

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

### ***Promoting contours of orders***

Benefits of publicity

**The benefits of publicity include the following:**

#### ***Enforcement –***

Local people have the information they need to identify and report breaches.

#### ***Public reassurance about safety –***

Victims and witnesses know that action has been taken to protect them and their human rights in relation to safety and/or quiet enjoyment of their property. Making local people aware of an order that is made for their own protection can make a real difference to the way in which they live their lives, especially when they have suffered from anti-social behaviour themselves or lived in fear of it.

#### ***Public confidence in local services –***

Local people are reassured that if they report anti-social behaviour, action will be taken by local authorities, the police or other agencies.

#### ***Deterrent to the subject of the order –***

The perpetrator is aware that breaches are more likely to be reported because details of the order are in the public domain.

#### ***Deterrent to other perpetrators –***

Publicity spreads the message that orders are being used and is a warning to others who are causing a nuisance in the community.

### **The decision to publish**

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. There should be a correlation between the purpose of publicity and the necessity test: that is, what is the least possible interference with privacy in order to promote the purpose identified.

Decision-makers should ensure that the decisions to publicise orders are recorded. However, this should not be seen as an onerous, lengthy task, but merely a way of recording the process they go through to arrive at publication. To ensure it is achieved, it is good practice to identify an individual, such as the anti-social behaviour co-ordinator, to be in charge of the process.

The decision-making process should aim to consider and record several key factors: the need for publicity.

a consideration of the human rights of the public.

a consideration of the human rights of those against whom orders are made; and

what the publicity should look like and whether it is proportionate to the aims of the publicity.

The decision-making process should be carried out early on so as to avoid any delay in publicity following the granting of the order.

The decision-making process

Publicity must be necessary to achieve an identified aim - this will involve a necessity test.

The identified aim for publicising could be (1) to notify the public that an order has been obtained, to reassure the public that action has been taken; (2) to notify the public of a specific order so that they can help in its enforcement; or (3) to act as a deterrent to others involved in anti-social behaviour, in some cases two or even all three aims will be relevant.