

## **Policy: Maintenance, Review, Decommissioning and Relocation of public realm items: artworks, clocks, fountains, monuments and other designed features in the public realm**

*This policy is for Birmingham City Council officers; developers; owners of public art works; commissioners of public art works; maintainers of public art works; artists and members of the public interested in public art.*

### **Introduction**

Being outdoors exposed to all weathers, public art is subject to daily wear and tear, as well as vulnerable to such issues as vandalism or site redevelopment. Consequently, public artworks, clocks, monuments, fountains and other designed public realm features (such as significant signs or street furnishings) can begin to look tired, out of context or lose meaning or relevance for a site.

Much care and thought goes into the original commissioning and positioning of such items but inevitably circumstances change, therefore it may be necessary to relocate or temporarily/permanently remove an item through a decommissioning or relocation process.

In order to ensure the vision of Birmingham's Public Art Strategy 2015-2019 is achieved, Birmingham City Council has developed this policy to assist in looking after its public artworks and other designed public realm items to ensure their quality and presentation are kept at a high standard and remain appropriate.

### **Maintenance Plans, Reviews and Damaged Items**

A Maintenance Plan and Risk Assessment should accompany each item, identifying agencies responsible for ensuring quality upkeep. The flowchart outlined in Appendix 1 can be used for guidance on the procedure in repairing damaged items. If the item is vulnerable to vandalism then a Vandalism & Risk Reduction Plan should form part of the Maintenance Plan. The owner of the item should hold a copy of these plans and assessments.

### **Relocation and Decommissioning**

The flowchart outlined in Appendix 2 can be used to make a decision on the suitability of relocating an item, and to make a recommendation as to whether an item should be relocated or decommissioned. A minimum of six months is required from the date which an item requires removing or relocating.

It is recommended that permanent items and their Maintenance Plans and Risk Assessments are reviewed every five years using the flowchart outlined in Appendix 2. This is to ensure that they are still relevant in their setting and their original artistic integrity and vision has not been compromised.

### **Reasons to Decommission an Item**

One or more of the following conditions may apply:

1. It has physically deteriorated, the physical condition of the work is no longer of an acceptable quality
2. It can no longer be considered to be the original work of art
3. It possesses faults of construction or materials, that are un-repairable
4. It requires excessive or unreasonable ongoing maintenance
5. It is damaged irreparably, or to an extent where the repair is unreasonable or impractical
6. A suitable place for display no longer exists
7. It is a duplicate, or is considered "excess", in a large holding of work of that type or of that artist(s)
8. It represents an unacceptable risk to public safety due to deterioration
9. The work is not, or is rarely displayed
10. The work is stolen
11. It is fraudulent or not an authentic work
12. A written request from the artist(s) has been received, that seeks removal of the work, return of the work to the artist, or for extensive repair of the work
13. Changes to the environment impact on the integrity of the work, affecting the artist's original intent or moral rights

### **Factors for Consideration for New Commissions**

Items should be designed using materials that will withstand their environment for the appropriate timescales given the type and purpose of the artwork, its context and use of the space in which it is located.

Good practice when commissioning new work is to consider a decommissioning framework at the outset. Whether an artwork is privately owned but located on public land, or owned by the Council on behalf of the city, consideration needs to be taken regarding its maintenance and decommission.

A clearly written Decommissioning Plan should include an agreed assessment criteria, process and timescale for decommissioning. The artist, with those who commission new work should, as part of their role, produce a maintenance plan with all technical specifications and other relevant issues, clearly considered through all stages of the commission, including a budget for its life expectancy.

The plan should address:

- anticipated life expectancy
- clarification of who owns the work
- clarification of who is responsible for checking the condition of the artwork or item and how often, and responsibilities for maintenance
- the financial implications for routine cleaning and minor repairs
- decommissioning protocol: what happens in the event that the work deteriorates or becomes damaged beyond reasonable repair
- relocating: who needs to be consulted if it is proposed that the artwork is moved to another site

### **Establishment of a Review Panel**

If reviewing current artworks in the City's portfolio the process should be carried out by a review panel. The process must be transparent and engage with experts, artists, interested parties and members of the public. Documentation regarding the process and a visual record of the work in situ should be included.

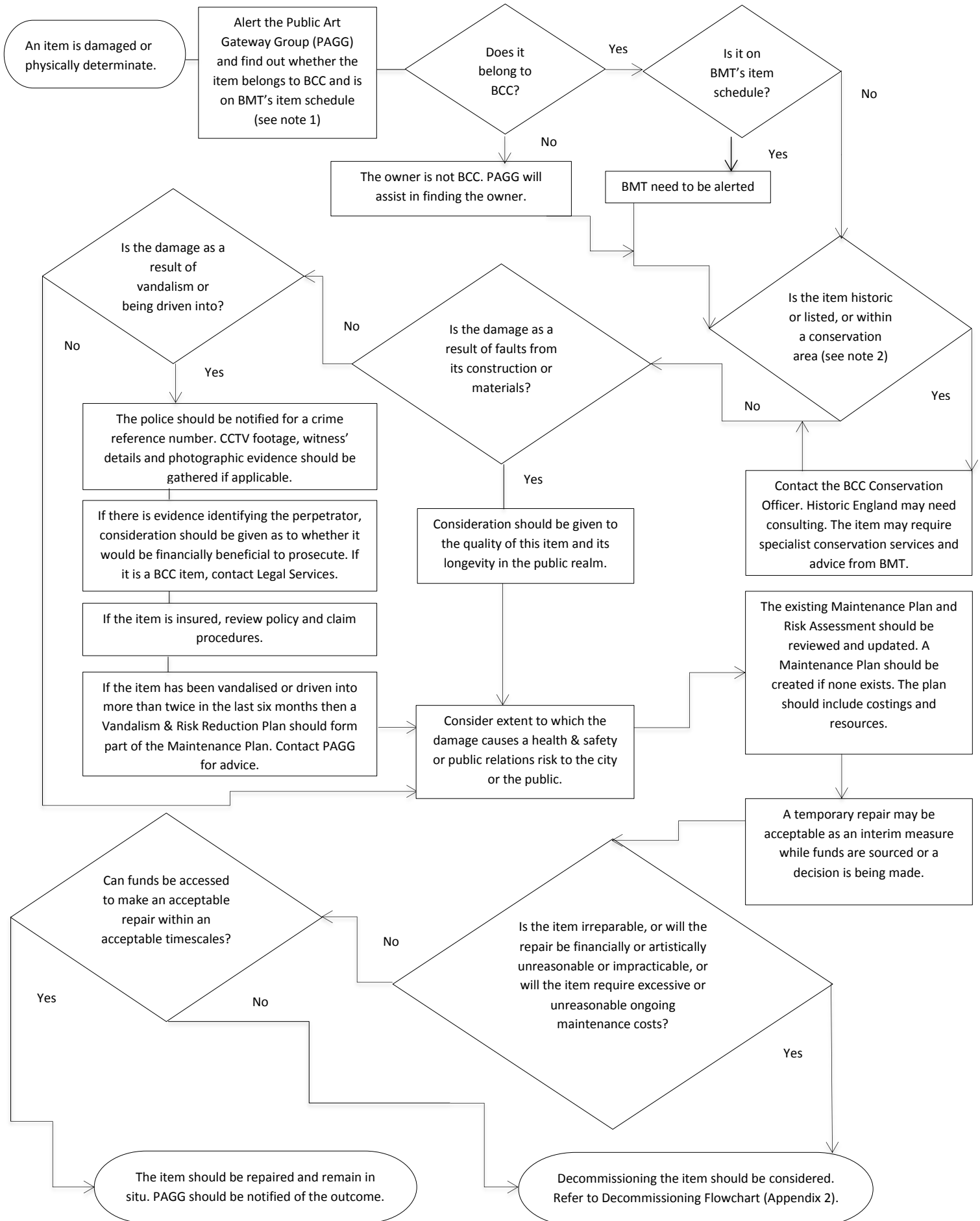
Once a recommendation has been made by PAGG officers about the decommissioning or relocation of a City owned work of art or other significant public realm item, a final decision will be made by the Deputy Leader and/ or relevant Cabinet Members on a case by case basis.

**For more information contact** Roxanna Collins, Culture Officer & PAGG coordinator  
[roxanna.f.collins@birmingham.gov.uk](mailto:roxanna.f.collins@birmingham.gov.uk) 0121 303 4709 [www.birmingham.gov.uk/arts](http://www.birmingham.gov.uk/arts)

***This policy was agreed and last reviewed in 2016.***

***The next review of this policy will take place at PAGG in November 2017.  
From then on, this policy will be reviewed annually at PAGG.***

**Appendix 1: Flowchart for repairing or decommissioning damaged or physically deteriorating public realm items such as artworks, clocks, fountains, monuments and other designed features in the public realm**



## Appendix 1 & 2: Flowchart Guidance Notes

### Acronyms

<b>BCC</b>	Birmingham City Council	<b>BMT</b>	Birmingham Museums Trust
<b>LoB</b>	Library of Birmingham	<b>PAGG</b>	Public Art Gateway Group

### Note 1: PAGG advice and guidance

This is a City Council working group to assist in the coordination of public art and public realm matters. For more information about the group visit: [www.birmingham.gov.uk/arts](http://www.birmingham.gov.uk/arts)

### Note 2: Heritage considerations

Answer yes if the item:

- is historic or listed
- is placed on or within a listed building
- sits within a conservation area, the grounds of a listed building or in a registered park or garden

For assistance contact BCC Conservation Team and/or search Historic England's database: <https://www.historicengland.org.uk/listing/the-list>

### Note 3: Is there another Birmingham public or public/private environment where the item could be relocated?

Whether it is a public space owned by BCC, or a 'public' space owned by a private corporation, consideration should be given to the materials of the item and its change in environment (the character of the public realm; site lines; exposure to sunlight; footfall and potential for public interaction etc) and whether it will:

- impact on the artistic integrity of the piece
- affect the artist's original intent or moral rights
- increase the potential for the item to be damaged or vandalised

It is good practice to **contact the artist** and commissioner to seek guidance on relocation suggestions. PAGG should be able to assist with this.

Ideally the recommended site should be **unaffected by redevelopment in the next ten years.**

If the site for relocation is within a **conservation area**, an environment surrounded by listed buildings or on a **listed building**, seek advice from BCC Conservation Team. Planning consent is likely to be required and these timescales should be considered at the start of the relocation process.

### Note 4: Is the item of significant artistic, cultural or historical importance?

Considerations should include whether:

- the item is authentic or a duplicate
- there are many works by this artist (regionally, nationally, internationally)
- the item is of good quality and skilled workmanship
- the financial value of the item is significant
- the circumstances in which the item was commissioned or made (e.g. whether it commemorates or celebrates a significant event)
- the item celebrates an important Birmingham figure
- the item has been adopted as a Birmingham landmark by residents and/ or visitors

### Note 5: Considerations for moving items into temporary storage

Putting items into storage should be a last resort due to the inefficient high costs in transportation and logistical requirements in reassembling and reinstalling the item from storage. It is therefore important to obtain full costings for this process and ensure costs are covered prior to the item being stored.

The recommendation for this course of action should include the estimated time it will stay in storage before a suitable development or alternative display option can be arranged.

It may be appropriate for some items to be stored at BMT Collections Centre, while others could form part of the LoB's Archive Collections unit. Where the item is not BCC owned or has not been gifted to BCC, there may be options for storing the item in private storage facilities. Contact PAGG for guidance.

### Note 6: Types of Decommissioning

Decommissioning refers to the process of removing an item from display permanently. Options include long-term storage, gifting, selling, loaning or destroying items.

The following are not preferred options for decommissioning: destruction; long-term storage (see note 5) and selling, due a) to the public nature of the item and b) the appropriation of funds from the sale of the item. A policy decision is required to confirm if these funds could be ring-fenced to support maintenance costs for other items, or to support new commissions. Recipients of gifted items could include: the original artist or their family, schools, other museum and art collections, arts organisations or local authorities.

Justification will need to be made as to why one of these above options have been recommended and/ or the decision making process used to recommend to whom an item is being gifted, lent or sold, and on what terms and conditions.

Costs for deinstallation, transport, insurance and destruction of an item need to be taken into account, including the cost of quality repair work on the highways/ public realm once the item is removed.

Before an item is decommissioned, it should be documented and a record kept by BCC - contact PAGG for guidance.

It is good practice to **contact the artist** and commissioner to notify them of the reasons for this decision, and to undertake a good depth of public consultation (see note 7) as further options could arise as a result.

### Note 7: Stakeholder and Public Consultation

Consultation is a key part of the decision making process. It is a statutory requirement for planning consent, and the BCC Planning Officer can advise on this.

However not all items will require planning consent. It is recommended that all items are consulted on by uploading them to the Be Heard Citizenspace online consultation portal: <https://www.birminghambeheard.org.uk/>, as well as notifying key stakeholders with the link. Consultation should take place for two to six weeks. For items that may affect a particular area or community, a display and stakeholder workshop could also be held. Contact PAGG for guidance.

### Useful Contacts:

PAGG	Roxanna.F.Collins@birmingham.gov.uk	0121 303 4709
BMT Collections	Toby.Watley@birminghammuseums.org.uk	0121 348 8012
LoB Archive	Corinna.Rayner@birmingham.gov.uk	0121 303 6799
BCC Planning & Regen	Senior Landscape Officer	0121 675 3719
BCC Conservation Team	Simon.Delahunty-Forrest@birmingham.gov.uk	0121 464 8258
WM Police		101
BCC Legal Services	Connie.Price@birmingham.gov.uk	0121 303 3496

**Appendix 2: Flowchart for relocating or decommissioning public realm items such as artworks, clocks, fountains, monuments and other designed features in the public realm.**

