

## Studio Occupancy Policies

### 1. Introduction

This guide is intended as a starting point for thinking about the issues involved in the process of managing artist tenants and in devising an appropriate occupancy policy for your studios. It is aimed at small and medium-sized organisations but—even with this focus—cannot realistically cover either all the possible organisational models or the unique situations that apply to individual studios and their members. As someone involved in the management of artists' studios, it is important that you give full consideration to both the factors which affect the way studios are run in general, and also to factors specific to the situation of *your studios*.

Roughly four types of factor will inform the occupancy policies of artists' studios:

1) *The studios' size and organisational structure*

2) *The studios' aims and ethos*: What do you want to achieve by providing studio spaces? What are the principles by which you aim to achieve this?

3) *The studios' own terms of occupancy*: Are the studios themselves a tenant, or do they own the building? Are there any restrictions (such as on subletting) in the studios' own tenancy agreement?

4) *Legislation*: Various legislation affects groups and organisations and this legislation has implications for how artists' studios are run and the activities that can be carried out in them—e.g. health and safety legislation; anti-discrimination legislation; and insurance requirements. Individual artist tenants also have their own specific legal responsibilities.

NFASP produces a number of introductory guides, which will help you to become aware of many of the factors that come into play when you are considering your occupancy policy. These guides are available on the NFASP website, and it is strongly recommended that you become familiar with their contents before you begin to write your policy. These guides cover:

- Leases and Licences
- Health and Safety
- Insurance
- Inclusive Access
- Artist Selection Procedures

They can be found linked to from the Advice and Support page here: <http://www.nfasp.org.uk/page.php?id=45>

These guides offer general advice; for specific advice about these issues, or on occupancy policies tailored to your situation, you should contact NFASP directly via the contact forms, also linked to from the Advice and Support page.

Further advice can be obtained from others who have been involved in organising studios. Talk with other local studio groups and organisations about their experiences—what problems and successes have they had? Consider travelling further afield to meet other others, the more advice you can get the better.

## **2. How is your studio organised?**

The size and organisational structure of your studios will have a significant effect on your occupancy policy and the way in which you manage your tenants.

### **2.1 Small studio groups and collectively run organisations**

Smaller studio groups may operate on a collective basis, with the whole group—or a nominated committee—setting the group's policy. In this situation the artists are themselves ultimately responsible for setting the occupancy policy.

The group itself will need to collectively determine:

- The codes of conduct by which studio users should abide
- What they all share a responsibility for (and how this responsibility will be shared)
- What responsibilities will be placed in the hands of specific members (and how these members will be compensated for this additional responsibility)

The following aspects will be worth considering:

- Use of individual studio spaces (active use policy, messy materials, tidiness, noise levels)
- Attendance of studio meetings (required attendance, chairing meetings, taking notes, making sure decided actions are followed through)
- Policy for use and cleaning of communal areas (corridors, kitchens, stairways etc.)
- Administrative duties (bank account signatories, monitoring payment of studio fees)
- Etiquette (How are studio member expected to behave to one another? What procedure is there for dealing with disputes between studio users?)
- How does the studio respond when its rules are broken? (And who is responsible for enforcing this?)

Where possible it is useful to think carefully about the possible problems that could arise in the studios and between members. If there are policies that can be implemented in advance to avoid such situations occurring, or to at least reduce their likelihood, then this will be valuable.

### **2.2 Larger organisations, and studios with separate management**

Larger studio organisations will have a different relationship to their artists. This relationship will have more in common with the conventional landlord and

tenant relationship, or that in commercial managed workspace. A similar situation will exist where a small studio is managed directly by a landlord, or where an artist either happens to own a building and lets it to other artists, or leases the building personally and then sublets to other artists.

Most of the factors mentioned in section 2.1 will also apply here with a different slant or perspective. On one hand the studio management can be more prescriptive in favour of rules that benefit the smooth operating of the studios and ease of managing tenants. But on the other, the tenants will not be expected to take on the same level of shared responsibility and will expect the studio management to meet certain obligations. In this situation studio members are effectively paying for a service from the studios; their terms of use of the studios can be more tightly regulated, but they will expect an appropriate level of service back in return.

### **3. What are your studios' aims and how will these be achieved?**

#### **3.1 What are the aims and ethos of the studios?**

If your studio has an overall mission statement or group constitution then this document will be central to determining the occupancy policy for your studios. Your studios' ethos is not just about what you want to achieve, it is also about the ways in which you want to go about achieving it. It is worth spending some additional time considering the kind of working environment and community that you want the studios to be.

The following are examples of the kind of environment you might be aiming for:

- Active and well-used studios
- An environment that supports professional practice
- A social atmosphere and strong community spirit
- An environment that encourages discussion and collaboration

#### **3.2 How will you achieve your aims?**

There are various ways through which studio groups and organisations try to engage their studio holders. Most simply, studios can offer incentives and/or require certain obligations from their studio holders. Generally speaking however, studios' efforts are at their most successful where the studios themselves have a vibrant and dynamic sense of purpose, and their studio holders' practice reflects this level of ambition.

Consider the following:

- Selection procedure: follow a selection procedure when selecting artists for your waiting list.
- Write it into the contract: make certain commitments part of a contractual agreement.

- Reduce the rent: some studios offer reduced rent to artists that contribute a number of days per year to an education programme, or to the running of the studios.
- Offer opportunities: offer professional development opportunities in return for a commitment of time or skills to a project.
- Review the tenancy of all the artists in the building on a regular basis.

The NFASP guide to artist selection procedures contains useful information, read it here: [http://www.nfasp.org.uk/resources\\_single.php?id=52](http://www.nfasp.org.uk/resources_single.php?id=52)

If you are intending to write obligations into contracts, make sure the artists are clear about the commitments they are making before accepting the studio space. Consider also how you will enforce your policy and what you will do if artists do not fulfil their obligations. Consider also that artists may be away from the studios on residencies from time to time; you may wish to make an exception to 'active use' policies in this situation.

If you are an established studio group or organisation, and are writing a policy for the first time, you might need to ask artists to re-apply for their space or be subject to a review process to ensure they are still actively using their spaces. This will need a procedure and timetable.

#### **4. What are the studio's own terms of occupancy?**

The studios' own terms of occupancy with its landlord will have an effect on the terms of occupancy that it can then offer to artist tenants. This is a complicated legal area and you should review the NFASP guidance, 'Leases and Licences' ([http://www.nfasp.org.uk/resources\\_single.php?id=53](http://www.nfasp.org.uk/resources_single.php?id=53)) and also seek legal advice specific to your situation.

It is highly likely that you will wish to prevent artists from subletting their space further, as this will seriously complicate the relationship of artists to the studio management. Studio licence agreements or tenancies should specifically exclude subletting. As artists may, from time to time, be away from their studios on a residency; you should consider some means by which—if they wish this to happen—their spaces can be used and their fees covered by another artist while they are away. It is better if this is done through the studios own selection procedure and waiting lists.

#### **5. Legislation**

There is various legislation affecting studios and this has implications for the rules that studios implement for their tenants. When writing occupancy policies you should try to incorporate the various legislation where appropriate. If artists are legally required to work in a particular way, then your studios' policies should echo and reinforce this.

##### **Health and Safety:**

As organisations, studios and studio groups have health and safety obligations to their tenants, visitors, and to any staff that they employ. Further to this—as self employed people—artists themselves have their own legal

obligations; they are required to carry out their own risk assessments and require their own health and safety policies. Studio occupancy policies should reflect artists' responsibilities and make fulfilling them a natural extension of having a studio space. They should also make artists clearly aware what is their responsibility and what is the responsibility of the studios.

Comprehensive guidance on health and safety in artists' studios can be found in Michael Cubey's NFASP guide, "[An Introduction to Health and Safety for Artists' Studio Organisations](#)".

Insurance:

Whilst public liability insurance is not a legal requirement for artists, many studios insist upon this as a condition of taking up a studio space. The studios' own public liability insurance will cover common areas, but will not cover any accidents arising specifically from an individual artist's work or negligence. Also, artists using paid or volunteer help will legally require employers' liability insurance. For a comprehensive overview of insurance as it affects artists and studios, please see the NFASP guide here:

[http://www.nfasp.org.uk/resources\\_single.php?id=43](http://www.nfasp.org.uk/resources_single.php?id=43)

Inclusive Access:

The Equality Act 2010 places a legal responsibility on studio providers to avoid discriminatory practices, either when selecting artists or in the way they manage artists and provide studio spaces. An overview of the Act and its implications can be found in the NFASP guide here:

<http://nfasp.org.uk/page.php?id=188>