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IN THE ROMFORD COUNTY COURT

No. E01RM984

2A Oaklands Avenue
Romford
Essex
RM1 4DP

Friday, 24 May 2019

Before:

DISTRICT JUDGE DODSWORTH

B E T W E E N :

THE LONDON BOROUGH OF REDBRIDGE

Applicant

- and -

MR PAUL SINGH BANSAL

Respondent

MR. CLARKE (instructed by the Legal Department) appeared on behalf of the Applicant.

THE RESPONDENT appeared in Person.

J U D G M E N T

DISTRICT JUDGE DODSWORTH:

- 1 This matter comes before me today as a result of Mr. Bansal being arrested for breach of an anti-social behaviour injunction which was obtained by the claimant against him last year.
- 2 The history of the matter is that proceedings were commenced by the claimant and a without notice injunction was granted by District Judge Kemp on 9 November 2018. Insofar as is material for this hearing, it included a provision that the defendant must not, either by himself or by instructing someone else, harass, intimidate or assault any person employed by the claimant. A power of arrest was attached to that injunction.
- 3 The matter came before me on 20 November 2018 by way of a return date following the making of the without notice injunction. On that occasion, Mr. Bansal was present and he accepted some of the behaviour that had been alleged against him and did not contest the continuation of the injunction until 11.59 p.m. on 20 November 2020. Paragraph 1 of the injunction was extended by the addition of the words, "or its contractors, Muirs Group Plc" after "claimant" but that is not material to the issues before me today.
- 4 As Mr. Bansal was present at court on 20 November 2018, he clearly knew about the terms of the injunction and what he was and was not permitted to do. The original without notice injunction was personally served on Mr. Bansal and I am satisfied that he was aware of it. Insofar as he was only sent a copy of the order of 20 November 2018 by post, then as far as is necessary I will dispense with personal service of that order pursuant to CPR 81.8(1) because I am satisfied that Mr. Bansal had full knowledge of the order and had been present when it was made and had it explained to him on that occasion.

- 5 As I say, matters then came before the court on 14 May 2019 when Mr. Bansal was produced from custody. At that time, he was produced by the police and statements from Mr. Jeff Smith and Ms. Bernadette Munro were available. They set out details of what was said to be breaches of paragraph 1 of the injunction by way of the defendant having used foul and abusive language in a manner which constituted harassment to both of them on separate phone calls on 24 January 2019.
- 6 When Mr. Bansal was produced on 14 May 2019, I explained to him that he had the right to remain silent and explained that criminal legal aid was available to assist him with the defence of these proceedings if he wished. He sought an adjournment of the proceedings on that occasion and the matter was therefore adjourned to today's date to allow him to get legal representation.
- 7 As it happens, when the matter has come back before me today, Mr. Bansal has not been legally represented. His right to remain silent was again explained to him today. As it was not clear whether Mr. Bansal was challenging the allegations, I heard from Mr. Smith, Ms. Munro and Mr. Bansal who all gave oral evidence before me. Mr. Smith and Ms. Munro formally adopted the contents of their witness statements and Mr. Bansal did not wish to ask any questions of them.
- 8 Mr. Bansal gave evidence to the effect that he accepted that he had spoken to both Mr. Smith and Ms. Munro on 24 January 2019. He did not accept that he had been angry in the calls. He might have been "peevish" (to use his words) but he was not angry. He also did not accept that he had raised his voice and explained that he always had a loud voice, particularly on the telephone. He gave evidence that he was aware he was on an injunction and therefore had been careful not to adopt an angry tone. He did accept that in both phone calls he had used swear words. He put it as "effing kitchen", "effing surveyors" and in

particular, in relation to phone calls to Mr. Smith he accepted he had expressed some irritation because he was being asked about a surveyor from the Council coming to look at his kitchen and these were matters which the Council ought to have known about.

- 9 That then is the evidence in relation to the two breaches. I have to be satisfied to the criminal standard, that is to say beyond reasonable doubt, that these allegations are proved before the finding can be made. I am so satisfied. The evidence of Mr. Smith and Ms. Munro which was not challenged sets out clearly that Mr. Bansal used language which was both inappropriate and would, on any view, cause harassment to an employee of the claimant, such as Ms. Munro or Mr. Smith.
- 10 The fact that Mr. Bansal might perhaps have thought he was using words in a descriptive sense rather than a threatening sense does not absolve him of responsibility for his actions. I am therefore satisfied that both breaches of the injunction have been proved.
- 11 My starting point for deciding on an appropriate disposal would be that this is a case which falls in the bottom category, both by way of harm and by way of culpability. That is not to excuse the conduct in any way but simply to say that in the scheme of what the court sees regularly, this is not very serious and persistent breaching. That is not what has been found. It was two behaviour on 2 occasions on the same day and it seems to me that it is a minor breach and the breach has caused little harm or distress.
- 12 That is not to say that I am condoning it in any way or think that it is appropriate that people have to put up with those sort of phone calls, however it is part of their job but I have to grade it somewhere and it seems to me that it somewhat comes with the turf with some jobs. Housing officers are one such job and I judges are another. There is a certain level of

frustration that all judges see - people venting at things which happen - but we do not lock everybody up every time that happens. Equally, we do not condone that behaviour.

- 13 Mr. Bansal has been found guilty of conduct which is a breach of the injunction. That said, I have to have a look at the Sentencing Guidelines that are applicable to breaches of orders and work out where in the scheme of things his conduct falls. I am satisfied that the breaches that have been found fall within category C, culpability, they are minor breaches and that they fall in category 3 for harm, in that they are breaches which cause relatively little distress.
- 14 That being the case, if this was a criminal case, the starting point for sentencing would be a low-level community order and would move up to a fine as a maximum. I, of course, do not have powers to make a community order, that is not a disposal available to the Civil Courts, only to the Criminal Courts and I do not think that a fine will serve any material purpose in this case.
- 15 What I am going to say is that I am going to impose no further punishment on Mr. Bansal because he has already spent a relatively short period of time in custody following his arrest, and I think that is sufficient punishment in the circumstances of this case.
- 16 There is, of course, now a finding that Mr. Bansal has breached the injunction and that may have other consequences in relation to his housing, but I am going to impose no further penalty upon him.
- 17 I direct that there is a transcript prepared of the judgment and the sentencing remarks at public expense, and for that to be sent to both parties.

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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** This transcript has been approved by the Judge **