

Classification: Open	Decision Type: Key
--------------------------------	------------------------------

Report to:	Cabinet	Date: 25 September 2024
Subject:	Bury Art Museum	
Report of	Cabinet Member for Culture, Economy and Skills	

Summary

Bury Art Museum (BAM) is a Grade 2 listed building in Bury Town centre, home to over 2000 works of art and 60,000 Museum artefacts. Opened in 1901, Bury Council have recently been awarded a restricted £589,545 Arts Council grant from the Department of Culture Media and Sport MEND Capital Programme with £65,505 match funding from Bury Council's Capital programme for essential and urgent repairs to the BAM roof. The grant is restricted and can only be used to repair the BAM roof. It will fund a quantity surveyor, conservation architect and building contractor.

As part of the Grant Agreement, Bury Council will need to enter into a Deed of Covenant with The Arts Council of England with restriction on title over the freehold of the project asset for a period of 15 years, confirming that Bury Council will operate the building as an Accredited Museum once the building works are complete for a period of 15 years.

A procurement process is required to award contracts for a Quantity Surveyor with a value of £12,278 and Heritage Architect, with a value of £32,350. Five local contractors will be approached to provide quotes for The Conservation Architect and Quantity Surveyor roles with support from Star Procurement.

Recommendation(s)

1. To note the award of £589,545 from The Arts Council with £65,505 match funding from Bury Council with a total cost of £ 655,050.04
2. To request approval to draw down of the £589,545 grant to Bury Council in phases as set out in the Arts Council Awards Schedule
3. To note the Grant Agreement requirement to enter into Deed of Covenant with The Arts Council of England with restriction on title over the freehold of the building for a period of 15 years. This means Bury Council commits the building to a minimum period of 15 years as an Art Museum.
4. Instruct the Monitoring Officer to undertake all legal work associated with the grant agreement.
5. To note the procurement process for a Quantity Surveyor and Construction Manager £12,278 limit and Heritage Architect £32,350 limit.
6. To approve the start of the procurement for a main building contractor for [works] up to a value of £526,924. This will be subject to a further Cabinet report in December 2024 to approve the contract.

Reasons for recommendation(s)

Approval to draw down the budget, approve the requirement to enter into a Deed of Covenant and approve the procurement process is sought so that the first phase of the MEND grant is released by The Arts Council.

Alternative options considered and rejected

There are no alternative options, the roof needs urgent repairs and the Arts Council have awarded a grant to enable this work to be carried out. If the grant is not drawn down, the work cannot continue. Do nothing is not an option as the building requires urgent work to the roof.

Report Author and Contact Details:

Name: Nicky Parker

Position: Director of Culture

Department: Operations

E-mail: N.parker@bury.gov.uk

1. Background

The Arts Council Museum Estate and Development Fund (MEND) is a capital fund targeted at non-national Accredited Museums and Local Authorities based in England to apply for funding to undertake vital infrastructure and urgent maintenance backlogs which are beyond the scope of day-to-day maintenance budgets.

The criteria for the MEND Fund have been set by the Department for Digital, Culture, Media and Sport (DCMS), Arts Council England, Historic England (HE) and The National Lottery Heritage Fund (NLHF). The grants are administered, awarded and monitored by Arts Council England. Funding has been provided by DCMS.

Bury Council has been awarded a restricted grant of £589,545 from the MEND Fund to carry out essential repairs to the BAM roof. This has been matched with £65,505 funding from Bury Council's Capital Programme as set out in the Funding Agreement between The Arts Council and Bury Council.

Bury Council is required under the terms of the Funding Agreement to enter into a Deed of Covenant with The Arts Council of England with restriction on title over the freehold of the building for a period of 15 years. This means Bury Council commits the building to a minimum period of 15 years as an Art Museum.

Bury Council is required under the terms of the Funding Agreement and its own procurement rules to ensure that a competitive tendering process is undertaken. This will include invitations to 5 local QAs and Heritage Architects to quote for the work followed by an open invitation to tender on the Chest for the main building contractor.

2. Progress to date:

Bury Council submitted the MEND Grant in Aug 2023 when the project was at RIBA Stage 3. Since then, the amount requested has been approved by The Arts Council and match funding has been secured from Bury Council's capital programme. Approval to draw down this grant is sought from Cabinet.

Listed Building Consent was submitted (LBC application 70518) and has been secured.

Legal work is required to enter into a Deed of Covenant with Arts Council England for a period of 15 years and approval is sought from Cabinet to commence

Five local companies have been asked to submit quotes for the Quantity Surveyor and Heritage Architect roles.

The procurement of a main building contractor will be via open invitation to tender on the Chest, and it is proposed that the QA and Architect will form part of the evaluation panel.

3. Funding

The total project cost is £655,050 funded from the £589,545 MEND Grant and £65,505 match funding from Bury Council.

The capital cost headlines are as follows:

Cost item	Total Cost £
Pre-construction	2,000
Construction	526,924
Quantity Surveyor £12,278 and Heritage Architect £32,350	44,628
Other fees and charges	28,660
Contingency	52,838

Payment schedule

The payment schedule is set out by the Arts Council. Payments 1 and 4 are scheduled. Payments 2 and 3 are indicative and can be drawn down in line with project progress and expenditure incurred.

Payment	Amount	Date	Conditions of Payment
Payment 1	£176,863 (30%)	Date TBC (from 17/04/2024 subject to conditions of payment)	Payment 1 can be claimed once the legal work to enter into a Deed of Covenant with Arts Council England is completed.
Payment 2	To a maximum of £176,864 (30%)	Date TBC (Indicative date Oct 2024)	• Evidence that you have received all appropriate statutory consents to undertake the Agreed Project

			<ul style="list-style-type: none"> • A copy of the tender review report and or Agreed Contract Sum for the Agreed Project that has been followed • An interim activity report form • An updated budget • An updated cashflow • An updated risk register • An updated timetable of work • Evidence that you have secured all the funding for the Agreed Project
Payment 3	To a maximum of £176,864 (30%)	Date TBC (Indicative date Apr 2025)	<ul style="list-style-type: none"> • An interim activity report form • An updated budget • An updated cashflow • An updated risk register • An updated timetable of work • Evidence that you have secured all the funding for the Agreed Project
Payment 4	£58,954 (10%)	Date TBC (Original date 25/11/2025)	<p>The final payment will be made on completion of:</p> <ul style="list-style-type: none"> • A final activity report • A statement of income and expenditure for the Agreed Project that has been certified by an independent qualified accountant • Submission of a costed maintenance and management plan • Submission of a completed MEND project evaluation form • Provision of confirmation and evidence of registration of Security

The BAM revenue budget has been reduced by £100K pa following changes made to Tourist Information and an increased income target.

4. Links with the Corporate Priorities:

‘The government estimates that creative industries generated £126bn in gross value added to the economy and employed 2.4m people in 2022. A range of research is also examining the way in which creative industries and the arts can positively impact wellbeing’ DCMS 2022

GMCA launched its new Cultural Strategy, ‘Create GM’ in August 2024. It sets out the strong links between culture and economic growth, care and health through its Creative Health work.

Bury Council has published its Cultural Strategy setting out how the cultural institutions in Bury will contribute to the Let's do it! principles of Inclusive Growth, Wellbeing and Equality and Diversity.

The Cultural Strategy is rooted in strong co-operation between the various cultural partners in Bury including the Bury Art Museum who between them have developed a strong cultural and events offer across the Borough. This has led to an increased footfall across Bury Town Centre as evidenced in Council monitoring around the use of the UKSPF grant. Increased footfall leads to increased spend in the town centre and is a catalyst for attracting new residents to Bury. This includes the very successful Bury Art Festival, the Food and Drink Festival, Pride and National Heritage Weekend which Bury Art Museum has delivered with partners.

The events programme has equality and diversity at its core and Bury Art Museum events is working with locally based community groups and individuals through the Community Arts Grants Programme ensuring that art and creativity reaches all part of the Borough and its diverse communities of place and interest.

It is essential that the Art Museum building is fit for purpose and the repair of the roof is key to both protecting the collection, preserving the listed building and contributing to the delivery of the Let's do it! Strategy.

5. Equality Impact and Considerations:

Once the building contractor is appointed, a full schedule of works will be available which will determine how much of the building may have to temporarily close. The procurement specification will set out the need for minimum disruption and an EqIA will follow once any closures are known. This will be included in a further Cabinet report once the procurement of the building contractor is ready to be approved.

6. Environmental Impact and Considerations:

The project to make essential repairs to the BAM roof includes the following work:

-
- Repair to glazed roof lights (skylights)
 - Repairs to parapets and valley gutters
 - Increase capacity for rainwater disposal
 - Better understanding of below ground drainage
 - Masonry repairs
 - Repair of internal plasterwork

As part of the social value considerations, the procurement process will seek any further enhancements the companies can provide to support Bury Council meet its carbon neutral and wider climate change commitments although these may be limited due to the listed status of the building.

Solar panels were considered during the application process to MEND. Standard solar panels could not be used as these would have blocked out the light to the upper galleries. The gallery was built as a top-lit gallery, with natural light, so to block

out the light would spoil the original characteristics of the Grade II Listed Building. Integrated solar panels were considered but the physical/geographical positioning of the roof means that solar panels would not generate enough power to make them viable.

Insulation will be added to the slate roof. The glass replacing the existing panels will be double-glazed and therefore the thermal efficiency of the building will be improved.

7. Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
1. Risk of unknowns once building work begins	Surveys have already taken place by a heritage architect in order to submit the MEND bid.
2. Building work causes a closure period for the ART Museum.	The work completed to date on surveys indicates that this will not be necessary
3. The design work will not be compatible with listed building status.	The heritage architect will be subject to a competitive tendering process where experience of working on listed buildings will be critical. The architects who have quoted for work are all from the Historic England preferred list

8. Legal Implications:

The Council must comply with the terms of the Arts Council England grant funding as set out in the report.

The Deed of Covenant contains a restriction on title over the freehold of the project asset for a period of 15 years.

Solicitors undertaking to register at the Land Registry within 28 days.

Provision of supplementary legal documents to include evidence of local authority cabinet approval or equivalent for the acceptance of the grant on the terms and conditions provided and delivery of the Agreed Project, certificate of title and letter of undertaking as to registration at the Land Registry (in Arts Council England's standard form) by the Organisation's appointed solicitors as set out in Clause 9.1 of the Standard Terms and Conditions.

The Standard Terms and Conditions – MEND set out further obligations at page 8 onwards.

The procurement of the works mentioned in this report must be compliant with the Contract Procurement Regulations 2015 (the Regulations) and the Council's Contract Procedure Rules (CPRs).

It is noted that compliant competitive procurement processes have been commenced in respect of the appointment of the quantity surveyor and conservation architect, and these contracts may be awarded in accordance with the CPRs subject to the grant funds being made available.

It is further noted that the building works will be the subject to competitive tender via the open procurement procedure in accordance with the Regulations.

9. Financial Implications:

There is 10% match funding of £65,505 within the agreed Capital Programme.

There is a risk of unknown *costs* once the works begin although this has been mitigated by the fact that surveys have already taken place by a heritage architect in order to submit the MEND bid.

10 Appendices:

none

11 Background papers:

None