

IN THE COUNTY COURT AT BRISTOL

Case No: F01BS689

Courtroom No. 7

2 Redcliffe Street
Bristol
BS1 6GR

Thursday, 16th July 2020

Before:
HIS HONOUR JUDGE RALTON

B E T W E E N:

BRISTOL CITY COUNCIL

and

WRIGHT

MR JOHNSON (Solicitor) appeared on behalf of the Applicant
MR GEORGE (Solicitor) appeared on behalf of the Respondent

JUDGMENT
(Approved)

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HHJ RALTON:

1. It would appear from the court file that Bristol City Council have been seeking injunction orders against Mr Percy Wright, under the Antisocial Behaviour Crime and Policing Act 2014, since about June 2018, and since the making of the orders have also been concerned about achieving compliance with those orders by way of committal proceedings.
2. The last injunction order made, pertinent to today, was made by District Judge Rowe, on 1 November 2019. She made a number of orders. The relevant orders for today's purposes are orders forbidding Mr Wright from allowing anyone under the age of 18 to enter Sedgwick House, Oaktree Court, Shirehampton, Bristol, and forbidding him from associating with one Ethan Gazzard, who was born on 7 January 2003, and therefore is plainly under the age of 18 then, and still under the age of 18 now.
3. According to the statement of Police Constable Blackledge, on Tuesday 7 July 2020, he had reason to visit Mr Wright at his home, 5 Sedgwick House. He went there, together with PCSO Hyde; Mr Wright was present. PC Blackledge came across Mr Gazzard playing on a games console. PC Blackledge spoke to Mr Wright, and Mr Wright is reported to say that Mr Gazzard had arrived while he, Mr Wright, was out, and that his flatmate had let Mr Gazzard in. PC Blackledge is cynical about the truth of that story.
4. That information came to the Bristol City Council's attention, and so the City Council sought a warrant for Mr Wright's arrest which was granted by District Judge Napier, on 10 July 2020, in reliance upon the evidence within the affidavit of Mr Tom Marshall, the City Council's Antisocial Behaviour Officer. Mr Wright was duly arrested and, as is required by the legislation, has been put before the court today, 16 July.
5. Today I am assisted by Mr Johnson for the City Council, and Mr George, solicitor for Mr Wright. The first thing to observe is that Mr Wright has, in effect, pleaded guilty straight away and, of course, is entitled to credit for the plea of guilty, and I will return to that in due course.
6. Mr Johnson tells me there is relevant history. The court file is perhaps not as tidy as one would wish, but I gather that the most recent committal proceedings were in January of this year, resulting in a sentence of 14 days imprisonment upon Mr Wright, which was suspended, and that the period of suspension is still in place. Mr Johnson tells me there were previous committal orders and suspended sentences, where the period of suspension has now expired.
7. Mr George makes some valuable points on behalf of his client. Mr George reiterates, in effect, what Mr Wright said to Police Constable Blackledge, in that Mr Wright was out of the flat at the time that Mr Gazzard was let in by Mr Wright's flatmate. It certainly appears to be the case that Mr Gazzard was on the games console. Mr Wright then accepts that having asked Mr Gazzard to leave, Mr Gazzard did not leave, and there was a conversation which ensued about various matters. Plainly, Mr Wright was in breach of the injunction order, and I consider culpability and seriousness in due course.
8. I am told that Mr Wright was cooperative with the police; that does not seem to be in issue at all, and he deserves credit for that. There is some confusion about conditions which may have been imposed on Mr Wright, via criminal proceedings in the criminal courts. I know nothing about those proceedings, licences or conditions. Criminal proceedings will no doubt take whatever course they take. These proceedings are in the County Court.
9. With those points in mind, I remind myself of the County Court's sentencing powers, which are very limited compared to the criminal courts. I can impose no penalty; I can fine, but no one is suggesting that that is an appropriate remedy in a case like this, and I rather agree; otherwise, I can consider a term of imprisonment of up to two years and of course I can

- consider suspending that term of imprisonment.
10. I draw my attention to the Antisocial Behaviour, Crime and Policing Act Sentencing Guidelines. Of course, these are guidelines for the criminal proceedings, not civil proceedings, but they provide some assistance. There are two elements; one is culpability and the other is seriousness of breach. As far as culpability is concerned, there are three classes, (a), (b) and (c); (a) being very serious or persistent breach; (b) being deliberate breach falling between (a) and (c); and (c) being minor breach, breach just short of reasonable excuse. In my judgement, from what I have been told on behalf of the City Council, but also told on behalf of Mr Wright, this is a culpability (b) case.
 11. I then turn to consider harm. There is category (1) breach causes very serious harm or distress. Breach demonstrates a continuing risk of serious criminal and antisocial behaviour; category (2) is cases falling between categories (1) and (3); and category (3) is breach causes little or no harm or distress. Breach demonstrates a continuing risk of minor criminal and/or social behaviour.
 12. Because this is a civil case, the harm set out in the Sentencing Guidelines, is of less assistance. Plainly the City Council took out the injunction order that it did, in order to protect a number of people, including the named individual Mr Gazzard. This, therefore, must be a case that falls within category (2). For (b)(2), the starting range, I am told, is 12-weeks custody, with a category range of medium level community order, which I cannot make, to one-year's custody. I bear that in mind, purely by way of some limited guidance afforded to me. I do consider that a sentence of imprisonment is appropriate, but I do consider that 12-weeks custody is excessive.
 13. In my judgement, the appropriate amount of time would be six weeks custody but given the plea of guilty I reduce that to four weeks' custody. I then need to consider whether or not I should suspend. Unfortunately for Mr Wright, there have been previous suspensions. The underlying ethos of the County Court is to secure compliance with its injunction orders, not necessarily to punish. No doubt, the previous suspended sentences were suspended in order to achieve compliance with orders. That has not been achieved and, therefore, I am not going to suspend on this occasion.
 14. There remains the matter of the previous suspended sentence. It seems to me that that is activated, and the question for me is whether it should run concurrently or consecutively. In my judgement, it should run concurrently, not consecutively. Therefore, the total period of imprisonment that I impose on Mr Wright is four weeks, and I envisage that he will serve two weeks. That concludes these proceedings.
 15. The current injunction order expires in November; today is 16 July. The application for an extension of the injunction order for a further six months is opposed. The application has been made without any notice as such to Mr Wright. There is more than sufficient time for an application to be made, on notice, to be listed before a District Judge, who can consider the evidence and the arguments in a regular hearing rather than an emergency hearing, which this is. Therefore, I make no order either way and it will be a matter for the City Council to decide whether or not to make an application.

End of Judgment

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