

Decision Maker: Public Protection and Safety Portfolio Holder

For Pre-decision scrutiny by the Public Protection & Safety PDS Committee on

Date: Wednesday 18 January 2017

Decision Type: Non-Urgent Executive Key

Title: EXTENSION OF DOG AND PEST CONTROL CONTRACTS

Contact Officer: Jim McGowan, Head of Environmental Protection
Tel: 020 8313 4651 E-mail: Jim.McGowan@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: All

1. Reason for report

- 1.1 Following the report presented to the Public Protection & Safety Committee on September 28th 2016 the Portfolio Holder agreed to re-tender the Stray and Abandoned Dogs service and pest control service contracts.
 - 1.2 The final extension on Bromley's contracts for the Stray and Abandoned Dogs and Pest Control services expires on 30 April 2017 and unfortunately the procurement process for these contracts will not be completed in time for the new contracts to start on the 1 May 2017.
 - 1.3 This report therefore recommends that the current contracts are extended.
-

2. **RECOMMENDATION(S)**

The Portfolio Holder for Public Protection and Safety is recommended to:

2.1 Agree to the 'extension' of:

- The Dog Warden service from 1.05.2017 to 31.01.2018;
- Kennelling services from 1.05.2017 to 31.01.2018
- Rehoming service from 1.05.2017 to 31.01.2018 and,

The 'extensions' are to provide the necessary time for the Council to complete the European tender procurement process.

Impact on Vulnerable Adults and Children

1. Summary of Impact: no substantive impact on vulnerable adults and children
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Healthy Bromley:
-

Corporate Policy

1. Policy Status: Within existing Policy
 2. BBB Priority: Excellent Council Safer Bromley
-

Financial

1. Cost of proposal: £79k in total (detail is included in the financial section)
 2. Ongoing costs: £79k for 9 months
 3. Budget head/performance centre: Dog & Pest control contract (PPS) and Parks
 4. Total current budget for this head: £120k and £4k
 5. Source of funding: Existing revenue funding 2017/18
-

Staff

1. Number of staff (current and additional): 0.1 FTE
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement for Dog Warden and Dog Kennelling services
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of potential users/beneficiaries (current and projected): 310,000
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The council's statutory duties and current service arrangements are set out in detail in Appendix 1 and a summary of the current contract arrangements for the Stray Dogs and Pest Control contracts are:

Service	Name of provider	Annual Contract Value	Contract expiry date
Dog Warden	SDK Environmental Ltd.	£63,600	30 April 2017
Kennelling	Lodge Kennels	£24,000 (estimated)	30 April 2017
Rehoming	Battersea Cats and Dogs Home	£5,000 (estimated)	30 April 2017
Pest Control	SDK Environmental Ltd.	£12,000	30 April 2017

- 3.2 The Pest control contract is a preferred contractor scheme and a cost of £ 8k pa. is incurred by the Council on this contract for the two Traveller sites at Star Lane and Old Maidstone Rd. In addition to the regular baiting activity there is irregular pest control services carried out due to infestations of vermin or insects at these sites. The average annual cost of these treatments over the last five years is £4k. The council also receives regular monitoring bait points at nil cost in approximately 100 locations in the borough. The estimated value of the service to LBB is £12-15k per annum.
- 3.3 Due to the uncertainty of the future commissioning arrangements of the Public Protection Division, the decision to move ahead with the procurement of the Stray Dogs and Pest Control contracts was delayed. On 28 September 2016 at the Public Protection & Safety and Committee (Reference ES16043), Members considered the appropriate way forward for the Stray dogs and pest control contracts and the Portfolio Holder agreed that that they should be put out to competitive tender.
- 3.4 Due to the value of the contracts, Procurement officers have advised that this will be a European tender and as such the normal timescale for the European tender process (OJEU) is approximately 12 months from the date of authorisation to the contract award
- 3.5 Whilst the process for Procurement started soon after the Portfolio Holder's decision in September 2016 and the four specifications for stray and abandoned dog warden service, kennelling service, rehoming and pest control services have now been drawn up, ready for the tender process there is unfortunately insufficient time to run an OJEU process for the new contracts to commence by 1 April 2017. Advice from procurement is that the process is likely to be completed by the end of 2017 and that an extension has to be sought to the existing contractual arrangements, as summarised in paragraph 1.2.
- 3.6 In order to comply with Financial Regulations, it is necessary to extend the existing contracts by a sufficient amount of time to allow compliance with the OJEU timescales and this Report seeks authorisation to extend the contracts to 31st January 2018. The contractor(s) should then be appointed on February 1st 2018.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The provision of the service for pest control within the Borough is currently subsidised by the contractor for vulnerable local residents, where they are in receipt of benefits and unable to pay the full fee and able to arrange treatment. Removing this subsidy could have a detrimental effect on vulnerable adults and the knock on effect could impact further on

Bromley residents.

- 4.2 If rats, in particular, are left uncontrolled then their population will reproduce and multiply and it will impact on the local and wider Bromley Community.

5. POLICY IMPLICATIONS

- 5.1 This report is in line with the current Portfolio Plan for Public Protection and both the Quality Environment and Excellent Council elements of the Building a Better Bromley Plan.

6. FINANCIAL IMPLICATIONS

- 6.1 The table below shows the total cumulative spend with each contractor should the 'extension' be agreed: -

	SDK Env Ltd	SDK Env Ltd Pest Control	Total SDK	The Lodge Kennels	Battersea Dog & Cats Home
	£'000	£'000	£'000	£'000	£'000
Historical spend prior to 1.12.12 *	532.1	0.0	532.1	0.0	0.0
Cumulative spend from 1.12.12 to date 20.12.16 **	254.3	45.5	299.8	14.7	0.8
Estimated spend to end contract 30.4.17	26.5	5.0	31.5	9.2	4.6
Value of 'extension' to 31st January 2018	48.0	9.0	57.0	18.0	3.7
Total cumulative spend	860.9	59.5	920.4	41.9	9.1

* The cumulative spend for SDK includes some previous Kennelling and Pest Control contract costs under the original contracts.

** The value of the 'extension' for SDK Pest Control includes a small element of pest control for travellers sites, and parks for one-off infestations.

The contracts for the Lodge and Battersea started in February 2016.

It should be noted that the spend position from 1.3.15 to 30.4.17 for SDK Ltd is £162k.

- 6.2 In addition to the 'paid for' services above, SDK carry out regular baiting monitoring at over 100 sites within the Borough at nil cost. The estimated value of this service is £12k - £15k per annum.
- 6.3 The annual budget for these contracts is £124k, £4k of which is contained in the parks budget within the Environment Portfolio.

7. PERSONNEL IMPLICATIONS

- 7.1 The dog collection and kennelling service is currently contracted out, with minimal administrative and managerial responsibilities remaining as the responsibility of the London Borough of Bromley. Contract monitoring will be arranged in house. Existing staff that carry out these services may TUPE from the incumbent to any successful contractor.
- 7.2 The pest control treatment services are currently contracted out, with minimal administrative and managerial responsibilities remaining with the Council. However there is the need for a level of staffing to remain to deal with the enforcement of pest control matters.

7.3 Existing staff that carry out these services under the two contracts may, under TUPE be eligible to transfer from the incumbent to any successful contractor.

8 LEGAL IMPLICATIONS

8.1 This report seeks the approval of the Public Protection and Safety Policy Development and Scrutiny Committee to extend a contract for the provision of services relating to pest control and stray dogs, namely, a dog warden service, kennelling and a rehoming service. The contracts are to be extended over the periods stated in the recommendation.

8.2 There are existing contracts for the services which were entered into many years ago and extensions of time are required whilst a new procurement for the services takes place. The new procurement has been approved and the timetable for the new procurement is set out in a background paper to this report.

8.3 A small extension of time is required for each contract but these modifications are not considered substantial and therefore fall within the meaning of regulation 72(1) (e) and 72 (8) of the Public Contracts Regulations 2015.

8.4 Rule 23 of the Contract Procedure Rules provides that Chief Officers may approve variations to contracts where the value of the variation does not exceed £50,000.

8.5 Under sections 149 -151 of the Environmental Protection Act 1990 and the Clean Neighbourhoods & Environment Act 2005 the Local Authority has a statutory responsibility to provide a 24/7 dog collection service and kennelling service for confined dogs.

8.6 The report author will need to consult with the Legal Department regarding the execution of the variation to the contract.

9. PROCUREMENT IMPLICATIONS

9.1 Given that the indicated spend, since the introduction of the New Public Contract Regulations at the end of February 2015, is less than the value at which we would need to tender in line with their requirements and given that the intention is to regularise the contractual position at the end of the extension period. The actions proposed represent the best course of action to secure value for money at this time and allow for the future contract to be placed in line with the required legislation at the end of the extension period.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	ES16043 September 28 th 2016 ES15031 and ES15033 April 8 th 2016

Appendix 1

Stray and Abandoned Dogs

3.1 The Council has a statutory requirement to provide a 24/7 service for the collection and kennelling of stray and abandoned dogs.

3.2 The statutory service includes:

Dog Warden service

- A dog collection service for confined dogs on a 24 /7 basis in compliance with the Environmental Protection Act 1990, subject to the Clean Neighbourhoods & Environment Act Section 68.
- The delivery of seized dogs to the Council nominated kennel during their opening hours and temporary holding and care of dogs at the contractor's holding unit at times when the nominated kennel is closed.

Dog Kennelling

- To receive stray dogs collected by the Bromley appointed contractor and to undertake the safe custody and care of said animals until release or destruction (for banned or dangerous breeds) is authorised by the Council Authorised Officer.

Delivery of Veterinary care on the basis required.

Re-homing service

3.3 The London Borough Bromley has a non-destruction policy for healthy and safe dogs (that are not classified as a banned breed or dangerous) and therefore has a requirement to re-home dogs that are not claimed by their owners. The requirements for the re-homing service are as follows:

- On the eighth day of confinement in the Council's nominated kennel, preparations are made for the dog warden contractor to transfer the dog to the nominated kennels for re-homing.

3.4 All relevant statutory and non-statutory guidance and good practice relating to the welfare of dogs are to be followed. The services are currently delivered by three contractors:

Dog Warden service - SDK Environmental Ltd (SDK),
Kennelling services - Lodge Kennels, Bromley.

Re-homing service - Battersea Dogs and Cats Home

Pest Control Services

- 3.5 Although there is no specific statutory requirement for the Council to provide a pest control treatment service to the public, there are specific statutory obligations under Part I of the Prevention of Damage by Pests Act 1949 in relation to the Council having to keep its district clear of rats and mice. The Council is required to keep its own land free of rodents and to respond to complaints of vermin in its district. There is also a statutory obligation to deal with insect infestation under the Environmental Protection Act 1990 and the Public Health Act 1936.
- 3.6 As part of the existing contract regular pest control is delivered at a number of LBB sites within the borough:
- Star Lane and Old Maidstone Road Travellers Sites – monthly baiting activity at a cost of £8k per annum
 - Permanent monitoring bait points at suitable locations within Bromley Parks and the Depot premises; there are approximately 100 permanent monitoring bait points within these areas. This is carried out at nil cost to the Council as negotiated added value within the current contract. The estimated notional value of this service is £12-15k per annum.
- 3.7 In addition to the regular baiting activity there is irregular pest control services carried out due to infestations of vermin or insects at these sites. The average annual cost of these treatments over the last five years is £4k
- 3.8 The current contract also includes a concession arrangement, where officers refer residents to the preferred contractor and they deal with all aspects of providing the services. Residents and businesses requiring pest control services are charged by the contractor at a rate in accordance with the prices agreed via the tender process.