

**Limerick City and County  
Council  
Public Art Policy 2024-2029  
  
Draft for Public Consultation**

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## **Appendices**

## **Public Art**

Public Art is a broad term which refers to artworks in any media created for and sited either temporarily or permanently in public places.

### **The General National Guidelines – 2004**

“Public art broadly defined can take many forms and perform many functions. It may be an object of civic pride or a cause of civic debate. It may provide edification or entertainment. It may be a source of private pleasure and solace or popular self-recognition and inclusion... The scope of public art has widened to include not just sculpture’s close relations, architecture and painting, but also music, literature, film, video, multimedia and sound art, as well as the various performing arts including theatre, dance, opera, performance and live art.”

Public art works may be permanent artworks but may also be temporary in nature.

Limerick City and County Council’s Public Art Policy will support the commissioning of a broad range and types of public art projects.

## **1. Vision**

### **Public Art – Vision**

The Limerick City and County Council (LCCC) Public Art Policy rests on the pillars of ambition, partnership and ownership. Public Art projects will be ambitious, multidisciplinary, and commissioned specifically for Limerick.

#### **Ambition**

- Every project will have artistic ambition at its heart, to attract the most talented artists and creatives to participate in Limerick Public Art projects.
- The artist’s brief will allow artists and creatives to bring and develop ideas.
- The programmes and projects will be open to artists and creatives from multiple disciplines to ensure a dynamic and artistically progressive programme of Public Art.

#### **Partnership**

- Partnerships to deliver Public Art in Limerick are key. Investment in time and resources to build partnerships will be integral to the public art programme. Partnerships may involve

local communities, artistic and cultural organisations, other stakeholders and cross Directorate working at LCCC.

- On occasion, existing events, festivals, historical groups, sporting, educational and other organisations will be given the opportunity to make applications and submissions to avail of public art funds for special, specific, once-off projects that are in line with the Council's Public Art policy and Public Art Advisory Group guidelines.
- A dynamic approach to consulting with communities will be implemented.

### **Ownership**

Ownership embraces history, culture and heritage.

- The public art programme will embrace, in innovative ways, the history, culture and heritage of Limerick and give due consideration to what gives Limerick City and County a distinct identity.
- Facilitating artists, makers, performers, creatives to engage with Limerick through residencies, extended community engagement and workshops as a part of commissions.

### **Documentation**

- All programme and projects will be documented and recorded and will be accessible on-line.
- The existing collection will be documented and accessible on-line.

### **Values for Public Art**

- Will enrich Limerick, its people, communities, local environment and Place-Making.
- Artists and commissioners will engage and challenge each other.
- Projects will be considered, planned and delivered to ensure a high quality outcome. This will allow, over a period of time, for consultation and meaningful partnerships between artists, communities and groups within Limerick.

### **Key Indicators of Success**

- Will seek to secure public art funding on all of its capital development programmes.
- Will seek to deliver an ambitious programme of Public Art to high standards.
- Will commission a broad range of artworks across disciplines over the lifetime of the policy.
- Public art programmes will engage and work with a wide range of communities in the city and county.

- Limerick City and County Council will continue to work across Directorates and departments.

### **Public Art in Limerick**

Culture is part of the global agenda for sustainability and development and is included in the United Nations Sustainable Development Goals (SDG). The Limerick Cultural Strategy: A Framework 2016-2030 commits to developing a coherent Public Art Policy to capitalise on the Percent for Art Scheme in all public projects being delivered. Additionally, the Limerick Culture and Creativity Strategy 2023-2027 and Limerick City and County Council Civic Memorial Policy are relevant in the area of Public Art. The Public Art Programme will adhere to other Limerick City and County Council Policies as required.

## **2. Public Art Management**

Limerick Arts Office will manage the Public Art programme.

### **2.1 Strategic Policy Committee**

The Community, Leisure and Culture SPC is responsible for all areas of policy and strategy concerning arts.

### **2.2 Public Art Working Group**

This group will be drawn from the Council's Senior Management Team and will oversee the sourcing and coordination of Percent for Art funding from capital projects that the Council are developing.

#### **Role of the Public Art Working Group**

- Will oversee an all of local authority approach to public art policy to sourcing Percent for Art funding.
- Will bring coordination and coherence to sourcing public art funding from capital projects and programmes.
- Will ensure that percent for art funding is applied for on the majority of capital projects, undertaken by the Council.
- Will establish Percent for Art budgets and implementation requirements.
- Will meet bi-annually.

### **2.3 Membership of the Public Art Working Group**

The membership will be drawn from:

Director of Services Housing and/or delegate.

Director Services Infrastructure/Roads and/or delegate.

Director Rural, Community and Culture and/or delegate.

Finance Accountant and/or delegate

Senior Planner.

Architect.  
Arts Office.

## **2.4 Public Art Advisory Group**

The group will act as the specialist advisory group overseeing Limerick City and County Council's public art programme. It will reflect and ensure that ambitions and objectives set out in the **Limerick Cultural Strategy: A Framework 2016-2030** are delivered

The group will be drawn from a range of experts in the creative field and community representatives.

## **2.5 Role of the Public Art Advisory Group**

- Will advise on the implementation phase of available percent for art funding and where relevant other public art funding.
- Will advise on project themes and general direction.
- Will advise on programme themes and project briefs.
- Will advise on guidelines and assess proposals for donations and civic contributions.
- Will provide support and feedback for the Arts Office.
- Will review public art programmes and provide feedback.

It will be open to The Advisory Group to advise on individual commissions, or to recommend a programmatic approach to commissioning a series of works.

## **2.6 The Advisory Group Membership**

The group will consist of up to seven – ten members, which may be supplemented from time to time by members with particular expertise, or special interest. The group should have a broad cross section of representation from the artistic and community sectors including artists and curators. Equality, diversity and inclusion will be considered in the selection of the members.

- Expert members - artists, architects, curators, (three members).
- Community representatives.
- Arts Office.
- Council Architects and representatives from Council Departments – Housing, Roads, Public Realm, Active Travel, etc.
- Supplemented by specialists on occasions.

The three experts will have a background in different art forms in order to reflect public art practice. They will have an understanding of current art practices and have experience in public art. The art experts and the community representatives will be selected by the Public Art Working Group, who will be advised by the Arts Office.

### 3. Per Cent for Art Budgets and Funding Thresholds

Public Art is funded in a number of ways, the largest contributor being the Per Cent for Art Scheme. The Per Cent for Art Scheme funding allocation is calculated on the basis of the net construction cost. The actual sum available for an art project of a particular capital project is finalised at the contract acceptance stage. This amount is then allocated to a designated financial job code managed by the Arts Office.

The Arts Office ensures that each Per Cent for Art project has a financial code identifier and maintains project-related information on a registered file. All art-related invoices are processed for payment by the Arts Office, unless agreed otherwise.

#### 3.1 Calculation and Allocation of Per Cent for Art Funds

Effective from 1<sup>st</sup> January 2020, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media has approved the following bands and Limits

Proposed Cost of Project	Proposed Maximum Limit
Projects below €5m	1% of the cost of the project to a maximum of €50,000 (1% of upper limit)
Projects between €5m and €20m	1% of the cost of the project to a maximum of €125,000 (1% at median)
Projects between €20m and €50m	1% of the cost of the project to a maximum of €350,000 (1% at median)
Projects in excess of €50m	€500,000 (1% of the lower level scale and declining as projects increase in scale)

The Per Cent for Art Scheme funds relate to project totals. However, some large-scale projects may be subdivided into units on a contract-by-contract basis. In such circumstances, the Per Cent for Art Scheme funding would apply to each contract.

Where possible Limerick City and County Council will seek to supplement the art project funding from other sources, for example, through additional client funding, or pooling of resources with other public bodies. Some public bodies may wish to pool funds from different projects in one area to benefit a more substantial art project in another.

#### 3.2 Pooling of Per Cent for Art Scheme Funds

The pooling of funds generated through the application of the Per Cent for Art Scheme is a long established principle under the National Guidelines. Pooling of funds across geographic areas and projects is specifically allowed for under the **General National Guidelines**. The Guidelines state that “in order to allow greater flexibility in the use of funds under the Percent for Art Scheme, the pooling of funds may be adopted. Funding may be pooled within an agency or an interagency basis. A local authority may wish to gather funding from different projects in the one area to achieve a more substantial art project”.

Limerick City and County Council will be informed by the advice of the Working and Advisory Groups to:

- Pool funding for smaller projects, in order to make the funding of an art project worthwhile.
- Seek to co-fund suitable art projects. LCCC may co-operate with other agencies by combining Per Cent for Art Scheme funds generated by different capital projects.
- Allocate pooled funding across all of the municipal districts.

#### **4. Procedures for commissioning public art works for Limerick City & County Council**

**The Public Art Working Group** will confirm capital projects and oversee and secure funding confirmation from the relevant Government Department. The available funding will be allocated into a central capital spending code, which will be managed by the Arts Office. The confirmation of funding will be made to the Arts Office, who will inform **The Public Art Advisory Group**. The Arts Office will prepare options for the Public Art Advisory group. The Public Art Advisory Group may also propose options outlined below.

##### **4.1 Procurement Guidelines for Commissioning Artworks under the Percent for Art Scheme.**

**The Public Art Percent for Art Scheme General National Guidelines 2004**, outlines Government approved artwork procurement and commissioning procedures. These outlines will be followed in relation to commissioning by Limerick City and County Council. The Office of Government Procurement (OGP) recognises the procurement procedures outlined in the **General National Guidelines** and do not provide supports for artwork procurement and instead refer bodies to the **National Guidelines**. Artworks are procured under National Guidelines using The Light Touch regime, supported by EU Directive 2014/24/EU. It is not a requirement to use E-Tenders in procuring artworks. The commissioning process for public artworks outlined below is used and approved by local authorities and OPW.

##### **4.2 Commissioning Process**

The procedures for the management of the public art programme will reflect the **National Guidelines** for the Per Cent for Art Scheme. This will include the development of briefs, selection of artists, contracts and management of commissions.

##### **4.3 Selection of Artists**

The Arts Office will oversee the Assessment Panel terms of reference and guidelines. The method of assessment will depend on the scale and nature of the public art commission and

will be made on the basis of the most appropriate procurement procedure which may include the following:

**4.3.1 Open Competition**

**4.3.2 Limited Competition**

**4.3.3 Direct Invitation or Purchase**

**4.3.1 Open Competition**

Artists will be invited to submit images and a CV along with drawings and or maquette, and project costings. The submission deadlines will allow sufficient time for artists to prepare detailed proposals.

**Competition based on previous work**

Artists will be asked to submit images and a CV for consideration by an assessment panel. Three to five artists will be shortlisted to prepare a detailed submission and be paid an appropriate fee for their work. These submissions will be considered by the assessment panel.

When either of the above methods are used the opportunity will be advertised and promoted.

**4.3.2 Limited Competition**

For commissions of an exacting nature or specialist artform, the Arts Office informed by the advice of the Public Art Advisory Group, may use one or other of the methods outlined below.

**Artist Longlist**

The Arts Office, specialist curator, or assessment panel may consider a longlist of up to twenty artists and invite three to five to make a detailed submission.

**Artist Shortlist**

The Arts Office, specialist curator, or assessment panel may invite three to five artists to make a detailed submission.

In each of the above methods those artists invited to make a submission will be paid an appropriate fee.

### **4.3.3 Direct Invitation or Purchase**

The Public Art Advisory Group working with the Arts Office may directly appoint an artist to a commission. This requires a period of research and discussion that an artist's practice, or work is appropriate to the aims and objectives of the commission.

The Public Art Advisory Group, working with the Arts Office, may assess proposals to directly purchase a work from an artist. When using this option, selection should be made on the basis of a comprehensive survey of what is available, cost and suitability.

### **4.4 Assessment Panels**

Assessment panels will be appointed to undertake the short-listing and selection of artists for commissions. Assessment panels will consist of no less than three people and no more than nine. Panels will have a majority of art experts including independent practitioners and curators. If issues regarding critical interpretation, process, site choice, structural requirements or other matters arise, the panel may at its discretion, meet with the artists before making a final decision. Panels will typically be composed from the following (depending on the nature of the commission):

#### **4.5 Public Art Assessment Panel Membership**

- Arts Office.
- Member of the Public Art Advisory Group.
- Artists.
- Independent curators and other public art professionals.
- Technical expert, architect, engineer, planner, etc.
- Representative of the community, neighbourhood or area.

#### **4.6 Appeals**

Applicants for public art projects to Limerick City and County Council may appeal against a decision on the basis of an alleged infringement, or unfair application of, or a deviation from the Council's published procedures.

This means that the applicant must show that they have reason/s to believe that their application was assessed, or dealt with in a way incompatible with the standard procedures for administration and assessment outlined when the applicant applied for funding.

If an applicant wishes to appeal an assessment panel decision, they may contact the Arts Office to discuss the subject matter of the potential appeal.

If, after having discussed the matter the applicant still wishes to appeal an assessment panel decision, they must write to the Arts Officer of Limerick City and County Council within four working weeks from the date of the letter of notification. They will receive a written acknowledgement from the Arts Officer, or from a person delegated to represent the Arts Officer. The letter of appeal must state:

- the grounds on which the appellant believes their application was not properly dealt with or assessed;
- specific reasons, or evidence they may have to support the appeal.

Within twenty working days of receiving such a request, the appeal will be considered by the Arts Officer, the Director of Services with responsibility for Arts (or their nominee), and an independent expert. The Council's decision at this stage will be final and will be communicated to the appellant giving their reason for the decision.

#### **4.7 Payments to Artists and Contracts**

Limerick City and County Council follow The Arts Council's Paying the Artist Policy. Limerick City and County Council through its Arts Office, Advisory Group and Assessment panels will ensure that the guidelines on remuneration are followed and that fair and reasonable contracts are offered to artists.

This creates an environment in which artists can make work of ambition and quality and be remunerated appropriately.

### **5. Commemorations**

#### **Limerick City and County Council Civic Memorial Policy**

The Limerick City and County Council Civic Memorial Policy recognises that public commemoration and memorials offer opportunities to honour, celebrate, or remember a person, group of persons, or events of significance. They provide an opportunity to highlight important social, cultural and economic contributions to society, to celebrate the uniqueness of the city and county of Limerick and to create a 'sense of place' which is identified as being of great importance to citizens and visitors.

The Policy sets out the process by which Limerick City and County Council will consider the commemoration of events, or individuals who have shaped the city or county, either by the naming of infrastructure, or by the installation of monuments, memorials and plaques in the public domain.

It is recognised that the Public Art Policy and the Civic Memorial Policy are two distinct policies.

### **6. Donations of Public Artworks**

LCCC are open to considering the acceptance of donations, or commissions of a permanent artwork to be located on, or in a property owned, or cared for by LCCC. In order for the donation or commission to be considered, the donor will be required to present a formal submission for consideration by the Public Art Advisory Group, or an Assessment panel

agreed by the Advisory Group. Applicants will be informed of the criteria, conditions and procedures governing commissions and donations. Loans, or donations of public artworks will be considered. Completed and installed artworks will be registered on LCCC's Public Art Register.

### **6.1 Planning Permissions**

Potential donors will be advised that most permanent/ long-term works are subject to granting of Part 8 permission for Limerick City and County Council commissions, and planning permission for external proposals.

## **7. Public Art Register**

LCCC will establish and keep updated a Public Art Register. This will include permanent work in the ownership or care of LCCC and will also include temporary art projects undertaken under the Public Art Programme. If, on occasion, it has been agreed that another Department at LCCC are coordinating a particular Public Artwork, this will be notified to Limerick Arts Office and included on the register. The Public Art Register will include if applicable:

- Title of work
- Name of artist/s
- Artist's statement / short description / intention of work /
- Technical issues: date, medium, dimensions,
- Location
- Budget
- Image/s
- Maintenance notes (not published)

The Public Art Register will be made available for public viewing on the Council's website. The Arts Office will arrange for completed public art to be uploaded to the Arts Council's public art website [www.publicart.ie](http://www.publicart.ie)

## **8. Care & Conservation of Public Artworks**

### **8.1 Maintenance of Artworks**

The Arts Office will oversee the care, conservation and maintenance of artworks on Limerick City and County Council's Public Arts Register. A care, conservation and maintenance plan will

be developed and implemented in association with LCCC departments, including but not limited to – Public Realm, Parks, Roads, Housing, Facilities and Active Travel. The Arts Office will identify the requirements for each artwork and make them known to the relevant departments and monitor the care, conservation and maintenance requirements.

## **8.2 Funding the Cost of Repairs & Maintenance**

In line with the **General National Guidelines** a small portion of available Per Cent for Art funding may be allocated for exceptional repairs and maintenance of existing artworks owned by LCCC. A small deduction will be made from budgets from all new commissions to partially fund repairs and maintenance of public artworks. The Public Art Advisory Group will be asked to provide advice on the budget allocation for these purposes.

## **8.3 Public Art Disposal Policy**

This section outlines standards and procedures relating to the disposal of artworks from the Limerick City and County Council's Public Art Register managed by the Arts Office. Deaccessioning, decommissioning and disposal will be considered only in limited circumstances.

**Deaccessioning** is the formal decision by the Council to remove permanently objects from its collection, or to document the reasons for an involuntary removal (one required by law, or due to circumstances not controlled by the Council).

**Decommissioning** specifically refers to the removal from its original site, a public art commission, or its destruction.

**Disposal** is the method of removal or transfer. In the context of this policy, disposal is also used more broadly to refer to the permanent removal of an object from the Register.

A decision to dispose of an artwork will be the responsibility of the Public Art Advisory Group acting on the recommendation of the Arts Office and professional curatorial staff. Such a decision will take into consideration other stakeholders' views such as those of the artist(s), or donor(s) concerned, or of researchers and local communities.

The Arts Office will ensure that the disposal process is carried out in an open and transparent manner. In particular, the decommissioning of public art will be governed by respect for the artist(s) in question and the communities in which the artwork is located.

The Public Art Advisory Group accepts the principle that sound curatorial reasons for disposal must be established, before consideration is given to the disposal of any artworks in the Council's Collection.

### **Disposal may only be undertaken if:**

- the legal title of the item has been thoroughly researched and there is no doubt whatsoever with regard to the ownership of the item. If there is any doubt, legal advice should be sought;

- it is on the advice of a range of staff (not one individual) and is agreed by the Public Art Group.
- it is done with the intention that wherever possible artworks remain within the public domain.
- it is unlikely to damage trust in Limerick City and County Council's public art collection, or Limerick City and County Council.
- it is likely to increase the public benefit from the artwork;
- it is communicated openly to the artist(s) concerned or any other relevant stakeholders.

#### **8.4 Motivation for Disposal**

It may be appropriate to deaccession and dispose of artworks from the Public Art Collection in exceptional circumstances where:

- LCCC is unable to carry out the necessary level of remedial work, owing to lack of facilities or resources. In this instance, efforts will be made for the artwork to be transferred to another State institution after deaccession, or to be returned to the artist;
- The artwork has deteriorated, or has been damaged beyond repair;
- The artwork poses a threat to health and safety;
- It is more historically, or practically appropriate to deaccession and transfer the artwork, or object for display at another Council site, or for safe storage while awaiting a more appropriate location within the County;
- All commissioning contracts issued to artists by Limerick Arts Office after autumn 2023 include a decommissioning clause under which public art may be decommissioned.
- If the cost of maintenance is unreasonable.
- If there is a significant change in the relationship of the artwork to the site.

#### **8.5 Limitations to Disposal**

It is recognised in this policy that works arising out of the Council's Percent for Art programme are in effect part of a national collection of public art and consideration will be given to this in any proposal to dispose of an artwork.

It is not the policy of the Council to dispose of artworks from the Public Art Register but where it is done the following guidelines will be considered.

Disposals will not be considered on an ad hoc basis without reference to the Public Art Policy;

- Disposal will not be considered without consulting experts with specialist knowledge of the artwork.

- Disposals will not be allowed without consulting the artist(s) concerned and the communities in which the artwork is located.
- Disposals will not be considered without taking into consideration the potential for affecting the reputation of the Council.
- Disposals will not be considered for purely financial reasons.
- Procedures in relation to the disposal or de-accessioning of an artwork must be discussed and approved at Public Art Advisory group and approved by the Director of Services with responsibility for the arts service.

## **8.6 Method of Disposal**

Where possible, artworks should be transferred and kept within the Council. In exceptional circumstances, the Council may decide to transfer an artwork to another location, community group, collection within the county, or accredited museum. If appropriate, legal title must also be transferred and all documentation must be updated by the Arts Office. For public art commissions, the method of disposal may also include the return of the work to the artist.

When works of art are destroyed, either actively under the advice of the Public Art Advisory Committee, with approval from the Director of Services, because they are in poor condition, or due to action by a third party (e.g. an accident, malicious damage, terrorist or warlike action) or to adverse environmental conditions, the Arts Office will, where possible, seek proof of destruction through photographic evidence, or through a statement by Arts Office staff, or other local authority officials present at the event or the aftermath of the event.

## **Appendices**

### **Appendix 1.**

Will include summaries of submissions, consultations, contributors etc.

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