



MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 5 NOVEMBER 2024
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

This meeting will be live streamed on the Council's Youtube page:

<https://www.youtube.com/user/EastHertsDistrict>

MEMBERS OF THE COMMITTEE

Councillor David Jacobs (Chair)

Councillors D Andrews, P Boylan, E Buckmaster, R Carter, N Clements,
N Cox, C Horner (Vice-Chairman), G McAndrew, S Nicholls, M Swainston,
J Thomas, G Williams and D Woollcombe

CONTACT OFFICER: PETER MANNINGS

01279 502174

PETER.MANNINGS@EASTHERTS.GOV.UK

Disclosable Pecuniary Interests

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

Public Attendance

East Herts Council welcomes public attendance at its meetings and meetings will continue to be live streamed and webcasted. For further information, please email democraticservices@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

The Council operates a paperless policy in respect of agendas at committee meetings and the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices. You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 10 September 2024 (Pages 5 - 13)

To approve as a correct record the Minutes of the meeting held on 10 September 2024.

3. Chair's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. The use of Glyphosate in grounds maintenance (Pages 14 - 34)

6. Overview and Scrutiny Committee - Draft Work Programme (Pages 35 - 40)

7. Urgent Items

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY
10 SEPTEMBER 2024, AT 7.00 PM

PRESENT: Councillor D Jacobs (Chair)
Councillors P Boylan, E Buckmaster,
R Carter, N Clements, C Horner, S Marlow,
S Nicholls, M Swainston, G Williams,
S Watson and D Woollcombe

ALSO PRESENT:

Councillors B Deering and T Hoskin

OFFICERS IN ATTENDANCE:

Erica Gant	- Electoral Services Officer
Jonathan Geall	- Head of Housing and Health
Peter Mannings	- Committee Support Officer

130 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Andrews, Cox, McAndrew and Thomas. It was noted that Councillor Watson was substituting for Councillor Cox and Councillor Marlow was substituting for Councillor Thomas.

131 MINUTES - 1 JULY 2024

Councillor Swainston proposed and Councillor Buckmaster seconded, a motion that the minutes of the meeting held on 1 July 2024 be approved as a correct record and signed by the Chair.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the minutes of the meeting held on 1 July 2024 be approved as a correct record and signed by the Chair.

132 CHAIRMAN'S ANNOUNCEMENTS

The Chair reminded Members to use their microphones as the meeting was being webcasted.

133 DECLARATIONS OF INTEREST

There were no declarations of interest.

134 COUNCIL'S RESPONSE TO THE CLIMATE EMERGENCY

The Executive Member for Environmental Sustainability submitted a report inviting Overview and Scrutiny Committee to discuss the council's actions in reducing its carbon footprint in line with its commitments in the Climate Emergency declaration passed by Council on 26th July 2023.

Members were advised that the report provided the opportunity for Overview and Scrutiny to review the issues involved and share views and ideas about tackling climate change with the Executive Member for Environmental Sustainability.

The Executive Member said that the council had unanimously approved the making of a climate emergency declaration on 26 July 2023, and this built on a climate change declaration made by Council on 24 July 2019. He said that the council had maintained its commitment to becoming a net zero carbon council by 2030.

The Executive Member emphasised that the council had also committed to reducing its emissions to a minimum by

2027 and had also identified a pathway for offsetting any residual emissions. He said that the analysis was based on the carbon emissions report which was referenced in the document and was also available on the council's website.

The Executive Member for Environmental Sustainability invited Members to consider the recommendation and pass any comments to him for his consideration when determining priorities and actions.

Councillor Buckmaster asked what the council would consider to be a minimum in terms of emissions so that the council knew what progress was being made. The Executive Member said that 75% of the 2019 emissions were committed due to the Combined Heat and Power (CHP) boilers installed at the leisure centres. These units were one of the largest emissions within the council's footprint and the second one was the diesel vehicles used for waste collection.

The Executive Member said that the council needed to evaluate whether it was cheaper to reduce emissions or to offset the emissions. He said that this piece of work was being carried out in collaboration with the University of Hertfordshire.

Councillor Clements commented on the disparity between the 40% carbon reduction identified in the 2021 sustainability plan and the current prediction of 25%. He referred to the current figure of 17% and the detailed roadmap for how the figure could reach 37%. He commented on the current listed actions and asked about the confidence level that the 25% level could be reached.

Councillor Clements said that the big-ticket items that might make a difference for reducing carbon would be delivered in 2026/27, and this did not leave much leeway if these measures did not work out.

The Executive Member acknowledged that there was

some uncertainty in this phase and whether it was worth replacing a gas boiler with an air source heat pump or better to invest in some offsetting measures locally. He said that a piece of work had been commissioned with the University of Hertfordshire in conjunction with the Hertfordshire Climate Change Group. The Executive Member summarised the 5 topics to be covered by the research.

The Executive Member confirmed that more offsetting would need to be considered to reach a net zero position. He referred in particular to the future electrification of HGVs and said that smaller six and a half tonne vehicles would all be electric.

The Head of Housing and Health referred to the carbon emissions report and referred to assumptions in respect of offsetting. He said that the figures were being refined and he talked about moving over to a non-carbon tariff for the 6% of the council's electricity which was still on a carbon tariff. Members were also advised that the full impact of the council's electric vehicle (EV) fleet would be factored in.

The Head of Housing and Health also advised that more business travel being via the EV fleet and the removal of gas at BEAM could also be factored in. He said that the council was also talking to SLM (the leisure provider) in respect of what more could be done at the leisure facilities which accounted to 48% of the council's emissions.

Councillor Carter asked if there were standard ways that councils measured carbon emissions. She referred to the difficulties in comparing emissions from council to another. The Executive Member said that across Hertfordshire there was a more standard approach for measuring emissions. He said that there was not yet a model for what to do with regarding the offsetting the residual waste that could not be offset.

Councillor Horner said that he would like to see more detail in respect of offsetting. He said 2027 was not far away in terms of working out policies for how to do that. The Executive Member said that the council would be better informed but would then have to translate the academic outcomes of the university study into a practical piece of work.

The Executive Member said that the council would have to evaluate both the cost and effectiveness of offsetting the council's carbon footprint. He said that if offsetting was impractical beyond a certain point, the only other option was to get into carbon reductions.

Councillor Nicholls asked if Member activity had been considered within the staff figures for carbon emissions. She referred in particular to Member travel and how this compared to the district as a whole as a percentage.

The Executive Member said that the council did not include councillors and their travel patterns in the calculations and no authorities in Hertfordshire had factored in IT footprint. He said that officers had the option to work from home and the council make significant use of the IT to reduce travel by using email and Microsoft Teams.

The Head of Housing and Health referred to the council's 2022 – 2026 climate change strategy, which was due to be renewed in a year's time. Councillor Swainston asked for and was given some clarity in respect of the offsetting of carbon emissions and trees and the introduction of newer more efficient diesel-powered waste disposal vehicles.

The Executive Member and the Head of Housing and Health responded to further questions from the committee regarding Officer and Member travel and carbon offsetting.

Councillor Williams said there were a lot of car parks in

Ware, all of which were in locations people wanted to use such as the library, doctors' surgeries, and the train station. He said that none of these car parks had safe bike storage points.

Councillor Williams also commented on drainage and the flood risk to Musley Lane and the lack of tree coverage to slow the effect of rainfall and prevent flooding. He mentioned the problem of blocked drains as run off from precipitation picked up detritus. He asked if the focus should also be what benefits net zero could bring to communities.

Councillor Buckmaster said that there needed to be an open and honest conversation about how much more carbon could be reduced in a more traditional way. He said that the council should look at the waste contract specifically and it would be in everyone's interest to increase recycling rates and removing the carbon element. He said that the council needed to look for the most impactful things that could be done to reduce carbon.

The Executive Member and the Head of Housing and Health commented on the future electrification of the waste vehicle fleet and the EV vehicles that were available for staff to use for business travel.

The Head of Housing and Health responded to a question from the chair regarding the UK Shared Prosperity Fund (UKSPF) and decarbonisation projects. Councillor Boylan commented on working with households in respect of decarbonisation plans. He referred in particular to the significant number of listed buildings across the District.

Councillor Clements proposed and Councillor Nicholls seconded, a motion that Overview and Scrutiny had considered the council's progress to date in reducing its own carbon footprint to an absolute minimum and identifying a pathway to offset its residual carbon and had passed comments to the Executive Member for

Environmental Sustainability for his consideration when determining priorities and actions.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - that Overview and Scrutiny had considered the council's progress to date in reducing its own carbon footprint to an absolute minimum and identifying a pathway to offset its residual carbon and had passed comments to the Executive Member for Environmental Sustainability for his consideration when determining priorities and actions.

135 OVERVIEW AND SCRUTINY COMMITTEE - DRAFT WORK PROGRAMME

The Committee Support Officer submitted the work programme report and drew Members' attention to the Appendix containing the items identified by Members at the workshop held on 11 June 2024.

The Committee Support Officer reminded Members to complete the scrutiny proposal form circulated by email on 12 June 2024. He said that this was particularly important for the housing topic for the November meeting.

Councillor Carter mentioned glyphosate and the officer briefing paper that had been circulated to Members. She said that she would like to see this matter come to Overview and Scrutiny Committee at a meeting. Councillor Carter said that it would be useful to see to what extent the council was using glyphosate and what could be done to minimise it. Councillor Horner said that he would be happy to talk to Councillor Carter about putting in a scrutiny proposal.

The Chair sought the committee's views on moving the housing item from 5 November on the forward plan to later in the civic year given the substantial proposed

changes to the planning process announced by the government. He commented on the clear relationship between these changes to planning and housing.

Councillor Boylan said that he was supportive of delaying this matter to later in the civic year until there was more clarity in terms of the impact of these changes. The Chair said that moving housing to March 2025 would leave a gap for 5 November which could be filled by considering glyphosate.

The Chair said that he had attended a meeting of the Joint Administration Steering Group and a number of items had come out of the discussions for possible considering by the Overview and Scrutiny Committee. He referred to the consideration of the parking engagement strategy in January 2025.

Councillor Swainston raised the topic of air source heat pumps and the council's planning policy on this matter. The Executive Member for Environmental Sustainability referred to 3 ongoing appeals and whether the committee should discuss planning policy out with specific cases that were out to appeal.

Councillor Woollcombe proposed and Councillor Nicholls seconded a motion that the 2024/25 Overview and Scrutiny Committee work programme in Appendix 1, be agreed subject to the following changes:

- Glyphosate considered on 5 November 2024
- Parking Engagement Strategy considered on 14 January 2025
- Housing topic moved to 4 March 2025
- Additional items in the email sent to Overview and Scrutiny by the chair on 5th September 2024

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the 2024/25 Overview and

Scrutiny Committee work programme in Appendix 1, be agreed subject to the following changes:

- Glyphosate considered on 5 November 2024
- Parking Engagement Strategy considered on 14 January 2025
- Housing topic moved to 4 March 2025

Additional items in the email sent to Overview and Scrutiny by the chair on 5th September 2024.

136 URGENT ITEMS

There was no urgent business.

The meeting closed at 8.47 pm

Chairman
Date

Agenda Item 5

East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: Tuesday 5 November 2024

Report by: Councillor Sarah Hopewell – Executive Member for Wellbeing

Report title: The use of Glyphosate in grounds maintenance contract

Ward(s) affected: (All Wards);

Summary – Members have outlined an interest in scrutinising the Council's use of Glyphosate, this report provides a response to questions raised.

RECOMMENDATIONS FOR Overview & Scrutiny

a) Members consider and comment on the report findings

1.0 Proposal(s)

1.1 Results from an ongoing investigation to determine costs of delivering the current standards using an alternative method are shared with Members to inform how to proceed;

- To fund the change to an alternative method
- To continue using Glyphosate until the end of the current grounds contract and then consider an alternative as part of a retender or extension or,
- To maintain the status quo and continue using Glyphosate as per the conditions in the current contract, minimising its use where possible.

2.0 Background

2.1 A Scrutiny Proposal was submitted to Democratic Services by Cllrs Swainston, Carter, Horner and Nicholls on 19th September 2024 outlining an interest in scrutinising the Council's use of Glyphosate.

This considered likely benefits and outcomes for an investigation; to ensure safe practice and minimise risks to humans and wildlife.

2.2 Members have asked for a higher level of detail than that offered in a previous Bulletin Summary in May 2024. That summary provided a very brief outline of the key issues to inform further discussion.

2.3 A significant amount of weed control carried out by the Council is on behalf of the County Council as part of an agency agreement that includes chemical application on highway footpaths.

3.0 Reason(s)

3.1 The Scrutiny Proposal raised some key questions:

- **Whether all alternatives to Glyphosate use have been explored?**

3.1.1 This is addressed below in Options.

- **Whether there is adequate oversight of the use of Glyphosate by contractors?**

3.1.2 The Council's Inspection & Enforcement Officers monitor and track contract progress, and inspect working methods on site. This includes oversight of their working methods in relation to all operations including the application of chemicals. Officers are empowered to stop work on site if they have any concerns about compliance with the contract including health and safety.

Highway contract spot checks are carried out within 10 to 20 days of application to check effective application.

3.1.3 Contractors must be "BASIS" qualified in order to specify and use an appropriate chemical. BASIS is an independent standard setting and auditing organisation for the pesticide, fertiliser and allied industries.

The Contractors must comply with all relevant and current health and safety regulations.

All relevant personnel are trained to carry out weed control in urban areas, competent and NPTC PA1, 2A and 6A certificated in the safe application of pesticides.

Approved spillage kits must be provided on site to deal immediately with any spilt chemical.

Washing facilities must be provided on site for all operatives.

All personnel engaged in spraying operations must wear personal protective clothing to the required standards. High visibility clothing is mandatory.

All vehicles must have clear company livery attached and must have flashing beacons.

Contractors must Comply with the Control of Substances Hazardous to Health Regulations.

Herbicides must be applied in a manner such as to prevent harm to any animal, fish, human being or to plants to be retained and to safeguard the environment.

All employees are briefed on the Health & Safety Policy as part of their induction and are kept informed of updates and relevant sections re-issued.

All staff are trained in carrying out dynamic risk assessments. This is essential to ensure safe works that are mobile and hence the hazards will change. Staff are always prepared to take action in the event of a hazard such as slowing down or stopping.

The Contract Supervisor and all Team Leaders must carry a mobile phone to ensure that the Council's Inspection & Enforcement Officer is able to contact them if necessary, during working hours.

Appropriate copies of spray records must be logged and submitted. Confirmation of an identified area where chemicals are to be mixed up and apparatus filled must be given to the Council's Compliance Officer.

3.1.4 Our Grounds contractor uses Controlled Droplet Applicators (CDAs) to apply glyphosate in shrub beds and when dealing with grass/weed encroachment on open space paths. This provides more accurate application than a knapsack sprayer, reducing the amount

used and is more comfortable for the operation staff using the equipment.

3.1.5 Our highway contractor uses compact tractors fitted with front mounted adjustable booms with fixed low drift nozzles to treat emerged weeds on the full width of footways, kerbs and channels. A small handheld 5lt pump up sprayer is also carried on the tractors to treat small areas such as steps etc. On rare occasions where any areas are inaccessible to this equipment, a knapsack sprayer may be used.

3.1.6 Our contractors ensure protection of the environment by complying with an ISO 14001 accredited Environmental Management System. They ensure the quality of service provision in accordance with an accredited Quality Management System to ISO 9001. These provisions ensure a high degree of self monitoring by our contractors, not only to adhere to the BASIS guidelines and contractual requirements but also to consider all the wider implications of this type of operation relating to staff welfare and the environment.

3.1.7 We can provide further information from our contract specifications and tender documents. For example, health & safety management, audits, complaint resolution, public interface, chemical storage and storage in transit arrangements, waste management, traffic management etc.

- **Whether the council is fully aware of all situations in which it is used?**

3.1.8 See- Where is it used?, below.

- **Whether this accords with Council policies?**

3.1.9 Council approved a new set of operational policies as part of its scrutiny of the new Parks and Open Spaces Strategy in March 2022.

The relevant policy; Herbicide Use is as follows:

“The Council carry out weed killing on pavements and gullies across the district on behalf of the County Council as part of an agency agreement. The work is aimed at keeping the district tidy. One of the benefits of controlling weeds on highway pavements is that it minimises and supports the work that our street cleansing team would otherwise have to carry out to mechanically remove weeds. Where pavements are regularly brushed, the weeds cannot take a hold so easily. Some weeds are more persistent than others however and some areas need sweeping less frequently. Controlling weeds helps to prevent damage to the surface infrastructure and reduces trip hazards. Our grounds maintenance contractor delivers two applications of herbicide each year under this agreement using a product called glyphosate. The brand we use is Roundup. This is a non-selective herbicide meaning it will kill most plants. It is widely used to control unwanted vegetation in parks and gardens and works by entering the leaves of the plant. We also use herbicide to control weeds in shrub beds and to prevent encroachment of grass and weeds across footpaths in some of our open spaces.

We explored different alternatives to chemical control through the retender of our grounds maintenance contract in 2019 which was discussed as part of a member Task and Finish Group who were advised by tenderers that this is the most cost-effective solution. Whilst we are aware of other weed control systems such as hot foam and propane flame, these are still relatively expensive and not proven to be as effective as herbicide. We ensure our contractors apply herbicide in accordance with the relevant legal guidelines which include optimising their effectiveness whilst minimising the volume applied. They must design their weed control regime to control the use of chemicals, by ensuring that they are applied at the correct time and using the most effective application method at the minimum effective dosage rate. Glyphosate is not used as an exclusive solution but as part of a chemical regime which uses another product earlier in the season; a residual

chemical (Chikara) applied in February to suppress (hold back) weed growth. This reduces the volume of glyphosate used.

We employ the use of hand weeding and hoeing in some ornamental areas including herbaceous beds and annual bedding where it is the most effective way of maintaining high standards. Hand weeding across the entire district however is not economically viable. We do not use herbicide in areas of our parks set aside for conservation or habitat improvement unless absolutely necessary; to control invasive weeds such as Japanese knotweed for example. We aim to maintain our Green Flag awarded parks without the use of herbicide to comply with their criteria.”

3.1.10 The strategy and underlying policies were considered by Overview & Scrutiny in a report; Parks and Open Spaces Strategy – 2022-27 of 18 January 2022. The committee reported some relevant comments to Executive as part of their review of the strategy:

Comment from Committee

The strategy could go further to commit to safe use of herbicide in relation to its potential environmental impact.

Reason from the Committee

There has been some media coverage relating to the use of glyphosate. The Council aims for Environmental Sustainability to be at the heart of everything it does.

Executive Member Comment

The draft Operating Policies and Guidance, pending approval, now clarifies how herbicides are used as part of the Council’s open space maintenance regime and that this usage is kept to a minimum in accordance with legally enforceable conditions of use requiring the responsible use of pesticides in amenity areas (Appx 2, p.18).

- **How the policy is communicated to the public**

3.1.11 The Parks & Open Spaces Strategy was subject to a full two year consultation process with the public and stakeholders and has been published on the Council's web site:

<https://www.eastherts.gov.uk/sports-leisure-and-parks/how-we-look-after-our-parks-and-open-spaces>

Our operational policies are referenced clearly as a link on the Council's web site at the opening section to the Sports, Leisure and Parks page:

<https://www.eastherts.gov.uk/sports-leisure-and-parks>

The relevant tab is entitled "Parks & Open Spaces FAQs" and includes all the operational policies:

<https://www.eastherts.gov.uk/sports-leisure-and-parks/local-parks-and-open-spaces/parks-open-spaces-faqs>

The policies are presented to the public as Frequently Asked Questions to reflect issues raised by residents over recent years. Their creation was driven by a need to formally record the Council's approach to key issues and to transparently share these with residents. They provide a consistent response to regularly asked questions enabling customers to self-help and to support our Customer Service Team. Alongside chemical use, the policies refer to a wide range of issues such as dog fouling, e-scooters, leaves falling from trees, memorial benches, Japanese knotweed and the use of drones in our parks.

3.2 The Scrutiny Proposal suggested the following areas for review:

How often is Glyphosate used

3.2.1 Our incumbent grounds maintenance contractor and the companies we employ to manage highway footpaths on behalf of the County Council use products containing glyphosate as part of their weed control regime. Each contractor keeps careful records of where and when it is used. These records can be made available as part of any ongoing scrutiny.

The Contractor is required through the contract specification to design their weed control regime to minimise the use of chemicals, by ensuring that they are applied at the correct time, using the most effective application method at the minimum effective dosage rate.

3.2.2 The highways footpath contract includes two applications per year with potential for a third should County agree that is required.

Shrub beds are visited monthly through the year but glyphosate is only applied later in the season when the earlier residual chemical control begins to fade. In practice glyphosate is applied once or potentially twice through the remaining season.

Weed control to prevent grass encroachment on footpaths and around obstacles in grass (only where necessary) is applied once a year.

- **where is [glyphosate] used**

3.2.3 Glyphosate is used to control weeds on highway footpaths and gullies as part of an agency agreement with the County Council and on our own District parks. We manage over 120 open spaces. It used where necessary on shrub beds (some high profile areas are hand weeded), on selected hard surfaces such as tennis courts, play areas and parking areas, to control grass growth around some objects in grass verges and to prevent encroachment of grass and weeds across footpaths in our own District open spaces. That encroachment is also controlled mechanically when necessary and according to available budget.

3.2.4 The contractors must keep adequate records of all chemical applications, these include when and what was sprayed including volumes and weather conditions.

These records are made available within seven days of the date of application.

3.2.5 Grounds contract weed control operations in our parks and open spaces are applied in accordance with a performance standard to keep shrub beds tidy and to prevent the encroachment of weeds across

footpath surfaces. This is monitored by our Inspection and Enforcement Officers.

3.2.6 On highway footpaths the service is delivered to a schedule. The initial application should commence week beginning 24 April and should be completed by 12 June.

- The start date for the second application will be dependent on the growth rate after the first application, but will be no later than the first week in August. The second application is to be carried out in the same order as the first application.
- The third application to sensitive areas, if required, will commence at a date to be agreed, dependent on completion date of second application.

When the grounds maintenance contract was tendered during 2018 to 2019, the control of weeds on county highway footpaths was being delivered separately by the Waste department on behalf of County through a tendered contract.

After the grounds contract was awarded to Glendale in 2020 and the Refuse and Cleansing contract was retendered as a shared service, the function crossed over to Parks & Open Spaces. This helped to optimise officer resources and to make use of the grounds monitoring function. The operation has now been outsourced to a specialist company able to deliver the service to the required standard at an optimal price.

The District has no statutory duty to control weeds on the public highway. The county works are all funded through an agency agreement at the full cost to the District by Hertfordshire County Council.

Areas to be treated are all hard footpaths, all road channels, including kerbed areas in lay-bys, traffic calming devices, around and on traffic islands, central reservations and roundabouts in Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware, all channelled roads linking towns and villages and roads in villages on a prescribed list. The unrestricted lengths of the A414 and A10 are excluded. Detailed maps are provided to the contractor.

As noted in our Operational Policy, the control of weeds on highway pavements minimises the work that the street cleansing teams would otherwise have to carry out to mechanically remove weeds and hence limits the cost of street cleansing to the Council. Controlling weeds helps the County to prevent costly damage to the surface infrastructure.

- **what evidence is there that [glyphosate] is effective as used locally**

3.2.7 Our Enforcement & Inspection team carry out recorded inspections across the district to monitor and control effective management of the grounds contracts in accordance with an audited process.

These inspections have found no significant contractual failings relating to the control of weeds across the district in recent years.

Our assessment of complaints recorded in our routine performance indicators has found no significant issues with the control of weeds in recent years.

3.2.8 In the past under a previous contract where weed control of footpaths had not been included routinely, some loose aggregate surface paths had been completely lost where grass had encroached. This inconvenienced our customers, created potential hazards and resulted in significant costs to rectify. In previous contracts, where contractor's have failed to adhere to weed control standards, the Council has received high levels of complaints.

Recently, the Council has received a significant level of complaints about weeds on county pavements in town centre. Chemical weed control has been delivered to contract standard but this is ideally carried out as part of a wider mechanical sweeping programme under our Waste Contract. Over the last couple of years that programme has varied for various reasons resulting in areas of detritus which enable additional weeds to establish more quickly between chemical applications. Discussions with Waste will consider whether more frequent sweeping can be reestablished. Applying herbicide more frequently to prevent any

regrowth at all would not be desirable from a sustainability perspective and is not likely to be funded by County.

- **how do we know that contractors are following safety guidance and applying the chemical as agreed**

3.2.9 Our contractors are responsible for the control and auditing of all operations and demonstrate they are qualified to do so.

We rigorously assess their ability to deliver the works through our tendering processes and only employ professional companies of a good quality. Companies of this calibre have their own reputation to consider and rely both upon our feedback through networking with other authorities and our references as they bid for contracts. It is not in their interest to fail in their performance particularly in relation to their compliance with legal requirements.

The Council's monitoring and inspection team carry out checks to monitor the contractor's health and safety arrangements as well as their compliance with performance standards.

See details of contract operations in key questions above.

- **Is [glyphosate] being used in Green Flag parks that might conflict with the guidance to retain such standards**

3.2.10 Green Flag accredited parks and some high-profile ornamental sites are maintained without the use of chemicals.

The grounds contract reminds contractors that: Certain areas within the contract are specified as 'Chemical Free'. Under no circumstances will the use of herbicide be permitted within such areas. These are predominantly herbaceous beds.

Monitoring Officers would be directed to investigate any breach of this contract requirement.

Whilst it is more expensive to maintain these areas without the use of herbicide, these are high profile open spaces with specific agendas to minimise the use of herbicide to satisfy Green Flag criteria or to manage ornamental herbaceous beds which require hand weeding to avoid plant damage.

Parks which have been awarded a Green Flag are The Ridgeway, Hertford, Southern Country Park and recently, Castle Park Bishop's Stortford. Chemical application is restricted across the whole of these parks. It should be noted that the grounds contract has not yet been varied to formerly apply this restriction to Castle Park in Bishop's Stortford.

Some ornamental herbaceous and shrub areas in Castle Grounds Hertford are restricted to weed control without chemical.

3.2.11 An exception to this restriction is if Japanese Knotweed is discovered. This is an invasive weed which the Council has a duty to prevent encroaching onto neighbouring land. Expert guidance advises that such control cannot be achieved through mechanical intervention. There is a herbicide available that will control Japanese Knotweed very swiftly but that also kills all plants in the vicinity and prevents anything from growing for some time. The only viable solution therefore, without killing all surrounding vegetation is a sustained application of Glyphosate over a period of up to three years. This can be applied selectively to the Knotweed and allow ongoing planting in the area.

4.0 Options

4.1 There has been considerable debate about the safety of Glyphosate and whether it is an appropriate solution to control weeds. It is important to note, in this respect, that the government has determined it is safe to use by way of granting license. In Europe, glyphosate was relicensed for five years in late 2017 by the European Commission. The UK voted in favour of this decision.

In November 2023, the EU Commission re-approved glyphosate for 10 years, following favourable scientific assessments by its health and safety agencies, including the European Chemicals Agency (ECHA) and European Food Safety Authority (EFSA), which "did not identify any critical areas of concern."

Following the UK leaving the European Union, the Health and Safety Executive now regulate pesticides in the UK and the licence has been extended until December 2025 for both food production and treatment of broad-leaved weeds in the public realm.

Previous court cases in the US ;have led to more questioning of glyphosate and possible carcinogenic links.

As part of this debate one of the leading Agrichemical suppliers; Bayer stressed in 2019 that it stands behind the safety of glyphosate and will continue to vigorously defend its glyphosate-based products, despite their political unpopularity.

To that end, it made 107 Bayer-owned glyphosate safety study reports openly available, in the hope of encouraging a 'science-based discussion' with regulators, as well as with consumers concerned about the safety of the substance.

They stated that "Transparency is a catalyst for trust, so more transparency is a good thing for consumers, policymakers and businesses. As an innovation company, safety is our top priority and we are completely committed to doing everything we can to ensure that our products are safe for people and the environment. By making our detailed scientific safety data available, we encourage anyone interested to see for themselves how comprehensive our approach to safety is. We embrace the opportunity to engage in dialogue so we can build more trust in sound science."

The company "stands behind the safety of glyphosate and will continue to vigorously defend its glyphosate-based products. The company is working diligently to ensure the conversation around glyphosate is accurate and will continue to share information on the strong body of science that confirms glyphosate and glyphosate-based products are safe when used as directed and that glyphosate does not cause cancer".

4.2 The potential for alternative solutions was considered as part of the tender process to deliver the current grounds maintenance contract. The companies tendering for the work emphasised that they were all exploring different alternatives to chemical control but advised us that glyphosate was still found to be safe and the most cost-effective solution.

Glyphosate is not used as an exclusive solution but as part of a chemical regime which uses other products to hold back the growth of weeds earlier in the season.

We were advised that if the law changes in the UK in the future, our contractors may be able to switch to a different method of weed control but, given advice from the industry and the additional costs, the Council chose not to do so as part of the contract tender scrutiny and award procedure.

This was outlined in a report by the chair of the grounds maintenance task and finish group – contract options for grounds maintenance 19 June 2018:

"2.1.4 Chemicals

The issue of the potential banning of Glyphosate (a chemical used extensively to control weeds) was explored. The feeling from contractors was that a ban is unlikely. They also felt that regulatory shifts should be dealt with by change of law clauses in the Conditions of Contract. The group concluded however that the new contract should not expose the council to any required negotiation in such a scenario. As some of the contractors pointed out, there are a number of alternatives currently being developed. The successful contractor will need to price the work to allow for any potential need to change weed control methods. A change of law clause will be included in the contract to account for any unforeseen changes in the law. The council does not accept that the withdrawal of a chemical from the market constitutes a change in law."

4.3 This was proceeded by discussion outlined in a previous report from the group 20 February 2018 noting that Council appointed consultants to provide professional and industry appropriate guidance and to review performance, advice on procurement routes, carry out market testing and explore service delivery including future chemical weed control implications. The following was considered:

“The Use of herbicides to control weeds (4.5)

The Group will consider future grounds maintenance constraints should glyphosate weed control be outlawed. The current consensus of opinion is that the withdrawal of herbicides for use in the grounds industry is not imminent and is unlikely to occur within the term of this contract. To avoid the risk of uncertainty for tenderers, a separate option to use alternative methods may not therefore be included. The contract may however emphasise that weed control is specified by outcome and as such must be achieved regardless of industry changes. This would protect the Council from the risk of price changes later in the contract but might also result in higher initial price.”

4.4 Officers are currently reviewing the situation with our contractors to determine whether current alternative solutions are any more effective than previously assessed and, with consideration for the Council’s financial difficulties, whether they still remain more costly.

4.4.1 We employ a specialist weed control contractor, LanGuard Ltd to maintain highway footpaths on behalf of the County as part of an agency agreement. They have advised, prior to reviewing alternatives that they have considerable experience in this area having seen the pressure building on herbicides in general several decades ago and the more recent pressure building on Glyphosate. They note that they are not “wedded to Glyphosate per se, as they have the expertise to use whatever their clients are prepared to specify and crucially pay for.”

They were the contractors involved with the Thanet Project which started back in 2009 and ran for 5 years assessing different solutions. We understand that Thanet District Council has freed up £250,000 in

their 2024-25 budgets allowing for the allocation of additional funds to weed control which would use hot foam.

LanGuard have carried out smaller scale trials for a number of councils but advise that the conclusions have generally been the same; that alternative treatments are less effective, less productive and as a consequence significantly more expensive. They also suggest that some alternatives are more environmentally damaging in terms of carbon footprint and effective resource use.

4.4.2 Our incumbent grounds maintenance contractor, Glendale are currently developing rates and costs to inform this scrutiny request. In advance of their findings they have been able to share some general thoughts.

Acetic Acid is the only alternative product they are aware of that can be used on hard surfaces but that it must be applied with a knapsack sprayer as opposed to a CDA. They advise that the application of this product requires greater volumes to be as effective as glyphosate resulting in four times the cost. They remind us that using a knapsack for prolonged periods also has a negative impact on operatives.

Their trials of foam stream alternatives have found a very high use of water (up to 800litres per hour) which they believe is not sustainable, coupled with the need to run a diesel vehicle along with a diesel generator to power the equipment resulting in greater carbon footprint than they would be keen to adopt.

4.4.3 They refer to a study by Agrovista UK Limited which is a leading supplier of agronomy advice, seed, crop protection products and precision farming services.



2023-11_TotalHerbi
cideSelection-Weed

The study - Using total herbicides in amenity settings concludes the following:

The choice of herbicidal application or alternative control methods is very much dependent on the economic and action thresholds as well as the surface type and the type of weed. Weed control should be undertaken according to best practice integrated management strategies. This may require a combination of contact, systemic and residual herbicides.

Total contact herbicides are often thought of as being more environmentally benign in comparison to glyphosate but can have a greater environmental impact (Jones, et al., 2022) and a requirement to use more of the product to treat the same amount of surface. They are likely to be most effective against annual weeds or small perennial weeds that have not yet become established and can also be used to control moss growth. Formulations containing acetic acid are able to be used on hard surfaces.

The only total systemic herbicide that can be used on surfaces where vegetation is not intended to grow such as permeable and hard surfaces is glyphosate. Glyphosate is useful for controlling all types of weeds but may be particularly effective, compared to other actions, when used against perennial weeds including deeply rooted perennials and woody weeds or against weeds which reproduce vegetatively. It also remains the only herbicide that is authorised for use near and on water and is therefore important for the control of invasive weeds in these contexts. Glyphosate continues to be a useful herbicide in amenity and industrial contexts which can help to reduce impacts on infrastructure and keep surfaces safe and free from trip hazards.

Residual herbicides can help to reduce herbicidal applications and the requirement for other weed control measures. Although they won't control existing deep rooted perennial plants such as dandelions, they can prevent the emergence of germinating weeds for up to six months and have an exceptionally low active substance loading rate. Residual herbicides are particularly effective on even surfaces which will not be disturbed by physical actions such as cultivation or brushing.

4.5 Council may consider it prudent to withdraw from carrying out weed control on behalf of the County Council. Whilst this forms part of an agency agreement, the functions are negotiable. However, it should be noted that County may then continue controlling weeds on footpaths with the services of their own contractor, effectively moving the issue away from the District but not reducing the use of glyphosate. As noted, effective control of weeds on highway footpaths directly supports the District's duty to keep them clean and tidy. Without such control, it is likely that greater resource would be necessary by the District to control weeds mechanically.

4.6 Officers rely on the advice offered by our contractors and through our tender processes. As noted, the findings from such processes have been approved by the previous Executive, supporting the current position to use glyphosate as part of a carefully managed regime.

Council may consider that further investigation is required with the assistance of specialist advisors, commissioning an evidence based expert study to consider the government and industry position that Glyphosate is a safe product against that of other bodies that find it is unsafe.

As noted, Officers are currently in the process of calculating the cost of employing alternative methods to inform Council in response to this call for scrutiny.

We would be able to arrange an opportunity for Members to join our contractor on site for a "toolbox" view of how Glyphosate is used in practice should that help to allay concerns about compliance with the legal guidelines on its safe use.

5.0 Risks

5.1 Our contractor is not contractually obliged to change its method of weed control during the period of our contract (8 years ending in 2027).

Glendale remind us that any current change to our contract standard or operational methods resulting in increased costs (not connected to

a change in law) could not be absorbed and would have to be charged back to the Council.

5.2 One of the key drivers to continue using Glyphosate is the relatively low cost compared to alternatives. Our contractors have been asked to calculate the costs of delivering an alternative method to control weeds to the current standard. We expect the chosen method to be the most effective they have found from their own research and ask that they outline any concerns they have in using it. If it can be achieved at the same price then it may be possible to consider a change before the end of the current contract period. If not then the opportune moment, to revisit this will be during the next re-tender process which officers will be developing over the next 12 to 18 month prior to the end of the current grounds contract in December 2027.

Specifications could be adjusted accordingly as part of a retender or the incumbent contractor might be tasked with offering an alternative and economically viable alternative as part of a bid to achieve a successful contract extension. There is an option in the contract to extend for up to 5 years.

6.0 Implications/Consultations

6.1

Community Safety

The application of herbicide in public spaces is considered in the legislation and guidance which must be followed by contractors and is monitored accordingly.

Data Protection

No

Equalities

No

Environmental Sustainability

The Council agreed objectives in the current Parks and Open Spaces Strategy to consider the environment. Officers in Operations work closely with the Sustainability Policy & Projects Officer, Housing & Health in the delivery of the Environmental Sustainability Action Plan as we continue to maintain and develop our parks and open spaces.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1

Contact Member

Executive Member for Wellbeing

sarah.hopewell@eastherts.gov.uk

Contact Officer

Head of Operations,

Contact Tel. No. 01992 531693

jess.khanom-metaman@eastherts.gov.uk

Report Author

Ian Sharratt, The Leisure and Parks Development
Manager

ian.sharratt@eastherts.gov.uk

East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: Tuesday 5 November 2024

Report by: Chairman of Overview and Scrutiny Committee

Report title: Overview and Scrutiny Committee - Draft Work Programme

Ward(s) affected: (All Wards);

Summary

- This report considers topics for inclusion in the Committee's Draft Work Programme. By establishing a work programme of topics for scrutiny Members are better able to plan their future workload, with an agenda which is focussed, maximising the efficacy of the scrutiny process by taking a longer term, strategic view of the issues facing the council.
- The Committee's current work programme is detailed in **Appendix 1**.

RECOMMENDATIONS FOR Overview and Scrutiny Committee

(A) That the work Programme at Appendix 1, be agreed.

1.0 Background

1.1 **Appendix 1** sets out the Draft Work Programme which may be reviewed at any time. Members are reminded to complete the scrutiny proposal form when putting forward an item for the draft work programme.

1.2 A key function of the Overview and Scrutiny Committee is to hold the Executive to account for its decisions, to review existing policies and consider proposals for new policies. In doing so, it will act as the Executive's critical friend in the process. The

principle power of scrutiny is to influence policies and decisions made by the Council. Its aim should be to achieve positive outcomes for local people by undertaking a thorough targeted examination of the council's services and procedures and make recommendations for improvement.

- 1.3 It has no formal powers to make changes but where a recommendation is made to the Executive, the Executive is required to respond to the Overview and Scrutiny Committee if it decides not to accept a recommendation and the rationale for that decision. The Centre for Governance and Scrutiny (CfGS) recommends that the Executive has to respond to any recommendation within two months.

2.0 Update

- 2.1 Topics for scrutiny at the following meetings are detailed in Appendix 1.

- 5 November 2024
- 14 January 2025
- 4 March 2025

- 2.2 The Overview and Scrutiny Committee met for a workshop on Tuesday 11 June 2024, to discuss potential topics for scrutiny on the work programme for 2024/25.

- 2.3 The Chair of the Committee, Councillor Jacobs, also recently attended a meeting of the Joint Administration Steering Group. Following the workshop in June 2024, and the meeting of the Joint Administration Steering Group attended by the Chair, the following topics were suggested for inclusion on the Overview and Scrutiny Committee work programme:

- Glyphosate
- Parking Engagement Strategy
- Climate Change (climate emergency)
- Housing

- IT and Cyber Security
- East Herts Markets
- LCWIP
- East Herts Arts showcase
- Anti Racism Charter
- Biodiversity
- Heat Pumps
- Joint Use Pools
- BEAM
- Old River Lane
- Development Management and Community Forums

2.4 It is for the Overview and Scrutiny Committee to determine which items are added to the committee work programme.

3.0 Reason(s)

3.1 Members are welcome to submit a scrutiny proposal at any time. This form is available in the Microsoft Teams channel and provides Officers with sufficient information to assess if it is appropriate for scrutiny and to ensure that specific questions are addressed. A Scrutiny Flowchart is also available which explains the processes involved in submitting a Scrutiny Proposal Form. Democratic Services will then liaise with Officers and the Chairman to consider the best way forward to address the subject and complete the scoping document.

4.0 Options

4.1 The work programme will be kept under review by the Overview and Scrutiny Committee throughout the coming year.

5.0 Risks

5.1 The establishment of an Overview and Scrutiny Committee is enshrined in the Local Government Act 2000 (Section 9). The 2000 Act obliges local authorities to adopt political management systems with a separate Executive. Various sub sections of the 2000 Act set out the powers and duties for Overview and Scrutiny Committee including the right to investigate and make recommendations on anything which is the responsibility of the

Executive. Legislative provisions can also be found in the Localism Act 2011 (Schedule 2) with options to retain or re-adopt a "committee system" Section 9B.

5.2 Potential risks arise for the council if policies and strategies are developed and / or enacted without sufficient scrutiny. Approval of an updated work programme contributes to the mitigation of risk (and Call-Ins) by ensuring key activities of the council are scrutinised.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes - the proposed Work Programme envisages the Overview and Scrutiny Committee receiving reports on the progress of the council's environmental strategies.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes - scrutiny is enshrined in statute (the Local Government Act 2000 as amended by the Localism Act 2011)

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix 1** - Summary of Topics

Contact Member: Councillor David Jacobs, Chairman of the Overview and Scrutiny Committee.
david.jacobs@eastherts.gov.uk

Contact Officer: James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170.
james.ellis@eastherts.gov.uk

Report Author: Peter Mannings, Committee Support Officer,
Tel: 01279 502174.
peter.mannings@eastherts.gov.uk

Programme of Proposed Scrutiny Topics

Topic	Corporate Objectives (LEAF)	Questions/concerns	Scrutiny Approach (Bulletin, Report, rapid review or task and finish group)	Background Notes / Officers' comments	Reporting timeframe to
Glyphosate	Environmentally Focussed			Considering whether the council is fully aware of all situations in which Glyphosate is used, and whether this accords with EHDC policies and if these policies represent best practice. Also, how the policies are communicated to the public.	5 November 2024
Parking Engagement Strategy				Consideration of a draft version of the Parking Strategy	14 January 2025
Housing				Likely to be affordable housing, but the topic is to be narrowed down via the scrutiny proposal form (scoping document)	4 March 2025
Performance of the East Herts IT				System/measures taken to ensure cyber security	January or March 2025
Development Management and Community Forums	Enablement	Questions about how the Development Management and Community Forums can impact positively in the engagement process with both residents and developers	Report	Members agreed on 16 January 2024 to receive an update on progress to their June 2025 meeting.	June 2025 (and not later than November 2025)