

Yesterday I was instructed on behalf of a social housing provider to obtain an injunction from the county court to protect elderly residents in a sheltered housing development. This order is thought to be the first made against residents of such a sheltered scheme. At the moment all the details have to be kept anonymous, for obvious reasons. I've put in the full details because most of my readers will be professionals who might be interested.

The District Judge at the County Court made an interim injunction against the two men, both of whom are over 60 themselves. There will be a return hearing later in the week at which the court will consider whether to continue and/or change the order. Both of the defendants will be expected to attend the hearing if they wish to defend the claim. The court has confirmed that it will be careful to protect public health at the hearing.

Many of the residents of the scheme concerned suffer from significant ill-health, some have life-threatening conditions. Both defendants live in flats on the scheme and have alcohol dependency issues, which may explain the attitude they have taken to the movement restrictions imposed by the government last Thursday. One of the men also has mental health issues and before taking action, the landlord confirmed that this individual has the capacity to understand and cooperate with the Covid-19 limitations, but had chosen not to do so.

Action by the police had tried but failed to curb the behaviour of the two men, who had been behaving antisocially for some time but whose behaviour had become worse recently. During 2019 there were problems on the scheme because the first tenant was inviting undesirable individuals, including drug users and sex workers, into his flat. The landlord had already obtained an injunction against two of his regular visitors, which succeeded in reducing problems. In late January and February this year, that same tenant was observed allowing in further people known to the police, putting other residents at risk.

The other tenant had been causing problems through antisocial behaviour 2018 and 2019 and had been invited to sign an Antisocial Behaviour Contract. Both of the individuals were reported to be ignoring the government requests to stay at home and regularly leaving their flats to visit the local shops and each other.

One of the men was reported to be begging for money at the local shops and "going out at all hours." On his return from the local shops, that individual was sometimes seen carrying bags full of alcohol. He has taunted the police and has invited them to arrest him if they wanted to do so. He was also letting people in through a fire door and his living-room window, some of whom had been seen to jump the fence at the back of the development. He was also walking the building and the corridors during the day and night, causing other residents great distress. He had also been verbally abusive toward other residents.

The court was persuaded that an injunction should be made protecting the other residents, at least pending a return hearing, to which the two defendants will be invited. The terms of the injunction are necessarily wide, and include the following:

1. Permitting any visitors, except employees of the landlord, the police, social services or medical personnel to enter or remain at the flat;
2. Ringing the door entry system buzzer for any flat in the scheme;
3. Visiting or waiting outside any other flat in the scheme;
4. Engaging in conduct which causes or is capable of causing a nuisance or annoyance (which includes but is not limited to arguing, shouting, and playing music at such a volume as to be audible outside the flat) to persons (including the landlord's employees or contractors) residing in or lawfully visiting the scheme, or the locality, as defined and outlined in red by an attached "Plan A";
5. Verbally abusing or intimidating any persons residing in or lawfully visiting the scheme ((including the landlord's employees or contractors) residing in or lawfully visiting the scheme, or the locality, as defined and outlined in red by an attached "Plan A";
6. Behaving in a drunk or disorderly manner in the scheme, or the locality, as defined and outlined in red by the attached "Plan A";
7. Leaving the flat, except for the following purposes:
  - (a) shopping for basic necessities, for example food and medicine, which must be as infrequent as possible
  - (b) one form of exercise a day, for example a run, walk, or cycle - alone
  - (c) any medical need, including to donate blood, avoid or escape risk of injury or harm, or to provide care or to help a vulnerable person
  - (d) or for such purposes as are permitted by the government under regulations imposed in relation to COVID-19;
8. Meeting friends and acquaintances, or maintaining social distancing as recommended by the government save as necessary to carry out the activities referred to above at paragraph 7 (a) (b), (c) or (d) above;
9. Communicating with the other tenant, save by electronic means.

We shall see at the return hearing whether either of the defendants wishes to fight the injunction. In the meantime, it will be interesting to see whether the defendants' behaviour is improved, given that they are both heavy drinkers.

Please do get in touch if you want to know more about how the evidence for such applications is obtained and prepared, and how the court will deal with a telephone/video hearing.