

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
PUBLIC PROTECTION COMMITTEE

Date 13TH April 2016

1. REPORT TITLE

The Microchipping of Dogs (England) Regulations 2015

Submitted by: Head of Environmental Services, Nesta Barker

Portfolio: Environment & Recycling

Ward(s) affected: All

Purpose of the Report

To advise members of the commencement of The Microchipping of Dogs (England) Regulations 2015

Recommendations

That members receive the report

Reasons

The new regulations provide new powers to appointed persons, but do not significantly change the way the authority maintain dog related controls.

1. Background

The Microchipping of Dogs (England) Regulations 2015 required that all dogs, over 8 weeks old, be microchipped, and up to date details of their keeper registered by 6th April 2016. From 28th April 2016, 'Authorised Persons' will be able to take action where these regulations are breached.

2. Issues

These regulations are made by the Secretary of State under the Animal Welfare Act 2006.

Section 11(2) of the The Microchipping of Dogs (England) Regulations 2015 states "*A local authority in whose area a dog is kept may authorise in writing any person ("an authorised person") to act for the purpose of enforcing these Regulations in its area.*"

As the provisions of the Animal Welfare Act are already delegated, legal advice confirms that amendment to the council's existing scheme of delegation is not required for the enforcement of the Regulations.

3. Proposal

Public Protection Committee is therefore asked to note:

- That the provisions of the regulations will be enforced by Environmental Health Services staff and principally the council's Dog Wardens; and

- That the existing enforcement protocol will apply, with dog owners being encouraged to comply in the first instance, but enforcement action being taken, subject to a public interest assessment, if owners fails to chip their dog, or maintain appropriate details on the associated microchipping database.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

Ensuring that dog owners act responsibly aligns with the council's priority to maintain a clean and safe borough

5. **Legal and Statutory Implications**

The Regulations provide powers to officers to confirm that dogs have been microchipped and that owner's details are up-to-date. Authorised Persons have the power to seize unchipped dogs, arrange for a chip to be implanted and recover the costs incurred. There is the option to prosecute owners who fail to comply with the regulations (e.g. refuse to chip their dog, fail to update details, obstruct officers etc.).

The authority is not obliged to authorise persons and could instead opt not to enforce these controls.

DEFRA has as yet not published guidance on enforcement of these provisions.

6. **Equality Impact Assessment**

Enabling appropriate officers to use these powers poses no equality issues

7. **Financial and Resource Implications**

There are no additional costs associated with enabling officers to use the additional powers afforded them by these new regulations as part of their current duties.

Costs would be incurred for any enforcement action escalated to the courts. Any such action would be subject to existing case review procedures, including a public interest test assessment. The current scheme of delegation requires all action of this type to receive prior member approval. Nothing in this report is intended to change this.

8.. **Major Risks**

These is an expectation that widely publicised changes requiring dog owners to microchip their pets will be supported by district councils and appropriately enforced. There is considerable risk of reputational damage, and likelihood that other dog related controls would lose public confidence if the authority fails to appropriately use these new provisions.

9. **Sustainability and Climate Change Implications**

No issues are raised.

10. **Key Decision Information**

This is not considered a key decision

11. **Earlier Cabinet/Committee Resolutions**

No relevant resolutions apply

12. **Background Papers**

The regulations are available at:

http://www.legislation.gov.uk/uksi/2015/108/pdfs/uksi_20150108_en.pdf