

HOUSING MANAGEMENT ADVISORY BOARD – 24 MARCH 2021

Report of the landlord services manager

ITEM 4 DRAFT PETS POLICY

1. PURPOSE OF REPORT

To present the board with the council's draft pets policy, attached as appendix 1 to this report.

2. ACTION REQUESTED

The board is requested to note, comment and commend the policy to cabinet, subject to any agreed amendments being made.

3. BACKGROUND

3.1 There is no existing pets policy for council tenants. What does exist is a section of the current tenancy agreement, attached to this report in appendix 2 and an internal procedure designed to underpin the operational interpretation of the tenancy agreement.

3.2 Lack of a clear policy about pet ownership and a paucity of detail in the existing tenancy agreement risks inconsistency of application by individual officers because of:

- lack of detail behind explicit conditions of tenancy;
- silence in the tenancy agreement on any particular aspect of pet ownership; and
- differing interpretation of the conditions tenancy arising out of a lack of detail and clarity.

3.3 The consequence of the three bullet points in 3.2 above risks tenants being given different decisions by different officers on the same requests or questions thus leading to inconsistent and unequal service being given.

3.4 Pet ownership is one of the most contentious areas of tenancy management and enforcement and, in 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 defecations 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 animal, 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.

4. POLICY DETAILS

- 4.1 The new draft pets policy is designed to work in conjunction with the forthcoming new tenancy agreement in that the conditions of tenancy relating to pet ownership as currently drafted provide some basic, headline, details but state clearly that the pets policy is the defining document. The sections in the conditions of tenancy relate to matters of pet ownership that 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.

- 4.2 The policy is laid out as follows:

Section 1: Objectives

These set out what we aim to achieve by the policy and its application, particularly creating a framework that will deliver a positive, fair, sensitive and enlightened policy on council tenants keeping pets in their homes and which requires tenants to be responsible pet owners and care for their pets humanely and lawfully¹.

Section 2: Policy scope

This sets out who is covered by this policy.

Section 3: Policy statement

This is the meat of the policy and sets out in clear detail our position on pet ownership in council rented property. Principal points include:

¹ Animal Welfare Act 2006

- Anyone wishing to keep a pet will need our prior written permission;
- Permission for some pets will never be given, including dogs covered by the Dangerous Dogs Act 1991, cockerels and animals that will be used for commercial breeding;
- Certain properties will attract restricted pet permissions: we will restrict dog and cat ownership in sheltered schemes to those only who have direct access to the outside, who do not have to go through any internal communal areas to get outside. We will also deny permission to someone wanting to keep a pet whose size and/or breed deems it to be unsuitable for living in any particular property or which again, by virtue of its size or breed, is completely unsuited to living indoors (e.g. a horse). It is worth members noting here that pet ownership in sheltered housing schemes is arguably the most contentious element in this policy in terms of the landlord trying to strike a reasonable balance between encouraging pet ownership in a demographic where pet ownership has been proven to be extremely beneficial and protecting neighbouring tenants and council property. This element of the policy attracted the most discussion when it was discussed at CHRF in February 2020; and it would be only fair to reflect the views of that group in respect of pet ownership in sheltered schemes in the draft policy. The policy as presented to CHRF proposed an out-and-out ban on pet ownership in sheltered schemes but strong opposition to this was voiced by members. As a result of this we changed the policy to how it is now worded as above;
- As a guide, permission will not normally be given if someone wishes to keep more than two pets (aquarium or pond fish excepted);
- Tenants are expected to look after their pets, neuter and microchip them [cats and dogs], clear up after them and not allow them to cause a nuisance;
- We will work with internal colleagues [environmental protection team] and external organisations [RSPCA] in taking action against those who commit offences in respect of their pet ownership;

Section 4: Right of appeal

Since permissions (or, more to the point, refusals) are likely to be given at tenancy and estate management officer level, the aggrieved tenant will have a right to appeal against the decision to the housing services team leader.

Section 5: Pets visiting tenants' homes

Sometimes complaints about pet behaviour apply not to pets owned by the tenant but rather pets who accompany those who visit the tenant.

The policy is clear in stating clearly which elements in section 3 apply in these circumstances.

Section 6: Changing circumstances

Sometimes tenants' circumstances change and their ability to continue caring for their pets is affected. An example of this is when a tenant becomes too old or ill to look after his or her pet properly. This section states that we will do our best to help the tenant keep the pet but, ultimately, we have to take into account the pet's welfare and the consequences that reduced ability to care and look after the pet have on neighbours and the pet itself.

Section 7: Existing tenants

Many tenants will have existing pets when this policy comes into force and who either did not obtain permission to keep the pet originally or who keep pets where permission would now be refused under this policy were it to be sought now. This section sets out our position and the 'amnesty' we will offer to existing pet owners

Subsequent sections:

The subsequent five sections in this policy refer to matters of the monitoring and review of the policy, training, equality and diversity, responsibility [implementation] and other external and internal statutory, regulatory and policy documents.

5. EQUALITY IMPACT ASSESSMENT

An equality impact assessment has been carried out on the draft policy and this is attached as appendix 3.

6. CONCLUSION AND ENDORSEMENT

6.1 As mentioned earlier in this report, the draft pets policy was presented to CHRF members in February 2020. The delay in the policy being brought to HMAB is entirely as a result of the lockdown and coronavirus restrictions being imposed just before the policy was due to go to HMAB in March 2020. Our presented position in respect of pet ownership in sheltered housing was opposed by a majority of members and, as a result of that, we changed it to its current wording. Other than that, members were in full support of our having a policy and of its content once various queries and clarifications had been given.

6.2 HMAB members are requested to commend this draft policy to cabinet, subject to any amendments requested and agreed.

Andrew Staton
Landlord Services Manager

24 March 2021