

Culture Recovery Fund: Repayable Finance

Round two

Guidance for applicants

Arts Council England
December 2020

Updated on 17 December 2020: Changes made to section 5, page 23 and section 8, page 37.

Updated on 22 January 2021: Clarifications made to section 5, pages 26 and 27.

The below is an outline summary of key information. Please see [Section three](#) for full eligibility criteria.

Summary of key information	
What is the focus of the programme?	To maintain England's cultural, heritage and cinema ecology by supporting culturally significant organisations as they recover from the impacts of Covid-19 and transition back to a viable and financially sustainable operating model during the 2021/22 Financial Year.
Who can apply?	<p>Cultural organisations that are properly constituted with a governing document.</p> <p>For the purposes of this programme, “cultural organisations” refers to charitable; non-profit; and profit-making organisations operating within the arts, museums, heritage (including built and intangible heritage) sectors¹, including cinemas.</p>

¹ For more detailed information about what is covered, please refer to the [Frequently Asked Questions](#) on the Arts Council website, which supports this guidance.

	<p>The kinds of organisations that are eligible to apply include:</p> <ul style="list-style-type: none"> • private companies (either limited by shares or guarantee) registered at Companies House • community interest companies (either limited by shares or guarantee) (CICs) registered with the CIC regulator • charitable incorporated organisations (CIOs) registered with the Charity Commission for England and Wales • charitable companies or charitable trusts registered with the Charity Commission for England and Wales • limited liability partnerships registered at Companies House • partnerships established under a partnership deed/ agreement under the Partnership Act 1890 • community benefit and co-operative societies registered with the Financial Conduct Authority
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	<ul style="list-style-type: none"> • Royal Charter bodies • statutory bodies and other public bodies including Universities and museums who run or maintain cultural services <p>Private owners of nationally significant cultural or heritage sites, venues or attractions that are normally open to the public at least 28 days a year or which host public events, which are operated by organisations constituted in any of the above ways, are eligible to apply.</p> <p>The applicant organisation must be based in England and have been properly constituted, and registered with the relevant regulatory body where applicable, on or before 30 September 2017.</p> <p>Museum applicants must be Accredited museums (Full and Provisional) or museums confirmed by the Arts Council as working towards Accreditation (see list here).</p>
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	<p>Library services are not eligible to apply to this programme.</p> <p>If you plan to apply to another Culture Recovery Fund programme run by Arts Council or another body, you cannot make an application to this fund.</p>
When is the deadline for applications?	12pm (midday), 07 January 2021
How much can be applied for per application?	<p>The minimum amount that can be applied for is £1 million.</p> <p>There is no upper limit for this fund for applicants, although it should be borne in mind that the maximum budget available for the programme is £100 million.</p>
During what period can the finance be used?	The financing provided should be used to support costs that are part of a plan to achieve financial sustainability and/or increase

	organisational resilience. Funding can only cover the period up to 31 March 2022.
Are there particular terms and conditions relating to the acceptance of financing?	Financing will require agreement to conditions. Some conditions will be standard for all organisations, as outlined in section eight. Other conditions will be bespoke and agreed as part of the Repayable Finance Agreement negotiations.
When will decisions be made?	<p>We will aim to notify all applicants of the outcome of stage one assessments around the end of January 2021.</p> <p>Stage two assessments will take place throughout February 2021.</p> <p>Final agreements will be subject to negotiations and entering into negotiations is not a guarantee that a loan will be made.</p>

Changes to this guidance or our programmes

We reserve the right to make changes to the guidance and/or programme after its launch. We will communicate any changes as quickly and clearly as we can.

Assistance with your application

We are committed to being open and accessible and want to make the Repayable Finance application process accessible to everyone.

We are also producing this guidance in a range of alternative formats including Easy Read, BSL and Large Print. We will publish these as soon as possible. If you require a copy of this guidance in Braille, please [contact our Customer Services team](#).

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Section one – Introduction

Welcome

Thank you for your interest in the Culture Recovery Fund:
Repayable Finance Round two.

On 5 July 2020, the Department for Digital, Culture, Media and Sport (DCMS) announced a £1.57 billion package to protect the UK's culture and heritage sectors from the economic impacts of Covid-19.

This Repayable Finance programme is part of that package and will support cultural organisations that have been affected by the Covid-19 crisis. This will ensure we retain both significant organisations that are the bedrock of the global

reputation of England's arts, culture and heritage sectors, and also organisations across the country that enable people to have access to great creative and cultural opportunities and/or enable people to engage with their local and national heritage, no matter what their background or where they live.

The budget for Culture Recovery Fund: Repayable Finance Round two is up to £100 million. We anticipate that competition for financing will be high and we will not be able to support all applications.

Organisations who have previously been awarded a Culture Recovery Fund loan are not eligible to apply in this round however, organisations in receipt of a grant from previous rounds of the Culture Recovery Fund are eligible to apply for a loan through this programme.

The criteria for the Culture Recovery Fund have been set by DCMS and the loans will be administered, monitored and collections made by Arts Council England, acting as agent on behalf of DCMS.

About the programme

A total budget of £100 million is available to be distributed through the Culture Recovery Fund: Repayable Finance Round two programme.

There will be **one round** of applications for this programme.

Successful applicants would be awarded a fixed term loan with fixed repayment and interest repayable as early as feasible and prudent, and in any event not longer than a 20 year maturity. The loan would typically have an initial interest and capital repayment holiday of up to 4 years, available to profit-making and non-profit organisations, during which time interest will accrue on a daily basis. Final terms will be reviewed on a case by case basis and the Culture Recovery Board reserve the right to modify terms in line with information obtained throughout the process.

For more information about the terms of loans see section nine of this guidance.

Other sources of Culture Recovery Funds

The other elements of support available to cultural, heritage and cinema organisations are the Culture Recovery Fund: Grants programmes being run by programmes being delivered by [Arts Council England](#), [National Lottery Heritage Fund](#), [Historic England](#) and the [British Film Institute](#).

The aim of the Culture Recovery Fund: Grants programmes is to support organisations as they transition back to a viable

and sustainable operating model during April-June 2021. Both profit-making and non-profit organisations will be able to access this funding, which is expected to be in high demand.

Organisations will be able to apply for either Culture Recovery Fund: Grants or Repayable Finance in Round two of funding, but not both.

Further information on Culture Recovery Fund: Grants programmes is expected to be published over the coming days. Please visit the relevant website for updates and further information.

The Culture Recovery Fund will also continue to be available to support organisations at risk of no longer operating viably in advance of the end of March. Should you meet the cultural significance criteria, have exhausted all other funding avenues, but be at risk of not trading viably before the end March 2021, please complete the contact form at www.artscouncil.org.uk/contact by 26 January 2021, selecting 'Organisations in Distress' as the enquiry type.

Limits on Culture Recovery Fund round two grants

For Culture Recovery Fund round two, the DCMS is setting individual and aggregate limits on the amount of grant funding that can be applied for as; £1 million for profit-making

organisations and £3 million for non-profit organisations per round and in aggregate. These limits apply to all Culture Recovery Fund: Grants programmes, including those delivered by National Lottery Heritage Fund, Historic England and the British Film Institute.

These limits represent the total amount of grant funding that can be applied for across all rounds of Culture Recovery Fund. When working out which programme to apply for, you should factor in any funding you have previously received and any additional request you intend to make.

For example, if you are a non-profit organisation and have previously received a grant of £2.5 million, you can now only apply for a maximum grant of £500,000. If you are a profit-making organisation and have previously received a grant of £900,000, you can now only apply for a maximum grant of £100,000.

If you need more investment to achieve financial sustainability than these limits allow, or you require support beyond 30 June 2021 (up to 31 March 2022), you should consider whether applying for Repayable Finance is a more appropriate route for you.

For clarity, organisations who have been awarded grants of any level in previous rounds are eligible to apply for a loan,

but organisations cannot apply for both a grant and a loan in this round.

You should carefully consider which option will best support the long term sustainability of your organisation, as the assessment process for both grants and loans will take this into account.

About Arts Council England

Arts Council England is the national development agency for creativity and culture. We have set out our strategic vision in [Let's Create](#) that by 2030 we want England to be a country in which the creativity of each of us is valued and given the chance to flourish and where everyone of us has access to a remarkable range of high quality cultural experiences. We invest public money from Government and The National Lottery to help support the sector and to deliver this vision. www.artscouncil.org.uk.

Programme partners

In delivering this programme on behalf of the wider cultural sector, Arts Council England will work closely with the National Lottery Heritage Fund, Historic England and the

British Film Institute. This will include their commenting on applications to support the decision-making process.

- **National Lottery Heritage Fund** – NLHF is a non-departmental public body, sponsored by DCMS. NLHF is the largest dedicated funder of the UK's heritage, including built and intangible heritage.
- **Historic England** – HE is an executive non-departmental public body, sponsored by DCMS. HE is the government's statutory adviser on the historic environment, championing historic places and helping people to understand, value and care for them.
- **British Film Institute** – BFI is an executive non-departmental public body, sponsored by DCMS. The BFI is the lead organisation for film in the UK and use Lottery funds to support film production, distribution, education and audience development.

Arts Council England will be responsible for the administration of the programme, including ongoing monitoring of organisations and loan repayments.

Culture Recovery Board

DCMS has appointed an independent board of representatives, who have been selected to bring perspectives from across the cultural sector as well as specialist financial and business expertise.

The Board will fulfil two key responsibilities: assurance on the overall Culture Recovery Fund (both Grants and Repayable Finance programmes) and final decision making on all Culture Recovery Fund: Repayable Finance Round two applications. Members of the Culture Recovery Board have been appointed by DCMS.

The full list of board members on the Culture Recovery Board is as follows:

- Independent Chair – Sir Damon Buffini
- Commissioner for Cultural Recovery and Renewal – Neil Mendoza
- Arts Council England – Sir Nicholas Serota, Chair of Arts Council England
- Historic England – Sir Laurie Magnus, Chair of Historic England
- National Lottery Heritage Fund – Rene Olivieri, Chair of National Lottery Heritage Fund
- British Film Institute – Jay Hunt, British Film Institute Governor (Board Member)

- DCMS – Emma Squire, Director for Arts, Heritage and Tourism

Independent Board Members:

- Claire Whitaker
- Baroness Kate Fall
- Hemant Patel
- Samir Shah
- Carol Lake

Advice giving

We have designed this application process to be as straightforward as possible, requesting only the information we need.

We will not be able to offer specific, one-to-one advice about how to write your application, or to read draft applications for this programme.

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

On our website you can find more information to help you make your application, including [Frequently Asked Questions](#) for this fund.

If you feel you face particular barriers in making an application, please contact our Customer Services team [artscouncil.org.uk/contact](https://www.artscouncil.org.uk/contact)

Section two – Purpose of the Culture Recovery Fund

Aims and outcomes

To maintain England's cultural, heritage and cinema ecology by supporting culturally significant organisations as they transition back to a viable and financially sustainable operating model during the 2021/22 Financial Year.

Organisations should set out a credible recovery plan which will enable them to return to a financially sustainable model, factoring in realistic assumptions about consumer behaviour during the 2021/22 Financial Year.

Culture Recovery Fund: Programme specific Government Covid-19 guidance

Assumptions about social distancing and the public health context for business planning

NB - these assumptions reflect the position in the week commencing 14th December - which is when guidance for the Culture Recovery Fund 2 is being published.

As part of the application, all applicants are being asked to set out a plan for April 2021- March 2022 based on plans for

reopening fully and some planning assumptions about the public health context and restrictions for England.

Advances in vaccines and treatment for Covid-19 should ultimately remove the need for economic and social restrictions, such as the need for lockdowns and capacity constraints due to social distancing.

Applicants should submit Plans for the 21/22 FY based on the assumption that, during the first quarter of 21/22, capacity restraints within venues - be they performing arts venues, museums or heritage buildings - will be relaxed. Different organisations will have different lead in times and risk profiles and so should articulate the timelines for transitioning back to full reopening post-April, with a shared planning assumption that, by the end of the April-June period, capacity will no longer be constrained. Other mitigations such as requiring face coverings, managing the flow of visitors etc. may still also be in place even once capacity is no longer constrained.

The exact timeline for when social distancing can be removed remains uncertain, and so these assumptions and changes to the guidance cannot be guaranteed. As set out in more detail in [the government's roadmap for recovery](#) and [winter plan](#) any further steps to continue to open up the economy will be dependent on the state of the epidemic at the time, good progress across these scientific advances and the trajectory

of cases being stable or remaining in decline. It may therefore be that full capacity in cultural venues is possible earlier within the April-June period.

For Recovery Plans it will also be necessary for organisations to set out their own assumptions on demand, how they assume their audiences and visitors will return and the support required by the organisation to transition back towards pre Covid operating models. DCMS is not assuming that consumer demand will immediately return to pre Covid-19 levels, even when social distancing requirements are removed.

What we can fund

Through the Repayable Finance programme, we can support a combination of:

- **costs to support sustainability and/or increase organisational resilience** through the preservation of the organisation's critical assets, people and financial resources whilst the organisation has reduced operations, if that is the most cost-effective route to safeguard for the future, including:
 - essential business expenditure, such as staff salaries and fixed/operational costs

- protecting cultural assets by:
 - i. maintaining buildings and other assets (including collections) while closed (including environmental monitoring and conservation)
 - ii. stabilising collections at immediate risk
 - iii. temporary storage for collections, artefacts and documents
 - iv. supporting the retention of specialist skills and expertise
 - security to ensure buildings and sites are secure over any further anticipated closure period
 - proportionate redundancy pay outs where decisions have been made to reduce staff
 - costs to prepare for reopening, including hiring staff and building working capital
 - losses incurred as a direct result of the Covid-19 pandemic
 - costs that may prevent the need for additional, unavoidable, public investment further down the line (for example, assets which may revert from third parties to public ownership in the event of insolvency, or otherwise need saving or protecting), or a future failure to deliver any statutory duties
- **Operational costs** incurred up to 31 March 2022.
Eligible costs include:

- essential business expenditure, such as staff salaries, freelance employment and fixed/operational costs
 - equipment to ensure compliance with social distancing and other public health requirements
 - essential maintenance of your assets and buildings
 - any up-front costs for preparing to restart activities that will drive future income, such as performances, exhibitions and marketing
 - advice from professionals, for example on risk, safety, how to support staff or on new business models
 - operating losses your organisation has incurred as a direct result of the Covid-19 pandemic, not already covered by other funding sources
- costs to ensure the value for money recovery of your organisation's financial sustainability, including:
 - running risk management reviews and testing any identified actions to safeguard the organisation as needed
 - reconfiguring business plans, governance and activity needed to help safeguard the future of your organisation

- considering or implementing organisational restructures and mergers where these have been identified as the most cost-effective way of sustaining an organisation
- increasing reserves up to the equivalent of up to eight weeks' turnover
- repayment of debts incurred as a result of Covid-19

What we cannot fund

We will not be able to consider your application if you include:

- costs that are eligible to be covered by other strands of Government support, for example, furloughing
- operational costs beyond 31 March 2022
- capital projects
- repayment of pre-existing debt (i.e. from before the Covid-19 crisis started in March 2020) used to finance the business including bank loans, shareholder or owner loans
- increasing reserves beyond the equivalent of up to eight weeks' turnover
- covering costs/losses already supported through other sources, including but not limited to: previous Culture Recovery Fund grants, any other Arts Council funding (for example, National Portfolio funding and the Arts Council's Emergency Response Funds), other cultural

emergency funding from National Lottery Heritage Fund,
Historic England and British Film Institute or other
Government schemes

- costs related to the promotion of the beliefs of political or faith organisations

How much budget is available?

The total budget for this programme is £100 million.

Section three – Eligibility

Please read the eligibility requirements for the fund carefully. If you do not meet any of these requirements, we will be unable to consider your application.

Who can apply?	<p>Cultural organisations that are properly constituted with a governing document.</p> <p>For the purposes of this programme, “cultural organisations” refers to charitable; non-profit; and profit-making organisations operating within the arts, museums, heritage (including built and intangible heritage) sectors², including cinemas.</p> <p>The kinds of organisations that are eligible to apply include:</p> <ul style="list-style-type: none">• private companies (either limited by shares or guarantee) registered at Companies House• community interest companies
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² For more detailed information about what is covered, please refer to the [Frequently Asked Questions](#) on the Arts Council website, which supports this guidance.

	<p>(either limited by shares or guarantee) (CICs) registered with the CIC regulator</p> <ul style="list-style-type: none"> • charitable incorporated organisations (CIOs) registered with the Charity Commission for England and Wales • charitable companies or charitable trusts registered with the Charity Commission for England and Wales • limited liability partnerships registered at Companies House • partnerships established under a partnership deed/ agreement under the Partnership Act 1890 • community benefit and co-operative societies registered with the Financial Conduct Authority • Royal Charter bodies • statutory bodies and other public bodies including Universities and museums who run or maintain cultural services <p>Private owners of nationally significant cultural or heritage sites,</p>
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	<p>venues or attractions that are normally open to the public at least 28 days a year or which host public events, which are operated by organisations constituted in any of the above ways, are eligible to apply.</p> <p>The applicant organisation must be based in England and have been properly constituted, and registered with the relevant regulatory body, where applicable, on or before 31 March 2017.</p> <p>Museum applicants must be Accredited museums (Full and Provisional) or museums confirmed by the Arts Council as working towards Accreditation (see list here).</p> <p>Library services are not eligible to apply to this programme.</p> <p>If you plan to apply to another Culture Recovery Fund programme run by Arts Council or another body, you cannot make an application to this fund.</p>
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Who cannot apply?	<ul style="list-style-type: none"> • Individuals • Small partnerships of two or three persons not all of whom are bodies corporate • Unincorporated bodies of persons that do not consist entirely of bodies corporate and is not a partnership • Consortia • Sole traders • Unincorporated organisations/ associations that have a constitution but are not registered with the Charity Commission for England & Wales or registered with the FCA • Non-Accredited museums (except those working towards Accreditation) • DCMS-sponsored museums • MOD-sponsored museums • Private members' clubs constituted as companies and registered at Companies House or as unincorporated associations • Library services
How much can	The minimum amount that can be applied

<p>be applied for per application?</p>	<p>for is £1 million.</p> <p>There is no upper limit for this fund for applicants, although it should be borne in mind that the maximum budget available for the programme is £100 million.</p>
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Section four – Making an application

This section sets out in detail how to prepare your application.

The online application form will open on Grantium at **12pm (midday) on 15 December 2020**. Applications must be submitted by **12pm (midday) on 07 January 2021**.

Application process

If you do not have a profile in our online application system, you will need to set one up. It can take up to five working days to validate a profile, so please do this immediately. Please submit your applicant profile for validation before **12pm (midday) on Monday 04 January**. After this time, we will not be able to guarantee its validation in time for you to apply to by the deadline.

If you have not created a profile on the system you will not be able to submit an application – **late applications, and applications submitted outside of the system, will not be accepted.**

You can find [guidance on our website](#) and if you need further support you can contact our Customer Services team here [artscouncil.org.uk/contact](https://www.artscouncil.org.uk/contact). Please note that we will not be

available to answer queries from 24 December 2020 to 3 January 2021 inclusive.

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](#).

3. Prepare and submit your Stage One application

You must apply through our [online application portal](#).

You can only submit **one** application to this fund.

Section five – The two-stage application process

Overview of the two-stage process

The application process for Culture Recovery Fund:

Repayable Finance Round two is open and competitive and will be managed in two stages, in order to reduce the amount of information applicants need to provide at the initial stage. To secure Repayable Finance, you must complete both stage one and stage two applications.

Stage One will focus on Cultural Significance and your application will be assessed against set criteria, as detailed below. Where the fund is over-subscribed, and as a result of

achieving a balanced portfolio of loans, some culturally significant organisations may not be progressed to Stage Two.

If your application is successful at Stage One decision making and balancing it will be progressed to Stage Two, where you will be required to provide financial and recovery plans in support of your application. A rigorous financial risk assessment will be conducted to identify risk to investment and provide assurance of ability to repay.

Stage One

Stage One applications must be submitted through our [online application portal](#).

The application form will ask you to respond to a series of questions and upload a mandatory attachment.

We have tried to keep the questions as straightforward as possible, so that you can provide us with the information we need to make a decision. Some questions have prompts you need to consider when providing your answer.

The application will firstly ask for some basic details including: the amount you are requesting from us, your mission or purpose, whether you have had a previous Culture Recovery

Fund grant and how many members of staff you regularly employ or contract.

You will be asked to provide a narrative response to questions in 3 categories. The first question, on Cultural Significance, is the primary assessment criteria at Stage One. Your response to the remaining questions will inform an assessment to support the balancing process.

1. Cultural Significance

We will ask you about your organisation's work and its significance within the cultural sector. You will need to respond to the following question, using the prompts below to help you:

- **Tell us about your organisation's work and how it is considered to be culturally significant and/or how it contributes to providing cultural opportunity in England**

(up to 4,000 characters including spaces, approximately 700 words)

You will need to tell us about:

- a) your national and international significance within the cultural sector **and/or**

b) your key role in providing cultural opportunity in a community in England

You only need to answer option a) or b), although you are welcome to respond to both if you prefer.

a) the following prompts will help you to tell us about your national or international significance in the cultural sector, if that is most relevant for your organisation:

- that you are an organisation which makes a major contribution to the national and international reputation of the cultural sector in England, and that you can demonstrate your commitment to excellence and innovation in the way you create, present and distribute content and to building national and/or international partnerships
- that your organisation has national or international reach, relevance and impact, for example whether you care for and provide public access to buildings or collections that are nationally or internationally significant or that your activity is important for the development of your artform or discipline and/or
- that you offer public access to nationally or internationally significant artistic, curatorial and/or cultural training or employment, including the

development of a diverse and growing talent pipeline provision or content and/or

- that you fulfil a national or international leadership or development role within your sector, artform/sub-artform or discipline that could not be easily replicated or replaced and/or
- that you have a national remit or responsibility that impacts on the wider heritage landscape, and your failure would risk the future of your sub-sector. For example, you may have a convening role, provide significant support for the wider sector or play a significant role in nurturing growth, diversity and creativity in the sector and/or
- that you care for heritage sites, collections, venues or attractions or deliver a service that is nationally or internationally important, irreplaceable, or scarce in your place or region

b) the following prompts will help you to tell us about your role in providing cultural opportunity in a community in England, if that is most relevant for your organisation:

- that you are located in a place where there is a relatively low number of cultural organisations, and whose loss would further reduce cultural engagement opportunities for the public, particularly

for people from underserved groups in society and for young people

- that you are located in a place where there are relatively low levels of cultural engagement, as per the [Active Lives Survey](#), and that, as an organisation, you work with people there, particularly those from underserved groups, to help them develop and express their creativity throughout their lives
- that you are a vital cultural organisation in a place, because of the employment opportunities you provide, the contribution you make to economic agendas such as tourism, the important role you play in enhancing local creative skills, and/or your organisation's presence at the centre of a high street, place or community
- that, as an organisation, you play an important role in supporting a collaborative approach to the cultural ecology within a place, through partnership with other cultural organisations, and/or with organisations in other sectors (for example, a Cultural Education Partnership)
- that, if your organisation is a museum, you care for collections which have important regional, local or community resonance, and/or the loss of that collection would impact disadvantaged

communities, and/or our understanding of diverse communities across England³

- that your heritage is unique or has particular resonance with the local community. This might include whether heritage is formally designated, is in a conservation area, or is featured in a local heritage list
- that you are a vital cultural organisation in a place, because of the employment opportunities you provide, the contribution you make to economic agendas such as tourism, the important role you play in enhancing local creative skills, and/or your organisation's presence at the centre of a high street, place or community - you may wish to set out local support for your role such as from a council or councillors, Local Enterprise Partnership, MP

2. Opening up access

We will ask you about your plans for opening up access to culture within your organisation and your wider audience base. You will need to respond to the following question, using the prompts below to help you⁴:

³ See our [FAQs](#) for further information

⁴ Arts Council England has some useful publications for applicants to consult when considering diversity for their application, further information can be found [here](#).

- **Please tell us how you will open up access by improving the diversity of your audiences, visitors, participants, workforce and governance**

(up to 2,000 characters including spaces, approximately 350 words)

You will need to tell us:

- what steps you will take to broaden the diversity of your workforce and governance, including socioeconomic diversity, and the impact of those changes
- what steps you will take to broaden the diversity of your audiences, visitor base and participants, including socioeconomic diversity, and the impact of those changes

3. Your plans for financial sustainability

We will ask you about how you have been impacted by Covid-19 and how you would use a loan from this programme to achieve financial sustainability. You will need to respond to the following questions, using the prompts below to help you:

- **Tell us how Covid-19 has impacted your financial viability, resilience and sustainability**

(up to 2,000 characters including spaces, approximately 350 words)

You will need to tell us:

- how you have taken advantage of other Government schemes and measures which have been introduced since the pandemic began
 - how you have reduced your organisation's core costs in order to ensure your organisation is more financially resilient
 - how you have exhausted all other reasonable options to ensure that your organisation remains financially viable, including affordable lending, viable alternative options for commercial, contributed and philanthropic income, and using your own resources
-
- **Briefly set out how you would use a loan from this programme, including how this would allow you to achieve financial sustainability and/or increase organisational resilience**

(up to 4,000 characters including spaces, approximately 700 words)

You will need to tell us:

- how your plan to use a loan from this programme will enable you to achieve financial viability and/or increase organisational resilience
- your rationale for choosing this route to sustainability, demonstrating how it represents value for money in a way that does not entail significant financial risks for your organisation
- how you have the skills and experience available at a senior level to enable you to adapt and flex your business to the changing external environment, to deliver your proposed plan and ensure the best chance of longer-term viability, sustainability and recovery
- what you will do if we are unable to offer you a loan

Attachments

You must provide the following mandatory attachment in support of your application.

- Balance sheet as of 31 March 2020

Allowable formats: jpg, xls, xlsx, jpeg, pdf, doc, docx, pptx, and ppt.

The limit on file size is **10 megabytes**.

If your application does not contain the information we need, in the format we ask for it to be in, we might not be able to consider your application.

We will only accept the requested mandatory attachment in support of your Stage One application. Any other attachments will be disregarded for the purposes of assessment and decision-making.

The information you provide in your application form will be used to decide whether your application will be progressed to Stage Two.

We aim to notify you of the outcome of your Stage One application around the **end of January 2021**.

Stage Two

If your application is successful at Stage One, it will be progressed to Stage Two, where you will be required to provide a range of financial documentation supported by a recovery plan.

The deadline for submitting Stage Two applications is **03 February 2021**, which means you may want to consider

producing draft documentation at risk, before the outcome of your Stage One application is known. If you fail to provide the required information by the deadline, your application may not be considered for funding.

For the purposes of modelling your future annual budgets and cash flow forecasts, please assume the loan would be paid in full by 31 March 2021 and refer to the indicative term sheet, at section nine of this guidance, for interest rate, loan term and interest free period to utilise within your financial forecast.

At Stage Two, you will be required to submit the following information:

- A recovery plan (as set out below)
- Last three years' independently certified or audited financial statements Where available, this should include your most recent financial statements eg. to 31 March 2020. If your organisation qualifies for an audit exemption, please include draft accounts for this period, together with the previous two years' independently audited financial statements. Accounts/statements should include profit and loss and operating surplus.
- Your most recent management accounts for the current year ending 31 March 2021 (these should show your organisation's actual income and expenditure to 31 December 2020 against your original budget for the year

and your forecast income and expenditure to (at least) 31 March 2021)

- Draft balance sheet at 31 December 2020, showing levels of restricted and unrestricted reserves if applicable
- Annual budgets for 2021/22, 2022/23, 2023/24, 2024/25 and 2025/26 showing how the proposed loan will allow you to achieve financial sustainability, including narrative notes within the documents to clarify the assumptions made
- Cash flow forecasts for 2021/22, 2022/23, 2023/24, 2024/25 and 2025/26 showing the impact of the proposed loan. The cash flows are to be on a monthly basis until 31st March 2023, but can be provided either monthly or annually past that point and should include narrative notes within the documents to clarify the assumptions made
- The “core/central” budget and cashflow forecasts should be accompanied by a “downside” and “upside” scenarios plus supporting assumptions.
- A summary of any existing debts that the CRF applicant has to include details of the lender, original amount and current balance, purpose, term, interest rate and collateral provided to secure the debt.
- Any undrawn facilities and the terms under which they can be drawn down by the applicant.
- Where the applicant is part of a larger group of companies, related parties and common directorships

details should be provided as to the nature of their business and relationship with the applicant and any shared borrowing facilities and/or collateral

- Your initial views on whether your organisation could offer security for the loan, and if so, what security would be available, its estimated value (professional valuations may be sought where property assets are involved)

We request that all financial models, cash flows or detailed financial information be provided as an Excel file for ease of assessment.

Recovery Plan

We request that the narrative for the recovery plan is no longer than **5000 words** and that all the assumptions made will be clearly reflected in the annual budgets or cash flow forecasts provided. The level of detail you provide should be proportionate to the level of financing you are requesting. The recovery plan should reflect and build on the plans briefly set out in your Stage One application.

Your recovery plan should address the following:

- how you have managed the impact of Covid-19 so far

- how you have reduced your organisation's core costs in order to ensure your organisation is more financially resilient
- how a loan from this programme will enable you to achieve financial viability and/or increase organisational resilience, demonstrating the most value for money route to sustainability,
- what activity you anticipate delivering in the period up to a return to financial sustainability, to include any further anticipated closure period (reflected in accompanying cash flow and budgets)
- what assumptions you have made about consumer behaviour in the social distancing scenario we have shared with you, and the risks to your organisations if the public health context is worse than the scenario we have set out
- your plan for identifying, managing and mitigating risk
- your organisational governance and leadership structures, including skills and experience available at a senior level to enable you to adapt and flex your business to the changing external environment
- what financial controls, monitoring and reporting processes you have in place to ensure the effective financial management of your organisation
- key business development milestones

If you do not provide the information we need, in the format we ask for it to be in, your application may not be considered for funding.

Section six – How decisions will be made

When we receive your stage one application, we will first check that it is eligible. All eligible applications will then be considered against the same set of criteria. Our decision-making will be in two distinct stages.

Stage One

Your application will be assessed against ‘Cultural Significance’, ‘Opening up access’ and ‘Your plans for financial sustainability’, using a set of prompts which reflect those set out in section five. Assessments will inform the Stage One balancing and decision making process.

The **Cultural Significance assessment** will apply a rating, as below:

- **Not met:** *The application does not meet the basic criteria*
- **Met:** *The application sufficiently meets the basic criteria*
- **Strong:** *The application strongly meets the basic criteria*

You must demonstrate that your organisation is culturally significant and/or contributing to providing cultural opportunity in England.

- An applicant will be rated 'strong' against cultural significance if, in the view of the Arts Council, it has been able to demonstrate that it makes a significant, distinctive and particular contribution to the national and international reputation of the cultural sector in England that could not easily be replicated or reproduced.
- An applicant will score 'strong' against cultural opportunity if, in the view of the Arts Council, it has been able to demonstrate that it plays an important role in its place and community, providing cultural opportunities to communities that currently have limited access to other cultural opportunities within easy reach.

Applications scoring 'Not met' against Cultural Significance will not be progressed to Stage Two.

The **Opening up access assessment** will apply a rating, as below, which will be considered where necessary during balancing:

- **Not met:** *The application does not demonstrate sufficient plans for improvement*
- **Met:** *The application demonstrates sufficient plans for improvement*
- **Strong:** *The application demonstrates strong plans for improvement*

Applications scoring 'Not met' against Opening up access, that go on to be successful, will be required to produce a satisfactory access action plan as a condition of receiving a loan.

The Culture Recovery Fund: Repayable Finance programme intends to make investments to organisations whose activities benefit communities that are often disadvantaged or have particular needs.

The **Your plans for financial sustainability assessment** will apply a rating, as below, which will be considered where necessary during balancing:

- **Not met:** *The application does not demonstrate a clear rationale and plan to achieve sustainability*
- **Met:** *The application demonstrates a clear rationale and plan to achieve sustainability*
- **Strong:** *The application demonstrates a strong rationale and plan to achieve sustainability*

Balancing

Should more fundable applications be received than there are resources available, following the Stage One assessments,

applications will be considered against programme objectives, the score given against the cultural significance criteria, and a range of additional 'balancing criteria' in order to ensure the right spread of investment is achieved within the total budget available.

The balancing criteria are as follows:

- **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 engagement⁵
- **Opening up access and participation in culture:** we want to support organisations who are committed to opening up access by developing diversity of audiences and workforce, particularly for those audiences and participants that are less likely to interact with culture; organisations which are important to their local places and audiences and promote understanding of diverse communities across the country; and those which promote positive social outcomes through place based collaboration
- **Plans for financial sustainability:** we want to support organisations who clearly indicate that they, with finance

⁵ As defined within the [Active Lives Survey](#)

from the Culture Recovery Fund, will be able to successfully transition back to a viable and financially sustainable operating model. We will take into account the need to support organisations who require investment to remain financially viable and who have exhausted all other avenues of funding

- **Range of cultural organisations:** we want to support a range of organisations across the cultural ecology including those with demonstrable international, national and/or local significance working in the arts, museums, music and heritage sectors
- **Size and type:** we want to support a mix of cultural organisations across a range of sizes and scales, operating within both the profit-making and non-profit sectors

We will also take into consideration previous Culture Recovery Fund awards made in previous rounds.

These balancing criteria will be used to ensure a good spread of investment, and to differentiate between a number of proposals considered to meet the Stage One criteria.

A set of recommendations, based on assessments and balancing criteria, will be put to the Culture Recovery Board for consideration.

The Culture Recovery Board will make initial decisions and identify which organisations will progress to Stage Two.

Decisions will be based on the information you provide in your application form and accompanying attachments, any further information that we requested as part of the process and, where relevant, data and information held in the public domain.

We will aim to notify all applicants of the outcome of their Stage One application around **the end of January**

Please note, the Stage Two process is expected to be competitive so any initial decision to progress your application does not guarantee you will be successful in obtaining a loan from this programme.

Stage Two

Once your Stage Two application has been received, your financial documents will be checked to ensure that you have provided all the information we have requested. If you do not

provide the information we need, in the format we ask for it to be in, your application may not be considered for funding.

If we require clarification on any of the information provided, we, or someone working on behalf of the Arts Council, will contact you by telephone or email. If we do not receive a response from you within the allocated time, we will process your application without the requested clarification.

We may need to contact you during the Stage Two assessment process to obtain further information about, for example, your ability to enter into potential security arrangements that may be recommended as mitigations for the risk assessment.

We will share relevant information from your application with individuals and/or organisations who are helping us assess and monitor this programme.

Please note that we, or our third party advisors, will carry out a credit check as part of the assessment.

The Stage Two assessment will take your organisations financial and recovery plans into account when making the following judgements:

- Assess the likelihood that your proposed recovery plan will deliver a return to financial sustainability and/or increased resilience for your organisation
- Identify and consider the risk that your proposed recovery plan will not deliver a return to financial sustainability and/or increased resilience
- Assess your ability to repay the proposed loan and quantify the risk of default
- Identify mitigations that could reduce any identified default risks including seniority and security

The Stage Two assessment will apply an overall risk rating based on the risk that failure of repayment will occur:

- **Minor:** *Failure of repayment unlikely to occur*
- **Moderate:** *Risk of failure of repayment*
- **Major:** *Significant risk failure of repayment*

Decisions

The Culture Recovery Board will take account of both Stage One and Stage Two assessments in deciding whether your application will be progressed to Repayable Finance Agreement negotiation stage (see section seven).

The Culture Recovery Board will consider its tolerance for risk when agreeing a preferred loan portfolio, particularly where the total amount of fundable applications exceeds the available budget. Where necessary, the balancing criteria set out in the 'Balancing' section above will be used to differentiate between a number of proposals considered to meet the aims of the fund.

When considering your Stage Two application, a judgement will be made on whether sufficient evidence is provided in support of the level of financing requested and a reduced offer may be made.

To be a successful applicant you must demonstrate need for the financing, your financial resilience and sustainability and that you have credible, cost-effective plans for using any award from this programme.

Please note, any decision to progress your application to the negotiation stage does not guarantee you will be successful in obtaining a loan from this programme.

The Culture Recovery Board reserve the right to modify terms in line with additional information obtained throughout the Repayment Finance Agreement negotiation process and/or withdraw your application from the process at any time.

Final decisions on all loan applications will be at the discretion of the Culture Recovery Board.

Section seven – Repayable Finance Agreement negotiations

Once the Board has confirmed that we should open negotiations with you on a loan, we will engage with you to discuss the potential terms of the loan. More detail on the potential terms are set out in section nine of this guidance.

Bespoke conditions

As set out in section six – ‘How decisions will be made’ – we will review the level of financial risk associated with making a loan to each applicant. For those loans that are assessed as outside the risk appetite determined by the board, we may require additional bespoke conditions, in order to reduce the risk to investment. These conditions would form part of the Repayable Finance Agreement.

Security requirements

When we confirm a loan, we may take steps to secure it, particularly in the case of profit-making organisations. The form this would take depends on the value of the loan and the nature of your organisation’s assets and finances and which may include a personal guarantee. Should security be required, it will be set out in the Repayable Finance

Agreement. Conditions precedent will need to be met prior to the release of the loan, which may affect your cash flow. If security is going to be taken over a property which you lease, we will require a copy of any authorisation required in connection with the charge of that property in favour of the lender from the landlord.

Seniority requirements

If you have existing borrowing, when we confirm a loan, we may expect the government investment to take the senior position in terms of payment and security. The decision to require this would depend on the nature and value of the existing borrowing, your financial plan, and the value and risk of the loan requested. Organisations successful at Stage One with pre-existing borrowing or security granted should explore the views of their lenders during the Stage Two application process. Should seniority be required, it would be set out in the Repayable Finance Agreement, this may include an inter-creditor agreement confirming the relative seniority of different creditors and how they will be repaid. Conditions precedent will need to be in place prior to the release of the loan, which may affect your cash flow.

Paying dividends

We expect that organisations that receive funding from the Culture Recovery Fund take a proportionate approach to making or paying any dividend, charge, fee or other distribution (or interest on any unpaid dividend, charge, fee or other distribution) (whether in cash or in kind) on or in respect of its share capital (or any class of its share capital or capital), before this loan is fully repaid – where any legal obligations allow. Where relevant, we will look to agree an appropriate approach to paying dividends in the Repayable Finance Agreement.

State aid

At the point of publication of this Guidance for Applicants, public funding for organisations carrying out commercial activities, including those with charitable status, is governed by the European Commission's 'State aid' rules as set out in Article 107-109 of the Treaty of the Functioning of the European Union and associated regulations and guidelines.

Following 11pm on the 31st December 2020, it is expected that there will be a new UK subsidy control regime. Further information on this for the purposes of this programme will be published by the Arts Council once the details of that regime are known.

You will be expected to comply with the terms of that regime and to satisfy any further information requests. The Arts Council reserves the right to impose further requirements and additional conditions in relation to this matter.

Section eight - If you receive a loan

This programme will be administered and monitored by Arts Council England on behalf of DCMS. All successful applicants will be required to participate in a post-programme evaluation and to comply with reasonable reporting and monitoring arrangements and other ongoing obligations prescribed by the Culture Recovery Board. All successful applicants will be asked to publicise the decision in an appropriate manner.

Should your application be successful and in accepting your loan offer, you will be asked to confirm that you, and your board (or equivalent), accept all conditions as detailed in the Repayable Finance Agreement and accompanying documents.

The following conditions will be applicable to all applicants:

- the organisation will exercise pay restraint for at least 18 months from the date of the Repayable Finance Agreement, where legally possible for them to do so, including imposing a pay freeze for all senior staff (by which we mean your executive team) and 10% pay reductions to pre-Covid-19 pay for those contracted to receive above £150,000 per year

- the organisation will demonstrate a commitment to open up access and increase the diversity of its audiences, visitors and/or participants, as well as its organisational diversity
- the organisation will demonstrate a commitment to progress towards net zero greenhouse gas emissions by 2050 and reporting against it
- the organisation will demonstrate a commitment to increase educational/outreach work
- the organisation will comply with legislation relating to State aid
- the organisation will ensure they take reasonable steps to protect the heritage assets they are responsible for, in particular their physical estates

These conditions will form part of the monitoring requirements for the loan.

Section nine – Summary of terms

Please find below a term sheet for the loan. Please note that the terms set out in the term sheet below are indicative only and do not constitute an offer to arrange or finance the loan. The provision of the Facility is subject to due diligence, approval by the Culture Recovery Board, satisfactory documentation and conditions precedent being met.

Borrower	[NAME OF BORROWING ENTITY]
Lender	The Department for Digital, Culture, Media and Sport (DCMS)
Facility	Term loan facility of £[AMOUNT] to be drawn in sterling. ⁶
Purpose	Term loan facility: To support and maintain the Borrower who was financially sustainable before Covid-19 but is now at imminent risk of failure and have exhausted all other options for increasing their resilience in accordance with the Culture Recovery Fund Guidance.
Availability Period	Term loan facility: Up to 31 March 2021
Interest	From 2% per annum
Interest	Simple interest calculated daily, from the

⁶ Minimum facility of £1 million

calculation	date of the first drawdown of the loan
Repayment	<p>Unless you are required to repay the Loan (being the outstanding loan principal of the Facility) earlier under the Repayable Finance Agreement, you shall repay the Loan together, where applicable, in instalments on the relevant Payment Dates as set out below.</p> <p>Subject to the prior written consent of the Arts Council, early repayment is available and will not be subject to an early repayment fee.</p> <p>Fixed annual repayment</p> <ul style="list-style-type: none"> • Up to 20 years fixed repayment • No loan principal is payable in the period up to the first 48 months following the date of first drawdown of the loan. • The first repayment instalment will be payable on the Repayment Commencement Date. • Number of repayment instalments: [X]. • Amount of repayment instalments: [Outstanding loan principal divided by

	<p>number of repayment instalments].</p> <p>(Please note that the repayment instalment amounts may vary from time to time).</p>
Repayment Commencement Date	The fourth anniversary of the date of first drawdown of the loan or such other date as agreed between the Lender and Borrower.
Security	To be determined on a case by case basis, including, but not limited to, debentures and intercreditor agreements (documenting the senior position of the Lender).
Finance Documents	The Repayable Finance Agreement, documents conferring or intending to confer security on the Lender, intercreditor agreement and any other document designated as a Finance Document by the Lender.
Conditions precedent	<p>Standard conditions precedent for a transaction of this nature, in a form and substance satisfactory to the Lender, including but not limited to:</p> <ol style="list-style-type: none"> (1) Execution of the Repayable Finance Agreement. (2) Certified copies of constitutional, charter, by-law or trust documents of the Borrower.

	<p>(3) Certified copies of board [and shareholder] resolutions of the Borrower.</p> <p>(4) Specimen signatures.</p> <p>(5) Certificate in relation to capacity of the Borrower to borrow, grant security or guarantee.</p> <p>(6) A copy of any other document, authorisation, opinion or assurance specified by the Lender.</p> <p>(7) State aid: at the award stage you will be asked to complete a declaration confirming the compliance of the loan with relevant State aid law.</p>
Representations and warranties	<p>Standard representations and warranties for a transaction of this nature, including but not limited to:</p> <p>(1) Due incorporation/formation.</p> <p>(2) Power and authority.</p> <p>(3) Non-conflict with other documents and obligations.</p> <p>(4) Authorisations.</p> <p>(5) Binding obligations.</p> <p>(6) Choice of law.</p>
Covenants	<p>Standard covenants for a transaction of this nature, including but not limited to:</p> <p>(1) Authorisations.</p>

	<p>(2) Negative pledge.</p> <p>(3) Restrictions on other borrowings and guarantees.</p> <p>(4) Restrictions on disposals, acquisitions, joint ventures and mergers.</p> <p>(5) Restrictions on loans and credit.</p> <p>(6) No change of business.</p>
Information Undertakings	Standard undertakings on financial reporting and information requests for a transaction of this nature including, without limitation, the delivery of annual financial statements, half year accounts and monthly management accounts.
Further ongoing undertakings	<p>The Borrower shall take all such action as is available to it (including making all filings and registrations) as may be necessary for the purpose of ensuring the continuing legality and enforceability of the obligations of the Borrower or other parties under any Finance Documents, the creation, perfection, protection or maintenance of any security conferred or intended to be conferred on the Lender by or pursuant to the Finance Documents.</p> <p>Such actions may include the entry into accession or retirement deeds where the</p>

	Borrower act by trustees or partners who are natural individuals.
Events of default	<p>Standard events of default for a transaction of this nature, including but not limited to:</p> <ul style="list-style-type: none"> (1) Non-payment. (2) Breach of covenant or undertaking. (3) Misrepresentation. (4) Cross-default. (5) Insolvency, insolvency proceedings and creditors' process. (6) Unlawfulness and invalidity. (7) Cessation of business. <p>Upon the occurrence of an event of the default, the Lender may cancel any undrawn portion of the Facility, demand repayment of all amounts drawn under the Facility and payment of all accrued interest and other sums due to the Lender and/or enforce any security in favour of the Lender.</p>
Governing law	England and Wales.
Jurisdiction	Courts of England.
Other	All other terms and conditions standard for a transaction of this nature shall be included in the finance documents.

Business Purpose

The repayable finance under the Repayment Finance Agreement can only be made available if:

1. the repayable finance is wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by you;
2. you are not an individual; and
3. you are not a relevant recipient of credit (as defined in Article 60L(1) of The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001).

Section ten – For information

Making a complaint

Arts Council England is administering the fund on behalf of DCMS. If you have a complaint against the decision made about your application, or a complaint related to the administration of the loan, including the application and assessment process, this should be addressed directly to DCMS (details below).

Details of the Department for Digital, Culture, Media and Sport complaints procedure can be found [here](#) which is available on the gov.uk website, or by contacting DCMS by email at enquiries@culture.gov.uk. If you need to contact DCMS using an alternative method, require a response in an alternative format or need any other assistance, full contact details can be found [here](#).

Contact

Department for Digital, Culture, Media & Sport
100 Parliament Street
Westminster
London
SW1A 2BQ

General enquiries: 020 7211 6000

Email: enquiries@culture.gov.uk

Website: www.gov.uk/government/organisations/department-for-digital-culture-media-sport

Public sector equality duty

Your application form gives us information we may use to report to the Government or to monitor the different backgrounds of people who receive awards. Under the Public Sector Equality Duty we must research and monitor the different backgrounds of people who receive our investment.

Counter fraud measures

Arts Council England has a [Counter Fraud Strategy and Policy](#) and appropriate measures will be taken to ensure that loan holders given financing from this programme have obtained the loan honestly. Appropriate checks will be conducted on the financial viability of the loan holder as well as credit checks throughout the life of the loan. All loan holders must retain their financial and other documentation relating to the loan, and Arts Council England reserves the right to request this at any time.

If we reasonably suspect any fraud relating to the loan or application, we can demand immediate repayment of the loan, disclose information about you and the conduct of the loan to appropriate authorities and report this to the police.

Section eleven – 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 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.gov.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.

Section twelve – Data Protection

The Department for Digital, Culture, Media and Sport and Arts Council England are committed to using any personal information (or personal data) collected 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).

As part of meeting this requirement, Arts Council England and DCMS have produced a joint Privacy Notice for you to refer to [here](#). This tells you more about the personal data the Arts Council collects; the different purposes that it is used for and

on what legal basis; who that personal data may be shared with; how long it is kept; and your legal rights, including your right to contact the Arts Council and DCMS and receive information regarding the personal data about you that may be held by both bodies from time to time.

For further information about Arts Council England and DCMS's 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 Office website at www.ico.org.uk

Section thirteen - Contact details

Department for Digital, Culture, Media & Sport

100 Parliament Street

Westminster

London

SW1A 2BQ

Email: enquiries@culture.gov.uk

Website: www.gov.uk/government/organisations/department-for-digital-culture-media-sport

Arts Council England

The Hive

49 Lever Street

Manchester

M1 1FN

Contact us: artscouncil.org.uk/contact

Website: www.artscouncil.org.uk

January 2021

