

The Keeping of Pets in Council Accommodation

1.0 Introduction

- 1.1 Keeping pets in social housing can provide many challenges for landlords. Poorly kept, or uncontrolled pets, especially dogs, can cause considerable nuisance, and may present a risk to others in the community. There may also be complaints of noise, smells, or upset caused to residents who witness pets not being cared for properly.
- 1.2 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. Pet ownership has been shown to aid a person's recovery after serious illness, and to provide as much social support for their owners as other people do. (respcaderby.org.uk)
- 1.3 It is important therefore that our policy on keeping pets is supportive of pet ownership, while at the same time emphasizing individual responsibility. It should provide clear guidelines on what we expect from pet owners, and contain robust procedures to deal with any problems which may occur. Our approach should be sensitive to the high emotional attachment that owners often have with their pets, and recognize that lack of education often underlies the inability of owners to tackle nuisance problems.

2.0 Aims and Objectives

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

3.0 Tenancy Agreement, Tenants Handbook and Lease Conditions

- 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 page 36** that:

How many pets can I have?

If you want to keep pets, you must get our written permission, by contacting Housing Customer Services, who will log the request and pass it to the Neighbourhoods Team. If permission is needed quickly (ie., where a rescue centre have booked a home check and need to know if the resident has landlord permission to keep a pet) a resident may phone in for permission, which can be given direct to the rescue organization. This will then be followed up by written permission to the resident.

The number of pets we will allow depends upon the type of pet, and the size and type of home you live in. Normally we will only give permission for one dog or one cat. Permission for more than this may be given if a person's accommodation and lifestyle would seem able to accommodate them. 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 re-home them.

If these conditions are not kept, permission can be withdrawn and action may be taken against your tenancy

3.3 The **Conditions of Lease:**

There are two types of leases; a Brighton lease and a Hove lease. These both state the same thing about keeping pets:

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 made in writing by completing the form "Application to keep a Pet in a Council Owned Property". (Appendix 1)
- 4.2 Each application is assessed on its own merits. Normally permission will only be given for one dog or one cat. 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 you have thought about how you will exercise your 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 pets is prohibited in council homes. Owners will be encouraged to neuter their pets. If they choose not to do so, they will be required to take measures to stop them from breeding. If breeding does occur we may oblige owners to then neuter their pet(s)
- 4.9 We will never give permission for residents to operate a pet breeding business or to board animals in 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

5.0 Dog Ownership

- 5.1 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 laws, and by laws. These are the main ones:
- 5.2 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 Argentina
- The Fila Brasileiro

Part 2 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

5.3 The Dogs Act 1871:

This makes it a civil offence to have a dog which is dangerous and not under proper control in both a private and public place. A magistrate can order that a dog be destroyed and the owner prosecuted if a complaint is deemed to be founded.

5.4 Control of Dogs Order 1992:

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

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, the pet policy stipulates the following:

All dogs living in Council owned properties must be micro chipped. The Neighbourhood Team will deal with all pet applications and pet nuisance complaints, and have the use of a micro chip scanner to check that this has been done.

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.

6.0 Cats

- 6.1 It is a commonly-held view that cats have the “right to roam” wherever they wish. However, under the Common Law Duty of Care, cat owners are obliged to take reasonable care to ensure that their cats do not cause injury to people or damage to property (cats.org.uk)
- 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 anyone complaining to take their own measures to deter cats, such as laying foul smelling deterrents to discourage them from their gardens.
- 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 appropriately in sealed bags, and placed in a refuse container.
- 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 Improvements and Alterations Form.

6.7 We strongly recommend that cats are micro chipped in order that they can be more easily reunited with their owners if they become lost.

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 cages are kept free of 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 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 due to the noise of them crowing.. Residents are permitted to keep chickens.

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 ¹. There is also a high 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. This will normally be carried out by the Animal Welfare Team, or the RSPCA.

¹ The Exotic Pet Trade: Pet Hates 2012 E Totland et al

10 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 Nuisance Caused by Animals

- 11.1 Where nuisance occurs, the Council will seek to resolve the situation informally by interviewing the perpetrator and offering advice.
- 11.2 Where appropriate, cases will be referred to the Animal Welfare Team within Environmental Services, 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 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 becomes a statutory nuisance, and the owner is not taking steps to solve it
 - Serving a Notice of Seeking Possession on the grounds of nuisance, or (where applicable) failing to ask permission for the number of pets being kept.
 - Taking formal action using powers and laws designed to curb anti social behaviour. The police and Local Authorities are now able to demand that owners take action to prevent dog nuisance/attacks. This may include being obliged to put up fencing, muzzling/walking a dog on lead, compulsory training classes, or requiring dogs to be neutered. In cases of severe or persistent behavior, an injunction or a Criminal Behaviour Order can be issued.

- Although it may be tempting to act on nuisance by simply withdrawing permission for a pet, this penalizes the pet rather than the owner (as the pet may well become homeless or be dumped by it's owner). It may also be difficult to monitor or to enforce. If the owner is not willing/able to properly control or care for their pet, it is better to agree on this and to assist them in responsibly rehoming it.

12 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, the Council 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 the Council will take action against their tenancy.

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