

Birmingham City Council

Report to Cabinet

7th September 2021



Subject: Birmingham Museum & Art Gallery repairs funding

Report of: Robert James, Managing Director City Operations

Relevant Cabinet Member: Councillor Jayne Francis, Education, Skills and Culture
Councillor Tristan Chatfield, Finance and Resources

Relevant O &S Chair(s): Councillor Cllr Mohammed Aikhlaq, Resources Overview and Scrutiny Committee

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Ladywood		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009052/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 To seek Cabinet approval to submit a full application for up to £4.99m capital grant funding to the Department for Digital, Culture, Media & Sport (DCMS) Museum Estate and Development (MEND) fund by October 18th 2021 to enable 'vital and urgent' repairs to the infrastructure of Birmingham Museum and Art Gallery (BMAG) including roof and window repairs and access lifts.

- 1.2 This follows on from an initial Expression of Interest submitted on 5th July and subsequent invitation by Arts Council England (ACE) on 30th July to submit a full application.

2 Recommendations

That Cabinet;

- 2.1 Notes the background to the DCMS MEND funding and the submission of an Expression of Interest by 5th July 2021.
- 2.2 Approves the recommendation to focus the application on Birmingham Museum and Art Gallery
- 2.3 Approves the submission of a full application to the grant fund for up to £4.99m capital funding by 18 October 2021
- 2.4 If the application is successful, delegate to the Assistant Director of Neighbourhoods to accept the award and execute all associated documents in consultation with Director of Legal Services

3 Background

- 3.1 In late May 2021, DCMS published application details for a capital fund to support 'vital and urgent' repairs to museums and heritage buildings - the MEND fund. Arts Council England (ACE) will process and administer applications to this fund with assistance from Historic England who will be visiting sites, scrutinising applications and making recommendations for awards to ACE.
- 3.2 Whilst several Birmingham Council owned museum estate sites require much needed repairs and maintenance, only one site can be applied for under the criteria. Considering the criteria and circumstances, it is recommended that Birmingham Museum and Art Gallery (BMAG) is the subject of the application - it is the flagship museums site that has a number of significant infrastructure issues including water ingress through the roof and windows and, ageing access lifts. It also happens to be closed for major (rewiring) works until 2023-24 making any works / interventions easier to facilitate.
- 3.3 It is proposed that the city council, as owner of the property, would be the lead applicant and if successful, deliver the project through Acivico management. However, ACE expects this will be an application in partnership with Birmingham Museums Trust (BMT) as the Accredited Museums contractor, utilising their heritage knowledge and operational expertise. It is also certain that the Council will need to apply for Listed Building Consent.
- 3.4 The deadline for submitting an initial Expression of Interest (EOI) was 5th July 2021 and a working group was set up with BMT and ACIVICO to coordinate this. The Council was subsequently invited to apply on the 30th July with the clear instruction that the scope of the application will be based on recommendations in a report provided to ACE by Historic England who are providing the technical assessment expertise. We will be advised of the permitted scope of an application

by 24th September. This may mean we are not able to apply for works which are not deemed by the funder as vital and urgent. The full application deadline is 18 October 2021 with a final decision expected February 2022. Applications need to be up to RIBA Stage 3 and, any works approved need to be undertaken and completed between 2022 and 2025.

- 3.5 The initial EOI lists a number of key areas requiring attention but the priority must be to address BMAG's roof and external infrastructure regarding water ingress which is the subsequent cause of many of BMAG's internal problems presenting risk of damage to the council's collections. There is also a need to repair or replace internal lifts which are at the end of their life cycle and ensuring accessibility is a key criterion of the funding.

4 Options considered and Recommended Proposal

- 4.1 Not to make an application - it is likely that repair works at BMAG will not be able to progress to the scale required
- 4.2 To delay an application to another year – funding has only been announced for 2021-22 with no guarantee of future years funding so best to apply now and apply for another facility if further funds are released in future.
- 4.3 An application presents a unique opportunity to secure up to £5m funding from this DCMS Cultural Investment Fund (MEND) scheme. Hence recommendation to apply in October 2021 if invited.

5 Consultation

- 5.1 Birmingham Museums Trustees who support the application
- 5.2 An initial Expression of Interest was discussed at The Capital Programme Board on 5th July.
- 5.3 Birmingham Civic Society, Birmingham Heritage Strategy Group and Friends of Birmingham Museums have all been consulted on the initial EOI submission. They all support the proposal for a full application
- 5.4 Arts Council England officers have been consulted regarding formal advice and guidance on the MEND Fund.
- 5.5 Officers have been working closely with Birmingham Museums Trust and Acivico management in preparation of the initial Expression of Interest. This work has involved consulting with various external experts regarding condition surveys including Historic England who have been conducting site surveys and appraisals.

6 Risk Management

- 6.1 Appendix 4 sets out the potential risks and mitigations associated with making a full application to the fund

- 6.2 The works will not proceed if the bid is unsuccessful and/or the claim for match funding isn't applicable. However, the building will deteriorate further without urgent repair works for which a Business Case will need to be made to Capital Programme Board.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 Outcome 1 - Birmingham is an entrepreneurial city to learn, work and invest in.
- *Priority 2: We will strive to maximise the investment in the city and engage local employers to create quality jobs and opportunities for citizens* – if successful this funding could draw in up to £5m investment in one of the city's flagship facilities and provide local employment opportunities.
- 7.1.2 Outcome 4 - Birmingham is a great, clean and green city to live in.
- *Priority 6: We will foster local influence and involvement to ensure that local people have a voice in how their area is run* – the proposed application will be developed in conjunction with Birmingham Museums Trustees, staff and Friends.
 - *Priority 8: We will enhance our status as a city of culture, sports and events* – the repair and continued operation of this internationally significant building will have a positive impact on the City's profile nationally and internationally with the potential to support the City's growing reputation as tourist destination.
- 7.1.3 Support for developing and improving the city's cultural facilities aligns with objectives outlined in the city's existing Cultural and Heritage Strategies.

7.2 Legal Implications

- 7.2.1 Under Section 145 of the Local Government Act 1972 the Council may do, or arrange for the doing of, anything necessary or expedient for the provision of entertainment of any nature, the provision of a theatre, development and improvement of the knowledge, understanding and practice of the arts and the crafts which serve the arts and any purpose incidental to the matters aforesaid.
- 7.2.2 The full application conditions include a requirement for the operating organisation having a minimum 20-year lease in place. The current lease agreement isn't due for renewal until 2043 so an application will meet this criterion.

7.3 Financial Implications

- 7.3.1 Applications can be for up to £5m but there is only £18.8m available for the whole country so it is evident that the competition for funds will be strong. However, Arts Council England has cited Birmingham Museum & Art Gallery and others as an example of the need for the fund.

- 7.3.2 Following consultation with the Cabinet member for Educations, Skills and Culture, the EOI submitted in July outlined a programme of essential works to BMAG costing £16.1m with a bid requesting £4.99m in capital funding.
- 7.3.3 Applications over £1m require 10% match funding but it is expected that at least £11m of the planned programme of M&E (rewiring) works to Council House / BMAG complex from 2022-23 will more than meet that requirement. Whilst costs for condition / M&E surveys are applicable as match, applications can't qualify for any capital expenditure prior to the application being approved
- 7.3.4 The Council will have a museums and repairs maintenance budget of £150,000 in 2023 which could also contribute to match funding, but this would be to the detriment of any of the other eight sites in the museum estate that require repairs and maintenance. So, calling on this revenue budget is not recommended.
- 7.3.5 This R&M budget is distinct from the extant Capital Programme Board budget allocation of £475,000 for necessary improvements to museums collections conservation and storage areas across BMAG and the Museum's Collections Centre at Dollman Street which will be the subject of a separate report. The proposal for these necessary internal works follows on from the initial Turner Townsend Report into the feasibility for a new Museums Collections Centre presented in late 2020.
- 7.3.6 If the application is unsuccessful, or only successful in part, then inevitably BMAG's infrastructure will deteriorate further requiring capital investment to remedy the problems. Whilst there is the possibility of applying to National Heritage Lottery Fund for some remedial works, a Business Case will need to be brought to the Capital Programme Board requesting Council funding once a full schedule of works is known.

7.4 Procurement Implications

- 7.4.1 There are no Procurement implications for this proposed application for funding but if the application is successful, a procurement strategy for the works will be drafted for approval in accordance with the Constitution and Procurement Governance Arrangements.

7.5 Human Resources Implications

- 7.5.1 A full application will be overseen by council officers, supported by finance, property and legal as required.

7.6 Public Sector Equality Duty

- 7.6.1 A copy of the Equality Act 2010 – Public Sector Duty statement is appended (Appendix 1) together with the existing equality assessment screening (Appendix 2). There are no perceived negative Equalities aspect to the protected characteristics in this proposed application for funding

8 Background Documents

- 8.1 MEND Fund Application guidance / template

8.2 BMAG Condition Surveys

List of appendices accompanying this report:

Appendix 1 Equality Duty Statement

Appendix 2 Equality Assessment Screening (EIA)

Appendix 3 MEND Fund Expression of Interest (July 2021)

Appendix 4 Risk Assessment