

IN THE COUNTY COURT
OF CARDIFF

Case Number : 2CF03426

Cardiff Civil and Family Justice Centre
2 Park Street
Cardiff
South Wales
CF10 1ET

Date : 18th June 2015

BEFORE:

MR RECORDER ROWLAND

BETWEEN:

Cardiff County Council

Claimant

- and -

Gareth Williams

Defendant

J U D G M E N T

Mr Brigg appeared on behalf of the Claimant
Miss Jones appeared on behalf of the Defendant

A P P R O V E D

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MENDIP MEDIA GROUP
Rockeagle House, Pynes Hill, Exeter, Devon, EX2 5AZ
Telephone : 01392 213958 Fax : 01392 215643
Email: ttp@mendipmediagroup.com

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MR RECORDER ROWLAND:

1. In this case there are two matters before the court. The first is the defendant's application to suspend a warrant of possession of a residential property, and the second is an application, by the claimant, for the committal of the defendant for breach of an Injunction Order made on 14th November of last year. In relation to the last matter, only one incident is relied upon, namely an incident occurring on 7th March of this year, and I remind myself now, as I will do later, that the burden of proof rests upon the claimant to prove any allegation relevant to the liberty of the subject to the criminal standard.
2. The claimant in this case is Cardiff County Council, who has been represented by Mr Brigg. The defendant is Gareth Williams, who has been represented by Miss Jones.
3. The case concerns the tenancy, granted to the defendant by the claimant, of a property at 34 Dylan Place, Roath, Cardiff. The tenancy was granted on 14th February 2005, and it is a one bedroom flat. It sits in what appears to be two interconnected blocks, each of them of six flats. The defendant's flat, as I understand it, is on the ground floor, and living above him is a Mr Grimaldi who was granted the tenancy of his flat in 1995.
4. There have been previous proceedings between the parties as a result of a raid carried out by South Wales Police on the defendant's flat on 30th October 2012. On that occasion, the police seized 36 cannabis plants together with associated growing equipment; the defendant asserted personal use of the cannabis, and he was then cautioned by the police, rather than prosecuted.
5. The claimant commenced proceedings for possession of the flat and, on 9th April 2013, this court made an order for possession but suspended it until 9th April of this year, conditional upon the defendant abiding by all of the terms of the tenancy agreement, not just those that relate to matters concerning drugs.
6. That is how matters lay until 18th September last year, when the first of the various incidents occurred which consisted of a complaint by Mr Grimaldi about the conduct of the defendant and, following that, Miss Kimber visited the defendant on 27th October, to discuss the matter with the defendant, and I will come back to that visit later.
7. On 8th November, Mr Grimaldi made a further complaint of nuisance behaviour on the part of the defendant, and by reason of that allegation, the claimant sought an injunction, in terms requiring the defendant not to cause any nuisance, or use or threaten violence against anyone in the vicinity of Dylan Place.
8. The court made an interim order, without notice to the defendant, on 11th November 2014, and the without notice injunction was served later the same day, containing on it advice that if the defendant did not understand anything, he should go to a solicitor, legal advice centre or Citizen's Advice Bureau, and then concluding that the matter would be re-considered by the court on 14th November, three days later.

9. As it happened, the defendant did not attend the return date of 14th November, and therefore the order was continued until 11th November this year.
10. On 7th March, of this year, because one of the further allegations that I will come to when dealing with the Scott Schedule, there was an incident of alleged nuisance, as a result of which the police were called, and the defendant was arrested, thereby giving rise to the notice to show good reason why an order for the defendant's committal to prison should not be made, relying on that single alleged incident on 7th March.
11. The defendant was arrested but released by the court from custody on 9th March, and the further consideration of the notice to show reason has been adjourned until today.
12. So that is a brief background of the history and the proceedings.
13. I have heard evidence from five live witnesses, and I propose now to set out my conclusions as to the evidence which they gave.
14. The first witness was Rianne Kimber, who is employed by the claimant council, as the Anti-social Behaviour Officer within the Department of Communities, Housing and Consumer Services, and so her role, across the city, is to deal with matters of anti-social behaviour in order to improve community safety.
15. I considered Miss Kimber to be a conscientious officer of the council, who gave her evidence in a measured and impressive manner. Where matters were outside her direct knowledge, she was willing to accept that fact, and not jump to unrealistic conclusions, but where conclusions reasonably could be drawn, she was willing to do so. I found that I was able to accept the evidence that she gave, in particular of matters that she observed.
16. I heard also evidence from PC Kerry Evans, who was a witness to the aftermath of the incident on 7th March, when he was called to attend the flats to deal with a disturbance, and I accept PC Evans' evidence of the manner in which the defendant presented himself on that occasion. He was highly aggressive and angry both to one of the other participants in the events on that occasion, a Mr Bladen-Rees, and also the defendant was highly aggressive towards the police officer himself, to the extent that he told me, frankly, that he felt frightened.
17. The next witness, from whom the court heard, was a Mr Andrew Grimaldi. Mr Grimaldi is a 50 year old man who is central to this case. He is the tenant of 32 Dylan Place, the flat immediately above that occupied by the defendant, and he has been living there now for 20 years.
18. I found Mr Grimaldi to be a somewhat belligerent and argumentative man. In my judgment he was far from reticent, or innocent, in relation to the incidents that I am going to consider. However, I reject out of hand the allegations made by the defendant, that all of

these matters, with which I am concerned, are rooted in invented complaints, made by Mr Grimaldi as a result of an incident which occurred in 2011, concerning an earlier incident involving the defendant and Mr Grimaldi, and which had led to the prosecution of Mr Grimaldi for an offence of violence perpetrated, allegedly, on the defendant.

19. That allegation led to Mr Grimaldi being remanded in custody, and ultimately to a hearing at the Crown Court, where it appears, from the evidence that I have heard, the Crown decided not to proceed, offered no evidence and a verdict of not guilty was entered. That verdict of not guilty was entered in about April of 2012. So that is some two and a half years before the first of the incidents, with which I am concerned, and the incident, leading to the criminal proceedings commenced against Mr Grimaldi, therefore must have occurred some three years or more prior to the September 2014 incident, which is the first of the incidents that I am going to consider.
20. While I find that Mr Grimaldi was aggrieved by the events that led to his prosecution, and angry about them at the time, and potentially since then as well, I cannot find that he has been motivated to make all of these allegations by events that by September of 2014 had become somewhat stale. Had that been his motivation, these allegations would surely have been made much earlier.
21. An issue has arisen in the case about previous convictions because, at the commencement of this trial, Miss Jones, on behalf of the defendant pursued an application which had been made on 3rd June of this year, for disclosure of the previous convictions of Mr Grimaldi and two other participants in the case, Leanne Oxley and Mr Bladen-Rees.
22. In a short judgment I gave at the time, I rejected the application for disclosure, because it had been made too late, it would have involved the adjournment of the trial, and I considered that I was likely to be able to determine these matters without recourse to the record of previous convictions of the three people concerned, and I am fortified now in those views.
23. Mr Grimaldi was asked about such convictions as he has. He said, in his oral evidence, that he had been convicted for two offences of dishonesty when he was under the age of 20, and also, at some stage, some motoring convictions. He said he had been arrested in relation to other matters that had not been pursued.
24. Whatever the rights and wrongs about that evidence, I consider that the safer course, and the one that I have adopted, is to approach this case without consideration of the previous convictions of any of the participants, and I have made my findings based upon the oral and written evidence that is before me.
25. The next witness, from whom I heard, was Susan Power, who is a social worker, who resides in the flats at Dylan Place, but not in that part of Dylan Place occupied by the defendant and Mr Grimaldi, but in an adjoining part which has a separate entrance.

26. I came to the conclusion that Miss Power was largely accurate about the events that she had observed. But that her observation was only a partial observation of the events of 7th March, because she was watching either from the top of a stairwell or from a window, and much of the action either occurred before she came out to view what was happening, drawn by the commotion that was going on, and also some of the action was occurring underneath the porch which obscured her view.
27. But having said that, Miss Power was somebody who was also prone to jumping to conclusions. For example, she complained that Mr Grimaldi was the common denominator of all of the problems that she said occurred in the flats, but then when having made that sweeping generalisation, was unable to substantiate it by saying that she had witnessed anything concerning Mr Grimaldi.
28. I now turn to Mr Williams, the defendant to the proceedings. In a statement that he made on 3rd April 2013, in relation to the initial possession proceedings, he said this, 'Since I was about 13 years old, I have smoked cannabis, as it has always helped with my feelings of anger and aggression. Smoking cannabis helps me feel and keep calm. I know that I have an addiction because I would, until recently, smoke cannabis on a daily basis.' So that establishes, firstly, that he has a problem with anger management and, secondly, that he did, slightly over two years ago, have, what he described as an addiction to cannabis.
29. There is no evidence that, during the intervening period, he has received any intervention in relation to his anger management problems, and in my judgment, those are problems from which he still suffers.
30. He has filed medical evidence, in the proceedings, and there is a report from a Dr Le Maitre, of the practice at 19a High Street, Llandaff, dated 10th March, saying that Mr Williams has been receiving assistance with symptoms of anxiety and depression since November 2012, has been on medication, including Risperidone, from March of 2014. He says that these medications have side effects which can include confusion, sleep disturbance and irritability, but at no time, up to November 2014, so that is by the time he had been on those medications for eight and six months, respectively, had he complained of any side effects.
31. He did complain of insomnia, on 1st October last year, so insomnia would appear to be different to a tendency to falling asleep or being drowsy. In December 2014, his complaints were increased anxiety, insomnia and low mood. But then on 9th February he said that the Risperidone had been too sedating, and they decided then to wean him off that medication.
32. I came to the conclusion, having seen and heard the evidence of Gareth Williams, that he remains somebody who has a problem with feelings of anger, and he has a tendency to a loss of control when he is angry.
33. On behalf of Mr Williams, Miss Jones has raised an issue about the manner in which the

claimant is alleged to have failed to meet its responsibilities under the Equality Act. I have heard and considered those submissions, and my conclusions are, firstly, that I do not find that the defendant has a disability under the Act, and I do not find that the medical evidence, either standing on its own or combined with the oral evidence that I have heard, reaches the threshold required for a disability. The evidence, such as it is, amounting to mild evidence of anxiety and depression.

34. Even if he presented, in February 2015, with a complaint of drowsiness or feeling sedated, that does not establish that he had those symptoms in November 2014, when, for example, he failed to attend on the return date of the injunction application. I reach that conclusion, when balanced with other evidence, for example, in October and December 2014 he did see the doctor but made other complaints about how he felt, not drowsiness, and the presentation that was seen, by, for example, Miss Kimber in October, and PC Evans in March of this year, was anything but that of a person who had a tendency to drowsiness.
35. However, even if I had found that the defendant was somebody suffering from a disability under the terms of the Act, I consider the local authority's response to have been proportionate. The local authority, in the form of Miss Kimber, has considered the issues again, following the filing of the defendant's statement of 2nd February, raising the issue of disability, and the council has, following that re-consideration, decided to proceed, and in my judgment, the other measures taken by the local authority, to deal with any issue of disability from which the defendant may suffer, are reasonable and proportionate. For instance the provision of a tenants' support service, and the drawing of the defendant's attention to it, in letters such as that sent at the end of October last year.
36. I now can turn to consider the various allegations, seven of them, set out on the Scott Schedule, which give rise to the council's claim for possession, and their defence to the application to suspend the warrant.
37. The first relates to 18th September of last year, which is a complaint by Mr Grimaldi of aggressive behaviour by the defendant. On that day, it is common ground that the defendant was doing some work in the communal gardens of the flat, described by Mr Grimaldi as, 'breaking some of the bushes'. There was an altercation between the two of them.
38. I am satisfied that Mr Grimaldi took the defendant to task over what he was doing, and having regard to my conclusions about Mr Grimaldi's character, he was unlikely to have been tactful in the way in which he did it. But the defendant plainly overreacted, and I am satisfied that the defendant used the sort of language that is set out in Paragraph 7, of Mr Grimaldi's first statement, calling Mr Grimaldi a, 'Fucking pussy' and being told to, 'Fuck off' and words to that effect, concluding with words like, 'Fuck your mother. Go fuck your sister'.
39. As the defendant said, in the subsequent discussion with Miss Kimber, he overreacted. So I find that first matter proved.

40. The second incident concerns a visit made by Miss Kimber to the defendant's flat, on 27th October. The purpose of the visit was to discuss the earlier complaint, by Mr Grimaldi, about the defendant's conduct on 18th September. This was an un-announced visit. Miss Kimber went to the outer door of the flats, where there is an intercom, buzzed the defendant, who answered and buzzed her through, so that she could go to the defendant's front door.
41. When she got to the front door and knocked, she found the defendant did not answer it straight away, but waited some three to four minutes, while she heard a lot of banging and crashing coming from inside the flat. She was understandably suspicious in view of the events of October 2012. Ultimately the defendant opened the door, and Miss Kimber describes as once the door opened, she could smell cannabis. She said the smell was of cannabis plants, not of cannabis smoke, and she was adamant that it was a smell emanating from the flat and not from the common parts of the block.
42. She wanted to go in to discuss the allegations with the defendant, in private, inside the flat, but what appear to have been a variety of lame excuses were given by the defendant, saying he had no electricity, although it was clearly light inside, that it was a bit of a mess and Miss Kimber said that was not a problem, that he had not had a shower and she said that was not a problem either.
43. They went on to have a discussion about the complaint that Mr Grimaldi had made, during the course of which he acknowledged that he had retaliated to the insults, and about the terms of the tenancy and the suspended possession order, which led to a heated discussion with the defendant then becoming angry, arguing and raising his voice.
44. I accept the evidence of Miss Kimber when she says she was able to smell cannabis plants. She has knowledge and experience of that smell through the work that she has to carry out for the council, which inevitably involves, from time to time, going to flats where people have grown cannabis plants. So while she might not have expertise as a result of formal qualifications, she plainly has experience that qualifies her to give that evidence, and that evidence, in my judgment, is supported by the manner in which the defendant behaved. His reluctance to come to the door, while he moved things around inside the flat, his reluctance to permit Miss Kimber to enter the flat, in my judgment, are all pieces of evidence that support the conclusion that he was growing cannabis and had cannabis plants inside his flat.
45. Miss Kimber had already reached that conclusion by the time that she left, although wisely she was not going to make the allegation directly. But by the time she got back to the council offices, Mr Grimaldi had already reported to somebody at the council that he had seen the defendant leave the block with two bags, two black bin liners, and out of one of them he was able to see leaves that appeared to him to be cannabis plants.
46. It was suggested to Mr Grimaldi that he made that allegation falsely, because he had

overheard a conversation, between the defendant and Miss Kimber, about drugs. But I do not accept that that is the case. Miss Kimber's conversation about drug taking with the defendant was a limited one, limited to pointing out to the defendant that he must abide by all terms of the tenancy agreement, after the defendant suggested he had not done anything wrong, in relation to the previous incident with Mr Grimaldi, and that the suspended possession order only related to the growing of cannabis.

47. I am satisfied that Mr Grimaldi is correct in saying that shortly after Miss Kimber's departure the defendant removed bags containing plants, and I am satisfied that the defendant, in breach of his tenancy conditions, had cannabis plants in his flat until they were removed on that day.
48. Moving now to allegation three, relating to 8th November, that is an allegation made by Mr Grimaldi, that the defendant had an altercation with him, in the course of which the defendant made a threat to stab him.
49. This was Saturday, 8th November, just some ten days or so following the visit which Miss Kimber had made, and just a few days after the letter from Miss Kimber saying that the tenancy was going to be under consideration, by reason of the allegations that were already made.
50. In my judgment, it is consistent both with the defendant's behaviour, and his manner, that he would be angry about the complaint which Mr Grimaldi had made, and that it was putting him, as he saw it, in a disadvantageous position.
51. The allegation made by Mr Grimaldi is that, on returning from shopping to the block of flats, Gareth Williams was outside and shouted words to the effect, "You fucking grassed me. You fucking pussy. Fuck off. When I move away from here I'm going to fucking stab you."
52. In my judgment that is what happened. The defendant was angry about the previous complaint, and I find that he retaliated by abusing Mr Grimaldi in that way.
53. The fourth allegation, on the Scott Schedule, relates to 7th March, and this is the single allegation with which I am concerned, in relation to the notice to show cause. Here, I must remind myself again of the burden resting on the claimant to prove any relevant fact to the criminal standard of proof, that is beyond reasonable doubt or so that I am sure.
54. The incident followed shortly after an event when it is said by Leanne Oxley, that she had had a conversation with the defendant about interfering with a CCTV camera outside Mr Grimaldi's flat. Whatever the truth or otherwise of that matter, the council wrote to the defendant, and on 7th March the defendant had papers in his hand relating to that issue. That much is common ground between all of the people who are witnesses to the incident. It also appears to be common ground that Miss Oxley and her boyfriend, Mr Bladen-Rees, I shall call him Bladen from now on, were coming out of their flat in the property carrying a

television. Also it is common ground, at that stage that the defendant confronted them, holding in his hand some papers concerning this allegation relating to CCTV.

55. I am satisfied that there was an altercation between them, with the defendant angry about the documents in his possession. Angry at Miss Oxley and Mr Bladen. What happened after that is, in the nature of altercations and fights, a somewhat confusing picture, where various participants have been able to see different parts of the action, and from different viewpoints.
56. I am satisfied that there was an altercation. I am satisfied, so that I am sure, that the defendant called Leanne Oxley and Mr Bladen, 'crackheads'. He admits doing that. I am also satisfied, so that I am sure, that there was then violence, in the course of which the defendant tried to assault Mr Bladen, and kick him, but in the course of doing so accidentally caught Leanne Oxley, who was pregnant. That was seen by Mr Grimaldi; his evidence on that aspect I accept, and it is in my judgment consistent with the other conduct, observed in relation to the defendant, by other witnesses, at the time.
57. It has been alleged that Mr Grimaldi was not even there. I find that he was, and was able to observe part of the incident, in the way that I have found already.
58. The police arrived shortly afterwards, as a result of a number of people calling them.
59. So far as Miss Power is concerned, as I say, she too observed part of the action. Based on her evidence, I accept that Bladen went and armed himself with a knife or a crowbar, possibly both, but Miss Power did not see all of the fight, and it was substantially over by the time she was able to take a view, first from the top of the stairs and then later from the window.
60. Neither Mr Bladen, nor Miss Oxley were, in my judgment, blameless in relation to these matters. But the defendant was involved in fighting, he was a willing participant, as evidenced by what Miss Power overheard when the defendant said to Bladen, "If you want to fight, put down the crowbar."
61. In relation to that incident, on 7th March, I find that the defendant did cause a nuisance and annoyance to other residents in the flat. He used violence to Leanne Oxley, by kicking her, while threatening to cause violence to Mr Bladen, and I make those findings to the criminal standard, but at the same time I also acknowledge that Mr Bladen was armed and a willing participant in the fighting. When the police arrived, the defendant was still extremely angry and aggressive.
62. Moving on to number five in the Scott Schedule, on 10th March, it is alleged that the defendant was abusive to Andrew Grimaldi. This was three days after allegation number four, on the Scott Schedule, which I have just dealt with, and the day after the defendant's release from custody. On that occasion the defendant and Mr Grimaldi, passed one another, and the defendant said words to the effect, "This is all because of you, you fucking

prick.” So that was a short incident. I accept Mr Grimaldi’s evidence, in my judgment it is consistent with the manner in which the defendant conducts himself.

63. Allegation six is an allegation of noise nuisance, in the early hours of 7th May, of this year, and there is in the papers an email, sent at 4.47 am on that day to the council by Mr Grimaldi, making a complaint of loud music, raised voices and multiple pairs of feet coming from upstairs, which was the defendant’s flat. He said it started at 8.30 pm the previous evening, and he had been woken from his sleep four times during that period. He described himself as angry, frustrated and depressed by virtue of it.
64. In my judgment, the timing of that email, as well as the complaint and the oral evidence that I have heard, is compelling evidence which I accept. Although I also consider that, given Mr Grimaldi’s character, there is likely to have been some element of exaggeration to what is a basic substratum of truth.
65. The final allegation relates to an allegation that the defendant was offering to sell drugs to a Derek Gayle who is the partner of Susan Power. This being something which Mr Grimaldi says he overheard, on the morning of 13th May, and there is also an email setting out what it is alleged that Mr Grimaldi heard, words to the effect, ‘I can get you weed, if you want it’ Derek Gayle replied, ‘Yes, come and see me after’. Mr Williams said, ‘Okay. I’ll see you later.’
66. But when Mr Grimaldi gave oral evidence, in relation to this aspect, the account he gave was different, and having regard to the inconsistencies which were in his evidence, I do not find that allegation made out, even on a balance of probabilities, so I reject that.
67. I think I have dealt with all seven matters in the Scott Schedule.
68. It has been agreed that I would give judgment in relation to the facts that I find, and then just give the parties a brief moment to consider matters, before I hear any other submissions.

Rec Rowland	How long would you like?
Miss Jones	Just ten minutes would be sufficient, your Honour.
Rec Rowland	That is fine. Twenty past then.
Miss Jones	Thank you.
Rec Rowland	Thank you very much.

(Court adjourned)

(Court resumed)

Miss Jones	Your Honour ...
Rec Rowland	Yes, Miss Jones.
Miss Jones	I would remind you, first of all, that of course despite these findings and

facts you still retain the discretion, under Section 85 of the Housing Act 1985, to suspend the warrant of eviction, though I am conscious of course that it might subvert (?) the prime reasons that were made which remain (?) an opportunity to do so. In relation to the committal proceedings, I would ask you to consider that the incident that occurs, that has been found driven (?) by the court, was the product of a personality clash between the defendant and Mr Grimaldi, and if the defendant is evicted, that problem will cease, and the defendant will be punished in that way. The breach of the court order is of course a serious matter, but in this incident, no injury was caused and the (inaudible) one of them to deal with the defendant. It is a single incident of breach of an injunction, and the reference to the case of Birmingham City Council to that, the Court of Appeal stated, 'It does not follow that imprisonment is regarded as automatic consequence of breach of an order, and it is common practice to take some other course, on the first occasion, when someone breaches an injunction.' Your Honour made reference to the statement of Gareth Williams, from the previous proceedings, and the wording of that, as your Honour said, was that (inaudible) smoke cannabis is always (inaudible) by periods of of anger and aggression. Your Honour, in my submission, that does not lead (?) to anger management issues, and there is not any evidence that this defendant has (inaudible) anger management issues. He does not have a history of any convictions or (inaudible) relating to anything to do with anger and violence, any behaviour of that sort, your Honour, and I would ask you to bear that in mind when you consider the committal of the defendant. And he has an extremely limited record, where he has one conviction for theft in 2006, and then, your Honour, I think there are two cautions relating to drugs, of which the court is aware. So your Honour, I would ask you to consider that in light of the fact that an eviction is likely, in the circumstances, that there will not be any further problems, relating to this defendant, in that neighbourhood, and that you would reconsider that it would be proportionate, under the circumstances, therefore, to make no order of breach. And if you are against me on that, then I submit that a modest financial penalty could be given, although the defendant is of extremely limited means.

Rec Rowland

He is presumably receiving state benefits or (inaudible)

Miss Jones

Yes, your Honour, yes.

Rec Rowland

Yes.

Miss Jones

And as a further alternative, if you are minded to make a (inaudible) term, I would ask you to consider suspending it.

Rec Rowland

If I were to consider suspending it, obviously the term of suspension, primary term, I would be concerned about such period as he remains at the property, and some period thereafter.

Miss Jones

Yes.

Rec Rowland

Do you want to address me on that ...

Miss Jones

Your Honour...

- Rec Rowland ... aspect?
Miss Jones ... I would suggest that it should be (inaudible) period and then (?) he remains at the property. After than there would be no reason to have a (inaudible)
- Rec Rowland Well, these feelings carry on for a while, do they not, as we have seen in this case. That is my thought process.
- Miss Jones I would ask your Honour to make it as short as possible, because in light of the fact the defendant has a very limited record, he is going to have to move somewhere else, and start again ...
- Rec Rowland Yes.
Miss Jones ... and get on with his life, and it would be much better for him to start again without a sentence hanging over him.
- Rec Rowland Yes. Very well. Thank you. Is there anything you want to say, Mr Brigg?
Mr Brigg I was only going to highlight that the order for the suspended possession order, the order actual states that (?) within the terms of the tenancy we are having it heard (?) on that day.
- Rec Rowland Yes.
Mr Brigg (inaudible)
Rec Rowland No.
Mr Brigg (inaudible) issue of it here ...
Rec Rowland No.
Mr Brigg I accept in the first (inaudible) that I can (inaudible)
Rec Rowland Yes.
Mr Brigg (inaudible) application for the warrant ...
Rec Rowland Yes.
Mr Brigg ... and nothing to (inaudible) with that. With regards to committal, I do not think it warrants a ...
- Rec Rowland No, if I am considering a custodial penalty, but with a period of suspension ...
- Mr Brigg I think that would (inaudible)
Rec Rowland ... obviously if I do not want there to be any repercussions.
Mr Brigg Like I say, it is from previous experience of recently applying for a warrant in this court (inaudible) it is a real issue, so it literally can be a letter sent to the court ...
- Rec Rowland Yes.
Mr Brigg ... immediately, and it is taking a good three weeks for that to happen. I accept that the minimum sentence you give is 14 days, so we would ask for longer than that, just to cover the period (inaudible)
- Rec Rowland Yes. Thank you.

MR RECORDER ROWLAND:

69. I have heard the submissions that Miss Jones makes. She acknowledges that the court has a discretion, under Section 85 of the Housing Act, to suspend a warrant of possession, but I do not consider that it would be appropriate further to suspend the warrant. In my

judgment, it is important for the benefit of all residents, at these flats, that the peace should be maintained and, in view of the findings that I have made, that would not be likely to happen with the defendant's continued presence.

- 70. Therefore, I decline further to suspend the warrant, and there will have to be, I am sad to say, an eviction.
- 71. I turn now to the question of the notice to show good reason why the defendant should not be committed to prison, for the breach that I found, concerning 7th March. In my judgment that was conduct, on the part of the defendant, that was sufficiently serious to merit a custodial sentence in view of the past history of this case, and in view of the nature of the threats and violence that he made on the day in question.
- 72. The sentence which I impose, for the breach upon that day, is 21 days' imprisonment. However, I propose to suspend that sentence for a period of four months, on conditions. Those conditions are, firstly, that the defendant must abide, until he vacates the property, by all terms of the tenancy agreement, and secondly, that he must not cause any nuisance and/or annoyance, or use or threaten violence against any person in or around the vicinity of Dylan Place in Roath.
- 73. That wording is in, broadly, the same terms as the existing injunction, and that will carry on for a period of four months, because I want to make sure that there are no further incidents of behaviour after Mr Williams vacates the property.

Rec Rowland Does anything else arise?
Miss Jones Your Honour, could I ask for you to make a community services funding direction, in respect of (inaudible)
Rec Rowland I do ...
Miss Jones (inaudible)
Rec Rowland ... yes. I do.
Miss Jones (inaudible)
Rec Rowland Thank you very much. Anything else?
Miss Jones No (inaudible)
Rec Rowland Thank you very much then.