

## HOUSING MANAGEMENT ADVISORY BOARD – 8 MAY 2024

### Report of the landlord services manager

#### ITEM: REVIEW OF THE PETS POLICY

##### 1. PURPOSE OF REPORT

To present the board with an interim summary of the effect on tenancy management of the new pets policy, which was implemented in 2022 following cabinet approval and to recommend some minor amendments to it.

##### 2. ACTION REQUESTED

The board is requested to note and invited to comment upon the findings in this report and, if in agreement, endorse the proposed changes.

##### 3. BACKGROUND

3.1 In 2021 a new pets policy was approved by cabinet which put into effect new provisions for the management of tenancies in respect of the ownership and keeping of pets. The draft policy had first been presented to HMAB in March 2021 and a number of proposed amendments were incorporated into the final policy presented back to HMAB in May 2021. This subsequently went to cabinet and was approved on 14 October 2021.

3.2 There had never been a formal policy on this matter although there had been internal operational procedures and the then-existing tenancy agreement was lacking in any detail and what detail did exist was open to differing interpretation. This increased the risk of the landlord service's position on pet ownership being inconsistent, subjectively applied and potentially unfair.

3.3 Operational procedures were developed to support implementation of the policy in time for it becoming 'live'.

3.4 The rationale for creating a formal pets policy was based on the acknowledgment that pet ownership is one of the most contentious areas of tenancy management and enforcement and, from housing management practitioners, attracts robust views, ranging from an abolitionist position to a virtual *laissez-faire* one. Such views include:

- Pet ownership is a major cause of anti-social behaviour complaints, especially with barking dogs, owners not clearing up after the pet's excrement and untrained (or malevolently-trained) dogs being kept that are a threat and danger to others;
- Allowing unfettered pet ownership encourages the trade in exotic and illegal animals, the result being that completely inappropriate pets are kept in people's homes;
- Pets provide companionship, especially to people (and even more so, older people) living on their own;

- Pet ownership has been demonstrated to be therapeutic to people's mental and physical health, especially older people living alone by combatting loneliness;
  - Pet ownership is good for children's social and educational development.
- 3.5 With or without a clear, published, pets policy and conditions of tenancy that complement it, the objective for those of us committed to practising sound, pragmatic and progressive housing management is to provide as best a balance as possible so as to strike a sensible compromise between those extreme positions exemplified in 3.4 above. Having such a clear policy, however, will aim to achieve all that and minimise the problems that not having a pets policy creates, as exemplified in 3.2 above.
- 3.6 HMAB members requested an update on the effects of the new policy on tenant pet ownership and whether any interim review of the policy was required prior to it being reviewed fully in 2026.

#### 4. POLICY DETAILS

- 4.1 The new draft pets policy was designed to work in conjunction with the then-in-development new tenancy agreement (now in place) in that the conditions of tenancy relating to pet ownership provide some basic, headline, details but state clearly that the pets policy is the defining document. The sections in the conditions of tenancy that do relate to matters of pet ownership are very unlikely to change fundamentally, for example, the need for tenants to seek and obtain written permission before keeping pets, while omitting the more detailed aspects of the policy. The two principal advantages of this are that:
- it is easier to change a policy than it is to change conditions of tenancy; and
  - it reduces the amount of text in what will be a large document in any case without compromising our ability to be clear, consistent and enforce breaches of tenancy.

#### 5. OPERATIONAL EXPERIENCE SINCE THE NEW POLICY WAS IMPLEMENTED

- 5.1 In applying the new policy to existing pet owners a 'light-touch' approach was adopted from the outset and this has proved to have been a pragmatic and successful decision. Where tenants might be in breach of the policy through, for example, owning more than two dogs or cats, no enforcement action has been taken unless that breach was the subject of complaints that have been validated through investigation.
- 5.2 Since the new policy was put in force, there has been no notable increase in the number of refusals or subsequent enforcement action. 199 new permissions have been requested; but there has been no discernible change in the proportion of refusals to permissions. The pets policy is being applied rigorously to new permissions. Our tenancy management team is discussing with the housing systems [QL] team ways of adapting the QL system to enable more detailed recording of permissions, refusals and reason for refusal. It is clear, however, that the policy and its operational procedures have been implemented successfully and now provide a process whereby officers are able to approach the matter of pet ownership in a consistent and rigorous way.

6. PROPOSED CHANGES TO THE PETS POLICY

Operational practice and recent national events in respect of, for example, XL Bully dogs, have been taken into account when reviewing the policy. Proposed amendments are highlighted in red type in the policy, which is attached as appendix A to this report.

7. CONCLUSION

7.1 The new pets policy has been a success in terms of its objective to provide a rigorous framework for consistent application of the council's position on pet ownership. We have developed robust operational procedures; suitable training has been provided and officers have welcomed the introduction of the policy.

7.2 There are some very minor changes to the policy proposed and, if recommended for amendment by members could be incorporated into the policy through delegated powers conferred upon the director of housing and wellbeing by cabinet.

7.3 We propose carrying out a more comprehensive review of the policy within the next three years as per section 8 of the policy.

8. RECOMMENDATION

HMAB members are requested to note and are invited to comment upon this report and, if in agreement, endorse the proposed changes into the pets policy.

Andrew Staton  
Landlord Services Manager

12 April 2024

## Appendix A

### CHARNWOOD BOROUGH COUNCIL

#### LANDLORD SERVICES

#### PETS POLICY

### 1. Objectives of this policy

1.1 Keeping a pet<sup>1</sup> 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 our<sup>2</sup> 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;
- to outline how we deal with animal neglect and hoarding.

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<sup>1</sup> 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]

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

## 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 time<sup>3</sup>);

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

- 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 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 support<sup>3</sup>. 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;
- The Dangerous Dogs (Exemption Schemes and Miscellaneous Provisions) (England and Wales Order 2023);
- Animal Welfare Act 2006.

<sup>3</sup> This could be neighbours, friends, family or organisations such as The Cinnamon Trust