

# **Booming and Fuming: Noise Nuisance from Car Stereos and Mini-motorbikes**

Environment Committee  
January 2008

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### Role of the Environment Committee

The Environment Committee reviews progress on implementing the Mayor's five environmental strategies for London:

- Air quality
- Biodiversity
- Energy
- Noise
- Waste

The committee has also looked at other topical environmental issues like climate change, flooding, managing London's waste, green spaces, graffiti and nuclear waste trains.

The terms of reference for this investigation were:

- establish the effectiveness of current legislation with regard to nuisance mobile noise caused by loud car stereos and mini motos;
- establish the extent to which mobile noise nuisance impacts on Londoners' quality of life;
- recommend to the relevant statutory agencies new, practical approaches to the effective enforcement of curbing nuisance mobile noise and, if necessary, to suggest fine tuning current legislation to aid this aspiration.

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## Rapporteur's Foreword



Over the last few years disturbance from car stereos and mini motorbikes has become a recurring theme in my postbag. I find it unacceptable that disturbance and anxiety continues to be caused in the community by aggressively loud music or inappropriate mini moto riding. I initiated this review to improve understanding how it affects Londoners and suggest new ways of tackling the problem.

The investigation sought the opinions of Londoners and London's councils and police about what action is being taken to address these sources of nuisance noise. Our recommendations seek to improve the ability of officers to take effective action and crucially to generate greater public confidence that where there is a problem, a complaint raised can lead to a problem solved. To achieve this, an even greater understanding of the location and scale of car stereo noise in the capital is also needed - an ambition that can only be achieved with the public's assistance and confidence.

I would like to thank the organisations that contributed to the review and the people who wrote in to share their personal experiences. I hope that as a result of their participation that some real improvements will be seen in the quality of life of Londoners.

A handwritten signature in black ink that reads "Valerie Shawcross".

**Valerie Shawcross AM**

Rapporteur on mobile nuisance noise  
Environment Committee

# Mobile Nuisance Noise from Car Stereos and Mini Motos

## Contents

### Executive Summary

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<b>1. Mobile noise: what are the issues</b>	<b>4</b>
<b>2. Public Perceptions of Mobile Noise</b>	<b>6</b>
<b>3. Who should care? Authority viewpoints</b>	<b>8</b>
<b>4. Law and enforcement</b>	<b>12</b>
Appendix 1 – The law and noise from car stereos and mini motos	27
Appendix 2 – Meeting note – Car stereo noise meeting with representatives from GLA, Metropolitan Police Service, Wandsworth Council and UKNA	29
Appendix 3 – List of Evidence	33
Appendix 4 - Principles of London Assembly scrutiny	34
Appendix 5 – Orders and Translations	35

## Executive Summary

Our investigation has highlighted an issue of concern for a significant minority of Londoners; mobile noise caused by mini motos and car stereos. And shows that, at least in the case of car stereos, authorities do not appear to be addressing mobile noise effectively.

A survey of residents who live near several busy roads in London was carried out during the investigation and found that:

- the vast majority of respondents hear noise from car stereos more than once a week, with 42 per cent hearing it several times a day
- hearing car stereo noise causes stress or extreme stress for almost a third of people surveyed and hearing the noise irritates a further 40 per cent.

It is hard to be sure of the numbers of Londoners affected by mobile noise. Nevertheless, from submissions gathered it is clear that the issue has a significant impact on quality of life for some of those who are affected.

*One respondent reported, 'feeling my entire home shake and the windows rattle. ... My poor elderly neighbours (twin sisters) have moved from the front two bedrooms to sharing the rear bedroom'*

There is growing evidence that not only does nuisance<sup>1</sup> noise cause annoyance, stress and sleep disruption, it can also lead to some serious health problems.<sup>2</sup>

The annoyance caused by mobile noise seems to be compounded by frustration at feeling that authorities are unable to address the issue. This is far more pronounced in the case of noisy car stereos.

One sufferer's experience led them to say, *'The authorities seem to be at a quandary as to how to tackle such a problem effectively.'* Another person plaintively commented that, *'nobody cares'*.

### *Mini motos*

Government, councils and the police have taken a range of actions over the last year such as producing a handbook, running an enforcement campaign to confiscate and crush bikes that are misused or setting up a legal venue. These actions appear to have made some progress on the inappropriate mini moto use. However, some boroughs are still experiencing difficulties.

Our report recommends that, heading into summer, the Metropolitan Police Service should provide local police teams with the existing information about the best methods for tackling inappropriate mini moto use.

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<sup>1</sup> This report uses the term 'nuisance' in its popular sense, not in the narrower sense of what may be judged to be a 'statutory nuisance' (except where the context indicates otherwise).

<sup>2</sup> A recent World Health Organisation study found that around 2% of Europeans suffer severely disturbed sleep because of noise pollution and 15% suffer severe annoyance. And that around 3% of deaths from coronary artery disease involve chronic noise exposure.

<http://www.guardian.co.uk/science/2007/aug/23/sciencenews.uknews>

Also, the Department for Transport is called on to specifically address mini motos as part of their review of off road motorcycles, giving consideration to all possible options to deal with the nuisance caused by inappropriate use.

#### *Car Stereos*

Authorities do not appear to have come up with any effective and sustained method for addressing nuisance caused by loud car stereos.

Authorities appear to be able to address mini moto noise more effectively than car stereo noise because use of mini motos is largely illegal and non-noise powers can be used.

Some council and police officers admit that this is an area that they have difficulty addressing. There is a lack of clarity among council and police officers about what laws are available to address noise from car stereos and who has responsibility in differing circumstances.

The authorities can seem reluctant to expend significant resource on car stereo noise. There are competing pressures for resources and agencies may not perceive car stereo noise as a significant issue for their community.

Our report recommends that the Metropolitan Police Service work with councils to improve understanding of the scale and location of the problem in London, create practical guidance for officers tackling the problem and pilot enforcement campaigns in several hotspot areas.

An issue of concern raised during this investigation was the particular disturbance and anxiety created by low bass sounds and vibrations. This sound is produced by a separate speaker component, a subwoofer. Also of concern is evidence indicating that loud music may have some level of negative impact on driving ability.

The specific nuisance caused by bass sounds and the potential impact of loud music on safety has lead the rapporteur to favour a ban on the installation and use of subwoofers, should further research confirm a significant effect on driving.

## Mobile Noise: what are the issues?

### Nuisance noise can be a serious issue

- 1.1. We have all heard and felt the thump, thump, thump of bass as a boy racer with a noisy car stereo drives past, or the ear splitting shriek as a motorcycle accelerates past us. But, do these passing, mobile nuisance noise sources add up to a real problem for Londoners?
- 1.2. Sound is integral to our lives as a medium of communication and entertainment. However, unwanted sound, or nuisance noise, is a growing problem for urban areas such as London.<sup>3</sup>
- 1.3. Our inquiry into mobile nuisance noise seeks to understand what impact such disturbance has on Londoners' quality of life.
- 1.4. The amount of annoyance created by noise is not just determined by the volume and kind of noise but also by the context of the noise. A person's reaction depends on when and where the noise occurs. For example, people are usually the most annoyed by repetitive noise heard in their own home during the week either early in the morning or late at night. Lack of control over the noise also increases annoyance.<sup>4</sup>
- 1.5. There is growing evidence that not only does nuisance noise cause annoyance, stress and sleep disruption, it can also lead to some serious health problems.<sup>5</sup>
- 1.6. Noise legislation was designed to deal with problems such as loud music from neighbours or construction noise. For these kinds of noise the environmental health officer can witness the noise, visit and talk to the noisemaker, and issue a warning, penalty or abatement notice if necessary.
- 1.7. But does the law work properly when the cause of the noise is mobile? This inquiry examines the effectiveness of legislation that can currently be used to address mobile nuisance noise caused by loud car stereos and mini motos. These two types of noise were chosen as issues of particular concern being raised through members' postbags. These examples serve to illustrate some of the issues surrounding mobile nuisance noise.
- 1.8. The report demonstrates the evolution of best practice in addressing mobile nuisance noise and sets out new, practical approaches to increase the effective enforcement of curbing nuisance mobile noise.

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<sup>3</sup> DEFRA, *Key facts about noise pollution*, October 2006.

<http://www.defra.gov.uk/environment/statistics/noise/kf/nskf01.htm>, GLA, *Greener London: The Mayor's State of Environment Report for London*, June 2007, Chapter 4

[http://www.london.gov.uk/gla/publications/environment/soereport/soe\\_chap4pollution.pdf](http://www.london.gov.uk/gla/publications/environment/soereport/soe_chap4pollution.pdf)

<sup>4</sup> DEFRA, *ENCAMS Segmentation of Noise Sufferers and Noise Makers*, July 2006.

<http://www.defra.gov.uk/environment/noise/research/encams-segmentation/index.htm>

<sup>5</sup> A recent World Health Organisation study found that around 2% of Europeans suffer severely disturbed sleep because of noise pollution and 15% suffer severe annoyance. And that around 3% of deaths from coronary artery disease involve chronic noise exposure. [Report in December 2007

<http://www.euro.who.int/Noise>]

<http://www.guardian.co.uk/science/2007/aug/23/sciencenews.uknews>

## Mini-motos

- 1.9. Mini moto is the popular name for miniature motorbikes, also known as minibikes or pocket bikes. Mini motos use a two-stroke motor and 'make a screaming high-pitched sound that is uncomfortable to be near.'<sup>6</sup>
- 1.10. According to statistics from the Motorcycle Industry Association around 7,000 locally made mini motos are sold each year. However, imports of mini motos from China rose sharply in 2003 peaking in 2005 at 144,905 before falling again in 2006 to 59,885 (see Figure 1).<sup>7</sup> These imports can be as much as ten times cheaper than locally produced bikes, selling for as little as £100, making them cheap enough to be bought as toys. However, the bikes can be dangerous if used improperly, as they can reach speeds of up to 60mph.<sup>8</sup>

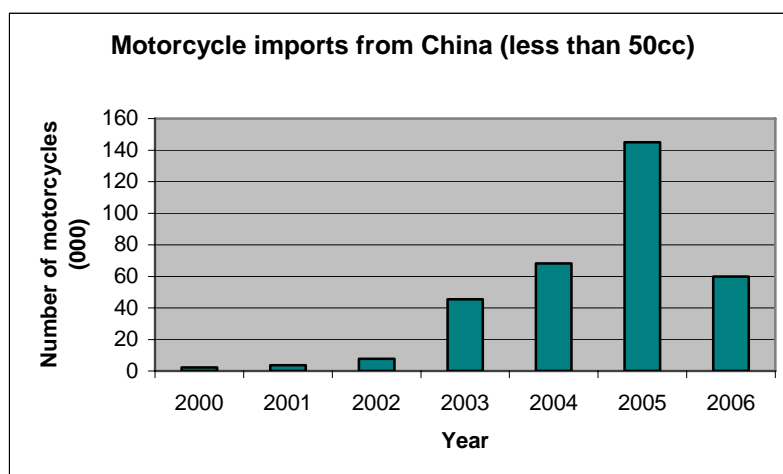


Figure 1: Number of motorcycles (less than 50cc) imported from China 2000–2006

Source: Motorcycle Industry Association

- 1.11. Motorcycle associations such as the British Motorcyclists Federation are concerned by illegal use of mini motos. But they emphasise that mini motos have a legitimate motor sports use that can bring significant benefits to young people.<sup>9</sup> The Motorcycle Industry Association says, 'Legitimate mini moto racing ... appeals across age groups and is fun for those who participate'.

<sup>6</sup>Bromley Police, *Bickley Safer Neighborhood Team Newsletter*, Oct 2006. [cms.met.police.uk/met/content/download/10135/47449/file/Bickley%20SNT%20newsletter%20october%202006.pdf](http://cms.met.police.uk/met/content/download/10135/47449/file/Bickley%20SNT%20newsletter%20october%202006.pdf)

<sup>7</sup> Motorcycle Industry Association, *Briefing: Off Road Vehicles (Registration) Private Members Bill*, Feb 2007. [http://www.mcia.co.uk/\\_attachments/Documents/Mini%20Moto%20Briefing%20NEW.pdf](http://www.mcia.co.uk/_attachments/Documents/Mini%20Moto%20Briefing%20NEW.pdf)

<sup>8</sup> BBC News, *The mini-motorbike menace*, 2 August 2006. <http://news.bbc.co.uk/1/hi/magazine/5234468.stm>

<sup>9</sup> <http://www.northwestbiking.co.uk/political.htm>, <http://www.respect.gov.uk/members/article.aspx?id=8842>



## **Car Stereos**

- 1.12. All cars are now typically fitted with stereos and many new cars have stereos that can produce up to 110 decibels. This is louder than thunder and about as loud as a power saw.
- 1.13. However, some car owners go to great expense to 'customise' their car audio system to improve sound quality or make the stereo even louder. These customisations can cost £700, or even more, and may take up most of the car boot. These modified cars are known as 'boom' cars after the distinctive very loud and low bass that they produce.
- 1.14. These very loud and expensive car stereos form part of a lifestyle; devotees enjoy 'cruising' around town and are very proud of their cars.

## 2. Public perceptions of mobile noise

### National Surveys

- 2.1. A number of national surveys have investigated the prevalence of nuisance noise.
- 2.2. A 2007 survey conducted by IPSOS-MORI on behalf of the National Society for Clean Air and Environmental Protection (NSCA) found that the most common noise to cause annoyance is that from cars or motorbikes. Around one in five (21 per cent) respondents reported that they are bothered by this kind of noise in their neighbourhood.<sup>10</sup> The survey did not distinguish between different types of noise from cars and motorbikes.
- 2.3. However, this year the UK Noise Association (UKNA) carried out an indicative web based survey. It suggests that about a quarter of people who have problems with traffic and vehicle noise find loud car stereos to be a problem. This was closely followed by general traffic noises and motorbike exhausts both at 19 per cent.
- 2.4. Similarly, the National Noise Attitude Survey in 1999/2000 found that, in outer London, 35 per cent of respondents were moderately, very or extremely annoyed by road traffic noise. Of the specific sources of road traffic noise, car stereos noise was the fourth most common source of annoyance or disturbance (17 per cent). The most common source of annoyance or disturbance was vehicles accelerating or going too fast (27 per cent). Noise from motorbikes and scooters was the eighth most commonly cited source of road traffic noise annoyance (13 per cent).<sup>11</sup>
- 2.5. Central government has recognised that mobile noise is a growing issue. In 2006 the Home Office recognised that people were *'experiencing increasing problems'* from illegal mini moto use.<sup>12</sup> In March 2007 the Minister for Local Environment, Marine and Animal Welfare said that the problem of noise from car stereos *'is growing. It causes nuisance and alarm to householders, pedestrians and other road users, and is, quite frankly, dangerous.'*<sup>13</sup>

### How much does it bother Londoners?

- 2.6. To gain current information, specific to London, and create a snapshot of the extent of concern, a call for evidence was issued to borough councils, police and other relevant agencies such as the UKNA. Letters were also placed in the local press asking for people to provide their personal experiences of mobile noise.
- 2.7. It is hard to be sure of the numbers of Londoners affected by mobile noise. Nevertheless, from submissions gathered it is clear that the issue has a significant

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<sup>10</sup> IPSOS-MORI, *Noise Bothers Seven In Ten People At Home*, May 2007. <http://www.ipsos-mori.com/polls/2007/nsca.shtml>

<sup>11</sup> Mayor of London, *Souder City: The Mayor's Ambient Noise Strategy*, May 2004.

<sup>12</sup> Home Office, *Mini-Motos Face the Crush*, August 2006. <http://press.homeoffice.gov.uk/press-releases/mini-motos-ban>

<sup>13</sup> Department of the Official Report, Commons Hansard, 27 Mar 2007: Column 417WH. <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070327/halltext/70327h0009.htm#07032749000455>

impact on quality of life for some of those who are affected. The annoyance caused by the noise seems to be compounded by frustration at feeling that authorities are unable to address the issue.

#### *Mini motos*

- 2.8. We received a small sample of letters directly from the people who believe that noise from mini motos is a problem. People generally felt that the noise from mini motos was disturbing and was affecting their quality of life. One letter writer explains, *'I have been greatly affected by noise nuisance from mini motorbikes ... They drive around at high revs, squealing down the road throughout the weekends and at nights...'*

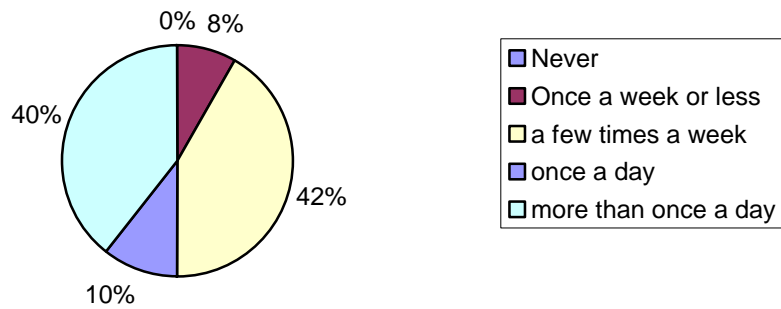
#### *Car Stereos*

- 2.9. People who believed that noise from car stereos was a problem were also represented by a small sample of letters received during the inquiry. Several said that they could put up with the traffic noise but were really affected by loud car stereos, especially those with deep bass. People reported experiencing noise so loud that it interrupted sleep, created anxiety, made hearing the television or having a conversation difficult and even caused nausea.
- 2.10. One respondent reported, *'feeling my entire home shake and the windows rattle. ... My poor elderly neighbours (twin sisters) have moved from the front two bedrooms to sharing the rear bedroom'* another reports being *'woken up at almost all hours of the night'* by loud car stereos. Another said, *'A very loud sub-woofer speaker system in a car boot menaces and intimidates.'*
- 2.11. The UKNA believes that the problem of car stereo noise is a particularly acute in some areas of London and identified Penge, Dalston and New Cross as hotspots.
- 2.12. As part of the inquiry several areas in London were surveyed to ask residents how much car stereo noise impacted on their quality of life. Based on the letters above, surveys were sent areas to within Chingford, Crayford, East Ham, and Southwark to gain a more in depth picture of the scale of the issue.
- 2.13. Forty-eight surveys were returned from approximately 200 distributed.
- 2.14. Given the relatively small sample size and potential bias from self-completion<sup>14</sup> the results can only be seen as indicative. However, the results do suggest that car stereo noise is a commonly heard noise along busy roads in London and that most people who hear it are likely to be at least irritated by it. It is likely that a significant minority of Londoners living near busy roads, maybe even as many as a third, find this type of noise stressful.
- 2.15. The vast majority of respondents hear noise from car stereos more than once a week, with 40 per cent hearing it several times a day. The most common reaction to the noise is irritation (44 per cent) but a fairly large minority report experiencing either stress (17 per cent) or extreme stress (10 per cent).

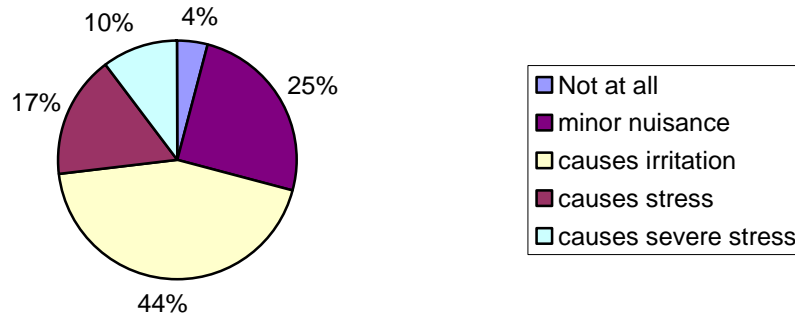
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<sup>14</sup> People suffering from car stereo noise are more motivated and therefore more likely to have returned the survey.

**How often over the past year have you heard noise from car stereos?**



**How much does noise from car stereos affect you?**



- 2.16. Two thirds of people (66 per cent) believe that the level of nuisance noise from car stereos is increasing. And, strikingly, no one believes the level of noise has decreased.
- 2.17. The most common words used to describe the effect of this noise were annoying and irritating, other common descriptions were distracting, intrusive, disturbing and stressful. Several people also mentioned they felt the noise was aggressive or threatening.
- 2.18. Only one respondent reported that they had contacted any organisation about the noise. That person said the response left them feeling '*generally ignored.*' Another respondent plaintively commented that, '*nobody cares.*'

### 3. Who should care? Authority viewpoints

#### Council and police views

- 3.1. The committee received information from 12 borough councils and six borough police commanders. These responses indicate that council's opinions about the current scale of nuisance noise from mini motos and car stereos vary across London.

#### *Car Stereos*

- 3.2. Boroughs were split about whether noise from car stereos was an issue with several saying that it was an issue they sometimes or occasionally received complaints about. However, noise from car stereos was seen as a significant problem for residents in Lewisham and Wandsworth, with the Wandsworth officer saying it is '*frequently raised*' with them and they rate it highly as an issue that would '*improve the quality of life in urban areas*' if it could be resolved.
- 3.3. The anti social behaviour coordinator for safer neighbourhoods at the Metropolitan Police Service, states that noise from car stereos is an issue that periodically comes up at ASB Respect board meetings. However, it is not seen as a major issue for communities.

#### *Mini Motos*

- 3.4. The anti social behaviour coordinator at Bromley Council described nuisance from mini motos and motorcycles as an, '*ongoing problem*' and a substantial enforcement campaign has been mounted against illegal use (see Case Study One – Partnership in Bromley). The City of London states that Park Officers in West Wickham and Coulsdon Commons (in Croydon and Bromley/Kent) and Epping Forest just outside of the Greater London area are '*experiencing an increase in problems associated with ...the anti social use of motorbikes and quad bikes.*'
- 3.5. A number of boroughs report that they have had complaints about mini moto use and that police, often in conjunction with council anti social behaviour teams, are addressing those complaints. Hounslow borough command reports issuing approximately 80 warnings and seizing 24 motorbikes (including mopeds, mini motos and off road motorbikes).
- 3.6. However, some councils, such as the Royal Borough of Kensington and Chelsea and the Royal Borough of Kingston upon Thames, have not recorded any complaints about noise from mini moto use.

### **Case Study One: Partnership in Bromley**

Bromley Borough Council and Bromley Safer Borough police took a partnership approach to addressing antisocial motorcycle use and noise when complaints rose to about 350 over a three-month period in 2004. The majority of illegal use has been in Bromley's parks and open spaces.

The council's ASB team secured funding for three off road motorbikes and took a coordinating role. Police then provided the officer time and training needed to use the bikes in targeted enforcement. The main mechanism used for enforcement is a warning under s59 of the Police Reform Act 2002 and motorbikes seizure if illegal use continues. Police also carried out joint operations with Park Wardens. Other actions taken include:

- information sharing between agencies, with the police borough intelligence unit collating and analysing complaints to target the time and location of enforcement action;
- setting up a joint taskforce review to deal with identified problem sites and coordinate Police and borough resources and responses;
- monthly anti social behaviour meeting to maintain communication between council, police and parks officers and housing associations;
- education in schools about safe and legal use of motorcycles;
- involvement of Safer Neighbourhood Teams where individual can be identified;
- flyers for police to hand out explaining how to ride safely and legally and listing legal venues near Bromley;
- contacting complainants to encourage reporting and involvement of neighbours to address the issue;
- an advertising campaign in the run up to Christmas to remind parents that motorbikes are not just toys.

Consideration was given to developing a venue in the borough but the amount of noise that would be created meant no suitable area could be found.

Council and police view the partnership as successful because complaints have reduced. Also, a spike in complaints occurred when enforcement action was temporarily eased. A cooperative approach is seen as crucial to success given that the responsibilities and powers to address the issue are held by several agencies.

Future actions proposed include 'target hardening' of parks and other sites (making it harder for motorbikes to access and use park areas by, for example, putting in barriers and trenches), bidding for funding for new bikes as the existing ones wear out and an enforcement blitz at the beginning of spring.

### **Complaints**

- 3.7. The experiences of residents in complaining about mobile nuisance noise seemed uniformly pessimistic. Those who had complained had usually been met with sympathetic authorities that none the less did not seem to be able to address the problem.

*'The authorities seem to be at a quandary as to how to tackle such a problem effectively, they almost seem reluctant. ... I might as well be talking to a brick wall.'*

- 3.8. Several residents reported that borough police and councils were unwilling or unable to take responsibility.

*'When I telephoned Greenwich police station, I was told that noise is dealt with by the council, although I politely remonstrated with the operator. I phoned Greenwich Council's noise call out service who are very good at dealing with noise nuisance and take it seriously. As I thought, they explained that the police would need to deal with it coming from a vehicle, not a building or neighbour, but they were prepared to come and witness it nonetheless.'*

- 3.9. Others said they had not contacted anyone, as they had no confidence that authorities could address the issue.

*'I have to admit that we haven't approached our local council or anyone else about it - largely because at present we think it would be a complete waste of time!'*

#### *Conclusions*

- 3.10. Surveys indicate that a significant minority of people may be disturbed by noise from car stereos, motorbike or scooters. Some to a serious extent. And indications are that the level of noise from car stereos is growing.
- 3.11. There appears to be some disconnection between this disturbance in the community and the complaints received by councils and police. This may be explained by two factors. People are not sure who they can contact to address the issue. Further, our research indicates that there is a wide spread feeling, often repeated by sufferers, that there is not much point contacting the authorities, as they are unable to do anything about it. This is far more pronounced in the case of noisy car stereos.

#### **Noisy Car Stereos in New York**

In New York a new noise code came into full effect in mid 2007. The use of a car stereo is now prohibited where it is plainly audible from 25 feet. This is enforceable by local police officers and breaching the requirement can result in fines of \$100 to \$350 for a first offence and up to \$1,050 for a third offence.

Residents of New York City can dial 311 to access non-emergency services, and make complaints about matters such as poor landlords, snow blocked pavements or nuisance noise. In the early 2000s noise was the number one type of complaint made to this citizen service hotline. The city's 311 number currently receives around 750 noise complaint calls each day.

In response to the high level of complaints the Mayor of New York City announced in 2004 that the city's noise code would be overhauled. The new code aims to strike a balance between providing peace and quiet and maintaining a vibrant city.

The standard of 'plainly audible' was adopted by the code for many types of noise so that officers did not need to rely upon noise meters that are expensive, may not pick up low frequencies and can be difficult to use correctly. 'Plainly audible' also avoids the need for subjective judgements of whether noise is unreasonable.

However, the standard does require officers to accurately estimate distances, which may require practice.

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<sup>15</sup> 'New York Mayor in fight against noise pollution', City Mayors, 10 June 2004.

[http://www.citymayors.com/environment/nyc\\_noise.html](http://www.citymayors.com/environment/nyc_noise.html)

<sup>16</sup> 'Ready or Not (for Many, It's 'Not'), New Noise Code Is Taking Effect', New York Times, 30 June 2007.

[http://www.nytimes.com/2007/06/30/nyregion/30noise.html?\\_r=1&pagewanted=2&oref=slogin](http://www.nytimes.com/2007/06/30/nyregion/30noise.html?_r=1&pagewanted=2&oref=slogin)

<sup>17</sup> Local Laws Of The City Of New York For The Year 2005 No 113.

[http://www.nycouncil.info/pdf\\_files/bills/law05113.pdf](http://www.nycouncil.info/pdf_files/bills/law05113.pdf)

<sup>18</sup> 311 Customer Service Center Performance Reporting, Mayor's Office of Operations.

<http://www.nyc.gov/html/ops/html/311/311.shtml>

<sup>19</sup> 'Loud Car Stereos

Guide No.7', Michael S. Scott, Center for Problem-Oriented Policing, 2001.

[http://www.popcenter.org/Problems/problem-car-stereos\\_p3.htm](http://www.popcenter.org/Problems/problem-car-stereos_p3.htm)



## **4. Law and Enforcement**

### **Noise and the law**

- 4.1. What powers do the police and councils have that can be used to assist people annoyed by noise?
- 4.2. Nuisance noise is primarily managed through the statutory nuisance regime of the Environmental Protection Act 1990.<sup>20</sup> This act requires that councils address noise that is prejudicial to health, or more importantly, a nuisance. They can do this through informal means or by issuing fines or abatement notices and, finally, by confiscating noise causing equipment.
- 4.3. After 9pm, authorities may also use the Control of Pollution Act 1974 to prosecute people who play their car stereos loudly and cause annoyance.
- 4.4. Several other pieces of legislation also relate to noise nuisance from vehicles that, in some circumstances, allow police to issue warnings, fines or to confiscate and destroy the vehicle.
- 4.5. Noise can also be a form of antisocial behaviour and may be dealt with through anti social behaviour orders (ASBOs) or by more informal acceptable behaviour contracts (ABCs). (For further detail about legislation see Appendix 1)

### **Mini motos – Is the law adequate?**

- 4.6. Use of mini motos is effectively illegal on the road, in public spaces or on housing estates. Use is only legal on private property, with the permission of the landowner. (See Appendix 1 for further discussion of the legislation controlling mini moto use).
- 4.7. The main issue surrounding the inappropriate use of mini motos is anti social behaviour, to which noise is a contributing factor. However, noise acts as a powerful indicator and is often the first aspect of the problem that draws community attention. Given this noise trigger environmental health officers, and to some extent housing officers, are the most likely points for receiving complaints.
- 4.8. However, noise control is unlikely to be the most effective method to address the bulk of nuisance from mini moto use given that use is illegal in most contexts and a wide range of other powers can be used.
- 4.9. It is largely the police who have the powers to tackle inappropriate mini moto use. Information from boroughs indicates that ASBOs are not commonly used to address mini moto use, with only one citing an ASBO for motorbike use where noise was a consideration. However, some boroughs, such as Westminster and Lewisham, do use ABCs to address anti social motorbike use.

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<sup>20</sup> The Environmental Protection Act 1990 covers noise emitted from premises, or from a vehicle, machinery or equipment in a street.

4.10. The majority of respondents mentioned provisions of s59 of the Police Reform Act 2002 or the range of requirements under Road Traffic legislation, or both, as the mechanisms used by police to address illegal mini moto use. The ability to tackle inappropriate mini moto use using these parts of the law appears largely satisfactory.

Brent Borough Command: *'A couple of the wards have had problems with mini moto noise nuisance but they have found the current legislation (s59 of Police Reform Act) has been sufficient to deal with this problem'*

4.11. Noise control is only likely to be most effective when mini motos are being ridden legally ie on private land, with the permission of the landowner. This is likely to be a very small minority of cases. Boroughs indicate that in this situation warnings or abatement notices are effective.

- Lewisham said that it warns the landowner where bikes are being ridden on private land.
- Bromley Council issues abatement notices where the landowner is aware of use.
- Greenwich Council successfully served on abatement notice on a landowner for motorcycle noise. Although the landowner had not consented it was considered that the land was not properly secured.

4.12. In 2006 Member of Parliament Graham Stringer sponsored a Private Members Bill that would have required off road motorbikes, including mini motos, and their keepers to be registered. While supporting a crack down on inappropriate use of off road motorbikes, the government did not support the bill. However, a 'root and branch' review of the law governing off road motorbike use was announced.

4.13. The review is being lead by the Department for Transport and will *'consider all the issues, including the powers currently available, and identify whether further legislation might be required'* to fully address misuse of off-road motorbikes and ensure product safety.<sup>21</sup> A draft report is expected in March.

### **Is nuisance noise from mini motos being effectively tackled?**

4.14. There has already been a fairly broad range of actions taken by Central government, councils and police to address problems caused by mini moto use.

4.15. In August 2006 the Respect Task Force in the Home Office published guidance for authorities on tackling mini moto misuse. The Home Office also undertook a public awareness campaign advising people how to keep their use of mini motos legal and funded enforcement action in 28 local authorities nationwide, including Camden.<sup>22</sup> During the summer over 600 vehicles were seized or crushed and almost one thousand people were issued with warnings or spoken to by police.<sup>23</sup>

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<sup>21</sup> The Parliamentary Under-Secretary of State for Transport, Hansard of Off-Road Vehicles (Registration) Bill, Wednesday 11 July 2007

<sup>22</sup> Home Office, press release: *Mini-Motos Face the Crush*, August 2006.  
<http://press.homeoffice.gov.uk/press-releases/mini-motos-ban>

<sup>23</sup> Home Office, press release: *Less Mini Motos, More Silent Nights This Christmas*, December 2006.  
<http://press.homeoffice.gov.uk/press-releases/mini-motos-misuse>

- 4.16. Individual safer neighbourhood teams have taken a variety of actions against illegal mini moto use. The East Barnet team has set up a mini moto club in its area to enable legal use and undertaken education on safe and legal use at the race events. (See box: Case Study Two – East Barnet Mini Moto Club) Westminster and Lewisham teams have used Acceptable Behaviour Contracts in conjunction with s59 seizures and Road Traffic Act provisions to address illegal riding.

**Case Study Two: East Barnet Mini Moto Club**

East Barnet Safer Neighbourhood Team set up a mini moto club in their area to provide a legal riding venue for their community. The Safer Neighbourhood Team funded the club in response to community concern about anti social use of the bikes.

The club is aimed at children between 6 and 16. It aims to help keep children off the streets and to stop them riding their mini motos illegally.

The first event was held in late 2006 at an East Barnet school and the club has received great support from the community since. Members of the community were given training to teach them how to run the club and ensure the safety of riders.

Officers from the SNT developed the idea for the club after visiting a similar club being run by police in Hull.

- 4.17. Council anti social behaviour teams are often involved in addressing the mini moto misuse. As seen in case study one, the ASB coordinator at London Borough of Bromley spearheaded the purchase of off-road motorcycles for police to use in addressing illegal riding in parks.
- 4.18. The Auto Cycle Union have published guidelines for community groups wanting to set up their own mini moto club and provide safe and legal riding for mini motos.<sup>24</sup> The Auto Cycle Union and The RAC Foundation for Motoring believe that enforcement action will only be effective in the long term if there is adequate provision of safe and legal off road facilities to provide diversion from anti social behaviours.

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<sup>24</sup> Auto-Cycle Union, *The ACU Local Authority Support Unit*. <http://www.acu.org.uk/info/LASU.aspx>

### Conclusion

4.19. The actions taken by government, councils and the police over the last year appear to have made progress on the inappropriate use of mini motos. However, some boroughs in London are still experiencing difficulties.

### Recommendations

**The Metropolitan Police Service should disseminate existing best practice, such as the Respect handbook 'Tackling Mini-Moto Misuse: A Guide', to Safer Neighbourhood Teams. This should occur during spring 2008, in time to address any increase in mini moto use as the weather gets warmer.**

**As part of its review into off road motorbikes, the Department of Transport should specifically address mini motos. They should give consideration to all possible options to address the nuisance caused by their inappropriate use.**

### Car Stereos - Is the law adequate?

4.20. The Environmental Protection Act 1990 was specifically amended to include noise emitted from a vehicle in the street under statutory nuisance provisions.

4.21. However, car stereo noise does not seem to be easily covered within the statutory nuisance powers granted to councils through the Environmental Protection Act. Councils say that they take action where their powers allow, usually when cars are parked or noise is a recurrent problem caused by a driver who lives in the area.

4.22. However, councils feel that they are usually unable to address mobile nuisance noise because they have no power to stop vehicles. Identifying the offender and then addressing the problem through a written warning or fine after the event is seen as problematic. It is also hard for noise officers to witness this type of intermittent noise, as required by law.

*London Borough of Barnet: 'It can take 30 minutes to get to a complaint... For a one off complaint we would warn them, but often complainants are not able to give vehicle registration details so we can't contact them if we can't respond quickly enough.'*

*Islington Council: 'Witnessing such a noise from car stereos would also be problematic for the environmental health officer unless there was an obvious pattern.'*

4.23. Noise from car stereos also does not fit easily within the definition of a statutory nuisance, as it does not usually come from one source over a sustained amount of time. However, taken collectively this sort of 'continuously intermittent' noise can cause significant disturbance.

4.24. Ambient noise provisions are also not well suited to dealing with the issue because they relate more to the average noise levels over time rather than the range of noise experienced.

- 4.25. In March 2007 the Minister for Local Environment, Marine and Animal Welfare listed five separate acts that, he believed, may be used to address car stereo noise.<sup>25</sup>
- 4.26. In the course of this inquiry it became apparent that there is some confusion amongst borough and police officers about which parts of the law are available and suitable to address the issue. This uncertainty covered four of the pieces of legislation mentioned by the Minister:
- Clean Neighbourhoods and Environment Act 2005: Questions were raised about whether the main noise legislation (Environmental Protection Act) operated by councils applied just to stationary vehicles or to all noise caused by cars in the streets.
  - Some police officers were unsure that regulations relating to construction and use of vehicles could be used given that a car stereo may not be legally part of the vehicle.
  - Information from boroughs and police show the Crime and Disorder Act 1998 is not widely used. Before gaining an ASBO officers must have reasonably high offending and is therefore not well suited to purely noise offences. For example, Kingston Council has served one abatement notice to a vehicle owner for loud music since 2000 and this was in conjunction with police over suspected drug dealing.
  - The Police Reform Act 2002: Some officers were concerned that driving while playing loud music may not by itself constitute driving in a careless or inconsiderate manner.<sup>26</sup>
- 4.27. The other piece of legislation mentioned by the Minister was the Control of Pollution Act 1974. This has been used successfully, for example, in Birmingham. But, it is only available for use after 9pm and was not widely cited by authorities.
- 4.28. Responses received from police tend to indicate that noise from car stereos is not an issue that receives a great deal of resource. The British Transport Police said responsibility for the issue fell to safer neighbourhood teams. However, only a low level of response was received from borough commanders and most focused their responses on mini motos. Only one borough command stated that noise from car stereos was a problem in their area, and referred to noise issues as being dealt with primarily by the council.

### *Conclusion*

- 4.29. Authorities appear to be able to address mini moto noise more effectively than car stereo noise. This is largely because non-noise legislation can be used. Use of mini motos is largely illegal, whereas car stereo use is legal except in some specific circumstances where it is causing annoyance.
- 4.30. The responsibilities for and power needed to address mobile noise are split between councils and police. Therefore, where loud car stereos or other mobile noise is an issue in the community, strong multi agency cooperation will be

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<sup>25</sup> Department of the Official Report, Commons Hansard, 27 Mar 2007 : Column 417WH.  
<http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070327/halltext/70327h0009.htm#07032749000455>

<sup>26</sup> This act may only be used against car stereo noise causing annoyance, alarm or distress where the car is also being used in an illegal manner i.e. off-road or in a careless and inconsiderate manner.

required to address it. Bromley demonstrates how this cooperation, along with public engagement, can significantly reduce misuse of mini motos.

- 4.31. However, the police and some councils can seem reluctant to expend significant resource on car stereo noise. This is because of other pressures for resources and because agencies may not perceive car stereo noise as an issue of significant community concern. Further, noise is not a primary responsibility for police and communities seem less likely to raise the issue with police given noise is a borough led issue.

**Recommendation**

**This inquiry has produced a snapshot of the extent of nuisance car stereo noise in London. However, a clearer picture is needed of the scale and location of the problem to enable police and councils to target their resources. This is a particular issue given that several agencies may receive individual complaints, or complaints may not be made at all.**

- **The Mayor should include questions on nuisance car stereo noise in the annual survey of Londoners.**
- **The MPA should commission specific work on the issue to map out 'hot spots', perhaps using information gained through community engagement.**

- 4.32. Further, as outlined above, there is a lack of clarity among council and police officers about what laws are available to address noise from car stereos and who has responsibility in differing circumstances.

**Recommendation**

**Council and police officers need to be supported in efforts to address nuisance car stereo noise, letting them know that this is part of their responsibility to address anti social behaviour in their community. Officers also need guidance about the actions they can take.**

**Over the next year, the MPS should produce a protocol or handbook for officers to use in addressing car stereo noise where it is an issue in the community. This will need to be done in conjunction with council environmental health teams and should include encouragement to share information about noise complaints between borough police teams and councils.**

**Nuisance car stereo noise – Are authorities taking action?**

- 4.33. No evidence has been found of a coordinated campaign to address noise from car stereos in any part of London.
- 4.34. The Royal Borough of Kingston has taken action on a complaint received about noise from car stereos as drivers visit takeaways late at night in Kingston town centre. The noise officers contacted the local Safer Neighbourhood Team to gain some police presence. While the police were unable to provide significant resource, no further complaints have been received.

- 4.35. In 2006 Birmingham City Council worked in conjunction with police to target loud car stereos using the Control of Pollution Act, which makes it illegal after 9pm to cause annoyance through use of a car stereo. Action formed part of a blitz on dangerous driving and illegal car modification after several road deaths (See box: Case Study Three – Birmingham Blitz).

#### **Case Study Three: Birmingham blitz**

Birmingham Police and City Council have undertaken joint operations to target 'boom car' drivers who either drive at low speed blasting loud music from their car stereos or drive at high speeds and often perform vehicle stunts. Enforcement action was triggered by a number of car crash deaths from this type of dangerous driving.

The operation tackled loud car stereos after 9pm (using the Control of Pollution Act 1974), speeding, excessively tinted window screens and parking offences. The operation was generally regarded as a success but it is acknowledged that enforcement action commonly causes displacement to other areas.

- 4.36. Earlier, in 2003, police in Scarborough used the Police Reform Act 2002 to confiscate vehicles after dialogue with the noisemakers was unsuccessful.<sup>27</sup> Most of the trouble occurred near the foreshore, a pattern that has been repeated in other seaside towns such as Hove and Southend on Sea. Southend on Sea Council cooperated with police to tackle 'seafront cruisers' by sending warnings to the registered keepers of vehicles with loud car stereos and by prosecuting repeat offenders.<sup>28</sup>
- 4.37. Authorities do not appear to have come up with any effective and sustained method for addressing nuisance caused by loud car stereos. Some council and police officers admit that this is an area that they have difficulty addressing.

Wandsworth Council: *'When discussing noise issues with my local authority colleagues, this one is always mentioned as a problem, with our wry acknowledgement that we local authorities do not have the powers nor would have the enforcement ability (without a police presence) to deal with this.'*

The Royal Borough of Kingston upon Thames: *'it is rarely possible to take action due to the absence of a 24 hour service and the mobile nature of the noise source,'*

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<sup>27</sup> The North East, *Police to seize boy racers' vehicles*, October 2003.  
<http://archive.thenorthernecho.co.uk/2003/10/2/75117.html>

<sup>28</sup> Southend on Sea Borough Council, press release: *Don't make a noise on Noise Action Day!*, June 2004.  
<http://www.southend.gov.uk/news/default.asp?id=1152>

**Recommendation**

**Actual enforcement action is needed to demonstrate to communities and officers that this issue can be addressed.**

**The Metropolitan Police Service should pilot enforcement in several hotspots, such as those identified in paragraph 2.11 of this report or through subsequent mapping exercises. This should occur in conjunction with protocol development to test the effectiveness and practicality of solutions.**

**Consideration should be given to:**

- **engagement with communities to produce innovative solutions including investigating what diversionary activities can be put in place**
- **a campaign to establish in the community that it is a socially unacceptable behaviour e.g. billboards asking drivers to 'turn it down'**
- **an enforcement campaign and associated publicity including:**
  - **use of s59 to issue warnings and seize vehicles if it is determined that playing loud music constitutes driving without 'due care and attention' or 'inconsiderate' driving**
  - **prosecution under the Control of Pollution Act**
  - **involvement of Environmental Health Officers to issue warnings and abatement notices.**

**Protocol development and a pilot programme will help establish whether any legislative change is required to effectively address mobile nuisance noise. One potentially useful change could be the extension of the Control of Pollution Act to cover daytime hours and, or the inclusion of a fixed penalty regime.**



## **Bass vibrations – the effects of subwoofers**

- 4.38. During the course of the investigation it has become apparent that low bass sounds and vibrations are viewed as a particular problem. These sounds are experienced as the most annoying and threatening.

*'Extremely loud music, particularly with a very heavy bass component, emitted from moving vehicles ... is very unpleasant and creates low level concern and psychological anxiety as well as physical symptoms... for people... experiencing the vibrations caused by the bass.'*<sup>29</sup>

A separate speaker component, a subwoofer, which is specifically added to the stereo system, causes this particularly disturbing type of noise.

- 4.39. Some concern has been expressed about the negative effects of loud music (of all frequencies) on driving. For example, research quoted by the RAC Foundation for Motoring indicates that loud noise may affect concentration and reaction times in some circumstances.<sup>30</sup> However, a recent review of available research found little systematic evidence about effects of music on real world driving performance.<sup>31</sup>
- 4.40. Noise interacts with the activities of driving in complex ways and may have both positive and negative impacts depending on factors such as the type and volume of noise. (See box 'Car Stereos and Driving Safety' for further discussion of the effects of loud music on driving).
- 4.41. The potential that loud music may impact on driving ability is not recognised in terms of express prohibitions in law. However, the Highways code advises that, 'Safe driving and riding needs concentration. Avoid distractions when driving or riding such as loud music (this may mask other sounds) ...'<sup>1</sup> and contravention of this advice may be used in evidence in any court proceedings under the Traffic Acts to establish liability.
- 4.42. If, following further research, it is proven that use of loud subwoofers has a significant effect on driving safety, for example an effect similar to driving under the influence of alcohol or drugs, the rapporteur would favour a ban on the installation and use of those subwoofers.

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<sup>29</sup> Environmental Health Officer, Wandsworth Council

<sup>30</sup> Noise and muscle contraction affecting vigilance task performance, Duane C. Button, David G. Behm, Michael Holmes, Scott N. Mackinnon, School of Human Kinetics and Recreation, Memorial University of Newfoundland, St. John's, Newfoundland, Canada

<sup>31</sup> Nicola Dibben, An exploratory survey of in-vehicle music listening, Psychology of Music, Vol. 35, No. 4, 571-589 (2007)

### **Car stereos and driving safety**

Loud music can mask sounds from outside which may be important signals to drivers such as car horns and emergency sirens.

Research indicates that loud music may impact on reaction times and as such may have an adverse effect on the ability of drivers to react to unexpected events such as sudden braking or a person running in front of the car. However, there is no consensus about how much reaction times are reduced by loud music or how significant any reduction is.

For example, a recent unpublished study by Brian H. Dalton & David G. Behm concluded that the evidence suggested reaction and movement times were impaired by loud music.

An earlier study found an association between loud music and an increased response time to peripheral signals when carrying out tasks in a group (but not individually). However, response times to centrally located visual signals were improved when listening to both loud and quiet music.

### **Loud noise and hearing**

RNID's audiologist Angela King says: 'Exposure to noise levels of 85 decibels over time can damage hearing. You can only know how susceptible you are when it's too late and your hearing has been damaged. As a rule of thumb if you can't hear external noises or someone talking to you from a couple of feet away, the music is too loud. Turn it down.'

RAC research indicates that a typical new car stereo can produce 110 decibels.

## Appendix 1: The Law and noise from car stereos and mini motos

### Current legislative environment controlling noise:

1. The current legal framework to deal with these issues is set out in four acts.
2. The **Environmental Protection Act 1990**, amended by the Noise and Statutory Nuisance Act 1993, allows for vehicles on roads and streets to be defined as a statutory nuisance. This means environmental health officers can issue abatement notices to the owners of the vehicles. Failure to comply can lead to fines and ultimately confiscation of the vehicles.
  - a. Noise is defined as a nuisance where it interferes with a person's use or enjoyment of their land or property. A range of factors are taken into account when determining nuisance including the nature of the noise, how long and how frequently it occurs, the time of day, the day of the week and what kind of area the noise is occurring in. The attitude of the person hearing the noise is also taken into account but this is subject to a test of whether an average person would be disturbed by the noise.
3. Regulation 97 of the **Road Vehicles (Construction and Use) Regulations 1986** states that no motor vehicle 'shall be used on a road in such a manner as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the driver.' When enforcing the offence, a police officer can:
  - a. give an oral warning;
  - b. issue a fixed penalty notice; or
  - c. report for prosecution as appropriate.<sup>32</sup>
4. Section 59 of the **Police Reform Act 2002** gives police the power to seize a vehicle where it is being ridden in a manner that causes or is likely to cause alarm, distress or annoyance to members of the public and is either being ridden off road or in a careless and inconsiderate manner. Police must issue a warning first. The warning remains in effect for 12 months.
5. Noise can also be a form of antisocial behaviour and may be dealt with through the ASBO provisions of the **Crime and Disorder Act 1998** or by using more informal mechanisms such as acceptable behaviour contracts. Anti social behaviour is behaviour which causes or is likely to cause alarm or distress to one or more persons not of the same household. ASBOs can be obtained by councils, police and housing officers. Breach of an ASBO is a criminal offence and as such the evidence needed for obtaining an ASBO can be high.

### Noise law specific to loud car stereos

6. Environmental Protection Act 1990 s79 brings noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street under the statutory nuisance regime.

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<sup>32</sup> The Respect Taskforce, *Vehicles*, August 2007.  
<http://www.respect.gov.uk/members/article.aspx?id=8020>

7. It is an offence under the Control of Pollution Act 1974 to operate a loudspeaker on a street or road between the hours of 9 pm and 8 am the following morning. Operating a loudspeaker in or fixed to a vehicle solely for the entertainment of the driver is exempt under the Act unless it is so operated as to give reasonable cause for annoyance to persons in the vicinity; (boroughs and police can enforce?)

### **Mini motos - Legal position (in addition to noise)**

8. Mini motos are legally regarded as a motor vehicle and therefore to be ridden on the public road they must comply with road traffic laws including:
  - a. being insured and registered;
  - b. paying road tax;
  - c. obtaining a MOT certificate;
  - d. meeting European Union construction requirements;
  - e. complying with the Road Vehicles (Construction & Use) Regulations 1986.
9. The driver must also be over 16, licensed and wearing a helmet. It is illegal to drive motor vehicles anywhere but on-road without proper permissions.<sup>33</sup> Mini moto construction does not meet EU and MOT testing requirements. This, in effect, means that it is illegal to ride mini motos anywhere except on private property, with the permission of the landowner.<sup>34</sup>

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<sup>33</sup> Section 34 of the Road Traffic Act 1988 cited in DEFRA, *Regulating the Use of Motor Vehicles on Public Rights of Way and Off-road: A Guide for Local Authorities, Police and Community Safety Partnerships*, December 2005. <http://www.defra.gov.uk/wildlife-countryside/cl/mpv/pdf/regulating-motorvehicles.pdf>

<sup>34</sup> Department for Transport, *Miniature motorbikes, miniature motor powered vehicles, gopeds and the law*. <http://www.dft.gov.uk/transportforyou/roads/miniaturemotorbikesminiature6076>

## **Appendix 2 - Car stereo noise meeting with representatives from GLA, Metropolitan Police Service, Wandsworth Council and UKNA**

2.30pm, Friday 30 November 2007

Meeting Room 4.7 W, City Hall, The Queens Walk, SE1 2AA

Contact: Inga Staples-Moon 020 7983 4947

Attendees:

Val Shawcross AM, Rapporteur on mobile nuisance noise

Max Dixon, Principal Policy Officer – Noise, GLA

Paul Dunn, Safer Neighbourhoods Anti Social Behaviour (ASB) Coordinator, Metropolitan Police Service (MPS)

Jill Phillips, Environment Team Area Manager, Wandsworth Council

John Stewart, Chair, UK Noise Association<sup>35</sup>

Val Weedon, Coordinator, UK Noise Association

Inga Staples-Moon, Assistant Scrutiny Manager, GLA

Katy Shaw, Committee, Committee Team Leader, GLA

Val Shawcross explained that the review had resulted from complaints by constituents about disturbance from car stereos. The problem was worse during the summer months when people had their windows open. Medical research had shown that loud noise did have a detrimental affect on motor skills. The Royal National Institute for the Deaf saw it as a long-term noise problem. She believed that there was a gap between legislation and practice.

Paul Dunn (Safer Neighbourhoods ASB Coordinator, Metropolitan Police Service) said that the anti social behaviour agenda was led by the concerns of local people and based on community problem solving. Noise was received as the biggest problem (particularly during hot weather); it could never be eradicated but could be brought down to a level that was acceptable to the wider community.

He provided details of interventions that had been used to reduce noise and cited a recent example of partnership work undertaken to reduce the nuisance caused by fireworks. Noise from car stereos had not been identified as a particular problem but if safer neighbourhood teams were alerted to it then they would act on the matter.

Jill Phillips (Environment Team Area Manager, Wandsworth Council) said that noise from car stereos not only affected residents but nearby workers, pedestrians and other drivers. Vibrations at that intensity were dangerous. Stereo noise however was a low priority for most environmental health departments.

John Stewart (Chair, UK Noise Association) agreed that there was a problem, caused by noisy car stereos, and that the UK Noise Association (UKNA) had received a number of complaints about them. The RAC had undertaken research on the safety implications and had shown that loud music did impair people's driving skills.

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<sup>35</sup> THE UKNA brought together a number of organisations concerned about noise and is a lobbying group. It has a traffic noise group that includes the following organisations: The Noise Abatement Society, The RAC, motorcyclist organisations and Living Streets.

The problem was caused by individuals in urban areas, usually in known locations and could be characterised as continuous intermittent noise. People living near junctions were affected.

Val Weedon (Coordinator, UK Noise Association) said that the UKNA had worked with Tony Wright MP and also the RAC to put together a briefing sheet about the issue that she distributed. She added that the fitting of boom boxes was good business and therefore all parties involved in the problem would need to be targeted.

Max Dixon (Principal Policy Officer – Noise, GLA) said that the GLA Act excluded noise from loudspeakers in the street from ‘ambient noise’ in terms of the Mayor’s strategy. The Mayor lacked relevant powers, but did get a regular flow of complaints about this sort of noise, and officers were keen to help assess how action might best be taken.

### **Who to Complain to?**

Val Shawcross said that one problem with trying to deal with loud car stereo noise was that the public did not know where to go to complain. In New York people used the non-emergency police phone number to report noise nuisance.

Paul Dunn said that a day count of complaints to the police in Australia showed that 75 per cent of the complaints were about noise. This figure was one of the factors used to justify the Anti Social Behaviour Act in Australia

### **Identifying the Problem**

Paul Dunn said that stereo noise was a complaint made by a small number of people although it affected more. In order for the police to take action they needed to be aware that there was a problem. A mapping exercise would show that there was a problem and also locate hotspots, which could then be targeted. Neighbourhood teams were accountable to the community so an identified problem would have to be acted on. The community did therefore need to decide that it was a problem in order for the matter to be acted upon.

John Stewart said that any survey would have to be carefully undertaken, with findings (not?) averaged out across London as only a relatively small number of people were affected. It was the intensity of the nuisance that created the problem.

### **Legislation**

Jill Phillips said that there was legislation to deal with people creating a disturbance. If people were parked at a particular location and playing loud music then it was easier to deal with as noise from a stationary car could be deemed to be a statutory nuisance and a notice could be served. It was more difficult to deal with noise from mobile cars. If a complaint was received from a member of the public then the details of the registered keeper of the vehicle could be found through the DVLA computer and the Borough of Wandsworth did send letters to the registered keepers of vehicles<sup>36</sup>. However it could not be proved who was driving. The statutory nuisance procedure would not be used unless officers have witnessed the offence.

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<sup>36</sup> The London Borough of Bromley had sent 70 such letters since 2000.

Section 62 of the Control of Pollution Act 1974 could be effective in dealing with the problem, however it only provided for noise being made between 9pm to 8am and she believed that the Act should be amended so that it applied for the whole day.

Information from the boroughs showed that they used a number of different acts in order to deal with the problem and therefore a protocol would be useful.

Paul Dunn said that the anti social behaviour board had prioritised 'envirocrime' as a campaign between March and June 2008 in line with Capital Standards. Noise could not be eradicated but a curfew for example after 10pm on stereos could be considered. Under the Police Reform Act the police could seize a vehicle if it was being used for anti social behaviour after issuing one warning. The warning could be traced via the police national computer. Anti social behaviour legislation did make it easier to deal with people causing a noise nuisance if it could be proved that people nearby were being caused distress.

It was noted that police in Scotland could seize noise-making equipment.

## **Possible Solutions**

### *Hotspots*

It was suggested that local authorities should consider targeting particular areas and therefore the starting point was to identify problem areas. Mapping work should be done during the summer when the problem was at its worst. It was considered that an enforcement pilot project in a couple of boroughs would be useful. This would highlight the problem and show what action could be taken. Penge, Dalston and Lewisham Way in New Cross were identified as locations where the problem appeared to be particularly bad.

It was suggested that a campaign could be used to highlight the potential for seizure of vehicles if this was a course that was undertaken.

### *Fixed Penalty Notices*

Val Weedon said that in New York it was mainly the police who dealt with this offence as they were able to stop and fine people on the spot if noise could be heard outside of the vehicle. Tony Wright MP was investigating the use of fixed penalty notices. However the government whilst sympathetic had not wanted to bring in any further laws, as it believed that there were already a number of acts that could be used to deal with the problem.

### *Education Campaign*

Val Shawcross suggested that before any additional legislation or police action there should be an education campaign to alert people to the disturbance caused by noisy car stereos. There needed to be an understanding in the community of what is acceptable. There was a perception that loud stereos were socially aggressive. Val Weedon suggested ENCAMS and the Keep Britain Tidy campaign was suggested as a model for this sort of campaign. Matt Dixon said that a campaign could usefully address car stereo noise in the context of warning people about noise risks. For example, the impairment of driving skills, and the risk of direct hearing damage, in the context of growing evidence, assembled by World Health Organisation, that noise contributed to three per cent of cardiovascular deaths.

It was suggested that road notices could ask people to turn down the volume of their stereos.

It was mentioned that TfL should be consulted as it managed red routes and also its bus drivers might be affected.



## Appendix 3 – List of evidence

Bexley Heath Resident	Pioneer GB Limited
Birmingham City Council	RAC
Brent Borough Met Police	Resident
Brockley Resident	Resident
DA7 Resident	Resident
E1 Resident	Resident - London Borough of Bexley
E17 Resident	Resident - London Borough of Camden
E4 Resident	Resident - London Borough of Hackney
E6 Resident	Resident - London Borough of Hackney
E9 Resident	Resident - London Borough of Harrow
Environmental Health - City of London	Resident - London Borough of Havering
Greenwich Borough Met Police	Resident - London Borough of Lewisham
HA8 Resident	Resident - London Borough of Redbridge
Haringey Borough Met Police	Resident - London Borough of Southwark
Hounslow Borough Met Police	Resident - London Borough of Tower Hamlets
Isle of Dogs Resident	Resident - London Borough of Tower Hamlets
Kenwood Electronics UK Ltd	Resident - London Borough of Waltham Forest
Lewisham Safer Neighbourhood Team	Resident - London Borough of Wandsworth
London Borough of Bromley	Royal Borough of Kensington and Chelsea
London Borough of Croydon	SE10 Resident
London Borough of Merton	SE10 Resident
Metropolitan Police Service	UK Noise Association
N15 Resident	Vehicle & Operator Services Agency (VOSA)
N7 Resident	W2 Resident
NW11 Resident	Wansworth Council
Parliamentary Agency to the City of London	

## **Appendix 4 – Principles of London Assembly scrutiny**

### **An aim for action**

An Assembly scrutiny is not an end in itself. It aims for action to achieve improvement.

### **Independence**

An Assembly scrutiny is conducted with objectivity; nothing should be done that could impair the independence of the process.

### **Holding the Mayor to account**

The Assembly rigorously examines all aspects of the Mayor's strategies.

### **Inclusiveness**

An Assembly scrutiny consults widely, having regard to issues of timeliness and cost.

### **Constructiveness**

The Assembly conducts its scrutinies and investigations in a positive manner, recognising the need to work with stakeholders and the Mayor to achieve improvement.

### **Value for money**

When conducting a scrutiny the Assembly is conscious of the need to spend public money effectively.

## **Appendix 5 – Orders and translations**

### *How to order*

For further information on this report or to order a copy, please contact Inga Staples-Moon, Assistant Scrutiny Manager, on 020 7983 6540 or email: [inga.staples-moon@london.gov.uk](mailto:inga.staples-moon@london.gov.uk)

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