

## 178.

### Simon Cordell's Skeleton Argument (2) Pdf

#### • **Promoting awareness of orders**

The purpose of the orders is to protect local communities from the harassment, alarm or distress that can be caused by anti-social behaviour. An effective media strategy by the CDRP is therefore essential if local residents and businesses are to be aware of orders and their implications. Using the local press to ensure the community knows the subject and conditions of the order is often a cost-effective strategy. At the same time, the staff of the partner agencies need to understand how and when orders can be used, and how they relate to the other tools to combat anti-social behaviour available to the partnership.

Local agencies and CDRPs should, within the context of their overall strategies for combating anti-social behaviour, devise a strategy for promoting awareness of orders. A designated officer should have responsibility for its delivery. This might most naturally be the CDRP anti-social behaviour co-ordinator. Disclosure of information should be necessary and proportionate to the objective it seeks to achieve.

Suggested aims of the strategy

The aims of an effective local publicity strategy are to:

increase community confidence in reporting anti-social behaviour and expectations that it can be reduced. deter potential offenders from anti-social behaviour.

ensure that the local population is aware of orders; the powers of the local authority, registered social landlords, Housing Action Trusts, the Environment Agency and the police (including the British Transport Police) to apply for them; and whom to approach if they believe that an order may be appropriate;

ensure that agency staff have confidence in using orders where they are deemed appropriate; and ensure that potential witnesses are aware of the support available to them.

Publicity

This part of the guidance reflects the judgment of Lord Justice Kennedy, presiding judge in the case of *R (on application of Stanley, Marshall and Kelly) v Commissioner of Police for the Metropolis and Chief Executive of London Borough of Brent* [2004] EWHC 2229 (Admin), commonly referred to as *Stanley v Brent*.

#### **Principles**

1. There is no 'naming and shaming' - ASBOs are not intended to punish or embarrass individuals but to protect communities.
2. Publicity is essential if local communities are to support agencies in tackling antisocial behaviour. There is an implied power in the Crime and Disorder Act 1998 and the Local Government Act 2000 to publicise an order so that it can be effectively enforced.
3. Orders protect local communities.
4. Obtaining the order is only part of the process; its effectiveness will normally depend on people knowing about the order.
5. Information about orders obtained should be publicised to let the community know that action has been taken in their area.
6. A case-by-case approach should be adopted, and each individual case should be judged on its merits as to whether or not to publicise the details of an individual who is subject to an order. Publicity should be expected in most cases.
7. It is necessary to balance the human rights of individuals who are subject to orders against those of the community as a whole when considering publicising orders.
8. Publicity should be the norm, not the exception. An individual who is subject to an order should understand that the community is likely to learn about it.

## 179.