

# DOVER DISTRICT COUNCIL

## PETS POLICY



### 1. Policy Statement

**1.1** This policy is relevant to all animals kept by tenants, including mammals, birds, reptiles, amphibians, fish, etc hereafter referred to as 'pets'. It has been written to provide a consistent approach to pet ownership and to provide the right balance between residents' enjoyment of keeping a pet against the right of residents to a quiet enjoyment of their home.

**1.2** Dover District Council recognises the benefits to tenants of keeping pets. Generally, Dover District Council will allow its tenants to keep pets where the property type is suitable, the Tenancy Agreement is complied with and the pet's welfare will be assured. All applications will be processed on a case by case basis.

**1.3** Under Dover District Council's Tenancy Agreement it states:

#### **Section 3.10 Keeping Pets and Animals**

**Section 3.10.1 You must not keep any pet or animal which causes or is likely to cause a nuisance, annoyance or disturbance to neighbours or others living in the local area**

**Section 3.10.2 You will need our written permission to keep a pet if you live in a property that does not have its own garden as the pet may need outdoor exercise. When considering whether to grant permission we will consider among other things:**

- **The type and size of your pets**
- **The type and size of your home**
- **The number of people living in your home**
- **Access to the road and open space**
- **Whether your home is a sheltered housing scheme.**

This policy gives further details about keeping pets in Dover District Council properties for new and existing tenants.

**1.4** Dover District Council may take action against tenants where they do not have written permission to keep a pet where they do not have their own garden or there is a breach of the tenancy such as tenants allowing pets to cause a nuisance to other residents. This includes, but is not limited to, noise nuisance, fouling, damage to property (internally and externally), causing injury to others through biting, and anything else deemed a nuisance.

**1.5** In applying this policy, DDC will consider special circumstances, where these can be demonstrated.

## **2. Permission**

2.1 Tenants must obtain written permission from the council if they want to keep an animal or animals at their property where they do not have their own garden.

## **3. Conditions of having a pet**

**3.1** Dover District Council promotes responsible pet ownership. There are certain conditions that tenants will be required to demonstrate if they wish to have a pet at their property.

**3.2** Tenants wishing to have a pet must be able to demonstrate the following:

(a) They have the means to pay for the day-to-day upkeep of an animal. Pets can be expensive to look after and insure, and Dover District Council recommends tenants consider these costs before submitting a request to keep a pet.

(b) That the property is suitable to house the pet. Tenants may be asked to consider fencing, flooring, and outdoor access before permission is granted.

(c) Pets must not be left unsupervised in the property for long periods of time, dependent on the animal type. Not only could this cause distress to the pet, but it could also cause disturbance to neighbours. If tenants are in full-time employment or have full-time commitments, they may be asked to demonstrate how their pet will receive appropriate care. All pets, irrespective of species, need to be checked daily and tenants should ensure a process is in place if they are away from the property. We may ask the tenant to sign up to a pet guarantor scheme which provides the contact details of someone who is willing to look after their pet if they are in hospital or otherwise unable to care for their pet.

(d) Pets (excluding cats) must never be left unsupervised in any internal or external communal areas, or any Dover District Council owned land.

(e) The tenant must be able to have fouling removed immediately and the area cleaned.

(f) Dogs must remain on leads whilst in any internal or external communal area.

(g) Under the Control of Dogs Order 1992, all dogs must wear a collar outside the property with the name and address of the owner on.

(h) No modification to the property must be made before requesting permission from DDC. This includes installing cat flaps, additional fencing, sheds etc.

## **4. Permission Process – where tenants do not have their own garden.**

**4.1** 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: (this list is not exhaustive)

- Who else shares the garden? for example, DDC would need to consider if there are small children, elderly or vulnerable tenants who may be frightened by the animal.
- Whether there is enough open space nearby for any dogs to be exercised outside in the garden.
- Whether there are any other animals in other properties which share the communal garden. For example, in a small block of flats, if there are already two dogs, it might not be appropriate to allow any more in the same block of flats.
- Whether there have been cases of animal nuisance in the block.

**4.2** 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 unsupervised and must always be kept on a lead while walking through the communal areas and whilst in the communal garden.

**4.3** Where the animal would be kept in the communal 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.

## **5. Support dogs**

**5.1** 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.

**5.2.** DDC 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 then a transfer to an appropriate property may be considered. 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.

## **6. Tenants fostering on behalf of animal charities**

**6.1** DDC 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 and will be expected to provide supporting information from a recognised charity.

## **7. Visitors**

**7.1** Council tenants are responsible for visitors to their property and should not permit people to visit with pets if their pet causes a nuisance.

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

**8.1** Some tenants may wish to run a pet-related business from home. **Clause 3.2.6** of the tenancy agreement states:

- **'You must not run a business from the property without first obtaining our written permission. Before we give permission to run a business, we consider factors such as the amount of noise generated, any nuisance that may be caused to your neighbours or whether damage will occur to the property. Even if our consent is given, in the capacity as landlord, you may also still need to obtain Planning Permission for a change of use'**

**8.2** If a request is made to run a pet-related business from home, DDC will take into account whether the property is suitable for the proposed business and whether this involves the breeding or selling of animals or any business which is likely to create a nuisance due to the number of animals being kept at a property or visitors to the property in relation to the business.

## **9. Granting permission**

**9.1** Permission will be conditional on a number of factors, including the type of pet being kept and the property type.

**9.2** All permission is conditional on the tenant agreeing they will make sure that their pets do not:

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

**9.3** All tenants whether they have their own garden or communal garden must agree to:

- Clean litter trays and pet faeces frequently from the house and/or garden so that no smell is caused by the pets
- Clean hutches/cages frequently so smells do not cause a nuisance
- Keep their pets under control at all times, including where visitors such as housing officers, contractors, postal workers or deliveries go to their property.
- Ensure their pets are microchipped where appropriate, which complies with legislation introduced in April 2016.

**9.4** Where DDC gives permission to keep a pet, a permission letter will be sent to the tenant outlining the conditions attached to the permission. The letter will be scanned to the house file for future information.

**9.5** Permission to keep a pet can be withdrawn if a pet is not being kept in accordance with this policy.

## **10. Retrospective Permission**

**10.1** Where DDC becomes aware that a tenant has a pet but does not have the required consent, the tenant will be advised to submit a retrospective request for permission. The request will be processed in the same manner as a current request.

**10.2** Where someone has received consent from DDC to have a pet and the pet passes away, the permission will end, and new permission will need to be applied for if a tenant wishes to get another pet. However, there is no guarantee that permission will be granted a second time as circumstances may have changed since the original permission was granted.

## **11. Permission Refused**

**11.1** In all cases where DDC refuses permission to keep a pet, a letter outlining the reasons for refusal will be sent to the tenant in writing. Housing staff must use their discretion based on:

- the number of animals the tenant has requested permission for
- the type of animal/s – e.g.: if it is a poisonous snake or any other animal prescribed under the Dangerous Wild Animals Act 1976.
- the type of accommodation where the tenant resides
- The number of people living in the home
- Access to the road and open space
- Whether the property is a sheltered housing scheme
- Whether the tenant has previously left a pet behind when moving out of a previous property or had tenancy enforcement action taken against them for their pets causing a nuisance
- Where the tenant is known to have been banned from keeping pets or any convictions for or history of abandonment, cruelty or neglect of animals.

**11.2** DDC will not give permission where a tenant wants to keep an animal which is not a domestic animal, such as wild animals, primates, livestock, poultry (except chickens) or horses because these are not suitable animals to keep in a domestic property and/or garden.

**11.3** If a tenant has their own garden and wants to keep racing pigeons then they must be a member of the Royal Racing Pigeon Society and provide adequate accommodation for them.

**11.4** Generally the council will not give permission to keep an exotic pet because of the difficulties in meeting their welfare needs.

**11.5** Permission will be denied for any dogs that fall under Section 1 of the Dangerous Dogs Act 1991. It is an offence to possess any dog of the type known as:

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

Unless DDC are satisfied the animals have secured exemption from the prohibition. This means that a court was satisfied that the dog posed no risk to public safety and has been placed on the Index of Exempted Dogs (IED). The owner must meet the conditions of exemption as follows:

- the dog must be neutered and microchipped;
- the owner/keeper must take out (and renew each year) third party insurance for the dog;
- the dog must only be taken out in public by someone over the age of 16, kept on a lead and muzzled when in public;
- the dog must not be bred from, gifted or otherwise disposed of and
- registration on the IED

This list is subject to change by legislation; any changes to the list will apply to this procedure.

## **12. New Tenants**

**12.1** When Officers advertise available properties through the Choice Based Lettings (CBL) scheme, the property advert will include details of the suitability of the block for pet keeping and therefore the likelihood of DDC willing to give permission for this.

**12.2** When an offer is being made, either through CBL or as a direct offer, the customer should be advised again of the suitability or otherwise of the block for pet keeping and if there are restrictions because of the property type and 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 view

## **13. Breaches/Tenancy Management issues**

**13.1** DDC will investigate any complaints made. The Housing Officer will contact the tenant to discuss the nature of the complaint and take appropriate action, ranging from informal interventions and mediation to formal tenancy action. This must be clearly documented in writing and explained to the tenant.

**13.2** DDC reserves the right to withdraw permission and request the removal of a pet where the conditions of this policy have been breached.

**13.3** Legal action, such as applying for an injunction or eviction will be considered where a tenant refuses to co-operate where complaints have been made about their pets causing a nuisance and there is evidence to substantiate the complaints

**13.4.** If the council believes a tenant is keeping a dog of an illegal type in their property, unless the dog is exempted (and evidence of this has been seen), this is a criminal offence and the police should be contacted. Action can also be taken for breach of the Tenancy Agreement.

**13.5** If a tenant is keeping a pet without permission, they should apply for retrospective permission as in point 11.1.

## **14. Abandoned pets**

**14.1** It is the tenant's responsibility to rehome their pet responsibly if they are no longer able to care for it.

**14.2** If a tenant moves out of a 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. If the whereabouts of the former tenant is known, then contact should be made with them to establish if they have made arrangements to have the animal rehomed. If they haven't and no longer wish to have the pet, then every effort should be made to enable them to sign a disclaimer form or send an email/text advising that they no longer wish to keep the pet.

**14.3** The Housing officer should contact the RSPCA and take appropriate measures to look after the animal/s and ensure that the animal/s have access to food and water until alternative arrangements can be made for the animal/s to be rehomed. Any costs incurred by the Council in dealing with the animals left behind will be recharged to the tenant.

## **15. Supporting legislation and guidance**

**15.1** A number of pieces of legislation and guidance have informed this procedure including:

- Dover District Council Tenancy Agreement
- Animal Welfare Act 2006
- Control of Dogs Order 1992
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Equality Act 2010
- Housing Act 1988 (as amended 1996)
- The Microchipping of Dogs (Wales) Regulations 2015

## **16. Privacy Statement**

**16.1** DDC as a Data Controller, collects information (personal data) in order to manage and support our relationship with our Customers, comply with legal obligations, improve our services and achieve our legitimate business aims. We are committed to complying with data protection legislation when handling customers' data. Customers have rights around their data, including the right to access their data, and to object to the way it is processed. For more information on how and why we process customer's data, and how Customers can exercise their rights, please refer to our Data Protection Policy here <https://www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf>. Our privacy notice also provides information on how and why we process personal data, this is on our website at [www.dover.gov.uk/privacy](http://www.dover.gov.uk/privacy) where you can find our corporate and housing service privacy notice.

## **17. Review of procedure**

**17.1** This procedure will be reviewed every three years, or sooner if there are any significant changes to legislation.