

IN THE COUNTY COURT AT BRADFORD

Case No: K01BD481

Courtroom No. 5

Exchange Square  
Drake Street  
Bradford  
BD1 1JA

Friday, 5<sup>th</sup> April 2024

Before:  
HIS HONOUR JUDGE MALEK

B E T W E E N:

SANCTUARY HOUSING ASSOCIATION

and

PAUL BATES

UNKNOWN COUNSEL appeared on behalf of the Claimant  
MS LEDBETTER appeared on behalf of the Defendant

JUDGMENT  
(Approved)

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HHJ MALEK:

1. I am now tasked with passing a sentence in this case. I do so by reference to the four individual breaches that are alleged. The first breach that the defendant has admitted to is an allegation that on 14 December 2023, at approximately 13.30, he followed staff around in the property that he lived at stating that he was going to rape someone, and later, at approximately 22.10, the defendant began screaming, shouting and banging in his room. When asked to stop by staff, the defendant charged at a member of the staff screaming, "It's all your fucking fault", and called her a "bitch" and "a slag". The defendant also charged at her a second time. One member of staff feared that the defendant would knock her down the stairs.
2. That is a breach of paragraphs one, two and four of the order of DJ Brown, and there is no argument to the contrary. It seems to me that, on the evidence, this was deliberate behaviour. There was "following", and I agree, that Mr Bates appeared to be looking for confrontation. He was following Ms Dent around the house, who asked him to stop repeatedly. It seems then that the appropriate category in terms of culpability is Category B.
3. Insofar as harm is concerned, there is clearly harm to Ms Dent and also to others who have been affected by the shouting, screaming and the verbal abuse. Ms Dent speaks of the stress that this has caused her, and she explained how other residents had moved out of the house in which the defendant lived, and also explained how staff have been lost as a result of the defendant's actions. It seems to me, therefore, that in terms of harm this is level two. Therefore, the bracket that I am looking at is B2 where the starting point is 12 weeks in custody.
4. In terms of seriousness, I take into account the fact that the breach was committed shortly after the injunction was imposed. On the whole, I find that the custody threshold has been reached and I sentence the defendant to 12 weeks in prison as a result of the first breach.
5. The second breach is alleged to have been committed on 15 December, when approximately at 6.30, the defendant returned to the property from the police station and by around 6.40 started verbally abusing a member of staff where he used language such as "fucking bitch" and "it's your fault". Again, this is a breach of paragraph two of the order of DJ Brown. Again, it seems to me that there was deliberate behaviour and there was, as described by Ms Dent "following" and escalation on the part of the defendant.
6. Whilst I accept it is a short incident, it occurred one day after the previous breach. Again, I would put this in Category B2 and would accordingly impose the same sentence for this breach, that being custody of 12 weeks.
7. The third breach is an allegation that on 16 December 2023, at approximately 6.30, the defendant went to stand in the office doorway and started shouting homophobic abuse at a member of staff who he knew to be homosexual, including words to the effect, "All gays should be killed. I hate gays and lesbians and trans". The defendant also stated words to the effect that "I hate pakis[?] and niggers".
8. Again, it seems to me that in terms of culpability this is Category B, and in terms of harm this is Category 2. Again, it is a short incident, but the defendant purposefully, knowing that Mr Dewhurst was gay, shouted homophobic abuse at him. The impact on Mr Dewhurst, as one can imagine, has been significant. He describes being stressed at work and feeling awful, and how this has impacted the ability to do his job. Again, it seems to me that the breach described reaches the custody threshold, and again, looking at the starting point of 12 weeks, I would impose a sentence of that nature.
9. The fourth and final breach is an allegation that on 10 January 2024, the defendant was verbally abusive, shouting words including "paki" and "niggers" and he made a threat to stab an individual before the defendant left the scheme causing alarm and distress. This, again, is

a breach of paragraphs two and three and four of the order of DJ Brown, and again, I would place this behaviour in Category B2. Again, it is behaviour that is purposeful, and again, it has had impact on those who work at the scheme and those who reside there. Again I would impose a sentence of 12 weeks.

10. Taking into account the totality principle, it seems to me that the defendant has offered a guilty plea at the earliest possible opportunity. Therefore, it seems to me that he ought to be provided with the full credit for doing so. Accordingly, I would reduce the total time to be spent in custody by the maximum third. That means that there would be eight weeks in custody less the eight days already spent on remand. That is in relation to each breach, because I am obliged to take each breach separately, but this sentence is to run concurrently.
11. The last matter that I need to consider is whether or not to suspend the sentence that I have imposed. Mr Bates must realise that the matters that he has been accused of (and pleaded guilty to) are extremely serious. They have caused harm and distress to both the recipients of the abuse and others in the vicinity. Further, he must understand that when a Court makes an injunctive order, which is backed up with the threat of committal, then not taking that seriously or breaching any of those terms of such an order is going to have very serious repercussions for him.
12. I would have had no hesitation at all in imposing an immediate custodial sentence had it not been for the fact that Mr Bates no longer lives at the premises in question. That, to my mind, removes some of the likely friction that may have existed and means that the likelihood of these sort of events recurring is significantly reduced.
13. He has already served some four days in custody on remand. That, I hope, has acted as a warning.
14. I also take into account, although I have no medical report to substantiate this, the possible Asperger's and Autism symptoms that have been described to be by Ms Ledbetter and that the defendant is said to suffer from. I note that in relation to almost each of the breaches the defendant threatened to kill himself. That seems to me to be a cry for help. That is not, as Ms Ledbetter was at pains to point out, an excuse for the behaviour that the defendant has engaged in. There can, of course, be no excusing it.
15. However, taking these matters into account, I am minded to provide Mr Bates with one final opportunity to avoid a fairly lengthy custodial sentence. I do so by suspending the sentence that I am imposing today. Therefore, the sentence is custody, but to be suspended for a year.
16. Lastly, I need, for the benefit of the tape, to read out the following matter, which I do:

“Pursuant to paragraph 13 of the Practice Direction, Committal for Contempt of Court Open Court in relation to case number K01B8481, Sanctuary Housing v Bates, on 5 April 2024 at Bradford Combined Court, I, HHJ Malek, sentenced Mr Paul Bates to a suspended custodial sentence of 8 weeks less eight days already spent in custody for contempt of court. The basis of that sentence was that Mr Bates acted in breach of an order of the court dated 30 November 2023, prohibiting him from, amongst other things, using or threatening violence against any person or a person engaged in lawful activity at 195 Bradford Road, Shipley. I further direct that a transcript of these proceedings be provided at public expense and the details published on the website of the Judiciary of England and Wales”.

**End of Judgment**

Transcript of a recording by Acolad UK Ltd  
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This transcript has been approved by the judge.