

IN THE COUNTY COURT AT CLERKEWELL & SHOREDITCH

Case No. K00EC817

Courtroom No. 12

The Gee Street Courthouse
29-41 Gee Street
London
EC1v 3RE

Wednesday, 15th October 2025

Before:
DISTRICT JUDGE KATHRYN SHAKESPEARE

B E T W E E N:

LONDON BOROUGH OF WALTHAM FOREST

and

PAWEL WROBEL

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

JUDGMENT
(For Approval)

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DJ KATHRYN SHAKESPEARE:

1. This is the adjourned sentencing hearing in the claimant's application of 10 December 2024 for the committal of the defendant, Mr Pawel Wrobel. At the hearing today, as at previous hearings, the claimant, the London Borough of Waltham Forest, has been represented by Ms Chambers of counsel. The defendant, again as in previous hearings, has not been legally represented and has addressed me in person, with the aid of Mr Baginski, a Polish interpreter.

Background

2. The defendant is a Polish national. On 6 June 2023 this Court made a final injunction order against him under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014. In essence, that injunction prohibits the defendant from consuming alcohol in public places. The terms of the order are that:
 - “The defendant is forbidden, whether by himself or by instructing, encouraging or permitting any other person from:
 - 1(a) consuming alcohol or being in possession of any open can or bottle of alcohol in a public place in the London Borough of Waltham Forest;
 - (b) receiving or distributing alcohol in a public place in the London Borough of Waltham Forest unless requested to do so by Waltham Forest officers, requested to do so by representatives of the Metropolitan Police, or he does so as a necessary part of the purchase of alcohol directly from a shop or other licensed body;
 - (c) verbally 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; or
 - (d) urinating or leaving litter in any public place in the London Borough of Waltham Forest. This includes the doorway or alcove of any premises to which the public has access”.
3. No power of arrest was attached to that injunction, and it was in place until 5 June 2025. The defendant had been personally served with the injunction on 6 June 2023, and he was personally served with the contempt application on 4 February 2025. The contempt application alleged that the defendant had breached the injunction on eight occasions in the period 12 June 2023 to 29 August 2024.
4. There were two case management hearings in relation to the application, and the matter came before me for trial on 22 April 2025. At that hearing, the defendant was unrepresented, but I considered that he had had sufficient opportunity to seek legal advice and, therefore,

proceeded with the hearing. I explained the purpose of that hearing and reiterated his right to remain silent. The defendant contested the allegations, and I heard a trial on 23 April 2025.

5. After hearing the evidence, I gave judgment and found to the criminal standard that the defendant had breached the injunction on eight occasions. The proven breaches are as follows:

“Contempt number one: on 12 June 2024, Pawel Wrobel breached term 1(c) of the injunction by behaving in a way which causes or is likely to cause harassment, harm or distress.

Contempt two: on 26 September 2023, Pawel Wrobel breached terms 1(a) and 1(c) of the injunction by consuming alcohol and by behaving in a way which causes or is likely to cause harassment, harm or distress.

Contempt three: on 9 May 2024, Pawel Wrobel breached term 1(b) of the injunction by receiving alcohol in a public place in the London Borough of Waltham Forest.

Contempt four: on 16 May 2024, Pawel Wrobel breached term 1(a) of the injunction by consuming alcohol in a public place in the London Borough of Waltham Forest.

Contempt five: on 31 May 2024, Pawel Wrobel breached term 1(a) of the injunction by consuming alcohol in a public place in the London Borough of Waltham Forest.

Contempt six: on 11 June 2024, Pawel Wrobel breached term 1(a) of the injunction by consuming alcohol in a public place in the London Borough of Waltham Forest.

Contempt seven: on 27 August 2024, Pawel Wrobel breached term 1(a) of the injunction by consuming alcohol in a public place in the London Borough of Waltham Forest.

Contempt eight: on 29 August 2024, Pawel Wrobel breached term 1(a) of the injunction by consuming alcohol in a public place in the London Borough of Waltham Forest”.

6. At the end of the hearing in April, the defendant said that he wished to seek legal advice in relation to any possible mitigation, and, with the agreement of Ms Chambers, I therefore adjourned the sentencing hearing to provide him with an opportunity to seek that advice. That adjourned hearing took place on 19 June. At that hearing, I again heard directly from the defendant. Again, he was unrepresented, but I considered that he had had sufficient opportunity to seek legal advice and proceeded with the hearing. He told me at that hearing that he was sorry for his behaviour and that he suffers from various health issues. He was not, at that point, working and was still drinking, although he said he had cut down.
7. At the hearing on 19 June, I followed the approach the Court of Appeal has set out in *Lovett v Wigan Borough Council* [2022] EWCA Civ 1631 and, in particular, paragraphs 46 to 57 of the judgment of Birss LJ. I assessed each breach in terms of Culpability and Harm. I concluded that adjourned consideration was the appropriate order, and I indicated to the

defendant that if I had been sentencing him on that day in June, then I would have considered the custody threshold had been met, and I would have imposed a 14-day suspended sentence.

Hearing

8. I have again heard from the defendant directly today. He told me he has cut down on his drinking and that he currently consumes one beer a day, but tries to avoid vodka. He wants to detox and address his drinking habits, but he feels he is not quite ready for this yet, and has experienced withdrawal symptoms when he tried to stop completely. He told me that he may have some informal work lined up fitting artificial grass, but the circumstances of that were not entirely clear, and he is not currently working. He still sees his brother once or twice a week, and he still sees his friends (with whom he was drinking and who were the subject of other orders and similar injunctions) on an occasional basis.

Sentencing

9. Against that background, I find as follows in relation to each breach.
10. Breach one. This occurred on 12 June 2023, six days after he had been served with and made aware of the injunction. The claimant's evidence showed that he was with three other men, and there was an altercation, with pushing and shoving and raised voices. At that point, Mr Wrobel was intoxicated. I find that this breach falls within Culpability Band C because the defendant was, at the time, with others, and the resulting harm derives from his involvement with his friends rather than as a deliberate individual action on his part. I find that this breach falls within Category 2 for harm.
11. I accepted the claimant's evidence that Ms Els, the anti-social behaviour officer, was intimidated by the environment, involving four intoxicated adult men who were pushing, shoving and shouting. At that time, Ms Els was on her own. Although the aggressive behaviour may not have been aimed directly at her, she intervened in the group, and I accept that she would have felt intimidated and alarmed. It seems to me that this breach is at the lower end of Level Two in terms of Harm, but it is too serious for me to conclude that it should fall within Level Three. The starting point for this breach is, therefore, adjourned consideration, and the range is adjourned consideration to one month.
12. Breach two. This occurred on 26 September 2023 when the defendant was with two other men. They were all intoxicated. When Ms Els, on behalf of the claimant, approached them, they became hostile, swearing and shouting in Polish, and refused to leave. When she

confiscated their alcohol, Ms Els says, and I accept, that they became extremely aggressive to her and her colleague. They then attempted to retrieve the alcohol. Some time later, Ms Els then asked the defendant to leave the area, and he became rude and hostile.

13. I assess this breach at Band B for Culpability, as during the interaction with the claimant's representatives, there has been deliberate aggressive behaviour by the defendant individually. I assess this breach as Level Two in terms of Harm because, again, I accept Ms Els' evidence that she was threatened by the defendant's rude behaviour while he was intoxicated. Again, I would say this probably falls at the lower end of Level 2 but is too serious to fall within Level 3. The starting point for this breach is, therefore, one month, and the range is adjourned consideration to three months.
14. Breach three. This involves the breach of clause 1(b) of the order, namely, receiving alcohol in a public place. I assess this breach as Level C for Culpability, and that in receiving alcohol, in and of itself, the defendant did not intend to cause alarm or distress. I assess this breach at Level 3 in terms of Harm. It involved the act of accepting alcohol with no associated anti-social behaviour, and, in my view, the act itself of taking alcohol from someone does not cause inconvenience or harm to others. The starting point for this breach is, therefore, adjourned consideration, and the range is no order or a fine to two weeks.
15. Breaches four to eight. All of these breaches, which took place between 16 May 2024 and 29 August 2024, involve a breach of clause 1 of the injunction, i.e. consuming or being in possession of an open can of alcohol in a public place. These were all identified by Ms Els during routine patrols, and involved the defendant being in a public place with other males and either consuming or being in possession of cans of alcohol.
16. I assess each of these breaches as Level C in terms of Culpability, in that the act alone of consuming alcohol did not involve an intention to cause harm and distress, and any distress was not reasonably foreseeable from this action. I assess these breaches as Level 3 in terms of Harm. Again, there was no associated anti-social behaviour, and the act of drinking in and of itself did not inconvenience or harm anyone. The starting point for these breaches is, therefore, adjourned consideration, and the range is no order or fine to two weeks.
17. In terms of aggravating and mitigating factors, as I said on the previous occasion, these are, in my view, the same for all breaches.
18. An aggravating factor is that the first breach occurred very soon after the defendant had been served with the order, when he was very well aware of its terms and that the subsequent breaches occurred over a sustained period after he had been warned about his behaviour. That

shows a pattern of persistent behaviour. That, in my view, increases the seriousness of the breaches.

19. In terms of mitigating factors, the defendant has expressed remorse for his actions. It is also clear to me that he was not the instigator of the anti-social behaviour and was part of a wider group, including some strong characters. I accept his evidence that he is trying to cut down on his drinking and turn his life around, but, on his own account, it seems to me that he is not quite there yet and is still drinking.
20. I have already adjourned sentence on one occasion. In my view, it seems that things have not moved on significantly since June because the defendant is still drinking, albeit less than he was. He is, therefore, still engaging in the underlying causes of the anti-social behaviour. Ms Chambers has said that there have not been any breaches in the meantime, and I do take that into account in making my decision.
21. For breach one, I conclude that the custodial threshold has been met, and I sentence the defendant to a period of 14 days in custody. For breach two, I would also conclude that the custodial threshold has been met and would again sentence him to 14 days' custody, to be served concurrently. I note that that is less than the starting point for a breach in Category B(2), but I consider that the harm caused is at the lower end of the range within Level 2, and I have adjusted the sentence appropriately, including taking into account the mitigating factors such as the defendant's remorse. For breach three, I would impose no order. That, in my view, is reflective of the range of options available to me for a breach in Category C(3), and that is at the lower end of seriousness. Similarly, for breaches four to eight, I would also impose no order. Again, that reflects the range of options available under Category C(3).
22. I then take a step back and consider the totality and proportionality of the overall sentence. Custody is, of course, reserved for the most serious cases, and I must impose the shortest possible sentence to reflect the serious nature of the behaviour. However, in this case, there is a pattern of behaviour consisting of eight breaches over a 14-month period, two of which have involved threatening and aggressive behaviour and a resulting Level 2 in terms of Harm. The defendant had been warned about his behaviour, but did not desist.
23. Having regard to all the circumstances, and having stood back and considered the totality of the penalty, I am satisfied the custodial threshold has been met in respect of breaches one and two, and an appropriate sentence is 14 days in custody to run concurrently. The defendant is not entitled to a reduction because he did not plead guilty.

24. I then consider whether to suspend that sentence. I bear in mind there has been no indication of any breaches in the meantime, and the injunction remains in place to offer protection to the public, because I varied the injunction and extended it at the hearing in June. I do accept that Mr Wrobel is trying to address his problems, and, therefore, I consider it appropriate to suspend the sentence on condition that he complies with the injunction that remains in force until 18 June 2027. That suspension will be coterminous with the injunction until the injunction expires on 18 June 2027.
25. Accordingly, my order is that Mr Wrobel is sentenced to a custodial term of 14 days, suspended on condition that he comply with the injunction. That means that if he breaches the terms of the injunction order, he will be liable to be committed to prison. If that happens, he would serve seven days.
26. I emphasise to Mr Wrobel the importance of complying with the terms of the injunction that is currently in force. That includes an exclusion zone, including the library. That was the subject of arguments at the previous hearing, which I considered then, and I made the injunction I did in full consideration of those arguments. However, it is important Mr Wrobel realises that that is a term of the injunction, and if he goes to the library, he will be in breach.
27. I also encourage the defendant to continue to address the underlying cause of the anti-social behaviour, i.e. his drinking. It is important that he recognises that if he does not comply with the injunction, then the custodial sentence will be activated and he will be liable to be committed to prison for seven days.
28. I remind the defendant that he has an automatic right to appeal this decision. He does not need permission. Any such appeal lies to a circuit judge at this court and must be made within 21 days. In accordance with Part 81, a transcript of this judgment will be published on the official website.
29. That is the end of the hearing today.

End of Judgment.

Transcript of a recording by Acolad UK Ltd
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