BIRMINGHAM CITY COUNCIL

REPORT OF THE ACTING DIRECTOR REGULATION AND ENFORCEMENT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE

15 JUNE 2016
ALL WARDS

REPORT ON THE INTRODUCTION OF COMPULSORY DOG MICROCHIPPING LEGISLATION

1. Summary

1.1 To advise Committee of The Microchipping of Dogs (England) Regulations 2015 that came into effect on 6th April 2016, which requires all dogs over 8 weeks of age to be microchipped.

1.2 To advise on how the Dog Warden/Enforcement Officers will deal with non-compliance.

2. Recommendation

2.1 That the report be noted.

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3. Background

3.1 The Microchipping of Dogs (England) Regulations 2015 came into effect on 6th April 2016. It requires all dogs over the age of 8 weeks to be microchipped. A dog is microchipped where:

- a microchip which complies with the regulations has been implanted in the dog; and
- The details of the keeper, as set out in the regulations are recorded on the appropriate database operator.

3.2 There are limited exemptions to the requirements, as follows:

- A veterinary surgeon certifies, on an approved form that a dog should not be microchipped for reasons of the animal's health.
- That the dog is a certified working dog for the purposes of the Animal Welfare Act 2006.

3.3 The regulations are made under the Animal Welfare Act 2006 and are aimed at promoting responsible dog ownership and reducing the numbers of stray and unwanted dogs.

3.4 It costs approximately £15 - £20 to have a dog microchipped by a private veterinary surgeon and £16 for the keeper of a dog to change or update their details on the database.

3.5 In Birmingham, the Dog Warden/Enforcement Officers (DWEO) continues to deal with high numbers of stray dogs. In 2015, some 1,139 stray dogs were seized, of which only 159 were returned directly back to their owners, with the remaining 980 being impounded at the city councils stray dog kennels.

3.6 The table below provides numbers of dogs the seized by the DWEO for the first 3 months of the year and also the number of dogs' microchipped.

Month 2016	Total number of dogs seized	Dogs returned directly to their owners	Number of dogs microchipped	Number of dogs claimed from kennels
January	77	6	21	25
February	85	5	17	28
March	84	8	23	21

4. Enforcement of the Microchipping Regulations

4.1 Enforcement of the new regulations falls to the Police, including community support officers and local authorities. It is unclear if the police are to take an active role in this matter.

4.2 There is no statutory requirement to enforce The Microchipping of Dogs (England) Regulations 2015. There are, however, moral and financial benefits in reducing the numbers of stray dogs in Birmingham.

4.3 An authorised officer, upon detection of a dog that is not microchipped may, if required serve a notice requiring the keeper to have the dog microchipped within 21 days. Where the keeper of a dog has failed to comply with a notice, this is an offence. Where an offence has been committed the keeper may be prosecuted or the Local Authority may arrange for the dog to be microchipped and recover from the keeper the cost of doing so or the Local Authority may 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.

4.4 The DWEO do not currently pro-actively look for non-compliance. However, a percentage of the dogs seized as strays are not microchipped. Where dogs are claimed from the contracted stray dog kennels (Birmingham Dogs' Home) most are microchipped as the kennels offer this service free of charge. There are some dog owners, however, who do not give permission for their dogs to be microchipped and the dog remains unchipped. The DWEO also discover dogs that are not microchipped through their routine investigations. In these instances where non-compliance is detected, the DWEO will start a legal process to bring about compliance.

4.5 In the first instance DWEO serve a Notice which requires the keeper to have the dog microchipped and/or update their details on the database. Non-compliance of the notice is an offence and will result in legal action and referral to the courts. Offences of this nature carry a maximum penalty of £500.

4.6 Currently DWEO will not take possession of dogs, in order to carry out microchipping, due to costs and health and safety implications of taking dogs from their own homes, which can lead to dogs becoming aggressive.

4.7 The regulations create an offence for a person to sell any dog or puppy that is not microchipped. All dog breeders, therefore, are required to microchip puppies with the breeders' details before the puppies can be sold.

5. Implications for Resources

5.1 Enforcing the new regulations has an impact on the officers within the Animal Welfare Team, in terms of officer time. However, there is potential for future savings, in terms of kenneling costs, as a dog can be returned directly to its owner, through the means of a microchip, rather than impounding it at contracted stray dog kennels. It is not envisaged at this point that this will significantly reduce officer time.

5.2 When a dog is returned to its owner, the DWEO recover a charge of £25, which is the statutory fee under the Environmental Protection Act 1990, plus

additional charges as appropriate. These charges resulted in an income of £1,816 being received over the 2015/2016 fiscal year.

6. Implications for Policy Priorities

6.1 The issues involved in dealing with stray dogs, are consistent with the City Council's policy priorities associated with helping to create a cleaner, greener, safer city and dealing with anti-social behaviour.

7. Public Sector Equality Duty

7.1 No specific issues have been identified.

ACTING DIRECTOR REGULATION AND ENFORCEMENT

Background papers: The Microchipping of Dogs (England) Regulations 2015