

PFCC Decision Report

Report reference number: 019- 23

Classification: Official

Title of report:

7F-2022-C113 Recovery of Stray Horses for Kent Police and Essex Police (Lot 2a and Lot 2b)

Area of county / stakeholders affected: Essex Police

Report by: Busola Shotunde (Senior Category Manager, 7F Commercial Services)

Chief Officer: Jules Donald (T/Director of Kent & Essex Support Services)

Date of report: 21st February 2023

Enquiries to: Busola Shotunde – olubusola.shotunde@kent.police.uk

1. Purpose of the report

- 1.1. This report outlines the procurement process and recommended contract award for the provision of Recovery of Stray, Loosed and Abandoned Horses for Essex
- 1.2. The Primary Contractor (Lot 2a) can be awarded 80% - 100% of the recovery of stray horses within the county of Essex. The Secondary Contractor (Lot 2b) can be awarded 0% - 20% of the recovery of stray horses within the county of Essex.
- 1.3. This procurement also includes Kent Police (Lot 1a and Lot 1b).

2. Recommendations

For the reasons set out in this report, the PFCC for Essex is recommended to:

- 2.1 Approve the award of a contract to [REDACTED] (Lot 2a – Primary Contractor) and [REDACTED] (Lot 2b – Secondary

Contractor) for an initial term of three (3) years from 1st May 2023 to 30th April 2026, with the option to extend for a further 1 + 1 years. There is no budget over the 5 year period, so the 22/23 budget has been multiplied by 5 to provide an estimated value due to the reactive nature of the service. The estimated spend for the full five-year period is £375,000 based on the 2022/23 budget of £75,000. Actual spend is detailed in section 9.

2.2 Authorise the application of the PFCC's electronic signature to the contract documents.

3. Background to the Proposal

3.1 Horses straying on the highway present a substantial risk to road users which could result in the loss of life or serious injury to either road users or the horse itself and also poses serious welfare concerns to the public. The priority is to remove the danger to the carriageway for users and the horse.

3.2 Under the Animal Welfare Act 2006 police are responsible for the welfare of any seized animals, even if the seizure is only temporary.

3.3 The Highways Act 1980 (section 155) makes it an offence for horses to stray or lay on or at the side of a highway. The police have powers to remove horses straying on the highway and either return them to the horse's owner or to remove them to a pound. A person found guilty of an offence is liable to paying for the expenses incurred in removing and pounding the horse.

3.4 The Town and Police Clauses Act 1847 (section 21-29) gives the police powers to seize and impound a horses(s) found without a person having charge of them.

3.5 The current supplier to Essex Police is [REDACTED] and the contract expires on 30th April 2023. A contract for Recovery of Stray, Loosed and Abandoned Horses for Essex Police is required to ensure continuity of service without interruption upon expiry of the current contract and will enable Essex Police to fulfil its legal obligation on recovery of horses on the highway.

3.6 The new contract has been broken into 'lots' to provide contingency and resilience for the service. The primary contractor will receive 80-100% of business and the secondary contractor 0-20%.

3.7 A Prior Information Notice (PIN) was published to advertise the tender and a Supplier Engagement Event was carried out individually with identified suppliers. The market is limited. Previously only one supplier was identified for the service, however two additional suppliers have now been identified through the PIN.

3.8 **Two** compliant bids were submitted through an open procurement procedure. The winning bidder for Lot 2a is [REDACTED] with a total score of **93.94%** and the winning bidder for Lot 2b is [REDACTED] with a total score of **67.05%**

4. Proposal and Associated Benefits

- 4.1 The contract will continue to save officer hours in dealing with stray horses on the highway. The contract is a necessity and is a legal requirement for the police in fulfilment of its responsibilities to public safety and order.
- 4.2 Reduces public risk due to the dangers of stay horses on the highway.
- 4.3 Avoidance of legal penalties and proceedings if horses remain on the highway.
- 4.4 Time will be saved through a joint procurement exercise for Kent and Essex, rather than two separate procurements, and create an efficiency of having a single contract manager.
- 4.5 £216,985.08 social value benefits delivered in this tender for Lot 2a and 2b within the initial three-year contract duration

5. Options Analysis

- 5.1 Do Nothing - With the current contracts expiring a new contract is required to ensure the Essex Police force is not in breach of Public Contract Regulations and legal requirements. Therefore, this option was ruled out.
- 5.2 A number of alternatives to deliver the service requirements were considered including:
 - 5.2.1 In-source - Essex Police do not have the resources or capability currently. This option was ruled out.
 - 5.2.2 Framework agreements - none is available as requirement is so bespoke.
 - 5.2.3 Potential partnership working with Essex County Council and the Highways Agency on recovery of stray horses was explored. Research has identified that the recovery of stray horses in some parts of the country is shared particularly where horses stray on common land or private land. However, within Essex, predominately stray horses are removed from the highway. Under The Highways Act 1980 (section 155) it is the sole responsibility of the police to remove stray horses in these circumstances.
 - 5.2.4 Use of charities (currently the approach elsewhere in the region) – there was no appetite from a local charity for this provision due to the significant volumes involved.
- 5.3 Given the limited market and options available an Open Procedure was carried out.

6. Consultation and Engagement

6.1 All key users across Essex Police were consulted regarding the contract and were involved in the drafting of the specification and evaluation of the tenders submitted:

- Chief Inspector, Local Policing Support Unit
- Rural Engagement Team - Local Policing Support Unit

7. Strategic Links

7.1 The areas of the Police and Crime Plan that may be supported by this contract are:

- Increasing Collaboration, resulting in better value contracts
- Supporting our Officers and Staff, by ensuring safe recovery of stray, loose and abandoned horses from the highway.

8. Police operational implications

8.1 This contract will enable the rural engagement team to be operationally effective in recovering stray horses from the highway thereby eliminating the inherent risk to road users and the horse itself while fulfilling associated legal obligations.

9. Financial implications

9.1 The Essex contract over five years has an estimated value of £375,000.

9.2 The value is an estimate based on the 2022/23 budget of £75,000. As a reactive service it is not possible to forecast the exact number of horses that will stray onto Essex highways.

9.3 Spend over the past five years and the amount reclaimed from owners for the past two years is as follows:

Year	Spend	Reclaimed from owners
18/19	£134,787.00	
19/20	£82,098.00	
20/21	£121,234.00	
21/22	£12,611.00	1995
22/23*	£32,000.00	3000
Total	£382,730.00	
*22/23 forecast based on figures to 31/1/23		

9.4 There is no minimum usage commitment under the contract.

9.5 The new contract provides greater transparency in pricing and whilst it is not possible to forecast the financial impact because it is a demand led service a comparison of the costs under the new contract versus this former contract are set out below, which demonstrates that the new contract is not likely to result in an increase in cost and that any increase will be activity related rather than due to the unit cost of the activity:

Former Contract Pricing	New Contract pricing
Recovery cost - £660 Abandoned Recovery (Full charge) - £660	Recovery Cost (Primary contractor) - £350 Mileage rate £4 per mile Abandoned Recovery <ul style="list-style-type: none"> • Within 10 minutes - £300 • Within 30 minutes - £350 • Within 45 minutes - £395
Examples	
To recover horse(s) within 30 miles	
£660	$£350 + (£4 * 30) = £470$
To recover horse(s) within 20 miles	
£660	$£350 + (£4 * 20) = £430$
To recover horse(s) within 10 miles	
£660	$£350 + (£4 * 10) = £390$

Note: Prices are exclusive of VAT

10. Legal implications

10.1 The procurement has been carried out in accordance with the Contract Standing Orders and the Public Contract Regulations 2015 via the Open Procedure and using the standard 7F Services Terms and Conditions of Contract.

11. Staffing implications

11.1 TUPE does not apply to this contract.

12. Equality, Diversity, and Inclusion implications

12.1 This project does not introduce any additional equality, diversity or inclusion implications.

13. Risks and Mitigations

13.1 Failure to proceed with this option could impact the force's ability to meet its statutory obligation on removal of stray horses and could present a substantial risk to road users which could result in the loss of life or serious injury to either road users or the horse itself and it will also pose serious welfare concerns to the public.

14. Governance Boards

Essex COG - 8th February 2023
Essex Strategic Board – 1st March 2023

15. Links to Future Plans

The proposal supports ongoing delivery of the Police and Crime Plan as set out in section 7 above.

16. Background Papers and Appendices

[REDACTED]
[REDACTED]
[REDACTED]

Report Approval

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O. Sign: 

Print: P. Brent-Isherwood

Date: 17 March 2023

Chief Finance Officer Sign: 

Print: Janet Perry

Date: 19 March 2023

Publication

Is the report for publication? YES NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

Subject to redaction

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES NO 2. Of Appendix? YES NO

If 'YES', please provide details of required redaction:


Supplier details to be redacted from the decision report because of the nature of the contracts and potential safety issues.

Appendices not to be published for the same reasons, along with commercial sensitivity.

Date redaction carried out: 20th March 2023

Chief Finance Officer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign: 

Print: Janet Perry

~~Chief Executive~~ / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: ROGER HIRST

PFCC

Date signed: 20th March 2023

I do not agree the recommendations to this report because:

.....
.....
.....

Sign:

Print: