

Lowestoft Town Council
Extraordinary Full Council Meeting
First Floor, Hamilton House, Battery Green Road, Lowestoft, Suffolk, NR32 1DE
18:30 on 11 October 2023

MINUTES

Present: Cllrs Sonia Barker (Mayor), Nasima Begum, Robert Breakspear, Wendy Brooks, Janet Craig, Graham Parker, Andy Pearce, John Pitts, Bernadette Rappensberger, Nick Webb and Elise Youngman

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

Public: There were no members of the public in attendance

101. Welcome

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

102. Apologies for absence

Apologies were received from Cllrs Neil Coleby, Alan Green, Jen Jones, Christian Newsome, Paul Page, Keith Patience, Deborah Ray and Jack Smith. Cllr Parker proposed approval of the apologies received; seconded by Cllr Breakspear; all in favour.

103. Declarations and dispensations

103.1. Declarations of Disclosable Pecuniary, Other Registerable and Non-Registerable interests from councillors on items on the agenda – Cllr Brooks declared she is a member of the Marina Theatre Project Board and Town Hall Project Board. Cllr Barker declared the same. Cllr Webb declared he is a member of the Marina Theatre Project Board. Cllrs Craig and Parker declared they are East Suffolk Councillors.

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

104. Public forum

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

105. Formally accepting The National Lottery Heritage Fund second stage funding of £3,257,512 for the Town Hall regeneration project

Cllr Brooks understood this item was not urgent, and given the low Councillor attendance and the fact that a Councillor had suggested deferring this item until some other matters had been resolved, Cllr Brooks suggested deferring this item to October's Full Council meeting. The Deputy Clerk advised Councillors that it had been said in the initial start-up meeting that the Council had thirty days to accept the funding from the date of offer, but understood there to be some flexibility around this.

Cllrs Pearce and Pitts arrived 18:37

Cllr Brooks proposed to defer this item to the Full Council meeting on 24 October. The Deputy Clerk repeated her comments for the benefit of the Councillors who had just arrived. Cllr Pearce understood there was no immediate imperative to formally accept the funding and that was not why this meeting had been convened. Cllr Pearce agreed this item should be deferred to October's Full Council meeting, as there were other issues which needed to be considered. Cllr Webb seconded Cllr Brooks' proposal and all Councillors voted in favour.

106. Matters relating to the Marina Theatre

106.1. Draft terms of reference for the Marina Theatre Project Board – The Deputy Clerk advised that two different versions of the Terms of Reference had been provided, one which had been supplied to Full Council in September and one provided by Cllr Pearce. The draft minutes from September's Full Council meeting referenced the Terms of Reference to a Committee of the Council and the Deputy Clerk had taken advice on this, some aspects of which would be confidential. Cllr Pearce had read the advice and was

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concerned that the Town Hall Project Board had been in existence for two years but officers had now only raised the issue about who could and could not vote, despite having had attendance at every meeting. Cllr Pearce expressed his dissatisfaction at the tone of the email advice received. Cllr Pearce requested the addition of an item on the Personnel Committee agenda to discuss this further.

Cllr Pearce considered the NALC (National Association of Local Councils) Legal Topic Note (LTN 1) on the exercise of statutory functions to be ambiguous, however agreed that if the Council could only legally give delegations to a Committee, Sub-Committee or officer, the two Project Boards should therefore legally be recognised as Committees of the Council. Cllr Pearce considered that the Project Boards could not function as Standing Committees as it would not always be possible to publish agendas with five clear days' notice given the time urgent nature of the projects. Meetings will likely need to be held as Extraordinary Meetings and will mostly be in confidential session.

There is legal provision for non-Councillor Committee members to vote in certain circumstances, however the direct delegation to the Project Manager would have to be immediately removed and the Project Manager would become a non-voting member. Cllr Pearce proposed recommending adoption of the Terms of Reference to Full Council, subject to the status of the Project Board being defined as a Committee, the Project Manager having no voting role and no delegations and the East Suffolk Council representatives being voting non-Councillor members of the Committee.

The Deputy Clerk read an extract from the draft September Full Council minutes, where the Clerk had suggested the Town Hall Project Board becomes a Committee of the Council, mirroring the document she had put together for the Marina Theatre.

Cllr Barker noted the importance of accountability to the public.

Cllr Brooks requested that conversations about the Town Hall be kept separate to those about the Marina Theatre, and queried where the suggestion had come from to make the Project Boards Committees of the Council instead.

The Deputy Clerk read out the advice received from the Parkinson Partnership (the financial specialists the Town Council engages for advice).

Cllr Pearce expressed his concern regarding the tone of the email but considered that the advice should be heeded, and the Project Boards should be recognised as Committees, with East Suffolk Council representatives able to join as non-Councillor members. Full Council always has been and would remain the overall accountable body, and decisions have always been made in line with the Town Council's Financial Regulations and procurement processes. The Committee must be able to convene Extraordinary Meetings, which will not be subject to five clear days' notice. Minutes of the meeting will be produced but will mostly take the form of confidential notes. Committee meetings are required to be in-person and any delegations will have to be to the Committee. The Project Manager will need to advise if this will have implications in terms of time sensitivity and reporting, etc. The Deputy Clerk advised that Committees are able to convene short-notice meetings.

Cllr Pearce proposed to suitably amend the Terms of Reference to reflect the status as Committees, to recognise that non-Councillor members will have voting rights, the delegations to the Project Manager will be revoked, with suitable and legal alternative arrangements to be put in place once the implication of this is understood from the Project Manager.

Cllr Brooks was concerned that the governance of the Project Board was only being raised as an issue now. Cllr Brooks considered the advice received to be contradictory and did not feel comfortable voting for a sudden change.

Cllr Pearce considered his Terms of Reference to more clearly define the position and suggested a Zoom call with the Town Council's lawyer. The Deputy Clerk considered that the change should not significantly affect the operation of the Project Board, but the change of status would give it more power and safeguards.

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Cllr Pearce reiterated his proposal. Cllr Brooks proposed an amendment to the Terms of Reference that the Mayor should not automatically be the Chair, and the Chair should instead be appointed by the Project Board. Cllr Pearce did not wish to amend his proposal. Cllr Webb seconded Cllr Pearce's proposal. Cllr Pearce clarified that his proposal included to allow officers to make suitable amendments to the Terms of Reference to ensure compliance with the advice received. Cllr Breakspear seconded Cllr Brooks' amendment. The vote was taken on the proposed amendment first. Three Councillors voted in favour; five Councillors voted against; two Councillors abstained from the vote. The vote was taken on the proposal; eight Councillors voted in favour; one Councillor voted against; one Councillor abstained from the vote. Cllr Pearce advised that his proposal applied to both the Town Hall and the Marina Theatre. The Deputy Clerk advised that the Town Hall Terms of Reference were not an agenda item and this would therefore have to be considered at October's Full Council meeting.

- 106.2. Marina Theatre Trust's actions in relation to RIBA Stage 4 project works (new link building, wheelchair accessible lift, toilets, box office and entrance) and consider how governance and procurement should be progressed (some aspects may be confidential) – To be discussed during the confidential session.
- 106.3. The Towns Fund agreement and budgetary requirement for above project (some aspects may be confidential) - To be discussed during the confidential session.
- 106.4. East Suffolk Council Community Infrastructure Charging Liability Notice for the above project – Cllr Barker noted that effectively this would be £0.
- 106.5. How to progress the appointment of a Project Manager (some aspects may be confidential) – The Deputy Clerk clarified this would be a Project Manager for delivery of the Marina Theatre project. To be discussed during the confidential session.
- 106.6. The lease – To be discussed during the confidential session.

107. Date of next meeting

24 October 2023 at 18:30

108. Items for the next agenda and close

Some of the items above had been deferred to the next meeting.

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

109. Resolution to close the meeting to the public:

109.1. Any matters, including those above as required:

106.2. Marina Theatre Trust's actions in relation to RIBA Stage 4 project works (new link building, wheelchair accessible lift, toilets, box office and entrance) and consider how governance and procurement should be progressed (some aspects may be confidential) – Cllr Brooks noted that she felt ill-prepared for making decisions on these important matters at this meeting, and felt she was being hurried and bullied into doing so. Cllr Barker agreed it had not been straightforward to process all of the information provided alongside other commitments.

Council was made aware of a recommendation from the Finance and Governance Committee and subsequent meeting with the Marina Theatre Trust.

Cllr Rappensberger noted that she had found this meeting mortifying and had not seen the emails or accompanying information. Cllr Rappensberger noted she would abstain from decision making in the future should this happen again and would give her reasons for doing so.

The Deputy Clerk advised she had emailed members of the Marina Theatre Project Board and read out the email. The Deputy Clerk apologised if Councillors felt they had not received the information in time, but noted that a lot had happened over the past week, which had been very difficult to deal with.

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Cllr Brooks gave some information to explain this agenda item. Cllr Pearce was dissatisfied by the tone of the email advice received and considered that officers should share responsibility also.

The Deputy Clerk advised why the Extraordinary Full Council meeting had been convened and events preceding this.

Cllr Brooks advised she was not prepared to make a decision on any of these items at this meeting and requested their deferral to the next Full Council meeting.

Cllr Pearce relayed the legal advice which had been received so far and the Deputy Clerk read out the advice from the lawyer. This will need to be considered further at the next Full Council meeting. Cllr Pearce made a proposal, which was seconded by Cllr Barker and unanimously approved.

106.3. The Towns Fund agreement and budgetary requirement for above project (some aspects may be confidential) – It had been agreed to defer this item to the next meeting.

106.5. How to progress the appointment of a Project Manager (some aspects may be confidential) - It had been agreed to defer this item to the next meeting.

The meeting was closed 19:59.



Signed:
24 October 2023