

Funding Agreement between Colchester Borough Council and the Mercury Theatre

1.0 Introduction

- 1.1 Colchester's vibrant cultural scene is one of the town's unique selling points, and something that Colchester Borough Council (CBC) is keen to support and sustain. Colchester Arts Centre, firstsite and the Mercury Theatre are central to this, providing the leadership, capacity, creativity and innovative programmes of delivery to make Colchester a great place to live, learn, work and visit.
- 1.2 The Council provides core revenue grants to these organisations, because they deliver on the Council's Strategic Plan, in particular they are fundamental to supporting delivery of the Creative Colchester Strategy and Action Plan which is a detailed delivery framework for promoting and enhancing the arts in the local economy. In line with the Creative Colchester strategy, the Council continues to work with regional partners to align policy and funding to help deliver key economic and social outcomes through investing in development of the arts.
- 1.3 As part of the Council's commitment to transparency, quality and performance management systems, the arts organisations that receive CBC funding must set out clear objectives and provide performance and sector data so that the service that is 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.
- 1.4 The Mercury Theatre is one of three arts organisations strategically-funded by CBC. In 2014 the Mercury was successful in their bid to the Arts Council for continued National Portfolio Organisation funding from April 2015. Therefore, the 2015-16 funding agreement with CBC will focus on the Theatre's work towards the goals as set out in its bid, and updated Business Plan, as well as the key areas of performance and delivery required by CBC.

2.0 Scope and Financial Arrangements

- 2.1 Between 1 April 2015 and 31 March 2016 the Council will fund the Mercury Theatre to the amount of £221,850. This funding was agreed by the Cabinet and full Council in line with the 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 theatre buildings is deemed to be outside of this

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agreement. However, any tenant responsibilities that the Mercury Theatre holds are considered to be within this agreement.

- 2.4 On signing this Agreement, the Mercury Theatre 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. The Theatre also agreed 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 the Mercury Theatre 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 Mercury Theatre 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 the Mercury Theatre 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 The Mercury Theatre 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 2014-15.
- 4.2 As a minimum throughout the term of the agreement, the Mercury Theatre must submit quarterly budget reports and invite a Council representative to observe two Board meetings. The organisation will also participate in two bi-annual review meetings, 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 Bi-annual review process

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- 5.1 A review meeting will take place between Colchester Borough Council and Mercury Theatre twice in the period of the agreement. The meetings shall be attended by the relevant officer(s) of the Council and Executive staff of the Mercury Theatre.
- 5.2 The Portfolio Holder and Theatre Management may be asked to sit before a Scrutiny Panel to monitor performance and achievements. As such, the bi-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 The Mercury Theatre 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 Mercury Theatre as an agent of the Council or otherwise make the Council liable to any person who may take proceedings against the Theatre.
- 7.3 The Council reserves the right to nominate annually a councillor to be a director on the Mercury 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 Mercury Theatre
 - ii. A breach of the law by Mercury Theatre
 - iii. Petitioning the court for the appointment of an administrator
 - iv. Having a receiver appointed over all or any part of the Theatre's assets
 - v. Being the subject of a petition or resolution for the Mercury Theatre'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 Mercury Theatre 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 the Mercury Theatre agree that they have an equal responsibility to reach a practical and reasonable solution to the breach, but if

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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 the Mercury Theatre. 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 Performance Overview

Target	Outputs/Report
Annual target to put on 380 performances with 108,000 people attending	533 performances and events achieving a capacity of 78% (against the national average of 60%). The refurbished studio was only operational from November 2015. Increase of 153 in performances compared to the previous year. Actual audience attendance of 123,833 (17% increase on 2014/15).
Collate and report audience feedback about the artistic programme with a minimum of 60% approval rating	Customer Satisfaction Surveys are carried out following each Made in Colchester Production. Customers currently rate the Mercury as 4.5* out of 5* . This feedback is reviewed regularly and there is an additional formal quarterly review of all audience feedback by SMT and Heads of Department with actions minuted and distributed to all staff responsible.
Collate and report press feedback about the artistic programme.	All press reports from local, regional and national papers are collated. Copied are available on request. There were 76 mentions of the Mercury Theatre in the national press in 2015/16, none were overtly negative.
At least 60% local audience and 40% audience supporting tourism economy	50% of our audience was local to Colchester (within Borough postcodes) and 50% from beyond Colchester (the majority from Essex).
Annual target of 900 community and education sessions with 20,000 participants	22,300 people took part in our Learning and Participation Programme across 846 sessions.

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Continue SLA partnership between CBC, Arts Council England and the Mercury to ensure on-going revenue funding for core stage and community work is maintained.	Revenue funding maintained. The Mercury retains membership of Arts Council England's National Portfolio of arts organisations and the further support of Essex County Council (annual award).
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9.4 Community and Audience Development

Target	Outputs/Report
£ 200,000 to be invested into work in the community.	Total Investment: £224,377 .
Annual target – 900 community and education sessions with 20,000 participants.	Please refer to the above.
Maintain rate of 35% tickets sold on a concessionary basis.	22% of tickets sold in 2015/16 were concessions.
Maintain rate of 7% of tickets sold to disabled people and carers.	7,921 achieved. 19% increase on 2014/15
Increase level of concessionary tickets to 35%	As above, 22% of tickets sold were concessions.
Maintain level of accessible performances for disabled and deaf people – 21 performances	16 access performances achieved Further development of access provision to continue in 2016/17 with additional funding support from Colchester Catalyst and Colne Housing Community Trust.
Maintain methods of seeking audience and user feedback – target – monthly audience survey	An audience experience survey is conducted throughout the year following each of our Made in Colchester productions. Feedback is reviewed and actioned throughout the business.

9.5. Governance and Management

Target	Outputs/Report
Mercury Theatre Board of Directors to agree a new three-year business plan for the period 2015/16 – 2017/18 to include: <ul style="list-style-type: none"> • Activity Plan • Artistic Programme • Financial Projections 	<p>Three Year Business plan agreed with annual reviews each year to agree an Annual Action Plan.</p> <p>Next business plan (for the period 2018-2022) to be developed over summer 2016 for submission to Arts Council England NPO Round in the autumn. Decision expected early 2017.</p> <p>The Board of Directors receive regular reports on artistic activity and review quarterly management accounts at the full meeting and its quarterly Finance and General Purposes Committee.</p>

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<p>Mercury Board to review and update all policy statements to include:</p> <ul style="list-style-type: none"> • Equality and Diversity Strategy and action plan • Risk Management • Health and Safety • Sustainability and Environmental Strategy 	<p>All policies have been reviewed annually with appropriate updates.</p> <p>In particular, our Health and Safety Policy has been updated to reflect the new CDM regulations relating to venues, theatres and the entertainment industry.</p>
<p>Mercury Board and senior staff to continue to progress the capital development of the Mercury Theatre and other possible locations to include:</p> <ul style="list-style-type: none"> • Options Appraisal • Tender and procurement processes • Details plans and costings to RIBA Stage D • Financial and fundraising strategy <p>(subject to additional funding being secured)</p>	<p>Our Large Capital Programme has commenced following allocation of funding from Arts Council England, Colchester Borough Council and Essex County Council (£7 million).</p> <p>Arts Council England has confirmed a Development Award of £478,000 towards the project.</p> <p>The project will now be managed by Colchester Borough Homes on behalf of Colchester Borough Council and the Mercury and will meet all necessary RIBA Stages, tendering and procurement processes.</p> <p>A Joint Working Group has been established between CBC, CBH and the Mercury that meets monthly.</p> <p>The Board of Directors has established a Capital Sub Committee to support the Large Capital Scheme.</p> <p>A Fundraising Strategy has been developed and agreed and will seek to secure the additional £1.7 million required for the project from Trusts and Foundations, sponsors and individuals.</p> <p>A public fundraising campaign will be launched in September 2016 at the House of Commons.</p>
<p>Mercury Board and senior staff to participate with CBC in a review of the Lease for the main theatre building and associated premises</p>	<p>Discussions have commenced with CBC relating to the leases of the main theatre and associated premises and will form part of the work plan relating to the Large Capital Scheme as above.</p>

9.6. Diversity

Target	Outputs/Report
Continue to encourage more diverse audiences and participants engage with the Mercury across all equality groups. Target: 2% of audiences	2.5% of our audience self identified as being from a minority ethnic group in 2015/16 (1.4% increase) 5% of our audience were disabled, deaf or hard of hearing. 51% of our audience were women. No data is available around sexuality.
Continue to ensure the Mercury recruits and attracts a diverse workforce. Target: 70% female 5% disabled 2% minority ethnic 5% lesbian and gay	The Mercury continues to ensure all of its recruitment methods target local diverse communities. Staffing statistics include – 114 staff employed across full time, part time and casual 179 actors and creatives 70% female 5% disabled 2% minority ethnic 5% lesbian/gay
Annual review all equality action plans and policies.	A New Equality Action Plan was implemented from April 2015.
Continue to attract those from lower income and modest income households, proactively engaging with those from disadvantaged backgrounds and deprived areas of Colchester. Target: 10% of users and audiences	Attendance from 2014/15 priority areas – St. Anne's Ward, St Andrew's. Greenstead, Berechurch, Shrub End (CO4 0, CO4 3, CO2 9) was 12,147 which is 9.8% of the total audience.

9.7. Young People

Target	Outputs/Report
Maintain rate of 10% all tickets sold as concessions are for young people.	10% achieved. (Schools 6% , Under 26's 2% , Student 1% , Child 1%)
Deliver 900 community and education sessions attracting 20,000 participants.	Please refer to the above comments.
Target 100 sessions/performances in Schools.	48 performances of Not Now Bernard. Learning & Participation in schools in Colchester and North Essex. Total school workshops - 114

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<p>Establish and maintain Teachers Forums for Primary and Secondary Schools.</p> <p>Target: 50 member schools</p>	<p>The Forums have been successfully established with 37 member schools taking part.</p> <p>We continue to work in partnership with North Essex Training Schools Alliance and Essex County Council to provide regular CPD Sessions for Teachers.</p>
<p>Continue to create opportunities for access to the arts particularly for children and young people. This includes community involvement in Mercury Company productions and an ongoing commitment to our overall community activities.</p>	<p>Opportunities created for people of all ages</p> <p>3-5 years</p> <ul style="list-style-type: none"> • Play <p>5 – 11 years</p> <ul style="list-style-type: none"> • After School Drama Clubs • Summer Schools <p>11 – 18 years</p> <ul style="list-style-type: none"> • Youth Theatres • Summer Schools <p>16 – 25 years</p> <ul style="list-style-type: none"> • Youth Theatres • Young Company <p>18+</p> <ul style="list-style-type: none"> • Act V Drama for Over 50's • Talent Development Programme <p>Additional workshops have taken place in partnership with organisations such as:</p> <ul style="list-style-type: none"> • Colchester Women's Refuge • Colchester Chinese Society • Colchester Nepalese Society • Barnardos • Jaywick Community Centre • St Anne's Children's Centre • Greenstead Children's Centre <p>CPD Network for Teachers</p> <p>Local community involvement in Made in Colchester productions continues such as our Panto through our junior chorus (16 young people).</p>

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Maintain level (145 people) of young people enrolled in youth drama classes	<p>Maintained during the year at 152. All groups are oversubscribed and we are looking to grow this capacity.</p> <p>Following the refurbishment of the studio theatre in November all Youth Theatre Groups are now based at The Mercury for the very first time and taken place Sunday – Wednesday each week.</p> <p>At the end of the period, the Mercury hosts the <i>Connections Youth Theatre</i> Festival in partnership with the National Theatre.</p>
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9.8. Older People

Target	Outputs/Report
<p>Continue to deliver specific projects and activities for older people to include: Senior Matinees</p> <p>Regular classes and workshops Target: 30 workshops per year 9 senior matinees</p>	<p>40 older people participate in Act V.</p> <p>From January 2016 Act V has been expanded following the confirmation of additional funding from the BIG Lottery.</p> <p>Senior Matinees remain popular – there were 12 in the year 2015/16 achieving 76% attendance.</p>

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

Target	Outputs/Report
Commission and carry out an economic impact study in collaboration with CBC and other partners and share outcomes	<p>A dedicated Economic Impact Study for arts organisations in Colchester was completed in summer 2015. A final report and statistics were shared with all organisations and stakeholders.</p> <p>We also participated in a nationwide project (“Audience Finder” sponsored by Arts Council England which reported on our Economic Impact as part of its annual report.</p>
Deliver 20 work experience placements during the year.	24 achieved.
Deliver 3 apprenticeships across all areas of the Mercury.	<p>Achieved 1 Apprenticeship during the year due to budget restrictions.</p> <p>Funding has been secured for 3 new Apprenticeships to commence in June</p>

	<p>2016.</p> <p>A partnership with Colchester Institute has been confirmed to commence a new Technical Theatre Vocational Degree Course (approx 10 students) from September 2016.</p> <p>In addition, we hosted 2 paid internships supported by the University of Essex funded by Santander.</p> <p>4 paid internships will be offered in 2016/17.</p>
<p>Provide evidence and support for new and emerging regional talent and companies.</p> <p>Target: 6 new local companies and artists 60 participants</p> <p>Produce Annual Lights Up Festival – June 2015</p>	<p>During 2015/16 we launched our new Talent Development Programme that included:</p> <p>Essex Playwriting Competition 50 playwrights submitted and received feedback on their work 5 playwrights received professional rehearsed readings 22 actors/5 directors employed</p> <p>Associate Artists Scheme 40 applicants 5 associates appointed</p> <p>Early Career Training Programme 40 applicants 13 artists participated in the pilot programme</p> <p>Essex Theatre Artists Network 300 current members</p> <p>The first Lights Up! Festival was produced in June 2015 showcasing regional talent and provided with professional support. The Festival engaged with 203 non-professionals.</p> <p>The Lights Up! Festival will continue in 2016/17.</p> <p>Our Young Company – 60 members – produced <i>Animal Farm</i> in the Main House.</p>

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Target and engage with 20 volunteers during the year.	18 regular volunteers and 9 one-off volunteers for projects such as the recording of our audio brochure.
Assist CBC with other initiatives including: Night-time economy Local employment and skills Development of creative and cultural industries Marketing of Colchester as a visitor destination	<p>The Mercury continues to work in partnership with CBC as follows –</p> <p>Night-time Economy The Mercury continues to be active members of local trade associations such as the new CIC – <i>Colchester Presents</i> and works closely with the Town Centre Manager.</p> <p>The Mercury's Executive Director sits on the board of <i>Colchester Presents</i> and was a member of the working group to support <i>Purple Flag</i>.</p> <p>The Mercury had a visible presence in the Colchester Carnival and Christmas Lights Switch on. These events will be repeated in 2016/17.</p> <p>Local Employment and Skills The Mercury continues to work in partnership with a variety of organisations to improve local employment and skills such as –</p> <p>Hosting Essex Chamber of Commerce bi-monthly breakfast briefings and twilight events for local businesses.</p> <p>Regular presence at local business and employment events and fairs.</p> <p>Strong partnership with local Job Centre, Colchester Inst and Essex University.</p> <p>Development of Creative and Cultural industries The Mercury is an active member of the Creative Colchester Initiative with representation at Board level and the Project Working Group.</p> <p>Marketing of Colchester as a Visitor Destination The Mercury has continued a dialogue with senior officers from CBC about how to promote Colchester as a destination.</p>

	<p>The Mercury has taken on ticketing for key events (such as the annual Fireworks in Castle Park, Summer Screens and Charter Hall). This data will be used to support further campaigns and initiatives to support tourism and the visitor economy for the town.</p> <p>In addition, the Mercury has agreed a partnership with CBC to offer support and advice to further develop Charter Hall as a venue.</p> <p>Through its overall marketing strategies, the Mercury continues to promote Colchester as a destination and through the use of the <i>Made in Colchester</i> brand on tour throughout the UK for a record 19 weeks.</p> <p>50% of audiences attend from outside of the borough.</p> <p>The Economic Impact Study completed last summer provided further evidence that the Mercury's audience contribute £3.7 million to the local economy.</p>
Continue to participate in and support the ongoing development of the Colchester Comedy Festival	<p>Programming for the festival last year was very late. The Mercury was not able to contribute as much as we would have liked. However, we supported the promotion of the wider festival with emails and social media activity.</p> <p>Further planning has commenced for the festival in 2016.</p>

9.10. Environmental and Economic Sustainability

Target	Outputs/Report
Develop and agree a Sustainability and Environmental Policy and Action Plan.	Completed.
Collate and publish targets to reduce carbon footprint and provide evidence of improvement at regular intervals.	<p>Completed.</p> <p>The Mercury is an active member of the Arts Council England sustainable energy scheme – <i>Julie's Bicycle</i> and monitors all energy usage quarterly and completes and annual return of data.</p>
Monitor the installation of solar panels and the usage of green energy (installation summer 2015)	The solar panels have been installed (October 2015) and the Mercury has joined CBC's Sustainable Energy

	Scheme.
Strengthen and grow partnership working through joint bids, cross programming and shared activity, including developing a big data approach to audience development across partners	<p>Achieved. Commitment to the Audience Agency's Audience Finder big data project.</p> <p>Successful joint funding bids have been achieved with community groups including the Colchester Nepalese Society, Stage Write and the Colchester Chinese Community.</p>

9.11. What are the Mercury's particular plans to promote the support that the Council provides during the period of the agreement?

Each year, the Mercury focuses on developing partnerships for the benefit of the community and local economy, for example assisting the Chinese and Nepalese Communities in their annual cultural celebrations, providing space and support for the Essex Gang Show, Colchester Operatic Society and other school and community groups.

The Theatre continues to develop co-productions to enable **Made in Colchester** shows to tour nationally and where appropriate internationally raising the profile of Colchester. In 2015/16 achieved **19** weeks of national touring against a target of **8** weeks.

The Mercury continues to attend regional and national conferences and events to present and share best practise to those within the arts and creative industries and others acknowledging the support of the Council. Conferences planned for this year include:

- Arts Marketing Association
- The Independent Theatre Council
- UK Theatre
- British Council
- Arts Council England

Acknowledgement of the Council's support in **25,500** brochures distributed **three** times a year. In addition, electronically we distribute a monthly e-newsletter to **38,000** people with a further **253,095** unique visitors to our website in 2015/16 (**24%** increase on 2014/15). In addition, there was a growth of **62%** on Facebook and a **23%** increase in Twitter followers compared to 2014/15.

The Mercury hosts a civic evening each year as a chance to say thank you for the support given and to promote the stage and community work that the funding partnership makes possible. The event includes acknowledgment of the Council's support.

In October 2015, the Mercury hosted a formal 'opening' event for the refurbished Studio Theatre and work to the Main House. This was attended by the Chairman of Arts Council England (the first visit of any Chairman to the Mercury) along with Will Quince MP and Bernard Jenkin MP. This event received significant national press coverage.

On the 11th January 2016, the Mercury was featured in a House of Commons debate highlighting the work of the DCMS and the importance of regional theatre. The debate received national press coverage and was featured on the local Look East News Programme with a live broadcast from the Mercury.

9.12. Please outline the way in which your organisation meets relevant local, regional and national strategies.

Local

The Mercury Theatre continues to work proactively with the Council (including Colchester and Ipswich Museums), firstsite and Colchester Arts Centre to ensure a collective and united vision for Arts, Culture & Heritage promotion and accessibility across Colchester aimed at maximising potential and seeking out opportunities for a more collaborative and sustainable approach. This has included joint marketing and visitor package offers to encourage increased numbers of cultural visitors to the town and the commissioning of the Economic Impact Study last summer.

The Mercury Theatre actively contributed to 'The Creative Colchester Strategy' by supporting emerging local talent and providing work experience, supporting cultural tourism initiatives, and working with a range of community service providers such as charities, health providers and voluntary groups to engage and develop communities.

The Mercury is an active member of the Creative Colchester Board (Chair of Mercury Board of Directors attends) and the Creative Colchester Project Group (Executive Director).

The Mercury is an active member of Colchester Presents CIC and actively participates and contributes to the Colchester Carnival, Christmas Lights Switch On Event and other community events throughout the borough.

The Mercury's Executive Director is a member of the Purple Flag Working Group.

Further partnership agreements are in place with the Colchester Institute and Essex University.

National

The Mercury Theatre has promoted its collaborative working with other arts providers and Colchester & Ipswich Museums to Arts Council England. This has demonstrated a strategic partnership approach to the development of arts and heritage in Colchester which will raise the profile and status of the town as a cultural centre and generate greater efficiencies and value for money.

Following a review in 2015/16, Arts Council England has identified Colchester as one of the five priority sub regions across the South East to develop the arts and cultural 'offer'.

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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 Mercury Theatre	Date	
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Signed (Executive Director)

Name (please print)

On behalf of Mercury Theatre	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)