

IN THE COUNTY COURT AT BOURNEMOUTH & POOLE

Courts of Justice,
Deansleigh Road,
Bournemouth BH7 7DS

Tuesday, 18th August 2020

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Before:

HIS HONOUR JUDGE DANCEY

**BOURNEMOUTH, CHRISTCHURCH
& POOLE COUNCIL (BCP COUNCIL)**

Claimant

- and -

JACK PERRYMAN

Defendant

MS EZIEGWE (Solicitor) for the **Claimant**.

The **Defendant** appeared in person having been advised of his right to legal representation.

SENTENCING REMARKS

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.

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JUDGE DANCEY:

1. Jack Perryman, you are 21 years of age. You have admitted a single breach of an antisocial behaviour injunction by entering the area of Bournemouth, Christchurch and Poole Council. You have been told of your right to legal aid for the purpose of legal representation but have declined to exercise that right.
2. I need to set out some of the background to this case to understand the seriousness of the breach which you have admitted.
3. In July 2018 there were concerns by the police about your involvement, as they believed it to be, in County Lines operations within Dorset.
4. On 1st August 2019 you were served with a Community Protection Notice Written Warning under the provisions of section 43 of the Antisocial Behaviour Police and Crime Act 2014. The police say that you breached that notice on 8th and 11th July 2019, and if you did breach it that would be a criminal offence.
5. The breaches caused Bournemouth Christchurch and Poole Council to apply to this court under the provisions of Part 1 of the 2014 Act for an antisocial behaviour injunction restraining your activities. In support of that application there was a substantial amount of evidence from the local authority and from the police. It is right to say, as you have just said to me in mitigation, that you have never been charged with any offence or convicted of any offence within this county. Indeed, your record of previous convictions is relatively light, with some 5 convictions for matters, none of which resulted as I see it in a custodial penalty.
6. Notwithstanding that, the police concerns were extremely high. The police officer giving evidence by way of statement said that there were 50 intelligence reports on you inside the space of a year concerning activities around County Lines, and you were described as a kingpin within that operation. Whether or not that is true is not the point. The point is that that is the basis upon which the local authority applied for, and the court granted, an injunction order.
7. It is important to understand the serious effect and impact of County Lines drugs operations within this county and elsewhere. It impacts on the most vulnerable in society, including very young people – children as young as 10 and 11 years old are caught up in it. It is associated with serious violence, typically knife violence. At least one young person in this county has died as a result of ingesting drugs, having been caught up in County Lines. That is the seriousness with which we, the courts, the local authorities and the police regard

County Lines operations in this area. The most vulnerable young people are at direct risk from it.

8. I accept that you have not been convicted of any offence in relation to the supply of drugs in this area, but that I repeat is the basis on which the local authority made application to this court.
9. An injunction was granted on 1st August 2019, without notice to you initially, which prohibited you from coming to either Bournemouth, Christchurch and Poole Council or Dorset Council areas. Effectively you were not to come to Dorset at all. The return date on that application was 28th August 2019. You did not attend on that date. The injunction order was continued in your absence until 1st August 2022.
10. On 26th September 2019 you were brought before the court having been arrested for breach. The breach was ordered to lie on the file. The injunction was varied in the terms I have indicated, namely that you were not to come within the Bournemouth, Christchurch and Poole Authority save for the purpose of visits to solicitors or the court, accompanied by a police officer. You also had restrictions placed on your activities if you were in the Dorset Council area, which is not relevant for today's purposes because the breach relates to what you did in the Bournemouth, Christchurch and Poole area.
11. On 11th October 2019 you were arrested in the Lansdowne area of Bournemouth and were bailed until 8th November. On 8th November I was told that you had been sectioned under the provisions of the Mental Health Act. I directed a report about the circumstances of your sectioning. A rather unsatisfactory report was produced because, through no fault of yours, information was difficult to obtain from those dealing with you, but it appears clear that you had been sectioned. The matter came back to the court on 20th December 2019, at which point the local authority withdrew its application for your committal for breach.
12. What must have been clear to you however from those arrests and your appearances before the court completely undermines your suggestion that you did not understand the injunction order. You had to understand, and did understand I am satisfied, that the injunction order prohibited you from coming to the Bournemouth, Christchurch and Poole area, and you understood the reason why and the serious basis for that.
13. On 10th August of this year you were arrested, having been located at a flat within Bournemouth. It is clear, as you admit, that you had been within the Bournemouth area for some time, and at at least two locations. There were concerns about a 17-year old young person in your company who had suffered injury, who I understand to be your girlfriend.

That is a matter which is the subject of ongoing investigation and is not a concern for me today in terms of the breach.

14. I have an email from your solicitors. They say that they have taken your instructions. They confirm that you admit the breach, namely that you were found in the BCP Council area. They say that they believe it to be a first breach. In the sense that no other breach has yet been proved or admitted that is so, but it is certainly not the first time you have appeared before the court having been arrested however. They refer to you having been sectioned under the Mental Health Act. They tell me that you are liaising with the Department of Work and Pensions in London, that you have a social worker involved and were promised accommodation some time ago, and that is a matter you have just mentioned to me in mitigation. It is said that your homelessness and vulnerability led to you seeking shelter in the Dorset area. I know that is a view with which the local authority and the police here would strongly disagree. And your solicitors ask me to deal with the case as leniently as possible, bearing in mind that you do not at the moment, they say, face any criminal charges. That is the extent of what your solicitors say on your behalf.
15. The purpose of sentencing you for breach of this injunction order is first punishment and secondly to secure compliance with court orders. Punishment has to be commensurate with the seriousness of the offence and the seriousness of the breach, and therefore has to be proportionate. As to compliance with court orders, it is apparent that thus far you have shown no regard for the order and have breached it. The court also is concerned with the question of rehabilitation. Whether you are somebody who is amenable to be rehabilitated I know not.
16. This is, as I say, a first breach proved, and ordinarily one might think that it is simply a case of you being in an area from which you are prohibited. But I have to have regard when I look at the seriousness of the breach at the reason why the local authority applied for this order, and I have outlined those reasons and will not repeat them.
17. In my judgment, the threshold for a custodial penalty is easily passed in this case, and it is a prison sentence that I am going to impose on you. The starting point, given the maximum sentence of 2 years, would be one of 15 months' imprisonment. I give you credit for your admission and reduce that sentence by about a third. I also take into account two other matters. First of all, that you have spent 8 days in custody. I double that to 16 days to take account of the fact that you would only serve one half of the sentence that I impose on you. The other matter I take into account is what the Court of Criminal Appeal said in *R v*

Manning earlier this year, i.e. the court has to have regard to the impact of the sentence on the offender, and in current Covid restriction circumstances where you are likely to be locked up for 23 hours a day and have restricted visits (if any), that is a matter that the court must take into account.

18. So taking all those matters into account the sentence I impose on you, Mr Perryman, is that you will serve 9 months imprisonment for this offence, of which you will serve one half.
19. I am going to adjourn the local authority's application to vary the injunction order. I require the local authority please to indicate within 14 days whether they pursue that application and, if so, on what terms. And if they do pursue it, then I will list the matter for further consideration and Mr Perryman can be produced either from prison here or by video at a hearing if required.

Marten Walsh Cherer hereby certifies that the above is an accurate and complete record of the proceedings or part thereof.

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