

Funding Agreement between Colchester Borough Council and Colchester Arts Centre

1.0 Introduction

- 1.1 Colchester's vibrant cultural sector is one of the Borough's unique selling points and something that Colchester Borough Council (CBC) aims to support and sustain, working with partners to align policy and funding to help deliver key social and economic outcomes through investment in the arts.
- 1.2 As Arts Council England (ACE) National Portfolio Organisations (NPOs) Colchester Arts Centre (CAC), The Mercury Theatre and Firstsite are key partners, together providing leadership, capacity, and innovative programmes of delivery that contribute to making Colchester a great place to live, learn, work and visit.
- 1.3 CBC provides core revenue grants to these organisations under the Strategic Arts Partner programme; to contribute to the delivery of the Council's Strategic Plan including the development of a new Cultural Strategy for Colchester; and to support Creative Colchester, a framework for enhancing the impact of the arts and creative industries on the local economy.
- 1.4 As part of the Council's commitment to transparency, quality and performance management systems, the organisations that receive CBC funding must set out clear objectives and provide performance and sector data so that the service provided through partnership working can be measured, evaluated and improved. This document defines the performance targets and monitoring process and confirms the funding amounts currently agreed.
- 1.5 It is acknowledged the impact of Covid 19 on cultural organisations continues into this funding period and will be reflected in the targets agreed.

2.0 Scope and Financial Arrangements

- 2.1 Between 1 April 2021 and 31 March 2022, the Council will fund Colchester Arts Centre to the amount of £48,175. This is year two of a three year funding settlement agreed by Cabinet in line with budget strategy to support the core operations of the organisation, as set out in the business and operations plan and to meet the targets for performance set out in section 9 of this Agreement.
- 2.2 Upon signature of this Agreement, the Council will release the funding in quarterly instalments.
- 2.3 Any financial investment that the Council needs to make under its obligations as the lease holder of the building is deemed to be outside of this agreement. However, any tenant responsibilities that CAC holds are considered to be within this agreement.

Colchester Borough Council strategic funding for arts organisations 2021/22

- 2.4 On signing this Agreement, CAC recognises that it is in receipt of public funding and accepts responsibility for showing proof of eligibility, meeting the targets for performance, and collecting qualitative and quantitative performance data to provide evidence of the service standards. CAC also agrees to provide available sector data to assist with monitoring and performance assessment.
- 2.5 Where appropriate and possible within current resources, Colchester Borough Council will provide non-financial support to CAC where it seeks to develop additional services that contribute towards meeting the Council's strategic priorities. If these additional services are developed to a point that requires additional funding, CAC may request such funding formally, and the Council may issue a separate funding agreement if applicable. If this circumstance arises, the services will be deemed to fall outside of this agreement.

3.0 Eligibility and Criteria for Acceptance

- 3.1 In order to be eligible for funding CAC must supply evidence to demonstrate that it is:
 - a. Properly constituted
 - b. Financially viable
 - c. Able to manage its work effectively, monitor and manage risk, and seek necessary professional financial, legal and insurance advice
 - d. Operating with effective policies and procedures in equal opportunities, health and safety, equality and diversity, access, and protection of children, young people and vulnerable adults.
 - e. Delivering on the current strategic priorities of the Council.

4.0 Performance monitoring framework

- 4.1 CAC must submit an up to date Business Plan and operations information to CBC, including a budget to cover the same period as the funding agreement and a copy of the audited accounts from 2020 -21 when available.
- 4.2 As a minimum throughout the term of the agreement, CAC must submit quarterly budget reports if required and invite a Council representative to observe Board meetings if appropriate. The organisation will also participate in an annual review meeting, as outlined below.
- 4.3 At the end of the agreement period, the organisation must provide audited accounts and submit performance data to evidence the organisation's turnover, audience and participation levels as well as contribution to the Council's strategic priorities.

5.0 Annual review process

- 5.1 A review meeting will take place between Colchester Borough Council and CAC at least once during the period of the agreement. The meetings shall be attended by the Portfolio Holder (PFH), relevant officer(s) of the Council and the Director of CAC.

- 5.2 The Portfolio Holder and the Director of CAC may be asked to sit before a Scrutiny Panel to monitor performance and achievements. As such, the annual review process should be seen as an opportunity to ensure that the Portfolio Holder can evidence performance within their area of responsibility.

6.0 Acknowledgement of funding

- 6.1 CAC will acknowledge its financial assistance from CBC in all marketing and communication materials in print, electronic, broadcast and other formats.
- 6.2 The organisation is asked to specify particular steps that it will take within the period of this Agreement to promote the support that it receives from the Council in Section 9.

7.0 General conditions

- 7.1 The funding provided under this agreement may not be assigned to any other person, association or company other than in the course of delivering the Business Plan and agreed performance targets.
- 7.2 This agreement does not constitute CAC as an agent of the Council or otherwise make the Council liable to any person who may take proceedings against the Colchester Arts Centre.
- 7.3 The Council reserves the right to nominate annually a councillor to be a director on the CAC Board.
- 7.4 Funds will be repayable in full to the Council in the event of any of the following:
- i. Misuse of payment received from the Council by CAC
 - ii. A breach of the law by CAC
 - iii. Petitioning the court for the appointment of an administrator
 - iv. Having a receiver appointed over all or any part of CAC's assets
 - v. Being the subject of a petition or resolution for CAC's 'winding up'
- 7.5 The Council should be consulted where any change or development in the direction of the organisation's affairs might affect this Agreement.

8.0 Breach in agreement

- 8.1 In the event of either the Council or the Colchester Arts Centre notifying the other in writing of a breach in this agreement, the parties shall meet to discuss the alleged breach within 21 days.
- 8.2 Both the Council and CAC agree that they have an equal responsibility to reach a practical and reasonable solution to the breach, but if after 12 weeks a solution has not been agreed then the parties mutually agree to arbitration.

9.0 Specification of performance targets

Colchester Borough Council strategic funding for arts organisations 2021/22

- 9.1 The specification of performance targets is developed collaboratively between the Council and the Colchester Arts Centre. The information provided here substantiates the Council's decision to invest public funds and helps to strengthen the partnership delivery model.
- 9.2 The information is set out in line with the Strategic Plan to help to convey to Members, officers and partners how the Council's financial support is an effective and efficient way to deliver services to meet local identified needs.

9.3 Programme

Target	Outputs/Report
<p>Colchester Arts Centre will promote, present and nurture artistic talent. Through a combination of curatorial expertise, outstanding production values and straightforward commercial nous it will act as a home for artists, a breeding ground for artistic ambition and innovation, and a platform for local, national and international talent. With its broad ranging and risk-taking performance programme the venue will seek to inspire and nurture creativity in the local community, inspiring artists already on the path and encouraging others to embrace their creativity.</p> <p>Target: In 2021/22 we will present:</p> <ul style="list-style-type: none">• One piece of international work.• One major partnership project.• Twelve jazz performances• Thirty Folk gigs• Forty Rock / Indie / Pop gigs• Forty Comedy Shows• Twenty shows specifically for children.• Five Film screenings• Ten Experimental Music Performances	
<p>Wonderful Wednesdays – New, challenging, experimental, innovative performance work, made accessible for a regular Colchester audience with a radical pay what you can afford admission structure that makes this work, often regarded as the preserve of the arts elite, truly open to anyone. Personally curated by the Director.</p>	

Colchester Borough Council strategic funding for arts organisations 2021/22

<p>Target: 20 performances in the funding period.</p>	
<p>A dedicated programme of Childrens' Shows and Workshops –All show tickets kept at a low, accessible, affordable price.</p> <p>Target: 20 Shows and 5 workshops, including a run of special Christmas shows at an accessibly low admission price.</p>	

9.4 Community and Audience Development

Target	Outputs/Report
<p>Community Events – we commit to program a number of events focusing on the talents of the local community including:</p> <ul style="list-style-type: none"> • A Colchester Schools Rock prom • Sixth Form College Battle of the Bands • Variety Night in aid of Mayor's Charities • A Colchester Games Fair • Showcase events from Colchester based dance and music schools 	
<p>Achieve known audience attendance of 46,000</p>	
<p>Online audience figures This to include the Colchester Arts Centre website and our social media platforms.</p> <ul style="list-style-type: none"> • Increase website Unique Browsers to 125,000 • Increase number of website page impressions from 765,000 • Increase number of website visits from 315,000 • Increase Facebook follows to 13,000 <p>Increase Twitter followers to 13000</p>	

9.5. Governance and Management

Target	Outputs/Report
Arts Centre Board: Organise a further Board retreat.	
Senior Management Team The creation of this grouping to work closely with the Director on all aspects, particularly Business Plan creation and setting of targets. Increase frequency of meetings – 1 meeting per month.	

9.6. Diversity and Access

Target	Outputs/Report
Arts Centre Board: Appoint a “Thinker In residence” to report at Board and Senior Management level. A young person with lived experience of disability.	
Accessible Shows – we will program specific performances made accessible to people with disabilities, beyond our regular venue accessibility offer. Target: <ul style="list-style-type: none"> • Ten relaxed performances • An audio described performance • Ten BSL interpreted performances. 	
Mystery Shoppers – We will continue to work with mystery shoppers to evaluate our accessibility provisions. Targets: Wheelchair users to evaluate 3 performances. Deaf / Hearing Impaired users to evaluate 3 performances	
Staff Training – to be ongoing. Targets: Disability Equality Training for Core staff and volunteers. LGBTQA training for staff and volunteers.	
Increase Diversity of Artistic Programme – encouraging diversity to permeate all levels of the organisation, not just within the staff. Target: work with 10 artists with disabilities during the term of the funding agreement.	

9.7 Job Creation, sector skills development and contribution to the local economy

Target	Outputs/Report
<p>Chamber of Commerce – We have joined in order to forge closer links with local business through sponsorship opportunities and or possible partnerships.</p> <p>Target:</p> <ul style="list-style-type: none"> • Update commercial sponsorship brochure. • CAC Representative to attend 4 networking events per year. 	
<p>Volunteers – Volunteering, whilst hugely aiding the operation of the arts centre, also provides a valuable opportunity for work experience and skills development.</p> <p>Target: Increase volunteer numbers by 5% for future-proofing</p>	
<p>Work Experience – we will provide work experience to secondary school aged students and those seeking internships to cement their skills and experience.</p>	

9.8 Action on Climate Change and Environmental Sustainability

Target	Outputs/Report
<p>Farmers Markets – 6 Farmers Markets during the funding period, offering a wide range of locally sourced produce. Working with new partners for a revitalised feel. Reduced frequency due to covid.</p>	
<p>Julie's Bicycle – we will continue our work with this organisation to establish measurement data for use in setting green targets.</p>	
<p>Green Team – meeting monthly to improve green credentials across the organisation. Research into wider aspects of Climate Change. Empirical analysis of data to identify areas in which we can make the biggest impact.</p>	

Waste Management – regular review of best practice: we commit to constant monitoring of cost effectiveness and green credentials.	
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9.9 How the organisation will promote the support that the Council provides during the period of the agreement

We acknowledge CBC funding support in our quarterly Events Guide, distributed across the Borough and direct mailed to approximately 20,000 mailing list subscribers.

Funding acknowledgement on website and through social media via re-tweets, facebook re-posts etc.

9.10 How the organisation will meet the Colchester Borough Council Strategic Plan 2021-23 and other relevant local, regional or national strategies

Colchester Arts Centre will contribute to the development of a new Cultural Strategy for the Borough of Colchester.

In addition Colchester Arts Centre is particularly well positioned to respond though the following items in the Colchester Borough Council Strategic Plan:

Respond to the Climate Emergency

Discussing wider Green issues at our regular Green team meetings. The venue has decided to go paperless (no paper invoicing, minutes or any other documents that can be otherwise digitally stored), Plastic Free (all disposable plastic removed from venue – reusable plastic cups used on bars that have a printed QR code which links to our Green Policy page on our website), involvement in initiatives such as Colchester Travel Plan Club, Cable Guys (cable recycling), and more. Recent venue refurbishments have introduced toilets that recycle waste water from hand basins, LED lighting throughout providing huge energy savings and solar panels are currently under consideration.

Conserve and enhance biodiversity

2021 sees a project in our Graveyard, documenting the flora and fauna, exploring ways to promote life and minimise our impact on the environment.
Floral Hanging baskets now in place outside the venue.

Tackle the causes of inequality and support our most vulnerable people

Reduced concessions ticket prices are available on most events. Trialling a “no one turned away for lack of funds” on some events where free entry can be obtained for those experiencing hardship. Wonderful Wednesdays performance season continues to have a pay what you can admission structure which can be anything from £15 to £0 – guilt free. Christmas family panto with low pricing so the whole family can enjoy

a Christmas treat for just £5.95 per person. Providing entertainment for those with profound and multiple learning difficulties with the engagement of trailblazing theatre group Frozen Light who make astonishing work exclusively for this demographic. Our refurbished London Routemaster Bus will take work on the road and deliver it into the heart of areas of low arts engagement to reach those most in need.

Provide opportunities for young people

We provide Work Experience placements for secondary school age students, and participate in apprenticeship schemes. Many young bands have performed at the Schools Rock Prom and Sixth Form Battle of the Bands events, some of them going on to be support band to headliners in the regular programme.

Protect, enhance and celebrate Colchester's unique heritage

We are enthusiastic participants in Heritage Open Day, with guided tours by our Director and the entire building opened up to the public. The recent venue refurbishment has retained and sought to compliment the original architectural features, and preserve the story of the building in readiness for its next chapter.

11.0 Acceptance

- 11.1 Upon signing this agreement, the organisation agrees to the terms and conditions of funding and use reasonable endeavours to meet the performance targets and monitoring framework that have been outlined above.

On behalf of CAC	Date	
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Signed (Director)

Name (please print)

On behalf of CAC	Date	
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Signed (Chair of the Board)

Name (please print)

On behalf of Colchester Borough Council	Date	
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Signed (Portfolio Holder)

Name (please print)
