

Arts Council England Cultural Capital Kickstart Fund: Guidance for applicants

Arts Council England



What can we fund?

Summary of key information

We fund capital expenditure for existing Arts Council capital grant holders who can demonstrate that a capital funding shortfall – due to Covid-19 related increased costs, fundraising underperformance and/or an extended completion date – will have a detrimental impact on:

- the delivery of the intended benefits outlined in their original application
- financial resilience post-opening

Who can apply?

Summary of key information

We can accept applications from existing capital grant holders that:

- have received a capital grant from one of the following strands:
 - Small Capital Grants (£100,000 to £499,999)
 - Stage Two award from Large Capital (£500,000 or over)
 - Cultural Development Fund (Round One)
 - Capital Grant in Aid(Please note: we can only accept applications from the original grant holder)
- started their project by 1 April 2020 and can make a valid first payment request no later than 30 April 2021. We define the project start date as the point at which your organisation made a commitment, financial or otherwise, to undertake the whole project
- have not received a final payment from the existing capital grant by 10 September 2020
- can demonstrate an urgent need for additional capital funding that is considered essential to the delivery of the intended benefits outlined in their original application

What activity can be supported?

Summary of key information

We fund capital expenditure, defined as an amount spent to maintain, repair or improve fixed assets that will be capitalised on your balance sheet. Applicants should provide evidence that the capital expenditure they have applied for will be spent by 30 April 2022 and is required to deliver the intended benefits outlined in their original application.

When is Grantium open for applications?

Summary of key information

12 noon on 24 August 2020

When is the deadline for applications?

Summary of key information

12 noon on 10 September 2020

How much can be applied for per application?

Summary of key information

There is no upper limit for applications, but we expect the amount requested to be proportionate to – and not in excess of – the capital grant previously offered.

Minimum partnership funding from other sources

Summary of key information

There is no minimum partnership funding requirement to be eligible for this fund. However, as we are unable to support the full financial shortfall, we expect you as far as possible to seek funding from elsewhere and to encourage existing stakeholders to provide increased contributions alongside our investment.

When must the activity take place?

Summary of key information

We can only support expenditure that will be capitalised on your balance sheet. We can only pay for costs that have been incurred since 1 April 2020 and not presented for payment as part of the original capital grant. If you are successful, we expect this grant to be used towards eligible capital expenditure over the following period:

- a valid first payment request must be made no later than 30 April 2021
- a final payment request must be made no later than 30 April 2022

When will we make our decision?

Summary of key information

We will aim to notify applicants of our decision no later than the end of November 2020.

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Section one – introduction

This guidance gives you the information you need to apply to the Arts Council England Cultural Capital Kickstart Fund.

Changes to this guidance or our programmes

We have designed and launched this fund quickly in order to ensure we can best support organisations. Because of this, we will be keeping our processes under review to ensure we are making the best use of our resources, particularly in relation to any further announcements by Government and any changing circumstances in relation to Covid-19. We reserve the right to make changes to this funding programme, which may include changes to the focus, timing, budgets or detail of funds. We will communicate any changes as quickly as we can.

Advice giving

The Capital team, Relationship Managers, Customer Services team, other Arts Council staff and appointed external monitors will not be able to offer specific, one-to-one advice about how to write your application or to read draft applications for this fund. We have designed this application process to be as straightforward as possible, requesting only the information we need.

However, we understand you will still be in regular contact with us about your ongoing situation, and someone from our Area team will continue to have these conversations. Your Relationship Manager will continue to be the first point of contact in most cases.

Our Customer Services team can help you to use the online application form or make any required updates to your applicant profile.

If your organisation is disabled-led and/or you have any access needs where you require further support to complete your application, please contact our Customer Services team on **enquiries@artscouncil.org.uk** or visit **www.artscouncil.org.uk/contact-us**

Section two – purpose of the fund

As part of our previous strategy, **Great Art and Culture for Everyone**, our capital investment helped us achieve our five goals set out in this strategy, particularly the aims within goal 3. The outcomes we expected to see from this investment included:

- our mission of great art and culture for everyone, particularly goal 3, 'The arts, museums and libraries are resilient and environmentally sustainable', is achieved
- the conditions are created for great art to be made, experienced and appreciated by everyone
- organisations are resilient, more sustainable and innovative businesses by improving their existing buildings and equipment
- increased environmental performance of buildings and equipment, supporting the reduction in carbon emissions in the arts sector
- greater impact from our investment in the arts by securing funding from other sources
- arts facilities are sustainable without the need for unplanned revenue funding from us

We remain committed to sustainable development and expect projects, as far as possible, to take account of all long-term benefits and costs – environmental, social and economic.

Let's Create (<https://www.artscouncil.org.uk/letscreate>), Arts Council England's Strategy for 2020-30, is built around **three Outcomes** (<https://www.artscouncil.org.uk/outcomes-0>) and **four Investment Principles**

(<https://www.artscouncil.org.uk/our-investment-principles>). They are designed to work together to achieve our vision of a country in which the creativity of each of us is valued and given the chance to flourish, and where every one of us has access to a remarkable range of high-quality cultural experiences.

Improved financial resilience, disabled access and environmental responsibility have been important factors for any capital project we have supported and remain relevant to us in delivering **Let's Create**

(<https://www.artscouncil.org.uk/letscreate>). In delivering our new Strategy, we want to ensure that the cultural infrastructure is fit-for-purpose and can meet the needs of communities and the people who work and create within them. All projects we support must ensure maximum independent access for disabled people (visitors, participants, artists and members of staff) has been reflected in the project plans. **Building Access: A best practice guide for arts and cultural organisations** (<https://www.artscouncil.org.uk/publication/building-access>) provides useful tips and sources of advice and information, as well as some case studies that demonstrate how Arts Council funded projects have overcome design and management challenges to achieve a high level of accessibility.

The Covid-19 pandemic has had a significant impact on existing capital projects, with many cultural organisations experiencing a budget shortfall due to issues such as: reduced staff capacity; fundraising underperformance; significant delay to project timetables; and related cost increases. Organisations who had begun their capital project prior to the pandemic have had to reduce capital activity or stop the project altogether. Many of these organisations are unable to consider appropriate contingency plans or reduce expenditure due to the advanced stage of project development. As a result, cultural organisations may reopen their doors in a much weaker financial position than they had anticipated before the current pandemic. The Covid-19 emergency has the potential to diminish the original aims of our capital investment which was to support organisations to develop resilience by having the right buildings and equipment to deliver their work.

This fund will help existing grant holders who can demonstrate that a capital funding shortfall – due to Covid-19-related increased costs, fundraising underperformance and/or an extended completion date – will have a detrimental impact on delivering the intended benefits outlined in their original application. Prior to applying to this fund, we expect these grant holders to ensure that all options have been explored and all other financial sources have been exhausted.

We want to demonstrate to our partners and stakeholders that we remain committed to seeing a thriving cultural infrastructure as part of our Strategy **Let's Create** (<https://www.artscouncil.org.uk/letscreate>). As we are unable to support the full financial shortfall, we expect existing capital grant holders to seek funding from elsewhere and to encourage stakeholders to provide increased contributions alongside our investment.

We will prioritise support to existing capital grant holders who demonstrate:

- a strong contribution to the Outcomes and Investment Principles set out in **Let's Create** (<https://www.artscouncil.org.uk/letscreate>), the Arts Council's Strategy from 2020-2030
- national reach, relevance and impact, including the development of the artform or discipline
- that the capital project is critical to the success and vitality of a place – in particular, its contribution to the public in places of lower cultural engagement
- that the impact of a Covid-19 related capital funding shortfall will have a detrimental impact on the operator's financial resilience post-opening
- that all available options have been considered and the capital plans have been tailored accordingly

- that the amount requested is proportionate to the level of our capital investment previously offered. We will not offer an amount in excess of the original grant
- that additional contributions to the capital funding shortfall from other partners or stakeholders are likely to be forthcoming as a result of our increased investment

Equality objectives

We are funded by the public and are accountable to them. We have identified the equality objectives set out below, which will enable us to best support communities that have been, or will be, most impacted by the pandemic, prevailing social injustice and wider economic repercussions.

We expect organisations seeking investment from us to tell us what plans they have to address the equality objectives. We believe organisations that are committed to achieving these equality objectives will provide greater benefit to the public. The equality objectives are:

- improving access to the sector for disabled, neuro-divergent and D/deaf workers, audiences and participants
- demonstrating meaningful engagement with, and opportunities for, Black, Asian and ethnic minority workers, audiences and participants
- challenging racism and embedding anti-racism values
- addressing specific disadvantages facing children and young people and older people as a result of Covid-19
- improving access to creative and cultural activities to those from lower socio-economic backgrounds

You should tell us how you will address these equality objectives in your application.

How much funding is available?

£55 million is available to support capital expenditure. This is a competitive fund. It is unlikely that the Arts Council will be able to consider providing increased financial support to every existing capital grant holder who applies. We will need to make difficult decisions based on the greatest need and the widest benefit to sustaining the cultural sector.

Requesting funding from us

This funding is intended to complement other funding and support available to organisations rather than duplicate it. You should only apply for funding if you cannot access support for those costs elsewhere. Think about how much you need to request from us. If you already have sufficient funding from other sources, please do not apply.

If you are applying jointly to us and other funders and/or go on to receive payments as donations in relation to your capital project, please let us know. We're anticipating that there will be heavy demands on everyone's support, so we want to make sure ours goes as far as possible. Please note that we will exchange information on applications to our funding programmes with other funders. Please check **gov.uk information** (<https://www.gov.uk/coronavirus>) to see what support you may be entitled to from the Government. Try not to apply to us for support you can get elsewhere as we want to make our money go as far as possible. We will also regularly update our advice on our **website** (<https://www.artscouncil.org.uk/covid19>).

Section three – eligibility

What we fund

We fund capital expenditure, defined as an amount spent to acquire, maintain or improve fixed assets such as equipment, furniture, fixtures, vehicles or buildings that will be capitalised on your balance sheet.

Who can apply?

We can accept applications from existing capital grant holders that:

- have received a capital grant from one of the following strands:
 - Small Capital Grants (£100,000 to £499,999)
 - Stage Two award from Large Capital (£500,000 or over)
 - Cultural Development Fund (Round One)
 - Capital Grant in Aid (Please note: we can only accept applications from the original grant holder)
- started their project by 1 April 2020 and can make a valid first payment request no later than 30 April 2021. We define the project start date as the point at which your organisation made a commitment, financial or otherwise, to undertake the whole project
- have not received a final payment from the existing capital grant by 10 September 2020
- can demonstrate an urgent need for additional capital funding that is considered essential to the delivery of the intended benefits outlined in their original application
- are applying for an amount not in excess of the original grant
- are applying for capital expenditure as defined in the **What can I apply for?** section of this guidance (page 15)
- can demonstrate that a first payment request will be made by 30 April 2021 and a final payment request no later than 30 April 2022

Who cannot apply?

We cannot accept applications from organisations that:

- are not in receipt of a capital grant from one of the following strands:
 - Small Capital Grants (£100,000 to £499,999)
 - Stage Two award from Large Capital (£500,000 or over)
 - Cultural Development Fund
 - Capital Grant in Aid
- are in Administration, going through an insolvency process or have been dissolved
- are applying for an amount in excess of the original grant
- have received the final payment from the existing capital grant by 10 September 2020
- are not applying for capital expenditure as defined in the **What can I apply for?** section of this guidance (page 15)
- cannot demonstrate that a first payment request will be made by 30 April 2021 and a final payment no later than 30 April 2022

We will view your application as ineligible if it does not meet our eligibility criteria outlined above and/or if it does not include the mandatory attachments set out in **Section four – making an application** (page 18).

What our funding will cover

The aim of this fund for existing Arts Council capital project grant holders is to reduce the impact of Covid-19 related funding shortfalls – due to increased capital costs, fundraising underperformance and/or extended completion dates – on the operator's financial resilience post-opening.

We can only provide additional capital funding that is considered essential to deliver the intended benefits outlined in their original application.

We will fund capital expenditure, defined as an amount spent to acquire, maintain or improve fixed assets such as equipment, furniture, fixtures, vehicles or buildings that will be capitalised on your balance sheet.

What can I apply for?

We can support the following capital expenditure provided it can be demonstrated that it is essential to the delivery of the intended benefits outlined in your original application and that it is related to/caused by the Covid-19 pandemic:

- construction costs related to refurbishing, modernising or improving existing arts buildings including appropriate allowances for contingency and inflation
- buying assets such as equipment (including digital and broadcast equipment, box office, ticketing, sales and customer relationship management systems), furniture, fixtures and vehicles, providing they have been purchased in accordance with the procurement requirements outlined in our **Standard Terms and Conditions for the Cultural Capital Kickstart Fund**
- additional equipment to ensure compliance with social distancing and other public health requirements
- works to increase the environmental performance of cultural infrastructure such as installing or retrofitting sustainable technologies or upgrading existing building fabric to enhance thermal performance
- improving access to cultural buildings so that there is inclusive access for everyone (artists, audiences, building users and staff)

- additional professional fees directly related to the project provided the appointments have been made in accordance with the procurement requirements set out in our **Standard Terms and Conditions for the Cultural Capital Kickstart Fund** and can be capitalised on your balance sheet
- VAT that you cannot recover from HM Revenue and Customs
- additional preliminaries (such as additional equipment hire, site security, site accommodation)
- remobilisation costs (such as additional costs for replacement suppliers/sub-contractors or increases in costs arising from supply shortages or substitute materials)
- costs of work falling in a different season (such as roof works planned to be replaced over the summer now to be done in winter)
- extension of time claims from contractors permitted under the construction contract
- storage, decant costs or prolonged rental period

Existing capital grant holders are expected to make full use of the Government's Covid-19 emergency financial support schemes where appropriate, approach existing stakeholders and consider their own financial resources before determining what level of support to apply for. If you are not making full use of these resources, then you will need to explain why not. Applying for this fund should be viewed as a last resort.

We cannot support:

- expenditure that will not be capitalised on your balance sheet
- costs that are not related to/caused by the Covid-19 pandemic
- costs that are already paid for by other income including your existing capital grant, your own funds or any other funding including Arts Council or National Lottery Heritage Fund emergency funds

- general running costs or overheads such as staffing, rent, insurance and maintenance costs
- closure costs – costs resulting from temporarily having to stop activities during the capital project
- costs towards evaluating your project
- goods, works or services that have not been procured in accordance with the requirements set out in our **Standard Terms and Conditions for the Cultural Capital Kickstart Fund**
- expenditure not considered essential to the delivery of the intended benefits outlined in your original funding agreement
- expenditure that was incurred prior to 1 April 2020 or that cannot be claimed for payment by 30 April 2022

Section four – making an application

When to apply

The online application form will open on Grantium at **12pm (midday) on 24 August 2020**.

Applications must be submitted by **12pm (midday) on 10 September 2020**. Applications submitted after this time will not be considered.

Application process

1. Read this guidance carefully

This guidance gives you information on how to apply.

2. Check the information in your applicant profile on Grantium is accurate and up to date

See the **guidance on our website**

(https://www.artscouncil.org.uk/sites/default/files/download-file/How_to_create_and_manage_your_account_and_applicant_profile_Mar2018.pdf).

3. Prepare and submit your application

You must apply through our **online application portal** (<https://applications.artscouncil.org.uk/frontOffice.jsf>).

Existing capital grant holders who meet the eligibility requirements set out in section three of this guidance will be able to access the online application form on Grantium. Your application form will be created for you by the Arts Council, and you will receive an email notifying you when your application form is available. If you are unable to access the online application form, please contact our Customer Services team on **enquiries@artscouncil.org.uk** or visit **www.artscouncil.org.uk/contact**

What you need to tell us

The application form will ask you a series of questions and will require you to detail your anticipated income and expenditure and to upload a set of mandatory attachments.

We will firstly ask for some basic details including the amount you are requesting from us and the period you would like our funding to cover (a valid first payment request must be made no later than 30 April 2021 and a final payment request must be made no later than 30 April 2022).

We will then ask you to detail the project income and expenditure. The application form will be pre-populated with a breakdown of the expenditure for your existing capital grant. You will need to provide the additional Covid-19 related costs which you are asking us to support.

Finally, you will need to respond to a series of questions under two criteria: 'Making a case', and 'Financial viability'. You do not need to use the full character count for each question if you do not feel it is necessary.

Criteria

Making a case

- Tell us how your project has been impacted by the Covid-19 pandemic and the urgent need for additional capital funding. **(up to 900 characters without spaces, approximately 150 words)**
- Tell us why this increased funding is essential to deliver the intended benefits originally proposed. You should tell us about the actions you have taken to reduce the costs or project scope before approaching us for further funding. **(up to 1,800 characters without spaces, approximately 300 words)**

- Tell us about your organisation's capacity to manage the project through to a successful completion, including how you will manage and mitigate risks.
(up to 1,800 characters without spaces, approximately 300 words)
- Tell us how increased funding would help you to contribute to **Let's Create** (<https://www.artscouncil.org.uk/letscreate>). This includes:
 - how it will support the operator's resilience post opening
 - how the project addresses our equality objectives outlined in **Section two** of this guidance (page 8)**(up to 3,100 characters without spaces, approximately 600 words)**

You are required to attach a timetable and risk register to support our assessment of 'Making a case' – see attachments section below. When assessing against this criterion, we will take into consideration our knowledge of your organisation and information we hold from monitoring your existing capital project, including any conditions of the original capital that have yet to be satisfied.

Criteria

Financial viability

- Tell us what other stakeholders you have approached and whether they have been able to offer additional financial support.
(up to 900 characters without spaces, approximately 150 words)
- Explain how the Covid-19 pandemic has led to additional cost increases, fundraising underperformance and/or other factors leading to the financial shortfall.
(up to 1,800 characters without spaces, approximately 300 words)

- Explain how you have calculated the amount you are applying for and whether these amounts are based on professional advice or confirmed quotations or tender documentation.
(up to 1,800 characters without spaces, approximately 300 words)

You are required to attach a cash flow forecast and stakeholder letters to support our assessment of your organisation's financial viability – see the 'attachments' section below. When assessing against this criterion, we will take into consideration your budget, cash flow forecast and stakeholder letters confirming increased funding.

Attachments

Please note we will only accept the mandatory attachments set out below (in the required format where a template is provided) in support of your application. Any other attachments will be disregarded for the purposes of assessment and decision-making.

You must upload the following mandatory attachments on the 'Attachments' screen:

- A cashflow (template provided). Your cashflow should demonstrate that:
 - the grant will be spent on eligible capital expenditure
 - a first payment request can be made no later than 30 April 2021
 - a final payment request can be made no later than 30 April 2022
 - we will retain 10% of the grant until the conditions of the final payment have been satisfied

- An up to date project timetable which should set out and include all major milestones. The level of detail will vary depending on the size and scope of your project but in all cases it should:
 - reflect all parts of your project
 - show when each part is expected to start and finish
- An up to date risk register covering all the risks you have identified with your project. It should include:
 - the risk and the likelihood of the risk occurring
 - the impact on your project if it does happen
 - how much each risk may cost – this will help you to check whether you have enough contingency set aside to avoid cash flow problems if something does go wrong
 - how you can prevent the risk or deal with (mitigate) it if it does happen
 - the person responsible for dealing with the risk
- Letters confirming increased support from stakeholders

Allowable formats: xls, xlsx. The limit on file size is **10 megabytes**.

After you submit your application

If we require clarification on any of the information provided, we will submit a further information request which you will need to respond to within two working days. If we do not receive a response from you within the allocated time we will process your application without the requested clarification. To determine the need demonstrated in your application, we will use 'prompts' that reflect the criteria and prompts set out in **Section four – making an application** page 18. We will apply ratings against the criteria as follows:

- **Not met:** the application does not sufficiently demonstrate need
- **Potential:** the application demonstrates limited need
- **Met:** the application sufficiently demonstrates need

Section five – how we will make our decision

We will make our decisions based on the information you provide in your application and supporting attachments (including cash flow forecast, risk register, timetable and confirmation of increased support from stakeholders), our knowledge of your organisation, information we hold from monitoring your existing capital project and any further information that we have specifically asked you to provide. We will also take into account any outstanding conditions that you may have from your 'Main Capital Grant Funding Agreement' (an award made under one of the strands noted in the **Who can apply?** section above page 13). If your application does not contain the information we have requested in the required format, we may not be able to consider your application.

We anticipate a high level of demand for this fund and unfortunately we are unlikely to be able to award funding to all organisations that apply or make awards at the full level requested. This is likely to mean that we will offer some organisations funding below the requested level. In deciding the level of funding to be offered, we will use our judgement based on the information provided to determine the minimum requirement.

In order to deliver the three Outcomes and four Investment Principles in our 2020-2030 Strategy, **Let's Create** (<https://www.artscouncil.org.uk/letscreate>), we need to maintain a strong, mixed national cultural ecology. We will consider how well-placed organisations are to help us deliver the Strategy, when the Covid-19 emergency eases. This will include consideration of the balancing criteria set out below:

- **Our equality objectives:** we want to make sure that, as far as possible, our funding supports cultural organisations that reflect the diversity of contemporary England. We will use information taken from your organisation's Grantium applicant profile about the diversity of your organisation's leadership to help us in this process and your response to 'Making a case' set out in your application
- **Geographic spread:** we will take into account the need to support cultural organisations across England. We will also consider whether your organisation is based in an area of low cultural engagement, as per the **Active Lives Survey** (<https://www.artscouncil.org.uk/participating-and-attending/active-lives-survey>)
- **Stakeholder support:** we will consider the extent to which your organisation can demonstrate increased financial support from other partners
- **Contribution to place:** we will take into account the relevance of the project to its wider cultural context and the success and vitality of a place

We will aim to notify all applicants of our decision by the end of November 2020.

If you are unsuccessful

We will write to you explaining the main reasons why your application was unsuccessful and telling you who to contact for more detailed feedback.

If you are successful

Any decision to offer funding will be subject to acceptance of a funding agreement and our **Standard Terms and Conditions for the Cultural Capital Kickstart Fund**, including any conditions specific to your project. Our offer may be for a different sum than that requested by you in your application.

The funding agreement starts on the date you accept the funding agreement by completing the online 'offer letter acknowledgement' form and ends when you have met all our terms and conditions. The submission of this form will be your formal and legal acceptance of the grant and the terms and conditions that apply to it.

Monitoring and evaluation

The funding agreement will set out how we will monitor your grant, including any documentation that we will require from you to ensure it meets the agreed outcomes. We expect you to progress your project in line with the timescales, specification and budget set out in your application. We will continue to monitor your existing capital grant as set out in your Main Capital Grant Funding Agreement. You must continue to provide any documentation that we require from you to ensure that any conditions of grant are satisfied as required.

We may decide to use independent advisors to help with our monitoring of your project. We will let you know as soon as possible if we are going to do this. Our advisors will request progress meetings with you, your project manager and the main members of your project team and will make site inspections. Our appointed advisors cannot agree changes to the approved purposes of your grant.

Security requirements

It is a standard requirement of our capital funding that we seek security from successful applicants. This means that we will require you to make legal commitments to secure the grant purpose. The form these take depends on the amount of grant and the type of organisation receiving the grant. These legal commitments will need to be in place prior to the release of any funding, which may affect your project cashflow. Our requirements on security and legal requirements are set out in the **Standard Terms and Conditions for the Cultural Capital Kickstart Fund**.

For this fund, in addition to considering our standard security requirements, we will also take into account the grant made available to you through the Main Capital Grant Funding Agreement as well as the security required for that award.

If the amount awarded under this fund together with the award made under the Main Capital Grant Funding Agreement is more than £500,000, we reserve the right to request security to cover the awards made under both funding agreements in line with our standard requirements. Similarly, it may be a requirement that you provide additional, consolidated or revised security for the awards made.

It should be noted that we will require any security under the Main Capital Grant Funding Agreement to be completed and registered accordingly prior to the release of the first grant payment under this fund as well as the Main Capital Grant Funding Agreement.

The details of the security required from you for this fund will be set out in your offer letter.

Section six – important information

Making a complaint

As an organisation, we will always listen to and respond to any concerns that you may have. If you would like to make a complaint about either the service you have received from Arts Council England or the way we have handled your application, we have a process that you can use.

Please note that Arts Council England does not have an appeal process and for this reason, we are unable to accept complaints that relate solely to the decision we have made rather than how we have made it.

For more information, please visit the 'Complaints' section of our website, under 'Contact us' (www.artscouncil.org.uk/contact). Additionally, you can email complaints@artscouncil.org.uk for more information.

Counter fraud measures

Arts Council England has a **Counter Fraud Strategy and Policy** (<https://www.artscouncil.org.uk/document/anti-fraud-policy>) and appropriate measures will be taken to ensure that grant holders given funding through this programme use the funding appropriately. This will include random sampling checks on a proportion of grants made. All grant holders must retain their financial and other documentation relating to the grant, and Arts Council England reserves the right to request this at any time.

State aid

Public funding for organisations carrying out commercial activities, including those with charitable status, is governed by the European Commission's 'state aid' rules.

State aid is defined by the treaty establishing the European Commission as 'any aid granted by a Member State which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods.' Arts Council England is regarded as a supplier of state resources alongside national, regional and local government bodies. Failure to comply with the rules means that the aid is unlawful and may be subject to repayment with interest by the aid recipient.

When developing your application, it is important that you consider and, if necessary, take advice on state aid regulations. You should seek legal advice if you are unsure whether your project is state aid compliant. Failure to comply with the rules means that the aid is unlawful and may be subject to repayment with interest by the aid recipient.

Freedom of Information Act

The Arts Council is committed to being as open as possible. We believe that the public has a right to know how we spend public funds and how we make our funding decisions.

We are also listed as a public authority under the Freedom of Information Act 2000. By law, we may have to provide your application documents and information about our assessment to any member of the public who asks for them under the Freedom of Information Act 2000. We may not release those parts of the documents which are covered by one or more of the exemptions under the Act. Please see the Freedom of Information website at **www.ico.org.uk** for information about freedom of information generally and the exemptions.

We will not release any information about applications during the assessment period, as this may interfere with the decision-making process.

Data Protection

The Arts Council is committed to using any personal information (or personal data) we collect on a lawful, fair and transparent basis, respecting your legal rights as an individual in accordance with the EU General Data Protection Regulation (2016/679), the UK Data Protection Act 2018 and other applicable laws that regulate the use and privacy of personal data (Data Protection Law).

To meet this requirement, we have published our General Privacy Notice for you to refer to **here** (<https://www.artscouncil.org.uk/freedom-information/data-protection>). This tells you more about the personal data the Arts Council collects, the different purposes that we use it for and on what legal basis, who we may share that personal data with, how long we keep it, and your legal rights, including your right to contact us and receive information regarding the personal data about you that we may hold from time to time.

For further information about our obligations and your rights under Data Protection Law, as well as how to report a concern if you believe that your personal data is being collected or used illegally, please also see the Information Commissioner's Office website at **www.ico.org.uk**

Contact us

Arts Council England

Website: www.artscouncil.org.uk

Email: enquiries@artscouncil.org.uk