

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

Agenda Item 44

Subject: Victoria Fountain Investigation

Date of meeting: 15th November 2022

Report of: Executive Director Economy, Environment & Culture

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Ward(s) affected: Regency

For general release

1 Purpose of the report and policy context

- 1.1 The 15th March Environment, Transport and Sustainability Committee received a Notice of Motion regarding the Victoria Fountain Investigation referred from the full council meeting held on the 3rd February 2022 with requests:
- i. To commission an urgent investigation into the appearance of a sink hole after the removal of the Christmas market and funfair, and whether existing known damage to the Victoria Fountain has been worsened by the funfair, or may be worsened by heavy equipment due to be placed there during planned work on Valley Gardens 3; and
 - ii. To agree to the public release of all findings so that residents can be assured that the city's historic sites and important heritage assets will be treated with the respect they deserve.
- 1.2 The Committee decided to receive an update report on the Victoria Fountain which is contained within this report. It also confirms that the Notice of Motion request has been carried out and the Structural Engineers Hemsley Orrell Partnership's (HOP) report on Victoria Gardens Old Steine, Assessment of Shallow Geological Anomalies is to be made public.

2 Recommendations

That Committee notes :

- 2.1 The update on the Victoria Fountain structural repair and refurbishment project to bring the asset back into a good condition and working order.

- 2.2 The findings of the HOP Victoria Gardens Old Steine, Assessment of Shallow Geological Anomalies Report.

3 Context and background information

The Victoria Fountain

- 3.1 The Victoria Fountain, Old Steine is temporarily propped and has been made safe following the local structural engineer Hemsley Orrell Partnership's (HOP) condition report in early 2022 that identified structural problems. HOP were commissioned for further in-depth surveys of the structure in 2021 following delays in carrying out these surveys during the pandemic and to specify the repair works for all the specialisms associated with the project.
- 3.2 HOP have been appointed to give structural engineering advice and to project manage the major refurbishment and repairs required to renovate the Victoria Fountain. These are now programmed to start in 2023 following two unsuccessful attempts at tendering the contract whereby no tender returns were received. It is part of HOP's brief to assess the ground conditions to ensure safe working practices including the use of a crane that will be needed for the Fountain refurbishment project.
- 3.3 Difficulties have been experienced in tendering this project against the background of nationally spiraling construction costs and lack of construction specialisms and skills. We have had two unsuccessful tendering attempts, both were via the Council's existing frameworks agreements and a specific list of contractors recommended by the external structural consultant. A total of 12 contractors have been invited to tender and zero responses have been received.
- 3.4 A third tendering exercise has finished and two tender returns have been received which are currently being analysed. A budget has been identified for the project and the works and costs are being evaluated as part of the tender analysis. The intention is to appoint the successful contractor in late November aiming for a start on site mid-December, and a completion of the refurbishment project by the end of March. However this will be dependent on the confirmation of the costs and funding, with the timeline being dependent on weather conditions and the volume of 'unknowns' as until we crane the upper parts of the structure out, we will not know the full extent of the condition and deterioration of the cast iron structure and the mechanical services.
- 3.5 The tender documents as part of the Construction Design Management (CDM) regulations set out the council's Pre Construction Instruction (PCI) information that gives the contractor a summary of key risks, obstacles, hazards and logistics for the site and project. The risk of a potential sink hole is covered in this documentation. The contractor produces a Cost Phase Plan (CPP) as part of their management of the construction phase in response to the council's PCI to ensure a safe site and this will respond to the risk of a potential swallow hole. They will then provide risk assessments and method statements as follow-on items to the overarching CPP. These will ensure that ground conditions are considered and that the site

compound and associated machinery for the works, i.e. the crane are erected and used safely.

- 3.6 The Structural Engineer HOP was commissioned to carry out the investigation early this year and confirmed that the Victoria Gardens swallow hole which appeared following the Christmas Market and funfair in December 2021 seems to have been due to surface and subterranean water flow dissolving finer material and carrying this away in solution, thus forming a cavity. It appears that a concentrated point load over a very small area, with insufficient depth of material to arch over any void and dissipate the load led to the failure of the thinner surface 'crust'. Having undertaken a number of surveys and ground penetrating scans all anomalies were at quite shallow depth and were generally, but not always, quite close to underground services. No evidence could be found of other evident holes appearing. A trial pit was also dug at the site of the hole and no further voiding could be detected, and with the extent of the swallow hole being ascertained, the trial pit was subsequently backfilled, compacted and made good.
- 3.7 As a result of the investigation HOP's report entitled Victoria Gardens Old Steine, Assessment of Shallow Geological Anomalies recommends that a simple check system, Code of Practice or permission requirement be developed to ensure that heavy loads on any surface likely to be used by heavy machinery, particularly those with high load outriggers are properly assessed in advance. HOP have developed this check system to be used in this location and or/ similar were there could be potential risks relating to the geology of the site.
- 3.8 As a separate exercise, HOP when investigating the swallow hole, in conjunction with Brighton & Hove City Council Officers, assessed the nearby Victoria Gardens 'Dolphin Statue' Fountain. HOP confirmed that the problems relate to the superstructure of the statue namely corroding bolts and faulty services aboveground. These are not related to the site geology or nearby void.
- 3.9 The Transport Team have confirmed that Valley Gardens Phase 3 will not require any construction or heavy plant on Old Steine Gardens.

4 Analysis and consideration of alternative options

- 4.1 Do nothing is not an option as the Fountain requires remedial structural repairs and refurbishment to ensure the asset is fit for purpose and in good working order.

5. Community engagement and consultation

- 5.1 Relevant internal officers, and the specialist consultant have been consulted. The structural engineer also consulted with specialist contractors to ensure the correct level of skills, knowledge and resource was available to potentially undertake the work.

6. Conclusion

- 6.1 Tender documents for the refurbishment of the Victoria Fountain have been received and are being analysed with a view to appointing the successful contractor in late November 2022.
- 6.2 The learning from the Structural engineer HOP's Victoria Gardens Old Steine, Assessment of Shallow Geological Anomalies Report report and findings into the geology of the Old Steine has led to a procedure to check and mitigate the risk of a re-occurrence.

7. Financial implications

- 7.1 A sum of £250,000 has been included in the Capital Investment Programme for 2022/23 to support the investment of the Victoria Fountain repairs. This has been met through capital borrowing with the financing costs repaid over 25-years already set aside within the council's Medium Term Financial Strategy. In the event that costs are higher than the existing budget as a result of the cost analysis and tender exercise then the council may need to review the Planned Maintenance Budget for future years and reported back to P&R Committee through the TBM process.

Officer Consulted: Rob Allen

Date consulted 25/10/22

8. Legal implications

- 8.1 All contracts relating to the Victoria Fountain must be tendered in compliance with the Council's Contract Standing Orders. Contracts below £500,00 can be authorised by the relevant Executive Director pursuant to the Scheme of Delegations to Officers.

Lawyer Consulted: Alice Rowland

Date consulted: 23/10/22

9. Equalities implications

- 9.1 Access arrangements to the site are to be assessed by the structural engineer/project manager as part of the successful contractor's risk assessments and method statements to ensure site health and safety.
- 9.2 Heavy loads on any surface likely to be used by heavy machinery, particularly those with high load outriggers are properly assessed and checked in advance of any site works.

10. Sustainability implications

- 10.1 Sustainable construction measures will be employed where possible through transportation, supplies and materials, mitigating construction and energy waste.
- 10.2 Where possible materials on site will be re-used in support of circular economy principles.

11. Other Implications

11.1 Social Value and procurement implications

11.1 The specification for the works adheres to the council's sustainable procurement policy. Employment apprenticeships and opportunities will be considered as part of the contract.

11.2. Crime & disorder implications:

11.2 Hoardings will be constructed to protect the site and mitigate vandalism.

Supporting Documentation

Appendices

1. HOP Report Victoria Gardens Old Steine Brighton.
Assessment of Shallow Subsurface Geological Anomalies May 2022

1. Background documents

Environment, Transport & Sustainability Committee Agenda Item 83(d)(1) 15th March 2022.

Victoria Fountain Investigation Notice of Motion referred from Council on the 3rd February 2022

