A yellow blue and purple background

Description automatically generated

**Derbyshire**

**ASB Injunction**

**Guidance Document**

**Version 1.1**

**December 2024**

**Change History**

|  |  |  |
| --- | --- | --- |
| **Version** | **Date** | **Reason** |
| Versions 0.0 – 0.2 | 13/5/24 – 14/10/24 | Development drafts and partner consultation |
| Version 1.0 | 21/10/24 | Presented to Derbyshire ASB Sub-Group, who directed further time be allowed for partner consultation |
| Version 1.1 | 29/11/24 | Additional six weeks of partner consultation, |
| Version 1.1 | 16/12/24 | Derbyshire ASB Sub-Group members informed of final minor amendments made as a result of additional feedback received. |
| Version 1.1 | 10/2/25 | Approved by Neighbourhood Crime and ASB Board |
| Version 1.1 | 4/3/25 | Approved by Derbyshire Safer Communities Board |
| Version 1.1 | 18/3/25 | Approved by Safer Derby Board |
|  |  |  |
|  |  |  |

|  |
| --- |
| The information contained within this document was correct as at November 2024.  Practitioners should be aware that case law and legislation is constantly changing.  The provisions of the legislation must be read and interpreted in conjunction with the latest statutory guidance issued, pursuant to Part 1 of the ASB Crime and Policing Act 2014.  Legal advice, should always be sought, as appropriate / required. |

**CONTENTS**

[INTRODUCTION 6](#_Toc195268283)

[BACKGROUND 6](#_Toc195268284)

[Definitions 6](#_Toc195268285)

[Legislation 7](#_Toc195268286)

[Related Documents 8](#_Toc195268287)

[PRINCIPLES 8](#_Toc195268288)

[1. Incremental approach to enforcement 8](#_Toc195268289)

[2. Multi-agency involvement 9](#_Toc195268290)

[3. Reasonableness and Proportionality 9](#_Toc195268291)

[4. Effective information sharing 9](#_Toc195268292)

[5. Effective Community Engagement and Communication 9](#_Toc195268293)

[6. Assessment of the underlying causes of the ASB 10](#_Toc195268294)

[7. Quality not quantity 10](#_Toc195268295)

[8. Effective co-ordination and case management 10](#_Toc195268296)

[9. Effective compliance monitoring and breach enforcement 10](#_Toc195268297)

[10. Support for victims and witnesses 10](#_Toc195268298)

[INVESTIGATING COMPLAINTS 10](#_Toc195268299)

[Communication with victims and the wider community 11](#_Toc195268300)

[Communication with individuals involved in ASB 11](#_Toc195268301)

[Multi-agency approach 11](#_Toc195268302)

[CONSULTATION 11](#_Toc195268303)

[Consultees 12](#_Toc195268304)

[Consultation Process 12](#_Toc195268305)

[Youth Justice Service (YJS) 13](#_Toc195268306)

[INFORMATION SHARING 14](#_Toc195268307)

[CASE DISCUSSION 15](#_Toc195268308)

[Single-Agency v Multi-Agency 15](#_Toc195268309)

[Case Discussion 15](#_Toc195268310)

[APPLICATION PROCESS 16](#_Toc195268311)

[Who can apply for an injunction? 16](#_Toc195268312)

[Thresholds for Considering an Injunction 16](#_Toc195268313)

[Evidence Gathering 17](#_Toc195268314)

[Community Engagement 17](#_Toc195268315)

[Types of Evidence 17](#_Toc195268316)

[Lead Officer Statement 19](#_Toc195268317)

[Injunction Application Form 20](#_Toc195268318)

[Booking Court Date 20](#_Toc195268319)

[Further ASB or Offending Behaviour 21](#_Toc195268320)

[INTERIM INJUNCTIONS 21](#_Toc195268321)

[Interim Injunctions 22](#_Toc195268322)

[UNDERTAKING 22](#_Toc195268323)

[PROHIBITIONS AND REQUIREMENTS 22](#_Toc195268324)

[Prohibitions 23](#_Toc195268325)

[Exclusion 23](#_Toc195268326)

[Power of Arrest 24](#_Toc195268327)

[Positive Requirements 25](#_Toc195268328)

[DURATION OF AN ORDER 26](#_Toc195268329)

[Adults 26](#_Toc195268330)

[Under 18s 26](#_Toc195268331)

[COURT PROCESSES 27](#_Toc195268332)

[Court Appearance 27](#_Toc195268333)

[Post Court 27](#_Toc195268334)

[PUBLICITY 28](#_Toc195268335)

[Decision Making Process 28](#_Toc195268336)

[Format 29](#_Toc195268337)

[APPEALS 29](#_Toc195268338)

[MONITORING AND ENFORCEMENT 29](#_Toc195268339)

[Breach of the Injunction 30](#_Toc195268340)

[Arrest Process 30](#_Toc195268341)

[Out of Hours 32](#_Toc195268342)

[Penalty on Breach 33](#_Toc195268343)

[Post Court 33](#_Toc195268344)

[VARIATION 33](#_Toc195268345)

[SUPPORT FOR VICTIMS AND WITNESSES 34](#_Toc195268346)

[RECORD KEEPING 35](#_Toc195268347)

[ROLES IN THE INJUNCTION PROCESS 35](#_Toc195268348)

[Community Safety Team 35](#_Toc195268349)

[Lead Officer/Agency 35](#_Toc195268350)

[Partner Agency Representatives 36](#_Toc195268351)

[Youth Justice Service 37](#_Toc195268352)

[Police 37](#_Toc195268353)

[Supervisor of a Positive Requirement 38](#_Toc195268354)

[Legal Services 38](#_Toc195268355)

[Appendix A 39](#_Toc195268356)

[Injunction Flowchart 39](#_Toc195268357)

[Appendix B 40](#_Toc195268358)

[Consultation Guidance 40](#_Toc195268359)

[Appendix C 42](#_Toc195268360)

[Partner Consultation Form 42](#_Toc195268361)

[Appendix D 43](#_Toc195268362)

[YJS Consultation Form 43](#_Toc195268363)

[Appendix E 44](#_Toc195268364)

[ASB Perpetrator Proportionality Assessment 44](#_Toc195268365)

[Appendix F 45](#_Toc195268366)

[Case Discussion - Agenda Template 45](#_Toc195268367)

[Appendix G 46](#_Toc195268368)

[Case Discussion - Minutes Template 46](#_Toc195268369)

[Appendix H 47](#_Toc195268370)

[Statement of Truth 47](#_Toc195268371)

[Appendix I 48](#_Toc195268372)

[Example of a Lead Officer Statement 48](#_Toc195268373)

[Appendix J 49](#_Toc195268374)

[Example of an Injunction Application Form 49](#_Toc195268375)

[Appendix K 50](#_Toc195268376)

[Example of a Draft Injunction 50](#_Toc195268377)

[Appendix L 51](#_Toc195268378)

[Example Prohibitions and Requirements 51](#_Toc195268379)

[Appendix M 53](#_Toc195268380)

[Example of a Power of Arrest 53](#_Toc195268381)

[Appendix N 54](#_Toc195268382)

[Injunction Publicity Assessment 54](#_Toc195268383)

[Appendix O 55](#_Toc195268384)

[Breach Flowchart 55](#_Toc195268385)

[Appendix P 56](#_Toc195268386)

[Police Power of Arrest Flowchart 56](#_Toc195268387)

# INTRODUCTION

In Derbyshire, there are well established structures and processes, which ensure strong partnership working in relation to the management of anti-social behaviour (ASB).

The aim of this document is to translate national guidance on Civil Injunctions into local best practice guidance to encourage a consistent approach towards the enforcement of ASB in Derbyshire and assist agencies working together to tackle ASB in Derbyshire.

This guidance sets out the key principles and elements of good practice, which partners should follow when using Civil Injunctions, which are just one of a range of tools available to tackle ASB.

This guidance has been produced by Safer Derbyshire, in consultation with, and on behalf of partners in Derbyshire and is intended to complement, not replace, individual agency ASB policy and procedures.

The document is based on national guidance [‘Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals’](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf), issued by the Home Office in July 2014 (last updated March 2023), the [Youth Justice Board (YJB) Case Management Guidance](https://www.gov.uk/guidance/case-management-guidance/ancillary-orders) (last updated January 2024) and the recommendations of the [Civil Justice Council report ‘ Anti-Social Behaviour and the Civil Courts (July 2020)](https://www.judiciary.uk/wp-content/uploads/2020/10/ASBI-final-accessible.pdf).

# BACKGROUND

Civil Injunctions were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 to quickly stop, or prevent, individuals engaging in ASB and stop the person’s behaviour from escalating.

## Definitions

*What is Anti-Social Behaviour (ASB)?*

ASB is defined by the Anti-Social Behaviour, Crime and Policing Act 2014 as:-

*Non-housing related*

’acting in a manner that caused, or was likely to cause, harassment, alarm or distress to any person’.

This definition applies to ASB that occurs in a public place where the behaviour does not affect people in their homes or the housing management function of a social housing landlord.

*Housing-related*

‘conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises or conduct capable of causing housing-related nuisance or annoyance to any person.’

This definition relates to ASB that affects people in their homes. It can also be used in cases where someone has allowed another person to engage in ASB, so could be used against a problem visitor, lodger or owner.

*What term is used to refer to the ASB perpetrator?*

Throughout this document the term ‘individual’ is used to refer to the person who has committed the ASB. This covers a range of other terms, which you may be familiar with using, such as defendant, respondent, subject, perpetrator.

To reflect the importance of the ‘Child First’ principles, the term ‘child’ is used, throughout this document, to refer to ‘individuals’ under the age of 18.

*What is the definition of ‘vulnerable’?*

The definition within the Derbyshire Multi-Agency ASB Victims First Process is:-

*‘A victim of ASB is vulnerable if the conduct in question causes an adverse impact on their quality of life. Adverse impact includes the risk of harm; deterioration of their health, mental and or emotional wellbeing; or an inability to carry out normal day-to-day routine through fear and intimidation.’*

*What is an Injunction?*

An injunction is a civil order, which aims to tackle the most serious and persistently anti-social individuals, where informal interventions have failed to stop the behaviour, or where the behaviour is so serious that an immediate legal intervention is required to stop the behaviour from escalating.

Injunctions can be used to stop ASB that is causing serious harm to victims and communities. Examples include, but are not limited to, vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive neighbours, gang-related activity, ‘county lines’ cases.

An injunction can be granted against an individual aged 10 or over, who will be subject to prohibitions and / or positive requirements, depending on what is required to prevent further ASB.

*What is ECINS?*

ECINS stands for Empowering Communities with Integrated Network Systems. It is a secure, cloud-based case management system that enables the police and partners to share information, regarding victims and perpetrators of ASB, fast and effectively.

## Legislation

The following principle Acts inform this guidance:-

* Anti-Social Behaviour, Crime and Policing Act 2014
* Children and Young Persons Act 1933
* Noise Act 1996
* Crime and Disorder Act 1998
* Youth Justice and Criminal Evidence Act 1999
* Police Reform Act 2002
* Anti-Social Behaviour Act 2003
* Civil Evidence Act 1995.

This is not an exhaustive list.

## Related Documents

This Guidance should be read in conjunction with the following documents:-

* [Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals](https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour)
* [Youth Justice Board (YJB) Case Management Guidance](https://www.gov.uk/guidance/case-management-guidance/ancillary-orders)
* Derbyshire ASB Protocol
* Derbyshire ASB Information Sharing Agreement
* Derbyshire ASB Victims First Flowchart
* ASB policies, or procedures, produced by each organisation
* Local authority enforcement policy.

The Derbyshire policy documents are available on the [Safer Derbyshire website](https://www.saferderbyshire.gov.uk/what-we-do/anti-social-behaviour/policies-and-resources/anti-social-behaviour-policy-and-resources.aspx).

# PRINCIPLES

Injunctions can be an effective tool to manage ASB in Derbyshire, providing they are used appropriately. To maintain their effectiveness, the following principles should be considered:-

1. Incremental approach to enforcement
2. Multi-agency involvement
3. Reasonableness and proportionality
4. Effective information sharing
5. Community engagement and communication
6. Assessment of the underlying causes of ASB and provision of appropriate support for individuals
7. Quality not quantity
8. Effective co-ordination and case management
9. Effective compliance monitoring and breach enforcement
10. Support for victims and witnesses

## Incremental approach to enforcement

Injunctions are part of the incremental approach to ASB enforcement, used by partners in Derbyshire, to prevent escalation of the ASB and achieve long-term behavioural change, as detailed in the [Derbyshire ASB Protocol](https://www.saferderbyshire.gov.uk/site-elements/documents/pdf/derbyshire-asb-protocol-version-4.0.pdf).

Early intervention tools, such as Warning letters, Immediate Justice, Turnaround Programme, mediation, Acceptable Behaviour Contracts, should all be considered before applying for an injunction. However, in more serious cases, it may be appropriate to move directly to the injunction, rather than rigidly following the incremental approach.

## Multi-agency involvement

Best practice shows that the multi-agency approach is essential to effectively tackle ASB and so you should engage and consult:-

* all partner agencies that are currently working, or could work, with the individual to stop the ASB and address the underlying causes; and
* all partner agencies that are currently providing, or could provide, support for the victim.

Injunctions will usually be part of a ‘considered’, longer term multi-agency approach to tackling the ASB but, in serious or urgent cases, (usually led by housing), it may be necessary to pursue a ‘single agency’ application for an injunction.

The multi-agency consultation process is detailed under [CONSULTATION](#_CONSULTATION).

## Reasonableness and Proportionality

Injunctions may be used when it is appropriate, proportionate and necessary in order to prevent escalation of the ASB and achieve long-term behavioural change.

Before applying for an injunction, you must be satisfied that the [Thresholds for Considering an Injunction](#_Thresholds_for_Considering), or ‘legal test’ is met.

## Effective information sharing

Sharing information between partner agencies is essential to establish a full understanding of the ASB, the individual(s) and the victim(s), before making a multi-agency decision about appropriate interventions and a support package.

Effective information sharing will reduce duplication and mean that evidence of the ASB, reported to different agencies, can be included in one application.

ECINS facilitates secure, multi-agency information sharing. See [INFORMATION SHARING](#_INFORMATION_SHARING)

## Effective Community Engagement and Communication

*Victims and the wider community*

Effective communication means that victims and the wider community feel they are being taken seriously and their complaint isn’t being ignored, particularly if they do not see immediate changes to the individual’s behaviour.

For partner agencies, it means that practitioners have a better understanding of the harm being caused by the ASB and what the victim sees as a resolution, which might be remedial action, rather than ‘punishment’.

*Individuals involved in ASB*

Agencies should have had communication with the individual before the injunction application is made, so that they are aware of their unacceptable behaviour and have had chance to amend it before the court process commences. See [INVESTIGATING COMPLAINTS](#_INVESTIGATING_COMPLAINTS)

## Assessment of the underlying causes of the ASB

As part of the problem-solving approach, it is important to understand and assess the underlying causes of ASB, which will often involve the relevant partner organisation, who has those assessment skills.

Once the underlying causes have been identified, then arrangements can be made to provide the appropriate support for individuals to enable them to change their behaviour and thus stop the ASB.

This can be achieved through the use of [Positive Requirements](#_Positive_Requirements)

## Quality not quantity

It is not the number of injunctions that are important, rather that they are used in the most appropriate circumstances.

The wording of the injunction is crucial to its effectiveness and enforceability and the number of prohibitions or positive requirements are not important, rather, they must be clear, reasonable and proportionate. See [PROHIBITIONS AND REQUIREMENTS](#_PROHIBITIONS_AND_REQUIREMENTS)

## Effective co-ordination and case management

ECINS is the multi-agency ASB case management system in Derbyshire and should be used to record the interventions and actions that lead up to, and include, the injunction. See [RECORD KEEPING](#_RECORD_KEEPING)

## Effective compliance monitoring and breach enforcement

To maintain public confidence and the integrity of the enforcement action, the terms of the injunction must be effectively monitored, and breach action taken, where necessary. See [MONITORING AND ENFORCEMENT](#_MONITORING_AND_ENFORCEMENT)

## Support for victims and witnesses

Research shows that, where victims feel supported and protected, they are more likely to be prepared to take a stand and act as witnesses to help reduce ASB. Victims need to have confidence that their ASB complaints will be taken seriously by statutory agencies. The support needs to follow through from the first report of the ASB, to any enforcement action, or court case, and beyond.

See [SUPPORT FOR VICTIMS AND WITNESSES](#_SUPPORT_FOR_VICTIMS_1)

# INVESTIGATING COMPLAINTS

When investigating reports of ASB, agencies must satisfy themselves that the reports are not motivated by discrimination on grounds such as race, culture, religion, age, gender, disability, gender identity, sexual orientation or alternative sub-culture.

Each partner agency will follow their own organisation’s policy regarding investigation practices, but best practice shows that the multi-agency approach is essential to effectively tackle ASB.

## Communication with victims and the wider community

Agencies should contact all potential victims and witnesses to help understand the harm being caused to others, including the wider community.

Agencies should maintain regular communication with the victim, and the wider community, until the ASB is resolved. Keeping victims informed while agencies determine the most appropriate response will ensure they feel more assured and increase the likelihood of them supporting any enforcement action.

## Communication with individuals involved in ASB

Agencies should have had communication with the individual before an injunction application, so that they are aware of their unacceptable behaviour and have had chance to amend it before the court process commences.

It is important that individuals fully understand:-

* that their behaviour is unacceptable.
* the impact of their behaviour on others.
* what standards of behaviour are expected.
* what behaviour will not be tolerated and needs to change.
* action that will be taken if the ASB does not stop.
* that they should seek legal advice and they may be eligible for Legal Aid.

Unless the situation is so serious that a ‘without notice’ injunction is required, this communication will often take the form of an ‘Injunction Warning Letter’.

## Multi-agency approach

Where the ECINS Triangle and the Risk and Vulnerability Assessment (RAVA), identify the need for a multi-agency approach, then the discussion about whether it is appropriate to apply for an injunction should initially be through local ASB Solutions Meetings. This will ensure that agencies do not take conflicting action regarding the individual(s).

# CONSULTATION

Sharing information amongst agencies working with the individual is essential to establish a full picture, before making a multi-agency decision about appropriate interventions and a support package.

The consultation process also ensures that agencies do not take conflicting action regarding the individual.

## Consultees

In Derbyshire, we will consult and engage:-

* all partner agencies that are currently working, or could work, with the individual to stop the ASB and address the underlying causes; and
* all partner agencies that are currently providing, or could provide, support for the victim.

For children under the age of 18, there is a statutory requirement to consult the [Youth Justice Service (YJS)](#_Youth_Justice_Service).

Partners who could be responsible for supervising positive requirements included within an injunction should be consulted at an early stage (See [Positive Requirements](#_Positive_Requirements)).

The Lead Officer should consult with their organisation’s legal team for advice at an early stage.

In situations where families are ‘struggling’ to manage a child’s behaviour that is having a negative impact on that child, then the Derby and Derbyshire Safeguarding Children Partnership [Threshold document](https://derbyshirescp.trixonline.co.uk/resources/documents-library) will help identify the level of a child's needs and the appropriate level of intervention. Professionals can seek advice through Derbyshire Starting Point: 01629 535353 or, in Derby City, the Children's Services Professional Consultation Line: 07812 300329. Depending on the situation, it may be appropriate to make a referral through [Starting Point](https://www.derbyshire.gov.uk/social-health/children-and-families/support-for-families/starting-point-referral-form/starting-point-contact-and-referral-service.aspx) or [Derby Children’s Social Care Online Referral System](https://myaccount.derby.gov.uk/en/service/report_concerns_about_a_child).

If there are concerns about the welfare or safety of a child or adult, immediate action should be taken, following your agency safeguarding policy. If you believe that a child or an adult is at immediate risk of harm, and in need of protection, then you should call the police immediately on 999.

The circumstances under which various agencies should be consulted are detailed at [Appendix B](#_Appendix_B).

## Consultation Process

There are specific processes for the statutory consultation with the [Youth Justice Service (YJS)](#_Youth_Justice_Service) but for other partners the consultation could be by:-

* Agenda item at the local ASB Solutions meeting
* Invitation to a Case Discussion Meeting
* Partner Consultation Form (See [Appendix C](#_Appendix_C))
* Email
* Telephone conversation.

Partner agencies should engage with the consultation process and respond, as soon as possible, to meet the timescales determined by the court process.

If there is a need to establish whether a child is known to Children’s Services, this can be checked through the Starting Point Professional Consultation and Advice Line – [information.startingpoint@derbyshire.gov.uk](mailto:information.startingpoint@derbyshire.gov.uk) or 01629 535353 or Derby City’s Initial Response Team on 01332 641172.

## Youth Justice Service (YJS)

Where an injunction is being considered for a child, the local YJS must be consulted, as early as possible, to check whether they have any relevant information and to ensure they do not take, or propose, conflicting action.

The only exception to this is for a ‘without notice’ application’ but, if the case is adjourned, then the requirement to consult the YJS remains. For urgent injunctions, it remains local good practice to at least notify the YJS of the ‘without notice’ application, so the YJS Court Officer is aware.

The statutory requirement for consultation does not mean that the YJS must agree to the application, rather that they are aware of the proposed application and given the opportunity to comment.

Lead Officer must invite the YJS to the multi-agency Case Discussion, so that:-

* They are aware of the ASB from the victim and child’s perspective.
* They can share information about the child, if they are, or have previously been, supervised by the YJS.
* They are satisfied that all the pre-court and voluntary options have been exhausted.
* They can advise on relevant prohibitions and positive requirements.

The consultation process must be formalised through the YJS Consultation Form (See [Appendix D](#_Appendix_D)).

* For children in Derby City, the Lead Officer must email the YJS Consultation Form to [DerbyYOT@derby.gov.uk](mailto:DerbyYOT@derby.gov.uk) and then contact Derby YJS Duty Team on 01332 642444 to make them aware of the YJS Consultation Form that has been sent.
* For children in Derbyshire, the Lead Officer must email the YJS Consultation Form to [GrpDerbyshire-Yot-SouthEast@derbyshire.gov.uk](mailto:GrpDerbyshire-Yot-SouthEast@derbyshire.gov.uk)

The YJS Consultation Form should be pre-populated with the following information:-

* Details of the child
* Court date and time
* Details of the alleged incidents
* Details of previous interventions
* Rationale for an injunction application, demonstrating how any previous concerns expressed by the YJS have been addressed/considered
* Proposed injunction prohibitions and requirements.

It is good practice to telephone the YJS to alert them of the request and advise them of the timescales involved.

The YJS must consider their response and record their information and recommendations, relating to the child, on the YJS Consultation Form and return it to the Lead Officer within the required timescales. This will usually be based on their existing knowledge of the child, but where the child is not known to the YJS, the YJS may require additional time to meet the child and their parent/carer to conduct an assessment of the child’s needs and family circumstances, particularly if considering positive requirements.

Based on their knowledge, and assessment, of the child, the YJS will give their recommendations as to the appropriate prohibitions and positive requirements necessary to stop the ASB and protect the victims/community.

Details of the contact with the YJS (including date and time) and the completed YJS Consultation Form must be included in the file of evidence submitted to the Legal Officer, compiling the injunction application. This will provide:-

* Confirmation that the YJS has been consulted regarding the injunction.
* Confirmation that the YJS has undertaken an assessment (or a ‘Nil Report’ if the child and the family refused to co-operate).
* Statement of suitability (or otherwise) of the proposed prohibitions and positive requirements for the injunction.
* An indication of the work to be undertaken during the period of the injunction requirement (where the positive requirement is to be supervised by the YJS).
* Confirmation that the YJS will provide evidence to support enforcement action, when required.

Wherever possible, the YJS will attend Court to confirm the supervision arrangements. The Legal Officer should, therefore, try to book a Friday at Derby Justice Centre when the Youth Court is already sitting because there will be a YJS Officer in Court. If that is not possible, the YJS will endeavour to have an officer in attendance for the Hearing, providing sufficient notice is provided.

The conditions imposed by the injunction will be overseen by a responsible officer in the YJS. The YJS will ensure the positive requirements in the injunction are tailored to the needs of the child.

The YJS must also be consulted prior to commencing breach proceedings and before applying to vary or discharge an injunction (See [MONITORING AND ENFORCEMENT](#_MONITORING_AND_ENFORCEMENT)).

# INFORMATION SHARING

Under Section 115 of the Crime and Disorder Act 1998, information should be shared with the relevant authority (police, local authority, fire service, probation service or health authority) for the purposes of reducing ASB. The ‘legal gateway’ to sharing information in Derbyshire is provided by the [Information Sharing Agreement for ASB](https://www.saferderbyshire.gov.uk/what-we-do/anti-social-behaviour/policies-and-resources/anti-social-behaviour-policy-and-resources.aspx).

Wherever possible, information will be shared between agencies using ECINS, the multi-agency ASB case management system.

# CASE DISCUSSION

## Single-Agency v Multi-Agency

Injunctions are most effective as a multi-agency tool, due to the need to address the underlying causes of ASB.

However, there will be incidents of serious ASB that require immediate action in the form of an injunction application. This is often ‘housing-related’ ASB.

Longer-term cases of ASB, that are escalating to the point of requiring legal enforcement, should be considered on a multi-agency basis.

A single-agency injunction application will only be considered for a child in the most exceptional circumstances.

## Case Discussion

Where the partners agree that an injunction should be discussed further, the Lead Officer will arrange a Case Discussion involving all appropriate agencies, i.e. those that:-

* Have received ASB reports
* Are currently working with the individual and/or victim
* Could work to address the underlying causes of the ASB; and
* Could provide support to the victim.

The Case Discussion could be a specific meeting or part of an existing multi-agency meeting, bearing in mind that additional partners may need to be invited, or contacted separately, by the Lead Officer.

The aims of the Case Discussion are to:-

* Share information and intelligence that each agency holds about the individual.
* Review all previous formal / informal enforcement action and interventions taken by each agency.
* Discuss and agree what action should be taken to address the ASB.
* Consider the impact of the agreed action on equality issues, using the Equality Impact Assessment or an ASB Perpetrator Assessment, which is included at [Appendix E](#_Appendix_E).
* Consider whether a ‘Without Notice’ injunction is required to urgently stop the ASB.
* Discuss possible prohibitions for inclusion in the injunction (although these will be finally negotiated and agreed at court).
* Agree whether a Power of Arrest is required.
* Agree what support can be offered by each agency, to determine what positive requirements should be included in the injunction (although these will be finally negotiated and agreed at court).
* Decide who should be the Lead Agency/Officer for preparing the injunction application.
* Agree the appropriate level of publicity (See [PUBLICITY](#_PUBLICITY)).
* Agree how the terms of the injunction would be monitored by each agency and confirm the process for reporting breaches.
* Agree the threshold and process for instigating breach proceedings.

An agenda template for the Case Discussion is included at [Appendix F](#_Appendix_F).

The Minutes of the Case Discussion Meeting must clearly record decisions, and the reasons behind them, and be uploaded on ECINS.

Extracts from the Minutes of the Case Discussion can be used as a hearsay document in the injunction application. This would take the form of a statement, stating that that ‘It was agreed at the multi-agency meeting on (insert date), attended by (insert agencies), that an injunction application for (insert name) was to be pursued.’ The document should detail which agencies (if any) did not agree to the application and why.

A template for the Minutes of the Case Discussion is included at [Appendix G](#_Appendix_G).

The final decision, as to whether an injunction is appropriate, rests with the legal department of the organisation making the injunction application.

# APPLICATION PROCESS

The injunction process is summarised in the flowchart at [Appendix A](#_Appendix_A_1).

## Who can apply for an injunction?

An injunction can be applied for by:-

* the local authority
* the police
* the relevant housing provider, in relation to their housing management function.

Applications against adults must be made to the County Court, or High Court, and to the Youth Court, for children under 18.

## Thresholds for Considering an Injunction

Action against individuals involved in ASB should be prioritised in accordance with the incremental approach within the Derbyshire ASB Protocol and individual partner agencies’ policies and procedures.

For serious and persistent ASB, an injunction should be considered, subject to the ‘two stage legal test’. To grant an injunction, the Court must be satisfied that:-

* on the balance of probabilities, the individual engaged, or threatened to engage, in ASB; **and**
* it is ‘just and convenient’ for the purpose of preventing the individual from engaging in ASB.

An injunction could be used in situations where the individual has ‘allowed’ another person to engage in ASB. In these circumstances, an injunction could be considered against a visitor, lodger or owner of a property.

The decision to consider an injunction must be ‘reasonable’ and ‘proportionate’ and the conditions of an injunction should not be designed to stop reasonable, trivial or benign behaviour that has not caused, or is not likely to cause ASB to victims or communities.

To help assess whether the decision to pursue an injunction is reasonable and proportionate, you should undertake an impact assessment, such as your organisation’s Equality Impact Assessment or an ASB Perpetrator Assessment, which is included at [Appendix E](#_Appendix_E).

It is good practice to consider an injunction when all other informal interventions have failed to stop the ASB, but each case should be considered individually.

When a ‘serious’ or ‘immediate’ situation arises, an urgent single agency response may be required, without following the multi-agency incremental enforcement approach. In these cases, [Interim or ‘Without Notice’ Injunctions](#_INTERIM_INJUNCTIONS) may be considered.

By prioritising resources and targeting the individuals involved in the most serious cases of ASB, the action should be an effective deterrent to others.

## Evidence Gathering

The Lead Agency is responsible for gathering sufficient evidence to meet the civil standard of proof and prove that it is ‘on the balance of probabilities’ that the individual engaged, or threatened to engage, in ASB.

The process of gathering evidence and presenting it to the court should be as swift as possible to protect and reassure the public.

Partner agencies are responsible for sharing their information about an individual, in accordance with the legislation and agreed processes detailed in the [Derbyshire Information Sharing Agreement for ASB](https://www.saferderbyshire.gov.uk/what-we-do/anti-social-behaviour/policies-and-resources/anti-social-behaviour-policy-and-resources.aspx), to provide additional evidence to support the injunction application.

## Community Engagement

Information, intelligence and opinions obtained from the community feed into the evidence gathering process. Any information about ASB, not directly linked to the individual being considered for an injunction, can be dealt with separately, using a Community Impact Statement.

A Community Impact Statement can provide information from police, council officers or other partner agencies, such as housing providers, describing the impact of the ASB on local residents.

## Types of Evidence

The best type of evidence is given by witnesses who are willing to testify in court. Witnesses should be encouraged to come forward, but they must be supported to do so. For more information, see [SUPPORT FOR VICTIMS AND WITNESSES](#_SUPPORT_FOR_VICTIMS_1)

As every ASB case is different, it is not appropriate to apply a set approach to applications for injunctions and your Legal Department will advise exactly what evidence is required but, as a minimum, it should include:-

* Direct evidence – witnesses who are prepared to attend court to give evidence of what they have personally witnessed.
* Witness statements from victims and witnesses affected by the behaviour, including Victim Personal Statements.
* Completed YJS Consultation Form, for children under 18.
* Equality Act Assessment / Perpetrator Assessment.
* Lead Officer Statements (See [Lead Officer Statement](#_Lead_Officer_Statement) for additional guidance).
* A schedule of CCTV evidence, which should detail the date(s) and time(s) and a summary of what they show. A still image could be included, if appropriate.

Do NOT include all the information held by the police or local authority – discretion should be used. Only include evidence that:-

* Supports the prohibitions or requirements AND
* Is capable of meeting the civil standard of proof that the individual engaged, or threatened to engage in ASB, as per the [Definitions](#_Definitions)

OR

* Shows how an injunction would be helpful to prevent future ASB. (For example, that informal attempts to stop the ASB have been unsuccessful).

If additional evidence is required to support an injunction application, this could include the following examples:-

* Community Impact Statement
* Witness statements from officers who attended incidents
* Information from witness diaries
* CCTV recordings (only if it provides high quality images)
* Non-compliance with previous interventions eg Warning Letters, ABCs, CPNs
* Previous civil proceedings, such as an Eviction Order
* Supporting statements from partner agencies involved in the multi-agency consultation process
* Documentary evidence - e.g. minutes of multi-agency meetings
* Hearsay evidence - i.e. statements from professional witnesses, such as council employees, police officers, teachers, doctors, elected members etc who have interviewed the victim or witness directly can give their assessment of the individual and/or their behaviour.

All evidence, statements and Court documents must include a Statement of Truth. The required wording is included at [Appendix H](#_Appendix_H).

*Hearsay Evidence*

Section 1(2) Civil Evidence Act 1995 defines Hearsay as ‘a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence of the matters stated.’

Hearsay evidence protects the identity of witnesses who are too fearful to give evidence. It allows a Police Officer, or any other professional, to provide a statement, on behalf of the witness(es), giving the details of the behaviour, such as dates/times, locations, who was present, who said/did what etc. police incident printouts can be used to provide this information. If the evidence is required to be disclosed to the Defence Solicitor, the incidents prints must be edited. Police intelligence information cannot be used for this purpose.

Hearsay evidence can also include an observation of the impact of the behaviour on the victim/witness.

Whilst hearsay evidence can be used to support an injunction application, it is for the Court to decide the value it places upon it.

## Lead Officer Statement

Lead Officer statements must be completed by the Lead Officer from each of the partner agencies involved in the case and should be used to exhibit their own organisation’s evidence, such as incident logs, diary sheets, CCTV etc.

There is a specific template for Lead Officer statements used in the Civil Court (See example at [Appendix I](#_Appendix_I)). Police Officers can use an MG11, but the Local Authority or Housing Lead must produce a covering statement to exhibit the MG11. However, this means that the contents of the MG11 will be considered hearsay evidence, so it is preferrable for the police officer to provide a civil statement.

A Lead Officer Statement should include:-

* A paragraph detailing the Lead Officer’s role and experience.
* A summary of the impact of the ASB on the community, emphasising if the behaviour is a particular problem in that area, but avoiding emotive language.
* A paragraph stating that the incidents referred to in the statement, or attached table, have been obtained from business records held by the organisation.
* Chronology of the ASB-related offending history, recorded by police, housing and other partner agencies, with the most recent incident first. The most recent incidents are likely to provide stronger evidence in support of the injunction application, but earlier incidents can be included if they demonstrate a pattern of behaviour. This information can be within the Lead Officer Statement or listed in a separate schedule that is exhibited.
* Concise incident information should be detailed, as follows:-
  + Date
  + Time
  + Location (Specify if the location is within a proposed exclusion zone)
  + Description of the incident i.e.
    - Names of anyone else involved in the incident (Highlight if they are named within a proposed non-association prohibition)
    - Names of victims, except where they have given evidence anonymously.
  + Disposal history of each incident.
* Exhibits of documents, such as victim/witness statements, CCTV schedule, Minutes
* Dates and outcomes of previous interventions used to prevent the ASB - e.g. Acceptable Behaviour Contract, Community Protection Notice.
* A final paragraph stating that:-
  + the incremental approach has been followed;
  + evidence has been provided to demonstrate the legal test has been met; and
  + reasonableness and proportionality has been considered, in determining the proposed course of action.
* The standard Statement of Truth (See [Appendix H](#_Appendix_H)).

NB Information for inclusion in the Lead Officer statement can be obtained from ECINS, subject to the agreement of the partner organisations whose information is being included.

The use of acronyms and specialist terms should be avoided in the Lead Officer Statement, unless an explanation is included.

## Injunction Application Form

The Injunction Application Form should be completed by the Legal Officer. To enable the Legal Officer to do this, the ‘instructing’ Lead Officer must provide:-

* The evidence/exhibits
* The Lead Officer statement(s)
* The proposed terms of the injunction (including prohibitions, positive requirements and term of the order).
* Maps detailing the area covered by the injunction and any proposed exclusion zones.
* The Equality Impact Assessment, or an ASB Perpetrator Assessment ([Appendix E](#_Appendix_E)) included, or referred to, in the Lead Officer Statement.

An example application form is available at [Appendix J](#_Appendix_J).

The Legal Officer will ‘approve’ the final application by completing an additional Statement of Truth.

Some housing providers may opt to ‘self-represent’, but it is considered best practice to seek legal representation, as there is a risk of the Court not hearing a non-qualified officer.

Where an application is made ‘on notice’ a copy of the application notice and evidence must be personally served on the individual (defendant) at least two days before the first hearing.

## Booking Court Date

Court listing policy is outside the scope of this guidance, but an injunction should be listed as a matter of urgency and, ideally, within 14 days of the application being filed.

In serious and exceptional circumstances, the Court can hear the application on the same day, but for the normal process is to contact the Court and obtain a Hearing date.

For applications to the Youth Court, where possible, the Legal Officer should aim to book a date when the Youth Court is already sitting because there will be a YJS Officer in Court. If that is not possible, the YJS will endeavour to have an officer in attendance for the Hearing, providing sufficient notice is given.

To assist the Court booking process, the Lead Officer should provide the Legal Officer with current availability from key partners/individuals, such as:-

* ASB Officer
* YJS
* victim
* key witnesses.

The victims and witnesses will not be required to attend Court for an interim injunction application, but they should be available on ‘stand-by’.

## Further ASB or Offending Behaviour

Where the individual commits further ASB, or criminal offences, after the service of the injunction application, but before the injunction application is heard, evidence of that behaviour is admissible.

The Lead Officer must provide the information to the Legal Officer, as soon as possible, so that they can include it, as appropriate.

# INTERIM INJUNCTIONS

In serious and exceptional cases, where there is risk of serious harm to victims, it may be appropriate to consider an ‘interim’, or ‘without notice’, application. These could be obtained on the same day, in extreme cases.

It is recommended that the same test as that for attaching a Power of Arrest is used, which is that:-

* The ASB involves the use, or threatened use, of violence against others; OR
* There is a significant risk of harm to others from the individual.

The application should clearly evidence why an interim injunction is necessary to urgently protect the victim(s), or the community, from on-going harassment, alarm or distress. An Equality Impact Assessment or ASB Perpetrator Assessment ([Appendix E](#_Appendix_E)) should also be completed.

The statutory requirement to consult the YJS does not apply, but it remains local good practice to at least notify the YJS of the ‘without notice’ application, so the YJS Court Officer is aware (see [Youth Justice Service (YJS)](#_Youth_Justice_Service)).

If the ‘without notice’ application is adjourned, then the statutory requirement to consult the YJS and inform other partners applies. It remains good practice to consult other partner agencies, see [CONSULTATION](#_CONSULTATION).

## Interim Injunctions

An interim injunction:-

* Can be granted if a ‘without notice’ application is successful.
* Can be granted when a standard injunction application is adjourned.
* Can impose the same prohibitions as a full order.
* Cannot impose any positive requirements.
* Can impose a power of arrest.
* Will be imposed until the next hearing date.
* Will be formally ‘released’ by the Court if the application for the full injunction is withdrawn or refused.
* Has the same penalties for breach as a full injunction, including any Powers of Arrest.
* Can be varied or discharged on application by the individual who is subject of the injunction.

# UNDERTAKING

As an alternative to an injunction, the parties may consider an undertaking.

An undertaking is a promise to the court to do, or not do, certain things. The individual must be present in court and sign the undertaking form, before the Judge. There is no admission of guilt made by the individual and no ‘finding of fact’ on the evidence.

The undertaking can reflect the terms of the injunction already requested, although a power of arrest cannot be attached.

A breach of an undertaking is considered very serious by the Court, as it is contempt of a promise made directly to the Court.  If there is such a breach, an application to commit the individual may be made and they can be fined or sent to prison in the same way as for [Breach of the Injunction](#_Breach_of_the).

# PROHIBITIONS AND REQUIREMENTS

Injunctions can include prohibitions or positive requirements, or both. The prohibitions and requirements should be considered as part of the multi-agency Case Discussion Meeting and discussed with your Legal Team, but it is for the Court to decide which are needed to prevent further ASB and what measures are appropriate (and available) to tackle the underlying causes of the ASB.

The application will need to demonstrate how each prohibition and positive requirement will help stop or prevent the individual from engaging, or threatening to engage, in ASB in the future.

The prohibitions and requirements must not conflict with their education, employment or any other court order or injunction, to which they are subject.

The Equality Impact Assessment, or an ASB Perpetrator Assessment ([Appendix E](#_Appendix_E)), should also consider the impact on an individual’s religious beliefs, any caring responsibilities and, if they have a disability, as to whether they can comply with the proposed prohibitions or requirements.

Where there are two or more prohibitions or requirements, the Court will also consider their compatibility with each other.

## Prohibitions

The injunction application should include a draft of the proposed prohibitions, the duration, and any powers of arrest attached, but it is the Court that has the final decision on the prohibitions imposed by the injunction.

The prohibitions should be:-

* Relevant to the ASB / offending behaviour that is to be stopped.
* Based on proven behaviour that caused, or was likely to cause, harassment, alarm or distress or, for housing-related injunctions, behaviour that was capable of causing nuisance or annoyance.
* Necessary to protect the public from further ASB by the individual.
* Written in plain English, so they are clear and easily understood.
* Reasonable and proportionate.
* Realistic and practical.
* Specific – e.g. times, maps of exclusion areas.
* Limited in number.
* Enforceable - easy to monitor and prosecute any breaches.

Injunctions may include a general prohibition *‘Not to act, or encourage others to act, in a manner that causes, or is likely to cause harassment, alarm or distress to any person’,* but the prohibition should be tailored to the individual, wherever possible, and also be geographically defined to where the ASB is happening (so ‘Derbyshire’ or ‘England and Wales’ is not appropriate, but the specific local authority area is acceptable).

For adults, prohibitions can be for a fixed or indefinite period. Not all prohibitions have to last for the same term as the injunction. For example, a curfew could apply for the first six months of a 24-month injunction. For under 18s, prohibitions must have a specified time limit, with a maximum of 12 months.

The wording of prohibitions should be developed on a ‘case-by-case’ basis, but some examples of injunction prohibitions are included at [Appendix L](#_Appendix_L). This is not an exhaustive list and should be seen only as suggestions of what you may need to include to address the issues in each specific case.

## Exclusion

An injunction can:-

* restrict behaviour within a specified area
* exclude an individual from a specific premise or a defined area (an exclusion zone)
* exclude an adult from their home.

*Exclusion Zone*

If an exclusion zone is sought, the Lead Officer Statement and the injunction application form must clearly state the incidents that occurred within the proposed exclusion zone. A separate map showing the location of the incidents will assist the court to understand the need for the exclusion zone.

The exclusion zone should be described in words, and clearly defined on an A4 map, to ensure it is enforceable. If the individual lives near the proposed exclusion zone, then their home address should be clearly marked on the map.

*Exclusion from Home*

An injunction can exclude an adult from their home, where the Court thinks that either:-

* the person has engaged in violence, or threatened violence, against other persons; OR
* there is a significant risk of harm to another person.

Harm is defined as ‘serious ill-treatment or abuse, whether physical or not’. This could include emotional or psychological harm, such as harassment or racial abuse.

Applications for injunctions excluding an individual from their home should be made by the appropriate organisation, so:-

* Social landlords can only make applications relating to their own tenants.
* Police or the local authority can make applications relating to owner-occupiers, private or social tenants (but should inform and consult the landlord).

This prohibition should only be used in extreme cases and would not normally be made ‘without notice’, because it could result in making the individual homeless. Strong evidence will be required to demonstrate that it is ‘necessary’ to exclude someone from their home. ‘Reasonableness and proportionality’ will also need to be demonstrated in the Equality Impact Assessment or an ASB Perpetrator Assessment ([Appendix E](#_Appendix_E)).

## Power of Arrest

A power of arrest can be attached to specific prohibitions within an injunction if:-

* The ASB involves the use, or threatened use, of violence against others; OR
* There is a significant risk of harm to others from the individual.

An example of a Power of Arrest is included at [Appendix M](#_Appendix_M).

To seek this power, the injunction application must include evidence of the high level of risk to the victim(s) or the community, if the specific prohibition is breached.

The period of the power of arrest may be shorter than the duration of the prohibition that it is attached to.

An interim injunction with a power of arrest can be applied for ‘without notice’, but the individual cannot be arrested for breaching the prohibition until the injunction has been served on them (See [Post Court](#_Post_Court)).

The process for using the power of arrest is outlined under the [Arrest Process](#_Arrest_Process)

## Positive Requirements

An injunction application should include a draft of the proposed positive requirements, but it is the Court that has the final decision on the requirements imposed by the injunction.

The requirements should aim to tackle the underlying causes of the ASB and be tailored to the specific needs of the individual. They could include:-

* Supervision by the Youth Justice Service
* Attendance at an anger management course
* Youth mentoring
* Substance misuse counselling
* Attending mediation
* YJS Turnaround Programme
* Activities detailed in the Derbyshire Community Remedy Document.

The term of the positive requirement does not have to correspond with the term of the injunction. For example, a condition for counselling could apply for the first three months of a 12-month injunction.

The injunction must specify an individual, or organisation, who will be responsible for supervising the individual's compliance with each requirement and must be prepared to assist with enforcement.

The injunction application must include evidence about the suitability and enforceability of each requirement from the person, or organisation, who will be responsible for supervising compliance. Where a course is proposed, details of what is involved should be included, such as, frequency of the sessions, how long the sessions last, the issues that will be covered and how the intervention is being funded.

In addition to any positive requirement, the individual must also:-

* Keep in touch with the person/organisation responsible for supervising the requirement.
* Notify the person/organisation, responsible for supervising the requirement, of any change of address.

Consultation with the YJS is required to ensure that the proposed positive requirements are appropriate for the child. The YJS response will detail the type of work to be undertaken with the child. Interventions delivered by the YJS must be linked to the offending behaviour and non-attendance will be considered a breach. YJS referrals to additional support services, such as substance misuse are considered to be voluntary and so, non-attendance would not trigger breach action.

The wording of positive requirements should be developed on a ‘case-by-case’ basis, but some examples are included at [Appendix L](#_Appendix_L). This is not an exhaustive list and should be seen only as suggestions of what you may need to include to address the issues in each specific case.

In the event of the breach of a positive requirement, the organisation responsible for supervising the requirement must report it, within one working day, to the Lead Officer for the organisation which obtained the injunction, to enable enforcement action to be taken (See [Breach of the Injunction](#_Breach_of_the)).

If a formal positive requirement is not available for a child, consideration should be given to addressing their support needs through existing services, such as Early Help. In Derbyshire that should be through [Starting Point Advice Line](https://www.derbyshire.gov.uk/social-health/children-and-families/support-for-families/starting-point-referral-form/starting-point-contact-and-referral-service.aspx) and in Derby City, via the [Derby Children’s Social Care Online Referral System](https://myaccount.derby.gov.uk/en/service/report_concerns_about_a_child).

# DURATION OF AN ORDER

## Adults

An injunction can be for a fixed or indefinite period. The Lead Officer should propose the term of the injunction in the application, however, the term granted is at the discretion of the Court.

The proposed term of the order should take into account the:-

* Age of the individual
* Nature of the ASB
* Length of time the behaviour has been happening
* The individual’s response to previous interventions.

Prohibitions and requirements may have specific durations, which may be different to the term of the injunction.

## Under 18s

For a child, the prohibitions and requirements must be time-limited, with a maximum term of 12 months. The Lead Officer should propose the term of the injunction in the application, however, the term granted is at the discretion of the Court.

The proposed term of the order should take into account the:-

* Age of the child
* Nature of the ASB
* Length of time the behaviour has been happening
* Child’s response to previous interventions
* View of the YJS.

Prohibitions and requirements may have specific durations, which may be different to the term of the injunction.

# COURT PROCESSES

## Court Appearance

The Legal Representative of the Lead Agency will present the case to the Judge. The Lead Officer should, wherever possible, attend court to support Legal Services, if required. There may be more than one court appearance, if proceedings are adjourned.

For interim injunctions, the first court hearing is based on the paperwork submitted, so attendance of the Lead Officer, YJS and victims/witnesses are not usually necessary until the full hearing, approximately 14 days later. The Lead Officer should liaise with their Legal representative to confirm attendance requirements.

Some housing providers opt to ‘self-represent’, but this is not considered best practice, and there is the risk of the Court not hearing a non-qualified officer.

## Post Court

Legal Services, or the Lead Officer, will obtain a copy of the injunction (or interim injunction) from the Court and ensure the terms are correct, as agreed by the Judge.

An injunction must be personally served on the defendant unless the Court orders otherwise.The ‘applicant’ (Lead Organisation) should arrange for the injunction to be personally served on the individual as soon as possible. Until this has been done, the injunction is not effective, and breach/committal proceedings cannot be progressed.

Officers of the Lead Organisation can serve a copy of the injunction themselves, possibly accompanied by the police, if there are risks to personal safety. Alternatively, this can be done by a third-party process server, on their behalf.

A [Certificate of Service](https://www.gov.uk/government/publications/form-n215-certificate-of-service) (N215) is requiredto advise the Court which documents you served, who you served them on, and when, where and how you served them.

The Lead Officer should obtain a copy of the injunction from Legal Services and update ECINS by:-

* Uploading a copy of the injunction to the Profile
* Updating the Actions tab with the start and end date of the injunction
* Uploading a copy of the injunction court file to a Report. Access to this Report should be granted to all agencies responsible for monitoring the injunction.

The Court should send a copy of the injunction to the police for adding to PNC. However, to ensure this happens promptly, it is recommended that the Lead Officer sends a copy of the injunction, plus out of hours contact details, to [CriminalDataDerbyshire@Derbyshire.police.UK](mailto:CriminalDataDerbyshire@Derbyshire.police.UK).

A copy of the injunction and out of hours contact details should also be shared with the local police Safer Neighbourhood Team, and any other partner agency responsible for monitoring a positive requirement, or any other terms of the injunction (for example the Youth Justice Service).

The Lead Officer must notify original victims and witnesses of the outcome of the court hearing.

If promotion of the injunction was agreed at the Case Discussion Meeting, the Lead Officer should oversee the printing and distribution of the publicity material. For more information, see the below section on [PUBLICITY](#_PUBLICITY).

# PUBLICITY

As with all ASB enforcement action, publicity is important to reassure the community and build public confidence in the police and other agencies.

Publicity helps prevent further ASB, reassure victims and enable the community to assist in the enforcement of the order.

Decisions regarding publicity of injunctions should be taken on a case-by- case basis and reasons for the decision must be recorded.

Publicity should be ‘necessary and proportionate’ to the ASB and its impact on the community. So, for example, where the ASB only impacts a small number of residents on an estate, then it may be more proportionate to notify only the victims, witnesses and residents affected but, if the ASB impacts on the wider community, such as issues in the town centre, then greater publicity may be considered appropriate.

The press may be in Court so they may also publish information about the injunction, unless the Judge imposes reporting restrictions.

*Under 18s*

The Court may restrict the publication of information that can lead to the identification of a child, under Section 39 of the Children & Young Persons Act 1933, if not the YJS could make an application for this.

Photographs can only be uploaded to ECINS Profiles, where the Court has granted an injunction, a photograph is available and approved for publicity purposes.

## Decision Making Process

Publicity should be considered as part of the initial Case Discussion Meeting, in order to balance:-

* The need for publicity
* The human rights of the public
* The human rights of the individual involved in the ASB.

If publicity is considered ‘necessary and proportionate’, the Lead Officer should complete the Injunction Publicity Assessment (See [Appendix N](#_Appendix_N)) to evidence the decision. The document should be signed by the Divisional Superintendent (Operations), or local authority/housing provider equivalent, and uploaded to ECINS, with the Minutes of the Case Discussion.

## Format

The content of the publicity material should be proportionate, accurate and factual. Consideration should be given to:-

* Language - words such as ‘crime’ and ‘criminal’ should only be used if the ASB was, as a matter of fact, criminal.
* Geography – distribution should be restricted to the area, and people, who have suffered the ASB.
* Timely and time-limited.
* Leaflet or online – try to avoid unauthorised distribution.

For specific advice about what information to include in your publicity, consult your Legal Officer.

# APPEALS

The granting, refusal, variation or discharge of an injunction can be appealed by both the individual who is subject to the injunction and the organisation making the application. For decisions in the County Court, appeals will be heard by the High Court. For decisions made in the Youth Court, appeals will be heard by the Crown Court.

# MONITORING AND ENFORCEMENT

To maintain public confidence and the integrity of the court order, the injunction must be effectively monitored and enforced.

Different partner agencies can assist in the monitoring role, with any breaches reported to the Lead Agency and recorded on ECINS.

By publicising details of the injunction, the public can also assist in the monitoring role and should be encouraged to report any breaches to the Lead Agency.

The named officer, or organisation, supervising each positive requirement within the injunction, is responsible for encouraging the individual to comply and informing the Lead Agency, and/or the police, if they fully comply or fail to comply with the requirement.

The individual will be managed on ECINS until the injunction has expired, and the risk of re-offending been reduced to standard risk. At this point, the Profile will be archived, unless any other agencies continue to work with the individual.

## Breach of the Injunction

(This section should be read in conjunction with the [Arrest Process](#_Arrest_Process)).

If an individual fails to comply, without reasonable excuse, with either the prohibitions or requirements of an injunction, they will breach the Court Order and an application to commit them to prison may be made to the County Court.

All breaches should be taken seriously, and appropriate action taken swiftly, to maintain the confidence of victims and the wider community. Breach/committal proceedings cannot be progressed unless the individual has been personally served with a copy of the injunction.

Breach of an injunction is not a criminal offence. The breach must be ‘without reasonable excuse’. The criminal standard of proof is required, so guilt must be established ‘beyond reasonable doubt’.

The Lead Officer for the organisation, that applied for the original injunction, must be provided with, and/or collate, evidence of the breach, as soon as possible.

If the injunction does not include a power of arrest, the Lead Officer should liaise with their Legal Officer, who will apply to the appropriate Court to commit them for breach of the injunction. Where the individual is under 18, the YJS must be consulted before an application is submitted to the Court.

Evidence of the breach must be detailed in an affidavit, which is a sworn statement. This can be done by the Lead Officer, and any witnesses, making an appointment at:-

* the County Court, where Court staff will take the affidavit, without cost; or
* a solicitors’ office to swear the affidavit, where there will be a cost.

This process can also be used if there has been a breach and the police have not followed the Power of Arrest process.

Where a power of arrest was attached to a prohibition within the injunction (and it has been personally served on the individual), a police officer can arrest them, if they ‘have reasonable cause to believe a breach has occurred’ (See [Arrest Process](#_Arrest_Process)).

The breach process is summarised in the breach flowchart at [Appendix O](#_Appendix_O).

## Arrest Process

When informed of the breach of an injunction, with a Power of Arrest attached, the police should prioritise the arrest of the individual, under the power of arrest within the injunction.

The arresting officer must:-

* Inform the Lead Officer, at the organisation that applied for the injunction, as soon as the individual has been arrested, so that they can commence proceedings to commit the individual for breach of the injunction. Partner contact details will be on PNC and for police injunctions, it will be the police legal department.
* Liaise with the Custody Sergeant to contact the Court immediately and advise them that the individual needs to be ‘produced’ before the Court within 24 hours of their arrest.
  + For adults, it is the County Court
  + For children, it is the Youth Court
  + There are additional procedures for [Out of Hours](#_Out_of_Hours)

|  |
| --- |
| NB   * The ‘24 hours’ starts at the time of arrest so the police should consider when to make the arrest for breach of the injunction (e.g. after arresting for other criminal matters) so that:-   + the individual is **produced before the judge** within that time.   + it minimises their time in custody.   + it is in normal office hours.   + the individual can be processed more easily through the Court.   + the individual doesn’t have to be released because the 24 hours has expired. |

* For children under 18, inform the YJS of the breach and which Court is to hear the breach proceedings.
  + For Derby City
    - Contact 01332 642444 and ask to speak to the YJS Duty Team.
    - Seconded Police Officers investigate the circumstances of the arrest and detention.
    - YJS and Children’s Social Care Services work in partnership to support the police to decide how to process the child, including whether to bail or seek remand and identifying accommodation for children that cannot be released to their usual home address.
  + For Derbyshire
    - Contact 07812 475179 and ask to speak to the Team Manager for the area where the child lives.
* Produce a detailed Officer Statement, describing the actions that constituted the breach of the injunction and the behaviour of the individual before, during and following arrest.
* Transport the individual to court, as directed by the Court.
* Take hardcopies of the breach paperwork to court. This should include:-
  + The arresting officer’s statement
  + A copy of the injunction, including any maps relating to the prohibitions
  + Witness statements
  + CCTV/body worn video footage.
* Accompany the individual, until the case has been heard.
  + This does not have to be the arresting officer.
  + The individual will remain in cells with the police until called up to court.
  + Handover will be dependent on a risk assessment of the individual’s behaviour and previous convictions.

The Court has the discretion to decide whether to remand the individual in custody or on bail, regardless of whether they were arrested under a warrant or a power of arrest. Under 18s can only be remanded in custody on medical grounds if they are suffering from a mental disorder, and it would be impracticable to obtain a medical report if they were granted bail.

The process which police officers should follow is summarised in the arrest process flowchart at [Appendix P](#_Appendix_P) .

## Out of Hours

The police must present the individual to Court, within 24 hours of their arrest, except on Sundays, Christmas Day and Good Friday.

The County Court doesn’t normally open on a Saturday and the partner who applied for the injunction is likely to normally work Monday-Friday 9am – 5pm.

It is, therefore, important that the out of hours process is used, following the arrest for breach of an injunction, otherwise the individual will be released and the police will have to be locate and re-arrest them, or the partner agency will have to make a separate application to commit the individual to court, which is time consuming, costly and holds no guarantee that the individual will attend court.

In addition to the standard [Arrest Process](#_Arrest_Process), the arresting officer/officer in charge must:-

* Inform the Lead Officer, of the organisation that applied for the injunction, as soon as the individual has been arrested advise them that the individual needs to be ‘produced’ before the court within 24 hours of their arrest. The out of hours contact details for partners will be on PNC, for police injunctions, contact the police legal department.
* Liaise with the Custody Sergeant.
* For children, the inform the YJS of the breach and which court is to hear the breach proceedings.
  + For Derby City
    - On evenings and weekends, contact is through Derby City Council Care Line (Social Care out of hours service) on the contact number for professionals - 01332 956607.
  + For Derbyshire
* Email [GrpDerbyshire-Yot-SouthEast@derbyshire.gov.uk](mailto:GrpDerbyshire-Yot-SouthEast@derbyshire.gov.uk)
  + - During the week the email will be picked up by the Court Officer or the Bail and Remand Worker. At the weekend, the email will be picked up by the Duty Manager.

The Custody Sergeant will include the individual who has breached the injunction in their Court Listing, so they will send a fax at 7am to the Court detailing all the prisoners to be presented that morning/afternoon.

The organisation that applied for the injunction should ensure a legal representative is at Court. Where they cannot attend court out of hours, the individual should still be dealt with by the Court, who will usually adjourn the hearing and give directions as to who should attend the next hearing. However, there is a risk that, if the Lead Agency is not in attendance, the Court may simply dismiss the case.

For children, the police or the Court should bail the child to the next Youth Court.

## Penalty on Breach

Before sentencing, the Court may request reports from the Local Authority, Police, Probation or Youth Justice Service.

*Adults*

Breach proceedings are dealt with by the County Court as a ‘civil contempt of court’, carrying a sentence of up to two years imprisonment and/or an unlimited fine.

*Under 18s*

Breach proceedings are dealt with by the Youth Court and the sentencing options are:-

* Supervision Order of up to six months, with a supervision, curfew or activity requirement. This would be supervised by the YJS who must notify the original injunction applicant, if the child fails to comply.
* Detention Order of no longer than three months (14 to 17 year-olds only).

## Post Court

The Lead Officer should inform partner agencies and victims of the outcome of breach proceedings.

The breach conviction should be publicised to demonstrate that breach of an injunction is taken seriously. For more information, see section on [PUBLICITY](#_PUBLICITY).

# VARIATION

Applications to vary, or discharge, an injunction can be made to the court that made the original order, by the subject of the injunction or the organisation that made the application (the applicant).

Applications can be made to:-

* Extend or reduce the term of a prohibition or positive requirement
* Vary, add or remove prohibitions or requirements
* Attach a power of arrest or extend the period of an existing power of arrest.

Prior to applying to vary or discharge an injunction, the applicant should notify the partner agencies that were consulted as part of the original decision-making process. The YJS must be consulted on all applications to vary or discharge an injunction for a child.

If an application to vary, or discharge, an injunction is dismissed by the Court, any future application to vary, or discharge, the order can only be made with the consent of either the Court or the other party. It is good practice, therefore, to seek the agreement of the subject of the injunction prior to court, where possible, to avoid the need for a contested variation hearing.

# SUPPORT FOR VICTIMS AND WITNESSES

Research shows that, where victims feel supported and protected, they are more likely to be prepared to take a stand and act as witnesses to help reduce ASB. People need to have confidence that complaints will be taken seriously by statutory agencies. The support needs to follow through from the first report of the ASB, to any enforcement action, or court case, and beyond.

The best type of evidence is given by witnesses who are willing to testify in court. Witnesses should be encouraged to come forward, but they must be supported to do so.

Special measures, such as giving evidence from behind a screen or via a video link, can be used in ASB cases, where there are vulnerable or intimidated witnesses whose quality of evidence is ‘likely to be diminished’.

A request for special measures should be considered at the earliest possible stage in order that an application can be made to the Court for special measures to apply.

*Vulnerable parties/witnesses* are defined by the [Civil Procedure Rule, Practice Direction 1A](https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part01/practice-direction-1a-participation-of-vulnerable-parties-or-witnesses).

*Intimidated witnesses* are those who are in fear, or distress, about testifying.

The Lead Officer should ensure that the victims and witnesses are:-

* Given information about ASB services and procedures
* Given witness diaries to record evidence of the ASB
* Offered support through Derbyshire Victim Services
* Regularly updated with the progress of the case.

Derbyshire Victim Services:-

* provide tailored emotional and practical support for all victims of ASB, regardless of whether they have reported it.
* help people access the right information and services.
* identify choices and options to help victims cope and recover from the ASB they have been experiencing and be involved in decisions that affect them.
* offer a restorative approach to resolving ASB incidents/conflicts, where all parties agree to be involved.

The support service is available 8am-8pm Mon to Fri and 9am-1pm on a Saturday.

To access the service, partners should refer victims using the ECINS referral process. For more information, contact [Derbyshire Victim Services](https://derbyshirevictimservices.co.uk/) on 0800 6126505.

# RECORD KEEPING

Multi-agency case management should be recorded on ECINS. This should include a record of:-

* The individual’s details, including name, address, date of birth, gender and ethnicity
* The start and end date of the injunction
* A copy of the injunction, including a map of any exclusion area
* The Lead Officer’s contact details
* A copy of the leaflet(s) used to publicise the injunction
* Date and details of any variation to the original order
* Breach action
* Compliance (or otherwise) with the positive requirements.

# ROLES IN THE INJUNCTION PROCESS

## Community Safety Team

Within the Community Safety Team, the responsibility for injunctions could be designated to the ASB Co-ordinator or the Community Safety Officer/Manager, depending on the locality. This person is an ‘expert’ to guide and support partners through the injunction process and should:-

* Give initial guidance to partners, when they advise that an injunction is being considered
* Ensure the potential injunction is discussed at local ASB Solutions Meetings, or other appropriate partnership meetings
* Complete the injunction Publicity Assessment, where appropriate
* Update ECINS.

## Lead Officer/Agency

The Lead Officer is likely to be from the agency that has responsibility for dealing with the types of ASB being experienced. The Lead Officer should:-

* Maintain an accurate case record on ECINS, at every stage
* Ensure that all early interventions and voluntary enforcement options have been exhausted (except where serious incidents require urgent action)
* Ensure that ASB complaints are fully investigated and not motivated by any form of discrimination
* Maintain regular communications with the victim(s) and the wider community
* Ensure protection and support for victims and witnesses to encourage them to give evidence
* Lead the discussions with the individual (and their family)
* At the point when an injunction is being considered, discuss the case with local partners through the local ASB Solutions Meeting
* Establish whether a child is known Children’s Services and liaise with Children’s Services/Youth Justice Service, in accordance with the child’s needs
* Consult Legal Officers for initial advice
* Arrange, chair and minute the Case Discussion Meeting
* Attend the Case Discussion Meeting and share information about the ASB complaints received, details of the individual(s) involved and the victim(s)
* Formally consult the local YJS, using the YJS Consultation Form
* Consult with, and collect information from, relevant agencies on the Partner Consultation Form
* Engage partners who could supervise positive requirements
* Lead on evidence collection
* Produce the Lead Officer Statement
* Complete the Equality Impact Assessment or ASB Perpetrator Assessment
* Draft the Community Impact Statement
* Produce maps detailing the area to be covered by the injunction
* Draft the prohibitions of the injunction, indicating where Power of Arrest is requested
* Draft the positive requirements of the injunction
* Propose the term of the injunction
* (If agreed), draft the wording for the injunction publicity
* Liaise with victims and witnesses to provide regular updates and ensure availability for court
* Send the required evidence and documentation to Legal Services
* Obtain availability for court from key partners, victims and witnesses
* Attend the court hearing(s)
* Obtain a copy of the injunction from the court or Legal Services
* Liaise with Legal Services regarding the service of the injunction
* Send a copy of the injunction to the police to go on PNC
* Notify the original victims and witnesses, the local community and partner agencies of the outcome of the court hearing
* Ensure all relevant partners receive a copy of the order and out of hours contacts – e.g local SNT Officers, supervisors of any requirements, etc
* (If agreed), produce and distribute the injunction publicity
* Maintain records, on ECINS, of injunction applications, including unsuccessful applications
* Co-ordinate the on-going case management of the individual on ECINS
* Provide regular feedback to the individual on their compliance with the injunction
* Address any breaches of the injunction
* Collate evidence of the breach
* Liaise with the police and Legal Services regarding any breaches of the injunction (and the YJS for children)
* Notify victims of the breach of the injunction and offer support services
* Notify victims of the outcome of any breach proceedings
* Liaise with Legal Services regarding any proposed applications to vary or discharge the injunction
* Seek the agreement of the individual (and their parent/guardian(s), if a child) to any proposed variations in order to avoid a contested variation hearing

## Partner Agency Representatives

Representatives from partner agencies that:-

* + Have received complaints
  + Are currently working with the individual involved in the ASB and/or victim
  + Could work to address the underlying causes of the ASB; and
  + Could provide support for the victim.

should:-

* Share background information about the individual – findings of agency assessments, their engagement with support services etc
* Attend the Case Discussion Meeting (or provide a written report)
* Assist the Lead Officer with the evidence gathering process, as appropriate
* Complete a statement exhibiting their organisation’s evidence to support the injunction application
* Attend court to give evidence, if required
* Monitor compliance with the prohibitions and requirements of the injunction
* Report any breaches of the injunction to the Police/Lead Organisation, together with any background case information
* Update ECINS.

## Youth Justice Service

In addition to the [Partner Agency Representatives](#_Partner_Agency_Representatives)role described above, for youth injunctions, the YJS should:-

* If required, undertake an assessment of the child
* Complete and return the YJS Consultation Form, to the Lead Officer, within the required timescales
* Ensure the YJS court report makes reference to the injunction application and the suitability of proposed prohibitions and requirements
* Attend Court hearings
* Supervise the child for the duration of specific injunction requirement(s), as detailed in the injunction
* Respond to consultation requests from the Lead Officer in respect of any breach proceedings or applications to vary or discharge the injunction.

## Police

In addition to the [Partner Agency Representatives](#_Partner_Agency_Representatives) and [Lead Officer/Agency](#_Lead_Officer/Agency) roles described above, the police should:-

* Record the injunction on PNC
* Respond swiftly to any report of a breach of the injunction
* Prioritise breaches of injunction where there is a Power of Arrest
* Collate evidence of the incident(s) resulting in breach of injunction
* Notify Lead Officer/Acting Solicitor of the arrest for breach of injunction
* Follow the separate procedures for out of hours arrests for breach of injunction.
* Produce Officer Statement detailing the breach
* Liaise with the court and produce the individual within 24 hours of their arrest for breach
* Notify the YJS of breach proceedings involving children
* Accompany the individual to court, until their case is heard.

## Supervisor of a Positive Requirement

In addition to the [Partner Agency Representatives](#_Partner_Agency_Representatives) role described above, partners agreeing to supervise a positive requirement should:-

* Provide the Lead Officer with evidence of suitability
* Promote compliance with the terms of the injunction
* Inform the Lead Officer and the police of any:-
  + Failure to comply with the terms of a positive requirement
  + Failure to notify a change of address
  + Failure to keep in touch with the supervising officer

## Legal Services

The Legal Services for the Lead Organisation should:-

* Provide advice to the Lead Officer in relation to the evidence required to submit an injunction application
* Receive the evidence and statements, from the Lead Officer
* Complete the injunction application
* Arrange for the case to be listed before the court and notify the Lead Officer of the court date and time
* Attend the court hearing(s) and formally make the injunction application to the court
* Obtain a copy of the injunction and ensure the Lead Officer receives a copy
* Arrange service of the injunction on the individual
* Advise the Lead Officer regarding breach proceedings
* Prosecute breach of injunction, ensuring the Court are aware of why the order was originally imposed, in order to assist in sentencing
* Notify the Lead Officer of the outcome of the court hearing(s)
* Make any applications to vary or discharge the injunction.

# Appendix A

## Injunction Flowchart



# Appendix B

## Consultation Guidance

Once a potential injunction case has been identified through the ASB Solutions Meeting, the Lead Officer will consult all the appropriate partner agencies, depending on the circumstances of the individual(s) concerned.

|  |  |
| --- | --- |
| **Circumstance** | **Consultees** |
| The individual is under 18 years old | Youth Justice Service  Children’s Services Case Worker (If this is not known, Derbyshire Starting Point or Derby City Children's Services Professional Consultation Line)  School |
| The individual is a child need or on a child protection plan | Children’s Services Case Worker (If this is not known, Derbyshire Starting Point or Derby City Children's Services Professional Consultation Line) |
| The individual is a child subject a local authority care order, or accommodated by the local authority. | Children’s Services Case Worker (If this is not known, Derbyshire Starting Point or Derby City Children's Services Professional Consultation Line) |
| The individual is aged 18-25 and a care leaver. | Derby City Council - Leaving Care Team  Derbyshire – Leaving Care Service [CSLeavingCare.Service@derbyshire.gov.uk](mailto:CSLeavingCare.Service@derbyshire.gov.uk)    (NB - If the individual does not have a personal advisor, they should be advised of their entitlement to have one.) |
| The individual is considered to be vulnerable, with adult safeguarding concerns | Derby City – MASH Team  Derbyshire - Adult Care Safeguarding Service Manager |
| The harassment is hate-related | Depending on the nature:-   * Police Hate Crime Lead * Stop Hate UK * Derbyshire County Council Hate Crime Lead |
| The parents of a child are being considered for a parenting contract / order | Youth Justice Service |
| The individual has substance misuse problems | Local drug/alcohol treatment services |
| The individual has mental health problems | Local Community Mental Health Team |

|  |  |
| --- | --- |
| The individual has other health-related issues | GP |
| The individual is known (or is suspected) to be supervised by the Probation Service. | National Probation Service |
| The individual resides in social housing | Relevant housing provider |

NB – If there are concerns about the welfare, or safety, of a child or adult, immediate action should be taken, following your agency safeguarding policy.

If you believe that a child or an adult is at immediate risk of harm, and in need of protection, then you should call the police on 999 immediately.

# Appendix C

## Partner Consultation Form



# Appendix D

## YJS Consultation Form



# Appendix E

## ASB Perpetrator Proportionality Assessment



# Appendix F

## Case Discussion - Agenda Template



# Appendix G

## Case Discussion - Minutes Template



# Appendix H

## Statement of Truth

Statement of truth for court documents:

[I believe] [the (claimant or as may be) believes] that the facts stated in this [name document being verified] are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Statement of truth for statements/evidence:

I believe that the facts stated in this witness statement are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

# Appendix I

## Example of a Lead Officer Statement



# Appendix J

## Example of an Injunction Application Form



*NB - Injunction Application Form to be completed by Legal Officer.*

# Appendix K

## Example of a Draft Injunction



# Appendix L

## Example Prohibitions and Requirements

YOU MUST ALWAYS INCLUDE THE PENAL NOTICE ON THE INJUNCTION:

PENAL NOTICE

IF YOU DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

GENERAL

* The Defendant [NAME] be forbidden (whether by her/himself or by instructing or encouraging or permitting any other person) from:
* Threatening to engage in or engaging in conduct likely which causes or is likely to cause alarm, harassment or distress to any person residing in, visiting or otherwise engaged in a lawful activity in [AREA].
* Being abusive or threatening to [NAMED INDIVIDUALS].
* Being abusive or threatening to any person including officers, contractor or agents of the Claimant.
* Encouraging others, including juveniles to engage in conduct that is likely to cause or will cause alarm, harassment or distress to others engaged in a lawful activity within [AREA], being the area edged red on the plan marked A.
* Being in a public place with 2 or more persons in a manner causing or likely to cause any person to fear for their safety or which causes or is likely to cause alarm, harassment or distress within [AREA], being the area edged red on the plan marked A.
* Associating with [NAMED INDIVIDUALS] in a public place, save for their own residence.

EXCLUSIONS

* Entering or remaining on, Children’s Play Areas within the administrative area of [AREA].
* Entering the property or garden at [LOCATION].
* Being in a public place while under the influence of alcohol.
* Entering Area 1, as defined on the attached map marked B and highlighted in red.
* Entering Area 2, as defined on the attached map marked B and highlighted in purple, unless you have a prior appointment with [NAME] Medical Centre or you are attending the medical centre in an emergency. You must leave Area 2 using a route outside of Area 1 and Area 2 after the conclusion of your appointment or emergency treatment at this facility.

EMERGENCY SERVICES

* Calling NHS Direct 111 or to aid or encourage anyone else to do so on your behalf, including staff at NHS Direct, save when in genuine need of medical services requiring assessment, action or treatment.
* Calling the police on the 101 non-emergency number save when in genuine need of police assistance.
* Calling the on the 999 emergency services number save when in genuine need of emergency services assistance.

DRUGS / ALCOHOL

* Allowing offensive or noxious fumes or odour to escape from the Property so as to cause, or likely to cause, nuisance or annoyance to others in the vicinity of the Property. (This prohibition applies to all such fumes or odour and in particular to smells linked to the use of unlawful substances.)
* Using, storing or supplying any illegal substance at the Property.
* Being under the influence of alcohol in any public place/specific area.

POSITIVE REQUIREMENTS

* The Defendant will, as soon as reasonably possible, seek a referral by herself and/or through her GP to:
  + The community mental health team;
  + The drugs and alcohol service;
  + And the Defendant shall engage with the above agencies.
* The Defendant must ensure that any dog under his/her control in any public area is muzzled and on a lead.
* The Defendant shall remove and dispose of lawfully, (including but not limited to) all black bin liners, household furniture, electrical goods, gas bottles, dog faeces and any other items, similar to those as illustrated in the photos in exhibit EXHIBITS, within [TIMEFRAME], and keep the garden free of the same.
* Remove all rubbish, household items and rubble, within [TIMEFRAME].
* Remove all weeds, and dog excrement, within [TIMEFRAME].
* Maintain your garden to keep it free from accumulations of waste, rubbish household & electrical items, dog excrement such as that which is currently in your garden or you could say or any such similar items as shown in photo marked A attached to this warning.
* Allow the Claimant to inspect [ADDRESS] (“the Property”) upon 48 hours’ written notice to the Defendant.

OTHER

* The Claimant’s application for an injunction be adjourned generally with liberty to restore until 12 months from the date of this Order, failing which the matter shall stand dismissed.
* There be no order as to costs save that there shall be a detailed assessment of the Defendant’s LAA publicly funded costs.

# Appendix M

## Example of a Power of Arrest



# Appendix N

## Injunction Publicity Assessment



# Appendix O

## Breach Flowchart



# Appendix P

## Police Power of Arrest Flowchart



(5) In subsection (4) “relevant criminal proceedings” means proceedings for an offence under section 48 in the commission of which the item is alleged to have been used.

A yellow and green background

Description automatically generated