

CABINET – 1 DECEMBER 2004 PORTFOLIO: Health and Social Inclusion

EXECUTIVE SUMMARY – OUT OF HOURS SERVICE FOR THE COLLECTION OF STRAY DOGS

Summary of Purpose and Recommendations:

The purpose of this report is to outline the progress on the consortium based approach of Hampshire local authorities to the provision of an out hours service for the collection and seizure of stray dogs, due to the impending change in legislation which will absolve the Police of their responsibility for dealing with strays. The report highlights the legal position to date and details the cost to the Council following the results of the tender process.








The recommendations are that the Cabinet:

- i) Support the consortium based approach pursued by the Hampshire Chief Environmental Officers' Group, for the transfer of the stray dog duties carried out by the Police to the local authorities; and
- ii) Agree to the estimated cost of £36,000 for the provision of the out of hours stray dog collection service by Animal Wardens for a period of 5 years and to authorise the Assistant Director of Environmental Health to enter into a contract with the company commencing on the 1st February 2005.

Cost to Council: Estimated to be £36,000

Within existing budget: No, £16,000 in current budget with a bid of £20,000 for inclusion in the 2005/06 budget

Contribution to Corporate Plan (Minor/Moderate/Major/Neutral):

	+		-		+		-
	Major			Priorities			
	Major			Clean Streets and Public Space	Major		
		Neutral		Crime and Disorder	Major		
	Major			Housing		Neutral	
	Major			Managing our Finances		Neutral	

Comments on Impacts on Corporate Objectives and Priorities:

This will involve partnership working with other local authorities in Hampshire to provide a cost effective service for the collection and seizure of stray dogs outside of normal office hours.

The out of hours service is considered necessary to promote social and environmental well being by ensuring that stray dogs are not left to roam the district during times when the Council offices are normally closed.



OUT OF HOURS SERVICE FOR COLLECTION OF STRAY DOGS

1. INTRODUCTION

- 1.1. Under current legislation responsibility for stray dogs is split between the police, who work on a 24 hour, 7 days a week basis and local authorities operating during normal working hours. In 2003/2004 there were over 500 stray dogs in the New Forest of which around 290 were handled by the police and 232 by New Forest District Council Dog Wardens.
- 1.2. Following a number of Best Value Reviews and a national working party looking into reducing police bureaucracy, the Police consider that they should remove their responsibility for stray dogs. They will currently retain their responsibility for straying dogs on the highway, injured and dangerous dogs. This view is being supported by the Government and was a proposal in the recent consultation paper on Clean Neighbourhoods (June 2004)
- 1.3. Locally, the Chief Constable for Hampshire advised local authorities that the Police would cease to accept stray dogs at police stations from 1 April 2003 but following discussions it was agreed that Hampshire Local Authorities would work with the police to examine the feasibility of providing an alternative service out of hours. As a result the deadline has been extended whilst this work continued with the latest deadline being set at 1st January 2005.
- 1.4. However, provision of an out of hours service is more complicated and was considered to be more expensive if each of the local authorities made arrangements individually. Accordingly, it was agreed that a joint approach for procurement would be followed, with authorities having the choice to either provide the service in house or use a private contractor to support the existing service out of hours, once tenders were received.
- 1.5. Alternatively, local authorities could decide to take no action to deal with out of hours notifications of stray dogs, other than to advise people to hold the dog until the dog warden can collect them the next working day, and instead await the repeal of the law which currently imposes on the Police the duty to accept stray dogs at police stations.

2. RELEVANT LEGISLATION

- 2.1 The following is a summary of the current legislation relating to the stray dog issue although it should be noted that the recent Clean Neighbourhoods Consultation document has proposed that the provisions relating to police involvement with strays be repealed, leaving a residual duty to local authorities. It is therefore only a question of time before this is enacted and the sole responsibility for dealing with strays passes to local authorities.
- 2.2 The Dogs Act 1906 gives the Police a discretionary power to seize stray dogs in public places. However, the Act requires the Police to treat as strays seized by them any dog taken by a finder to a police station. The Police then become responsible for the dog's welfare until it is claimed or otherwise disposed of. Some of the costs involved can be reclaimed from the owner of the dog, if known.

- 2.3 Under the Environmental Protection Act 1990, local authorities are required to appoint an officer to seize stray dogs in public places and on private land, subject to the occupier's consent. The local authority then becomes responsible for the dog's welfare until it is claimed and certain costs, including a statutory fee of £25, are payable by the dog's owner if they can be found. Based on statistics collected during recent years an average of 42% of stray dogs seized in the New Forest District Council's area are not claimed nor are their owners able to be traced, at an average cost to the service of approximately £120 per dog.
- 2.4 Guidance given in Circular 6/92 states that local authorities will need to ensure that there are appropriate arrangements for receiving and dealing with stray dogs found or reported out of usual hours. These arrangements have been facilitated to date by working with the Police. In return, most local authorities in Hampshire collect, within normal working hours, stray dogs which have been accepted by the Police and also those kennelled at local police stations overnight or at weekends.
- 2.5 The Police consider that relying on them to deal with out of hours stray dogs does not constitute "appropriate arrangements" and local authorities are failing in their duty under the Act. Local authorities, on the other hand, do assist the Police by physically collecting and subsequently taking responsibility for dogs received at police stations where the police have been unable to find the owner or re-home them.

3. PROGRESS TO DATE

- 3.1 Although the legal position regarding the repeal of the existing provisions for the Police to receive strays is still not yet resolved it is clear that this will eventually take place as indicated in the recent Clean Neighbourhoods Consultation Paper. For these reasons the Hampshire Chief Environmental Health Officers' Group has been negotiating a managed transference of the duties for dealing with stray dogs and developing a consortium based approach to out of hours service provision across the County. As a result the Police have agreed to some delay in implementation of their decision to cease accepting strays in view of the action being taken by local authorities to address the problem.
- 3.2 There are obvious advantages of a jointly run service with all the Hampshire local authorities sharing the costs involved. It was decided this would take the form individual contracts bundled together as a single package rather than a single contract let by one local authority with individual agreements with the remaining local authorities for contributions towards the contractual costs. It was felt that this was a more realistic approach given the amounts involved and the preference for contractors to favour a minimum contract period of five years.
- 3.3 Inevitably because of differing resource constraints across the County and variations in political priorities and operational arrangements it has not been possible to secure the involvement of all local authorities in the new out of hours service. At present the following authorities have agreed to participate although this is still subject to final executive approval by those shown:

- a) East Hampshire District Council
- b) New Forest District Council
- c) Rushmoor Borough Council
- d) Test Valley Borough Council

- 3.4 The remaining authorities in Hampshire have either chosen not to provide a service at this stage or have alternative plans to cover the out of hours period with existing staff through standby arrangements.
- 3.5 The service to be provided out of hours will include the following aspects
- (i) the provision of a response to members of the public, or organisations acting on their behalf, who have made notifications about the possession of stray dogs outside of normal working hours;
 - (ii) the provision of a collection service for such stray dogs and any temporary kenneling and urgent or emergency welfare arrangements for the stray dogs;
 - (iii) the transportation of the stray dogs to premises designated by the Council during the morning of the next normal working day
- 3.6 As monitoring data suggested that it was not necessary to provide a 24/7 level of service the contract service will be provided on Mondays, Tuesdays, Wednesdays and Thursdays during the hours of 17:00 to 01:00 the following day and at weekends from 16:00 on Friday to 01:00 on Saturday and from 09:00 on Saturday to 01:00 on Sunday and from 09:00 on Sunday to 01:00 on Monday. The hours for Bank and other public holidays will commence at 16:00 on the normal working day immediately preceding the Bank Holiday or other public holiday to 09:00 on the normal working day immediately following the Bank Holiday or other public holiday excluding the hours of 01:00 to 09:00 on any day.
- 3.7 Tender documents based on this level of service were prepared and contractors who responded to an advert inviting expressions of interest were asked to submit a tender for the provision of the service. The contract period will be 5 years and is likely to commence on 1st February 2005.
- 3.8 Dogs notified as strays during normal working hours will be dealt with by existing local authority Dog Wardens but those notified outside such hours pose the main problem and they could number well in excess of 1,000 across the County. The police figures suggest that around 80% of these out of hours notifications are made during the period from 17:00 to midnight.
- 3.9 For information purposes, the number of stray dogs dealt with in New Forest by the Council during the year 2003/04 was 232 with about £7,500 being recovered from owners by way of the statutory £25 fee and kennelling costs.

4. TENDER RESULTS

- 4.1 3 companies responded to the expressions of interest and were invited to tender. One company declined to tender but 2 tenders were received.
- 4.2 Both contractors were assessed using a tender evaluation process based on both quality and price at an assessment day in October. As a result of the evaluation the contractor 'Animal Wardens' were selected as the preferred contractor for the provision of the contract service.

5. FINANCIAL IMPLICATIONS

- 5.1 For legal reasons it is proposed that the contractor will have individual local authorities whose area is covered by the contract. In order to allocate the overall costs on an equitable basis the total contract amount is to be divided up and the costs shared on the basis of population size as this influences the numbers of stray dogs that will be collected. Based on this formula the cost to the remaining authorities is indicated below, with a cost to New Forest of around £36,000. However, it should be noted that the final cost will be dependant upon the final number of local authorities within the consortium as the costs could rise proportionately if less authorities participate. It is hoped to be able to provide a verbal update at the meeting of the latest position on the consortium members and any changes in the cost to this authority.

East Hants £21,000

New Forest £36,000

Rushmoor £17,000

Test Valley £21,000

- 5.2 A bid of £20,000 has been included in the current expenditure plan process and this, together with the existing budgetary allocation for the handling of stray dogs, will cover the estimated £36,000 required for the provision of the out of hours service.
- 5.3 Even though the cost has escalated with the withdrawal of many Hampshire authorities from the consortium, it is still considered that a joint venture with the remaining three local authorities is the most cost effective way of providing the out of hours service.
- 5.4 Members should be aware that this report is being considered outside of the expenditure plan process and therefore if agreement is reached to the recommendations this becomes a prior commitment, and therefore the highest priority, compared to the other bids that are being considered as part of the normal budget process.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There could be considerable environmental implications if a Local Authority decides not to deal with stray dogs out of normal working hours. Whilst the Police will currently continue to be responsible for dealing with dangerous dogs, without an out of hours service for the collection and seizure of strays there could be considerable issues with dogs roaming wild at weekends and evenings creating potential hazards to the public.
- 6.2 There is, as part of the Police Reform Act, a proposed Ancillary Tasks Package for Local Authorities, this amongst other task transference mentions the relinquishment of any Police involvement relating to animals. At present little is known about what this actually relates to, but it could perhaps move responsibility for dealing with dangerous dogs onto the Local Authority, thus transferring even more functions onto the Dog Warden Service. Bearing in mind the public concern over dog issues in general, the failure to provide any service is likely to attract considerable criticism of the Local Authority. In addition, there would no doubt be issues raised of dog fouling and damage by stray animals.
- 6.3 In September 2003 Hampshire Constabulary commissioned an internal stray dog survey. The findings from information available from the various Police Divisions within Hampshire showed that the New Forest Police dealt with the most dogs within the County with figures equating to around 37 dogs per month or 9 dogs per week. In a 24 hour 7 days per week operation this would equate to at least one per evening and it should be noted that these dogs were ones that had actually been booked into the Police Stations. The number of actual stray dogs within the district out of hours cannot be accurately gauged as there will inevitably be times and reasons why a finder cannot physically go to the nearest station to hand a dog over. These figures may be under estimated as the accuracy of the survey could be disputed due to Police recording issues.

7. CRIME AND DISORDER IMPLICATIONS

- 7.1 There will be Crime and Disorder Implications should the Local Authority fail to deal with stray dogs out of hours in that dogs quite often cause a nuisance to the public through noise and their general presence. In addition members of the public regularly complain about stray dogs and in particular the fear they can cause to children and elderly people when they are roaming loose unattended by their owners.

8. CONCLUSIONS

- 8.1 It has been clear from the outset that the Police are determined to implement their policy of ceasing to deal with stray dogs, but negotiations have achieved a delay in implementation because of the positive action taken so far by the Hampshire local authorities. It is therefore disappointing that the final outcome is less than would have been hoped for with only a handful of authorities participating in the consortium and some authorities choosing to provide no service at all.
- 8.2 However, with tenders now received this authority needs to decide if it wishes to be included within the consortium and if not, what alternative provisions it may put in place to provide for the receipt of stray dogs out of hours. Alternatively it could await any changes in legislation and act accordingly at that time. However this option will leave the public without a service and dogs will not be dealt with outside of normal office hours.

9. PORTFOLIO HOLDER COMMENTS

- 9.1 The Portfolio Holder was disappointed that only 4 local authorities remain in the consortium, which consequently has resulted in an escalation in the cost to this authority. However, she supports the recommendations as she is of the opinion that it would be detrimental not to have an out of hours service for the handling of stray dogs due to the public safety concerns and dog welfare issues and felt that this approach to the service provision was still the most cost effective solution.

10. RECOMMENDATIONS

10.1 Cabinet is recommended to:

- i) Support the consortium based approach pursued by the Hampshire Chief Environmental Officers' Group, for the transfer of the stray dog duties carried out by the Police to local authorities; and
- ii) Agree to the cost of around £36,000 per year for the provision of the out of hours stray dog collection service by Animal Wardens for a period of 5 years and authorise the Assistant Director of Environmental Health to enter into a contract with the company commencing on 1st February 2005. This being with the proviso that the costs do not substantially increase above the current estimate of £36,000.

For further information contact:

Annie Righton
Assistant Director (Environmental Health)
023 80 285114
annie.righton@nfdc.gov.uk

Carole Gallagher
Environmental Health Manager (Environmental Protection)
023 80 285162
carole.gallagher@nfdc.gov.uk

Mat Robinson
Senior Environmental Health Officer
023 80 285167
mat.robinson@nfdc.gov.uk