

CABINET MEETING – 14 SEPTEMBER 2021

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Collaboration Agreement with Sunderland Culture Ltd, the University of Sunderland, and the Sunderland Music, Arts and Culture Trust

Author(s):

Executive Director - Neighbourhoods

Purpose of Report:

To seek Cabinet's approval to enter into a new a Collaboration Agreement with Sunderland Culture Ltd, the University of Sunderland and Sunderland Music, Arts and Culture Trust.

Description of Decision:

Cabinet is recommended to:

- approve that the Council enters into a new Collaboration Agreement with Sunderland Culture Ltd, the University of Sunderland and Sunderland Music, Arts and Culture Trust; and
- delegate authority to the Executive Director – Neighbourhoods in consultation with the Portfolio Holder Vibrant City and the Executive Director - Corporate Services to agree the terms on which Sunderland Culture Ltd will continue to be responsible for the delivery and marketing of the cultural programme at the Sunderland Museum and Winter Gardens and Arts Centre Washington, and to enter into a 'Project Schedule' which will formalise this arrangement.

Is the decision consistent with the Budget/Policy Framework? *Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

The Collaboration Agreement between Sunderland Culture Ltd and its founding members will establish a new framework which governs the members respective rights and obligations in relation to each other, and which complements Sunderland Culture Ltd's existing Memorandum and Articles of Association.

Alternative options to be considered and recommended to be rejected:

Do nothing – this option is not recommended as it will not help to address any of the matters raised as part of Sunderland Culture Ltd's recent independent governance review.

Impacts analysed;

Equality ☒ **Privacy** ☐ **Sustainability** ☐ **Crime and Disorder** ☐

Is the Decision consistent with the Council's Co-Operative Values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28 day Notice of Decisions? Yes

CABINET – 14 SEPTEMBER 2021

COLLABORATION AGREEMENT WITH SUNDERLAND CULTURE LTD, THE UNIVERSITY OF SUNDERLAND, AND THE SUNDERLAND MUSIC, ARTS AND CULTURE TRUST

Report of Executive Director Neighbourhoods

1. Purpose of the Report

To seek Cabinet's approval to enter into a new a Collaboration Agreement with Sunderland Culture Ltd, the University of Sunderland and Sunderland Music, Arts and Culture Trust.

2. Description of Decision (Recommendations)

2.1 Cabinet is recommended to:

- approve that the Council enters into a new Collaboration Agreement with Sunderland Culture Ltd, the University of Sunderland and Sunderland Music, Arts and Culture Trust; and
- delegate authority to the Executive Director – Neighbourhoods, in consultation with the Portfolio Holder Vibrant City and the Executive Director - Corporate Services, to agree the terms on which Sunderland Culture Ltd will continue to be responsible for the delivery and marketing of the cultural programme at both Sunderland Museum and Winter Gardens and Arts Centre Washington, and to enter into a 'Project Schedule' which will formalise this arrangement.

3. Introduction/Background

3.1 In late 2020, at the Council's request Sunderland Culture Ltd commissioned an independent review of their governance, management, and financial arrangements, which was carried out by Counterculture Partnership LLP. The review was considered to be good practice and timely given the length of time Sunderland Culture Ltd has been operational, and its objective was to give greater clarity as to how effectively the governance arrangements and flow of funding through Sunderland Culture Ltd were operating in practice.

3.2 Counterculture Partnership LLP observed that Sunderland Culture Ltd was built on the strong personal relationships and connections between its founding members, and a shared agenda and desire to maximise external investment in culture for the City. Their review concluded that for its first five years of operation Sunderland Culture Ltd has effectively functioned in 'start-up mode', but at the same time has been an agile organisation, which was highly successful in attracting external funding from Arts Council England, and delivering the cultural programme throughout Sunderland.

- 3.3 The review also concluded that Sunderland Culture Ltd would benefit from embedding a longer-term strategic approach into its governance arrangements.

4. Current Position

- 4.1 The Council have worked with Counterculture LLP, Sunderland Culture Ltd, the University of Sunderland and Sunderland Music, Arts and Culture Trust to establish a new framework which will clarify their respective rights and obligations in relation to new cultural projects on which they may they decide to co-operate.
- 4.2 This enhanced decision-making framework has been reflected in the proposed Collaboration Agreement. The Collaboration Agreement also adds clarity to the way in which any new individual cultural projects may be developed in the future.
- 4.3 The Collaboration Agreement does not however seek to alter the decision-making structure which is already enshrined in Sunderland Culture Ltd's articles of association and charity law. The trustees of Sunderland Culture Ltd remain its final decision makers, and their duties and responsibilities to Sunderland Culture Ltd are unchanged.
- 4.4 The Collaboration Agreement also does not create any new financial or operational commitments from the Council. Should the Council wish to invest further in the operation of Sunderland Culture Ltd then any new proposal will be worked up following the approach outlined in the Collaboration Agreement, and in the first instance will be documented in a 'Project Schedule' between the participating members. Again, this new process does not amount to a transfer or delegation of any decision-making powers, and the Council's participation in all such future projects with Sunderland Culture Ltd and its founding member organisations will still need to be agreed and approved in accordance with the Council's constitution and its scheme of delegation.

5. Reasons for the Decision

The Collaboration Agreement between Sunderland Culture Ltd and its founding members will establish a new framework which governs the members respective rights and obligations in relation to each other, and which complements Sunderland Culture Ltd's existing Memorandum and Articles of Association.

6. Alternative Options

Do nothing – this option is not recommended as it will not help to address any of the matters raised as part of Sunderland Culture Ltd's recent independent governance review.

7. Impact Analysis

Equalities – There are no equalities impacts associated with entering into the proposed Collaboration Agreement. Each individual future project proposed under the Collaboration Agreement will however have a separate equalities analysis carried out, to help ensure that all those groups with protected characteristics are not discriminated against.

8. Other Relevant Considerations / Consultations

Financial Implications – there are no new financial commitments or liabilities that arise as a consequence of the Council entering into the Collaboration Agreement. All future Sunderland Culture Ltd projects which have a financial implication will be considered and submitted for approval in accordance with the Council's constitution and its scheme of delegation.

Legal Implications – The Assistant Director of Law and Governance has been consulted in relation to this report, and officers from Law and Governance have assisted with the development and drafting of the Collaboration Agreement.

The Public / External Bodies – in drawing up the Collaboration Agreement, consultation has been undertaken with Sunderland Culture Ltd, the University of Sunderland and Sunderland Music, Arts and Culture Trust.

9. List of Appendices

N/A

