



ConsultationResponse

FROM THE RSPCA IN WALES

Welsh Government Consultation: Private Rented Sector Code of Practice for Landlords and Agents May 2015

DO YOU AGREE WITH THE CONTENT OF SECTION 6 – BEST PRACTICE: SETTING UP A TENANCY? & DO YOU AGREE WITH THE CONTENT OF SECTION 7 – BEST PRACTICE: ONCE A PROPERTY IS LET TO A TENANT?

RSPCA Cymru very much welcomes the opportunity to respond to the Welsh Government's consultation in relation to the 'Private Rented Sector Code of Practice for Landlords and Agents'.

Throughout the legislative journey of the Housing (Wales) Act, RSPCA Cymru has closely engaged with the Welsh Government, Assembly Members and other stakeholders in the hope this law's potential for improving animal welfare is realised.

With many, many thousands of landlords/agents set to fall under the new system of licensing, RSPCA Cymru believes the implementation of Part I of the legislation offers a unique opportunity to promote the importance and benefits of responsible pet ownership to both providers and tenants in the private rented sector. In turn, the legislation could also play a key role in enhancing standards for animals across the sector.

Implementation of Part I crucially provides an opportunity to break down the stigma and apprehension held by some private landlords with regards to allowing pets within their properties. In 2011, a report in the Guardian stated that the *"boom in the rental market has created an unexpected number of victims: pets that landlords are refusing to allow in their properties"*¹. RSPCA Cymru would urge private landlords to be flexible and consider requests from tenants to keep pets on a case-by-case basis, and not discourage pet ownership where facilities exist which allow for proper care. It is positive the Welsh Government has made a specific reference noting that *"landlords and agents are encouraged to be accommodating towards potential tenants with pets"*.

Further to this, the RSPCA would encourage the Welsh Government to build upon this commitment by including additional information within the Best Practice elements of the Code of Practice which relate to the welfare of animals. This would further enhance the scope for the development of successful relationships between tenant, landlord and pet in the private rented sector, providing benefits to all three.

¹ The Guardian - Pet owners face struggle to find rented accommodation, 27 July 2011

Ensuring the welfare needs of pets in private rented properties is properly considered carries a series of wide-ranging social benefits; promoting high standards of pet care, reducing instances of anti-social behaviour and facilitating healthier, happier tenants, as well as increasing the likelihood of longer-term, successful lets. Indeed, the levels of pet ownership in Wales and growth of the private rented sector suggests properties allowing pets, when appropriate, are likely to become far more desirable. 43 percent of households in Wales own at least one animal², and it can be realistically anticipated that the number of pets based in the private rented sector in Wales is likely to be considerable. Indeed, industry experts have predicted, across the UK, that 1 in 5 homes may be privately rented by 2016³.

RSPCA Cymru is in the process of producing a Good Practice Guide aimed at landlords and agents, linked to Part I of the Housing (Wales) Act, which we hope to promote widely within the sector. As discussed with the Welsh Government during the Act's legislative journey, we would be delighted if this guide was signposted to, or otherwise, within the draft Code of Practice, and would be eager to discuss how the issues contained within could be further promoted, including by the designated authority, as the licensing of all private landlords in Wales is implemented.

SETTING UP A TENANCY

The Code of Practice outlines best practice during the setting up of a tenancy. During this process, it is important any necessary discussions between landlord/agent and prospective tenants with regards to animals being kept at the property take place. This can prevent unforeseen circumstances or disagreements arising, and help protect the welfare of the animals involved.

At the negotiation stage, it is recommended the landlord informs the tenant as to whether pets will be allowed at the property, including how many and what species; as well as associated conditions related to the keeping of animals at the property. This can prevent disputes arising at a later date. We would urge the Welsh Government to add this to the bullet-pointed list within this Section of the Code of Practice.

Generally, the Welsh Government's acknowledgement concerning the importance of written agreements is welcome and, certainly, RSPCA Cymru would recommend that this principle is adhered to concerning conditions at the property which relate to animals. It is noted that the tenancy agreement could make reference to damage caused by pets. However, there is an abundance of further information we would recommend landlords or agents include in the tenancy agreement, or within an associated written procedure, with regards to animals. Examples would include a procedure for managing complaints linked to animal ownership, and a ban on the business activity of the breeding or vending of animals from the premises.

Additionally, landlords or agents can increase the chances of long-term successful lets, and avoid the escalation of issues, by providing written pet care advice/information and a list of local reputable animal welfare organisations. Additionally, by encouraging tenants to get their animals neutered – perhaps making this a condition of the tenancy – landlords can help

² Welsh Government's National Survey for Wales, 2009/2010, Chapter 12 – Pet Ownership. See: <http://wales.gov.uk/docs/statistics/2011/110224sb142011en.pdf>

³ "Rental Britain" – A report from Savills Estate Agency and Rightmove

ensure the aforementioned rental terms are complied with. Such steps can be undertaken with minimal input from the landlord or agent, but can have hugely positive consequences and facilitate successful letting arrangements, whilst simultaneously helping to meet the Welsh Government's wider aims of improving animal welfare standards.

More generally, landlords or agents may also be faced with a situation whereby a tenant wishes to have a dog at the rental property which is a prohibited type, i.e – under the Dangerous Dogs Act 1991. Where a court has judged any such dog to not be any danger to the public, it will have been placed on the Index of Exempted Dogs (IED). In these circumstances, a landlord should look to allow an exempted dog to be kept within a rented property. There are additional requirements such as insurance which those owners will be obliged to comply with in order to retain that dog.

ONCE A PROPERTY IS LET TO A TENANT

Under Section 7, the Welsh Government advises that the tenancy agreement should contain provision for entry to the property in an emergency. It may be good practice for the tenancy agreement to consider scenarios related to pets at the property should an emergency situation materialise, such as what would occur if an animal was left in a property following an abandonment or eviction. If a tenant is hospitalised, or placed into care, the Local Authority has a duty to take care of the animal, though the owner may have to pay temporary costs for shelter; and it is vital an appropriate contingency plan is discussed.

In summary, the regulation of all private landlords in Wales offers a clear opportunity to enhance animal welfare standards; largely through promoting the importance of responsible pet ownership. Additionally, the potential has been created to ensure problems often associated with the private rented sector linked to animals are avoided, thus preventing the escalation of issues related to anti-social behaviour and so on. As referred to above, RSPCA Cymru is producing a Good Practice Guide concerning issues landlords and agents may wish to consider, further to the implementation of Part I of the Housing (Wales) Act, which will consider many of the aforementioned details in more depth. We believe that adequate consideration of these issues offers huge potential benefits to landlord, tenant and animal.