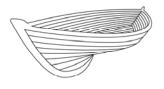
Shetland Arts Development Agency Board of Trustees Meeting Tuesday 15<sup>th</sup> December 2009 at 6.00pm Venue: Learning Room, Shetland Museum and Archives



# Shetland arts

# **AGENDA**

Item	Description	Report	Item taken by	ACTION
1	Apologies and welcome	Verbal	Chair	Note
	Appointment of Vice Chair			
2	Minutes of last meeting			
2a	Approval of Minute for accuracy – 5 November 2009	Attached	Chair	Approval
2b	Matters arising that don't appear within the agenda	Verbal	Chair	Discussion
3	Finance and Management			
3a	Management Accounts	Attached	Director	Decision
3b	SAC Funding Agreement 2010/11	Attached	Director	Decision
Зс	SADA letter to SCT regards long term revenue funding cut implications	Attached	Director	Note/ discussion
3d				
3e	Board public engagement	Verbal	Chair	Discussion
4	Mareel Project			
4.1	Mareel construction update	Mareel Stakeholder minutes Mareel Construction Board Minutes (restricted)	Director	Note
4.2	Operational update	Milestone chart	Director	Note
5	Dates of future meetings			
5a	SADA Board Meeting: Wednesday 3 <sup>rd</sup> February 2010  SADA Finance Sub-Group Meeting: Tuesday 1 <sup>st</sup> December 4.00pm Toll Clock Office	Forward Board Plan attached	Chair	Confirm dates and venues for future meetings

#### **CLOSED ITEMS**

	CLOSED II LINIS						
Α	Closed items from previous minutes matters arising	Minute of the 5 Nov. 09	Chair	Approval			
В	Appointment of new Trustees	Recommendation from Trustee Nominations Committee	Chair	Approval			
С	Mareel Construction Board Packs	Attached: 13/11/09 and 11/12/09	Director	Note			



# Shetland *arts*3a) Finance Report for Trustee Meeting 15th December 2009

Income		
1	Box Office	Drama and Literature have exceeded their budget income to date. Garrison programming is showing the greatest shortfall, at only 14% of actual income against 55% expenditure of budget to date.
2	Ancillary Earned Income	Music has exceeded target to date. The Bonhoga Exhibition programme traditionally sells well over Christmas, and should reach target. The Café and shop have both exceeded income targets, but expenditure is also up (see expenditure note).
3	Other Earned Income	This includes the income from an additional projects: Himmelbla (Norwegian filming) £25,762.
4	Business	Difficulties with the current economic climate has seen a reduction in this area.
5	Sponsorship Trust, Donations	Anticipated shortfall of around £35,000 which has meant a corresponding reduction in spend. Includes a £7,500 shortfall in VA when 'The Lighthouse' went into administration but we were able to reduce spend on the project accordingly.
6 7	SAC revenue Project Funding SAC (V&L)	As budgeted. All projected targets have either been met or are anticipated to be met. Additional funding from the Mirrie Dancers project is shown.
8	Local Authority	Additional funding from Visual Arts and Craft means targets met.
9	Other Public Funds	Includes revenue funding from SCT. Also includes additional funding for Mirrie Dancers and planned maintenance funding (Garrison district heating).
Expenditure		nodung).
10	All Staff Costs	Estimated to be on target. Forecast includes the holiday pay payable to p/t Garrison staff in December and the savings from the People Development post being covered by the p/t Finance Management Accountant post (till March).
11	Programme	This includes the Mirrie Dancer additional project
12	Marketing	expenditure, the remainder being within budget. Some projects did not have a marketing budget allocated at the start of the year but to keep

		accurate reporting all marketing expenditure has been put to this code.
13	General	This shows strategic marketing for the
	Marketing	organisation. Although it looks like a possible
		overspend, there are journals to be made re -
		Mirrie Dancers project.
14	Education	Additional Visual Art projects have increased
		expenditure, but are offset with increased income.
15	Project	Project expenditure of £28,000 included in this
	Overheads	total. The Garrison Theatre is overspent, as
		expected as a result of incorrect funding from SCT
		originally towards running costs. Bonhoga Café
		and shop are overspent, but income is also
		increased. See separate report. The Toll Clock
		and Weisdale Mill overheads are on target.
16	Strategic	Total includes the Himmelbla expenditure and
	Development	
17	Other	Do not expect to show any expenditure in this
	Expenses	column.

#### **General Statement:**

Overall the income/expenditure forecast looks to have a positive variance of around £19,000 at the year end. At present the overhead costs are as anticipated, although the introduction of District Heating for the Garrison is showing signs of reducing costs there. Income from interest and investments are greatly reduced as is sponsorship, but project expenditure is tailored to meet these changes. There are no problems forecast for the next quarter.

#### SHETLAND ARTS MANAGEMENT ACCOUNTS 2009/10

Income

income	
	Approved Board
	2009 - 2010 Budget for the Year
Box Office/Programme income	£ 131,800
Ancillary Earned Income	£ 162,500
Other Earned Income	£ 18,500
Business Sponsorship	£ 11,825
Trusts, Donations	£ 55,900
Revenue Scottish Arts Council	£ 156,803
Project Funding SAC (Voted and Lottery)	£ 70,400
Local Authority - Project Funding	£ 16,600
Other Public Funds	£ 866,736
Total Income	£ 1,491,064

			Quarter 4	Quarter 3	Quarter 2	Quarter 1
		Total	Jan - Mar	Oct - Dec	July - Sept	Apr - Jun
Remainder	% of actual income against budget	Total	Estimate	Actual Oct/Nov/Dec est	Actual July/Aug/Sept	Actual Aprii/May/June
30,296	77%	101,504.36	14,000.00	22,041.30	44,070.89	21,392.17
15,866	90%	146,634.02	22,000.00	30,226.20	56,349.89	38,057.93
-19,261	204%	37,761.12	900.00	26,728.76	2,134.13	7,998.23
11,325	4%	500.00	0.00	0.00	0.00	500.00
43,488	22%	12,412.20	0.00	100.00	11,681.74	630.46
-1	100%	156,804.00	39,201.00	39,201	39,201	39,201
-204,886	391%	275,285.60	144,506.00	10,782.29	13,443.79	106,553.52
-901	105%	17,501.30	0.00	2,501.30	2,000.00	13,000.00
-52,362	106%	919,098	3,850	387,688	55,682.65	471,877
-176,436	112%	1,667,500.25	224,457.00	£ 519,269	£ 224,564	£ 699,210

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#### SHETLAND ARTS MANAGEMENT ACCOUNTS 2009/10 Expenditure

Expenditure	
·	Approved Board
	2009 - 2010 Budget for the Year
All Staff Costs	781,465
Programme	157,110
Marketing	15,120
General Marketing and Box Office	25,000
Education	223,558
Overheads Strategic development	224,253 25,000 <b>249,253</b>
Other Expenses	39,528
Total Expenditure	1,491,034
Total Income	1,491,034
Net Surplus/Deficit	0

Quarter 1	Quarter 2	Quarter 3 Oct -	Quarter 4			
Apr - Jun	July - Sept	Dec	Jan - Mar	Total		
Actual April, May, June	Actual July, Aug, Sept	Actual Oct, Nov, Dec est	Estimate	Total	% of actual spend against budget estimates	Remainder
202,655.58	199,093.30	190,654.00	188,607.00	781,009.88	100%	£ 455
61,932.86	41,812.39	21,184.35	94,800.00	219,729.60	140%	£ 62,620
6,634.25	12,297.57	4,600.60	2,300.00	25,832.42	171%	£ 10,712
3,823.64	8,410.84	5,500.00	5,500.00	23,234.48	93%	£ 1,766
21,292.10	159,253.38	17,701.42	43,000.00	241,246.90	108%	£ 17,689
75,014.55 6.568.67	76,152.42 51,788.10		40,000.00 20.000.00	247,862.72 109,225,71	111% 437%	
81,583.22			60,000.00	,	143%	
0.00	0.00	0.00	0.00	0.00	0%	£ 39,528
377,922	548,808	327,205	394,207	1,648,142	111%	£ 157,108
699,210	224,564	519,269	224,457	1,667,500	112%	£ 176,466
321,289	-324,244	192,064	-169,750	19,359	6%	19,359

Notes	
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Q2 Oct - Dec (10)



# Funding Agreement 2010 - 2011 Foundation organisations

This agreement is effective from 1 April 2010, at which time, subject to Parliament, all Scottish Arts Council business becomes Creative Scotland business.

Please read **all** sections before completing the last, signature page.

Grant number:

Organisation name: Shetland Arts Development Agency

Lead officer: Helen Bennett

#### Part 1 - Planned programme of activities 2010/11

Organisation completes as separate sheet and attaches as Appendix 1

(Performing arts organisations also complete as separate sheet **Appendix 2**, details of activities outwith Scotland. See Guidance for more detail).

On the assumption that reasonable budget expectations will be achieved, Shetland Arts Development Agency will undertake the agreed programme of work as set out in Appendix 1, during the year ending 31 March 2011.

The programme may be amended during the course of the year should circumstances warrant it. However, any significant alterations must be agreed formally in writing, with your lead officer.

#### Part 2 - Development areas

For discussion between organisation and lead officer, these may be issues of concern or opportunity and may be a condition of funding.

#### Part 3 – Agreed targets for 2010/11

Please complete the <u>Annual Returns & Targets</u> spreadsheet in **Appendix 3** which reflects the format and content of the Annual Return form and will provide a longitudinal report on key statistics for each organisation. This spreadsheet is in excel, please complete and return. Discussions about all targets for 2010/11 will form part of the negotiations with your lead officer.

#### Part 4 – Review and self-evaluation

#### **Quality Framework**

This funding agreement has been developed in the context of the Scottish Arts Council's Quality Framework **Appendix 4** for the development, evaluation and self-evaluation of arts organisations. The framework is designed as a model of continuous improvement where the Scottish Arts Council works in partnership with organisations to develop open and accountable standards in relation to artistic work, engagement with the public, operational matters and governance.

The core requirements, and the corresponding evidence base, were developed in consultation with arts organisations during 2007/08. One of the strong recommendations was that arts organisations should set their own measures of success which means that the measures will be meaningful and appropriate for their work. We intend that this way of working will promote a culture of self-evaluation and continuous improvement which is transparent and accountable.

# Please see Appendix 4 below for the agreed evidence which your organisation put forward in 2009/10 and update this section if appropriate.

Artistic self-assessment is a requirement for the majority of organisations and will be taken into account as a key piece of evidence in the Scottish Arts Council's assessment of organisations. However, we also need to make reference to measures of quality that are independent of the organisations themselves in order to allow us to make comparative judgements between organisations. Officers and independent specialist advisers will carry out a total of four artistic evaluations. All artistic evaluations will be sent to you and they will include the name of the assessor.

The Quality Framework will form the agenda for discussion at the formal meeting which will be held during this financial year between representatives from your board, your chief executive and your lead officer from the Scottish Arts Council.

# **Quality Framework**

Agreed Evidence column to be updated by the organisation if appropriate.

### 1. Artistic Leadership

Flex	Foun	Area of activity	Core requirement	Evidence required	Agreed Evidence to be provided
•	•	Artistic vision and leadership	1.1 The organisation has a clear artistic vision which is communicated clearly to all stakeholders (funders, audiences/participants, artists and staff).	Current business plan, including clear aims in relation to a high quality programme of work.  Business Plan due for comprehensive review April 2010.	This column to be pre- filled from last year's funding agreement by the department. Organisations may update if they wish Business Plan
•	•	Programme	1.2 Create and/or present a programme of work of high artistic quality.	Written Artistic Director's report for every board meeting.	Quarterly Arts Development Manager Report
				Evaluation of programme's success or otherwise, reflecting issues of artistic quality, views of stakeholders, and critical review, including Scottish Arts Council officers' and specialist advisors' evaluations.	Outcomes of staff Arts Development Meetings (to which Trustees are invited) incorporated in above report
			1.3 The views of the stakeholders are formally evaluated and inform programme planning.	Discussion at the meeting with Scottish Arts Council lead officer.	Minutes of Shetland Arts Stakeholder Meetings Meetings with SAC
	•	National and/or international leadership	1.4 Partnership within and/or beyond Scotland is present within the programme.	Partner(s) role is acknowledged within publicity and other communications activity.	Marketing material SADA Website
			1.5 The organisation participates in recognised national and/or international forums.	Reputation and success of the organisation is reflected through critical review, and/or recognised by national or international peers.	Trustee Arts Development Meeting minutes
•	•	Equalities (see also 4. Compliance)	1.6 The organisation aims to develop and promote equality of opportunities and to ensure inclusion and accessibility to all services, employment, and the artistic programme.	Increased involvement and participation of under-represented groups. Business plan, including equalities scheme and policy.	Undertake equalities impact assessment by Aug '08  Review Equal Opportunities Policy.  Draft by end of Jan 2010

### 2. Public Engagement

### Audience

Flex	Foun	Area of activity	Core requirement	Evidence required	Agreed Evidence to be provided
	•	Understanding the audiences and/or participants (See also programme)	2.1 Audience information is used to inform overall planning and decision-making (eg in marketing, education, programming and general business planning).	Audience information is regularly collected and analysed on the number and composition of audiences in terms of geo-demographics (organisations to work towards by 2009) as set out in the Funding Agreement.	Director's Report on Shetland Box Office Project
	•	Marketing and communications	2.2 A long-term approach to marketing planning and implementation.	A written marketing plan outlining the organisation's marketing objectives, measurable targets and communications activity is included in the overall business plan.  The plan is sufficiently resourced to achieve the organisation's stated marketing objectives and targets.	Marketing Plan (appendix to revised business plan)  Due for review April 2010.
•	•	Engaging and develop audiences/ participants	2.3 The artistic programme (see 1.2 above) is designed to engage and develop audiences and/or participants successfully.	Quantitative data on audiences/participants is collected.  Qualitative evaluation is undertaken with audiences/participants.	Monthly Attendance Data reflected in SAC annual return
			2.4 Interpretative material/activity is provided to support the artistic programme.	Education programmes and communications activity.	Quarterly Arts Officer Reports

### Education/Learning

Flex	Foun	Area of activity	Core requirement	Evidence required	Agreed Evidence to be provided
	•	Integration of learning and education into the core business	2.5 A long-term, planned approach to education and learning is taken	A written education and learning plan outlining the organisation's education and learning objectives, measurable targets, and education and learning activity as well as associated budgets, are included in the organisation's overall business plan.	Hansel for Art
				Evaluation of the programme of work examines the extent to which objectives for learning and education are achieved, and is used to inform future planning.	Quarterly Arts Development Trustee Meetings minutes.
	•	Support for learning and education (external)			

# 3. Governance, Management and Finance

Flex	Foun	Area of activity	Core requirement	Evidence required	Agreed Evidence to be provided
	•	Board/ Management	3.1 All members of the board and the senior management team are responsible for Artistic, Audience, Marketing and Education development, and are actively engaged in strategic planning and organisational review.	Schedule of meetings, agendas, plans, and minutes.	Hansel for Art Action Plan Board papers
	•	Board	3.2 The board composition comprises an appropriate mix of skills and abilities to support the business of the organisation.	Open recruitment and renewal policy. Board development plan. Board membership. Annual report.	Recruitment and Renewal Plan Board Development Plan Annual Reports
	•	Board	3.3 The board plans and reviews financial performance regularly.	Annual budget, quarterly management accounts (foundation organisations only), audited annual accounts.	Annual budget, quarterly management accounts
	•	Board	3.4 The organisation is committed to increasing income from non-public sources, including trading.	Development/fundraising strategy and/or marketing strategy including trading, if appropriate, within Business Plan.	Fundraising Plan Marketing Plan Will form part of the Business Plan review April 2010.
	•	Management and staffing	3.5 Staff competence levels are maintained.	HR plan and staff appraisal system.	HR Plan Staff Appraisal Training Plan
			3.6 Support to individual artists.	Artists within the organisation and other artists linked with the organisation are provided with opportunities for professional development, evidenced through interview/observation.	Training Plan
			3.7 Support to staff/ board/volunteers etc.	Staff and volunteers have opportunities for continuous professional development and there is a plan that corresponds with the organisation's vision and strategy.	Training Plan
			3.8 Staffing budgets are specified within overall budget, and reviewed regularly.	Annual budget, board papers.	Annual Budget Board Papers
			3.9 Remuneration packages and pension provisions are regularly reviewed within the context of staff experience and industry standards agreements.	Pay structures and pension strategy.	Pay Structures Pension Strategy

#### 4. Compliance

Compliance with all relevant legislation and charities regulations (where appropriate) is expected. In particular, the obligations placed on directors by the various Companies Acts and Insolvency Acts must be adhered to. Summary guidance is outlined in our booklet Care, Diligence and Skill, www.scottisharts.org.uk/1/information/publications/1000877.aspx but where directors are in any doubt about how to proceed in any situation we recommend that you seek more specialist guidance from your professional advisors. You should also ensure that you do not commit or aid any act of discrimination rendered unlawful by equalities legislation (see guidance notes to Quality Framework for further information). Neither the Scottish Arts Council, nor any of its members, advisors or officers can in any way be held responsible for the affairs of your organisation. Failure to comply with the legislative framework or to remain solvent will result in a reconsideration of any planned future funding.

#### Part 5 – General conditions

The section below sets out all the general conditions which relate to your grant. Please read carefully before completing the signature page at the end.

#### When to contact us immediately

You should make contact with us immediately under any of the following circumstances:

- If your organisation gets into financial difficulty
- If there is a material change to your proposed artistic programme
- If you need to change your cash flow to reflect changes to your programme/activity and need money
- If you change your bank details
- If you propose to distribute assets and/or surplus available on winding up the organisation
- If any fraud is suspected of found in your organisation during the time grant is being used
- If Senior Management, Chief Executives and Directors or equivalent resign or are dismissed.

#### 1. General conditions of grant

- 1.1 When awarding a grant we will issue an offer letter to the administrative authority of your organisation. That offer letter states that the award is subject to the specific conditions in Parts 1 4 and Appendices 1, 2, 3 and 4) and the general conditions in this section.
- 1.2 Your organisation is responsible for managing its own affairs in accordance with company, charitable and all other relevant legislation. Our purpose, as stated in our Royal Charter, is to develop and improve the knowledge, understanding and practice of the arts. It is our responsibility to monitor the use of the public funds which we offer, to achieve this aim. The conditions which apply are designed to ensure that we have sufficient information and contact with you, to ensure that public funds are being used for the purpose for which they are intended and are not put at risk.
- 1.3 In return for the investment of public money you should:
  - aim for high artistic standards consistent with maintaining long term financial viability
  - adopt policies which aim for equality of opportunity, social inclusion and development of the arts and public engagement
  - contribute as appropriate to the national outcomes set out in the Scottish Government's National Performance Framework (see next paragraph).

1.4 Scottish Government's National Performance Framework We ask you to note that the Scottish Government's National Performance Framework which guides the Scottish Arts Council's work. In particular, we have aligned our outcomes to the five outcomes highlighted below

#### **Purpose**

To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing economic sustainable growth.

#### Strategic Objectives

- Wealthier and Fairer
- Smarter
- Healthier
- Safer and Stronger
- Greener

#### **National Outcomes**

- We live in a Scotland that is the most attractive place for doing business in Europe
- We realise our full economic potential with more and better employment opportunities for our people
- We are better educated, more skilled and more successful, renowned for our research and innovation
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- Our children have the best start in life and are ready to succeed
- · We live longer, healthier lives
- We have tackled the significant inequalities in Scottish society
- We have improved life chances for children, young people and families at risk
- We live our lives safe from crime, disorder and danger
- We live in well-designed, sustainable places where we are able to access the amenities and services we need
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others
- We value and enjoy our built and natural environment and protect it and enhance it for future generations
- We take pride in a strong, fair and inclusive national identity
- We reduce the local and global environmental impact of our consumption and production
- Our public services are high quality, continually improving, efficient and responsive to people's needs.

#### 2. Purpose of grant

- 2.1 The grant offered to you must be used only for the work to be set out in this agreement. If you wish to make any material change, you must seek prior approval from us with any changes agreed in writing.
- 2.2 Our grant must not be applied to any activities which fall outwith the scope of this funding agreement or to the marginal cost of activities outside Scotland unless otherwise agreed in writing.

2.3 No aspect of the activity being funded by the Scottish Arts Council should be party political in intention, use or presentation by the funded organisation.

#### 3. Payment of grant

- 3.1 When we have received a formal acceptance of your funding agreement and it is clear that all conditions will be met, we will pay the grant in instalments in accordance with the payment schedule detailed in your cash flow forecast. Please note that payments cannot be made ahead of need.
- 3.2 The grant will be paid directly to your organisation, and you must tell us, in writing, about any change in the name or constitutional status of your organisation. Your grant cannot be transferred to another person or organisation.
- 3.3 The timing and amounts of grant instalment may be changed if revisions to your cash flow forecast indicate that this is required and it is discussed and agreed by us.
- 3.4 Grant payments will be made via the BACS system. You must provide details of an appropriate bank account on the form provided and must tell us, in writing, about any changes in banking details.

#### 4. Acknowledgement of Scottish Arts Council funding

New credit requirements in relation to Creative Scotland are likely to come in during 2010/11. Downloadable credit logos and guidelines for their use will be available online.

- 4.1 The Scottish Arts Council receives and distributes funding from the Scottish Government and from the National Lottery. The grant you have received is funded by the public, so they need to know how and where this money is used. Our logo is a sign that the people of Scotland, through the Scottish Arts Council, are supporting your work and nurturing Scotland's creativity. Research shows that the public believe the Scottish Arts Council logo is a mark of quality, indicating well-run and high quality events and activities.
- 4.2 Requirements for acknowledging funding are set out in full in the Credit Kit enclosed with the Offer letter. The credit kit contains logo samples, which must be applied strictly in accordance with the requirements. Gaelic logos are also available on request to the Help Desk. Further copies of the Credit Kit for distribution to your staff or design team are available from the Help Desk and logos can also be downloaded directly from: http://www.scottisharts.org.uk/1/professional/prandmarketing/creditkit.aspx
- 4.3 We will monitor compliance with the requirements in the Credit Kit and will withhold funds if these requirements are not met. This ongoing monitoring role will be undertaken by your lead officer.
- 4.4 In summary, within the lifetime of the Scottish Arts Council, you should acknowledge our core and other funding in the following manner:
  - in news releases, either in the main text or in a Note to Editors, or both
  - at launches and events
  - prominently on all published materials, including leaflets, brochures and programmes, preferably on the front cover, inside front cover or facing inside front cover. If there are genuine difficulties in achieving this, please contact your lead officer before proceeding to design and print stage
  - prominently on posters, notices, display and exhibition materials
  - on the homepage of your website

- when advertising events and jobs, especially when recruiting for a post which has been specifically funded by us
- if your events or activities are appearing in other organisations' programmes, then your Scottish Arts Council funding should still be acknowledged
- 4.5 We recognise that balancing acknowledgement of funders and sponsors is a challenge. If you would like to discuss this, please contact your lead officer who can arrange a meeting with our Marketing department.
- 4.6 Acknowledgement of our grant must also be made in any secondary or indirect products arising from the revenue funding such as recordings, publications, video, broadcasts, computer programmes etc.
- 4.7 Acknowledgement and any other reference to the Council should not be used to imply that the Council undertakes or accepts responsibility for your debts, obligations or activities.
- 4.8 If your annual accounts follow the requirements of the SORP for Charities, we intend our grant to be treated as unrestricted income and dealt with in your accounts accordingly. The grant must also be separately identifiable in any related note to the accounts.

#### 5. Repayment of grant

- 5.1 We will stop paying your grant, reduce the grant and/or ask for grant money already paid to be refunded to us if your organisation:
  - fails to comply with any of the terms and conditions contained in the offer letter and this funding agreement, except where prior written agreement has been obtained from us to the waiving of the term or condition in question
  - ceases to function, is wound up or ceases to operate for the purposes described in the offer letter
  - does not carry out the programme of work for which the grant was given
  - does not maintain an acceptable quality standard
  - makes any significant change to the budget without prior agreement
  - does not supply information requested by us within the timescales indicated
- 5.2 The revenue grants that we award come from funds approved each year by the Scottish Government. If the government decides at any time to reduce its funding then we may have to reduce grants already offered
- 5.3 We will also withdraw or reduce funding or ask for grant to be returned if you or your organisation does not meet the ethical standards expected in managing public funds.

#### 6. Responsibility

6.1 Your attention is drawn to the duties imposed by the Insolvency Acts and related legislation as set out in our booklet; Care Diligence and Skill. Neither the Scottish Arts Council nor any of its members, advisers, or officers can in any way be held responsible for the affairs of your organisation. We expect your organisation to remain solvent during the period covered by our grant and to pay all debts as they become due.

#### 7. Reserves

7.1 Accumulation of provisions and reserves is encouraged as long as these aim to support activities which come within the scope of our subsidy and are reasonably required to aid financial management of the organisation.

7.2 You must consult with us about any proposals to distribute assets and/or surplus available on winding up.

#### 8. Information and inspection

- 8.1 Please send all board papers by email to your lead officer at least seven working days prior to the board meeting. We reserve the right to attend meetings of your board and committees of the board, in the capacity of observers to monitor activity and the use of funds.
- 8.2 You should ensure your lead officer receives regular management accounts by email, copied to Gordon Cosh, Financial Compliance Officer. These management accounts should cover the funding year and be for the quarters ending 30 June, 30 September, 31 December and 31 March. Normally we would expect to receive management accounts within 1 month of the relevant quarter end. The management accounts should include sufficient detailed analysis, commentary and explanation for us to align the various activities and variances against budget. Also explanations of material variances against budget will be required.

If the management accounts show a result that is significantly adverse in relation to the budget then there must be an accompanying action plan to recover the position. The action plan should outline what is to be done, who is responsible, when it will be carried out and an estimate of impact.

If you anticipate a deficit by year end, you must notify your lead officer as soon as you realise this.

8.3 You should log the following documentation via email, with our Financial Compliance Officer using the email address <a href="mailto:Gordon.cosh@scottisharts.org.uk">Gordon.cosh@scottisharts.org.uk</a> and copied to your Lead Officer.

This should be done annually **by the date requested**, to ensure the release of your first payment in April.

- A paper copy of your annual audited accounts within six months of your year-end.
   A copy of the auditor's 'Management Letter' or a statement from your auditor that there was nothing to report should also be included.
- b. An annual budget and any revisions of these during the year.
- c. An annual cash forecast and any revisions of these during the year.
- d. An annual update of any long term plans which you propose
- e. Any other financial, statistical data or additional information which is requested.
- 8.4 We, Audit Scotland and/or our internal auditors have the right to inspect your books of accounts and other financial records. Reasonable advance notice will be given of any proposed inspection.
- 8.5 We reserve the right to conduct a formal review of your organisation.

#### 9. Exploitation of products

9.1 You may exploit your productions, products or activities in any medium including film, broadcast, video, recording, computer or other electronic media, provided you acknowledge the primary element of Scottish Arts Council funding which has made it possible (see Section 6). If you generate a net profit from the event for which the grant is given, directly or

- indirectly, a proportion of this should be paid back to us unless it is clearly demonstrated that the surplus is being applied to your main objectives.
- 9.2 You should ensure that the financial benefit which you expect to receive from the exploitation of your project is not exceeded by those negotiated for or by any employees participating. You should make sure that you negotiate such arrangements jointly with the employees who are likely to benefit.

#### 10. Data Protection and Freedom of Information

- 10.1 Information supplied by you in support of your application has been entered on data files in our grants management system. This information is used for accounting and statistical purposes. Retention details of your data can be accessed through the retention and destruction schedule which is available through our Help Desk.
- 10.2 Your name, address and contact details are also held on a database. We use this information to correspond with you, send details of funding schemes, publications etc. We will not share your details with any third party.
- 10.3 For the purposes of the <u>Freedom of Information (Scotland) Act 2002</u> we are a Scottish Public Authority and any information held by us (which includes this funding agreement) is therefore potentially accessible by anyone making a Freedom of Information request. Any information which we receive from you, which is personal, (i.e. related to staff matters,) or is commercially sensitive will be treated in confidence. However, ongoing operational matters could be raised, discussed in public or be part of information supplied under the Freedom of Information Act.
- 10.4 Further details about the Freedom of Information Act can be found at the Scottish Information Commissioner www.itspublicknowledge.info. In addition, we have a Guide to Freedom of Information on our website www.scottisharts.org.uk or you can contact the Compliance Officer at the Scottish Arts Council, 0131 226 6051, qualityservice@scottisharts.org.uk.

#### 11. Fraud and deception

- 11.1 If we discover that you have provided deliberately misleading or incorrect information in your grant application we will immediately stop paying the grant to you and take legal action to recover any moneys already paid to you.
- 11.2 You must let us know immediately if any fraud is suspected or found in your organisation during the time grant is being used.
- 11.3 If any fraud is revealed in your organisation during the period the grant is being applied to or after it is completed, we will stop paying the grant to you and take legal action to recover the grant or any part which has not been used for the purposes it was given for.

#### 12. Grants for future years

- 12.1 A grant awarded by us to you, is in relation to that specific financial year and is no guarantee of funding in subsequent years.
- 12.2 We will give reasonable notice of any intention to withdraw or substantially reduce our grant.

#### 13. Staff recruitment

- 13.1 Vacancies for all appointments of six months' duration or longer must be publicly advertised, and include an acknowledgement that the organisation is in receipt of funding from us. Posts which are primarily funded by special Scottish Arts Council funding must be acknowledged as such.
- 13.2 You should give us six months' notice of the expiry of fixed term contracts of Senior Management, Chief Executives and Directors or equivalent and notify us immediately of the resignation or dismissal of any senior manager.
- 13.3 We should receive a full list of applicants in advance of short-listing for senior posts and we reserve the right to attend during the selection procedure for these posts, but the selection and appointment itself remains the responsibility of your organisation.

#### 14. Staff remuneration and fees

- 14.1 We are subject to strict financial constraints and wish to support the arts in Scotland as widely as possible. It is, therefore, a condition of this grant that you make every reasonable endeavour to keep your costs under control by being as efficient as possible, and by eliminating all unnecessary costs. You should exercise due prudence in any decisions relating to any increase in prices or charges relating to any increases in salary, wages, or any other payments and benefits forming part of any remuneration package or any settlement made with any member of staff in relation to such matters.
- 14.2 Employment terms and conditions are a matter for each organisation and its employees, however excessively generous arrangements are inconsistent with proper use of grant monies. Where it comes to the notice of the Scottish Arts Council that any settlement has been excessive, withdrawal of future funding will be considered.

Jim Tough
Chief Executive

Please ensure that you have read and agreed all of the specific and general conditions set out in Part 5 above, before completing the last section below.

I confirm that all members of the Board, or equivalent, of Shetland Arts Development Agency have been sent a copy of our completed funding agreement and have been given the opportunity to comment on the terms and conditions.

I agree on behalf of the Board, or equivalent, of Shetland Arts Development Agency to meet the conditions set out in this document including the material in appendices 1, 2, 3 and 5.

I also agree to the principles of the Quality Framework and will work with the lead officer at the Scottish Arts Council to agree the evidence to be provided in order to meet the core requirements of the Quality Framework. I will supply the Scottish Arts Council with the financial and documentary evidence indicated.

Signature of organisation's chair	
Print name	Date
Signature of Lead Officer	
Print name	Date
Counter signature of Head of Department/ Co-Director of Arts	
Print name	Date

# Appendix 1 – Planned programme of activities 2010/11

Name of Outcomes	Targets
Organisational development: from 'not for profit' to 'more than profit'.	Review governance structure to aid greater social enterprise activity and diversification of income generation.
	Review Business Plan in light of financial challenges ahead due to the GFC at take mitigating action.
	Review staffing structure in light of the above and implement changes.
Mareel construction and operation	Manage the construction phase of Mareel ensuring the building is delivered on time, on budget and fit for purpose.
Mai eer cuisti uction and operation	Prepare for operation of Mareel on all fronts including audience and wider stakeholders.
	Open and operate Mareel as a self- supporting business unit from early 2011.
	Deliver MMM Pilot Project, develop Westside Cluster capital project with a long term view of building a sustainable future for Weisdale Mill
Shetland Creative Spaces and Places Project	As part of the above review role of fixed gallery space at Bonhoga, explore other methods of exhibition and their relative values.
	Continue to break boundaries between art and craft by presenting a specially curated international exhibition arising out of the Portage research. Use the Shetland Hamefarin as a theme to present a thought provoking programme of exhibitions featuring Shetland and related links.
Exhibitions by local, national and international artists and makers at Bonhoga	Establish core arts projects within the community alongside partners based on previous pilot projects; oversee 'Power of Place', Shetland's first Festival of Architecture; support and develop visual artists via commissions, CPD, peer review development and grant aid.

Start work on a further development strategy for craft in Shetland, including the under 18s. Provide professional development for craft makers including the 'Wirkin Up' grants scheme and Visual Arts Development professional mentoring. Further develop networking at all levels of skill and ability. Undertake exhibition as a result of the Portage research, on extremes of scale in craft. Take part in research project using 3D design software for craft beginners and existing practitioners. Implement development plan from 'State of Play'. Enable and empower others to lead drama activities in the community. Crafts Development Develop 'Slow for Stuart' project and partnership work with other organisations. Continued development of Shetland Youth Theatre and YIIF. Work with local and national partners to facilitate access to dance activity and performance across various dance forms. Continue to support and develop dance mentees as part of capacity building. Continue development of traditional dance. Complete development action plan and begin implementation. Broaden the scope and accessibility literature activities in Shetland, both in geographic and cultural/social terms. Continue to develop web potential for writers. Drama Development Concentrate on individual and organisational development with regard to education, industry skills and professional training, in the lead up to the opening of Mareel. Continue development of strategic music partnership. To work with key partners in order to promote and develop the use of Shetland Arts digital film and media equipment as Dance Development a key community resource, and to develop a broadened skills base in both film making and digital media in preparation for Mareel. To promote Shetland as a suitable venue

for film making and digital media production.

Literature Development	Development of evening classes and workshops in film and media studies, in partnership with UHI Shetland College and Adult Learning. Develop outreach services in partnership with Shetland Film Club. Increase film 'literacy' by developing relationships between Shetland audiences and external cinema experts/commentators.  Develop relationships with key regional and national cinemas and arts centres such as Dundee Contemporary Arts and
Music Development	Eden Court.  In partnership with stakeholders deliver an inclusive year round programme. Complete and begin implementing development plan. Continue prioritising audience development initiatives.
Film Development	Oversee construction of Mareel and implement Mareel Operations Plan in preparation for the opening in Spring 2011.
Film Exhibition	

Garrison Theatre	
Mareel development	

Δ	nnendix 2 –	Performing	arts	organisations:	activities	outwith	Scotland	4
$\overline{}$	ppendix z –	r enoming	arts	organisations.	activities	Outwitti	Scotlant	J



Ann Black General Manager Shetland Charitable Trust Fairview North Road LERWICK Shetland Shetland Arts Development Agency

Toll Clock Centre 26 North Road, Lerwick Shetland ZE1 ODE T +44 (0) 1595 743 843 F +44 (0) 1595 694 001 www.shetlandarts.org

30 November 2009

Dear Ann

#### SHETLAND ARTS APPLICATION FOR CORE FUNDING

Please find enclosed our completed application for core funding 2010/11.

In addition to our application I feel it would be appropriate to draw your attention to a number of significant pressures on our organisation at this time due to reducing core funding and availability of project grants at a national level due to the growing fallout of the 'global financial crisis'.

As you are aware Shetland Arts took a pro-active and pragmatic stance through the recent Trust Review process. My colleagues, Trustees and I fully appreciate the importance of protecting the endowments of the Charitable Trust for future generations. Indeed if Shetland Arts managed investments of a similar nature we would also seek to protect that investment as your Trustees have done.

That said there are two particular pressures facing Shetland Arts that are both unique and significant, looking to the longer term.

#### 1. Garrison Theatre overheads

Shetland Arts took over the running of the Garrison Theatre in full from mid 2007. Since that time we have consistently argued and it has been accepted that the level of funding of £10,000 for overheads was insufficient to meet the costs of the venue. The original figure which was based on information supplied to the SCT by the then Islesbugh Trust was believed to be the total cost at the point when Shetland Arts agreed to take on this facility. However, it transpires that much of the overhead costs were centralised and unseen. The total costs for operating the Garrison 2008/09 were £39,272.

Shetland Arts has been able so far to absorb the additional costs due to the organisation exceeding income targets in project activity. However, as external funding sources reduce I am concerned that our ability to continue to absorb this unbudgeted cost will be unsustainable.



In addition rising staff costs have a significant impact on the cost of operation of the Garrison. For example at present we estimate that Shetland Arts subsidises the costs of the pantomime run in the region of £15k.

#### 2. Mareel and Shetland Arts Business Plan

The highly scrutinised Shetland Arts Business Plan 2008/13 which combines the work of the current organisation and the pending activity within Mareel was based on core funding assumptions of a baseline of our SCT 2008/09 grant level, plus an annual increase of 2% for inflation. As agreed, Mareel has no additional revenue funding and is not part of the planned maintenance budget. This part of Shetland Arts' activity is projected to have a neutral impact on the budget. However, the venue relies on the economies of scale of working within a larger organisation. Looking forward and assuming no inflation increase on SCT grants Shetland Arts is projecting a reduction in core funding from the SCT in the year 2012/2013 (against budget of £816,709) of £120,671. This budget and the core funding allocation from our main partners was a key element of the decision to support Mareel with capital funding both at a local and national level; a decision that required written confirmation from the SCT that core funding at the levels described in the Business Plan would be forthcoming.

The combined impact of the Garrison Theatre overheads and the projected reductions in core funding/ project funding suggests a significant challenge in the years to come at a time when activity is due to double through the provision of Mareel.

Shetland Arts believes that Mareel can be financially sustainable within the parameters of the figures as agreed within the SADA Business Plan 2008/13. However, the added pressure of such significant reductions in core funding at this time for the organisation requires careful consideration, taking the long view.

Shetland Arts can, as we have demonstrated, absorb reductions in 2010/11. Shetland Arts urges Shetland Charitable Trust to reinstate core funding at currently budgeted levels as soon as practically possible without jeopardising the long term sustainability of its funds – funds that we all support and rely upon.

Shetland Arts is actively exploring a range of financial diversification activities to reduce reliance on limited core funding and depleting public project funding. Shetland Arts has no intention of requesting additional support for the operation of Mareel: just that when possible, levels of funding are maintained at a sustainable level for us all.

Yours sincerely

Gwilym Gibbons <u>Director</u>

CC: Jim Johnston - Chair of Shetland Arts



#### SADA Board 15 December 2009



#### Director planned off island trips

#### All previous trips (international only) since formation of SADA

19 January 2007 New York APAP Conference 16 August 2007 Milwaukee Milwaukee Irish Festival 22 November 2008 Farum, Demark Opening of Veer North

'Crossing Waater' Exhibition

3 October 2009 Melbourne/ Broome World Social Enterprise Forum/

CEiS Study Trip

#### Future planned trips

When	Where	Why
07/12/09	Edinburgh	MMM event – taking part in a panel discussion
		exploring the challenges of changing funding
		landscape
25/01/09 - 26/01/09	London	Aprox 10 meetings with national media, film and
		music organisations exploring involvement in Mareel
27/01/09 - 31/01/09	Glasgow	Celtic Connections – attending Showcase Scotland
		and attending a range of networking events and
		meetings to promote Mareel and Shetland music.
25/02/09 -	Inverness	HISEZ Conference – speaking at conference regards
27/02/09		cultural social enterprise.

# Notes of Mareel Stakeholders meeting held at Shetland Museum and Archives, Learning Room, Lerwick on Wednesday 28<sup>th</sup> October 2009 at 6.00pm

#### Present:

Gwilym Gibbons (Chair)
Thomas Cockayne
Pete Glanville
Linda Glanville
Davie Gardner
Fraser Mouat
Stuart Hubbard
Bryan Peterson
Louise Thomason
Neil Riddle
Tim Bentley
Alan MacLeod
Joe Robertson
Louise Morris (Minutes)

No. Item Action

#### 1.0 Welcome

1.1 Gwilym welcomed everyone to the meeting.

#### 2.0 Construction Update

- 2.1 Piling work is complete: 160 piles haven been drilled into the bedrock. These piles will be linked to reinforced steel beams creating a floating structure so as not to put pressure on the sea wall. Ground slabs are being poured and block work is due to start in a couple of weeks.
- 2.2 The temporary structure on the car park site is the DITT site office and canteen. Near the end of the contract the site office will be removed and reused, and work on the car park will be completed.
- 2.3 The structure is due to be water tight by May/June 2010, with the first fit of M&E around that time. Commissioning and handover of the building is scheduled for early 2011.
- There has been a long-running issue regarding the Scottish Water pumping station located on the corner of the site. The switch gear contained in the pumping station has now been temporarily rehoused in the green control box next to the site. The pumping station has been dismantled. Once the building is complete the switch gear will be occupy a dedicated space in corner of the building.
- 2.5 The coastal walkway has been closed temporarily during construction. It will re-open near the end of the contract.

#### 3.0 Review of plans

3.1 Gwilym will check that the most recent plans have been added to the GG Shetland Arts website.

#### 3.2 Ground Floor

Approach to entrance from car park across a raised pedestrian walkway to 2 ½ storey glass entrance. Located on the ground floor are the foyer, box office and concession stand, main cinema, staff areas and café bar. The café bar will have 2 ½ storey of glass with views of the sea and museum.

The auditorium and sterile backstage area is also located on the ground floor and will have 362 seated capacity and 650/700 standing capacity (depended upon licensing).

The stage will be half fixed, half removable and will be around 6 metres deep.

#### 3.3 <u>First Floor</u>

Located on the first floor are the main cinema, second cinema, media production room, recording studio, dance/rehearsal space and café' bar. There will be a soft seating on the way to the cinemas and café bar which will have power and network points for people to work at.

The second cinema will have a raised platform for presentations and lectures and will be available for private hire. Gwilym will check the size of the second cinema screen.

#### 3.4 Second Floor

The second floor space is in development and is additional to the original plans. It will be home to a teaching/meeting room, space for creative industries and the plant room.

- 3.5 Linda asked if the cinema seating would be fixed. Gwilym confirmed that the seating in the main cinema would be fixed and there would be potential for the front row of seats in the second cinema to be removable.
- 3.6 Thomas queried whether there would be any problems with the use of induction loops for the hearing impaired. Gwilym has raised this with the venue consultants. The control room may need to be shielded so as not to cause interference.
- 3.7 The seating capacity of café bar will be around 45 50 seated. The space will be flexible and seating can be removed.
- 3.8 The final decision on digital vs analogue has not been made for the

GG

recording studio and main house desks.

3.9 Davie asked where the college elements of Mareel would be located. Gwilym clarified that Mareel will have a capacity for 15 students. The education space will consist of the second floor teaching space, second cinema, media production and recording studio. There will also be power and network points along the first floor seating area where students can work.

#### 4.0 Social Enterprise

4.1 The governance structure of Shetland Arts is currently being reviewed by Trustees. It is likely that Mareel will operate as a social enterprise trading arm of Shetland Arts. A social enterprise is a more than profit business with a wider social outcome. Gwilym noted this is due to the restriction of public sector funds over the next two years and the necessity of Mareel to break even. Any surplus made by Mareel will be reinvested into arts development.

#### 5.0 Q&A

- Davie asked if the social enterprise model would compliment or threaten the private sector. Gwilym noted that although Shetland Arts would be tendering for contracts from time to time it would not be in the interests of Shetland Arts to use other funds to undercut the private sector. There is a need for Mareel and other activity Shetland Arts undertakes to operate more commercially and seek to generate income to reinvest in arts development. Gwilym also noted that Shetland Arts generates a lot of work for the private sector and he felt that the opening of Mareel will on balance add opportunity for creative industry growth in Shetland. That was also the view of the Economic Displacement Study carried prior to funding approval.
- Davie raised awareness of the difficulties of getting musicians with instruments and equipment to Shetland. It was noted this was a collective pressure and needs to be looked at in depth. Bryan and Davie will meet to discuss.

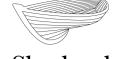
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- 5.3 Alan asked when Shetland Arts would be looking to take on new staff for Mareel. There will be a phased lead-in from 6 months to 2 weeks before opening.
- It was queried how much security staff would be needed at an event at Mareel. Gwilym said that each event would be different and subject to a risk assessment considering scale, demographics, types of music and likely behaviours of crowd etc.

#### 6.0 Date and time of next meeting

6.1 Monday 1<sup>st</sup> February 2010, 6pm in the Learning Room, Shetland Museum and Archives.

# **Defining Project Responsibilities**



#### PERSONNEL

Shetl	land	arts
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PERSONNEL										
TASKS/ACTIVITIES	Gwilym Gibbons	Kathy Hubbard	Richard Wemyss	Bryan Peterson	Jon Sandilands	Keith Morrison	Michael Stout	Louise Morrison		
Strategic marketing and sponsorship										
Governance, legal, staffing and finance										
Venue and events management - to include										
licensing and health and safety										
Arts development and stakeholder										
engagement (outreach and links to current activity)										
Venue marketing and communications										
Mareel based formal and informal education										
Film programming pre staff										
Music hall programming pre staff										
Tech. equipment purchase										
Admin support pre staff										
Café bar equipment, franchise and design										

#### **Milestone Chart**



Main milestones/phases shown on higher chart, and sub-milestones for each phase on charts below

					7	ГІМЕ	[mon	ths]							
MILESTONES	Responsibility	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan
Review governance structure	Gwilym Gibbons			03/2											
Review Business Plan	Gwilym Gibbons				18/3										
Revise staffing structure	Gwilym Gibbons						04/5								
Devise and agree sponsorship plan															
Devise and agree Overseas Marketing Plan															
Review outline programme for year 1															
Develop outline programme for month 1															
Develop and agree recruitment plan															
Develop and agree brand identify			22/1												
Formalise FE space agreement	Gwilym Gibbons														
Develop vocational training scheme															
Form regular space user target list	Kathy Hubbard														
50% of target space user secured	Kathy Hubbard														
Review proposed cinema programming	Kathy Hubbard														
method															<u> </u>
Set up venue spaces on Artifax															<u> </u>
Start taking bookings for months 1 - 6															<u> </u>
Start selling event tickets															
Induct staff to building and organisation															

#### SHETLAND ARTS DEVELOPMENT AGENCY BOARD AGENDA FORWARD PLAN 2009 / 2010

**REVISED: 10 December 2009** 

Date of meeting	Item 1	Item 2	Item 3	Item 4	Item 5	Item A CLOSED ITEM	Item B CLOSED ITEM
Tues 15 Dec.	Approval of budget 2010/11	Ways to engage the public	MMM Consortia Bid	Appointment of Vice Chair			
Wed 3 Feb. 2010	Shetland Endowment for the Arts (SEA)	Events and Venues Report	Exhibition Strategy	Craft Curatorial Strategy		Governance review	
Thur 18 March 2010	Draft Business Plan Review	Meeting patterns, sub- groups and committees	Overseas Strategy			Staffing structure review	
Tues 4 May 2010	Outline 10 year plan for the development of The Garrison	Arts Development Manager Report	New staffing structure approval				
Wed 16 June 2010	Marketing and Communications Strategy						
Thur 19 Aug. 2010	Draft Audited Accounts	Events and Venues Report	Outline 10 year plan for development of Bonhoga				
Tues 28 Sept. 2010	Approval of Audited Accounts	Marketing and communications report					
Wed 10 Nov. 2010	Shetland Arts Business Plan Review	Arts Development Manager Report	Approval of Annual Budget 2011/12				
Thurs 16 Dec. 2010							

**Regular items for all Board Meetings** 

Management Accounts
Mareel Construction Board Mareel Operations Board Hansel for Art Promises Action Plan Update

#### Other key dates:

#### **Trustees Arts Development Meeting**

1 December 2009

#### Finance Sub Group (4pm at Toll Clock)

28 October 2009

1 December 2009

25 January 2010

8 March 2010

23 April 2010

7 June 2010

9 August 2010

17 September 2010

1 November 2010

6 December 2010