

IN THE COUNTY COURT AT LEEDS
BETWEEN

Case No C74LS784

LEEDS CITY COUNCIL

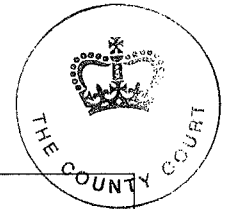
Claimant

and

PERSONS UNKNOWN

Defendant

INTERIM INJUNCTION ORDER



IMPORTANT NOTICE

**IF YOU DO NOT OBEY THIS ORDER YOU MAY BE HELD TO
BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED
OR YOUR ASSETS MAY BE SEIZED**

**BEFORE Mr Recorder Clayton sitting at The County Court at Leeds on 9
December 2016**

**UPON hearing the Representative for the Applicant and without notice to
the Defendants**

**AND upon the court considering the application for an injunction under
section 1 of the Anti Social Behaviour, Crime and Policing Act 2014 and
being satisfied that that the respondent has engaged in, or threatens to
engage in anti-social behaviour (as defined by sections 2(1)(a) and (b))
and that it is just to do so**

IT IS ORDERED THAT

- 1) All persons are forbidden from participating in anti social driving of
motor vehicles (including motor bikes and quad bikes) within the Leeds
metropolitan area as shown on the attached map (Schedule 1)
- 2) All persons are forbidden from promoting, organizing or publicising in
any manner, the anti social driving of motor vehicles (including

motorbikes and quad bikes) within the Leeds metropolitan area area as shown edged in black on the attached map (Schedule 1)

- 3) The terms “anti social driving” and “participating in anti social driving” have the meanings set out in Schedule 2 of this Order
- 4) A power of arrest pursuant to section 4 of the Anti Social Behaviour, Crime and Policing Act 2014 shall apply to term 1 above, in relation to any person participating in anti social driving who is the driver or rider of, or a passenger in or upon any vehicle to which paras 1 and 2 of Schedule 2 apply.
- 5) Any person served with this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant
- 6) The Claimant is permitted to serve the Application Notice, this Order and the Power of Arrest, by the alternative methods as specified in Schedule 3 of this Order
- 7) This Order shall come into force at 4pm on 9 December 2016 and shall remain in force until 4pm on 10th January 2017



SCHEDULE 1

See attached A4 Ordnance Survey plan of the Leeds metropolitan area

SCHEDULE 2

“Anti social driving”

1. “Anti social driving” means a congregation or gathering of the drivers of 2 or more motor-vehicles (to include motorcycles and quad bikes) on the public highway or any other place to which the public have access

within the Leeds metropolitan area as shown on the attached map at Schedule 1 (whether open to the air or not, such places to include but not limited to parks, open spaces, pedestrianized streets and shopping centres), at which any person, whether or not a driver or rider, performs any of the activities set out at para 2 below, so as, by such conduct, to cause any of the following :

- a. Alarm, harassment or distress to any other person
- b. Nuisance or annoyance to any person residing in the vicinity of the driving
- c. The risk of harm to any other person
- d. The risk of damage to property belonging to another

2. The activities referred to at para 1 above are :

- a. Driving at excessive speed
- b. Driving in convoy
- c. Racing other motor vehicles
- d. Performing stunts in or on motor vehicles
- e. Sounding horns or playing radios
- f. Shouting, swearing at, using abusive language toward or threatening or intimidating any other person
- g. Obstructing any other road user

“Participating in anti social driving”

3. A person participates in anti social driving whether or not they are the driver or rider of, or a passenger in or on, a vehicle, if they are present and encourages any other person to perform any activity to which

paras 1 and 2 above apply and the term “participating in anti social driving” shall be interpreted accordingly.

SCHEDULE 3

1. Service of this Order shall be effected by :
 - a. Placing a public notice or advertisement prominently in the Yorkshire Evening Post
 - b. Posting a copy of the Order on the Claimant’s website and the West Yorkshire Police website
 - c. Liaising with local television and radio broadcasters with a view to publicising and explaining the terms and consequences of the injunction
 - d. Ensuring that copies of the Injunction and Power of Arrest are available at the Claimant’s One Stop Shop offices and the Civic Hall, Leeds, and also at the each operational police station in the Leeds district.
 - e. Any other like manner as appears to the Claimant to be likely to come to the attention of persons affected by it
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person:
 - a. A copy of the Application Notice and all supporting witness statements relied on to obtain this Order; and
 - b. A copy of this Order

3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.
4. A review hearing will take place in open court (time estimate 30 minutes) before a circuit judge on Tuesday 10 January 2017 at 10.30am (estimated length of hearing 2.5 hours to include 0.5 hours pre-reading).

SCHEDULE I ; The Leeds metropolitan area.

Appendix 2: Leeds Metropolitan District Ward Boundaries



Wards

NHS Leeds Information Service

Based upon the 2005 1:250 000 Scale map,
with the permission of Ordnance Survey on
behalf of the controller of Her Majesty's Stationery
Office, (c) Crown Copyright.

Adam Taylor
NHS Leeds Information Service
Leeds Primary Care Trust,
North West House,
License Number 1000332643.

N110A

Power of arrest

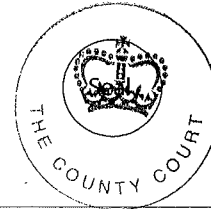
Name of defendant

Persons Unknown

Defendant's address

[Empty box for defendant's address]

Name of court County Court at Leeds	Claim No. C74LS784
Claimant's name (including ref.) Leeds City Council (A72/AT/56593)	
Defendant's name (including ref.) Persons Unknown	



Date order made 9 / 12 / 2016

Name of judge Recorder Clayton

Order made under (insert statutory provision)

Section 1 of the Anti Social Behaviour, Crime and Policing Act 2014

This order includes a power of arrest under (insert statutory provision)

Section 4 of the Anti Social Behaviour, Crime and Policing Act 2014

The relevant paragraphs of the order to which a power of arrest has been attached are:

(set out those paragraphs of the order to which the power of arrest is attached, if necessary continue on a separate sheet)

1. All persons are forbidden from participating in anti social driving of motor vehicles (including motor bikes and quad bikes) within the Leeds metropolitan area as shown on the attached map (Schedule 1)

This power of arrest was ordered on 9 / 12 / 2016 and expires on the 10 / 1 / 2017

Note to Arresting Officer

Where the defendant is arrested under the power given by section 155 of the Housing Act 1996, or section 27 of the Police and Justice Act 2006; or section 43 of the Policing and Crime Act 2009; or section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014:-

- the defendant shall be brought before the judge within the period of 24 hours beginning at the time of their arrest;
- a constable shall inform the person on whose application the injunction was granted, forthwith where the defendant is arrested under the power given by section 155 of the Housing Act 1996 or as soon as reasonably practicable where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006 or section 43 of the Policing and Crime Act 2009 or section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Nothing in section 155 of the Housing Act 1996 or section 27 of the Police and Justice Act 2006 or section 43 of the Policing and Crime Act 2009 or section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, shall authorise the detention of the respondent after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculating any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

Name of Claimant

Leeds City Council

Claimant's address

Legal Services
Civil Hall
Leeds
LS1 1UR

Claimant's phone number

[Empty box for claimant's phone number]

IN THE COUNTY COURT AT LEEDS
BETWEEN

Case No C74LS784

LEEDS CITY COUNCIL

Claimant

and

PERSONS UNKNOWN

Defendant

ORDER

BEFORE Mr Recorder Clayton sitting at The County Court at Leeds on
December 2016



UPON the Claimant's without notice application for an interim injunction pursuant to section 1 of the Anti Social Behaviour, Crime and Policing Act 2014 dated 8 December 2016

AND upon reading the following evidence and viewing the exhibited DVD:

1. Thomas Gatherum (dated 3 October 2016)
2. DC 2955 Young (dated 6 November 2016)
3. T/Inspector Cartwright (dated 3 November 2016)
4. PS 860 Craven (dated 2 November 2016)
5. PC 5497 Hughes (dated 1 November 2016)
6. James Keane (dated 4 November 2016)
7. Kully Matharu (dated – undated)
8. Manjit Nandra (dated 4 November 2016)
9. DS 1325 Jewell (dated 7 December 2016)
10. Chief Superintendent Money (7 December 2016)
11. Police log of calls
12. Claimant skeleton argument

AND upon hearing the Representative of the Claimant

AND upon the Court recording :

That at this short hearing of an urgent without notice application the Court thinks it is just to grant an interim injunction in the terms of the separate injunction order, albeit limited to the territorial extent of the Leeds metropolitan area, but that at the final hearing of this application, on notice, the Claimant will need to satisfy the Court :

- a) That it has jurisdiction to make or continue the injunction order against "persons unknown"; and
- b) As to the territorial extent of any such order

IT IS ORDERED THAT

1. Pursuant to sections 6 and 7 of the Anti Social Behaviour, Crime and Policing Act 2014 the application made without notice for an interim injunction is adjourned to the final hearing listed below subject to the grant of interim injunctive relief in the terms of the separate injunction order.
2. The final hearing shall be listed before a circuit judge on Tuesday 10 January 2017 at 10.30am (estimated length of hearing 2.5 hours including 0.5 hours pre-reading).
3. The Claimant shall no later than 48 hours before the final hearing file at court :
 - a. Any further witness evidence upon which it intends to rely
 - b. A skeleton argument together with any authorities relied upon which addresses (amongst other things)
 - i. The court's jurisdiction to make or continue the injunction order against "persons unknown"; and
 - ii. The territorial extent of any such order

OUT OF HOURS NOTICE
(For Defendants aged 18 or over)

In the County Court at Leeds

Claim Number: C74LS784

To : West Yorkshire Police

Leeds City Council v Persons Unknown

Attachments

- 1 Injunction Application and witness statements
- 2 Injunction Order
- 3 Power of Arrest
- 4 Certificate of service

Information in the event of arrest

The Applicant, Leeds City Council, has obtained an Anti-Social Behaviour Injunction with Power of Arrest (Anti Social Behaviour, Crime and Policing Act 2014 sections 1 and 4).

The Power of Arrest Form sets out the powers of the police to arrest the defendant without warrant if an officer has reasonable cause for suspecting the defendant is in breach of this Injunction. The Power of Arrest may be attached to all or some of the terms of the Injunction.

NOTE TO CUSTODY SARGEANT:

If a Defendant is arrested for breach of an injunction they must appear before a judge of the County Court within 24 hours (disregarding Christmas Day, Good Friday and any Sunday. This means they must appear before the judge within 24 hours from the time of arrest. If the 24 hour period expires without the Defendant appearing before a judge of the County Court then they must be released. The provisions of the Police and Criminal Evidence Act 1984 do not apply.

Should the defendant be **arrested during normal court working hours (9am to 4pm, Monday to Friday)** please telephone the Leeds County Court on 306 2800 and ask for the Circuit Judge's Listing Team. Please quote the defendant's name and the claim number and ask for a committal hearing to be arranged .

If the defendant is **arrested outside normal business hours** please telephone 07810 181828. This is a pager number for the Urgent Court Business Officer. Please leave your telephone number and the court will contact you to arrange a hearing.

Hearings outside normal business hours

If it is necessary to arrange a hearing outside normal court business hours the location of the hearing should be arranged with the Court Service locally. The hearing will be at a police station, either the one to which the arrested person has been taken or another directed by the judge. The documents listed above attached to this notice should be made available to the judge.

At the hearing the outcome will be one of the following :

- The Defendant is remanded on bail to attend at the county court on a later date
- The Defendant is remanded in custody to attend at the county court on a later date
- The Defendant is released

If the Defendant is remanded in custody he/she will be held at the police station and must be produced to the county court in accordance with any Order the judge makes (this must be within 3 clear days of the initial hearing – Schedule 1, paragraph 4(2) of the Anti Social Behaviour, Crime and Policing Act 2014)

Whether the arrest is made within normal business hours or not please telephone the applicant's representative and the defendant's legal representative as shown below:-

Applicant	Respondent / Defendant
<p>Leeds City Council Legal Services Licensing, Communities and Corporate Section Civic Hall LEEDS LS1 1UR</p> <p>Contact names:</p> <p>Helen Perry – 0113 247 5215 Adrian Tonge – 0113 247 7869 Anne Oldroyd – 0113 395 1927</p> <p>Out of hours: Adrian Tonge 07807 240988</p>	<p>Solicitors name:</p> <p>Firm:</p> <p>Daytime contact:</p> <p>Out of hours contact:</p>

Emergency Representation.

If the Defendant does not have a solicitor, the on-call solicitor at the following firms may be able to assist :

Henry Hyams
7 South Parade
LEEDS LS1 5QE
0113 383 7610

Lester Morrill
27 Park Square West
LEEDS LS1 2PL
07699 711844