



Housing Management

Pets and Animals

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| Scope: | This policy applies to Circle 33 Housing Trust, Commercial and Leasehold, EPIC Trust, Merton Priory Homes, Mercian Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association |
| Effective Date: | March 2010 |
| Review Date: | March 2011 |
| Signed Off : | Group Policy Forum, 25 th February 2010 |
| Author: | Amy Carter, Group Policy |
| Policy Owned by: | Group Policy |
| National Standards/ Regulation: | Neighbourhood and Community |
| Legislation: | <ul style="list-style-type: none"> Protection of Animals Act 1911 Abandonment of Animals Act 1960 Animals Act 1971 The Road Traffic Act 1988 Dogs Act 1871 The Dangerous Dogs Act 1991 (amended 1997) Control of Dogs Order 1992 Environmental Protection Act 1990 Crime and Disorder Act 1998 (updated by the Police Reform Act 2002) Dog (Fouling of Land) Act 1996 (DFOLA) Housing Act 1996 (as amended by part 2 of the Anti-Social Behaviour Act 2003) Clean Neighbourhoods and Environment Act 2005 |

Pets and Animals

1 Policy Statement

- 1.1 Circle Anglia works to enhance the Life Chances of customers by providing safe, secure and affordable places to live, developing quality services that meet customers' needs and engaging with customers to build inclusive and sustainable communities.

2 Policy

- 2.1 Circle Anglia acknowledges that pet ownership can bring a great deal of pleasure and enjoyment to residents. We recognise that, especially in the case of vulnerable residents, owning a pet can enhance well-being and improve a resident's quality of life.
- 2.2 Circle Anglia supports the view that, there should be no unreasonable restrictions on residents keeping animals at their property.
- 2.3 However, we also recognise that if animals are not accommodated, cared for and controlled in a responsible manner, they may cause nuisance and disturbance, and potentially pose a risk to people and other animals.
- 2.4 We recognise the rights of all residents living in accommodation with shared facilities, such as sheltered housing and shared supported housing, to be involved in decisions about the suitability of pets being kept there.
- 2.5 We are committed to maintaining a quality environment for all residents. Circle Anglia takes all complaints of pet or animal nuisance seriously and we aim to achieve a quick resolution to any nuisance by using relevant laws and/or by taking action through the tenancy agreement.
- 2.6 Circle Anglia is sensitive to the requirements of some residents who are registered blind, registered deaf, or have other disabilities, who may need to house a trained assistance animal at their property. This may include 'seeing eye' dogs, hearing ear dogs, seizure alert dogs and mobility assistance dogs.
- 2.7 All residents must adhere to the terms of their tenancy or occupancy agreement, and the terms of this policy, in relation to the keeping of pets or animals at their property.
- 2.8 In exceptional circumstances, exceptions to these policy guidelines may be allowed by a senior manager, such as a Head of Neighbourhoods or Head of Housing. Where exceptions are allowed, the full reasons for the decision must be recorded on the housing management system.

Permission

- 2.9 Applicants for housing are asked to indicate on their application form if they intend to keep a pet. This will not prejudice their application unless they plan to keep a pet for which permission cannot be granted. If this is the case then this

matter must be resolved before an offer of accommodation is made. We will offer pet-friendly accommodation to the resident wherever possible.

- 2.10 Residents should seek permission before getting a pet, to allow us to keep a record of animals which are being kept at the property. Permission will not be unreasonably refused.
- 2.11 In shared accommodation, including supported or sheltered accommodation, if a current resident or an applicant for housing requests permission to keep a pet, supported housing management staff will consult with other residents at the property to seek their views. The views of all residents who have the use of communal facilities will be taken into account in deciding whether to grant permission for a pet to be kept.

3 Key conditions for keeping a pet or animal

- 3.1 The following conditions for keeping animals are often set out in occupancy agreements. Where the occupancy agreement does not include information about pets and animals, these policy conditions should be made clear to the resident:
 - Residents must not keep a pet without prior consent from the landlord or where appropriate, the service provider.
 - Pets must be kept under control at all times.
 - If an animal fouls any area it should be cleared up immediately by the owner.
 - Pets must not cause nuisance or danger to persons or other animals. Please see Section 7 for more information about what constitutes nuisance caused by animals.
 - Running a business such as breeding animals, or operating a boarding kennels from one of our properties is not permitted.

Pet Identification

- 3.2 To comply with current legislation, dogs must wear a collar and tag.
- 3.3 In some local areas it may be a requirement that all cats and dogs are permanently identified by microchip, named collar or tattoo and that all identification details are registered with the local authority or landlord.

4 Assistance Animals

- 4.1 We will support and assist residents who require guide dogs and other assistance animals. We will comply with Disability Discrimination Act 1995 and the Disability Act 2005 and work with appropriate organisations to ensure proper arrangements are made.
- 4.2 Residents who are registered blind and make use of trained assistance dogs are exempt by legislation from the obligation to remove their dog's faeces from communal areas and gardens. This also applies to residents whose disability

prevents them from being aware of, or removing their animal's faeces. Residents who are registered deaf remain responsible for removing dog faeces from communal areas or gardens. In practice, however, the situation will rarely occur, as assistance dogs are trained to an extremely high standard of behaviour and assistance dog handlers tend to make responsible dog owners.

- 4.3 Registered blind, deaf and disabled residents who make use of trained assistance dogs are not subject to estate regulations or dog control orders excluding dogs from specific land on the estate.
- 4.4 All animal owners are required to keep their dogs on a lead in communal areas; this includes registered blind, deaf and disabled residents who use assistance dogs.
- 4.5 As an organisation, we are committed to providing a welcoming environment at all Group premises and offices for assistance dogs accompanying their handlers. Any particular requirements that customers with disabilities may have will be met in accordance with Circle Anglia's Equality and Diversity policy and our responsibilities under the Disability Discrimination Act 2005.

5 Types of Animal

- 5.1 We will not unreasonably refuse permission for small domestic animals to be kept at a resident's home, where the property is suitable to accommodate them.
- 5.2 Officers may wish to refer to the RSPCA website www.rspca.org.uk for more information about suitable living conditions for different species of animal.
- 5.3 The following is a list of pets and animals which will not be granted permission to be kept in a Circle Anglia property:
 - Weapon dogs and dogs specified in the Dangerous Dogs Act 1991. In 2006 the following types of dog were added: Pit Bull Terrier, Dogo Argentino, Fila Brasileiro and Japanese Tosa. Any cross breeds of these four breeds are also not permitted. Up to date information on banned breeds can be obtained from the DEFRA website at www.defra.gov.uk.
 - Animals which should be licensed under the Dangerous Wild Animals Act 1976. Examples of animals registered under the Act are certain types of venomous snake, certain types of spider and various breeds of monkey. A full list of animals requiring a license under the Act can be obtained from the website of the Department for Environment, Food and Rural Affairs (DEFRA) at www.defra.gov.uk.
 - Pigeons - without consulting with neighbours and without membership of the Racing Pigeon Association. Consent can be withdrawn at anytime.
- 5.4 Local decisions will be made by partner landlords whether permission can be granted for the following:

- Farm animals – for example, sheep, goats, pigs, cattle, horses, donkeys, chickens, ducks or similar types of animals.
 - Another dog or cat where the household already has 2 dogs or 2 cats or a dog and a cat.
- 5.5 Where there is an ongoing problem with pet ownership in the household or there has been a significant, unresolved problem in the past, permission to keep an animal will be refused.

6 Types of property

- 6.1 In most cases, domestic pets may be kept if the accommodation is a house, maisonette or a flat with its own entrance and access to an outside area.
- 6.2 Where a flat has a communal entrance, housing management staff will decide on a case-by-case basis whether animals may be kept in the property.
- 6.3 Local decisions may be made to only allow larger animals, such as dogs and cats, in properties with their own access to outside areas, such as houses or ground floor flats with a garden. Where a property only has access to a balcony, larger pets may not be allowed.

Local agreements

- 6.4 Some landlords have an agreement in place that on certain estates, in blocks of flats or specific types of accommodation, no pets are allowed.
- 6.5 Group partners must make this information clear and available to residents, particularly during the viewing and sign-up process for a new resident.
- 6.6 Where there is no such agreement in place, the landlord must consult fully with all residents before bringing any new arrangements into force.

Shared accommodation

- 6.7 Shared accommodation includes supported and sheltered accommodation, as well as properties which have key communal areas such as kitchen and living space.
- 6.8 General needs flats would not usually be considered shared accommodation.
- 6.9 In shared accommodation, the landlord must consult with all residents and service users before granting permission for any one person to get a pet or animal.
- 6.10 The views of all residents who have use of communal facilities, including shared entrances, hallways, lifts, lounges, kitchens, bathrooms, and gardens will be taken into account in deciding whether to grant permission for a pet to be kept.

7 Nuisance and anti-social behaviour

- 7.1 Circle Anglia will take appropriate action whenever complaints are received that a pet or animal is causing nuisance and disturbance. Anti-social behaviour procedures will be activated and legal action may be taken. The case may also be referred to the local authority, the police or the Royal Society for the Prevention of Cruelty to Animals (RSPCA).
- 7.2 Circle Anglia staff should not enter a property where they feel they may be at risk of intimidation or injury by an animal.
- 7.3 Circle Anglia takes the view that all and any of the following may constitute pet or animal nuisance, this list is not exhaustive:
- Fouling of gardens, internal and external communal areas, where animal faeces or urine are not cleaned up immediately.
 - Loud or persistent noise or barking that disturbs other residents
 - Dogs not being kept under proper control, including dogs not being on a lead in communal areas
 - Animals that roam or escape from their owners
 - Animals being kept in unhygienic conditions, where this may pose a health risk to themselves and other residents
 - Over-population of animals within a household
 - Unpleasant odours caused by animals, or by owners not caring for or cleaning up after their animals
 - Residents keeping windows or communal entrance doors open so that an animal may be allowed in and out
 - People who use animals to menace, intimidate or attack people or other animals, particularly those who use weapon dogs, are undertaking severe anti-social behaviour and in many cases, criminal activity, and will be dealt with in accordance with procedures in the Anti-social Behaviour policy and in partnership with other agencies such as the police.
- 7.4 The majority of occupancy agreements state that the resident must repair any damage caused to the landlord's property, fixtures and fittings. This includes any damage that is caused by pets or animals.

8 Potential Action

- 8.1 In animal nuisance cases, we aim to resolve the situation informally and by agreement with the people involved. Where an agreement cannot be reached, the following options may be considered:
- Arranging for a mediator to become involved
 - Making responsible pet ownership part of a Good Neighbour Agreement

- Withdrawing permission to keep an animal
- Restricting the number of animals
- Making responsible pet ownership part of an Acceptable Behaviour Contract (ABC)
- Involving statutory organisations such as the Police or the Local Authority
- Involving voluntary organisations such as the RSPCA
- Obtaining an Injunction to oblige a pet owner to do something or to refrain from doing something. The landlord may ask the Court to make an Order requiring the owner to remove the animal.
- Terminating the tenancy and taking possession proceedings where tenancy conditions are breached.

Animal cruelty or neglect

- 8.2 Residents are responsible for the health and welfare of their pets. Under the Animal Welfare Act 2006, this is called a “Duty of Care”. If residents have any questions about the care of their pet, they should contact their vet or another organisation such as the RSPCA.
- 8.3 Where a member of staff witnesses cruelty or neglect they will report this to the RSPCA and their line manager. Where cruelty or neglect is reported to us by a third party, we will also report this to the RSPCA, making it clear that we have not directly witnessed the cruelty or neglect, but that it has been reported to us. The person reporting the abuse to us will also be encouraged to contact the RSPCA.

9 Equality and Diversity

- 9.1 Circle Anglia will treat all customers with fairness and respect. We recognise that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.
- 9.2 All customers will have access to this document either through the customer website www.circleanglia.org/customers or on request to their local Provider.
- 9.3 This document and any related leaflet may be translated or interpreted, or provided in accessible formats such as large print or Braille according to customers’ needs. Further information can be found in our Translations, Transcriptions and Interpreting policy, which is available on www.circleanglia.org/customers or on request to their local Provider
- 9.4 All staff receive Equality and Diversity training on joining Circle Anglia and are responsible for ensuring that the Equality and Diversity policy is incorporated into all work activities and all dealings with customers and colleagues. The

Equality and Diversity policy is available on www.circleanglia.org/customers or on request.

Appendix 1 – Pets and Animals and the Law

There are many laws concerning animals, the following are some of the most relevant laws:

Protection of Animals Act 1911

Persons found guilty of cruelty or neglect may be imprisoned and/or fined. They may also be banned from keeping an animal for life.

Abandonment of Animals Act 1960

Abandoning an animal is an offence.

Animals Act 1971

If a dog worries livestock, it may be shot and the owner faces criminal prosecution. It is the duty of owners to ensure that animals do not stray onto the road and cause injury or damage.

The Road Traffic Act 1988

It is an offence to have a dog without a lead on certain designated roads.

Dogs Act 1871

Courts can order a dangerous dog to be destroyed or order the owner to keep it under proper control.

The Dangerous Dogs Act 1991 (amended 1997)

Any residents who own a Japanese Tosa, Fila Brasileiro, Argentine Dogo, Pit Bull terrier or a Pit Bull terrier type dogs must ensure that the dog is formally registered at a local police station.

It is a statutory requirement that the dog remain muzzled and kept on a lead in public places.

The Act also states that any dog dangerously out of control in a public place may be destroyed; owners face the possibility of a 6 month prison sentence or a maximum £5000 fine.

Control of Dogs Order 1992

Every dog, while in a public place, must wear a collar displaying the owners name and address.

Environmental Protection Act 1990

This act gives the relevant local authority the power to seize a stray dog and to hold it for 7 days. After 7 days, the dog can be found another home, sold or destroyed. The local authority can also serve a Noise Abatement notice.

Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)

A landlord can apply to Court for an Anti Social Behaviour Order where harassment, alarm or distress is being caused which includes the actions of a pet under the control of a resident.

Dog (Fouling of Land) Act 1996 (DFOLA)

Allows local authorities to apply a bylaw to make owners clean up after their pets.

Housing Act 1996 (amends part 2 of the Anti-Social Behaviour Act 2003)

Gives social landlords the power to apply to Court for an injunction or demotion of a tenancy when nuisance and annoyance has been caused.

Clean Neighbourhoods and Environment Act 2005

This Act allows the local authority to designate public areas where dogs must be kept on leads or where they are excluded. It also gives the local authority powers to enforce dog fouling bye laws on public land. It is no defence for the owner to say they were unaware of the dogs' actions and the owner may be prosecuted or fined. The Act can also enforce dog control orders.

Glossary

| Term | Definition |
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| GPF | Group Policy Forum |
| RSPCA | Royal Society for the Prevention of Cruelty to Animals |
| SMPRG | Senior Managers Policy Review Group |
| Weapon dogs | Dogs that are used by individuals to menace, threaten or attack other animals or people. |

Version history

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|------------------------------------|---------------------------|------------------------|--------------|
| Version no. | 1 | Date effective: | October 2006 |
| Full / partial review? | n/a | | |
| Brief summary of changes: | n/a | | |
| Staff consultation (teams): | Staff, SMPRG, GPF | | |
| Resident consultation: | OFHA TML, OFHA HS | | |
| Other consultation: | GPF | | |
| Signed off by: | GPF October 2006 | | |
| Author: | Zoe Buick, Policy Officer | | |

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| Version no. | 2 | Date effective: | March 2010 |
| Brief summary of changes: | New Group partners included. Pets and Animals now require permission. More guidance on accommodating animals and granting permission added. | | |
| Colleague consultation: | Housing management teams at all Group partners. Continuous Improvement colleagues. C&L. | | |
| Resident and service user groups consulted: | <u>Residents & Service user Groups:</u> <ul style="list-style-type: none"> • EPIC London Policy Forum – 29th July 2009 • EPIC Eastern Policy Forum – 30th July 2009 • Lincoln House Sheltered Scheme – 10th August 2009 • Wherry Residents – 10th August 2009 • Circle 33 Housing Trust – 5th August 2009 <u>All residents:</u> <ul style="list-style-type: none"> • Survey on the Circle Anglia website from 20th November 2009 – 1st February 2010. • Paper survey sent out to all residents in the Winter Home Matters 2009 | | |
| Results of resident and service user consultation: | <p>Out of all the residents and service users consulted, the majority wanted people to ask for permission from the landlord before getting a pet. Policy stance changed from no permission needed, to the approach that residents must ask permission before getting a pet. 1.9 -1.12</p> <p>Whilst many residents and service users pointed out that responsible pet owners were not a problem, they also felt the landlord should have a record of any animals kept in the property (EPIC Eastern and Wherry) 2.10</p> <p>72% of residents who responded to the online Pet Survey did not think people should be able to get one pet without permission and then have to ask before getting another pet.</p> | | |

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| | <p>Some residents were against pets being allowed in blocks of flats and shared accommodation, in particular, the Lincoln House residents said if you live in a unit with no direct access to outside you should not be allowed to keep a cat or dog.</p> <p>We have taken their concerns into consideration by adding more detail added about types of properties and types of animals that may be suitable - Sections 4 and 5.</p> <p>However, other residents were strongly opposed to a 'blanket ban' or a 'one-size fits all approach' (comments through the online pet survey) because of this, we have not set the policy to ban pets from any particular type of accommodation.</p> <p>EPIC's Policy Forums explained that the current practice in some (enclosed) sheltered schemes is that if an applicant for housing has a pet, all residents will be asked if they are in agreement for the pet to move in – this should apply across all sheltered housing. We have reflected this approach in the Group Policy, 2.4 and 2.11.</p> <p>Wherry residents said dogs should always be kept on leads in communal areas 6.3</p> <p>Wherry residents asked for the policy to include guidance/links to the appropriate space to keep certain animals such as snakes. A link to the RSPCA website has been added at 5.2</p> <p>Many residents and service users expressed significant concerns over pets being allowed in properties and the nuisance they can cause. Circle 33 residents in particular felt that the landlord needed more power to tackle animal nuisance.</p> <p>Information about what would be considered animal nuisance has been expanded (section 6) and more information about the law on pets and animals has been included at Appendix 1, this will help the landlord explain to pet owner's what action will be taken to tackle nuisance caused by pets.</p> |
| Other consultation: | N/A |
| Signed off by SMPRG: | 11 th February 2010 |
| Final Sign-off: | Group Policy Forum, 25 th February 2010 |
| Author: | Amy Carter, Policy Officer |