

Section 139 of the Serious Organised Crime and Police Act 2005 has amended section 1C of the Crime and Disorder Act 1998 to allow for adjournments after sentencing the offender for the purpose of considering an order. Powers are also available to compel a defendant to return to court after sentencing to attend the adjourned hearing.

interim orders on conviction

An interim order on conviction can be sought to protect vulnerable witnesses and communities from threats of violence, intimidation and further anti-social behaviour by the defendant pending the hearing of an application for a full order. This change to the Crime and Disorder Act 1998 was also introduced by section 139 of the Serious Organised Crime and Police Act 2005. For more information on interim orders, see the

163.

Simon Cordell's Skeleton Argument (2) Pdf

Applying to the courts

article 'What are interim anti-social behaviour orders?' on the Together website at www.together.gov.uk

Step-by-step guide

A step-by-step guide to the process can be found at Appendix E.

Public funding for defendants

A guide to public funding for defendants can be found at Appendix F.

164.

Simon Cordell's Skeleton Argument (2) Pdf

Simon Cordell Skeleton Argument (3).pdf

- **Children and young people**

The Home Office, Youth Justice Board and Association of Chief Police Officers have issued separate guidance on the role of the youth offending team (YOT) in dealing with anti-social behaviour.⁷ There is also separate guidance on the interventions available for children under 10 at Appendix B.

This section sets out the procedures for applying for ASBOs and similar orders in respect of children and young people, and the procedures for managing the case afterwards.

Who can apply for an order?

Agencies able to apply for orders are the same as those for adults, and the consultation requirements are the same.

The role of the YOT needs to be clearly set out in terms of what it can offer in the prevention of anti-social behaviour, and in the ASBO process. All other agencies should involve the YOT in any consideration of an order at an early stage as it is likely to have much information to share about that young person. The YOT has a responsibility to prevent crime and anti-social behaviour by young people, and should help partners to obtain an order to stop the behaviour continuing where it is deemed appropriate.

If there are any doubts about the option of obtaining an order, these should be explored at an early stage with the YOT and other partners, rather than in court. The YOT can also have a role in explaining the conditions of an order to the young person and their parents, explaining the impact of that person's behaviour on the community, and making it clear that the order is the consequence of that behaviour. In addition, the YOT and other partners should offer support in order to aid compliance.

In cases of a breach of an order, the pre-sentence report (PSR) provided to the court by the YOT should outline the impact that behaviour has had on the community.

The YOT can also use the PSR in criminal proceedings to recommend an order on conviction where that course of action has been agreed and deemed appropriate.

The PSR should also address the issue of parenting and further support to the young person.

Courts can make a parenting order with an ASBO or similar order, if a voluntary approach