

In the County Court sitting at Wandsworth

Case number G01EC759

Between

Housing for Women

Claimant

and

Ms Gailene Young

Defendant

Before DJ Parker on 25<sup>th</sup> September 2020

### Judgment

1. On 15<sup>th</sup> July 2020 the court made an injunction order with power of arrest attached without notice to the Defendant. It was continued at an on notice hearing on 4<sup>th</sup> August 2020. The Defendant did not oppose its continuation.
2. The order provides that the Defendant was prohibited from
  - i. Using or threatening the use of violence towards any of the following categories of people:
    - a. Any person with a right (of whatever description) to reside in, occupy or visit 78-80 Holland Road, London W14 8BN ("the Building") and 76 Holland Road London W14 8BN ("76 Holland Park");
    - b. Any person engaged in lawful activity at the Building.
  - ii. Engaging in conduct causing or likely to cause a nuisance and annoyance to any person set out in paragraphs i(a) and i(b) including but not limited to the following;
    - a. Using or playing music from record players, radios, tape recorders, televisions, CD players, amplifiers, loudspeakers of any kind in a way so that they can be heard outside of Flat G, 78-80 Holland Road, London S14 8BN;
    - b. Shouting, screaming and singing at unsociable hours
  - iii. Intimidating or attempting to intimidate or acting in an aggressive manner towards any person set out in paragraphs 1(a) and 1(b)
  - iv. Shouting or swearing at or using foul and /or abusive and/or offensive and/or defamatory and/or insulting language, including body language and gestures towards any person set out in paragraphs i(a) and i(b)
  - v. Approaching [a neighbour identified in the order] within the locality of the Building including but not limited to the Building's garden.
3. The on-notice order was served personally on 6<sup>th</sup> August 2020

4. The on-notice order amended paragraph ii(b) substituting “shouting screaming and singing in a manner so as to be audible outside flat G, 78-80 Holland Road, London W14 8BN between the hours of 10:00pm and 8:00am”.
5. The Defendant was arrested on 24<sup>th</sup> September 2020 and brought before the court on 25<sup>th</sup> September 2020. She appears in person. The Claimant is represented by counsel Mr Saromi.
6. The Defendant was advised of her right to silence, and the availability of Public Funding to assist her. She was advised that an adjournment could be sought to enable her to obtain free legal advice. The Defendant declined and advised the court that she wished to deal with the matter immediately. The Defendant gave evidence under affirmation and admitted the breaches of the Order.
7. The Defendant admitted that on 24<sup>th</sup> September 2020 she shouted “you are f\*\*\* harassing me you c\*\*\*. Black lives matter” while she was intoxicated at such a volume that it could be heard outside her flat. She also admitted to shouting “Racist. White middle class. Black lives matter. I’ll do you for harassment”. She also admitted to shouting “I’m not breaking my injunction you mother f\*\*\* c\*\*\*”. “I did nothing wrong. Black lives matter. White middle-class motherf\*\*\*, you’re a c\*\*\*”.
8. The court heard five audio recordings taken on 24<sup>th</sup> September in which those words are used, and one video recording of the Defendant shouting outside the building. The Defendant admitted that it was her voice on the recordings.
9. The Defendant in mitigation said that she had a good job and that it had been very difficult to get one since coming out of prison. She would lose her home and job if she was sent to prison. She was very ashamed of her behaviour and sorry for the distress that she has caused.
10. The court read the witness evidence including the victim impact statements.
11. In considering penalty I have had regard had to the Sentencing Guidelines.
12. In assessing culpability, I put these breaches in Bracket B which are a deliberate breach. The Defendant knew what she was doing was wrong and in breach of the order. No good reason was offered.
13. I also must go on to assess harm and weigh up all the factors of the case. Consideration should be given to the original offences. The original witness statements show a sustained pattern of behaviour including intimidating and frightening behaviour. There is the frequent use of profane language and many examples of the Defendant calling witnesses racists and paedophiles. There are many examples of loud music being played at unsociable hours such that the neighbours’ lives have become a misery. And there is an incident where there was use of a glass which was thrown in the face of a witness. They all describe their fear and the negative impact of the Defendant’s behaviour on their lives. I put the breach in Category 2. Harm was caused by these breaches which was serious. The starting point is 12 weeks custody.

14. I am satisfied that the custody threshold has passed. I then must consider any aggravating or mitigating factors.
15. Aggravating factors are that this breach was within a couple of months of the original order. There was more than one victim and it took place whilst the Defendant was drunk. In addition, the Defendant's behaviour targeted a witness.
16. Mitigating factors include a recognition of culpability and expression of remorse. Any custodial sentence will have a major effect on the Defendant's employment and housing.
17. I must also consider whether the sentence can be suspended. This is the first breach. There has been a limited period of compliance and the Defendant has admitted the breach at the first opportunity. I am satisfied that I can suspend the sentence.
18. The sentence I impose is 12 weeks custody – suspended until noon 15<sup>th</sup> July 2021 on terms that the Defendant complies with the order, and an order that the defendant pays the costs of the Claimant.

DJ Parker 25<sup>th</sup> September 2020