

Funding Agreement between Colchester City Council and Firstsite

1.0 Introduction

- 1.1 Colchester's vibrant cultural sector is one of the city's key strengths and something that Colchester City Council (CCC) 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 established 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 CCC provides core revenue grants to these organisations under the Strategic Arts Partner programme: to enable them to contribute to the delivery of the Council's Strategic Plan and actions within the [Cultural Strategy for Colchester](#); support Creative Colchester, a partnership for furthering and enhancing the impact of the arts and creative industries on the local economy; and to contribute to initiatives which help reduce inequalities and support health, wellbeing and community cohesion across the City area.
- 1.4 As part of the Council's commitment to transparency, quality and performance management systems, the organisations that receive CCC 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 annual performance objectives and monitoring process, and confirms the funding amounts currently agreed.

2.0 Scope and Financial Arrangements

- 2.1 Between 1 April 2023 and 31 March 2024, the Council will fund Firstsite to the amount of £97K. This is a 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 City 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 CCC, including a budget to cover the same period as the funding agreement and a copy of the audited accounts from 2022-23 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 City Council and Firstsite at least once during the period of the agreement. The meetings shall be

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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 the CCC 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 CCC 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.

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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 to help to convey to Members, officers and partners how the Council's annual grant supports the Strategic Arts Partner organisation to operate effectively, deliver to residents and to contribute to wider strategic aims.

9.3 Programme and Performance

Target	Outputs/Report
Firstsite will deliver a programme of x5 major exhibitons and ancillary shows over the course of the financial year. At least one of these shows will be work by an artist living locally or from the region. At least one of these exhibitions will be work made by or with children and young people from the YAK programme	
Firstsite will finalise it's plans for the long term support of Mehdi Jalalghdamian and the continuation of the Museum of the Year Programme	
Firstsite will implement a series of public engagement events including talks, classes, workshops and tours increasing from x5 per week in Q1 to x25 per week in Q4	

9.4 Community and Audience Development

Target	Outputs/Report
Maintain footfall levels from 2022/23 and aim to exceed by 10% to 124,000	
Introduce new opening hours and increase visitor offer to galleries by 30%	
Introduce new enhanced engagement activities year-round building from x5 activities per week in Q1 to x25 activities per week in Q4	

9.5. Governance and Management

Target	Outputs/Report
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Hold a minimum of x4 Board meetings with CCC nominated present and observers present where possible.	
Draft the next chapter of the Firstsite long-term plan connecting from 2025/26 to 2029/30	
Deliver x3 new major multi-year funding partnerships in relation to creative team and participatory practice, the Children, Young People and Families team.	

9.6. Diversity and Access

Target	Outputs/Report
Appoint new SMT role from Protected characteristic group with special focus on BAME, disabled and LGBTQI+ communities	
Return audience diversity levels to pre-covid performance of 14% non white audiences	

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

Target	Outputs/Report
Create x5 Creative Associate roles for people who identify as having protected characteristics with special focus on ethnicity and d/Deaf disabled people	
Deliver Creative Team restructure to overhaul diversity and equity within key area of team to create x15 new freelance opportunities in the team. (funding dependent)	

9.8 Children and Young People

Target	Outputs/Report
Deliver Holiday Fun every School Holiday and seek funds deliver year-	

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round activity for three years	
Restructure Learning & Education team to Children, Young People and Families team with redefined role for YAK (target partially carried over from last year)	

9.9 Action on Climate Change and Environmental Sustainability

Target	Outputs/Report
Complete the lighting replacement programme	
Complete a building wide review to identify next priorities	

9.10 Health and Wellbeing of Colchester's communities and residents

Target	Outputs/Report
Commission evaluation of the impact of Holiday Fun on the health and wellbeing of children and families living locally	
Colaborate with the other NPOs on a joint economic and social impact report for the sector	

9.11 How the organisation is applying the Social Value Model:

Firstsite's business plan is conceived around the five values it creates as an organisation:

Creative – our artistic output is experimental and groundbreaking in terms of what we show and how we go about authoring our programme. The majority of our programme is made with or by people from protected characteristic groups. We tackle the most important and relevant issues that society is facing today and we invite a spectrum of voices to share their ideas about our common future.

Social – All of our activities are geared towards having a positive social impact for people living and working in Colchester. Many of our programme start with an analysis of needs and grow from there to help people grow and flourish as creative citizens.

Economic – Firstsite generates a wealth of economic resources that are drawn to and in the majority spent in Colchester and surrounding region. Every pound of profit we create is reinvested back into people and programmes in the area

Environmental – Firstsite is developing a new sustainability strategy. Starting with our capital investment in our lights throughout the building and growing to include other impactful priorities. We aim to get to a position where we are generating more energy than we need and can share this back with the community.

Sector Research & Development – Firstsite is a sector leader in terms of taking managed risks with regards how we innovate and develop in an agile and creative way. This is with regards our approach to all key areas of operation – artistic programme, team development, sustainability, governance and management.

9.10 How the organisation will promote the support that the Council provides during the period of the agreement:

Firstsite will:

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

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

Include Colchester City 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 CCC in any major publication or report produced and circulated relating to Firstsite activities.

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

9.12 How the organisation will contribute to achieving actions within the Colchester Cultural Strategy, and wider objectives within the Colchester Borough Council Strategic Plan and other relevant local, regional or national strategies:

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.

Cultural Strategy

Firstsite will support the delivery of the Cultural Strategy through membership of Creative Colchester and support for projects delivered by the latter, and through support for Colchester Creative Pathways (the Local Cultural Education Partnership) as well as maintaining its support and contribution to city wide events in the public realm.

