

Contract to provide Leisure and Culture Services

Schedule 3 Specification

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Owner	People & Change Directorate

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Version Number	Version Date	Summary of Changes
1.1	21/01/22	First draft of new specification to replace V1.0
1.2	02/03/22	Revisions to reflect consultation with the Cabinet Members and the Cheltenham Trust
1.3	10/03/22	Revisions to reflect further feedback from Cabinet, Executive Leadership Team and the Cheltenham Trust, plus reformatting
2.0	05/04/22	Final version of new specification signed off by Cabinet on 5 April 2022

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Section One – Specification Principles

Preface

- 1.1. This document specifies Cheltenham Borough Council's requirements of the Cheltenham Trust in its provision of leisure and culture services. It forms part (Schedule 3) of the contract between the Council and the Trust.
- 1.2. This specification replaces the specification agreed in 2014. It has been updated to support the ongoing recovery of both the Trust and Cheltenham as a whole from the impact of the pandemic and to ensure the annual management fee is allocated for specific agreed activities. This revised specification is reflective of the maturing relationship between the Council and the Trust.
- 1.3. This specification will be reviewed and updated (as required) on an annual basis.

Partnership principles

- 1.4. The Council, working in partnership with The Cheltenham Trust, is focused on the vision of Cheltenham as a great place to live in and visit. Through the contract and this specification, the Council has put in place a framework that will allow the contractual relationship to thrive and achieve its shared ambition for Cheltenham.
- 1.5. The relationship between the Council and the Trust remains rooted in the partnership principles set out at the beginning of the contract and reflected throughout this specification. The partnership principles are:
 - 1: strategic focus:** concentrate on maximising the contribution of leisure and culture to the future success of Cheltenham.
 - 2: supportive relationships:** work to encourage and foster positive working relationships with the council as well as local, regional and national partners.
 - 3: creativity:** encourage new ideas for improving Cheltenham's creative offer and quality of life and for projecting its vibrancy.
 - 4: accountability:** ensuring that the Trust's service provision is safe, protects the town's heritage and provides value-for-money.

Section Two – Outcomes and Activities

- 2.1. This section sets out areas of focus (outcomes) for the Trust that support:
- The Place Vision for Cheltenham
 - The post-Covid recovery plan
 - The Communities Partnership updated set of priorities
- 2.2. A programme of required activities is also specified by the Council to be delivered by the Trust that align to the above points and assist to improve health and wellbeing.

Primary and secondary outcomes

- 2.3. The table below sets out the high level outcomes the Council expects the Trust to work towards. The Council and the Trust will work together to develop a suite of key performance indicators to enable progress to be demonstrated.

Primary outcome	Secondary outcomes
The Trust plays its part helping people and communities thrive in Cheltenham	Help to improve physical and mental health and wellbeing through opportunities for people to engage and participate in activities and events
	Increase engagement with children and young people in activities and events and promote opportunities for their learning and development
	Ensure that the Trust’s annual programme of events and activities helps to address social and economic inequalities and promote diversity and inclusion
	Develop opportunities for learning and developing new skills through workshops, talks, events and activities and through its associate (volunteer) roles
	Work in partnership (wherever possible) to support grassroots sports, leisure and cultural groups, clubs and organisations

Primary outcome	Secondary outcomes
<p>The Trust plays its part in enabling culture and creativity to thrive in Cheltenham</p>	<p>Ensure that the heritage assets (buildings and our collections) managed by the Trust continue to be protected, enhanced and are accessible to the local community and visitors</p>
	<p>The Trust supports Cheltenham’s Culture Board (and the wider cultural sector) to develop and implement a new Culture Strategy that will enable Cheltenham to fuse culture, heritage and digital innovation</p>
	<p>Deliver a range of cultural activities to increase footfall and support the local and visitor economy</p>
<p>The Trust is focused on becoming more financially sustainable and with robust governance arrangements</p>	<p>Maximise income opportunities and potential across all venues and spaces, as set out in the Trust’s revised five year business plan</p>
	<p>Review long-term vision for all venues and the level of investment required to enable the Trust to move towards becoming financially self-sufficient</p>
	<p>Ensure robust governance adopting an open book approach to financial and performance reporting and risk management</p>
	<p>Reduce carbon emissions and energy consumption in partnership with the Council and also implement environmental improvements aligned to the Trust’s five year business plan</p>
	<p>Ensure its venues and services are compliant with equality legislation and support people who share the defined protected characteristics</p>

Programme of required activities

2.4. The activities below are ones the Council considers to be of particular importance and therefore expects the Trust to deliver and support.

1.	Retain free access to the permanent displays and wider cultural experience on offer at the Wilson (temporary exhibitions may still be ticketed)
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2.	Develop and implement a Cheltenham Trust concession card for eligible groups to ensure targeted support (detail to be agreed with council)
3.	Retain a discounted hire rates offer at the Town Hall and Pittville Pump Room for charities and community groups (detail of offer to be agreed with council)
4.	Retain the schools swimming programme (delivery of tuition to key stage 2) (Run as a not-for-profit activity)
5.	Requirement to honour any booking made for the Mayor making ceremony (Trust to invoice the council for an agreed amount)
6.	Requirement to honour any booking made for Cheltenham Festival of Remembrance (Trust to invoice the council for an agreed amount)
7.	Requirement to honour any booking made by the Mayor's Charity Appeal for an annual charitable event (Trust to invoice the council for an agreed amount)
8.	The Trust will continue to foster a positive relationship with the Holst Birthplace Trust (In terms of both care of the Collection and reciprocal communication/ publicity)
9.	The Trust will support the Council in its emergency planning, response and recovery duties (As set out in the Cheltenham Emergency Response Plan, including enabling access to emergency equipment stored at its facilities at all times and making its facilities available as reception centres / an emergency centre as required. Communication will be in accordance with the Emergency Response Plan)
10.	The Trust, with support from the council, must maintain full Museum Accreditation with Arts Council England and Designation status for Arts & Crafts Collection and any other parts of the Collection subsequently awarded Designation Status
11.	The Trust will work with the council on co-branding the community and cultural events delivered with support of the management fee and will actively promote the Cheltenham Lottery
12.	The Trust will complete annual assurance certificates and undertake an independent governance review of the Cheltenham Trust Board before the end of the current contract term (September 2024)

Section Three – Governance Framework

3.1. This section sets out the council’s expectations in respect of:

- The way in which the contract will be managed, including performance monitoring
- The Trust’s internal management controls, which will be tested annually through the council’s Certificate of Assurance
- When the specification will be reviewed
- Principles of communication, and
- Compliance with funding obligations

Contract management and performance monitoring framework

3.2. The Council and the Trust will collaborate to deliver the contract and the agreed outcomes.

Meetings

3.3. Formal quarterly meetings will be held with representatives from the Council and the Trust, as follows:

Council representatives	Trust representatives
Lead executive director	Chief Executive
Cabinet lead	Chair of Trustees
Lead commissioner	Head of Finance
Head of finance	Appropriate officers
Client officer	
Other cabinet members / trustees / officers may be invited to attend, as required	

3.4. Standing agenda items will be:

- General update and performance report
- Updates on key shared projects
- Financial position (Trust and Council)
- Risks and management of risk
- Forward planning/horizon scanning and investment plans

3.5. The council’s lead commissioner and chief executive of the Trust will liaise on a more frequent basis, at least monthly, unless otherwise agreed.

Reporting

3.6. The Trust will continue to adopt an open and transparent approach to the reporting of its financial performance and will provide the council’s Head of Finance with position updates on a monthly basis, or at intervals otherwise agreed.

3.7. The Trust will produce a summary performance report, including agreed KPIs, for the formal quarterly meetings (as set out in 3.3 above).

- 3.8. At year end, the Trust will produce an Annual Performance Report summarising, in a single document, the trust's performance in delivery of the contract and outcomes achieved as set out in the agreement. The aim of the report is to tell the Council, stakeholders and customers:
- How well the Trust is managing its money – accountability for the use of public funds
 - How the trust is achieving the outcomes – what the Trust has done over the past 12 months, how it has performed and the achievements of the Trust
 - How the Trust is working with the community
 - How the Trust is working with partners
 - How the Trust is reducing its environmental impact
 - What people say about the Trust's services
- 3.9. The Trust will be invited to attend the council's Overview and Scrutiny Committee to present its annual position statement and delivery of the agreed contract.

Annual review of specification, management fee and annual delivery plan

- 3.10. A review of the specification will be undertaken in the fourth quarter of each year by both parties.
- 3.11. The Trust will draft an annual delivery plan setting out how it will deliver the specification in terms of the outcomes, the required activities and associated key performance indicators, within the agreed management fee for the following financial year. This will be agreed by the relevant Cabinet lead, the ELT lead officer along with the lead commissioner.
- 3.12. The management fee will be allocated to agreed services and activities, aligned to the outcomes.

Annual assurance on standard of internal controls

- 3.13. The Council is required to provide annual assurance on the standard of internal controls which includes the overarching corporate governance arrangements with partnership organisations.
- 3.14. The Cheltenham Trust must ensure compliance with the requirements set out in Appendix 1, which will be tested through the annual Certificate of Assurance.
- 3.15. The Trust will work with the lead commissioner and client officer to complete the annual assurance certificate by agreed deadlines.

Principles of communication

No surprises: The Council and the Trust will identify potential issues and share important matters which could present risk to either or both organisations.

Joint planning: communications and campaigns for services aligned to the specification will be subject to a plan to ensure opportunities for collaboration and positive impact are maximised.

Maximising reputation and profile: the Council and the Trust will coordinate lobbying or efforts to influence partners, where appropriate, in order to achieve the shared vision and outcomes.

Compliance with funding obligations

- 3.16. Appendix 2 is a record of funding secured by the Council and the Trust to support leisure and culture services. This list will be reviewed and updated on an annual basis to aid transparency and understanding of the obligations placed on the council and/or the Trust in respect of the funding received.

Section Four – Environmental Management

CheltZero – net zero carbon by 2030

- 4.1. The Council declared a Climate Emergency in 2019 with the ambition to become a net zero carbon council and the borough by 2030. To achieve this, the Council and its partners need to take positive action including, but not limited to, reducing energy use, decarbonising buildings, using less fuel and reducing waste to landfill.
- 4.2. The Trust manages five venues, which are owned by the council and for which the council pays the utilities. In 2020/21 the Council spent approximately £860k on electricity and gas; around 47%, £400k, was spent on Trust run properties.
- 4.3. The Trust and the Council will collaborate to undertake the following activities:
 - Agree the benchmark for each building's current footprint with a view to agreeing energy budgets based on the benchmarks
 - Identify lead contacts who will meet regularly to discuss energy usage. It is envisaged these will be monthly meetings to start with. The Trust will also nominate other managers/staff to receive energy usage reports for their areas and take responsibility for managing energy use, unless otherwise agreed by the lead contacts
 - Action recommendations made by the Council to reduce usage, for example reducing excess refrigeration equipment, night time switch off routines
 - Implement a behaviour change programme to encourage actions and ideas for reducing energy consumption and raise awareness of the need to reduce the energy costs
 - Consider the impact on energy use of new initiatives and/or changes to building usage
- 4.4. The aim in the first year will be to reduce electricity consumption by 15%. Subject to the prevailing cost of energy, the Council will consider a shared savings scheme which could offer the Trust a percentage of the savings.

Wider environmental management

- 4.5. The Trust will implement its Environmental Management Plan, which is aligned to its five year business plan. The plan focuses on its partnership role to achieve net zero carbon by 2030 and its role in implementing environmental improvements across its business. The Trust will also ensure environmental issues are considered in business planning.
- 4.6. The Council will support the Trust with the environmental agenda.

Appendix 1 – Requirements for Annual Certificate of Assurance

Documentation

Management policies and supporting mechanisms for:

- Equality and diversity
- Health and safety
- Safeguarding children and vulnerable adults
- Customer relations
- Sustainability and climate change

Internal governance

- Development of arrangements to comply with the Companies Act and the UK Corporate Governance Code for companies
- Compliance with requirements of the Charity Commission
- Whistleblowing and/or confidential reporting policies
- Trust employees working on CBC work have no interests or conflicts in the CBC area

Performance management

Financial control

Risk management

- Business continuity plan (overall Trust plan and specific arrangements for The Wilson)

Assurance requirements may be subject to revision.

Appendix 2 – Record of Funding

Funding	Details / conditions
The Wilson	
Heritage Lottery Fund (2011)	Cheltenham Trust to remain aware of council obligations set out in grant agreement between HLF and the council which runs to March 2036; agreement has been provided.
The Summerfield Trust (March 2011)	Third floor exhibitions gallery will be named 'The Summerfield Gallery' in perpetuity. All publicity will acknowledge the Trust's support and include the Trust's logo.
The Foyle Foundation	The Education Space will be officially named 'The Foyle Learning Centre'. All publicity for the learning programme will acknowledge the Trust's support as 'The Foyle Learning Centre'
The Friends of CAG&M	The Picture Gallery will be associated with the Friends of Cheltenham Art Gallery & Museum and named 'The Friends Gallery'. All main publicity i.e. website and sponsors' board (during and post-completion) will acknowledge the Friend's support
Wolfson Foundation	The Study Area will be officially named 'The Wolfson Study Room'
Charles Irving Charitable Trust	Capital funding to deliver a new community art gallery (mezzanine floor) and arts café on the ground floor
Cheltenham Borough Council grant	To support delivery of new community art gallery, café and conversion of office space for new artist studios. Conditions as set out in grant agreement.
Designation Status for the Arts and Crafts Movement collection	The Designation logo to be used on all publicity for The Wilson
Leisure@ Cheltenham	
Sport England Lottery Grant for Swim Local pilot project – award to CBC March 2017 for capital expenditure	Funding used to improve disabled changing facilities and improve and make modifications to female changing area. Grant term is 25 years. As the capital project was completed several years ago it is assumed the requirements, eg permanent signage, were complied with at the time and continue to be so, as required. Promotion, advertising, sponsorship, merchandising or sale of tobacco-based products is prohibited for whole term. Cheltenham Trust to remain aware of the council's ongoing obligations, particularly the need to notify Sport England of capital works undertaken at Leisure@
National Leisure Recovery Fund	As set out in the Deed of Adherence between the Council and the Cheltenham Trust
The Cheltenham Trust	
Arts Council England Culture Recovery Fund	To mitigate loss of revenue and support recovery of Cheltenham Town Hall and Pittville Pump Room post pandemic

Appendix 3 – record of revisions to specification

Date of Revision	Change and Rationale	Agreed By