

## PET AND ANIMAL POLICY



<b>Policy Title</b>	<b>Pet and Animal Policy</b>		
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<b>Date</b>	September 2024	<b>Author</b>	Martyn Scott Head of Housing Management
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<b>Associated documents</b>	XXXXXX	<b>EIA Completed by</b>	XXXXXX

This policy was achieved through consultation with tenants and officers from East and West service areas.

**Legal influences on this policy**

Tenancy Agreement

Conditions of Tenancy

Pitch Agreement

Equality Act 2010

Animal Welfare Act 2006

Dangerous Dogs Act 1991 (as amended in 1997)

Neighbourhoods and Environment Act 2005

The Dangerous Dogs (Designated Types) (England and Wales) Order 2023

**Non-legal influences on this policy**

This policy has been developed following feedback from animal welfare agencies, and incorporates good practice outlined in the Pets Advisory Committee guidance and Royal Society for The Prevention of Cruelty to Animals (RSPCA).

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## 1. INTRODUCTION

CHL recognises the importance that owners place on keeping a pet or pets. However, we need to balance this with the potential for nuisance to be caused to other members of the community if pets or animals are inappropriate for the size of the property or are not responsibly managed.

CHL must also consider how the law, in particular The Dangerous Dogs Act 1991 and amendments such as The Dangerous Dogs (Designated Types) (England and Wales) Order 2023 defines the Policy and approach. These acts for example, added XL Bully Dogs to the list of banned breeds and placed specific rules on the management of these dogs.

Therefore, this Policy sets out the pets or animals that Tenants in different types of properties are allowed to keep with implied permission, the situations where permission will not be granted, and expectations for the management of pets/animals.

## 2. DEFINITIONS

There are specific terms which are used in the management of pets and animals which are outlined below:

- ‘Animal hoarding’ involves keeping a higher than usual number of animals as pets without having the ability to properly house or care for them.
- ‘Noise nuisance’ is ‘an unreasonable and significant emission of noise that causes significant and unreasonable interference with the use and enjoyment of your premises’.

CHL defines pet ‘nuisance’ to include (but not limit to) the following activities:

- Fouling in communal areas.
- Excessive noise due to volume, duration or time of day.
- Attacks on people or other animals, and the use of animals for harassment or intimidation.
- Causing a person to believe they could be injured due to an out-of-control pet.
- Failing to keep a pet controlled in open spaces or communal areas e.g., ensuring dogs are kept on a lead.

## 3. POLICY STATEMENT

This Policy sets out Cornwall Housing’s approach to managing pet ownership within our properties and the standards we expect of pet owners. It covers all households living in homes owned or managed by CHL and includes households who are moving into a CHL home via transfer, decant or a mutual exchange.

Permission is required to keep pets, but CHL recognises the practical implications of managing this for every new pet, change of pet or an additional animal. Therefore, CHL provides implied permission for most pets through this Policy (see 'Pets with Implied Permission' below).

Implied permission is not granted where this Policy states these pets/animals will not be allowed, or for pets outside of those generally permitted (see Appendix 1). In this case, permission must be requested and confirmed by CHL before the pet/animal is housed.

Implied permission will also be withdrawn if complaints are received that the pet is causing a nuisance and following investigation this is confirmed.

#### **4. PETS WITH IMPLIED PERMISSION**

Details can be found in Appendix 1, but generally households in most properties have implied permission to keep the following pets.

- Up to one dog (proportionately sized to match property size).
- Two cats.
- A reasonable number of small mammals and/or caged animals or birds.

For residents in older persons housing or shared accommodation, permission for a pet is required and this will be restricted to one pet per household, unless there are exceptional circumstances. In granting permission, CHL will assess each request on a case-by case basis, with decisions guided by the following factors:

- the resident's capacity to care for the pet.
- the nature of arrangements for taking care of the pet in the event of a change of circumstance, such as a hospital stay, move to other accommodation or a decline in health or wellbeing.
- any potential impact the animal may have on other customers or the environment within the scheme.
- the nature of the property such as size and layout and the household's circumstances.

There are no restrictions for guide dogs for the blind, hearing dogs for the deaf or other assistance dogs. The owner of the assistance dog is responsible for ensuring that their dog is properly trained and does not cause a nuisance in line with this Policy. An "Assistance Dog" is a trained and accredited dog which is registered for a specific purpose, and the owner can present an AD(UK) ID Booklet and registration details.

CHL does not recognise cats as assistance animals. Please note that a GP letter or similar representation by a medical professional is not acceptable evidence of an assistance animal for a medical condition.

## **5. PETS WITHOUT PERMISSION**

This Policy is written with knowledge that the Animal Welfare Act 2006, Section 4 advises animal owners that they are committing an offence to allow unnecessary suffering, and the Animal Welfare Act 2006, Section 9 which advises animal owners that an animals need includes:

*‘its need for a suitable environment, its need for a suitable diet, its need to be able to exhibit normal behaviour patterns, any need it has to be housed with, or apart from, other animals, and its need to be protected from pain, suffering, injury and disease’.*

Under no circumstances are households permitted to keep the following pets:

- Animals listed under the Dangerous Wild Animals Act 1976
  - Large mammals and primates
  - Carnivores
  - Larger or venomous reptiles
  - Dangerous spiders and scorpions
- Any endangered species
- Any hybrid between a domestic and a wild animal
- Dogs listed under the Dangerous Dogs Act 1991 and The Dangerous Dogs (Designated Types) (England and Wales) Order 2023
  - Pit Bull Terrier
  - Japanese Tosa
  - Dogo Argentino
  - Fila Brasileiro
  - XL Bully Dogs

Any CHL Tenant or household who own those dogs listed above will be reported to the Police to ensure that there is full compliance with the law. This includes insurance, neutering, microchipping and relevant exemption certificates. Recognising the breed of dog, and defining it as one of the banned breeds, should there be any doubt or question, is undertaken by the Police. Households who are moving into a CHL home via transfer, decant or a mutual exchange and have an XL Bully or other Dangerous Dog will not be allowed to bring it with them to their new home. There are specific laws also linked to the XL Bully breed which are outlined later in this Policy.

There are other pets and animals where permission will not be granted:

- Keeping bees/hives or chicken and poultry on CHL properties or land, unless by exception in more remote or rural areas and this must be with permission.
- Cats in any blocks of flats where there is a communal entrance. This is because cat owners prop open communal doors and instal cat flaps to individual flat doors which creates a fire risk. A small dog up to approximately 30cm high is allowed, unless permission is withdrawn due to the structure and layout of the building.

Properties which are advertised as being inappropriate for pets. If the incoming applicant is not willing to re-home their pet elsewhere, then it will be considered as a ground for refusing the applicant the offer of the home.

## **6. PETS WHERE PERMISSION IS WITHDRAWN**

There are situations where any previous permission or implied permission granted will be immediately withdrawn. These are:

- Where the breeding of any animals for financial gain or as a business is identified. CHL will work in partnership with the RSPCA and other agencies to ensure animals are protected when breeding is discovered.
- If a pet has caused nuisance, or we believe the owner to be showing signs of animal cruelty or neglect.
- Where a tenant or another household member has any convictions for, or past history of abandonment, cruelty, neglect or mistreatment of animals, or convictions for any offences under the Dangerous Dogs Act 1991 or subsequent legislation, or the Animal Welfare Act, or has been disqualified from keeping animals or a particular type of animal due to a conviction.

## **7. SPECIFIC LEGISLATION – XL BULLY**

Legislation such as The Dangerous Dogs Act 1991, and amendments such as The Dangerous Dogs (Designated Types) (England and Wales) Order 2023 defines part of Cornwall Housing's Policy and the approach linked to banned breeds that Tenants already own. The law changes for XL Bully owners came into force in two stages.

From 31 December 2023, it is illegal to sell, abandon or give away an XL Bully dog, to breed from an XL Bully dog, or to have an XL Bully in public without a lead and muzzle.

CHL will not ask anyone to rehome a banned breed such as an XL Bully, because giving away or selling these animals is a criminal offence. However, this law does impose additional constraints on these pets.

From 1 February 2024, it is a criminal offence to own an XL Bully in England and Wales unless you have a Certificate of Exemption for your dog. There are also required conditions for owning this pet which CHL have adopted in this Policy, alongside a recommendation that these dogs are neutered.

Conditions for keeping an XL Bully include:

- Microchipping your dog.
- Keeping it on a lead and muzzling your dog in public.

- Neutering your dog – if the dog is less than one year old on 31 January 2024, it must have been neutered by 31 December 2024. If it is older than one year old on 31 January 2024, it must have been neutered by 30 June 2024.

**What do I do if I am a CHL Tenant and I own a XL Bully?**

You must ask for permission in writing to keep this dog at your tenanted address and provide CHL with a copy of the Certificate of Exemption, and a copy and details of public liability insurance from 1 February 2024. This provides evidence that you are complying with the law.

CHL will consider permission on a case-by-case basis, which includes a review of the tenancy history and property type. CHL also requires a clear photograph of the dog to aid identification and to ensure if permission is retrospectively granted that this is given specifically for the dog in the photograph.

Households with XL Bullies which have been established by the Police as being compliant with all aspects with the requirements of the law, are certified only to the owners address and must not be kept at another CHL address (with a 30-day temporary exemption). It is not permissible for a CHL Tenant to look after an XL Bully temporarily for another household for safety reasons.

CHL will not grant permission for the keeping of any animal of a similar size, build or breed to an XL Bully type dog to avoid disputes around breed. Tenants are therefore urged to seek advice from CHL before acquiring any dog which has similar characteristics. If CHL is made aware of an XL Bully without these conditions or implied permission, this will be reported to the Police. The Police have powers to seize dogs and prosecute owners. Any prosecution or Dog Control Order will be treated as a breach of tenancy (see Section 10).

**8. PET OWNERS RESPONSIBILITIES**

CHL expects all pet owners to behave responsibly and uphold the following standards:

- All pets must be kept under proper control and not cause a nuisance to other households. This includes dogs being kept on a lead in communal areas, not entering play areas and being under control when CHL employees or contractors attend a property.
- No fouling in communal areas. Where fouling has occurred, the responsible owners must clean up immediately.
- Owners must actively seek to prevent unpleasant odours being emitted from their property due to their pet(s).

- Animals must not damage any CHL 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.
- Animals must not be kept for the purposes of breeding or sale.
- Owners must not keep an excessive number of animals in their property.
- Owners must have suitable arrangements in place for looking after their pet during prolonged periods of absence.
- Cat or dog flaps must not be installed without our prior consent as these can compromise the fire safety of a property.
- Dead pets must be buried or disposed of in a responsible and safe manner.
- All cats are to be neutered or 'spayed'.

Any Tenant with a Dangerous Dog that is compliant with the law must be in a property that has a suitable private garden. The tenant must provide robust fencing to prevent escape and ensure the safety of others. This cannot be post and wire type. CHL will not fund the provision of this fencing. Tenants must keep the dog away from representatives of CHL during visits at all times; in a separate room, not just held by hand.

Tenants are expected to ensure visitors to their home uphold the same standards for any animals who accompany them.

## **9. RESPONDING TO REPORTS OF PETS AND NUISANCE**

Where the pet is causing a nuisance CHL will contact the owner, investigate and decide on the outcome. These outcomes could include:

- Asking you to rehome your pet\*
- Asking you to obtain an appropriate pet for the size/nature of the property.
- Referral to another agency e.g., local authority, police or animal protection.
- Warnings and legal proceedings against the Tenant for a breach of tenancy.
- No further action.

\* We will not ask anyone to rehome a banned breed, for example XL Bully dogs, because giving away or selling these animals is a criminal offence.

CHL will work with residents to address pet-related issues or any circumstances affecting the pet owner which have led to such issues. This may include referrals to specialist animal welfare organisations for information, advice and guidance or a referral to the local authority and/or police, demanding the rehoming of the animal. Where a decision has been made to rehome an animal, we will allow this to take place within a reasonable timeframe.

CHL will also report any complaint of animal cruelty to the RSPCA and will report any stray animals to the relevant local authority animal warden. Where any animal is left in a

property which has been repossessed, we will act in the immediate best interest of the animal.

## **10. BREACHES OF TENANCY CONDITIONS FOR PETS AND NUISANCE**

The Conditions of Tenancy allow CHL to act where any animal or pet is unsuitable for a property owned or managed by Cornwall Housing, and to address pet related issues of nuisance or annoyance.

Paragraph 4.11 of the Secure Tenancy Condition reads:

“You or any other person living in or visiting your home must not keep any animal that we consider unsuitable for your home. Your pet or pets must not annoy or frighten other people. In cases of cruelty to animals, permission to keep animals will be withdrawn and cases may be reported to the RSPCA or the Police”.

Paragraph 4.3 of the Secure Tenancy condition reads:

“You or any other person living in or visiting your home must not cause nuisance, annoyance or disturbance to any other person. Examples of nuisance, annoyance or disturbance include (but are not exclusive): loud music; arguing; door slamming; dog barking and fouling; rowdy or offensive behaviour; rubbish dumping; making false or malicious complaints about others, and or extremely untidy gardens”.

The continued failure of pet owners to behave responsibly, or engage in efforts to resolve reports of nuisance, cruelty or neglect will be considered a breach of tenancy conditions. This may lead to CHL serving tenancy warnings, which can escalate to a Notice of Intention to Seek Possession and commencement of County Court legal proceedings if this breach remains unresolved. We may also pursue other appropriate actions such as an Injunctions to protect individuals from harm.

Where a Dog Control Order has been issued by the Police, this will be also considered a tenancy breach. CHL will serve a Notice of Intention to Seek Possession. Where conditions are not met, this may place a Tenant’s home at risk through legal action in the County Court, or CHL may pursue other proportionate and appropriate measures to control this breach.

## **11. RIGHT TO REVIEW**

CHL recognise that at times Tenants may not agree with decisions made. There is a review process for any Tenant who feels:

- They have been incorrectly refused an animal or pet

- That permission has been incorrectly withdrawn.
- There is evidence that the Pet Policy has not been correctly followed.

The request for a review must be submitted in writing less than 21 days from the date of any decision to CHL at [Info@CornwallHousing.org.uk](mailto:Info@CornwallHousing.org.uk) or be registered by calling (0300) 1234 161.

The review will be completed by a member of the senior management team who was not involved with the original decision, and timescale for a response will be set based on the level of investigation required and the complexity of the appeal. CHL will aim to complete all reviews within 56 days of date of receipt.

Where a review is found in the Tenant's favour, reasonable action will be taken to rectify the situation. Decisions regarding what is reasonable will be decided on a case-by-case basis by the senior management officer in consultation with the Tenant.

Where legal action has commenced there is no Right to Review, and such matters will be concluded through legal processes.

<b>APPENDIX 1</b>		Up to two dogs (any size) ***	Small Dog*	Up to two neutered Cats***	Pigeon - Dove Lofts	Aviary Birds	Outdoor Rodents (Inc. Rabbits)	Caged Birds	Caged indoor Rodents	Fish	Snakes - Lizards - Other Exotics (Subject to 6B)
Property											
Flats, Sheltered and Elderly schemes with communal entrance, but with no communal garden		No	No	No	No	No	No	Yes	Yes	Yes	Yes
Sheltered, Elderly schemes with communal entrance and communal garden		No	No	No	No	No	No	Yes	Yes	Yes	Yes
Two storey flats with access to communal gardens via a communal entrance.		No	Yes *	No	No	No	No	Yes	Yes	Yes	Yes
Three storey flats or above		No	No	No	No	No	No	Yes	Yes	Yes	Yes
Houses, Bungalows, Flats with direct access to communal gardens		Yes **	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Houses, Bungalows, Flats with self contained gardens. Traveller Pitches.		Yes **	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
*	Small dog up to 30 cm tall										
**	Permission Required										
***	A household can either have two dogs or two cats but not both.										

**APPENDIX 2 - Pet Agreement Form**

Name of resident	
Address	
Type of Pet: Breed: Age:	
Description of pet if cat or dog	
Vet and healthcare details	
If a dog, is it microchipped?	

I am applying to CHL to keep the above pet(s) and by signing this form I am agreeing to the following:

- To be responsible for and supervise the pet(s) at all times.
- To care for the pet(s) and their health, safety and overall welfare.
- To ensure the pet(s) do not cause a nuisance to neighbours.
- To meet the requirements of Pet Owners Responsibilities and ensure that any mess/fouling is cleared up immediately.
- To ensure that the pet(s) do not cause any damage in the property or communal areas
- To meet the requirement of specific legislation as applicable (e.g. The Dangerous Dogs Act 1991, and amendments such as The Dangerous Dogs (Designated Types) (England and Wales) Order 2023 for XL Bully's).

I am aware that CHL may take action against me if my pet(s) cause a nuisance which could include the removal of the pet or my eviction.

If I vacate the property, I understand that I must take my pet(s) with me and ensure that all items relating to the pet are removed and the property is thoroughly cleaned.

Signed..... Date.....

## **DIVERSITY & INCLUSION**

We are committed to treating all people with fairness and respect. We aim to create an inclusive environment where people are treated with dignity, inequalities are challenged, and we anticipate and respond positively to different needs and circumstances to enable individuals to achieve their potential and foster good relations within the communities we serve. We want to be recognised as an organisation delivering fair, inclusive, accessible services and an employer and partner of choice.

When applying this policy, we act sensitively towards the diverse needs of individuals and to reduce discrimination and harassment by making reasonable adjustments such as:

- eliminating discrimination – by providing support to those who need it and information in accessible formats and languages on request.
- tailoring the policy to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community.
- advancing equality of opportunity – treating all tenants fairly
- fostering good relationships – listening to customers and responding appropriately
- compliant with all aspects of Equality & Diversity legislation, and specifically the Equality Act 2010.

## Contact us:

Email: [info@cornwallhousing.org.uk](mailto:info@cornwallhousing.org.uk)

Telephone: 0300 1234 161

By letter: **Cornwall Housing, Chy Trevail, Beacon Technology Park, Bodmin, PL31 2FR**  
[allhousing.org.uk](http://allhousing.org.uk)

## Alternative formats:

If you would like this information on audio CD, audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact [info@cornwallhousing.org.uk](mailto:info@cornwallhousing.org.uk)

