

Lowestoft Town Council
Meeting of the Marina Theatre Project Committee
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
14:00 on Thursday 8 August 2024

MINUTES

Present: Cllrs Sonia Barker, Nasima Begum (Chair), Wendy Brooks and Andy Pearce. Non-Councillor members Emma Bellward (Project Manager) and Darren Newman (East Suffolk Council Officers) and Andy Gallant, Norman Cullingford, Eddi Sharp and Robin Townley (Marina Theatre Trust)

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

Also In Attendance: Mike Whitfield (Foster Wilson Size – via zoom)

17. Welcome

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

18. To receive and consider approval of apologies for absence

Apologies were received from Cllr Moore with reasons provided. Cllr Pearce proposed approval; seconded by Cllr Barker; all in favour. Cllr Coleby was absent with no apologies received.

19. Declarations of Interests and dispensations

19.1. To receive declarations of Disclosable Pecuniary, Other Registerable and Non-Registerable interests from members of the Committee on items on the agenda – Cllrs Barker and Brooks declared they were members of Suffolk Wildlife Trust. Cllr Pearce declared he was the Lowestoft Town Council (LTC) representative on the Lowestoft Kittiwake Partnership.

As the number of non-Councillor members present exceeded the number of Councillors, non-Councillor members Eddi Sharp and Darren Newman withdrew their voting rights for this meeting.

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

20. To consider the draft minutes and confidential note of the meeting on 11th July 2024

Cllr Pearce proposed approval; seconded by Cllr Brooks; all in favour.

21. 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.

22. To receive a report from the Project Manager, including:

22.1. The Highlight Report update from the Project Manager (some aspects may be confidential) – The project milestones were reviewed and the Project Manager confirmed the technical design work had been completed in the expected timeframe. Foster Wilson Size had submitted the Building Control application, which was under review with the East Suffolk Council (ESC) Building Control Department.

The Buildings Manager entered chamber at 14:06

Under the gas relocation works, the existing gas supply needed to be disconnected and a new meter was required. This would cost £35,000 (excluding VAT) to deliver, which exceeded what had been budgeted in the cost plan. The Quantity Surveyor advised that the additional cost be funded from the project contingency.

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Cllr Pearce proposed the works be funded from the contingency budget; seconded by the Project Manager; all in favour.

The Project Manager outlined the following options:

- LTC orders the gas works and then claims the money back from the Towns Fund.
- ESC orders the works and pays on LTC's behalf.
- Do a variation to the grant agreement, however there were not enough funds in the initial draw down so this option would take time and would require approval from the Head of Service.
- Await the decision on project viability in October 2024.

Cllr Pearce proposed a delegation be made to the Acting Town Clerk, in conjunction with the Design Team and ESC, to decide on the most practical solution. If LTC is required to pay, then this proposal would be subject to the Acting Town Clerk receiving an email from ESC confirming the expenditure would be reimbursed from the Towns Fund; seconded by Cllr Brooks; all in favour.

22.2. The risk register (some aspects may be confidential) – The Project Manager requested the update be provided in confidential session.

22.3. To receive the notes of the meeting on 30th July 2024 Ecology Report and consider strategies to implement for the construction phase regarding the kittiwake nesting period – The Ecology Report had recommended interim deterrents be considered to prevent the kittiwakes from nesting near the construction site in advance of the construction phase. The Project Manager suggested any deterrents that are agreed be priced up and included in the tender package, therefore it would be the responsibility of the contractor.

Darren Newman temporarily left the chamber at 14:33

Darren Newman returned to the chamber at 14:35

Mike Whitfield from Foster Wilson Size presented the following suggestions for deterrents:

- The existing ledges in specified zones have angled Perspex installed to stop the kittiwakes from nesting.
- The scaffolding be wrapped in fabric to deter the kittiwakes from nesting within the steel frame prior to construction.

The front elevation was reviewed and Foster Wilson Size would ask the contractor to install sloping Perspex on the ledges here as well.

Should the kittiwakes manage to nest in these areas then the work would cease until the chicks have fledged. The contractor would be made aware of this, and it would be their responsibility to ensure the deterrents are installed in time. It was confirmed that no spikes or netting would be used as deterrents.

Mike Whitefield left the meeting at 14:40

22.4. To note the Cost Plan as received at the Design Team meeting on 20th June 2024 – Cllr Pearce proposed to accept the cost plan; seconded by Cllr Brooks; all in favour.

22.5. To note revised project procurement timetable – The main contract tender was scheduled to go live 12 August with a deadline of 16 September 2024. The evaluation period was set to 16-27 September and then this Committee would meet on the 30th September for a moderation meeting and make a recommendation to Full Council for its meeting on 3 October. The contract was then due to be awarded by 7 October 2024.

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Cllr Pearce proposed to go out to procurement on the recommended basis with the addition of the kittiwake deterrent designs presented by Foster Wilson Size, as informed by the Ecology Report; seconded by Cllr Brooks; all in favour.

- 22.6. To consider indicative costs for insurance for building works – The first option was for all insurance risk of the works be covered by the contractor with a £10,000 sum placed for any loss or damage caused by the works. This would be a project cost. The second option was for insurance to sit with LTC as the employer.

The Acting Town Clerk has requested a quote from LTC’s insurers.

Cllr Pearce proposed to select the first option, as recommended since it would be project cost, for all insurance risk of the works to be covered by the contractor. Furthermore, a delegation was made to the Acting Town Clerk, in conjunction with the Project Team and Project Manager to progress and agree any premium level received from the insurer up to a maximum value of £15,000. Should the value be exceeded, the decision would be returned to this Committee. Cllr Barker seconded the proposal and a vote was held with all in favour.

23. To consider Development Period Continuity and Business Funding

This item would be discussed in confidential session.

24. To consider any recommendations to Full Council

There were no recommendations to Full Council.

25. Date of the next meeting

Thursday 12th September 2024 - 14:00. The Project Manager tendered her apologies and would provide an advanced highlight report.

26. Items for the next agenda and close

No items were requested for the next agenda.

27. 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:

- 27.1. 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 14:56

- 22.2. The risk register (some aspects may be confidential) Risk register – An update was provided regarding one of the identified risks of the project.

23. To consider Development Period Continuity and Business Funding

The Marina Theatre Trust provided an update on business funding.

Cllr Pearce made a confidential proposal; seconded by Cllr Barker; all in favour.

Cllr Pearce amended his confidential proposal; seconded by Cllr Barker; all in favour.

The Chair closed the meeting at 15:21

Signed:

12 September 2024