



# **City of Lincoln Council Pets, Medical Assistance Dogs and Emotional Support Animals Policy**



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**January 2025**



## Contents

Section	Page
Policy Objectives	3
Policy Scope	3
Policy statement	3
Medical Assistance dogs and Emotional Support animals	5
Short-term fostering of pets	6
Visiting pets	6
Changing circumstances	6
Right of appeal	7
Monitoring and review	7
Other external and internal influences on this policy	7



## Policy Objectives

The objectives of this policy are:

- to provide a framework that will deliver a positive, fair and sensitive policy on council tenants keeping pets in their homes
- to align our policy on pets with the relevant conditions of tenancy as set out in our secure and introductory tenancy agreements
- to enable us to create operational procedures that deliver this policy in a consistent manner but also allowing for the correct degree of flexibility when considering individual requests to keep pets that fall outside of this policy statement
- to express through this policy the acknowledgment of the importance of pets to people's well-being, including their psychological, emotional and physical health
- to express through this policy the acknowledgment of the importance of protecting the welfare of animals being kept as pets, medical assistance dogs or emotional support animals, and take positive steps to protect them from harm in our properties
- to acknowledge the disruption to people's lives that uncontrolled and irresponsible pet ownership can have on the welfare of the animal and on the lives of others. This policy sets out our position on dealing with uncontrolled and irresponsible pet ownership in our properties

## Policy Scope

This policy applies to everyone who is currently housed or eligible to be housed by us, including independent living schemes. It does not apply to leaseholders, whose lease terms will determine the matter of pet ownership.

## Policy Statement

We actively support the responsible keeping of pets in our properties, recognising the health benefits that pets can bring to people's lives but also recognising the damage to other people's lives that the irresponsible keeping of pets can cause.

We are positive about residents keeping pets, not just cats and dogs but rabbits, budgerigars and fish. The type of pet we consider suitable include, but is not necessarily restricted to:

- dogs
- domestic, non-feral cats
- domesticated rabbits
- budgerigars and other similar caged birds
- fish suitable to be kept in domestic aquariums
- domesticated rodents such as rats, mice, gerbils and hamsters
- non-poisonous insects and spiders
- non-poisonous snakes and reptiles under two feet in length fully grown.



We recognise that some of our properties are more appropriate for keeping certain types of pets than others.

Anyone wishing to have a pet in their home must ask us for permission first.

There are certain overriding terms and conditions that must be satisfied in order that consent to keep a pet will be given. They are:

- that, unless explicitly agreed otherwise, no more than two domestic pets will be allowed in any one property; but there may be properties whose size and/or layout means that only one may be kept
- that any dog kept is not a breed that is prohibited by the Dangerous Dogs Act 1991, unless it is subject to an Exemption and all the exemption criteria are met, such as XL Bully dogs
- that the animal is considered suitable for the property. No wild, dangerous or poisonous creatures, or livestock, including horses, ponies, fowl or game birds or similar or animals covered by the Dangerous Wild Animals Act 1976 will be allowed
- that the pet will not be the subject of any breeding or business activity from the property or locality

Consent to pet ownership will not be given for multi-storey flat blocks (4 floors or more) for dogs or cats (except registered medical assistance dogs or emotional support animals).

Consent to pet ownership will not normally be given unless we are satisfied that the prospective owner will be able to care for the animal's needs correctly and continuously in flats and maisonettes that do not have direct access to outside space.

All tenants seeking permission to keep a pet will be required to complete an application and sign a declaration and undertaking. This will include the following conditions:

- All pets, except for caged birds, insects and fish must be registered with a local vet
- The pet will not be the subject of any breeding or business activity from the property (this includes outside and inside)
- The owner will look after their pet in compliance with the principal terms of the Animal Welfare Act 2006, including:
  - ✓ feeding them a proper diet
  - ✓ protecting them from pain, suffering, injury or disease. This includes physical and psychological/emotional suffering or distress etc (for example leaving a dog alone in a property for an unacceptable length of time, usually no more than 4 hours)
  - ✓ providing a suitable environment that will allow the pet to exhibit normal behaviour patterns with or apart from, other animals.
- The owner will walk their dog away from where they live and keep it on a lead at all times within the communal parts of where they live, inside and outside
- The dog will not be allowed to wander unaccompanied and unrestrained in the communal parts of where they live, inside and outside
- Except for house cats that will never leave the internal property, cats must have access to the outside (this may be the tenant carrying their cat to the main door and collecting them upon their return or through a window or patio door). Owners must provide the cat with a litter tray inside the dwelling (at least one per cat),



- which must be emptied regularly, securely bagged and placed in their outside bin or communal bins
- The pet is properly house-trained (if applicable) and must not be allowed to foul communal areas, inside and outside. If any incident of fouling occurs the owner must clean it up and disinfect the area immediately
  - Cat flaps may only be fitted to external property doors (not communal doors) and only after seeking and being given permission to make changes to the home. When the tenant leaves, they must reinstate the door as it was originally
  - That owners must not allow their pets to create unreasonable levels of noise
  - Relevant licences are obtained and shown to our satisfaction in the case of rare or exotic creatures. We must satisfy ourselves of the proper security of the animal
  - Dogs and cats must be microchipped, and the owner's details kept up to date, and their certificate must be open to examination by us
  - Dogs and cats must be neutered
  - Dogs must wear a collar with an ID tag displaying their owner's name and address, including postcode.

Although the conditions above might seem extensive, when viewed collectively as above they are considered to be normal and reasonable elements of responsible pet ownership.

If the pet owner refuses to comply with relevant conditions above permission will not be given for the pet to be kept; and the tenant will be liable to enforcement action for breach of tenancy if they go ahead and acquire the animal anyway.

Similarly, if permission is sought and given and subsequently we find that relevant conditions above have not been complied with we may revoke permission and take enforcement action after giving the tenant reasonable time to comply.

If a tenant acquires a pet without first seeking and being granted permission:

- they will be required to find an alternative permanent home for the animal if it falls outside acceptable groups of pets as set out above; or
- they will be required to complete a pet application retrospectively and be shown to have complied with all the conditions set out above if the pet falls in to acceptable groups of pets, failing which they may be required to find an alternative permanent home for the animal.

If the pet owner subsequently breaks any of the conditions set out above and, after a reasonable period of time, does not remedy that breach they will cause themselves liable to enforcement action in breach of tenancy.

Where an external structure such as an aviary, is considered necessary, tenants must apply for permission to make changes to your home before starting any work.

## **Medical Assistance dogs and Emotional Support animals**

Medical Assistance dogs and Emotional Support animals will still need permission granting to live in a council property, so that a record is kept of an animal being present at the property.

Medical Assistance dogs are trained to support disabled people and people with medical conditions in a variety of ways. An assistance dog is a highly trained dog that is prepared and trained to carry out tasks and alerts to mitigate a person's disabilities, regardless of whether those disabilities are related to a physical condition or a mental health condition.



The Equality Act 2010, (EA2012 section 173) lays out that in relation to protecting the rights of disabled people accessing private hire transport, an Assistance dog means:

- a) a dog which has been trained to guide a blind person
- b) a dog which has been trained to assist a deaf person
- c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects
- d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

A task trained assistance dog is an 'auxiliary aid,' so classed as medical equipment and not a dog. They are often identified by wearing a jacket, a harness, or a brightly coloured collar and lead. By law, an assistance dog cannot be denied entry to a public place even if it is not a pet friendly place.

Permission will be granted for all medical assistance dogs, even if there are already two animals at the property. Should one of the existing pets no longer be at the property, permission will not be granted to replace that pet so that there will only be two animals at the property.

Emotional support animals do not need any specific task-training like an assistance animal because they are simply an emotional companion. The bond with their owner and their presence helps alleviate the emotional symptoms associated with the disability. They may for example boost confidence and reduce loneliness.

Emotional support animals do not have the same legal rights as assistance animals. There is no legal registration process for emotional support animals, but people in need of them can have a "prescription" from a qualified medical professional that outlines their need for an emotional support animal.

Permission for an emotional support animal, in line with the policy on other pets, will not be unreasonably refused if a prescription has been provided. Emotional support animals must meet the requirements in the Policy Statement above.

### **Short-term fostering of pets**

If permission has been sought & the conditions above (including the maximum number) are met, short term fostering will be considered the same as long term ownership.

Tenants will be responsible for informing us when the fostering arrangements have ended.

### **Visiting pets**

Friends and relatives are allowed to visit tenants with their pets. These pets will be expected to comply with all relevant conditions as set out in the Policy Statement above.

### **Changing circumstances**

Some tenants may at some point become unable to care for their pet in accordance with the conditions set out in the Policy Statement above. In such circumstances we will make every effort to work with the tenant to try to enable the pet to remain with them and be cared for properly with adequate additional support. In the end, however, the pet's welfare and



neighbouring tenants must be factors to consider when deciding whether the pet owner is able to keep their pet.

Where a tenant is unable to care for their pet, or has died, it is the tenant's responsibility (or their Executor) to contact the responsible person listed on the application for permission to re-house the pet.

Where a tenant has died without a will or any relatives, the council will contact a local animal charity to collect the pet(s).

## **Right of appeal**

If a tenant is either refused permission to keep a pet or previous permission is withdrawn, they have a right of appeal to the Housing Appeals Panel (HAP) within 28 days of the letter being sent refusing permission. The decision of HAP will be final.

## **Monitoring and review**

This policy will be reviewed every three years unless required earlier through legislative or regulatory changes.

## **Other external and internal influences on this policy**

This policy has been created and should be implemented in conjunction with the following internal documents:

- Allocations policy
- Equality, diversity and human rights policy and strategy
- Anti-social behaviour, harassment and hate crime policies
- Tenancy Agreement
- Communal Areas Policy
- Environmental Policy
- Tenant Improvements Policy
- Animal Policy

Similarly, this policy has been created and should be implemented in conjunction with the external documents and publications, including but not limited to:

- Housing Act 1985
- Housing Act 1996
- Housing Act 2004
- Homelessness Act 2002
- Homelessness Reduction Act 2017
- Anti-Social Behaviour Act 2003
- Civil Partnership Act 2004
- Housing and Regeneration Act 2008
- Equality Act 2010
- Localism Act 2011
- Dangerous Dogs Act 1991
- Dangerous Dogs Exemption Schemes (England and Wales) Order 2015
- Dangerous Wild Animals Act 1976
- The Animal Welfare Act 2006
- The Microchipping of Cats and Dogs (England) Regulations 2023