

IN THE COUNTY COURT AT CANTERBURY

Chaucer Road
Canterbury

Before HER HONOUR JUDGE BROWN**IN THE MATTER OF****GOLDING HOMES (Claimant)****-v-****TANYA WINTER (Defendant)**

MR J DITCHBURN appeared on behalf of the Claimant
THE DEFENDANT appeared in person

JUDGMENT
9th JUNE 2026
(AS APPROVED)

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JUDGE BROWN:

1. In this hearing, the claimant, Golding Holmes Limited, is represented by Mr John Ditchburn of counsel; the defendant, who is the second defendant in the proceedings (Ms Joy not being a party to these committal proceedings) is Tanya Winter, who is not represented. I established at the start of the hearing that she did not wish to have a further period of time provided in order to try to seek legal representation. Further, after the breaches had been put to her, and she admitted them, she confirmed that she did not wish to seek legal representation before I dealt with her for those breaches, and so I have proceeded to deal with the matter today.
2. The original interim injunction in this case, that being an injunction granted under the Anti-social Behaviour, Crime and Policing Act 2014, was dated 20 November 2025. A final injunction was granted, with some amendment to the terms, on 21 January 2026 by District Judge Milivojevic.
3. The relevant prohibition, so far as these committal proceedings are concerned, is that at paragraph 4 of that order which reads that the prohibition is not “to enter or remain at Glasgow House, Aberdeen House and Inverness House in Maidstone, as outlined in red on the map attached to this order”.
4. At a subsequent committal hearing before Recorder Allen KC, the Judge found to the criminal standard that he was sure the second defendant had been served personally with a copy of that order, including the map that was marked with red. The order contained a power of arrest in relation to that prohibition.
5. On 24 April 2026 Recorder Allen KC had a hearing in relation to the earlier committal proceedings at which the claimant was represented, but the defendant was not present. For the reasons that he gave and are recorded in his order, Recorder Allen KC considered that it was appropriate to proceed in the absence of the second defendant. He found that three breaches of the order were proven to the criminal standard.
6. The chronology is as follows, and I take this from the very helpful skeleton argument that has been prepared by Mr Ditchburn for this hearing.
7. The date of service of the injunction, the January injunction, was 8 February 2026 when she was personally served as Recorder Allen KC subsequently found.
8. On 25 March 2026, by an application notice, the claimant applied to commit the second defendant for contempt due to alleged breaches of the prohibition on 21 February and 18 March 2026.
9. By order of 30 March 2026 the contempt application was adjourned to 8 April 2026 and the second defendant was granted unconditional bail. She was arrested at Glasgow House on 7 April 2026. By order of 8 April 2026 the contempt application was adjourned to 24 April 2026 and again the defendant was granted bail, this time conditional bail, and the claimant was given permission to rely on witness statements.
10. As I have already said, on 24 April 2026 Recorder Allen KC was satisfied so that he was sure that the injunction had been served on the second defendant and he found to the criminal standard that breaches of the prohibition in paragraph 4 of the injunction had been committed by her on 21 February, 18 March and 7 April 2026. However, after finding the

breaches proved, he adjourned the matter in order to secure the attendance of the second defendant at the hearing in order to determine what ‘sentence’ to impose. The hearing was adjourned to 11 May 2026.

11. Following that first hearing, but before the case came back for him to deal with the three breaches that he had found proven, the second defendant was arrested on 5 May 2026 at Glasgow House by PC Turner and she was then arrested on 6 May 2026 by PC Smith for breach of the prohibition in the injunction. That is the first matter with which I must deal as far as the application before me is concerned.

12. By order of 11 May 2026 the second defendant was committed to prison for 28 days by Recorder Allen KC, who gave credit for the six days she had already spent on remand whilst the earlier matter was dealt with. However, of course, that 28 days committal did not cover the incident on 5 May 2026, but merely the 3 earlier breaches.

13. On 23 May 2026 the second defendant was found hiding behind a bed frame within a flat at Glasgow House and was arrested. A further arrest of her took place on 31 May 2026. I will deal with the details of those matters later.

14. By order of 1 June 2026 by Recorder Jones KC, the second defendant was remanded in custody, the claimant was ordered to make an application to commit the second defendant pursuant to CPR Order 81 by 3 June and the present hearing was listed.

15. In fact it took some time for the sealed copy of the application to be issued. I have ruled that, although the claimant was unable to serve the sealed version, I am sure (and the defendant does not dispute) that she has been served with the unsealed version of the application, and of the evidence in support, and I have given permission for that evidence to be in the form of witness statements, rather than affidavits, given the practical issues given her location in custody and the shortness of time.

16. By an application notice dated 3 June 2026, therefore, the claimant applied to commit the second defendant for contempt due to alleged breaches of the prohibition that were said to have taken place on 5 May, 23 May and 31 May 2026. They also, as I have said, issued an application to rely upon witness statements.

17. So far as the details of the incidents are concerned, they were set out in a draft schedule which is the document that was served on the second defendant, but my concern with that schedule was that the descriptions of the incidents in question were fairly lengthy and they included references to evidence, and so I distilled down the allegations. In each case the allegations that were put by my clerk to Ms Winter at the start of this hearing (which she admitted in each case) were as follows:

- (1) On 5 May 2026 Tanya Winter remained within the area outlined in red on the map attached to the injunction order dated 21 January 2026 at Glasgow House, Maidstone, contrary to the prohibition in paragraph 4 of the injunction order.
- (2) On 23 May 2026 Tanya Winter remained within the area outlined in red on the map attached to the injunction order dated 21 January 2026 at Glasgow House, Maidstone, contrary to the prohibition in paragraph 4 of the injunction order.
- (3) On 31 May 2026 Tanya Winter remained within the area outlined in red on the map attached to the injunction order dated 21 January 2026 at Glasgow House, Maidstone, contrary to the prohibition in paragraph 4 of the injunction order.

18. The description of each of the incidents that was contained in the schedule of allegations, which is supported by the evidence that has been served in support of the application, and which Ms Winter has not sought to dispute.

19. In relation to the first incident, the allegation is that the police found the second defendant, together, indeed, with the first defendant, having a physical and verbal altercation on the balcony at Glasgow House on 5 May 2026. Allegations were made that the second defendant had been kicking the front door trying to gain entry, and the first defendant had an injury, and the second defendant was said to be with her dog and heavily intoxicated. So those were the circumstances so far as the first incident were concerned.

20. The second incident was an incident when the second defendant was arrested at about 3.33am in Glasgow House again. The police heard two loud female voices, one of whom was the second defendant, and the second defendant on that occasion was found hiding behind a bed frame, curled up on the floor. When she was challenged, she became aggressive and she was abusive towards police officers.

21. On 31 May 2026 the second defendant was seen sitting on a wall, just below the flats of Glasgow House and so within the perimeter of Glasgow House, and she became agitated in the police car when she had been arrested. Although it was alleged that the police had attended because of an altercation that was taking place there is not in fact, it seems to me, sufficient evidence for me to deal with her on the basis that she was engaged in disruptive conduct on that occasion, but she was in breach of the injunction (as she admitted on the earlier two occasions) by simply being present and remaining within the area from which she was prohibited from being by reason of the order.

22. So she admitted, as I say, each of those allegations and she is entitled to credit for that early, as I judge it to be, admission of breach in each case.

23. So far as this case is concerned, the three breaches with which I am dealing, I find on the defendant's own admission that first of all she knew of the relevant prohibition, that she acted in breach of the relevant prohibition by being present within the area marked red on the plan at Glasgow House, Maidstone, on three separate occasions on the dates set out in each of the allegations, and that she knew of the facts that made her conduct a breach.

24. The breach on 5 May 2026 occurred immediately before she was dealt with by Recorder Allen KC for the earlier breaches which he had found had been committed when he dealt with her in her absence at the hearing on 24 April. The two other breaches occurred immediately after she had been released from the committal to prison by Recorder Allen KC (that being a committal for 28 days, albeit with credit for the six days she had spent on remand) which he imposed on 11 May 2026. Ms Winter has confirmed that she was released from prison following that committal on 22 May 2026. So the second matter with which I am dealing occurred on the day after she was released from custody and, in my judgment, that is a serious aggravating factor, as is the fact that it was only a matter of days later that she committed the third of the breaches on 31 May 2026.

25. The evidence supports the contention that the breaches on 5 May and 23 May involved the second defendant committing the type of anti-social behaviour that led to the making of the injunction order in the first place and it is a reasonable inference that such conduct would have caused the kind of alarm and distress to those living at Glasgow House that was in the evidence before the court and that led to the making of the injunction order.

26. However, as I say, she is entitled to full credit for her admission of the breaches at the earliest opportunity.

27. I make it clear, however, that it is quite plain that these breaches are so serious that only an immediate committal to prison is appropriate.

28. I intend to reflect the totality of the breaches by imposing a period of committal to prison on the second breach, which I judge to be the most serious. That period will be the period that reflects the overall culpability and harm in this case. The periods in respect of each breach are to run concurrently with each other.

29. In determining the appropriate period of committal to prison in this case, I have considered the decision of the Court of Appeal in *Wigan Borough Council v Lovett* [2022] EWCA Civ 1631 and, in particular, the table that is at paragraph 54 and which comes from the proposal that had been made by the Civil Justice Council and which was then effectively adopted by the Court of Appeal in *Lovett*.

30. So far as the breach on 5 May is concerned, I find that fell into category 2 so far as harm is concerned and category A so far as culpability is concerned. The breach on 23 May 2026 fell into category 2 for harm and category A for culpability. And the breach on 31 May 2026 fell into category 3 for harm and category A for culpability. The starting point for the first two breaches is in each case three months, with a range of up to six months, in accordance with the table. The starting point for the third breach is one month, with a range of up to three months.

31. In reaching the appropriate overall period of committal I take into account your personal mitigation. You have told me about the difficulties you have had with securing a home, about the fact that you suffer from mental health issues, and that you have suffered from drug and alcohol issues throughout your adult life and that more recently (and this may be linked to the behaviour that was witnessed and heard on the occasions of these breaches) that your personal relationship with the first defendant has broken down. I bear all of that in mind, albeit that, of course, you have retained personal responsibility for your actions.

32. I treat the fact that you have committed earlier breaches, those that were dealt with by Recorder Allen KC, as an aggravating factor over and above the factor that raises culpability at the first stage of the assessment, namely the timing of the breaches with which I am dealing. That is, how soon these breaches were committed either after you had been found to have been in breach by Recorder Allen KC or, in the case of the second two, how quickly they were committed after you were released from prison.

33. Having taken into account the aggravating and mitigating factors and taking into account totality, the overall starting point that I take is one of 18 weeks, but I allow one third reduction to reflect the early admissions you have made.

34. So far as these breaches are concerned, on breach 1 you are committed to prison for a period of eight weeks, which will run concurrently with the committal on breach 2 for which you are committed to prison for 12 weeks, and on breach 3 you are committed to prison for six weeks, again to run concurrently with that on breach 2. So that is a total committal to prison of 12 weeks.

35. Credit is to be given for the time that you have spent on remand, which I calculate to be 10 days, but, if that proves to be incorrect, that figure can be amended administratively. You must normally serve half of the period in custody before you are released. When you are released, the injunction will continue to be in force and you are liable to be arrested and committed to prison again if you breach the order.

36. So far as costs are concerned, I can see that there is an application for costs but is that pursued? I note the order that Recorder Allen made in respect of costs.

MR DITCHBURN: Your Honour, the costs sought are the two fees on the application notices of £313 each for the committal application and the application allowing witness statements, plus my fee of today. It is pursued, but that is the entirety of the costs claimed.

JUDGE BROWN: Is there anything you want to say about whether I should make an order for costs against you?

MS WINTER: No.

JUDGE BROWN: Well, so far as costs are concerned, I bear in mind that I am not sitting in the criminal jurisdiction where I would only make a costs order if I was satisfied that there were the means to pay such an order. In my judgment the claimant is entitled to their costs under the normal principles that apply in civil proceedings. The costs have been limited. They do not include any solicitor's time. They are simply the two court fees of £313 and counsel's fee, which total £1,466. In my judgment those are reasonable and proportionate and I do make an order for costs to be paid. So far as the payment of those costs is concerned, that will be a matter for the claimant to consider how and if that is enforced, but I do make such an order.

NOTE

The automatic right of the second defendant to appeal the committal and the time limit for doing so was explained to her immediately prior to this part of the hearing.

This transcript has been approved by the Judge