

Management Committee

20 September 2016

Delegating authority to enforce the provisions of the Microchipping of Dogs (England) Regulations 2015

For Decision

Briefholder:

Cllr F Drake – Community Safety

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

J Williams, Team Leader Public Health

Statutory Authority:

Animal Welfare Act 2006 and The Microchipping of Dogs (England) Regulations 2015

Purpose of Report

- 1 To inform Members and enable officers to be authorised to enforce the provisions of the Microchipping of Dogs (England) Regulations 2015.

Officer Recommendations

- 2 To delegate authority to the Head of Community Protection to authorise officers to enforce the Microchipping of Dogs (England) Regulations 2015.

Reason for Decision

- 3 In order to enforce the provisions of the Regulations, officers are required to be authorised in writing by the local authority (Regulation 11(2)) and be able to produce the written authorisation (Regulation 12).

Background and Reason Decision Needed

- 4 The Microchipping of Dogs (England) Regulations 2015 imposes a duty (subject to limited exemptions) upon every keeper of a dog for it to be microchipped and for relevant information to be recorded on a national database. Microchipping is available from local veterinary surgeries at a

cost of approximately £35, while some charitable institutions will perform this service at a lower cost, or occasionally free of charge.

5. Exemptions from the requirement to microchip include: 1. Puppies under 8 weeks of age; 2. Working dogs as defined at section 6(3) of the Animal Welfare Act; 3. Dogs which cannot be microchipped owing to illness/welfare issues.
6. The council is the enforcing authority and can by service of a notice require the keeper of unchipped and/or unregistered dogs (which are not exempt) to have a microchip implanted and the details registered on an appropriate database within 21 days.
7. Failure to comply with such a notice is an offence and the keeper may then be liable to prosecution. Alternatively, the authority is empowered to seize the dog and have a microchip implanted at the owner's cost, although it is considered unlikely that this council will pursue this route in practice. Failure to permit the dog to be scanned may constitute an offence of 'Obstruction', for which the penalty on summary conviction in the Magistrates' Court is a 'Level 4' fine of up to £500.

Implications

8. While authorised officers would be empowered to approach dog owners in the street with the intention of scanning their dog(s) to identify an implanted microchip, it is considered such an approach might be perceived as over-zealous and our resources will be more focused to education and awareness of the requirement.
9. Dogs seized as strays are routinely scanned both by the Dog Warden and by the receiving kennels and, where unchipped strays are subsequently claimed, the owner will be offered the opportunity to have a chip implanted by the holding kennels. Should an owner decline to have a chip implanted, the council will then serve a 'Regulation 12(a) Notice' requiring them to do so within 21 days or face prosecution.

Corporate Plan

10. There are no implications arising from this report

Financial

11. There is not expected to be any financial implications arising from the enforcement of the Regulations. Where legal proceedings are commenced, it is anticipated that in the event of a successful outcome in the court, an application will be made to recover legal expenses incurred. Identifying the owners of dogs seized as strays may also reduce the number impounded in kennels, reducing costs to both the authority and to dog owners.

Equalities

12. There is no exception for assistance dogs from being microchipped; however it is recognised that the 'chip may be registered to the charity rather than the 'keeper'.

Environmental

13. Microchipping is primarily aimed at improving animal welfare, but will also help with identifying strays and may also assist in addressing fouling issues.

Economic Development

14. There are no implications

Risk Management (including Health & Safety)

15. The Dog Warden staff are all fully trained in dealing both with aggressive dogs, and in dealing with members of the public in potentially confrontational situations.

Human Resources

16. No additional Human Resources are required.

Consultation and Engagement

17. The Microchipping of Dogs (England) Regulations 2015 have been heavily publicised since the introduction of the Antisocial Behaviour Crime and Policing Act 2014, including extensive media coverage. The authority has agreed that the holding kennels will offer free microchipping to owners of unchipped stray dogs in order to promote compliance with the legislation.

Appendices

None

Background Papers

The Microchipping of Dogs (England) Regulations 2015
<http://www.legislation.gov.uk/ukdsi/2015/9780111125243>

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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