

IN THE COUNTY COURT AT BRISTOL
SITTING AT BRISTOL MAGISTRATES' COURT

2 Redcliff Street
Bristol
BS1 6GR

Date of hearing: 16 January 2026

Before:

DISTRICT JUDGE NAPIER

Between:

MERLIN HOUSING SOCIETY

Claimant

- and -

KELLY MILES

Defendants

Mr SINGLETON appeared for the Claimant
Ms HAMPTON appeared for the Defendant

JUDGMENT

DISTRICT JUDGE NAPIER:

1. Ms Miles, you were made subject to an anti-social behaviour order on 9 August 2024 by District Judge Taylor. The order was originally imposed because you had been found to be engaged in anti-social behaviour at Shrubbery Court in

Staple Hill in Bristol. Shrubbery Court is an independent living scheme for older and vulnerable people in the Bristol area and the evidence showed your presence regrettably caused anti-social behaviour including harassment, alarm and distress to those living there.

2. The orders imposed of you have been amended and extended since due to repeated instances of anti-social behaviour.
3. Before today, you have repeatedly been found to have breached injunction.
 - i) 20 January 2025: you were arrested and appeared before District Judge Markland. You were found, or had admitted to, breaking the injunction on four occasions in September and October 2024 by entering or being present at a specific address in Shrubbery Court. On 31 March 2025, District Judge Wales sentenced you to 36 days imprisonment suspended on terms that you comply with the injunction order.
 - ii) 13 August 2025: you were arrested and appeared again before District Judge Markland. You admitted being present, again, at the specific address in Shrubbery Court. The learned judge sentenced you to time served and extended the duration of the injunction. The suspended sentence remained in place and was extended.
 - iii) 10 October 2025: you were arrested and appeared before me. You admitted to being present, again, at the same address in Shrubbery Court. I indicated that I would have sentenced you to immediate custody, but due to the time already served on remand the remaining term to be served was fewer than five days. I fined you £80 for contempt, which was paid

immediately because your partner had entered the courtroom without permission prior to the hearing, disobeyed the clerk, and pushed £80 in notes through the empty dock prior to being removed. Your partner said the money was for you, so I ordered the money seized and given to HMCTS. The fine was regarded as paid.

iv) 16 December 2025: you were arrested and appeared before His Honour Judge Ralton. You admitted to being present, again, at the same address. You told His Honour you did not wish to return to Shrubbery Court and were living in the Stoke area. You had the order explained again to you and His Honour told you that, if he had sentenced you on that day, you would have been given a lengthy period of imprisonment and warned you that further breaches of the injunction would lead to a lengthy period of custody. You were released you on bail to appear at a sentencing hearing in February, no doubt His Honour wanted to see if your assurances bore out.

v) Just over three weeks later, on 9 January 2026, you were arrested having been found hiding in a kitchen cupboard in Shrubbery Court. His Honour remanded you in custody as you wished to seek legal advice and both parties wanted an adjournment.

4. Today you have been assisted by the duty solicitor, Ms Hampton, for whom I am very grateful for her last-minute assistance and very able submissions on your behalf. You have, with the benefit of legal advice, admitted the further breach of the order.

5. I am satisfied beyond reasonable doubt you are, again, in contempt of court.

6. The question is what sentence should you be given, if any.
7. In cases of civil contempt, there are three principles of sentencing.
 - i) First, to punish for the breach of an order of the court.
 - ii) Second, to secure future compliance with the court's orders, if possible.
 - iii) Third, rehabilitation, which is a natural companion to the second objective.
8. I remind myself that the options available to the court are limited. I can either impose no order, impose an unlimited fine, or to commit to custody for an immediate period or suspended.
9. First, I must ascertain the starting point in accordance with the guidance of the Court of Appeal in Lovett v Wigan Borough Council [2022] EWCA Civ 1631.
10. I have already set out the number of breaches which have occurred in relation to this order. I am satisfied that, on multiple occasions, the judges of this court have explained you the terms the order and you persist in breaching it on multiple occasions. This means it is Category A culpability.
11. In relation to harm, this is a Category 2 case. I accept that the breach does not cause very serious harm or distress, but neither is it a breach causing little or no harm or distress. The reality is that the police know that you have broken your order because each time you are reported by the residents of Shrubbery Court who are fed up with the antisocial behaviour that occurs when you attend. Therefore, this is Category 2 harm.

12. The starting point for Category A2 is three months in custody, with a range of adjourned consideration to six months.
13. I must consider the factors which aggravate and mitigate the starting point.
14. There is aggravation because of your repeated assurances made in court that you will not breach the order again and will in fact move away from the area. There are patently not true on each occasion. You have told the court on two occasions now that you were arranging alternative accommodation, but today it is clear that this was not in fact the case.
15. It is also a significant aggravating feature that you broke the order whilst on bail granted by His Honour despite his clear warnings about your conduct.
16. It is a further aggravating feature that the breaches of the order are discovered because you are engaging in the very activities which the order itself is intended to prevent. It is not lost on me that the reason why you are discovered each time at Shrubbery Court is because its residents report you to the police as being there because their peaceful enjoyment of the homes has been disturbed. They have a right not to suffer anti-social behaviour where they live.
17. I accept there are important mitigating features. First of all, I accept the purposes of today that you are in a genuine and subsisting relationship with the elderly gentleman who resides at the specific address you keep going to. He has attended today and sits at the back of court. I accept further that you do provide an element of care for him.
18. Also, you are vulnerable in the community and are open to support services. Since being remanded in custody, you are working with support workers at

HMP Eastwood Park to address your issues. You have accepted being a Class A substance user and Ms Hampton has explained your various difficult medical conditions to the Court.

19. I bear in mind as a significant mitigating factor that it is unlikely the breaches will occur again because an outright possession order has been obtained over the property and soon your partner will lose his home there. This should remove the factor which draws you to the property.
20. Weighing up all these features, I find that the aggravating features significantly outweigh the mitigating features. Put shortly, whilst you breach it in motivation to care for your partner, that can only be an explanation and is not a reasonable excuse because anti-social behaviour still occurs when you are present. You were on bail, had been warned, yet nevertheless breached the order again and attempted to hide from the police because you knew full well what would happen.
21. You have never applied to set aside, change, or vary the order which is in place. Indeed, there has never been any suggestion put to me or my colleagues that you feel the order itself is unjustified.
22. Therefore, I find that the appropriate starting point is five months imprisonment (150 days). Without the mitigating factors, it would have been eight months which I accept is in excess of the guidelines, but I consider is warranted due to the very high level of culpability.

23. You have admitted your breach on what the Claimant concedes is effectively the first occasion. Therefore, I will reduce your sentence by one-third to 100 days.
24. You have served nine days in custody on remand. Therefore, 18 days must be credited against the sentence.
25. This takes me to a proposed sentence of 82 days.
26. I am satisfied that custody is the only option now available to the court, no other sentence will do to address the breaches. Because of the history of the case and your non-compliance both with the order and whilst on bail, it is inappropriate to suspend the sentence.
27. I have considered the totality of the sentence and I consider that this is the minimum sentence that will address the breaches of the order. I will activate the suspended sentence of 36 days, but I will order that it is served concurrently to your 82 day sentence. It would be disproportionate in all the circumstances to order it be served consecutively.
28. You will be released from your sentence halfway through it without further order of the court.
29. You have the right to appeal this decision and you do not need permission to do so. You can appeal to a Circuit Judge at Bristol County Court or to the Court of Appeal. You must file your appeal notice within 21 days of today.
30. You have the right to address the Court to 'purge' your contempt or, in other words, ask the Court to re-consider your sentence. If you wish to do so, you

must tell the Governor of your prison you wish to make a court application to do so.

31. I order you to pay the Claimant's costs to be assessed if not agreed.
32. I extend the injunction order for 12 months to 19 February 2027 based on the admitted breaches of the injunction and the effect on the residents. The conduct meets the test set out in the 2014 Act and it remains reasonable and proportionate to make an order to control your conduct pending the possession of the property.
33. Stand up please Ms Miles.
34. For the reasons given, I sentence you to 82 days immediate imprisonment with a concurrent 36 day sentence. You will be released when you have served half of the longer sentence automatically. Please go with the officer.