

Subject:	Animal Welfare Facility		
Date of Meeting:	25th January 2018		
Report of:	Executive Director Neighbourhoods, Communities and Housing		
Contact Officer:	Name:	Nick Wilmot	Tel: 01273 /292157
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Ward(s) affected:	All wards		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Environmental Protection Act 1990 imposes on local authorities a statutory duty to care for stray dogs. This is currently provided by in-house animal wardens using private kennels near Crawley and an out of hour's service based in Hailsham.
- 1.2 This report discusses a new proposal to build and provide an animal welfare facility, at Hangleton Bottom, as part of the redevelopment works to accommodate City Parks.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves a proposal to build and run a new in-house animal welfare facility at Hangleton Bottom to enable the Council to discharge its responsibilities in relation to stray dogs more effectively while also providing the opportunity to generate income on a costs neutral basis for discretionary kennelling and cattery services, this in the way outlined in paras 4.2 and 4.3 below.
- 2.2 That the Executive Director, Neighbourhoods, Communities and Housing be authorised to take all steps necessary to implement the proposals.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The city council's Animal Welfare Team was redesigned in 2015/16 to achieve departmental savings. The service redesign delivered savings of £150K per annum.
- 3.2 The Animal Warden Team focuses on delivering the council's statutory duties only, which includes the duty to care for stray dogs. The team cares for approximately 200 stray dogs per annum. This statutory duty is imposed by section 149 of the Environmental Protection Act 1990.
- 3.3 This service is currently provided by in-house Animal Wardens (2 FTEs) and private kennelling providers based at Crawley.

- 3.4 This duty to care for stray dogs was strengthened by the Clean Neighbourhoods and Environment Act 2005, when caring for stray dogs became solely the council's responsibility.
- 3.5 When the responsibility for stray dogs became solely the council's in 2006, the council had to provide cover for evenings, weekends and bank holidays. This was previously provided by the police.
- 3.6 To discharge this duty the council uses a private contractor to deliver the out of hour's service that operates evenings/nights and at weekends/bank holidays. This service provides a collection and kennelling function. The stray dogs are kennelled at the contractors Hailsham kennels.
- 3.7 The minimum service required is a drop off point in the city for finders to take strays where they can be cared for. Our current out of hour's services exceeds this minimum statutory requirement.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 A number of different solutions for the provision of an out of hours, stray dog service have been tried over the last few years and have failed. The reasons include.
- The police continuing to provide the out of hour's service. The police were not interested in providing an out of hour's service that the council would pay for.
 - In-house provision and external private kennels. We first tried using the council's emergency out of hour's officers, plus a private kennel provider in Newhaven. This did not work, due to the officers finding it difficult to fit this work around other existing duties. Also the contractual relationship with our private kennel provider proved difficult.
 - A drop off point using a local vet practice. This trial lasted only 3 months. The vet practice did not want to continue the arrangement due to concerns over lone working and the potential for work place violence by some service users. Discussions with other vet practices both at the time and more recently have not resulted in any interest in providing this service.
 - Utilising current departmental workforce. There was a lack of interest by the existing workforce to carry out these additional duties.
 - The RSPCA and Dogs Trust have both been approached and are unable to provide this service.
 - Using a private company called 'The Animal Wardens'. We have invited the company to bid for this contract during each procurement cycle but no bids were received.

The Business Case and Proposal.

- 4.2 The proposal is to build an Animal Welfare facility at Hangleton Bottom as part of the parks service redevelopment plans. This facility will house all stray dogs from the city. The unit will also house dogs from Adur and Worthing, the police, the NHS, adult social care and housing. It will also be used to house the pets of residents, who are evacuated from their homes during a major incident.
- 4.3 It is proposed to offer some services to the wider community including cattery services. This is to fill a gap in the market for cattery spaces in the city and will generate income, although the facility will be cost neutral to the council..
- 4.4 The facility has been designed by the property and design team. Planning permission is being sought for the facility in January 2018.
(see appendix 1-5).
- 4.5 The facility to include 14 kennels (with room for expansion). A cattery of 25 units, office space for the animal warden team and the council's pest control team.
- 4.6 The aim of this venture is to deliver the statutory stray dog service more effectively while generating income to support the service via a facility which is cost neutral..
- 4.7 We have agreement from Adur and Worthing Council, the police, the NHS, Adult social care and housing to use these kennels. This will generate additional income for the unit.
- 4.8 There are significant non-cashable benefits to the organisation. These are.
- Improve the welfare of animals in council care. Currently provision is a mix or private providers based in Hailsham and Crawley.. Journey times can be lengthy depending on the time of day and create stress for the animals during transit. A kennelling facility in the city will reduce this by providing better journey times and less stress for animals. It will also free up officer time to rehabilitate abandoned dogs in our care with behaviour issues, reducing the need to euthanize them. .
 - Improve customer service. Currently customers have to wait until an animal warden is free to travel to Crawley or Hailsham to collect a dog once the finder has come forward. There are currently no returns at weekends. A facility in the city will mean a dog can be returned faster to its owner, reducing the cost to the council of over weekend stays. It will also reduce the stress on the animal being kennelled for a longer period of time.
 - Reduction in officer time transporting dogs in our care. Currently the animal wardens have to travel to Crawley or Hailsham on a daily basis to kennel a dog, return a dog, or work with dogs (to make them re-homeable) that are in our care for more than 7 days and need rehoming. A facility in the city will significantly reduce this by 10 hours a week, or approximately 520 hours a year. This will free up officer time to carry out other duties.

- Reduce reliance on 2 contractors. Every 3 years the outsourced part of the service is re-procured. Organisations such as the dogs trust, RSPCA, local vets and other local kennel providers are invited to tender. Historically only our current providers bid for these contracts. There is therefore a risk that should one of these suppliers fail the service may not be able to find another supplier. Moreover, there is also a risk that future price rises by these contractors may put pressure on the regulatory services budget.
- Shared service provision with Adur and Worthing. Discussions with the Director of Environment at Adur and Worthing Council have resulted in an initial commitment to be part of the project, with potential funding. Adur and Worthing pick up 160 dogs per annum with 35 requiring re-homing and the remaining dogs returned to their owner. Adur and Worthing has suggested they will require 3 kennels to be reserved for them. Initial calculations show that this would bring in an income of £25k per annum.
- Creating Employment. It is proposed that a Kennel Manager post is created. It is proposed that 4 full time kennel staff are employed on scale 1/2 (subject to job evaluation). These staff will be line managed by the Kennel manager with additional support provided by volunteers, linking in with the council's volunteering programme. Links will also be formed with education establishments such as Plumpton College, with the potential to create opportunities for apprentices.
- Creating volunteering opportunities and partnership working. The Animal Warden Team work in partnership with Brighton Dog Watch. Brighton Dog Watch is a properly constituted group, support by Brighton and Hove City Council. They campaigned to save the council's animal welfare team in 2016 and submitted a petition to Full Council in 2016 with 5,000 signatures. Additionally, they won the council's City Innovation Challenge award in 2016 and one of their ideas was to provide volunteering support for the Councils redesigned Animal Warden Team. Brighton Dog Watch will be a key partner in this project
- Supporting neighbourhood delivery. This neighbourhood hub will be the supporting service for neighbourhood delivery. It will provide expertise and support neighbourhood hubs with dog related issues, including providing support to field officers that find stray dogs and other animal enforcement issues. It will generate income from various sources such as the housing department, which house dogs that have been left in council property after it has been vacated or housing tenants that have died and the dogs need temporary kennels until next of kin are identified. Adult social care for clients that require additional support, the NHS for patients that need kennelling for their dogs and the police to house dogs of individuals they have taken into custody.

5. ENGAGEMENT & CONSULTATION

- 5.1 The initial business case was presented to the Corporate Modernisation Delivery Board in spring 2017. The board asked for more detailed costing and to include a cattery in the proposals.

- 5.2 This work was completed in October and was presented to the Executive Director Neighbourhoods, Communities and Housing Modernisation Board in October and was approved.
- 5.3 The business case was then presented to the Council Corporate Modernisation Board on 8th November and was approved.
- 5.4 A planning application has been submitted and will go through the normal planning process. .

6. CONCLUSION

- 6.1 The project will deliver the Council's statutory stray dogs service in house rather than via a mix of private providers. The proposed animal welfare centre will generate income for the Council by offering animal kennelling services, this on a basis which is cost neutral to the Council
- 6.2 This proposal has non cashable benefits.
- 6.3 The new service will significantly Improve the welfare of dogs in council care
- 6.4 The business case has been approved by the Neighbourhoods, Communities and Housing Modernisation Board and Councils Corporate Modernisation Board.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The kennel and cattery facility as proposed in this report is estimated to be cost neutral to the Council, with net budgets remaining at the current level of £0.131m which is the current cost of the animal welfare team. The estimates include the repayment of an internal loan of £0.160m over 10 years to pay for the capital cost of building the facility. Although this may not deliver cash savings in the short term, there are many non-cash savings as outlined in the body of the report. .

Finance Officer Consulted: Monica Brooks

Date: 15/01/18

Legal Implications:

- 7.2 Bringing Brighton & Hove City Council's delivery of its statutory duties in relation to stray dogs 'in-house' does not in principle present any legal issues. Building new premises to facilitate the Council's discharge of its functions represents a legitimate use of the powers available to the Council under S111 of the Local Government Act 1972, which gives local authorities a wide discretion as to how they exercise their own statutory functions.
- 7.3 The proposals also involve offering animal kennelling services to third parties on a discretionary basis. Local authorities may provide services to a list of named 'public bodies' using powers available under the Local Authorities (Goods and Services) Act 1970, for profit (R v Yorkshire Purchasing Organisation, ex p British Educational Suppliers Association). However those powers are not available

where the Council is offering kennelling services to public bodies (such as NHS trusts) which are not on the afore-mentioned list, and/or to cattery facilities offered to the wider public. As a result the Council may not use its powers under the 1970 Act. However it may instead rely on its Localism Act 2011 powers, which provide the Council with a general power of competence to do anything which an individual may do, whether for the benefit of the authority, its area or residents, or otherwise (S1), and to charge for a service where the recipients agree to pay (S3), this provided that the income received in does not exceed the costs of provision.

- 7.4 It is noted that the proposals to offer an animal welfare facility specifically provide that the facility will not make a profit, but will instead be delivered on a cost-neutral basis. Given this, the proposals are considered to represent a permissible use of the Council's Localism Act powers cited in para 7.3 above. Should the position regarding income change at a future point then the Council would need to consider setting up a company using its powers under section 4 of the Localism Act 2011. In order to do so, it would first need to bring a further Report to Committee which explores amongst other things the employee and tax implications of setting up a company, this by reference to a detailed business case.

Lawyer Consulted: Victoria Simpson

Date: 15.01.18

Equalities Implications:

- 7.3 There are no equalities implications.

Sustainability Implications:

- 7.4 A facility in the city will significantly reduce vehicle movements and travel time. it is estimated it will reduce officer time by this by 10 hours a week, or approximately 520 hours a year. This will free up officer time to carry out enforcement duties.

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Site plan
2. External View
3. Floor Plan
4. 3 D External View
5. 3 D Internal View

Documents in Members' Rooms

1. None

Background Documents

1. Kennels Business case

