



Dogownership

Draft policy: **Ownership of dogs**
in DMBC tenancies and leasehold properties

Implementation 1 April 2018

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Pets provide people with companionship, comfort and love and offer them a way of making contact with others. Many people see pets as a natural extension of or replacement for family. For people who are vulnerable or isolated pets can make all the difference to their quality of life. For single people who live alone this can be particularly true and it is those same single people who are likely to occupy DMBC accommodation.

However, some of our properties are not the most ideal accommodation for dogs and allowing dogs in high rise flats for example can generate problems for the pets and their owners, for other residents and for operatives such as council employees, postal staff and contractors.

This Policy aims to address the most common problems that can result from dog ownership including but not limited to:

- Barking and noise nuisance when dogs are left alone.
- Dog mess in both the property and the communal areas and being disposed of inappropriately.
- Grass not cut due to dog mess.
- Dogs that are too large for the property causing fear and damaging the fabric of the property
- Too many dogs in a property causing fear and damaging the fabric of the property
- Dogs not properly controlled causing fear and intimidation
- Dogs poorly cared for resulting in harm to the animal and adverse behaviours
- Smells from dogs and dog mess
- Volume of dogs per block
- Fleas
- Owners poorly skilled to care for the dog
- Dogs not being kept secure – threat of bites or escape
- Dogs damaging communal areas of the block
- Damage to trees, grass and gardens
- Dogs in enclosed spaces can be fearful/aggressive i.e. in the lift

Aims and objectives

- That the number of dogs in any block of DMBC flats is reasonably controlled and all units of accommodation of all types have a number and type of dogs suitable for that property.
- That dog owners and DMBC work together to take an informed approach to resolving any issues.
- That we safely manage the control of dogs in communal areas inside and outside the property.
- That we reduce incidents of anti-social behaviour and tenancy dispute associated with dogs.
- That we actively promote responsible dog ownership.
- That we establish a robust expectation that tenants and leaseholders who are dog owners will be compliant with the law in respect of chipping, welfare and the control of their dogs.
- That we deal with breaches of tenancy and anti-social behaviour in respect of dog ownership in a robust manner working with partners and using appropriate legislation and powers.
- That working with partners and stakeholders we will support tenants so that they can comply with this policy.

- That we will reduce the number of incidents of harm or threat of harm towards staff by tenants dogs.
- That we will reduce the number of home visits by DMBC staff abandoned because of poorly controlled dogs.
- Tenants will exercise their dogs without fouling the locality.
- To provide a clear basis for any legal actions we make take in relation to issues arising as a result of the keeping of dogs in Dudley MBC tenancies or leasehold properties.

Legislation

There are a range of tools and powers available to the Council and partner agencies when enforcing the appropriate and acceptable behaviour of dog ownership. A range of non-legal tools would often be considered initially, depending on the nature, degree, urgency and severity of the issues. This includes warning letters, Acceptable Behaviour Contracts, Good Neighbour Agreements and mediation and would be utilised with the view of modifying the behaviour.

If these non-legal tools are unsuccessful or not appropriate due to the nature of the behaviour, a range of legal sanctions under the ASB Crime & Policing Act 2014 may be considered including Injunctions, Community Protection Notice's and Criminal Behaviour Orders. These orders would set out specific actions that you prohibited from doing or required to do with breaches ranging from a Fixed Penalty Notice to Imprisonment. If it is considered that the behaviour is also a breach of the Councils tenancy agreement, steps may be taken against the tenancy including issuing a Notice of Seeking Possession which may place the tenancy at risk as well as applying to demote a secure tenancy which reduces the security of tenure. These powers may be considered as well as or instead of the powers contained within the ASB Crime & Policing Act. If a dog is dangerously out of control either in a public space but now also in a private property, the Dangerous Dog Act 1991 may apply which could lead to criminal interventions and sanctions.

Local Decisions

The Housing Divisional Management Group was briefed on the proposed strategy for the management of dogs in High Rise Flats on 16th March 2016. The group asked that we further consult with residents in High Rise Blocks and that we expand the proposed approach to all property types.

Brief description of the procedure

1. Tenants, residents and leaseholders in blocks of high rise flats may not keep or acquire a dog with the exception of assistance dogs (whether active or retired) provided that the dog is living with the person to whom they provide or provided assistance.
 - a. Dogs kept by any tenant, resident or leaseholder at the implementation date of this policy may be kept for the span of their life provided that they are not causing a nuisance to other residents.
 - b. All dogs kept by anyone living in a high rise block under the above provision must be chipped and the ID number of the dog provided to the Housing Manager to be recorded on the tenant file.
2. Tenants, residents and leaseholders in other property types will be allowed to keep a number and type of dogs suited to the accommodation. All dogs are allowed at the discretion of the Housing Manager who will have regard to any current issues regarding dogs at that block or location.
 - a. The number of dogs suitable for a property will be decided in line with the advice of the Pet Advisory Committee. For properties without a garden that will be based on the ground floor space of the property excluding the bathroom and bedrooms less 10M². The total number of animals including dogs suitable for the property will be 1KG of animal for 1 M². For properties with a garden that will be based on the ground floor space of the property excluding the bathroom and bedrooms plus 10M². The total number of animals including dogs suitable for the property will be 1KG of animal for 1 M².

- b. Suitability may also take into account other factors such as the nature of existing pets and the previous ability of the resident to effectively control their dogs and other circumstances of the household as it pertains to responsible pet care.
 - c. Where the suitability is in question dog owners may be requested to take their dog to a vet or other professional for further assessment.
 3. Dudley Council will not tolerate cruelty or neglect and will report to the appropriate agency any dog or other animal that is not cared for to the standards in the Animal Welfare Act.
 - a. Any dog kept by a tenant, resident or leaseholder must have adequate, food, play, accommodation, space, socialisation, and uninterrupted rest.
 - b. All dogs must be registered with a veterinary practice (or PDSA) and be taken for treatment if unwell.
 4. All dogs must be chipped and wear an ID tag with the name and address of the owner in compliance with the law.
 - a. When visiting the tenant, resident or leaseholder the Housing Manager will record the ID number of all dogs kept in the property and record it on the tenancy file.
 - b. Tenants, residents and Leaseholders must advise DMBC of any new dogs they acquire and the unique ID Number which will be recorded on the tenancy file.
 - c. In order to facilitate this DMBC will work with partner agencies to promote affordable chipping events.
 5. Dudley MBC may ask a tenant resident or leaseholder to take their dog to a vet or other professional for assessment in the following situations:
 - a. To assess the suitability of a particular dog or breed for a property type before making an offer of accommodation or if it is a dog that a tenant, resident or leaseholder wishes to acquire.
 - b. If Dudley MBC believes that a dog is unwell and may need treatment.
 - c. To obtain advice about adverse behaviour from the dog that is affecting other residents or people in the locality.
 - d. To assess if the dog is a dangerous breed.
 - e. If the tenant, resident or leaseholder is seeking permission for selling dogs, keeping dogs for sporting activity or running any other dog based business.
 - f. For any other reasonable reason as approved by a Team Manager.
 6. Dogs must have a safe settled dog bed or mat in a part of the property away from the front door. When the front door is opened the dog should be in this place and should not be allowed at the front door. Dogs must always be fully secured in a room, garden or suitable pet cage when Dudley MBC officers attend and owners will need to take into account if the dog is capable of escaping from this area (for example some dogs can jump over a gate or open a door). Dogs should be used to this arrangement so that they are not unduly stressed when placed there.
 7. Dog owners must ensure that dogs are not allowed to foul inside the property, communal areas, garden, or in the street around the property. Any faeces or urine must be cleaned up immediately and where provided specialist waste bins used appropriately. Dog owners who for any reason cannot exercise their dog or clear up after them must make suitable alternative arrangements.
 8. The breeding of dogs, selling of dogs, keeping dogs for sporting activity or running any other dog based business is not allowed without express permission from the Housing Manager.
 9. The keeping of dogs for fighting, or to cause fear in others or to assist in the execution of a crime will not be tolerated and will be dealt with robustly as a serious breach of tenancy conditions. Such behaviour may also lead to other civil or criminal prosecution and Dudley MBC will work with partner agencies to deal with such behaviour appropriately.

10. Dudley MBC will work with partners and stakeholders, including tenants, residents and leaseholders to provide information, support and affordable pathways for responsible dog ownership in line with the other priorities of the Council.
11. Dog owners are required to keep their dog under control at all times. If the dog is to be allowed into the garden then it is the responsibility of the dog owner to provide adequate fencing regardless of the legal responsibility for the boundary.
12. Dogs may not be tethered in a garden without supervision. If tethered under supervision the tether must be of adequate length to allow free movement and the dog must be regularly offered reassurance and social contact by a responsible adult. Tethering even when supervised should not exceed thirty minutes in any one morning or afternoon and should not be used when the weather is wet, very hot, very cold or windy or after dark.
13. Dogs must be supervised at all times when in the garden and should not be left in the garden when there is nobody at home. Dogs in the garden should be frequently checked on by a responsible adult. Dogs should not be in the garden for more than a few minutes when the weather is wet, very hot, very cold or windy or after dark.
14. If a tenant, resident or leaseholder does not comply with this policy then the Council will adopt a collaborative approach with the dog owner in order to reach an amicable solution. This could include information, advice, requests to take the dog to a vet or for training or other actions intended to promote responsible ownership and the welfare of people and pets. However where this approach is not effective Dudley MBC will employ the relevant legislation to bring about a resolution by taking legal action.

Performance Monitoring

- Subject to budgetary constraints Dudley MBC will work with partner agencies to provide yearly free chipping events, promoting advice and support regarding responsible pet ownership.
- The number of incidents and abandoned visits due to dog related issues will decrease and this will be monitored through our Health and Safety performance suite.
- The level of satisfaction with how we deal with nuisance behaviour regarding dogs will increase and this will be monitored through our customer satisfaction surveys. (ASB).
- We will have a number of partner agencies working with us to promote responsible dog ownership and provide affordable services to dog owners.
- We will have regular features in Home Affairs and other promotional activity to promote responsible dog ownership and awareness of this policy.
- We will report back yearly to the Tenants Board, DFTRA, High Rise Living Forum and other tenant bodies.
- We will report a summary of activity in relation to this policy once a year in Home Affairs

Resources

We will provide additional special waste bins for dog faeces at a one off cost at several locations across the borough so that there is adequate provision on those parts of our estates known to be affected by this issue. This will cost £8,000

There will be a yearly cost of around £1250 to provide a weekly collection from new and existing specialist bins.

We will purchase two dog chip readers at a one off cost of £100 and two (volunteer) Housing Managers will be trained to use them.

We will promote a yearly free chipping and health and behaviour advice event in partnership with the RSPCA at four locations in the borough (park or canal side). We will make a contribution to the cost of these events (£1000 for the first four day event in spring 2018).

We will continue to resource the dogs working group involving representatives of DMBC and partner agencies to monitor and implement the policy and respond to emerging risks and opportunities.

We will allocate a small budget each year for Marcomms activity to promote responsible dog ownership and raise awareness of the policy.

Consultation

We have a program of consultation from July 2017 through to early 2018 as follows:

High Rise Living Forum have been consulted and all High Rise residents have had opportunity to take part in a written or online consultation. The majority were in favour of limiting dogs in High Rise to assistance dogs.

5th to 12th July 2017 consultation with residents and general public at various locations across the borough at Housing Road Shows.

Housing Team Managers to be briefed and consultation before the Road Show.

Results from the Road Show and all consultation to be sent to Councillors for comments.

Same format to be taken to HRLF and Dudley Federation of Tenants and Residents Associations General Meeting in Autumn 2017.

Draft policy to go in Home Affairs at the end of 2017, along with a comments return slip.

Results of the consultation to be sent out to Housing Team Managers in early 2018 for their comments.

Our police Partnership Officer to be asked to arrange some consultation with the Police in Jan2018.

The Postal Workers Union to be asked to arrange consultation with the Post Office, Jan 2018

Draft policy to be sent to all vets in the borough at the end of the year with supporting information and inviting comment Jan 2018

March 2018 we will collate and share the results of the consultation with stakeholders and make any appropriate changes taking into account any part of the policy that could potentially disadvantage people on the basis of their protected characteristics under the Equality Act 2010.

New Policy proposed to be launched in April 2018.

Impact Assessments

An Equality Impact Assessment will be completed by December 2017 taking into account any relevant feedback or commentary from our consultation process.

Article 8 of the European Convention on Human Rights (the Convention) gives everyone the right to respect for their private and family life and their home, and correspondence. Our legal services have advised that we must take account of the rights protected by Article.8 of the Convention when considering this policy as it impacts on an individual's private life and their home and we must act proportionately. It follows that it may be possible for a tenant to rely upon an alleged breach of art.8 as a defence to a claim for possession action brought by a local authority though there will probably be very few cases in which this argument will succeed. We believe the proposed limits on dog ownership would be seen as proportionate, particularly if it is primarily to ensure public safety/ reduce public nuisance,

We have considered Articles 10 and 11 but consider on balance that these are unlikely to apply.

Article 14 provides protection from discrimination in respect of these rights and freedoms – if we accept that dog ownership comes under the right to respect for a person's home/private life. We have considered whether it would be discriminatory against some dog owners if we introduce a prohibition on dog ownership in some properties and we consider this restriction seems proportionate and necessary. Assistance dogs would not be prohibited, as this would be discriminatory.

Protocol 1 Article 1 provides that a person has the right to enjoy their "property" without interference,

unless for a good reason such as public safety, reducing nuisance and such like. This policy is proposed for 'good reason' to protect the quiet enjoyment of their tenancies by all our residents and to reduce nuisance and increase safety to residents and visitors including those acting in an official capacity.

An assessment of any Crime and Disorder (Section 17*)

17 Duty to consider crime and disorder implications:

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- (2) This section applies to a local authority, a joint authority, [F1the London Fire and Emergency Planning Authority,] a police authority, a National Park authority and the Broads Authority.
- (3) In this section -
 - "local authority" means a local authority within the meaning given by section 270(1) of the M1Local Government Act 1972 or the Common Council of the City of London;
 - "joint authority" has the same meaning as in the M2Local Government Act 1985;
 - "National Park authority" means an authority established under section 63 of the M3Environment Act 1995.

With reference to S17, the introduction of this policy is likely to lead to a small reduction of crime/disorder in the local authority area – as the Council will be better able to monitor the number, breed and location of all dogs in council property and will be able to take appropriate steps against their owners should the dogs behaviour lead to crime or disorder in the area.

