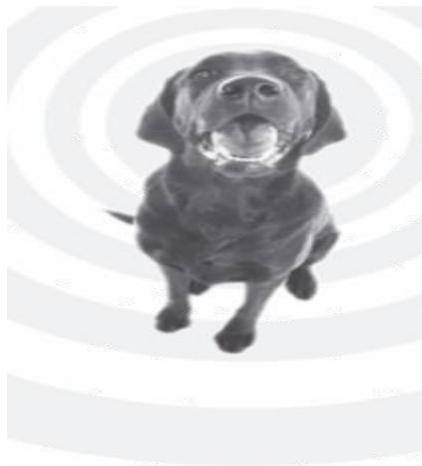


Is the noise of **Barking**
driving you **Mad?**



HOW TO DEAL WITH THE PROBLEM

You have contacted Environmental Health because noise from a neighbour's dog is giving you cause for concern.

YOU MAY WISH TO TRY AND REMEDY THIS PROBLEM BY ONE OF THE METHODS LISTED BELOW:

- Talking to your neighbour and advising them that noise from their dog barking is concerning you. Many people who contact the council with regard to dog barking are unhappy to do this, as they don't want to fall out with their neighbour or for their neighbour to know that it is they who are complaining. However, many of the dog owners who are complained about express regret that their neighbour did not come to them with regard to this problem and give them a chance to resolve the matter. Often problems like these can be resolved amicably. **Initially, an informal approach where YOU discuss the matter with the owner of the dog is always preferable as they may not be aware that their dog is causing a nuisance.**
- In the event that the above approach is unsuccessful, the most effective resolution is in terms of section 49 of the Civic Government (Scotland) Act 1982 which permits individuals to apply direct to the Justices of the Peace Court to make an order requiring the owner of any creature causing annoyance to take steps to prevent this occurrence.
- The application is by way of a petition to the court and a hearing takes place in which you will be required along with any other witnesses you may have, to present your case in court before a Justice of the Peace. The keeper of the dog will also be given the opportunity to be heard. If after the hearing, the court is satisfied that by barking the dog is giving you reasonable cause for annoyance, the court may make an order requiring the person keeping the dog to take such steps to prevent the annoyance from continuing.
- Should you wish to proceed with this action the first stage requires you to complete and return the enclosed form to:

Justices of The Peace Court, Sheriff Clerk's Office, Sheriff Court House
Wellington Square Ayr,
KA7 1 EE

Current Petition Fee and Payment Methods can be found at <https://www.scotcourts.gov.uk/rules-and-practice/fees/j-p-court-fees>

- Where this is not an option or has proved fruitless, an officer from Environmental Health will visit and the noise may be assessed under the Environmental Protection Act 1990, if justified this may result in an abatement notice being served.

There is also a worked example enclosed for guidance however, if you experience any difficulties in completing the form or wish to discuss the matter please contact Environmental Health on 01292 618222.

You may however also wish to consult the Sheriff Clerk at the above address or on Tel: 01292 292200 Email: ayr@scotcourts.gov.uk or your solicitor before proceeding further.

"Please note this approach is also applicable for other dangerous or annoying creatures such as noisy cockerels"

ENVIRONMENTAL HEALTH

5-7 River Terrace, Ayr, KA8 0BJ

Telephone: (01292) 618222

Council Customer Services: 0300 123 0900

E-mail: environmental.health@south-ayrshire.gov.uk

www.south-ayrshire.gov.uk/environmentalhealth