

appellant had consistently engaged in antisocial behaviour over a period of approximately three years. He was a persistent prolific offender. His anti-social behaviour included threatening behaviour, vehicle crime and offences of dishonesty including burglary. He was sentenced to a custodial sentence of three years' detention and was thus subject to a period on licence subject to recall or return to custody. It was far from clear that it was necessary to make an order in respect of the appellant. Considering the detailed terms of the order, some of the terms were unnecessary or unclear. The order would be quashed. In the case of Bebbington and others it was not necessary to make an order in respect of all but two of the appellants in view of their antecedent history. So far as the other two appellants were concerned, all the prohibitions would be quashed except the prohibitions relating to attending football matches played at the home ground of Chester City, and orders would be added in both cases restricting the appellants concerned from entering a specified area in the vicinity of Chester railway station on any day on which Wrexham were playing a regulated football match away from their home stadium, during a period commencing three hours before the beginning of that match and ending six hours after the beginning of that match.

Cases cited:

McCann v Manchester Crown Court [2002] UKHL 39; [2003] 1 A.C. 787; [2003] 1 Cr.App. R. 27 (p.419),

Lonergan v Lewes Crown Court [2005] EWHC 457.1 W.L.R. 2570; [2005] A.C.D. 84,

Kirby [2005] EWC1A Crim 1228.I Cr. App. R. (S.) 26 (p. 151),

Hall [2004] EWCA Crim 2671; [2005] Cr. App. R. (S.) 118 (p.671),

Williams [2006] EWCA Crim 1796; [2006] 1 Cr. App. R. (S.) 56 (p.305)

References: orders under the Crime and Disorder Act 1998, *Current Sentencing Practice*

Commentary: [2006] Crim. L.R 160

J.G.J. Sharp for the appellant Bones.

CLP. Hennell for the appellants in Bebbington and others.

M. Sullivan and./ *Rees* for the Crown in the appeal of Bones.

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JUDGMENT

Hooper L.J.: On April 7, 2005 we reduced the sentence of imprisonment passed on the appellant Dean Bones and adjourned the appeal against the making of an anti-social behaviour order ("ASBO") to enable the CPS to instruct counsel who would be able to give us both general assistance about ASBOs and specific assistance about the ASBO in this case. We resumed the hearing on July 5, 2005 and announced, at the conclusion, that the ASBO was quashed for reasons which we would give later. Mr Rees had prepared a comprehensive skeleton argument and we are particularly grateful to him for his help and to those in the Home Office who have assisted him. We have incorporated much of what he wrote into the judgment.

On July 5, we also heard the appeals of Shaun Anthony Bebbington and others.

We granted leave to appeal and any necessary extensions of time. At the conclusion of the hearing we announced our decision to reduce the sentence of 2 years' imprisonment passed on Lee William Schofield and substitute for it a sentence of 18 months' imprisonment. We look the view that a sentence of that length was sufficient. That was the only sentence of imprisonment which we were asked to consider (the other appellants had served their sentences). We quashed all the ASBOs other than those in respect of Schofield and Ian Jeremy Stuart Bruce. In these two cases we announced that we would alter the terms of the orders substantially but, given that we needed further material, we said that the precise detail