

# Decommissioning Public Art Policy

## Introduction

Public art is most commonly located outdoors, where it is exposed to all weathers and subject to daily wear and tear. It is also vulnerable to issues such as vandalism or site redevelopment. Therefore, public artworks can begin to look tired, out of context or lose meaning or relevance for a site.

A great deal of thought and care goes into each commission and the location of such items but inevitably circumstances change, meaning it may be necessary to relocate or temporarily/permanently remove an item through a decommissioning or relocation process.



## Definitions and exclusions

- **Public Art** can be defined as the work of artists or craftspeople within the public realm and can include a wide range of media, e.g. metal, wood, glass, textiles, light, sound and text, as well as artist-designed features such as public squares, planting and street furniture. It also includes artist collaborations with other design professionals, e.g. architects, engineers, landscape architects, and artist interventions in particular elements of a place or space, e.g. an artist-designed colour scheme. Public Art may be deemed permanent or temporary, and can also comprise research, participation and event-based works.
- **Excluded** from this definition for the purposes of this policy are any historical monuments, memorials or statuary already covered by Conservation policies.
- **Decommissioning** is defined as the removal from its original site, or the destruction of, a public art commission.



## Policy requirements

### Audit of existing work

Maidstone Borough Council will create and keep an accurate record of all existing public art commissions. This will include the name of the artwork, name of the

artist, date commissioned, material, location, and condition. It will be updated every time a new artwork is added.

### **Annual review of existing work**

An annual review of the physical condition of the works should be carried out. Where the physical condition is cause for concern, or where attention has been drawn to the condition of a work outside the regular review, a more detailed appraisal, according to the health and safety/risk assessment policies of the Council should be carried out.



### **Contracts**

All commissioned work should be the subject of a contract agreed between the Council and the artist. All contracts should include contact details for the artist, and a requirement to keep these details updated. All contracts should include life expectancy, maintenance, and decommissioning clauses. Commissions carried out prior to the adoption of this policy may not have contracts or decommissioning clauses in place. This policy therefore covers decommissioning of both existing commissions and planning for decommissioning of new commissions.

### **Alert system for redevelopment plans**

Planning Officers should be made aware of the Officer responsible for decommissioning public artworks. Where any planned redevelopment may impact on an existing artwork, they should inform the Officer as soon as possible.

### **Planning for decommissioning**

Maidstone Borough Council will seek to ensure the continued presence and integrity of any artwork which it has commissioned in accordance with the artists, designers, and craftspersons' intention and to provide continued public access to the artwork. However, Maidstone Borough Council reserves the right to decommission artwork when:



- Changes in the use, character, or design of the site for which the artwork was commissioned are planned or have occurred which are detrimental to the integrity of the artwork
- Despite maintenance and conservation, the physical deterioration of the artwork deems it cannot be restored effectively or at reasonable cost
- The condition or security of the artwork cannot reasonably be guaranteed

- The artwork requires excessive maintenance or has inherent defects which render repair impracticable
- The artwork has been irreparably damaged
- The artwork is endangering public safety

An artwork may be decommissioned earlier than contractually agreed if:

- The commissioner wishes to replace the artwork with a more appropriate contemporary artwork by the same artist, designer, or craftsperson
- No suitable alternative site for the artwork can be identified following a change in use, character, or design of the original site

Within the original commissioning contractual agreement, formal review dates for decommissioning will be stated. These are usually:

**Permanent artworks:** At 10 years

**Semi-permanent artworks:** At 5 years

**Temporary artworks:** Less than 5 years

### **Process of decommissioning**

A formal review of the artwork will be carried out. The Council will take reasonable steps to contact the artist, designer, or craftsperson to ensure that they are involved in the review and decision-making with regard to any course of action.



In reviewing commissioned artworks the Council will:

- Respect the professional integrity of the artist, designer, or craftsperson
- Be informed by professional judgement
- Be sensitive to the interests of the public

All reviews will be documented and take into account:

- Discussions with the artist, designer or craftsperson concerning the reasons for the review
- Relevant contracts and agreements drawn up between the commissioner and the artist, designer, or craftsperson in relation to the creation of the artwork
- Agreements with any third party who made a financial or in-kind contribution to the creation of the artwork

**Where restoration or repair is deemed feasible and at an acceptable cost** Maidstone Borough Council will give the artist, designer or craftsperson the option to conduct or supervise restoration or repair on terms and to a schedule to be agreed by and at the expense of the Borough Council.

**Where relocation is considered feasible** this must be to a new site consistent with the artist, designer or craftsperson's intention. The artist,

designer or craftsperson's assistance in determining such a site and their formal consent will be required.

**If the permanent removal of an artwork is decided upon**, the Council will offer the artist, designer or craftsperson the first right to acquire or purchase the artwork. Maidstone Borough Council will in any event notify the artist, designer or craftsperson of the name and address of any new owner and will include in any contract with a new owner comparable obligations to those in the original commission regarding maintenance, repair, and moral rights.

**Destruction of a commissioned artwork will only be sanctioned when** all other options have been thoroughly evaluated and the artist, designer or craftsperson consulted.

Once a recommendation has been made about the decommissioning or relocation of a public artwork, a report will be submitted to the Economic Regeneration and Leisure Committee who will make the final decision.

### **Costs of decommissioning**

There are a number of costs associated with decommissioning including the cost of physical destruction or removal of a large-scale work. Planning for the expense of decommissioning should begin with the commission budget, in the same way that the planning for future maintenance costs should be addressed at the beginning of the project.

