

Report to: LED Monitoring Forum



Date of Meeting 16th January 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

LED Monitoring Forum Terms of Reference update

Report summary:

Following the last LED Monitoring Forum meeting on the 19th September 2023 it was noted during a discussion on the Honiton sports pitches report that there are issues which sit within the wider leisure agenda across the Council, and beyond the Council's relationship with LED. In the discussion, Members agreed that it would be appropriate to reconsider the Forum's name and Terms of Reference to reflect the wider Leisure Strategy focus, and incorporating LED. It was agreed that a short report with proposals to update the current Terms of Reference would be brought to the next Forum meeting.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the LED Monitoring Forum recommends to Cabinet the following changes to the Terms of Reference for the Forum:

1. The inclusion of the Portfolio Holder for Culture, Leisure, Sport and Tourism as one of the identified Portfolio Holders within the membership of the Forum.
2. To decide on the name change for the LED Monitoring Forum, considering the two proposals within the report.
3. To update the Terms of Reference to reflect the changes in Officers job titles.
4. To formally note within the revised Terms of Reference that the Chair will be appointed at Annual Council.
5. To formally note within the revised Terms of Reference the quorum for the Forum of 4 Members.
6. To formally note within the revised Terms of Reference that the Forum will meet on a quarterly basis, with extra meetings where reasonably required to deal with urgent matters.
7. To note within the revised Terms of Reference that the Forum will have oversight of the Council's wider leisure work as well as providing guidance and scrutiny of the Council's relationship and contract with LED.

Reason for recommendation:

To enable the work of the current LED Monitoring Forum to have greater oversight of the Council's wider leisure work as well as incorporating the core business of providing guidance and scrutiny of the Council's relationship and contract with LED.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Current EDDC/LED governance arrangements

- 1.1 LED Leisure Management Limited is a registered charitable trust, officially a Community Benefit Society regulated by the FCA. It was created to operate the outsourced leisure functions of the Council. It is a separate legal entity from East Devon District Council, and the property it uses, the services it provides and the funding it receives in that regard is subject to a legal agreement, entered into in 2005.
- 1.2 The Cabinet report on 11th November 2020 that set out the Terms of Reference considered the following governance arrangements to create the LED Monitoring Forum:

3.6 Taking the existing arrangements it is recommended that Cabinet establish the LED Monitoring Forum which would comprise 10 members – the Leader, Portfolio Holders for (i) Finance (ii) Coast, Country and Environment (iii) Economy and Assets and (iv) Sustainable Homes and Communities, EDDC Champion for Sports and four members who are not part of the administration to ‘review the current performance of the Trust’ as per existing arrangements. While it would review ongoing performance in terms of Service Delivery, it would also take on responsibility for dealing with service fee requests and business plans and making recommendations to Cabinet in that regard. It would be supported by key officers (it is suggested that this would be the Chief Executive, Strategic Leads for Finance and Housing, Health and Environment and the Service Lead for Countryside, with others asked when appropriate). While meetings with LED are currently quarterly extra meetings could occur where reasonable required to deal with urgent matters. Accordingly, the Forum could meet monthly with LED being requested to attend. This could be the position more long term too. This would need LED’s agreement, failing which, and leaving aside issues of

needing meetings to deal with urgent issues, the expectation would be that LED meet with the Forum on a quarterly basis.

3.7 The Forum would meet in public with the option to go into private should the need arise due to discuss, for example, confidential matters. Minutes from the meetings would be reported back to the Cabinet after each meeting. As it would be a body established under the Constitution, all members would be able to attend. Council would appoint the 4 non administration members at Annual Council but for the initial set up it is suggested that delegated authority be given to the Monitoring Officer to work with the relevant Group Leaders to agree the membership. The Forum will be involved in development of future Service level Agreements and consideration of future service offers and shall be entitled to request external support to inform decision making.

1.3 On the recommendation of Cabinet, Council agreed these Terms of Reference on 24th November 2020, with one change that the Portfolio Holder for Sustainable Homes & Communities was replaced with the Portfolio Holder for Corporate Services and Covid 19 Response.

2. Proposed changes to the Terms of Reference

2.1 To update and include within the membership, as outlined in paragraph 1.2, the Portfolio Holder for Culture, Leisure, Sport and Tourism. This would increase Portfolio Holder membership to five, thereby increasing the membership to 11. Alternatively, a decision could be made to replace one of the existing and currently identified four Portfolio Holders outlined in paragraph 1.2, so retaining the membership of the Forum to 10 Members.

2.2 To reflect the recent discussion at the 19th September 2023 LED Monitoring Forum, it is proposed to rename the Forum either:

- the Leisure Strategy Monitoring Forum or
- the Leisure Strategy Delivery Forum

Both incorporating the oversight of LED. This takes account of the wider role the LED Monitoring Forum has been taking recently on matters beyond just the Council's relationship with LED. The Leisure Strategy & Built Facilities Strategy 2021-31 provides oversight on LED's operational work and the annual management fee negotiations, but also the role of leisure, sport and recreation within all our communities outside of this contract.

2.3 To update the change in Officers job titles; the replacement of Strategic Leads to Director for Finance, Director for Health, Housing and Environment and the replacement of Service Lead to Assistant Director for Countryside and Leisure.

2.4 To update the process of appointing the Chair of the Forum, formally recording that the Chair will be appointed at Annual Council, as is the case for other panels and forums.

2.5 To formally note within the revised Terms of Reference what the quorum is for the Forum. The Constitution sets out that Panels and Forums will normally consist of 7 Councillors, with a quorum of 3, but given the Forum has a membership of 10 councillors, it is proposed to set the quorum at 4 Members.

2.6 To formally note within the revised Terms of Reference that the Forum will meet on a quarterly basis, with extra meetings where reasonably required to deal with urgent matters.

2.7 Finally, to note within the revised Terms of Reference that the Forum will have oversight of the Council's wider leisure work as well as providing guidance and scrutiny of the Council's relationship and contract with LED.

Financial implications:

There are no direct financial implications in the recommendations of this report

Legal implications:

The proposals outlined in this report are acceptable from a legal/governance perspective