

## **Housing Tenancy and Leasehold Management Policy**

### **THE KEEPING OF PETS IN COUNCIL ACCOMMODATION**

#### **1. Introduction**

- 1.1 Keeping pets in social housing can provide many challenges for landlords. Yet research has shown that animals that are well cared for and responsibly kept can be a positive attribute to any community. For individual owners, pet ownership can enhance a person's mood, reduce stress, encourage exercise and stave off loneliness and isolation.<sup>1</sup> (RSPCA Housing: A Guide to Good Practice)

It is important therefore that our policy on keeping pets is supportive of pet ownership, while at the same time emphasizing individual responsibility, provides clear guidelines on what we expect from pet owners, and contains robust procedures to deal with any problems which may occur.

#### **2. Aims and Objectives**

- 2.1 This policy is to provide guidance to all staff and residents, on our approach to pet ownership in council owned properties.

#### **3. The Tenancy Agreement, Lease Conditions, Tenants Handbook**

- 3.1 It states in the **Tenancy Agreement** that:

*You or they (members of the household) must not keep a dog, cat, bird or other animal in your home without our written permission- the Tenants Handbook gives details of when we will give permission. Your pet(s) must not annoy or frighten other people, nor must you allow your pet to foul shared areas. If nuisance occurs, we can withdraw our permission. It is a breach of your Tenancy Agreement if you are convicted of causing cruelty or suffering to an animal.*

- 3.2 It states in The **Tenants Handbook** that:

*How many pets can I have?*

*If you want to keep pets, you must get our written permission through your housing office. The number of pets we will allow depends upon the type of pet, and the size and type of home*

*you live in. If you live in sheltered housing, please check with your Scheme Manager to see whether your scheme allows pets. We will not unreasonably withhold permission but will not give permission for residents to keep the following animals:*

- § any dangerous wild animal as detailed in the Dangerous Wild Animals Act 1976*
- § the specific breed of dog restricted by law and detailed in the Dangerous Dogs Act 1991 such as the pitbull terrier, and Japanese tosas*
- § a species prohibited by trade, import or export as detailed by the Endangered Species (Import and Export) Act 1976*
- § all venomous (poisonous) insect and spiders*
- § all large, poisonous or constricting snakes or lizards*

*The Animal Welfare Team gives advice and practical help for keeping pets and animals in the city. They investigate complaints about stray animals, dangerous dogs, dog fouling and cases of animal cruelty. You can get further information and advice on 01273 292929 or 292446.*

*Is there anything I need to know about keeping pets?*

*If you have a pet or would like to get one, we expect you to look after your pets in a responsible way. You must make sure that:*

- § they do not cause a nuisance to your neighbours by creating lots of noise or excessive smells*
- § you clean up after your pets*
- § you look after your pet responsibly*

*If you keep an animal that we believe is being mistreated, we will report it to the Council's Animal Welfare Team.*

*If your pets are causing a nuisance or disturbance to your neighbours we may ask you to rehome them.*

*If these conditions are not kept, permission can be withdrawn and action may be taken against your tenancy*

### **3.3 Leases.**

We currently use two leases; a Brighton lease and a Hove lease. These both state the same thing about keeping pets, which states:

*Not to keep any bird, reptile, dog or other animal in the demised premises without the previous consent in writing of the Council which may be given by the Council's Director of Housing for the time being or their Managing Agents for the time being such consent to be revocable by notice in writing at any time on complaint of any nuisance or annoyance being caused to any owner tenant or occupiers of any other flat in the building*

### **4.0 Applying for Permission to keep a pet**

- 4.1 Permission should be sought by contacting Housing Customer Services who will arrange for the form "Application to keep a Pet in a Council Owned Property" to be completed.
- 4.2 Each application is assessed on its own merits. There are some sheltered schemes which do not permit pets, or which restrict which pets may be kept. Pets may be kept in all other properties. However officers have the discretion to determine that certain pets (ie., livestock) cannot be practically kept without the use of a private outside space, or that the size or type of property may restrict the number or pets which are allowed.
- 4.3 We will not refuse the keeping of cats or dogs if the property does not have a private garden, but we will need to ensure that residents have thought about how they will exercise their pet.
- 4.4 Where appropriate, officers will ask the advice of the Animal Welfare Team or other agencies before giving permission. This may especially be the case where permission is being sought for a large number of animals, for exotic or farm animals, or where there have been some concerns previously about the owner's ability to give adequate care to an animal.
- 4.5 Permission will be given on the strict understanding that residents are responsible for their pet, and that they care for it in accordance with the Animal Welfare Act 2006.

- 4.6 Applications to adopt pets from rescue societies will be prioritized, and will be processed within three working days from the date of application in order to facilitate the rehoming process.
- 4.7 Pet owners will be required to give details of a person who can care for their pet in an emergency, or if they become unable to do so
- 4.8 The breeding of all pets is prohibited in council homes.
- Owners will be encouraged to neuter their pets. If they choose not to, or neutering is not practical or safe (ie., as may be the case with very small animals such as hamsters or mice) owners will be required to take practical steps to stop them from breeding, such as separating pets of opposite sexes. If breeding does occur, we may require that the pet is neutered.
- 4.9 We will never give permission for residents to operate a pet breeding business from their home
- 4.10 All pets must be properly controlled, and must not be permitted to roam free in shared hallways or gardens.
- 4.11 Owners are responsible for the making good of any damage that is caused in their own property or in shared areas by their pet

## **Special Conditions**

### **5.0 Dogs**

Owners of dogs have a legal responsibility to control and care for them in a way that the owners of other pets do not. Dogs are also the cause of most complaints of anti social behaviour. Dog owners are accordingly obliged to adhere to the *law*. These are the main ones:

#### **5.1 The Dangerous Dogs Act 1991**

Part 1 of this makes it an offence to own the following breeds, unless a Certificate of Exemption has been obtained.

- § The pitbull terrier
- § The Japanese Tosa
- § The Dogo Argentino

## § The Fila Brasileiro

Section 3 of this Act makes it an offence to allow any dog to be “dangerously out of control in a **public place**”. A dog may be regarded as being “dangerously out of control” if there are good grounds for suspecting that it will injure a person whether or not it actually does so

## 5.2 The Dogs Act 1871

*This Act allows a Magistrate Court, on being satisfied that a dog is dangerous and not being kept under proper control in either a public or a private place, to make an order that the dog be kept under proper control or destroyed. A fine can be imposed for breach of such an order.*

## 5.3 Control of Dogs Order 1992

- § Every dog, while in a public place, must wear a collar displaying its owner’s name and address.

## 5.4 Clean Neighbourhoods and Environment Act 2005

*The Dog Control Orders below are made by the Council using powers in the Act. They may not have effect outside Brighton & Hove.*

- § Dogs must be kept on a lead on all roads and pavements (Dog control Order 2 Keeping on a Lead).
- § Dog fouling is prohibited in all public areas. Dog owners are expected to pick up after their dogs and dispose of it appropriately (Dog Control Order 1 Fouling of Land)
- § Dogs are not permitted in children’s play areas, cemeteries, certain inner city parks and squares, and certain memorial gardens (Dog Control Order 4 Exclusion from Land)

## 5.5 In addition to this, **Housing** stipulates the following:

- § All dogs living in Council owned properties must be micro chipped
- § Dogs must be kept on a lead on all Housing land, including the shared areas of blocks of flats, the surrounding land, and shared gardens

- § Dogs must not be left unsupervised on balconies or in any communal areas
- § Residents must not leave their dog unattended overnight, or for periods exceeding five hours
- § Where a resident has a private garden, they are responsible for ensuring that their dog is safely contained within it by providing hedging, fencing or some other form of restriction.
- § Dog fouling in private gardens and on balconies must be cleared up promptly

## **6.0 Cats**

- 6.1 Under the Animals Act 1971 and the Common Law Duty of Care, it is a commonly-held view that cats have the “right to roam” wherever they wish. However, cat owners do have a general duty at law to take reasonable care to ensure that their cats do not cause injury to people or damage to property
- 6.2 A complaint commonly received about cats is that they are fouling in other people’s gardens, or digging up their flower beds. It is not realistic to expect cat owners to train their cats not to go into certain areas. Where this becomes a problem, we will advise the person affected on humane measures they can take to deter cats.
- 6.3 Cats can breed very frequently (up to three litters a year), and because they usually roam the neighbourhood, it is very difficult for owners to stop un-neutered cats from breeding. We strongly recommend that cat owners neuter their cats as early as possible.
- 6.4 Where a litter tray is used, it is important that it is emptied and cleaned regularly in order to avoid smells. Litter must be disposed of by sealing it in a plastic bag and disposing of it in the normal household refuse.
- 6.5 It is not permitted for cats to be left unsupervised on balconies or in shared hallways.
- 6.6 Cat owners can apply for permission to install a cat flap in their property by completing the necessary form and submitting it to the Clerk of Works. Each case will be assessed individually. We

will give permission where possible, but this may not always be the case.

6.7 We strongly recommend that cats are micro chipped, so that they can be identified if they become lost, stolen, or are involved in accidents

## **7.0 Keeping small mammals**

7.1 In the case of very small animals such as rats, mice, gerbils and hamsters, residents must limit them to manageable numbers, and make sure they are suitable for the living conditions

7.2 Rabbits and guinea pigs should normally be kept outside the home, with a secure exercise run which is safe from predators

7.3 Residents must ensure that their housing is free from excess droppings

## **8.0 Keeping birds**

8.1 Small caged pets are allowed provided that the cage is large enough to allow them to stretch their wings in any direction and gives them enough space to perch

8.2 Birds should be permitted to exercise out of their cage, provided they can't escape

8.3 Where birds are kept outside (aviary birds or fowl), residents will need to show that they know how to meet the welfare needs of the animal, including providing a suitable environment which is safe from predators

8.4 Residents are not permitted to keep cockerels

## **9.0 Keeping reptiles, amphibians and spiders**

9.1 We do not recommend that residents keep these types of pets, as they require specialized living conditions and care. Most reptiles kept as pets die very quickly; 75% within one year (E. Totland et al 2012) There is also a significant risk of zoonotic (animal to human) disease.

9.2 If a resident wants to keep reptiles, amphibians or spiders they will be required to prove that they can provide the required care, and agree to a visit by an animal welfare professional to assess their suitability.

## **10.0 Farm animals**

10.1 We will not usually permit the keeping of farm animals, such as pigs, goats and sheep in council properties. These animals need to be in a rural environment and may cause damage and noise in a residential setting. Exceptions will only be granted following advice from Animal Welfare Officers.

## **11.0 Nuisance Animals**

11.1 Where nuisance occurs, we will seek to resolve the situation informally and by agreement.

11.2 Where appropriate, cases will be referred to the Animal Welfare Team, the police, the RSPCA, or other animal welfare agencies for advice, or enforcement action.

11.3 Where there is a complaint of excessive noise being caused by an animal, Housing staff will seek to determine the extent and cause of the problem before deciding upon further action. Many noise problems can be solved by appropriate advice on care or training issues.

11.4 If problems persist, and the owner is not taking responsibility for solving problems, a more formal approach will be used: this may include:

- § Enforcement Action by the Animal Welfare Team, when laws or by laws are being breached. This is especially the case with dog fouling, dogs not wearing identification, or dogs being out of control
- § Enforcement action by the Environmental Health Team where noise amounts to a statutory nuisance, and the owner is not taking steps to solve it
- § Intervention or prosecution by the RSPCA



- § Making responsible pet ownership part of an Acceptable Behaviour Contract- this is a contract signed by the owner in which they agree to adhere to certain behaviours
- § Serving an injunction which will legally oblige the owner to start or stop doing certain actions
- § Taking action against a person's tenancy or lease for a breach of tenancy conditions. This may include service a Notice of Seeking Possession, or seeking to demote a secure tenancy.

## **12.0 Cruelty and Neglect**

12.1 Any reports of animal cruelty or neglect will immediately be referred to the Animal Welfare Team or to the RSPCA. If a resident is successfully prosecuted for failing to look after an animal properly, we have the discretion to refuse permission for any further pets to be kept.

12.2 If a resident is found to be guilty of causing cruelty or suffering to an animal we will normally take action against their tenancy.

## **13.0 Monitoring and Review**

13.1 We will monitor and review this policy annually, and amend in line with any future changes to national or local policy or legislative changes.

13.2 The Head of Housing has overall responsibility for the on-going monitoring of the policy through the work of frontline teams. The policy will be reviewed annually by the Housing Leadership Team.

## **14.0 Equalities**

An equalities impact assessment has been completed, (Appendix 4) created along side the policy document, to ensure that we are complying with our duties set out in the Equality Act 2010 and that no groups of people are being adversely and cumulatively impacted upon by our decision making processes.

Residents who require assistance animals will not need to ask permission to keep them, and may be exempt from certain laws or conditions (ie., blind persons are obliged under the law to pick up fouling from their guide dog)

## **References:**

Animals Act 1971  
 Animal Welfare Act 2006  
 Dangerous Wild Animals Act 1976

Dangerous Dogs Act 1991  
The Dogs Act 1871

Brighton and Hove City Council Tenancy Agreement  
Brighton Lease  
Hove Lease

*Housing; A Guide to Good Practice* RSPCA  
*Guidelines on Pet Management for Housing Providers*, Pet Advisory  
Committee

*Wild Pets in the European Union* ENDCAP

*The Exotic Pet Trade: Pet Hates* (2012) E Totland et al

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