

## COUNCIL - 23 February 2016

### PART I

#### 15. TO AGREE THE AUTHORISED PERSONS FOR THE PURPOSES OF ENFORCING THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015 AND TO AMEND THE COUNCIL'S SCHEME OF DELEGATION TO OFFICERS (DCES)

##### 1. Summary

1.1 The Secretary of State exercised the powers conferred by Section 12 of the Animal Welfare Act 2006(a) and made The Microchipping of Dogs (England) Regulations 2015 in February 2015. ("the Regulations").

1.2 The mandatory requirements to microchip dogs in England will come into effect on 6 April 2016. Under Regulation 11 they can be enforced by a Local Authority, a Police Officer, a Police Community Support Officer or someone authorised by the Secretary of State.

1.3 A Local Authority may authorise in writing any person to act for the purpose of enforcing these regulations. Officers are recommending that the requisite authorisations are put in place now in readiness for the implementation date of the 6 April.

##### 2. Details

2.1 These Regulations provide for the compulsory microchipping of dogs and the recording of each dog's identity and its keeper's details on a database. A dog will have to be registered in the name of the keeper. The keeper is defined as "the person with whom the dog normally resides".

2.2 The Regulations require a dog to be microchipped by the time it is 8 weeks old, and all dogs to be microchipped by 6 April 2016.

2.3 When any dog is transferred to a new keeper, the new keeper must record their full name, address and contact number and any change in the dog's name. No dog can be transferred to a new keeper unless it has been microchipped.

2.4 If a keeper has possession of a dog that is not microchipped or their details are not up to date, this is a breach of the Regulations and the keeper is subject to enforcement action. There is a defence against the requirements of the regulations if a vet certifies that it is not appropriate to microchip a dog.

2.5 An authorised officer may, on producing written authorisation –

a) serve on the keeper of a dog which is not microchipped, a notice requiring the keeper to have the dog microchipped within 21 days.

b) where the keeper of a dog has failed to comply with a notice an authorised officer can arrange for the dog to be microchipped and recover the cost of doing so from the keeper

c) take possession of a dog, without the consent of the keeper, for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b), but only after the 21 day notice has expired.

2.6 It is an offence, punishable on summary conviction by a fine not exceeding level 4 (currently £2,500) on the standard scale to fail to comply with a notice served.

2.7 A breach of other parts of the Regulations are punishable on summary conviction by a fine not exceeding level 2 (currently £500) on the standard scale.

2.8 There is no provision for the Regulations to be enforced by a fixed penalty notice.

### 3. **Options/Reasons for Recommendation**

3.1 It is a requirement that Local Authority officers must be authorised in writing in order to enforce these Regulations.

### 4. **Policy/Budget Reference and Implications**

4.1 The Council has adopted the Animal Welfare Act and the Regulations are made under the Act,

### 5. **Financial, Equal Opportunities, Environmental, Community Safety, Customer Services Centre, Risk Management and Health & Safety Implications**

5.1 None specific.

### 6. **Legal Implications**

6.1 Any formal action taken against a dog owner in regards to the microchipping of any dog in their possession may be viewed as invalid if the required written authorisation is not in place.

### 7. **Staffing Implications**

7.1 Officers authorised under the Animal Welfare Act 2006 in the Council's scheme of delegation to Officers will be able to enforce these Regulations when in force and once properly authorised.

7.2 Currently officers authorised under the Animal Welfare Act 2006 are the Animal Control Enforcement Officer, the Pest Control Officer and the Residential Standards Manager. As the Residential Standards Manager and Pest Control officer posts will be deleted as of 1 April 2016 it leaves only the Animal Control Enforcement Officer to be authorised.

Officers are recommending that the Chief Executive be delegated power to add to the list of authorised persons and amend the scheme of delegation to Officers as required.

### 8. **Parish Council Implications**

8.1 None Specific.

### 9. **Communications and Website Implications**

9.1 Details of the requirement that to be in possession of any dog without a microchip or to fail to keep the microchip records up to date is an offence will be added to the website. Information articles will also be published in the Three Rivers Times.

10. **Recommendation**

10.1 That the Animal Control Enforcement Officer be authorised in writing to enforce the Microchipping of Dogs (England) Regulations 2015 and that the Council's scheme of delegation to Officers be amended.

10.2 That the Chief Executive be delegated the power to add to the list of authorised persons and amend the scheme of delegation to other Officers as required.

Report prepared by: Debra Sandling, Animal Control Enforcement Officer

**Data Quality**

None

**Background Papers**

Microchipping of Dogs (England) Regulations 2015