

**Report for: Cabinet**

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Date of Meeting:	6 February 2024
Subject:	<b>REVIEW OF THE MID DEVON HOUSING PETS AND ANIMALS POLICY</b>
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing
Exempt:	None
Wards Affected:	All wards
Enclosures:	Annex A – Pets and Animals Policy Annex B – Pets and Animals Policy Equality Impact Assessment (EIA)

### **Section 1 – Summary and Recommendation**

This policy outlines the Mid Devon Housing (MDH) approach to keeping pets and animals by its tenants and their households. MDH understands the benefits that responsible pet ownership can bring. Owning a pet or animal can be life enhancing and we recognise that it can have a positive impact on physical health and mental well-being.

Service animals are exempt from this policy (as they are not pets) with the exception of notifying MDH with evidence of need.

It is also recognised that not all properties are suitable for pets and animals and that they can also cause nuisance to others and tenants must be able to manage them.

Consequently, the policy must achieve a fair, transparent and balanced approach and revisions have been made to ensure there is even greater clarity around different circumstances of pet and animal ownership including tenant and landlord responsibilities.

### **Recommendation:**

**That the PDG recommends that Cabinet adopt the updated Pets and Animals Policy and Equality Impact Assessment contained in Annexes A and B respectively.**

## **Section 2 – Report**

### **1 Introduction**

- 1.1 The Social Housing White Paper published in 2020 recognised that domestic pets also bring joy, happiness and comfort to people’s lives, helping their owners through difficult times and improving their mental and physical wellbeing.
- 1.2 The Regulator of Social Housing (RSH) encourages all social landlords to adopt a policy setting out how tenants could seek permission to keep a pet or animal depending on the location, provided they are well looked after and do not adversely affect the lives of neighbours and those living nearby.
- 1.3 The RSH expects registered providers to use a co regulatory approach and they regard councillors as responsible for ensuring that providers’ businesses are managed effectively and comply with all regulatory requirements. Consequently, it is important that councillors approve the relevant policy approaches adopted by MDH.
- 1.4 Social Housing (Regulation) Act 2023 (the ‘Act’) has received Royal Assent, meaning the bill has now been enacted into law. This has impacted the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 1.5 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management.
- 1.6 The TSMs associated with this policy include:
  - TP01 - Overall satisfaction
  - TP08 - Agreement that the landlord treats tenants fairly and with respect
  - TP09 - Satisfaction with the landlord’s approach to handling of complaints
  - TP11 - Satisfaction that the landlord makes a positive contribution to neighbourhoods
- 1.7 The Pets and Animals Policy should be read in conjunction with the following policies where there are parallel, wider tenancy management considerations:
  - Anti-social Behaviour Policy

- Neighbourhood Management Policy
- Improvement to Council Properties Policy
- Recharge Policy
- Tenancy Agreement
- Devon Home Choice Policy

## **2 Review of the Pets and Animals Policy and changes**

- 2.1 Our aim has always been to provide a pet-friendly and common-sense approach to tenant requests to keep a pet or animal which is now reinforced by the Social Housing White Paper and subsequent legal changes. As such, we will review all applications to consider if a tenant is able to responsibly and safely keep a pet or animal without causing nuisance or anti-social behaviour to other residents living in the community.
- 2.2 It is also recognised that some buildings may not be suitable for certain pets and animals such as cats and dogs and in some circumstances may be designated 'pet or animal free'. Tenants will be informed at the application stage if the property has been designated as 'pet or animal free' in order that they can decide if they wish to take on a property with this restriction.
- 2.3 The revised policy explains that service animals (e.g. guide dogs for the blind or hearing dogs) are not classified as pets. Nonetheless, tenants do have to tell us that they have a service animal and provide evidence of the need for one from secondary health services or the charity that provided the animal. Feedback from a GP would generally not be seen as sufficient. Service animals such as guide dogs are given legal leniency in many circumstances, being allowed in places other animals are not. Currently, in the UK, the laws that protect assistance or service animals do not include emotional support animals and the current and updated MDH policy adopt a legally consistent position regards this definition and will therefore treat such animals as pets.
- 2.4 We have introduced an application form for tenants which replaces the need for them to write to us and seek authorisation. This was felt to be a more user friendly approach and would be more inclusive for tenants who may find it difficult to write official correspondence. It will also introduce greater consistency and reduce the need to follow-up information requests.
- 2.5 The revised policy is not prescriptive about the number of pets or animals that a tenant has but explains that consideration will be given based on the size of the property to allow adequate space for the pets or animals. Every application to keep pets or animals will be reviewed in line with what can sensibly be managed and will work considering the specific circumstances of the other residents and/or community.
- 2.6 The policy allows for a retrospective application for situations when a tenant obtains a pet or animal but is yet to inform us.
- 2.7 The revised policy informs tenants with pets or animals who wish to undertake a mutual exchange will need to establish from us if pets or animals are permitted

in the new property. Tenants will need to reapply for permission for keeping a pet or animal in the new home.

- 2.8 The revision of the existing policy also includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 2.9 There are no other materially relevant changes to the policy beyond clarification around dangerous animals including recent legal changes regarding XL Bully dogs as summarised in Section 3.6 and 3.7 below.

### **3 Responsible pet/animal ownership**

- 3.1 A vast majority of our tenants are responsible owners and their pets and animals bring a sense of wellbeing to them and their households.
- 3.2 Tenants who do not look after their pets and animals and allow them to cause a nuisance to their neighbours or community create a situation in which Neighbourhood Officers have to deal with increased instances of anti-social behaviour.
- 3.3 The revised policy explains that irresponsible pet or animal ownership will be dealt with robustly and may result in the tenant being asked to remove the pet or animal from the home. In the very rare event that a tenant is advised that they cannot keep an existing pet or animal, MDH will work with them to identify any animal welfare agencies who can assist in placing the pet or animal in a new home.
- 3.4 During the pandemic the way that people purchased a pet changed and many were bought on line from unlicensed breeders or home breeders. MDH wants to discourage tenants from actively breeding unlicensed pets and animals for profit in our properties. We will also liaise with Licensing Team colleagues as appropriate.
- 3.5 Pets or animals must not damage any MDH property, including communal parts of the building and neighbouring properties. Owners may be recharged for any repairs which are needed as a result of such damage.
- 3.6 The Government has responded to recent attacks by XL bully breed dogs have introduced new legislation which adds the breed to the Dangerous Dogs Act 1991. The policy is clear that MDH tenants are not allowed to keep or allow any dangerous pet(s)/animal(s) into their home. This includes those covered by The Dangerous Dogs Act 1991, The Dangerous Wild Animals Act 1976 or any other relevant legislation.
- 3.7 Tenants who currently own an XL bully dog will be allowed to keep them as long as they comply with the law which came into force on 31<sup>st</sup> December 2023. From that date it became illegal to breed, sell, advertise, exchange, gift, rehome, abandon or allow XL Bully dogs to stray in England and Wales. In addition, these dogs must now be kept on a lead and muzzled in public. From 1st February 2024, it will then become illegal to own an XL Bully dog if it is not registered on the Index of Exempted Dogs.

## **4 Consultation**

- 4.1 Tenants and members of the Homes PDG were invited to comment on the draft policy between 17<sup>th</sup> November and 17<sup>th</sup> December 2023.
- 4.2 Members raised queries with regard to Service Animals, burying pets in gardens and the keeping of female chickens (hens). All queries raised were answered and are covered by the draft, updated policy.
- 4.3 A query was received from a tenant with regard to XL Bully dogs and it was confirmed that policy is clear that MDH tenants are not allowed to keep or allow any dangerous pet(s)/animal(s) into their home. This includes those covered by The Dangerous Dogs Act 1991, The Dangerous Wild Animals Act 1976 or any other relevant legislation.
- 4.4 Despite a limited response to consultation from tenants, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are also aware of the updated policy as required.

## **5 Performance**

- 5.1 The results from the tenant satisfaction survey conducted in December 2023 were not available in time to be able to add to this report but the full results of the survey will be made available to Homes PDG in March 2024.
- 5.2 A total of 31 applications were made to keep a pet during 2022-2023 and 7 applications have been received this year to date.
- 5.3 Of these, 5 applications were refused, 1 was because the garden was too small to promote decent welfare for poultry, 2 were flats with no garden for a dog and 2 were because the tenant already had a maximum amount of pets (under the old policy) and there were concerns around overcrowding.
- 5.4 There have been no formal or informal complaints received about the pet application process for the past 2-years which includes any refusal to keep a pet.

## **6 Safeguarding and vulnerable tenants**

- 6.1 MDH do not class service animals as pets and as such tenants who require the assistance of a service animal will not be required to seek permission. Nonetheless, tenants will be asked to provide evidence of the need for a service animal from secondary health services or the charity that provided the animal. Feedback from a GP would generally not be seen as sufficient. This information will also help us tailor our services for specific tenant needs.
- 6.2 Neighbourhood officers will support tenants who become overwhelmed with pet ownership and provide or signpost practical solutions to resolve the situation so that the tenant can sustain their tenancy.

## **7 Recommendation**

7.1 In accordance with the above, the following recommendation is made:

1. That the PDG recommends that Cabinet adopt the updated Pets and Animals Policy and Equality Impact Assessment contained in Annexes A and B respectively

### **Financial Implications**

This report on its own does not give rise to any direct financial implication, however the implementation of the activities set out in the policy and the overall tenancy management functions of MDH must be budgeted for.

The Council's HRA revenue and capital budget/MTFP 2023-28 currently supports these activities and including those actions set out by the updated policy required to ensure the policy is implemented. Should this position change then it will be considered as part of the routine HRA budget management and update process where a separate business case for change may be required.

Housing management staff have to manage nuisance cases involving animals and this can include cases where pets have caused damage to property. Void and rechargeable repairs costs can be inflated if there is such damage or where tenants have made alterations to their property for the benefit of their pet or animal, for example inserted cat flaps or similar into a security door.

### **Legal Implications**

The Council's tenancy agreement contains clauses relating to animals and pets which state that tenants should seek permission for most pets or animals and should ensure that they do not cause nuisance or annoyance to neighbours, or cause any damage to the property.

### **Risk Assessment**

Failure to provide housing management staff with the appropriate policies and resources for implementation could result in a less consistent and effective service. Ultimately, this may result in non-compliance with the relevant social housing legislation as set out above and/or an increased incidence of upheld Housing Ombudsman complaints which will impact on MDH legally, financially and from a reputational perspective.

A poor policy and/or service provision to tenants with regard to pets and animals is also likely to impact negatively on the TSM outcomes set out above. In turn this may be a factor in an accelerated inspection and/or intervention by the RSH.

### **Impact on Climate Change**

This policy will have no direct or obvious indirect impact on climate change.

### **Equalities Impact Assessment**

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards.

Furthermore, there is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants and to enable compliance to be monitored.

MDH have specifically considered the needs of people who require the assistance of a service animal and have also recognised that pet or animal ownership can have a positive impact on all of our tenants regardless of their situation.

Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

The Housing Ombudsman Service Complaints Handling Code which MDH adhere to also requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

The Equalities Impact Assessment for this policy attached to this report in Annex B.

### **Relationship to Corporate Plan**

A stated aim of the Council is to deliver sustainable communities and support and grow active tenancy engagement.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

#### **Statutory Officer: Andrew Jarrett**

Agreed by or on behalf of the Section 151

**Date:** 05 January 2024

#### **Statutory Officer: Maria de Leburne**

Agreed on behalf of the Monitoring Officer

**Date:** 03 January 2024

#### **Chief Officer: Simon Newcombe**

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 14 December 2023

#### **Performance and risk: Steve Carr**

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 02 January 2024

**Cabinet member notified:** Yes

### **Section 4 - Contact Details and Background Papers**

**Contact:** Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing or Claire Fry, Operations Manager for Tenancy Management Services.

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**Background papers:**

Current Pets & Animals Policy 2019

<https://www.middevon.gov.uk/media/348649/pets-and-animals-policy.pdf>

Social Housing (Regulation) Act 2023

<https://www.legislation.gov.uk/ukpga/2023/36/contents>