



Report of Business Development Manager, Parks and Countryside

Report to Chief Officer, Parks and Countryside

Date: 2/11/2020

Subject: Tender for a City Wide Footway Weed Control Contract

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- All options to extend existing contractual arrangements with the current provider have been implemented.
- New arrangements need to be in place by 1st April 2021.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- This contract will contribute to the following Best Council Plan outcomes:
 - To 'enjoy happy, healthy, active lives'
 - To 'enjoy greater access to green spaces, leisure and the arts'
 - Priority 20 'enhancing the quality of our public realm and green spaces'.

3. Resource implications

- This will be a replacement contract, funded through existing budgets

Recommendations

- a) It is recommended that the Chief Officer, Parks and Countryside gives authorisation to instruct Procurement team to commence a tender process for delivery of a city wide footway weed control contract for treatment of weeds within designated hard surfaced areas adjoining the adopted highway and within communal housing areas.

1. Purpose of this report

- 1.1 This report seeks approval by the Chief Officer, Parks and Countryside to commence a tender exercise for the procurement of a city wide footway weed control contract to replace arrangements due to expire on 31st March 2021.

2. Background information

- 2.1 Weed control within the street environment aims to manage broad leafed weeds and grasses growing from cracks, joins and blemishes in tarmac or flagged footpaths and similar communal hard surfaces such as drying areas and high rise forecourts. Certain pernicious (e.g. horsetail) and invasive species require bespoke treatment (either the product used or the method of application) and are therefore outside the scope of general weed control.
- 2.2 Herbicide based control of weeds growing in footpaths and similar hard areas adjoining the highway and within selected communal housing areas has been outsourced to specialist providers since 2002.
- 2.3 The current contract commenced in 2015 for an initial 2 year, with options to extend for a further 3 years. This contract was awarded to LanGuard Ltd.
- 2.4 A further 12 month extension of provision was entered into under decision reference D50635 for the period 1st April 2020 to 31st March 2021

3. Main issues

- 3.1 Control of weeds within the street environment contributes to the overall cleanliness of the city and helps abate degradation of surfaced footpaths, which would otherwise require more frequent dressing or resurfacing. This also supports the fulfilment of statutory responsibilities in relation to publicly maintainable highways by controlling vegetation that would otherwise compromise or break up the footway surface (The Highways Act 1980 requires local highway authorities to “keep the highway in reasonable condition”)
- 3.2 Treatment of weeds within social housing communal areas under the jurisdiction of Housing Leeds supports the duty to tenants and leaseholders to maintain communal areas in a safe and clean condition.
- 3.3 Legislation – specifically the Sustainable Use Directive, places restrictions upon the use of herbicides in public areas. It is no longer possible to pre-treat areas to prevent weed growth, and in order to be fully effective, weeds must have a certain amount of surface area and be actively growing in order to treat them. Due to the risk of potential water contamination, application of herbicides is also restricted where there would be potential for it to pass into the drainage system or watercourses. In the street environment, this is usually drainage channels at the road side and within 5 linear metres either side of gully pots and soakaways.

- 3.4 Despite the increased regulation and subsequent limitations, a well-managed herbicide based contract, delivered by experienced specialist contractors, is still the most cost efficient and sustainable approach for local authorities. It is also one of the safest methods for both operatives and members of the public.
- 3.5 To meet timescales for award of the contract with a sufficient mobilisation period for the new provider and to minimise complaints regarding weeds during the peak season, the tender needs to be advertised no later than the beginning of January 2021.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Views were sought from colleagues in Housing Leeds and Highways Asset Management, who are all supportive of continued herbicide based weed control
- 4.1.2 An options appraisal briefing session took place with senior officers and managers from Cleaner Neighbourhoods (key stakeholder/joint delivery partner for an integrated approach and budget holders for the Highways element of the contract). Outcomes from this session will influence the specification of works
- 4.1.3 The Executive Member for Environment and Active Lifestyles has been briefed

4.2 Equality and diversity / cohesion and integration

- 4.2.1 This will be a city wide contract which will benefit all wards and communities.

4.3 Council policies and the Best Council Plan

- 4.3.1 The contract would support the Strategic Plan improvement priorities by improving the quality and sustainability of the built and natural environment through minimisation of weed prevalence in footways and public areas, thereby improving physical appearance and reducing the level of surface degradation due to emerging weeds.
- 4.3.2 Contribute to the Best Council Plan outcomes to 'enjoy happy, healthy, active lives', and 'enjoy greater access to green spaces, leisure and the arts' and also priority 20 'enhancing the quality of our public realm and green spaces'.
- 4.3.3 Support the Vision for Leeds 2011 to 2030 and in particular the aspiration that 'there are high quality buildings, places and green spaces, which are clean, looked after, and respect the city's heritage, including buildings, parks and the history of our communities' as part of the overall aim that 'all Leeds' communities will be successful'.
- 4.3.4 Controlling weeds would contribute to the following objective from the City Priority Plan: Best City For Communities - Ensure that local neighbourhoods are clean.

Climate Emergency

- 4.3.5 A 4 year study undertaken by West Malling Research Institute on behalf of DEFRA concluded that a properly managed integrated approach including herbicides resulted in significantly reduced greenhouse gas emissions compared to a non-herbicide based approach

4.4 Resources, procurement and value for money

- 4.4.1 Current order values are approximately £200k per annum for all contracted works. It is proposed that the new tender will include several menu priced options in order to deliver the contract broadly within existing levels of expenditure.
- 4.4.2 Internal delivery options have been considered on a like for like basis, but costs are estimated to be at least 50% higher in annual revenue costs and a significant capital investment required for infrastructure (eg depot accommodation/garaging, chemical storage)

4.5 Legal implications, access to information, and call-in

- 4.5.1 The proposed value of the contract stipulates that the tender would be subject to EU procurement rules.
- 4.5.2 This is a Key Decision and is eligible for call in. A further report will be submitted, outlining the recommended outcomes once the procurement process is completed. Due to the potential award value, this subsequent decision will be a key decision and will be subject to call in and the EU standstill (ALCATEL) period where unsuccessful bidders can challenge the outcome.
- 4.5.3 The proposed timeline to enable mobilisation in time for spraying to commence spring 2021, allowing for a six week 'standstill' period after an award decision has been made, is extremely tight. For this reason, the decision should come into effect no later than 14th December 2020, which will result in a reduced publishing period on the forward plan. It is therefore recommended that a General Exception is invoked under Executive and Decision Making Procedure Rules in Part 4 of the Constitution. The proposed timeline makes full provision in relation to any future decision regarding contract award.

4.6 Risk management

- 4.6.1 As there is a mature market for local authority weed control, the risk of failing to receive sufficient bids is low.
- 4.6.2 Rising prices (in particular fuel and material costs) could mean that some aspirational options included in the specification may not be affordable. This would be mitigated by a robust prioritisation and monitoring process for the core contracted works.
- 4.6.3 Failure to award the contract in a timely manner could have a reputational impact on the authority. Provided procurement timescales are met, it would be possible to have a contract awarded with effective commencement 1st April 2021

5. Conclusions

- 5.1 Herbicide treatment as part of an integrated weed management approach represents the best options on both a financial and environmental basis
- 5.2 External provision offers the most flexible and cost effective choice to the authority

6. Recommendations

- 6.1 It is recommended that the Chief Officer, Parks and Countryside gives authorisation to instruct Procurement team to commence a tender process for delivery of a city wide

footway weed control contract for treatment of weeds within designated hard surfaced areas adjoining the adopted highway and within communal housing areas..

7. Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.