

REQUEST FOR MAYORAL DECISION – MD1153**Title: Fourth Plinth 2013/14-14/15****Executive Summary:**

The Fourth Plinth Programme is a key deliverable forming part of the Mayor of London's statutory Cultural Strategy. Now entering its fourth commissioning round, the programme will deliver the next two artworks for the Fourth Plinth on Trafalgar Square. In advance of the next commission, 23 artists submitted their proposals and six-short listed artists will be required to produce maquettes of their proposal that will be unveiled for public exhibition. It is anticipated that the first of the winning artworks will be installed in early 2015 with the second in 2017. The case for a three-year investment covering 2012-13 to 2014-15 was endorsed by the Mayor's Investment Performance Board on the 15 November 2011.

Decision:

1) To approve:

- the allocation of £254,000 GLA funding for the Fourth Plinth Commissioning Programme in the financial years 2013-14 and 2014-15;
- the award of grant funding to the 6 shortlisted and the 2 successful commissioned artists for the total amount of £236k in this period;
- the procurement, award, entry into and execution (in accordance with the Contracts and Funding Code) of any and all contracts, up to an aggregated value, not exceeding £272,000, in relation to the delivery of the Fourth Plinth Commissioning Programme;
- the seeking of sponsorship and external income to assist in meeting the costs of delivering the Fourth Plinth Commissioning Programme and the entry into and execution of appropriate grant funding agreements for such funding;

2) To delegate authority to the Assistant Director, Health and Communities to approve the GLA's entry into, and execution of, all funding agreements to assist with the delivery of the Fourth Plinth Commissioning Programme.

Mayor of London

I confirm that I do not have any Disclosable Pecuniary Interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature**Date****11 March 2013**

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

The Fourth Plinth Programme is a powerful manifestation of London's leading position as a world class cultural capital. Over the past 13 years the 'empty' Fourth Plinth in the northwest corner of Trafalgar Square has been home to some of the world's most innovative artworks and has become a model of best practice in commissioning public art. Each commission has generated enormous public interest and global media coverage: The recent Antony Gormley commission generated unprecedented public engagement – including over 9 million website hits.; Marc Quinn's *Alison Lapper Pregnant*, first commissioned by the Mayor of London's Fourth Plinth Programme, was televised across the world as part of the London 2012 Paralympic Closing Ceremonies. The current commission *Powerless Structures, Fig. 101* occupying the Plinth by artist duo Elmgreen & Dragset has also generated extensive international press coverage and the programme overall has inspired 'copy cats' worldwide – from Sydney to Hove.

While the unveiling of the artworks are significant moments, the Fourth Plinth Programme has also become a model of best practice in commissioning art in the public realm.

The last shortlist exhibition and related events generated substantial public engagement with over 17,000 comments submitted at the exhibition or online. The Fourth Plinth programme is proactive in ensuring that this high level of interest is sustained and developed into the future meaning a year round relationship with London's citizen's and visitors.

In consultation with the Fourth Plinth Commissioning Group a long list was drawn up of 23 key worldwide artists capable of delivering an internationally celebrated artwork for the Fourth Plinth. Following a shortlisting from these artists, maquettes of 6 works are to be displayed as part of a Public Engagement Programme for consultation and viewing interest. Each of the six artists will receive grant funding of up to £6,000 towards the cost of producing the maquette. A venue for this exhibition is yet to be determined, but it is envisaged that this will be in a location in close proximity to Trafalgar Square.

On selection of the 2 winning works, a feasibility study will be undertaken in order to realise each idea and planning applications will be made to Westminster City Council Planning Team, in order to gain final planning approval.

Once commissioned, each of the two winning artists will receive a grant of up to £140,000, as a contribution towards the costs of fabrication of the artwork, and a prize of up to £30,000 will be offered.

The GLA will be responsible for procuring and entering into contracts for the facilitation of the exhibition of the maquette shortlist, the de-commissioning of the current sculpture, and the safe installation of the sculpture by Katharina Fritsch's *Hahn/Cock*.

Specialist Project Management

A procurement for a Project Management consultant will be carried out and appointed to work on the implementation of the Katharina Fritsch commission and the new commissions in this round, including planning applications, overview of production process and project management of the launch event as required. Each of these segments may be self-contained and will cost no more than £5,000. The work will require specialists in the Visual Arts field with specific experience of supporting high profile art commissions.

Schools Awards and Public Engagement Programme

The Schools Awards programme engages schools across London with the Fourth Plinth programme, by inviting schools across London to respond to the commissions on the plinth and the shortlisted proposals. The programme aims to include students from all Boroughs in London and encourages children to engage with the commissioning process and consider the issues of use of public spaces. Winning entries will be exhibited at City Hall. Pending additional funding, further resources will be provided for teachers and students, including schools packs and teacher inset sessions.

A procurement will be carried out, and a contract awarded and executed to appoint a contractor to design the exhibition for the winning entries.

The Public Engagement Programme is aimed at increasing public awareness and discussion about public art and may include a variety of activities including public debates, publications, competitions and international partnerships within our World Cities Cultural Programme. Details of this programme have yet to be confirmed with the Arts Council, through which they would be funded.

Funding & Sponsorship

An application will be made to Arts Council England to continue this longstanding partnership. The objective will be to extend the reach of the commissions and open up public involvement with the commissioning process itself. The Arts Council has indicated its ongoing support for the engagement programme.

Additional sponsorship funding will be sought to assist in meeting the costs of delivering and enhancing this project, along with supporting artists in generating the necessary production funds for their work where appropriate.

Proposed Timeline

July 2013: De-Installation Elmgreen & Dragset Powerless Structures
July 2013: Installation Katharina Fritsch Hahn/Cock
September 2013: Public Consultation and Exhibition of 6 shortlisted maquettes
October 2013: Schools Awards Competition
December 2013: Schools Awards Exhibition at City Hall
January 2014: Announcement 2 new commissions
February 2014: Production begins on New Commission 1
January 2015: De-installation Katharina Fritsch
February 2015: Installation New Commission 1
March 2015: Schools Awards Competition New Commission 1

2. Issues for consideration

a) Links to strategies and Mayoral and corporate priorities

The Fourth Plinth Programme is identified in the Mayor's Culture Strategy as a deliverable to encourage public awareness of London's public art, architecture and urban design by creating high-quality and memorable work. It is also an integral aspect of the promotion of Trafalgar Square as a world class public space and venues for cultural activity.

The Mayor's statutory Cultural Strategy (2010) specifically recommends support of the Fourth Plinth programme in Policy 4.5: *"Through the Fourth Plinth Commissioning Programme.....the Mayor will*

continue to ensure that high quality public art enhances the public realm and contributes to the vitality of living in London”

b) Impact assessments and Consultation

In relation to the commissioning round that resulted in the selection of Katharina Fritsch's *Hahn/Cock*, there was an extensive public consultation that involved 17,000 members of the public.

The aim of the programme is to facilitate maximum public engagement in the Fourth Plinth Commissioning process. The public were asked to express their preferences on the proposed sculptures within the context of participation in art. In both rounds, the culture team worked closely with both the consultation and marketing teams to ensure maximum engagement.

A similar process will take place during the short-listing of the artists for the current commissioning round.

Consultation will also take place with the Fourth Plinth Commissioning Group, which includes:

- Iwona Blazwick, Director, Whitechapel Gallery
- Mick Brundle, Principal, Arup Associates
- Jeremy Deller, Artist
- Tamsin Dillon, Head of Art on the Underground, Transport for London
- Ekow Eshun, Writer, Broadcaster (Chair)
- Jo Baxendale, Relationship Manager, Visual Art, Arts Council England
- Grayson Perry, Artist
- Matthew Slotover, Co-director, Frieze
- Jon Snow, Broadcaster
- Justine Simons, Greater London Authority (Project Director)

c) Risk

The key risk to this programme is around the sale of the sculptures in order to recoup the fabrication costs incurred. This is the responsibility of the artist as the owner of the work and the GLA Risk Register Form will be completed.

3. Financial Comments

Background

- 3.1 Approval is being sought for the GLA allocation and associated expenditure relating to the Fourth Plinth Programme for the period between 2013-14 to 2014-15. This will involve the procurement of goods and services relating to the programme, the award of grants, prizes to winning artists and the application to the Arts Council England for grant funding and seeking sponsorship income to supplement / enhance the Fourth Plinth Programme over the next two financial years (The details of the associated expenditure has been detailed within the main body of this report).

Cost & Budget

- 3.2 As endorsed by the Mayor's IPB Panel on the 15th November, a budget provision of £254,000 has been allocated for the Fourth Plinth Programme for the next two financial-years (2013-14 & 2014-15), which has been included in the draft GLA spending plans for the same period. The budget is held within the Health & Communities Unit. An indicative project budget, as provided by the culture team is summarised below:

Proposed Expenditure	2013/14	2014/15	Total
	£000	£000	£000
6 x Maquettes (grant funding)	36	-	36
Commission Prize (grant funding)	10	20	30
Commission Fabrication (grant funding)	10	130	140
Katharina Fritsch final grant	30	-	30
<i>TOTAL GRANT SUB-TOTAL</i>			<i>236</i>
Installations & Launch	60	52	112
Schools awards	30	30	60
Project Management	-	10	10
Media Consultancy	12	12	24
Maquettes Exhibition	66	-	66
<i>TOTAL CONTRACT SUB-TOTAL</i>			<i>272</i>
TOTAL	254	254	508

- 3.3 As detailed within the main body of this report, the culture team will be making an application for funding from the Arts Council England also seeking sponsorship income for the Programme. If the application is successful and also sponsorship secured; the additional income will be used to enhance the programme over the next two financial years. The receipt of such funding will be subject to further approval via the Authority's decision-making process, specifically through the Directors Decision for which delegation is also being sought via this approval.
- 3.4 All income received and programme expenditure will be accounted for within the Fourth Plinth budget. All appropriate budget adjustments and virements relating to this programme will be made.

Project / Programme Management

- 3.5 The Culture Team (Health & Communities Unit) within the Communities & Intelligence Directorate will be responsible for managing this programme of work and must ensure all activities relating to the programme complies with the Authority's Financial Regulations, Contracts & Funding Code, Expenses & Benefits Framework and Funding Agreement Toolkit (wherever applicable). Consequently, officers are advised to liaise with the Legal, Procurement & Finance Teams whenever applicable to ensure all activities undertaken for the above-mention programme comply with the above noted Authority guidance and rules.

4. Legal Comments

Legal Powers (general):

- 4.1 Sections 1 to 3 of this report indicate that:
- 4.1.2 the decisions requested of the mayor fall within the statutory powers of the Authority to do such things as may be considered facilitative of or conducive to the implementation of the mayor's cultural strategy which is prepared and published pursuant to section 376 of the Greater London Authority Act 1999 ("Act") and the duty of the Authority to promote tourism in Greater London under section 378 of the Act; and

4.1.2 in formulating the proposals in respect of which a decision is sought officers have complied with the Authority's related statutory duties to:

- (a) pay due regard to the principle that there should be equality of opportunity for all people;
- (b) consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
- (c) consult with appropriate bodies.

4.2 **Grant Agreements**

Section 1 above indicates that the contribution of £6,000 to the six artists for the production of the maquettes, and the contribution of £140,000 towards the two winning artists amounts to the provision of grant funding and not payment for services. Officers must ensure that the funding is distributed fairly, transparently, in accordance with the Authority's equalities and in manner which affords value for money in accordance with the Contracts and Funding Code.

Officers must ensure that funding agreements are put in place between and executed by the Authority and recipients before any commitment to fund is made.

The payment of a prize of up to £30,000 to each of the two winning artist is as a reward for winning the competition and is not payment for services provided to the Authority or a grant from the Authority.

4.3 The services required must be procured by Transport for London Procurement who will determine the detail of the procurement strategy to be adopted in accordance with the GLA's Contracts and Funding Code

4.4 **Funding and Sponsorship**

Under section 378(9) of the Act the Authority may when exercising the tourism power charge for its services and receive contributions towards its expenses in carrying out any of its functions under that section.

Officers must ensure that sponsorship is sought in accordance with the sponsorship policy and appropriate sponsorship agreements are put in between and executed by the Authority and sponsor(s) before any reliance is placed on the sponsorship income and/benefits in kind.

Appropriate agreements must also be put in place and executed with any third parties providing any other funding, including (without limitation) Arts Council England (should the Authority's application prove successful) before any reliance is placed on such funding.

4.5 The mayor may, under section 38 of the Act, delegate the exercise of the Authority's functions to any Authority staff member.

5. **Investment & Performance Board**

The case for a three-year investment covering 2012-13 to 2014-15 has been endorsed by the Mayor's IPB panel on the 15 November 2011.

6. **Background/supporting papers**

None

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the GLA website within 1 working day of approval. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of this approval to be deferred? YES

If yes, for what reason:

It contains information the disclosure of which would be likely to prejudice the Authority's commercial interests by distorting competitiveness in the relevant markets. Such distortion impacts upon the Authority's ability to secure competitive and sustainable bids for the provision of the required services, the artworks and value for money which is not in the public interest

Until what date: 30 March 2014

Is there a part 2 form - NO

ORIGINATING OFFICER DECLARATION:

	Tick to indicate approval (✓)
Drafting officer: <u>Kirsten Dunne</u> has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.	✓
Assistant Director/Head of Service: <u>Amanda Coyle</u> has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.	✓
Sponsoring Director: <u>Jeff Jacob</u> has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.	✓
Mayoral Adviser: <u>Munira Mirza</u> has been consulted about the proposal and agrees the recommendations.	✓
Advice: The Finance and Legal teams have commented on this proposal.	✓

OFFICER APPROVAL**Executive Director, Resources**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report.

Signature

Date

Chief of Staff

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date