

**Open Report on behalf of Richard Wills, Executive Director for Environment and Economy**

Report to:	<b>Councillor M J Hill OBE, Leader of the Council</b>
Date:	<b>23 August 2017</b>
Subject:	<b>A17 Sleaford Embankment Slip</b>
Decision Reference:	<b>I014011</b>
Key decision?	<b>Yes</b>

**Summary:**

Approval is sought to award the contract for the main works to the contractor who submitted the lowest tender for stabilisation works on the A17 Sleaford Embankment Slip.

**Recommendation(s):**

That the Leader of the Council approves the award of the main contract for the A17 Embankment Slip scheme to the lowest tenderer.

**Alternatives Considered:**

Not to award the contract which will result in remedial works not being completed, propagation of further failure of the embankment and the consequential risk to the safety of the travelling public.

**Reasons for Recommendation:**

To allow the works to proceed and provide a stable embankment capable of supporting this strategic piece of highway in a safe and serviceable condition for the travelling public.

**1. Background**

1.1 The A17 Sleaford Bypass is a dual carriageway running east to west, north of Sleaford. It was built in 1974 as a trunk road. It was subsequently de-trunked, with numerous other trunk roads, on 1 July 2002 when it was integrated with the rest of the county's network.

1.2 Since its construction, a few areas have suffered bank slips with extensive repairs having been carried out.

- 1.3 Shortly after detrunking the initial stage of further failures were noted around the A153 overbridge and the railway bridge. On closer inspection, it became apparent that extensive areas were suffering distress.
- 1.4 In 2007, an unsuccessful bid was made to the Department for Transport for funding to repair this failing piece of network
- 1.5 In 2012, this site received an explicit mention in the county's Transport Asset Management Plan (TAMP) as an asset that is going to need intervention in the near future to prevent a serious failure of the highway.
- 1.6 In the years since the initial discovery of these failures, the condition has deteriorated considerably so in 2016, funded by the Advance Design Block, Technical Services Partnership did a feasibility study to determine the cause of the problem, identify priorities for repair, make recommendations for the repairs and provide budget estimates for the work.
- 1.7 Having adopted the recommendations in the feasibility report, the proposal is to repair all the drainage in the embankment, sheet pile adjacent to the bridges and soil nail the remainder of the embankment. Resurfacing of some of the A17 will also take place to reinstate the trenches left by the drainage works.
- 1.8 Traffic Management will be of the form of contraflow and lane closures, supplemented by a 30mph speed restriction throughout.
- 1.9 The works have been tendered through the new Lincolnshire County Council Select Framework and the lowest submitted tender is £2,292,697.85

1.10 The scheme costs are:

Costs incurred thus far

- Design fees - £95,800
- Investigation works - £21,823

Projected additional costs

- Main Works Contract – £2,292,698
- Supervision fees - £80,000
- Laboratory / testing costs - £20,000
- Network rail approvals - £10,000

**Total scheme cost - £2,520,321**

Retention withheld for 12 months post completion, 2.5% of the tender total £50,993

1.11 The works will be funded from the 2017/18 National Productivity Investment Fund (NPIF) budget.

## 2. Legal Issues:

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- \* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

<p>A formal impact analysis has not been undertaken. However consideration has been given to the Equality Act duties and this work is considered neutral in its impact on persons with a protected characteristic.</p>
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Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Consideration has been given to the JSNA and the JHWS and as can be seen from the description of the scheme set out above, the scheme has significant benefits for both the health and wellbeing of people in Sleaford and the surrounding area.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

Consideration has been given to section 17 of the Crime and Disorder Act. The scheme is considered to have a neutral effect in relation to crime and disorder issues.

**3. Conclusion**

- 3.1 The scheme is well supported and there are no legal impediments to starting.
- 3.2 It is recommended that the Leader of the Council approves the award of the main contract to the contractor with the lowest submitted tender.

**4. Legal Comments:**

The Council has the power to enter into the contract proposed. The legal considerations are set out in the body of the Report.

The decision is consistent with the Policy Framework and within the remit of the Leader of the Council if it is within the budget.

**5. Resource Comments:**

This scheme will be funded by the National Productivity Investment Fund, which is a Department for Transport grant and forms part of the Council's approved capital programme.

## **6. Consultation**

### **a) Has Local Member Been Consulted?**

Yes

### **b) Has Executive Councillor Been Consulted?**

Yes

### **c) Scrutiny Comments**

This has not been considered by a scrutiny committee.

### **d) Have Risks and Impact Analysis been carried out?**

See the body of the Report

### **e) Risks and Impact Analysis**

See the body of the Report

## **7. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Steve Brooks, who can be contacted on 01522 552940 or [steve.brooks@lincolnshire.gov.uk](mailto:steve.brooks@lincolnshire.gov.uk) .