

**MAIDSTONE BOROUGH COUNCIL**

**CABINET MEMBER FOR ENVIRONMENT**

**REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENTAL SERVICES**

**Report prepared by Jonathan Scott**

**Date Issued: 25 February 2010**

**REVENUE BUDGET FOR THE ENVIRONMENTAL OPERATIONS  
ENFORCEMENT TEAM AND THE PROVISION OF KENNELLING**

**1.1 Issue for Decision**

- 1.1.1 To consider the revenue budget for the Environmental Operations Enforcement Team and to determine the necessary measures to ensure that the budget is balanced over future years.

**1.2 Recommendations**

- 1.2.1 That the additional sum of money in the revenue support grant paid in respect of the Council's additional stray dog duties, which is currently held in contingency, be permanently released to the Civic Wardens budget.
- 1.2.2 That the income budget for Fixed Penalty Notices for litter be reduced to a level that better reflects current and projected levels of income, and that a corresponding reduction in expenditure is made on the employee costs within the Environmental Operations Enforcement team.
- 1.2.3 That the funding for the vacant post of Technical Officer (Environmental Enforcement) within the above team be utilised to temporarily cover the shortfall in kennelling costs provision in 2009/10.

**1.3 Reasons for Recommendations**

- 1.3.1 Since 6 April 2008, in accordance with the Clean Neighbourhoods and Environment Act 2005, local authorities have had the responsibility to accept stray dogs (see Appendix A - DEFRA letter) at any time when practical. Prior to this, the duties of the Council in relation to stray dogs extended only to normal office hours, with the Police having responsibility for receiving and (at their discretion) collection of stray dogs at all other times.

- 1.3.2 Since April 2008, local authorities are solely responsible for discharging stray dogs functions whereby the minimum requirement is for the local authority to provide a place to which stray dogs can be taken outside normal office hours. Whilst there is no statutory requirement for local authorities to provide an out of hours collection service for stray dogs, there is a risk to the reputation of the Council in not providing a collection service as it would otherwise rely on the goodwill of residents to capture and transport strays to the designated collection point. Some authorities that do not provide a 24 hour service have had strays left tied to railings outside the Council offices.
- 1.3.3 Under the previous arrangements, the cost to the Council of providing a stray dogs service was in the order of £5,000 per year and did not include any veterinary fees. The costs of providing a 24 hour service, including the cost of running the out of hours service and the additional kennel cost for dogs not claimed by an owner, are in now the order of £26,000 per annum.
- 1.3.4 Kennelling is currently carried out by a third party, as the Council has no facilities of its own. Stray dogs are collected by Council wardens during normal hours, and collected by the Kennel staff if reported outside normal office hours. At present, this arrangement is the most satisfactory means of fulfilling the Council's obligations, and represents the best available use of resources. The only alternative would be to deploy additional staff resources to an out of hours service with a Council provided kennel, and aside from the complexities of providing a suitable location for such a facility, this would likely prove prohibitively expensive.
- 1.3.5 Owners retrieving stray dogs are required to pay the full kennelling costs prior to their dog being returned, thus mitigating the cost to the Council. However, where dogs are not claimed, the Council covers the cost of the first seven days of kennelling plus any associated veterinary fees. Those dogs not claimed within seven days are designated for re-homing at the kennels' own expense.
- 1.3.6 The Government made provision for an additional £9,000 to be included in the revenue support grant on an ongoing basis in respect of the additional costs of the extended stray dog duties. This sum has been kept aside in a contingency budget, and it is recommended that this is permanently transferred to the Civic Wardens budget in order to make up some of the budget shortfall.
- 1.3.7 Even with the additional £9,000 outlined above, an on-going shortfall in the budget for kennelling costs of £12,000 is projected.

- 1.3.8 A vacancy for a Technical Officer has existed for some months now. Whilst recruitment to this post might maximise the effectiveness of the service and ensure a robust approach to environmental enforcement, in the absence of viable alternative means of realising significant savings within the service, it is proposed that this vacant post be deleted. This was included in the overall staff savings considered by Cabinet in February as part of the budget for 2010/11. However, to meet the financial shortfall this year, it is necessary to transfer the salary savings for this post to the operational budget.
- 1.3.9 An additional on-going budget shortfall is also projected in respect of the income for fixed penalty notices (FPNs). The current budgeted income is £13,520 per annum, but income is substantially below this figure, and there is no realistic prospect of income rising to the budgeted level. This budget was set prior to clarification by DEFRA of the requirements in issuing fixed penalty notices, particularly with regards to motorists who litter. This clarification makes it unrealistic to serve FPNs on motorists to anything approaching the levels indicated in the budget.
- 1.3.10 In the financial year 2008-9 FPN income totalled £2,347, whereas the budgeted income was £13,130. In the 2009/10 financial year a shortfall in income of a similar order (£11,000) is projected, and there seems no reason to believe that FPN income will rise significantly above £2,500 per annum in future years.
- 1.3.11 It is recommended that the income budget for FPNs be reduced in future years to £2,500, and a growth item has been included in the draft budget strategy to reflect this.

#### 1.4 **Alternative Action and Why Not Recommended**

- 1.4.1 Some councils have set up their own kennel facilities in order to fully comply with their duties in respect of stray dogs. However, this would require suitable land, staffing etc, and is likely to cost more than the current outsourced arrangements for the service.
- 1.4.2 The Council could ask persons reporting stray dogs out of hours to bring the dog themselves to the kennel facility in order to save the cost of out of hours call outs. However, this would still require the kennel to be opened on such occasions to enable reception facilities, and thus is unlikely to result in significant savings. It is also likely to have a negative impact on Maidstone Borough Council's reputation as discussed in paragraph 1.3.2.

- 1.4.3 The income target for Fixed Penalty Notices could remain at the current high level, however this would result in a shortfall in future year's budgets

1.5 **Impact on Corporate Objectives**

- 1.5.1 The provision of a 24 hour stray dog service supports the aim for a clean and tidy borough.

1.6 **Risk Management**

- 1.6.1 The shortfall in the budget will remain unresolved unless some significant savings in revenue are realised. This is a significant risk to the Civic Wardens budget.

- 1.6.2 There would be a risk to the Council's reputation should a 24 hour stray dog service not be provided.

1.7 **Other Implications**

1.6.3

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

X
X

1.6.4 **Financial**

The financial implications are detailed in the report. The arrangements for the proposed budget changes are ready to be put in place by the finance section, should the report be agreed.

1.6.5        Staffing

Staff savings are required in the current year to balance operational budgets.

Background documents

Clean Neighbourhoods and Environment Act 2005

**NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED**

Is this a Key Decision?      Yes      ☐      No      ☒

If yes, when did it appear in the Forward Plan?

Is this an Urgent Key Decision?      Yes      ☐      No      ☒

Reason for Urgency

n/a

**How to Comment**

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

Cllr Mark Wooding

Cabinet Member for Environment

Telephone: 07932-830888

E-mail: [markwooding@maidstone.gov.uk](mailto:markwooding@maidstone.gov.uk)

Jonathan Scott

Environment Manager

Telephone: 01622 602359

E-mail: [jonathanscott@maidstone.gov.uk](mailto:jonathanscott@maidstone.gov.uk)