



22 May 2012

Noisedirect
08453 31 32 30
NATIONAL NOISE SERVICE
www.Noisedirect.co.uk

Dear Home Secretary,

Noisedirect would like to tell you about the real life issues that face those affected by anti-social behaviour and what happens when government systems don't work and when agencies do not fully understand the myriad issues surrounding anti-social behaviour.

It is Noisedirect's experience that alleged victims often feel let down by the response from different agencies. It is also our experience that despite the victim centered definitions, complaints are often dismissed as:

- not bad enough
- not loud enough
- not unreasonable enough
- low level harassment
- borderline
- just a neighbour dispute
- lifestyle differences
- culture clashes

And that complainants can often find themselves labeled as:

- over sensitive
- unreasonably persistent
- aggressive
- hostile
- loud
- uncommunicative
- dilatory
- uncooperative

At Noisedirect we have found that the response to complaints of anti-social behaviour 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 perception of politicians and enforcement agencies, who equate anti-social behaviour as an inner city problem and not a real issue in suburbs or rural towns and villages, is an added factor.

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

Noisedirect believe that effective training for all those investigating anti-social behaviour along with standardised investigation procedures, incorporating robust evidence collation methods and recording procedures must be introduced. Too often complaints of anti-social behaviour are viewed as single incidents and not as an accumulating picture of patterns of unreasonable behaviour.

In other cases Noisedirect has found that there is a failure, by agencies to properly assess any actual evidence of anti-social behaviour, and simply act on hearsay allegations from 'pillars of the community' or 'local groups' and initiate disproportionate action, against alleged perpetrators who can be a single vulnerable individual sometimes from a minority ethnic or religious group or simply be different in some other way because of their sexuality or have a disability.

Noisedirect believes that information should be routinely shared between agencies, but only such information that has been gained through scrupulous and systematic evidence gathering. Professionals should employ in-depth analysis, throughout the assessment process of complaints, and be guided by experts and academics in the field of nuisance, hate crimes and public health. There should always be clear documented justification for action or inaction by professionals for all complaints of anti-social behaviour. We believe that it is essential that victims of anti-social behaviour, no matter where they live, should be entitled to a consistent level of service and protection from anti-social behaviour. We are concerned that the Community Trigger is a retrograde step and will result in only those complaints, being actioned that have group support.

Often single households or groups who are not seen as part of the wider community can be the target of anti-social behaviour. We have real concerns that the Community Trigger could result in 'mob rule', with isolated households or individuals further marginalised.

Noisedirect would like to see the following positive measures included in an effective strategy for dealing with anti-social behaviour:

- **Require every single landlord, whether private or social, to declare at the beginning of every tenancy, whether any previous occupants have either made or received complaints about ASB at the property address.**
- **Require every local authority to maintain and keep a register available to members of the public recording all incidents of ASB, Criminal Behaviour Orders and Crime Prevention Injunctions (catalogued by road name) issued within its area.**
- **Require every individual investigating or visiting a property to assess ASB, to carry a numbered ASB triple carbon, tear out notebook. All visits should be recorded in the notebook, and fields indicating whether ASB has been witnessed or not witnessed and should be completed at the close of each visit. Copies of the visit and assessment should be left with the complainant and alleged perpetrator, with the original retained in the notebook. Data from the original should be transferred to a central database so that all agencies can accumulate a knowledge base of incidents and take appropriate action.**
- **Stop the postcode lottery for investigating ASB complaints. Where local authorities or other agencies fail to properly record complaints of ASB or carry out investigations in accordance with their statutory duties, then the Local Government Ombudsman and Independent Police Complaints Commission should be granted powers to impose a £25 fixed penalty victim fine payable to complainants, for each complaint, which is not properly recorded or investigated.**
- **The Community Trigger should be amended to allow individuals or community groups to take direct civil action to allow any person aggrieved by ASB in the**

vicinity of their dwelling, to apply to the local Magistrates Court for the abatement of ASB.

- **Introduce legislation to allow any individual(s) to appoint and authorise independent Environmental Health Practitioners (registered with the Chartered Institute of Environmental Health) to act on their behalf to identify and assess ASB and issue ASB Awareness Notices, notifying alleged perpetrators of the intention of alleged victims to instigate legal proceedings for the abatement of ASB.**

Noisedirect is the UK's first independent, national noise advice service. Noisedirect operates Monday to Friday. Callers, whether noise makers or sufferers, can discuss any noise issue under a fixed fee of £39.00 for a 30 minute consultation and speak with a qualified and experienced Environmental Health Professional by phoning a low cost national number Tel 08453 31 32 30 . www.Noisedirect.co.uk