission of a proposal and a subsequent decision. In circumstances where a proposal is supported, the commissioner would be provided with details of a contact officer within the Council and a meeting would be arranged to discuss the way forward.
- 8.5. *The above advice would be provided without prejudice to any future permissions / consents. Notification of the initial acceptability of a proposal would not allow work to commence on a project and the commissioner would then need to proceed to securing all relevant permissions / consents that would be required (e.g. planning permission).

9. Planning Permission and other Consents:

- 9.1. Planning permission will normally be required to erect a statue or monument; in addition, if the proposal involves any work to a listed building, then listed building consent will also be required. In most cases, consent under other legislation will also be necessary, for example under the Highways Act 1980.
- 9.2. Once the commissioner has received confirmation that a proposed statue / monument is considered acceptable (in principle) and the form, location and future maintenance of the artwork has been established, your formal application(s) for permission can be made. This should be supported by:
 - A. Application form(s) and fee
 - B. Site location plan (1:1250)
 - C. Site plan (min 1:200) showing the proposal in relation to adjacent buildings and kerb lines etc
 - D. Scaled elevations and sections of the artwork and, if applicable, its base or plinth (min 1:50)
 - E. Photographic montage showing the proposal in its context
 - F. Written statement giving details of historical or other particular connection between the site and the subject.
 - G. Schedule of the proposed works and materials and written explanation of why the concept has been realised in the particular form proposed.
 - H. Details of any inscription(s).
 - I. Details of any associated landscaping works, including works to the highway and confirmation that you will meet these costs.
 - J. A statement setting out the proposed arrangements (and budgets) for maintenance of the artwork and associated landscaping in perpetuity.
 - K. Confirmation that, where applicable, you are willing to enter into a legal agreement(s) with the council in respect of landscaping, works to the highway and maintenance.
- 9.3. Planning applications are advertised onsite and in the press. In addition, they are also subject to consultation with other interested parties including neighbours and external consultees as appropriate. Further discussions and refinement of your proposal may be necessary in light of these consultations.

10. Decommissioning / Relocation / Floral Tributes

- 10.1. The Council reserves the right to relocate or decommission statues / monuments where the need arises. This would be undertaken in consultation with the commissioner of the piece.
- 10.2. If the original commissioner seeks to remove a statue or monument, they will be expected to pay all reasonable costs associated with the removal of the piece and the restoration of the land to its original condition.
- 10.3. To assist with management / street cleansing, decorations and floral tributes are not permitted on statues and monuments, except for on event days / ceremonies that have been agreed in writing with the Council prior to the event.



Map 1: City Centre and Cardiff Bay Public Art Buffer Zones.

