

After you have completed the dog barking diary, please return it for the attention of the Dog Warden at the address overleaf. The information will then be reviewed to help us decide what action to take next. This may include:

- ④ Visiting you to witness the extent of the noise problem, using your diary as guide
- ④ Installing noise monitoring equipment at your property to obtain a clear record of the noise you are experiencing

- ④ Speaking to the dog owner and offering further advice on controlling their dogs behaviour or
- ④ Recommending the owner seeks professional help.

Should our visits determine that the degree and frequency of the dog barking is causing a nuisance this information will be passed to our Environmental Health Officers. If it is determined that a statutory nuisance exists a noise abatement notice will be served on the dog owner.

Private Action

As an alternative option to our investigation, you may wish to consider taking your own private action through Livingston JP Court, under the Civic Government (Scotland) Act 1982 S49. If you wish to proceed you should contact the JP Court at

**Livingston Justice of the Peace Court,
Sheriff Court House,
The Civic Centre,
Howden South Road,
Livingston, EH54 6FF**
Tel: **01506 402400** or email
livingston@scotcourts.gov.uk

to discuss how to make an application. The Application should be returned to the District Court who will arrange a date and time for the hearing. You must appear in court on that day with any witnesses you may have.

It will be up to you to convince the court that what you say is true and the court will decide what to do. If you do not wish to speak on your own behalf you may consult a solicitor who can appear for you.

For more information, contact the Dog Warden Service:

By phone on **01506 282500**

By e-mail on **dogwarden@westlothian.gov.uk**

dog barking problem

INFORMATION FOR THOSE AFFECTED



westlothian.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

Sometimes barking is a sign of a neglected or mistreated dog, but not always. The law means that we can only consider barking which would be “an unacceptable interference with the comfort or amenity of neighbours”. 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 what is unacceptable to the average person, the following criteria are considered:

- ④ Dog regularly barks at every person or dog passing the property or using that part of the street, with barking continuing for a period of time, sometimes long after the person has gone from view
- ④ Dog regularly barking, howling or whining for periods in excess of 10 minutes whether the owners are absent or at home
- ④ Dog regularly rushing, jumping, barking or growling aggressively at any of the boundary fences;
- ④ Dog regularly barking during the night
- ④ Dog regularly barking at the neighbours, for no apparent reason.

If the noise was 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 intervention. Only proceed further if you are convinced that the barking you are experiencing meets some or all of the above criteria.

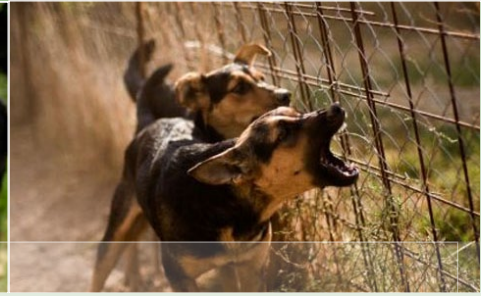
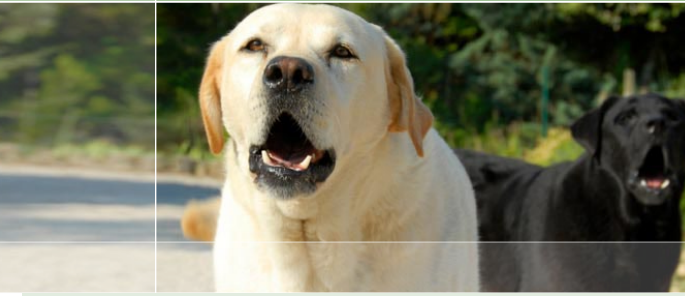
What can I do?

Double check the address before going any further, ensuring that the location of the barking dog is correct. Doing everything within your power to ensure that you or something or someone within your control, is not contributing to or triggering the nuisance barking. It is important that a barking dog complaint is not the result of hostility between two neighbours, a neighbourhood dispute or dislike of the neighbour. Barking nuisance should be considered in isolation from all other matters and making a complaint to the council should not be used as a form of retaliation against a neighbour.

Barking may be aggravated by someone:

- ④ Verbally abusing the dog in an aggressive manner
- ④ Hitting the dog or fence
- ④ Throwing objects or directing water at them
- ④ Teasing the dog through a fence or
- ④ Neighbour's cats entering the dog's property or walking along fence.

It is unfair to entirely blame the dog in these circumstances.



Consider discussing the problem with the owner

Ensure that your dealings with the dog's owner remain polite at all times. Dog owners may find it difficult to believe that their dog is causing a nuisance by barking whilst they are not at home. This may be because when they are at home, the dog does not bark nearly as much, if at all.

Be aware that a responsible owner will be more co-operative once they have established for themselves the true extent of the barking.

Get help

If you have reported the barking, the Dog Warden will visit the dog owner to make them aware of the complaint and to offer help and advice regarding training. Please allow the dog owner enough time to digest the information and follow the advice.

Many owners will be unaware of the extent to which their dog is causing a problem and it is reasonable to allow them two to three weeks to try to make improvements. Depending on the extent and cause of the problem and the nature of the dog, it can take weeks or even months of training to get the desired result.

The Dog Warden will contact you approximately 2 weeks after the dog owner has been advised of the complaint to check whether there has been any noticeable improvement. If you are still experiencing an unacceptable level of noise caused by barking, you will be asked for more information in order for us to investigate the complaint further.

Information supplied by complainants is usually based on personal recollection and opinions on how the barking affects that individual. To overcome this problem you may be asked to complete a dog barking diary.

To help make this as accurate as possible, it is suggested that you keep a 7 day record of all instances of barking that have disturbed you, recording the date, time, duration of barking, cause (if known) and any other relevant notes. The accuracy of information relating to the barking is important.

Exaggeration of the frequency or duration of the barking will undermine the credibility of your complaint and may prevent this authority being able to progress the complaint at a later stage.