

3.9 Deputy S. Power of the Minister for Housing regarding the rights of tenants to keep pets:

Does the Minister accept that the permitting and, indeed, the keeping of companion animals has positive benefits for those Islanders who live alone and, if so, what action, if any, would he consider taking to ensure that those housing associations, trusts and other housing providers who do not allow the keeping of domestic pets within their accommodation, are not in breach of the European Convention on Human Rights?

Deputy A.K.F. Green (The Minister for Housing):

Yes, I recognise the keeping of pets can be of benefit to their owners but there is a need to ensure that they do not interfere with the quality of life or other tenants and close neighbours. It is, therefore, at the discretion of the housing providers to decide whether to allow their tenants to keep pets or require them to ask for consent in advance. If the Deputy has a specific concern, however, I am happy to look into the matter for him. I cannot answer the part of the question about human rights; I am not competent to do so.

3.9.1 Deputy S. Power:

For those of us that have had the privilege of working in Housing and working as Housing, the Minister will be aware there are certain housing providers who do not allow domestic pets, small cats, small dogs. There is evidence that loneliness can cause depression and ill health. Does he not feel that with the advent of Andium and a new Housing regulator that this should be looked at under Article 8 of the European Convention of Human Rights, which is the right to privacy in family life, and Article 14, which is prohibiting discrimination?

Deputy A.K.F. Green:

I am not competent to answer the question as to whether it is a breach of one's human right to have a pet. What I am competent to say is that all the trusts that I have looked at have conditions whereby people have to apply to keep a pet. Even if a person seeks permission, some trusts will not allow the keeping of a pet in a flat and I am surprised that the Deputy wants people to keep pets in unsuitable conditions. If the welfare of the animal, however beneficial it might be to the tenant, is not appropriate then the trust is quite right to say no. Les Vaux, for example, do not allow dogs to be kept in flats but they do allow dogs to be kept in houses with gardens. I think that is wholly appropriate.

3.9.2 Deputy M. Tadier:

I am disappointed with that answer. I did not hear anything from my St. Brelade colleague suggesting that animals should be kept in unacceptable conditions. Does the Minister accept that a sensible way forward would be to change the presumption; that all tenants are allowed to keep pets so long as they do not cause a nuisance and so long as the welfare of the pet is not put in danger? That would be a much more sensible approach which would still allow the individual providers to override in cases where that is necessary.

Deputy A.K.F. Green:

The Residential Tenancy Law, which Deputy Power took through this House, quite rightly says tenants can keep pets so long as it is not specifically forbidden in their tenancy agreement and it does not cause a nuisance to neighbours. It is particularly that "nuisance to neighbours" that I think needs to be reviewed. It is not suitable, I believe anyway, and I have been a dog owner in the past, to keep a dog in a flat in very confined conditions. However, people might want to have a caged bird or some other sort of animal and that would not be prevented but it is right that people apply.

3.9.3 Deputy M. Tadier:

But the law is useless if it can be overridden by a tenancy agreement that says you cannot keep pets. The law is not relevant if your tenancy says you cannot keep pets, even a budgie in a cage, in a flat, but that is completely different to dogs being kept in unsuitable surroundings. Does the Minister agree that what is needed, as I asked earlier, is for a simple amendment to be brought forward saying that all people can have pets, subject to certain conditions?

Deputy A.K.F. Green:

I do not think it is as simple as that.

The Deputy Bailiff:

Very well, that brings that part of Question Time to an end. We now ...

Deputy S. Power:

Do I get a final ...

The Deputy Bailiff:

You certainly do, Deputy, I am sorry.

3.9.4 Deputy S. Power:

That is okay. I thought perhaps that you were accelerating the process and it was the last question. But my last question to the Minister is if pet owners can keep animals in high-rise Manhattan very easily, is there not a case that they can keep pets in flats in Jersey and does the Minister not feel that if the Housing Department - to be Andium tomorrow - can assess pet owners individually that the new housing regulator should apply that across the board to the other housing providers?

Deputy A.K.F. Green:

That is a slightly different question to the original question but I am quite happy that when we appoint a new regulator we look at the regulations.