

As the court in *Lamb* pointed out, this would merely encourage people to commit criminal offences rather than breach their ASBOs in other ways. The court has therefore laid down a series of steps for consideration prior to the imposition of a sentence.

Where a breach does not involve harassment, alarm or distress, a community order may be considered to assist the defendant to learn to live with the terms of the ASBO. This is entirely consistent with the guideline on breach proceedings issued by the Sentencing Guidelines Council, where it is pointed out that custody should be used as a last resort, and the primary purpose of breach proceedings should be to ensure that the order itself is observed.

However, *Lamb* confirmed that where there is a persistent breach without harassment, alarm or distress, it may become necessary to impose custody to preserve the authority of the court. In those circumstances, the sentence should be as short as possible, and in *Lamb* the individual sentences were reduced to two months in custody. However, where the new breach amounts to further harassment, alarm or distress, then the court thought orders of eight months, on a guilty plea, were appropriate, applying *R v Braxton* [2005] 1 CRAPP R (S) 36,7? *v Tripp* [2005]

Youth Justice Board, Home Office and Association of Chief Police Officers (2006) *Anti-social Behaviour: A guide to the role of Youth Offending Teams in dealing with antisocial behaviour*. This can be downloaded at [www.youth-justice-board.gov.uk/Putlications/Scr!pts/prodView.asp?id\[\]product=212&ep-95](http://www.youth-justice-board.gov.uk/Putlications/Scr!pts/prodView.asp?id[]product=212&ep-95)

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Hiking a strategic approach

EWCA Grim 2253 and *R v Dickinson* [2005] 2 CR APP R (S) 488.

When the offender has been found guilty of breaching an order, and before sentencing, the court may take reports from the local authority or police and any applicant agency. The court should also consider the original reasons for the making of the order.

A copy of the court order (ASRO) as granted (including any maps and details of any prohibitions) can be put before the court during breach proceedings as evidence that an order has been made without the need for a statement formally proving that an order was made.

This provision was introduced by SO CPA 2005 on 1 July 2005.

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Managing the application process

This section focuses on the main issues involved in applying for an order. For an ASBO to be effective, the process of evidence gathering and applying to the courts should be as swift as possible.

Groups of organisations and partnerships such as crime and disorder reduction partnerships (CDRPs) may wish to consider buying specialist legal advice in blocks or pooling expertise and experience. This is likely to be more cost effective than buying in legal advice on a case-by-case basis.

Partnership working

A fully co-ordinated approach is essential if anti-social behaviour is to be tackled. Effective defence of communities depends on all agencies - including housing organisations, social services, education authorities and youth services - accepting that the promotion of safe anti orderly neighbourhoods is a priority and working together to agree a response to