

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 19 SEPTEMBER 2017

Title of report	DOG WARDEN AND STRAY DOG KENNELING CONTRACT
Key Decision	a) Financial No b) Community Yes
Portfolio Holder	Councillor Alison Smith MBE Tel: 01530 835668 alison.smith@nwleicestershire.gov.uk
Director	Director of Resources Tel: 01530 454833 andrew.hunkin@nwleicestershire.gov.uk
Officer to contact	Head of Legal and Support Services Tel: 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk
Purpose of report	To seek Cabinet's approval for the novation of the Council's dog warden and kennelling services following the service provider's change from sole trader to a limited company
Reason for decision	To ensure the Council discharges its statutory function under the Environmental Protection Act 1990 to appoint a dog warden and deal with stray dogs in its area
Council priorities	Value for Money
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	Not applicable
Equalities Impact Screening	Not applicable
Human Rights	Not applicable
Transformational Government	This relates to the new ways in which Councils are being asked to deliver their services
Comments of Head of Paid	The report is satisfactory

Service	
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	None
Background papers	None
Recommendations	<p>THAT CABINET:</p> <p>1) APPROVES THE NOVATION OF THE CURRENT DOG WARDEN AND STRAY DOG KENNELING AGREEMENT; AND</p> <p>2) DELEGATES AUTHORITY TO CONCLUDE THE NOVATION AGREEMENT TO THE HEAD OF LEGAL AND SUPPORT SERVICES IN CONSULTATION WITH THE COMMUNITY SERVICES PORTFOLIO HOLDER</p>

1.0 BACKGROUND

- 1.1 The Council has a statutory function under the Environmental Protection Act 1990 to deal with straying dogs within its area. At the moment, in order to discharge this function, the Council works in partnership with a contractor, College Garth Kennels.
- 1.2 On 8 March 2016 Cabinet delegated the award of the contract for dog warden and stray dog kennelling to the Head of Legal and Support Services in consultation with the Portfolio Holder.
- 1.3 The existing contract was agreed and signed by both parties on 30 March 2016. The contract commenced on 1 April 2016 and expires on 31 March 2020. The contract is operating as expected and the services delivered under it are meeting the Council's needs

2.0 CHANGE OF LEGAL PERSON

- 2.1 The contract detailing the services agreement is made between North West Leicestershire District Council and John David Barker trading as College Garth Kennels.
- 2.2 In July the council was notified that, for business continuity reasons College Garth Kennels was undergoing a change from operating as a sole trader to a limited company. This change of replacing a party to an agreement with a new party is called novation.
- 2.3 In response to this company change it is necessary to novate the existing contract from John David Barker to College Garth Limited, the newly created limited company.
- 2.4 Cabinet approval was required to award the existing contract due to its value. Paragraph 14.3 of the Council's Contract Procedure Rules states that "*The variation or novation of a*

contract originally awarded by the Cabinet shall only be agreed by the Cabinet". Cabinet is therefore requested to approve the novation.