

IN THE COUNTY COURT
SITTING AT GLOUCESTER AND CHELTENHAM

Claim No. A00GL288

Kimbrose Way
Gloucester
GL1 2DE

Tuesday, 12th May 2015

Before:

DISTRICT JUDGE SINGLETON

Between:

SOVEREIGN HOUSING ASSOCIATION

Claimant

-v-

MR LUKE RUTHERFORD

Defendant

Counsel for the Claimant:

MISS MORRISEY

The Defendant did not appear and was not represented

JUDGMENT APPROVED BY THE COURT

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Number of Folios: 11
Number of Words: 819

JUDGMENT

DISTRICT JUDGE SINGLETON:

1. Sovereign Housing Association applied for an anti-social behaviour injunction against Mr Rutherford and this was granted on 20th April 2014, with a power of arrest until 24th April 2015 initially. At a hearing on 8th May 2014, the injunction and the power of arrest were extended until 24th April 2016. On 19th June 2014, the defendant was arrested in the exclusion area imposed by the injunction. He admitted it. Because that was his first offence and because he had spent some time in the police cells, no penalty was imposed on that occasion but a warning was given.
2. However, a few days later, on 24th June 2014, the defendant was arrested again for being in the exclusion area on 23rd June 2014 and, at a hearing on 24th June 2014, he was remanded in custody until 1st July 2014. At the hearing on 1st July 2014, the defendant admitted the breaches and a suspended sentence of 28 days was imposed and the suspension was to last until the conclusion of the injunction on 24th April 2016. The next day, it turned out he was sentenced by the Magistrates' Court for other matters and he was not released from prison in connection with those other matters until about mid-November.
3. On 18th December 2014, a hearing took place because it was alleged he had breached the injunction again, on 17th December 2014, by entering the exclusion zone and he was, therefore, remanded in custody until 23rd December 2014. On 23rd December 2014, he was given prison sentences of 28 days for the breach on 17th December 2014 and 28 days for activation of the suspended committal order and both of these sentences were ordered to run concurrently.
4. On 16th February 2015, the claimant issued a committal application and this referred to two alleged breaches on 11th February 2015 for entering the exclusion zone. At a hearing on 18th March 2015, when the defendant failed to attend, the breaches were proved in his absence and an order was made adjourning the case for sentencing. Problems arose in relation to service of documents and, at a hearing on 20th April 2015, I made an order for alternative service. Janice Bailey of the claimant organisation, she is the housing officer with them, has given evidence on oath today and she has also completed certificates of service. She has confirmed that she has complied with the order for service on 20th April 2015 and has stated that the contents of the certificates of service, dated 27th April 2015, are true. The defendant has failed to attend court again today.
5. This is the fourth set of breaches in respect of this particular defendant. The original injunction was imposed mainly because of harassment that the defendant had caused to a number of persons in the area which the defendant has been excluded from. Whilst no actual harassment has been caused to anybody, that the court is aware of, in respect of the recent breaches, there are aggravating factors in this particular case in that there is a history of disobedience on the part of the defendant. This is the fourth set of breaches over a period of ten months since the anti-social behaviour injunction was made and, during that period of ten months, he has been in prison for approximately five of them.

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6. The current breaches were committed within two months of the previous breach and within approximately one month of being released from prison. There has been no guilty plea on the part of the defendant or no admission of the breaches on the part of the defendant. There has been no cooperation on the part of the defendant in connection with service of documents or attending court hearings in respect of the recent breaches. So I consider that there are a number of aggravating factors which tip this particular situation at the moment, in respect of the current breaches, into the middle bracket and, in those circumstances, I am going to impose a prison sentence of 42 days for each of the breaches and those sentences will run concurrently. The current breaches are that it is alleged that on 11th February 2015, he entered the exclusion zone on two occasions on that date.

[Judgment ends]