

IN THE HIGH COURT AT BIRMINGHAM

Neutral Citation [2022] EWHC 1322 (QB).

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QUEEN'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

Before His Honour Judge Rawlings sitting at Birmingham Civil Justice Centre on 19 May 2022

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

-and-

WILLIAM WHITE

Defendant

MR SHEPHEARD appeared on behalf of the Claimant

MR JONES appeared on behalf of the Defendants

APPROVED JUDGMENT

JUDGE RAWLINGS:

1. I will deal with the issue, first, of whether the order has been breached. Mr Shephard has read out the facts of the breach and you have accepted those facts to be correct. You have accepted that you knew that there was an injunction in place and that by doing what you did you were deliberately breaching that injunction. I am satisfied therefore so that I am sure that you have breached the injunction and that the breach was deliberate.
2. According to the sentencing guidelines for Breach of a Criminal Behaviour Orders (which does not directly apply to breaches of civil injunctions (but is the only available guidance as to the sanction to be imposed for breaches of civil injunctions of the type you breached) I need to assess your culpability for breach of the injunction and the harm that your breach caused. This then provides me with guidance as to the starting point for the sanction to be imposed. Culpability is split into 3 categories according to your culpability for the breach (A-C) and harm also into 3 categories (1-3) according to the seriousness of the harm.
3. On the basis that this was a deliberate breach I assess culpability at B. So far as harm is concerned, it appears from the details that I have been given. Which you accept that there has been little or no real harm as a result of your breach of the injunction. On this basis I assess harm at 3. So, for the purposes of the sentencing guidelines the breach is B3. The sentencing guidelines refer to the imposition of a Community Order, but as this is not a criminal matter and this is not a criminal court I have no power to impose a community order. In my judgment, the appropriate sanction is the imposition of a fine.
4. Consistent with the fine that I imposed on Reverend Hewes for a similar breach of the injunction, the fine that I would have been minded to subject Reverend White to would have been in the region of £700 to £800. However, the court considers a period of incarceration to be a more severe penalty than a fine and I am satisfied in the circumstances that the six days that you, Reverend White have spent in jail as a result of being remanded in custody is sufficient punishment in relation to his breach of the injunction and I will, therefore, make no further order in relation to a penalty for that breach and you will be free to go.
5. So far as costs are concerned, what I propose to do is, as I have with the other defendants, is to order that you pay a contribution of £250 towards the claimant's costs and that that should be paid within 28 days, which is the same order I made for Reverend Hewes, on costs.

This transcript has been approved by the Judge

