

29 February 2016

Our ref. AR:\20151532

Mrs Rebecca Lowry
Heritage, Culture and Regeneration Manager
Wrexham County Borough Council
Crown Buildings
Chester Street
Wrexham, Wrexham LL13 8BG

Dear Mrs Lowry

**Application Number: 20151532 - Oriel Wrexham Arts and Cultural Centre -
Wrexham town centre.**

What we are offering you...

Following a decision made at a meeting held on 19 February 2016 the Arts Council of Wales is pleased to offer Wrexham County Borough Council a grant of £2,300,000.00 or 50.4% of eligible cost, whichever is the less, as a contribution towards the above project, as described in your application ref. 20151532.

The offer is subject to the following additional conditions:

A separate legal agreement between Wrexham County Borough Council and the Arts Council of Wales will be prepared and will incorporate the additional points listed below as Conditions Precedent.

1. WCBC and VVP funding towards the project should be confirmed in writing
2. An OJEU compliant procurement process should be followed for the appointment of the main construction contract
3. WCBC should agree an appropriate budget for inflation with Arts Council of Wales and subsequently prepare a costed risk register based on any revisions needed as a result of this offer letter. Contingency should be

included at a minimum of 10% but should be considered as part of a costed risk register to obtain a more accurate figure

4. As part of the detailed design work, an allowance of at least 1% of construction costs should be included for public art. This should be via the appointment of an artist/s by an open application process
5. Further consideration should be given to the design and functionality of the flexible/performance spaces. The design needs to reflect the ambitions of WCBC and we need to have confidence that it can physically accommodate the proposed programme of activity.
6. Further work is needed to develop the draft programme of visual arts activity. This will be reviewed by relevant Arts Council officers.
7. WCBC to provide a copy of the advice it has received confirming that all VAT will be reclaimable in respect of the project. Arts Council will be unable to fund these costs retrospectively if this assumption is invalid
8. Awarding of the grant is made on the basis that it does not imply any guarantee of further Arts Council of Wales revenue or project funding. Funding will depend on a number of changeable factors, including fit with current strategy, strength of application and availability of funding.
9. WCBC should provide written confirmation that the proposed PM will allocate 65-70% of her FTE role to the People's Market project as well as Project Officer and Finance Department support as necessary.
10. Arts Council of Wales should be consulted on all tenders, and be involved in the selection of the detailed design team and the main contractor. Briefs for the two contracts should be agreed with Arts Council before advertising
11. Construction should be completed to achieve a minimum BREEAM 'Very Good' rating
12. WCBC should consult with Arts Council of Wales to agree the Programme Board ToR and membership.

13. The proposed external treatment will require maintenance to keep it's 'crispness' and a suitable budget should be agreed and allocated to the ongoing costs of the centre.
14. The final project must be fully accessible and satisfy the requirements of the Equality Act. WCBC should agree to take note of and action the points raised in the Access Assessor's report, in particular taking note of those areas that are yet to be decided on
15. A comprehensive implementation plan should be developed and shared with Arts Council of Wales. This should include detailed analysis of how the management structure of the new organisation (with particular reference to the People's Market) will function, the posts and skills required and the timeline for implementation.
16. WCBC should agree the preferred governance model for running the People's market with Arts Council of Wales and should invite officers to be part of the trustee selection process
17. WCBC should confirm in writing that a minimum 25 year lease (after approval by the Arts Council of Wales) will be granted to the body responsible for running the People's Market once it is established. In particular the lease should contain a clause stating that responsibility for maintenance to the structure of the building (other than minor internal works) remains with the Council.
18. WCBC should confirm in writing that the annual shortfall of £79k identified in the business plan as well as the larger shortfalls of £188k and £127k in Yrs 1 and 2 are also guaranteed to be funded.
19. WCBC should confirm in writing that it will remain as the Arts Council of Wales' client responsible for this project until completion.
20. WCBC should revisit the Governance model and explore new vehicles for the structure of the body responsible for running the People's Market, once it is established.
21. WCBC should take further advice, in consultation with the Arts Council of Wales, on the proposed staffing structure of the new organisation.

You must agree with us that you have met these additional conditions before you can start your project.

In exceptional circumstances your project officer may agree that not all conditions have to be met before your project starts. If this is the case they will let you know in writing.

This offer is subject to Arts Council of Wales standard conditions of grant for Capital Projects (November 2010), which are enclosed with this letter.

In offering this grant Arts Council of Wales does not...

- a) give or imply any warranty of the accuracy or reliability of the information provided to the Arts Council of Wales by or on behalf of the applicant in connection with this application;
- b) undertake or imply any obligation to make further grants towards the project which is subject to this offer of grant, whether in the form of capital or revenue support.

Claiming your Grant payments...

Claims should be supported by actual costs incurred; payment will then be the percentage of eligible costs as indicated above. Please note that we are unable to make any payments to you without receiving this information.

Publicising your Arts Council of Wales Grant...

It's important that we demonstrate to the people of Wales the value of public funding to the arts. Public recognition and support for arts funding is crucial in helping us to persuade the Welsh Government of the essential role that public funding plays in sustaining high quality activity in communities and localities across Wales. Being able to recognise activity supported by the Arts Council is key to helping us make this case.

This is why one of the standard conditions of your grant is acknowledgement of Arts Council of Wales funding. This funding must be publicised on all published

and printed material (including online materials and any recruitment advertising). As an Arts Council of Wales grant recipient, the Arts Council of Wales, Welsh Government and the National Lottery logos should be displayed.



To download Arts Council of Wales logos and to access our brand guidelines please visit our website: <http://www.artscouncilofwales.org.uk/using-our-logos>

For printing options and technical specifications please refer to Arts Council of Wales Brand Guidelines enclosed.

(Please note that your grant may become immediately repayable in full if you fail to comply with this, or any other, condition of grant).

Freedom of Information...

It's important that you're aware of the Arts Council of Wales' obligations and responsibilities under Freedom of Information Act 2000 to provide on request access to recorded information that we hold. One of the consequences of these statutory responsibilities is that information we hold about you may be subject to disclosure, in response to a request, unless we decide that one of the statutory exemptions applies.

If you send us information that you believe to be commercially sensitive or confidential, this will need to be clearly marked. It would help us if you could explain briefly the reason(s) and appropriate timescales you would consider confidentiality to apply. This will assist us, in the event of a request, to substantiate our reason for applying the necessary exemption should we decide it would be appropriate to do so. However, you can't assume that by marking information as confidential or commercially sensitive that an automatic exemption will apply. Other factors would also need to be considered at the time, such as the nature and scope of information requested and the timing of that. (Freedom of Information

rules assume that confidentiality/commercial sensitivity usually diminishes over time).

Sometimes information, data and material of any nature comprises Personal data or Sensitive Personal data, (as terms are defined in the Data Protection Act 1998). If this applies, we'll not disclose any such confidential information to a third party without your consent.

What you do next...

This offer is valid for two months from the date of this letter. If you wish to accept the offer, please sign and return the enclosed 'Award Acceptance'. No payments will be made and your project cannot start until the 'Award Acceptance' has been received by Arts Council of Wales.

If you have any queries regarding this offer, please contact your Arts Council of Wales officer, Andrew Richards

Yours sincerely,



Kath Davies
Director of Investment and Funding Services

AWARD ACCEPTANCE

To: Arts Council of Wales
Investment and Funding Services Team
Bute Place
Cardiff
CF10 5AL

On behalf of Wrexham County Borough Council, I accept the Arts Council of Wales' offer of £2,300,000.00 on the conditions indicated in your letter of 22 January 2016 ref. AR:\20151532 and the Arts Council of Wales standard conditions of grant for Capital Projects (November 2010).

I confirm that the appropriate logos will be used by Wrexham County Borough Council to acknowledge Arts Council of Wales funding.

I confirm that I have read and understood all the aforementioned conditions.

I confirm that Wrexham County Borough Council is able to accept this grant subject to the aforementioned conditions, and will repay the grant in the event of the grant conditions not being met. I confirm that I have the authority to sign this acceptance on behalf of Wrexham County Borough Council.

Signed:

Name: (in block capitals)

Position in organisation:

Date:

PAYMENT DETAILS

Please confirm/provide details of your Bank/Building Society account, as payment(s) will be made via BACS.

Name of account holder:

Account number: [][][][][][][][] (must be 8 digits long)

Sort code: [][] - [][] - [][]

Name of your Bank/Building Society:

Full postal address of your Bank/Building Society:

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