

Page: 25

R, v DEAN BONES AND OTHERS

The ASBOs were in the terms of a football banning order, the court having no jurisdiction to pass an actual football banning order.

“The defendant must not for the duration of the order,

Enter any premises for the purpose of attending any football matches in England and Wales that are regulated for the purposes of the Football Spectators Act 1989.

On any day that Chester City AFC play at a regulated football match at the Deva Stadium during the period commencing three hours prior to kick off and ending six hours after kick-off, enter any area inside the shaded boundary as defined in the two attached maps.

Attend within a 10-mile radius of any premises outside Chester at which football matches are played by Chester AFC on the day of any away match.

On any day that England or Wales play a regulated football match in England or Wales, during the period commencing three hours prior to kick-off and ending six hours after kick-off, go within a 3-mile radius of the relevant stadium where the match is being played.

We take the facts from the CACD summary:

“At about 7pm on 10 January 2004, there was a confrontation between supporters of Wrexham football club and Chester City football club in the centre of Chester. The applicants were all supporters of Chester City and some members of the two rival groups associated themselves with the hard core of the hooligan element attached to both football clubs. The two rival gangs came together through a mutual interest in football and they had stayed together because of a mutual interest in hooliganism and there had been a long-standing and deep antipathy between the two groups. The supporters of Wrexham had travelled back from a game at Chesterfield and had alighted at the station in Chester. The applicants were drinking in a public house and had been warned by the police not to leave the public house when the police became aware that the Wrexham group were at the station. However, the group did leave the public house and went across the road to the station with the intention of fighting with the group from Wrexham. There was an element of pre-meditation about the incident because the group left the public house as the group of Wrexham supporters arrived at the station and attempted to leave the station. The group from Chester did not enter the station because the groups were kept apart by police officers. The actions of the Chester group were caught on CCTV, they were heard responding to the taunts of the Wrexham group and began singing loud and abusive songs. Members of the public, employees at the station and the police officers felt threatened by their actions.

PART 5 © SWEET & MAXWELL

63.

Simon Cordell's Skeleton Argument (2) Pdf

Page:25

R. v DEAN BONES AND OTHERS

The applicants all played different roles in the incident, some having substantially more involvement than others and, on the prosecution's case, some of the defendants, particularly Wood and Schofield, were the ringleaders and orchestrated the threats of violence. The CCTV evidence was the basis of the prosecution case against the applicants.”

We have watched the CCTV evidence.

All of the appellants were of good character other than Schofield and Bruce. Schofield had a previous conviction for affray as well as other offences. Bruce had one relevant previous conviction in 2004 for being drunk and disorderly. The authors of the various pre-sentence reports recommended non-custodial sentences given the low risk of reoffending. As the judge said in passing sentence all of the defendants other than Schofield had expressed remorse. Some of the appellants had good character references, including Bruce.