

TRANSCRIPT OF PROCEEDINGS

Ref. H01BS360

**IN THE BRISTOL CIVIL AND FAMILY JUSTICE CENTRE
Sitting at BRISTOL MAGISTRATES' COURT AND HEARING CENTRE**

Marlborough Street
Bristol

Before HIS HONOUR JUDGE RALTON

IN THE MATTER OF

BRISTOL CITY COUNCIL (Applicant)

-v-

ISABELLE WEBBER (Respondent)

**MR DENFORD appeared on behalf of the Applicant
MISS J HAMPTON appeared on behalf of the Respondent**

**JUDGMENT
25 MAY 2022, 11.38-11.49
(AS APPROVED)**

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JUDGE RALTON:

1. This is a sentencing hearing and the court needs to consider what penalty, if any, to impose on Miss Isabelle Webber by reason of her breach of an injunction order made under part 1 of the Anti-social Behaviour Crime and Policing Act 2014 on 20 April of this year.
2. I am assisted today by Mr Denford for the City Council of Bristol and by Miss Hampton for Miss Webber who has spoken in mitigation on behalf of her client.
3. The brief background to this case is as follows: On 9 August 2021, the City Council applied for injunction orders to be made against Miss Webber under the 2014 Act. In brief, the grounds for the application were that they said to the court that Miss Webber would take drugs in public and was begging aggressively. On 9 September 2021, Deputy District Judge Batstone made an injunction order against Miss Webber. He made a number of provisions: he forbade her from sitting, loitering, or approaching people for the purpose of begging within the city of Bristol, from threatening or verbally abusing any employee of Bristol City Council, the Bristol Drugs Project, St Mungo's, or any person of Avon & Somerset Constabulary, and to that provision he attached a power of arrest. He also imposed positive requirements on Miss Webber: to live and sleep at Dean Crescent Hostel, and to engage with Dean Crescent for the purposes of dealing with her drug addiction.
4. A Miss Uba Mohammed was employed by St Mungo's as a support worker. On 8 December 2021, it was alleged that Miss Webber was verbally abusive and threatening to Miss Mohammed. She was arrested on 4 January 2022 and put before the court and released on bail until 26 January 2022. On 24 January 2022, the City Council applied for those proceedings to be adjourned generally with liberty to restore because it said that Miss Webber was working with the City Council, and the order that it sought was granted on 25 January 2022. There had still been no disposal of the incident of 8 December 2021. No application has been made to restore that part of the proceedings.
5. On 23 March of this year, the City Council applied to vary the injunction order requiring Miss Webber to vacate and not return to Cleeve Road in Knowle, and that order was granted by Deputy District Judge Gorman with a power of arrest. On 8 April of this year, that varied injunction order was confirmed by Deputy District Judge Chappell.
6. On 20 April of this year, it was alleged that Miss Webber was abusive to PCSOs Ayres and Lydford. She was arrested on that day and she was put before the court on 21 April. She was represented by Mr Richardson on that occasion and the breach of the injunction order was admitted before Deputy District Judge Chidgey. He deferred sentencing until 10 May, and then at that hearing on 10 May, the hearing was adjourned by District Judge Wales to today, 25 May.
7. I remind myself that the powers of the County Court are limited whereas the powers of the Magistrates' or the Crown Court are much more extensive and can be better tailored to meet the needs of the case at hand. The powers of the County Court to penalise for contempt of court amount to imprisoning someone for up to two years with a power to suspend that sentence for a period of time on terms, to fine the person or sequester their assets, or to do nothing at all, or to adjourn the proceedings. The ethos of the County Court is to secure compliance with its orders.
8. Mr Denford tells me that there has not been any report of any further difficulty caused by Miss Webber since 20 April of this year. Indeed, Streetwise have reported that Miss

Webber is making good progress with respect to her drug addiction. Miss Hampton likewise says that her client has made extremely good progress. She tells me that Miss Webber is only 23 years old, addicted to class A drugs, with a mental health issue in that she is bipolar. Miss Webber has apologised via Miss Hampton for her behaviour on 20 April which she agrees was not acceptable. I understand that Miss Webber lost her temper on that day. I am told that Miss Webber is fully complying with the agencies and that indeed her current Methadone prescription is due to be replaced with a monthly injection. I am told that Miss Webber has a social worker and she hopes to secure her own accommodation. That comprises the information before the court.

9. In my judgment, Miss Webber, you are at a crossroads in your life. One route sees you continuing to undertake treatment for your drug addiction and hopefully to be rehabilitated into the community and to be a valuable member of that community, law abiding and peaceful, without causing trouble. The other road which you have been taking leads to a life of drug addiction, which life could turn out to be spectacularly short and interspersed with periods of you being out of control and seeing you being arrested and quite possibly imprisoned. You tell me that you want to take the rehabilitation road now. The court hopes that you take the rehabilitation road. It is disappointing to hear that earlier the City Council thought you had taken the rehabilitation road but finds itself coming back to court in the Spring of this year for more injunction orders. That is a real disappointment.

10. So, what is the court going to do? The court is going to give you another chance. I am not going to sentence you to imprisonment and therefore no question of suspension arises. Indeed, I am not going to sentence you at all today. I do not think there is any point in imposing any sort of financial penalty on you. You are reliant on benefits. The cost of living, we know, makes it very difficult to survive on benefits. I do not think any useful purpose would be achieved by fining you. So, if I were to sentence you the one that I would have in mind is imprisonment, but I am not going to sentence you, I am going to defer sentencing again. And, as per Mr Denford's suggestion, I am going to defer to a date in August which I hope we can find.

11. Now, what will happen in August? We know that the current injunction order is due to expire in September. If all of the evidence and information in August is positive then I suspect the Judge will say no penalty at all and there will not be any extension to the injunction order. If, however, the evidence is negative, there is a very real risk of firstly the injunction order being extended and more importantly, you being deprived of your liberty. It gives you control over your future. I do not underestimate at all the difficulty in overcoming drug addiction. It is well known but you must accept responsibility and you must continue to work with these agencies and you must not be abusive to any of them or to any member of the Avon & Somerset Police. So, I hope that my optimism plays out. That concludes the judgment.

This transcript has been approved by the Judge