

If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved

In The Manchester County Court

No. G03MA936

Manchester Magistrates Court

Wood Street

Crown Square

Manchester M60 1PR

Thursday, 29 September 2022

Before:

District Judge Ranson

B E T W E E N :

Jigsaw Homes Tameside

Claimant

- and -

Stacey Jackson

Defendant

MR BRADBURY (Solicitor) appeared on behalf of the Claimant.

MR STARR (Solicitor) appeared on behalf of the Defendant.

J U D G M E N T

THE DISTRICT JUDGE:

- 1 In the matter of Jigsaw Homes Tameside (the claimant in these proceedings) and
Ms Stacey Jackson (the defendant). The hearing today is a committal application made by
the claimant, Jigsaw Homes, for breaches of an anti-social behaviour injunction granted on
10 May 2022. The court is also concerned with a previous injunction order granted on
11 September 2020 and varied by the court on 3 November 2021.
- 2 By way of background, Ms Jackson was subject to anti-social behaviour injunctions, the
first being on 11 September 2020. It contained a number of provisions prohibiting Ms
Jackson from causing nuisance or annoyance to those in the locality of the property at 26
Bramhall Walk in Denton. She was also prohibited from threatening or intimidating persons
in that locality and also specifically contacting directly or indirectly named individuals who
were neighbours in that area, Chloe Heaton, Nathan Oldham, Daniel Marsden and Janet
Johnson.
- 3 The Order was varied on 3 November 2021 to include additional conditions prohibiting and
excluding Ms Jackson from entering or attempting to enter the property that she currently
occupies under a tenancy with the claimant at 26 Bramhall Walk, Denton. Ms Jackson
breached that order, and pursuant to a power of arrest was arrested and remanded in custody.
- 4 Ms Jackson admitted 26 breaches of the first order. The sentencing was adjourned on that
occasion in respect of those admitted breaches. This appears to have been done to afford Ms
Jackson the opportunity to demonstrate her ability to comply with the order. A further
injunction was granted on 10th May 2022 in similar terms.

- 5 Sadly, Ms Jackson was subsequently arrested for further breaches of the second injunction which the court is concerned in these proceedings and was brought before the court at the beginning of August. After being released, she was shortly arrested again. Following a series of hearings and remands in custody, Ms Jackson, has now spent just under seven weeks remanded in custody in respect of this matter.
- 6 The matter has been listed before me for a final hearing today on the application by the claimant, being the second application to commit Ms Jackson to prison for breaches of the order. The second application follows 26 breaches admitted in May and involves a further 33 allegations of breaches of the order. This morning Mr Starr, who represents Ms Jackson, confirmed that Ms Jackson agreed to admit and accepted 11 breaches of the injunction in respect of the second application.
- 7 Mr Bradbury, who represents the claimant, Jigsaw Homes, confirmed that in light of this it was not proposed that the claimant would pursue the remaining allegations, and I agreed that this was the most pragmatic and proportionate way forward in relation to disposal of this case.
- 8 The court is therefore concerned with the penalties to be imposed for the admitted breaches, by reference to the first schedule of breaches of which there are admitted 26 in respect of the first injunction as varied and the second schedule which relates to the 11 admitted breaches the second injunction order made in May 2022. Those breaches now fall to be considered together given that sentencing had been adjourned in respect of the penalties for those breaches as well. There is not an insubstantial amount of breaches in this case, and I do not propose to rehearse all of them as I have been helpfully addressed by reference to the written schedule that has been provided in respect of both applications and also the submissions made by both Mr Bradbury and Mr Starr.

- 9 In determining the appropriate sentence, I have regard to the guidance in respect of sentencing by reference to the section dealing with breaches of anti-social behaviour injunctions. However, it is appropriate to reflect the maximum sentence that this court can impose being two years imprisonment and also take into account the range of penalties that are open to this court in relation to a fine or imprisonment. If the custodial threshold is satisfied the court should consider whether any sentence should be suspended on the terms.
- 10 First, dealing by reference to those guidelines as to the culpability and harm arising in respect of all of those breaches, I note and remind myself that whilst there are 37 admitted breaches, these fall into different categories. The majority of admitted breaches relate to nuisance and annoyance. For example, there are numerous breaches concerning dog fouling in the communal areas, instances of graffiti and noise nuisance such as shouting, arguing, slamming doors, banging about. This latter noise nuisance and annoyance, all occurred ,in the main, late at night.
- 11 Cumulatively, these go from what would be regarded as category C minor breaches to category B, having regard to the nature of those breaches and the extent and consistency of them. In the context of harm, they fall within category 2 since they may individually, as an isolated incident, be properly regarded as category 3, but the nature and cumulative effect again push those, in my judgment, to category 2.
- 12 However, there are admitted breaches of a much more serious nature in relation to both the first and second schedule of allegations. The first schedule concerning the breach of the order from September 2020, include incidents, for example on 10th August 2021 where Ms Jackson threatened Chloe Heaton and Nathan Oldham, saying “I’ll fucking twat you”, “I’ll

have you”, and “I’ll kill you”. She also thrust a knife through the letterbox, which then cut the hand of Chloe Heaton,

- 13 The very next day on 11 August, there was an incident where Ms Jackson threatened that she was going to be a living nightmare, threatening to “Kill you while you slept”, which was directed at Chloe Heaton and Nathan Oldham, and that she was going to put fireworks through the door. The next day after that, 12 August, there is a further incident admitted by Ms Jackson in which she shouts at the neighbour, Janet Johnson, that, “You’re all fucking stupid”, approaching Nathan Oldham, aggressively raising her fist with keys poking through her fingers shouting, “What did you say?”, and “What you staring at me for?”. There was a further incident on 21 August 2021 where Ms Jackson was heard shouting at her dog, “I’m going to kill you, then I’m going to eat you”.
- 14 In October 2021 she verbally abused Nathan Oldham shouting at him that he was a “Cripple” and also calling Chloe Heaton, “Bitch”. On 6 March 2022, Ms Jackson threatened Chloe Heaton with violence, saying that she was going to, “Fucking batter you and I’ll punch your fucking head in, the stupid cow”. Those admitted breaches preceded adjournment of sentencing, following which Ms Jackson was given the opportunity in May to comply with the second injunction order. Unfortunately, that did not happen.
- 15 Of the 33 breaches, Ms Jackson admits 11 of those. Those include serious incidents, for example on 1 May 2022 calling Chloe Heaton a “Fucking bitch”, saying that Chloe Heaton, “Better shut the windows before fatty hears me” and calling her a “Fat bitch”. On 13 May 2022, there was a further incident where she had crashed into Janet Johnson’s car. Further in May, and I bear in mind that this relates to matters that arise quite shortly after the 10 May hearing, where Ms Jackson breached the injunction when she was heard shouting,

“I’ll take the car off you, you little prick”. Further, on 6 June, she was causing more noise and nuisance. On 13 June she had shouted:

“You’re in trouble now, that fucking bitch is back next door.”

- 16 There is a further more troubling and serious incident on 9 August 2022 when, again directed at Chloe Heaton, she says:

“Chloe, if you laugh one more fucking time I’m going to punch your fucking head in. I’m going to bomb your car. I’m going to fucking batter you.”

- 17 There are further serious allegations of that nature which are admitted which I do not propose to rehearse but provide some context in terms of the number of breaches and the period of time over which they occurred. There was no dispute, sensibly, between Mr Bradbury and Mr Starr that they fall into the most serious categories in terms of culpability and harm. I am satisfied they do, namely category A1 being very serious and persistent breaches causing very serious harm or distress with a continuing risk of serious anti-social behaviour. In this respect, I have considered the statements of the supporting witnesses provided by the claimants including in particular that of Chloe Heaton. The impact on them is tangible with Chloe Heaton and Nathan Oldham in particular afraid at times to go out, and the distress which it caused them including one incident when physical harm was inflicted.
- 18 The starting point in terms of the court’s approach to an appropriate sentence is six months, but Mr Bradbury says, and I agree, that this is a case where having regard to the totality of the sentence the court can consider towards the upper end of sentencing of 18 months. In this respect, he identifies the various aggravating features and a history of disobedience of orders and breaches arising shortly thereafter. They are apposite in this case when one

considers the 26 breaches admitted and the court providing the opportunity for Ms Jackson by adjourning sentencing to comply with the second injunction order made.

- 19 There was also an almost seamless continuation of the types of behaviour complained of with breaches following the hearing in May resulting in the further 11 admitted breaches occurring thereafter. They are all of a similar type and nature concerning noise, annoyance, threats, abusive language and a targeting of particular neighbours.
- 20 The injunction orders were designed expressly to protect those neighbours. There were prohibitions as to contacting them directly or indirectly and express prohibitions in that regard. It is clear to me, looking at the second schedule of breaches following the hearing on 10 May, that they have been targeted for abuse and threats. Nathan Oldham is a wheelchair user who was called, “a cripple”. He is a vulnerable victim in this case for which Ms Jackson had admitted to using that kind of abusive and intolerable language. These are all aggravating features particularly when considering the vulnerable nature of some of these victims.
- 21 Such factors point towards the upper end of the bracket in relation to the nature and extent of the penalty, but I do also have regard to the submissions Mr Starr comprehensively and carefully made in relation to mitigation. Mr Starr highlighted that Ms Jackson has apologised and she sees the errors of her ways, although I did not get any sense of genuine remorse from those apologies. However, I also have regard to her personal circumstances which I am satisfied have at least in no small part contributed and led her to the situation she now finds herself in.
- 22 Ms Jackson grew up in the care system, has had a difficult personal background, leading a chaotic life involving drug use. She is also experiencing mental health problems. In that

respect, I have had regard to the psychiatric report of Dr Appleyard who carried out an evaluation of Ms Jackson. Whilst she has full capacity, she does suffer from emotionally unstable personality disorder. Dr Appleyard provides an opinion that in his view this can lead to outbursts and reduced capacity to control herself. They help explain certain aspects of the behaviour for which Ms Jackson has admitted before this court in breach of the order, but does not necessarily excuse them.

- 23 I am informed, to her credit, that Ms Jackson has, during the time most recently in custody, been able to stop taking drugs, is seeking help, she has engaged with mental health services. Indeed, she has an appointment tomorrow, I understand----

MS JACKSON: It's today, actually.

- 24 -- with a psychiatrist. These are positive steps. I hope for Ms Jackson's sake she remains committed to a process of rehabilitation as they do present an opportunity for her to go in a different direction.

- 25 Finally, Ms Jackson has admitted the breaches, and this is something which I also take into account, albeit to the extent the admissions come shortly before the commencement of trial. I also have regard to the purpose of imposing penalties for breaches of orders. They include securing future compliance with the order made, rehabilitation and punishment.

- 26 It is also important, particularly in a case involving so many allegations that have been admitted, to have regard to the totality of sentencing in respect of all of the breaches to arrive at a just and proportionate sentence in relation to all of those matters. In my view, the nature the breaches and number in terms of seriousness clearly pass the custodial threshold. I therefore impose a sentence, of 15 months imprisonment less the period which Ms Jackson has already served on remand at various periods. It must be important that the order

correctly calculates and reflects the number of days or weeks as appropriate that Ms Jackson has spent in custody.

- 27 Therefore, I will hear further submissions in relation to the totality of the time spent in custody so that the sentence can properly be reflected in the total sentence of 15 months imprisonment less the time served on remand in custody.
- 28 Mr Starr has urged me to consider suspending the sentence. He accepts on behalf of Ms Jackson, quite rightly, that these are in a number instances serious breaches coupled with the cumulative nature of the same. Notwithstanding this Mr Starr cites Ms Jackson's rehabilitation, the steps that she has taken to engage in services, and also the risk to her tenancy. There are concurrent possession proceedings ongoing which have currently been stayed. Those are likely to be resurrected and Mr Starr urges me to consider the effects of this penalty with regard to her ability to comply with the tenancy moving forward and the risk to her tenancy.
- 29 I have regard to rehabilitation and engagement in services which, to her credit, she has engaged in during her period of incarceration in custody. I am satisfied that there is no reason why those steps that she is taking cannot continue and that she cannot build on the work she started in prison whilst she remains in custody. That, in of itself, would not in this case be a reason to suspend the sentence.
- 30 Moreover, I also have regard to the window of opportunity presented to Ms Jackson in May when sentencing was adjourned so as to provide her with the opportunity to comply. Rather than demonstrating her ability to comply it appears to have been seen as a signal that there were no real consequences to her actions and almost straight away resumed a continuation of the breaches. In my view, having regard to that backdrop, it would not be appropriate to suspend the sentence in all the circumstances.

Approved by District Judge Ranson

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

*Transcribed by **Opus 2 International Limited**
Official Court Reporters and Audio Transcribers
5 New Street Square, London, EC4A 3BF
Tel: 020 7831 5627 Fax: 020 7831 7737
civil@opus2.digital*

** This transcript is subject to Judge's approval