

IN THE COUNTY COURT AT SHEFFIELD

Neutral Citation Number: [2024] EWCC 19  
Case No. L00DN296

The Law Courts  
50 West Bar  
Sheffield  
S3 8PH

Monday, 21<sup>st</sup> October 2024

Before:  
HIS HONOUR JUDGE BADDELEY

B E T W E E N:

CITY OF DONCASTER COUNCIL

and

DANIEL IRVINE

MR CUNDY appeared on behalf of the Claimant  
THE RESPONDENT appeared In Person

APPROVED JUDGMENT

*This Transcript is Crown Copyright. It may not be reproduced in whole or in part, other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.*

*WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.*

HHJ BADDELEY:

1. Daniel Irvine, you are being sentenced for breaching an antisocial behaviour injunction order that was made at Doncaster County Court on 24 June 2024.
2. Initially, there was an interim order, but it was made final on 27 September 2024, when you did not attend the hearing at Doncaster.
3. Under the terms of the injunction, you were prohibited from entering an area of Thorne in Doncaster and that specifically included your grandmother's home address at 124 Elmhurst Road.
4. I understand from Karen Crake's witness statement that your grandmother, Carol Hellewell is 74 years of age and vulnerable by reason of age and disability.
5. Ms Crake says in her statement that Carol Hellewell cannot remember the injuries or abuse that she says Ms Hellewell has suffered over the years and her view is that Ms Hellewell is at significant risk of harm.
6. You were personally served with the interim injunction order by PC Baker on 21 July 2024 and you have admitted this morning that you breached that injunction on three occasions.
7. Firstly, at about 8.30am on 11 September 2024, when you were arrested at 124 Elmhurst Road, Thorne, by PC Sharp. Following that arrest, you were produced before His Honour Judge Hanbury on 11 September 2024 and released.
8. You were arrested for a second time at about 7.15am on 11 October 2024 by PC Sharp and PC Clayton and were produced for a second time before his Honour Judge Hanbury on the same day. Again, Judge Hanbury released you from custody.
9. You were arrested for the third time on 15 October 2024 at about 10.35pm by PC Campton, again, at 124 Elmhurst Road.
10. You were produced before me on the following day, 16 October 2024, when I remanded you in custody as this was the third breach within about five weeks.
11. The injunction was granted because of a long history of abuse of your grandmother. You were convicted of causing criminal damage at her home and given a 12 months' restraining order on 6 October 2017. You were arrested twice for breaching that order in 2018.
12. You were prosecuted for assaulting her and for coercive control in 2021 but not convicted for those offences, instead you were given a sentence for 10 months' imprisonment for perverting the course of justice by causing your grandmother to retract her statement.
13. You were given a three-year restraining order at that time under Section 5(1) of the Protection from Harassment Act 1997; that was an order made on 18 March 2021 prohibiting you from contacting or communicating with your grandmother by any means.
14. You have received three separate prison sentences for breaching that restraining order. You were sentenced to eight weeks' imprisonment in 2022, a further eight weeks' imprisonment for breaches between 26 January and 8 February 2024 and a 12-week prison sentence for a breach on 13 March 2024.
15. In sentencing you, I remind myself of what was said in *Lovett v Wigan Borough Council* [2022], EWCA Civ 1631, that the objectives of sentencing for breach of an injunction made by a civil court are firstly ensuring compliance with the order, secondly punishment and thirdly rehabilitation.
16. I remind myself that the Court must consider whether a fine would be a sufficient penalty and if the contempt is so serious that only a custodial penalty will suffice, the Court must impose the shortest period of imprisonment which properly reflects the seriousness of the contempt.

17. I need to give due weight to any matters raised in mitigation such as genuine remorse or admission of breach. I need to consider, if imposing a sentence of imprisonment, whether to suspend that term.
18. I consider the Civil Justice Council guidelines approved by the Court in *Lovett* which requires me to give distinct consideration to the degree of harm and the degree of culpability.
19. In my judgment, this is a case where there is high culpability because there have been persistent serious breaches of the injunction.
20. There is no evidence before me that in terms of levels of harm this is a case where there has been anything other than little, or no harm or distress caused. The reason being that you have been arrested for being in the wrong place, namely your grandmother's house. However, there is no evidence before me that she has suffered harm or distress on those occasions.
21. Therefore, in my judgment, your culpability is high, you have breached the injunction on three occasions, you have a long history of breaching restraining orders made in similar terms.
22. This is a Category 3 case in terms of levels of harm and the guidelines tell me that the starting point, in those circumstances, is for a sentence of one month in prison with a category range going from an adjourned consideration of sentence to three months' imprisonment.
23. There are considerable aggravating factors in your case, namely your grandmother's vulnerability and the fact that I am dealing with multiple breaches against a history of previous breaches of restraining orders.
24. On the other hand, there are mitigating factors. You have apologised, you have said that you are now wanting to get on with your life and you have made a relatively early admission of breach.
25. When you were before me last week you indicated that you intended to admit the first two breaches, but it is only today that you have admitted the third breach.
26. I sentence you to six weeks' imprisonment. It is not appropriate for me to suspend that sentence given the repeated breaches and the fact that you breached for a third time having been released from custody twice by His Honour Judge Hanbury.
27. You have already served six days on remand, so your sentence is 42 days, less six days for the time spent on remand, being a total sentence of 34 days.

**End of Judgment.**

Transcript of a recording by Acolad UK Ltd  
291-299 Borough High Street, London SE1 1JG  
Tel: 020 7269 0370  
legal@ubiquis.com

Acolad UK Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof

This transcript has been approved by the judge.