

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) 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 enable them to contribute to the delivery of the Council's Strategic Plan and specifically the actions within the new [Cultural Strategy for Colchester](#); support Creative Colchester, a framework for enhancing the impact of the arts and creative industries on the local economy; and contribute to initiatives which help reduce inequalities and which support health, wellbeing and community cohesion across the Borough.
- 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.

2.0 Scope and Financial Arrangements

- 2.1 Between 1 April 2022 and 31 March 2023, 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 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 2021-22 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 Programme and Performance

Target	Outputs/Report
Deliver four seasons of exhibitions	Complete.
Deliver between 100,000 – 120,000 visitors	Complete. Annual footfall up 37% to 112,654
Deliver a film programme with attendance returned to pre-covid levels of tickets sales	Complete. Cinema is back to 91% of pre-covid attendance. We achieved 9% capacity which is an improvement on the previous year's performance even though the percentage is lower. This is because the number of screenings increased as well as the capacity of each screening as we lifted covid restrictions on seat availability.

9.4 Community and Audience Development

Target	Outputs/Report
Produce an audience development pl with a view to engaging x3 new audiences in Firstsite activities across the year	Being updated for new financial year and new opening hours
Deliver x1 major community event per quarter	Complete.
Establish a formal partnership agreement between Firstsite, Bangladeshi womens group and African Families in the UK to secure a long term future of impactful working	Moved to new financial year
Continue to grow the volunteer pool from current levels by year end – with a specific focus on people who identify as D/deaf or disabled	Complete. Current volunteer pool is at 51. 31 new volunteers have been recruited within this period. A small number have also moved on.

9.5. Governance and Management

Target	Outputs/Report
Draft and submit a new 5 year Business plan to underpin our Application to ACE for NPO funding	Complete.
Land our NPO application and uplift request to increase capacity around specific community themes	Standstill funding achieved. Uplift not achieved.
Complete at least x4 Board meetings aligned to key delivery projects	Complete. In addition quarterly catch up meetings between Firstsite and executive and ECC officers have been reinstated.

9.6. Diversity and Access

Target	Outputs/Report
Maintain current high levels of ethnic diversity of audiences	Not achieved – this has dropped to 10%
Ensure D/deaf and disabled audience levels return to pre-covid levels	Not complete – D/deaf and disabled audiences dropped to 7.6%. Increasing them back to pre-covid levels remains a target in the new financial year.
Appoint x2 new team members from diverse backgrounds – focussing on ethnicity, low-socioeconomic and D/deaf disabled.	Complete. We do not reveal individuals data. This target has been met.

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

Target	Outputs/Report
Deliver x2 Internships / Apprenticeships	Complete.
Create and fill at least x2 new permanent contracted roles	6 new jobs were created and filled – this includes a new finance role, x4 new champions for Holiday Fun and Catering Services Manager
Ensure café is sustainable and employs local people, and connects with local suppliers and services	Complete. On track to make profit in new financial year.
Research potential for revised opening hours to increase our evening and weekend offer to connect with Leisure Recovery plans	Complete. New opening hours to be instated in June 2023

9.8 Children and Young People

Target	Outputs/Report
Review schools visits post-covid and develop a new plan. Ensure visits are proactively developed and are likely to return to pre-covid levels	In-process.

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Engage young people directly in the design and delivery of our potential new evening offer	In-process YAK will be curating new content in the new financial year
Continue to deliver Holiday Fun every school holiday and research potential and funding for expansion to every weekend year-round	Complete. Weekend trial delivered – funded by The Art Fund

9.9 Action on Climate Change and Environmental Sustainability

Target	Outputs/Report
Confirm funding for major capital programme to reduce carbon footprint	Not complete. Review of building still outstanding
Implement stage 1 of lighting programme	In-process. Majority of works shifted to new financial year
Commission and publish a 'green review' to establish short, medium and long-term priorities	In-process. Complete in Q2 of new financial year

9.10 Health and Wellbeing of Colchester's communities and residents

Target	Outputs/Report
Understand how Holiday Fun can be rolled out for other communities in need	Not complete. We have focussed on weekend trial. This will be researched in new financial year.
Develop and implement a creative programme that addresses the needs of people who are most vulnerable in our society – in particular refugees and asylum seekers	In-process. Research is being undertaken into the continuation of our Museum of The Year programme
Develop plans around the cinema to offer free screenings especially for vulnerable and isolated communities post-covid as a means of understanding longer-term needs.	This is being deferred to the new financial year as part of the development of our broader membership scheme

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

9.11.1 CBC Logo and acknowledgement of support will appear on all promotional material including x15,000 exhibition guides, new website, fortnightly e-bulletins and social media posts.

9.11.2 Firstsite will continue to deliver a Community events programme which proactively seeks to offer its facilities to specific communities who will benefit from our support such as Colchester Refugee Action, Civic Alliance, Big Sunday etc

9.11.3 Firstsite will regularly present at conferences and events locally and nationally to raise the profile of CBC's investment in culture.

9.11.4 Firstsite will attend Independent Advisory Group meetings, Creative

Colchester meetings, Leisure Recovery Board meetings

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

Local

9.12.1 Firstsite will take a proactive leading role in the delivery of project outcomes for the Creative Colchester Strategy and Board.

9.12.2 Firstsite is now a member of the Visit Essex Consortium, the One Colchester Volunteer strategy group and University of Essex LGBT Action Group

Regional

9.12.3 Firstsite is collaborating with ECC on long-term sustainability development for Culture across the region

National

9.12.4 Firstsite is a member of the +Tate network of galleries that regularly meet to share best practice and collaborative opportunities as well as visiting other organisations to see first hand activity in other regions of the UK.

9.12.5 Firstsite is proactively drawing high profile exhibitions and projects such as the forthcoming Singh Twins and Sarah Lucas

9.12.6 Firstsite will continue to build on it's Art Fund Museum of the Year status in collaboration with Art Fund and other cultural partners nationally.