

Cabinet

- Date and Time - **Monday 23 May 2022 – 6:30pm**
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
-

Councillors appointed to the Committee:

Councillor D.B. Oliver (Leader), S.M. Prochak, MBE (Deputy Leader), C.A. Bayliss, T.J.C. Byrne, K.P. Dixon, K.M. Field, A.K. Jeeawon, H.L. Timpe and J. Vine-Hall.

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on Monday 9 May 2022 as a correct record of the proceedings.

2. APOLOGIES FOR ABSENCE

3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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**Rother District Council aspiring to deliver...
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,
Stronger, Safer Communities and a Quality Physical Environment**

6. **STRAY DOGS CONTRACT** (Pages 1 - 4)
7. **BEXHILL SPLASH-DECK OUTFALL PIPE, SOUTH CLIFF** (Pages 5 - 8)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 13 May 2022

Rother District Council

Report to: Cabinet

Date: 23 May 2022

Title: Stray Dog Contract

Report of: Head of Environmental Services, Licensing and Community Safety

Cabinet Member: Councillor Field

Ward(s): All

Purpose of Report: To seek approval to procure and appoint jointly with Hastings Borough Council, a contractor for stray dogs.

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) as set out in Option 1 below, officers work with Hastings Borough Council to jointly procure and appoint a stray dog contractor with an estimated annual cost to Rother District Council of £40,000 and Wealden District Council of £40,000, for a term of three years with an option to extend for a further two years; and
- 2) delegated authority be granted to the Deputy Chief Executive to undertake all necessary actions to appoint a contractor.

Reasons for

Recommendations: There is a statutory requirement for a stray dog service to continue throughout the district.

It is believed that joint procurement with Hastings Borough Council will provide economies of scale and an efficient service to meet the needs of the community.

Introduction

1. The Council's current stray dog control service is carried out by a private contractor. The contract expires in March 2023.

Background

2. In 2018 the Council entered into a three-year contract with Animal Wardens Ltd, which included the option to extend the contract by two years to 31 March 2023. This option was enacted.
3. The service falls into three main areas of work:

- (i) the collection and transportation of stray dogs within four hours of being notified, including the provision of a customer contact centre;
 - (ii) the kennelling and care of dogs for up to seven days; and
 - (iii) the re-homing of unclaimed dogs after the seven-day period.
4. The Council is legally obliged to seize dogs and kennel stray dogs for seven days, after which time the dog becomes the property of the Council. The contractor can seek to recover the costs of the kennelling and transportation of the dog from the owner, if the owner reclaims the dog. The service complies with the statutory code of practice and currently costs the Council £36,000 per annum.
5. The procurement will be undertaken using the East Sussex Procurement Hub and will include Hastings, Rother and Wealden Councils. There is a possibility that Eastbourne and Lewes Councils will also take part. It is anticipated that this joint procurement will minimise any increase in costs.
6. The environmental health shared service management agreement with Wealden District Council (WDC) includes this service. The cost being re-charged to Wealden.

Options

7. There are two options:
- i. Work with Hastings Borough Council (HBC) and the East Sussex Procurement Hub to procure and appoint a new contractor based on a similar specification and with limited modification as referred to in paragraph 3 above. This has proved successful during the last 15 years, both operationally and economically.
 - ii. Carry out the service in-house by employing dog wardens directly. Three dog wardens would have to be employed to provide a twenty-four-hour service. This would still require the Council to have a contract with a kennels and make arrangements to rehouse dogs, not reunited after 7 days. This would present risks to the Council if kennels could not be procured at an economic cost over 3 to 5 years. This option would be cost prohibitive as well as operationally less efficient.

Conclusion

8. Approval is sought to tender the stray dog control contract this year, as the contract expires in March 2023 and this is the most cost effective way of providing this statutory service.

Financial Implications

9. The 2022/23 budget includes provision for expenditure of £40,000 on this service.

Legal Implications

10. RDC and HBC will work with the Procurement Hub to appoint a contractor in accordance with procurement legislation.

Human Resources Implications

11. Officers within the environmental health service will work with HBC officers to support the drafting of the specification and procurement process.

Risk Management

12. Failure to approve the authority to tender for a stray dog contract will mean the service ceases in March 2023 and Rother District Council will have to employ its own dog warden, kennelling and re-housing service to meet its statutory obligations, at a cost much greater than would otherwise be achieved through joint procurement.

Environmental

13. Failure to control stray dogs would have a negative impact, in that dogs roaming uncontrolled may foul pavements, bite persons or get injured by vehicles etc.

| Other Implications | Applies? | Other Implications | Applies? |
|--------------------|----------|--------------------------|----------|
| Human Rights | No | Equalities and Diversity | No |
| Crime and Disorder | No | Consultation | No |
| Environmental | Yes | Access to Information | No |
| Risk Management | Yes | Exempt from publication | No |

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| Chief Executive: | Malcolm Johnston |
| Report Contact Officer: | Richard Parker-Harding |
| e-mail address: | richard.parker-harding@rother.gov.uk |
| Appendices: | None |
| Relevant Previous Minutes: | CB17/31 |
| Background Papers: | None |
| Reference Documents: | The Environmental Protection (Stray Dogs) Regulations 1992 (legislation.gov.uk) |

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Rother District Council

Report to: Cabinet

Date: 23 May 2022

Title: Bexhill splash-deck outfall pipe, South Cliff

Report of: Deborah Kenneally, Head of Neighbourhood Services

Cabinet Member: Councillor Timpe

Ward(s): Collington, Bexhill

Purpose of Report: To inform Members of an increase in capital funding to complete this project.

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED:** That

- 1) additional funding of £100,000 be set aside in the Capital Programme to complete this work;
- 2) a suitable contractor be procured in partnership with East Kent Engineering Partnership to complete the work up to the value of £200,000; and
- 3) the tender award be made as soon as possible for work to commence in September 2022 and the Head of Neighbourhood Services be authorised to take any further necessary action to conclude the works.

Reasons for

Recommendations: To enable work to commence to Bexhill outfall pipe in September 2022 before the winter season.

Introduction

1. There are several outfall pipes along Bexhill seafront that channel rain-water runoff out to sea from local streets, via underground pipes which often run under seafront assets such as the promenade, splash-deck, and residential properties. Most of these outfall pipes are owned and maintained either by the Environment Agency or Southern Water, but two are the responsibility of Rother District Council due to them being associated with underground water culverts.
2. One of the Council owned outfall pipes on Bexhill beach adjacent to the splash-deck requires extending and replacement of corroded sections. It consists of a metal pipe supported by timber piles and frame. Much of the outfall pipe is buried under shingle and what is left of the pipes' seaward end section is extensively corroded and leaking.
3. Because a section is missing from the seaward end of the pipe, the pipe itself has become blocked with shingle which, although still releasing a low volume of water run-off into the sea, places pressure within the pipe during storms

and high tides. In the past this has resulted in a fountain of water emanating from a manhole cover on the splash-deck and has lifted a section of the splash-deck concrete itself. More recently a large hole in the top of the corroded pipe emits a fountain of water some 20 feet or so into the air during storms and high tides.

4. The back pressure that is created by the pipe being blocked with shingle impacts on the underground pipe that runs underneath a nearby resident's garden resulting in a water fountain in her garden that has caused damage to the underground chamber, water pipe and her garden.
5. If no remedial action is taken to remove the shingle and address the condition of the outfall pipe, there will be an ongoing risk to the safety of people using the beach and splash deck, and to the Bexhill residents along the inland pipe run.
6. East Kent Engineering Partnership (EKEP) coastal engineers, who work in partnership with Rother District Council on projects of this nature, reviewed the outfall pipe in early 2021. They identified that the outfall pipe in this location has reached the end of its design life. It is both too short and too low in the beach, and so unless it is raised higher off the beach, will continue to become blocked with shingle.

Financial implications

7. The estimated project costs were originally outlined by EKEP in early 2021 and capital funds of £100,000 were set aside to have the metal pipe and timber structure replaced. Since this time, labour and material costs for construction projects have risen significantly.
8. Furthermore, following trial hole investigations on site in November 2021, the strata beneath the existing outfall pipe was discovered to be sandstone, a highly durable bed material in comparison to the more common clay or chalk beds as seen around much of the south east. Constructing piled foundations in this bed material is technically more challenging and requires additional provisions for driving.
9. Paragraph G.40 of the Council's Financial Procedure Rules require that any capital scheme likely to exceed its approved estimate by more than £25,000 be reported Cabinet. EKEP are in the process of procuring a suitable contractor to complete the work and the tender response has indicated that the cost of the work will be in the region of £180,000 to £200,000 due to the issues outlined in the paragraphs above. To avoid further increase in costs it is recommended that tender award is made as soon as possible for work to commence in September 2022, once the summer season is over.
10. Members are therefore requested to approve that the capital budget for this project be increased by £100,000 to £200,000.
11. The additional costs can be funded from borrowing, which would increase the Council's revenue costs by approximately £3,800 although it is likely that borrowing can be managed 'internally'.

Conclusion

12. The works are of vital importance, both for the safety and security of Bexhill residents' property along the inland pipe run and for members of the public using the beach around the outfall pipe and on the splash-deck. Undertaking the works now will protect against further damage to neighbouring properties and avoid incurring more significant costs in the future.

Financial Implications

13. As in paragraphs 7 to 11.

Legal Implications

14. There is potential for legal action if further damage occurs to private property due to the blocked outfall pipe.

Risk management

15. If no remedial action is taken to remove the shingle and address the condition of the outfall pipe, there will be an ongoing risk to the safety of people using the beach and splash deck, and to Bexhill residents' property along the inland pipe run.

Environmental

16. When unblocked, the outfall pipe will allow improved flow of run-off water direct into the sea to avoid the potential of water arising in undesirable locations.

| Other Implications | Applies? | Other Implications | Applies? |
|--------------------|----------|--------------------------|----------|
| Human Rights | No | Equalities and Diversity | No |
| Crime and Disorder | No | Consultation | No |
| Environmental | Yes | Access to Information | No |
| Sustainability | No | Exempt from publication | No |
| Risk Management | Yes | | |

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| Chief Executive: | Malcolm Johnston |
| Report Contact Officer: | Deborah Kenneally - Head of Neighbourhood Services |
| e-mail address: | Deobrah.kenneally@rother.gov.uk |
| Appendices: | None. |
| Relevant Previous Minutes: | None. |
| Background Papers: | None. |
| Reference Documents: | None. |

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