

THE COUNTY COURT AT BRISTOL

Claim No: F00BS571

Bristol Magistrates' Court
Marlborough Street
Bristol
BS1 3 NU

3 June 2019

BEFORE:

DISTRICT JUDGE COPE

BRISTOL CITY COUNCIL

CLAIMANT/APPLICANT

-v-

HUGO REID

DEFENDANT/RESPONDENT

MR DENFORD appeared on behalf of the Claimant/Applicant

MR RAY appeared on behalf of the Defendant/Respondent

JUDGMENT

DISTRICT JUDGE COPE:

1. On 3 June 2019, you, Hugo Reid, were arrested for being in breach of an injunction obtained by Bristol City Council. The injunction was made in the Bristol Civil and Family Justice Centre on 18 April 2019. As part of it you were forbidden to allow drug or drug paraphernalia to be present in your property. Further, you were forbidden to allow more than one guest and/or visitor into your property. Any individual could only be in your property if you were present. Specifically, Charlene Williams was not to be in your property at any time and you were to allow access to police officers when they requested such.
2. Between 26 April 2019 (12 days after the injunction was made) and 15 May 2019 there are 10 breaches which you admit. Following a warrant for your arrest being issued you were bailed on 2 May 2019 but then went to commit five further breaches.
3. I am satisfied when the court considers the culpability of these breaches that they fall within category A – the breaches are serious and certainly they are persistent if it is said the breaches are not ‘very serious’.
4. As for the level of harm, there is a strong argument for these matters to be said to fall within category one, on the basis that the residents in the block of flats where you live are elderly. I recognise that there is also an argument the breaches might not be classed as causing ‘very serious harm or distress’ and further the breaches might not in fact demonstrate ‘a continuing risk of serious criminal and/or anti-social behaviour’. Taking

all matters into account it seems to me that the breaches fall within category two.

5. I turn next to any aggravating and mitigating factors. There are several aggravating factors. First, the injunction was only obtained in April. Secondly, there has been a further offence since you were granted bail. Thirdly, the order is in place to protect elderly residents.
6. There is very little to say by way of mitigation save that you are remorseful today and say this has been a wake-up call. There is no suggestion you have acted under duress but rather Mr Ray (who has very ably represented you today) says those coming to your property take advantage of your good nature.
7. There are several objectives of today's hearing. One of the objectives is for the court to mark its disapproval of the court order having been breached. The second is to secure future compliance with the court's order and the third is rehabilitation.
8. The breaches meet the threshold for a custodial sentence. On the basis that it is agreed I should sentence you for the totality of the breaches in my view the appropriate custodial sentence is 15 months. As you have entered an early guilty plea the sentence is reduced by 1/3rd to 10 months. It remains suspended until the injunction expires on 17 April 2020 at 23.59 hours. The order shall take into account the time you have spent on remand. Finally, I am satisfied it is appropriate for me to exercise my discretion and suspend the sentence and hope Mr Reid you understand that should you breach the injunction again it is highly likely that the custodial sentence will be activated.

Postscript

The court subsequently clarified its sentence to ensure each breach was addressed.

- No separate penalty is imposed for the two breaches on 26 April 2019 on the basis that they were the first breaches of the order.
- A sentence of three months was imposed for the breach on 29 April 2019.
- A sentence of three months was imposed for each of the two breaches on 30 April 2019 to run concurrently to each other.
- A sentence of three months was imposed for the breach on 10 May 2019.
- A sentence of three months was imposed for the breach on 13 May 2019.
- No separate penalty was imposed for the breach of having four people in the property in the morning (as it is unclear despite the defendant's admission) whether these were the same three people present at 2.15pm for which a sentence of three months was imposed. A concurrent sentence of three months was imposed for the evidence of drug use on 15 May 2019.

On the basis that the sentences in respect of breaches on separate dates are to run consecutively and applying the totality principle an appropriate sentence is 15 months which after reduction for the defendant's early guilty plea is 10 months less time served on remand of eight days.