



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
11 January 2022

Key Decision [~~Yes~~/No]

Ward(s) Affected: Marine

Worthing Pier - Emergency Works

Report by the Director for the Economy

Officer Contact Details

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Executive Summary

1. Purpose

- 1.1. This report provides an update to the Committee on the direct award of a contract for emergency works to the Pier and landing stage sub-structure under Standing Orders 8.3 Special Circumstances and Emergencies - 8.3.3 for Emergency Works.
- 1.2. And update the Committee on the ongoing situation.

2. Recommendations

- 2.1. To note the award of the contract for emergency works to the Pier and landing stage sub-structure under Standing Orders 8.3 Special Circumstances and Emergencies - 8.3.3 for Emergency Works.
- 2.2. To note the ongoing emergency works in available tidal windows to the Pier and landing stage sub-structures.

3. Context

- 3.1 The Pier, landing stage and Lido sub-structures are maintained under a term maintenance contract. The current contract awarded in 2019 is for a two year period extendable by up to three years (annually), based on performance.
- 3.2 Following a difficult period of operation caused by the Covid pandemic in 2020, which is still being felt by some contractors, the current maintenance contractor suffered both material supply and personnel resourcing problems which culminated in the contractor terminating its contract with the Council on the 16th August 2021.
- 3.3 The Councils Technical Services Engineering Team had been proactively working with the contractor up until the end of the contract to try to maintain service delivery. This included sourcing possible links with other companies and experienced resources, but to no eventual success.
- 3.4 Since receipt of the notice from the contractor, inspections of the sub-structure have continued with efforts to establish short term maintenance works whilst preparing a new maintenance contract for tendering.
- 3.5 During an inspection on the 3rd November 2021 to a report of deteriorated railings to the top deck of the landing stage, it was noted that the landing stage sub-structure had seriously deteriorated, due to recent storm events over the previous three to four weeks, since the last inspection and required immediate works to maintain the structural stability.
- 3.6 Carrying out works to the Pier are of a specialist nature and difficult due to the environment. To be able to carry out works on the pier landing stage sub-structure from beach level requires low tides of 0.7m or less at a suitable hour (e.g. 6am to 6pm). These opportunities happen only once or possibly twice a month and the next available opportunity at that time was the 3rd December 2021.
- 3.7 With our normal term maintenance contractor no longer available it was crucial that an experienced contractor be sought to undertake emergency works to the sub-structure on the low tide window commencing the 3rd December 2021.
- 3.8 Due to the restrictive period of time available traditional procurement routes were not an option and preliminary discussions were held with JT Mackley & Co Ltd, a local engineering contractor with experience in working in the

coastal environment and who recently completed a project to replace the Brooklands outfall after successfully completing a tendering process, to establish if they had available resources.

- 3.8 The urgency of the works was considered by Officers and the use of emergency procurement procedures. Matter considered included the sudden deterioration of the pier landing stage sub-structure due to bad weather and sea swells could have resulted in part of the pier landing stage collapsing, creating a true emergency, posing an immediate risk to services (ie the provision of 'fishing services' would have been affected; with further effect, if the Pier substructure was also damaged, that the Southern and Central Pavilions would likely close). There was also a real and substantial risk someone would get injured on the beach, if there was a collapse of the pier landing stage at any time even if the pier was closed.
- 3.9 For the reasons outlined in 3.8 above, the Director for Economy in consultation with the Worthing Executive Member for Regeneration approved the award of the works contract under Standing Orders 8.3 Special Circumstances and Emergencies - 8.3.3 for Emergency Works, to JT Mackley & Co Ltd on the 19th November 2021.

4. Current Situation

- 4.1 JT Mackleys Co Ltd commenced work on the 3rd December 2021 and worked the available period of low tides. Whilst works proceeded well, it was noted that further deterioration has occurred in the interim period between detection and the start of the emergency work, but not to the extent of failure, and further tidals windows would be required to complete the works.
- 4.2 During this same tidal window period further inspections were carried out to the Pier and landing stage substructures confirming the extent of works required to bring the substructure to an suitable standard. Inspections will continue during this period at a greater frequency until the emergency works are completed.
- 4.3 The initial emergency works undertaken on the 3rd December 2021 tidal window has abated the deterioration to the landing stage substructure and significantly reduced the risk level to the Pier substructure. The planned additional tidal working windows available in the first three months of 2022 will ensure the landing stage is restored to a good working condition, subject to any severe weather events encountered in this period.

- 4.4 The contractor has programmed resources in for the next available tidal window from the 31st December 2021 to the 8th January 2022 to continue the emergency work. Subsequent tidal window working will be considered based on the outstanding emergency works required.

5. Financial Implications

- 5.1 The 2021/22 reactive maintenance budget for the pier landing is £179,460.
- 5.2 The emergency works of £125,000 will be charged against this existing maintenance budget and it is not expected that additional funding will be required.

6. Legal Implications

- 6.1 Section 111 of the Local Government Act 1972, provides the power to the Council to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 6.2 S1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 6.3 Section 1 of The Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a local authority confers the powers on the local authority to enter into a contract with another person for the provision or making available of assets or services, or both (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the local authority.
- 6.4 Paragraph 8.3 of the Council's Contract Standing Orders found at Part 4 of the Constitution, defines a Special Circumstances and Emergency as 'a situation which poses an immediate risk to Council services or the wellbeing of residents, for which urgent action is needed and which cannot be dealt with using the Councils usual processes and procedures'. The Director for Service is required to consult with relevant Executive Members and Officers and thereafter report the use of the emergency provision to the next Joint Strategic Committee.

Background Papers

None.

Sustainability & Risk Assessment

1. Economic

Not undertaking the emergency works would have a detrimental impact on the business on the Pier and affect the use of the Pier by the community if closed for an extended period due to damage to the sub-structure.

2. Social

2.1 Social Value

Matter considered and no issues identified

2.2 Equality Issues

Matter considered and no issues identified

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified

2.4 Human Rights Issues

Matter considered and no issues identified

3. Environmental

Matter considered and no issues identified

4. Governance

The proposal supports a number of Council priorities across the Platforms by ensuring effective management of existing assets

The Council may receive criticism and reputational damage if the emergency works were not undertaken and the Pier closed.