

Minutes of a Lowestoft Shared Accommodation Joint Committee meeting held on
Thursday 6 June 2013 at 4.00 pm in the Council Chamber, Town Hall, Lowestoft

Suffolk County Council Members present:

Councillors R Smith MVO and M Ladd

Waveney District Council Members present:

Councillors M Barnard and G Douce

Officers present:

A Charvonia (WDC Assistant Chief Executive)
D Gallagher (WDC Head of Commercial Partnerships & Strategic Commissioning)
D Johnson (SCC Assistant Director for Resource Management & Corporate Property)
D Lee (WDC Democratic Services Manager)
A McFarlane (WDC Director of Resources)
P Revell (Programme Director)

1. APOLOGIES / SUBSTITUTES

An apology for absence was received from Councillor C Noble (Suffolk County Council).
Councillor R Smith MVO acted as a Substitute Member for Councillor Noble.

2 APPOINTMENT OF CHAIRMAN

Nominations were sought for the position of Chairman of the Joint Committee for the
2013/14 municipal year.

RESOLVED

That Councillor M Barnard be appointed as Chairman of the Lowestoft Shared
Accommodation Joint Committee for the 2013/14 municipal year.

(Councillor Barnard took the Chair from this part in the meeting)

3 APPOINTMENT OF VICE-CHAIRMAN

Nominations were sought for the position of Vice-Chairman of the Joint Committee for the
2013/14 municipal year.

RESOLVED

That Councillor C Noble be appointed as Vice-Chairman of the Lowestoft Shared
Accommodation Joint Committee for the 2013/14 municipal year.

4 DECLARATIONS OF INTEREST

No declarations of interest were made.

5 MINUTES

RESOLVED

That the Minutes of the meeting held on 18 February 2013 be approved as a correct record and signed by the Chairman.

6 LOWESTOFT SHARED ACCOMMODATION PROGRAMME – JOINT COMMITTEE CONSTITUTIONAL AGREEMENT - PROGRESS REPORT

The Chairman welcomed everyone to the meeting and gave a brief outline of the purpose of the report which was to update Members on progress made so far in drawing up a Joint Constitutional Agreement between Suffolk County Council (SCC) and Waveney District Council (WDC) for the Lowestoft shared accommodation project and highlighted key governance issues.

Both councils had agreed to jointly procure the design, construction, occupation and management of an office complex at Riverside Road, Lowestoft and the public access facility at the Marina Centre in Lowestoft. The Joint Constitutional Agreement served to formalise the roles and responsibilities of each partner and would replace the Letter of Intent previously signed on behalf of each party. The respective Legal Teams had been working on the document which was nearing completion and was expected to be sealed by the end of June 2013. The Agreement would remain in force whilst the building operating agreement remained in place.

The functions of the Joint Committee were outlined on Appendix A to the report but could be summarised as overseeing the management of the procurement, construction and occupation of the buildings and then to oversee and monitor the subsequent operation of the post-build.

The Joint Committee needed to be comprised of four Members, two from each authority, one of whom must be an Executive Member. Clarification was given that only the Executive Member from each authority would be able to vote at meetings (the Co-opted Members would not have voting rights). Therefore, any substitute for an Executive Committee Member needed to be an Executive Member for the respective authority in order to be able to exercise the right to vote. The quorum for meetings would be two, who must be the Executive Members for each authority. A minimum of four meetings were to be held each year and the Chairman and Vice-Chairman positions would be alternated between the authorities on an annual basis in line with the municipal year.

Consideration was given to the matter of the need for urgent decisions to be made. It was proposed that where the best interest of both authorities required that action should be taken, or an urgent decision made on a matter that would normally fall to the Joint Committee but where those best interests would be compromised by waiting until the next meeting, then the Chief Executives of both authorities would be authorised to take such action or decision jointly, in consultation with the Chairman and Vice-Chairman. Any such action taken or decision made would be reported to the next Joint Committee meeting.

The following issues were raised during the discussion on this item:

- The WDC Assistant Chief Executive was requested to outline the outstanding issues relating to the Joint Constitutional Agreement, which centred on the difference approaches and procedures in place for any potential call-in of the Executive level decisions that would be made by the Joint Committee Members. In particular, clarification was given that each authority would abide by the existing scrutiny and call-in arrangements in place for their respective Council in accordance with their respective Constitutions. Subject to satisfying specified criteria, the Members from the respective Councils would be able to trigger a call-in of an Executive Member decision made at the Joint Committee but in the case of Waveney District Council only, this provision was also extended to any five members of the public.

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- Confirmation was given that once finalised, a copy of the Joint Constitutional Agreement would be made available to the public and inserted on both Councils' websites.
- A simplified 'terms of reference' outlining the role and governance arrangements for the Joint Committee would be produced.
- Clarification was sought with regard to the Chairman and Vice-Chairman positions and whether these would always need to be allocated to the Executive Members, or whether one of the Co-opted Members could potentially be Chairman or Vice-Chairman of the Joint Committee. It was suggested that the former would be the case, given the need to exercise a vote and also the possibility for the Chairman to have a 'casting vote'. However, it was agreed that the legality of this matter would be further investigated and the outcome reported to the next Joint Committee meeting.
- Given that it was assumed at this stage that the Executive Members would always need to be either the Chairman or Vice-Chairman of the Joint Committee, it was suggested that the wording in Recommendation 2 should be amended so that where the Chief Executives of the two councils were to take action or make an urgent decision(s), then this should be in consultation with the 'Cabinet Members' (and not the Chairman or Vice-Chairman as worded within Recommendation 2 in the report, even though in effect these would be the same two people).

RESOLVED

1. That the progress report on the Joint Committee Constitutional Agreement be noted and received.
2. That, where the best interests of both authorities requires that any action should be taken, or an urgent decision made, on a matter that would ordinarily fall to the Joint Committee, but where those best interests would be compromised by waiting until the next meeting of the Joint Committee, then in such cases the Chief Executives are granted joint delegated authority to take such action or decision, following consultation with the Cabinet Members.

7 LOWESTOFT SHARED ACCOMMODATION PROGRAMME - PROGRESS AND UPDATE REPORT

The Programme Director presented a progress and update report on the Lowestoft Shared Accommodation Programme including a summary of key activities and decisions, key milestones, financial information and risks.

Programme Updates

Progress had been made in the following key areas:

- It was reported that two staff communication events were held at the Marina Theatre at the end of February 2013 to outline the programme proposals and give an update on progress, as well as affording the opportunity to offer views and comments on the joint accommodation programme. The events were attended by 140 staff members.
- All of the Design Team appointments had been completed.
- Regular fortnightly meetings were being held between the Riverside Road Design Team and key client workstreams in order to maintain and update the Employers Requirements documentation. The final version of this document would ultimately control the final design of the building.

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- A pre-move phase of the Workplace Wellbeing Survey had been carried out during March and April 2013, which achieved a completion rate of approximately 50% across both councils. The results have been fed into the Design Team in order to inform the design process and change management elements of the programme.
- The design and construction programme had been amended. Details of the current Design and Construction Programme were outlined in Appendix B to the report. Architect drawings of the proposed new building were made available to view at the meeting.
- The procurement documentation for the appointment of the main contractor for the Riverside Road new build had been completed and the mini-competition via the Suffolk Construction Framework was due to be issued on 3 June 2013. This was slightly later than agreed but the delay was advised by the appointed Quantity Surveyor as greater contract certainty would be achieved.
- Concertus Lts had been appointed to carry out the early feasibility for the refurbishment of the Marina Centre.
- The Joint Management Group had seen presentations of the design development to date and had approved progress in order that the planning submission could be made. This included the form of the building, orientation of the site, basic layout and the proposed elevations and materials. Submission of the planning application was scheduled for 17 June 2013
- The land transfer of both the Riverside Road site and the Marina Centre had been agreed, ensuring a 50:50 ownership for both councils for both sites.
- Staff Communication – It was reported that a shared intranet site would be made available for staff across both local authorities and regular project updates would also be made available on each authority's website.
- Confirmation was given that the Members on this Joint Committee would be kept updated on consultation events and prior notification given regarding proposed stakeholder events so they were pre-warned of any public events.
- The Programme Director reported that he was in the process of organising a consultation event with local businesses in the immediate vicinity of the project land regarding post-occupation and the possibility of opening this up to local residents could be explored. In any event, further opportunities for public engagement would be scheduled throughout the life of the project.

Particular reference was made to a public consultation event held on Monday 3 June 2013 at the former GAOH Energy Building in Canning Road, Lowestoft, which was located immediately adjacent to the development site. A copy of the invitation flier was attached as Appendix A to the report. Public attendance figures had been a little disappointing. The main issues raised related to parking in Waveney Drive and sufficient car parking for staff.

Programme Finance

It was reported that the programme budget was £13.65m – split equally between the two authorities (£6.85m each).

The latest estimate for out-turn costs remained within the perimeters of the allocated budget, having taken account of the apportionments made to-date. Current programme expenditure stood at £101.9k as at 14 May 2013.

Programme Risks

The Programme Risk Register was monitored by the Programme Director and reviewed at each Joint Management Group meeting. Any risks deemed as high were given special attention and appropriate actions put in place. It was reported that there were currently 25 open risks, all of which had mitigation strategies in place. None of the risks were categorised as 'high'. A copy of the latest Risk Register was attached as Appendix C to the report.

During the discussion on this item, clarification was sought regarding the measures in place to ensure that both the build and fitting out of the new building remained on time and on-budget. Particular concern was expressed regarding the increasing difficult times that were predicted for local authorities' finances and the need to ensure that the project did not overrun or project costs increase. In response, it was reported that the 'Design & Build' type of contract meant that, once agreed, a maximum build price would be agreed with the chosen contractor and so after this point, the risk of any increase in building costs would lie with the contractor. With regard to the fitting out costs, it was reported that the Joint Management Group would be overseeing project costs and they would ensure that there was no over-spend. Confirmation was also given that if at some time in the future, there was a need / desire to extend the building, this could be accommodated as the building was designed to allow expansion at minimum cost.

RESOLVED

That the progress and update report be received.

5. DATES FOR FUTURE MEETINGS

In accordance with the Joint Agreement for the Lowestoft Shared Accommodation Programme, each Annual Meeting of the Joint Committee must determine and approve the programme of meetings to take place over the following year.

The Joint Committee considered a schedule outlining proposed meeting dates for both 2013/14 and for 2014/15.

RESOLVED

That future meetings of the Lowestoft Shared Accommodation Joint Committee be held at 4pm in the Council Chamber, Town Hall, Lowestoft (unless notified otherwise) on those dates identified on the Calendar of Meetings for 2013/14 and for 2014/15.

The meeting was concluded at 4.50 pm.

Chairman