

17. There is a significant body of evidence showing the impact of raves on people who live near where they occur [R51-66, R155-298]. The level of distress that these individuals suffered as a result of the raves organised by the Appellant was high. There is a need to prevent these events occurring in the future.
18. The ASBO (and interim ASBO beforehand) have been effective. The only time where the Appellant's behaviour has improved is when these proceedings were commenced and it was made clear to the Appellant that his actions could not be tolerated.
19. The Appellant has denied the acts alleged by the Respondent. He has shown no acknowledgment or desire to change his ways that might make an ASBO unnecessary.
20. As to the particular prohibitions on the ASBO, significant effort was made by the Respondent and by the court to ensure that any legitimate business activities that the Appellant wished to undertake would in no way be inhibited by this order. For the Appellant to provide recorded music to a gathering of people he would either need to have a licence for that event or to provide the music on a licensed premises for fewer than 500 people with a general licence to play recorded music (see s.1 and Sch.1 of the Licensing Act 2003). This order specifically does not preclude him from providing regulated entertainment under the auspices of a valid licence.
21. The only amendment that the Respondent would seek is that the words "or s.63(1A)" be added after the words "s.63(1)" in prohibitions a, b and c of the ASBO.
22. It is submitted that the terms of the ASBO as drafted are necessary and proportionate in that they should have minimal impact on the Appellant's life and legitimate business activities.

ROBERT TALALAY

Chambers of Fiona Barton QC

5 Essex Court

Temple

29 January 2016