

Agenda Item No: 12

Report To: Cabinet

Date: 8 September 2016

Report Title: Micro chipping of Dogs

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Portfolio Holder: Councillor Clair Bell, Portfolio Holder for Public Interaction and Borough Presentation



Summary:	This report provides information on the new regulations requiring dogs to be micro chipped in the UK and how Ashford Borough Council will enact the provisions in these regulations
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Key Decision: YES

Affected Wards: All

Recommendations: **The Cabinet be asked to:-**

- (i) Recommend to full council approval of the policy document at Appendix 1**

Policy Overview: On the 6th April 2016, the provisions of The micro chipping of Dogs (England) Regulations 2015, were enacted. This meant that it became compulsory for dogs in England, that are older than 8 weeks and not certified as working dogs (section 6 (3) of the Animal Welfare Act 2006), to be micro chipped.

This Cabinet paper explains the impact of that enactment on our canine warden service and includes a policy document for Members approval detailing how we will enact those provisions.

Financial Implications: There is a cost implication should formal notices not be adhered to and enforcement action is required in the form of a prosecution.

Risk Assessment See below

Impact Assessment YES

Other Material Implications: N/A

**Exemption
Clauses:** N/A

**Background
Papers:** N/A

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Report Title: Micro chipping of Dogs

Purpose of the Report

1. To provide background information on the new regulations and details of the proposed policy to deal with the new regulations.

Background

2. The Environmental Protection Act 1990, provided the duty on Local Authorities to have an officer responsible for collecting dogs, seizing dogs that have been allowed to stray and allow for the rehoming of a dog in the event that the owner of the dog does not come forward (or relinquishes responsibility) after 7 days.
3. Local authorities are able to tender out this responsibility on contract to a third party but Ashford Borough Council has its own designated canine officer.
4. The duties of the canine officer are not required to be fulfilled 24 hours a day and as such we have one officer who provides this service, in office hours. Out of office hours, callers to the council are given advice from the Ashford monitoring Centre.
5. On average we collect approximately 3 stray dogs a week. When they come into our possession without a micro chip they are taken to either our main kennel provider (Lord Whisky animal sanctuary) or, in the event the main kennel are unable to take the dog, East Dean kennels.
6. In the event that a dog is not micro chipped, it is very difficult, time consuming and sometimes controversial when identifying the dogs true owner, to enable us to reunite a dog that has come into our possession, with its owner. In most cases where dogs are successfully reunited with owners, it is because the owner or keeper has phoned us directly and given a description of the dog.
7. The micro chipping of Dogs (England) Regulations 2015 have been created from the provisions of section 12 of the Animal Welfare Act 2006, to ensure that dogs are more quickly reunited with owners, ensuring minimal distress to the dog.
8. From 6th April 2016 it became compulsory for dogs in England that are older than 8 weeks and not certified as working dogs (section 6 (3) of the Animal Welfare Act 2006) to be micro chipped.
9. There are limited exceptions; (a) where a vet has advised otherwise (must be in writing) or (b) where the dog has been imported (in which case there is a grace period of 30 days).
10. These provisions are in addition to the collar and tag requirements covered by the Control of Dogs Order 1992 (where every dog that is out must wear a collar and tag. The tag must have the name and address of the owner and

failure to comply can be enforced under the Animal Health Act 1981 (criminal offence and a fine up to £5000).

11. The proposed policy to deal with dogs that need to be micro chipped appears as Appendix 1. This has been developed since the enactment of the regulations and now comes before Members for approval.
12. When the micro chipping of dogs regulations came into force, the Environmental team worked with the Communications team on an awareness campaign for the change in legislation. Information went in our Housing News publication and Ashford Voice. A press release went out from our portfolio holder, Cllr Clair Bell, as well as information on our webpages. An example appears at Appendix 2.
13. The following is an overview of the regulations for information.
14. The person who is responsible for the micro chipping of the dog is the person with whom the dog normally resides (this may not be the owner).
15. Where the keeper of a dog changes, it is the responsibility of the new keeper to change the registration details on the database.
16. For a dog to be legally micro chipped it must;
 - Have a unique number
 - Be compliant with the specified ISO standard
 - Be readable by defined transponders
 - Must be on a recognised database
17. Should a dog be found not to be micro chipped, a legal notice may be served requiring that dog to be micro chipped inside the next 21 days.
18. There are no enforcement provisions through the use of Fixed Penalty Notices for these regulations. Therefore, a breach of these regulations (legal notice) is prosecutable through the magistrates court. Successful prosecution for a breach of these regulations could amount in a fine up to £500.
19. The proposed policy indicates that we will only pursue keepers of dogs to ensure dog micro chipping where (a) they have come into our possession as a stray or (b) we have repeated complaints of a dog straying and we investigate the case with the known keeper.
20. Our canine officer has received training and has many years of experience in micro chipping dogs.
21. Our micro chips are provided free to us from the Dogs Trust, on the understanding that we provide a free service to encourage responsible dog ownership.
22. Our canine officer is insured to carry out this work on behalf of Ashford Borough Council.

23. Before micro chipping a dog, our canine officer carries out a dynamic risk assessment on a case by case basis. If the dog (bitch) is pregnant or the breed is a very small “toy” breed, the keeper is advised to seek advice from a vet to have the micro chipping carried out.
24. Although, theoretically, the regulations allow the canine officer to stop dog walkers at random to scan their dogs for a micro chip, this is likely to be viewed as an over zealous approach to the spirit of these regulations. Therefore, we have engaged with our kennel providers, our local vets, our street cleansing contractor and our dog breeding licensing officer in the enforcement of this legislation.
25. Our kennel providers both have scanners and the ability to be able to micro chip dogs, as this was a forward consideration when procuring our current kennel provision. There is a small charge levied by the kennel provider for micro chipping as they do not have their micro chips provided for free, from the Dogs Trust.
26. If a dog is injured whilst unattended by its owner and taken to a local vet by a member of the public, in Ashford, they will scan the dog for a micro chip and work with our canine officer in reuniting the dog with its’ keeper.
27. If a dog is unfortunate enough to be run over and killed on our roads and is collected by our street cleansing contractor, they will scan the dog for a micro chip and report the details to our canine officer to make the keeper aware and enable them to collect their pet.
28. The lead officer for animal breeding and boarding licensing has been provided with and trained in the use of a micro chip scanner. In the course of his licence inspections, he will randomly sample dogs of the requisite age for their micro chips and check chip numbers against registration papers whilst on site. Where there is a discrepancy, this will be referred back to the canine warden service for clarification and assistance.

Risk Assessment

29. The risk in micro chipping dogs is very low, due to training and experience of our canine officer. However, he is insured to carry out this task.
30. In each case the minimal risks associated with micro chipping are explained to the dog owner, who signs to say they understand the terms under which the dog is being micro chipped.
31. The fact that we are able to offer a free micro chipping service has led to all those dogs that have come into our possession without micro chips, since these regulations have come into force, being micro chipped by our canine officer. Therefore, it is anticipated that prosecution under these regulations will be minimal.

Equalities Impact Assessment

32. Please see below

Other Options Considered

33. As this policy can be incorporated into the current service with no budget implications, no other options for enforcement of these regulations have been considered.

Consultation

34. This report has been reviewed by our legal services team.

Implications Assessment

35. There are no financial implications other than in the event of a prosecution which is covered by our normal service level agreement with our in house legal team. As previously highlighted, prosecutions are likely to be minimal.
36. It is not anticipated that this policy will have a negative impact, as the micro chipping service is offered to the public free of charge.

Handling

37. It is anticipated that Members support of this policy will be viewed positively as supporting responsible dog ownership.
38. In enforcing these regulations only where dogs come into the possession of the council or where repeated complaints are received about dogs straying, this policy is considered to be a reasonable and proportional approach.

Conclusion

39. This policy is designed to support the ethos of responsible dog ownership and reduce the amount of time a straying dog is away from its owner, to reduce stress to the dog and increase the efficiency of the service.
40. This policy will be reviewed on an annual basis to ensure it remains a reasonable and proportionate approach (based on strays collected and time spent in reuniting dogs with owners).

Portfolio Holder's Views

41. "This policy is a positive step forward in promoting responsible dog ownership. It is important to encourage individual responsibility. This policy should mean an improved efficiency in our canine officer service as well as reduced stress to owners / keepers or dogs when they become separated from their pets." Councillor Clair Bell, Portfolio Holder for Public Interaction and Borough Presentation.

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Ashford Borough Council policy on micro chipping dogs.

1. Introduction
2. From 6th April 2016 it became compulsory for dogs in England that are older than 8 weeks and not certified as working dogs (section 6 (3) of the Animal Welfare Act 2006) to be micro chipped. The limited exceptions are where a vet has advised otherwise (must be in writing) or the dog has been imported (in which case there is a grace period of 30 days).
3. The micro chipping of Dogs (England) Regulations 2015 have been created from the provisions of section 12 of the Animal Welfare Act 2006.
4. Ashford Borough Council has a statutory power to be able to enforce these regulations.
5. This document outlines the Councils policy on how it will enforce these regulations.

Statement of Policy

6. This policy is based on the four key principles:
 - Consistency – to ensure that similar incidents are dealt with in the same way. However, each incident will be dealt with on its merits.
 - Fairness – to ensure a fair and even handed approach to ensure decisions are not influenced by gender, ethnic origin, or religious, political or other beliefs.
 - Transparency – to ensure that any enforcement action taken is easily understood by dog owners and keepers.
 - Proportionality – to ensure that any enforcement action taken is in proportion to the actual offence. This policy aims to;
 - Encourage more responsible dog ownership
 - Reunite stray dogs more quickly with their owners to minimise distress by all parties
 - Increase the efficiency of the canine officer service.
7. The micro chipping of Dogs (England) Regulations 2015, dictate the following:

The person who is responsible for the micro chipping of the dog is the person with whom the dog normally resides (this may not be the owner) and where the keeper of a dog changes, it is the responsibility of the new keeper to change the registration details on the database.

The micro chip must:

- a) Have a unique number
 - b) Be compliant with the specified ISO standard
 - c) Be readable by defined transponders
 - d) Must be on a recognised database
8. There are no enforcement provisions through the use of Fixed Penalty Notices for these regulations. Therefore, the following indicates how we will enforce on these regulations.
- a. The lead officer for animal breeding and boarding licensing has been provided with and trained in the use of a micro chip scanner. In the course of his licence inspections, he will randomly sample dogs of the requisite age for their micro chips and check chip numbers against registration papers whilst on site. Where there is a discrepancy, this will be referred back to the canine warden service for clarification and assistance.
 - b. Both our canine warden and deputy canine warden are legally able to micro chip dogs and have been trained in the use of micro chip scanners.
 - c. If a dog comes to the attention of the warden service as a stray, the dog will automatically be scanned for the existence of a micro chip and this information cross referenced to the relevant databases. It is not envisaged that the canine warden will randomly scan dogs whilst out on patrol.
 - d. If an owner is immediately identified through the micro chip scanning process, the dog will be returned to its keeper.
 - e. If the dog a) has no micro chip or b) the micro chip information does not relate to the current keeper of the dog, the dog will be taken to our kennelling service for collection by the owner/ keeper if they can be identified.
 - f. If the micro chip information is found to be out of date (the dog keeper details have changed) or the dog is not micro chipped at all, the details of the keeper will be obtained when the payment is taken for the kennelling costs for the dog.
 - g. On collection of the dog, the keeper will be advised of the micro chipping legislation.
 - h. The kennel owners are able to provide a micro chipping service for a small fee. If the keeper of the dog decides to not take advantage of that service, the canine officer will be advised.

- i. The canine officer will serve the keeper of the dog with a 21 day notice (by post), indicating that they are in breach of the law and they have 21 days to remedy the situation (by either having their dog micro chipped or to bring the micro chipping information up to date). Alongside this will be provided details of the canine warden who is able to micro chip the animal for free, on an appointment basis.
 - j. If the keeper of the dog (without reasonable excuse) chooses not to micro chip their dog, it is possible to prosecute the dog keeper for the offence of not having their dog micro chipped.
9. Each case for prosecution will be judged on its merits. It is envisaged that with the offer of a free service for micro chipping that the cases of prosecution will be minimal.
10. It is envisaged that dog owners / keepers will be able to request the services of the canine warden to micro chip their dog (as is currently the case). However, where demand outstrips supply, those owners in possession of a 21 day notice will take priority. The canine warden will not be offering a micro chipping service to owners of businesses running breeding / boarding establishments on a commercial basis.

DID YOU KNOW?

BY LAW ALL DOGS MUST BE MICROCHIPPED

A new government law on compulsory microchipping dogs has now come into force.

Ashford Borough Council's Dog Warden can microchip your pet for free. Alternatively, visit your local vets.

Failure to have your dog microchipped could result in a £500 fine.



For more information
www.ashford.gov.uk/dog-warden-service



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When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment.

Impact Assessment

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Micro chipping of Dogs
1.2 Service / Department	Environmental and Customer Services Department
1.3 Head of Service	Julie Rogers
1.4 Assessment Lead Officer	Tracey Butler
1.5 Date of Assessment	29 June 2016
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Assessment of a proposed policy

2. What is Being Assessed?	
2.1 What are the aims of this project, policy, procedure, practice or issue?	To ensure that Ashford Borough Council enforces on the The micro chipping of Dogs (England) Regulations 2015
2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?	The residents of the borough
2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue? i.e. other sections, public or private bodies	
- within Ashford BC	Ashford Borough Council kennel providers and the Dog Breeding Licensing Officer
- from other agencies	

3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :

Age Disability Gender reassignment Marriage and civil partnership Pregnancy and maternity
 Race Religion and belief Sex Sexual orientation

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?				
4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?
Impact Factors:				
Age (please detail any specific groups considered)			X	
Disability (please detail any specific groups considered)			X	
Gender (please detail any specific groups considered)			X	
Gender Reassignment			X	
Marriage / Civil Partnership			X	
Pregnancy & Maternity			X	
Race (please detail any specific groups considered)			X	
Religion / Belief			X	
Sexual Orientation (please detail any specific groups considered)			X	
			X	
Other (please specify)			X	

5. Conclusions	
5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If “yes” please state how?	Yes, everyone will be treated in the same way. There is no cost to having a dog micro chipped by our canine officer so there is no discrimination on ability to pay either.
5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups <u>fairly</u> (bearing in mind “fairly” may mean differently) and that no further amendment is required?	Yes
If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form	

6. Monitoring and Review	
How will monitoring of this policy, procedure or practice be reported (where appropriate)?	Reviewed annually
When is it proposed to next review the project, policy, procedure, practice or issue?	A year from approval by Cabinet
Any additional comments?	