

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2017	4
THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Microchipping of Dogs (England) Regulations 2015, introduced the requirement for all dogs over the age of eight weeks in England to be fitted with a microchip. This report details the requirements of the regulations and requests that the Committee delegate authority to the Director of Resources to enforce the regulations.

RECOMMENDATIONS

1. That the Operational Management Committee delegate authority under regulation 11(2) of the Microchipping of Dogs (England) Regulations 2015 to the Director of Resources to appoint persons to act for the purpose of enforcing the regulations in the council's area .

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions under this subject matter

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. The [Microchipping of Dogs \(England\) Regulations 2015](#), made under [section 12](#) of The Animal Welfare Act 2006, came into effect on 24th February 2015. Although some of the provisions of the act came into effect in February 2015, the requirement for all dogs over the age of eight weeks in England to be fitted with a microchip came into effect on 6th April 2016.
2. The microchipping regulations include provision that all dogs are microchipped and their details recorded on a database. Puppies are required to be microchipped by the age of eight weeks and before transfer to a new keeper, unless one of two exemptions apply: Where a veterinary

surgeon has certified the dog as a working dog and docked its tail as allowed under [section 6](#) of The Animal Welfare Act 2006 (in such cases the time limit for the dog to be microchipped and details recorded with a database is 12 weeks); or where a veterinary surgeon certifies that a dog should not be microchipped because it would adversely affect its health. The dog must subsequently be microchipped on expiry of a time limited certificate unless a veterinary surgeon issues a further exemption certificate.

3. The keeper is solely responsible for ensuring that a dog is implanted with a microchip and that details are correctly recorded or updated on a relevant database. The definition of 'microchipped' in regulation 3(5) (b) requires that the keeper must record their full name, primary address, contact telephone number and the dog's name. From 6th April 2016, no keeper may transfer a dog to a new keeper until it has been microchipped unless an exemption certificate has been issued. The new keeper must record their correct details and any change in the dog's name with the database on which the dog's details are recorded. The veterinary surgeon does not have any specific responsibility to enforce this even if they become aware that a dog is not correctly chipped.
4. S11 (2) of the Microchipping of Dogs (England) Regulations 2015 gives the local authority the power to appoint authorised persons to enforce the regulations under Regulation 12(a) an authorised person may serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped (correctly) within 21 days. It is a summary offence under S13 (2) (e) for the keeper to fail to comply with the notice served under Regulation 12(a).
5. The following offences are punishable on conviction by a fine of up to level 2 on the standard scale (currently £500) under the regulations:
 - i. Failure to microchip and record relevant details before transferring a dog to a new keeper;
 - ii. Failure to comply with a notice to properly microchip a dog (which includes updating database records);
 - iii. Obstructing an authorised person arranging for the dog to be properly microchipped;
 - iv. Obstructing an authorised person taking possession of a dog to check if the dog is microchipped or to arrange for it to be microchipped.
6. When a notice is served under Regulation 12(a) i.e. on a keeper requiring the keeper to have the dog microchipped, the keeper is permitted 21 days for compliance with the notice. Under Part 3, [rule 22](#) of The Tribunal Procedure (First-Tier Tribunal) (General Regulatory Chamber) Rules 2009, the keeper is allowed 28 days to lodge an appeal from the date of the notice. In accordance with the Regulations the local authority may take enforcement action for non-compliance from day 22 despite the fact that the keeper still has seven days within which they may appeal the issue of the notice. However, it is unlikely that the local authority will be in a position to take action immediately after the period for compliance and it may be more appropriate to wait for the expiry of the appeal period before taking further enforcement action.
7. The Operational Services Committee has within its terms of reference 'Considering reports, reviewing, and formulating where necessary policies relating to dog Control'. This covers the requirements of the Microchipping of Dogs (England) Regulations 2015.
8. The Operational Management Committee is therefore requested to delegate authority the Director of Resources under regulation 11(2) to appoint persons to act for the purpose of enforcing the regulations in the council's area in order that enforcement action can be taken under the regulations.

IMPLICATIONS	
Finance	It is not possible to accurately assess the level of income that may be generated from the enforcement of this regulation. Any additional income that does result will be reflected in future updates to the financial forecast. There is no direct cost implication in the adoption of the new charge.
Legal	The legal implications are set out in the body of the report
Community Safety	There are no direct community safety implications arising from the report
Human Rights and Equalities	There are no direct human rights and equalities implications arising from the report
Sustainability and Environmental Impact	There are no direct sustainability and environmental impact implications arising from the report
Health & Safety and Risk Management	There are no direct health and safety and risk management implications arising from the report

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LIST OF BACKGROUND PAPERS
None