



## **ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE**

**Monday, 23 October 2023**

<b>REPORT TITLE:</b>	<b>WEED TREATMENT PROVISION</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF NEIGHBOURHOOD SERVICES</b>

### **REPORT SUMMARY**

This report proposes a new weed control contract for a two-year period, commencing in March 2024 until March 2026, following the end of the previous contract. This is to allow time for an alternative approach to weed control to be considered, budget approved and for implementation.

Securing the appropriate and effective management of weed control contributes to the Wirral Plan theme to promote a Sustainable Environment and create a cleaner, greener borough which protects and improves Wirral's environment.

Weed control is carried out across all 22 Wards and this report has been classed as a Key Decision and as such included on the Council's Forward Plan.

### **RECOMMENDATIONS**

The Environment, Climate Emergency & Transport Committee is recommended to:

- (1) Agree that an open competitive tender process commence to secure the future supplier of the weed control service, for the period March 2024 to March 2026;
- (2) authorise the Director of Neighbourhood Services to award the contract to the highest scoring tender within approved budget and in accordance with the Most Economically Advantageous Tender 'MEAT' criteria.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATIONS**

- 1.1 The Council's weed control service needs to be re-tendered due to the current contract concluding this year with no option for extension. Awarding the contract through an open competitive tender exercise represents the most economically advantageous option and is fully compliant with the corporate procurement rules.
- 1.2 The Council does recognise the importance of reducing the use of Glyphosate and the need to identify alternative methods of weed control to assist with this reduction. It has also been recognised that a more responsive weed control service is required to better meet the needs of residents and to take advantage of new technologies.
- 1.3 Over the past two years the Council has trialled several alternative weed control methods, which have been the subject of previous reports. Most recently the use of machinery to clear weeds from alleyways has been explored and the use of alternative chemicals, that have lower concentrations of Glyphosate, have also been investigated.
- 1.4 The intention moving forward is to develop an alternative approach to weed control. However, options do need to be discussed further and any additional budget agreed. While agreement is sought for an alternative approach it is only prudent to ensure that a weed control service is provided.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Consideration has been given to tendering for a longer contract period for a weed control service of up to three years. This option is not being recommended as it is considered more appropriate to explore alternative methods of weed control. This would be difficult to implement through variations to a longer-term contract.
- 2.2 Providing an alternative approach to the weed control service from March 2024 was considered but not recommended. Further work is required to agree the preferred approach, secure any additional budget which might be required through the council's budget setting process, and time will be required to implement the preferred approach.
- 2.3 The alternative approaches to weed control that have been considered are provided as an appendix to this report. Any alternative approach is likely to involve an additional budget commitment, that would need to be agreed as a part of the Councils budget setting process, and time would be required to implement the preferred approach.

### **3.0 BACKGROUND**

- 3.1 The current weed control contract costs £260,000 per year. The contract includes provision for all wards in the borough to receive three treatments per year, Phase 1 - May to June, Phase 2 - July to August and Phase 3 - September to October. Each treatment consists of chemical 'spot spraying' either by quad bike or on foot.

Following treatment, the weeds are allowed to die and then cleared through normal street cleaning operations approximately 3 weeks after spraying. The effectiveness of each treatment is checked after application, and where weeds are seen not to be dying contractors are called back to apply a further treatment or 'rectification'. These weed spraying operation cannot take place during high winds or wet weather, limiting its use to between May and October each year. Areas included within the contract include: -

- Roadside kerbs / pavements, pathways and adopted alleyways, 4,699,426 m2
- Shopping areas, 15,994 m2
- Un-adopted alleyways, 76,000 m2
- Car parks, 104,748 m2

- 3.2 Overall the current arrangements are effective in terms of what they seek to achieve, which is to prevent weeds from damaging infrastructure such as roads and pavements. However, it is recognised that there are issues with the current arrangements. The Council is committed to reducing the use of Glyphosate, which is a significant part of the current approach to weed control. In addition, there are issues with having two sets of contractors working in this area, one to spray and another to clear. This is highlighted most often in relation to alleyways where contractors report being unable to spray due to waste not being removed and conversely being unable to remove waste due to weed growth. Having two contractors working in this area therefore requires significant co-ordination, especially when the spraying operation can usually be undertaken far more quickly than the cleansing operation. There is also the issue that relying on weed spraying alone for weed control limits the times of year this activity can be undertaken, with weed control effectively ceasing between October and May each year. The current arrangement is however the most cost-effective approach available to the Council.
- 3.3 The Council did make the commitment, on 15 July 2019, as a part of its Climate Emergency Declaration, to phase out the use of Glyphosate and reduce the amount used until a viable and affordable alternative is found. This led to an immediate reduction in the use of Glyphosate in Wirral's parks, open spaces, and beaches.
- 3.4 Since the resolution of 2019, officers have been exploring alternative weed control methods. Following the COVID pandemic, in March 2021 a working group made up of officers from a range of service areas considered several methods for weed control including Glyphosate, Acetic Acid (Vinegar Based), Foam (Heat) & Community involvement via hand weeding.
- 3.5 In September 2021 the outcome of these investigations was reported to the Environment, Climate Emergency and Transport Committee. At that time the conclusion was that there was currently no available alternative that had both the same effectiveness and comparable cost to Glyphosate. The Committee therefore agreed that a contract for one year with the option to extend for a further year if required. The Committee requested officers to continue to explore alternative options for weed control. The Committee was particularly interested that officers develop an 'in house' service that could provide the weed control service and address several other issues, such as alleyway clearances.
- 3.6 In November 2022 officers provided a further update to the Environment, Climate Emergency and Transport Committee on the progress of investigations into the use

of machinery for weed removal, which had been trialled in alleyways with good results, and the use of chemical alternatives. The Committee agreed to extend the weed control contract by a further year.

- 3.7 Since November 2022 further trials of mechanical weed removal have been undertaken in several areas, in particular alleyways. The use of machinery does produce quicker visible results than relying on chemical spraying and street cleaning. This method also has the added benefit of not being dependent on the weather and therefore provides an all-year-round option for weed control, whereas weed spraying cannot take place in high winds or in the wet, limiting its use.
- 3.8 In considering a chemical alternative the Council has explored the use of a product called Nomix Dual. Nomix Dual is a product that reduces the Glyphosate usage by 53%. The residual element of Nomix Dual has provided longer lasting control and reduced overall weed population in treated areas. Local authorities that have adopted this product do report good results, at least comparable to the use of Glyphosate.
- 3.9 The options appraisal submitted to the Committee in September 2021 considered several options including: -
1. A Weed Control Contract using Glyphosate.
  2. An 'in house' weed control service using
    - a. Glyphosate
    - b. Nomix Solution
  3. A variation to the Biffa Street Cleaning Contract
  4. A Community delivered weed control service (volunteers)

Of these options only the first and second options were considered practical with the first option, a weed control contract, being recommended as providing the most cost-effective way to deliver the service.

- 3.10 The alternative approaches to weed control being considered at this time are provided as an appendix to this report. However, any alternative approach is likely to involve an additional budget commitment, that would need to be agreed as a part of the Councils budget setting process, and time will be required to implement the preferred approach.
- 3.11 The Committee is therefore asked to agree to a two-year contract for weed control commencing next year.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The current cost of the weed control contract is £260,000 per year and this provides for three weed treatments per year across the borough. The proposed new contract is expected to cost a similar amount, but this will be confirmed through the tender process.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 Since January 2021 the United Kingdom has taken responsibility for its own regulatory decisions and rules regarding weed removal by departing from the EU.

The Health and Safety Executive remains the national regulator for the UK, via its specialist Chemical Regulation Division. 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 regime. This means that glyphosate is approved for 5 more years in England until at least 15 December 2025.

- 5.2 The control of weeds on the highway and pedestrian areas is a statutory duty for the council, as detailed in S41 of the Highways Act (1980) which includes the control of weeds and the Weeds Act (1959).

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no additional ICT implications.
- 6.2 There are no staffing implications arising directly from this report. However, when considering the provision of an alternative approach staffing and resource implications will need to be considered.
- 6.3 There are no asset implications arising directly from this report. However, as with Staffing implications, when considering the provision of an alternative approach considerations may need to include the purchase of specialist equipment along with suitable vehicles to support the operation.

## **7.0 RELEVANT RISKS**

- 7.1 There are risks to the Council and residents if weeds are not controlled. Uncontrolled weed growth can lead to damage to the highway infrastructure leading to costly repair and maintenance bills. To reduce the financial risks to the council of these repairs regular weed control is required.
- 7.2 There is also the risk to public safety if weeds are not controlled as these may cause trip hazards leading to residents being injured and subsequent claims. By controlling weed growth, the Council reduces the risk of these trip hazards from occurring.
- 7.3 Due to these risks the Council has a statutory duty to control weeds on the highway and pedestrian areas as detailed in S41 of the Highways Act (1980) and the Weeds Act (1959).
- 7.4 A two-year weed control contract would allow time for a contract to be put in place for next year, while alternative approaches are discussed, and agreement received, ahead of any potential change to the licencing of Glyphosate by the end of December 2025.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 The Weed Control Contract and alternative options have been discussed through an officer working group with the outcomes and issues reported to elected members. Members of this Committee have also received update reports on Weed Control Trials.

8.2 It is recognised that elected members and key stakeholders will need to be engaged further and consulted with as a part of any future decision-making process on this issue.

## **9.0 EQUALITY IMPLICATIONS**

9.1 An Equality Impact Assessment was not undertaken as part of this report.

9.2 Any changes to weed control operations would need to be subject of an Equality Impact Assessment as weed growth can blight communities and reduce the safety of some groups.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 Through the Environment and Climate Emergency Declaration of July 2019, the Council resolved to eradicate the use of Glyphosate in Council operations. The Council's Environment & Climate Emergency Policy Statement also sets out the Council's commitment to reducing the use of chemicals and to promoting biodiversity. The Council has used Glyphosate as part of weed control operations across the authority for many years and continues to do so under licence. However, there is concern about the use of pesticides such as Glyphosate and their detrimental impact on the environment and potentially on people's health. The Council recognises the need to control weeds and the risks involved in not undertaking control measures or such measures being inadequate.

10.2 This report sets out the alternative options for weed control currently being considered with the intention to reduce or cease the use of Glyphosate.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 Wirral is facing stark economic, social and health inequalities. The Wirral Plan is committed to addressing this. With Community Wealth Building at its heart, the Wirral Plan sets out how to tackle this and makes a major contribution to improving the economic, social and health outcomes of the borough.

11.2 This report supports two key Community Wealth Building aims, including:

- Local Employment – creation of local employment and training opportunities through both the Councils existing contract arrangements as well as seeking to explore a directly provided service.
- Green and Sustainable – By investigating alternative methods of weed control to protect the environment, minimising waste and energy consumption and using resources efficiently.

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## APPENDICES

### Appendix 1 - Alternative Weed Control Options

#### TERMS OF REFERENCE

This report is being considered by the Environment, Climate Emergency and Transport Committee in accordance with Sections A, B and E of its Terms of Reference;

(a) in co-ordinating the response to cross-cutting sustainability issues such as reducing carbon emissions, air quality issues, climate change response, improving resource efficiency and developing sustainable energy;

(b) in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to public open spaces, street furniture on the highway and open spaces or parts of open spaces immediately adjacent to the highway;

(e) in respect of parks, open spaces, countryside management, allotments, playgrounds, and cemeteries, including arboricultural, gardening and warden services.

#### BACKGROUND PAPERS

Progress report on future alternatives to Glyphosate for Weed Control (28th November 2019)

Update on the exercise to trial alternatives to glyphosate in the use of weed control (3rd December 2020)

Manufacturer's method statements and instructions for the weed control methods trialled.

#### SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Environment, Climate Emergency and Transport Committee	30 <sup>th</sup> November 2022
Environment, Climate Emergency and Transport Committee	7 <sup>th</sup> September 2021
Environment, Climate Emergency and Transport Committee	3 <sup>rd</sup> December 2020
Environment Overview and Scrutiny Committee	28 <sup>th</sup> November 2019
Full Council	15 <sup>th</sup> July 2019