

Report of the Portfolio Holder for Housing

Pets Policy

1. Purpose of Report

To seek Cabinet approval on the updated Pets Policy.

2. Recommendation

Policy Overview Working Group RECOMMENDS to Cabinet that the Pets Policy be approved.

3. Detail

The Council allows tenants and leaseholders to keep pets in their properties. For tenants, there are clauses in the tenancy agreement that set out the need for tenants to request permission to keep pets and also how the Council will manage the tenancy in this respect. The Policy, included at **Appendix 1**, provides a framework for the types of pets that are permissible by the Council and what additional measures or enquiries that tenants are required to undertake for the request to be approved.

The Policy also provides clarification on what measures the Council will take should a pet be kept without permission and what actions that the Council will take should pets become a nuisance and their continued ownership becomes an issue at the property or in the community. A change table is included at **Appendix 2**.

The key change to the Policy is regarding XL Bully dog. Following a review of other landlords' approaches to this matter, and a discussion at Policy Overview Working Group, it has been decided not to give permission for tenants or leaseholders to have XL Bully dogs. Tenants or leaseholders who were granted permission prior to the dog becoming a banded breed will not have this permission revoked.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it is significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area.

5. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council at this stage with any costs being contained within existing budgets. The Council's approach to the ownership of XL Bully dogs may have a financial implication on the number of tenancy enforcement cases managed by the Housing department, for example if initial requests are not complied with this may result in and increase legal costs to obtain court orders. Legal costs are managed within budgets held by Legal Services and recharged to the Housing Revenue Account (HRA).

6. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The possible consequences of not allowing XL Bully dogs to those tenants/ leaseholders who have a valid Certificate of Exemption would "technically" put a tenant / leaseholder in breach of their tenancy agreement. Tenancy action could then be considered. However, possession could be difficult to obtain as the Court would have to be certain that the action taken by the Council was reasonable and proportionate in the circumstances. The Court may not find the Council's policy is reasonable if the tenant /leaseholder has a valid Certificate of Exemption. Due to the Certificate of Exemption being very recently implemented there is no current case law challenging this.

7. Human Resources Implications

Not applicable.

8. Union Comments

Not applicable.

9. Climate Change Implications

The climate change implications are contained within the report.

10. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

11. Equality Impact Assessment

As this is a change to policy an equality impact assessment is included in **Appendix 3** to this report.

12. Background Papers

Nil.