

ii. Further or other relief.

iii. Costs of this action.

Statement of Truth

The Claimant believes that the facts stated in this Particulars of Claim are true; The Claimant understands 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.

I am duly authorised by the Claimant to sign these Particulars of Claim.

Signed:



Dated: 10 October 2024

Full name: **Lindsay Felstead**

Position or office held: **Partner**

Clarke Willmott LLP, Claimant's solicitors

General Civil Restraint Order

- 19 As a result of numerous applications issued by the Defendant in ASB injunction proceedings Claim No: K01SQ078 being marked 'totally without merit' and the issuing of vexatious claims against employees of the Claimant and 3rd parties working for them, an application for a General Civil Restraint Order was made to the High Court. An interim order was made by the Honourable Mr Justice Ritchie on 24 June 2024. A copy of the said orders are attached to these particulars marked "**Annex G**".

Possession

- 20 The Claimant avers that the grounds set out in the Notice of Seeking Possession and these Particulars of Claim have been made out.
- 21 The Claimant is entitled to an outright order and it is reasonable and proportionate for such order to be made because of, but not limited to, the following:

REASONABLENESS & PROPORTIONALITY

- 21.1 The Claimant is a Registered Provider of Social Housing. Its housing stock is in high demand but short supply. As such it must manage its housing stock with care and seek possession of properties where tenancy agreements have been repeatedly breached.
- 21.2 The behaviour of the Defendant and/or his household is such that it has had a significant impact on neighbours and the relationship has irretrievably broken down.
- 21.3 The behaviour of the Defendant is such that the relationship with the Claimant has irretrievably broken down. In the circumstances it is not reasonable or proportionate for the Defendant to remain a tenant of the Claimant.
- 21.4 The Defendant has engaged in serious, deliberate and calculated acts of anti-social behaviour designed to cause maximum upset, distress and annoyance to those involved.
- 21.5 Notwithstanding the obtaining of an injunction order, General Civil Restraint Order and issuing of committal proceedings, the Defendant continues to engage in a campaign of harassment and abuse.
- 21.6 The incessant nature of the Defendant's communications with the Claimant has impacted considerably on their housing management function. Further, the awareness of employees and contractors that the Defendant is extremely litigious has caused considerable concern.
- 21.7 The Claimant continues to spend significant monies on legal proceedings involving the Defendant. As a social housing provider this is money which they can ill afford to spend and ultimately impacts on their ability to invest elsewhere such as improvement works and projects which would benefit many tenants.

AND THE CLAIMANT CLAIMS

- i. Possession of 22 Grasmere Avenue, Clayton, Newcastle, Staffordshire ST5 3HF forthwith.

Despite the Defendant's denials, some of which he resiled from in oral evidence, there is ample evidence to find that he has:

- i. in communicating with the Claimant's employees and others behaved in an abusive manner which goes beyond merely swearing randomly but directing such abuse at the person with whom he is communicating;*
- ii. in confrontations with other people adopted an aggressive posture while verbally abusing them such that the person affected has and would be likely to feel threatened;*
- iii. used derogatory language to describe his neighbour and the Claimant's employees as well as other people he perceives are involved with his neighbour;*
- iv. listened to loud music such that the Local Authority concluded that it amounted to a noise nuisance and which did and was likely to aggravate the disability of the child or children next door;*
- v. since the granting of the injunction engaged in the above behaviours clearly directed at his neighbour most likely because of his perceived victimhood because his complaints against the neighbour did not result in action but action has been taken against him in such a way that it amounts to harassment which is certainly not justified by his perception;*
- vi. magnified his anger arising from his perception described above by his believe that every action by the Claimant to engage with him and deal with the issues he raised with it amounted to a deliberate campaign of harassment to discriminate against him which resulted in his more extreme action and heightened state on 17 August 2023; and*
- vii. on his own admission confirmed by the evidence of his ex wife, that he is belligerent.*

In the circumstances there is evidence that the Defendant has engaged in significant anti-social behaviour within the meaning of S.2 of the 2014 Act.

16 A copy of the judgment is attached to these particulars marked "**Annex E**".

Equality Act 2010

17 The Claimant understands that the Defendant suffers from Epilepsy, Explosive Personality Syndrome, Tourettes Syndrome, Cerebral Anoxia, Paraspinal Muscular Pain and that he has mobility issues.

18 The Claimant has considered the Defendant's disabilities, specifically in respect of their obligations pursuant to the Equality Act 2010. The Claimant considers that, in the circumstances, it is a proportionate means of achieving a legitimate aim to issue proceedings to recover back possession of the Property. A copy of the Claimant's Equality Act exercise is attached to these particulars marked "**Annex F**".

- 6.50 On numerous occasions the Defendant has emailed the Claimant with unreasonable demands regarding the management of his tenancy and adopted a scatter gun approach sending numerous emails to various people within the organisation.

Ground 14

- 7 The Defendant has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality of the Property. Further, the Defendant has been guilty of conduct causing or likely to cause a nuisance or annoyance to the Claimant, a person employed (whether or not by the Claimant) in connection with the exercise of the Landlord's housing management functions, and that is directly or indirectly related to or affects those functions.
- 8 Paragraphs 6.1 to 6.50 above are therefore repeated in relation to this ground.
- 9 The nature of the Defendant's behaviour in threatening to issue, and issuing, proceedings against employees of the Claimant and those that the Claimant works with has caused considerable anxiety, distress and annoyance to the Claimant. The Defendant has been vexatious in issuing legal proceedings which have included: against 2 members of staff; a solicitor acting on behalf of the Claimant in injunction proceedings taken against the Defendant; a contractor engaged by the Defendant.
- 10 The behaviour of the Defendant has led to an irretrievable breakdown in the landlord / tenant relationship; resulted in significant costs being spent on legal proceedings and had the potential to impact on the trusted relationships that the Claimant has with 3rd parties, including contractors.
- 11 The vexatious nature of the Defendant's behaviour in legal proceedings has led to the Claimant issuing proceedings against the Defendant for a General Civil Restraint Order.

Notice of Seeking Possession

- 12 On 4 September 2024 the Claimant served upon the Defendant a Notice of Seeking Possession citing Grounds 12 and 14 of Schedule 2 of the Housing Act 1988 (as amended). A copy of the Notice Seeking Possession, cover letter and certificate of service are attached to these particulars marked "**Annex B**".
- 13 On 4 September 2024, the Defendant responded to the Notice Seeking Possession setting out matters he felt should be considered by the Claimant. The Claimant responded by letter dated 13 September 2024. A copy of the said letters are attached to these particulars marked "**Annex C**".

Anti-Social Behaviour Injunction

- 14 On 22 August 2023 the Claimant obtained an interim injunction order pursuant to the Anti-Social Behaviour Crime & Policing Act 2014. Following a trial, the said order was made final on 16 April 2024. A copy of the said Injunction is attached to these particulars marked "**Annex D**".
- 15 In his reserved judgment following the trial dated 16 April 2024, Recorder Evans found (pages 23/24 of that Judgment) that:

- 6.34 On 6 June 2024 at 07:47hrs there was excessively loud music and shouting / singing coming from the Property.
- 6.35 On 6 June 2024 at 12:48hrs, upon returning to the Property from court, the Defendant exited his vehicle and repeatedly shouted "cunt", "wankers" and "fucking cunt" whilst returning to the Property.
- 6.36 On 8th June 2024 at 23:00hrs, the Defendant played music at excessive levels in the Property.
- 6.37 On 18th June 2024, the Defendant played music at excessive levels in the morning and left the Property with the music still playing.
- 6.38 For three consecutive nights, from 27th June 2024 until 29th June 2024 the Defendant played excessively loud music in the Property from 10pm at night. Each time this was for a duration of 60 minutes or more.
- 6.39 On 15th July 2024, two Aspire Housing electricians attended the Property. The Defendant behaved in an aggressive and intimidating manner toward them shouting at them to "get out", calling them "Aspire scum" and "Aspire cunts and wankers".
- 6.40 On 16th July 2024 from 6.40am, the Defendant played excessively loud music in the Property.
- 6.41 On 23rd July 2024, the Defendant sent an email to Aspire Housing demanding that Aspire workers only attend the Property in 4s or 6s and that they always wear recording devices.
- 6.42 On 25 July there was excessively loud music emanating from the Property. At 1.58am the 'Neighbours' theme tune was played followed by 'Remember you're a womble'.
- 6.43 On 24th July 2024, the Defendant sent an email to Aspire Housing which said "fuck you cunts"
- 6.44 On 18th August 2024, the Defendant played excessively loud music in several rooms of the Property during the evening.
- 6.45 On 1 September 2024, there was excessively loud music emanating from the Property between 8.54pm and 11.32pm.
- 6.46 On 18 September 2024, the song "I've got a song that will get on your nerves", was played loudly.
- 6.47 On or around 19 September 2024, the Defendant and / or resident at and/or visitor to the Property played sound recordings of a neighbours disabled child.
- 6.48 On a number of occasions, the Defendant has harassed, intimidated and caused nuisance and /or distress to employees and / or agents and/or contractors of Aspire by threatening to, and issuing, spurious court proceedings against them.
- 6.49 On a number of occasions, the Defendant has harassed, intimidated and caused nuisance and /or distress to his neighbour by threatening to, and issuing, spurious court proceedings against them.

- 6.19 On 30th October 2023, the Defendant became aggressive toward Aspire contractors, telling them to "pack your tools up and fuck off".
- 6.20 On 21st November 2023, at 9.20pm there was excessively loud music coming from the Property.
- 6.21 On 20th December 2023, there was excessively loud music coming from the Property.
- 6.22 On 6th January 2024, there was excessively loud music coming from the Property and the Defendant was making screaming sounds of "woohoo" which could be heard through the adjoining neighbours wall.
- 6.23 On 2nd February 2024, the Defendant caused distress to neighbours by repeatedly shouting "woohoo" through the adjoining wall.
- 6.24 On 14th February 2024, there was excessively loud music coming from the Property between 10.55am until 1.17pm.
- 6.25 On 2nd March 2024, at 7.59pm there was excessively loud music coming from the Property.
- 6.26 On 13th March 2024, there was excessively loud music coming from the Property at 4.10pm for 2 hours.
- 6.27 16th March 2024 during a phone call, the Defendant was abusive to an employee of Aspire saying "I don't give a fuck about that, twat. You fucking send someone around. You need to send six people to come for the fucking boiler, ok cunt" and then "don't even bother talking to the cunts".
- 6.28 On 15th April 2024, there was excessively loud music coming from the Property at 7.30am.
- 6.29 On 16th April 2024, the Defendant was abusive toward two Aspire employees calling them "ugly" and an "ugly cow". The Defendant behaved in a confrontational manner stating, "What a load of bullshit" and "you're full of shit". Also, the defendant said "run to / tell the court. Go and tell them I've breached my ASBI. Go on". During this incident the Defendant also called his neighbour "a cunt", "nonce" and "a child abuser".
- 6.30 On 22nd April 2024 the Defendant played excessively loud music throughout the evening and in particular at 20:24hrs, 21:45hrs, 21:58hrs and 22:00hrs when he could be heard shouting / singing.
- 6.31 On 23rd April 2024 from early evening until 10pm there was excessively loud music coming from the Property.
- 6.32 On 24th April 2024, as the Defendant walked past his neighbours home he directed comments of "child abuser", "paedophile" and "nonce" at them.
- 6.33 On 6 May 2024 at approx. 23:30hrs, the Defendant played excessively loud music in the property, specifically a song titled "You can't stop the music". Further, the defendant shouted "fuck you, cunts".

- 6.7 Since around August 2023, the Defendant has engaged in a campaign of harassment toward his neighbours including making repeated safeguarding reports without cause, mimicking a child's disability and behaving in an aggressive, offensive and intimidating manner.
- 6.8 On 17th August 2023, the Defendant behaved in an aggressive and intimidating manner towards two staff members who attended the Property. The Defendant engaged in repeated foul and abusive language including calling them "cunts" and "bastards".
- 6.9 On 24th August 2023, the Defendant sent an email to approximately 20 different members of Aspire Housing staff with the statement threatening "If you are saying the garden is my responsibility, I will burn it all if this is not sorted out soon. I mean very soon".
- 6.10 On 31st August 2023, there was excessively loud music coming from the Property between 14:44pm and continued until 9pm.
- 6.11 On 1st September 2023 the Defendant advised an Environmental Health Officer that "this isn't going to stop until you do something about it, the music is going to stay on until 10pm every day until the you do something about it". The Defendant then went on to say of his neighbours, one of whom was present at the time, "They are absolute scum. He is scum, they are scum next door. They are abusing their children". Further he said "they are going to get music all day every day until I want to stop playing it. You can't stop me".
- 6.12 On 1st September 2023 the defendant said to an Environmental Health Officer "You won't be able to take me to court for mental health issues. You can take my equipment away, I've got money, I'll buy more. You can put me in jail and I'll come back and do it again. I've spent my whole life in prison, it doesn't bother me one bit".
- 6.13 On 4th September 2023, the Defendant behaved in an aggressive and intimidating manner toward persons acting in a professional capacity attending at a neighbouring property. The Defendant called one a "dickhead" and another a "fat fucking cow" and stated if any cameras were on the Property the he would "come looking for you".
- 6.14 On 21st September 2023, the Defendant reversed his car into that of a neighbour and was abusive and aggressive toward them including saying "go back to your own country".
- 6.15 On 21st September 2023, the Defendant made howling and barking noises through an adjoining wall, seemingly to mimic his neighbour's disabled son.
- 6.16 On 13th October 2023, the Defendant was served with a Noise Abatement Notice by Newcastle Borough Council for causing frequent and ongoing noise nuisance.
- 6.17 On 14th October 2023 the Defendant was playing loud music which impacted on neighbours at 22.41pm and this lasted until 23.45pm.
- 6.18 26th October 2023, from 6.20pm, the Defendant's son had a party at the Property whereby very loud music was played for several hours causing a disturbance to neighbours. The Defendant was aware of the party and was seen leaving the Property whilst this took place. The loud music continued until 11.23pm when the police attended.

children) living in or visiting (with your consent) the Premises, inside the Premises, in any communal areas and on the estate or in the neighbourhood.

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

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

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

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

Example of Breach but not an exhaustive list

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

6 The Defendant has breached the terms and conditions of the Tenancy Agreement, as follows:

PARTICULARS OF BREACH

- 6.1 On 17th August 2022, the Defendant made 2 separate calls to Aspire Housing. The Defendant was swearing and abusive during both phone calls. The Defendant called one member of staff "a fucking arsehole".
- 6.2 On 27th January 2023, the Defendant called Aspire contact centre and called a member of staff a liar.
- 6.3 On 30th January 2023 the Defendant attended Aspire Housing offices and behaved in an intimidating manner towards a staff member.
- 6.4 On 27th April 2023 the Defendant phoned Aspire Housing and called a member of staff "a dickhead".
- 6.5 On 6th June 2023, the Defendant was offensive and made derogatory remarks to a Locality Manager, stating that she sounded "gay", "woke" and "boring".
- 6.6 On numerous occasions since August 2023 the Defendant caused excessive and / or disturbing noises from the Property including clapping, banging, shouting, singing and the playing of music. This resulted in a Abatement Notice in respect of Noise Nuisance being obtained against the Defendant by Newcastle-Under-Lyme Borough Council on 16 October 2023.

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

(b) has been convicted of -

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

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

Ground 12

5 The Defendant's Tenancy Agreement contains the following, but not limited to, terms:

C. Harassment

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

Note: Harassment includes

- *Using threats or violent action against another person for any reason, including their age, appearance, religion, race, sexual orientation, gender,*

sex and mental or physical capacity

- *Violence*

- *Using abusive or insulting words or behaviour*

- *Damaging or threatening to damage another person's home*

- *Writing or threatening to write abusive or insulting graffiti*

- *Doing anything else which interferes with the peace, comfort, state of mind or convenience of another person.*

D. Nuisance

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

IN THE COUNTY COURT AT STOKE-ON-TRENT

CLAIM NO:

BETWEEN:

ASPIRE HOUSING LIMITED

Claimant

and

NIGEL ROBERTS

Defendant

PARTICULARS OF CLAIM

- 1 The Claimant is a Registered Provider of Social Housing and is the freehold owner of residential premises situate at and known as 22 Grasmere Avenue, Clayton, Newcastle, Staffordshire ST5 3HF (the "**Property**").
- 2 By written agreement made between the Claimant and the Defendant dated 26 May 2022, the Claimant granted to the Defendant an Assured Shorthold (starter) tenancy agreement commencing on the same date. The tenancy converted to a full assured tenancy on the 12 month anniversary. A copy of the said tenancy agreement is attached to these particulars marked "**Annex A**".
- 3 The Claimant understands that the Defendant resides at the Property with his 2 sons.
- 4 The Claimant seeks possession of the Property pursuant to Grounds 12 and 14 of Schedule 2 to the Housing Act 1988 (as amended) which read as follows:

Ground 12

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

Ground 14

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

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

Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from those shown on the first page.

Building and street

Burlington House

Second line of address

Botleigh Grange Business Park

Town or city

Southampton

County (optional)

Postcode

S O 3 0 2 A F

If applicable

Phone number

0345 209 1804

Fax phone number

DX number

DX49665 Southampton 2

Your Ref.

00430273.00174

Email

lindsay.felstead@clarkewillmott.com

Statement of Truth

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.

- I believe that the facts stated in this claim form are true.
- The Claimant believes that the facts stated in this claim form are true. I am authorised by the claimant to sign this statement.

Signature



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

Date

Day

10

Month

10

Year

2024

Full name

Lindsay Felstead

Name of claimant's legal representative's firm

Clarke Willmott LLP

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

Partner

Claim No.

What you should do

- Get help and advice immediately from a solicitor or an advice agency.
- Help yourself and the court by **filling in the defence form** and **coming to the hearing** to make sure the court knows all the facts.

Grounds for possession

The claim for possession is made on the following ground(s):

- rent arrears (online issue available)
- other breach of tenancy
- forfeiture of the lease
- mortgage arrears (online issue available)
- other breach of the mortgage
- trespass
- other (please specify) Grounds 12 & 14 Schedule 2 Housing Act 1988

Anti-social behaviour

The claimant is alleging:

- actual or threatened anti-social behaviour
- actual or threatened use of the property for unlawful purposes

Is the claimant claiming demotion of tenancy? Yes No

Is the claimant claiming an order suspending the right to buy? Yes No

See full details in the attached particulars of claim

Does, or will, the claim include any issues under the Human Rights Act 1998? Yes No



Claim form for possession of property

| | |
|---------------------------------------|------------|
| In the County Court at Stoke-on-Trent | |
| Claim no. | L015Q229 |
| Fee Account no. | PBA0076531 |

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

Claimant

(name(s) and address(es))

Aspire Housing Limited
Kingsley
The Brampton
Newcastle Under Lyme
ST5 0QW



Defendant(s)

(name(s) and address(es))

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

The claimant is claiming possession of:

22 Grasmere Avenue
Clayton
Newcastle Under Lyme
ST5 3HF

which (includes) ~~does not include~~ residential property. Full particulars of the claim are attached.
~~The claimant is claiming possession of the property.~~

This claim will be heard on: _____ at _____ am/pm
at _____

At the hearing

- The court will consider whether or not you must leave the property and, if so, when.
- It will take into account information the claimant provides and any you provide.

Defendant's name and address for service
Nigel Roberts
22 Grasmere Avenue
Clayton
Newcastle Under Lyme
ST5 3HF

| | |
|------------------------------|--|
| Court fee | |
| Legal representative's costs | |
| Total amount | |
| Issue date | |

Even if you can't get help earlier, you can access free independent legal advice and representation from your local duty advisor on the day of your Possession Hearing. Please arrive at court early to speak to your duty advisor.

On the day, your duty advisor:

- can give you independent legal advice at no cost to you
- may help to resolve your case so you do not need to go in front of a Judge
- may help you avoid losing your home
- will help you understand the process and support you

Please read all the documents in this pack carefully to find out what you need to do.

ACT NOW to avoid losing your home.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'AM' in a stylized, cursive font.

Listing Section

Notice of Hearing

| | |
|--|------------------|
| In the County Court at Stoke On Trent | |
| Claim Number | L01SQ229 |
| Date | 13 November 2024 |



| | |
|------------------------|--|
| ASPIRE HOUSING LIMITED | 1 st Claimant Ref 00430273.00174 |
| NIGEL ROBERTS | 1 st Defendant Ref |

TAKE NOTICE that the Possession Hearing will take place on 17 December 2024 at 2:00 PM
at the County Court at Stoke On Trent, Bethesda Street, Hanley, Stoke-on-trent, ST1 3BP

This is an attended hearing, 30 minutes 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 £303.00.
- 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 £119.00.

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.

Nigel Roberts
22 Grasmere Avenue
Clayton
Newcastle Under Lyme
ST5 3HE



Claim form for possession of property

| | |
|---------------------------------------|------------|
| In the County Court at Stoke-on-Trent | |
| Claim no. | L015Q229 |
| Fee Account no. | PBA0076531 |

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Claimant
 (name(s) and address(es))
 Aspire Housing Limited
 Kingsley
 The Brampton
 Newcastle Under Lyme
 ST5 0QW



Defendant(s)
 (name(s) and address(es))
 Nigel Roberts
 22 Grasmere Avenue
 Clayton
 Newcastle Under Lyme
 ST5 3HF

The claimant is claiming possession of:
 22 Grasmere Avenue
 Clayton
 Newcastle Under Lyme
 ST5 3HF

which (includes) ~~residential~~ residential property. Full particulars of the claim are attached.
~~The claimant is seeking possession of the property.~~

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at _____

At the hearing

- The court will consider whether or not you must leave the property and, if so, when.
- It will take into account information the claimant provides and any you provide.

Defendant's name and address for service
 Nigel Roberts
 22 Grasmere Avenue
 Clayton
 Newcastle Under Lyme
 ST5 3HF

| | |
|------------------------------|--|
| Court fee | |
| Legal representative's costs | |
| Total amount | |
| Issue date | |



C

C

Claim No.

What you should do

- Get help and advice immediately from a solicitor or an advice agency.
- Help yourself and the court by **filling in the defence form and coming to the hearing** to make sure the court knows all the facts.

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- other breach of the mortgage
- trespass
- other (please specify) Grounds 12 & 14 Schedule 2 Housing Act 1988

Anti-social behaviour

The claimant is alleging:

- actual or threatened anti-social behaviour
- actual or threatened use of the property for unlawful purposes

Is the claimant claiming demotion of tenancy?

Yes No

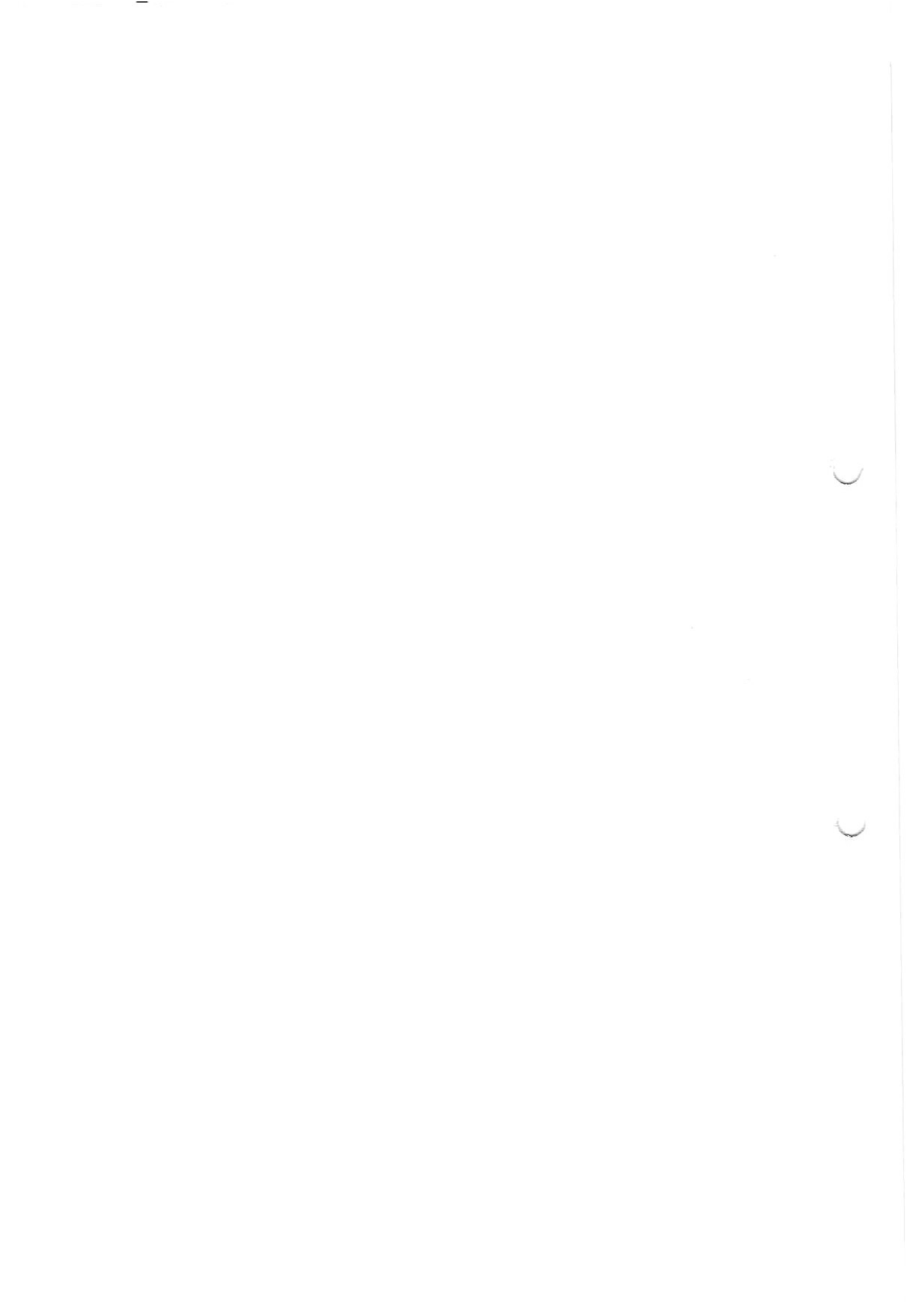
Is the claimant claiming an order suspending the right to buy?

Yes No

See full details in the attached particulars of claim

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

Yes No



Statement of Truth

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.

- I believe that the facts stated in this claim form are true.
- The Claimant believes that the facts stated in this claim form are true. I am authorised by the claimant to sign this statement.

Signature



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

Date

Day: Month: Year:

Full name

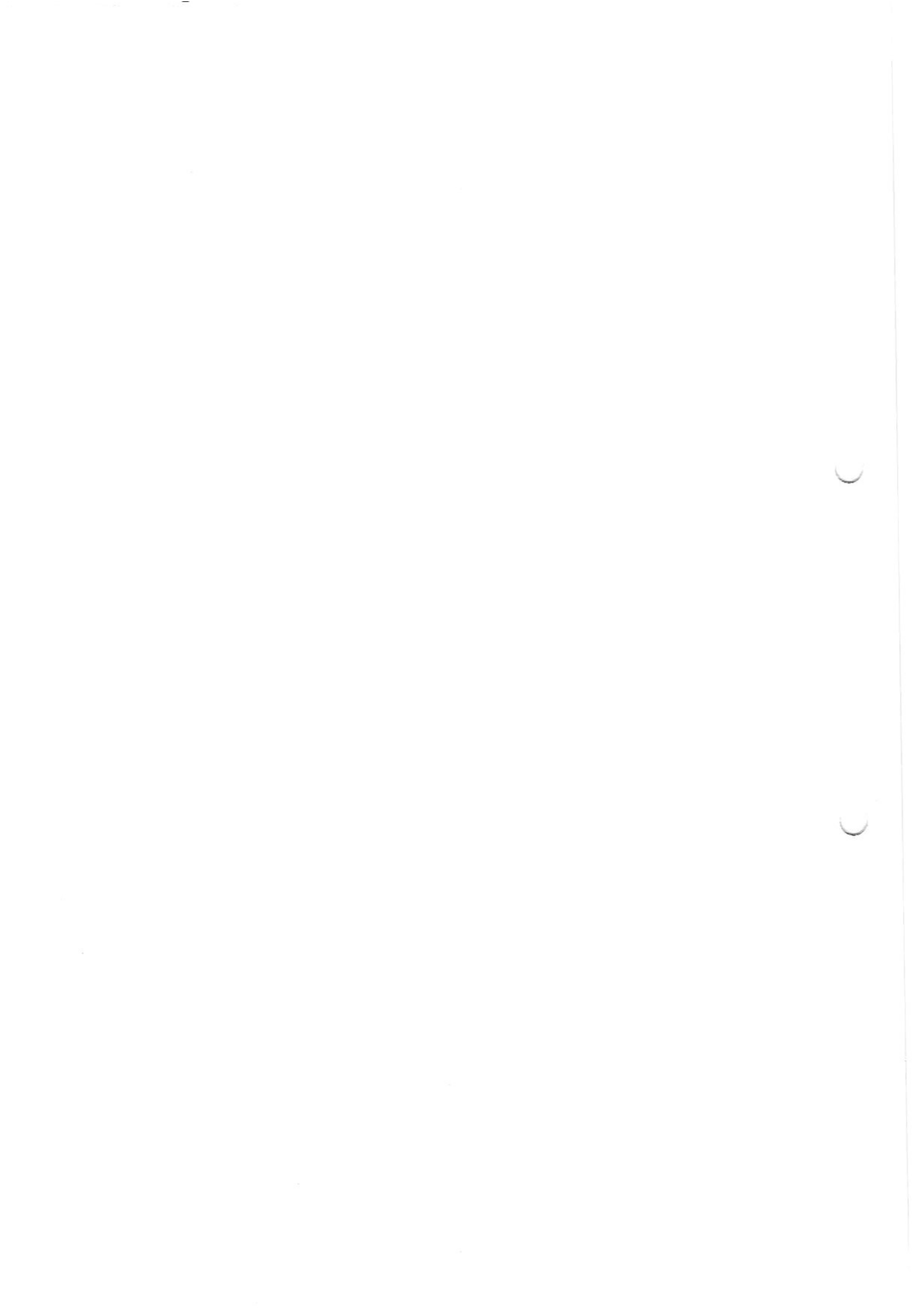
Lindsay Felstead

Name of claimant's legal representative's firm

Clarke Willmott LLP

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

Partner



Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from those shown on the first page.

Building and street

Burlington House

Second line of address

Botleigh Grange Business Park

Town or city

Southampton

County (optional)

Postcode

S O 3 0 2 A F

If applicable

Phone number

0345 209 1804

Fax phone number

DX number

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IN THE COUNTY COURT AT STOKE-ON-TRENT

CLAIM NO:

BETWEEN:

ASPIRE HOUSING LIMITED

Claimant

and

NIGEL ROBERTS

Defendant

PARTICULARS OF CLAIM

- 1 The Claimant is a Registered Provider of Social Housing and is the freehold owner of residential premises situate at and known as 22 Grasmere Avenue, Clayton, Newcastle, Staffordshire ST5 3HF (the "Property").
- 2 By written agreement made between the Claimant and the Defendant dated 26 May 2022, the Claimant granted to the Defendant an Assured Shorthold (starter) tenancy agreement commencing on the same date. The tenancy converted to a full assured tenancy on the 12 month anniversary. A copy of the said tenancy agreement is attached to these particulars marked "Annex A".
- 3 The Claimant understands that the Defendant resides at the Property with his 2 sons.
- 4 The Claimant seeks possession of the Property pursuant to Grounds 12 and 14 of Schedule 2 to the Housing Act 1988 (as amended) which read as follows:

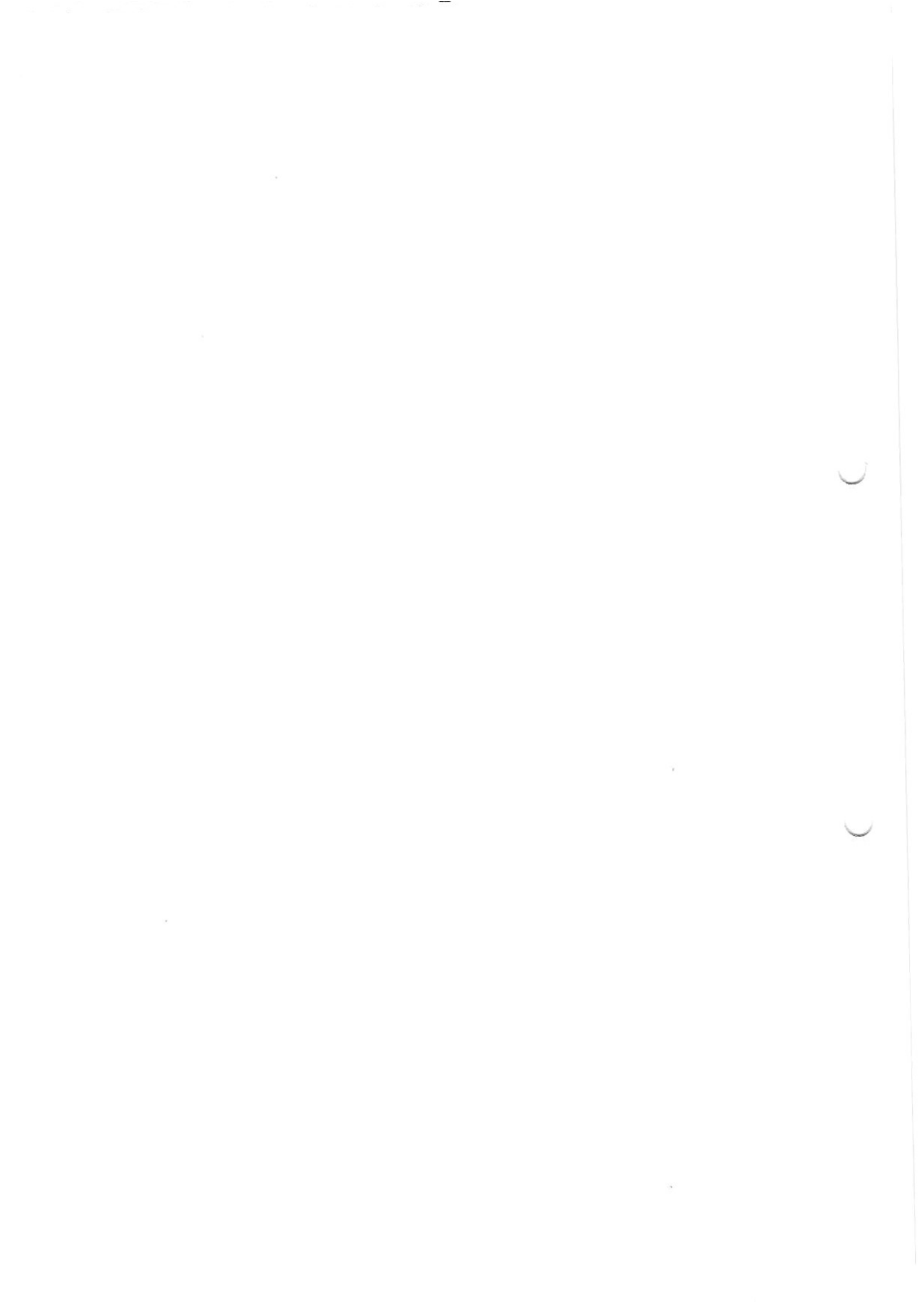
Ground 12

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

Ground 14

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

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



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

(b) has been convicted of -

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

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

Ground 12

5 The Defendant's Tenancy Agreement contains the following, but not limited to, terms:

C. Harassment

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

Note: Harassment includes

- *Using threats or violent action against another person for any reason, including their age, appearance, religion, race, sexual orientation, gender,*

sex and mental or physical capacity

- *Violence*

- *Using abusive or insulting words or behaviour*

- *Damaging or threatening to damage another person's home*

- *Writing or threatening to write abusive or insulting graffiti*

- *Doing anything else which interferes with the peace, comfort, state of mind or convenience of another person.*

D. Nuisance

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

children) living in or visiting (with your consent) the Premises, inside the Premises, in any communal areas and on the estate or in the neighbourhood.

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

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

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

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

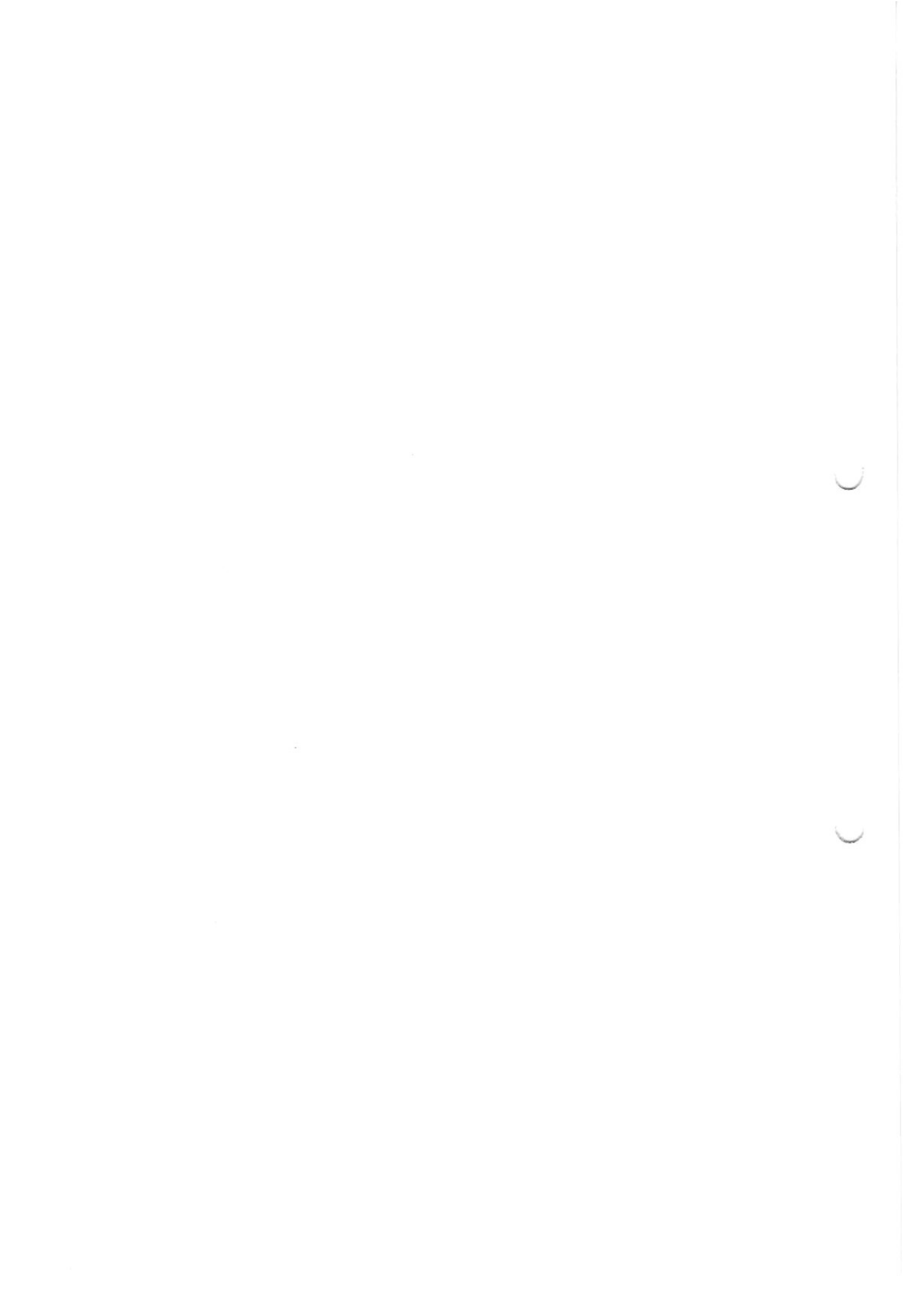
Example of Breach but not an exhaustive list

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

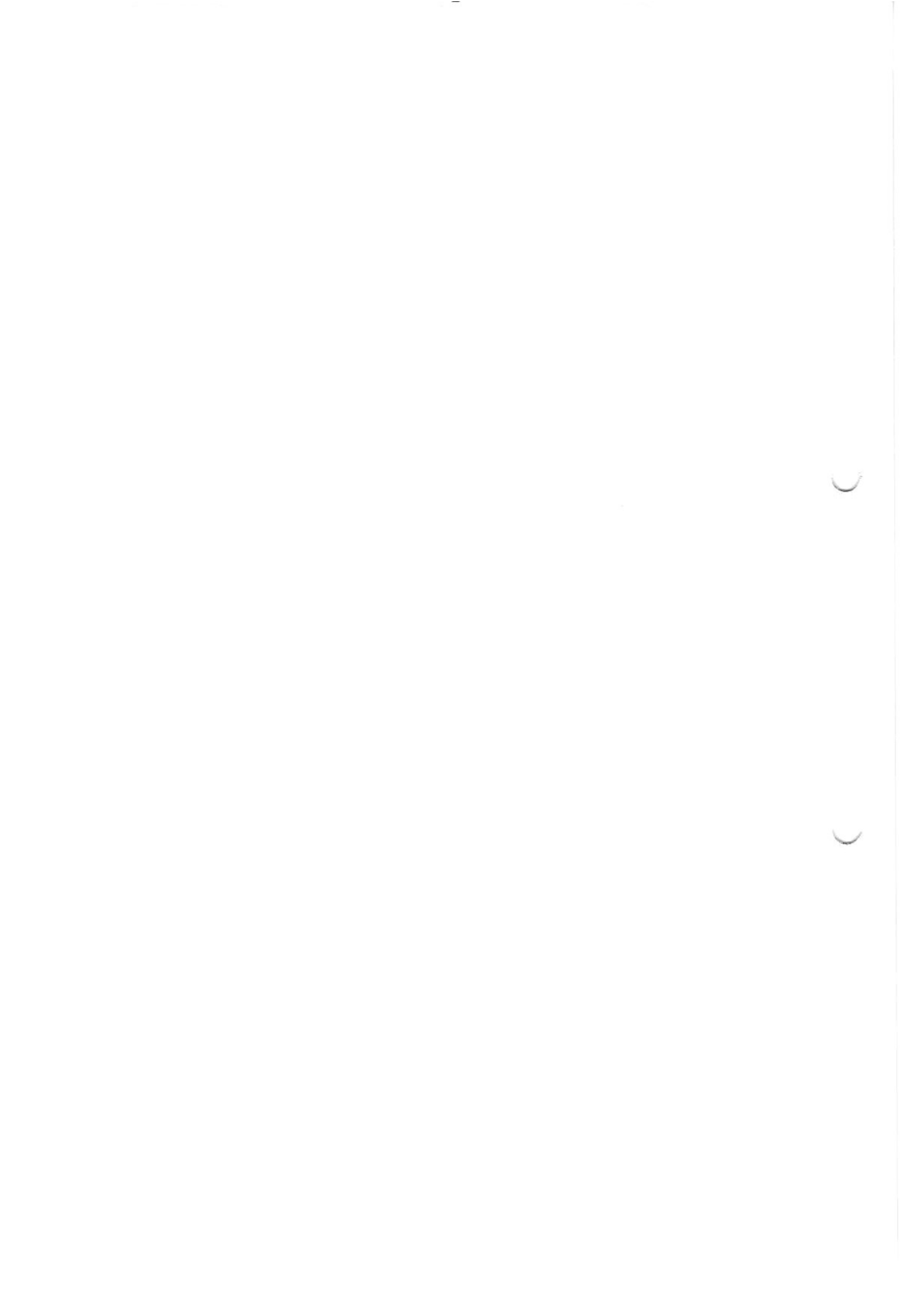
6 The Defendant has breached the terms and conditions of the Tenancy Agreement, as follows:

PARTICULARS OF BREACH

- 6.1 On 17th August 2022, the Defendant made 2 separate calls to Aspire Housing. The Defendant was swearing and abusive during both phone calls. The Defendant called one member of staff "a fucking arsehole".
- 6.2 On 27th January 2023, the Defendant called Aspire contact centre and called a member of staff a liar.
- 6.3 On 30th January 2023 the Defendant attended Aspire Housing offices and behaved in an intimidating manner towards a staff member.
- 6.4 On 27th April 2023 the Defendant phoned Aspire Housing and called a member of staff "a dickhead".
- 6.5 On 6th June 2023, the Defendant was offensive and made derogatory remarks to a Locality Manager, stating that she sounded "gay", "woke" and "boring".
- 6.6 On numerous occasions since August 2023 the Defendant caused excessive and / or disturbing noises from the Property including clapping, banging, shouting, singing and the playing of music. This resulted in a Abatement Notice in respect of Noise Nuisance being obtained against the Defendant by Newcastle-Under-Lyme Borough Council on 16 October 2023.



- 6.7 Since around August 2023, the Defendant has engaged in a campaign of harassment toward his neighbours including making repeated safeguarding reports without cause, mimicking a child's disability and behaving in an aggressive, offensive and intimidating manner.
- 6.8 On 17th August 2023, the Defendant behaved in an aggressive and intimidating manner towards two staff members who attended the Property. The Defendant engaged in repeated foul and abusive language including calling them "cunts" and "bastards".
- 6.9 On 24th August 2023, the Defendant sent an email to approximately 20 different members of Aspire Housing staff with the statement threatening "If you are saying the garden is my responsibility, I will burn it all if this is not sorted out soon. I mean very soon".
- 6.10 On 31st August 2023, there was excessively loud music coming from the Property between 14:44pm and continued until 9pm.
- 6.11 On 1st September 2023 the Defendant advised an Environmental Health Officer that "this isn't going to stop until you do something about it, the music is going to stay on until 10pm every day until the you do something about it". The Defendant then went on to say of his neighbours, one of whom was present at the time, "They are absolute scum. He is scum, they are scum next door. They are abusing their children". Further he said "they are going to get music all day every day until I want to stop playing it. You can't stop me".
- 6.12 On 1st September 2023 the defendant said to an Environmental Health Officer "You won't be able to take me to court for mental health issues. You can take my equipment away, I've got money, I'll buy more. You can put me in jail and I'll come back and do it again. I've spent my whole life in prison, it doesn't bother me one bit".
- 6.13 On 4th September 2023, the Defendant behaved in an aggressive and intimidating manner toward persons acting in a professional capacity attending at a neighbouring property. The Defendant called one a "dickhead" and another a "fat fucking cow" and stated if any cameras were on the Property the he would "come looking for you".
- 6.14 On 21st September 2023, the Defendant reversed his car into that of a neighbour and was abusive and aggressive toward them including saying "go back to your own country".
- 6.15 On 21st September 2023, the Defendant made howling and barking noises through an adjoining wall, seemingly to mimic his neighbour's disabled son.
- 6.16 On 13th October 2023, the Defendant was served with a Noise Abatement Notice by Newcastle Borough Council for causing frequent and ongoing noise nuisance.
- 6.17 On 14th October 2023 the Defendant was playing loud music which impacted on neighbours at 22.41pm and this lasted until 23.45pm.
- 6.18 26th October 2023, from 6.20pm, the Defendant's son had a party at the Property whereby very loud music was played for several hours causing a disturbance to neighbours. The Defendant was aware of the party and was seen leaving the Property whilst this took place. The loud music continued until 11.23pm when the police attended.

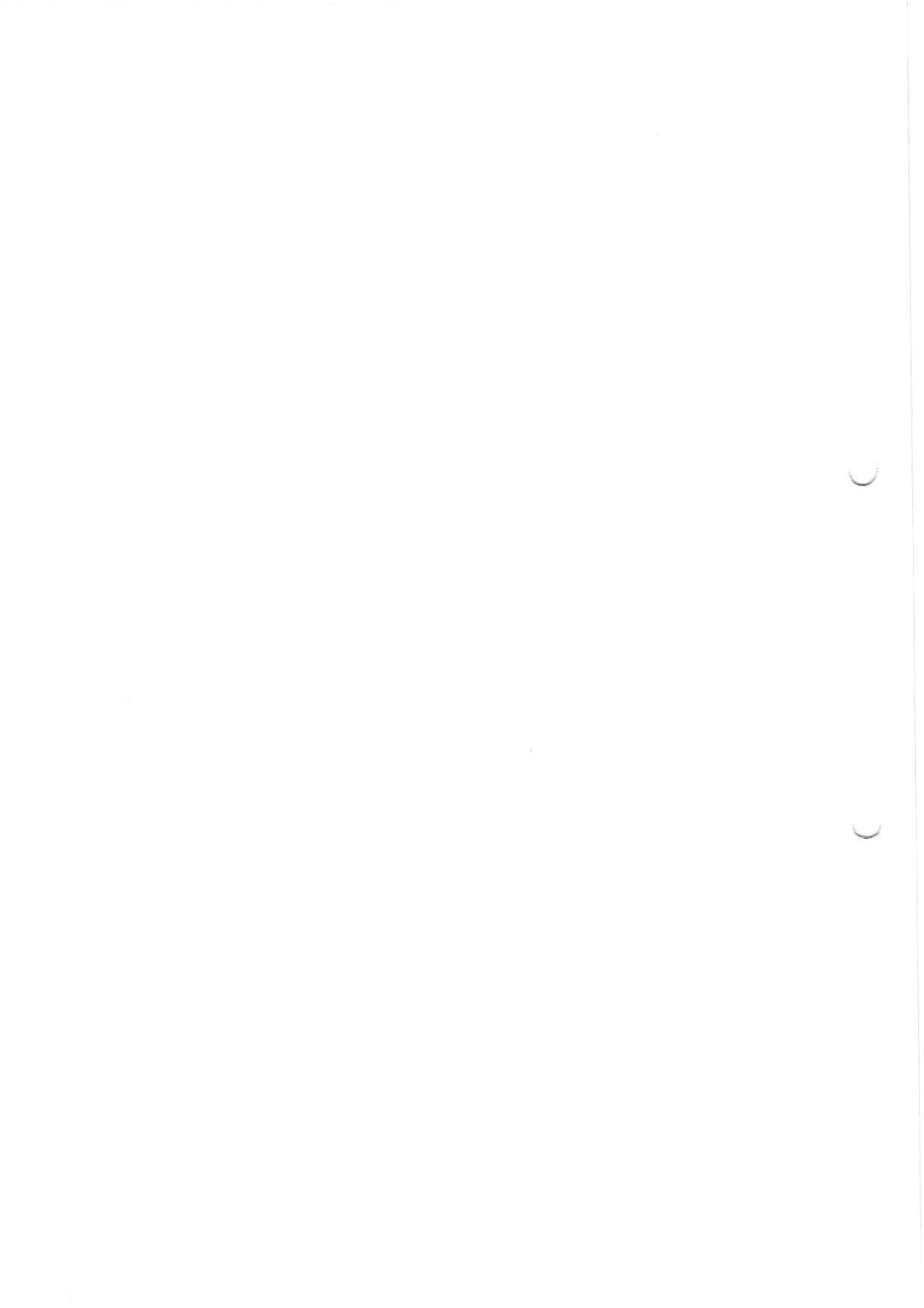


- 6.19 On 30th October 2023, the Defendant became aggressive toward Aspire contractors, telling them to "pack your tools up and fuck off".
- 6.20 On 21st November 2023, at 9.20pm there was excessively loud music coming from the Property.
- 6.21 On 20th December 2023, there was excessively loud music coming from the Property.
- 6.22 On 6th January 2024, there was excessively loud music coming from the Property and the Defendant was making screaming sounds of "woohoo" which could be heard through the adjoining neighbours wall.
- 6.23 On 2nd February 2024, the Defendant caused distress to neighbours by repeatedly shouting "woohoo" through the adjoining wall.
- 6.24 On 14th February 2024, there was excessively loud music coming from the Property between 10.55am until 1.17pm.
- 6.25 On 2nd March 2024, at 7.59pm there was excessively loud music coming from the Property.
- 6.26 On 13th March 2024, there was excessively loud music coming from the Property at 4.10pm for 2 hours.
- 6.27 16th March 2024 during a phone call, the Defendant was abusive to an employee of Aspire saying "I don't give a fuck about that, twat. You fucking send someone around. You need to send six people to come for the fucking boiler, ok cunt" and then "don't even bother talking to the cunts".
- 6.28 On 15th April 2024, there was excessively loud music coming from the Property at 7.30am.
- 6.29 On 16th April 2024, the Defendant was abusive toward two Aspire employees calling them "ugly" and an "ugly cow". The Defendant behaved in a confrontational manner stating, "What a load of bullshit" and "you're full of shit". Also, the defendant said "run to / tell the court. Go and tell them I've breached my ASBI. Go on". During this incident the Defendant also called his neighbour "a cunt", "nonce" and "a child abuser".
- 6.30 On 22nd April 2024 the Defendant played excessively loud music throughout the evening and in particular at 20:24hrs, 21:45hrs, 21:58hrs and 22:00hrs when he could be heard shouting / singing.
- 6.31 On 23rd April 2024 from early evening until 10pm there was excessively loud music coming from the Property.
- 6.32 On 24th April 2024, as the Defendant walked past his neighbours home he directed comments of "child abuser", "paedophile" and "nonce" at them.
- 6.33 On 6 May 2024 at approx. 23:30hrs, the Defendant played excessively loud music in the property, specifically a song titled "You can't stop the music". Further, the defendant shouted "fuck you, cunts".

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- 6.34 On 6 June 2024 at 07:47hrs there was excessively loud music and shouting / singing coming from the Property.
- 6.35 On 6 June 2024 at 12:48hrs, upon returning to the Property from court, the Defendant exited his vehicle and repeatedly shouted "cunt", "wankers" and "fucking cunt" whilst returning to the Property.
- 6.36 On 8th June 2024 at 23:00hrs, the Defendant played music at excessive levels in the Property.
- 6.37 On 18th June 2024, the Defendant played music at excessive levels in the morning and left the Property with the music still playing.
- 6.38 For three consecutive nights, from 27th June 2024 until 29th June 2024 the Defendant played excessively loud music in the Property from 10pm at night. Each time this was for a duration of 60 minutes or more.
- 6.39 On 15th July 2024, two Aspire Housing electricians attended the Property. The Defendant behaved in an aggressive and intimidating manner toward them shouting at them to "get out", calling them "Aspire scum" and "Aspire cunts and wankers".
- 6.40 On 16th July 2024 from 6.40am, the Defendant played excessively loud music in the Property.
- 6.41 On 23rd July 2024, the Defendant sent an email to Aspire Housing demanding that Aspire workers only attend the Property in 4s or 6s and that they always wear recording devices.
- 6.42 On 25 July there was excessively loud music emanating from the Property. At 1.58am the 'Neighbours' theme tune was played followed by 'Remember you're a womble'.
- 6.43 On 24th July 2024, the Defendant sent an email to Aspire Housing which said "fuck you cunts"
- 6.44 On 18th August 2024, the Defendant played excessively loud music in several rooms of the Property during the evening.
- 6.45 On 1 September 2024, there was excessively loud music emanating from the Property between 8.54pm and 11.32pm.
- 6.46 On 18 September 2024, the song "I've got a song that will get on your nerves", was played loudly.
- 6.47 On or around 19 September 2024, the Defendant and / or resident at and/or visitor to the Property played sound recordings of a neighbours disabled child.
- 6.48 On a number of occasions, the Defendant has harassed, intimidated and caused nuisance and /or distress to employees and / or agents and/or contractors of Aspire by threatening to, and issuing, spurious court proceedings against them.
- 6.49 On a number of occasions, the Defendant has harassed, intimidated and caused nuisance and /or distress to his neighbour by threatening to, and issuing, spurious court proceedings against them.



- 6.50 On numerous occasions the Defendant has emailed the Claimant with unreasonable demands regarding the management of his tenancy and adopted a scatter gun approach sending numerous emails to various people within the organisation.

Ground 14

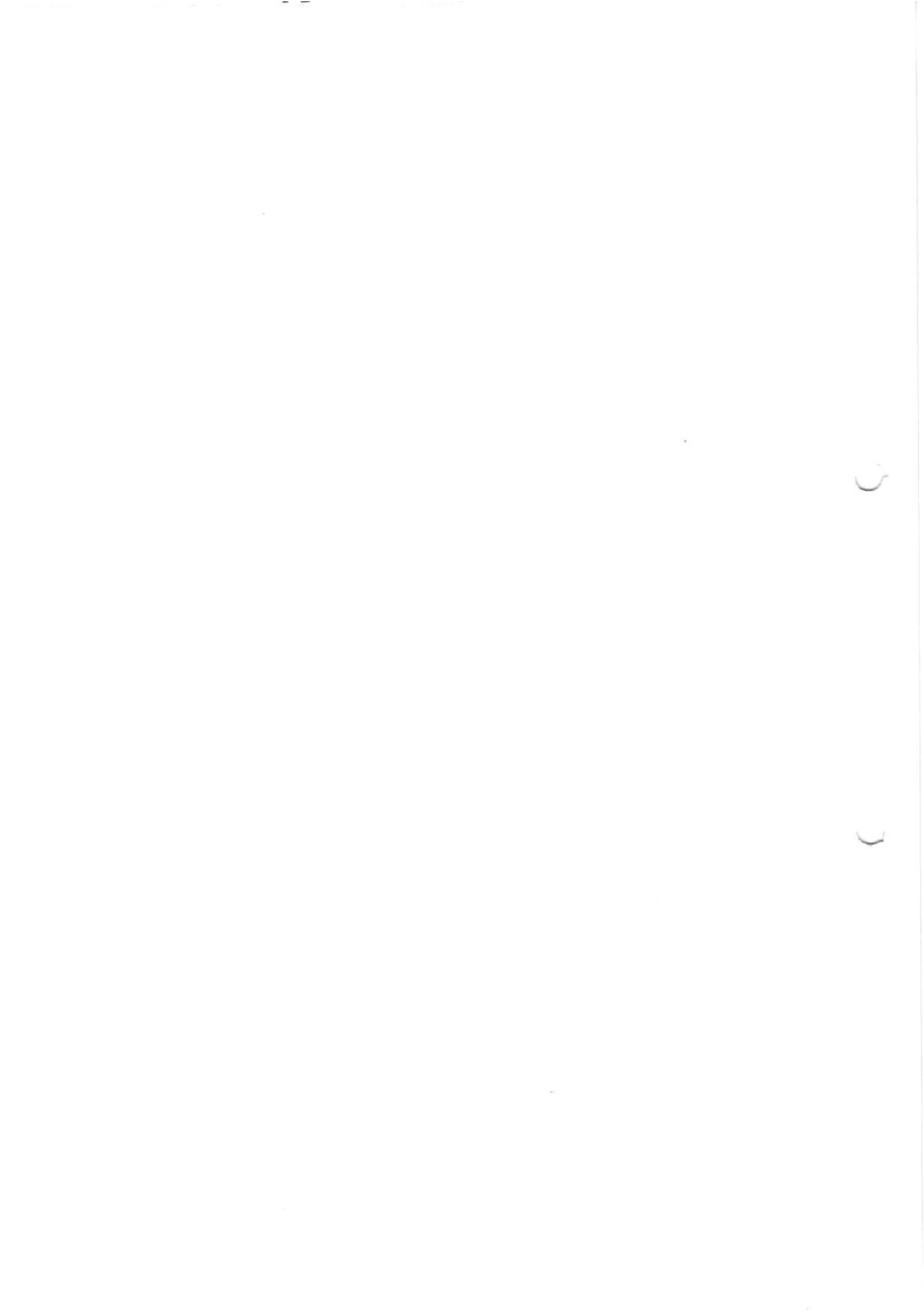
- 7 The Defendant has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality of the Property. Further, the Defendant has been guilty of conduct causing or likely to cause a nuisance or annoyance to the Claimant, a person employed (whether or not by the Claimant) in connection with the exercise of the Landlord's housing management functions, and that is directly or indirectly related to or affects those functions.
- 8 Paragraphs 6.1 to 6.50 above are therefore repeated in relation to this ground.
- 9 The nature of the Defendant's behaviour in threatening to issue, and issuing, proceedings against employees of the Claimant and those that the Claimant works with has caused considerable anxiety, distress and annoyance to the Claimant. The Defendant has been vexatious in issuing legal proceedings which have included: against 2 members of staff; a solicitor acting on behalf of the Claimant in injunction proceedings taken against the Defendant; a contractor engaged by the Defendant.
- 10 The behaviour of the Defendant has led to an irretrievable breakdown in the landlord / tenant relationship; resulted in significant costs being spent on legal proceedings and had the potential to impact on the trusted relationships that the Claimant has with 3rd parties, including contractors.
- 11 The vexatious nature of the Defendant's behaviour in legal proceedings has led to the Claimant issuing proceedings against the Defendant for a General Civil Restraint Order.

Notice of Seeking Possession

- 12 On 4 September 2024 the Claimant served upon the Defendant a Notice of Seeking Possession citing Grounds 12 and 14 of Schedule 2 of the Housing Act 1988 (as amended). A copy of the Notice Seeking Possession, cover letter and certificate of service are attached to these particulars marked "Annex B".
- 13 On 4 September 2024, the Defendant responded to the Notice Seeking Possession setting out matters he felt should be considered by the Claimant. The Claimant responded by letter dated 13 September 2024. A copy of the said letters are attached to these particulars marked "Annex C".

Anti-Social Behaviour Injunction

- 14 On 22 August 2023 the Claimant obtained an interim injunction order pursuant to the Anti-Social Behaviour Crime & Policing Act 2014. Following a trial, the said order was made final on 16 April 2024. A copy of the said Injunction is attached to these particulars marked "Annex D".
- 15 In his reserved judgment following the trial dated 16 April 2024, Recorder Evans found (pages 23/24 of that Judgment) that:



Despite the Defendant's denials, some of which he resiled from in oral evidence, there is ample evidence to find that he has:

- i. in communicating with the Claimant's employees and others behaved in an abusive manner which goes beyond merely swearing randomly but directing such abuse at the person with whom he is communicating;*
- ii. in confrontations with other people adopted an aggressive posture while verbally abusing them such that the person affected has and would be likely to feel threatened;*
- iii. used derogatory language to describe his neighbour and the Claimant's employees as well as other people he perceives are involved with his neighbour;*
- iv. listened to loud music such that the Local Authority concluded that it amounted to a noise nuisance and which did and was likely to aggravate the disability of the child or children next door;*
- v. since the granting of the injunction engaged in the above behaviours clearly directed at his neighbour most likely because of his perceived victimhood because his complaints against the neighbour did not result in action but action has been taken against him in such a way that it amounts to harassment which is certainly not justified by his perception;*
- vi. magnified his anger arising from his perception described above by his believe that every action by the Claimant to engage with him and deal with the issues he raised with it amounted to a deliberate campaign of harassment to discriminate against him which resulted in his more extreme action and heightened state on 17 August 2023; and*
- vii. on his own admission confirmed by the evidence of his ex wife, that he is belligerent.*

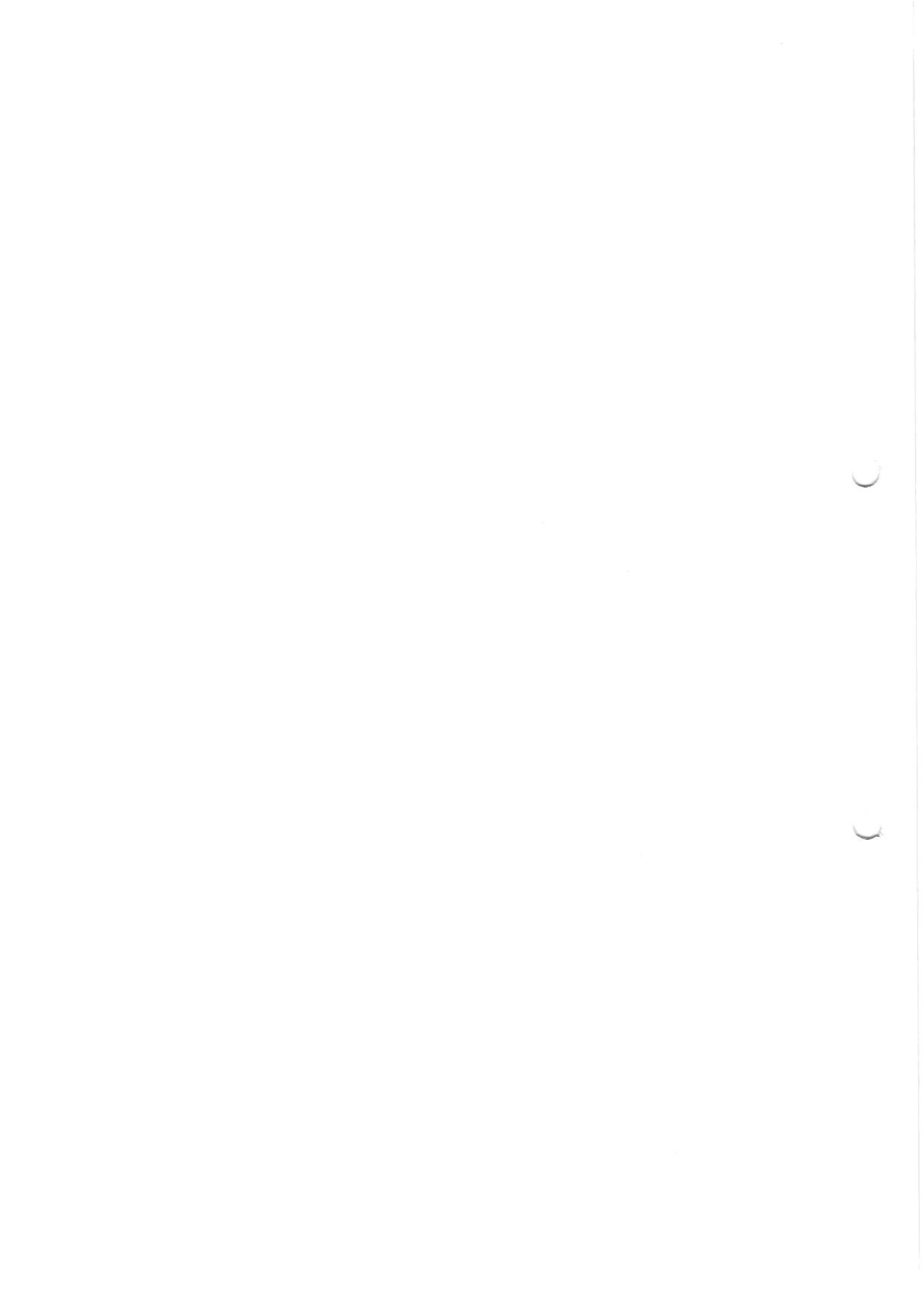
In the circumstances there is evidence that the Defendant has engaged in significant anti-social behaviour within the meaning of S.2 of the 2014 Act.

16 A copy of the judgment is attached to these particulars marked "Annex E".

Equality Act 2010

17 The Claimant understands that the Defendant suffers from Epilepsy, Explosive Personality Syndrome, Tourettes Syndrome, Cerebral Anoxia, Paraspinal Muscular Pain and that he has mobility issues.

18 The Claimant has considered the Defendant's disabilities, specifically in respect of their obligations pursuant to the Equality Act 2010. The Claimant considers that, in the circumstances, it is a proportionate means of achieving a legitimate aim to issue proceedings to recover back possession of the Property. A copy of the Claimant's Equality Act exercise is attached to these particulars marked "Annex F".



General Civil Restraint Order

- 19 As a result of numerous applications issued by the Defendant in ASB injunction proceedings Claim No: K01SQ078 being marked 'totally without merit' and the issuing of vexatious claims against employees of the Claimant and 3rd parties working for them, an application for a General Civil Restraint Order was made to the High Court. An interim order was made by the Honourable Mr Justice Ritchie on 24 June 2024. A copy of the said orders are attached to these particulars marked "Annex G".

Possession

- 20 The Claimant avers that the grounds set out in the Notice of Seeking Possession and these Particulars of Claim have been made out.
- 21 The Claimant is entitled to an outright order and it is reasonable and proportionate for such order to be made because of, but not limited to, the following:

REASONABLENESS & PROPORTIONALITY

- 21.1 The Claimant is a Registered Provider of Social Housing. Its housing stock is in high demand but short supply. As such it must manage its housing stock with care and seek possession of properties where tenancy agreements have been repeatedly breached.
- 21.2 The behaviour of the Defendant and/or his household is such that it has had a significant impact on neighbours and the relationship has irretrievably broken down.
- 21.3 The behaviour of the Defendant is such that the relationship with the Claimant has irretrievably broken down. In the circumstances it is not reasonable or proportionate for the Defendant to remain a tenant of the Claimant.
- 21.4 The Defendant has engaged in serious, deliberate and calculated acts of anti-social behaviour designed to cause maximum upset, distress and annoyance to those involved.
- 21.5 Notwithstanding the obtaining of an injunction order, General Civil Restraint Order and issuing of committal proceedings, the Defendant continues to engage in a campaign of harassment and abuse.
- 21.6 The incessant nature of the Defendant's communications with the Claimant has impacted considerably on their housing management function. Further, the awareness of employees and contractors that the Defendant is extremely litigious has caused considerable concern.
- 21.7 The Claimant continues to spend significant monies on legal proceedings involving the Defendant. As a social housing provider this is money which they can ill afford to spend and ultimately impacts on their ability to invest elsewhere such as improvement works and projects which would benefit many tenants.

AND THE CLAIMANT CLAIMS

- i. Possession of 22 Grasmere Avenue, Clayton, Newcastle, Staffordshire ST5 3HF forthwith.


ii. Further or other relief.

iii. Costs of this action.

Statement of Truth

The Claimant believes that the facts stated in this Particulars of Claim are true; The Claimant understands 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.

I am duly authorised by the Claimant to sign these Particulars of Claim.

Signed: 

Dated: 10 October 2024

Full name: Lindsay Felstead

Position or office held: Partner

Clarke Willmott LLP, Claimant's solicitors