

**Lowestoft Town Council**  
**Extraordinary Meeting**  
**Riverside, 4 Canning Road, Lowestoft, NR33 0EQ**  
**18:30 on Monday 21 May 2018**

**MINUTES**

**Present:** Cllrs Sue Barnard, Neil Coleby, Amanda Frost, Ian Graham (Chair), Alan Green, Dick Houghton, Peter Knight, Graham Parker, Keith Patience and Alice Taylor

**In Attendance:** Shona Bendix (Clerk), Lauren Elliott (Committee Clerk)

**Public:** One member of the public was present

**298. Welcome**

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

**299. To receive and consider acceptance of apologies for absence**

Apologies were received and accepted from Cllrs Alam, Barron, Bemment, Byatt, Carlton, Ford and Lang. Proposed by Cllr Green; seconded by Cllr Coleby; all in favour with one abstention.

**300. Declarations of Interests and dispensations**

Cllrs Green, Graham and Patience declared a non-pecuniary interest in items 304 and 305, as they are Waveney District Councillors.

**301. To consider the accuracy of the Minutes:**

- a) 8 May 2018 – This will be deferred to tomorrow’s Extraordinary Meeting if it goes ahead, or the next regular Full Council Meeting if not.

**302. Public Forum**

There were no members of the public present at this point in the meeting.

**303. The Marina Theatre and ‘Zenith’ Building**

303.1 The Secretary of State approval of borrowing for the ‘Zenith’ building – It is anticipated that final stage approval should be granted later this week.

303.2 Approval of an application to the Public Works Loan Board for a loan for £200,000 for the purchase of the ‘Zenith’ building – The loan can only be applied for if approved by the Secretary of State.

*A member of the public arrived 18:35*

If approval is not granted the money would have to come from Lowestoft Town Council’s own funds, if agreed by the Council. The Clerk went through the loan application form with Councillors. The Council would need to approve the date which is entered onto the form, plus the address and bank account details. The form will need to be signed by the Chair of the Council and the Clerk as Responsible Financial Officer. The repayment period for the loan would be twenty years.

It was queried whether a loan approval could be obtained from. This would not be possible but loans could be obtained elsewhere. The interest rate was preferable with PWLB. Cllr Coleby has been assessing the impact on Lowestoft Town Council’s funds should the loan application be unsuccessful.

Cllr Coleby has submitted a paper following his review and the proposal is to proceed with the purchase as the ‘Zenith’ building is essential for the Marina Theatre to continue to function and a loan could still be pursued if necessary.

It was queried whether the loan could be settled earlier than the twenty year repayment period. This can be investigated but it is unlikely.

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The interest rate will be fixed but the percentage will not be determined until the loan is approved. Councillors were however provided with a document at the previous Full Council meeting which displayed all the rates and different types of fixed-rate loans, and Councillors agreed to an interest rate not exceeding 3%.

Cllr Knight proposed proceeding with the purchase of the Marina Theatre 'Zenith' Building with approval for the Clerk to submit a loan application to the Public Works Loan Board for £200,000; seconded by Cllr Taylor; ten Councillors voted in favour; one Councillor voted against.

Cllr Frost proposed proceeding with the purchase of the Marina Theatre 'Zenith' Building using Lowestoft Town Council's capital reserves, should the loan application be unsuccessful; seconded by Cllr Taylor; nine Councillors voted in favour; two Councillors voted against.

303.3 The payment of £5,000 from the Marina Theatre Trust towards the purchase of the 'Zenith' building and a payment of £5,000 towards the Marina Theatre Trust legal costs, related to the sale, lease and the agreement for theatre management services – Waveney District Council have confirmed they will cover this cost, therefore allowing the Marina Theatre Trust to contribute £5,000 towards the purchase of the 'Zenith' Building.

303.4 Signing the contract for the sale of the Freehold of the 'Zenith' building, the surrender of the related lease to the Marina Theatre Trust and the agreement to a new lease (or a contract with the Trust for such surrender and new agreement) and to approve the related payments – This will be discussed during the confidential session as it involves sensitive details regarding contracts.

303.5 A Deed of Novation for the agreement for the provision of theatre management services and any other contractual matters relating to the provision of these services, including:  
These items will be discussed further during the confidential session as legal advice is being sought.

303.5i An invoice from Waveney District Council for the 2017-18

303.5ii A new agreement for 2018-19 and a related payment of £75,000

**304. The receipt of the Civic Artefacts List from Waveney District Council and the related consultation**

Waveney District Council have provided a list which they have categorised into items they would like to retain, items they believe Lowestoft Town Council should have, items they believe Oulton Broad Parish Council should have, and items which either Council can claim or suggest who should have them.

Comments were made that Lowestoft Town Council would not be able to take ownership of any of the items until the new office space is ready. Cllr Patience knows someone who has offered to look after the items in the interim for a small fee. The Council would be happy to consider such offers depending on security and insurance. Cllr Patience will advise the person to formally write to the Council.

The Clerk displayed images of each of the artefacts on the projector screen to allow the Mayor to refer to each of them in turn to Councillors.

There were discussions about individual pieces on the list.

Cllr Taylor proposed that Lowestoft Town Council should request taking ownership of all the items on the list, then decide what should be done with each of them; seconded by Cllr Collecott; all in favour.

It was noted that a commentary would need to be provided as to why Lowestoft Town Council are requesting ownership of items not offered to it.

Cllr Taylor would like to amend the proposal to exclude items which are being offered to Oulton Broad Parish Council.

It was agreed to withdraw the vote as it was made in ignorance of facts.

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Cllr Graham proposed Lowestoft Town Council should request ownership of all the items other than those offered to Oulton Broad Parish Council or those which Waveney District Council would like to keep. The only exception is the case for the mace, which Waveney District Council have indicated they would like to keep; however Lowestoft Town Council already possesses the mace and therefore would also like the case. Cllr Graham's proposal was seconded by Cllr Knight; all in favour.

**305. Policy positions relating to the Waveney District Council transfer of assets to Lowestoft Town Council**

This will be discussed during the confidential session.

**306. Date of the next meeting**

5 June 2018 19:30

**308. Resolution to close the meeting to the public**

Cllr Collecott proposed moving the meeting into confidential session; seconded by Cllr Coleby; all in favour.

*The member of the public left the meeting 19:16*

*Cllr Patience left the meeting 19:16*

Item 303.4 was discussed in more detail and the Clerk talked through the contract with Councillors and the associated legal advice from LTC's solicitors which has been received. It was queried why a '£' sign but no amount has been displayed in paragraph 9 (4). It is understood this should be £0 but this will be confirmed. It was queried what condition b in section 9(4) relates to. It is thought this relates to heavy plant or machinery and it is understood this is not applicable, but this will again be checked. It was confirmed that the reference to Waveney District Council in section 9(9) is necessary. Authorisation is required for signatories for the lease, subject to clarifications being sought on issues raised by Councillors. The signatories should be two Councillors, witnessed by the Clerk. Cllr Coleby proposed that clarification should be sought on the queries raised regarding the contract, and that the agreement and contract for sale should be signed, signatories being the Chair of the Council and the Chair of the Finance and Governance Committee, witnessed by the Clerk; seconded by Cllr Parker; all in favour.

The Marina Theatre Trust would like the new lease to include landlord and tenant protection, and retain the protection of the Landlord and Tenant Act 1954.

Cllr Taylor proposed approval of the protection offered by the Landlord and Tenant Act 1954; seconded by Cllr Collecott; all in favour.

It was agreed that the lease can be prepared and signed, as above. The Marina Theatre Trust will be charged £1 for the whole twenty year period.

It was noted that the address used in all documentation for the Council should now be Hamilton House.

*Cllr Houghton left the meeting 19:39*

Cllr Taylor proposed delegating authority to the Clerk to make the necessary amendments to the address in the relevant documents; seconded by Cllr Green; all in favour.

Cllr Coleby proposed that the same signatories responsible for signing the contract will also be responsible for signing the lease; seconded by Cllr Green; all in favour.

*Cllr Frost left the room 19:42*

Cllr Coleby proposed approval of the Clerk and signatories obtaining and reviewing the relevant legal advice to progress the contract and lease are progressed to conclusion; seconded by Cllr Graham; all in favour.

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*Cllr Frost returned 19:44*

Item 303.5i was discussed in more detail. Lowestoft Town Council has received an invoice from Waveney District Council for £150,000, though there is no associated commentary to explain why they believe LTC should be paying it. This is pending further legal investigation.

Cllr Collecott addressed the Council in his role as Chairman of Lowestoft in Bloom. In Sparrows Nest there is a flowerbed in front of Martello's café which has not been tended. In conjunction with the RNLI, Lowestoft in Bloom are proposing to supply plants and work with Waveney Norse to make it a feature again, and possibly involve members of the community to assist with the planting. There are also smaller flowerbeds near the museum which Lowestoft in Bloom would like to plant.

Lowestoft Town Council's permission is sought to enable this to proceed.

All plants would be sustainable and so should last for a number of years.

Cllr Taylor proposed granting approval of Lowestoft in Bloom's project for the flowerbed outside the café and the smaller beds near the museum; seconded by Cllr Knight; all in favour.

Thanks were expressed to Lowestoft in Bloom for all their work in town.

It was queried whether confidential papers could be made available to Councillors in advance of the meetings.

These could be made available electronically where possible, but would have to be encrypted and password protected. Once the 'gov.uk' email addresses are set up this could be feasible but each Councillor would be individually responsible for ensuring that the documents remain confidential. Appropriate training will be arranged on data protection.

It is often the case that confidential information or documents do not become available that far in advance of the meetings.

It was also suggested that necessary documents could be made available at Hamilton House for Councillors to come and look through ahead of the meetings.

Item 305 was discussed in more detail.

With regard to CCTV, legal advice can be sought as to the legitimacy of the transfer of the service. Pending this advice, work will commence to enquire as to whether contributions can be sought from stakeholders, to look at providing the service that the town needs.

Clarification is required as to whether the monitoring equipment belongs to Lowestoft Town or Waveney District Council, as Norse and WDC seem to believe it is under LTC's ownership, but this was not included in the Reorganisation Order.

No undertaking has yet been received from Waveney District Council about their responsibility for the section of the sea wall which has passed into Lowestoft Town Council's ownership.

Clarification and legal advice are being sought.

Waveney District Council should be submitting paperwork offering Arnold's Bequest to Lowestoft Town Council and progressing the charity registration. A separate charity account would be needed as it receives a small income.

Training as charity trustees would also be required.

There are condition issues at the site which need to be remedied before the land transfers to LTC's ownership.

Cllr Green proposed approving the Clerk to write to Waveney District Council requesting that charity registration is progressed, subject to the issues at the site being corrected; seconded by Cllr Frost; all in favour.

It was agreed that any financial matters relating to Gainsborough Drive and other small pieces of land, parks, ponds and open spaces can be negotiated if they arise.

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Lowestoft Town Council has proposed to Waveney District Council that it takes back ownership of the land at Gunton Warren which transferred over to Lowestoft Town Council.

Lowestoft Town Council will give consideration to the proposed land transfer at the Cotman Close play area, subject to a proposal from Waveney District Council.

It was suggested that an Extraordinary Meeting could be held to consider if there are any other additional pieces of land that LTC would like to explore taking ownership of, once it is in more of a settled position with its existing assets. Any matters which arise in the meantime can be dealt with individually. If land with the potential to be used as allotments or play areas becomes available it can be considered more urgently.

With regard to Whapload Road, the Council will need to consider the future use and ownership once clarification is sought about whether it is confirmed a public highway.

Regarding the allotments it was noted that the allotment land in Kirkley is under Lowestoft Town Council's ownership.

Leases are still pending for the Community Halls from Waveney District Council.

*Cllr Taylor left the room 20:22*

Waveney District Council are arranging a meeting regarding the East of England Park with the Chair of the Council, the Chair of each Committee and the Clerk.

Advice is being sought regarding North Denes Phase 3 and the temporary fencing which has been erected there.

*Cllr Taylor returned 20:24*

There is no current progress with the Leathes Ham land. The land is leased to Suffolk Wildlife Trust.

It was noted that next year, all organisation, resourcing and financing for Armistice Day events will be the responsibility of Lowestoft Town Council.

WDC have been assisting LTC and involving conservation officers to resolve the funding and resolution of repair work to the wall at Denes Oval. It was queried whether Lowestoft Town Council is charging Lowestoft Cricket Club for their usage of the Denes Oval. No fees are being charged this year, and that is also the same for the putting green.

The leisure fee waiver for this year has been successful so far, as it has been reported that clubs have seen an increase in membership and have been able to use the money saved towards making improvements.

It was mentioned that the holiday parks have been encouraging visitors to use bowling greens in the town free of charge. It is positive in encouraging visitors to the town but it will need to be monitored to ensure the pitches are not overused.

It has been confirmed that the noticeboard at the Triangle Marketplace is not on Lowestoft Town Council's land.

For the Capital Programme it was understood that Waveney District Council would be setting funds aside for Lowestoft Town Council to use. WDC have now advised that the work should be completed first and the invoice sent on to them. This is an ongoing issue.

All Councillors were satisfied with the agreed policy positions. It was confirmed that the second scheduled Extraordinary Meeting on 22 May was no longer necessary. The Clerk will email all Councillors to make them aware.

The Chair closed the meeting at 20:35.

Signed:.....

5 June 2018