

IN THE COUNTY COURT
AT GLOUCESTER & CHELTENHAM

Claim No. B00GL045

Kimbrose Way
Gloucester
GL1 2DE

Friday, 3rd July 2015

Before:

MR RECORDER DAVID BLUNT QC

Between:

CHELTENHAM BOROUGH COUNCIL

Claimant

-v-

LESLIE MICHAEL COOK

Defendant

Solicitor for the Claimant:

MS FENNELL

The Defendant appeared In Person

JUDGMENT APPROVED BY THE COURT

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JUDGMENT

A

MR RECORDER DAVID BLUNT QC: When one is dealing with what is effectively a sort of ASBO like this and there is a breach, in this locality what is the normal committal sentence?

B

MS FENNELL: It can be anything from a week to 28 days, to the suspended sentence.

MR COOK: Can I say something, please?

THE RECORDER: Yes.

C

MR COOK: I have not been to prison since 2001 and I have kept myself out of prison. Before that I was in prison all the time.

THE RECORDER: Yes.

D

MR COOK: I just haven't been to prison since 2001. That is a long time. That is 14 years that I have managed to keep my nose out of trouble. If I was doing something I would be in trouble with the police. If you send me to prison it is effectively going to destroy my life. Obviously, everything I have done is going to be undone, all my work, my counsellors, my support worker, where I am living. I am going to get out and have nowhere to live.

E

MS FENNELL: I have just been informed by the police officers, should you be minded to send him to prison today, then his rooms would still be available for him at *[inaudible]* when he returned. So that is... *[that concern?]*

THE RECORDER: Yes.

MR COOK: But I won't be going there. If I go to prison, what is the point?

F

THE RECORDER: Mr Cook—

MR COOK: I am sorry, I am just getting...

THE RECORDER: It is all right.

G

1. I am going to make a suspended prison sentence which will be 14 days and that will be suspended provided there are no further breaches of the order. I am going to vary the order. I know you say you have got rid of your dogs but should you have any dogs you have got to keep them muzzled at all times.

H

MR COOK: I haven't got dogs, so, but yes.

THE RECORDER:

A 2. Then, you need not worry about it but if you acquire any dogs you must keep them muzzled because you do not seem to be able to control them and I think you would probably accept that. There was a member of public, Mr Morten whose dog was savaged by yours. Is that the matter which is coming before the court?

MS FENNELL: Yes.

B THE RECORDER:

3. You will hear more about that. So, that is the order which I am going to make. I will add the power of arrest as well. As long as you keep out of trouble and there are no more breaches of the order this sentence will not take effect. Do you understand?

C MR COOK: I don't... I understand what you are saying. So, if somebody rings the police or somebody says they have seen me drinking, which is what has been happening... so if somebody just says, "Oh, I have just old Leslie Cook drinking", will I get arrested then?

THE RECORDER: The police may come along—

D MR COOK: Because if that is the case I would rather just go to jail today because—

THE RECORDER: If there is evidence that you have been drinking in a public place, which is what you are told not to do, then that will be a breach.

E MR COOK: But the thing is I have had the police knocking on my door saying that I have been drinking and I haven't. I have been at my mum's house and my mum's actually said to the police, he has been here for three hours. He hasn't been drinking anywhere. It is people maliciously ringing up saying I have been drinking in the street and...

THE RECORDER: I am sure the police will investigate that if you say, no, I was at my mother's house. The police will investigate.

F MR COOK: That was just one example of what happened. If... God...

THE RECORDER: Do not drink in a public place. That is the answer. Right, anything else?

G MR COOK: I get accused of drinking in public places.

MS FENNELL: No, your honour.

THE RECORDER: Right, thank you.

H *[Hearing ends]*