

R. v DEAN BONESS AND OTHERS

The respondent, however, has doubts whether a prohibition that prevents the appellant from associating with any of the named individuals for five years after his release, even in a private residence where one or more resides, is disproportionate to the risk of anti-social behaviour it is designed to prevent. We share those doubts.

Bebbington and others— the ASBOs

We have no doubt that in respect of all the appellants, other than Schofield and Bruce, it was not “necessary” to make any ASBO, given their antecedent history, reports and references.

Counsel on behalf of Schofield attacked the judge’s findings of fact. The judge conducted the trial and was in the best position to decide upon Schofield’s role.

For Scofield and Bruce, given their history and the judge’s findings, an order could properly have been made to prevent a repetition of the disgraceful conduct of that night. The judge was entitled, absent any special circumstances, to make only one of the orders, namely:

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 attached map.

We amend the ASBO made in respect of Bruce by quashing the other orders and confirming this part only of the original order. In so far as Schofield is concerned, he will be living and working within the exclusion zone, so the order made is inappropriate. In his case the order will read:

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 which is within 100 yards of the main entrance to Chester Station except for the purposes of his work with the Royal Mail.

As the trouble that arose in this case did so on a day when Wrexham AFC was playing away and the club’s supporters were returning home via Chester railway station there will be in the case of both Bruce and Schofield an additional term in the ASBO as follows.

In the case of Bruce:

On any day that Wrexham Town AFC play a regulated football match away from their home 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 attached map.

96 In the cases of Schofield:

On any day that Wrexham Town AFC play a regulated football match away from their home stadium during the period commencing three hours prior to kick off and ending six hours after kick-off, enter any area which is within 100 yards of the main entrance to Chester railway station except for the purposes of his work with the Royal Mail.

97 The period of 10 years for which the judge ordered the ASBOs to run is manifestly