

SOUTH LAKELAND DISTRICT COUNCIL

Delegated Executive Decisions

On **Thursday, 26 January 2023, on the rising of the meeting of the Management Team**, the following report(s) will be considered under powers delegated to Portfolio Holders, the Chief Executive and Directors for the discharge of the Council's Cabinet functions carried out within their area of responsibility.

Copies of these reports have been sent to the relevant Portfolio Holders (and all Members of the Cabinet for information), the Chief Executive, all Directors and the Monitoring Officer.

Cabinet Members, or any of the other consultees, may object to the report within five working days - **by 5.00 p.m. on, Wednesday, 25 January 2023** - by notifying the Officer named on the report of the objection and requesting that the matter be referred to the next meeting of the Cabinet for determination.

PART I

1 STRAY DOG COLLECTION AND KENNELING CONTRACT 2023 -2027

To consider the award of contract for the Stray Dog Collection and Kennelling service to enable the Council to fulfil its statutory duties.

PART II

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

While there are no decisions to be taken in Part II of the agenda, please note Part II Appendix 1 to the report at Agenda Item No. 1 (Stray Dog Collection and Kennelling Contract 2023-2027).

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South Lakeland District Council Delegated Executive Decisions

Date of Proposed Decision: Thursday, 26 January 2023

Stray Dog Collection and Kennelling Services Contract 2023 -2027

Portfolio: Customer and Locality Services Portfolio Holder
Decision Maker: Director of Customer and Commercial Services and Customer and Locality Services Portfolio Holder
Report Author: Elaine Hall – Customer Services Team Leader
Wards: (All Wards);
Forward Plan: Key Decision included in the Forward Plan as published on 8 November 2022

Links to Council Plan Priorities:

Working across boundaries – N/A
Delivering a balanced community – N/A
A fairer South Lakeland – N/A
Addressing the climate emergency – N/A

1.0 Expected Outcome

1.1 The award of a four year contract from 1 April 2023 to 31 March 2027 for the Stray Dog Collection and Kennelling service to enable the Council to fulfil its statutory duties. Following a procurement exercise the letting of this contract will help with the delivery of a value for money service to the people of South Lakeland.

2.0 Proposed Decision

2.1 It is recommended that:-

- (1) The contract for the Stray Dog Collection and Kennelling service is awarded to the recommended bidder being the most economically advantageous tender in line with the Public Contract Regulations 2015 and more fully described in tender documents as identified in the Part II Appendix 1 to this report for commencement on 1 April 2023 for a term of 4 years; and**
- (2) The Director in consultation with the Lead Specialist for Legal, Governance and Democracy (Monitoring Officer) enter into the appropriate contract.**

3.0 Background and Proposals

Please note that in accordance with Section 100B(2) of the Local Government Act 1972, copies of the appendix to this report are excluded from inspection by members of the public as they contain information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows:-

- Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Paragraph 3) In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 3.1 The Environmental Protection Act 1990 places a statutory duty on local authorities to receive, detain and re-home unclaimed stray dogs. In April 2008 the Clean Neighbourhoods and Environment Act 2005 introduced additional duties for local authorities to accept stray dogs outside of normal office hours. These duties were previously carried out by the Police.
- 3.2 These duties can be delegated to a third party contractor. In April 2019 South Lakeland District Council (the Council) entered into a four year contract for the collection, acceptance and kennelling of stray dogs following a procurement exercise. This contract comes to an end on 31 March 2023 and there is no provision for an extension.
- 3.3 The current contract arrangements have worked well and no complaints have been received from users of this service.
- 3.4 The following gives an indication of the demand experienced by the Council's existing service in recent years. These figures were given in the procurement specification by way of assistance, not limitation, and the service must cater for whatever numbers occur.

Year	Dogs returned to owner without being kennelled	Dogs kennelled
2019	45	27
2020	25	7
2021	21	8
2022 (until 30/11)	15	18

- 3.5 Approximately half of the stray dogs kennelled are not reclaimed by their owners and require re-homing after the statutory 7 day retention period. The tender specification requested prospective bidders to provide details of their proposed re-homing procedure as this is considered to be an important consideration in delivering this service. These proposals were considered in detail as part of the evaluation process and were included within the quality assessment.
- 3.6 The tender specification stipulated that the kennels used to fulfil this contract must be licensed by the Council and comply with its licensing requirements.
- 3.7 In accordance with Rule 7.3 of the Council's Contract Procedure Rules, the contract opportunity was advertised on the North West e-tendering portal, The Chest, from 24 November until 14 December 2022 and the letting of this contract has been subject to a procurement process which is required in line with current legislation and the Councils' Constitution. Responses to the tenders were evaluated on 16 December 2022 by the Case Management Officer (Support Services) and Customer Services Team Leader. A summary of the scores and a preferred supplier has been identified in the Part II Appendix.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Tender Submission Evaluation (Part II)

5.0 Consultation

5.1 Discussions have been held with Officers from both Eden District Council and Barrow Borough Council to see if there was any opportunity to link in with their provision or to undertake a joint procurement exercise in light of Local Government Re-organisation in Cumbria, but this has not been possible at this time due to existing contract arrangements.

6.0 Alternative Options

6.1 The option being recommended is as a result of a compliant procurement process. Alternative options are set out in paragraphs 6.2-6.5 below.

6.2 Bring the service in-house: this is not a preferred option as a significant level of resource would be required to operate an in-house service. The Council does not have the kennelling facilities and associated infrastructure needed to provide the kennelling and re-homing service.

6.3 Complete a joint procurement exercise with Eden and/or Barrow District Councils: This option has been explored and rejected at this time due to the contract arrangements our neighbouring authorities already have in place.

6.4 Withdraw the service: The receiving, detaining and rehoming of stray dogs is a statutory function and cannot be withdrawn.

6.5 Reduce the service and reduce costs: The tender specification is based on the statutory minimum requirements. It cannot be reduced further and still comply with legislative requirements.

7.0 Implications

Financial, Resources and Procurement

7.1 The procurement has been included on the Procurement Schedule and Forward Plan. A procurement exercise has been undertaken to meet best value in line with the Constitution and Public Procurement Regulations. The Invitation to Tender documentation contained a standard paragraph notifying the tender of the Local Government Re-organisation and the contract would transfer to Westmorland and Furness Council. The tender analysis report is in Appendix 1.

7.2 Annual costs will be met from revenue budgets and are indicated in the Part II appendix report.

7.3 The Council will continue to have control over the setting of the reclaiming charges which apply to the public. These will be reviewed annually in line with the Budget Process timescales.

Human Resources

7.4 There are no staffing implications for the Council.

Legal

- 7.5 The Environmental Protection Act 1990 places a statutory duty on local authorities to receive, detain and re-home stray dogs. In 2008 the Clean Neighbourhoods and Environment Act 2005 extended these duties to deal with stray dogs outside of normal office hours.
- 7.6 In accordance with Rule 2.2.4 of the Contract Procedure Rules, this report seeks approval from the relevant Director and Portfolio Holder by delegated executive decision, to award a contract to the recommended bidder being the most economically advantageous tender as noted in the Tender report in the Part II Appendix 1. The matter has been on the Forward Plan as per Rule 2.2.4. Approval is also sought to enter into the appropriate contract.
- 7.7 Legal Governance and Democracy Specialists will advise on the contract documentation to ensure that there are appropriate terms and conditions in place to safeguard the Council's interests.
- 7.8 Due to the impending changes under Local Government Re-organisation in Cumbria, the Council must comply with the Direction of the Secretary of State under section 24 of the Local Government and Public Involvement in Health Act 2007 ("the Direction"). The Direction requires the Council to have the consent of the Westmorland and Furness Shadow Authority to, amongst other things, enter into a non-capital contract under which the consideration payable by the Council exceeds £100,000 and the term of the contract extends beyond 01 April 2023 or may be extended beyond that date. In turn the Westmorland and Furness Shadow Authority has issued a general consent for the purposes of the direction ("the General Consent") meaning that provided a proposed contract is within scope of the General Consent, the Council does not need to apply for individual consent. The General Consent includes consent for non-capital contracts for which the maximum consideration payable does not exceed £2,000,000 the term of the contract extends beyond 1 April 2023 or may be extended beyond that date.

In light of the value of the contract referred to in the Part II appendix report consent is not needed in this case.

Health, Social, Economic and Environmental

- 7.9 A Health, Social, Economic and Environmental Impact Assessment has not been carried out, however, as part of the tender process prospective bidders were required to state their social values, environmental objectives and considerations, alongside their employment and recruitment procedures. These areas were considered as part of the tender evaluation.
- 7.10 The collection and kennelling of stray dogs has positive benefits for communities and the quality of life of its residents and contributes to the enhancement of the high quality environment of the district.
- 7.11 This proposal is considered to have a positive impact on sustainability. The preferred bidder participates in several programmes which have positive environmental and socio-economic impacts.

7.12 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
Environment and Health	Greenhouse gases emissions				X
	Air Quality				X
	Biodiversity				X
	Impacts of Climate Change				X
	Reduced or zero requirement for energy, building space, materials or travel				X
	Active Travel				X
Economy and Culture	Inclusive and sustainable development				X
	Jobs and levels of pay				X
	Healthier high streets				X
	Culture, creativity and heritage				X
Housing and Communities	Standard of housing				X
	Access to housing				X
	Crime				X
	Social connectedness				X

Equality and Diversity

7.13 Have you completed an Equality Impact Analysis? No

7.14 An equality and diversity impact assessment has not been carried out as it was not considered appropriate for this contract as it is believed that the proposals do not disproportionately affect any specific group of people.

7.15 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"					
Age	P		0	X	N
Disability	P		0	X	N
Gender reassignment (transgender)	P		0	X	N
Marriage & civil partnership	P		0	X	N
Pregnancy & maternity	P		0	X	N
Race/ethnicity	P		0	X	N
Religion or belief	P		0	X	N
Sex/gender	P		0	X	N
Sexual orientation	P		0	X	N
Armed forces families	P		0	X	N
Rurality	P		0	X	N
Socio-economic disadvantage	P		0	X	N

Risk

Risk	Consequence	Controls required
Potential judicial review for failure to provide statutory service	Financial and legal risk to the authority	Put in place a service that meets the Council's legal obligations
Customer satisfaction levels decrease	Complaints from members of the public	Ensure robust management of the new contract

Contact Officers

Elaine Hall, Customer Services Team Leader, telephone: 01539 793419, email: e.hall@southlakeland.gov.uk

Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Part II Appendix - Tender Submission Evaluations.

Background Documents Available

None

Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	16/12/22	30/12/22
Section 151 Officer	16/12/22	30/12/22
Monitoring Officer	16/12/22	30/12/22
CMT	16/12/22	Comments received.

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	16/12/22
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A

Note – Report authors must consult the relevant Portfolio Holder, members of the Corporate Management Team, the Monitoring Officer, and any other interested parties before a decision can be taken. If any objections are received, they must be reported at the meeting before the decision is taken.

Signed by:-	Title:-

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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