

Funding Agreement between Colchester Borough Council and Firstsite

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. Firstsite, Colchester Arts Centre, 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 Firstsite is one of three arts organisations strategically-funded by CBC. In 2014 the organisation was successful in their bid to the Arts Council for continued National Portfolio Organisation funding from April 2015. However this support is now contingent on Firstsite meeting the Arts Council Milestones for 2016 as specified in Appendix 1 of this document. Therefore, the 2016-17 funding agreement with CBC will focus on the achievement of these milestones as well as work towards the goals as set out in the original bid, the updated Business Plan, and any additional key areas of performance and delivery required by CBC.

2.0 Scope and Financial Arrangements

- 2.1 Between 1 April 2016 and 31 March 2017 the Council will fund Firstsite to the amount of £127,925. 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 building is deemed to be outside of this agreement. However, any tenant responsibilities that Firstsite holds are considered to be within this agreement.
- 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, Firstsite 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.
- 2.6 In 2015/16 Colchester Borough Council agreed and provided one-off additional funding of £100,000 to support Firstsite, in recognition of the transition the organisation needs to make. The conditions of this funding are that it is used for specific, positive activities. The funding should be used for items identified in the recovery budget and might include:
- Regeneration of environment and surround
 - Artists commissions
 - Launch events and public engagement
 - Tate Plus consultancy
 - Specialist curatorial support

If Firstsite wish to use the money for alternative items then prior permission, in writing, must be sought from Colchester Council.

A separate summary of how this additional funding has been deployed will be required by Colchester Council at the end of the financial year.

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

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- 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 2015-16.
- 4.2 As a minimum throughout the term of the agreement, Firstsite 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

- 5.1 A review meeting will take place between Colchester Borough Council and Firstsite twice in the period of the agreement. The meetings shall be attended by the relevant officer(s) of the Council and Executive staff of Firstsite
- 5.2 The Portfolio Holder and Firstsite 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 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 Firstsite as an agent of the Council or otherwise make the Council liable to any person who may take proceedings against Firstsite.

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- 7.3 The Council reserves the right to nominate annually a councillor to be a director on 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 Firstsite
 - iii. Petitioning the court for the appointment of an administrator
 - iv. Having a receiver appointed over all or any part of Firstsite's assets
 - v. Being the subject of a petition or resolution for Firstsite'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 Information provided should be 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
Deliver four seasons of exhibitions	
Deliver between 125,000 and 150,000 visitors	
Deliver a Film programme with approximate 30%* occupancy from October 2016 onwards (based on Curzon success measure)	
Deliver a comprehensive programme of events and learning activities which engage a broad range of audiences which reflect Colchester's key demographics with regards to Diversity, Disability, Age, Gender, Sexuality,	

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Affluence and Migrant status.	
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9.4 Community and Audience Development

Target	Outputs/Report
Produce an Audience Development plan with a view to engaging x10 new communities in Firstsite activities across the year	
Deliver x1 major Community event per month from October 2016 onwards	
Hold 1:2:1 consultation meetings with x10 hard to reach community groups with a view to developing long term collaborative relationships	
Deliver new website designed to increase footfall and income generation	
Establish Volunteer programme and build to include x100 Volunteers by end of financial year. Av X10 new recruits per month.	

9.5. Governance and Management

Target	Outputs/Report
Complete a successful ACE NPO Application	
Complete x4 Board Meetings with a focus on Operations and Communications, Vision & Strategy, Diversity & Inclusion, Income Generation & Sustainability.	
Improve Financial Monitoring and reporting by completing monthly 'Stakeholder Updates' from October 2016 onwards	
Appoint new Board Members to focus on Income Generation and Audience Development	

9.6. Diversity

Target	Outputs/Report
Deliver against our Diversity Action Plan at least one exhibition per year with an artist from a BAME background.	
Explore and design a major Equality Project via the 'John Ball Project Group'	
Attract 25% of Volunteers from BAME	

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backgrounds	
Appoint x2 new Board members from BAME backgrounds	

9.7. Young People

Target	Outputs/Report
Attract 2-3 schools to Firstsite per week on average. 150 schools in total over the financial year. From across Essex, with specific focus on Garrison Schools and Schools in areas of economic disadvantage	
Engage x20 Young Artists in 1 st hand exhibition experience each over the course of the financial year	
Attract 25% of Volunteers with age range under 25.	
Develop major Young People project in conjunction with Garfield Weston Foundation and Coode-Adams Foundation to be delivered in Financial Year 2017/18	

9.8. Older People

Target	Outputs/Report
Attract 25% of Volunteers with age range 60+	
Attract 10% of audiences with age range 60+	
Programme at least one film per month targeted towards Older People from October 2016 onwards	
Deliver x3 events through the 'Community Events Programme' targeted at Older People including a lunch for Veterans on 13 th November 2016.	

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

Target	Outputs/Report
Deliver x5 Work Experience Placements over the financial year	
Complete x1 Job Shadow at senior management level	

9.10. Environmental and Economic Sustainability

Target	Outputs/Report
Complete Building Review and establish Environmental sustainability and action Plan	
Collate and publish targets to reduce carbon footprint and provide evidence of improvement at regular intervals	
Review Utilities contracts to assess where greener contracts can be engaged in future.	
Establish two new major partnership projects with NPOs in Colchester and SE region that lead to new sources of income to Firstsite, Colchester and the region.	

9.11. What are Firstsite's particular plans to 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 establish and 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 work with ACE and the Mercury to establish a local touring network that can be activated to host content from our primary exhibitions Programme. The network will concentrate on a ring of towns surrounding Colchester such as Tendring, Jaywick, Tiptree, Maldon etc ensuring CBC investment is demonstrably taken 'out of town' to other areas locally

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

9.11.5 Firstsite will establish a Community Advisory Panel comprised of representatives from the local community who will meet annually to advise Firstsite on key themes, issues and barriers to be addressed in providing greater access to high quality culture.

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

Local

9.12.1 Firstsite will enter into a Memorandum of Understanding between itself, The

Mercury Theatre, Colchester Art Centre and Colchester & Ipswich Museums in order to better facilitate inter-organisational collaboration at all levels of our activities including sharing training opportunities, agreeing data sharing methods and shared box office systems.

9.12.2 Firstsite will take a proactive leading role in the delivery of project outcomes for the Creative Colchester Strategy and Board. This will include developing and delivering a series of creative networking events (dependent on ERDF funds) and a major place-making project across the town centre in 2019 (dependent on a successful Great Places application)

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

9.12.4 Firstsite is taking a proactive role in supporting and enhancing the St Botolph's / Gold Square development by - introducing a new live performance activity to the area from September 2016 onwards, working with CBC to develop creative place making opportunities, supporting the introduction of a PSPO order to improve perception of the area.

Regional

9.12.5 Firstsite is working with ECC to host the ENAS website within the newly re-formatted Firstsite website in order to provide greater awareness and profile raising, as well as promoting Colchester and Essex's wealth of creative practices and studio provision

9.12.6 Firstsite continues to support the Radical Essex programme in partnership with Focal Point Gallery and Visit Essex. This includes delivery of the Architecture weekend on 09 and 10 September.

9.12.7 Firstsite is collaborating on x2 Ambition 4 Excellence applications to the Arts Council to support increased levels of regional cultural activity. One application is in collaboration with Wysing Arts Centre and Kettles Yard in Cambridge. The second is being lead directly by Firstsite and responds to the requirement to celebrate the radical priest John Ball who is the first recorded person in Western Philosophy to have openly promoted Equality in Britain. He preached on the site of Firstsite and lived in Colchester.

National

9.12.8 Firstsite is leading on the above 'John Ball Project' that will have a national focus through an open submission competition to design an artwork in response to Equality.

9.12.9 Firstsite is collaborating with the Mercury Theatre, The University of Essex, the CBC Economic Development Team, CAC and Colchester & Ipswich Museum Services on a joint Great Places bid.

9.12.10 Firstsite is a member of the +Tate network of galleries which 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.

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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 Firstsite

Signed (Executive Director)

Name (please print)

On behalf of Firstsite

Signed (Chair of the Board)

Name (please print)

On behalf of Colchester Borough Council

Signed (Portfolio Holder)

Name (please print)

On behalf of Colchester Borough Council

Signed (Officer)

Name (please print)

Appendix 1

Firstsite milestones 2016 -18

Confirmation of appointment of Director or alternative arrangements to provide leadership for Firstsite	April 2016
Recruitment to new staffing structure complete. Key appointments in place – Director of finance, Head of programmes	April 2016
Volunteer programme in place	April 2016
Retail and marketing strategy and action plan produced	April 2016
Fundraising strategy produced	April 2016
Action plan for review of catering facilities and catering suppliers	April 2016
Update on marketing and communication plan 2016-18	April 2016
Board awayday	May 2016
Gold Square strategy agreed	June 2016
Formal education offer developed	June 2016
Compliance Log completed	June 2016
Board recruitment – second phase completed	July 2016
Confirmation of artistic programme 2017/18	July 2016
Volunteer programme review	September 2016
15 Queen Street established as creative incubator with confirmed occupancy programme	September 2016
Confirmation of artistic programme 2018/19	January 2017
Review of Equality action plan 2016-18	January 2017
Review of audience engagement plan 2016-18	January 2017
Review of fundraising strategy, marketing and communication	

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plans	January 2017
Update on business plan 2016-18	January 2017
Informal education offer developed	January 2017
Capital renewal strategy produced	June 2017
