

If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved

IN THE LUTON COUNTY COURT

No. G00LU576

Arndale House  
The Mall  
Luton LU1 2LJ

Monday, 26 April 2021

Before:

HER HONOUR JUDGE BLOOM

B E T W E E N :

NOTTING HILL GENESIS

Claimant

- and -

TINA ADAMS

Defendant

\_\_\_\_\_

MS T. O'LEARY (instructed by Winkworth Sherwood) appeared on behalf of the Claimant.

MR A. BACHU (instructed by Duncan Lewis) appeared on behalf of the Defendant.

\_\_\_\_\_

J U D G M E N T

JUDGE BLOOM:

- 1 This is the part-heard hearing of a committal application. I had the benefit of counsel for both parties and I am very grateful to both of them. The background to this case is that the claimant is a social landlord and the defendant has a tenancy of number 21 Priestley Road, Stevenage. There has been “a neighbour dispute” since at least 2019. On one side of the defendant is a neighbour Mr Densham, who lives with his partner Miss Hale and her daughter Jess who is 12; on the other side is a Miss Brooke, who moved in in July 2020 with two children, the eldest of whom is six; and opposite is Miss Payne who also has children.
  
- 2 In 2019 on two occasions the defendant pleaded guilty in the criminal courts to a breach of public order offence against Mr Densham, who lives at number 23, and in November 2019 pleaded guilty to a course of conduct amounting to harassment from May 2019 to August 2019 against Mr Densham and Miss Hale. A restraining order was made as well as a community order. Possession proceedings were then commenced in 2019. Because of the Covid-19 pandemic those proceedings were stayed. On 20 May 2020, a further incident led to a conviction on 2 February 2021 when there was an offence causing alarm or harassment to a Natalie Bourne and this was racially motivated. Thereafter, the injunction proceedings were commenced. They were without notice on 19 May and the injunction, which is the subject matter of these committal proceedings, was continued on notice on 29 May 2020 when the defendant attended with counsel.

“The terms of the injunction were as follows:

That the Defendant, ‘be forbidden whether by herself or by allowing, instructing and/or encouraging other persons on her behalf from engaging or threatening to engage in:

- a. conduct capable of causing nuisance or annoyance to a person in, or in the locality of, 21 Priestley Road, Stevenage, Hertfordshire, SG2 0BN.
- b. conduct capable of causing housing-related nuisance or annoyance to any person in, or in the locality of, 21 Priestley Road...”

Then para. 2:

“The First Defendant, upon personal service of this order, be forbidden whether by herself or by allowing, instructing and/or encouraging other persons on her behalf from harassing, threatening, intimidating, or verbally abusing any neighbouring resident, member of the Claimant's staff, contractors, or agents acting on their behalf. **For the avoidance of doubt this includes all places and at all times.**”

3 The application to commit that is before me was initially made relating to one incident on 7 October. That application was made towards the end of October 2020. It was then, however, amended to include another incident that had occurred on 11 November 2020. Ultimately the defendant has admitted the breaches as amended. The allegations are set out in the amended application. For the record, 7 October 2020 says this:

“...at approximately 4:00 p.m. outside her home at 21 Priestley Road, Stevenage ... the Defendant is alleged to have shouted/yelled/stated words to the effect of the following:

- (a) ‘Here he comes, the paedo’;
- (b) ‘You fucking fat whore’;
- (c) ‘I haven’t got six fucking kids not like her over the road’;
- d) ‘Cunt’;
- e) ‘You know he's a paedophile, he's interfering with her when you're not here’;
- f) Stuck her middle finger towards Mr D's bedroom window;
- g) ‘Pervert’;
- h) You whore, laying on your back and having six kids. I'm paying taxes and you claim your benefits’;
- i) ‘You fat slag, come on then fight me’;
- j) ‘You going in are ya? You need to be careful who you’re friends with! You're friends with a paedophile and them monkeys on the end’;
- k) ‘dirty slag’;
- l) ‘Paedophile’;
- m) ‘unmarried whore with 5 children’;

- n) 'Whore';
- o) 'No. 65 bastards';
- p) 'Fuck off you fat slag'.
- q) 'My kids were premature and have never pounced off of society';
- r) 'Fucking cunt who get's (sic) money for those fucking bastards'.
- s) 'The slag across the road at no. 65 has 6 bastards';
- t) 'No. 19 produced two bastards';
- u) 'I've never produced bastards, I'm fed up with all this'.
- v) 'I'm going to end up killing one of you'.
- w) 'Dirty cunts, 6 kids out of wed lock (sic)'.
- x) 'Your mum's a dirty whore';
- y) 'Shut up you dirty little slag';
- z) 'That little creep, perve.'"

The next one aa) has been deleted and is not being relied on.

- “bb) 'I've worked my whole life for you whores to lay on your backs and have bastard kids'.
- cc) I'm watching you gesture, then flipping the middle finger;
- dd) 'You're a little coward, don't you know I found out you were bullied at school'.
- ee) 'Your arse was put into a bin of wasps'.
- ff) 'That dirty whore next door there, got little bastards, across the road has got 6 bloody bastards...'"

Pausing there, all of those allegations that I have just read out have now been admitted in relation to that one incident. These comments were directed at Mr Densham, Miss Hale and Miss Payne. It is accepted that these amount to a breach of 1a, 1b, 2 and 3 of the injunction. Number 3 was that she was “forbidden from contacting, whether directly or indirectly, Mr William Densham, Ms Anna Hale, and Ms Natasha Payne”.

4 The second allegation was:

“On 11 November ... from... 4.30 onwards at and/or in the locality of her home at 21 Priestley Road... the Defendant is alleged to have shouted/yelled/stated words to the effect of the following:

- a. ‘You fat slag, come knock at my door’.
- b. ‘She's got me on recording, fat cow, and she's been recording my family. Come on then you fat cow, poncing off society, with your ex-husband, ex-partner. Come and knock on my door you fat cow’.
- c. You are a dirty little cow, you are so silly. I've got every single bit of information about your boyfriend parking across the road and you are not supposed to have him there, because you are poncing off society for your little girl and your little boy. Close your door darling, ding dong.
- d. ‘Him next door is a cunt’.
- e. ‘You ponce off society’.
- f. ‘That bitch next door’.”

There was a g. but it was not admitted and it was not necessary to include it for the purposes of this, although the claimant did not have instructions through counsel to withdraw it. I took the decision we did not need to rely on that part of it. Those allegations were again admitted . These were directed at neighbours and again they amounted to a breach of 1 (a), 1(b), 2 and 3. As I say, the defendant quite properly has admitted the breaches.

5 At the last hearing she sought an adjournment for medical evidence to be obtained as the only concern that remained with those instructing her, and the defendant herself, was whether or not at the time that these incidents happened she had a medical reason why she was behaving like that and it was somehow linked or caused by some sort of mental health disorder. That was investigated and I will come back to that in a moment.

6 She pleaded guilty in the magistrates’ court in respect of this incident in November 2020. She was sentenced in February 2021 to a restraining order until 15 August 2022, rehabilitation activity requirement and a mental health treatment requirement. She is

obliged to comply with the instructions of a responsible officer, who, as I understand it, is a probation officer, and she is obliged to have medical health treatment with a psychologist. There is no dispute that since that order was made she has been complying with the terms of the order.

7 As I say, on the last occasion before me in January the matter was adjourned for the parties to jointly instruct a psychiatrist. The position was that the defendant had a treating psychiatrist, a Dr Czerwinska, who had diagnosed her as having a mental disorder, namely, an emotionally unstable personality disorder. The defendant wished to, if it was available, produce medical evidence linking her mental disorder to the incidents that occurred. The defendant having said, and it being repeated before me today, that she is shocked and horrified herself when she hears what she is saying and considers that she must have been having some sort of fit or blackout when these incidents occurred as they are not how she recognises herself.

8 Dr Allen was jointly instructed. He saw the defendant on two occasions and has done a very lengthy report of nearly 40 pages. He has also answered a number of detailed questions that the defendant's solicitors put to him. He has accepted throughout that he did not see the hospital records but his opinion was very clear and, despite the questions that were put, he maintained his opinion, which was that the defendant did not have a mental disorder. He did not agree with Dr Czerwinska's diagnosis. He did make clear that were he to be provided with other information he would obviously consider it and it was, of course, always possible he could change his mind if there was other evidence. However, on the basis of the information before him, he was entirely satisfied that this lady did not have a relevant mental disorder that would have caused her behaviour or in some way exacerbated or contributed to it on these two occasions. That is the background narrative.

9 As I say, before me today Miss Adams has accepted her guilt.

10 Mr Bachu has argued persuasively in mitigation. He makes a number of points which I will briefly summarise, but I wish to make clear I have the in-depth and full nature of the mitigation in my mind.

11 Firstly, he says to me she has already been sentenced for these offences in the criminal courts and the court must not pass a sentence twice for the same matters. He points out that the aim of the sentencing is in part to rehabilitate and that is already happening as she is

getting the help she needs by seeing her psychologist. Further, there have been no further breaches since November and therefore what is the purpose of a further sentence? Where is it taking anyone? He says the breach is not that serious or the breaches are not that serious. If one listens to the audio or watches the videos the neighbours do not seem that upset. The defendant has told her neighbours that she has mental health issues and they are exaggerating the effect on them in their statements, and she does not accept the effect that is set out in the statements as being accurate.

- 12 Mr Bachu says there is a problem with Dr Allen's evidence and I have to be very cautious about it because he has not seen the hospital records and his evidence is directly in contradiction with the treating psychiatrist. The court cannot and should not ignore the evidence from her treating doctors who know her better and over a longer period of time. He also points out that at the time of the incident in autumn of last year the defendant was under a considerable pressure, and he refers me, in particular, to the defendant's first witness statement at para. 10 where she says this on 28 October:

“I also told Dr Czerwinska that my mental health can be okay for a while but then when bad things start happening in my personal life, my mental health starts to deteriorate. Recently, I have had to deal with a number of difficult issues in my personal life and I think that those could have been the cause of this major deterioration in my mental health on 7 October. Those issues are that: (1) my father recently passed away; (2) my son Graeme stole my bank card from my Property and withdrew £200 in cash and paid for a (sic) several evenings for him and his girlfriend at a hotel. I have been trying to resolve this through the bank and Police; (3) my grandson has recently been taken from my daughter by Children’s Services and this has made me very upset; (4) I have been laid off of work due to COVID-19 and I am getting rejected from every job I apply for; (5) when I stayed with my daughter in Weymouth for short period whilst the lockdown restrictions had been lifted, my friend Joe who was staying at my Property to look after my dogs told me that one of the neighbours had maliciously reported me to the RSPCA but that when the RSPCA came to my Property they found no issues with my dogs; (6) I have been unable to travel to Kenya for my annual trip as a result of the COVID-19 lockdown restrictions; and, (7) my landlord is trying to evict me and will not allow me to get an exchange to

live nearer to my daughter in Weymouth who is my only support network. The relevance of Kenya is that I go over there every year to visit an orphanage and I bring clothes and childrens (sic) toys for the children. This experience helps me to put my life into perspective and see how difficult things are for other people. I love helping those children and that I have not been able to do so this year has really upset me.”

That demonstrates says Mr Bachu, who relies upon these factors, substantial mitigation in respect of the defendant that has led to her having (and I use this is in a non-medical way as it has not been diagnosed) some sort of mental health breakdown at this point in time and that led to the breaches that are before the court today. He says as well that I must take account that this is not all one-sided as she herself has made complaints about Mr Densham and her allegations have not been taken seriously. He refers me to her witness statement at paras. 21 and 22, in particular, and 23 where he says people report her to the police for really minor things and she is being targeted by her neighbours.

13 Mr Bachu says she herself, as I have already mentioned, cannot believe the things that she has heard on the recordings and was in tears at the police station when she heard what she had said. I am asked to look at the sentencing guidelines and that this, I am asked to accept, is at the lowest level. In terms of breach of anti-social behaviour orders I should see the nature of the failure and the harm as somewhere between the bottom, which is no harassment, alarm or distress was actually cause and none intended, and the lesser degree of harassment, alarm or distress where such harm was intended, or where it would have been likely if the offender had not been apprehended. As a result, I am asked to take the view that this has not reached the custody threshold and therefore there should be not only no imprisonment but in fact no order taking into account everything that has been prayed in aid on behalf of the defendant.

14 I will come on to the matters raised by the claimant who has a somewhat neutral role, which is rather to point the court to the relevant legal provisions and the relevant evidence but is certainly not here to advocate for a particular sentence for the defendant because that is a matter for the court after consideration of all the factual and legal matters that pertain. I have been taken to two authorities that I would like to remind myself of. In *Hale v Tanner* Practice Note [2000] 1 WLR 2377 ten principles were enumerated by Hale LJ, as she then was, at p.2380 G to H. It is right to say this was only in the context of family cases, but



nonetheless the same are relied upon as giving a background that the court should consider in sentencing. The first point was made as follows:

“...these cases have to come before the court on an application to commit. That is the only procedure which is available ... the court is directing its mind to whether or not committal to prison is the appropriate order. But it does not follow from that that imprisonment is to be regarded as the automatic consequence of the breach of an order. Clearly it is not. There is, however, no principle that imprisonment is not to be imposed at the first occasion: see *Thorpe v Thorpe* ... Nevertheless, it is a common practice, and usually appropriate in view of the sensitivity of the circumstances of these cases, to take some other course on the first occasion.”

The second point was made that there are a range of things that the court can consider, the point being made, which was the same as Mr Bachu makes, that the range of sentencing options are not as wide as they are for the criminal courts, but the court can do nothing, it can adjourn, it can fine, and it makes the point that all of those different powers are available:

“All of those may, in an appropriate case, need consideration, particularly in a case where the court has not found any actual violence proved.”

As far as the third point was concerned:

“...if imprisonment is appropriate, the length of the committal should be decided without reference to whether or not it is to be suspended. A longer period of committal is not justified because its sting is removed by virtue of its suspension.

Fourthly, the length of the committal has to depend upon the court's objectives. There are two objectives always in contempt of court proceedings. One is to mark the court's disapproval of the disobedience to its order. The other is to secure compliance with that order in the future. Thus, the seriousness of what has taken place is to be viewed in that light as well as for its own intrinsic gravity.

Fifthly, the length of the committal has to bear some reasonable relationship to the maximum of two years which is available.

Sixthly, suspension is possible in a much wider range of circumstances than it is in criminal cases. It does not have to be the exceptional case. Indeed, it is usually the first way of attempting to secure compliance with the court's order.

Seventhly, the length of the suspension requires separate consideration, although it is often appropriate for it to be linked to continued compliance with the order underlying the committal.

Eighthly ... the court has to bear in mind the context. This may be aggravating or mitigating. The context is often the break-up of an intimate relationship in which emotions run high and people behave in silly ways. The context of having children together, if that be the case, cannot be ignored. Sometimes that ... is an aggravation...

Ninthly, in many cases, the court will have to bear in mind that there are concurrent proceedings in another court based on either the same facts or some of the same facts, which are before the court on the contempt proceedings. The court cannot ignore those parallel proceedings. It may have to take into account their outcome in considering what the practical effect is upon the contempt proceedings. They do have different purposes and often the overlap is not exact, but nevertheless the court will not want, in effect, the contemner (sic) to suffer punishment twice for the same events.

Tenthly, it will usually be desirable for the court to explain very briefly why it has made the choices that it has made in the particular case before it. One understands all the constraints in a busy county court, dealing with large numbers of these cases these days, and one would not wish to impose too great a burden on the judiciary ... Nevertheless, it would be appropriate in most cases for the contemnor to know why he or she was being sentenced to

a period of imprisonment; why it was the length that it was; if it was suspended, why the suspension was as it was, but only very briefly.

An important part of the exercise is that the contender [sic] should understand the importance of keeping court orders, of not breaking them and the likely consequences if they are so broken.”

Then over the page the judge said:

“The factors also had to be taken into account that the appellant had admitted it straight away.”

That was obviously an important factor.

- 15 In the case of *Gill v Birmingham City Council* [2016] EWCA Civ 608, another Court of Appeal case, the main judgment was given by Gloucester LJ and I am asked particularly to consider para. 19. That was the approach that the court should take when there are concurrent criminal and committal proceedings in respect of the same incident or incidents, and the relevant approach was said to be that set out in *Lomas v Parle* Practice Note [2003] EWCA Civ 1804 paras. 46 to 49 where the court said this at para. 46:

“We feel that it would be helpful to offer some guidance on the inter-relationship between the Family Law Act 1996 and the Protection from Harassment Act 1997 as well as on the management of concurrent proceedings in the family, civil and criminal justice systems. The guidance which we give supplements that given by Hale LJ in *Hale v Tanner*.”

The case I have just referred to. Paragraph 47 says:

“However effectively the proceedings are managed a perpetrator may face sentence for the same act which amounts to both a breach of an injunction made in family proceedings and also a crime under the Protection from Harassment Act. Of course the sentencing courts do not share the same objective and operate in different ranges. The judge in family proceedings has to fit a custodial sentence within a range of 0 – 24 months. An important

objective for him is to uphold the authority of the court by demonstrating that its orders cannot be flouted with impunity. Nevertheless there will be a shared deterrent objective in the punishment of domestic violence by imprisonment.

48. Clearly therefore the first court to sentence must not anticipate or allow for a likely future sentence. It is for the second court to sentence to reflect the prior sentence in its judgment in order to ensure that the defendant is not twice punished for the same act. It is essential that the second court should be fully informed of the factors and circumstances reflected in the first sentence. The defendant is often publicly funded to defend the proceedings in each court ... There is therefore an obligation on the first court to ensure ... a transcript... is made available...”

Those were the factors that I was asked to take into account in terms of cases.

- 15 Then there are the sentencing guidelines, which are in a little more detail and I have already referred to. I accept entirely what I have been told by the defendant counsel, Mr Bachu, that the starting point in the sentence guidelines is five years, which is the sentence that can be passed in criminal cases. Here the maximum sentence this court could pass is two years and, of course, there are no community orders. At p. 2, in relation to a breach of an anti-social behaviour order, it says this at para. 6:

“Breach of this type of order is different from breach of a community order or failure to surrender to custody because it has the potential to affect a community or the public at large in a way that causes direct harm.

**The main aim of sentencing for breach of a court order is to achieve the purpose of the order.** Therefore, the sentence for breach of an ASBO should primarily reflect the harassment, alarm or distress involved; the fact that it constituted breach of a court order is a secondary consideration.

### **C. Assessing seriousness**

7. The sentence for breach of an ASBO must be commensurate with the seriousness of the offence; that is determined by assessing the culpability of

the offender and any harm which the offence caused, was intended to cause or might foreseeably have caused.”

At para. 11 in relation to culpability and harm, where talking about when the court is considering seriousness of breach of an order, the court must consider two aspects of culpability:

“(a) The degree to which the offender intended to breach the order.

Culpability is variable...”

It goes from intention to recklessness to being aware of the risk or being unaware of the risk or completely misunderstanding the terms of the order.

“(b) The degree to which the offender intended to cause the harm that resulted (or could have resulted).”

The point is made that:

“Culpability will be higher where the offender foresaw the harm likely to be caused by the breach and will be at its highest where such harm was intended.”

It is then said:

“12. There are also two dimensions to the harm ...

(a) the breach may itself cause harassment, alarm or distress, which can reduce the quality of life in a community.

(b) breach of an ASBO contravenes an order of the court, and this can undermine public confidence in the effective administration of justice.

13. The assessment of the seriousness of an individual offence must take into account not only the harm actually caused ... but also any harm that was intended or might foreseeably have been caused.”

- 16 Also, taking into account aggravating factors are such things as there being a history of disobedience to court orders, the breach was committed subsequent to earlier proceedings arising from the same order, targeting of a person the order was made to protect, and such matters as are set out in the Annex B, which talks about there being multiple victims and the presence of others, especially children. I take that into account in my conclusions.
- 17 The defendant in her favour has admitted the breaches. Of course, that is a matter that weighs heavily in her favour. It is also right that she has not breached the injunction that was made now for nearly six months. She does have considerable factors that she had bearing on her in her personal life in October and November. I have referred to them already and they were set out in her witness statement. They must have been a great source of anxiety and stress for her. However, I have to bear in mind that she had committed very similar acts the year before in 2019 when these factors were not present, or at least all of them were not present.
- 18 I have very carefully considered the medical evidence. I have an expert who is jointly instructed and prepared a detailed report. He has explained in great detail after forensic analysis of the information that was available to him why in his opinion the defendant does not have a mental disorder. That is, of course, contrary to what Dr Czerwinska had previously diagnosed. However, for the purpose of these proceedings I am not going to go behind the conclusions of Dr Allen. I, of course, acknowledge that this is a lady who plainly has had problems with her mental health for many years; however, I do not have evidence that I can rely upon before me that her mental health meant that she was unable to control her actions or did not understand what she was doing.
- 19 There is a suggestion from the claimant's witnesses that she was incapable at the time of her actions due to drink, but I make no such findings. She herself denies that she drinks too much and that is the mitigation that is before me. By that I mean it is not her mitigation that she was under the influence of alcohol but rather that she suffers through her mental health and that was the relevant factor. She tells me through counsel that she is shocked at what she is said to have said. I am not surprised because I have read out the wording and the things that were said and not just the language that is being used but the allegation, in particular, against the neighbour, Mr Densham that he is a paedophile having sex or behaving inappropriately with his partner's 12-year-old daughter. These are allegations

made in front of that young child and so it is not just the use of derogatory words, swearing and abuse, but the nature of the allegations are particularly offensive and distressing.

- 20 I have taken account of the fact that at least in relation to November 2020 she has received a sentence: a restraining order with conditions. It is not at all clear that she has been sentenced in relation to the October 2020 matter, but she has at least in part received a sentence, or has received a sentence in relation to the allegation that she was harassing Miss Brooke. However, as against all that there is a long and persistent history of similar behaviour. She was first convicted in 2019 on two occasions in the magistrates' court, but she has carried on with the same behaviour leading to further convictions in February 21 and those relate back to May 2020 and November 2020. It is right that after the injunction was made there was a period of calm until October 2020. That shows, just as the period of calm between November 2020 and today is concerned, that this lady can control her behaviour and not behave in a manner that breaches the injunction. However, even after the injunction was made she breached the order with the vile and hideous language, which I have already recited, on the first occasion in front of children of the age of about 12 and on the second occasion in front of children who were 6 and 2. Even after the committal application had been made in October, she again breached the order a few weeks later in front of the two small children.
- 21 Contrary to what Mr Bachu said, I consider these breaches are significant. As I have already said, the language used was appalling. The allegations that were made against Mr Densham and his partner's child are of some of the most serious allegations that you can make in a community, and, as I say, they are part of a persistent course of conduct. I acknowledge what Mr Bachu has said about the history of Mr Densham, but I note that this is not just one family as it extends to Miss Brooke who only moved in in July 2020 and specifically says in her witness statement that she got on with this lady to begin with but then she too became the victim of her vile abuse, and similarly Miss Payne across the road. It seems to me fanciful to suggest that all of them are just influenced by Mr Densham. These are different neighbours all experiencing the same appalling abuse from this lady.
- 22 She is at the least reckless if not intentional in her actions. I am quite satisfied she caused harm. I am asked to say that it was not that serious because one can hear at least on some of the recordings somebody giggling; however, I note what is said in the various statements, which I shall refer to, where the witnesses for the claimant have set out what their

experience of the harm is. Mr Bachu says these are not in the proper form as they are made in the criminal proceedings, but they do have a statement saying that they are true to the best of their knowledge and belief and they make it knowing it is to be tendered in evidence. Therefore, although it is not a statement of truth within the Civil Procedure Rules, they clearly understand the importance of telling the truth and, of course, we now know that the defendant admits that the factual content of the allegations are true. Mr Densham says this regarding the effect on him when he made his statement on 7 October:

“My involvement with [the defendant] has caused me a great amount of distress. I feel like I am nothing because of how she treats me. I walk in and out of my home with my head down because of how she makes me feel. I usually head to work a couple of hours earlier than I need to because I do not want to experience her yelling out of her address at me and starting my day off badly. I do not feel happy at all times in my home because of the abuse I get from TINA and all I want is for it to stop.”

Then his partner Miss Hale says this about herself and also her daughter Jess, and this is again dealing with the incident on 7 October:

“...JESS came down and said she could hear TINA shouting through the wall. JESS’s bedroom is at the rear of our property and she could still hear TINA, this caused JESS great distress due to previous incidents and makes her very anxious and scared.”

She also refers to the fact that during the incident at one point the defendant was pointing at Miss Payne's house who has two secondary children and she pointed up to them and shouted, “YOUR MUM'S A DIRTY WHORE”. Then Miss Hale says:

“JESS has to have support from a head of year at her school because of the torment that this is causing her.

This whole incident has caused great upset for me and my family and I cannot deal with the hell our neighbour puts us through on a regular basis, this isn't only affecting me and my family but other neighbours, it's not fair on us and the community.”



That is what Miss Hale said.

23 Then Miss Payne, who lives at number 65 and whose children I have just referred to, said:

“This situation does not make me feel good, it's not great when your (sic) having a conversation with a neighbour and Tina [that's the defendant] starts shouting and being abusive this makes me anxious about it. I don't want to have a face to face confrontation with her. Tina parks her car outside my house, if I'm outside and she does go to get in her car, I feel anxious and nervous that she might start on me.”

Then Miss Brooke, who lives with her two children, said she had only moved in since July 2020 and when she moved in she thought her neighbours seemed really nice and that Tina seemed quite nice and she was friendly, but then her attitude changed from August 2020. Going back to the first statement of 7 October she said:

“All I wanted was a safe and quiet life when I moved here. TINA makes my life miserable and I have anxiety thanks to her. My children can't go into their own garden and I am terrified of bumping into her outside, I am genuinely frightened of her.”

She also says that one of the pieces of abuse that the defendant had thrown at her was about having friends at the end who are “monkeys”, and she says she believes that that is referring to the neighbours at number 17 as they are a black family. Then there is also another statement from Miss Brooke, which was after the incident in November, when she says this:

“I felt scared because she sounded aggressive when she was shouting, I'm not confrontational person and I was fearful that she was going to come to my address and carry on shouting at me or try to fight me. I felt degraded by her comments, my son also heard what she was shouting and he was asking me ‘WHAT IS A SLAG’. Some days I won't go out in the garden or let the children go into the garden if she is outside.”

Then she says later:

“I feel frightened in my own home when she is at home because I never know when she might start shouting abuse again at me or my neighbours. It is affecting my son who is very scared of Tina and gets really upset when she starts shouting, I also don't want my children to hear her vile language.”

- 24 That is three different families all recording their sense of distress and upset at the behaviour of this defendant. All three of the families have children and all three children have witnessed or actually been the subject of the vile abuse. I am quite satisfied as well that there was a racial element to the use of the word “monkeys”. I take account that she has already been convicted of a racially aggravated offence back in February 2021 which related to May 20. I have no doubt that she either intends or is reckless about causing this distress, and I have no doubt that the beach undoubtedly does cause alarm and distress to her neighbours. It may be that on some of the recordings people sound less relaxed or anxious about it. It is very different, for instance, if you are Miss Brooke and you have got a friend in the house when these things happen, but that does not mean it is not scary and something that makes you fearful and anxious about leaving your house. There is also no doubt that this is a case where the breach of the injunction undermines public confidence in court orders.
- 25 I accept the evidence of the claimant's witnesses. The defendant cannot know the harm she causes, but she should take note of what her neighbours say the experience of living next to her is like.
26. I find that there are aggravating features. There is a history of disobedience: these breaches were committed after she had already been convicted for similar matters and the second breach was committed at a time while she was aware of committal proceedings in relation to the first breach. This case has multiple victims. The victims are exactly the people against whom the injunction sought to protect and children were present on both occasions. I accept that there is a long gap, but that is again consistent with the history of this matter. There were no allegations for some time at the end of 2019 until May 2020 and then nothing until November 2020. Therefore, if anything, there is a history of this lady being able to behave herself and then exploding into poor behaviour. I have listened very carefully to everything that has been said on behalf of the defendant and it may well be that the injunction would not have been sought but for the pandemic; however, they did seek one, as, indeed, they

were entitled to, and the court made the order and that order should have been, and has to be, complied with.

26 It is correct that there is a possession order which is sought on mandatory grounds and if that is successful that will be the worst possible punishment in some ways that this lady could obtain, which is to lose her home. I also accept that she has been sentenced in part for one of the matters. I take all the mitigation she has given me into account, but notwithstanding that I am quite satisfied that there is a high degree of culpability and harm. I am quite satisfied that this is a case that meets the custody threshold. I take account of the current situation, however, and that she is responding to or complying with the psychologist, but in my view I do not consider that that means that a short prison sentence cannot be imposed. This would have the effect of punishing the breach but would not prevent rehabilitation.

27 In respect of the first breach, I impose a sentence of 14 days and for the second offence I impose 7 days to run consecutively and that makes 21 days. The reason I have imposed a slightly shorter sentence for the second offence is that she has already been sentenced in the criminal courts and I have taken that into account in reducing the sentence.

28 I am, however, going to suspend the order. It is the first time she has been in court for a committal offence. There has been a period of six months, she has pleaded guilty, and she is seeing her psychologist and has got a restraining order. There are also the possession proceedings. I am conscious of the Covid situation as it currently stands. I intend to extend the injunction, which I have been asked to do, until the final hearing of the possession and injunction, which is probably going to be around September of this year. I will suspend on terms that she must comply with the terms of the injunction order as extended. She needs to understand very clearly that were she to breach the injunction again she will not only go to prison for the 21 days that I have imposed today, but she will likely get a further sentence in addition for any further breaches. That is the order that I will therefore make.

28 I will also order that there be a transcript of my judgment at public expense which can be published on the judicial website. The defendant has the right to appeal. She has got 21 days from today to appeal against the order that I made. There will be an order for 14 days on the first breach and 7 days on the second breach, and that will be suspended on terms that she complies with the injunction made on 19 May, I think, and extended today. There will be an order that the injunction made on the 19th is extended until the final hearing of the possession claim and injunction hearing.

---

**CERTIFICATE**

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

*Transcribed by **Opus 2 International Limited**  
Official Court Reporters and Audio Transcribers  
5 New Street Square, London, EC4A 3BF  
Tel: 020 7831 5627 Fax: 020 7831 7737  
civil@opus2.digital*

**\*\* This transcript has been approved by the Judge (subject to Judge's approval) \*\***

