

NORTH LINCOLNSHIRE COUNCIL

**GOVERNANCE & TRANSFORMATION
CABINET MEMBER**

MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To bring to the attention of the Cabinet Member the new legislation in relation to the compulsory microchipping of dogs and how these will be enforced.

2. BACKGROUND INFORMATION

- 2.1 The Environmental Protection Act 1990 places a duty on the council to seize and detain stray dogs. This function is undertaken by Dog / Street Wardens within Environmental Health who undertake both proactive and reactive duties in this regard.
- 2.2 Over the past five years the Dog Warden Service has either picked up and taken to, or accepted from the public, or partner agencies such as the Police, an average of 438 dogs to the council's contracted kennel each year. The average reclaim rate is 49%. The percentage of dogs with an ID tag during this period is just 1.8%. Only 28% of dogs are microchipped and of the 28%, only 42% hold the correct keeper information.
- 2.3 The Dog / Street Wardens, working in partnership with the contracted kennel, make reasonable enquiries to contact a dog's keeper. When a keeper is found a straying notice is served upon them notifying them of the whereabouts of their dog and what action they should take to retrieve it. Anyone claiming the dog must pay the £25 straying fine and the council's reasonable costs in keeping the dog at the contracted kennel in full before it is released. Unclaimed dogs are retained and re-homed or sold by the contracted kennel.
- 2.4 From 6 April 2016 it became compulsory to micro-chip dogs as per the requirements of the Microchipping of Dogs (England) Regulations 2015. If there are reasonable grounds to believe that a dog has not been implanted with a microchip, or that the information on the micro-chip database is incorrect, we may serve, if deemed appropriate, a formal notice on the dog's keeper requiring them, within 21 days, to:
 - (a) show that the dog is microchipped and that the required information is correctly recorded on an approved database, or
 - (b) to have the dog microchipped and the relevant information recorded on an approved database.

- 2.5 In anticipation of the requirement to microchip dogs the council has worked in partnership with the Dogs Trust over the past ten years. The Dogs Trust provide the council with microchips free of charge and the Dog Warden Service has implanted over 2,500 microchips in reclaimed and sold dogs from the council's contracted kennels. There is no charge for the microchipping of dogs. The council and Dogs Trust have also held road shows across North Lincolnshire implanting over 2,000 dog microchips free of charge. This year more dog microchipping road shows are planned. The free road shows do not detract from the dog keeper's legal obligation to have their dog microchipped.
- 2.6 It is not known how many formal notices will be served on keepers of dogs or the number who will fail to comply within 21 days. The council will continue to implant microchips for free at its kennels at no cost to keepers so long as the Dogs Trust is able to provide free microchips. Should the provision of free microchips by the Dogs Trust end, the council will review its position in this regard.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1** - The Dog Warden Service propose to proactively enforce the new law in the following circumstances:-
- a) Kennelled strays retrieved by their keepers will be offered a free microchip funded by the Dogs Trust implanted by the contracted kennel.
 - b) Kennelled strays sold to a new owner will be offered a free microchip funded by the Dogs Trust to be implanted by the contracted kennel.
 - c) Kennelled strays retrieved by their keepers already microchipped but holding incorrect details will be served with a 21 day legal notice by the Dog Warden.
- 3.2 Where a 21-day notice is served on the dog owner they must contact the council to provide the microchip reference number and details of the microchip database operator. Failure to give this information, or to provide the wrong information, may result in the council taking the dog without the keeper's consent for the purpose of checking whether the dog is microchipped.
- 3.3 If the keeper fails to microchip the dog (or provide evidence of exemption) within 21 days they will be required to meet the cost of the council arranging for the dog to be microchipped. Failure to comply with the notice is an offence liable to a maximum fine of £2,500 upon conviction.
- 3.4 **Option 2** – The enforcement of the Microchipping of Dogs (England) Regulations 2015 gives the council the power to take action and is not a duty placed upon the council. The council could therefore choose to do nothing.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 - Provides a balanced approach to the enforcement of the new regulations and will ensure that the council meets the expectations of the Government and the public. There have been a number of high profile dog incidents recently and the new law is one way of tackling irresponsible dog ownership. Only time will tell if microchipping has the desired impact. However, should the Dogs Trust decide not to provide dog microchips to the council free of charge at any time in the future this option will require review.

- 4.2 Option 2 - If the council does nothing it may be open to challenge and may face scrutiny if a dog issue occurs involving a dog without a microchip.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 The council employs 2.6 FTE Dog / Street Wardens who undertake other duties in addition to dog control including abandoned vehicles and fly-tipping investigations.
- 5.2 If the Dogs Trust continues to support the free microchipping of dogs via the contracted kennel then it is estimated that approximately 50 legal notices might be served each year on dogs with incorrect details stored on the database. This work is in addition to the Wardens existing duties and whether this can be accommodated will depend very much on the level of compliance by the public.
- 5.3 If the Dogs Trust withdraw their support for free microchipping, the council will need to serve a much greater number of legal notices and this will require further consideration at that time.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 The enforcement of the Microchipping Of Dogs (England) Regulations 2015 can have a positive impact on the minority of irresponsible dog owners / keepers who fail to exercise adequate control over their animals in the hope of anonymity / not being traced.
- 6.2 The council will have increased opportunities to ensure the return of stray and lost dogs with their owners / keepers.
- 6.3 The council's reputation as a regulator may be put at risk if it fails to respond effectively and appropriately to incidents of inadequate dog control by owners / keepers.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 7.1 Consultation with the council's contracted kennel and Dog Warden Service has revealed no known conflicts of interest.

8. RECOMMENDATIONS

- 8.1 That the Cabinet Member agrees to carry out enforcement of the Microchipping of Dogs (England) Regulations 2015 as set out in Option one.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report: Nil.