

Lowestoft Town Council

Extraordinary Meeting

First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE

18:00 on 13 August 2019

MINUTES

Present: Cllrs Sue Barnard, Bob Breakspear, Colin Butler, Amanda Frost, Alan Green, Jacqueline Hardie, Peter Knight, Peter Lang, Graham Parker, Keith Patience, Andy Pearce, John Pitts, Alice Taylor, Nick Webb and David Youngman

In attendance: Shona Bendix (Clerk) and Lauren Elliott (Committee Clerk)

Public: There were no members of the public in attendance

82. Welcome

The fire evacuation procedure and public right to report were explained and the meeting was welcomed.

83. Receipt and consideration of acceptance of apologies for absence

Apologies were received from Cllrs Carlton, Coleby and Collecott. Cllr Knight proposed acceptance of the apologies; seconded by Cllr Parker; all in favour.

84. Declarations of Interests and dispensations

None declared.

85. Consideration of the accuracy of the Minutes

23 July 2019 – Accepted as accurate. Proposed by Cllr Knight; seconded by Cllr Lang; all in favour.

86. Public Forum

There were no members of the public in attendance.

Cllr Green proposed bringing forward item 91 and moving the meeting into confidential session; seconded by Cllr Knight; all in favour.

91. Resolution to close the meeting to the public:

91.1. Any matters arising under item 87:

87. The Ness

87.1. Consideration of agreeing the draft Licence to Occupy and any other associated documents including that relating to the JCT Collateral Warranty - The Clerk advised that before the discussion commenced, Cllr Patience should declare a local non-pecuniary interest in this item owing to his role as a District Councillor and the fact that it was the District Council seeking a Licence to Occupy. He accepted the advice and declared a local non-pecuniary interest. It was explained that East Suffolk Council require a Licence to Occupy in order to progress funded plans for The Ness. The Town Council previously granted delegated authority to Cllr Carlton and the Clerk to progress this matter, agree any amendments and sign any agreement. However, it has now been brought back to the Council to consider. It was explained that this is a time sensitive matter and the draft Licence to Occupy is currently with East Suffolk Council's solicitors, to consider the Town Council's proposed amendments. The latest plan (642/100) was displayed at the meeting. Cllr Taylor proposed delegating authority to the Chair of the Finance and Governance Committee and the Mayor to progress this matter, to obtain the best position in their judgement, taking into account legal advice, and to sign the Licence to Occupy, based on plan 642/100, and any associated warranty agreements; seconded by Cllr

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Lang. Cllr Taylor then invited comments from the Councillors. It was queried what concrete structures were proposed for the site and Councillors were invited to look at the plans on display, which identified the structures and paths. The risks involved with either signing or not signing the Licence to Occupy were considered and discussed. It was queried whether further funding is available to support the project and this is being investigated. Some sources of grant funding have been identified and applications have been submitted but as yet there has been no application made for artwork at Ness Point. Once work has been completed, it was queried who would be responsible if the site were to flood. This would be a matter to consider with the Town Council's insurers and it was noted that the Council had not, as yet, accepted that it had responsibility for the sea wall. The vote was taken and ten Councillors voted in favour of Cllr Taylor's proposal; as seconded by Cllr Lang; five Councillors abstained from the vote.

87.2. Consideration of the Transfer Deed for The Ness – There were no matters for consideration and it was confirmed that this would not affect other matters on the agenda relating to The Ness.

87.3. Authorisation and naming of the signatories for the purpose of any documents produced in connection with progressing the decisions under this agenda item – This was covered with the discussion of item 87.1.

91.2 Any matters arising under item 88:

88. Hamilton House

88.1. Consideration of agreeing the draft lease and associated plan, charging schedules for services and any Service Level Agreements and related contractual matters, including for IT services – Cllr Green provided the background as to how the Town Council selected Hamilton House for its offices and why the matter of the lease is still ongoing. The Town Council's solicitors have advised that they are satisfied with the current draft lease. Cllr Green proposed to accept the draft lease and associated plan and charging schedule, with the Mayor and Chair of the Finance and Governance Committee to act as signatories for this. This does not include the IT service schedule, which Cllr Green proposed be subject to further scrutiny by the Finance and Governance Committee; this was seconded by Cllr Knight. Cllr Taylor invited comments from the Councillors before the vote was taken. It was confirmed that the duration of the lease and required notice period has previously been considered and agreed. Legal advice will still be sought where necessary. The vote was taken and all Councillors voted in favour of Cllr Green's proposal, as seconded by Cllr Knight.

88.2. Authorisation and naming of the signatories for the purpose of any documents produced in connection with progressing the decisions under this agenda item – This was covered with item 88.1.

89. Date of the next meeting

20 August 2019

90. Items for the next agenda and close

It was requested that the Budget and Loan Working Group be formed and a meeting arranged. Cllr Pearce raised the matter of the theft of door handles from the Marina Theatre and the Clerk advised she would be replying to his queries directly.

The meeting was closed 18:36.

Signed:

20 August 2019