

IN THE COUNTY COURT AT KINGSTON-UPON-HULL

Case No: F00KH438

Lowgate
Kingston-upon-Hull
HU1 2EZ

11.30am – 11.44am
Tuesday, 30th June 2020

Before:
HER HONOUR JUDGE S RICHARDSON

B E T W E E N:

SANCTUARY HOUSING ASSOCIATION

and

JANICE URRY

MS HARTSHORN appeared on behalf of the Applicant
THE RESPONDENT appeared In Person

JUDGMENT
(Approved)

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HHJ RICHARDSON:

1. The application before the court is an application by Sanctuary Housing Association for the committal of Janice Urry for contempt of court. It is said that Miss Urry has breached an injunction order originally made by District Judge Lobb on 22 April of this year and varied by District Judge Besford on 29 May of this year.
2. The relevant terms of the varied injunction, that is the order of District Judge Besford, is as follows: by Clause 3, the court ordered that Janice Urry, the defendant, of 14 Priory Grove, Hull must not permit Michaela Moss or Tyreese Moss or any other person to visit or reside at the property of 14 Priory Grove, Hull, save for medical and emergency workers or other persons making essential deliveries to the door of groceries or medical necessities.
3. It is also said by Sanctuary Housing Association that Clause 3 of that order, which was amended on 29 May in the presence of Miss Urry and personally served on her on 1 June, was personally served by two police officers, Police Officer Nicole Robertson and Police Officer Palmer. It is said that that order was breached on 5 June when Police Officer Robertson together with PCSO Joanne Ledger saw the defendant and the defendant's daughter, and an unidentified male leave the defendant's property. Not in that order, the evidence is they saw the male leave first, then Michaela Moss, the defendant's daughter, and then the defendant, and it is said that this was in breach of Clause 3 of the amended order of District Judge Besford.
4. These are committal proceedings. Miss Urry was arrested for alleged breach of the injunction on 8 June and she was produced on that day before Judge Besford. He adjourned the matter to 12 June, advised Miss Urry in clear terms of the seriousness of the application; that if the alleged allegation was true Miss Urry would be well advised to desist from further behaviour of that kind. The District Judge also pointed out that the key terms of the injunction had been explained to Miss Urry when they were made and they were further explained to her by Judge Besford on 8 June. On that date Miss Urry was provided with details of a solicitors firm to contact to try and obtain legal advice.
5. The matter next came before the court before me on 12 June. On that day Miss Urry presented at the court building with a persistent cough and in light of the current Covid-19 pandemic, a decision was made that it would be better for her not to enter the court building. She kindly provided her telephone number to members of court staff and the hearing proceeded with counsel (that is the barrister for Sanctuary Housing) in court before me, and Miss Urry appearing by telephone. On that date Miss Urry indicated that she did wish to obtain legal assistance. She had not been able to obtain any thus far. I arranged for a document to be given to Miss Urry for her to hand to solicitors advising that she was facing committal proceedings, that she was entitled to legal aid and explaining to the solicitors how that legal aid could be obtained.
6. The matter was adjourned until today, 30 June. Miss Urry, at the outset of today's hearing indicated that she had tried a number of solicitor's firms who had not been able to assist her but indicated that she would like, notwithstanding the absence of a lawyer, for the court to deal with matters today. She confirmed that that was the situation when she was asked if she was sure. Miss Urry was advised at the outset of this hearing of her right to remain silent and of her right against self-incrimination. She was also informed that if she wanted to, she could give evidence although there was no compunction on her to do so.
7. I have today heard evidence from PC Robertson, collar number 4294; PCSO Joanne Ledger, collar number 7685; in addition I have the written statement from PC Palmer and Miss Urry elected to give evidence. Whilst in the box she was advised of her right against self-

- incrimination. Miss Urry, in fairness to her, chose to answer all questions and has throughout this hearing been fully cooperative.
8. At the outset of the hearing when I put the allegation to Miss Urry, that the injunction was breached on 5 June, she said, 'I cannot remember, I cannot remember if Michaela came out of the house. I thought she came to the door.' I will deal with Miss Urry's evidence under oath very shortly.
 9. However, I make these preliminary observations: because these are proceedings for committal for contempt of court, it is for Sanctuary Housing Association to prove the allegation of breach and the court, if it is to make a finding must be satisfied beyond reasonable doubt, that is to the criminal standard of proof, that there was a breach of the order. Miss Urry accepts, and I am satisfied, that she was served with the amended order made by Judge Besford on 29 May of this year. Miss Urry also confirmed in evidence under oath that she was aware of the terms of the order and in particular Clause 3 and she understood that she was not allowed to allow her daughter, her grandson or any other person to enter in her property, that includes her garden as well as coming into her house.
 10. The evidence from PC Robertson consisted of her witness statement, in relation to the allegation of breach and a Criminal Justice Act statement made on 5 June as well. For the sake of completeness, I should point out that in light of the current practical difficulties relating to swearing documents under oath the court directed that the Claimant may rely on witness statements in relation to this committal application. Those witness statements were both confirmed under oath. PC Robertson confirmed on oath that she is familiar with Michaela Moss and was able to identify Michaela Moss visually on 5 June, and that she saw Michaela Moss leave Miss Urry's property. There was exhibited to the evidence and shown in court today, footage from a bodycam that was worn by PC Robertson on 5 June. At the very outset of that footage in the bottom left-hand corner, it is discernible, only just but nonetheless discernible, that an individual is seen leaving the defendant's property. That individual is not the defendant. Miss Urry is a small lady with a distinctive stoop and she can be seen leaving the property after Michaela Moss did so.
 11. PCSO Ledger was 100% sure that she saw a female (who she now knows to be Michaela Moss but whom she was not able to name prior to 5 June) and a male leave Miss Urry's property. There is therefore clear evidence confirmed on oath, eye-witness evidence from two serving police officers, that they saw Michaela Moss and an unidentified male leave the defendant's property; that is the bricks and mortar element of her property on 5 June.
 12. In her evidence, Miss Urry said that she was aware of the terms of the order; that no-one was to visit the house or the garden. She accepted that the terms of the order were explained to her by PC Robertson and PC Palmer when they served it on her; and that it has been explained to her by Judge Besford on 29 May. She also said on a number of occasions that she cannot control her daughter, or words to that effect, that Michaela Moss was aware of the terms of the order and it was confirmed today to the court that Michaela Moss was present when the order was served on the defendant. However, Miss Urry asserted that notwithstanding Michaela Moss's knowledge, Miss Urry cannot control and cannot stop her actions.
 13. Miss Urry gave evidence that Michaela Moss just came to the door. That the door to her house had been left open, not just unlocked but open that day because it was a hot day and she wanted to allow fresh air into the property. She also knew that Michaela Moss would be attending at or in the vicinity of her property because Michaela Moss had phoned her to say that there was a problem with Tyreese, the grandson's bank, that Tyreese could not remember his PIN number and that Michaela's benefits were paid into Tyreese's account and they needed to get to the bank and be there before 4pm.

14. One puts all of that together, what does the court make of it? Well, I am satisfied beyond reasonable doubt that Miss Urry was aware of the terms of the order and was aware that Michaela Moss would be travelling to her property on 5 June with a view to taking Miss Urry with her when she attended the bank. I am also satisfied that Miss Urry knew or must have been aware that there was a risk that Michaela Moss might breach the injunction order particularly given Miss Urry's assertions that Michaela is uncontrollable. Notwithstanding that fact, Miss Urry not only left the front door unlocked, but wide open. Whilst the weather may have been fine on 5 June, the fact remains that there are other ways to obtain fresh air in a property, windows can be opened for instance.
15. Furthermore, there is clear eye-witness evidence from the two police officers that they saw first hand a breach of the injunction. PC Nicole Robertson also gave evidence that prior to observing Michaela Moss and the unnamed male leaving the house, she had first seen a car parked on double yellow lines, empty outside that house. She had gone around the corner and undertaken a PNC search on the registration number of that vehicle and on driving back round had seen Michaela Moss and the gentleman leave the property.
16. All of that in my view is clear evidence which enables the court to be satisfied beyond reasonable doubt that the order was breached on 5 June, that Michaela Moss and an unidentified male not only attended at the property by walking up the front path but physically entered the property and were in fact assisted and aided in so doing by the fact that the front door was wide open.
17. I therefore find beyond reasonable doubt that there was a breach of the injunction order. That breach was assisted or facilitated by the actions of Miss Urry (a matter which will be relevant when the court considers sentencing for the breach).

End of Judgment

Transcript from a recording by Ubiquis
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