

ENGLAND AND WALES / JUDGMENT

North Wales Housing Association Ltd v Adele Ockerby

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Ref. L00RL393 Neutral Citation Number: [2025] EWCC 42 IN THE COUNTY COURT AT CAERNARFON Llanberis Road Caernarfon Before HER HONOUR JUDGE OWEN IN THE MATTER OF NORTH WALES HOUSING ASSOCIATION LTD (Claimant) -v- ADELE OCKERBY (Defendant) MS ROUTLEDGE appeared on behalf of the Claimant MS CLARKSON appeared on behalf of the Defendant

JUDGMENT

2nd JULY 2025 (AS APPROVED)

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report has now been prepared by Dr Kumar, who is a consultant forensic psychiatrist. His report is dated 16 May 2025. He has also prepared an addendum in the light of receipt of medical records for the Defendant and he confirms in that addendum that he does not wish to amend his conclusions or his opinion in his initial report at all.

4. Within his report, he concludes that the Defendant is a woman of normal intelligence who is capable of understanding the injunction. He notes that she has been known to the mental health services for many years. He advises that she should seek therapy for her mental health condition.
5. Within his conclusions, he states that the Defendant is fully capable of understanding the terms of the injunction order, to comply with the terms and to understand the consequences of the breach. However, despite her full understanding, she lacks insight and tends to blame others for her own breaches. 6. I note within that report that it does highlight that the defendant has had a difficult history and has not had the easiest of lives. However, that is not an excuse for making other people's lives difficult, which is clearly what she has done and is evidenced within these proceedings. 7. I should add that after I had determined that she had breached Clause 2 of the anti- social behaviour injunction, my colleague District Judge Lloyd-Jones on 5 June 2025 made the interim injunction final on the same terms and that order will remain in force until 29 May 2025. 8. I have heard helpful submissions from Ms Routledge, counsel on behalf of the Claimant, and from Ms Clarkson on behalf of the Defendant. I have been referred to the judgment of Hale LJ in *Hale v Tanner* [2000] 2 FLR 879 approved by Lord Woolf CJ in *Murray v Robinson* [2005] EWCA Civ 935 that in terms of the objectives of sentencing, there were three objectives to be considered. The first is punishment for breach of an order; the Transcribed from the official recording by eScribers second is to secure future compliance with the court's orders, if possible; and the third is rehabilitation. Sentencing powers are limited. The court can impose an immediate custodial sentence, 9. a custodial sentence suspended on terms or a fine. Everyone agrees that a limited fine is inappropriate here given the gravity of the breach and this is not a case where no order is appropriate either.
10. Accordingly, the first issue which I have to consider is the issue of a custodial sentence and whether that threshold is met. I think that there is no dispute that the custodial threshold is crossed given the seriousness of this breach. I note that, however, a suspended sentence is usually the first way of attempting to secure compliance with an order. The first question I have to ask myself is whether I impose a custodial sentence, if yes for how long, and finally, whether it should be suspended and suspended on what terms. I have considered the very helpful guidance in relation to breaches and sentencing and I 11. note that custodial sentences are to be reserved for the most serious offences when no order or a fine will do. I am satisfied that, given the nature of the offence, that this is a serious offence where a custodial sentence is appropriate. I note that the offence involved not only shouting abusive terminology at the neighbour but it also contained threats and there was physical violence in terms of the defendant kicking at the door. I have to consider, first of all, the issue of

culpability and harm. I think that everyone 12. agrees that the appropriate category for culpability is that of category B. This was, I accept, a deliberate incident. The evidence of Dr Kumar is that the Defendant can understand the nature of the injunction and that she has the ability to comply with it and understand the consequences of breaching it. I accept that there was no significant premeditation but nevertheless there is evidence 13. that the Defendant went to the other neighbour's flat and that even when the other neighbour was trying to shut the door that the Defendant persisted in her behaviour by kicking at the neighbour's door. I then look at the level of harm. I think that everyone agrees that that should be at 14. Level 2, although Ms Routledge rightly argues that given the gravity of the offence that it could potentially go into Level 1. Here, there was harm caused. The neighbour concerned gave evidence in court and was clearly distressed in court and at the material time. She had to call the police. She was called a "fucking rat" by the Defendant, who then proceeded to threaten to slap her and make other threats. She felt unsafe in her home.

15. With a B2 category, the minimum sentence is one month's duration. I then have to consider whether the sentence should be adjusted in the light of the evidence before me and the submissions made. I note that it is significant that this was a breach which occurred only approximately a month after service of the interim injunction. I note that the purpose of the injunction is to protect the residents at the block of flats where the Defendant has a contract Transcribed from the official recording by eScribers agreement. I am told that she has shown no remorse. I note that within Dr Kumar's report, she can understand the terms of the injunction.
16. However, I do note the points made by Ms Clarkson in terms of mitigation. The Defendant has an adult son who she cares for. That adult son remains living in the flat concerned; she has since moved out and she goes in there to support him all day. If she were sent to prison, she would be unable to care for him.
17. The Defendant disagrees with the contents of Dr Kumar's report but nevertheless I note that no questions have been put to him to challenge his evidence. I do, however, note that she has had a difficult life and that she has had lots of challenges in her life. I also note that she is now trying to act on Dr Kumar's recommendation and that she is working with mental health services. She also appears to have a supportive partner. She has not been drinking since March and there have been no episodes or incidents since that March incident. She is trying to find suitable new accommodation and she has, via Ms Clarkson, her barrister, apologised for the distress she has caused today.
18. Accordingly, it strikes me that the appropriate sentence here is a period of one month in custody. I have no doubts that the threshold for giving her a prison sentence is crossed. However, I then have to go on and consider whether I should suspend that prison sentence. It strikes me that the effect of the suspension and the continuance of the injunction which has now been made final is sufficient to address the issues here.

19. The Defendant is now apparently complying with the terms of the injunction and appears to be in a better place. I have not been told of any further incidents. So it would appear that the threat of a prison sentence combined with the ongoing injunction which is valid until the end of May 2027 are working. In those circumstances, I will suspend the sentence so as to give the Defendant one last 20. chance and it does strike me that a suspended sentence combined with the final injunction will have the effect of protecting the residents who the injunction was intended to protect. 21. I also note that the Defendant did spend a night in custody so because of that I will deduct two days from that one month sentence. She will be sentenced to 28 days less two days for time spent on remand being a total sentence of 26 days; on the condition that the Defendant complies with the terms of the injunction dated 29 January 2025 but made final on 29 May, drawn on 5 June 2025, suspended until 29 May 2027, 4pm.
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This transcript has been approved by the Judge Transcribed from the official recording by eScribers 4

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