

Lowestoft Town Council
Extraordinary Full Council Meeting
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
18:30 on 9 April 2024

MINUTES

Present: Cllrs Sonia Barker (Mayor), Wendy Brooks, Christine Moore, Graham Parker, Keith Patience, Andy Pearce, Bernadette Rappensberger, Deborah Ray and Nick Webb

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

Also in attendance: Sheila Moss King (Town Hall Project Manager) (via Zoom)

Public: There were no members of the public in attendance

257. Welcome

The fire evacuation procedure and public right to report were explained, and the meeting was welcomed. Cllr Barker paid tribute to former Councillor Colin Butler, who had sadly passed away, and a minute's silence was held in tribute. There was a suggestion to make a charitable donation in Mr Butler's memory, which would be discussed further outside of the meeting. Councillors were advised that an election was being held on 2 May for the Kirkley Ward vacancy.

258. Apologies for absence from any Councillors not in attendance

Apologies were received from Cllrs Nasima Begum, Robert Breakspear, Janet Craig, Jen Jones, John Murray, Christian Newsome, John Pitts and Elise Youngman, with reasons provided. Cllr Pearce proposed approval of the apologies received; seconded by Cllr Parker; all in favour.

259. Declarations and dispensations

259.1. Declarations of Disclosable Pecuniary, Other Registerable and Non-Registerable interests from councillors on items on the agenda – Cllrs Parker and Patience declared they are East Suffolk Councillors.

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

260. The draft minutes of the Full Council meeting on 27 February 2024 and the draft minutes and confidential note of the Full Council meeting on 26 March 2024

Cllr Brooks proposed approval of the minutes and confidential notes as listed above; seconded by Cllr Pearce; eight Councillors voted in favour; one Councillor abstained from the vote.

261. Public forum

No advance comments had been received and there were no members of the public in attendance.

262. Personnel

262.1. Any interim staffing arrangements (confidential) – To be considered during the confidential session.

262.2. Staff terms and conditions for 2024/25 (confidential) - To be considered during the confidential session.

262.3. The position on payments relating to the application of the Local Government Pay Award (confidential) - To be considered during the confidential session.

262.4. Items relating to staff absence (confidential) - To be considered during the confidential session.

263. Marina Theatre

263.1. Accepting contract for Design Services for the Marina Theatre RIBA stages 4-7 (with break clause at stage 4) and agree signing arrangements – Supporting information had been uploaded to the members' area. Cllr Brooks proposed to approve the contract, with

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the usual signatories to sign; seconded by Cllr Pearce; all in favour.

263.2. Approval of the Marina Theatre Project Management Services contract (some aspects may be confidential) – Supporting information had been uploaded to the members’ area. To be considered during the confidential session.

263.3. A delegation to the Marina Theatre Project Committee to consider and approve items of expenditure required to deliver RIBA Stage 4, but outside the scope of Design Services, mainly surveys and utility works – Cllr Pearce proposed approval of the delegation, for grant funded expenditure. Any directly funded expenditure should be subject to the usual authorisation. The Acting Town Clerk understood the total expenditure to be approximately £46,000, including payment to a utility company of approximately £30,000, which would need to be paid upfront and prior to receipt of the grant payment. Cllr Pearce added to his proposal to approve the payment from the Marina Theatre capital reserve, subject to the payment being reimbursed by grant funding. The Acting Town Clerk was due to meet with the lawyer and Marina Theatre Project Manager shortly and would check whether the payment is reimbursable. Cllr Brooks seconded the proposal and all Councillors voted in favour.

264. The appointment of a Client Construction Design Manager for the Town Hall Project, with an exemption under Financial Regulation 11.1a (ii), and seek approval of this appointment pursuant to Regulation 11.1d

The Town Hall Project Manager joined the meeting 18:48

This was a mandatory appointment. The Architects had appointed their own, and the recommendation from the Project Manager was to leverage the overlap with the Architects’ contract and appoint the same Client Construction Design Manager to advise the Town Council also. This would present a cost saving of between £9,500 - £10,000 as it is unlikely any credible standalone bidder would be able to come in at a lower cost, and the Project Manager did not therefore consider it fair to go out to an open procurement process. This would also give the added benefit of insight into the project from someone who has been involved from the early stages. Cllr Pearce proposed to keep a copy of the Project Manager’s recommendation on file, and approve the recommendation to appoint the same Client Construction Design Manager as appointed by the Architects; seconded by Cllr Brooks; all in favour.

The Town Hall Project Manager left the meeting 18:52

265. Any urgent requests from the Lowestoft Town Cricket Club for improvement works to the cricket pitches at the Denes Oval and Normanston Park

The new Club Captain had met with the Project and Committee Clerk and Parks and Community Officer to talk about improvement works to the site, but there had been no urgent requests.

266. Legal matters (some aspects may be confidential):

266.1. Renewal of an existing tenant’s lease (confidential) – To be considered during the confidential session.

266.2. Signing of the lease for Unit 2 (confidential) - To be considered during the confidential session.

266.3. Land ownership in relation to the renewal of the allotments lease (confidential) - To be considered during the confidential session.

266.4. An update report on legal matters (confidential) - To be considered during the confidential session.

267. Date of next meeting

23 April 2024 at 18:30

Annual Assembly of the Town – 30 April at 18:00

Annual Meeting of Lowestoft Town Council - 21 May 2024 at 18:30

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268. Items for the next agenda and close

Cllr Ray sought advice regarding the submission of community organisation reports for the Annual Assembly, and arrangements for speaking at the event, and was advised it would be helpful for the office to know in advance who would like to speak. The difference between the Annual Assembly and Annual Meeting of Lowestoft Town Council was explained. Cllr Pearce had heard that the Police and Crime Commissioner had been invited to speak at the Annual Assembly. Officers would check what arrangements had been made but confirmed this would not be permitted due to the Purdah period. Cllr Patience requested an update from the Town Council's appointed Trustees on the Lowestoft Charity Board Charities. Cllr Pearce would provide an update, but some of the information was confidential.

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

269. Resolution to close the meeting to the public:

269.1. Any matters, including those above as required:

262.1. Any interim staffing arrangements (confidential) – This would be considered as part of the last legal matter.

262.2. Staff terms and conditions for 2024/25 (confidential) – Cllr Pearce requested the addition of an item on the Personnel Committee agenda relating to staff terms and conditions.

262.3. The position on payments relating to the application of the Local Government Pay Award (confidential) – Supporting information had been uploaded to the members' area. The Acting Town Clerk provided an update. Cllr Pearce proposed to ask the lawyer to make an approach, then the Town Council could consider further measures if needed; seconded by Cllr Brooks; all in favour.

262.4. Items relating to staff absence (confidential) – It was agreed to move this item to the end of the agenda.

263.2. Approval of the Marina Theatre Project Management Services contract (some aspects may be confidential) –

Cllrs Parker and Patience temporarily left the meeting 19:16 for the discussion of this item

There was a discussion regarding inclusion of an appropriate clause into the contract. Cllr Pearce proposed approval of the contract, subject to inclusion of the clause as discussed; seconded by Cllr Barker; all in favour.

Cllrs Parker and Patience returned 19:29

Cllr Parker had recently joined the Marina Theatre Project Committee and it was confirmed there was no issue with this, though there may be certain discussions he could not participate in.

266.1. Renewal of an existing tenant's lease (confidential) – An update was given. Cllr Pearce proposed to give until the end of May to agree the Heads of Terms, then set a separate timescale to agree the lease; seconded by Cllr Brooks; all in favour.

266.2. Signing of the lease for Unit 2 (confidential) – A summary of the solicitor's comments on the lease had been provided as a meeting paper. The Acting Town Clerk read out the solicitor's comments. In response to a query from Cllr Patience, it was confirmed there was no drying room. The Acting Town Clerk was asked to seek clarity on what the service charge covered.

266.3. Land ownership in relation to the renewal of the allotments lease (confidential) – The lease was nearing completion, aside from a couple of points which would be covered in the next agenda item. Information was given about the ownership of one site, for which Cllr Pearce made a proposal; seconded by Cllr Barker; all in favour.

266.4. An update report on legal matters (confidential) – The Acting Town Clerk had been

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providing a monthly update report. A meeting paper regarding one property had been uploaded to the members' area. It was noted this appeared to be the update which had been provided previously, and Council had since made a resolution regarding this.

There was a discussion regarding legal advice received on the allotments lease. Cllr Pearce made a proposal in light of this; seconded by Cllr Parker; eight Councillors voted in favour; one Councillor abstained from the vote. Cllr Pearce clarified the Sub-Committee's request to add a clause regarding rental payments, which appeared to have been misunderstood.

Cllr Brooks requested an update on an ongoing matter with a tenant. The Acting Town Clerk provided an update on the current position. Cllr Pearce made a proposal in light of this; seconded by Cllr Brooks; all in favour.

At 20:30, Cllr Pearce proposed to suspend Standing Order 3y for twenty minutes, to enable the meeting to continue; seconded by Cllr Barker; all in favour.

Cllrs Parker and Patience left the meeting 20:30

Some long outstanding legal issues had come to light, which the Acting Town Clerk had listed on her report, with a commentary against each one. A delegation was sought to enable the Acting Town Clerk to address them. Cllr Pearce proposed to delegate authority to the Acting Town Clerk to progress these outstanding legal matters, seeking whatever additional support is necessary to bring them to completion, with the first review at the end of May; seconded by Cllr Brooks; all in favour.

The Project and Committee Clerk left the meeting 20:34 for the remaining personnel items

Signed: 

14 May 2024