

**IN THE COUNTY COURT AT
GLOUCESTER & CHELTENHAM**

Claim No. B00GL206

Kimbrose Way
Gloucester
GL1 2DE

Tuesday, 7th July 2015

Before:

DISTRICT JUDGE DAVIS

Between:

GUINNESS PARTNERSHIP LIMITED

Claimant

-v-

LOUISE GARDNER

Defendant

Ms Morton and Mr Stone [?] appeared on behalf of the Claimant Company

The Defendant appeared In Person

JUDGMENT APPROVED BY THE COURT

Transcribed from the Official Tape Recording by
Apple Transcription Limited
Suite 204, Kingfisher Business Centre, Burnley Road, Rawtenstall, Lancashire BB4 8ES
DX: 26258 Rawtenstall – Telephone: 0845 604 5642 – Fax: 01706 870838

Number of Folios: 16
Number of Words: 1,136

JUDGMENT

DISTRICT JUDGE DAVIS:

1. This is the case of Guinness Partnership Limited and Louise Gardner. It comes before me for, I think, the third time, today, following there being a breach of the injunction made in this court on 1st May. That injunction order was very clear when it was made. It is no less clear now. It ordered that Ms Gardner needed to regulate her behaviour in the terms set out within the injunction. Particularly, she was not to verbally abuse any resident of Lansdown Crescent. She was not to cause a noise nuisance in 39a Lansdown Crescent. She was not to possess or consume illegal substances, cause nuisance or annoyance to residents of Lansdown Crescent or allow visitors to enter or remain at 39a Lansdown Crescent.
2. The case comes before me today because there has been an arrest. I have been handed fairly comprehensive documentation, witness statements from Carolyn Coombes, Rachel Robins, Police Officer Bircher[?], Police Officer Tranter[?], and Police Officer Wiltshire[?]. I have also had the chance to listen very carefully to what has been said to me by Ms Gardner. Ms Gardner, to her limited credit, has admitted that there have been breaches of the injunction as set out in the witness statements, which describe how a noise nuisance took place from 6.30 on Monday, 6th July in the evening until the later hours of that day, I think ending around midnight of 6th July. The witness statements also confirm the presence of a Mr Goodhead, another male with whom I am told Ms Gardner is in a relationship, albeit not a very healthy one. He was present at 39a Lansdown Crescent.
3. As I have said, to her limited credit, Ms Gardner admits those breaches of the injunction which describe a noise nuisance. They describe nuisance or annoyance to other tenants and they describe an admission of an unauthorised person to 39a Lansdown Crescent. This is not the first time that I have dealt with this matter. On the previous two occasions, I have explained very clearly to Ms Gardner the effect of the injunction that is currently in force and the consequences for breaching that injunction. The breaches are admitted. Legal advice was declined and as I say to her credit Ms Gardner admits what has happened. She also apologises, although I have to say not tremendously convincingly. The reality of this case is that she was released from prison on Monday and within 24 hours of release from custody we have a catalogue of further breaches of this order. Despite her apology which did not in any way appear to address the unpleasant behaviours, or consequences to other members of her immediate locality, she did not seem to apologise to me for the effect that her nuisance has caused her neighbours.
4. I have no hesitation in identifying that this is again a lesser degree breach, that is a mid-ranking breach of the order. The starting point for such a breach is six weeks in custody, up to 26 weeks in custody. Again, I emphasise the fact that I take into account the fact that Ms Gardner has effectively pleaded guilty but I emphasise the fact that I was not persuaded by her mitigation. Her apology was unconvincing, which is a great shame because I had hoped that she would have been able to develop an insight into the effect of her behaviour whilst she had been in custody. Officer Love spoke up in favour of Ms Gardner and said that she was in a difficult relationship with Mr

A Goodhead. He himself is prepared to refer her to some sheltered and supportive accommodation. He deserves credit for taking those steps, that is for sure.

5. I, however, have to deal with the consequences of these breaches. What concerns me is that the breaches took place immediately upon your release from prison. You were warned on the last occasion there would be a further consequence if there were further breaches. I was very careful to give you those warnings because this court does not like sending people to prison. Stand up, please. Ms Gardner, you have breached various terms of the injunction order made on 1st May 2015. No realistic explanation was given to explain your behaviour. You did not explain why you invited another person into your property. You did not explain why you felt it was appropriate to drink to excess, to breach these injunctions, whilst under the influence of alcohol. I view these breaches very seriously indeed. On the last occasion you were sentenced, I think, to eight weeks in prison. You will be sentenced to ten weeks in prison, 70 days. There is no justification for suspending that sentence. That sentence takes into account the limited mitigation, that is the limited apology that you were able to make, and gives you full credit for having admitted the breaches. Without those admissions and without that mitigation the sentence would have been much longer.

D THE DISTRICT JUDGE: Do sit down. I anticipate you may wish to discuss with Ms Gardner the issue of surrendering her tenancy. That is not a matter for me today. Is there anything else you require from me?

MS MORTON: No, sir, that is fine, thank you. Sorry, what I will do, sir, is I will speak to the office downstairs and see if they have managed to list a date for the possession hearing to be heard.

E THE DISTRICT JUDGE: Yes.

MS MORTON: I think that will be taken into account as well.

F THE DISTRICT JUDGE: Yes, it will. Officers, thank you very much. Do please wait for the appropriate paperwork before you leave the court. I think we had a bit of an experience on the last occasion when this happened. Let us try not to repeat that. Thank you, Ms Gardner, good day.

MS MORTON: Are the court able to draw up that paperwork, sir?

G THE DISTRICT JUDGE: I will find out.

MS MORTON: On past occasions I have had a solicitor.

THE DISTRICT JUDGE: Do wait until you have all the documentation before you leave.

H MS MORTON: Thank you, sir.

THE DISTRICT JUDGE: Thank you.

[Hearing ends]