

DMPC Decision – PCD 616

Title: Provision of Boarding Services for Seized Dogs

Executive Summary:

This paper seeks authority to initiate a new procurement exercise for a framework agreement for boarding services for seized dogs from 1st April 2020 for a period of four years.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

- Approve the initiation of a procurement exercise for a four-year framework for MPS Seized Dog Kennelling provision (valued at £5.36M (£1.34M P/A)) following the expiry of the current contract in March 2020 (Contract Ref: Lot 1, SS/13/140).

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature

Sybil Under

Date

19/7/19

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1 The current framework as (extended under MPS delegated authority) expires on 31st March 2020 and thereafter no provision for continued retention / seizure exists. Any dogs still held by Police after this time would need to be released from custody.
- 1.2 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 or significant benefit to front-line Policing, otherwise, with no such policy Officers would be unable to seize dogs.
- 1.3 Presently dogs seized / taken into possession by Police Officers are transferred by the Status Dog Unit (MO7 Taskforce) to authorised external providers who undertake care on behalf of the Commissioner in line with a strict legal framework.
- 1.4 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.

2. Issues for consideration

- 2.1 The current contract commenced 1st April 2015 and expired on 31st March 2019. The contract period is a 2+1+1, the valuation for the entire life of the contract was £7,200,000. This was originally approved by the Mayor's Office of Policing and Crime (MOPAC) for the entire contractual value. A 10% and time only extension was granted until 31st March 2020 to enable providers to obtain new licenses and undergo Local Authority inspections pursuant to the Licensing of Activities Involving Animals (England) Regulations 2018. This extension will also ensure market readiness for the new tender to be commented subject to MOPAC approval for initiation.
- 2.2 The requirement to temporarily extend the current provision as an emergency case as opposed completing a procurement exercise earlier is largely due to new secondary legislation introduced by the Government in October 2018. A new regulatory framework has been created owing to SI/486/2018, The Licensing of Activities Involving Animals Regulations (England) 2018 which came into force from 1st January 2019 and now requires new licenses to be obtained by all boarding establishments with an amended inspection and quality assurance regime.
- 2.3 It was thought best not to instigate a new framework earlier until the impact and application of these new regulations was known in case this placed the MPS in a position of being out of date, forcing retrospective compliance.
- 2.4 The time only extension runs out on 31st March 2020 and there is a need to have new arrangements in place to supersede this for business continuity purposes

3. Financial Comments

- 3.1 The costs are expected to be £1.34m per year for the length of the contract of 2+1+1. The contract is a framework so will be provided by a number of suppliers.
- 3.2 The revenue budget currently held within Taskforce for seized dogs is £1.34m P/A. Taskforce will manage the use of suppliers and ensure that costs will be managed within existing approved budgets

- 3.3 Spend for the last two years have been around £1.34m and therefore, the framework is not anticipated to achieve any financial savings.

4. Legal Comments

- 4.1 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 of contracts for good and or services valued at £181,302 or above must be procured in accordance with the Regulations. This report confirms the estimated value of the proposed framework agreement will exceed the above threshold. Accordingly, the Regulations will be engaged.
- 4.2 Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve all requests to go out to tender for contracts valued at £500,000 or above.

5. Commercial Issues

- 5.1 Due to a desire to have multiple providers, for both capacity and contingency considerations, it is proposed that the new procurement is for a framework agreement which will be for a period of four (4) years.

6. GDPR and Data Privacy (General Data Protection Regulations)

- 6.1 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.
- 6.2 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.
- 6.3 The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

7. Equality Comments

- 7.1 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.
- 7.2 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.

8. Background/supporting papers

- None

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? **NO**

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – **YES**

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice

The MPS legal team has been consulted on the proposal

✓

Equalities Advice:

Equality and diversity issues are covered in the body of the report.

✓

Commercial Issues

The proposal is in keeping with the GLA Group Responsible Procurement Policy.

✓

GDPR/Data Privacy

- GDPR compliance issues are covered in the body of the report.

✓

Director/Head of Service

The CFO has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

R. Lawrence

Date

18/7/19



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

PROVISION OF BOARDING SERVICES FOR SEIZED DOGS

MOPAC Investment Advisory & Monitoring meeting 18th July 2019

Report by Inspector Patrick OHara on behalf of the Chief of Corporate Services

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

EXECUTIVE SUMMARY

This paper is for the authority to initiate a new procurement exercise to tender framework agreement for boarding services for seized dogs from 1st April 2020 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 new procurement exercise for a four year framework for MPS Seized Dog Kennelling provision (valued at £5.36M (£1.34M P/A)) following the expiry of the current contract (Contract Ref: Lot 1, SS/13/140).**

Time sensitivity

A decision is required from the Deputy Mayor by 5th August 2019, this is because of contract expiry and the timelines needed to secure a new framework agreement prior to expiry of existing arrangements.

The current framework (as extended under MPS delegated authority) expires on 31st March 2020 and thereafter no provision for continued retention / seizure exists. Any dogs still held by Police after this time would need to be released from custody.

The reason for the extension was bought about by the introduction of new legislation. A decision was taken locally to delay the future procurement due to the unknown implications legislation would have for the MPS and the marketplace. As such the MPS has been awaiting the implementation of these changes to best understand what the short and long term strategies need to be for kennelling.

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

Introduction and background

1. Around 1100 dogs 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.
2. 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.
3. There is no support from the charity sector with regards to providing temporary care for animals who are in Police possession.
4. Presently dogs seized / taken into possession by Police Officers are transferred by the Status Dog Unit (MO7 Taskforce) to authorised external providers who undertake care on behalf of the Commissioner in line with a strict legal framework.
5. Officers from MO7 Taskforce provide initial triage, subsequent governance, case overview and evidential review through to the designated pan-London Court for Dog and Animal Welfare offences.
6. The current contract commenced 1st April 2015 and expired on 31st March 2019. The contract period is a 2+1+1, the valuation for the entire life of the contract was £7,200,000. This was originally approved by the Mayor's Office of Policing and Crime (MOPAC) for the entire contractual value. A 10% and time only extension was granted until 31st March 2020 to enable providers to obtain new licenses and undergo Local Authority inspections pursuant to the Licensing of Activities Involving Animals (England) Regulations 2018. This extension will also ensure market readiness for the new tender to be commented subject to MOPAC approval for initiation.
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. The MPS has a duty of care to animals in custody and contractors bidding for service under Lot 1 are required to comply with the Animal Welfare Act 2006 and the Animal Boarding Establishment Act 1964 along with new regulations

introduced from January 2019.

9. The MPS has previously been subject to a requirement to improve from the IOPC for a previous incident in the handling of an animal (non-dog). An Animals Policy was introduced by DAC Fiona Taylor to replicate the good practice recognised in MPS dog provision to other animals.
10. The requirement to temporarily extend the current provision as an emergency case as opposed completing a procurement exercise earlier is largely due to new secondary legislation introduced by the Government in October 2018. A new regulatory framework has been created owing to SI/486/2018, The Licensing of Activities Involving Animals Regulations (England) 2018 which came into force from 1st January 2019 and now requires new licenses to be obtained by all boarding establishments with an amended inspection and quality assurance regime.
11. It was thought best not to instigate a new framework earlier until the impact and application of these new regulations was known in case this placed the MPS in a position of being out of date, forcing retrospective compliance.
12. The time only extension runs out on 31st March 2020 and there is a need to have new arrangements in place to supersede this for business continuity purposes.

Issues for consideration

1. N/A

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

1. In 2009 Seyi Ogunyemi was murdered in South London by a rival gang who first set 2 Pit Bull Terrier dogs upon the victim before stabbing him to death. This led to the creation of the Status Dog Unit who assumed responsibility for cases under S1 Dangerous Dogs Act 1991. This was predominately a gang related activity with predominantly young persons using large muscular prohibited dogs to intimidate others and frustrate Policing operations.
2. In 2015 research by Dr Simon Harding of Middlesex University demonstrated that prohibited dogs were operating as currency in areas of social deprivation.
3. Whilst this appears to have reduced slightly there is now notable increased offences coming to Police attention relating to animal welfare and with the reduction in support available from the RSPCA and Local Authorities this has placed additional work onto front line Policing.
4. 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, the quickest growing animal related crime and accounting

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

for over 35% of dog related offences. With the advent of the tragic case of Molly Mae-Wotherspoon in Northamptonshire and the subsequent Coroner's inquest it is key that tackling and preventing dangerous dog offences remains a significant safe guarding issue.

5. Fatal dog attacks are on the rise nationally with the major victim group being children.

Financial, Commercial and Procurement Comments

1. The costs are expected to be £1.34m per year for the length of the contact of 2+1+1. The contract is a framework so will be provided by a number of suppliers.
2. The revenue budget currently held within Taskforce for seized dogs is £1.34m P/A. Taskforce will manage the use of suppliers and ensure that costs do not exceed the budget available.
3. Spend for the last two years have been around £1.34m and therefore, the framework is not anticipated to achieve any financial savings.
4. Due to a desire to have multiple providers, for both capacity and contingency considerations, it is proposed that the new procurement is for a framework agreement which will be for a period of four (4) years.

Legal Comments

1. 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 of contracts for good and or services valued at £181,302 or above must be procured in accordance with the Regulations. This report confirms the estimated value of the proposed framework agreement will exceed the above threshold. Accordingly, the Regulations will be engaged.
2. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve all requests to go out to tender for contracts valued at £500,000 or above.

Equality Comments

1. 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.
2. 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.

Privacy Comments

1. 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.
2. 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.
3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
4. The project does not use personally identifiable data of members of the public, so it is considered that it is unlikely that there will be any GDPR issues to be considered.

Real Estate Implications

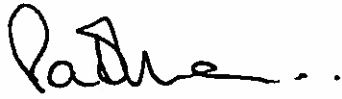
1. If seized dog contracts are not replaced there is likely to be an increased demand on the MPS estate where dogs are housed temporarily at Police Stations pending resolution. With the estate transformation programme in recent years this would cause difficulties in respect of a) suitable facilities 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.
2. The number of temporary holding kennels within the MPS estate has reduced due to the Status Dog Unit now acting as a primary responder 16/7 often attending the scene. A further review of temporary holding kennels at Police premises is currently being undertaken in conjunction with the Status Dog Unit and Property Services due to the BOCU to BCU re-structure, this will likely lead to the reduction of the kennel footprint across the MPD.

Environmental Implications

1. There is no environmental impact to this proposal.

Background/supporting papers

1. N/A



Report author: Patrick OHara / Inspector / Status Dogs & Dog Training / 821189

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 Dog Boarding for Seized Dogs paper 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
- Legal Professional Privilege Section 42

The paper will cease to be exempt until 31st March 2024 at the end of the contract term.