



# Policy on Keeping Pets and other Animals in Council Properties

This Policy sets out Dartford Borough Council's approach to keeping pets in Council tenanted and leasehold properties

November 2023

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01322 343610	01322 343611	01322 343612	01322 343613	01322 343614	01322 343615

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## 1. INTRODUCTION

- 1.1. This Policy sets out Dartford Borough Council's ('the Council's') approach to keeping pets in Council tenanted and leasehold properties; and outlines what is expected of pet owners, their legal obligations, as well as the potential consequences if they do not comply with their pet ownership responsibilities.
- 1.2. The Council recognises that pets can have a positive impact on the health and wellbeing of its tenants and leaseholders. However, irresponsible pet ownership can cause nuisance to other residents, damage to property as well as suffering to animals. The Council does not wish to discourage pet ownership, but some rules do need to be in place to ensure that tenants and leaseholders understand and adhere to their responsibilities.
- 1.3. This Policy explains the circumstances in which permission is required/not required to keep a pet and the conditions for allowing pets.
- 1.4. The objectives of this Policy are to:
  - Ensure that the Council adopts a fair and transparent approach to the way it deals with permissions for pets within its housing stock;
  - Encourage responsible pet ownership;
  - Provide a balance that ensures pet ownership does not infringe on the right of others to the peaceful enjoyment of their home;
  - Provide a consistent and enforceable approach to pet ownership.

## 2. STRATEGIC CONTEXT

- 2.1. This Policy and its delivery is intended to be compatible with the following Council policies and documents:
  - Tenancy Agreement – a contract between a tenant and a landlord setting out the legal terms and conditions of the tenancy.
  - Lease – an agreement between the leaseholder and the Council as landlord for the occupation of the defined premises, with exclusive possession, for a term (fixed or periodic), listing restrictions, covenants, and obligations by which the leaseholder must abide, including keeping pets.
  - [Home Enterprise Policy](#) – sets out the conditions for tenants and leaseholders wishing to set up a business from home.
  - [Housing Recharge Policy](#) – sets out the circumstances whereby existing and former tenants, leaseholders and those who have received other financial assistance, may be charged costs and the process of recharging.
  - [Anti-Social Behaviour Policy](#) – sets out the action the Council takes to tackle anti-social behaviour.
  - [Vulnerable Adults' Housing Policy](#) – sets out how vulnerable adults, who access the Housing Service, are supported, signposted and referred to other organisations, when they require additional support.
  - [Corporate Plan](#) – sets out the strategic direction the Council will take in relation to its powers, functions and responsibilities. The Plan includes a strategic ambition to 'provide a high quality and responsive housing service that's built on respect for aspiring and existing tenants. We want to be practical, honest and straightforward in all the information and advice we give'.
  - [Equality and Diversity Document Framework](#) – sets out how the Council will meet the Public Sector Equality Duty under the Equality Act 2010.

### 3. WHERE PERMISSION IS REQUIRED/NOT REQUIRED TO KEEP A PET

#### 3.1. Small animals

3.1.1. **General needs and housing scheme tenants**<sup>1</sup> do not need permission to keep the following types of pets<sup>2</sup>:

- budgerigars and other similar small caged birds
- small indoor caged domesticated animals such as hamsters, mice, gerbils, and rats
- fish suitable to be kept in small domesticated aquariums
- fish suitable to be kept in garden ponds (permission is required before constructing a pond)
- non-poisonous insects and spiders kept in a secure environment
- non-poisonous snakes and reptiles under two feet in length (fully grown) kept in a secure environment

3.1.2. Tenants are advised to consider their family household, the size of the property and whether keeping a pet is practicable in the environment that they live. Tenants must ensure that pets are limited to manageable numbers, for example, two budgerigars per cage or fish kept in a tank that can take no more than 60 litres. Tenants are encouraged to contact the Council if they need advice on what is deemed a manageable numbers of pets for the environment.

3.1.3. If the Council considers that the numbers of pets in the property is excessive or their physical and environmental needs are not being met, or they cause nuisance to other residents, the Council may ask for the pets to be rehomed, giving reasonable timescales. Any assistance given in providing a temporary safe place for the pet or permanent rehoming may be recharged to the tenant in accordance with the [Housing Recharge Policy](#).

3.1.4. In accordance with the Lease agreement, **leaseholders** must request permission to keep any pets or animals (aside from assistance dogs – see 3.2. below). This includes the types of small animals listed above.

#### 3.2. Assistance dogs

3.2.1. **General needs tenants, housing scheme tenants and leaseholders** do not need permission to keep an assistance dog, however, tenants and leaseholders are requested to register details of their assistance dog with the Council by completing and submitting an [Application for Permission to Keep a Pet \(Appendix 1\)](#).

3.2.2. Assistance dogs are trained to support disabled people and people with medical conditions with a variety of day to day practical tasks, as well as supporting their independence and confidence. They can include guide dogs, medical alert dogs and hearing dogs.

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<sup>1</sup> General needs tenants live in accommodation that is not managed for a particular client group. Housing scheme tenants live in accommodation for people aged 55 and over with the provision of an enhanced housing management service.

<sup>2</sup> No animals listed under the Dangerous Wild Animals Act 1975 should be kept – see Section 5.

3.2.3. If the assistance dog is trained by a member of Assistance Dogs UK (ADUK), the owner will have a formal identification booklet giving information about the assistance dog and the training organisation together with other useful information. Emotional support dogs, on the other hand, are not currently recognised in law as assistance dogs. Therefore, it is not possible to register, validate or get an ADUK identification booklet for an emotional support dog.

### 3.3. **Cats and dogs**

3.3.1. **General needs tenants and leaseholders** must request permission to keep a cat or dog, as follows:

- General needs tenants and leaseholders living in flats and maisonettes that share a single common entrance and do not have a secure private garden can request permission to keep one cat or one dog.
- General needs tenants that do not share a single common entrance and have a secure private garden can request permission to keep up to two cats or two dogs or one of each type. In exceptional circumstances, there may be properties where the size and/or layout means the maximum number of cats and dogs can be increased at the discretion of the Council. However, a number of factors are taken into account when considering applications regarding the number of cats and dogs that will be allowed, for example:
  - The size and layout of property lived in
  - The size of the secure private garden
  - Whether there is a public open space nearby for exercising and toileting the animals
  - The breed and size of a dog
  - If there are any other pets in the household

3.3.2. **Housing scheme tenants** living in open housing schemes, which do not share a single common entrance (Meadowside bungalows and The Homestead only), can request permission to keep one cat or one dog. Tenants living in enclosed housing schemes (all other scheme housing) are not allowed to keep a cat or dog (other than an assistance dog).

### 3.4. **Rabbits, guinea pigs, ferrets**

3.4.1. **General needs tenants, housing scheme tenants and leaseholders** that wish to keep small domestic caged animals, such as rabbits, guinea pigs and ferrets, must request permission. Permission will depend on factors such as the size and suitability of the space and facilities at the property. Such animals must be limited to manageable numbers agreed by the Council, have appropriate shelter such as a suitable hutch or enclosure, and be kept in accordance with RSPCA guidelines regarding their care. Please also see section 4.1.3.

### 3.5. **Aviary birds, chickens, ducks and pigeons**

3.5.1. **General needs tenants** that have a secure private garden can request permission to keep aviary birds, chickens, ducks, or pigeons, as long as they are kept outside the property in a secure enclosure (coop/aviary/loft) and limited to manageable numbers agreed by the Council. **Cockerels are not**

**allowed due to noise disturbance.** Permission will depend on the size and suitability of the outside space and facilities at the property, and the likelihood of nuisance to neighbours (for example, noise or the potential to attract rodents). The enclosure must be appropriate for the number of birds being kept within it.

- 3.5.2. Tenants are not permitted to keep pigeons unless they can provide evidence that they are a member of the Royal Pigeon Racing Association.
- 3.5.3. If a tenant wishes to construct outside enclosures for birds, separate prior advance permission will be required from the Council.
- 3.5.4. **General needs tenants and leaseholders** living in flats and maisonettes that share a single common entrance and do not have a secure private garden are not allowed to keep aviary birds, chickens, ducks or pigeons.
- 3.5.5. **Housing scheme tenants** are not allowed to keep aviary birds, chickens, ducks or pigeons.
- 3.6. For other types of animals not listed in Sections 3, tenants and leaseholders should contact the Council for advice.

## **4. HOW TO REQUEST PERMISSION TO KEEP A PET**

### **4.1. Existing tenants and leaseholders with pets prior to 26 October 2023**

- 4.1.1. The Council recognises there will be tenants and leaseholders who have acquired pets without seeking or obtaining permission before this Policy came into force, and is sympathetic to these pets having become established members of the household.
- 4.1.2. Where a tenant or leaseholder moved into their current property and obtained the pet before the date this Policy came into force, the Council will grant retrospective permission but they should register their pet. Therefore, existing tenants or leaseholders who already have pets are requested to use the [Application for Permission to Keep a Pet \(Appendix 1\)](#) to register their pet with the Council.
- 4.1.3. The new Policy is not retrospective so cases where the number and types of pets fall outside the scope of the Policy, the Council will assess these applications on a case-by-case basis but will not refuse permission unless the pets are already causing health, hygiene, neighbour nuisance, anti-social behaviour issues etc., or are a breach of the appropriate legislation.

### **4.2. Existing tenants or leaseholders wishing to obtain a new pet or replace a pet from 26 October 2023**

- 4.2.1. If existing tenants or leaseholders wish to obtain a new pet or to replace a pet in the property after the date this Policy came into force and the pet falls within the category of the type of pet that requires permission (as set out in [Section 3](#)), they are required to obtain permission by completing and submitting an [Application for Permission to Keep a Pet \(Appendix 1\)](#).

### **4.3. Prospective tenants or leaseholders with pets from 26 October 2023**

4.3.1. From the date this Policy came into force, prospective tenants or leaseholders must obtain permission to keep any pet that falls within the category of the type of pet that requires permission (as set out in [Section 3](#)) at the property by completing and submitting an [Application for Permission to Keep a Pet \(Appendix 1\)](#) at the tenancy sign-up appointment or before the Lease is signed. Any pets that are refused permission will not be allowed to move into the property with the tenant or leaseholder.

### **4.4. Considering the application to keep a pet**

4.4.1. In all cases tenants and leaseholders must sign an undertaking agreeing to be a responsible pet owner, as contained in the Responsible Pet Owner Agreement within the [Application for Permission to Keep a Pet \(Appendix 1\)](#).

4.4.2. The Council will make reasonable adjustments for tenants and leaseholders who are unable to complete an Application for Permission to Keep a Pet. This may include visiting the tenant or leaseholder to obtain the necessary information to make a decision on the application.

4.4.3. Applications to keep a pet will be considered in line with this Policy. Where there are other existing pets at the property, the applications will be considered in terms of suitability of the property for allowing further pets, the species of animal, their environment and physical needs, and whether there have been previous complaints about existing pets.

4.4.4. The Council will write to the tenant or leaseholder confirming whether or not permission has been granted within 14 days of receipt of the application. Where permission has not been granted, an explanation of the reasons for the decision will be provided and the tenant or leaseholder will be advised of the right to appeal the decision (see [Section 12](#)).

## **5. REFUSALS**

### **5.1. Dangerous, wild, poisonous or unsuitable animals**

5.1.1. Tenants and leaseholders are not allowed to keep any animal, which is dangerous or unsuitable. This includes wild or dangerous animals listed under the Dangerous Wild Animals Act 1976, or poisonous creatures, or livestock such as horses, donkeys, goats, bees, pigs, cattle, geese, cockerels and some types of tropical birds.

5.1.2. Tenants and leaseholders should not encourage or feed wild animals (such as squirrels, foxes, pigeons and other wild birds) either at the property or in communal areas, as this may cause a nuisance to other residents or damage to the property.

5.1.3. Permission will be refused for any dog that is listed in, or fits the description of any dog in, the Dangerous Dogs Act 1991, unless the dog is exempted under the Index of Exempt Dogs and a Certificate of Exemption can be shown. The following types of dog are prohibited under the Act:



- Pit Bull Terriers
- Japanese Tosas
- Dogo Argentinos
- Fila Brazilieros
- XL Bully dog (prohibited under the Dangerous Dogs Act 1991 from 1 February 2024 - see 5.1.4)

5.1.4. **XL Bully dogs** - The XL Bully dog has been added to the list of dogs banned under the Dangerous Dogs Act 1991. From 31 December 2023, it will be illegal to breed, sell, give away, abandon or have an XL Bully dog in public without a lead and muzzle. From 1 February 2024, it will become a criminal offence to own an XL Bully dog if it is not registered on the Index of Exempt Dogs. Applications for an exemption must be made to the Government's Department for Environment, Food and Rural affairs by **31 January 2024**. To apply for exemption and for more information visit <https://www.gov.uk/guidance/prepare-for-the-ban-on-xl-bully-dogs>.

A summary of the Dangerous Dogs Act 1991 legislation can be found at [Appendix 2](#).

## 5.2. **Previous convictions**

5.2.1. Permission will be refused if the tenant or leaseholder 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 has been disqualified from keeping animals or a particular type of animal due to a conviction.

## 5.3. **Pets and businesses**

5.3.1. The Tenancy Agreement states that *tenants must not carry out any trade, profession or business from the property, or elsewhere on Council land, without the permission of the Council in writing.*

5.3.2. The Lease does not allow leaseholders to set up a business from home, although the Council may waive this restriction in circumstances where the proposed business meets certain conditions.

5.3.3. The [Home Enterprise Policy](#) explains how tenants and leaseholders can make requests to set up a business from home and how these requests will be dealt with by the Council. The Policy also explains what types of trade, business or profession the Council will not grant permission for and the penalties facing tenants who carry out these occupations.

5.3.4. Permission will not be granted to tenants or leaseholders for pet-related businesses (including cattery, kennels, other boarding, breeding or selling pets) from the property and other Council owned areas in the vicinity, including garages, outbuildings, gardens and shared areas.

#### 5.4. **Loneliness and isolation**

- 5.4.1. The Council recognises that domestic pets bring joy, happiness and comfort to people's lives, helping their owners through difficult times and improving their health and wellbeing. Where permission for keeping a pet is not granted, for example, because the pet would not be practical in that particular environment and there would be difficulties in meeting the pet's needs; this may impact on some tenants or leaseholders who experience loneliness and isolation. The tenant or leaseholder will be signposted to external help and support, for example, befriending services.

#### 5.5. **Pet sitting**

- 5.5.1. Permission is not required to have someone else's pet or animal stay in the property for a short period of time. This applies in circumstances where someone else's pet or animal is being looked after temporarily, for example, while the pet owner is on holiday, or having a short stay in hospital, or in an emergency. The property must be suitable for the type of pet or animal being cared for temporarily, as covered in Section 3.

### **6. RESPONSIBLE PET OWNERSHIP**

- 6.1. Tenants and leaseholders are responsible for the welfare of any pet at their home whether they belong to them, their household or are visiting their home.
- 6.2. Tenants and leaseholders must comply with any legislation relating to the care and control of any pets. This includes a duty under the Animal Welfare Act 2006 to make sure that any pet has a suitable environment and diet; is allowed to exhibit normal behaviour patterns; is housed with or apart from other animals; and is protected from pain, suffering, injury and disease.
- 6.3. A summary of the key legislation relating to pets and animals can be found at [Appendix 2](#).
- 6.4. Information on where to find guidance on keeping pets and information on animal welfare organisations can be found at [Appendix 3](#).

#### 6.5. **Terms and conditions for all pets**

- 6.5.1. When keeping pets, tenants and leaseholders must ensure they do not:
- Allow any pet kept at the property to cause a nuisance to anyone in the local area, including Council employees, agents or contractors
  - Allow any pet to damage anybody's property or their own property
  - Allow the property to become unhygienic or a nuisance as a result of keeping a pet
  - Run pet-related businesses (including cattery, kennels, other boarding, breeding or selling pets) from the property and other Council owned areas in the vicinity, including garages, outbuildings, gardens and shared areas
  - Keep any pet on balconies or in communal areas
  - Allow a pet to foul the inside of the property or any balconies or communal areas
  - Leave a pet alone in a property for long periods of time without adequate care and supervision.

6.5.2. It is strongly advised that:

- Preventable treatment for the welfare of a pet is carried out routinely, for example treatment for parasites and fleas
- All cats and dogs are neutered and vaccinated
- Within permitted open housing schemes (Meadowside bungalows and The Homestead only), and general needs/leasehold flats or maisonettes that share a single common entrance and do not have a secure private garden, cats should be provided with litter trays inside the property, which should be cleaned out regularly, emptied, securely bagged and placed in a dustbin or communal bins
- All outdoor pets kept in enclosures, such as rabbits, guinea pigs, ferrets and chickens, should have access to outside space and have a secure exercise run with fresh water which is away from prolonged direct sunlight and where they are safe from predators
- Adequate insurance is taken out on a pet not only for the pet's welfare, but also should it cause injury or damage to third parties, their pet and/or the property.

6.5.3. If it is considered that a pet is being neglected, mistreated, or their welfare needs are not being met, the appropriate authorities will be notified and permission to keep a pet may be withdrawn.

## 6.6. **Terms and conditions for keeping cats**

6.6.1. In accordance with the Microchipping of Cats and Dogs (England) Regulations 2023, it is a legal requirement that cats must be microchipped before 20 weeks of age. Microchipping is to ensure that the cat can be identified. It is the responsibility of the owner to ensure that the cat is registered with a database compliant with the regulations. The owner must also keep the database updated following any change of address.

6.6.2. The compulsory microchipping of cats comes into force on 10 June 2024. Owners will have until 10 June 2024 to microchip their cats. Owners found not to have microchipped their cat will have 21 days to get one implanted or may face a fine of up to £500.

## 6.7. **Terms and conditions for keeping dogs**

6.7.1. In accordance with the Control of Dogs Order 1992, every dog, while in a public place, must wear a collar with the name and address of the owner inscribed on the collar or a badge attached to it. There are some exceptions and more information about this can be found in [Appendix 2](#).

6.7.2. In accordance with the Microchipping of Cats and Dogs (England) Regulations 2023, it is a legal requirement that dogs must be microchipped by the age of 8 weeks. Microchipping is to ensure that the dog can be identified. It is the responsibility of the owner to ensure that the dog is registered with a database compliant with the regulations. The owner must also keep the database updated following any change of address.

6.7.3. The Anti-social Behaviour, Crime and Policing Act 2014 states that it is an offence to:

- fail to remove dog faeces in any public space
- not putting and keeping a dog on a lead when directed to do so by an authorised officer
- permit a dog to enter land from which dogs are excluded – specific areas where there is signage such as enclosed play areas/communal green areas.

6.7.4. Failure to abide by the above may result in a fixed penalty notice. Failure to pay a fixed penalty notice may result in prosecution.

6.7.5. The Dangerous Dogs Act 1991 states that it is an offence for a dog to be dangerously out of control in either a public or private place. A dog is considered dangerously out of control if there is reasonable apprehension that it will injure a person or an assistance dog, whether or not injury is caused.

6.7.6. When keeping a dog, tenants and leaseholders must ensure that they:

- keep a collar and name tag on the dog at all times, with contact details of the owner clearly marked
- keep the dog under control at all times
- clear up the dog's faeces and dispose of it hygienically
- ensure the dog is not left alone for long periods of time in the property
- do not breed dogs in the premises
- have dogs microchipped
- comply with the terms of any Public Spaces Protection Orders or any other condition imposed by law.

6.7.7. In addition, tenants and leaseholders must not allow their dog to:

- foul on staircases, walkways, any communal areas, housing scheme grounds or dwellings, including the tenants own property
- roam unaccompanied or be exercised around housing scheme grounds, landings, walkways, communal areas, grassed areas or any other part of the block or estate
- bark so that it causes, or is likely to cause, harm, distress, nuisance or annoyance to others
- be permanently housed outside.

## **7. ABANDONED OR UNATTENDED PETS**

7.1. Pets should never be abandoned or left unattended for long periods of time, resulting in their welfare needs not being met. If a tenant plans to be away, reasonable arrangements should be made to care for the pet.

7.2. It is the tenant's or leaseholder's responsibility to re-home their pet if they no longer wish to keep it or are unable to care for it.

- 7.3. If a tenant or leaseholder moves out of their home, abandons their home or is evicted and leaves a pet behind, the Council will make every attempt to contact the tenant or leaseholder or named emergency contact, but failing this the pet will be removed from the property and any costs incurred will be recharged to the tenant or leaseholder in accordance with the [Housing Recharge Policy](#). Enforcement action may also be taken.

## **8. DAMAGE CAUSED BY PETS**

- 8.1. Where a pet has caused damage to Council property, the tenant or leaseholder will be charged for all relevant costs related to cleaning and/or the cost of repairs caused by pet damage in accordance with the [Housing Recharge Policy](#). This applies if the pet is owned by the tenant or leaseholder, a member of the household, a lodger, sub-tenant or visitor.

## **9. NUISANCE AND ANTI-SOCIAL BEHAVIOUR**

- 9.1. The Council will deal with complaints of pet nuisance and anti-social behaviour in line with the [Anti-Social Behaviour Policy](#) and in most cases will aim to resolve the situation informally. However, if this cannot be achieved the Council will take necessary action to enforce the terms of tenancy, the Lease and this Policy.
- 9.2. If a pet is the cause of persistent nuisance and anti-social behaviour, permission to keep the pet may be withdrawn and action may be taken, such as applying for an injunction or in the most serious cases instigating possession proceedings or taking action to terminate the Lease (Forfeiture).
- 9.3. It is recognised that following the usual procedure of enforcement action for vulnerable tenants or leaseholders whose pet ownership is causing nuisance and anti-social behaviour, is not always appropriate. In accordance with the [Vulnerable Adults' Housing Policy](#), the Council will have regard to the particular circumstances and the vulnerability of tenants when considering the most appropriate form of intervention and action.
- 9.4. In cases of animal hoarding and where the tenant or leaseholder is vulnerable with care and support needs, the Kent & Medway Safeguarding Adults Board's [Policy and Procedures to Support People that Self-Neglect or Demonstrate Hoarding Behaviour](#), will be consulted and, where appropriate, a safeguarding referral will be made.

## **10. WITHDRAWING PERMISSION TO KEEP A PET**

- 10.1. Permission may be withdrawn at any time if the conditions on keeping pets have been breached.
- 10.2. Where permission to keep a pet is withdrawn, the Council will give reasonable timescales for the rehoming of the animal. Any assistance given in providing a temporary safe place for the pet or permanent rehoming may be recharged to the tenant or leaseholder in accordance with the [Housing Recharge Policy](#).

## **11. KEEPING A PET WITHOUT PERMISSION**

- 11.1. Where it is found that a tenant or leaseholder is keeping a pet without permission, the Council will investigate to see whether permission would normally be granted. If so, the tenant or leaseholder may be granted retrospective permission on submission of an [Application for Permission to Keep a Pet \(Appendix 1\)](#).
- 11.2. Where it is decided that permission will not be granted to keep the pet, the Council will ask for the animal to be rehomed. The Council will give reasonable timescales for the rehoming of the animal. Any assistance given in providing a temporary safe place for the pet or permanent rehoming may be recharged to the tenant or leaseholder in accordance with the [Housing Recharge Policy](#).
- 11.3. Ultimately, if the tenant or leaseholder continues to keep a pet without permission, the Council will take relevant action. This may include applying for an injunction or in the most serious cases instigating possession proceedings or taking action to terminate the Lease (Forfeiture).

## **12. RIGHT TO APPEAL**

- 12.1. In the event that a tenant or leaseholder is either refused permission to keep a pet or that permission is withdrawn, they may appeal by requesting a review of the decision.
- 12.2. Any appeal must be made within 14 days of permission being refused or withdrawn. Verbal requests for an appeal can be made, as well as requests in writing. Requests should be made to the attention of the Tenancy Services Manager (if the tenant is living in a general needs property) or the Housing Scheme & Finance Manager (if the tenant is living in a housing scheme or is a leaseholder):

By email:

- General needs tenants: [HEM@dartford.gov.uk](mailto:HEM@dartford.gov.uk)
- Housing scheme tenants: [Supported@dartford.gov.uk](mailto:Supported@dartford.gov.uk)
- Leaseholders: [leaseholders@dartford.gov.uk](mailto:leaseholders@dartford.gov.uk)

In writing:

Housing Services, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR.

- 12.3. The investigation will be carried out by a senior Officer and independent to the Officer who made the original decision. When an appeal is lodged, the Council will aim to make a decision in writing to the tenant within 14 days.

## **13. COMPLAINTS**

- 13.1. If a tenant or leaseholder is not satisfied with the service they have received regarding the application of this Policy, the Council's [Corporate Complaints Procedure](#) can be followed. Complaints leaflets are also available from the Council offices.

- 13.2. The [Housing Ombudsman](#) can be contacted if further advice and support is needed on making a complaint to the Council.

## **14. DATA PROTECTION**

- 14.1. The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.
- 14.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.
- 14.3. The Council's:
- [Data Protection Policy](#) sets out how it will protect special category and criminal convictions personal data; and
  - The [Housing Services \(landlord and tenant\) Privacy Notice](#) explains that the Council collects personal information to administer these services.

## **15. EQUALITY AND DIVERSITY**

- 15.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 15.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
- 15.3. A [Customer Access Review](#) has been undertaken to assess the impact this Policy will have on affected persons with protected characteristics. The review concluded that the Policy will have an overall positive impact, as it provides a transparent, proportionate, fair and consistent approach to requests from tenants to keep pets in Council properties and conditions for responsible pet ownership.

## **16. REVIEW**

- 16.1. This Policy will be reviewed every three years or earlier to address legislative, regulatory, best practice or operational issues.



## APPENDIX 1 – APPLICATION FOR PERMISSION TO KEEP A PET

If you are a Dartford Borough Council tenant or leaseholder, you can use this form to make an application to keep a pet in your property. Before you consider making an application, please read the **Policy on Keeping Pets and other Animals in Council Properties** at <https://www.dartford.gov.uk/housing-policy/housing-strategy-policy-documents>, or a copy can be provided on request.

Section 1: Your details									
Name									
Address									
Phone no									
Email									
Are you a tenant or leaseholder?	<input type="checkbox"/> Tenant		<input type="checkbox"/> Leaseholder						
Section 2: Current property details									
Property type (please tick one option):									
House	<input type="checkbox"/>	Flat	<input type="checkbox"/>	Maisonette	<input type="checkbox"/>	Bungalow	<input type="checkbox"/>	Housing Scheme	<input type="checkbox"/>
Property size:									
Number of bedrooms									
Garden space (please tick one option):									
The property has its own garden which is not shared	<input type="checkbox"/>	The property has a shared garden	<input type="checkbox"/>	The property does not have a garden	<input type="checkbox"/>				
If you live in a flat or maisonette:									
What floor level?		Is there a single common entrance?	Yes / No	Do you have a balcony?	Yes / No				
Section 3: Pets you want permission to keep									
If the pet is a dog*, please answer the following questions:									
* Please note: permission is not required to keep an assistance dog. However, tenants and leaseholders are requested to register details of their assistance dog with Dartford Borough Council by completing this form.									
Type or breed of dog(s)									
Number of dog(s) requested									
Microchip Number		Is the dog neutered?	Yes / No						
Is the dog an assistance dog? Please note: assistance dogs are trained to support disabled people and people with medical conditions with a variety of day to day practical tasks, as well as supporting their independence and confidence e.g. guide dogs, medical alert dogs, hearing dogs.	Yes / No	Please give details of the assistance dog e.g. type of assistance dog and if the dog is from an Assistance Dogs UK member organisation							



### Section 3: Pets you want permission to keep

For all other types of pets that require permission, please answer the following questions:

Type of pet(s)	
Number of pets(s) requested	

### Section 4: Existing pets at the property

Do you have any existing pets at the property?	Yes / No  If yes, please give details
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### Section 5: Have you or any member of your household

Been convicted of, or have past history of, abandonment, cruelty, neglect or mistreatment of animals, or convictions for any offences under the Dangerous Dogs Act 1991, or been disqualified from keeping animals or a particular type of animal due to a conviction?	Yes / No  If yes, please give details
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### Section 6: Emergency contact

In the event of an emergency and we are unable to contact you regarding your pet, please provide an emergency contact	Contact name:  Phone number:  Email address:
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## Section 7: Responsible Pet Owner Agreement

This agreement sets out the terms and conditions under which Dartford Borough Council grants permission for you to keep a pet at your property and should be read in conjunction with your Tenancy Agreement or Lease and Dartford Borough Council's Policy on Keeping Pets and other Animals in Council Properties.

### TERMS AND CONDITIONS FOR ALL PETS

Under the Animal Welfare Act 2006, you have a duty of care towards your pet(s). This means you must make sure you meet their needs:

- for a suitable environment and 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, injury, suffering and disease.

When keeping pets, you must ensure that you do not:

- allow any pet kept at the property to cause a nuisance to anyone in the local area, including Council employees, agents or contractors
- allow any pet to damage anybody's property or your own property
- allow the property to become unhygienic or a nuisance as a result of keeping a pet
- run pet-related businesses (including cattery, kennels, other boarding, breeding or selling pets) from the property and other Council owned areas in the vicinity, including garages, outbuildings, gardens and shared areas
- keep any pet on balconies or in communal areas
- allow a pet to foul the inside of the property or any balconies or communal areas
- leave a pet alone in a property for long periods of time without adequate care and supervision.

**If you are a cat owner:** the Microchipping of Cats and Dogs (England) Regulations 2023 makes it a legal requirement for cats to be microchipped before they reach the age of 20 weeks. All owners must have their cat microchipped by 10 June 2024 when the regulations come into force.

**If you are a dog owner:** the Anti-social Behaviour, Crime and Policing Act 2014 states that it is an offence to:

- fail to remove dog faeces in any public space
- not putting and keeping a dog on a lead when directed to do so by an authorised officer
- permitting a dog to enter land from which dogs are excluded – specific areas where there is signage such as enclosed play areas / communal green areas
- failure to abide by the above may result in a fixed penalty notice. Failure to pay a fixed penalty notice may result in prosecution.

As a responsible dog owner you must ensure that you:

- keep a collar and name tag on your dog at all times, with contact details of the owner clearly marked
- keep your dog under control at all times
- clear up your dog's faeces and dispose of it hygienically
- ensure your dog is not left alone for long periods of time in your property
- do not breed dogs in the premises
- ensure your dog is microchipped, which is a legal requirement in accordance with the Microchipping of Cats and Dogs (England) Regulations 2023
- comply with the terms of any Public Spaces Protection Orders or any other condition imposed by law.

In addition, you will not allow your dog to:

- foul on staircases, walkways, any communal areas or dwellings, including your own property
- roam unaccompanied or be exercised around landings, walkways, communal areas, grassed areas or any other part of the block or estate

### Section 7: Responsible Pet Owner Agreement

- bark so that it causes, or is likely to cause, harm, distress, nuisance or annoyance to others
- be permanently housed outside.

Failure to abide by the conditions of this agreement may be deemed a breach of tenancy or lease and the Policy on Keeping Pets and Other Animals in Council and Leasehold Properties and may result in legal action.

Permission for you to keep your pet(s) could be withdrawn if you breach any of the terms of this agreement.

If a pet dies or no longer lives with you, you will need to apply for permission again to keep another pet.

### Section 8: Declaration

**I confirm that I have read the terms of my tenancy/lease and the Policy on Keeping Pets and other Animals in Council Properties and agree to be bound by and observe them.**

**I confirm I have read the terms and conditions of the Responsible Pet Owners Agreement and agree to be bound by and observe them.**

**I confirm that I will remove my pets(s) from the property if required to do so by Dartford Borough Council.**

Tenant signed:		Date:	
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The information you provide on this form will be used to assess your application to keep a pet and will be saved to your tenancy/leasehold file. Please refer to our Privacy Notices for further details of how we process your personal information and your rights:

- Corporate Privacy Notice - <https://www.dartford.gov.uk/privacy-notices/corporate-privacy-notice>
- Privacy Notice for the Housing Services (Landlord and Tenant) – <https://www.dartford.gov.uk/privacy-notices/housing-services-landlord-tenant>

Please return this signed form to Dartford Borough Council:

By email:

- General needs tenants: [HEM@dartford.gov.uk](mailto:HEM@dartford.gov.uk)
- Housing scheme tenants: [Supported@dartford.gov.uk](mailto:Supported@dartford.gov.uk)
- Leaseholders: [leaseholders@dartford.gov.uk](mailto:leaseholders@dartford.gov.uk)

By post:

- Housing Services, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

A letter will be sent to you confirming whether or not permission has been granted within 14 days of receipt of this form.

### THIS SECTION IS FOR COUNCIL STAFF USE ONLY

Application approved?	Yes / No	Letter to tenant? Date sent	Yes / No
Additional staff comments			
Signed		Dated	

## **APPENDIX 2 – LEGISLATION ON PETS AND ANIMALS**

This information is intended as a guide only. It should not be taken as legal advice and is not exhaustive of all legislation relating to pets and animals.

### **Animal Welfare Act 2006**

Pet owners have a duty of care towards their pets. Owners and keepers have a duty of care to their animals and must make sure they meet their needs:

- for a suitable environment and 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, injury, suffering and disease

Anyone who does not provide for an animal's welfare needs may:

- be banned from owning animals
- face an unlimited fine
- be sent to prison for up to 6 months

### **Dangerous Dogs Act 1991 (as amended by the Anti-Social Behaviour, Crime and Policing Act 2014)**

**Banned dogs** – The following four types of dog are prohibited:

- Pit Bull Terriers;
- Japanese Tosas;
- Dogo Argentinos;
- Fila Brazilieros;
- XL Bully dogs (prohibited under the Dangerous Dogs Act 1991 from 1 February 2024).

It is also an offence to:

- breed, or breed from, such a dog;
- sell or exchange such a dog, or advertise or expose for such a purpose;
- give away such a dog as a gift, or advertise or expose for such a purpose;
- allow such a dog to be in a public place without being muzzled and placed on a lead;
- abandon such a dog, or allow it to stray.

**XL Bully dogs** – From 31 December 2023, it will be illegal to breed, sell, give away, abandon or have an XL Bully dog in public without a lead and muzzle. From 1 February 2024, it will be a criminal offence to own an XL Bully dog if it is not registered on the Index of Exempt Dogs by 31 January 2024. For XL Bully dogs registered on the Index of Exempt Dogs, if the dog is older than one year old on 31 January 2024, it must be neutered by 30 June 2024. If the dog is less than one year old on 31 January 2024, it must be neutered by 31 December 2024.

For more information on the ban on XL Bully dogs visit <https://www.gov.uk/guidance/prepare-for-the-ban-on-xl-bully-dogs>

Whether a dog is a banned type depends on what it looks like, rather than its breed or name. For example, if a dog matches many of the characteristics of a Pit Bull Terrier, it may be a banned type.

If the police identify a dog as being a prohibited type it will usually be seized. The maximum sentence the court can impose is 6 months imprisonment and/or a fine. The court has the power to make a destruction order against the dog and/or to order a person to be disqualified from having custody of a dog.

**If a dog is put on the Index of Exempt Dogs**, the dog must be:

- neutered
- microchipped
- kept on a lead and muzzle at all times when in public
- kept in a secure place so it cannot escape

The owner of a dog on the Index of Exempt Dogs must:

- be over 16 years old
- take out insurance against the dog injuring other people
- be able to show the Certificate of Exemption when asked by a police officer or a council dog warden, either at the time or within 5 days

For more information on the dangerous dogs banned breed regulations visit <https://www.gov.uk/control-dog-public/banned-dogs>

**Dogs dangerously out of control (all dogs)** – The Act states that a dog is deemed to be dangerously out of control if there is reasonable apprehension that it will injure a person or an assistance dog, whether or not injury is caused. An offence is committed by the owner and/or the person in charge of a dog if it is dangerously out of control in either a public or private place. If no injury is caused, the offence can only be heard in the magistrates' court where the maximum sentence is 6 months imprisonment and/or a fine.

If a person or an assistance dog is injured by the dog, a more serious offence is committed which can be heard in either the magistrates' court or the crown court. The maximum sentence available in the magistrates' court is 6 months imprisonment (or 12 months if there is more than 1 offence) and/or a fine. For more serious offences dealt with by the crown court there is a maximum sentence of 5 years imprisonment where a person or an assistance dog are injured or 14 years imprisonment if a dog causes the death of a person.

### **Anti-social Behaviour, Crime and Policing Act 2014**

It is an offence to:

- fail to remove dog faeces in any public space

- not putting and keeping a dog on a lead when directed to do so by an authorised officer
- permitting a dog to enter land from which dogs are excluded – specific areas where there is signage such as enclosed play areas / communal green areas
- failure to abide by the above may result in a fixed penalty notice, failure to pay a fixed penalty notice may result in prosecution.

### **Control of Dogs Order 1992**

Any dog in a public place should wear the name and address of the owner either inscribed on the collar or a name plate or badge attached to it. The exemptions from the requirement relating to the wearing of collars include:

- a) any pack of hounds,
- b) any dog while being used for sporting purposes,
- c) any dog while being used for the capture or destruction of vermin,
- d) any dog while being used for the driving or tending of cattle or sheep,
- e) any dog while being used on official duties by a member of Her Majesty's Armed Forces or Her Majesty's Customs and Excise or the police force for any area,
- f) any dog while being used in emergency rescue work, or
- g) any dog registered with the Guide Dogs for the Blind Association.

The maximum penalty for non-compliance is a fine.

### **Microchipping of Cats and Dogs (England) Regulations 2023**

It is compulsory for all cats and dogs to be microchipped and for the recording of each cat's and dog's identity and its keepers contact details on a database.

Since 6 April 2016, in England, all keepers of dogs that are older than eight weeks have been required to have their dog implanted with a microchip, as set out in the Microchipping of Dogs (England) Regulations 2015. The Microchipping of Cats and Dogs (England) Regulations 2023 revoke the 2015 Regulations. It replicates its provisions and extends the obligation in respect of microchipping to cats over 20 weeks of age, resulting in equivalent provisions in respect of the microchipping of cats and dogs. The obligation to microchip a cat comes into force on 10 June 2024.

### **Dangerous Wild Animals Act 1976**

It is an offence to keep a dangerous wild animal without a licence granted by a local authority. This Act gives powers to the local authority to enter a premises and seize any dangerous animal without compensation.

### **Dogs Act 1871**

If a dog is found to be dangerous and not kept under proper control by its owner, the court can make either a destruction order, a control order with conditions to ensure public safety, and/or disqualify the owner from keeping a dog. The court can also order the owner to pay the costs of bringing the proceedings but they cannot order them to pay compensation or impose any kind of sentence. These are civil proceedings that are heard in a magistrates' court.

### **Animal Boarding Establishments Act 1963**

It is an offence to keep a “boarding establishment” for dogs unless the owner is licenced by the local authority. The maximum penalty is 3 months imprisonment and/or a fine.

### **Animals Act 1971**

If a dog harms a person, another dog or damages property it may be possible to make a claim for compensation against the keeper of that dog.

### **Environmental Protection Act 1990**

Local authorities have the power to seize and detain any dog it believes to be a stray. If the dog is not collected by the owner within seven days, ownership transfers to the local authority, which may re-home, sell, or humanely destroy it. The owner is liable to pay for all expenses because of the dog's detention.

### **Clean Neighbourhoods and Environment Act 2005**

This Act replaces the Dogs (Fouling of Land) Act 1996 and local dog bye-laws. It allows local authorities to tackle dog fouling, ban dogs from designated areas, requires them to be kept on a lead and restricts the number that can be walked by one person. The Act also gives local authorities sole responsibility for strays (this was previously shared with the police).

## **APPENDIX 3 – GUIDANCE ON KEEPING PETS AND ANIMAL WELFARE ORGANISATIONS**

[Code of practice for the welfare of dogs](#) – practical guidance to help dog owners comply with the provisions of the Animal Welfare Act 2006.

[Code of practice for the welfare of cats](#) – practical guidance to help cat owners comply with the provisions of the Animal Welfare Act 2006.

[RSPCA](#) – is an animal welfare charity. To report an act of cruelty, neglect or concern about the welfare of an animal, call the RSPCA's 24-hour national cruelty and advice line on 0300 123 4999.

[Dogs Trust](#) – provides help and advice regarding dogs.

[Cats Protection](#) – provides help and advice regarding cats.