

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ROYAL COURTS OF JUSTICE**

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222, Local Government Act 1972, s.130, Highways Act 1980 and section 17 of the Crime and Disorder Act 1998.**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**and**

- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALISON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (14) JOHN SMITH**
- (15) BEN TAYLOR**
- (17) ANTHONY WHITEHOUSE**
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**
- (20) JOHN JORDAN**

**Defendant**

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**CORE BUNDLE**

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# Application notice

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

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<b>Name of court</b>	<b>Claim no.</b>
<b>Fee account no.</b> (if applicable)	<b>Help with Fees – Ref. no.</b> (if applicable)
	<b>H W F</b> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
<b>Warrant no.</b> (if applicable)	
<b>Claimant's name</b> (including ref.)	
<b>Defendant's name</b> (including ref.)	
<b>Date</b>	

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

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

If you are a legal representative whom do you represent?

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

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

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

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

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

9. Who should be served with this application?

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

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

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

If necessary, please continue on a separate sheet.

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

## Signature

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

## Date

Day

Month

Year

Full name

Name of applicant's legal representative's firm

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

Applicant's address to which documents should be sent.

Building and street

Second line of address

Town or city

County (optional)

Postcode

If applicable

Phone number

Fax number

DX number

Your Ref.

Email



**Claim No:**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**In the Matter of an Application for an Injunction under s.222, Local Government Act 1972, s130(5) Highways Act 1980 and s.1, Localism Act 2011**

**B E T W E E N**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**and**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALISON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (12) HOLLY ROTHWELL**
- (13) ELIZABETH SMAIL**
- (14) JOHN SMITH**
- (15) BEN TAYLOR**
- (16) JANE THEWLIS**
- (17) ANTHONY WHITEHOUSE**
- (18) ANDREW WORSLEY**

**(19) PERSONS UNKNOWN WHO ARE ORGANISING,  
PARTICIPATING IN OR ENCOURAGING OTHERS TO  
PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION  
AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE  
KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

**Defendants**

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## PARTICULARS OF CLAIM

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### **The Claimant**

1. The Claimant is a local authority within the meaning of section 270(1), Local Government Act 1972; section 8(1), Localism Act 2011; section 44(1) Local Government (Miscellaneous Provisions) Act 1976, and s.17(3) of the Crime and Disorder Act 1998. It is a council and a local authority within the meaning of s.329, Highways Act 1980.
  
2. Section 222, Local Government Act 1972 confers power upon a local authority to prosecute, defend or appear in legal proceedings, and to institute civil proceedings in its own name, where the authority considers it expedient to do so for the promotion or protection of the interests of the inhabitants of its area. The Claimant considers that the injunctive relief sought in these proceedings is expedient for such purposes.
  
3. Section 111, Local Government Act 1972 confers power upon a local authority to do anything which is calculated to facilitate, or is conducive to or incidental to, the discharge of any of its functions.
  
4. By section 130(2) and (5), Highways Act 1980, any council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the highway authority, including any roadside waste which forms part of it. A council may, without prejudice to its powers under section 222, 1972 Act, in the performance of its functions under s.130(2), institute legal proceedings in its own name, defend any legal proceedings and generally take such steps as its deems expedient.
  
5. Section 1, Localism Act 2011 confers power on a local authority to do anything that individuals, with full capacity, generally may do, in any way

whatever and unlimited by the existence of any other power of the authority which to any extent overlaps the general power.

6. By section 17, Crime and Disorder Act 1998, the Claimant is under a statutory duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.

### **Kingsbury Oil Terminal**

7. Kingsbury Oil Terminal (the “Terminal”), is situated adjacent to Trinity Road and Piccadilly Way, Kingsbury, Tamworth B78 2HA, on the outskirts of the residential town of Kingsbury, North Warwickshire. Its location is shown, edged in blue, on the map annexed hereto at Schedule 1.
8. The Terminal is the largest inland oil storage depot in the United Kingdom. The 3 main operators at the Terminal are Valero Energy Limited, Essar Oil UK and Shell UK Limited.
9. The Terminal is an upper tier site for the purposes of the Control of Major Accident Hazards Regulations 2015, as it includes 50 storage tanks with a storage capacity of around 405 million litres of flammable liquids, including unleaded petrol, diesel, and fuel additives. The Terminal is pipeline fed and there are eight vehicle loading gantries, which allow approximately 220 daily road loadings.
10. Operators at the Terminal are therefore required to have and keep under review, major accident prevention policies, safety reports and emergency plans (internal and external).
11. In addition, Warwickshire Fire and Rescue Service has prepared an operation plan for the Terminal. The said plan provides *inter alia* for “controlled items” (mobile phones, cigarettes, lighters, paging units, matches etc.) that must be handed in at the Terminal Control Room and

may not be carried or used within the Terminal due to the potential presence of explosive atmospheres.

### **The Defendants**

12. Between 1 April 2022 and 10 April 2022, the Defendants have engaged, in the locality of the Terminal, in protests against the production and use of fossil fuels. Such protests have been characterised by disorder, breaches of the criminal law and public nuisance, including unlawful attempts to obstruct the activity of the Terminal and that of its distribution partners. The protests are believed currently to be organised by individuals or groups operating under the auspices of 'Just Stop Oil', which is a loose coalition of individuals and protest groups working together with the aim of ensuring that the Government commits to halting new fossil fuel licensing and production.
13. The First to Eighteenth Defendants have been arrested by Police due to their conduct while participating in one or more of the protests that have taken place at the Terminal, particularised at paragraphs 12-23 below.
14. The participants in the said protests are transient and mobile. The highly transient nature of the protesting community renders it difficult for the Claimant or the police to identify participants in any significant numbers, unless they have been arrested. Different participants attend different protests in different locations, and in large numbers. If one group only were to be subjected to injunctive relief, this would make little practical difference to the problem as other people would simply attend in its place.
15. Accordingly, it has not been possible to identify participants and spectators in sufficient numbers and with sufficient particularity to take proceedings against named individuals at this stage, other than the First to Eighteenth Defendants.



### The Alleged Conduct

16. The Defendants attend the Terminal at all hours of the day and night with the aim of causing serious disruption to its operations. In doing so, they are engaging in tortious and criminal behaviour which is both anti-social and dangerous and which amounts to a public nuisance.

### **PARTICULARS**

- a. Gluing themselves to the carriageway providing access to the Terminal, thereby causing nuisance and creating a danger to road users and themselves.
- b. Breaking into the Terminal compound by sawing through gates, thereby causing damage to, and trespassing on private land.
- c. Using mobile phones within the Compound to make video films of their activities, including while standing on top of oil tankers and storage tanks and next to fuel transfer equipment, thereby endangering public safety and causing a significant risk of fire and / or explosion.
- d. Attempting to access the Terminal compound by abseiling from a road bridge.
- e. Climbing onto storage tanks containing unleaded petrol, diesel, and fuel additives, thereby trespassing and causing a risk of fire and explosion.
- f. Interfering with oil tankers, including by scaling and affixing themselves onto the roof, and by letting air out of the tyres.
- g. Attempting to burrow under the highway serving the Terminal, close to pipelines serving the terminal, thereby causing nuisance and a risk to public safety, damaging the Claimant's land, and creating a danger to road users and themselves.

- h. Obstructing the public highway and the entrances to the Terminal.
  - i. Causing obstruction to the business of the Terminal, and thereby the supply of fuel to petrol forecourts across the West Midlands.
  - j. Creating a real risk of harm both physical and psychological to other highway users, employees of the Terminal, the emergency services, and local residents
  - k. Creating a public nuisance and annoyance.
1. Breaching bail conditions requiring them to stay away from the Terminal

17. On 05:00 on 01 April 2022, the Fifth, Thirteenth, Fourteenth, Seventeenth and Eighteenth Defendants were arrested on suspicion of conspiracy to cause public nuisance. Later that day, approximately 40 Defendants arrived at the Terminal, glued themselves to the road and sat in the main entrance roadway. This forced traffic to a standstill and allowed the protestors to climb onto the oil tankers. The Seventh Defendant was arrested on suspicion of vehicle interference for letting air out of the tyres of the stationary lorries. As a result, distribution operations at the site were suspended until 20:30, by which point 42 arrests had been made.

18. At approximately 19:30 on 02 April 2022, 40 protestors attended the Terminal. They blocked the main entrance, glued themselves to the carriageway, and locked onto each other. A number of the protestors also climbed on top of oil tankers. As a result of this protest, distribution operations were suspended at the site. The Defendants remained on the site until 00:00 on 03 April 2022 before dispersing. A total of 68 arrests were made as a result of this protest.

19. At 05:40 on 05 April 2022, 4 Defendants were arrested at the Terminal for offences under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992.
  
20. At 07:30 on 05 April 2022, 20 Defendants attended the Terminal, locked onto each other, and glued themselves to the carriageway. The Twelfth and Sixteenth Defendant sat on top of fuel tanker vehicle VRM MV70VNW, causing the vehicle to remain stationary, thereby obstructing the road. The police arrested the Twelfth and Sixteenth Defendant on suspicion of vehicle interference and criminal damage, and the Second and Third Defendant on suspicion of an offence under section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992. 6 other Defendants were also arrested.
  
21. At 11:30 on 05 April 2022, a second wave of 40 Defendants targeted Junction 9 and Junction 10 of the M42, where they climbed aboard oil tankers as they moved slowly off the slip roads. Operations at the Terminal were suspended for a third time, and the resulting tailbacks encroached on the M42. The police were unable to regain control until 14:30 at which point 78 arrests had been made.
  
22. At 00:30 on 07 April 2022, a small group of Defendants approached the main entrance to the Terminal and attempted to glue themselves to the carriageway. When the Police were deployed to remove these Defendants, a second group of 40 Defendants approached the Terminal from the fields to its rear. They used a saw to break through an exterior gate, and then scaled the fences to access the compound. Once on site, the Defendants locked themselves onto to a number of different fixtures including:
  - (i) The tops of three large fuel storage tanks containing unleaded petrol, diesel and fuel additives,
  - (ii) Two insecure cabs of fuel tankers
  - (iii) The tops of two fuel tanker
  - (iv) The floating roof a large fuel storage tank
  - (v) A half-constructed fuel storage tank

23. As a result of this protest, a large policing operation was initiated, utilising a variety of specialist teams and working alongside staff from the Terminal and the fire service. That notwithstanding, the Terminal was not clear of Defendants until approximately 17:00 hours. 127 arrests were made on this occasion, including of the Second and Third Defendant for aggravated trespass.
  
24. At 10:50 on 09 April 2022, 4 Defendants attempted to glue themselves to the carriageway at the main entrance of the Terminal. Three were arrested immediately. Thereafter the First Defendant was arrested for trying to abseil from a road bridge at the junction of Pitt Hill into the north side of the Terminal site.
  
25. At 15:30 on 09 April 2022, the Defendants deposited a caravan to the side of the road on Piccadilly Way, which is a road to the south of the Terminal. 20 Defendants glued themselves to the sides and top of the caravan, whilst further Defendants attempted to dig a tunnel under the road via a false floor inside the caravan. The approximate dimensions of this tunnel are 700m x 700m square with a depth of 1.2 metres.
  
26. At 02:00 on 10 April 2022, the police entered the caravan and arrested six Defendants including the Fourth, Sixth, Tenth and Eleventh Defendants. A further 22 Defendants were arrested from outside the caravan.
  
27. That notwithstanding, Defendants continued to target the site throughout 10 April 2022. Their conduct included scaling tankers and gluing themselves to the carriageway. By the end of the day 180 arrests had been made.
  
28. This conduct is tortious and constitutes a public nuisance. It is also criminal, but the criminal law is unable to provide adequate remedies to control it.

### Effect of the Alleged Conduct

29. The aforementioned conduct is tortious, criminal and constitutes a public nuisance. The protests have caused, and continue to cause, a significant nuisance, disturbance, annoyance and expense to residential occupiers and the commercial activities of the Terminal, both of which are situated within the Claimant's area.

### **PARTICULARS OF HARM, LOSS AND DAMAGE**

- a. The presence of the Defendants within the Terminal, using mobile phones, poses a serious risk of fire and / or explosion involving up to 405 million litres of flammable liquids.
- b. The Terminal has had to cease operations on several occasions due to the risk posed by unauthorised persons within the compound, causing financial loss.
- c. Drivers of lorries accessing the Terminal have been caused nuisance by the Defendants scaling and locking onto their vehicles.
- d. Petrol forecourts across the West Midlands region have suffered fuel shortages. As a result, the Claimant has given mutual aid to Nuneaton and Bedworth Borough Council due to fuel shortages in order to allow essential statutory services to keep running.
- e. Warwickshire County Council has suffered damage to its land, the cost of dealing with which has been £3,189.95. Those costs account for the attendance at the land by a County Highways Officer out of hours, attendance at the land by Balfour Beatty, the costs involved in arranging for the land to be closed on an emergency basis and for works to remedy the damage caused to Highway land both temporarily and permanently.

- f. People living, working and travelling in the district, including residents nearby the Terminal, have been adversely affected by road closures, and the significant police operations.
- g. All those within the Claimant's borough are at risk in the event of any major emergency or incident at the Terminal.

**Alternative Remedies Sought**

30. The Claimant, Valero Energy Limited (a stakeholder in the Terminal) and the Warwickshire Police, have attempted to prevent or curtail the risk to public safety of activities described above. The following principal steps have been taken but have not been effective to prevent or even curtail the conduct complained of.

**PARTICULARS**

- (i) An injunction was obtained by Valero Energy Limited on 21 March 2022, in respect of various sites on which they operate in the UK. That injunction related only to part of the Terminal, that part being the area within which Valero operates. An amended interim order was made on 11 April 2022, covering the same part of the Terminal.
- (ii) On 11 April, the Court made a non-party disclosure order against *inter alia* the Chief Constable of Warwickshire Police, requiring the disclosure to Valero of the names of protestors who have been arrested in order to aid enforcement of the Injunction. As a private litigant, however, Valero are unable to obtain a power of arrest attached to its Order. Paper committal is therefore the only available means of enforcement even where Defendants can be identified.
- (iii) To date, Valero's injunction has not proven effective to stop the behaviour complained of. Indeed, the behaviour and public nuisance has worsened since 21 March, leading the authority to

bring this claim. Valero supports the Claimant in making this claim.

- (iv) Warwickshire Police have drawn officers from across the force, and other regional forces, to police the Terminal day and night. 180 arrests have been made as a result of the Defendants actions, and those arrested have been released under investigations or, in some case, on conditional bail. Those arrested and released have in many cases participated in further protests at the Terminal and have been arrested again, in some cases more than once (including the Second and Third Defendants).
- (v) The Police have concluded that their powers under the criminal law are insufficient to prevent further public nuisance and criminal acts or to protect the public. The resource implications for the police in relation to the current level of policing the protests at the terminal are very considerable and they support this application.
- (vi) While the Claimant in principle has power to make a Public Spaces Protection Order under the Anti-social Behaviour Crime and Policing Act 2014, Part 4 Chapter 2, the process for doing so is lengthy and involves public consultation. The sanction for breach is financial only, usually resulting in a fixed penalty notice or prosecution, the former of which is unlikely to provide any deterrent and the latter of which is a lengthy process. This matter is urgent and the Claimant does not consider a PSPO to provide any realistic alternative to this Claim.

31. Accordingly, the Defendants threaten and intend to continue the behaviour complained of unless restrained by this Court.

32. Further, for the reasons set out above, the Claimant believes that the conduct complained of includes a significant and immediate risk of harm

to the inhabitants of its borough, local residents, workers at or visiting the Terminal, other road users, police and council officers and members of the public, so that it is necessary for a power of arrest pursuant to s.27, Police and Justice Act 2006 to attach to paragraph 1 of the draft injunction attached to these Particulars of Claim.

33. The Claimant has undertaken proportionality and equality impact assessments under the Human Rights Act 1998 and the Equality Act 2010, and considers that the relief sought in this claim is necessary, proportionate, justified and appropriate, and in conformity with the rights of protestors under the human rights and equality legislation.

**AND THE CLAIMANT CLAIMS:**

1. Injunctive relief and powers of arrest.
2. Interim injunctive relief and powers of arrest in the form of the attached draft Orders.
3. Further or other relief
4. Costs.

**JONATHAN MANNING**  
**CHARLOTTE CROCOMBE**

Dated: 13 April 2022

**STATEMENT OF TRUTH**

I believe(s) that the facts stated in this Particulars of Claim 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: *Annie Ryan*  
Position: *Principal Solicitor, NWBC*

Date: *13/4/22*



**IN THE HIGH COURT OF JUSTICE**  
**ROYAL COURTS OF JUSTICE**  
**KING'S BENCH DIVISION**

**In the matter of an application for an injunction under s.222, Local Government Act 1972**  
**s.130(5), Highways Act 1980 and s.1, Localism Act 2011.**

BETWEEN

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

and

(2) THOMAS BARBER  
(3) MICHELLE CADET-ROSE  
(4) TIMOTHY HEWES  
(5) JOHN HOWLETT  
(6) JOHN JORDAN  
(7) CARMEN LEAN  
(8) ALYSON LEE  
(9) STEPHEN PRITCHARD  
(10) AMY PRITCHARD  
(11) PAUL RAITHBY  
(14) JOHN SMITH  
(15) BEN TAYLOR  
(17) ANTHONY WHITEHOUSE  
(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR  
ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE  
PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE  
KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH, B78 2HA  
(20) JOHN JORDAN  
AND 108 OTHERS LISTED AT SCHEDULE 1

**Defendants**

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**FINAL INJUNCTION ORDER**

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## PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

On the 11-13 June 2024, before [JUDGE], sitting in the High Court of Justice at Royal Courts of Justice, Strand, London, WC2A 2LL, the Court considered an application by the Claimant for a final injunction.

**UPON** hearing counsel Mr Manning and Ms Crocombe for the Claimant, [and [NAME] [in person]],

**AND UPON** there being no appearance by any other person and neither the Court nor the Claimant having received any notification that any other person wished to be joined as a party or heard.

**AND UPON** the Court considering an application for a final injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981.

**AND UPON** the Court concluding that there is a compelling need for the prohibition of public nuisance, the protection of the rights of others and the enforcement of the law by means of the grant of the injunction sought, which is not currently being adequately met by any other remedy available to the Claimant.

**AND UPON** the Claimant having brought to the attention of the Court such matters as were raised on behalf of the 19<sup>th</sup> Defendant at the inter partes hearing on 5 May 2022 when the interim injunction and power of arrest were granted and such other matters as the Defendants might wish to raise by way of opposition to the making of the order.

**AND UPON** the Court considering that it is just and convenient and proportionate in all the circumstances that an injunction ought to be made.

**AND UPON** the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by the Injunction Order and that a Power of Arrest should therefore be granted.

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest taking place outside the Terminal.

**AND UPON** it appearing to the Court that the means of notifying the 19th Defendant of the making of this injunction Order and the attached Power of Arrest set out at Schedule 3 to this Order are appropriate and sufficient, or, in the alternative that there is good reason to authorise service of this Order and Power of Arrest by the alternative means set out at Schedule 3 pursuant to CPR rr.6.15, 6.27 and 81.4(ii)(c) and (d).

**AND UPON** the Court accepting good service of the:

- (a) Interim Injunction and Power of Arrest as set out in the judgment of Her Honour Judge Emma Kelly in *NWBC v Litten and others* [2022] EWHC 2777 (KB) at [31],
- (b) Order of Soole J dated 6 December 2023 as amended on 22 January 2024 as set out in the Witness Statements of Steven Maxey dated 18 January 2024 and 5 June 2024, and
- (c) Notice of Trial dated 19 April 2024 as set out in the Witness Statement of Josephine Pryse-Hawkins dated 5 June 2024.

## **IT IS ORDERED THAT**

1. The Defendants **SHALL NOT** (whether by themselves or by instructing, encouraging or allowing any other person):

- (a) Organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 2.

(b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:

- (i) entering or attempting to enter the Terminal,
- (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal,
- (iii) obstructing any entrance to the Terminal,
- (iv) climbing onto or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks),
- (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land,
- (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks),
- (vii) erecting any structure,
- (viii) abandoning any vehicles which blocks any road or impedes the passage of any other vehicles on a road or their access to the Terminal,
- (ix) digging holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads,
- (x) abseiling from bridges or from any other building, structure or tree on land, or
- (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.

2. A power of arrest, pursuant to section 27 of the Police and Justice Act 2006 shall apply to paragraph 1(a) and (b) above.
3. This Order and power of arrest shall come into force at 16:00 on [DATE] and remain in force until 16:00 on 13 June 2027 unless previously varied or discharged by further Order of the Court.

### **Review Hearings**

4. There shall be annual hearings to review the operation of this injunction and power of arrest, the first of which is to be held on [DATE] at [TIME] at [LOCATION]. The time estimate is 1 day.

### **Liberty to Apply**

5. Any person served with a copy of, or affected by, this Order by apply to the Court to vary or discharge it on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

### **Service**

6. Pursuant to CPR rule 6.38, the Claimant has permission to serve this Order and Power of Arrest on the 142<sup>nd</sup> Defendant outside of the jurisdiction.
7. Pursuant to CPR Rules 6.15, 6.27 and 81.4(2)(c) and (d), the Claimant shall be permitted to serve this Order and Power of Arrest:
  - (a) On the Defendants numbered 2, 3, 7, 22, 23, 29, 30, 32, 36, 37, 38, 42, 43, 49, 50, 53, 56, 58, 59, 60, 61, 69, 70, 71, 72, 75, 79, 82, 83, 86, 91, 92, 97, 99, 100, 101, 103, 105, 110, 114, 117, 118, 119, 121, 122, 124, 125, 127, 128, 129, 130, 131, 136, 138, 141, 143, 145, 146, 151, 156, and 157, by the alternative method of recorded first class post.
  - (b) On the Defendants numbered 4, 6, 8, 9, 10, 11, 17, 20, 24, 25, 28, 33, 34, 40, 44, 46, 48, 55, 68, 76, 78, 81, 84, 85, 88, 90, 93, 94, 98, 102, 104, 106, 107, 108, 111, 113, 115, 120, 123, 135, 137, 139, 150, 152, 153, and 158 by email,
  - (c) On the Defendants numbered 5, 14, 15, 19, 31, 62, 64, 73, 77, 87, 109, 112, 142 and 155 by the alternative methods specified at Schedule 3 to this Order.
8. The deemed date of service of this Order and Power of Arrest on the Defendants numbered 5, 14, 15, 19, 31, 62, 64, 73, 77, 87, 109, 112, 142 and 155 shall be the date of completion of the steps described in paragraph 1 of Schedule 3 to this Order. The completion of those steps is to be verified by a witness statement or certificate of service to be filed at Court and uploaded to the Claimant's dedicated webpage referred to at para.1(iii) of Schedule 3 to this Order within 7 days of completing those steps. Service of the said witness statement on the Defendants is dispensed with.
9. The Interim Injunction dated 9 May 2022 and the power of arrest dated 5 May 2022 made by the Honourable Mr Justice Sweeting shall stand discharged once paragraph 7 has been complied with.

10. [Reservice of the Claim Form and Particulars of Claim is dispensed with]

11. Service of amended claim documents, injunction and power of arrest on existing defendants is dispensed with hereafter in all cases where the only amendment is the addition of a new defendant pursuant to paras 2 and 3 of Schedule 3 to this Order (i.e. enforcement proceedings against the 19<sup>th</sup> Defendant).

#### **Costs**

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

#### **THE CLAIMANT'S CONTACT DETAILS**

**North Warwickshire Borough Council, Legal Services**

**The Council House  
South Street**

**Atherstone  
Warwickshire CV9 1DE**

**Email: [markwatkins@northwarks.gov.uk](mailto:markwatkins@northwarks.gov.uk)**

**[anniervan@northwarks.gov.uk](mailto:anniervan@northwarks.gov.uk)**

## SCHEDULE 1

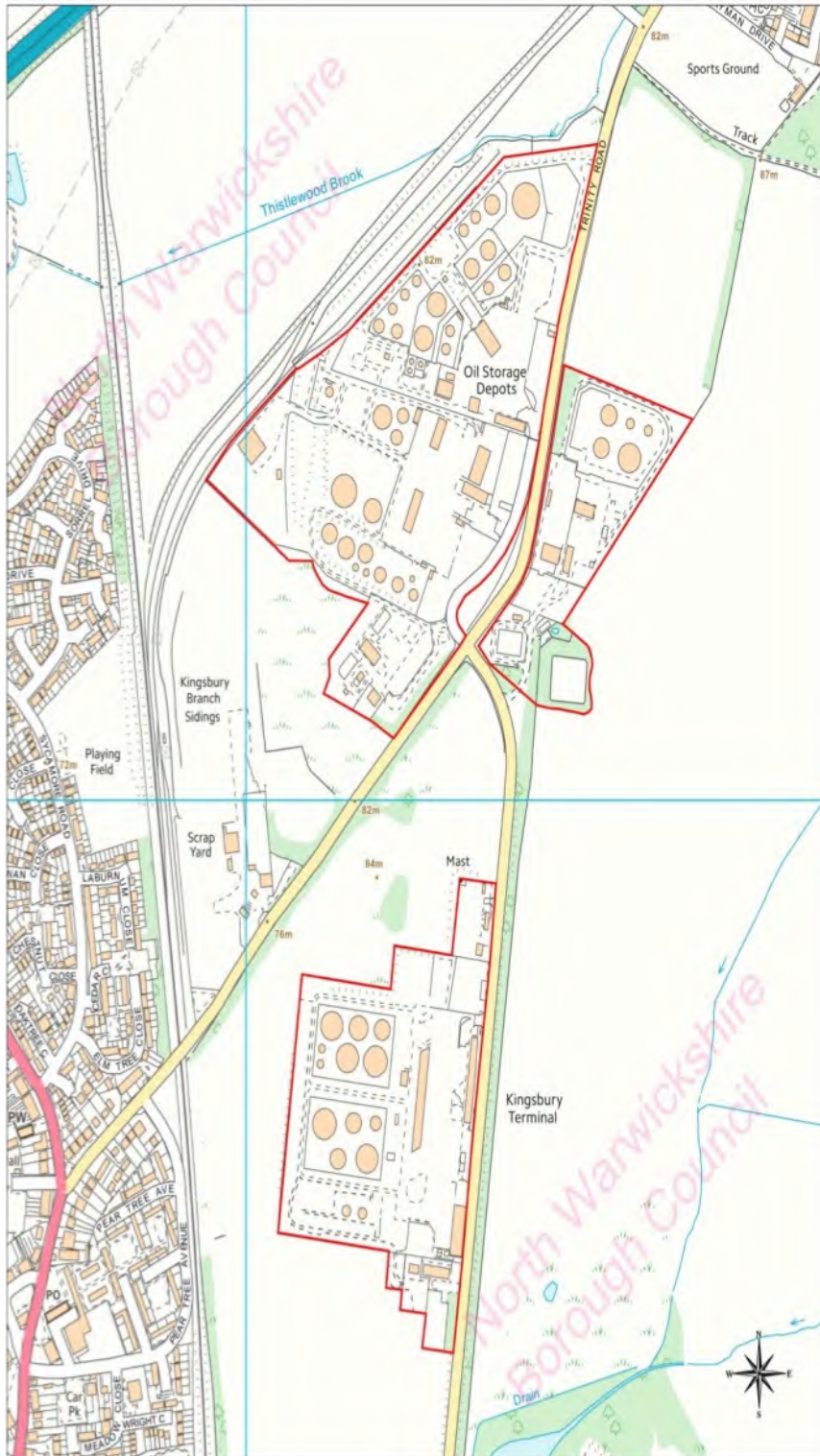
- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
- (28) PAUL BELL
- (29) PAUL BELL
- (30) SARAH BENN
- (31) RYAN BENTLEY
- (32) DAVID ROBERT BERKSHIRE
- (33) MOLLY BERRY
- (34) GILLIAN BIRD
- (36) PAUL BOWERS
- (37) KATE BRAMFITT (38) SCOTT BREEN
- (40) EMILY BROCKLEBANK
- (42) TEZ BURNS
- (43) GEORGE BURROW
- (44) JADE CALLAND
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- (56) STEPHEN EECKELAERS
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- (73) JAKE HANDLING
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- (84) RUTH JARMAN
- (85) STEPHEN JARVIS
- (86) SAMUEL JOHNSON
- (87) INEZ JONES
- (88) CHARLOTTE KIRIN

(90) JERRARD MARK LATIMER  
(91) CHARLES LAURIE  
(92) PETER LAY  
(93) VICTORIA LINDSELL  
(94) EL LITTEN  
(97) DAVID MANN  
(98) DIANA MARTIN  
(99) LARCH MAXEY  
(100) ELIDH MCFADDEN  
(101) LOUIS MCKECHNIE  
(102) JULIA MERCER  
(103) CRAIG MILLER  
(104) SIMON MILNER-EDWARDS  
(105) BARRY MITCHELL  
(106) DARCY MITCHELL  
(107) ERIC MOORE  
(108) PETER MORGAN  
(109) RICHARD MORGAN  
(110) ORLA MURPHY  
(111) JOANNE MURPHY  
(112) GILBERT MURRAY  
(113) CHRISTIAN MURRAY-LESLIE  
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(145) HANNAH TORRANCE BRIGHT  
(146) JANE TOUIL  
(150) SARAH WEBB  
(151) IAN WEBB  
(152) ALEX WHITE



- (153) WILLIAM WHITE**
- (155) LUCIA WHITTAKER-DE-ABREU**
- (156) EDRED WHITTINGHAM**
- (157) CAREN WILDEN**
- (158) MEREDITH WILLIAMS**

## SCHEDULE 2



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Ordnance Survey 100017910



**North Warwickshire  
Borough Council**



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date:	06/05/2022
Scale:	1:5000

### SCHEDULE 3

1. Service of this Injunction and Power of Arrest on Defendants numbered 5, 14, 15, 19, 31, 62, 64, 73, 77, 87, 109, 112, 142 and 155 shall be effected by:
  - (a) Placing signs informing people of:
    - (i) This Order and power of arrest and the area in which they have effect, and
    - (ii) Where they can obtain copies of the trial bundles in prominent locations along the boundary of the Terminal.
  - (b) Placing a copy prominently at the entrances to the Terminal,
  - (c) Posting a copy and the trial bundles on its dedicated webpage for these proceedings,
  - (d) Publicising the Order, power of arrest and the link through which they can be obtained using the Claimant's Facebook and X (formerly Twitter) accounts and any other social media platforms with which the Claimant has an account,
  - (e) Using its best endeavors to ensure that a link to those documents is posted on the local police social media accounts.
  - (f) Posting a link to those documents to the Facebook and X (formerly Twitter) accounts of Just Stop Oil.
  - (g) Emailing a link to those documents to:
    - (i) [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
    - (ii) [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)
  - (h) Any other like manner as the Claimant may decide to use in order to bring the documents to the attention of the Defendants and other persons likely to be affected.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
  - (a) A copy of the Trial Bundles
  - (b) A copy of this Order and power of arrest.
3. In the case of the 19<sup>th</sup> Defendant, the Court will consider whether to join the person served with the proceedings as a named Defendant and whether to make any further Order.

Signed: [JUDGE]

Date: [DATE]

IN THE HIGH COURT OF JUSTICE

ROYAL COURTS OF JUSTICE

KING'S BENCH DIVISION

In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

- (2) THOMAS BARBER
  - (3) MICHELLE CADET-ROSE
  - (4) TIMOTHY HEWES
  - (5) JOHN HOWLETT
  - (6) JOHN JORDAN
  - (7) CARMEN LEAN
  - (8) ALYSON LEE
  - (9) STEPHEN PRITCHARD
  - (10) AMY PRITCHARD
  - (11) PAUL RAITHBY
  - (14) JOHN SMITH
  - (15) BEN TAYLOR
  - (17) ANTHONY WHITEHOUSE
  - (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH, B78 2HA
  - (20) JOHN JORDAN
- AND 108 OTHERS LISTED AT SCHEDULE 1

Defendants

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SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION  
POWER OF ARREST  
UNDER SECTION 27, POLICE AND JUSTICE ACT, 2006

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The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraphs of an order made on [DATE].

1. The Defendants **SHALL NOT** (whether by themselves or by instructing, encouraging or allowing any other person):
  - (a) Organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 2.
  - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
    - (i) entering or attempting to enter the Terminal,
    - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal,
    - (iii) obstructing any entrance to the Terminal,
    - (iv) climbing onto or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks),
    - (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land,
    - (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks),
    - (vii) erecting any structure,
    - (viii) abandoning any vehicles which blocks any road or impedes the passage of any other vehicles on a road or their access to the Terminal,
    - (ix) digging holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads,
    - (x) abseiling from bridges or from any other building, structure or tree on land, or
    - (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.

**Power of Arrest** The court thinks that there is a significant risk of harm to a person. A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

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**This Power of Arrest** **This power of arrest shall come into force at 16:00 on [DATE] and remain in force until 16:00 on 13 June 2027 unless previously varied or discharged by further Order of the Court.**

---

**Note to the Arresting Officer** Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—
  - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
  - (b) a judge of the county court, if—
    - (i) the injunction was granted by the county court, or
    - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
  - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
- In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.

- The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

---

**Ordered by:** [JUDGE]

---

**On:** [DATE]

## SCHEDULE 1

- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
- (28) PAUL BELL
- (29) PAUL BELL
- (30) SARAH BENN
- (31) RYAN BENTLEY
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**(146) JANE TOUIL**  
**(150) SARAH WEBB**  
**(151) IAN WEBB**

- (152) ALEX WHITE**
- (153) WILLIAM WHITE**
- (155) LUCIA WHITTAKER-DE-ABREU**
- (156) EDRED WHITTINGHAM**
- (157) CAREN WILDEN**
- (158) MEREDITH WILLIAMS**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

Claim No. QB-2022-001236

**In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.**

**B E T W E E N**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**and**



QB-2022-001236

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13)
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) ANDREW WORSLEY

**(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

**Defendants**

---

**INTERIM INJUNCTION ORDER**

---

## PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

On the 5 May, 2022, before Mr Justice Sweeting, sitting at the Birmingham Magistrates' Court, Victoria Law Courts, Birmingham B4 6PH, the Court considered an application by the Claimant to continue, in an amended form, an injunction granted by the Court on 14 April 2022.

UPON hearing the Claimant's said application and an application to discharge the injunction brought by Mr Jake Handling and Ms Jessica Branch (the "Applicants")

AND UPON hearing counsel Mr Manning and Ms Crocombe for the Claimant, and Counsel, Mr Simblet QC for the Mr Jake Handling and Ms Jessica Branch, with no other party attending;

AND UPON considering an application for an interim injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981

AND FURTHER UPON the Court being satisfied for the purposes of section 12(2) of the Human Rights Act 1998 that the Claimant has taken all practicable steps to notify the Defendants of this application.

AND FURTHER UPON the Court having previously been satisfied for the purposes of section 12(3) of the Human Rights Act 1998 that the Claimant is likely to establish at the trial of this claim that any publication restrained by this Order should not be allowed.

AND FURTHER UPON the Court having particular regard to the importance of the Convention right to freedom of expression but finding in the circumstances, having previously been satisfied that it is just and convenient, and proportionate, to grant injunctive relief in the terms set out herein, pending the trial of this claim.

AND FURTHER UPON the Court having previously been satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from

the conduct prohibited by this Order and that a power of arrest should therefore be granted.

AND pending the court giving its judgment and reaching its decision on the applications mentioned above considering it appropriate to maintain the current position in relation to there being an injunction and a power of arrest until judgment or further order on the applications before the court.

IT IS ORDERED THAT

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):
  - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1.
  - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
    - (i) entering or attempting to enter the Terminal
    - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal
    - (iii) obstructing any entrance to the Terminal
    - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
    - (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land
    - (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks)
    - (vii) erecting any structure
    - (viii) abandoning any vehicle which blocks any road or impedes the passage any other vehicle on a road or access to the Terminal
    - (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
    - (x) abseiling from bridges or from any other building, structure or tree on land or
    - (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.
2. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1(a) and (b) above.
3. This Order and power of arrest shall continue until the hearing of the Claim unless previously varied or discharged by further Order of the Court.
4. Any person served with a copy of, or affected by, this Order may apply to the Court

vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

5. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve the Claim Form and supporting documents relied on, and this Order and power of arrest, by the alternative methods specified at Schedule 2 to this Order. Reservice of the Claim Form and supporting documents is dispensed with.
6. The deemed date of service of the documents referred to at paragraph 5 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 2 to this Order.

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

**Name and Address of the Claimant's Legal Representatives**

**Ms Annie Ryan**

**The Council House**

**South Street**

**Atherstone**

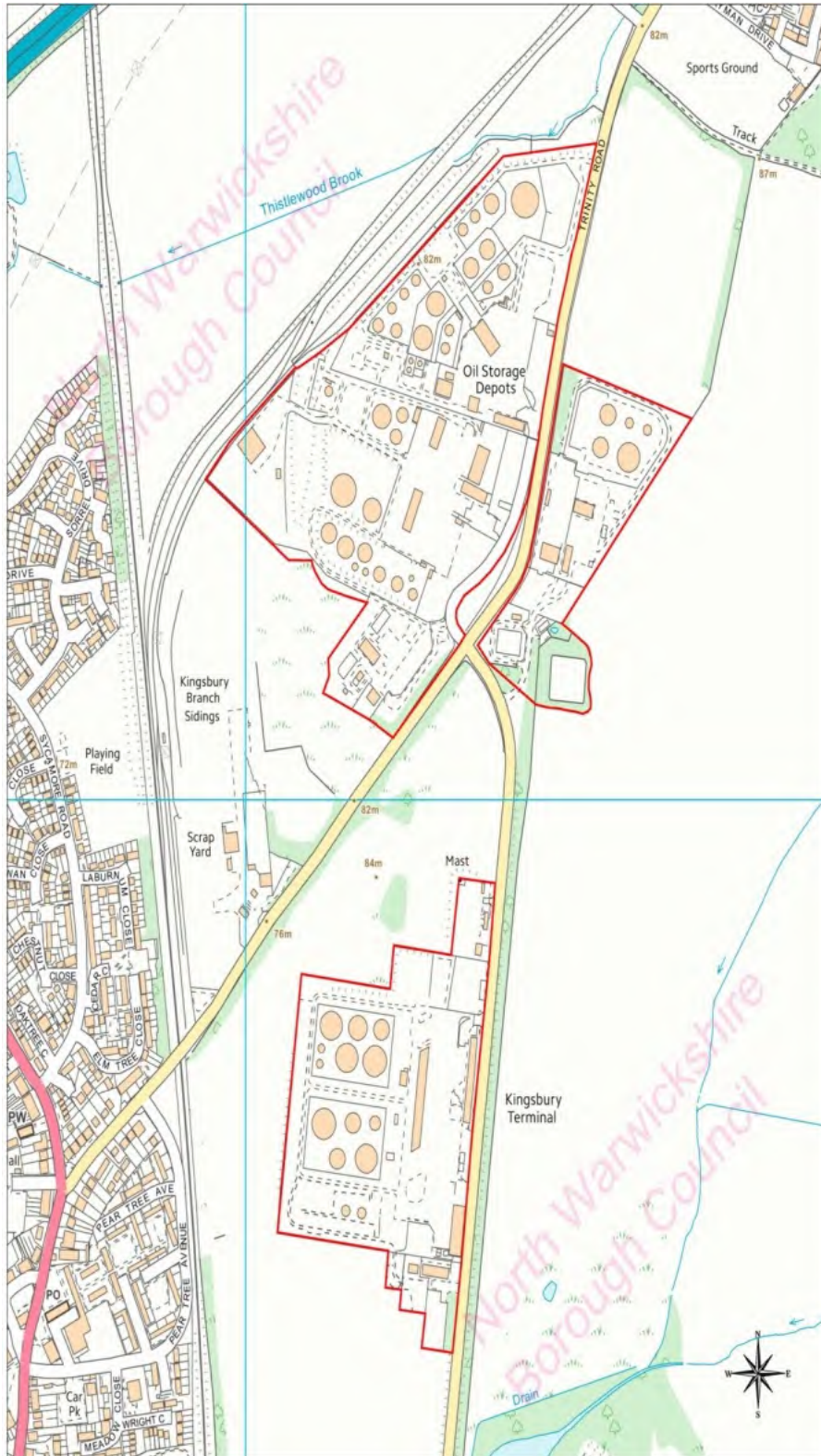
**Warwickshire CV9 1DE**

**Email:**

**clivetobin@northwarks.gov.uk**

**annieryan@northwarks.gov.uk**

# SCHEDULE 1



North Warwickshire  
Borough Council

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Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date:	06/05/2022
Scale:	1:5000



## SCHEDULE 2

1. Service of the Claim Form and this Order shall be effected by
  - (i) placing signs informing people of
    - (a) this Claim,
    - (b) this Order and power of arrest, and the area in which they have effect and
    - (c) where they can obtain copies of the Claim Form. Order and power of arrest, and the supporting documents used to obtain this Orderin prominent locations along the boundary of the buffer zone referred to at para.1 of this Order and particularly outside the Terminal and at the junctions of roads leading into the zone,
  - (ii) placing a copy prominently at the entrances to the Terminal;
  - (iii) posting a copy of the documents referred to at para.1(i)(c) above Order on its website, and publicising it using the Claimant's facebook page and twitter account, and posting on other relevant social media sites including local police social media accounts, and/or.
  - (iv) any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
  - (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order; and
  - (ii) a copy of this Order and power of arrest.
3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

Signed *Mr Justice Sweeting*

Dated 6<sup>th</sup> May 2022

# SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION - POWER OF ARREST

Under section 27, Police and Justice Act, 2006. Claim no

## IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION

NORTH WARWICKSHIRE BOROUGH COUNCIL	Claimant
18 NAMED DEFENDANTS AND PERSONS UNKNOWN LISTED ON THE INJUNCTION ORDER DATED 14 APRIL 2022.	Defendant

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 05 May 2022.

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

*(Where marked \* delete as appropriate)*

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):
  - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the "Terminal"), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1.
  - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
    - (i) entering or attempting to enter the Terminal
    - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal not within the buffer zone
    - (iii) obstructing any entrance to the Terminal
    - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
    - (v) obstructing any highway
    - (vi) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land
    - (vii) affixing themselves to any other person or object or land (including structures, buildings, caravans, trees or rocks)
    - (viii) erecting any structure
    - (ix) abandoning any vehicle
    - (x) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
    - (xi) abseiling from bridges or from any other building, structure or tree on land or
    - (xii) instructing, assisting, encouraging or allowing any other person to do any act prohibited by paragraphs (b)(i)-(xi) of this Order.

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<b>Power of Arrest</b>	<p>The court thinks that there is a significant risk of harm to a person.</p> <p>A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.</p>
<b>This Power of Arrest</b>	<p>Shall continue until the hearing of the Claim unless previously varied or discharged by further Order of the Court.</p>
<b>Note to the Arresting Officer</b>	<p>Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:</p> <ul style="list-style-type: none"><li>• A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.</li><li>• A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—<ol style="list-style-type: none"><li>(a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;</li><li>(b) a judge of the county court, if—<ol style="list-style-type: none"><li>(i) the injunction was granted by the county court, or</li><li>(ii) the injunction was granted by a youth court but the respondent is aged 18 or over;</li></ol></li><li>(c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.</li></ol><ul style="list-style-type: none"><li>• In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.</li><li>• The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.</li><li>• The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.</li></ul></li></ul>
Ordered by	<hr/> <i>Mr Justice Sweeting</i> <hr/>
On	<hr/> 6 <sup>th</sup> May 2022 <hr/>

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Neutral Citation Number: [2023] EWHC 1719 (KB)

Case No: QB-2022-001236

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 14 July 2023

Before :

**MR JUSTICE SWEETING**

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Between :

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

- and -

- (1) DAVID BALDWIN  
(2) THOMAS BARBER  
(3) MICHELLE CADET-ROSE  
(4) TIM HEWES  
(5) JOHN HOWLETT  
(6) JOHN JORDAN  
(7) CARMEN LEAN  
(8) ALISON LEE  
(9) AMY PRITCHARD  
(10) STEPHEN PRITCHARD  
(11) PAUL RAITHBY  
(12) HOLLY ROTHWELL  
(13) NO LONGER PURSUED  
(14) JOHN SMITH  
(15) BEN TAYLOR  
(16) JANE THEWLIS

**Defendants**

- (17) ANTHONY WHITEHOUSE  
(18) NO LONGER PURSUED  
(19) PERSONS UNKNOWN WHO ARE  
ORGANISING, PARTICIPATING IN OR  
ENCOURAGING OTHERS TO PARTICIPATE IN  
PROTESTS AGAINST THE PRODUCTION AND/OR  
USE OF FOSSIL FUELS, IN THE LOCALITY OF  
THE SITE KNOWN AS KINGSBURY OIL  
TERMINAL, TAMWORTH B78 2HA  
(20) JOHN JORDAN

-and-

**THE ADDITIONAL DEFENDANTS LISTED  
AT SCHEDULE A TO THIS JUDGMENT**

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**Jonathan Manning and Charlotte Crocombe** (instructed by **North Warwickshire Borough Council, Legal Services**) for the **Claimant**  
**Stephen Simblet KC** (instructed by **Hodge, Jones and Allen Solicitors**) for **Jake Handling (Defendant)** and **Jessica Branch (Interested Person)**

Hearing dates: 5 May 2022

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**Approved Judgment**

This judgment was handed down remotely at 10.30am on 14 July 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MR JUSTICE SWEETING

**MR JUSTICE SWEETING :**

## Introduction

1. I granted interim injunctive relief to the Claimant while sitting as the interim applications judge during the court vacation. This is my judgment following the return date when I heard oral argument. There were further written submissions after the hearing had taken place.
2. The Claimant is North Warwickshire Borough Council (the “Council”). The Council sought an interim anticipatory injunction, an order for alternative service and a power of arrest. There were both named and unnamed defendants (“persons unknown”).
3. The Council is a democratic body controlled by elected Councillors answerable to the people of the borough of North Warwickshire. The borough includes Kingsbury which is a small, but ancient, town and parish situated between Birmingham and Tamworth. Kingsbury lies on the course of the River Tame, a major tributary of the River Trent, and is known, amongst other things, for the Kingsbury Water Park. There are eight statutory sites of special scientific interest in the area, seven local nature reserves and 27 non-statutory sites of local importance. Kingsbury has a primary and secondary school.
4. According to the most recent, although now dated, population census there are nearly 8,000 inhabitants in the parish area. The M42 motorway runs to the west and north of the town and joins the M6 motorway a few miles to the south. To the east of the town is the Kingsbury Oil Terminal (“the Terminal”).

## The Kingsbury Terminal

5. The Terminal is a complex of individual oil terminals operated by Shell UK Ltd United Kingdom, Oil Pipelines Ltd, Warwickshire Oil Storage Ltd and Valero Energy Ltd. These companies share assets such as fire-fighting systems and have formed a user group to address common issues, particularly in relation to safety. Some parts of the complex are no more than a few hundred metres from the eastern boundary of the town and close to residential areas.
6. The Terminal is described as “multi-fuel”; storing petrol, diesel, heating oils and jet fuel, in some 50 storage tanks. Fuel is supplied by the United Kingdom Oil Pipeline System through pipelines entering the site underground. There are further storage tanks which contain ethanol (biofuel) which is brought in by road. With a storage capacity of around 405 million litres, the terminal is the largest inland oil storage depot in the United Kingdom.
7. The Terminal is an upper tier site for the purposes of the Control of Major Accident Hazards Regulations 2015 (“the 2015 Regulations”). An “upper tier site” is designated a “high risk establishment” by reason of the quantity of dangerous substance stored on site. Emergency access to the Terminal is critical in the event of a “major accident”. Regulation 2 of the 2015 Regulations define a “major accident” as: “*An occurrence such as a major emission, fire, or explosion resulting from uncontrolled developments in the course of the operation of any establishment to which these Regulations apply and leading to serious danger to human health or the environment (whether immediate or delayed) inside or outside the establishment and involving one or more dangerous substances*”.

8. The presence of highly flammable products creates a risk of gas vapour igniting if fuel is released and a vapour cloud forms. The nature of that risk is now a matter of experience rather than conjecture. On 11 December 2005 there was major fire at an oil storage facility at the Buncefield Oil Storage Terminal in Hertfordshire. Both the causes and consequences of that fire are public knowledge because it was the subject of a “major incident report”. The fire burned for five days, 43 people were injured and about 2,000 were evacuated from their homes. The fire started when fuel escaped from a storage tank and vapour was ignited. The Buncefield terminal is smaller than the Kingsbury site. The need for stringent measures to ensure that a risk of this sort does not eventuate at an oil terminal such as Buncefield or Kingsbury is self-evident.
9. At Kingsbury, all employees and contractors entering the Terminal undergo training to ensure that they are aware of the risks of working with hazardous substances and do not do anything which might put them or the wider public in danger. Due to the risk of fire and explosion, electrical equipment such as mobile phones, key fobs and pagers, together with lighters and matches are designated as “controlled items”, under an operational plan prepared by the Warwickshire Fire and Rescue Service, and are strictly prohibited within the site perimeter.
10. The boundaries of the sites forming the Terminal complex are fenced with chain link or palisade fencing. Pedestrian access is tightly controlled by turnstile gates. There are locked, hinged gates for tanker access. Visitors and employees are required to have designated passes. Manned security and CCTV are in operation around the clock on each day of the year.
11. The Terminal is a critically important supply point for the Midlands, providing fuel to forecourts, public services and major regional airports, such as Birmingham International and East Midlands. Although incoming fuel is supplied through pipelines (except for additives or biofuels), it is distributed from the Terminal using road tankers. Hundreds of tankers come and go from the Terminal every day. They are allowed access only if they are registered and have gone through a driver and vehicle accreditation process.

### **Protest at the Terminal**

12. Protests began at the Terminal during March 2022 and continued on successive days into April. At the time of the initial injunction application, the protests had been characterised, amongst other things, by protestors:
  - a. Gluing themselves to roads so preventing access to the Terminal;
  - b. Breaking into the Terminal compounds by sawing through gates and trespassing on private land;
  - c. Climbing onto storage tanks containing unleaded petrol, diesel and fuel additives;
  - d. Using mobile phones within the Terminal to make video films of their activities including while standing on top of oil tankers and storage tanks and next to fuel transfer equipment;



- e. Interfering with oil tankers by climbing onto them and fixing themselves to the roof or by letting air out of their tyres, often once traffic had first been brought to a standstill by protestors glued to the road;
  - f. Obstructing the public highway and the entrances to the Terminal as well as the slip roads at junction 9 and 10 of the M42, causing tailbacks on the motorway; and
  - g. Using climbing equipment to abseil from a road bridge to gain access to the Terminal.
13. These activities were highly organised and coordinated, often involving large groups. The police had stopped a group of protestors with a van containing climbing ropes, a large quantity of timber and “lock on” devices, all of which was to be used to build and occupy a structure in a tree. Another group blocked an entrance to the Terminal by lying on mats in the roadway with their hands glued to the ground preventing personnel working at the Terminal from entering or leaving. There were repeated incidents involving the blocking of gates in ways that prevented protestors being removed physically. This not only caused the Terminal, or parts of it to shut, interrupting supplies of fuel but in the event of an incident would have prevented access by emergency services. One of the tactics employed to gain entry to the Terminal was to gather in large numbers at an entrance and “swarm” in when a gate was opened.

#### **Protest on 7th April**

14. At half past midnight on the 7th of April a group of protesters approached one of the main Terminal entrances and attempted to glue themselves to the road. When the police were deployed to remove them a second group of some 40 protesters approached the same enclosure from fields to its rear. This second group then used a saw to break through an exterior gate and scaled fences to gain access. Once inside, they locked themselves onto a number of different fixtures including the tops of three large fuel storage tanks containing petrol, diesel and fuel additives, the tops of two fuel tankers and the “floating roof” of a large fuel storage tank. A “floating roof”, as its name suggests, is a roof which floats on the surface of stored liquid hydrocarbons. The ignition of liquid fuel or vapour in such a storage tank is again an obvious source of risk to life and health. The protestors used locks and equipment they had brought with them to secure themselves. A complex and challenging policing operation was required using specialist teams working alongside the terminal staff and the fire service to remove the protestors. It took until 5pm in the afternoon to clear all of them from the compound and the roadway, leading to 127 arrests.

#### **Protest on 9th April**

15. A significant degree of planning and preparation was evident. On the 9th of April protestors placed a caravan at the side of the road on Piccadilly Way which is the main route running South of the Terminal. The caravan was heavily reinforced with corrugated iron and pallets to prevent entry. About 20 protestors glued themselves to the sides and top of the caravan whilst others attempted to dig a tunnel under the road through a false floor inside. The fact that tunnelling was taking place was disguised by the use of the caravan. Multiple arrests were made but two protestors remained in the tunnel and two remained on top of the caravan until the late afternoon of the following

day. The road remained closed over the entire period while specialist removal teams attended. The Council had to assess the structural integrity of the road which then required expensive repairs and further reinforcement. The road is used by heavily laden oil tankers leaving the terminal as well as local traffic. The collapse of a tunnel as a tanker passed over it courted the risk not only of injury to the driver of the vehicle and anyone nearby, including in the tunnel itself, but also of the escape of its liquid load. Tunnelling activity raised the prospect of inadvertent or deliberate damage to oil pipelines.

16. Planned attempts to break into the Terminal or climb onto vehicles involved groups of protestors congregating at entrance points where the gates had to be opened to allow waiting tankers to enter. Using cutting tools to gain entry elsewhere necessarily involved approaching and standing next to the Terminal fences.

### **The Local Effect of Protest**

17. The protests caused fuel shortages across the West Midlands region. The Council had to give “mutual aid” to Nuneaton and Bedworth Borough Council in order to allow essential statutory services to keep running.
18. The problems faced by the police were summarised in a witness statement from the Assistant Chief Constable, Mr Smith:

“the scale and duration of the policing operation has been one of the most significant that I have experienced in my career. Large numbers of officers, drawn from right across the force, have been deployed to Kingsbury day and night since the 1st of April. This has meant that we have had to scale down some non-emergency policing services, including those that serve North Warwickshire. Although core policing services have been effectively maintained across the county during this, the protests have undoubtedly impacted on the quality and level of the policing services that we are able to deliver. Officers who may have ordinarily been policing the communities of North Warwickshire, the road networks of North Warwickshire, or supporting victims of crime in North Warwickshire have had to be redeployed to support the policing operation linked to Kingsbury. It has also meant that we have had to bring in additional officers from other regional forces, in addition to more specialist teams such as working at heights teams and protestor removal teams. All of these will come at significant additional costs to the force and ultimately the public of Warwickshire. The impact on the local community has been substantial. There have been almost daily road closures of the roads around the oil terminal which has created disruption and inconvenience. The M42 has also been disrupted on occasions as a result of the protest activity. There has been a significant policing presence since the 1st of April which I am sure has created a level of fear and anxiety for the local community. The policing operation has also extended into unsociable hours, with regular essential use of the police helicopter overnight disrupting sleep. The reckless actions of the protesters has also created increased risk of potential fire or explosion at the site which would likely have catastrophic implications for the local community including the risk of widespread pollution of both the ground, waterways and air. Finally, the actions of the protesters has impacted the supply of fuel to petrol forecourts in the region leading to some shortages, impacting upon not only local residents but the broader West Midlands region.”

19. Mr Smith concluded:

“I have grave concerns for public safety should the behaviour of the protesters continue in its current form. The Kingsbury site is an extremely hazardous site where the very presence of certain items and clothing on site is restricted because of the potential dangers of explosion or fire. The protesters have had no regard for their own or others safety with actions including the use of mobile phones on site (strictly prohibited), the scaling and locking on to very volatile fuel storage tanks, the tunnelling activity in close proximity to high pressure fuel pipes, and the forced stopping, and then scaling, of fuel tankers on the public highway. Not only does this cause unacceptable levels of risk to themselves and the public, it also puts my officers in significant danger as they have to attempt to remove them from the places they have decided to put themselves.”

### **Earlier Court Orders and the Escalation of Protest Activity**

20. An injunction was obtained by Valero Energy Ltd on 21 March 2022 for the part of the Terminal which it occupies (and other sites elsewhere in the country). It did not extend to the highways affected and could not be supported by a power of arrest. That court order and the actions of the Police in carrying out numerous arrests for suspected criminal offences, appeared to have little if any effect. The evidence from the Chief Executive of the Council, Mr Maxey, was that the behaviour of protestors had consistently worsened and become bolder and more dangerous between the 1st and the 11th of April. His evidence referred to a conversation with Mr Briggs the Assistant Chief Fire Officer for Warwickshire Fire and Rescue service in which Mr Briggs, having seen pictures of protesters using phones from the top of tankers, commented:

“I don't think they have any understanding of the level of risk they are posing to themselves or others through their actions.”

21. Mr Maxey regarded the incident of the 7th of April (referred to above) as having changed the position significantly in relation to public safety and the risk of serious environmental pollution. The attempt to tunnel on the 9th of April, given that oil is delivered by underground pipes, was viewed by the Council as marking a serious escalation such that it determined:

“to use its powers to seek an injunction with a power of arrest to seek to control the locations in which and the manner in which the current protests at the terminal are conducted.”

22. The Council were concerned that without effective measures in place there would be a risk of a major accident so that the need to seek an injunction was urgent. Mr Maxey explained the balancing exercise that the Council had sought to carry out and the nature of its concerns in his first witness statement:

“14. In reaching this conclusion, I have sought to strike a balance between the rights of the protesters and the rights of the community within the North Warwickshire area to be kept safe from the risk of a major emergency at the terminal and to be protected from nuisance, criminality and anti-social behaviour that has characterised these protests.

15. My reference to the community within North Warwickshire is a reference to all the people within the borough who are affected in different ways, including staff at the terminal, workers from other companies who attend there for their jobs, local residents, and businesses, all of whom are affected by the disruption. I also include other road users who have been affected by protestors on motorway slip roads and other highways causing blockages by their dangerous activities, members of the emergency services who are required to attend the Terminal on a daily basis and who would be forced to deal with the consequences of fire or explosion there, the protestors themselves whose safety is at risk and all those other members of the public and the borough who are affected by the disruption and whose safety would be compromised by an emergency at the Terminal.”

23. In a subsequent witness statement Mr Maxey confirmed that as a public authority the Council faces protests on a range of issues from time to time but had never sought injunctive relief against protestors. He emphasised that the Council had issued the present proceedings because it regarded the actions of protestors as giving rise to “wholly unacceptable risks to public safety and the environment”.

### **The Without Notice Application**

24. The application was sought against two categories of defendant. First, named defendants who had come to the attention of the police on arrest; secondly “persons unknown” identified as “persons unknown who are organising, participating in or encouraging others to participate in protests against the production and or use of fossil fuels, in the locality of the site known as Kingsbury Oil Terminal, Tamworth B78 2HA.” I consider the definition of this second category of defendant later in this judgment.
25. The application was, broadly, to restrain acts of trespass and or nuisance in the circumstances I have summarised. I concluded that the application was urgent and that an application without notice was justified given the likelihood that further protest would take place over the Easter weekend and that giving formal notice might lead to a further escalation in unlawful conduct. The Council’s concerns in this respect proved prescient.
26. As Mr Manning and Ms Crocombe, counsel for the Council, observed in their subsequent written submissions the attachment of a power of arrest (as well as the extent of any exclusion zone and the extension of the injunction to the public highway) was “the subject of considerable judicial scrutiny” at the hearing on the 14th of April. The order made did not prohibit obstruction of the highway which I considered would inevitably involve questions of fact and degree which could not be assessed in advance and would be inappropriate where the injunction was sought, in part, against “persons unknown” supported by a power of arrest.

### **The Exclusion or “Buffer” Zone**

27. The Council sought an exclusion, or “buffer zone” around the Terminal, extending to the boundaries of the town and, in some directions, hundreds of meters from the fences surrounding the Terminal. The rationale was to follow linear features in the landscape which would be easy to identify. However, the effect would also have been to displace protest, including lawful protest, to a considerable distance from the Terminal. In

practice, a buffer zone of this extent would have meant that protest could not take place on the public highway around the Terminal at all; the nearest points outside the exclusion zone being in Kingsbury itself or near a small housing estate to the northeast of the Terminal. The argument for an exclusion zone was predicated upon the fact that there had been organised and determined attempts to breach the perimeter fences together with the significant risks arising from the behaviour of protestors once entry had been obtained. Entering the Terminal by scaling or cutting through fencing necessarily involved approaching or congregating alongside the fences. This was the precursor to the most serious tortious and criminal conduct which the Council was seeking to restrain. The Court's powers to grant interlocutory injunctive relief under section 37 of the Supreme Court Act 1981 are not limited to restraining conduct which is itself tortious or otherwise unlawful (see further below) and may include measures which are necessary to ensure that injunctive relief is effective to protect a legitimate interest of the claimant (see *Burris v Azadani* [195] 1 WLR 1372).

28. In *Thames Cleaning and Support Services Ltd v United Voices of the World* [2016] EWHC 1310 Warby J. (as he then was) made an order incorporating an exclusion zone of 10 metres from the entrance or exists of premises at which protest was taking place in connection with industrial action. He concluded that the actions of protestors were likely to go beyond the limits of lawful protest and had involved incursions onto private land and obstruction and interference with lawful activities, In relation to the exclusion zone, he said at [55]:

“This seems to me in principle to be a legitimate approach. It is one which has been taken regularly over several years in cases concerned with striking a balance between the protest rights of animal rights campaigners and those of research organisations and their staff. Such an order sets no limit on the kinds of speech that may be used by those involved in a protest. It defines where protest may take place. It is possible to frame an order of this kind which sets clear boundaries, without destroying the essence of the right to protest, which does not depend on location, and without interfering disproportionately with Article 10 and 11 rights: see *Appleby v United Kingdom* (2003) 37 EHRR 38 [47], *Manchester Ship Canal Developments Ltd v Persons Unknown* [2014] EWHC 645 (Ch) [37], where the court was concerned with a protest camp in the vicinity of a fracking site. I am prepared in principle to grant such an order.”

29. Another example is *MBR Acres Ltd v Free the MBR Beagles* [2021] EWHC 2996 (QB), 2021 WL 05234982 where the order made provided for an exclusion zone around the immediate entrance to the site outside of which protest was taking place. The central complaint in that case was in relation to the protestors' activities when people entered or left the site.
30. I accepted in the circumstances that an exclusion zone was justified but concluded that it could be limited to five meters from the boundary fences without interfering significantly with lawful protest. An exclusion zone around the entire perimeter was necessary, in my view, because protestors had sought to cut through fences and enter the Terminal at various points. A short distance of this length could easily be estimated and would make the actions of any protestors intent on gaining entry to the Terminal obvious. Because of the relatively isolated nature of the Terminal site an exclusion zone of this extent did not give rise to the concerns identified by the Court of Appeal in *Canada Goose -v- Persons Unknown* [2020] EWCA Civ 303 [93] where an exclusion

zone on a busy shopping street had an inevitable impact on “neighbouring properties and businesses, local residents, workers and shoppers”.

31. Although the five metre zone impinged to some extent on the highway, mostly in the vicinity of entrances to individual compounds, the injunction did not prevent the Defendants “from using any public highway within the buffer zone for the purpose of travelling to or from a protest held, or to be held, outside the buffer zone.” The individual enclosures are surrounded by privately owned farmland, a military range and railway sidings save where parts of the boundary fencing run along roads. Most of the five metre zone was therefore on private land where there was no right to protest. Protest could only feasibly take place on or close to the public highway, including the verges alongside the metalled roads. The conduct which, for this purpose, the Council sought to prevent, in so far as it did not involve cutting through or climbing over fences, was mainly directed at the entrances to the terminals where vehicles entered and exited and were required to halt so that gates could be opened. I concluded that this could be addressed by the specific prohibitions which the Council sought. Although there was evidence that long tailbacks had been caused on the nearby motorways, I reached the view that this could, if necessary, properly be dealt with through the medium of existing police powers to prevent obstruction of a public highway.
32. In *DPP v Ziegler* [2021] UKSC 23 the Supreme Court, decided by a majority that even a deliberate obstruction which was more than minimal, and prevented other users from using the highway, could constitute lawful protest on the highway and that the proportionality of any interference with the qualified rights under Articles 10 and 11 of the European Convention on Human Rights (“ECHR”) would fall to be considered (see further below).
33. In *City of London Corpn v Samede* [2012] PTSR 1624 Lord Neuberger of Abbotsbury MR identified factors which were to be considered in assessing proportionality. The non-exhaustive list included:

“the extent to which the continuation of the protest would breach domestic law, the importance of the precise location to the protesters, the duration of the protest, the degree to which the protesters occupy the land, and the extent of the actual interference the protest causes to the rights of others, including the property rights of the owners of the land, and the rights of any members of the public.”
34. The actions of protestors in this case went well beyond what was being considered in *Ziegler*, in terms of the nature, duration and effect (both actual and potential) of the protest. As I did not accede to the Council’s proposal that the injunction should expressly extend to prohibiting obstruction of the highway, the limited exclusion zone in my view struck a fair balance and was a proportionate interference with the exercise of Convention rights. I consider the application of Articles 10 and 11 generally and in relation to other provisions of the injunction later in this judgment.
35. I concluded that a power of arrest was necessary given the significant risk of harm arising from the nature of the protests and that the requirements for interim injunctive relief at a without notice hearing had been met (see further below).

### **Protest on 22-23<sup>rd</sup> April**

36. Following the granting of the interim injunction there was a serious incident involving an incursion into one of the compounds at the Terminal by two protestors. The police became aware that they had entered the compound at 23.30 on 22nd April. It is not clear how they had done so but plainly it was by stealth given that the Terminal is manned and secured by fencing.
37. When the police attended at the compound, they found two men on the roof of a bay which formed part of a fuel filling station. Both had mobile phones and other items capable of igniting fuel vapour. After a short while one of the protestors came down from the pipework and confirmed to the police that both were aware of the injunction. The remaining protestor stayed in the roof space for several hours before he also came down and was arrested.
38. Some hours later the control room noticed that fuel additive was not being injected into some of the tanks. The fuel bay concerned was closed down and an investigation began. When the CCTV record was examined it showed the protestor who had remained longest tampering with and moving valves. The footage recorded him testing whether valves could be moved by hand and, if they could, trying to move them. He can have had no knowledge of whether what he was doing would lead to an escape of liquid fuel or vapour, or would otherwise have harmful and potentially dangerous effects. As the Claimant subsequently observed, this was precisely the high risk associated with entry to the Terminal that had prompted the application for the injunction.

### **The Effect of the Injunction**

39. The incident of 22-23<sup>rd</sup> April proved to be the last significant incident before the return date. The Claimant's summary of the position was:

“After a period of continuing unlawful and dangerous behaviour by protestors, there has more recently been a marked decline in kinds of unlawful behaviour that formed the basis for the claim. In particular, the events of 22-23 April 2022 ...were the last occasion on which the boundaries of the Terminal were breached. The last time the entrances to the terminal were obstructed was on 26 April 2022. The Claimant is not aware of tunnelling activity or other conduct breaching para.1(b) of the Injunction since that date.”

40. Mr Maxey made a further statement dated 3<sup>rd</sup> May in which he commented:

“The chronology of events at Kingsbury Oil Terminal have moved from unlawful actions, then the granting of the Order and then a move to lawful and legitimate forms of protest. In my opinion the evidence shows that the move to lawful and legitimate forms of protest would not have come about but for the granting of the Order...”

### **The Return Date**

41. On the return date Mr Simblet KC was instructed to represent Jake Handling and Jessica Branch to resist the Council's application to continue the interim injunction until trial and to apply for its discharge. Mr Handling was one of the protestors involved in the incident on 22<sup>nd</sup> April (referred to above). It was Mr Handling who had been captured on CCTV attempting to open valves. Jessica Branch was not a defendant, had not

protested at the Terminal and did not seek to be made a defendant. She did not appear to have been affected directly by the injunction but, it was said, she might be in future. She wished to make representations about the application for injunctive relief and the importance of the right to protest. The Council did not oppose her doing so and I was assisted by, and grateful for, Mr Simblet's oral submission, and Mr Simblet and Mr Greenhall's submissions in writing. Jessica Branch appears to have instructed, or funded the instruction of, counsel in other cases involving protest. I did not reach any view as to her standing given the absence of objection and that counsel were representing Jake Handling (a named defendant) and making submissions on his behalf which were not identified as being distinct from any made on behalf of Jessica Branch. In those circumstances there was no argument as to whether she fell within CPR 40.9, which had not been raised expressly in the written arguments as a basis for her participation. The Council had served further evidence but with the exception of the witness statement from Jessica Branch's solicitor there was no evidence from any person affected or from any defendant.

### **Summary of the Defendants' Submissions**

42. Mr Simblet made a number of submissions in his initial skeleton argument in relation to whether or not there had been compliance with the obligations placed on those seeking an interim injunction. A number of the suggested deficiencies which he relied upon appear to have been due to the lack of contact details or knowledge of the identity of defendants. As I have indicated, Jessica Branch, whose solicitor provided a witness statement on this point, was not a party and had not protested at Kingsbury and was not therefore in the contemplation of the Council as an affected party. The Council's skeleton argument for the initial hearing dealt with the relevant law and the points that might be made in opposition. The evidence justified the need for urgent relief and the decision not to give formal notice. It explained why it was not possible for the Council to identify the persons concerned or likely to be concerned in the conduct it sought to prohibit, apart from the named defendants. The need for an exclusion zone and a power of arrest was tested in the course of the application. The interpretation of the relevant statutes was discussed and alterations made to the draft order. The note of hearing bears out these observations. I am satisfied that the Council complied with its obligations at the without notice hearing and subsequently.
43. Mr Simblet's written submissions characterised the exclusion zone as a disproportionate interference with Articles 10 and 11 of the ECHR in relation to demonstrations on the public highway. I do not accede to that submission for the reasons already given. I have considered separately (below) whether other provisions of the order interfere with Article 10 and 11 rights.
44. Mr Simblet also argued that:
  - a. There was no cause of action pursuant to which the injunction could be granted;
  - b. There was no entitlement to a power of arrest as the injunction was not made for the benefit of a person suffering nuisance or annoyance;
  - c. The definition of 'Persons Unknown' was too broad and did not comply with *Canada Goose* requirements;



- d. The service provisions were inadequate;
- e. The order was likely to have a chilling effect on protest.

### **The Injunction**

45. The Council had continued to review the effect of the injunction against the background set out above, including the change in protestor behaviour. As it did not seek to stifle or restrict lawful protest in the five-meter buffer zone, the Council no longer identified any need for such an exclusion zone by the return date. The original order, which the Claimant sought to continue to trial, was amended to remove the exclusion zone. The prohibitions then read as follows:

“1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):

(a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1.

(b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:

(i) entering or attempting to enter the Terminal

(ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal

(iii) obstructing any entrance to the Terminal

(iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)

(v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land

(vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks)

(vii) erecting any structure

(viii) abandoning any vehicle which blocks any road or impedes the passage of any other vehicle on a road or access to the Terminal

(ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;

(x) abseiling from bridges or from any other building, structure or tree on land or

(xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.”

46. The areas referred to as being edged in red under paragraph 1(a) were the areas enclosed by the fenced boundaries of the Terminal. The prohibition at 1(a) therefore referred entirely to protest on private land to which there was no right of access and where, on the evidence, some of the most dangerous conduct had taken place.

47. Paragraph 1(a) in its original form was:

“1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):

(a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1, or within 5 metres of those boundaries (edged in red) (the “buffer zone”).

For the avoidance of doubt, this prohibition does not prevent the Defendants from using any public highway within the buffer zone for the purpose of travelling to or from a protest held, or to be held, outside the buffer zone.”

48. The provisions for alternative service were set out at Schedule 2 and were:

“1. Service of the Claim Form and this Order shall be effected by

(i) placing signs informing people of

(a) this Claim,

(b) this Order and power of arrest, and the area in which they have effect and

(c) where they can obtain copies of the Claim Form. Order and power of arrest, and the supporting documents used to obtain this Order in prominent locations along the boundary of the buffer zone referred to at para.1 of this Order and particularly outside the Terminal and at the junctions of roads leading into the zone,

(ii) placing a copy prominently at the entrances to the Terminal;

(iii) posting a copy of the documents referred to at para.1(i)(c) above Order on its website, and publicising it using the Claimant’s Facebook page and twitter account, and posting on other relevant social media sites including local police social media accounts, and/or.

(iv) any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.

2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
- (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order; and
  - (ii) a copy of this Order and power of arrest.
3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.”
49. Similar provisions for alternative service by the use of notices in conspicuous positions in the area where an injunction applies have been adopted in other “persons unknown” cases involving protest and are necessary if injunctive relief is to be effective. The fact that defendants cannot be identified in advance may constitute a good reason under the provisions of CPR 6.15(1) for the normal provisions for service to be departed from. Given the nature of the Terminal site, in open countryside with limited public routes by which it can be approached, I considered that the methods proposed could reasonably be expected to bring the court’s orders to the attention of anyone wishing to protest at the Terminal site: *Cameron -v- Liverpool Victoria Insurance Co Ltd* [2019] 1 WLR 1471 [21]. That would not, of course, prevent an argument that the provisions for alternative service had operated unfairly against anyone facing a committal application for breach of the injunction (*Secretary of State for Transport v Cuciurean* [2020] EWHC 2614 (Ch) [63]). The provision at (iv) was intended to allow the Council to add methods of service of a similar type to those set out at (i-iii) if it emerged that they were likely to bring the order to the attention of those protesting at the Terminal. It followed on from the words “and/or” at (iii). To avoid any confusion as to whether (iv) is an entire alternative to other methods rather than an adjunct, the word “or” should have been avoided.
50. There was no evidence served on behalf of Mr Handling that he did not know of the terms of the injunction. At his committal hearing for breach of the injunction by reason of his participation in the incident on 22-23<sup>rd</sup> April the evidence established that he was aware of it at that time. This suggested that protestors had quickly become aware of the order as a result of the methods of alternative service used and, no doubt, from others because of the organised nature of the protests.
51. There has been a subsequent order in relation to service, at a hearing of an application to add additional named defendants (in effect persons unknown who had become known to the Council) and to make directions for trial. The provisions for alternative service for these defendants reflect the information the Council has as to whether defendants have a fixed postal address, e-mail addresses or can be contacted via particular websites. Where there are no direct methods of contact the order provides for various methods of publicising the application and the supporting documents.

## **The Legal Framework**

### **The Power of the Council to Seek Injunctive Relief**

52. The Council has statutory powers to institute civil proceedings, including seeking injunctive relief to protect its local population, under s.222(1), Local Government Act 1972 (“the 1972 Act”). It also has a general power to do anything which an individual with full capacity can do pursuant to section 1 of the Localism Act 2011.
53. Section 222 of the 1972 Act provides:
- “(1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area—
- (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name...”
54. It was common ground that this provision does not give rise to a cause of action but gives local authorities the right to seek to protect public rights where such proceedings previously required the consent of central government by way of a relator action brought in the Attorney General's name.
55. Mr Simblet argued that the Council had failed to identify any damage that it had itself suffered or would suffer and that this was a prerequisite to the injunctive relief sought. However, and as he subsequently conceded, proof of special damage is not required in relator actions; nor is it a requirement under section 222 of the 1972 Act. The Council was acting on behalf of the local population to protect it from the potentially serious consequences of the actions of protestors.
56. In *Stoke on Trent CC v B&Q Retail* [1984] A.C. 754, Lord Templeman said, at p.773G:
- “In proceedings instituted to promote or protect the interests of inhabitants generally, special damages are irrelevant and were therefore not mentioned in section 222.”
57. Mr Simblet submitted that it was an “insuperable problem” for a claim brought under section 222 of the 1972 Act that the Council does not have a responsibility to enforce the private rights of others by which he meant the owners or operators of the Terminal. I think the short answer to this point is that the Council were not seeking to do so.
58. In the present proceedings the Council took action in order to:
- a. prevent a public nuisance and;
  - b. in support of the criminal law.
59. These are recognised bases for relator actions and hence for the exercise of the power conferred by section 222 of the 1972 Act (see, for example, *Worcestershire County Council v Tongue* [2004] EWCA Civ 140).
60. There were two further, similar, factors which Mr Simblet characterised as insurmountable obstacles to the granting of an injunction. These were that there was no one individual who could be said to be continually flouting the criminal law, and that there was no identifiable tortfeasor continuing to act in a way which required restraint. His contention was that it was not possible to aggregate the activities of a number of individuals to produce a composite defendant. I doubt that the premise of this

submission, the absence of an identified individual, is factually correct. Jake Handling, for whom he appeared, had arguably engaged in conduct that was both tortious and criminal, as had other named defendants. Although these are Part 8 proceedings the Council had drafted Particulars of Claim which give details of the conduct of named defendants. No evidence was served disputing the accounts given in the evidence relied on by the Council as to the nature of protest at the Terminal.

61. What might be regarded as the point of principle is also, in my view, not maintainable. Both the criminal law and the law of tort have well developed doctrines of joint participation and accessory liability. The common design which was evident in the incidents of 7<sup>th</sup> and 9<sup>th</sup> April plainly involved a number of protestors acting together even if they played different parts (see above). The police had made numerous arrests prior to the grant of injunctive relief. The injunction was aimed at preventing and controlling behaviour that gave rise to significant public risk arising from tortious behaviour or the commission of crimes by individuals. There was ample evidence on which to conclude that either the named defendants or persons unknown would continue that behaviour. The Council was not seeking to amalgamate disparate innocent activity to produce a public nuisance or a criminal act. The acts relied upon were of the same type by groups of people acting in combination in the same place.

### **The Highways Act**

62. The Council also relied on its obligations under section 130 of the Highways Act 1980 ("the 1980 Act"), which provides:

"130. - Protection of public rights.

- (1) It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it.
- (2) Any Council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the highway authority, including any roadside waste which forms part of it.
- (3) Without prejudice to subsections (1) and (2) above, it is the duty of a Council who are a highway authority to prevent, as far as possible, the stopping up or obstruction of—
  - (a) the highways for which they are the highway authority, and
  - (b) any highway for which they are not the highway authority, if, in their opinion, the stopping up or obstruction of that highway would be prejudicial to the interests of their area.
- (4) Without prejudice to the foregoing provisions of this section, it is the duty of a local highway authority to prevent any unlawful encroachment on any roadside waste comprised in a highway for which they are the highway authority.
- (5) Without prejudice to their powers under section 222 of the Local Government Act 1972, a Council may, in the performance of their functions under the foregoing provisions of this section, institute legal proceedings in their own name, defend any legal proceedings and generally take such steps as they deem expedient."

63. The potential overlap between s.222 of the 1972 Act and s.130 of the 1980 Act was considered by the Court of Appeal in *Nottingham City Council v Zain* [2001] EWCA Civ 1248 where Schiemann LJ said at [16]:

“Mr Wise submitted that the existence of the power conferred by s.130(5) of the Highways Act indicated that section 222 was not to be used in such Highways Act cases. I do not consider that s.130(5) in any way diminishes the power which had been conferred by section 222 of the Local Government Act which had been passed 8 years earlier. It does not purport to have that effect. Indeed the opening words of section 130 point in the opposite direction. Furthermore the preconditions which must be fulfilled in relation to the use of the section 222 power - that the authority deem that use to be expedient for the promotion or protection of the interests of the inhabitants of their area - do not need to be fulfilled in relation to the use of the powers conferred by section 130. These are imperfectly overlapping sections and it is not permissible to read down s.222 by reference to s.130(5) of the later Act”.

64. The provisions of section 130 of the 1980 Act confer statutory power on the Council, as the local authority but not highway authority for the area, to assert and protect the rights of the public to use the highway and any highway waste (the area that runs alongside the highway) and to prevent any obstruction or encroachment. This section does not appear to me to create a cause of action in itself and that was not the basis on which the application was made but it did mean that the Council could not simply sit on its hands. The latitude that may need to be afforded to lawful protest which causes a temporary obstruction does not extend to the undermining of the highway by tunnelling or the deliberate obstruction of verges, over many hours, by parking caravans on them to facilitate tunnelling.

### **Public Nuisance**

65. In *Nottingham City Council v Zain* [2001] EWCA Civ 1248 Scheimann LJ adopted the definition of public nuisance set out in earlier case law:

“8...The following passage from the judgement of Romer L.J. in *Attorney-General v PYA Quarries Ltd.* [1957] Q.B. 169 at 184 has generally been accepted as authoritative.

“I do not propose to attempt a more precise definition of a public nuisance than those which emerge from the textbooks and authorities to which I have referred. It is, however, clear, in my opinion, that any nuisance is "public" which materially affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects. The sphere of the nuisance may be described generally as "the neighbourhood"; but the question whether the local community within that sphere comprises a sufficient number of persons to constitute a class of the public is a question of fact in every case. It is not necessary, in my judgment, to prove that every member of the class has been injuriously affected; it is sufficient to show that a representative cross-section of the class has been so affected for an injunction to issue.”

66. He went on:

“9. Not everyone however is entitled to sue in respect of a public nuisance. Private individuals can only do so if they have been caused special damage. Traditionally the action has been brought by the Attorney General, either of his own motion, or, as was the situation in the *PYA* case, on the relation of someone else such as a local authority. In *Solihull Council v Maxfern Ltd* [1977] 127, Oliver J. considered the history of the legislative predecessors of s.222 and concluded that the effect of section 222 is to enable a local authority, if it thinks it expedient for the promotion or protection of the interests of the inhabitants of their area, to do that which previously it could not do, namely, to sue in its own name without invoking the assistance of the Attorney General, to prevent a public nuisance. I recognise that in that case the Local Authority was not suing in nuisance but rather was enforcing the criminal law in an area for which it had been given express responsibility, namely the enforcement of the Sunday trading provisions of the Shops Act 1950. Nonetheless I respectfully agree with Oliver J.'s conclusion in relation to suing in nuisance.

10. Mr Wise who appeared for the respondent rightly submitted that in cases such as the present there was another principle engaged. This was that a local authority, being a creature of statute, could only do that which it was expressly or impliedly empowered to do. However, this principle thus stated is of no assistance when the question at issue is whether s.222 enables a local authority to sue for public nuisance. If the answer to that question is in the affirmative then the principle is satisfied.

11. There is no doubt that at common law it is a tort to create a public nuisance...”

67. In *PYA* (above) Lord Justice Denning, as he then was, emphasised the role of the Attorney General in defending public rights where the effect of a nuisance would potentially be felt across a community; he said (at p.191):

“...a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large.”

68. There can be little doubt in my view that a representative cross section of the local community, at least arguably, would be, and had been, affected by the threatened and actual public nuisance that the Council sought to prevent.

69. Mr Simblet submitted that because the Council were not entitled to exercise any legal rights over the Terminal this meant that the land on which they stood could not be “...land or any area, that is properly the subject of a claim in public nuisance.” He sought to confine the scope of any claim for injunctive relief to the public highway asserting that the Council had no basis for any claims which went beyond an area to which the public had access.

70. Whilst the obstruction of dedicated roads may be a prevalent example of public nuisance that does not limit the tort to such situations. The tort may be unusual in that it is parasitic on the existence of a crime and vindicates public rather than private rights, but the definition of a public nuisance approved in *Zain* does not preclude activities

taking place on private land from giving rise to a public nuisance; it would be surprising if it did.

71. In *Colour Quest Ltd v Total Downstream UK Plc* [2009] EWHC 540 (Comm); [2009] 2 Lloyd's Rep. 1 (litigation arising out of the Buncefield terminal fire – see above) the explosion for which the defendants were held responsible affected public health over a wide area. The argument that claimants who owned property within the affected area were confined to claims in private nuisance (and not also in public nuisance) was rejected. In *PYA* the relator action arose from the blasting, vibration and dust caused by the operation of a quarry on private land which nevertheless constituted a public nuisance. The person liable for a nuisance is the wrongdoer whether or not they are in occupation of the land on which it arises (*Hall v Beckenham Corp* [1949] 1 K.B. 716).
72. Mr Simblet made additional written submissions following the return date hearing in which he argued that none of the prohibited conduct at paragraph 1(b) of the injunction was capable of amounting to a public nuisance and that this was, in itself, fatal to the relief sought. He gave as an example that "digging a hole" was not a public nuisance and could not therefore be the subject of an injunction obtained to prevent public nuisance. Framing the issue in this way does not seem to me to be a helpful forensic approach. It entirely ignores the significance which attaches to an action as a result of its context. Digging holes on the public highway or land to which the public have access seems to me to be quite capable of constituting a public nuisance; digging holes which undermine the highway all the more so. Equally Mr Simblet did not suggest that digging holes was an intrinsic part of lawful protest.
73. Leaving aside any question as to whether the general proposition is correct as a matter of fact in the present case, given that some of the prohibited conduct is unarguably unlawful and tortious, the submission ignores authority to the opposite effect, that conduct prohibited by an injunction does not have to be unlawful in itself or amount to a tort.
74. In *Burris* Sir Thomas Bingham M.R. said (at 1377 B):
- “If an injunction may only properly be granted to restrain conduct which is in itself tortious or otherwise unlawful, that would be a conclusive objection to term (c) of the 28 January 1994 injunction...
- I do not, however, think that the court's power is so limited. A Mareva injunction granted in the familiar form restrains a defendant from acting in a way which is not, in itself, tortious or otherwise unlawful. The order is made to try and ensure that the procedures of the court are in practice effective to achieve their ends. The court recognises a need to protect the legitimate interests of those who have invoked its jurisdiction.”
75. A similar observation was made in *Hubbard v Pitt* [1976] QB 142 where Orr L.J said:
- “I accept that the court must be careful not to impose an injunction in wider terms than are necessary to do justice in the particular case; but I reject the argument that the court is not entitled, when satisfied that justice requires it, to impose an injunction which may for a limited time prevent the defendant from doing that which he would otherwise be at liberty to do.”



76. On this point both *Burris* and *Hubbard* were approved by the Court of Appeal in *Canada Goose* [78]. In *Caudrilla* Leggatt LJ (as he then was) said [50]:

“While it is undoubtedly desirable that the terms of an injunction should correspond to the threatened tort and not be so wide that they prohibit lawful conduct, this cannot be regarded as an absolute rule. The decisions of the Court of Appeal in *Hubbard v Pitt* [1976] QB 142 and *Burris v Azadani* [1995] 1 WLR 1372 demonstrate that, although the court must be careful not to impose an injunction in wider terms than are necessary to do justice, the court is entitled to restrain conduct that is not in itself tortious or otherwise unlawful if it is satisfied that such a restriction is necessary in order to afford effective protection to the rights of the claimant in the particular case”

77. In *Canada Goose* the Court of Appeal said [78]:

“We consider that, since an interim injunction can be granted in appropriate circumstances against “persons unknown” who are Newcomers and wish to join an ongoing protest, it is in principle open to the court in appropriate circumstances to limit even lawful activity.”

78. The purpose of the injunction was to prohibit conduct which if unchecked would amount to, or lead to, a public nuisance. It was the threat of significant harm, constituting a public nuisance, which led the Council to act and to seek restrictions which it regarded as necessary to afford effective protection to the public. Whilst the terms of an injunction should in so far as possible prohibit unlawful behaviour it is not the law that an injunction may only prohibit a tortious act; even lawful conduct may be prohibited if there is no other proportionate means of protecting rights. In the context of a threatened public nuisance of this nature and the form that protest had taken is not at all clear how injunctive relief could otherwise be framed effectively.

### **Public Nuisance as an Offence**

79. The tort of public nuisance was until recently also a common law offence but the offence has now been put on a statutory basis. The common law offence was defined in *Archbold: Criminal Pleadings Evidence and Practice* as follows:

“A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property, morals, or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty’s subjects.”

80. The first limb of that definition is plainly engaged where, for example, protestors commit acts of trespass which endanger the life and health of the public.

81. The common law offence was replaced by the statutory offence of intentionally or recklessly causing public nuisance under s. 78 of the Police, Crime, Sentencing and Courts Act 2022 which provides:

#### **“78. Intentionally or recklessly causing public nuisance**

(1) A person commits an offence if—

- (a) the person—
    - (i) does an act, or
    - (ii) omits to do an act that they are required to do by any enactment or rule of law,
  - (b) the person's act or omission—
    - (i) creates a risk of, or causes, serious harm to the public or a section of the public, or
    - (ii) obstructs the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, and
  - (c) the person intends that their act or omission will have a consequence mentioned in paragraph (b) or is reckless as to whether it will have such a consequence.
- (2) In subsection (1)(b)(i) “serious harm” means—
- (a) death, personal injury or disease,
  - (b) loss of, or damage to, property, or
  - (c) serious distress, serious annoyance, serious inconvenience or serious loss of amenity.
- [...]
- (6) The common law offence of public nuisance is abolished.
- (7) Subsections (1) to (6) do not apply in relation to-
- (a) any act or omission which occurred before the coming into force of those subsections, or
  - (b) any act or omission which began before the coming into force of those subsections and continues after their coming into force.
- (8) This section does not affect—
- (a) the liability of any person for an offence other than the common law offence of public nuisance,
  - (b) the civil liability of any person for the tort of public nuisance, or
  - (c) the ability to take any action under any enactment against a person for any act or omission within subsection (1).”

82. This change in the law does not affect the position in these proceedings.

## **Injunctions in Support of the Criminal Law**

83. Mr Simblet pointed out that in a number of the cases cited the local authority had a duty to enforce particular statutory provisions such as those relating to Sunday trading; a feature which he said was absent in the present case.
84. That does not seem to me to be a point on which anything turns; public nuisance is itself an offence. In *Zain Keene LJ* commented at [27]:
- “The position therefore is that where a local authority seeks an injunction in its own name to restrain a use or activity which is a breach of the criminal law but not a public nuisance, it may have to demonstrate that it has some particular responsibility for enforcement of that branch of the law. But where it seeks by injunction to restrain a public nuisance, it may do so in its own name so long as it “considers it expedient for the promotion or protection of the interests of the inhabitants” of its area (section 222(1)). That is so even though it is seeking to prevent a breach of the criminal law, public nuisance being a criminal offence.”
85. In addition, by section 17 of the Crime and Disorder Act 1998 the Council is in fact under a general statutory duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
86. In his further written submissions Mr Simblet argued that for an injunction to be granted in support of the criminal law “the behaviour prohibited must constitute an actual criminal offence”. This was a similar submission to that made in relation to tortious conduct and public nuisance. Mr Simblet illustrated this point by saying that “it is not a crime to enter the terminal”. That may be questionable since it depends upon the intention of the person doing so and the method of entry. However, there was clearly no lawful entitlement on the part of protestors to enter private property and, on the evidence, offences of aggravated trespass, criminal damage and obstruction of the highway could be made out by reference to the conduct referred to at paragraph 1(b) of the injunction (as Mr Simblet’s skeleton argument of 4<sup>th</sup> May conceded). The court can exercise its jurisdiction to grant an injunction in proceedings instituted under section 222 of the 1972 Act to restrain a breach of the criminal law even if the defendant may have a defence to the alleged crime, since the existence of an alleged defence is not a matter of jurisdiction; see *Kirklees Metropolitan Borough Council v Wickes Building Supplies Ltd* [1992] 3 All ER 717, [1993] AC 227, HL.
87. There seems to me to be no doubt that the criminal law was engaged since the police had arrested large numbers of protestors for criminal offences. The challenges the police faced were described in the evidence. The purpose of the injunction sought was to support the criminal law not to mirror its provisions. If the behaviour prohibited had to “constitute an actual criminal offence” then it would be necessary to set out the elements of the offence including any mental elements in the prohibition. It is, at the very least, not good practice to define prohibited acts by reference to legal concepts or a defendant’s intention but, more to the point perhaps, there is no support in the case law for the contention that prohibited conduct has to be restricted in this way where injunctive relief supports the criminal law.

88. In *City of London v Bovis Construction Limited* 1988 WL 622732 [1992] 3 All ER 697, the claimant local authority served a noise control notice under s.60 of the Control of Pollution Act 1974 in relation to unreasonable and excessive noise from a development next to a housing estate. The defendant failed to comply with the notices. Bingham LJ (as he then was) said:

“It seems to me strongly arguable that by early November 1987 Bovis would have been amenable to action in any one of a number of ways. An individual resident of Petticoat Square could have sued in private nuisance. The Attorney General could have sued in public nuisance either ex officio or on the relation of the local authority or a resident of Petticoat Square. The local authority could have sued in their own name for public nuisance by virtue of section 222 of the Local Government Act 1972 if they considered it expedient for the protection of the interests of the inhabitants of their area. One cannot at this interlocutory stage assert that those claims would necessarily have succeeded, but on the evidence they would appear to have had a very fair prospect of success.

As it was, none of these procedures was invoked. Instead, the local authority decided in late October to issue summonses under section 60(8) alleging contraventions of the section 60 notice. The first summonses were issued on the 3rd November. Then, on the 12th November, in the light of further complaints, the Lord Mayor having ruled that the matter was by its very nature urgent, authority was given to launch the present proceedings. The local authority considered proceedings to be expedient for the protection of the inhabitants of the area, and the authority given was to prosecute proceedings under section 222 of the 1972 Act.”

89. In relation to the Court’s jurisdiction to grant relief he explained:

“It is made plain by the highest authority that the jurisdiction to grant an injunction in support of the criminal law is exceptional and one of great delicacy to be exercised with caution (*Gouriet v. Union of Post Office Workers* [1978] A.C. 435 at 481, 491, 500, 521). Where, as in the present case, Parliament has shown a clear intention that the criminal law shall be the means of enforcing compliance with a statute, the reasons for such caution are plain and were fully explained by their Lordships in *Gouriet*. The criminal law should ordinarily be pursued as the primary means of enforcement. The case law shows that the archetypal case in which this jurisdiction is exercised is one in which a criminal penalty has in practice proved hopelessly inadequate to enforce compliance: see, for example, *Attorney General v. Sharp* [1931] 1 Ch. 121, *Attorney General v. Premier Line Ltd.* [1932] 1 Ch. 303, *Attorney General v. Barstow* [1957] 1 Q.B. 514, and *Attorney General v. Harris* [1961] 1 Q.B. 74.

I do not, however, think that all the decided cases can be brought within that category. In *Attorney General v. Chaudry* [1971] 1 W.L.R. 1614 there had been no criminal conviction (and no hearing, because an early hearing date could not be obtained) but the defendants were held to be deliberately flouting the law and the risk of grave and irreparable harm was held to justify the grant of an injunction. In *Kent County Council v. Batchelor (No. 2)* [1979] 1 W.L.R. 213 an injunction was granted to restrain breaches of tree preservation orders even though such breaches were an offence and there had been no convictions. In *Runnymede Borough*

*Council v. Ball* [1986] 1 W.L.R. 353 there had been no resort to the criminal law but an injunction was granted because of the risk of irreversible damage.”

90. He summarised the applicable principles as follows:

“The guiding principles must, I think, be –

(1) that the jurisdiction is to be invoked and exercised exceptionally and with great caution: [..];

(2) that there must certainly be something more than mere infringement of the criminal law before the assistance of civil proceedings can be invoked and accorded for the protection or promotion of the interests of the inhabitants of the area: see the *Stoke-on-Trent* case at 767B, 776C, and *Wychavon District Council v. Midland Enterprises (Special Events) Ltd.* [1987] 86 L.G.R. 83 at 87;

(3) that the essential foundation for the exercise of the court's discretion to grant an injunction is not that the offender is deliberately and flagrantly flouting the law but the need to draw the inference that the defendant's unlawful operations will continue unless and until effectively restrained by the law and that nothing short of an injunction will be effective to restrain them: see the *Wychavon* case at page 89.”

91. These principles have been followed and applied in subsequent cases (see *Birmingham City Council v Shafi* [2009] 1 WLR 1961 [33-36] where they were described as having been “broadened” to some extent in so far as injunctions were considered to be in support of the criminal law even where they were obtained pre-emptively of any criminal conduct).

92. As to the application of these principles to the facts of the case in *Bovis*, Bingham LJ observed:

“It is accepted here that if the preliminary condition of section 222 is met the local authority stands in the same position as the Attorney General. It is not, I think, challenged that the preliminary condition of section 222 is met here. So the question is whether the local authority can show anything more (and, I would interpolate, substantially more) than an alleged and unproven contravention of the criminal law, and whether the inference can be drawn that noise prohibited by the notice will continue unless Bovis are effectively restrained by law and that nothing short of an injunction will effectively restrain them.

I am in no doubt that these questions must be answered in favour of the local authority. The conduct which the local authority seek to restrain is conduct which would have been actionable (if not at the suit of the local authority) in the absence of any statute. Even if the conduct were not criminal, it would probably be unlawful. The contrast with the planning and Sunday trading cases is obvious. I see no reason for the court pedantically to insist on proof of deliberate and flagrant breaches of the criminal law when, as here, there is clear evidence of persistent and serious conduct which may well amount to contravention of the criminal law and which may, at this interlocutory stage, be regarded as showing a public and private nuisance. It is quite plain that the service of the notice and the threat of prosecution have proved quite ineffective to protect the residents.

The local authority have issued 18 summonses but, even if convictions are obtained, the delay before the hearing will deprive the residents of Petticoat Square of any but (at best) minimal benefit. The local authority are charged with a power – and perhaps a corresponding duty – to protect their interests. It would be lamentable if their interests in the present case were left without protection. In my view the deputy judge was entitled to grant an injunction and was right to do so.”

93. In the same case Taylor LJ (as he then was) described the practical limitations of the criminal law:

“The noise resulting from the works constituted not merely a breach of the criminal law but also a nuisance gravely affecting the local inhabitants. Every disturbed night or weekend they suffer involves irreversible damage. The issue of criminal proceedings did not end the breaches. Time would inevitably pass before those proceedings could be heard. Should they be contested (as we have been told they are to be) and should the proceedings succeed, there would still remain the prospect of an appeal by way of re-hearing causing further delay. In those circumstances, it is clear that criminal proceedings were likely to be ineffective to protect the inhabitants, and I am satisfied that the grant of an injunction was therefore appropriate.”

94. In the present case the evidence from the Assistant Chief Constable was:

“Although large numbers of arrests have been made, the offences for which they can be arrested (obstruction of the highway etc) are generally low level and summary only offences which means the criminal justice options can be limited. We have also utilised bail conditions to try and prevent protesters returning to the site but these have largely proved to be unsuccessful with many of the protesters already being arrested multiple times from the Kingsbury site. Even when protestors breached their bail conditions, unless further arrested for a further substantive offence, they are merely dealt with for the original offence for which they were arrested prior to the bail conditions being set. As stated, these are low level summary offences and therefore charge and remand in custody is not an option open to us.”

95. The present case does, in my view, involve the factors identified in *Bovis*, namely a risk of irreversible damage leading to grave and irreparable harm as a result of the deliberate flouting of the law such that nothing short of an injunction would be effective to restrain the conduct giving rise to that risk. The Council did not act precipitously in seeking an injunction. It left the matter in the hands of the police until it became clear that dangerous activity was escalating and those arrested were simply returning to the Terminal site when released under investigation and were not deterred by the prospect of criminal prosecution and the imposition of fines.

### **Other Remedies**

96. Mr Simblet submitted that there were other remedies open to the Council which it was obliged to pursue or which at the very least militated against the granting of injunctive relief. He relied upon *Birmingham City Council v Shafi* [2009] 1 WLR 1961 in which the court held that the local Council should not have applied for an injunction under section 222 rather than applying to a Magistrates Court or the Crown Court for an Anti-

Social Behaviour Order (“ASBO”) because the terms of the injunction sought were identical or almost identical to those which could be obtained via an ASBO in circumstances where the criminal law could not be said to be ineffective and where it was unfair to circumvent the criminal standard of proof.

97. However, the court in *Shafi* characterised its decision as a departure from what it accepted were the general principles laid down in *Bovis and Stoke on Trent City Council v B&Q Retail Ltd* [1984] AC 754 as the Court of Appeal observed when later considering *Shafi* in *Sharif v Birmingham CC* [2020] EWCA Civ 1488.

98. Although Mr Simblet’s submissions proceeded on the basis that an ASBO was one of the “relevant powers” available to the Council, that form of order was abolished under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”), the gap being filled by civil injunctions and Criminal Behaviour Orders (“CBO”). The relief sought in this case is not identical to that which could be achieved by way of a CBO (which can only be made following conviction) nor are the conditions at all similar to those which led to the decision in *Shafi*.

99. As far as a CBO was concerned, Bean LJ said in *Sharif*:

“41...Even assuming (without deciding) that a CBO is an appropriate order to be made on conviction for a motoring offence such as dangerous driving or racing on the highway, it could only be made against an individual who had been prosecuted and convicted of an offence, a process which might well take several months. The purpose of the injunction was to prevent future nuisances, not to impose penalties for past ones.

42. Judge Worster and Judge McKenna were well entitled to conclude, in the words of Bingham LJ’s third criterion in *Bovis*, that car cruising in the Birmingham area would continue unless and until effectively restrained by the law and that nothing short of an injunction would be effective to restrain them. I regard this as a classic case for the grant of an injunction.”

100. For similar reasons in *Runnymede Borough Council v Ball and others* [1986] 1 All ER 629 the Court of Appeal decided that a local authority was entitled to seek a civil remedy under s.222 of the 1972 Act without first exhausting the processes of the criminal law.

101. *Sharif* expressly considered and rejected the argument that an injunction should not have been granted to prohibit street cruising when there was an alternative remedy available to a Council of itself making a “public spaces protection order” (“PSPO”) under Part 4 of the 2014 Act. Although Mr Simblet pointed out that in *Dulgheriu v LB Ealing* [2019] EWCA Civ 1490, such an order was made to regulate protest, that case did not involve any consideration of whether or not a local authority was bound to use a PSPO rather than seek injunctive relief. It is effectively silent on the point for which Mr Simblet sought to recruit it.

102. At [34] in *Sharif* the Court of Appeal noted:

“In *Birmingham City Council v James* [2014] 1 WLR 23; [2013] EWCA Civ 552 Jackson LJ observed that there are many situations in which, on the facts, two

different pre-emptive orders are available and that there is no “closest fit” principle which cuts down the court’s statutory powers to make pre-emptive orders. He advised at [31] that “in future cases the Court of Appeal should not be invited to trawl through the legislation in some quest for the closest fit”. *In Mayor of London v Hall* [2011] 1 WLR 504; [2010] EWCA 817 this court upheld the grant of an injunction restraining protestors from occupying Parliament Square, in aid of the enforcement of byelaws which provided for a modest financial penalty only and had proved ineffective: see per Lord Neuberger MR at [52]-[57].”

103. In fact, the Council had, in the present case, considered whether a PSPO would be a satisfactory alternative to an injunction and had decided that it would not be. It gave its reasons in the evidence of its chief executive. It rejected such an order as an alternative because, as Mr Maxey explained, a PSPO requires consultation and publicity before it can be made. That was likely to take many weeks whereas the need for injunctive relief was urgent. In addition, the only penalties for breach are financial, being a penalty of a fine (to a maximum of £1,000) or a fixed penalty notice; neither of which the Council considered would be an adequate deterrent in the circumstances. These reasons were then summarised in the Particulars of Claim.
104. Mr Simblet referred to the case of *L v Chief Constable of Merseyside* [2006] 1 WLR 375 for the principle that “that public powers must be exercised in accordance with the purpose of the statute” suggesting that it supported his submission that the Council was required to make a PSPO order rather than seeking an injunction. That case concerned the operation of two sections of the same statute, the Children Act 1989, which allows the court to make an emergency protection order (“EPO”) under section 44 and gives the police a power to remove children who are in need of emergency protection under section 46. The court’s conclusion was that “where a police officer knows that an EPO is in force, he should not exercise the power of removing a child under section 46, unless there are compelling reasons to do so” [36].
105. I do not consider that a decision concerning the operation of a statutory scheme within a single piece of legislation supports the conclusion that Parliament must have intended that local authorities are obliged to make orders themselves rather than seeking an order from the court or that the court is, in turn, required to decline to give injunctive relief.
106. Mr Simblet said of the Council’s decision not to proceed by way of PSPO: “Essentially, Mr Maxton [sic] is, as [sic] no more than an officer in a small local authority, asking the Court to over-ride what Parliament has decided should be the pre-conditions before prohibitions on the use of public spaces are imposed, or the sanctions that Parliament considers appropriate for breach. That is far from sufficient.”
107. The more accurate characterisation of the situation might be that protestors had taken it upon themselves to decide the level of significant risk and public nuisance to which the local community of Kingsbury and those working at or visiting the Terminal or using the roads leading to it, should be exposed. Parliament has given the local authority a range of powers and duties in those circumstances. There is nothing in the authorities cited before me to suggest that the Council was obliged to pursue a PSPO, or any other alternative remedy, rather than seek an injunction.

## **Power of Arrest**



108. Section 27, Police and Justice Act 2006 (“the 2006 Act”) permits the court to attach a power of arrest to injunctions made under s.222 of the 1972 Act where the conditions in that section are met. It provides:

“(1) This section applies to proceedings in which a local authority is a party by virtue of section 222 of the Local Government Act 1972 (power of local authority to bring, defend or appear in proceedings for the promotion or protection of the interests of inhabitants of their area).

(2) If the court grants an injunction which prohibits conduct which is capable of causing nuisance or annoyance to a person it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.

“(3) This subsection applies if the local authority applies to the court to attach the power of arrest and the court thinks that either–

(a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or

(b) there is a significant risk of harm to the person mentioned in that subsection.

(4) Where a power of arrest is attached to any provision of an injunction under subsection (2), a constable may arrest without warrant a person whom he has reasonable cause for suspecting to be in breach of that provision.”

109. Parliament therefore intended that a power of arrest could be added to an injunction obtained by a local authority under section 222 of the 1972 Act in the most serious cases where there was the use or threat of violence or a risk of harm of a high order. This contrasts with the position of a private litigant and reflects the duties of a local authority to protect the interests of the inhabitants of its area. A police officer making an arrest is required to have reasonable cause for suspicion that an arrested person is in breach of a provision of the order; equivalent therefore to an arrest for a criminal offence. Anyone arrested has to be brought before the court within 24 hours.

110. The Council did not make its application for a power of arrest on the basis that there was any threatened use of violence but under subsection 3(b), relying on “a significant risk of harm” occurring to local inhabitants and those present at or the vicinity of the Terminal as a result of conduct capable of causing nuisance or annoyance. The first question is therefore whether there was a significant risk of harm. This is a high threshold requirement, no doubt intended as an important control on the attachment of a power of arrest. In so far as this refers to a significant risk of harm to classes of individuals, including those living nearby in Kingsbury, working at or visiting the Terminal or using public roads I consider that the answer must, undoubtedly, be in the affirmative for the reasons I have set out earlier.

111. Mr Simblet’s submission was that the Council was not “entitled to a power of arrest, specifically the injunction was not made for the benefit of a person suffering nuisance or annoyance”. He did not elaborate further on this argument. To begin with, I consider it does not reflect the wording of section 27 of the 2006 Act which applies where a local authority is bringing proceedings to protect the inhabitants of its area from conduct

“capable” of causing nuisance or annoyance, giving rise to a “significant risk” of harm. This involves an assessment by the court of the potential consequences of the conduct which it is sought to prohibit.

112. Although the statute refers to “a person” I do not conclude that this restricts section 27 to a single or named person rather than a group or class of persons who can be shown to be at significant risk of harm. In such a case the greater will, by definition, include the lesser. It would be an odd result if there was such a restriction given that section 27 of the 2006 Act is specific to the power exercisable under section 222 of the 1972 Act which is concerned with the protection of the “interests of inhabitants”.
113. CPR 65.9 sets out the procedural requirements where a power of arrest is sought under the 2006 Act. In accordance with the rules, a power of arrest was sought in the Particulars of Claim and the application. It was supported by written evidence. Although rule 69.5(3) requires personal service that is expressed to apply to an application made on notice, which this was not.
114. In *LB Barking and Dagenham* [2021] EWHC 1201 (QB) Nicklin J. expressed misgivings about the attachment of a power of arrest to injunctions against persons unknown [79]. This was in the context of orders made in respect of unauthorised encampments by travellers where meeting the requirements of section 27(3) of the 2006 Act was always likely to be difficult. In practice it is not unusual for a power of arrest to be attached to orders obtained by local authorities against persons unknown where there are proper grounds for concluding there is a risk of significant harm.
115. In *Croydon London Borough Council v Persons Unknown* [2016] EWHC 3018 (QB) a power of arrest pursuant to s.27 of the 2006 Act was attached to an injunction where “street cruising” had already led to injury and death, appeared to be worsening and had not been controlled by other means. *Sharif* was also a street cruising case where the power of arrest was attached to an order made in respect of anyone participating as the driver or rider of, or passenger in, a vehicle. The power of arrest attached to the interim injunction in *Afsar* related to three named defendants and persons unknown (as Mr Manning who was counsel in that case confirmed). In *London Borough of Hackney v Persons Unknown* [2020] EWHC 1900 (QB) a power of arrest was attached to parts of an interim injunction made to prevent various forms of anti-social behaviour which were said to amount to the tort of public nuisance and to have been taking place in the London Fields park. In *Thurrock Council -v- Adams* [2022] EWHC 1324 a power of arrest under section 27 was attached to an injunction made in respect of named defendants and persons unknown where protestors had been intercepting tankers leaving fuel terminals. Some of the potential harms described in that case arise from similar conduct and attendant risk to that identified by the Council in the present case.

### **Injunctive Relief**

116. Section 37(1) of the Senior Courts Act 1981 provides that the High Court may grant an interlocutory or final injunction where it appears to the court to be just and convenient.
117. Because the application is for interim precautionary relief the test to be applied is set out in *American Cyanamid v Ethicon* [1975] AC 396. The usual test is:

- a. is there a serious question to be tried? (the Claimant does not have to prove its case on an application for an interim injunction)
  - b. (if so) would damages be an adequate remedy for a party injured by the grant of, or failure to grant, an injunction?
  - c. (if not) where does the balance of convenience lie?
118. In cases where wrongs have already been committed as opposed to merely threatened the evidential threshold for establishing that conduct will continue unless restrained, may as a matter of common sense, at least, be lower (*Secretary of State for Transport and HS2 limited v Persons Unknown* [2019] EWHC 1437 (Ch) [122 to 124]; *Secretary of State for Transport v Four Categories of Persons Unknown* [2022] EWHC 2360 (KB) [96]). The purpose of the injunction will be to prevent the repetition of conduct from which a real risk of imminent unlawful harm can reasonably be apprehended so that a precautionary remedy is required. There was clear evidence of such a risk in this case given the prior actions of protestors. The injunction sought may have been precautionary, but it was founded upon evidence of a pattern of behaviour which was likely to continue.
119. As far as the requirements in *American Cyanamid* are concerned, they are, in my view, clearly satisfied. The Council has a strong case that the protests have involved the conduct described in the evidence and the Particulars of Claim, much of it captured in video recordings. There is a serious issue to be tried as to whether this conduct was unlawful and amounted to a public nuisance. I consider that the Council is likely to obtain injunctive relief at trial, so satisfying the requirements of section 12 of the Human Rights Act (see further below). The risk of serious harm to individuals and the environment is significant and damages would not be an adequate remedy given the risk of irreparable harm. As to any lesser harm or financial loss, there was no suggestion that protestors had the means to satisfy an award of damages.
120. The balance of convenience favours the grant of injunctive relief. The defendants are not deprived of the opportunity to protest lawfully. Peaceful protest has taken place after the injunction was granted. The risks to public health and safety if injunctive relief is not granted are grave. The fact that protest has continued at the Terminal suggests that the injunction has not had, and is not likely to have, a chilling effect. There was no evidence to suggest otherwise.

### **Undertaking in Damages**

121. A local authority seeking an interlocutory injunction under s.222 of the 1972 Act will not necessarily be required to give an undertaking in damages, when exercising a law enforcement function in the public interest (*Kirklees MBC v Wickes Building Supplies Ltd* [1993] A.C. 227). I was referred to the decision of Warby J. (as he then was) in *Birmingham City Council v Afsar* [2019] EWHC 1619 (QB) in support of the contention that such an undertaking was necessary. The decision in that case was, however, expressed to be made in “the particular circumstances” and turned on the fact that the action was not being taken on behalf of the public at large but rather a section or some sections of the public; the main beneficiaries being teachers, other staff and pupils at the school to which the injunction related. In *FSA v Sinaloa Gold plc & others* [2013] UKSC 11 at Lord Mance observed [31]:

“Different considerations arise in relation to law enforcement action, where a public authority is seeking to enforce the law in the interests of the public generally, often in pursuance of a public duty to do so, and enjoys only the resources which have been assigned to it for its functions. Other than in cases of misfeasance in public office, which require malice, and cases of breach of the Convention rights within section 6(1) of the Human Rights Act 1998, it remains the case that English law does not confer a general remedy for loss suffered by administrative law action. That is so, even though it involves breach of a public law duty. In the present context, the fact that an injunction is discharged, or that the court concludes after hearing extended argument that it ought not in the first place to have been granted, by no means signifies that there was any breach of duty on the public authority’s part in seeking it.”

122. I do not consider that the Council should be required to give a cross undertaking in damages in the present circumstances where it is seeking to restrain conduct which has potentially catastrophic consequences.

### **Human Rights Act 1998**

123. Where s12(3) of the Human Rights Act 1998 (“HRA”) is engaged a modified version of the *American Cyanimide* test applies. Section 12, of the HRA provides:

“(1) This section applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of the Convention right to freedom of expression. [...]

(3) No such relief is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.”

124. Thus, the Council must establish that it would be likely to obtain the injunction sought at trial not just that there is a serious question to be tried (*Ineos Upstream Ltd v Persons Unknown* [2019] 4 WLR 100). The submissions made addressed this question on the basis that “likely” means more likely than not (as the House of Lords in *Cream Holdings Ltd v Banerjee* [2005] 1 AC 253 said would be the normal position). The approach in *Ineos* applies in a case where the question of restraint of publication arises.

125. The word ‘publication’ in section 12(3) has been interpreted widely in this context to apply to any restraint on a communication which engages Article 10 rights (see *Birmingham City Council v Afsar* [2019] EWHC 1560 (QB) at [60-61]). The Council’s position was nevertheless that s12(3) did not apply because the injunction did not relate to publication but, if it did, the evidence demonstrated that the Council is “likely” in the relevant sense to obtain the desired relief at trial. Notwithstanding the Council’s primary position my attention was properly drawn to s.12(3) at the initial hearing. I do not need to determine any issue as to publication at this stage as I am satisfied that the Council would obtain injunctive relief at trial.

126. A Claimant must also satisfy section 12(2) of the 1998 Act in relation to notice:

“(2) If the person against whom the application for relief is made (“the respondent”) is neither present nor represented, no such relief is to be granted unless the court is satisfied—

- (a) that the applicant has taken all practicable steps to notify the respondent; or
- (b) that there are compelling reasons why the respondent should not be notified.”

127. The Council did seek to notify informally those who had been arrested by the police and whose details they had been given on the day before the without notice hearing but the overriding concern expressed by Mr Maxey was that a full inter parties hearing, before an order was in force, would lead to more dangerous activities in the period before the matter came to court. I accepted when granting the original injunction that these concerns were justified, that the matter was urgent and that the Council had taken all practicable steps in those circumstances to notify named defendants, and alternatively, that there were compelling reasons why there should not have been notification.

### **Freedom of Assembly and Expression – Articles 10 and 11**

128. The Council accepted that the application affected the rights of the protesters under Article 10 and, arguably, so long as protest was peaceful, under Article 11 of the ECHR, so that the Council had to show that any interference with those rights was justified.

129. Articles 10 and 11 are qualified rights subject to restrictions prescribed by law which are necessary in a democratic society. Those restrictions may be necessary, amongst other things, for reasons of public safety, to protect the health and rights of others and to prevent disorder or crime (they may also have to be balanced against the right to property protected by Article 1 of the first protocol, ‘A1P1’).

130. Article 10 provides:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others...”

131. Article 11 provides:

“1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others...

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of... public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others...”

132. The Supreme Court considered the application of Articles 10 and 11 ECHR in relation to protests which involve obstruction of the highway in the case of *DPP v Ziegler* [2021] UKSC 23.

133. In that case the defendant protesters were charged with obstructing the highway contrary to section 137 of the Highways Act 1980. Their protest consisted of obstructing the road by lying across it and locking themselves to structures so that it was difficult for police to remove them. Whilst they accepted that they had caused an obstruction to the highway, they argued that they had not done so ‘without lawful excuse’ because, amongst other things, they were exercising their rights under Articles 10 and 11. The Supreme Court set out the questions which had to be addressed in those circumstances:

- a. Is what the defendant did in exercise of one of the rights in Articles 10 or 11?
- b. If so, is there an interference by a public authority with that right?
- c. If there is an interference, is it ‘prescribed by law’?
- d. If so, is the interference in pursuit of a legitimate aim as set out in paragraph (2) of Articles 10 and 11, for example the protection of the rights of others?
- e. If so, is the interference ‘necessary in a democratic society’ to achieve that legitimate aim?

134. Question e can be sub-divided into a number of further questions:

1. Is the aim sufficiently important to justify interference with a fundamental right?
2. Is there a rational connection between the means chosen and the aim in view?
3. Are there less restrictive alternative means available to achieve that aim?
4. Is there a fair balance between the rights of the individual and the general interest of the community, including the rights of others?

135. The answers to questions a to b (above) are not in issue. Interference with the Defendants’ rights is prescribed by law under section 37 of the Senior Courts Act 1981 in so far as the Council is entitled to seek a precautionary injunction on the basis of the causes of action discussed above. The interference is in pursuit of legitimate aims set out in Articles 10 and 11; the prevention of crime and disorder and the protection of the health and rights of others. It was accepted by the Council that the protests relate to a “matter of general concern”. The question of whether in this country and globally we should go further and faster in eliminating reliance on fossil fuels in order to tackle climate change may be the defining issue of our age and underlines the importance of the fundamental right to protest. These proceedings are not however the forum in which government policy on this issue falls to be examined. It is trite to say that extreme forms of protest are more likely to attract attention but that does not in itself justify them. The methods employed in protest have to be balanced against the rights of others in a democratic society. Whilst disruption and inconvenience may to some extent be inevitable there must also, inevitably, be boundaries. The *Zielger* questions relate to protests on highways where it is well established that Articles 10 and 11 are engaged but even here a balance has to be struck. There is no right to protest on privately owned land or on public land from which the public are generally excluded (See *DPP v Cuciurean* [45]) and there is no absolute right to engage in protest which threatens the health and safety of others.

136. The aim of preventing a public nuisance posing a grave risk to local inhabitants and the environment was sufficiently important to justify interference with the right to protest. There is a rational connection between the terms of the injunction and that aim. Each of the prohibitions can be explained and justified by reference to that aim and there were no less restrictive means available. The injunction does not prevent protest, as was apparent after it came into effect. The terms of the injunction do, in my view, strike a fair balance between the rights of the individual protesters and the general interest of the community. The injunction does not prevent lawful protest.
137. Mr Simblet relied in his written and oral submissions on the case of *Regina (Laporte) v Chief Constable of Gloucestershire Constabulary* [2002] UKHL 55 which he argued “represents a decision, at the highest level, supportive of the principle that protest, even disruptive protest is lawful and the court cannot prevent it unless there is a clear necessity to do so.” I agree with Mr Simblet that this case does emphasise the importance of the entitlement to exercise rights under Articles 10 and 11 by protesting but, as the formulation of his proposition also recognises, restrictions in the manner in which these rights are exercised may be imposed where that is necessary. I disagree with the bald assertion that disruptive protest is necessarily lawful. Beyond this however I did not find the case to be of great assistance. The factual circumstances in *Laporte* were very different. The police stopped and turned back three coaches carrying protestors travelling from London to demonstrate at an air base in Gloucestershire. The police did not seek an order from the court. They sought to exercise a power to take steps short of arrest to prevent a breach of the peace in circumstances where any such breach was not sufficiently imminent to justify arrest. Their actions were premature and indiscriminate and as such represented a disproportionate restriction on rights under Articles 10 and 11. They prevented anyone on the coaches from protesting. There is no suggestion in the judgments that the protests to which the coaches were travelling are examples of disruptive but nevertheless lawful protest; the reverse is the case, there had been instances of serious unlawful protest which had led to measures being put in place to ensure that peaceful protest could take place and disruptive protest prevented. Lord Carswell summarised the position [103]:

“The situation which the police faced at Fairford was difficult and delicate. Incursions into the base had taken place in the recent past and it was clear that extreme protesters were ready to commit further damage, quite possibly extending to acts of serious sabotage. With the commencement of the war with Iraq, the risk of damage to the operation of the base and the concomitant likelihood that the US military forces at the base might react strongly to attempts at trespass, there was a real prospect that unless matters were handled with great care very serious consequences could result. The Gloucestershire police very creditably formed an elaborate plan designed to allow considerable opportunity to peaceful protesters to exercise liberty of speech and assembly, while putting in place plans to prevent disruptive and potentially damaging behaviour carrying a threat to the safety of the base.”

### **Applications against Persons Unknown**

138. The ability of the court to grant an injunction against ‘persons unknown’ has been recognised for at least two decades. In *Bloomsbury Publishing Group v News Group Newspapers* [2003] 1 WLR 1633, such an injunction was obtained to prevent any use being made of a Harry Potter novel that had been stolen ahead of its publication date.

Protests involving trespass were similarly restrained in *Hampshire Waste Services v Persons Intending to Trespass and/or Trespassing upon Incinerator Sites* [2003] EWHC 1738 (Ch) notwithstanding that the threatened trespass had not occurred and that the defendants could only be identified by reference to the conduct enjoined. In such cases a person becomes a party once they commit the prohibited act knowing of the injunction (*South Cambridgeshire District Council v Gammell* [2005] EWCA Civ 1429). They are within the jurisdiction of the court because they can be identified, other than by name, and served by alternative means if necessary (*Cameron v Liverpool Victoria Insurance Co Ltd* [2019] UKSC 6; [2019] 1 WLR 147).

139. The principles which apply to injunctions against ‘persons’ unknown in the context of the wider range of activities that might be involved in protest were set out in *Boyd v Ineos Upstream* [2019] EWCA Civ 515, and further elaborated on and developed in *Canada Goose Retail Limited v Persons Unknown* [2020] EWCA Civ 303 and then in *Barking and Dagenham London Borough Council v Persons Unknown* [2021] EWCA Civ 13. In the latter case the Court of Appeal invoked the exceptional grounds identified in *Young v. Bristol Aeroplane Co Ltd* [1944] KB 718 for departing from its earlier decision in *Canada Goose*.

140. The central issue of difference between the two cases was one of principle in relation to “newcomers”; whether it should be possible for newcomers to be in breach of a final injunction in circumstances where they were not aware of or party to the proceedings at which the injunction was made and were, by definition, not in a position to be heard in those proceedings.

141. However, contrary to the Council’s submissions before me, the departure from *Canada Goose* in *Barking and Dagenham* was not complete in so far as *Canada Goose* gave guidance, at [82], in relation to interim injunctions against ‘persons unknown’. Indeed paragraph 82 was set out in full and endorsed at [56] of the Court of Appeal’s judgment in *Barking and Dagenham*. The Master of the Rolls introduced those guidelines as follows [55]:

“At [62]-[88] in *Canada Goose*, the court discussed in entirely orthodox terms the decisions in *Cameron*, *Gammell*, *Ineos*, and *Cuadrilla*, in which Leggatt LJ had referred to *Hubbard v. Pitt* [1976] 1 QB 142 and *Burris v. Azadani* [1995] 1 WLR 1372. At [82], the court built on the *Cameron* and *Ineos* requirements to set out refined procedural guidelines applicable to proceedings for interim relief against persons unknown in protester cases like the one before that court. The court at [83]-[88] applied those guidelines to the appeal to conclude that the judge had been right to dismiss the claim for summary judgment and to discharge the interim injunction.”

142. I do not therefore accept the Council’s argument that: “The fact that the Court of Appeal, in *Barking*, did not specifically identify para.[82] in *Canada Goose* as erroneous does not mean that that passage escapes the overall rulings or logic of the *Barking* decision.”

143. The *Canada Goose* guidance in relation to interim injunctions against “persons unknown”, at [82] is:



“(1) The “persons unknown” defendants in the claim form are, by definition, people who have not been identified at the time of the commencement of the proceedings. If they are known and have been identified, they must be joined as individual defendants to the proceedings. The “persons unknown” defendants must be people who have not been identified but are capable of being identified and served with the proceedings, if necessary by alternative service such as can reasonably be expected to bring the proceedings to their attention. In principle, such persons include both anonymous defendants who are identifiable at the time the proceedings commence but whose names are unknown and also Newcomers, that is to say people who in the future will join the protest and fall within the description of the “persons unknown”.

(2) The “persons unknown” must be defined in the originating process by reference to their conduct which is alleged to be unlawful.

(3) Interim injunctive relief may only be granted if there is a sufficiently real and imminent risk of a tort being committed to justify quia timet relief.

(4) As in the case of the originating process itself, the defendants subject to the interim injunction must be individually named if known and identified or, if not and described as “persons unknown”, must be capable of being identified and served with the order, if necessary by alternative service, the method of which must be set out in the order.

(5) The prohibited acts must correspond to the threatened tort. They may include lawful conduct if, and only to the extent that, there is no other proportionate means of protecting the Claimant’s rights.

(6) The terms of the injunction must be sufficiently clear and precise as to enable persons potentially affected to know what they must not do. The prohibited acts must not, therefore, be described in terms of a legal cause of action, such as trespass or harassment or nuisance. They may be defined by reference to the defendant’s intention if that is strictly necessary to correspond to the threatened tort and done in non-technical language which a defendant is capable of understanding and the intention is capable of proof without undue complexity. It is better practice, however, to formulate the injunction without reference to intention if the prohibited tortious act can be described in ordinary language without doing so.

(7) The interim injunction should have clear geographical and temporal limits. It must be time limited because it is an interim and not a final injunction.

144. As to the second of these requirements Mr Manning on behalf of the Council, contended that the description used was lawful and appropriate and that alternative descriptions were not likely to aid comprehensibility but were apt to mislead. He pointed out that the evidence of Mr Maxey, served for the return date indicated that the police had taken particular care to draw the prohibitions in the order to the attention of protesters before seeking to exercise any power of arrest. No protester could conceivably be in breach of the terms of the injunction or susceptible to arrest unless they had breached one of the specific prohibitions.

145. However the present description of persons unknown, set out earlier in this judgment, identifies that class of defendant simply by participation in the protests against fossil fuels at the Terminal. It does not, on its face, meet the requirements set out in *Canada Goose*.
146. As far as paragraphs 1, 3, 4, and 5 of the *Canada Goose* guidance are concerned I consider that the order meets these requirements for the reasons given earlier in this judgment.
147. As far as the clarity of the prohibitions is concerned, paragraph 1a of the prohibitions relates to the fenced Terminal land on which there is no right to protest and where protest would give rise to very significant risks. The area concerned is delineated by a map. The prohibited activity is clear.
148. The prohibitions at paragraph 1(b) relate to acts which have been preparatory to attempts to enter the Terminal or are themselves capable of amounting to a public nuisance in the context in which they have occurred. They are expressed in ordinary language. They reflect the evidence as to the activities of protesters at the Terminal. They are similar to prohibitions which have been put in place in other cases involving protest because the methods employed to protest have been similar in those cases (see by way of recent examples *Thurrock* (above), *Three Counties Agricultural Society v Persons Unknown*: [2022] EWHC 2708 (KB), *Transport for London v Lee*, [2022] EWHC 3102 (KB), 2022 WL 16609167). The restraints are not a ban on protest they are limitations on where and how protest can be carried on. The conduct restrained is not an essential or intrinsic part of lawful protest. The disruption caused was not simply incidental to lawful protest but was deliberate and, because it was targeted at an oil terminal and oil tankers, involved significant risks of harm. The entrances to the Terminal have been a particular flashpoint where there has been deliberate swarming and obstruction. Protestors who lock themselves together and on to structures or glue themselves to roads form a barrier that cannot be quickly removed. Interference with the operation of the Terminal in these circumstances was not a transient part of protest but the intended consequence. For obvious reasons unimpeded access to the Terminal by the Fire Service and other emergency services is essential at all times. To the extent that there may be interference with lawful activities the restrictions are proportionate and necessary to prevent a public nuisance and in support of the criminal law.
149. The layout of the site entrances and roads do not lend themselves to the use of an exclusion zone of the sort employed in *Afsar*. The geographical restriction to the “locality” was it was submitted a term commonly found in injunctive relief and statute. A number of the prohibitions could in any event only relate to conduct at or next to the Terminal entrances or structures. In *Manchester v Lawler* 31 HLR 119, the Court of Appeal considered the term “locality” in contempt proceedings following an injunction granted under section 152(1) of the Housing Act 1985 which provides:

“The High Court or a county court may, on an application by a local authority, grant an injunction prohibiting a person from

(a) engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises to which this section applies or in the locality of such premises

[...]

(c) entering residential premises to which this section applies or being found in the locality of any such premises.”

150. Judge LJ (as he then was) said:

“it is unnecessary to repeat the terms of s 152 in this judgement, but a rapid glance at the section demonstrates that the word “locality” recurs. It was plainly used deliberately. Moreover section 152(7) provides for the grant of an injunction “under” that is, in the terms of the section. Although wide the statutory language is not imprecise. In this context “locality” is an ordinary, readily understood English word without specialised or refined meaning. The operation of the section is flexibly linked to a geographical place.”

151. The operation of the prohibitions is in my view sufficiently geographically identified. The terms of an interim injunction may be kept under review by the court and changes made to the terms of the order if they are having an unintended effect or are leading to contempt applications for trivial infringements (*MBR Acres Ltd v Free the MBR Beagles*, [2022] EWHC 3338 (KB), 2022 WL 17835649. There is nothing to suggest that this is the case here.

152. The interim order was expressed to “continue until the hearing of the claim unless previously varied or discharged by further Order of the Court”. It provided for reconsideration at a hearing. Directions for trial have now been given and a trial window identified with the intention that the case will be heard once the result of the appeal to the Supreme Court in *Barking & Dagenham* is known. The claim will not be left in abeyance and the order is therefore subject to a temporal limit. I consider that an interim injunction in the form of the present order is appropriate and necessary and that on the evidence before the court the Council appears more likely than not to succeed at trial in obtaining injunctive relief.

153. Although there is a persons unknown defendant to the claim the description of persons unknown does not comply with the guidance in *Canada Goose*. The claim form and orders will require amendment. That was the course taken in *Afsar* and *MBR* where there were similar, and other, deficiencies but where the interim injunctions were continued. If that cannot be done by agreement then the Court will need to determine the precise terms on application by the Council.

154. The application to discharge the order is accordingly refused and subject to the changes required as a result of this judgment the interim order will remain in place to trial.

**SCHEDULE A**

- (21) THOMAS ADAMS
- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
- (26) MAIR BAIN
- (27) JEREMY BAYSTON
- (28) PAUL BELL
- (29) PAUL BELL
- (30) SARAH BENN
- (31) RYAN BENTLEY
- (32) DAVID ROBERT BERKSHIRE
- (33) MOLLY BERRY
- (34) GILLIAN BIRD
- (35) RACHEL JANE BLACKMORE
- (36) PAUL BOWERS
- (37) KATE BRAMFITT
- (38) SCOTT BREEN
- (39) ALICE BRENCHER
- (40) EMILY BROCKLEBANK
- (41) TOMMY BURNETT
- (42) TEZ BURNS
- (43) GEORGE BURROW
- (44) JADE CALLAND
- (45) OLWEN CARR
- (46) CAROLINE CATTERMOLE
- (47) IAN CAVE
- (48) MICHELLE CHARLESWORTH
- (49) ZOE COHEN
- (50) JONATHAN COLEMAN
- (51) PAUL COOPER
- (52) CLARE COOPER
- (53) JEANINIE DONALD-MCKIM
- (54) KATHRYN DOWDS
- (55) JANINE EAGLING
- (56) STEPHEN EECKELAERS
- (57) SANDRA ELSWORTH
- (58) HOLLY JUNE EXLEY
- (59) CAMERON FORD
- (60) WILLIAM THOMAS GARRATT-WRIGHT
- (61) ELIZABETH GARRATT-WRIGHT
- (62) ALASDAIR GIBSON
- (63) ALEXANDRA GILCHRIST
- (64) STEPHEN GINGELL
- (65) CALLUM GOODE
- (66) KATHRYN GRIFFITH
- (67) FIONA GRIFFITH
- (68) JOANNE GROUNDS

- (69) ALAN GUTHRIE
- (70) DAVID GWYNE
- (71) SCOTT HADFIELD
- (72) SUSAN HAMPTON
- (73) JAKE HANDLING
- (74) FIONA HARDING
- (75) GWEN HARRISON
- (76) DIANA HEKT
- (77) ELI HILL
- (78) JOANNA HINDLEY
- (79) ANNA HOLLAND
- (80) BEN HOMFRAY
- (81) JOE HOWLETT
- (82) ERIC HOYLAND
- (83) REUBEN JAMES
- (84) RUTH JARMAN
- (85) STEPHEN JARVIS
- (86) SAMUEL JOHNSON
- (87) INEZ JONES
- (88) CHARLOTTE KIRIN
- (89) JENNIFER KOWALSKI
- (90) JERARD LATIMER
- (91) CHARLES LAURIE
- (92) PETER LAY
- (93) VICTORIA LINDSELL
- (94) EL LITTEN
- (95) EMMA MANI
- (96) RACHEL MANN
- (97) DAVID MANN
- (98) DIANA MARTIN
- (99) LARCH MAXEY
- (100) ELIDH MCFADDEN
- (101) LOUIS MCKECHNIE
- (102) JULIA MERCER
- (103) CRAIG MILLER
- (104) SIMON MILNER-EDWARDS
- (105) BARRY MITCHELL
- (106) DARCY MITCHELL
- (107) ERIC MOORE
- (108) PETER MORGAN
- (109) RICHARD MORGAN
- (110) ORLA MURPHY
- (111) JOANNE MURPHY
- (112) GILBERT MURRAY
- (113) CHRISTIAN MURRAY-LESLIE
- (114) RAJAN NAIDU
- (115) CHLOE NALDRETT
- (116) JANE NEECE
- (117) DAVID NIXON
- (118) THERESA NORTON

- (119) RYAN O TOOLE
- (120) GEORGE OAKENFOLD
- (121) NICOLAS ONLAY
- (122) EDWARD OSBOURNE
- (123) RICHARD PAINTER
- (124) DAVID POWTER
- (125) STEPHANIE PRIDE
- (126) HELEN REDFERN
- (127) SIMON REDING
- (128) MARGARET REID
- (129) CATHERINE RENNIE-NASH
- (130) ISABEL ROCK
- (131) CATERINE SCOTHORNE
- (132) JASON SCOTT-WARREN
- (133) GREGORY SCULTHORPE
- (134) SAMUEL SETTLE
- (135) VIVIENNE SHAH
- (136) SHEILA SHATFORD
- (137) DANIEL SHAW
- (138) PAUL SHEEKY
- (139) SUSAN SIDEY
- (140) NOAH SILVER
- (141) JOSHUA SMITH
- (142) KAI SPRINGORUM
- (143) ANNE TAYLOR
- (144) HANNAH TORRANCE BRIGHT
- (145) JANE TOUIL
- (146) JESSICA UPTON
- (147) ISABEL WALTERS
- (148) CRAIG WATKINS
- (149) SARAH WEBB
- (150) IAN WEBB
- (151) ALEX WHITE
- (152) WILLIAM WHITE
- (153) SAMANTHA WHITE
- (154) LUCIA WHITTAKER-DE-ABREU
- (155) EDRED WHITTINGHAM
- (156) CAREN WILDEN
- (157) MEREDITH WILLIAMS
- (158) PAMELA WILLIAMS

**IN THE HIGH COURT OF JUSTICE**  
**KINGS BENCH DIVISION**  
**BEFORE MR JUSTICE MOULD**

**B E T W E E N**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**-and-**

- (1) DAVID BALDWIN**
- (12) HOLLY ROTHWELL**
- (16) JANE THEWLIS**
- (21) THOMAS ADAMS**
- (26) MAIR BAIN**
- (27) JEREMY BAYSTON**
- (35) RACHEL JANE BLACKMORE**
- (39) ALICE BRENCHER**
- (41) TOMMY BURNETT**
- (45) OLWEN CARR**
- (47) IAN CAVE**
- (51) PAUL COOPER**
- (52) CLARE COOPER**
- (54) KATHRYN DOWDS**
- (57) SANDRA ELSWORTH**
- (63) ALEXANDRA GILCHRIST**
- (66) KATHRYN GRIFFITH**
- (67) FIONA GRIFFITH**
- (74) FIONA HARDING**
- (80) BEN HOMFRAY**
- (89) JENNIFER KOWALSKI**
- (95) EMMA MANI**
- (96) RACHEL MANN**
- (116) JANE NEECE**
- (126) HELEN REDFERN**
- (132) JASON SCOTT-WARREN**
- (134) SAMUEL SETTLE**
- (140) NOAH SILVER**
- (144) ANNE TAYLOR**
- (147) JESSICA UPTON**
- (148) ISABEL WALTERS**
- (149) CRAIG WATKINS**
- (154) SAMANTHA WHITE**
- (159) PAMELA WILLIAMS**



QB-2022-001236

**Defendants**

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**ORDER**

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**BEFORE The Honourable Mr Justice Mould** sitting at the Royal Courts of Justice, The Strand, London WC2A 2LL, on Tuesday, 21 May 2024

**UPON** hearing Counsel Jonathan Manning for the Claimant and (1) David Baldwin, (12) Holly Rothwell, (16) Jane Thewlis, (21) Thomas Adams, (26) Mair Bain, (27) Jeremy Bayston, (35) Rachel Jane Blackmore, (39) Alice Brencher, (41) Tommy Burnett, (45) Olwen Carr, (47) Ian Cave, (51) Paul Cooper, (52) Clare Cooper, (54) Kathryn Dowds, (57) Sandra Elsworth, (63) Alexandra Gilchrist, (66) Kathryn Griffith, (67) Fiona Griffith, (74) Fiona Harding, (80) Ben Homfray, (89) Jennifer Kowalski, (95) Emma Mani, (96) Rachel Mann, (116) Jane Neece, (126) Helen Redfern, (132) Jason Scott-Warren, (134) Samuel Settle, (140) Noah Silver, (144) Anne Taylor, (147) Jessica Upton, (148) Isabel Walters and (154) Samantha White in person (referred together with (149) Craig Watkins and (159) Pamela Williams as “the Defendants”)

**AND UPON** reading the signed undertaking of (149) Craig Watkins dated 12 January 2024 and the signed undertaking of (159) Pamela Williams dated 31 January 2024

**AND UPON** the Defendants having signed undertakings by which they promise to the Court and to the Claimant that they:

1. Will not (whether by themselves or by instructing, encouraging or allowing any other person):
  - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1.



(b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:

- (i) entering or attempting to enter the Terminal;
- (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal;
- (iii) obstructing any entrance to the Terminal;
- (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks);
- (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land;
- (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks);
- (vii) erecting any structure;
- (viii) abandoning any vehicle which blocks any road or impedes the passage of any other vehicle on a road or access to the Terminal;
- (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
- (x) abseiling from bridges or from any other building, structure or tree on land, or
- (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) above.

2. Agree to be bound by their undertakings until 30.01.2027 or until the expiry/discharge of any injunction granted in this claim, whichever date is the earliest.

**AND UPON** the Court having explained to the Defendants who appeared in person the meaning of their undertakings and the consequences of failing to keep to their promise

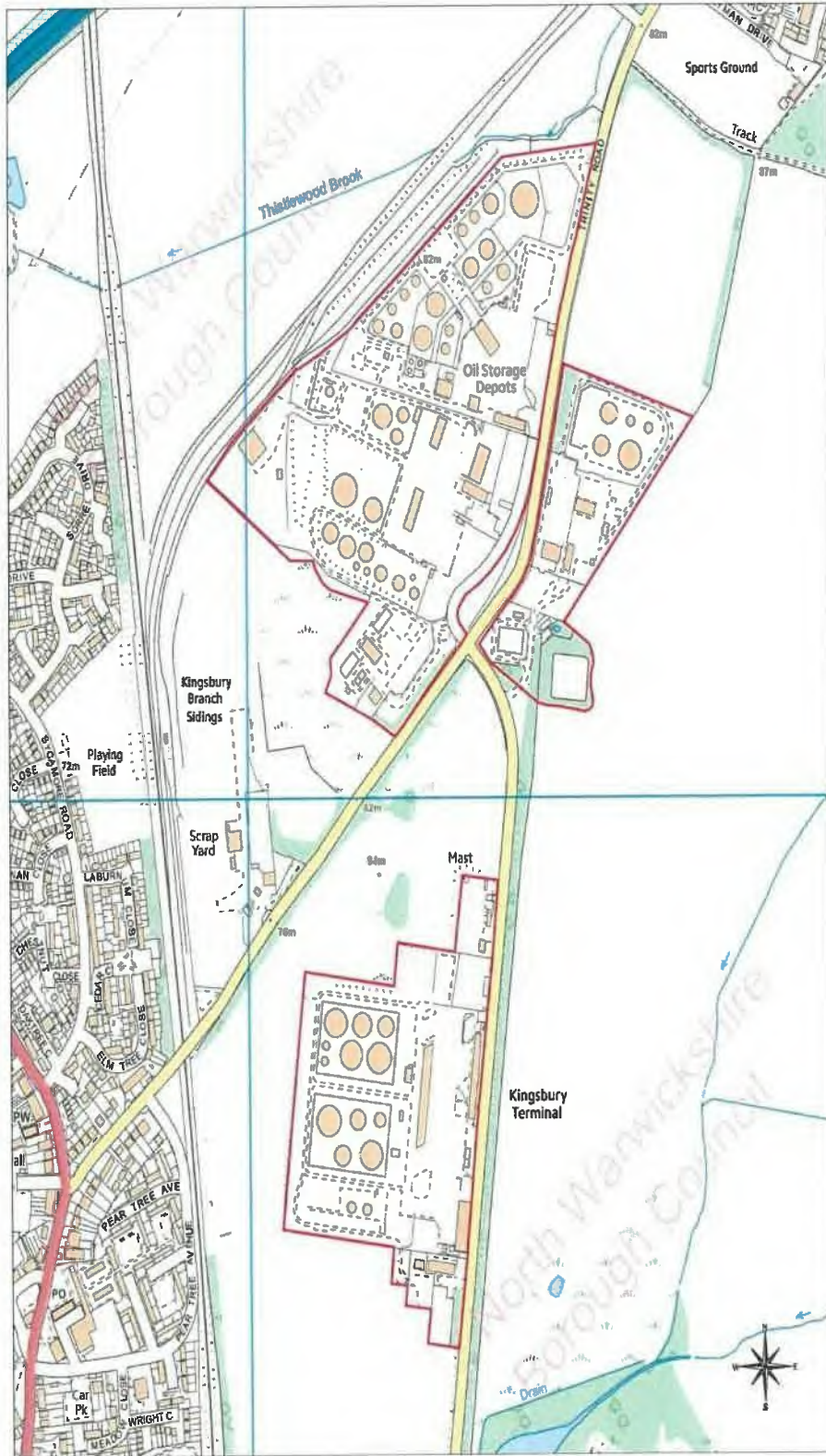
**AND UPON** the Court accepting the undertakings offered by the Defendants

**IT IS ORDERED THAT:**

1. The injunction and power of arrest dated 14 April 2022 are discharged against (1) David Baldwin, (12) Holly Rothwell, (16) Jane Thewlis, (21) Thomas Adams, (26) Mair Bain, (27) Jeremy Bayston, (35) Rachel Jane Blackmore, (39) Alice Brencher, (41) Tommy Burnett, (45) Olwen Carr, (47) Ian Cave, (51) Paul Cooper, (52) Clare Cooper, (54) Kathryn Dowds, (57) Sandra Elsworth, (63) Alexandra Gilchrist, (66) Kathryn Griffith, (67) Fiona Griffith, (74) Fiona Harding, (80) Ben Homfray, (89) Jennifer Kowalski, (95) Emma Mani, (96) Rachel Mann, (116) Jane Neece, (126) Helen Redfern, (132) Jason Scott-Warren, (134) Samuel Settle, (140) Noah Silver, (144) Anne Taylor, (147) Jessica Upton, (148) Isabel Walters, (149) Craig Watkins, (154) Samantha White and (159) Pamela Williams.
2. The application for an injunction against these Defendants dated 13 April 2022 is adjourned generally with liberty to restore. If not restored by either 30 January 2027 or the expiry/discharge of any injunction granted in this claim, whichever is the earliest, the application shall stand dismissed with no order as to costs.

**22 May 2024**

# SCHEDULE 1



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**North Warwickshire  
Borough Council**



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Department:	xxxxxx
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Scale:	1:5000

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
ROYAL COURTS OF JUSTICE

6<sup>th</sup> December 2023

Amended This 22<sup>nd</sup> January 2024 Pursuant To Slip Rule CPR 40.12



B E T W E E N

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALYSON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) NO LONGER PURSUED
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) NO LONGER PURSUED
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA
- (20) JOHN JORDAN

-and-

**THE ADDITIONAL DEFENDANTS LISTED  
AT SCHEDULE A TO THIS ORDER**

**Defendants**

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**ORDER**

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**BEFORE** Mr Justice Soole sitting in the High Court of Justice, King’s Bench Division at the Royal Courts of Justice, Strand, London, WC2A 2LL on 6 December 2023.

**UPON** the Claimant’s application dated 27 November 2023.

**AND UPON** the Court having by Order dated 30 November 2023 vacated the trial of this action listed for 6 December 2023 and ordered a directions hearing in its place.

**AND UPON** the Court having received indications from some Defendants that they are willing to give undertakings to the Court, and indications from the Claimant that it would not accept undertakings in respect of all of those Defendants.

**UPON** hearing Ms Crocombe, Counsel for the Claimant, and Alison Lee (the 8<sup>th</sup> Defendant), Ian Cave (the 47<sup>th</sup> Defendant), Jerrard Mark Latimer (the 90<sup>th</sup> Defendant), and Jessica Upton (the 147<sup>th</sup> Defendant) in person, and upon reading the letter to the Court dated 1 December 2023 from solicitors for Sue Hampton (the 72<sup>nd</sup> Defendant).

**IT IS ORDERED THAT:**

1. The Claimant is at liberty to apply to the Court for a hearing (in person or via MS Teams) for the purpose of approval by the Court of disposal of the claim against any Defendant(s) by means of an undertaking.
2. The trial of the matter is to be listed for the first available date after 10 April 2024, time estimate 3 days.

3. The Orders of Mr Justice Sweeting dated 31 March 2023 and 8 August 2023 are varied as follows:
  - (i) The time for any Defendant or person wishing to be heard at the final hearing of this claim to file and serve on the Claimant an Acknowledgement of Service is extended to 4pm on 27 December 2023.
  - (ii) Any Defendant or person who fails to comply with paragraph 3(i) above shall not be permitted to defend or take any further role in these proceedings without further order of the Court.
  - (iii) The time for the Claimant to file and serve any updating evidence that it wishes to rely on at trial is extended to 4pm on 17 January 2024.
  - (iv) The time for the Defendants to file and serve a Defence and any evidence upon which they seek to rely upon at trial is extended to 4pm on 31 January 2024.
  - (v) The time for the Claimant to file and serve a Reply to any Defence and evidence in support is extended to 15 February 2024.
4. Skeleton arguments are to be filed and exchanged no later than 10 days before the trial date.
5. The Claimant is to file two hard copies of the trial bundle and an electronic copy of the bundle in a form compliant with the Kings Bench Division Guide 2023 by not more than 7 days and not less than 3 days before the trial.

### **Service**

6. Pursuant to CPR rule 6.38, the Claimant has permission to serve any document filed in these proceedings on the 142<sup>nd</sup> Defendant outside of the jurisdiction.
7. Pursuant to CPR rules 6.27 and 81.4(2) (c) and (d), the Claimant has permission to serve any document filed in these proceedings:

- (i) On the Defendants numbered 22, 23, 32, 36-39, 42, 43, 49, 50, 53, 54, 56, 58-61, 69-72, 75, 79, 82, 83, 86, 91, 92, 97, 99-101, 103, 105, 110, 114, 117-119, 121, 122, 124, 125, 127-131, 133, 136, 138, 141, ~~143~~, 145, 146, 151, 156, and 157, by the alternative method of recorded first class post.
  
- (ii) On the Defendants numbered 1, 4, 6, 8, 9, 10, 11, 12, 16, 17, 20, 21, 24, 25, 26, 27, 28, 33, 34, 35, 40, 41, 44, 45, 46, 47, 48, 51, 52, 55, 57, 63, 65, 66, 67, 68, 74, 76, 78, 80, 81, 84, 85, 88, 89, 90, 93, 94, 95, 96, 98, 102, 104, 106, 107, 108, 111, 113, 115, 116, 120, 123, 126, 132, 134, 135, 137, 139, 140, 144, 147, 148, 149, 150, 152, 153, 154, 158, and 159, by the alternative method of email, and
  
- (iii) On the Defendants numbered 19, 62, 64, 73, 77, 87, 109, 112, 142 and 155 by the following alternative methods:
  - (a) Posting a copy of those documents on its dedicated webpage for these proceedings  
 ([https://www.northwarks.gov.uk/info/20170/council\\_business/1606/just\\_stop\\_oil\\_-\\_high\\_court\\_injunction](https://www.northwarks.gov.uk/info/20170/council_business/1606/just_stop_oil_-_high_court_injunction)).
  
  - (b) Publicising those documents and the link through which they can be obtained using the Claimant's Facebook page and Twitter account,
  
  - (c) Using its best endeavours to ensure that a link to those documents is posted on the local police social media accounts.
  
  - (d) Posting a link to those documents to the Facebook, Twitter, LinkedIn, YouTube and Instagram accounts of Just Stop Oil.
  
  - (e) Emailing a link to those documents to the following email addresses:
    - (1) [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)
    - (2) [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
    - (3) [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

- (f) Displaying a notice setting out the nature of those documents and indicating how a hard copy of the documents can be obtained at public entrances of the Claimant's main offices and at the entrances to Kingsbury Oil Terminal.
  - (g) Any other like manner as the Claimant may decide to use in order to bring the documents to the attention of the Defendants and other persons likely to be affected.
8. The deemed date of service of any document shall be the date of the relevant certificate of service on completion of the steps described in paragraph 7(i)-(iii) of this Order.
  9. Liberty to any Defendant to apply to vary this Order.
  10. The Claimant has permission to amend the name of 8<sup>th</sup> Defendant so as to read "Alyson Lee" and the name of the 90<sup>th</sup> Defendant so as to read "Jerrard Mark Latimer".
  11. Costs reserved.



## SCHEDULE A

- (21) THOMAS ADAMS
- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
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~~(143) MARK STEVENSON~~  
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(156) EDRED WHITTINGHAM  
(157) CAREN WILDEN  
(158) MEREDITH WILLIAMS  
(159) PAMELA WILLIAMS

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Mr Justice Soole

30<sup>th</sup> November 2023

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

and



- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) NO LONGER PURSUED
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) NO LONGER PURSUED
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA
- (20) JOHN JORDAN

-and-

**THE ADDITIONAL DEFENDANTS LISTED  
AT SCHEDULE A TO THIS ORDER**

**Defendants**

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**ORDER**

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**UPON** considering the Claimant's application dated 27 November 2023

**AND UPON** the decision of the Supreme Court in *Wolverhampton City Council and others - v- London Gypsies and Travellers and others* [2023] UKSC 47 having been handed down on 29 November 2023

**AND UPON** the Court concluding that the parties and the Court will need further time to review the Supreme Court judgment and its implications

**IT IS ORDERED THAT:**

1. The trial of this matter listed to commence on 6 December 2023 is vacated.
2. The balance of the Claimant's application dated 27 November 2023 is listed to be heard before Mr Justice Soole on 6 December 2023 (in person hearing), with a time estimate of 2 hours. The hearing will also generally consider further directions in the matter.
3. This Order having been made without a hearing or representations from the Defendants, any party affected by its terms may apply to the Court in Form N244 pursuant to CPR 3.3(5) to set aside or vary it.
4. Costs reserved.

30 November 2023

## SCHEDULE A

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- (156) CAREN WILDEN
- (157) MEREDITH WILLIAMS
- (158) PAMELA WILLIAMS



IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
BIRMINGHAM DISTRICT REGISTRY  
BEFORE MR JUSTICE SWEETING

6 August 2023

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

and



Claimant

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) NO LONGER PURSUED
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) NO LONGER PURSUED

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR  
ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE  
PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE  
SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

(20) JOHN JORDAN

Defendants

---

**ORDER**

---

**BEFORE** Mr Justice Sweeting sitting in the High Court of Justice, King's Bench Division at the Royal Courts of Justice.

**UPON** the Judgment of the Supreme Court in the case of Wolverhampton City Council and others -v- London Gypsies and Travellers and others UKSC 2022/0046 not having been handed down and having heard written representations on behalf of the Claimant and the 72<sup>nd</sup> Defendant that the outcome of that decision is relevant to the Trial of this matter.

**IT IS ORDERED THAT:**

1. The Trial listed for the week commencing 24 July is vacated and the matter is listed for hearing on the first available date in November 2023 with a time estimate of 2 days.
2. Pursuant to CPR rules 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve this Order:
  - (a) Pursuant to CPR rule 6.38 on the 140<sup>th</sup> Defendant outside of the jurisdiction.
  - (b) On the 21<sup>st</sup>-23<sup>rd</sup>, 25<sup>th</sup>-30<sup>th</sup>, 32<sup>nd</sup>-61<sup>st</sup>, 63<sup>rd</sup>, 66<sup>th</sup>-72<sup>nd</sup>, 74<sup>th</sup>-76<sup>th</sup>, 78<sup>th</sup>-86<sup>th</sup>, 88<sup>th</sup>-106<sup>th</sup>, 108<sup>th</sup>, 110<sup>th</sup>, 111<sup>th</sup>, 113<sup>th</sup>-141<sup>st</sup>, 143<sup>rd</sup>-154<sup>th</sup> and 156<sup>th</sup>-158<sup>th</sup> Defendants by the alternative method of recorded first class post.
  - (c) On the 20<sup>th</sup>, 24<sup>th</sup> and 65<sup>th</sup> Defendants by the alternative method of emailing the email addresses that they supplied to the Claimant during the committal proceedings against them in August 2022, and
  - (d) On the 31<sup>st</sup>, 62<sup>nd</sup>, 64<sup>th</sup>, 73<sup>rd</sup>, 77<sup>th</sup>, 87<sup>th</sup>, 107<sup>th</sup>, 109<sup>th</sup>, 112<sup>th</sup>, 142<sup>nd</sup> and 155<sup>th</sup> Defendants (for whom the Claimant does not have any contact details by the following alternative methods:

- (i) Posting copies on its website,
- (ii) Publicising them using the Claimant's Facebook page and Twitter account,
- (iii) Using best endeavours to ensure that copies are posted on the local police social media accounts.
- (iv) Posting a link to the copies posted on the Claimant's webpage to the Facebook, Twitter, LinkedIn, YouTube and Instagram accounts of Just Stop Oil.
- (v) Emailing copies to the following email addresses associated with Just Stop Oil:
  - (a) [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)
  - (b) [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
  - (c) [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)
- (vi) Placing copies prominently at the entrances to the Terminal;
- (vii) Displaying copies at the public entrances of the Claimant's main offices.
- (viii) Issuing a media release concerning this Order. Such release must provide:
  - (a) a summary of this Order;
  - (b) the date, time and location of any future hearings, if known
  - (c) the addresses of the webpage on which this order is published.
  - (e) The Claimants' contact details as set out below; and
  - (f) Details of where and how copies of this Order, the Order dated 31 March and Application documents may be obtained.

Such release shall be made to, but is not limited to, local print publications including the [Coventry Telegraph]; local radio stations including [BBC Coventry and Warwickshire and BBC West Midlands]; and the following television stations, [BBC West Midland and Central Television] by 23:59 on [4 August 2023]

- (ix) Any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.
3. The deemed date of service of this Order and the application documents above shall be the date of the relevant certificate of service on completion of the steps described in paragraphs 2(a)-(c) of this Order.

### **Directions to Trial**

4. The Claimant is to file and serve any updating evidence that it wishes to rely upon by 16:00 on 31st August 2023.
5. Any other person wishing to be heard at the final hearing of this claim shall file and serve an Acknowledgement of Service by 16:00 on 7 September 2023 and apply to be joined as a named Defendant at the same time.
6. Any Defendant or person who fails to comply with paragraph 5 above shall not be permitted to defend or take any further role in these proceedings without further order of the Court.
7. The Defendants are to file and serve a Defence and any evidence upon which they seek to rely upon by 28 September 2023.
8. The Claimant is to file and serve any Reply and evidence in support by 12 October 2023.
9. Pursuant to CPR rule 6.38, the Claimant has permission to serve any document referred to at paragraphs 4 and 8 above on the 140<sup>th</sup> Defendant outside of the jurisdiction.
10. Pursuant to CPR rules 6.27 and 81.4(2) (c) and (d), the Claimant has permission to serve any document referred to at paragraphs 4 and 8 above by the means set out in paragraph 2

11. Costs in the case.

## SCHEDULE 1

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- (22) MARY ADAMS
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- (116) JANE NEECE**
- (117) DAVID NIXON**



- (118) THERESA NORTON
- (119) RYAN O TOOLE
- (120) GEORGE OAKENFOLD
- (121) NICOLAS ONLAY
- (122) EDWARD OSBOURNE
- (123) RICHARD PAINTER
- (124) DAVID POWTER
- (125) STEPHANIE PRIDE
- (126) HELEN REDFERN
- (127) SIMON REDING
- (128) MARGARET REID
- (129) CATHERINE RENNIE-NASH
- (130) ISABEL ROCK
- (131) CATERINE SCOTHORNE
- (132) JASON SCOTT-WARREN
- (133) GREGORY SCULTHORPE
- (134) SAMUEL SETTLE
- (135) VIVIENNE SHAH
- (136) SHEILA SHATFORD
- (137) DANIEL SHAW
- (138) PAUL SHEEKY
- (139) SUSAN SIDEY
- (140) NOAH SILVER
- (141) JOSHUA SMITH
- (142) KAI SPRINGORUM
- (143) MARK STEVENSON
- (144) ANNE TAYLOR
- (145) HANNAH TORRANCE BRIGHT
- (146) JANE TOUIL
- (147) JESSICA UPTON
- (148) ISABEL WALTERS
- (149) CRAIG WATKINS
- (150) SARAH WEBB

- (151) IAN WEBB**
- (152) ALEX WHITE**
- (153) WILLIAM WHITE**
- (154) SAMANTHA WHITE**
- (155) LUCIA WHITTAKER-DE-ABREU**
- (156) EDRED WHITTINGHAM**
- (157) CAREN WILDEN**
- (158) MEREDITH WILLIAMS**
- (159) PAMELA WILLIAMS**

Claim No: QB-2022-001236

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
ROYAL COURTS OF JUSTICE



BETWEEN

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

Claimant

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) NO LONGER PURSUED
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) NO LONGER PURSUED
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE

**PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE  
SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA  
(20) JOHN JORDAN**

**-and-**

**THE ADDITIONAL DEFENDANTS LISTED  
AT SCHEDULE A TO THIS ORDER**

**Defendants**

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**ORDER**

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**BEFORE** Mr Justice Sweeting sitting in the High Court of Justice, King’s Bench Division at the Royal Courts of Justice, **Strand**, London, WC2A 2LL on 31 March 2023.

**UPON** hearing counsel Ms Crocombe for the Claimant and the Defendants not attending.

**AND UPON** Ms Jessica Branch sending some observations to the Court via her solicitors Hodge Jones and Allen, and Mr Iossifidis, a trainee solicitor at Hodge Jones and Allen, observing the proceedings on her behalf.

**AND UPON** the Claimant’s application (a) for directions to the final hearing of this application, (b) to add 139 people who, by their conduct, fall within the definition of the 19<sup>th</sup> Defendant and whose names are now known to the Claimant, (c) to remove the 18<sup>th</sup> Defendant as a Defendant to these proceedings by consent, and (d) for permission to serve their application, the application for a final injunction, and any other documents filed or orders made in this case by alternative service.

**AND UPON** the Court being satisfied that the Claimant has taken the steps to effect alternative service of this application as set out in the Claimant’s application.

**IT IS ORDERED THAT:**

**The Application to Add/Remove Defendants**

1. Pursuant to CPR rules 6.27 and 81.4(2) (c) and (d), the Court is satisfied that good service has been effected of the application.
2. The persons named in Schedule A to this order be added to the proceedings as the 21<sup>st</sup> – 158<sup>th</sup> Defendants.
3. The 18<sup>th</sup> Defendant be removed as a Defendant.

**Service of this Order and the Application for an Injunction on the New Defendants**

4. The application for an injunction dated 27.04.2022, the particulars of claim, the supporting evidence, the interim injunction and power of arrest dated 14 April 2022 (as amended on 21 April 2022), and the interim injunction and power of arrest dated 05 May 2022 shall hereafter be referred to as “the application documents”.
5. Pursuant to CPR rule 6.38, the Claimant has permission to serve this Order, and the application documents on the 140<sup>th</sup> Defendant outside of the jurisdiction.
6. Pursuant to CPR rules 6.27 and 81.4(2) (c) and (d), the Claimant is permitted to serve this Order and the application documents:
  - (i) On the 21<sup>st</sup>-23<sup>rd</sup>, 25<sup>th</sup>-30<sup>th</sup>, 32<sup>nd</sup>-61<sup>st</sup>, 63<sup>rd</sup>, 66<sup>th</sup>-72<sup>nd</sup>, 74<sup>th</sup>-76<sup>th</sup>, 78<sup>th</sup>-86<sup>th</sup>, 88<sup>th</sup>-106<sup>th</sup>, 108<sup>th</sup>, 110<sup>th</sup>, 111<sup>th</sup>, 113<sup>th</sup>-141<sup>st</sup>, 143<sup>rd</sup>-154<sup>th</sup> and 156<sup>th</sup>-158<sup>th</sup> Defendants by the alternative method of recorded first class post.
  - (ii) On the 24<sup>th</sup> and 65<sup>th</sup> Defendants by the alternative method of emailing the email addresses that they supplied to the Claimant during the committal proceedings against them in August 2022, and
  - (iii) On the 31<sup>st</sup>, 62<sup>nd</sup>, 64<sup>th</sup>, 73<sup>rd</sup>, 77<sup>th</sup>, 87<sup>th</sup>, 107<sup>th</sup>, 109<sup>th</sup>, 112<sup>th</sup>, 142<sup>nd</sup> and 155<sup>th</sup> Defendants by the following alternative methods:
    - (a) Posting a copy of this Order on its dedicated webpage for these proceedings <https://www.northwarks.gov.uk/hci>

where copies of the application documents can already be found.

- Publicising this Order, the application documents, and the link through which they can be obtained using the Claimant's Facebook page and Twitter account,
- (b) Using best endeavours to ensure that a link to this Order and the application documents is posted on the local police social media accounts.
  - (c) Posting a link to this Order and the application documents to the Facebook, Twitter, LinkedIn, YouTube and Instagram accounts of Just Stop Oil.
  - (d) Emailing this Order and link to the dedicated webpage for these proceedings containing the application documents to the following email addresses associated with Just Stop Oil with an explanation setting out that the 31<sup>st</sup>, 62<sup>nd</sup>, 64<sup>th</sup>, 73<sup>rd</sup>, 77<sup>th</sup>, 87<sup>th</sup>, 107<sup>th</sup>, 109<sup>th</sup>, 112<sup>th</sup>, 142<sup>nd</sup> and 156<sup>th</sup> Defendants have been added to these proceedings:
    - (1) [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)
    - (2) [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
    - (3) [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)
  - (e) Placing a copy of this order and a notice setting out the nature of the injunction application and indicating how a hard copy of the application documents can be obtained prominently at the entrances to the Terminal and the public entrances of the Claimant's main offices.
  - (f) Displaying copies of the interim injunction and power of arrest dated 05 May 2022 at the public entrances of the Claimant's main offices.
  - (g) Issuing a media release. Such release must provide:
    - (1) a summary of this Order,
    - (2) the date, time and location of any future hearings, if known
    - (3) the addresses the webpage on which this order and the application documents are published.

- (4) The Claimants' contact details; and
- (5) Details of where and how copies of the application documents may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Coventry Telegraph; local radio stations including BBC Coventry and Warwickshire and BBC West Midlands; and the following television stations, BBC West Midlands and Central Television by 23:59 on 11 April 2023.

- (i) Any other like manner as the Claimant may decide to use in order to bring this Order and the application documents to the attention of the Defendants and other persons likely to be affected.

7. The deemed date of service of this Order and the application documents above shall be the date of the relevant certificate of service on completion of the steps described in paragraphs 6(i)-(iii) of this Order.

#### **Directions to Trial**

8. The Claimant is to file and serve any updating evidence that it wishes to rely upon by 16:00 on 29 May 2023.
9. Any Defendant or person wishing to be heard at the final hearing of this claim shall file **and serve on the Claimant** an Acknowledgement of Service by 16:00 on 12 June 2023 and, if appropriate, apply to be joined as a named Defendant at the same time.
10. Any person or Defendant who fails to comply with paragraph 9 above shall not be permitted to defend or take any further role in these proceedings without further order of the Court.
11. The Defendants are to file and serve a Defence and any evidence upon which they seek to rely upon by 26 June 2023.
12. The Claimant is to file and serve any Reply and evidence in support by 10 **July** 2023.

13. Pursuant to CPR rule 6.38, the Claimant has permission to serve any document referred to at paragraphs 8 and 12 above on the 140<sup>th</sup> Defendant outside of the jurisdiction.
  
14. Pursuant to CPR rules 6.27 and 81.4(2) (c) and (d), the Claimant has permission to serve any document referred to at paragraphs 8 and 12 above:
  - (i) On the 1<sup>st</sup>-4<sup>th</sup>, 7<sup>th</sup>-11<sup>th</sup>, 16<sup>th</sup>-17<sup>th</sup>, 21<sup>st</sup>-23<sup>rd</sup>, 25<sup>th</sup>-30<sup>th</sup>, 32<sup>nd</sup>-61<sup>st</sup>, 63<sup>rd</sup>, 66<sup>th</sup>-72<sup>nd</sup>, 74<sup>th</sup>-76<sup>th</sup>, 78<sup>th</sup>-86<sup>th</sup>, 88<sup>th</sup>-106<sup>th</sup>, 108<sup>th</sup>, 110<sup>th</sup>, 111<sup>th</sup>, 113<sup>th</sup>-141<sup>st</sup>, 143<sup>rd</sup>-154<sup>th</sup> and 156<sup>th</sup>-158<sup>th</sup> Defendants by the alternative method of recorded first class post.
  
  - (ii) On the 20<sup>th</sup>, 24<sup>th</sup> and 65<sup>th</sup> Defendants by the alternative method of emailing the email addresses that they supplied to the Claimant during the committal proceedings against them in August 2022, and
  
  - (iii) On the 5<sup>th</sup>, 6<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup>, 31<sup>st</sup>, 62<sup>nd</sup>, 64<sup>th</sup>, 73<sup>rd</sup>, 77<sup>th</sup>, 87<sup>th</sup>, 107<sup>th</sup>, 109<sup>th</sup>, 112<sup>th</sup>, 142<sup>nd</sup> and 155<sup>th</sup> Defendants by the following alternative methods:
    - (a) Posting a copy of those documents on its dedicated webpage for these proceedings  
 (<https://www.northwarks.gov.uk/hci>)  


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    - (b) Publicising those documents and the link through which they can be obtained using the Claimant's Facebook page and Twitter account,
  
    - (c) Using its best endeavours to ensure that a link to those documents is posted on the local police social media accounts.
  
    - (d) Posting a link to those documents to the Facebook, Twitter, LinkedIn, YouTube and Instagram accounts of Just Stop Oil.
  
    - (e) Emailing a link to those documents to the following email addresses:
      - (1) [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)



- (2) [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
- (3) [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

- (f) Displaying a notice setting out the nature of those documents and indicating how a hard copy of the documents can be obtained at public entrances of the Claimant's main offices and at the entrances to Kingsbury Oil Terminal.
- (g) Issuing a media release. Such release must provide:
  - (1) a summary of those documents,
  - (2) the date, time and location of any future hearings, if known
  - (3) the addresses the webpage on which the documents are published.
  - (4) The Claimants' contact details; and
  - (5) Details of where and how copies of the documents relied on by the Claimant may be obtained.

Such release shall be made Television within 7 days of the stated dates in paragraphs 8 and 12 above. Such release shall be made to, but is not limited to, local print publications including the Coventry Telegraph; local radio stations including BBC Coventry and Warwickshire and BBC West Midlands; and the following television stations, BBC West Midlands and Central.

- (h) Any other like manner as the Claimant may decide to use in order to bring the documents to the attention of the Defendants and other persons likely to be affected.

- 15. The deemed date of service of the documents referred to at paragraph 8 and 12 above shall be the date of the relevant certificate of service on completion of the steps described in paragraphs 14(i)-(iii) of this Order.
- 16. The application is to be listed for trial on the first available date in the week commencing **24** July 2023 in the anticipation that the Supreme Court's decision in the case of *Wolverhampton City Council and others -v- London Gypsies and Travellers and others* UKSC 2022/0046 will be available in advance of that date. Time estimate 2 days.

17. In the event that either the Supreme Court's decision referred to at paragraph 16 above is not available by the date listed for trial, or has not been available for sufficient time so as to allow the parties to make submissions on its application to this case, the parties have permission to apply for the trial date to be vacated and relisted in the next judicial term.
18. **Any skeleton arguments are to be filed and exchanged by 16:00 on 17 July 2023.**
19. **The Claimant is to file two hard copies of the trial bundle and an electronic copy of the bundle in a form compliant with the Kings Bench Division Guide 2022 by 16:00 on 19 July 2023.**
20. Costs in the case.

Dated: 31<sup>st</sup> March 2023

## SCHEDULE A

- (21) THOMAS ADAMS
- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
- (26) MAIR BAIN
- (27) JEREMY BAYSTON
- (28) PAUL BELL
- (29) PAUL BELL
- (30) SARAH BENN
- (31) RYAN BENTLEY
- (32) DAVID ROBERT BERKSHIRE
- (33) MOLLY BERRY
- (34) GILLIAN BIRD
- (35) RACHEL JANE BLACKMORE
- (36) PAUL BOWERS
- (37) KATE BRAMFITT
- (38) SCOTT BREEN
- (39) ALICE BRENCHER
- (40) EMILY BROCKLEBANK
- (41) TOMMY BURNETT
- (42) TEZ BURNS
- (43) GEORGE BURROW
- (44) JADE CALLAND
- (45) OLWEN CARR
- (46) CAROLINE CATTERMOLE
- (47) IAN CAVE
- (48) MICHELLE CHARLESWORTH
- (49) ZOE COHEN
- (50) JONATHAN COLEMAN
- (51) PAUL COOPER
- (52) CLARE COOPER
- (53) JEANINIE DONALD-MCKIM
- (54) KATHRYN DOWDS
- (55) JANINE EAGLING
- (56) STEPHEN EECKELAERS
- (57) SANDRA ELSWORTH
- (58) HOLLY JUNE EXLEY
- (59) CAMERON FORD
- (60) WILLIAM THOMAS GARRATT-WRIGHT
- (61) ELIZABETH GARRATT-WRIGHT
- (62) ALASDAIR GIBSON
- (63) ALEXANDRA GILCHRIST
- (64) STEPHEN GINGELL
- (65) CALLUM GOODE
- (66) KATHRYN GRIFFITH
- (67) FIONA GRIFFITH
- (68) JOANNE GROUNDS

- (69) ALAN GUTHRIE**
- (70) DAVID GWYNE**
- (71) SCOTT HADFIELD**
- (72) SUSAN HAMPTON**
- (73) JAKE HANDLING**
- (74) FIONA HARDING**
- (75) GWEN HARRISON**
- (76) DIANA HEKT**
- (77) ELI HILL**
- (78) JOANNA HINDLEY**
- (79) ANNA HOLLAND**
  
- (80) BEN HOMFRAY**
- (81) JOE HOWLETT**
- (82) ERIC HOYLAND**
- (83) REUBEN JAMES**
- (84) RUTH JARMAN**
- (85) STEPHEN JARVIS**
- (86) SAMUEL JOHNSON**
- (87) INEZ JONES**
- (88) CHARLOTTE KIRIN**
- (89) JENNIFER KOWALSKI**
- (90) JERARD LATIMER**
- (91) CHARLES LAURIE**
- (92) PETER LAY**
- (93) VICTORIA LINDSELL**
- (94) EL LITTEN**
- (95) EMMA MANI**
- (96) RACHEL MANN**
- (97) DAVID MANN**
- (98) DIANA MARTIN**
- (99) LARCH MAXEY**
- (100) ELIDH MCFADDEN**
- (101) LOUIS MCKECHNIE**
- (102) JULIA MERCER**
- (103) CRAIG MILLER**
- (104) SIMON MILNER-EDWARDS**
- (105) BARRY MITCHELL**
- (106) DARCY MITCHELL**
- (107) ERIC MOORE**
- (108) PETER MORGAN**
- (109) RICHARD MORGAN**
- (110) ORLA MURPHY**
- (111) JOANNE MURPHY**
- (112) GILBERT MURRAY**
- (113) CHRISTIAN MURRAY-LESLIE**
- (114) RAJAN NAIDU**
- (115) CHLOE NALDRETT**
- (116) JANE NEECE**
- (117) DAVID NIXON**
- (118) THERESA NORTON**

- (119) RYAN O TOOLE
- (120) GEORGE OAKENFOLD
- (121) NICOLAS ONLAY
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- (147) ISABEL WALTERS
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- (151) ALEX WHITE
- (152) WILLIAM WHITE
- (153) SAMANTHA WHITE
- (154) LUCIA WHITTAKER-DE-ABREU
- (155) EDRED WHITTINGHAM
- (156) CAREN WILDEN
- (157) MEREDITH WILLIAMS
- (158) PAMELA WILLIAMS

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

Claim No. QB-2022-001236

**In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.**

**B E T W E E N**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**and**



QB-2022-001236

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13)
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) ANDREW WORSLEY

**(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

**Defendants**

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**INTERIM INJUNCTION ORDER**

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## PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

On the 5 May, 2022, before Mr Justice Sweeting, sitting at the Birmingham Magistrates' Court, Victoria Law Courts, Birmingham B4 6PH, the Court considered an application by the Claimant to continue, in an amended form, an injunction granted by the Court on 14 April 2022.

UPON hearing the Claimant's said application and an application to discharge the injunction brought by Mr Jake Handling and Ms Jessica Branch (the "Applicants")

AND UPON hearing counsel Mr Manning and Ms Crocombe for the Claimant, and Counsel, Mr Simblet QC for the Mr Jake Handling and Ms Jessica Branch, with no other party attending;

AND UPON considering an application for an interim injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981

AND FURTHER UPON the Court being satisfied for the purposes of section 12(2) of the Human Rights Act 1998 that the Claimant has taken all practicable steps to notify the Defendants of this application.

AND FURTHER UPON the Court having previously been satisfied for the purposes of section 12(3) of the Human Rights Act 1998 that the Claimant is likely to establish at the trial of this claim that any publication restrained by this Order should not be allowed.

AND FURTHER UPON the Court having particular regard to the importance of the Convention right to freedom of expression but finding in the circumstances, having previously been satisfied that it is just and convenient, and proportionate, to grant injunctive relief in the terms set out herein, pending the trial of this claim.

AND FURTHER UPON the Court having previously been satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from

the conduct prohibited by this Order and that a power of arrest should therefore be granted.

AND pending the court giving its judgment and reaching its decision on the applications mentioned above considering it appropriate to maintain the current position in relation to there being an injunction and a power of arrest until judgment or further order on the applications before the court.



IT IS ORDERED THAT

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):
  - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1.
  - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
    - (i) entering or attempting to enter the Terminal
    - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal
    - (iii) obstructing any entrance to the Terminal
    - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
    - (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land
    - (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks)
    - (vii) erecting any structure
    - (viii) abandoning any vehicle which blocks any road or impedes the passage any other vehicle on a road or access to the Terminal
    - (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
    - (x) abseiling from bridges or from any other building, structure or tree on land or
    - (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.
2. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1(a) and (b) above.
3. This Order and power of arrest shall continue until the hearing of the Claim unless previously varied or discharged by further Order of the Court.
4. Any person served with a copy of, or affected by, this Order may apply to the Court

vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

5. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve the Claim Form and supporting documents relied on, and this Order and power of arrest, by the alternative methods specified at Schedule 2 to this Order. Reservice of the Claim Form and supporting documents is dispensed with.
6. The deemed date of service of the documents referred to at paragraph 5 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 2 to this Order.

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

**Name and Address of the Claimant's Legal Representatives**

**Ms Annie Ryan**

**The Council House**

**South Street**

**Atherstone**

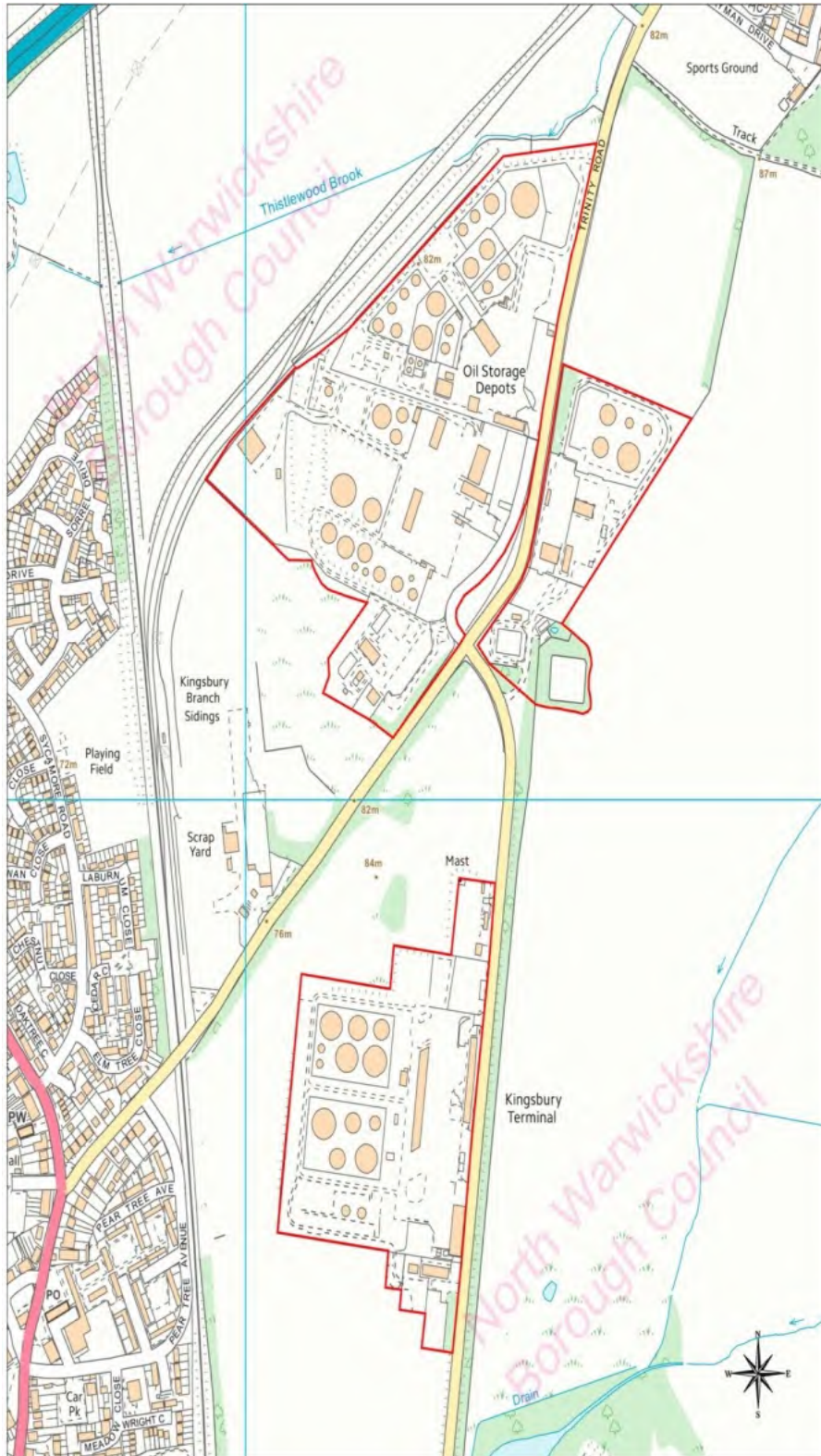
**Warwickshire CV9 1DE**

**Email:**

**clivetobin@northwarks.gov.uk**

**annieryan@northwarks.gov.uk**

# SCHEDULE 1



North Warwickshire  
Borough Council

(c) Crown Copyright and database rights 2022  
Ordnance Survey 100017910



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date:	06/05/2022
Scale:	1:5000

## SCHEDULE 2

1. Service of the Claim Form and this Order shall be effected by
  - (i) placing signs informing people of
    - (a) this Claim,
    - (b) this Order and power of arrest, and the area in which they have effect and
    - (c) where they can obtain copies of the Claim Form. Order and power of arrest, and the supporting documents used to obtain this Orderin prominent locations along the boundary of the buffer zone referred to at para.1 of this Order and particularly outside the Terminal and at the junctions of roads leading into the zone,
  - (ii) placing a copy prominently at the entrances to the Terminal;
  - (iii) posting a copy of the documents referred to at para.1(i)(c) above Order on its website, and publicising it using the Claimant's facebook page and twitter account, and posting on other relevant social media sites including local police social media accounts, and/or.
  - (iv) any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
  - (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order; and
  - (ii) a copy of this Order and power of arrest.
3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

Signed *Mr Justice Sweeting*

Dated 6<sup>th</sup> May 2022

# SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION - POWER OF ARREST

Under section 27, Police and Justice Act, 2006. Claim no

## IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION

NORTH WARWICKSHIRE BOROUGH COUNCIL	Claimant
18 NAMED DEFENDANTS AND PERSONS UNKNOWN LISTED ON THE INJUNCTION ORDER DATED 14 APRIL 2022.	Defendant

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 05 May 2022.

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

*(Where marked \* delete as appropriate)*

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):
  - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the "Terminal"), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1.
  - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
    - (i) entering or attempting to enter the Terminal
    - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal not within the buffer zone
    - (iii) obstructing any entrance to the Terminal
    - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
    - (v) obstructing any highway
    - (vi) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land
    - (vii) affixing themselves to any other person or object or land (including structures, buildings, caravans, trees or rocks)
    - (viii) erecting any structure
    - (ix) abandoning any vehicle
    - (x) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
    - (xi) abseiling from bridges or from any other building, structure or tree on land or
    - (xii) instructing, assisting, encouraging or allowing any other person to do any act prohibited by paragraphs (b)(i)-(xi) of this Order.

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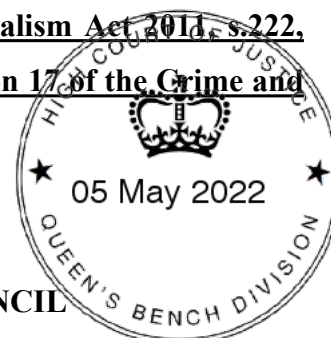
<b>Power of Arrest</b>	<p>The court thinks that there is a significant risk of harm to a person.</p> <p>A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.</p>
<b>This Power of Arrest</b>	<p>Shall continue until the hearing of the Claim unless previously varied or discharged by further Order of the Court.</p>
<b>Note to the Arresting Officer</b>	<p>Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:</p> <ul style="list-style-type: none"><li>• A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.</li><li>• A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—<ol style="list-style-type: none"><li>(a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;</li><li>(b) a judge of the county court, if—<ol style="list-style-type: none"><li>(i) the injunction was granted by the county court, or</li><li>(ii) the injunction was granted by a youth court but the respondent is aged 18 or over;</li></ol></li><li>(c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.</li></ol><ul style="list-style-type: none"><li>• In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.</li><li>• The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.</li><li>• The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.</li></ul></li></ul>
Ordered by	<hr/> <i>Mr Justice Sweeting</i>
On	<hr/> 6 <sup>th</sup> May 2022 <hr/>

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**ROYAL COURTS OF JUSTICE**

**In the matter of an application for an injunction under s.1, Localism Act 2011 s.222, Local Government Act 1972, s.130, Highways Act 1980 and section 17 of the Crime and Disorder Act 1998.**



**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**QB-2022-001236**  
**Claimant**

**and**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALISON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (12) HOLLY ROTHWELL**
- (13) ELIZABETH SMAIL**
- (14) JOHN SMITH**
- (15) BEN TAYLOR**
- (16) JANE THEWLIS**
- (17) ANTHONY WHITEHOUSE**
- (18) ANDREW WORSLEY**
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

**Defendant**

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**ORDER**

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Before The Honourable Mr Justice Sweeting, sitting at Manchester Magistrates Court, Crown Square, Manchester, M60 1PR

Upon hearing Counsel Mr Manning and Ms Crocombe for the Claimant, and Counsel Mr Simblet QC instructed by the Applicants Ms Branch and Mr Handling

AND UPON the Claimant applying for the return date of the injunction to be adjourned

**IT IS ORDERED THAT:**

1. The return date is adjourned to **Thursday 05<sup>th</sup> May 2022 at 10.30am** at the **Birmingham Magistrates' Court, Victoria Law Courts, 1 Newton St, Birmingham B4 7NA.**
2. The injunction and power of arrest dated 14 April 2022 shall continue in force, pending conclusion of the proceedings on the return date .
3. The Claimant file and serve a skeleton argument and any supporting evidence that it seeks to rely on by 16:00 on 03 May 2022.
4. The Applicants file and serve any skeleton argument and evidence in response, should they so wish, by 16:00 on 04 May 2022.
5. Costs reserved.

*Mr Justice Sweeting*

Dated 4 May 2022



**IN THE HIGH COURT AT MANCHESTER**

**QUEEN'S BENCH DIVISION**

**MANCHESTER CIVIL JUSTICE CENTRE**

**B E T W E E N**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**-and-**

**(1) JAKE HANDLING**

**(2) JOSHUA SMITH**

**Defendants**



Before The Honourable Mr Justice Sweeting, sitting at Manchester Magistrates Court, Crown Square, Manchester, M60 1PR

Upon hearing Counsel, Mr Manning and Ms Crocombe, for the Claimant, Counsel, Ms Mogan, for the First Defendant and Counsel, Mr Jones, for the Second Defendant.

And upon the Defendants being arrested on suspicion of having breached an injunction

And upon the First Defendant accepting all the allegations against him.

And upon the Second Defendant accepting all the allegations against him, but for the allegation that he interfered with an object on land.

And upon the Claimant agreeing the basis upon which the Second Defendant accepts the allegations.

**IT IS ORDERED THAT:**

1. The matter of sentencing shall be adjourned to **Friday 13<sup>th</sup> May 2022 at 10.30am** at the High Court of Justice, Queen's Bench Division, **The Queen Elizabeth II Law Courts, Derby Square, Liverpool, L2 1XA.**
2. If either Defendant fails to attend the hearing on 13<sup>th</sup> May 2022 at 10.30am, the Court may proceed in their absence and/or issue a warrant for their arrest to secure attendance at Court.

3. The Defendants shall be released from custody and remanded on bail in the terms of the attached remand on bail notices.
4. Costs reserved.

Signed *Mr Justice Sweeting*

Dated 4 May 2022

## Remand Order

(Bail granted)



<b>In the High Court of Justice Queen's Bench Division Birmingham District Registry</b>	
<b>Claim Number</b>	QB-2022-001236
<b>Claimant</b> (including ref.)	North Warwickshire Borough Council
<b>Defendant</b> (including ref.)	Jake Handling

*Seal*

Before The Honorable Mr Justice Sweeting sitting in the High Court of Justice, Queen's Bench Division, Manchester Civil Justice Centre sitting at the Manchester Magistrates' Court, Crown Square, M60 1PR

And upon it being alleged that the Defendant has breached an interim injunction granted by The Honourable Mr Justice Sweeting on 14 April 2022 and the Defendant having been arrested on 23 April 2022 pursuant to a power of arrest.

And upon the Defendant accepting the allegations of breach of the aforementioned injunction.

### **It is ordered that**

1. The Defendant be released on bail subject to the conditions that:
  - a. the Defendant adheres to the terms of the interim injunction granted by Mr Justice Sweeting on 14 April 2022, as those terms were on 28 April 2022, until the next hearing, and
  - b. the Defendant reside at 79 Mains Drive, Dundee, DD4 9BN
2. The Defendant attend the next hearing at 10:30am on 13 May 2022 at The Queen Elizabeth II Law Courts, Derby Square, Liverpool, L2 1XA.

Jake Handling  
79 Mains Drive,  
Dundee,  
DD4 9BN

---

## Remand Order

(Bail granted)



<b>In the High Court of Justice Queen's Bench Division Birmingham District Registry</b>	
<b>Claim Number</b>	QB-2022-001236
<b>Claimant</b> (including ref.)	North Warwickshire Borough Council
<b>Defendant</b> (including ref.)	Joshua Smith

*Seal*

Before The Honorable Mr Justice Sweeting sitting in the High Court of Justice, Queen's Bench Division, Manchester Civil Justice Centre sitting at the Manchester Magistrates' Court, Crown Square, M60 1PR

And upon it being alleged that the Defendant has breached an interim injunction granted by The Honourable Mr Justice Sweeting on 14 April 2022 and the Defendant having been arrested on 23 April 2022 pursuant to a power of arrest.

And upon the Defendant accepting the allegations of breach of the aforementioned injunction.

### **It is ordered that**

1. The Defendant be released on bail subject to the conditions that:
  - a. the Defendant adheres to the terms of the interim injunction granted by Mr Justice Sweeting on 14 April 2022, as those terms were on 28 April 2022, until the next hearing, and
  - b. the Defendant reside at 6 Ashfield Drive, Manchester, M40 1WJ.
2. The Defendant attend the next hearing at 10:30am on 13 May 2022 at The Queen Elizabeth II Law Courts, Derby Square, Liverpool, L2 1XA.

Joshua Smith  
6 Ashfield Drive  
Manchester  
M40 1WJ

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**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**ROYAL COURTS OF JUSTICE**

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222, Local Government Act 1972, s.130, Highways Act 1980 and section 17 of the Crime and Disorder Act 1998.**

**B E T W E E N**

**NORTH WARWICKSHIRE DISTRICT COUNCIL**



**-and-**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALISON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (12) HOLLY ROTHWELL**
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- (15) BEN TAYLOR**
- (16) JANE THEWLIS**
- (17) ANTHONY WHITEHOUSE**
- (18) ANDREW WORSLEY**
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE**

**PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE  
SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

**Defendants**

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**ORDER**

---

**BEFORE** Mr Justice Sweeting, sitting at the Royal Courts of Justice, Strand, London WC2A 2LL on 19 April 2022.

**UPON** the arrest of Katheryn Dowds, Jake Handling and Joshua Smith for alleged breach of the injunction dated 14 April 2022.

**AND UPON** the Court being informed that Katheryn Dowds, Jake Handling and Joshua Smith were released from police custody before it was possible to bring them before a judge, and it therefore not being necessary for the Court to make any order.

**AND UPON** Hearing Counsel Mr Manning and Ms Crocombe for the Claimant, and Counsel Mr Powlesland for the Defendants

**IT IS ORDERED THAT:**

1. Today's hearing be adjourned.
2. The return date of the injunction dated 14 April 2022 shall be heard at 10:00am on 28 April 2022 at Manchester Civil Justice Centre 1 Bridge Street West Manchester M60 9DJ.
3. Paragraph 4 of the injunction granted on 14 April 2022 shall be amended in the form attached hereto to record the new venue for the return date.
4. Costs reserved.

**SIGNED** *Mr Justice Sweeting*

**DATED** Thursday 21 April 2022



**Amended This 21<sup>st</sup> Day of April 2022 Pursuant To Slip Rule CPR 40.12**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

Claim No. QB-2022-001236

**In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.**



**B E T W E E N**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**and**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALISON LEE**
- (9) AMY PRITCHARD**
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- (14) JOHN SMITH**
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- (16) JANE THEWLIS**
- (17) ANTHONY WHITEHOUSE**
- (18) ANDREW WORSLEY**

**(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

**Defendants**

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**INTERIM INJUNCTION ORDER (WITHOUT NOTICE)**

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## PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

On the 14 April 2022, before Mr Justice Sweeting, sitting at the Royal Courts of Justice, Strand, London WC2A 2LL, via MS Teams, the Court considered an application by the Claimant for an injunction.

UPON hearing counsel for the Claimant, without notice to the Defendants

AND UPON considering an application for an interim injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981

AND FURTHER UPON the Court being satisfied for the purposes of section 12(2) of the Human Rights Act 1998 that the Claimant has taken all practicable steps to notify the Defendants of this application.

AND FURTHER UPON the Court being satisfied for the purposes of section 12(3) of the Human Rights Act 1998 that the Claimant is likely to establish at the trial of this claim that any publication restrained by this Order should not be allowed.

AND FURTHER UPON the Court having particular regard to the importance of the Convention right to freedom of expression but finding in the circumstances that it is just and convenient, and proportionate, to grant injunctive relief in the terms set out herein, pending the trial of this claim

AND FURTHER UPON the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by this Order and that a power of arrest should therefore be granted

IT IS ORDERED THAT

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):

(a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1, or within 5 metres of those boundaries (edged in red) (the “buffer zone”).

For the avoidance of doubt, this prohibition does not prevent the Defendants from using any public highway within the buffer zone for the purpose of travelling to or from a protest held, or to be held, outside the buffer zone.

- (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:

- (i) entering or attempting to enter the Terminal

- (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal

- (iii) obstructing any entrance to the Terminal

- (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)

- (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land

- (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks)

- (vii) erecting any structure

- (viii) abandoning any vehicle which blocks any road or impedes the passage any other vehicle on a road or access to the Terminal

- (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;

- (x) abseiling from bridges or from any other building, structure or tree on land or

- (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.

2. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1(a) and (b) above.
3. This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.
4. This Order shall, in any event, be reconsidered at a further hearing at **10.30 am on 28 April 2022** at the **Manchester Civil Justice Centre, 1 Bridge Street, West Manchester, M60 9DJ.**
5. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.
6. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve the Claim Form and supporting documents relied on, and this Order and power of arrest, by the alternative methods specified at Schedule 2 to this Order.
7. The deemed date of service of the documents referred to at paragraph 6 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 2 to this Order.

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

**Name and Address of the Claimant's Legal Representatives**

**Ms Annie Ryan**

**The Council House**

**South Street**

**Atherstone**

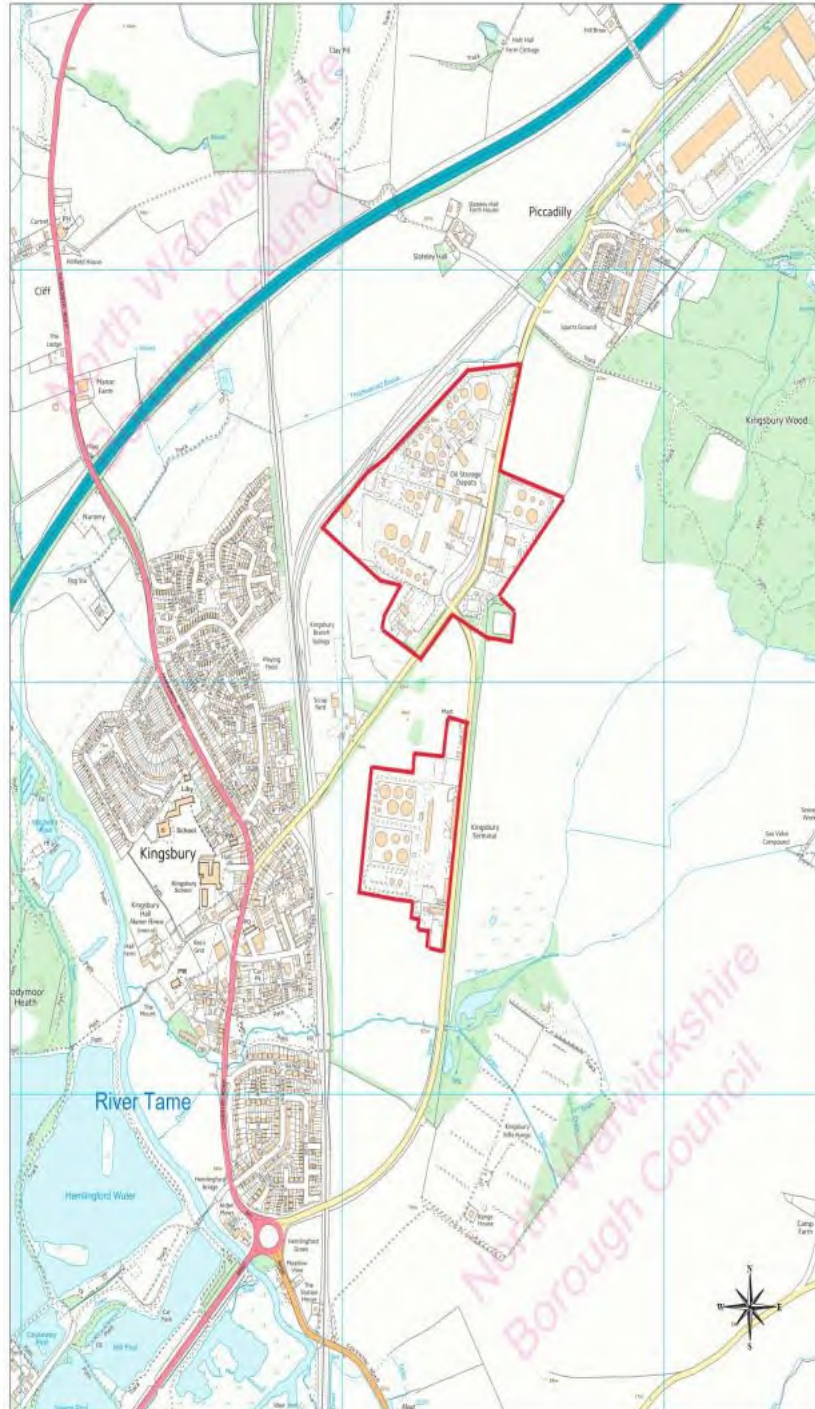
**Warwickshire CV9 1DE**

**Email:**

**clivetobin@northwarks.gov.uk**

**annieryan@northwarks.gov.uk**

# SCHEDULE 1



North Warwickshire  
Borough Council

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Ordnance Survey 100017910



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date:	11/04/2022
Scale:	1:10000

## SCHEDULE 2

1. Service of the Claim Form and this Order shall be effected by
  - (i) placing signs informing people of
    - (a) this Claim,
    - (b) this Order and power of arrest, and the area in which they have effect and
    - (c) where they can obtain copies of the Claim Form. Order and power of arrest, and the supporting documents used to obtain this Orderin prominent locations along the boundary of the buffer zone referred to at para.1 of this Order and particularly outside the Terminal and at the junctions of roads leading into the zone,
  - (ii) placing a copy prominently at the entrances to the Terminal;
  - (iii) posting a copy of the documents referred to at para.1(i)(c) above Order on its website, and publicising it using the Claimant's facebook page and twitter account, and posting on other relevant social media sites including local police social media accounts, and/or.
  - (iv) any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
  - (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order; and
  - (ii) a copy of this Order and power of arrest.
3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

Signed *Mr Justice Sweeting*

Dated Thursday 14 April 2022

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

Claim No. QB-2022-001236

**In the matter of an application for an injunction under s.222, Local Government Act 1972**  
**s.130(5), Highways Act 1980 and s.1, Localism Act 2011.**

**B E T W E E N**

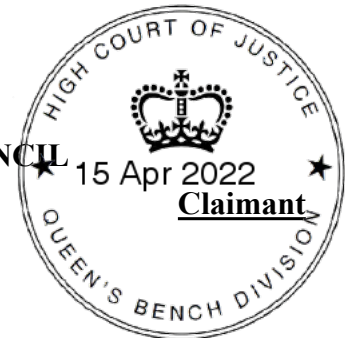
**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**and**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
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**(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR  
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PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE  
SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

**Defendants**



QB-2022-001236

---

**INTERIM INJUNCTION ORDER (WITHOUT NOTICE)**

---

## PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

On the 14 April 2022, before Mr Justice Sweeting, sitting at the Royal Courts of Justice, Strand, London WC2A 2LL, via MS Teams, the Court considered an application by the Claimant for an injunction.

UPON hearing counsel for the Claimant, without notice to the Defendants

AND UPON considering an application for an interim injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981

AND FURTHER UPON the Court being satisfied for the purposes of section 12(2) of the Human Rights Act 1998 that the Claimant has taken all practicable steps to notify the Defendants of this application.

AND FURTHER UPON the Court being satisfied for the purposes of section 12(3) of the Human Rights Act 1998 that the Claimant is likely to establish at the trial of this claim that any publication restrained by this Order should not be allowed.

AND FURTHER UPON the Court having particular regard to the importance of the Convention right to freedom of expression but finding in the circumstances that it is just and convenient, and proportionate, to grant injunctive relief in the terms set out herein, pending the trial of this claim

AND FURTHER UPON the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by this Order and that a power of arrest should therefore be granted



IT IS ORDERED THAT

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):

(a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1, or within 5 metres of those boundaries (edged in red) (the “buffer zone”).

For the avoidance of doubt, this prohibition does not prevent the Defendants from using any public highway within the buffer zone for the purpose of travelling to or from a protest held, or to be held, outside the buffer zone.

- (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
  - (i) entering or attempting to enter the Terminal
  - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal
  - (iii) obstructing any entrance to the Terminal
  - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
  - (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land
  - (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks)
  - (vii) erecting any structure
  - (viii) abandoning any vehicle which blocks any road or impedes the passage any other vehicle on a road or access to the Terminal
  - (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
  - (x) abseiling from bridges or from any other building, structure or tree on land or
  - (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.

2. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1(a) and (b) above.
3. This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.
4. This Order shall, in any event, be reconsidered at a further hearing at **10.30 am on 28 April 2022** at the **Birmingham Civil Justice Centre, Priory Law Courts, 33 Bull Street, Birmingham B4 6DS,**
5. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.
6. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve the Claim Form and supporting documents relied on, and this Order and power of arrest, by the alternative methods specified at Schedule 2 to this Order.
7. The deemed date of service of the documents referred to at paragraph 6 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 2 to this Order.

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

**Name and Address of the Claimant's Legal Representatives**

**Ms Annie Ryan**

**The Council House**

**South Street**

**Atherstone**

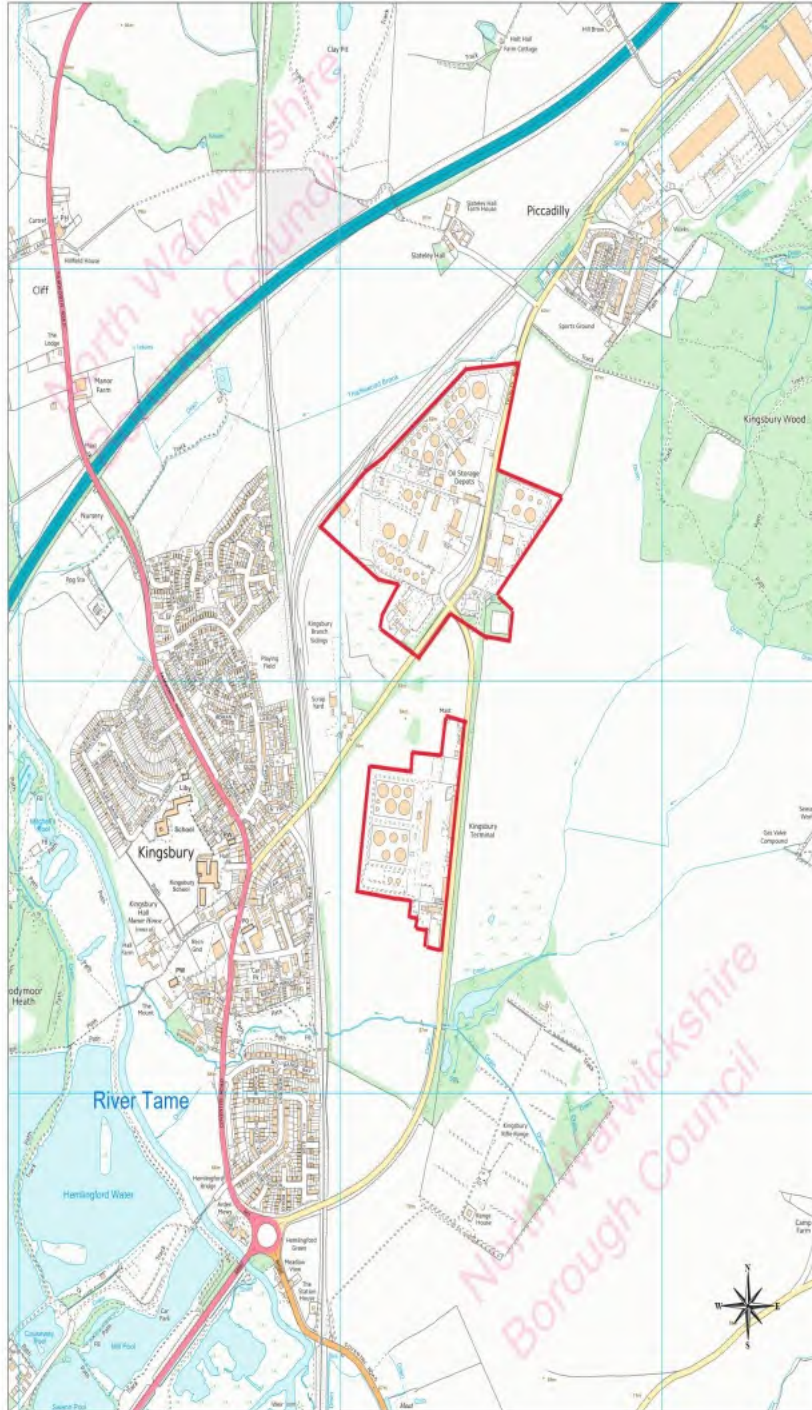
**Warwickshire CV9 1DE**

**Email:**

**clivetobin@northwarks.gov.uk**

**annieryan@northwarks.gov.uk**

# SCHEDULE 1



North Warwickshire  
Borough Council

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Ordnance Survey 100017910



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date:	11/04/2022
Scale:	1:10000

## SCHEDULE 2

1. Service of the Claim Form and this Order shall be effected by
  - (i) placing signs informing people of
    - (a) this Claim,
    - (b) this Order and power of arrest, and the area in which they have effect and
    - (c) where they can obtain copies of the Claim Form. Order and power of arrest, and the supporting documents used to obtain this Orderin prominent locations along the boundary of the buffer zone referred to at para.1 of this Order and particularly outside the Terminal and at the junctions of roads leading into the zone,
  - (ii) placing a copy prominently at the entrances to the Terminal;
  - (iii) posting a copy of the documents referred to at para.1(i)(c) above Order on its website, and publicising it using the Claimant's facebook page and twitter account, and posting on other relevant social media sites including local police social media accounts, and/or.
  - (iv) any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
  - (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order; and
  - (ii) a copy of this Order and power of arrest.
3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

Signed *Mr Justice Sweeting*

Dated Thursday 14 April 2022

# SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION - POWER OF ARREST

Under section 27, Police and Justice Act, 2006. Claim no

## IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION

NORTH WARWICKSHIRE BOROUGH COUNCIL	Claimant
18 NAMED DEFENDANTS AND PERSONS UNKNOWN LISTED ON THE INJUNCTION ORDER DATED 14 APRIL 2022.	Defendant

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 10 March 2022

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

*(Where marked \* delete as appropriate)*

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):
  - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the "Terminal"), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1, or within 5 metres of those boundaries (edged in red) (the "buffer zone").
  - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
    - (i) entering or attempting to enter the Terminal
    - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal
    - (iii) obstructing any entrance to the Terminal
    - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
    - (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land
    - (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks)
    - (vii) erecting any structure
    - (viii) abandoning any vehicle which blocks any road or impedes the passage any other vehicle on a road or access to the Terminal
    - (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
    - (x) abseiling from bridges or from any other building, structure or tree on land or
    - (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.

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**Power of Arrest**

The court thinks that there is a significant risk of harm to a person.

A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

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**This Power of Arrest**

Shall continue until the trial of this claim or further order of the Court.

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**Note to the Arresting Officer**

Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—
  - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
  - (b) a judge of the county court, if—
    - (i) the injunction was granted by the county court, or
    - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
  - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
    - In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
    - The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
    - The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

Ordered by

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Mr Justice Sweeting

On

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14 April 2022

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Claim No: QB-2022-001236

Filed on behalf of the Claimant  
Steven Maxey  
Fourth Witness Statement  
SM/8

IN THE HIGH COURT OF JUSTICE  
KINGS BENCH DIVISION  
ROYAL COURTS OF JUSTICE

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

-and-

(2) THOMAS BARBER  
(3) MICHELLE CADET-ROSE  
(4) TIMOTHY HEWES  
(5) JOHN HOWLETT  
(6) JOHN JORDAN  
(7) CARMEN LEAN  
(8) ALYSON LEE  
(9) STEPHEN PRITCHARD  
(10) AMY PRITCHARD  
(11) PAUL RAITHBY  
(14) JOHN SMITH  
(15) BEN TAYLOR  
(17) ANTHONY WHITEHOUSE  
(18) NO LONGER PURSUED  
(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR  
ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE  
PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE  
KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH, B78 2HA  
(20) JOHN JORDAN  
AND 108 OTHER DEFENDANTS LISTED IN SCHEDULE A

Defendants

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FOURTH WITNESS STATEMENT OF STEVEN MAXEY

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I, STEVEN MAXEY, OF THE COUNCIL HOUSE, SOUTH STREET, ATHERSTONE, CV9  
1DE, SOLICITOR AND LOCAL GOVERNMENT OFFICER, WILL SAY AS FOLLOWS:

1. I am employed by North Warwickshire Borough Council (“the Council”) as the Chief Executive. In addition to being the Council’s statutory Head of Paid Service, I am the Council’s representative on the Strategic Coordinating Group of the Warwickshire Local Resilience Forum. I am duly authorised on behalf of the Claimant to make this statement.
2. Save where the source of my knowledge is expressly stated, the facts set out in this witness statement are from within my own knowledge and are true. Where they are outside my direct knowledge, they are true to the best of my knowledge and belief.
3. I made and served a statement dated 18 January 2024 to update the Court as to the (then) current situation and the need for a final injunction. Given that almost six months have elapsed since then, I thought that it would be helpful for me to inform the Court about a number of related matters, namely the review that I have undertaken of:
  - i. the current need for a final injunction, including the availability of alternative remedies,
  - ii. the Council’s Human Rights Act 1998 and Equality Act 2010 Assessments and
  - iii. the Council’s approach to undertakings offered by various named Defendants.

#### **The Continued Need for a Final Injunction**

4. It has now been 26 months since Sweeting J first granted the Council an interim injunction with associated power of arrest. Whilst the Council originally considered that a final injunction was likely to only be required for 2 years, the Council considers that an injunction is still necessary to protect its local inhabitants and those who work in and around Kingsbury Oil Terminal (“the Terminal”), and members of the public travelling in the area of the terminal, from the risks associated with protests which have been carried out by the Defendants in this case. The reasons that I detailed in paragraphs 7-11 of my January 2024 witness statement all still seem to me to apply.
5. Of particular concern to the Council is the fact that Just Stop Oil, the main protest group with which the Defendants to this application are affiliated, remains active, focused on civil disruption and direct action and is planning further action in the summer of 2024. Whilst the stated target of these future protests is said to be airports, this plan could change at any time, and if, as I firmly believe



to be the case, the existence of an interim injunction has been the main reason why protests have ceased at the terminal over the last 18 or so months, then the discharge of that protection would leave the terminal, which is a natural and obvious target for JSO protests, completely vulnerable to a repeat of the dangerous conduct that was being perpetrated in 2022. This is especially so if, as I expect would be the case, the airport authorities take immediate steps to disrupt and prevent protests at airports probably by seeking injunctive relief of the kind obtained by the Council, so that the protesters would be looking for other targets.

#### Alternative Remedies

6. I have considered whether other legal remedies are more appropriate to meet the risk posed by the protests that have taken place at the Terminal, particularly Public Space Protection Orders (PSPO) and byelaws. I am informed that the Supreme Court, in *Wolverhampton CC v London Gypsies and others* [2024] 2 W.L.R. 45, specifically referred to the need for claimants to consider the possibility of using byelaws.
7. I do not consider that a PSPO would be an effective means of preventing anti-social and dangerous protests at the Terminal:
  - (i) The Terminal itself is private land and therefore the Council has no jurisdiction to impose a PSPO which covers the ground within its perimeter.
  - (ii) The maximum penalty for a breach of a PSPO is a level 3 fine (up to £1000.00) following prosecution and conviction. This is a lengthy process and the level of actual fines imposed is not likely to be anywhere approaching the maximum level. By contrast, the maximum penalty for breaching a High Court Injunction is up to 2 years' imprisonment. It is important to highlight that fines have previously proven insufficient to deter defendants from continuing to breach the injunction and that in some cases it was not until immediate custodial sentences were imposed that the defendants were deterred from engaging in dangerous protest at the Terminal. In the circumstances, the Claimant is not satisfied that sanctions for breach of a PSPO are a strong enough deterrent to resolve the problem.
  - (iii) The Council also seeks a prohibition on organising and encouraging others to participate in protests against the production or use of fossil fuels in the locality of the Terminal. I am advised and believe that it is not possible to prohibit such behaviour by way of a PSPO.

- (iv) Breach of a PSPO is not an arrestable offence, meaning that the police would be powerless to remove people from a protest unless they were also committing a criminal offence. Whilst it could be argued that much of what the injunction seeks to prevent is a criminal offence, the difficulty faced by the Council in the lead up to the application was that the police would arrest protestors for breach of the criminal law, process them and then release them immediately. In those circumstances, the protestors would immediately return to the Terminal and continue to protest. The benefit of the power of arrest that can be attached to an injunction is that it requires the arrested person to be produced before the Court within 24 hours, which effectively disrupts the protest and enables the Court to decide whether to grant bail or remand the defendant in custody.
  - (v) The Council is reliant on the power of arrest to be able to identify the protestors found to be breaching the terms of the injunction and pursue enforcement proceedings against them. Unless a power of arrest exists, it is likely to be impossible to enforce the injunction in many cases as the Council are unlikely to know who has breached the Order or where they can be served with committal papers.
8. For similar reasons, I do not believe that byelaws would be an effective means of preventing anti-social and dangerous protests at the Terminal. Indeed, breach of a byelaw is not an arrestable offence and it therefore makes it difficult to identify defendants who are said to be in breach. Moreover, following conviction for breach of a byelaw, the maximum fine is £500. For the reasons stated above, the Council does not consider this sufficient to act as a deterrent to the more committed defendants.
9. Finally, making a byelaw is a lengthy process, including assessment, consultation, application and approval of the byelaw scheme by the Secretary of State, then further consultation before the byelaw can come into effect. In the circumstances, I do not believe that the making of a byelaw would be either a practical solution or provide any deterrent. Nor do I think that the power to make byelaws was ever designed to deal with this kind of activity.

## **Impact Assessment**

10. I completed a Human Rights Act 1998 Assessment and an Equality Act 2010 Assessment in preparation for the first hearing of the Council's application. Those assessments can be found at Exhibit SM/4 to my first witness statement dated 13 April 2022.
11. In respect of the Human Rights Act 1998 Assessment, I found that the application would involve a restriction of the Article 10 and 11 rights of the protestors. However, I also considered that the application:
- (i) had a legal basis in section 222 of the Local Government Act 1972, section 130 of the Highways Act 1980, section 1 of the Localism Act 2011 and section 17 of the Crime and Disorder Act 1998;
  - (ii) was directed towards a legitimate aim, namely ensuring the safe operation of the Terminal, protecting public safety and health, preventing crime, disorder and environmental damage and protecting the rights and freedoms of others which were being compromised by the dangerous nature of the protests being carried out at the Terminal;
  - (iii) was necessary in a democratic society to prevent nuisance and a fire/explosion involving up to 400 million litres of flammable fluids and the associated threats to life and property, and to protect the rights of those living in the surrounding area to peaceful enjoyment of their properties; and
  - (iv) was proportionate in that it provided no greater restriction than was necessary to achieve the aforementioned legitimate aim and no lesser remedy would be effective. The injunction did not have the effect of preventing freedom of speech, expression or the right to protest because there was land outside the terminal on which lawful protest could take place without restriction and such protest was entirely unaffected by the terms of the injunction. Rather, the injunction was designed to prevent the highly significant risk to public safety that the protests were causing. This included, amongst other things, unauthorised and unsupervised entry to the Terminal and locking onto large fuel storage tankers. Other means of resolving the situation, such as the injunction obtained by Valero and use of the criminal law, were ineffective in resolving the situation.

12. In May 2022, I reviewed the Council's position and reached the conclusion that the original 5-metre "buffer zone" in which all protests were prohibited by the original injunction granted on 14 April 2022, was no longer required to achieve the legitimate aims stated above. This was in response to the peaceful protests that had been taking place within that zone but outside the boundaries of the Terminal, which did not place the operators of the Terminal or the local community at any risk. Consequently, the Council applied at the hearing on the return date on 5 May 2022 for the buffer zone to be removed from any subsequent order. The Court granted this application. Thereafter, the terms of the injunction have not changed.

13. I have reviewed the operation of the injunction in its current form, and considered whether:

- (i) Any continued interference with the protestor's rights by the injunction is necessary, and
- (ii) The provisions of the injunction ought to be amended so that the injunction does not go further than is necessary to achieve its legitimate aim.

14. In my view, the injunction continues to be necessary in its present form for all of the reasons stated at paragraph 4 above. Whilst there have not been any further protests at the Terminal since September 2022, I still firmly believe that this is because of the existence of the interim injunction and power of arrest, together with the enforcement proceedings taken in 2022. The protests that have taken place at the Terminal since the grant of the injunction, and the response by the Defendants to the subsequent committal proceedings (which included their refusal to accept the Court's jurisdiction, confirming that they intended to conduct further protests at the Terminal, gluing themselves to the Court dock, attempting to climb out of the dock, removing all their clothes, refusing to attend future hearings if bailed, and otherwise disrupting the proceedings) reinforce my view that this order remains necessary in its current terms, notwithstanding the fact that it does involve some restriction of the protestors' rights.

15. In respect of the Equality Act 2010 Assessment, I did not identify any protected group which could be differentially impacted by the injunction and power of arrest. The evidence available as a result of the many breaches of the injunction which took place between April and September 2022 provides further support for the proposition that it does not do so. Indeed, I have not been able to identify any protected group as more or less prevalent within the group of defendants that have

since been added to the proceedings. In the circumstances, I cannot see any basis for an argument that the injunction and associated power of arrest should not remain as a consequence of issues related to the Equality Act 2010.

### **Undertakings**

16. In preparation for trial, the Council has reviewed its position on undertakings as set out in paragraph 14 of my witness statement dated 18 January 2024, with particular regard given to the fact that the most recent protest at the Terminal was on 14 September 2022. The Council remains of the view that it is only willing to accept undertakings offered by those Defendants who have not been arrested in connection with a protest or suspected protest at the Terminal since 14 April 2022. The Council's reasons are as follows:

- (i) Every one of the Defendants arrested at Kingsbury Oil Terminal refused to comply with requests by the police to amend their behaviour to bring their conduct outside of the operation of the injunction, rendering the power of arrest necessary to prevent the risk that their protest posed to the Terminal,
- (ii) The majority of the Defendants who have been produced before the Court confirmed their refusal to accept the jurisdiction of the Court in these proceedings and their commitment to returning to the Terminal to continue their protest, and
- (iii) None of the defendants who have been arrested at the Terminal have confirmed that they are no longer affiliated with Just Stop Oil or related organisations or that they have stopped protesting in the manner which led to the grant of the injunction. Indeed, I believe that many of them may well still be active in direct action-style protests elsewhere. The Council has no means of knowing definitively whether every one of the named Defendants has continued to be involved in this type of protesting, as we do not have access to the records of the criminal courts or the police national computer. Nor do we, as a small district council, have the resources either to undertake or to commission this kind of research. It seems to me that the only realistic course that the Council can therefore take is to proceed on the basis that the Defendants may well still be participate in such conduct.

- (iv) In particular, following the hearing with Mould J, the Council undertook a basic internet search as to the activities of the defendant Daniel Shaw, who attended the hearing on 21 May 2023 and asked to give an undertaking despite having been found to have breached the injunction in September 2022. That search suggested that Mr Shaw has, during 2023, faced criminal charges for occupying gantries on the M25 in breach of court bail, alongside his co-defendants Callum Goode, Catherine Rennie-Nash, Timothy Hewes, Anthony Whitehouse, Darcy Mitchell, Edred Whittingham, Charlotte Kirin and Kai Springorum,<sup>1</sup>

17. As long as there is a risk that defendants are prepared to put themselves and others at risk of serious harm (and even death) in pursuance of their protest, the Council cannot consent to release them from the proceedings by way of undertaking.

#### **Service of Soole J's Order as amended on 22 January 2024**

18. After my witness statement dated 18 January 2024 was filed, I noticed that the certificates of service exhibited as **Exhibit SM/7** did not demonstrate that all of the steps required by Soole J for the alternative service of his Order on persons unknown and 9 named defendants had been complied with. I have since made personal enquiries of the Council's legal and business support departments and confirmed the following position. In addition to the matters set out in the certificates of service, the Council:

- (i) Uploaded a link to the Order to its Facebook and Twitter pages on 23 January 2024,
- (ii) Displayed a copy of the Order at its main entrance.
- (iii) Posted links to the Order on the Just Stop Oil social media accounts.
- (iv) Confirmed that Warwickshire Police would publicise the Order on 4 June 2024
- (v) Posted a copy of the Order to the Defendants listed in paragraph 7(ii). I exhibit the relevant certificate of service as **SM/8**.

<sup>1</sup> (1) <https://www.thejusticegap.com/i-was-arrested-halfway-up-a-gantry-on-the-m25/>,

(2) <https://juststopoil.org/2023/02/22/three-just-stop-oil-supporters-released-after-109-days-in-prison-without-trial/>,

(3) [https://uk.news.yahoo.com/just-stop-oil-protesters-charged-092000133.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xILmNvbS8&guce\\_referrer\\_sig=AQAAANed5dRV3wcsS9SwwNTLBHQg-ivWRHhHXgnX8nEFX--O39ITleqjfeHLwh0aiJOfuMMFmmUNLCPvnzy-il74Ruc51P9BvkaxqQ- tnciMOHSF2OgjtchOt5pj879cBtiK3l-Q\\_r\\_4OppWWyZ0jzxbTvB1ZMNRzmV1W4tkUwSDshG](https://uk.news.yahoo.com/just-stop-oil-protesters-charged-092000133.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xILmNvbS8&guce_referrer_sig=AQAAANed5dRV3wcsS9SwwNTLBHQg-ivWRHhHXgnX8nEFX--O39ITleqjfeHLwh0aiJOfuMMFmmUNLCPvnzy-il74Ruc51P9BvkaxqQ- tnciMOHSF2OgjtchOt5pj879cBtiK3l-Q_r_4OppWWyZ0jzxbTvB1ZMNRzmV1W4tkUwSDshG)

19. This means that the Council failed to post a copy of the Order at the terminal, contrary to para 7(iii)(d) and (f) of the Order. I sincerely apologise for this omission which I can only explain as arising due to an oversight by the relevant officers, including myself, dealing with this matter.

20. I respectfully request, however, that the Court retrospectively approve the steps taken by the Council as amounting to good service of that Order. It is my honestly held belief that the steps that were taken have been sufficient to bring the Order to the attention of the relevant defendants.

(i) Firstly, the Council has no reason to believe that anyone additional would have been informed of Soole J's Order by way of a notice displayed at the Terminal. The Council is alerted by the operators of the Terminal and/or the local police if anyone attends the Terminal without authorisation. The Council has not received any such alert since the grant of Soole J's Order in January 2024.

(ii) Secondly, the original directions order given by Sweeting J in August 2023 was served by alternative service on the persons unknown and 9 named defendants for whom the Claimant does not have contact details. None of the persons unknown nor any of those 9 named defendants filed or served an Acknowledgment of Service. Nor did they get in touch with the Council in order to express a view about the proceedings one way or the other.

(iii) Finally, the Council has contacted over 100 named defendants directly, whether by email or post, and used the email addresses for Just Stop Oil and other organisations such as Youth Climate Swarm and Ring2021 that are known to it in order to keep all the defendants updated as to the progression of these proceedings. No-one has contacted the Council about the proceedings via this means of communication either.

21. I respectfully suggest that the Council therefore has good reasons to believe that the proceedings are well known about within the protest community.

**Conclusion**

22. For all of the above reasons, I would respectfully ask the Court to grant the final injunction and power of arrest sought and to approve service of the Order of Soole J made on 6 December 2023 and amended on 22 January 2024.

**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: 

Date: 5<sup>th</sup> June 2024



**SCHEDULE A**

- (21) NO LONGER PURSUED
- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
- (26) NO LONGER PURSUED
- (27) NO LONGER PURSUED
- (28) PAUL BELL
- (29) PAUL BELL
- (30) SARAH BENN
- (31) RYAN BENTLEY
- (32) DAVID ROBERT BERKSHIRE
- (33) MOLLY BERRY
- (34) GILLIAN BIRD
- (35) NO LONGER PURSUED
- (36) PAUL BOWERS
- (37) KATE BRAMFITT
- (38) SCOTT BREEN
- (39) NO LONGER PURSUED
- (40) EMILY BROCKLEBANK
- (41) NO LONGER PURSUED
- (42) TEZ BURNS
- (43) GEORGE BURROW
- (44) JADE CALLAND
- (45) NO LONGER PURSUED
- (46) CAROLINE CATTERMOLE
- (47) NO LONGER PURSUED
- (48) MICHELLE CHARLESWORTH
- (49) ZOE COHEN
- (50) JONATHAN COLEMAN
- (51) NO LONGER PURSUED
- (52) NO LONGER PURSUED
- (53) JEANINIE DONALD-MCKIM
- (54) NO LONGER PURSUED
- (55) JANINE EAGLING
- (56) STEPHEN EECKELAERS
- (57) NO LONGER PURSUED
- (58) HOLLY JUNE EXLEY
- (59) CAMERON FORD
- (60) WILLIAM THOMAS GARRATT-WRIGHT
- (61) ELIZABETH GARRATT-WRIGHT
- (62) ALASDAIR GIBSON
- (63) NO LONGER PURSUED
- (64) STEPHEN GINGELL
- (65) CALLUM GOODE

(66) NO LONGER PURSUED  
(67) NO LONGER PURSUED  
(68) JOANNE GROUNDS  
(69) ALAN GUTHRIE  
(70) DAVID GWYNE  
(71) SCOTT HADFIELD  
(72) SUSAN HAMPTON  
(73) JAKE HANDLING  
(74) NO LONGER PURSUED  
(75) GWEN HARRISON  
(76) DIANA HEKT  
(77) ELI HILL  
(78) JOANNA HINDLEY  
(79) ANNA HOLLAND  
(80) NO LONGER PURSUED  
(81) JOE HOWLETT  
(82) ERIC HOYLAND  
(83) REUBEN JAMES  
(84) RUTH JARMAN  
(85) STEPHEN JARVIS  
(86) SAMUEL JOHNSON  
(87) INEZ JONES  
(88) CHARLOTTE KIRIN  
(89) NO LONGER PURSUED  
(90) JERRARD MARK LATIMER  
(91) CHARLES LAURIE  
(92) PETER LAY  
(93) VICTORIA LINDSELL  
(94) EL LITTEN  
(95) NO LONGER PURSUED  
(96) NO LONGER PURSUED  
(97) DAVID MANN  
(98) DIANA MARTIN  
(99) LARCH MAXEY  
(100) ELIDH MCFADDEN  
(101) LOUIS MCKECHNIE  
(102) JULIA MERCER  
(103) CRAIG MILLER  
(104) SIMON MILNER-EDWARDS  
(105) BARRY MITCHELL  
(106) DARCY MITCHELL  
(107) ERIC MOORE  
(108) PETER MORGAN  
(109) RICHARD MORGAN  
(110) ORLA MURPHY  
(111) JOANNE MURPHY  
(112) GILBERT MURRAY  
(113) CHRISTIAN MURRAY-LESLIE

(114) RAJAN NAIDU  
(115) CHLOE NALDRETT  
(116) NO LONGER PURSUED  
(117) DAVID NIXON  
(118) THERESA NORTON  
(119) RYAN O TOOLE  
(120) GEORGE OAKENFOLD  
(121) NICOLAS ONLAY  
(122) EDWARD OSBOURNE  
(123) RICHARD PAINTER  
(124) DAVID POWTER  
(125) STEPHANIE PRIDE  
(126) NO LONGER PURSUED  
(127) SIMON REDING  
(128) MARGARET REID  
(129) CATHERINE RENNIE-NASH  
(130) ISABEL ROCK  
(131) CATERINE SCOTHORNE  
(132) NO LONGER PURSUED  
(133) GREGORY SCULTHORPE  
(134) NO LONGER PURSUED  
(135) VIVIENNE SHAH  
(136) SHEILA SHATFORD  
(137) DANIEL SHAW  
(138) PAUL SHEEKY  
(139) SUSAN SIDEY  
(140) NO LONGER PURSUED  
(141) JOSHUA SMITH  
(142) KAI SPRINGORUM  
(143) MARK STEVENSON  
(144) NO LONGER PURSUED  
(145) HANNAH TORRANCE BRIGHT  
(146) JANE TOUIL  
(147) NO LONGER PURSUED  
(148) NO LONGER PURSUED  
(149) NO LONGER PURSUED  
(150) SARAH WEBB  
(151) IAN WEBB  
(152) ALEX WHITE  
(153) WILLIAM WHITE  
(154) NO LONGER PURSUED  
(155) LUCIA WHITTAKER-DE-ABREU  
(156) EDRED WHITTINGHAM  
(157) CAREN WILDEN  
(158) MEREDITH WILLIAMS  
(159) NO LONGER PURSUED

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**ROYAL COURTS OF JUSTICE**

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222, Local Government Act 1972, s.130, Highways Act 1980 and section 17 of the Crime and Disorder Act 1998.**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**and**

- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALISON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (14) JOHN SMITH**
- (15) BEN TAYLOR**
- (17) ANTHONY WHITEHOUSE**
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**
- (20) JOHN JORDAN**

**Defendant**

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**EXHIBIT SM/10**

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# Certificate of service

<b>Name of court</b> High Court, Kings Bench Division	<b>Claim No.</b> QB-2022-001236
<b>Name of Claimant</b> North Warwickshire Borough Council	
<b>Name of Defendant</b> Baldwin (1), Barber (2), Cadet-Rose (3) & Others and Persons Unknown	

**On what day did you serve?** 23/01/2024

**The date of service is** 24/01/2024

**What documents did you serve?**

Please attach copies of the documents you have not already filed with the court.

Amended Order of Mr Justice Soole dated 6th December 2023  
2nd Witness Statement of Steve Maxey & covering letter

**On whom did you serve?**

(If appropriate include their position e.g. partner, director).

The Defendants listed at 7(i) of the Order and on the the Schedule attached to the Order

**How did you serve the documents?**

(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with  
(.....time left, where document is other than a claim form) (please specify)
- by other means permitted by the court  
(please specify)
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (.....time sent, where document is other than a claim form) (please specify)

**Give the address where service effected, include fax or DX number, e-mail address or other electronic identification**

The addresses for each Defendant as shown on the attached spreadsheet

- Being the**
- claimant's
  - defendant's
  - solicitor's
  - litigation friend
- usual residence
  - last known residence
  - place of business
  - principal place of business
  - last known place of business
  - last known principal place of business
  - principal office of the partnership
  - principal office of the corporation
  - principal office of the company
  - place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim
  - other (please specify)
- 

**I believe that the facts stated in this certificate are true.**

Full name

Signed   
(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held   
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules ([www.justice.gov.uk](http://www.justice.gov.uk)) and you should refer to the rules for information.

**Calculation of deemed day of service of a claim**

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

**Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)**

<b>Method of service</b>	<b>Deemed day of service</b>
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Claim No: QB-2022-001236

Filed on behalf of the Claimant  
Steven Maxey  
Third Witness Statement  
Exhibits SM/9

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
ROYAL COURTS OF JUSTICE

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

(16) JANE THEWLIS,  
(21) THOMAS ADAMS,  
(26) MAIR BAIN,  
(27) JEREMY BAYSTON,  
(35) RACHEL JANE BLACKMORE,  
(41) TOMMY BURNETT,  
(45) OLWEN CARR,  
(47) IAN CAVE,  
(51) PAUL COOPER,  
(52) CLARE COOPER,  
(57) SANDRA ELSWORTH,  
(63) ALEXANDRA GILCHRIST,  
(66) KATHRYN GRIFFITH,  
(67) FIONA GRIFFITH,  
(74) FIONA HARDING,  
(80) BEN HOMFRAY,  
(96) RACHEL MANN,  
(116) JANE NEECE,  
(126) HELEN REDFERN,  
(132) JASON SCOTT-WARREN,  
(134) SAMUEL SETTLE,  
(148) ISABEL WALTERS,  
(149) CRAIG WATKINS  
(158) PAMELA WILLIAMS

Defendants

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THIRD WITNESS STATEMENT OF STEVEN MAXEY

---

I, STEVEN MAXEY, WILL SAY AS FOLLOWS:

1. I am employed by North Warwickshire Borough Council (“the Council”) as the Chief Executive. In addition to being the Council’s statutory Head of Paid Service, I am the Council’s representative on the Strategic Coordinating Group of the Warwickshire Local Resilience Forum (“the LRF”). I am duly authorised on behalf of the Defendant to make this witness statement.
2. Save where the source of my knowledge is expressly stated the facts set out in this witness statement are from within my own knowledge. Where they are outside my direct knowledge, they are true to the best of my knowledge, information and belief.
3. The Defendants (16) Jane Thewlis, (21) Thomas Adams, (26) Mair Bain, (27) Jeremy Bayston, (35) Rachel Jane Blackmore, (41) Tommy Burnett, (45) Olwen Carr, (47) Ian Cave, (51) Paul Cooper, (52) Clare Cooper, (57) Sandra Elsworth, (63) Alexandra Gilchrist, (66) Kathryn Griffith, (67) Fiona Griffith, (74) Fiona Harding, (80) Ben Homfray, (96) Rachel Mann, (116) Jane Neece, (126) Helen Redfern, (132) Jason Scott-Warren, (134) Samuel Settle, (148) Isabel Walters, (149) Craig Watkins are all known to the Claimant, but have not at any time breached the terms of the injunction.
4. The Defendant (158) Pamela Williams has exceptional circumstances known to the Claimant and the Claimant has agreed to accept an undertaking from her.
5. Each Defendant to whom this application refers has provided a signed undertaking (exhibited to this N244) to the Claimant by which they promise to the Court that they:
  1. Will not (whether by themselves or by instructing, encouraging or allowing any other person):
    - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this undertaking at Schedule 1.
    - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:



- (i) entering or attempting to enter the Terminal;
- (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal;
- (iii) obstructing any entrance to the Terminal;
- (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks);
- (v) damaging any land including (but not limited to) roads, buildings, structures or trees on that land, or any pipes or equipment serving the Terminal on or beneath that land;
- (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks);
- (vii) erecting any structure;
- (viii) abandoning any vehicle which blocks any road or impedes the passage of any other vehicle on a road or access to the Terminal;
- (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
- (x) abseiling from bridges or from any other building, structure or tree on land or
- (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of the undertaking.


2. Agree to be bound by these promises until 30.01.2027 or until the expiry/discharge of any injunction granted in this claim, whichever date is the earliest.

I exhibit copies of the signed undertakings received from the Defendants as **Exhibit SM/9**.

6. I confirm that these undertakings are acceptable to the Claimant.

**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:  \_\_\_\_\_

Date: 20 February 2024

Claim No: QB-2022-001236

Filed on behalf of the Claimant  
Steven Maxey  
Third Witness Statement  
Exhibits SM/9

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
ROYAL COURTS OF JUSTICE

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

(16) JANE THEWLIS,  
(21) THOMAS ADAMS,  
(26) MAIR BAIN,  
(27) JEREMY BAYSTON,  
(35) RACHEL JANE BLACKMORE,  
(41) TOMMY BURNETT,  
(45) OLWEN CARR,  
(47) IAN CAVE,  
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(57) SANDRA ELSWORTH,  
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(74) FIONA HARDING,  
(80) BEN HOMFRAY,  
(96) RACHEL MANN,  
(116) JANE NEECE,  
(126) HELEN REDFERN,  
(132) JASON SCOTT-WARREN,  
(134) SAMUEL SETTLE,  
(148) ISABEL WALTERS,  
(149) CRAIG WATKINS  
(158) PAMELA WILLIAMS

Defendants

This is the exhibit SM/9 referred to in the Witness Statement of Steven Maxey.

Signed  \_\_\_\_\_

Dated 20<sup>th</sup> February 2024

Claim No: QB-2022-001236

Filed on behalf of the Claimant  
Steven Maxey  
Second Witness Statement  
Exhibits SM/5-SM/7

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
ROYAL COURTS OF JUSTICE

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALYSON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) NO LONGER PURSUED
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) NO LONGER PURSUED
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA
- (20) JOHN JORDAN

-and-

THE ADDITIONAL DEFENDANTS LISTED  
AT SCHEDULE A TO THIS ORDER

Defendants

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SECOND WITNESS STATEMENT OF STEVEN MAXEY

---

**I, STEVEN MAXEY, OF THE COUNCIL HOUSE, SOUTH STREET, ATHERSTONE, CV9 1DE, SOLICITOR AND LOCAL GOVERNMENT OFFICER, WILL SAY AS FOLLOWS:**

1. I am employed by North Warwickshire Borough Council (“the Council”) as the Chief Executive. In addition to being the Council’s statutory Head of Paid Service, I am, as at the time of my previous statement, the Council’s representative on the Strategic Coordinating Group of the Warwickshire Local Resilience Forum (“the LRF”). I am duly authorised on behalf of the Claimant to make this witness statement.

2. Save where the source of my knowledge is expressly stated, the facts set out in this witness statement are from within my own knowledge and are true. Where they are outside my direct knowledge, they are true to the best of my knowledge, information and belief.

**Protests at the Terminal Since the Grant of the Interim Injunction**

3. Between the grant of the interim injunction in this case on 14 April 2022, and 14 September 2022 there were 14 separate protests at Kingsbury Oil Terminal resulting in the arrest of over 120 Defendants. These protests involved groups of up to 51 Defendants engaging in the following behaviour in the name of Just Stop Oil (“JSO”):

- a. Climbing onto a loading station within the Terminal and tampering with valves.
- b. Protesting within the exclusion zone.
- c. Tunnelling towards the Terminal and under the roads serving it.
- d. Sitting in the middle of the carriageway serving the Terminal and preventing the free flow of traffic.
- e. Locking onto oil tankers.
- f. Climbing onto oil tankers.
- g. Gluing themselves to the road serving the Terminal and preventing the free flow of traffic.
- h. Digging a hole to the side of the carriageway serving the terminal and chaining themselves within it.

4. From records held the Council I am aware that the Claimant has successfully applied to commit 72 defendants for 109 individual breaches of the injunction. Of those 72 defendants, 47 have been found in breach of the injunction one on occasion, 14 on two occasions, 8 on three occasions and 2 on four occasions.

5. As a direct consequence of the defendants' actions, people living and working in the Terminal and surrounding areas were seriously disrupted in using the carriageway serving the Terminal, workers in the Terminal and emergency services were put at risk of serious harm, and police officers were diverted away from their normal duties leaving parts of Warwickshire under resourced. Moreover, on at least one occasion Warwickshire Police had to call for mutual aid from West Midlands and West Mercia Police, which further diverted police resources from those areas. In addition, the risk of a serious incident at this hazardous site increased.

6. I remind the court of the contents of my previous statement which explains that, had a protest at the Terminal led to an explosion or other emergency, the serious effect and disruption would have been to the entire population of the town of Kingsbury and potentially to those living and working in a much wider area.

#### **Necessity of Final Injunction**

7. There has not been a protest at the Terminal since 14 September 2022. I believe that this is predominantly as a result of the Claimant's commitment to enforcing the terms of the injunction against those who breach it. Consequently, after a period of adjustment, the injunction is now serving the purpose for which it was intended; protecting those working in the Terminal and living/working in Kingsbury from the serious and real risk of explosion that was associated with the protest activity.

8. I strongly believe that should the injunction be lifted, there is a serious risk of protesters returning to the Terminal and resuming their previous activities. I base this belief on the following factors.

- a. JSO and related organisations have not stopped undertaking protests. Rather, they have continued to conduct disruptive protests to the present date.

- b. JSO members have protested to the Council directly regarding its decision to pursue this application:
- i. In August and September 2023 Councillors received a number of emails which were strongly critical of the Council's approach in this matter. I exhibit these emails as **SM/5**.
  - ii. On 27 September 2023, protestors interrupted a Council meeting, refused the Mayor's request for order and refused to leave the Council Chamber. The meeting was therefore suspended and was only resolved following the intervention of Police Officers. I exhibit the minutes in respect of this meeting as **SM/6**
  - iii. On the 21<sup>st</sup> September a number of Just Stop Oil protestors attended the Council's offices with banners and positioned themselves near one of our entrances. The protest was anticipated and therefore access to our reception and main entrance was prevented to minimise the disruption.

I believe that these actions were taken as part of a coordinated campaign to cause disruption to the Council. Subsequent to these events, I met with some of the protestors to hear their complaints. They informed me that it was their opinion that the Council should not have obtained the injunction as it was preventing their protests from causing disruption that they felt was necessary given their concerns regarding climate change.

- c. The protests of which I am aware have taken place over the last year and a half and have involved similar tactics to those that were previously employed outside the Terminal. Protestors have blocked roads for long periods,<sup>1</sup> trespassed onto pitches at sporting events,<sup>2</sup> disrupted cultural events,<sup>3</sup> and damaged buildings.<sup>4</sup>

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<sup>1</sup> For example <https://www.standard.co.uk/news/crime/just-stop-oil-slowmarch-protest-whitehall-london-b1121781.html>, and <https://www.standard.co.uk/news/london/just-stop-oil-activists-kennington-park-road-oval-protest-south-london-b1120191.html>

<sup>2</sup> For example <https://www.bbc.co.uk/sport/snooker/65305903>, <https://www.bbc.com/sport/cricket/66033094>, and <https://www.bbc.co.uk/sport/tennis/66041547>

<sup>3</sup> For example <https://www.bbc.co.uk/news/uk-66207576>, <https://www.playbill.com/article/just-stop-oil-protesters-interrupt-london-les-miserables-performance>, and <https://www.bbc.co.uk/news/uk-england-london-65707564>

<sup>4</sup> For example <https://www.independent.co.uk/news/uk/crime/just-stop-oil-paint-arrest-wellington-arch-b2435692.html>, and <https://www.bristol247.com/climate/news-climate/just-stop-oil-activist-arrested-after-targeting-bristol-university/>

- d. I understand from what I have read and seen in the media that it is the deliberate policy of JSO to protest in this manner, rather than to do so peacefully as is permitted by this injunction, in order to achieve maximum publicity. This accords with the evidence of the manner of protest at the Terminal.

10. I would ask the Court to note that peaceful and lawful protest at the Terminal has been permitted at all times under the injunctions granted by this Court. The Claimant does not seek to change that. I note, however, that no-one has ever sought to protest peacefully as permitted at the Terminal. Once it became clear that the kind of disruptive and dangerous protests prohibited by the injunction would be the subject of enforcement action, the protesters went elsewhere rather than coming to protest lawfully.

11. In other words, I believe that the JSO protesters are only interested in disruptive protest which the current injunction has stopped. If the injunction were lifted so that there would be nothing but the criminal law preventing them from resuming their previous actions disrupting the lawful activities of the Terminal, I believe that those actions would recommence.

### **Undertakings**

12. I am aware that a number of Defendants have written to the Court and/or to the Claimant's Head of Legal Services offering to give an undertaking in return for the Claimant's agreement not to pursue an injunction against them. Some of those Defendants have been arrested at the Terminal for breach of the injunction, whilst others have not.

13. None of these, nor any other, Defendants has served an Acknowledgement of Service on the Claimants.

14. The Claimant's position is as follows:

- a. The Claimant is willing to accept undertakings offered by those Defendants who have not been arrested in connection with a protest or suspected protest at the Terminal since the 14 April 2022 (the date that the first interim injunction was granted).



- b. The Claimant will not accept undertakings offered by any Defendant who has been arrested in connection with a protest or suspected protest at the Terminal since the 14 April 2022. This is irrespective of whether subsequent committal proceedings were either pursued or successful.

**Service of the Order of Soole J dated 6 December 2023**

15. On 12 December 2023 the Claimant served the Order of Mr Justice Soole dated 6 December 2023 upon completion of the steps described in paragraph 7(i)-(iii) therein. I exhibit the relevant certificates of service as **Exhibit SM/7**.

**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: 

Date: 18/1/24

## SCHEDULE A

- (21) THOMAS ADAMS
- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
- (26) MAIR BAIN
- (27) JEREMY BAYSTON
- (28) PAUL BELL
- (29) PAUL BELL
- (30) SARAH BENN
- (31) RYAN BENTLEY
- (32) DAVID ROBERT BERKSHIRE
- (33) MOLLY BERRY
- (34) GILLIAN BIRD
- (35) RACHEL JANE BLACKMORE
- (36) PAUL BOWERS
- (37) KATE BRAMFITT
- (38) SCOTT BREEN
- (39) ALICE BRENCHER
- (40) EMILY BROCKLEBANK
- (41) TOMMY BURNETT
- (42) TEZ BURNS
- (43) GEORGE BURROW
- (44) JADE CALLAND
- (45) OLWEN CARR
- (46) CAROLINE CATTERMOLE
- (47) IAN CAVE
- (48) MICHELLE CHARLESWORTH
- (49) ZOE COHEN
- (50) JONATHAN COLEMAN
- (51) PAUL COOPER
- (52) CLARE COOPER

- (53) JEANINIE DONALD-MCKIM
- (54) KATHRYN DOWDS
- (55) JANINE EAGLING
- (56) STEPHEN EECKELAERS
- (57) SANDRA ELSWORTH
- (58) HOLLY JUNE EXLEY
- (59) CAMERON FORD
- (60) WILLIAM THOMAS GARRATT-WRIGHT
- (61) ELIZABETH GARRATT-WRIGHT
- (62) ALASDAIR GIBSON
- (63) ALEXANDRA GILCHRIST
- (64) STEPHEN GINGELL
- (65) CALLUM GOODE
- (66) KATHRYN GRIFFITH
- (67) FIONA GRIFFITH
- (68) JOANNE GROUNDS
- (69) ALAN GUTHRIE
- (70) DAVID GWYNE
- (71) SCOTT HADFIELD
- (72) SUSAN HAMPTON
- (73) JAKE HANDLING
- (74) FIONA HARDING
- (75) GWEN HARRISON
- (76) DIANA HEKT
- (77) ELI HILL
- (78) JOANNA HINDLEY
- (79) ANNA HOLLAND
- (80) BEN HOMFRAY
- (81) JOE HOWLETT
- (82) ERIC HOYLAND
- (83) REUBEN JAMES
- (84) RUTH JARMAN
- (85) STEPHEN JARVIS
- (86) SAMUEL JOHNSON

- (87) INEZ JONES
- (88) CHARLOTTE KIRIN
- (89) JENNIFER KOWALSKI
- (90) JERRARD MARK LATIMER
- (91) CHARLES LAURIE
- (92) PETER LAY
- (93) VICTORIA LINDSELL
- (94) EL LITTEN
- (95) EMMA MANI
- (96) RACHEL MANN
- (97) DAVID MANN
- (98) DIANA MARTIN
- (99) LARCH MAXEY
- (100) ELIDH MCFADDEN
- (101) LOUIS MCKECHNIE
- (102) JULIA MERCER
- (103) CRAIG MILLER
- (104) SIMON MILNER-EDWARDS
- (105) BARRY MITCHELL
- (106) DARCY MITCHELL
- (107) ERIC MOORE
- (108) PETER MORGAN
- (109) RICHARD MORGAN
- (110) ORLA MURPHY
- (111) JOANNE MURPHY
- (112) GILBERT MURRAY
- (113) CHRISTIAN MURRAY-LESLIE
- (114) RAJAN NAIDU
- (115) CHLOE NALDRETT
- (116) JANE NEECE
- (117) DAVID NIXON
- (118) THERESA NORTON
- (119) RYAN O TOOLE
- (120) GEORGE OAKENFOLD

- (121) NICOLAS ONLAY
- (122) EDWARD OSBOURNE
- (123) RICHARD PAINTER
- (124) DAVID POWTER
- (125) STEPHANIE PRIDE
- (126) HELEN REDFERN
- (127) SIMON REDING
- (128) MARGARET REID
- (129) CATHERINE RENNIE-NASH
- (130) ISABEL ROCK
- (131) CATERINE SCOTHORNE
- (132) JASON SCOTT-WARREN
- (133) GREGORY SCULTHORPE
- (134) SAMUEL SETTLE
- (135) VIVIENNE SHAH
- (136) SHEILA SHATFORD
- (137) DANIEL SHAW
- (138) PAUL SHEEKY
- (139) SUSAN SIDEY
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- (141) JOSHUA SMITH
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- (143) ANNE TAYLOR
- (144) HANNAH TORRANCE BRIGHT
- (145) JANE TOUIL
- (146) JESSICA UPTON
- (147) ISABEL WALTERS
- (148) CRAIG WATKINS
- (149) SARAH WEBB
- (150) IAN WEBB
- (151) ALEX WHITE
- (152) WILLIAM WHITE
- (153) SAMANTHA WHITE
- (154) LUCIA WHITTAKER-DE-ABREU

**(155) EDRED WHITTINGHAM**

**(156) CAREN WILDEN**

**(157) MEREDITH WILLIAMS**

**(158) PAMELA WILLIAMS**

Filed on behalf of the Claimant

Steven Maxey

Second Witness Statement

Exhibit SM/5

Claim No: QB-2022-001236

**BETWEEN**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**and**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALYSON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (12) HOLLY ROTHWELL**
- (13) NO LONGER PURSUED**
- (14) JOHN SMITH**
- (15) BEN TAYLOR**

(16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) NO LONGER PURSUED

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

(20) JOHN JORDAN

-and-


THE ADDITIONAL DEFENDANTS LISTED

AT SCHEDULE A TO THIS ORDER

Defendants

This is the exhibit SM/5 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

18/1/24



## ChiefExecAdmin

---

**Subject:** How you can protect NWBC residents

**From:** Sarah Webb <sarahwebb999@gmail.com>

**Sent:** Friday, August 25, 2023 12:21:31 PM

**To:** martinwatson@warwickshire.gov.uk <martinwatson@warwickshire.gov.uk>

**Subject:** How you can protect NWBC residents

**Caution:** Warning external email

Dear Councillor,

NWBC obtained a high court injunction in April 2022, to protect Oil and Gas companies in Kingsbury.

I was sent to HMP Foston Hall women's prison last year, to serve a sentence of 16 days imprisonment, for standing outside the Kingsbury Oil Depot, peacefully protesting. For breaking your injunction, which forbids protest outside the site fences.

I was one of 68 peaceful protestors imprisoned last year, for breaking your injunction. Since then, you have decided to publish my name and address openly on your website, so 'interest groups' know where I live and could pay me a visit... You are also threatening to take me to court again (for the same incident for which I was sent to prison), for perhaps suing me for costs?

You have already sent me to prison - what more do you want from me?

Is this the kind of democracy you are looking to uphold?

So - why did I break your injunction, knowing I could go to prison? To protect millions of people's lives. For the lives of residents, for which you are responsible. For you, for your children's lives.

We all know that burning fossil fuels is killing us. Some more slowly than others. If you have lots of money, then you might be shielded from the effects of Climate breakdown for a while, but it will get to us all eventually. You, me, our society, our children. When will it affect you? 10 years, 15 years? Maybe more, maybe less - excessive heat, fires, floods, air pollution, 'cost of living'. It's happening now, as we can see from the TV news.

Yes, fossil fuel companies employ some residents in your area. But at what cost? The cost of our children's lives?

My own personal fear is that of food security. With an ever erratic climate, crops will continue to fail. We import around 50% of our food. What will happen in our communities when there is limited food available?

You are a human being, you are able to show compassion and moral leadership. You have more of a responsibility at this time to stand up for humanity.

**WHAT AM I ASKING FOR?** I'm asking you (NWMB) to drop the Kingsbury Injunction. Currently NWBC are seeking to make the interim injunction into a final injunction. The hearing for this is to be set for November. Please, for the sake of humanity, for the sake of your own children, drop this injunction.

Sending you love and strength, as it might take courage for you to challenge your colleagues in the Council. This is not a political party issue, it's an issue for us all.

Sarah Webb

**Subject:** FW: North Warwickshire Borough Council's Injunction at the Valero Oil Terminal Site

**From:** Catherine Rennie-Nash <crennienash@gmail.com>  
**Sent:** Monday, August 21, 2023 10:58:36 pm  
**Subject:** Re: North Warwickshire Borough Council's Injunction at the Valero Oil Terminal Site

Dear Councillor,

My name is Catherine Rennie-Nash and I do not live in your constituency. I am writing to you as I am deeply concerned about some of the actions of North Warwickshire Borough Council (NWBC) in their approach to democracy and the law. I have been campaigning around the climate emergency for a number of years now, and I have tried many ways to bring about the urgent change that's needed to secure a liveable future for my grandchildren, all young people and the most marginalised in the world, such as voting, going on marches, signing petitions and supporting groups trying to bring about change. However, I have been continually disappointed by the response from politicians of all parties to the growing threat and, out of desperation, fear and frustration decided the only way that might have a chance of success was nonviolent civil disobedience to the point of arrest to try and make change happen.

As a result, I am now named on a high court injunction which NWBC obtained in April 2022. As you may not have been a councillor at the time, perhaps you may like some background information:

- 
- 
- In 2019 the UK Parliament declared a climate emergency
- 
- 
- 
- In 2021, Fatih Birol, the International Energy Agency's executive director
- and one of the world's foremost energy economists said: "If governments are serious about the climate crisis, there can be no new investments in oil, gas and coal, from now – from this year."
- 
- 
- 
- In 2022, when it was clear the UK Government were not going to act upon this,
- concerned citizens, having tried all other means to enact change, embarked on a civil resistance campaign under the banner of Just Stop Oil whose demand was the ceasing of new fossil fuel projects
- 
- 
- 
- Just Stop Oil's campaign involved blockading fossil fuel sites, including
- at Kingsbury in North Warwickshire, to try and create a political crisis and have the issue debated and acted upon in the UK Parliament
- 
- 
- 
- In anticipation of this action Valero Energy brought out a high court injunction
- to prevent such a blockade
- 
- 
- 
- From 1st April 2022, supporters of Just Stop Oil began trying to the stop
- the flow of deadly fossil fuels from the Kingsbury site, there were numerous arrests for which people were charged and the correct criminal procedures have taken place
-

- 
- 
- Later in April 2022 NWBC brought out a high court injunction which included powers of arrest for the simple act of holding a placard outside the Kingsbury site
- 
- 
- 
- Feeling the injustice of this, having their legal right to protest denied by civil law, several people decided to continue to protest and pay the consequences
- 

The NWBC injunction was unnecessary as criminal procedures were already in place to deal with protest activity, plus Valero and others at the Kingsbury site already had civil injunctions in place. The NWBC injunction did nothing to reduce protest activity, it merely criminalised peaceful protest. I find this action by your council deeply disturbing and also a waste of taxpayers' money.

Currently, NWBC are seeking to make the interim injunction into a final injunction. The hearing for this is to be set for November. I believe, at that hearing, there will be challenges as to the legality of the injunction, infringing as it does on aspects of Human Rights Law.

I urge you to:

- 
- 
- Recognise the injustice inherent in using civil injunctions, which bypass the right of trial by jury and several legal defences, instead of criminal law
- 
- 
- 
- Stop wasting local taxpayers money on this injunction and forward a motion to the council to have the injunction terminated with no cost implications for those named on it.
- 

I would like to remind you of a few further points:

- 
- 
- The main beneficiaries of the NWBC Injunction were not local people, but fossil fuel companies
- 
- 
- 
- Valero, and other companies at Kingsbury that have injunctions, have no intention of seeking committal proceedings and costs against anyone taking in part in protests against them
- 
- 
- Why are the council thus acting on behalf of fossil fuel companies and not in the interests of local people?
- 
- 
- To continue with the injunction is a waste of taxpayers money, which could instead be used to improve local services
- 
- 
- 
- Just Stop Oil have shown no interest in returning to fossil fuel sites in Warwickshire or anywhere else having switched their tactics to public disruption in London since October of last year

- 
- 
- 
- Many of the 159 ordinary people named on the injunction never broke the injunction
- and should not be liable to pay for any costs for a legal procedure that was unnecessary and should not have happened in the first place
- 
- 
- 
- Those that have broken the injunction, many of whom went to prison as a result
- of it, have already paid their penalty, and paid the costs accrued in their individual matter
- 

As you can not fail to notice this year, the climate emergency is escalating dramatically and unpredictably, with extreme weather that would not have been possible without human-induced climate change. The most recent tragedy being the scores of people to have burned to death in wildfires on the island of Maui in Hawaii.

I would further like to remind you of the UK Government's promises under the COP 21 Paris Agreement of 2015 to try and limit global heating to 1.5°C and point you to a recent scientific paper that predicts 'the 12-month mean global temperature likely will pierce the 1.5°C warming level before this time next year.'

Finally, I would like to remind you that the UK has a legal obligation to reach Net Zero by 2050 and yet the government's own Climate Change Committee has said that the UK has lost its leadership in this area and sites the government's licencing of new fossil fuel projects as one of the reasons for its continuing failure to reach the required emission reductions.

Those in a position of power have a responsibility to current and future generations to do all they can to prevent further harm to our one and only life-support system.

Please find a better use for taxpayers money than punishing those that are taking a conscientious stand against those industries that are destroying the future habitability of our precious and unique planet.

Yours Sincerely,

Catherine Rennie-Nash

**Subject:** FW: re Kingsbury Injunction

**From:** William White <[williamwhite896@yahoo.com](mailto:williamwhite896@yahoo.com)>  
**Sent:** Tuesday, August 22, 2023 10:40:26 am  
**To:** William White <[williamwhite896@yahoo.com](mailto:williamwhite896@yahoo.com)>  
**Subject:** re Kingsbury Injunction

Dear Councillor,

Although I am not local to Warwickshire I do visit and take an interest as my daughter and her family live in Leamington Spa. I am writing to you as I am deeply concerned about some of the actions of North Warwickshire Borough Council (NWBC) and their relation to democracy and the law.

Firstly I give the context of my recent story.

When first being confronted with the stark reality of the climate crisis (June 2021) I heard about the physical science of the climate, the social science of making change, and was invited to sit on the M25 with Insulate Britain!

I said no. I am a priest, recently retired after 35 years of parochial ministry, with a completely clean criminal record, not even a speeding or parking offence.

However it was clear that something needed doing.

I made two resolutions:

- (1) to understand the climate crisis at an appropriate level I enrolled with Open University on a part-time (six year) BA Environmental Studies degree course
- (2) to make contact with a group called Christian Climate Action, so that any actions I took might be properly tested with those who share my faith background.

Both those resolutions have proved very fruitful, and have influenced me and the actions I have taken recently.

(1) Open University

Year one, which focused particularly on physical science and geographical studies, had a final assignment involving the writing of a report as if to my own local council. The mark was such that it lifted my overall grade for that year to 'distinction'. In particular the examiner wrote: "This was one of the best examples of this section that I've seen, so well done!".

I have recently received a text book for year three. Within just a few pages it states as a fact, without any further qualification: "There is now compelling scientific evidence that human activity is warming the Earth's surface through the release of greenhouse gases ...." *Nigel Clark "Living on a dynamic planet" page 17, in Humphreys D., Clark N., Smith S., Jehlipka P., Bingham N. and Ernwein M. (eds.) Environment: Sharing a Dynamic Planet Introduction, Life, Water, (2022) Milton Keynes, The Open University.*

(2) Christian Climate Action brings me into contact with a wide ranging group of people including theologians, clergy, lay people, lawyers, activists, and many others, all sharing a common desire to love God and our neighbours as ourselves.

I cannot speak for Christian Climate Action as a whole. However, out of a desire to be accountable, I have been able to share and test my approach to protest action with a small number of others, and modify plans according to their informed feedback.

As a result I have supported the overall aim of Just Stop Oil since early 2022. It has led me to be arrested several times. On two occasions I was taken to the High Court for breach of the NWBC civil injunction. This involved two separate weeks in prison on remand. I have paid all fines and costs.



The science is clear so what I am doing is raising an alarm. To turn off the alarm because I am asked to do so is not loving. Alarms are meant to be disturbing. An alarm is meant to prompt an investigation, not into the aesthetics of the alarm, nor into the disruption caused, but into the event that triggered it. And still the government's response is well below that expected by the scientific community.

The criminal law approach to tackling protest no doubt has its place in a healthy well-functioning democracy. However the government's failure to heed climate science has caused great outrage amongst informed members of the public. This outrage is such that many of us have resolved to do whatever it takes (within the bounds of nonviolent resistance) to sound the alarm and speak the truth.

The legal approach will not silence us. Therefore prosecution and punishment will not deter or prevent our action. All that is achieved in the short term is a waste of public resources, and in the long term it is providing possible evidence of individual complicity by elected representatives in the greater crimes of genocide and, one day, ecocide.

As you will appreciate I am one of those now named on a high court injunction which NWBC obtained in April 2022. As you may not have been a councillor at the time, perhaps you may like some background information:

- In 2019 the UK Parliament declared a climate emergency
- In 2021, Fatih Birol, the International Energy Agency's executive director and one of the world's foremost energy economists said: "If governments are serious about the climate crisis, there can be no new investments in oil, gas and coal, from now – from this year."
- In 2022, when it was clear the UK Government were not going to act upon this, concerned citizens, having tried all other means to enact change, embarked on a civil resistance campaign under the banner of Just Stop Oil whose demand was the ceasing of new fossil fuel projects
- Just Stop Oil's campaign involved blockading fossil fuel sites, including at Kingsbury in North Warwickshire, to try and create a political crisis and have the issue debated and acted upon in the UK Parliament
- In anticipation of this action Valero Energy brought out a high court injunction to prevent such a blockade
- From 1st April 2022, supporters of Just Stop Oil began trying to stop the flow of deadly fossil fuels from the Kingsbury site, there were numerous arrests for which people were charged and the correct criminal procedures have taken place
- Later in April 2022 NWBC brought out a high court injunction which included powers of arrest for the simple act of holding a placard outside the Kingsbury site
- Feeling the injustice of this, having their legal right to protest denied by civil law, several people decided to continue to protest and pay the consequences

I feel the NWBC injunction was unnecessary as criminal procedures were already in place to deal with protest activity, plus Valero and others at the Kingsbury site already had civil injunctions in place. The NWBC injunction did nothing to reduce protest activity, it merely criminalised peaceful protest. I find this action by your council deeply disturbing and also a waste of taxpayers money.

Currently, NWBC are seeking to make the interim injunction into a final injunction. The hearing for this is to be set for November. I believe, at that hearing, there will be challenges as to the legality of the injunction, infringing as it does on aspects of Human Rights Law.

I urge you to:

- Recognise the injustice inherent in using civil injunctions, which bypass the right of trial by jury, instead of criminal law
- Stop wasting local taxpayers money on this injunction and forward a motion to the council to have the injunction terminated with no cost implications for those named on it

I would like to remind you of a few further points:

- The main beneficiaries of the NWBC Injunction were not local people, but fossil fuel companies
- Valero, and other companies at Kingsbury that have injunctions, have no intention of seeking committal proceedings and costs against anyone taking in part in protests against them

- Why are the council thus acting on behalf of fossil fuel companies and not in the interests of local people?
- To continue with the injunction is a waste of taxpayers' money, which could instead be used to improve local services
- Just Stop Oil have shown no interest in returning to fossil fuel sites in Warwickshire or anywhere else having switched their tactics to public disruption in London since October of last year
- Unlike me many of the 159 ordinary people named on the injunction never broke the injunction and should not be liable to pay for any costs for a legal procedure that was unnecessary and should not have happened in the first place
- Those of us that have broken the injunction, many of whom went to prison as a result of it, have already paid their penalty, and paid the costs accrued in their individual matter

As you cannot fail to notice this year, the climate emergency is escalating dramatically and unpredictably, with extreme weather that would not have been possible without human-induced climate change. The most recent tragedy being the possibly hundreds of people to have burned to death in wildfires in Hawaii.

I would further like to remind you of the UK Government's promises under the COP 21 Paris Agreement of 2015 to try and limit global heating to 1.5°C and point you to a recent scientific paper that predicts 'the 12-month mean global temperature likely will pierce the 1.5°C warming level before this time next year.'

Finally, I would like to remind you that the UK has a legal obligation to reach Net Zero by 2050 and yet the government's own Climate Change Committee has said that the UK has lost its leadership in this area and sites the government's licencing of new fossil fuel projects as one of the reasons for its continuing failure to reach the required emission reductions.

Those in a position of power have a responsibility to current and future generations to do all they can to prevent further harm to our one and only life-support system.

Please find a better use for taxpayers money than punishing those that are taking a conscientious stand against those industries that are destroying the future habitability of our precious and unique planet.

Yours sincerely,

Bill White (Rev'd)  
 26 Cedarway, Macclesfield, SK10 5NS  
[williamwhite896@yahoo.com](mailto:williamwhite896@yahoo.com)

This transmission is intended for the named addressee(s) only and may contain confidential, sensitive or personal information and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All email traffic sent to or from us may be subject to recording and/or monitoring in accordance with relevant legislation.

## ChiefExecAdmin

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**Subject:** FW: Thursday 21st Sept - Injunction Injustice

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**From:** coffee\_climate2 <[coffee\\_climate2@protonmail.com](mailto:coffee_climate2@protonmail.com)>  
**Sent:** Sunday, September 17, 2023 10:00:12 PM  
**To:** David Humphreys <[DavidHumphreys@NorthWarks.gov.uk](mailto:DavidHumphreys@NorthWarks.gov.uk)>  
**Subject:** Thursday 21st Sept - Injunction Injustice

**Caution:** Warning external email

Dear David

Please can you let me know whether you might have time to meet me any time before 5 pm this Thursday 21st September to discuss injunctions, the right to protest, the climate and ecological emergency, the cost of living crisis, our responsibilities in these times and use of tax payers money. A representation from those named on the NWBC will be visiting the Council Offices on Thursday 21st September 12-2pm, and are in the vicinity the rest of the day.

Appreciating that we are all incredibly busy, if you were only able to stop by during your lunch break ( if you get time for one ) it would be good to just meet briefly whilst we are outside the Atherstone Offices 12 -2 pm.

Many thanks,

Karen Wildin

Sent with [Proton Mail](#) secure email.



## ChiefExecAdmin

---

**Subject:** FW: Injunction of Kingsbury Terminal

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**From:** [clare@clarewalters.co.uk](mailto:clare@clarewalters.co.uk) <[clare@clarewalters.co.uk](mailto:clare@clarewalters.co.uk)>

**Sent:** Monday, September 18, 2023 8:49:20 PM

**To:** David Wright <[DavidWright@NorthWarks.gov.uk](mailto:DavidWright@NorthWarks.gov.uk)>

**Subject:** Injunction of Kingsbury Terminal

**Caution:** Warning external email

Dear David,

I am a 66 year old grandmother, parish councillor, mental health therapist and director of a social enterprise.

I am writing because I have been named on an injunction that you have taken out against me and over 100 others. I was arrested while peacefully protesting at the Kingsbury site last April and was released without charge. I was handed the injunction at this point and did not go back to the site.

I wonder why North Warks Council have served this injunction at rate payers cost. Surely the oil companies can afford to pay for their own security?

I also wonder why you are penalising our protest so heavily. It is not me that is causing climate breakdown and condemning millions to misery and death.

It is not me who is making billions at the cost of our planet.

It is not me that is the real criminal here.

I am travelling down to your offices from Yorkshire next Thursday - 21st September. I wonder if you would be kind enough to meet with me and discuss this issue further.

I look forwards to hearing from you.

Your sincerely,

Clare

Clare Walters  
07984115927

## ChiefExecAdmin

---

**Subject:** FW: Thursday 21st Sept - Injunction Injustice

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**From:** coffee\_climate2 <coffee\_climate2@protonmail.com>

**Sent:** Sunday, September 17, 2023 9:57 pm

**To:** Peter Fowler <PeterFowler@NorthWarks.gov.uk>

**Subject:** Thursday 21st Sept - Injunction Injustice

**Caution:** Warning external email

Dear Peter

Please can you let me know whether you might have time to meet me any time before 5 pm this Thursday 21st September to discuss injunctions, the right to protest, the climate and ecological emergency, the cost of living crisis, our responsibilities in these times and use of tax payers money. A representation from those named on the NWBC will be visiting the Council Offices on Thursday 21st September 12-2pm, and are in the vicinity the rest of the day.

Appreciating that we are all incredibly busy, if you were only able to stop by during your lunch break ( if you get time for one ) it would be good to just meet briefly whilst we are outside the Atherstone Offices 12 -2 pm.

Many thanks,

Karen Wildin

Sent with [Proton Mail](#) secure email.

Filed on behalf of the Claimant

Steven Maxey

Second Witness Statement

Exhibit SM/6

**Claim No: QB-2022-001236**

**BETWEEN**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**and**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALYSON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (12) HOLLY ROTHWELL**
- (13) NO LONGER PURSUED**
- (14) JOHN SMITH**
- (15) BEN TAYLOR**

(16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) NO LONGER PURSUED

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

(20) JOHN JORDAN

-and-

THE ADDITIONAL DEFENDANTS LISTED

AT SCHEDULE A TO THIS ORDER

Defendants

This is the exhibit SM/6 referred to in the Witness Statement

Signed:



18/1/24

**MINUTES OF THE MEETING OF THE  
NORTH WARWICKSHIRE BOROUGH COUNCIL  
HELD AT THE COUNCIL HOUSE  
ON WEDNESDAY 27 SEPTEMBER 2023**

Present: Councillor Humphreys in the Chair

Councillors Barnett, Bates, Bell, Chapman, Clews, Davey, Dirveiks, Farrow, Fowler, Gosling, Hobley, Jackson, Jarvis, Jenns, Melia, Osborne, Parsons, H Phillips, Reilly, Ridley, Ririe, Simpson, Singh, Smith, Stuart, Symonds, Taylor, Turley, Watson, Whapples, and D Wright.

Apologies for absence were received from Councillors Hayfield, O Phillip and A Wright.

**25 Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

**26 Minutes of the Meeting of the Council held on 28 June 2023**

The minutes of the meeting of the Council held on 28 June 2023 were approved as a correct record and signed by the Mayor.

**27 Mayor's Announcements**

The Mayor had recently attended a Carers Award Ceremony and the King Richard painting unveiling at the Red Lion Hotel, Atherstone which will be touring around the Country before being placed in a museum. The Mayor had also attended the Motor Show.

The Mayor announced that Norman Henderson, a former Councillor had passed away. Norman was a Councillor for Coleshill North from 1995 to 1999. Councillor Fowler paid a tribute.

**28 Questions Pursuant to Standing Order No 7**

The following question was received pursuant to Standing Order No 7:-

**Dr David Samson:**

“Please could Councillors explain why the Council is spending thousands of pounds of North Warwickshire Resident's Council Tax money on applying for an injunction to stop protestors at the Valero Oil terminal site in Kingsbury, especially as the Police already have power to arrest protestors if necessary and the oil company has millions of pounds to spend on protecting their own site?”

**The response from Councillor David Wright, Leader of the Council was:-**

“I understand completely the frustration that this Council has had to spend considerable resource in dealing with the unacceptable and criminal elements of the protests centred on Kingsbury Oil Terminal. This is not how I, nor I suspect any Councillor here, would have preferred to have spent this money. We are in discussions with central Government to seek to recover these costs.

The background to this case is set out in the report that I asked Officers to bring to the last Executive Board earlier this month. Whilst the oil companies have lots of resources, the main issue here is public safety and as set out in the report the injunctions that oil operators can apply for cannot include a power of arrest. The injunction that the oil company obtained here prior to ours was proving ineffectual because of this. The Police do have a power of arrest for criminal activity but usually have to release people straight away or very shortly afterwards.

As set out in the report, a local authority injunction with a power of arrest is more effective than a civil injunction or the Police’s general powers, in cases such as this. Being prosecuted some months after the event provides little disincentive to highly committed protestors whereas increasing periods of detention under our injunction has proved to be the only effective way to bring these protests under control.”

**29 Minutes of Local Development Framework Sub - Committee – 4 July and 11 September 2023**

It was proposed by Councillor Reilly, seconded by Councillor Fowler and

**Resolved:**

**That the minutes of the Local Development Framework Sub – Committee held on 4 July and 11 September be approved and adopted.**

**30 Minutes of the meetings of the Planning and Development Board held on 10 July, 7 August and 4 September 2023.**

It was proposed by Councillor Simpson, seconded by Councillor Jarvis and

**Resolved:**

**That the minutes of the Planning and Development Board held on 10 July, 11 September and 4 September be approved and adopted.**

**31 Minutes of Special Sub-Group – 17 July and 15 August 2023**

It was proposed by Councillor Clews, seconded by Councillor Jarvis and

**Resolved:**

**That the minutes of the meeting of the Special Sub-Group held on 17 July and 15 August 2023 be approved and adopted.**

32 **Minutes of Executive Board – 19 July and 18 September 2023**

It was proposed by Councillor D Wright and seconded by Councillor Gosling that the membership of the Electoral Review Advisory Group be amended to 4 Conservatives, 3 Labour and 1 Dordon Independent and the membership of the Senior Recruitment Sub-Committee be amended to 4 Conservatives, 3 Labour and 1 Dordon Independent.

It was proposed by Councillor D Wright, seconded by Councillor Gosling and

**Resolved:**

**That the minutes of the meeting of the Executive Board held on 19 July 2023 be approved and adopted, subject to .**

**Resolved:**

**a External Auditors Report**

That the 2020/21 Draft Annual Audit Letter received from the Council's external auditors, Ernst & Young LLP be noted;

**b Budgetary Control Report 2023/23 Ended 30 June 2023**

That the Budgetary Control Report 2023/23 Period Ended 30 June 2023 be noted;

**c Electoral Review – Local Government Boundary Commission**

i That the Electoral Review – Local Government Boundary Commission report be noted; and

ii That an Advisory Committee be appointed in order to consider the Borough Council's response to the consultations undertaken by LGBCE as part of this review, with the proposed terms of reference set out at Appendix 1 to the report; and the amendment of the membership to 4 Conservatives, 3 Labour and 1 Dordon Independent

**That the minutes of the meeting of the Executive Board held on 18 September 2023 be approved and adopted.**

**d Capital Programme – 2022/23 Final Position**

i **That the level of expenditure incurred to the end of March 2023 against the 2022/23 Revised Capital Programme be noted;**

- ii **That the requests to carry forward schemes identified in column 6 of Appendix A to the report of the Corporate Director – Resources be approved and added to the 2023/24 Capital Programme;**
- e **Budgetary Control Report 2023/24 Period Ended 31 August 2023**

**That the Budgetary Control Report 2023/24 Period Ended 31 August 2023 be noted.**

As there was disturbance within the public gallery, the Mayor adjourned the meeting for a short period whilst order was restored.

**33 The following question was received pursuant to Standing Order No 7 (1):-**

**Councillor Gosling:**

“A year ago tomorrow, in light of the national grief felt by the loss of her late majesty Queen Elizabeth II, this Council voted unanimously to support a motion proposed by myself and seconded by the Leader of the Council.

To honour the outstanding life and legacy of Her late Majesty Queen Elizabeth II and the love and respect felt for her by the people of North Warwickshire by providing a permanent tribute (or collection of tributes), which will be identified following a wide-ranging consultation.

A Member Working Group of five Councillors would be established to oversee this work.

Despite all the emotion of that Evenings speeches, despite what appeared to be a shared ambition to mark the incredible contribution she made and to provide our residents with spaces to celebrate and morn the late queen, no consultation has been initiated, no tributes have been planned or proposed and the ironically named working group seems to not really be working.

On the recent anniversary of Her Majesty's death, having a memorial community spaces or tributes that could have provided solace, a place to remember, to celebrate her many achievements, it could have been a focal point for those in our community who wished to recognise and mark the day, those who still feel the loss. Not actioning this motion has denied our resident that opportunity; it has denied them the opportunity to contribute positively through consultation and community action to create a fitting tribute, a community asset.

Could the council please update the Labour group and the people of North Warwickshire as to when we are likely to see action and whether we shall have achieved this goal by 8 of September 2024 or will this be another missed opportunity?”



**The response from Councillor David Wright, Leader of the Council was:-**

“I agree with Councillor Gosling that all Members were agreed that the Council should work with partners to create a permanent tribute, or series of tributes, and that objective still remains. There was no suggestion either in the motion nor in the discussion at Full Council that it would be ready for the first anniversary. I am also surprised that if this was Councillor Gosling’s expectation that she has not mentioned it in any meeting since the motion was unanimously agreed.

By way of context, Councillor Gosling may not be aware that the National Memorial Committee has only just been established with its Chairman, Lord Janvrin, appointed on 3 September. The plan is for a national memorial and a national legacy programme to be developed over the coming months, with the memorial not likely to be in place until 2026, in order to mark the 100<sup>th</sup> anniversary of our late Queen’s birth.

When we discussed this last year, it was suggested that one potential source of funding might be the UK Shared Prosperity Fund or the Rural England Prosperity Fund, neither of which had been confirmed at that point. As Councillor Gosling will be aware as she is on the Shared Prosperity Fund Panel, no schemes have yet been suggested.

However, I do agree that the working group should have met by now and I have asked the Chief Executive to convene this Group to meet hopefully next month. Given the current composition of the Council I would suggest 6 Members – 3 Conservative, 2 Labour and 1 from the Dordon Independent Group. I also agree that, having not received any suggested schemes, the Council should now proactively seek ideas from the public and we will discuss this at the forthcoming annual meeting with the Town and Parish Councils as well as explicitly making it a theme for further funding rounds of the Shared Prosperity scheme. In addition, we will include this in the upcoming consultation on residents’ priorities which will help inform the new Corporate Plan.”

**34 Minutes of Community and Environment Board – 8 August 2023**

It was proposed by Councillor Bell, seconded by Councillor Fowler and;

**Resolved:**

**That the minutes of the meeting of the Community and Environment Board held on 8 August 2023 be approved and adopted.**

**35 Minutes of Resources Board held on 5 September 2023**

It was proposed by Councillor Symonds, seconded by Councillor Taylor and;

**Resolved:**

**That the minutes of the meeting of the Resources Board held on 5 September 2023 be approved and adopted.**

**36 Minutes of Standards Committee held on 6 September 2023**

It was proposed by Councillor Jarvis, seconded by Councillor Fowler and;

**Resolved:**

**That the minutes of the meeting of the Standards Committee held on 6 September 2023 be approved and adopted.**

**37 Notice of Motion under Standing Order No 10**

The following Notice of Motion was proposed by Councillor Gosling and Seconded by Councillor Hobley.

“As our residents will face another worrying winter period due to the ongoing cost of living crisis, this Council should take positive practical steps to help. Council is recommended to give delegated powers to the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition to create a Financial Hardship Fund with £5,000 per Ward for residents, community groups or organisations to support residents in emergency financial crisis.”

An amendment to the Motion was then proposed by Councillor Bell and Seconded by Councillor Davey

“That this Council refers this matter to the Executive Board to consider holistically the issue of what further financial inclusion work the Council can undertake in order to assess what measures can be put in place to prevent residents falling into financial crisis.”

An amendment to the Notion of Motion was then proposed by Councillor Gosling and Seconded by Councillor Hobley.

“As our residents will face another worrying winter period due to the ongoing cost of living crisis, this Council should take positive and practical steps to help. Council is recommended to give delegated powers to the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition to create a Financial Hardship Fund with £5,000 per Ward for residents, community groups, organisations and schools who support residents in financial hardship and that this Council refers this matter to the Executive to consider holistically the issues of what further financial inclusion work this Council can undertake, in order to access what measures can be put into place to prevent our residents falling into financial crisis.”

In accordance with Standing Order No 11(1) the recorded vote on the amendment by Councillor Bell was as follows:

For – Bates, Bell, Clews, Davey, Fowler, Humphreys, Jarvis, Jenns, Reilly, Simpson, Singh, Smith, Symonds, Watson and D Wright.

Against – Barnett, Chapman, Dirveiks, Farrow, Gosling, Hobley, Jackson, Melia, Osborne, Parsons, H Phillips, Ridley, Ririe, Stuart, Taylor and Whapples.

**Upon being put to the meeting the Mayor declared the amended Motion, to be lost.**

In accordance with Standing Order No 11(1) the recorded vote on the amendment by Councillor Gosling was as follow:

For – Barnett, Chapman, Dirveiks, Farrow, Gosling, Hobley, Jackson, Melia, Osborne, Parsons, H Phillips, Ridley, Ririe, Stuart, Taylor, and Whapples.

Against – Bates, Bell, Clews, Davey, Fowler, Humphreys, Jarvis, Jenns, Reilly, Simpson, Singh, Smith, Symonds, Watson and D Wright.

**Upon being put to the meeting the Mayor declared the substantive Motion to be carried.**

**38 Common Seal**

It was proposed by Councillor Fowler and seconded by Councillor Clews and

**Resolved:**

**That the Chief Executive be authorised to affix the Common Seal to any Orders, Deeds and Documents as necessary to give effect to the decisions of the Council, including any passed during part of the meeting which is held in private, in accordance with Article 11.05 of the Articles of the Constitution.**

**39 Exclusion of the Public and Press**

**Resolved:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**40 Exempt Extract of the Planning and Development Board – 10 July 2023**

It was proposed by Councillor Simpson, seconded by Councillor Bates and

**Resolved:**

**That the exempt extract of the minutes of the meeting of the Planning Board held on 10 July 2023 be approved and adopted.**

**41 Exempt Extract of the Minutes of Special Sub-Group – 17 July and 15 August 2023**

It was proposed by Councillor Clews, seconded by Councillor Reilly and

**Resolved:**

**That the exempt extract of the minutes of the meeting of the Special Sub-Group held on 17 July and 15 August 2023 be approved and adopted.**

**42 Exempt Extract of the Minutes of Executive Board – 19 July and 18 August 2023**

It was proposed by Councillor Wright, seconded by Councillor Symonds and

**Resolved:**

**a That the exempt extract of the minutes of the meeting of the Executive Board held on 19 July 2023 be approved and adopted;**

**b That the Senior Management Recruitment Sub-Committee be re-established with eight Councillors, 4 Conservative, 3 Labour and 1 Dordon Independent with the Chairman of the Executive Board appointed as Chairman;**

**c That the exempt extract of the minutes of the meeting of the Executive Board held on 18 September 2023 be approved and adopted.**

**42 Exempt Extract of the Minutes of Standards Committee – 6 September 2023**

It was proposed by Councillor Jarvis, seconded by Councillor Fowler

**Resolved:**

**That the exempt extract of the minutes of the meeting of Standards Committee held on 6 September 2023 be approved and adopted.**

**Chairman of the next ensuing meeting  
of the Council**

Filed on behalf of the Claimant

Steven Maxey

Second Witness Statement

Exhibit SM/7

Claim No: QB-2022-001236

**BETWEEN**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Claimant**

**and**

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALYSON LEE**
- (9) AMY PRITCHARD**
- (10) STEPHEN PRITCHARD**
- (11) PAUL RAITHBY**
- (12) HOLLY ROTHWELL**
- (13) NO LONGER PURSUED**
- (14) JOHN SMITH**
- (15) BEN TAYLOR**

(16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) NO LONGER PURSUED

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

(20) JOHN JORDAN

-and-


THE ADDITIONAL DEFENDANTS LISTED

AT SCHEDULE A TO THIS ORDER

Defendants

This is the exhibit SM/7 referred to in the Witness Statement

Signed:

  
18/1/24

# Certificate of service

<b>Name of court</b> High Court, Kings Bench Division	<b>Claim No.</b> QB-2022-001236
<b>Name of Claimant</b> North Warwickshire Borough Council	
<b>Name of Defendant</b> Baldwin (1), Barber (2), Cadet-Rose (3) & Others and Persons Unknown	

**On what day did you serve?** 1 2 / 1 2 / 2 0 2 3

**The date of service is** 1 2 / 1 2 / 2 0 2 3

**What documents did you serve?**  
*Please attach copies of the documents you have not already filed with the court.*

Copies of the Court's Orders dated 30 November and 6 December together with a covering letter (copy attached).

**On whom did you serve?**  
*(If appropriate include their position e.g. partner, director).*

The last 5 Defendants on the attached schedule being Defendants named in para. 7 (ii) of the Order dated 6 December and/or previous Orders permit e-mail service.

**How did you serve the documents?**  
*(please tick the appropriate box)*

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place  
by personally handing it to or leaving it with  
 (.....time left, where document is other than a claim form) *(please specify)*
- by other means permitted by the court *(please specify)*
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*
- by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*

**Give the address where service effected, include fax or DX number, e-mail address or other electronic identification**

The e-mail address for each Defendant shown on the attached spreadsheet.

**Being the**  claimant's  defendant's  
 solicitor's  litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

**I believe that the facts stated in this certificate are true.**

Full name

Signed   
(Claimant) (Defendant) ('s solicitor) ('s litigation friend)

Position or office held   
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules ([www.justice.gov.uk](http://www.justice.gov.uk)) and you should refer to the rules for information.

#### **Calculation of deemed day of service of a claim**

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

#### **Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)**

<b>Method of service</b>	<b>Deemed day of service</b>
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.



# Certificate of service

<b>Name of court</b> High Court, Kings Bench Division	<b>Claim No.</b> QB-2022-001236
<b>Name of Claimant</b> North Warwickshire Borough Council	
<b>Name of Defendant</b> Baldwin (1), Barber (2), Cadet-Rose (3) & Others and Persons Unknown	

**On what day did you serve?** 1 1 / 1 2 / 2 0 2 3

**The date of service is** 1 1 / 1 2 / 2 0 2 3

**What documents did you serve?**

*Please attach copies of the documents you have not already filed with the court.*

Copies of the Court's Orders dated 30 November and 6 December together with a covering letter (copy attached)

**On whom did you serve?**

*(If appropriate include their position e.g. partner, director).*

The first 39 Defendants on the attached schedule being Defendants named in para. 7 (ii) of the Order dated 6 December.

**How did you serve the documents?**

*(please tick the appropriate box)*

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with  
(.....time left, where document is other than a claim form) *(please specify)*
- 
- by other means permitted by the court *(please specify)*
- by e-mail as specified in the Order dated 6 December 2023
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*
- by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*
- 

**Give the address where service effected, include fax or DX number, e-mail address or other electronic identification**

The e-mail address for each Defendant shown on the attached spreadsheet.

- Being the**
- claimant's
  - defendant's
  - solicitor's
  - litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

e-mail address

**I believe that the facts stated in this certificate are true.**

Full name

Signed  Position or office held   
 (Claimant) (Defendant) ('s solicitor) ('s litigation friend) (If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules ([www.justice.gov.uk](http://www.justice.gov.uk)) and you should refer to the rules for information.

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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

**Kingsbury Defendants Contact e-mail addresses**

<b>No</b>	<b>Name</b>	<b>e-mail address</b>	
25	Marcus BAILIE	<a href="mailto:marcus.bailie@yahoo.com">marcus.bailie@yahoo.com</a>	
28&29	Paul BELL	<a href="mailto:paulbell237@gmail.com">paulbell237@gmail.com</a>	
33	Molly BERRY	<a href="mailto:mb.lipreading@gmail.com">mb.lipreading@gmail.com</a>	
34	Gillian (Jill) BIRD	<a href="mailto:jillartbird@yahoo.co.uk">jillartbird@yahoo.co.uk</a>	
40	Emily BROCKLEBANK	<a href="mailto:emilyjoy.b@gmail.com">emilyjoy.b@gmail.com</a>	
44	Jade CALLAND	<a href="mailto:jadecalland15@gmail.com">jadecalland15@gmail.com</a>	
46	Caroline CATTERMOLE	<a href="mailto:carolinecattermole@gmail.com">carolinecattermole@gmail.com</a>	
48	Michelle CHARLESWORTH	<a href="mailto:mcharlesworth71@hotmail.co.uk">mcharlesworth71@hotmail.co.uk</a>	
55	Janine EAGLING	<a href="mailto:j_eagling@hotmail.com">j_eagling@hotmail.com</a>	
76	Diana HEKT	<a href="mailto:hekt@outlook.com">hekt@outlook.com</a>	
4	Tim HEWES	<a href="mailto:tim.hewes50@icloud.com">tim.hewes50@icloud.com</a>	
78	Jo HINDLEY	<a href="mailto:hindley.jo@gmail.com">hindley.jo@gmail.com</a>	
81	Joe HOWLETT	<a href="mailto:Joe.howlett@protonmail.com">Joe.howlett@protonmail.com</a>	
84	Ruth JARMAN	<a href="mailto:ruthj999@gmail.com">ruthj999@gmail.com</a>	
85	Stephen JARVIS	<a href="mailto:sp.jarvis2@yahoo.co.uk">sp.jarvis2@yahoo.co.uk</a>	
88	Charlotte KIRIN	<a href="mailto:charlotte.kirin@gmail.com">charlotte.kirin@gmail.com</a>	
90	Jerrard Mark LATIMER	<a href="mailto:jerrardmarkl@gmail.com">jerrardmarkl@gmail.com</a>	
8	Alyson LEE	<a href="mailto:alysonjee@gmail.com">alysonjee@gmail.com</a>	
93	Victoria LINDSELL	<a href="mailto:victorialindsell@hotmail.com">victorialindsell@hotmail.com</a>	
94	El LITTEN	<a href="mailto:el_ten@outlook.com">el_ten@outlook.com</a>	
98	Diana MARTIN	<a href="mailto:diana3640@googlemail.com">diana3640@googlemail.com</a>	
104	Simon MILNER-EDWARDS	<a href="mailto:smoscarb215@gmail.com">smoscarb215@gmail.com</a> <a href="mailto:simonmilneredwards@icloud.com">simonmilneredwards@icloud.com</a>	
106	Darcy MITCHELL	<a href="mailto:darcymsq@gmail.com">darcymsq@gmail.com</a>	
107	Eric MOORE	<a href="mailto:Eric2424@protonmail.com">Eric2424@protonmail.com</a>	



**Kingsbury Defendants Contact e-mail addresses**

108	Peter MORGAN	<a href="mailto:petermorgan1900@gmail.com">petermorgan1900@gmail.com</a>	
113	Christian MURRAY-LESLIE	<a href="mailto:cmurrayleslie@icloud.com">cmurrayleslie@icloud.com</a>	
115	Chloe NALDRETT	<a href="mailto:chloe.naldrett@gmail.com">chloe.naldrett@gmail.com</a>	
120	George OAKENFOLD	<a href="mailto:georgeoakenfold@hotmail.com">georgeoakenfold@hotmail.com</a>	
123	Richard PAINTER	<a href="mailto:rhpainter@hotmail.com">rhpainter@hotmail.com</a>	
9	Amy PRITCHARD	<a href="mailto:AMYCAITLINYOGA@GMAIL.COM">AMYCAITLINYOGA@GMAIL.COM</a>	
10	Stephen PRITCHARD	<a href="mailto:stevepritchard@greenisp.co.uk">stevepritchard@greenisp.co.uk</a>	
11	Paul RAITHBY	<a href="mailto:paulraithby64@gmail.com">paulraithby64@gmail.com</a>	
135	Vivien SHAH	<a href="mailto:jessicaupson@me.com">jessicaupson@me.com</a>	
137	Daniel SHAW	<a href="mailto:dnlshaw45@gmail.com">dnlshaw45@gmail.com</a>	
139	Susan SIDEY	<a href="mailto:susanmsidey@gmail.com">susanmsidey@gmail.com</a>	
150	Sarah WEBB	<a href="mailto:sarahwebb999@gmail.com">sarahwebb999@gmail.com</a>	
17	Anthony WHITEHOUSE	<a href="mailto:anthony@twhiteh.co.uk">anthony@twhiteh.co.uk</a>	
158	Meredith WILLIAMS	<a href="mailto:meredith.williams29@gmail.com">meredith.williams29@gmail.com</a>	
159	Pam WILIAMS	<a href="mailto:pamthecwm@gmail.com">pamthecwm@gmail.com</a>	
24	Stephanie AYLETT	<a href="mailto:stephanie.aylett@hotmail.com">stephanie.aylett@hotmail.com</a>	
65	Callum GOODE	<a href="mailto:legal_callumgoode@proton.me">legal_callumgoode@proton.me</a>	
6&20	John JORDAN	<a href="mailto:seanirish2022@protonmail.com">seanirish2022@protonmail.com</a>	
102	Julia MERCER	<a href="mailto:oyster.julia@gmail.com">oyster.julia@gmail.com</a>	
153	William (Bill) WHITE	<a href="mailto:revbillwhite@yahoo.com">revbillwhite@yahoo.com</a>	

(44)

*V. McGruffog*

# Certificate of service

Name of court	Claim No.
Name of Claimant	
Name of Defendant	

On what day did you serve? 18 / /

The date of service is / /

## What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

## On whom did you serve?

(If appropriate include their position e.g. partner, director).

## How did you serve the documents?

(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)
- by other means permitted by the court (please specify)
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (.....time sent, where document is other than a claim form) (please specify)

## Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

- Being the
- claimant's
  - defendant's
  - solicitor's
  - litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other (please specify)

## I believe that the facts stated in this certificate are true.

Full name

Signed  Position or office held   
 (Claimant) (Defendant) ('s solicitor) ('s litigation friend) (If signing on behalf of firm or company)

Date 18 / /

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules ([www.justice.gov.uk](http://www.justice.gov.uk)) and you should refer to the rules for information.

### Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

### Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Claimant  
3<sup>rd</sup> Statement  
S. Maxey  
3<sup>rd</sup> May 2022

Claim No. QB-2022-001236

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.

**B E T W E E N**

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

**and**

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITBY
- (12) HOLLY ROTHWELL
- (13) ELIZABETH SMAIL
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

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WITNESS STATEMENT OF STEVEN MAXEY

---

**I, STEVEN MAXEY, of The Council House, South Street, Atherstone, CV9 1DE, Solicitor and Local Government Officer WILL SAY AS FOLLOWS:**

1. I am employed by North Warwickshire Borough Council (“the Council”) as the Chief Executive. In addition to being the Council’s statutory Head of Paid Service, I am the Council’s representative on the Strategic Coordinating Group of the Warwickshire Local Resilience Forum (“the LRF”). I am duly authorised on behalf of the Council to make this witness statement.
2. Save where the source of my knowledge is expressly stated the facts set out in this witness statement are from within my own knowledge and are true. Where they are outside my direct knowledge they are true to the best of my knowledge, information and belief.
3. I wish to update the Court with regard to the above Claim by the Council, particularly in light of some of the points submitted in the skeleton argument on behalf of Jessica Branch.

**Service**

4. With regard to service, the Council complied with the requirements within the interim Order made on 14<sup>th</sup> April 2022. Signs informing the Claim, the Order, the Power of



Arrest and where to find copies of these, and supporting documents, were placed in prominent locations along the boundary of the buffer zone and prominently at the entrances to the Terminal.

5. The Council also placed copies of the above documents on its website, and publicising it using the Claimant's Facebook page and twitter account. The Facebook post reached 53,909 people. In addition this information was shared by Craig Tracey MP and the local Police.
6. My understanding, from these proceedings and from meetings of the LRF and other groups, is that Just Stop Oil ('JSO') is a loose coalition of individuals and protest groups working together with the aim of ensuring that the Government commits to halting new fossil fuel licensing and production. From my understanding, JSO has no legal entity or organisational structure and therefore anyone protesting under their name is doing so as an individual. As set out in the Particulars of Claim (paragraphs 12 – 15), it has not been possible to identify participants and those likely to be impacted by the Order in sufficient numbers and with sufficient particularity (other than those arrested by Police) and therefore individual service of the Order, directly or via JSO, was not possible and was unlikely to be effective. As set out in paragraph 14 of the Particulars of Claim, "if one group only were to be subjected to injunctive relief, this would make little practical difference to the problem as other people would simply attend in its place".
7. However I am aware from discussions with the Police and from evidence submitted in these proceedings, that the Police have been taking particular care to draw the attention of protestors at the Kingsbury Oil Terminal to the Order before arresting them under its provisions. I do not believe, as asserted on behalf of Jessica Branch, that people will be unaware of the Order until the arrested for a breach of it.
8. In addition, the Council has been careful to only take committal proceedings against those where there is sufficient evidence to show the protestors were aware of the Order.
9. The police shared the contact details of the named Defendants with the Council on 26 April 2022. Since then, letters have been sent (on 30 April) to each named Defendant informing them of these proceedings and the Injunction and of the hearing on 5<sup>th</sup> May. The only Defendants not sent a letter were those of no fixed address – John Jordan,

Holly Rothwell and Ben Taylor. We are now notifying those Defendants who we have applied to add as named Defendants.

### **Amendment to the Order**

10. The reasons that the Council applied for the Order are set out in detail in my first statement, which set out that the sole reason for seeking the Order was to ensure that the risk to public safety, directly and indirectly, from the Kingsbury Oil Terminal continued to be reasonably managed.
11. I am aware that since the 23<sup>rd</sup> April, there have been no reported acts of trespass within the compound at the Oil Terminal where the very significant amounts of flammable materials are held. Furthermore, I am aware that since 27<sup>th</sup> April the only reported breaches of the Order have been in respect of paragraph 1 (a), and since 29<sup>th</sup> April there have been no breaches at all.
12. As set out in my first statement (see for example paragraphs 11 – 21), the Council has not sought to target lawful and legitimate protest. The Council as a public authority faces protests on a range of issue from time to time and has never sought action such as is contained in this claim merely against protest. Prior to very recently however the protests have formed, been accompanied and/or inextricably linked with, dangerous acts of public nuisance, anti-social behaviour and criminality resulting in wholly unacceptable risks to public safety (including that of the protesters) and the environment. The Council has therefore continued to review this aim in the light of the change in protestor behaviour. As a result therefore the Council would wish to apply for paragraph 1 (a) to be removed from the Order and the Power of Arrest.
13. The Council is therefore proposing to ask the Court at the return date on 5 May 2022 to make that variation. The Council would wish to make clear that if the acts of protest revert to their former state, involving or linked to the dangerous acts set out above in the immediate environs of the Terminal, further applications would be made to the Court seeking to reinstate paragraph 1 (a).
14. In my opinion the above reinforces the need for the other provisions of the Order and Power of Arrest. The chronology of events at Kingsbury Oil Terminal have moved from unlawful actions, then the granting of the Order and then a move to lawful and legitimate forms of protest. In my opinion the evidence shows that the move to lawful

and legitimate forms of protest would not have come about but for the granting of the Order and the Council is concerned that without the Order continuing in force (as amended) it is highly likely that the activities which resulted in wholly unacceptable risks to public safety would return.

### **Claim Form**

15. I am advised and believe that the Council issued these proceedings using a Form N244 rather than the correct form which would have been an N16A. I am content to undertake to issue the correct form should the Court require the Council to do so.

### **STATEMENT OF TRUTH**

**I believe that the facts 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:

A handwritten signature in black ink, consisting of a series of loops and curves, positioned below the 'Signed:' text.

Steven Maxey

Dated: 3<sup>rd</sup> May 2022

Filed on behalf of the Claimant

S Maxey

First Witness Statement

13 4 2022

Exhibits SM1 – SM4

**Claim No:**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**B E T W E E N**

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
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- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) ANDREW WORSLEY
- (19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

---

WITNESS STATEMENT OF STEVEN MAXEY

---

**I, STEVEN MAXEY, of The Council House, South Street, Atherstone, CV9 1DE, Solicitor and Local Government Officer WILL SAY AS FOLLOWS:**

1. I am employed by North Warwickshire Borough Council (“the Council”) as the Chief Executive. In addition to being the Council’s statutory Head of Paid Service, I am the Council’s representative on the Strategic Coordinating Group of the Warwickshire Local Resilience Forum (“the LRF”). I am duly authorised on behalf of the Council to make this witness statement.
2. Save where the source of my knowledge is expressly stated the facts set out in this witness statement are from within my own knowledge and are true. Where they are outside my direct knowledge they are true to the best of my knowledge, information and belief.
3. On Friday 1<sup>st</sup> April 2022, I became aware via the LRF that a number of protestors had gathered outside the Kingsbury Oil Terminal (the “Terminal”). The events since the 1<sup>st</sup> April are set out in the statement by the Warwickshire Police.

***The Terminal***

4. The Terminal is situated in North Warwickshire and is a COMAH site. COMAH is an abbreviation of the Control of Major Accident Hazards Regulations 2015 (SI 2015/483), as amended. A COMAH site is one that stores a sufficient quantity of dangerous substances to fall into the definition of an 'Upper Tier' or 'Lower Tier' site. The Terminal is an Upper Tier site, one of only two in Warwickshire, reflecting that it is one of the biggest oil terminals in the country. As stated in the COMAH External Emergency Plan, the Terminal has 50 storage tanks with a storage capacity of around 405m litres of flammable liquids. It is close to a significant number of residential properties, as shown on the map attached to this statement as exhibit SM1.

### *The protests*

5. Prior to the 1<sup>st</sup> April, intelligence had been received that major oil protest were planned at a number of similar facilities by protestors. I am aware from direct conversations prior to the start of the protests that one of the operators at the Terminal, Valero Energy, had obtained an interim injunction pre-emptively and I attach that to this statement as exhibit SM2. I am also aware that that interim Order was amended by this Court on 11 April 2022, and I attach a copy of the amended injunction as Exhibit SM3.
6. My understanding it that this injunction was intended to provide a disincentive for protestors, however from 1<sup>st</sup> April it became clear that no such effect had occurred. Indeed, between 1 and 11 April, the behaviour of the protestors has consistently worsened and become bolder and more dangerous.
7. Through meetings of the LRF, the Police provided updates on how the protests were progressing and the details of this are set out in a separate witness statement provided by Warwickshire police. The protests were declared a major incident by the Police, but not a multi agency incident for the rest of the LRF partners.
8. This however changed on the evening of 6<sup>th</sup> April/early morning of 7<sup>th</sup> April. As set out in the Warwickshire Police witness statement, a group of between 40 and 50 protestors went to the Terminal and gained access inside of the compound. The protestors therefore had unfettered access to the storage tanks, which clearly represents a major explosion and fire risk, not least as reports to the LRF stated that the protestors where extensively using mobile phones within the compound, creating videos for their promotional posts.
9. I am told by Barnaby Briggs, the Assistant Chief Fire Officer for Warwickshire Fire and Rescue Service that the use of mobile phones in the vicinity of this facility is extremely dangerous. In an email to me dated 8 April 2022, he said this:

“if you consider that the public are instructed not to use a mobile phone whilst filling their car you can understand how concerned I am at the fact that Just Stop Oil's own publicity pictures show that they have been using phones from the top of tankers and next to fuel transfer equipment. I don't think they have any understanding of the level of risk they are posing to themselves or others through their actions.

“Our Operational plans for [the Terminal] all state; *“All controlled items (mobile phones, cigarettes, lighters, paging units, matches etc.) should be handed over at the Terminal Control Room.....due to the potential presence of explosive atmospheres.”* but of course our crews will only go in through designated gates.”

10. The incident on 6-7 April therefore has changed the position significantly with regard to public safety and risk of significant environmental pollution. Whilst the protestors were removed over the next day or so, the risk to the public and the environment is clearly unacceptable. As set out in the witness statement by the Warwickshire Police, there was a further serious incident on 9<sup>th</sup> and 10<sup>th</sup> April, when, in summary, protesters brought a fortified caravan close to the site and attempted to tunnel under the highway in order to prevent the oil tankers from using it.

***This application***

11. Whilst the Council supports the right of individuals to protest lawfully and exercise the right to freedom of speech and expression, these protests have gone beyond the exercise of those rights. The Council is fully aware of the Human Rights Act 1998 and in particular the Article 10 and 11 rights to freedom of assembly and freedom of expression.
12. The Council has also considered the Public Sector Equality duty contained within section 149 of the Equality Act 2010.
13. I have carried out a proportionality assessment under the Human Rights Act and an Equality Impact Assessment under s.149, Equality Act. I have also considered both issues in combination especially with regard to the high importance to be given to the right to freedom of expression of which the right to protest forms an important part. Copies of these assessments are exhibited at SM4.
14. Nonetheless, I have concluded that it is right for the Council to use its powers to seek an injunction with a power of arrest to seek to control the locations in which and the manner in which the current protests at the Terminal are conducted. In reaching this conclusion, I have sought to strike a balance between the rights of the protestors and the rights of the community within the North Warwickshire area to be kept safe from the risk of a major emergency at the terminal and to be protected from nuisance, criminality and anti-social behaviour that has characterised these protests

15. My reference to the community within North Warwickshire is a reference to all the people within the borough who are affected in different ways, including staff at the Terminal, workers from other companies who attend there for their jobs, local residents, and businesses, all of whom are affected by the disruption. I also include other road users who have been affected by protestors on motorway slip roads and other highways causing blockages by their dangerous activities, members of the emergency services who are required to attend the Terminal on a daily basis and who would be forced to deal with the consequences of a fire or explosion there, the protestors themselves whose safety is at risk and all those other members of the public in the borough who are affected by the disruption and whose safety would be compromised by an emergency the Terminal.
16. I have taken into account the interests of all the inhabitants of the borough for the Council to do all it can to re-establish a safe and law-abiding environment at the particularly sensitive location of the Terminal.
17. I have also taken into account that this injunction and power of arrest is not intended to prevent the right of protestors to attend area around the Terminal and conduct a peaceful and lawful protest. The injunction seeks to establish a buffer zone in the immediate area surrounding the Terminal to prevent further attempts art incursions into the compound itself or serious damage to the roads (public and private) by which the Terminal is accessed. I am seriously concerned that the immediate environs of the Terminal is not a safe place for protests. On the M42 side of the Terminal, there is a railway line and Ministry of Defence land used as rifle ranges. To the other side are Piccadilly Way and Trinity Road which have been the locations for major disruption from protestors including by tunnelling, and gluing themselves to the carriageway, climbing on oil tankers while using their phones and obstructing the entrances to the Terminal itself.
18. The other aspect of the injunction sought seeks to prevent the protestors from undertaking the most dangerous and unlawful activities to which the draft refers and which are set out in summary above and in the police witness statements.
19. I would respectfully state that the activities of the protestors to date, and which this Order seeks to restrain, are those which are do not amount to peaceful or legitimate forms of protest but are dangerous acts of public nuisance, anti-social behaviour and criminality which should be restrained. The protestors article 10 and 11 rights are not absolute but are qualified and, as set out in my assessments, I consider that the



need to protect the health, rights and freedoms of other members of the community and to prevent crime and disorder in the present case form a legitimate aim, and that the remedy sought in this claim is necessary in a democratic society and is proportionate, just and reasonable.

20. Some residents living in close proximity to the Terminal; the villages of Kingsbury and Piccadilly have approximately 8000 residents and many thousands more would be impacted by the wider impacts, for example the catchment area for the River Tame includes Birmingham, Solihull, Sandwell, Walsall, Tamworth, Nuneaton and Hinckley. There are also 8 statutory sites of special scientific interest, 7 Local Nature Reserves and 27 non-statutory sites of local importance.
21. I consider it to be expedient for the protection and promotion of the interests of the inhabitants of North Warwickshire that this application is made, for the reasons set out above.

#### ***Power of Arrest***

22. I would also ask for a power of arrest to be attached to the provisions of the Order sought, if granted. I believe that the statutory conditions for the grant of a power of arrest are met – as there is clearly a significant risk of significant harm to other people in the area. Moreover, effective enforcement will require the ability to arrest protestors acting dangerously quickly to remove them from the location and restore order. Moreover, it is necessary to bring those accused of breaching the Order before the Court quickly so as to reinforce the deterrent aspect of the Order. I do not think that paper committal applications would have anything like the same impact on the protestors.
23. It is clear from the reports to the LRF from the Police that their current powers and the effect of the current injunction, are seriously deficient in ensuring that the risks of unauthorised, and hostile, access to the Terminal compound, are reduced to an acceptable level. The Council therefore is extremely concerned that as a result the risks to public safety and environmental damage are unacceptable, to the extent that an injunction backed with a power of arrest, in the terms set out in this application, should be granted.
24. I have considered whether the Council's power to introduce a Public Space Protection Order would be a satisfactory alternative to this application. I do not believe that this is the case.

(i) A PSPO requires consultation and publicity before it is made (s.72(3), Anti-social Behaviour Crime and Policing Act 2014), which is likely to take many weeks in relation to an issue such as this.

(ii) The only penalties for breach are financial (ss.67 and 68) – either a prosecution leading to a maximum penalty of a level 3 fine, or a fixed penalty notice. I do not consider that either penalty would be an adequate deterrent in the context of these activities.

### **Notice**

25. As stated above I have had discussions with the Police and Fire and Rescue Service (as part of the LRU and otherwise) each of which fully supports this application and regard it, as I do as urgent. I have also had discussions with Valero who remain extremely concerned about the safety of the Terminal notwithstanding their own injunction and fully support this application. Warwickshire County Council also support this application. They are the local highways authority. A statement by Mr Morris has been filed in support, in respect of the tunnelling incident on 10/11 April 2022.
  
26. The Council received from the Police, yesterday evening (12 April), details of 18 people who had been arrested at the protests (referred to in the police officers statements exhibited to the statement of Asst Chief Constable Smith). I have given instructions for attempts to me made to notify those people today that we intend to come to court tomorrow to seek an Order. I regard this matter as so urgent that the application cannot wait until full notice has been given. I am concerned that there will be another major incident over the Easter weekend and that protection needs to be in place before then. I am also concerned that making this application on a full inter parties basis, before an order was in force, would lead to more violent and dangerous activities in the period before the matter came before the court.
  
27. For all of these reasons, I respectfully request that this Court grant the interim Orders sought.

**STATEMENT OF TRUTH**

I believe that the facts 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:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Dated: 13<sup>th</sup> April 2022

Filed on behalf of the Claimant

*Steven Maxey*

First Witness Statement

Exhibit SM1

**Claim No:**

**BETWEEN**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
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- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE

(18) ANDREW WORSLEY

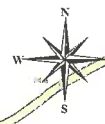
(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM1 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.



**North Warwickshire  
Borough Council**

(c) Crown Copyright and database rights 2022  
Ordnance Survey 100017910



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date: 11/04/2022	Scale: 1:10000

Filed on behalf of the Claimant

*Steven Maxey*

First Witness Statement

Exhibit SM2

**Claim No:**

**BETWEEN**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
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(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM2 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke.



**IN THE HIGH COURT OF JUSTICE.**  
**QUEENS BENCH DIVISION**

**CLAIM No: QB-2022-000904**

**Before: Mr. Justice Butcher**

**On: 21 March 2022**

**BETWEEN**

**VALERO ENERGY LIMITED  
VALERO LOGISTICS UK LIMITED  
VALERO PEMBROKESHIRE OIL TERMINAL LIMITED**



**QB-2022-000904  
Sub Event ID: 3**

**-and-**

**(1) PERSONS UNKNOWN ENTERING OR THREATENING TO ENTER AND  
REMAIN WITHOUT THE CONSENT OF THE CLAIMANT(S) ON THE LAND  
KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER  
TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF  
TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH  
TERMINAL AND MORE PARTICULARLY DESCRIBED BELOW AS THE  
CLAIMANTS' LAND**

**(2) PERSONS UNKNOWN CAUSING OR THREATENING TO CAUSE  
BLOCKADES, OBSTRUCTIONS AND/OR PREVENT THE FREE FLOW OF  
TRAFFIC AND INTERFERE WITH THE PASSAGE BY THE CLAIMANTS  
AND THEIR AGENTS, SERVANTS, EMPLOYEES, LICENSEES, INVITEES  
WITH OR WITHOUT VEHICLES AND EQUIPMENT TO, FROM , OVER AND  
ACROSS THE ROADS IN THE VICINITY OF THE LAND INFORMALLY AS  
PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY  
TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL,  
PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL IN**

**CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE JUST STOP  
OIL AND/OR EXTINCTION REBELLION AND/OR INSULATE BRITAIN  
AND/OR YOUTH SWARM MOVEMENTS**

**Defendants**

---

**ORDER**

---

**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS  
ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER  
YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE  
IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING  
WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF  
THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE  
IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

**IMPORTANT NOTICE TO THE DEFENDANTS**

**This Order prohibits you from doing the acts set out in this Order. You should read it  
very carefully. You are advised to consult a solicitor as soon as possible. You have the  
right to ask the Court to vary or discharge this Order.**

UPON the Claimants' Application by Application Notice for a quia timet injunction dated 21  
March 2022 (the "Application")

AND UPON READING the Application and the witness statements of Adrian Rafferty, David Blackhouse and David McLoughlin dated 18 March 2022.

AND UPON hearing Myriam Stacey QC and Joel Semakula for the Claimants

AND UPON the Claimants undertaking to file the claim and application and the note of this hearing and pay the relevant court fees by the end of the next working day after the sealing of this Order

AND UPON the Claimants indicating that they will provide to any defendant copies of further evidence or other documents filed in these proceedings upon request from time-to-time at an email address provided to the Claimants and place all such documents online to be publicly accessible

AND UPON the Court accepting the Claimants' undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a defendant and the Court finds that the defendant ought to be compensated for that loss

AND UPON the Claimants undertaking to identify and name defendants and apply to add them as named defendants to this Order as soon as reasonably practicable

AND UPON the Claimants confirming that this Order is not intended to prohibit lawful protest around the Claimants' Land which does not endanger, slow, obstruct, or prevent the free flow of traffic onto or along the Access Roads defined in paragraph 1.2 of the Order nor to prevent lawful use of the Access Roads by any person

**IT IS ORDERED THAT:**

1. For the purposes of this Order,

1.1 the "Claimants' Land" means all of the property referred to and defined in paragraph 2.1 hereof;

1.2 the “Access Roads” means those parts of the roads in the vicinity of the Claimants’ Land which provide access to each of the sites forming the subject of the Claimants’ Land and the location and extent of which are more particularly shown for illustration purposes coloured variously red, yellow and blue on the plans annexed hereto at Annex I to this Order.

### **Injunction in force**

2. With immediate effect until trial, or further Order in the meantime the Defendants and each of them are forbidden from:

2.1 Entering or remaining upon any part of the following property:

- a) that part of the First Claimant’s freehold property informally known as ‘Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, title to which is registered at HM Land Registry under title number CYM613413, the extent of which is shown outlined on the overlay plans exhibited hereto in Annex A (“**Pembroke Oil Refinery**”);
- b) the First Claimant’s leasehold property informally known as ‘Tanker berthing jetties at Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, title to which is registered at HM Land Registry under title number CYM614801, the extent of which is shown outlined on the overlay plans exhibited hereto in Annex B (“**Pembroke Oil Refinery Jetties**”);
- c) the Second Claimant’s freehold property informally known as ‘Manchester Terminal’ situated at Trafford Wharf Road, Trafford, title to which is registered at HM Land Registry under title numbers GM12948, GM681405, GM681406, GM783767, LA296722, LA331236 and LA182975 and the

extent of which is shown outlined on the overlay plans exhibited hereto in Annex C (the “**Manchester Oil Terminal**”);

- d) the Second Claimant’s freehold land informally known as ‘Kingsbury Terminal’ at Plot B Trinity Road, Kingsbury, Tamworth, title to which is registered at HM Land Registry under title number WK471878 and the extent of which is which is shown outlined on the overlay plans exhibited hereto in in Annex D (the “**Kingsbury Oil Terminal**”);
- e) the Second Claimant’s leasehold land informally known ‘Plymouth Terminal’ at Cattedown Road, Cattedown, Plymouth title to which is registered at HM Land Registry under title number DN313194 the extent of which is shown outlined on the overlay plans exhibited hereto in Annex E (the “**Plymouth Oil Terminal**”);
- f) the Second Claimant’s leasehold land informally known as ‘Cardiff Terminal’ at Valero Refinery, Roath Dock, Rover Way, Cardiff CF10 4US, title to which is registered at HM Land Registry under title number CYM801292 and the extent of which is shown outlined on the overlay plans exhibited hereto in Annex F (the “**Cardiff Oil Terminal**”);
- g) the Second Claimant’s leasehold land informally known as ‘Avonmouth Terminal’, Avonmouth Dock, Bristol title to which is registered at HM Land Registry under title number BL116644 the extent of which is shown outlined on the overlay plans exhibited hereto in Annex G (the “**Avonmouth Oil Terminal**”); and
- h) the Third Claimant’s leasehold land informally known as ‘Valero Pembroke Oil Terminal’, Waterston, Milford Haven title to which is registered at HM Land Registry under title number CYM287387 the extent of which is shown

outlined on the overlay plans exhibited hereto in Annex H (the **“Pembrokeshire Terminal”**);

- 2.2 Blocking any entrance to the Claimants’ Land and/or otherwise impeding access to or enjoyment of the Claimants’ Land;
- 2.3 Damaging any part of the Claimants’ Land;
- 2.4 Blocking, endangering, slowing down, preventing, or obstructing the free passage of traffic onto or along those parts of the Access Roads between the points marked on the plans at Annex I which provide access to the Claimants’ Land;
- 2.5 Affixing themselves to any other person or object on the Claimants’ Land or the aforesaid parts of the Access Roads;
- 2.6 Erecting any structure on the Claimants’ Land or on the aforesaid parts of the Access Roads;
- 2.7 Abandoning any vehicle or item on the aforesaid parts of the Access Roads or doing any other act thereon which might impede access or cause an obstruction;
- 2.8 Refusing to leave the aforesaid parts of the Access Roads when asked to do so by a police constable, when causing an obstruction pursuant to paragraphs 2.2 and 2.4 – 2.7;
- 2.9 Causing, assisting or encouraging any other person to do any act prohibited by 2.1 to 2.8 above;
- 2.10 Continuing any act prohibited by paragraphs 2.1 to 2.9 above

**Service**

3. Pursuant to CPR r.6.15, r.6.27 and r. 81.4(c) and (d), the steps taken by the Claimants to serve the Claim Form, the application for an interim injunction dated 18 March 2022 (the “Application”), the witness statements of Adrian Rafferty, David Blackhouse and David McLoughlin dated 18 March 2022 with their exhibits and any Order made and the notice of the hearing of the Injunction Application (together “the Claim Documents”) on the Defendants shall be dealt with as follows:
  - 3.1 The Claimants shall affix sealed copies of the Claim Documents in transparent envelopes in at least two location within Pembroke Refinery, Manchester Terminal, Kingsbury Terminal, Plymouth Terminal, Cardiff Terminal, Pembrokeshire Terminal and Avonmouth Terminal.
  - 3.2 The Claimants shall position (four) 4 signs, at conspicuous locations along each of Angle Road; the emergency services access road at Pembroke Refinery; Churchill Way; Trafford Wharf Road; Trinity Road; Piccadilly Way; the privately owned road at the Kingsbury Terminal; Oakfield Terrace Road; Rover Way; Holesmouth Road; King Road Avenue; and 5<sup>th</sup> Street which are approximately 1.5m x 1m in size, advertising the existence of this Order (together with a map of the relevant site of at least A2 size).
  - 3.3 The Claimants shall upload electronic copies of the Claim Documents (in PDF form) to an electronic folder on the “Dropbox” website and shall include the link to the Dropbox folder and the Claimants’ solicitors’ contact details on each of the aforesaid signs.
  - 3.4 The Claimants shall email a copy of the Order to the email addresses set out in the Appendix hereto.
4. The taking of such steps set out at paragraph 3 shall be good and sufficient service of this Order on the First and Second Defendants and each of them.
5. The Court will provide sealed copies of this Order to the Claimants’ solicitors for service (whose details are set out below).

### **Further directions**

6. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately by emailing [valero.service@shoosmiths.co.uk](mailto:valero.service@shoosmiths.co.uk).
7. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
8. The Claimants have liberty to apply to extend or vary this Order or for further directions.
9. The return date hearing is fixed for 11 April 2022 at 10:30AM.
10. No acknowledgment of service, admission or defence is required by any party in advance of the return date of the Injunction Application.
11. Costs reserved.

### **Communications with the Claimants**

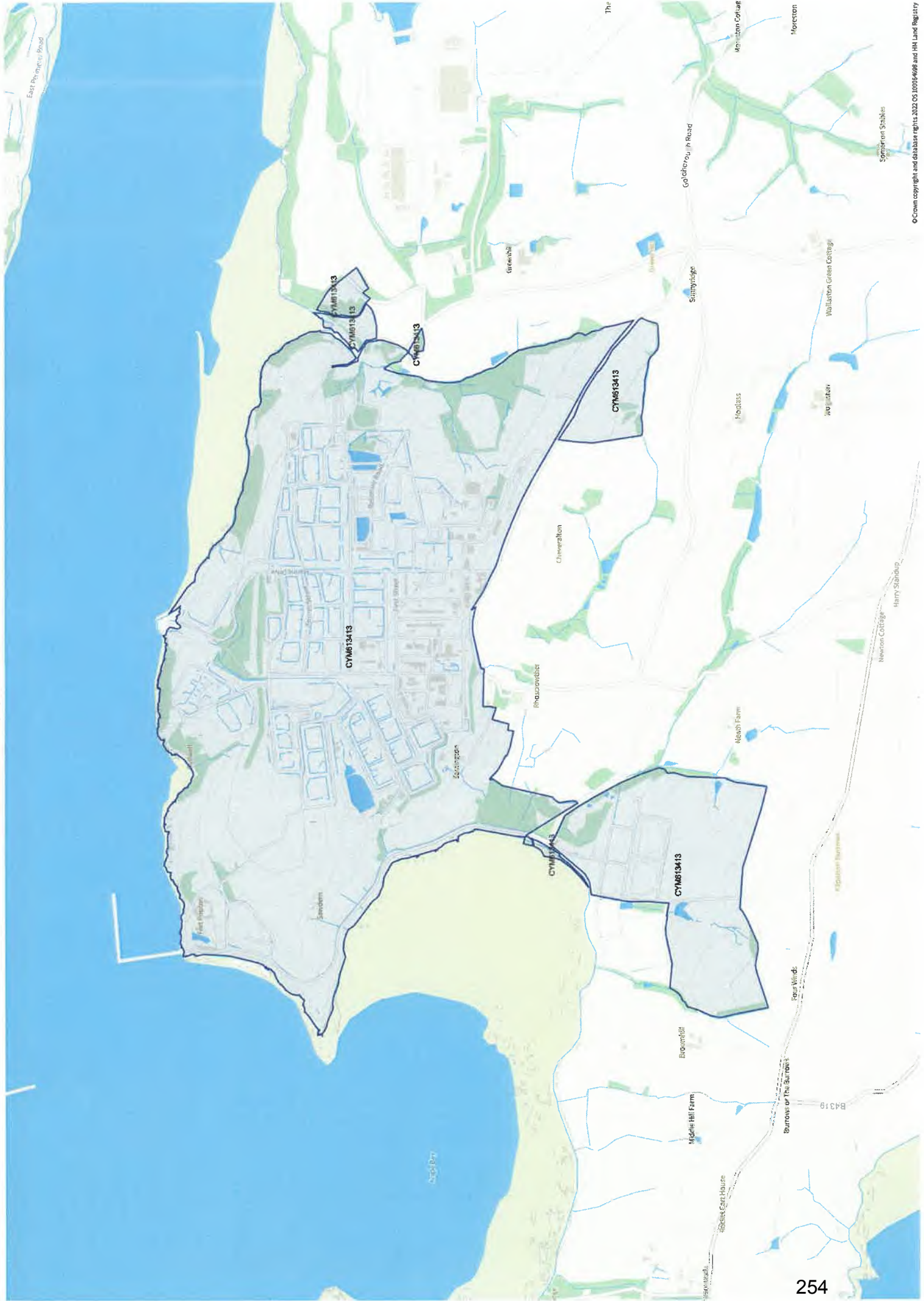
12. The Claimants' solicitors and their contact details are:

Shoosmiths LLP  
2 Colmore Square  
38 Colmore Circus Queensway  
Birmingham  
B4 6SH  
(Ref: M-996090)  
E: [valero.service@shoosmiths.co.uk](mailto:valero.service@shoosmiths.co.uk)  
T: 03700863000

**Dated: 21 March 2022**



## ANNEXURE A







## Annexure B

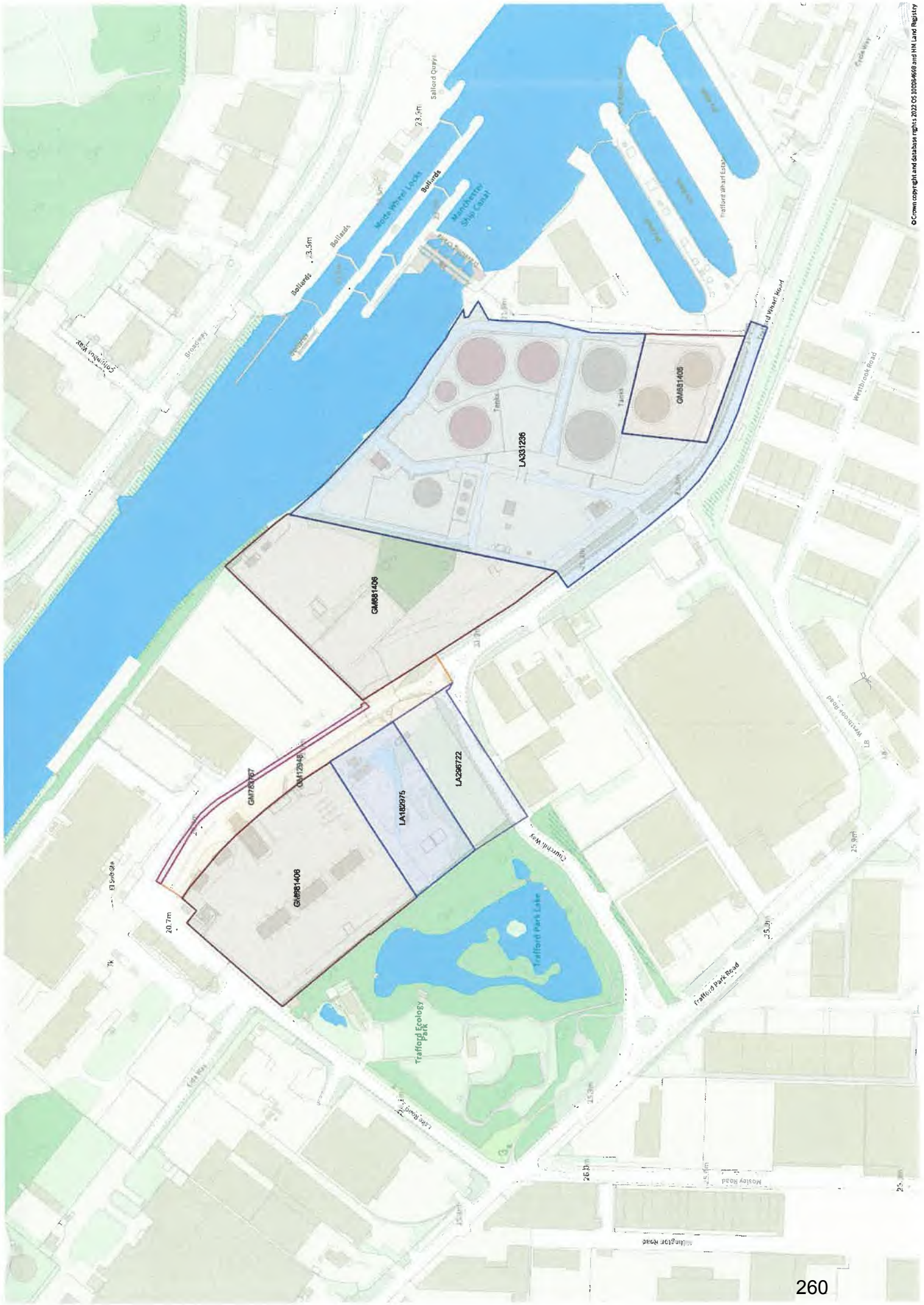






## Annexure C









## Annexure D









# Annexure E



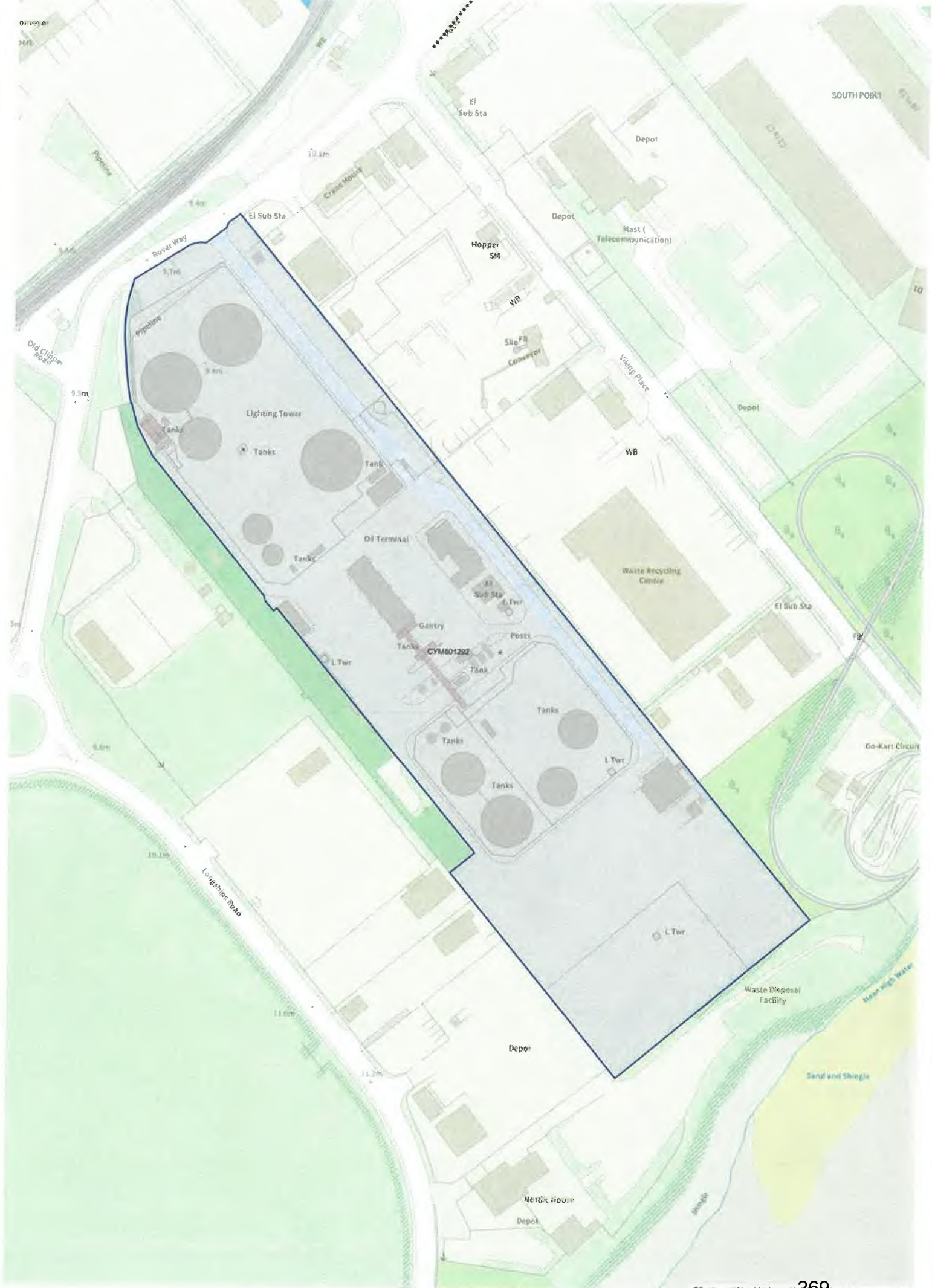






## Annexure F









## Annexure G









BL 11064

# Annexure H











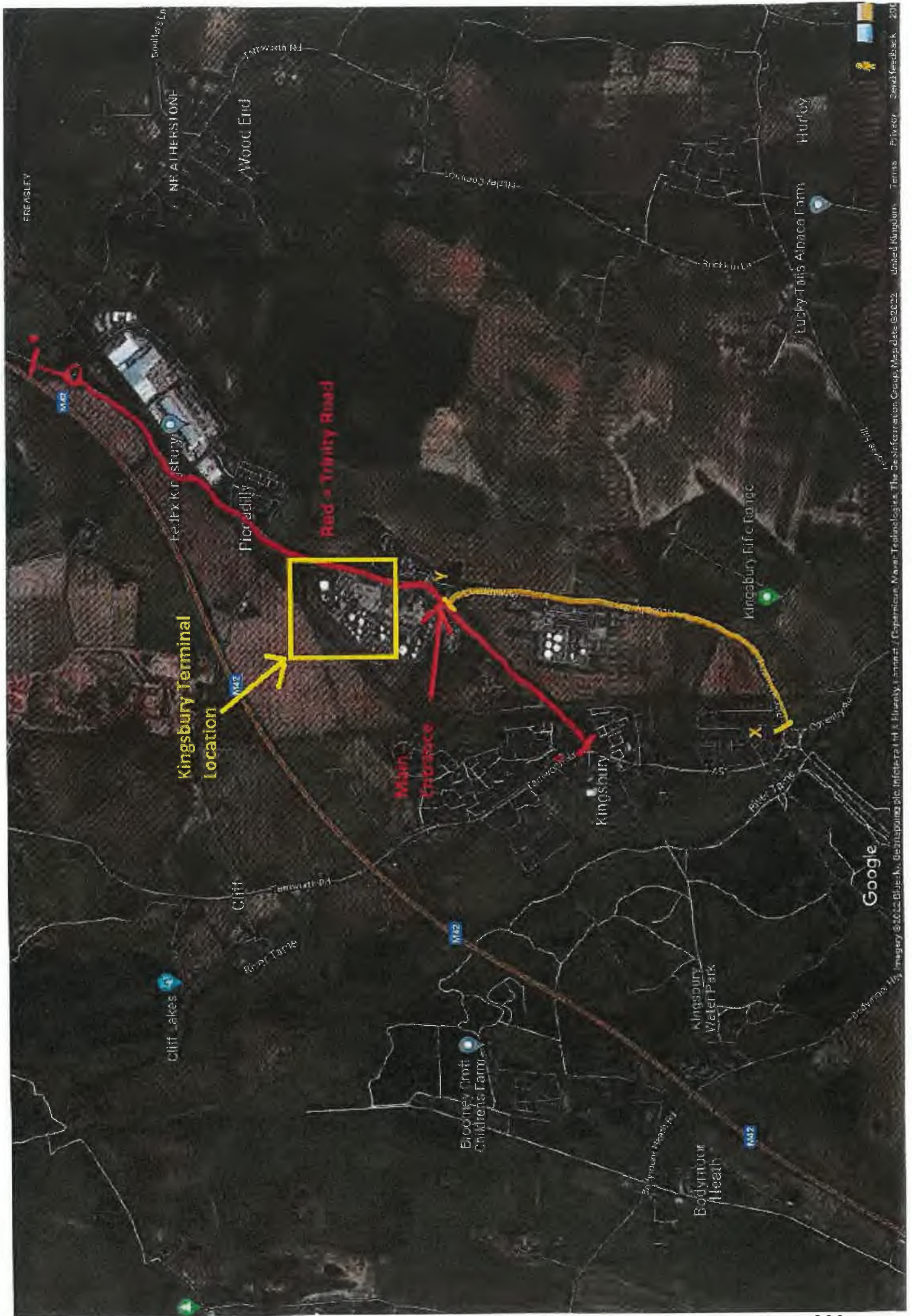
# Annexure I

























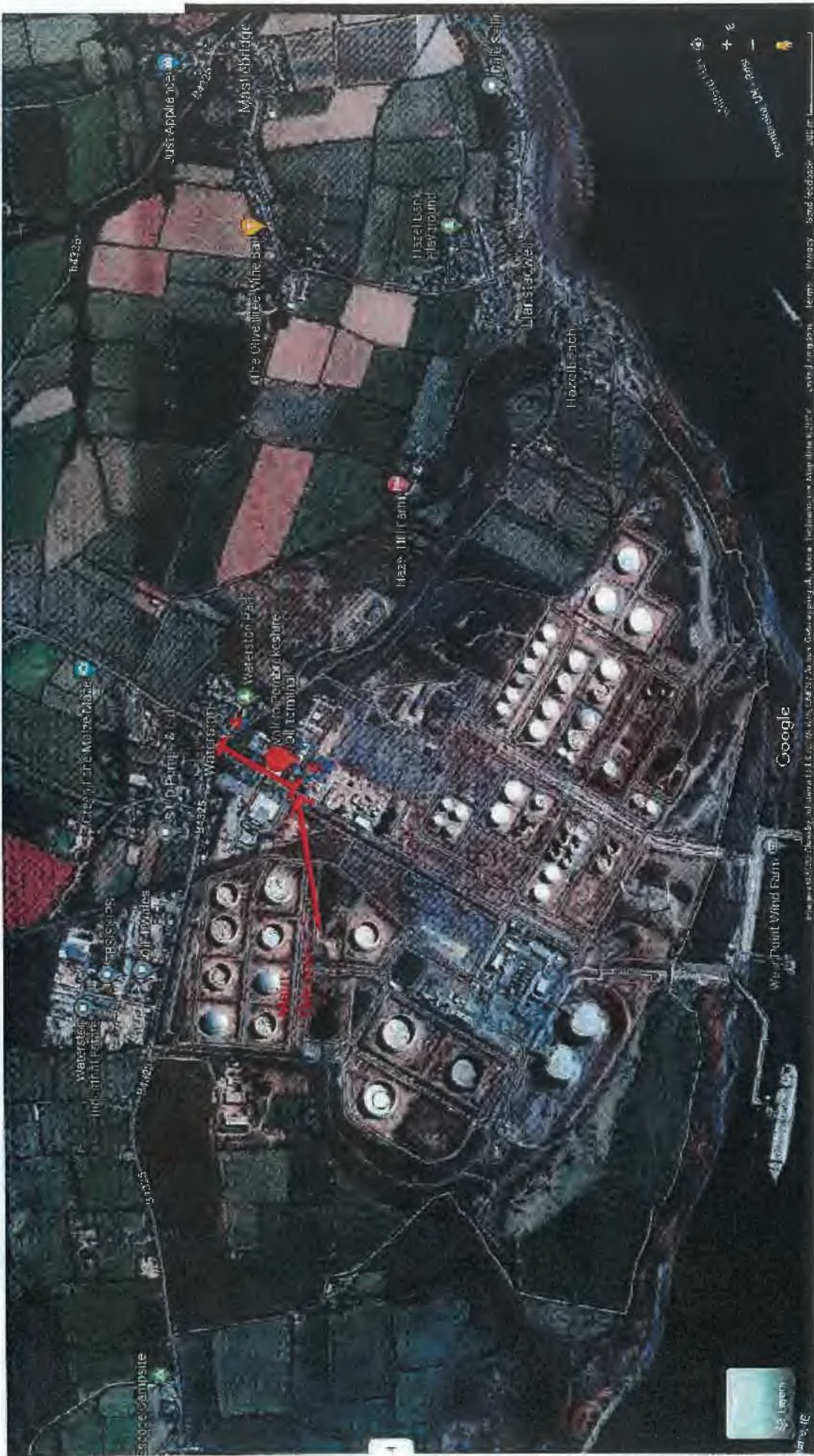


Yellow = Valero Premises









Filed on behalf of the Claimant

*Steven Maxey*

First Witness Statement

Exhibit SM3

**Claim No:**

**BETWEEN**

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13) ELIZABETH SMAIL
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE

(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM3 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

**IN THE HIGH COURT OF JUSTICE.**  
**QUEENS BENCH DIVISION**

**CLAIM No: QB-2022-000904**

**Before Mr Justice Bennathan**

**On: 11 April 2022**

**BETWEEN**

**(1) VALERO ENERGY LIMITED**  
**(2) VALERO LOGISTICS UK LIMITED**  
**(3) VALERO PEMBROKESHIRE OIL TERMINAL LIMITED**



**-and-**

**QB-2022-000904**

- (1) PERSONS UNKNOWN ENTERING AND REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL AND MORE PARTICULARLY DESCRIBED IN THE ORDER OF 11 APRIL 2022 AS THE CLAIMANTS' LAND**
- (2) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS AND/OR PREVENT THE FREE FLOW OF TRAFFIC AND INTERFERE WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, EMPLOYEES, LICENSEES, INVITEES WITH OR WITHOUT VEHICLES AND EQUIPMENT TO, FROM, OVER AND ACROSS THE ROADS IN THE VICINITY OF THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE JUST STOP OIL AND/OR EXTINCTION REBELLION AND/OR INSULATE BRITAIN AND/OR YOUTH CLIMATE SWARM (ALSO KNOWN AS YOUTH SWARM) MOVEMENTS**

**Defendants**

---

**ORDER**

---

**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

**IMPORTANT NOTICE TO THE DEFENDANTS**

**This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.**

UPON the Claimants' Application by Application Notice for a further anticipatory injunction dated 6 April 2022 (the "Application")

AND UPON READING the documents set out in the First Schedule to this Order

AND UPON hearing Toby Watkin QC for the Claimants

AND UPON the Claimants giving the undertakings set out in the Second Schedule to this Order

AND UPON the Claimants confirming (for the avoidance of doubt) that this Order is not intended to prohibit lawful protest in the vicinity of the Claimants' Land which does not breach the terms of this Order, nor does the order seek to prevent lawful use of the Access Roads by any person.

**IT IS ORDERED THAT:**

**Order of 21 March 2022**

1. The interim injunctions set out within paragraph 2 of the Order of 21 March 2022 is discharged and replaced by the interim injunctions contained in paragraph 3 of this Order.

## Definitions

2. For the purposes of this Order,

2.1 the “**Claimants’ Land**” means all of the property referred to and defined in paragraph 3.1 hereof;

2.2 “**Site**” means the Claimants’ site at any location, forming part of the Claimants’ Land and identified in paragraph 3.1 of this Order, and which is either (i) from time to time wholly or substantially enclosed or bounded by walls, gates, fences, barriers, hedges, bodies of water or other man-made or natural boundary features or (ii) forms private roads and car parks outside of such enclosure or boundary feature;

2.3 the “**Access Roads**” means those parts of the roads in the vicinity of the Claimants’ Land which provide access to each of the sites forming parts of the Claimants’ Land, the location and extent of which are more particularly shown for identification purposes coloured variously red, yellow and blue on the plans annexed hereto at Annex I to this Order.

## Injunction

3. With immediate effect until 23:59 on Friday 21 January 2023, unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from doing the following:

3.1 Entering or remaining upon any part of the following property without the Claimants’ permission:

- a) the First Claimant’s Site informally known as ‘Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, the general location and extent of which is shown outlined in red on the plan exhibited hereto in Annex A (“**Pembroke Oil Refinery**”);
- b) the First Claimant’s Site, informally known as ‘Tanker berthing jetties at Pembroke Refinery’ situated at Angle, Pembroke SA71 5SJ, the general location and extent of which is shown outlined in blue on the exhibited hereto in Annex B (“**Pembroke Oil Refinery Jetties**”);



- c) the Second Claimant's Site, informally known as 'Manchester Terminal' situated at Trafford Wharf Road, Trafford, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex C (the "**Manchester Oil Terminal**");
- d) the Second Claimant's Site, informally known as 'Kingsbury Terminal' at Plot B Trinity Road, Kingsbury, Tamworth, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex D (the "**Kingsbury Oil Terminal**");
- e) the Second Claimant's Site informally known 'Plymouth Terminal' at Oakfield Terrace Road, Cattedown, Plymouth, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex E (the "**Plymouth Oil Terminal**");
- f) the Second Claimant's Site informally known as 'Cardiff Terminal' at Valero Refinery, Roath Dock, Rover Way, Cardiff CF10 4US, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex F (the "**Cardiff Oil Terminal**");
- g) the Second Claimant's Site informally known as 'Avonmouth Terminal', Avonmouth Dock, Bristol, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex G (the "**Avonmouth Oil Terminal**"); and
- h) the Third Claimant's Site informally known as 'Valero Pembroke Oil Terminal', Waterston, Milford Haven, the general location and extent of which is shown outlined in red on the exhibited hereto in Annex H (the "**Pembrokeshire Terminal**");

### 3.2 Blocking any entranceway to the Claimants' Land;

- 3.3 Damaging any part of the Claimants' Land;
- 3.4 Affixing themselves to any other person or object on or otherwise to the Claimants' Land or the aforesaid parts of the Access Roads;
- 3.5 Erecting any structure on the Claimants' Land or on the aforesaid parts of the Access Roads;
- 3.6 Abandoning any vehicle or item on the aforesaid parts of the Access Roads;
- 3.7 Tunnelling under or using or occupying existing tunnels under the aforesaid parts of the Access Roads with the intention of preventing their use;
- 3.8 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 3.1 to 3.3.7 above;

#### **Amendment of Claim Form**

4. Permission is granted to the Claimants to amend the descriptions of the Defendants upon the Claim Form to the descriptions which are set out in the Third Schedule to this Order.

#### **Disclosure against non-party**

5. Pursuant to CPR 31.17, the Chief Constables listed in the Fourth Schedule shall as soon as reasonably practicable upon request by the Claimants give disclosure by provision of copy of documents in the following classes to the Claimants:
  - 5.1 documents identifying the names and addresses of any person who has been arrested or is arrested by one of their officers in the course of, or as a result of the protests which are the subject of these proceedings at the Claimants' Land or on the Access Roads, in relation to conduct which may constitute a possible breach of the injunctions granted in these proceedings;
  - 5.2 arrest notes and other photographic material relating to possible breaches of the injunctions granted in these proceedings;
6. The duty of disclosure imposed by paragraph 5 of this Order shall be a continuing one, and shall continue until 1 June 2022.

7. Without the permission of the Court, the Claimants shall make no use of any document disclosed by virtue of paragraph 5 of this Order, other than one or more of the following uses:
- (i) applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;
  - (ii) investigating, formulating and pleading and prosecuting any claim within these proceedings arising out of any alleged disruptive protest at any of the Claimants' sites which are (or become) the subject of these proceedings;
  - (iii) use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any order made within these proceedings.
8. Until further order, the address and address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.

### **Service**

9. Pursuant to CPR r.6.15, r.6.27 and r. 81.4(2)(c) and (d), the Claimants will take the following steps by way of service of the amended Claim Form, this Order and the documents listed in the First Schedule to this Order excluding the original Claim Form (the "**Claim Documents**") upon the First and Second Defendants:

9.1 The Claimants shall position signs which are approximately 1.5m x 1m in size at each main entrance of Pembroke Oil Refinery, Manchester Oil Terminal, Kingsbury Oil Terminal, Plymouth Oil Terminal, Cardiff Oil Terminal, Pembrokeshire Terminal and Avonmouth Oil Terminal, advertising the existence of this Order and of the injunction prohibiting entry to the Site without the consent of the Claimants; and

9.2 The Claimants shall position 4 (four) signs, at conspicuous locations along each of Angle Road; the emergency services access road at Pembroke Oil Refinery; Churchill Way; Trafford Wharf Road; Trinity Road; Piccadilly Way; the

privately owned road at the Kingsbury Oil Terminal; Oakfield Terrace Road; Rover Way; Holesmouth Road; King Road Avenue; and 5<sup>th</sup> Street which are approximately 1.5m x 1m in size, advertising the existence of this Order and the prohibitions upon obstructing the Access Roads (together with a map of the relevant site of at least A2 size identifying the extent of the Access Roads relating to that particular Site); and

9.3 The Claimants shall upload electronic copies of the Claim Documents (in PDF form) to an electronic folder on the “Dropbox” website and shall include the link to the Dropbox folder and the Claimants’ solicitors’ contact details on each of the aforesaid signs; and

9.4 The Claimants shall email a copy of this Order to the email addresses set out in the Appendix hereto.

10. The taking of such steps set out at paragraph 9 shall be good and sufficient service of this Order, and of the Claim Documents, upon the First and Second Defendants and each of them.

11. The Court will provide sealed copies of this Order to the Claimants’ solicitors for service (whose details are set out below).

12. The deemed date of service of the Claim Documents shall be the date of the relevant certificate of service on completion of the steps described at paragraph 9.

**Further directions**

13. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants’ solicitors immediately by emailing [valero.service@shoosmiths.co.uk](mailto:valero.service@shoosmiths.co.uk).

14. Any person applying to vary or discharge this order must provide their full name and address, and address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.

15. The Claimants have liberty to apply to extend, vary or discharge this Order, or for further directions.
16. No acknowledgment of service, admission or defence is required by any party until further so ordered.
17. This Order will be reconsidered at a hearing to be listed between 11 January 2023 and 21 January 2023 to determine whether there is a continued threat which justifies continuation of this Order.
18. Costs reserved.

**Communications with the Claimants**

19. The Claimants' solicitors and their contact details are:

Shoosmiths LLP  
2 Colmore Square  
38 Colmore Circus Queensway  
Birmingham  
B4 6SH  
(Ref: M-996090)  
E: [valero.service@shoosmiths.co.uk](mailto:valero.service@shoosmiths.co.uk)  
T: 03700863000

**Dated: [11 April 2022]**

### **First Schedule**

Documents considered by the Court at the hearing:

1. Claim Form
2. Application notice dated 5 April 2022 and draft minute of proposed order
3. Witness statement of Adrian Rafferty, dated 18 March 2022
4. Redacted witness statement of David Blackhouse, dated 18 March 2022
5. Witness statement of David McLoughlin, dated 18 March 2022
6. Witness statement of Kate McCall, dated 18 March 2022
7. Witness statement of David Blackhouse, dated 5 April 2022
8. Witness statement of Kate McCall, dated 6 April 2022
9. Witness statement of Laurence Matthews, dated 6 April 2022

### **Second Schedule**

Undertakings given by the Claimants to the Court:

1. To file the amended Claim Form and the note of this hearing by the end of the next working day after the sealing of this Order.
2. To provide to any named defendant copies of further evidence or other documents filed in these proceedings upon request from time-to-time at an email address provided to the Claimants and place all such documents online to be publicly accessible via Dropbox link
3. To comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a defendant and the Court finds that the defendant ought to be compensated for that loss.
4. To seek to identify and name defendants and apply to add them as named defendants to this Order as soon as reasonably practicable.

### Third Schedule

Amended description of the Defendants:

- “(1) PERSONS UNKNOWN ENTERING AND REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL AND MORE PARTICULARLY DESCRIBED IN THE ORDER OF 11 APRIL 2022 AS THE CLAIMANTS’ LAND**
- (2) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS OF TRAFFIC AND INTERFERE WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, EMPLOYEES, LICENSEES, INVITEES WITH OR WITHOUT VEHICLES AND EQUIPMENT TO, FROM, OVER AND ACROSS THE ROADS IN THE VICINITY OF THE LAND KNOWN INFORMALLY AS PEMBROKE REFINERY, MANCHESTER TERMINAL, KINGSBURY TERMINAL, PLYMOUTH TERMINAL, CARDIFF TERMINAL, PEMBROKESHIRE TERMINAL AND AVONMOUTH TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS BY THE JUST STOP OIL AND/OR EXTINCTION REBELLION AND/OR INSULATE BRITAIN AND/OR YOUTH CLIMATE SWARM (ALSO KNOWN AS YOUTH SWARM) MOVEMENTS”**

### Fourth Schedule

The Chief Constables:

1. The Chief Constable of Devon & Cornwall Police
2. The Chief Constable of Dyfed-Powys Police
3. The Chief Constable of Avon & Somerset Police
4. The Chief Constable of Greater Manchester Police
5. The Chief Constable of South Wales Police
6. The Chief Constable of Warwickshire Police



**ANNEXURE A**  
**("Pembroke Oil Refinery")**



**ANNEXURE B**  
**("Pembroke Oil Refinery Jetties")**



**ANNEXURE C**  
**("Manchester Oil Terminal")**





**ANNEXURE D**  
**(“Kingsbury Oil Terminal”)**





**ANNEXURE E**  
**("Plymouth Oil Terminal")**



**ANNEXURE F**  
**("Cardiff Oil Terminal")**



**ANNEXURE G**  
**(“Avonmouth Oil Terminal”)**







**ANNEXURE H**  
**(“Pembrokeshire Terminal”)**



**ANNEXURE I**  
**("Access Roads")**



Green = Jetty

### The "Refinery Map"



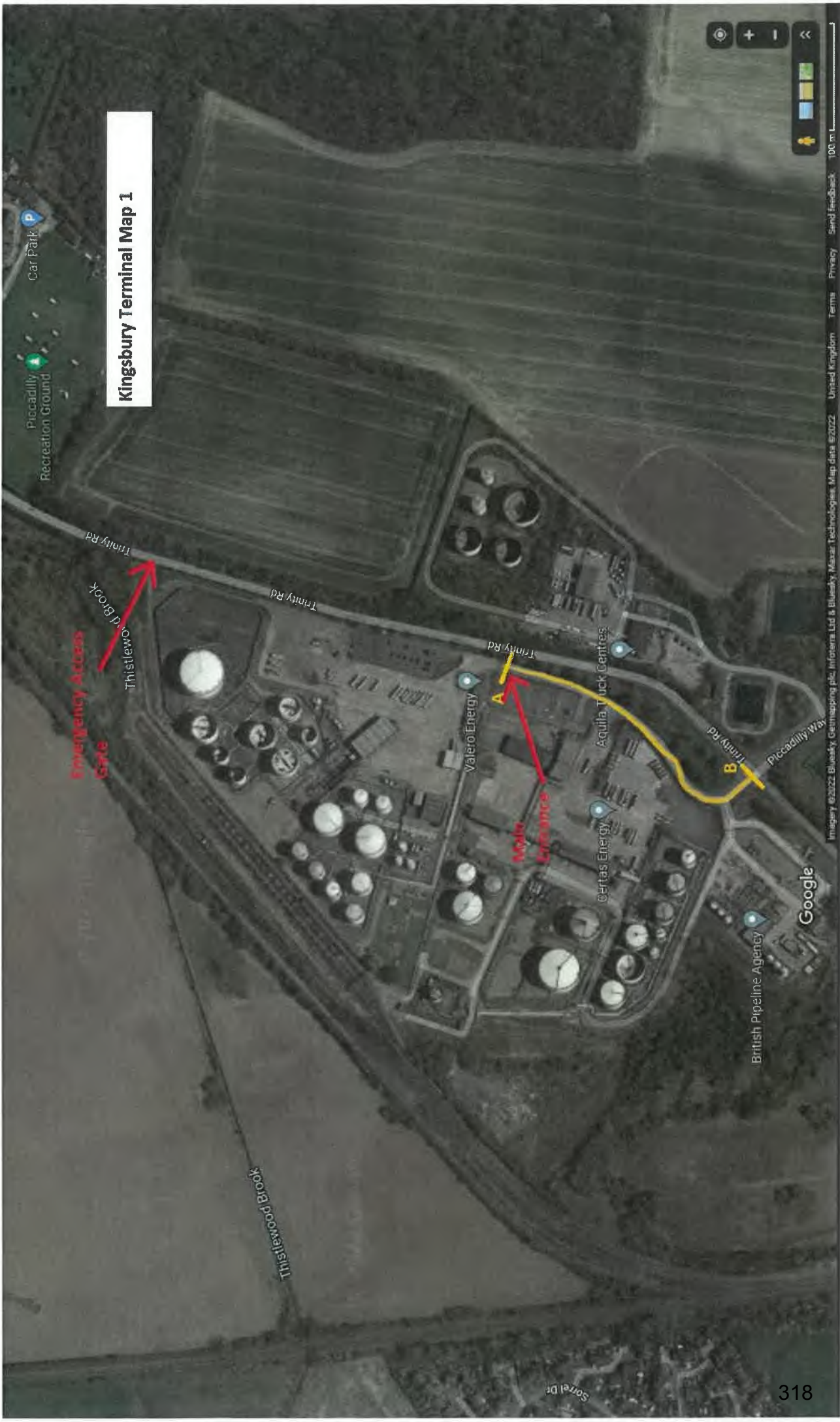


# Manchester Terminal Map





# Kingsbury Terminal Map 1





# Kingsbury Terminal Map 2













# Avonmouth Terminal Map 2

Yellow = Valero Premises





# Pembrokeshire Terminal Map



## Appendix

### Extinction Rebellion UK

- (i) [enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk)
- (ii) [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- (iii) [xrvideo@protonmail.com](mailto:xrvideo@protonmail.com)
- (iv) [xr-action@protonmail.com](mailto:xr-action@protonmail.com)
- (v) [xraffinitysupport@protonmail.com](mailto:xraffinitysupport@protonmail.com)
- (vi) [xr-arrestwelfare@protonmail.com](mailto:xr-arrestwelfare@protonmail.com)
- (vii) [artsxr@gmail.com](mailto:artsxr@gmail.com)
- (viii) [xr-CitizensAssembly@protonmail.com](mailto:xr-CitizensAssembly@protonmail.com)
- (ix) [xr.connectingcommunities@gmail.com](mailto:xr.connectingcommunities@gmail.com)
- (x) [xrdemocracy@protonmail.com](mailto:xrdemocracy@protonmail.com)
- (xi) [xmotables@gmail.com](mailto:xmotables@gmail.com)
- (xii) [integration@rebellion.earth](mailto:integration@rebellion.earth)
- (xiii) [xr-international@protonmail.com](mailto:xr-international@protonmail.com)
- (xiv) [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
- (xv) [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- (xvi) [xr-newsletter@protonmail.com](mailto:xr-newsletter@protonmail.com)
- (xvii) [xr-peoplesassembly@protonmail.com](mailto:xr-peoplesassembly@protonmail.com)
- (xviii) [xrpoliceliasion@protonmail.com](mailto:xrpoliceliasion@protonmail.com)
- (xix) [rebelringers@rebellion.earth](mailto:rebelringers@rebellion.earth)
- (xx) [xr.regenerativeculture@gmail.com](mailto:xr.regenerativeculture@gmail.com)
- (xxi) [xr-regionaldevelopment@protonmail.com](mailto:xr-regionaldevelopment@protonmail.com)
- (xxii) [RelationshipsXRUK@protonmail.com](mailto:RelationshipsXRUK@protonmail.com)
- (xxiii) [xr.mandates@gmail.com](mailto:xr.mandates@gmail.com)
- (xxiv) [socialmedia@extinctionrebellion.uk](mailto:socialmedia@extinctionrebellion.uk)
- (xxv) [xrsocialmediaevents@gmail.com](mailto:xrsocialmediaevents@gmail.com)
- (xxvi) [eventsxr@gmail.com](mailto:eventsxr@gmail.com)
- (xxvii) [xrbristol.regional@protonmail.com](mailto:xrbristol.regional@protonmail.com)
- (xxviii) [xrcymru@protonmail.com](mailto:xrcymru@protonmail.com)
- (xxix) [xr.eastengland@protonmail.com](mailto:xr.eastengland@protonmail.com)
- (xxx) [xrlondoncoord@gmail.com](mailto:xrlondoncoord@gmail.com)
- (xxxi) [XRMidlands@protonmail.com](mailto:XRMidlands@protonmail.com)
- (xxxii) [xme@protonmail.com](mailto:xme@protonmail.com)
- (xxxiii) [support@xrnorth.org](mailto:support@xrnorth.org)
- (xxxiv) [xmi@rebellion.earth](mailto:xmi@rebellion.earth)
- (xxxv) [xrscotland@gmail.com](mailto:xrscotland@gmail.com)
- (xxxvi) [XR-SouthEastRegionalTeam@protonmail.com](mailto:XR-SouthEastRegionalTeam@protonmail.com)
- (xxxvii) [xr.regional.sw@protonmail.com](mailto:xr.regional.sw@protonmail.com)
- (xxxviii) [talksandtraining.xrbristol@protonmail.com](mailto:talksandtraining.xrbristol@protonmail.com)

- (xxxix) [xrcymrutalksandtraining@gmail.com](mailto:xrcymrutalksandtraining@gmail.com)
- (xl) [eoexrtnt@protonmail.com](mailto:eoexrtnt@protonmail.com)
- (xli) [xrlondoncommunityevents@gmail.com](mailto:xrlondoncommunityevents@gmail.com)
- (xlii) [xrmidlandstraining@protonmail.com](mailto:xrmidlandstraining@protonmail.com)
- (xliii) [XRNE.training@protonmail.com](mailto:XRNE.training@protonmail.com)
- (xliv) [xrnw.training@gmail.com](mailto:xrnw.training@gmail.com)
- (xlv) [xryorkshire.training@gmail.com](mailto:xryorkshire.training@gmail.com)
- (xlvi) [xmi.tt@rebellion.earth](mailto:xmi.tt@rebellion.earth)
- (xlvii) [talksandtrainings.scotland@extinctionrebellion.uk](mailto:talksandtrainings.scotland@extinctionrebellion.uk)
- (xlviii) [xrtse@gmail.com](mailto:xrtse@gmail.com)
- (xlix) [xrsw.trainings@gmail.com](mailto:xrsw.trainings@gmail.com)

#### Just Stop Oil

- (i) [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)
- (ii) [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)

#### Youth Climate Swarm

- (lii) [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

#### Insulate Britain

- (liii) [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)
- (liv) [iblegal@protonmail.com](mailto:iblegal@protonmail.com)

Filed on behalf of the Claimant

*Steven Maxey*

First Witness Statement

Exhibit SM4

**Claim No:**

**BETWEEN**

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimants

and

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RATHBY
- (12) HOLLY ROTHWELL
- (13) ELIZABETH SMAIL
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE



(18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

This is the exhibit SM4 referred to in the Witness Statement

Signed:

A handwritten signature in black ink, consisting of a wavy line that ends in a large, circular loop.

## Human Rights Act Assessment

### Summary of the facts leading to the action.

On 01 April 2022, the Warwickshire Local Resilience Forum notified me that a number of protestors were gathering outside Kingsbury Oil Terminal.

On 01 April 2022, approximately 40 protestors attended the Terminal in possession of various devices and glue to lock themselves on to each other, vehicles, or infrastructure. They climbed on oil tankers, glued themselves to the road and sat in the main entrance roadway.

On 02 April 2022, 40 protestors attended the main entrance to the Terminal, glued themselves to the carriageway and locked onto each other, thereby blocking the entrance. Protestors continued to arrive throughout the day, and some climbed on travelling oil tankers. This activity continued into the early hours of 03 April 2022.

At 07:30 on 05 April 2022, protestors again attended the main entrance of the Terminal, and blocked access by locking themselves onto each other and gluing themselves to the carriageway. Again, further protestors attended throughout the day, and the tailback of tankers resulted in the M42 becoming blocked. Protestors then climbed onto the oil tankers. As a result of this disruption, the Terminal had to suspend operations for a period of time.

At 00:30 on 07 April 2022, a small group of protestors distracted the police by gluing themselves to the carriageway at the main entrance of the Terminal. Further protestors then broke entry to the exterior gate of the Terminal and gained access to the compound. Whilst inside, protestors climbed onto the tops of three large fuel storage tanks containing unleaded petrol, diesel and fuel additives; two insecure cabs of fuel tankers locking themselves in with keys; the tops of two fuel tankers; onto the floating roof of another large fuel storage tank; and into a half-constructed fuel storage tank. They also used various lock on devices to secure themselves to the structures. The site was not cleared of protestors until 17:00.

At 10:50 on 09 April 2022, four protestors glued themselves to the carriageway serving the main entrance to the terminal. At 15:30, further protestors deposited a caravan to the south of the terminal, and locked themselves onto the roof and sides. Protestors within the caravan

then used the false floor to start digging a tunnel under the carriageway and into the Terminal compound.

As a result of these protests, the Warwickshire Police have made over 180 arrests.

**Description of the action proposed**

North Warwickshire Borough Council proposes to obtain an injunction against each of the protestors that have been arrested, and persons unknown threatening to enter the Kingsbury Terminal, and / or obstruct and / or prevent the operations of the terminal.

**Who will be affected by the proposed action?**

All persons seeking to protest outside the Kingsbury Terminal.

**Which Convention Rights are engaged?**

Articles 10 and 11.

**Will the action proposed involve a restriction of those Convention Rights?**

Yes

**Are the Convention Rights involved absolute or limited?**

Limited – both articles confer qualified rights

**What is the legal basis for restricting the engaged Convention Rights by the action proposed?**

Section 222 of the Local Government Act 1972, section 130 of the Highways Act 1980, s.1 Localism Act 2011 and section 17 of the Crime and Disorder Act 1998

**What is the legitimate aim of the restriction proposed?**

To ensure the safe operation of Kingsbury Oil Terminal, and to protect public safety, the prevention of disorder and crime, for the protection of health, the prevention of environmental damage and the protection of the rights and freedoms of others, currently compromised by the dangerous and anti-social behaviour and public nuisance arising from the protests which this legal action seeks to prevent.

**Why is the restriction necessary in a democratic society?**

To prevent:

- Fire or explosion involving up to 400m litres of flammable liquids.
- Nuisance to the local people and area

To protect:

- The rights of those in the local areas to peaceful enjoyment of their properties per Art 8 and Article 1, Protocol 1 of the ECHR
- Staff working at the Terminal and others, including tanker drivers, whose work requires them to go there
- People living, working and travelling in the district, including residents nearby the Terminal, who are currently adversely affected by the unlawful and anti-social behaviour referred to above, and who would be seriously affected by any fire or explosion, or any other serious incident compromising of the safety of the Terminal.
- Supplies of fuel to the wider West and East Midlands areas which the further disruption to the operation of the Terminal will compromise

The following means of resolving this matter have been attempted:

- An injunction by Valero on 21 March 2022 in respect of their land within the Terminal, without a power of arrest
- Arrests and release on bail by North Warwickshire Police for suspected criminal offences, including aggravated trespass, offences under Trade Union and Labour Relations (Consolidation) Act 1992, vehicle interference and criminal damage.

Unfortunately, neither of these methods have had any effect. The protests have commenced and then escalated since 21 March 2022, and those arrested have in many cases participated in further protests at the Terminal and arrested again. The risk now posed is so serious that no lesser measures are appropriate.

**How can it be demonstrated that the restriction is no more than necessary to achieve the legitimate aim?**

The injunction sought does not seek to prevent the protestors from exercising their right to free speech, expression and the right to protest.

The terms of the injunction sought are designed to allow the continuation of lawful protest while restricting only the nuisance and anti-social behaviour referred to above. The order will be sought for a period of 2 years, with a review after 12 months, which is considered proportionate, especially since the activities aimed at are only consisting of anti-social behaviour and a public nuisance.

This legal action is proportionate and necessary to protect the local community and peaceful protestors from the serious conduct currently being perpetrated and the risk of a serious incident that could potentially cause catastrophic effects across the authority's entire district and beyond.

The injunction does not seek to prevent free speech, expression or the right to protest. This action by the authority was not contemplated until the behaviour at the protest became dangerous and anti-social and created a public nuisance. The current activities at the Terminal are unacceptable and create a highly significant public safety and environmental risk, including by unauthorised and unsupervised (and potentially hostile) access being gained to a site with 400m litres of inflammable material, by undermining the foundations of the highway and by the other activities which have caused a danger to road-users, staff at the terminal, tanker drivers and other workers attending the terminal, and other local people.

There is a need to re-establish a law-abiding environment at the Terminal, and protect health, public safety and the rights and freedoms of the community, and of those who wish to protest lawfully.

The behaviour of those who continue to participate in the activities referred to above adversely impacts the rights of others including residents' Art.8 and Article 1 of Protocol 1, rights. Potentially, Article 2 rights are also engaged, in respect of which the state has positive obligations.

## Equality Impact Assessment

Section	Legal Services – Chief Executive's Division	Officer responsible for the assessment	Steve Maxey
Name of action to be assessed	Application for High Court Injunction with attached power of arrest to stop dangerous anti-social behaviour associated with oil protests at Kingsbury Oil Terminal	Date of Assessment	12/4/22
		Is this a new or existing action?	New action
1	Briefly describe the aims, objectives and purpose of the action.	<p>The injunction will assist the Council and Warwickshire Police to address the dangerous and anti-social behaviour and public nuisance that is associated with protests taking place at Kingsbury Oil Terminal and believed to be organised by the protest group "Just Stop Oil" (a coalition of a number of individuals and other known protest groups). Such behaviour includes protestors gluing themselves to the road, breaking into Kingsbury Oil Terminal and affixing themselves onto storage tanks of dangerous liquids including diesel, unleaded petrol, and fuel additives, abseiling from bridges, blocking motorway slip roads, climbing on to moving oil tankers, undermining the highway by digging holes adjacent to it, and otherwise blocking and disrupting the highway.</p>	
2	Are there any associated objectives of the action? Please explain.	<p>The injunction will contribute towards reducing the risk of unauthorised and unsupervised access to the Oil Terminal, and of dangerous and anti-social activity around it, thereby reducing the public safety and environmental damage risk.</p> <p>Having oil products stored in large quantities inherently involves risk, but this is usually managed by the operators. This situation has created a significantly increased risk to the local community and the people of North Warwickshire. The site is an Upper Tier site within the COMAH Regulations (the Control of Major Accident Hazards Regulations 2015 (SI 2015/483), as amended) as it contains dangerous substances as defined within the Regulations and the relevant authorities are therefore required to ensure dangerous hazard in respect of these substances are managed. The Regulations acknowledge that the property of a dangerous substance intrinsically pose a potential for creating damage to human health or the environment</p>	
3	Who is intended to benefit from this action, and in what way?	<p>Residents in the immediate vicinity (Kingsbury and Piccadilly) and the wider community and population of North Warwickshire, particularly those who would be impacted by air borne</p>	



	<p>contamination, those in the River Tame catchment area. The River Tame is about half a mile from the site and has a number of tributaries that run adjacent to the site. There are 8 Sites of Special Scientific Interest, 7 Local Nature Reserves and 27 areas of local environmental importance (including 13 areas of registered common land, 8 Sites of Importance for Nature Conservation (SINC's), 4 country parks, an area of Forestry Commission woodland and Merevale Hall registered park and garden) within 10 kilometres of the site would also benefit</p> <p>Those who work at the terminal would benefit from the ending or reduction of activities that are dangerous and cause a nuisance and disruption. Road and motorway users would benefit from the removal of potentially dangerous activity on highways nearby. All those living and working in the district would benefit from the restoration of order at the site, allowing police to resume other activities, and generally fostering a peaceful environment.</p> <p>As set out in the Police statements, the impact on the resources available to this relatively small force is significant, and resulting in a reduction in policing activity generally in North Warwickshire.</p> <p>There have been a number of cases of fuel shortages in the immediate area and some businesses have been effected; for example North Warwickshire Borough Council has given mutual aid to Nuneaton and Bedworth Borough Council due to fuel shortages in order to allow essential statutory services to keep running.</p>
<p>4 What outcomes are wanted from this action?</p>	<p>To reduce the risk of danger, harm and disruption to the community arising from the conduct and behaviour of the Just Stop Oil protestors at the Terminal, thereby reducing the public safety and environmental damage risk from this upper tier COMAH site.</p> <p>It is hoped that lawful and peaceful protest will be restored by the prevention of the unlawful and dangerous activities.</p>
<p>5 What factors/forces could contribute/detract from the outcomes?</p>	<p>An injunction was obtained by Valero Energy Limited in respect of their land within Kingsbury Terminal on 21 March 2022. An amended interim order was made on 11 April 2022. This injunction does not have a power of arrest attached to it, only covers part of the site, and does not involve an exclusion zone. To date, it has not proven effective to stop the behaviour complained of. Indeed, the behaviour and public nuisance has worsened since 21 March, leading the authority to consider taking the legal action in question.</p>

	<p>Since Valero obtained an injunction, protestors have unlawfully gained access to the Terminal once and actively tried to tunnel under the highway and into the Terminal compound on another occasion. The Terminal currently holds 400m litres of flammable material.</p> <p>Despite the best efforts of the Police, including repeat arrests, the present measures are currently ineffective at ensuring the safety and security of Kingsbury Terminal and therefore of the local population in the district. Due to the Terminal being an 'upper tier site' for the purposes of the Control of Major Hazards Regulations 2015, it is imperative that the site is secured as soon as possible.</p> <p>As set out in the Police's witness statements, their powers have been tried and are not sufficient to restore the risks at the site to an acceptable level. The Crown Prosecution Service have been asked to consider charging for more serious offence but have advised that the threshold tests within their guidance can not be met.</p> <p>The prevention of unlawful and dangerous activities will restore lawful and peaceful demonstration to the site, which is acknowledged as being a legitimate aim in a democratic society.</p>		
6 Who are the main stakeholders in relation to the action?	The stakeholders are North Warwickshire Borough Council, Warwickshire County Council, Local Parish and Town Councils, Warwickshire Police and site operators	7 Who implements the policy, and who is responsible for the action?	North Warwickshire Borough Council will apply for the injunction. Warwickshire Police will be leading on the enforcement of the injunction.
8 Are there concerns that the action <u>could</u> have a differential impact on racial groups?		<b>No</b>	<p>Please explain.</p> <p>The injunction is aimed at preventing unacceptable safety and environmental risks arising from the behaviour of protestors which is impacting negatively on local communities. The injunction is not targeted at any specific groups defined in the protected characteristics and there is no evidence to suggest the measures in the application will differentially affect any particular protected group.</p>

9	Are there concerns that the action <b>could</b> have a differential impact due to gender?		<b>No</b>	The injunction is aimed at all persons. See the answer to question 8.
What existing evidence (either presumed or otherwise) do you have for this?				
10	Are there concerns that the action <b>could</b> have a differential impact due to disability?		<b>No</b>	The injunction is aimed at all persons. See the answer to question 8 See comments above
What existing evidence (either presumed or otherwise) do you have for this?				
11	Are there concerns that the action <b>could</b> have a differential impact due to sexual orientation?		<b>No</b>	The injunction is aimed at all persons. See the answer to question 8 See comments above
What existing evidence (either presumed or otherwise) do you have for this?				
12	Are there concerns that the action <b>could</b> have a differential impact due to age?		<b>No</b>	The injunction is aimed at all persons. See the answer to question 8 See comments above
What existing evidence (either presumed or otherwise) do you have for this?				
13	Are there concerns that the action <b>could</b> have a differential impact due to faith, religion or belief?		<b>No</b>	The injunction is aimed at all persons. See the answer to question 8 See above
What existing evidence (either presumed or otherwise) do you have for this?				

<p>14 Are there concerns that the action <b>could</b> have a differential impact due to them having dependants/ Caring responsibilities?</p>	<p><b>No</b></p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>15 Are there concerns that the action <b>could</b> have a differential impact due to them having an offending past?</p>	<p><b>No</b></p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>16 Are there concerns that the action <b>could</b> have a differential impact due to them being trans-gendered or transsexual?</p>	<p><b>No</b></p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>17 Are there concerns that the action <b>could</b> have a differential impact due to socio-economic reasons?</p>	<p><b>No</b></p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.</p>	<p>The injunction is aimed at all persons. See the answer to question 8. See above</p>
<p>18 Could the differential impact identified in 8 – 17 amount to there being the potential for adverse impact in this action?</p>	<p><b>No</b></p>	<p>The injunction will have a positive impact for the local communities who live, work or travel through the borough of North Warwickshire. By preventing dangerous and anti-social behaviour and incidents arising from protests, public safety will be improved and the harmful impacts from anti-social behaviour described above will be reduced. In addition, the restoration of lawful and peaceful protest, in a safe environment, will be a further positive impact.</p>

19 Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	<b>Y</b>	<b>N</b>	Not applicable. In the event that an adverse impact could be identified, the importance of the safety issues is such that the measure is considered justifiable in any event.
20 Should the policy action to a full assessment?		<b>No</b>	
21 Date Full assessment to be completed by.	Date Not applicable		

Comments

The reason for taking action is to protect all those within the authority's district and reduce the danger of a serious incident which could seriously affect the entire local area, as well as to establish a peaceful and safe environment where lawful protest can be undertaken. These issues are considered so important that they would justify any adverse impact on individuals with protected characteristics even if such impacts could be identified, which is not the case. The behaviour it is sought to restrain is likely to be having an adverse impact on various individuals and groups with protected characteristics, although this cannot currently be quantified.

A separate Human Rights Act proportionality assessment has been carried out. In summary, it concluded that whilst the rights to free speech, expression and protests are engaged, the proposed Injunction and power of arrest is a proportionate and reasonable proposal to help protect the wider community from public safety risks and is in the best interests of the wider community, including those who wish to protest lawfully.

The injunction does not seek to prevent free speech, expression or the right to protest and an injunction by the Council was not contemplated until the behaviour at the protest became dangerous and anti-social. The current activities at the Terminal are unacceptable and create a highly significant public safety and environmental risk, by having unauthorised and unsupervised (and potentially hostile) access to a site with 400m litres of inflammable material, by undermining the foundations of the highway and by the other activities which have caused a danger to road-users, staff at the terminal, tanker drivers and other local people..

There is a need to protect the rights of these people, and of those who wish to protest lawfully. The behaviour of individuals who participate in the activities referred to above including breaching the compound, are adversely impacting on the rights of others including residents Art.8 rights to peaceful enjoyment of their property, and Article 1 of Protocol 1, as well as potentially their right to life.

Signed (Completing Officer) : ...Steve Maxey.....

Date : ...12/4/22.....



**RESTRICTED (when complete)**

Page 1 of 5

**WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN: Statement of: Benjamin David Smith  
Age if under 18: 0/18

Occupation: T/Assistant Chief Constable

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:  ACC 1618

Date: 10/04/22

I am the above named person and have worked as a police officer for Warwickshire Police for the last 18 years. I am currently Temporary Assistant Chief Constable with responsibility for Local Policing, but I am also Gold Commander, and the senior policing lead, for the response to protest activity linked to the Kingsbury Oil Terminal. Warwickshire Police, in terms of forces nationally, is a relatively small force. It has 1050 officers currently policing a population 570,000 people spread across an area just under 2,000 sq km.

Prior to 1<sup>st</sup> April 2022, I had received a number of briefings on Just Stop Oil, who are a protest group and describe themselves as a coalition of groups working together to ensure the Government commits to halting new fossil fuel licensing and production.

In responding to protest, the police have two main duties; to not prevent, hinder or restrict peaceful protest; and in certain circumstances, take reasonable steps to protect those who want to exercise their rights peacefully.

As Gold for the operation I wrote a strategy with the overall aim being:

**to provide an impartial and proportionate policing response to protests in relation to the lawful activities at Kingsbury Oil Terminal, protecting life and minimising the risk of harm to all those connected to it.**

Although plans were made to police potential protest activity linked to Just Stop Oil, the scale and frequency of the activity that has been experienced over the last 10 days has created a real challenge for the force and indeed UK policing. In addition it is important to make clear that although policing has a duty to protect the rights of those who wish to protest peacefully, the Just Stop Oil protest activity has not been peaceful or lawful. The group has engaged in direct unlawful action to prevent the lawful activity of the oil depot and its distribution partners.

At the time of writing there have been 180 arrests in Warwickshire alone.

I will now provide a summary of the protest activity the force has dealt with since 1<sup>st</sup> April.

Signature:  ACC 1618

Signature witnessed by:

**RESTRICTED (when complete)**

Page 2 of 5

Statement of: Benjamin David Smith

URN: **31<sup>st</sup> March – 1<sup>st</sup> April**

Approximately 40 protestors attended the site at Kingsbury in possession of various devices to lock on to each other, vehicles or infrastructure. They were also in possession of glue to glue themselves to the carriageway. The protestors stopped and then climbed on oil tankers, glued themselves to the road and sat in the main entrance roadway. Distribution operations at the site were suspended and a significant police operation was instigated. 42 arrests were made and distribution operations at the site recommenced at 2030hrs.

**2<sup>nd</sup> April – 3<sup>rd</sup> April**

At approximately 1930hrs, 40 protestors attended the Kingsbury site, blocking the main entrance. They glued themselves to the carriageway and locked onto each other. A number also climbed on top of oil tankers. Protest activity continued throughout the night and into 3<sup>rd</sup> April. Distribution Operations at the site were suspended and only partially re-opened at 1730hrs. Protestors remained at the site till 0000hrs before dispersing. Total arrest numbers at 68.

**5<sup>th</sup> April**

At 0730 hrs, 20 protestors attended the site and blocked the main entrance, again locking onto each other and gluing themselves to the carriageway. Operations at the depot were suspended. 10 arrests were made and the site was operational by 1100hrs.

A second wave of protestors attended the site at 1130hrs and targetted Junction 9 and Junction 10 of the M42, climbing onto oil tankers as they moved slowly off the slip roads. Operations at the depot were suspended and some tailbacks encroached onto the M42, creating risk to other road users. The protestors were removed and roads reopened at 1430hrs, with operations recommencing at the site. Total arrest numbers at 78.

**7<sup>th</sup> April**

At 0030 hrs, a small group of protestors approached the main entrance to the site and attempted to glue themselves to the carriageway. While police resources were distracted, 40 protestors approached across the fields to the rear of the site. They sawed through an exterior gate and scaled the fences to gain access to the oil terminal. Once on site, the protestors dispersed to a number of different locations including: the tops of three large fuel storage tanks containing unleaded petrol, diesel and fuel additives; two insecure cabs of fuel tankers locking themselves in with keys; the tops of two fuel tankers; onto the floating roof of another large fuel storage tank; into a half constructed fuel storage tank. They also used various lock on devices to secure themselves to the structures.

Signature:  Ace 16/8

Signature witnessed by:

2017

Ben Smith/04/22

**RESTRICTED (when complete)**

Page 3 of 5

Statement of: Benjamin David Smith

URN: 

An extremely complex and challenging policing operation was initiated, utilising a variety of specialist teams, working alongside staff from the oil terminal and the fire service. The site was cleared of protestors by approximately 1700hrs. Total arrest numbers at 127.

### 9<sup>th</sup> April – 10<sup>th</sup> April

At 1050hrs, 4 protestors arrived at the main entrance and attempted to glue themselves to the carriageway. Three were arrested immediately. A short while later a male was arrested trying to abseil from a road bridge over Trinity Road to the north of the site, attempting to block the road. At 1530hrs, a caravan was deposited at the side of the road on Piccadilly Way, to the South of the site and 20 protestors glued themselves to the sides and top of the caravan. It was discovered that occupants within the caravan were attempting to dig, via a false floor, a tunnel under the road which would have blocked it for a considerable period. The caravan was forcibly entered at 0200hrs on the 10<sup>th</sup> April and 6 occupants arrested. An additional 22 were arrested from outside the caravan. Protestors continued to target the site on the 10<sup>th</sup> April, scaling tankers and gluing themselves to the carriageway. By the end of the day the total arrest numbers was at 180.

It is also important to note that Kingsbury has not experienced a constant level of peaceful or lawful protest. The protest activity has manifested as periods of high intensity, high volume and unlawful protest, followed by no protest over the next 24 hours. The activity has been highly coordinated, specifically targetted, and immediately unlawful in nature.

### **Policing Operation**

The scale and duration of the policing operation has been one of the most significant that I have experienced in my career. Large numbers of officers, drawn from right across the force, have been deployed to Kingsbury day and night since the 1<sup>st</sup> April. This has meant that we have had to scale down some non-emergency policing services, including those that serve North Warwickshire. Although core policing services have been effectively maintained across the County during this period, the protests have undoubtedly impacted on the quality and level of the policing services that we are able to deliver. Officers who may have ordinarily been policing the communities of North Warwickshire, the road networks of North Warwickshire, or supporting victims of crime in North Warwickshire have had to be redeployed to support the policing operation linked to Kingsbury. It has also meant that we have had to bring in additional officers from other regional forces, in addition to more specialist teams such as working at heights teams and protest removal teams. All of these will come at significant additional cost to the force and ultimately the public of Warwickshire.

### **Community Impact**

Signature:  Acc 1618

Signature witnessed by:

2017

Ben Smith/04/22

**RESTRICTED (when complete)**

Page 4 of 5

Statement of: Benjamin David Smith

URN: 

The impact on the local community has been substantial. There have been almost daily road closures of the roads around the oil terminal which has created disruption and inconvenience. The M42 has also been disrupted on occasions as a result of the protest activity. There has been a significant policing presence since the 1<sup>st</sup> April which I am sure has created a level of fear and anxiety for the local community. The policing operation has also extended into unsociable hours, with regular essential use of the police helicopter overnight disrupting sleep. The reckless actions of the protestors has also created increased risk of potential fire or explosion at the site which would likely have catastrophic implications for the local community including the risk of widespread pollution of both the ground, waterways and air. Finally, the actions of the protestors has impacted the supply of fuel to petrol forecourts in the region leading to some shortages, impacting upon not only local residents but the broader West Midlands region.

### Investigation

A significant police investigation is underway to deal with all those protestors who have been arrested as part of the operation. Although large numbers of arrests have been made, the offences for which they can be arrested (obstruction of the highway etc) are generally low level and summary only offences which means the criminal justice options can be limited. We have also utilised bail conditions to try and prevent protestors returning to the site but these have largely proved to be unsuccessful with many of the protestors already being arrested multiple times from the Kingsbury site. Even when protestors breach their bail conditions, unless arrested for a further substantive offence, that are merely dealt with for the original offence for which they were arrested prior to the bail conditions being set. As stated, these are low level summary offences and therefore charge and remand in custody is not an option open to us. We have considered other potential options, including attempting to seek a threshold test charge on conspiracy offences on the evening of the 10<sup>th</sup> April. This did not meet the CPS bar, and therefore the detainees were bailed again with conditions. Other potential police powers have been considered but none that we are aware of would give us the weight of severity that would allow us to seek a charge and remand in custody. An injunction would allow us to put the detainee immediately before a court to seek a remedy which may help to disrupt the enduring unlawful protest cycle that we currently find ourselves in.

Warwickshire Police would be fully supportive of this injunction as we consider that it would be expedient for the promotion or protection of the interests of the inhabitants of the local area. A power of arrest would allow my officers to deal with protestors effectively and robustly and then place them immediately before the court. We have considered all other options This may then provide some deterrent to the ongoing unlawful behaviour and may help to protect the local community from the tortuous ordeal that they are currently experiencing.

Signature:  ACC 1618

Signature witnessed by:

2017

Ben Smith/04/22

**RESTRICTED (when complete)**

Statement of: Benjamin David Smith

URN:

I have grave concerns for public safety should the behaviour of the protestors continue in its current form. The Kingsbury site is an extremely hazardous site where the very presence of certain items and clothing on site is restricted because of the potential dangers of explosion or fire. The protestors have had no regard for their own or others safety with actions including the use of mobile phones on site (strictly prohibited), the scaling and locking on to very volatile fuel storage tanks, the tunnelling activity in close proximity to high pressure fuel pipes, and the forced stopping, and then scaling, of fuel tankers on the public highway. Not only does this cause unacceptable levels of risk to themselves and the public, it also puts my officers in significant danger as they have to attempt to remove them from the places they have decided to put themselves.

To support this application I have provided exhibit BDS1, which is a selection of Section 9 statements from my officers who have been at Kingsbury Oil Terminal and witnessed the protest activity first hand. I also exhibit BDS2, which are a number of video clips which illustrate the unlawful activity that the protestors are engaging in.

 ACC 1618

Signature:  ACC 1618

Signature witnessed by:

IN THE HIGH COURT OF JUSTICE

Claim No:

QUEEN'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

B E T W E E N:

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

AND

- (1) MR DAVID BALDWIN
- (2) MR THOMAS BARBER
- (3) MS MICHELLE CADET-ROSE
- (4) MR TIM HEWES
- (5) MR JOHN HOWLETT
- (6) MR JOHN JORDAN
- (7) MS CARMEN LEAN
- (8) MS ALISON LEE
- (9) MS AMY PRITCHARD
- (10) MR STEPHEN PRITCHARD
- (11) MR PAUL RAITHBY
- (12) MS HOLLY ROTHWELL
- (13) MS ELIZABETH SMAIL
- (14) MR JOHN SMITH
- (15) MR BEN TAYLOR
- (16) MS JANE THEWLIS

(17) MR ANTHONY WHITEHOUSE

(18) MR ANDREW WORSLEY

(19) PERSONS UNKNOWN PRESENT ON PUBLIC OR PRIVATE LAND IN THE LOCALITY OF THE LAND KNOWN AS KINGSBURY OIL TERMINAL, TRINITY ROAD, OR PICCADILLY WAY, TAMWORTH, IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

(20) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS OF TRAFFIC, INTERFERENCES WITH THE PASSAGE OF LAWFUL VISITORS TO KINGSBURY OIL TERMINAL AND OTHER ROAD USERS ALONG ROADS IN THE LOCALITY OF KINGSBURY OIL TERMINAL (INCLUDING BUT NOT LIMITED TO TRINITY ROAD AND PICCADILLY WAY, TAMWORTH), OR DAMAGE TO LAND (INCLUDING ROADS), BUILDINGS OR STRUCTURES IN THE LOCALITY OF KINGSBURY OIL TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

Defendants

This is the exhibit BDS1 referred to in the Witness Statement of ACC Benjamin Smith

Signed  ACC 1618 .....

Dated 14/04/22 .....



**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2012 , Part 27

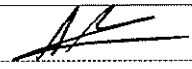
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**Statement of: PC FLETCHER**

**Age if under 18 (if over insert "over 18"):** **Over 18**                      **Occupation:** **Police Constable 1338**

This statement (consisting of .....1..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

**Signature:**                       **Date:** **03/04/2022**

On Sunday 3<sup>rd</sup> April 2022, I was on duty in full police uniform as call sign YJ9A. I was assisting with patrols for multiple groups protesting around oil terminals, Kingsbury, Warwickshire.

I was informed of 2 persons whom had blocked Trinity Road causing a fuel tanker to have to stop just after a blind bend. These 2 persons then climbed onto the cab of the tanker, bearing the registration FX17KLK and remained sat on the roof. I attended in support of the hights removal officers.

Once on scene, I activated my body worn video and asked both to come down off the tanker. They told me no. I explained they were committing an offence by remaining on the roof as they were causing an obstruction of the highway. I then asked if there was anything I could reasonably say or do to get them to come down and I was told no. I provided a final warning if they did not come down, they would be removed by the hights team and arrested. They still refused to come down.


At 0319hrs, I told both of the protesters that they were under arrest for obstructing the highway. I said; 'YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED, SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE.' I explained their arrests were necessary to allow a prompt and effective investigation into the offence and to prevent a further obstruction of the highway.

Both were then removed by the hights removal team.

The first male provided his first name to me only as Samuel, but refused to provide any further details. The second refused all details.

Both males were then transported to Nuneaton police custody by a transport van, whilst I remained at scene.

I produce my body worn video from this interaction as AF/01.

**Signature:**  **1338**                      **Signature Witnessed by:** **N/A**

**Witness Details**

Home Address: Leek Wootton Police Station Post Code: CV346RN  
 Home Tel No: Work Tel No: Mobile Tel No:  
 Email Address: Adam.fletcher1@warwickshire.police.uk Preferred means of contact:  
 Name of Parent/Guardian Contact Tel No:  
 Best time to contact: Ethnicity Code (16+1):  
 Gender Male Date & Place of Birth: Former Name:

Does the Witness have any inconvenient dates for court? No

If "Yes" provide details

**Witness Care** (please tick or type in box provided)

- a) Is the witness willing to attend court? Yes If 'No', include reason(s) on form MG6
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case). If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases. No
- d) Does the witness have any particular needs? No  
 If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

**Witness Consent - For Witness Completion**

Yes No N / A

- |  |                                     |                                     |                          |
|--|-------------------------------------|-------------------------------------|--------------------------|
| a) The Victim Personal Statement scheme (victims only) has been explained to me:   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b) I have been given the Victim Personal Statement leaflet:  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| c) I have been given the tear-off leaflet "Giving A Witness Statement to the Police..."  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice)          | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence:   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

Witness Signature: \_\_\_\_\_ Print Name: PC FLETCHER  
 Parent/Guardian/appropriate adult Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_  
 Address and telephone number if different from above:

Statement Taken By (print name): Self Station: Leek Wootton  
 Time and Place Statement Taken: 28/03/2022

**RESTRICTED (when complete)****WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

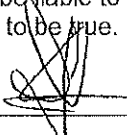
URN: 

Statement of: PC 2190 Howells

Age if under 18: 018

Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 07/04/2022

I am PC 2190 HOWELLS of Warwickshire Police and I am currently based at Coleshill Police Station.

On Thursday 7<sup>th</sup> April 2022 I was on duty, in full uniform and driving a marked police patrol car with the call sign PA503 in company with my colleague PC 2216 CORLESS.

At approximately 00:30hrs on the above date I was requested to attend Kingsbury Oil Terminal, Trinity Road, Kingsbury in relation to Op HYRAX.

It was reported that a number of protesters had attended and had breached the perimeter and began locking on to the fuel silo's and other equipment.

At 0640hrs on the same day and date I was made aware that there were 2 female protesters who had locked themselves onto the equipment. In company with PRT the females were cut free.

At 0645hrs I said to a female who I now know to be Alison LEE, 20/06/1958. 'YOU ARE UNDER ARREST ON SUSPICION OF AGGREGATED TRESSPASS' caution, I explained that the necessity of the arrest was to prevent any further offences. She was placed into handcuffs in a front stack. She refused to cooperate and stated she would not move. She was assisted by officers and removed to the marked police van.


She was searched by a West Midlands Police officer where she was found to have on her, 2 x tubes of super glue and a pair of long nosed pliers. At 0653hrs I said to her 'YOU ARE FURTHER ARRESTED ON SUSPICION OF GOING EQUIPPED TO CAUSE CRIMINAL DAMAGE' caution.

The items were seized, and I can reference these as JH/02, they have been booked into the property system, seal number M17189531, property reference number N2/009195/22

The arrest was captured on BWV, this has been downloaded and I can exhibit this as JH/03 and the further arrest is JH/04

A photograph of LEE was taken and I can exhibit this as JH/05

The prisoners were conveyed to Nuneaton Custody by TST officers where there detention was authorised.

Signature: 

Signature witnessed by:

RESTRICTED (when complete)

Page 1 of 4

**WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN: 

Statement of: Dc 1410 Burcham

Age if under 18: 0/18

Occupation: Detective Constable

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: .  1410

Date: 11/04/2022

I am Detective Constable 231410 Jennifer BURCHAM based at Rugby reactive CID, forming part of WARWICKSHIRE CONSTABULARY.

On Monday 11<sup>th</sup> APRIL 2022 I formed part of a team of officers working on OPERATION HYRAX, WARWICKSHIRE POLICE's response to the JUST STOP OIL protests. As part of my role, I viewed the JUST STOP OIL website and watched the video entitled 'The Butler's joined the Looters in the House' / Kingsbury, UK/ 10 April 2022'. I watched this video from 0900 hours to 0930 hours on 11<sup>th</sup> April and identified four males and a female who have been arrested by WARWICKSHIRE POLICE.

One male identifies himself as Stephen PRITCHARD at the very beginning of the video. PRITCHARD was arrested on 10<sup>th</sup> APRIL 2022 at 02:20 for conspiracy to commit criminal damage. He is observed in this video to assist other persons in digging and drilling a hole in the ground. This hole forms part of the road to the Kingsbury Oil Depot. They have begun causing this criminal damage from within the constraints of a caravan. This caravan has been adapted to enable the individuals to dig into the ground from within the caravan, having removed some of the flooring to gain access.

PRITCHARD explains at the beginning of the video that they 'are digging a tunnel under a road that is next to an oil depot'. PRITCHARD is also seen in the hole using instruments to dig further down. PRITCHARD goes onto say "WHY AM I DOING THIS, COS THE GOVERNMENT, IS NOT DOING WHAT IT SHOULD BE DOING, IT'S BREAKING THE SOCIAL CONTRACT, IT IS NOT PROTECTING PEOPLE OF THIS COUNTRY'.

PRITCHARD then goes onto list several examples of this.

Signature: .  1410

Signature witnessed by: N/A

2017

Burcham, Jenny 1410/04/22

**RESTRICTED (when complete)**

Page 2 of 4

Statement of: Dc 1410 Burcham

URN: Op Hyrax

From this video I have used a snipping tool to take an image of PRITCHARD whilst inside the caravan. I have placed this image in PRITCHARD's electronic folder within the OPERATION HYRAX folder on the J Drive.

I exhibit this image as JB.01 – Stephen Pritchard Just Stop Oil Video snip.

Whilst PRITCHARD is talking, there is a second male kneeling next to him at the top of the hole. This male I have identified as Paul RAITHBY. I have identified RAITHBY by viewing the custody images of persons in NUNEATON custody from today's date. Paul RAITHBY has had an image taken from within custody and from this picture I can identify him as the male in the Just Stop Oil video. Within the video, you do not see RAITHBY digging but he assists another male who is in the hole digging, in an attempt to create said tunnel. He assists them by moving a bucket to allow for an item to be removed. RAITHBY is seen sitting with his legs into the hole, with the rest of him on the floor of the caravan. This briefly shows how deep the hole is. From what I can see and hear of the video, I do not believe RAITHBY speaks.

RAITHBY was arrested on 10<sup>th</sup> APRIL 2022 at 10:50 hours, for conspiracy to cause a public nuisance and conspiracy to commit criminal damage. I have used the snipping tool once more to take an image of RAITHBY. I have placed this image in RAITHBY's electronic folder within the OPERATION HYRAX folder on the J Drive. RAITHBY is the male on the right hand side of the image. He is next to PRITCHARD (who wears a checked shirt)

I exhibit this image as JB.02 – Paul Raithby Just Stop Oil Video snip.

The third identified male within the clip is Tim HEWES. This male is a reverend and wears his dog collar in the first part of the video. The first time HEWES is clearly seen and heard, he is sat down and says "SO I AM HERE WITH JUST STOP OIL, AND I AM LOKCED ONTO A LUMP OF CONCRETE AND POLICE ARE OUTSIDE TRYING TO WORK OUT HOW TO GET US OUT".

The second time we see and hear HEWES is further in the video, when the dog collar is not visible, where he is asked by a male who says his name is 'Sean', 'REVERENED DO YOU HAVE ANY LAST WORDS BEFORE THE CAMERA GOES?' The first part of what TEWES

Signature: 

2017

Signature witnessed by: N/A

Burcham, Jenny 1410/04/22

**RESTRICTED (when complete)**

Page 3 of 4

Statement of: Dc 1410 Burcham

URN: Op Hyrax

says is inaudible, but becomes clear from '...WHILE WE'RE DOING THE GOVERNMENTS WORK FOR THEM, WHICH IS PROTECTING OUR FAMILIES, PROTECTING THE PLANET AND JUST STOPPING FUCKING OIL'. TEWES is located within the hole that he has helped dig, he is identified as 'Reverend' by 'Sean'.

TEWES was arrested on 10<sup>th</sup> APRIL 2022 at 14:44, for conspiracy to cause a public nuisance and conspiracy to commit criminal damage. I have used the snipping tool to take two (2) images of HEWES. I have placed these images in HEWE's electronic folder within the OPERATION HYRAX folder on the J Drive.

I exhibit these images as JB.03A – Tim HEWES Just Stop Oil Video snip – Vicar clothing and JB.03B – Tim HEWES Just Stop Oil Video snip – Hole.

The fourth male in the clip, is the male identified as John JORDAN, AKA 'Sean'. This male is observed within the clip on top of the caravan, stating 'HELLO MY NAME IS SEAN AND I AM HERE WITH JUST STOP OIL, WE ARE ON THE TENTH DAY OF OUR CAMPAIGN HAVING STARTED ON 1<sup>ST</sup> APRIL. WE ARE CURRENTLY SAT ON TOP OF A CARAVAN, CAN SEE WE ARE VERY WELL STOCKED WITH FOOD, WE'VE STILL GOT PEOPLE DOWN BELOW, IN THE TUNNEL AND IT'S A BEAUTIFUL DAY TO JOIN IS IN CIVIL RESISTENCE'. It is then that the camera pans around and shows HEWES in the hole and JORDAN aka Sean asks the reverend for a comment which is detailed in the previous page.

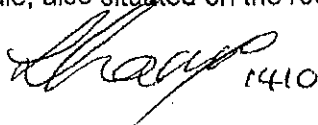
John JORDAN was arrested on 10<sup>th</sup> APRIL 2022 at 14:44 for conspiracy to commit criminal damage.

The image taken of John JORDAN from Nuneaton custody as observed by myself matches the male identifying himself as 'Sean' on the video. I have taken a snippet of JORDAN, 'Sean' from the video. I have placed this image into JORDAN'S electronic folder within the OPERATION HYRAX folder on the J drive.

I exhibit this image as JB.04 – John JORDAN Just Stop Oil video snip.

Whilst JORDAN aka Sean is on the roof of the caravan he shows two further persons, a male and a female, also situated on the roof. It is whilst he comments on food provisions that

Signature:



2017

Signature witnessed by:

N/A

Burcham, Jenny 1410/04/22

**RESTRICTED (when complete)**

Page 4 of 4

Statement of: Dc 1410 Burcham

URN: Op Hyrax

these persons are seen, with the female waving at the camera. Once police approach the caravan, a male voice, which is possibly that of JORDAN'S informs police that they have now glued themselves to the roof. Persons glued include the male and female. I believe these persons to be Ben TAYLOR and Amy PRITCHARD. I cannot hear TAYLOR or PRITCHARD say anything on the video. I once again have observed the images of these two from custody and compared them to the video. I have obtained a snip of them from the video, whilst on the roof of said caravan.

I exhibit this image as JB.05 – Ben TAYLOR and Amy PRITCHARD Just Stop Oil Video – Snip. Like the other images, I have added this exhibit image to both TAYLOR's and PRITCHARD'S folder on the J Drive.

Both TAYLOR and Amy PRITCHARD have been arrested for conspiracy to cause a public nuisance and to commit criminal damage. TAYLOR was arrested at 14:44 and PRITCHARD at 14:24 both on SUNDAY 10<sup>th</sup> APRIL 2022.

The Just Stop Oil video is four (4) minutes and thirty (30) seconds long and has been uploaded to their own website. The persons detailed within this statement were arrested on Sunday 10<sup>th</sup> APRIL 2022 as a result of the actions shown in the video, and were transported to Nuneaton Custody.

Signature:

  
1410

2017

Signature witnessed by: N/A

Burcham, Jenny 1410/04/22



## Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2012 , Part 27


URN:

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Statement of: **PC Pete Hayes**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Constable**

This statement (consisting of .....2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: **01/04/2022**

I am a Police Constable with Warwickshire Police currently based at Warwickshire Police HQ, Leek Wootton on the Operational Policing Unit. I am an advanced driver, trained in the use of Tactical Pursuit and Containment and Stinger. I am a Family Liaison Officer and a Licensed Police Search Officer. I am a qualified trainer and operator of LTI Speed guns and VASCAR speed enforcement systems.

At 05:00hrs on 1<sup>st</sup> April 2022 I had been tasked to a potential public disorder at Kingsbury Oil Terminal. As part of this a Ford Transit Luton van registration CX15 NWV was stopped on Tamworth Rd, Kingsbury. In the rear of the vehicle there was a large quantity of timber, climbing ropes and food stuffs which the occupants freely admitted was for a tree house and encampment. Also in the rear of the vehicle were 4 separate lock on devices. Having spoken to the Silver commander I arrested all of the occupants from the vehicle at 05:00hrs. None made any relevant statement and all were placed under CAUTION.

I said the same to each occupant "I AM ARRESTING YOU ON SUSPICION OF CONSPIRACY TO CAUSE PUBLIC NUSIANCE. CAUTION."

They gave their details as:

Ms Elizabeth SMAIL BN. 26.06.59 was the driver of the van

Mr Joshua SMITH. BN 08.03.93

Mr Andrew WORSLEY BN 16.09.45

Mr Joe HOWLETT BN. 05.05.90

Signature:

Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of PC 120 Pete Hayes

Date: 01/04/2022

The final prisoner was arrested at 05:12hrs having been seen to be dropped off from the same vehicle a minute before it was stopped on Tamworth Rd. He returned to the van on Tamworth Rd and was then arrested

Mr Anthony WHITEHOUSE BN 20.09.51

All of the interaction with these persons was captured on Body Worn Video that I exhibit as PH/01

Signature: 

Signature Witnessed by: N/A

**RESTRICTED (when complete)****WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN: 

Statement of: PC 1377 HOWELL

Age if under 18: Over 18

Occupation: Police officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 08/04/2022

I am PC 1377 HOWELL of Warwickshire Police, currently based at Leamington Spa Police Station.

On Thursday 7<sup>th</sup> April 2022 I was on duty, in uniform, under call sign YC1377. I was attached to the Policing operation at Kingsbury Oil Terminal in response to targeted protests at the site.

At approximately 0815 hours I attended the terminal site, located off TRINITY ROAD and was briefed regarding the current situation. To which I was informed that incursions had taken place overnight by numerous protestors who had secured themselves, using lock on devices, across the site.

At 1250 hours I attended land belonging to WARWICKSHIRE OIL SUPPLIES LTD, and travelled to the what3words location: ///mainly.tone.stage alongside PC 2158 KNIGHT.

At this location I have met a Protest Removal Team (PRT) from Staffordshire Police, who have been situated next to a lorry tractor and trailer unit. The trailer unit was a fuel tanker, under the name of 'FUEL OILS GROUP LTD'. The VRM of the tractor unit was 'OIL5052'.

I have liaised with the PRT who have informed me that two protestors were present in the interior cab of the tractor unit and had secured themselves inside using a lock on device.

Signature:



Signature witnessed by: N/A

2017

Howell, Callum 1377/04/22

**RESTRICTED (when complete)**

Statement of: PC 1377 HOWELL

URN: 

Due to this I have climbed up the offside of the tractor unit and spoken to the protestors inside. Present in the driver seat was a white female who I now know to be Michelle CADET-ROSE bn: 14/08/1965.

Present in the passenger seat of the tractor unit was a white male who I now know to be Thomas BARBER bn: 26/02/1960.

I have outlined a 5-step appeal to both BARBER and CADET-ROSE to request that they voluntarily remove themselves from the interior and outlined the implications of not doing so.

Both have not complied with this request.

At 1301 hours I have stated to BARBER and CADETROSE 'I AM PLACING YOU UNDER ARREST ON SUSPICION OF AGGRAVATED TRESPASS'. "YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION, WHEN QUESTIONED, SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE".

I have informed BARBER and CADET-ROSE of the necessity for their arrests and the grounds for their arrest.

I have then handed over to the PRT who have safely removed BARBER and CADET-ROSE from the cab after cutting the lock-on device open.

Both BARBER and CADET-ROSE have not complied with Police requests at anytime and had to be carried into our Police vehicle.

Following from their removal I have seized the lock-on device as **Exhibit CSH/01**. I have produced a photo exhibit of the lock-on device as **CSH/01A**.

Following their arrest, I have conveyed them to WATLING STREET Custody block, Staffordshire alongside PC 2158 KNIGHT and PC 1383 WILLIAMS. This was alongside two other persons in custody from the site, arrested by other officers.

Signature:



Signature witnessed by: N/A

2017

Howell, Callum 1377/04/22

**RESTRICTED (when complete)**

Statement of: PC 1377 HOWELL

URN: 

Both BARBER and CADETROSE's detention was subsequently authorised under the following custody references:

BARBER: C22004334

CADETROSE: C22004337

*I am also producing the following exhibits in my statement:*

**CSH/02-** BWV footage of arrest of BARBER and CADET-ROSE**CSH/03-** still images of BARBER**CSH/04-** still images of CADET ROSE

All physical exhibits have been booked under PMS ref: S5/009265/22



Signature:



2017

Signature witnessed by: N/A

Howell, Callum 1377/04/22

**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2012, Part 27

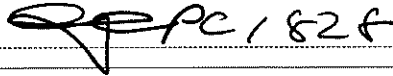
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Statement of: **Chloe JASPER**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **Police Constable 1828**

This statement (consisting of .....2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: 5<sup>th</sup> April 2022

I am the above named officer and I am currently based at Leamington Spa on the Leamington Safer Neighbourhood Team. On Tuesday 5<sup>th</sup> April 2022, I was on duty at 0700 in full duty and was instructed to attend the Kingsbury Oil plant on Trinity Road, Kingsbury. There had been several days of protesting where the entrances had been blocked, preventing the workers from the plant arriving and leaving.

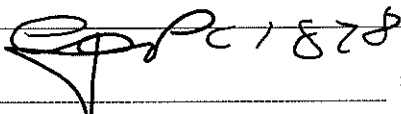
When I arrived at Kingsbury Oil at 0750 hours, I could see that there were in excess of 15 protestors all lying on mats blocking the entrance. It appeared that some of the group were glued to the ground with one of their hands. Others appeared to be using a long tube to chain themselves to one another.

We formed a line in front of the protestors and waited until further direction. Many of the workers had come out and were standing near to the group and there was a male filming and documenting the scene.

At some point later that morning, the protestor removal team arrived. They were using a solution to free several of the group that had glued their hands to the ground. At approximately 1000 hours I approached a male and female who were chained together by their arm in a tube. These protestors were asked several times if they would self release, by this specialist team, but they refused. I asked them again if they would release themselves and they told me that they wouldn't. I asked their names, but they refused to tell me. At 1005 hours I said "I am arresting you under section 241 of the Trade Union Act". "CAUTION". I told them that their arrest was necessary to prevent further obstruction of the highway. They made no reply.

The removal team managed to free them from the tube and they were brought to the van where I was now waiting with another of the females that had been detained.

The first nominal was a white female. She was wearing a black woolly hat, a purple rain coat, black waterproof trousers and grey walking boots. I have since found out that her name is Michelle Cadet-Rose.

Signature:  Signature Witnessed by: N/A

Witness Statement

Continuation of Statement of Chloe JASPER

Date: 05/04/2022

The second nominal was a white male. He was wearing a khaki over coat and blue jeans. He was also wearing dark walking boots and glasses. I have since found out that his name is Thomas Barber. When he was searched in custody by PC 1942 Croshaw, a tube of fast action super glue was found in his possession. This was placed in an evidence bag seal no M26091854.

We conveyed a total of 6 prisoners to Nuneaton Custody and we arrived at approximately 1045 hours. We had a long wait whilst the others were booked in. Once Michelle was booked in I had no further dealings with either prisoner.

Signature: 

Signature Witnessed by: N/A



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN: Error! Bookmark not defined.

Statement of: Jonathon DUNN

Age if under 18: ~~Under 18~~ **Over 18** Occupation: ~~Police Constable~~

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

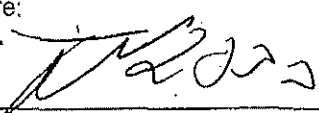
Signature:  Date: 05/05/2022

This statement is in regards to the detainment of two females and a male on Tuesday 5<sup>th</sup> April 2022 at 05:40 hrs, 06:12 hrs and 07:00 hrs. And the Subsequent arrest of these individuals under suspicion of being in breach of article 241 of the Trade Unions and Labour act. I will name these individuals as unnamed male, unnamed female 1 and unnamed female 2 for the duration of this statement.

On Tuesday 5<sup>th</sup> April 2022 at around 05:30 hrs I was on uniformed full mobile patrol in company with PC 2250 PATTERSON. I had attended the KINGSBURY OIL DÉPOT, KINGSBURY, B78 2HA. This was in relation to a staged protest for the Just Stop Oil Group. At 05:40 hrs I was alerted to the presence of a female that was in violation of 241 of the Trade Unions and Labour Act in which she was blocking the highway and thus stopping the workers from going to work.

I would describe this female a white, around 50-60 yrs old, with blond hair, of skinny build, wearing a bobble hat with a black/ dark blue insulated jacket.

I approached this female and identified myself and I asked her if she was willing to move, this female then refused to do this by remaining silent. I then stated that she was in violation of the above act, should she not move then she would be arrested. This unidentified female (1) then refused to answer me. I therefore stated "YOU ARE UNDER ARREST FOR VIOLATION OF

Signature:   
2017

Signature witnessed by: **Error! Bookmark not defined.**

Patterson, L.Ily 2250/04/22

**RESTRICTED (when complete)**

Page 2 of 3

Statement of:

URN: 

SECTION 241 OF THE LABOUR ACT" [caution] reply: no reply. "THE NECESSITY OF YOUR ARREST IS TO PREVENT AN OBSTRUCTION OF THE HIGHWAY" I was then accompanied by PS 1362 TYLER in which he stated that we did not wish to use force on the female but if she didn't get up we would have to. Sgt TYLER then stated is there "ANYTHING I CAN REWASONABLY SAY OR DO TO MAKE YOU COMPLY WITH MY REQUEST" to which the female gave no answer. Myself and Sgt TYLER then lifted the female by both arms as she has gone completely limp being passive resistant. I carried out this act under 117 PACE 1984 and Section 3 Criminal Law Act 1967.

I then identified a further individual who was also in violation of the same law; this was an unidentified male, I approached him and asked if he would move of the carriage way in a simple appeal to which he refused, I asked him If there was anything I could do to make him move, he then refused saying that we should facilitate taxis for a female. I then warned him that I would arrest him if he didn't move, two which he refused. I then stated at 06: 12 hrs, "YOU ARE UNDER ARREST FOR VIOLATION OF 241 OF THE LABOUR ACT AND NOT LETTING PEOPLE GO TO WORK" [Caution] reply: no reply. I then stated "YOUR ARREST IS NESSCARY IN ORDER TO PREVENT AN OBSTRUCTION OF THE HIGHWAY".

I would describe this male a white, around 50-60 yrs old, with white hair, of skinny build, wearing a woolly hat, wearing a green jacket and brown jumper with blue over trousers.

I then appealed to the male stating that I did not wish to lay hands on him, and would he make his way to the marked police van, he refused I then stated "IS THERE ANYTHING I CAN SAY OR DO TO MAKE YOU COMPLY WITH MY REQUEST" the male refused thus myself Sgt TYLER and two other officers lifted the male to the nearby police van where he went in. I caried out my sue of force under Section 117 PACE 1984 and Section 3 Criminal law act 1967.

I then identified a further female how violated the same law I approached this female and requested she move, to which she refused, I then stated that she can facilitate her protest

Signature: Error! Bookmark not defined.

Signature witnessed by:

2017

Patterson,Lily 2250/04/22

**RESTRICTED (when complete)**

Page 3 of 3

Statement of:

URN: 

next to the road, to which she refused. I stated that she was in violation of the above law, and I would be arresting her if she didn't move. She refused further.

*I would describe this female as white, with brown hair, around 50-60 yrs old, skinny in build of 5'7" tall. She wore a navy-blue waterproof jacket, a black pair of over trousers.*

I then stated at 07:00 hrs, "YOU ARE UNDER ARRESTED FOR BREACHING SECTION 241 OF THE LABOUR ACT AND NOT LETTING PEOPLE GO TO WORK" [caution] reply: no reply. I then stated "YOUR ARREST IS NESSACARY IN ORDER TO PREVENT AND OBSTRUCTION OF THE HIGHWAY, WOULD YOU BE WILLING TO PROVIDE YOUR NAME AND DETAILS?" the female refused and I stated "A FURTHER NECESSITY IS TO ASCERTAIN YOUR NAME AND DETAILS".

The female then stood up and went to the nearby parker marked police car. My colleague PC PATTERSON then performed a search of the female under section 32 PACE 1984. And she was conveyed to Nuneaton Custody.

All the above individuals were conveyed to Nuneaton custody, and their detention was authorised by PS POWELL. None of the above nominals provided there name and details to myself or any other officers they spoke to.

I exhibit the body worn of the whole incident as JMD/01 (A-B).

Signature:  Error: Bookmark not defined.

Signature witnessed by:

2017

Patterson, Lily 2250/04/22

**RESTRICTED (when complete)****WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 2164 STALLARD

Age if under 18: Over 18

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 05/04/2022

I am Police Constable 2164 STALLARD for Warwickshire Police, I am based at Bedworth Police station working for the Harm Hub.

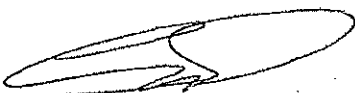
I make this statement in relation to the subsequent arrest of Jane THEWLIS 02/05/1962 and Holly ROTHWELL 09/03/1985

On TUESDAY 5<sup>TH</sup> APRIL 2022 I was crewed with PC 2035 JONES and PC 1369 SMITH. This in relation to protests happening in KINGSBURY TAMWORTH. I was there to ascertain and deter any criminality and help with a policing presence in the area.

At approximately 10:00 hours I arrived on KINGSBURY ROAD TAMWORTH where some of the protests were happening. From what I could see at the time, THEWLIS and ROTHWELL were sitting on top of a fuel/oil tanker vehicle VRM MV70VNW. Due to this, the vehicle remained stationary causing an obstruction to the road. THEWLIS and ROTHWELL were holding a sign of "SAVE THE OIL". I lead to the opinion that these were involved in the protest. Supervision had then arrived on scene to ascertain any steps going forward to prevent and escalate the situation from getting any worse.

From here I spoke to SGT 1170 WALLINGTON on the next steps going forward. SGT WALLINGTON had agreed for me to speak with THEWLIS and ROTHWELL to try and resolve and prevent any further criminality to get them both to come down from the tanker. SGT WALLINGTON also stated to me that THEWLIS and ROTHWELL had stopped the tanker vehicle and climbed on top of it causing x2 cable pipes connected to fall off. Due to this I spoke to both THEWLIS and ROTHWELL to ask them if they were willing to leave the area on their own will. They refused and remained on top of the tanker. I further asked if there was anything I could reasonably do to for them to liaise and cooperate with me, they still both refused. I then warned them that they were committing additional offences which could lead to them being arrested. They understood this however remained on top of the tanker.

Signature:



Signature witnessed by:

**RESTRICTED (when complete)**

Page 2 of 2

Statement of: PC 2164 STALLARD

URN: 

Arrangements were then made for other officers to conduct an initial dynamic risk assessment to get THEWLIS and ROTHWELL down from the tanker safely. Officers situated a ladder with a harness connected to the tanker to prevent any injury to help with the release of them. Whilst they still remained on top of the tanker, officers lead them to eventually come down.

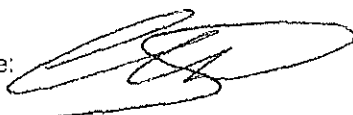
At 13:17 hours I arrested both females for Section 241 Trades Union Act, Vehicle Interference, and suspicion of criminal damage to the tanker. I relayed the Police CAUTION and necessity to prevent further obstruction of the highway and to ascertain name and address.

Both females were escorted to NUNEATON CUSTODY where their detention was authorised. I had no further dealings with them at this point.

My Body Worn video was activated during the time, I exhibit this as CS/01.

I further took X3 pictures of the tanker with the pipes being misplaced when climbed on top.

I further exhibit these as CS/02 booklet.

Signature: 

Signature witnessed by:

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 2346 BLAND

Age if under 18: Over 18

Occupation: PC

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 10/04/2022

I am PC 2346 BLAND of Warwickshire Police and work out of BEDWORTH POLICE STATION.

On 10<sup>th</sup> April 2022 I was deployed to Kingsbury Oil Terminal to work on Op HYRAX at 07:00.


During the day I was based on Piccadilly Way, Kingsbury, standing outside a caravan which had 3 protestors on top of it and 2 protestors underneath the caravan who had attempted to tunnel underneath the road. One male on top of the caravan told me that his name was Shaun and said he was 25 years of age, however he refused to give me any more details about who he was. I would describe this male as a white male, slim build, with ginger hair and a beard who wore glasses. I cannot say how tall he was due to him being at a height and sitting on top of the caravan for most of the time, however I would not say that he was over 6ft tall. He was wearing an orange high vis vest with a navy waterproof hoodie underneath with a front pocket which looked to be like a built-in bum bag.

The other 2 protestors on top of the caravan failed to engage with me throughout the whole day. One of these was a white male, slim build, with brown curly mid length hair. He was wearing a blue waterproof coat, with navy trousers and green wellies. I would say that this male was approximately 6ft tall and looked to be in his early 30's.

The other protestor that was on top of the caravan was a white female with long brown hair. She wore a dark woolie beanie hat and was wrapped in a light grey blanket for the majority of the day. I would say that this female was approximately 5ft8 in height and also looked to be in her 30's.

Looking at the caravan from the outside, I would describe it as a cream caravan with a green trimming around it. All of the windows had been blocked up with what appeared to be wooden panels. On the outside of the caravan there was writing on the side saying "JUST STOP OIL" in orange writing, and at the back of the caravan there was an orange banner attached from the top also saying "JUST STOP OIL". When going inside of the caravan, it looked to be completely ripped apart, and could see that all of the insides of the caravan had been ripped out and thrown outside on to the grass verge and down the bank.

Signature: 

Signature witnessed by: 

Bland, Jodie 2346

**RESTRICTED (when complete)**

Page 2 of 2

Statement of: PC 2346 BLAND

URN:

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From what I could see, the hole that had been made by the 2 males that were inside of it was around 1 meter in width, 1 meter deep and approximately 1 meter under the pavement/road. I spoke to both of the males who were in the hole who both told me their first names and ages. One male told me that his name was Paul and said that he was 59 years old. I would describe this male as a white male, with brown/grey curly hair with a beard and he wore a helmet when inside of the hole.

The other male told me that he was a 71-year-old retired priest and that his name was Tim. During the day Tim asked me to go into his bag which was labelled TIM, to get his medication out for Angina, after speaking with the inspector on duty, I got this medication out of his grey backpack which is when I saw that it was labelled 'Tim HEWES'. My body worn camera was activated when giving him this medication and the time was noted in my pocket note book. I would describe Tim as an elderly male, who wore a dark cap when inside the hole. I would say that Tim was approximately 5ft 10 and wore knitted looking jumper and waterproof trousers. When Tim came out of the hole at his own accord, he said "LETS DO THIS PROPERLY" and put his priests collar on. When speaking with Tim throughout the day he explained that he had to dig under the road to stop the tankers coming through so that he could save his grandchildren as they would have no life in 10 years if this was to continue. After realising that the males had not actually dug much further than the pavement, the road was reopened to the tankers which Tim appeared to be angry about and said "I AM FUCKING FUMING, I HAVE TO START DIGGING AGAIN" which is when he used a small screw to start picking away at the soil. Tim got upset and appeared to cry when I told him that he had not dug much further from the pavement and that the tankers would be allowed to continue down the road. Shortly after, at approximately 18:30 a crew who I believe to be the tactical support team came to speak to Tim, which is when he decided to come out of the hole.

Whilst on the scene I took some photos and a video which I exhibit as JB/06 who is a male who I now know to be Tim Hewes in hole in the ground, JB/07 2X photographs of 3 protestors on top of caravan. I also exhibit the video I took as JB/08 of the caravan and surroundings.

When leaving the scene after the final protestor was arrested, I seized 1 hand lock on tube which I exhibit JB/04 and 2 roles of duck-tape which I exhibit as JB/05.

After this, I had no further dealings with the protestors.

I exhibit my Body Worn Video as JB/09 and this was activated at various times throughout the day.



Signature: J. Bland

Signature witnessed by: N/A

2017

Bland, Jodie 2346/04/22



**RESTRICTED (when complete)**

Page 1 of 2

**WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)


URN: 

Statement of: Oliver Pike

Age if under 18: Over 18

Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 03/04/2022

I am Police Constable 21776 Oliver Pike of West Mercia Police, currently based at Malvern Police Station.

On the 2<sup>nd</sup> April 2020 I was on duty and in full police uniform answering to the call sign YK1. I was deployed as part of Operation HYRAX for Mutual Aid to Warwickshire Police regarding the protestors at the Oil Refinery in KINGSBURY.

As part of my role I was stationed at PICADILLY WAY, KINGSBURY monitoring some protestors from the Stop the Oil Group. Whilst during my role an unknown female was sat in front of an Oil Tanker, VRM FX17 KUB that was stationary on PICADILLY WAY. As there was other protestors on top of this tanker it could not move. However a second tanker had arrived and was wishing to pass the first tanker but this female would not move out of the public highway to allow this tanker to pass.

I explained that if she did not move she would be arrested. This female was arrested for obstructing a Public Highway at 22:50 hours as this female was stopping a tanker from moving on a Public road. I then cautioned the female and she gave no reply, I gave the Code G necessity for her arrest as protecting a person from harm and ascertaining this females details as she refused to provide me with her name and date of birth and stated that she would tell the custody sergeant and not myself.

I then handed this female over to a Warwickshire Police Officer who transported her to custody where her detention was authorised.

I would describe this female as white, approximately 45-50 years old, 5ft8 wearing outdoor clothing and distinctly she had broken her shoulder and was wearing a cast.

I can exhibit my Body Worn Video as OP/02, I had no further dealing with this female.

Signature: 

Signature witnessed by:

Date/Time Started: 03/04/2022 01:36:09

Date/Time Finished: 03/04/2022 01:50:51

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**RESTRICTED (when complete)**

Statement of: Oliver Pike

URN:

Signature:

Signature witnessed by:

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

URN:

Statement of: PC 2204 DICKEN

Age if under 18: 0'18

Occupation: Police officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date:

This statement is made in relation to the arrest of a protester at TRINITY RD, KINGSBURY on FRIDAY 1<sup>st</sup> APRIL 2022 at 07:05hrs on suspicion of vehicle interference.

On FRIDAY the 1<sup>st</sup> APRIL 2022 I have been on uniformed mobile patrol in a marked police vehicle, Call sign PA513.

On Friday the 1<sup>st</sup> April 2022, I have attended the road closure at TRINITY RD , with the junction of EDGE HILL due to there being a number of protesters that have been sat in the road causing a obstruction. The protesters have been engaging with officers while I have remined on the closure.

A Articulated fuel tanker with a registration of NK64 VFC has stopped on the main road as it has been heading back towards the fuel depot. AS the lorry has been stopped stationary on the highway a number of protesters have boarded the tanker. More protesters have left the road blockage further down the road and have then gathered to the front and rear of the tanker.

Protesters have then distributed themselves on the cab of the lorry and along the walkway on the top. There have been other protesters that have been milling around the sides of the lorry by the wheels and by the valve on the tyres and another's that have been attempting to unplug the air lines that are situated behind the cab.

Words of advice has been offered to all the persons involved in relation to the safety of this practice and the safety of the other protesters that have been sat in front of the vehicle. This appears to have stopped them and they have moved away from the lorry.

When I have looked again there has been one of the females that has been tampering with the valves on the lorry's tyres has been back and you could hear air being let out of the tyres valve again. Once again the female has been warned in relation to her behaviour and asked to move away from the vehicle.

The scene has been dynamic and with lots of people milling around it has been hard to keep tabs on all the people that have been moving around.

I have next become aware of the female again crouched by the rear wheels of the lorry and pressing the valve, air could be heard escaping from the valve. The female has been taken hold of and asked to move away from the wheel. She has had a small plastic bag in her hand that has contained a quantity of small round seeds.

At 07:04 the female has been arrested on suspicion of vehicle interference and "CAUTIONED". And given the necessity has been to prevent further damage to property. The females back pack has been removed and she has been placed in the rear of a marked police vehicle. She has provide her details as Carmen LEAN.

The female has been transported to Leamington custody by PC 2288 GREENWAY and booked in and I have had no further contact with the female,

Signature: 

Signature witnessed by:

**RESTRICTED (when complete)**

Statement of: Pc 2204 DICKEN

URN:

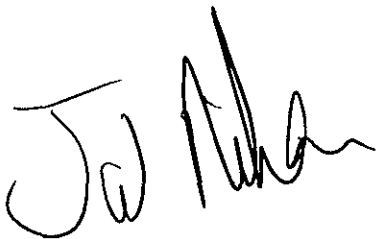
I would describe the female as a white female approximately 25 years old. The female has been wearing a overcoat and water proof trousers and a hat.

The following items have been exhibited in relation to this investigation.

JWD/01 – BVW of attendance at the scene and the arrest of the suspect.

JWD/02 – Image of the seeds the suspect has had in her hand at the time of arrest taken in custody.

Signature:



Signature witnessed by:

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)


URN:

Statement of: Scot RAMSELL

Age if under 18:

Occupation: Police Sergeant 1087

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 9-4-22

I am Police Sergeant 1087 RAMSELL of Warwickshire Police and I am currently based at BEDWORTH POLICE STATION.

At 0700 hours on Saturday 9<sup>th</sup> April 2022 I was on duty covering the KINGSBURY OIL TERMINAL site as part of a large scale operation as part of the Just Stop Oil campaign, which began on Friday 1<sup>st</sup> April 2022.


I was there as a Public Order Public Safety Adviser for Insp 947 WEBB.

At 15:50 hours on the same date I was travelling in a marked police vehicle with INSP WEBB in the direction of PICADILLY along TRINITY ROAD to reports of a male, possibly on an overbridge, which was at the junction of PIT HILL.

Upon arriving at the junction of PIT HILL [which is locally named 'PICADILLY'] and TRINITY ROAD I could see that there was a white male on the wrong side of the overbridge. I stopped my police vehicle and walked up the embankment to the disused railway bridge over TRINITY ROAD and I passed a bag of climbing equipment and as I got closer to the male I could see he was on the wrong side of the bridge.

At this point vehicles had started to slow down and stop as they could see a male was on the wrong side of the bridge.

I approached the male, who I now know to be David BALDWIN date of birth 09/09/1975 of 5 Greenfield Road, Stonesfield, Witney, Oxfordshire, OX29 8EQ. BALDWIN said to be "I AM NOW GOING TO ABSEIL DOWN OFF THIS BRIDGE" to which I immediately grabbed BALDWIN and I was joined by INSP WEBB who also grabbed the male and we brought him to the correct side of the bridge and at 16:00 hours I said to him "I AM ARRESTING YOU FOR WILFUL OBSTRUCTION OF THE HIGHWAY" to which he made no reply. BALDWIN was fully compliant throughout the arrest process and was conveyed to custody by PC 0050 RAMSAY and 1156 BULL, his detention was authorised by PS 1967 GRIFFTHS.

Signature: 

Signature witnessed by:

**RESTRICTED (when complete)**

Statement of: Scot RAMSELL


URN:

As a result of the incident I have seized the following items from BALDWIN

- 1. CLIMBING EQUIPMENT, which I refer to as Police Item SR/1

These items have been subsequently been booked into the Warwickshire Police Property System under the reference N2/009310/22.



Signature: 

Signature witnessed by:

IN THE HIGH COURT OF JUSTICE

Claim No:

QUEEN'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

BETWEEN:

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

AND

- (1) MR DAVID BALDWIN
- (2) MR THOMAS BARBER
- (3) MS MICHELLE CADET-ROSE
- (4) MR TIM HEWES
- (5) MR JOHN HOWLETT
- (6) MR JOHN JORDAN
- (7) MS CARMEN LEAN
- (8) MS ALISON LEE
- (9) MS AMY PRITCHARD
- (10) MR STEPHEN PRITCHARD
- (11) MR PAUL RAITHBY
- (12) MS HOLLY ROTHWELL
- (13) MS ELIZABETH SMAIL
- (14) MR JOHN SMITH
- (15) MR BEN TAYLOR
- (16) MS JANE THEWLIS



(17) MR ANTHONY WHITEHOUSE

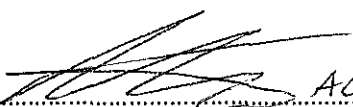
(18) MR ANDREW WORSLEY

(19) PERSONS UNKNOWN PRESENT ON PUBLIC OR PRIVATE LAND IN THE LOCALITY OF THE LAND KNOWN AS KINGSBURY OIL TERMINAL, TRINITY ROAD, OR PICCADILLY WAY, TAMWORTH, IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

(20) PERSONS UNKNOWN CAUSING BLOCKADES, OBSTRUCTIONS OF TRAFFIC, INTERFERENCES WITH THE PASSAGE OF LAWFUL VISITORS TO KINGSBURY OIL TERMINAL AND OTHER ROAD USERS ALONG ROADS IN THE LOCALITY OF KINGSBURY OIL TERMINAL (INCLUDING BUT NOT LIMITED TO TRINITY ROAD AND PICCADILLY WAY, TAMWORTH), OR DAMAGE TO LAND (INCLUDING ROADS), BUILDINGS OR STRUCTURES IN THE LOCALITY OF KINGSBURY OIL TERMINAL IN CONNECTION WITH ENVIRONMENTAL PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS

Defendants

This is the exhibit BDS2 referred to in the Witness Statement of ACC Benjamin Smith

Signed .....  ACC 1618 .....

Dated ..... 14/04/22 .....

Exhibit number: BDS2

Exhibiting officer: ACC 1618 Benjamin Smith

Date: 14/04/2022

Signature:  ACC 1618

Description: A number of video clips illustrating unlawful activity by Just Stop Oil protestors.

<https://youtu.be/1sSHK0GwsOk>

Just Stop Oil – No More Oil and Gas

**IN THE HIGH COURT OF JUSTICE**

**Claim No:**

**QUEEN'S BENCH DIVISION**

**IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972**

**B E T W E E N:**

**(1) NORTH WARWICKSHIRE BOROUGH COUNCIL**

Claimant

-and-

**(1)  
(2) PERSONS UNKNOWN**

Defendants

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**WITNESS STATEMENT OF JEFF MORRIS**

---

I, JEFF MORRIS, of Shire Hall, Market Place, Warwick, CV34 4RL WILL SAY as follows:

- 1) I am employed as a Delivery Lead for Warwickshire County Council's Client Services, County Highways Service (County Highways). The facts detailed below are either within my own personal knowledge or have been ascertained from Warwickshire County Council's files and I am duly authorised to make this statement on the behalf of Warwickshire County Council.
  
- 2) I make this statement in support of the Claimant's application under Section 222 of the Local Government Act 1972 for an Injunction prohibiting the Defendants to prevent protestors from organising or participating in protests within close

proximity to Kingsbury Terminal, Piccadilly Way, Kingsbury, Tamworth (the terminal), and prevent them participating in protests that cause a nuisance, risk, loss or harm to others within the locality of the terminal.

- 3) As part of my employment responsibilities, I act as Client Manager in respect of all land that is Highway maintainable at public expense within the County of Warwickshire (Highway land). Part of Warwickshire County Council's duties, as a Highways Authority is to ensure that Highway land is maintained in a fit state for public use and kept free from obstruction.
- 4) On 9 April 2022 at 18.55 hours, County Highways received a telephone call from Warwickshire Police in respect of protest activity being carried out in and around the vicinity of the terminal. Warwickshire Police were seeking the assistance of Warwickshire County Council in arranging for the closure of Piccadilly Way (which is Highway land) due to reports of protestors digging a hole in a grass verge.
- 5) At 22.00 hours County Highways received a further telephone call from Warwickshire Police requesting that an Officer from the Service attend land at Piccadilly Way (the land). Police reported that the land had been damaged by the digging of a hole and a request was made that a safety/subsidence inspection was conducted. Roy Crowley, a County Highways Engineer, attended the land that same evening and observed a container situated on the verge of the land covered by a caravan body which appeared to have had its wheels removed. At that point it appeared that Police Officers were attempting to gain access to the caravan and as it was still in situ, Mr Crowley was unable to inspect the reported damage to the land.
- 6) As a result of this incident, County Highways arranged for an emergency closure of the land spanning from a roundabout located to the west of the land (Coventry Road Roundabout, Kingsbury) to a junction on to Trinity Road, Kingsbury, to the north of the land.

- 7) On 10 April 2022 at 11:40 hours, County Highways received a further telephone call from Warwickshire Police. On that occasion, Warwickshire Police advised that they had gained access to the caravan/container situated on the land and that protestors were in situ in the hole that had been dug in the land. Warwickshire Police asked that County Highways inspect the land for damage once the hole had been vacated. However, an inspection could not ensue as the caravan remained in situ on the land with persons unknown being in occupation of the roof and glued to the caravan.
- 8) That evening at 19:20 hours County Highways received notification from Warwickshire Police that the caravan situated on the land had been removed. Arrangements were made for a manual operative (Rob King) from Balfour Beatty, Warwickshire County Council's contractor for Highway maintenance, to conduct a visit to the land. Mr King was able to carry out a visual inspection of damage to the Highway. Photographs were taken of the damage to the land which I hereby refer to as Exhibit JM/1. It was noted that a hole had been dug in the land with approximate dimensions of 700mm x 700mm square with a depth of 1.2 metres. Instructions were provided to Balfour Beatty to fill the hole and to remedy the damage caused to the land.
- 9) At 22:15 hours that evening County Highways received confirmation that the hole had been filled and the land was rendered safe for reopening. However, the damage has led to the land being undermined and on a permanent basis the hole will need to be re-excavated as the kerb base will need supporting with concrete.
- 10) The total anticipated costs to the taxpayer as a result of this incident are anticipated to be in the region of £3189.95. Those costs account for the attendance at the land by a County Highways Officer out of hours, attendance at the land by Balfour Beatty, the costs involved in arranging for the land to be closed on an emergency basis and for works to remedy the damage caused to Highway land both temporarily and permanently.
- 11) Any damage to Highway land is dangerous to members of the public for obvious reasons. However, Warwickshire County Council has concerns about damage of

this nature being caused in the close vicinity of an oil terminal. This is particularly so because if land is being excavated there is a very real danger that utilities mains could be struck which could lead to a major fire or explosion.

**STATEMENT OF TRUTH**

**I believe that the facts 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.**

A handwritten signature in black ink, appearing to be 'J. J. M. O'Sullivan', written over a dotted line. The signature is stylized and somewhat illegible.

Signed .....

Dated: 12 April 2022

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**



10 Apr 2022 20:59  
52.56093, -1.67346





10 Apr 2022 22:16  
52.56097, -1.67341



10 Apr 2022 22:16  
52.56091, -1.67351

**Stephen Ian Brown**  
**First Witness Statement**  
**Party: First Claimant**  
**Exhibit: SIB1**  
**Date: 13th April 2022**

**IN THE HIGH COURT OF JUSTICE**  
**BETWEEN**

**Claim No.**

**SHELL U.K. LIMITED**

**First Claimant**

**ESSAR MIDLANDS LIMITED**

**Second Claimant**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE  
CLAIMANTS' SITES KNOWN AS SHELL HAVEN OIL  
REFINERY, THE MANORWAY, STANFORD-LE-HOPE SS17  
9LD ("SHELL HAVEN") AND/OR KINGSBURY TERMINAL,  
PICCADILLY WAY, KINGSBURY, TAMWORTH B78 2HA  
("KINGSBURY TERMINAL") WITHOUT THE CONSENT OF  
THE CLAIMANTS, OR BLOCKING THE ENTRANCES TO  
THOSE SITES, IN CONNECTION WITH THE  
ENVIRONMENTAL PROTEST CAMPAIGNS OF JUST STOP  
OIL AND/OR EXTINCTION REBELLION AND/OR YOUTH  
CLIMATE SWARM**

**Defendants**

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**FIRST WITNESS STATEMENT OF  
STEPHEN IAN BROWN**

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I, **STEPHEN IAN BROWN** of Shell Centre, York Road, London SE1 7NA will say as follows:

- 1.1 I am a Distribution Operations Manager employed by Shell International Petroleum Company Limited which is within the same group of companies as the First Claimant.
- 1.2 I make this statement from facts that are within my own knowledge and belief, except where otherwise stated. Where facts are not within my own knowledge or belief, I have stated the source of my knowledge and confirm they are true to the best of my knowledge and belief.
- 1.3 I attach to this witness statement a paginated bundle of true copy documents ("**Exhibit SIB1**") to which I refer in this witness statement. References in this statement to page numbers are to page numbers in SIB1.

1.4 CMS Cameron McKenna Nabarro Olswang (“CMS”) are instructed by the First Claimant in respect of this matter. The First Claimant is authorised by the Second Claimant to pursue these proceedings and instruct CMS in that regard.

1.5 Nothing in this witness statement is intended to waive privilege in relation to any advice or communications between CMS and the First Claimant.

## **2. PURPOSE OF THE STATEMENT**

2.1 The purpose of my statement is to comment on the following issues in support of the Claimants’ claim for an injunction:

2.1.1 Kingsbury Terminal and Shell Haven (together, the “Sites”);

2.1.2 Health and Safety considerations;

2.1.3 Security measures implemented by the First Claimant;

2.1.4 The activities of Extinction Rebellion, Just Stop Oil and Youth Climate Swarm;

2.1.5 Protestor action and safety concerns;

2.1.6 Planned action and preventative steps taken by the First Claimant; and

2.1.7 The urgent nature of the application.

2.2 The injunction is being sought against individuals associated with the campaign groups known as Just Stop Oil, Extinction Rebellion and Youth Climate Swarm.

## **3. PERSONAL BACKGROUND**

3.1 As I mentioned, I am employed as a Distribution Operations Manager by Shell International Petroleum Company Limited. I have held my current role for approximately eighteen months, prior to which I worked on a variety of downstream operations, engineering and safety roles across a thirty-year career.

3.2 I am the Distributions Operations Manager for the “North Sea Cluster” which is the UK, France, Netherlands, Belgium and Luxembourg. My current role primarily involves the management of storage and transportation of the First Claimant’s products from various supply points and refineries to customers in a safe and efficient manner. I am in charge of approximately 150 people, spread from the UK all the way to Manila.

## **4. THE SITES**

The Sites are two critical terminals and there are various transport operations linked to each one. The First Claimant picks up products and distributes them between over thirty other terminals therefore any action taken by protesters in relation to any of these terminals has knock on effects and negatively impacts the Sites, causing disruption to operations, supply and scheduling.

### ***Kingsbury Terminal***

- 4.1 The Kingsbury Terminal serves the First Claimant's retail network in the middle of the United Kingdom. The Terminal is operated and run by the First Claimant on a day-to-day basis however there is a Joint Venture Agreement with the Second Claimant who is the legal owner of 45.35% of the Kingsbury Terminal. The Second Claimant employs a Joint Venture Operations Manager who sits on the management committee and has general oversight over Kingsbury Terminal however the terminal is wholly operated by the First Claimant which has delegated authority from the Second Claimant to do so.
- 4.2 The Kingsbury Terminal is located in Warwickshire and is situated in close proximity to a further three neighbouring terminals referred to as the "Kingsbury Complex". The other three terminals belong to United Kingdom Oil Pipelines Ltd, Warwickshire Oil Storage Ltd ("WOSL") and Valero Energy Ltd ("Valero"). The companies have jointly formed the Kingsbury Common User Group which enables the management of specific shared assets such as fire-fighting systems and allows the asset operators to discuss and address shared local issues.
- 4.3 Within its vicinity, the Kingsbury Terminal contains an office building, control room and a large car park. There are approximately 9 people on site employed by the First Claimant and roughly the same number of contractors.
- 4.4 Hoyer Transport Group, which is the main transporter used by the First Claimant, has an office on site and a further office immediately to the South of the Terminal outside the Terminal perimeter and also parks trucks onsite (as do other companies). Potteries Fuels and Watson Oils also occupy offices and park vehicles onsite.
- 4.5 The terminal is multi-fuel, storing and distributing petrol and diesel both standard and V-power, heating oils and jet fuel. It is therefore a critically important supply point for the Midlands and supplies major airports in the region, such as Birmingham International and East Midlands airports.
- 4.6 Kingsbury is almost exclusively pipeline fed so most of the product is derived from the United Kingdom Oil Pipeline system which is operated by the British Pipeline Agency. The product originates from a refinery at Stanlow in the North-West or Shell Haven Terminal in the South-East and is transported via the pipeline to various terminals, among which is Kingsbury Terminal. Although product is supplied through the pipeline (except for additives or biofuels which are imported via truck), the product is distributed from Kingsbury Terminal using road tankers.
- 4.7 There are fourteen main storage tanks at Kingsbury Terminal, of which twelve are employed for the storage of bulk hydrocarbon finished products such as diesel, petrol and aviation fuel which is supplied via the United Kingdom Oil Pipeline System manifold to the dedicated import lines entering site underground at the north-west end of the terminal. The remaining two main storage tanks are employed for the storage of ethanol and are supplied via road tanker.

- 4.8 There are three main entry points to the site. The first entry point (“Gate One”) is for access to the terminal and is predominantly utilised by road tankers accessing site for the collection of fuel by both the First Claimant and third party companies. Approximately 45% of the volume of product supplied to Kingsbury Terminal is used by the First Claimant, and Gate One is under the operational control of the First Claimant.
- 4.9 The second entry point (“Gate Two”) is for access to the Kingsbury Terminal Car Park for Kingsbury Terminal, Contractor and Haulier staff and is under the operational control of the First Claimant, albeit the land is owned by the Second Claimant.
- 4.10 The third entry point (“Gate Three”) provides access to the north compound which is owned by the Second Claimant and from which access can be gained to the Kingsbury Terminal. Gate Three is locked and barred in normal operation.
- 4.11 All of Gates One, Two and Three are accessible from the A4097 (Piccadilly Way). To the south of the Kingsbury Terminal is a transport building owned solely by the First Claimant and occupied by Hoyer Transport Group. Access to the front of this building and car park is open. There is a route to enter the Kingsbury Terminal at this point which is protected by a locked barrier and two further sets of locked gates. The purpose of this route is to provide alternative access for emergency services. It is therefore vital that this is kept clear at all times.

### ***Shell Haven***

- 4.12 The Shell Haven terminal is located in Essex and is a large import terminal. It is unique in that its only purpose is the import and distribution of aviation fuel. A significant proportion of the United Kingdom’s aviation fuel is imported into Shell Haven where it is stored pending distribution. There are multiple airports serviced by Shell Haven via direct pipelines, such as Heathrow and Gatwick and Stansted. The aviation fuel is otherwise distributed by road and by pipeline, with the main United Kingdom Oil pipeline running to Stanlow Refinery in the North-West. The Kingsbury site is also supplied via this pipeline.
- 4.13 In terms of the composition, from an operational perspective, there is a large jetty on the Thames Estuary, three marine loading arms, twenty-one large fuel storage tanks and three road loading bays on site.
- 4.14 The road loading gantries are used by road tankers to pick up fuel which they then deliver to the First Claimant’s customers.
- 4.15 The terminal jetty consists of three marine loading arms for import and export of aviation fuel. It is located approximately one kilometre from the main terminal site and is accessed via the DP World Container Port. Marine imports typically occur once a week.
- 4.16 On site, there is also a main control building, ancillary equipment, a car park and loading gantries. The control building is located on the edge of the Shell Haven site and incorporates a security



centre, control room and offices. There are approximately thirty employees at Shell Haven and the site is operated 24/7, with security around the clock. Most people on site there are the First Claimant's employees however some are contractors such as G4S security personnel.

## **5. HEALTH AND SAFETY CONSIDERATIONS**

5.1 The Sites are used for the storage and supply of fuel which is a highly flammable and hazardous substance. As a result, there are strict security measures adopted by the First Claimant, its employees and contractors (detailed below) to ensure that risk of harm is kept to an absolute minimum.

5.2 The First Claimant considers health and safety to be paramount and its operations are carefully and tightly managed, with strict health and safety protocols enforced at all the First Claimant's sites. All employees and contractors undergo training to ensure that they are aware of the risks of working with hazardous substances and do not do anything which may put them or the wider public in danger. It is therefore crucial that untrained individuals do not attempt to access the perimeters of the Sites or interfere with the tankers and/or vessels transporting fuel as this could cause a major health and safety incident.

## **6. SECURITY MEASURES AT THE SITES**

### ***Kingsbury Terminal***

6.1 The site is surrounded by single fencing. Along approximately 50% of the east perimeter adjacent to the A4097 (Piccadilly Way) and surrounding the car park is six-foot-high palisade fencing. The remaining fencing surrounding the terminal is chain linked and is also approximately six foot high. Access could theoretically be gained using wire cutters, power tools and/or climbing equipment.

6.2 Pedestrian access to Kingsbury Terminal is gained through turn-style gates and there is a locked hinged gate on the route in and out for tankers. In order to gain access, all visitors/employees must have designated passes which allow for automated access. Approximately two hundred lorries enter Kingsbury Terminal on a daily basis and these are only allowed access if they are registered on the First Claimant's internal system and have gone through the driver and vehicle accreditation system. The purpose of this is to minimise any health and safety risks as the products on site are flammable and it is important that only authorised personnel, trained in dealing with such products, is able to gain access.

6.3 Further to this there is a security presence on site 24/7 three hundred and sixty-five days per year. There is high-definition CCTV covering the entire perimeter and site and recently, due to the protests, security presence on site has been doubled, with two guards on dayshift and two guards on night shift.

### ***Shell Haven***



- 6.4 The Shell Haven site has a large footprint. A security team is employed on a 24/7 basis and designated security passes are required at various points on site to allow automated access and ensure that no onward access is gained without authority.
- 6.5 The site is surrounded by palisade fencing and gates, approximately two metres high. The perimeter also undergoes regular security checks.
- 6.6 There are seven different entry points all of which are either locked and barred or are controlled via secure card access. There are two gates for access by tankers, a main access route to the car park and office and two further exit points. The security team monitor all access points from the security control centre through over fifty high-definition cameras to ensure there are no unauthorised persons within the site boundary.
- 6.7 As the jetty is removed from the main footprint of the site, it is vulnerable. As a result, even at times when vessels are not being unloaded, there is a security presence, high-definition CCTV, secure card access gates, turn-style and palisade fencing.
- 6.8 The storage tanks are flammable so there are various safety systems designed around them to ensure there is no health and safety risk, such as high-level alarms, fixed firefighting systems and hydrocarbon detection. Everything on site is EX Certified, which means that it is designed in a way which ensures that it cannot create a spark. This is an important control as any explosion requires an ignition point and the safety measures put in place minimise the likelihood of ignition.

## **7. EXTINCTION REBELLION, JUST STOP OIL AND YOUTH CLIMATE SWARM**

### *Extinction Rebellion (“XR”)*

- 7.1 XR is a campaign group formed in October 2018 which seeks to affect government policy on climate change through civil disobedience.
- 7.2 In early 2022, XR published a copy of its 2022 Strategy Document on its website. A copy of the Strategy Document is enclosed at **pages 1 - 47 of Exhibit SIB1**. The following paragraphs are of particular relevance: -
- 7.2.1 Paragraph 1.5 stresses the need for a mass movement and asks members of the public to show their commitment to ending the fossil economy by taking disruptive action and risking arrest at the April Rebellion. The April Rebellion is referred to elsewhere on the website where XR makes clear that it has joined forces with other movements to block oil facilities around the UK until the government agrees to its immediate demand: stop all new fossil fuel investments immediately.
- 7.2.2 Paragraph 3.5 refers to XR challenging the courts and the legal system. It provides legal guidance and assures rebels that they will be given the support and information they need in the event that they face prosecution. XR promises to create a team to provide

rebels with action design, messaging, practical and prison support in relation to actions which are in contempt of court.

7.3 On 1 April 2022, XR published a press release on its website (enclosed at **pages 48 – 58 of Exhibit SIB1**) confirming that in the early hours of the morning it had blocked 10 major oil facilities across the UK (which included a facility adjoining Kingsbury Terminal) together with groups within the Just Stop Oil Coalition. It was confirmed therein that XR would continue to block the sites until the UK Government agreed to end all new fossil fuel investments immediately. I understand this to mean well beyond April 2022.

7.4 On 8 April 2022, XR published a further press release on its website (enclosed at **pages 59 - 66 of Exhibit SIB1**) providing more details on the action taken on 1 April 2022, including the use of boats and oil drums to block access to the terminals as well as sitting in roads, climbing on oil tankers and digging tunnels.

7.5 On 12 April 2022, a press release, enclosed at **pages 67 - 70 of Exhibit SIB1**, confirmed that XR was supporting Just Stop Oil's ongoing action causing disruption at oil facilities and stated that *"disruption is the only power ordinary people have left to change things, to break the law to stop a greater crime"*. XR set out its plan which was to continue to cause disruption until the government agrees to end all new fossil fuel investments immediately.

#### ***Just Stop Oil ("JSO")***

7.6 JSO was formed in early 2022 and is a coalition of groups, including, inter alia, Youth Climate Swarm, seeking to end all future licensing and consents for exploration, development and production of fossil fuels in the United Kingdom.

7.7 On 7 April 2022 JSO published a press release on its website (enclosed at **pages 71 - 75 of Exhibit SIB1**) stating that, for the seventh day in a row, supporters of the campaign had disrupted critical oil facilities. Protesters had climbed on top of tankers, locked themselves to pipework and established a roadblock halting tanker routes. It was expected that the action would continue to adversely impact fuel availability at petrol pumps in the United Kingdom.

7.8 On 12 April 2022, JSO published a further press release on its website (enclosed at **pages 76 - 78 of Exhibit SIB1**) in which it stated: *"we find ourselves, as others have through history, having to do what is unpopular, to break the law to prevent a much greater harm taking place"*. It further states that *"while Just Stop Oil supporters have their liberty the disruption will continue"*.

#### ***Youth Climate Swarm ("YCS")***

7.9 YCS is a nationwide campaign, which began in December 2021 and is affiliated with JSO. It consists of activists under the age of thirty who believe that disruption is necessary to force the government to take action and rapidly transition to a low energy, low carbon world.

7.10 YCS use the tactic of “swarming” or repeatedly blocking roads for short periods to cause disruption, as is highlighted in the article at **pages 79 - 83 of Exhibit SIB1**.

## **8. PROTESTER ACTION AND SAFETY CONCERNS**

8.1 There have been several incidents with protesters, understood to be affiliated with XR, JSO and YCS, in the last two weeks which are referred to below. These have caused serious disruption to the fossil fuel industry and several of the actions taken by the protesters pose a serious health and safety risk both to them and the general public.

### ***Kingsbury Terminal***

8.2 Protester action affecting the First Claimant’s site:

8.2.1 On 1 April 2022, four protesters sat against Kingsbury Terminal’s main entrance gate (Gate One) from 11:00am until 18:00pm, completely blocking the way for tankers to enter and exit the premises. As a result of this, although police attended the scene to assist with removing the protesters, the First Claimant was forced to close the terminal until the protesters dispersed.

8.2.2 On 6 April 2022, four protesters arrived at Kingsbury Terminal, laid down at the main entrance gates (Gate One) and chained themselves to pipes which they had brought with them, effectively locking themselves together. Police attended the scene and attempted to move the protesters however the gate remained partially obstructed. The First Claimant was therefore forced to close the terminal at 23:34pm on 6 April 2022 and was unable to re-open the terminal and resume operations until the protesters were arrested by the police around 11:30am on 7 April 2022.

8.3 Protestor activity in the locality of the First Claimant’s site:

8.3.1 On 1 April 2022, eight activists sat at the end of the road entering WOSL and Valero’s terminals within the Kingsbury Complex and of them attempted to deflate tanker tyres. Nearby, groups of activists blocked Trinity Way and climbed on top of two tankers at the end of Piccadilly Way. According to an article on the BBC News website, over 200 arrests were made since this date for offences including criminal damage. The article can be found at **pages 84 - 88 of Exhibit SIB1**.

8.3.2 On 2 April 2022, four activists climbed atop a tanker while others gathered outside the entrance to WOSL and Valero’s terminals at the Kingsbury Complex. Police was in attendance with a specialist reaction team (which works at height) and eight activists were arrested. The group dispersed by 20:00pm.

8.3.3 On 3 April 2022, the private access road into Kingsbury Complex was blocked again by activists sitting and lying in the road. The WOSL and Valero terminals were forced to shut down from 20:00pm on 3 April until the activists were ultimately arrested at

16:00pm on the following day. According to an article, published by Sky News on its website and enclosed at **pages 89 - 95 of Exhibit SIB1**, police arrested fifty-four people for offences including criminal damage, obstructing the highway and public order.

8.3.4 On 5 April 2022, approximately twenty activists glued themselves to the private access road leading to WOSL and Valero's terminals at the Kingsbury Complex, blocking the oil facilities for a fifth day in a row. An article from the Daily Mail website, enclosed at **pages 96 - 105 of Exhibit SIB1**, states that a roadblock was also established on a tanker route to and from the terminal near Junction 9 on the M42. A total of eight activists are understood to have been arrested.

8.3.5 Just before midnight on 6 April 2022, activists gathered at the WOSL and Valero's terminals at the Kingsbury Complex and by 00:40am on 7 April 2022 thirty-seven activists entered the perimeters of the terminals. The activists climbed over a security fence and cut through an unmanned gate to gain access. Some proceeded to sit on top of tankers parked in the loading bay (after letting down the tyres) while others locked themselves to pipework and parts of the roof. Ten activists were arrested by 7:00am however at least one remained locked at 16:00pm on 7 April 2022.

8.3.6 On 9 April 2022, a JSO caravan, which was heavily re-enforced with corrugated iron and pallets to stop entry, was discovered on Piccadilly Road with approximately twenty protestors in and around it. Police discovered that the protestors had been digging a tunnel under the caravan. Twenty-two arrests were made however two protestors remained in the tunnel and two remained on top of the caravan until the late afternoon on 10 April. As a result, the road remained closed until that time while specialist removal teams attended the scene and the council assessed the structural integrity of the road.

8.3.7 On 11 April 2022, JSO published a press release on its website (enclosed at **pages 106 - 110 of Exhibit SIB1**) confirming that on 10 April protestors had succeeded in forcing two major oil terminals in Warwickshire and the Inter Terminal in Essex to cease operations by swarming in. Twelve people remained locked to pipework and a number of others continued to occupy a tunnel under a major access road to Kingsbury Oil terminal 40 hours after it was excavated. Over 400 people were reported to have joined actions which halted operations for up to 24 hours at a time at 11 oil terminals supplying fuel to petrol stations across the Midlands and South of England.

8.4 I am concerned that in light of the protest tactics that have been deployed in the area, protestors may also try to breach the perimeter at Kingsbury Terminal. This could have serious safety consequences. The Kingsbury Terminal site is multi-fuel which means there are highly flammable products stored there, such as gasoline. This creates an elevated risk as gas creates vapours which

are highly flammable. Acts such as the ones described above therefore place both the activists and the public at risk of serious harm.

- 8.5 As previously mentioned, the First Claimant considers health and safety to be paramount and its operations are carefully and tightly managed. Such protocols and measures are undermined when protestors engage in disruptive action such as that described above, placing them and the wider public (including the First Defendant's employees and contractors) at risk.
- 8.6 There are also hundreds of vehicles entering and exiting the site throughout the day. This means that protester action at this site risks causing a major incident. Ordinarily, due to the risk of fire and explosion, any electrical equipment such as mobile phone, lighters and key fobs are prohibited within the site perimeter. Protesters however have been known to take videos and pictures during the course of their protests and, in light of the highly flammable products on site, this poses a major health and safety risk to the protesters themselves, the First Defendant's staff and contractors and the general public.
- 8.7 Further, as emergency access to the Sites is critical in the event of a fire, major spill or explosion, the protesters' repeated attempts to block the access paths to various sites pose a further major threat.
- 8.8 Kingsbury Terminal has also proven to be a hot spot for protester activity with approximately one hundred and eighty arrests made on and around the site during the last two weeks. Many of the arrests are understood to be repeat arrests and have resulted from action carried out at the other terminals at Kingsbury, not belonging to the First Claimant.

### ***Shell Haven***

- 8.9 Since 1 April 2022, there has been increased activity in the locality of the First Claimant's site. Several instances of protestors taking disruptive action near Shell Haven are referred to below.
- 8.9.1 On 1 April 2022, activists climbed and sat on top of multiple fuel haulage vehicles at the Inter and Navigator Terminals in Grays, near West Thurrock, and remained there until 2 April 2022. On the same day, two activists locked themselves on top of a fuel haulage vehicle at Esso Petroleum's Purfleet Terminal and another two locked themselves to the sides. Others glued themselves to a road nearby. Police attended the scene and made a number of arrests.
- 8.9.2 On 2 April 2022, activists entered three underground tunnels under access roads affecting the Inter and Navigator Terminals in Grays, near West Thurrock and remained there for several days. On 4 April the Essex Fire Brigade began to clear the access to the tunnels and in the evening of 5 April the final two tunnellers dispersed. An article published by Essex Live on their website is enclosed at **pages 111 - 115 of Exhibit SIB1** and details how the protest unfolded.

- 8.9.3 On 3 April 2022, a large group of protesters blocked the main access to Shell Haven terminal, although police attended and ensured that a single lane of the carriageway remained open. Eight protesters boarded two tankers parked outside the perimeter of the terminal and blocked a third tanker in. The police managed to remove them however this took approximately six hours. Since then, the First Claimant's security team has spotted various people scoping and investigating the site and it is understood that they have been attempting to locate the access point to the jetty. As a precaution, the jetty has since been manned by the First Claimant's security on a full-time basis.
- 8.9.4 On 6 April 2022, twenty-five activists used ladders and cushions to climb over security fences to enter the Navigator Terminal in Grays, near West Thurrock. Some activists locked themselves on to equipment at ground level, while others climbed onto pipework above the loading gantries. First arrests were made around 7:00am, however five activists remained locked until 7 April.
- 8.9.5 On 8 April 2022, activists climbed equipment at the Inter Terminal at Grays and blocked tankers from entering and exiting the site for approximately three hours before being removed by the police. On the same day, approximately 70 activists marched in front of tankers driving towards the Navigator Terminal at Grays. Police attempted to disperse the activists and, in retaliation, they sat on the ground blocking the road with some gluing themselves to the ground. Several activists were arrested as a result.
- 8.9.6 On 10 April 2022, around forty protesters swarmed Inter Terminal with some climbing into pipes and locking themselves onto a loading bay. Twelve protestors remained on 11 April and were finally removed by 22:00pm with the terminal re-opening at 01:00am on 12 April.
- 8.10 The critical concern arising in respect of action such as that described above is health and safety because the site is used for the storage and distribution of highly flammable hazardous products. In the event that unauthorised access is gained, there may be a loss of containment, such as a leak, which could lead to a fire or an explosion. Unauthorised access to the jetty creates the additional risk of damage which could lead to significant release of hydrocarbons into the Thames Estuary.
- 8.11 Further, there is the added element of risk to the personal safety of any protesters and the First Claimant's staff and contractors. Protesters have been known to climb onto moving vehicles which poses a danger to them and puts drivers under stress and at risk personally while also putting the vehicles and their contents at risk, creating a major potential hazard. As previously stated, health and safety is paramount to the First Defendant and as such it has tried to address rising concerns regarding threats to health and safety caused by protester action by taking a number of preventative measures which are described below.

- 8.12 While the First Claimant has provided additional training to its staff and transport partners to ensure they are prepared for any protestor action and do not react in a way which could worsen the situation, it cannot safeguard against the inherent danger in protesters running in front of/climbing onto moving vehicles. Team meetings are held regularly to ensure staff are aware of upcoming action by protesters and are prepared to deal with the risks this poses.
- 8.13 Supply security is also a consideration as it will be obvious from previous interruptions caused by civil disobedience that interference with distribution is likely to ultimately impact on the consumer.
- 8.14 Wider protestor activity:
- 8.14.1 Enclosed at **pages 116 - 133 of Exhibit SIB1** are a number of articles in relation to the various actions undertaken by the protesters over the last two weeks.

## **9. PLANNED ACTION AND PREVENTATIVE STEPS TAKEN**

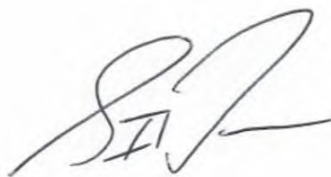
- 9.1 JSO announced they would be running a campaign some time ago with the purpose of disrupting Oil Industry Fuel Distribution Operations. As detailed in paragraph 6 of this statement, JSO and XR's action is intended to continue indefinitely until the government agrees to end all new fossil fuel investments immediately.
- 9.2 As a result of this, the First Claimant has increased security presence at the Sites and has been monitoring the protests very closely over the course of the last two weeks.
- 9.3 At Kingsbury Terminal, security has been increased since the protests began in early April 2022 and there are two security officers manning the entrance to the site 24/7, with additional perimeter fence checks being carried out and CCTV positioned accordingly. The First Claimant has been cooperating with the police and the police has been asked to remove hazardous sources of ignition from the protesters if and/or when terminal boundaries are breached to mitigate the risk of fire or explosion.
- 9.4 At Shell Haven, there have been reports from other suppliers that the jetty has been under surveillance by protesters and the First Claimant's security team has identified people driving past Shell Haven, stopping to film, take pictures and gather information. This has led to proactive police engagement and an increase in security on site.
- 9.5 Notwithstanding the precautions taken by the First Claimant, terminal operators confirmed that some hauliers were not willing to re-commence loading when the terminals re-opened due to the risks posed by protesters. Protesters have been known to run into the road where drivers are driving at approximately 40mph to get to and from the First Claimant's Sites. I have been informed that this is causing drivers stress and there is a concern that drivers may become reluctant to continue to perform their duties.



- 9.6 Both the local police constabularies and the British Transport Police have been working closely with the First Claimant and have sent patrol vehicles to the Sites. At Shell Haven, there have been approximately 8 police officers and a riot van present since 4 April 2022 on an almost 24/7 basis. At Kingsbury Terminal, police officers/vehicles are present throughout each day since approximately 7 April 2022.
- 9.7 The Corporate Security team employed by the First Claimant keeps it apprised of potential security threats and contractors (such as Hauliers) also flag risks they become aware of. Currently, and as a response to the recent campaign, a crisis team has been established in order to monitor and mitigate impacts of protestor activity.
- 9.8 Works at the First Claimant's affected Sites have been minimised on days when the intelligence suggests there will be protestor activity and non-essential work is not undertaken on such days. In fact, the Kingsbury Terminal has had to be cease operations on two occasions.
- 9.9 To date the protests have resulted in significant fuel distribution disruption and tank stockouts at retail sites impacting the Midlands and the Southeast. If disruption continues this could become a serious issue which would further affect the supply of fuel across the United Kingdom. The First Claimant's application is therefore one of an urgent nature.
- 9.10 Whilst steps are taken to monitor the situation as it unfolds, there is no upfront notice on what action will be taken. Notwithstanding this, it is likely that the protests will continue into the Easter weekend and beyond. This is evidenced by statements made on JSO and XR's websites (referred to earlier in this witness statement), that the protests will continue at least into May and potentially indefinitely until their demands are met.
- 9.11 Following recent events described above, it is clear that JSO and XR are willing to take considerable health and safety risks in terms of damaging assets, accessing hazardous sites and climbing on vehicles. There is a concern this activity will continue to escalate placing our people, the wider community and our assets at risk of harm. In addition, the protestor activity is impacting the fuel supply chain which can ultimately impact consumers. It is in light of the above risks that we are now seeking an injunction to protect our staff, the community and our assets, as avoiding harm to people is always foremost in my mind.

## **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: .....

.....

Name: Stephen Brown

Position: Distribution Operation Manger – UK & BENEFRUX

Dated: 13th April 2022

**Stephen Ian Brown**  
**First Witness Statement**  
**Party: First Claimant**

**Date: 13th April 2022**

**Claim No.**

**IN THE HIGH COURT OF JUSTICE**

**BETWEEN**

**SHELL UK LIMITED**  
**ESSAR MIDLANDS LIMITED**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE  
CLAIMANTS' SITES KNOWN AS SHELL HAVEN OIL  
REFINERY, THE MANORWAY, STANFORD-LE-HOPE SS17 9LD  
("SHELL HAVEN") AND/OR KINGSBURY TERMINAL,  
PICCADILLY WAY, KINGSBURY, TAMWORTH B78 2HA  
("KINGSBURY TERMINAL") WITHOUT THE CONSENT OF  
THE CLAIMANTS, OR BLOCKING THE ENTRANCES TO  
THOSE SITES, IN CONNECTION WITH THE  
ENVIRONMENTAL PROTEST CAMPAIGNS OF JUST STOP OIL  
AND/OR EXTINCTION REBELLION AND/OR YOUTH  
CLIMATE SWARM**

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**FIRST WITNESS STATEMENT OF  
STEPHEN IAN BROWN**

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**Cannon Place**  
**78 Cannon Street**  
**London EC4N 6AF**

**Ref: O10051.00007**  
**Solicitors for the First Claimant**

**Stephen Ian Brown**  
**First Witness Statement**  
**Party: First Claimant**  
**Exhibit: SIB1**  
**Date: 13th April 2022**

**IN THE HIGH COURT OF JUSTICE**

**Claim No.**

**BETWEEN**

**SHELL U.K. LIMITED**

**First Claimant**

**ESSAR MIDLANDS LIMITED**

**Second Claimant**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE CLAIMANTS' SITES KNOWN AS SHELL HAVEN OIL REFINERY, THE MANORWAY, STANFORD-LE-HOPE SS17 9LD ("SHELL HAVEN") AND/OR KINGSBURY TERMINAL, PICCADILLY WAY, KINGSBURY, TAMWORTH B78 2HA ("KINGSBURY TERMINAL") WITHOUT THE CONSENT OF THE CLAIMANTS, OR BLOCKING THE ENTRANCES TO THOSE SITES, IN CONNECTION WITH THE ENVIRONMENTAL PROTEST CAMPAIGNS OF JUST STOP OIL AND/OR EXTINCTION REBELLION AND/OR YOUTH CLIMATE SWARM**

**Defendants**

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**WITNESS STATEMENT OF  
STEPHEN IAN BROWN  
EXHIBIT "SIB1"**

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This is the exhibit marked "SIB1" referred to in the Witness Statement of Stephen Ian Brown dated 13th April 2022.

Signed.....



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Dated.....13<sup>th</sup> April 2022.....

## SCHEDULE A

- (22) MARY ADAMS
- (23) COLLIN ARIES
- (24) STEPHANIE AYLETT
- (25) MARCUS BAILIE
- (28) PAUL BELL
- (29) PAUL BELL
- (30) SARAH BENN
- (31) RYAN BENTLEY
- (32) DAVID ROBERT BERKSHIRE
- (33) MOLLY BERRY
- (34) GILLIAN BIRD
- (36) PAUL BOWERS
- (37) KATE BRAMFITT
- (38) SCOTT BREEN
- (40) EMILY BROCKLEBANK
- (42) TEZ BURNS
- (43) GEORGE BURROW
- (44) JADE CALLAND
- (46) CAROLINE CATTERMOLE
- (48) MICHELLE CHARLESWORTH
- (49) ZOE COHEN
- (50) JONATHAN COLEMAN
- (53) JEANINIE DONALD-MCKIM
- (55) JANINE EAGLING
- (56) STEPHEN EECKELAERS
- (58) HOLLY JUNE EXLEY
- (59) CAMERON FORD
- (60) WILLIAM THOMAS GARRATT-WRIGHT
- (61) ELIZABETH GARRATT-WRIGHT
- (62) ALASDAIR GIBSON
- (64) STEPHEN GINGELL
- (65) CALLUM GOODE
- (68) JOANNE GROUNDS
- (69) ALAN GUTHRIE
- (70) DAVID GWYNE
- (71) SCOTT HADFIELD
- (72) SUSAN HAMPTON
- (73) JAKE HANDLING
- (75) GWEN HARRISON
- (76) DIANA HEKT
- (77) ELI HILL
- (78) JOANNA HINDLEY
- (79) ANNA HOLLAND
- (81) JOE HOWLETT
- (82) ERIC HOYLAND
- (83) REUBEN JAMES
- (84) RUTH JARMAN
- (85) STEPHEN JARVIS
- (86) SAMUEL JOHNSON
- (87) INEZ JONES

(88) CHARLOTTE KIRIN  
(90) JERRARD MARK LATIMER  
(91) CHARLES LAURIE  
(92) PETER LAY  
(93) VICTORIA LINDSELL  
(94) EL LITTEN  
(97) DAVID MANN  
(98) DIANA MARTIN  
(99) LARCH MAXEY  
(100) ELIDH MCFADDEN  
(101) LOUIS MCKECHNIE  
(102) JULIA MERCER  
(103) CRAIG MILLER  
(104) SIMON MILNER-EDWARDS  
(105) BARRY MITCHELL  
(106) DARCY MITCHELL  
(107) ERIC MOORE  
(108) PETER MORGAN  
(109) RICHARD MORGAN  
(110) ORLA MURPHY  
(111) JOANNE MURPHY  
(112) GILBERT MURRAY  
(113) CHRISTIAN MURRAY-LESLIE  
(114) RAJAN NAIDU  
(115) CHLOE NALDRETT  
(117) DAVID NIXON  
(118) THERESA NORTON  
(119) RYAN O TOOLE  
(120) GEORGE OAKENFOLD  
(121) NICOLAS ONLAY  
(122) EDWARD OSBOURNE  
(123) RICHARD PAINTER  
(124) DAVID POWTER  
(125) STEPHANIE PRIDE  
(127) SIMON REDING  
(128) MARGARET REID  
(129) CATHERINE RENNIE-NASH  
(130) ISABEL ROCK  
(131) CATERINE SCOTHORNE  
(133) GREGORY SCULTHORPE  
(135) VIVIENNE SHAH  
(136) SHEILA SHATFORD  
(137) DANIEL SHAW  
(138) PAUL SHEEKY  
(139) SUSAN SIDEY  
(141) JOSHUA SMITH  
(142) KAI SPRINGORUM  
(143) MARK STEVENSON  
(145) HANNAH TORRANCE BRIGHT  
(146) JANE TOUIL  
(150) SARAH WEBB  
(151) IAN WEBB

- (152) ALEX WHITE**
- (153) WILLIAM WHITE**
- (155) LUCIA WHITTAKER-DE-ABREU**
- (156) EDRED WHITTINGHAM**
- (157) CAREN WILDEN**
- (158) MEREDITH WILLIAMS**