

Committee(s):	Date:
Policy and Resources Committee	6 June 2019
Subject: Crossrail Art Programme – Liverpool Street Station: Artist Agreements and Commuted Sum	Public
Report of: Town Clerk	For Decision
Report author: Matthew Pitt	

Summary

In November 2017, your Committee agreed in principle that the City of London (the City) would take ownership and responsibility for two artworks in the public realm at Liverpool Street station that are a part of the Crossrail Art Programme. This in principle approval was subject to the City and the Crossrail Art Foundation (the Charity) - which was set up in partnership between the City Corporation and Crossrail Limited - reaching an agreement on an appropriate commuted sum for the future care and maintenance of the sculptures.

Following the finalisation of budgets at all other stations, the Charity has now advised the City of the sum available to be transferred to it for this purpose. This report asks Members to consider whether to enter into agreements with the two Liverpool Street station artists, Crossrail Limited, artwork sponsors, landowners and any other parties in order to secure the delivery of these two artworks at Liverpool Street station.

The Charity has offered a commuted sum of £80,000 to cover the cost of maintenance for both artworks which is estimated at £21,000 per annum. This would cover no more than 4 years of the 25 year obligation leaving the remaining cost maintenance over the remaining 21 years of approximately £441,000 to be met by the City.

Recommendations

Members are asked to: -

1. Consider whether to enter into agreement(s) with the Conrad Shawcross Studio Ltd., Kusama Enterprises, British Land, Land Securities (and any other party) as necessary for the successful fabrication and installation of the two artworks;
2. Note that a sum for fabrication and installation will be transferred by the Charity to the City of London Corporation as highway and local authority to meet the costs of the two fixed price artist contracts;
3. Note that Crossrail Limited have advised the City of London Corporation that a sum of £80,188.09 remains in the Charity's budget to assist with the future costs of maintaining both artworks for a period no less than 25 years and the total net cost of maintenance over the period will be £441,000;

4. Agree that, subject to the City taking responsibility for the artworks, once the commuted sum is exhausted the City Surveyor's local risk budget be increased by £21,000 per annum, plus a sum for inflation based on the retail price index, to cover the cost of ongoing maintenance to be met from City's Cash Reserves; and
5. Delegate Authority to the Town Clerk in consultation with your Chair and Deputy Chair to manage any other matters relating to the closure and strike off the Crossrail Art Foundation.

Main Report

Background

1. The City of London Corporation (the City Corporation) is a principal funder of the Crossrail Art Programme (the Art Programme) having pledged up to £3.5m for artworks along the seven central London Elizabeth Line stations, the balance of funding being provided by private sponsors. The City Corporation also provided £250,000 of core funding to support the costs of administration of The Crossrail Art Foundation the charity established by the City Corporation and Crossrail Limited for the purposes of delivering the Art Programme (the Charity). Funding has been provided by the City Corporation from City's Cash.
2. In November 2017, your Committee agreed in principle to the City Corporation taking ownership and responsibility for two artworks in the public realm near the Liverpool Street station (at the Broadgate and Moorgate exits), subject to receiving an appropriate commuted sum from the Charity. This sum was to be a contribution towards the ongoing care and maintenance of the artworks. Visualisations of both artworks can be found in Appendices A and B.
3. The November 2017 resolution to accept ownership and responsibility for the artworks, in principle, was also subject to highway authority approval and land owner consents. The proposals have been separately evaluated by the City Corporation in its capacities as highway authority and planning authority with Stage 1 Approvals in Principle (highway approvals) being granted and planning permission having been consented for both artworks. The relevant land owner's consent has been confirmed and will form part of the agreement with British Land. In addition to the above, [the City Corporation's] City Arts Initiative and Culture Heritage Libraries Committee have previously approved the two artwork concepts – both were well received with recognition that the City would become the custodian of works by two internationally renown artists.
4. Other artworks within the Art Programme, with the exception of Canary Wharf, are located within the stations and will be owned by TfL and maintained by their Station Infrastructure Managers together with TfL's Art on the Underground. The artworks at Broadgate and Moorgate will be situated in the public realm; Art on the Underground will therefore be unable to take these on for TfL. Consequently, the Charity felt that it would be most appropriate for the City of London Corporation, as 50% funder of the Art Programme, also being the highways and local authority in the relevant areas, to act as custodian of the pieces.

5. Delays with delivery of the Elizabeth Line continue, and the railway is not expected to open until late 2020. Within this challenging environment, the Art Programme has successfully delivered 7/10 artworks to date. The remaining artworks at Tottenham Court Road and Liverpool Street are due to be delivered by the end of 2021. The delays to delivery at Liverpool Street will ensure their installation is aligned with the adjacent development activities of the private sector artwork sponsors, Land Securities (Moorgate) and British Land (Broadgate).
6. In December 2018, the Trustees of the Charity re-affirmed their decision to close the charitable company at the earliest opportunity following finalisation of arrangements for the remaining artworks. It is hoped that this can be achieved by the end of the year.

Current Position

Commuted Sum

7. Following finalisation of the artwork budget at Tottenham Court Road, it has now been possible for the Charity to notify the City Corporation of the remaining funding available for the ongoing maintenance of the artworks, £80,188.09.
8. When your Committee gave its approval in principle in November 2017, a greater commuted sum had been anticipated. However, those funds have instead been directed for their original purpose – to design, fabricate and install artworks.
9. The impressive artwork by Yayoi Kusama at Liverpool Street has proved particularly challenging due to its scale and the complexity of the engineering involved. When tenders for the fabrication and installation were returned in late 2018, they exceeded expectation and budget. Cost Engineering and scrutiny of the contracts was carried out by Crossrail Limited, British Land and the City Corporation to reduce costs. British Land have since pledged an additional £150,000 (match-funded by the City Corporation from its £3.5m funding commitment). These additional contributions together with left over funding from other stations across the line make it possible to deliver the Kusama artwork at Liverpool Street.
10. Quotations for the annual maintenance of both artworks have been sought from conservators, Rupert Harris. The combined quotation for both artworks amounts to £21,000 per annum (2018 prices). The commuted sum would therefore be expected to last no more than 4 years of a 25 year obligation.
11. The maintenance funding shortfall over the remainder of the 25 years is estimated to be circa £441,000 (2018 prices). Should Members wish to proceed an additional £21,000 per annum will need to be included in the City Surveyor's local risk budget once the commuted sum is exhausted.
12. It should be noted that the £80,188.09 maintenance sum would be drawn from the remainder of the City's original £3.5m pledge, including monies unspent following the completion of artworks at the other Elizabeth Line stations.

Artist contracts

13. Officers from the Town Clerk's, Comptroller and City Solicitor's and Built Environment Departments have been working with Crossrail colleagues on a range of technical and legal matters, including planning applications, technical approvals and the drafting of contracts. A joint approach has been taken to help ensure a smooth handover of responsibilities as Crossrail Limited de-mobilises and the Charity is closed.
14. The City Corporation needs to enter into two agreements for each artwork – a contract with the relevant artist dealing with fabrication and installation, and a tripartite agreement with Crossrail Limited and the respective private sponsors/landowners governing rights, roles and responsibilities. Authority is sought for the City Corporation to enter into those agreements, subject to the Charity Trustees' agreement to the financial arrangements.
15. Entering into agreements with the artists and other parties goes beyond the original intentions for the City Corporation's involvement in the Art Programme. It does however represent a pragmatic solution to enable delivery of the artworks at Liverpool Street Station in the circumstances.
16. If Members were minded to rescind their previous in principle decision this would force the Charity to consider the viability of the Kusama artwork proposed at Broadgate and likely leave a significant gap in the Art Programme at the new Elizabeth Line Liverpool Street station exits.

Proposal

17. It is proposed that Members consider whether to enter into agreement(s) with the Conrad Shawcross Studio Ltd., Kusama Enterprises, British Land, Land Securities to facilitate the successful fabrication and installation of these two artworks at Liverpool Street station;
18. It is further proposed that Members note that a fabrication and installation sum will be transferred to the City Corporation to meet the costs of the two fixed price artist contracts and that the Charity has advised the City Corporation that the available sum for maintenance of the two artworks is £80,188.09.

Financial Implications

19. The sums for fabrication/installation and maintenance will be transferred to the City Corporation, subject to the Charity's Trustees approving the respective artwork budgets. The Trustees are awaiting the City Corporation's view before finalising their budgets.
20. It should be noted that the sum to be transferred by the Charity for maintenance would be drawn from the remainder of the City Corporation's original £3.5m pledge (including monies unspent from some private sponsors at other stations) following the completion of artworks at the other Elizabeth Line stations.

21. Funding for the fabrication and installation of both artworks, including project management costs, will be transferred to the Department of Built Environment who will be overseeing the project as part of their Crossrail Works Programme.
22. The City Surveyor's Department will be responsible for the annual maintenance of the artworks and will therefore receive the maintenance sum. Should Members decide to proceed then an adjustment of £21,000 a year, with an allowance for inflation, would be required to the City Surveyor's local risk budget once the commuted sum has been exhausted.

Conclusion

23. Members are asked to consider whether to uphold their approval in principle to the City Corporation taking on responsibility for the fabrication, installation and maintenance of these two artworks at Liverpool Street station. If the City Corporation were to agree to these proposals it would receive the full budget for fabrication and installation of the artworks. All available funding that remains unspent, £80,011.09, would be transferred to assist with the maintenance of these artworks with any short fall to meet the 25 year maintenance commitment for each artwork needing to be met by the City Corporation.

Appendices

Appendix A – Manifold – Conrad Shawcross

Appendix B – Infinite Accumulation – Yoyoi Kusama

Background Papers

1. Crossrail – Report to the Policy and Resources Committee, 12 December 2013.
2. Crossrail Art Foundation – Report of the Policy and Resources Committee to the Court of Common Council, 24 July 2014.
3. Crossrail Art Foundation – Report to the Policy and Resources Committee, 8 September 2016

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Appendix A – Manifold, Conrad Shawcross



Appendix B – Infinite Accumulation, Yayoi Kusama

