

Lowestoft Town Council
Full Council Meeting
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
18:30 on 4 February 2025

MINUTES

Present: Cllrs Sonia Barker, Nasima Begum (Mayor), Wendy Brooks, Neil Coleby, Jen Jones, Christine Moore, John Murray, Andy Pearce, John Pitts, Bernadette Rappensberger and Elise Youngman

In attendance: Sarah Foote (Acting Town Clerk) and Lauren Elliott (Senior Committee and Project Clerk)

Also in attendance: Emma Bellward (Marina Theatre Project Manager), Ed Wilson (Marina Theatre Lead Architect - Foster Wilson Size) (in person) and Karen Chapman (OPR Consulting Ltd) (remotely via Zoom)

Public: There were no members of the public in attendance

222. Welcome

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

223. Apologies for absence

Apologies were received from Cllrs Robert Breakspear, Janet Craig, Christian Newsome, Paul Page, Graham Parker, Keith Patience, Deborah Ray and Nick Webb, with reasons provided. Cllr Pearce proposed approval of the apologies received; seconded by Cllr Jones; all in favour.

224. Declarations and dispensations

224.1. Declarations of Disclosable Pecuniary, Other Registerable and Non-Registerable interests from councillors on items on the agenda – Cllr Moore declared she is an employee of East Suffolk Council.

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

225. The draft minutes and confidential note of the Full Council meeting on 17 December 2024

The confidential note was not yet available and would be deferred to the next meeting. Cllr Brooks proposed approval of the minutes.

Cllr Youngman arrived 18:34

Cllr Pearce identified a grammatical error at item 193.4a and seconded the proposal to approve the minutes, with an amendment to this item; all in favour.

226. Public forum

No advance comments had been received and there were no members of the public in attendance. Third party attendees at the meeting would be invited to speak at the relevant agenda items.

227. Finance and Governance

227.1. Payments for approval, including the following:

227.1a. The purchase of two replacement Dennis mowers, within a maximum budget of £14,570 plus VAT – Budget provision had been made for 2025-2026, however officers were keen for the mowers to be ordered now to ensure delivery in time for the grass cutting season. If billing would coincide with the start of the new budget, Cllr Pearce proposed for expenditure to come from the allocated budget, however, if billing were to happen in the current financial year, Cllr Pearce proposed a delegation to the Finance Manager to determine the allocation, whether that be from the budget or reserves, to be replenished from the allocated funds in the 2025 – 2026 budget. Following discussions at December's Full Council meeting, it was clarified there had been a miscommunication, not a

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change of decision as to the purchase of the mowers. Cllr Coleby seconded the proposal and all Councillors voted in favour.

228. Marina Theatre

228.1. Marina Theatre Redevelopment Project:

228.1a. Receiving and noting the January 2025 progress report from the Project Manager – The Project Manager's report had been made available to Councillors. The Quantity Surveyor had provided a cost report for the up-to-date financial position. The project was within budget. There were five sets of contingencies within the project. 10% of the £43,000 of client direct cost contingency had been spent on the project, including on enabling works. 38% of the £156,000 contract contingency had also been spent. There had been no expenditure from the remaining three contingency budgets (£148,000 client-side contingency, £40,000 fee contingency and £10,000 survey contingency). The project was 20% through its anticipated lifespan, and approximately 7.5% of the overall project contingency budget had been spent. Input Group were working to the agreed construction programme, and an update was provided on the construction works. A live, low-voltage UKPN cable had been found, which had the potential to delay the project. The preferred option was to alter the foundations in that area if possible, to avoid having to divert the cable. Kittiwake measures had been installed and inspected by Suffolk Wildlife Trust, who had recommended maintaining a watching brief on the measures. Foster Wilson Size had submitted a revised fire strategy plan, to be reviewed by Building Control. A specialist had confirmed there was no longer a requirement to maintain a watching brief for unexploded ordnance. The seating sub-contractor would be on site to measure the works for the final seating layout for the auditorium. The engineer had considered it would be possible for the foundations to be altered to avoid having to divert the UKPN cable. Cllr Pearce proposed a delegation to the Facilities and Contracts Manager to make any decisions required on this matter on behalf of the Town Council; seconded by Cllr Brooks; all in favour. The longevity of the cable and future options were discussed, though that was not part of the current project.

228.1b. Project variations, including installation of front of house office and buggy store, and associated costs – Meeting papers had been provided to Councillors. It was explained the foundation works required the decommissioning of the current front-of-house office, but a temporary space was required in that area to maintain visibility and access to relevant panels. A temporary office space under the canopy outside the auditorium was proposed and could be constructed by the contractors currently on site, at a cost of £11,559. Expenditure would come from the Towns Fund budget, under one of the project contingencies. Cllr Pearce proposed approval of the installation of the front of house office and buggy store, based on the details provided in the meeting papers and the assurance that the expenditure would be met from the Towns Fund budget; seconded by Cllr Coleby; all in favour. The delegation from Full Council to the Project Committee did not cover variations which were not within the scope of works and project budget, or which were ambiguous. Given the time sensitivity of the project, Cllr Pearce proposed a delegation to the Facilities and Contracts Manager to evaluate any further requests for variations, based on need and cost, decide how to proceed and duly report back to the Project Committee. The expenditure limit will be constrained by the project fund. Any impact on contingency funds will need to be monitored. Cllr Brooks seconded the proposal and all Councillors voted in favour.

228.2. Costs of repairs to the external canopy (main theatre building) – This item would be deferred to the next meeting, pending receipt of quotations. A request was made for the Facilities and Contracts Manager to provide further detail about the cause of the issue.

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The Marina Theatre Project Manager and Lead Architect left the meeting 19:04

229. Legal and governance matters (confidential):

- 229.1. The January 2025 legal update report – To be considered during the confidential session.
- 229.2. Matters relating land ownership and coastal defence (confidential) – To be considered during the confidential session.
- 229.3. Any land transfers or lease arrangements – To be considered during the confidential session.
- 229.4. Forming a Working Group to give consideration to legal opinion on pending leases, and progress on behalf of Full Council (confidential) – To be considered during the confidential session.
- 229.5. The meeting paper on Councillor allowances – Full Council had had sight of the meeting paper previously, which was to be reviewed by the Finance and Governance Committee to make recommendations back to Full Council. There was a discussion as to whether to reissue the Finance and Governance Committee’s agenda, or if Full Council should consider this item in principle first. Cllr Brooks proposed to defer the item to February’s regular Full Council meeting, to consider whether it would consider the payment of Councillor allowances in principle, then ask the Finance and Governance Committee to consider the detail and make recommendations back to Full Council. Cllr Murray considered the basic allowance a derisory sum and proposed to reject the payment of Councillor allowances; seconded by Cllr Brooks. Cllr Murray clarified his proposal to reject was not solely due to the amount of the allowance itself, as he also did not support the principle of it. Eight Councillors voted in favour of the proposal and three Councillors abstained from the vote. Officers were asked to investigate the legal position of paying Councillor expenses instead.
- 229.6. The English Devolution White Paper – A meeting paper had been provided, containing four recommendations for Council to consider, with point 2.4 particularly requiring an action. Cllr Coleby proposed to approve recommendation 2.4, to ask the Clerk to provide a paper on the merits of progressing Quality Parish Status; seconded by Cllr Brooks; all in favour.
- 229.7. A response to the consultation on Strengthening the Standards and Conduct Framework for Local Authorities in England – A meeting paper had been provided, including recommendations for Council to consider. The efficacy of the current Code of Conduct and its implementation was discussed, and it was generally agreed the system could be improved overall. The deadline for responses to consultation was the day after February’s Full Council meeting. Cllr Pearce proposed to reissue the Finance and Governance Committee’s agenda, for that Committee to provide detailed recommendations, to be collated into a meeting paper for Full Council to consider at its February meeting. Councillors who are not members of that Committee would still be welcome to submit their comments. Cllr Barker seconded the proposal; nine Councillors voted in favour; one Councillor voted against; one Councillor abstained from the vote.
- 229.8. Appointing three Councillors to attend the East Suffolk Council Town Council’s Conference on 27 February – The conference would be taking place in Saxmundham. The Acting Town Clerk and the Mayor would be attending. Cllrs Barker and Pearce also put their names forward to attend. Cllr Rappensberger proposed to approve the attendees as the Acting Town Clerk, the Mayor, Cllr Barker and Cllr Pearce; seconded by Cllr Murray; all in favour.

230. Personnel

- 230.1. Any recommendations from the Personnel Committee regarding the following:
 - 230.1a. Staff terms and conditions (confidential) – To be considered during the confidential session.

231. Date of next meeting

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25 February 2025 at 18:30

232. Items for the next agenda and close

Councillors were advised to send any requests to the office.

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

233. Resolution to close the meeting to the public:

233.1. Any matters, including those above as required:

Cllrs Jones and Youngman temporarily left the meeting 19:51

229.1. The January 2025 legal update report -
Karen Chapman joined the meeting 19:51

The updated legal report had been made available to Councillors, and the format of it was explained.

Cllrs Jones and Youngman returned 19:53

The five actions under February's heading were considered first. An update was provided on the lease for the Town Hall compound and Cllr Coleby made a proposal; seconded by Cllr Youngman; all in favour.

Paperwork relating to remedial land transfers approved at the last meeting was available for signing. Cllr Youngman proposed for the remedial land transfer paperwork to be signed; seconded by Cllr Barker; all in favour.

Further remedial land transfers were considered.

Cllr Moore temporarily left the meeting 19:57 for the consideration of this item

Cllr Coleby proposed approval of the land transfers; seconded by Cllr Pearce; all in favour.

Cllr Coleby made a further proposal regarding land transfers; seconded by Cllr Youngman; six Councillors voted in favour; one Councillor voted against; three Councillors abstained from the vote.

Cllr Moore returned 20:06

An update was provided on the progress of licences for the sports clubs. Cllr Brooks proposed for the Tennis Club's licence to be reviewed and signed by officers, without the need for it to be brought back to Full Council first; seconded by Cllr Pearce; all in favour.

Significant progress had been made on the rest of the items on the legal update report, and it was anticipated most would be completed within the next eight weeks. It was noted the items relating to leases on Arnold's Bequest land should refer to the Charity Board, not the Town Council.

The latest legal advice on an outstanding matter with a tenant was given.

Karen Chapman left the meeting 20:17

The Town Council would consider its next steps based on the outcome of the actions following the advice received.

The Town Council's lawyer had advised a previous Council resolution on another matter would not be possible, but had advised how the Town Council could proceed.

Cllr Moore temporarily left the meeting 20:27 for the consideration of this item

At 20:30, Cllr Begum proposed to suspend Standing Order 3y, to allow the meeting to continue for an additional thirty minutes; seconded by Cllr Coleby; eight Councillors voted in favour; two Councillors abstained from the vote.

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Cllr Pearce proposed to proceed in line with the lawyer's advice, and to take advice on how that is communicated to the tenant; seconded by Cllr Brooks; all in favour.

Cllr Moore returned 20:33

The Acting Town Clerk provided an update on the lease for Unit 2.

Given some of the leases had outstanding questions and technicalities, the Acting Town Clerk suggested a Working Group be formed to urgently work through them and make recommendations back to Full Council (see next agenda item).

229.4. Forming a Working Group to give consideration to legal opinion on pending leases, and progress on behalf of Full Council (confidential) – Cllr Pearce proposed to approve the suggestion to form a Working Group, for as long as is required to work through the list of questions and technicalities. Cllr Pearce also put his name forward to join the Working Group. Cllr Coleby seconded the proposal and also put his name forward to join the Working Group. Cllr Brooks put her name forward to join the Working Group. The vote was taken and all Councillors voted in favour.

230.1a. Staff terms and conditions (confidential)

The Senior Committee and Project Clerk left the meeting 20:37 for the consideration of this item

The Acting Town Clerk temporarily left the meeting 20:37 for part of the consideration of this item

Signed:

25 February 2025