

DECISION UNDER DELEGATED POWERS

Authority to make minor changes to a cabinet-approved landlord services policy

Officer requesting decision (if necessary)

Andrew Staton, Landlord Services Manager

Office making the decision

Jan Glass, Head of Landlord Services

Recommendation

To amend the pets policy following its 2024 review, those amendments having been endorsed by HMAB at its meeting on 8 May 2024.

Reason

To incorporate the proposed and agreed changes to the pets policy following its operational review.

Authority for decision

Delegated authority to make minor changes to this policy by the head of landlord services in consultation with the lead member for public housing was agreed by the council's cabinet through recommendation 2 in the cabinet report dated 14 October 2021. The relevant extract of that report is attached here as appendix 1.

Minute no. 42 (20221/22) refers.

The proposed change falls within that delegation.

Decision and date

Approved.
07/06/24

Background

The pets policy was approved by the council's cabinet on 14 October 2021. The extract of that policy relevant to this delegated decision is attached as appendix 2.

The policy has been reviewed after two years' operational experience and some minor amendments are proposed as highlighted in red text in appendix 2. In summary, the proposed amendments are:

- **Section 3, first bullet point and section 7, fourth bullet point:**

Wording changed to reflect recent legislation that requires certificates of exemption to be held by people owning certain dog breeds;

- **Section 3.5, new, fourth, bullet point:**

From 10 June 2024 cats will be required to be micro-chipped;

- **Section 3.6 (i):**

Wording on keeping pets for breeding strengthened to make it clear that breeding is prohibited whether for commercial or private purposes;

- **Section 12.2, penultimate bullet point:**

Wording changed to include any future legislation or regulation governing specific dogs or breeds of dogs.

HR implications

There are none.

Financial implications

There are none.

Legal implications

Cabinet has delegated minor changes to the policy to the head of landlord services in consultation with the lead member for public housing.

Risk management

No specific risks have been identified as a result of making this minor change to the policy.

Key decision: No

Appendix 1: Relevant extract of the cabinet report, 14 October 2021

CABINET - 14TH OCTOBER 2021

Report of the Head of Landlord Services
Lead Member: Councillor James Poland

Part A

ITEM 8 PETS POLICY 2021-2025

Purpose of report

To seek Cabinet approval for a new pets policy to cover the period 2021-2025.

Recommendations

1. That the pets policy 2021-2025 attached at appendix 1 be approved.
2. That delegated authority be given to the head of landlord services in consultation with the lead member for public housing, to make minor amendments to the pets policy 2021-2025.

Reasons

1. To set out a policy on keeping of pets in properties falling within the housing revenue account.
2. That delegated authority be given to the head of landlord services in consultation with the lead member for public housing to make minor amendments to the pets policy 2021-2025.

Appendix 2: Reviewed pets policy approved by cabinet on 14 October 2021 with proposed amendments highlighted in red text)

CHARNWOOD BOROUGH COUNCIL

LANDLORD SERVICES

PETS POLICY

1. Objectives of this policy

1.1 Keeping a pet¹ can bring many benefits and Charnwood Borough Council encourages responsible pet ownership. We also understand that some people need pets for physical, psychological or emotional reasons. Irresponsible pet owners, however, can cause, through their pets, a severe nuisance to others and harm to their pets through neglect or abuse. This policy, therefore, is designed to encourage responsible pet ownership.

1.2 The objectives of this policy are:

- to provide a framework that will deliver a positive, fair, sensitive and enlightened policy on council tenants keeping pets in their homes;
- to align our² policy on pets with the relevant conditions of tenancy as set out in our non-secure, introductory/secure tenancy agreement;
- to enable us to create operational procedures that deliver this policy in a consistent manner but also allowing for the correct degree of flexibility when considering individual requests to keep pets that fall outside this policy statement, for example, requests from tenants living in designated sheltered accommodation;
- to enable us to create operational procedures that will enable us to take the right enforcement action against breaches of tenancy or legislation under this policy, including tackling animal neglect and cruelty and pet-related anti-social behaviour;
- to express through this policy the acknowledgment of the importance of pets to people's well-being, including their psychological, emotional and physical health;
- to express also through this policy the acknowledgment of the disruption to people's lives that uncontrolled animals and irresponsible pet ownership can have on the welfare of the animal and on the lives of others. This policy sets out our position on dealing with uncontrolled and irresponsible pet ownership in our properties;

¹ The use of the word 'pet' throughout this documents includes any living creature including mammals, fish, insects, reptiles, birds, amphibians, and invertebrates such as insects and, arachnids [spiders]

² References throughout this policy to "we", "our" and "us" are to be interpreted as relating to Charnwood Borough Council

- to outline how we deal with animal neglect and hoarding.

2. Scope of this policy

This policy applies to everyone who is currently housed or is to be housed by us in our rented homes. It does not apply to leaseholders, whose lease terms will determine the matter of pet ownership.

3. Policy statement

- 3.1 Anyone, be they an existing or a prospective tenant wishing to keep a pet, must ask permission from us first by completing an application for permission to keep a pet.
- 3.2 Permission, if granted, will be granted in writing. Permission is not required for tenants to have a registered assistance (e.g. guide) dog; but tenants must inform us and provide a copy of their registration. For new tenancies, permission must be sought and given before the tenancy sign-up. The decision on whether to allow a pet to be kept will be made by the landlord service.
- 3.3 We take a positive view about residents keeping pets. Some animals, however, are not suitable for being kept as pets and for which permission will **never** be granted. These include:
 - dogs of a breed that is prohibited by the Dangerous Dogs Act 1991 **or specified in other regulations or legislation unless**, under section 1 of that act, the owner has a licence **or a certificate of exemption** with conditions for him or her to keep such a dog. The licence **or certificate of exemption** must be seen and an agreement to abide by the terms must be agreed. If the terms are breached the council reserves the right to inform the police, who may decide to seize the dog.
 - creatures covered by the Dangerous Wild Animals Act 1976;
 - cockerels;
 - any animal that will be used for breeding or business activity from the property or locality;
 - fish that are of a size or breed that makes them unsuitable to be kept in domestic aquariums or garden ponds;
 - pigeons or external or internal aviaries.
- 3.4 Some types of property are considered unsuitable through design or size for tenants to keep pets (other than registered assistance pets) even if they do

not fall into the prohibited groups set out in 3.3 above. In addition to the groups set out in 3.3 in the following circumstances permission will not be granted:

- Pets that would be kept in a property that is either too small or generally unsuitable because of design and position for their proper care and well-being;
- Except for situations covered in 3.6 (iii) below, pets that require, for their proper care and well-being, direct and independent access to or permanent existence in outside space, be that private or communal (e.g. livestock, horses, ponies, goats);
- Dogs and cats (other than an exclusively 'indoor' cat) in designated sheltered accommodation where the property in question has no direct and exclusive access to and from outside. If the pet owner cannot gain entry into his or her home or leave it without having to go through any internal communal areas where they live permission will **not** be granted. The tenancy and estate management officer (or, in the case of an applicant, the lettings officer), must always consult the council's warden service when faced with a request from a tenant or potential tenant in sheltered housing before making a decision.

3.5 There are certain overriding terms and conditions that must be satisfied in order that consent to keep a pet will be given. They are:

- that, as a guide and unless explicitly agreed otherwise, **no more than two dogs or cats** (or one of each) will be allowed in any one property; but there may be properties whose size and/or layout means that only one may be kept;
- the guide of two pets for cats and dogs (or one of each) will not apply to other types of pets but permission to keep more than two pets will be dependent upon the species and the property (inside and outside space);
- that any dog kept must have a completed valid and current Charnwood 'pet passport' with a photograph of the pet. It must be microchipped or tattooed. Details of the microchip must be provided to the council. This will apply to each individual pet for which permission has been granted;
- **that any cat kept must be microchipped. Details of the microchip must be provided to the council. This will apply to each individual pet for which permission has been granted ;**
- that the animal is considered suitable for the property, taking into account its size, access to outside space and its relationship with neighbouring properties, such as a flat in a block of flats.

3.6 All tenants seeking permission to keep a pet will be required, in addition to completing an application, sign a declaration and undertaking. This will include the following conditions:

- (i) The pet will not be the subject of any breeding (**whether that be for commercial or private purposes**) or business activity from the property (this includes outside and inside);
- (ii) The owner will look after his or her pet in compliance with the principal terms of the Animal Welfare Act 2006 and will:
 - a. feed it a proper diet;
 - b. protect it from pain, suffering, injury or disease (this includes physical and psychological/emotional suffering or distress etc. (for example leaving a dog alone in a property for an unacceptable length of time³);
 - c. provide it with a suitable environment that will allow the pet to exhibit normal behaviour patterns with or apart from, other animals;
 - d. clean up after it and eliminate any offensive smells (this includes in communal outside areas);
 - e. not allow it to wander unaccompanied and unrestrained in any communal parts where they live, inside and outside and to confine it to a separate room, if requested, by visiting council staff, agents or contractors;
 - f. not allow it to create unreasonable levels of noise;
 - g. ensure that all dogs and cats are **neutered, microchipped** and, in the case of dogs, wear a **collar** with a contact tag at all times other than when inside the property.
- (iii) The owner will agree not to fit a cat or dog flap other than to an external door or, exceptionally, a window leading directly to the outside and only after seeking and being given permission. When the tenant leaves they must reinstate the door or window as it was originally. Cat or dog flaps will not be permitted to be fitted in uPVC doors, communal entrance doors or where the cat or dog flap opens into a communal area (inside or outside the property);

3.7 If the pet owner refuses to comply with the relevant conditions above, permission will not be given for the pet to be kept; and the tenant will be liable to enforcement action for breach of tenancy if they go ahead and acquire the animal without our written consent. The council will seek to recover any court costs incurred in relation to any enforcement action required. Alternatively, on a case-by- case basis we may liaise with or refer the case to another service at the council to deal with the matter as a nuisance, environmental offence, anti-social behaviour or animal welfare matter.

3.8 Similarly if permission is sought and given and subsequently we find that any of the above conditions have not been complied with we reserve the right to

³ Usually deemed to be anything greater than four hours but could be longer where no-one is at home for normal hours of work.

withdraw consent to keep the pet. If the animal is not removed we may take enforcement action for breach of tenancy after giving the tenant reasonable time to comply. Alternatively, on a case for case basis we may refer the case to another service at the council to deal with the matter as a nuisance, environmental offence, anti-social behaviour or animal welfare matter.

- 3.9 If a tenant looks after a pet for a temporary period, only one application will need to be made stating the number of pets in total that may be looked after at any one time, i.e. one or two.
- 3.10 If a tenant acquires a pet without first seeking and being granted permission:
- he/she will be required to complete a pet application retrospectively and be shown to have complied with all the conditions set out in 3.5 above if permission would have been given if it had been sought, failing which they may be required to find an alternative permanent home for the animal;
 - If there are complaints about nuisance or anti-social behaviour, we may refer the matter to another service within the council or another agency i.e. RSPCA or police for enforcement.
- 3.11 If the pet owner subsequently breaks any of the conditions set out in this policy statement and, after a reasonable period of time, does not remedy that breach they will render themselves liable to enforcement action in line with breach of tenancy. They may also render themselves liable to prosecution under the Animal Welfare Act 2006, the Anti-social Behaviour Crime and Policing Act 2014 or other relevant legislation This could also involve reporting any alleged cruelty or neglect to the RSPCA or police.
- 3.12 Anyone found guilty of mistreating or neglecting a pet will be denied permission to keep pets in the future. If action has been taken against a tenant in relation to an animal and there is a court order or disqualification order in place preventing a person from keeping an animal the council will deny permission to keep a pet.

4. Right of appeal

In the event that a tenant is either refused permission to keep a pet or that permission is withdrawn they have a right of appeal to the tenancy and estate management team leader.

5. Pets visiting tenants' homes

Friends and relatives are allowed to visit tenants with their pets. These pets will be expected to comply with the conditions set out in 3.6 (ii) (d), (e) and (g) above. Tenants, however, need to be aware that as per the terms of the tenancy agreement the tenant will be responsible for the behaviour of the animal while at their address or within the neighbourhood (including communal shared areas)

6. Changing circumstances

Some tenants, for example older people, may well at some point become unable to care for their pet in accordance with the conditions set out in 3.5 above. In such circumstances we will make every effort to work with the tenant to try to enable the pet to remain with them and be cared for properly with adequate additional support³. Ultimately, however, the pet's welfare and that of neighbouring tenants will be factors to take into account when deciding whether the pet owner is able to keep their pet.

7. Tenants with existing pets

We recognise that there will be many tenants who have acquired pets without seeking or obtaining the proper permission. Our position on this will be as follows:

- We will not take enforcement action against tenants whose breach of this policy is confined solely to the number of pets they are keeping in their home.
- On implementing this policy, we will grant an amnesty to all pet owners who notify us of their pets, provided those pets are not prohibited under 3.3, 3.4 and 3.5 above and are prepared to comply with the conditions set out in this policy statement, upon which point we will grant retrospective permission as if permission were being sought for a new pet and as long as the pet is not prohibited under this policy;
- Any dogs listed under section 1 of the Dangerous Dogs Act 1991 or cross breeds involving one of the species specified in that act of parliament will not be eligible for this amnesty unless they have been returned to the owner under licence, they provide the licence **or certificate of exemption** and agree to abide by its terms.

This amnesty will last for six months, after which time any pet owner who has not come forward will be liable to enforcement action if they either refuse to comply with the conditions in this policy statement or if they are keeping prohibited pets under this policy. This enforcement action may include the direction to re-home the animal.

8. Monitoring and review

This policy will be reviewed initially after being in operation for twelve months and thereafter every three years unless required earlier through legislative or regulatory changes.

9. Training

- 9.1 Suitable training on this policy will be given to members of staff whose job either directly or indirectly is affected by this policy.
- 9.2 Refresher training on this policy at appropriate intervals will also be given or if the policy is changed materially.

10. Equality and diversity

We aim to ensure that all our policies are fair and transparent and have been impact-assessed according to our procedures and in accordance with legal requirements.

11. Responsibility

The relevant head of service is responsible for the effective implementation of this policy and may delegate amendments to it arising out of changes in legislation or regulation to the head of landlord services.

12. Other external and internal influences on this policy

- 12.1 This policy has been created and should be implemented in conjunction with the following internal documents:

- Allocations policy;
- Equality and diversity policy and strategy;
- Anti-social behaviour, harassment and hate crime policies in respect of tenants either using pets as a means of causing nuisance or harassment to others or allowing, through their pet's behaviour, that pet to cause nuisance or harassment to others.

- 12.2 Similarly, this policy has been created and should be implemented in conjunction with the external documents and publications, including but not limited to:

- Housing Act 1985;
- Housing Act 1996;
- Housing Act 2004;
- Homelessness Act 2002;
- Anti-Social Behaviour Act 2003;
- Equality Act 2010;
- Anti-Social Behaviour, Crime and Policing Act 2014
- Homelessness Reduction Act 2018
- Dangerous Wild Animals Act 1976;

- Dangerous Dogs Act 1991 or any subsequent relevant legislation or regulation governing specific dogs or breeds of dogs
- Animal Welfare Act 2006.

³ This could be neighbours, friends, family or organisations such as The Cinnamon Trust