

Environmental Health Advisory Leaflet Noise from Cockerels Crowing

It is a fact of life that we all make noise whether we are talking to others, playing music or driving in cars. Some types of noise can affect other people's quality of life particularly if they occur regularly or at unsocial hours. Complaints of nuisance from cockerels crowing are on the increase and particularly where they are being kept in residential built-up areas rather than in the more traditional countryside locations. The keeping of cockerels in the urban environment is likely to lead to complaint of nuisance (noise, odour or both) due to the close proximity of neighbours.



Practical Advice To Minimise Crowing

- **THINK – DO I REALLY NEED A COCKEREL – COCKERELS ARE NOT REQUIRED FOR HENS TO LAY EGGS.**
- **Location** – it is important to ensure that the cockerel is located as far as practicable from neighbouring residential property.
- **Competition** – where more than one cockerel is kept or others are located in the immediate area, this is likely to lead to cockerels competing with each other. This can increase the amount of crowing considerably.
- **Housing** – keep cockerels in a coop at night. Keeping birds in a coop can minimise early morning crowing. Coops should be kept as dark as possible as light entering the coop can trigger the onset of crowing. Do not let cockerels out of the darkened coop until a reasonable hour.

The Law

If you own a cockerel(s), you must ensure that the crowing does not cause a statutory noise nuisance. In considering whether a statutory nuisance exists, Environmental Health Officers will consider a number of factors including:

- *Nature of the area* – cockerels have been part of the countryside for generations and to some extent part of country life and its charm. This is not to say that nuisance cannot be caused in the country but an odd cockerel crowing in an isolated rural location is less likely to be considered a nuisance when compared to cockerels kept in more built-up residential environments such as towns and villages.
- *Time of day* – it is more likely that the law will consider nuisance is being caused if your cockerel is crowing at unsocial hours, i.e. night, early mornings or late evening.
- *Duration* – it is more likely that the law will consider nuisance is being caused if your cockerel(s) are crowing for long periods. This is more likely with numbers of cockerels because the birds compete.

If we receive a complaint about noise, we are obliged by law to investigate it. This may include:

- Asking the complainant to note down all times that they are being disturbed.
- Officers from Environmental Health undertaking visits to witness the disturbance.
- The use of noise monitoring equipment.

If a problem is identified but does not get resolved informally, and:

1. we are satisfied that the noise constitutes a Statutory Nuisance under the Environmental Protection Act 1990, an Abatement Notice will be served requiring you to abate the nuisance and if this is not complied with, you could face a fixed penalty of £150 (for domestic premises) and £400 (for commercial premises). Alternatively the matter may be reported to the Procurator Fiscal where a successful prosecution may result in a maximum fine of £5,000 (domestic premises) or £20,000 (commercial/industrial premises).
2. the noise level from your cockerel breaches a permitted noise level in your neighbour's home then a Warning Notice and ultimately a Fixed Penalty Notice for £100 may be served on you in terms of the Anti Social Behaviour etc (Scotland) Act 2004.
3. you don't take steps to resolve the problem then the aggrieved neighbour may apply to the J.P. Court under the Civic Government (Scotland) Act 1982 asking the Court to place an order on you requiring you to reduce the noise from your cockerel crowing. If when granted you fail to keep your cockerel quiet you will be liable to a fine on conviction of up to £1000;

Other General Issues Relating to the Keeping of Poultry Cleanliness

Food and water left out for poultry may attract vermin such as rats and mice. Chicken houses may also provide shelter for rats and mice. To prevent this happening, make it a part of your regular routine to clean the shelters and remove uneaten food. Present food to birds in a fixed and stable container rather than scattering food on the ground. Under the Prevention of Damage by Pests Act 1949, there is a general duty to keep your property free from rats and mice. In the summer, poorly-kept poultry may result in unpleasant odours which can attract flies. These can become a nuisance to you and your neighbours. Prior to the erection of any chicken house or coop, advice should be sought from the council's Planning service as consent may be required.

Security

Owners of poultry should take all reasonably practicable steps to ensure that poultry is not allowed to stray beyond the boundary of their own land.

Sales of Eggs

Should you decide to sell your eggs to friends, over the garden gate or on a market stall, it is a requirement that you register as a food business. For advice and registration contact South Ayrshire Council's Food Team at the details below.

Other Information

There are many other issues relating to the keeping of poultry, particularly in terms of animal welfare – DEFRA provide welfare codes for poultry (www.defra.gov.uk)

If you require advice, contact South Ayrshire Council's Environmental Health Service on 01292 618222 or e-mail environmental.health@south-ayrshire.gov.uk.