

In the County Court at Dartford
sitting at Sevenoaks Magistrates Court
Before DDJ Nahal-Macdonald
Tuesday 16 September 2025
At 10 a.m.

Claim No. L00DA612

Between

Southern Housing

Claimant

And

Tracey Martin

Defendant

Committal Proceedings for Breach of Injunction

Background

1. This matter is before me today for two purposes:
 - a. To determine sentence for the defendant, Miss Martin, she having been found in breach of an Injunction Order made by DJ Chown on 13 August 2024 for her actions on 27 May 2025, those breaches having been determined at a hearing, at which the defendant failed to attend, by DJ OmoRegie on 23 June 2025 at Dartford.
 - b. To determine further allegations of breach of the same Injunction arising from a contempt application dated 3 March 2025 against the same defendant
2. The defendant was made subject to the Injunction on 13 August 2024 and served with it on 18 October 2024, which she accepted and was part of a recital to that effect in the prior orders in the matter. From the date of service onward, she was bound by the terms and aware of them.
3. The injunction prohibited the defendant from anti-social behaviour including [references below are to the paragraphs of the Order]:

- a. “[1a] Acting or inciting others to act in an anti-social manner which causes, or is likely to cause, harassment, alarm or distress to one or more persons not in the same household”
 - b. “[1b] Shouting, including but not limited to swearing, screaming, stomping, banging, so as to be audible outside of [the defendants flat]”
 - c. “[1c] acting in a threatening manner, including but not limited to threatening to kill any resident of [the defendant’s block of flats]”
4. The 27 May 2025 breaches included allegations of shouting and screaming in the communal areas of the flats on that date; of kicking and banging on the doors of neighbours; and of shouting to the same neighbour to the effect that they were “*a liar*” and “*wouldn’t get away with this*”. Evidence was provided by Miss Thompson, who averred that the defendant’s behaviour had been ongoing since 2022.
5. The defendant appeared in custody, having been arrested by the police on that date, and this case was adjourned with warnings, including as to the seriousness of the matter and the imperative for her to seek legal advice and representation.
6. On 23 June the matter came before DJ OmoRegie, who allowed nearly an hour beyond the set start time of the listing but the defendant failed to attend and did not provide a reason for that non-attendance. Pursuant to the guidance from Cobb J in *Sanchez v Oboz* [2015] EWHC 235 (Fam), the learned District Judge decided to take the exceptional course and hear the case in absence of the defendant. He proceeded to find the allegations in the above terms proven, and adjourned sentence.
7. The matter was adjourned to DJ Thistle at Dartford on 1 August, where the defendant did not attend, having told the claimant over the phone that she was unwell, but having failed to make a formal application to adjourn. Further to that, the claimant was given leave to put the further allegations to the defendant and served her and the court with a bundle in July 2025. The matter(s) were adjourned to today before me.
8. The defendant again failed to attend. The claimant was represented by Elizabeth England of Counsel, who ably assisted me as to the law and procedure, and the court heard from the neighbour Miss Thompson and the Anti-Social Behaviour Officer, Miss Little.
9. Because of the gravity of the decisions I have had to make today and the consequential findings, I note that I am bound to produce this note of my decision for immediate publication on the Judiciary website. I also direct that a transcript of the judgement is produced at public expense in pursuance to CPR Part 81.8(8).

10. I note that albeit these are civil proceedings, the burden of proof is upon the applicant and the court must be satisfied as per *Dean v Dean* [1987] FLR 517 that allegations are proven to the criminal standard of proof (i.e. so that I am ‘sure’).
11. Were the defendant present, I would of course have addressed her as to the imperative to seek professional legal advice and assistance (indeed, as my colleagues had done prior) and would have considered an adjournment for that purpose, if she had sought one. I would have warned her as to the right to silence and the right against self-incrimination, and the coda to this, which is that inferences can be drawn from silence under some circumstances.

The Proceedings Today

12. I considered an electronic version of the claimant’s bundle running to 232pp, an index, video evidence and a skeleton argument settled by counsel, within which, I was invited, (per paragraph 1, above) to deal with the matters of sentence and of the “new” allegations in turn, if necessary, proceeding in absence of the defendant pursuant to *Sanchez*.
13. As of 10:49 a.m. when I began to formulate my notes and concluded my reading in, I was told by the usher that there was no sign of Miss Martin at Sevenoaks Magistrates Court. Mindful of the seriousness of this matter and the potential consequences, and that I had all day allocated for the case, I was keen to allow the defendant as much time as possible to attend (as indeed had my colleague in June). However, I sadly note that there is an inference that the defendant leads a chaotic lifestyle and that she has not attended the hearings in this matter since she was given bail by the Judge on 27 May with conditions to comply with the Injunction of DJ Chown. By 11.19 a.m. the defendant had still not attended and I called the case on.
14. In respect of how to proceed, I was ably assisted by submissions from Miss England of counsel on behalf of the claimant, who set out the relevant considerations per Mr Justice Cobb as in *Sanchez*, broadly including:
 - i. whether the respondent has been served with the relevant documents, including the hearing notice
 - ii. whether they have had sufficient notice to enable them to prepare for the hearing
 - iii. whether there has been any good reason advanced for their lack of attendance
 - iv. whether by reference to the nature and circumstance of their behaviour, the respondent has waived the right to be present (i.e. whether they knew of and were indifferent to the consequences of the case proceeding in absence for example)
 - v. whether an adjournment would be likely to secure their attendance
 - vi. the extent of the disadvantage to the respondent in not being able to present their case
 - vii. whether any undue prejudice would be caused to the claimant by delay

- viii. whether any undue prejudice would be caused to the forensic process if the application proceeded in absence
- ix. the overriding objective (at Rule 1.1 CPR, by analogy to FPR 1.1 in *Sanchez*), including the obligation of the court to deal with cases “justly” and “expeditiously and fairly” and any orders needed to further that objective.

15. I proceeded to hear submissions from counsel as to proceeding in absence, and then considered those factors against the factual matrix known to me of this case. In doing so, I note:

- a. The defendant has failed attend on prior recent occasions and has not given a reason for that non-attendance
- b. The defendant has been given notice of the hearing and been served with a bundle.
- c. The orders of the prior judges involved in the case are clear, and with detailed recitals as to the need to seek legal advice and to attend to put forward any defence
- d. The defendant previously said she had not had credit with which to phone a local solicitor, (at a hearing before DJ Thistle on 4 June which was adjourned) but that she would do so the next day.
- e. That the defendant has been found in breach of the extant allegations in her absence and a detailed order to that effect served on her after the hearing on 23 June 2025 and must have been aware of the seriousness of those findings and the consequence that she is to be sentenced for them today.
- f. That the motivation to not attend a sentencing hearing is one which might impact the thinking of some defendants
- g. That the defendant has not attended and not given a reason, once again
- h. That there have been several hearings in this matter before different judges and that delay is inimical to the Overriding Objective.
- i. That one witness put forward by the claimant, Miss Thompson, is in effect a purported victim of the defendant’s behaviour, and that delay is likely to have a deleterious impact on her safety and mental health

16. For those reasons, I found that I should take the exceptional course and proceed to hear the case in absence of the defendant today.

Evidence heard today

Miss Thompson (neighbour)

17. On behalf of the claimant, I heard evidence from Stacey Thompson, neighbour of the defendant, as to allegations which were part of the claimant’s bundle. Of note, there were 45 allegations, of which six had been part of the contempt application in March 2025 and the rest added during proceedings.

18. Those allegations range in time from 18 November 2024 to May 2025 and are all allegations of the type that the defendant “caused a nuisance” including by “*banging, shouting, screaming, stomping*” within her flat but in a manner that it could be heard in neighbours’ flats and caused them detriment, including waking them from their sleep. They also include two allegations of throwing bleach on the neighbour’s window.
19. Miss England explained that the claimant would only seek to adduce evidence about ten of these allegations detailed below, and seek to persuade me that the others were part of a course of conduct which, by irresistible inference, the defendant had conducted against the neighbours.
20. Miss Thompson explained in evidence that she has lived on edge, all day every day for the last three years. She has lived there since 2017, as had the defendant. She reported that she used to work with the defendant’s mother and got on well with her, but that her mother had now died, and the defendant’s behaviour has changed since 2022.
21. She reported that the defendant used to often shout at another neighbour, saying he “*knew what he had done*” and repeatedly shouted and swore so many times that the witness was forced to ring the police. It was after this, Miss Thompson averred, that the defendant began “*gunning for*” her.

Allegation 4

22. The witness alleged that on 4 December 2024 the defendant woke her at 1 a.m. by wailing and screaming at length, and the court heard contemporaneous recordings taken by the witness to that effect, which I found were a female voice wailing and making elongated screaming sounds. The witness explained that her teenage son has autism and that the behaviour of the defendant has made her feel uncomfortable being in her own home. I found that I was sure that this allegation was made out on the basis of this evidence.

Allegation 5

23. The witness went on to describe similar shouting and wailing from the defendant on 5 December and the court heard a further similar recording from the early hours of that day. The witness explained that she regularly recorded the defendant’s behaviour and would send these to Miss Little, the housing officer, by email. The similarity in nature to the prior allegation and the closeness in time means that I have no difficulty in again finding this allegation made out to the criminal standard.

Allegation 12

24. On 6 February 2025 the witness says that she recorded the defendant wailing and shouting from her flat in the afternoon. The court was played a video to that effect.

The witness said that the screaming made her feel really on edge and that around this period the defendant would shout and scream for hours on end and at unpredictable times of day. Again, the evidence on this point was compelling and coherent, so that I can be sure the allegation is proven.

Allegation 17

25. On 28 February at 21:40 the witness took a video taken from her flat of what she said was the defendant wailing and shouting again. She detailed that the screams would include that certain people “*are not going to get away with this!*” and recalled that the defendant also behaved in this manner at court, including shouting at her and other people, and that she was warned by security as to her behaviour. She believed that the defendant screams and shouts things of a quasi-spiritual nature and that she is “*possessed by demons*” and other shouts to do with “*evil*” and “*Satan*”. I found this to be disturbing, but the coherency of the evidence was sufficient to make me sure the allegation was proven.

Allegation 20

26. On 21 March 2025 at 09:59 the witness recorded three videos from her flat, clearly recording what she says is the defendant screaming, shouting, swearing and ranting from her own flat. The recordings were jarring, disturbing and aggressive. The witness remembered this very clearly as this was her birthday and she was getting ready to go away with friends. She believed that the defendant was screaming at her out of her window. She was so upset by this that she physically vomited. She detailed the defendant was screaming “*about people getting into heaven*”, and about people “*having their teeth done*”, and that the ranting seemed nonsensical and aggressive and that the witness was very upset about it. Such was the coherency of the witnesses account and the significance of the date and the impact that I was sure the witness was telling the truth and the allegation was proven.

Allegation 26

27. The next allegation dates to 12 April 2025 at 23:19, when the witness says she sent video footage via email showing banging coming from Tracey Martin’s Property. She explained that she was in bed at the time and that she believes the defendant was stomping and banging on the floor above her. She explained that the banging had only started since around 2022, commensurate with the ranting about the other neighbour and then turning on this witness.
28. She contrasted this with the silent manner in which the defendant had conducted herself when walking round her flat prior to that point. She explained that this had a deleterious effect on her autistic son and on her dogs, such was the noise that it would wake them up in the night. Whilst this is not the most serious of examples, the repetition of the banging and the context of it being late at night contrasting with the

prior good behaviour pre-2022 are such that I am satisfied that the allegation is proven.

Allegation 33

29. It was alleged that on 12 May 2025 at 17.22 the defendant threw bleach on the window of the witnesses flat. Miss Thompson confirmed she knew this was bleach from the smell, and provided a photograph and a contemporaneous email to the court, in which she sent this allegation to the housing officer at that time. She went on to describe that one of her dogs had been very sick around this time, and that she believed that the dog may have consumed bleach thrown by the defendant which may have landed in the dog's bowl. Miss Thompson was adamant that the defendant was the only person who could have thrown this bleach, as she is directly above the flat and the liquid was at the top of the window on the first floor, so that no other person could have thrown that on the window. I was satisfied that this was the only plausible explanation and that the witness was coherent and compelling in her account as to the smell of the bleach. I note that throwing bleach is a significant and dangerous thing to do, and that it is likely to cause physical harm to people and animals.

Allegation 41

30. It is alleged that on 19 May 2025 at 16:06 the defendant was shouting and banging in her flat and causing a nuisance to the witness. She sent two videos via email showing shouting and banging and the court watched these. In the videos, a female can be heard screaming and swearing about matters to do with "*telling the truth*" and "*police reference numbers*" and screaming the witnesses' name. Miss Thompson said that she had lost three and a half stone as a result of stress from the actions of the defendant and that hearing her screaming put her on edge and caused significant psychological stress to her. Miss Thompson believed that these outbursts were to do with her reports to the police about the harassing behaviour to the police. The context and the recording coupled with the direct evidence of the witness proved the allegation so that I am sure.

Allegation 43

31. On 20 May at 02:30 it is alleged that the defendant was banging on the floor above the witness, and causing a disturbance. The court was played a recording from the incident, which sounded like a rhythmic pounding noise, akin to a large bass drum or similar. The witness opined that she thought this might have been created by the defendant deliberately banging a large piece of furniture.
32. Apart from being woken up in the middle of the night, Miss Thompson said this caused her panic and that the noises went on for a long time, disrupting her sleep. I am sure that this allegation is proven due to the evidence of the recording and the clear evidence from the witness in person.

Allegation 45

33. At 15:30 on the 20 May 2025 the witness sent a video of what she described as banging coming from the defendant's property. The court again was provided with a video which, in the court's view, was of a rhythmic banging sound akin to the prior allegation on the same date. The witness said that she felt scared and shaken up and scared of leaving the flat and bumping into the defendant. She explained that she has avoided using the communal entrance to the flats as she is in fear of seeing the defendant. She said that she was in the supermarket in August 2024 when the defendant hit her in the presence of her friend, and that she is scared of reprisals from her. Such was the clarity of the evidence, I am satisfied this allegation was proven.
34. Miss Thompson explained that the effect of the defendant's behaviour on her is so severe that she has had thoughts of self-harm. She reported these feelings to her doctors and was put on anti-depressant medication. In giving evidence, she became visibly upset and said that she "*just wanted it to stop*" and broken down in tears before me.
35. The witness reported that once the injunction had been issued and served, there had been a brief pause in the behaviour of probably a few weeks between October 2024 and November 2024, but that the "*torment*" had begun again in earnest thereafter and that she just wanted this to end. She said that the injunction had not stopped the behaviour of the defendant. The most recent allegation on the schedule dates to the 20 May 2025, but the witness said that she had also reported the defendant to the police more recently and that the defendant continues to scream and shout at her on a regular basis even up to yesterday. The witness believed that she heard the defendant screaming about the matter being before "*Sevenoaks court*" which is a reference to this hearing and indicative that she was deliberately absent today.

Miss Little (Anti-Social Behaviour Officer)

36. I heard then from Miss Little, who confirmed that she has regularly received emails with audio and video recordings taken by the witness at all hours of the day and for many months. She did not believe that the defendant cared about the force of the injunction, but that the power of arrest was important to provide protection via the police. She explained that she believed other residents had been caused serious impact to their health by the defendant, but that they were so unwell as to not want to engage in the case against her. She asked me to extend the length of the injunction in the case.

Earl Knightly (former housing officer)

37. Mr Knightly has now left Southern Housing but provided two sworn affidavits and exhibits. His written evidence directly supported and concurs with the evidence of Miss Thompson and Miss Little, including as to dates of the above allegations and reports, and of letters he then sent to the defendant warning her about her conduct.

38. Those letters were sent in November and December 2024 and have, evidently, had little effect. Those letters post-date the injunction and are a cost-effective way of ensuring compliance, if possible, but clearly have not worked in curbing the defendant's anti-social behaviour.

Submissions on sentence

39. Miss England invited the court to make a finding that the ten allegations were proven, and that the balance of the 45 allegations (35 remaining which had been described in written evidence but not in oral evidence from the witness) were so similar and of a kind in terms of the defendant's behaviour that the irresistible inference is that they are proven to the criminal standard. I am satisfied that the ten sample allegations are proven and that the balance of the complaints, which I have read, are so similar in nature, time, location and scope that they form part of a course of harassment against this victim, Miss Thompson, and that the court is satisfied that they are also proven.
40. Counsel then invited me to go on to assess *culpability* and *harm*. I was addressed as to the matrix within *Lovett v Wigan BC* [2022] EWCA Civ 1631 regarding sentencing authority [at para H6]. I was mindful of the need to assess these two factors as a starting point, before going on to consider other factors.
41. Counsel submitted that the seriousness and persistence of the behaviour by the defendant placed her '*culpability*' within the bottom end of category A or at the top end of category B. I note this assessment, and find that the breaches can fairly be described as persistent, deliberate and serious. I note that singularly, each allegation would just be a nuisance, but that taken together from the evidence I have heard, which was compelling, that they amount to a course of conduct and amplify the culpability of the defendant.
42. In terms of '*harm*' the submissions were that this was clearly within 'Category 1' of the matrix, not least as to the impact on the mental health of the witness (including evidence from the witness as to feeling harassed, scared, shaken and feelings of self-harm). The "*constant torment*" felt by Miss Thompson had such an impact that she had lost a dramatic amount of weight and been placed on anti-depressant medication to help her. I agree with this assessment. The court notes the significant evidence of mental degradation caused to Miss Thompson, and that the impact upon her was at times so severe as to cause her to think of self-harm or to be physically sick.
43. I find that the starting point for the matters which I have heard today pursuant to the guidelines is around three months imprisonment. I will now go on to deal with the other matters from 27 May 2025 before then considering aggravating and mitigating factors, totality, any reductions for 'plea' or attempts to 'purge the contempt' and the purpose of sentencing in light of what is known to me about the defendant.

The 27 May breaches

44. I find that the behaviour of the defendant on 27 May was so serious as to warrant immediate arrest by the police, i.e. kicking the neighbours door so many times and so hard as to leave a dent, shouting at her words to the effect that she was “*a liar*” and threats that she would “*not get away with this*”. I find that those words must have been calculated at getting the witness to resile from her evidence and therefore amount to a plain and despicable attempt to interfere with the course of justice in this case.
45. It is a matter for the police (and ultimately the CPS) as to whether any separate investigation leads to anything further, but the plain inference is that the defendant knew at this point that Miss Thompson had 1) made reports to the police and 2) was a witness in this civil case. There is no other obvious explanation to me other than kicking her door repeatedly whilst making those threats was an attempt to cause the witness to think twice about assisting either Southern Housing or the Police. That is an aggravating factor as to culpability over and above the other findings I have made today.
46. Accordingly, I find that the 27 May behaviour, in context, is so serious as to warrant a custodial sentence of around four months, with the starting point being above that for category B1 and below that for category A1.
47. As to mitigating and aggravating factors, it is important that the court goes on to consider each of these elements, in adjusting the starting point up or down on a fact specific undertaking.
48. I have no evidence before me as to any mitigating factors prevailing for the defendant. I infer that she may be suffering from some sort of persecutory ideation, but I am not an expert in that nor do I have any evidence before me, other than the strange and worrying deterioration in her behaviour around 2022. If, indeed, the defendant is suffering from poor mental health, then there is no evidence dispositive of that as a mitigating factor, but it is far from unusual for defendants in a situation like this to have that feature, and if so, I sincerely hope that she is given the opportunity to access sources of help and support.
49. This is not a case where the defendant has engaged with the process, heard the complaints against her, and then made some sort of admission or ‘plea’ so as to lower her culpability, or lead to a reduction in sentence on that basis. The opposite has happened, and sadly she has failed to engage or attend. I do not have any evidence before me as to contrition, remorse or understanding of the impact of her behaviour on her neighbours, so I cannot offer any sort of credit on that point.
50. In terms of aggravating features, I note the guidance within *Lovatt*, including that:

“Examples of factors increasing seriousness include a history of disobedience and the particular vulnerability of any victim of the behaviour concerned. Persistent breaches of the injunction are likely to amount to an important aggravating factor”

51. This is a case with 45 breaches between November 2024 and May 2025, where I have heard evidence of continuing disobedience and lack of adherence to the courts order. Further, the breaches on 27 May are the most serious and are in addition to the balance of the findings I have made today. I have no hesitation in finding that the volume, proximity, timing and nature of the breaches are, taken together, an aggravating feature.
52. As stated, this is not a case where any reduction for plea or remorse is appropriate. I find that the number of breaches, the timing and the impact of them in terms of the sentencing guideline is such that the custody threshold is passed in this case. I must then go on to determine whether an immediate sentence of imprisonment is the only one which would be appropriate here.
53. In considering this, I note that the Injunction has been in place since August 2024, and that there is no evidence that the defendant has spent any time in custody other than her arrest in May. I do not know about her personal circumstances, but it seems self-evident to me that the findings in this case would be grounds for possession proceedings and that there may well be an outcome in due course which protects the other residents, if Miss Martin cannot control her behaviour. I note that the prison population is over 88,000 in England and Wales as of recent data. There is a wealth of understanding as to the relative impact and limits of short custodial sentences, and I need to focus on the need to ensure compliance with the injunction as paramount.
54. In the present case, I am satisfied that the defendant ought to be given a further opportunity to comply with the terms of the injunction and to behave, as it appears she did between at least October and November 2024. I therefore am persuaded that a suspended sentence of imprisonment is appropriate in this case. Having considered totality, the sentences for the two ‘sets’ of breaches ought to run concurrently, and I find that the sentence of three months imprisonment for the 45 breaches before me today will run alongside a sentence of four months imprisonment for the breaches dating to 27 May 2025. The sentence will be suspended for a period of 18 months from today.
55. I am going to extend the injunction in line with the submissions I have heard, and I will make it a condition of the sentence I pass here that the defendant comply with those terms. I have given consideration to a positive requirement within the injunction which might have a rehabilitative effect however there is no evidence before me that this will have an effect or as to the defendant’s ability to comply with a positive obligation if I were to add one. I am content that the injunction should be extended to August 13, 2026, and if the defendant breaches any of the existing terms during that

period, no doubt this matter will be brought back to court and the very high likelihood is that a judge will consider whether to activate the suspended sentence in whole or part. I hope that Miss Martin reads this note and takes the opportunity to try and adjust her behaviour and limit her contact and impact upon her neighbours accordingly.

56. I have found that the claimant has been wholly successful in its claim and has invested significant resources into this matter in an effort to safeguard the other residents, and that a costs order should follow in the claimant's favour. I make an order that the defendant pay £15,057.15 to be paid within three months of this order.
57. I make it clear that no permission is required to appeal this decision, and that an immediate appeal may be made to a Circuit Judge at the first instance in the usual way.
58. As stated, I will provide a copy of this note to the Judicial Website Team and direct that a transcript be prepared in turn.

DDJ Nahal-Macdonald

16 September 2025