

Barking Dogs:

Frequently Asked Questions

Fact Sheet 1

Environmental Protection Act 1990

Is it illegal for a dog to bark?

NO, but if you own a dog or dogs you must ensure that the barking does not cause a Statutory Nuisance to others.

What is a Statutory Nuisance?

There is no set definition but case law has defined a Statutory Nuisance as a “material interference with the comfort and enjoyment of another’s home.”

What does this mean in practice?

In practice, to be a Statutory Nuisance, the barking would have to be excessive and unreasonable in the circumstances and interfere significantly with how someone uses and enjoys their home. Examples could be: barking for prolonged periods, frequent excessive barking and barking at unreasonable hours, ie early morning or late at night.

Is all barking a nuisance?

NO, the nature of dogs means that they will bark from time to time, for example to alert your attention to someone at the door or when playing but you must ensure that the barking is not occurring unreasonably. There are many reasons why dogs bark excessively - boredom, attention seeking and there are lots of ways to overcome the problem.

How do the council investigate such complaints?

Complaints are investigated under the Environmental Protection Act 1990. Standard letters are sent to both parties, and the complainant is required to complete diary sheets to record when the noise occurs. Thereafter visits may be made by officers to determine whether or not a Statutory Nuisance is occurring. We would try and offer advice and assistance to the dog owner of measures that could be taken to minimise barking. Please note dictaphones can be made available as an alternative to completing monitoring forms on request.

Will my details be given to the owner of the dog(s)?

Your details would not be given to the owner of the dog(s) in the initial stages of an investigations. Only if a prosecution were taken would your identity become known, as you would be required to attend the Magistrates' Court as a witness. Please note that very few cases progress to court, most are resolved informally.

What action could be taken under this Act?

If the Council is satisfied that the barking is causing a Statutory Nuisance, a notice can be served under this Act which can stop the activity occurring.

Is there anything I can do?

Many dog owners are genuinely unaware that their dog may be causing a disturbance and therefore speaking to your neighbours may be the quickest and most effective means of resolving matters. Individuals may also take a private action through the courts under the Environmental Protection Act 1990 regarding their concerns. We would recommend speaking to a solicitor regarding costs involved in this course of action.