

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 6 March 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.20 pm

115 Apologies

Apologies received from Cllrs Chris Burhop, Iain Chubb, Bethany Collins, Steve Gazzard, Anne Hall, Matt Hall, Tony McCollum, Eileen Wragg

116 Declarations of interest

Minute no. 119: Cllr Stuart Hughes, Disclosable Pecuniary Interest, Member of SW Regional Flood Committee.

117 Public speaking

No members of the public had registered to speak at the meeting.

118 Scrutiny Improvement Review and Scrutiny Protocol

The Democratic Services Manager presented a report setting out the recommendations from the Centre for Governance and Scrutiny review of the overview and scrutiny function at East Devon District Council.

The Scrutiny Improvement Review had identified 8 key recommendations to improve the ways of working at East Devon District Council in respect of the Council's overview and scrutiny function to ensure that the function can be carried out effectively. Members noted that officers would prepare an Action Plan to deliver the recommendations.

The Monitoring Officer also presented a Scrutiny Protocol which had been considered at a Joint meeting of the Scrutiny Committee, Overview Committee and Housing Review Board which set out a protocol for the three committees. To ensure that the role of the Scrutiny Committees and the relationship with the Cabinet is clear, effective and is consistent with best practice.

The report contained a number of recommendations which were proposed by Councillor Ian Barlow and seconded by Councillor Yehudi Levine, having duly been put the recommendations were unanimously carried and Council **RESOLVED**

1. That the letter and recommendations from the Centre for Governance and Scrutiny arising from the scrutiny improvement review were supported
2. That the Democratic Services Manager prepares an Action Plan identifying the resources required to deliver the eight recommendations from the Centre for Governance and Scrutiny.
3. That the Action Plan is submitted to a joint meeting of the Scrutiny Committee, Overview Committee and Housing Review Board by 30 April 2024 with their recommendations to come forward to Full Council during May 2024.
4. That the Scrutiny Protocol be approved.

119 Exmouth Emergency Wall Project

The Chair of Council confirmed that in accordance with Standing Orders regulating the proceedings of the Council meeting that procedure rule 3.2 (Business: At an extraordinary meeting the business to be conducted shall be limited to a single item of business or motion, full details of which shall be set out on the summons calling the meeting) be **SUSPENDED** (Motions without Notice 11 m) to suspend a particular procedure rule). The suspension and amendment of Council procedure rules (20.1 can be suspended if at least one half of the whole number of members of the Council are present).

The Monitoring Officer confirmed that sufficient members were in attendance and the procedure rules were suspended.

The Portfolio Holder presented a report setting out the situation in Exmouth regarding the emergency repairs to the sea wall and to seek approval for decisions on the repairs and a request for additional funding.

Members were advised

1. Although there could be a £75k saving, specifying thicker sheet piles at this point will give greater flexibility in selecting cladding in the future, to give the wall a 100year design life.
2. Although undesirable, from a business, visitor and residents' perspective, the benefits outweigh the negatives for a March start, with late-May Finish.
3. Due to uncertainties regarding the future of the placemaking of Queens Drive space, and the existing concessions and their leases, we cannot commit to design and construction without delay to the failed eastern section.
4. If weekend working is permitted, it will reduce the overall duration on site, reducing impact.
5. Cross service officer work is required to ensure phase 2 can begin before plans are finalised for any future Exmouth Seafront Placemaking plans, and to do so, phase 2 will need to work on assumptions and may require difficult decisions to be made regarding this section of wall.
6. Unlike most large construction schemes which are years in the making, this scheme has had rapid development, and to keep momentum, and meet deadlines, we may need to make major decisions that cannot wait for cabinet cycles.
7. Project costs have increased largely due to poor ground conditions following surveys so previously agreed expenditure needs to increase.
8. The original £1.1m estimate for the whole wall (without cladding) was based on assumed better ground conditions than found. Therefore Phase 2 and cladding will need to be funded from further budget increase at a later date.
9. As the project has progressed additional research and design has been required.

During consideration of the report members made the following comments:

- importance of understanding which projects would be deferred as a result of the decision on this proposal.
- Members were advised that the implications on other projects were currently unknown and the implementation of the sea wall repairs would reduce funding available through the Capital Programme projects in 2025/2026.

- further proposals to be reported to members in respect of Phase 2 of works to the sea wall.
- important to consult with the public and other stakeholders.
- implications for council finances and impacts on tourism
- implications on members of the Planning Committee being pre determined by supporting the decision to fund the repair works to the sea wall. The Monitoring Officer confirmed that as this decision related to the funding of the repair works members of the Planning Committee would only be pre determined if they did not come with an open mind when the matter was before that Committee.
- importance of regular monitoring of all sea walls along the East Devon coastline. It was confirmed that all sea walls were subject to an annual inspection and in the case of Exmouth sea wall this had been exacerbated by recent severe weather conditions.
- as the position with any grant funding from central government had not yet been confirmed the Leader of Council should write to the MP for Exmouth calling on them to lobby Government to ensure funding for these essential works could be recouped to minimise the impacts on Council funding.
- invite Scrutiny Committee to carry out a scrutiny review to interrogate the reasons relating to the failure of the sea wall.

Cllr John Loudoun proposed an additional wording to the recommendations:

that council agrees to refer this matter to scrutiny committee in order that it can interrogate the reasons relating to the failure of the sea wall and the previous approval that led to business and associated infrastructure being built next to it.

The additional wording and recommendations were seconded by Cllr Mike Goodman.

The recommendations having been proposed by Councillor John Loudoun and seconded by Councillor Mike Goodman and having duly been put was carried by a majority show of hands.

The Council **RESOLVED:**

1. That council notes the decision to specify sheet piles of in-excess of 50year design life, which enables greater options for future cladding. This decision has changed since the previous cabinet report.
2. That council notes that the works will be phased, with the eastern section work (phase 1) being undertaken this March 2024, and the western section being deferred until all remaining risks can be mitigated, with the earliest start being September 2024.
3. That council notes that the eastern section works (Phase 1) proceed starting in March, with the aim to finish late-May.
4. That council notes that decisions will have to be made regarding the completion of phase 2, without the benefit of knowing the outputs of the larger Exmouth Seafront Placemaking strategy.

5. That council notes that optional weekend working is undertaken to reduce duration on site.
6. That council resolves to increase funding of Phase 1 only to £1.5m (from £1.1m for both Phase 1 and Phase 2 of the wall)
7. That council notes that a further request for funding will be needed to progress phase 2 and cladding.
8. That council notes the need for a further exemption to contract standing orders to allow the direct award contract to Moffat and Nichol (consultant) from due to the increase from £60k to £200k (within existing project budget outlines in recommendation 6)
9. That council notes that expenditure on the contract to Moffat and Nichol has exceeded £100k
10. that Council refer this matter to the Scrutiny Committee in order that it can interrogate the reasons relating to the failure of the sea wall and the previous approval that led to business and associated infrastructure being built next to it.

Attendance List

Councillors present:

P Arnott	P Fernley	J Loudoun
B Bailey	M Goodman	D Mackinder
J Bailey	D Haggerty	M Martin
I Barlow	S Hawkins	C Nicholas
K Blakey	P Hayward	J O'Leary
K Bloxham	J Heath	T Olive
V Bonetta	N Hookway	H Parr
C Brown	S Hughes	S Richards
J Brown	B Ingham	H Riddell
A Bruce	S Jackson	M Rixson
M Chapman	R Jefferies	E Rylance
R Collins	V Johns	S Smith
O Davey	G Jung	A Toye
T Dumper	D Ledger	S Westerman
P Faithfull	Y Levine	

Officers in attendance:

Simon Davey, Director of Finance

Tracy Hendren, Director of Housing, Health and Environment

Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement

Andrew Melhuish, Democratic Services Manager

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Councillor apologies:

C Burhop

S Chamberlain

I Chubb

B Collins

C Fitzgerald

S Gazzard

A Hall

M Hall

- M Hartnell
- M Howe
- J Kemp
- T McCollum
- J Whibley
- D Wilson
- E Wragg

Chair

Date: