

Barked enough! City Of Palmerston's holistic approach to manage nuisance barking

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Abstract

What works, what doesn't, what are we doing, and what are we trying to achieve? Regardless of the approach we are taking, we are all trying to achieve the same thing: reducing nuisance barking in our urban environments while balancing the rights of both complainants and dog owners. Palmerston City Council decided to go back to the drawing board and broaden its approach to nuisance barking. Our strategy may not be the solution for everyone, but indications to date suggest our new strategy has reduced the number of officer work hours, offers more options for complainants and dog owners, encourages community spirit and provides clear guidelines for everyone involved.

Introduction

Apparently dogs bark. A great deal in some circumstances, on the farm, in the bush and in cities, towns and suburbs all over Australia, including Palmerston. It appears to be a natural phenomenon with anecdotal evidence to suggest humans can have a direct influence on the output or level of barking. In some cases their influence increases the level of barking remarkably; others have a direct influence on reducing it. However, the people charged with the responsibility to reduce it have never been able to stop it completely. And this is unlikely to change dramatically unless, by some miracle, we can teach our dogs to talk!



We have to accept that a level of barking is always going to be present where dogs and humans co-exist. But there are a number of people in our community who have had enough and believe that 'something must be done'. They may go so far as to allege councils and their staff are neglecting their duty to reduce nuisance barking within the community or, at the very least, to resolve their complaint. And this is where most issues arise, finding a solution which balances the rights of dog owners while maintaining the rights of a neighbour. This is where Palmerston's strategy strives to achieve that balance. A whole of community approach is needed to address the challenge of nuisance barking. However there are still a number of people convinced that nuisance barking is solely a council responsibility. These are the people who tell us 'something must be done'. And it is this 'something' that has always intrigued me!

Nothing but the truth!

No-one working in urban animal management would argue that nuisance barking is not an issue. If you're like me, you'd pay handsomely for a magic solution to address all barking complaints. Those of us working in urban animal management want nothing more than to solve day-to-day issues for our community in a fair, consistent and timely manner. In most jurisdictions it is the responsibility of the local council or shire to manage nuisance barking. In researching our strategy, I found that most handle nuisance barking in a different way. This is evidence enough that no jurisdiction has found that elusive magic solution, as I am positive if one existed, we would all be using that process. I don't claim the City of Palmerston's strategy is that solution either, but a process for dealing with nuisance barking that provides firm parameters, options, education, enforcement, and accountability and ensures a balanced approach is maintained for everyone involved in the process.

As I said, it's the 'something' that has always intrigued me! In all the years I have been involved in urban animal management, that is the most common term I have heard being used to describe what has to be done: *something or another*. Most who offer this great piece of advice don't have the answer for you, not even a suggestion, although there have been more than a few that have entered my mind that I wouldn't dare to mention aloud!

The 'something' factor

So it appears to me that the problem was this 'something' factor. Jurisdictions across the country seem to have a methodology or process that is their own 'something', but which method is right? Things are further compounded when certain methodologies work very well in some areas but not in others. I am no different to any other person working in the urban animal management arena. Most, if not all, of us are working with our own methodologies, tools, guidelines, habits, beliefs, paradigms and assumptions to get a result. The result we are trying to achieve is the same, we are working on that unenvied task of reducing the level of barking within our community using the tools and legislation we have been provided.



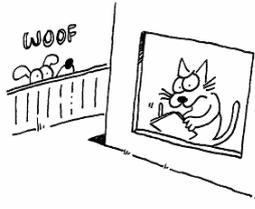
Through my research of barking strategies around Australia and New Zealand, I found that whilst some seem to have a pretty reasonable grasp on the issue, most are let down by legal definitions and even community perceptions. However I discovered nearly all jurisdictions have similar challenges if they are using just a regulatory approach to controlling nuisance barking. Based on this information, and my own beliefs of what has worked and hasn't worked for me, I decided the best method may be just to push it all aside and approach the problem with a blank piece of paper. Removing all pre-conceived ideas and throwing down a challenge to my staff to start again at the table using brainstorming, mind mapping and listening to all ideas and suggestions without limiting budgets, time and resources. In fact no idea at the time was considered stupid. Using this approach raised some very interesting suggestions, including aliens! Our only restriction was that our by-law is unlikely to change and therefore the strategy must align with the by-law.

To give you an idea of our starting point, following is an extract of the Palmerston City Council (Animal Management) By-Laws.

Section 39 Dogs causing nuisance

- (1) The owner of a dog that, either by itself or in concert with other dogs, is a nuisance commits an offence.
- (2) For the purposes of this by-law, a dog is a nuisance if it is injurious or dangerous to the health of the community or an individual, or behaves repeatedly in a manner contrary to the general interest of the community or an individual.
- (3) Without limiting clause (2), a dog is a nuisance if it -
 - (a) creates a noise, by barking or otherwise, that persistently occurs or continues to a degree or extent that has a disturbing effect on the state of reasonable mental, physical or social well-being of a person;
 - (b) repeatedly barks when people or vehicles use a public place in the vicinity of the premises where the dog is kept; or
 - (c) defecates in a place or places causing annoyance to a particular person.

- (4) The owner of a dog does not commit an offence against this by-law by reason of the actions of the dog referred to in clause (3)(c) if the owner immediately removes the faeces and disposes of them in a public garbage receptacle or on his or her own property.



Why change?

Why did we need to change a process that seemed to work in many cases? The singular approach was not achieving any headway into a difficult subject, compounded further by the rapid growth Palmerston has experienced (expected to continue) together with the high percentage of dog ownership in the municipality. The old process was frustrating for people making complaints, dog owners and staff, including elected members. And the truth was, barking complaints were taking far too long to resolve, with many not resolved at all even after many hours of hard slog. What didn't help was the very high standard of evidentiary proof required to demonstrate nuisance in the local courts, specifically the evidence required to prove *repeatedly* or *persistently*. Added to that, lenient penalties or no penalty at all lead councils to be cautious when contemplating taking a complaint to court. Old processes also relied on taking the word of a person making a complaint, a neighbour, a dog owner and in turn, the acting officer. I don't dare to guess how many hours were spent on what turned out to be erroneous complaints, how many hours wasted drilling down to find out the real problem was not barking. Numerous nuisance barking complaints I have investigated revealed problems ranging from a daughter having a fall-out with the neighbour's son, through to one neighbour who put up a floodlight in their back yard that shined into the complainant's yard. With each case, the dog was used as the excuse to make a complaint. The old process ensured much of an officer's time was being spent finding out the real issue and mediating between neighbours over issues that don't even involve a dog. Whilst my team will always strive to achieve a positive outcome between neighbours in the name of community spirit and cooperation through applying mediation skills, regulatory officers often do not have the time to deal with these types of situations. For that reason, we needed to broaden our approach and provide a range of alternatives for the community, some of which include referring some disputes to agencies geared up and fully competent to resolve neighbourhood disputes. I see this as no different than a doctor referring a patient to a specialist.

Vast horizons

Our meetings lead to a broadening of our approach and the responsibility of nuisance barking to a whole of community focus through using the services provided by government agencies primarily set up to manage community complaints. In the Northern Territory this is the Community Justice Centre, which provides free mediation services to residents involved in any type of conflict, including barking dog complaints. This is a service Palmerston Council recommends as one alternative. The focus of our program became offering a range of community focused options to deal with the issue of barking, rather than just relying on a regulatory approach. Consideration was also given to making the program light-hearted, which has its risks given that irate neighbours may not appreciate the lighter side at 3am when their next door neighbour's dog is keeping them awake! However, we took the risk and ran with a light-hearted program using colorful brochures and information sheets as well as commissioning a local cartoonist to provide a range of drawings to complement the program. On all accounts, it appears to have worked well with some residents who have made complaints about nuisance barking even suggesting it helped put their complaint into perspective.

Brainstorming!

Some of the suggestions to come out of our meetings included:

- Dog free suburbs
- Amend legislation to only allow one dog per residential household without a special licence
- Dog Park suburb (based on light aircraft sub-divisions seen in the United States) where dog owners live in and around a dog park
- Legislate against walking dogs in urban streets (dogs to be transported to pet parks etc)
- Increase penalties for dogs at large
- Increase penalties for nuisance barking
- Remove nuisance dogs if more than two complaints received in 12 months
- Simplify infringement process for nuisance barking
- Introduce legal definition of nuisance barking
- Repeal nuisance barking by-law
- Introduce cat legislation (to reduce barking)
- Introduce mandatory obedience training
- Source a residential electronic sound suppression system similar to what some aircraft operate (sound cancelling processor)
- Increase understanding of urban barking through education, and
- Enlist aliens to abduct nuisance dogs!

Local issues

Unique issues that needed to be considered included the Top End's wet and dry seasons, which result in high and low barking seasons. During the wet season, most people have their doors and windows shut, and air-conditioners running which, in conjunction with warm moist air, appears to muffle noise and many residents appear to be unaware what goes on in the outside world. I am positive the dogs bark as much, particularly during intense thunderstorms, but Council does not receive the number of barking complaints it does in the dry season when cooler weather means windows are open and noise travels. Additionally our cyclonic fencing turning many residential blocks into secure fortresses don't offer the same screening effect usually associated with traditional fencing types. This type of fencing is compounded further when used as the front boundary allowing dogs to effectively patrol their perimeter and bark at anything that passes. An interesting fact taken from Council records indicates less complaints being made from passersby in newer suburbs where local covenants prevent front fencing. In these newer areas, dogs are usually fenced in the rear area of a property. However, the interesting fact is that these suburbs account for a larger percentage of nuisance barking complaints, not from passersby, but from residents. It should be noted that many new suburbs use smaller lot sizes than the traditional L acre and this may be part of the problem. So it would appear that while removing dogs from the front area of properties reduces some types of nuisance barking complaints, keeping them in smaller rear yards produces even more!

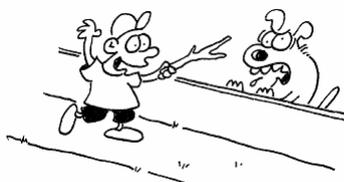
It's all about customer service and image

Palmerston City Council conducted a customer service survey in order to gauge resident concerns in September 2004. The survey results indicated animal management, including *nuisance barking* being shown as a high priority for many residents. Our new barking strategy is just one improvement introduced as a result of the survey. Additionally we wanted to improve our image within the community and demonstrate that regulatory staff are there to help people deal with their animal management problems and not to be seen as the *enemy*.

One initiative included a redesign of our uniform to a light and bright, less threatening design. The second initiative was the introduction of a radio talk back program encouraging residents to ring in and discuss their issues including nuisance barking. I arranged to have a local veterinarian, Dr Steven Cutter, and an RSPCA representative as well, offering listeners the opportunity to ring in about regulatory, veterinary and welfare issues. The fortnightly program has now been running around 12 months and is broadcast across the Northern Territory allowing people to ring in from places like Jabiru and Nhulunbuy (Gove) in the north, and to Katherine, Tenant Creek and Alice Springs in the south. The program complements our animal management program including nuisance barking, a topic we often talk about on air. Whilst we don't take complaints on air, we have no hesitation talking through the issues.

Neighbour rage

When developing the strategy I wanted to acknowledge an issue I find alarming in the community: the speed at which complaints can escalate to a level of irrationality, in some respects similar to road rage. People who appear to be reasonable, even calm in some respects, who quickly become irrational and in some circumstances, demonstrate signs of violence towards a person who has made a complaint, neighbour, dog owner or Council staff. Is this a sign of how stressed society has become? Are people more willing to complain today? I see a difference in how people react to situations today than they did 10, 20 and 30 years ago. The way in which the community handles change needed to be considered with any new process we considered or introduced. Therefore we felt it always a benefit to understand people a little better. Values, habits, beliefs and paradigms have developed over a very long time through our experiences, backgrounds, educational level, and relationships.



As people are different, their individual models and perceptions of the world never fit perfectly together. There will always be some overlap or gap between any two individuals' understanding of a situation which can result in conflict. With that in mind, our process needed to be easily understood and provide clear guidelines. This is one of the most important aspects of the strategy because we have set firm guidelines for the person making a complaint and the dog owner. Everyone involved knows up front what we will and won't, and can and can't do. We have found this to be an invaluable guideline although it's been tested from time to time. We resolved to remain consistent, even when political pressure is applied.

Summary of the Nuisance Barking Guidelines

STEP 1

- Officers take the call and arrange the delivery of a kit that same day
 - to assist the person complaining to determine if they want to go ahead with a complaint
 - to provide brief information about other options
 - to encourage recourse to those options in the first instance.

STEP 2 Confirmation of Complaint

- When confirmation is received, full complaint details are logged, and a notice is sent to the person owning the dog perceived as a barking nuisance with an accompanying offer of help, and with attached information materials.
- 14 day diary sent to complainant

STEP 3 Continuation of Problem

- Having again reviewed non complaint options, after 14 to 28 days Council officers will issue a second notice, and seek an appointment with the person owning the dog on the premises, enlist input from neighbours, monitor area and review any appropriate remedial measures.

STEP 4 Determination

- Where neighbours also provide evidence of nuisance barking, Regulatory Officers will either issue infringements, or take court action. In the case of sustained offending, deregistration will be considered.

Subsequent complaints

In the case of subsequent complaints, following an earlier finding against an owner or earlier corroborated problems, Step 3 or Step 4 (following interviews with neighbours) will be triggered.



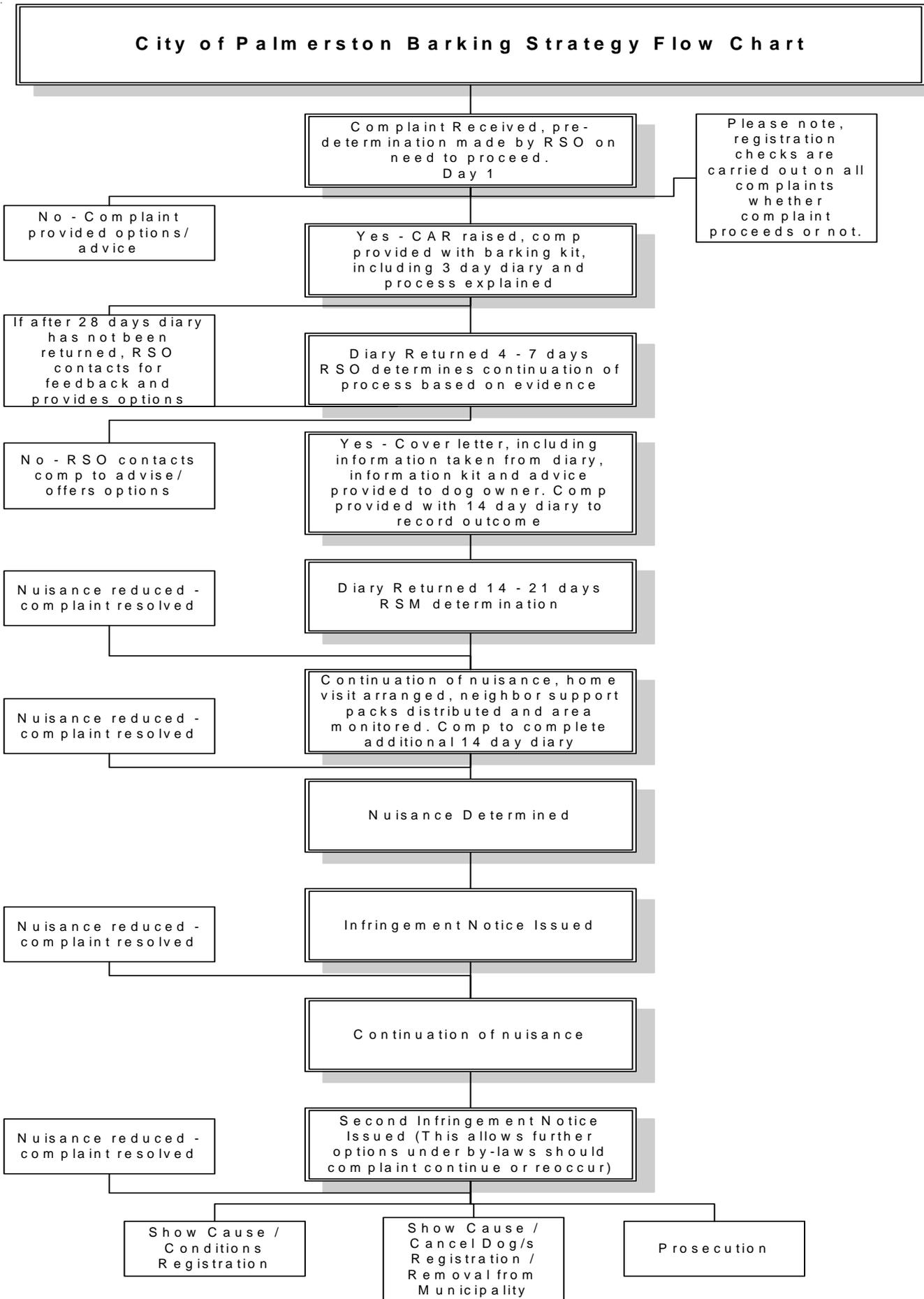
The need for follow-up

We commenced the strategy during the wet season and therefore recorded a low number of barking kits sent out and even less diaries sent back. This made it difficult to measure the success of the program. Were complainants talking with their neighbours, taking civil action or using mediation services? We had inadvertently failed to provide an effective tool to measure results so the low numbers didn't really bother us at first, but we wanted to know what was happening. We soon introduced a follow-up call after 28 days in cases where the diary had not been returned. This provided solid evidence in relation to the action customers who made the complainants were taking. As the complaint *high* season arrived, our statistics become more reliable and demonstrated the effectiveness of the program.



This graph represents the number of complaints that reach each stage of the process. To date no nuisance barking complaint has reached stage 4 from commencement of the new strategy, as all complaints have been resolved successfully.

The flow chart on the following page demonstrates the process:



Information Kits

We wanted to ensure our information sheets were light, included cartoons, colourful and very easily read. And included simple ideas, clear guidelines, suggestions and options for complainants and dog owners alike.

The following is an extract of some of our tips for talking with neighbours.

Dog owners have stated, "I wish they had only come and talked to us."



If you plan to talk to your neighbours, choose the timing.

The best time may *not* be when you are feeling up-tight or angry! If you end up shouting and put them on off-side, the chances of getting cooperation and a positive result are greatly reduced. Remember: your aim is to get your neighbour to take action to reduce or eliminate the barking, so you need to remain in control.

Some people think well on their feet, but for many others it helps to think and plan ahead.

Having a planned approach means that you have thought about what you will say if the neighbour perhaps refuses to listen, or gets angry, or says that they don't know what they can do about it. Think and plan in advance your responses to these, if they arise.

Give a "lead-in" rather than launching straight to the problem.

Aside from nuisance barking, maybe things aren't all bad where the neighbours are concerned! For example, "*John, how's it all going? I can't get over how fast everything is growing with all this rain...*", could be a lead-in to raising the dog problem. The choice of words is yours, but finding a way to start the conversation in a relaxed way can set the scene for what is to follow.

Present the problem in a positive way.

Avoid making threats. "*I'm sure that there must be a way to overcome this*", rather than, "*If you don't do something about it, I going to fix the dog myself.*"

Avoid making assertions or labeling the other person.

Statements like "*you just don't care*", "*you're irresponsible*", "*you shouldn't own a dog*", or "*you must be deaf*" are nearly always unhelpful. Using them invites the person to defend themselves and the real issue – the barking – often gets lost. Instead use the "I" word. You can talk about how the barking affects you and what your needs are.

See if they are aware of the problem.

If your neighbour agrees that there is an issue then they are more likely to act. After first raising the issue, a question such as, "*are you aware of the barking at night?*" gives your neighbour the opportunity to agree that they see a problem.

When all else fails.

If, despite the approaches that you have made, you have been unsuccessful, contact your Council for advice on the next steps to take.

A fluid process

As this was a new process for dealing with nuisance barking, our thoughts remained open to any changes that could improve the process even further. As issues were identified appropriate changes were introduced.

For example, the following is a number of changes made to our original process. Improvements will continue, however the focus of the strategy will remain the same.

Improvements include:

- Drafting a new three-day diary. Originally we only produced one 14-day diary for efficiency and used it to fill both roles, this created some confusion. Today we have two separate diaries to avoid confusion.
- We offer an option of home delivery and talking with our customers who have made a complaint through the process. Some people still prefer to only speak on the phone for confidentiality.
- The new three-day diary allows customers who have made a complaint to record information about more than one dog and one address. But if the complaint reaches the next stage, individual diaries need to be recorded for each dog.

The situation today

The process has provided an efficient method of managing nuisance barking within the community. Although some people still complain that they shouldn't have to do anything other than make an initial complaint to Council, at the time of writing we had received only three formal complaints about the process after taking action in relation to well over 100 complaints using the new strategy. In the majority of situations complaints only reach the first or second stage. Evidence suggests residents are talking to their neighbours and using other options suggested. The process and statistics we have recorded should be treated with caution due to the limited time frame this process has been in operation. Time will tell how successful the program is and I am positive we will continue to tweak the process in order to improve.

My officers now spend far less time during the initial stages of a nuisance complaint which provides more time to deal with the more serious cases that come up from time to time as well as having more time to spend on other regulatory duties.

If you would like more information or a copy of the strategy, please call us on 08 8935 9977, email us at palmerston@palmerston.nt.gov.au or visit www.palmerston.nt.gov.au

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References

1. Palmerston (Animal Management) By-Laws (2002)
2. Palmerston City Council recorded statistical data (2005)
3. Northern Territory Of Australia Animal Welfare Act (2004)
4. A number of web sites for general reference and inspiration including:
 - Townsville City Council
 - Gold Coast City Council
 - Shire of Yarra Ranges
 - Auckland City Council
 - Australian Veterinarian Association

