

For further advice or discussion please contact—

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DOG BARKING



DEPARTMENT OF
ENVIRONMENT, FOOD
AND AGRICULTURE

Taking your own action

- Some types of noise occur only occasionally or so unpredictably that the Environmental Health Officer (EHO) may not be able to witness it, or he may not consider it to be a nuisance (an opinion that you may disagree with). Under those circumstances the Department may not take action by way of an abatement notice etc.
- Should this be the situation in your case then you can take the independent action by complaining direct to a Court of Summary Jurisdiction under the provisions of section 5 of the **Public Health Act 1990**. To do this is quite simple and it need not cost much, it is not necessary to employ an advocate.
- The **Noise Act 2006** relates to where *'noise is being emitted from other premises during night hours'* (i.e. between 11.00pm and 07.00am). Whilst this Act can be enforced by EHO's from DEFA, it is principally enforced by the Police and although it may be envisaged that the 'night time noise' would arise from music, parties, anti-social behaviour etc., it could arise from "incessant barking".

ARE THERE ALTERNATIVES TO LEGAL ACTION?

Legal action is unpleasant and will inevitably further sour the relationship between you and your neighbour. It is very important that you do your best to resolve the problem in a friendly way—legal action should be the last resort.

Remember; even if your case is taken by the Department of Environment, Food and Agriculture you cannot remain anonymous and may well have to give evidence in any necessary proceedings in Court.

What you can do if you are disturbed by dog Barking

- If you are annoyed by noise from your neighbour: firstly approach them and explain politely that you are being troubled by the noise. Although you may find this difficult it is surprising how often neighbours are unaware of the unhappiness they are causing. Most will be glad to do what they can to reduce the noise or the problem, and may even thank you for letting them know!
- If the problem seems to be inadequate sound insulation, there are a number of DIY solutions. You could also ask a builder to undertake the work following advice from the Planning & Building Control Directorate of the Department of Infrastructure. You may also wish to seek professional help to determine what work is required and to undertake property supervision of the work.
- If your neighbour continues to cause a nuisance you should write to them write to them explaining the effect the noise is having on you. Ask them to stop making a noise nuisance, refer to any conversations you may have had and what, if anything, they agreed to do about it. Keep a copy of the letter. Start a diary recording the dates and times of any noise nuisance, what the noise was and how it affected you. Useful "noise investigation diary sheets" are available free of charge from the Department of Environment, Food and Agriculture (DEFA) for this purpose. Also keep a record of any conversations you may have had, and copies of any letters you may have written.
- The **Dogs Act 1990** also provides powers where *'any person may make a complaint to a court of summary jurisdiction that a dog ... causes nuisance or annoyance to the inhabitants of the neighbourhood in which it is kept'*. In this case, such action is the responsibility of the recipient of the alleged nuisance or annoyance.

What DEFA can do

- We cannot assist with noise arising from normal domestic activities in neighbouring premises (such as walking upstairs, closing doors and talking).
- We can take action to stop unreasonable noise. We will begin by establishing the extent of the problem, by talking to the victims, asking them to keep records of when the problem occurs and, if necessary, gathering our own evidence.
- If the circumstances warrant it, we will try to speak to the person/s causing the problem to seek a solution.
- If this fails, we will take further action to resolve the problem. This might include serving an "abatement notice" on the person causing the noise, or the occupier or the owner of the premises.

Did you know that your dog could cause a statutory nuisance just by barking and whining? Did you know that you could be taken to court and fined if you did nothing to stop the nuisance? Do you know why your dog barks and how to try and stop it?

Why does your dog bark?

Some dogs bark and whine excessively when left on their own. This is because they see you as their pack leader and they can soon become distressed if they are separated from you and left on their own.

They may bark because they are:

- Lonely
- Bored or frustrated
- Attention seeking
- Defending their territory
- Suffering from medical problems

Can you do anything to stop it?

- Make sure your dog is properly trained. Start young and as you mean to go on.
- Get your dog used to you going out at different times. Don't make a fuss of it when you go out.
- Put it in a different room, gradually building up the time. Don't return to it until it has been quiet for a period and then praise it.
- Put it where it can't see outside if that is what sets it off barking.
- Try leaving a radio on at low volume so your dog can hear a human voice.
- Try not to leave your dog for long periods. Is there someone who could look after it or take it for a walk?

If you have to leave your dog for long periods.

- Feed and exercise it before you go out and leave it some fresh water.
- Give it a comfortable bed and some toys.
- Make sure the room is ventilated and not too hot or cold.
- Leave a light on if you aren't coming back until after dark.

If nothing you do seems to work check with your vet. He may be able to refer you to an animal behaviourist.