

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

**Claim No. B00GL617,18,20 & 21**

Kimbrose Way  
Gloucester  
GL1 2DE

Wednesday, 3<sup>rd</sup> February 2016

Before:

**DISTRICT JUDGE HEBBLETHWAITE**

Between:

**GLOUCESTER CITY COUNCIL**

Claimant

-v-

**EDWARDS, BIRCH & 2 ORS**

Defendants

Counsel for the Claimant:

MISS FENNELL

Defendants in person

**JUDGMENT APPROVED BY THE COURT**

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## JUDGMENT

DISTRICT JUDGE HEBBLETHWAITE:

1. I am now going to proceed to deal with the sentencing for the breaches. I remind you that at the beginning of the hearing Miss Fennell read out the findings of what the breaches were for each of you. They are not all the same, there are some in common where there was either two, three or all four of you involved, otherwise there were some individual things that all were read out but they are of a similar nature. They are all basically antisocial behaviour towards neighbours when you lived in Russell Street and, as I have already found, breached clauses in your earlier injunction in May. That injunction related to behaviour in Russell Street when it was breached. The injunction subsequently had been extended to the city of Gloucester. There have not been any breaches brought forward to the court in the wider city of Gloucester and now you have moved out of the city, although the court has no hard and fast knowledge as to how long you will be out of the city, it was disappointing in some ways to hear from Miss Miles that the accommodation in Stroud that the court was aware of really through all the press publicity is only available for a few more days.
2. The starting off point for this sort of breach – just listen through until I have said everything, I am saying the starting off point – is custody and three of you have been in custody before and Mr Edwards has had a suspended sentence. The sentencing guidelines that we have suggest for this degree of conduct, it should be six weeks custody. I then look to see if there are any mitigating factors or aggravating factors. There are not really any mitigating factors. There are some aggravating factors because you do all have a history of disobedience to court orders. This is not the first time you have been in court for disobeying an order against you and the breach was committed shortly after the order was made. Those are regarded as aggravating factors. However, taking your overall situation and the fact that you are, it may be temporary, I do not know, but certainly for the time being you are no longer within the city of Gloucester and you appear, from what you have said to the press and what has been said in court today, certainly the members of the family who are currently down in Stroud, you appear to want to be able to make a new start and not to cause harassment to neighbours.
3. There is no doubt that you have caused harassment to various neighbours in the past. The case I am dealing with, I heard evidence at the hearing that you were not able to attend and it is serious but you have moved away from those neighbours but they have been quoted in the press, we have read a lot about you, saying how pleased they are that you have moved away. I have got to be wary of the propensity that you have had in the past to cause trouble to neighbours and, in that sense, perhaps the custodial sentences should be made here and now but, on the other hand, with your move away from the city, which is certainly in place at the moment even if it is not long-term, and as far as Ellen is concerned and Mr Edwards, they have not moved away but the trouble seems to have occurred in the past when you have all been together as a group. Being split up, which certainly *began* with Ellen and Mr Edwards not living with you, may be helpful to all of you in behaving yourselves.
4. Taking all these factors into account, I am going to suspend any sentences. I am going to stick to the starting point of six weeks. Although I have said there are aggravating

A factors, I am not going to extend the six weeks and I will treat you all the same. The six weeks custody will be suspended for one year. You have had suspended sentences before and probably do not need me to explain, but I should do for completeness, that if you commit further breaches, whether of this injunction or any other injunction that may come in the future, within twelve months from now, as well as dealing with the new breach, the new matter, the court can call up this suspended sentence that I have set today and say you have now got to go in and serve that sentence. Can I just check that you all understand that?

B ALL DEFENDANTS: Yes.

THE DISTRICT JUDGE: You do, all right. That is the order I am going to make. There will be some paperwork that you have got to take with you. I do ask you not to leave the building.

C ALL DEFENDANTS: Okay.

THE DISTRICT JUDGE: You will be given your paperwork and given the okay to leave.

MS BIRCH [?]: Yes, all right then.

D THE DISTRICT JUDGE: Bridget, is there any other matter I need to deal with otherwise I will just rise?

BRIDGET: *[Inaudible]*.

E THE DISTRICT JUDGE: I have been reminded that I should say whether the sentence is concurrent for each breach because if you remember what Miss Fennell read out at the beginning—

MS BIRCH [?]: Yes.

THE DISTRICT JUDGE: There were about five breaches, five or six.

F MS BIRCH: Yes.

THE DISTRICT JUDGE: The sentence is six weeks for each breach concurrent. That means just one lot of six weeks.

MS BIRCH [?]: Okay, yes, thank you.

G THE DISTRICT JUDGE: Very well. Very well, good morning, everybody.

MS BIRCH [?]: Thank you.

*[Hearing ends]*

H