

Decision Maker: PUBLIC PROTECTION & SAFETY PORTFOLIO HOLDER

**FOR PRE-DECISION SCRUTINY BY THE PUBLIC PROTECTION
AND SAFETY POLICY DEVELOPMENT AND SCRUTINY
COMMITTEE**

Date: Wednesday 20 January 2016

Decision Type: Non-Urgent Executive Non-Key

Title: STRAY & ABANDONED DOG SERVICE

Contact Officer: Jim McGowan, Head of Environmental Protection
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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: N/a

1. Reason for report

Further to a recent Audit Report, a number of recommendations were made regarding the Stray & Abandoned Dogs Service. This report summarises two of these relating to the kennelling and re-homing arrangements and the management action being taken. It also makes recommendations to members regarding policies for dealing with dogs who are confirmed as being a 'banned breed' or deemed unsuitable for re-homing and those that are fit for re-homing but have exceeded the statutory timescale for Local Authority care.

2. **RECOMMENDATION(S)**

The Portfolio Holder is recommended to:

- 2.1 Confirm the existing practice and formally adopt a policy of euthanasia for dogs that are either a specified banned breed or are unsuitable for re-homing due to their temperament;
- 2.2 Confirm the existing practice and formally adopt a policy of kennelling dogs deemed fit to re-home that have not been claimed after the statutory period.

The PDS Committee is asked to

- 2.3 Note the recommendations of the audit report and the management action being taken to address these.

Corporate Policy

1. Policy Status: A new Policy is needed to define the actions to be taken by Council officers when dogs are not claimed after the statutory period
 2. BBB Priority: Excellent Council Safer Bromley:
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Financial

1. Cost of proposal: £8,400
 2. Ongoing costs: £8,400 plus potential savings from changes to contracts
 3. Budget head/performance centre: Environmental Protection
 4. Total current budget for this head: £169,140
 5. Source of funding: Existing revenue budget 2015/16
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Staff

1. Number of staff (current and additional): No current staff, as the service contracted out.
 2. If from existing staff resources, number of staff hours: n/a
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Legal

1. Legal Requirement
Under the Environmental Protection Act 1990, sections 149 – 150 and the Clean Neighbourhoods & Environment Act 2005, the Local Authority has a Statutory duty to provide a 24/7, 365 days per year collection service and kennelling service for stray and abandoned dogs.
 2. Call-in: Applicable
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Customer Impact

1. Estimated potential users/beneficiaries (current and projected): 310,000 residents of the borough
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: n/a

3. COMMENTARY

- 3.1 The Council has a statutory requirement to provide a service in relation to stray or abandoned dogs and this is currently provided for in the following way:

The seizure or collection, holding and transportation of stray and abandoned dogs, found within the London Borough Bromley

SDK Environmental Ltd.

- 3.2 The service includes compliance with all of the administration to comply with the Council's statutory duties under the Environmental Protection Act 1990, sec 149 & 150 and the Clean Neighbourhoods & Environment Act Section 68.

Kennelling of stray or abandoned dogs

Lodge Kennels

- 3.3 The Lodge kennels receive stray dogs collected by SDK and undertake to maintain the safe custody, feeding and necessary care of said animals until release is authorised by the Council or its agent.

Summary of the Audit Report recommendations relating to the delivery of the contracts

- 3.4 A recent audit report made a number of recommendations. Management have already implemented a number of changes and are currently reviewing others with a view to implement further changes.

The key audit recommendations regarding operation of the contract are summarised below:

Review the contract arrangement of block booking kennels

- 3.5 Under the Environmental Protection Act 1990, the Council has a statutory obligation to seize, maintain and feed stray and abandoned dogs. In the past, Bromley has secured this service by pre booking kennels and pre paying for those kennels to be provided for the exclusive use of Bromley Council, thereby ensuring that a vacant kennel is always available.
- 3.6 Further to a review of the current numbers of dogs being picked up and requiring kennelling, kennels will no longer be pre booked and reserved; the contract is to be based on a pay as you go service.
- 3.7 Following a recent procurement exercise a new contract has now been let with Lodge Kennel based on a price per day per kennel of £10 with no pre booking of any spaces.
- 3.8 Lodge kennel has indicated that they are unlikely to have more than six kennels available for local authority use at any one time and statistical analysis of the usage indicates that the Council could need in excess of six kennels for at least 10% of the year, so a contingency is needed to cover this. The current dog warden contractor SDK, has agreed to provide this cover through their company and a third party kennel in Buckinghamshire and Bromley will pay for this on a pay as you go basis.

Review the current arrangements for a re-homing service and formalise the Authority's policy and procedures for managing stray dogs, whether they are:

- a. A banned breed or unsuitable for re-homing; or**
- b. A healthy dog that has exceeded the statutory timescale for Local Authority care.**

- 3.9 The Council is in negotiations with Battersea Dogs & Cats Home (BDCH) to re-home all future stray and abandoned dogs that are assessed to be fit to re-home at the end of the statutory period of confinement.
- 3.10 To finalise negotiations officers need to consider the council's formal policy with regard to how dogs are dealt with under the two circumstances outlined above.

A banned breed or unsuitable for re-homing:

- 3.11 Under the above mentioned legislation, banned breeds and dogs that are assessed to be unfit for re-homing purposes are required to be detained, fed and maintained by the Council for a minimum of seven days, after which they become the legal property of the Council. In order to comply with legislation, the Council is not legally allowed to pass on specified banned breeds to a third party and they are therefore currently destroyed. Where a stray or abandoned dog is assessed and deemed to be violent and uncontrollable, then the Council cannot pass such dogs on for re-homing and they are therefore destroyed.
- 3.12 Current practice is for these dogs to be humanely destroyed. The fee for destruction, transportation and disposal of the carcass is currently £100 per dog.
- 3.13 Based on previous year's figures it is estimated that in the next 15 months (until the end of the current contract arrangements) that 32 dogs will require euthanasia and disposal at a cost of £3,200. This cost will continue to be provided for within the Stray and Abandoned Dog budget.
- 3.14 It is therefore recommended that the council continues with this practice and formally adopts this as policy.

A healthy dog that has exceeded the statutory timescale for Local Authority care

- 3.15 Under the current legislation, dogs which have been detained, fed and maintained by the Council for a minimum of seven days, then become the legal property of the council.
- 3.16 At this point the council has no statutory obligation to continue both to maintain and feed the dogs or to re-home them.
- 3.17 The current practice is to continue to kennel and re-home these dogs, however there is another option available, which is to destroy all such dogs, irrespective of breed or temperament at this point, at a cost of £100 per dog
- 3.18 Officers have been in contact with Battersea Dogs & Cats home and are considering an arrangement with them whereby they will take our stray and abandoned dogs and will re-home them at no additional cost. They do require £40 to cover vaccinations and transfer of ownership legalities and paperwork.
- 3.19 However, they do periodically close the dogs home and refuse to allow Local Authority dogs into the kennel (e.g. parvo virus outbreak or kennel cough) and the Council will need a contingency plan to cover such circumstance. The proposal is that the dogs will remain in the Bromley

appointed kennel and that the Council will pay kennelling on a daily basis until such time as a place becomes available at BDCH, at an estimated cost of £15 per day per dog

- 3.20 Therefore, whilst it may be more cost effective to re-home the dog on day 8, at a cost of £40 rather than destroy it, the risk is that Battersea Dogs Home may have no vacant kennel for the dog, which could involve payment for further kennelling and exceed the £100 payment for euthanasia.
- 3.21 However, based on previous year's figures 20 dogs required additional kennelling beyond the statutory period for an average of 24 days costing £7,200. Members should note that numbers of dogs and length of stay in kennels can vary each year and therefore costs could be higher or lower than this estimate.
- 3.22 The cost of destroying these dogs on day 8 would have been £100 per dog. Therefore the additional cost to the Council of kennelling is estimated to be £5,200. This is contained within the existing budget.
- 3.23 Members should also be aware that, there may be adverse publicity associated with a Council who has a policy for destruction of healthy dogs and this could affect the Council's reputation and could also mean that many kennels and Dog Warden Services would refuse to work with Bromley. It has been inferred that our current Dog Warden contractor, SDK and Battersea Dogs Home would not work with Bromley under these circumstances. It is common policy amongst other Councils to re-home dogs rather than destroy.
- 3.24 The Portfolio Holder is therefore recommended given the low marginal cost of re-homing dogs and the potential negative impact on relation with contractors, to continue with the current arrangement of kennelling and re-homing healthy dogs at the end of the statutory seven day period and to adopt this as Council policy. Management will ensure a contingency budget is identified to cover for any dogs that require additional kennelling after the 7 days.
- 3.25 If the recommendations in this report are agreed then Officers will finalise negotiations with contractors and implement the new arrangements. At this stage it is unclear what the full year effect of the change from block booking to pay as you go will be, but officers are confident that given the number of dogs collected appears to be falling then expenditure will reduce. Management will consider any projected savings within the context of cost pressures elsewhere in the PPS Portfolio and then for future savings.

4. POLICY IMPLICATIONS

- 4.1 The Report is in line with the current Portfolio Plan for Public Protection and the Council's Building a Better Bromley Policy. However, a formal policy decision is required as to the future of stray and abandoned dogs at the end of the statutory period of confinement.

5. FINANCIAL IMPLICATIONS

- 5.1. The overall budget for the contracts providing the dog service is £169,140.
- 5.2 At this stage of the negotiations it is not possible to quantify the level of savings that will result from the changes in kennelling arrangements and confirmation of the re-homing policy. When Officers have finalised all of the new contractual arrangements, Members will be informed of the potential savings, after taking account of any service cost pressures within the Portfolio.
- 5.3 The Portfolio Holder is asked to formally adopt the existing euthanasia or re-homing practices at an estimated cost of £8,400, based on previous year's figures. These costs are contained within the £169,140 budget.

6. LEGAL IMPLICATIONS

- 6.1 Under the Environmental Protection Act 1990, sections 149 – 150 and the Clean Neighbourhoods & Environment Act 2005, the Local Authority has a statutory duty to provide a 24/7, 365 days per year collection service and kennelling service for stray and abandoned dogs.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	Street Environment Contract 2012-17/19; Street Cleaning; Graffiti Removal; Public Conveniences & Highway Drainage Cleansing ES11123/RES11150 (14/12/11)