



Framework for the Use of Sound Devices to Assist in Preventing Anti-Social Behaviour

**Report to Executive Director,
Economy, Place and Skills and Cabinet Member
for Environment and Infrastructure**

Portfolio Responsibility :
Environment and Infrastructure

Delegated Item

Officer Contact: Carol Brown – Service Director, Environmental Management
Ext No: 4452

Framework for the Use of Sound Devices to Assist in Preventing Anti-Social Behaviour

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide a framework for the use of sound devices as a measure of last resort and only in extreme circumstances within the Council's services to assist in preventing anti-social behaviour.

2.0 RECOMMENDATION

- 2.1 It is recommended that the framework at Appendix I for the use of sound devices be approved to ensure controlled and restricted use within Council controlled premises.

Framework for the Use of Sound Devices to Assist in Preventing Anti-Social Behaviour

3.0 BACKGROUND

- 3.1 A report on the current use of sound devices to assist in preventing anti-social behaviour was presented to Leadership on the 16 March 2009 and it was agreed that a framework be prepared for the use of such sound devices within the Council's services and that the framework would only allow for their use as a last resort.
- 3.2 A further report was presented to Leadership on 1 June 2009 and it was agreed that the framework be delegated for approval and strengthened to ensure that the installation of mosquito sound devices be permitted only as an absolute last resort and for a limited period of one month.

4.0 CURRENT POSITION

- 4.1 Regular meetings with residents and community groups including Friends of the Parks groups identified a common problem at a number of parks where youths were committing acts of anti-social behaviour such as playing football on bowling greens. This was resulting in considerable damage, disruption to bowls matches and significant remediation costs.
- 4.2 Traditional methods of informing the police and security had failed to stop the problem and Members requested that we research the use of the mosquito sound device and report back with the feasibility of a trial.
- 4.3 The mosquito is an electronic device which emits an annoying sound with a high frequency of approximately 17.4 kHz and a sound pressure level (loudness, volume) of 75 dB. The sound is typically heard by people less than 25 years of age because the ability to hear high frequencies deteriorates in humans with age.
- 4.4 The device is marketed as a safety and security tool for preventing groups of youths from congregating. As such, it is promoted as reducing the occurrences of anti-social behaviour; gang loitering, graffiti, vandalism, drug abuse, drug distribution, and violence.
- 4.5 The Mosquito has attracted controversy on the basis of human rights. Critics say that using the Mosquito is discrimination against young people and that the device infringes their human rights. Supporters, on the other hand, argue that making the Mosquito illegal would infringe the human rights of people affected by the anti-social behaviour.
- 4.6 In 2006 it was agreed to trial the installation of the device in Failsworth Memorial Park following extensive discussions with Friends of the Parks groups, police and Ward Members. No formal decision was recorded. To avoid potential problems in relation to human rights it was agreed that the device would be placed on a timer switch to ensure that it would only operate at times when the park was closed and therefore anyone subjected to the noise would be trespassing.
- 4.7 The trial proved extremely successful, with residents reporting that youths dispersed within 10-15 minutes of the device being activated. It was noted that there was a considerable reduction in vandalism and associated costs. Aggravation and disruption to other sectors of the community who use the parks was also reduced.

- 4.8 Following the successful trial the devices were introduced to a number of other parks where similar problems were being encountered. The devices were only fitted in response to considerable complaint and with the support of local police and residents. The devices are fitted to timing switches and therefore youths would only be affected if trespassing into local parks which are locked outside operating hours. The devices are currently operating in Higher Memorial Park Failsworth, Copster Park, Royton Park, Dunwood Park and Chadderton Park.
- 4.9 There has been a considerable reduction in the level of damage, nuisance and associated costs in these parks as a result of the placement of these devices in key areas. The cost of each of these devices is approximately £300 fully installed.

5.0 CONSIDERATIONS

- 5.1 In 2008 Sir Albert Aynsley-Green, the Children's Commissioner for England, called for the Mosquito to be banned on grounds that it infringes the rights of young people. His claim was that the devices are "indiscriminate and target all children and young people, including babies, regardless of whether they are behaving or misbehaving". The placement and set up of the devices in Oldham's parks does not fit with this position.
- 5.2 It is recognised that clear guidance from the Department for Communities and Local Government and the Local Government Association is required on this matter and letters have been sent requesting policy clarification.
- 5.3 The use of these devices for dealing with anti-social behaviour could be considered in the wider context of neighbourhood working and management.

6.0 PROPOSAL

- 6.1 It is proposed that the local framework given at Appendix I be adopted for the use of sound devices in Council services to assist in preventing anti-social behaviour based upon the following principles:
- i) the use of sound devices to be considered only as a last resort having exhausted all other practical measures;
 - ii) there is a demonstrable need supported by the community, local Councillors and the police clearly evidenced;
 - iii) the devices are installed so as to ensure that their use is not indiscriminate;
 - iv) the relevant Executive Director and Cabinet Member for the relevant service area must endorse the installation; and
 - v) after one month their use will be reviewed by the Executive Director and Cabinet Member and unless there is a substantive reason, use of the device will cease.

7.0 FINANCIAL IMPLICATIONS

- 7.1 It is anticipated that the proposed framework will have no financial impact on either capital or revenue budgets as the devices would only be deployed as a last resort. In these cases, any additional expenditure on equipment and installation would be met from existing Green Space revenue budgets. However, any savings (unquantified) that might accrue from a reduction in vandalism are unlikely to be realised if the devices are not used on property vulnerable to attack (Mark Horner).

8.0 LEGAL SERVICES' COMMENTS

- 8.1 The use of Mosquito devices is lawful. The two main potential challenges to the use of Mosquito devices are propounded by Liberty. These are a claim that the noise emitted from the premises is a public nuisance under the Environmental Protection Act, and a Human Rights Act claim in relation to the prohibition against discrimination. Due to the siting of the devices and the times that the devices operate, a person would need to make a conscious decision to trespass in a closed park in order to come into proximity with the devices. It is therefore highly unlikely that the Council would be subject to any credible challenge that a public nuisance was created, or that discrimination was being perpetrated. (Warren Bradley)

9.0 POLICE COMMENTS

- 9.1 Police would support the use of sound devices where they are operated in places and at times where access would be prohibited to everyone, but where intelligence suggests that young people are gathering and causing litter, damage, or indulging in other anti-social behaviour. Such devices can be effective in tackling anti-social behaviour through technology, but use must be carefully considered so as not to criminalise the legal use of open spaces by young people. (Superintendent Stuart Goodwin)

10.0 TREASURER'S COMMENTS

10.1 Capital

There are no capital implications due to the value of the products being below the Council's de minimus limit for capital expenditure of £10,000 (Mel Creighton).

10.2 Revenue

As mentioned in the Financial Implications, there should be no additional revenue resources required by the proposals but it is likely that no savings on addressing vandalism issues will be gained either, unless by another method (Mark Horner).

11.0 PROPERTY IMPLICATIONS

- 11.1 The discriminate use of the devices, where all other practical solutions have been exhausted, is a cost effective way to reduce the impact of anti social behaviour and vandalism on Council land and property assets. (D Mycock)

12.0 ENVIRONMENTAL AND HEALTH AND SAFETY IMPLICATIONS

- 12.1 The implications for affecting the hearing of young people have been considered within the framework by ensuring that only those trespassing will be affected.

13.0 COMMUNITY COHESION IMPLICATIONS (INCLUDING CRIME AND DISORDER IMPLICATIONS IN ACCORDANCE WITH SECTION 17 OF THE ACT)

- 13.1 The framework will be used to ensure minimal use of the devices where all other practical solutions have been exhausted to reduce the impact of anti social behaviour on local residents and vandalism of Council property.

14.0 FORWARD PLAN REFERENCE

14.1 This report is not a key decision

The following is a list of the background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by that Act.

File Ref - Records held in the Directorate

Any person wishing to inspect copies of the above background papers should contact:

Carol Brown - Service Director, Environmental Management - Tel: 0161 770 4452

Signed _____ Executive Director Economy, Place and Skills	Dated _____
Signed _____ Cabinet Member for Environment and Infrastructure	Dated _____

Report Tracking	
<u>Where</u>	When
EMT	26.05.09
Leadership	01.06.09
Joint Leadership	
Overview & Scrutiny	

Appendix I

FRAMEWORK FOR THE USE OF SOUND DEVICES IN COUNCIL SERVICES TO ASSIST IN PREVENTING ANTI-SOCIAL BEHAVIOUR

1.0 MOSQUITO SOUND DEVICE

- 1.1 The Mosquito sound device is a self contained metal cased unit designed to emit a high pitched pulsating noise. It is designed to deter under 25 year olds from loitering in an area for any length of time and so reducing the potential for vandalism and anti social behaviour.
- 1.2 The unit is designed to be used on the side of a building or other structure and can be activated manually or by the use of a timing device.

2.0 CONSIDERATIONS FOR USE

- 2.1 When considering the deployment of such devices a number of factors should be considered. These are:

- Volume – whilst 75 decibels is within government safety limits, it is the equivalent of a loud radio or traffic along a major route and could affect young people and children living very close by or adults with good hearing.
- Use of the equipment effectively denies the area to all persons who are affected by the noise regardless of the legitimacy of their being there.
- It is likely that animals and pets will be affected by the noise and this could lead to distress. Whilst the distress caused to pets is an issue of concern in itself, there is also the risk of an agitated animal being more difficult to control.
- The device has a limited range of 15-20 metres.
- The device does take time to affect those loitering in an area and therefore hit and run incidents are unlikely to be prevented and the presence of a unit could have the potential to attract further criminal damage.
- Noise of this type is likely to increase stress in those affected and this could lead to a state of heightened agitation.

3.0 **PROCEDURE**

- 3.1 Given the resources already available to tackle youth nuisance within the Borough and the concerns which as yet do not have satisfactory answers provided by the manufacturers or independent review, the Council does not commit to general use or promotion of the device at this time. However where the following evidence can be provided, consideration to their use as a last resort will be given.

Evidence to be provided:

- A demonstrable need supported by the local community, Ward Members and the police;
 - The device can be installed so as to ensure that its use is not indiscriminate; and
 - That all reasonable alternative solutions have been exhausted.
- 3.2 A report must be produced to clearly identify the issue and the evidence, as given above, to support the need for a device to be used. The report must be agreed jointly by the Executive Director Economy, Place and Skills and the Cabinet Member for People and Communities before a device can be put into use. After one month the impact of the device will be reviewed by the Executive Director and Cabinet Member and unless there is a substantive reason the use of the device will cease.

