

Agenda Item	20
Report No	EDI 16/19

HIGHLAND COUNCIL

Committee: Environment, Development and Infrastructure Committee

Date: 31 January 2019

Report Title: Environmental Health Investigation Protocol for Dog Barking Complaints

Report By: Director of Community Services

1 Purpose/Executive Summary

- 1.1 The report is to seek Members' approval for a revised investigation protocol to be implemented by the Environmental Health Service with respect to dog barking complaints.
- 1.2 The report makes a recommendation to limit investigations to only day-time complaints, unless exceptional circumstances, and to restrict the number of visits undertaken when conducting investigations into complaints.
- 1.3 The report further recommends that members of the public be signposted to alternative legislative provisions contained within Section 49 of the Civic Government (Scotland) Act 1982 that permit members of the public to pursue their own civil action.

2 Recommendation

- 2.1 Members are asked to approve the revised investigation protocol as detailed within the report.

3 Background

- 3.1 A significant and increasing number of complaints about dog barking are being submitted to the Environmental Health Service for investigation and action as necessary. Due to the increasing demands being placed on the Service and the requirement to prioritise workload, a review has been undertaken of the current investigation protocols for dog barking complaints in order to help improve efficiency and consistency when responding to such complaints.
- 3.2 The following is a breakdown of the figures for dog barking complaints received over the last 5 years across Highland by Environmental Health:

Year	2014	2015	2016	2017	2018
Total No of Dog Barking Complaints	85	68	108	116	139
Breakdown by Area					
Inverness	35	29	51	69	76
Lochaber	10	7	10	5	8
Ross & Cromarty	16	15	28	17	33
Skye & Lochalsh	1	3	0	1	4
Caithness	12	7	15	9	7
Sutherland	3	1	2	3	7
Nairn	1	1	0	5	2
Badenoch & Strathspey	7	5	2	7	2

- 3.3 There are **two** principal legislative provisions that can be used if dog barking is so loud, frequent and prolonged so as to interfere with the normal activities of a neighbour's use of their property:

- Civic Government (Scotland) Act 1982; and
- Environmental Protection 1990 (EPA 1990).

3.4 **Civic Government (Scotland) Act 1982.**

- 3.4.1 Section 49 of this act allows aggrieved neighbours to take civil action by presenting a petition to the District Court. After hearing evidence from both parties, the Justice of the Peace (JP) will determine the outcome which could result in a court order being served on the owner of the dog. A breach of a court order is a criminal offence. The legislative provisions require the complainant to demonstrate that the dog barking *"...is giving reasonable cause for annoyance"* and therefore it is a lesser burden of proof than trying to establish statutory nuisance.

- 3.4.2 Whilst this legislative option has always been available, it has traditionally not been utilised to any great extent by complainants. This is most likely due to it requiring the complainant to pursue their own Civil action, but also due to a lack of awareness that such provisions exist.
- 3.5 **Environmental Protection 1990 (EPA 1990)**
- 3.5.1 This allows Local Authorities to take action if they are satisfied that a statutory nuisance exists under the terms of the Act.
- 3.5.2 For a statutory nuisance to exist, evidence requires to be obtained that demonstrates that the disturbance being caused by the barking was “*more than could be reasonably tolerated.*”. This requires investigating officers to have witnessed the barking first hand in order to make such an assessment. The Local Authority has a statutory duty to take such steps as are reasonably practicable to investigate complaints of noise disturbance and where they are satisfied that a statutory nuisance exists to serve an abatement notice.
- 3.6 **Current approach in Highland**
- 3.6.1 Currently officers will assess any complaints received and investigate in terms of the Environmental Protection Act 1990. Diary sheets may be requested from the complainant as part of investigations. Officers will then attempt to visit the complainant to witness the dog barking, including undertaking out of hour visits where deemed necessary. The investigating officer may also use noise monitoring equipment as part of investigations.
- 3.6.2 Based upon the experience of officers who have investigated dog barking complaints, it is often very difficult to obtain sufficient evidence to clearly establish that a statutory nuisance exists. This is principally due to the:
- difficulties in officers witnessing the dog barking which often has no pattern to enable visit times to be scheduled; or
 - incidents occurring outside normal working hours.
- 3.6.3 Even if a call is received during working hours, it is often the case that by the time an officer can attend, the barking will have ceased. Whilst advice can be and is usually given to the dog owner, a significant amount of officer time is taken up investigating these complaints. In the vast majority of cases insufficient evidence is available for our Service to pursue formal action.
- 3.6.4 It can also be quite difficult for investigating officers to conclude investigations in terms of the existing protocols as it is not outlined what a complainant should expect in terms of an investigation or the circumstances when the Council would no longer consider it reasonably practicable to investigate the matter any further. As a result complaint investigations can often become very protracted and time consuming. Equally it becomes frustrating for the complainant and can create unrealistic expectations that our Service can pursue the complaint formally.
- 3.6.5 For the 516 complaints received for the 5 years outlined previously, only **two complaints** have resulted in officers being in a position to serve abatement notices.

4 New Proposed Investigation Protocol

- 4.1 A flow diagram outlining the revised investigation protocol is included in **Appendix 1**
- 4.2 A guidance note has now been produced that will be given to complainants after their first contact with the Service – **Appendix 2**. This guidance note explains the steps they can take including the Civic Government option and the formal investigation procedure.
- 4.3 If the complainant requests the Council to undertake a formal investigation, the complainant will initially be requested to complete incident record sheets for a minimum period of 14 days and return them to our Service. If the record sheets are not completed and returned within 28 days, the complaint will be closed. No investigation will be carried out if the complainant wishes to remain anonymous to our Service.
- 4.4 Investigating officers will review the information contained within the completed record sheets. They will consider whether the barking incidents recorded are likely to require further action or investigation by our service. We will **only** follow up information which would indicate that a potential statutory nuisance exists.
- 4.5 If the information provided does not indicate a potential statutory nuisance, the complainant will be advised accordingly. At this time they will be reminded that they can consider taking a civil action in terms of the **Civic Government (Scotland) Act 1982** if the matter is still presenting a concern.
- 4.6 If the dog barking diary contains enough accurate information to suggest the barking may be a potential statutory nuisance we will visit the dog owner and advise them appropriate steps to help reduce barking in an effort to prevent further action requiring to be taken. At this time the dog owner will be offered advice on what steps to take to help reduce barking in an effort to prevent further action requiring to be taken.
- 4.7 An information leaflet has been produced and will be provided to the dog owner. **See Appendix 3.**
- If complaints continue following the initial contact, officers will take the following reasonably practicable steps to investigate the matter.**
- 4.8 Where the complaints relate to incidents of barking between 0800 – 1800hours, officers will aim to visit at the times indicated in the barking diary to establish if the dog barking is occurring as indicated, and if it could be considered a statutory nuisance.
- 4.9 Three attempts to witness the dog barking will be undertaken by investigating officers.
- If no barking is witnessed after three (3) visits to the complainant's property, or if the barking is not considered to be a statutory nuisance, then our Service will take no further action and close the complaint.
- 4.10 If the barking is only causing disturbance in the evenings or early mornings (*i.e. between 1800 hours and 0800 hours the next day*), then our Service no longer

considers it reasonably practicable to undertake monitoring visits at these times. Such visits will now only be conducted in exceptional circumstances and where there is a realistic expectation of obtaining sufficient evidence to pursue enforcement action.

- 4.11 This approach is being taken as we recognise that there is an option for individuals to pursue their own action under the Civic Government (Scotland) Act 1982.
- 4.12 In such circumstances, the dog owner will be made aware a complaint has been lodged and will be given advice on steps to take to reduce barking. The complainant will be advised that our Service will not investigate the matter any further.
- 4.13 If evidence is established that the barking is a Statutory Nuisance we will serve a legal notice on the owner of the dog to take steps to control the barking and prevent it from being a nuisance. This does not mean the dog should never bark, just not in such a way as to create a statutory nuisance. (*i.e. persistent and prolonged periods of barking over extended periods of time*)
- 4.14 Any breach of notice conditions could result in a report to the Procurator Fiscal, or a fixed penalty fine being issued against the dog owner. Local Authorities have powers under the Environmental Protection Act 1990 to take action against statutory noise nuisance; however, it is important to understand that not all barking incidents that cause annoyance will constitute a statutory nuisance. In deciding whether statutory nuisance exists, the nature, volume, frequency of occurrence and how often and when the noise occurs all need to be taken into account. Occasional or sporadic barking would not amount to a statutory nuisance.
- 4.15 In order to avoid potentially malicious complaints continuing against neighbours, where a complaint has already been investigated and the circumstances would not appear to have significantly changed, then the complainant will be advised that no similar dog barking complaints from them will be investigated until after a 6 month period elapses from the date of their original complaint.
- 4.16 When investigating dog barking complaints, investigating officers will now carefully consider whether the use of noise monitoring equipment (NME) is appropriate or not. Ultimately the use of the NME does not avoid the requirement for monitoring visits to be undertaken in the event dog barking is recorded and therefore it very often simply delays the conclusion of investigations and can unrealistically raise the expectations of the complainant that sufficient evidence can be obtained to pursue a statutory nuisance. The use of NME will now only be considered in exceptional circumstances for dog barking complaints.

5. Other Scottish Local Authorities

- 5.1 A number of other Scottish Local Authorities are similarly signposting members of the public to the relevant provisions contained within the Civic Government (Scotland) Act 1982, and advising them to pursue their own Civil Action with respect to such complaints. The majority of Councils provide informal advice to the dog owner on what steps to take to help reduce barking.
- 5.2 Both Aberdeenshire and Aberdeen City Councils specifically direct the public to the

Civic Government Act provisions within the guidance they have made available on their website for dog barking complaints. They make no reference to the statutory nuisance provisions on the website.

5.3 West Lothian Council And Dundee City Councils take a similar approach and direct members of the public on their website towards pursuing their own Civil Action. They make reference to general advice being offered to the dog owner and that an informal approach will be taken to try and resolve concern.

6. Key Objectives of the Revised Investigation Procedure

6.1 The revised investigation policy has a number of key objectives:

- to reduce the amount of time officers spend investigating dog barking complaints, whilst still fulfilling our statutory duty to undertake reasonable investigations into complaints;
- to improve consistency and efficiency within our Service when investigating complaints of dog barking; and
- to ensure consistent advice is provided to members of the public and dog owners with respect to dog barking complaints

7. Implications

7.1 Resource - There are no resource implications

7.2 Legal

7.2.1 The Council has a statutory duty to investigate noise complaints in terms of the Environmental Protection Act 1990 and to serve an abatement notice where a statutory nuisance is found to exist.

7.2.2 This revised investigation protocol is considered to meet the requirement of the legislation.

7.3 Community (Equality, Poverty and Rural) - Members of the public may require to pursue their own Civil action in an increasing number of cases where our Service cannot establish that a Statutory Nuisance exists.

7.4 Climate Change / Carbon Clever – No implications.

7.5 Risk – No implications.

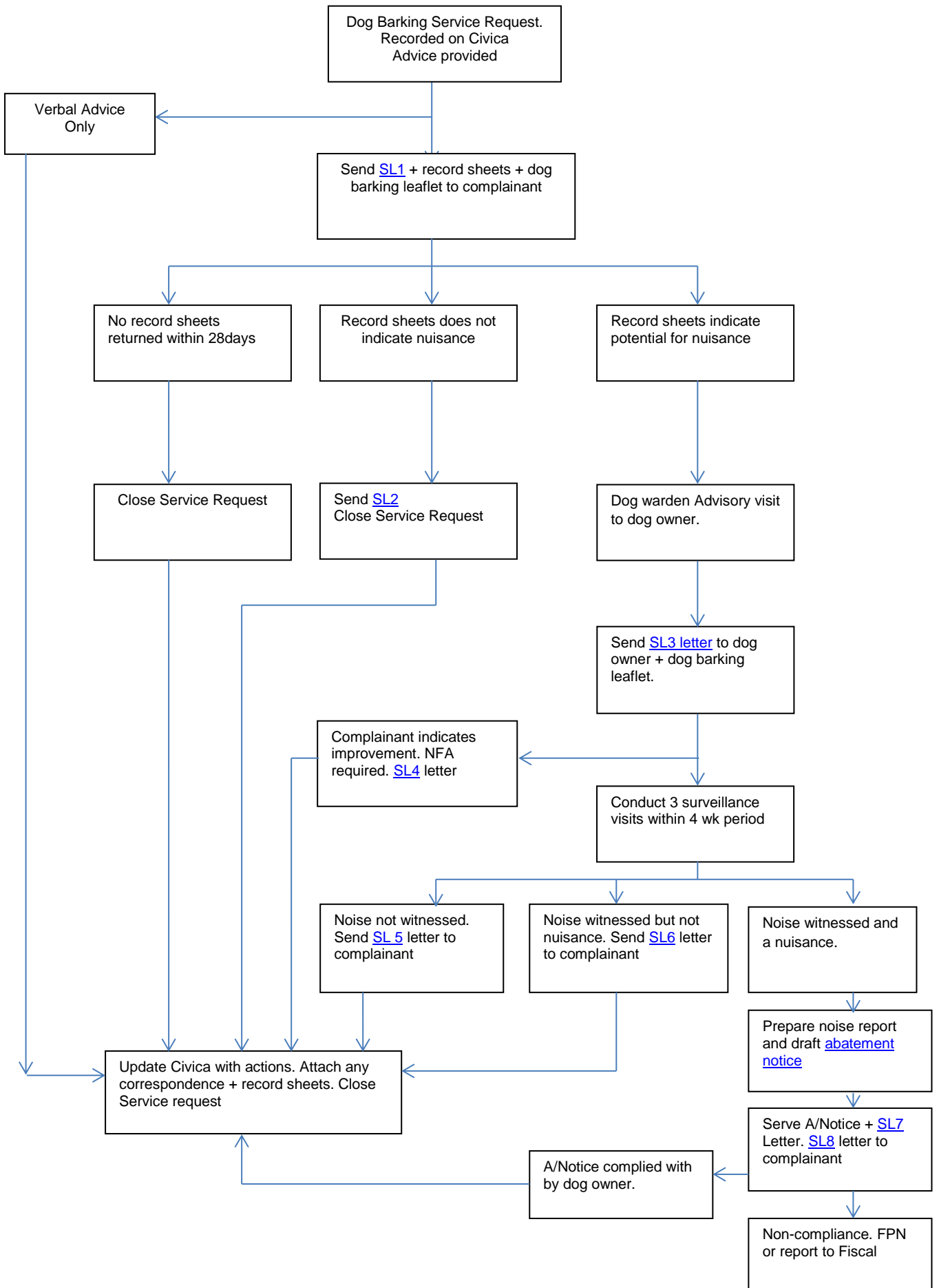
7.6 Gaelic – No implications.

Designation: Director of Community Services

Date: 14 January 2019

Author: Gregor MacCormick, Senior Environmental Health Officer

Appendix 1: REVISED DOG BARKING SERVICE REQUEST PROCEDURE



Community Services - Environmental Health

Guidance on Investigation Procedures for Barking Dogs

Dog Barking

Highland Council residents who are impacted by noise caused by continual barking of a neighbour's dog(s), either inside or outside their homes, have the right to take action in an attempt to resolve the problem.

Please remember that semi-detached houses, terraced properties and flats are seldom designed to be totally sound proof. You may from time to time be able to hear your neighbour's dog(s) barking.

It is normal and natural for dogs to bark and you cannot expect any neighbour's dog to be silent. However, if the noise is so loud, frequent and prolonged as to interfere with your normal activities as an occupier, it is reasonable to expect the dog owner to take steps to address the barking problem.

How can I resolve the issue myself?

We always suggest that you raise the problem with your neighbour in normal conversation. Explain how the barking affects you and ask your neighbour if he/she would attempt to tackle the problem. Often dog owners will not realise that their dog is causing a disturbance. This way, it can be brought to their attention and addressed informally, without the dog owner feeling they have been complained about to the authorities.

What if I am unable to speak to the dog owner?

We recognise that this is not always possible, because it may be difficult to approach the dog owner directly. We recommend that you put your concerns down in writing to your neighbour in polite terms, again pointing out that the barking is causing annoyance and requesting that he/she takes action to solve the problem.

How much time should I give the dog owner to resolve the issue before taking it further?

You should allow adequate time for your neighbour to consider your request and take appropriate action. You should allow at least 2 weeks before starting to see an improvement. Copies of correspondence should be kept for future reference.

Formally reporting an unresolved Dog Barking issue

You have two formal options to resolve a dog barking issue:

- 1. Civic Government (Scotland) Act 1982:** Section 49 of this act allows you as the aggrieved neighbour to take civil action by submitting your complaint to the district court. You need to demonstrate that the dog barking "...is giving reasonable cause for annoyance".
- 2. Environmental Protection 1990 (EPA 1990):** The Council will investigate and will take action if they are satisfied that a statutory nuisance exists under the terms of the Act.

Please note the Civic Government option may be a quicker and more effective way to resolve your complaint. It can be very difficult to establish that a barking dog is causing a statutory nuisance.

1. TAKING ACTION UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

An individual, but not a local authority, can consider taking formal action under the Civic Government (Scotland) Act 1982. The relevant section of the Act is Civic Government (Scotland) Act Section 49 of which Subsections (2) and (3) state:-

Community Services - Environmental Health

Guidance on Investigation Procedures for Barking Dogs

2. *A District Court may, if satisfied that any creature kept in the vicinity of any place where a person resides is giving that person, while in that place, reasonable cause for annoyance, make an Order requiring that person keeping the creature to take, within such period as may be specified in the Order, such steps (short of destruction of the creature) to prevent the continuance of the annoyance as may be so specified.*
3. *An Application to a District Court for an order under subsection (2) above may be made by any person. You must appear in Court on that day with any witness you may have. It will be up to you to convince the Court that what you say is true. Alternatively, you may employ the services of a solicitor to undertake this on your behalf. For more information of if you wish to proceed you should contact your local Justice of Peace Court. There may be a fee associated with making these applications.*

An application would require to be made on a specified form and, subject to the Court considering that there appeared to be reasonable cause for annoyance, a date would be set for a Hearing. Both the complainant and the owner of the dog would be required to attend the Hearing to state their cases.

Subject to the Court agreeing that the complaint is justified, they would issue an Order specifying what action the owner of the animal would require to take. The complainant would also be advised of the terms of the Order and if these were not complied with, subsequent complaint about failure to comply with the Order would then require to be made to the Police.

2. REQUESTING THE COUNCIL TO UNDERSTAKE A STATUTORY NUISANCE INVESTIGATION

If the dog's owner is unable to resolve the problem and you wish to contact us for help, you will be asked for the following information:

- Your name and address; a contact number and preferably an email address.
(*Your details will not be given to the person complained about initially without your permission*).

Although we will record the concern, please note that we will not deal with concerns where you don't give your name and address.

You should also be aware that if the concern is either dealt with by formal notice or it ends in court action at a future date, it will not be possible to maintain confidentiality.

- The address where noise is coming from.
(*Names and contact phone numbers are very helpful to us if they are available*). We cannot deal with complaints where only the block of houses/flats are known. We require the full address of where the noise is coming from. You should be absolutely sure you are providing the correct address.
- When and for how long noise occurs.
- The way the noise affects you.
- Anything you have done to try and deal with the problem (e.g. talking to the dog owner regarding the problem).

Community Services - Environmental Health

Guidance on Investigation Procedures for Barking Dogs

Please note that the law does not allow us to take into account particular sensitivities (e.g. light sleeper), or things which don't effect 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. It is also worth noting that exaggeration of the frequency or duration of barking will undermine the credibility of your case at a later date.

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

Whilst we will consider all cases reported to us, sufficient evidence needs to be gathered to demonstrate a statutory nuisance exists in relation to dog barking. This can be a long process and only a very small number of cases will present with enough evidence that an abatement notice can be served. We are also aware that the serving of an abatement notice will not immediately alter the behaviour of the dog and therefore wherever possible we will direct owners to training advice to help reduce problem barking.

If you are a Council Housing Tenant or other Registered Social Landlord, then you should always initially discuss your concerns with your landlords Housing Management officers.

PLEASE NOTE WE WILL ONLY DEAL WITH CONCERNS WHERE WE HAVE RECEIVED APPROPRIATE INFORMATION. AS MENTIONED ABOVE WE WILL NEED YOUR DETAILS AND THE CORRECT DETAILS OF THE ADDRESS WHERE THE BARKING IS TAKING PLACE.

Please note officers require to focus on higher priority demands and cannot provide a full response to investigate concerns of this nature at all times. Whilst we will pursue the concern informally on all occasions by sending letters, further involvement will be dependent on the likelihood of obtaining evidence and other workload priorities. We have outlined overleaf the general approach we will take. This approach is being taken as we recognise that there is an option for individuals to pursue their own action under the Civic Government (Scotland) Act 1982.

Investigation Stages

Stage 1: Our Service will send you an acknowledgement letter, a copy of this guidance note and noise diary sheets. The diary record sheets should be used to provide details of barking incidents that have caused you disturbance over a 2 week period. The diary record sheets should be returned to our Service within a 28 day period. Please note that if the completed record sheets are not returned within this timescale, then the complaint will be closed.

Stage 2: We will review the information contained within the completed record sheets. We will consider whether the barking incidents recorded are likely to require further action or investigation by our service. Please note that we will **only** follow up information which would indicate that a potential statutory nuisance exists.

If the information provided does not indicate a potential statutory nuisance we will write to you and advise you to consider taking your own action if the matter is still presenting a concern to you.

Stage 3: If the dog barking diary contains appropriate information to suggest the barking is a potential statutory nuisance we will visit the dog owner and advise them to take appropriate steps to prevent the

Community Services - Environmental Health

Guidance on Investigation Procedures for Barking Dogs

dog/s barking. At this time the dog owner will be offered advice on what steps to take to help reduce barking in an effort to prevent further action requiring to be taken. An information leaflet will be provided to the dog owner. You will be advised the date this advisory visit to the dog owner took place.

If this does not resolve the barking within 14 days you should contact us again. If no further contact is made we will assume the matter is resolved and we will take no further action.

Please note that if the barking is only causing disturbance in the evenings or early mornings (*i.e between 1800 hours and 0800 hours the next day*), then our Service will take no further action and advise you to consider taking your own action if the matter is still presenting a concern to you. This is principally due to our limited resources and the associated difficulties of officers witnessing the dog barking out of hours. This approach is being taken as we recognise that there is an option for individuals to pursue their own action under the Civic Government (Scotland) Act 1982.

Stage 4: Where the incidents of barking are between 0800 – 1800hours, officers will try and visit at the times indicated in the barking diary to establish if the dog barking is occurring as indicated, and if it could be considered a statutory nuisance. If no barking is witnessed during **three (3) visits** to your property, or if the barking is not considered to be a statutory nuisance we will take no further action.

Stage 5: If evidence is established that the barking is a statutory nuisance we will serve a legal notice on the owner of the dog to take steps to control the barking and prevent it from being a nuisance. This does not mean the dog should never bark, just not in such a way as to create a statutory nuisance. (*i.e persistent and prolonged periods of barking over extended periods of time*)

Any breach of notice conditions could result in a report to the Procurator Fiscal, or a fixed penalty fine being issued against the dog owner. Local Authorities have powers under the Environmental Protection Act 1990 to take action against statutory noise nuisance; however, it is important to understand that not all barking incidents that cause annoyance will constitute a statutory nuisance. In deciding whether statutory nuisance exists, the nature, volume, frequency of occurrence and how often and when the noise occurs all need to be taken into account (occasional or sporadic barking is unlikely to be a statutory nuisance).

In some cases the investigating officer may be sympathetic to the effect the noise is having on you, but cannot take the matter forward as a statutory nuisance and formal action would not be appropriate. For more information, on the background to this law, see our Services separate guidance on [Statutory Nuisance](#). In cases where the council does not view there to be a statutory nuisance, you have a right to take your own action through the courts.

Further Information

Environmental Health is always willing to discuss any queries or problems in connection with Statutory Nuisance. If you are in any doubt about what to do, then please do not hesitate to contact us on 01349 862021 or envhealth@highland.gov.uk.

Dog Care and Training Tips

- Consider options to keep the dog amused while you are out e.g. Kong toys.
- A radio or tape recorder of your voice can be left on in your absence.
- A safe and secure bed area should be provided for the dog.
- Talk to a vet for advice on neutering and dietary requirements. Although these factors will not solve barking or other behaviour problems directly, neutering may make a dog easier to handle in general. There are also known links between diet and behaviour of dogs, so a change of food may be a useful step in solving the problem, again talk to your vet about suitable diet for your dog.
- Remember that your dog is part of the family. Dogs require company and if you leave them for long periods they are likely to bark more because they are seeking attention. If you have to leave your dog for longer periods, it is recommended for someone to look after the dog while you are away.
- Make sure your dog is given some exercise before you go out. This means the dog is more likely to sleep. Arrangements should be made for the dog to be walked at lunchtime or at the very least allowing the dog to relieve itself.
- If a dog barks for attention, this should be ignored, and only be given attention when it is quiet; this way the dog will learn that barking does not get it attention.
- If your dog barks when it is excited, do not play with it at anti-social times such as very late at night.
- Consider the environment in which your dog is kept. If it barks at people passing, make sure it cannot see them. If the dog is kept in the garden, double slatted or solid panel fencing is recommended to prevent the dog seeing movement.
- Consider using training aids such as training discs/clickers etc. to train your dog.

Whilst training, DO NOT:

- Punish the dog. It might mistake it for attention and it could also make it more anxious leading to further problems.
- Consider getting a second dog for company unless you are sure you can care for it. This may not be the solution to the dogs problem.

Aim to train in very short sessions of less than ten minutes duration, as a dog's concentration span is short. Several of these throughout the day on walks and at home, while you wait for the kettle to boil, during commercial breaks or when you have free time in

Separation Anxiety

The cause of this problem behaviour lies in the dog's overly close relationship with its owners when they are at home. This causes anxiety when they leave, because it cannot cope without them. When you are out, the dog may bark in an attempt to call you back home again and because you do eventually return, the dog thinks that his barking was effective – so the dog barks with even more determination next time.

The owner should pretend to leave several times a day, go through the motions of leaving but don't leave.

the evening will soon result in a well trained dog. As the sessions will be short your dog will remain interested and keen to work. Long sessions result in tired, bored dogs and owners. At the end of each session, you should see some progress in terms of what your dog has learnt. Training a dog requires lots of thought by the owner to achieve success. If you cannot get your dog to do what you want, you are likely to become frustrated. At any time if you have any questions or concerns or simply require further training, please contact a dog trainer or your vet for further advice.

Eventually the dog will become tired of the routine and when the owner does eventually go out the dog will not notice as much.

The time absent from the dog should be built up. The owner should not make a big fuss before leaving the dog and should keep to a low key approach on their return. Gradually this should teach the dog that it is okay to be left alone. Separation anxiety can be a complex and serious problem from some dogs, and it is recommended that for severe cases a qualified animal behaviourist is consulted.

dog barking problem

INFORMATION FOR DOG OWNERS



For more information, contact Environmental Health.

Tel: **01349 886603**

Email: envhealth@highland.gov.uk

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 next?

To start with we will make dog owners aware of the complaint being made against them and their dog and we will give them the opportunity to sort out the problem. If you have had a complaint about your dog barking it is important that you actively investigate the barking yourself and do not rely solely on the information given. This will allow you to find out for yourself how bad the problem is and what triggers it.

Guidelines to help you determine the level of barking include:

- ▶ Checking with any surrounding neighbours to establish if, when and why the dog may be barking, and whether this is causing a nuisance to them.
- ▶ Having another neighbour record detail of the dog's barking including date, time and duration for you.
- ▶ Leave a tape recorder / video camera on when you are out to record whether or not your dog is barking.
- ▶ Check on the dog regularly at the time of the alleged barking (ensure that the dog is unaware of your presence by returning quietly and unobserved).

Barking is a natural way for a dog to communicate, but a dog that is barking excessively is doing so for a reason, and finding out why the dog is barking is essential in treating the problem. Once you have found out when your dog is barking you can normally find out why. For example, if it's when you are not home, the dog may be attempting to call you back.

In the first instance we will always aim to work with dog owners to improve the barking problem and will normally allow two weeks for the owner to put measures in place to tackle the problem. If barking continues to be a problem, the complainer may then be asked to complete a dog barking diary setting out the duration, time and date of the barking. The information will then be reviewed to help us decide what action to take next.



Further actions may include:

- ▶ Making visits to witness the extent of the noise problem, using the diary as guide;
- ▶ Installation of noise equipment in the complainants property to witness extent of the problem;
- ▶ Offering you, the dog owner further advice in controlling the dog's behaviour; or
- ▶ Recommending that you, the dog owner seek professional help to modify/ manage the dog's behaviour.

If it is determined that a statutory nuisance exists a noise abatement notice will be served on you. Failure to comply with an abatement notice is an offence and may result in legal proceedings and/or abatement of the nuisance by the Local Authority. This could result in a fixed penalty notice being issued or a report to the Procurator Fiscal.

An alternative to our investigation is that the complainant may wish to take their own private action through the local Justice of the Peace Court, under the Civic Government (Scotland) Act 1982 section 49.

Advice for Owners

The main causes of a dog barking are:

- ▶ Boredom
- ▶ Alarm/Fear
- ▶ Attention seeking
- ▶ Guarding
- ▶ Excitement or
- ▶ Separation Anxiety

If you are not sure why your dog is barking, or what training methods to use contact a dog trainer or to your vet.

Training can be a very effective way to relieve problem barking, but only if the correct training techniques are used to tackle the cause. Incorrect methods may be ineffective or may make the situation worse.



*Under section 79 of the Environmental Protection Act 1990, as amended.