

Environmental Health

Noisy Animals



Barking Dogs

It's only natural for dogs to bark. But if barking happens regularly and goes on for long periods of time, this can be stressful to neighbours and also to the dog.

What can I do if my dog is causing a nuisance to my neighbours?

There are a number of simple things that can be tried to reduce the amount of noise your dog makes:

- If your dog barks at things outside, don't let it go out unattended and don't leave your dog outside if it is barking to come back into the house.
- Make sure your dog gets some exercise before you go out - a tired dog barks less.
- If it is not possible to take your dog with you and you are leaving it at home leave some play toys and put the radio on at a low level. See if you can get a family member or friend to visit during the day.
- Check that the room is ventilated and not too hot. Try to keep your dog away from walls that you share with neighbours and keep it away from windows, so it can't see people or other animals. If you are returning after dark then leave a light on.
- If you keep your dog outside, consider carefully where to site the kennel, put it away from distractions and make sure there is enough room for your dog to exercise.

Why does my dog bark?

- **Loneliness:** Pet dogs regard their owners as their substitute family and may become distressed if left alone.
- **Hunger:** Dogs may become agitated if they are hungry, which can lead to barking episodes.
- **Medical Problems:** If a dog is in pain, it may bark or whine to gain attention.
- **Boredom:** Dogs are generally active animals and become bored easily when left in the house or the garden with nothing to do. This problem may be made worse if the dog is tied up on a short lead.
- **Protecting his/her territory - your property:** short bursts of barking are usually acceptable in this situation.

Points to Remember

- ✓ 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
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What not to do

- Don't punish your dog. It might mistake it for attention; it could also make it more anxious
- Don't use mechanical devices like anti bark collars – it could cause unnecessary distress to your dog

Tackling Specific Problems

- ❖ **Problem:** Your dog is clingy and howls and whines when left alone.
- **Solution:** A vet or an animal behaviourist may be able to give you advice on how to help your dog get used to being on its own.

- ❖ **Problem:** Your dog is frightened. It might look scared (ears back, tail low), have trouble settling, or trying to hide.
- **Solution:** If your dog likes hiding, make a den for it. If it is scared of noise, mask it by putting the radio on quietly. If it's frightened of other people or animals, shut the curtains or doors. Think about talking to a vet or an animal behaviourist for further advice.

- ❖ **Problem:** Your dog guards his/her territory by barking at people, animals or cars.
- **Solution:** Keep your dog away from the front of the property. Screen your windows. If it starts barking outside, call it in straight away. You could ask a vet or an animal behaviourist about behaviour therapy.

- ❖ **Problem:** Your dog is barking to get attention.
- **Solution:** Look at your dog, then look away to show you're not going to respond. Try this on a couple of occasions each day, but do not let it bark continually.

Noise from kept birds

Kept birds such as cockerels, ducks, peacocks etc need to be kept in a way so as not to cause a nuisance to others. Some noise is inevitable, but if noise occurs regularly and for long periods of time, then this can cause a nuisance.

Most complaints involve early morning noise, but this is not the only time that the noise can cause a nuisance.

How can I keep my birds quiet?

- Cover birds if they are kept in an aviary or house them in a darkened pen until a reasonable hour of the morning. This makes the bird believe that morning has not yet dawned and can delay early morning noise.
- Try and site the birds as far away from neighbouring properties as possible.
- If a large number of birds are kept on the same piece of land this can cause a problem to neighbours, giving them little rest from the noise.
- Cockerels tend to crow from first light, if keeping the birds in a darkened pen does not work on its own, a high level shelf can be put in the house to allow the cockerel to walk around at normal height but prevents it from stretching its neck to make the crowing sound.
- Owners should remember that their birds need to be kept within the boundary of their own land, and shouldn't stray onto neighbouring properties.

What is nuisance?

There has to be an unreasonable element to the activity causing the problem, not just an annoyance.

A nuisance can be defined as an unreasonable interference with the use and enjoyment of someone else's property. This takes account of frequency, duration and intensity of the nuisance amongst other factors.

What if I am affected by animal noise?

The friendly approach

In most cases we advise that the informal approach is the best course of action in the first instance. This gives the person responsible for the animal time to take steps to address the issue. They may not be aware that a problem exists or to what extent it affects those nearby. By staying calm and taking on board both points of view, the problem can hopefully be resolved straight away.

How do I complain?

To investigate a complaint, we need the following information:

- the address to where the noise is coming from*
- the complainant's name and address (details are not disclosed in the initial stages of the complaint)*
- when and how the noise affects the complainant*
- any other relevant information would be useful*

What to do if still suffering a nuisance?

If the problem cannot be resolved informally an official complaint can be made. The Council has a duty to investigate complaints of this nature and we have a standard procedure for investigation to ensure that each complaint is treated fairly and with no bias. An investigation may last over 6 months while sufficient evidence is gathered, however, if a complaint is open for longer than this, we will keep all relevant parties informed.

Once an official complaint has been made the following procedure is followed:

1. Making contact

Contact is made with the person(s) allegedly responsible for the animal, making them aware that we have received a complaint and advising them accordingly. A letter is sent to the complainant asking them to complete and return a diary sheet detailing when and how the noise affects them.

The problem is often resolved once the issue has been raised with the person responsible for the animal, however if the problem persists, we would then ask the complainant to return a completed diary sheet.

We do **not** disclose details of the complainant during the initial stages of the complaint. However, during the investigation we may have to identify who is affected in order to resolve the situation. In some cases the complainant's address may be included on an enforcement notice or the complainant may need to appear in court to give evidence, though this is very rarely necessary.

2. Assessment of completed diary sheet and recording the noise

The returned diary sheet is evidence and essential for the investigation to demonstrate the frequency and duration the complainant is being affected. Recording equipment may be installed in the complainant's property to gain an indication of the problem and also to justify any out of hour's resources that may be required.

3. Witnessing the noise

If we think the noise is a potential problem, then we will arrange for officers to try and witness the nuisance in the complainant's home.

It should be stressed that the person being affected by the noise must understand that they continue to play an active role throughout the investigation.

4. Establishing a nuisance and taking formal action

If we witness the noise to be having a detrimental impact on neighbouring properties we will use the most appropriate legislation to take enforcement action. In the first instance, this would be an Abatement Notice under the Environmental Protection Act 1990 or where appropriate, a Community Protection Notice under The Anti Social Behaviour, Crime and Policing Act 2014.

Before a notice is served we may take a witness statement from the complainant(s). The statement is used to show how the noise affects them, how long it has been happening and details other important facts. A statement is a legal document and could be used as evidence in court, if needed.

5. Breach of notice

If the person responsible does not comply with the notice, then further evidence will be gathered. Once sufficient evidence has been collected, the case would then be referred to our Legal Team with a view to prosecution. The complainant may be required to appear in court to give evidence.

Failure to comply with a notice is an offence and any evidence gathered may be used to prosecute. This could result in a fine; under the Environmental Protection Act 1990 up to £5000 and a further £50 for each day the offence continues and £2500 under the Anti Social Behaviour, Crime and Policing Act 2014.

Do we always take formal action?

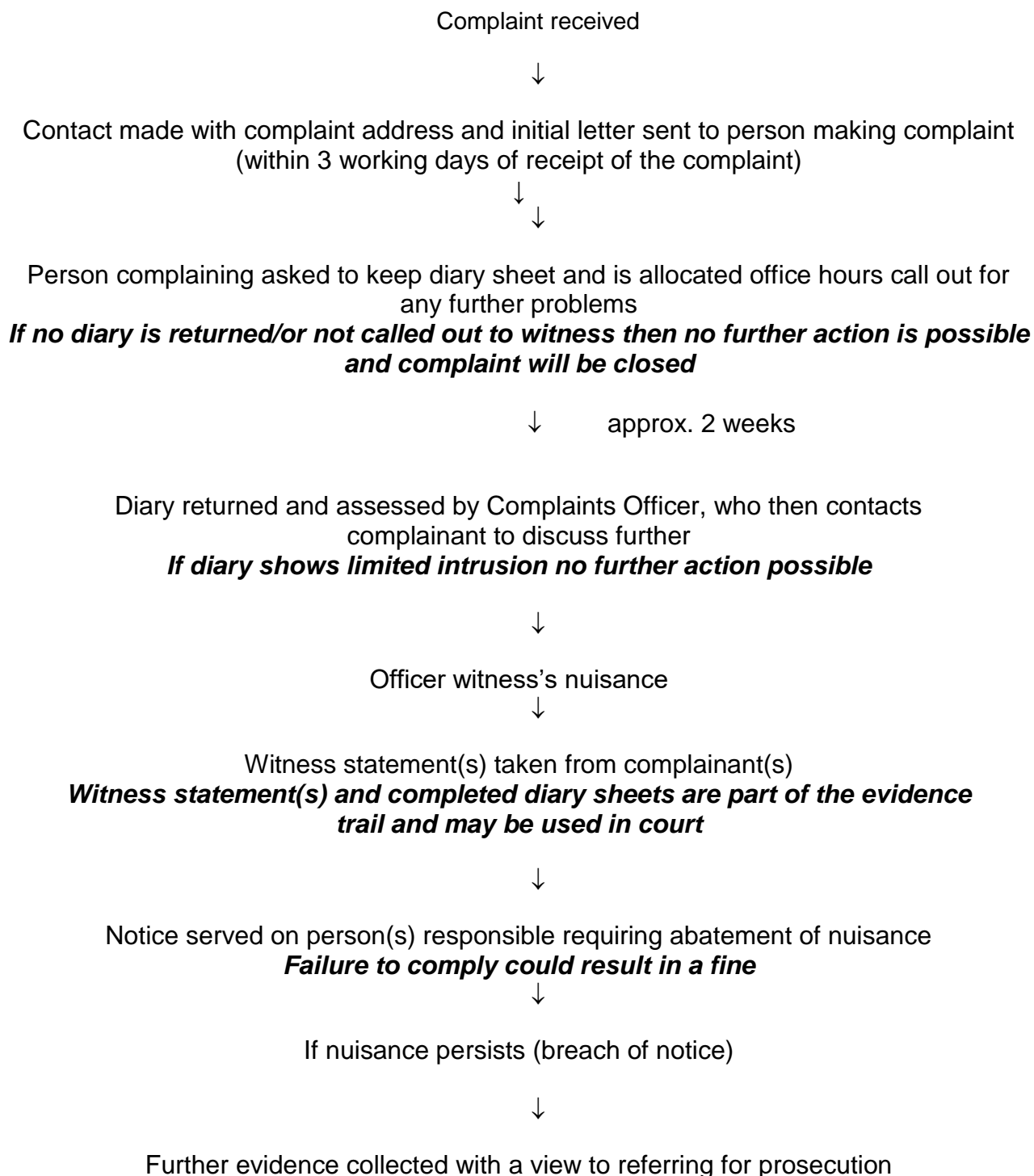
In some cases after careful consideration further action cannot be taken. The reasons for this may be due to lack of evidence, sensitivity, the fact that the problem only occurs occasionally, is hard to witness or because there is no unreasonable element to the complaint.

Advice for complainant's – taking your own action

As an alternative, the complainant may decide to take their own action under Section 82 of the Environmental Protection Act 1990, by complaining directly to the Magistrates Court. For further information on this please contact us directly or alternatively visit the Council's website (our contact details can be found at the end of this booklet).

**Complaints Procedure – Animal Noise
Environmental Protection Act 1990 (Statutory Nuisance)
The Anti Social Behaviour, Crime and Policing Act 2014**

The flow diagram below shows the general procedure which is followed by the Environmental Health Department in the investigation of noise complaints:



Contact Us

You can contact us:

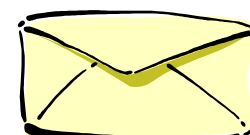
- By telephone: 01283 508524 or 01283 508578



- By email: ehsupport@eaststaffsbc.gov.uk



- By post: Environmental Health
East Staffordshire Borough Council
Burton Town Hall
King Edward Place
Burton upon Trent
Staffordshire
DE14 2EB



- By calling in at ESBC Customer Service Centre, Market Place, Burton upon Trent

Visit our website at: www.eaststaffsbc.gov.uk

Environmental Health Pages: <http://www.eaststaffsbc.gov.uk/environmental-health>