Notice of Motion relating to the Use of 'Mosquito' Sonic Deterrent Devices

Cabinet on 1 December 2014 considered a report by the Director for Children and Schools arising out of a Notice of Motion submitted by Councillors D R Sinnett and Susan Perkins which had been referred to Cabinet for consideration and report back to Council for determination; such Motion being in the following terms:

That Pembrokeshire County Council does not in any way support the use of ultrasonic youth deterrent devices such as the ‘Mosquito’ and resolves to ban such uses from property that it owns.

Furthermore, this Council will encourage partner organisations with which it works to follow its lead and refuse to endorse the use of such devices in Pembrokeshire.

A written submission in support of the Notice of Motion is attached as an Appendix.

In considering the matter, Cabinet noted the following:

- The Mosquito device was an electronic device used to deter loitering by young people (under 25 years old), by emitting sound at high frequency, in some versions, so it could only be heard by younger people. The device was marketed as a safety and security tool for preventing youths from congregating in specific areas.

- The device was deemed to fall within the UK Government’s auditory safety limits. The current device had two settings: the high frequency sound targeted at young people, and another that could be heard by everyone.

- The device was not illegal or subject to any controls or regulations by the UK or Welsh Governments, but it had attracted controversy in the UK and internationally.

Health and Safety

- As the device was relatively new, there was little documented evidence as to its effect on the health of children exposed to it. It had a limited range; so it was easy for an older child to move out of its range if discomforted by it. However, a baby, or a child with communication
difficulties, might be distressed by the device and be unable to communicate to an adult what was causing the distress. There was growing anecdotal evidence that the device particularly affected children with autism.

- The manufacturer cited a range of evidence as to the safety of the device, but such evidence was largely based on studies of the effect of ultra-sonic devices on adults, rather than children; and that some of the evidence cited was from individuals with close links to the company.

- It was not yet known whether the device could be heard by, or affect, unborn babies.

**Human Rights**

- There was a strong argument that use of the device was contrary to the European Convention on Human Rights (ECHR), incorporated in Schedule 1 of the Human Rights Act 2008, and the United Nations Convention on the Rights of the Child (CRC), the latter of which the Council had signed up to in March 2014.

- At the heart of the issue was that the device was both discriminatory, in that it targeted people on the basis of their age; and indiscriminate, in that it targeted all people within that age group, regardless of their behaviour.

**Responses of public bodies**

- A number of Local Authorities had taken a stance against Mosquito devices, examples being Westminster, Kent, Lancashire, Sheffield, York and Kirklees.

- In March 2010, the Parliamentary Assembly of the Council of Europe voted in favour of a report calling for a European ban on Mosquito devices. Its report concluded that: “The physical impact of high frequency sound on children and young people still lacks adequate medical research: this is of concern, and the precautionary principle should apply. However, the main issues raised by this kind of device are their degrading and discriminatory consequences for young people, who are driven from given places as unwanted”.

“This is neither politically acceptable nor consistent with the safeguard of fundamental human rights which the use of the “mosquito” devices clearly infringes. For these reasons, legislative measures should be taken throughout Europe against the marketing of such devices and their use in public places should be banned”.  
(Parliamentary Assembly Report/ Doc. 12186/ 22nd March 2010)

- All four UK Children’s Commissioners had expressed their opposition to the devices.

- Some Town and District Councils had promoted the devices.
The position in Pembrokeshire

- The Authority did not currently have any Mosquito devices installed in any of its properties, and there would, therefore, be no financial implication to adopting the Notice of Motion.

- It was not known whether any tenants occupying Council property had installed such devices. However, a clause could be inserted into any new lease to prevent the attachment of, and use of any such device on or at any Council-owned property.

- Currently tenants of Council properties were expected to report any anti-social behaviour to the Police and/or the Council. It was anticipated that such engagement would encourage partnership working to resolve any anti-social behaviour reported, without the tenant reverting to the uses of a mosquito (or similar) device.

- Council tenants could be in breach of their tenancy should they create a nuisance, or infringe on another person’s right to quiet enjoyment of their property. This general tenancy obligation applied to existing as well as future tenants.

- Milford Haven Port Authority operated a device on the site of the town library, which the Council leased. Library staff were not involved in the operation of the device. A letter from the Port Authority had been circulated to Cabinet Members explaining the reasoning for installing a device at Cedar Court, Milford Haven.

Councillor Perkins advised Cabinet that the Notice of Motion should be supported on the grounds that such devices were discriminatory towards young people and that it was wrong to target one age group in the community. She pointed out that the Motion had no impact other than to discourage their use. She further advised that anti-social behaviour should not be condoned, but as sonic devices only targeted young people, Councillor Perkins stated that they were not the appropriate device, particularly as the Authority had signed up to the terms of the United Nations Convention on the Rights of the Child.

The Leader of Council advised that it was important to recognise that sonic devices were discriminatory in nature towards young people. He pointed out that the Authority needed to ensure it took the opportunity to take responsible action towards all members of the community. With regard to buildings and land within its ownership, the Leader stated that the Authority needed to be pragmatic in consideration of its obligations and aspirations, and in recognition of the pledge the Authority had signed up to as part of the United Nations Convention on the Rights of the Child.

It was pointed out that if Council was minded to support of the Notice of Motion, there would be an opportunity to engage with partner organisations regarding the use of sonic deterrent devices.

Cabinet’s Decision was to make the recommendation set out below:
RECOMMENDATION:

1. That Council be recommended that the Notice of Motion be adopted.

2. That a clause be inserted into all new leases of Council buildings prohibiting the attachment to, and use of, mosquito (and any such similar) devices.

Background Documents: None
Supporting Submission - Notice of Motion relating to the Use of 'Mosquito' Sonic Deterrent Devices

This notice of motion seeks to gain support from Cabinet and Council in respect of delivering a clear statement that we will not purchase or use any form of sonic deterrent devices on property owned by this authority. Furthermore, we should also take the opportunity through the partnerships that the authority are engaged with [such as the Community Safety Partnership] to encourage other organisations to adopt the same stance.

A number of other local authorities across the UK have taken similar action [eg. Sheffield, Westminster] to safeguard the well being and rights of the children and young people living in their communities. If supported, this notice of motion will also help to ensure that young people are not indiscriminately targeted as the cause of anti social behaviour when there are other, more effective responses that could address these concerns, such as assertive outreach from youth support services and more visible and proactive policing.

Earlier this year, Pembrokeshire County Council became a signatory to the UN Convention on the Rights of the Child [UNCRC], only the second local authority in Wales to do so. This was a significant event for the council and committed us to actively champion the rights of young people in our communities. These sonic deterrent devices as used indiscriminately have the potential to infringe the rights of young people and therefore in order to ensure that Pembrokeshire County Council is serious about the responsibility it has taken on through signing the UNCRC, this notice of motion should be supported.

Councillors D R Sinnett and Susan Perkins