

IN THE COUNTY COURT AT BRISTOL

2 Redcliff Street
Avon
Bristol
BS1 6GR

11th March 2016

BEFORE:

HIS HONOUR JUDGE RUTHERFORD DL

BETWEEN:

Bristol City Council

Claimant

- and -

Adrian Hill

Defendant

J U D G M E N T

Mr Denford appeared on behalf of Bristol City Council
Mr Ray appeared on behalf of Mr Adrian Hill

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

17 folios in transcript
1,208 words in transcript

HIS HONOUR JUDGE RUTHERFORD DL:

1. On 11th December he appeared before Deputy District Judge Crooknorth facing some 25 allegations that he had breached the injunction.
2. The learned judge found them proved. It may well be that he admitted them. She imposed a sentence of four months' imprisonment for each breach to run concurrently, making four months in all. He was duly committed to prison and he was released on 9th February.
3. On 10th February he was back breaking the injunction again and on 3rd March he came before me, it being alleged that he had broken the injunction on seven occasions between 10th February and 22nd February. He admitted all of those.
4. He was represented at the time by Mr Ray, his solicitor, who has very kindly turned up again today to do his best for him in very difficult circumstances.
5. I took a course, which no doubt everybody now thinks was foolish, perhaps I do as well, in that I thought it was so soon after he had just come out of prison and simply to send him straight back there again was going to achieve very little.
6. The local authority are always willing to assist in any way they can, people in this situation. They were prepared to offer him help if he would avail himself of it. He said to me that he would and so I adjourned the case to 23rd March in the hope that he would indeed take up the offers of help and that I might be able to do something constructive on 23rd March.
7. Off he went. Within a matter of two hours or so he was back in the usual places breaching the injunction again and he was subsequently arrested for that breach that day. He had to be released on bail because unfortunately there was not a single judge available to deal with him when he was brought before the court and today he has failed to turn up at all.
8. I therefore have to deal with him now for the seven breaches he admitted before me and indeed the latest one on 3rd March when he was arrested again. I have seen the evidence of a police officer who arrested him. His solicitor, Mr Ray, is not in a position to challenge that statement and I accept that statement.
9. So what I am faced with is a man who comes out of prison after a four month sentence, within a matter of two days is starting exactly the same conduct again, who comes before me and is released on the basis of he will seek help and within a matter of two hours is back at it again. There is really very little help I can now give him. These injunctions have got to be obeyed. He has got to realise the seriousness of it. It is particularly serious in this case, both because of the fact he is back begging within a very short time of being released from a custodial sentence, and the latest one that he is back begging when I have remanded him, given his liberty, remanded him on bail and he is doing it again within two hours.
10. I have come to the conclusion that the only thing I can do in this case is that for each of the

seven breaches for which he appeared before me on 3rd March and admitted them, and for the breach that he committed on 3rd March after I had remanded him, the appropriate sentence is one of six months' imprisonment. I shall make all eight concurrent and so he will serve six months in all.

11. I direct that that this judgment be transcribed at the public expense and that the court sends it to wherever it has to go for the need to make it a public judgment.

Mr Denford Thank you, your Honour.
HHJ Rutherford Now, you've got to fill in a form, haven't you?
Mr Denford I have, your Honour. There's two small matters.
HHJ Rutherford Yes.
Mr Denford He was actually arrested on 8th March, not 3rd. The warrant was applied for on 4th.
HHJ Rutherford I beg your pardon, he was arrested on 8th, yes, but he was breaching it on 3rd.
Mr Denford That's right, yes.
HHJ Rutherford Yes.
Mr Denford I would also ask for formally the order, that it's extended for a further year.
HHJ Rutherford Oh, I forgot to say that, yes. Furthermore, I should have said, that the injunction will run out while he is in custody. When he was arrested he indicted to the police officer arresting him that that was fine, he knew it was going to end on 24th April and therefore then he'd be at liberty to go on begging. I think it's proper case to extend that injunction by a further 12 months. It's an injunction which, indeed, has already been amended since it was originally granted. Mr Ray, the solicitor, again, is in an impossible position. He can't oppose that and so I will extend it for a further 12 months until 24th April 2017.
Mr Denford The other matter, your Honour, first of all to thank Mr Ray for his attendance today, his assistance.
HHJ Rutherford Yes, indeed.
Mr Denford And to make an order for (inaudible) cost, save for detailed assessment of the defendant's public funded costs, then Mr Ray can hopefully get paid.
HHJ Rutherford We will certainly do that. We'll do that. So will you fill in an SO form which I've then got to initial?
Mr Denford I will certainly do that, your Honour.
HHJ Rutherford Do we also need a small order that deals with a public funding assessment?
Mr Denford It comes within the N79 with provision (inaudible).
HHJ Rutherford You can do it there?
Mr Denford Yes.
HHJ Rutherford Alright. Thank you very much indeed.
Mr Denford If I presented the order to you at 2:00pm.
HHJ Rutherford Would that be alright?
Mr Denford Yes, certainly.

HHJ Rutherford That would be fine. So shall we meet at 2:00pm and we'll finalise this?

(court adjourned)