

IN THE COUNTY COURT AT LINCOLN

Case No. K00LN200

360 High Street  
Lincoln  
LN5 7PS

Wednesday 7<sup>th</sup> June 2023

Before:  
**HIS HONOUR JUDGE SADIQ**

**B E T W E E N:**

**SOUTH HOLLAND DISTRICT COUNCIL**

and

**MIA ROCK**

MR BEAUMONT Counsel appeared on behalf of the Claimant  
NO APPEARANCE by or on behalf of the Defendant

**JUDGMENT**  
Approved Judgment

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## HHJ SADIQ:

1. This is a committal hearing for contempt brought by the claimant, a Local Authority, who have alleged breaches of terms of an injunction granted on 16 March 2023 and extended on 11 April 2023 under Schedule 4 of the Anti-social Behaviour Crime and Policing Act 2014. The claimant was represented by Mr Beaumont of counsel. The defendant was represented initially by Mr Smith of counsel. The defendant failed to attend the hearing. Mr Smith informed me at the outset of the hearing that he had received no instructions from the defendant and, accordingly, withdrew from the hearing but stayed to take a briefing note.
2. In terms of the background, it is as follows. The claimant is the owner and landlord of social housing of properties at Severn Road, Nene Court and Wensum Close, Spalding, Lincolnshire, herein after referred to as “the Properties”. On 16 March 2023, District Judge McIlwaine granted an injunction without notice to the claimant against the defendant and four other defendants. The defendants were forbidden from inter alia from at paragraph 1 - acting in a manner that causes or is likely to cause harassment, alarm and distress to any person within the area of Severn Road, Nene Court and Wensum Close, Spalding, Lincolnshire; paragraph 2 - entering any part of Severn Road, Nene Court and Wensum Close, Spalding, Lincolnshire whatsoever and, also, for the purposes of relevance to these contempt proceedings, paragraph 5 - taking any property including such things as money, cash, card, mobile phones, bungalow keys or any items that belongs to Trevor Shaw, Charles Larkin-Jones or any other resident of a property within Severn Road, Nene Court and Wensum Close.
3. Ms Rock, the second defendant, was personally served with the injunction order on 20 March 2023. At an on-notice hearing on 11 April 2023 which Ms Rock failed to attend, District Judge McIlwaine granted an injunction until the final hearing, namely 24 May 2023. A power of arrest was ordered against the second defendant, Ms Rock regarding paragraphs one to five of the injunction order. Ms Rock was personally served with that injunction order on 14 April 2023.
4. On 4 May 2023 the claimant made a contempt application against the second defendant, Ms Rock. The application, witness statements and exhibits in support were personally served on Ms Rock’s solicitors on 5 May 2023. On 7 June 2023 namely today, the committal application was listed before me. As I have said, Ms Rock failed to attend the committal hearing without any reason and there was no application to adjourn the hearing from the defendant’s legal representative.
5. Turning to the breaches and evidence, the claimant’s contempt application relies upon 16 freestanding breaches of the injunction order namely between 30 March 2023 to 19 April 2023 it is alleged that the defendant breached the injunction terms by, in the main, breaching paragraph two of the injunction order by entering the Properties. The evidence filed in support of the contempt application consists of witness statements from Jason Farmer, the claimant’s Anti-Social Behaviour and Enforcement Officer and the residents of Severn Road Trevor Shaw and Charles Larkin-Jones and a resident of Thames Road, Derick Whyte. All the witnesses gave oral evidence, save for Mr Larkin-Jones.
6. I apply the criminal standard of proof to each alleged breach namely beyond reasonable doubt. I have to be satisfied to the criminal standard that the defendant knew about the injunction terms and that she carried out acts which were in breach of the injunction terms. I remind myself that each allegation in support of the committal application has to be considered separately. I am satisfied that the defendant has capacity. Capacity is presumed unless proven otherwise and there is no evidence before me that the defendant lacks capacity.

7. I now turn to the specific breaches alleged against the defendant. Where I say that I am satisfied that I am sure that an allegation has been proved, I mean that I am satisfied beyond reasonable doubt.
8. The first allegation is that on 30 March 2023 at 8:20am, the defendant attended the address of Trevor Shaw and he also saw the defendant later, at 9am, at Wensum Close. I am satisfied so I am sure that the facts alleged in allegation one have been proven and that, as a result, the defendant was in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Shaw.
9. Allegation two is that, on 30 March 2023 between 12, noon, and 13:30pm, the defendant entered the address of Charles Larkin-Jones. I am satisfied so that I am sure that the facts alleged in allegation two have been proven and that, as a result, the defendant was in breach of paragraph 2 of the injunction term. I accept the written evidence of Mr Larkin-Jones. Although he did not attend the hearing he has made a written statement, his evidence is consistent with the written evidence and the oral evidence of the other witnesses and the defendant has not contested his evidence and she has failed to attend the hearing. His evidence is therefore unchallenged.
10. Allegation three is that on 30 March 2023 at 14:20, 15:13 and 19:15pm, the defendant entered Severn Road and Wensum Close. I am satisfied so I am sure that the facts alleged in allegation three have been proven and that, as a result, the defendant was in breach of paragraph 2 of the injunction term. I the accept the evidence of Mr Farmer who received texts from the residents who provided pictures of the defendant entering Severn Road and Wensum Close. The page references are pages 43 and 47. I am satisfied so that I am sure that the person in those pictures is indeed Mia Rock, the defendant. Mr Farmer has known the defendant since 2019 and has seen her many times.
11. Allegation four is that on 31 March 2023 at 13:50pm, the defendant attended the address of Mr Shaw, knocked on the door, asked for a cigarette but was told to leave. I am satisfied so I am sure that the facts alleged in allegation four have also been proven and that, as a result, the defendant is in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Farmer and Mr Shaw in support of this allegation.
12. Allegation five is that on 1 April 2023 at 14:50 the defendant attended the address of Mr Shaw and asked for a cigarette. I am satisfied so I am sure that the facts alleged in allegation five have been proven and, as a result, the defendant is in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Shaw.
13. Allegation six is that on 1 April 2023 at 18:30, the defendant attended the address of Mr Larkin-Jones saying that she needed drugs, she walked into his bedroom and fell asleep on the bed. I am satisfied so I am sure that the facts alleged in allegation six have been proven and that, as a result, the defendant was in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Larkin-Jones, again, for the same reasons that I have given before.
14. Allegation seven is that on 1 April 2023 at 16:12pm, the defendant was seen riding her bicycle in the direction of Mr Larkin-Jones' property. I am satisfied so that I am sure that the facts alleged in allegation seven have been proven and, as a result, the defendant was in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Farmer who was emailed a picture of the defendant riding her bike in the direction of Mr Jones' property. I am satisfied so that I am sure that the person in that picture is the defendant.
15. Allegation eight is that on 2 April 2023 at 16:05pm, the defendant was seen riding her bicycle at the bottom of Severn Road going in the direction of Wensum Close. I am satisfied so I am sure that they facts alleged in allegation eight have been proven and, as a result, the defendant is in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Shaw.

16. Allegation nine is that on 2 April 2023 at 18:36pm, the defendant was seen riding her bicycle in the direction of Mr Shaw's property. I am satisfied so that I am sure that the facts alleged in allegation nine have been proven and, as a result, the defendant was in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Farmer who was emailed by a resident a picture of the defendant riding her bike in the direction of Mr Shaw's property and I am satisfied so I am sure that the person in that picture is the defendant.
17. Allegation 10 is that on 4 April 2023 at 7:10am, the defendant was seen riding her bike in the direction of Mr Shaw's property travelling and also in the direction of Thames Road. I am satisfied so I am sure that the facts alleged in allegation 10 have been proven and, as a result, the defendant is in breach of paragraph two of the injunction term. I accept the evidence of Mr Farmer who was emailed a picture of the defendant, which appears at page 63 of the bundle, riding her bicycle in the direction of Mr Shaw's property in the direction of Thames Road. I am satisfied so that I am sure that the person in that photograph is the defendant.
18. Allegation 11 is that, on 4 April 2023 at 11:10am, the defendant attended the address of Mr Larkin-Jones and she asked for some bicarbonate soda; when he said he did not have any, the defendant entered his kitchen and got it and left. I am satisfied so I am sure that the facts alleged in allegation 11 have been proven and the defendant was in breach of paragraphs 2 and 5 of the injunction term. I accept the evidence of Mr Larkin-Jones.
19. Allegation 12 is that on 5 April 2023 at 13:40, the defendant was found inside Mr Larkin-Jones' property in the bedroom, she asked him for a cigarette and she came out of the kitchen with a cigarette. I am satisfied so I am sure that the facts alleged in paragraph 12 are proven and, as a result, the defendant is in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Farmer. However, I am not satisfied so I am sure that the defendant took a cigarette belonging to Mr Larkin-Jones in breach of paragraph five of the injunction term.
20. Allegation 13 is that on 6 April 2023, the defendant entered the property of Mr Larkin-Jones and stayed the night and left the next morning. I am satisfied so I am sure that the facts alleged in allegation 13 are proven and, as a result, the defendant was in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Larkin-Jones.
21. Allegation 14 is that on 7 April 2023 in the afternoon, the defendant entered the property of Mr Larkin-Jones and went to the bedroom and fell asleep for a couple of hours. It is also alleged that the defendant emptied Mr Larkin-Jones' freezer. I am satisfied so I am sure that the facts alleged in allegation four, regarding entering Mr Larkin-Jones' property are proven and, as a result, the defendant was in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Larkin-Jones. However, I am not satisfied so I am sure that the defendant emptied Mr Larkin-Jones' freezer in breach of paragraph 5 of the injunction term. I note that Mr Larkin-Jones did not actually see the defendant emptying his freezer.
22. Allegation 15 is that on 18 April 2023 at 14:25pm, the defendant was seen cycling on Severn Road. I am satisfied so that I am sure that the facts alleged in paragraph 15 have been proven and, as a result, the defendant is in breach of paragraph 2 of the injunction term. I accept the evidence of Mr Shaw.
23. Allegation 16, the final allegation, is that on 19 April 2023 at 10:02am, the defendant entered the property of Mr Derick Whyte on Thames Road and was found in his kitchen. When he told her to leave, it is alleged that the defendant's tone was aggressive. I am satisfied so I am sure that the facts alleged in paragraph 16 regarding the defendant being at Mr Whyte's property at Thames Road have been proven and that, as a result, the defendant was in breach of paragraph two of the injunction term. I accept the evidence of Mr Whyte. I am also satisfied so I am sure that the defendant's tone was aggressive when Mr Whyte told her to leave. Mr Whyte told me orally that the defendant was very short with him, was on the verge

- of shouting and made him feel very nervous. Therefore, for these reasons the defendant was also in breach of paragraph 1 of the injunction term.
24. Therefore for all those reasons, I find all 16 breaches proven, save where I have indicated otherwise, to the criminal standard namely beyond reasonable doubt.
  25. I now turn my attention to sentence. I remind myself of the recent guidance given by the Court of Appeal in the case of *Lovett & Ors v Wigan Borough Council* [2022] EWCA Civ 1631 regarding the proper approach to sentencing for breaches of anti-social behaviour injunctions made under the Anti-social Behaviour, Crime and Policing Act. In summary:
  26. First, the objective of sentencing is ensuring future compliance with the order, punishment and rehabilitation in that order. Second, the options that are available to the Court are an immediate order for committal to prison, a suspended order for committal to prison with conditions, adjourning consideration of penalty, a fine or no order. Third, the maximum sentence in the civil jurisdiction for contempt is two years' imprisonment. Custody should be reserved for the most serious breaches or for less serious cases where other methods of securing compliance has failed. A custodial sentence should never be imposed if an alternative course is sufficient and appropriate and any custodial sentence has to be the shortest necessary to achieve the Court's purpose. Fourth, although a suspended sentence is often used as the first means of securing compliance an alternative first option is to adjourn consideration of sentence. Finally, distinct consideration should be given to harm and culpability and the three-level scheme proposed by the report of the Civil Justice Council dated July 2020 entitled *Anti-social Behaviour and the Civil Courts*, is a valuable tool and the Civil Justice Council's report grid, at annex one of that report, is appropriate.
  27. In terms of step one, in determining the seriousness of the breach that depends on my assessment of culpability and harm. Regarding culpability, I am satisfied on the evidence that the defendant's behaviour falls within culpability band A since it involves persistent serious breaches; 16 in total here. Regarding harm, I am satisfied that the defendant's behaviour falls within category 2 of harm because it falls between categories 1 and 3; category 1 being a breach causing very serious harm or distress and category 3 involving a breach which causes little or no harm or distress. Here, the resident Mr Shaw is an elderly and vulnerable person with mobility issues. Mr Larkin-Jones is also a vulnerable disabled person with one leg and limited movement and uses a wheelchair.
  28. Step two is that having determined the categories of stage one, I should use the corresponding starting point to reach a preliminary penalty. The Civil Justice Council's report grid provides the starting point for a category 2 offence, with culpability band A, is three months imprisonment with adjourned consideration to six months. My preliminary penalty must then be adjusted to take into account of any aggravating or mitigating factors which would result in an upward or downwards adjustment. I must be careful not to double-count factors namely take into account a factor which I have already taken into account in arriving at the preliminary penalty.
  29. I take into account the following aggravating factors in this case: (i) the persistent breaches of the injunction terms, 16 occasions since the injunction order was made on 16 March 2023; (ii) as evidenced by the number of breaches proven, the defendant has shown a complete and utter disregard for the Court's injunction order. Regarding mitigating factors, I take account of the fact that, as far as I am aware, there are no previous committal proceedings brought against this defendant. In the circumstances for each of the 16 breaches found proven, the appropriate period of imprisonment is four months or 16 weeks to run concurrently namely a total period of imprisonment of four months.
  30. Step three is to reduce the penalty for any admissions made here. The defendant has not admitted any of the breaches and has failed to attend the committal hearing today and therefore

I do not reduce the penalty for these reasons. The defendant has not spent time on remand and therefore I give no credit for that.

31. Step four is that I must consider whether this sentence can properly be suspended, I have concluded that an appropriate punishment can only be achieved by an immediate custodial sentence in the circumstances of this case. The defendant deliberately and persistently breached the injunction on 16 separate occasions. The likelihood is that she will continue to breach the injunction unless she is restrained by an immediate custodial sentence.
32. For all these reasons, the appropriate punishment can only be achieved by an immediate custodial sentence. Accordingly, the defendant will be sentenced to an immediate term of imprisonment for four months. That, in my view, in the circumstances of this case and the breaches, is the shortest necessary custodial sentence to achieve the Court's purpose. The defendant will be entitled to be released from prison having served half of that sentence. The appeal court is the High Court. Any appeal must be commenced within 21 days of the order reflecting this judgment. The defendant has the right to purge her contempt.

**End of Judgment.**

Transcript of a recording by Ubiquis  
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This transcript has been approved by the judge.