

IN THE ROMFORD COUNTY COURT

2a Oaklands  
Avenue  
Romford  
Essex  
RM1 4DP

Thursday, 16<sup>th</sup> April 2015

BEFORE:

DISTRICT JUDGE DODSWORTH

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BETWEEN:

CIRCLE HOUSING OLD FORD

Claimant

- and -

(1) MISS CLAIRE ROBINSON  
(2) MR JOHN MURPHY

Defendants

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MS THOMPSON, counsel, appeared for the claimant.

MR HAMLIN, solicitor, appeared for the defendants.

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JUDGMENT  
(Approved)

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No of folios: 26  
No of words: 1,884

Thursday, 16<sup>th</sup> April 2015

THE DISTRICT JUDGE:

1. These are the sentencing remarks in the case of B00RM034 Circle Housing Old Ford v Murphy and also A02RM390 Circle Housing Old Ford v Claire Robinson.
  
2. I will start with Mr Murphy. Mr Murphy, you were made subject to an anti-social behaviour injunction made by District Judge Bowles on an application by the claimant on 9<sup>th</sup> January 2015. That order was made to run until 4pm on 20<sup>th</sup> January 2015. On 20<sup>th</sup> January 2015 I continued that injunction until 4pm on 9<sup>th</sup> July 2015. The order was continued in identical terms to that ordered by District Judge Bowles on 9<sup>th</sup> January. The material parts of that injunction are as follows:
  - “1. You are forbidden from using violence against, or threatening to use violence against, any residence of or visitor to Barley Court, Lower Mardyke Avenue, Rainham, RM13 8FT.
  2. You are forbidden from causing any noise that is likely to cause a disturbance to any resident of, or visitor to, Barley Court, Lower Mardyke Avenue, Rainham, RM13 8FT.
  3. You are forbidden from being abusive or threatening to any resident of, or visitor to, Barley Court, Lower Mardyke Avenue, Rainham, RM13 8FT.”
  
3. It is noteworthy that you failed to attend the hearing on 20<sup>th</sup> January 2015. Nonetheless, I am perfectly satisfied that the injunction was properly served on you and you were aware of its terms. You faced one allegation of a breach of that injunction relating to an incident which took place in the early hours of 21<sup>st</sup> March 2015. You were arrested in the early hours of that Saturday

morning and appeared before District Judge Mullis on 23<sup>rd</sup> March 2015. District Judge Mullis adjourned the matter to today to allow you to get legal advice and the detail of the precise breach which was alleged against you was set out in the order he made on that date. I quote:

“At about 0130 hours on 21<sup>st</sup> March 2015 you banged on the front door at 20 Barley Court, occupied by neighbours of yours. You then proceeded to loudly say, ‘I am coming for you. Your time is coming.’ When the door was opened by the resident you continued to say, ‘My mates are going to get you. I am going to get you. Watch your back.’”

4. The evidence in relation to that breach consists of the statements of PC Milligan and Patrick Carey. I am satisfied that if the incident is proved, it is a breach of all three provisions of the injunction.
5. Mr Murphy, you have accepted through your solicitor all the evidence against you today in its entirety. To be fair to you, you also accepted the incident had taken place when you appeared before District Judge Mullis, although as you were not legally represented it was not formally recorded as an admission. You have offered a full apology to the court for your behaviour.
6. When considering what the appropriate sentence to impose on you is I have had regard to the Sentencing Guidelines Council’s guidance - “Breach of an anti-social behaviour order”. That indicates that when considering the matter I must first assess the level of seriousness of the case. There are three levels dealt with in the guidance and they are described as (i) serious, (ii) where there is a lesser degree of harm and (iii) those where there is no harm. I consider this case to fall within the middle bracket, i.e. those described as lesser degree

of harm cases. That suggests a starting point for sentences of six weeks immediate custody.

7. I also have to consider whether there are aggravating or mitigating factors that apply to you. The only aggravating factor I have found in this case is that the target of your threat was a person who the anti-social behaviour injunction was designed to protect: one of your neighbours. There are several mitigating factors. Firstly the breach occurred after a period of some two months compliance with the order. Secondly, you promptly accepted your wrongdoing when you appeared before District Judge Mullis and you have done so again today and thirdly you have offered a full apology.
8. I also note the following personal circumstances that relate to you: you have a history of alcohol dependency, which is no doubt at the root cause of much of this behaviour. To your credit, I am told that you are taking steps to address this via the First Step programme and I hope that that will continue and you will succeed in addressing your dependency.
9. I also note that partly as a result of this incident that your landlord, Circle Housing Old Ford, has commenced possession proceedings against you and that those are due to be heard for the first time on 21<sup>st</sup> May 2015.
10. I also have regard to the fact that as you were arrested in the early hours of Saturday morning you have spent effectively three nights in custody already.

11. I therefore have come to the conclusion that an immediate custodial sentence is not required in this case and I sentence you to 28 days custody, suspended for 12 months on condition that there are no further breaches of the injunction. That concludes the comments in relation to Mr Murphy.
12. Miss Robinson, you were made subject to an anti-social behaviour injunction made on the application of the claimant on 24<sup>th</sup> September 2014. I made that order and ordered the injunction to run until 4pm on 23<sup>rd</sup> March 2015. Nonetheless the matter came back for reconsideration on notice on 6<sup>th</sup> October 2014 where I continued the injunction on the same terms.
13. The material parts of the injunction that applied to you are as follows:
  - “1. You are forbidden from using violence against or threatening to use violence against any resident or visitor to Barley Court, Farrier Court, Plough Court and/or Harvest Court, Lower Mardyke Avenue, Rainham, RM13 8FT.
  2. You are forbidden from causing any noise disturbance that is likely to cause a nuisance to any resident of or visitor to Barley Court, Farrier Court, Plough Court and/or Harvest Court, Lower Mardyke Avenue, Rainham, RM13 8FT.”

A power of arrest was attached to paragraph 1 of the order and again it is noteworthy that you failed to attend the on notice hearing on 6<sup>th</sup> October 2014.

14. You face allegations in relation to two separate incidences: firstly on 7<sup>th</sup> February 2015 when you were arrested and appeared before District Judge Wright on 9<sup>th</sup> February 2015 when he adjourned the matter to today to enable you to take legal advice. You did not accept the allegations at that hearing. Secondly there was an incident on 20<sup>th</sup> March 2015 where again you were

arrested and appeared before District Judge Mullis on 23<sup>rd</sup> March 2015, who continued the injunction against you to 23<sup>rd</sup> March 2016 and adjourned the contempt proceedings to today.

15. The allegations are set out in a schedule of breaches which was served on you and I quote from that:

- “1. On 7<sup>th</sup> February 2015 between 0500 hours and 0800 hours you caused noise nuisance to a resident of Barley Court, namely Georgina Tobin of 20 Barley Court, by banging, shouting and screaming in your property. During the altercation you lunged at John Murphy, a resident at 21 Barley Court, punched him in the face and dug your nails into his neck and scratched him.
2. On 20<sup>th</sup> March 2015 from 1530 hours you caused noise nuisance to residents at Barley Court, namely Georgina Tobin and Patrick Carey, both of 20 Barley Court, by banging doors and shouting loudly in your property. This continued until 2300 hours when there was a loud banging coming you're your property which sounded as though you were kicking the walls with both feet.”

16. The evidence in relation to the breach on 7<sup>th</sup> February 2015 is contained in the statements of Miss Georgina Tobin, PC Williams and John Murphy. In relation to the incident on 20<sup>th</sup> March 2015 it is set out in the evidence of Miss Georgina Tobin, PC Abbey and Patrick Carey.

17. Miss Robinson, you have accepted the entirety of that evidence through your solicitor, Mr Hamlin, and you have admitted the breaches today.

18. In considering the Sentencing Guidelines Council guidance that I referred to earlier, I find that these breaches also fall within the middle bracket, i.e. that described as the lesser degree of harm.

19. There are a number of aggravating features in relation to your case. I find that the two incidents of breach show some history of disregard for court orders and note in particular that the second incident was subsequent to the first breach, and the initial court hearing before District Judge Wright, so it was committed at a time when you knew you were already facing contempt proceedings.
20. Again, the victims of your actions are those whom the anti-social behaviour injunction was intended to protect: your fellow residents.
21. In mitigation I note that there was a period of some four and a half months between the original grant of the injunction and the first incident complained of. I also note that, unlike Mr Murphy, you made no admissions at the hearings on 9<sup>th</sup> February 2015 and 23<sup>rd</sup> March 2015. On each occasion you contested the allegations. You have accepted the truth of the allegations today and belatedly an apology has been made to the court.
22. You too have alcohol dependency issues and are taking steps along with Mr Murphy to address those. That is to your credit and I hope that they will succeed.
23. You too also face possession proceedings and the threat of the loss of your home.

24. I also note that on both occasions you spent time in custody and have already spent five days in custody.
25. I also note in relation to your personal circumstances that there is some limited medical evidence before me relating to a history of depression and mental health issues and your self-harming tendencies and, indeed, in relation to your self-harming tendencies I note that there was an incident of that in court earlier today.
26. In conclusion, I consider that the breaches in this case are more serious than those of Mr Murphy. There are more aggravating factors and fewer mitigating features than in his case. In respect of you, Miss Robinson, I consider only an immediate custodial sentence is appropriate. I would have sentenced you to 28 days but given that you have already spent five nights in custody I will reduce that to 14 days, of which you will serve half in custody and half on licence.

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