

IN THE COUNTY COURT AT CLERKENWELL & SHOREDITCH

Case No. K00EC815

Courtroom No. 12

The Gee Street Courthouse
29-41 Gee Street
London
EC1V 3RE

Tuesday, 17th June 2025

Before:
DISTRICT JUDGE KATHRYN SHAKESPEARE

B E T W E E N:

LONDON BOROUGH OF WALTHAM FOREST

and

STEFAN GRUNKOWSKI

MS CHAMBERS appeared on behalf of the Claimant
THE RESPONDENT appeared In Person

JUDGMENT
(For Approval)

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DJ KATHRYN SHAKESPEARE:

1. This is claim number K00EC815. It is the adjourned sentencing hearing of the claimant's committal application dated 13 January 2025.
2. The claimant is the London Borough of Waltham Forest and at the hearing today it has been represented by Ms Chambers of counsel.
3. The defendant, Mr Stefan Grunkowski, was not legally represented today and has addressed me in person with the aid of Ms Budzinska, a Polish interpreter.
4. I have before me a consolidated bundle which runs to 382 pages, although this also relates to other distinct committal applications which I shall come onto. The defendant had before him the relevant pages of the bundle to refer to during the hearing.

Background – the injunction

5. The background to the committal application is as follows.
6. The defendant is a Polish national. On 21 March 2023, at an on-notice hearing, this Court made a final injunction against the defendant under section 1 of the Antisocial Behaviour, Crime and Policing Act 2014. In essence, the injunction excludes the defendant from a specified area in Waltham Forest and prohibits him from consuming alcohol in public places.
7. The terms of the order made are as follows:

The defendant is forbidden, whether by himself or “*by instructing, encouraging, or permitting any other person from:*

 - (i) *Entering the exclusion zone highlighted in the map attached to the order.*
 - (ii) *Loitering or gathering in the company of two or more people within the exclusion zone. This will not apply when going to or from a parked vehicle or waiting for a scheduled bus at a designated bus stop, unless engaging in nuisance or criminal behaviour.*
 - (iii) *Consuming alcohol or being in possession of any open can or bottle of alcohol in a public place.*
 - (iv) *Drinking or handing over any containers which are believed to contain alcohol to any other person unless requested to do so by Waltham Forest officers and/or representatives of the Metropolitan Police.*
 - (v) *Verbally or physically abusing, threatening, harassing, or intimidating any person or behaving in a way which causes or is likely to cause harassment, alarm, or distress to another person.*

- (vi) *Urinating, defecating, spitting, or leaving litter in any public place. This includes the doorway or alcove of any premises to which the public has access.”*
8. A power of arrest was attached to clauses (i) to (vi) of the injunction and it is in place until 21 March 2026.
 9. The defendant was personally served with that injunction on 23 March 2023 by Ms Els, a patrol supervisor who works for Park Guard Limited, a contractor of the claimant.
 10. He was arrested for an alleged breach of the injunction on 13 January 2025 and was brought before the Court on 14 January. He was personally served with a contempt application whilst at court.

Committal application

11. The application listed 39 alleged breaches of the injunction in the period 27 March 2023 to 17 October 2024.
12. After two case management hearings, at which the defendant was reminded of his right to legal representation and his right to remain silent, the matter came before me for trial on 22 April 2025.
13. I pause at this stage to say that that hearing was listed with four other committal applications, all brought by the London Borough of Waltham Forest and against known associates of the defendant with injunctions in very similar terms and involving a number of overlapping allegations.
14. At that hearing, the defendant was not represented. He was assisted by a Polish interpreter. I considered that the defendant had had ample opportunity to seek legal advice and, therefore, proceeded with the hearing. I explained the purpose of the hearing and reiterated his right to remain silent.
15. At the start of that hearing, the defendant indicated that he wished to admit all of the pleaded breaches. I duly put each breach to him, and he accepted each one. That was the first time the individual breaches had been put directly to him.

Admitted Breaches

16. As I have said, there are 39 breaches as follows:
 - (1) *“On 27 March 2023, Stefan Gruntkowski breached terms (i) and (v) of the injunction order by being in the exclusion zone and behaving in a way which causes or is likely to cause alarm or distress to another person.*

- (2) *On 1 April 2023, Stefan Grunkowski breached terms (i), (ii) and (v) of the injunction by being in the exclusion zone, gathering in the company of two or more people and behaving in a way which causes or is likely to cause alarm or distress to another person.*
- (3) *On 21 April 2023, Stefan Grunkowski breached term (i) of the injunction by being in the exclusion zone.*
- (4) *On 28 April 2023, Stefan Grunkowski breached terms (i) and (iii) of the injunction order by being in the exclusion zone and in possession of an open can of alcohol in a public place.*
- (5) *On 11 May 2023, Stefan Grunkowski breached terms (i), (ii) and (iii) of the injunction order by being in the exclusion zone in the company of two or more males and consuming alcohol in a public place.*
- (6) *On 13 May 2023, Stefan Grunkowski breached terms (i) and (iii) of the injunction order by being in the exclusion zone and in possession of alcohol.*
- (7) *On 2 June 2023, Stefan Grunkowski breached terms (i), (iii) and (v) of the injunction order by being in the exclusion zone, consuming alcohol and being verbally aggressive towards officers, causing alarm and distress.*
- (8) *On 12 June 2023, Stefan Grunkowski breached terms (i), (ii) and (v) of the injunction order by being in the exclusion zone in the company of two or more males and behaving in a way which causes or is likely to cause alarm or distress to another person.*
- (9) *On 14 August 2023, Stefan Grunkowski breached terms (i) and (ii) of the injunction order by being in the exclusion zone and gathering in the company of two or more males within the exclusion zone.*
- (10) *On 17 August 2023, Stefan Grunkowski breached term (i) of the injunction order by being in the exclusion zone.*
- (11) *On 29 August 2023, Stefan Grunkowski breached terms (i) and (ii) of the injunction order by being in the exclusion zone and gathering in the company of two or more males.*
- (12) *On 26 September 2023, Stefan Grunkowski breached terms (i), (ii) and (v) of the injunction order by being in the exclusion zone, in the company of two or more males and behaving in a way which causes or is likely to cause alarm or distress to another person.*
- (13) *On 30 September 2023, Stefan Grunkowski breached term (i) of the injunction order by being in the exclusion zone.*

- (14) *On 19 October 2023, Stefan Grunkowski breached terms (i), (ii) and (v) of the injunction order by being in the exclusion zone in the company of two or more males and behaving in a way which causes or is likely to cause alarm or distress to another person.*
- (15) *On 29 January 2024, Stefan Grunkowski breached term (i) of the injunction order by being in the exclusion zone.*
- (16) *On 13 February 2024, Stefan Grunkowski breached term (i) of the injunction order by being in the exclusion zone.*
- (17) *On 17 February 2024, Stefan Grunkowski breached terms (i), (ii) and (v) of the injunction order by being in the exclusion zone in the company of two or more males and behaving in a way which causes or is likely to cause alarm or distress to another person.*
- (18) *On 27 February 2024, Stefan Grunkowski breached term (i) of the injunction by being in the exclusion zone.*
- (19) *On 2 March 2024, Stefan Grunkowski breached terms (i), (ii), (iii) and (v) of the injunction order by being in the exclusion zone, gathering in the company of two or more males, being in possession of an open container of alcohol, and being verbally aggressive towards officers, causing alarm and distress.*
- (20) *On 2 March 2024, Stefan Grunkowski breached term (i) of the injunction by being in the exclusion zone.*
- (21) *On 8 March 2024, Stefan Grunkowski breached terms (i), (ii) and (v) of the injunction order by being in the exclusion zone, gathering in the company of two or more males and behaving in a way which causes or is likely to cause alarm or distress to another person.*
- (22) *On 11 March 2024, Stefan Grunkowski breached terms (i) and (ii) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the exclusion zone.*
- (23) *On 29 March 2024, Stefan Grunkowski breached terms (i) and (ii) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the exclusion zone.*
- (24) *On 4 April 2024, Stefan Grunkowski breached terms (i) and (ii) of the injunction order by being in the exclusion zone gathering in the company of two or more males within the exclusion zone.*

- (25) *On 13 April 2024, Stefan Gruntkowski breached terms (i), (ii) and (iii) of the injunction order by being in the exclusion zone, loitering or gathering in the company of two or more males within the exclusion zone and in possession of a can of alcohol in a public place.*
- (26) *On 13 April 2024, Stefan Gruntkowski breached terms (i), (ii), (iii) and (v) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the exclusion zone, in possession of an can of alcohol in a public place, and behaving in a way which causes or is likely to cause alarm and distress to another person.*
- (27) *On 4 May 2024, Stefan Gruntkowski breached terms (i) and (iii) of the injunction order by being in the exclusion zone and consuming alcohol in a public place.*
- (28) *On 11 June 2024, Stefan Gruntkowski breached terms (i), (ii) and (iii) of the injunction order by being in the exclusion zone, loitering or gathering in the company of two or more males within the exclusion zone and in possession of a can of alcohol in a public place.*
- (29) *On 30 June 2024, Stefan Gruntkowski breached term (i) of the injunction order by being in the exclusion zone.*
- (30) *On 15 July 2024, Stefan Gruntkowski breached term (i) of the injunction order by being in the exclusion zone.*
- (31) *On 25 July 2024, Stefan Gruntkowski breached terms (i), (ii) and (iii) of the injunction order by being in the exclusion zone, in the company of two or more males and consuming alcohol in a public place.*
- (32) *On 27 August 2024, Stefan Gruntkowski breached terms (i), (ii), (iii) and (v) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the exclusion zone, in possession of a can of alcohol in a public place, and behaving in a way which causes or is likely to cause alarm and distress to another person.*
- (33) *On 29 August 2024, Stefan Gruntkowski breached terms (i), (ii), (iii) and (v) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the zone, being in possession of a can of alcohol in a public place, and behaving in a way which causes or is likely to cause alarm and distress to another person.*

- (34) *On 6 September 2024, Stefan Gruntkowski breached terms (i) and (v) of the injunction order by being in the exclusion zone and behaving in a way which causes or is likely to cause alarm and distress to another person.*
- (35) *On 17 September 2024, Stefan Gruntkowski breached terms (i), (iii) and (v) of the injunction order by being in the exclusion zone, in possession of a can of alcohol in a public place and behaving in a way which causes or is likely to cause alarm and distress to another person.*
- (36) *On 3 October 2024, Stefan Gruntkowski breached terms (i) and (ii) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the inclusion zone.*
- (37) *On 4 October 2024, Stefan Gruntkowski breached terms (i), (ii) and (iii) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the exclusion zone and consuming alcohol in a public place.*
- (38) *On 11 October 2024, Stefan Gruntkowski breached terms (i) and (ii) of the injunction order by being in the exclusion zone, gathering in the company of two or more males within the exclusion zone.*
- (39) *On 17 October 2024, Stefan Gruntkowski breached term (i) of the injunction order by being in the exclusion zone.”*

Sentencing

17. At the last hearing on 22 April, the defendant indicated that he wished to seek legal advice as to possible mitigation and, with the agreement of Ms Chambers, I therefore adjourned the sentencing hearing until today to provide the defendant with an opportunity to seek that advice.
18. He has not had legal representation today, but I consider he has had sufficient time and opportunity to do so, and I therefore proceeded with the hearing.
19. I have, therefore, heard from the defendant directly. He told me that he knew he had behaved badly and was drinking vodka and beer. He said that he had restarted work with a building company and had stopped drinking. However, he also accepted that he had seen his friends, who were the subject of the other applications, yesterday.
20. In making my decision, I have also considered again the affidavits of Ms Els, Ms Hassan, and Mr Ali Saeed on behalf of the claimant.

21. I follow the approach to sentencing set out by the Court of Appeal in *Lovett v Wigan Borough Council* [2022] EWCA Civ 1631 and in particular paragraphs 46 to 57 of the judgment of Birss LJ. I first consider the relevant levels of culpability and harm. I determine the starting point and range, as set out in the Civil Justice Council's table endorsed at paragraph 54 of Birss LJ's judgment, adjusted to take into account aggravating and mitigating factors. I consider admissions made. Of particular importance in this case, where the defendant has admitted cumulative breaches of the injunction, I consider the totality of the penalty.
22. I am mindful of the number of breaches accepted by the defendant, a total of 39 over a period of 19 months. Many of the accepted breaches involve the same behaviour, being in the exclusion zone, in the company of other men and being in possession of or drinking from an open can of alcohol.
23. I have grouped the breaches into different categories, which in my view reflect differing levels of culpability and harm.

First category – breaches involving only a breach of the exclusion zone

24. I start by considering the 10 breaches which involve only a breach of clause (i) of the injunction, i.e. being within the exclusion zone. These are breaches (3), (10), (13), (15), (16), (18), (20), (29), (30) and (39). In my view, these breaches fall within category C of the framework for culpability and within level 3 in terms of harm. They involve being present in an area from which the defendant was excluded, but they do not involve associated antisocial behaviour. Notably, they do not involve drinking.
25. The CJC report indicates that examples of category C culpability include breaches where there is no intention to cause harm or distress and there is no harm reasonably foreseeable from the breach. In my view, that applies here.
26. In terms of harm, the CJC report indicates that an example of level 3 harm is where no one is actually inconvenienced and where the breach comprises mere presence in an unauthorised location other than in circumstances comprising greater harm. That is clearly the case here as the breach consists solely of being in an unauthorised location within the exclusion zone.
27. For these 10 breaches, the starting point is, therefore, adjourned consideration and the category range is no order or fine to two weeks custody.
28. I then consider the factors which increase or decrease the seriousness of the matter. In terms of mitigation, the defendant told me he was aware that he had behaved badly and that he regretted the behaviour. However, he only did so when I asked him a direct question. At no

point in what he said to me did he apologise or express remorse for the inconvenience or harm that he had caused to other people. That, in my view, is a factor that increases the seriousness.

29. The first of this category of breaches was committed on 21 April 2023, one month after the injunction was imposed, and the last was committed on 17 October 2024, showing a pattern of extensive and regular behaviour. In my view, that also increases the seriousness of the matter.
30. Although there are some factors which increase the seriousness, I am mindful that the defendant admitted these breaches on the first opportunity available to him and, therefore, I will apply the starting point and would adjourn sentence for these 10 breaches.

Second category – breaches involving presence in the exclusion zone and being in the company of other men and/or consuming alcohol

31. I then consider breaches (4), (5), (6), (9), (11), (22), (23), (24), (25), (27), (28), (31), (36), (37) and (38). These 15 breaches involve a breach of clause (i) and either or both of clauses (ii) and (iii) of the injunction, i.e. being in the exclusion zone, in the company of other men and/or consuming alcohol.
32. In my view, these breaches fall within culpability level B. They are a step beyond simply being present in an area he is not supposed to be in, as they show an intention to meet others and involve drinking or being in possession of alcohol in a public place. That is an intentional act - it shows a level of intention and premeditation. The defendant knew he was not supposed to be drinking in public and meeting his friends, yet he did so anyway. In my view, that takes the culpability level to B, as a deliberate breach.
33. In terms of harm, I find that these breaches fall within level 3. Although I accept there is more to them than simply being present in the exclusion zone, no one was in fact inconvenienced or harmed by the behaviour of loitering with other people and/or drinking and there is no threatening behaviour involved in these breaches.
34. The starting point for these breaches, as level B3, is therefore adjourned consideration, and the range is adjourned consideration to one month.
35. I consider the aggravating and mitigating factors. In terms of aggravating factors, as I have said, the defendant has not expressed remorse about his behaviour and these breaches also took place over a prolonged period at a time when the defendant knew about the injunction and indeed when he had been consistently warned about his behaviour. This increases the seriousness.

36. The defendant is entitled to a reduction to reflect his guilty plea at the earliest opportunity and therefore, for these breaches, I would also apply the starting point and would adjourn consideration.

Third category – breaches also involving verbal abuse or threatening behaviour

37. Finally, I turn to breaches (1), (2), (7), (8), (12), (14), (17), (19), (21), (26), (32), (33), (34) and (35). These 14 breaches involve not only a breach of clauses (i) and either (ii) or (iii) of the order, but importantly also a breach of clause (v) of the injunction, i.e. using verbal or physical abuse. That verbal abuse was largely directed at Ms Els and Ms Hassan, who are officers of the claimant, when they approached him on a number of occasions to warn him about his behaviour and that he was in breach of the injunction.
38. I note in particular breach (26) on 13 April 2024, in which the defendant threatened a local shop owner who was concerned about him drinking alcohol on his premises and Ms Els had to physically prevent the defendant from returning to the premises.
39. Although the evidence does not, overall, represent a picture of aggression towards or complaints by members of the public, it does show a persistent pattern of aggressive and hostile behaviour in general and towards officers of the claimant who approached the defendant and, as I have said, breach (26) did involve a local shop owner.
40. I do not underestimate the impact of his behaviour on Ms Els in particular, who approached the defendant on a number of occasions in the course of her work and on a number of occasions had to use reasonable force, in the form of a hand on his chest, to ensure he did not come any closer to her and to whom he was verbally aggressive and hostile. The defendant was, at the time, with a group of other men who had been drinking, and the environment would have been an intimidating one.
41. For all of these reasons, I assess the culpability level for these 14 breaches as level B, as they involved a deliberate and intentional breach of the terms of the order.
42. I assess the level of harm at level 2 because, unlike the other breaches, they involved threatening and abusive behaviour. The starting point is therefore one month custody, and the range is adjourned consideration to three months.
43. Once again, I am mindful of the lack of remorse on the defendant's part and the timing of the breaches over a prolonged and persistent period which, in my view, increases the seriousness of the behaviour.

44. In my judgment, this would increase the matter beyond the starting point of one month to a period of seven weeks.
45. The defendant is, of course, then entitled to a reduction, being the full reduction of 30% as indicated in the sentencing guidelines for his guilty plea, giving a total of five weeks custody for these 14 breaches.

Totality

46. I then take a step back and consider the totality and the proportionality of the overall sentence. In my view, the defendant's behaviour, evidenced in the accepted 39 breaches, was cumulative and persistent. There is a total of 39 breaches over a period of 19 months, averaging just under three incidents per month.
47. The evidence before me shows that Ms Els, in particular, warned him on multiple occasions that he was breaching the injunction by being within the exclusion zone and in possession of alcohol, but the behaviour did not cease, if anything, it escalated.
48. In my view, therefore, the appropriate total penalty should reflect the persistent and prolonged nature of this behaviour. Although I have found that some breaches are in category C, I note that 14 are in category B2. Custody is, of course, reserved for the most serious cases and I must impose the shortest possible sentence to reflect the seriousness of the behaviour.
49. However, I am satisfied that, in this case the persistent nature of the breaches and the sheer number of them mean a custodial sentence is just and proportionate and I am satisfied that the custodial threshold has been passed.
50. In my view, looking at the totality of the matter, the appropriate total penalty is a period of custody of 31 days. I reduce that by the full 30% to reflect the guilty plea, being a reduction of nine days, to give a total of 22 days custody.

Suspension

51. I then consider whether to suspend that sentence. I am mindful that although the behaviour is prolific, this is the first application and therefore finding of contempt.
52. I am also mindful of what the defendant told me - that he is now working and has stopped drinking and, therefore, should have the opportunity to address the underlying cause of the anti-social behaviour, namely the drinking.

53. I will, therefore, suspend the sentence on condition that the defendant complies with the terms of the injunction dated 21 March 2023. That suspension will be co-terminous with the injunction so will last until 21 March 2026.
54. Therefore, my order is that the defendant is sentenced to a custodial term of 22 days, suspended on the condition that he comply with the injunction.
55. Mr Grutkowski, that means that if you breach the terms of the injunction again, you will be liable to be committed to prison and, if that happens, you will serve a total of 11 days (being half of 22 days).
56. I remind the defendant that he has an automatic right of appeal within 21 days; he does not need permission to appeal and if he wishes to appeal, that appeal will lie to a circuit judge at this court.

End of Judgment.

Transcript of a recording by Acolad UK Ltd
291-299 Borough High Street, London SE1 1JG
Tel: 020 7269 0370
legal@ubiquis.com

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