

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 12 APRIL 2016

COUNCIL TENANTS' PET POLICY

REPORT BY HEAD OF PLANNING AND PLACE

ABSTRACT

This report seeks approval for the creation of a Pet Policy to cover pets owned by Council tenants.

1. RECOMMENDATION

1.1 It is recommended that the Committee:

- (i) Approves the Pet Policy included as **Appendix 1**.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

2.1 This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Angus is a good place to live in, work and visit
- Our communities are safe, secure and vibrant
- Individuals are supported in their own communities with good quality services

3. BACKGROUND

3.1 Problems with dog fouling and nuisance from pets are prevalent throughout the area and are having an impact on our neighbourhoods. The current position is one of unspoken tolerance at present and we give no clear information or guidance on the conditions of keeping a pet. There is no consistency at present with regards to tenants having to request permission to keep a pet, despite it being a condition in their tenancy agreement.

3.2 Under the council's Tenancy Agreement, tenants and anyone living with the tenant must not keep any animal in or near the property unless they have written permission to do so. This policy aims to give further detail about keeping pets for new and existing tenants.

4. CURRENT POSITION

4.1 Currently, tenants may own pets in Council tenancies but they must abide by the terms of their tenancy, and in accordance with clauses 5.13 and 5.14 of their secure tenancy agreements. Tenants of dispersed furnished accommodation must abide by the Pets section of Schedule 1a of the Conditions of Occupancy issued with their Occupancy Agreement.

4.2 Housing Officers can refer to section 7.7 of the Estate Management Policies and Procedures document to assist them in dealing with any issues with tenants' pets.

4.3 Under the council's Tenancy Agreement, tenants and anyone living with the tenant must not keep any animal in or near the property unless they have written permission to do so.

5. PROPOSALS

- 5.1 Problems with dog fouling and nuisance from pets are prevalent throughout the area and are having an impact on our neighbourhoods. The current position is one of unspoken tolerance and we give no clear information or guidance on the conditions of keeping a pet. There is no consistency at present with regards to tenants having to request permission to keep a pet, despite it being a condition in their tenancy agreement.
- 5.2 The main changes proposed by this policy are to ensure that a consistent approach is taken with regards to written permission to keep a pet. All new tenants will have to apply for permission to keep a pet and existing tenants will have to apply for permission for any additional pets to the household following the policy implementation date.
- 5.3 Information will be recorded on the pets we have in our properties and the policy introduces clear guidance as to when and how action can be taken to resolve issues with nuisance pets. Holding these details will also ensure the council is aware of any animals being kept in the property in the event of any emergency or eviction proceedings.
- 5.4 This proposed policy aims to give further detail about keeping pets for new and existing tenants and has policy links with other parts of the council including Environmental Health and Public Protection and Enforcement.
- 5.5 The policy sets out:
- that tenants must seek written permission to keep a pet
 - when the council will refuse permission to keep pets
 - the types of pet that can be kept domestically
 - how many pets can be kept in a council property
 - the conditions the council will attach to permission to keep pets, and
 - how the council will enforce the policy, including applications from tenants who already have a pet.

6. FINANCIAL IMPLICATIONS

- 6.1 No financial implications will arise as a result of this policy.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix 1

Angus Council Pet Policy 2016

1. Policy Statement

- 1.1. Angus Council recognises the benefits to tenants of keeping pets and generally the council will allow its tenants to keep pets where the property type is suitable, the Tenancy Agreement is complied with and the animal's welfare will be assured.
- 1.2. Under the council's Tenancy Agreement, tenants and anyone living with the tenant must not keep any animal in or near the property unless they have written permission to do so. This policy gives further details about keeping pets for new and existing tenants.
- 1.3. The council will take action against tenants where they do not have written permission to keep a pet, where there is a breach of the policy and in cases where tenants allow animals to cause nuisance. This includes causing injury to others through biting, noise nuisance or smells, fouling or pets damaging the property.
- 1.4. This policy has been developed in partnership with tenants and following consultation with animal welfare agencies.

2. Permission to Keep a Pet

- 2.1. Tenants must obtain written permission in order to keep a pet using the form in Appendix 1. This form should be used by all tenants, including those who already have a pet.
- 2.2. For the purposes of this policy, the term pet refers to the following types of animal:
 - Dog
 - Cat
 - Fish
 - Caged birds
 - Rodent (e.g. hamster, gerbil, rat or mouse)
 - Rabbit or Guinea Pig
 - Small non-poisonous reptile (e.g. terrapin, tortoise)
 - Non-poisonous insect or amphibian (e.g. newt)
- 2.3. Permission will only be granted for a maximum of one dog or cat per household.
- 2.4. It is considered reasonable to grant permission, within reason, for several smaller pets e.g. fish, hamsters, gerbils etc.
- 2.5. Requests for pets which would normally be housed externally, e.g. rabbits, will be considered depending on circumstances and the size of the hutch required. However, livestock or farm animals will not be permitted under any circumstances.
- 2.6. Each request will be looked at individually taking into account the needs of the tenant, size of property, surrounding area and species of pet.
- 2.7. In the case of fish, it is not expected that tenants should ask permission for goldfish but permission must be requested for larger fish tanks. The size and weight of the fish tank when full will be taken into consideration, especially where the tenant lives in an upper flat.

2.8. Housing Officers will visit applicants who are requesting permission to keep a pet where necessary and a written response will be provided within 28 days.

3. Granting Permission

3.1. Where the council gives permission to keep a pet this will be received in writing. Permission will be conditional on a number of factors, including the type of pet being kept.

3.2. All permission to keep a pet is conditional on the following:

- The pet does not stray or roam,
- The pet does not cause damage to anybody's property, including their own home,
- The pet is well cared for and should be regularly wormed and treated for fleas,
- The pet will not cause nuisance through noise or smell,
- Dogs must be microchipped,
- The tenant must not breed any animal from their property.

3.3. All permission is also conditional on the tenant:

- Making proper arrangements for the animal's care if they are away overnight or longer.
- Making sure that litter trays are cleaned frequently and pet faeces are picked up at all times.
- Making sure that hutches and cages are cleaned frequently to reduce smell from pets.
- Keeping the pet under control at all times, especially when visitors such as Housing Officers and Contractors come to their property.

3.4. Additional conditions may be imposed where appropriate; these will not be imposed unreasonably and will be detailed in writing. Further conditions may also be imposed after permission has been granted if they are necessary to deal with any issues that may arise.

3.5. Permission will only be granted to keep the animals specified by the council and at the tenant's current address. The tenant must ask for permission again if they move to another property or wish to keep more animals.

3.6. Permission may be withdrawn at any time if a pet is not being kept in accordance with this policy.

4. Where Permission is not Granted

4.1. The council will not give permission for a tenant to keep any type of dog listed as prohibited or registered on the Index of Exempt Dogs.

4.2. Section 1 of the Dangerous Dogs Act 1991 prescribes four types of dogs that are prohibited in the UK unless they are exempt and on the Index of Exempt Dogs (IED). These four types include any dog that has a 'substantial number of the characteristics' of the following:

- Pit Bull Terrier
- Dogo Argentino
- Fila Brasileiro
- Japanese Tosa

- 4.3. Where a suspected prohibited type of dog has come to the attention of the police they can either decide to commence prosecution of the owner or make an application on behalf of the owner to ask the Court whether to exempt the dog and have it registered on the IED. If the Court is satisfied 'that the dog would not constitute a danger to public safety' then the owner must comply with a stringent set of conditions to keep the dog exempt from prohibition under section 1.
- 4.4. If the animal has caused injury to a person or if it is dangerous in any other way, e.g. a poisonous snake, then permission will not be granted. 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 place under Section 3 of the Dangerous Dogs Act 1991.
- 4.5. If the animal is not a domestic pet, such as wild animals, primates, livestock, poultry or horses then permission will not be granted because these are not suitable to be kept in a domestic property and/or garden.
- 4.6. Generally the council will not give permission to keep an exotic pet due to the difficulties in meeting their welfare needs.
- 4.7. If the tenant has any convictions under the Dangerous Dogs Act 1991 or has been prohibited from keeping animals or a particular type of animal then permission will not be granted.
- 4.8. Where the tenant has had any previous tenancy enforcement action taken against them in relation to previous ownership of pets then permission will not be granted.
- 4.9. In all cases where the council refuses permission to keep a pet the reasons will be fully explained in writing.

5. Support Dogs

- 5.1. Permission to keep a support dog will be granted where a tenant requests it and the dog has been provided by a recognised agency such as Guide Dogs for the Blind, Support Dogs or Dogs for the Disabled.
- 5.2. The council will require written confirmation from the relevant agency to support the application.

6. Recording Information about Pets

- 6.1. Where permission to keep a pet is granted the Housing Officer will take details about the pet, including breed and age. They will also record details of the vet and an emergency contact.
- 6.2. The council needs to know if any pets are in the property in case of emergency, e.g. flood, fire or the tenant has to go to hospital. Holding these details will also ensure the council is aware of any animals being kept in the property in the event of any eviction proceedings.
- 6.3. Details will be held on the house file and Northgate Housing Management System and updated with any changes.

7. Where a Tenant Already has a Pet as of (insert policy start date)

- 7.1. Tenants who already have pets without written permission can use the form in Appendix 1 to provide information on the pets they currently have within their household.
- 7.2. The council works closely with animal welfare organisations and will aim to avoid animals being referred for rehoming. Where the tenant is keeping pets in excess of the policy guidelines or is keeping a pet in a property that is not usually considered suitable, the council may grant limited permission to keep the current pets. This permission will be limited to the lifespan of the pets.

8. Tenancy Management Issues

- 8.1. The council will investigate complaints about breach of the pet policy and any issues which arise from regular tenancy visits. Housing Officers will contact the tenant to discuss complaints and, where necessary, will visit the property to establish if there are any issues around how the pet is being kept or if a pet is being kept without permission.
- 8.2. If a complaint is upheld the council will take appropriate action ranging from informal interventions and mediation to formal tenancy action, as required. This will be clearly documented in writing and explained to the tenant. The letter will remind the tenant of their responsibilities and explain the potential consequences of their actions.
- 8.3. The situation will be monitored for a 14 day period and if there is evidence of improvement to the satisfaction of the Community Housing Team Manager the permission will continue.
- 8.4. Where there is no improvement the tenant will be advised of a further 7 day monitoring period. If no improvement is evident during this stage then a letter will be sent to the tenant asking them to remove the pet within 28 days. Help may be available to tenants to secure an alternative home for the pet through the SSPCA and local dog fostering agencies.
- 8.5. If the pet is not removed within 28 days then a Notice of Proceeding for Recovery of Possession should be issued in accordance with the Housing (Scotland) Act 2001 and the matter referred to Legal Services.
- 8.6. In cases of nuisance from pets, advice will be sought from Environmental Health and Community Safety Teams. Cases will be considered on an individual basis.
- 8.7. Verbal permission to keep a pet must not be given and council officers must not ignore the unauthorised keeping of pets.
- 8.8. If a tenant is keeping a dog of an illegal type in their property, unless the dog is exempt, this is a criminal offence and council officers will contact the police. Action can also be taken for breach of the Tenancy Agreement.
- 8.9. In cases of issues with dog behaviour, the council has links with a dog behaviour specialist who can arrange to visit the tenant in their property and offer advice on dealing with behaviour issues such as barking and aggression.

9. Abandoned Pets

- 9.1. It is the tenant's responsibility to rehome their pet responsibly if they are no longer able to care for it.
- 9.2. If a tenant moves out of the property, abandons or is evicted and leaves a pet behind the animal is considered as 'property' and the council will take appropriate

action as with other belongings left behind. The animal will be removed from the property and any costs incurred will be recharged to the tenant.

- 9.3. In cases of abandonment the council will take appropriate measures to look after the animal and will seek advice from the SSPCA.

10. Visitors with Pets

The behaviour of a pet brought to a property by a visitor is the responsibility of the tenant. The same rules apply to the management of the visitor's pet to that of the tenant's pet.

11. Appeals

All tenants have the right to appeal against decisions made by the council in relation to their tenancy. The appeal must be made in writing within 21 days of receiving written confirmation of the decision. All appeals should be sent to Housing QPP, William Wallace House, Orchardbank Business Park, Forfar, Angus, DD8 1WH or submitted via email to HousingQPP@angus.gov.uk

12. Consultation

Tenant Representatives have been consulted on this policy and will be involved regarding any significant changes to the policy.

13. Policy Review

This policy will be implemented on (insert date) and will be reviewed annually.

Appendix 1



APPLICATION TO KEEP A PET

Please answer all the following questions:

Your details

Your name:

Address:

Telephone number

Email:

Type of accommodation
where the pet or pets
will be kept: (eg. Two-
bedroom ground-floor
flat)

Does the property have direct access to its own garden?

Yes/No

Does the property have direct access to a shared garden or
open space?

Yes/No

Have you or any member of your household ever been denied
permission to keep a pet in the past?

Yes/No

Have you or any member of your household ever been
prosecuted for any offence against an animal?

Yes/No

If you answered yes to either of the
two questions above, please
provide details:

Dogs and Cats

Please indicate if the pet you
want to keep is a cat
or a dog:

For Dogs please answer the following:

Breed/Type:

Microchip Number:

Age:

Sex:

Neutered?

Other Pets

Number and type of pet or
pets you wish to keep:

Any comments:

Declaration

I confirm I have read and fully understand Angus Council's Pet Policy and understand my responsibilities under my tenancy agreement.

I understand that I am fully responsible for the care, welfare and behavior of my pets and will ensure that they do not cause any nuisance or distress to my neighbours or others.

I understand that Angus Council has the right to withdraw any permission to keep a pet and that irresponsible pet owners will not be allowed to keep any pets in council property and may be reported to the SSPCA.

Print full name:

Signature:

Date: