

**PE1367/L**

Mr. Fergus D. Cochrane  
Clerk to the Committee  
Public Petitions Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP



16<sup>th</sup> December 2010

Dear Mr. Cochrane,

**Re: Responses to Public Petition PE1367**

Firstly, I would like to express my delight at the broad support my petition has received from many of the groups which provided written submissions. It is encouraging to see that the police and the Scottish Commissioner for Children and Young People amongst others share my view and the view of the Scottish Youth Parliament that the use of the Mosquito amounts to discrimination and only creates social barriers whilst we should be trying to do the opposite.

The Co-operative Group should serve as an example of good practice in dealing with anti-social behaviour. Their business decision not to use the Mosquito due to their aversion to discrimination is commendable and their story demonstrates that there is no necessity for the Mosquito in the first place. If there is doubt about the Mosquito's compliance with human rights legislation and there are other answers that work better, it simply should not be used. I believe that other retailers could learn from the Co-operative Group in using solutions which do not discriminate against one group of society.

Although Health Protection Scotland could not draw conclusions from the evidence that exists with regard to the adverse health effects of exposure to the Mosquito, they did refer to the studies in Germany and in the UK, which both suggested that adverse health effects were possible. The Institute of Sound and Vibration Research (ISVR) called for further research into the effects in their report. If adverse health effects are probable, and there are calls for further research into them, it is in no way appropriate to be using this device on young people. This remains an untested product and because we are the first generation to be exposed to it there is no certainty of the long-term health effects which could be caused by the Mosquito. As such, it is dangerous to be attacking people with it.

The decision taken by both Aberdeenshire Council and City of Edinburgh Council to ban the use of the Mosquito on council property is commendable and shows that these two local authorities recognise the importance of dealing with youth disorder through co-operation rather than alienation. However, it is extremely worrying that nobody appears to know who has responsibility for legislating on the Mosquito. The Scottish Government

suggest that “local agencies, working with the local community, are best placed to decide the detailed strategy and range of measures which can best tackle antisocial behaviour”. Aberdeenshire Council appear to believe that the onus is on the Scottish Government to create policy on the Mosquito (“a decision from the Scottish Government regarding their use would be welcomed.”). Similarly, City of Edinburgh Council is of the opinion that it “does not have the power to ban the mosquito device from non-Council premises.” This confusion over what local authorities can do is ridiculous, and it clearly demonstrates the necessity for the Scottish Government to make a statement regarding the Mosquito rather than quietly shifting the responsibility.

Aberdeenshire Council also state that they would not support a similar device used on ethnic minorities. I am sure this is a position that would be echoed by every local authority in Scotland, and probably the majority of those who own and use a Mosquito device. I would challenge these people to show why it is any different to use a device that discriminates against young people. If anything, the fact that young people are a particularly vulnerable group in society and that the most vulnerable, babies and infants, are the most at risk from prolonged exposure due to an inability to move independently away from the area, renders it less acceptable to use the Mosquito on young people than Blacks, Asians, or any ethnic group.

The four pillars of “Promoting Positive Outcomes” (Prevention, Integration, Engagement and Communication) are at odds with the Mosquito. The Mosquito stands against engagement, communication and absolutely destroys the idea of integration. If young people are demonised they are not going to feel included within the community, and as a result are likely to go on to commit more disorder. ACPOS are absolutely right to be pursuing a partnership approach in tackling community issues - only when both sides become involved in a discussion can the root of the problem be found and dealt with. In order for this approach to work the police need the Mosquito to be banned. It is standing in the way of and working against the excellent work they do, not supporting and helping them as the Scottish Grocers Federation and the Scottish Retail Consortium have suggested. Moreover, if both ACPOS and the Scottish Police Federation do not support this device that argument immediately falls. It appears those who believe they are helping the police by using the Mosquito are, in reality, hindering them.

The issue of proportionality is addressed in several of the submissions. The Scottish Retail Consortium assert that the Mosquito devices are operated under protocol and used only at particular times, and that is the basis for the argument of proportionality. Leaving aside the fact that we know this not to be true (even the inventor of the device, Howard Stapleton, admits that misuse occurs), I maintain that this still does not represent a proportional approach. It is never proportional to cause distress to a young child for the actions of someone else. When the Mosquito is in use it is perfectly possible for this to happen, and as such even targeted use cannot be regarded as proportional. Wherever it is possible that an innocent baby or young child could be harmed by the device proportionality cannot exist.

The Equality and Human Rights Commission make a similar case which shows why it is disproportionate for shopkeepers to use a device which effectively bans all young people from the premises.

The law surrounding the Mosquito is complicated. However, the Scottish Commissioner for Children and Young People, in his excellent submission, presents three separate avenues through which a ban could potentially be achieved. I would endorse the call for the Scottish Government to assess these avenues.

The two main arguments I believe have been presented in favour of the Mosquito in the written submissions are that:

- It protects shopkeepers and shop workers from having to confront groups of anti-social young people
- It aids the police by preventing the need for a police intervention

As I have already stated, the submissions from ACPOS and the SPF show that the police do not believe the Mosquito is in line with their principle or their approach, and as such the idea that using the device is in the police interest is a fallacy.

The submission from the Co-operative Group shows that there are other successful methods of dealing with anti-social behaviour in a retail environment.

Babies, young children, autistic youngsters and the innocent majority of the under 25 population are being collectively punished for the actions of a minority. Additionally, the Mosquito only relocates the problem and alienates the offenders, creating an atmosphere in which youth disorder is inevitable. To top it off, it is completely unnecessary for this to happen, because there are other solutions which would use the same level of resources whilst observing everyone's right to peaceful assembly and freedom of movement. And it is possible to ban the Mosquito. The solution to me and my colleagues in the Scottish Youth Parliament is very clear, and would be in the interests of each and every community across Scotland. This is an issue which needs actions from the Scottish Government. The current policy is simply not good enough, which is why another look is so desperately needed.

Yours sincerely,

**Andrew Deans MSYP**