



## Provision of Boarding Services for Seized Dogs

### MOPAC Investment Advisory & Monitoring meeting TBC

#### Report by Victoria Snedker on behalf of Inspector King

**Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC**

#### EXECUTIVE SUMMARY

This paper seeks authority to initiate a new procurement exercise for a framework agreement for boarding services for seized dogs from 30<sup>th</sup> September 2024 for a period of four years.

#### Recommendations

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. Approve the initiation of a procurement exercise for four-year agreements upto £16.20m for MPS Seized Dog Kennelling provision at the increased value following the expiry of the current contracts.
2. The DMPC delegate the approval of the award to the Director of Commercial Services.
3. To approve the business case for additional budget of £3.15m per annum required from 2024/25 to 2027/28. Funding has been proposed as part of the budget subject to approval.

#### Time sensitivity

A decision is required from the Deputy Mayor by 30<sup>th</sup> March 2024 to ensure completion of a procurement by 30<sup>th</sup> September 2024. This is because thereafter no provision for continued retention / seizure exists. Any dogs still held by Police after this time would need to be released from custody.

#### **Non-confidential facts and advice to the Deputy Mayor for Policing and Crime**

#### Introduction and background

4. The provision of this service to take dogs into custody along with suitable facilities to house them compliant with the Animal Welfare Act 2006 and associated regulations are of significant benefit to Front Line Policing, otherwise with no such policy Officers would be unable to seize dogs.
5. Presently dogs seized / taken into possession by Police Officers are transferred by the Status Dog Unit (M07 Taskforce) to authorised external

providers who undertake care on behalf of the Commissioner in line with a strict legal framework.

6. Officers from MO7 Taskforce Status Dogs Unit provide initial triage, subsequent governance, case overview and evidential review through to the designated pan-London Court for Dog and Animal Welfare offences.
7. The introduction of the Anti-Social Behaviour Crime and Policing Act 2014 amended the Dangerous Dogs Act 1991 and created new offences where a dog is now considered dangerous in a private place. The impact of this legislation has increased the numbers of dogs being seized and Officers are now required to intervene in familial or near familial bite cases particularly with regards to children and vulnerable persons where there is a requirement to safeguard.
8. Under current legislation 1600 dogs (FY 2023-2024 forecast) are seized / taken into possession by front line Police Officers across the Metropolitan Police District each year. This primarily encompasses dogs which are concerned in offences under the Dangerous Dogs Act 1991 but also includes Animal Welfare Act 2006 cases which are investigated by Police, Prisoners Property, Care Act 2014 cases pending transfer to Local Authority care or dogs found at Sudden Deaths where no other guardian can be found to take immediate care.
9. The average stay in kennels is 90 days. Although this can be longer for appeals and either way matters heard at the Crown Court.

#### **Issues for consideration**

10. With the increase in dog ownership (10% since the previous contracts were let) and irresponsible breeding, there has been an unprecedented rise in recorded crimes and as a result Status Dogs Unit workload, kennel spaces and increased costs. This is also replicated nationally with other Status Dog Unit's (SDU) or equivalent experiencing the same issues.

**Number of Dangerous Dogs Offences from 01/04/2018 to 31/12/2023\*, across the MPS.**

Home Office Code	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FYTD 2023-24*
<b>S3 Dog Offences - Aggravated</b>						
<b>008/21</b>	1,515	1,725	1,966	2,377	2,930	2,665
<b>Dog Offences - Non aggravated</b>						
<b>111/00</b>	11	12	14	18	20	19
<b>111/18</b>	116	135	165	168	155	137
<b>111/19</b>	2	9	7	7	10	13
<b>999/40</b>	377	409	430	375	446	284
<b>Animal Welfare Offences (S4, S9)</b>						
<b>097/01</b>	0	0	0	0	2	12
<b>108/29</b>	18	19	20	26	29	13
<b>Illegal Breed Possession Offences</b>						
<b>111/12</b>	0	3	0	1	1	4
<b>111/13</b>	0	0	0	1	0	0
<b>111/17</b>	43	51	28	29	25	9
<b>Grand Total</b>	<b>2,082</b>	<b>2,363</b>	<b>2,630</b>	<b>3,002</b>	<b>3,618</b>	<b>3,156</b>

\*Denotes year to date rather than full financial year.

	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FYTD 23/24
Dog seizures by MPS	898	806	857	879	1159	1548
Kennels available for the MPS	327	200	200	160	180	165

Between 2018/19 and 2019/20 kennel providers opted not to extend the provision of their service.

The CAD data below demonstrates an increase in incidents involving dogs reported to the MPS. This increase particularly impacts officers on FLP working on BCU's across the MPS, it also impacts the MO7 Dog Support Unit and Status Dogs Unit who are often required to attend to ensure the safety of colleagues and the public, these officers also provide advice to Met CC and BCU colleagues attending these incidents or making deployment decisions.

Table 1: Number of CAD Incidents where any of the 3 possible opening code is 307- Animal Pets/Domesticated, from 01/04/2018 to 22/02/2024

Financial Year	Count of CAD Incidents
2018-19	8,647
2019-20	7,915
2020-21	7,854
2021-22	9,074
2022-23	10,412
2023-24 (Up to 22 <sup>nd</sup> February 2024)	15,532
<b>Grand Total</b>	<b>59,434</b>

11. The recent decision to ban the 'XL Bully' is only going to further increase demand on the MPS, the SDU and as a result kennel spaces. The latest figures from DEFRA on the 21st February 2024 indicate that circa 55000 dogs have now been registered in England and Wales, although the data is not yet complete. The first list received from DEFRA indicates that over 5600 have been registered in London.
12. The MPS have more registered banned breed dogs (1200) than the rest of the top 10 forces combined. The MPS total accounts for 34% of all currently registered banned breeds in the whole of the UK.
13. From 31 December 2023, owners must keep XL Bully dogs on a lead and muzzled when in public. It is an offence to breed, sell, advertise, exchange, gift, rehome, abandon, or allow XL Bully dogs to stray.
14. From 1 February 2024, it is illegal to own an XL Bully unless it is registered on the Index of Exempted dogs and is compliant with the requirements.
15. During the period of the exemption scheme owners who chose not to keep their XL Bully were able to take it to a registered vet to be euthanised and claim £200 compensation towards the costs.
16. These arrangements are similar to those put in place for existing ban breeds when the Dangerous Dogs Act 1991 was enacted.
17. The decision to ban the 'XL Bully' type dog will require Police to investigate all welfare and illegal breeding cases as per existing banned breeds. Conditions on exemption include a requirement to hold third-party insurance which is renewed annually. Failure to do this renders the dog no longer exempt and therefore illegal to own, reverting back to S1 Dangerous Dogs Act 1991 prohibited dog.
18. Arrangements for existing banned breeds, pit bull terrier, Japanese Tosa, Fila Brasileiro and Dogo Argentino are unchanged by this legislation.

### **Contributes to the MOPAC Police & Crime Plan 2022-25<sup>1</sup>**

19. Dangerous dogs in their various forms remain a significant crime not only in relation to prohibited breeds but also dogs which cause harm through attacking people. Fatal dog attacks are on the rise nationally.

### **Financial, Commercial and Procurement Comments**

---

<sup>1</sup> [Police and crime plan: a safer city for all Londoners | London City Hall](#)

20. The tender will be released via a competitive open procedure, the tender will also consider bidders further afield than the existing specification on a total cost basis taking into account the increased operational and transport costs of bidders further afield.
21. The contract, once awarded, will be monitored via routine and unannounced site visits, along with the Key Performance Indicators (KPI's). The KPI's focus on animal welfare such as 1) Tracking illness and disease and the management plan of taking care of dogs 2) Maintenance and repair to ensure quality of service 3) Monthly health checks provided to the MPS of all dogs and. This will ensure that dogs are not only safe, but placed in a safe and enriched environment.
22. Early market engagement will take place via the Prior Information Notice, as well as a review of specifications to request feedback from potential bidders on how best to structure the tender, specification and financials to ensure the best response for the market, and encourage new entrants wherever possible.
23. The tender will also assess Social Value and supporting criteria for the London Anchor Institutions. Kennels within the Greater London Authority and thus supportive of the London Anchor Institutions are likely to offer substantial benefits of part of a Total Cost Analysis to support the award under London Anchor Institutions.
24. The OCU currently has a budget of £0.9m to fund the kenneling requirements. Due to the change in price and increased demand in 2023/24 this is insufficient. The full year effect of the increased demand and the forecast increase for the impact of the new legislation change will be £2.352m and £0.798m respectively, giving an annual cost pressure of £3.150m per annum from 2024/25.
25. The table below details the estimated financial increase;

Total Costs	2024/ 25 £m	2025/ 26 £m	2026/ 27 £m	2027/ 28 £m	Total £m
<b>Total Budget</b>	<b>0.900</b>	<b>0.900</b>	<b>0.900</b>	<b>0.900</b>	<b>3.600</b>
<b>Planned Spend</b>					
Current budget	0.900	0.900	0.900	0.900	3.600
Increased demand and rate change	2.352	2.352	2.352	2.352	9.408
XL Impact	0.798	0.798	0.798	0.798	3.192
<b>Total Planned Spend</b>	<b>4.050</b>	<b>4.050</b>	<b>4.050</b>	<b>4.050</b>	<b>16.200</b>
<b>Budget growth required to fund shortfall</b>	<b>3.150</b>	<b>3.150</b>	<b>3.150</b>	<b>3.150</b>	<b>12.600</b>

26. The original budget for kenneling in 2019/20 was £1.341m. Expenditure in this year was below budget by £0.6m and the budget was then reduced to fund other overspending areas in the OCU, leaving a budget of £0.750m for 2020/21 onwards. In 2022/3 the budget increased to £0.9m. Funding has been requested as part of the budget approval 2024/25 to 2027/28 which is still subject to approval.

### **Legal Comments**

27. The Mayor's Office for Policing and Crime ("MOPAC") is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed framework agreement and contract exceed this threshold.
28. This report confirms the MOPAC's route to market is compliant with the Regulations.
29. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:
- A) Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
- B) All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).
30. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.
- A) Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
- B) All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).

### **Equality Comments**

31. This business case has undergone initial equality screening. Due regard has been taken to the Equality Act's Public Sector Equality Duty. Real consideration has been taken to assess equality impact caused by the proposed business changes. As a result, no positive or negative impact has

been identified to any individual and/or group safeguarded by a protected characteristic and those who are not.

32. An Equality Impact Assessment was last completed in relation to the MPS Policing Guide in relation to "Dogs Coming to Police Notice" which was updated in 2016 following a change in primary and secondary legislation along with the Sentencing Guidelines. As this is an extension of an existing service this work does not change any aspects relating to equality or diversity.
33. London companies will be eligible to bid for the work, and this will be appropriately assessed throughout the procurement. Our existing supply base includes Small & Medium Sized Enterprises and the procurement will be assessed to support this to continue.

### **Privacy Comments**

The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

The programme/project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

### **Real Estate Implications**

34. If seized dog contracts are not replaced there is likely to be an increased demand on the MPS estate where dogs are housed temporarily at Police Stations pending resolution, in short term holding kennels. With the estate transformation programme in recent years this would cause difficulties in respect of a) suitable facilities being available and b) legal responsibility falling to individual Station Reception Officers pursuant to S3 Animal Welfare Act 2006 along with an increased corporate risk to the MPS under the Health and Safety at Work Act 1974 with untrained persons dealing with animals at Police Stations without safety equipment. Station Reception Officers are not trained to handle dangerous dogs, the only officers in the MPS trained and equipped to undertake this activity are members of the MO7 Dog Support Unit / Status Dogs Unit.

### **Environmental Implications**

35. The location of the kennel providers will be assessed as part of the procurement. Their location in comparison to the Metropolitan Police District will be weighted given the financial and environmental benefits of distance. The intention of the procurement will be to award to more than one provider wherever possible to limit the negative environmental effect of excessive travelling to the location.

### **Background/supporting papers**

36. Not applicable

Report author: Inspector King - Status Dogs & NW Dog Support Unit

### **Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.**

The Government Security Classification marking for Part 2 is:  
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of **Provision of Boarding Services for Seized Dogs** is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
- Commercial Interest Section 43
- 

Additional documents

Provision of Boarding Services for Seized Dogs

The paper will cease to be exempt until 1st March 2029 after expiry of the contract.