

**IN THE FAMILY COURT AT BLACKPOOL**

The Law Courts  
Chapel Street  
Blackpool  
FY1 5RJ

BEFORE:

**DISTRICT JUDGE WOOSNAM**

BETWEEN:

**THE CHIEF CONSTABLE OF LANCASHIRE  
CONSTABULARY**

**APPLICANT**

**- and -**

**DEREK FOXCROFT - A4459DA**

**RESPONDENT**

**Legal Representation**

Mr Jones (Counsel) on behalf of the Applicant  
Mr Derek Foxcroft (Respondent), Litigant in person

**Other Parties Present and their status**

None known

**Judgment**

Judgment date: 21 April 2023  
(exact times cannot be noted due to audio format)

Reporting Restrictions Applied: No

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Number of folios in transcript 24  
Number of words in transcript 1,696

**District Judge Woosnam:**

1. I have got to sentence Mr Foxcroft today.

The circumstances

2. I start by saying, firstly, he has declined legal representation today, he has had it offered to him more than once, he wanted it to be dealt with today.
3. Secondly, he has been told and reminded of his right to remain silent in relation to the allegations. He has decided that he wants to deal with it today and it is against that background that I do deal with it today.
4. He has put admissions of the breach today and the counsel for the Chief Constable is prepared to accept it on the basis of those admissions that he puts to the court today. The allegation against him is basically that he has been in the company of Hayley Brown on 19 April. He admits that he was in the company of Hayley Brown, at the beach, in a taxi and also then at his property.
5. The order of 21 April 2022 forbids him from being in the company of Hayley Brown and I will paraphrase that. It forbids him from communicating with her and contacting her and, indeed, as I say, being in her company. The breach is admitted and it is a clear and deliberate breach of the order.
6. He puts forward that when he was released from prison, on 28 March, having been committed to prison for other breaches of the order, he was told that there were no conditions on his release. He understood that to mean that the order had come to an end. Clearly he was mistaken in that if that is what he thought. The order continued and there has been nothing that has changed the order that would release him from his obligations under that.
7. However, I accept what he says that might have been in his thought process. He thought to himself, mistakenly, he now says, that the order might have expired on 4 April but he did not check that at that time. He received paperwork, which was the application by the Chief Constable to extend the time of the injunction for a further 12 months to 21 April 2023, but he thought that they may have got that wrong and he tells me that he made efforts to contact a solicitor who dealt with these matters for him, but was unable to speak with him to get a definitive answer.

Notwithstanding that he did not have a definitive answer as to whether the injunction continued to 21 April 2023 or whether he was correct, he chose to, at the very least, take the risk of associating with Hayley Brown and he did that on 19 April, and he appears to have spent some significant time with her. He was at the beach with her, they got a taxi back, she then came to be inside his house. He says that she came to be inside his house because she was collapsed on the road. Nobody else was assisting her so he took her inside his house and again he did so reckless as to whether or not this was a breach.

8. Those are the circumstances.

The sentencing matrix which now applies

9. The starting point set out is this high culpability. Does it have elements of violence, on what has been admitted? No. Premeditation, on what has been admitted? Yes. As far as that is concerned, does it cause very serious harm or distress, injury, threat of serious injury? No. Significant damage to property? No. Elderly or vulnerable victim? Yes. Hayley Brown has already been identified as being a victim and is clearly vulnerable. Those would lead this to being high culpability, Category 1. That would be a starting point of 6 months. That is what Mr Jones puts forward before the court.
10. Low culpability would be no intention to cause harm or distress. Breach was incidental, it is not of lack of premeditation or inadvertent. You might argue that it was inadvertent but he knew there was an order and he knew that he might be in breach of that order so it is not inadvertent, so it cannot be low culpability.
11. I have to put out of my mind what else is said in the statement about Hayley Brown. The taxi driver alleged that there had been some form of assault. I have to put that out of my mind and once I have put that out of my mind, when considering this, I think you fall into a category midway of a starting point sentence of 3 months and therefore not the range of 8 to 2 weeks to 18 months.

I then have to bear in mind aggravating features.

12. A history of disobedience of court orders. Whilst I hear what Mr Foxcroft says about the way it was put before the court, well whether there were sexual assaults or otherwise, that is, in fact, not a factor that defeats the history of disobedience of court orders. He has disobeyed court orders, this particular court order, on a number of occasions, which resulted in him being sent to prison and he does not seem to be able to obey a court order for even a short period of time. I can recall, and he recalled in court today, that in September his breach was the day after being released from prison and this appears to be within a week after being released from prison and the May incident was shortly within days after being before the court before the first allegation of breach. So he has a history of disobedience of court orders.
13. Targeting a person the order was made to protect, Hayley Brown. This involves Hayley Brown, yet again he has been in contact with her. The order is there. He may think she does not deserve protecting. He may think that she consents not to be protected but I have explained to him on more than one occasion that he has to walk away, if that is the very least, he has to avoid her. He has not done that.
14. Breach committed shortly after the order was made. Well that does not apply in this case but it does apply in the sense that shortly after his release from prison, shortly after he was given another opportunity of showing that he could comply.
15. Victim is vulnerable. Well the suggestion is that Hayley Brown is vulnerable, that she has made previous complaints, the background to this order being applied for in the first place.

Mitigating factors

16. Genuine misunderstanding of the terms of the order. Well, he said he did not understand which date it was ending on. I am not so sure that Mr Foxcroft did misunderstand in that manner. He is quite an intelligent man. Having said that, even if I accept what he says, the papers that came before him that he was served with, about

the application to extend the injunction, would clearly have made him aware of what the Chief Constable's position was and therefore that there was a doubt as to whether he was right, and a prudent person would then not have run the risk of breaching the order again.

17. Breach committed after a long period of compliance. The only reason for compliance by Mr Foxcroft is that he has been, basically, in prison. He has not actually with this order voluntarily for very long at all.
18. Genuine remorse. Age/lack of maturity. Certainly Mr Foxcroft does not fall into that category in my view. Ill health/mental disorder and learning disabilities and not in that category.
19. So there are few mitigating features. There is, however, I do give him credit for, in fact, today standing up and admitting and making the admissions that he has made today and I do give him credit for that.
20. I am left then, looking at this with a starting point of 3 months. There are factors that push it up from that towards a consideration of 6 months. There are very few factors that pull it down, if any at all.
21. So for this breach that in this case I sentenced him last time to 18 weeks, he served 9. This time I will sentence him to 5 months' imprisonment for one breach. So that is the determination of that so it is 5 months' imprisonment.
22. I am then looking at considerations of whether to extend the injunction.

(proceedings continue)

23. So the injunction order is varied to last to 12 midnight on the 21 April 2024.

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This Transcript has been approved by the Judge.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

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