

Mid Devon District Council

Pets and Animals Policy

Policy Number: HSG v5

October 2019

Version Control Sheet

Title: Pets and Animals Policy

Purpose: To review the Pets and Animals Policy in accordance with good practice in animal welfare and to ensure that amendments are incorporated into the revised Tenancy Agreement.

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Review Frequency: Every 10 years or sooner if required and in accordance with changes in good practice and legislation

Next review date: October 2029

Consultation This document was sent out for consultation to the following:

Cabinet Member

Staff

Tenants Together

Leadership Team

Homes Policy Development Group

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	3 September	
Tenants Together	8 September 2019	
Leadership Team	17 September	
Homes	1 October	
Cabinet	17 October	

1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC), Housing Service approach to the keeping of pets and animals by its tenants and their households. The Housing Service recognises the benefits that responsible pet ownership can bring. However, controls must be in place to prevent irresponsible pet and animal ownership which can cause suffering to animals and a nuisance to neighbours.

2. Scope

This policy explains how the Housing Service will respond to and manage queries, permissions and complaints relating to pets and animals from tenants and their neighbours. This policy covers the following points and should be read in conjunction with the related documents as stated below:

- Responsible pet and animal ownership as defined under the Animal Welfare Act 2006
- Permission requests, type of pets and animals allowed and refused
- Complaints about pet and animal nuisance
- Breeding or running of a pet or animal related business from the property
- Abandoned or unattended pets and animals at the property
- Burial grounds for pets and animals

3. Related Documents

- a. Anti-social Behaviour Policy
- b. Improvement to Council Properties Policy
- c. Recharge Policy
- d. Tenancy Agreement

4. Definitions

The following definitions apply to this policy:

- "Dangerous Dogs" are pets covered by the Dangerous Dogs Act 1991 (and any subsequent amendments) and include Pit Bull Terrier, Japanese Tosa, Dogo Argentino or a Fila Brazilliero without a Certificate of Exception and Cross breeds of these dogs. Dogs of other breeds can be considered as dangerous dogs if they have ever attacked a person in public.
- "Dangerous Animals" are pets or animals covered by the Dangerous Wild Animal Act 1976 and include crocodiles, big cats, wolves, certain venomous snakes and poisonous spiders as well as various breeds of monkeys.
- "Pet" is defined as a pet animal (such as a cat or dog).
- "Animal" is defined as an animal which depends on a human for food, water and shelter.
- House cat or dog is defined as a pet that does not go outdoors.

5. Responsible pet and animal ownership

- 5.1** Tenants are responsible for the welfare of any pet or animal at their home whether they belong to them, their household or visiting their home. Welfare is governed by law, as defined under the Animal Welfare Act 2006. They must comply with any legislation concerning the keeping and control of their pets or animals.
- 5.2** Owners of pets and animals have a duty of care, which makes it an offence for the person responsible to “not take such steps as are reasonable in all circumstances to ensure that’s the needs of a pet or animal for which they are responsible are met to the extent required by good practice”. They must make sure that any pet or animal they own or care for has a suitable environment with room to exercise, is kept securely where they cannot escape, is provided with a suitable diet and fresh water and given the ability to display normal behaviour patterns. Any pet or animal also needs to be protected from pain, suffering, injury and disease.

6. Permission

- 6.1** Pets are generally allowed in Council properties however, tenants must obtain written permission from the Housing Service if they want to keep a pet or animal unless it is a registered support dog, or small fish. The Housing Service will not unreasonably withhold permission, however, checks will be carried out in the first instance to ensure that there are no tenancy issues to warrant refusal. Permission to construct any type of animal home, for example ponds or aviaries must be sought in line with the Housing Services Improvements to Council Properties Policy and by obtaining planning permission, if required.
- 6.2** The following criteria will be considered before we grant or deny permission; the type of property lived in and facilities available, size of garden and whether there is an open space nearby and the breed, size, number and temperament of the pet(s) or animal(s) the tenant is looking to keep any pets or animals they may already have. In all cases where permission for a pet or animal is granted, it will be on the condition that the tenant looks after it properly and in line with the Tenancy Agreement and Pets and Animals Policy.
- 6.3** Prospective tenants who already have pets or animals will need to obtain permission to keep them before they sign their Tenancy Agreement with us. Any pets or animals that are refused will not be allowed to move into the property with the tenant.

- 6.4** When a pet or animal dies, the tenant will be required to seek written permission from the Housing Service to replace that pet or animal. Permission will not be granted if the property is not suitable. Tenants will have “grandfather rights” to enable them to retain existing pets in such circumstances until such time their pet or animal passes away.
- 6.5** Where the Housing Service gives permission to keep a pet or animal, they will write to the tenant outlining the conditions attached to the permission and will give them a copy of the Pets and Animal Policy for guidance.
- 6.6** Permission is conditional on the tenant making sure that their pet or animal does not; stray or roam, damage anybody’s property including their own home, injure, annoy or frighten anybody else, breed in the property, become dangerous or cause nuisance or annoyance to anyone living in the locality of the tenant’s home, for example, making too much noise.
- 6.7** Permission is also conditional on the tenant making arrangements for the animal’s care if they go away overnight, or for longer, and providing the Housing Service with details of an emergency contact. They have to ensure that litter trays are cleaned regularly and pet faeces are cleared frequently from the house and/or garden and no smell is caused by the pets or animals. Where applicable hutches/cages/aviaries/ponds are to be frequently cleaned and pets or animals are to be kept under control at all times, including when visitors such as officers of the Council, contractors and postal workers come to their home.
- 6.8** Permission will only be granted to keep the pets or animals specified by the Housing Service at the tenant’s current address. The tenant must ask for permission if they move to another property.
- 6.9** Additional conditions may be imposed where appropriate; these will not be imposed unreasonably and will be detailed in writing in the permission letter. Conditions may also be imposed after permission has been granted if they are necessary to deal with any issues that have arisen. The tenant will be advised of any additional conditions and the reasons for imposing them in writing.
- 6.10** The Housing Service reserve the right to withdraw permission or request any pet or animal to be removed from the property if they do not keep them in line with this policy or the Tenancy Agreement.

Consent may also be withdrawn if we consider the number of pets or animals at the property should be restricted (for example due to nuisance behaviour), or where there is evidence of neglect or mistreatment or it has been brought to our attention.

7. Types of pets and animals allowed

7.1 Tenants may be given permission for a number of different pets or animals. There are examples listed below, however, this is not an exhaustive list.

7.2 Cats and Dogs

We will normally only consider giving permission for one dog and one cat (or two of one type) per household. Tenants who currently have more than two pets (with permission) will be allowed to keep them until such time as the pets leave the household.

In accordance with the Control of Dogs Order 1992 every dog, while in a public place, must wear a collar with the name and address of the owner inscribed on the collar or a badge attached to it. There are some exceptions and more information about this can be found in the Control of Dogs Order 1992. It is a legal requirement that dogs must be microchipped by the age of 8 weeks. This is to ensure that they can be identified. It is the responsibility of the keeper of the dog to ensure that the dog is registered with a database compliant with the regulations. The keeper must also keep the database updated following any change of address.

Tenants must not allow dogs to enter children's play areas, keep cats or dogs on balconies or in communal walkways or allow visitors with pets to visit properties without direct access to a garden, for example flats. The exception to this is where the dog is a registered support dog. They must exercise dogs on a lead if on communal areas of housing land and pick up any faeces immediately.

The fitting of dog or cat flaps will be at the discretion of the Housing Service. Permission will not be granted if this is a fire safety door for a communal entrance door to a block of flats due to health and safety concerns. A written request will be required from the tenant in the first instance. Any permission granted will be in accordance with the Housing Services Improvements to Council Properties Policy and Recharge Policy.

7.3 Support Dogs

Permission to keep a registered support dog should be granted where a tenant requests it and the dog has been provided by a recognised agency, such as Guide Dogs for the Blind. The Housing Service may require evidence from the relevant agency to support the application and be satisfied that the property type is suitable for keeping a dog. In some circumstances a tenant may be given permission to keep a support dog in a property which would not usually be suitable for keeping dogs.

7.4 Small Caged Mammals

Small caged mammals include: mice, rats, hamsters, guinea pigs, chipmunks, chinchillas, ferrets and rabbits. In the case of small caged mammals, tenants must limit them to manageable numbers agreed by housing management staff. Tenants must also make sure they are suitable for their living conditions. In the case of rabbits, guinea pigs, and ferrets, tenants should keep them outside the main property (house). They can be kept in outhouses or sheds but they must have access to outside space and have a secure exercise run with fresh water which is away from prolonged direct sunlight and where they are safe from predators.

7.5 Caged birds

Tenants can keep small caged birds in the property provided their cage is large enough for the bird to spread its wings fully in any direction and that it has enough space to perch. Ideally tenants should also let the bird exercise outside the cage, provided it cannot escape and any excrement is cleaned up.

7.6 Aviary Birds and Pigeons

Requests for aviaries in individual gardens on an individual basis will be considered, taking into account the likelihood of nuisance to neighbours (for example, morning noise or the potential to attract rodents). Tenants are not permitted to keep pigeons unless they are a member of the Royal Pigeon Racing Association. Tenants who are members of this association will still need to apply for permission before keeping pigeons and provide the relevant paperwork.

7.7 Reptiles and Spiders

Tenants are not encouraged to keep these types of animals in a property as they need specialised care and living conditions. If a tenant wishes to keep a reptile or spider, they must provide a suitable and secure environment and request permission from us as usual.

7.8 Chickens

Permission may be granted to keep chickens on an individual basis. We will limit the number of chickens kept and this will be at the discretion of the Housing Service taking into account the size of property and neighbouring properties. Tenants are requested to keep chicken feed in an enclosed container. Permission will be reviewed if complaints are received that cannot be resolved.

7.9 Fish

Tenants are allowed to keep small fish in tanks without our permission. Larger fish, (for example sting rays) in tanks will require permission from us. However, where fish tanks are stored upstairs or in first floor flats and above, tenants will be required to have contents insurance in case of flooding.

8. Refusal

- 8.1** The Housing Service may refuse a tenant permission to have a pet or animal if it has ever caused injury to a person, or if it is dangerous in any other way. This includes all animals prescribed under the Dangerous Wild Animals Act 1976. This also includes a dog which has been found to be dangerously out of control in a public or a private place under Section 3 Dangerous Dogs Act 1991, as amended by the Anti-social Behaviour, Crime and Policing Act 2014.
- 8.2** If the pet the tenant wants to keep is a type to which Section 1 of the Dangerous Dogs Act 1991 applies, including dogs placed on Index of Exempt Dogs, their request will be refused. This list is subject to change by legislation.
- 8.3** Permission to keep some types of domestic animals, for example cockerels or livestock such as sheep, goats, pigs, cattle, horses or ducks will not be granted.
- 8.4** Permission will be refused if the tenant or another household member has any convictions for, or past history of abandonment, cruelty, neglect or mistreatment of animals, or convictions for any offences under the Dangerous Dogs Act 1991, or has been disqualified from keeping animals or a particular type of animal due to a conviction. This also includes where a tenant or a member of their household has previously abandoned a pet or animal when they moved out of a Council property.
- 8.5** Permission will be refused when the tenant or member of the household has previously had any tenancy enforcement action taken against them in relation to their previous ownership of pets or animals in a Council property. The Housing Service may consider giving permission to keep pets with additional conditions placed on the tenant in exceptional circumstances.
- 8.6** A request to keep a pet or animal in a property type which is unsuitable will be refused, for example a dog or a cat should not be kept in a flat unless that property has direct access to its own garden.

Although the Housing Service understands there are many benefits that pet ownership can bring, permission for house cats or dogs will be refused.

- 8.7** Where it is found that a tenant is keeping a pet or animal without our permission, we will in the first instance send a warning letter to the tenant. This letter will ask for the tenant to confirm what pets or animals they are keeping and whether it is a temporary or permanent arrangement. Where appropriate, we will give the tenant 28 days in which to find suitable alternative accommodation for them.

Ultimately, if the tenant continues to keep a pet or animal without our permission they are in breach of their Tenancy Agreement. The Housing Service will take relevant legal action to seek vacant possession of the property. The tenant will be liable for any resulting legal costs. In all cases, where the Housing Service refuses permission to keep a pet or animal, the Housing Service will explain the reasons fully to the tenant in writing.

- 8.8** Permission will not be granted to keep pets or animals which require a structure to be placed in a communal area to home them, for example- aviaries, hutches and ponds.

9. Pet Sitting

- 9.1** Tenants will need our permission before looking after someone else's pet or animal. The normal rules as stated under point 6 for granting permission will also apply for pet sitting. Where permission is granted, it will be for a limited period of 28 days and you will need to seek permission for any future pet sitting arrangements. Where an animal's health or safety could be affected due to an unforeseen event out of office hours, tenants can take on the temporary responsibility of looking after that pet or animal but must let us know as soon as is reasonably practicable.

10. Complaints

- 10.1** Tenants must not allow their pets or animals to become a public health or noise nuisance or to annoy or frighten other people. Some problems generally regarded as low level nuisance can make residents lives and in some cases, the animal's life a misery if they persist. We will handle complaints about nuisance pets or animals in line with the Housing Services Anti-social Behaviour Policy.
- 10.2** A range of behaviours can cause nuisance to neighbours. Examples of these are listed below, this is not an exhaustive list but includes: roaming and unattended animals, fouling in communal areas and in owners' gardens and this not being cleared immediately, excessive noise, unpleasant odours from pets, aggressive animals, feeding and/or harbouring stray animals or excessive feeding of wild birds such as pigeons. In most cases the Housing Service will aim to resolve the situation informally. When this can't be achieved they will use the powers and tools available to them to take further action.

11. Breeding or running a pet related business from home

- 11.1** Tenants are not permitted to run an "animal hostel" (including cattery, kennels, other boarding or breeding business) from our properties including outhouses or garages. If a tenant makes an application to run a pet-related business from home, this needs to be put in writing. The Council must also give regard to the policy on pets and animals, in particular whether the type of property is suitable.

11.2 Permission will not be granted to run a business or any activity which involves selling animals or any business which is likely to create a nuisance due to the number of animals being taken to a property. Tenants must avoid letting their pets or animals breed. Our tenancy agreement specifically prohibits tenants from intentional breeding of any pet or animal at their home and the sale of any pet or animal for profit.

12. Abandoned and unattended pets and animals

12.1 Tenants are not allowed to abandon any pets or animals that belong to their household or leave unattended for a period that will result in the owner being unable to meet its welfare needs. If the tenant plans to be away from their home (such as a holiday or overnight), they must make reasonable arrangements for the care of their pets and animals. It is the tenant's responsibility to rehome their pet or animal responsibly if they are no longer able to care for it.

12.2 If a tenant moves out of the property, abandons or is evicted and leaves a pet or animal behind, the Housing Service will take action as with other items left in the property. The pet or animal will be removed from the property. Any costs incurred by the Council in dealing with the animal(s) left behind will be recharged to the tenant. In cases of abandonment or neglect, the Housing Service will make every attempt to contact the tenant or named emergency contact. Where this fails or where an animal's health is at risk, we will contact local animal sanctuaries for assistance.

13. Burial grounds

13.1 Tenants are not permitted to bury a deceased pet or animal in their garden or in communal areas. It is recommended that tenants wishing to bury their pet or animal use a reputable animal cemetery to either bury their pet or animal or scatter their ashes. Tenants are advised to contact their local veterinary service for further details. Those tenants who have moved away from a property where they may have previously buried their pet or animal or scattered their ashes are not permitted to trespass the land of their former home. This is to respect the privacy of the tenant living at the property.

14. References

- Dangerous Dogs Act 1991
- Control of Dogs Order 1992
- Dangerous Wild Animal Act 1976
- Animal Welfare Act 2006

15. Equality and Diversity

15.1 The Housing Service will tailor their services to meet the diverse needs of individuals. They will foster good relations with people providing their services to eliminate discrimination and promote opportunity of equality.

16. Review

This Policy has been written in line with good practice on animal welfare and current relevant legislation. This policy will be reviewed and revised to reflect any legislative requirements and/or other guidance or good practice. The next scheduled review of this policy is due October 2029 and every 10 years thereafter.