

IN THE COUNTY COURT AT CHESTER

Case No. H00CH761

Courtroom No. 2

Trident House
Little St John Street
Chester
CH1 1SN

Monday, 11th July 2022

Before:
RECORDER ASHWORTH

B E T W E E N:

WEAVER VALE HOUSING TRUST LIMITED

and

ROBERTS

UNKNOWN COUNSEL appeared on behalf of the Claimant
UNKNOWN COUNSEL appeared on behalf of the Defendant

JUDGMENT
(Approved)

This Transcript is Crown Copyright. It may not be reproduced in whole or in part, other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

RECORDER ASHWORTH:

1. This case comes before the Court for a hearing of a final injunction and also alleged breaches of an interim injunction that was made on 30 September 2021, and I have seen the order drafted by counsel which to my mind is a very sensible solution to the current impasse. I am prepared to agree to it. In the order, Mr Roberts accepts the breaches that were set out in the application, and those are various breaches of playing loud music. Those are breaches three to 10 from 29 October 2021 to 14 January 2022. He has accepted those breaches, and on that basis, he is in breach of the previous injunction. That is a serious matter and has to be dealt with.
2. The order also means that the interim injunction that was made in September of 2021 shall continue to 31 December of 2023. I need to explain to Mr Roberts what that means. It means that he is forbidden, either by himself or instructing or encouraging or permitting anybody else from entering or attempting to enter the property and gardens at 19, Townfield Drive, Little Budworth, next to him. He is also forbidden from harassing, using abusive or threatening language or behaviour towards, or using threatening violence towards Mr [John Dunn?], Mrs Naila[?] Dunn, [Lindsey Ferrini?], or any of the claimant's employees. In addition, he is forbidden from contacting or attempting to contact, either directly or indirectly, John Dunn, Naila Dunn, and also, he is forbidden from engaging or threatening to engage in conduct capable of a nuisance, annoyance, alarm or distress to John Dunn, Naila Dunn, Lindsey Ferrini or any of the claimant's/applicant's employees. That is not limited to playing loud music, excessive noise, recording anyone, shouting, using foul language, abusive language, aggressive or threatening language or behaviour, or writing anything about the claimant's/applicant's employees on social media. Accordingly, that injunction will remain until the end of 2023. Also, there is a power of arrest attached to that. Therefore, if he is in breach of that injunction, he can be arrested by the police, and that power of arrest will last until the end of 2023 as well.
3. The fact that the defendant has admitted breaches means that there is the issue of being in breach of the injunction, and the Court has to deal with that. It seems to me that the most appropriate thing to do is to defer; to put that decision off until 12 January 2023. That will be the beginning of 2023, and that issue of the breach will be decided then. I will not be hearing that, but whoever is hearing that will want to know what has been happening since. If nothing has happened; if everything has been quiet; then it seems likely that a Court would look at things leniently. If there have been any further breaches, then a Court's view is bound to be more severe.
4. I want to address, Mr Roberts, and also Mr and Mrs Dunn in Court. Both live next door to one another, and they have done for years. It is a nice area. It is a lovely part of the world. It is a nice place to live. All neighbours have to get on, and they have to respect one another. They have to respect privacy; they have to respect being able to enjoy their house and their home quietly. That is a mutual respect, and it has to be both parties who show that respect to one another.
5. I have gone through the medical report that Mr Roberts had commissioned, and, in particular, I have read about the history of anxiety and how it has affected him over the years, and agoraphobia, and the effect that it has had on him. I have also read Mr and Mrs Dunn saying that the live music causes them distress; causes them anxiety, and the feeling of being depressed and on edge. What I would say to Mr Roberts; and professionally, I have had many years of representing people who have anxiety and depression, and I am well aware of the miseries of that. What I would say to Mr Roberts, with him having had that personal

experience, he would not really want to inflict that feeling on anybody else. That is something to consider because there is no reason why both households cannot live next to one another, and there is no reason why there cannot be mutual respect and mutual tolerance.

6. Accordingly, the injunction will remain. I hope that today marks an end of matters; it is a line in the sand, and that everybody can move on. The injunction remains. There will be no more loud music. It is upsetting, it is distressing, it is unnecessary. If there is a situation where there are no more breaches; everything has calmed down; everything is nice and quiet, then a Court is going to look at these breaches leniently. If the behaviour continues and there are further breaches proved, then the next judge may well decide that the only option is prison. That is something that I am sure everybody wants to avoid.
7. I very much hope that everybody can move on from today in a sense of mutual respect. I hope that when matters come back in six months' time it will be said to the judge on that occasion "Everything's quietened down and there are no more issues". That is obviously in everybody's best interests. If not, then, if matters are continuing, then the Court has the power and will use it to imprison people, and that is something that we should all want to avoid.

End of Judgment.

Transcript of a recording by Ubiquis
291-299 Borough High Street, London SE1 1JG
Tel: 020 7269 0370
legal@ubiquis.com

Ubiquis hereby certify that the above is an accurate and complete record of the proceedings
or part thereof

This transcript has been approved by the judge.