

Select Committee on Community Safety and Community Services

9 November 2006

Report of the Chief Executive

Progress, Procedures and Practice On the Publicising of Anti-Social Behaviour Orders.

Purpose of Report

- 1 To outline the necessary steps to be taken to implement a Case Conference decision to proceed with additional publicity in relation to an Anti-Social Behaviour Order (ASBO). This report refers to dedicated leaflets displaying the name and visual image of the person granted an ASBO by the Court.

Background

2. The issue of using dedicated leaflets to publicise ASBOs made out on individuals was discussed and analysed by Select Committee and its supporting officers through late 2005 and early 2006. An agreed position was reached in April 2006 and the following recommendations were relayed to Cabinet. These were:
 - That there would be a presumption of publicity in all cases unless directed other wise by Court reporting restrictions. This would be to inform and reassure the community of actions taken by the local authority, and to enable the community to monitor the Orders and to report breaches more effectively.
 - That the details of all young people (and adults) with ASBOs be published in addition to the press release currently issued.
 - The main method for conducting this would be through dedicated leaflets delivered to households within the area affected by the individual's anti social behaviour. The leaflets would contain the name and photograph (though not the address) of the ASBO subject, along with details of their anti-social behaviour and the terms of the Order.
 - The ASB Case Conference would be the forum through a decision on publicity would be made. Such a decision would be made after a formal

risk assessment process whereby human rights implications and the impact of publicity would be considered. Case Conference members would contribute towards the risk assessment.

- The key principles of the Home Office guidance on ASBO publicity would be adhered to, particularly as to clear establishing the necessity and proportionality of publicising the Orders.
- Appropriate reporting and information to the community on a Ward and Township basis be undertaken in the form of a press release and by inclusion in Council publications, which would outline the clear achievements of ASBOs in the Ward and Township areas of the Borough. This would be undertaken quarterly.
- The meeting of Full Council on 16 October 2006 affirmed these principles, authorising the distribution of ASBO leaflets within the area affected by that individual's behaviour, but with the ASB Case Conference enabled to extend this if its risk assessment indicates otherwise.

Further Developments

A meeting between Andy Winning (Community Safety), Jalil Karim (Legal Services), and Clare Marshall (Marketing and Communications) took place on September 13 2006, in anticipation of additional ASBO publicity becoming official Council policy.

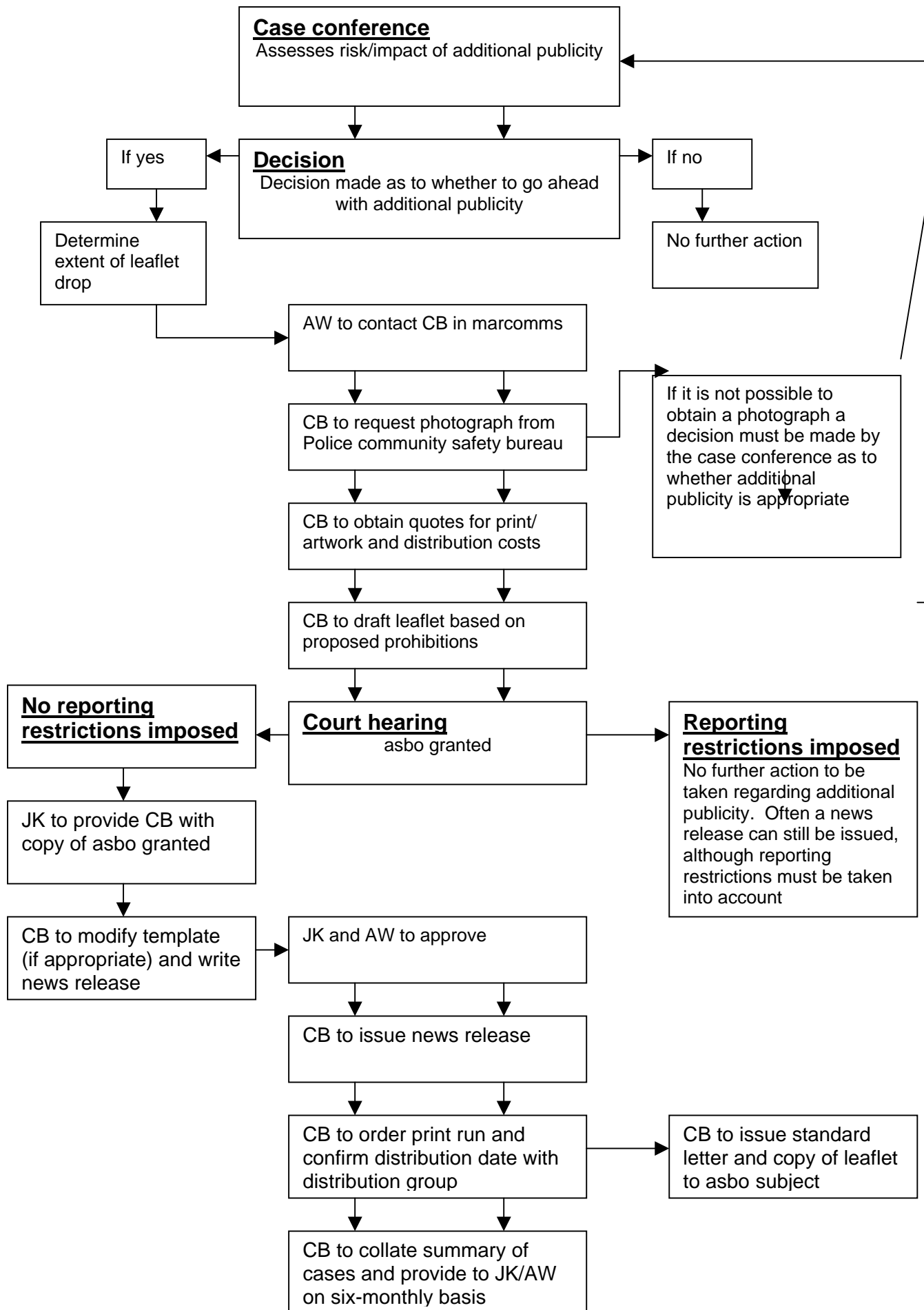
A number of key actions were discussed at this meeting, and an outline process for taking action was proposed so as to enable the Council to implement a Case Conference decision quickly and efficiently.

The essentials of the process is outlined in a flow-chart contained in Table 1 below. Much of the preparatory work will be done prior to the case going to Court.

The key elements are the production of the leaflets and their distribution. It will be necessary to obtain a Police photograph for production. Discussions are to proceed with the Police on this matter, and as to the nature of the subject's offending behaviour that can be released into the public domain. There may, however, be occasions where the subject has not been subject to criminal proceedings, and where a police photograph is not available. Commissioning a photographer to take a picture, typically as the subject is leaving Court, is one option under consideration. This may however present legal difficulties regarding consent and data protection. The ASB Case Conference may need to consider other options here, until the legal position is clearer.

The ASB Co-Coordinator has produced a draft risk assessment form. The ASB Case Conference and ASB Review Group will discuss this within the next fortnight. This will go the Safe and Sound partnership's Crime Implementation Group, and then be ratified by its Strategic Board.

Table 1.



Andy Winning

Chief Executive

Contact Officer: Andy Winning
Telephone: 01384 814799
Email: andy.winning@dudley.gov.uk