



GUIDE TO COMMUNITY PROTECTION NOTICE APPEALS

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WHAT IS A COMMUNITY PROTECTION NOTICE?

Community Protection Notices ('CPNs') are written notices that tell a person over 16 years of age, a business or an organisation to do or stop doing certain things.

They can be given out by the police, local authorities and certain social housing providers.

If you receive a CPN, and you breach any of its conditions, you can be taken to court and end up with a criminal record.

The power to issue (give someone) a CPN is in the Anti-social Behaviour, Crime and Policing Act 2014 (which we will call 'the 2014 Act').¹

Under section 43 of the 2014 Act, an authorised person can issue a CPN if they are satisfied on reasonable grounds that your behaviour is:

- a) having a detrimental (i.e. harmful or damaging) effect on the quality of life of those in the area;
- b) of a persistent or continuing nature (meaning it happens again and again); and
- c) is unreasonable.

Under section 43(5) of the 2014 Act, a written warning must be given before a CPN is issued. This warning must state that a CPN will be issued unless the anti-social behaviour stops having a harmful effect on the quality of life of those in the area, and give you enough time to deal with it.

¹ Anti-social Behaviour, Crime and Policing Act 2014 s. 43-58, available here: <https://www.legislation.gov.uk/ukpga/2014/12/section/43/enacted>

BEFORE YOU APPEAL A CPN

ASKING THE BODY WHO ISSUED THE CPN TO CANCEL IT

Before starting your appeal, or shortly after, you can write a letter to the body who issued the CPN (for example the police or local authority) saying why the CPN should be cancelled, and asking them to cancel it.

The body that issued the CPN has the power to cancel it, so asking them to do this may mean you don't have to go to court. Liberty has had some success using this method against the Metropolitan Police.

You should set out why you consider the CPN should be cancelled or amended. For example, you could say that:

1. The CPN has several conditions that don't apply to you because you haven't done what it says you have – e.g. “I have never defecated in public so the CPN should not have this condition.”

2. The CPN is unclear and you don't understand it – e.g. it bans you from “positioning to beg” or from “loitering on

pavements”, but you don't know what this means.

3. The CPN is too wide – e.g. it says you should never “be on the Camden Road without an appointment that can be confirmed in writing”, but you regularly shop there. Or you need to see the GP, but they don't confirm appointments in writing.

4. The CPN has conditions that are unreasonable and you can't control your behaviour – e.g. it bans you from having items related to drugs on you on you, but you are a drug addict, or it bans you from begging but you need to beg in order to meet your essential living needs.

5. It may be that some of the circumstances have changed since the CPN was issued and this can be used to argue that the CPN is no longer necessary. For example, the CPN banned you from sleeping on the streets, but you are now in temporary accommodation.

The letter should end by asking the issuing body to cancel the CPN, and that if they choose not to do this, they should explain why. Here is an example of how you can frame this:

For the reasons in this letter, we consider that the CPN issued by [NAME OF ORGANISATION THAT ISSUED THE CPN] would not withstand judicial scrutiny. In order to save court time and costs, we invite you to revoke the CPN now. If you are not willing to do so, please explain why.

If you do not agree to revoke the CPN now, we shall apply to the Court and ask them that the conditions in the CPN be suspended pending the outcome of my CPN appeal. Should this be necessary, I may also request an order for my costs in respect of the application.

We hope this is not necessary and look forward to hearing from you as soon as possible and in any event by [X pm on XX 2024]. [(give them 14 days)]

You can use this method of writing to the relevant body to ask for the CPN to be cancelled at any time, even if you are out of time to appeal against the CPN (i.e. more than 21 days have passed since you were issued with a CPN – there is more detail on this later).

Decisions made by judges in previous cases ('case law') have supported this approach:

Kieron Stannard v The Crown Prosecution Service [2019] EWHC 84 (Admin)

Paragraph 45:

“... as we have indicated, there is a power for an authorised person to revoke or vary a CPN, as well as issue one. If the affected person sends written representations to such an authorised person with a reasoned case that the CPN is inappropriate, on ordinary public law principles, the authorised person will have to consider those representations when considering the exercise of his discretion as to whether to retain, or revoke or vary, the notice. If he fails to do so, then, again on general public law principles, the individual will be able to seek a judicial review of that failure on usual public law grounds.”

This means if you write to the body that gave you the CPN asking them to change or cancel it and give reasons for why they should, they will have to make a decision about what to do. They may cancel the CPN, change some of the conditions or keep the CPN as it is.

If you don't get the outcome you want, **you can challenge their decision by applying for a judicial review** – this is a process where you ask a judge to examine the lawfulness of a public authority's decision, action or inaction.

An application for a judicial review must be started **as soon as possible and at the latest within three months of the decision**

being made by the issuing body. Judicial review is a complicated legal claim, and you will need a solicitor who specialises in public law and/or claims against public authorities to represent you. Liberty may also be able to provide you with advice if you want to go down this route of writing to the body who issued the CPN and asking them to cancel it.²

The deadline to apply for a judicial review only starts running from the date of the issuing body's decision after your written request to cancel the CPN.

² You can contact us using our online webform:
<https://www.libertyhumanrights.org.uk/advice-and-information/contact-us/written-advice/>

APPEALING A CPN

The right to appeal a CPN is in section 46 of the 2014 Act.

A CPN appeal must be started within 21 days from the date the CPN was issued. If the appeal deadline falls on a weekend, you must start it on a Friday or the last working day before the 21-day deadline.

Breaching a CPN is a criminal offence, but a CPN appeal is decided in civil proceedings in a Magistrates' court.³ This means you may need two different solicitors – one to help you to appeal against the CPN and another one to represent you if you are prosecuted for breaching the CPN.

Liberty may be able to assist in appeals against a CPN. You can contact us through our online webform:

<https://www.libertyhumanrights.org.uk/advice-and-information/contact-us/written-advice/>

If we are unable to assist you in your appeal, you can use this guide to try and bring an appeal without a solicitor.

If you get taken to court for breaching any of the conditions on the CPN, there are details of solicitors who might be able to help you in section 5 of this guide. However, if you don't have a solicitor on the day you're in court, you should ask to speak to the 'duty solicitor'. Liberty can't assist people to defend themselves from a prosecution because we are not criminal defence solicitors.

The appeal must be sent by email to the nearest court to where the CPN was issued.

You can find the nearest Magistrates' court by entering a postcode on the Government's 'Find a Court or Tribunal' webpage: <https://www.find-court-tribunal.service.gov.uk/services/search-by-postcode>. If you click on the court you want to start your appeal at, there will be an email address listed under 'Enquiries'.

³ Stannard v Crown Prosecution Service [2019] EWHC 84, para 43.

In London, the Magistrates' courts share two email addresses:
northlondonmc@justice.gov.uk and
southlondonmc@justice.gov.uk.

Make sure you use the correct email address for the court you want to start your appeal in and that the court's name is written at the top of the 'grounds of appeal' document (explained in the next section).

A copy of the grounds of appeal and any evidence filed at court must also be sent by email to the authority that issued the CPN. In London, this is usually the Metropolitan Police, but it could also be the Local Authority where you live, a local police force, or some social landlords. When you start the appeal, you will be known as the 'Appellant'. The organisation that issued the CPN will be known as the 'Respondent'.

When an appeal is made, any requirement in the CPN to **stop doing something** continues to have effect,⁴ unless the court orders otherwise. But any requirement **to do a specific thing** is suspended while the appeal is ongoing.

The Magistrates' court deciding on the appeal has three options. It must either: (i) cancel the CPN (sometimes called 'annulling it'); (ii) change it; or (iii) dismiss the appeal (which will keep the CPN in place).

⁴ S. 46 (3) Anti-social Behaviour, Crime and Policing Act 2014; Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals, pp. 58, accessed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf

A. GROUNDS OF APPEAL

The 'grounds of appeal' is the main document of the appeal. It should say what you are appealing – for instance, it is an appeal against a CPN issued to you on Monday 1 January 2024 by the Metropolitan Police. The grounds of appeal must also say why you are appealing. It should reference any evidence that you are filing which you would like to rely on – e.g. a statement from another person or organisation that supports you (these are known as witness statements). It should say what the relevant law is (see below) and address each condition in the CPN in turn.

The grounds of appeal should end by saying what you are asking the court to do. For example:

“For the reasons above, the Appellant asks the Court to allow the appeal and quash the CPN.

The Appellant also asks that, pending the outcome of their appeal, the Court suspends the CPN conditions under s 46 (3) (a) of the 2014 Act.”

WHEN CAN YOU MAKE AN APPEAL?

Under sections 46 to 47 of the 2014 Act, an appeal can be made if any of the following apply:

- the behaviour didn't take place

- the behaviour hasn't had a detrimental effect on the quality of life of people in the area (Liberty doesn't believe rough sleeping/begging has such an effect)
- the behaviour wasn't persistent or continuing – meaning it wasn't happening again and again
- the behaviour wasn't unreasonable (Liberty believes this ground will always apply in cases of poverty-related behaviours such as rough sleeping or non-aggressive begging)
- the person can't reasonably be expected to control or affect the behaviour (Liberty would argue that someone who is destitute and roofless can't reasonably be expected to stop sleeping rough or begging)
- any of the requirements imposed by the CPN are unreasonable (this ground is helpful where moving out of the area is particularly disruptive for the person because, for example, their support network/family live locally)
- there is a material defect or error with the CPN (for example, the officer didn't provide a written warning before issuing the CPN or the CPN doesn't explain the appeal procedure)
- the CPN was issued to the wrong person.

SOME HELPFUL POINTS

The Statutory Guidance⁵ on the 2014 Act can also provide some useful assistance in CPN appeals. Please see below some extracts from the June 2022 version (which is the most recent at the time of writing), which may be relevant to use in the grounds of appeal.

At page 5:

*“The guidance emphasises the importance of ensuring that the powers are used appropriately to provide a **proportionate response** to the specific behaviour that is causing harm or nuisance **without impacting adversely on behaviour that is neither unlawful nor anti-social.**”*

At page 52:

*“Protecting the vulnerable: Particular care should be taken to consider how use of the power might impact on more **vulnerable members of society.**”*

At page 54:

*“Agencies should have sufficient evidence to satisfy themselves that the behaviour in question is genuinely having a **detrimental effect** on others' quality of life, in terms of the **nuisance or harm** that is being caused to others, **rather than being a behaviour that others may just find annoying.**”*

⁵ The Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers, Statutory guidance for frontline professionals' can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf

Similarly, decisions on whether behaviour is persistent or continuing in nature should be taken on a case by case basis. (...)

The issuing officer must also make a judgement as to whether the behaviour in question is unreasonable. For instance, a baby crying in the middle of the night may well have a detrimental effect on immediate neighbours and is likely to be persistent in nature. However, **it is unlikely to be reasonable** to issue the parents with a Community Protection Notice **if there is not a great deal that they can do to control or affect the behaviour.**”

At page 55:

“The issuing officer will need to be satisfied that the person issued with the Community Protection Notice **can be reasonably expected to control or affect the behaviour** in question, taking into consideration all the available circumstances. There is also a need to have due regard to the Equality Act 2010.”

At page 57-58:

“In many cases, the behaviour in question will have been ongoing for some time. Informal interventions may well have been exhausted by the time the applicant decides to proceed with a Community Protection Notice. (...) Before a Notice can be issued, a written warning must be issued to the person committing anti-social behaviour.

The written warning must make clear to the individual that if they do not stop the anti-social behaviour, they could be issued with a Community Protection Notice. However, local agencies **may wish to include other information in the written warning**, for instance:

- **outlining the specific behaviour that is considered anti-social** and which is having a detrimental effect on others' quality of life, as this will ensure there is little doubt over what needs to be done to avoid the formal Notice being issued (...)

- **outlining the time by which the behaviour is expected to have changed** in order to give the alleged perpetrator a clear understanding of when the Community Protection Notice might be served;

- **setting out the potential consequences of being issued with a Community Protection Notice and in particular the potential sanctions on breach**, which could act as an incentive for the individual to change their behaviour before a formal Notice is issued.

(...)

Enough time should be left between the issue of the written warning and the issue of a Community Protection Notice **to allow the individual or body to deal with the matter.** It will be for the issuing officer to decide how long is allowed on a case-by-case basis. For instance, in an example where a garden is to be cleared

of waste, several days or weeks may be required to enable the individual to make the necessary arrangements. However, where an individual is playing loud music in a park, as outlined above, the officer could require the behaviour to stop immediately.”

At page 58:

*“The Community Protection Notice is intended to deal with **short or medium-term issues.**”*

Page 68 deals specifically with people who are homeless. It relates to the use of Public Spaces Protection Orders (‘PSPOs’) rather than CPNs, which are a different kind of tool that exists under the 2014 Act for tackling anti-social behaviour. However, as they both form part of the same toolkit of anti-social behaviour powers, we say that the same principles should apply to CPNs. In particular, we believe that just like PSPOs, CPNs should never be used to target those who are poor.

Page 68 states:

*“Public Spaces Protection Orders **should not be used** to target people **based solely on the fact that they are homeless or rough sleeping**, as this **in itself is unlikely to mean that their behaviour is having an unreasonably detrimental effect on the community’s quality of life** which justifies imposing restrictions using a PSPO. Councils may receive complaints about homeless people, but they should consider*

*whether the use of a Public Spaces Protection Order is the appropriate response. These Orders should be used only to address any specific behaviour that is causing a detrimental effect on the community’s quality of life **which is within the control of the person concerned.***

*Councils should therefore consider carefully the nature of any potential Public Spaces Protection Order that may impact on homeless people and rough sleepers. It is recommended that any Order **defines precisely the specific activity or behaviour that is having the detrimental impact on the community.** Councils should also consider **measures that tackle the root causes of the behaviour**, such as the provision of public toilets.*

The council should also consider consulting with national or local homeless charities when considering restrictions or requirements which may impact on homeless people and rough sleepers.”

HUMAN RIGHTS LAWS

The Human Rights Act 1998⁶ says public authorities are required to act compatibly with our rights under the European Convention on Human Rights⁷ (known as “Convention rights”). **In CPN appeals, the following Convention rights could be relevant.**

Article 7 – No punishment without law

This means that you can’t be guilty of a criminal offence if there are no laws to say the thing you did was a criminal offence at the time you did it.

Article 7 may apply where a CPN is so poorly worded that you can’t understand what it says or if you couldn’t figure out which geographical area it covers – for example, because there is no map attached to it.⁸

What could you say?

“The conditions in the CPN are too broad and are difficult to understand. In addition, there is no map, so I do not / our client does not **[delete as appropriate]** know which areas I / they can/cannot go into. The CPN conditions are therefore unreasonable; any prosecution for breach of the CPN will also interfere with my / our client’s rights under Article 7 of the European Convention on Human Rights and cannot be justified in the circumstances.”

⁶ Human Rights Act 1998 s. 6

⁷ https://www.echr.coe.int/documents/convention_eng.pdf

⁸ In legal terms, such clauses are said to lack the “quality of law”, “foreseeability”, “accessibility” and are therefore unenforceable.

Article 8 – Right to respect for private and family life

Public authorities like the police and other bodies that can give out CPNs must respect everyone’s private and family life, home and correspondence.

So Article 8 may apply if you are required to leave an area where you live, or have friends/family or a support network. It may also apply if you are banned from doing something that you must do to support yourself – for example, begging.

What could you say?

“A blanket ban on begging in a public space, such as the one in the CPN, amounts to an unacceptable interference with Article 8 ECHR as it deprives me, a poor person / our client, who is poor, **[delete as appropriate]** of a means of subsistence.

The European Court of Human Rights (the ‘ECtHR’) said in Lacatus v Switzerland (application no. 14065/15) that an outright ban on a certain type of conduct was a radical measure which required strong justification and particularly rigorous scrutiny by the courts empowered to weigh up the various interests at stake. The blanket nature of the begging ban in that case did not allow a balancing of the interests at stake. The same is true in my / our client’s case.”

Article 10 – Freedom of expression

This covers being able to hold opinions and give and receive information.

Article 10 may apply if the CPN bans you from communicating with someone. For example, if it stops you from having a written sign or speaking to people while begging.

What could you say?

“An outright ban on me / our client ***[delete as appropriate]*** asking others for money would interfere with my / their rights under Article 10 ECHR, as it would prevent me / them from communicating my / their plight and suffering to members of the public. I am / Our client is vulnerable, as described in the attached report/ letter/ witness statement ***[delete as appropriate]***. Any interference with my / their rights under Article 10 ECHR has not been justified and could not be justified in the circumstances.”

Article 11 – Freedom of assembly and association

This means that everyone has the right to gather together with other people.

Article 11 may apply if you are banned from using loudspeakers, making excessive noise or congregating in groups.

What could you say?

“The condition about not using loudspeakers applies to the whole of London/ Camden/ England ***[delete as appropriate]***. This condition is unreasonable because its geographical limit alone is too broad: it is unclear how it could be enforced.⁹ In addition, this condition is so broad that it would prevent me / our client ***[delete as appropriate]*** from ever protesting against the breadth of the CPN anywhere in London/ Camden/ England ***[delete as appropriate]*** – it therefore also interferes with my / their rights under articles 10 and 11 ECHR and has not been justified and could not be justified in the circumstances.”

⁹ For examples of overly broad conditions that were quashed in respect of an ASBO, see *R v Boness* [2005] EWCA Crim 2395.

CASE LAW

It may be useful to mention in your appeal principles established in other court decisions dealing with anti-social behaviour powers. These include:

- **A CPN should be clear and proportionate.**

Kieron Stannard v The Crown Prosecution Service [2019] EWHC 84 (Admin)

Paragraph 54:

*“CPNs constitute a significant interference with an individual’s freedom; they must be **clear in their terms and proportionate in their effect**. We make two final comments. First, we consider it would be best practice and consistent with legal certainty for any CPN to be **limited in time**, with that term clearly stated in the CPN. Secondly and more generally, we emphasise the need for authorised persons prior to issuing a CPN to consider with care the prohibitions and restrictions imposed **to ensure that they go no further than is necessary and proportionate to address the behaviour which has led to the CPN being made.**”*

- **Prohibitions should be capable of being understood.**

R v Boness [2005] EWCA Crim 2395

This case dealt with an ASBO (anti-social behaviour order). The court said that prohibitions – the things the ASBO said the

person shouldn’t do – should be capable of being easily understood by the defendant (paragraphs 22 and 23).

This approach was endorsed more recently by the Court of Appeal in R v Khan [2018] EWCA Crim 1472 (paragraph 14 and 15).

Žaja v. Croatia, application no. 37462/09

This was a decision made in the European Court of Human Rights stating that where a condition isn’t sufficiently clear, prosecution for breach of that condition interferes with Article 7 rights.

Paragraph 93:

*“... the Court considers that its task in the present case is to examine whether the relevant law was **foreseeable**, that is, whether the applicant’s act, at the time when it was committed, constituted an administrative offence **defined with sufficient precision by domestic and/or international law** (see, mutatis mutandis, Korbely, cited above, § 73) **to be able to guide the applicant’s behaviour and prevent arbitrariness**. In so doing the Court must ascertain **whether the applicant could have known from the wording of the relevant provision** – and, if need be, with the assistance of the domestic authorities’ interpretation of it and with informed legal advice – **what acts or omissions would make him liable for the offence** (see, mutatis mutandis, Vasiliauskas, cited above, § 154). Given*

that foreseeability also requires that a rule affords a measure of protection against arbitrary interferences by the public authorities (see *Centro Europa 7 S.r.l. and Di Stefano v. Italy [GC]*, no. 38433/09, § 143, ECHR 2012), the Court must also ascertain **whether the relevant law was sufficiently clear to provide, in accordance with the object and purpose of Article 7 of the Convention, effective safeguards against arbitrary prosecution, conviction or punishment** (see *Vasiliauskas*, cited above, § 153).”

• **A CPN shouldn't be used to punish someone for the conduct of another person.**

Staffordshire Moorlands DC v Sanderson [2020] EWHC 962 (Admin)

Mrs Justice Andrews at paragraph 31:

“S.43(1) provides that where a CPN is served on an individual **the unreasonable conduct of that individual** must have a persistent and continuing detrimental effect on those in the locality. That is easy enough to understand. It seems clear that Parliament intended that a CPN (and any prior warning) should be served **on the person who is engaging in the anti-social behaviour**, with a view to getting that person to desist, ultimately on pain of a criminal sanction.”

• **A general ban on begging triggers Article 8 and compromises human dignity.**

Lacatus v Switzerland (application no. 14065/15) European Court of Human Rights

Paragraph 101:

“A **general prohibition** of a certain conduct, such as the one in this case [begging] is a drastic measure which **requires strong justification** and particularly serious review by the courts, which are entitled to weigh the relevant interests at stake.”

Paragraph 56:

“**Human dignity is seriously compromised if the person concerned does not have sufficient means of subsistence.** By begging, the person concerned adopts a particular way of life in order to overcome an inhuman and precarious situation.”

Paragraph 57:

“The specific nature of the particular case must be taken into account, including the economic and social realities of the person concerned.”

Paragraph 59:

“**The right to turn to others for help is the essence of the rights protected by Article 8 of the Convention.**”

Paragraph 107:

*“No reason to doubt that begging was one of her [the applicant’s] means of survival. It considers that, being in a situation of clear vulnerability, **the applicant had the right, inherent in human dignity, to be able to express her distress and to try to remedy her needs by begging.**”*

Paragraph 113, quoting the United Nations Special Rapporteur on extreme poverty and human rights:

“The motivation to render poverty less visible in a town, and (thereby) to attract investment, is not compatible with a proper regard for human rights.”

On 13 August 2021, in its response to the Special Rapporteur on extreme poverty, the Government stated: “The UK is committed to refraining from enforcing any laws and regulations which criminalise persons in situations of poverty or homelessness and that are incompatible with human rights standards and the ECHR Lacatus v. Switzerland judgment”.

B. STARTING THE APPEAL

The appeal must be started (this is known as “filing” in legal terms) at the court within 21 days from the date the CPN was issued. You should send:

1. a copy of the written warning(s)
2. the CPN
3. the grounds of appeal
4. any letter that you sent to the police or organisation issuing the CPN and their reply (if any)
5. any evidence you would like to rely on – this could be a statement from an organisation that supports you, or a medical report, or anything else that may assist the court to understand why your appeal should succeed.

The appeal and supporting documents should be sent to the nearest Magistrates’ court. You can find your nearest court by entering a postcode on this website: <https://www.find-court-tribunal.service.gov.uk/services/search-by-postcode>. See ‘Useful addresses’ in section 7 of this guide.

Here is an example of an email or letter to the court:

Subject: URGENT – J Smith v Commissioner of Police for the Metropolis

Dear Court Staff,

Appeal of Community Protection Notice

I am the appellant, John Smith.

This is an appeal under s. 46 Anti-social Behaviour, Crime and Policing Act 2014 against the Community Protection Notice (the ‘CPN’) issued by the Metropolitan Police to Mr Smith on 1 January 2024, regarding alleged conduct on London Road, AB1 2XX.

I attach copies of:

(1) CP Warning issued on 20 March 2024

(2) CPN issued on 30 March 2024

(3) The letter that I sent to the Met Police on 1 April 2024

(4) Grounds of appeal

(5) Statement of Jane Doe of 1 April 2024.

Please ensure that all correspondence regarding this matter is directed to me. My contact details are XX.

Yours faithfully

John Smith

If you are an organisation acting on behalf of an Appellant, you must say so in your letter to the court. You should also send a form of authority signed by the Appellant, authorising you to act for them and ask for any correspondence to be sent to your address.

See below for an example of an authority:

I, [name of Appellant] (DOB: [xx/xx/xxx]), of [address], give permission for [name of organisation] to act on my behalf.

I authorise [name of organisation] to request and receive information to which I am entitled to under the Data Protection Act 2018.

Signed

Dated

C. SENDING THE APPEAL TO THE RESPONDENT

You must send a copy of the grounds of appeal and any other documents that you sent to the Court, to the Respondent (the body that issued the CPN). This is known in legal terms as “serving the appeal”.

The appeal and supporting documents should be sent to the Respondent by email. If you can't find an appropriate email address online, you could try phoning them to ask where it should be sent.

If the Respondent is the Metropolitan Police, it should be sent to: dls-allocationsteam@met.police.uk

See below for an example email sending the appeal to the Respondent:

Subject: J Smith v Commissioner of Police for the Metropolis

Dear Madam or Sir,

I am the appellant, John Smith.

I attach by way of service upon you my appeal, which was filed at court earlier today. My appeal is made under s. 46 Anti-Social Behaviour, Crime and Policing Act 2014, in respect of the Community Protection Notice issued to me by the Metropolitan Police on 1 January 2024.

I attach:

(1) Grounds of appeal

(2) Statement of Jane Doe of 1 January 2024

Please ensure that all correspondence regarding this matter is directed to me. My contact details are XX.

Yours faithfully

John Smith

If you are an organisation acting on behalf of an Appellant, you must say so in your letter to the Respondent. You should also send a form of authority signed by the Appellant authorising you to act for them and ask for any correspondence to be sent to your address.

After sending a letter to the Respondent starting the appeal, it is always a good idea to phone them to find out who is dealing with it. Make a note of their name in case you need to tell the court later.

REDUCTION OR CANCELLATION OF COURT FEES

Starting an appeal in court requires payment of a court fee.

The court fee for a CPN appeal is £62.

The application category code for this is 'C02.4 – An appeal where no other fee is specified'.

You can apply for the court fee to be lowered or cancelled if you have little or no savings, receive certain benefits,¹⁰ or have a low income. For more information, see the Government's webpage on 'Get help paying court and tribunal fees' here: <https://www.gov.uk/get-help-with-court-fees>.

¹⁰ This includes: income-based Jobseeker's Allowance (JSA); income-related Employment and Support Allowance (ESA); Income Support; Universal Credit (and you earn less than £6,000 a year) and Pension Credit (Guarantee Credit).

Applying for the fee to be reduced (which is known as 'fee remittance') is done through the 'Help with Fees' application, either online¹¹ or through a paper form (Form EX160).¹²

The online form doesn't need an actual signature. If you use the paper form, you will have to sign it.

If you don't have a National Insurance number or a Home Office reference number, you must use the EX160 paper form.

You don't need to wait for a case number from the court – the Help with Fees application can be sent at the same time as the appeal is filed.

¹¹ <https://www.gov.uk/get-help-with-court-fees>

¹² <https://www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees>

Procedure for cancellation of court fees for court cases in London – using a London Magistrates Application Centre ('LMAC') application form¹³

1. Fill out the online Help with Fees form (on <https://www.gov.uk/get-help-with-court-fees>), and a reference code will be generated.

2. If you are in London, email Lmac1@Justice.gov.uk. You should say that you want to appeal a CPN, and ask for confirmation of how much to pay (“the fee amount”), how to make the payment and for a copy of the correct LMAC form to use.

3. When you've received it, complete the LMAC application form, which is an excel spreadsheet format. It requires an application category code (C02.4) and the reference number that is generated from the online Help with Fees application.

4. Send the LMAC application form to Lmac1@Justice.gov.uk and to the court. When emailing the form, you may want to (at the same time) ask the court to set a date for the appeal as soon as possible.

5. If the Help with Fees application is accepted and the fee cancelled or reduced, you will receive an email from Lmac1@Justice.gov.uk returning your LMAC application form. The LMAC application will say that the £62 payment fee has been “paid”. This simply means that your application not to pay the court fee has been successful and that you owe them nothing.

6. Lmac1@Justice.gov.uk will also send an additional sheet confirming that “the payment has been processed”. This can seem confusing but is basically the confirmation that you do not have to pay the court fees!

¹³ **NOTE:** If your appeal is not against a CPN issued in London, you must contact the local court to ask where you should submit your request not to pay the court fees, how much it is and which form you should use!

PROSECUTION FOR BREACH OF THE CPN

Even if you have appealed the CPN, it is likely that some of the conditions are likely to continue, such as those that ban you from doing a certain thing. Therefore, you can still be prosecuted for breaching the CPN. If you are prosecuted, you will need a criminal defence solicitor to represent you.

The following law firms represent people prosecuted for breaching CPNs. They are:

1. Hodge Jones & Allen

- 0330 822 3451
- Website: <https://www.hja.net/contact/>

2. ACA Law

- 0207 485 6677 and 07812060606
- 21 Bonny Street, Camden, NW1 9PE.
- Website: <https://www.acalaw.co.uk/>

3. Commons Legal:

- Office number (answered 24 hours per day for police station emergencies) 020 3865 5403
- Email address: info@commons.legal
- Website: <https://www.commonslaw.org/>

If the above firms can't assist you, you can use Liberty's webpage on how to find a solicitor: https://www.libertyhumanrights.org.uk/advice_information/i-need-a-lawyer/

If on the hearing day you don't have a solicitor, you should tell the Court that you want speak to the 'duty solicitor'.

GLOSSARY

Appellant – the individual who has been given a CPN and is now appealing it.

Respondent – the body which gave the CPN, for example, the police.

Issuing – the CPN is issued on the date it is given or sent to you.

Filing – this is the term used when you are sending the appeal or documents to the court. For example, the appeal must be filed at the court within 21 days of the CPN being issued.

Serving – this is the term used when you send the appeal or documents to the Respondent, or the body who issued the CPN.

USEFUL ADDRESSES

COURT EMAIL ADDRESSES:

- Find the nearest Magistrates' court address and contact details through entering your postcode on the Government's 'Find a Court or Tribunal' webpage here: <https://www.find-court-tribunal.service.gov.uk/services/search-by-postcode>. If you click on the court you want to start your appeal at, there will be an email address listed under 'Enquiries'.
- In London, all of the Magistrates' courts use one of these two email addresses: southlondonmc@justice.gov.uk or northlondonmc@justice.gov.uk. You should find out which one the court you want to file at uses, using the link above, and then email the appeal to them. They will allocate this to the relevant court.
- The email address for contacting the London courts about remittance of the court fee is lmac1@Justice.gov.uk.

POLICE EMAIL ADDRESSES:

The Metropolitan Police Service (London): dls-allocationsteam@met.police.uk; and dls-allocationsteam@met.police.uk

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NOVEMBER 2024