

IN THE COUNTY COURT AT BRISTOL

Bristol Civic and Family Justice Centre
2 Redcliff Street
Bristol
BS1 6GR

Date : 25th November 2016

BEFORE:

DISTRICT JUDGE FIELD

BETWEEN:

Bristol City Council

Claimant

- and -

Mr Adrian Hill

Defendant

J U D G M E N T

Mr Denford appeared on behalf of the Claimant
Mr Rae appeared on behalf of the Defendant

A P P R O V E D

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16 folios in transcript
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DISTRICT JUDGE FIELD:

1. I am informed that the various breaches of the injunction (inaudible) are admitted. That being the case I do not need to consider further what is to be done in terms of proving those.
2. The injunction was granted on the 24th of April 2015. It was swiftly breached. That injunction primarily prevented the defendant from begging in the city of Bristol. On the 17th of July 2015 he was sentenced to a six week custodial sentence as a result of breaching that injunction. He came out and was sentenced on the 23rd of September 2015 for further breaches, this time for three months, and again on the 11th of December 2015, that time for four months, and then on the 17th of March this year, 2016, he was sentenced to six months, having been given an initial chance and released on bail, only to offend again within hours, I understand, of that happening. On that occasion the injunction was extended and it was served on him at the prison on the 26th of May it appears. The core terms of the injunction didn't change at the point.
3. He would say that on his release from that sentence he was clear of what is clearly a significant drug problem. The council made efforts to arrange for accommodation that is suitable and support to be put in place and provided the Defendant with some cash in order to get established. For reasons that are not entirely clear, though the Council say due to the Defendant becoming bored and taking drugs, the defendant confirmed he had left the accommodation by the back end of July at the very latest. Referrals were made for him to various support agencies and the Big Issue by the council. Despite of all of that, and in spite of the council having been fairly patient it seems to me, having first found further breaches back in July, and left it until now to do anything further about it, I am presented with a schedule of 27 continuing breaches of the injunction, almost invariably relating to begging in a particular road in Clifton.
4. I hear what is said, and am obliged to agree that prison does not appear to be working for this defendant, at least from his perspective. However rehabilitation is only one of the objectives of a custodial sentence, the others being punishment and the protection of the public in the interim. And custodial sentences do achieve, it seems to me, both of those two other aims. I am asked by Mr Rae on behalf of the defendant to consider whether any sentence I impose today should be suspended. It seems to me that it would be firstly unlikely to be of any benefit to anyone to suspend the sentence, because the history of this matter shows very clearly that the likelihood is that there will be further breaches within hours or days. Secondly, it seems to me that it would be perverse to revert to a suspended sentence now, which is effectively a lesser punishment, in circumstances where there have been repeated breaches with repeated contempt, which have been the subject of increasingly significant sentences over time. It does not make sense in those circumstances, in my judgment, to suspend a sentence today.
5. It therefore falls to me to consider what sentence should apply, it being a custodial sentence. The last sentence imposed was for six months. Looking at the file, the greater

part of the aggravating factors that led to that decision were the fact that the judge on that occasion had given the defendant an opportunity to try to engage with support and had released him on bail, only to be let down within hours. That aggravating factor is not present on this occasion. However, there is the significant aggravating factor in my judgment, not only of the fact that this is going to be the fifth occasion of a sentence for the same types of breaches, but also because of the assistance that the council have tried to put in place which has been substantial. In those circumstances it seems to me that the sentence which should apply on this occasion is the same as last time. The sentence will be six months for each of the breaches but to run concurrently.

6. In summary therefore, Mr Hill is guilty of numerous breaches of an Antisocial Behaviour Injunction by means of begging, and his sentence for each of those is six months concurrently.

DJ Field Is there anything else that follows from that.
Mr Denford I would just invite the court to make the order for a detailed assessment of the defendant's public offending costs, (inaudible) going to get paid, and for you to order a transcript of the judgment from public (?) expense.
DJ Field Yes there will be a transcript at public expense, and provision will be made for information to be sent to the relevant places, and there shall be a detailed assessment of the publically funded costs.
Mr Denford Thank you, (inaudible).
DJ Field The paperwork, Mr Denford, I think you filled it out last time.
Mr Denford I am going to do that now.
DJ Field You are going to do that?
Mr Denford Yes, okay.
DJ Field In that case I think the clerk has the relevant forms at hand and I will rise.
Mr Denford Okay.
DJ Field Thank you.
Clerk of Court Court rise.

(Court adjourned)