

PARTY : *Claimant*
STATEMENT OF : *Leanne Maher*
STATEMENT NO : *1*
DATED : *22 February 2023*
CLAIM NO. :
EXHIBIT :

IN THE CENTRAL LONDON COUNTY COURT

Claim No:

BETWEEN

**THE MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KENSINGTON
AND CHELSEA**

Claimant

-and-

MS MANUELA ODETTE SILVA

Defendant

WITNESS STATEMENT OF LEANNE MAHER

1. My name is Leanne Maher. I am employed by the Claimant as an Anti-Social behaviour manager. I am based at the Hub, 292a Kensal Road, London, W10 5BE. I make this witness statement in support of the Claimant's application for an injunction against the Defendant.
2. Except where otherwise stated the facts contained in this statement are within my personal knowledge.
3. The Claimant granted the Defendant a secure tenancy in respect of 108 Campden Houses, Peel Street, London, W8 7PJ by way of written agreement dated 7 January 2023. A copy of the original tenancy agreement cannot be located but I attach at "**LM01**" a copy of our systems confirming the

Defendant's status as a secure tenant, along with a copy of our standard terms and conditions.

4. In spite of paragraph 5.15 of the terms and conditions in the Defendant's tenancy agreement, the Defendant persists in causing noise nuisance for her neighbours.
5. The witness statement of Mr Halloran confirms ongoing issues with noise nuisance since 2018.
6. I was first made aware of the disturbance and nuisance caused by the Defendant on 18 July 2018 as a report was received from Mr Halloran who resides in the flat below the Defendant. Mr Halloran reported that he was experiencing ongoing noise and nuisance from the Defendant. It was reported that as he was sending the email at 16:54 he was still being disturbed by the radio from the Defendant in the Property which has been playing all night.
7. On 27 January 2021, a report was received from Mr Halloran explaining that the Defendant had verbally abused his friend Anna-Maria Galoan on 25 January 2021 at 14:00, the Defendant hung out of her flat window and shouted "FUCKING WHORE" to Ms Galoan whilst she was on the street. The Defendant has previously verbally abused Ms Galoan in December 2020 as well as several times after this.
8. On 28 January 2021, I spoke with Mr Halloran regarding his complaint, he had explained that this was an ongoing issue from the Defendant since she had moved into the Property and that he described himself as feeling frustrated and helpless as the disturbance was continuous even after reporting it to relevant agencies. Mr Halloran felt that the agencies were reluctant in resolving the matter as the Defendant has some mental health challenges.
9. On 1 February 2021, I spoke to PC Gurjit via email regarding the incident on 25 January 2021 and we had agreed to keep each other updated in regard to the investigation and see how we can work together to resolve the ongoing dispute.

10. On 2 February 2021 I attempted to call the Defendant to discuss the allegations, however, the Defendant did not answer, to which I had left a voicemail providing my name and contact detail. Following this, I attempted to contact the Defendant several times after this, until 9 February 2023 the Defendant denied the allegations of being verbally abusive to Ms Galoan on 25 January 2021. The Defendant claimed that she struggles to sleep and felt that her radio and television volume is not excessively loud. The Defendant also mentioned that she struggles with her mental health and explained that she tried to resolve the issue with Ms Galoan and Mr Halloran however, they shouted at her and began recording her. I asked the Defendant if she needed additional support, however, she had mentioned that she has a mental health work, Kate Duddy.
11. On 6 February 2022, I received a report from Mr Halloran at 04:24 explaining that the defendant has had her CD player on for days and nights, which has been constantly playing at an unreasonable level and prevented him from sleeping. Mr Halloran reported that this prevented him from sleeping and has left him awake during the early hours of the morning and experiencing constant broken sleep. This was reported to the Noise and Nuisance team.
12. On 6 February 2022, a further report was received reporting that at approximately 10:10 hours the defendant was witnessed shouting and screaming at toddlers from Fox Primary school. It was reported that she was screaming for them to '**shut the fuck up**'. It was reported that the defendant's behaviour was so aggressive that the adult trainer had to take the children into the school as they were becoming upset. It was reported that this incident had been reported to the Police with the reference CR2669.
13. On 22 February 2022 I received a further report from Mr Halloran reporting that the defendant had kicked off again with loud stomping and loud music. This continued and at approximately 22.30 hours, Mr Halloran reported that his visitor Ms Galoan was verbally abused with the defendant calling her '**a fucking whore**'. Ms Galoan did capture some of the incident on camera and this is exhibited **LM02**.

14. On 28 February 2022 I interviewed Roberto Gonzalez Garcia from Fox Primary School who was present during the incident on 6 February 2022. Roberto explained that he was running a football club on the Sunday when the defendant came to her window and began shouting for them to '**shut the fuck up**'. Roberto explained that she continued to scream and shout about having quiet on a Sunday and he tried to ask her to stop as there are children. Roberto explained that the defendant did not and she began raising her voice more and proceeded to throw eggs towards the school playground. Roberto explained that the children were becoming very upset so he took them into the school and reported this to the Police. Roberto explained that the parents of the children are extremely upset and are considering removing them from the club due to the defendant's behaviour.
15. On 9 March 2022 I attempted to contact Kate Duddy who I knew had previously been involved in the defendant's support. I wanted to ask her to assist us in engaging with the defendant to resolve the ongoing anti-social behaviour. However, I did not receive any response.
16. On 21 March 2022 I received a report that the defendant had been violently banging on the floor since 07:30 hours which had woken Mr Halloran and prevented him from sleeping.
17. On 15 March 2022 I called the defendant following an invitation to the office to have a formal interview regarding the incident involving Fox Primary school on 6 February 2022. I asked if she had received my letter and she said that she had not received this. I explained that we had received a report that on 6th February 2022 alleging that she had begun shouting from her window at the school, being verbally abusive, swearing, telling the employee's to '**fuck off**' and proceeded to throw eggs at the school. The defendant's tone changed, she became defensive and stated that she did do this because they are constantly making noise and they should consider the neighbours. I acknowledged that the noise may be a lot for her to cope with but asked if she thought that she could have dealt with this in a different way. The defendant asked me how? I suggested her making a complaint to the school via email or

arranging a meeting with them. The defendant said that she did not feel that they would listen, I advised she could also contact the school governors or Local Councillors. The defendant persisted in her position believing that they would not listen, she became quite frustrated and said that we are her landlord and are not listening to her but are calling her about her behaviour. I explained that her response to the situation was unacceptable, I reminded her that there were young children who had witnessed this behaviour and were scared. The defendant responded stating that she did not care, she continued to talk and I could not reply. She stated that she is feeling very frustrated and she no longer wants to talk to me about this, she said that she was hanging up as she did not want to say anything that she would regret, she said goodbye and hung up. During the call the defendant responded to the allegations put to her and appeared to understand, she admitted to swearing and throwing eggs and seemed to believe that this was an acceptable way to respond to the situation. I was unable to discuss fully that this was a breach of the defendants tenancy, Police involvement or advise her that she can seek support to complain about the noise appropriately and discuss consequences of future incidents.

18. On 25 March 2022 I received an email from PC Gurjit confirming that the previous Community Protection Warning issued to the defendant expires on 1 April 2022. He confirmed that the defendant was being investigated due to the incident with Fox Primary school and would potentially be charged with a Section 4a Public Order Offence. PC Gurjit informed me that they were planning on formally interviewing the defendant about the matter. I informed him that I had spoken to the defendant over the phone about this incident where she did make admissions, confirming that she swore and threw eggs at the school.

19. On 30 March 2022 Mr Halloran reported that he was disturbed again by the defendants continued jumping up and down on the floor and playing her CD at unreasonable levels on repeat. He explained that this is having a negative impact on him with some of the regular songs played going over in his head on repeat. Mr Halloran expressed his frustrations with the defendants

behaviour and the fact that there does not appear to be any consequences or way to reason with her.

20. On 3 April 2022 Mr Halloran reported that at around 00:00 hours there was a big eruption from the defendants property which woke him from his sleep. He explained that he was woken by loud screaming and abuse which he believes was towards another woman in her flat which he could hear. Mr Halloran reported that he could hear the defendant kicking, banging and shouting **'fucking bitch'**. Mr Halloran reported that he was considering calling the Police as it did sound like there was a physical fight but it then went quiet so he decided not to.
21. On 8 April 2022 I received an email from PC James Lerner who was the lead investigating officer for the incident that occurred on 6 February 2022. He explained that he had been informed that the defendant had made admissions regarding the incident to me and asked if I could support with the investigation which I agreed to do.
22. On 12 April 2022 I received a report from Mr Halloran reporting that the defendant had been banging and jumping from 07:40 hours, he confirm that he would make a report to the Noise and Nuisance Team.
23. On 9 May 2022 I spoke to PC Tivey who had taken over this case and informed me that he had been trying to make contact with the defendant, he had attended her home and left his contact number but the defendant had not responded. PC Tivey confirmed that he would be issuing a new Community Protection Warning to the defendant due to her verbal abuse towards Fox Primary School, Mr Halloran and Ms Galoan.
24. On 20 May 2022 I received a Police disclosure which detailed the incident with Fox Primary school on 6 February 2022, a further report in relation to Mr Halloran and Ms Galoan on 25 March 2022. The disclosure confirmed that the incident of 6 February 2022 was still under investigation and passed to the Local Neighbourhood Team.

25. On 14 June 2022 I received a further report from Mr Halloran reporting that the defendant had kicked off again last night with her loud repetitive music at 22:25 which lasted for over an hour and had now started again at 08:00. This had prevented Mr Halloran from sleeping and left him unsettled in his home.
26. On 19 June 2022 an email was received from Fox Primary school raising safeguarding concerns towards the children of the school due to the defendants behaviour. Michelle Foster of Fox Primary school explained that they are very concerned for the safety of the staff and children due to them being subjected to abuse and having items thrown directly towards them from the defendant. She reported a further incident following the 6 February which took place on 19 June 2022 at 10:22am. She explained that she was on duty in the playground when she saw her colleague speaking to the defendant who was on top of the school wall, grabbing the fence to the side of the building and demanding to speak to the manager. Michelle went to the defendant while another colleague moved the children to a safe position. Michelle explained that the defendant was shouting and pointing at her, asking for a free Sunday. Michelle explained that the defendant was very rude, asking for her name shouting '**whats your fucking name**'. Michelle advised that she did not reply which made the defendant more frustrated and aggressive, shouting '**Give me your fucking club name**'. Michelle explained that she was trying to calm the defendant although she was continuing to be verbally abusive, as Michelle was trying to safeguard the children from witnessing the defendants behaviour. Michelle advised that this was not the first time that the defendant has behaved in this way and they are concerned that she will again resort to abuse and physically throwing items from her window which could result in physical injuries to staff or the children. She explained that the verbal abuse has been traumatic for those who have been subjected to this inappropriate behaviour. Michelle advised that they are scared to run lessons in the South Playground due to the defendants behaviour and can no longer safely run football lessons or activities in this playground.
27. On 24 June 2022 I attended the defendants home with PC Tivey to issue a Community Protection Warning and the Police were planning to arrest her in

relation to the Fox Primary school incident which took place on 6 February 2022. We knocked at the door but unfortunately there was no response so PC Tivey left a note with his contact details.

28. On 24/6/22 I met Mr Halloran outside of the Campden Houses while I was attending the defendants home with the Police. Whilst we discussed the plan to issue a Community Protection Warning, Mr Halloran reported that there was another incident on 22 June 2022 where the defendant was reported to be verbally abusive towards Ms Galoan. He explained that Mr Halloran and Mr Galoan had been walking down the road when the defendant began shouting abuse at Ms Galoan, calling her '**a fucking whore**' from her flat on the top floor. Later that day Mr Halloran confirmed the details of this incident in an email. Mr Halloran explained that his friend Ms Galoan is petrified to walk around the block alone as she is the continued target of abusive comments when she is faced with the defendant. He explained that they have reported it to the relevant agencies but they feel that nothing is being done.

29. On 7 July 22 I attended Kensington Police station to complete a joint interview with the defendant, PC Ben Tivey and PC Gurjit Rehill. Whilst in the interview room the Police discussed the concerning behaviour of her being verbally abusive to the children of Fox Primary school and throwing eggs. The defendant said that she did shout for the children to be quiet as she was woken up on a Sunday by the screaming and shouting and it is not fair. The defendant was visibly frustrated, she said that they have cut down the trees which blocked the school and now she has to deal with the noise from the children not just during the week but also on a Sunday. The Police discussed her response, explaining that there were very young children present who were scared by her behaviour. The defendant did not demonstrate any remorse at the children being frightened and was more concerned that she had to put up with the noise from them. PC Tivey and PC Gurjill explained to the defendant that due to this and the reported incidents of verbal abuse to Mr Halloran and Ms Galoan, a Community Protection Warning was being issued to her. The defendant became extremely frustrated she took the warning and ripped it up in the interview room, becoming very angry that her neighbour

was mentioned in this. The defendant then sat back in her seat and began to breathe, stating that she was very unhappy. I tried to calm the defendant, I explained that both housing and the Police continue to receive reports about her behaviour being abusive and constant noise which is disturbing her neighbour. I explained that I have met with her, I worked with her a lot last year and Kate to try and find a suitable way forward to resolve the issues and it did appear to go quieter following the last Community Protect Warning being issued. I explained that she did agree to speak to me about any issues and we could try to resolve them together, but she has failed to do so. I explained that her response to Fox Primary school is completely unreasonable and if she is unhappy with the noise then she does need to use the appropriate routes to resolve this such as talking to the school or contacting the local Councillor. The defendant did accept this. I advised that if she can contact me following this meeting then we can look at potential noise insulation measures that may assist with reducing the noise transference, as well as supporting her with ensuring that her music is played at a reasonable time and reasonable level. Ms Silva did not accept that her music is played unreasonably. We did discuss the option to look at a mutual exchange if she did want to move elsewhere and the defendant agreed that she would contact me. The defendant was arrested when the interview was completed and transported to Hammersmith Police Station to be formally interviewed in relation to the incident at Fox Primary School in February 22.

30. On 8th July 22 I was informed by PC Gurjhill that the defendant had denied the allegations made against her during the incident of 6th February at Fox Primary School when she was formally interviewed at Hammersmith Police station. I confirmed that she had previously admitted this to me on the phone and I would support with any statement that was required.

31. On 28 July 2022 I received an email from Mr Halloran at 06:49 reporting that he has been awake since 05:10 as he was woken by the defendant stomping and playing loud repetitive music.

32. On 5 August 2022 an email was received from Mr Halloran at 04:50 reporting that he is unable to sleep as the defendant has had her CD player on repeat all evening. He reported that yesterday and last evening the defendant was stomping and banging, turning up her player so that it was so loud that it affected her, and she then began turning it down again. Mr Halloran was upset and frustrated as all interventions have not helped this situation.
33. On 3 August 2022, I received a report that the Defendant began banging and stomping shortly after 05:00 hours which could be heard clearly within Mr Halloran's property. Mr Halloran was woken up by the noise and could not go back to sleep which left him feeling tired for the rest of the day and struggling to carry out daily tasks. On 4 August 2022, Mr Halloran had a distressing evening with the Defendant stomping and banging, then turning her radio up so loudly that it seemed to affect her, and so she would then turn it down. The music continued through the evening and night until the early hours of the morning which prevented Mr Halloran from sleeping due to the noise. At 04:50 Mr Halloran was still awake and feeling helpless so he had emailed the Claimant regarding the Defendant's behaviour.
34. On 11 August 2022, I received a report that the Defendant began stomping loudly on her floor and blaring her music so loud and again, on 12 August 2022 the Defendant was playing her music so loud that Mr Halloran could not sleep. This went on throughout the night which is why Mr Halloran had reported it to the Claimant. Similarly, I received further reports on 16th, 24th and 28 August 2022 from Mr Halloran. It was reported that the Defendant turned her music up exceptionally loud on every occasion.
35. On 31 August 2022, I received a report from Mr Halloran, that the Defendant continued to disturb him with loud music and constant banging. The Defendant continues with the anti-social behaviour, playing loud music almost every day until the present day. Mr Halloran had reported every instance thereafter.

36. In the last three months we have received reports on a near daily basis. In particular, on 5 October 2022, we received a report that the Defendant played her music on repeat throughout the night and through the next day.
37. On 20 October 2022, the Defendant was reported to have been playing her music at unreasonable levels between 5.15am and 6.15am. At 7.33pm the Defendant played further music and began stomping. This behaviour was repeated at 9pm.
38. On 21 October 2022, we received a report that the Defendant has been playing her music very loudly and had been stomping.
39. On 31 October 2022 a resident reported that Ms Silva began playing her CD player at 1am hours on repeat, it was reported to be a disco type music and was repetitive which prevented other residents from sleeping. At 6:50am the Defendant was then reported to start stomping heavily on the floor.
40. On 1 November 2022 the Defendant was reported to have been playing loud music at 7:30am which woke another resident and prevented him from resting within his home. The music was reported to continue throughout the morning.
41. On 2 November 2022 a resident reported that the Defendant began playing her music at 6:10am and this continued throughout the morning.
42. On 5 November 2022 Mr Halloran reported that his night was again disturbed as the Defendant began playing disco music at 3am which continued throughout the morning.
43. On 7 November 2022 Mr Halloran reported that Ms Silva was playing her radio loudly which could be heard within his home. It was reported that the music began at 4am hours and woke Mr Halloran from his sleep. Mr Halloran reported that he was disturbed throughout the night and then at 7am Ms Silva turned the music up full blast and began heavily stomping which was thumping on his ceiling.

44. On 11 November 2022 I messaged the Defendant to see if she would reconsider working with us to test her flooring and see if we could assist with noise insulation to reduce the ongoing concerns about noise. The Defendant again refused this stating that she had installed £1200 worth of sound installation and feels that she has made all reasonable requirements to reduce sound transference. The defendant also refused to meet or engage with me to discuss the ongoing anti-social behaviour reports and find a suitable solution to resolve the matter.
45. On 14 November 2022 Mr Halloran reported that he was woken at 3am as the Defendant began playing 'Over the Rainbow' at an unreasonable level which could be heard clearly from Mr Halloran's home. The music was reported to continue all night and at 8am the Defendant was reported to begin rhythmic stomping.
46. On 15 November 2022 Mr Halloran reported that at 5:58am the Defendant began playing loud and repetitive music, banging and thumping within the kitchen area.
47. On 18 November 2022 Mr Halloran reported that the Defendant began playing her radio from 7am which could be heard from within his home, and this continued throughout the morning. It was also reported that later on in the evening the Defendant flooded her kitchen and the water began dripping into Mr Halloran's home. Mr Halloran reported that after the leak the Defendant then turned her volume up to her music.
48. On 20 November 2022 Mr Halloran reported that the Defendant began playing her radio at an unreasonable level from 4:22am. This was reported to have woken him from his sleep with the music continuing until 7am when the Defendant is reported to have begun heavily stomping on the ceiling.
49. On 24 November 2022 Mr Halloran reported that the Defendant began playing loud music which began before 7am. It was also reported that she began heavily stomping on her floor from approximately 8.11am.

50. Also on 24 November 2022, Mr Halloran reported that at 18:27 that evening Ms Anna-Maria Galoan was coming out of the lift in block 6 on the ground floor. The Defendant was waiting for the lift and abused Ms Galoan, calling her an old whore and an ugly bitch, she then continued to laugh. Mr Halloran reported that Ms Galoan was very shaken up by this incident.
51. On 25 November 2022 Mr Halloran reported that he was again woken, and his morning disturbed from 7am due to the Defendant's loud stomping and loud music which sounded like it was on repeat. This incident was reported to cause even more distress, particularly to Ms Galoan, following the verbal abuse she had experienced from the Defendant earlier that day.
52. On 27 November 2022 Mr Halloran reported that the Defendant began heavily stomping on her flooring which was pounding on his ceiling, she then went thumping in every room and Mr Halloran felt like he could not escape the noise inside his home.
53. On 30 November 2022 Mr Halloran reported that the Defendant had began at 6.45am with loud banging, stomping and loud rap music which went on all morning and caused constant disturbance to his morning.
54. On 1 December 2022 I received a report from Mr Halloran reporting that the Defendant's music had began at 5am with heavy loud stomping. Mr Halloran reported that this incident was unusually unpleasant even compared to the usual early disturbances.
55. On 25 December 2022, I received a report that the Defendant began stomping and playing her music loud, this disturbed Mr Halloran Christmas day. Mr Halloran reported that he could smell a strong smell of cannabis and suspected that this could have been coming from the Defendant's home as she lives directly above Mr Halloran and that there was no other smell from the flat directly in front. Mr Halloran was disturbed significantly on this day due

to the ongoing nuisance and complete disregard for how her behaviour affects her neighbour who lives directly below her.

56. On 28 December 2022, I received a report that, the defendant began violently stomping on the floor. The Defendant was stomping so hard that she dislodged Mr Halloran's glass lamp which fell from his ceiling and just missed his head. This left Mr Halloran feeling completely shaken, if this had have hit his head, he could have been seriously injured. Mr Halloran reported this to the Police as he felt the Defendant's behaviour is targeted at him and this is completely unacceptable. The Police reference is CAB2150, however they did not attend and have not contacted Mr Halloran further in relation to this matter.
57. On 2 January 2023, I had received further reports of anti-social behaviour from Mr Halloran and throughout the month as the Defendant continues to cause disturbance from loud stomping on her flooring and loud music, during the early morning.
58. On 2 February 2023 a further report was received from another resident within the block of Campden Houses. It was reported that the resident had continued to be disturbed by the defendant due to her music so she knocked on her door to ask that she turns the music down so that residents can have some peace.
59. On 6 February 2023, I received a report of anti-social behaviour which was targeted at Fox Primary school. It was reported that at approximately 14:30 hours the defendant was shouting from her property at the children from the school, swearing and telling them '**to be fucking quiet**'. A male member of staff reminded her that it was a school and playground where there would be noise from children during this time. The defendant shouted so loud that members of staff heard this and confronted her and the young children within the school also witnessed the defendants behaviour. As there is a Community Protection Warning in place due to the defendants abusive behaviour towards

the school, I reported this to PC Gomm, the local Safer Neighbourhood Teams Police Officer.

60. On 26 February 2023, I received a response from PC Gomm who informed me that he is planning to serve the defendant with a Community Protection Notice as she has breached the Community Protection Warning that was issued. PC Gomm explained that the defendant has failed to engage with Police and shows no intention of changing her position. PC Gomm explained that he is very concerned about her behaviour towards the children of Fox Primary school and will be attending the school to discuss the defendant's behaviour with them further. I agreed to discuss the case further with him on 1st March 2023.

Defendant's Circumstances

61. On 6 December 2022 I contacted John Duguid, Adult Safeguarding Manager for the NHS Kensington and Chelsea to see if the Defendant was engaging with any services, confirm any diagnosis and raise concerns about the anti-social behaviour. John Duguid has confirmed that the Defendant has been known intermittently since 2008, mostly to psychology and psychotherapy however, there has been no local Mental Health Services contact since August 2021.

62. Ms Silva is known to have struggles with anxiety and has previously engaged with mental health services and MIND. John Duguid, Mental Health Adult safeguarding lead has not confirmed any formal diagnosis but has confirmed that her engagement with the service has been for psychological/psychotherapy support. This has stopped due to non-engagement, although the cognitive behaviour therapy sessions were due to finish around the time of disengagement.

63. Ms Silva has disclosed previously that she struggles to sleep at night and many of the reports appear to begin during the early hours of the morning. I have attempted to engage with her to make an agreement about when to

have the music on and see if we could assist with property improvements to reduce noise transference, however Ms Silva has refused to engage with this.

64.I have made attempts to engage with Ms Silva to look at property improvements to assist with some of the noise transference and make a formal agreement regarding her behaviour and music, however she has refused to engage.

65.The Police have also been involved having issued a Community Protection Warning in April 2021 and again in July 2022. In addition, the Claimant has daily reported of noise nuisance and thumping which neighbours of the Defendant, feel it is done intentionally.

66.The Defendant has been warned about her behaviour, but she has ignored the warnings and seems only intent on causing noise nuisance for her neighbours. The Claimant has a duty to protect its residents and to ensure that they are able to live peacefully and comfortably in their home. It is not appropriate or acceptable for the Defendant to be causing noise nuisance or threatening her neighbours. Therefore, I respectfully ask the Court to make an injunction to prevent this behaviour.

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 1 March 2023.....

