

Report to: Portfolio Holder - Housing
 Decision Date: 27 December 2023
 Portfolio Holder: Councillor Lee Brazier
 Director Lead: Suzanne Shead, Director - Housing, Health & Wellbeing
 Lead Officer: Julie Davidson, Business Manager - Housing Services, Ext. 5542

Report Summary	
Type of Report	Open report, non-key decision
Report Title	Management of XL Bully Policy
Purpose of Report	This report sets out the Council’s approach to the management of XL Bullies in council tenancies to support officers in their day to day duties.
Recommendations	<p>It is recommended that the Portfolio Holder approves the Policy to allow tenants who owned an XL Bully prior to 31 January 2024 to keep their dog providing:</p> <ul style="list-style-type: none"> • Full compliance with the Government Exemption Certificate requirements. • No reported issues relating to the dog ownership or behaviour that would be a breach of tenancy (excluding the explicit condition relating to ownership of a banned breed) • That any agreement will fall away if there is an incident involving an XL bully – and appropriate action for breach of tenancy will commence as with an incident with any other animal.
Alternative Options Considered	<p>Two other options were considered in response to the new legislation:</p> <p>Option A - <u>Maintain</u> a zero-tolerance approach of owning the breed within council housing in line with the tenancy agreement;</p>

	Option B - Request all tenants who own an XL Bully apply for permission to keep their dog, which will be subject to the compliance with the Exemption Certificate requirements;
Reason for Recommendation	The recommended option presents a compromise of options A&B which offers a pragmatic approach for owners who have had this legislation imposed upon them but also provides clear consequences should the owner fail to ensure the dog is under control at all times.
Decision Taken	As per the recommendation

1.0 Background

1.1 On 31 December 2023 the dog breed XL Bully will be added onto the list of banned dogs under the Dangerous Dogs Act 1991, a report was presented to SLT on 19 December 2023 detailing the implications of this legislation for the Council as a housing provider. The report is attached at Appendix A.

1.2 As of this date it will be illegal to own an XL Bully if you do not have a Certificate of Exemption.

This means it will also be illegal to:

- Sell an XL Bully
- Abandon an XL Bully or let it stray.
- Give away an XL Bully
- Breed from an XL Bully
- Have an XL Bully in public without a lead and muzzle

1.3 Owners wishing to keep their XL Bully in line with the new legislation will have until 31 January 2024 to obtain a Certificate of Exemption. The Certificate of Exemption has strict requirements, including:

- Third party public liability insurance held by the owner, which must include clauses related to banned dogs – evidence of suitable insurance must be provided on application.
- The dog must be neutered and evidence of this from a certified vet must be provided on application (Dogs under one year when the ban comes in must be neutered by the end of the year, older dogs must be neutered by the end of June 2024.)
- The dog must be microchipped with suitable evidence and microchip number must be provided.
- Kept on a lead and muzzled at all times when in public.
- Kept in a secure place so it cannot escape.
- Ownership by someone over the age of 16.
- Payment of the application fee of £92.50

2.0 Proposal/Details of Options Considered

2.1 SLT were asked to consider 3 options:

- **Option A** - Maintain a zero-tolerance approach of owning this breed within council housing in line with the tenancy agreement.
- **Option B** - Request all tenants who own an XL Bully to apply for permission to keep their dog, which will be subject to the compliance with the requirements set out in 1.2.
- **Option C** – Allowing tenants who owned an XL Bully prior to the legislation to keep their dog providing:
 - i. Full compliance with the Government requirements as set out in 1.2.
 - ii. No reported issues relating to the dog ownership, behaviour that would be a breach of tenancy (excluding the explicit condition relating to ownership of a banned breed)
 - iii. That any agreement will fall away if there is an incident involving an XL bully – and appropriate action for breach of tenancy will commence as with an incident with any other animal.

2.2 Option C was the recommended option for endorsement to the Portfolio Holder.

2.3 The Policy is applicable to existing tenants only as permission will be refused for new tenants to have an XL Bully or other banned breed in their home.

2.4 It is also recommended that a press release about the Council's stance in preparation for the impending legislation is produced to assist with providing the community and tenants with information about the new changes.

3.0 Tenant Feedback

3.1 All three options were shared with the Local Influence Network Chairs. Option C received positive feedback as it offers a compromise but with clear consequences. Chairs were also supportive of a media release to communicate our approach.

During December, tenants were consulted on email via the Councils engaged tenant list to gauge their opinions on the three options. We had very limited responses; Option B was chosen by 2 respondents and Option A by 1 respondent.

4.0 Implications

4.1 In writing this report and in putting forward recommendations, officers have considered the following implications:

4.2 Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment below where appropriate.

4.3 Financial Implications – FIN23-24/3383

Enforcement of tenancy conditions incurs a standard court fee of £355 per case, plus officer time in seeking a legal outcome for the owners of XL bully breeds who fail to comply with the requirements of 1.3. These costs are already provided for within existing budgetary provision.

4.4 HR & Equalities implications

The Council currently manages the risks of colleagues working in the community including the threat and risk of bites from animals through dynamic risk assessments, the Risk Register and through the tenancy agreement. The proposed recommendation does not change this approach.

4.5 ICT Implications

None

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None