



PETS

POLICY

Policy Date – 03/11/2019

Approved by Full Council on

Review date – November 2024; or following any change in legislation, codes of practice or case law

Contents

Section 1	Introduction	3
Section 2	Aims and objectives.....	3
Section 3	Legal framework	4
Section 4	Our approach	5
Section 5	Giving permission	6
Section 6	Withdrawing permission.....	6
Section 7	Unauthorised pets & enforcement action	7
Section 8	Data protection, confidentiality & information sharing	7
Section 9	Equalities Act 2010 & Human Rights Act 1988.....	7
Section 10	Decisions & appeals	8
Section 11	Equalities impact assessment	9

Section 1: Introduction

This Policy outlines our approach to giving residents permission to have pets and has been developed in line with the Pet Advisory Committee's publication "Pet Management for Housing Providers 2010" which sets out best practice for keeping pets in social housing.

This Policy applies to council residents living in:

- General needs properties
- Retirement properties
- Shared Ownership and leasehold properties
- Temporary accommodation

We encourage responsible pet ownership; balancing the positive impact pets can have, while ensuring they don't negatively affect others or cause a nuisance.

It is widely accepted that pets provide people with companionship. It is important to recognise that an increase in the number and variety of species being kept has implications for both human and animal welfare and that Landlords have a duty to manage this responsibly.

We recognise the benefits that having a pet can bring but we need to ensure that there are controls in place to prevent irresponsible pet ownership which can cause suffering to animals and nuisance to other residents.

Where we receive complaints about nuisance caused by pets and the resident has not requested permission in line with their tenancy agreement, we will require the resident to request permission retrospectively.

Where previous permission can be evidenced in writing we will honour this permission, however all permissions are subject to withdrawal if conditions as set out in this policy are not being met.

Section 2: Aims and Objectives

The aim of this policy is to promote responsible pet ownership in our properties and to make sure they do not cause a nuisance to other residents or cause damage to our properties.

This policy will assist us to make consistent decisions when giving residents permission to keep a pet and how to deal with reports of pet nuisance and / or animal welfare concerns within council properties.

Section 3: Legal Framework

Arun District Council will ensure that the Pets policy meets legislative and good practice requirements contained within the following Acts and Codes of Practice:

Animal Welfare Act 2006

Legally requires pet owners to meet 5 welfare needs of their pets, including

- Somewhere suitable to live
- A proper diet, including water
- The ability to express normal behaviour
- Any need to be housed with, or apart, from other animals
- Protection from, and treatment of, illness and injury

Dangerous Dogs Act 1991 section 1 and any associated legislation or statutory instrument

It is an offence to keep specific breeds of dogs. The council will not give permission for any of the following dogs.

- Pit bull terrier
- Dogo argentine
- Fila brasileiro
- Japanese tosa
- American XL Bully

Dangerous Wild Animals Act 1976

Designed to protect the public and safeguard the welfare of the animals.

- Licences are required from the council for any animal that appears on a schedule of the act

Disability Discrimination Act 2005

- Assistance dogs such as guide dogs for the blind, hearing dogs for hearing impaired people and dogs for people with disabilities must always be permitted.

Environmental Protection Act 1990 – section 70

- It is an offence to keep an animal in conditions that are prejudicial to health, or for an animal to cause nuisance or emit noise from a building which causes a nuisance.

Related Policies

This policy should be read in conjunction with the following Arun policies, procedures and regulations:

- Equality and Diversity Policy
- Housing ASB Policy

Section 4: Our approach

Our tenancies, apart from non secure tenancy agreements (where pets are not permitted) state that tenants must obtain permission from us to keep a pet and that permission will not be unreasonably withheld.

When considering whether to give permission the council will take the following into consideration;

- Size and type of animal that permission is being requested for
- Type and size of property
- Whether the property has a private garden
- Whether there are issues relating to property condition or irresponsible pet ownership
- Whether there are any current or previous issues relating to nuisance
- Whether permission has already been granted for other pets in the property

Animals that we will give permission for;

- Domestic cats if they are neutered.
- Domestic dogs if they are micro chipped and vaccinated.
- Fish in a small aquarium
- Small birds in cages
- Rabbits, hamsters, guinea pigs, gerbils and domestic mice and rats in small cages

We will not grant permission for the following;

- Running a kennel or cattery business from council homes
- Aviaries of birds
- Poisonous spiders, reptiles, insects or snakes
- Farm animals including chickens, pigs, sheep, horses, cattle
- Dogs listed in the Dangerous Dogs Act 1997
- Animals listed in the Wild Animals Act 1990
- Commercial breeding

What we consider suitable in our properties;

- **Houses, and bungalows, with private gardens;** we will give permission for 2 pets; 2 dogs, or 2 cats, or 1 of each. We may also consider giving permission for other smaller domestic pets in cages.

- **Flats, or maisonettes, without private gardens;** we will not give permission for cats and dogs. We may consider giving permission for smaller domestic pets in cages
- **Ground floor flats, and maisonettes, with a private garden;** we will give permission for 1 dog or 1 cat. We may also consider giving permission for other smaller domestic pets in cages
- **Temporary accommodation;** permission will not be given for pets in our temporary accommodation.
- **Assistance pets;** we will give permission for residents to have 1 assistance animal regardless of the property type they live in.

Section 5: Giving permission

Before we grant permission, we'll ask you to sign a Pet Agreement which will set out the conditions that need to be met. If we refuse to give permission, we will contact you to explain why.

Where we discover a pet is being kept without our knowledge, we may give permission retrospectively if other conditions for keeping a pet can be met.

We will not give permission on the following grounds;

- Where a resident already has the permitted number of pets
- Where a resident has a previous history of irresponsible pet ownership that has caused nuisance or damage to our property
- Where there is a previous history of animal welfare issues
- Where the condition of a resident's home means it is not suitable for a pet
- Where the pet is pregnant

If you feel we have refused permission for a pet unfairly, you can appeal by following the appeals process as set out in Section 10 of this policy.

Section 6: Withdrawing permission

In all instances we would investigate reports of nuisance caused by pets and encourage pet owners to voluntarily agree to resolve the problem.

We will withdraw permission for a pet in the following circumstances;

- Roaming animals
- Persistent noise nuisance or odours
- Too many animals
- Allowing pets to foul without removing and disposing of waste
- Aggressive animals
- Damage to council property, including outside space
- Flea and vermin infestation

Section 7: Unauthorised pets & Enforcement action

Where we discover that a resident has a pet without obtaining permission, we will consider the following action;

- Giving retrospective permission
- Require the resident to re-home the pet
- Refuse a transfer until the matter is resolved
- Involve agencies such as the Police, environmental health or RSPCA

Where it is found that a serious breach of tenancy has occurred, and no effort is made by the resident to resolve the problem we will consider taking the following action;

- Extend or end an Introductory tenancy
- Obtain an injunction
- Take legal action to obtain a possession order
- Evict the resident

Section 8: Data Protection, confidentiality and information sharing

The council will ensure it complies with the requirements of the Data protection Act 1998 and its own data Protection Policies when managing information, it holds about its tenants.

Section 9: The Equality Act 2010 and The Human Rights Act 1988.

Equality Act 2010

The Equality Act 2010 identifies those characteristics in respect of which it is unlawful to discriminate (protected characteristics). Examples of these are; age, disability, race, sex, religion or belief, sexual orientation. The Act protects a person from discrimination

if they are associated with someone who has a protected characteristic e.g. a family member.

Disability

The Council must have regard to those who have a disability. This is a legislative requirement which is called the Public Sector Equality Duty. The Council must also comply with the Equality Act 2010. Compliance with the law may result in the Council treating disabled people more favourably than other tenants, having due regard to the need to remove or minimise disadvantage suffered by protected groups, taking steps to meet their needs, where different, and encouraging participation in public life where participation is disproportionately low. The Courts have held that the disability equality duty applies to decisions about individuals, including decisions about evictions.

Human Rights

The Convention Rights have a particular role to play in the context of social housing. The rights protected under the Human Rights Act 1998 are incorporated into the law of England and Wales. The Council is required to treat people in accordance with the Convention Rights. Interference with a person's human rights must be in accordance with the law.

The Equality and Human Rights Commission states that there are rights contained in Articles 6, 8 and 14 that are most likely to be relevant to social housing.

Article 6 - Right to a fair trial

Article 8 - Right to respect for private life, family life and the home.

Article 14 - Prohibition of discrimination.

These rights do not necessarily prevent the Council from managing its housing stock and acting to end or manage tenancies, but the Council must act in accordance with the law and in a way that is in pursuit of a legitimate aim and both necessary and proportionate. This is a balancing exercise between the human rights of a particular tenant or occupier and the rights of others. The Council will consider each request for permission on its own merit.

The convention does not prohibit the Council from taking sensible and proportionate measures to encourage or enforce payment or other compliance.

Section 10: Decisions and appeals

We will always consider requests in line with our policy and let you know in writing what our decision is.

If permission is refused you can appeal in writing to the Neighbourhood Services team with your reason. You must do this within 5 working days of our decision.

We will respond fully in writing to the appeal within 10 working days following receipt of the appeal.

Section 11: Equalities Impact Assessment

The equality impact assessment showed a potential adverse impact on residents with disabilities or vulnerabilities. Residents with disabilities will be granted permission to have an assistance animal. An assistance animal is highly trained to carry out a range of tasks and alerts that support a disabled person or a person with a long-term medical condition. The assistance animal will be the responsibility of the tenant.

The Equality and Human Rights Commission has described a list of behaviours that are expected of assistance animals. The behaviours are as follows:

1. Highly trained
2. Will not wonder freely around the premises
3. Will sit or lie quietly on the floor next to its owner
4. Trained to go to the toilet on command, and so are unlikely to foul in a public place
5. Could be recognisable by a harness or identifying coat the dog wears, but this is not a legal requirement

Arun District Council reserves the right to withhold permission, or revoke permission for an assistance animal where the animal does not comply with the list of behaviours above. The grounds for the revocation or refusal to grant permission will be explained to the tenant.