

Claim No: QB-2022-001236

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

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) 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
& OTHERS NAMED IN SCHEDULE TO ORDER
DATED 8 AUGUST 2023

Defendants

WITNESS STATEMENT OF CLIVE TOBIN

I, CLIVE TOBIN, SOLICITOR, OF NORTH WARWICKSHIRE BOROUGH COUNCIL, THE COUNCIL HOUSE, SOUTH STREET, ATHERSTONE CV9 1DE, WILL SAY AS FOLLOWS:

1. I am employed by the Claimant, North Warwickshire Borough Council, as its Head of Legal Services. I have had conduct of this matter, together with colleagues employed by the Claimant, since proceedings were issued in April 2022. 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. Where they are outside my direct knowledge, they are true to the best of my knowledge, information and belief.
3. By this witness statement, I will address the current position in relation to activity at the Kingsbury Oil Terminal in accordance with paragraph 4 of the Order made on 8th August 2023.
4. Since the Court first granted an interim injunction in April 2022, more than 139 people have been arrested in the vicinity of the Terminal, some of those concerned being arrested on more than one occasion. In turn, this has led to the Court finding that 70 people had breached the Order and were in Contempt of Court in relation to a total of 108 separate breaches.
5. Whilst the last of these arrests took place in September 2022, it has been widely reported in the national media that individuals associated with Just Stop Oil and similar groups continue to protest against the use of fossil fuels and the proposal to grant further licences to extract these in and around the United Kingdom. The nature of these

protests has changed to an extent, for example, targeting major sporting or public events for the purpose of publicising this cause. Additionally, slow moving protests have blocked highways causing congestion and disruption.

6. These widely reported protests indicate that those concerned still have the will to cause disruption to the public where necessary to further their campaign.
7. On 31 July 2023 the Government announced that hundreds of oil and gas licences are to be granted for the North Sea under a new licensing regime, thereby illustrating that the issue that the campaign has been aimed at has not been resolved or gone away. It is reasonable to suggest that this announcement increases the risk that this protest will be renewed. In turn, this could lead to the disruption and risk to public safety that the Order seeks to prevent.
8. Since early July the Council has been contacted by more than 20 named Defendants requesting that they are removed from the Order, allowed to give an undertaking and do not have to pay costs. These e-mails have been almost identical in content, the wording varying to a very limited extent, therefore indicating that there has been collaboration and/or communication between those sending them. This similar wording states that the person concerned has not breached the Order, whereas most of those who have sent the e-mails have actually done so, some on multiple occasions, leading to them being sentenced to an immediate period of custody.
9. I have also received telephone calls from several of those concerned, one of whom informed me that they had not understood the effect of an injunction and that they, 'were told not to engage' at the time of the protests. Whilst I have no reason to disbelieve that the caller was told this and indeed have some sympathy if this is the case, it appears that there is still a coordinated undertaking by a number of Defendants who seek to have themselves removed from the injunction which would result in difficulties in enforcing the Order. More importantly many of these individuals are still subject to suspended sentences imposed for earlier breaches.
10. Additionally, several of the Defendants have over the last week sent e-mails to a wide number of elected members of this authority seeking to persuade them to withdraw the proceedings, again copies of which can be provided to the Court. One e-mail sent to an elected member by a named Defendant on 26 August 2023 states that, 'The legal approach will not silence us. Therefore prosecution and punishment will not deter or

prevent our action'. Whilst his e-mail states also that he is a member of Christian Climate Action and 'can not speak on their behalf as a whole', this suggests a willingness by some of those involved to attend the terminal again. The Defendant concerned was found to be in breach of the Order on two occasions and was sentenced to immediate imprisonment for the second breach. The e-mails can be made available to the Court if required. These communications reinforce the view that there is a coordinated effort to ensure that these individuals are not subject to the Order but may protest at the Terminal in the future.

11. The Injunction, combined with the Council's willingness to resource its rigorous enforcement in partnership with Warwickshire Police is likely to be a significant factor in the absence of breaches since those in September 2022 referred to in paragraph 5. above, which resulted in the committal to prison of a significant number of those in breach. There is concern that without the injunction and therefore without the threat of committal, there is a significant risk of the protestors returning and causing similar disruption.
12. In my view, the historic number of breaches, the continued activities of Just Stop Oil and those associated with them, the grant of additional oil and gas licences, and the coordinated approach of those involved in seeking to extract themselves from the effect of the Order demonstrate that the Order continues to remain as necessary as it did when first granted. The evidence filed with the originating application also remains relevant in setting out the impact of the disruption and risks to the public caused in the vicinity of the Terminal.
13. Accordingly, I respectfully ask the Court to allow the Order to continue in effect.

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



Dated: 1 September 2023