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Anti-social Behaviour, Crime and Policing Bill 2013-14 will criminalise and at the same time let down society

We are public health professionals who care passionately about safe, neighbourhoods, and believe in the principles of equality and justice for everyone. At Noisedirect we actively help people from all walks of life deal with issues relating to noise, nuisance, and anti –social behaviour (ASB).

As the Anti-social Behaviour, Crime and Policing Bill 2013-14, (the Bill) reaches the Committee stage today, when the House of Lords discuss final amendments, Noisedirect is concerned the Bill will lead to further health inequalities and confuse and weaken existing powers for dealing with statutory noise nuisance. It is our real fear and concern that the Bill may criminalise hundreds of individuals for misdemeanour offences of annoyance, which will impact on society as a whole, but at the same time, will fail to address the serious issues of noise nuisance, harassment and ASB.

Noisedirect is alarmed at the proposals contained in the Bill, which will replace existing orders (such as ASBOs) with injunctions, which will be easier to obtain, harder to comply with and will have harsher penalties.

At Noisedirect we have found that the response to complaints of ASB can vary hugely and is often dictated by the resources available to each agency, the experience, and training of those investigating complaints and the perception of investigators about complainant(s) and alleged perpetrator(s).

The highly ambiguous and subjective nature of noise that is an ‘annoyance’ could criminalise young and homeless people and will doubly penalise many vulnerable, social tenants and their families, who will face mandatory eviction from their homes for breaching the terms of an injunction.

At Noisedirect, we believe that the Bill does not address these issues or properly take account of the equality impact on certain groups, or sufficiently address the issue of false or vexatious allegations.

The implementation of the Bill will lead to many more tragedies and miscarriages of justice, such as the recent case of Bijan Ebrahimi, the innocent 42 year old Bristol victim of ASB, who was targeted by a group of neighbours for being different. Noisedirect can envisage many more cases where the Community Trigger, could be misused as part of harassment and victimisation of lone, vulnerable individuals who the 'community' simply feel are too different .

The Bill also continues to place the onus of gathering evidence on the victim, which the Ebrahimi case illustrates can leave the victim vulnerable. The Ebrahimi case is far from the exception. At Noisedirect, we are regularly told by callers that victims of noise are told to gather their own evidence before their social Landlord or Council will take action, which leads to neighbours complaining of harassment and counter allegations; inevitably the case is then simply labelled a neighbour dispute, with mediation being imposed on both parties.

It appears that the Government seems to have adopted a broken windows theory with the introduction of the Bill, despite the theory being statistically unproven to be effective at reducing crime and dealing with the root cause of anti-social behaviour, particularly for issues such as noise and nuisance. It is our experience that the Bill will criminalise young, vulnerable individuals who already face a host of cultural, social, and fiscal barriers for misdemeanour offences of annoyance, leading to further social exclusion and marginalisation.

At Noisedirect we receive many calls from individuals, who are already passed from Councils to the Police and back again, and told by each agency, that the noise does not fall within their jurisdiction to deal with. The Bill, allows either the Police or Councils to deal with noise which creates annoyance or nuisance, but will merely exacerbate the problem and create a wildly unequal approach to noise, nuisance and annoyance depending on where you live in the country.

It seems that the Government has simply disregarded the established principle that for noise to be a statutory nuisance, it has to be more than a *mere* annoyance.

As the Bill reaches its final Committee stage, Noisedirect asks the House of Lords to consider who will help sufferers, such as Jane in our case study:

Case Study - Jane's Story

Jane moved in to her flat last year, which she rents from a Registered Social Landlord in the South East of England. Within a few weeks the neighbour started playing loud Drum and Bass music for several hours a day. The music would go on into the night and could occur at any time of the day sometimes lasting 30 minutes, sometimes an hour or two and even three, five or six hours.

Jane tried approaching her social landlord who told her that she must provide them with evidence before they could investigate. Jane then approached her Council's environmental health department, who initially referred her to the Police, Community Safety Unit.

After several weeks of speaking to all three agencies, the Council's environmental health department installed recording equipment in Jane's flat; despite a Police and Council officer already having heard the music in the car park outside Jane's flat on several occasions.

The recording equipment malfunctioned and Jane was asked to book another appointment for evidence to be gathered. The noise continued, but become more sporadic following visits to the neighbour from the Council. However, Jane was forced to leave her flat to escape the noise, which she describes as torture and harassment.

On the second occasion Jane was told by the Council, the music '*wasn't loud enough to be a nuisance*'. Jane was asked to book another appointment so the Council could investigate one last time. This time Jane was told that the music was just 'a bit annoying' and not a statutory nuisance.

The Police have told Jane that they don't have resources to deal with her problem which is not really in their remit. The social Landlord says there is no evidence that the noise is a nuisance or ASB, but it might be annoying. The Council think Jane should tell her neighbour when she is going out, so that he can play his music as loud as he wants.

The neighbour has been told in writing by the Council, that he can play music for one hour a week, as long as it's not above a certain number on the volume control.

Jane has never heard of the Anti-social Behaviour, Crime and Policing Bill 2013-14, but wonders if it will apply to her Council, and does this mean that the Landlord and the Police should really be doing something about the noise she has to live with?