

decided that the lead agency should contest the application for variation or discharge, it should give the court its reasons, supported as appropriate by evidence gathered in the course of monitoring the effectiveness of the order. The magistrates' legal adviser will send details of the variation or discharge of any order to the local police force and local authority. The police should record any discharge or variation of the order on their computer system and arrange for any changes to be reflected in the Police National Computer record.

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- **Monitoring and recording**

Local agencies should agree common procedures for recording and monitoring both their successful and unsuccessful applications. Details of orders granted should be sent to the local crime and disorder reduction partnership (CDRP) anti-social behaviour co-ordinator and the local authority or police as appropriate, as well as to other agencies involved with the offender (including the local youth offending team if the offender is under 3 8 years old).

As a minimum there should be a record of:

the original application (or details of the prosecution and hearing of any request for the order in the case of an order on conviction), including the name, address, date of birth, gender and ethnicity of the defendant.

the order itself, including, where applicable, the map showing any exclusion area.

the date and details of any variation or discharge of the order; and

the action taken for any breach.

The following information could also be recorded:

name, address, age, gender and ethnicity of any victim - or a statement that the case involved no identified victim.

details of any person or persons who complained of the behaviour.

details of any contributory issues, for example drugs, alcohol and substance misuse and/or mental health problems.

details of any aggravating factors, for example racial motivation; and

assessment of outcome in terms of whether or not the anti-social behaviour ceased,

satisfy themselves and the public that their anti-social behaviour policies do not discriminate.

The Act also imposes a duty to promote race equality. As part of this duty, local authorities and the police should therefore ensure that they monitor the impact of their anti-social behaviour policy on the promotion of race equality. Systems to monitor the ethnicity of both defendants and victims will therefore need to be in place.

This information should, where possible, be collected on the basis of self-definition by the defendant.

From December 2006, the new general duty under the Disability Discrimination Act requires a public authority to pay due regard when carrying out its functions to: the need to eliminate unlawful discrimination against disabled people; the need to eliminate disability-related harassment of disabled people; the need to promote equality of opportunity for disabled people; and the need to take account of disabled persons' disabilities even where that involves more favourable treatment. Advice on the general duty can also be obtained from the leaflet issued by the Office for Disability Issues (ODI) entitled ***Disability equality: a priority for all***. The Disability Rights Commission website at www.dre.org.uk contains information under the section on publications entitled. Do the Duty'.

Consistency of information will help to assess the effectiveness of orders and inform future local audits and crime reduction strategies.

Local authorities and other agencies, including the police, have a duty under the Race Relations (Amendment) Act 2000 to