

Funding Agreement between Colchester Borough Council and Firstsite

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) Firstsite, The Mercury Theatre and Colchester Arts Centre 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 Firstsite to the amount of £97K. 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 owner of the building is deemed to be outside of this agreement. However, any tenant responsibilities that Firstsite holds are considered to be within this agreement.

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- 2.4 On signing this Agreement, Firstsite 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. Firstsite 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 Firstsite 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, the organisation 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 Firstsite 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 Firstsite 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, the organisation 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 Firstsite at least once during the period of the agreement. The meetings shall

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be attended by the Portfolio Holder (PFH), relevant officer(s) of the Council and executive staff of Firstsite.

- 5.2 The Portfolio Holder and Firstsite Director 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 Firstsite 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 the Firstsite as an agent of the Council or otherwise make the Council liable to any person who may take proceedings against the organisation.
- 7.3 The Council reserves the right to nominate annually a councillor to the Firstsite 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 Firstsite
 - ii. A breach of the law by the organisation
 - iii. Petitioning the court for the appointment of an administrator
 - iv. Having a receiver appointed over all or any part of the organisation's assets
 - v. Being the subject of a petition or resolution for the organisation'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 Firstsite 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 Firstsite 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

- 9.1 The specification of performance targets is developed collaboratively between the Council and Firstsite. 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 Artistic Programme

Target	Outputs/Report
Deliver an outstanding programme of exhibitions and events celebrating the 10 th anniversary of our award winning building. Programme to include world-class artists as well as artists from the region and working locally. Support for emerging artists and promotion of regional cultural quality is critical to drive tourism to the area.	

9.4 Children and Young People

Target	Outputs/Report
<p>Deliver a full capacity Holiday Fun programme in both Harwich and Colchester in every school holiday throughout the financial year. (COVID / Lockdowns permitting)</p> <p>Liaise with one major partner school to re-design schools engagement programme post-COVID and establish new schools visits targets</p> <p>Co-curate one Arts Council Collection Exhibition with Children & Young People exploring their experiences of C-19</p> <p>Support the Colchester LCEP (Local Cultural Education Partnership)</p>	

9.5 Communities and Audience Development

Target	Outputs/Report
Deliver a programme of at least x4 major public events led by specific community	

<p>groups.</p> <p>Host at least x4 Community Leader meetings to support activities and create new programme opportunities</p> <p>Re-establish physical footfall to our building to 2019/20 levels of (136,000 which was ahead of the target of 135,000 despite the last three weeks being lost to the first Covid lockdown) by March 2022</p> <p>Maintain online audience of 47,000 subscribers</p> <p>Offer volunteering opportunities across different departments</p> <p>Introduce newly refreshed Membership Scheme to create value for money opportunities for local residents and target audiences such as families from low-socio economic contexts</p>	
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9.6 Governance and Management

Target	Outputs/Report
<p>Host a minimum of x4 Board meetings and x1 Strategy Away Day</p> <p>Appoint x3 new Trustees with diverse life experience</p> <p>Meet with CBC officers on a quarterly basis to review progress against agreement</p> <p>Produce a new 5 year 2021-26 Business Plan in line with CBC Strategic Plan</p>	

9.7 Diversity and Access

Target	Outputs/Report
<p>Update recruitment processes to broaden diversity of applications and appointments</p> <p>Review diversity of audience post-covid and draft new audience development plan in line with new 2021/26 Business Plan</p>	

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

Target	Outputs/Report
<p>Contribute directly to the development of the Colchester Cultural Strategy</p> <p>Contribute directly to the development of the Creative Colchester Board</p> <p>Work collaboratively with the BID to help the regeneration of the town centre</p> <p>Create x2 new roles at Firstsite that are appointed from people living locally</p> <p>Ensure an increased number of short-term and temporary contracts for people living locally, especially those from low socio-economic backgrounds</p> <p>Participate in the Government's Kickstart Scheme providing opportunities to 16-24 year olds at risk of long term unemployment.</p> <p>Work collaboratively with the three other NPOs on at least x2 joint projects that either or both deliver new investment to Colchester and create new employment opportunities – especially for young people seeking first-time jobs or apprenticeships in Culture</p>	

9.9 Action on Climate Change and Environmental Sustainability

Target	Outputs/Report
<p>Complete lighting system replacement project</p> <p>Establish Sustainability Strategy as part of 2021-26 Business Plan</p> <p>Research and appoint new provider of sustainable power to Firstsite</p> <p>Research and implement x1 carbon off-set project to make a significant reduction carbon consumption</p>	

Establish a sustainability working group made of Board and Executive team members	
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Work collaboratively with the Arts Centre to learn from their progressive research and development in this area	
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9.10 How the organisation will promote the support that the Council provides during the period of the agreement

Firstsite will:

Include Colchester Borough Council logo and wording where space permits to outline support for our activities on all promotional materials both in print and online.

Feature CBC prominently in the building to acknowledge support alongside other major stakeholders

Include Colchester Borough Council in our standard 'boiler plate' on all press releases throughout the year, especially those relating to the 10th anniversary celebrations.

Invite senior Councillors to speak at the launch of major exhibitions and events

Pro-actively articulate the support of CBC in any major publication or report produced and circulated relating to Firstsite activities.

Promote Colchester Borough Council's support at all public engagements where the Director is speaking on the behalf of the organisation

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

Tackling Climate Change and leading sustainability
See 9.9

Creating Safe, Healthy and Happy Communities

Firstsite contributes by designing and delivering cultural programmes that proactively reach out to various sectors of our community who are under-served or overlooked.

We engage people directly in our programmes and offer alternative care options, which engage people in new and informal ways. Our iconic building is at the heart of the town centre and we welcome thousands of people to create a community hub.

Our diverse audiences overlap and a by-product of our audience engagement strategies is a significant increase in social co-hesion and wellbeing.

Our activities during the COVID-19 pandemic have been recognised in the Queen's Birthday Honours and also have enable Firstsite to be shortlisted for the Art Fund Museum of the year.

Growing a fair economy so everyone benefits

Firstsite generates many employment opportunities from casual to permanent roles and including apprenticeships. Openings are directed towards as diverse a pool of applicants as possible.

The majority of our artistic and cultural offer is for free enabling many families to enjoy a whole day out at the centre of town. We also offer free activities throughout school holiday periods. These are directed towards families from low socio economic backgrounds in particular.

Firstsite generates millions of pounds of investment into Colchester. In 2020 alone it achieved income of £1m to enable the recovery from the pandemic.

Celebrating our Heritage and culture

Firstsite is one of the four large scale National Portfolio Organisations in Colchester enjoying high-level support from Arts Council England. This status is maximised fully to ensure Colchester and the East Anglian region can access the worlds best visual art and culture all day every day and for free.

Our artistic programme celebrates both our ancient cultural past symbolised by our original roman mosaic, alongside, the very best in art and culture from present day Colchester, East Anglia and internationally.

We partner on significant external projects such as co-commissioning the statue of Millicent Fawcett for Parliament Square with the Mayor of London. Equally our world class digital projects connect with families and artists around the globe including our award winning 'Art is Where the Home Is' Activity packs which have connected with over 500,000 children and families around the world.

Firstsite is one of three Arts Council Collection National Partners, meaning the residents of Colchester and Essex have direct access to the Arts Council's prestigious collections through our co-curation programme.

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 Firstsite	Date	
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Signed (Executive Director)

Name (please print)

On behalf of Firstsite	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)

On behalf of Colchester Borough Council

Date

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Signed (Officer)

Name (please print)
