

the opportunity which civil proceedings provide for the use of hearsay evidence is a valuable safeguard.

It greatly increases the prospect of persuading those who are likely to be exposed to further anti-social behaviour to co-operate with the authorities in protecting them from such conduct.

The facts

The facts of the *Clingham* case have been described by my noble and learned friend Lord Steyn, and I gracefully adopt his account. As he has pointed out, it is a striking feature of that case that two of the statements relied on were anonymous and two of them were by persons who were in fear of reprisals if they were to be called on to give evidence. I should like to ^ deal in my speech with the facts in the case of *McCann*, which has similar characteristics.

The defendants in the case of *McCann* are three brothers who all live in the Ardwick area of Manchester. They were aged 16, 15 and 13 on 17 May 2000 when anti-social behaviour orders were made against them by Judge Rhys Davies QC, the Recorder of Manchester, sitting in the Crown Court with lay magistrates.

The Chief Constable of Greater Manchester had been collecting evidence against the defendants for a period of about five months between May and September 1999. They had been accused by various members of the public in the Beswick area of Manchester of threatening and abusive behaviour, causing criminal damage, theft, and burglary. On 28 September 1999 the Chief Constable consulted with Manchester City Council, the council for the relevant local government area, as required by section 1 of the Crime and Disorder Act 1998. They agreed that an application for antisocial behaviour orders should be made. The Chief Constable laid complaints against the defendants at Manchester Magistrates' Court on 22 October 1999, and summonses were served on them on 1 November

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Simon Cordell's Skeleton Argument (2) Pdf

[2003] I AC 1313 (McCann) v Manchester Crown Ct (HL(E))

Lord Hope of Craighead

19951. On 15 December 1999 Mr Alan Berg, a stipendiary magistrate, made anti-social behaviour orders against each of them, which they then appealed. Their appeal was heard in the form of a rehearing by the Crown Court.

The stipendiary magistrate held that the defendants had acted in a manner which caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves by offensive, abusive, insulting, threatening and intimidating words and behaviour as well as violent behaviour towards people in the local authority area of Manchester. He also held that an anti-social behaviour order was necessary to protect persons in that area and he made prohibitions against each of them. Dismissing their appeals, the Crown Court made identical orders to those made by the magistrate which prohibited each of them: (x) from entering the Beswick area as defined, edged in red on the map attached; (2) from using or engaging in any abusive, insulting, offensive, threatening or intimidating language or behaviour in any public place in the City of Manchester; (3) from threatening or engaging in violence or damage against any person or property within the City of Manchester; (4) from encouraging any other person to engage in any of the acts described in paragraphs 2 and 3 within the City of Manchester.

The evidence against the defendants consisted in part of direct evidence and in part of hearsay evidence. Four members of the public gave evidence of various acts of anti-social behaviour. One said that he had been abused on one occasion by two of the defendants and that he had been threatened and assaulted on another occasion by the third. The second said that he had been abused on one occasion by one of the defendants, who on the same occasion also assaulted an unknown youth. The third was an employee of a