



IN THE COUNTY COURT AT CENTRAL LONDON

Case No: G00EC382

Thomas More Building
Royal Courts of Justice
Strand
London



Date: 04/01/2024

Before :

HHJ RICHARD ROBERTS

Between :

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

Claimant

Defendants

Mr Alex Campbell of Counsel, instructed by the Claimant
Mr Oztzan Kechogia-Osman appeared in person for the Second Defendant

Hearing date: 3 January 2024

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 Mr Oztzan Kechogia-Osman.

2. On 2 January 2024, the Police arrested Oztzan Kechogia-Osman under a power of arrest contained in an injunction order of HHJ Luba KC, dated 15 August 2022.
3. At the outset of the hearing, I informed Mr Oztzan Kechogia-Osman that he had a right of silence and that he had a privilege against self-incrimination and did not have to say anything. I further informed him that he had a right to ask for an adjournment in order to obtain legal representation. Mr Oztzan Kechogia-Osman said he had read the witness statement of PC Hogwood, dated 2 January 2024, which set out the breaches of the injunction order of 15 August 2022. Mr Oztzan Kechogia-Osman said that he admitted the breaches of the order.
4. 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.”
5. Mulberry Street is in the London Borough of Tower Hamlets.
6. The breaches were evidenced by a witness statement from PC Hogwood, who arrested Oztzan Kechogia-Osman on 2 January 2024. PC Hogwood stated in his statement,

“On Tuesday 02/01/2024 at 2000 I was on mobile patrol in full uniform inside an unmarked minibus. I was driving down Mulberry Street when attention was drawn to two people sat in a doorway on the south side of the street, we were patrolling this area due to high levels of anti-social behaviour reported in the area mainly around drug use. I have approached and engaged with the two persons, a male I now know to be Oztzan Kechogia-OSMAN, he appeared very difficult and evasive when speaking with him. I had suspicion that he was in possession of class A drugs due to his apprehension and the local area.

I have detained OSMAN for Section 23 Misuse of Drugs Act search believing him to have drugs on him, as I have done so he became even more agitated and was attempting to leave myself and PC RAHMAN 1407CE have grabbed his arms in order to prevent him from attempting to discard or swallow anything he might have on him, we have placed him into rear stack handcuffs promptly upon doing so removing a bag from his back whilst doing so, I have done this using Section 3 of the Criminal Law Act as I currently suspected this male of an offence and did not wish him to resist the search or discard any objects due to the manner that he was presenting.”

7. On searching Mr Oztzan Kechogia-Osman, a large quantity of powder was found, which Mr Oztzan Kechogia-Osman admitted was speed. PC Hogwood continued his search and found remnants of white crystal substance, which Mr Oztzan Kechogia-Osman admitted was crack cocaine. Finally, PC Hogwood found in Mr Oztzan Kechogia-Osman’s bag, a crack pipe.
8. I have had regard to:
 - 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 guidance of the Court of Appeal in *Wigan Borough Council v Lovett* [2022] EWCA Civ 1631.
9. I bear 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 the history showed that he had persistently breached anti-social behaviour injunctions.
11. On 2 January 2024, he was in possession of drug paraphernalia, in breach of paragraph 2 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 Mr Oztzan Kechogia-Osman received a 17-week custodial sentence for both breaches on 17 August 2020 and 1 September 2020.
14. On 22 August 2021 Mr Oztzan Kechogia-Osman 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. Mr Oztzan Kechogia-Osman 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 again 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 Mr Oztzan Kechogia-Osman 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 admissions, he was sentenced to 236 days' imprisonment in respect of the breaches on 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. On 23 May 2023 Mr Oztzan Kechogia-Osman was again in possession of drugs paraphernalia, namely a crack pipe and metal wire, in the London Borough of Tower Hamlets. He came before the Court on 24 May 2023 and was sentenced to 200 days in

respect of each of the three breaches, which was reduced to 130 days in light of his admissions, and a reduction of two days for one day spent in custody.

21. 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 the London Borough of Tower Hamlets when in possession of illegal drugs and 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.
22. I considered that having regard to his high culpability and the very serious harm/distress, the custody threshold was reached. I considered whether a suspended sentence was appropriate and decided having regard to Mr Oztzan Kechogia-Osman's history that an immediate custodial sentence was necessary.
23. I bear 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 consider the shortest period to be 300 days. I reduce the term of 300 days to 200 days to give one-third credit for Mr Oztzan Kechogia-Osman's admission at the first committal hearing. Mr Oztzan Kechogia-Osman has served one day in custody. 200 days less two days for the time spent in custody is 198 days, and that is the sentence I impose.

Dated this 4th day of January 2024