

PAPER NO.5

REPORT TO THE EXECUTIVE MEETING OF 9th May 2016

Meeting: Executive
Date: 9th May 2016
Subject: Microchipping of Dogs (England) Regulations 2015
Report of: Elaine Bird – Regulatory Services Manager
Portfolio Holder: Cllr N Bannister
Status: Decision
Relevant Ward(s): All Wards

1 Purpose of the Report

1.1 To inform and seek member approval on the enforcement of the Microchipping of Dogs (England) Regulations 2015

2 Recommendations:

2.1 It is recommended that the Executive:

2.1.1 Note that on the 6 April 2016 the legislation requiring the compulsory microchipping of dogs came into force.

2.1.2 Approve the enforcement proposal of the Microchipping of Dogs (England) Regulations as detailed in section 4.6 of this report.

2.1.3 To delegate authority to the Regulatory Services Manager to authorise any person (“an authorised person”) to act for the purpose of enforcing the Regulations in the District of Harborough.

3 Summary of Reasons for the Recommendations

3.1 From 6th April 2016 it is mandatory for all relevant dogs to be micro-chipped and the keeper of the dog will be responsible for making sure that all the details on the micro-chip are kept up to date and stored on an approved database.

3.2 Authorised persons of the Council will be able to undertake enforcement action for non-compliance of the Regulations following the service of a notice on the keeper of the dog.

3.3 A micro-chipped dog should reduce the number of incidents of straying and dangerous dogs and it will assist the authorised persons in identifying the keepers of dogs who are causing problems in the local community.

4 Key Facts

4.1 From 6 April 2016 the Regulations make it compulsory that:

- All dogs are microchipped, if over 8 weeks old and if not a certified working dog under the Animal Welfare Act 2006, s 6 (3)
- A keeper who imports a dog must ensure that the dog is microchipped within 30 days of importing the dog.
- Where a dog is transferred to a new keeper, the new keeper must, unless the previous keeper has already done so, record their full name, address and contact number (if any) and any change in the dog's name with the database on which the dog's details are recorded.
- A keeper (which includes the breeder) must not transfer a dog to a new keeper until it has been microchipped.

4.2 If a relevant dog has not been microchipped, an authorised person of the Council may service a notice requiring the dog to be microchipped within 21 days. A keeper may appeal this notice (to the First-Tier Tribunal).

4.3 Where a keeper of a dog has failed to comply with a notice, an authorised officer, without the consent of the keeper, may arrange for the dog to be microchipped and recover the costs from the keeper.

It is an offence to fail to comply with a notice or to obstruct an authorised person. The offence is punishable on summary conviction and the maximum fine is £500.

4.4 The Regulations can be enforced by either the Local Authority or the Police.

4.5 The requirements under the Regulations do not apply if a vet certifies that it is not appropriate to microchip the dog for reasons of the animal's health.

4.6 Enforcement Proposal

4.7 The Council currently has a number of duties with regards to dogs, including, seizure of stray dogs, and the inspection of boarding and/or breeding establishments and the investigation of dog related complaints. If during the course of this work it is identified that a dog is not microchipped, the keeper, if known, shall be issued with a notice requiring the dog to be microchipped within 21 days.

4.8 If the notice is not complied with, an authorised officer may arrange for the dog to be microchipped at the expense of the keeper and/or prosecution of the offence shall be considered in line with the Council's Enforcement Policy.

5 Legal Issues

- 5.1 The Regulations are only valid for 7 years and cease to have effect at the end of the 7 year period beginning with the day when they come into force, i.e. until the 24th February 2022.

6 Resource Issues

- 6.1 There are no additional resources available to pro-actively patrol the district to identify dogs that are not microchipped. Consequently the enforcement proposal sets out a targeted approach as set out in section 4.7 to implementing the Regulations.

7 Equality Analysis Implications/Outcomes

- 7.1 The legislation does not exempt guide dogs for the requirement to be microchipped. Organisations such as the Guide Dogs for the Blind and Hearing Dogs are members of the Microchipping Alliance which are all supportive of the introduction of mandatory microchipping of dogs.

8. Risk Management Implications

- 8.1 Microchipping provides a vital tool that encourages responsible dog ownership and it is hoped will reduce the number of dog attacks. This will provide useful information on name, address and phone numbers. It will also help to reduce the number of stray dogs taken to kennels and provide key information for combating dogs which are dangerously out of control as owners can be targeted and action taken.

9 Consultation

- 9.1 Advice and information has been provided to dog breeders and sellers during the routine licence inspections.
- 9.2 An article on the new Regulations has been included in the latest Harborough Newsletter which is available to all residents
- 9.3 The Portfolio Holder has been consulted on the proposed approach to enforcement of the Regulations.

10. Options

The Regulations are in force. Options to consider in relation to the enforcement of the Regulations are:

Option 1- To authorise the Regulatory Services Manager to authorise any person ("an authorised person") to act for the purpose of enforcing the Regulations in the District of Harborough. This would enable authorised officers to take appropriate action deemed necessary in relation to identified breaches of the Regulations.

Option 2 – To not authorise the Regulatory Services Manager to authorise any person (“an authorised person”) to act for the purpose of enforcing the Regulations in the District of Harborough and not to undertake enforcement action in relation to the Regulations.

11 Background Papers

11.1 *None*

Previous report(s):

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: N/A