

Lowestoft Town Council
Meeting of the Town Hall Project Committee
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
10:00 on 16 November 2023

MINUTES

Present: Cllrs Sonia Barker (Chair), Wendy Brooks, Andy Pearce, Bernie Rappensberger and Elise Youngman. Non-Councillor member Ben Porter (East Suffolk Council Officer)

In Attendance: Sarah Foote (Deputy Town Clerk), Chris Meek (Events and Administration Officer) and Taylor Williams (Committee Clerk)

Also in Attendance: Sheila MossKing (Project Manager)

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

Apologies were received from Helen Johnson and Cllr Green with reasons provided.

Apologies were received from Cllr Patience with no reasons provided.

Cllr E Youngman proposed approval of all apologies received; seconded by Cllr Rappensberger; all in favour.

It was noted that absences would be managed per the legislated six months absence rule.

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 – No declarations were made, and it was noted that external discussions or lobbying that could lead to pre-determination on agenda items and should be disclosed.

3.2. To consider written requests for dispensations for interests and note dispensations granted – No written requests for dispensations had been received.

4. To consider the draft notes of the meeting on 12 October 2023

These were not formal minutes and would be held as a record of the meeting that took place.

5. Public forum

Cllr Pearce raised his concerns on the manner in which this meeting was convened and how the agenda was prepared without any discussions with the Project Manager who had raised concerns over the agenda and whose work was being hindered by the process. Cllr Pearce requested the Chair ask the Project Manager if she wishes to proceed with the meeting with this agenda and if so if she wishes any items be re-ordered so that higher priority items could be resolved. Cllr Pearce requested the constraints imposed by the legal framework and the communication and cooperation between officers and the Project Team be added to the risk register. Cllr Pearce requested an item go to Full Council to reaffirm the Terms of Reference and delineate the respective roles and responsibilities of the officers and project team.

Cllr Barker proposed item seven be moved to the top of the agenda; seconded by Cllr E Youngman; all in favour.

7. To review and adopt Committee arrangements:

7.1. To note and consider the Terms of Reference – A concern was that the terms of reference

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lacked clarity and that the Mayor should not have been automatically appointed as Chair of this Committee.

Cllr Pearce proposed the legal constraints and the communication and cooperation between officers and the Project Team be added to the risk register, with an item on Full Council to reaffirm the Terms of Reference and delineate the respective roles and responsibilities of the officers and project team.

The Project Manager expressed uncertainty on the Committee structure, noting that the expenditure of public funds needed to be managed but due to the uncertainty on delegations this Committee structure was delaying the project rather than overseeing it, noting that other hired professionals for the project had made decisions affecting the budget without any delegation procedure. This Committee needed to delegate the management of the project to the Project Manager, who would use their expertise and professional judgement to bring any items of relevant consideration back to Lowestoft Town Council (LTC). The Project Manager suggested that due to the inflexibility of the agenda, such as not allowing for any other business to be raised, a solution would be to form a separate working group to deal with the regular business of the project and refer items to this Committee when decisions are required.

The Deputy Town Clerk noted that LTC had received an independent legal opinion on the requirement of this Committee and that a decision would be made in this meeting on how the Committee and the project would work within the parameters of the legal framework.

- 7.2. To note the membership – Membership was confirmed to be all in attendance including Cllrs Alan Green, Keith Patience and non-Councillor member Helen Johnson.
- 7.3. To appoint the Deputy Chair – As the Terms of Reference do not stipulate a Deputy Chair is required, an acting Chair would be appointed in each meeting when required. Cllr Brooks proposed Cllr Pearce be appointed acting Chair for this meeting; seconded by Cllr Rappensberger; all in favour.
- 7.4. To recommend a meeting schedule to Full Council – Item 6b on the Terms of Reference states that there would be no casting vote and for the matter to be determined at a subsequent meeting of this Committee or Full Council was noted to be contrary to the Local Government Act where the person presiding should have the casting vote. Cllr Pearce proposed the Terms of Reference be amended to reflect the law in relation to casting votes, with Full Council to note and sign off the update Terms of Reference; seconded by Cllr Rappensberger; all in favour.
This item would be discussed further at the end of the meeting.

Cllr E Youngman seconded Cllr Pearce proposal and a vote was held with five in favour and one abstention.

6. Finance, budget monitoring and payments (see report):

- 6.1. To note and consider income and expenditure, including:
 - 6.1a. Authorisation by the Project Manager of £852.50 for CCTV drainage survey – The Project Manager informed the Committee that this authorisation should have been permitted, and was delayed due to the query of delegations, therefore due to time constraints she had instructed the works. A member raised that according to the Terms of Reference anything pre-approved in the scope of works should already be delegated to this Committee to authorise. The documents submitted to the lottery need to be collated as they confirm the pre-approved scope of works delegated to this Committee. Cllr

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Pearce proposed to provisionally approve the authorisation of CCTV drainage survey and check the delegations, with documents that define the pre-approved scope of works to be collated and made available to officers and Councillors; seconded by Cllr Barker; all in favour.

- 6.2. To monitor the budget – There were no invoices to settle, and the first drawdown from the Design Team was expected in the next few days. The Project Manager confirmed the final reclaim was made in September and has been settled, noting the reserve fund had been expended. It was agreed to continue the process as per the previous phase, with the Project Manager handling the budget and officers managing the accounts on LTC's side.
- 6.3. To consider any payments for approval – Any confidential items would be flagged by the Project Manager.

At 10:48 a five-minute comfort break was taken

The meeting was resumed at 10:55

- 6.4. To consider progress with obtaining Secretary of State approval for a loan application, including any consultation – This loan, which LTC planned to be up to £4 million based on affordability, would complete the funding package for the project and until all funding was secured the project did not have Permission to Start from the Heritage Fund, therefore any expenses could not be reclaimed.

The Department for Levelling Up, Housing and Communities (DELUHC) confirmed the drawdown of the loan could be deferred and done in tranches. For this project the funding would not be required until the main construction project, with repayment to start six months after the withdrawal of funds.

Due to the commitment that council tax not affected by cost of servicing the loan, evidence was required to show that the application for the loan had been surveyed with the public. It was noted that the turnaround time at DELUHC was estimated to be eight weeks.

The Deputy Clerk informed the Committee there was uncertainty that the calculation for the amount that would be affordable for the loan could be provided until the budget for LTC has been approved.

It was noted that 2024-2025 would not budget for loan repayments, which were anticipated to begin in the first quarter of 2025-2026, therefore submission of the budget should not delay the application for the loan. The PWLB Working Group would review and calculate the finances related to the loan and provide the findings to this Committee to further recommend the figures to Full Council.

Whilst the permission to borrow would be valid for a year, a letter could be sent to the Debt Management Office by LTC to request an extension to the period.

Details on affordability of the loan and how it would be funded needed to be provided to Full Council to obtain permission to submit the application. Cllr Pearce proposed the Public Works Loan Working Group be delegated authority to review and agree the figures and make a recommendation to Full Council; seconded by Cllr Barker; all in favour.

- 6.5. To consider any reporting and work required for the Towns Fund Agreement – The drafts for both agreements would be provided ahead of the Full Council meeting. In terms of reporting and monitoring, East Suffolk Council (ESC) would need the overall towns fund

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expenditure (looking at a period in arrears of the last six months (April to September and October to March)) this also includes the total spend on the project. Within the draft grant agreement, ESC proposed that every quarter a copy of the monetary report to pay for the National Lottery fund is submitted, and every month a copy of monthly project update is provided.

- 6.6. To consider any work required for the East Suffolk Council grant – The drawdown process needed to be considered and whether any flexibility was required to assist with the cashflow. A draft copy of both agreements would be provided to Full Council.

7. To review and adopt Committee arrangements:

- 7.1. To note and consider the Terms of Reference – This item was discussed earlier in the meeting.
- 7.2. To note the membership – Confirm membership – This item was discussed earlier in the meeting.
- 7.3. To appoint the Deputy Chair – This item was discussed earlier in the meeting.
- 7.4. To recommend a meeting schedule to Full Council – This item was discussed earlier in the meeting.

8. To consider a report from the Project Manager, including progress with the following:

- 8.1. Procurement of a Quantity Surveyor – It was noted that the procurement and specification for a Quantity Surveyor were included in the Phase 2 lottery bid, therefore it was classed as pre-approved works by Full Council and therefore delegated to this Committee. The Project Manager confirmed the Heritage Fund bid also included the specification for the Contract Administrator.

Cllr Pearce proposed, as the Committee has delegation from Full Council, the tender documents for both roles, with the finer details to be agreed between the Project Manager and Deputy Town Clerk, be released and Full Council be notified that procurement has commenced and provided the deadline date. The evaluation panel would consist of any voting member of this Committee, including the two ESC members, with the Project Manager in attendance in an advisory capacity and officers in attendance in an administrative advisory capacity; seconded by Cllr Brooks; all in favour.

Cllr Brooks temporarily left the chamber at 11:35

- 8.2. Written confirmation that funding can be drawn down in advance of Permission to Start – The Project Manager noted confirmation had been received at a recent heritage fund meeting. The Deputy Clerk would obtain written confirmation.

Cllr Brooks returned to the chamber at 11:35

- 8.3. Degradation and asbestos work – The Project Manager would request further details from the Design Team concerning the specification for dry rot works. Full Council had approved £70,000 for any works outside of the project scope.

The Project Manager suggested more competitive quotes be sought with an improved specification of the works from the architect. The Project Manager also suggested Broadland be asked to review the survey of asbestos, in light of the works done and with the certification from East Coast Installations, and requested they update the Refurbishment and Demolition (R&D) survey to show what asbestos has additionally

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been found and removed. That consequent document would then hold all up-to-date information on removal of asbestos in the building. Cllr Brooks proposed approval of the Project Manager's two suggestions on quotes for works and updates to the R&D Survey; seconded by Cllr Pearce. Cllr Pearce requested clarification from officers on two separate financial delegations, first in February 2023 the Finance and Governance Committee approved funding a report by the Conservation Architect, followed by Full Council approving up to £43,000 for capital and degradation works, which would be allocated from the Town Hall Repair and Maintenance budget. A later request was received to commission the dry rot report under £10,000 which was approved and paid. Full Council then approved £70,000 for the degradation and strip-out works per the recommendations from the report, delegating the allocation to the Finance and Governance Committee, whose allocation was on the premise that there would be no funds remaining in the Town Hall Repair and Maintenance budget. Officer would advise if there was any underspend from the original delegation, to ensure the Town Hall Repair and Maintenance budget funds are expended first. A vote was held with all in favour.

Cllr Barker temporarily left the chamber at 11:50

Cllr Barker returned to the chamber at 11:51

- 8.4. Design Team work, including security and IT requirements – The audio and visual specifications would be reviewed by the Project Manager and the Communications Officer.

It was noted that planning consent had been received and RIBA 4 stage works were now moving ahead.

Equipment needed to be specified and procured for the café, therefore scaled drawings were due to be requested from the Catering Consultant.

9. To consider any recommendations to Full Council on the following:

- 9.1. The enabling contract, construction design management and contract administration, including any delegations –

At 11:56 Cllr Pearce proposed to suspend standing orders at 12:00 for thirty minutes; seconded by Cllr Barker; all in favour

The enabling contract would not be pursued as there was no time for the Design Team to provide the specifications or procure the contract before going out to tender for the main contract, however the Project Manager advised that most of the work was already finished.

Cllr Pearce proposed an item be added to the risk register on proceeding without the enabling contract and how the risk would be mitigated; seconded by Cllr Barker; all in favour.

- 9.2. Any other delegations –

Cllr E Youngman temporarily left the chamber at 12:00

The Project Manager needed to be able to agree or reject Design Team queries, Interpretation queries and progress the project as per the statement made at the beginning of the meeting. Specific delegations would include a large overhead for the Project Manager and the

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administration team.

Cllr Pearce requested a standing item be on the agenda to receive a list of planned actions that needed to be progressed before the next meeting and then this Committee can exercise its delegation and provide approval. The Project Manager had provided list of works to be completed before Permission to Start is obtained on page seven of the report.

Cllr E Youngman returned to the chamber at 12:03

Cllr Pearce proposed to authorise the Project Manager and Project Team to carry out the agreed tasks up to the Permission to Start within the pre-approved scope of works, furthermore with an item on Full Council to ratify this and approve the list of works; seconded by Cllr Barker.

Cllr Pearce amended his proposal to include that all procurement would be subject to financial regulations, with an overriding requirement to secure value for money for LTC. Cllr Barker seconded the amended proposal and a vote was held with all in favour.

9.3. The cost and location of a UK Power Networks substation – A new quote had been received and was £2,500 cheaper. Once approval has been obtained from ESC, the Project Team would then progress the planning application. It was noted that the substation was in the cost plan and would be allocated from the project fund.

Cllr Pearce proposed to accept the new quote and authorise the Project Manager to liaise with ESC on the location of the substation, noting that Full Council approval was not required as LTC did not own the land; seconded by Cllr Barker. The Project Manager noted the quote would be valid for a year and advised the Committee to not accept the quote as that would require upfront payment. Cllr Pearce amended his proposal to rescind the acceptance of the quote, but for the Project Manager to continue liaison with ESC on the location of the substation. Cllr Pearce also clarified that if the substation was part of the scope of works included in the lottery submission approved by Full Council then this Committee would have the delegation to authorise acceptance of the quote. Cllr Barker seconded the proposal and a vote was held with all in favour.

9.4. An application to BT Open Reach for a line into the Town Hall – These works had been completed.

9.5. Adding PVC (solar) panels – It was noted that this item should read as ‘PV panels’. Planning permission had been obtained but the Design Team had yet to be instructed to proceed and there was no provision in the cost plan for PV panels as grant funding support would be sought. Cllr Pearce proposed a recommendation be made to Full Council to proceed with acquiring the panels and to authorise the Project Team, in liaison with ESC, to explore funding opportunities, with a request that the Hornsea Community fund be considered; seconded by Cllr Brooks; all in favour.

9.6. Inclusion of a platform lift – This was required for accessibility and due to the insufficient room to accommodate the stairs and platform lift, the Design Team had been instructed to review this again and had concluded it could still be delivered in the project at no substantial extra cost.

9.7. Inclusion of wind sensors on awnings – This was noted.

9.8. Further strip-out works – Strip-out works had been discussed earlier in the meeting.

10.To consider the project plan, including procurement and timescales

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The Project Manager advised that the procurement of an Evaluation Consultant, which had been pre-approved, be completed before receiving the Permission to Start. Cllr Pearce proposed per the delegations this procurement be progressed, with authorisation given to the Project Manager in conjunction with officers and support from ESC, to agree the timescales and go out to tender; seconded by Cllr Barker; all in favour.

The Interpretation Consultations had been instructed to deliver their RIBA Stage 4 designs for the exhibitions by May 2024.

Heads of terms needed to be agreed with the registrars, which the Project Manager can advise on what needs to be covered in terms of the costs incurred. LTC needed to nominate representatives to meet and agree on the terms with the registrars representative.

Cllr Pearce proposed a confidential item be added to Full Council, with any preparatory work with the Project Manager to be sorted beforehand, for a delegation to officers to liaise and progress the heads of term, with a brief on requirements to be provided to Full Council; seconded by Cllr Barker; all in favour.

7.4 To recommend a meeting schedule to Full Council - Meetings would be scheduled monthly on a Thursday morning prior to Full Council, with any working groups from this Committee to be scheduled as required.

11.Date of the next meeting

Thursday 7 December 2023.

12.Items for the next agenda and close

Any items would be emailed into the office. As requested, there would be a standing to receive a list of planned actions that require approval.

13.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:

13.1. To consider any legal issues, including those above as required – There were none.

The Chair closed the meeting at 12:30

Signed:

7 December 2023