

Central and Cecil Housing Trust -v- Ms Evelyn Coyle

Statement of reasons for suspended order of committal

1. This statement is made pursuant to paragraph 13 of Practice Direction: Committal for Contempt of Court – Open Court.
2. In relation to Case No: G00CL496 on 16 December 2020 at the County Court at Central London, HHJ Hellman, sentenced Evelyn Coyle (“Ms Coyle”) to 28 days imprisonment for contempt of court. The sentence was suspended until 4 pm on 15 December 2021. The basis of the sentence was as follows.
3. On 3 June 2020, DJ Wilkinson made an injunction order (“the Injunction”) against Ms Coyle under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, with a power of arrest attached. The Injunction was to remain in force until 4 pm on 15 December 2021. Due to the covid-19 pandemic, the hearing took place telephonically via BT MeetMe. Ms Coyle did not attend, but the Court was satisfied that she had received notice of the hearing. She was served with the Injunction on 8 June 2020.
4. Ms Coyle was the tenant of a flat at 2 Cleve Road, London NW6. The Injunction was obtained by her landlord, Central and Cecil Housing Trust (“CCHT”). Cleve Road was sheltered housing, and all the occupants were aged 55 or more.
5. The Injunction prohibited Ms Coyle from making noise that could be heard outside her flat, eg by banging, slamming doors, shouting and swearing, and causing nuisance, annoyance or distress to the other tenants and to residents of neighbouring properties.
6. On 6 July 2020, CCHT filed an application to commit Ms Coyle to prison for breach of the Injunction. They alleged that on a number of occasions in June and July 2020, Ms Coyle had caused noise nuisance of the kind expressly prohibited by the Injunction. The allegations were organised into four separate counts.
7. On 16 December 2020, the committal application came on for hearing before HHJ Hellman. He found that all four counts were proved.
8. When sentencing, the Court applied the Sentencing Council guidelines for breach of a criminal behaviour order by analogy. However it took into account that the maximum sentence for breach of a criminal behaviour order is five years imprisonment, whereas the maximum sentence for contempt of court is two years imprisonment. This suggested that sentences for contempt involving breach of an anti-social behaviour injunction will tend to be lower than for breach of a criminal behaviour order.

9. The Court found support for this position in the sentencing principles for contempt of court stated by Hale LJ (as she then was) in Hale v Tanner [2000] 1 WLR 2377. Other relevant principles stated in that case were (i) that the length of the committal should be decided without reference to whether it should be suspended; (ii) the purpose of sentencing in committal proceedings includes both marking the court's disapproval of the disobedience of its order and securing future compliance with the order; (iii) the length of the committal must bear some reasonable relationship with the maximum two years which is available; (iv) suspension is possible in a much wider range of circumstances than in criminal cases and is usually the first way of attempting to secure compliance with the court's order; and (v) the length of suspension requires separate consideration, although it is often appropriate to link it to continued compliance with that order.
10. This was a deliberate breach falling within culpability band B in the guidelines. The level of harm fell within category 2 in the guidelines. In so finding, the Court recognised that: (i) the noise nuisance generated by Ms Coyle was not targeted at the other residents at 2 Cleve Road; and (ii) the impact which the noise nuisance has nonetheless had on the quality of life of at least some of them.
11. The starting point under the guidelines for sentencing a breach falling within band B and category 2 was 12 weeks custody.
12. The aggravating factors were as follows. Ms Coyle has simply ignored the Injunction. She continued to generate noise nuisance after it was made just as she had done before it was made. The first breach occurred only four days after the Injunction was served.
13. The mitigating factors were as follows. Ms Coyle is 76 years old and has various medical conditions. The behaviour amounting to contempt may be indicative of underlying mental health issues, and the Court noted the previous involvement of mental health professionals. The Court recognised the stress caused by these proceedings, which was exacerbated by the covid-19 pandemic, and that as a result of her anti-social behaviour Ms Coyle is at risk of losing her home through possession proceedings which have been brought by CCHT.
14. The Court found that the contempt was sufficiently serious to require a custodial sentence. 28 days imprisonment was the appropriate figure, to run concurrent on all four counts. However, the sentence could properly be suspended. The suspension would run for the duration of the Injunction.