

IN THE COUNTY COURT AT BRISTOL

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

Date: 28th October 2016

BEFORE:

HIS HONOUR JUDGE AMBROSE

BETWEEN:

Bristol City Council

Applicant

- and -

Jolene Bruce

Respondent

J U D G M E N T

Mr Denford appeared on behalf of the Applicant
Mr Ray appeared on behalf of the Respondent

APPROVED

Transcribed from the official tape recording by
MENDIP MEDIA GROUP
Rockeagle House, Pynes Hill, Exeter, Devon, EX2 5AZ
Telephone : 01392 213958 Fax : 01392 215643
Email: ttp@mendipmediagroup.com

18 folios in transcript
1,295 words in transcript

HIS HONOUR JUDGE AMBROSE:

1. Ms Bruce, remain seated please.
2. Your presence in the Trenchard Street Car Park has been a problem for quite some time now. It led the council to try and get you away from there and into proper accommodation. You were resistant to that and it led in the end to the council seeking an injunction. Ms Bruce, rather than giving a commentary as we go along, can I please ask you to sit quietly while I deal with this. I have listened to you without interruption.
3. It led the council to make an application for an injunction on 13th May of this year. The injunction was granted. The injunction was an order of the court, it has to be obeyed and it prohibited you from being in that particular part of the centre of Bristol, including the car park.
4. Almost immediately there were breaches of that injunction: 11 breaches between 16th June and 20th June. The pattern of breaches led to an application for a warrant for your arrest. You were subsequently arrested, brought before a court and the judge on that occasion on 24th June made a suspended committal order: 14 days imprisonment suspended until 24th September. Provided you complied with the injunction you would not go to prison.
5. That was on 24th June. Unfortunately, within a short space of time you were breaching the injunction again. Between 30th June and 9th July there were 11 further breaches. There was a further application for a warrant, a further warrant was issued and a further committal hearing. On this occasion you were not made the subject of any penal order, but the injunction was varied and extended.
6. Following that court hearing on 20th July there were more breaches. Between 1st August and 12th August there were another 11 breaches of the injunction, leading to an application for a warrant, your arrest on the warrant and an appearance before DDJ Brown on 16th September. On that occasion the judge imposed a further 14 days for the new breaches and activated the earlier suspended sentence, making a total of 28 days' imprisonment. You went to prison and served half that period, namely 14 days, before being released. You were released from Eastwood Park on 29th September.
7. In the period following your release there were a further 8 breaches between 29th September and 9th October, and a further 5 breaches between 22nd and 24th October. In amongst that you were arrested on a warrant that was issued on 19th October. You were bailed on 21st October to attend this court on 26th October. You failed to attend the hearing on 26th and you appear today the 28th, having been arrested again on a warrant.

Ms Bruce We thought that the hearing was today, your Honour. We just got the date wrong. I am sorry about that.

HHJ Ambrose Well, there is a clear pattern of you repeatedly breaching the injunction or failing to attend hearings or failing to attend appointments.

Ms Bruce I know. We didn't have (inaudible), we didn't have the benefits but now I have all of those I don't need to breach it anymore. I (inaudible) and I have somewhere else to stay and I (inaudible).

8. The relevant guidelines indicate a starting point of 6 weeks with a range of up to 26 weeks. There is a history here of disobedience of court orders. Breaches have been committed immediately after the order was made. Quite simply there has been a wholesale disregard for the court order. That is a serious matter.

Ms Bruce Excuse me, I just want to say ...
HHJ Ambrose Ms Bruce. Can I ask you please just to listen.
Ms Bruce I don't want you to think (inaudible).

9. In terms of mitigation, you have admitted the breaches promptly today, although in truth there was not much option but to admit them. They are captured on CCTV footage. On your behalf, Mr Ray has made a number of points which you have also been at pains to make to me yourself. I have listened carefully firstly to Mr Ray, and then to you without interruption.
10. You now have somewhere where you want to go and live which is outside the exclusion zone. It is an abandoned public house somewhere near Bristol Temple Meads Train Station. You have an appointment at Bristol Drugs Project at five o'clock today. I am told that you have now arranged Employment Support Allowance and although you are not yet in receipt of it, you will be in the near future. What it amounts to is this: you say that in the month or so since you have been released from prison you have managed to get yourself sorted out and so I should suspend this sentence that I pass today, so as not to put you back to square one.
11. The simple position Ms Bruce is that there are agencies that wish to assist you and so far you have proved stubbornly resistant to their assistance and their approaches. That has landed you in the trouble that you are in. That and frankly a complete disregard for the court order.
12. The breaches coming on the back of the history that I have recited are so serious that only an immediate custodial sentence can be justified. I cannot suspend any sentence.
13. The sentence, but for your guilty pleas, would have been 15 weeks. With full credit for plea that becomes 10 weeks. That is the minimum sentence that I can properly pass for these repeated breaches of a court order. The sentence on each of these breaches is 10 weeks' imprisonment, all concurrent so the total sentence is 10 weeks' imprisonment. Now, as you will appreciate, you will serve half that period before being released.
14. It is up to you to take advantage of the assistance that is offered to you upon your release.

HHJ Ambrose That is the end of the hearing, Ms Bruce. You are to go downstairs.

Ms Bruce (Inaudible).
Mr Denford Again, I ask for an order for costs save for detailed assessment of my friend's publicly funded costs.
HHJ Ambrose Yes. Could I ask you to draft the order?
Mr Denford Certainly, your Honour yes. Thank you very much.
HHJ Ambrose Mr Ray, thank you for your assistance in what I suspect have been difficult circumstances. Thank you very much.
Mr Ray Thank you.