

**IN THE COUNTY COURT AT LEICESTER**

Leicester County Court and Family Court  
90 Wellington Street  
Leicester  
LE1 6HG

BEFORE:

**RECORDER BOYLE**

BETWEEN:

**LEICESTER COUNTY COUNCIL**

**CLAIMANT**

**- and -**

**BATTY**

**DEFENDANT**

**Legal Representation**

Ms Fagborun-Bennett, Counsel for the Claimant  
Defendant not in attendance nor represented

**Other Parties Present and their status**

None known

**Judgment**

Judgment date: 16 February 2021  
(start and end times cannot be noted due to audio format)

Reporting Restrictions Applied: No

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Number of folios in transcript 15  
Number of words in transcript 1,048

**Recorder Boyle:**

1. This is an application to commit the Defendant, Mr Batty, to prison for breach of an order of this court dated 8 December 2020. Pursuant to that order the Defendant is prohibited from begging in the City of Leicester and from carrying out any conduct likely to cause harassment, alarm or distress to any person within the City of Leicester.
2. By this application, two breaches of that order are contended for. Firstly it is said on 27 December 2020 at approximately 12.00 noon in the vicinity of Leicester railway station and indeed on London Road, Leicester, that the Defendant approached members of the public on at least 19 occasions in a 20 minute period to beg for money.
3. Secondly it is said on 22 January 2021 at approximately 8.15 on Granby Street in Leicester that the Defendant approached a woman, namely Miss King, asking for money, that he swore at her when she declined and then followed her shouting:

“You fucking black bitch, why don’t you go back where you came from?”

4. At today’s committal hearing, the Defendant did not attend but for reasons already given I decided - exceptionally - to proceed in his absence. I have considered the witness statements from Fatima Burani, PC Smith, Miss King and PC Burton. I have also heard oral evidence from PC Smith, Miss King and Miss Burani and having heard all of that evidence I am quite satisfied to the criminal standard that both breaches are made out on the evidence. In particular I am sure that the witnesses are describing the Defendant (not some other person); that he was seen begging from multiple members of the public on 2 December 2020 and that he racially abused Miss King having failed to extract any money from her on 22 January 2021. In short I am satisfied that the Claimant’s application is correct when it contends that the Defendant was in breach of the Order of 8 December 2020 on both occasions.

(proceedings continue)

5. In this case I am asked to impose a sentence in respect of two breaches of an injunction by the Defendant. I have already summarised the breaches in my short judgment on the substance of the issue. The Defendant has now been before the Court on three separate occasions for breach the Order of 8 December 2020 and its similar predecessor. In the circumstances and having regard to the nature of the two breaches before me today I am satisfied that the custody threshold has been crossed. In other words I consider that these breaches are sufficiently serious that a custodial sentence is required.
6. So far as the breach on 27 December 2020 is concerned, this was a persistent breach in the form of begging on at least 19 occasions in 20 minutes but I consider the harm occasioned by it is no more than the general harm and annoyance caused by vagrancy on an urban city street and in my judgment. Taking account of the sentencing guidelines to which I have been helpfully referred by Counsel, the appropriate sentence for that breach is a period of imprisonment of 16 weeks.
7. I take a rather more serious view of the breach of 22 January 2021 which consisted of accosting a member of the public for money and, when it being made clear that she was not happy to provide money, following her, behaving aggressively and, as I have

found, engaging in racial abuse. In my judgment the appropriate sentence for the breach of 22 January is a period of imprisonment of 36 weeks.

8. Stepping back and evaluating the totality principle, in my judgment those periods of imprisonment should be served consecutively, that is to say a period of imprisonment of 1 year in total.
9. I have considered whether this is an appropriate case to suspend the sentence and I have that in mind partly because of the witness evidence which suggested some engagement between the Defendant and the drug treatment services. But unhappily I am told today that that engagement has ceased and that beyond engaging with his support worker for the purposes of acquiring methadone, the Defendant is essentially non compliant with attempts to address his underlying demons. I also note that the Defendant has been subject to a suspended sentence on one previous occasion. That sentence was activated following further breaches by the Defendant.
10. For all those reasons I am not going to suspend the sentence. There will be an immediate custodial term of 1 year and I will issue a warrant to that effect.

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This Transcript has been approved by the Judge.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT

Tel: 01303 230038

Email: [court@thetranscriptionagency.com](mailto:court@thetranscriptionagency.com)

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