

Lincolnshire County Partnerships Protocol on
Anti-social Behaviour Orders and
Acceptable Behaviour Contracts

Based on Local Government Association and Home Office Guidance November 2002

<http://www.homeoffice.gov.uk/cdact/index.htm>

March 2004

Contents

Foreword

Introduction

Information Sharing

Consultation The Orders Group

Other Criminal Proceedings

Order Group Decisions

The Lead Agency

Evidence

Applying for an Anti-Social Behaviour Order

Summons Procedure

An Application Hearing

Appeal Against an Anti-Social Behaviour Order

Post Anti-Social Behaviour Order Procedure

Beaches of an Anti-Social Behaviour Order

Prosecuting Anti-Social Behaviour Order Breaches

Variation and Discharge of an Anti-Social Behaviour Order

Monitoring and Evaluation

Registered Social Landlords

Anti-Social Behaviour Order Process Map

Brief Process Guide

File Content

Foreword

Anti-Social Behaviour Orders Introduction

Anti-Social Behaviour Orders (ASBOs) were introduced in 1998 by Section 1 of the Crime and Disorder Act and have been available since April 1999. These powers were enhanced by the Police Reform Act 2002, which introduced orders in County Court Proceedings, interim orders and orders made on conviction in criminal proceedings. The Police or Local Authority pursues post conviction orders, which must be applied for with the prior authorization of the community safety Chief Inspector or the Local Authority Anti-Social Behaviour Co-coordinator. Additionally orders can now extend across England and Wales.

ASBOs are civil orders designed to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. The order would contain conditions, which would prohibit the offender from committing the specific anti-social acts or entering defined areas and are effective for a minimum of two years. These are not criminal convictions, and their intention is not to punish the offender. An ASBO should not be seen as an option of last resort, however it must be shown to the court that other remedies have been tried or considered and why they have either failed or were dismissed as options.

Stand-alone applications for ASBOs are made to the Magistrates Court, which acts in its civil capacity. The Order can be applied for during related proceedings in the County Court and requested (without the need for a formal application) if a defendant is convicted of an offence in the criminal courts. It remains a civil order irrespective of the issuing court.

The Police, the Local Authority and Organizations registered under Section 1 of the 1996 Housing Act as a Registered social Landlord (who provides or manages any houses or hostels in a local government area), can initiate an order and they must show that:

- the defendant acted in an anti-social manner; and
- an order is necessary for the protection of persons from further anti-social behaviour by the defendant.

Anti-social behaviour for which ASBOs have been granted is defined as generally loutish and unruly behaviour such as verbal abuse, harassment, assault, graffiti and excessive noise. They have also been used to combat racial harassment, drunk and disorderly behaviour, throwing missiles, vehicle crime and prostitution.

An ASBO serves to restrict the activities of an individual. It specifically lists the antisocial activities from which the individual must refrain.

The objective of the ASBO is to bring to an end the specific acts of anti-social behaviour that are complained about. If there are other more effective means of dealing with particular instances then they must be considered first. One such potential solution, which is closely linked to the ASBO, is the Acceptable Behaviour Contract (ABC), in that the ABC specifically lists activities from which the individual must refrain.

Acceptable Behaviour Contracts Introduction

An Acceptable Behaviour Contract is a written agreement with a person who has been engaged in anti-social behaviour. Although commonly used for young people it may also be used for adults.

The contract is agreed and signed at a meeting with the individual and at least two of the partner agencies. If the person whose behaviour is at issue is a child or young person, parents or guardians or an appropriate adult should attend.

The contract specifies a list of anti-social acts in which the person has been involved and which he/she agrees not to repeat. Where possible, the individual should be involved in the drawing up of a contract. This may assist in the success of the contract.

Support to address the underlying causes of the behaviour should be offered in parallel with the contract. This may include diversionary activities (such as attendance at a youth project), counselling or support for the family. It is vital to ascertain which agencies are already involved, especially if the individual is aged between 10 and 17 years.

Legal action in the form of an application for an Anti-Social Behaviour Order or a Possession Order (if the young person is in social housing) should be stated on the contract where this is a potential consequence of the breach. This threat of legal action provides further incentive to behave as agreed in the contract.

ASBO or ABC?

It is important to note that ASBOs and ABCs are in no way competing with each other. Both are potentially powerful tools for dealing with anti-social behaviour and it is a matter for the Orders Group, which one is the more appropriate for each individual case. An ASBO is a step of neither first nor last resort: it depends on the individual circumstances.

It is also important to understand what the authorities are trying to achieve; it is to protect the community from anti-social behaviour by effectively stopping and then preventing it.

This protocol has been agreed between the following:

Lincolnshire County Council
South Kesteven District Council
Lincolnshire South Division
Primary Care Trust
Police Authority
Lincolnshire Fire and Rescue

The following partner agencies have also been consulted in respect of this document:

Lincolnshire Social Services
Lincolnshire Youth Offending Service (YOS)
Lincolnshire Probation Service
Lincolnshire Education and Cultural services
Lincolnshire Magistrates Courts Service
Lincolnshire Crown Prosecution Service (CPS)
Registered Social Landlords (RSL)
Housing and Tenants Associations
Connexions

Introduction

Each local authority area has its own Crime and Disorder Partnership, which comprises:

The appropriate District Authority;
Lincolnshire County Council;
Lincolnshire Police Authority;
Lincolnshire Police;
Lincolnshire Fire and Rescue; and
Lincolnshire Primary Care Trusts.

The statutory partners will consult and share appropriate information with other statutory agencies as necessary, having due regard to the information sharing protocol. (Registered Social Landlords have a duty to consult and therefore would need to contact the Police or Local Authority ASB Coordinator for that area)

Each of the statutory partners will appoint a designated Anti-Social Behaviour Coordinator (ASBC).

This Protocol sets out agreed procedures for considering and making an application for, and variations in the discharge, of an ASBO.

An ASBO can apply only to a person aged 10 or above. Anti-social behaviour is defined as a 'manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator'. It is necessary to show that an ASBO will protect persons in the local authority area in which the anti-social behaviour is occurring.

ASBOs may be applied for only after consultation between the Police and local authorities. An application for an ASBO must be made within six months of the behaviour-taking place, although earlier incidents may be used to support a case.

An ASBO application will be considered to protect individuals or families who are targets of anti-social behaviour or whose lives or communities are being blighted by such behaviour.

Partner agencies must be satisfied that applications have not been motivated by discrimination or victimization on the grounds of race, disability, gender, sexual orientation, age, religion or cultural beliefs.

It is unlawful for a public authority to act or fail to act in a way that is incompatible with the European Commission of Human Rights (ECHR). All partner agencies must comply with the ECHR, recognizing the need to protect the rights and freedoms of members of the community as well as those of the defendant.

An ASBO application is likely to succeed only if:

- What is being sought complies with the ECHR;
 - Any interference with the defendant's rights is necessary, proportionate and ECHR compliant;
 - The proposed terms of the ASBO are reasonable and proportionate to the anti-social behaviour in question and the rights of the community; and
 - The ASBO application is not in such terms that the defendant is bound to breach it.

Acceptable Behaviour contracts (Appendix E)

ABCs have been used to address a wide range of anti-social behaviour including:

- Harassment of residents or passers-by
- Verbal abuse
- Criminal damage
- Vandalism
- Noise nuisance
- Writing graffiti
- Engaging in threatening behaviour in large groups
- Racial abuse
- Smoking or drinking alcohol while underage
- Substance misuse
- Joy riding
- Begging
- Prostitution
- Kerb crawling

Once agencies identify a suitable candidate for a contract, checks should be made into whether the individual or family is subject to any other investigations or support. In the case of a young person, the Youth Offending Service should be informed and if appropriate, the Social Services or the Education Welfare Service.

Once the appropriate agencies have been consulted, the individual involved should be formally invited to take part in the meeting with the relevant parties.

The meeting should be used as an opportunity for the individual involved in the anti-social behaviour to discuss his/her behaviour and its impact on others.

The meeting can be used as an early intervention process to stop the inappropriate behaviour becoming worse and outline the possible repercussions should the behaviour be repeated. It could also be an opportunity to provide support to address underlying causes such as family problems.

Parents or Guardians, Housing or local Police Officers and any other interested party, such as a social worker or family friend, may be present.

Home Office Guidance November 2002 provides further guidance and suggests a format for the ABC.

Information Sharing

When a statutory partner receives information about behaviour that might require an ASBO, it will immediately notify the designated ASBC and other partner agencies as agreed with the ASBC. Each partner agency will have a Designated Information Liaison Officer for exchanging information quickly and confidentially. (Section 115 of the Crime and Disorder act deals with information sharing, including with non-statutory partners)

Before convening the Orders Group the Organization receiving the information may, if it deems it appropriate, send a warning letter. This will be done in consultation with the ASBC for that organization (attached Appendix). If this does not achieve a marked improvement in the behaviour within fourteen days, then it may be followed up by a joint agency visit, involving only two agencies. It is essential that the ASBC consider the most appropriate agencies to make the visit.

Consultation The Orders Group (Appendix A)

The Orders Group should comprise:

- The Local Authority Anti-Social Behaviour Coordinator (ASBC) and where necessary
- Designated representatives from the Police, Education, Social Services, Youth Offending Service, Registered Social Landlords, the Primary Care Trust and the National probation service.

Other agencies, such as Connexions, should be engaged as and when appropriate.

Members of the Orders Group are senior officers with delegated decision-making authority. The Orders Group will then convene a 'case management meeting'. The agreed statutory agencies will each provide a delegate to attend a case management meeting where it has been required by the Orders Group; all attendees must have information about the individual in question and be able to contribute. An ASBC will normally Chair these meetings and arrange for minutes to be recorded. Consultation must be demonstrated and a 'Certificate of Consultation' signed. This does not mean a unanimous decision is required: a majority decision is acceptable. All attendees of the case management meeting must have the authority to sign the Certificate of Consultation (Appendix B). The Orders Group has a responsibility to ensure that appropriate organizations are involved, either on that group or on the case management group and also to clarify the role those individuals fulfill. This could also include, where appropriate, consultation with the parents at a case management meeting.

They will also establish which is the lead agency and subsequently the lead officer. It is this individual who manages the case. This will include:

- Instructing solicitors

- Witness liaison and support
- Coordinating service of summons, and
- Communicating developments to the Case Management Meeting and subsequently the Orders Group

Participants of the Orders Group and the case management meeting must be recorded on the File Attendance document. Non-attendance must also be recorded.

The purpose of the Orders Group meeting is:

- To agree an action plan to support victims and witnesses and prevent further anti social behaviour.
- To ensure a complaint has not been made as a result of malice or discrimination.
- To agree which is the lead agency.
- Consider the duty to assess any person who may be in need of community care services under the NHS and Community Care Act 1990

The originating agency and the ASBC will decide on the urgency of the case. Where urgent, the ASBC will appoint the Police or local authority as the lead agency and ask other agencies for comments. An early (within 10 working days) meeting of the Orders Group will be convened if necessary.

If the anti-social behaviour is likely to affect people in an adjoining local authority area, the ASBC will simultaneously consult the ASBC in that area. There may be a need for an ASBO to apply in more than one local authority area.

In all adult cases the lead agency will consult with the Probation Service. If the individual is known, an assessment of the prospect of securing a positive outcome by a direct approach will be requested.

Where the case is urgent, the partner agencies receiving the information will respond within 10 working days to the lead agency. They will give any relevant information and comments and provide a copy to the designated ASBC. The case will then be considered at the next case management meeting.

No requirement exists to interview or write to a person who is the subject of an ASBO application or to offer that person a chance to comment. However, there are advantages:

- Where the individual may not be aware of the proposal and/or
- To take their views into account when considering an action plan

Any case management meeting action plan will take the following considerations into account:

- Is there evidence that the individual has acted in a manner that caused harassment, alarm or distress to another person not of the same household in circumstances where there is no reasonable excuse for his/her behaviour?
- Is there evidence that the actions of the individual have had a serious negative impact on others?
- What action (if any) has been taken in the past to restrain this type of behaviour or to positively divert their activities (e.g. youth work, YOS intervention, Social Services or the Probation Service involvement, Police cautions)?

Are there more appropriate courses of action available? Options include:

- Acceptable Behaviour Contracts (ABCs) (appendix E)
- Challenges
- Warnings
- Mediation
- Injunctions
- Criminal prosecution; or
- Eviction

Does the orders Group and the case management meeting agree that it is appropriate, necessary and proportionate to apply for an ASB?

If the decision to apply for an ASBO is agreed, what other actions (if any) should be taken?

If the decision made is not to pursue an ASBO, what alternative action is agreed and why?

The Case Management Meeting Group will only sanction an application for an ASBO when it concludes that it is necessary and proportionate to protect an individual, a group of people or a community in its area of responsibility. Where either an ASBO or an ABC is obtained, the details must be passed to the Lincolnshire Police Legal Services Department Database.

Where any harassment is of a racial nature, the Orders Group will consult the Racial Equality Council and any relevant ethnic minority organization for their views on whether or not an ASBO is appropriate and for any support they can give to victims, taking account of their wishes.

Where the individual or victim is not residing in the local authority property, but in Registered Social Landlord accommodation, then the Registered Social Landlord should be included in the orders group.

Other Criminal Proceedings

Where the individual is also the subject of other criminal proceedings or is appealing against conviction, relating to the same or similar conduct, the orders Group could consider

applying for a post conviction ASBO, in consultation with the community safety Chief Inspector. The Crown Prosecution Service (CPS) needs to be contacted in this instance. In certain cases where there has been no conviction the Orders Group may agree with the CPS that an ASBO is more appropriate than a criminal prosecution.

This will apply where:

- An ASBO application is likely to be a more effective means of tackling the anti-social behaviour and the CPS is content for any criminal evidence to be used in connection with the application; or
- An ASBO would be equally effective as the criminal proceedings and there would be advantage in preventing the immediate criminalization of the defendant; or
- Where several perpetrators are involved and a mix of criminal prosecutions and ASBOs is appropriate

Where a criminal prosecution fails, the Orders Group will take account of legal procedural and ECHR implications in pursuing an ASBO application in respect of another matter. Factors to be considered are:

- The length of the criminal proceedings and their effect on the individual
- The reason why those proceedings failed; and
- Any representations made to the individual about future action

Where the individual is the subject of a successful criminal prosecution, the Orders Group will consider whether it is appropriate to seek an Order. There may be a threat of further anti-social behaviour and the sentence does not, or is unlikely to, offer sufficient public safeguards.

Order Group Decisions

Following an Orders Group meeting, the minutes and action plan (to support victims and deal with the anti-social behaviour) will be circulated within an agreed number of working days, according to the urgency needed. The action plan will commence from the date of the meeting and its duration will also be agreed.

Where there has been no Orders Group meeting, the ASBC will review responses from the members of the Orders Group as a matter of urgency with the Police and the Local Authority. Where the Orders Group agrees on an ASBO application, the ASBC will convene a meeting as soon as possible to assess the needs of victims and witnesses and discuss future handling of the case.

If a decision is taken to apply for an ASBO, the delegated officer for the lead partner agency will, in addition to the minutes and action plan, obtain a completed Certificate of Consultation from the other statutory partners as soon as possible.

If the Orders Group is unable to agree on a course of action, the lead agency will review the reasons for applying for an ASBO.

If it is decided to apply for an ASBO the lead agency will:

- Ensure the complainants are kept informed of progress and take responsibility for handling the media, (there will normally be no reporting restrictions in court);
- Convene a (further) meeting no later than 4 weeks from the date of the decision in order to monitor progress against the action plan;
- Where the individual is under 18 years, Social Services will arrange for an assessment for consideration of a parenting order if appropriate and recommended by the Orders Group to be submitted to the court when the ASBO application is made; and
- Appoint an officer in charge (OIG) of the case who will:
 - a) Keep the ASBG and partner agencies informed about preparation of the ASBO application, including any witness statements and other evidence.
 - b) Notify the court of the decision to apply for an ASBO in order to discuss Listing arrangements for the hearing.
 - c) In the case of someone under 18 discuss with the court the arrangements For ensuring that the court proceedings are tailored to their needs.

The Lead Agency

The Local Authority will lead where the incidents take place on a council housing estate or on local authority land.

The Police will lead where: the incidents occur in shopping precincts or other community areas; or the individual is also subject to other criminal proceeding.

The Orders Group ASBC will decide the lead agency where the incidents take place in non-local authority residential areas.

Evidence

The lead agency has to prove its case under civil rules of evidence and the burden of proof is on the balance of probabilities. The following are key considerations:

- The safety of witnesses from harassment and intimidation;
- The court will need to be satisfied that
 - a) The defendant has acted as stated
 - b) Harassment, alarm or distress was caused or was likely to be caused and
 - c) An order is necessary and proportionate;
- An application for an ASBO must be made within six months of the behaviour giving rise to the complaint

- Earlier evidence may be used to support the case
- Hearsay evidence is admissible.

The lead agency will gather and present the evidence, in consultation with other partner agencies. Although proceedings are civil, an ASBO application will be based on good quality evidence, presented to a court in a professional manner. Any covert evidence will comply with the Regulation of Investigatory Powers Act. Where there are concerns about the standard or integrity of evidence, the lead agency will seek further evidence before the ASBO application is made.

The Rehabilitation of Offenders Act 1974 does not allow evidence of spent convictions to be admissible.

Evidence from criminal proceedings that have failed may be used in support of an ASBO application, providing the lead agency consults the police and the CPS.

If, after consultation with the CPS, it is decided to proceed with an ASBO application instead of a criminal prosecution, the lead agency will consult the CPS, via the police, as to what criminal evidence may be used.

Where the CPS agrees to the use of the evidence, the agreement of the police will also be obtained and recorded.

The Local Authority and the Police will encourage and support witnesses.

Applying for an Order

The OIC will be responsible for preparing the ASBO.

The case summary will include:

- Details of the individual or group/family
- An outline of the incidents involved
- Any welfare issues relating to the defendant to confirm that consultation has taken place between appropriate agencies, e.g. Social Services and VOS
- Appropriate information about the defendant and family circumstances is obtained to enable the court to discharge its duties correctly
- Evidence that consideration has been given to ensure that the defendant has not been victimized or discriminated against on the grounds of race, gender disability, religious or cultural beliefs, sexual orientation or other grounds (this will be subject of scrutiny by the court); and
- Evidence of any attempts at mediation and warnings etc.

The OIC will ensure that the file of evidence is prepared with related documents together and in chronological order, including a case summary in which all the evidence must be referred to.

The court will decide what prohibitions to apply but the Lead Agency can help to inform that decision by including:

- The prohibitions being applied for, which are necessary and proportionate to the aim of protecting people within the area from ASB of the defendant
- The requested duration of the ASBO, the minimum being two years and the maximum being indefinite (review arrangements need to be stipulated in the latter by the orders group).

The OIC will obtain advice from the case solicitor on drawing up the proposed prohibitions, which:

- Must relate to actions already committed by the defendant and which it is believed will be committed again if no ASBO is granted
- Must be reasonable and proportionate
- Must be practical and realistic
- Must be clear, concise and accurate
- Must be particularly specific about matters of time and place (OS maps will be used to mark out roads and areas which are subject to any prohibitions)
- Must not be mandatory, i.e. worded to compel the defendant to do specific actions; and
- Need not be confined to criminal acts but may also prohibit actions which are precursors to a criminal act e.g. a prohibition on entering a shop rather than on shoplifting.

Summons Procedure

The OIC will arrange for a Summons Form to be completed with a copy retained on the application file and for the defendant to be served with the following:

- The summons
- A copy of the completed ASBO application
- A copy of the certificate of consultation
- Guidance on how the defendant may obtain legal advice and representation
- Any notice of hearsay evidence
- Such details of evidence in support of the application as agreed with the lead agency Solicitor; and
- A formal warning to the defendant that it is a common law offence to pervert the course of justice and that witness intimidation is liable to lead to prosecution.

Wherever possible, the OIC will ensure that service of the summons is made on the defendant in person. If personal service is not possible, the summons will be served by first class post to the last known address. The Officer serving the summons will complete the Certificate of Service, which will then be placed on the file.

Where a person under 18 is concerned, any person with parental responsibility must also receive a copy of the summons.

The OIC will inform the case Solicitor of the availability of every witness prior to the date of the hearing and liaise with the court on whether witnesses will be required at the first hearing. If it is to be held simply to take a plea and consider any preliminary legal issues, the Clerk should be asked to consider an early resumption of the case.

Hearing

The hearing will be conducted in a Magistrates Court, the Magistrates acting in their civil capacity.

- There will be no reporting restrictions unless the court decides to impose them to protect the identity of a person under 18
- The question of reporting restrictions is for the court, taking into account community needs to be made aware of the terms of the ASBO, if granted
- Evidence will be given on oath. The evidence of a child (under 14) is given unsworn
- The attendance of a parent or legal guardian is required at court for any
- Person under 17. Every effort should be made before a hearing to ensure this takes place to avoid adjournments
- In the case of a person under 18, the court will require information about his/her background, home surroundings and family circumstances. Such information should be offered in support of an application or be available to avoid the need for an adjournment.

The OIC will ensure that all the evidence and witnesses are available at the hearing, including any evidence in support of the need for the court to make an immediate order.

Where the court has decided to adjourn the hearing and the defendant failed to appear at the resumed hearing, the Lead Agency legal representative should ask the court for a decision in his/her absence.

Where an ASBO is granted, the Magistrates' Clerk will undertake to serve a copy of the ASBO on the defendant prior to their departure from court. In the case of a child or vulnerable adult, a copy will also be given to a parent or guardian. Where the defendant is under 18, the court will also consider making a Parenting Order. A copy of the ASBO will be provided to the Lead Agency and in the case of a juvenile, the court will serve a further copy on the YOS.

Appeal against an Order

Any appeal against the making of an ASBO is to the Crown Court. This will be in the form of a re-hearing of the case. The agency, which brought the initial application, will consider and take charge of defending any appeal. It will also lead any action to guard against witness intimidation and monitor possible breaches in the event that the ASBO is upheld on appeal.

Post Order Procedure

An ASBO is effective from the date it is made but the duration commences from the date of service. Where an individual has not been personally served with the Order at the court, the court will be asked to arrange for personal service as soon as possible.

The lead agency, if not the police, will ensure that a court copy (not a photocopy) of the ASBO is forwarded immediately to them. The agency will also give details of the ASBO to the Anti-social behaviour coordinator of the other partner agencies and to the victims and witnesses, so that breaches can be reported and acted upon. The Police will notify the appropriate Police Divisional Commander the same working day in order that details of the defendant and the conditions of the ASBO are recorded.

The Orders Group will draw up a plan to ensure that the ASBO is effective and provides any necessary support to victims.

In addition to monitoring compliance with the prohibitions, by means of visits and other checks, the Orders Group will consider whether any help can usefully be given to diversion from further anti-social behaviour. ASBOs can act as catalysts for wider ranging action with local communities in order to involve local people in crime reduction and self help initiatives.

In respect of a juvenile ASBO, the lead agency will immediately inform Social Services who may liaise with other agencies in order to ensure that:

- The young person understands the seriousness of the ASBO; and
- Appropriate support programmes are in place to avoid a breach of the ASBO by diverting him/her from the behaviour that led to it.

Breaches of an ASBO

Information on breaches can be received from any source including Housing Officers, other local authority officers, neighbours and other members of the public. Any information received by a partner agency about a breach will be passed immediately to the Police and the ASBC, who will inform the other agencies involved.

A breach of an ASBO is a criminal offence, which is both arrestable and recordable. The Police will be the Lead Agency in its investigation and prosecution. The Commander of the Police Division where the breach has occurred will nominate an officer to take charge of the investigation. The OIC will keep the other relevant agencies informed of progress and of the outcome of the breach investigation. A particular consideration will be the need to protect members of the community from harassment wherever possible.

Where the Police consider there has been a breach, they may consult the CPS on whether to prosecute and will also consider police bail.

Where the defendant is under 18, the police should also consult the YOS on whether to prosecute. If the young person is a first offender, the YOS may advise that a final warning with an intervention programme is appropriate, provided the breach was not a flagrant one.

Prosecuting

Responsibility for prosecuting a breach of an ASBO lies with the CPS. Intended prosecutions must pass both the evidential and public interest test.

The standard of proof is the criminal one. Cases will be tried summarily in the Magistrates' Court or on indictment in Crown Court. Cases against children will be in Youth Courts. Proceedings may be subject to reporting restrictions.

A defence of 'reasonable excuse' may be made in a breach prosecution. Legal aid will be available to the defendant.

Variation and discharge of an ASBO

Variation or discharge of an Order is by complaint to the court. The application can be made either by the original applicant in the case or the defendant. An Order cannot be discharged within two years of its service without the agreement of the original applicant.

If the Lead Agency, or other partner agency, considers that it is necessary to vary the conditions of an ASBO or that an ASBO should be discharged, it will consult the Orders Group, including the CPS as necessary. The relevant application will be made to the Magistrates' Court by the Lead Agency.

If the individual asks for a variation or discharge of an ASBO, the agency that obtained the ASBO will ensure that a considered response is given to the court, after consulting the Orders Group, including the CPS. If it is decided that the Lead Agency should contest the variation or discharge of the ASBO, it will give the court its reasons, supported as appropriate by evidence gathered in the course of monitoring the effectiveness of the ASBO.

The Magistrates' Clerk will send details of the variation or discharge of any ASBO to the local Police Force and local authority within 24 hours. The Police will then record any discharge or variation of the ASBO with in the Legal Services Database

Monitoring and Evaluation

The Police and local authority will agree common procedures for monitoring both successful and unsuccessful ASBO applications. Details will be sent to the ASBC and the local authority/Police, as appropriate.

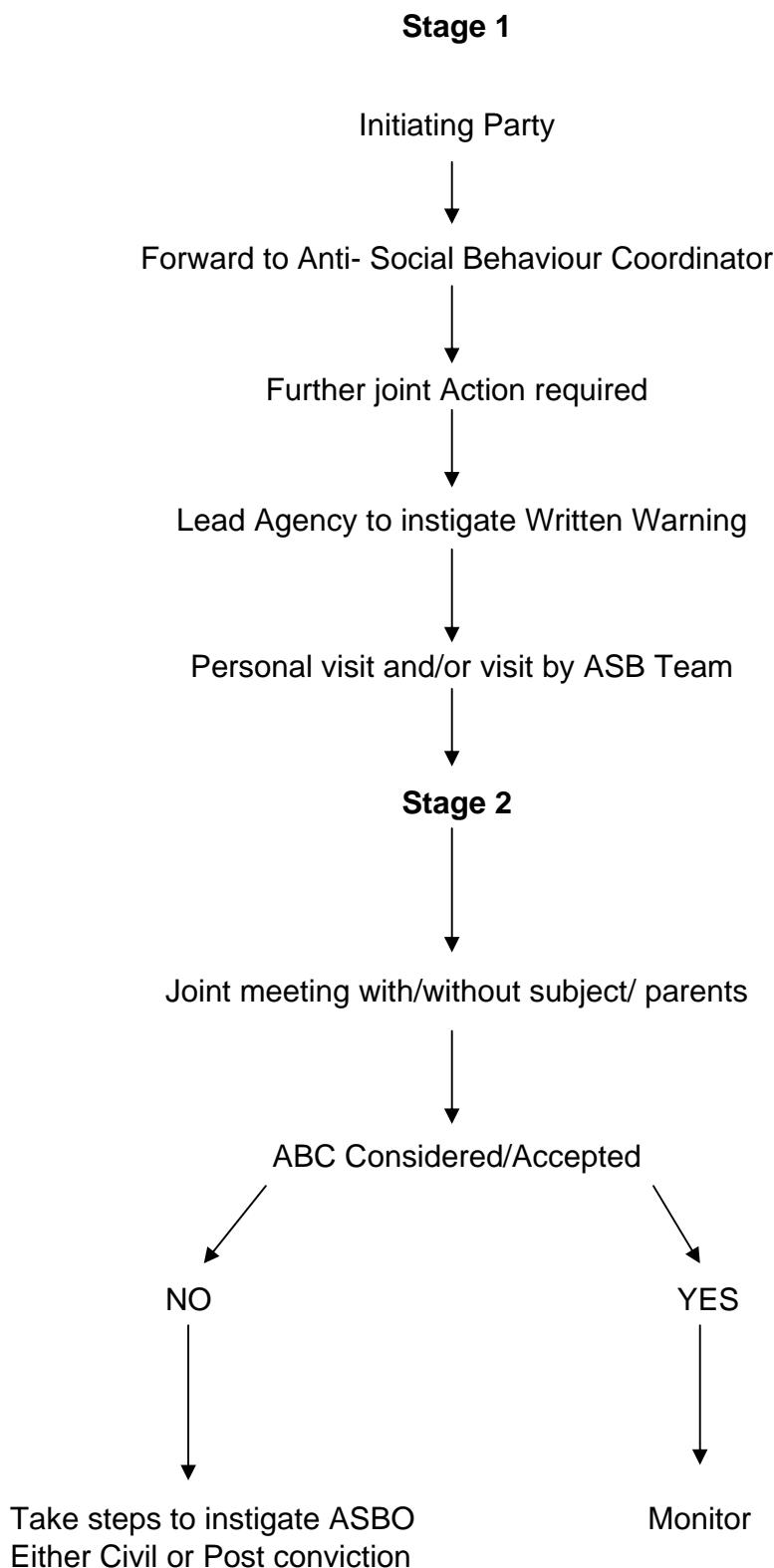
Registered Social Landlords

Recent amendments to The Crime and Disorder Act allow Registered Social Landlords to pursue ASBOs on their own account through the county courts system.

It is anticipated that Registered Social Landlords will continue to comply with this protocol and work closely in partnership with other relevant agencies.

It is important that Registered social Landlords make early contact with the relevant public authorities if incidents of anti social behaviour are reported to them.

Anti-Social Behaviour Process Map



Anti-Social Behaviour Process Guide

1. A statutory partner or RSL receives information about behaviour, which might require an ASBO.
2. Early statutory consultation with at least one other partner.
3. That organization's ASB coordinator will be informed, who in turn will immediately inform the designated ASB coordinators from the other statutory partners.

| | | |
|---------------------------------------|--------------------------|--------------|
| • Lincolnshire County Council | Chris Lamberton | 01522 554591 |
| • Primary Care Trust | tbc | |
| • Lincolnshire Police | C/ Insp Community Safety | |
| • Lincoln City Council | David Ward | |
| • North Kesteven District Council | Tony Green | 01529 414155 |
| • South Kesteven District Council | Community Safety Team | 01476 406107 |
| • West Lindsey District Council | ASBO Unit | |
| • East Lindsey District Council | tbc | |
| • South Holland District Council | Nigel Payne | 01775 761161 |
| • Boston Borough Council | tbc | |
| • National Probation Service | tbc | |
| • Connexions Lincolnshire and Rutland | tbc | |
| • Registered Social Landlord | tbc | |
| • Lincolnshire Fire and Rescue | Station Officer | 01522 582296 |
| • Lincolnshire Police Authority | tbc | |

4. The coordinator convenes the Orders Group and the agreed statutory agencies will provide a delegate to attend a maximum of two meetings from which a majority decision will be taken.
5. They decide a suitable course of action. Decide if suitable for ABC, ASBO or PO etc.
6. Initiating Officer informed.

ANTI-SOCIAL BEHAVIOUR - FILE CONTENT

The files should be in loose-leaf format, indexed and paginated.

- an indexed content sheet
- summons for anti-social behaviour together with proof of service
- application for anti-social behaviour order (in the format provided by the Magistrates Court)
- defendants details
- defendant's previous convictions
- defendant's ABC agreements
- summary of incidents being relied upon by the applicant;
- map and description of the exclusion area;
- association chart (in the case of group related anti-social behaviour)
- documentation of statutory consultations (Certificate of Consultation)
- Orders group Attendance/Non-attendance record
- supporting statements from multi-agency consultation
- statement from the officer in the case
- statement from the other witnesses
- hearsay notices
- draft order for endorsement by the court; and
- home circumstances report.

Disclosure should be transparent and complete.

There should be a minimum of eight identical court bundles required:

- 3 Magistrates
- 1 Clerk to the court
- 1 Applicant Solicitor
- 1 Defence Solicitor
- 1 Defendant
- 1 Witness Box