



The demise of British liberty

Alexander Deane explains why British freedom is in such a bad way, and what Australia needs to learn from Britain's example.

The last decade has seen British liberties savaged. The British state has accumulated unprecedented power and the instinct of politicians and bureaucrats is always to expand their power base even further into areas unknown in peacetime. Even in his wildest imaginings, George Orwell would not have imagined the state monitoring the habits of individuals via data chips in their bins. The United Kingdom is a country in which schools now regularly take the fingerprints of their children as a means of identification, installing biometric fingerprint system which pupils have to use in order to get their school meals or take books from the library.

Many of the ways in which freedom has been diminished are not unique to the United Kingdom. But the damage their compound impact has done to British liberty should be a lesson to liberal democracies across the world—individual liberty cannot take more than a thousand cuts without being killed. Before the Australian government irrevocably heads down the path to a Nanny State, it needs to know what lies at the end.

Watching, listening, recording, entering

Research which suggested England had 4.2 million closed-circuit television (CCTV) cameras in this country is now 10 years old; nobody has done an updated study since. Having surveyed all councils in the country, Big Brother Watch published new data in 2009 which showed that the number of cameras run by local authorities alone (a fraction of the total, of course) has trebled in the past decade.

Certainly, technology has a role to play in law enforcement. But there are serious concerns about privacy and the nature of the state's role in society—and of course, the public purse offers finite resources, and money spent in this way is money that cannot be spent on other forms of policing, such as officers on the street. It's a question of balance.

We're the only country that's gone so far down this path. The Shetland Islands has more CCTV cameras than the San Francisco Police Department. CCTV is now the single most heavily-funded crime prevention measure operating outside the criminal justice system, accounting for more than three quarters of spending on crime prevention by the Home Office.

The growing network of surveillance can in no way be justified as a crime-

fighting tool. As the number of cameras has gone up, the number of crimes detected using them has gone down. Between 2003–04 and 2008–09 there has been a 71 per cent fall in the number of crimes 'in which CCTV was involved' for detection purposes in the Metropolitan Police area. The proportion of all crimes actually solved using CCTV in London also fell from half in 2003–04 to one in seven in 2008–09; the Met's own figures now state that for every 1,000 cameras in their jurisdiction, one crime is solved each year.

Perhaps that's because cameras are often turned off or not working—which is much worse than them simply not being there, as law enforcement becomes dependent on an unreliable resource. When they're working and turned on, sometimes they're not pointing in the right direction. Footage is often scrubbed before law enforcement officials collect it. When it's working, turned on, pointing in the right direction and not scrubbed, the quality of footage is often such that courts cannot use it.

Polling suggests that CCTV remains relatively popular in this country. There are some people who simply don't mind that images are recorded. But that's a reflection of whether or not people want crimes to be investigated and solved. Even some hitherto supportive voices have questioned the wisdom of flying unpiloted CCTV drones, once the stuff of dystopian science fiction but now being trialled in the UK. Furthermore, the recording and (in principle, permanent) retention of the images of innocent people does cause significant privacy concerns, as those cameras become ubiquitous.

One of the first reactions of any person coming to the UK from abroad is surprise at the extent of our surveillance culture. One hopes that we learn from that surprise and scale back our watching state, rather than that surprise fading as the British disease spreads to their countries in turn.

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Big Brother Watch conducted the first nationwide survey of the number of officers in each local authority holding the power to enter a private home or business without requiring a warrant or police escort. We found that there were 15,000 such inspectors, but about a quarter of councils didn't respond, so it's reasonable to suppose that the true figure is somewhere near 20,000.

Some of the reasons that permit entry to a Briton's home:

- To see if pot plants have plant pests or do not have a 'plant passport'—a document allowing the plant to be moved within the European Union.
- To check the energy ratings on refrigerators.
- To survey a garden to see if hedges are too high.
- To inspect a property to ensure illegal or unregulated hypnosis is not taking place.

Authorities in Britain have 1,043 distinct powers of entry. As these powers multiply, a web develops in which the state can almost always justify coming into your property for something. And as the number of people holding such powers multiplies, no system of checks or oversight can realistically monitor their use of them.

This explosion in the abilities of bureaucrats to enter private property is really a reflection of the extent to which traditional boundaries between the individual and the state in the UK are being eroded, and the loss of all sense of proportion in the pursuit of perceived affronts to state power. In November last year, Croydon Council employed the authority's full covert surveillance capabilities to catch the person responsible for pruning a tree.

Covert surveillance is used by councils to spy on people to detect offences such as benefit fraud, but also for purposes such as dog fouling, fly-tipping rubbish, leaving their bins out on the wrong day, inappropriate hedge trimming, supposedly telling lies about residence for school catchment area purposes, and the like.

There are examples of good practice (or somewhat better than worst practice). Bristol's Housing Chief Executive has promised not to snoop unless in exceptional circumstances. But our privacy and rights shouldn't be dependent on goodwill.

Since April 2007, Bradford Council has changed its use of surveillance, notifying by letter persons against whom noise complaints are registered that they will be monitored by tape recording equipment installed in their next-door neighbours' house or by officers listening—thus changing what was covert surveillance into overt surveillance.

Secret snooping isn't the only way to deal with these issues. If it's ever right for it to be used for such problems, then it ought to be the last resort, rather than—as so often in this country now—the first tool used by overbearing councils.

Briton has the largest DNA database per capita in the world, recording the DNA records of one million innocent

Put out your welcome mat

There are 418 pieces of primary and secondary legislation in the United Kingdom which give local authorities the power to enter private property. Those laws include:

Agricultural Marketing Act 1958
Animal Health Act 1981
Anti-social Behaviour Act 2003
Atomic Energy Act 1946
Bees Act 1980
Betting and Gaming Duties Act 1981
Broadcasting Act 1990
Caravan Sites and Control of Development Act 1960
Clean Air Act 1993
Commissioner for Older People (Wales) Act 2006
Competition Act 1998
Copyright, Designs and Patents Act 1988
Diseases of Fish Act 1937
Electricity Act 1989
Endangered Species (Import and Export) Act 1976
Food Safety Act 1990
Fur Farming (Prohibition) Act 2000
Gangmasters (Licensing) Act 2004
Gas Act 1986
Greater London Council (General Powers) Act 1984
Housing Act 1985
Human Tissue Act 2004
Landmines Act 1998
London Building Act 1930
Milk (Cessation of Production) Act 1985
National Minimum Wage Act 1998
Olympic Symbol etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Prices Act 1974
Railways Act 1993
Road Traffic Act 1988
Slaughterhouses Act 1974
Sunday Trading Act 1994
Transport Act 1968



people—you don't have to have been convicted of a crime to get on the government's DNA database. But it's not alone. Just keeping count of the number of state databases in existence or being planned is a challenge.

The Equalities and Human Rights Commission wants to create an 'equalities database' detailing sexual orientation etcetera, built from information obtained a wide range of sources, from victims of crime and attendees to accident and emergency to school surveys of children. When one visits hospital and tells those responsible for treatment about oneself, it's hardly thought that the data would be put to this sort of use.

The National Institute of Clinical Excellence plans to create a national database of households so as to 'ensure child safety', and the National Health Service (NHS) wants one of everyone's health records. Most people trust their own doctor, but who among us would trust everyone who has a key card in the NHS (the second largest employer in the world), including temporary staff?

In order to vote, one is now required to place one's signature, date of birth and National Insurance Number on the electoral register alongside one's full name and address—i.e. an ideal starter kit for identity theft, with which one is compelled to comply if one wants to retain the right to vote.

These databases don't always work as intended. ContactPoint, a £224 million child protection database, is meant to hold files on an estimated 11 million children, accessible to over 390,000 teachers, police officers and social workers. Its planned launch has been put on hold for a third time after local authority staff discovered loopholes in the system designed to hide personal details of the most vulnerable young people—meaning that adopted children or those fleeing abusive homes could be tracked down.

A Government review of the security of ContactPoint, which they refused to publish in full, found that the risk of a data breach could never be eliminat-

ed. The Joseph Rowntree Reform Trust named ContactPoint among the eleven public sector databases that are 'almost certainly illegal'.

The storage of information of private information is only getting more expansive. The government's 'Intercept Modernisation Programme', announced in 2008, plans to record details of every e-mail and every phone call. The main thing presently stopping that is technological capacity. In a recent *Sky News* debate, I was told by a policeman that 'these things are useful to law enforcement.' I'm sure that they are; many things would be. It would be useful for law enforcement to ban alcohol, or have a night curfew. Permitting monitoring of our personal communications isn't solely a question of what's beneficial for law enforcement. It's a question of what kind of society we want to live in.

Britain also has a national Automatic Number Plate Recognition system, an electronic car-surveillance database supposedly aimed at catching criminals and terrorists. Police whistleblowers claim that intelligence stored on the number plate database is 'at least 30 per cent inaccurate' which has led to the wrongful arrest of innocent motorists and the seizure of their cars. And some officers within the Hertfordshire Police force, the lead force for developing the database, have allegedly taken to trawling through drivers' personal data on police databases to find any reason to arrest in order to satisfy performance targets.

The law is an ass

Perhaps the most famous example of Britain's authoritarianism and illiberality internationally, because it rightly attracts such adverse press, is our absurd laws and fines in the UK. In November 2009, a young mother named Vanessa Kelly was stopped with her son in her local park in Sandwell by a warden and given a fixed penalty notice—a fine for their 'littering' by feeding the ducks. She refused to pay.

A man in Ayr named Michael Mancini was given a £60 fixed penalty notice

after a policeman decided he was 'not in control of his vehicle' when he wiped his nose with a tissue. Mancini maintains that he was in stationary traffic and had put his handbrake on. He refused to pay the fine, and will now face a trial later this year.

This isn't a one-off. The policeman who gave Mancini his ticket was PC Stuart Gray—who recently issued a £50 fixed penalty to a man who accidentally dropped a £10 note in the street. It's symptomatic of life in Briton today. The culture of overbearing bossiness is changing our national life, with a 'chilling effect' on social interaction—it's destroying traditional, harmless activities, and driving down our outgoing natures and volunteerism—things we ought to cherish.

Of course, there is an election looming.

Although the Conservatives have been reassuring in some ways about their plans for privacy, liberty and freedom, prospects for the future are by no means entirely rosy even if they are elected—nobody in 1997 would have expected Labour to have become perhaps the most authoritarian governments this country has ever seen. Pressure from bureaucrats, the burden of office, the stress of events pushed them that way—terrorism, particularly.

All of those same factors will pressure the Conservatives, too.

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