ENVIRONMENTAL HEALTH & LICENSING

Policy & Procedure for Microchipping of Stray Dogs
V2.1

You can comment on this policy:

By writing to: Environmental Health & Licensing Unit
               Stevenage Borough Council
               Daneshill House
               Danestrete
               Stevenage SG1 1HN

By telephone on: (01438) 242908

By e-mail on: env.health@stevenage.gov.uk

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1. **Introduction**

1.1 The Microchipping of Dogs (England) Regulations 2015 provide for the compulsory microchipping of dogs and the recording of each dog’s identity and its keeper’s contact details on a database.

1.2 The Regulations require that every keeper of a dog that is older than 8 weeks must ensure that it is microchipped.

1.3 The only exemptions to the requirements are for certified working dogs for the purposes of section 6(3) of the Animal Welfare Act 2006 or for dogs that should not be microchipped for reasons of the animal’s health, as certified by a veterinary surgeon.

1.4 A dog is considered to be microchipped where a microchip has been implanted in the dog AND specified details are recorded on a database held by a database operator.

1.5 Local Authorities may authorise in writing any person to act for the purpose of enforcing these Regulations in its area, in respect of the requirements to ensure that dogs are microchipped and its details are recorded and updated on sale or transfer to a new keeper. Any police constable or community support officer is also an authorised person for the purposes of these Regulations.

1.6 The Secretary of State has power to take action against database operators who fail to meet the conditions imposed on them by the Regulations and against persons who do not meet the standard of training required to implant microchips in dogs.

2. **Background**

2.1 The Microchipping of Dogs (England) Regulations 2015 require that all keepers of dogs in England have their dog microchipped and have their and their dog’s details recorded on a reunification database. The requirement was introduced in order to improve traceability of all dogs and their owners, making it easier trace stray, abandoned or nuisance dogs to their owners and thereby making it easier to prosecute irresponsible dog owners.

2.2 The aims of compulsory microchipping are to:

- reduce the number of dogs that need to be kennelled, re-homed or put down because their keepers cannot be traced,
- promote the welfare of dogs by increasing traceability of dogs and encourage more responsible dog ownership,
- allow abandoned dogs and nuisance dogs to be traced to their owners who may then be held to account,
- help identify stolen dogs and help bring those responsible to account,
- help identify irresponsible breeders.

2.3 It is estimated that there are approximately 7.3 million dogs in England. Currently there are approximately 4.8 million (66% of all dogs) dogs registered on a microchip
database in England. This leaves an estimated 2.5 million (34%) dogs unmicrochipped in England¹.

2.4 Over the last 3 years, an average of 89 stray dogs per year were collected by Stevenage Borough Council. Of these only 59% were reunited with their owner. A lack of microchip or collar and tag, or incorrect details linked to the microchip resulted in many dogs having to be rehomed as their owners could not be identified. The average number of days a stray dog remains in the kennels was 2.5 days. Annual cost to Stevenage Borough Council in dealing with stray dogs is approx. £20,000.

2.5 A microchip is a passive device unless stimulated by an appropriate scanner which can receive a radio signal from the microchip indicating its 15 digit identification code. This code can then be mapped against the data recorded on the microchip database to identify the owner of the dog and therefore ensures accurate traceability.

2.6 Microchipping is a relatively simple process that can be undertaken by all veterinary surgeons or anyone trained to carry out the procedure. A number of animal welfare organisations have also been offering free or reduced price microchipping for many years. It is a quick and permanent way of identifying a dog, taking no more than a few minutes to implant.

2.7 Defra, in its Impact Assessment for the Compulsory Microchipping of Dogs in England document² recognises that enforcement of these Regulations will be restricted to irresponsible owners whose dogs have been allowed to cause a problem such as straying, causing a nuisance or out of control. Action solely because a dog is not microchipped is not expected to be taken.

3. Legal Requirements

3.1 Regulation 3 of the regulations require that, from 6 April 2016, every keeper of a dog which has not been implanted with a microchip by that date which is:

- older than 8 weeks; and
- is not a certified working dog for the purposes of section (3) of the Animal Welfare Act 2006,

must ensure that it is microchipped.

3.2 This requirement does not apply for as long as a veterinary surgeon certifies, on an approved form, that a dog should not be microchipped for reasons of the animal’s health. The certificate should state the period for which the dog will be unfit to be microchipped.

3.3 A dog is considered to be microchipped where the correct form of microchip has been implanted in the dog and specified details are recorded on a database held by a database operator. Appendix C outlines the specific requirements relating to the form of the microchip and to database operators, as laid down in the Regulations.

¹ Explanatory Memorandum to the Microchipping of Dogs (England) Regulations 2015: 2015 No. 108
² Compulsory Microchipping of Dogs in England Impact assessment: IA No: Defra 1372, dated 03/03/2014
3.4 No dog may be transferred to a new keeper until it has been microchipped, unless there is a veterinary certificate stating that the dog should not be microchipped for reasons of its health.

3.5 Regulation 8 requires that, on transfer to a new keeper, the new keeper must record their full name, address and contact telephone number (if any) and any change in the dog’s name with the database on which the dog’s details are recorded.

3.6 A new keeper who fails to update a database with the relevant details results in the dog not being properly microchipped in accordance with the Regulations and the new keeper may therefore be subject to enforcement action.

4. **Enforcement of the Requirements**

4.1 An authorised person may serve a notice on the keeper of a dog that is not microchipped requiring them to have the dog microchipped within 21 days. An authorised person may also take possession of a dog, without the consent of the keeper, to check whether it is microchipped.

4.2 If, without reasonable excuse, the keeper fails to comply with the requirements of this Notice they will be guilty of an offence under regulation 13(2)(e) of the regulations and liable, on summary conviction, to a fine not exceeding level 2 on the standard scale (currently £500).

4.3 Similarly, it is an offence to obstruct an authorised person exercising their powers under the regulations or to transfer a dog to a new keeper without a microchip and the offender may be prosecuted in the magistrate’s court and, if found guilty, liable to a fine not exceeding level 2 on the standard scale (currently £500).

4.4 Where the keeper fails to comply with a notice requiring them to have their dog microchipped, the authorised person may, without the consent of the keeper, take possession of the dog and arrange for it to be microchipped. The cost of doing so can be recovered from the keeper.

4.5 There is a right of appeal to the First-tier tribunal against a notice requiring a keeper to have their dog microchipped. Any such appeal suspends the effect of the notice until the appeal is determined or withdrawn.

4.6 On appeal the First-tier tribunal may cancel, confirm or vary the notice appealed against.

5. **Procedure in Relation to Stray Dogs**

5.1 One of the main way in which dogs that are not microchipped will come to the attention of Stevenage Borough Council will be through the collection of stray dogs.

5.2 On collection of a stray dog, the following procedure, as outlined in Appendix B, shall be followed in relation to the requirements of the Microchipping of Dogs (England) Regulations 2015:
a) The contractor will scan the dog to check for the presence of a microchip. If there is a microchip present, the contractor will contact the registered keeper and arrange to return the dog to them. In such instances, no further action will be taken.

b) If there is no microchip, but there is a collar and tag and the keeper can be contacted, the dog will be returned to the keeper, but their details will be passed to the Council in order that a Microchipping Notice may be served on the keeper requiring them to get their dog microchipped.

c) If there is no microchip, or the dog is microchipped but the registered keeper details are incorrect, and the keeper cannot be contacted, the dog will be taken to our holding kennels.

d) If the dog’s owner subsequently contacts the kennels and arranges to collect their dog, the kennels will pass their details to the Council in order that further action can be taken against the keeper requiring them to get their dog correctly microchipped.

e) In all instances where a dog is found not to be microchipped, and the dog is later claimed by its owner, Stevenage Borough Council will serve a Microchipping Notice on the owner requiring them to have their dog correctly microchipped within 21 days and provide evidence that this has been done to the Council.

f) In instances where a dog is microchipped but the registered keeper details are incorrect, and the dog is later claimed by its owner, Stevenage Borough Council will send a warning letter to the owner requiring them to update their details on the database within 21 days and provide evidence that this has been done to the Council.

g) If the owner fails to provide evidence that the dog is correctly microchipped, the Council will send a warning letter after 21 days has expired reminding them of the need to get their dog microchipped/update the database records.

h) If the owner continues to disregard the requirements of a Microchipping Notice, the Council will consider the most appropriate way in which to deal with the matter; such action may involve prosecuting the owner for failing to comply with the Notice, issuing the keeper with a formal caution, or arranging for the dog to be microchipped and recovering the cost of doing so from the keeper of the dog.

i) Where a dog that is not microchipped is put up for rehoming, the kennels will arrange for it to be microchipped and its details recorded on a recognised database. The new owner of any rehomed dog will be required to update their details on this database.

6 Stevenage Council Tenants

6.1 As a landlord, it is recognised that many of our tenants own dogs. It is possible that many of these dogs are not microchipped. The Tenancy Services team have therefore also produced a procedure note for dealing with tenants whose dogs are not microchipped.
7. **Appeals**

7.1 An owner or agent who is served with a Microchipping Notice can appeal against the notice. The appeal must be lodged within 21 days and will be heard by the First-tier tribunal. We will work with the keeper of the dog and the tribunal, wherever possible, to try to resolve appeals without a formal hearing.

8. **Contraventions of the Notices**

8.1 Where a Microchipping Notice has not been complied with, consideration will be given to the most appropriate method of enforcement: e.g. prosecution or a formal caution. This will depend on the individual circumstances of the case, having regard to the situation. In some cases enforcement of the notice may not be considered to be appropriate.

9. **General Provisions**

9.1 This policy and procedure has been written in accordance with the principles set out in the Council’s General Enforcement Policy and the Enforcement Concordat, which has been adopted by the Council. It identifies the general principles to be applied in relation to the enforcement of the Regulations, however we will not fetter our discretion and each case will be judged on its own merits. We reserve the right to withdraw or defer action at any stage in the process.

9.2 Purpose and method of enforcement: The primary objective is to ensure a fair, reasonable and consistent approach to enforcement in accordance with all appropriate guidelines and legislation. The council will take such action as it considers appropriate to secure compliance with the law and to ensure a proportionate response to offences. Council officers may offer information and advice, orally and in writing, which may include warnings that the law is not being complied with and where appropriate notices may be served, cautions issued and prosecutions taken.

9.3 Principles of Enforcement: We will ensure our primary objective of a fair, reasonable and consistent approach to enforcement is provided through the principles of Proportionality in applying the law and securing compliance; Consistency of approach; Targeting of enforcement action; and Transparency about how the council operates and what customers may expect.

9.4 Proportionality: This means relating appropriate enforcement action to risks and the seriousness of any breach of legislation.

9.5 Consistency: This means taking a similar approach in similar circumstances to achieve similar ends, it does not mean uniformity.

9.6 Targeting: Attention is targeted primarily on those whose activities/inactivities give rise to the most serious risk or where conditions are least well maintained; and that action is focused on the person/s responsible for the risk or poor conditions and who are best placed to remedy such matters.
9.7 Transparency: Means helping those responsible to understand what is expected of them and what they should expect from the council. It also means making clear to them what they are required to do and what they are advised to do.

10 Monitoring and Review

10.1 This policy will be reviewed whenever a significant change becomes necessary, or at least every 2 years.

10.2 Minor changes to the policy may be made by the Head of Service/Senior Environmental Health Manager. Where the Head of Service determines it necessary, significant changes will be made in consultation with the relevant Portfolio Holder.

10.3 This policy will be published on the Stevenage Borough Council website and made available, on request, to members of the public.
## APPENDICES

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Appendix A: Glossary

Keeper: in relation to an assistance dog, the body responsible for its training and allocation, or, if the dog has retired, the person with who it normally resides; in relation to a new-born puppy, the owner of the bitch which gave birth to it; and in relation to any other dog, the person with whom it normally resides.

Microchipped: means microchipped in accordance with regulation 3 of the Regulations (generally; a microchip has been implanted in the dog and details as set out in the regulations are recorded on a database by a database operator).
STEVENAGE BOROUGH COUNCIL - MICROCHIPPING OF STRAY DOGS PROCEDURE: FLOWCHART

Contractor picks up stray dog

Is the dog microchipped?

- Yes but details are incorrect
  - Does the dog have a collar and tag?
    - Yes
      - Contractor contacts owner and arranges to return dog to them
    - No
      - Dog taken to kennels

- Yes
  - Contractor contacts owner and arranges to return dog to them

- No
  - Does the dog have a collar and tag?
    - Yes
      - NFA
    - No
      - Owner can't be contacted

Dog is collected by owner within 7 days

Yes
- Dog returned to owner. Ownership details passed to SBC

No
- SBC sends Warning Letter to owner

Owner provides evidence that dog is now microchipped
- Yes
- Reminder/Warning letter sent (first instance only)

Owner provides evidence that dog is now microchipped
- Yes
- SBC sends Microchipping Notice to owner

No
- Owner provides evidence that dog is now microchipped

Dog put up for rehoming

NFA
Appendix C: Legal Requirements

**REGULATION 3** requires that a dog is microchipped where:

a) a microchip which complies with regulation 4 has been implanted in the dog; and
b) the details set out in regulation 5 are recorded on a database by a database operator meeting the conditions set out in regulation 6.

**REGULATION 4** requires that a microchip must meet the following requirements:

a) it has a unique number which includes the manufacturer’s code;
b) it is compliant with ISO standard 11784:1996;
c) it is compliant with ISO standard 11785:1996, apart from Annex A; and
d) it responds to a transponder which operates at 134.2 kilohertz and conforms with the FDXB protocol set out in ISO standards 11784:1996 and 11785:1996.

**REGULATION 5** requires the following details to be recorded on databases:

a) the full name and address of the keeper;
b) where applicable, the fact that the keeper is also the breeder;
c) if the keeper is the breeder and is licensed by the local authority, the breeder’s licence number and name of the local authority by which they are licensed;
d) the original name or identification number given to the dog;
e) the contact telephone number (if any) for the keeper;
f) the name given to the dog by the keeper, if that is different to the original name given it by the breeder/previous keeper;
g) the sex of the dog;
h) the breed of the dog, or a description of it is a cross-breed;
i) the colour of the dog;
j) an estimate of the dog’s date of birth; and
k) the unique number of the microchip implanted in the dog.

**REGULATION 6** requires that a database operator must meet the following conditions:

a) has sufficient database capacity to store and retrieve all the details provided to it by keepers;
b) backs up all data at a secure, off-site facility every day;
c) provides any information requested by an authorised person;
d) provides any information requested by a keeper of a dog in relation to that dog;
e) has a system for identifying people authorised for the purposes of these regulations;
f) has a system for identifying keepers of dogs when they make inquiries about dogs whose details are recorded on their database;
g) maintains records to demonstrate that they are complying with the requirements of this regulation;
h) has a system for answering telephone and on-line requests for details stored on their database at all times;
i) has a system for redirecting telephone queries relating to dogs whose details are recorded on other databases to the operator of those databases; and
j) be able to automatically redirect on-line requests relating to dogs whose details are recorded on other databases to those databases.

**REGULATION 8** requires that where a dog is transferred to a new keeper, the new keeper must record their full name, address and contact telephone number (if any) and any change in the dog’s name with the database on which the dog’s details are recorded.
Appendix D: Microchipping Notice
STEVENAGE BOROUGH COUNCIL

THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015 Regulation 12(a)

MICROCHIPPING OF DOG NOTICE

To [insert name]
Of [insert address]

I, [insert name] BEING A PERSON AUTHORISED BY Stevenage Borough Council (“the Council”), acting under The Microchipping of Dogs (England) Regulations 2015 (“the regulations”) hereby give you notice as follows:

(Delete as appropriate)
[that a dog, as described in Schedule 1 of this notice, of which you are the keeper is not microchipped in accordance with the requirements set out in regulation 3 of the regulations. See notes overleaf.]

[that the details on the database on which Microchip number [insert number] are recorded have not been updated on the transfer of keepership of the dog, described in Schedule 1 of this notice, in accordance with the requirements set out in regulation 8 of the regulations. See notes overleaf.]

And HEREBY REQUIRE YOU within 21 days from the date of this notice to:

(Delete as appropriate)
[have the dog, as described in Schedule 1 of this notice, microchipped in accordance with the requirements set out in regulation 3 of the regulations and provide evidence that this has been done. See notes overleaf]

[update the details on the database on which Microchip number [insert number] are recorded in accordance with the requirements set out in regulation 8 of the regulations. See notes overleaf]

IF, without reasonable excuse, you fail to comply with the requirements of this Notice you will be guilty of an offence under regulation 13(2)(e) of the regulations and liable, on summary conviction, to a fine not exceeding level 2 on the standard scale (currently £500).

Further, under regulation 12(b) of the regulations, the Council may itself take possession of the dog and arrange for it to be microchipped and recover from you the cost of doing so.

Under regulation 14 of the regulations, you have a right of appeal against the issue of this notice to the First-tier Tribunal. See notes overleaf.

DATED:

(Signed).................................................................
Residential and Animal Control Manager
(An officer appointed for this purpose)

Address: Stevenage Borough Council
Environmental Health & Licensing
Daneshill House, Danestrete, SG1 1HN
Telephone: 01438 242908
Email: env.health@stevenage.gov.uk
NOTES

REGULATION 3 requires that a dog is microchipped where:

a) a microchip which complies with regulation 4 has been implanted in the dog; and
b) the details set out in regulation 5 are recorded on a database by a database operator meeting the conditions set out in regulation 6.

REGULATION 4 requires that a microchip must meet the following requirements:

a) it has a unique number which includes the manufacturer’s code;
b) it is compliant with ISO standard 11784:1996;
c) it is compliant with ISO standard 11785:1996, apart from Annex A; and
d) it responds to a transponder which operates at 134.2 kilohertz and conforms with the FDXB protocol set out in ISO standards 11784:1996 and 11785:1996.

REGULATION 5 requires the following details to be recorded on databases:

a) the full name and address of the keeper;
b) where applicable, the fact that the keeper is also the breeder;
c) if the keeper is the breeder and is licensed by the local authority, the breeder’s licence number and name of the local authority by which they are licensed;
d) the original name or identification number given to the dog;
e) the contact telephone number (if any) for the keeper;
f) the name given to the dog by the keeper, if that is different to the original name given it by the breeder/previous keeper;
g) the sex of the dog;
h) the breed of the dog, or a description of it is a cross-breed;
i) the colour of the dog;
j) an estimate of the dog’s date of birth; and
k) the unique number of the microchip implanted in the dog.

REGULATION 6 requires that a database operator must meet the following conditions:

a) has sufficient database capacity to store and retrieve all the details provided to it by keepers;
b) backs up all data at a secure, off-site facility every day;
c) provides any information requested by an authorised person;
d) provides any information requested by a keeper of a dog in relation to that dog;
e) has a system for identifying people authorised for the purposes of these regulations;
f) has a system for identifying keepers of dogs when they make inquiries about dogs whose details are recorded on their database;
g) maintains records to demonstrate that they are complying with the requirements of this regulation;
h) has a system for answering telephone and on-line requests for details stored on their database at all times;
i) has a system for redirecting telephone queries relating to dogs whose details are recorded on other databases to the operator of those databases; and
j) be able to automatically redirect on-line requests relating to dogs whose details are recorded on other databases to those databases.

REGULATION 8 requires that where a dog is transferred to a new keeper, the new keeper must record their full name, address and contact telephone number (if any) and any change in the dog’s name with the database on which the dog’s details are recorded.

RIGHT OF APPEAL

You may appeal against this notice to the First-tier Tribunal (General Regulatory Chamber) within 21 days from the date on which it is served. For further information on how to appeal contact H.M. Courts & Tribunals Service;

Tel. 0300 123 4504
Email: grc@hmcts.gsi.gov.uk

Any such appeal suspends the effect of the notice until the appeal is determined or withdrawn. On appeal the First-tier tribunal may cancel, confirm or vary the notice appealed against.
SCHEDULE 1

Description of Dog – include photograph where possible:
Appendix E: Warning Letter

Your Ref: 
Our Ref: 
Contact: 
Direct Line: 01438 242 
Fax: 01438 242142 
E-mail: env.health@stevenage.gov.uk

Date: 

Dear 

Environmental Protection Act 1990 
The Microchipping of Dogs (England) Regulations 2015 
Control of Dogs Order 1992 
Antisocial Behaviour Crime & Policing Act 2014 

STRAYING OF DOG FROM: 

As you are aware, your dog was seized on , after it was found straying, and later claimed by you from our holding kennels.

When found straying, your dog was not microchipped as required under the Microchipping of Dogs (England) Regulations 2015 **[in that the details on the database on which the dog’s details are recorded have not been updated with your new address. I therefore require you to update your details accordingly and confirm that this has been done. If you fail to comply with this request, I may serve a notice on you requiring you to have the dog microchipped].

I am, therefore, serving you with a notice requiring you to have the dog microchipped within 21 days. Please provide me with evidence that this has been done. Failure to comply with this notice is an offence, punishable on summary conviction, by a fine not exceeding £500.

Your dog was not wearing a collar with a tag on it bearing your name and address as required by the Control of Dogs Order 1992. Failure to comply with the legislation is punishable, on summary conviction, by a fine not exceeding £5,000.

As a tenant of the Council neither you nor any person living with you must keep any animal in your home unless the Council has given you written permission. You are reminded that you must ensure that animals must be kept under control at all times and must not be allowed to cause noise or nuisance or be allowed to foul in communal areas, stray or cause damage to council property.

I would like to remind you that straying dogs can give rise to a nuisance and are a hazard to traffic. Many accidents, some resulting in serious injury to motorists, cyclists and pedestrians, are caused every year by stray dogs. You should also be aware that, if your dog fouls in a public place whilst straying, you will be liable to a fixed penalty of £75 or a fine of up to £1000 on prosecution. Where a dog repeatedly strays and causes nuisance, distress or damage we may serve a Community Protection Notice requiring you to control your dog.
I do hope that this was an isolated incident and that I may rely on your cooperation in future to keep your dog under proper control.

Yours faithfully

[officer name]
[officer title]

**delete as appropriate

Confined stray

Para 2, 3, 4 & 5 to be included/deleted as appropriate