

In the County Court at Stoke on Trent

Claim No: K01SQ078

Between

Aspire Housing Ltd Applicant

V

Nigel Roberts Respondent

Trial bundle – 5th & 6th February 24

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Section A

Orders

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Notice of Hearing

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 5 December 2023



ASPIRE HOUSING LIMITED

1st Claimant
Ref 004300273.00174

NIGEL ROBERTS

1st Defendant
Ref

TAKE NOTICE that the Trial Hearing will take place on 5 February 2024 at 10:30 AM

at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP

This is an attended hearing, 1 day has been allowed for the Hearing

REQUESTS FOR ADJOURNMENT OF A HEARING

Because this case has been listed for a hearing, any party seeking an adjournment of the hearing must file an application with the court (Court Form N244) pursuant to Civil Procedure Rules Part 23, together with any applicable court fee (or confirmation that the applicant is entitled to fees exemption) before the application will be processed.

The relevant court fees (where fees exemption does not apply) are:

- in the case of an application to adjourn, which is not agreed the court fee is £275.
- If all parties to the claim agree that a hearing should be adjourned and an agreed application is filed at the court 14 or more days before the hearing, confirming in writing the agreement of all parties to the adjournment and any other directions proposed for the future management of the claim, then the court will not require payment of any fee;
- if all parties to the claim agree that a hearing should be adjourned and an agreed application is filed at the court less than 14 days before the hearing, confirming in writing the agreement of all parties to the adjournment and any other directions proposed for the future management of the claim, the court fee is £108.00.

No hearing will be adjourned unless and until a judge makes an order to this effect, whether or not all parties agree that a hearing should be adjourned.

Relevant paperwork or fees must be filed at The County Court at Stoke-on-Trent, Bethesda Street, Hanley, Stoke-on-Trent, Staffordshire, ST1 3BP, as Telford and Stafford County Courts are now only Hearing Centres and no longer have administration facilities.

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 10 January 2024



ASPIRE HOUSING LIMITED

1st Claimant
Ref 004300273.00174

NIGEL ROBERTS

1st Defendant
Ref

Before District Judge O'Donnell sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

Upon the Courts own motion

IT IS ORDERED THAT

1. The order of DJ Dunn dated 5 December 2023 is amended at paragraph 2 so that it shall read “The trial will take place on 5 February at 10.30am with an estimated length of hearing of 2 days.

2. Because this Order has been made without a hearing, the parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.

Dated 10 January 2024

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 22 December 2023



ASPIRE HOUSING LIMITED

1st Claimant
Ref 004300273.00174

NIGEL ROBERTS

1st Defendant
Ref

Before District Judge O'Donnell sitting at the County Court at Stoke-on-Trent, Bethesda Street, Hanley, Stoke-on-Trent, ST1 3BP on 19 December 2023;

UPON hearing Solicitor for the Claimant and the Defendant attending for part of the hearing only;

AND UPON it being recorded that the Defendant sought permission to attend the hearing by CVP, subsequently stated that he would attend in person and then on the morning of 19 December requesting to attend by CVP;

AND UPON the court sending the Defendant a CVP link to the Defendant, waiting over an hour for him to join the hearing which was listed for 11.30am, making 3 telephone calls to the Defendant's mobile number as provided by him but the calls going through to voicemail and sending 3 emails to the Defendant regarding his joining the hearing but the Defendant not responding or joining the hearing and the court proceeding in his absence;

AND UPON the court determining that the matters to be considered at the hearing were:

- the Defendant's Appellant's Notice dated 17 October 2023 to vary the Order of DJ O'Donnell dated 11 October 2023;
- the Defendant's application dated 17 October 2023 to strike out the Claimant's application for injunction and discharge the interim injunction order;
- the Defendant's application for specific disclosure dated 12 December 2023; and
- a pre-trial review in respect of the substantive proceedings;

AND UPON the Court noting that the Appellant's Notice sought to appeal the entirety of DJ O'Donnell's order dated 11 October 2023 (drawn up on 12 October 2023) and that the form purported to attach grounds for appeal and skeleton argument which were not included with the Appellant's Notice; and further that the Defendant sought to vary the order to substitute for the following:

- the claim by Aspire Housing Ltd be struck out and the injunction order discharged;
- alternatively, that the application for strike out and discharge of the injunction order be heard by the High Court;
- the case be transferred to the High Court;
- the case be managed by a Circuit Judge or higher;
- the order of 3 October 2023 and 12 October 2023 are removed and replaced by a High Court judge following on from the application to strike out the claim and discharge the injunction

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

AND UPON the court recording that in respect of (ii) to (v) the Appellant's Notice did not include any legal basis for the variation sought nor reasons given why the case should be transferred;

In respect of (i) the court noted the order of DJ Dunn dated 7 November 2023 that such application was to be treated as an application to set aside the Order of DJ O'Donnell dated 11 October 2023; that whilst the Defendant did make his application for strike out and discharge of the Injunction order at the hearing on 4 October 2023, the Defendant's application dated 29 September 2023 was not before the court at the hearing on 4 October 2023 – the same not having been served on the Claimant – and so was not considered meaning that the order of 11 October 2023 ought to be varied to allow consideration of the Defendant's application dated 29 September 2023 today;

AND UPON the court recording that the dismissal of the Defendant's application dated 3 October 2023 within the order dated 11 October 2023 should remain given that the application was dismissed for failure to sign the application or include any particulars of claim;

AND UPON the court considering that the Defendant's application dated 29 September 2023 did not contain any legal basis for the order sought but that the first part of the application to strike out the Claimant's application for injunction was treated as being made under CPR 3.4; the Court not finding that any part of CPR 3.4 is satisfied and that the essence of the application is currently being dealt with by the Defendant's permission to appeal listed for an oral hearing on 20 December 2023 having been refused on the papers by HHJ Burns by order dated 19 September 2023;

AND UPON the court considering that the 2nd part of the Defendant's application of 29 September 2023 to discharge the injunction order was being made pursuant to s8 Anti Social Behaviour Crime and Policing Act 2014 notwithstanding that the Defendant failed to include any legal basis for the order sought;

AND UPON the court considering the Defendant's 2nd application dated 17 October 2023 (which had not been served on the Claimant's solicitors) to strike out the claim for an injunction and discharge the injunction order and noting that this is the same as the order sought within the application dated 29 September 2023 save it referred to evidence set out in the application itself but containing no detailed supporting evidence;

AND UPON the Defendant joining the hearing by CVP at 3.40pm stating that he hadn't been sure that he was permitted to attend the hearing remotely despite the emails sent by the Court; that he had taken new medication shortly before 11.30am which had caused him to fall asleep until 10 minutes before joining the hearing at which point the remaining issues to be determined were the application for specific disclosure dated 12 December 2023 and the pre-trial review;

AND UPON the Defendant confirming that he is aware the final hearing is listed for 5 February 2023 and indicating he would likely prefer to attend the trial on 5 February 2023 remotely as a physical attendance would be stressful;

AND UPON the court hearing from both parties in respect of the application dated 12 December 2023 and the Court noting that the application did not include the legal basis upon which the application was made nor did it include a copy of the report in question but in any event determining that it was not relevant to the substantive claim given the Defendant's position that it is his medical condition (Tourette's) which has been exacerbated by noise nuisance from his neighbours and was responsible for his behaviour;

AND UPON the court considering directions required ahead of the substantive trial listed for 5 February 2023 and noting that the Claimant asserted that the Defendant had not disclosed any video or audio recordings as referred to in his disclosure statement and / or witness statement of 25 November 2023;

AND UPON the court advising the Defendant of the need to carry out full disclosure and that such duty was ongoing one notwithstanding that the Defendant stated that he did not know whether his disclosure statement was all of the disclosure in the case as he was not a solicitor;

AND UPON the Defendant stating that he would not be relying on any recordings at the substantive trial;

AND UPON the Defendant leaving the CVP at 4:26pm before the hearing had concluded;

AND UPON the Claimant confirming that the witnesses at trial would be Elizabeth Darlington and Keiron Beavan as per the statements filed and served and the Court noting that the Defendant's evidence would be of himself and Angela Baggaley following the filing and serving of those statements;

AND UPON the Claimant submitting that the Equality Act 2010 should not play any part in the substantive proceedings on account of there being no expert report compliant with the CPR which satisfies the test of as set out in s6 Equality Act 2010;

AND UPON the court noting that a 3rd application by the Defendant dated 17 October 2023 for data, CCTV and telephone recordings to be disclosed had not been served upon the Claimant and so would need to be listed for hearing;

AND UPON the court noting that the Defendant's application dated 8 December 2023 for the case to be transferred out of Staffordshire was not before the court, it not having been served on the Claimant;

IT IS ORDERED THAT

1. The Order of DJ O'Donnell dated 11 October 2023 is varied insofar as to set aside the dismissal of the application dated 29 September 2023. For the avoidance of doubt the order is not varied in so far as the application dated 3 October 2023 remains dismissed for the reasons previously given.
2. The Appellant's Notice dated 17 October 2023 is dismissed in respect of the variation sought as set out at (ii) to (v) at section 9 of the Appellant's Notice.
3. The Defendant's application dated 29 September 2023 to strike out of the Claimant's injunction application and discharge the injunction order is dismissed as totally without merit.
4. Pursuant to s8(4) Anti Social Behaviour Crime and Policing Act 2014 the Defendant is not permitted to apply to vary or discharge the injunction order without either the consent of the court or agreement of the Claimant.
5. The Defendant's application dated 17 October 2023 to strike out the Claimant's injunction application and discharge the injunction order is dismissed as totally without merit.
6. The Defendant's application for specific disclosure dated 12 December 2023 is dismissed.
7. The Defendant do file and serve any further medical evidence upon which he intends to rely by 4pm on 8 January 2024, such evidence to comply with CPR 35. The civil procedure rules can be accessed online- <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part35>
8. The Defendant do serve any additional disclosure documents upon which he intends to rely by 4pm on 8 January 2024.
9. Any request by the Defendant to attend the trial listed for 5 February 2024 remotely by CVP must be made to the court at least 7 days before the trial. For the avoidance of doubt, the Defendant's witness must physically attend court to give evidence.
10. The Claimant to file and serve a paginated trial bundle, to be agreed if possible, no later than 5 days before the trial, to include a case summary not exceeding 500 words.
11. Costs in the case.

General Form of Judgment or Order

In the County Court at Stoke On Trent	
Claim Number	K01SQ078
Date	10 October 2023



ASPIRE HOUSING LIMITED	1 st Claimant Ref 004300273.00174
NIGEL ROBERTS	1 st Defendant Ref

Before District Judge O'Donnell sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

UPON the court confirming that this hearing was a directions hearing as ordered by DDJ Harrop on 30 August 2023.

AND UPON hearing submissions from the legal representative for the Claimant and the Defendant in person, but the Defendant being escorted out of the hearing before it had concluded.

AND UPON the Defendant informing the court he has a number of medical conditions and the court informing the Defendant that he had not requested any reasonable adjustments to be made for this hearing but noting that if special measures are required for future hearings they should be requested in accordance with CPR PD 1A.

AND UPON the court noting that the Defendant has now filed and served a statement setting out the evidence that he wished to rely .

AND UPON the court noting that the Defendant remains without legal advice and that he may wish to take urgent independent legal advice in relation to the case.

AND UPON the court noting that the Defendant has filed with the court a great deal of correspondence referring to various applications. All applications must be made on N244 with evidence in support of the application. All evidence is to be in the form of a witness statement with a statement of truth which complies with CPR 22.

AND UPON the court noting that the Defendant's request for permission to Appeal the orders made on 22 August 2023 and 30 August 2023 was refused by His Honour Judge Burns and that he has now requested that both permission decisions be reconsidered at an oral hearing.

AND UPON the court noting that the Defendant may be pursuing a claim against the Claimant but, so far, no claim has been issued.

IT IS ORDERED THAT

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

1. By 4 pm on 27 November 2023, the Defendant shall provide evidence of his current medical condition(s) and in accordance with CPR PD 1A inform the court of what special measures (if any) are required for any further hearings and for the Trial. The civil procedure rules can be accessed online-
<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part01/practice-direction-1a-participation-of-vulnerable-parties-or-witnesses>
2. The matter is to be listed for a Pre-Trial Review on the first available date after 27 November 2023. Time estimate: 30 minutes attended.
3. The matter is to be listed for Trial on the first available date after 18 December 2023. Time estimate: of 1 day.
4. Each party shall give to every other party standard disclosure of documents by list with a disclosure statement by 4.00pm on 23 October 2023. Any request to inspect or for a copy of a document shall be made by 4.00pm on 30 October 2023 and complied with by 4pm on 6 November 2023.
5. The Claimant and Defendant shall file and serve any further witness statement evidence of fact by 4.00pm on 27 November 2023. All witness statements shall contain a statement of truth which complies with CPR 22.
6. Each party shall provide the Court with dates of availability for a three-month trial window beginning after 18 December 2023 by no later than 27 November 2023.
7. Not more than 7 days nor less than 3 clear days before the Trial, the Claimant must file at court and serve an indexed and paginated bundle of documents which complies with the requirements of CPR 39.5. The parties must endeavour to agree to the contents of the Trial Bundle before it is filed.
8. The interim injunction and power of arrest granted on 22 August 2023 shall remain in force until 22 August 2024 or until determination at final trial hearing, whichever is latest, unless before then it is varied or discharged by further order.
9. If there is further evidence which supports such an application, the parties may apply to vary or discharge the interim injunction at any time.
10. Costs of the application are to be reserved.

Dated 4 October 2023

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 26 September 2023



ASPIRE HOUSING LIMITED

1st Claimant

Ref 004300273.00174

NIGEL ROBERTS

1st Defendant

Ref

Before Deputy District Judge Connolly sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

UPON hearing Mr Anderson for the Claimant.

AND UPON the court being notified that the Defendant had been arrested today for an alleged incident and that he was unable to attend the hearing today.

AND UPON the court noting that the Defendant had filed and served a statement setting out the evidence that he wished to rely upon.

AND UPON the court noting that the Defendant remained without legal advice and that he may wish to take urgent independent legal advice in relation to the case.

IT IS ORDERED THAT

1. The application is to be re-listed for an in-person hearing for further consideration and Directions for the first available date after 28 September 2023 with a time estimate of 1 hour and an additional 15 minutes reading time, on a date to be fixed. The in-person hearing is to be in open court.
2. The Claimant is to file a Case Summary and proposed Directions (to be agreed, if possible) not less than 3 days prior to the next hearing.
3. The interim injunction and power of arrest granted on 22 August 2023 shall remain in force until 22 August 2024 unless before then it is varied or discharged by further order. At the further in-person hearing the court will consider whether the interim injunction should remain in force.
4. Costs of the application are to be reserved.

Dated 21 September 2023

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 1 September 2023



ASPIRE HOUSING LIMITED	1 st Claimant Ref 004300273.00174
NIGEL ROBERTS	1 st Defendant Ref

Before Deputy District Judge Harrop sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

The court records that:-

- (a) this case was listed today for its first on-notice hearing;
 - (b) the applicant was represented by a solicitor. The respondent attended in person;
 - (c) the respondent expressed his intention to resist the application made herein;
 - (d) The respondent told the court and the claimant's representative that he suffered from Tourette's syndrome.
- Against the above background

IT IS ORDERED THAT

1. The respondent must, **by the 13th September 2023**, send to the court and to the applicant a statement setting out the evidence that he wishes to give.
2. This application is to be re-listed for further consideration and directions on the first available date after the 20th September 2023 with a time estimate of 1 hour. This is to be an attended hearing.
3. The costs of today will be in the application.
4. The existing without-notice order is to remain effective in the terms and for the period stated therein.

Dated 30 August 2023

Injunction Order

Between Nigel Roberts, Defendant
and Aspire Housing Limited, Claimant

Clarke Willmott
Burlington House
Botleigh Grange Business Park
Hedge End
Southampton
SO30 2AF
DX 49665 SOUTHAMPTON 2

In the County Court at
Stoke On Trent

Claim Number	K01SQO78
Claimant (including ref.)	Aspire Housing Limited 004300273.00174
Defendant (including ref.)	Nigel Roberts



If you, the within named Respondent do not comply with this order, you may be held to be in contempt of court and punished by being imprisoned or fined, or your assets confiscated or your could receive other punishment under the law

On 22 August 2023 the court considered an application for an injunction

The Court ordered that the Respondent, NIGEL ROBERTS, be forbidden (whether by himself or by instructing, encouraging or permitting any other person) to:

1. Use or threaten to use violence toward any person who resides, visits or engages in a lawful activity in the locality of 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF to include direct neighbouring properties or toward the Applicant's staff, agents or contractors.
2. Engage in conduct causing or capable of causing harassment, alarm or distress toward any person who resides, visits or engages in a lawful activity in the locality of 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF to include direct neighbouring properties or toward the Applicant's staff, agents or contractors.
3. Engage in conduct causing or capable of causing a nuisance or annoyance to or any person who resides, visits or engages in a lawful activity in the locality of 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF to include direct neighbouring properties or toward the Applicant's staff, agents or contractors.
4. Damage or threaten to damage property owned by Aspire including at 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF

This order shall remain in force until 22 day of August 2024 at 4pm unless before then it is revoked by a further order of the Court.

It is further ordered that:

1. A power of arrest be attached to clause 1 of this order
2. Costs reserved

You may be able to get free legal aid advice. Go online at www.gov.uk/legal-aid for further information

Anti-Social Behaviour Injunction/Power of Arrest

Applicant: Aspire Housing Ltd

Respondent: **NIGEL ROBERTS**

The County Court at **STOKE-ON-TRENT**

Claim No:

Applicant's Name

Applicant's Ref:

Aspire Housing Limited

00430273.00174

Respondent's Name:

NIGEL ROBERTS

Kingsley, The Brampton, ST5 0QW

Telephone
No.

01782 635200

(here set out the provisions of the injunction to which the power of arrest relates)

It is ordered that the Respondent NIGEL ROBERTS be forbidden (whether by himself or by instructing or encouraging or permitting any other person) to:

1. Use or threaten to use violence toward any person who resides, visits or engages in a lawful activity in the locality of 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF to include direct neighbouring properties or toward the Applicant's staff, agents or contractors.

Power of Arrest

And the Judge finding:-

- a) That the conditions in Section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, are satisfied:

And the Court being satisfied that:

Delete a) or
b) as
required

- a) The conduct consists of or includes the use or threatened use of violence; and/or
- b) There is a significant risk of harm to other persons from the Respondent

A Power of Arrest is attached to this Injunction whereby any constable may under the power given in Section 9 of the Anti-Social Behaviour, Crime and Policing Act 2014, arrest without warrant the Respondent if the constable has reasonable cause for suspecting the Respondent is in breach of his Injunction.

This power of arrest was ordered on the 22.8.23

and expires on the 22.8.24

at 4.00pm.

Respondent

NIGEL ROBERTS
22 Grasmere Avenue
Clayton
Newcastle Under Lyme
ST3 3HF

Note to Arresting Officer

Where the Respondent is arrested under the power given by Section 9 of the Anti-Social Behaviour, Crime and Policing Act 2014, that section requires that:

- * The Respondent shall be brought before the Judge within the period of 24 hours beginning at the time of his arrest;
 - * The Respondent shall not be released within that period except on the direction of the Judge;
 - * A constable shall forthwith inform the person on whose application the injunction was granted.
- Nothing in Section 9 authorises the detention of the Respondent after the expiry of the period of 24 hours beginning at the time of his arrest. In calculating any period of 24 hours, no account shall be taken of Christmas day, Good Friday or any Sunday.

The Court Office at the County Court at. When corresponding with the Court, please address forms or letters to the Court Manager and quote the Claim Number. Tel.:

N110 Power of Arrest attached to Injunction under Section 4 of the Anti-Social Behaviour, Crime and Policing Act 2014

Power of Arrest - 20.08.2015:17678160_1

Limited civil restraint order

Name of court	STOKE ON TRENT
Claim No.	K01SQ078
Name of Claimant	ASPIRE HOUSING
Name of Defendant	NIGEL ROBERTS
Date of issue	20 DECEMBER 2023

Enter name and address of person against whom the order is made

Mr Nigel Roberts
22 Grasmere Avenue
Clayton
Newcastle Under Lyme
ST5 3HF



If you do not comply with this order you may be held in contempt of court and imprisoned or fined, or your assets may be seized

SECTION 1

Date of order 20 December 2023

Name of Judge District Judge O'Donnell

Name of person against whom order is made Mr Nigel Roberts

The judge has considered an application by the ☐ Claimant ☐ Defendant

OR

The court has considered, of its own initiative ☒

AND

Upon hearing

Upon reading The Order of District Judge Dunn dated 7 December 2023 and of District Judge O'Donnell dated 19 December 2023

And has found that the above named person has made two or more applications in these proceedings which are totally without merit.

SECTION 2

The Order

It is ordered that you be restrained from making any further application in these proceedings without first obtaining the permission of

Name of Judge Any full time District Judge at Stoke-on-Trent County Court

OR

If unavailable

It is further ordered

☒ This order will remain in effect for the duration of these proceedings

OR

☐ until

1. If you wish to apply for permission-

(a) to make **an application** in these proceedings; **OR**

(b) to make an application to **amend or discharge** this order,

you must first serve notice of your application on the other party. The notice must set out the nature and grounds of the application and provide the other party with at least 7 days within which to respond. You must then apply for permission of the judge identified in the order. The application for permission must be made in writing and must include the other party's written response, if any, to the notice served. The application will be determined without a hearing.

2. If you repeatedly make applications for permission under 1 above which are totally without merit, the court may direct that if you make any further application for permission which is totally without merit, the decision to dismiss the application will be final and there will be no right of appeal, unless the judge who refused permission grants permission to appeal.

3. Any application for permission to appeal a refusal of an application under 1 above must be made in writing and will be determined without a hearing.

SECTION 3

Costs

☒ There is no order for costs

☐ It is ordered that you pay costs. The sum you must pay is

You must pay on or before

and send payment to the ☐ Claimant ☐ Defendant

Note

If you attempt to make a further application in these proceedings without first obtaining permission of the judge named in the order above, your application will automatically be dismissed without the judge having to make any further order and without the need for the other party to respond to it.

If this order was made in your absence, you may make an application to set aside, vary or stay the order. An application must be made within the period specified in the order or, where no period is specified, not more than 7 days after service of this order on you. You do not require permission of the court to make such an application.

If you do not understand anything in this order you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau.

**Section B
Pleadings
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Application for Injunction (General Form)

Name of Court County Court at Stoke-on-Trent	Claim No.
Claimant's Name and Ref. ASPIRE HOUSING LIMITED 00430273.00174	
Defendants' Names and Ref. NIGEL ROBERTS	
Fee Account No. PBA0076531	

Notes on Completion

Tick whichever box applies and specify legislation where appropriate.

- (1) Enter the full name of the person making the application.
- (2) Enter the full name of the person the injunction is to be directed to.
- (3) Set out here any proposed mandatory orders requiring acts to be done.
- (4) Set out here the proposed terms of the injunction order (if the Respondent is a limited company delete the wording in brackets and insert "whether by its servants, agents, officers or otherwise")
- (5) Set out here any further terms asked for including provision for costs.
- (6) Enter the names of all persons who have sworn affidavits or signed statement in support of this application.
- (7) Enter the names and addresses of all persons upon whom it is intended to serve this application.
- (8) Enter the full name and address for service and delete as required.

*

Name and address of the person application is directed to

☐ By application in pending proceedings

☒ Under Statutory provision Sections 1, 4, 6 & 7 of the Anti-Social Behaviour, Crime and Policing Act 2014

☐ This application is made under Part 8 of the Civil Procedure Rules

This application raises issues under, The Human Rights Act 1998 ☐ Yes ☒ No

The Applicant (1) Aspire Housing Limited applies to the Court for an Injunction Order that the Respondent (2) NIGEL ROBERTS be forbidden (whether by himself or by instructing, encouraging or permitting any other person) to:

1. Use or threaten to use violence toward any person who resides, visits or engages in a lawful activity in the locality of 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF or toward the Applicant's staff, agents or contractors.
2. Engage in conduct causing or capable of causing harassment, alarm or distress toward any person who resides, visits or engages in a lawful activity in the locality of 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF or toward the Applicant's staff, agents or contractors
3. Engage in conduct causing or capable of causing a nuisance or annoyance to or any person who resides, visits or engages in a lawful activity in the locality of 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF or toward the Applicant's staff, agents or contractors
4. Damage or threaten to damage property owned by Aspire including at 22 Grasmere Avenue, Newcastle under Lyme, ST3 3HF

And that (5)

1. A power of arrest be attached to term 1 of the order
2. The order do remain in force for a period of 2 years
3. The Respondent do pay the Applicant's costs of this application.

The grounds of this application are set out in the written evidence

Of (6) Elizabeth Darlington dated

This written evidence is served with this application.

This Application is to be served upon: Nigel Roberts of 22 Grasmere Avenue, Clayton, Newcastle under Lyme, ST3 3HF

This application is filed by (8) Clarke Willmott LLP,
(the Solicitors for) the Applicant (Applicant/Petitioner)

Whose address for service is: Burlington House, Botleigh Grange Business Park, Hedge End, Southampton, SO30 2AF

The fee for this application is £332.00, please debit our account PBA0076531 using our

reference 00430273.00174

Signed: Clare Wilhoit Dated 18.8.23

This application will be heard by the (District) Judge

On the day of 20 at o'clock
If you do not attend the telephone hearing at the time shown the court may make an
injunction order in your absence

If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The Court Office at the County Court at is open between 10am and 2pm, Mon to Fri. When corresponding with the Court, please address all forms and letters to the Chief Clerk and quote the case No. N16 General Form of Injunction for interlocutory application or ongoing application under C.P.R. 25. Tel:

N16A General form of application for injunction (06.04)

The Court Service Publications Unit

Section C
Applicant Witness Statements
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Statement of: Elizabeth Darlington
Statement Number: One
On behalf of: Applicant
Exhibits:
Dated: 18th August 2023

IN THE COUNTY COURT AT STOKE-ON-TRENT
B E T W E E N

ASPIRE HOUSING LIMITED

Applicant

-and-

NIGEL ROBERTS

Respondent

WITNESS STATEMENT OF
ELIZABETH DARLINGTON

I, **Elizabeth Darlington**, Locality Team Leader for Aspire Housing at Kingsley, The Brampton, Newcastle-under-Lyme, ST5 0QW, say as follows: -

- 1 I am the above named person employed by the Applicant and authorised by them to make this statement. Save where I state to the contrary, I make this statement from my own knowledge and belief and from information in the Applicant's files in support of an application for an injunction.
- 2 The Applicant is a housing provider registered pursuant to the provisions of the Housing and Regeneration Act 2008 and is regulated by the Regulator for Social Housing and is the freehold owner of residential premises situate and known as 22 Grasmere Avenue, Clayton, Newcastle, Staffs, ST5 3HF ("the Property"). The property is a 3 bed semi-detached home.
- 3 The Respondent is the tenant of the Property pursuant to an assured tenancy which commenced on 26th May 2022.

Requirement for Injunction on a Without Notice Basis

- 4 The Claimant's application for an injunction is made without notice to the Defendant, given the threats made by the Defendant to towards staff members at Aspire Housing on 17 August 2023. The Claimant is concerned that should the Defendant be given notice of the proceedings and read the witness statements provided, he may retaliate and as such, protection is required prior to service of the same. The Claimant seeks to ensure that in the event of a breach they have the necessary tools and powers to be able to enforce an injunction and seek to keep its staff members and the local community safe.
- 5 Since commencing his tenancy with the Claimant, I am aware of the following issues and information in relation to this case:
 - 5.1 On 17th August 2022, the Respondent made an abusive phone call to Aspire Housing on 2 occasions. He was shouting, swearing and very abusive during each separate call. The first call he was phoning to report a leaking in his bathroom. He was swearing from the moment he was asked to confirm his details for security purposes. The repair was logged and he was advised that a plumber would attend within 24 hours. He was unhappy with this, demanded to speak a manager and was screaming at our staff member, and called her a "fucking arsehole". He then called back later and instantly demanded to speak to a manager. He was asked for his details which he would not give and again began to swear at a staff member. The call was terminated.
 - 5.2 On 27th January 2023, the Respondent made 3 separate calls to our contact centre. On each occasion he demanded to speak to a manager and would not provide any details about the nature of his enquiry. On one of the calls, he claimed his name to be "Ronald". He accused one of the call takers of being a liar.
 - 5.3 On 30th January 2023, the Respondent visited Aspire Housing offices. He behaved in an intimidating and aggressive way towards a staff member. This led her to feel anxious and unsafe in his presence.
 - 5.4 On 3rd February 2023, a letter was sent to the Respondent about his communications with Aspire Housing and his behaviours toward staff members along with details of his complaint and how we would address his concerns.
 - 5.5 On 27th April 2023, the Respondent spoke to a repairs scheduler. Our staff member was attempting to arrange an appointment for a repair request that had been placed. The Respondent ended the call by calling our staff member "a dickhead".

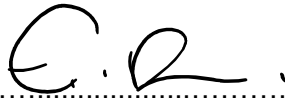
- 5.6 On 2nd June 2023, a solicitors "letter before action" was sent to the Respondent following a continuation of abusive remarks made during his communications with Aspire Housing.
- 5.7 On 6th June 2023, Locality Manager, Sarah Oliver made a phone call to the Respondent to discuss matters relating to a complaint. The Respondent went on to make abusive, discriminatory, and derogatory statements towards Sarah Oliver which included demanding to know her sexuality stating he thought that she was gay. He went on to say that she "sounds gay" and "woke". He stated she "obviously has no personality" and was "boring".
- 5.8 He said "are you gay, what are you a man or a woman. What do you identify as? I bet you are transexual or is it pansexual, you sound like you don't know what you are. I want to know who I am dealing with".
- 5.9 He continued "I need to know, I bet you are gay with blue hair and a nose ring. I need to know before you visit my property, I do not want transexuals in my house. I bet you are something like a transexual presenting as a dog named Henry". Sarah Oliver felt the Respondent was trying to provoke a reaction through his insulting behaviour. Sarah Oliver advised she would not be sharing her sexuality with him and advised she was ending the call. The Respondent repeated the above comments, and the call was terminated.
- 5.10 On 17th August 2023, Head of Customer Services, Paul Malkin and Customer Relations Manager, Kieran Bevan visited the Respondent at 12pm to follow up on matters relating to his formal complaint which included a large tree removal from the rear garden. These works were completed by contractors earlier this week however the Respondent was not satisfied. I refer the court to statement of Keiran Bevan for the full details of what took place.
- 6 I have reviewed the file notes of Paul Malkin (who is now on annual leave) and can see that he has detailed the incident having taken place as set out in Keiran's statement. There is repeated use of foul and abusive language, with threatening behaviour.
- 7 This incident has left both employees feeling extremely shaken. They attended to help resolve a complaint and were subjected to unpredictable, frightening, and unacceptable aggression and behaviour. A further concern is that the Respondents ex-partner and son were witness to these events as would members of the public been given that the abuse continued once the Respondent had left the Property after the staff members. Paul Malkin and Kieran Bevan believed they were going to be physically attacked.
- 8 The Property is marked as a "visit in two's" following previous concerns about the Respondents aggressive and intimidating behaviours toward Aspire Housing colleagues. This places further demands on our housing management function. We believe the Respondent provides a real and

significant risk towards the safety of employees and the wider public and is not able to manage or control his aggression.

- 9 I fully support the Claimant's application to secure an Injunction Order to provide measures of safety and protection for staff members, the local community, and any visitors to the address.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

Dated...18/8/2023.....

Statement of: Elizabeth Darlington
Statement Number: Two
On behalf of: Applicant
Exhibits:
Dated: 21st November 2023

In the County Court at Stoke-on-Trent

Claim No: K01SQ078

B E T W E E N

ASPIRE HOUSING LIMITED

Applicant

-and-

NIGEL ROBERTS

Respondent

**2nd WITNESS STATEMENT OF
ELIZABETH DARLINGTON**

I, Elizabeth Darlington, Locality Team Leader for Aspire Housing at Kingsley, The Brampton, Newcastle-under-Lyme, ST5 0QW, say as follows: -

- 1 I am the above named person employed by the Applicant and authorised by them to make this statement. Save where I state to the contrary, I make this statement from my own knowledge and belief and from information in the Applicant's files.
- 2 I make this 2nd statement further to my statement dated 18 August 2023 and in support of the application for an injunction.
- 3 On 22nd August 2023, the Claimant obtained an Injunction Order on a "without notice" basis due to ongoing anti-social behaviour and abusive and intimidating behaviour toward staff members of Aspire Housing. The

order also addresses the respondent's nuisance and intimidating behaviour towards his neighbours and the local community.

- 4 Since the Injunction Order was obtained, we have received several reports regarding the respondent's behaviour towards his neighbours, visitors to their home, and Aspire colleagues and contractors which demonstrates deliberate and persistent antisocial and nuisance behaviour, causing harassment, alarm and distress. These behaviours are impacting on the Claimants housing management functions. This behaviour is a breach of terms of the injunction order currently in place and I am aware that Aspire is currently in the process of preparing committal proceedings.
 - 4.1 Following the injunction order being served on 23rd August the Respondent has engaged in a campaign of antisocial behaviour which includes harassment and intimidation mainly directed towards Neighbour A, a family with 3 disabled children living in the property. Some of the behaviour, in particular the playing of loud music, has been directed towards a 14-year-old child who is non-verbal and communicates by sound.
 - 4.2 On 24th August 2023, Aspire Housing were contacted by a visitor to a neighbouring property who was attending in a professional capacity. She informed us that she had been verbally abused by the Respondent whilst at the property. They reported their concerns about the impact this would have on the family they were visiting (Neighbour A).
 - 4.3 On 31st August 2023, Aspire Housing was informed by Neighbour A that the Respondent had been playing music to excessive levels the previous day despite the Injunction Order being in place.
 - 4.4 On 1st September 2023, we were informed by a member of the Environmental Protection Team that during a visit the Respondent repeatedly referred to his Neighbour A as "scum" (so that his neighbour could hear him) and made allegations regarding their parenting and

alleged child abuse. This caused alarm and distress to Neighbour A who broke down in tears.

- 4.5 On 4th September 2023, Aspire Housing received an email from a CCTV installation company who had attended a neighbouring property. The email detailed an incident involving the Respondent as follows:

“During the inspection we were installing the cctv around the rear of the property, the man from 22 Grassmere was in his garden listening to loud music, my husband started to use his drill and the man from 22 shouted aggressively ‘hey hey hey Im trying to listen to my music’. My husband said ‘Im trying to work’ then the man said ‘your drill is too loud ha ha ha dick head’. He then said ‘have you seen his lovely wife the fat cow’. We all just ignored him then he turned up his music even louder. My husband went for a cigarette and a cup of tea in our van, he left his door open and I was standing in the drive way..... The man from 22 came to the front door with his mobile phone taking either pictures or videos of me and laughing to himself making me feel extremely uncomfortable. He then came out of his property and went up to my husband sitting in his van shoved his phone in my husband’s face and said in a threatening manner ‘if any of those cameras are on my property I WILL COME LOOKING FOR YOU’. This man made me feel uncomfortable with is insults and aggressive manner. I feel really sorry for family to have to put up with this behaviour day after day”.

- 4.6 On 21st September 2023, we received a report that the Respondent had been involved in an incident with another resident of Grasmere Avenue, Neighbour B. We have been provided with CCTV footage showing him reversing into the neighbour’s car. We have also been informed that he told a female occupant of the same address to “go back to your own country”. The Respondent was subsequently arrested. This harassment and intimidation of daughter of the Neighbour B was due to their partners car being parked outside the Respondent’s house.

- 4.7 On 2nd October 2023, we were made aware of a further incident involving Neighbour B. The Respondent had been making abusive comments toward the neighbour's daughter and making offensive hand gestures toward her.
- 4.8 On 26th October 2023, the Respondent's son had a party at the property. This began around 6.20pm. The Respondent and his wife left their home around 20 minutes later knowing a party was underway and whilst loud music was being played. The excessively loud music was played until around 11.23pm at which time the police attended. There were approximately 12 teenagers inside the family home. We have been provided with CCTV footage showing teenagers arriving and which evidences the loud levels of music which could be heard both inside and outside of Neighbours A's home. We have also received CCTV footage showing the Respondent leaving the address while the party is taking place. Neighbour A reports this party disturbed the family for the entire time it was taking place. Their children showed visible signs of distress as they could not escape the noise. Neighbour A felt powerless to stop the harm being caused to their children. The Respondent is aware of the children's disabilities, and they believe he is aware of the impact this level of noise would have on them. Neighbour A has vocalised being fearful of the Respondent and what he may be capable of.
- 4.9 On 30th October 2023, contractors employed by Aspire Housing attended the Respondent's home to complete works to a garden path and hardstanding at the rear of the garden. The Respondent was unhappy with the instructions the workmen had been given. They explained which work had been set out, he became abusive and told them to "pack your tools up and fuck off" and then went on to "square up" to one of the workmen. They left the property for fear of their safety and described feeling shaken by the incident.
- 4.10 Between 24th August 2023 to date, Aspire Housing have received many reports about noise nuisance caused by Mr Roberts and his family which is deliberate and persistent and has had a severe and detrimental impact

on Neighbour A and their family. The family next door has children with disabilities. The Respondent frequently plays loud music throughout the day and night which causes distress to the children and in turn places huge pressure and anxiety on their parents.

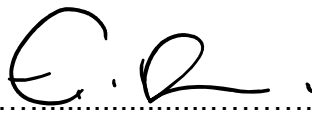
- 4.11 Newcastle Borough Council's Environmental Protection Team have been investigating these noise complaints and have shared documentation of Noise Transcripts from sound monitoring equipment and diary sheets submitted by Neighbour A.
- 4.12 On 16th October 2023, the Respondent was served a Noise Abatement Notice by Newcastle Borough Council in respect of the noise nuisance experienced by Neighbour A. I attach to this statement marked exhibit "**ED1**" a copy of the said Notice.
- 4.13 On 21st November an Officer from the Environmental Protection Team advised the Claimant that recording equipment remains in the neighbour's property. Levels of noise have been recorded which correlate to music being played in a public house. Music being played at this level would cause a nuisance, alarm and distress to neighbours living in an adjoining property.
- 4.14 The children of Neighbour A are unable to settle in their home due to actual, and fear of, on ongoing harassment perpetrated by the Respondent. Loud music is being played in evening and early morning which is impacting on their sleeping routine. The claimant is aware of reports from the children's school stating they are tired and unsettled during the day. The eldest child avoids being in rooms which adjoin the Respondent's property to avoid the worst of the noise.
- 4.15 The Respondent has continued to behave in an antisocial manner, purposely and persistently harassing his neighbour in total disregard for the Injunction Order put in place by the Court.
- 4.16 In addition, Aspire Housing has been informed that the Respondent has issued several legal claims via the Court on Neighbour A in the form of

Injunction Applications including allegations of child neglect and seeking monetary compensation. We believe this is to harass his neighbours and to cause them alarm and distress.

- 4.17 I fully support the Injunction Order which is currently in place and believe this is a necessary tool to protect Aspire colleagues, contractors, partner agencies, neighbours and their visitors.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.....

Dated...21/11/2023.....

In the County Court at Stoke-on-Trent

Claim No: K01SQ078

B E T W E E N

ASPIRE HOUSING LIMITED

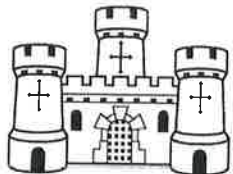
Applicant

-and-

NIGEL ROBERTS

Respondent

Exhibit ED1



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

ENVIRONMENTAL PROTECTION ACT 1990 - Section 80 **Abatement Notice in respect of Noise Nuisance**

Ref: U/005768

To: Nigel Roberts (also known as Nigel Quinlan, Nigel Baggeley, Nigel Lockman & Nigel Fukula)

Of: 22 Grasmere Avenue
Newcastle under Lyme
Staffordshire
ST5 3HF

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the **Borough Council of Newcastle-under-Lyme** being satisfied of the existence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

Premises in the vicinity of 22 Grasmere Avenue

arising from

clapping, banging, shouting, singing and the playing of music and amplified sounds at 22 Grasmere Avenue

THIS NOTICE HEREBY REQUIRES YOU as the person responsible for the premises from which the noise is emitted **to abate** the nuisance immediately and also **to prohibit the recurrence** of the nuisance.

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisances (Appeals) Regulations 1995 applies, and in consequence, in the event of an appeal this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine.

The Council may also take proceedings for securing the abatement, prohibition or restriction of the nuisance.

Dated 16th October 2023

Signed


Mr Robert Thomas
Environmental Health Officer

[Time copy served 14.33 hrs.]

Please address any communication concerning this Notice and quoting Ref: U/005768 to:-

Environmental Protection Team
Newcastle under Lyme Borough Council.
Castle House, Barracks Road
Newcastle-Under-Lyme, Staffordshire
ST5 1BL

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days from the date of service of this notice. See notes attached.

APPEALS UNDER SECTION 80 (3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;
- (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
- (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
- (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
- (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
- (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
- (aa) the artificial light is emitted from industrial, trade or business premises, or
- (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of
- (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question
- (5) On the hearing of the appeal the court may:-
- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person(7)
- In exercising its powers under paragraph (6) above, the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. Where:-

- (1) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
- (a) either - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
- (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

For Office Use Only

Checked By

Date

BETWEEN:

ASPIRE HOUSING LIMITED

Applicant

-and-

NIGEL ROBERTS

Respondent

WITNESS STATEMENT OF KIERAN BEVAN

I, **KIERAN BEVAN**, aged over 18 years, Customer Relations Manager for the Applicant of The Brampton, Newcastle-under-Lyme, Staffordshire ST5 0QW will say as follows:

- 1 I am above named person, employed by the Applicant and authorised by them to make this statement in support of the application for an injunction. Save where I state to the contrary, this statement is made from my own knowledge and belief and from information contained in the Applicant's file.
- 2 On 17 August 2023, myself and Paul Malkin, Head of Customer Services, for the Applicant attended at 22 Grasmere Avenue, Clayton ("the Property") at approximately 12.00 pm to meet with the Respondent regarding the outcome of the complaints appeal he had made. The nature of the visit was to discuss the final actions with a view to closing down his case.
- 3 On the way to the Property, the Respondent had emailed Paul regarding the work to cut down the large tree in his garden which had been completed over the previous two days. The tree had been felled but the stump remained and the Respondent was unhappy about that.
- 4 Upon arrival at the Property, we pressed the doorbell and, who I believe to be Mr Roberts's ex-wife, answered the door and let us in. His two children were in the house at the time and as we entered the living room which is on the left hand side of the front door, they both left and went upstairs. The Respondent's ex-wife then also left and stood in the garden. We entered the living room and greeted the Respondent. Paul asked if we could sit down and it was obvious at the outset from the body language of the Respondent that he was very agitated. When Paul asked if he was okay, the Respondent raised his voice to say that he was not. After this exchange, the Respondent raised his voice and started to shout at us because when the tree was cut down, a stump was left behind. Paul tried to explain that this is what had been agreed

but the Respondent would not allow Paul to speak and continued to shout and swear, calling us “cunts”.


- 5 After this, the Respondent stated that Paul knew the neighbour next door who the Respondent claims to be causing noise nuisance due to her disabled children and he then called Paul a “fucking liar” and a “lying bastard” saying that Paul knows them and he should not have been housed there because Aspire knew the issues. Paul tried to explain that we did not have any previous noise complaints but the Respondent just kept shouting over him. The Respondent then stood up over us as we were sat on the sofa and he said he would “go and get the neighbours” as he had already had a blow up with them in the street a few days earlier and that they had “told him everything”. The Respondent then went to the front door and very aggressively pulled the front door open, causing it to slam and hit objects by the door. He continued to shout and swear at us.
- 6 Myself and Paul stood up and Paul asked if he would like us to look at the tree. The Respondent then kicked an item on the floor in the hallway but I could not see what the item was. We then went through the house and into the garden. While in the garden, we observed the tree stump that remained after the large tree had been cut down. Mr Roberts’s ex-wife at this point was stood at the top of the garden.
- 7 Whilst we were looking at the tree, the Respondent quickly came out of the house, through the outhouse standing in the only exit available to us and continued to shout at us, calling us “cunts”, “bastards” and “fucking liars”. He was breathing heavily, had his fists clenched and came very close - approximately a foot away from me - to both us whilst continuing to shout. I was stood in front of Paul on the path and the Respondent was stood in front of me but aiming most of his shouting and swearing at Paul. I felt at this point that the Respondent may try and strike one or both of us.
- 8 The Respondent was spitting (albeit not directly at us) when he was shouting and he was wide-eyed. Paul made a few attempts to discuss the situation and calm the Respondent down but this did not work and the Respondent was only getting angrier. At this point, the Respondent’s ex-wife came from the top of garden down the path we were standing on and said “excuse me” to me. I moved and she walked past and went back into the house.
- 9 The Respondent’s son came out and was stood in the doorway and the Respondent told him to get out of the way so he moved back into the house. As the Respondent continued to shout and swear calling us “cunts” and “bastards”, Paul asked if he would like us to leave. The Respondent did not respond and continued to shout and swear. He stated that he would “smash the house up” and then turned and kicked what appeared to be a small plastic stool on the floor, breaking it. The Respondent was in between us and the only exit up to this point, and so when he moved to kick the stool,

Paul said that we should leave the Property because of the risk of escalation at the situation. I then led the way and walked back through the Property, opened the front door, leaving the Property and Paul followed me.

- 10 Myself and Paul walked away from the Property without looking back but I heard the Respondent following behind us from the noise he made walking on the accessibility ramp at the front of his Property. He continued to shout and call us “cunts” and “bastards” as we walked away and he also shouted “come back and see what happens to you”. Myself and Paul continued to walk away from the Property and around the corner of the street but could still hear him shouting in the distance.
- 11 The whole experience was incredibly concerning and threatening. I considered the Respondent to be very unpredictable and would be extremely concerned about having to attend at the Property again and for the safety of others doing so.
- 12 As a result of the behaviour I have reported the Respondent to the police.
- 13 I respectfully support the application.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Signed

KIERAN BEVAN

Dated the 18th day of August 2023

Section D
Respondent Witness Statements
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DATE: 016/09/2023

1. I am Nigel Roberts, I am the defendant in this case and I make this statement to the court as ordered to by the court at the last hearing.
2. I am providing this evidence to the court as requested.
3. The main part of my evidence is the failure of the claimants to discharge their Public Sector Equality Duty regarding my protected characteristics. Their application for an injunction should never have been made, I will deal with this further on in this statement.
4. The second part of my evidence is to allege the claimants have engaged in a 13-month long harassment campaign against the defendant.
5. The claimants have used non communication methods to cause alarm, distress and anxiety, refusal to do the many works on the property, they know have to be done causing the defendant alarm, distress and anxiety.
6. Refusing to deal with the nuisance noise problems from the disabled children in the adjoining property 24 Grasmere Avenue. Ignoring my repetitive requests for them to do something about it, this ongoing matter over 13 months has been the catalyst for my Tourette's tics and swearing to return after a 25-year break.
7. The defendant cannot express in words just how unbearable the screaming, shouting, hitting the windows and thumping a cage against my wall by children every day between 7am and 2am the next morning has affected my physical and mental health and neurological conditions. It became that bad that a way before the claimants sought an injunction the I had been referred to a neurologist because of the concerns over my head, shoulder and upper body tics and the swearing was clearly back to the level of when I was 14 years old. To say the neighbours have made me ill is an understatement, however what has made the situation much worse is the inability of aspire housing to even communicate about the matter in a sensible and adult manner.
8. The issue was ignored by the claimants, they were rude if I called, refused to speak about the nuisance noise, refused to come to the property to witness the noise for themselves, blatantly laughed at me on calls,

9. After 5 months of the claimants ignoring all the jobs needed doing in the property and the noise issues and the tree issue the claimants decided to tell their call takers not to take my calls, and emails were simply not replied to. The live chat would simply tell me to email in or write in. The defendant was obviously being sent around in circles.
10. The defendant then approached the housing ombudsman and made formal complaints against the claimants. Even after they housing ombudsman became involved the claimants simply ignored the situation. It is fair to say that by month 8 or 9 of the tenancy the defendant was becoming more and more ill and felt more and more at risk of mental health illness and depression as well and on top of the current conditions that the claimants were made aware of.
11. The situation between the neighbours and the defendant was now a dispute over the noise and was causing some anxiety and distress with the children continuously screaming and the neighbours arguing with the defendant in the street over the noise. It is fair to say the situation had reached a boiling point and it is fair to say the claimants did nothing about it when told. This is another grounds of harassment by the claimant against the defendant, they knew the of the situation and they knew of my explosive personality disorder. They chose to let the defendant fend for himself instead of doing their job as a landlord.
12. The relationship between the defendant and the claimant was non-existent.
13. Finally around month 12 of the tenancy aspire reacted to the housing ombudsman claim by offering to send management to the property – something that I had asked for over 11 months.
14. Paul Malkin and Keiron Beavon attended the property and were very polite and helpful, or that was at least how it seemed to the defendant at the time. This was a mistake by the defendant as later realised.
15. An agreement was made that surveyors would attend the property and look at the walls, sound proofing, the tree (which was dangerously big and branches were falling to the ground 25 feet long), the mould and the wet walls upstairs would be seen to and the bathroom issues would be seen to, as well as all the walls in the property need plastering and that would be seen to. The meeting was a good meeting, and the defendant was left happy with the agreements made.
16. The claimants then sent another manager and a representative of HJR Gould Ltd, tree surgeons. We spent a good 15 minutes in the garden talking and agreeing on a way forward. There was an argument over the fact I wanted no stump to remain and that it

would need to be ground out with a grinder. At first the aspire manager was against it but by the end of the agreement we all agreed the tree would be removed and the no stump would be left.

17. It came to the day of the tree being removed and the tree surgeons attended for 2 days and then disappeared without a word to me. I later noticed all of my wood cuttings were in the garden of the neighbour with whom the defendant was in a huge dispute with. The defendant approached the neighbour and asked to have the wood back, but the neighbour stated, “no its our wood – aspire gave it to us”. The defendant was absolutely livid, because not only had the wood somehow been given the neighbour causing the issues with nuisance noise but a 6 foot stump had been left in the garden breaching the contractual agreement between the defendant and the claimant. **This matter is the single point at which the defendant was at most risk of his disability. It is fair to say the defendant was absolutely livid and was angry with the neighbour and the claimants, however the defendant was also alarmed, distresses and anxious, it is this anxiety that has built up in the previous 10 months that has led to the mannerisms I suffer and show when highly agitated or highly anxious through Tourette’s and explosive personality disorder and tempor limbic disease that has been misjudged and presented to this court as threatening and abusive behaviour. If the claimants had done their job properly and discharged, they public sector equality duty they would have understood the defendant’s actions were merely anxiety, distress, agitation, Tourette’s, and other behavioural mannerisms connected to the disabilities associated. But they failed to do so and this is the reason we are in this court today.**
18. I discovered from HJR Gould Ltd that “aspire sent another invoice and told us to change the work, we were going to grind out the stump but the woman wrote that we should leave a 10 feet trunk, give the wood to the neighbours and get the neighbour to sign the job off not the tenant”. The owner confirmed the email was sent by a woman at Aspire Housing. It is unfathomable as to how the claimants can for one moment believe this action they took was not a transparent wind up. This action, when you consider Aspire were fully aware of the ongoing dispute with the neighbour, was done to cause the defendant to feel anxiety alarm and distress transparently.
19. The claimants were in advance fully aware they were provoking the defendant and their would be a very high chance of the defendant responding in what they would

perceive and misjudge as anger and abuse. The defendant believes this is what they claimants wanted above all else. A response they could use against the defendant.

20. Paul Malkin and Kieron Beavon attended the property to get the response they were looking for, they were met by the defendant who was raising his voice but not shouting, and swear words were said to them mainly using the words fucking and liars repeatedly. The defendant did not have any conversation with them at all. However, the allegations that the defendant threatened the men is absolute nonsense. They could have left the property at any time but they chose to stand in the garden pretending they couldn't understand what the problem was, when they had already been made well aware of what the problems were. It was very frustrating to be treated by them in such a patronising and provoking manner, they were literally laughing at the defendant while the defendant was clearly and obviously reacting to their action. It felt like a set up at the time and it has become clearer it was a set up since the day.
21. The claimant applied for an injunction immediately which points to the fact that they had some inkling they would get a response in the manner they wanted due to the nature of their application, to have they statements ready, a solicitor ready and have the hearing no notice based of false information – it stinks of a pre planed organised and pre-empt action.
22. By making the application (which did not provide a defence which is an abuse of process), no notice and not provide the full information available regarding all issues and history but more importantly the protected characteristics of the defendant the claimants failed to mention they had not discharged they public sector equality duty and made no mention to the court in their application of the defendants disability – for obvious reasons, they wanted to avoid the court knowing.
23. By doing so the claimants have weaponised the defendant's disabilities against him.
24. Since obtaining the Injunction was given the defendants made false allegation to the police (within 1 hour of obtaining the injunction and before the injunction was served on the defendant) that the defendant had breached the injunction by emailing the claimants ceo, directors and management staff. They informed the police it breached the police arrest part of the injunction. If it were not for the police officer looking at the injunction itself the defendant would have been arrested and been put into cells. The defendants knew they were lying to the police, they knew I had not been served the injunction and they knew this would lead to my arrest. This was a false allegation

and would have led to a false imprisonment. This was another action by the defendants that has led to the defendant feeling alarm, distress and anxiety.

25. The action by the claimant above are knowingly done, they are essentially weaponizing the injunction against the defendant, ASBI is not a facility where by it can be used as a weapon especially by a claimant whereby there is a history of harassment against the defendant.
26. If the court allow an injunction against the defendant, it would be unjust and unworkable and would lead to the wrongful imprisonment of the defendant. The court would be facilitating the claimant with the tools they need to continue their harassment campaign. The claimant's aim is to have the defendant leave his tenancy with no legal duty to do so. Illegal eviction.
27. Since the injunction the neighbours have been working along with the claimants and have now had recording equipment put in their home to record the defendant and his children following on from a noise complaint to environmental health regards noise from the defendant, it took 24 hours for them to bring out recording devices. The defendant has been complaining to the same environmental health for some 8 months and they have had no interest in putting recording devices in my property to record the nuisance noise from my neighbours.
28. The housing ombudsman forced Aspire to provide a final response to the jobs that need to be finalised, the letter is attached and shows nothing has been done and won't be done.
29. Aspire are continuing to provoke and prod away at the defendant using the injunction as a weapon, in that they have now stated the work that needs to be done cannot be done due to the health and safety act and they cannot let any workers come into the property due to the danger to them. Again, this method of provocation is causing the defendant to feel undue alarm distress and anxiety.
30. To be clear the surveyors have been to the property, they stated to me that the bathroom has over 20 leaks, mushrooms growing under the bath, mould damp and a wall that has crumbled and that could fall. They recommended the bathroom be gutted and rebuilt with a new bathroom suite. Aspire stated that work could be carried out in 2034.
31. The Wall surveyor was in the property checking every room, they stated "the walls have no cavity insulation at all and they should have at least some, but there is none (he showed me a screen showing the warm and cold spots in the walls, there was only

- cold), the walls are lobsided, there is two bricks between you and your neighbours hence you can hear them as though they are in the same room, the upstairs walls are supposed to have vents but they have slipped down, you have damp and mould upstairs because of this. In reality all the walls need to be taken down and rebuilt”.
32. The damp surveyor then arrived to state the obvious, we have damp in the kitchen, the outhouse, the bathroom wall, and upstairs around the ceilings, the pantry is damp. We have crumbling wall in the bathroom that is falling apart and needs to be rebuilt. We have bricks missing outside that are letting rain into the property. The outhouse roof is covered in plants, and they are holding the water from rain hence the whole of the outhouse is damp and there is mould and mushrooms in their too”
33. The sound proof expert arrived at the property and after a few minutes he stated “ yes the walls need to be soundproofed”.
34. Aspire then took a man to the back garden regards the path and outlay of the garden, they agreed to flatten the garden and tarmac the pathways and back of the garden behind the tree (which was not going to be there). They have now refused to say when these jobs will be done.
35. NONE of this work is now going ahead and no dates are set for the work to go ahead, so the defendant and his children are left in a property that is 100% unliveable either through the constant screaming from the neighbours or with the work not being done. The defendants 15 year old son suffers asthma and it worsens by the damp, he constantly coughs at night and this is due to the spores he has to breath in – in the house.
36. It should also be of importance to the court knowing that the defendant submitted a money claim against the claimants for £25,000 for disrepair. Weeks before their alleged incident in the home / garden of the defendant.
37. The claimants have various reasons for taking the malicious action of making an unlawful no notice application and have by doing so created a strawman effective turning the tables on the defendant as though he is the problem and not themselves.
38. The defendant asked the claimants for agreement to move properties, but the claimants stated no we will not agree due to your behaviour.
39. The defendant and his children are now suffering due to the claimant’s refusal to get the work done, their provoking of the defendant and the refusal to rehouse us from and unliveable home, it all comes down to a landlord who will not stop provoking the defendant and harassing the defendant. The likelihood of an injunction being

workable under the current circumstances are highly unlikely as the claimants are provoking the defendant into a a state of mind that triggers the disability he suffers.

40. I provide the court with some medical records and emails as evidence.

41. I will be relying on witness evidence from Angela Baggaley at the hearing.

42. The claimant makes 2 allegations, one regarding the alleged incident in the home/garden of the defendant. The defendant refutes the evidence provided to the court as without merit in light of the failure of the claimants to discharge they public sector equality duty.

43. Secondly the defendants have attempted to merge 13 months of phone calls which amounted to over 200 calls in that time to pick out 6 calls they allege their staff suffered abusive language. This allegation is vehemently denied, and the evidence provided is refuted. In fact the evidence provided was not acted on at any time before now and relates to 6 calls over a long period of time, common sense shows these calls even if they were true and in context, which they are not, would not amount to evidence of prolonged anti social behaviour. They claimants have not been able to have the police take action in any of their allegations, which amount to crimes if true.

44. The defendant states as evidence to the court the claimants are under the impression they can simply walk into a court and say whatever they want, and the court will give them whatever they want. The defendant does not agree the court acted correctly in accepting the application for an Anti-Social Behaviour Disorder, considering the lack of defence that must be provided when applying for a no notice hearing, the lack of factual evidence, non-involvement of the police or any other agency and without a full set of circumstances being provided. However now it is proven to the court that they claimants were indeed fully aware of the disabilities the defendant suffers the application should be struck out with immediate effect.

45. The court should be aware the defendant is submitting a further claim against the claimant for making false allegations against the defendant to the police abusing the injunction it had obtained to harass the defendant and an injunction against the claimants to prevent them from leaving the property in a state of disrepair and further harassing the defendant.

This is my statement to the court.

I believe everything I state in this statement to be true.

Nigel Roberts

STATEMENT OF NIGEL ROBERTS FOR THE FINAL HEARING / TRIAL

1. The Entirety of the claimants first statement to the court, in each accusation / allegation is denied in full.
2. The entirety of the claimants second statement to the court, each accusation allegation is denied in full.

4.0 This accusation is untrue and denied in full

4.1 This accusation is untrue and denied in full

4.2 This accusation is untrue and denied in full

4.3 This accusation is untrue and denied in full

4.4 This accusation is untrue and denied in full

4.5 This accusation is untrue and denied in full

4.6 This accusation is untrue and denied in full

4.7 This accusation is untrue and denied in full

4.8 This accusation is untrue and denied in full

4.9 This accusation is untrue and denied in full

4.10 This accusation is untrue and denied in full

4.13 This accusation is untrue and denied in full

4.14 This accusation is untrue and denied in full

4.15 This accusation is untrue and denied in full

STATEMENT OF NIGEL ROBERTS FOR THE FINAL HEARING / TRIAL

3. Elizabeth Darlington has in her statements has knowingly lied to the court, the defendant will be seeking the court hold her in contempt for knowingly misleading the court.
4. I intend to play various Audio Recordings and Video recordings in support of my evidence and to prove the claimants are knowingly lying to the court at the final hearing the court is hereby notified.
5. Attached here are photographic evidence of the state of the property before November 2023 and after the work has been done to a very poor standard.
6. I have provided the court with evidence clearly showing that not only did I notify Aspire Housing of my neurological condition but that they received information from me of how it affected on a number of occasions. They have told 2 different judges in the no notice hearing and all subsequent hearings that they were not aware of the condition or my disabilities. Aspire Housing were clearly lying to the court knowingly.
7. Since telling the court on numerous occasions that they were not aware of it, they have provided disclosure that they were actually aware of it but that I had not answered their questions of how it affects me. I have been able to prove that they had received the NHS guidelines on Tourette's and full explanations by email. Not only that but also on the phone and face to face on many occasions.
8. Because the claimants acted unlawfully failing to discharge their public sector duty they had no real understanding of my disability and therefore they had no strategy in place to deal with my protected characteristics, by not doing so the claimants have breached the equality act by discriminating against me.
9. The claimants have used my disability against me.
10. Unhappy with the evidence they provided to the court in their statement 1 and a lack of any proof in their disclosure it seems that the claimants are now attempting to breach me under this temporary injunction and say they are in the process of committal proceedings, in relation to a completely new set of allegations / accusations that are untrue and farcical.
11. The defendant is submitting a application to the court that the claimants be held in contempt of court making a false statement in their second statement and first statement.

STATEMENT OF NIGEL ROBERTS FOR THE FINAL HEARING / TRIAL

12. I have provided the court and the claimants with the Video Recordings and the audio recordings, and the defendant will seek for them to be played in the final hearing as part of his defence.

This completes my statement.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed

X

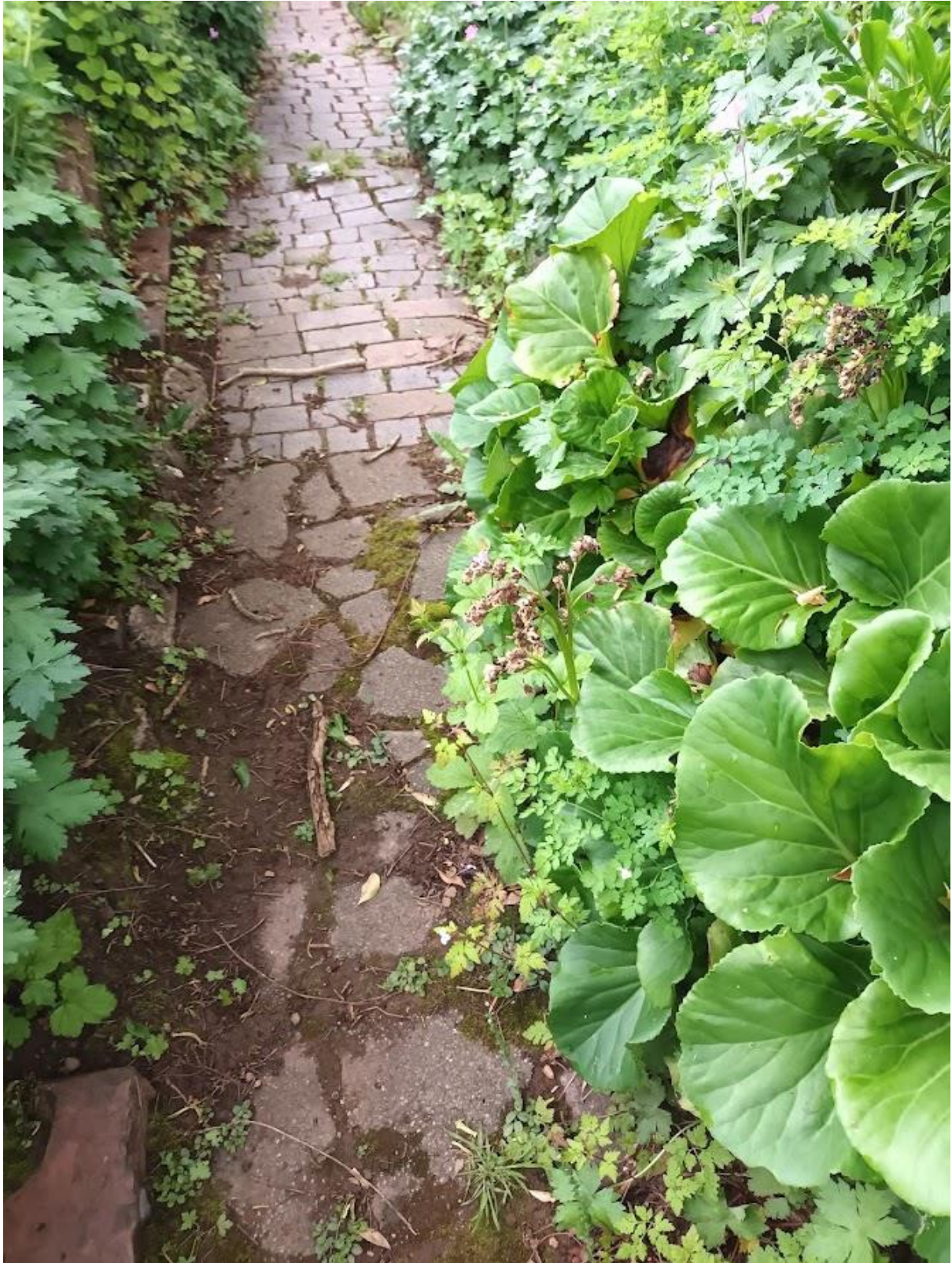
N Roberts

Nigel Roberts

Date 25th November 2023





























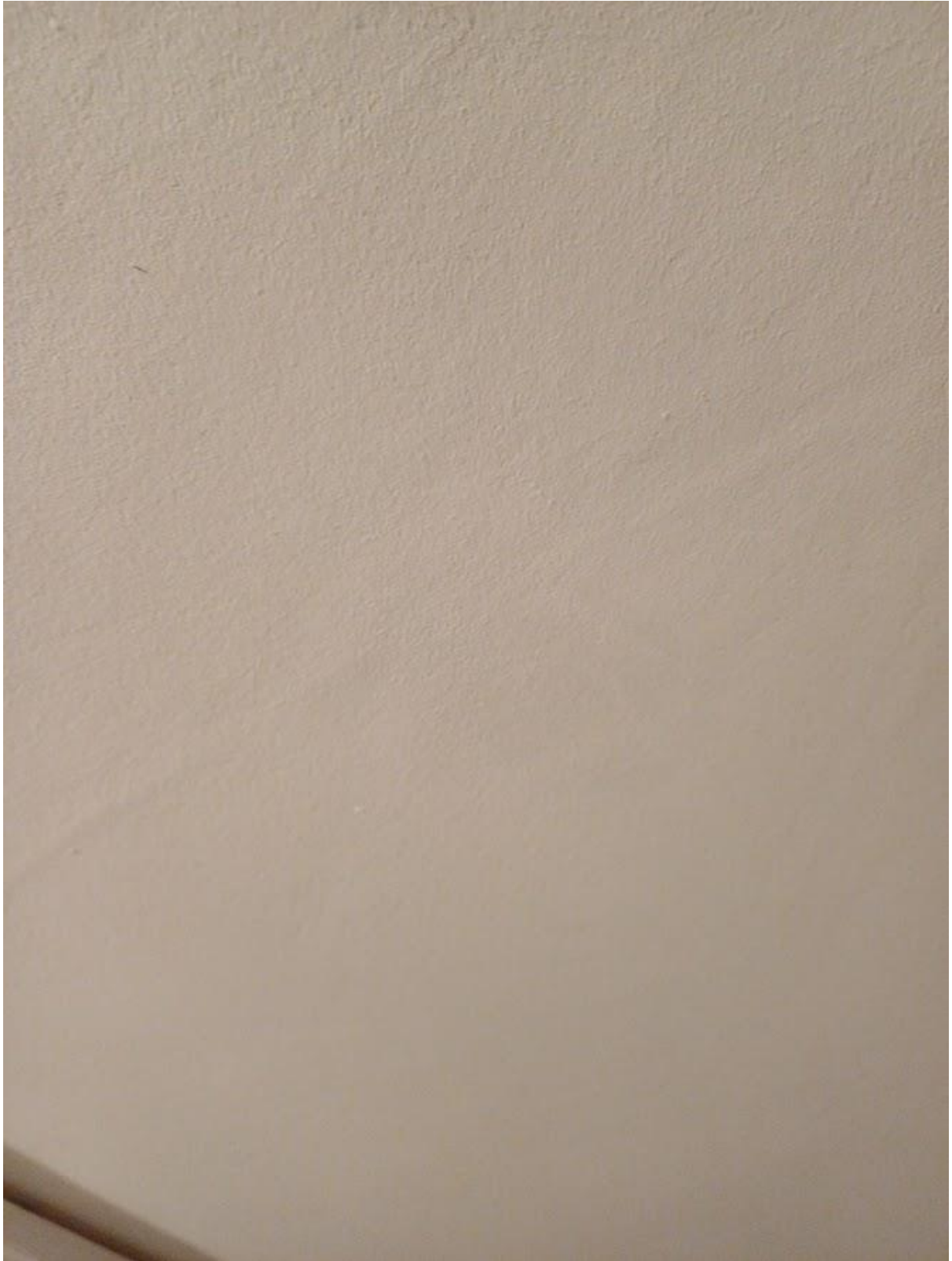


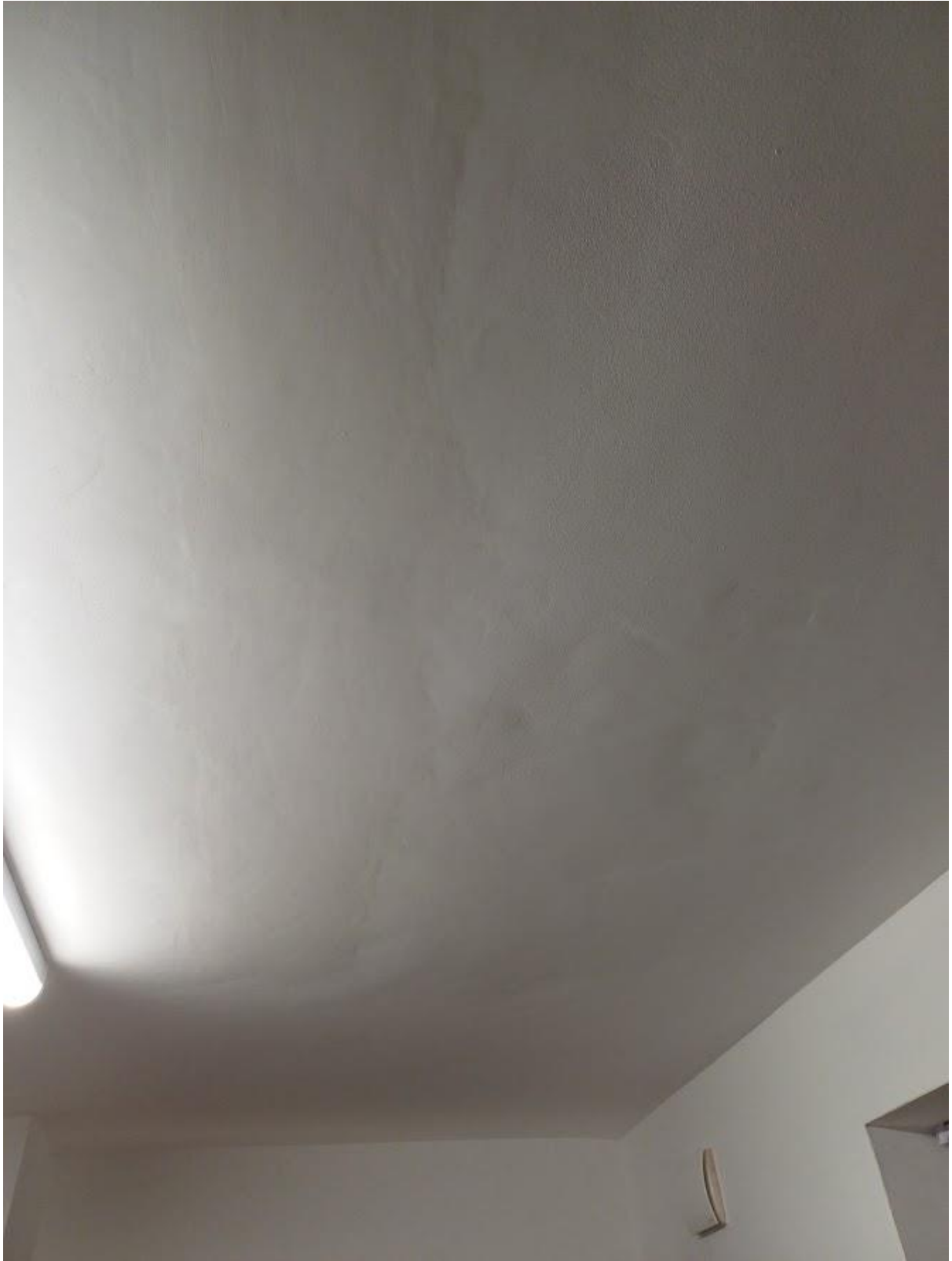




















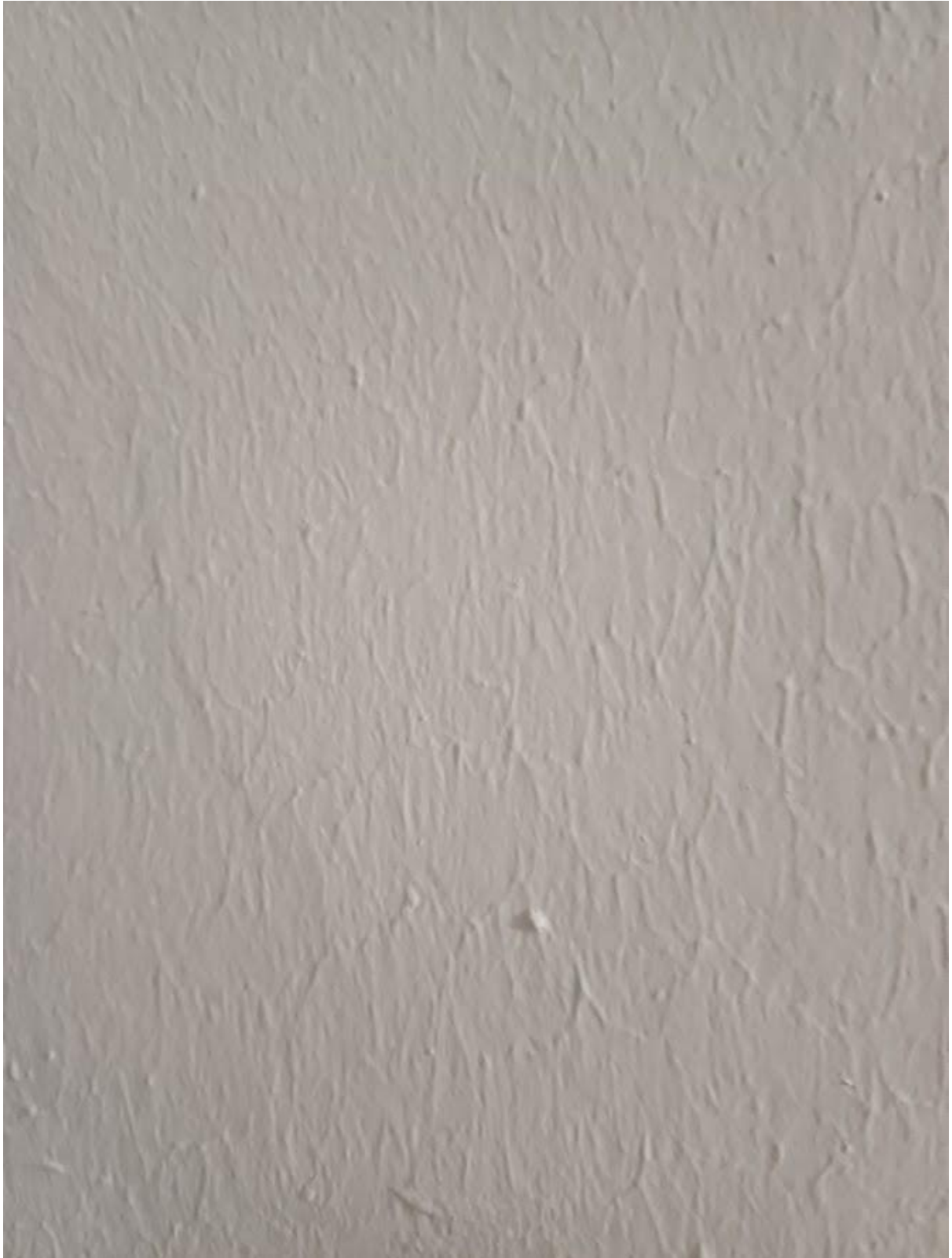










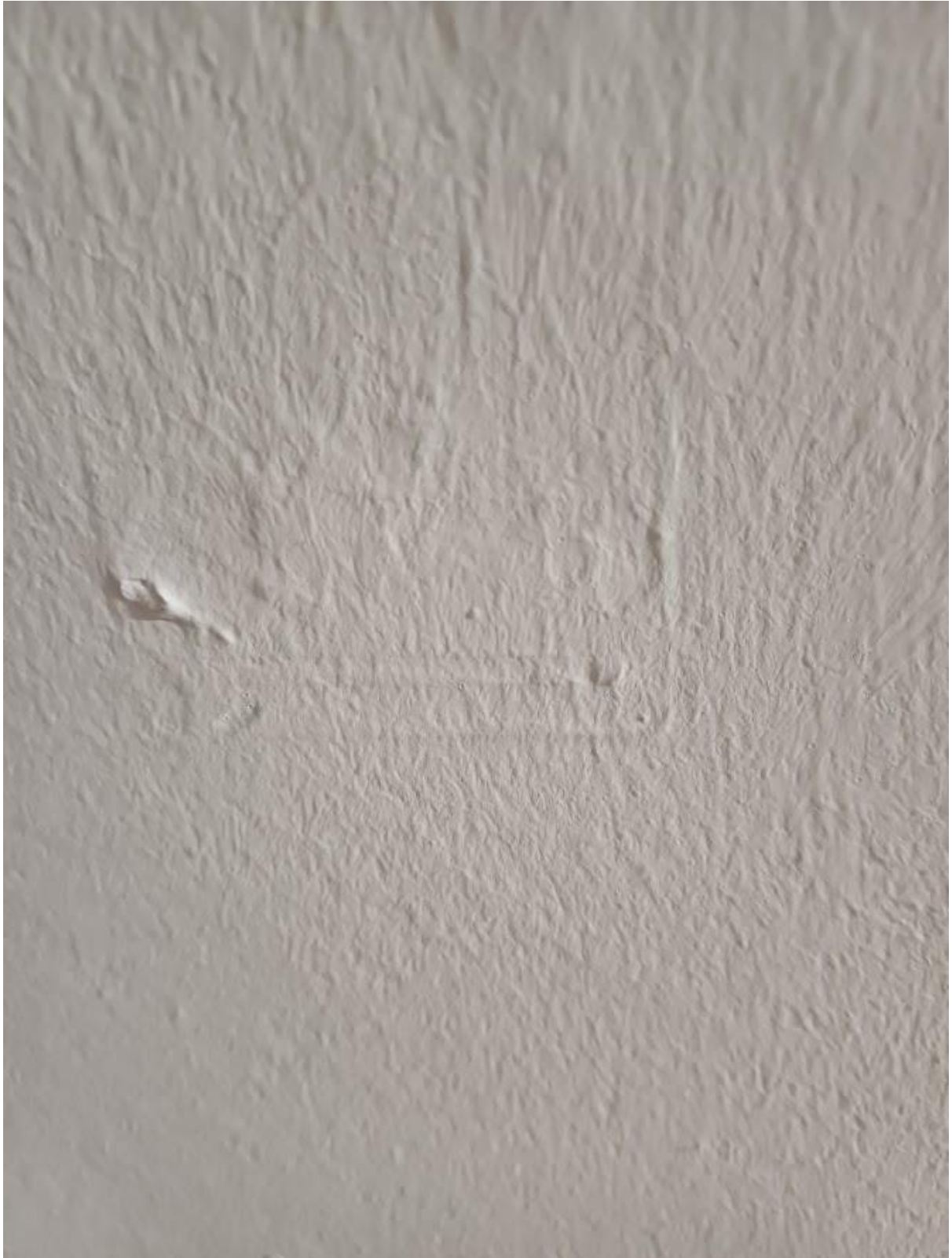






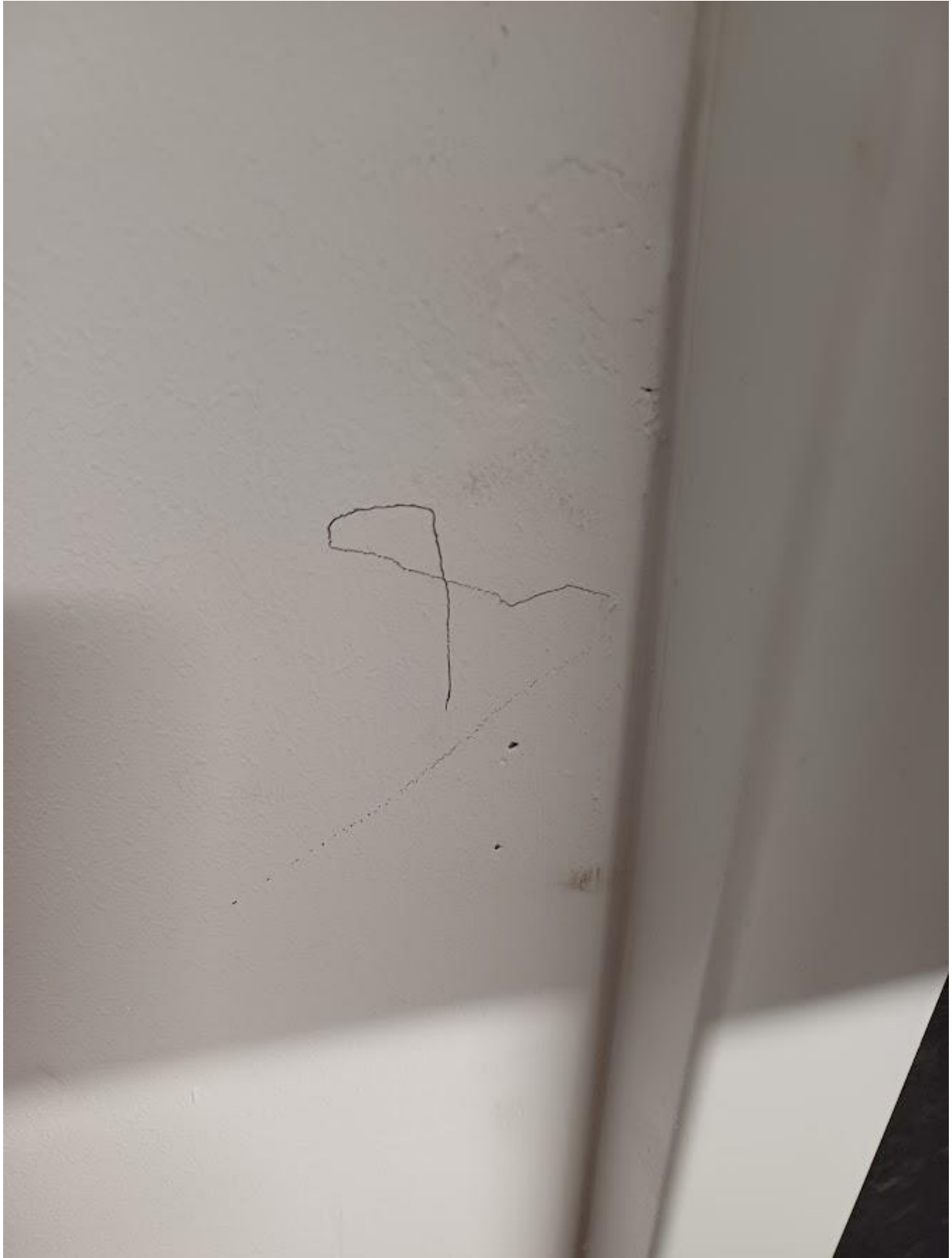






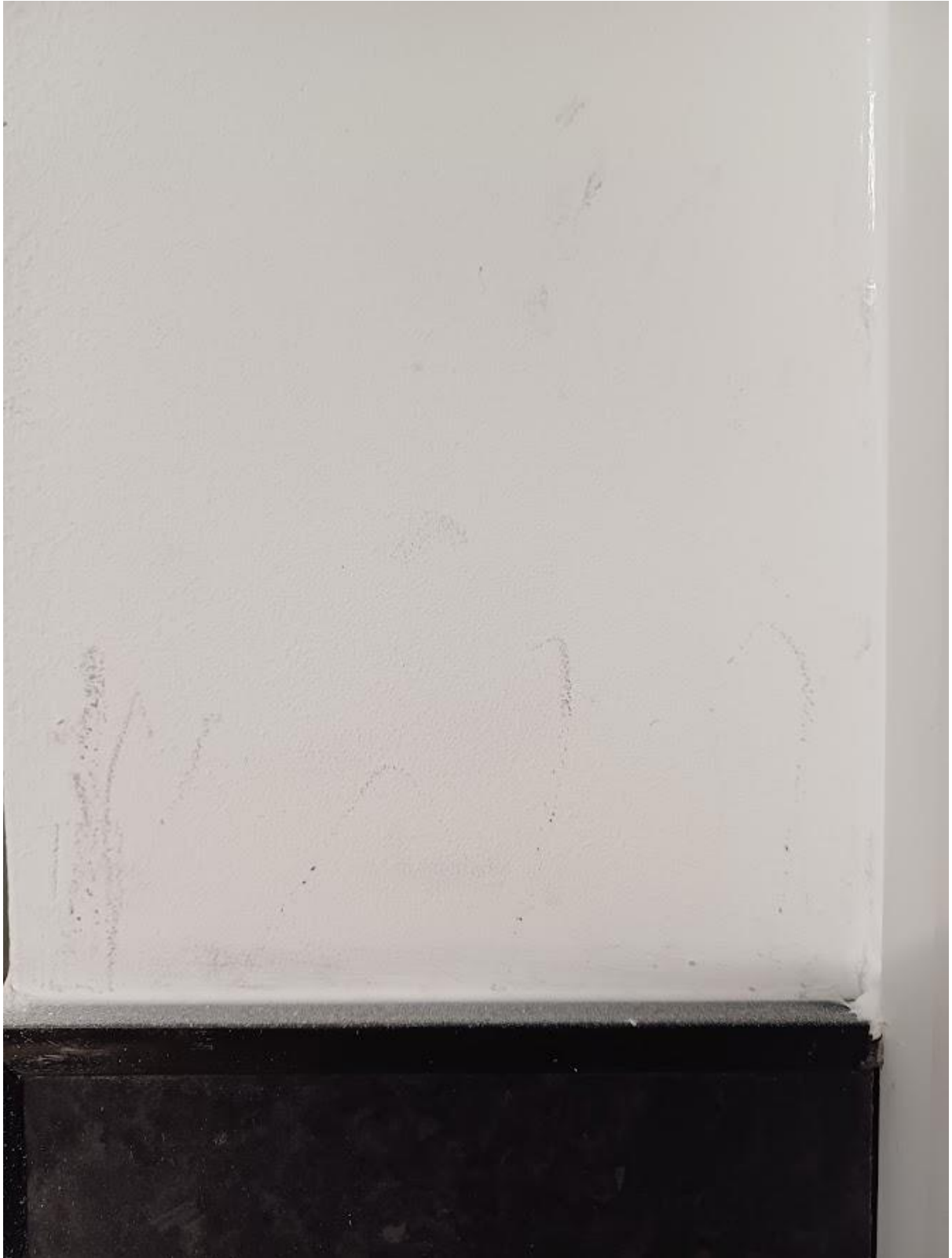
















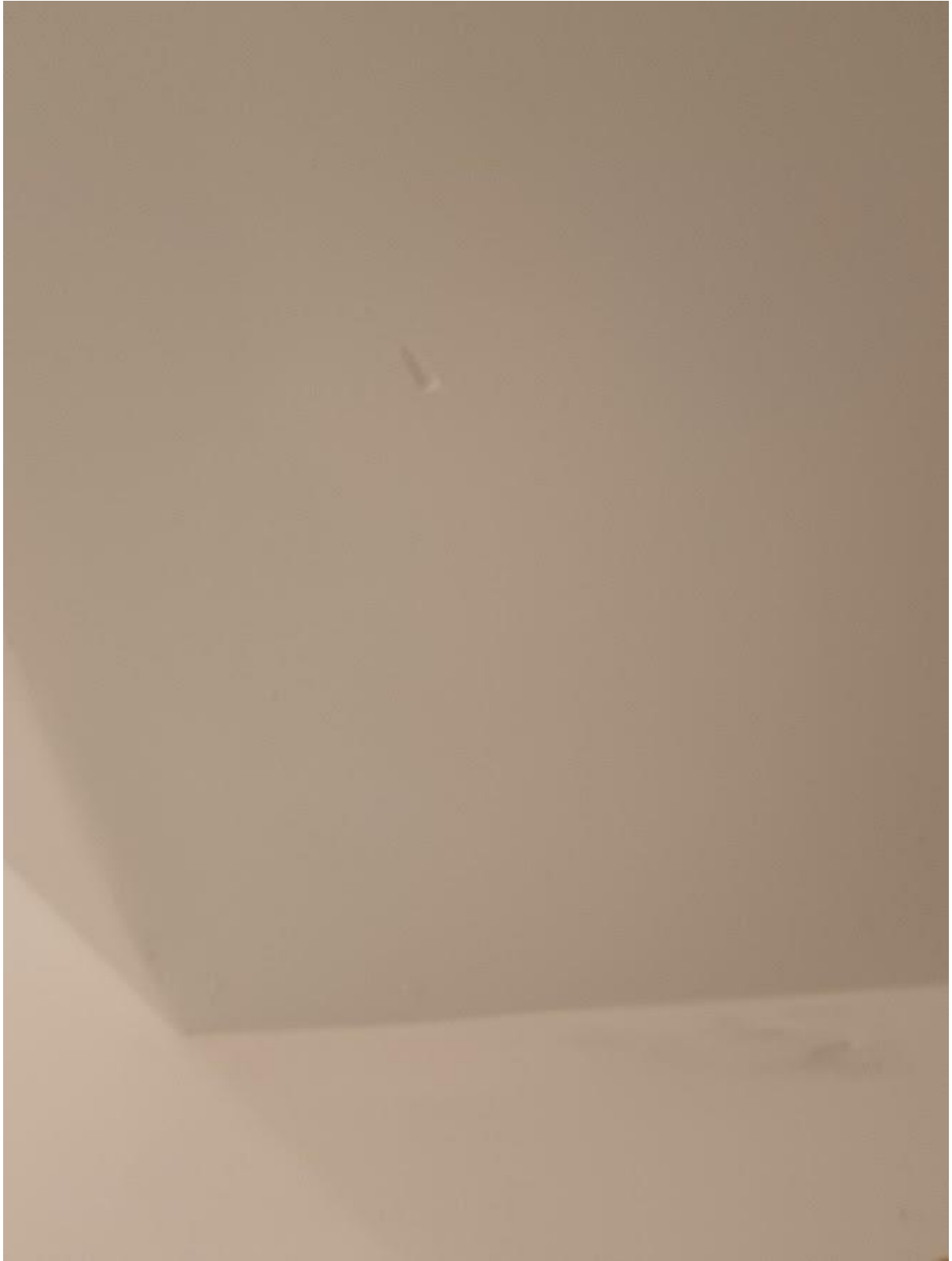






























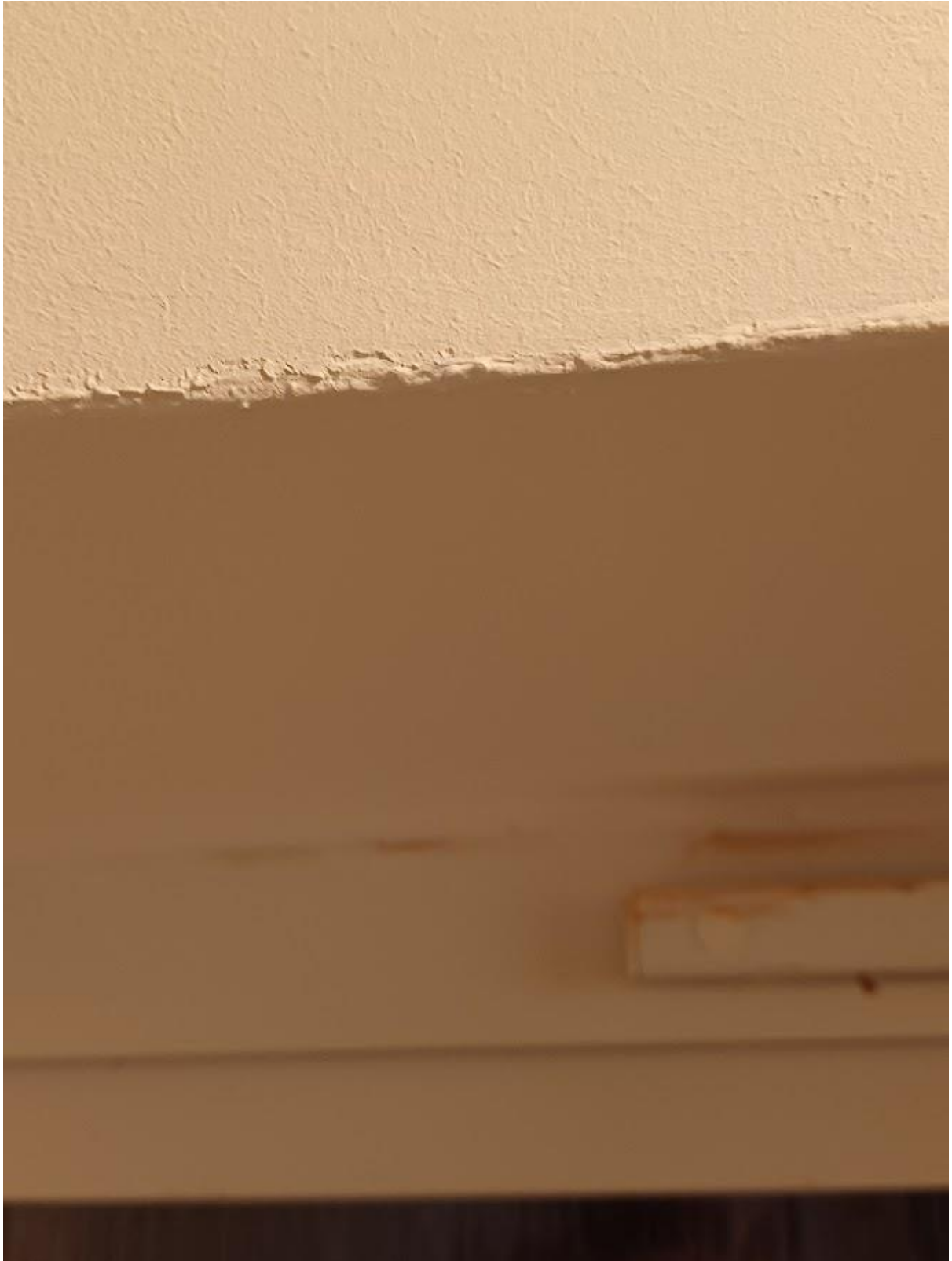






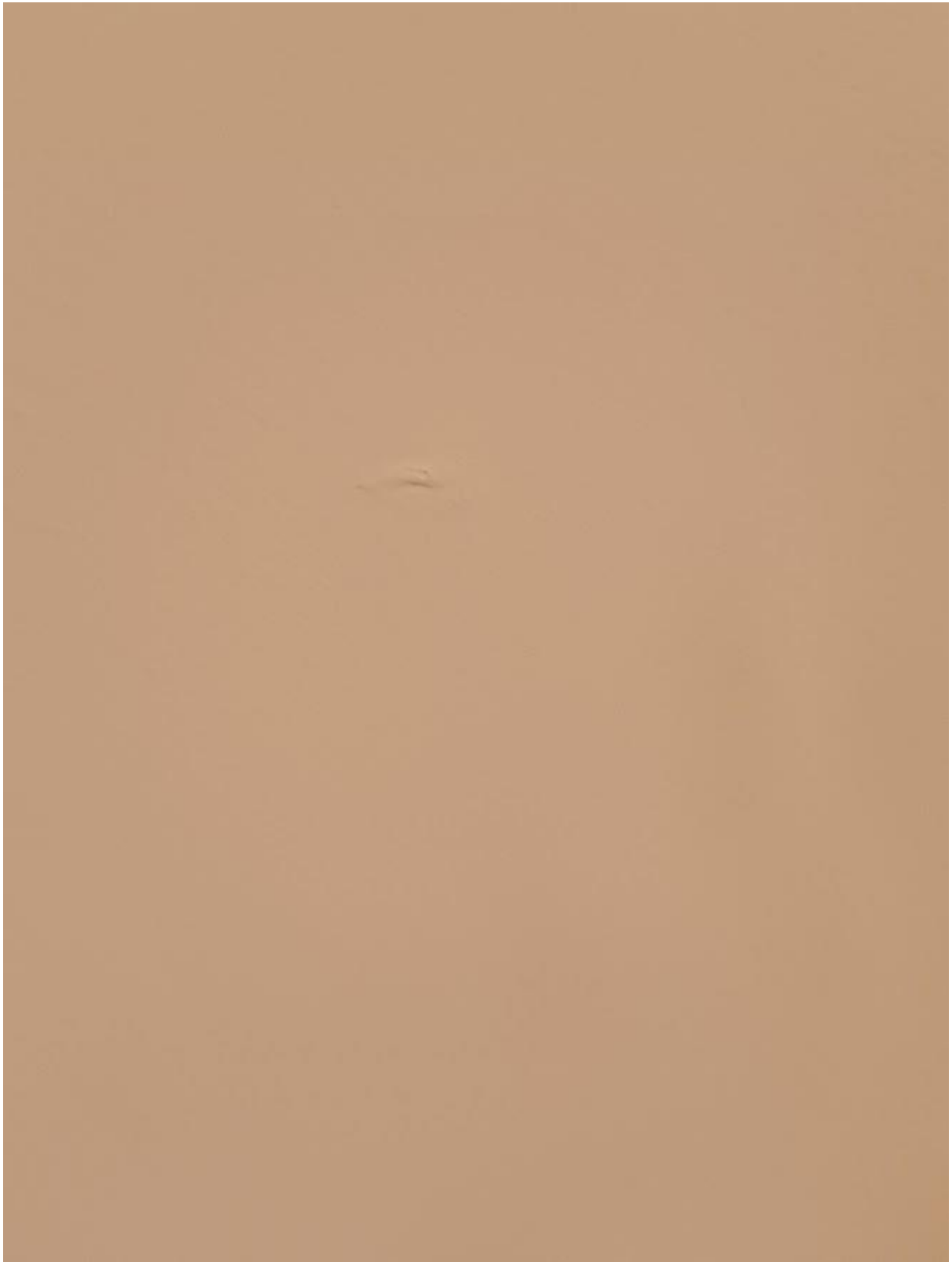




















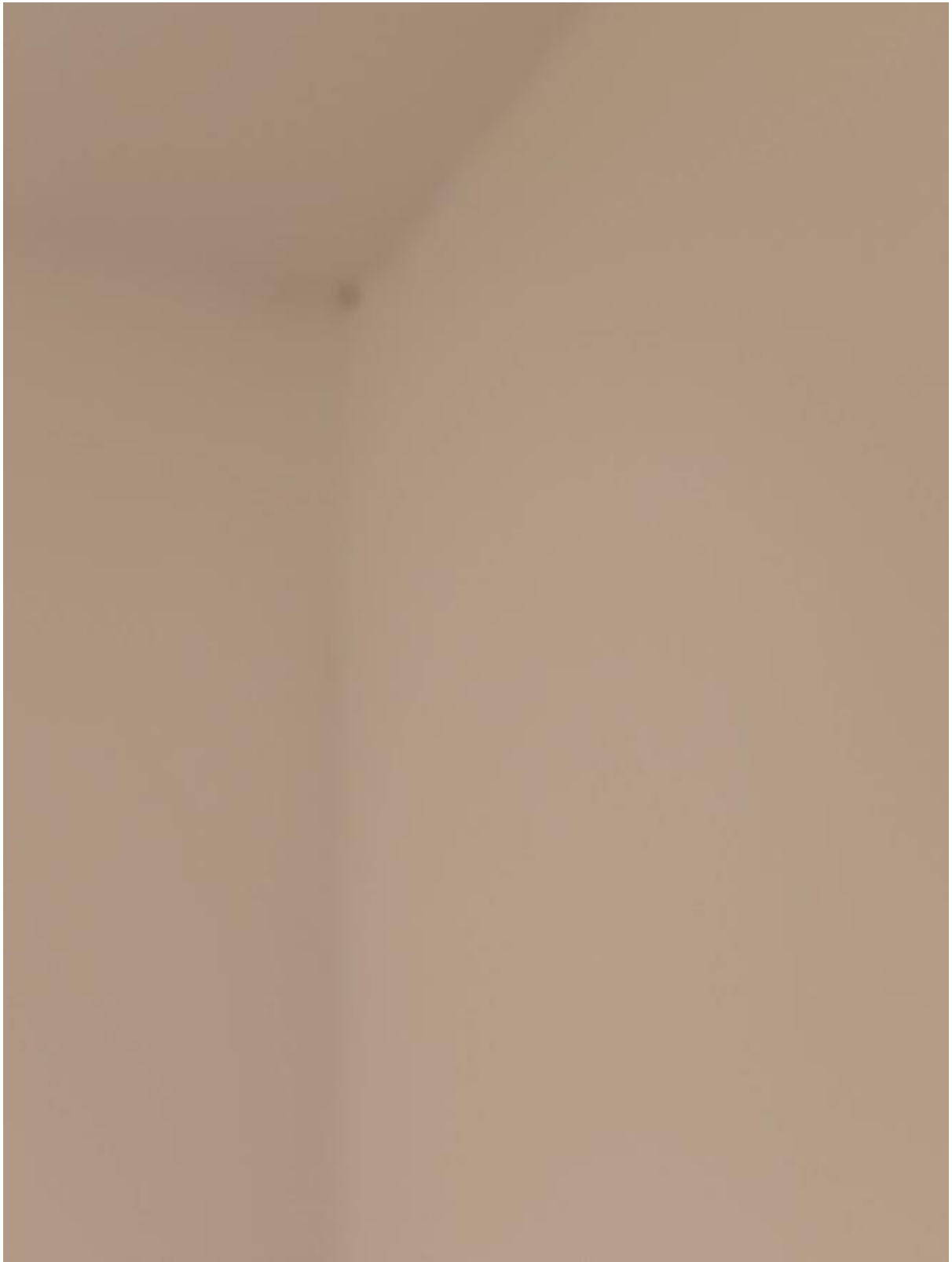
























Statement To the court

Angela Baggaley

1. Since the first week Nigel and our children moved into 22 Grasmere Avenue, I have witnessed a three pronged approach by Aspire Housing Ltd, Mr and Mrs Perks at 24 Grasmere Avenue and Newcastle Under Lyme Borough Council to harass Nigel and our children due to Nigel's disability, which is a breach of The Equality Act 2010. I have witnessed Nigel and our children being subjected to multiple issues in relation to the neighbours at 24 Grasmere Avenue and Aspire and Newcastle Under Lyme Borough Council. Disrepair, leaks, mould, ill-fitting doors, leaking toilet, leaking taps, door handles not working, plaster coming away, large tree with branches falling off, uneven dangerous back garden path and noise disturbance. This is not an exhaustive list.
2. I have witnessed Nigel and our children suffer due to Aspire Housing, 24 Grasmere Avenue and NULBC and the children next door in 24.
3. I have witnessed Nigel contacting the Housing Ombudsman regarding Aspire on many occasions, it is my belief they are in the process of an ombudsman full decision that will be published in the next 8 months.
4. I have witnessed Nigel, and at times I have also spoken, to the police, social services and other authority figures regarding the issues with the family in 24 Grasmere.
5. I am aware Nigel has taken out County Court Claims against Aspire Housing, the neighbours and HJR Gould Ltd, all before Aspire applied for an injunction against him.
6. There has been a build-up of resentment between Aspire and Nigel, since the beginning of his tenancy, I have witnessed Nigel calling Aspire estimate between 100 and 200 times since the beginning of the tenancy. I witnessed him tell staff members how he suffers Tourette's Syndrome and has other disabilities on many occasions, however the staff have never taken his information and almost all calls

were terminated by staff after they stated they were not allowed to take calls from Nigel. I know Nigel was upset by this and due to it occurring on a regular basis, he was becoming frustrated and anxious. This behaviour by Aspire, against Nigel was in my opinion harassment. I witnessed staff members laugh at him and belittle him but what I witnessed mostly was an ignorance toward him on a scale that a person without Tourette's would most likely become anxious and distressed.

7. I think it is very important the court understands that I work as a clinical lead nurse, and I work as a court expert witness for health and social care. I have three years' experience of working with homeless people and the vulnerably housed as a nurse with the NHS, mainly managing their health conditions and acting as an advocate in liaising with secondary care, public bodies, and charities. I make this witness statement in support of Nigel because of my experience and knowledge in working with people with brain injuries, dementia, and other neurological and psychiatric conditions and the concern I have of the actions against Nigel. I have been married to Nigel for 20 years. We have been separated for the last 20 months. I do not provide this witness statement due to being married to Nigel. I have a professional registration and I am regulated by the NMC. I will not lie for the sake of Nigel I want that to be clear to the court and the claimants.
8. On the above basis I wish to make it clear that Aspire Housing were made fully aware of Nigel's Gilles De Tourette's Syndrome and I saw no action from them during the whole time and even up to now, to deal with their Public Sector Equality Duty. In my work I am fully aware of the Public Sector Equality Duty and what the protected characteristics are. From what I have witnessed Aspire Housing were fully aware and they failed in their duty to put into place any strategy at all in dealing with Nigel's disability.
9. As a nurse of 30 years unblemished record, I have dealt with many patients that are unable to stop their subconscious thoughts from being vocalised. These patients are not being abusive toward nurses and doctors, they are vocalising thoughts without filters as they do not have the ability to contain them due to

their disability. Strategies and a multidisciplinary approach are put in place in consultation with the person to agree a way forward.

10. I have witnessed Nigel's tics and coprolalia start off around 3 to 4 months into the tenancy, then gradually worsen over the months. His tics have got to the point he is not willing to go out in public and he attempts to stay away from using the phone due to swearing uncontrollably. It is a debilitating condition. It is very misunderstood however it would have taken Aspire no time at all to fulfil their PSED.
11. I witnessed Nigel talk at length about his Tourette's and physical disability to Sarah Oliver in the house, I attended to witness the meeting myself. I witnessed Sarah Oliver and her colleague laughing at Nigel when he explained he suffered the condition. In my opinion their action was not professional, and it was openly discriminate. If the staff members had a regulator, I would personally have made a complaint myself about what I witnessed. Nigel became upset at their attitude to him and with them laughing at him, remained in his chair and told them to fuck off out of his house. Then when they didn't go, he told them to fuck off again, all the time remaining in his chair and not raising his voice.
12. I have witnessed aspire ridicule and laugh at Nigel throughout his tenancy in his face and on the phone.
13. I witnessed Nigel explain what the condition was and how it affected him on many times since the beginning of the tenancy when he had spoken and explained it to them.
14. I have witnessed Nigel's condition worsen over 18 months to the point where he has had to see a consultant neurologist after years of not requiring treatment for his condition, due to consistent prolonged screaming and shouting and banging from next door and due to Aspire leaving the house in a state of disrepair for so long. It became a daily, weekly, and monthly issue. I witnessed Aspire continuously refusing to take his calls and ignoring his emails. I also witnessed what I saw as targeted harassment by Aspire. On occasions I have been in the property with our children on our own and have personally become distressed by the child's continuous screaming for 6-7 hours at a time in the neighbouring

property and I have had to leave and that has happened to me on many occasions.

15. This harassment amounted to Aspires general refusal to speak to Nigel, ignoring Nigel, not acting upon complaints, refusing to come to Nigel's home and witness the issues and not replying to his emails. I witnessed Aspire only respond to the issues once the Housing Ombudsman contacted them.
16. At that point I witnessed Aspire contacting Nigel to suddenly, after around or near on 13 months of ignoring him wanting to come to the property to "hear the noise from the children next door, and to look at the issues in the property re disrepair". I do not feel it is fair or acceptable that Aspire only responded when forced to by the Housing Ombudsman.
17. In my opinion it is important to the court understand that these issues were prolonged and protracted by the actions of Aspire – not Nigel or our children. It is this prolonging of the situation that has caused Nigel to become more and more distressed, anxious, and unwell after months of being ignored.
18. I witnessed Nigel go to his GP to seek an urgent referral to a Neurologist and I witnessed Nigel explaining to the GP that he was at the end of his tether and feared he was going to "lose it because of the constant screaming shouting and banging by the children next door". An appointment was made (this was before any injunction application). I attended the appointment, and I witnessed Nigel being examined and the Neurologist placing him on medication for the condition. I am aware the court and aspire have the letter from the Neurologist. I am also very concerned by the consultant's comment in his letter that Nigel is not currently suicidal. In my opinion Nigel showed signs of low mood that and I supported him in his decision to go to see his GP to get a referral to a neurologist. There were times where Nigel asked me to come over to the house so he could go out and get respite in the car from the noise.
19. From a professional point of view, I am concerned that even after receiving the letter from the Neurologist, Aspire have still took no action to abide by the law regarding PSED.
20. I have witnessed Nigel complaining to the Environmental Health Dept at NULBC for around 8 months regarding the noise from the neighbours. They refused to

get involved therefore Nigel provided them with recordings of the noise from his mobile phone which they accepted as evidence however no action has been taken.

21. I witnessed the alleged incident between Nigel and Aspire staff, Paul Malkin and Kieron Beavon. I have also read the allegation and I have to say that in my opinion the allegations are partly fabricated and partly overexaggerated and partly true, however I will state what took place below as to what I witnessed.
22. In the lead up to the day in question, Nigel had been let down by Aspire in relation to his tree being cut down, but a stump had been left of 10 feet in height in the middle of the garden. The agreement was that the tree would be ground out completely due to the roots and the slope in the garden. Nigel had noticed the wood cuttings had been left in the garden of the next-door neighbour's and the tree surgeons had disappeared on the 2nd day of a 3-day job without a word.
23. Aspire had reneged on the agreement but would not state why. Nigel was naturally angry by this, so I went along with Nigel to the tree surgeon to find out what had taken place. I witnessed a conversation between the manager/owner of the company HJR Gould Ltd and Nigel provided him with a copy of a claim form. The gentleman told us that they were booked for 3 days and they were supposed to be grinding out the tree stump but that "they received an email on the second day by Sarah Oliver which had a new invoice which stated "leave a 10 foot stump and give the wood to the neighbours at 24 Grasmere and get the neighbours to sign the job off not the tenant in 22".
24. I witnessed Nigel leave the company grounds and there had been no issue at all there. I have seen Aspire have stated Nigel acted threateningly toward the owner. That is a lie. They walked with us back to the car chatting.
25. The neighbours and Nigel were not seeing eye to eye, two arguments had taken place between them and there were raised voices, but basically Nigel asking the neighbours to keep their noise down and the neighbours telling Nigel to "fuck off we lived here first" to which Nigel would then swear back at them.
26. After going to HJR Gould Nigel asked the neighbours if he could take his wood back. The neighbours refused stating "it is our wood because aspire said we could have it if we signed off the work".

27. I then went to the neighbours and asked them to understand the situation, the man was ok with me going into their back garden and removing the wood. Once I entered the back garden the woman in the house Mrs Perks, began screaming that her daughter was panicking because she does not like anyone in the garden. I felt the mother was lying as Mr Perks looked at me embarrassed by her behaviour. I left immediately with no wood.
28. I witnessed Nigel then submit a claim against Mr and Mrs Perks for the loss of the worth of the tree wood, (which the neighbours had been selling to people).
29. I believe this was a critical moment for Nigel and his condition, he had not only been left with the stump to remove at a personal cost that would be around £1300. But he had found out Aspire had told HJR Gould to purposely leave the stump, give the wood to the neighbours and get them to sign the work off by the neighbours, not the tenant who is Nigel. I believe this angered Nigel deeply as he saw it as Aspire trying to upset him and he could not understand why this would occur other than Sarah Oliver continuing with what seems to be a consistent personal grudge targeted at Nigel. Throughout all the main issues Sarah Oliver seems to be found embroiled in the matter.
30. I witnessed Paul Malkin and Kieron Beavon arrive at the house on the day they make their allegations. The men were invited into the property by a not very happy Nigel at all, they knew this was going to be the case as they were told before arrival by Nigel that he was livid.
31. When arriving at the door Nigel told them to come in. They went to the living room. I witnessed the men ask Nigel how he is and Nigel replied, "not fucking happy mate to be honest with you". In my opinion because the men were fully aware of the condition Nigel suffers, if they were incapable of accepting swear words when dealing with Nigel it is at this point they could have walked out of the house. However, they stayed and continued the conversation. Nigel was clearly anxious and distressed.
32. I witnessed Nigel tell Mr Malkin that he was a liar. This was explained to Mr Malkin by Nigel that he had found out from the neighbours that they had personally known Mr Malkin for over 8 years and had his mobile number and email address, and that he was in fact the person dealing with their house

extension. This came after Paul Malkin had for over 8 months denied he had any knowledge of Mr and Mrs Perks or their disabled children. He had been found out to be lying. Nigel was understandably upset and distressed at this. Anybody would be upset on finding this out and being lied to by an employee of a public body.

33. It was Mr Malkin who then said "shall we go to look at the issue with the tree" so we all went outside, Nigel was at this point ticking his head and going red. Mr Malkin acted very strangely in the garden, I believe that Mr Malkin knew of Nigel's condition as Aspire had repeatedly been told of it by Nigel, verbally and in writing and he could see that Nigel was distressed. I witnessed Mr Malkin pull a face at Nigel, when standing next to the stump, pointing at the stump, and smirking. Paul Malkin then said, "it looks great what's the problem".
34. Nigel did react, he has been pushed for 16 months by this time and it appeared to me it is exactly what Aspire went out to achieve – he shouted at Mr Malkin the agreement was to remove the stump and you know it. He repeated that a few times while Mr Malkin continued to laugh at Nigel. Nigel swore calling Paul Malkin a fucking liar. Nigel then told the men to fuck off out the house. As the men left the property Nigel told them don't come back. I witnessed this as I state above. I want to be clear on something with the court, in my opinion the men came to the house with the intention of causing Nigel to react as they knew he was already angry and they knew about his Tourette's. I believe anyone in Nigel's position on that day would have been likely to become anxious and distressed. However, Nigel has a condition that if he is emotionally upset his coprolalia becomes worse.
35. I witnessed Kieron Beavon pretend to tick his head like Nigel does when Nigel wasn't looking. I found this a disgusting abuse and I removed myself from the garden, having to say excuse me to Kieran Bevan because he was blocking the doorway to the outhouse where I continued to witness the situation from the kitchen. Our 15-year-old son briefly came to the garden to witness the situation for himself as he could hear how upset his dad was. He removed himself from the area when I asked him to come away.

36. I witnessed the whole event and as I said, Nigel swore, however that was due to his condition and by a set of circumstances that over a long period of time and build up manifested to what Aspire knew would be likely to happen at some point if they continued to press for a reaction as they knew about his Tourette's.
37. At no time did Nigel threaten the two Aspire employees in the garden and I am at a loss as to why they came in, stayed and didn't leave sooner if they were so frightened and concerned.
38. They showed no regard for his disability and instead have used this against him. There were no threats of violence, just a highly distressed, triggered individual who was acting in a way that Aspire knew he had the potential for and had not put in place a strategy for the PSED. It upset our son and myself to see Nigel so distressed and frustrated at their actions. They did not appear alarmed at all during the visit and did not appear to be in any rush to leave.
39. Nigel has been provided with all the reports regarding the survey reports from Aspire on the works needed in the house however I have witnessed the distress and frustration to Nigel caused by aspire refusing him the wall surveyors report which is important to him because of the noise transference issues between his house and next door. Again, I believe Nigel is addressing this with the ombudsman, the court and the Information Commissioner's Office.
40. I am at a loss as to the noise abatement notices and threat of eviction due to the noise as the noise that Nigel creates has been the same since he moved in. He has always used his music for personal enjoyment and as a way of managing his anxiety caused by the noise from next door of which he has been complaining of to aspire and NULC and provided recordings to. To allege that Nigel is a problem for the child next door does not correlate with his music playing but does correlate with the management by the parents. The referral Nigel made to social services was based on neglect with two of the issues being the children next door had not gone out of the house for the whole of the summer holidays and the elder boy being in his pen all day with no attention from his parents, banging the walls, howling and screaming. This exacerbated Nigel's illness because of him getting no respite from the noise and the distress he was experiencing listening to a distressed child. Equally he has contacted social services with the abrupt

stopping of the noise which begs the question of what have the parents been doing or not doing for the last 18 months? I have been witness to the father saying to Nigel and myself that he (the child) is loud and he has medication but they don't give it to him and the Mother shouting at Nigel when he asked if there was anything they could do about the noise that "there was fuck all he (Nigel) could do as they were disabled" At no time was Nigel threatening or abusive to her or her husband. At no time has Nigel apportioned blame to the children next door for the noise created by them, he has made it clear to everyone concerned his issue is with the parents not doing anything with the children and not the children themselves, that has always been the focus of our private conversations too. William's (our son) school is aware of the impact of the noise from next door has had particularly on him. Nigel's health has deteriorated because of it.

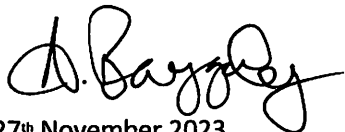
41. Our children aged 15 and 17 are appealing their noise abatement notices due to them having an end of term Halloween party, as am I appealing mine as I am not an occupant of 22.
42. It is at this point I would like to put across to the court the effect this process has had on our children. They have suffered immensely due to the children screaming and banging and the mother of the children swearing at them and threatening them. Our son has had issues sleeping he is so worried about the children next door.
43. I have witnessed Nigel state to the police and social services, and environmental health that his issue is not the children, it is the parents' inability to care for the children. When the screaming and shouting, banging walls and windows goes on for 12 hours in one day and the parents are simply ignoring the matter it is child abuse.
44. In my opinion and in my professional experience what is clear is that the issues that Nigel has complained of for 18 months have been ignored by Aspire Housing and Newcastle Under Lyme Borough Council. Considering that PSED was not implemented it does not really surprise me that this situation has got to where it is after witnessing the way Aspire act in their actively discriminatory manner. I state to the court today that I have never seen a public body actively seeking to cause harm to the health of a disabled person. In fact when I consider how I have

witnessed members of Aspire staff making fun and mocking Nigel's disability and having absolutely no qualms about how their behaviour impacts upon Nigel and very importantly on our children, as a Mother I cannot express my disgust and disdain for what has amounted to a barrage of actions and non-actions having a direct effect on a disabled person and two children is harassment.

Statement of truth

I believe the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Angela Baggaley

A handwritten signature in black ink, appearing to read 'A. Baggaley', written over the printed name.

27th November 2023

Section E
Respondent's Medical Evidence
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Our Ref: SE/el/03290634

University Hospitals of North Midlands **NHS**
NHS Trust

Date of Clinic: 30/10/2023

Date Typed: 01/11/2023

Royal Stoke University Hospital

A Block

Newcastle Road

Stoke-on-Trent

ST4 6QG

Tel: 01782 715444

Dr M Ruiz Martin
3 Orme Road
Poolfield
Newcastle-under-Lyme
ST5 2UE

Secretary: 01782 679461

Fax: 0843 636 5077

Department of Neurology

Dr Simon J Ellis, Consultant Neurologist

Dear Dr Ruiz Martin

Nigel ROBERTS
22 Grasmere Avenue
ST5 3HF

D.O.B. 06/12/1968
Hospital No. 03290634
NHS No. 608 494 5198

Diagnosis:

- Gilles de la Tourette's
- Abuse survivor

Management plan:

- I would be obliged if he could be started on Clonidine initially 25 mcg twice a day for 2 weeks, then 50 mcg twice a day for 2 weeks, then 75 mcg to continue. This may also have the advantage effect of reducing his blood pressure a little bit

History:

Many thanks for asking me to see this 54-year-old right-handed medically unemployed security officer who was subject to an attempted drowning by his father and then in adolescents was thrown into a swimming pool and following that started developing a motor tic disorder also associated vocalisations swearing. This was around the age of about 14. Also around that time he developed episodes of déjà vu which were diagnosed as "petit mal" treated with carbamazepine (Tegretol) until the age of 18 and this was withdrawn and the petit mal attacks have not returned. This sounds as though his tic disorder became quiescent for a while but his current social circumstances seem to have exacerbated matters in that he lives next door to some children with disabilities who scream all the time and this is causing increased levels of anxiety. This has been going on for last 16 months.

He has had a history of problems with the criminal justice system.

He is currently suffering from type 2 diabetes. He is taking Metformin, Simvastatin, paracetamol, ibuprofen and reports being allergic to penicillin. He lives with his two teenage children and is separated from his wife with although his wife kindly accompanied him to clinic today. He smokes 3-4 cigarettes a day and does not drink alcohol. There is no relevant family history. His general health is reasonable, appetite is satisfactory and he initially lost weight when he was diagnosed having diabetes but over time it has crept back up again. His sleep is quite variable and his mood I think can be a bit low at times though he is currently not suffering any suicidal ideation.

On examination blood pressure 136/73/108 with a pulse of 96 though I think this was falsely elevated by the circumstances when I took his blood pressure. There are no cardiac murmurs or carotid bruits. Higher mental functions were excellent and he remembered 3/3 objects three minutes uncued. Examination of the cranial nerves was unremarkable apart from the tics that I observed. Examination of the limbs revealed normal tone, power and sensation and normal tone and power. The sensory examination revealed loss of pinprick sensation in the toes and vibration, temperature and joint position sense were intact. The deep tendon reflexes were all present and both plantars were flexor. Throughout the consultation he had motor tics which consisted of either blinking or rapid movements

of the head laterally. There was also some movements in the limbs. There were no vocalisations during the course of the consultation.

Given the history it sounds as though he has got Gilles de la Tourette's. Unfortunately we do not have access to skilled psychological therapy for this but we can use some Clonidine as I suggested above and there may be some other pharmacological agents that might be useful.

I will review him again in about 4 months 'time.

Yours sincerely

Dictated but not signed

Simon J Ellis
Consultant Neurologist

Copy to:

Mr Nigel Roberts
22 Grasmere Avenue
Newcastle
ST5 3HF

WESTWOOD MEDICAL CENTRE

Dr. A. S. KUKREJA
MB, BS, DLO (London)

Dr. R. K. KUKREJA
MB, BS, DA (London)

Dr. W. J. McDONALD
MB, ChB

298 TILE HILL LANE
COVENTRY
CV4 9DR
Telephone 024 7646 6106
Fax, No. 024 7642 2475

3 MAYORS CROFT
COVENTRY
CV4 8FF
Telephone 024 7646 6312
Fax, No. 024 7646 8229

Our ref: ASK/cah

12 February 2010

West Midlands Police
70 Little Park street
Coventry CV1 2UR

For the attention of Emma James – Probation Officer

Dear Ms James

Re: Nigel Baggaley, 36 Mayors Croft, Coventry CV4 8FF

The above named patient has been registered at this practice since 24.7.2008.

He has the following medical conditions:

- 1) Epilepsy 1994
- 2) Explosive personality disorder 1992

With regards to his back pain he attended a previous GP on 22 August 2007 complaining of low back pain brought on by digging a trench at the weekend.

He was diagnosed with paraspinal muscular pain and was given a prescription for Diclofenac 50mgs (anti-inflammatory pain killer). General advice was given regarding his back pain.

Please find enclosed photo-copies of consultations with his GP at this surgery regarding his back pain.

Mr Baggaley is not taking any prescription medications at the present time.

I hope this information is helpful but should you require any further assistance please do not hesitate to contact us.

Yours sincerely


A S Kukreja

30.10.2007 D
Externally entered
Mrs Irene Duplock

D: *RA7 Bradgate Mental Health Unit - Dr M Arif - Review -
9 10 07

15.10.2007 D
Externally entered
Mrs Irene Duplock

D: *RA6 Bradgate Unit - Appointment date - 1 10 07

8.10.2007 First
G.P.Surgery
Dr A K Kothari

E: Acute tonsillitis
Rx: Erythromycin E/C Tablets 250 mg

8.10.2007 First
G.P.Surgery
Dr A K Kothari

E: Whiplash injury - rearshunt RTA 4/10/07

28.9.2007 D
Externally entered
Mrs Irene Duplock

D: *RA5 Bradgate Mental Health Unit - Receipt of referral
- Dr M Arif - 21 9 07

19.9.2007 First
G.P.Surgery
Dr J E Alun-Jones

E: Stress related problem
S: tension in cervical muscles, recurrence of tic from
childhood
Rx: Tegretol Retard M/R Tablets 200 mg
P: discussion due to start exercise class

4.9.2007 D
Externally entered
Mrs Irene Duplock

D: *RA4 Orchard resource Centre - 30 8 07

31.8.2007 First
Telephone
Dr A K Kothari

E: Diarrhoea - after taking diclofenac & made worst
by erythromycin (given by dentist)
Rx: Co-Codamol 8/500 Tablets

23.8.2007

DATE	CLINICAL NOTES
	<p>25th Oct 02 Seen by Neuropsychiatrist.</p> <p>Δ Partial epilepsy, 1/2 secondary generalisation as a result of cerebral anoxia due to attempted drowning @ 18 mths. Thrown into water age 13 - precipitated Temporo limbic disorder.</p>

~~MALE~~

SUMMARY OF TREATMENT CARD

Surname BAGGALEY

Forename(s)

Quinlan

NIGEL

Add: 25 HANKYN RD,

CHESTER CH2 3QD

N.H.S. Number

Date of Birth

608 494 5198

6.12.68.

DATE

CLINICAL NOTES

PMN

UK Temporal lobe epilepsy/
Childhood Asthma.

1988

Multiple leg #

1992

Tib & Fib

Ribs ? pneumothorax.

1986

Psych adm for assessment & obs.

1992

Psych assessment.

Explosive personality disorder

& Anti-social personality disorder.

may
1994

Hosp adm seizure

Liable to fits of aggression concurrent
to seizures

17.9.98

Psych report

20.9.98

RTA - Abrasions. Thoracic bruising

minor head inj. # ribs ? pneumothorax

O: 0

26.5.2005

Onset

G.P.Surgery

DR G ACKERLEY

E: MED3 issued to patient 4w

S: can,t backdate to '205 yet?
requ notes

D: Wt. 121 Kg

26.5.2005

Onset

G.P.Surgery

DR G ACKERLEY

E: [X]Mood - affective disorders

S: partner 1y dn preg

O: ok

26.5.2005

Onset

G.P.Surgery

DR G ACKERLEY

E: Wants to lose weight

Biological Values

Value

Units

Ab

26.5.2005 O/E - weight

121

Kg

On examination he was anxious, well built but with no front teeth. This was the result of an altercation during a period of remand for his temper disorder 12 months ago. His neurological examination was normal. I felt Mr Quinlan had partial epilepsy with secondary generalisation as a result of his cerebral anoxia due to attempted drowning when he was aged two, precipitated by the emotional trauma of being thrown in water at puberty. This also precipitated a tempero limbic disorder, which continues and is his most disabling disorder. I prescribed Carbamazepine, which can be very effective with tempero limbic disorder as well as an anticonvulsant. I prescribed Tegretol Retard 200mgs at night for two weeks increasing to 200mgs bd. The dose of Carbamazepine can be increased if necessary. Doses of 1000mgs daily or above can be needed for effective treatment of tempero limbic disorder. I will see him again in three months time.

Yours sincerely

D G C Rogers
Consultant Neuropsychiatrist

PATIENT SUMMARY- 1 of 3

EMIS No : 14083
Name : Mr Nigel Baggaley
Age : 36 years
D.O.B. : 06.12.1968 NHS No. : 6084945198
Address : 3 Barnsdale Road Leicester
Post Code : LE4 1AX

Records at : A
Telephone number :
NHS number : 6084945198
Hospital Number(s) :
Trading Partner : Leicestershire FHSA
Registering Dr : DR MOSES BANDRAPALLI
Usual Dr : DR MOSES BANDRAPALLI
Dispensing? :
RPP/Road miles :
Walking quarters :
Residential Inst. :
Special dist/Blocked :
18.7.2005 Registration status : Records sent back to FHSA

ACTIVE PROBLEMS
None Recorded

SIGNIFICANT (NOT ACTIVE) PROBLEMS
None Recorded

ALLERGIES
None Recorded

DISEASES OR OPERATIONS
26.05.2005 Temporal lobe epilepsy :
26.05.2005 [X]Mood - affective disorders :

HEALTH STATUS
26.5.2005 Weight : 121 Kg
Body Mass Index : - - -
Ideal Weight : - - -
Systolic BP : - - -
O/E - pulse rate : - - -
diabetes : - - -
Asthma : - - -
CVA DISEASE : - - -
Smoking : - - -
Smoking Adv : - - -
Alcohol : - - -
Diet : - - -
Exercise grading : - - -
Urine Protein : - - -
Urine Glucose : - - -
no fh : - - -
fh ihd <60 : - - -
isc hea dis > : - - -
FH: CVA/stroke : - - -
O/E - pulse rate : - - -
NOTES SUMMARISED : - - -

FAMILY HISTORY
None Recorded

PRESENT MEDICATION

Repeat Prescriptions

Last Issue

QUINLAN, Nigel (Mr)
Date of Birth: 06-Dec-1968

The Belgrave Medical Centre
NHS Number: 608 494 5198

Date	Description	Value	Units	Range
01-Aug-2014	Framingham 1991 cardiovascular disease 10 year risk score	27.5	%	
01-Aug-2014	QRISK2 cardiovascular disease 10 year risk score (Estimates used as not all input data present or in range: BMI: 40 kg/m ² ; Ethnicity: British;)	19.2	%	
01-Aug-2014	Cigarette smoker	3	/day	
29-Jul-2014	Alcohol use disorder identificatn test consumptn questionne	0	/12	
29-Jul-2014	Alcohol consumption	0	U/week	
29-Jul-2014	Cigar smoker	3	/day	
29-Jul-2014	Ideal weight	68.6	kg	
29-Jul-2014	Body mass index	48.3	kg/m ²	
29-Jul-2014	O/E - pulse rate	74	beats/min	
29-Jul-2014	O/E - blood pressure reading	133/85	mmHg	
29-Jul-2014	O/E - weight	144	kg	
29-Jul-2014	I HbA1c level - IFCC standardised - (PS) - No Action In established Diabetes, HbA1c result indicates adequate diabetic control. Guidance suggests repeat in 6-12 months.	50.0	mmol/mol	20.00 - 42.00mmol/mol
29-Jul-2014	I Serum lipids - (PS) - Normal No Action			
	I Serum cholesterol	5.2	mmol/L	3.50 - 5.00mmol/L
	Serum triglycerides	1.7	mmol/L	0.80 - 1.80mmol/L
	Serum HDL cholesterol level	0.9	mmol/L	0.90 - 2.00mmol/L
	Serum LDL cholesterol level	3.5	mmol/L	1.50 - 4.00mmol/L
	I Serum cholesterol/HDL ratio	5.8		0.00 - 4.50
23-Jul-2014	O/E - height	172.720	cm	

Problems

Active

Date	Problem	Associated Text	Date Ended
07-Aug-2015	Motor vehicle traffic accidents (MVTA)	- neck pain.	
01-Aug-2014	Type 2 diabetes mellitus		
18-Jul-2014	Did not attend - no reason		

Significant Past

Date	Problem	Associated Text	Date Ended
1994	Temporal lobe epilepsy		27-Aug-2014

Patient Warnings

Warning Text

3 Appointment DNAs
PATIENT EXTREMELY ABUSIVE 7.8.15

15.12.2006 First

G.P.Surgery
Dr G Shanbhag

E: Had a discussion with patient
S: wants sick note long term sick
P: MED3 - doctor's statement 3/12 limbic epilepsy

6.12.2006 D

Externally entered
Mrs Irene Duplock

D: *RA2 EGH - Dr C D Hanning - Removal from waiting list -

29 110 6

30.10.2006 Review

G.P.Surgery
Ms. Anne Pickering

E: Explosive personality disorder
P: dna psychological therapy session. this is the second occasion. Please re assess with GP before offering another appointment with the CMHPS. (Practice Therapists).

29.9.2006 First

G.P.Surgery
Dr G Shanbhag

E: MED3 - doctor's statement a
S: came for sick note on long term sick.MED3 - doctor's statement 3/12 limbic epilepsy

11.8.2006 First

Telephone
Dr A K Sood

E: Medication requested
S: under neuropsychiatrist
Rx: Carbamazepine Tablets 100 mg

9.8.2006 D

Externally entered
Mrs Irene Duplock

D: *RA1 Maples spirometry result - 8 8 06

8.8.2006

G.P.Surgery
Mrs J Hammersley

T: Spirometry screening FEV1 3.38 FVC 4.39 Litres
FEV1/FVC 77 %

7.8.2006

Telephone
Dr I D Cracknell



MALE

Surname

QUINNAN

Forenames

NIGEL

Address

DEWE HOUSE HENLEY GREEN

National Health Service Number

Date of Birth

06 12 68

Date

★

CLINICAL NOTES

23-8-93

 $\frac{C}{13}$

Beck's. inhale.

Nervous Debility

20/10/93

13/52 NERVOUS DEBILITY (RKO)

1.11.93

✓

H2O Shortness of breath

Chest infection

Asthma 200 (20)

L. CO2 300me

1-2-94

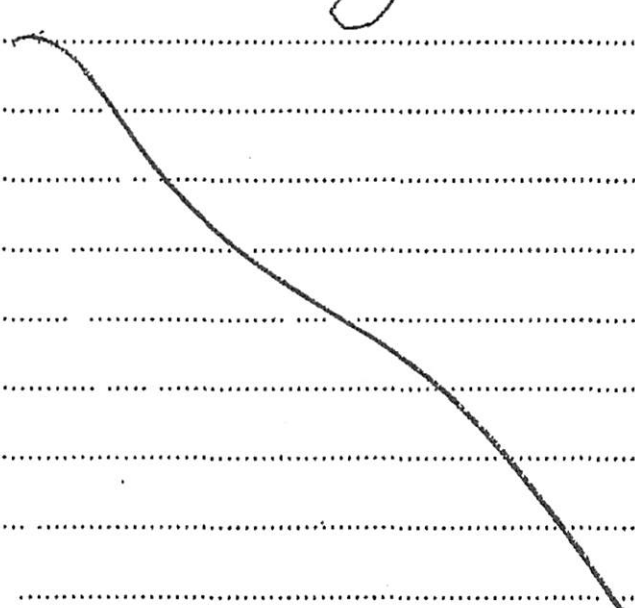
 $\frac{C}{13}$

Nervous Debility

19.4.94

 $\frac{C}{13}$

Nervous Debility =



* This column has been provided for doctors to enter A, V or C at their discretion.

Date	★	CLINICAL NOTES
27.2.92		<p>Demanded a bank card note which could not provide because he was not seen or registered with us on 1.2.92 (as note demanded by DSS).</p> <p>He became furious and attack me in the office.</p> <p>Police came and took him to Police Station —</p> <ul style="list-style-type: none"> • Not on FHSA - record or list • Ex - Walgrave Hospital, on Computer • John Morrison Social Services Joheshall informed for assessment • Dr. Uphythya consultant requested for visit for assessment and sectioning act. • Also talked to DSS office to follow person for information from Blackpool DSS office
28.2.92		<p>Telephoned Dr. Uphythya consultant. Psychiatrist said he is personality dis disorder — in trouble with police since age of 14</p>

★ This column has been provided for doctors to enter A, V or C at their discretion

THIS RECORD IS THE PROPERTY OF THE SECRETARY OF STATE FOR HEALTH

12-Aug-2016	Urine protein test not done		
12-Aug-2016	Urine glucose test not done		
12-Aug-2016	QRISK2 cardiovascular disease 10 year risk score	6.95	%
	(Estimates used as not all input data present or in range: BMI: 40 kg/m ² ; Ethnicity: British; Cholesterol/HDL Ratio: 4.4;)		
12-Aug-2016	Alcohol use disorders identification test	0	/40
12-Aug-2016	Alcohol use disorder identificatn test consumptn questionnre	0	/12
12-Aug-2016	Alcohol consumption	0	U/week
12-Aug-2016	O/E - pulse rate	68	beats/min
12-Aug-2016	O/E - blood pressure reading	140/82	mmHg
12-Aug-2016	Body mass index	46	kg/m2
12-Aug-2016	O/E - weight	136	kg
12-Aug-2016	O/E - height	172	cm
21-Jul-1995	Overweight		

Problems

Active

Date	Problem	Associated Text	Date Ended
19-Jul-2023	HbA1c level (Diabetes Control and Complications Trial aligned)		
19-Jul-2023	Gilles de la Tourette's syndrome		
10-Oct-2022	Type 2 diabetes mellitus		
21-Jul-1995	Overweight		
14-Nov-1994	Epilepsy		

Significant Past

Date	Problem	Associated Text	Date Ended
24-Nov-2021	Verbally abusive behaviour		17-Feb-2022
01-Jan-1998	Fracture of tibia		
21-Jul-1995	Asthma		
03-Nov-1987	Adverse reaction to penicillins		

Minor Past

Date	Problem	Associated Text	Date Ended
17-Apr-2023	Ear symptom		27-May-2023
10-Oct-2022	Joint pain		08-Nov-2022
11-Nov-2021	Multiple joint pain		10-Dec-2021
04-Jun-2020	Low risk category for developing complication from COVID-19 infection		03-Jul-2020
30-Jul-2019	Wax in ear		29-Aug-2019
27-Mar-2018	Anger management counselling	needed	25-Apr-2018
27-Feb-2018	[D]Irritability and anger		28-Mar-2018
08-Jan-2018	Nocturia		06-Feb-2018
08-Jan-2018	Feeling of lump in throat		06-Feb-2018
09-Aug-2017	[X]RTA - Road traffic and other transport accidents		07-Sep-2017
29-Nov-2016	Wax in ear		28-Dec-2016

Section F

Respondent's Ancillary Applications & Orders

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General Form of Judgment or Order

In the County Court at Stoke On Trent	
Claim Number	K01SQ078
Date	20 December 2023



ASPIRE HOUSING LIMITED	1st Claimant Ref 004300273.00174
NIGEL ROBERTS	1st Defendant Ref

Case Number - K01SQ078 Appeal Number - 394/23

In the matter of an appeal from a decision of District Judge Harrop dated 30th August 2023, and Order of 22nd August 2023

The Parties:

The Defendant is the Appellant

The Claimant is the Respondent

Before Her Honour Judge Ingram sitting at the Birmingham Civil and Family Justice Centre on 20th December 2023

Upon hearing the Appellant in person and upon the respondents not being in attendance. The respondents notifying the court, by email dated 18 December 2023 that as this was a new oral renewal application they would not be attending the hearing. The court had the benefit of hearing oral submissions from the Appellant to supplement his written skeleton.

Preliminaries:

Upon the court noting that HHJ Burns refusing permission to appeal on paper on 19th September 2023

Upon the court considering the Appellant's Notice filed on 14 September 2023 and the statement of Nigel Roberts containing his Notice of appeal and Grounds of Appeal , and skeleton argument of over 45 pages and 175 paragraphs.

Upon the court hearing further oral submissions from the Appellant at the renewed application by way of oral representations, at a hearing which took place on Wednesday, 20 December 2023, by Teams.

And upon the court explaining the process for the oral renewal hearing, and the legal test that had to be established by the Appellant. The Appellant confirming that he understood the process and procedure.

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. **Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.**

Clarke Willmott
Burlington House
Botleigh Grange Business Park
Hedge End
Southampton
SO30 2AF
DX 49665 SOUTHAMPTON 2

And upon the Court noting that by the order of 26 September 2023 by His Honour Judge Burns, stating that the Appellant must file and serve a copy of the transcripts of the hearings for 22 August and 30th of August 2023, by 13 November, and an indexed bundle by 4 December 2023, the Appellant has failed to do so.

The court therefore has been unable to consider a transcript of the hearings. Nevertheless, the court felt that it could proceed to deal with the appeal hearing as many of the issues and Grounds raised, we're in relation to procedure and law, or complaints against the Claimant /Respondent's procedures and failure to follow the PSED and Equality Act 2010.

IT IS ORDERED THAT

1 Permission to appeal is refused on all grounds.

2 The court reconsidered the decision made on the 22nd of August 2023, but found that the time to appeal expired on 13th September 2023, and the appeal was filed on 14th of September 2023. No reasons or application had been made for permission to file out of time.

3 The court reconsidered the decision made on 30th August 2023 and found that the appeal was issued within time, and that the continuation of the injunction/power of arrest also included a number of case management directions and decisions, which were not outside the generous ambit where reasonable decision makers may agree.

4 The Appellant has not demonstrated that he has a real prospect of successfully establishing the District Judge was wrong in fact or law, took account of irrelevant matters or failed to take into account relevant matters, or reached a decision that no reasonable District Judge could reach, or that there was some serious procedural or other irregularity. There does not appear to be any other compelling reason why an appeal should be heard.

Full Reasons for the decision were given orally at the hearing on 20 December 2023.

The court did urge upon the Appellant to observe the timetable for the filing of all evidence to support his defence, or apply for extension of time to do so, if required, so that all his evidence could be considered at the final hearing of the injunction which is due to take place on 5th February 2024.

Dated 20 December 2023

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 7 December 2023



ASPIRE HOUSING LIMITED

1st Claimant

Ref 004300273.00174

NIGEL ROBERTS

1st Defendant

Ref

Upon it being recorded that due to there being no Circuit Judge sitting in the civil jurisdiction at Stoke on Trent on 20 December 2023 (for reasons unconnected with any individual case) the appeal hearing listed on 20 December 2023 has been transferred for hearing to the County Court at Birmingham, 33 Bull Street, Birmingham, B4 6DS at 10.30am on 20 December 2023

IT IS THEREFORE ORDERED THAT

1. The appeal hearing currently listed before HHJ Burns on 20 December 2023 is released and may be heard by any Circuit Judge.
2. The appeal hearing currently listed before the County Court at Stoke on Trent on 20 December 2023 will now take place at 10.30am on 20 December 2023 at the County Court at Birmingham 33 Bull Street, Birmingham, B4 6DS.
3. Should either party wish to attend the hearing on 20 December 2023 remotely by MS Teams (rather than in person by attending at the County Court at Birmingham) they must make their request in writing to the County Court at Stoke on Trent by 4pm 13 December 2023. Any such request will be placed before a judge for consideration as soon as practicable.
4. Since this order has been made on the papers, any party may apply on notice to the other party to vary or set aside this order. Any such application must be issued at the County Court at Stoke on Trent in a formal application notice pursuant to CPR Part 23, accompanied by a fee or confirmation of fees exemption, no later than 7 days after receipt of this order. If any such application is made it will be put before a Judge as soon as practicable."

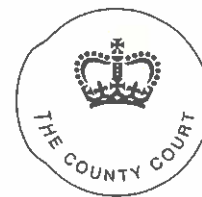
Dated 7 December 2023

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 20 September 2023



ASPIRE HOUSING LIMITED

1st Claimant

Ref 004300273.00174

NIGEL ROBERTS

1st Defendant

Ref

Warning

: You must comply with the terms of this order. Failure to do so may lead to the appeal being dismissed or some other sanction imposed. If you are unable to comply you are expected to make a formal application to the court before the expiry of any deadline

**The Appellant may wish to seek urgent independent legal advice
on the contents of this Order or his appeal / case generally**

Before His Honour Judge Burns sitting at the County Court at Stoke on Trent on 19 September 2023

Upon the court considering the Appellants Notice filed on 14 September 2023 and the Appellant's email dated 14 September 2023 in which he said his grounds of appeal and skeleton argument will follow (but they have not been received by the court)

And upon the court considering the Appellant's Notice and being unclear whether his appeal is an appeal against the Orders made by the court on 22 August 2023 (as suggested by Sections 5, 10 and 11 of the Appellant's Notice) or is an appeal against the Order made on 30 August 2023 (as stated in Section 2 of the Appellant's Notice), and so the court has treated the appeal as an appeal against both Orders for present purposes

IT IS ORDERED THAT

1. Permission to appeal the orders made on 22 August 2023 is refused.
2. Permission to appeal the Order made on 30 August 2023 is refused.
3. Since paragraphs 1 and 2 of this order have been made on the papers without a hearing, the Appellant may request that either or both permission decisions be reconsidered at an oral hearing. Any such request must be filed at court and a copy must be served on the Respondent within 7 days of receipt of this Order by the Appellant. If a request for reconsideration at an oral hearing is received by the court in compliance with these requirements

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

then the court will give directions for the determination of that request at an oral hearing to be held at the County Court at Stoke on Trent on a date to be fixed by the court and notified to the parties.

4. A copy of this Order shall be served by the court on the Appellant and on the Respondent.

5. Nothing in this order operates as a stay of the injunction / power of arrest currently in force, or as a stay of the substantive claim against Mr Roberts. For the avoidance of doubt:

a. the injunction and power of arrest issued on 22 August 2023 each remain in force; and

b. the injunction claim K01SQ078 remains listed for a further hearing at the County Court at Stoke on Trent at 2.30pm on 21 September 2023.

Reasons

Essential background

On 22 August 2023 the court considered a without notice application for an injunction / power of arrest pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014. The court made a without notice injunction / power of arrest. The injunction and associated paperwork were personally served on Mr Roberts on 23 August 2023 (confirmed by Mr Roberts in an email to the court).

Mr Roberts subsequently attended the on notice return date hearing on 30 August 2023 where he made representations to the judge (see the recordings by the judge on the face of the Order made on 30 August 2023). On 30 August 2023 the Judge adjourned the substantive case to give Mr Roberts the opportunity to file and serve evidence. The judge then gave directions to a further hearing which is listed on 21 September 2023, and the judge did not interfere with the existing injunction / power of arrest at that stage. Matters are due to be reconsidered at the hearing on 21 September at 2.30pm.

The Appellant filed an appeal on 14 September 2023 in which he asked, amongst other things, for a hearing of his appeal within 48 hours, prior to the hearing scheduled on 21 September 2023. The ordinary convention for appeals of this nature is for initial consideration of the question of permission to appeal to be dealt with on paper. This is what the appeal court has done. The appeal court has considered matters urgently on the basis of the information supplied by Mr Roberts so that the parties know the current position in relation to this appeal before the hearing listed on 21 September 2023. In so doing, the appeal court has noted (above) that the question of which order is under appeal is confusing when one reads the whole of the Appellant's Notice. Accordingly the court has addressed the issue of permission to appeal in relation to the orders made on 22 August 2023 and 30 August 2023 for the sake of completeness.

The decision made on 22 August 2023

Any appeal concerning the order made on 22 August 2023 was not issued within 21 days of Mr Roberts receiving the injunction / power of arrest (he received those documents on 23 August 2023). Time to appeal expired on 13 September 2023. The appeal was filed on 14 September 2023. No reasons for extending time have been provided, and no extension of time has been sought. Any appeal made against the order made on 22 August 2023 was filed out of time. Permission to appeal is refused.

The decision made on 30 August 2023

Insofar as the order under appeal is the order made on 30 August 2023, this appeal was issued within time. The Order made on 30 August 2023 referenced continuation of the injunction / power of arrest and included a number of case management decisions.

The threshold to successfully appeal a case management decision is a high one. The operative test is not whether the appeal court would have taken the same decision, or whether another judge might have taken a different decision, but - as per the judgment of Lord Neuberger in Global Torch Ltd v Apex Global Management (No: 2) [2014] 1 WLR 4495 at 4500 - "Given that it was a case management decision, it would be inappropriate for an appellate court to reverse or otherwise interfere with it, unless it was plainly wrong in the sense of being outside the generous ambit where reasonable decision makers may agree".

The documentation submitted on appeal by Mr Roberts does not contain any criticism of the conduct of the hearing on 30 August 2023, or the recordings or decisions made by the judge on 30 August 2023, as reflected in the judge's order made on 30 August 2023.

The court considers that the threshold criteria set out in CPR 52.6(1)(a) or (b) for the grant of permission to appeal are not met in this case; that is to say the matters raised in the Appellant's Notice do not disclose an appeal with a real prospect of success, and there is no other compelling reason for this appeal to be heard. In all the circumstances the court refuses permission to appeal.

Moving Forward

In addition to Mr Roberts' rights in the context of this appeal as set out in paragraph 3 of the Order made by HHJ Burns today (see above), Mr Roberts retains the right to make an application or applications within the ongoing substantive claim: for example he may make an application to vary or discharge the current injunction/power of arrest and/or apply to strike out the claim.

So, for example, if thought appropriate Mr Roberts may ask the judge to vary or discharge the current injunction and/or power of arrest at the hearing on 21 September 2023 given that this hearing has been listed to consider matters further upon receipt of further evidence. Alternatively, Mr Roberts may choose to make a formal application to the court to vary or discharge the current injunction/power of arrest and/or to apply to strike out the claim. None of these examples should be interpreted as an encouragement to Mr Roberts to make any application, or as an indication of the possible merits of any application he might choose to make. It is a matter for Mr Roberts to decide what, if any, application(s) he wishes to make, and when.

Any application made by Mr Roberts would need to be considered by the court on its merits based on the information then available to the court.

The court cannot give legal advice, but Mr Roberts may wish to take urgent independent legal advice in relation to this appeal and/or the case generally.

Dated 19 September 2023

Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.

For Court use only	
Appeal Court Ref. No.	394/23
Date filed	14 SEP 2023



Section 1 Details of the claim or case you are appealing against

Claim or Case no. K01SQ078

Fee Account no.
(if applicable)

Help with Fees -
Ref no. (if applicable)

HWF-ZZJ-Y17

Name(s) of the

☒ Claimant(s) ☐ Applicant(s) ☐ Petitioner(s)

ASPIRE HOUSING

Name(s) of the

☒ Defendant(s) ☒ Respondent(s)

NIGEL ROBERTS

Details of the party appealing ('The Appellant')

Name

NIGEL ROBERTS

Address (including postcode)

22 GRASMERE AVENUE
CLAYTON
NEWCASTLE UNDER LYME
ST53HF

Tel No. 07756308351

Fax XXXXXXXXXXXXXXXXXXXX

E-mail LIBERTYCARELAW@GMAIL.COM

Details of the Respondent to the appeal

Name

ASPIRE HOUSING

Address (including postcode)

Kingsley, The Brampton,
Newcastle-Under-Lyme,
Staffordshire
ST5 0QW

Tel No. XXXXXXXXXXXXXXXXXXXX

Fax XXXXXXXXXXXXXXXXXXXX

E-mail XXXXXXXXXXXXXXXXXXXX

Details of additional parties (if any) are attached

☐ Yes ☒ No

Section 2 Details of the appeal

From which court is the appeal being brought?

☒ The County Court at

STOKE ON TRENT

☐ The Family Court at

☐ High Court

☐ Queen's Bench Division

☐ Chancery Division

☐ Family Division

☐ Other (please specify)

What is the name of the Judge whose decision you want to appeal?

UNKNOWN

What is the status of the Judge whose decision you want to appeal?

☒ District Judge or Deputy

☐ Circuit Judge or Recorder

☐ Tribunal Judge

☐ Master or Deputy

☐ High Court Judge or
Deputy

☐ Justice(s) of the
Peace

What is the date of the decision you wish to appeal against?

30TH AUGUST 2023

Is the decision you wish to appeal a previous appeal
decision?

☐ Yes

☒ No

Section 3 Legal representation

Are you legally represented?

☐ Yes ☒ No

If Yes, is your legal representative (please tick as appropriate)

- ☐ a solicitor
- ☐ direct access counsel instructed to conduct litigation on your behalf
- ☐ direct access counsel instructed to represent you at hearings only

Name of your legal representative

--

The address (including postcode) of your legal representative

--

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Are you, the Appellant, in receipt of a Civil Legal Aid Certificate?

☐ Yes ☐ No

Is the respondent legally represented?

☐ Yes ☐ No

If 'Yes', please give details of the respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

--

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Section 4 Permission to appeal

Do you need permission to appeal?

☐ Yes ☒ No

Has permission to appeal been granted?

☐ Yes (Complete Box A)

☐ No (Complete Box B)

Box A

Date of order granting permission

Name of Judge granting permission

Box B

I

the Appellant('s legal representative) seek permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

☐ Yes ☐ No

Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

1. THE ENTIRE APPLICATION TO BE STRUCK OUT

Have you lodged this notice with the court in time?
(There are different types of appeal - see Guidance Notes N161A)

☒ Yes ☐ No

If '**No**' you must also complete
Part B of Section 10 and Section 11

Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

☒ I confirm that the grounds of appeal are attached to this notice.

Section 7 Arguments in support of grounds for appeal

- ☒ I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' are set out **on a separate sheet** and attached to this notice.

OR (in the case of appeals other than to the Court of Appeal)

- ☐ I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' will follow within 14 days of filing this Appellant's Notice. A skeleton argument should only be filed if appropriate, in accordance with CPR Practice Direction 52B, paragraph 8.3.

Section 8 Aarhus Convention Claim

For applications made under the Town and Country Planning Act 1990 or Planning (Listed Buildings and Conservation Areas) Act 1990

I contend that this claim is an Aarhus Convention Claim ☐ Yes ☒ No

If Yes, and you are appealing to the Court of Appeal, any application for an order to limit the recoverable costs of an appeal, pursuant to CPR 52.19, should be made in section 10.

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45 to apply. If you have indicated that the claim is an Aarhus claim set out the grounds below

Section 9 What are you asking the Appeal Court to do?

I am asking the appeal court to:-
(please tick the appropriate box)

- ☒ set aside the order which I am appealing
- ☐ vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

- ☐ order a new trial

Section 10 Other applications

Complete this section **only** if you are making any additional applications.

Part A

- ☐ I apply for a stay of execution. (You must set out in Section 11 your reasons for seeking a stay of execution and evidence in support of your application.)

Part B

- ☐ I apply for an extension of time for filing my appeal notice. (You must set out in Section 11 the reasons for the delay and what steps you have taken since the decision you are appealing.)

Part C

- ☒ I apply for an order that:

1. THIS APPEAL APPLICATION BE HEARD URGENTLY TO PREVENT AN ONGOING AND UNNECESSARY RESTRICTION OF FREEDOMS AND PROHIBITIONS AND RESTRICTIONS, WITHIN 48 HOURS AND BEFORE THE NEXT SCHEDULED HEARING, THIS APPEAL IS REGARDING ONLY THE NO NOTICE APPLICATION BY ASPIRE HOUSING.

(You must set out in Section 11 your reasons and your evidence in support of your application.)

Section 11 Evidence in support

In support of my application(s) in Section 10, I wish to rely upon the following reasons and evidence:

UNDER ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

ASPIRE HOUSING MADE AN UNLAWFUL NO NOTICE APPLICATION TO THE COURT FOR AN ASBI WITHOUT MERIT.

1. THE RESPONDENTS DID NOT FOLLOW PROCEDURAL RULES BY WAY OF NOT PROVIDING A DEFENCE TO THE COURT WITHIN THEIR NO NOTICE APPLICATION.

2. THE RESPONDENTS SOUGHT A NO NOTICE HEARING AND OBTAINED ONE ON THE BASIS OF AN ALLEGED INCIDENT WHICH HAD ALLEGEDLY TAKEN PLACE ONLY 24 HOURS BEFORE THE APPLICATION WAS HEARD. THE OTHER ALLEGATIONS OF BEHAVIOUR DO NOT FALL INTO THE REMIT OF PERSISTENT OR CONSISTENT BEHAVIOUR AND ARE RELATING TO PHONE CALLS, 6 PHONE CALLS OVER A 13 MONTH PERIOD, THE RESPONDENTS HAD NOT COMPLAINED TO THE POLICE REGARDING THESE CALLS NOR DID THEY SEEK AN INJUNCTION AT ANY TIME DURING THAT PERIOD OF 13 MONTHS THEREFORE THE RESPONDENTS CANNOT RELY ON HISTORICAL ALLEGATIONS TO SEEK A NO NOTICE HEARING.

3. THE RESPONDENTS ARE RELIANT ON ONE ALLEGATION WHICH THEY ALLEGE THREATENING BEHAVIOUR BUT OFFER NO EVIDENCE OTHER THAN A STATEMENT FROM ONE STAFF MEMBER AND A STATEMENT TAKEN FROM THE NOTES OF ANOTHER STAFF MEMBER. THE ALLEGATIONS RELATE TO SWEARING LOUDLY AND TELLING THEM NOT TO RETURN TO THE PROPERTY OR YOU WILL SEE WHAT HAPPENS, THE ALLEGATIONS ARE VEHEMENTLY DISPUTED HOWEVER THE APPELLANT DOES ADMIT TO SWEARING AT THE TIME OF THE ALLEGATIONS.

4. THE APPELLANT IS DISABLED AND SUFFERS MANY DISABILITIES SUCH AS TOURETTES SYNDROME, EXPLOSIVE PERSONALITY DISORDER, TEMPORAL LYMBIC DISEASE, DIABETES 2, AND AN ARRAY OF PHYSICAL DISABILITY AFFECTING MOVEMENT. THE RESPONDENTS HAVE BEEN AWARE OF THESE DISABILITIES SINCE THE APPELLANT MOVED INTO THE PROPERTY. THE RESPONDENTS ARE FULLY AWARE THAT UNDER A TRIGGER MY TOURETTES WILL LEAD TO ME SWEARING PARTICULARLY HEIGHTENED, THIS IS KNOWN AS COPROLOLIA IN MEDICAL TERMS. THE APPELLANT SUFFERED SOME BRAIN DAMAGE WHEN DROWNED AS A 12 MONTH OLD BABY BY HIS FATHER.

5. THE RESPONDENTS HAD A DUTY (PUBLIC SECTOR EQUALITY DUTY) TO THE APPELLANT UNDER THE EQUALITY ACT 2010 (THE EQUALITY DUTY 2011).

In summary, those subject to the general equality duty must have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Foster good relations between people who share a protected characteristic and those who do not.

Removing or minimising disadvantages suffered by people due to their protected characteristics.

Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

6. THE RESPONDENTS HAVE NOT ONLY FAILED IN THEIR DUTY UNDER THE THE ABOVE ACT, BUT PHYSICALLY AND PURPOSEFULLY IGNORED THE APPELLANT AND HIS PROTECTED CHARACTERISTICS FOR THE FIRST 10 MONTHS OF HIS TENANCY.

7. THE RESPONDENTS WHEN MAKING THEIR NO NOTICE APPLICATION FAILED TO NOTIFY THE COURT OF THE APPELLANT'S DISABILITY AND SPECIFICALLY THEIR KNOWLEDGE OF THE TOURETTES SYNDROME AND ITS EFFECT WHEN TRIGGERED BY ANXIETY AND DISTRESS. INSTEAD DUE TO THE RESPONDENTS' IGNORANCE TO THEIR DUTY UNDER THE EQUALITY, THE RESPONDENTS HAVE ALLEGED THREATENING BEHAVIOUR WHICH IN FACT WAS BEHAVIOUR DUE TO A NEUROLOGICAL CONDITION AND WHAT THEY HEARD WAS ANXIETY AND FEAR NOT THREATS OR ABUSE.


Statement of Truth

This must be completed in support of the evidence in Section 11

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ I believe that the facts stated in section 11 are true.
- ☐ The applicant believes that the facts stated in section 11 are true. I am authorised by the applicant to sign this statement.

Signature



- ☒ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☐ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
14	09	2023

Full name

NIGEL ROBERTS

Name of applicant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

Section 12 Vulnerability

Vulnerability

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- ☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- ☒ No

Section 13 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

In the County Court or High Court:

- ☐ three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;
- ☐ one additional copy of the appellant's notice and grounds of appeal for each of the respondents;
- ☐ one copy of the sealed (stamped by the court) order being appealed;
- ☐ a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and
- ☐ a copy of the Civil Legal Aid Agency Certificate (if legally represented).

In the Court of Appeal:

- ☐ three copies of the appellant's notice and three copies of the grounds of appeal on a separate sheet attached to each appellant's notice;
- ☐ one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondents;
- ☐ one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- ☐ a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- ☐ one copy of any witness statement or affidavit in support of any application included in the appellant's notice;
- ☐ where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;
- ☐ in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- ☐ one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
- ☐ a copy of the approved transcript of judgment; and
- ☐ a copy of the Civil Legal Aid Certificate (if applicable)
- ☐ where a claim relates to an Aarhus Convention claim, a schedule of the claimant's financial resources

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 22 December 2023



ASPIRE HOUSING LIMITED

1st Claimant

Ref 004300273.00174

NIGEL ROBERTS

1st Defendant

Ref

Before District Judge O'Donnell sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

UPON the court considering the application by the Defendant dated 22 November 2023 which remains outstanding.

AND UPON the Defendant having received disclosure of a surveyors report albeit not in these proceedings (K01SQ078) but in a disrepair claim being brought by the Defendant against the Claimant (K01SQ093) and the same being confirmed by the Claimant at the hearing which took place in this matter on 19 December 2023.

AND UPON the Defendant making a further application in these proceedings dated 12 December 2023 for an unredacted copy of the wall surveyors report which he was now in possession of and this application being dealt with at an oral hearing on 19 December 2023 and dismissed.

IT IS ORDERED THAT

1. The Defendant's application dated 22 November 2023 is dismissed.
2. Because this Order has been made on the application of a party without notice of the hearing being given, any other parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.

Dated 21 December 2023

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 22 December 2023



ASPIRE HOUSING LIMITED

1st Claimant

Ref 004300273.00174

NIGEL ROBERTS

1st Defendant

Ref

On 21 December 2023 District Judge Downey sitting in the County Court at Stoke on Trent considered the defendant's application notice dated 8 December 2023 and made the following order.

IT IS RECORDED THAT

1. The defendant has applied for an order transferring the claim to a different court under Part 30 of the Civil Procedure Rules.
2. The court notes the chronology of this claim, and that several orders have been made including an order made on 4 October 2023 giving comprehensive directions up to and including listing the claim for trial, which is listed on 5 February 2024. Accordingly, the court concludes that the defendant's assertion, that the court has not dealt with the claim or applications in the claim efficiently or effectively, is without merit.
3. Furthermore, any transfer of the claim would inevitably result in further delay and expense because the receiving court would need to consider the claim and give case management directions, including listing for a hearing, which would inevitably be at a later date than 5 February 2024. Such delay and expense would be contrary to the overriding objective in CPR 1.1 and would not remedy the defendant's complaint about alleged delay in dealing with the claim.
4. The court notes that the defendant relies on rule 65.16 of the Civil Procedure Rules in relation to the time between the claim being issued and the final hearing date. Rule 65.16 is irrelevant to this claim as it does not apply to claims for antisocial behaviour injunctions under the Antisocial Behaviour, Crime and Policing Act 2014.
5. The court has considered the factors set out in CPR rule 1.1 and CPR 30.3(2) and concluded that there are no matters which justify a transfer to another court.
6. The court records that the application dated 8 December 2023 is totally without merit.

IT IS ORDERED THAT

1. The defendant's application dated 8 December 2023 is dismissed.
2. Because this Order has been made on the application of a party without notice of the hearing being given, any other parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.

Dated 21 December 2023

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Produced by: A. Bailey

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court stoke on trent	Claim no. K01SQ078
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)
	HWF-zcy-fec
Warrant no. (if applicable)	
Claimant's name (including ref.) ASPIRE HOUSING	
Defendant's name (including ref.) NIGEL ROBERTS	
Date	08/12/2023

1. What is your name or, if you are a legal representative, the name of your firm?

NIGEL ROBERTS

2. Are you a ☐ Claimant ☒ Defendant ☐ Legal Representative
☐ Other (please specify)

If you are a legal representative whom do you represent?

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X

3. What order are you asking the court to make and why?

1. TRANSFER CASE TO COUNTY COURT OUTSIDE OF STAFFORDSHIRE
URGENT HEARING

4. Have you attached a draft of the order you are applying for? ☐ Yes ☒ No

5. How do you want to have this application dealt with? ☐ at a hearing ☒ without a hearing
☒ at a remote hearing

6. How long do you think the hearing will last? 0 Hours 20 Minutes
 Is this time estimate agreed by all parties? ☐ Yes ☒ No

7. Give details of any fixed trial date or period

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

8. What level of Judge does your hearing need?

ANY

9. Who should be served with this application?

ASPIRE HOUSING

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

Kingsley, The Brampton ST5 0QW

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

PART 30 - TRANSFER

Transfer within the County Court and the High Court

30.2 (1) In the County Court, a court may order that proceedings, or any part of them (such as a counterclaim or an application made in the proceedings), may be transferred to another County Court hearing centre if it is satisfied that –
could be more conveniently or fairly taken elsewhere.

THE APPLICANT SEEKS A TRANSFER OF THE CASE TO ANOTHER COUNTY COURT / HIGH COURT DUE TO THE COURTS INABILITY TO EFFECTIVELY AND EFFICIENTLY DEAL WITH THE APPLICATION FOR ASBI AND IN PARTICULAR APPLICATIONS MADE BY THE APPLICANT TO STRIKE OUT THE ASBI APPLICATION AND DISCHARGE THE POWER OF ARREST. PAPER WORK MISSING AT HEARING, RETURN HEARING TAKING 10 MINUTES, REFUSALS TO HEAR THE APPLICANTS FOR 3 MONTHS. COURT OFFICE STAFF NOT PROVIDING APPLICATIONS, CLAIMS AND OTHER COMMUNICATIONS TO THE JUDGES EFFECTING THE CASE MANAGEMENT

AND

VIII INJUNCTIONS UNDER THE POLICING AND CRIME ACT 2009

AND UNDER PART 1 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Hearing date

65.16

(3) The standard period between the issue of the claim form and the hearing will be not more than 8 weeks

THE APPLICATIONS FOR ASBI WAS HEARD ON 33 AUGUST - THE HEARING DATE IS CURRENTLY 3TH FEBRUARY 2024 .. THIS IS CONSIDERIBLY PASSED 8 weeks.. The current date of hearing will amount to 24 weeks. this is not fair on the applicant who has not obstructed the hearing date being made sooner and his freedoms are restricted.

the court could have had a hearing to deal with the applicants application to strike out the application for ASBI., but the court have once again refused to allow the application to be heard.

It is on that basis The applicant seeks the case be transferred to another court, specifically a court with a specialised judge i in the high court or county court. The applicant seeks this case be transferred to the high court due to its complexities and the medical conditions of the applicant.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☒ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

Tourettes Syndrome and other mobility disabilities

☐ No

Applicant's address to which documents should be sent.

Building and street

22 GRASMERE AVENUE

Second line of address

--

Town or city

NEWCASTLE UNDER LYME

County (optional)

STAFFS

Postcode

S	T	5	3	H	F	
---	---	---	---	---	---	--

If applicable

Phone number

XXXXXXXXXXXXXXXXXXXXXXX

Fax phone number

XXXXXXXXXXXXXXXXXXXXXX

DX number

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Your Ref.

XXXXXXXXXXXXXXXXXXXXXX

Email

LIBERTYCARELAW@GMAIL.COM

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ I **believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☐ **The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- ☒ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☐ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
08	12	2023

Full name

NIGEL ROBERTS

Name of applicant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 22 December 2023



ASPIRE HOUSING LIMITED	1st Claimant Ref 004300273.00174
NIGEL ROBERTS	1st Defendant Ref

Before District Judge O'Donnell sitting at the County Court at Stoke-on-Trent, Bethesda Street, Hanley, Stoke-on-Trent, ST1 3BP on 19 December 2023;

UPON hearing Solicitor for the Claimant and the Defendant attending for part of the hearing only;

AND UPON it being recorded that the Defendant sought permission to attend the hearing by CVP, subsequently stated that he would attend in person and then on the morning of 19 December requesting to attend by CVP;

AND UPON the court sending the Defendant a CVP link to the Defendant, waiting over an hour for him to join the hearing which was listed for 11.30am, making 3 telephone calls to the Defendant's mobile number as provided by him but the calls going through to voicemail and sending 3 emails to the Defendant regarding his joining the hearing but the Defendant not responding or joining the hearing and the court proceeding in his absence;

AND UPON the court determining that the matters to be considered at the hearing were:

- a. the Defendant's Appellant's Notice dated 17 October 2023 to vary the Order of DJ O'Donnell dated 11 October 2023;
- b. the Defendant's application dated 17 October 2023 to strike out the Claimant's application for injunction and discharge the interim injunction order;
- c. the Defendant's application for specific disclosure dated 12 December 2023; and
- d. a pre-trial review in respect of the substantive proceedings;

AND UPON the Court noting that the Appellant's Notice sought to appeal the entirety of DJ O'Donnell's order dated 11 October 2023 (drawn up on 12 October 2023) and that the form purported to attach grounds for appeal and skeleton argument which were not included with the Appellant's Notice; and further that the Defendant sought to vary the order to substitute for the following:

- i. the claim by Aspire Housing Ltd be struck out and the injunction order discharged;
- ii. alternatively, that the application for strike out and discharge of the injunction order be heard by the High Court;
- iii. the case be transferred to the High Court;
- iv. the case be managed by a Circuit Judge or higher;
- v. the order of 3 October 2023 and 12 October 2023 are removed and replaced by a High Court judge following on from the application to strike out the claim and discharge the injunction

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Produced by: A. Bailey

AND UPON the court recording that in respect of (ii) to (v) the Appellant's Notice did not include any legal basis for the variation sought nor reasons given why the case should be transferred;

In respect of (i) the court noted the order of DJ Dunn dated 7 November 2023 that such application was to be treated as an application to set aside the Order of DJ O'Donnell dated 11 October 2023; that whilst the Defendant did make his application for strike out and discharge of the Injunction order at the hearing on 4 October 2023, the Defendant's application dated 29 September 2023 was not before the court at the hearing on 4 October 2023 – the same not having been served on the Claimant – and so was not considered meaning that the order of 11 October 2023 ought to be varied to allow consideration of the Defendant's application dated 29 September 2023 today;

AND UPON the court recording that the dismissal of the Defendant's application dated 3 October 2023 within the order dated 11 October 2023 should remain given that the application was dismissed for failure to sign the application or include any particulars of claim;

AND UPON the court considering that the Defendant's application dated 29 September 2023 did not contain any legal basis for the order sought but that the first part of the application to strike out the Claimant's application for injunction was treated as being made under CPR 3.4; the Court not finding that any part of CPR 3.4 is satisfied and that the essence of the application is currently being dealt with by the Defendant's permission to appeal listed for an oral hearing on 20 December 2023 having been refused on the papers by HHJ Burns by order dated 19 September 2023;

AND UPON the court considering that the 2nd part of the Defendant's application of 29 September 2023 to discharge the injunction order was being made pursuant to s8 Anti Social Behaviour Crime and Policing Act 2014 notwithstanding that the Defendant failed to include any legal basis for the order sought;

AND UPON the court considering the Defendant's 2nd application dated 17 October 2023 (which had not been served on the Claimant's solicitors) to strike out the claim for an injunction and discharge the injunction order and noting that this is the same as the order sought within the application dated 29 September 2023 save it referred to evidence set out in the application itself but containing no detailed supporting evidence;

AND UPON the Defendant joining the hearing by CVP at 3.40pm stating that he hadn't been sure that he was permitted to attend the hearing remotely despite the emails sent by the Court; that he had taken new medication shortly before 11.30am which had caused him to fall asleep until 10 minutes before joining the hearing at which point the remaining issues to be determined were the application for specific disclosure dated 12 December 2023 and the pre-trial review;

AND UPON the Defendant confirming that he is aware the final hearing is listed for 5 February 2023 and indicating he would likely prefer to attend the trial on 5 February 2023 remotely as a physical attendance would be stressful;

AND UPON the court hearing from both parties in respect of the application dated 12 December 2023 and the Court noting that the application did not include the legal basis upon which the application was made nor did it include a copy of the report in question but in any event determining that it was not relevant to the substantive claim given the Defendant's position that it is his medical condition (Tourette's) which has been exacerbated by noise nuisance from his neighbours and was responsible for his behaviour;

AND UPON the court considering directions required ahead of the substantive trial listed for 5 February 2023 and noting that the Claimant asserted that the Defendant had not disclosed any video or audio recordings as referred to in his disclosure statement and / or witness statement of 25 November 2023;

AND UPON the court advising the Defendant of the need to carry out full disclosure and that such duty was ongoing notwithstanding that the Defendant stated that he did not know whether his disclosure statement was all of the disclosure in the case as he was not a solicitor;

AND UPON the Defendant stating that he would not be relying on any recordings at the substantive trial;

AND UPON the Defendant leaving the CVP at 4:26pm before the hearing had concluded;

AND UPON the Claimant confirming that the witnesses at trial would be Elizabeth Darlington and Keiron Beavan as per the statements filed and served and the Court noting that the Defendant's evidence would be of himself and Angela Baggaley following the filing and serving of those statements;

AND UPON the Claimant submitting that the Equality Act 2010 should not play any part in the substantive proceedings on account of there being no expert report compliant with the CPR which satisfies the test of as set out in s6 Equality Act 2010;

AND UPON the court noting that a 3rd application by the Defendant dated 17 October 2023 for data, CCTV and telephone recordings to be disclosed had not been served upon the Claimant and so would need to be listed for hearing;

AND UPON the court noting that the Defendant's application dated 8 December 2023 for the case to be transferred out of Staffordshire was not before the court, it not having been served on the Claimant;

IT IS ORDERED THAT

1. The Order of DJ O'Donnell dated 11 October 2023 is varied insofar as to set aside the dismissal of the application dated 29 September 2023. For the avoidance of doubt the order is not varied in so far as the application dated 3 October 2023 remains dismissed for the reasons previously given.
2. The Appellant's Notice dated 17 October 2023 is dismissed in respect of the variation sought as set out at (ii) to (v) at section 9 of the Appellant's Notice.
3. The Defendant's application dated 29 September 2023 to strike out of the Claimant's injunction application and discharge the injunction order is dismissed as totally without merit.
4. Pursuant to s8(4) Anti Social Behaviour Crime and Policing Act 2014 the Defendant is not permitted to apply to vary or discharge the injunction order without either the consent of the court or agreement of the Claimant.
5. The Defendant's application dated 17 October 2023 to strike out the Claimant's injunction application and discharge the injunction order is dismissed as totally without merit.
6. The Defendant's application for specific disclosure dated 12 December 2023 is dismissed.
7. The Defendant do file and serve any further medical evidence upon which he intends to rely by 4pm on 8 January 2024, such evidence to comply with CPR 35. The civil procedure rules can be accessed online- <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part35>
8. The Defendant do serve any additional disclosure documents upon which he intends to rely by 4pm on 8 January 2024.
9. Any request by the Defendant to attend the trial listed for 5 February 2024 remotely by CVP must be made to the court at least 7 days before the trial. For the avoidance of doubt, the Defendant's witness must physically attend court to give evidence.
10. The Claimant to file and serve a paginated trial bundle, to be agreed if possible, no later than 5 days before the trial, to include a case summary not exceeding 500 words.
11. Costs in the case.

Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.

For Court use only	
Appeal Court Ref. No.	396/23
Date filed	17 OCT 2023



Section 1 Details of the claim or case you are appealing against

Claim or Case no. K01SQ078

Fee Account no.
(if applicable)

Help with Fees -
Ref no. (if applicable)

HWF-ZGQ-XJA

Name(s) of the

☒ Claimant(s) ☐ Applicant(s) ☐ Petitioner(s)

ASPIRE HOUSING

Name(s) of the

☒ Defendant(s) ☐ Respondent(s)

NIGEL ROBERTS

Details of the party appealing ('The Appellant')

Name

NIGELROBERTS

Address (including postcode)

22 GRASMERE AVENUE
CLAYTON
NEWCASTLE UNDER LYME#ST53HF

Tel No. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Fax XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

E-mail LIBERTYCARELAW@GMAIL.COM

Details of the Respondent to the appeal

Name

ASPIRE HOUSING

Address (including postcode)

ASPIRE HOUSING
Kingsley, The Brampton,
Newcastle-Under-Lyme,
Staffordshire

Tel No. 01782 635200

Fax XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

E-mail XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Details of additional parties (if any) are attached

☐ Yes

☒ No

Section 2 Details of the appeal

From which court is the appeal being brought?

☒ The County Court at

STOKE ON TRENT

☐ The Family Court at

☐ High Court

☐ Queen's Bench Division

☐ Chancery Division

☐ Family Division

☐ Other (please specify)

What is the name of the Judge whose decision you want to appeal?

DISTRICT JUDGE OCONNEL

What is the status of the Judge whose decision you want to appeal?

☒ District Judge or Deputy

☐ Circuit Judge or Recorder

☐ Tribunal Judge

☐ Master or Deputy

☐ High Court Judge or Deputy

☐ Justice(s) of the Peace

What is the date of the decision you wish to appeal against?

12 OCTOBER 2023

Is the decision you wish to appeal a previous appeal decision?

☐ Yes

☒ No

Section 3 Legal representation

Are you legally represented?

☐ Yes ☒ No

If Yes, is your legal representative (please tick as appropriate)

- ☐ a solicitor
- ☐ direct access counsel instructed to conduct litigation on your behalf
- ☐ direct access counsel instructed to represent you at hearings only

Name of your legal representative

--

The address (including postcode) of your legal representative

--

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Are you, the Appellant, in receipt of a Civil Legal Aid Certificate?

☐ Yes ☐ No

Is the respondent legally represented?

☐ Yes ☐ No

If 'Yes', please give details of the respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

--

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Section 4 Permission to appeal

Do you need permission to appeal?

☐ Yes ☒ No

Has permission to appeal been granted?

☐ Yes (Complete Box A)

☒ No (Complete Box B)

Box A

Date of order granting permission

Name of Judge granting permission

Box B

I, the Appellant('s legal representative) seek permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

☐ Yes ☐ No

Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

THE APPEAL IS AGAINST THE WHOLE ORDER AS EVERYTHING WITHIN IT IS AN ERROR BY THE DISTRICT.

Have you lodged this notice with the court in time?
(There are different types of appeal - see Guidance Notes N161A)

☒ Yes ☐ No

If 'No' you must also complete
Part B of Section 10 and Section 11

Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

☒ I confirm that the grounds of appeal are attached to this notice.

Section 7 Arguments in support of grounds for appeal

- ☒ I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' are set out **on a separate sheet** and attached to this notice.

OR (in the case of appeals other than to the Court of Appeal)

- ☐ I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' will follow within 14 days of filing this Appellant's Notice. A skeleton argument should only be filed if appropriate, in accordance with CPR Practice Direction 52B, paragraph 8.3.

Section 8 Aarhus Convention Claim

For applications made under the Town and Country Planning Act 1990 or Planning (Listed Buildings and Conservation Areas) Act 1990

I contend that this claim is an Aarhus Convention Claim ☐ Yes ☒ No

If Yes, and you are appealing to the Court of Appeal, any application for an order to limit the recoverable costs of an appeal, pursuant to CPR 52.19, should be made in section 10.

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45 to apply. If you have indicated that the claim is an Aarhus claim set out the grounds below

Section 9 What are you asking the Appeal Court to do?

I am asking the appeal court to:-
(please tick the appropriate box)

- ☐ set aside the order which I am appealing
- ☒ vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

THE CLAIM BY ASPIRE HOUSING LTD BE STRUCK OUT AND THE INJUNCTION BE DISCHARGED. OR
THAT THE APPLICATION BY THE DEFENDANT TO STRIKE OUT THE CLAIM AND DISCHARGE THE
ORDER IS HEARD URGENTLY BY THE HIGH COURT.
THE CASE BE TRANSFERRED TO THE HIGH COURT
THE CASE IS MANAGED BY A CIRCUIT JUDGE OR HIGHER
THE ORDER OF THE 3TH OCTOBER AND 12TH OCTOBER ARE REMOVED AND REPLACED BY A HIGH
COURT JUDGE FOLOWING ON FROM THE APPLICATION TO STRIKE OUT THE CLAIM AND
DISCHARGE THE INJUNCTION.

- ☐ order a new trial

Section 10 Other applications

Complete this section **only** if you are making any additional applications.

Part A

- ☐ I apply for a stay of execution. (You must set out in Section 11 your reasons for seeking a stay of execution and evidence in support of your application.)

Part B

- ☐ I apply for an extension of time for filing my appeal notice. (You must set out in Section 11 the reasons for the delay and what steps you have taken since the decision you are appealing.)

Part C

- ☒ I apply for an order that:

THE TEMPORARY INJUNCTION IS REMOVED UNTIL FINAL TRIAL HEARING (IF THERE IS ONE TO
TAKE PLACE)

(You must set out in Section 11 your reasons and your evidence in support of your application.)

Section 11 Evidence in support

In support of my application(s) in Section 10, I wish to rely upon the following reasons and evidence:

SEE THE ATTACHED STATEMENT AND GROUNDS AND SKELETON

Vulnerability

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- ☒ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

I SUFFER NEUROLOGICAL CONDITIONS TEMPORAL LIMBIC DISEASE, EXPLOSSIVE PERSONALITY DISORDER AND AN ARRAY OF PHYSICAL DISABILITY. A COURT DOWNSTAIRS PLEASE IF THE LIFTS ARE NOT AVAILABLE

- ☐ No

Statement of Truth

This must be completed in support of the evidence in Section 11

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☒ I believe that the facts stated in section 11 are true.

☐ The applicant believes that the facts stated in section 11 are true. I am authorised by the applicant to sign this statement.

Signature



☒ Applicant

☐ Litigation friend (where applicant is a child or a Protected Party)

☐ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

17

Month

10

Year

2023

Full name

NIGEL ROBERTS

Name of applicant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

Section 13 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

In the County Court or High Court:

- ☐ three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;
- ☐ one additional copy of the appellant's notice and grounds of appeal for each of the respondents;
- ☐ one copy of the sealed (stamped by the court) order being appealed;
- ☐ a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and
- ☐ a copy of the Civil Legal Aid Agency Certificate (if legally represented).

In the Court of Appeal:

- ☐ three copies of the appellant's notice and three copies of the grounds of appeal on a separate sheet attached to each appellant's notice;
- ☐ one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondents;
- ☐ one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- ☐ a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- ☐ one copy of any witness statement or affidavit in support of any application included in the appellant's notice;
- ☐ where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;
- ☐ in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- ☐ one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
- ☐ a copy of the approved transcript of judgment; and
- ☐ a copy of the Civil Legal Aid Certificate (if applicable)
- ☐ where a claim relates to an Aarhus Convention claim, a schedule of the claimant's financial resources

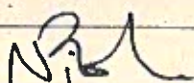
Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied

Section 14 The notice of appeal must be signed here

Signed

NIGEL ROBERTS



Appellant('s legal representative)

Find out how HM Courts and Tribunals Service uses personal information you give when you fill in a form.

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

N244

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court stoke on trent	Claim no. K01SQ078
Fee account no. (if applicable)	Help with Fees -- Ref. no. (if applicable)
	H W F - Z T O - G I J
Warrant no. (if applicable)	approved 12/142
Claimant's name (including ref.) ASPIRE HOUSING	
Defendant's name (including ref.) NIGEL ROBERTS	
Date	12/12/2023

1. What is your name or, if you are a legal representative, the name of your firm?

NIGEL ROBERTS

2. Are you a ☐ Claimant ☒ Defendant ☐ Legal Representative
- ☐ Other (please specify)

If you are a legal representative whom do you represent?

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

3. What order are you asking the court to make and why?

URGENT APPLICATION
ASPIRE TO PROVIDE FULL UNREDACTED SURVEYORS REPORTS
URGENT HEARING

4. Have you attached a draft of the order you are applying for? ☐ Yes ☒ No
5. How do you want to have this application dealt with? ☐ at a hearing ☒ without a hearing
☒ at a remote hearing
6. How long do you think the hearing will last? Hours Minutes
Is this time estimate agreed by all parties? ☐ Yes ☒ No
7. Give details of any fixed trial date or period
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
8. What level of Judge does your hearing need?
ANY
9. Who should be served with this application?
ASPIRE HOUSING
- 9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.
Kingsley, The Brampton ST5 0QW

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

THE CLAIMANT, ASPIRE HOUSING, MADE A NO NOTICE APPLICATION FOR ASBI AGAINST THE DEFENDANT. THE LAW STATES THAT AT A NO NOTICE HEARING FULL FACTS MUST BE PROVIDED TO THE COURT.

THE DEFENDANT STATES THE MAIN ISSUE THAT LED TO THIS CASE WAS 1. HIS DISABILITY BEING KNOWN AND NO DISCHARGE OF PSED TAKING PLACE, AND 2. THE NUISANCE CONTINUING NOISE FROM HIS NEIGHBOURS MADE HIM ILL OVER A 16 MONTH PERIOD. ON THE FACTS REGARDING THE NOISE NOT BEING PUT TO THE COURT IN THE NO NOTICE HEARING, THE DEFENDANT STATES THAT THE COURT SHOULD HAVE BEEN FURNISHED WITH A TRUE STATEMENT OF BACKGROUND BY ASPIRE. THE SURVEYORS REPORTS HAVE NOW BEEN COMPLETED. THE CLAIMANTS ARE REFUSING TO PROVIDE A COPY OF THE WALL SURVEYOR AND SOUND EXPERT REPORTS. THEREFORE THEY HAVE NOT PROVIDED A COMPLETE FULL DISCLOSURE OF THE FACTS IN THIS CASE TO THE COURT.

THE COURT ORDER FULL DISCLOSURE, THERE IS A PRE TRIAL REVIEW ON THE 19TH DECEMBER 2023. THE DEFENDANT IS SEEKING AN URGENT HEARING ON THIS MATTER SO THAT FULL DISCLOSURE IS PROVIDED BEFORE THE PRE TRIAL HEARING.

THE DEFENDANT ALSO RELIES ON THIS PARTICULAR DISCLOSURE IN HIS APPLICATION FOR THE CLAIM TO BE STRICK OUT ON THE BASIS THE COURT WERE MISLED BY THE CLAIMANTS.

THE DEFENDANT STATES ASPIRE HOUSING AGREED A CONTRACT VERBALLY WITH HIM THAT IF THEY WERE TO BRING IN SURVEYORS TO MAKE REPORTS THEY WOULD SHARE THE REPORTS WITH THE DEFENDANT. THE CLAIMANTS HAVE PROVIDED 2 OF THE SURVEYORS REPORTS, ASBESTOS AND MOULD, HOWEVER THEY REFUSE TO PROVIDE THE OTHER 2 MAKING A MOCKERY OF THE LAW ON DISCLOSURE.

THE COURT IS ASKED TO DEAL WITH THIS APPLICATION WITHIN 24 HOURS AND THAT THE COURT ORDERS ASPIRE HOUSING TO PROVIDE A FULL UNREDACTED COPY OF THE SURVEYORS REPORTS (WALL SURVEYOR AND SOUND EXPERT REPORTS) WITHIN 48 HOURS.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☒ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

Tourettes Syndrome and other mobility disabilities


☐ No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ **I believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☐ **The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- ☒ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☐ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

08

Month

12

Year

2023

Full name

NIGEL ROBERTS

Name of applicant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

Applicant's address to which documents should be sent.

Building and street

22 GRASMERE AVENUE

Second line of address

--

Town or city

NEWCASTLE UNDER LYME

County (optional)

STAFFS

Postcode

S	T	5	3	H	F	
---	---	---	---	---	---	--

If applicable

Phone number

XXXXXXXXXXXXXXXXXXXXXXX

Fax phone number

XXXXXXXXXXXXXXXXXXXXXX)

DX number

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Your Ref.

XXXXXXXXXXXXXXXXXXXXXX)

Email

LIBERTYCARELAW@GMAIL.COM

General Form of Judgment or Order

In the County Court at Stoke On Trent	
Claim Number	K01SQ078
Date	7 December 2023



ASPIRE HOUSING LIMITED	1 st Claimant Ref 004300273.00174
NIGEL ROBERTS	1 st Defendant Ref

Before District Judge Dunn sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

UPON considering the Defendant's application dated 5 December 2023 and noting that the Defendant is content for the Court to deal with the application without notice on the papers

AND UPON

- (a) the Defendant applying by way of the application notice dated 5 December 2023 to strike out the anti-social behaviour injunction dated 22 August 2023 ('the Injunction');
- (b) the Court noting that the Defendant has applied for permission to appeal the Injunction, and an oral hearing is listed on 20 December 2023;
- (c) the Defendant having applied on 29 September 2023 to strike out the Injunction, and that application having been dismissed by the order of DJ O'Donnell dated 11 October 2023;
- (d) the Defendant having applied on 17 October 2023 for permission to appeal the Order dated 11 October 2023, and that application having been dealt with as an application to set aside or vary and listed for hearing on 6 December 2023;
- (e) the Defendant also having applied on 17 October 2023 to strike out the claim and discharge the Injunction, and that application also having been listed for hearing, if time permits, on 6 December 2023;
- (f) the hearing on 6 December 2023 having been vacated and relisted on 19 December 2023 due to lack of judicial availability;
- (g) the Defendant's application dated 5 December 2023 being the third application he has made to strike out the Injunction in circumstances where a decision has yet to be made on the existing applications, there are hearings listed in respect of those applications within the next 14 days, and there is nothing new, or urgent raised in the latest application.

IT IS ORDERED THAT

- 1 The Defendant's application dated 5 December 2023 is dismissed as totally without merit.
- 2 Because this Order has been made without a hearing, the parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Dated 7 December 2023

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ078

Date 12 October 2023



ASPIRE HOUSING LIMITED	1st Claimant Ref 004300273.00174
NIGEL ROBERTS	1st Defendant Ref

Before District Judge O'Donnell sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

UPON the court considering the applications by the Defendant dated 29/09/2023 and 03/10/2023 which had been filed at court but not yet issued.

AND UPON the court noting that the application dated 29/09/2023 had also been made orally at the directions hearing on 04/10/2023 by the Defendant and the court had determined by Order dated 4 October 2023, that the interim injunction and power of arrest granted on 22 August 2023 shall remain in force until 22 August 2024 or until determination at final trial hearing whichever is latest, unless before then it is varied or discharged by further order.

AND UPON the court considering that the application dated 03/10/2023 had been dealt with in the directions given at the hearing on 04/04/2023 in that:

"4. Each Party shall give to every other party standard disclosure of documents by list with a disclosure statement by 4.00pm on 23 October 2023. Any request to inspect or for a copy of a document shall be made by 4.00pm on 30 October 2023 and complied with by 4pm on 6 November 2023."

AND UPON the court noting that in addition to the application dated 03/10/2023, the Defendant had filed a N1 claim form against the Claimant for breach of GDPR rules. This claim form is unsigned and refers to a letter which is not attached and Particulars of Claim which are not attached.

AND UPON the defendant having the right to apply to the court by formal application on form N244 (with the necessary fee) for specific disclosure should this be deemed necessary.

AND UPON the court exercising its powers of case management and determining the applications without a hearing

IT IS ORDERED THAT

1. The Defendant's applications dated 29/09/2023 and 04/10/2023 are dismissed on the papers.
2. The Claim form dated 3/10/2023 is struck out in accordance with CPR 3.4 (2)(c) as there has been a failure to comply with CPR 22.1(1) and (2) as the statement of truth is not signed.

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. **Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.**

N244

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

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Name of court STOKE COUNTY COURT		Claim no. K01SQ078	
Fee account no. (if applicable)		Help with Fees – Ref. no. (if applicable)	
		H W F - Z D I - 2 G K	
Warrant no. (if applicable)			
Claimant's name (including ref.) ASPIRE HOUSING			
Defendant's name (including ref.) NIGEL ROBERTS			
Date		29/09/2023	

1. What is your name or, if you are a legal representative, the name of your firm?

NIGEL ROBERTS

2. Are you a ☐ Claimant ☒ Defendant ☐ Legal Representative
☐ Other (please specify) _____

If you are a legal representative whom do you represent?

SELF LITIGANT

3. What order are you asking the court to make and why?

FORMAL APPLICATION
 1. STRIKE OUT THE CLAIM
 2. DISCHARGE THE INJUNCTION ORDER AND POWER OF ARREST

4. Have you attached a draft of the order you are applying for? ☐ Yes ☒ No
5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing
☐ at a remote hearing
6. How long do you think the hearing will last? Hours Minutes
 Is this time estimate agreed by all parties? ☐ Yes ☒ No
7. Give details of any fixed trial date or period
 XXXXXXXXXXXXXXXXXXXXXXXXXXXX
8. What level of Judge does your hearing need?
 CIRCUIT JUDGE OR HIGH COURT
9. Who should be served with this application?
 ASPIRE HOUSING
- 9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.
 Aspire Housing
www.aspirehousing.co.uk
 Kingsley, The Brampton,
 Newcastle-Under-Lyme, Staffordshire
 ST5 0QW

10. What information will you be relying on, in support of your application?

- ☒ the attached witness statement
- ☐ the statement of case
- ☐ the evidence set out in the box below

If necessary, please continue on a separate sheet.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☒ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

I SUFFER FROM MOBILITY DISBAILITY, TEMPOR LIMBIC DISEASE, TOURETTES SYNDROME, AND EXPLOSIVE PERSONALITY DISORDER CONNECTED TO THE TEMPOR LIMBIC DISEASE. I AM NOT VOLATILE BUT I HAVE TICK AND I AM UNABLE TO PREVENT THE ODD SWEAR WORD POPPING OUT IF UNDER IMMENSE STRESS OR ANXIETY. I ASK THE COURT TO IGNORE MY BODY TICKS AND JUST TREAT ME IN THE SAME WAY AS ANYONE ELSE.

☐ No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ I believe that the facts stated in section 10 (and any continuation sheets) are true.
- ☐ The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

Signature

N. Roberts

- ☒ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☐ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
29	09	2023

Full name

NIGEL ROBERTS

Name of applicant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

Applicant's address to which documents should be sent.

Building and street

22 GRASMERE AVENUE

Second line of address

CLAYTON

Town or city

NEWCASTLE UNDER LYME

County (optional)

STAFFS

Postcode

S	T	5	3	H	F	
---	---	---	---	---	---	--

If applicable

Phone number

07461077940

Fax phone number

XXXXXXXXXXXXXXXXXXXXXX

DX number

XX

Your Ref.

XXXXXXXXXXXXXXXXXXXXXX

Email

LIBERTYCARELAW@GMAIL.COM

STATEMENT OF NIGEL ROBERTS
NOTICE OF APPEAL AND GROUNDS – SKELETON ARGUMENT

THIS IS A STATEMENT IN SUPPORT OF MY APPLICATION TO STRIKE OUT THE
CLAIM AND DISCHARGE THE INJUNCTION

1. The court heard a notice application for an anti-social behaviour injunction. The court was not provided a full and accurate disclosure of all material facts and the defendants defence/argument.
2. The allegations were not that of the most serious nature. There was no real urgency or need for a no notice hearing. Evidence put before the court must not have the effect of misleading the court in any material way;
3. The application itself consisted of allegation that were not persistent, or related. The alleged phone calls to the claimants were not by any way evidenced, the court was not provided any evidence of whole conversations, no recordings of conversations, and no context to the calls. No witness statements by the call takers making the allegations, just vague recollection of 6 phone calls made over a 13-month period. Not persistent and not anti-social behaviour.
4. The court must be able to rely on the claimant to present the case in a fair and even-handed manner, flagging the arguments that the defendant might have made if present at the hearing; the court could not do this due to a lack argument and a wrongful application for a no notice hearing.
5. The claimants sought an injunction on what amounts in truth to one allegation that was presented to the court as several actions. In fact, the only allegation the claimants rely on in real terms is a denied and disputed allegation where 2 members of the management allege being sworn at and feeling threatened by the defendant.
6. Only 1 witness statement was provided to the court, not two statements, the second witness did not make a statement, Paul Malkins evidence was provided by a third-party who made a statement on his behalf from his notes and presenting them to the court as a witness statement, this is not a witness statement.
7. The claimants according to the law should have made proper enquiries before making the application, including investigating the facts underpinning its case and any potential defences available. The claimants failed this clear route.

STATEMENT OF NIGEL ROBERTS
NOTICE OF APPEAL AND GROUNDS – SKELETON ARGUMENT

8. The application did not provide any evidence that would amount to most urgent claim when in fact they have provided no evidence or allegation of actual violence taking place or being threatened to take place. They have simply stated what they say they heard but without investigation to the fact underpinning the application therefore the court was not furnished with a proper set of information at all. They did not provide any evidence of any threat to their staff, ongoing threat or why they stated they would be at threat if the defendant knew about the application when the defendant knew of the claim the day it was made, if there was any proof of there being no need for a notice hearing it is based on the fact the defendant did not act violently toward the aspire housing staff when served with the order. In itself this proves the allegation that no other method of the claim or application could be made without a no notice hearing.
9. The claimants did not provide the court a full account to the court in what is an essential act when seeking a no notice hearing, **they omitted to tell the court the defendant was disabled and had protected characteristics under the public sector equality duty and that they claimants had not discharged their duty breaching the PSED equality act and by doing so had discriminated against the defendants. Not only were the claimants aware of the defendants protected characteristics (disability) at the time of the no notice hearing but they had been informed before the tenancy began, within 2 weeks of the tenancy start date, and then on the phone, email and conversations face to face. The claimants had every opportunity to furnish the court with the truth – a full account – and they chose not to. The defendant states the claimants did not furnish the court with a full account or investigate before the no notice hearing because they would have had to admit to being aware of the protected characteristics, and therefore would not be able to get any order without a on notice hearing. It was a callous and mischievous action and unlawful. The defendants' human rights were breached by this act and the claimants have discriminated against the defendant in doing so purposefully.**
10. To present a fair and even-handed picture, evidence relating to the tenant's mental health, including the medical report that was in existence (which concluded that the recent deterioration in the tenant's mental health was directly linked to his problems with his

STATEMENT OF NIGEL ROBERTS
NOTICE OF APPEAL AND GROUNDS – SKELETON ARGUMENT

immediate neighbours and was resulting in a “persistent sense of threat”), should have been flagged to the court;

The Public Sector Equality Duty (the Equality Duty) was created by the Equality Act 2010 in order to harmonise the previous race, disability and gender equality duties and to extend protection to the new protected characteristics listed in the Act. The Equality Duty replaced these duties, and it came into force on 5 April 2011.

The duty covers age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. It applies in England, Scotland and in Wales. The general equality duty is set out in section 149 of the Equality Act 2010.

In summary, those subject to the general equality duty must have due regard to the need to:

- *Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
- *Advance equality of opportunity between people who share a protected characteristic and those who do not.*
- *Foster good relations between people who share a protected characteristic and those who do not.*

These are sometimes referred to as the three aims of the general equality duty. The Act helpfully explains that having due regard for advancing equality involves:

- *Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- *Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- *Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

11. The application should not have been heard no notice on the grounds above because the claimants should not have made any claim whatsoever at that point,
12. housing associations have to grapple with and deal with, monotonous regularity, is disputes between their residents, and they should be alert to the issue of disability, the issue of cross-allegations, trying to find where the truth lies in all of this, and acting

STATEMENT OF NIGEL ROBERTS
NOTICE OF APPEAL AND GROUNDS – SKELETON ARGUMENT

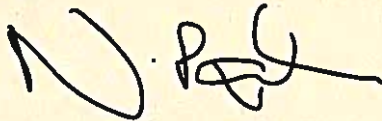
appropriately, but when engaged in that exercise there is clearly a duty upon them to bring this to the attention of a third party whom they are asking to adjudicate on the matter”.

13. In this claim the defendants are not seeking a case regarding issues with anti-social behaviour between the defendant and the community, it is solely regarding housing management. However, the claimants have recently refused the defendant with his application for data under the data protection act for the same reason, they state I am only seeking to obtain the data on the basis to cause the claimants problems with their housing management. The letter is attached. The defendant states the claimants are refusing to provide the defendant with his own data due to the fact there is evidence that I would be able to use against them in any full trial of their application, I seek the court consider this refusal as the claimants obstructing the law, and in effect withholding evidence from the court and the defendant therefore the defendant cannot get a fair trial.
14. It was not appropriate to seek an injunction without notice based on the facts of the case. This not one of those cases where there was a very pressing need for urgency. This had been rumbling on for some time, clearing to-ing and fro-ing, and this is an application that could have been made on notice. The defendants did not inform the court of the 13 months build-up of mutual tension and terseness between the claimant and the defendant before the day in which they make allegations of the defendant acting in an abusive manner which the defendant vehemently denies. Therefore, the court was not provided a full account. For example, the phone calls to the claimant that they allege in their claim, are not truthful and not in context. These 6 calls over a 13-month period were mutually poor in communication, however the defendant states the claimants only mention these calls to the court to allege a set of examples, these calls do not amount to anti-social behaviour at all, if they were the court is asked to consider why the claimants did not take any action in the court at the time. Either way if the court were to ignore the matters of phone calls which amount (if true) to a communication issue and not an anti-social behaviour issue it is left with one allegation. In itself that allegation is a matter of anti-social behaviour.
15. The court is asked to strike out the claim on the basis no full account was provided to the court and the claimants did not discharge their PSED and did not notify the court in their no notice application that they had not discharged their duty. Even now the claimants have still not discharged their public sector equality duty. In fact, the

STATEMENT OF NIGEL ROBERTS
NOTICE OF APPEAL AND GROUNDS – SKELETON ARGUMENT

claimants did not know what the Public Sector Equality Duty was until July 2023. The defendant has made numerous calls to aspire to speak to them about their duty and their duty to me as a disabled person. On each occasion the claimants have stated they do not know what the PSED is. These conversations have gone back 13, 10, 8 and 6 months ago Aswell as recently (before the claimants claim). As a matter of fact, the witnesses Paul Malkin and Kieron Beavon are more than aware of the protected characteristics and the defendants rights under the equality specifically because they attended the property in July and we spoke about the need for the tree to be removed, the sound proofing to the walls and the pathways in the garden and back of garden to be tarmacked due exactly to my disability. On numerous occasions the defendant has explained to the claimants about his Tourette's and explosive personality disorder and explained there are issues over phone calls in that the defendant struggles with calls with a lot of people and organisations. It is unfathomable how the claimants are able to make the claim without admitting or denying they knew of the protected characteristics. It is therefore an unlawful application. It must be struck out and the claimants musty discharge their legal duty under the PSED.

Signed

A handwritten signature in black ink, appearing to be 'N. Roberts', written over a horizontal line.

Date: 29/09/2023



Mr N Roberts,
sent by email to; libertycarelaw@gmail.com

18th September 2023

Dear Mr N Roberts,

RE: Subject Access Request (05/09/2023)

I am writing in response to your information request dated 5th September 2023 and received by the Data Protection Officer on the 5th September 2023.

We are rejecting your SAR on the grounds that it is manifestly unfounded.

We have reason to believe that the request is malicious in intent and is being used to harass Aspire Housing with no real purpose other than to cause disruption. This decision has been reached as a result of actions taken by yourself including you having systematically sent different requests to Aspire Housing as part of a campaign to cause disruption and having targeted a specific employee towards which you appeared to have a personal grudge.

You do have the right to lodge a complaint with the Information Commissioner's Office (ICO) if you are unsatisfied with our response using the following link; <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>. You also have the ability to seek to enforce your right to access your data through the courts.

Yours sincerely,

Data Protection Officer, Aspire Housing
DPO@aspirehousing.co.uk

we build / we train / we support : we are aspire

Aspire Housing Limited, Kingsley, The Brampton, Newcastle-under-Lyme, Staffordshire, ST5 0QW | 01782 635200 | www.aspirehousing.co.uk
A registered society with the Financial Conduct Authority registration number 31218R. Homes & Communities Agency registration number L4238.
Registered office: Kingsley, The Brampton, Newcastle-under-Lyme, ST5 0QW VAT No 927 405227

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court STOKE ON TRENT COUNTY COURT		Claim no. K01SQ078	
Fee account no. (if applicable)		Help with Fees - Ref. no. (if applicable)	
		H W F - Z T Z - P H J	
Warrant no. (if applicable)			
Claimant's name (including ref.) ASPIRE HOUSING			
Defendant's name (including ref.) NIGEL ROBERTS			
Date		03/10/2023	

1. What is your name or, if you are a legal representative, the name of your firm?

NIGEL ROBERTS

2. Are you a ☐ Claimant ☒ Defendant ☐ Legal Representative
- ☐ Other (please specify) _____

If you are a legal representative whom do you represent? _____

3. What order are you asking the court to make and why?

ENFORCE THE GDPR RULES AND DATA PROTECTION ACT SO THAT THE CLAIMANTS PROVIDE THE DEFENDANT WITH ALL DATA AS REQUESTED BY THE DEFENDANT AND REFUSED BY THE CLAIMANT. TO BE HEARD AT HEARING ALREADY SET 4TH OCTOBER 2023

4. Have you attached a draft of the order you are applying for? ☐ Yes ☒ No
5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing
- ☐ at a remote hearing
6. How long do you think the hearing will last? 0 Hours 5 Minutes
- Is this time estimate agreed by all parties? ☐ Yes ☒ No
7. Give details of any fixed trial date or period
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
8. What level of Judge does your hearing need?
HEARING ON 4TH OCTOBER 2023
9. Who should be served with this application?
ASPIRE HOUSING
- 9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.
Kingsley,
The Brampton
ST5 0QW

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

THE DEFENDANT REQUESTED DATA THROUGH THE GDPR RULES, ALL DATA. THE CLAIMANTS AGREED TO PROVIDE THE DATA AT FIRST AND CONTIUED TO AGREE, HOWEVER WHEN THE CLAIMANTS TOOK OUT THE INJUNCTION THEY DECIDED TO CHANGE THEIR MINDS AND REFUSE TO PROVIDE THE DATA.

THE DEFENDANT IS CLEAR THAT THE DATA HOLDS INFORMATION THAT DISPROVES THE CLAIMANTS CASE AND PROVES THE DEFENDANTS CASE AGAINST THE CLAIMANTS.

ALLEGATIONS HAVE BEEN MADE BY THE CLAIMANTS THAT CAN BE PROVED OR DISPROVED BY THE RELEASE OF ALL DATA.

THE CLAIMANTS WROTE A LETTER OF REFUSAL, THE LETTER IS ATTACHED.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☒ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

THE COURT IS AWARE OF MY DISABILITY AND HEALTH PROBLEMS

☐ No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ I believe that the facts stated in section 10 (and any continuation sheets) are true.
- ☐ The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

Signature

- ☒ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☐ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
03	10	2023

Full name

NIGEL ROBERTS

Name of applicant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

Applicant's address to which documents should be sent.

Building and street

22 GRASMERE AVENUE

Second line of address

CLAYTON

Town or city

NEWCASTLE UNDER LYME

County (optional)

Postcode

S	T	5	3	H	F	
---	---	---	---	---	---	--

If applicable

Phone number

XXXXXXXXXXXXXXXXXXXX

Fax phone number

XXXXXXXXXXXXXXXXXXXX

DX number

XXXXXXXXXXXXXXXXXXXX

Your Ref.

XXXXXXXXXXXXXXXX

Email

LIBERTYCARELAW@GMAIL.COM



Claim Form

In the **STOKE ON TRENT COUNTY COURT**

Fee Account no.

Help with Fees -
Ref no.
(if applicable)

H W F - Z T Z - P H J

For court use only

Claim no.

Issue date

You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

Claimant(s) name(s) and address(es) including postcode

**NIGEL ROBERTS
22 GRASMERE AVENUE
CLAYTON
ST53HF**

SEAL

Defendant(s) name and address(es) including postcode

ASPIRE HOUSING

**Kingsley,
The Brampton
ST5 0QW**

Brief details of claim
CASE K01SQ078

BREACH OF THE DATA PROTECTION ACT GDPR RULES

Value
1000

Defendant's
name and
address
for service
including
postcode

**ASPIRE HOUSING
Kingsley,
The Brampton
ST5 0QW**

	£
Amount claimed	1000
Court fee	0
Legal representative's costs	0
Total amount	1000

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

N1 Claim form (CPR Part 7) (06.22)

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Claim no.

You must indicate your preferred County Court Hearing Centre for hearings here
(see notes for guidance)

STOKE ON TRENT COUNTY COURT

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- ☒ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

THE COURT IS AWARE OF MY DISABILITY AND ILL HEALTH

☐ No

Does, or will, your claim include any issues under the Human Rights Act 1998?

☐ Yes

☒ No

Particulars of Claim

☒ attached☐ to follow

THE CLAIMANT MADE A DATA REQUEST UNDER GDPR RULES IN SEPTEMBER 2023

THE DEFENDANTS HAVE REFUSED TO PROVIDE THE DATA ON THE BASIS OF A SET OF MISTRUTHS.

THEIR LETTER IS ATTACHED

THE CLAIMANT SEEKS COMPENSATION FOR THE BREACH.

Statement of truth

Note: you are reminded that a copy of this claim form must be served on all other parties.

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ **I believe** that the facts stated in this claim form and any attached sheets are true.
- ☐ **The claimant** believes that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the claimant to sign this statement.

Signature

- ☒ Claimant
- ☐ Litigation friend (where claimant is a child or protected party)
- ☐ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

03

Month

10

Year

2023

Full name

NIGEL ROBERTS

Name of claimant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

22 GRASMERE AVENUE

Second line of address

Town or city

NEWCASTLE UNDER LYME

County (optional)

Postcode

S T 5 3 H F

If applicable

Phone number

XXXXXXXXXXXXXXXXXXXXXX

DX number

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Your Ref.

XXXXXXXXXXXXXXXXXXXXXX

Email

LIBERTYCARELAW@GMAIL.COM

Section G
Respondent's Counterclaim - K01SQ403
Index

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2	Claim form for damages - 18.10.23	227 - 241
3	Respondent (Aspire) Application for strike out - 15.11.23	242 - 251

General Form of Judgment or Order

In the County Court at
Stoke On Trent

Claim Number K01SQ403

Date 22 January 2024



NIGEL ROBERTS

1st Claimant
Ref

ASPIRE HOUSING LTD

1st Defendant
Ref 00430273.00174

Before District Judge O'Donnell sitting at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP.

UPON the Claimant not attending the hearing and the legal representative for the Defendant attending.

Recusal

AND UPON the court stating that it was aware that the Claimant has made applications on other matters involving the Defendant for the recusal of District Judge O'Donnell. The Defendant confirming that they had received applications from the Claimant which were unsealed but did relate to the question of recusal.

AND UPON the court considering that although the Claimant was not present and had not made an application for recusal of District Judge O'Donnell on this particular case, the question of recusal should be considered as a preliminary issue. The Defendant had no submissions to make.

The Court considered the issues raised by the Claimant in his applications being bias, discrimination, acting in an unlawful way and the allegation the Court had pretended that a defence had been filed on a case. The Court considered both actual bias and apparent bias. The Court found no actual bias as District Judge O'Donnell has no personal connection to any party or their representatives and has no direct financial or other interest in the outcome of any case involving the Claimant.

AND UPON the court applying the test for apparent bias. The test being whether the fair minded and informed observer having considered the facts would have concluded that there was a real possibility of bias. The Court finding there was no apparent bias.

AND UPON the court referring to the process of appeal if a party considers that a decision is unlawful.

AND UPON no matters concerning the Claimant being reserved to District Judge O'Donnell.

AND UPON case K01SQ078 being listed for trial on 5th and 6th February 2024 before a Recorder. In accordance with the overriding objective, it being proportionate and just to list this matter following the conclusion of the trial.

IT IS ORDERED THAT

1. District Judge O'Donnell is not recused.

The court office at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: goldfax. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

2. The Defendant's application dated 15 November 2023 is adjourned to be listed following the conclusion of the trial if time permits.

3. Costs reserved.

Dated 19 January 2024



Claim Form

In the

Fee Account no.

Help with Fees -
Ref no.
(if applicable)

H W F - Z 8 W - Y A G

For court use only

Claim no.

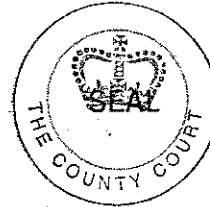
Issue date

KOLQ 403
18 OCT 2023

You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

Claimant(s) name(s) and address(es) including postcode

NIGEL ROBERTS
22 GRASMERE AVENUE
NEWCASTLE UNDER LYME
STAFFORDSHIRE
ST53HF



Defendant(s) name and address(es) including postcode

ASPIRE HOUSING
INEAD BUTTERS MBE CHIEF EXECUTIVE ASPIRE HOUSING
Kingsley, The Brampton ST5 0QW

Brief details of claim

1. THIS IS A COUNTER CLAIM AGAINST ASPIRE HOUSING IN RESPECT OF THEIR CLAIM FOR ANTI SOCIAL INJUNCTION, HEARING ON THE 21ST SEPTEMBER 2023

2. BREACH OF THE PREVENTION AGAINST HARRASSMENT ACT 1997

2. BREACH OF PROTECTION FROM EVICTION ACT 1977
THE DEFENDANT REFUSES TO CARRY OUT REPAIRS
THE DEFENDANT IS ABUSIVE AND OVERLY PERSISTENT

3. BREACH OF THE EQUALITY ACT 2010

Value
£27000.00

Defendant's
name and
address
for service
including
postcode

ASPIRE HOUSING LTD
Kingsley, The Brampton ST5 0QW

	£
Amount claimed	27000
Court fee	0
Legal representative's costs	0
Total amount	27000

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim no.

Particulars of Claim

☒ attached

☐ to follow

Claim no.

You must indicate your preferred County Court Hearing Centre for hearings here
(see notes for guidance)

STOKE ON TRENT

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- ☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

☒ No

Does, or will, your claim include any issues under the Human Rights Act 1998?

☐ Yes

☒ No

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

22 GRASMERE AVENUE

Second line of address

Town or city

NEWCASTLE UNDER LYME

County (optional)

Postcode

S	T	5	3	H	F
---	---	---	---	---	---

If applicable

Phone number

DX number

Your Ref.

Email

LIBERTYCARELAW@GMAIL.COM

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:
<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Statement of truth

Note: you are reminded that a copy of this claim form must be served on all other parties.

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ **I believe** that the facts stated in this claim form and any attached sheets are true.
- ☐ **The claimant** believes that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the claimant to sign this statement.

Signature



- ☒ Claimant
- ☐ Litigation friend (where claimant is a child or protected party)
- ☐ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

17
NR

Month

10
NR

Year

2023

Full name

NIGEL ROBERTS

Name of claimant's legal representative's firm

XX

If signing on behalf of firm or company give position or office held

XX

PARTICULARS OF COUNTER CLAIM AND STATEMENT FOR THE HEARING ON 21ST SEPTEMBER 2023
NIGEL ROBERTS

1. Aspire has acted unlawfully and had unlawfully discriminated against Nigel Roberts.
2. Aspire breached Equality Act 2010 sections 15, 26, 35, 136, and 149
3. section 15 Discrimination arising from disability (1) A person (A) discriminates against a disabled person (B) if— (a) A treats B unfavourably because of something arising in consequence of B's disability, and (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim. (2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

This is not a case in which Aspire can rely on subsection (2). It has known, when pressing this claim, that the claimant had a disability. Aspire at least at the time of the first allegations referenced by Aspire they either knew, or should reasonably have been expected to have known, of that disability.

Section 26 addresses harassment. It provides: (1) A person (A) harasses another (B) if— (a) A engages in unwanted conduct related to a relevant protected characteristic, and (b) the conduct has the purpose or effect of— (i) violating B's dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B. 131. The claim is that Aspire staff have subjected the claimant to harassment and the organisation is vicariously responsible for their actions.

Section 35 renders discrimination unlawful when a housing provider subjects an occupier to a detriment or harasses them. It provides:

(1) A person (A) who manages premises must not discriminate against a person (B) who occupies the premises—

(a)...

(b) by evicting B (or taking steps for the purpose of securing B's eviction); or

(c) by subjecting B to any other detriment

(2) A person who manages premises must not, in relation to their management, harass—

(a) a person who occupies them...

133. There can be no doubt that to subject a tenant to legal proceedings by an injunction claim is a 'detriment'. All the more so where the grant of, and breach of, such an injunction may give rise (as here) to a mandatory ground for possession or (as originally sought) an arrest pursuant to a power of arrest. Likewise, service of a notice of seeking possession may be considered a detriment or, in an appropriate case, an instance of harassment.

Section 149 casts a public sector equality duty on public bodies, or private bodies carrying out public functions, such as Aspire. It relevantly includes the following:

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

Given the circumstances and history of this case, a grasp by Aspire of these and the other dimensions of the public sector equality duty may have transformed the way in which the difficulties were addressed. Aspire have on more than one occasion admitted they do not understand the public duty they are supposed to discharge.

PARTICULARS OF COUNTER CLAIM AND STATEMENT FOR THE HEARING ON 21ST SEPTEMBER 2023
NIGEL ROBERTS

special reverse burden provisions in section 136 which state that:

(2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.

(3) But subsection (2) does not apply if A shows that A did not contravene the provision.

I submit the following statement to the court in evidence for the hearing on 21st September 2023 and this replaces any other statement I have submitted to the court, this statement also forms as particulars of counter claim against Aspire Housing Ltd and replaces any previous submitted claim.

1. I am Nigel Roberts, I am the defendant in this case and I make this statement to the court as ordered to by the court at the last hearing.
2. I am providing this evidence to the court as requested.
3. The main part of my evidence is the failure of the claimants to discharge their Public Sector Equality Duty regarding my protected characteristics. Their application for an injunction should never have been made, I will deal with this further on in this statement.
4. The second part of my evidence is to allege the claimants have engaged in a 13-month long harassment campaign against the defendant.
5. The claimants have used non communication methods to cause alarm, distress and anxiety, refusal to do the many works on the property, they know have to be done causing the defendant alarm, distress and anxiety.
6. Refusing to deal with the nuisance noise problems from the disabled children in the adjoining property 24 Grasmere Avenue. Ignoring my repetitive requests for them to do something about it, this ongoing matter over 13 months has been the catalyst for my Tourette's tics and swearing to return after a 25-year break.
7. The defendant cannot express in words just how unbearable the screaming, shouting, hitting the windows and thumping a cage against my wall by children every day

between 7am and 2am the next morning has affected my physical and mental health and neurological conditions. It became that bad that a way before the claimants sought an injunction the I had been referred to a neurologist because of the concerns over my head, shoulder and upper body tics and the swearing was clearly back to the level of when I was 14 years old. To say the neighbours have made me ill is an understatement, however what has made the situation much worse is the inability of aspire housing to even communicate about the matter in a sensible and adult manner.

8. The issue was ignored by the claimants, they were rude if I called, refused to speak about the nuisance noise, refused to come to the property to witness the noise for themselves, blatantly laughed at me on calls,
9. After 5 months of the claimants ignoring all the jobs needed doing in the property and the noise issues and the tree issue the claimants decided to tell their call takers not to take my calls, and emails were simply not replied to. The live chat would simply tell me to email in or write in. The defendant was obviously being sent around in circles.
10. The defendant then approached the housing ombudsman and made formal complaints against the claimants. Even after they housing ombudsman became involved the claimants simply ignored the situation. It is fair to say that by month 8 or 9 of the tenancy the defendant was becoming more and more ill and felt more and more at risk of mental health illness and depression as well and on top of the current conditions that the claimants were made aware of.
11. The situation between the neighbours and the defendant was now a dispute over the noise and was causing some anxiety and distress with the children continuously screaming and the neighbours arguing with the defendant in the street over the noise. It is fair to say the situation had reached a boiling point and it is fair to say the claimants did nothing about it when told. This is another grounds of harassment by the claimant against the defendant, they knew the of the situation and they knew of my explosive personality disorder. They chose to let the defendant fend for himself instead of doing their job as a landlord.
12. The relationship between the defendant and the claimant was non-existent.
13. Finally around month 12 of the tenancy aspire reacted to the housing ombudsman claim by offering to send management to the property – something that I had asked for over 11 months.

14. Paul Malkin and Keiron Beavon attended the property and were very polite and helpful, or that was at least how it seemed to the defendant at the time. This was a mistake by the defendant as later realised.
15. An agreement was made that surveyors would attend the property and look at the walls, sound proofing, the tree (which was dangerously big and branches were falling to the ground 25 feet long), the mould and the wet walls upstairs would be seen to and the bathroom issues would be seen to, as well as all the walls in the property need plastering and that would be seen to. The meeting was a good meeting, and the defendant was left happy with the agreements made.
16. The claimants then sent another manager and a representative of HJR Gould Ltd, tree surgeons. We spent a good 15 minutes in the garden talking and agreeing on a way forward. There was an argument over the fact I wanted no stump to remain and that it would need to be ground out with a grinder. At first the aspire manager was against it but by the end of the agreement we all agreed the tree would be removed and the no stump would be left.
17. It came to the day of the tree being removed and the tree surgeons attended for 2 days and then disappeared without a word to me. I later noticed all of my wood cuttings were in the garden of the neighbour with whom the defendant was in a huge dispute with. The defendant approached the neighbour and asked to have the wood back, but the neighbour stated, "no its our wood – aspire gave it to us". The defendant was absolutely livid, because not only had the wood somehow been given the neighbour causing the issues with nuisance noise but a 6 foot stump had been left in the garden breaching the contractual agreement between the defendant and the claimant. **This matter is the single point at which the defendant was at most risk of his disability. It is fair to say the defendant was absolutely livid and was angry with the neighbour and the claimants, however the defendant was also alarmed, distressed and anxious, it is this anxiety that has built up in the previous 10 months that has led to the mannerisms I suffer and show when highly agitated or highly anxious through Tourette's and explosive personality disorder and temporal limbic disease that has been misjudged and presented to this court as threatening and abusive behaviour. If the claimants had done their job properly and discharged, they public sector equality duty they would have understood the defendant's actions were merely anxiety, distress, agitation, Tourette's, and other**

behavioural mannerisms connected to the disabilities associated. But they failed to do so and this is the reason we are in this court today.

18. I discovered from HJR Gould Ltd that "aspire sent another invoice and told us to change the work, we were going to grind out the stump but the woman wrote that we should leave a 10 feet trunk, give the wood to the neighbours and get the neighbour to sign the job off not the tenant". The owner confirmed the email was sent by a woman at Aspire Housing. It is unfathomable as to how the claimants can for one moment believe this action they took was not a transparent wind up. This action, when you consider Aspire were fully aware of the ongoing dispute with the neighbour, was done to cause the defendant to feel anxiety alarm and distress transparently.
19. The claimants were in advance fully aware they were provoking the defendant and their would be a very high chance of the defendant responding in what they would perceive and misjudge as anger and abuse. The defendant believes this is what they claimants wanted above all else. A response they could use against the defendant.
20. Paul Malkin and Kieron Beavon attended the property to get the response they were looking for, they were met by the defendant who was raising his voice but not shouting, and swear words were said to them mainly using the words fucking and liars repeatedly. The defendant did not have any conversation with them at all. However, the allegations that the defendant threatened the men is absolute nonsense. They could have left the property at any time but they chose to stand in the garden pretending they couldn't understand what the problem was, when they had already been made well aware of what the problems were. It was very frustrating to be treated by them in such a patronising and provoking manner, they were literally laughing at the defendant while the defendant was clearly and obviously reacting to their action. It felt like a set up at the time and it has become clearer it was a set up since the day.
21. The claimant applied for an injunction immediately which points to the fact that they had some inkling they would get a response in the manner they wanted due to the nature of their application, to have they statements ready, a solicitor ready and have the hearing no notice based of false information – it stinks of a pre planed organised and pre-empt action.
22. By making the application (which did not provide a defence which is an abuse of process), no notice and not provide the full information available regarding all issues and history but more importantly the protected characteristics of the defendant the

PARTICULARS OF COUNTER CLAIM AND STATEMENT FOR THE HEARING ON 21ST SEPTEMBER 2023
NIGEL ROBERTS

claimants failed to mention they had not discharged their public sector equality duty and made no mention to the court in their application of the defendant's disability – for obvious reasons, they wanted to avoid the court knowing.

23. By doing so the claimants have weaponised the defendant's disabilities against him.
24. Since obtaining the Injunction was given the defendants made false allegation to the police (within 1 hour of obtaining the injunction and before the injunction was served on the defendant) that the defendant had breached the injunction by emailing the claimants ceo, directors and management staff. They informed the police it breached the police arrest part of the injunction. If it were not for the police officer looking at the injunction itself the defendant would have been arrested and been put into cells. The defendants knew they were lying to the police, they knew I had not been served the injunction and they knew this would lead to my arrest. This was a false allegation and would have led to a false imprisonment. This was another action by the defendants that has led to the defendant feeling alarm, distress and anxiety.
25. The action by the claimant above are knowingly done, they are essentially weaponizing the injunction against the defendant, ASBI is not a facility where by it can be used as a weapon especially by a claimant whereby there is a history of harassment against the defendant.
26. If the court allow an injunction against the defendant, it would be unjust and unworkable and would lead to the wrongful imprisonment of the defendant. The court would be facilitating the claimant with the tools they need to continue their harassment campaign. The claimant's aim is to have the defendant leave his tenancy with no legal duty to do so. Illegal eviction.
27. Since the injunction the neighbours have been working along with the claimants and have now had recording equipment put in their home to record the defendant and his children following on from a noise complaint to environmental health regards noise from the defendant, it took 24 hours for them to bring out recording devices. The defendant has been complaining to the same environmental health for some 8 months and they have had no interest in putting recording devices in my property to record the nuisance noise from my neighbours.
28. The housing ombudsman forced Aspire to provide a final response to the jobs that need to be finalised, the letter is attached and shows nothing has been done and won't be done.

29. Aspire are continuing to provoke and prod away at the defendant using the injunction as a weapon, in that they have now stated the work that needs to be done cannot be done due to the health and safety act and they cannot let any workers come into the property due to the danger to them. Again, this method of provocation is causing the defendant to feel undue alarm distress and anxiety.
30. To be clear the surveyors have been to the property, they stated to me that the bathroom has over 20 leaks, mushrooms growing under the bath, mould damp and a wall that has crumbled and that could fall. They recommended the bathroom be gutted and rebuilt with a new bathroom suite. Aspire stated that work could be carried out in 2034.
31. The Wall surveyor was in the property checking every room, they stated "the walls have no cavity insulation at all and they should have at least some, but there is none (he showed me a screen showing the warm and cold spots in the walls, there was only cold), the walls are lopsided, there is two bricks between you and your neighbours. hence you can hear them as though they are in the same room, the upstairs walls are supposed to have vents but they have slipped down, you have damp and mould upstairs because of this. In reality all the walls need to be taken down and rebuilt".
32. The damp surveyor then arrived to state the obvious, we have damp in the kitchen, the outhouse, the bathroom wall, and upstairs around the ceilings, the pantry is damp. We have crumbling wall in the bathroom that is falling apart and needs to be rebuilt. We have bricks missing outside that are letting rain into the property. The outhouse roof is covered in plants, and they are holding the water from rain hence the whole of the outhouse is damp and there is mould and mushrooms in their too"
33. The sound proof expert arrived at the property and after a few minutes he stated "yes the walls need to be soundproofed".
34. Aspire then took a man to the back garden regards the path and outlay of the garden, they agreed to flatten the garden and tarmac the pathways and back of the garden behind the tree (which was not going to be there). They have now refused to say when these jobs will be done.
35. NONE of this work is now going ahead and no dates are set for the work to go ahead, so the defendant and his children are left in a property that is 100% unliveable either through the constant screaming from the neighbours or with the work not being done. The defendants 15 year old son suffers asthma and it worsens by the damp, he.

- constantly coughs at night and this is due to the spores he has to breath in – in the house.
36. It should also be of importance to the court knowing that the defendant submitted a money claim against the claimants for £25,000 for disrepair. Weeks before their alleged incident in the home / garden of the defendant.
37. The claimants have various reasons for taking the malicious action of making an unlawful no notice application and have by doing so created a strawman effective turning the tables on the defendant as though he is the problem and not themselves.
38. The defendant asked the claimants for agreement to move properties, but the claimants stated no we will not agree due to your behaviour.
39. The defendant and his children are now suffering due to the claimant's refusal to get the work done, their provoking of the defendant and the refusal to rehouse us from and unliveable home, it all comes down to a landlord who will not stop provoking the defendant and harassing the defendant. The likelihood of an injunction being workable under the current circumstances are highly unlikely as the claimants are provoking the defendant into a a state of mind that triggers the disability he suffers.
40. I provide the court with some medical records and emails as evidence.
41. I will be relying on witness evidence from Angela Baggaley at the hearing.
42. The claimant makes 2 allegations, one regarding the alleged incident in the home/garden of the defendant. The defendant refutes the evidence provided to the court as without merit in light of the failure of the claimants to discharge they public sector equality duty.
43. Secondly the defendants have attempted to merge 13 months of phone calls which amounted to over 200 calls in that time to pick out 6 calls they allege their staff suffered abusive language. This allegation is vehemently denied, and the evidence provided is refuted. In fact the evidence provided was not acted on at any time before now and relates to 6 calls over a long period of time, common sense shows these calls even if they were true and in context, which they are not, would not amount to evidence of prolonged anti social behaviour. They claimants have not been able to have the police take action in any of their allegations, which amount to crimes if true.
44. The defendant states as evidence to the court the claimants are under the impression they can simply walk into a court and say whatever they want, and the court will give them whatever they want. The defendant does not agree the court acted correctly in

PARTICULARS OF COUNTER CLAIM AND STATEMENT FOR THE HEARING ON 21ST SEPTEMBER 2023
NIGEL ROBERTS

accepting the application for an Anti-Social Behaviour Disorder, considering the lack of defence that must be provided when applying for a no notice hearing, the lack of factual evidence, non-involvement of the police or any other agency and without a full set of circumstances being provided. However now it is proven to the court that they claimants were indeed fully aware of the disabilities the defendant suffers the application should be struck out with immediate effect.

45. The court should be aware the defendant is submitting a further claim against the claimant for making false allegations against the defendant to the police abusing the injunction it had obtained to harass the defendant and an injunction against the claimants to prevent them from leaving the property in a state of disrepair and further harassing the defendant.



This is my statement to the court.

I believe everything I state in this statement to be true.

Nigel Roberts

N244

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court County Court at Stoke-on-Trent		Claim no. K01SQ403
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)	
PBA0076531	H W F - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>	
Warrant no. (if applicable)		
Claimant's name (including ref.) Aspire Housing Limited 00430273.00174		
Defendant's name (including ref.) Nigel Roberts		
Date	15.11.23	

1. What is your name or, if you are a legal representative, the name of your firm?

Clarke Willmott LLP

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative

☐ Other (please specify)

If you are a legal representative whom do you represent?

Claimant

3. What order are you asking the court to make and why?

Pursuant to CPR3.4(2)(a)(b) & 3.4(6)(a)(b):

1. The Claimant's claim be struck out as the statement of case discloses no reasonable grounds for bringing the claim and be recorded as being totally without merit

In the alternative, pursuant to CPR24.2(a)(i)(b):

2. Summary judgment be entered in favour of the Defendant

Further in the alternative pursuant to CPR13.3(a) and (b):

3. The Claimant do file and serve further and better particulars including fully pleading XXXXXXXX. Thereafter the Defendant do have permission to file and serve a fully pleaded Defence within 28 days of service of the amended Particulars of Claim.

In respect of all matters the Claimant do pay the Defendant's costs.

Because:

1. The Particulars of Claim discloses no real grounds for bringing the claim

2. The Claimant has no reasonable prospect of successfully bringing a claim nor is there any legal basis for doing so

3. The Claimant is repeatedly sending applications to the court arising from the same facts - all of which act as an attempt to discharge the injunction order obtained in case K01SQ078. The Applications are being sent to the Defendant as unissued applications with no sealed copies being received.

3. There is no compelling reason why this case should be disposed of at trial

4. It would be unreasonable to file and serve a Defence until the application for strike out / summary judgment is resolved and /or the Defendant is in receipt of amended Particulars setting out and quantifying the claimK

4. Have you attached a draft of the order you are applying for?

☐ Yes

☒ No

5. How do you want to have this application dealt with?

☒ at a hearing ☐ without a hearing

☐ at a remote hearing

6. How long do you think the hearing will last?

Hours Minutes

Is this time estimate agreed by all parties?

☐ Yes ☒ No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

Deputy / District

9. Who should be served with this application?

Defendant

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

☐ the attached witness statement

☐ the statement of case

☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

Please see attached continuation sheet

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

☒ No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☐ **I believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☒ **The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- ☐ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☒ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

15

Month

11

Year

2023

Full name

LINDSAY FELSTEAD

Name of applicant's legal representative's firm

Clarke Willmott LLP

If signing on behalf of firm or company give position or office held

Partner

Applicant's address to which documents should be sent.

Building and street

Burlington House

Second line of address

Botleigh Grange Business Park

Town or city

Southampton

County (optional)

Postcode

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If applicable

Phone number

0345 209 1804

Fax phone number

DX number

DX49665 Southampton 2

Your Ref.

00430273.00174

Email

housing.management@clarkewillmott.com

Background

1. The Defendant ("Aspire") is a Private Registered Provider of Social Housing, regulated by the Regulator for Social Housing, and is the landlord of the Claimant at 22 Grasmere Avenue, Clayton, Newcastle-Under-Lyme, ST5 3HF ("the Property").
2. The Property is let to the Claimant ("NR") by way of an Assured tenancy which commenced on 26 May 2022.
3. For the purposes of the "Background" section only and to assist the court, the parties are referred to as NR and Aspire respectively.
4. As a result of anti-social behaviour perpetrated by NR against Aspire's staff, agents and / or contractors, an Anti-Social Behaviour Injunction order with supporting Power of Arrest was made by the court on 22 August 23 (Case No K01SQ078).
5. NR was served with the Injunction order and Power of Arrest and application on 23 August 2023. The return hearing was listed for 30 August 2023.
6. On 30 August 2023 NR attended the return hearing, as a litigant in person, and made submissions that the interim injunction order should be set aside and that he had submitted such an application which had not been processed by the court nor served upon Aspire. He further stated that he had issued a counterclaim against Aspire in respect of a 'false arrest' which also had not been processed by the court nor served on Aspire.
7. During that hearing NR requested that the interim order be discharged however this was not accepted by the Judge and the interim Injunction order remains in place pending a trial. The matter was adjourned to a further hearing to enable NR to file and serve a witness statement.
8. It is understood that NR has issued proceedings against the occupants of 24 Grasmere Avenue and HR Gould Limited Tree Surgeons in respect of the felling of the tree in the Property (on or around 21 August 2023).

9. On 14 September 2023 NR issued an Appellant's notice to appeal the orders made on 22 August 2023 and 30 August 2023 and for the "entire application to be struck out" meaning Aspire's application for an Injunction.
10. On or around 17 September 2023 NR sent to Aspire an unissued claim against Aspire. The draft claim is identical to the instant claim.
11. On 19 September 2023 HHJ Burns considered the Appellants notice on the papers and refused permission to appeal. NR has submitted a request for an oral hearing which has been listed on 20 December 2023.
12. On 21 September 2023 there was a further hearing in respect of the Application for Injunction. NR was not in attendance as he had been arrested earlier that day for an alleged incident and was unable to attend and so the hearing was adjourned to 4 October 2023.
13. On or around the 29 September 2023 Aspire was sent an unissued application within these existing proceedings for the application for injunction to be struck out and the Injunction order and Power of Arrest to be discharged.
14. By NR's statement (undated) a "Notice of Appeal and Grounds – Skeleton Argument" was filed and served. The basis of the appeal being that the return hearing (4 October) had been scheduled to take place in open court with a security guard. It is unknown to Aspire whether this was ever submitted as a formal application.
15. On or around 4 October 2023 NR sent to Aspire an unissued application notice regarding enforcement of GDPR rules and Data Protection Act.
16. On or around 3 October 2023 NR sent to the court and Aspire a document headed "Urgent Application" which appeared to be a request for his application dated 29 September 2023 to be considered at the hearing on 4 October 2023.
17. On 4 October 2023 at the Injunction application directions hearing, it was recorded that NR "may be pursuing a claim against Aspire but that, so far, no claim had been issued". Directions were set out for the matter to progress to a trial.
18. By order dated 11 October 2023 the court ordered that NR's applications dated 29 September 2023 and 3 October 2023 be dismissed on the papers. No sealed papers were ever served upon Aspire.

19. By order dated 11 October 2023, the Injunction matter is listed for hearing on 6 December 2023 to check compliance with the directions.

Present Case

20. The Claimant claims:

- i. Counterclaim against Aspire in respect of their claim for anti-social behaviour injunction
- ii. Breach of Prevention Against Harassment Act 1997
- iii. Breach of Protection Against Eviction Act 1977
- iv. The Defendant refuses to carry out repairs
- v. The Defendant is abusive and overly persistent
- vi. Breach of the Equality Act 2010

The Claimant seeks damages of £27,000. The 'particulars' set out sections of the Equality Act 2010 and include the following *"I submit the following statement to the court in evidence for the hearing on 21st September 2023 and this replaces any other statement I have submitted to the court, this statement also forms as particulars of counter claim against Asire Housing Ltd and replaces any previous submitted claim"*.

The document does not include a CPR compliant statement of truth.

Legal Framework

CPR r. 3.4(2) provides that:

- (2) *The court may strike out(GL) a statement of case if it appears to the court*
 - (a) *that the statement of case discloses no reasonable grounds for bringing or defending the claim;*
 - (b) *that the statement of case is an abuse of the court's process or is otherwise likely to obstruct the just disposal of the proceedings; or*
 - (c) *that there has been a failure to comply with a rule, practice direction or court order.*

CPR r. 24.2 provides that:

The court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if –

- (a) *it considers that –*

- (i) *that claimant has no real prospect of succeeding on the claim or issue;*
or
- (ii) *that defendant has no real prospect of successfully defending the claim or issue; and*
- (b) *there is no other compelling reason why the case or issue should be disposed of at a trial.*

21. The Defendant asserts that the claim is ill-founded in nature and appears to be vexatious; the Particulars of Claim fail to disclose reasonable grounds for bringing the claim against the Defendant and/or give rise to a real prospect of success. All the alleged causes of action are without merit for the following reasons:

Counterclaim

22. The Claimant is misguided in pleading a counterclaim as a cause of action in fresh proceedings.

23. The Claimant has failed to disclose any legal basis for this pleading.

Protection from Harassment Act 1997

24. All communications with the Claimant by the Defendant have been in connection with the terms of the tenancy agreement, the Claimant's occupation of the Property and / or in response to the Claimant's numerous contact with them.

Protection from Eviction Act 1977

25. The Claimant is misguided in pleading this as a cause of action.

The Defendant Refuses to Carry out Repairs

26. The Claimant has failed to set out any valid cause of action.

The Defendant is Abusive and Overly Persistent

27. The Claimant has failed to set out any valid cause of action.

Equality Act 2010

28. The Claimant has failed to plead at all or sufficiently the basis of this claim having merely quoted the legislation. In any event, the Defendant has a duty to

protect employees and the application for an Injunction is proportionate in all of the circumstances.

Conclusion

29. The Defendant seeks an order that the Claim be struck out on the basis that it discloses no reasonable grounds for bringing a claim; in the alternative that there be summary judgment in favour of the Defendant or in the alternative, if the Court considers that this is a claim which should proceed to trial, that the Claimant file and serve further and better Particulars and that the Defendant be given time to prepare a fully pleaded Defence.

Clarke Willmott Solicitors

15.11.23