

The second prohibition to deal with the tenant's threatening and abusive behaviour was beyond the scope of the original abatement notice. It was granted as the council was able to produce evidence of the tenant's behaviour to justify the restriction gained from early consultations with Suffolk Police and the housing association, which proved it was a reasonable restriction to impose on the defendant.

The resulting order on conviction did not cost any more than the noise prosecution would have cost on its own. Obtaining these restrictions in this way avoided the need for a stand-alone ASBO application in respect of the other aspects of the defendant's behaviour, saving money, avoiding several weeks' delay, and achieving faster and more readily enforceable relief for the wider community.

- ⁹ professional witness statements;
- ⁹ hearsay evidence;
- ⁹ CCTV footage;
- ⁹ letters of complaint (including anonymous complaints) to the police, the council or a landlord;
- ⁹ articles in the local press;
- ⁹ the number and nature of the charges against the defendant;
- ⁹ the defendant's characters and conduct as revealed by the evidence;
- ⁹ the content of the victim's personal statement;
- * other offences that have been taken into consideration (TICs);
- ⁹ details of final warnings or previous convictions;
- ⁹ the risk assessment in any pre-sentence report;
- ⁹ records of any non-compliance with other interventions, e.g. ABCs or warnings; and ⁹ the community impact statement (CIS).

A CIS can be written by a caseworker (such as a housing officer or community safety officer) and/or by the local police. The purpose of a CIS is to outline the effect the anti-social behaviour is having on the wider community in a way that is clear and concise for the judge's consideration. In certain circumstances, some elements of evidence, such as hearsay, CCTV footage and letters of complaint, can be put in a CIS.

Valuable lessons were learnt by environmental health and other enforcement authorities in this action.

In particular, early consultation with relevant agencies in the process of investigation and enforcement are important to an ASBO's success. And if the applicant for an order offers the other relevant agencies the opportunity to assist in drafting appropriate prohibitions, a successful outcome, which offers relief for the community 'on all fronts', is more likely.

Contact

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Adjournments

Section 10(3) of the Magistrates' Courts Act 1980 permits adjournments to be made after conviction and before sentence to enable enquiries to be made or, in this context, to determine the most suitable way of dealing with an application for an order under section 1C of the Crime and Disorder Act 1998. Where the court adjourns and delays sentencing to consider the order, it can impose bail conditions in the normal manner.

Section 139 of the Serious Organised Crime and Police Act 2005 has amended section 1C of the Crime and Disorder Act 1998 to allow for adjournments after sentencing the offender for the purpose of considering an order. Powers are also available to compel a defendant to return to court after sentencing to attend the adjourned hearing.

Interim orders on conviction

An interim order on conviction can be sought to protect vulnerable witnesses and communities from threats of violence, intimidation and further anti-social behaviour by the defendant pending the hearing of an application for a full order. This change to the Crime and Disorder Act 1998 was also introduced by section 139 of the Serious Organised Crime and Police Act 2005. For more information on interim orders, see the