

Meeting: Cabinet
Date: 4 March 2024
Classification: Part 1
Key Decision: Yes
Title of Report: Stray Dog Service Contract Award

Executive Director: Alan Richards
Report Author: Elizabeth Georgeou
Executive Councillor: Cllr John Lamb

1. Executive Summary

- 1.1. The Council has a statutory duty to collect and detain stray dogs. This service has been provided through the Council's animal warden, a veterinary practice and a contract for the kennelling service.
- 1.2. Changes to staffing levels and the withdrawal of an acceptance point for our stray dogs within Southend has offered the opportunity to re-procure the stray dog service in a more sustainable way. The acceptance is the point at which the Council accepts responsibility and receives the stray dog.
- 1.3. A procurement exercise has been completed which has identified that the award of the contract is a key decision as it exceeds the financial threshold of £250K over a five-year period.

2. Recommendations

It is recommended that Cabinet:

- 2.1. Approve the award of a stray dog service to provide the following services:
 - Collection of stray dogs between the hours of 8.30 am and 10pm, this being the point at which the Council accepts responsibility and receives the stray dog.
 - Kennelling of strays until re-united with their owners, they are rehomed, or the statutory requirement of the local authority ends.
- 2.2. Approve a review of the fees and charges charged to owners. This will include the statutory fee and recovery of expenses associated with seizing and detaining a stray dog.

3. Background

- 3.1. The local authority has a statutory duty under sections 149 and 150 of the Environmental Protection Act 1990 (EPA 1990) to seize and detain stray dogs found within its area. The Environmental Protection (Stray Dogs) Regulations 1992 (the 1992 Regulations) prescribe a statutory fee to be paid, which is in addition to all expenses associated with dealing with a stray dog which the EPA 1990 enables us to charge, to the owner of the seized dog before the dog is returned to them. The Clean Neighbourhoods and Environment Act 2005 removed the responsibility of the Police to seize and detain dogs and transferred that duty to the local authority.
- 3.2. At Cabinet 29 September 2022 Item 320 the current arrangements for the stray dog service were explained and options were put forward for consideration by Cabinet for the procurement of the stray dog service.
- 3.3. The decision of Cabinet was to:
- Explore the feasibility of a direct award to South Essex Property Services (SEPS) for an acceptance point, and the kennelling service to be put out to tender.
 - That in the event that a direct award was not made to SEPS, the acceptance point and kennelling service be put out to tender.

This decision was reviewed at Policy and Resources Scrutiny Committee on Thursday 13 October 2022 Item 365 and confirmed.

- 3.4. The feasibility of the provision of an acceptance point by SEPS was considered for the hours of 5pm until 8.30am and was not found to be viable for SEPS to deliver. This consideration included relevant training for those delivering this service, suitable welfare facilities being available, and the anticipated number of dogs and cost.
- 3.5. The legislation does not require authorities to offer a night-time call-out service to seize and detain dogs seen or found by the public. Using 3 years of statistics, on average, the service was receiving 120 stray dogs per annum. The hours of demand had been monitored and it was noted that the demand was 47.1% during offices hours, 55% in the evenings and weekends and 3.3% after 10pm. Due to the withdrawal of the acceptance point, the local authority has been offering an extended service until 10pm, with no collection between 10pm and 8.30am since May 2023. Enquiries have been made and there has been no evidence provided that indicates that the service is required after 10pm.
- 3.6. As a direct award was not made to SEPS, and there were no other providers able to provide an acceptance service within the city consideration was given to procuring a collection and kennelling service.

- 3.7. As previously noted the authority had undertaken two procurement exercises, the first did not result in any bidders, and this was due to the TUPE restrictions. The second was a shared service with neighbouring authorities, which did not go ahead because one authority chose not to procure jointly. The application from the animal warden for flexible retirement gave the opportunity to remove the stray dog service element from the post and give greater flexibility in the procurement of the service, as it removed the TUPE element.
- 3.8. The procurement was undertaken for a collection and kennelling service over the hours of demand 8.30am until 10pm. The procurement required the best practice requirements for the welfare of the dogs, and where dogs are not reclaimed, for the rehoming of dogs where this is possible to do so.
- 3.9. The Council has a statutory duty to hold a stray dog for seven days. The seven days commences when the Council services a statutory notice on the owner of the dog, where they are known. This responsibility cannot be passed to the contractor and must remain in-house.

4. Reasons for Decisions

- 4.1. Southend on Sea City Council has a statutory duty to deliver a service that provides for the seizure and detention of stray dogs. The financial rules require that a formal procurement process is undertaken.
- 4.2. The provision of an Acceptance Point after 5pm by SEPS was not possible for the reasons detailed in 3.4 above. To tailor the service to the hours of demand the contract is being procured, offering a collection service until 10pm, which is in line with our neighbouring authorities.
- 4.3. The provision of this service during the hours of demand (8.30am until 10pm). To both reduce the cost to the authority of providing a 24/7 service whilst minimising the risk of strays roaming and not being collected at times of high demand.

5. Other Options

- 5.1. There is no option to provide a 24/7 service with an external provider. To provide a 24/7 service the Council would need resource to cover the staffing and premises required.

6. Financial Implications

- 6.1. It was noted in the report to Cabinet 29 September 2022 Item 320 that it was anticipated that the cost of delivering this service would exceed the current budget. To meet the shortfall in budget the 0.4FTE (full time equivalent) from the animal warden post has been set aside to offset this increase.

- 6.2. Under section 149(5) of the EPA 1990 the authority may recover the following costs from the owner:
- Collection and return fee;
 - Daily kennelling charge;
 - The cost of any necessary veterinary treatment of injured or sick dog veterinary services.

Plus a further £25.00 as prescribed by the 1992 Regulations.

All fees will be calculated on conclusion of the procurement of the contract.

These payments will be made by the owner of the dog to the contracted service directly.

- 6.3. It should also be noted that where a dog is not reclaimed the authority is liable for all the costs associated with the contracted service, which would include 7 days of kennelling once the owner, if one can be found, had been notified.
- 6.4. The service is being procured on a fixed fee basis for the service to be operational 7 days / week between 8.30am and 10pm, with an additional cost per dog for the collection, return, kennelling and veterinary services. The variable element of this means that the cost of the service will flex in line with the number of strays collected, (on average 120 / year).
- 6.5. It is anticipated that the current budget, together with the repurposing of some of the salary budget will cover the cost of delivery of the service. The increase in fees and charges, in line with the direct costs to the Council, indicate that the service can be delivered without any additional resource.

7. Legal Implications

- 7.1. The Council has a statutory duty to deliver a service that provides for stray dogs, which the Council will discharge using an outside contractor. There is no legal requirement to offer a night-time call out service to seize and detain dogs seen or found by the public. Whilst there is no legal requirement to provide an Acceptance Point, the local authority's proposed service is, where practicable to provide a place where dogs can be taken outside normal office hours, in line with the demands of the service, which is until 10pm including weekends, bank and public holidays.
- 7.2. The authority can delegate the discharge of this service to another person but remains responsible for securing that the functions are properly discharged.

8. Policy Context

- 8.1. This service is being procured in line with corporate priorities to transform the Council to deliver an efficient cost-effective stray dog service. The procurement of the contract will be concluded in line with procurement and financial rules. It will provide a stray dog service that is based on clear standards, meeting the legislation requirements for the service. The service will look to recover the costs associated with collecting and kennelling stray dogs where it is possible to do so.
- 8.2. The service will consider future opportunities to develop a shared service with our neighbouring authorities.

9. Carbon Impact

- 9.1. The current animal warden vehicle also does not meet the current ULEZ Euro 6 standards and will be decommissioned.

10. Equalities

- 10.1. The equalities assessment has been completed and where impacts were identified there is mitigation in place.


11. Consultation

- 11.1. There is no consultation planned for the award of this statutory service. The service has been developed to provide a cost-effective service in line with the service needs. A consultation will be undertaken once the contract is in place to ensure that residents are able to access information on the service provision.

12. Appendices

Appendix 1 – Equalities impact assessment.

13. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Andrew Brown	22/01/2024
Monitoring Officer	Gary Perry-Ambrose	22/01/2024
Executive Director(s)	Alan Richards	20/12/2023
Relevant Cabinet Member(s)	Cllr John Lamb 	21/12/23