



## **Environmental Services**

### **Neighbourhood Noise – Barking Dogs**

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#### **Introduction**

A dog is a huge commitment, they are not part-time animals; they need attention and do not like to be left alone for long periods of time. Dogs have evolved to live in social groups and they use a variety of techniques to communicate which include grunting, whining, yelping, screaming, howling, growling and barking. Problems can occur when dogs disturb and irritate neighbours. Most people will accept the occasional woof but regular and continuous barking can become annoying and a statutory noise nuisance. In these circumstances, affected persons can complain to Chesterfield Borough Council. This factsheet is designed to help dog owners prevent or address nuisance barking.

#### **Legislation**

The Environmental Protection Act 1990 prescribes that noise can constitute a Statutory Nuisance if it disturbs local residents and prevents people from enjoying their homes. Where a local authority is satisfied that a barking dog gives rise to a statutory noise nuisance, then it must serve an Abatement Notice on the person(s) responsible for the nuisance to effectively prohibit a recurrence. Failure to comply with the terms of an abatement notice is an offence which may result in prosecution in the magistrates' court. A successful conviction may result in fines up to a maximum of £5,000 and/or three months imprisonment.

#### **Tackling neighbour noise issues**

Your neighbour may approach you directly to let you know that your dog(s) are causing a disturbance. Please recognise that most neighbours need to pluck up the courage to discuss their problem with you face to face, and it is only fair and courteous that you give them a sympathetic hearing. This is also an opportunity to put your view forward if you feel that your dog is not barking unreasonably, or to agree upon a reasonable compromise that will be fair to both parties. Try and stay on good terms with your neighbour. Confrontation and a breakdown in communications will not help the situation, and will usually make matters worse. Your neighbour might prefer to drop you a note to let you know about the problem. Again, look at the complaint sympathetically and try and sort out the matter amicably. Whether they choose to meet you, or write you a line, in either case they are being fair because they are giving you a chance to consider their problem and to take action in an informal and polite manner.

Of course, your neighbour also has the right to tell Chesterfield Borough Council about the problem and to ask for assistance at a very early stage. A visit, or a letter, from an officer of the Council might be the first time that you are being made aware of the problem. Whichever is the case, you will be asked to put your side of the story if you wish, and to take corrective action on an informal basis.

Your neighbour has legal powers to take a complaint further. Under Section 82 of the Environmental Protection Act 1990, they can make a complaint about the noise nuisance direct to the Magistrates' Court. Your neighbour is obliged to give you notice in writing of the complaint, and to tell you that they intend to take legal action. They must take this action at least three days before making a complaint to the Court. This gives you a further opportunity to sort matters out before the case comes to Court. If you lose the case, the Magistrate can make an Order requiring you to abate the nuisance, and, additionally, you may face a fine. You might be required to pay the costs of the case. If the nuisance still continues then you will have committed an offence, and you will be required to return to Court.

### **What constitutes a legal nuisance?**

Faced with an accusation of causing a noise nuisance, it is useful to ask yourself a number of sensible questions:

- Is the dog barking loud, and/or does it have some other annoying quality which makes it disturbing?
- Is the dog barking frequent and/or how long does it normally last?
- Does your dog bark at unreasonable times, such as very early in the morning or too late in the evening?
- Is your dog barking unreasonably?
- Is your dog barking in response to normal behaviour (i.e. when the post is delivered)?

### **Why do dogs bark?**

It is normal and natural for dogs to bark. But when barking happens a lot or goes on for a long time, it can be annoying and upsetting for your neighbours. If you are out a lot, or you're just used to your dog barking, you might not realise just how bad it is.

There are many reasons why dogs bark: -

- Over-dependence upon the owner, resulting in separation anxiety,
- Fear or phobic reaction to sights or sounds outside or inside the home,
- Territorial behaviour,
- Frustration,
- Social (i.e. calling other dogs in the area),
- Barking in play or aggression,
- Predatory or chase behaviour,
- Attention seeking.

### **Short-term solutions**

There are some simple steps you can take straight away to cut down on the amount of noise your dog is making. This will help calm the situation between you and your neighbour and give you time to work out why your dog is barking.

- If your dog barks at things outside your yard or garden, don't let it go outside on its own. Keep it away from windows, so it can't see people or other animals.
- If your dog barks at the same time every day (i.e. when people in the house are going to work or school) try to keep it busy at that time. For example, you could take it for a walk.
- Try to keep your dog calm. If it barks when it is excited, don't play with it at anti-social times (i.e. late at night).
- If your dog is barking to be let in, don't leave it outside longer than necessary.
- See if you can get a friend or relative to look after your dog when you go out, or take it with you.
- Make sure your dog gets some exercise before you go out. A tired dog is less likely to bark.

### **Long-term solutions**

- A vet or dog behaviour therapist may be able to give you advice and/or help to re-train your dog not to bark excessively.
- Be consistent. Every time your dog is quiet when it would normally have barked, praise it or give it a treat. When it barks, tell it firmly to be quiet.
- Your dog is part of the family. If it only barks when you leave the house; leave some toys/chews or put the radio on quietly.
- If your dog is clingy and howls/whines when left alone take it with you.
- Is your dog frightened (ears back, tail low) and has trouble settling or keep trying to hide? If this is the case, make a den for your dog. If it is scared of loud noises, mask these by putting the radio on quietly. If it is frightened by other people/animals, shut curtains and close doors.
- If your dog guards his territory and barks at people, animals or cars keep your dog away from the windows or screen windows. If it barks when outside, bring your dog inside immediately it starts barking.
- If your dog is barking to seek attention, look at your dog and then look away to show you're not going to respond. Do not give it any attention or anything else whilst it is barking.
- If your dog is barking through frustration (i.e. you have left it at home while you have gone out) you could leave your dogs lead where it can see it. This way your dog will know it is not going with you.

### **What not to do**

Do not punish your dog as it might mistake it for attention, and your dog could become more anxious.

Do not use mechanical devices (like anti-bark collars) unless you have followed advice from a vet.

Do not get a second dog unless you are sure this is going to make your dog feel more secure, not less.

### **Summary**

If you do receive a complaint about your dog barking, do not take it personally; do take it seriously and think about your neighbours' point of view. Keep your neighbours informed of what you are trying to do to resolve the problem.

### **Useful Contacts**

#### **British Veterinary Association**

7 Mansfield Street

London

W1G 9NQ

Tel: 020 7636 6541

Fax: 020 7908 6349

Email: [bvahq@bva.co.uk](mailto:bvahq@bva.co.uk)

#### **The Canine & Feline Behaviour Association**

Applewood House

Ringshall Road

Berkhamsted

Hertfordshire

HP4 1RN

Tel: 0845 6445993

Website: <http://www.cfba.co.uk/index.htm>

Should you have any queries or wish to make a complaint you can contact us

- In person at Chesterfield Borough Council, Revenues Hall, New Square, Chesterfield, Derbyshire, S40 1AH
- By letter to Chesterfield Borough Council, Environmental Protection Team, Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LP
- By telephone to main switchboard on 01246 345345
- Via email/through website [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)