

ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,
79 Main Road, Onchan.*

ORDINARY MEETING

1st September 2022

Sir/Madam

You are hereby summoned to attend an **ORDINARY Meeting of the Authority** to be held in the Boardroom at **HAWTHORN VILLA, 79 MAIN ROAD, ONCHAN** to transact the undernoted business on:

Monday 5th September 2022


(P) 6:00 pm – Quinn Legal

7:00 pm - Board Meeting

which will be followed by a meeting of the Board sitting **IN COMMITTEE**. Items on this agenda marked **(P)** will be considered in private, and correspondence is circulated separately.

Please note that the minutes referred to in the agenda have yet to be confirmed by the Authority as a true and correct record of proceedings at the various meetings, and will be published after ratification.

Yours faithfully



**R. PHILLIPS
CHIEF EXECUTIVE/CLERK**

AGENDA

The order of business at every meeting of the authority shall be in accordance with that laid down in Standing Order No. 24 unless varied by the Chairman at his discretion (with the exception of items 1, 2, 3 or 4 which cannot be varied) or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.

1. To choose a person to preside if the Chair and Vice-Chair be absent.
2. To deal with any business required by statute to be done before any other business.
3. To approve as a correct record and sign the Minutes of the:-
 - 3.1 Minutes of the Ordinary Meeting held on Monday 22nd August 2022 (Appendix 3.1)
 - 3.2 (P) Minutes of the Staffing Meeting held on Monday 22nd August 2022 (Appendix 3.2)
4. To dispose of any relevant business arising from such minutes if not referred to in the Minutes of any Special Committee:-

None.
5. To dispose of any relevant business adjourned from a previous meeting:-

None.
6. To deal with any business expressly required by statute to be done:-

None.
7. To consider any planning decisions/communications from the Department of Infrastructure Planning Committee:-

7.1 Plans for Consideration

(Appendix 7.1)

	PA Reference	Applicant/Address	Return Date
(a)	PA22/00822/B	Ms R Storey - 22 Alberta Drive	9 th September 2022
(b)	PA22/00862/B	Mr P Wagstaffe - 25 Howe Road	9 th September 2022
(c)	PA22/00970/B	Mr & Mrs S Moughtin - 10 Snaefell Crescent	9 th September 2022
(d)	PA22/01012/B	Mr D Ranson - 1 Bay View Road	16 th September 2022
(e)	PA22/00906/B	Mr P Peniata - 2 Wybourn Drive	16 th September 2022
(f)	PA22/00914/B	Mr M McDowell - 19 Highfield Crescent	16 th September 2022

(g)	PA22/01079/C	Mr & Mrs M Hewison - Edendale, Royal Drive	23 rd September 2022
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8. Finance & General Purpose Matters:-

8.1 Authorised Signatories (Appendix 8.1)

9. Consideration of any report from the Clerk or other Officer:-

9.1 Conduct (Appendix 9.1)

10. 9.2 (P) Grant of Probate (Appendix 9.2)

Consideration of any relevant correspondence (already circulated unless indicated):-

10.1 Proactive Publication of Information Consultation (Chief Executive/Clerk to report)

11. To answer questions asked under Standing Order 34:

To be confirmed.

12. To consider Motions in the order in which notice has been received:-

(Note: See Standing Order No. 26)

12.1 Board Minutes of Onchan District Commissioners (Appendix 12.1)

13. Environmental & Technical Services Matters:-

None.

14. Housing Matters:-

14.1 Pet Policy (Appendix 14.1)

15. Chairman's Announcements:-
Dates for Diary

Date	Organisation	Event	Time
2 nd September 2022	St Peter's Church	Summer Serenade	7:30 pm
3 rd September 2022	Onchan District Commissioners	Commissioners Surgery The Hub – Commissioners Williams and Turton attending	10:00 am to 12 noon
3 rd September 2022	Onchan Methodist Church	Pointless & Puddings Evening	7:00 pm
5 th September 2022	Onchan District Commissioners	Board Meeting	7:00 pm

6 th September 2022	Onchan District Commissioners	Commissioners Surgery – Heywood Court – Commissioners Turton and Quirk attending	2:00 pm to 3:00 pm
19 th September 2022	Onchan District Commissioners	Board Meeting	7:00 pm
21 st September 2022	Friends of Onchan Heritage	“The Dark Skies of Onchan and Man” with Howard Parkin BSc, BEd, FRAS	7:30 pm – The Village Hall, Royal Avenue

16. Any other URGENT business as authorised by the Chair for consideration:-

PLANS LIST

Board Meeting to be held on 5th September 2022
The Lead Member of Environmental and Technical Services and the Acting District Surveyor have viewed the applications and recommend the following:-

Planning Application	Applicant/Address	Description
PA22/00822/B Return Date 09/09/22	Ms R. Storey 22 Alberta Drive	Alterations, erection of rear extension, and use of garage as storage, associated bicycle storage to replace a lost parking space and use as a dog grooming business.
	<i>For Members' consideration (notify 20 & 24 Alberta Drive)</i>	
PA22/00862/B Return Date 09/09/22	Mr P. Wagstaffe 25 Howe Road	Installation of window to under patio store.
	<i>Recommendation - Approve</i>	
PA22/00970/B Return Date 09/09/22	Mr & Mrs S. Moughtin 10 Snaefell Crescent	Erection of ground floor extension and removal of a chimney stack.
	<i>Recommendation – Defer (notify 8 & 12 Snaefell Crescent and 23 & 25 Glen View Road)</i>	
PA22/01012/B Return Date 16/09/22	Mr D. Ranson 1 Bay View Road	Reconstruct entrance porch, erect side and rear single storey extension, install replacement windows and velux windows and erect single storey extension to rear of garage.
	<i>Recommendation – Approve</i>	
PA22/00906/B Return Date 16/09/22	Mr P. Peniata 2 Wybourn Drive	Erection of replacement rear and side single storey extension, installation of bi-fold doors to the rear, replacement landing window, widening of vehicle access and dropped kerb to be widened. (amended plans)
	<i>Recommendation – Approve (notify 4 Wybourn Drive and 1,3,5 Governors Road)</i>	
PA22/00914/B Return Date 16/09/22	Mr M. McDowell 19 Highfield Crescent	Widening of existing access and creation of a new additional access. (amended plans)
	<i>Recommendation – Approve</i>	
PA22/01079/C Return Date 23/09/22	Mr & Mrs M. Hewison Edendale, Royal Drive	Change of use from 2 apartments (class 3.4) to a residential dwelling (class 3.3).
	<i>Recommendation – Approve</i>	

MEMORANDUM

To: ONCHAN DISTRICT COMMISSIONERS
From: ASSISTANT FINANCE MANAGER
Subject: AUTHORISED SIGNATORIES
Date: 26th August 2022

Dear Commissioners

Please be advised that due to change in the staffing structure the following details need to be changed to the Authorised Signatory list:-

For your information, the current authorised signatories approved are:

Mr Ross Phillips	District Surveyor (old title)
Mrs Stephanie Johnson	Finance Manager
Mrs Susan Yule	Assistant Finance Manager

The following is required to be added and amended to ensure that there are two signatories available at all times:-

Mr Ross Philips	District Surveyor to Chief Executive/Clerk	(amend title)
Mr Ryan Forgie	Acting District Surveyor	(new addition)

RECOMMENDATION:

That the four signatories for Onchan District Commissioners will be:

Mr Ross Phillips	Chief Executive/Clerk
Mrs Stephanie Johnson	Finance Manager
Mr Ryan Forgie	Acting District Surveyor
Mrs Susan Yule	Assistant Finance Manager

That:

- 3.1 A banking relationship will be maintained with the Royal Bank of Scotland International Limited trading as Isle of Man Bank Limited (the Bank) and that this Mandate will apply to all existing and future Accounts of the Customer with the Bank.
- 3.2 The Authorised Signatories are the individuals identified above, or on a separate Authorised Signatory list, as amended from time to time.
- 3.3 The Authorised Signatories may, in accordance with the Signing Rules or as set out on a separate Authorised Signatory list, on behalf of the Customer:
 - 3.3.1 Sign cheques or give instructions for Standing Orders, Direct Debits, banker's drafts and other payments from the Accounts, even if it causes an Account to be overdrawn or exceed any limit.
 - 3.3.2 Sign, accept or endorse bills of exchange or other orders and give instructions for discounting inland or foreign bills.
 - 3.3.3 Close Accounts with credit balances.

3.4 The Authorised Signatories identified in the Signing Rules for unlimited amounts may, in accordance with the Signing Rules, on behalf of the Customer:

3.4.1 Open new Accounts with the same Signing Rules and Authorised Signatories and agree the Account terms for Accounts.

3.4.2 Give instructions for the issue of Letters of Credit, Bonds or Guarantees.

3.4.3

(i) Approve and sign any agreement with the Bank for the Customer to use the Bank's electronic banking service, SWIFT or other electronic means to instruct the Bank to make payments or open and operate the Accounts, or otherwise to communicate with or instruct the Bank;

(ii) accept the relevant electronic banking or other Terms or agreement; and

(iii) agree and sign or accept any other document required for the provision of an electronic banking or communication service.

3.4.4 Receive, and authorise others to receive, the security devices in relation to the operation of electronic banking.

3.4.5 Appoint electronic banking Administrators and Payment Authorisers or Authorised Users who have important payment and other powers in relation to the Customer's use of electronic banking, including (in some systems) the appointment of other Authorised Users with authority to create payments or transactions and setting their limits. The Authorised Signatories may appoint themselves.

Any existing electronic banking or communications agreement and the appointment of electronic banking Administrators, Payment Authorisers and Authorised Users, will continue until the Authorised Signatories request any changes.

3.5 Any of the Authorised Signatories may, on behalf of the Customer:

3.5.1 Give other instructions to or request information from the Bank in relation to the Accounts.

3.5.2 Give instructions to close Accounts with nil balances.

3.5.3 Give instructions to withdraw securities, documents or articles lodged for safe custody.

3.5.4 Request that an Account be removed from or added to electronic banking.

3.5.5 Request the removal of electronic banking Administrators, Payment Authorisers and Authorised Users.

3.6 The Bank may accept instructions that do not have an original written signature if the Bank is satisfied that the instruction is genuine and subject to any other agreement the Bank may require for those instructions.

3.7 Any Authorised Representative of the Customer may give notice to the Bank to change any Signing Rules or as set out on a separate Authorised Signatory list, and/or add or remove an Authorised Signatory above or the separate list.

- 3.8 The Customer accepts that the authority for entering into foreign exchange and money market deposit transactions (other than through electronic banking) is not governed by the terms of this Mandate.
- 3.9 The Customer accepts that if a winding up petition is presented against the Customer, the Bank may refuse to make payments out of the Accounts.
- 3.10 The Customer will keep the Bank informed of any changes to the Authorised Representatives of the Customer.
- 3.11 This Mandate will continue until the Customer gives the Bank a replacement Mandate.



S. YULE (Mrs)
ASSISTANT FINANCE MANAGER

MEMORANDUM

To:	Onchan District Commissioners
From:	Chief Executive/Clerk
Ref:	Conduct
Date:	17/08/22

At the Ordinary Meeting of the Board held on 27th June 2022 it is noted within the minutes under the memorandum “ODC Corporate Governance Principles and Code of Conduct policy 2019” the Acting Chief Executive Clerk advised the Board:

- “The purpose of the memorandum was to remind all employees and Members how they are to conduct themselves especially during Board meetings; and
- The Chief Executive/Clerk will be the only officer attending any Board meetings until there is an acceptable improvement.”

The Local Government (Amendment) Bill 2021 is most likely to be in effect from either late 2023 or early 2024. As per the statutory requirement of Section 15B “Codes of Conduct” Onchan District Commissioners (ODC) will have to ensure that arrangements are in place under which allegations of misconduct can formally be made, investigated, and decisions or recommendations provided. This will include the appointment of at least one independent person outside of the Authority who must be sought to provide recommendations in relation to allegations (whether investigated or not).

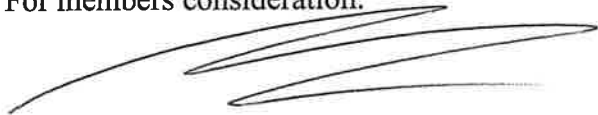
Although not statutory at present it is recommended that ODC be proactive and make arrangements to engage with an independent person or persons in relation to the above. Additionally, that ODC update the current Corporate Governance Principles and Code of Conduct, and Standing Orders to provide clear guidance when dealing with matters relating to conduct.

The desired outcomes of implementing the above recommendations are as follows:

- Improved function and confidentiality of meetings held by the Authority.
- Promotion of the “Nolan Principles” for those acting on behalf of the Authority i.e. selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- As a public body that all reasonable measures are in place to provide support to those employed by the Authority, and those elected to represent the district.
- Officers will be able to re-commence attending meetings to provide guidance and support to the Members and Chief Executive/Clerk.

A copy of the relevant section of the Local Government (Amendment) Bill 2021 is enclosed for reference.

For members consideration.

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, elongated shape.

ROSS PHILLIPS
CHIEF EXECUTIVE/CLERK

which the authority is represented or a sub-committee of such a committee.

15B Codes of conduct

P2011/20/28 and drafting

- (1) A local authority must secure that a code adopted by it under section 15A(2) (a “code of conduct”) is, when viewed as a whole, consistent with the following principles (commonly referred to as “the Nolan Principles”) —
 - (a) selflessness;
 - (b) integrity;
 - (c) objectivity;
 - (d) accountability;
 - (e) openness;
 - (f) honesty;
 - (g) leadership.
- (2) A local authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of —
 - (a) relevant interests (as defined in section 15C(3)); and
 - (b) interests other than relevant interests.
- (3) Sections 15C to 15H do not limit what may be included in a local authority’s code of conduct, but nothing in a local authority’s code of conduct prejudices the operation of those sections.
- (4) A failure to comply with a local authority’s code of conduct is not to be dealt with otherwise than in accordance with arrangements made under subsection (6); in particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the code.
- (5) A local authority may —
 - (a) revise its existing code of conduct; or
 - (b) adopt a code of conduct to replace its existing code of conduct.
- (6) A local authority must have in place —
 - (a) arrangements under which allegations can be investigated; and
 - (b) arrangements under which decisions on allegations can be made.

- (7) Arrangements put in place under subsection (6)(b) by a local authority must include provision for the appointment by the authority of at least one independent person —
- (a) whose recommendation must be sought by the authority before it makes its decision on an allegation that it has decided to investigate;
 - (b) whose recommendation may be sought by the authority in relation to an allegation in circumstances not within paragraph (a); and
 - (c) whose views may be sought by a member of the authority if the member's behaviour is the subject of an allegation.
- (8) For the purposes of subsection (7), where a local authority seeks the recommendation of an independent person, if and to the extent that the authority's decision does not accord with the recommendation, the decision must state the authority's reasons for not doing so.
- (9) For the purposes of subsection (7) —
- (a) a person is not independent if the person is —
 - (i) a member or officer of the authority; or
 - (ii) a relative, or close friend, of a person within subparagraph (i);
 - (b) a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment, the person was a member or an officer of the authority;
 - (c) a person may not be appointed under the provision required by subsection (7) unless —
 - (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public;
 - (ii) the person has submitted an application to fill the vacancy to the authority; and
 - (iii) the person's appointment has been approved by a majority of the members of the authority; and
 - (d) a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.
- (10) In subsections (6) and (7) "allegation", in relation to a local authority, means a written allegation that a member of the authority has failed to comply with the authority's code of conduct.

(11) For the purposes of subsection (9) a)(ii), a person ("R") is relative of another person if R is —

- (a) the other person's spouse or civil partner;
- (b) living with the other person as if they were spouses or civil partners;
- (c) a grandparent of the other person;
- (d) a lineal descendant of a grandparent of the other person;
- (e) a parent, sibling or child of a person within paragraph (a) or (b);
- (f) the spouse or civil partner of a person within paragraph (c), (d) or (e); or
- (g) living with a person within paragraph (c), (d) or (e) as if they were spouses or civil partners.

(12) If a local authority finds that a member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it —

- (a) may have regard to the failure in deciding —
 - (i) whether to take action in relation to the member; and
 - (ii) what action to take, but
- (b) must have regard to any guidance issued by the Department in relation to action to be taken following a finding by a local authority that a member has failed to comply with its code of conduct.

(13) A local authority must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.

(14) A local authority's function of adopting, revising or replacing a code of conduct may be discharged only by the authority.

(15) Any guidance issued by the Department under paragraph (12)(b) must be published on its website or in a manner the Department considers will bring it to the attention of those likely to be affected by it.

15C Register of interests

P2011/20/29 and drafting

- (1) The clerk of a local authority must establish and maintain a register of interests of members of the authority.
- (2) Subject to the provisions of this Division, it is for a local authority to determine what is to be entered in the authority's register.



MEMORANDUM

To:	ONCHAN DISTRICT COMMISSIONERS
From:	HOUSING MANAGER
Ref:	PET POLICY
Date:	22 nd August 2022

Dear Commissioners

Please find attached a copy of the Pet Policy 2022. This policy was agreed by the Board on 16th October 2018, and is due a review.

After discussion with the Lead Member for Housing, no amendments have been made to the content of the policy. Pet permission is for one cat or one dog, and anything outside of this is reviewed on a case by case basis.

The only addition is the inclusion of a review period date on the front page, along with the history and most recent changes box on page 3.

Policy submitted for your consideration.

Kind regards



A.S. Gale
Housing Manager

Attach.



ONCHAN DISTRICT COMMISSIONERS

Aim:

- To provide a foundation for a consistent and enforceable approach to pet ownership.
- To provide a balance that ensures pet ownership does not infringe on the right of others to the peaceful enjoyment of their home.

Pet Policy

Date: October 2022

Review: October 2026

ONCHAN DISTRICT COMMISSIONERS PET POLICY



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Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

Effective from:	Replaces:	Originator:	Page X of Y
October 20218	2017 Policy	Chief Executive/Clerk	1 of 11
Board Ratification:		16 th October 2018	

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
1	18/08/2017	Original Document
2	23/04/2020	Reviewed – review date information added

Onchan District Commissioners

Pet Policy

PURPOSE

The purpose of this policy is to provide guidance to all tenants residing in Onchan District Commissioners' properties.

It is widely accepted that pets provide people with companionship, comfort and love and offer them a way of making contact with others. As such, pets are not something we as a housing provider should ignore. Many people see their pets as a natural extension of, or a replacement for, a family. However, controls must be put in place to prevent irresponsible pet ownership which can cause suffering to animals and nuisance to neighbours.

SCOPE

This policy outlines Onchan District Commissioners' approach to pet ownership.

Onchan District Commissioners recognises that keeping pets can offer significant benefits to their owners. However, irresponsible pet ownership can cause nuisance and affect the quality of life for other residents in an area and will not be tolerated.

Tenants must apply for permission to keep any pet and Onchan District Commissioners will not unreasonably withhold consent.

Tenants wishing to own a pet must apply to Onchan District Commissioners for permission as part of the conditions of their tenancy.

POLICY

Aims:

- To provide a foundation for a consistent and enforceable approach to pet ownership.
- To provide a balance that ensures pet ownership does not infringe on the right of others to the peaceful enjoyment of their home.

Objectives:

- To provide residents with clear guidance on pet ownership, how to apply for permission and how permission may be revoked.
- To provide residents with information on what type of animals are acceptable as pets and in what type of property.
- To provide residents with information relating to acceptable and non-acceptable behaviour.

ONCHAN DISTRICT COMMISSIONERS REFERENCES

Cruelty to Animals Act 1997
Data Protection Act 2002
Dogs Act 1990
Dogs Amendment Act 2018
Housing Act 1955 to 2011
Human Rights Act 2001
Onchan District Commissioners' Tenancy Agreement
Onchan District Commissioners' Tenant's Handbook
Manx Society for Prevention of Cruelty to Animals
Royal Society for Prevention of Cruelty to Animals – Housing Best Practice
One Housing Group

DEFINITIONS

For the purpose of this policy, a Pet is any domesticated or tamed animal that is kept as a companion and cared for responsibly.

Onchan District Commissioners' definition of pets is dogs, cats, small caged birds (not pigeons), rodents, rabbits, non-poisonous insects and small non-poisonous reptiles or fish.

ROLES

All

AUTHORITY TO VARY THE PROCEDURE

Chief Executive

PROCEDURE

1. Introduction

This policy outlines Onchan District Commissioners' approach to pet ownership. As a landlord, Onchan District Commissioners recognises the importance of meeting residents' expectations of a high standard of service delivery.

The tenant shall not keep any dog, cat or noisy or dangerous animal or bird in, or about, the Property without the written consent of the Commission and in no case shall fowls or poultry be kept on the Property.

2. Application and Permission

Written permission must be sought **BEFORE** obtaining such pets and such permission will be restricted to **one cat or one dog *per household depending on the size of the garden and the property.***

Such permission being specific to the animal in question. Any additional pets will require special consideration and approval by the Board of Onchan District Commissioners.

Permission will only be considered where a Pet Application form has been completed. (*Appendix 1*) An application form must be completed for each new pet.

Onchan District Commissioners will deal with requests to keep pets as fairly as possible bearing in mind any problems or restrictions which may exist on any estate or in any block.

Onchan District Commissioners have the right to make changes to this Policy and a Tenant's Pet Agreement at any time by giving the Tenant at least 30 days' notice.

Tenants must request permission to replace a pet. This will be subject to the same conditions; however history of previous pet ownership will be taken into consideration.

Permission may be granted based on the following circumstances:

2.1 Small animals:

Tenants may be given permission to keep small animals which are housed in cages, bowls or tanks inside the home and do not need to be allowed outside of the property, for example small birds, fish, hamsters or gerbils etc.

If the tenant has their own private garden, permission may be given for them to keep small pets in hutches such as rabbits or guinea pigs.

2.2 Cats:

Permission to keep a cat may only be granted to tenants housed in ground floor properties so that the cat may be let outside on a regular basis.

2.3 Exotic Pets:

An application for exotic pets such as snakes or spiders will be refused if:

- The pet requires a licence and the tenant does not hold one.
- The pet will pose a safety risk to the household or neighbours should it escape.

2.4 Dogs:

Permission will only be granted to allow dogs to be kept in accommodation where residents have a sole entrance door, with direct access to an outside space or exclusive use of a garden.

The only exception to the above is where the tenant has a disability and requires the use of a guide or support dog. In these cases the tenant's property does not need to have a private garden or a sole entrance door.

Permission will not be given in any circumstances to keep any dog which is prohibited from importation, e.g. Pit Bull Terrier types, Japanese Tosa, Dogo Argentino and Fila Brasileiro.

The tenant must not allow the dog to breed.

The animal must be microchipped.

In most cases we will allow replacement of the dog as long as the home is suitable.

Anyone mistreating or neglecting their dog will be refused permission to keep ANY pet and will be reported to the Manx Society for the Prevention of Cruelty to Animals (MSPCA).

2.5 Service or Assistant Animals:

Assistance dogs – such as guide dogs for blind people, hearing dogs for deaf people or dogs for disabled people – must always be permitted.

Emotional Support Animals - such animals, which offer emotional support, comfort and a sense of security to individuals through companionship alone, and do not carry out any trained tasks. These animals vary by species, size and breed. Permission will be considered on a case by case basis.

However tenants are still responsible for their animal's behaviour and its welfare.

2.6 Property Type and Space:

Onchan District Commissioners will not grant permission when a tenant does not have adequate space in their home or garden for the type of pet they are applying to keep. This is particularly important when considering an application to keep a dog.

2.7 Number of Pets:

If a tenant requests permission to keep more than one dog or cat (or one of each) judgement would be made on each request on its own merits. This means Onchan District Commissioners will consider such things as the type of home the tenant resides, the size of the garden, as well as the breed, size and number of pets they want to keep.

If a number of other pets already exist in the property, permission will not be given where a new pet will affect their welfare. Health, safety and hygiene will all be considered. Too many pets in a property will also cause a nuisance to neighbours or damage to the property.

2.8 New Tenants:

Onchan District Commissioners' new tenants who already have a pet may be granted permission at the discretion of the Chief Executive.

3. Identification

All dogs and cats must be permanently identified by microchipping and the identification details must be registered. This identification number will be required as part of the Pet Application with Onchan District Commissioners.

To comply with current legislation, a microchip must be implanted in dogs that are 8 weeks old or older. You can arrange this through your local Vet.

4. Welfare

Where permission is granted, tenants are responsible for the health and welfare of their pets. The tenant has a duty of care under the Cruelty to Animals Act 1997 and Animal Welfare Act 1996. This requires proper day-to-day management and care of the pet. If tenants have any questions about the care of their pets they should contact their vet or the MSPCA.

No pet should be left in the property when the tenant is away unless clear arrangements have been made to provide adequate care. In general, this will require the pet to be boarded elsewhere but close supervision by a neighbour may be adequate for some animals.

Routine healthcare must include regular control of parasites (fleas and worms), vaccinations and neutering where appropriate. When applying to keep a pet, tenants may be asked to provide the name of their vet and evidence from them that their pet is regularly or appropriately treated.

5. Breeding

The breeding and sale of animals is prohibited on premises that Onchan District Commissioners manage, including the dwelling and other areas such as garages. This helps encourage responsible pet ownership and reduce the number of 'accidental owners', i.e. those who acquire pets from friends and neighbours without being aware of the animal's basic welfare needs. It will also help avoid environmental nuisance and health and safety problems for neighbours.

Breeding prevention:

Whilst pets are permitted, we encourage the owner to have the pet neutered or spayed, or males and females are housed apart, to prevent them from breeding, as appropriate to the species.

6. Flea and vermin infestation

All tenants must keep their home clean and tidy so as not to cause a nuisance or endanger health. If the tenant fails to keep their home clean, tidy and free from animal mess, fleas or vermin, they must put things right immediately and seek any help they may need.

However, if the problem persists, we will take action for breach of the tenancy agreement and they may have to re-home their pet or face possession proceedings to end their tenancy.

7. **Care of the Property**

Tenants are required to pay for any damage their animal has caused to the property and garden including fixed contents within the property and it is recommended they take out adequate insurance to cover this eventuality. For the avoidance of doubt any such damage shall not be deemed to be fair wear and tear.

Tenants must professionally clean the property when they move out, ensuring that all floors are thoroughly cleaned and treated for fleas and mites and any possible infested floor coverings are removed and disposed of in a courteous manner.

8. **Prohibited Activity/Anti-Social Behaviour**

Under no circumstances will permission be given to breed or offer any animal for sale from an Onchan District Commissioners' property.

Tenants must not allow any animals to foul any shared areas of their property or on roads, footpaths or play areas including grassed areas of an estate. If an animal does defecate in such areas, faeces must always be removed immediately and disposed of hygienically.

Dogs must always be kept on a lead when in public or communal areas. They must never be let out on their own. If cats are allowed free access outside, then steps must be taken to ensure they do not cause nuisance to neighbours.

Tenants have a duty to look after their pets responsibly and must not allow them to cause a nuisance to their neighbours, any member of their own household or any other member of the public. Tenants will also be held responsible for the behaviour of any pets bought into their homes or neighbourhoods by their visitors.

9. **Pets that are or could be aggressive**

If we think your pet may threaten, frighten or harm other people and stop them going about their business or enjoying their home, you must put things right at once. You should seek advice from a vet, dog warden or other expert. If you cannot keep the animal under control, or where we think a particular type or breed of animal is inappropriate to where you live, we will tell you to re-home the pet or face action for breach of tenancy, which may lead to possession proceedings to end your tenancy

10. Security

There is an obligation on the pet-owner to house the animals securely to avoid any escapes, where appropriate to the species.

11. Complaints

Where we receive complaints about pet nuisance and the resident has not in line with their tenancy/lease agreement had permission for the pet, we will require the resident to request permission retrospectively. For those residents who insist they have been previously given permission to keep a pet we will require written evidence to substantiate this. Where previous permission can be evidenced we will uphold the permission, however all permissions are subject to withdrawal if the conditions are not being adhered to.

Any resident that has concerns related to the Pets Policy, including refused consent, must be given the opportunity to make a formal or informal complaint as per Onchan District Commissioners Complaints Procedure.

The following are examples of nuisance and annoyance incidents that will be recorded and managed as antisocial behaviour:

- Excessive barking or any other loud noise causing a disturbance.
- Dogs or any other animals being used to intimidate people.
- Pets causing damage to Onchan District Commissioners' property beyond reasonable wear and tear.
- Any other behaviour considered to be causing a nuisance or annoyance.

Onchan District Commissioners will consider taking the following action against tenants allowing their pets to cause a nuisance:

- Issuing the tenant with a verbal and written warning.
- Requesting that the tenant has the pet re-housed within 14 days of notification.
- Reporting an incident to the Police.
- Taking legal action to obtain an injunction order.
- Taking legal action to obtain a possession order as a last resort.

If a tenant or resident is concerned about a dog(s) which may or may not belong to an Onchan District Commissioners tenant they may contact their Housing Officer for advice.

12. Conditions

The following conditions apply to ALL tenants who are granted permission to keep a pet:

- Pets must be kept under control at all times.
- Pets must not cause any nuisance to neighbours, i.e. straying on to neighbouring gardens, letting your dog bark for a long period of time;
- Pets must not foul on shared areas or estate roads, footpaths and green areas;
- Pets must not be allowed to foul inside the property, except for caged pets and pets trained to use a litter tray. Any pet faeces must be removed immediately from the garden or outside areas and disposed of safely and hygienically;
- Pets must be kept under control when Onchan District Commissioners' staff or contractors visit the home;
- Tenants must not leave their pets in the property when they are away unless clear arrangements have been made for their care;
- Tenants must ensure that their animal will not cause damage to the property if they are left unsupervised;
- All pets kept at the property must be vaccinated and regularly treated for fleas and worms (if appropriate);
- Tenants are responsible for keeping all areas of the property clean and free from parasites, such as fleas;
- Tenants may not breed animals or offer for sale any animal in the property;
- Any animal listed in the schedule of the Dangerous Wild Animals Act 1976 may not be kept at the property;
- Any dog listed under the Dangerous Dogs Act 1991 may not be kept at the property with the exception of dogs registered on the Index of Exempted Dogs.
- Tenants are responsible for their pets in accordance with the Animal Welfare Act. If the Onchan District Commissioners believes that a pet kept in the property has been neglected or abandoned, they will report it to an appropriate animal welfare organisation.

13. Prohibited Activities

- We will not allow the sale of pets within Onchan District Commissioners' properties.
- Residents must seek permission from Onchan District Commissioners if they wish to pet sit or have a pet reside in their property for longer than one day in seven days.
- Residents are responsible for ensuring any dogs visiting their property are accompanied by their owners and they do not cause a nuisance.
- Onchan District Commissioners will not give permission for residents to install cat or dog flaps if the fitting affects the integrity of the door.

14. Consequent action if a pet is kept without permission

If a tenant is found to be keeping an uncaged pet or pets without the Authority's permission, then they must apply for permission within two weeks.

Normally permission will be granted, unless one of the categories listed applies.

Where permission is granted, the tenant must agree to abide by the conditions.

Where permission is refused, the tenant must make arrangements for the permanent removal of the pet within two weeks.

If the tenant fails to comply, then legal action may be considered.

15. Resident Support

Onchan District Commissioners will make all reasonable support available to tenants to ensure they understand the policy and their responsibilities to comply with this policy. If tenants require any assistance in understanding the policy or completing a Pet Application Form, the Housing Officer will assist them in doing so.

16. Special circumstances

If unique or exceptional circumstances suggest we should depart from our normal rules, we will consider the application on its merits.

17. Staffing

Onchan District Commissioners employs a Housing Officer who will administer and oversee applications for pet ownership. Any anti-social behaviour issues arising from the ownership of pets will be investigated.

18. Confidentiality

Under the Data Protection Act 2002 and the Human Rights Act 2001, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member
- sensitive organisational information. Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:
 - the information is necessary for the protection of children or vulnerable adults.
 - Onchan District Commissioners is required to by law. For example, Onchan District Commissioners cannot withhold information if being questioned by the Police during a criminal investigation.

On occasions the information may also be shared between different Departments of the Commissioners and with third parties such as contractors working on the Commission's behalf and the Department of Infrastructure. In such instances the Commissioners will ensure that your personal data is processed in accordance with the Data Protection Act 2002.

19. Health and Safety

All Officers will follow Onchan District Commissioners' Health and Safety Policy, at all times when dealing with residents and executing this policy.