

IN THE MAGISTRATES' COURT AT POOLE
BETWEEN:

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL

-and-

LIVIA TOSSICI-BOLT

Prosecutor

Defendant

Note of Judgment delivered on 4th April 2025

Introduction

1. Bournemouth, Christchurch and Poole Council (The Council) are the Prosecuting Authority in this case. The Council is the local authority with responsibility for Bournemouth.

2. The Council imposed a Public Spaces Protection Order (PSPO) on 13 October 2022 in respect of the area surrounding the British Pregnancy Advisory Service clinic on Ophir Road, Bournemouth (The Clinic). The clinic provides a sexual health centre which includes abortion services.

3. The PSPO operates from 7am to 7pm Monday to Friday and was implemented following a statutory consultation process. It restricts the conduct of those within a defined "safe" zone. This includes the green opposite the clinic.

4. The activities prohibited by the PSPO are as follows:

"4a) protesting, namely engaging in an act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal, or written means, prayer, or counselling.

4b) interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff of the BPAS clinic.

4c) intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff, of the BPAS clinic.

4d) recording or photographing a service user or member of staff of the BPAS Clinic.

4e) displaying text or images relating directly or indirectly to the termination of pregnancy and or playing or using amplified music, voice, or audio recordings.

4f) holding vigils' where members audibly pray, recite scripture, genuflect, sprinkle holy water on the ground or cross themselves if they perceive a service-users is passing by.

4g) remaining in the Safe Zone, when asked to leave by a Police Officer or police community support officer or any other person designated by BCP Council or returning to the Safe Zone before 7pm on the day you have been asked to leave.

Paragraph 8 of the PSPO also provides that "A person who is believed to have engaged in a breach of this order within the safe zone, is required to leave the area if asked to do so

by a police officer, police community support officer or other person designated by the Council.”

5. This PSPO was subject to legal challenge by this defendant in the case of **Tossici-Bolt & Anor v Bournemouth, Christchurch and Poole Council (EWHC 3229 (Admin))**, heard on October 17, 2023. The challenge related to whether the Order exceeded the Council’s statutory powers or unjustifiably interfered with individual rights and freedoms, including those guaranteed by Articles 9, 10, and 11 of the European Convention on Human Rights.

6. The Administrative Court concluded that the Council had lawfully followed the required democratic and consultative procedures for making the Order. It found that the threshold conditions for making the Order were met and that its provisions were consistent with the relevant legal standards. The Court held that, to the extent the order interfered with the human rights of the claimant and others, that interference was justified by the legitimate aim of protecting the rights of women attending the clinic, their associates, and the staff.

7. This prosecution arises out of events on 2nd and 3rd March 2023, when the defendant stood in the area to which the PSPO applies holding a sign which read “*Here to talk, if you want to*”.

8. On both dates, she was approached by Council Community Safety Support officers and asked to leave the safe zone. She declined to do so.

9. It is alleged that the defendant breached prohibition 4 (g) of the PSPO applying to the area surrounding the Clinic on Ophir Road in Bournemouth without reasonable excuse. That term prohibits an individual remaining in the area to which the PSPO applies when asked to leave by a police officer/person designated by the Council, if the officer believes that the individual is in breach of the PSPO.

10. On 9 June 2023 the defendant was issued with two Fixed Penalty Notices which alleged that she was in breach of term 4 (g) of the PSPO on the 2nd and 3rd March 2023. She did not pay either of these Notices.

11. By way of summons, dated 4 July 2023, the Council bring a prosecution against the defendant for two charges of failing without reasonable excuse to comply with a requirement of the Public Spaces Protection Order in that she failed to leave the required area when asked by an Authorised Officer, in breach of prohibition 4g of the said Order, contrary to section 67 (1) (b) of the Anti-Social Behaviour, Crime and Policing Act 2014.

12. The trial was heard over two days at Poole Magistrates’ Court on 5th and 6th March 2025.

The Evidence

13. I heard live evidence from the following witnesses: Community Safety Accredited Scheme (CSAS) Officers, Rukan Taki; Francesca Kingsbury (now Ozane); Dean Ramplee; and Adele Wharton from the British Pregnancy Advisory Service, all for the prosecution. I heard from Ms Tossici Bolt- the defendant in this case. I viewed body worn footage from which was taken by Officer Taki.

14. Transcripts of the footage were produced in this case and agreed prior to the hearing. Much of what is said to have occurred in this case is therefore the subject of documentary evidence in the forms of the emails, video footage and transcripts.

15. Having considered the evidence and reviewed the video footage and documentary evidence. I make the following findings:

I. The defendant is a devout Christian. She holds pro-life views and engages in volunteering on pro-life causes.

II. She is the Coordinator of the Bournemouth branch of "40 Days for Life", which describes itself as *"an internationally coordinated 40-day campaign that aims to end abortion locally through prayer and fasting community outreach, and a peaceful all-day vigil in front of abortion businesses"*. It calls *"for repentance for those who work at the abortion center and those who patronize the business..."*

III. The defendant has been personally involved in the vigil prayers outside the clinic for several years, first as a volunteer and, from 2020, as the coordinator of the Bournemouth branch of "40 Days for Life."

IV. In email correspondence with the Council dated 12th July 2022 she confirmed that she had led many vigils outside the clinic. She further stated that *"our presence is discrete (two-three people, occasionally four or five for the brief time at a change of shifts). A very small number of our volunteers are experienced pavement counsellors, who may approach women coming to the clinic or their partners waiting for them, always in a gentle and considerate manner, and without insistence. Other volunteers would prefer to hold a sign with a simple message "Pregnant? Need Help?". The majority of volunteers simply pray, in the green area at the opposite side of the road. In our prayers are the mums, whatever their decision may be, and their families the BPAS staff and, naturally the babies who are going to lose their life. We hope that our prayers will comfort them in their painful journey to Heaven"*.

V. The Clinic is located in a residential area adjacent to a main road. Directly across the street from the Clinic is a grassed area which is open to the public. The grassed area is also the location of steps which lead to a walkway which gives access to Bournemouth town centre and its main transport interchange. There are no religious buildings such as churches in the vicinity, the area is purely residential.

VII. On 2 March 2023, the defendant stood within the area to which the PSPO applied on a grass verge across the road from the BPAS clinic with a sign which stated: *"Here to talk, if you want"*. She was facing the entrance to the clinic and could be seen by those in the area. The sign made no reference to pregnancy, abortion, or religious matters.

VIII. At approximately 14.25 on that date, she was approached by CSAS Officer Ruhan Taki. Officer Taki had interacted with the defendant on a previously. Officer Taki walked over the footbridge adjacent to the grass verge on his approach. He saw the defendant as he approached but was only able to read the wording on her signage as he came closer. Her sign was pointing at the entrance to the clinic. The

officer identified himself to the defendant and read a letter to the defendant which set out the terms of the PSPO.

IX. He informed the defendant that an unidentified member of the public had made a report to the police about her presence in the area. He asked her to leave the area.

X. The defendant insisted that she was complying with the law by holding her sign and was not approaching anyone. The officer explained that he had received a report that someone felt harassed, alarmed and distressed by her presence on that date in the PSPO area and the fact that she was displaying visible signage directly outside the clinic.

XI. The defendant stated that her sign was intended to offer conversation to anyone who approached her voluntarily and that she was outside the clinic to talk to anyone who wished to speak to her on any subject, emphasising the importance of conversation due to widespread loneliness. She stated that loneliness is *"Everywhere, but in particular, outside the Clinic"* and that *"women come here in a very lonely state, in a situation"*.

XII. Officer Taki challenged the appropriateness of her displaying her signage in that location, suggesting it might be distressing to some individuals. He told her that he believed her to be in breach of the terms of the PSPO and asked her to leave the safe zone. She declined to do so on but stated that she would leave in her own time at 3pm.

XIII. Officer Taki subsequently spoke to the man who had made the complaint. This was within minutes after his conversation with the defendant. The complainant explained that he was a local resident, saw the defendant holding her sign and felt that it was wrong for her to do so outside the clinic. Officer Taki recorded the interaction, and it was played at trial.

XIV. The defendant remained within the safe zone until 3pm and continued to fail to comply with his instruction to leave the safe zone.

XV. On 3 March 2023 the defendant returned to the same area with the same sign. At approximately noon Senior CSAS Officer Francesca Kingsbury was called by staff at the clinic, reporting that the defendant was standing on the green outside of the clinic holding a sign.

XVI. Upon arrival, with her colleague Dean Ramplee, she saw the defendant standing on the green, directly opposite the clinic just set back from the main footpath, holding the same sign. She was within the safe zone of the PSPO.

XVII. The defendant was approached by Officers Kingsbury and Ramplee, at approximately 12:20. She was asked why she had again attended the safe zone, having been asked to leave less than 24 hours previously. The defendant explained she was simply there to talk if anyone wanted to speak to her and to discuss any subject that anyone would like to talk to her about.

XVIII. Officer Kingsbury asked the defendant to leave the area, stating that she believed was in breach of the PSPO. The officer explained to her that she was aware that she had been asked to leave the safe zone the previous day and she believed that, due to the defendant's previous behaviours within the safe zone, and previous interactions with the CSAS team, she was in breach of the terms of the PSPO. She asked her to leave the area.

XIX. On 3rd March 2023 a member of public had a conversation with the defendant within sight of the officers. After that interaction Officer Kingsbury engaged with the member of the public. The member of public referred to the defendant as being part of "*the God Squad*" but confirmed that on this occasion there was no mention of the clinic or religious material discussed.

XX. Officers Kingsbury and Ramplee left the green to conduct a welfare check on the staff within the clinic. Approximately 15 minutes later, Officer Kingsbury again approached the defendant who had remained within the PSPO area and reminded her again of the conditions. She again required the defendant to leave the area. The defendant again declined to do so and remained in the safe zone holding her sign.

XXI. The PSPO applies to a defined area covering a range of streets surrounding Ophir Road. There is limited parking. Service users and staff park on surrounding streets or use public transport and walk to the Clinic. The PSPO applies from 7am to 7pm every weekday. Prior to the imposition of the PSPO, the green had previously been a focal point for people to gather and pray.

XXII. The defendant was aware of each of the prohibitions contained in the PSPO, the geographical area covered by the PSPO and the operational hours of the PSPO.

XXIII. On both dates, the defendant was asked to leave the safe zone and not return until after 7:00 PM. She was warned that failure to comply with these requests could constitute an offence and could lead to further action.

XXIV. Community Safety Accredited Scheme (CSAS) Officers, Taki, Kingsbury and Ramplee are all persons designated by the Council for the purposes of enforcing suspected breaches of the PSPO.

The Trial Issues

16. The PSPO prohibits certain activities and requires individuals to leave the area if asked by an officer. The defence submit that the officer had to be satisfied that the defendant was engaging in an act of approval or disapproval in respect of abortion services as a pre-requisite for issuing a lawful request for an individual to move on from the area to which the PSPO applies.
17. The prosecution, in closing submissions, submitted that simply refusing to comply with the instruction to leave in itself is sufficient to constitute a breach of the order by "*remaining in the Safe Zone, when asked to leave by a Police Officer or police community support officer or any other person designated by BCP Council or returning to the Safe Zone before 7pm on the day you have been asked to leave.*"

18. The defence objected to that submission as that had not been their understanding of the way in which the case had been prosecuted and had not appeared within the skeleton arguments submitted prior to trial.
19. I approach my decision on the basis that a reasonable belief that an individual is in breach of the PSPO is required before an officer can ask an individual to leave the safe zone. Whether the officer has reasonable grounds comprises both an objective and subjective test. The belief must be genuine but there must also be reasonable grounds for it.

Issue 1: Did Officer Taki reasonably believe that the Defendant was in breach of the PSPO on 2nd March 2023?

20. Officer Taki gave evidence that he formed the view that the defendant was in breach of this order on several grounds. He considered her pro-life views, his own previous interaction with her, the complaint that had been received and the sign that she was holding. He gave evidence that he believed her to be in breach of terms 4(b) (c) (e) and (g) of the PSPO because:
- i. He had been made aware of a complaint about her behaviour from a member of the public.
 - ii. He noted that the sign that she was holding was pointing in direction of clinic.
 - iii. He believed that the sign that she was holding, in that location, inviting conversation, referred to issues around abortion and was aimed at those using the clinic. Although the defendant stated that anyone could speak to her about anything they wished, she also told him that she was located outside the clinic because *"from my experience, women come here in a very lonely state, in a situation"*.
 - iv. He could not recall if a member of clinic staff had stated that they were harassed, alarmed, or distressed by her presence on that date but had previously been told by clinic staff that they felt harassed, alarmed, or distressed every time a protester attended the safe zone.
 - v. He had interacted with the defendant previously. He believed that enough information was known to him prior to and on arrival to make the request. He made a request for her to leave on more than one occasion.
 - vi. He accepted that he did not witness her intimidating or harassing any individual on 2nd March 2023 but formed the belief that he had reasonable grounds to ask her to leave the zone.
21. I found Officer Taki to be a truthful and credible witness. I am satisfied that that he had a rational basis for asking the defendant to leave, and that her refusal to do so constituted a breach of the order. He had turned his mind to the scope of the Ophir Road PSPO before forming that belief. He had just read the terms of the order aloud to the defendant.
22. I accept that he formed a reasonable belief that the defendant was in breach of the PSPO based on her actions. I am also satisfied beyond reasonable doubt, that Officer Taki believed that by attending that specific area holding up her sign she was indirectly referring to the activities within the clinic and engaging in an act of disapproval regarding abortion services.

23. I am satisfied the Officer's belief was genuine and reasonable having regard to the circumstances he had witnessed, the complaint that he had been made aware of from a member of the public and the contents of his own conversation with the defendant.
24. It is not in dispute that Officer Taki asked her to leave the safe zone, and that the defendant failed to comply with his instruction. The defendant admitted in evidence that he made the request to leave the safe zone on more than one occasion.

Issue 2: Did Officer Kingsbury reasonably believe that Ms Tossici-Bolt was protesting, namely engaging in an act of disapproval or attempted act of disapproval with respect to issues related to abortion services on 3 March 2023?

25. Officer Kingsbury gave evidence that the defendant was standing in safe zone holding her sign on 3rd March 2023. She was called by clinic staff. They had reported to her that they could see the sign and found it was intimidating.
26. Office Kingsbury considered that the defendant was in breach of term 4(a) of the PSPO. She had never met the defendant before. She stated, in forming that view, that:
- I. she knew that there had been previous interactions between the Community Safety team and this defendant and used her professional judgement.
 - II. the defendant was holding her sign in the safe zone and pointing it directly towards the entrance to the clinic.
 - III. She was aware of previous multiple engagements between the defendant and the CSAS team, and of earlier versions of the defendant's sign, prior to the imposition of the PSPO, which had contained religious imagery and direct references to abortion.
 - IV. her role involves considering public perception and community impact. She believed the impact of individuals standing directly outside the clinic displaying signage to be intimidating and harassing.
 - V. she considered the defendant's location and history of behaviour, not the contents of the sign alone, before deciding that she was entitled to ask the defendant to leave.
 - VI. The defendant had attended during the "40 days for life" time frame for holding vigils, i.e. the Christian Season of Lent, and was standing in front of clinic encouraging people to speak to her.
27. She accepted that the sign did not refer directly to abortion but was aware that a call had been received from clinic staff. She gave evidence that, in her experience, clinic staff only call when they need support and felt that she was able to form reasonable belief that the defendant was in that location to *"engage in an act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means."*
28. I found Officer Kingsbury to be a careful and credible witness. I accept that it was objectively reasonable for her to form that belief in the context and background of the presence of a well-known anti-abortion protester in the safe zone, within the operational hours of PSPO, facing the clinic and holding visible signage.

29. On the 3rd of March 2023, Officer Ramplee was present throughout, had previously interacted with the defendant and considered that the defendant was in breach of the PSPO and had also asked her to leave the safe zone on that date.
30. In my judgment, whatever conduct the officer in question reasonably apprehends an individual is engaging in must be capable of amounting to a breach of the PSPO. However, officers are not required to conduct a legal analysis at the moment of enforcement but must act on a reasonable interpretation of the facts before them. I am satisfied that Officers Taki and Kingsbury did so in this case.
31. The case law is clear that behaviours being undertaken outside the clinic can reasonably be interpreted as opposition or disapproval. The context here is important. I have already made factual findings that the defendant was within the safe zone, that she was capable of being seen by those in the area, that she was holding visible signage pointing towards the clinic and that this would have been perceptible to an observer.
32. Although she refers to her wish to simply encourage conversation to address the widespread problem of loneliness, the precise location of her attendance was plainly important to the defendant. She could have chosen a different location to display her signage, particularly given that she herself acknowledges that loneliness is “*everywhere*”. She was given the opportunity to leave on several occasions but chose to refuse to do so.

Issue 3: In the context of these charges is it a disproportionate interference with Article 10 of the European Convention on Human Rights (“ECHR”) to those rights for the defendant to be convicted? Is a proportionality assessment required?

33. Art 10, ECHR provides, so far as it is relevant, that:

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. [...]

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary

34. In considering whether an individual has a reasonable excuse by virtue of the exercise of their ECHR rights, each case turns on its own facts. The question, therefore, is whether in this case criminal conviction amounts to a disproportionate restriction on the defendant’s Convention rights.
35. In **Reference by the Attorney General for Northern Ireland - Abortion Services (Safe Access Zones) (Northern Ireland) Bill [2022] UKSC 32; [2023] A.C. 505** The Supreme Court confirmed that the decision in **DPP v Ziegler [2021] UKSC 23** relied upon by the defendant did not establish a general principle that every criminal conviction of protesters involving a restriction upon their Convention rights must be proved to be justified and proportionate on the basis of an assessment of the particular facts.

36. The Court held that in some cases, a criminal court may be required to conduct a fact-specific assessment of whether conviction would be a proportionate interference with rights under the Convention. However, the Court held that in other cases, proof of the ingredients of an offence themselves will ensure that a conviction will be proportionate. In **Abortion Services (Safe Access Zones)** at [52]-[53], the Supreme Court stated:

"52. One more observation should be made about the case of James ... In its judgment in that case the Divisional Court distinguished between two categories of offence: first, those whose ingredients include a requirement for the prosecution to prove that the conduct of the defendant was not reasonable, where any restrictions on the exercise of rights under articles 10 and 11, and the proportionality of those restrictions, are relevant to whether that ingredient is proved; and secondly, offences where, once the ingredients of the offence have been proved, the defendant's conduct has gone beyond what could be regarded as reasonable conduct in the exercise of Convention rights, so that the necessary balance for proportionality is struck by the terms of the offence itself.

53. It is important not to make the mistake of supposing that all offences can be placed into one of those categories, or to suppose that a reference to lawful or reasonable excuse in the definition of an offence necessarily means, in cases concerned with protests, that an assessment of proportionality can or should be carried out. The position is more nuanced than that".

37. Here the defendant relies on Article 10 of the Convention rights as a defence to the offence with which she is charged. The Council must make the Court sure that conviction would not violate the defendant's ECHR rights. The first question which arises is whether this Article is engaged. In this case I accept that they are clearly engaged.
38. The second question is whether the offence is one where the ingredients of the offence themselves strike the proportionality balance, so that if the ingredients are made out, and the defendant is convicted, there can have been no breach of her Convention rights.
39. In this case, given that the Council has proved that the officers held a reasonable belief that the defendant had engaged in a breach of the PSPO and there is a reasonable excuse defence. I accept the Council's submission that proportionality is inherent in the ingredients of these offences. I bear in mind that decision-makers enjoy a margin of appreciation in relation to interferences with rights protected by Article 10 and the court needs to accord appropriate respect to the assessment made by the decision-maker.
40. I note that prior to making that PSPO an impact assessment was done and the proportionality of making the order was considered. Another proportionality assessment was done before the decision to issue the defendant with the fixed penalty. The same PSPO has been upheld by the Divisional Court and it was established that the order itself is proportionate.
41. All those features go towards showing these offences arising out of the PSPO, encapsulate requirements of proportionality and that the ingredients of these offence strike the proportionality balance, so that I do not need to undertake a separate assessment. I accept the Council's submission that proportionality is inherent in the ingredients of these offences.
42. The defence further submit that there was no evidence of her conduct causing a detrimental impact on clinic users or staff and that her conviction would be disproportionate. They state

that the conduct Ms Tossici-Bolt engaged in on 2nd and 3rd March 2023 is not behaviour which the Council expressly considered to be detrimental and is not the mischief the PSPO is aimed at.

43. I have already found that proportionality is inherent in the ingredients of the offence. If I were required to assess it separately, I find that her conviction would not be disproportionate. In conducting that assessment, I note that:
- The location was plainly important to the defendant.
 - She could have chosen a different location to display her signage.
 - The PSPO has a limited geographical area.
 - It was open to the defendant to move to outside the safe zone where she could have exercised her Convention rights without sanction.
 - It was open to her to attend the safe zone on Saturday or Sunday or a weekday before 7am or after 7pm.
 - She was given the opportunity to leave on several occasions but chose to refuse to do so.
 - The Clinic has a history of individuals being present outside its entrance gates. Before the PSPO was made the service users and members of staff at the Clinic had reported being detrimentally affected by the protests taking place nearby.
44. The defendant stated during her evidence that she would not have approached anyone to instigate conversation and could not therefore have caused distress. When told that someone had complained about her presence and visible signage, she told me in evidence that it would have been “lovely” if Officer Taki had simply told that person that they were wrong and that they could not have been distressed. I conclude that she lacks insight into the fact that her presence in the circumstances described could have a detrimental impact upon women attending the clinic, their associates, the staff, and members of the public.
45. The Divisional Court has considered whether this PSPO exceeded the statutory powers in relation to activities that were said to be “*peaceful, reasonable and lawful*”. The court was satisfied in relation “*to each activity in the list of prohibited activities there was not only evidence that it had taken place but also evidence of an impact which the Council could properly consider to be significantly “detrimental” within the statute.*”
46. The defendant has no previous convictions or cautions. This means that her evidence has extra credibility and that she has no propensity to commit offences.
47. I accept that the issues giving rise to her refusal to leave the safe zone do relate to important issues of depth. I also accept that her beliefs were firmly and truthfully held by the defendant. Although it is accepted that this defendant holds pro-life views and volunteers in related causes, it is important to note that this case is not about the rights and wrongs of abortion but about whether she was in breach of the requirements of the PSPO.
48. I accept that the defendant engaged in the conduct underlying this case as part of a sincerely motivated desire to attend that location and display her signage outside the clinic, encouraging conversation in relation to matters of particular importance to her. This does not mean that her conviction for failing to leave the area when required would be disproportionate, nor give rise to a reasonable excuse on the facts of this case.

49. Following my evidential findings, if required to do so, I answer the Ziegler questions as follows:

(1) Is what the defendant did in exercise of one of the rights in articles 10 or 11?

Yes, she was exercising her Article 10 rights.

(2) If so, is there an interference by a public authority with that right?

Yes

(3) If there is an interference, is it 'prescribed by law'?

Yes, it is prescribed by the Anti-Social Behaviour, Crime and Policing Act 2014

(4) If so, is the interference in pursuit of a legitimate aim as set out in paragraph of article 10 or article 11, for example the protection of the rights of others?

The zone was put in place to protect staff and patients who attended the clinic.

(5) If so, is the interference 'necessary in a democratic society' to achieve that legitimate aim?"

The zone is reduced to a small area that it is necessary to protect the rights of those using and/or visiting the clinic.

50. It is not disproportionate to the defendant's Article 10 rights to convict her. I am satisfied beyond reasonable doubt that the defendant was not lawfully exercising her rights under Article 10 of the Convention

51. I am satisfied so that I am sure that the defendant did fail without reasonable excuse to comply with a requirement of the PSPO, namely she failed to leave the safe zone on both the 2nd March and 3rd March 2023 when asked by an Authorised Officer in breach of prohibition 4(g) contrary to section 67(1)(b) of the Anti-Social Behaviour, Crime and Policing Act 2014. For the reasons given, I find the defendant guilty.

52. This offence does not carry a penalty of imprisonment. The court may only sentence the defendant to a fine or a discharge. Taking account of the nature of these offences and the defendant's previous good character, I impose a conditional discharge for each offence, which is a court order which requires her not to commit any further offence for a period of 2 years. If she breaches the conditional discharge she will be re-sentenced for the these offences in addition to any other punishment that she may receive for any other matter.

53. The Council has sought their costs of prosecuting this matter in the sum of £64,704.59. I have to consider whether the costs were reasonably incurred and proportionate. I am required to take account of the defendant's financial circumstances and her ability to pay within a reasonable period in determining the amount of costs to be awarded against her. Having heard submissions on the point, I have assessed that she must pay a contribution towards the costs of prosecuting this case in the sum of £20,000.

District Judge (Magistrates' Court) Austin 04/04/2025