

dog barking problem

INFORMATION FOR THOSE AFFECTED



It is normal for a dog to bark from time to time as barking is a natural form of behaviour for a dog. But when barking persists, or continues for long periods, it can be annoying and upsetting for neighbours.

Dog Barking Problem

Local authorities have a duty to take such steps as are reasonably practicable to investigate any complaint of statutory nuisance*. If satisfied that a statutory nuisance exists, or is likely to occur or recur, the local authority is required to serve an abatement notice on the person responsible. The law means that we can only consider barking which is potentially causing an unreasonable and substantial interference on the use and enjoyment of a person's property. The law also means that we can not take into account particular sensitivities (e.g. light sleeper) or things which don't affect the majority of the public (e.g. shift worker). In order to judge whether barking is causing a problem we must take into account what is unacceptable to the average person. Amongst other things, we may look at:

- **Frequency:** for example does the dog regularly bark at every person or dog passing the property or using that part of the street?
- **Duration:** is the dog regularly barking, howling or whining for periods in excess of 10 minutes whether the owners are absent or at home? Does the dog begin barking at something in the street but continue long after it is gone from view?
- **Intensity:** how loud the barking is. This may depend on the location of the dog in relation to the person complaining as well as the individual dog. All dogs have different barks and some may be louder than others.

- **Time of day:** whether the dog is barking during the day or during the night.
- **Behaviour:** is the dog regularly rushing, jumping, barking or growling aggressively at any of the boundary fences? Is the dog regularly barking at the neighbours, for no apparent reason?

However if the noise is a one off, such as barking due to fireworks, this would not be viewed as problem behaviour. The barking problem should be an ongoing and persistent state of affairs to warrant investigation.

What can I do?

Do everything within your power to ensure that you or something or someone within your control, is not contributing to or triggering the nuisance barking. It can also be useful to investigate what is causing the dog to bark as this information will help the owner/ local authority in finding ways to mediate the dog's barking.

Barking may be aggravated by:

- Neighbour's cats entering the dog's property or walking along fences
- People coming and going at the property
- Someone verbally abusing the dog in an aggressive manner or hitting the dog/ fence
- Throwing objects or directing water at the dog
- People teasing the dog through a fence.



It is also important that a barking dog complaint is not the result of hostility between two neighbours, a neighbourhood dispute or dislike of the neighbour. Barking nuisance should be considered in isolation from all other matters and making a complaint to the council should not be used as a form of retaliation against a neighbour.

Consider discussing the problem with the owner

Ensure that your dealings with the dog's owner remain polite at all times. Dog owners may find it difficult to believe that their dog is causing a nuisance by barking whilst they are not at home. This may be because when they are at home, the dog does not bark nearly as much, if at all. Be aware that a responsible owner will be more co-operative once they have established for themselves the true extent of the barking.

You may be able to help with this process, for example by providing recordings of their dog barking during their absence or by notifying the owner of the times or circumstances during which the dog is barking.

Reporting a Dog Barking Problem

If it is not possible to speak to the dog owner and barking continues to be a

problem, the next step could be to report the problem to us using the contact details on the back of this leaflet. It is important that you double check the address before doing so, ensuring that the location of the barking dog is correct. It is also important to understand that the council are required to follow a process of gathering evidence and witnessing the barking problem, and this may take time.

Once you have reported the barking, the Animal Welfare Officer will visit the dog owner to make them aware of the complaint and to offer help and advice regarding training. Please allow the dog owner enough time to digest the information and follow the advice. Many owners will be unaware of the extent to which their dog is causing a problem and it is reasonable to allow them two to three weeks to try to make improvements. Depending on the extent and cause of the problem and the nature of the dog, it can take weeks or even months of training to get the desired result.

The Animal Welfare Officer will contact you approximately 2 weeks after the dog owner has been advised of the complaint to check whether there has been any noticeable improvement. If you are still experiencing an unacceptable level of noise caused by barking, you will be asked for more information in order for us to investigate the complaint further.

Dog Barking Diary

Information supplied by complainants is usually based on personal recollection and opinions on how the barking affects that individual. To overcome this problem you may be asked to complete a dog barking diary. To help make this as accurate as possible, it is suggested that you keep a 7 day record of all instances of barking that have disturbed you, recording the date, time, duration of barking, cause (if known) and any other relevant notes. The accuracy of information relating to the barking is important.

Please note that exaggeration of the frequency or duration of the barking will undermine the credibility of your complaint and may prevent us from being able to progress the complaint at a later stage. After you have completed the dog barking diary, please return it for the attention of the Animal Welfare Officers at the address below.

The information will then be reviewed to help us decide what action to take next. This may include:

- Visiting you to witness the extent of the noise problem, using your diary as guide;
- Installing noise monitoring equipment at your property to obtain a clear record of the noise you are experiencing;
- Speaking to the dog owner and offering further advice on controlling their dog's behaviour or
- Recommending the owner seeks professional help in managing/ modifying the dog's behaviour.

If it is determined that a statutory nuisance exists a noise abatement notice will be served on the dog owner. The notice may require that the noise be stopped altogether or limited to certain times of day and the owner will be legally required to adhere to these terms.

Private Action

As an alternative option to our investigation, you may wish to consider taking your own private action through Livingston JP Court, under the Civic Government (Scotland) Act 1982 549.

If you wish to proceed you should contact the JP Court on the details (right) to discuss how to make an application. The Application should be returned to the District Court who will arrange a date and time for the hearing. You must appear in court on that day with any witnesses you may have.

**Livingston Justice of the Peace Court,
Sheriff Court House,
The Civic Centre,
Howden South Road,
Livingston, EH54 6FF**

Tel: **01506 402400** or email
livingston@scotcourts.gov.uk

It will be up to you to convince the court that what you say is true and the court will decide what to do. If you do not wish to speak on your own behalf you may consult a solicitor who can appear for you.

**For more information, contact the Dog Warden Service:
County Buildings, High Street, Linlithgow, EH49 7EZ
Tel: 01506 282500
email: animalwelfare@westlothian.gov.uk**