

**Lowestoft Town Council**  
**Extraordinary Meeting**  
**Riverside, 4 Canning Road, Lowestoft, NR33 0EQ**  
**19:30 on Friday 20 April 2018**

**MINUTES**

**Present:** Cllrs Tara Carlton, Neil Coleby, Peter Collecott, Tracey Eastwood, Amanda Frost, Ian Graham (Chair), Alan Green, Dick Houghton, Peter Knight, Peter Lang and Alice Taylor

**In Attendance:** Shona Bendix (Clerk), Lauren Elliott (Committee Clerk)

**Public:** 4 members of the public were present

**260. Welcome**

The fire evacuation procedure was explained. Councillors and members of the public were reminded that in the interests of openness and transparency, the law permits reporting of meetings. The meeting was welcomed.

**261. To receive and consider acceptance of apologies for absence**

Apologies were received and accepted from Cllrs Barnard, Bemment, Byatt, Ford, Parker and Patience. Cllr Graham proposed, seconded by Cllr Green – all in favour. Cllr Owen was noted as absent.

**262. Declarations of Interests and dispensations**

None.

**263. To consider the accuracy of the Minutes:**

a) 3 April 2018 – will be deferred to next meeting

**264. Public Forum**

A patron of the Marina and a member of the Friends of the Marina spoke. The Marina Theatre is an asset to the town and the Zenith building is an asset to the Theatre. It would be difficult for the Marina Theatre to expand and broaden its appeal to the public without the Zenith building. The Café in the Zenith building is an essential part of Marina's development, profits go directly to the Theatre and the Trust. It was essential that access to the Zenith building is maintained. He stated that he implored the Council to take on the Zenith building. People who work with the Theatre have a great deal of trust in Lowestoft Town Council. This is a big responsibility but should be considered for the future of town – the Marina is a jewel in Lowestoft's crown. The Royal Philharmonic annual event is a big draw and often gets full houses. Thanks were expressed to Lowestoft Town Council for the work it has been doing.

Another member of public spoke and emphasised the cultural reasons for maintaining the Zenith building. The Marina Theatre works with young people. It is more than just an asset to Lowestoft; it is an asset to the culture of the East Coast.

Another speaker emphasised that the Marina Theatre is a Waveney and East Coast asset. The Marina Theatre has inspired her daughter and many young people. It enables people to engage culturally and emotionally where they would not otherwise have the opportunity. The Marina Theatre Trust is delighted in the way Lowestoft Town Council is engaging with them. She asked how much this proposal would add to the precept? The speaker noted that screenings are held at the Marina that you would not see elsewhere.

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Cllr Graham confirmed there would be no impact on the council tax. The cost of the loan would be covered in the payments from the Marina Theatre Trust and the remainder would be taken from reserves.

The Clerk reported that an email had been received with questions from a Town Councillor who was unable to attend and had indicated that residents had raised some concerns. He asked whether risk assessment had taken place with regard to Council's interest in Zenith building? Can attendance numbers be obtained from the Marina Theatre Trust to assess whether this is a worthwhile investment? The Clerk confirmed that the Secretary of State has to have a business case and reassurances on risk as part of the process for considering whether to approve the borrowing. There is no impact on tax payers financially in relation to the precept, that is there would be no resultant increase in the precept. The Town Council has commissioned a condition survey of building and this would be among the considerations during the negotiations.

It was noted that further discussions would take place on the financing during the meeting.

A councillor noted that there had been a demise of many iconic buildings in Lowestoft. The Marina Theatre must be preserved. The Zenith building serves the Marina Theatre in many different ways – it is essential to the Theatre. Lowestoft Town Council will be held responsible in years to come if does not invest in the Zenith building and the Theatre fails. It was noted that there had been an independent valuation of the value of the Zenith building by the Marina Theatre Trust and the seller had been clear about the amount that would be acceptable. Lowestoft Town Council's solicitors will advise regarding any further needed valuations during the sale process. The Zenith building is in private ownership currently.

**265. Responses from the public consultation regarding the purchase of the 'Zenith' building**

Councillors were provided with a spreadsheet showing a breakdown of the comments received by email in relation to the Council's consultation on the purchase of the Zenith building and the proposal to apply for a loan. Comments were overwhelmingly positive and the Mayor indicated that he had not previously seen such a positive response to any consultation on a significant project, despite it involving significant sums of money. Cllr Taylor has posted the public consultation information online and around 20 people had commented positively, although one person said the Council should be spending money on the homeless.

Cllr Knight noted that this consultation had been very widely publicised and discussed, and had been covered by the press as well and still the reaction was all positive.

Cllr Eastwood noted that she had handed out flyers on the consultation and distributed information at her work and again all of the reactions were positive.

A councillor welcomed the Marina Theatre Trust changing its position and moving from having some reticence about the relationship with the Council to now thoroughly embracing the positive relationship with the Council. It was noted that there had been some difficulties in developing a positive relationship as Waveney District Council had tried to manage the interactions and this had delayed developing a direct relationship.

Cllr Lang noted that this will be first asset that LTC has bought and emphasised that this was a positive move for the community and that it is vital that it goes through

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**266. Whether to progress the purchase of the 'Zenith' building**

Councillors had been provided with a finance paper, the current PWLB borrowing rates for £200,000 over 20 years, a map and business case for the purchase and a confidential asset record on the Marina Theatre and the relationship with the Marina Theatre Trust. It was noted that the interest and payments for the money borrowed would be recouped through reduction in the grant to the Marina Theatre Trust, or through a direct payment from the Trust. The Council will use some money from reserves.

It was noted that in relation to the £150,000 payable under the agreement for theatre management services. Waveney District Council have invoiced Lowestoft Town Council the money for 17-18 and have suggested the Town Council should pay for 18-19 but as the Town Council has only just been presented with a draft agreement, these funds have not been made. It was noted that the Town Council had had no rights under any agreement in 17-18 and therefore did not have the obligations. It was noted that WDC should pay the Theatre Trust for 18-19 but they have not yet done so. This matter was separate from the issue of the purchase of the Zenith building.

It was noted that the loan would be for £200,000 with the remainder coming from Council reserves. It was noted that if the Marina Theatre Trust went out of business, the Town Council would have to pay in the region of £20,000 per year to repay the loan but would not have to pay the £150,000 that the Town Council expects will become payable in the future.

Comments were made that it would be a retrograde step not to progress the Zenith building, as the theatre was a major asset to the town and required this building to function effectively.

It was noted that if the Marina Theatre Trust went out of business, it was important to recognise that, without the Zenith building, Lowestoft Town Council would have an incomplete theatre capacity as it would not own all the building areas needed to run any future alternative theatre services. From a business perspective Lowestoft Town Council needs a complete building as an asset.

Cllr Coleby proposed progressing the purchase; seconded by Cllr Barron; all in favour.

**267. Approval of an application to the Secretary of State to approve borrowing of the necessary funds**

A councillor wished to raise an enquiry about an item on the confidential paper which it was agreed would have to wait until later in the agenda. However, all members of the public left at 20:07 and Cllr Graham proposed moving into confidential session at that stage; This was seconded by Cllr Knight; all in favour.

There was a discussion about Waveney District Council's failure to provide promised Capital Programme funds for various assets. A meeting is being held on Monday which will hopefully resolve the remaining issues with WDC.

It was noted that the Theatre has already transferred to Lowestoft Town Council and that the failure of Waveney District Council to produce the deed of novation for the theatre management services agreement until March 2018 provided no barrier to progressing the purchase of the Zenith building.

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Prior to the meeting starting, all councillors had seen the completed application form and the documents inclusions required for approval for the borrowing from the Secretary of State. The Mayor checked that this had been the case and councillors confirmed that they had all seen the application. No questions were raised about the application.

It was noted that Lowestoft Town Council had been offered the assistance of a Waveney District Council lawyer for the purchase. However, the Town Council would be primarily relying on its own lawyers, Nicholsons.

Cllr Coleby proposed approval of the application for borrowing approval from the Secretary of State for the sum of £200,000; seconded by Cllr Lang; all in favour.

**268. Approval of an application to the Public Works Loan Board for borrowing the necessary funds**

Lowestoft Town Council will need to wait for approval from the Secretary of State and this has been requested by 28 April. There is significant time pressure as the seller wants to sell by June so all of the processes, including legal matters have to be concluded in May.

Cllr Coleby proposed that an application should be made for £200,000 loan; seconded by Cllr Green; all in favour.

As the interest rate is rising for borrowing money, delegated authority was needed for the application to be made. Cllr Coleby proposed that delegated authority was given to the Clerk, Mayor and one or more chairs of the committees to sign the application, in line with any signatory requirements on the application form. The authority was to sign an application for a £200,000 EIP loan over 20 years with an interest rate not exceeding 3%. This was seconded by Cllr Taylor; all in favour

**269. A Deed of Novation for provision of management services and any other contractual matters relating to the purchase and provision of theatre services**

A new document had been sent through yesterday. Clearly, the Town Council's lawyers had not had an opportunity to consider this and it was agreed to defer the matter to the May meeting.

**270. Date of the next meeting**

8 May 2018 19:30 – Annual Meeting of Lowestoft Town Council. There might be other business to attend to including a review of the list of the civic artefacts from Waveney District Council. Refreshments will be provided for Annual Meeting on 8<sup>th</sup> May. It was noted that the Council had taken a positive step for the community and the Clerk was also thanked for her hard work on this matter.

**271. Items for the next Agenda**

No additional items.

**272. Resolution to close the meeting to the public**

The Mayor closed the meeting at 20:23.

Signed:.....  
8 May 2018