

Report to Portfolio Holder for Public Protection :

Subject: Service Level Agreement (SLA) for the Collection of stray dogs.

Date: 13th June 2025

Author: William Langston, Environmental Health Officer

Wards Affected:

Whole of Borough

Purpose:

Portfolio Holder approval is requested for Gedling Borough Council ('GBC') to enter into a Service Level Agreement ('SLA') with NCC, so that NCC provide GBC with a stray dog collection service, to be carried out by NCC's dog wardens. Portfolio Holder approval is sought in accordance with paragraph 7.2 of Section 25 (Financial Regulations) of the Constitution, because this agreement constitutes a Partnership under those regulations.

Key Decision

This is not a key decision

Recommendation(s)

THAT: Approval is given for GBC to enter a SLA with NCC to deliver a collection of stray dogs service.

1 Background

- 1.01 The provision of a stray dog collection and kennelling service is a statutory requirement under Section 149 of The Environmental Protection Act 1990. Under this Act the Local Authority has a duty to seize and detain stray dogs.
- 1.02 Currently the role of collecting stray dogs is carried out by the Neighbourhood Wardens. Following the implementation of a restructure to deliver an approved efficiency saving, the existing

service will cease in August 2025. The Council are currently seeking alternative service provision through the procurement of enforcement agents. The collection of stray dogs is not however included in the tender specification.

- 1.04 GBC has an existing separate contract with Babbington Kennels for the kennelling of stray dogs which is not within the scope of this report.
- 1.05 Research has established that NCC are the most suitable both financially and resource wise to provide this service, they already have resources in place, and extensive experience in the areas of dog collection. NCC have also carried out occasional work for GBC when Neighbourhood Warden staff have been on annual leave or off sick.
- 1.06 Dealing with stray dogs has to be handled very sensitively, and officers who are experienced in dealing with customers who have lost a dog understand that it can be an emotional time for the owner, and Nottingham City Council can be trusted with this responsibility.
- 1.07 Market enquiries with other local authorities and internet searches have established that two businesses are available in southern England that are providing a service to local authorities that could also provide the service required to GBC
- 1.08 One of these companies has offered an estimate price of between £11,000 to £15,000 plus VAT per year for the collection of stray dogs between 8am and 5pm Monday to Friday and immediately delivering them to the kennels. This would be for up to 40 call outs per year.
- 1.09 The other company have stated GBC is outside of their operational range and they have no interest in providing an estimate.
- 1.10 There is currently only one company found locally that is also providing a part time cover service for Ashfield District Council. They are charging Ashfield £1000 per dog for the collection and destruction of banned breed dogs.
- 1.11 Nottingham City Council dog wardens have more local flexibility, and can work with the owners on behalf of Gedling Borough Council to ensure that the dogs are returned directly to the owner to reduce stress upon the dog and the owner.
- 1.12 Nottingham City Council has extensive experience operating within the Nottinghamshire area and understands the specific needs and challenges of local dog collection.

- 1.13 As a fellow public authority, Nottingham City Council is subject to local government accountability measures, including audits, scrutiny committees, and Freedom of Information regulations.
- 1.14 In contrast, private companies may not be as transparent, particularly regarding animal welfare standards, and complaint handling.
- 1.15 Working with Nottingham City Council supports public sector cooperation, mutual support, and shared goals, rather than outsourcing to a profit-oriented third party with less alignment to public interest or service values.

2 Proposal

- 2.1 To enter a SLA with NCC so they can provide GBC's stray dog collection service between standard office hours and to act under the existing agreement with Babbington Kennels.
- 2.2 Section 9EA of the Local Government Act 2000 together with regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 allows a local authority to delegate the delivery of a function to another local authority.
- 2.3 The Environmental Protection Act, section 149(1) states that every local authority shall appoint an officer (under whatever title the authority may determine) for the purpose of discharging the functions imposed or conferred by section 149 for dealing with stray dogs found in the area of the authority.
- 2.4 The Environmental Protection Act, section 149(2) states the officer may delegate the discharge of his functions to another person but he shall remain responsible for securing that the functions are properly discharged.
- 2.5 There will be a Service Level Agreement in place with Nottingham City Council for the collection of stray dogs, written up in conjunction with the Council's legal department.

3 Alternative Options

- 3.1 For Gedling Borough Council to retain staff for the purpose of collecting stray dogs. – This is not the preferred option as the

Neighbourhood Warden service will be ceased and staffing budgets have been given up to make efficiencies, and this would require the budget to be reinstated. Alternatively, existing staff would have to be upskilled, but this would put a significant strain on their workload.

- 3.2 Use a 3rd party private organisation to conduct the collecting of stray dogs – This is not the preferred option because the organisation responsible will be handling very delicate and emotional situations in which someone's dog has escaped, something that Nottingham City Council Officers have significant experience of. Furthermore, Nottingham City Council are known and trusted by local residents.
- 3.3 Based on the information gathered from other organisations, including other local authorities, it appears Nottingham City Council are financially the better option, and their set yearly fee is £11,000, with £100 per dog collected.

4 Financial Implications

- 4.1 Gedling Borough Council will pay Nottingham City Council £11,000 per year, and £100 per dog. This agreement is for an initial two years. Based on previous years, it is estimated that 30-40 dogs will be collected per year. This will bring the estimated total cost to £15,000 per annum.
- 4.2 The estimated £15,000 cost of the stray dog collection service will be met from the residual vehicle and supplies & services budgets after the efficiencies have been met, this was also outlined within the Public Protection restructure report.

5 Legal Implications

5.1 Statutory Duty:

The provision of a stray dog collection and kennelling service is a statutory requirement under Section 149 of The Environmental Protection Act 1990. Under this Act the Local Authority has a duty to seize and detain stray dogs. Outside normal office hours the local authority is required to provide a reception for stray dogs.

5.2 Relevant Powers:

Section 9EA of the Local Government Act 2000 together with regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 enables the discharge of executive functions of one local authority by another local authority.

5.3 **Procurement considerations**

Under paragraph 3 of Schedule 2 of the Procurement Act 2023 (PA 2023), horizontal arrangements are exempted contracts, which means that the usual rules for covered procurement under the PA 2023 do not apply. A horizontal arrangement is defined as a contract between contracting authorities which is entered into:

- (a) with the aim of achieving objectives the authorities have in common in connection with the exercise of their public functions;
- (b) which is solely in the public interest
- (c) in which no more than 20% of the activities envisaged by the arrangement are intended to be carried out for reasons other than for the purposes of their public functions.

Horizontal arrangements involving contracts between contracting authorities are also outside the scope of the Council's Contract and Procurement Rules in Section 22 (para 3.3 (e)) of the Constitution.

The SLA with NCC for the provision of a stray dog collection service would come within the definition of horizontal arrangement and as such, the Council is not required to carry out a procurement exercise in these circumstances.

- 5.4 The parties will execute a formal Service Level Agreement in a form in accordance with the constitution for the provision of the Stray Dog Warden Service.

5.5 **Data Protection**

The service would require NCC processing Personal Data on behalf of the Council, therefore the SLA will need to incorporate a Data Processing Agreement.

6 Equalities Implications

6.1 There are no equalities implications

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no Carbon Reduction

8 Appendices

8.1 There are no Appendices

9 Background Papers

9.1 There are no Background Papers

10 Reasons for Recommendations

10.1 The Council has a Statutory Duty to collect stray dogs and store them for 7 days.

10.2 Nottingham City Council have sufficient resources and experience in place to immediately take over the Statutory Duty of stray dog collection from the outgoing Neighbourhood Warden.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer