

PAPER NO. 9

REPORT TO THE EXECUTIVE MEETING OF 4 JULY 2011

Status: Decision
Title: Pest Control and Dog Warden Service
Originator: Elaine Bird – Team Leader Health & Enforcement Services
Where from: Management Board
Where to next: Implementation

1 Purpose of the Report

1.1 To update members on the pest control and dog warden contract.

2 Recommendations:

2.1 It is recommended that a procurement process is undertaken with the support of the Welland Procurement Unit for the pest control and dog warden contract for the commence of the service from 1st April 2012; and

2.2 that a charging structure for pest control treatments is introduced to commence at the same time as the new Contract from 1st April 2012; and

2.3 Subject to approval of 2.1 above, a further report be submitted on the outcome of the procurement process and recommendation on the award of the Contract; and

2.4 to approve the provision of the existing pest control and dog warden service for a further 6 month period to allow for the re-tendering process to take place.; and

2.5 Subject to the decision in respect of 2.4 above, to approve a budget provision for the six month extension to the existing arrangements of £12,000 and a procurement budget provision of £2,000.

3 Summary of Reasons for the Recommendations

3.1 The pest control service has been identified within the business planning process as an activity which should cease following the completion of the current contract period which ends in October 2011. The contract contains a break clause which permits the Council to exit it at the end of the current contract period or to extend it for a further 2 year period.

3.2 In March 2011, the Executive agreed that further negotiations should be undertaken with the pest control contractor with regards to extending the

current contract by introducing a charging structure for pest control treatments. However subsequent legal advice has been given confirming that it would not be possible to amend the existing contract in such a manner and to maintain both the pest control and dog warden service it would be necessary to undertake a new tender process.

- 3.3 Due to the mandatory element of the dog warden service it is necessary to continue this service. Various options were considered with regards to the provision of a pest control service and it is felt that including pest control in the tender process would ensure a level of control whilst still recognising the savings required through the introduction of a charging structure for treatments. The benefits to the council in maintaining a service include the ability to provide concessionary rates for vulnerable households, the control over the charging structure generally and on the standard or service delivered.
- 3.4 Another benefit of having a pest control service is that whilst there is not a statutory duty to provide such a service and there are several pieces of legislation which could be used to ensure individuals keep their land free from rats and mice, it is recognised that where a local authority does not provide a pest control service there can be an increase in the number of "DIY" solutions carried out by individuals. Such treatments are generally ineffective and could result in local public health problems and can lead to an increase in the amount of uncontrolled poison in the environment.
- 3.4 It will be necessary to extend the current contract for either 3 or to expire on the 31st March 2012 to allow sufficient time to undertake a procurement process to re-issue the contract.

4 Impact on Communities

- 4.1 The role of the pest control service is to provide a treatment service to those in need of assistance. To maintain this service it will be necessary to re-tender the existing contract and introduce a charging structure for all service users however it is anticipated that concessionary rates will be incorporated into the tender to assist vulnerable groups.

5 Key Facts

- 5.1 The current pest control and dog warden service is contracted out under one single contract which is due to end in October 2011. The business planning process identified the pest control activity as a service to cease from the end of October and the budget for 2011/12 has been reduced accordingly to reflect the cessation of the service. Whilst the current contract allows for an extension for a further two year period, the removal of the pest control element of the contract in its current format means that the dog warden service cannot be extended as a stand alone contract. Consequently it will be necessary to undertake a new procurement process.
- 5.2 Legal advice has confirmed that it will be possible to extend the current contract for a further 3 to 6 month period only to allow for the procurement

process to be carried out. There are currently two small contracts covering the provision of the out of hours dog warden service and the stray dog kennels which expire in April 2012. By extending the current pest control and dog warden contract by 6 months it would enable all of the contracts to be incorporated into one document which may demonstrate economies of scale.

- 5.3 Whilst there is no legal requirement to provide a pest control there are legal powers under the Prevention of Damage by Pests Act 1949 and the Public Health Act 1936. This legislation would enable the council to serve notice on individuals to carry out works to rid their land and premises of rats and mice or to remove insect infestations. If the owner/occupier fails to comply with any notice served the council may carry out the works in default. These powers would only cover rat and mice infestations and incidents of public health pests such as fleas and bedbugs. The destruction of a wasps nest in a domestic dwelling is not covered by legislation. The provision of a pest control service will reduce the need to carry out enforcement action and reduce the subsequent costs to the council of having to undertake works in default.
- 5.4 The business planning decision required that the provision of the pest control service must be cost neutral to the council. Previous experience indicates that pest control contractors are likely to provide such a service to the council provided that charging for all pest control treatments was introduced. Such a contract could be developed however the current contract allows for a problematic area of the bank of the River Welland in Market Harborough to be treated and kept free of rat activity and it would be beneficial to maintain an element of baiting to control rodent activity in this high profile area within any new contract to reduce the reputation risk to the council.
- 5.5 In addition there will be situations where a customer requires a pest control treatment to remove a public health risk but there is clearly an inability to pay for the service. To prevent enforcement action being undertaken against such vulnerable households and works being carried out in default the new contract could include provision for such hardship cases however a budget would need to be provided to cover the cost of the treatment.

6 Legal Issues

- 6.1 *See exempt legal advice in appendix A*

7 Resource Issues

- 7.1 The approximate cost for advertising the tender process will be in the region of £1500 - £2000 and there is currently no budget provision for this service.
- 7.2 To provide sufficient time to carry out the tender process it will be necessary to extend the current contract for a limited period. Based on the current contract price to extend the contract for a 3 month period would cost approximately £6,000 and for 6 months would cost approximately £12,000. There is currently no budget provision to extend the pest control service beyond October 2011.

7.3 If the decision is made to include the pest control service in the new tender and to continue the rodent control at a high profile area in Market Harborough budget provision would be required to replace the existing defective bait stations and to provide a baiting service through out the year. The existing bait stations have been in service for several years and now need replacing. The replacement of 6 bait stations would cost approximately £550.00.

8 Equality Impact Assessment Implications/Outcomes

8.1 Whilst the introduction of fees for pest control treatments will have a detrimental impact on certain groups in society, the maintenance of a service will ensure that all residents can access treatments and the continuation of some concessionary rates would have a positive impact on client groups such as the elderly and disabled residents in the district.

8.2 The Initial Equality Impact Assessment can be found in Appendix B.

9 Impact on the Organisation

9.1 The continuation of a pest control service will reduce the amount of enforcement action required using The Prevention of Damage by Pests Act 1949 and the Public Health Act 1936.

10 Community Safety Implications

10.1 None

11. Carbon Management Implications

11.1 None

12. Risk Management Implications

12.1 The key risk is to ensure that the tender process is undertaken using the correct legal process to ensure that any new clauses are legally binding.

13 Consultation

13.1 The Portfolio Holder has been involved with the discussions.

14 Options Considered

14.1 The following options have been considered –

- **Continue with the current contract**

There is insufficient budget to continue with current contract however renewing the current contract for a further 2 years would ensure

continued service provision. **Not the preferred option due to the costs.**

- **Do not provide a pest control service**

The current contract can not be extended for the provision of dog control only therefore it would be necessary to extend the current contract for either a 3 month or 6 month period to allow for the tender process to be undertaken. Beyond the extension period of the existing contract, the potential savings would be recognised however there would be an increase in enforcement action and there is a risk to the reputation to the council in not providing the service. The cost of undertaking baiting in high profile areas would increase if it was not carried out through a contract. **Not the preferred option due to increased enforcement costs and poor reputation of the council.**

- **Re tender the contract for both pest control and dog warden service but introducing charging for treatments to make the pest control service cost neutral to the council.**

It would be necessary to extend the existing contract for either a 3 month or 6 month period to allow for the tender process to be undertaken. Introducing charging for pest control treatment will recognise savings to the council whilst still maintaining a service and control over the charging structure including the potential for concessionary rates for vulnerable households. **The preferred option.**

- **Preferred supplier status**

A potential route but would provide less control over the service delivered by the contractor as the council would not be able to influence the cost of the treatments or the service standards provided. The existing contract would still have to be extended for a limited period to allow for the tender process for the dog warden service. **Not the preferred option due to the lack of control by the council on the service delivery.**

- **Examine the potential for a shared service.**

The existing contract could be renewed for either a 3 month or 6 month period with a view to re-tendering the contract for a 12 month period to allow sufficient time to explore various options of delivering a shared service with other service providers. **This option could be considered however it could be more expensive in the short term however this option could potentially realise greater savings in the long term.**

15 Background Papers

15.1 Report to the Executive on the 14th March 2011.

Previous report(s): *text*

Information Issued Under Sensitive Issue Procedure: Y/N

Ward Members Notified: Y

Appendices: *list any appendices here including title and filename in brackets (e.g. Performance Data 2010 (perfddata.doc)).*

A. Legal advice – exempt item (S100a Local Government Act 1972 paragraph 5)

B. Initial equality impact assessment