

IN THE COUNTY COURT AT BRISTOL

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

Date : 8th December 2016

BEFORE:

HIS HONOUR JUDGE LAMBERT

BETWEEN:

Elim Housing Association

Claimant

- and -

Christina Corrigan

Defendant

J U D G M E N T

Mrs Kelly appeared on behalf of the Claimant
Ms Julie Cook appeared on behalf of the Defendant

APPROVED

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HIS HONOUR JUDGE LAMBERT:

1. Section 13 of the Anti-Social Behaviour Crime and Policing Act of 2013 provides, so far as material that, “An injunction under Section 1 may have the effect of excluding the respondent from the place where he or she normally lives only if the respondent is aged 18 or over,” satisfied in this case, “and b) the injunction is granted on the application of iii) the premises are overall managed by a housing provider, that housing provider.” These are applications to condemn the defendant to prison in respect of a breach of an injunction under that Act. The housing provider brings the proceedings.
2. Section C provides that, “The court thinks that; 1) the anti-social behaviour in which the respondent is engaged or threatens to engage consists of or includes the use of violence against other persons,” not applicable here, “or 2) there is a significant risk of harm to other persons from the respondent.” The harm which is here present is the severe psychological harm as spoken to by the neighbour, Mrs Cook, in what I took as an oral Victim Personal Statement in respect of the long standing anti-social behaviour which she suffers night after night after night. That is significant because this respondent simply will not do as she is told by the injunction, and continues to do exactly as she pleases, making life a complete misery. It is an appropriate case, it seems to me, in which the court should say she shall be excluded from the rented premises.
3. I turn to the question of sentence in this case. The multiple breaches proved against this defendant are significant, substantial, repeated, deliberate, cruel and deliberately cruel in respect of her neighbours. That which is proved against this defendant shows she has ruined one neighbour’s life, that she will not behave and the evidence before me is it simply got worse in September, which is the date of the last breach in respect of these current proceedings. The defendant had a chance to mend her ways, but her response, when spoken to by the police, is that she chooses not to and she simply will not engage with court proceedings. She has been offered help. The police try and help her, but she simply goes from bad to worse. The nuisance which this defendant creates gets worse and worse, and it was described to me that there are so many people going to her premises that it is as if the door of a busy shop is being operated. Sometimes this goes on all night. This shows the defendant’s attitude is appalling. This shows that her criminal behaviour has had very, very serious consequences upon her neighbours. She has made life an utter misery for Mrs Cook. There is no need for her behaviour. It is deliberate and it is deliberately criminal, it seems to me. It must stop.
4. I must ask myself the question, “Is this conduct so serious that only a custodial sentence can be justified?” In the light of all this, these breaches are so repeated and are so bad a custodial sentence cannot be avoided in this particular case. It continued so terribly week after week, month after month now, even with the proved breaches as enumerated in the course of my previous judgment. Prison is the only proper place for this defendant.
5. She should be subject to a 3 months’ imprisonment, concurrent in respect of each and every breach, and it will be 3 months’ concurrent in respect of the breaches found proved

before District Judge Rowe. She should be committed to Her Majesty's prison at Eastwood Park therefore for a total period of 3 months.

- HHJ Lambert All right. Thank you very much indeed. Would you please draw up the order in relation to the exclusion ...
- Mrs Kelly (?) Yes, your Honour.
- HHJ Lambert ... aspect of the case and submit that as soon as you can ...
- Mrs Kelly Yes, I will.
- HHJ Lambert ... in that regard? If you have time today, I will sign it off 2 o'clock today, if that is what you want me to do?
- Mrs Kelly Yes.
- HHJ Lambert Because we have (inaudible) in that regard. Of course I have to draw the order in respect of the committal for contempt of court.
- Mrs Kelly Yes.
- HHJ Lambert (inaudible) no mere court officer can do that. That will be a (inaudible) of the Clerk of the Court who gives the judge every possible assistance in these matters. The practice directions that I have got to draw up, and I will do, and I will have it printed out for you and Mr (inaudible).
- Mrs Kelly Very grateful, your Honour.
- HHJ Lambert And let us get that done and we will have the other (inaudible) up first.
- Mrs Kelly Your Honour, I do in fact have a certificate of service for notice here if you want to place that on the court file?
- HHJ Lambert That would be wise just in case there is any appeal or any application to re-open the matter.