

Report of Chief Officer Housing Management

Report to Director of Environment and Housing

Date: 6 January 2016

Subject: Amendment to Housing Leeds policy on keeping pets in council homes

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Housing Leeds' Pets Policy was approved and implemented on 2 June 2014. This report gives an update on the implementation and Housing Leeds' pets action plan 2015/16.
2. The current policy states that dogs placed on the Index of Exempt Dogs are not permitted in council properties. The Dangerous Dogs Act 1991 was amended in May 2014 to strengthen powers of enforcement and enhances the regulation on the ownership of dogs on the Index of Exempt Dogs or 'IED'.
3. Housing Leeds wish to amend the Pets Policy in relation to keeping dogs returned by the courts and to adopt an information sharing protocol with West Yorkshire Police.

Recommendations

4. The progress on implementing the Pets Policy and Housing Leeds action plan 2015/16 is noted.
5. The Pets Policy is amended to allow council tenants to keep IED dogs in certain circumstances in line with new procedural guidance which reflects recent changes to the legislation and the recommendations made by the Dogs Trust, RSPCA and West Yorkshire Police.
6. Housing Leeds implement the new policy from Monday 1 February 2016 after housing officers are briefed on the new procedures.

1 Purpose of this report

- 1.1 The purpose of the report is to update on the implementation of the new pets policy and to seek approval to implement changes to the Pets Policy in respect of granting permission to keep IED dogs in council properties.

2 Background information

- 2.1 Housing Leeds' Policy on keeping pets in council homes was reviewed in 2014. The main change was to require tenants to have written permission to keep a pet and the introduction of a register of all pets kept in council homes.
- 2.2 Housing Leeds has evaluated the policy which has been in place for over 12 months by obtaining feedback from staff, tenants groups and animal welfare agencies. An action plan for 2015/16 has been developed which will support the council when it applies for the RSPCA Gold CAWF award in 2016.
- 2.3 The policy on keeping pets in council homes contains an outright ban on tenants keeping dogs placed on the Index of Exempt dogs. These are pit bull type dogs which have been returned to the owner by the courts. Placing the dogs on the IED means it is lawful to keep them, provided certain conditions are met.
- 2.4 Since the Pets Policy was approved in June 2014 the Dangerous Dogs Act 1991 has been amended to strengthen powers of regulation and enforcement on ownership of these dogs. The courts now consider the background of the owner and assess whether they are a 'fit and proper' person to be in charge of a dog before they decide to return it on the IED. This gives the council greater assurance that dogs returned to the owner by the court will be kept responsibly.
- 2.5 Despite the blanket ban on IED dogs, there are approximately 20 IED dogs being kept in council homes. This equates to around half of all IED dogs in Leeds. A number of these have been kept in council properties for many years. The council would need to demonstrate any tenancy enforcement action against owners was proportionate. Given the length of time these dogs have been kept without any management issues being raised and the fact the dogs have been assessed and returned by the courts, there is a reputational risk to the council if action were to fail. For this reason, Housing Leeds wishes to amend the Pets Policy to reflect changes in legislation and to introduce a joint working protocol with West Yorkshire Police on the management of these dogs.

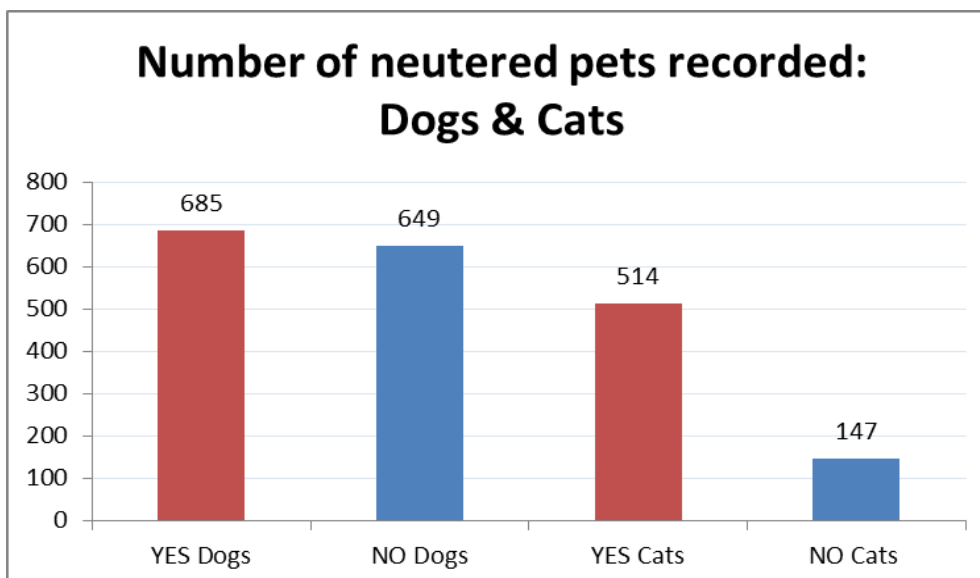
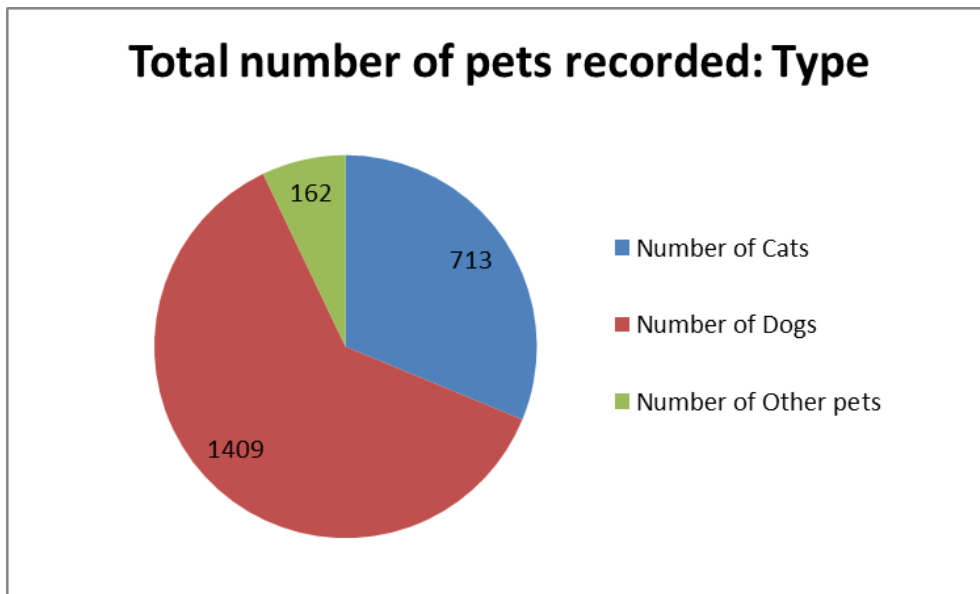
3 Main issues

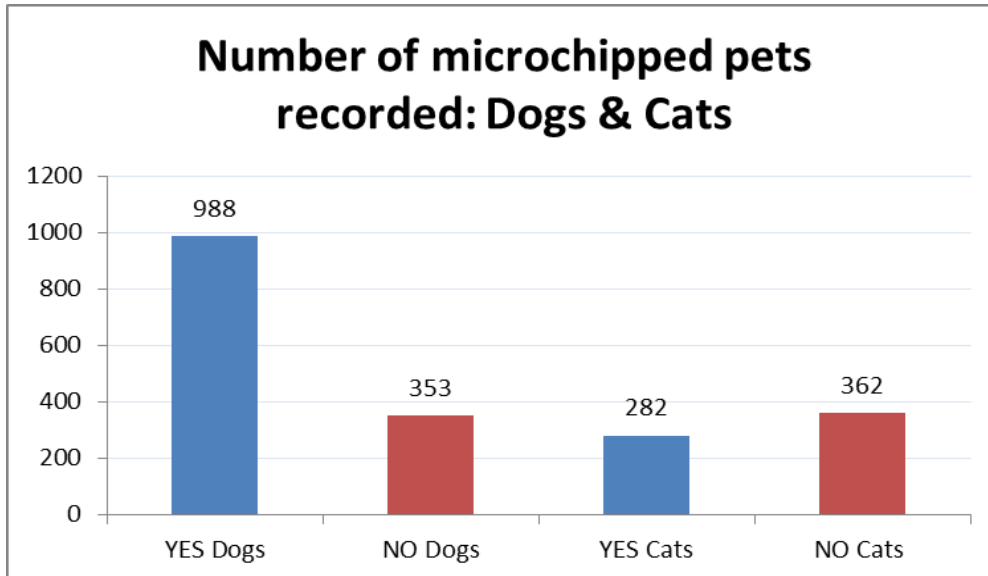
3.1 Evaluation of the policy

- 3.2 Housing Leeds Policy on keeping pets in council homes was reviewed in 2014. The main change was to require tenants to have written permission to keep a pet and the introduction of a pets register of all pets kept in council homes.
- 3.3 Training sessions and briefings have been delivered to housing offices, a toolkit developed including application forms and template letters, a question about pets has been included in the Annual Home Visit questionnaire and key messages

have been included in the tenant newsletter eg on the importance of neutering and micro-chipping pets and seasonal advice such as looking after pets in cold weather. As part of the training programme, representatives of RSPCA and Cats Protection have attended sessions to highlight animal welfare issues and give information to staff about how tenants can access free or low cost neutering vouchers.

3.4 The pets register is held on the council's Housing Management system, and as of November 2015 we have 2,284 pets recorded, breakdown shown below:





3.5 The development of the pet register means for the first time Housing Leeds knows how many animals are being kept in council homes, whether they are neutered / micro-chipped and have emergency contact details in case of an emergency such as fire, tenant dying or being admitted to hospital, or in the event of a pet being left behind following an eviction or abandonment of the property.

3.6 The number of pets in council homes will change on a monthly basis, with pets dying, and the annual home visit will pick up new cases on a rolling basis.

3.7 In October 2015 Housing Leeds held a workshop attended by partners including Dogs Trust, Cats Protection, Camp Nibble, RSPCA, LCC Dog Wardens, WY Police Dog Section and housing officers. The workshop reviewed a series of real life cases dealt with by the agencies which were used to develop an action plan shown in Appendix 1.

3.8 The key improvement areas identified were to increase the focus on:

- reducing the number of unwanted litters and unmanageable numbers of pets through promotion of neutering
- ensuring all dogs are micro-chipped by April 2016, and
- improving information sharing between Housing Leeds and animal welfare agencies.

3.9 **Revision of the policy on keeping IED dogs in council homes**

3.10 Currently, the Pets Policy states that any dog type which is considered as a dangerous dog, including Section 2/IED dogs cannot be kept in a council property.

3.11 Section 1 of the Dangerous Dogs Act 1991 prohibits the possession of certain dog 'types', including the Pit Bull Terrier. However, the police and courts may permit certain banned breeds of dogs listed on the Index of Exempt Dogs, where the court is satisfied that the dog poses no risk to public safety. Where the dog is

returned this is on the condition that the owner complies with additional restrictions set out in section 1(2) Dangerous Dogs Act 1991.

3.12 These conditions are:

- the dog must be neutered, tattooed and micro-chipped
- the owner/keeper must take out (and renew each year) third party insurance for the dog and a DEFRA certificate of exemption
- the dog must only be taken out in public by someone over the age of 16 and kept on a lead and muzzled when in public, and
- the dog must be registered on the Index of Exempt Dogs

3.13 The effect of being placed on the IED is that a contingent destruction order is issued, and any breach of these conditions would result in the animal being destroyed.

3.14 Any breed or type of dog can behave aggressively and cause serious and fatal injuries, and this is not just limited to types listed under the Dangerous Dogs Act. The option of permitting tenants to keep IED dogs on condition they abide by the restrictions and sign a Responsible Dog Owner Agreement would mean the authorities are aware of where the dog is kept and are better placed to manage risks.

3.15 Leeds City Council & West Yorkshire Police: Information Sharing

3.16 The council proposes to introduce an information sharing protocol with West Yorkshire Police on IED dogs kept in council homes. This will ensure background information is available in respect of a person's council tenancy, including records of tenancy breaches or other relevant information that would inform the court's decision to grant or withhold approval to place the dog on the IED.

3.17 The protocol between West Yorkshire and Housing Leeds would operate as follows:

- West Yorkshire Police would advise Housing Leeds where applications are made to return dogs on the IED to a council property; they would conduct a home visit prior to the case being considered in court.
- Housing Leeds would provide the following information within 21 days of the request being made by the police:
 1. Confirmation of council tenancy, duration, address, property type, including whether there is a garden or communal area.
 2. Whether the person is a tenant or just living at the property
 3. Any rent arrears
 4. Any tenancy action taken against the person, including for pets, condition of the garden etc.
 5. Whether the applicant has applied for permission to keep the pet in the home

6. Whether there is any overcrowding in the home
7. If there are any children in the household
8. Any other relevant information.

- West Yorkshire Police will check other background issues including history of violence, and use this in conjunction with the Housing Leeds information, to give evidence in court as to 'fit and proper person' prior to inform the court's decision.
- West Yorkshire Police will notify Leeds City Council of the outcome of the court case and whether the dog will be returned to the owner/keeper/property. There is provision for IED dogs to be returned home pending the case going to court, however this is unlikely to happen in many cases.

- 3.18 West Yorkshire Police have recommended that Housing Leeds changes the Pets Policy to allow dogs on IED provided the owner signs a 'Responsible Owner Agreement' (see Appendix 2); any breach of IED conditions would result in the council's permission to keep the dog being withdrawn.
- 3.19 Housing Leeds would obtain monthly updates from DEFRA (Department for Environment, Food and Rural Affairs) on the number of IED dogs being kept in council homes, and information sharing protocols will allow for breaches such as lapse in third party insurance to be notified to each relevant party.
- 3.20 Permitting IED dogs in line with the recommendations and protocol suggested by West Yorkshire Police would strengthen the council's enforcement response to the types of tenancy breaches outlined above.
- 3.21 Other Local Authorities have granted permission for IED dogs to be permitted for example Wandsworth Council have developed additional tenancy management procedures to ensure a proportionate response. Leeds has modelled its Responsible Dog Owner Agreement on Wandsworth's example.
- 3.22 **Tenancy Management Procedure: Proposed Implementation**
- 3.23 Housing Leeds will brief Housing Managers and Tenancy Team Leaders on the new procedures relating to dogs on the IED. The council will contact all tenants who own a dog on the IED who are registered with DEFRA. These tenants will be contacted and invited to apply for permission to keep the IED dog and to sign a 'Responsible Dog Owner Agreement' (see Appendix 2).
- 3.24 The agreement would be subject to tenancy enforcement measures where a breach is identified including possession proceedings.
- 3.25 The court currently grants permission to the owner of the dog and specifies the permitted address to be that which the owner has declared in court and/or the court can grant permission where the owner has designated a 'keeper' of the animal.
- 3.26 The council would propose to only grant permission to keep an IED dog in a council property in the following circumstances:

- The property is of a suitable type in accordance with the Pets Policy criteria.
- The owner of the dog is a Leeds City Council tenant and they have signed the 'Responsible Dog Owner Agreement'
- The owner of the dog is not a Leeds City Council tenant but both they and the 'keeper' sign the 'Responsible Dog Owner Agreement'.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Housing Leeds has consulted with West Yorkshire Police colleagues on proposals to amend the pet policy in response to the new legislation. Animal charities including RSPCA and Dogs Trust also support the change.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The council has undertaken an Equality and Diversity Impact Screening Assessment on the proposed amendment to the Pets Policy. Operating an outright ban on keeping dogs has resulted in some tenants giving up their tenancy and moving to the private sector. A more proportionate response would mean tenants are able to remain in their current property.

4.3 Council policies and City Priorities

- 4.3.1 This amendment seeks to deliver a more responsive approach to the issue of keeping dogs on the IED, but the remainder of the policy will be unchanged.

4.3.2 Resources and value for money

- 4.3.1 The implementation of the pets policy means Housing Leeds has a framework to address the financial costs of dealing with abandoned pets, damage to properties, void costs eg from having to fill in unauthorised ponds, rehoming unwanted animals and supporting tenants neuter their pets. The policy also addresses welfare issues including cruelty and neglect, sometimes linked to safeguarding and support issues such as hoarding. Finally, the pets policy and our joint working arrangements support improved tenant and customer satisfaction and reduce the risk of negative press coverage which would be reputationally damaging to the council's.

- 4.3.2 Amending the pets policy to remove the blanket ban on IED dogs will allow officers to consider granting permission to keep a dog on the IED on a case by case basis, meaning resources are not used to take possession action against tenants where there has been no other tenancy breach. The protocol with the police and requirement for the dog owner to sign a Responsible Dog Agreement will minimise issues arising at a later date.

4.4 Legal Implications, Access to Information and Call In

- 4.4.1 In law pets are treated as property, and the council is responsible for caring for abandoned pets as they would other belongings during the 'tort' period. The pet

register means we know where pets are being kept, and the action plan seeks to improve our response to abandoned animals.

- 4.4.2 The amendment to the policy in relation to IED dogs reduces the risk of unsuccessful legal action being taken against a tenant who has otherwise not breached their tenancy agreement, where an IED dog has been returned to them by the court following a separate legal assessment of the dog's temperament and their ability to look after it in a responsible manner.
- 4.4.3 If Housing Leeds continues to operate the blanket ban on IED dogs there are grounds for challenge because there is no discretion in the policy to consider individual cases where a court has decided the dog in question does not pose a public safety risk.

4.5 Risk Management

4.5.1 The council's Pets Policy does not allow permission to keep IED dogs in council properties, if the recommendations are not implemented to grant permission in the 'exceptional circumstances' specified this would have the following implications:

- The council is at risk of losing tenants with excellent tenancy records; there has been an occurrence whereby a tenant got a puppy with no knowledge it was a pit bull type, in this case the dog was very well socialised, there were no issues recorded in relation to behaviour or nuisance. The dog was assessed by West Yorkshire Police and returned on the IED by the courts. The tenant terminated his tenancy with Leeds City Council because he did not want to breach his tenancy agreement. The tenant had a clear rent account and the property was left in excellent condition.
- Failure to adopt clear policies could result in the damage to the council's reputation, for example, if prosecutions are taken against tenants who keep IED dogs without permission; the council would be better placed to monitor and manage the presence of IED dogs in Leeds if permission were to be granted in accordance with the recommended policy amendments.
- There is a risk of a legal challenge on the basis of the current policy approach to taking action against all tenants irrespective of the courts stringent criteria for granting permission to place dogs on the IED.

5 Conclusions

- 5.1 The new pets policy has been evaluated and Housing Leeds has worked effectively with partner agencies during the first year of its operation. An action plan for 2015/16 has been developed.
- 5.2 The revised legislation which came into force in May 2015 provides an opportunity to amend the blanket ban on keeping dogs on the IED in council homes.

6 Recommendations

- 6.1 The progress on implementing the Pets Policy and Housing Leeds action plan 2015/16 is noted.
 - 6.2 The Pets Policy is amended to allow council tenants to keep IED dogs in certain circumstances in line with new procedural guidance which reflects recent changes to the legislation and the recommendations made by the Dogs Trust, RSPCA and West Yorkshire Police.
 - 6.3 Housing Leeds implement the new policy from Monday 1 February 2016 after housing officers are briefed on the new procedures.
- 7 Background documents¹**
- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.