

IN THE COUNTY COURT AT BRIGHTON

Case No: D00HS448

Courtroom No. 2

William Street
Brighton
BN2 0RF

Wednesday, 12th September 2018

Before:
HER HONOUR JUDGE VENN

B E T W E E N:

CLARION HOUSING ASSOCIATION

and

ROBERT HOMEWOOD

JUDGMENT
(Approved)

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HHJ VENN:

1. There are three objectives to be considered when sentencing:
 - a. Punishment for the breach of the Injunction.
 - b. The need to secure future compliance with the court's orders.
 - c. Rehabilitation.

Culpability and harm

2. Mr Homewood was served with the Injunction and he breached it on three occasions. There are aggravating and mitigating features. On one occasion, Mr Homewood says he did not realise that he was doing something he was forbidden from doing; he says he was advised that the Injunction ceased to apply when the Claimant's name changed and believed that ignorance of the true position was a complete defence. It is not. On one of the occasions of breach, Mr Homewood became aggressive and was intimidating. Twice, Mr Homewood breached the Injunction deliberately and knowingly; he did not express any remorse.
3. In mitigation, Mr Homewood also said that he has an unwell mother who lives in one of the properties he was prohibited from visiting, who he has helped to provide care for. Mr Homewood also says that on two occasions he did not come in to contact with anyone other than his mother and there is no evidence to the contrary.

Guidance from the Sentencing Council

4. I have had regard to the Sentencing Council guidance on breach of an Anti-Social Behaviour Order; the principles are of relevance to civil contempt cases.
5. The applicable bracket is "Lesser degree of harassment, alarm or distress, where such harm was intended...". The starting point is six weeks in custody and the sentencing range is from community order (medium) to 26 weeks in custody.

Early admission discount

6. There is no discount for early admission in this case.

Sentence

7. Having had regard to all the circumstances, the objectives of sentencing, and that, in particular, on two of the occasions of breach Mr Homewood wilfully, deliberately and knowingly contravened the Injunction, I have come to the view that a suspended custodial sentence of a total of six weeks is appropriate; the sentence for each individual breach is a suspended custodial sentence of two weeks (to be served consecutively).

Pursuant to paragraph 13 of Practice Direction: Committal for Contempt of Court – Open Court

8. In relation to claim number D00HS448 on 12 September 2018, at the County Court at Brighton, I, Her Honour Judge Venn, sentenced Mr Robert Ralph Derek Homewood to a suspended custodial sentence of 42 days for contempt of court. The basis of that sentence was that on three occasions, Mr Homewood breached the Injunction made by Deputy District Judge Pithouse on 29 August 2017 in that he attended 1 Bridge Close, Tonbridge, Kent TN9 2BJ on 16 February 2018 and that he twice attended 21 St Augustine House, Priory Road, Tonbridge TN9 2BB on 15 July 2018.

End of Judgment

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This transcript has been approved by the judge.