

TRANSCRIPT OF PROCEEDINGS

Ref. F00DD664

IN THE BIRMINGHAM COUNTY COURT

Priory Courts
33 Bull Street
Birmingham

Before **HIS HONOUR JUDGE MURCH**

IN THE MATTER OF

DUDLEY METROPOLITAN BOROUGH COUNCIL (Applicant)

-v-

PETER STEAD (Respondent)

MR LOWELL appeared on behalf of the Applicant
MR RICKETTS (Solicitor) appeared on behalf of the Respondent

JUDGMENT
5th OCTOBER 2022, 15.48-16.33
APPROVED

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JUDGE MURCH:

1. This is an application brought by Dudley Metropolitan Borough Council against Mr Peter Stead for a committal order in respect of a series of allegations of breach of an injunction made in this court by HH Judge Boora on 9 February 2021. To give the judgment context, I shall set out the terms of the order his Honour made on that occasion and then some of the history of this matter which has brought the matter to trial before me over today and yesterday.

2. On 9 February 2021 HH Judge Boora made an order in the following terms.

“The court ordered that the defendant, Mr Peter Stead, is not, whether by himself or by instructing or encouraging any other person, to:

1. Threaten to use and/or use violence anywhere against:

(a) any person, (who need not be a particular identified person) who resides, visits or is otherwise engaged in a lawful activity in Forest Road, Dudley, West Midlands.

(b) Any servant, agent, employee or contractor of the claimant.

2. Approach, contact or in any way or anywhere communicate, either directly or indirectly, with Miss Lauren Homer, Mr Jason Boswell, Ms Kay Ward and their families and visitors.

3. Engage in any conduct which is capable of causing nuisance or annoyance to any person (who need not be a particular identified person) who resides, visits or is otherwise engaged in lawful activity in Forest Road, Dudley, West Midlands. Such conduct is to include but not be limited to:

(a) being intimidating towards, swearing at or abusing others, including making abusive or insulting comments.

(b) Engaging in any kind of noise nuisance, particularly shouting, banging or playing loud music.

4. Engage in conduct which is capable causing nuisance and annoyance to any person employed in connection with the exercise of the claimant’s housing management function.

The injunction runs until 9 February 2023.”

3. It should be apparent from the terms of the injunction I have read out that, in effect, this is a dispute focused on neighbours. That is relevant context and relevant background for how the matter has come to court before me today.

4. The matter last came before me on 3 February of this year when I made a series of findings of breach in the absence of the defendant. I was satisfied that he had been served with notice of the hearing, having gone through the affidavits of service. I was satisfied that he had been served with the evidence upon which the claimant relied and also the notice of the date of the hearing. I therefore made findings in his absence.

5. An application was subsequently made to set that judgment aside. I directed that it go before a different Judge so there would be open and transparent consideration of it. The matter before HH Judge Truman. Her Honour did not set aside my judgment. The matter then came before me when I then sentenced the defendant for the breaches I had found proved.

6. The claimant says that this is context for the decisions I have to make in this case, because, again, a series of allegations has been made that the defendant has breached the

terms of the injunction. As far it goes, there is strength to that submission, but I have to make findings on the basis of the evidence before me today. The claimant must show, so that I am satisfied so that I am sure, that the conduct which it alleges in fact did take place and, also, that it amounts to a breach of the injunction.

7. In considering that, I remind myself of the decision of *National Highways Limited v Springorum & Ors Ltd* [2022] EWHC 205 (QB), when the following propositions were set out. When considering an application to commit, the court has to be satisfied that the respondent knew of the order, that he committed the acts which breached the order, and that he knew that he was doing acts which breached the order. I am certainly satisfied that Mr Stead knew of the terms of the order. No point has been taken on his behalf that he had not been served with the terms of the injunction made by HH Judge Boora before the first of allegations made by the claimant is said to have taken place.

8. As I say, there is clearly friction between the neighbours in this estate. There is a cul-de-sac in which Mr Stead lives, along with three other people who have given evidence before me, Miss Aris, Miss Ward and Mr Boswell. Each of them lives in separate houses. It is clear, as I say, that there is a history of bad feeling between the residents and Mr Stead.

9. I was told that perhaps a starting point, some years ago, was the fitting on Miss Ward's property of a CCTV camera. There seems to have been some dispute as to the direction in which it was located, whether it was located such that it faced onto her garden or whether it was filming the garden of Mr Stead and his family. I do not need to make a finding on that particularly, but it gives a flavour of why it is that there has been bad feeling between the neighbours for some time.

10. I also heard that it was at one stage alleged by Miss Ward that a letter had been placed through her letterbox which looked as though it had been burned. She said that earlier in the day in question she had had an altercation with Mr Stead and that there had been a dispute over land, to which I shall refer. The altercation ended when she then went out for a driving lesson. When she got back, she found the letter had been pushed through her letterbox, and the way she described it was that it gave the appearance of having been burned before it was placed in the letterbox.

11. The police did not take any action. The point was taken that there were too many fingerprints from Royal Mail to enable it to be linked to any single person. I am unable to make a finding, and I am not asked to make a finding, as to who it was who put the letter through the letterbox, but certainly no evidence has been put before me that shows I can be satisfied so that I was sure that it was Mr Stead who put the letter through the letterbox. I am satisfied there was a letter, but I do not make the finding that it was he who put it through the letterbox.

12. Nonetheless, this is context because each party is aware of the existence of this allegation. It leads Mr Stead to believe that the neighbours on the cul-de-sac, in effect, have joined forces against him. He goes somewhat further. He says that their dispute with him is motivated by racism. He says that they have concocted the various allegations which are made with the intention of him being sent to prison.

13. Those, of course, are serious allegations on his part, allegations he is entitled to make and entitled to require me to take seriously. I do take those allegations seriously. I have heard the evidence given by each of the witnesses and have been able to form my own view

as to their reliability and credibility, but I do not ignore that background which the defendant has put before me.

14. There is also, I think, a history between Mr Stead and Mr Boswell, another person who lives in the cul-de-sac. There is a suggestion that Mr Stead was attacked by Mr Boswell. That is what Mr Stead tells me. I am not required to make a specific finding about that, but certainly Mr Boswell's evidence was that historically it was he who was attacked by Mr Stead or Mr Stead's son. Certainly that is consistent with a conversation which is said to have taken place in a police car which forms one of the allegations in this case and which I shall consider in this judgment. I do not make a specific finding however as to the suggestion that there was a physical altercation between Mr Stead and Mr Boswell as it is not the subject of this application.

15. I understand it is Mr Boswell who installed the CCTV camera for Miss Ward and, again, that may be part of the reason why there is this bad blood between the neighbours on this estate. The fact there is this bad blood though does not prevent the claimant making the application and making the various allegations that it has made as to breach.

16. As important consideration is that it is the defendant, Mr Stead, who is the only party to the injunction in this case. I shall make reference to allegations of conduct on the part of his wife, Mrs Stead. I have not heard her give evidence. She is not a party to the application and there was no reason she should have given evidence. The claimant relies upon the terms of the injunction, which at paragraph 1, as I say, require Mr Stead, not to instruct or encourage any other person, to take the various steps which are prohibited by the terms of the injunction.

17. In his submissions Mr Lowell on behalf of the claimant said that I need to consider the proper definition of the word "encourage". He said that it means to persuade, to give hope. He pointed to examples in Miss Aris's witness statement, in particular at paragraphs 2, 5, 7 and 14, where there are examples, in particular in paragraph 14, where Mrs Stead is saying something. She is said to be shouting at people or shouting generally. During the course of that shouting Mr Stead is said to have then said something, after which Mrs Stead continued.

18. I accept that in principle that incident might be taken to have been encouragement, but it does not mean that other incidents are encouragement. Each allegation needs to be considered separately. The points to which I have just referred were not specific incidents upon which reliance was placed in this committal application and, therefore, I make no specific findings on them, other than to accept the principle advanced by the claimant. Ringing in my ears is the submission of the defendant, through his solicitor, Mr Ricketts, that I have to be clear that there has actually been encouragement for there to be breach of the terms of the order.

19. I think caution is required there. This is an injunction. If there is a breach of the injunction the possible consequence is committal to prison of Mr Stead. I need to be clear in my mind, satisfied so that I am sure, that it has been shown there has actually been encouragement by him of anything alleged to have happened at the hand or at the voice of his wife, Mrs Stead.

20. I do not wish to add to the heat in the cul-de-sac which clearly already exists, but it is Mr Stead who is the defendant in this case. He is the only person who is the respondent to an injunction.

21. I turn now to each of the allegations which I need to consider. I heard evidence from three neighbours, as I say, Miss Ward, Miss Aris and Mr Boswell. I found each of them to be reliable witnesses. I accept what Mr Stead says through his solicitor and he himself told me that he takes the view that they have invented the allegations which have been made. It was put to Miss Aris there had been a degree of concoction, as it were, that they had concocted evidence together. That point was not put to Miss Ward.

22. I do not think of itself that was actually fatal, because I heard Miss Aris's denial of that, and I am satisfied there has not been concoction. Each of them has given evidence of what they saw and what they recall on the days in question. They have been cross-examined thoroughly, yet appropriately, and have maintained the versions of events they have set out.

23. Also, Mr Boswell. Although it is fair to note that there is a measure of unreliability in his evidence because of the slight change in evidence, to which I shall refer during the course of this judgment, I certainly did not find proved the very serious allegation made by Mr Stead that Mr Boswell has described himself as a proud racist.

24. That was a very serious allegation, an allegation Mr Stead is entitled to require me to take seriously. All I can do is have regard to the evidence I have seen, though, in this court. The evidence I have seen in this court does not persuade me that it has been shown to be more likely than not that Mr Boswell is motivated by feelings of racism, either towards Mr Stead or his family at large.

25. I also heard evidence from Mr Atkinson, the process server. I, too, found him to be a reliable witness, albeit, again, there were some slight discrepancies, which I shall set out during the course of this judgment.

26. Turning now to each of the allegations in turn. The first allegation, namely 27 July 2021. At 13.30 in Forest Road, Dudley, the defendant threw a bundle of documents at a process server instructed by the claimant, Christopher Atkinson. The defendant's wife abused him by shouting "fuck off." I have the copy of the affidavit upon which reliance is placed. In the affidavit, or appended to them rather, is also the affidavit of service sworn by Mr Atkinson on 27 July, the date in question.

27. Mr Atkinson stated: "As I was walking off their path to the public pavement, I was aware that as I was watching the defendant that he threw the bundle at me. It missed me and landed a foot or two behind me on his front garden." It is fair to note, though, as Mr Ricketts explored in cross-examination and Mr Ricketts accepted, that the affidavit does not say expressly that the defendant himself said anything. The allegation is that it is his wife who said anything on that occasion.

28. On the basis of what I have heard, I am satisfied so that I am sure that the defendant threw the bundle of documents at the process server. That amounts, in my view, to a breach of clause 3(a) and clause 4 of the terms of the injunction. I am not satisfied so that I am sure, however, that, to the extent anything was said by the defendant's wife, Mrs Stead, it was as a result of him having encouraged her to do so, and only to that extent, therefore, do I make the finding of breach.

29. The second allegation is that on 28 September 2021 at 16.05 the defendant racially abused the process server instructed by the claimant, Christopher Atkinson, saying, “Fuck off you Irish bastard.” This is said to have taken place in Forest Road, Dudley.

30. Again, reliance is placed upon the evidence of Mr Atkinson on this point. In the course of his evidence he stated that he had inserted the documents into a letterbox. This was difficult because Mr Stead is correct when he points out that I have seen images of the front door and the letterbox does not appear to be capable of being opened, but he accepts if there is any means of leaving letters at his property it is in a box which is attached to the wall, perhaps in the more continental style of post boxes, and it is in that receptacle that any documents can be left.

31. The defendant makes the point that it is his wife who owns the property and that he would not have said that it was his property, rather than the council’s property, on that occasion. That really was the extent of his denial of this allegation.

32. Having heard the evidence of Mr Atkinson and heard his cross-examination, I am satisfied so that I am sure that he has accurately recounted what he said. I am satisfied so that I am sure that the language which is stated both in the affidavit of service on the day and the affidavit in support of the breaches alleged were true and I am satisfied, therefore, that this amounts to a breach of clause 3 and clause 4 of the terms of the injunction.

33. The third allegation is as follows. On 21 December 2021 at 14.35 the defendant was abusive towards a process server instructed by the claimant, Christopher Atkinson, in Forest Road, Dudley by raising his middle finger to him from the first-floor window. The defendant and/or members of his family shouted out, “There he is again. Get the bastard.”

34. Again, I have the evidence in support of that of Mr Atkinson. His contemporaneous affidavit of service makes the point that it was the defendant at the first-floor window who raised a finger. He maintained that position in cross examination.

35. The defendant’s overriding response to allegations made by Mr Atkinson is that he has never actually met him before. I am not satisfied, though, that that is correct, and I am satisfied the opposite is true. I am satisfied that I can rely upon what Mr Atkinson said and that he saw the defendant at the first-floor window raising his middle finger at him by means of abuse.

36. I am satisfied that words were used, but I cannot be satisfied that they came from the defendant. The way it is put by Mr Atkinson in his witness statement is vague. He does not seem to go further than he could. He does not specifically say that it was the defendant who said any of the words alleged and, therefore, I do not make a finding to that effect, but I do make a finding that there was a breach of the third and fourth clause of the injunction by the raising of the middle finger.

37. The fourth allegation is that on 21 January 2022 at 14.35 the defendant and his wife shouted abuse at the claimant’s processor, Christopher Atkinson, in Forest Road, Dudley, calling him, “A loser, a tout, a dickhead” and saying that he had mental problems. The allegation, I think, is really phrased in terms that each of them made these abusive remarks, either one followed by the other or in tandem.

38. I heard the footage. The footage was played. It is, in effect, the mobile phone which was owned by Mr Atkinson when he went to the property. Certainly I could hear a female voice which was shouting abuse. Abusive language was being used, albeit I do not think I heard the word “tout” being used at any stage. Abusive language was being used, but it was language which was being used by a female voice rather than the defendant.

39. I have to be satisfied that if it was the case that it was his wife, or indeed anybody else in the property, and I am satisfied it was somebody in the property, and that it was the defendant who encouraged that language to be used. It is fair to say that during the course of the female voice in its vocal state there was a laugh at one stage. It was a male laugh. The claimant relied upon that as being evidence of encouragement of the form set out by Mr Lowell in his submissions.

40. I have got to be satisfied so that I am sure as to what it was that was said by the male voice. There are two voices and there was certainly a laugh. It appears to be a male laugh. Even assuming for these purposes that it was Mrs Stead who was speaking and that it was Mr Stead who laughed, I cannot be satisfied so that I am sure that it was encouragement of what it was that his wife was clearly saying, very abusive language though it was.

41. The defendant, in my view, does not breach the terms of the injunction simply by standing by. He is not, without more, under an obligation to stop people who are being abusive from being abusive. I do not by those comments intend to give licence to people in the property to be abusive without Mr Stead in the future perhaps facing consequences for it, but I have to consider this particular allegation and on the particular evidence before me I am not satisfied so that I am sure that what happened amounted to encouragement or instruction by Mr Stead of the clearly abusive language on the part of the female voice, who I take for these purposes to be his wife. Therefore, I do not find allegation four to be proved or to amount to a breach of the terms of the injunction.

42. I turn, then, to the fifth allegation. This is that on 28 January 2022 at 16.00 the defendant made abusive comments on Forest Road, Dudley about Kay Ward and Jane Aris. “Have you seen the witches? Can I smell a stench?” were the allegations of the language used, knowing that Kay Ward and Jane Aris would hear them.

43. Quite appropriately, Miss Ward and Miss Aris were cross-examined on the contents of their affidavits. Miss Ward said that if Mr Stead was on the ground floor of his property or in his garden, at that stage he would not be able to see into her property because of a six-foot fence. She says, however, on that occasion she was at the top of her garden. She referred to her dogs being out at the same time. She could see Mr Stead. She was there talking with Jane Aris, the two of them were talking.

44. She said in cross-examination that he came out and saying to her, “Have you seen the witches? Can I smell a stench?” It was put to her that those were not the words that were used on that occasion, but she remained constant in her evidence and said that is what she had heard. Both things had happened, she said, and she denied the allegation that she was making this up with a view to getting Mr Stead into trouble.

45. Miss Aris was also cross-examined. I should point out that she was not in the room when Miss Ward was cross-examined on her evidence, but she gave a remarkably similar recount of what happened. She said that she was in Kay Ward’s back garden. They were talking. She, too, made reference to the dogs, saying that they were running around.

46. She said that the first thing that he said when he came home, because that is what she saw him do, was to ask, “Have you seen the witches? Can I smell a stench?” and on doing so Miss Aris said that he looked up at the two of them. Again, she denied that she was making things up to get Mr Stead into trouble. She says that he looked directly at the two of them. In the past, she said, that Mr Stead had called the two of them witches.

47. The defendant was steadfast in his view that he had not said this. His view was that he seeks to ignore Miss Aris and Miss Ward at all times and wanted nothing to do with them. I do not accept, I am afraid, though, his recount of the history on the day. I heard both Miss Ward and Miss Aris give their evidence. I am satisfied so that I am sure they were telling the truth. I am satisfied so that I am sure that the comments were made and that they were made at the two of them with the intention the two of them should have heard it. This, in my view, amounted to a breach of the third term of the injunction.

48. The next allegation I consider is allegation six. That is that in the course of January 2022 the defendant abused Jason Boswell in Forest Road, Dudley, calling him “angina man”. I heard Mr Boswell cross-examined on this point. It was clearly quite distressing for him to remember it. He was clear in his mind that he had been called “angina man” by the defendant, Mr Stead.

49. Mr Stead’s position, when cross-examined, was that this was a case of confusion and he pointed to this as evidence of there being concoction on the part of the claimant’s witnesses that they confused themselves as to what had happened. He said it was Kay Ward’s husband who had angina and by inference I took this to be a denial that he had said anything to Mr Boswell.

50. I am satisfied so I am sure, though, that Mr Boswell was a reliable witness on this particular incident. I am satisfied that it has not been shown that he was motivated by racism. I reject the suggestion that whatever has happened in the past it leads Mr Boswell through racist desire to concoct allegations against Mr Stead. On the evidence I have heard, I am satisfied so that I am sure that there has been a breach of clause 3 of the terms of the injunction on that occasion.

51. The seventh allegation is that on 1 February 2022 at 10.05 the defendant abused the partner of Kay Ward by calling him a “dickhead” from the front window of his house in Forest Road, Dudley. The evidence of Miss Ward, when cross-examined, was that they returned home from school. As the two of them walked past Mr Stead, he said “dickhead” and then laughed. It was put to her that this had not happened. She maintained that it had. That was the extent really of the challenge, save that the implicit challenge was that those words had not been used in this event and did not happen.

52. Again, I heard Miss Ward give evidence. I am satisfied so that I am sure that those words were used and that this is a breach of clause 3 of the terms of the injunction.

53. Turning then to allegation eight. The allegation is that on 1 February 2022 at 10.44 the defendant abused Kay Ward from his front door in Forest Road, Dudley by saying, “Stop the germs and stench. Stinky, filthy stench from out here. Stinky cow.”

54. Miss Ward was cross-examined on this point. She said that she was outside talking to her window cleaner. The defendant opened his front door and said, “Stop the germs and the

stench from here. Stinky cow.” She used those words without further prompt. She was adamant that the words “stop the germs” in particular had been used. She denied that she was mistaken on that point. She said the words “stinking cow” were used expressly at her. It was at her that the words were being used, she said.

55. Again, she denied that she was saying this with a view to getting Mr Stead into trouble. I accept that. I have seen her give her evidence. She struck me as a reliable and credible witness. I am satisfied so that I am sure this amounts to a breach of clause 3 of the terms of the injunction.

56. The ninth allegation is that on 3 February 2022 during his arrest by the police on that same day after a warrant was issued by the court, the defendant said in Forest Road, “You can go and tell Jason now I’ll give him another hiding.” This was an allegation where the evidence was not as straightforward as it was in other aspects of this case.

57. In his first affidavit Mr Boswell said that he looked outside on the day in question and saw Mr Stead being taken to the police car. He said that he heard Mr Stead say, “Jason Boswell, you’re going to have it for this.” He told me that during the course of the day he was later told by the police that further threats had been made by Mr Stead at Mr Boswell and that those threats were made to the police. He was told to contact the police if any further threats were made or anything further happened.

58. He was not challenged on that recollection. I accept that recollection. Importantly, though, his evidence did slightly change. In his second affidavit Mr Boswell said that he had now seen the bodycam footage, to which I shall refer to in a moment, and said his evidence now was that he had heard Mr Stead says, “Tell Jason I’ll give him another hiding.” He accepted in his affidavit that there was a change in what he was saying. He told me he suffered from anxiety and dyslexia. He said that as a result of that he often became confused. He told me that he was 30 foot away at the time. He said it was shouted as Mr Stead got into the car.

59. I saw the video. I heard what was said. I heard the words which were used. While I hesitate to describe it as shouting, it was said in quite a loud voice and quite a clear voice at that. There are two ways, it strikes me, of analysing this particular event. I make the finding I am satisfied so that I am sure that the words were used that another hiding would be given. Those are the words which I heard. Those are the words which were used. To the extent that they were heard by Mr Boswell, I am satisfied that something was heard. Albeit during the course of his evidence he recounted it in different ways, it amounts to a breach of clause 3.

60. In any event, though, I am satisfied that it amounts to a breach of clause 1, because I read clause 1, as Mr Lowell on behalf of the applicant invited me to do, namely that the making of a threat need not necessarily be heard by the person who is the intended subject of that threat. Clearly he spoke to the police. He spoke in those terms which I have set out.

61. I am satisfied so that I am sure it amounts to a breach to the extent I have set out. I reject the assertion of Mr Stead that it was a bunch of lies made up by the neighbours. I also reject the assertion of Mr Stead that the tape has been doctored in some way. I accept that I am not a forensic expert, but I need more, I am afraid, than Mr Stead simply saying that he believes the tape to have been doctored.

62. I accept that Mr Stead feels very strongly about this. He takes the view that it was not West Midlands Police who affected the arrest on that occasion. I make no finding as to that. I make no finding as to the serious allegations he made as to the way he was treated by the police in police custody. What I do have, though, is the clear video evidence, as I say, and I am satisfied so that I am sure that those words were used and that it amounts to a breach in the terms I have set out.

63. The tenth allegation is one which is, again, slightly more nuanced than other allegations. It reads as follows. On 18 February 2022 and ongoing the defendant started causing nuisance to residents at Forest Road, Dudley by parking his car so that it overhangs the pavement and sticks out onto the road, thereby completely obstructing the pavement.

64. Evidence was before me by way of two photographs at page 74 and 76 in the bundle, which show the car, and it was not challenged that it was that of the defendant, which is parked on a plot of land. This plot of land, though, requires me to set out, again, some of the history of this matter.

65. Miss Aris takes the view that she is entitled to use this plot of land, running as it does between the property of Miss Ward and Mr Stead, as a means of access into her own garden through that of Miss Ward. She says that she has that right of way and without that right of way her back garden is effectively landlocked, other than coming through her property. Therefore, she needs that right of way, she says, for the purposes of removing rubbish and perhaps garden refuse from her land.

66. Mr Stead's understanding, though, is very different and I am aware of this. His understanding is that this is the land which is appurtenant to the property which he says is owned by his wife, but, nonetheless, it must follow that he has the right, he says, to park on that land and it is not subject to a right of way.

67. I was told by the council's witness that this is a matter which has gone to the legal department. I am not invited to make any findings and I expressly do not make any findings as to who it is who owns this land and whether any person has any right of way over that land. I have not heard sufficient evidence to enable me to make any finding and I expressly do not make a finding.

68. That said, I accept that somebody can park on his or her own land in a way which is tantamount and intended to cause a nuisance or annoyance to other neighbours. I have considered very carefully the evidence on this particular allegation. I cannot be satisfied so that I am sure that what Mr Stead has done, by parking his car there, assuming it was he who parked the car, importantly, on that day, that it was done with the intention of being a nuisance or intimidating other people.

69. In circumstances where there is clearly a private law dispute between the neighbours as to the use of that land, I must be very careful, I think, before making findings that there has objectively been an intention to cause abuse or a nuisance. I am unable to do so. I, therefore, do not make the finding.

70. The eleventh allegation is that on 24 February 2022 during his arrest by the police for breach of an injunction the defendant shouted in Forest Road, "If I go down for this there's going to be a murder." He said this, it is alleged, knowing that it would be heard by fellow residents.

71. There was considerable cross-examination of the witnesses on this point. Miss Aris had taken a sound recording on her phone. It was played to me. It did not enable me, I am afraid, to identify the words being used. Clearly there was somebody who was shouting, but I cannot be satisfied so that I am sure as to what it was that was said or indeed if it was Mr Stead who was shouting them, likely though it was given I accept the evidence that this was taken during the course of his arrest, but, even then, I must check with caution because it could have been other people who were speaking.

72. Nonetheless, I do have the evidence of Miss Ward and Miss Aris, which I am required to consider. Miss Ward was cross-examined. She said that she was having her boiler fixed by an electrician. She said that she was called out because the police were walking past and she saw then at that stage that the arrest was being affected. Not long after she saw the police go through a cap in the fence she said that she heard Mr Stead say, "They are lying. If I go down there's going to be a murder."

73. This was a very serious allegation and one that I have to consider very carefully, given the severity of the language said to have been used. But she was very clear in her evidence when challenged that she had heard him say, "If I go down for this there's going to be a murder."

74. Again, there was cross-examination of Miss Aris. There was considerable cross-examination as to where she was at any given time. I am satisfied, though, that she was outside and she was able to hear and also that there was tape recording, albeit it did not assist me in determining what it was that was said.

75. I am satisfied, having heard the evidence of Miss Aris and Mr Boswell and Miss Ward, that there was clearly language used on that occasion. I am not satisfied so that I am sure, though, that the words exactly as recounted were used, "If I go down for this there's going to be a murder." That is a very serious allegation. I am not satisfied on the evidence I have heard that that is what was said by Mr Stead during the course of the arrest being affected.

76. As I say, I have heard Miss Ward and Miss Aris give their evidence. On the whole they are reliable and credible witnesses, but I am not satisfied, having heard the evidence and the serious allegation made in this case, that those precise words were used.

77. The twelfth allegation is that on 20 March 2022 at midnight the defendant sang abuse loudly from his landing window in Forest Road, Dudley, "Losers, losers, losers," knowing this would be heard by Kay Ward. Again, Miss Ward is very clear in her evidence here. She said she went down just after midnight to have a cigarette. She heard him shouting "losers" three times. She said this happened as she went down to her downstairs bathroom. She said she tried to record it but by the time she was able to record it there was no further noise.

78. The defendant's response when challenged on this I think was very telling, as Mr Lowell said during the course of his closing submissions. "Can't a black man sing?" was the response that Mr Stead gave. That was very telling. It indicated to me that he knew he had used these words. It indicated to me that he knew that this had been intended to be heard by his neighbours. I found disingenuous, I am afraid, his response there.

79. I accept that his position is that he regards his neighbours as racially motivated, but, as I say, I need to determine this on the evidence I have seen and I do not see the evidence is

there to enable me to have that doubt that what they have said is motivated by racial considerations. This, in my view, amounted to a breach clause 3 of the terms of the injunction.

80. Allegation thirteen is that on 16 July 2022 the defendant opened his landing window in Forest Road and shouted “dickhead” knowing that Kay Ward would hear him. The evidence, I think, was slightly more nuanced on this point. Miss Ward spoke of the bin being slammed repeatedly. She spoke of seeing Mrs Stead outside. She spoke of seeing Mr Stead at the upstairs window. He was shouting and it made the dogs bark and that the barking seemed to be made worse, she said, as a result of the bins being banged.

81. I cannot be satisfied so I am sure, though, that this was a course of conduct on the part of Mr Stead which had the effect of breaching the third clause of the injunction as granted. Certainly Mrs Stead was there as well. I cannot be certain that the words heard, which I accept were heard, were intended to be used at the neighbour, Miss Ward, or any other person who is protected by the terms of this injunction. It I do not, therefore, find that term of the injunction has been made out.

82. The fourteenth allegation is that on 19 August 2022 at 13.15 the defendant and his son obstructed the drive of Jane Aris in Forest Road. The evidence here from Miss Aris is that she looked out because her son had told her that there was someone on the street. It is necessary to refer to Miss Aris’s son in a little more detail. He suffers from learning disabilities and although in his late 30s still lives with his mother, Miss Aris, and she is his main carer. In cross examination she told me that her son was a bit “freaked out about the situation” and so she had closed blinds after he had mentioned the car to her.

83. It was instructive I thought that Mr Stead offered his own views upon that arrangement as saying that his view was that the son, Michael, was able himself to look after himself. I made findings in the previous case that there had been a specific disablist abuse by Mr Stead against Michael. That is only context though, but I remind myself that is what I found upon the previous occasion.

84. As far as it goes, I accept what Mr Stead tells me because it is supported, I think, by what Miss Aris says, namely that the car was driven on to the cul-de-sac and remained on the highway at all times. I also accept it was driven by Mr Stead’s son. It was not Mr Stead who drove the vehicle onto the highway. It was his car and, therefore, he is the one who drove it.

85. Miss Aris was very clear when challenged that it was parked so that it was blocking the driveway. She made the point she has a dropped kerb and it was parked immediately outside the dropped kerb. Certainly, as I see the photograph which sets out what happened, there is a lot of parking on the off-road parts of the cul-de-sac, both the pavements and the highway itself. The road, as I say, appear to have been used.

86. I need to be satisfied so that I am sure, though, that these were acts on the part of the defendant that amounted to him encouraging his son to do this. I cannot be so satisfied. I accept that Miss Aris and her son were very distressed by this. They took the view that this had been done deliberately for the purposes of goading them, for the purposes of the car being left outside their drive so that they would feel trapped. I have much sympathy for what they say and I accept that they genuinely believe that was the case.

87. But I must stand back and look at all of the evidence that has been put before me. I cannot be satisfied so that I am sure that this was an activity on the part of Mr Stead encouraging his son to do that so as to be in breach of the terms of the injunction, that is to say intimidating or threatening anyone. I think clearer evidence is required as to what had happened, the circumstances of what was going on, the circumstances of what was happening.

88. I accept Miss Aris told me that there were other parts of the street, and she was not challenged on this, where the car could have been parked, but that of itself is not, I think, sufficient for me to conclude that I can be satisfied so that I am sure that the defendant, Mr Stead, encouraged his son to do this. I note that the car, in effect, is parked so that it leads up to this own drive, that is to say his drive which he and his wife live in in this close itself.

89. It follows, therefore, that I make findings of breach on some of the allegations in this case. I am satisfied that where I have made those findings the defendant committed those acts which breach the terms of the order. I am satisfied he was served with the terms of the order and, having met him, I am satisfied that he knew what he was doing, where I have found the allegations of breach, amounted to a breach of the terms of the order.

90. It strikes me during the course of this judgment I have often referred to there being a breach of clause 3 of the terms of the injunction. Where that amounts to a conversation with a neighbour, that must, too, amount to a breach of clause 2 of the injunction. I do not think much turns on that. There is either a breach of injunction or there is not. It is really the behaviour which falls to be considered, rather than how many terms of the injunction it breaches. But for those reasons, I find a number of the allegations proved, some of the allegations proved to the extent I have set out, and other allegations have not been proved to the necessary standard.

This transcript has been approved by the Judge