

## 1. Policy Statement

- 1.1 Leeds City Council recognises the benefits to tenants of keeping pets. 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 or visiting the property must not keep or bring any animal in or near the property unless they have written permission to do so under the Council's Policy on Pets in Council Houses. This policy gives further details about keeping pets in council homes 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 and or, 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 small mammals chewing wiring or pets damaging property.
- 1.4 This policy has been developed following consultation with tenants and feedback from animal welfare agencies, and incorporates good practice outlined in the Pets Advisory Committee guidance and Royal Society for the Prevention of Cruelty to Animals (RSPCA). It will be implemented from 2 June 2014.

## 2. Permission

- 2.1 Pets are generally allowed in council properties, but tenants must obtain **written** permission from the council if they want to keep an animal or animals using the form in **Appendix 1**. This form should be used by all tenants, including those who already have a pet.

## 3. When permission should be refused

- 3.1 The council will not usually give permission to keep a pet in the following circumstances (this list is not exhaustive and permission may also be refused for other reasons not listed):

- 3.1.1 If the animal the tenant wants to keep is of a type to which Section 1 of the Dangerous Dogs Act 1991 applies, including dogs placed on Index of Exempt Dogs. This list is subject to change by legislation and the current list of types under this section are:
- Pit Bull Terrier
  - Dogo Argentino
  - Fila Brasileiro
  - Japanese Tosa
- 3.1.2 If the animal has ever caused injury to a person, or if it is dangerous in any other way, for example, a poisonous snake. 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 Dangerous Dogs Act 1991.
- 3.1.3 If the tenant wants to keep an animal which is not a domestic animal, such as wild animals, primates, livestock, poultry (except hens) or horses because these are not suitable animals to keep in a domestic property and/or garden. If the tenant wants to keep racing pigeons then they must be a member of the Royal Racing Pigeon Society and provide adequate accommodation for them. Generally the council will not give permission to keep an exotic pet because of the difficulties in meeting their welfare needs. Nothing in this clause prevents a tenant from keeping hens and/or rabbits under the provisions of Section 12 of the Allotments Act 1950 as long as they are not prejudicial to health and do not cause a nuisance. This provision is subject to 3.1.7 stating that only a reasonable number of animals can be kept.
- 3.1.4 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.
- 3.1.5 When the tenant or another member of the household has previously left a pet behind when the tenant/household member moved out of a council owned property.
- 3.1.6 When the tenant or another member of the household has previously had any tenancy enforcement action taken against them in relation to their previous ownership of pets in a council owned property. The council may consider giving permission to keep pets with additional conditions placed on the tenant in exceptional circumstances.
- 3.1.7 If the tenant wants to keep too many animals for the type of property. See section 8 for information about what pets can be kept in which property type. Tenants should not keep more than two cats **or** dogs (ie a total of 2

animals). They may keep more than two smaller animals such as rodents, birds, reptiles or fish, but the council will only give permission to keep a reasonable number of pets. The housing office staff should use their discretion based on the number of animals the tenant wants to keep, the type of animal and the type of accommodation needed for the small pet, the size of the property and the number of people living in the property when deciding whether to give permission or not. In order to keep the number of animals kept to a reasonable number, the council stresses the importance of neutering animals or, where appropriate, keeping them in same sex combinations.

3.1.8 If the request is to keep an animal in a property type which is unsuitable for that animal. See section 8 for details of this. A dog or a cat should not be kept in a property with a communal entrance and/or garden because it is not suitable for a pet that requires outside access, this includes multi story flats (see 3.2 for limited exceptions). Dogs and cats are not permitted in such properties because:

- a flat is not suitable to keep a pet which requires regular outdoor exercise for the animal's own welfare
- there is a general problem with animals soiling the communal areas both inside and outside of flats/maisonettes, and
- the risk of noise nuisance caused by barking in a high density living arrangement such as blocks of flats/maisonettes.

3.1.9 In all cases, where the council refuses permission to keep a pet, the council will explain the reasons fully to the tenant in writing. A copy of a template letter refusing permission is attached in **Appendix 2**.

## **3.2 Giving permission to keep pets where the property has a communal garden**

3.2.1 Communal gardens and cats and dogs

3.2.2 When a property has its own external entrance and a communal garden then permission may be given to keep a cat or a dog in some cases. Each application in relation to such a property will be considered on a case by case basis taking into account the following considerations (this is not an exhaustive list):

- Who else shares the garden, for example, if there are small children, elderly tenants or vulnerable tenants who may be frightened by the animal.
- Whether there is enough open space nearby for any dogs to be exercised outside the garden.
- Whether there are any other animals in the other properties which share the communal garden, for example, if there are already two dogs, it might not be appropriate to allow any more in that block.

- The views of the current tenants and whether there have been cases of animal nuisance in the block.

3.2.3 If permission is granted to keep a pet in a property with a communal garden, the tenant must be advised that dogs must not be exercised in or given free access to the garden and must be kept on a lead while walking through the communal garden. If permission is granted, but the animal causes nuisance to other people in the locality of the property, the council will ask the tenant to deal with the situation, for example, by training the pet, seeking rehoming or rehoming the animal in a responsible manner.

3.2.4 Communal gardens and small pets

3.2.5 Where the animal would be kept in the garden all the time (for example animals in outdoor hutches or which need an outdoor run) permission will not be granted, because other tenants and visitors will also be using the garden.

#### **4. Granting permission**

4.1 Where the council gives permission to keep a pet, the council will write to the tenant outlining the conditions attached to the permission using the template letter in **Appendix 3** and give the tenant a copy of the leaflet in **Appendix 4** - 'Keeping pets in Council houses – Council policy and guidelines for tenants'.

4.2 Permission will be conditional on a number of factors, including on the type of pet being kept. Tenants will also be given information on keeping animals responsibly, see section 12 for details.

4.3 All permission is conditional on the tenant making sure that their pets do not:

- stray or roam
- damage anybody's property, including their own council home
- injure, annoy or frighten anybody else
- cause nuisance to anybody else, e.g. by making too much noise or causing a smell, or
- breed in the property.

4.4 All permission is also conditional on the tenant:

- making proper arrangements for the animal's care if they go away overnight, or for longer, and providing the council with details of an emergency contact
- making sure that litter trays are cleaned frequently and pet faeces are cleared frequently from the house and/or garden and no smell is caused by the pets

- making sure that hutches/cages are frequently cleaned and no smell is caused by the pets, and
  - keeping the pets under control at all times, including where visitors such as housing officers, contractors and postal workers come to their property.
- 4.5 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 if they move to another property or wish to keep more animals.
- 4.6 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 should be advised of any additional conditions and the reasons for imposing them in writing. Permission to keep a pet can be withdrawn if a pet is not being kept in accordance with this policy.
- 4.7 The council strongly encourages tenants to have their pets microchipped where appropriate. This will be a legal requirement for dogs from 2016.

## **5. Dangerous dogs and Index of Exempt Dogs**

- 5.1 Section 1 of the Dangerous Dogs Act 1991 prescribes four types of dogs that are prohibited from being in possession or under control of people 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
- 5.2 Section 1(2) prohibits the breeding, sale, exchange, advertising, or gift or offer of any dog listed in section 1(1) of the Act. It also prohibits such dogs from being in a public place without being muzzled, being abandoned or allowed to stray, and must be kept on a lead.
- 5.3 Where a suspected prohibited type of dog has come to the notice of the police they can either decide to commence a prosecution of the owner for being in possession of an illegal type of dog or make an application on behalf of the owner to ask a Court for a decision as to whether to exempt the dog and have it registered on the IED. In the majority of police forces in England and Wales, this is done by specially trained officers, known as Dog Legislation Officers (DLOs).

- 5.4 The DLO will look at the behaviour and characteristics of the dog as well as giving the Court the antecedence of the owner, the home environment and their suitability (and safety) for having such a dog. The Court determines whether it is satisfied 'that the dog would not constitute a danger to public safety'.
- 5.5 If the Court is satisfied of this, then the owner must comply for the lifetime of the dog with a stringent set of conditions to keep the dog exempt from the prohibition under section 1. Where a dog is placed on the IED, their owner must abide by certain conditions at all times.
- 5.6 The council will not give permission for a tenant to keep a dog registered on the Index of Exempt Dogs in a council property.

## **6. Where a tenant already has a pet at 2 June 2014**

- 6.1 Tenants who already have existing pets without written permission can use the form in Appendix 1 to apply for retrospective permission. Where a tenant moved into their current property and obtained the pet before 2 June 2014 the council will grant retrospective permission in the following circumstances:
- where the animal is being kept in accordance with this policy, namely, provided the property type is suitable for keeping that number and type of pets (see section 8), and where no more than two cats or dogs are kept, and
  - the existing pets are not causing any problems within the property, the communal area or to others in the locality of the property
- 6.2 The council works closely with animal welfare charities, and will aim to avoid animals being referred to animal charities and sanctuaries for rehoming. For this reason, in very exceptional circumstances where the tenant is keeping excess numbers of animals or is keeping a pet in a property which is not usually considered suitable for that type of pet under this policy (see section 8), the council may grant limited permission to keep the current pets. If granted, this permission will be limited to the lifespan of the pets. Permission to keep pets outside the general policy under this section will be considered by a senior officer and will only be granted in writing.
- 6.3 Where the property type is not deemed suitable for keeping the animal, the council may seek to assist the tenant with a planned move to a suitable property within a reasonable timescale.
- 6.4 This exception does not apply to tenants who obtained their pets after 2 June 2014, or who were clearly advised when they moved into their property or before they obtained their pet, that they would not be given permission for such a pet to be kept in that type of property.

## **7. Special requests to keep pets**

### **7.1 Support dogs**

- 7.1.1 Permission to keep a support dog should be granted where a disabled tenant requests it and the animal has been provided by a recognised agency, such as Guide Dogs for the Blind, Support Dogs or Dogs for the Disabled.
- 7.1.2 The council will require evidence from the relevant agency to support the application, and be satisfied that the property type is suitable for keeping a dog. Where the property is not usually suitable for keeping a dog a transfer to an appropriate property may be offered. 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.

### **7.2 Tenants fostering on behalf of animal charities**

- 7.2.1 The council will consider requests from tenants who wish to foster pets on behalf of animal charities (or to look after pets belonging to friends, family etc as a temporary measure) on the same basis as other requests for permission, in terms of numbers of animals, animal type(s) and property type. Tenants should apply for written permission using the application form in Appendix 1. They will be expected to provide supporting information from a recognised charity.

### **7.3 Running a pet-related business from home or breeding animals**

- 7.3.1 Some tenants may wish to run a pet-related business from home. It is the policy of Leeds City Council to give permission to run a business from home unless there is a good reason not to. See also the council's policy on 'Running a business from a council home'.
- 7.3.2 Clause 2.14 of the Tenancy Agreement states that tenants must obtain the Council's written permission to run a business from their council home:

*'You (or anyone living with you or visiting the property) must not run a business from the property without getting the Council's written permission first. We will not normally refuse permission unless the business would cause a nuisance or annoyance or might damage the property.'*

- 7.3.3 If a tenant makes an application to run a pet-related business from home, the council must also give regard to the policy on pets, in particular in particular whether the type of property is suitable for the proposed business.

- 7.3.4 Permission will not be granted to run a business or any activity which involves breeding or selling animals, or any business which is likely to create a nuisance due to the number of animals being taken to a property.
- 7.3.5 If the tenant wishes to run an animal boarding business then they are legally required to have an Animal Boarding Establishment Licence which is issued by the Local Authority. A tenant would not be given permission to keep more pets at the property than would ordinarily be allowed by this policy.

## 7.4 Visiting pets

- 7.4.1 Council tenants are responsible for visitors to their property, and should not permit people to visit with pets if their property has a communal entrance, such as a multi-story flat. The exception to this is visitors who have a recognised support dog from an approved agency as outlined in section 7.1 above. This is to avoid the problems reported by tenants of animals causing noise nuisance, damage or fouling in communal areas.
- 7.4.2 Any pets visiting the property must not cause a nuisance while they are at the property. The tenant is equally liable for any nuisance being caused at the property even if it is from a visiting pet.

## 8. Property Type and Pets

- 8.1 All properties should be flagged on the Orchard system to indicate whether they are suitable for keeping pets such as cats or dogs. Generally this will be:

<b>Property type</b>	<b>Cats / dogs permitted?</b>
House	Yes – maximum of 2 cats or dogs in total.
Bungalow with their own external entrance and private garden.	Yes – maximum of 2 cats or dogs in total
Flat, bedsit, maisonette with their own external entrance and their own private garden.	Yes – maximum of 2 cats or dogs in total
Flat, bedsit, maisonette, bungalow with their own external entrance and a communal garden/outside area.	To be considered on a case by case basis up to a maximum of 2 cats or dogs in total. See section 3.2
Flat, multi-story flat, bedsit,	No cats or dogs allowed



maisonette with a shared / communal entrance or walkway.	
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- 8.2 Tenants can request permission to keep more than two smaller animals such as rodents, birds, reptiles or fish, but the council will only give permission to keep a reasonable number of pets. The housing office staff should use their discretion based on the number of animals the tenant wants to keep, the type of animal and the type of accommodation needed for the small pet, the size of the property and the number of people living in the property when deciding whether to give permission or not. In order to keep the number of animals kept to a reasonable number, the council stresses the importance of neutering animals or, where appropriate, keeping them in same sex combinations.
- 8.3 The Housing Office may decide cats and dogs will not be permitted in some properties even where the property does not have shared access. This information should be entered on the Orchard housing system.
- 8.4 When available properties are advertised through the Choice Based Lettings (CBL) scheme the property advert should include details of whether pets are permitted and any restrictions which will apply in relation to the property type. This will enable customers to maximise the use of their bids.
- 8.5 When an offer is being made, either through CBL or as a direct offer, the customer should be advised again of whether pets are permitted in the property, and if there are restrictions because of property type, what those restrictions are. This should be done at the earliest opportunity:
- during the pre-offer telephone call
  - in the offer letter
  - at the accompanied viewing
- 8.6 Customers who wish to keep a pet should request permission as outlined above by completing the form in Appendix 1.

## **9. Recording information about pets**

- 9.1 Where permission to keep a pet is granted, the council will take details of all the pets the tenant wants to keep, including their breed and age. The council will also take details of the vet and an emergency contact.
- 9.2 The council will need to know if pets are being kept in the property and emergency contact details in case there is an emergency, such as a flood or a 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 procedures being taken.

9.3 Details should be held on the house file and computer system and updated with any changes.

## **10. Tenancy Management issues**

10.1 The council will investigate complaints about breaches of the pets' policy and any issues which arise from annual tenancy visits.

10.2 The council will contact the tenant to discuss complaints. Where possible a visit to the property will be made to establish whether and how a pet is being kept. The condition of the property may indicate whether an animal is being kept, for example, feeding bowls, fouling or chewed fixtures. There may also be evidence that the pet has been seen entering the premises.

10.3 The council will take the appropriate action, ranging from informal interventions and mediation to formal tenancy action. This must be clearly documented in writing and explained to the tenant. Verbal permission to keep a pet must not be given, and council officers must not ignore the unauthorised keeping of pets or any nuisance problems.

10.4 If the council believes a tenant is keeping a dog of an **illegal type** in their property, unless the dog is exempted, this is a criminal offence and you should contact the police immediately. Action can also be taken for breach of the Tenancy Agreement.

10.5 If a tenant is **keeping a pet without permission**, they should apply for retrospective permission using the form in Appendix 1 (see section 6).

10.6 However, if the tenant lives in an **unsuitable property type**, action should still be taken regardless of whether the animal is causing a nuisance. In exceptional circumstances, permission may be granted outside the policy on the condition that no further pets are obtained, and the pet will not be replaced when it dies. In these circumstances the decision to grant permission must be authorised in writing by a senior manager using the template letter in Appendix 3.

10.7 If the tenant is keeping their pet in a way that is **causing a nuisance**, options include (this is not an exhaustive list):

- Writing to the tenant to remind them of their responsibilities and explaining the potential consequences of their actions. The situation should be monitored closely and if there is no improvement formal tenancy action may be taken.
- Providing information from animal welfare charities about how to look after the pet, for example, the RSPCA 'Learning to be left alone' information leaflet gives advice on how to prevent dogs becoming bored when left alone

- Advising the tenant to seek the help of a certified clinical behaviourist – more information can be found at: [www.rspca.org.uk/findabehaviourexpert](http://www.rspca.org.uk/findabehaviourexpert)
- Advising the tenant that they must rehome the animal in a responsible manner within a given time period (tenants may need support to rehome a pet)
- Taking action for ASB or breach of the Tenancy Agreement, i.e. warning letters or mediation as appropriate.
- Issuing an injunction
- Proceedings to extend an introductory tenancy or demote a secure one, or possession proceedings for a secure tenancy.
- In cases of neglect or cruelty, the council can report the matter to the RSPCA or the police.

10.8 The council reserves the right to seek legal costs against the tenant if legal proceedings are required. Copies of template letters are available in **Appendix 5**.

## **11. Abandoned pets**

- 11.1 It is the tenant's responsibility to rehome their pet responsibly if they are no longer able to care for it.
- 11.2 If a tenant moves out of the property, abandons or is evicted and leaves a pet behind, the animal is considered 'property' in law, and the council will take action as with other items left in the property. The animal will be removed from the property. Any costs incurred by the Council in dealing with the animals left behind will be recharged to the tenant.
- 11.3 In cases of abandonment, where an animal is left behind, the council should take appropriate measures to look after the animal. It may be possible to take action against the tenant under the Animal Welfare Act 2006 in which case the council can contact the RSPCA for advice.
- 11.4 A record should be kept if a tenant abandons or mistreats a pet. Should they reapply for housing the council may find them non-qualifying or apply reduced preference to their housing application, and will normally not grant permission to keep a pet in the future.

## **12. Good practice guidance on responsible pet keeping and specific animal breeds**

- 12.1 When tenants apply for permission to keep a pet the council will provide information about responsible pet ownership, animal welfare and on keeping specific animal breeds. More detailed guidance is provided on the application form and information leaflet, and tenants are signposted to relevant animal welfare websites.

- 12.2 In all cases, before making a decision to have a pet, the council recommends tenants consider the long term implications of pet ownership, and whether they are able to meet the animal's needs. See information in Appendix 1: Application to keep a pet in a council property and Appendix 4: The council's policy on keeping pets in council houses – information for tenants.
- 12.3 Pet owners have responsibilities under the Animal Welfare Act 2006 to ensure their pets have a suitable living environment, are free from pain, suffering, injury or disease, are fed correctly, are able to exhibit normal behaviour and have a suitable living environment.
- 12.4 In cases of neglect or cruelty, the council can report the matter to the RSPCA or the police.

### **13. Appendices**

Appendix 1 – Application to keep a pet

Appendix 2 – Copy of a template letter refusing permission

Appendix 3 – Copy of template letter granting conditional permission

Appendix 4 – Keeping pets in Council houses – Council policy and guidelines for tenants

Appendix 5 – Copy of template letters advising tenant in breach of Tenancy Agreement