

Notice of Non-key Executive Decision

Subject Heading:	Procurement of Highways Weed Control Services.
Decision Maker:	Barry Francis, Director of Neighbourhoods
Cabinet Member:	Cllr Barry Mugglestone, Cabinet Member for Environment
SLT Lead:	Imran Kazalbash, Assistant Director Public Realm
Report Author and contact details:	<p>Chris Collings Contracts Management Officer Ext 2445 Christopher.collings@havering.gov.uk</p> <p>Jacki Ager Waste and External Contracts Manager Ext 3363 Jacki.ager@havering.gov.uk</p>
Policy context:	The Contract aims to control weeds growth on the highway in the London Borough of Havering.
Financial summary:	Current service cost is £0.124m per annum funded from the Borough Roads Street Cleansing budget. Havering aims to procure the next contract for 1 year only from March 2023. From 2024 weed control will be incorporated into the integrated Waste Recycling and Street Cleansing Contract
Relevant OSC:	Environment
Is this decision exempt from being called-in?	Yes

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The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report requests the authority to begin the tender process for a new highway weed control contract with a duration of one year from when the current contract ends. The new contract will begin in March 2023.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 [Responsibility for Functions] of the Council's Constitution
3.4 Powers of Second Tier Managers

Contract Powers

- (a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

Weeds are controlled for:

- Appearance – weeds detract from the overall appearance of an area and trap litter;
- Safety – weed growth can interfere with visibility for road users and obscure traffic signs. Weeds in channels can prevent or slow down drainage. Their growth on footways may cause uneven slabs and broken tarmac;
- Physical structure – weed growth can destroy paving surfaces, force apart kerbs and crack walls, therefore increasing maintenance costs.

The current contract for highways weed control was awarded to S.H. Goss on 1st March 2022. Following the expiry of this contract on 28th February 2023 a new contract is required.

As the value of the contract is below the relevant thresholds, procurement have advised the service to complete a Request for Quote (RFQ) exercise using Fusion and to include 'quality' questions for bidders.

The new contract term will be for 1 year only for 2023. From 2024 weed control will be absorbed into the integrated Waste Recycling and Street Cleansing Contract.

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OTHER OPTIONS CONSIDERED AND REJECTED

A longer-term contract was considered however weed control has been included in the specification for the integrated Waste Recycling and Street Cleansing contract, which will be procured to commence from 2024. A one-year contract is the most suitable solution given the service requirements and the integrated contracts commencement date.

Do Nothing

This is not a recommended option. The Council has a duty to prevent the spread of harmful or injurious weeds (The Weeds Act 1959) and prevent the spread of invasive weeds (Wildlife and Countryside Act 1981). Whilst there is no legislation regarding the spread of less invasive weeds, Havering aims to maintain a clean and safe Borough, and prevent the spread of weeds which can become an eyesore or trip hazard and cause structural damage.

Carry out the Service in House

An in-house operation was previously considered, however with weed control included in the Integrated Waste Recycling and Street Cleansing Contract, this option was not deemed financially viable for such a short period of time as resources would need to be brought in to deliver the service

PRE-DECISION CONSULTATION

No consultation has taken place.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Jacki Ager

Designation: Waste and External Contracts Manager

Signature:

Date: 16.06.2022

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a duty to prevent the spread of harmful and injurious weeds under The Weeds Act 1959 and invasive weeds under The Wildlife and Countryside Act 1981. Procurement of this service will enable the Council to fulfil its duty.

The Council has the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any limitations. The contract may be procured in accordance with these powers.

The Council is a contracting authority for the purposes of the Public Contracts Regulations 2015 (as amended) (PCR). The value of the contract is below the services contracts threshold of £213,447 and therefore is not subject to the full rigours of the PCR. However, the contract must be procured in accordance with Havering's Contract Procedure Rules (CPR).

FINANCIAL IMPLICATIONS AND RISKS

The revenue budget cost for Highways Weed Spraying in 2022/23 is £0.124m, it is envisaged the new contract cost will not be more than the allocated 2022/23 budget rolled forward into 2023/24. The contract cost in 2023/24 and any additional cost estimated at £0.020m relating to work on invasive species, which will be managed on an ad hoc basis, will be funded from the Borough Road Street Cleansing budget A27600 651780.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There is no impact on any directly employed Council employees. Due to the seasonal nature of the work, the incumbent contractor has advised that TUPE does not apply to their staff.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The preferred method of weed control utilised by the successful bidder is the targeted application of a chemical containing the active ingredient glyphosate. Due to the nature of the contract, to target all public roads within the Borough, it will have a potential to impact all residents living in the Borough. An Equality Impact Assessment Appendix A is attached. This was produced to award the current contract, and whilst it is still in date it will continue to be reviewed as and when new information becomes known.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

Concerns have been expressed by various groups and studies around the reduction of insect populations, particularly bees, caused by the spread of pesticides and herbicides. Grass verges and "meadowing" areas will be avoided, as will tree pits that have obviously been planted within. As this contract only concerns highways weed

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control, weeds in parks and open spaces will be treated as a separate entity, through a combination of targeted spraying (where appropriate), hand pulling and growth suppressants such as mulching and weed membranes to reduce the impact on local flora and fauna. There is limited scope to increase the budget this year, and as such it is likely that the most viable solution for weed control will be herbicide application. As part of the integrated waste and street cleansing contract (to commence in August 2023), bidders should aim to reduce herbicide usage wherever possible and investigate other methods of weed control, which under an integrated contract the Council hopes will be more viable to deliver.

BACKGROUND PAPERS

N/A

APPENDICIES

Appendix 1 Review of Pesticides used by Havering Council

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Imran Kazalbash

Assistant Director Public Realm

Date: 17.06.2022

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____