

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: ENVIRONMENTAL SERVICES COMMITTEE		Subject: PROVISION OF STRAY DOG KENNELING FACILITY
From: HEAD OF PROTECTIVE SERVICES		
Date: 19 AUGUST 2009	Ref: AM/58/507 CM/AM/EC	

1 PURPOSE OF REPORT

1.1 The purpose of the report is to provide an update to the Committee on the current position regarding the proposals for stray dog kennelling provision for North Lanarkshire Council, to seek approval of the new agreement with the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) and to agree on the proposals to reduce the number of dogs passed to the SSPCA facility at Bothwell Bridge Animal Welfare Centre.

2 BACKGROUND

- 2.1 Section 149 of the Environmental Protection Act 1990 places a duty on Local Authorities to seize and detain stray dogs and where the owner cannot be traced or does not claim the dog, the Local Authority must keep the dogs for at least 7 days.
- 2.2 North Lanarkshire Council currently uplifts around 500 stray dogs every year and, like many other local authorities, currently places these dogs within the Bothwell Bridge Animal Welfare Centre run by the Scottish Society for the Prevention of Cruelty to Animals (SSPCA). The Council then pays for the dogs to be kept for the statutory period of 7 days. During this time the dog can be uplifted by its owner after payment of the appropriate kennelling fee. Should the dog not be claimed within this 7 day period then the responsibility for the dog is transferred to the SSPCA who will in turn seek to re-home the dog.
- 2.3 The arrangement described in 2.2 above has worked very well for the past 13 years, however, at the start of 2008, all local authorities were advised by the SSPCA that as from 1 June 2009, they would no longer accept any stray dogs from local authorities. This change in policy was attributed to the increasing financial pressure on the SSPCA. In the communication received from the SSPCA they had estimated that, on average, each stray dog received from local authorities was costing £250 while the income received from the local authority was only £50 per dog. The conclusion of the SSPCA was that the continuation of such an arrangement was unsustainable.
- 2.4 In light of the above decision North Lanarkshire Council invited all local authorities within the West of Scotland who utilised SSPCA facilities to a meeting on 3 July 2008 to discuss what options were available regarding kennelling facilities for stray dogs. Strathclyde Police were also invited as they also use the SSPCA facility. A total of 8 local authorities and Strathclyde Police attended and the outcome from the meeting concluded that there was a need to have a formal options appraisal exercise to determine the preferred option

for all partners. All councils who attended were asked to consider the options available and advise the others if they wished to pursue a partnership approach to developing a solution.

- 2.5 A formal options appraisal exercise was then undertaken on 10 September 2008. Again this was arranged by North Lanarkshire Council and only East Dunbartonshire Council and Strathclyde Police, who both expressed an interest in pursuing a possible partnership option with North Lanarkshire, were invited to attend. The options considered were using a private kennel, each authority building and operating individual kennels, building and operating a shared facility and building an extension to existing kennels to be operated for the partner councils. The outcome from the options appraisal exercise was that the preferred option for all partners was the construction of a new shared kennelling facility.
- 2.6 Following this outcome, steps were then taken to identify potential sites within North Lanarkshire for locating the kennels and to ascertain approximate costs for the building of the kennels and the annual running costs.
- 2.7 Several brownfield sites were identified within the area and indicative costs received from Design Services suggested that to build the facility on the most appropriate site would cost in the region of one million pounds. Figures received from the SSPCA also suggested that the approximate cost to North Lanarkshire for its share of the running costs for a new facility would be approximately £150,000 per annum. This figure does not include the costs that would be involved in transferring or destroying any dogs not claimed by their owner.
- 2.8 Due to the high costs involved in addressing the stray dog problem, a further meeting was held with the SSPCA and local authorities in February 2009 where the SSPCA confirmed that as from 1 September 2009 they would now accept any stray dog from local authorities but at a flat rate of £250 per dog with a one off £25 veterinary fee. Further to this the SSPCA also agreed that they would collect any charges that would be levied by the local authorities against any owner collecting their dog and this would then be offset against the cost charged to the local authority. On the worst case assumption that no dogs are claimed by their owners and 500 stray dogs are delivered to the SSPCA per annum, then this would result in a total cost to the Council of £137,500 per annum.

3 PROPOSALS/CONSIDERATIONS

- 3.1 Although the costs indicated in paragraph 2.8 are significantly above the £13,000 annual net cost that the Service currently pays the SSPCA, it is still below the projected annual running costs which would have to be met by North Lanarkshire Council should it pursue the option of building its own kennelling facility. Further, since the announcement by the SSPCA that they would continue to offer local authorities the option of kennelling stray dogs, East Dunbartonshire Council have now indicated their preference to continue with the SSPCA and have advised that they no longer wish to pursue a partnership approach towards a common kennel facility as described in 2.5 above. Similarly, Strathclyde Police have also indicated that they would only be interested in a revenue agreement with North Lanarkshire Council for any stray dog facility. Consequently the total estimated cost of one million pounds for the construction of any new facility would have to be met exclusively by North Lanarkshire Council.
- 3.2 As a consequence of the points detailed in 3.1 above it is recommended that the Council accepts the increased costs suggested by the SSPCA and continues to use the Bothwell Bridge Animal Welfare Centre for the kennelling of stray dogs. A draft copy of the agreement between North Lanarkshire Council and the SSPCA is enclosed as Appendix 1.

3.3 To ensure that any increased costs are minimised it also proposed that the following measures are introduced/ pursued to reduce the number of dogs transferred to the SSPCA facility:

- Any stray dog uplifted will be scanned by the Animal Welfare Officers to determine if the dog has been microchipped. Should this be the case and the owner is local to where the dog was uplifted then the dog shall be returned to its owner. This would be accompanied by a warning that should the dog be uplifted on a second occasion then the dog will automatically be taken to the SSPCA stray dog facility.
- Although no local private facility has expressed interest in providing the full stray dog kennelling requirement, it would be the intention to enter into agreement with private kennels to provide a holding facility for stray dogs. Stray dogs may then be taken to this facility and held for up to 24 hours. Should the owner contact the Service within this time period then the dog may be returned to the owner for a charge which would offset the charge to North Lanarkshire Council from the private kennels. This would be significantly less than the £275 costs liable to the Council should the dog have been transferred directly to the SSPCA.
- That the current Good Dog Campaign operated by Protective Services is maintained. This campaign encourages responsible dog ownership through a number of measures including education leaflets, roadshow events and free micro chipping. This in turn should lead to a reduction in the number of stray dogs.

3.4 Due to the increased costs introduced by the SSPCA, Strathclyde Police have advised that they are now pursuing an amendment to the Criminal Justice Bill currently being considered by the Scottish Parliament. This amendment will request that the issue of stray dogs becomes the sole responsibility of local authorities. This reflects a similar legislative change recently implemented within England. Introduction of this amendment will result in an almost doubling of the number of stray dogs to be managed by North Lanarkshire Council together with the additional staffing and associated costs to ensure a 24 hour service which is currently provided by the police. The outcome of this amendment will now be monitored as its introduction may result in making a business case for the construction of a new kennelling facility in conjunction with neighbouring local authorities due to the significant increase in costs in transferring all stray dogs to the SSPCA. The basic costs associated with transferring 1,000 dogs to the SSPCA would amount to £275,000 per annum and this excludes the associated increase in staffing, management and administration costs.

4 SUSTAINABILITY IMPLICATIONS

4.1 The recommendations to the committee are consistent with policy and there are no sustainability implications.

5 FINANCIAL IMPLICATIONS

5.1 From the information detailed above, the cost of entering into agreement with the SSPCA will increase the kennelling costs for stray dogs to a potential £137,500 per annum. As detailed in paragraph 2.8 this is a worst case scenario, but even at this cost it is still significantly less than the indicative £1,000,000 capital costs, £150,000 running costs and associated administrative costs that would be necessary should North Lanarkshire Council pursue the construction and management of its own facility. Accordingly, entering

into an agreement with the SSPCA would, at present, be the most financially efficient choice.

- 5.2 The cost of the stray dog service is managed within Environmental Protection budgets. However, although the measures indicated in 3.3 above should keep to a minimum the number of dogs delivered to the SSPCA facility, there will still be a significant increase in costs. Consequently, Protective Services will submit a request for additional funding as part of a Continuing Service Provision bid for 2010/11 to cover the increased costs.
- 5.3 Should the amendment to the Criminal Justice Bill currently being pursued by Strathclyde Police be successful, the kennelling costs to North Lanarkshire Council could rise to £275,000 per annum. Should this situation arise then once again consideration of providing kennelling facilities with partner local authorities will have to be reconsidered as it will then become a more financially viable option.

6 CORPORATE CONSIDERATIONS

- 6.1 Every local kennelling facility has been contacted to determine if they could provide a similar service to that being offered by the SSPCA. Due to the scale of the undertaking involved, no kennel has expressed an interest in providing such a service. Consequently the SSPCA may be regarded as the "sole supplier" and it is recommended therefore that the Committee approve entering into a 10 year agreement with the SSPCA. The provision of such an agreement will provide stability for North Lanarkshire in relation to stray dog kennelling provision. In addition, the terms of the agreement are such that the Council are under no obligation to provide the SSPCA with stray dogs and consequently should a more advantageous option become available during this period then the Council can enter into an agreement with this supplier at any time without incurring any penalty from the SSPCA.
- 6.2 The draft agreement with the SSPCA as detailed in Appendix 1 has been agreed with colleagues within Legal Services.

7 RECOMMENDATIONS

- 7.1 That the committee approves the 10 year agreement between North Lanarkshire Council and the SSPCA for the provision of a stray dog facility as detailed in Appendix
- 7.2 That the committee approves the measures to be taken in paragraph 3.2 to reduce the number of stray dogs transferred to the SSPCA.
- 7.3 That the Committee notes the possibility that responsibility for all stray dogs may be transferred entirely to local authorities and agrees that North Lanarkshire Council should commence discussion with neighbouring local authorities so that contingency plans may be investigated and costed.

C. Morgan

Crawford Morgan
HEAD OF PROTECTIVE SERVICES

Local Government Access to Information Act: for further information about this report please contact Andrew McPherson on 01236 616534.

Appendix 1

DRAFT AGREEMENT

Between

The Scottish Society for the Prevention of Cruelty to Animals, a company registered under the Companies Acts (Company number SC201401) and having its registered office at Kingseat Road, Halbeath, Dunfermline, Fife KY11 8RY (hereinafter referred to as "SSPCA")

And

North Lanarkshire Council, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its principal office at Civic Centre, Windmillhill Street, Motherwell ML1 1AB (hereinafter referred to as "the Council")

The SSPCA hereby undertake to provide to the Council kennelling facilities for stray dogs found within the boundaries of North Lanarkshire Council for a period of ten years commencing 1st September 2009 until 31st August 2019.

This agreement is subject to the following financial terms and conditions as set out below.

SSPCA to provide the following services:-

- Suitable kennelling facilities for stray dogs shall be provided by SSPCA at the Bothwell Bridge Animal Welfare Centre, Hamilton.
- If no capacity is available to retain a stray dog at the Bothwell Bridge facility, the SSPCA shall have the ability to retain the dog at another facility at no additional cost to the Council. Where this situation arises and the owner of the dog contacts the SSPCA for retrieval of their dog, arrangements shall then be made by the SSPCA to have the dog returned to the local facility at no additional cost to the Council for uplift by the owner.
- Stray dogs may be delivered by North Lanarkshire Council staff to the Bothwell Bridge facility from 9AM to 5PM seven days per week. An emergency number shall be provided to the Council by the SSPCA to allow dogs to be delivered outwith these hours in emergency situations.
- All stray dogs shall be kennelled for up to seven days on behalf of the Council. If after this period the dog remains unclaimed the responsibility for the dog shall be transferred to the SSPCA under section 149 (6) of the Environmental Protection Act 1990.
- Veterinary services to be provided by the SSPCA to all stray dogs at an appropriate level to ensure basic health and welfare in order to prevent unnecessary suffering or discomfort for said animals unless otherwise instructed to do so by the SSPCA Veterinary Manager. Every stray dog entering a SSPCA facility will be subject to a £25.00 veterinary fee which will be paid by North Lanarkshire Council. Any and all veterinary treatment will be at the discretion of the SSPCA Veterinary Manager.
- All dogs will be micro-chipped by the SSPCA at no cost to the Council before being re-homed or returned to owners.
- The SSPCA will contact the owner(s) of the dog by phone if the dog is already fitted with an identification tag or micro-chipped. This shall be followed by the SSPCA sending a Recorded Delivery letter informing the owner of the dog's location and advising that the dog will be liable to be disposed of if it is not claimed within seven clear days after the service of the notice and/or the expenses incurred by reason of the dog's detention are not paid by the owner within the seven day period.

- The SSPCA will maintain a register of stray dogs on behalf of the Council as required by section 149 (8) of the Environmental Protection Act 1990. A copy of this register shall be returned to the Council on a monthly basis and all such records will be returned to the Council on the termination of this agreement.
- The detailed day-to-day procedures will be agreed by both parties following upon signature of this agreement.

Financial Terms for Services provided as above:-

- A one off charge of £250 will be charged to the Council for every dog that is lodged by them as a stray at an SSPCA centre. Any money recovered from a re-claiming owner by the SSPCA will be deducted from the £250 charge levied against the Council.
- In addition every dog entering a SSPCA centre as a stray will be subject to a £25 veterinary fee. This will be charged to an owner who re-claims their dog, failing which will be charged to the Council.
- The charges to be levied by the Council on any owner reclaiming their dog shall be agreed with the SSPCA at the commencement of this agreement and reviewed on an annual basis thereafter. Collection of these fees shall be undertaken by the SSPCA on behalf of the Council prior to the dog being returned to the owner.
- Prices will be increased by the Retail Price Index (RPI) figure at the end of each year of this agreement. I.e. at the end of August each year and will be confirmed by both parties in writing. For the purpose of this clause "Retail Price Index" means the 'all items' index figure of the Index of Retail Prices published by The Office of National Statistics or by any successive government department or successor body.

Termination

Should either party during the term of the contract be desirous of terminating this contract they shall give two years notice in writing to the other, which notice shall be sent by Recorded Delivery mail to the other party at the address shown in this agreement and to such other address as may be notified by one party to the other party in writing. At the expiration of this two year period and after delivery of such notice this contract, so far as regards any Services to be supplied under this contract, shall in all respects cease.

SIGNED: _____

For & On Behalf of North Lanarkshire Council

DATED: _____

SIGNED: _____

For & On Behalf of Scottish SPCA

DATED: _____