

REPORT TO: ENVIRONMENT COMMITTEE – 10th MARCH 2014

REPORT ON: THE SCOTTISH GOVERNMENT’S CONSULTATION ON PROMOTING RESPONSIBLE DOG OWNERSHIP IN SCOTLAND: MICROCHIPPING AND OTHER MEASURES

REPORT BY: DIRECTOR OF ENVIRONMENT

REPORT NO: 68-2014

1.0 PURPOSE OF REPORT

1.1 To seek Committee’s approval for the Council’s proposed response to the above Scottish Government’s consultation exercise.

2.0 RECOMMENDATIONS

2.1 It is recommended that Committee approves the attached response and remits the Director of Environment to submit this to the Scottish Government accordingly.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4.0 MAIN TEXT

4.1 The Scottish Government are currently consulting on a proposal to introduce compulsory microchipping for dogs in Scotland and other measures to encourage responsible dog ownership with the aim of improving public safety from dangerous and out of control dogs.

4.2 The consultation is seeking views from a wide range of interested stakeholders and the general public on;

- the possible introduction of compulsory microchipping for dogs in Scotland; and
- other measures including dog licensing, dog muzzling and the effectiveness of the implementation of the Dog Fouling (Scotland) Act 2003.

The consultation seeks views on whether or not the proposed measures will improve dog welfare, responsible ownership and how such measures can be effectively enforced.

4.3 The Scottish Government invited responses to the consultation by 31st March 2014. Appendix 1 sets out the proposed responses to the consultation questions posed.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

6.1 The Chief Executive, Director of Corporate Services, Head of Democratic and Legal Services and Director of City Development have all been consulted in relation to this report.

7.0 BACKGROUND PAPERS

7.1 None

Ken Laing
Director of Environment

Kenny Kerr
Head of Environmental Protection

6th February 2014

Appendix – Scottish Government Consultation Document

Promoting responsible dog ownership in Scotland: microchipping and other measures

CONSULTATION QUESTIONNAIRE

Sector

Which of the following best describes you? (Please tick whichever option applies)

- A dog owner
- A dog breeder
- An animal welfare organisation/rescue
- A local authority
- Other

Comments:

The purpose of the Council's kennels is to provide facilities for strays dogs that have been uplifted in compliance with our statutory responsibility under section 149 of the Environmental Protection Act 1990. We also accept dogs from members of the public for the purposes of rehoming. The members of the public are required to formally sign the dogs over to the local authority and this is kept on record.

Current situation in Scotland

1. Are all, some or none of the dogs/puppies in your care already/routinely microchipped? Please explain. (Please tick whichever option applies)

All Some None Don't know N/A

Comments:

When the dogs are taken into the kennels they are routinely scanned to see if they have been microchipped. This helps us identify ownership and establish if the dog has previously strayed and been uplifted by our staff or another agency such as Police Scotland or SPCCA. It is our policy to offer to microchip any dog that is rehomed or returned to their owner. The service is free for all dogs that are rehomed, however some owners choose to use their own vet.

2. Do you offer a microchipping service to the general public? If you do, what geographical range do you cover, how many dogs did you chip in Scotland in 2012 and how much do you charge? Please explain your answers.

Yes No N/A (Please tick whichever option applies)

Number:

Fee:

Comments:

All dog owners are offered the service. In 2012 we microchipped three dogs that were brought in by the general public. There is not a large demand for the service as most dog owners who are seeking to microchip their dog will use the services of their vet.

3. If you run a rescue/rehoming centre, do you ensure that all, some or none of the dogs are microchipped prior to rehoming? How many dogs did you microchip/arrange to be microchipped in 2012? How many dogs came to you in 2012 that were already microchipped? Please explain your answers.

All Some None N/A (Please tick whichever option applies)

Number microchipped in 2012:

Number arriving microchipped in 2012:

We offer the service for all the dogs that are rehomed and reclaimed from the council's kennels, but currently have no powers to enforce. Some dog owners opt to use their vet while others choose not to have their dog chipped. The 114 includes stray dogs and those signed over for rehoming. Where the dogs are already chipped we change the ownership details when the dog is rehomed.

Potential benefits of compulsory microchipping

4. Do you consider that compulsory microchipping would help to make dog owners more responsible? Please explain and provide any evidence that you may have.

Yes No Don't Know (Please tick whichever option applies)

Comments:

By having the dogs microchipped, the owner will become more accountable and this should act as an additional tool to encourage responsible dog ownership.

5. Do you consider that compulsory microchipping for dogs would help to deter dog theft? Please explain and provide any evidence that you may have.

Yes No Don't Know (Please tick whichever option applies)

Comments:

If all dogs were microchipped it would be easier to identify owners and establish whether or not the person in possession of the dog was the rightful owner, making it easier to prosecute dog thieves. We believe it is therefore likely to act as a deterrent.

6. Do you consider that compulsory microchipping for dogs would help to tackle the issue of puppy farming? Please explain and provide any evidence that you may have.

Yes No Don't Know (Please tick whichever option applies)

Comments:

We have limited experience of puppy farming but believe if compulsory microchipping was introduced as part of a package of additional measures it should have a positive effect.

7. Do you consider that compulsory microchipping for dogs would help to address other dog welfare issues, such as abuse/mistreatment? Please explain and provide any evidence that you may have.

Yes No Don't Know (Please tick whichever option applies)

Comments:

Microchipping would help identify the owner of the dog and allow appropriate enforcement action to be undertaken. There have been a number of neglected stray dogs brought into our facilities where we have been unable to identify the owner as the dog was not microchipped.

8. Do you consider that compulsory microchipping for dogs would help to prevent dog attacks on people/animals, including on assistance dogs? Please explain and provide any evidence that you may have.

Yes No Don't Know

(Please tick whichever option applies)

Comments:

In our experience the owner is more responsible if the dog / ownership details are known to us. On occasions, dogs that have been involved in attacks were unclaimed and as there was no proof of ownership no further action could be taken against the owner. It is therefore our view that compulsory microchipping for dogs would act as a deterrent. With the ownership details being more readily available we believe that less responsible owners would be more likely to keep their dogs under control.

With compulsory microchipping dog owners should have a greater awareness that enforcement authorities can locate them if the need arose and we believe this will reduce the likelihood of owners allowing their dogs to stray.

Microchipping on its own however should not be seen as a panacea for the Control of Dangerous Dogs.

Potential challenges of compulsory microchipping

9. In the long term, the compulsory microchipping of dogs may require all owners to pay to microchip their dogs and to update their details on the commercial database that their dog is registered on. Do you think this would be an unfair burden on any particular sectors? Please explain.

Yes No Don't Know

(Please tick whichever option applies)

Rehoming/sanctuary charities

Individuals in receipt of benefits

Other

Comments:

Anyone that wishes to take on the responsibility of a dog would need to have adequate financial means to care for the dog, which RSPCA estimated to be £650 per annum in 2010. Strengthening the controls will help deter irresponsible dog ownership, which outweighs the small additional cost.

10. When a microchipped animal changes ownership, the registration details on the database must be updated for microchipping to be effective. If microchipping was to be made compulsory, with whom should this responsibility lie: The seller, the buyer, or both? Please explain why and how you consider that the requirement could be enforced?

Seller Buyer Both Don't Know (Please tick whichever option applies)

Comments:

Similar arrangements to those used for car registration that places an onus on both parties to ensure the database is updated.

11. Are you aware of any difficulties due to different microchip companies using different technical specifications regarding scanners etc.? Please explain.

Yes No Don't Know (Please tick whichever option applies)

Comments:

We have had to purchase two different scanners to identify the microchips. The two companies that we currently check are "Petlog" and "Anibase". Although there are new legislative requirements in place to regulate pet movements across Europe, it should be noted that the scanners do not recognise some foreign microchips.

Depending on how this is introduced there could be an increase in the number of commercial companies providing this service. Standardised procedures are required to ensure all microchips are recognised and to prevent rogue operators, through for example a licensing system.

12. Do you think that any regulation being introduced on microchipping should set minimum standards for commercial databases? Why, and if so what should they be?

Yes No Don't Know (Please tick whichever option applies)

Comments:

The companies would have to meet specific standards in terms of data protection, timeline for inputting the data and the need for the information to be able to be retrieved by all scanners. It may be necessary to have some form of regulation or registration of companies that provide this service to ensure system compatibility.

13. Presently, the dog owner, the microchip implanter, and some animal welfare organisations are able to access current database records, but only enforcement authorities are able to see previous records. Do you think this should remain the same? Please explain.

Yes No Don't Know

(Please tick whichever option applies)

Comments:

It is important that only appropriate authorities have access to the information to ensure it is not misused.

14. Do you believe that compulsory microchipping will be easy or difficult to enforce effectively? Why? Can you suggest what approach to enforcement would be most appropriate?

Easy Difficult Don't Know

(Please tick whichever option applies)

Comments:

It should be effective provided appropriate and robust enforcement measures are put in place and there is a suitable timeline for its introduction. It will become easier with time as fewer dogs will be unchipped and it becomes an accepted requirement of dog ownership.

15. Do you have any concerns that microchipping could cause health problems in dogs? Please explain.

Yes No Don't Know

(Please tick whichever option applies)

Comments:

Some dogs may experience some irritation initially but we are not aware of any long-term health effects.

Business impact

16. Do you believe that compulsory microchipping would have a positive or negative financial or other impact on owners, enforcement agencies, animal welfare organisations/rehoming charities, dog breeders, pet shops, microchip database companies? Please Explain.

Positive Negative Don't Know

Comments:

It will be resource intensive during the initial stages of implementation, but it should have a positive impact for all local authorities as the compulsory microchipping will make it easier for strays/lost/stolen dogs to be reunited with their owner.

Compulsory microchipping in Scotland

17. Do you believe that all dogs in Scotland should be microchipped? Why?

Yes No Don't Know

(Please tick whichever option applies)

Comments:

We are supportive of compulsory microchipping being introduced for the reasons given in our responses to the previous questions in this consultation. As a minimum, powers should be provided to Councils to microchip all dogs that are taken into their care and to recover the costs from owners.

18. Do you consider that any sectors of dog ownership (for example rehoming/sanctuary charities, police, armed services, security services, guide/helper vermin control, sheep dogs, or other sectors) merit exemption from any requirement to microchip? Why?

Yes No Don't know

(Please tick whichever option applies)

Comments:

All sectors should be treated the same to avoid any complications.

19. Which of the suggested options for introducing any requirement for compulsory microchipping do you believe would work best? Do you have an alternative option to suggest? Please explain.

(Please tick whichever option applies)

1. Status Quo
2. All puppies born after a specific date should be microchipped
3. All dogs microchipped on transfer of ownership
4. Two-phase approach over 2 years
5. Microchipping of all dogs within one year of legislation coming into effect.
6. Other

Comments:

Option 4 appears to be the most practical option for all parties that will be involved in the process.

Other possible measures to promote responsible dog ownership

20. What other measures do you think might help promote responsible dog ownership?

Comments:

Q. 20(per consultation document): Do you think a system of dog licensing could help encourage responsible dog ownership and help make our communities safer from dangerous and out of control dogs? Do you have views on how such a dog licensing scheme might operate?

Answer:

Currently in the UK a licence is required for commercial dog breeders that have 5 or more litters per year. We would recommend that all dog breeders (including domestic) regardless of the numbers of dogs being bred are required to be licensed. This combined with compulsory microchipping would ensure that there was an up to date database of the dog population. In addition if the dog/bitch is not going to be used for breeding, the dog/bitch should be neutered/spayed within a defined timeline (2 years). Licensing for dog breeders was supported in the independent enquiry into dog breeding published by Bateson in January 2010 (RSPCA: Improving dog ownership - the economic case for dog licensing, 2010). We consider that a consistent approach to all dog owners who wish to breed dogs would overcome any confusion about who requires a dog breeding licence.

We introduced a very successful spaying campaign at our kennels in the early 1980s. This formed part of an overall city wide strategy which was underpinned by effective and resourced patrolling backed up by strong communication. This ongoing spaying programme continues to have a very positive impact in terms of the number of stray dogs and the general health of the dog population in the city.

21. Do you think muzzling of dogs while in public should be introduced?

Comments:

From our experience most serious dog attacks involve the more powerful breeds of dog. We would therefore recommend that if muzzling were introduced this should be limited to dogs that have been identified as displaying signs of aggression. As well as this being actioned through enforcement of the Control of Dogs (S) Act 2010, muzzling could also be required on the advice of other agencies such as Police Scotland and SSPCA. It would also be helpful if vets /boarding kennels/Professional Dog Walkers and other dog welfare agencies were required to share information with the enforcement authorities about potentially aggressive dogs in their care.

22. The Dog Fouling (Scotland) Act 2003 gives local authorities the powers to deal with dog mess

Are you aware that local authorities have these powers?

Yes No Don't know (Please tick whichever option applies)

Do you think they are being used effectively in your area?

Yes No Don't know (Please tick whichever option applies)

Is there more you think can be done to address this issue effectively?

Yes No Don't know (Please tick whichever option applies)

Comments:

We are using our available resources to enforce this legislation as effectively as we are able at the time of writing. There is still a dog fouling issue in Dundee; however we are aware that the majority of breaches occur at times and in places that are difficult to monitor. A recent report (Control of Dogs in Parks Cemeteries and Green Spaces, Ref 69/2014) has received committee approval to commit further resources to reducing dog fouling in the city.

A strengthening of the legislation to aid the recovery of Fixed Penalty Notices issued in respect of dog fouling is also required.

Any other comments

23. Do you have any other comments on the possible introduction of compulsory microchipping for dogs in Scotland?

Within the proposed regulations the enforcement authority should be given the authority to carry out spot checks to ensure dogs are microchipped.

24. Do you have any other comments on the promotion of responsible dog ownership in Scotland?

Other Measures to Promote Responsible Dog Ownership

- In recent years there has been an increase in the number of “Dog Day Care Providers” operating from domestic properties. They should have an animal boarding licence but very few domestic operators are applying for a licence. Licensing of such care, offers control over the number of dogs, the conditions they are kept under and the training of the persons supervising the dogs. It would be helpful if this requirement was highlighted in any publicity that is used for the introduction of the new /proposed measures.
- Registration Scheme for Professional Dog Walkers.
- National Marketing Campaign to be run at same time of the introduction of the new measures, this proved to be very successful when the provisions under the Dog Fouling (Scotland) Act 2003 were introduced.
- The Scottish Outdoor Access Code established by the Land Reform (Scotland) Act 2003 explains the responsibilities of users including dog walkers and promotes responsible access. Access rights to sports pitches and playing fields by dog walkers are restricted to times when they are not in use. Suggest that access rights should not be available at any time.

25. Do you consider that the consultation paper explained the key issues sufficiently for you to properly consider your responses?

Yes

26. Do you consider that you had sufficient time to respond to the consultation?

Yes

27. Do you have any other comments on the way this consultation has been conducted?

No