

IN THE COUNTY COURT AT CANTERBURY

The Law Courts
Chaucer Road
Canterbury
Kent
CT1 1ZA

BEFORE:

DISTRICT JUDGE JACKSON

BETWEEN:

Canterbury City Council

Claimant

- and -

Tanya Burnett

Defendant

Miss Grey on behalf of the **Claimant**

Mr Bond on behalf of the **Defendant**

Judgment date: 18th May 2016

Judgment approved by the Court

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District Judge Jackson:

1. The background to this case is inextricably sad. The case involves a lady called Tanya Burnett who has appeared before the Court on countless occasions over the last two or three months. The background to the matter was an application made for an injunction under the Antisocial Behaviour Act which was granted by the Court on the 29th February of 2016.
2. On that occasion, I think it was Judge Batey, who had available to him a raft of information involving I think a total of reference of 95 calls to the police and the like, regular complaints made by Canterbury City Council's tenants and other people visiting Terrys Lane about the disturbances which were taking place in that vicinity. They involved three individuals, Mr Nazer and Mr Mazeros, both of whom are tenants, and Miss Burnett who is not a tenant. The general thrust of it was not necessarily to apportion blame but to indicate that, when two or three of them were together, a lot of noise was being caused, a lot of drunken activity and that was causing significant complaints.
3. The consequence of all that was that the injunction was made and it was made for a period of 12 months. I note that, when Miss Burnett was served with it, she said that she would not necessarily attend court but that she realised how important it was to keep away from Terrys Lane.
4. Sadly, what she intends in general terms and what happens in practice are not the same. Miss Burnett is well intentioned and articulate on occasions when she has appeared before me but, sadly, when in drink, and that is a lot of the time, she behaves in a totally unacceptable way, possibly takes the view that she can take a chance over whether she should breach the order or not, possibly cannot stay away from either Mr Nazer or Mr Mazeros and inevitably finds herself in difficulties. And so it is that we have had a fairly extensive pattern of behaviour in which the Defendant has been arrested I think on a total of five occasions.
5. As I understand the position, it is this, that on the first occasion she got a severe warning from His Honour Judge Scarratt and to be told that it would be much more serious if she breached the order again. On the second occasion, the message not having got home, a 28 days sentence of imprisonment was given which was suspended for 6 months. Sadly, there have been a number of other occasions, there have been three occasions, where there are acceptances on Miss Burnett's part that she has been in breach of the injunction.
6. I think that I do acquit her of any particular violence or aggression towards any other tenants in the vicinity. I take that into account. I think it is low grade alcohol abuse, if I can put it that way, in the sense that Miss Burnett simply makes a lot of noise, possibly gets to the situation where she loses her temper and the police are contacted. She does not seem to have at times a good relationship with the police. There are complaints of slight aggression when she is arrested.
7. But, nevertheless, I have been struck on the number of occasions when Miss Burnett has appeared before me that she is endeavouring, almost in spite of herself, to do something about it. So she does get credit on a number of issues.

8. First of all, she has not seriously sought to challenge any of the allegations and I give her considerable credit for that. Secondly, in relation to the matter, she has had a rather tragic history and I am grateful to Mr Bond for setting the matter out even more fully in relation to matters of which I was not previously aware. Those factors are to be taken into account. And in relation to those issues I am very conscious of the mitigating features and the need that this lady has to get considerable support available to her.
9. However, I do of course have to set that against other issues. The first and foremost one is that Canterbury City Council have not acted peremptorily, they have left the case until the very last moment until they apply for an injunction, when they were effectively at their wits end as to what to do. Having obtained that injunction, it would be quite wrong for the Court then to effectively pretend that it is no longer in force or to continue to forgive individuals who continually breach it.
10. I am particularly conscious in this case, not so much as to the inconvenience to the Court, or indeed to the police although I suspect they are weary of having to deal with these matters, but in particular to those individuals who live in the Terrys Lane area who effectively want to go about their day to day activities, some of them will have children, others will want to get up early for work, the matters are set out in Miss Lampard's statement, and fully accord with the Court's view as to what normally happens on a housing estate of this nature. And so it is that there are those issues.
11. The other point to be borne in mind, and I do not think Miss Burnett would deny it, is that on each occasion she has appeared before the Court and the Court has usually released her, it has been with a pretty stern warning that she knows what is going to happen if there are any further breaches. And those observations were certainly taken on board at the time but often in drink forgotten about.
12. Dealing with all those matters, clearly the Court has to make a determination. If the Court is going to impose a prison sentence, it should be the minimum to balance both the nature of the breaches and the Court's public duty, both towards the Local Authority in its capacity as being responsible for the housing estate. I have taken those matters into account.
13. Would you stand up please, Miss Burnett? Thank you.
14. In relation to this case there is already in existence a 28 day suspended order of imprisonment. You have subsequently admitted to three further breaches in relation to the matter. Taking all the factors into account, I am of the opinion that an immediate custodial sentence is necessary. I am going to activate the suspended sentence and I am going to make further orders in relation to the three breaches which are 28 days each. The net effect of it, which I will make consecutive, is that the overall sentence is that of 112 days.
15. However, as I indicated at the last hearing, I will give you credit for the time spent in custody and, because of the difficulties that everyone has in interpreting it, I am

told that the right way of doing this is to take into account the number of days you have spent in custody and then double it so that you get full account for it.

16. On that basis, therefore, the sentence of the Court is 112 days less credit which is given for the time you had in custody, which is now effectively 22 days, so the sentence to be served will be that of 90 days imprisonment. As I understand the position, you are entitled to credit for one half of that sentence so it is likely that you will be serving another 45 days imprisonment.
17. I sincerely hope that during your time in prison you are able to continue with the course, I am pleased that you have been able to embark upon it. I hope that, by the time you are released, you have been able to engage with these services, that you are able to engage with Turning Point, because quite frankly the last thing I want to do is to start sentencing you all over again.
