Case No: L00TQ030
Neutral Citation Number: [2024] EWCC 20

IN THE COUNTY COURT AT TORQUAY & NEWTON ABBOT

The Law Courts
Armada Way
Plymouth
PL1 2ER

Date of hearing: 20 November 2024

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Before:

DISTRICT JUDGE MASHEMBO

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Between:

CHIEF CONSTABLE OF DEVON AND CORNWALL POLICE **Claimant**

- and –

PATRICIA SHORTHOUSE **Defendant**

- - - - - - - - - - - - - - - - - - - -
- - - - - - - - - - - - - - - - - - - -

MR DARCY for the **Claimant**

MR CUDDIHEE for the **Defendant**

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APPROVED JUDGMENT

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DISTRICT JUDGE MASHEMBO :

1. The claimant in this application is the Chief Constable of Devon and Cornwall Police, represented by Mr Darcy. The defendant is Patricia Shorthouse, she resides in Torquay.

2. An injunction order was made against the defendant on 3 April 2024 but made final on 2 July 2024 under the Anti-Social Behaviour, Crime & Policing Act 2014. The defendant, as I understand it, did attend those hearings.

3. On the, I believe, 18 November of this year, Ms Shorthouse was arrested for an alleged breach of that injunction. The circumstances relate to an event that took place on 14 November. The details of that event are contained in a statement that I have read of Ms Anna Miles. She describes how the defendant appeared outside on the street, came out of the front door and shouted words to the effect of: "You're a fucking cunt" and words to the effect of: "Shut the fuck up". The defendant then slammed the door.

4. Yet again the defendant came outside of her home and started shouting: "Shut the fuck up" multiple times: "Go to bed, you cunt, don't come near us". It is also said that there was something said about the neighbour abusing his mother. The defendant is described as being abusive and loud in the street and it caused Ms Miles and her neighbours significant distress. So those are the circumstances that relate to 14 November 2024.

5. Today is the first hearing. Ms Shorthouse has legal representation from Mr Cuddihee who indicated at an early stage that Ms Shorthouse admits the breach and acknowledges it. So having read the evidence that I have read from Ms Miles and the police officer, PC Aryton, I find to the criminal standard of proof that the defendant

breached the terms of paragraph 1 and 2 of the injunction order, namely that she acted in such a manner that causes or is likely to cause harassment, alarm or distress to any person and that she used offensive, aggressive and obscene words in a public place that did cause harassment, alarm or distress to Ms Miles. So I do find that Ms Shorthouse is in contempt of court.

6. I then turn to sentencing. I have heard the submissions from both counsel. The objectives of sentencing are to ensure future compliance with the order, punishment and rehabilitation. There are a number of options available to the court when dealing with this defendant. I remind myself of the general principles that custody should be reserved for the most serious breaches and for less serious cases where other methods of securing compliance with the order have failed.

7. The court should consider a penalty for each breach found proved. The terms of imprisonment may be concurrent or consecutive to each other. Consideration must also be given to the totality of the penalties imposed. A custodial sentence should not be imposed if an alternative course is sufficient and appropriate. If I do decide to impose a term of imprisonment, that term should always be the shortest term which will achieve the purpose for which it is being imposed. If custody is appropriate, the length of the sentence should be decided without reference to whether or not it is to be suspended. In some cases the court may conclude that a fine will be sufficient.

8. In the most minor cases, the court may decide that the impact of the proceedings is likely to achieve the purposes of the contempt jurisdiction. It may be appropriate to make no order save for the finding of breach. All of these ways of disposal will mean that any future breach of the order will be treated as substantially more serious.

9. I have given consideration to the degree of harm and the degree of culpability, bearing in mind the civil context. I have had regard to the well-known scheme based on the three levels of culpability and harm, which is modelled on the Sentencing Council's scheme for breaches of criminal behaviour orders. In my judgment, the breach of the order by the defendant was deliberate. The defendant was aware of the injunction order and what she could or could not do. It seems to me that the breach was more than a minor breach but there is no evidence of actual violence or threat of serious violence. It seems to me that the breach caused some distress to Ms Miles but I do not categorise that as very serious harm or distress.

10. Therefore, I agree with both counsel that the appropriate starting point for the sentence is one month. The category range within which the sentence can be adjusted is adjourned consideration, up to three months' imprisonment. There are some elements for the court to take into consideration which increase the seriousness of the breaches. Firstly there are two breaches of the order and secondly, I do note, as Mr Darcy has pointed out to the court, the very lengthy previous convictions of Ms Shorthouse which do go back some time.

11. However, I do also consider that there are mitigating factors. There has been a prompt admission. That is a significant mitigating factor. This is, it appears to the court, the first time that Ms Shorthouse has breached the injunction after seven months of complying with it. I do not find that the words said by Ms Shorthouse were directed to Ms Miles or her neighbours directly. They seemed to me to be situational and in the context of what appears to have been a domestically-abusive incident.

12. In my judgment, adjournment of sentence as a deterrent and to secure a means of compliance would serve no purpose. Similarly, a fine is not appropriate on the facts

of this case. In my judgment, a sentence of imprisonment of four days for each breach is the appropriate sentence, to run concurrently. I acknowledge that Ms Shorthouse has served 24 hours in custody already. That seems to me to be just and proportionate. However, I will suspend the sentence of imprisonment. I will suspend the sentence of imprisonment for a period of six months on condition that the terms of the injunction order from 2 July 2024 are fully complied with. So that is my decision.

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