



## **Executive Director Community Services**

### **Report title: Appointment of Programme Delivery Partner for London Borough of Culture 2022**

**Date:** 20 September 2020

**Key decision:** Yes.

**Class:** Part 1.

**Ward(s) affected:** All Wards

**Contributors:** Director of Culture, Libraries and Learning

### **Outline and recommendations**

The purpose of this report is to seek permission from the Executive Director for Community Services to appoint a Programme Delivery Partner to work with the council to deliver our creative programme for London Borough of Culture 2022.

The Executive Director for Community Services is recommended to approve the appointment of the Albany as a Programme Delivery Partner for Lewisham London Borough of Culture 2022. The agreement value is £225k.

## Timeline of engagement and decision-making

A funding bid was submitted to the GLA in October 2019 and funding was awarded on 11 February 2020. A delegated authority report to the Executive Director for Community Services to seek permission to undertake an open call to find a programme delivery partner was approved on 27 February 2020.

### 1. Summary

- 1.1. On 11 February 2020 the GLA named Lewisham as London Borough of Culture 2021. Due to the impact of Covid 19 on the public and cultural sectors it has been agreed with the GLA to postpone Lewisham London Borough of Culture to 2022. Lewisham Council will receive £1.35m towards a cultural programme for the year. The programme will be delivered by an enhanced Culture Team within the council working with a group of specialist delivery partners. An open call to find a programme delivery partner closed on 16 March 2020. This report seeks permission to appoint the Albany as the first of these delivery partners that will support a number of strands of the proposed programme.
- 1.2. The value of the agreement is £225k.

### 2. Recommendations

- 2.1. The Executive Director for Community Services is recommended to approve the appointment of the Albany as Programme Delivery Partner for Lewisham London Borough of Culture 2022 at a value of £225k.

### 3. Policy Context

- 3.1. The contents of this report support the council's corporate strategy 2018-2022 priorities as follows:
- 3.2. *Open Lewisham: Lewisham is a welcoming place of safety for all, where we are strengthened by our diversity* – One of the key strands of Lewisham's Borough of Culture programme is a celebration of the borough's diversity and our status as a Sanctuary Borough.
- 3.3. *Giving children and young people the best start in life* – we will be giving every Year 7 pupil in Lewisham a creative careers intervention to ensure all our young people have equal access to careers in one of the largest sectors of London's economy.
- 3.4. *Building an inclusive local economy* – we will be using culture to give a voice to some of our most marginalised communities.
- 3.5. *Making Lewisham Greener* – we will be using culture to raise awareness of the Climate Emergency and inspire people to take action.

### 4. Background

- 4.1. In May 2019 the GLA put out a call for applications to the second round of their Borough of Culture Scheme. Waltham Forest was the first council to be named

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London Borough of Culture in 2019 followed by Brent in 2020. After an extensive engagement and bid development period, Lewisham Council submitted a bid in October 2019. On 11 Feb 2020 the GLA announced that Lewisham Council had won the title of London Borough of Culture 2021 and would be awarded £1.35m of GLA funding towards delivery of a year of cultural activity as outlined in the bid.

- 4.2. In late March 2020 as the impact of Covid 19 became clearer, a joint decision was taken by the GLA and Lewisham Council to postpone Lewisham Borough of Culture to 2022. Mobilisation for the year was paused so that the Culture Team could support Covid response. It is now necessary to restart the mobilisation plan in order to prepare for the programme to commence in January 2022.
- 4.3. The mobilisation plan has been approved by the Executive Management Team to recruit additional officers to enhance the in-house Culture Team and to appoint a number of specialist delivery partners. The first of these is the Programme Delivery Partner who will support the council by taking the lead on developing and delivering 5 strands of the creative programme.

## 5. Services Required and Selection Process

- 5.1. The council was seeking an organisation with extensive knowledge of Lewisham's cultural sector and diverse communities, substantial experience of developing and producing multi art-form programmes and a strong track record of securing funding from trusts and foundations, earned income and sponsorship.
- 5.2. The organisation will lead several areas of the creative programme and will be responsible for:
  - 5.2.1. Project development – detailed development of the initial projects ideas in the bid. This will need to be done in consultation with key stakeholders and the council's culture team and be in line with the outline bid budget.
  - 5.2.2. Fundraising – the programme delivery partner will be responsible for securing £550,000 of match funding for the creative programme in the form of grants from trusts, foundations, lottery distributors etc, sponsorship, earned income such as box office and ancillary income.
  - 5.2.3. Project delivery – commissioning artists and arts organisations, issuing contracts, identifying venues, applying for licences as required, recruiting staff etc.
  - 5.2.4. Marketing & Sales – devising and delivering marketing campaigns for ticketed events and managing box office and ticket sales.
  - 5.2.5. Event management – event planning, risk assessments, venue management, technical support and production management.
  - 5.2.6. Community Engagement and audience development – ensuring the widest possible reach for all Borough of Culture projects and events. Recruiting participants. Attracting diverse audiences.
  - 5.2.7. Monitoring and Evaluation – ensuring projects are monitored and evaluated in line with Lewisham's Borough of Culture 2021 outcomes framework.

Other options for resourcing Borough of Culture programme delivery were considered. The council does not have the in-house capacity to deliver a programme of this scale. A mixed approach of enhancing the in-house team and working with external delivery partners will provide the best mix of skills and experience. The services being sought fall outside of the OJEU requirements and therefore do not apply. An open call for a delivery partner was used. This describes the profile of the type of organisation the council is seeking to partner with and the services we need them to provide. The call also outlines the criteria for selecting the successful partner and the weighting. This

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document is attached at Appendix A.

5.3. The delivery timetable is as follows:

Activity	Date
Executive Director approval to tender	27 Feb 2020
Call for Partner published	28 Feb 2020
Deadline for submissions	16 March 2020
Executive Director Decision	20 September 2020
Call in period	20-29 September 2020
Partner mobilisation	October - December 2020
Funding Agreement ends	Feb 2023

## 6. Submissions

- 6.1. Sixty one organisations requested the application pack but only two submissions were received. One of these submissions was not made on the application form and did not address the full criteria so was not eligible for scoring. It did however, contain some interesting proposals and the Culture Team will ensure that this organisation is made aware of all future opportunities to get involved in the programme. A full application was received from the Albany and this was assessed against the criteria as detailed below.
- 6.2. The Albany's application fully met all criteria and achieved a score of three out of three in each category.

Criteria	Comment	Score
Artistic & Community Track Record	<ul style="list-style-type: none"> <li>The Albany have been based in Lewisham for over 100 years, have 26 resident arts and community organisations and work with over 230 different local groups each year. They were the delivery partner for Lewisham's Cultural Impact Award in the first round of Borough of Culture and managed the Age Against the Machine festival of creative ageing with the council and a wide range of partners. The application provided evidence of local, national and international arts partnerships.</li> <li>The Albany is a highly successful local organisation with a national and international reputation. The organisation has strong leadership and a staff team with a broad range of expertise. The organisation has the highest percentage of BAME staff (41%) for any major funded arts organisation in the country. The application gave numerous examples of successful co-productions with communities and cultural</li> </ul>	3

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	<p>organisations. In the last three years they have made connections with 18 countries spanning 5 continents.</p> <ul style="list-style-type: none"> <li>• The Albany have invited to lead national projects and have won critical acclaim and awards for their work. They have a strong track record of supporting emerging artists including Kate Tempest whose ground-breaking production 'Brand New Ancients' they co-commissioned in 2012.</li> <li>• The Albany demonstrated that they share our values in relation to London Living Wage, equalities and environmental sustainability. They provided their Equality Action Plan that addresses all the protected characteristics as well as socio-economic disadvantage. They are rated 'strong' by Arts Council England, reached the 'Gold Standard' and been awarded an Outstanding Attitude Award for their efforts to improve accessibility for disabled people.</li> <li>• The Albany fully embraces the opportunity that Borough of Culture provides to Lewisham, its creative sector and its residents.</li> </ul>	
Approach to Delivery	<p>The Albany's Chief Executive and Artistic Director – Gavin Barlow will personally lead the organisation's work on Borough of Culture with a mixed team of existing staff and new recruits. They will use their excellent track record of partnership working and co-production to develop the programme with local, regional and international partners. Their application provided milestones for the development and delivery of the programme strands and a sound methodology. They will work closely with the Lewisham Council Culture Team on delivery to co-ordinate fundraising, marketing and engagement activity. The application provided strong evidence of their track record and expertise across all aspects of delivery.</p>	3
Financial Management and Fundraising Track Record	<ul style="list-style-type: none"> <li>• At the end of financial year 2018/19 the Albany had reserves of £245,497, approximately 10% of their turnover. They have strong financial management systems and have experience of managing multi-million pound contracts.</li> <li>• The Albany has raised just over £1.5m over the last two years from a wide range of sources. They have made 77 applications and have succeeded their target success rate.</li> <li>• In 2018/19 60% of the Albany's turnover was from earned income and they have substantial experience of marketing and sales.</li> </ul>	3

- 6.3. As the application was made before the full impact of Covid 19 was known, further due diligence has taken place with the Albany in relation to the impact of lockdown on their financial viability and their ability to adapt to meet the changed timetable for Borough of Culture. The Albany have made full use of the government furlough scheme and have managed to retain all of their staff, although they are holding a number of vacancies. They have accessed several covid emergency funding pots and made appropriate changes to financial planning. They anticipate retaining a reasonable level of reserves at the end of the financial year. The Albany have confirmed that they are able to adapt to the new timetable for London Borough of Culture.

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## 7. Financial implications

- 7.1. This report seeks approval for the appointment of the Albany as Programme Delivery Partner for Lewisham London Borough of Culture 2022. The contract value is £225,000.
- 7.2. Lewisham council has been awarded £1.35m by the GLA towards London Borough of Culture. The total expenditure for the year is anticipated to be £3m. This will be funded through a once off budget uplift of £500k, £600k additional funding to be provided by Lewisham Council through alignment of existing budgets, income generation and fundraising. £550k of funding to be raised by the Programme Delivery Partner. The £225,000 fee for delivery of this contract will be taken from the GLA funding.

## 8. Legal implications

- 8.1 The Council's Constitution contains requirements about how to procure and manage contracts. These are in the Contract Procedure Rules (Constitution Part IV). Some of the requirements in those Rules are based on the procurement Regulations (Public Contracts Regulations 2015) with which the Council must comply. This contract falls under the Light Touch Regime under the Regulations, which relates to services such as health, social and related services, such as culture. Given the value of the contract the Regulations do not apply. The requirements of the Contract Procedure Rules have been satisfied by an open tender procedure. As a Category B contract, it is for the Executive Director to take a decision on the award of the contract.
- 8.2 The report seeks approval to award a contract to the Albany to help deliver the creative programme for the London Borough of Culture 2022. The report sets out the procurement process undertaken and the rationale for awarding the contract to the Albany.
- 8.3 This decision is a Key Decision under the Constitution as it has a value of more than £200,000. It is therefore required to be contained in the current Key Decision Plan.
- 8.4 The Equality Act 2012 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 8.5 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

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- 8.6 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-actcodes-ofpractice-and-technical-guidance/>

- 8.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

The essential guide to the public sector equality duty

- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

- 8.8 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at

<http://www.equalityhumanrights.com/advice-and-guidance/public-sectorequalityduty/guidance-on-the-equality-duty/>

## 9. Equalities implications

- 9.1. The Lewisham Borough of Culture bid was developed and designed to be inclusive. To give a voice to our most marginalised communities, to celebrate our diversity, to challenge the inequality of opportunity for BAME people and disabled people within the cultural sector. The council is in the process of establishing a Culture and Diversity Advisory Forum to act as an expert panel providing advice on the development of the Borough of Culture Programme. The Albany have a strong track record for equalities. They have an Equality Action Plan that addresses all the protected characteristics as well as socio-economic disadvantage. They are rated ‘strong’ by Arts Council England, reached the ‘Gold Standard’ and been awarded an Outstanding Attitude Award for their efforts to improve accessibility for disabled people.

## 10. Climate change and environmental implications

- 10.1. One of the main strands of Lewisham Borough of Culture 2021 is Climate Emergency. The year’s programme includes a number of projects designed to raise awareness of climate emergency and to galvanise people into action. Lewisham’s delivery of Borough of Culture will need to exemplify our determination to reduce our carbon footprint. The organisation appointed to be our Programme Delivery Partner will need to demonstrate how they will work with us to achieve that.

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## 11. Crime and disorder implications

11.1. There are no specific crime and disorder implications arising from this report.

## 12. Health and wellbeing implications

12.1. The Lewisham Borough of Culture outcomes framework includes health and wellbeing outcomes which will be used to measure the success of the year.

## 13. Social Value implications

13.1. Social value through this contract will be focussed around local labour, jobs and business opportunities within the cultural sector. The Albany will be expected to work with sole-traders and small emerging arts organisations as part of the supply chain and as training and capacity building.

## 14. Background papers

14.1. Report to Executive Director Community Services to seek permission to tender for Programme Delivery Partner for London Borough of Culture.

## 15. Glossary

Term	Definition
GLA	Greater London Authority

## 16. Report author and contact

16.1. Liz Dart, Director of Culture, Libraries and Learning, [liz.dart@lewisham.gov.uk](mailto:liz.dart@lewisham.gov.uk)

### Decision:

I hereby give approval to the appointment of The Albany as Programme Delivery Partner for the Lewisham London Borough of Culture 2022 at a value of £225k.



Tom Brown \_\_\_\_\_  
Executive Director for Community Services

Date: 17 September, 2020

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