

IN THE COUNTY COURT
SITTING AT GLOUCESTER AND CHELTENHAM

Claim No. A00GL395

Kimbrose Way
Gloucester
GL1 2DE

Tuesday, 23rd June 2015

Before:

DISTRICT JUDGE DAVIS

Between:

SEVERN VALE HOUSING

Claimant

-v-

YVONNE CLAIRE BAILLIE

Defendant

Solicitor for the Claimant:

MS SAMUDA

The Defendant appeared In Person

JUDGMENT APPROVED BY THE COURT

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Number of Folios: 22
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JUDGMENT

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DISTRICT JUDGE DAVIS:

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1. Ms Baillie, on 9th June 2014, a judge made an order in this court. That order was made to regulate your behaviour. The behaviour that caused that order to be made was disturbing. It was a catalogue of alcohol-fuelled misbehaviour which had caused significant distress and unhappiness to those around you, professionals assisting you and working with you and was risking your own personal health. That order was made for a purpose. The order contains a warning. It says, "If you do not obey this order, you will be guilty of contempt of court and you may be sent to prison". It was very clear.

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2. This case came back before me last week because of alleged breaches of this order. That is a matter of severe concern to me. I have read all of the paperwork. It is suggested that on 18th and 19th June, your behaviour resulted in the injunction order being breached. You have admitted that. You have admitted to the fact that you had a man in the property and that permission was not given for him to be there, breaching the term of the injunction that prevents you from having men in the property or other people between 8pm and 8am. You also accept that your behaviour in being so drunk that one of your neighbours described it as being disgusting caused nuisance to those around you and again a direct breach of the order.

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3. I do not want you to misunderstand me. That order meant what it said. It was not an option and the fact that you are back before me now is a matter of extreme concern. The sentencing guidelines in respect of breaches of anti-social behaviour injunctions are very clear. A mid-ranking breach of an injunction has a starting point of six weeks in prison. That is the starting point. The maximum point is 26 weeks in custody. If a judge is satisfied that it is a more severe breach it could be two years in custody. Putting it bluntly, you are in serious trouble. Am I making myself clear? There can be no repeat of your previous behaviours that resulted in this injunction being made. That would not be fair to those around you and it would not be fair to you. What is telling from the information I have before me is the fact that when you are not drinking you are described as being a very pleasant woman but when you are drinking things are completely different. Your life spirals out of control and I detect the start of a spiral now.

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4. I am told that all has been well comparatively since the injunction was made. I heard from Mr Selwood that things have recently changed. I have read the documentation filed by the police which you have accepted. Your breaches are not acceptable. They justify a custodial sentence and that is what you are going to get. I am sentencing you to eight weeks in prison, taking into account the fact that you have pleaded effectively guilty by accepting these allegations. An eight-week custodial sentence is justified. Mindful of the fact that your circumstances are exceptionally difficult, I then move on to consider whether it is appropriate to suspend that sentence, that is to give you one final chance to behave. You are clearly a troubled woman. You have difficulties with alcohol. You have had difficulties associating with the wrong sort of person. You have expressed real sorrow about that and I am satisfied that you have expressed real remorse in respect of your behaviour. I take that into account but it is not something that automatically justifies a suspended sentence. The circumstances have to be

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A exceptional and they are very difficult to prove. It is, for example, highly unlikely you could prove them twice.

5. On balance, having considered very carefully what has been said to me by you and by Mr Selwood and by the representative of the Housing Association, I am going to suspend your sentence—

B MS BAILLIE: Thank you.

6. —but make no mistake it is suspended on the basis that you continue to comply with this injunction. If you do not and if there is a further breach you will be brought back before this court, almost certainly before me, and I will deal with it and you and I need be under no misapprehension, you will be dealt with in so far as the original breach is concerned, that suspension will lift and the sentence will fall and I will deal with any fresh breach and that will be added to your sentence.

C THE DISTRICT JUDGE: Am I making myself clear?

MS BAILLIE: Yes, thank you and I am sorry.

D THE DISTRICT JUDGE: So, eight weeks suspended for a year on the basis of your further compliance with the court injunction in its entirety.

MS BAILLIE: What do I do if people come to my door though?

THE DISTRICT JUDGE: Firstly, you do not let them in and secondly you call the police.

E MS BAILLIE: But what if they barge their way in and I can't get them out?

THE DISTRICT JUDGE: Then you call the police or you leave the property.

MS BAILLIE: I did leave the property and I am not going there again.

F THE DISTRICT JUDGE: And I have to tell you, you need to manage your alcohol. You need to go and see your general practitioner. It is not for me to give you advice about how to manage your life but it seems entirely clear to me that you need to visit your general practitioner to find out what steps can be taken to make sure that you do not fall back into alcohol abuse.

G MS BAILLIE: I think I need a psychiatrist.

THE DISTRICT JUDGE: The reality appears to be in this case that when you are not drinking everything is fine and when you are drinking everything really is not. You cannot expect the courts to cut you any more slack. You have had that slack today. I will make that very clear. People need to know. It is not fair if they do not. I cannot be any clearer than I am being now. I am satisfied on this one occasion that your sentence can be suspended. The chances of that happening in the future are very slim but all you have to do is comply with the order. All right?

H MS BAILLIE: Okay, thank you.

A THE DISTRICT JUDGE: Do sit back down.
MS BAILLIE: Thank you.
THE DISTRICT JUDGE: Anything else?

B MS SAMUDA: Yes, sir. I am instructed to make an application for costs in the sum of £200, which is a contribution towards the costs. We will be guided by the court on that point.
THE DISTRICT JUDGE: Yes. Ms Baillie, an application has been made that you should pay £200 towards the costs of the Local Authority in bringing these proceedings.

C MS BAILLIE: That is fine.
THE DISTRICT JUDGE: Do you accept that?
MS BAILLIE: Yes, I will have to pay it off though. I accept it, yes.

D THE DISTRICT JUDGE: You can discuss that. I am perfectly satisfied that you should pay the £200 and frankly I think you have got away quite lightly.
MS BAILLIE: Thank you.

E THE DISTRICT JUDGE: And that probably would not happen again. I would expect there would be a much larger cost component on the next occasion, although I very much hope there will not be another occasion.
MS BAILLIE: Touch wood. I will ask for a psychologist's help or something.

F THE DISTRICT JUDGE: Yes, all right. Ms Samuda, you have the delight of drafting the order.
MS SAMUDA: Yes, sir.

G THE DISTRICT JUDGE: If you can do that, I will approve it. Try and do it before lunchtime.
MS SAMUDA: Yes, sir.

H THE DISTRICT JUDGE: We will deal with any other paperwork. I think this matter is complete. Thank you for attending. It is very helpful to have a housing officer here. You perhaps should stay until you have the paperwork given to you. Do not leave the court building.
MS BAILLIE: Okay.
THE DISTRICT JUDGE: Now, anything else you want to ask me before you go?

A MS BAILLIE: If I keep phoning the police if somebody turns up the neighbours are going to say, "The police are here again".

THE DISTRICT JUDGE: I do not think phoning the police because somebody has turned up at your property without welcome counts as a nuisance. Not getting rid of them counts as a nuisance. Inviting them in counts as a breach. Being drunk and doing anything along those lines will count as a breach. I could not have been clearer today. You breach this order again, that suspension is lifted and you are going to go to prison. All right?

B MS BAILLIE: Yes.

THE DISTRICT JUDGE: Thank you very much. Please do not wait.

C *[Hearing ends]*

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