



Mr Nigel Roberts
22 Grasmere Avenue
Clayton
Newcastle
Staffs
ST5 3HF

4th September 2024

Dear Mr Roberts

Housing Act 1988, Section 8 as amended by Section 151 of the Housing Act 1996

Notice of Seeking Possession of a Property let on an Assured Tenancy

We have attempted to work with you to address reports of anti-social behaviour and harassment, which has resulted in you continually breaching the terms of your tenancy.

Regretfully our attempts to work with you to resolve the matter have failed and we have now reached a point where our only option is to commence legal proceeding against you. Our next step is to apply to the Court to ask for possession of 22 Grasmere Avenue, Clayton, Newcastle, Staffs, ST5 3HF.

The information received about the conduct of your tenancy includes reports of:

- Anti-social behaviour
- Noise nuisance
- Harassment
- Threatening and intimidating behaviour
- Verbal abuse

Full details of your breaches of tenancy are listed on the Notice and further details will be contained in our Housing Management witness statement and statements given by residents' affected by your behaviour.

The Notice of Seeking Possession is enclosed, this is the first step in this process. Please pay attention to the notes which explain what you should do now. If there are any personal circumstances that you wish Aspire Housing to consider before we issue proceedings, please get in touch by 13th September 2024.

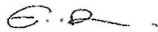
This notice is served upon you without prejudice of any other notice you may receive from us.

We recommend you seek advice about what to do next. Take this letter and the enclosed papers to Citizens' Advice or a solicitor as soon as possible. Alternatively, you can contact Newcastle Housing Advice to discuss your housing needs.

Please get in touch if you would like to discuss this. Ways to get in touch:

- Email: enquiries@aspirehousing.co.uk
- Via your customer portal account
- Visit our website www.aspirehousing.co.uk

Yours sincerely



Elizabeth Darlington

Locality Team Leader



NOTICE OF INTENTION TO BEGIN PROCEEDINGS FOR POSSESSION OF A PROPERTY IN ENGLAND LET ON AN ASSURED TENANCY OR AN ASSURED AGRICULTURAL OCCUPANCY

FORM NO. 3

Housing Act 1988 section 8 (as amended)

INFORMATION FOR THE TENANT

This notice tells you that your landlord intends to begin proceedings for possession of the property identified in section 2. You should read it carefully and seek advice about your circumstances as quickly as possible.

The earliest date on which possession proceedings can begin will depend on the ground(s) on which possession is sought and is given in section 5 of the notice.

If you are worried about this notice, and what you should do about it, take it immediately to Citizens Advice, a housing advice centre, a law centre or a solicitor.

If you are a debtor and you are in a 'breathing space', you should inform your debt advisor.

If you believe you are at risk of homelessness as a result of receiving this notice, you should contact your local authority for support.

Free independent advice is also available from Shelterline on 0808 800 4444 or via the Shelter website at: <https://www.shelter.org.uk/>.

Further information about this notice and the possession process can be found at: <https://www.gov.uk/government/publications/understanding-the-possession-action-process-guidance-for-landlords-and-tenants>

1. To: (insert full name(s) of tenant(s) / licensee(s))

Mr Nigel Roberts

2. Your landlord / licensor intends to apply to the court for an order requiring you to give up possession of: (insert address of property)

22 Grasmere Avenue, Clayton, Newcastle, Staffordshire ST5 3HF

3. Your landlord / licensor intends to seek possession on ground(s):

12 & 14 in Schedule 2 to the Housing Act 1988 (as amended), which read(s):

Give the full text (as set out in Schedule 2 of the Housing Act 1988 (as amended)) of each ground which is being relied on.

Ground 12

Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed.

Ground 14

The tenant or a person residing in or visiting the dwelling-house -

(a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality,

(aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions, or

(b) has been convicted of -

(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or

(ii) an indictable offence committed in, or in the locality of, the dwelling.

Give the full text (as set out in the Housing Act 1988 (as amended) of each ground which is being relied on. Continue on a separate sheet if necessary.

4. Give a full explanation of why each ground is being relied on:

Ground 12

You have breached the following clauses of your Tenancy Agreement which contain inter alia:

C. Harassment

C.1 You, members of your household and visitors to the Premises and any persons admitted to the Premises by anyone who has authority to live there must not harass any other person residing in, visiting or otherwise engaged in lawful activity, in the estate or in the neighbourhood. You will be held responsible for the behaviour of every person

Note: Harassment includes

- *Using threats or violent action against another person for any reason, including their age, appearance, religion, race, sexual orientation, gender, sex and mental or physical capacity*
- *Violence*
- *Using abusive or insulting words or behaviour*
- *Damaging or threatening to damage another person's home*
- *Writing or threatening to write abusive or insulting graffiti*
- *Doing anything else which interferes with the peace, comfort, state of mind or convenience of another person.*

D. Nuisance

D.1 You, members of your household and visitors to the Premises and any persons admitted to the Premises by anyone who has authority to live there must not cause a nuisance or annoyance or disturbance or act in such a way that is likely to cause nuisance or annoyance or disturbance to other resident, their guest or visitors or any person engaged in lawful activity, on the estate or in the neighbourhood. You will be responsible for the behaviour of every person (including children) living in or visiting (with your consent) the Premises, inside the Premises, in any communal areas and on the estate or in the neighbourhood.

Example(s) of Breach(es) but not an exhaustive list

- *Nuisance, annoyance and disturbance may be caused by activities such as;*
 - *excessive noise*
 - *offensive language and behaviour*
 - *shouting*
 - *banging doors*
 - *barking dogs, failing to control dogs or other pets*
 - *offensive drunkenness*
 - *dumping rubbish*
 - *vandalising property*
 - *misusing common parts or communal facilities*

O. Threats or violence towards staff

O.1 You, members of your household and visitors must not threaten, intimidate or carry out any violent act against any of our officers, involved customers acting on our behalf, Board Members or our agents (including contractors) in the Premises, in the neighbourhood or elsewhere, including any offices owned and/or managed by Aspire Housing. Any breach of this clause may result in legal action

being taken against you; penalties for this action could include withdrawal of non- essential services, restriction of access to certain buildings or only contact by letter or telephone in the future.

Example of Breach but not an exhaustive list

- *Using abusive language when speaking to, physical contact with any such persons.*

PARTICULARS

- 4.1. On 17th August 2022, you made 2 separate calls to Aspire Housing. You were swearing and abusive during both phone calls. You called one member of staff "a fucking arsehole".
- 4.2. On 27th January 2023, you called Aspire contact centre and called a member of staff a liar.
- 4.3. On 30th January 2023 you attended Aspire Housing offices and behaved in an intimidating manner towards a staff member.

- 4.4. On 27th April 2023 you phoned Aspire Housing and called a member of staff "a dickhead".
- 4.5. On 6th June 2023, you were offensive and made derogatory remarks to a Locality Manager, stating that she sounded "gay", "woke" and "boring".
- 4.6. On numerous occasions since August 2023 you have caused excessive and / or disturbing noises from the property including clapping, banging, shouting, singing and the playing of music. This resulted in a Abatement Notice in respect of Noise Nuisance being obtained against you by Newcastle-Under-Lyme Borough Council on 16 October 2023.
- 4.7. Since around August 2023, you have engaged in a campaign of harassment toward your neighbours including making repeated safeguarding reports without cause, mimicking a child's disability and behaving in an aggressive and intimidating manners.
- 4.8. On 17th August 2023, you behaved in an aggressive and intimidating manner towards two staff members who attended your home. You engaged in repeated foul and abusive language including calling them "cunts" and "bastards".
- 4.9. On 24th August 2023, you sent an email to approximately 20 different members of Aspire Housing staff with the statement threatening "If you are saying the garden is my responsibility, I will burn it all if this is not sorted out soon. I mean very soon".
- 4.10. On 31st August 2023, there was excessively loud music coming from your home between 14:44pm and continued until 9pm.
- 4.11. On 1st September 2023 you advised an Environmental Health Officer that "this isn't going to stop until you do something about it, the music is going to stay on until 10pm every day until you do something about it". You then went on to say of your neighbours, one of whom was present at the time, "They are absolute scum. He is scum, they are scum next door. They are abusing their children". Further he said "they are going to get music all day every day until I want to stop playing it. You can't stop me".
- 4.12. On 1st September 2023 you said to an Environmental Health Officer "You won't be able to take me to court for mental health issues. You can take my equipment away, I've got money, I'll buy more. You can put me in jail and I'll come back and do it again. I've spent my whole life in prison, it doesn't bother me one bit".
- 4.13. On 4th September 2023, you behaved in an aggressive and intimidating manner toward persons acting in a professional capacity attending at a neighbouring property. You called one a "dickhead" and another a "fat fucking cow" and stated if any cameras were on your property you would "come looking for you".
- 4.14. On 21st September 2023, you reversed your car into that of a neighbour and were abusive and aggressive toward them including saying "go back to your own country".
- 4.15. On 21st September 2023, you made howling and barking noises through an adjoining wall, seemingly to mimic your neighbour's disabled son.
- 4.16. On 13th October 2023, you were served with a Noise Abatement Notice by Newcastle Borough Council for frequent and ongoing noise nuisance being caused by you.
- 4.17. On 14th October 2023 you were playing loud music which impacted on neighbours at 22.41pm and this lasted until 23.45pm.
- 4.18. On 26th October 2023, from 6.20pm, your son had a party at the property whereby very loud music was played for several hours causing a disturbance to neighbours. You were aware of the party and

were seen leaving your home whilst this took place. The loud music continued until 11.23pm when the police attended.

- 4.19. On 30th October 2023, you became aggressive toward Aspire contractors, telling them to “pack your tools up and fuck off”.
- 4.20. On 21st November 2023, at 9.20pm there was excessively loud music coming from your property.
- 4.21. On 20th December 2023, there was excessively loud music coming from your property.
- 4.22. On 6th January 2024, there was excessively loud music coming from the property and you were making screaming sounds of “woohoo” which could be heard through the adjoining neighbours wall.
- 4.23. On 2nd February 2024, you caused distress to neighbours by repeatedly shouting “woohoo” through the adjoining wall.
- 4.24. On 14th February 2024, there was excessively loud music coming from your property between 10.55am until 1.17pm.
- 4.25. On 2nd March 2024, at 7.59pm there was excessively loud music coming from your property.
- 4.26. On 13th March 2024, there was excessively loud music coming from your property at 4.10pm for 2 hours.
- 4.27. On 16th March 2024 during a phone call, you were abusive to an employee of Aspire saying “I don’t give a fuck about that, twat. You fucking send someone around. You need to send six people to come for the fucking boiler, ok cunt” and then “don’t even bother talking to the cunts”.
- 4.28. On 15th April 2024, there was excessively loud music coming from your property 7.30am.
- 4.29. On 16th April 2024, you were abusive toward two Aspire employees calling them “ugly” and an “ugly cow”. You behaved in a confrontational manner stating, “What a load of bullshit” and “you’re full of shit”. Also, you said “run to / tell the court. Go and tell them I’ve breached my ASBI. Go on”. During this incident you also called your neighbour “a cunt”, “nonce” and “a child abuser”.
- 4.30. On 22nd April 2024 you played excessively loud music throughout the evening and in particular at 20:24hrs, 21:45hrs, 21:58hrs and 22:00hrs when you could be heard shouting / singing.
- 4.31. On 23rd April 2024 from early evening until 10pm there was excessively loud music coming from your property.
- 4.32. On 24th April 2024, as you walked past your neighbours home you directed comments of “child abuser”, “paedophile” and “nonce” at them.
- 4.33. On 6 May 2024 at approx. 23:30hrs, you played excessively loud music in the property, specifically a song titled “you can’t stop the music”. Further, you shouted “fuck you, you cunts”.
- 4.34. On 6 June 2024 at 07:47hrs there was excessively loud music and shouting / singing coming from the property.
- 4.35. On 6 June 2024 at 12:48hrs, upon returning to the property from court, you exited your vehicle and repeatedly shouted “cunt”, “wankers” and “fucking cunt” whilst returning to your property.
- 4.36. On a number of occasions, you have attempted to intimidate employees and / or agents of Aspire by issuing spurious court proceedings against them.
- 4.37. On a number of occasions, you have harassed and caused nuisance to your neighbour by repeatedly issuing spurious court proceedings against them.
- 4.38. On 8th June 2024 at 23:00hrs, you played music at excessive levels in your home.
- 4.39. On 18th June 2024, you played music at excessive levels in the morning, you left your home with the music still playing.

- 4.40. For three consecutive nights, from 27th June 2024 until 29th June 2024 you played excessively loud music in your home from 10pm at night. Each time this was for a duration of 60 minutes or more.
- 4.41. On 15th July 2024, two Aspire Housing electricians attended your home. You behaved in an aggressive and intimidating manner toward them shouting at them to "get out", calling them "Aspire scum" and "Aspire cunts and wankers".
- 4.42. On 16th July 2024 from 6.40am, you played excessively loud music in your home.
- 4.43. On 23rd July 2024, you sent an email to Aspire Housing demanding that Aspire workers only attend your home in 4s or 6s and that they always wear recording devices.
- 4.44. On 24th July 2024, you sent an email to Aspire Housing which said "fuck you cunts"
- 4.45. On 18th August 2024, you played excessively loud music in several rooms throughout your home during the evening.

Ground 14

- 4.46. The particulars set out at paragraphs 4.1 – 4.45 above are herein repeated.

The incidents at 4.1 – 4.45 as particularised under Ground 12 caused or were likely to cause a nuisance and/or annoyance to persons residing, visiting, or otherwise engaging in a lawful activity in the locality of the Property and / or caused or were likely to cause a nuisance or annoyance to the landlord or a person employed by the landlord in connection with the exercise of the landlord's housing management functions.

4. The court proceedings will not begin earlier than 5th September 2024.
5. If your landlord / licensor does not apply to the court within a given timeframe this notice will lapse. The latest date for court proceedings to begin is 12 months from the date of service of this notice, subject to any extension in accordance with the Debt Reprieve Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.
6. Name and address of landlord, licensor or landlord's agent:
(To be completed in full by the landlord, licensor, or, in the case of joint landlords / licensors, at least one of the joint landlords / licensors, or by someone authorised to give notice on the landlord's / licensor's behalf.)

Signed 

Name: Elizabeth Darlington

Telephone number **01782 635200**

Address: **Aspire, Kingsley, The Brampton, Newcastle, Staffs, ST5 0QW**

Capacity (please tick): **Landlord**

Date: 4th September 2024

