

Securing the proposed new public artwork in memory of David Oluwale and for the City of Leeds and authority to enter into an agreement with Leeds Culture Trust

Date: 22 June 2022

Report of: Director of City Development

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- The David Oluwale Memorial Association (DOMA), Leeds City Council (LCC) and Leeds Culture Trust (acting as Leeds 2023) are working in collaboration to establish a new landmark public art commission for Leeds created by internationally renowned artist Yinka Shonibare, designed to commemorate the life of David Oluwale and to provide representation and aspiration to the community he came from.
- The project has been in development since early 2016, when DOMA first approached Yinka Shonibare with a proposal that he create a sculpture designed to commemorate the life of David Oluwale. Leeds 2023's relationship with the project began in late 2020, when they provided a grant towards the commissioning of the maquette. In autumn 2021 they agreed to join the project as Delivery Partner for the artwork, overseeing the practical delivery of the project and acting as the central point of coordination for the partners.
- The proposed artwork will be situated on Leeds City Council land in a prime location at the heart of the Meadow Lane green space within the new Aire Park, alongside new pedestrian routes linking the South Bank to the city centre of Leeds and adjacent to the Council's development plot it is bringing forward (See Plan 1, Appendix 1). Its location, in close proximity to the River Aire, is also of great significance as the river was the place of David Oluwale's untimely and tragic death.
- The proposal is subject to a planning application which will be submitted in late July / August. The ambition is that the new artwork will be unveiled in September 2023 as part of our Year of Culture, Leeds 2023. A community engagement programme led by LEEDS 2023 will accompany both the launch of the maquette in September 2022 and the installation of the artwork itself in September 2023.
- To achieve this timeline, the artwork must be commissioned in September 2022 which does not allow sufficient time to complete fundraising for the project. Leeds City Council has

therefore been asked to underwrite the delivery of the project so that the project can proceed whilst fundraising continues in parallel. A full fundraising strategy has been developed by Leeds 2023 with early conversations with potential funders such as Arts Council England being positive. The total cost of the project is expected to be £1.83m.

- Leeds City Council has agreed in principle to the Council owning and maintaining the artwork with agreement in detail being sought once a detailed design has been developed and whole lifecycle maintenance costs are available.
- This new artwork will deliver a key set of impacts for the city of Leeds and wider region. It will draw a new cross section of visitors, thus boosting economic recovery from the pandemic. It will enable and encourage people to experience both active and natural spaces, and it will be a major cultural asset to the city, the region and the UK as a whole.
- There is identified need for a more inclusive approach to artworks in Leeds. The development of Aire Park and the South Bank, and the Leeds 2023 year of culture, provide a great opportunity to bring in world-class creativity to do that. This will not only deliver interest, beauty, and colour, but will enhance the surrounding green public spaces and wider developments. Aims of social cohesion, active lifestyles and uplifted land value can be unlocked by art with global and local significance which will draw attention and bring people together while delivering local economic benefit simultaneously.

Recommendations

- a) Executive Board is asked to approve that LCC front funds the cost of the project up to £1.83m, held against the capital programme contingency reserve. The amount held against the reserve will be reduced as the fundraising progresses.
- b) Authority to enter into an agreement with Leeds Culture Trust to set out the respective obligations between the parties with regard to delivering the project.

Why is the proposal being put forward?

- 1 As part of Leeds' vision to be the best city in the UK, equality and diversity feature highly on the list of priorities for Leeds City Council and are key factors in the delivery of this project. LCC commissioned an independent Statues Review in July and August 2020 amid calls from anti-racism campaigners across the UK for sculptures and other public artwork to better reflect themes such as diversity and inclusivity. The recommendations of the review were discussed and agreed at Executive Board on 21 October 2020. It confirmed underrepresentation of diverse communities and their stories within the city's public spaces and public art portfolio. One recommendation from the review is to "*commission works of art that commemorate the varied contributions of the diverse citizens of Leeds.*" It is hoped that Yinka Shonibare's artwork will underline the city's commitment to telling the story of all its residents, past and present and that this project will support the delivery of this recommendation.
- 2 A new landmark public artwork is being commissioned for Leeds created by internationally renowned artist Yinka Shonibare, designed to commemorate the life of David Oluwale and to provide representation and aspiration to the communities of African heritage and to stimulate discussion of the issues his life and death represent for Leeds today. It is being developed in partnership by Leeds City Council (LCC), Leeds 2023 and the David Oluwale Memorial Association (DOMA).

- 3 The new artwork will provide a focal point for hope, aspiration and looking forward into a better future. It is important to note that the work is a celebration of progress made in racial equality/equity within the city as much as it is marking a difficult chapter of Leeds history – it will be bright, beautiful, eye catching and playful. The artwork will be installed in Leeds' newest green space, Aire Park, and will be a significant addition to Leeds' cultural landscape. Standing 10 metres high and representing a hibiscus flower, the artwork's surrounding landscape will be a place of contemplation; a future space for curated events; and a busy thoroughfare with new pedestrian routes linking the town, Aire Park and the new David Oluwale footbridge across the River Aire.
- 4 The artwork will open up important discussions surrounding the themes of David Oluwale's life and death, including mental health, homelessness, racism, destitution, migration and policing, as well as conversations about the role of art and sculpture within the context of society today. Importantly, the project will profile the work of a black artist in a field where there has been increased criticism in recent years for lack of diversity and will draw visitors to the area to admire its significance and beauty.
- 5 The recent theft of the Blue Plaque for David Oluwale from Leeds Bridge led to national media coverage and a successful crowd-funding campaign to replace the plaque. These events have brought David Oluwale firmly into the public eye and have added to the case to commission artwork of this nature to recognise his life and to provide a focal point the city's response to racism and discrimination.
- 6 Leeds City Council has agreed in principle to the Council owning and maintaining the artwork with agreement in detail being sought once a detailed design has been developed and whole lifecycle maintenance costs are available.
- 7 To help ease risks surrounding the funding timeline, increase funder confidence and secure maximum amounts, it is proposed that LCC front funds the project.
- 8 Current costs of the project stand at £1.83m and LEEDS 2023 has a fundraising strategy covering several sources of funding including trusts and foundations, grant in aid, corporate giving, crowdfunding, individual giving and higher education institutions.
- 9 The majority of funding is expected to come from Grant in Aid from Arts Council England and the National Lottery Heritage Fund. Initial discussions with each organisation have been positive, particularly in view of recent events surrounding the theft of the Oluwale blue plaque, but feedback from expressions of interest can take 8 weeks, with the full application process taking up to 24 weeks.
- 10 It is therefore proposed that LCC front funds the cost of the project up to £1.83m, held against the capital programme reserve. The amount held against the reserve will be reduced as the fundraising progresses.
- 11 Leeds lacks large scale modern public artworks. Antony Gormley's Brick Man is often cited as a missed opportunity for the city. Accordingly, this project offers Leeds the opportunity to deliver a significant installation that provides inspiration, ambition and representation to the community, whilst also representing value for money through the third-party funding proposed.

What impact will this proposal have?

Wards Affected: Hunslet and Riverside

Have ward members been consulted?

Yes

No

- 12 Yinka Shonibare has produced public artworks all over the world - most notably his 'wind sculpture' series. This will be his first permanent sculptural artwork in the UK and so a significant piece within his body of work and linked to an important Leeds story. As such, it is likely to draw visitors to this part of Leeds from outside the city.
- 13 An events programme linked to the artwork has been developed by LEEDS 2023 (working in collaboration with DOMA) to engage the whole community and reach diverse populations, rooting the artwork within the narrative of Leeds and its people. Events led by LEEDS 2023 will include work with a range of schools and education settings, with community groups and with families and individuals. This work will not only share the cultural and creative benefits of experiencing such an artwork, but also generate the anticipated cohesive impact of learning the story of David Oluwale and why this piece and its location is meaningful.
- 14 Mott MacDonald produced an Economic Impact Study in December 2021 on the proposal for a "Yinka Shonibare Artwork in Leeds". The analysis concluded that the project could generate a benefit cost ratio of 2.02, meaning that for every pound spent, just over two pounds of net present social value could be delivered. HM Treasury considers a benefit cost ratio of greater than 2.0 to be high value for money. The study used two key measures to assess the potential impact:
 - The value of the proposals to pedestrians, cyclists and local residents.
 - The value of cultural participation through the uplift in wellbeing of project beneficiaries.
- 15 The Mott MacDonald study also found that the Shonibare artwork has several qualitative socio-economic benefits including:
 - National and international exposure.
 - Enhanced employment levels in the area.
 - Visitor spending.
 - Improved commercial climate.
 - Land value uplift.
 - Equality awareness and social cohesion.
 - Aspiration benefits of underrepresented groups within the community.
- 16 The artwork will help to promote equality, diversity, cohesion and integration within the local community and the wider city. The artwork will also help to address the issues raised in the recent statues review and strengthen the representation of Leeds' diverse communities. The events programme to be led by LEEDS 2023 will have a cohesive impact on communities and give aspiration to the communities of African heritage by stimulating discussion of the issues which David Oluwale's life and death represent for Leeds today. Disabled access to the artwork and the wider Aire Park area will be ensured as part of the groundwork planning so that there is equal access to all communities to enjoy the artwork up close.

What consultation and engagement has taken place?

- 17 Consultation has taken place with DOMA. As DOMA has been working on the project since 2016, with LEEDS 2023 getting involved from late 2020, the project was previously led at a political level by Baroness Blake, the former Leader of the Council. Subsequent engagement and support has been secured from the Deputy Leader for Economy, Culture and Education, the Executive Board member for Public Health and Active Lifestyles and the three ward councillors.
- 18 Community engagement is being primarily led by DOMA, with liaison and support from LEEDS 2023.

What are the resource implications?

- 19 LCC front funds the cost of the new artwork to a maximum of £1.83m held against the capital programme contingency reserve. The amount held against the reserve will be reduced as fundraising progresses.
- 20 The total cost of £1.83m is spread over two years as set out in the table below. It includes the cost of feasibility at £103k, artwork production costs of £1.435m, landscaping costs of £100k, project management costs of £72.5k, evaluation set at £5k and a contingency of £97k set at 5.65% across the project and slightly higher for the cost of materials to take into account the current high rate of inflation.
- 21 LCC has already installed a concrete footer in Aire Park on which the artwork will be installed and Planet IE will be completing the landscaping. Installation will be commissioned by the artist's studio. All costs for groundworks and installation are included in the budget below.
- 22 A full fund-raising plan has been put together by a specialist team at LEEDS 2023 which includes applications to the National Lottery Heritage Fund for up to £200k, an Arts Council application for up to £500k, corporate giving, Higher Education Institutes, major giving and individual giving such as crowdfunding. An approach will also be made to the West Yorkshire Combined Authority for a funding contribution. LCC is working in close partnership with the LEEDS 2023 fund raising team in approaching potential funders and developing applications.
- 23 LEEDS 2023 are currently in discussion with the Shonibare studio and gallery about a potential reduction in the production cost of the artwork by £400k and early discussions are looking positive. The gallery has also offered to help identify and facilitate asks to international trusts and foundations and disclose existing relationships in which they can support the fundraising pipeline. They are also advising on the production of limited-edition maquettes, price points and retail which could generate significant income.
- 24 Revenue funding of £46k will be required for maintenance costs over the course of 15 years. This will fund the cost of a 6 monthly clean and for the paint work to be touched up twice over a 15-year period. A further £15k of revenue costs over the course of 15 years will be required for an additional CCTV camera, should it be needed. LEEDS 2023 have been asked to identify funding to cover these revenue costs, which would otherwise need to be covered by LCC.

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
INTERNAL DESIGN FEES (6)	0.0						
OTHER FEES / COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	1535.4		1215.4	320.0			
FURN & EQPT (5)	16.0			16.0			
INTERNAL DESIGN FEES (6)	0.0						
OTHER FEES / COSTS (7)	277.4		228.0	49.5			
TOTALS	1828.8	0.0	1443.4	385.5	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 on £000's
LCC Corporate Borrowing	1828.8		1443.4	385.5			
Total Funding	1828.8	0.0	1443.4	385.5	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE EFFECTS	2022/23 £000's	2023/24 SUBSEQUENT YEARS £000'S
EMPLOYEES		
PREMISES COSTS		
SUPPLIES & SERVICES		61.0
EXTERNAL INCOME GENERATED		

What are the legal implications?

- 25 The front funding which is proposed to be paid to Leeds Culture Trust does not fall within the remit of the Public Contracts Regulations 2015 and therefore this is not relevant for the purposes of the procurement regulations as it is not a services contract. Furthermore, the funds are not intended to be paid to Leeds Culture Trust by means of a grant agreement.
- 26 LCC and Leeds Culture Trust shall enter into an agreement to set how Leeds 2023 intend to deliver the project which sets out feasibility (including obtaining planning permission), fundraising for the artwork and liaising with the artist and the artist's foundation.
- 27 Following its completion, ownership of the artwork shall transfer to Leeds City Council and both Leeds City Council and Leeds Culture Trust shall enter into a deed of gift to facilitate the transfer of ownership.
- 28 Detailed legal advice will need to be sought to determine the legal power available to facilitate the payment of the front-funding by LCC to Leeds Culture Trust to ensure it does not fall foul of the Subsidy Control Act 2022.

What are the key risks and how are they being managed?

- 29 The recent disappearance of the David Oluwale blue plaque from Leeds Bridge has raised great interest from local and national media as well as from Leeds residents and means that there is an opportunity for the artwork to attract potential funders keen to support a project which promotes racial equality and diversity. However, security of the artwork is a

major factor to consider, given the theft of the blue plaque. Specialist advice is being sought around the artwork, with a number of security measures already planned including:

- Aire Park will have hostile vehicle mitigation to prevent vehicular damage to the public or to the artwork as part of its anti-terrorism provision.
- Following the removal of the blue plaque, both the Shonibare Studio and Planit-IE have been asked to prioritise anti-vandalism and anti-terrorist measures within the design, whilst considering access and aesthetics. The Studio has already committed to using a layer of anti-graffiti paint.
- Meadow Lane already has a CCTV camera in place and one is to go on the southside of the David Oluwale footbridge, but if a new camera needs to be secured for the artwork itself then this would fall to the council to fund at a cost of £16k for set up and install and a yearly revenue cost of £1,000. Discussions are taking place with the LEEDS 2023 fundraising team to identify potential donors who could contribute towards additional security and maintenance costs.

30 The current geopolitical context and energy crisis could impact the investments of trusts and foundations globally and shift the focus of support to humanitarian efforts. Profit levels within businesses are also likely to be impacted as the economy moves towards recession, making fundraising efforts more difficult. Consequently, a risk remains that the funding target may not be met within the timescale envisaged. However, a fully developed fundraising strategy is already underway, with LEEDS 2023 with KPIs around fundraising drawn up in a formal contract between LCC and LEEDS 2023.

31 There is also a risk of an increase in the price of materials given current rates of inflation and an unstable economic climate. A contingency has been built into the budget at 5.65% across the project and 9% for materials in order to mitigate this risk and build in flexibility. The benefit of the council front funding the project is that materials could be ordered as soon as possible to avoid uncertainty around future price increases.

32 Although there is optimism around a likely reduction in production costs following early discussions with the artist's studio and a fundraising plan is in place, if the fundraising is insufficient to cover the costs of the artwork then the funding shortfall would rest with the Council. If the costs were to fall to LCC then any shortfall would be managed by the Capital Programme Reserve.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

33 The project will help deliver inclusive growth in Leeds by adding a significant and history making visitor attraction to Aire Park, the South Bank and the expanding city centre. There is a large and growing body of evidence showing that the arts have a strong role in improving well-being and social cohesion, indeed recommending arts engagement to deliver these outcomes. In this way, the project will provide health and wellbeing for many individuals, communities and families. It will provide a focal point for celebrating our varied cultures and the contributions of diverse citizens of Leeds. The project is situated at the heart of a new green space being developed in the South Bank, encouraging people to visit green spaces. A sustainability statement in terms of process and materials is in preparation by the Shonibare studio.

Options, timescales and measuring success

a) What other options were considered?

- 34 With no front-funding from LCC and given the timescales for fundraising applications and decisions, the project would be in jeopardy. The project needs to be “green-lighted” by the LEEDS 2023 board by September, meaning that “do nothing” would not be an option as, in all likelihood, the project would not progress as planned.
- 35 Consideration was made to whether WYCA could also front fund some of the project costs, but the decision-making timeline was considered too long for the “greenlighting” timescales for this project.

b) How will success be measured?

- 36 Success will be measured by a successful fundraising campaign led by LEEDS 2023 with LCC supporting their efforts. Regular reports will be submitted to LCC which will allow us to reduce the amount of funding held against the capital reserve.
- 37 Success will ultimately be measured by the installation of the new artwork on Meadow Lane green space and its unveiling as part of the LEEDS 2023 programme, with adequate security measures in place.

c) What is the timetable for implementation?

- 38 The feasibility stage of the project is due to be completed by June 2022 alongside a full planning application. It is anticipated that the artwork will be commissioned from the studio in September 2022 and the fabrication will commence in October 2022. The ambition is that the new permanent artwork will be unveiled in September 2023 and be part of the legacy of LEEDS 2023.
- 39 As the studio needs to be commissioned to start the work in September 2022, it is at that point that a decision should be made whether to stop the process completely or look at delaying the launch. A delay would potentially stop the project being part of LEEDS 2023 but would not necessarily mean that the city should stop the project entirely.

Appendices

- 40 Appendix 1 shows the proposed position of the artwork within the South Bank and Aire Park.
- 41 An EDCI document is included in appendix 2.

Background papers

- 42 None.