Barking Dogs

Investigating and solving dog barking complaints

www.newcastle-staffs.gov.uk/dogcontrols
Introduction

In law, a barking dog can be considered a noise nuisance. A dog owner can have legal action taken against them if they fail to stop the dog causing a nuisance after they have been informed about it.

We receive a large number of complaints about dog barking each year and have a number of solutions which may help control the barking. We are also aware that not every complaint we receive is justified and warrants action.

The borough council investigates complaints as an independent body. We have a duty to treat all parties fairly, respecting privacy and, where appropriate, confidentiality.

We will not advise you of the discussions we have had with other parties but this booklet will show you in general terms the advice we have given.

Information we collect (your details) will not be released unless we are required by law to do so. Should enforcement action be taken your details will be made available to the court.

Investigating barking complaints

Initially any complaint about nuisance from dogs is passed to the borough council’s dog wardens. They will:

- visit the owner of the dog to find out if there is a valid complaint
- ensure there are no animal welfare related issues (i.e. make sure the dog is not in distress for any reason).
- try to establish why the dog is barking and
- offer practical help and advice to reduce the noise.

We will advise the person making the complaint of

- their rights and
- the information we will need from them to investigate their complaint further.

We usually ask the person complaining to keep a noise diary to help us better understand the problem. Record sheets are attached in the centre of this guide.
About this guide

This guide is intended for both dog owners and those bothered by dog barking. It explains how the borough council investigates complaints and the action which can be taken if complaints cannot be resolved.

In most cases we will also provide further information and answer your questions through visits, telephone calls, e-mails or letters.

Details of how to contact us are on the back cover of this booklet.

We suggest you read the whole of the booklet – but you may want to start with either Part 1 (page 4) if you are a dog owner, or Part 2 (page 10) if you currently are being annoyed by barking.
Part 1. Advice for Dog Owners

Talk to your neighbours
We would strongly recommend that you try to talk with your neighbours about your dog’s barking. Ask them if barking is a problem and if there are any set times when the barking is occurring. They may be able to tell you how your dog behaves when you are not at home. This may help to quickly solve problems before they escalate.

Understanding the problem
Think about using a web cam or a video camera to find out what your dog is doing when you’re not there. Or try a ‘set-up’ – pretend you’re going out for the day and wait outside the door to see what your dog does. If it starts barking or howling, go back in and tell it firmly to be quiet.

Why do dogs bark?
There are many reasons why dogs bark. They are not, by nature, solitary animals and feel secure within a pack environment. They regard their owners as their family group and this is why they can become distressed when they are left alone. Dogs may also bark if they are frustrated or when they are defending their territory. Some dogs may bark because they are ill. The cause of the barking could be anxiety. Some dogs may need to see a vet so they can be referred to an animal behaviourist. Good training combined with affection and companionship should prevent your dog from developing bad habits.

Territorial reasons
• Dogs should not bark at everything that moves and should be trained to tell the difference between people who are allowed in the house and intruders.

Excitement
• The dog may bark more frequently when it knows it is going for a walk or is going to be fed. These are highlights of the day and the dog barks to express its excitement.

Loneliness/separation anxiety
• The dog may bark when you leave the house, when you return the barking may stop. Your return is consequently rewarding the barking.

Normality
• Barking may have accidentally been rewarded in the past. The dog now perceives barking as acceptable behaviour.
Practical solutions:

Things to try first – quick fixes

- If you live in a flat or semi-detached house try to keep the dog in rooms furthest from neighbours
- Don’t leave your dog outside barking to be let in
- See if a friend or relative can look after your dog when you go out, or take it with you

Your dog is barking for a reason: you need to find out why!
Once you know the reason for it, there are a number of different ways to combat the unwanted barking. The main principle is to distract the dog. Ways to reduce barking include:

Limit his territory

- Reduce the area your dog is left in. If the dog has free roam around the house limit it to one room or even its sleeping crate. The dog is then limited to what it can defend. It is recommended that no dog is left for longer than 4 hours at any time.
- If the dog barks at the postman/delivery man whilst you are out then leave the dog in a back room or close blinds/curtains, so that the dog cannot see them.
- If the dog is kept in the garden, make sure the fence is high and gates are solid so the dog cannot see people or other animals. Stay with your dog when it is in the garden.
- If the dog barks when visitors arrive and you are present keep the dog calm by using a reassuring voice. Train your dog to fetch a toy. When visitors arrive, ask him to fetch the toy. This way he cannot bark as he has hold of the toy. Be careful not to reward the barking with a toy.

Routine

- Excitement is easier to tackle. The dog will watch your routine and know when you are going to leave. The dog may think that it is going for a walk when you leave the house and consequently bark with excitement. By changing your routine the dog will not be able to pinpoint when you are leaving and therefore will not get as excited.

Boredom

- The more exercise the better. Not necessarily long walks but stimulating walks; lots of smells and places to run. A tired dog barks less.
- Toys are a great way of combating boredom for all animals and can be included as part of their enrichment program. Toys which can be filled with food encourage the dog to move the toy to retrieve the food (care must be taken not to over feed). There are also games
- which promote the dogs puzzle solving skills.
- If the dog is kept outside a children’s sandpit with toys buried in it can provide hours of digging and foraging.

**Being alone isn’t a bad thing**
- Some dogs hate being left on their own. This is often referred to as ‘separation anxiety’. You need to help your dog get used to being left for different lengths of time and at different times of the day or night. This should mean they won’t be so concerned every time you leave them. Put the dog in another room for a few minutes then slowly build up the amount of time you leave them for. Only return to the dog when they are quiet and give them plenty of praise. Try leaving a TV or radio on – but not too loud, you don’t want your neighbours to be disturbed by that instead. Some dogs will only settle if they hear a human voice.

**It is always best to find out the reason why the dog is barking.** However there are other general methods which are good at distracting the dog from barking these are known as a disruptive stimulus:

**Spray collars**
- The spray collar works by surprising or distracting the dog and consequently disrupting the barking. Shock collars work differently and should NOT be used.
- The spray collar is activated when the dog barks; a spray is released in front of the dog’s nose. This surprises the dog and it stops barking. The dog soon learns that if it barks (when the collar is on) there will be a noise and a smell which is unpleasant (but not painful) for the dog.
- The device must never be allowed to run empty; the dog will learn that it can empty it through barking.
- The spray collar must not be left on the dog unsupervised and must only be used after professional advice has been given.

**Pet corrector & similar products**
- Pet Corrector is a can of pressurised air and should only be used when the dog is barking. Pet Corrector makes a hissing sound. Use the ‘quiet’ command as you use the Pet Corrector. The dog should then be praised for being quiet.
- Pet Corrector should only be used after professional advice has been given as this method can be very stressful if not used correctly and must never be pointed at the dog’s face.
Speak/quiet command

• **Speak command:** find something that makes your dog bark, such as the doorbell. Straight after the dog barks say your command e.g.: ‘speak’, ‘talk’ and use a hand signal. Reward the dog with treats. Repeat.

• **Quiet command:** when the dog is barking find something which stops the barking- such as a clap or Pet Corrector. Immediately after the dog stops barking use your quiet command such as ‘quiet’ or ‘stop’. Reward the dog for not barking after the command. Repeat.

**What not to do:**

• Do not shout at your dog. It will think you are joining in and consequently bark more.

• Do not be aggressive towards your dog.

• Do not hit or punish your dog.

• Don’t get a second dog unless you’re sure it’s going to make your dog feel more secure, not less.

**Keep you neighbours informed**

It may take time to reduce barking, but by keeping your neighbours informed about what you are doing they can be more tolerant.

**If problems continue**

If problems continue the council must take action. If officers are satisfied that the barking is a ‘statutory nuisance’ they must serve an abatement notice. If you receive a notice you may appeal against it within 21 days.

If you do not comply with the abatement notice, without a good reason, you may have committed an offence and details may be passed to the courts where fines can be imposed. The fine can be up to £5,000 (and possibly further daily fines of up to £500 for each day the offence continues after conviction)

There is more information about ‘statutory nuisance’ abatement notes and court proceedings in [Part 2](#), and details of where you can find further advice in [Part 3](#).
Noise Record Sheets

The centre pages in this leaflet are a set of noise record sheets which can be removed and completed. They may also be referred to as a ‘diary of disturbance’. We recommend that records cover a two week period.

What are they for?
Record sheets help show
• The days and times when barking causes annoyance
• How long the barking continues for
• What disruption is caused by the dog barking

They can be used by officers to quickly gauge if there is likely to be a ‘statutory nuisance’. If the complaint needs to go to court they can form part of the evidence submitted to the magistrates.

You can download additional sheets from: www.newcastle-staffs.gov.uk/noise

Completed record sheets should be returned to:

**By Post**
Newcastle-under-Lyme Borough Council Environmental Health Services Civic Offices
Merrial Street Newcastle Staffordshire
ST5 2AG

**Hand Delivered**

Guildhall Customer Contact Centre, High Street, Newcastle-under-Lyme, ST5 2AG

Kidsgrove Customer Contact Centre, Town Hall, Kidsgrove ST7 8EL

Customer Services Centres are open Monday-Friday, 9am – 5pm

If there is a reference number on the back of this booklet, it would help if you could include this on the sheets.

If you are not able to keep a written record of disturbance we may be able to offer a tape recorder so you can record the information verbally. Contact us for details.

What happens if we do not receive record sheets / record of disturbance?
Unfortunately, if we don’t receive further detailed information from you within eight weeks of the initial complaint we are usually unable to assist further.
Why do dogs bark?
What is the dog telling you?

No one knows exactly what a dog is trying to express when it barks. It has been the subject of many studies.

‘K9’ Magazine suggests:

1. **Continuous rapid barking** at a mid-range pitch: “*Call the pack! There is a potential problem! Someone is coming into our territory!*”

2. **Barking in rapid strings** with a few pauses at a mid-range pitch: “*I suspect that there may be a problem or an intruder near our territory. I think that the leader of the pack should look into it.*”

3. **Prolonged or incessant barking**, with moderate to long intervals between each utterance: “*Is there anybody there? I’m lonely and need companionship.*”

4. **One or two sharp short barks** at a mid-range pitch: “*Hello there!*”

5. **Single sharp short bark** at a lower mid-range pitch: “*Stop that!*”

6. **Single sharp short bark** at a higher mid-range: “*What’s this?*” or “*Huh?*” This is a startled or surprised sound. If it is repeated two or three times its meaning changes to “*Come look at this!*” alerting the pack to a novel event.

7. **Single yelp or very short high-pitched bark**: “*Ouch!*” This is in response to a sudden, unexpected pain.

8. **Series of yelps**: “*I’m hurting!*” “*I’m really scared*” This is in response to severe fear and pain

9. **Stutter-bark** at a mid-range pitch: If a dog’s bark were spelled “ruff,” the stutter-bark would be spelled “ar-ruff.” It means “*Let’s play!*” and is used to initiate playing behaviour.

10. **Rising bark** – almost a yelp, though not quite that high: Used during a rough-and-tough tumble play time, it means “*This is fun!*”

*Originally published in K9 Magazine and available online at K9Magazine.com Reproduced with publishers permission.*
Part 2. Advice for those bothered by dog barking

Talk to the dog owner
If possible the best thing to do first is to talk to the dog owner. You may find that they are unaware the dog is disturbing you. Before you approach your neighbour plan what you are going to say. Keep calm and be pleasant – then they will be more likely to respond positively to your complaint.

Never approach your neighbour when the noise is actually happening. You are more likely to be angry and have an argument with them.

If you feel wary of approaching them personally a polite letter may resolve the problem. On occasions, such an approach will result in improvements but even if it fails it will help to show that you have acted reasonably if further action becomes necessary.

If your neighbour rents their property you can also talk to the landlord. Often there are tenancy conditions and the landlord also has some responsibility for their tenants.

Taking formal action
If talking to the dog owner is not possible or doesn’t work, you can deal with noise problems by taking formal action, such as:
• complaining to the local council
• complaining to a magistrates’ court – we explain this further on page 12

Action by the borough council
Councils have a wide range of powers to act against noise and noisy neighbours. Under the law, local authorities have a duty to deal with any noise that they consider to be what’s known as a ‘statutory nuisance’.

The council generally asks residents to keep record sheets (see centre page insert), or may leave equipment to record the noise. There is no set level at which a noise becomes a statutory nuisance.

Keeping Records
We explain more about the need to keep records of disturbance on page 8. Without your records we may be unable to help.
Keep you neighbours informed
If something has improved tell your neighbours. It will help them confirm what works.

If excessive barking continues
If the person who complained provides a signed statement which suggests that they are being severely affected by your dog, we will assess if we consider the dog is causing a ‘statutory nuisance’.

We may make visits to witness the disturbance, or loan specialist equipment to measure the noise.

If we consider that the barking is a statutory nuisance, or that a statutory nuisance is likely to occur or recur, the law requires us to serve an abatement notice – which is an order to deal with the nuisance.

This may demand that the noise stops altogether or only happens at certain times of the day. A person can appeal against an abatement notice within 21 days of it being served.

A council can put off serving an abatement notice for up to seven days from when they decide that a statutory nuisance exists. This might be so that we can try to talk to your neighbour about the problem or so that we can use other legal powers.

If a person receives an abatement notice but allows the noise to continue with a good reason, they will have committed an offence. The council will determine what further action can be taken, this may include court.

How many complaints go to court?
About one in four households has one or more dogs, that’s about 10,000 dogs within Newcastle-under-Lyme. We receive about 250 complaints about barking dogs each year. They make up just under a third of all noise complaints we receive. 40 per cent of complaints pass to the Environmental Protection team for further action. Less than 20 abatement notices are issued and only a fraction of these end up before the courts.
Taking your own action under Section 82 of the Environmental Protection Act 1990

TAKING PRIVATE ACTION

The Environmental Protection Act 1990 (EPA), Section 82, can be used to deal with statutory nuisances actionable under section 79 of the Act.

Newcastle-under-Lyme Borough Council is unable offer advice on how you should proceed with any particular case, should you decide to take the matter to court yourself. However, set out below is an outline of things that might assist you if you are suffering from a noise nuisance.

In the case of noise it usually will be necessary to show to the courts that the noise unduly interferes with your comfort and convenience. The courts will balance your right to quiet enjoyment of your property with the right of the other party to use their premises in a normal manner. It is unlikely that the courts would require complete silence as living in any residential area requires a degree of tolerance towards noise, but you do not have to experience unreasonable levels. When deciding what is an unreasonable level the courts will look at the level and nature of the noise, together with its frequency, duration and the times and days the noise occurs. For example, a shift worker who has to sleep during the day, a home worker who needs complete silence to work etc., might be unlikely to be classified as average persons when deciding upon noise nuisance.

TAKING YOUR OWN ACTION

Taking your legal action is fairly straightforward and can be taken in easy steps, which are set out below. Many people have used this legal action, without the need of a solicitor. You can represent yourself during the court hearings if you are able and feel confident enough. The procedure is not difficult and advice is available from the Citizens Advice Bureau, and the magistrates courts. You may also wish to take advice from your household insurance company where you have appropriate legal cover covering neighbour disputes.

SUGGESTED PROCEDURE PRIOR TO STARTING LEGAL ACTION:

1. Speak to the person who is making the noise. Try to come to a suitable arrangement.
2. If you do not wish to speak to the person, or if the noise continues after you have spoken to them, write to the person explaining the problem and telling them what action you would like them to take to reduce the noise. Make sure you date the letter and take a copy. If the situation does not improve, (and if you are not already keeping one) start keeping a written diary of the noise.
Include in the diary record:-
   a. when it happens, date and time.
   b. the length of time the noise lasts
   c. what type of noise it is
   d. why it is a nuisance, e.g. because you cannot get to sleep, the effect on your life etc.
   e. if you know any other person bothered by the noise, or who has witnessed the noise, ask them if they would be willing to give evidence at court. If they are, ask them to keep their own diary of the noise. They will also need to make a written statement if the matter goes to court.

You are now in a position to take legal action against the person making the noise under Section 82, Environmental Protection Act 1990.

THE PROCEDURE:

You must have sufficient evidence to support your claim. Proceedings under S.82 are criminal matters, and your case must be proved beyond reasonable doubt.

1. First of all, you must give the person responsible for the nuisance at least three days' notice in writing. This notice must state that you intend to bring proceedings in the magistrates' court if specific action is not carried out. It is essential that this letter is dated and you keep a copy. If posted, it should be sent Recorded Delivery.

2. If there is no improvement after you have sent the letter, you should contact North Staffordshire Justice Centre, The Court House, Ryecroft, Newcastle-under-Lyme, Staffordshire, ST5 2DT (Telephone 01782 741 641 or 01782 741 670 ) or South Staffordshire Magistrates’ Court, Court House, South Walls, Stafford, ST16 3DW (Telephone 01785 223144).

Tell them you wish to make a complaint under S.82 of the Environmental Protection Act 1990. They will probably make an appointment for you to go and see them.

3. At the court, you will see one of the clerks of the court who advises the magistrates. They will advise you of the procedure and will take the details of your complaint and ask you for the information they need to decide whether they should issue a summons. A summons is a document that informs the person who is causing the nuisance that you have complained to the court about the noise and that they must attend at the court at a time and day to answer the complaint. A small administration fee is payable for this.

4. You must provide the clerk with any schedule of the works, or change in behaviour, which you consider should be done to stop or
abate the nuisance. In many cases this may be as simple as requiring the other party not to play loud music at night, but it may be that with certain types of noise nuisance technical matters will arise, and you will need to have information from a specialist.

5. The summons will have the date, time and place of the hearing.

6. At the hearing the person who has been summoned will be asked to plead 'guilty' or 'not guilty'. If the person pleads 'guilty' it is likely that the matter will be dealt with then. You will be asked to present your case and provide to the court copies of any written evidence, e.g. your diary of the noise and any letters that you might have written.

   The magistrates will want you to tell them what you require to abate the nuisance and will then make an order that the other party do what you have requested, or to take some other reasonable course of action.

7. If the person pleads 'not guilty' the case will be put back so that a trial can take place. You will be asked how many witnesses you will be calling, and the day for hearing will be read out in court.

   You will need to prepare your case for that hearing:

   i. obtain written statements from any of your witnesses, and write one about your own experiences;

   ii. compile any other evidence that you might have, e.g. doctor's notes, expert's reports, etc.

   A copy of everything that you are intending to use at the trial must be forwarded to the other person (or their solicitor if they have one) as soon as possible.

8. If, at the hearing, the magistrates are satisfied that a nuisance exists, they will grant what is called an abatement order. This tells the other party who is causing the nuisance that they must stop the nuisance from causing you trouble any longer. They can also be fined and ordered to pay costs.

   **COSTS:**

   If you are successful the court might make an order that the other person should pay your costs. You should keep a record of any costs that you have incurred or that your witnesses have incurred, e.g. having to take a day off work unpaid, travel expenses etc. In other circumstances, magistrates have discretion as to how to award costs and either you or the nuisance maker could pay all or part of both sides' costs according to circumstances.

   In some cases you might be able to get legal aid to assist your case. This will only be available if you employ a solicitor to act on your behalf, and is subject to a test of your financial circumstances.
Part 3 Further Sources of Information

Dog Behavioural Advice
You may wish to take advice from your vet about training aids available. There are also a range of local dog training classes. Details are on our website: www.newcastle-staffs.gov.uk/dogs

For more information and advice about why your dog barks and what you can do about it contact:
   Association of Pet Behaviour Counsellors (APBC)
   PO Box 46
   Worcester WR8 9YS
   Tel: 01386 751151  Web: www.apbc.org.uk
   Send a self addressed envelope for a list of APBC members

DEFRA
The Department for Environment, Food and Rural Affairs have issued further guidance on dog barking problems. For details see:
https://www.gov.uk/government/publications/is-your-dog-barking-too-much

More detailed guidance is available at:

Citizens’ Advice
Newcastle-under-Lyme Citizens’ Advice Bureau
25 Well Street,
Newcastle under Lyme,
Staffordshire
0870 1264049
http://www.citizensadvice.org.uk/nulca_b.htm

Kidsgrove Citizens Advice Bureau
Liverpool Road
Kidsgrove
Stoke on Trent
01782 786529
http://www.citizensadvice.org.uk/nulca_b.htm

Borough Council Complaints policy
If you consider that borough council officers have not correctly investigated this matter you may ask for their actions to be reviewed. You can do this online by completing a complaints, comments and compliments form at:
https://www.newcastle-staffs.gov.uk/online_formsatoz.asp by email to
crelations@newcastle-staffs.gov.uk or telephone the Customer Contact Centre on 01782 717717
Case Officer

If we’ve allocated a case officer, their details will be below:

- Initial investigation stage: Dog Warden Service
  - Officer:
  - Telephone:

- Further action if unresolved Environmental Protection team
  - Officer:
  - Telephone:

Case Reference Number: C_

Contacting the council

Daytime Monday to Friday 9am 5pm
If you would like to talk to a dog warden or a member of our Environmental Protection team for further advice please call 01782 742590.

All other times, including public holidays
Arrangements to visit out of hours will only be made by prior appointment with your case officer.

Important!
If you feel threatened or believe that a criminal act is occurring contact Staffordshire Police on 999 for emergency, or 101 non emergency.

There is further information on our web site at:
www.newcastle-staffs.gov.uk/dogs
www.newcastle-staffs.gov.uk/noise

You can also contact our customer services team by visiting the Guildhall, or Kidsgrove customer service centres during office hours, calling 01782 717717, or emailing: customerservices@newcastle-staffs.gov.uk

Data Protection Act Notice
Newcastle under Lyme Borough Council is registered as a Data Controller under the Data Protection Act 1998. The council aims to fulfil its obligations under the Act to the fullest extent, obtaining, holding, processing and disclosing personal data only in accordance With the provisions of the Act. The information you provide will be processed for the purpose(s) of assisting the Council in dealing with this matter and any related matters.