

The applicants all played different roles in the incident, some having substantially more involvement than others and, on the prosecution's case, some of the defendants, particularly Wood and Schofield, were the ringleaders and orchestrated the threats of violence. The CCTV evidence was the basis of the prosecution case against the applicants."

9 We have watched the CCTV evidence.

10 All of the appellants were of good character other than Schofield and Bruce. Schofield had a previous conviction for affray as well as other offences. Bruce had one relevant previous conviction in 2004 for being drunk and disorderly. The authors of the various pre-sentence reports recommended non-custodial sentences given the low risk of reoffending. As the judge said in passing sentence all of the defendants other than Schofield had expressed remorse. Some of the appellants had good character references, including Bruce.

11 In passing sentence the judge said that the defendants had deliberately left the public house with the intention of fighting the group from Wrexham. There could be no other sensible explanation as to what happened that day and it was clearly shown on the video. He said that the people of Chester and visitors to the city had to know that the courts would take a firm stand against this type of criminal behaviour. In addition, the evidence at Schofield's trial indicated that the numbers of the younger element in the football hooligans in Chester had grown significantly over the last two years and that was an issue that could not be ignored. The courts would not tolerate such behaviour and a message had to be sent out to people like them that such behaviour would not be tolerated. All bar Schofield had pleaded guilty and they would receive credit for those pleas. Wood was the most prominent of the protagonists. He threw a bottle at the police and he had a bad record for offences of violence, including one for an offence very similar to this. Schofield was not only the oldest of the defendants but he also directed others. He was not shown outwardly playing an active role, but by his mere presence he made sure that others were there. He was seen shouting and on a number of occasions had clearly instructed others to do things and they had followed his lead and instructions. He was the controlling mind behind what was going on. He also had a previous conviction for a very similar offence. The others had all expressed their remorse and had acted out of character.

ASBOs

12 The power to make an ASBO was introduced by s.1 of the Crime and Disorder Act 1998 (CDA 1998) which came into force on April 1, 1999. In *McCann v Manchester Crown Court* [2002] UKHL 39; [2003] 1 A.C. 787; [2003] 1 Cr.App.R. 27 (p.419) Lord Steyn described the social problem that s.1 of the 1998 Act was designed to address. He referred to the fear, misery and distress that might be caused by outrageous anti-social behaviour, usually in urban areas, often by young persons and groups of young persons. He said: