

-PARKS AND ENVIRONMENT STRATEGIC BUSINESS CASE-

The purpose of the Strategic Outline Case (SOC) is to confirm the strategic context of the proposal (a potential programme or project) and provide an early indication of the preferred way forward, but not the preferred solution option. The SOC template briefly considers:

The range of options

Direction of travel, strategic fit and case for change

1.

2.

Strategic

Economic

4. Financial Est	he preferred procurement strategy stimated costs/savings roposed management arrangements	
Programme/Project Name:	Weed Operations Options & Appraisal	
Programme/Project Sponsor:		
Programme/Project Manager:	Contact Details:	
Programme/Project Board:		
Financial Accountant:	ТВА	
Management Accountant:	ТВА	
Author:		
Date Drafted:		
Date of consideration by Leadership:		
Record the GATE 1 Decision by Leadership:		



1.0 EXECUTIVE SUMMARY

This Strategic Outline Case (SOC) sets out the case for a new delivery model for the removal of weeds in Wirral from January 2022. The initial contract will be for 2 years, with the option to renew for a period of 12 months at same price originally offered (or price offered plus increase agreed / in line with increase in CPI maximum, to maximum of 3 years duration in total.

The measurements in which the model will operate from are as follows;

Roadside Kerbs/Pavements, Pathways & Adopted Alleyways	4,699,426 m2
Shopping Areas & Precincts	15,994 m2
Un-adopted Alleyways	76,000 m2
Car park areas	104,748 m2

(Due to variations in the width of footways and paths throughout the borough the calculation of their length is an average value. These calculations are based upon a standard footpath width of 1.80 metres.)

The license in which we can use Glyphosate is up until December 2025, meaning looking into potential alternatives at this time could be beneficial to a smoother transition further down the line, when the need for change is immediate.

Since 1st January 2021, Great Britain has taken responsibility for its own regulatory decisions and rules regarding weed removal by departing from the EU. Under the new regime, the Health and Safety Executive (HSE)¹ remains the national regulator for the UK, via its specialist Chemical Regulation Division (CRD). The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 states that active substances which were due to expire in the EU within 3 years of the end of the transition period will be granted a 3-year extension under the new GB regime. This means that glyphosate is approved for 5 more years in Great Britain until at least 15 December 2025.

With the closure of the current weed spraying contract in January 2022, it was decided that new arrangements for this service would be an opportunity to both secure a value for money solution and potentially reduce Glyphosate usage, with numerous options available as to how to proceed.

Seven options were identified and subsequently appraised:

A - Renew with Man Coed VM Ltd

¹ https://www.hse.gov.uk/pesticides/using-pesticides/general/glyphosate-faqs.htm



- **B** Full in-house operation:
 - a) with Glyphosate
 - **b)** with Nomix solution
- **C** Variance to the current BIFFA street cleaning contract
- **D** Joint contract with other local authorities
- **E** Competitive tender exercise
- **F** Community engagement

After initial investigations into the possibility of sharing the operation with another local authority, it became apparent that the option was not realistic to pursue. In the case of Cheshire West, a report was due to be taken to Members in early 2021 recommending internalisation their highways service from Oct 2022. This was including weed spraying/removal, currently contracted-out to Ringway. Concerns over the level of influence Wirral would have in a joint-operation with Liverpool City Council was also an early issue. It was apparent that there was no appetite to offer a shared service under current arrangements, thus this option was not looked into further than this initial contact.

The options appraisal process concluded that the most viable options to take forward for further evaluation were options Ba, Bb, , Band E.

2.0 STRATEGIC CASE

This section details the strategic context and case for change for Wirral Council's weed removal provision.

2.1 Service overview

Wirral Council is responsible for the removal and monitoring of weed removal in public areas. The scope of weed removal in all necessary areas of the Borough ties into aspects of Highways, Park & Environment as well as strategies such as the Climate & Emergency Action Plan. The specific use of Glyphosate usage, and it's eventual eradication in Wirral, came as part of the Climate and Environment Emergency Declaration in July 2019.

2.2 Strategic drivers

In terms of the Wirral Council Plan 2025, the weed removal service directly contributes to the intended outcome of 'Wirral Residents Live Sustainably'. 'Improving street cleanliness' is stated as an action we will do in order to help achieve this outcome, the removal of weeds is directly relevant to this cleanliness. Action 8.2 in the Carbon Capture tab of the Climate Emergency Action Plan (CEAP); 'Review use of herbicides and pesticides at a site specific level each year to reduce negative impact on pollinators' is the strategic objective behind the wish to reduce Glyphosate used where practical.

2.3 The case for change



2.3.1 Current arrangements

The current contract holder is Man Coed VM Ltd, who are tendered to spray the entire 4,896,168 m2 area, using Glyphosate.

2.3.2 Cost of Service Provision

The original cost of the contract to Man Coed VM Ltd had a yearly cost of £87,000. However, once the new measurements were applied, this cost nearly tripled to £249,000 per year to accommodate.

2.3.3 Performance

During the first year (2018) of the incumbent contract, it was brought to attention that something was seriously wrong with the measurements we had provided. Highways were requested to check the measurements and confirm the correct measurements. It was confirmed in January 2019 that the true measurement was 4,896,168 m2 – nearly three and a half times more than the original measurements provided, 1,479,000 m2.

This had a severe impact on performance initially as Man Coed VM Ltd had only the resources to cover a third of the Borough.

2.4 Business Need

The contract with Man Coed VM Ltd , worth £249,000 per year will come to an end on January 2022. Coupled with the extension of the Glyphosate license until 2025, an opportunity is provided to Wirral Council to assess the current delivery model in line with other alternative models and industry best practice to select a model that will:

- Be operational from January 2022
- Deliver the strategic objectives of the service
- Potentially reduce the amount of Glyphosate usage

2.5 Strategic Objectives for Weed Removal

- Deliver a customer focused, quality service
- Maintain a safe and serviceable highway network
- Deliver cost effective asset management
- Deliver value for money
- Respect the environment

2.6 Constraints

Funding/finances



- Political acceptability
- Timescales and deadlines associated with 2015 Public Contract Regulations (OJEU)
- Practicality of Glyphosate alternatives

2.7 Dependencies

• Cold weather can slow the rate of weed growth

2.8 Opportunities

- Potential to reduce Glyphosate usage
- Reduced cost of provision

2.9 Strategic Risks

Risk Type	Strategic Risk	Mitigation
Operational	 Preferred model fails to deliver required levels of service/fails to deliver any service. 	 Ensure critical success factors that the options will be measured against are adequate.
Financial	Preferred model fails to meet financial expectations.	Robust financial accounting, forecasting/modelling relating to option appraisal and operational business. Effective financial controls.
Strategic	Preferred model fails to deliver against strategic objectives.	Ensure critical success factors that the options will be measured against are adequate.
Governance/ Legal	Inadequate governance resulting in poor decision making.	 Governance Structure in place for: Speed/effectiveness of decision making processes. Clarity of purpose. Clear roles and responsibility. Appropriate legal advice on governance and legal requirements
Timeframe	Failure to implement preferred model within the timeframe.	Robust project management
Political	 Lack of political buy-in Reputational damage. 	 Work with portfolio holder and relevant members. Communication, branding and imaging is handled via an effective Marketing and Communication Policy.



3.0 ECONOMIC CASE

The Economic Case sets out the Critical Success Factors (CSF's) for the decision, first of all appraising a long list of potential options before outlining the indicative costs of the short-listed options in order to indicate a preferred way forward.

3.1 Critical Success Factors

Based on the strategic drivers, business needs and constraints, the following Critical Success Factors have been identified.

- Strategic aligns with strategic aims
- Sustainable adheres to climate commitments
- Affordable delivered within budget

3.2 Long List Options Appraisal

A long list of potential delivery models for the provision of weed removal was put together and appraised by senior officers from numerous Council services; Parks and Environment, Procurement, Legal, Waste, Climate Emergency. The long list is as follows:

- A Renew with Man Coed VM Ltd (do nothing)
- **B** Full in-house operation:
 - a) with Glyphosate
 - **b)** with Nomix solution
- **C** Variance to the current BIFFA street cleaning contract
- **D** Joint contract with other local authorities
- **E** Competitive tender exercise
- **F** Community engagement

Due to feedback of option D not being suitable, the indicative costs were not drawn up and appraised in line with the original long list outlined in 1.0.

3.3 Short List Options Appraisal

Following the appraisal period, 4 options were shortlisted for further review:

- **Ba** Full in-house operation with Glyphosate
- **Bb** Full in-house operation with Nomix Dual
- **C** Variance to the current BIFFA street cleaning contract
- **E** Competitive tender exercise
- **F** Community engagement

The following provides an overview of the four options shortlisted during the appraisal stage.

Option Ba - Full in house operation with Glyphosate



The main area of concern regarding bringing any weed removal operation in-house is the heavy first year costs. The actual removal operation, using Glyphosate, is estimated to be £288,689 per year. However, due to the need to capitalise on the core assets such as vehicles, trailers, and applicators, the first year cost would be £440,800. A full financial breakdown is detailed further in **Appendix 1**.

Work was done to identify other methods to reduce Glyphosate. A variety of trials were conducted to test the credibility and potential for alternatives.

4 roads were chosen to track the results of both Glyphosate and 4 alternatives, as shown below:

- Glyphosate Fifth Avenue
- Nomix Dual (Residual herbicide) Edgemoor Close
- Foamstream (Hot Foam) Esher Close
- Hand weeding/scraping (Community involvement) Enerby Close

Pelargonic acid was requested to be part of the trials. There are currently two pelargonic acid products on the market. Unfortunately after looking into these products, the HSE database confirms they carry no approval for use on hard surfaces. There are amateur approvals which allow hard surface use – for example around a domestic patio or driveway however we would not be able to use these products as a professional user.

The results of the trials ultimately displayed the superior effectiveness and value of Glyphosate over the other options. This conclusion was echoed by numerous APSE member Councils who have also been trialling methods alternate to Glyphosate. The collection of responses to the query of 'Innovative ways of treating / controlling weeds on the Highway' is shown in **Appendix 3**.

Strengths

- Familiarity with process
- Control over provision
- Single point of responsibility
- Knowledge retained In-house
- Consistent approach to delivery of services
- Generally no requirement to tender the services
- Proven to be an effective method

Weaknesses

- Does not reduce our Glyphosate usage
- License runs out in 2025

(as with Bb – issues relevant to being inhouse regardless of method used)

- Need to start from scratch using the latest measurement based on the need for 3 sprays a year. This would result in a heavy first year cost.
- Not enough licenced or trained staff available to operate the necessary equipment
- Seasonal staff risk of staff investment and training in October but not returning in March
- No pool of operatives to call upon if staff register annual leave or sickness leave.
- Additional pay would be required to catch up on work missed in inclement weather.
- Ongoing staff recruitment, retention and absenteeism issues for Council



Option Bb - Full in-house provision with Nomix Dual solution

In an attempt to lower the amount of Glyphosate used, Nomix Dual solution was explored as a potential substitute. It is key to note that Nomix Dual does still contain a lower level of Glyphosate within it.

Nomix Dual does have hard surface approval, but is limited due to Glyphosate hard surface restrictions – therefore Nomix Dual can only be used via targeted application (as opposed to a blanket treatment) due to the residual. Optimising the benefits of the residual element can be difficult as well as briefing.

This solution would be used as part of an in-house operation with Nomix Dual supplying the solution used. Nomix Dual is primarily designed for application using handheld CDA lances on foot.

As with the Glyphosate option, the first year cost of using Nomix Dual in an in-house operation would result in a high year 1 cost due to capitalisation of core assets. The yearly cost of the weed removal using Nomix is £399,240, however year 1 has the cost of £555,370. A financial breakdown of this option is shown in **Appendix 2**.

Again, it is important to stress that this option is not a completely 'Glyphosate free' option, but does see a reduced amount used in comparison to the method of solely using Glyphosate.

Strengths

- Reduces amount of Glyphosate
- Residual action could reduce number of sprays required and works as a 'prevention' as well as a 'cure'

Weaknesses

- Considerably expensive
- Residual effects difficult to optimise and brief to operators
- Can be used only in targeted application
- Takes longer to activate than Glyphosate

(as with Ba – issues relevant to being in-house regardless of method used)

- Need to start from scratch using the latest measurement based on the need for 3 sprays a year.
- Not enough licenced or trained staff available to operate the necessary equipment
- Seasonal staff risk of staff investment and training in October but not returning in March
- No pool of operatives to call upon if staff register annual leave or sickness leave.
- Additional pay would be required to catch up on work missed in inclement weather.



	 Ongoing staff recruitment, retention and absenteeism issues for Council Management time to manage incoming workforce and complexities in managing various terms and conditions. Management resource required to lead this workforce to deliver. Workforce may be disengaged.
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Option C - Variance to the current BIFFA street cleaning contract

The possibility of extending the current street cleaning contract, held by Biffa, to also include weed removal was suggested – as the two services go hand in hand. This had the potential to increase the overall efficiency and consistency of the whole service.

A meeting with legal services was had to establish what was possible within exploring the variance on the current Biffa contract. It was confirmed that extending the current contract with Biffa for weed removal was indeed possible and would run to the end of the main contract if pursued.

The initial meeting with Biffa contacts were hesitant. Concerns over the nature of weed removal (not being their main area of work) and potential financial inefficiencies was cited. After more dialogue, this option was removed for further investigation.

Strengths	Weaknesses
 BIFFA are trusted contractors Streamline the wider street cleaning process Potential savings related to direct procurement to contractors 	 Weed removal is not BIFFA's usual area of work Is not a reduced-Glyphosate option Public perception

Option E – Competitive Tender Exercise

The Council retain the option for the Weed Removal and Control service to be subject to and awarded by competitive tender. The subsequent tender will be managed under the revised Public Contract Regulations 2020.

The 2020 Regulations are a directive from the Cabinet Office to confirm public expenditure will be managed under the same thresholds previously applied for the European Directives (OJEU). The Directives will now be managed under the Cabinet Office "Find a Tender Service" which now supersedes the OJEU process. Confirmation this contract would exceed the Cabinet Office threshold for Services at £189,330.00.

A Restricted tender process would be recommended if this option is followed. The Restricted process is 2 parts and has been widely used by the Council. The Restricted process allows for a short listing of bidders who will then receive the opportunity to submit the Invitation to Tender. The Restricted Tender process will take an approximate 16 - 20 weeks for completion and will be managed via the council's tendering portal "the Chest".

Strengths	Weaknesses



- Fully Compliant process
- Open to attract a strong quality selection of bidders.
- Inclusion of Social Value will provide the focus on the local economy.
- Well documented and fully auditable
- Council are experienced practitioners in tendering Services
- Allow for the marketplace to bring ideas and innovation forward.
- Tendering will subject the budget to a competitive market

- This will be the longest time period before an award.
- The tender process will require Officer resources over the set period.
- Local Contractors will be in direct competition with National Suppliers.

Option F - Full provision using community engagement

The encouragement of community involvement by removing weeds by hand was investigated further as Glyphosate is not applied using the scraping method.

On the surface, this option provided many opportunities to explore. Incentives such as a 'best street award' could be used as both motivation for communities but also act as good news stories for the Communications team and social media. Furthermore, the hand scraping method used by community groups is manual and has zero Glyphosate usage.

However, major risk factors were flagged both before and during the trial period of this method. Initially, the groups who had originally agreed to participate did not attend. This flagged the long-term sustainability and stability risks. __ stepped in to trial the actual hand-scraping method. Though the hand scraping gave good removal results, the process is very slow and requires a lot of manual effort. One volunteer was in considerable pain after only an hour of scraping. This method posed too many health and safety risks, as well as legitimate sustainability risks, to be considered as the main provider of our weed removal provision.

It was noted through appraisal discussions that though this option is overall extremely unsustainable for the whole Borough, community engagement could be used to supplement and support all the other proposed options. Encouraging community hand scraping in the most engaged areas could still contribute to the reduction of Glyphosate. As each street comes on board, that street can then be taken off the Borough wide spraying programme (and re-added if they become disengaged).

It is therefore recommended that this option be considered only as a supplement option in the most dedicated areas.

Reduces use of Glyphosate Presents engagement opportunities Involves local community groups Offers 'good press' opportunities Uncredibly unsustainable as the main focus of the provision of weed removal Borough wide Major health and safety risk factors Long-term commitment of volunteers is not guaranteed

3.4 Indicative costs



The indicative costs below allow a financial comparison to be made between the 4 options.

Options	Full in house operation with Glyphosate (Ba)	Full in house operation WITH Nomix Dual (Bb)	Competitive Tender Exercise (E)	Current contract
Total cost of service provision (year 1)	£440,800	£555,370	Unknown until awarded.	£249,000
Total cost of service provision year 2, (potentially 3)	£288,689	£399,240	Unknown until awarded.	£249,000
Total Costs (for 3 years)				
	£1,018,178	£1,353,850	Competitive	£747,000

The indicative costs for the first year of options Ba and Bb factor in the capitalisation of assets such as such as vehicles, trailers & quadbikes. The costs of these assets for an operation using Glyphosate is totalled at £146,500 and for Nomix Dual it is £149,965. A breakdown of where these assets will be capitalised can be found in **Appendix 1, 2.**

The indicative costs for an in-house operation using Nomix Dual can be reduced given the possibility of spraying twice, instead of 3 times a year. This is due to the residual nature of the solution, but it is advised still that the full 3 sprays are undertaken in the first year.

Taking into account the strengths, weaknesses and indicative costs for each one of the short listed options along with the critical factors for success; Option Ba, Bb and E emerged as the most viable options for further review.

4.0 COMMERCIAL CASE

All procurement, financial and legal negotiations will be handled in line with corporate guidelines.

At this stage there has been no assessment of market interest in relation to the different complexities of operational provision. This will be progressed on approval of this SOC.

5.0 FINANCIAL CASE

This Financial Case indicates the budgetary, financial and affordability considerations of both viable in-house options and a tendered approach.



5.1 Financial Appraisal

The indicative financial implications to the Council of the preferred options are as follows:

Preferred Option Ba – In House using Glyphosate	£
Staffing	208,750
Vehicles (inc Diesel based on 75 litres @ £1.20 per ltr per	176,260
vehicle per wk. based on 40 wks and Petrol based on 35	
litres @ £1.20 per ltr per week on 40 weeks)	
Glyphosate and water	31,065
Other equipment inc PPE	17,012
Training	7,213
Admin	500
Total	444,800 (year 1)

Preferred Option Bb - In House using Nomix Dual	£m
Staffing	208,750
Vehicles (inc Diesel based on 75 litres @ £1.20 per ltr per vehicle per wk. based on 40 wks and Petrol based on 35 litres @ £1.20 per ltr per week on 40 weeks) and Genesis units	179,725
Nomix solution (inc tank cleaner)	142,802
PPE	16,308
Training	7,213
Admin	500
Total	555,298 (year 1)

Preferred Option E – Out to tender	£m
Not applicable at this time	
Total	

This SOC is looking to provide an urgent solution to the business requirement to deliver in the timescales set out in section 6.2.

The SOC therefore only considers one off costs in year one for each model. For both in-house models, these year one costs are significant but immediately necessary for implementation.

Upon appraisal, the cost of bringing the operation in-house are significantly higher than tender options. Investigation and conclusions to this can be attributed to the following reasons:

Staffing numbers – the competitiveness of the private sector leads to an aggressive pricing structure leading to less staff required.

Pension liabilities – with in an insourced contract all staff are eligible for LGPS. A contractor or Council owned Company may choose to have admitted body status for the staff TUPE'ing over that are existing members of an LGPS. All other staff will be enrolled in a low cost Workplace Pension Scheme.



Terms and Conditions – Council T&C's such as holiday, sickness pay entitlements, are far more generous.

Corporate Services – The Council would pay on average an additional 7% of the total contract price to fund the additional corporate support.

5.2 Internal Staffing Costs

It is anticipated that the following support will be required from the following business areas:

Service area	Explanation
Parks	Staffing
Procurement	Procurement requirements / tender
Financial	Budgets, income, expenditure, staffing costs
HR	Support staffing requirements eg employee engagement/training

5.3 External staffing costs

There may be a requirement to bring in external support to provide advice and guidance relating to the steps and costs association with bringing the entire operations in-house, relating to options Ba and Bb.

5.4 Financial Savings

Currently, only option E provides the opportunity to make a financial saving on the current contract due to the first year costs to bring the operation in house.

6.0 MANAGEMENT CASE

This SOC Management Case provides the high level details around the project management, governance, implementation, risk management and benefits realisation that will be required to ensure successful delivery.

6.1 Project Management Arrangements

Project management arrangements for both in-house and tender options are to be decided.

6.2 Implementation Plan

The major milestones for both in-house options and tendered options are shown below. Further work will be carried out to identify the activities once the SOC has been approved. These timelines may be subject to change but give a good understanding of what the process will look like and the expected timescales.



In-House options (Ba, Bb)	Date/timescale	Responsible Team(s)
Purchasing of core equipment (quadbikes, vehicles)	ASAP/12 weeks lead up time	Procurement
Recruitment - TUPE	ASAP/7 weeks	HR
Training	2 weeks	Parks/OD/ External
Hand Over Period – optional	Ongoing (6 weeks)	
Go Live – Contract Start Date	January 2022	

Procurement options (E)	Date	Responsible Team(s)
Completion and return of Smartform – will not commence with procurement process unless there is confirmation of budget.	August	Contracting Department
Develop Tender documentation , Inc. scope, specification and evaluation criteria. This documentation must be ready and available from day 1 of the procurement process.	August	Contracting Department/ Procurement
Issue of Tender Documents via The Chest - Must allow a minimum of 30 days for return of tender, by tender agreement.	August	Procurement
Return of Tender Documents via The Chest – Legal to open seal.	September	
Tender Evaluation – Use evaluation matrix and award criteria (with weightings) to score providers.	September	Contracting Department
Complete and Issue SSQ- Via the Chest to provider who is winning on the evaluation matrix.	October	ALL
Return of SSQ	October	
Issue of Reference Questionnaires & Financial Checks – allow 2 weeks for return of questionnaires.	October	Procurement
Complete Smartform to Award	October	Contracting Department
Award of Contract – Issue successful & unsuccessful letters via the Chest. Clarify Terms and Conditions with Colin Hughes (unless provider(s) accepts our own).	November	ALL
Alcatel Ruling, 10 Day stand still – starts midnight after award letters are sent out and ends midnight 10 days letter (must end on a working day).	November	
Formulation of contract- Director of Law, HR & Asset Management to draw up contract once all documentation has been sent over.	November	Contracting Department/ Legal Services
Award Notice to OJEU	Mid- November	Procurement
Hand Over Period – optional	Ongoing (6 weeks)	
Go Live – Contract Start Date	January 2022	

6.3 Governance Arrangements



Governance arrangements for both in-house or a tendered options have not been decided at this time.

6.4 Risk Management Arrangements

The strategy, framework and plan for dealing with the management of risks are contained within the Council's Risk Management Policy.

Risks identified so far are shown in the table below;

Risks			
Description	Action Required	Owner	
Financial estimations in SOC are severely mis-calculated	Ensure all figures are shared with immediate stakeholders including finance for feedback.	Project Manager	
Failure to demobilise the current contract, impacting on the successful mobilisation of any new option used.	A full demobilisation/ mobilisation plan developed in co-operation with the method chosen to proceed with.	Project Manager	
Levels of Glyphosate (and/other herbicides and pesticides) increases with new arrangements	Continued reviews and trials of alternatives, as well as initiatives such as the 'No Glyphosate in Parks' to maintain the gradual reduction across the borough.		
Potential alternatives to Glyphosate that are less used on this scale may fail to remove weeds and cause them to become persistent. This can lead to tripping hazards on highways.	Properly trial all proposed alternatives, as well as reach out to other Local Authorities in order to be in a strong position to advocate one of the alternatives.		

6.5 Stakeholder Engagement

Appendix 5 shows the key stakeholders and their relevance to the weed removal provision.

6.6 Conclusion

This Management Case has proposed the implementation, governance and risk management arrangements that will be in place to enable successful delivery of the most suitable methods for Wirral Council's weed removal provision.

Appendices

Appendix 1 – Financial breakdown for full In-house provision using Glyphosate **Appendix 2** – Financial breakdown for full In-house provision using Nomix Dual



Appendix 3 – APSE network query responses - Innovative ways of treating/controlling weeds on the Highway **Appendix 4** – Stakeholder analysis