

1. Introduction

Once a tenant has moved into a property they may wish to care for an animal. The government has strict guidelines which the Council must make sure that it complies with.

The conditions of tenancy states that a dog cannot be kept in a house, flat or a maisonette without the Council's written consent. The terms of the Right to Buy Lease only allows the keeping of a cat, budgerigar, other small caged bird, fish or other similar caged animal.

2. Policy

There are several key Acts of Government that we need to know about.

- Dangerous Wild Animals Act 1976 – a tenant is not allowed to keep any animal that is classed as dangerous under this Act. ([Dangerous Wild Animals List](#))
- Dangerous Dogs Act 1991 – a tenant is not allowed to keep any dog which is classed as a dangerous dog under this Act. ([Dangerous Dog Information sheet](#))
- Animal Welfare Act 2007 – This Act refers to the legal responsibility of the tenant for the basic welfare of an animal. ([Description of 5 basic needs of a pet](#))

In the conditions of tenancy it states that:-

- If council believes that an animal is unsuitable or the tenant does not request permission for the animal we can ask the tenant to remove the animal.
- A tenant cannot keep any dog if they live in a flat or in a maisonette that does not have private and direct access to a garden area that is for their own use only. For example, if the tenant lives in a house, a ground floor flat with its own attached garden, they may keep a dog. If the tenant lives in other type of property we will not give permission. The only exceptions are if the tenant has a guide dog, hearing dog or a dog for the disabled.
- If the animal causes a nuisance for example fouling in shared areas, making a lot of noise or roaming the estate or shared areas we can ask the animal to be removed.

- If the tenant keeps more than a reasonable number of pets we can ask for some to be removed. If the animals are causing a nuisance or if the tenant is unable to meet the five basic welfare needs of the pets (see Animal Welfare Act 2007) we can ask the tenant to remove the animals and or we may refer them to Environmental Health and RSPCA.
- The tenant cannot keep any livestock in the property such as cows, sheep, chickens, pigs, goats, horses or any other animal that could be classed as livestock.

Flat

The guidelines for a flat are different than a house because of access to a garden and the close proximity to other properties. The following points must be taken into account,

- A tenant can keep one small domesticated animal such as a cat or an animal that requires a small cage or glass tank such as budgie, hamster, mouse, gerbil, rat, small non- poisonous snake, small lizard and spider (unless it is an animal where it would be normal to keep more than one e.g. stick insects, fish). If a tenant would like to keep any more than one animal the tenant should ask for permission. Before permission can be granted for more than one animal the estate officer must make sure that the tenant can care for the animal as stated under the Animal Welfare Act 2007.
- A tenant can keep fish in a tank up to the size of 3ft long and 1ft wide and 1ft high. If the tenant wishes to keep a tank bigger than this they should request permission and possibly pay for a structural report to make sure that the floor can support the weight.
- If the tenant has direct access to a garden than the same conditions apply as if the tenant lived in a house except for the keeping of birds in an aviary which is not permitted.
- In certain circumstances the food for the animal may cause a nuisance. The tenant or lessee is responsible for everything associated with the animal. For example a tenant may have a lizard that requires live food the tenant is responsible for keeping the food in a safe and secure environment and ensure that it cannot escape. If the food does escape and causes a nuisance such as an infestation the tenant will be responsible for the costs to remedy the nuisance.

House

The tenant can keep a wider range of animals as they have direct access to a garden. The following points must be taken into account:-

- A tenant can keep one small domesticated animal such as a cat or an animal that requires a small cage or glass tank such as budgie, hamster, mouse, rat, rabbit, guinea pig, small non-poisonous snake, small lizard, spider and gerbil (unless it is an animal where it would be normal to keep more than one e.g. stick insects). If a tenant would like to keep any more than one animal the tenant should ask for permission. Before permission can be granted for more than one animal the estate officer must make sure that the tenant can care for the animal as stated under the Animal Welfare Act 2007.
- A tenant can keep fish in a tank up to the size of 3ft long and 1ft wide and 1ft high. If the tenant wishes to keep a tank bigger than this they should request permission and possibly pay for a structural report to make sure that the floor can support the weight.
- A tenant can keep pigeons and birds in a pigeon loft or an aviary. If however the birds cause a nuisance then we can withdraw permission and make the tenant remove the pigeons or birds. Please see permit for information about size of aviary that is allowed ([Aviary Permit](#))
- In certain circumstances the food for the animal may cause a nuisance. The tenant or lessee is responsible for everything associated with the animal. For example a tenant may have a lizard that requires live food the tenant is responsible for keeping the food in a safe and secure environment and ensure that it cannot escape. If the food does escape and causes a nuisance such as an infestation the tenant will be responsible for the costs to remedy the nuisance.

Dogs

Permission will only be granted for a dog if the tenant lives in a house.

In order for permission to be granted the following criteria must be met:

- The entrance to the property if it is a flat or a maisonette must not be shared by more than six properties.
- The property must have its own individual private garden and access to the garden should not be shared by more than six properties.

- The individual garden should be enclosed to prevent the dog from escaping.
- The garden should be a minimum of 300 square feet.
- The dog has not been known to cause a nuisance or annoyance.

Permission will only be granted to a tenant or leaseholder on the following conditions:-

- Permission will only be granted for one dog.
- The council will withdraw permission to keep a dog if it causing a nuisance or annoyance to neighbours or it continually allowed roaming free on the estate.
- Regardless of the ownership of the existing fence it is the tenants/lessee's responsibility to make sure that the fence is adequate to stop a dog from escaping.

The Community Housing Manager will consider an application to keep a dog where the tenant is elderly/lessee is elderly (over 60) or where the dogs carried out a physical function for the tenant for example :-

- Guide dog
- Hearing dog
- Dog for the disabled

Where the Community Housing Manager grants permission for a dog the permission is given for the life of the dog only. Permission should only be granted when it has been confirmed by the relevant agency that the dog is one of the above.

The tenant has the right of appeal, but only because new information is provided that shows that permission can be granted as an exception.

Stray cat/ dogs or animals left on evictions

The council no longer has an animal warden. If an animal is left in the property following an eviction you can contact TAG K9 on 01375 488038 who remove the animal and take it to either their kennels or to a rescue home for a small fee.

2. Procedures

Report of an unauthorised animal kept in a house or flat

1. A case has been opened on EMS about an animal that is being kept in a house or flat which does not meet with the councils criteria.		
2. The estate officer should contact the complainant to verify that an animal is being kept in the property.		
3. A cold call visit should be carried out to confirm if an animal is there. If the tenant is not in one more cold call visit should be carried out. On the second visit a card should be left asking the tenant to contact the office. If there is no contact from the tenant within 2 working days and an appointment letter should be sent asking for access to the property. If the complaint is anonymous and no animal is seen or suspected when the property is visited by the Estate Officer, no further action should be taken.		
4. If an animal is found that does not meet the council's criteria, in the property the tenant has to be told that they must comply with the conditions of tenancy within 4 weeks from the date of the visit and remove the animal. If the reported no animal is found at the property ask the tenant if a visitor has been to the property with a dog, if they have then point out to them that under the conditions of tenancy dogs are not allowed to the property under any circumstances. A letter should be sent to the tenant confirm the details of the visit (letter).		
5. A cold call visit should be carried out to the property approximately 4 weeks after the date of the letter. If the animal has been removed then close the case.		
6. If the animal remains in the property the tenant should be advised that failure to make alternative arrangements for the animal will result in a Notice Seeking Possession. A letter should be sent to the tenant confirming the details of the visit and a further 2 weeks allowed for the tenant to remove the animal.		
7. Another cold call visit should be carried out. If the animal has been removed then the case should be closed.		
8. If the animal has not been removed a Notice Seeking Possession must be written and delivered to the property by hand see (section 5.17)		
9. If a report is received that the animal has been removed than a cold call visit should be carried out to confirm that. If the animal has been removed from the property then the new address where the animal is staying should be confirmed and where possible a visit should be carried out. When the Estate Officer is		

<p>satisfied that the animal has been removed the tenant should be informed that the court proceedings will be adjourned (not withdrawn) if the tenant agrees to settle the Councils court costs incurred. This will also allow the Council to return to court with minimum delay if the animal returns to the property.</p>		
<p>10. If no settlement is agreed the tenant should be advised that the matter will proceed to Court and full costs will be recovered.</p>		
<p>11. Seven days prior to the Court hearing the Estate Officer to check the latest circumstances.</p>		
<p>12. If at anytime an animal is removed from the property the Estate Officer should carryout at least one cold call visit to ensure that the animal has not returned.</p>		

Dangerous Wild Animals Act 1976 List

This list contains the common names of the animals

<u>Mammals</u>
Marsupials
The Tasmanian Devil
Grey Kangaroos, the euro, the wallaroo, the red kangaroo
Primates
Tamarins
New world monkeys (including capuchin, howler, saki, spider, squirrel, titi, uakari, and woolly monkeys and the night monkey (otherwise known as the douroucoulis))
Old - world monkeys (including baboons, the drill, colobus monkeys the gelada, guenons, langurs, leaf monkeys, macaques, the mandrill, mangabeys, the patas and proboscis monkeys and the talapoin)
Leaping lemurs (including the indri, sifakas and the woolly lemur)
Large lemurs (the broad – nosed gentle and the grey gentle lemur are excepted)
Anthropoid apes (including chimpanzees, gibbons, the gorilla and orang – utan)
Edentates
Sloth
The giant armadillo
The giant anteater
Rodents
The north American porcupine
The capybara
Crested porcupines
Carnivores
The giant panda and the red panda
Jackals, wild dogs, wolves and the coyote (foxes, the raccoon – dog and the domestic dog are accepted)
The bobcat, caracal, cheetah, jaguar, lion. Lynx, ocelot, puma, serval, tiger, and all other cats (the domestic cat is excepted)
Hyaenas (except the aardwolf)
Badgers (except the Eurasian badger), otters (except the European otter), and the tayra, wolverine, fisher, and ratel (otherwise known as the honey badger)
Cacomistles, raccoons, coatis, olingos, the little coatimundi and

the kinkajou
Bears
The African, large – spotted, genus malay and large Indian civets, the binturong and the fossa
Pinnipedes
The walrus, eared seals and sea lions and earless seals (the common and grey seals are excepted)
Elephants
Elephants
Odd – toed ungulates
Asses, horses and zebras (the donkey, domestic horse and domestic hybrids are excepted)
Rhinoceroses
Tapirs
Hyraxes
Tree and rock hyraxes (otherwise known as dassies)
Aardvark
Aardvark
Even – toed ungulates
The pronghorn
Antelopes, bison, buffalo, gazelles, goats and sheep (domestic cattle , goats and sheep are excepted)
Camels, the guanaco, and the vicugna (the domestic llama and alpaca are excepted)
The moose or elk and the caribou or reindeer (the domestic reindeer is excepted)
The giraffe and the okapi
The hippopotamus and the pygmy hippopotamus
Old – world pigs (including the wild boar and the wart hog)(the domestic pig is excepted)
New – world pigs (otherwise known as peccaries)
Mammalian hybrids with a parent (or parents) of a specified kind
Birds
Cassowaries and Emu
Cassowaries
Emu
Ostrich
Ostrich
Reptiles
Crocodilians
Alligators and caimans

Crocodiles and the false gharial
The gharial (otherwise known as the gavial)
Lizards and snakes
Mole vipers and certain rear fanged venomous snakes (including the moila and Montpellier snakes, sand snakes, twig snakes, the mangrove (otherwise known as the yellow – ringed catsnake), the boomslang, the red – necked keelback and the yamakagashi (otherwise known as the Japanese tiger – snake)
Certain front fanged venomous snakes (including cobra, coral snakes, the desert black snake, kraits, mambas, sea snakes and all Australian poisonous snakes (including the death adders)
The gila monster and the monster and the Mexican beaded lizard.
Certain front – fanged venomous snakes (including adders, the barba amarilla, the bushmaster, the copperhead, the fer – de – lance, moccasins, rattlesnakes and vipers)
Invertebrates
Spiders
Wandering spiders
The Sydney funnel – web spider and its close relatives
The brazilian wolf spider
Brown recluse spiders (otherwise known as violin spiders)
The black widow spider (otherwise known as redback spider) and its close relatives
Scorpions
Buthid scorpions

Dangerous Dogs Information Sheet

This section has been copied directly from the Dangerous Dogs Act 1991

An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to other types of dog which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes.([25th July 1991]

- any dog of the type known as the pit bull terrier;
- any dog of the type known as the Japanese tosa;
- any dog of the type known as Dogo Argentino
- any dog of the type known as Fila Brasileiro

For images of these dogs please go to:-

http://news.bbc.co.uk/1/shared/spl/hi/pop_ups/07/uk_dangerous_dogs/html/4.stm

(c) any dog of any type designated for the purposes of this section by an order of the Secretary of State, being a type appearing to him to be bred for fighting or to have the characteristics of a type bred for that purpose.

If a dog is dangerously out of control in a public place, or a private place where it is not permitted to be, the owner; and if different, the person for the time being in charge of the dog is guilty of an offence.

"A dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person, whether or not it actually does so."

In the case of *Briscoe -v- Shattock* QBD 12 October 1998 it was held that a dog could be considered "dangerous" and "not kept under proper control" within the meaning of Section 2 of the Dogs Act 1871, even if the only danger shown was to other dogs, and not to humans. Being dangerous reflected the dog's disposition not his acts.

This applies to any dog, of any breed. The quote from the Act above means that any dog which is a bit lively might commit an offence if not kept under control - this could be your dog too! For example, we understand a farmer was prosecuted and fined under this section of the Act when his aggressive dogs intimidated walkers on a public footpath, even though the dogs were on private land and behind a fence (sorry, no reference to this case). Shaded section has been taken from <http://www.naturenet.net/law/dogs.html>

Animal Welfare Act 2007

The new law comes into effect on the 6th April 2007. Not only is it still against the law to be cruel to an animal, you must now ensure that all animals welfare needs are met.

What the new law does

It includes the need:

- 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.

If at anytime you believe that the animals welfare needs are being neglected then you should contact the RSPCA. If you believe that there are issues around the number of pets being kept in the property you should contact Environmental Health and the RSPCA.