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Case No: F01KT804

IN THE COUNTY COURT AT KINGSTON UPON THAMES

St James Road Kingston-upon-Thames
Kingston upon Thames
KT1 2AD

Date: 04/03/2020

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Before:

DISTRICT JUDGE ARMSTRONG

Between:

CLARION HOUSING ASSOCIATION LIMITED

Claimant

- and -

MICHAEL RILEY

Defendant

MR GRANT appeared for the **Claimant**

THE DEFENDANT was not present and was not represented

DRAFT JUDGMENT

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DISTRICT JUDGE ARMSTRONG:

1. There is no charge arising from the 21st, which is something we addressed, but I have read the entire file, and I am satisfied: That the evidence of the officer -- which stands unchallenged, and I have no reason to doubt, particularly as it resulted in Michael Riley being brought to court -- that Michael Riley did breach the injunction as charged, and I find him in contempt of court accordingly. I find the allegation proven.

(For continuation of proceedings see separate transcript)

2. Sentencing the matter of *Clarion Housing Association Limited v Michael Riley*, claim number F01KT804. I am required to sentence Michael Riley in respect of three charges of breach of an Anti-Social Behaviour Order made on 2 January 2020. Each charge relates to his attendance at Atkinson House, Old Reigate Road in Betchworth, contrary to the prohibition imposed by that order of 2 January 2020.
3. The first breach, for today's purposes, was on 15 February, with further breaches on 20 February and 23 February 2020. The first two breaches have been admitted, and the third was found proven today in the defendant's absence. There is no evidence of the defendant causing significant harm or distress but it must be recognised that the purpose of the order was to prevent him from causing harm or distress to the residents on site, or indeed to the employees of Clarion Housing Association who work on site. The likelihood is that persistent attendance at Atkinson House by this defendant will lead to alarm and distress and potentially to some significant flashpoints and incidents arising.

4. More significantly, and of greater note to me and greater concern, is the fact that there has been a previous breach on 7 February 2020, which was admitted. It resulted in this court taking no action, but reminding the defendant of the terms of the order, and affording him opportunity to prove that he could comply with, and respect, that court order. Not only has he failed to do that, but he has persistently and flagrantly breached the order again, with breaches occurring only days apart, and within days of court hearings.
5. Whilst then the breaches are lacking in a significant level of harm, they are interfering with the proper administration of justice, and are blatantly flouting a court order.
6. In determining the sentence, I am satisfied that this has been a deliberate breach, aggravated by persistent breaches and previous breaches, all within a short period of time, and within a short time of the original order having been made. Some of the breaches have been committed whilst determination of other breaches were yet pending.
7. By way of mitigation, I note that two of the three breaches were admitted, and minimal harm and distress has actually occurred fortunately on these occasions. We are also dealing with a man who struggles with alcohol misuse and has, if we put it in its simplest of terms, been staying at his father's accommodation.
8. Nonetheless, this can only be treated as culpability at bracket 2, and harm at category 3, and I am entirely satisfied that the custodial threshold has been met. I impose a sentence of twelve weeks in custody for each of the breaches.

They ought to run concurrently. However, I am on this occasion suspending the sentence for a period of twelve months on condition that the defendant does not commit further breaches of the order dated 2 January 2020.

(For continuation of proceedings see separate transcript)

9. I am satisfied that the costs claimed at £2,093 are proportionate and reasonable, and necessarily incurred within these proceedings, and I order that the defendant Michael Riley pay the claimant's costs assessed at £2,093, and payable within fourteen days of service of the order.

(For conclusion of proceedings see separate transcript)
