

Lowestoft Town Council
Meeting of the Marina Theatre Project Committee
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
15:30 on Wednesday 31 January 2024

MINUTES

Present: Cllrs Sonia Barker (Chair), Wendy Brooks, and Andy Pearce. Non-Councillor members Sam Vallerius, Robin Townley, Hazel Clover, Norman Cullingford (Marina Theatre Trust) and Darren Newman and Emma Bellward (East Suffolk Council)

In Attendance: Sarah Foote (Acting Town Clerk) and Taylor Williams (Committee Clerk)

1. Welcome

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

2. To receive and consider approval of apologies for absence

Cllr Pearce had provided apologies that he may be late to the meeting.
Cllrs Coleby and Webb were absent with no apologies received.

3. Declarations of Interests and dispensations

- 3.1. To receive declarations of Disclosable Pecuniary, Other Registerable and Non-Registerable interests from Councillors on items on the agenda – It was noted that the declarations should include non-Councillor members. The East Suffolk Council (ESC) representatives confirmed they would leave the chamber for consideration of item 8 as ESC were leading on the Party Wall Survey.
- 3.2. To consider written requests for dispensations for interests and note dispensations granted – No written requests for dispensations had been received.

4. Public forum

An opportunity for the public to make comments on any matters on this agenda, and to consider any advance comments from the public – No advanced comments had been received and no members of the public were in attendance.

5. To review and adopt Committee arrangements:

- 5.1. To note the Terms of Reference – Cllr Brooks commented that the Terms of Reference were too lengthy and complicated. The Marina Theatre Trust (MTT) would sign off the Terms of Reference at their next board meeting.
- 5.2. To note the membership – Membership was noted as per the Terms of Reference. MTT advised the Committee that their representatives may be dependent on availability when the schedule for the Committee is set.

Cllr Pearce entered the chamber at 15:38 and confirmed he had no declarations.

- 5.3. To appoint the Deputy Chair – Cllr Pearce nominated Robin Townley as the Deputy Chair, noting that in the event of scheduling issues he could resign from the post; seconded by Cllr Brooks; all in favour.
- 5.4. To recommend a meeting schedule to Full Council – Cllr Pearce proposed meetings be scheduled on a monthly basis on the second Thursday of the month in the morning; seconded by Cllr Brooks; all in favour.

6. Project Management

- 6.1. To note agreement in principle for East Suffolk Council to provide Project Management of the Marina Theatre Re-Development Project – The ESC representatives stated they had received in principle support from the Senior Management team and were awaiting the Legal team to finish the Memorandum of Understanding (MOU).

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- 6.2. To accept the East Suffolk Council Memorandum of Understanding – Once the ESC Legal team have finalise the MOU then the scope of project management could be shared with this Committee. It was noted that Full Council had agreed a delegation to this Committee to refine the text of the MOU.
- 6.3. To agree scope of Project Management role – This was being reviewed by the ESC Legal team and Darren Newman confirmed there were no concerns raised with the scope.

7. Procurement

- 7.1. To consider draft procurement document and agree procurement timetable and supporting terms and conditions – Emma Bellward provided an overview of the tender document and feedback was requested from the Committee.

Robin Townley recommended an Access and Inclusion Consultant and a Theatre Consultant be considered for the Design Team, furthermore the Energy Consultant may not be required as the Mechanical and Electric Engineering Consultants would have the same experience and skill set. Regarding the evaluation scoring, Robin Townley suggested an extra 5% be given to Experience and Skills so that it was equally weighted with Price and Methodology, then reduce the Social Value for design to 10%. An alternative suggestion was made to remove the Social Value and split its scoring between Methodology and Experience and Skills.

CLr Pearce proposed to remove Social Value from the design contract, this would be reconsidered in the construction phase, and split the 15% from Social Value between Methodology at 10% and Experience and Skills at 5%, with the specification of Methodology to request evidence of social value and sustainability as per the Theatre Green Book. Furthermore, the Design Team composition would follow the suggestion from Robin Townley and include an Access and Inclusion Consultant and a Theatre Consultant. Emma Bellward seconded the proposal and a vote was held with all in favour.

- 7.2. To consider timetable for project delivery – Regarding the procurement timeframe, the invitation to bid would be released 5th February, with clarifications closed a week later and the bid closed 23rd February. The evaluation panels would follow on 26th February to 1st March and be populated by members of this Committee, with the numbers replicated as per the Terms and Conditions. The contract would then be awarded mid-March 2024 with the decision to move on past RIBA Stage 4 to be made mid-May 2024.

Whilst there may be a risk of the short turnaround for tender responses not producing competitive bids, there were methods to extend the programme if needed and MTT felt it may be advantageous to have fewer teams to allow for direct comparisons due to the specialist nature of the scope.

Emma Bellward would liaise with the Acting Town Clerk to implement the amendments and collate the appendices. This would be shared with the Committee and the contract issued by 5th February. It was suggested to add a line in the appendices that stated Lowestoft Town Council (LTC) had declared a climate and ecology emergency.

8. To note receipt of correspondence under the Party Wall Act 1996 regarding works at The Marina Centre and the intention to carry out works that have the potential to affect The Marina Theatre

It was noted that LTC's concerns for the nearby kittiwake colony on the adjacent theatre building had not been addressed in the ecological statement for the planning application of the Marina Centre.

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Emma Bellward and Darren Newman temporarily left the chamber at 16:45 for consideration of item 8

The Acting Town Clerk advised that due to commercially sensitive topics this item would need to be discussed in confidential session.

12. To resolve that under the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the meeting on the grounds that publicity would be prejudicial to public interest by reason of the confidential nature of the business to be transacted, namely any legal issues relating to the matters on this agenda:

12.1. To consider any legal issues, including those above as required - Cllr Pearce proposed the meeting be moved into confidential session; seconded by Cllr Barker; all in favour.

The Chair closed the meeting to the public and moved into confidential session at 16:46

The MTT were concerned about the effect these works could have on the continuation of their activities with noise disrupting the auditorium and the first-floor meeting room, which is part of the theatre's community engagement, and the box office activities. There was also the loss of a fire escape as the top office only has a fire escape route via the window, which was not shown on the current plan. MTT had not been consulted on the plans.

The legal obligations needed to be reviewed and a response was required by 5th February with one of four options selected.

Cllr Pearce proposed a joint approach from LTC and MTT, with both parties to submit separate responses, aware of an in support of each other's positions, stating they do not consent to the works and a position on the surveyor would only be taken once both parties are satisfied with answers to the concerns raised; seconded by Robin Townley; all in favour.

The meeting returned to public session at 17:04 and Emma Bellward and Darren Newman returned to the chamber

9. To consider any recommendations to Full Council

There were no recommendations.

10. Date of the next meeting

It was agreed that a meeting was not required for February and the next meeting was scheduled for Thursday 7th March 14:00.

11. Items for the next agenda and close

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12.1. To consider any legal issues, including those above as required

The Chair closed the meeting at 17:09

Signed:
7 March 2024