



Case No: G00EC382

IN THE COUNTY COURT AT CENTRAL LONDON

Thomas More Building
Royal Courts of Justice
Strand
London

Date: 24/05/2023



Before :

HHJ RICHARD ROBERTS

Between :

LONDON BOROUGH OF TOWER HAMLETS
- and -
(2) OZTZAN KECHOGIA-OSMAN

Claimant

Defendants

Ms Sonia Rai of Counsel, instructed by the Claimant
Mr Oztzan Kechogia-Osman appeared in person for the Second Defendant

Hearing date: 24 May 2023

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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HHJ RICHARD ROBERTS

HIS HONOUR JUDGE RICHARD ROBERTS :

1. This is the hearing of a committal application by the Claimant against Oztzan Kechogia-Osman.

2. On 23 April 2023, the Police arrested Oztzan Kechogia-Osman under a power of arrest contained in an injunction of HHJ Luba KC, dated 15 August 2022.
3. The injunction of HHJ Luba KC contained the following conditions. Oztzan Kechogia-Osman was prohibited from:
 1. Entering any residential block in the London Borough of Tower Hamlets without having a lawful permission to do so.
 2. Using or being in possession of any illegal drugs, or drug-related paraphernalia (including, but not limited to cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe (such as small bottles), syringes and needles, either new or used ones, and foil) in any public area in London Borough, of Tower Hamlets, or any residential block in the London Borough of Tower Hamlets.
 3. Engaging in any behaviour which causes or is likely to cause alarm, distress, bereavement, nuisance, or annoyance to any person in any public area in the London Borough of Tower Hamlets or in any residential block. This includes, but is not limited to, shouting, screaming, threatening, using foul language, playing loud music, spitting, urinating, defecating, buying proscribed drugs, taking proscribed drugs, littering and drinking alcohol.”
4. The breaches of the injunction of HHJ Luba KC, dated 15 August 2022, were particularised in a schedule of breaches, viz:
 - i) On the 23 May 2023, it is alleged that Oztzan Kechogia-Osman breached paragraph 2 of the injunction dated 15 August 2022 by being in possession of drugs paraphernalia in London Borough of Tower Hamlets, namely by being in possession of a crack pipe in Castor Lane, London Borough of Tower Hamlets.
 - ii) On the 23 May 2023, it is alleged that Oztzan Kechogia-Osman breached paragraph 2 of the injunction dated 15 August 2022 by being in possession of drugs paraphernalia in London Borough of Tower Hamlets, namely by being in possession of metallic mesh in Castor Lane, London Borough of Tower Hamlets.
 - iii) On the 23 May 2023, it is alleged that Oztzan Kechogia-Osman breached paragraph 2 of the injunction dated 15 August 2022 by being in possession of drugs paraphernalia in London Borough of Tower Hamlets, namely by being in possession of a metal wire in Castor Lane, London Borough of Tower Hamlets.
5. The breaches were evidenced by a witness statement from PO Calum Bradford, who arrested Oztzan Kechogia-Osman on 23 May 2023.
6. Oztzan Kechogia-Osman was advised by the Court of his right of silence and his right not to incriminate himself and his right to seek an adjournment to obtain legal advice.

7. Oztzan Kechogia-Osman said that he wished to admit the three breaches of the injunction of 15 August 2022. The breaches were put to him again and he admitted all three charges.
8. Ms Rai referred the Court to the following:
 - i) Civil Justice Council, “Anti-Social Behaviour and the Civil Courts”, July 2020;
 - ii) Sentencing Council, “Breach Offences Definitive Guideline”;
 - iii) Breach of a criminal behaviour order (also applicable to breach of an anti-social behaviour order);
 - iv) The case of *Wigan Borough Council v Lovett* [2022] EWCA Civ 1631.
9. I bore in mind that the objectives of sentencing for breach of an anti-social behaviour injunction are different from the objectives of sentencing for a criminal offence and are:
 - i) Ensuring future compliance with the anti-social behaviour injunction;
 - ii) Punishment;
 - iii) Rehabilitation.
10. I considered whether the matters admitted were sufficiently serious to justify a prison sentence. I considered the guidance in Anti-Social Behaviour and the Civil Courts, July 2020 at annex 1. I considered that there was a high degree of culpability on the part of Oztzan Kechogia-Osman because there were persistent serious breaches of anti-social behaviour injunctions by him.
11. On 17 August 2020, he was in possession of drug paraphernalia, in breach of paragraph 3 of a court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets.
12. On 1 September 2020 he was in possession of drug paraphernalia, in breach of paragraph 3 of a court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets.
13. On 18 September 2020 he received 17 weeks custodial sentence for both breaches on 17 August 2020 and 1 September 2020.
14. On 22 August 2021 he was in was in possession of drug paraphernalia, namely a Crack Pipe typically used for smoking Class A Drugs and Metal Gauze and improvised pipe clear in breach of paragraph 3 of a court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets.

15. The Defendant was brought before the Court on 23 August 2021. The committal proceedings were adjourned for Oztzan Kechogia-Osman to obtain legal advice on bail to 27 August 2021. He failed to answer to his bail on 27 August 2021 and a warrant was issued.
16. On 23 September 2021, he was in was in possession of drug paraphernalia, namely a Crack Pipe typically used for smoking Class A Drugs in breach of paragraph 3 of a court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets.
17. On 30 September 2021 he was produced at Court. He admitted the breaches on 22 August 2021 and 23 September 2021 and after a reduction of one third for his admission, he was sentenced to 236 days' imprisonment in respect of 22 August 2021 and 23 September 2021, to run concurrently.
18. On 22 March 2022 he was in possession of drugs paraphernalia, namely a metal crack pipe in breach of paragraph 3 of a court order: using or being in possession of any illegal drugs or paraphernalia (including but not limited to) cannabis, heroin, crack cocaine, crack pipes, adapted objects that could be used as a pipe such as small bottles, either new or used ones, foil in any public area within the London Borough of Tower Hamlets. He came before the Court on 23 March 2022 and was granted bail until 31 March 2022. On 31 March 2022 he failed to answer to his bail and an a warrant was issued for his arrest.
19. On 25 May 2022 he was found inside an empty property managed by the Claimant smoking what was believed to be crack cocaine, using a crack pipe. He was arrested that day. He was committed to HMP Pentonville for a total of 178 days.
20. In addition to there being a high degree of culpability, having regard to Oztzan Kechogia-Osman's persistent serious breaches of anti-social behaviour injunction orders, I concluded that there was a high culpability. I considered that the level of harm was very serious because of the danger to the public caused by Oztzan Kechogia-Osman entering residential blocks in the London Borough of Tower Hamlets when ordered not to do so and then using or being in possession of illegal drugs or drugs-related paraphernalia. Further, I bore in mind that Oztzan Kechogia-Osman's behaviour was likely to cause alarm, distress, harassment, nuisance or annoyance to any person in any public area in the London Borough of Tower Hamlets or any residential block.
21. Oztzan Kechogia-Osman asked the Court to impose a suspended sentence, saying that such a sentence had never been imposed. However, I considered that having regard to his high culpability and the very serious harm/distress, an immediate custodial sentence was the appropriate sentence.
22. I bore in mind that the term of imprisonment should always be the shortest term which will achieve the purpose for which it is being imposed. I considered the shortest period to be 200 days in respect of each of the three charges, to run concurrently. I reduced the term of 200 days to 130 days to give one-third credit for Oztzan Kechogia-Osman's admission at the first hearing and the fact that he had served one day in custody, for which he must be given credit for two days.

Dated this 24th day of May 2023