

IN THE COUNTY COURT AT BRISTOL

2 Redcliff Street
Avon
Bristol
BS1 6GR

27th September 2016

BEFORE:

EMPLOYMENT JUDGE LIVESEY

BETWEEN:

Bristol City Council

Claimant

- and -

Nicky Dyer

Defendant

J U D G M E N T

Mr Denton appeared on behalf of the Claimant
Mr Macfarlane appeared on behalf of the Defendant

APPROVED

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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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EMPLOYMENT JUDGE LIVESEY:

1. Mr Dyer, can you stand up please. There is no dispute on your behalf that you have been in breach of the injunction that was made back in December of 2015. It is to your credit, of course, that you pleaded guilty to an offence arising out of that incident before the District Judge in the Magistrates Court this afternoon in respect of which you have been sentenced. It seems to me wrong in principal that any sentence that I pass this afternoon for the event should be consecutive to the sentence of 12 weeks imprisonment that you have received today, although I am dealing with that breach discretely and separately.
2. Mr Macfarlane has said a number of very important things on your behalf, but before I come to those, I want to make it absolutely clear that breaching the injunction order that was made by Deputy District Judge Taylor in December 2015 is a serious matter and you should be in no doubt at all that your conduct, if it continues in this manner, will be likely to result in lengthier sentences of imprisonment being passed.
3. This is a very serious allegation. The manner in which you have conducted yourself earlier this month must have been very frightening indeed to Mrs Horsley. She was pregnant and, of course, it must have been all the more frightening for her in those circumstances, although I do accept that you were ignorant of that fact at the time.
4. Having said that, I am conscious, having read Mrs Horsley's statement in full, that you had been engaging with her and I hear from Mr Macfarlane that you have made some progress in engaging with various authorities and support networks to improve your lifestyle, not only for yourself but for your partner and your two very young children.
5. I also, of course, hear what Mr Macfarlane says; that you have been able to secure employment and I sincerely hope, after your sentence of imprisonment is concluded, that you are able either to find new employment or that your current employer takes pity on your position.
6. I also recognise that this appears to have been the first time that you have breached the order and, of course, I must take into account the fact that, not only have you pleaded guilty before the District Judge earlier this afternoon, but there has been no dispute before me that the matters complained of by Miss Horsley occurred in the manner alleged.
7. Given the seriousness of the conduct and the need for orders of this court to be upheld and supported by it should they be breached, particularly in the manner that you have breached this one, I consider that a sentence of immediate imprisonment is entirely appropriate in the circumstances.
8. I have already dealt with whether that sentence should be concurrent or consecutive to the earlier sentence that was passed this afternoon. The facts as set out in Mrs Horsley's statement lead me to the conclusion that, realistically, the starting point for any consideration of sentence in relation to this breach should be a period of custody of six

weeks. I have listened to what has been said in mitigation. Nevertheless, this was a serious offence and a serious breach of the order and I conclude that, in fact, six weeks is the appropriate sentence here. And that is the order that is made. Mr Denton, are you content to draw the Order and e-file it in the usual way?

Mr Denton I think I have to (inaudible) as well and (inaudible) so that Mr Dyer can be taken to court for that. (inaudible). And the other thing the court needs to do is to order a transcript of the judgment.

EJ Livesey Yes.

Mr Denton (inaudible).

EJ Livesey Absolutely.

Mr Denton And the other thing I would ask is a public funding assessment (inaudible) in respect of costs.

EJ Livesey Yes.

Mr Denton Yes, that's all.

EJ Livesey Thank you very much, Mr Dyer.

Mr Denton Thank you. (inaudible) take me two minutes to write this (inaudible).

EJ Livesey Okay. Alright, Mr Denton. I am very grateful for your assistance this afternoon, thank you.

Mr Macfarlane Thank you, sir.

(Court adjourned)