



Cabinet **27 March 2013**

The Apex Performance Panel

1. Background

- 1.1 One of the proposals from The Apex Two Year Review carried out by the Overview and Scrutiny Committee in December 2012, subsequently adopted by the Cabinet (Reports D209 and D222 refer) was to establish an informal performance panel for The Apex, to assist in the next stage of its development and oversee its savings programme.
- 1.2 The review indicated that Cabinet would need to approve terms of reference for the Panel, and the proposal from a first informal session held in February 2013 is as follows:

2. Apex Performance Panel: Terms of Reference and Constitution

- 2.1 The Panel will act as an informal Cabinet panel to closely monitor the performance of The Apex in order to guide its management team on future programming and lettings strategy, in accordance with existing officer delegated powers. The Panel will also advise the Council's scrutiny committees, Cabinet members and Joint Leadership Team on the performance of The Apex.
- 2.2 At its own discretion, the Panel will meet no more than monthly and no less than quarterly to consider all elements of The Apex's budgets, performance and planning, including its relationship with Sodexo Prestige and other arts partners such as the Theatre Royal. This will include the consideration of performance and customer information in relation to The Apex's artistic programme (including the Bury St Edmunds Festival), building costs, its commercial and community lettings and its catering operations, and how the various elements of trading activity are being coordinated and jointly promoted by the Council, Sodexo Prestige and other partners.
- 2.3 The Panel will comprise up to seven Councillors (with a quorum of three). As an advisory group for his/her portfolio, the Panel will be appointed directly by the Cabinet Member with responsibility for The Apex. In appointing the Panel, the Portfolio Holder will have regard to the political balance of the Council and also the need to ensure that both of the scrutiny committees are represented. To provide continuity, substitutes will not be appointed. The Cabinet Member may also co-opt up to three external members of the Panel, at his/her discretion.

- 2.4 The Panel will be chaired by the Cabinet Member with responsibility for The Apex unless s/he wishes to delegate this role to another member of the Panel. In his/her absence, the Cabinet Member will appoint a substitute Chairman.
- 2.5 Attendance at the Panel's meetings will be at the discretion of the Chairman. However, all meetings will normally be attended by the Venues Director, or a substitute, and other members of The Apex management team as appropriate. Sodexo Prestige will also be invited to attend meetings as appropriate.
- 2.6 The Panel will be supported in its work by the Head of Leisure, Culture and Communities (or a substitute), and a representative of the Council's finance team. Administration for the Panel will be provided within the Leisure, Culture and Communities Service.
- 2.7 To ensure transparency and accountability in respect of The Apex's own performance:
- (a) the Panel will make an annual public report on the performance of The Apex to the Performance and Audit Scrutiny Committee each Autumn, which will feed into the annual budget-setting process; and
 - (b) data on the financial performance of The Apex will continue to be included in published quarterly budget monitoring reports.
- 2.8 The Panel may also make recommendations directly to Cabinet at any other time if it wishes.
- 2.9 Members of the Panel will treat as confidential any commercially sensitive information provided in relation to the financial affairs of third parties.

3. Recommendation

- 3.1 It is **RECOMMENDED** that the terms of reference for The Apex Performance Panel, detailed in Section 2 of Report D332, be approved.

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