

Pet Policy For Council Housing



Pet Policy

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Pet Policy

Introduction

Babergh and Mid Suffolk District Councils encourage responsible pet ownership as we recognise that there are important benefits to be gained from it, such as helping to develop social skills in children, providing companionship to the elderly and improvements in the owner's health. However, both councils also recognise that, where the responsibility entailed in owning a pet is not taken sufficiently seriously by an owner, there is a risk not only to the welfare of the pet but also to the tenant and their neighbours, to council property and communal areas as well as in some cases to the wider community and local area.

The Animal Welfare Act 2006 imposes a legal duty of care upon owners towards their pets and both councils are committed to helping to ensure that its tenants uphold this duty. Coupled with this, both Babergh and Mid Suffolk seek to ensure through this policy that the risks to the health and well-being of the residents on its estates as well as those of damage to council property and communal areas, in addition to other local amenity areas are minimised.

One of the ways both councils may do this is by limiting the numbers and types of pets that may reasonably be kept at its properties. This will depend to some extent upon the space and amenity available at each property in relation to the needs of the pet. However, account will also be taken of the tenant and pet owner's particular needs, abilities and circumstances including the resources available to them. There are, however, other conditions which will also need to be met by tenants in order to keep animals in the councils' properties. These conditions are outlined below together with details of the action that Babergh or Mid Suffolk will take where a tenant fails to comply with them.

This Policy shall apply to all Babergh and Mid Suffolk District Council tenants.

Responsible Pet Ownership

A pet owner is responsible for the welfare of their animal by law and must take such steps as are reasonable in all circumstances to ensure that the needs of the animal for which he or she is responsible are met to the extent required by good practice (Section 9, Animal Welfare Act 2006).

This includes the provision of a suitable environment for the animal, which maybe with or apart from other animals and ensuring that the animal has the ability to express normal behaviour which may include the provision of regular exercise eg dog walking. An appropriate diet must also be provided as well as protection from pain, suffering, injury and disease.

For more information on how to meet a pet's needs please refer to www.rspca.org.uk/allaboutanimals/pets/-/article/CAD_OurPets.

What Babergh and Mid Suffolk expect of a responsible pet-owner?

Babergh and Mid Suffolk District Councils expect its tenants to take responsibility, not only for ensuring that the needs of any pets that are kept at the property are met, but also for making sure that their pets do not cause a hazard, nuisance or annoyance to other people, damage to property or injury to persons.

Our tenancy terms and conditions clearly set out the following:

“You must obtain our written permission before keeping any animal, bird or reptile at the property. The granting or refusal of permission is within our discretion and if granted, may be subject to conditions and may be withdrawn at any time if we consider that the animal, bird or reptile is causing a nuisance, damaging the property or is being mistreated by the Tenant. We will give reasonable notice to you giving our reasons for the withdrawal of permission.

If you are in breach of any the clauses relating to the keeping of animals or pets we may ask you to permanently remove from the property, any animal or pet.”

In order to help prevent problems arising, tenants are encouraged to talk to neighbours before applying for permission to keep a pet and if permission is granted once they have pet. This will enable neighbours to bring to the attention of the (prospective) pet owner any difficulties that they may foresee or that arise and for the (prospective) pet owner to respond to these without the need to involve the Council or other agencies in the first instance.

Tenants are also encouraged to seek support from voluntary and charitable organisations such as the RSPCA, Dogs’ Trust, Cats Protection, OurSpecialFriends and the Cinnamon Trust if they have difficulty managing pets already in their ownership and for information when considering applying for permission to keep a pet.

Hoarding

Tenants must not hoard animals so as to create a hazard or potential hazard to the tenant and/or other people. The terms and conditions of both tenancy agreements state:

“You or anyone living in the property will not hoard items, animals, or any other thing at the property. By hoarding this means the excessive collection and retention of any materials or items in the Premises which could create a hazard, or a potential hazard to the tenant, other people (including officers of the Council) or to neighbouring properties.”

Nuisance and Anti-Social Behaviour

It is a condition of both Babergh and Mid Suffolk’s Tenancy Agreement that a tenant must not allow animals kept at a property to cause a nuisance to other people.

“You must not allow any animal you keep at the property to cause a nuisance to anyone in the locality, including neighbours, our employees, contractors and agents.”

Nuisance can be caused, although not exclusively, by noise, odour, fouling or lack of proper supervision and control. The latter may also result in injury to persons as well as damage to property. This can affect neighbours, council employees or contractors and other people in the locality.

Fouling

Under the terms of the tenancy agreement, tenants must not allow their pets *“to foul in shared areas of the property or on roads or footpaths or in play areas in the local area”*. Tenants *“must remove and dispose of faeces hygienically from [their] garden and any communal areas”*.

Failure to comply with this aspect of the policy would not only constitute a breach of the tenancy agreement but tenants could also be subject to prosecution under the Dogs (Fouling of Land) Act 1996. Fouling should be cleared from the garden areas at least daily, wrapped and placed in the property’s wheelie bin.

Damage

Tenants should also ensure that any animal kept at the property does not cause damage to the property and that the property is kept clean. This includes damage to fixtures, fittings and/or structural features of the property which maybe caused by allowing a pet to chew, scratch and/or foul inside the property. Irreversible odours, such as those caused by male cats also constitute damage to the property.

Most damage caused by pets is likely to be due to lack of supervision or control and tenants must, therefore, act responsibly in order to prevent this. This includes ensuring that pets are not left alone in the property for long periods of time. Fouling inside the property should be avoided wherever possible. However, in the event of an accident, for example whilst training a puppy, any mess must be cleared up immediately and the area disinfected.

If any damage is caused to the property, then the tenant will be responsible for putting it right. Where a tenant fails to do this within a set time then the council will carry out the necessary work and charge the tenant for it including VAT and the cost of administration.

Injury

Tenants must not allow their dog(s) to cause injury, as set out in the tenancy agreement:

“You must not allow your dog(s) to cause injury to any person, animal or pet.”

Where injury has been caused, an offence may have been committed under the Dangerous Dogs Act 1991. If the Council receives an allegation that a dog kept at a Council property has caused an injury to a person or other animal or pet, then the incident should be reported to the

Police by the injured person or owner of the injured pet/animal. The Council will also share any relevant information relating to such incidents with the Police.

If it is proven that a dog under the control of anyone living in or visiting the tenant's home has caused an injury, we will work with the Police in taking reasonable steps to prevent this from happening again. This could include requesting that the animal be removed from the property.

What action Babergh or Mid Suffolk will take if a tenant fails to meet these expectations?

Where the problem is judged to be less serious, tenants and pet owners will be directed towards sources of information and advice, such as the RSPCA information and advice line (0300 1234 555), the Dogs' Trust (020 7837 0006) or Cats Protection (08702 708649) in the first instance with the aim of bringing about an improvement. If appropriate, a pet owner maybe also directed to a reputable trainer or behaviourist, for example, via www.dogwelfarecampaign.org/ or The Association of Pet Behaviour Counsellors (01386 751151).

However, where the ability or willingness of the owner to look after the animal properly is in doubt and the welfare of the animal is thought to be at risk, then a referral will be made to the RSPCA 24-hour national cruelty line (0300 1234 999).

It may also be necessary in some instances for a tenant to reduce the number of pets that they keep at a property if the welfare of the pets is compromised and/or there is an adverse affect upon the property or neighbours as a result of the number of animals kept there. In some cases it maybe appropriate for the Housing Officer to work with the tenant and other appropriate agencies or charities, such as the Blue Cross (01993 822651), in order to re-home a pet or pets that a tenant is unable to manage.

Housing Officers will also work together with other council officials, such as Environmental Health Officers, the Planning Department (as planning permission may be required if the number of pets kept at the property can no longer be considered incidental to the enjoyment of the dwellinghouse) and other agencies, such as the Police, in dealing with a problem pet owner.

Excessive Noise

Excessive noise associated with pets (including dog barking) may result in a statutory nuisance being caused under the Environmental Protection Act 1990, based on the frequency and duration of the problem. Tenants can be directed to the relevant webpages of the Councils' websites for more information and advice on minimising barking.

Complaints about excessive noise from pets should be directed to Environmental Health for investigation in the first instance. The relevant Community Housing Officer will be updated on the outcome of the investigation and further action may be taken under the tenancy agreement where appropriate.

<http://www.midsuffolk.gov.uk/environment/environmental-protection/neighbour-problems-concerning-noise-or-pollution/noise-nuisance/noise-from-barking-dogs/>

<http://www.babergh.gov.uk/environment/environmental-protection/neighbour-problems-concerning-noise-or-pollution/noise-nuisance/noise-from-barking-dogs/>

Straying

Tenants must take all reasonable measures to ensure that their dog does not escape from their control. This includes ensuring that the dog is in a secured area when unattended and is unable to escape from the property and/or garden. Tenants must also ensure that their dog is fully under control when being walked and that the person walking it is physically able to control it, either by keeping the dog on a lead or by a reliable recall command. Tenants must ensure that they comply with their legal duty under the Control of Dogs Order 1992 by ensuring that their dog wears a collar and tag with the owner's name, address and ideally a telephone number when out in public. This will minimise the likelihood of the dog being seized as a stray and taken to kennels. From 6 April 2016 it will become a legal requirement for dogs to be micro chipped.

If a dog is seen straying on a main road and is posing a danger to traffic then a report should be made to the Police using the 999 emergency number if appropriate or the local Police contact number.

The Council's Dog Control Service will only collect stray dogs which have been contained, for example in a resident's home or garden. The Dog Control Service operates from 8.30am - 9pm seven days a week.

Please see the Councils' websites for further information.

<http://www.midsuffolk.gov.uk/environment/environmental-protection/dog-control-service/>

<http://www.babergh.gov.uk/environment/environmental-protection/dog-control/>

Dogs and Livestock

It is an offence under the Dogs (Protection of Livestock) Act 1953 for a dog to worry livestock on agricultural land. Dog owners should, therefore, keep their dogs on a lead when near livestock. Any reports of dogs worrying livestock should be directed to the Police, in-line with their joint Dangerous Dogs policy with the Councils.

Ultimately, if a pet owner residing in or visiting a council property fails to look after their pet or pets in a responsible way and the tenant of the property does not adhere to the Councils' policy on keeping pets at the property, despite requests made by the relevant Council to comply with it, then Babergh or Mid Suffolk District Council will request that the pet is removed from the property. It will be the responsibility of the tenant to ensure that the pet is removed. If the tenant does not do this, then the Council may seek an injunction to remove the animal permanently from the property and/or commence legal proceedings in order to re-possess the property.

Which Pets Are Likely To Be Allowed, Where And How Many?

Birds and Fish

Tenants will usually be granted permission to keep a caged bird or fish subject to the following conditions.

Birds

Inside the property, a bird must be kept in a cage that is large enough to allow the bird to stretch its wings fully in every direction. The bird must also have sufficient room to perch. In addition, the bird should ideally be allowed to exercise outside the cage providing that it can't escape. However, the property must be kept clean and free of droppings and the cage must also be cleaned and cleared of excess droppings.

Permission will only be granted to keep birds outside in an aviary where the tenant can demonstrate that they have adequate facilities and that they are able to care for the birds properly. The tenant will also need to show how they will prevent nuisance to neighbours arising for example through noise or rat infestation.

Fish

Fish should be kept in an aquarium with a minimum of 30 to 40 litres of water and tenants should ensure that they are able to move the aquarium as maybe required to enable full access to the property for inspections and repairs. Very large aquaria, eg 2m in length, will not be permitted.

Permission for Tenant's Alteration (Aviary/Fishpond)

If a tenant wishes to keep birds in an aviary or fish in a pond, then the tenant must make an additional and separate "tenant's alteration" application for permission to construct the aviary or fish pond. The proposed location of an aviary will need to be considered carefully due to the potential for noise disturbance and tenants will need to be mindful of the safety issues arising from the construction of a pond particularly when there are young children at the property.

Dogs and Cats

Tenants or members of their household may be allowed to keep (a) dog(s) and/or (a) cat(s) providing that the property is suitable and the other conditions detailed below are met.

Whilst we do not explicitly define the number of cats or dogs permitted, we will consider the individual circumstances of each tenant including the size of the property and garden as well as

the ability of the tenant and/or members of their household to care for the animals responsibly. We will also take into account the resources available to the tenant and any previous complaints that we may have received.

Dogs

Permission will not normally be given to keep a dog (other than a guide or hearing dog) if the property is a flat or maisonette without the sole use of, and direct access to a garden.

No dog must be kept at the property which is of a breed that is banned under the 1991 Dangerous Dogs Act. This includes the Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro.

Where the property and the breed of dog is deemed suitable, permission will only be granted on the condition that:

1. the dog wears a collar and tag with the owner's name and address and ideally a telephone number when in a public place and is micro chipped;

(Micro chipping is a legal requirement from 6 April 2016 under The Micro chipping of Dogs (England) Regulations 2015. The Dogs Trust are currently offering FREE micro chipping. For more information go to <http://www.chipmydog.org.uk/have-your-dog-chipped-for-free/>. You can also get information about micro chipping from your local vet and the Paws on Patrol scheme – see below.)

2. vaccinations and treatment for fleas and worms are kept up-to-date;
3. the dog is not left alone for long periods, it is regularly exercised according to its needs and it does not bark continuously or at un-social hours;
4. the property and garden are kept clean and free of the dog's faeces and the dog's faeces are disposed of hygienically;
5. the dog is kept under proper control in your home, a private place such as a neighbour's house or garden and a public place, so that it does not:

stray onto other people's property and/or more widely in the neighbourhood/locality;
and/or

cause damage to property or injury to a person, animal or pet.

With reference to 3 above, this means that the tenant must ensure that they clear their own garden of any faeces on at least a daily basis and that if they place the faeces in a black wheelie bin, they must double wrap it first. Fouling should not take place inside the property. In the event of an accident the mess must be cleared up immediately and the area disinfected.

In addition, when walking the dog, the owner should ensure that they carry plastic bags with them so that they can pick up their dog's faeces and place them in a dog bin or their own

wheelie bin upon returning home. This is especially important if the dog should foul a shared or communal area where the tenant lives, a footpath, road or a play area nearby.

Tenants should be encouraged to join the Paws on Patrol responsible dog ownership scheme, which is run by the Councils and Suffolk Constabulary. Details of this scheme are available from the Councils' websites.

<http://www.midsuffolk.gov.uk/environment/environmental-protection/dog-control-service/paws-on-patrol/>

<http://www.babergh.gov.uk/environment/environmental-protection/dog-control/paws-on-patrol/>

Cats

Permission will not normally be given to keep a cat if the property is a flat or maisonette without the sole use of, and direct access to a garden.

Where the property is deemed suitable, permission will only be granted on the condition that:

1. the cat is neutered;
2. vaccinations and treatment for fleas and worms are kept up-to-date.

We would also encourage owners to have their cat permanently identified by microchip or tattoo so that, if it strays, the cat can be quickly reunited with the owner.

The tenant must ensure that the cat is provided with:

1. a scratching post in order to avoid damage to property;
2. a litter tray which is cleaned out on at least a daily basis.

The cat must also be encouraged to use the litter tray to minimise problems with fouling in other people's gardens.

Small Animals

Permission to keep small animals such as rabbits, guinea pigs, hamsters, mice gerbils and rats may be granted subject to the following.

Rabbits and Guinea Pigs

These animals should normally be kept outside of the home in a secure hutch with an attached exercise area away from prolonged direct sunlight and safe from predators. The hutch should be well-maintained and kept clean and free of excess droppings.

As rabbits are highly social animals and usually best kept in small groups, more than one will generally be allowed. However, typically we would expect no more than 4 to be kept depending on the size of the property and garden and the owner's resources.

All rabbits should be neutered to prevent breeding and fighting.

Hamsters, Mice, Gerbils and Rats

Domestic rodents such as these maybe kept indoors in a cage or stacked housing system of an adequate size for the species and number kept. Again no more than 4 animals of this type will usually be permitted.

The animals must be given appropriate outlets for physical and mental stimulation and their accommodation must be well-maintained and regularly cleaned out.

Reptiles, Amphibians and Invertebrates

A tenant will only be permitted to keep a reptile (eg snake, lizard, iguana, tortoise, turtle), amphibian (eg frog) or invertebrate (eg stick insects, spiders) where they can clearly demonstrate that the animal has been purchased from a reputable pet provider who will check that they have sufficient knowledge to be able to care for the animal adequately.

They must also provide a suitable environment and be mindful of any bacteria or diseases that the animal may carry which can be passed on and be harmful to humans.

Poultry

Tenants may be granted permission to keep poultry, eg. chickens, for domestic purposes, subject to the property where the tenant lives having a suitable garden in which to house the poultry as well as other conditions concerning the care and maintenance of the birds being met (detailed on a separate sheet available to tenants).

Typically up to a maximum of 6 birds may be permitted, with the keeping of cockerels being prohibited.

Before applying for permission, tenants should first talk to their neighbours to reassure them that the birds would be kept clean and enclosed with in the garden, that food would be stored securely in order to reduce the risk of attracting vermin and that little noise would be created as no cockerels would be kept.

Tenants must also apply separately for permission to construct a coop by completing a tenant's alteration application form.

Livestock

Permission will not usually be granted for any type of livestock to be kept. This includes horses, sheep, goats, pigs, cattle or any other farm animal.

Dangerous Wild Animals

Under no circumstances will permission be granted for the keeping of animals listed under the Dangerous Wild Animals Act 1976, (eg venomous snakes and crocodiles).

Other Considerations

Sheltered Schemes

A tenant will only be allowed to keep a dog or a cat at a sheltered scheme where they have exclusive use of a garden and their own front door onto the street. However, where a tenant has a need for a guide/hearing/assistance dog and they do not have their own front door, permission may still be granted.

Tenants at sheltered schemes should bear in mind that if they are unwell or hospitalised, they will need to make provision for the pet to be looked after by a family member or friend. Tenants are strongly advised to take out pet insurance to cover this eventuality, particularly in cases where the tenant has no friends or family members who are likely to be able to help. Alternatively, The Cinnamon Trust (national charity for the elderly, the terminally ill and their pets) may be able to help (see <http://www.cinnamon.org.uk/>).

If, in exceptional circumstances, either Council has to make arrangements for the care of a pet on behalf of the tenant, the Council will recharge the tenant any reasonable costs incurred.

Breeding and Boarding

Tenants must obtain permission if they wish to breed animals at the property. They may require a licence from Environmental Services and should check this first before applying for landlord's permission. Tenants will not usually be permitted to breed animals for sale or to board animals at the property.

Pets left alone at home

No pet should be left in the property when the tenant is away overnight or for long periods during the day unless clear arrangements have been made to provide adequate care. This will generally require the pet to be boarded elsewhere but close supervision by a neighbour may be adequate for some animals.

Homeless Households

Homeless families will need to make their own arrangements for the care of their pets whilst they remain in temporary accommodation. This could be with family or friends or in cases of domestic violence, local pet fostering services such as Wood Green (The Animals Charity) may be able to help (<http://www.woodgreen.org.uk>)

Evictions and Abandonment

Where a tenant is being evicted they will need to make their arrangements for the care of their pets. If a pet is to be rehomed, the tenant should be encouraged to contact animal charities such as the Blue Cross as early as possible for assistance. For short term care, tenants may wish to approach family, friends, local animal boarding services or pet fostering services as referred to above. In the event that a pet is left behind following an eviction then the RSPCA or other appropriate animal welfare charity should be notified immediately

How to apply for permission

Tenants should first apply for landlord's permission before making a commitment to purchase or re-home a pet. Applications can be made on-line at www.babergh.gov.uk or www.midsuffolk.gov.uk. For those tenants without access to the internet a paper form will be made available on request by calling Council Housing Customer Services on 01473 825757. A response will normally be sent within 28 working days of receipt of the application.

Exceptions and Appeals

Any proposed exceptions to the policy will be reviewed independently before a final decision is made.

Tenants have the right to appeal in writing to the Corporate Manager for Tenant Services at Council Offices, Corks Lane, Hadleigh, Ipswich, IP7 6SJ or 131 High Street, Needham Market, Ipswich, Suffolk, IP6 8DL if they think that their application to keep a pet has been dealt with unfairly.

An appeal must be made within 28 days of the decision.

Legislation

Babergh and Mid Suffolk District Councils have taken account of the below in the development of this policy.

Housing Legislation and Advice

Office of Fair Trading Guidance on Unfair Terms in Tenancy Agreements (September 2005) – objection to blanket exclusions of pets. Unlikely to object to terms prohibiting keeping of pets that could harm property, affect subsequent tenants or be a nuisance to other residents. (www.offt.gov.uk/shared_offt/reports/unfair_contract_terms/oft356.pdf)

Homelessness Code of Guidance for Local Authorities (2006) – Guidance from the DCLG (www.communities.gov.uk/documents/housing/pdf/152056.pdf)

Animals and the Law

Animal Welfare Act 2006 – requires people to look after their pets properly in line with best animal management practices (www.gov.uk/government/publications/animal-welfare-act-2006-it-s-your-duty-to-care)

Disability Discrimination Act 2005 – relevant to assistance dogs for people with disabilities.

Control of Dogs Order 1992 – requires dogs in public place to wear a collar with name and address of owner, or dog may be seized by Police and treated as a stray. Owner may also be prosecuted and fined.

Dangerous Dogs Act 1991 – criminal offence to allow dog to be dangerously out of control in public or private place including where there is fear that injury might occur. Offender's dog could be destroyed and face prison sentence/fine. Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro banned unless registered on Index of Exempted Dogs.

Dogs (Protection of Livestock) Act 1953 – offence for a dog to worry livestock on agricultural land.

Protection of Animals Act 1911, Abandonment of Animals Act, 1960 – protect animals from ill-treatment.

Breeding of Dogs Act 1973, 1991 and Breeding and Sale of Dogs (Welfare) Act 1999 – licence required from local authority for breeding of more than 4 litters a year.

Dangerous Wild Animals Act 1976 – restricts movement/trade in range of endangered species. Anyone wishing to buy must hold licence.

Environmental Protection Act 1990 – offence to keep any animal in a place or manner that is prejudicial to health or that causes a nuisance, eg excessive barking or number of cats.

Road Traffic Act 1998 – offence to have dog on designated road without being on lead.

The Micro chipping of Dogs (England) Regulations 2014.