IN THE COUNTY COURT AT LEICESTER

Case No. K00LE888

Courtroom No. 8

90 Wellington Street
Leicester
LE1 6HG

Thursday, 14th May 2026

Before:
HIS HONOUR JUDGE HEDLEY

B E T W E E N:

CHARNWOOD BOROUGH COUNCIL

and

EDWARD HARTY

MR LEE (Solicitor) appeared on behalf of the Claimant
MS JOHNSON (Solicitor) appeared on behalf of the Defendant

JUDGMENT
(Approved)

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HHJ HEDLEY:

1. In this case, the defendant, Mr Harty, who appears before me today by video link, represented by his solicitor, Ms Johnson, admits that he has, on two occasions, on 13 March 2026 and again on 8 May 2026, breached the anti-social behaviour injunction made against him, originally on 28 September 2023, and then extended by the order of DJ Worth, on 22 April 2025, which prohibited him from entering in or remaining in Old Hall Close, Thurmaston, Leicestershire.
2. His mother lives at number 26 Old Hall Close, and it was primarily to protect her position that the injunction was originally granted. I have no doubt that, given what happens when Mr Harty attends at his mother's address, which frequently ends up in an argument, there is a disturbance to the neighbours to 26 Old Hall Close and it is usually those neighbours who end up calling the police.
3. Mr Harty admits breaching the injunction in those two respects today, and it falls to me, therefore, to consider what penalty should be imposed upon him in respect of breaches.
4. There have been a large number of previous breaches of the anti-social behaviour injunction. On almost every occasion Mr Harty has been found at 26 Old Hall Close. I shall briefly set out the sentences previously passed.
5. On 9 November 2023 HHJ Murdoch imposed a sentence of one month's imprisonment, suspended upon compliance with the terms of the existing injunction.
6. On 21 November 2023, my order committed him to prison for a total of 21 weeks, 17 weeks for the new breach, plus four weeks consecutively for the breach of the suspended order of HHJ Murdoch.
7. On 7 February 2024, a further order was made by me committing him to prison for four weeks, suspended on compliance with the injunction order.
8. That was activated a week later on 14 February 2024 when I committed him to prison for eight weeks, plus four weeks concurrently for breach of the earlier order.
9. On 2 September 2024, Mr Recorder Lubega committed him to prison for three months for breach.
10. On 22 April 2025, DJ Worth committed him to prison for 12 weeks, suspended upon terms of complying with the injunction. It was on that occasion that she extended the injunction.
11. On 27 May 2025, I sentenced him to 24 weeks' imprisonment, being 13 weeks for the current breach and 11 weeks consecutively for the breach of the order of DJ Worth.
12. On 13 October 2025, DJ Asjad imposed a sentence of three months' imprisonment.
13. By my brief arithmetic, that is, I think, eight previous breaches. The approach, which is necessary for the Court to adopt, is to apply the guidelines for penalties on contempt set out in the Civil Justice Council's report from July 2020 as applied by the Court of Appeal in *Lovatt v Wigan Borough Council* [2022] EWCA Civ 1631.
14. The Court must first determine the relevant categories of culpability and harm. As to culpability, there are three levels: (a) high, which includes very serious and persistent serious breaches; (b) deliberate breaches falling between (a) and (c), and then, (c) lower culpability and/or minor breaches. In my judgment, the breaches which Mr Harty has committed are plainly deliberate. However, they do not amount to very serious or persistent serious breaches, nor can they be said to fall in the bracket of lower culpability, so it is culpability (b), in my judgment.
15. Then, as to harm, one has to weigh up all of the factors to determine the harm that has been caused or was at risk of being caused by the breaches. Category 1 is for very serious harm or

distress, Category 3, where there is little or no harm or distress, and Category 2 are cases falling between Categories 1 and 3.

16. Examples of Category 1 might include injury or threat of serious injury, significant damage to property, an elderly or vulnerable person affected by breaches, causing a resident to leave home. Category 3 might include no person actually inconvenienced, and a breach comprises a mere presence in an unauthorised location, other than in circumstances comprising greater harm.
17. In my judgment, given that one of the purposes of this injunction was to protect Mr Harty's mother, who is a vulnerable person affected by the breaches. This is, in my judgment, a Category 1 case. It is much more than simply a mere presence in an unauthorised location.
18. The grid matrix for Category 1, culpability (b), has, as a starting point of three months, and the category range is adjourned consideration to six months imprisonment. What plainly is a matter which increases seriousness here is the substantial history of disobedience of the Court orders. I have been through the background to the breaches which have previously been noted. On a number of occasions, a suspended sentence has been imposed, but in my judgment, that has almost no effect at all on Mr Harty's behaviour. What one has in this situation is not only disobedience, but also a targeting of the person who the order was made to protect.
19. I bear in mind the personal litigation which Ms Johnson has put forward so eloquently on Mr Harty's behalf. I accept that both Mr Harty and his mother have a difficulty with drink, and it is apparent that on almost all of the occasions where there has been an arrest, it has been a result of Mr Harty attending 26 Old Hall Close when in drink. I accept, also, that he has mental health difficulties, that he has made at least two attempts on his own life, and has spent some time fairly recently at the Bradgate Unit at Glenfield Hospital.
20. However, notwithstanding that personal litigation, in my judgment, this is a case which, given the background which I have summarised, would give a starting point of a sentence of 26 weeks' imprisonment.
21. I then make a reduction in that penalty for any admissions made, and I accept what Ms Johnson says, that with regard to the incident on 8 May, today is the first opportunity which Mr Harty has had to make admissions. As far as 13 March is concerned, however, the position is that, certainly on at least one of the, I think, five previous occasions that this matter has been before me, Mr Harty failed to attend. That was on 20 April when I issued a warrant for his arrest. In fact, that warrant was, as I understand, never executed because, although it was a warrant to secure his attendance at a hearing before me on Monday, but the intervening fact which was that Mr Harty was arrested for other matters and brought before the Magistrate's Court, but viewed globally, in my judgment, giving credit for admissions, I reduce the preliminary sentence to one of 19 weeks' imprisonment.
22. The next question which I have to consider is whether the total penalty is just and proportionate to the breaches, including offences taken into consideration, definitive guideline, in my judgment, it is.
23. If the penalty is a custodial term, I must then consider whether it should be suspended. In my judgment, a suspended sentence would not reflect the reality of the position. The purpose of sentencing, among other things, is to secure future compliance with the Court order, if possible, and also rehabilitation. The difficulty is that on a number of previous occasions, which I have summarised, there have been suspended sentences which, frankly, Mr Harty has, in effect, ignored. A suspended sentence is not, in my judgment, appropriate in this case.
24. Consideration then has to be given to adjusting the custodial term to reflect time spent on remand. That must, in my judgment, happen. He has had two days on remand, and credit must be given for those two days. Therefore, the position is that Mr Harty, you will serve a sentence of 19 weeks' imprisonment, less two days.

25. You have the right to apply to this Court to purge your contempt. You also have a right to appeal against this order. You will have to do so within 21 days to the Court of Appeal. I also direct that a transcript of these sentencing remarks shall be prepared immediately at public expense.

End of Sentence.

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This transcript has been approved by the judge.