

## Decision Report – Lead Member Executive Decision

Forward Plan Reference: FP/23/11/10

Decision Date – 8<sup>th</sup> May 2024

Key Decision – Yes

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Confidential Information – No

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### Award of contract for Stray Dog and Kennelling Service Provision

Executive Member(s): Lead Member for Communities, Housing and Culture

Local Member(s) and Division: All

Lead Officer: Joanne Toogood

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### Summary / Background

1. Somerset Council has a statutory duty to collect and kennel stray dogs. There is no in-house provision to deliver this service.
2. There are currently 4 contracts in place to deliver this service by the former district Councils. Three of these contracts are due to expire by 31st March 2024.
3. A non-key decision report was approved in October 2023 to tender for the provision of a stray dog and kennelling service

### Recommendations

4. That the Lead Member for Communities, Housing and Culture agrees
  - a. To award the tender for the provision of a stray dog and kennelling service to St Giles Animal Centre Ltd.
  - b. The tender is awarded in line with the specification and details of the procurement process undertaken is attached in appendix A.

### Reasons for recommendations

5. Somerset Council has a statutory duty under the Environmental Protection Act 1990 to provide a service for seizing and detaining stray dogs. There is currently not enough specialist resource, nor any kennelling provision in-house to do this.
6. New legislation was also introduced from 31<sup>st</sup> December 2023 banning the breeding, selling, advertising, rehoming, abandoning and allowing XL Bully dogs to stray. This means people undertaking dog related activities require additional specialist knowledge and equipment to deal with strays including XL Bullies.

7. All four former District Councils contracted this service to external providers. Three of those four contracts are due to expire by 31<sup>st</sup> March 2024. The incumbent for two of these contracts has already expressed a wish to be released from the contract due to the lack of facilities to deal with dangerous dogs.
8. A non-key decision report was approved in October 2023 to tender for a new contract to provide the service for the whole county. Potential providers were offered the option to bid for lots made up of the former district areas if they preferred.
9. One bid was received and was evaluated and subsequently moderated in January 2024 by Environmental Health and procurement officers. This bid was later withdrawn by the submitting bidder, as they were unable to meet the contract specification.
10. The two incumbents were approached by the Procurement Manager and given an opportunity to submit a proposal if they wished to do so. St Giles put forward a proposal for the whole of the county. The other incumbent supplier did not wish to be considered for a new contract.

#### **Other options considered**

11. Three alternative options were considered to contracting this service which are below:
  1. **Another contractor** – This is covered in Appendix A – Tender Evaluation Report but ultimately the only alternative bidder withdrew their submission.
  2. **Reduce the service to statutory minimum** – Somerset Council have a duty to provide a stray dog collection and kennelling service. The contract provision has already reduced the service to 9am - 5pm and removed any out of hours provision so it was felt that the service could not be reduced further without resulting in complaints and making delivery of the service difficult for any contractor.
  3. **Bringing the service in house** - This is covered in Appendix B – In house costings. However, in summary it was considered that there would be considerable costs associated with bring the collection of strays in-house.

#### **Links to Council Plan and Medium-Term Financial Plan**

12. The allocation of this contract will fulfil a statutory duty of the Council. Ensuring that our statutory services are delivered supports the Core principle in the Council Plan to be 'a responsible council that acts with integrity'. In addition, having followed a full procurement process this ensures we are following the principle to be 'A council with evidence based and open decision making'.
13. The proposal also aligns with the aims of the Medium-Term Financial Plan to review service provision and minimise expenditure through looking at the statutory minimum that is required.

## Financial and Risk Implications

14. It is a statutory requirement for the Council to provide a service for collecting stray dogs. This service is currently provided under 4 different contracts for the former district areas. There is a set contract price along with an additional fee which is variable dependant on whether the dogs require kennelling and for how long. The costs are recovered if the dogs are collected.
15. The budget for this service for 2023/2024 is £137,500. There was an overspend of £8,000 against this budget in 2022/23. The predicted outturn for 2023/24 is £140,180.
16. The new contract will be more expensive than the current contract and therefore it is anticipated that the award of a new contract will result in a further overspend. Anticipated costs are an additional £37,000 as detailed in Appendix A 'Tender Evaluation Report'. Regulatory and Operational Services have identified savings to fund the additional costs within existing service budgets.
17. If the contract is not awarded the Council will be unable to deliver its statutory duty to seize, detain and kennel stray dogs. In addition, not awarding to the current bidder presents a significant risk of not being able to secure another contractor due to the very restricted providers in the service sector. We are aware of another Council who is unable to currently secure a permanent contract.
18. In addition to not fulfilling statutory duties, if the service is not provided there are a number of risk including reputational risk with people picking up strays with nowhere to hand them on to, road traffic accident risk if dogs are left running free on around highways and risk of injury to public if strays are not collected that are potential aggressive or dangerous in nature.

<b>Please enter risk description</b>					
Inability to deliver a statutory service					
<b>Likelihood</b>	<b>5</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>15</b>
<b>Please enter mitigation here</b>					
Award of contract will reduce risk score to 2					

## Legal Implications

19. The proposal is to award a contract to St Giles on a fixed price basis for the service with additional costs for the kennelling and ad hoc provision. We have reviewed the service and are reducing the time to 9am-5pm to remove the cost of providing an out of hours service. Procurement and legal teams have both been consulted as part of this process. The correct procurement procedure has been followed for the tender of this contract using the Supplying the South West portal. The specification for the contract has been provided by the Environmental Health service and the terms and conditions have been provided by the legal

services team. The contract, once awarded, will be managed by the Environmental Health Service.

### **HR Implications**

20. There are no HR implications.

### **Other Implications:**

### **Equalities Implications**

21. Having discussed this report with an equalities specialist it has been agreed that an Equality Impact Assessment is not required. The procurement relates to a statutory service and it is believed that the process of procuring what is a specialist service from a limited range of potential suppliers is highly unlikely to have an impact on people from protected characteristics. All procurement rules have been followed.

### **Community Safety Implications**

22. If the contract is not awarded and the Council is unable to seize and kennel stray dogs then this will create anti-social behaviour. This will include dogs running free with the potential to create a traffic hazard, be intimidating to members of the public and uncontrolled dog fouling.

### **Climate Change and Sustainability Implications**

23. The contractor has advised as part of their bid that they will need to purchase an additional van to service the whole county. This van will be new Citroen Berlingo Electric van which will have a positive impact on fuel use and emissions. In addition they have stated that as they move towards being more environmentally friendly, their aim is to convert all of our vehicles to fully electric which will increase that positive impact.

### **Health and Safety Implications**

24. The contractor has provided a set of health and safety risk assessments as part of their tender. As they are already an existing contractor there is no greater or lesser risk of ill-health or injury from awarding this contract.

### **Health and Wellbeing Implications**

25. Awarding this contract will not have any significant positive or negative impacts on any of the following:

- health and wellbeing
- preventing ill-health (physical and mental health)
- reducing health and social inequalities

### **Social Value**

26. Social value was considered as part of the tender process. The contractor has demonstrated social value in the following areas:
- Developing employment, skills and training opportunities, particularly for hard-to-reach/disabled/target groups
  - Helping build community capacity and playing an active role in the local community, especially in those areas and communities with the greatest need
  - Reducing air pollution, particularly in urban areas

### **Scrutiny comments / recommendations:**

27. Not been considered by a Scrutiny Committee

#### **Background**

28. Under the Environmental Protection Act 1990 section 149, local authorities have a duty to seize and detain any dogs believed to be a stray. Attempts must be made to re-unite the dogs with their owner. The dogs must be kennelled for 7 clear days in order for this to be done. Should the owner not be found then the Council must either re-home or otherwise dispose of the dog. The former District Councils have had non-destructive policies in place.
29. All four former district Councils have delivered this services through contracts with external providers for many years as there is not expertise or capacity to do this in-house.
30. There are very few providers of this service. One bid was initially received which was subsequently withdrawn. We then contacted the incumbents and invited them to put in a proposal which one of them did.
31. The costs to the providers has increased significantly with the increase in energy and living costs. In addition we have seen an increase in dogs being abandoned as people cannot afford to keep them. Approximately only 1 in three dogs are re-united with their owner, leaving services having to bear the additional cost of re-homing more dogs. Many of these are not easy to re-home.
32. Alternatives to contracting this service have been explored and consideration given to setting up an in-house service. However, this would involve considerable expense in setting up and managing kennel provision as well as recruiting the experienced staff and equipment that would be required. This option has therefore been discounted.
33. It is the view of the service that this contract should be awarded.

#### **Background Papers**

34. None

#### **Appendices**

- Appendix A – Tender Evaluation Report

- Appendix B - In house costings

**Assurance checklist**

	<b>Officer Name</b>	<b>Date Completed</b>
Legal & Governance Implications	David Clark	20/03/2024
Communications	Peter Elliott	22/03/2024
Finance & Procurement	Nicola Hix	22/04/2024
Workforce	Dawn Betteridge	29/04/2024
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Chris Hall/Sarah Dowden	19/03/2024
Strategy & Performance	Alyn Jones	04/04/2024
Executive Lead Member	Cllr Federica Smith-Roberts	20/03/2024
<b>Consulted:</b>	Councillor Name	
Local Division Members		
Opposition Spokesperson	Cllr Andrew Dingwall	Sent 16/04/2024
Scrutiny Chair	Cllr Gwil Wren	19/04/2024