

# Advisory note on the investigation of barking dog noise complaints



Since 2020 there has been a large increase in the number of barking dog complaints that are received making up 40% of the total noise complaints made to Environmental Health each year. This has been the result of increased dog ownership and changes in our lifestyles with more people working from home.

This advisory note outlines Environmental Health's approach to dealing with complaints about barking dogs and what you can expect from the Council. It is important that we manage expectations as this can be a long process and very few investigations into barking dogs meet the legal threshold to enable enforcement action to be taken.

## What can the Council do in the first instance?

If the dog is being kept at a Council property you should contact the Council's Housing Section.

Environmental Health will respond to complaints about barking dogs and an officer will write to the dog owner to give advice on measures that they can take to reduce the barking. In most cases this is successful and will resolve the matter.

## If the barking dog(s) continues to cause a problem, what should I do?

Environmental Health can investigate further to determine whether a statutory nuisance exists under Section 79 Environmental Protection Act 1990. For a statutory nuisance to exist the barking must substantially interfere with the use and enjoyment of your property. Whilst we acknowledge that the barking you are experiencing may be highly annoying, causing a disturbance and at times excessive this may still not meet the threshold of a statutory nuisance.

Before deciding to progress with a noise investigation please consider the following:

- Consider raising your concerns with your neighbour/dog owner, you may be able to work with them to find a solution.

- Environmental Health are only able to take action for persistent and prolonged dog barking. We will not establish a statutory nuisance if the dog(s) barking is for short periods (less than 30 minutes during the daytime), is not happening on a regular/daily basis or you cannot identify the property where the barking is taking place.
- We do not have the powers to deal with the cumulative effect of several dogs barking from different residential properties in a particular area/street.
- The law does not allow us to take account of particular sensitivities and personal circumstances e.g. shift worker.
- We also cannot make owners give up their dogs even as a result of enforcement action.
- Please give the dog owner a minimum of 2 weeks since you first contacted us to see if there is an improvement. Sometimes it can take time for the dog owner to put steps in place such as training the dog(s) before you notice an improvement.

## **How do I make a complaint?**

If you wish for your noise complaint to be investigated to establish if there is a statutory nuisance, please contact the officer dealing with the matter or contact Environmental Health.

## **How will my noise complaint be investigated?**

It is important that you help us to collect evidence and keep accurate noise disturbance diary sheets (these will be sent to you) of how the barking is affecting you, these will be used as evidence. This can take time and effort which can be frustrating but is vital to the investigation and they should normally be kept for 2 weeks. Without completed noise disturbance diary sheets we are unable to investigate your complaint further.

On receipt, the investigating officer will review the noise disturbance diary sheets to decide if there is evidence of a potential statutory nuisance and the best way to assess the barking.

You will be informed of the outcome of this assessment and whether your noise complaint is to be investigated further.

Any further investigation may involve an officer visiting your property to witness the excessive barking and/or installing noise monitoring equipment into a main room such as a bedroom or living room.

Where possible, the investigating officer will visit the dog owner to seek a resolution to the excessive barking.

### **What legal action can be taken?**

If a statutory nuisance is established an Abatement Notice will be served on the person responsible (usually the dog owner). This will require them to take steps to abate the statutory nuisance and if evidence is gathered of non-compliance further enforcement action may be taken.

### **Will my details be kept confidential?**

Complainant details will be kept confidential. However, if the Council decides to take legal action for non-compliance with an abatement notice or the abatement notice is appealed your name may have to be released to the defence and you may be required to appear in Court as a witness.

Your name would not be disclosed without your permission, but you will need to be aware that legal action is unlikely to be successful without the use of your evidence.