



## **PROJECT INITIATION DOCUMENT**

**(March 2016)**

**Middlesex Street Public Art Project**

## Project Initiation Document (PID)

<b>Project Name:</b>	<b>Middlesex Street Public Art Project</b>		
<b>Project Start Date:</b>	Jan 2016	<b>Project End Date:</b>	March 2017
<b>Relevant Heads of Terms:</b>			
<b>Responsible Directorate:</b>	CLC		
<b>Project Manager:</b>	Steve Murray		
<b>Tel:</b>	X 7910	<b>Mobile:</b>	07985216304
<b>Ward:</b>	Spitalfields and Banglatown, Whitechapel		
<b>Delivery Organisation:</b>	TBD by competitive tender		
<b>Funds to be pass ported to an External Organisation</b>	Yes, via procurement		
<b>Supplier:</b>	Contractors various		
<b>Amount of S106 available for this Project:</b>	£239,325.65 – approved at PCOP 30.07.2015 £65,000.00		
<b>S106 Planning Agreement Number(s):</b>	PA/06/00432 PA/07/01201		
<b>Date of Approval:</b>	PA/06/00432 – 30.07.2015 PA/07/01201 – 31.03.2016		

### Distribution List

Organisation	Name	Title
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LBTH Legal	Marcus Woody	Planning Lawyer
LBTH D&R	Andy Simpson	S106 Programme Manager
LBTH D&R	Andy Scott	Acting Service Head – Economic Development
LBTH CLC	Thorsten Dreyer	Strategy Business and Development Manager
LBTH CLC	Tope Alegbeleye	Strategy , Policy and Performance Officer

### Related Documents

ID	Document Name	Document Description	File Location
<b>If copies of the related documents are required, contact the Project Manager</b>			

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## **1.0 Purpose of the Project Initiation Document**

- 1.1 In September 2011 a PID was approved at PCOP to allocate a contribution of £250,000 towards Public Art in the vicinity of the development from which it was secured. Feasibility work was carried out in 2012 and a spend of £10,670.65 was utilised.
- 1.2 Following the study the funds were earmarked to support another public art project in the nearby vicinity, Brick Lane Cultural Trail, but this project was delayed and the monies were not utilised. It is now unlikely this project will be taken forward and therefore it is now proposed to progress an alternative public art project.
- 1.2 It is proposed to create a series of individual art works that will act as sign posts to places of interest and form a cultural trail for visitors and residents. The designated areas will be within scope of the Aldgate Public Art Cultural Trail. It would include an 'artistic' map to be situated in the immediate vicinity of the Middlesex Street development indicating specific places of interest. This will enhance the environment and inform residents and students in that area of what's on their doorstep.
- 1.3 Initial scoping work will draw up a list buildings and sites of interest within the area that merit signage along with a list of existing public art in the area that this project would take into account.
- 1.4 Once locations are agreed and the necessary permissions obtained then a tender process or competition for designs will be held. Entries to be judged by a panel including council staff, local arts exponents/experts (i.e. Whitechapel Gallery) to appoint someone to design commission and install agreed pieces.
- 1.5 The complexities around permissions, structural and engineering aspects along with potential multiple planning processes inform the length of this project.

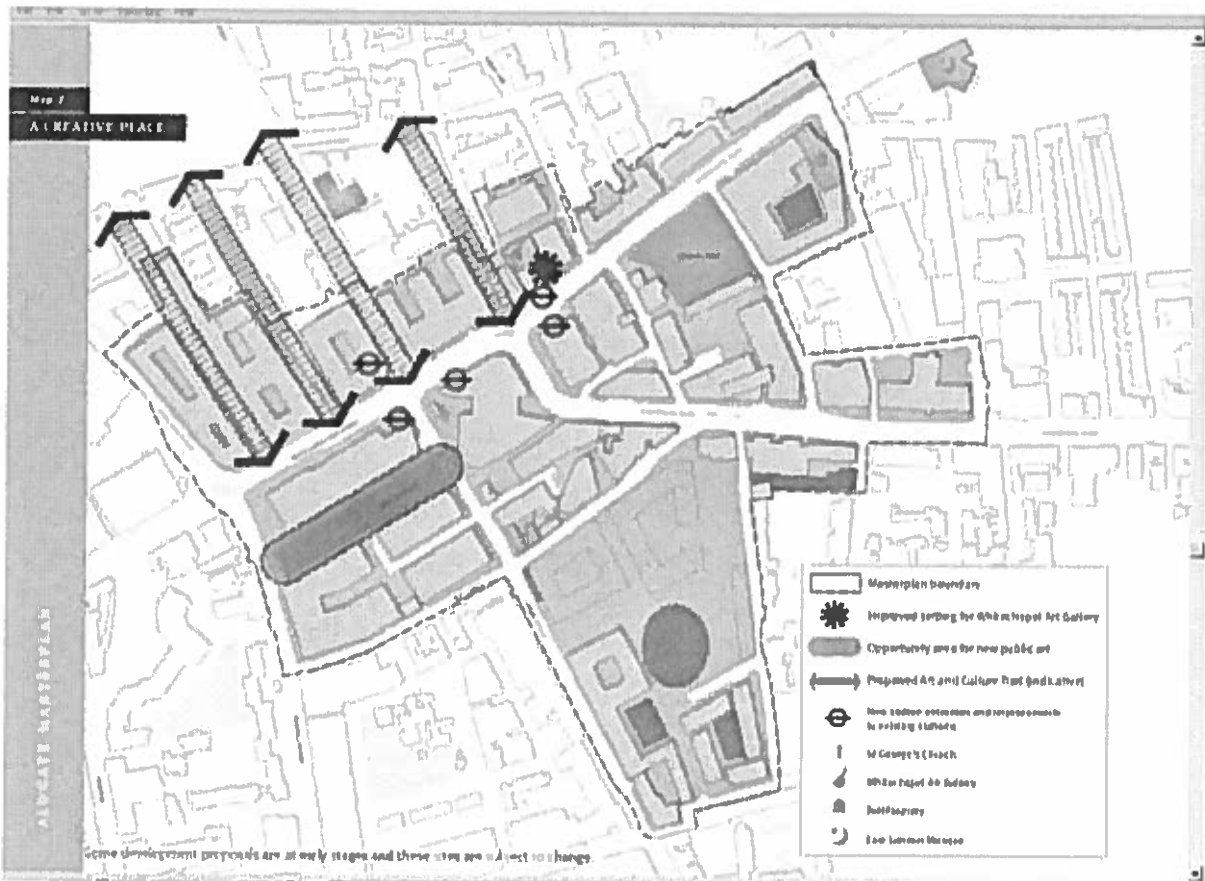
## **2.0 Section 106 Context**

- 2.1 Section 106 (S106) of the Town and Country Planning Act 1990 allows a Local Planning Authority (LPA) to enter into a legally-binding agreement or planning obligation with a developer over a related issue. Planning Obligations / S106 agreements are legal agreements negotiated, between an LPA and a developer, with the intention of making acceptable development which would otherwise be unacceptable in planning terms.
- 2.2 The Directorate of Development and Renewal in Tower Hamlets Council has put

in place a corporate structure, leading to a transparent process for assessment, negotiation, agreement, and expenditure and monitoring of section 106 resources.

- 2.3 This S106 PID is part of the Tower Hamlets Council S106 Delivery Portfolio and is aligned with the Deed dated 5 December 2006 creating planning obligations for the development at the Former Site of Rodwell House, 100-106 Middlesex Street (PA/06/00432) ('the 2006 Agreement') and the Deed dated 14 March 2008 61 – 75 Alie Street (PA/07/01201) ('the 2008 Agreement').
- 2.4 The 2006 Agreement included a Public Art contribution of £250,000 to be paid by the owner of the site to Tower Hamlets Council ('the Council') before first occupation of the student accommodation comprised within the development. This payment was received by the Council on the 20<sup>th</sup> August 2010.
- 2.5 For reference, Schedule 1, Clause 1.6 of the 2006 Agreement for states the contribution is for:
- "..the provision of public art/cultural facilities in the vicinity of the site involving the preparation and implementation of a public art strategy including involvement of local artists and including the provision of public arts/sculpture at the public arts sites."*
- The "public art sites" are defined in the agreement as 'two public art sites as shown in principle on plan no. 2. Annexed to this deed and located on *Frying Pan Alley.*'
- 2.6 The Council is required to use the contribution for the specified purposes (or for such other works as agreed in writing between the owner and the Council) within 5 years of receipt.
- 2.7 Furthermore, clause 5.4 of the 2006 Agreement requires the Council to consult with the owner of the site and take account of their representations before using the contribution.
- 2.8 In the interests of ensuring that maximum benefits for the community can be realized, the Council has requested DP9's (the Planning Consultants involved in original discussions to agree the siting of the art work) approval to spend the contribution on a public art scheme located outside of the boundary of site. Attempts have also been made to contact the developer, Middlesex SARL directly at their address in Luxembourg and also, in accordance with clause 8.2.2 of the Agreement request for approval sent to the Blackstone Group International Ltd. See Appendix 1 for correspondence. Having, after several attempts, failed to get a response to the proposal we now seek to go ahead with a project covering a wider area but still including the original suggested location next to the development.

- 2.9 The contribution expires five years from the date of receipt; 20<sup>th</sup> August 2015. It is proposed to use the full amount of the balance now available, £239,000 for this project.
- 2.10 In addition a sum of £65,000 from the 2008 Agreement will be utilised for this project. The agreement obliged the Developer to pay the Council £100,000 for contribution towards the Aldgate Public Art Culture Trail as identified in the Draft Aldgate Masterplan (see fig 1 below). The contribution is time limited for a period of 10 years from receipt of the contribution. The Council received the first payment on 12/12/2011 and the last payment on 13/11/2013, therefore the expiry for this contribution is 14/12/2021. It is proposed to use £65,000 from this contribution for the project.



**Fig 1 Indicative Aldgate Art and Cultural Trail**

### **3.0 Legal Comments**

- 3.1 In light of the Council having carried out reasonable consultation of the owner in accordance with clause 5.4 of the 2006 Agreement, Legal Services are satisfied that the PID complies with the terms of the Agreement. It reflects the parties' intentions at that time that the contribution would be used towards the provision of public art in the vicinity of the relevant development site through the implementation of a strategy involving local artists and will include, albeit is not limited to, public art in the original suggested location in the Agreement at Frying Pan alley.
- 3.2 We are also content that the application of the £65,000 from the 2008 Agreement for this project is in accordance with the purpose specified for it as a contribution towards the Aldgate Public Art Cultural Trail.
- 3.3 These comments are limited to addressing compliance with the terms of the s106 agreement (as based on the information detailed in the PID) and advice on any other legal matters (such as advice on procurement) should be sought separately if appropriate.

### **4.0 Overview of the Project**

- 4.1 The first phase of the project will be to undertake research and consultation that will inform a strategic document on how the proposed scheme will be taken forward. Key elements of this phase will be;
- Proposed location of art pieces to be commissioned.
  - Key stakeholders/parties to be involved.
  - Community engagement plan.
  - Draft tender document for a public art commission.
- 4.2 The second phase is the commissioning of high quality public art pieces that act as signage to key locations in this area of the Borough. Pieces will be;
- Sympathetic to the location.
  - Connect to the history of the area.
  - Of robust construction.
- 4.3 We recognise that the process of working in local communities can be as important as the end product and that this can take the form of consultation and local representation on the selection panel. Consequently, there will be a significant community engagement strand to the project allowing a sense of



ownership to emerge regarding not just the finished tangible artwork, but project planning process itself.

#### 4.4 Selection process;

- 5 to 8 public arts practitioners asked to submit proposals against a brief decided by panel. These sourced via research of established public art practitioners with preference for locally based artists.
- Locations to be agreed by panel based on results of feasibility study.
- Panel including Head of Arts Parks and Events, representative from developers/owners, community representative, plus possibly someone from Tower Hamlets arts sector (e.g. Whitechapel Gallery).

#### 4.5 Production Process;

- Would be managed by the project manager.
- Would provide an opportunity for local artists to shadow chosen artist in order to build their own skills in the realm of Public Art.

4.6 Other considerations would include the creation of a maintenance budget for the piece, which would be informed by the nature of the piece commissioned. This would be whatever was remaining unspent from contingency budget.

### 5.0 Business Case

5.1 Monies are specifically secured for the purposes of creating public art within the Middlesex street area. The piece would enhance the local environment, help to capacity build the local arts sector and support the visitor economy and institutions being signposted. The project supports the Community plan objectives of:

- A Great Place to Live – improvement of the local environment and public realm. Through creation of high quality art pieces
- A prosperous community – foster enterprise and entrepreneurship. Through support and training of local artists.

5.2 The project will benefit the community by;

- The creation of learning opportunities in all art forms (access to training, skills development and skills sharing).
- Artists and craft-makers working in local communities.
- Enrichment and enhancement of the environment.
- Civic pride – impact on tourism sector.
- Giving a distinctive character to developments and areas (unique identity for areas of renewal and regeneration).
- Enabling community members to participate in a consultation process regarding proposed developments and contribute to the decision making throughout.

- Developing critical approaches to the development of the urban and built environment.
- Celebrating cultural diversity and contributing to community cohesion.
- Contributing to an increased sense of community safety.

**5.3** The project will benefit Artists and Craft-Makers by;

- Enabling artists to input at the design stage and throughout the process of creating new developments.
- Creating work for established and developing artists living or working in an area.
- Providing training opportunities for visual artists with limited or no experience of public art commissions such as this one.

**5.4** In commissioning this project, the council will ensure that its objectives tie in with strategic aims across the authority, in particular those laid out within the Community Plan as outlined later in this document. Further objectives specific to this project are as follow:

- Quality – to achieve high quality in concept, execution and ongoing maintenance of all public art commissioning projects; create the opportunities for artists to work with other design disciplines to achieve the best results; encourage adventurous commissioning; attract the best artists locally, nationally and internationally.
- Recognition and Distinction – to achieve recognition as a leading local authority in public art commissioning.
- Partnerships – to encourage partnerships with regional and national arts providers and funders, environmental and transport bodies and developers.
- The Green Agenda – to consider the environmental impact of each commission and where possible, offset any negative impact through choice of process and materials.

## **6.0 Approach**

**6.1** We will seek to adhere to good practice in all aspects of delivering this project and will follow a commissioning model which abides by council procedures and priorities at all times.

**6.2** We will ensure that all the new art pieces created are robust in construction and meet all appropriate Health and Safety requirements.

**6.2** In addition to obtaining permissions from owners of any property where the pieces will be positioned we will liaise with all the relevant authorities and agencies such as TFL, Highways, Street works,

## 7.0 Deliverables

- 7.1 The key deliverable is a public art scheme that will enhance the environment and provide directional signage to places of interest in this area through improved signage. The precise design and structure of these pieces, probably around 15 to 20 signs and 4 information boards in number, will be decided via an invited competitive process.
- 7.2 The completed scheme will provide work for local artists and opportunities for training for other local artists through shadowing the project delivery

## 8.0 Local Employment and Enterprise Opportunity

- 8.1 We will ensure that local artists/organisations are invited to tender for the work on this project. At this stage it is intended to involve volunteers and engage apprentices within the delivery of the project.

## 9.0 Programme Timeline

### 9.1 Project Budget

<b>Table 1</b>			
<b>Financial Resources</b>			
<b>Description</b>	<b>Amount</b>	<b>Funding Source</b>	<b>Funding (capital/revenue)</b>
Feasibility study	£20,000	S106	Capital
Professional and planning fees	£15,000	S106	Capital
Design, production and fixing pieces	£209,250	S106	Capital
Project Management costs	£25,000	S106	Capital
Retention maintenance fund	£10,000	S106	Capital
Contingency	£25,075.65	S106	Capital
<b>Total excluding VAT</b>	<b>£304,325.65</b>		

Any unspent contingency will be returned to the S106 portfolio.

## 9.2 Financial Profiling

<b>Table 2</b>									
<b>Financial Profiling</b>									
<b>Description</b>	<b>16/17</b>				<b>17/18</b>				<b>Total</b>
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	
All works and associated costs	£10,000	£10,000	£50,000	£135,000	£99,325.65				£304,325.65
<b>Total</b>	<b>£10,000</b>	<b>£10,000</b>	<b>£50,000</b>	<b>£135,000</b>	<b>£99,325.65</b>				<b>£304,325.65</b>

## 9.3 Outputs/Milestone and Spend Profile

<b>Table 3</b>			
<b>Project Outputs/Milestone and Spend Profile</b>			
<b>ID</b>	<b>Milestone Title</b>	<b>Baseline Spend</b>	<b>Baseline Delivery Date</b>
	Development and research	£20,000	April to June 2016
	Consultation, community engagement and commissioning	£50,000	July to September
	Fabrication and location of art pieces plus fees and charges	£205,325.65	October December
	Project launch and maintenance fund	£29,000	Jan to June 2017
<b>Total</b>		<b>£304,325.65</b>	

\*Any unspent contingency will contribute to the maintenance budget

#### 9.4 Realisation

<b>Table 4</b>	
<b>Benefit</b>	<b>Measure</b>
Creation of new public art in west of the borough which enhances environment and signposts key places of interest and support visitor economy,	Commissioning several new public art pieces to be placed in location around Spitalfields and Bangla Town, Whitechapel and Bethnal Green.

#### 10 Governance and Organisational Structure

The governance structure that provides for the delivery of programme/project funded in whole or in part by S106 resources is set out in diagram 1 below.

Diagram 1



Project Manager to complete the following - The governance arrangements for this project is set out below:

- Project Sponsor – Shazia Hussain
- Project Manager – Stephen Murray/ Isma Arif
- Project team members – TBC

## 11 Project Reporting Arrangements

<b>Group</b>	<b>Attendees</b>	<b>Reports/Log</b>	<b>Frequency</b>
Arts Parks and Events	APE staff and reps from 3 <sup>rd</sup> sector stakeholders	Minuted meetings with action points	Commissioning stage x 3 Design stage x 2 Implementation stage x 4 Site visits x 3

## 12. Quality Statement

- 12.1 Designs of art pieces will be selected on the basis of high quality and robust construction and specialist input will help inform this. Installation will be

undertaken by specialists to ensure all Health and safety requirements are met.

### 13. Key Project Stakeholders

<b>Table 8</b>			
<b>Key Stakeholders</b>	<b>Role</b>	<b>Communication Method</b>	<b>Frequency</b>
Steve Murray	Project sponsor	Verbal and written reports	As and when required
Selection Panel	Choosing artist/s	Tender process	As and when required
Capital projects board CLC	Monitor progress of project	Update reports and meetings	Bi monthly
Local organisations, businesses, residents	To be consulted and help inform research element	Meetings both group and individual	As and when required, minimum of two open meetings

### 14. Stakeholder Communications

14.1 Key stakeholders from community and 3<sup>rd</sup> sector will be kept informed via email updates and open meetings X 2. Internal stakeholders

## 15. Key Risks



15.1 The key risks to this project are provided in the Table 9 below.

Table 9							
Risk No.	Risk	Triggers	Consequences	Existing Internal Controls – to be confirmed	Likelihood	Impact	Total
1	Project overspend	Unexpected works required or prices going up	Delayed finish or compromised design	Tight project management, scope to modify works to agreed priorities. Healthy Contingency	2	2	4
2	Project over run	Unexpected problems including procurement of materials and fittings	Reputational damage limited as project would not be publicised until complete or near completion	Project management ensuring sourcing ahead of time required and alternative suppliers in place if necessary	2	2	4
3	Work not produced to spec	Projected overspend require compromise solutions	Reputational damage through sub standard product in public realm	Sign off required for designs and production of art pieces against clear specification	2	2	4
4	Elements of the project fail to get planning permission	Refusal of permission to install in desired location	Could delay project	Ensure timelines allow for such an eventuality and rethink locations if necessary	2	1	2



## 16. Project Approvals

The PID has been reviewed and accepted by delegated PCOP Chair, Owen Whalley and Service Head, Shazia Hussain, Culture, Learning & Leisure. The risks identified are understood and acknowledged.

Role	Name	Signature	Date
Delegated PCOP Chair	Owen Whalley		05/04/16
Service Head, Culture, Learning & Leisure	Shazia Hussain		3/3/2016

