

IN THE CARDIFF COUNTY COURT

B70CF009.

Cardiff County Court,
2 Park Street,
Cardiff,
South Glamorgan CF1 1ET.

Wednesday, 27th May 2015.

Before:

HIS HONOUR JUDGE GASKELL QC

Between:

CARDIFF COMMUNITY HOUSING

Applicants

and

CARL SMITH

Respondent

MR SAUNDERS (*a solicitor*) appeared for the Applicants.

The Respondent appeared in person.

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JUDGMENT
(Approved)

Wednesday, 27th May 2015.

- 01 In this case on 6th February 2015 the court made an order prohibiting Carl Smith from instructing or encouraging any person from using or threatening any unlawful violence towards Tanya Pratt and not to threaten Tanya Pratt or to send her threatening or abusive messages. He was also forbidden from entering an area of approximately 100 m around 65 Metal Street and from entering an area 100 m around 112 Woodville Road. That order was extended on 19th February. The Defendant Mr Smith breached the order by entering a house at 65 Metal Street. It appears that he was there at the invitation of Tanya Pratt, the person for whose protection this order was made. Of course the Housing Authority has concerns beyond the individual because violence or potential violence within accommodation like this creates a risk to other tenants but of course Tanya Pratt was and remains a tenant and the court is anxious to ensure that there is no violence against any tenant even if that tenant wishes to have a relationship with the alleged perpetrator.
- 02 Mr Smith accepts and agrees that he went to 65 Metal Street in breach of the order. He has put himself at risk of an immediate sentence of imprisonment. However Tanya Pratt, the person for whose benefit this order has been made, has come to court and said that in many respects she had lied in her complaints about him because of various things that he had said about her daughter and various factors in their personal relationship. Mr Smith has agreed that the order that currently exists be varied so that it be limited to prohibiting him from entering 65 Metal Street. The fact remains that he is in breach of a court order but having regard to the attitude of Tanya Pratt and the fact that she invited him or at least allowed him to be there albeit in breach of the order I am not going to send him to prison today. Nevertheless he is in breach of the order and the order will be that he be committed to prison for 28 days suspended upon terms that he do not enter 65 Metal Street, Adamstown, until 27th February 2016. The effect of that, Mr Smith, is that you do not go to prison today but, if you enter this property at 65 Metal Street, you will be in breach of this order and you will go to prison. This runs for six months after the former date which was August, so that it runs until 27th February 2016. Just make sure you do not go into that house. There being no application for costs, there will be no other order. I am making two orders. I make a fresh injunction in place of the previous injunction, which means that you *are* allowed to go within 100 m of 65 Metal Street and you *are* allowed to go within 100 m of 112 Woodville Road but you *must not* enter 65 Metal Street. Those are the two orders that I make.
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