

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 17TH JUNE 2014**

REPORT BY: **CHIEF OFFICER, COMMUNITY & ENTERPRISE**

SUBJECT: **RESPONSIBLE PET OWNERSHIP POLICY**

1.00 **PURPOSE OF REPORT**

1.01 This purpose of this report is to introduce the Housing Service's proposed Responsible Pet Ownership Policy which is annexed to this report for ease of reference.

1.02 Cabinet are requested to consider and support the content of the policy.

2.00 **BACKGROUND**

2.01 The development of a policy relating to pets or animals in council housing needs to find the right balance between recognising the value that pets and animals bring to people's lives, the welfare of the animal, and the impact on other residents when things go wrong. As a landlord, the council is committed to getting this balance right and it is envisaged that the development of this policy will be an important step in achieving this.

2.02 The need to develop such has emerged for a wide variety of reasons. The Neighbourhood Housing Team receives calls for service for a broad range of animal and pet-related issues. These range from complaints about animal related nuisance, such as noise, fouling and escaping animals, to more serious issues of aggressive animals and attacks or concern for the welfare of animals kept in council property.

2.03 It was also identified from the Survey of Tenants and Residents (STAR) carried out in 2013 that dog fouling was a key concern raised by customers.

2.04 Additional problems have arisen when animals have been found abandoned in empty properties, or when pet owners are unexpectedly unable to take care of their animals, for example, when they have been taken into hospital in an emergency.

2.05 The service is also faced with challenges on occasion when properties require extra expenditure due to issues such as fleas, or when pets have caused damage to the interior or exterior of a Flintshire County Council property.

- 2.06 It is a requirement of both the current tenancy agreement, and the proposed one (currently out to consultation with customers) that written permission must be obtained from Flintshire County Council to keep a pet or animal. Some customers have complained however, that there is a lack of consistency in the decision making process, with consent being granted by some Neighbourhood Housing Officers, and consent being declined by others, when the applicants circumstances are materially the same.
- 2.07 It is therefore intended that the Responsible Pet Ownership Policy will provide the Neighbourhood Housing Teams with a clear framework for decision making so that there is a more consistent approach across the whole county.
- 2.08 The focus of the policy is to prevent problems from arising both in respect of animal related nuisance which affects neighbours and local residents, but also by promoting the welfare of all animals which live in Flintshire County Council's housing stock.
- 2.09 The policy has been developed through feedback from residents who have reported animal related problems, through a member workshop held in March 2014 and in consultation with the Tenants Federation.
- 2.10 Specialist legal advice in relation to the policy has been provided free of charge by The Dogs Trust.

3.00 CONSIDERATIONS

3.01 Implementation issues:

- 3.01.1 Whilst it has historically always been a requirement that tenants of the council request permission for pets and animals, many tenants have not done so.
- 3.01.2 This means that consideration needs to be given as to how this policy may be implemented if approved.
- 3.01.3 It is proposed that prior to implementation of the policy, tenants of the Council are informed of the date of implementation, and requested to provide details of any animals that they have for which they do not currently have permission. These animals will then be exempted from the new rules providing permission would likely have been granted prior to the new policy.
- 3.01.4 The policy will then apply to any new requests from that date forward.
- 3.01.5 It is recognised that the issue of pets can be very emotive, and the Council is not seeking to cause any distress to tenants by asking them to re-home pets obtained prior to the implementation of this policy.

3.01.6 The only exceptions to this being circumstances where the pet or animal would not have been permitted in any event, such as a banned breed of dog, a wild animal etc.

3.02 **Legal Framework:**

3.02.1 The policy sets out the legal framework relevant to both housing management, and also to animal welfare.

3.02.2 The basis of the contractual relationship between the council and its tenants is the tenancy agreement. The two agreements used by the council are Secure Tenancies (covered by the Housing Act 1985) and Introductory Tenancies (covered by the Housing Act 1996).

3.02.3 This legislation also sets the legal enforcement powers of the Council as a social landlord for enforcing tenancy conditions, and taking legal action to prevent the recurrence of nuisance and anti-social behaviour.

3.02.4 The Animal Welfare Act 2006 sets out the responsibilities and obligations of people who keep animals and can be summarised as needing to provide or ensure:

- for a suitable environment (place to live)
- for a suitable diet
- to exhibit normal behaviour patterns
- to be housed with or apart from other animals (if applicable)
- to be protected from pain, suffering, injury and disease

3.02.5 It is also necessary for the Council to have regard to other relevant legislation such as the Dangerous Dogs Act 1991, The Dangerous Wild Animals Act 1976 and the Wildlife and Countryside Act 1981.

3.03 **Application Process:**

3.03.1 The policy proposes a new application procedure, where applicants to keep a pet/animal would be required to read the Council's leaflet "Responsible Pet Ownership: A Guide for Flintshire County Council Tenants" [copies of which will be available in other formats].

3.03.2 Tenants will be required to complete a formal application [a copy of which is annexed to this report] which will prompt them to give thought to a whole range of considerations with the aim of promoting the well-being of animals and reduce the likelihood of nuisance issues occurring.

3.03.3 Decisions will continue to be made by the Neighbourhood Housing Officers, with a right for tenants to request a review of any decision made.

3.04 **Decision Making:**

- 3.04.1 In order to improve the consistency of decision making across the Neighbourhood Housing Teams, the policy sets out both factors to be considered and circumstances where permission is very unlikely to be granted. All requests will be considered on their own merits, with few 'blanket' exclusions but it is envisaged that the principles underpinning the decision making process will result in a fairer and more consistent process.
- 3.04.2 The types of factors that will be taken into consideration are as follows:
- The type and breed of the animal
 - The type of property that the prospective pet owner lives in
 - The requirements of the animal – such as space, shelter and equipment
 - The needs of the individual – for example Assistance Dogs
 - The risk posed to others and
 - The relevant legislation
- 3.04.3 Where consent is granted, this will always be subject to terms and conditions aim at preventing nuisance arising, and promoting the welfare of animals.
- 3.03.4 Permission will be given in writing with advice on animal care provided by a reputable animal organisation / charity.
- 3.04.5 Details of free or subsidised schemes for micro-chipping and neutering will also be provided.

3.05 **Enforcement:**

- 3.05.1 The policy further sets out the Council's approach to dealing with animal related problems as and when they arise, and is as such linked to the Council's Antisocial Behaviour Policy.
- 3.05.2 It is envisaged that in the majority of cases, the Neighbourhood Housing Team will intervene quickly and informally giving advice, guidance and support to pet owners.
- 3.05.3 In more serious or prolonged cases or in instances where the keeper of the animal refuses to co-operate with the council then further legal and non-legal remedies may be employed.
- 3.05.4 Currently the legal remedies available to providers of social housing predominantly include:
- Antisocial Behaviour Injunctions
 - Antisocial Behaviour Orders

- Demotion Orders
- Possession Orders

3.05.5 Dependent upon the nature of the problem, the Neighbourhood Housing Team may be required to take a multi-agency approach so that enforcement powers available to other agencies, but not to Housing may be used.

3.05.6 Examples of this may be, for example, working with colleagues in Environment who have powers to abate nuisance such as noise, or when premises are in an unsanitary condition such to make them prejudicial to health.

3.05.7 In respect of dangerous or aggressive dogs, the police have powers available to them under the criminal system.

3.05.8 Where the Council believes that an animal's welfare is in jeopardy, then it will work with the RSPCA.

3.06 **Community Animal Welfare Footprints Scheme:**

3.06.1 The RSPCA give awards to social housing providers who can reach specified standards in relation to their approach to pet ownership.

3.06.2 A copy of the leaflet pertaining to this is attached. It is hoped that by developing a policy based on these good practice principles, the council can enter the work it has undertaken to be considered for one of these awards.

4.00 **RECOMMENDATIONS**

4.01 Cabinet are asked to consider the content of this report and approve the proposed policy.

4.02 Cabinet are asked to approve the recommendation that this policy only be applied going forward, and not retrospectively.

5.00 **FINANCIAL IMPLICATIONS**

5.01 Printing costs for leaflets and application forms.

6.00 **ANTI POVERTY IMPACT**

6.01 No impact.

7.00 **ENVIRONMENTAL IMPACT**

7.01 The policy will positively impact on environmental issues such as dog fouling and noise nuisance by promoting responsible pet ownership, and providing guidance to officers on tackling problems.

8.00 EQUALITIES IMPACT

8.01 Consideration has been given to assistance dogs. The guidance is such that these would always be permitted or where the accommodation is unsuitable, help for re-housing would be provided.

9.00 PERSONNEL IMPLICATIONS

9.01 To be managed within existing staffing resources.

10.00 CONSULTATION REQUIRED

10.01 Issues being consulted currently with the Federation of Tenants and Residents.

11.00 CONSULTATION UNDERTAKEN

11.01 A member workshop has been held in April 2014 and one to one interviews have taken place with a sample of customers who have previously reported issues relating to pet ownership. Neighbourhood Housing Officers have also been consulted.

11.02 A report was taken to Housing Scrutiny on 21th May 2014 where the Responsible Pet Ownership Policy was supported and proposed that it be applied going forward and not retrospectively.

12.00 APPENDICES

12.01 Appendix 1 - Responsible Pet Ownership Policy

12.02 Appendix 2 - Draft Application Form

12.03 Appendix 3 - CAWF Leaflet

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

None.

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