

IN THE COUNTY COURT AT BRISTOL
SITTING IN THE BRISTOL MAGISTRATES' COURT

Case No: E01BS427

Courtroom No. 1

Marlborough Street
Bristol
BS1 3NU

11.40am - 11.55am
Tuesday, 3rd September 2019

Before:
HIS HONOUR JUDGE COTTER QC

B E T W E E N:

BRISTOL CITY COUNCIL

and

TIMOTHY LEGGE

MR DENFORD (Solicitor) of Bristol City Council appeared on behalf of the Applicant
MS BARRETT (Solicitor) of South West law appeared on behalf of the Respondent

JUDGMENT
(Approved)

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HHJ COTTER QC:

1. This matter comes before me as an allegation of alleged contempt in the face of the court by Mr Legge and follows on from my order of 13 August 2019 which itself followed on from a hearing before District Judge Woodburn on 24 July 2019 in long-running injunctive proceedings brought by the Claimant in relation to Mr Legge's tenancy of 58 Barton House.
2. It is not in dispute that before the proceedings could commence before District Judge Woodburn on 24 July 2019, (as committal for breach of an interim injunction), the Defendant Mr Legge, on entering the court, called District Judge Woodburn 'a black bastard' and 'a black cunt'. As I understand matters the position was then that the security staff intervened, and Mr Legge was removed from the court. The proceedings continued on in his absence. The learned District Judge found that Mr Legge had been in breach of the order and within his recital stated :

'Upon the court noting the defendant has been removed from the court building by security officers because of his behaviour, including violent racist and otherwise offensive comments made to the judge, and upon the court determining that it is able to hear the committal application in the defendant's absence and that a further adjournment would not be in the interests of justice'.
3. The Judge went on to made an order for an eight-week term of imprisonment, suspended for 12 months.
4. It is briefly necessary to refer to the underlying action. In essence it refers to allegations that the defendant has been a compulsive hoarder.
5. Initial proceedings were commenced long in the past. Before that there was an "ABC" ; an Acceptable Behaviour Contract, showing that there had been ongoing issues before proceedings. There had been a referral to adult social services and various meetings.
6. The allegations within the proceedings included that the defendant had been aggressive towards Emma Wilkinson, an area housing officer on 18 August 2017, referring to her as a "fucking vile slag" and it is clear that throughout the history of this matter that, when under pressure, Mr Legge has a tendency to resort to extreme abuse. Indeed, Ms Barrett who appears on behalf of him today advanced as mitigation the context in which the admitted abuse of District Judge Woodburn took place; being a time of extreme stress for the Defendant
7. I need not deal any further with the ongoing history of the injunction in detail. Save to note that during the course of its history, two medical reports have been served on behalf of Mr Legge. Firstly by Dr Pravachan, as long ago as 3 April 2013, which sets out the detailed history of the Defendant's involvement with the psychiatric services starting in December 1970, so nearly 50 years ago. The diagnosis was then, and appears to continue to be, of a personality disorder. He was admitted to hospital from Horfield Prison in 1983 and subsequently referred to community psychiatric nursing teams. Has been an inpatient on occasions, including under Section 2 of the Mental Health Act. As at 2013 Dr Pravachan was of the view that Mr Legge has a persecutory belief system, severe personality disorder with OCD compulsive hoarding syndrome. He queried the possibility of Asperger's and was of

the view that Mr Legge lacked capacity.

8. Eventually a further report was produced by Dr Jaiawickerham dated 22 January 2019. That agrees insofar as the opinion that there should be a diagnosis of a hoarding disorder but disagrees with a view that Mr Legge does not have capacity and says that he can adequately understand the injunctive proceedings. Ms Barrett a highly experienced solicitor dealing with housing associated matters, has some concerns about the accuracy of that in the context of the wider injunctive proceedings and the hoarding disorder. However that is the up to date medical evidence which was served on behalf of the Defendant.
9. There have been applications made by the Claimant to obtain an order to try and get access to the property and also allegations made against Mr Legge of harassment and threats of other residents in the block of flats. There was eventually an order by District Judge Rowe of 25 March 2019, that Mr Legge must attend an appointment with a social worker on 2 April 2019. So the Court was trying to progress the matter through positive requirements. In particular the hope was that a social worker and also Avon and Wiltshire Mental Health Trust could evaluate and where necessary and possible, assist Mr Legge. Regrettably as District Judge Woodburn found, when Mr Legge attended to meet with the social worker on 2 April 2019, he spat in his face, called him 'a bent bastard' and the social worker 'an old bitch'.
10. On 12th April 2019 District Judge Howell made an order that Mr Legge should self-refer to Avon and Wiltshire Mental Health Trust by the GP. He was arrested on 6 May having been the subject of a warrant upon the application of the claimant for breach of the order, by virtue of what had occurred on 2nd April, and on 10th May Deputy District Judge Taylor added two positive requirements, again to engage with Avon and Wiltshire Mental Health Trust and Bristol City Council.
11. The hearing then came before District Judge Woodburn, initially on directions, and then secondly, on 24 July when, as I have indicated, before the hearing really got started Mr Legge racially abused the judge. The allegations, which are on the face of the order for this hearing, are admitted. There are two allegations that the Defendant referring to the Judge as 'a black bastard' and 'a black cunt'.
12. The court has a power under Section 118 of the County Court Act 1984 to deal with a person attending the court who wilfully insults a judge during his attendance or misbehaves. There is a maximum of 28 days' sentence.
13. The Judge did not deal with it on the day, partially as I have indicated, because the security staff removed Mr Legge from the court. However, it can be very difficult for a judge to properly deal with these matters in the heat of the moment and it is very often, if not invariably, appropriate to allow time for representation to be obtained and careful reflection and consideration by the Defendant. Time afforded means the court can approach what has happened in a far more measured fashion, than if the court were to proceed to deal with the contempt, shortly after it occurred.
14. Here Mr Legge has been able to gain legal representation, indeed he has been admirably represented by Ms Barrett who has taken a pragmatic and sensible view of matters and placed

what mitigation she could before the court.

15. Turning to mitigation, Ms Barrett submits that the allegation has been admitted without contest; in effect a guilty pleas and she states, correctly that must be taken into account. She also says that Mr Legge is very sorry and wishes that what had happened, had not happened.
16. Ms Barrett did not submit that Mr Legge lacks capacity in the sense of knowing that he should not be racially abusing a judge, but that, as I have indicated earlier, when in circumstances of stress, he is prone to behaviour that he would not engage in when not under such stress. He apologises and recognises that what he did was wrong
17. Ms Barrett referred to Mr Legge's personality disorder and also to paragraph 104 of the medical report of Dr Jaia Wickerham in which he states, 'that the impact of a custodial sentence is likely to have a negative effect on Mr Legge's mental state.

'Over a period of time he has not made contact with family or friends, he does not have a social network, he is a lonely man who does not engage with other services, being in the custodial setting he will be distressed about his possessions and material he has stored over many years. This distress could result in him presenting with low mood and/or with episodes of aggression'.

18. I recognise all these features and take them into account. However my view in relation to this is that this matter passes the custody threshold. There are clear aggravating features here. It would be, in my view, serious if a judge were to be referred to as either 'a bastard' or 'a cunt' by a person attending a court, but the racial element is an aggravated feature must take this into a different category. It is wholly unacceptable that any person, even more a person in public service, should receive racially aggravated abuse.
19. As I have stated I take into account all of the mitigation and the features, were it not for the mitigation advanced I would certainly have imposed a higher sentence. I would ordinarily have started at the top end of the available sentence i.e. approaching the maximum 28 days for this really nasty and wholly unacceptable, racial abuse of a judge in the court. However I also take into account that, to a degree, when under stress, Mr Legge struggles to control his behaviour, his personality disorder and the impact of the sentence. I take it into account in the background, but it does not in my view, provide a whole excuse for his behaviour. I therefore started at 15 days and gave a further reduction of a third for the admission.
20. I do not take the view that this is a case which can properly be dealt with by a suspended sentence, rather in my view, this requires an immediate custodial sentence. I have, however, kept it as short as possible. I do recognise what the doctor has said, but it is important the courts of this land operate and anyone attending at them can do so without fear of this type of abuse.
21. The sentence that I pass is of 10 days immediate custody. I do so with regret, but that sentence, it seems to me, is appropriate in all of the circumstances to mark the unfortunate circumstances of this case. I will allowed the parties to seek reach agreement as to an order in relation to the balance of the case going forward. Clearly this case needs to be considered urgently to prevent any further potential breaches of this matter,

22. The order that I make is that Mr Legge is committed to prison for 10 days.

End of Judgment

Transcript from a recording by Ubiquis
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This transcript has been approved by the judge.