

Lowestoft Town Council
Extraordinary Full Council Meeting
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
18:30 on 7 November 2023

MINUTES

Present: Cllrs Sonia Barker (Mayor), Nasima Begum, Wendy Brooks, Graham Parker, Andy Pearce, Bernadette Rappensberger and Elise Youngman

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

Public: There was one member of the public in attendance (in person)

125. Welcome

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

126. Apologies for absence

Apologies were received from Cllrs Neil Coleby, Janet Craig, Jen Jones, Christian Newsome, Paul Page, Keith Patience, John Pitts, Deborah Ray, Nick Webb and David Youngman, with reasons provided. Cllr Parker proposed approval of the apologies received; seconded by Cllr Pearce; six Councillors voted in favour; one Councillor voted against.

127. Declarations and dispensations

127.1. Declarations of Disclosable Pecuniary, Other Registerable and Non-Registerable interests from councillors on items on the agenda – Cllrs Barker, Brooks and Pearce declared they are members of the Marina Theatre Partnership Board, but in line with legal advice, Cllr Pearce noted this should not be declared as an outside interest as it incorrectly gives the impression it is an outside body. The Clerk considered Councillors had made it sufficiently clear what their involvement is. Cllr Barker declared she had received a request to meet with a member of the Marina Theatre Trust but had declined.

127.2. Written requests for dispensations for interests and note dispensations granted – There were none.

128. The draft minutes and confidential note of the Full Council meeting on 24 October 2023

Cllr Brooks proposed approval of the minutes and confidential note of the meeting on 24 October 2023, and advised she did not mind being named in the minutes when abstaining from a vote. The Clerk advised Councillors would not normally be named, unless a recorded vote had been requested. With regard to item 116.3, Cllr Pearce had not requested consideration of the item at the meeting, but had asked Council if it would have any objection to the application being considered under delegation, and would like the confidential note of the meeting to reflect that. Officers agreed to review the confidential note. Cllr Brooks suggested deferral of this item to the next meeting due to the query raised. Cllr Pearce clarified he had not requested deferral, just clarification that the confidential note accurately reflected what was said. Cllr Pearce seconded the proposal and all Councillors voted in favour.

129. Public forum

The Clerk understood the member of the public in attendance was happy to speak in the public forum and would not be discussing confidential matters, but would be advised if anything he was raising was confidential. The member of the public introduced himself as Ed Wilson, partner of Foster Wilson Size, and gave background on his experience working with theatres. Mr Wilson explained that Foster Wilson Size had been appointed in July 2022 with a full design team, via an open tender process, for both feasibility and delivery plans. Lowestoft Town Council representatives were part of the selection process and attended the interview. Foster Wilson Size undertook consultation on 7 October 2022, which was attended by Lowestoft Town Council representatives. A scheme had been designed to address the most urgent requirements and Foster Wilson Size had been working closely with the Marina Theatre Trust.

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Cllr Pearce advised that permission had only been given to draw down £100,000 from the Towns Fund allocation for the feasibility study. No permission had been granted for procurement for project delivery. The Town Council had advised that it would make its decision on the project based on the results of the feasibility study. The Marina Theatre Trust had been given no permission to carry out procurement for project delivery and had been advised this would need to be carried out by the Town Council, in line with its Financial Regulations and procurement procedure, so as not to jeopardise VAT recovery.

The Clerk was concerned that the discussion was becoming legally sensitive. Cllr Brooks considered that Mr Wilson should not have been permitted to address the Council in this way at all, given that it could jeopardise the Town Council's open procurement process. Cllr Pearce agreed and requested Mr Wilson's address cease immediately.

Cllr Barker advised that neither she nor the Clerk were aware that Mr Wilson was going to address the Council or of what would be said. Cllr Pearce noted that Mr Wilson had made statements which were factually incorrect, and advised that the Town Council had not been involved with procurement, and that no procurement had been carried out for delivery phase.

The Clerk advised the Council it could vote to invite Mr Wilson to continue the discussion in confidential session, but would not be compelled to do so. Cllr Pearce proposed that Mr Wilson should end his statement immediately, and not be invited to continue discussions during the confidential session. Any statement could be submitted in writing to the office, but should be mindful of potential lobbying. Cllr Brooks seconded the proposal and all Councillors voted in favour.

Mr Wilson stated he had approached East Suffolk Council but had been advised to speak to the Town Council. The Clerk explained the legal position regarding public forums and reiterated that she and Cllr Barker were not aware that Mr Wilson would be attending or what he would be speaking about.

Mr Wilson expressed his disappointment in the Town Council's decision.

130. The Marina Theatre:

- 130.1a. An update on legal advice regarding the Marina Theatre project and funding agreement (confidential) – To be considered during the confidential session.
- 130.1b. The Towns Fund agreement and budgetary requirement for the RIBA Stage 4 project works (some aspects may be confidential) – To be considered during the confidential session.
- 130.1c. How to progress the appointment of a Project Manager (some aspects may be confidential) – To be considered during the confidential session.
- 130.1d. An update on obtaining subsidy control advice (confidential) – To be considered during the confidential session.
- 130.1e. An update on legal advice regarding the lease (confidential) – To be considered during the confidential session.

131. An application for Freedom of the Town, including any recommendations from the Assets, Inclusion and Development Committee (confidential)

Cllr Barker advised that this item did not require confidential consideration and had been considered in public session by the Assets, Inclusion and Development (AID) Committee. Cllr Pearce proposed to support the recommendation from the AID Committee to confer Freedom of the Town on the Royal Naval Patrol Service Association, with officers to notify them upon approval, and a presentation ceremony to be organised for a mutually convenient date. Cllr Brooks was not against the proposal but expressed concerns about the procedures followed and how it was presented to Council. Cllr Pearce refuted this and explained the process he had

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followed in line with the policy. Cllr Parker seconded the proposal. Six Councillors voted in favour; one Councillor abstained from the vote.

132. Date of next meeting

28 November 2023 at 18:30

133. Items for the next agenda and close

Councillors were advised to send any requests to the office.

Cllr Brooks proposed to move the meeting into confidential session; seconded by Cllr Pearce; all in favour.

The member of the public left the meeting 19:05

134. Resolution to close the meeting to the public:

134.1. Any matters, including those above as required:

130.1a. An update on legal advice regarding the Marina Theatre project and funding agreement (confidential) – The legal advice had been circulated. There was a discussion regarding how to proceed. Cllr Brooks made a confidential proposal following this; seconded by Cllr Pearce; all in favour.

130.1b. The Towns Fund agreement and budgetary requirement for the RIBA Stage 4 project works (some aspects may be confidential) – This was included in the discussion of the previous item.

130.1c. How to progress the appointment of a Project Manager (some aspects may be confidential) – This item was not considered, given the discussion of item 130.1a.

130.1d. An update on obtaining subsidy control advice (confidential) - This item was not considered, given the discussion of item 130.1a.

130.1e. An update on legal advice regarding the lease (confidential) – Legal advice on the timing of the lease had been circulated. There was a discussion regarding how to proceed and this would be considered further by Council. The Clerk was asked to put together a timeline for the benefit of Councillors not in attendance today and who may not be aware of the situation.

The meeting was closed at 20:15.

Signed:

28 November 2023