

## ABERDEEN CITY COUNCIL

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| COMMITTEE           | Communities, Housing and Infrastructure           |
| DATE                | 25 <sup>th</sup> August 2016                      |
| DIRECTOR            | Pete Leonard                                      |
| TITLE OF REPORT     | Microchipping of Dogs (Scotland) Regulations 2016 |
| REPORT NUMBER       | CHI/16/136  |
| CHECKLIST COMPLETED | Yes   |

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### 1. PURPOSE OF REPORT

To advise members of new legislation and the implications and benefits to the Council. To obtain the agreement of the Council through the Communities, Housing and Infrastructure Committee, to authorise the appropriate Officers within Environmental Health to enforce the Microchipping of Dogs (Scotland) Regulations 2016.

### 2. RECOMMENDATION(S)

To advise members of new legislation and the implications and benefits to the Council. To obtain the agreement of the Council through the Communities, Housing and Infrastructure Committee, to authorise the appropriate Officers within Environmental Health to enforce the Microchipping of Dogs (Scotland) Regulations 2016.

### 3. FINANCIAL IMPLICATIONS

There are no financial implications. It is anticipated that the duties of the legislation can be fulfilled within the existing budget for Environmental Health, provided there is no reduction in financial or staffing resources.

### 4. OTHER IMPLICATIONS

Officers from Environmental Health currently check dogs to see if they are microchipped, however, if they are not there is no legal obligation for the keeper of the dog to have them chipped. The new legislation

means there will now be a requirement to do this and will help identify dog keepers responsible for anti-social activities in relation to their dog and also return home strays.

## 5. BACKGROUND/MAIN ISSUES

The Microchipping of Dogs (Scotland) Regulations 2016, requires dog keepers as defined (including the body responsible for an assistance dog, a breeder and the person with whom a dog normally resides) to have their dog(s) implanted with an approved microchip (except if less than 8 weeks old). Dog keepers are also required to ensure that the details registered against the microchip are accurate and updated as needed, for example where a keeper's details change the dog is transferred to another keeper.

In the event of a keeper failing to comply with the regulations, Officers have the power:

- Take possession of the dog for as long as is reasonably required to check whether a compliant microchip has been implanted in the dog
- Serve a notice requiring compliance (microchipping) within 21 days.

If a notice is not complied with, the officers have the power to:

- Seize the dog and arrange for a microchip to be implanted in the dog
- Report the matter to the Procurator Fiscal, which may result in a fine of £500

The microchipping of cats and other animals still remains voluntary.

## 6. IMPACT

### **Improving Customer Experience –**

This new legislation will benefit the customer as the number of dogs, if lost or stolen, reunited with their keepers will be significantly increased. This is the main purpose of the legislation. Furthermore, it will mean any stray or lost dogs will spend less time in strange kennels, which is upsetting for the animal and results in a cost for the keeper.

### **Improving Employee Experience**

The new legislation requires that keepers have their dog microchipped after the age of 8 weeks, previously there was no legal obligation for this to be carried out. This gives officers who find any dogs to not be microchipped the legislative power to require this. It also allows stray

or lost dogs to be returned to keepers quicker and may also aid speed up the process of officers investigating other complaints regarding dog incidents.

### **Improving our use of Resources –**

Mandatory microchipping will allow stray or lost dogs to be reunited with keepers more quickly, reducing the need to transport a dog to a kennel and await reclaiming. The details on the microchip, if up to date, will also help identify keepers of dogs involved in dog attacks or incidents. Ultimately this may encourage more responsible dog ownership.

### **Corporate -**

The new legislation will have links to the Community Plan and Single Outcome Agreement overall vision of Aberdeen to be an attractive, clean, healthy and safe place to live and work

The new legislation also links to the following objectives in the Council's 5 year Corporate Business Plan:

- We will protect the health, safety and rights of citizens and the public through encouraging more responsible dog ownership and effectively identifying owners involved in animal attacks and other dog related incivilities.

### **Public –**

This report is likely to be of interest to the public, as it places a legal obligation on them to ensure their dog(s) are microchipped and the details kept up to date.

### **Equalities and Human Rights Impact**

An assessment has been completed for the Microchipping of Dogs (Scotland) Regulations 2016. The legislation has an overall positive effect on dealing with dog related issues and encouraging responsible dog ownership in general.

## **7. MANAGEMENT OF RISK**

The Microchipping of Dogs (Scotland) 2016 gives Officers power to ensure dogs are appropriately microchipped. Should the authorisation of Officers for this legislation not be approved by committee there will be a risk that the Council fails to fulfil its statutory duty. This may lead to legal challenges and censure by central Government and could lead to reputational damage. Currently, Environmental Health offer a

reduced straying charge if owners agree to get their dog microchipped before being reunited with it, it is anticipated that a greater number of owners will agree to this meaning minimal instances where Officers will have to use powers.

The Managing Risk form was used to determine the level of risk

8. BACKGROUND PAPERS

9. REPORT AUTHOR DETAILS

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