

a)

N244

Application notice

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Name of court HIGH COURT OF JUSTICE QB	Claim no.
Fee account no. (if applicable) PBA0083256	Help with Fees – Ref. no. (if applicable) HWF - [] [] [] - [] [] []
Warrant no. (if applicable)	
Claimant's name (including ref.) NORTH WARWICKSHIRE BOROUGH COUNCIL	
Defendant's name (including ref.) 18 NAMED DEFENDANTS AND PERSONS UNKNOWN - LISTED ON DRAFT INJUNCTION	
Date	13 April 2022

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

North Warwickshire Borough Council, Legal Services

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

North Warwickshire Borough Council

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

Interim injunction and power of arrest to restrain public nuisance, criminal and anti-social behaviour in connection with protests at Kingsbury Oil Terminal, Tamworth B78 2HA

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?

High Court Judge or Deputy Judge

9. Who should be served with this application?

Alternative service - see draft order

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.

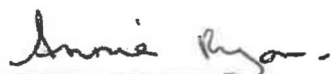
Witness statements of Steve Maxey, Chief Executive of the Claimant and Asst Chief Constable Benjamin Smith also (exhibiting witness statements from other police officers).

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
13	04	2022

Full name

Ms Annie Ryan

Name of applicant's legal representative's firm

North Warwickshire Borough Council

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

Principal Solicitor

Applicant's address to which documents should be sent.

Building and street

The Council House

Second line of address

South Street

Town or city

Atherstone

County (optional)

Warwickshire

Postcode

C V 9 1 D E

If applicable

Phone number

07872 629574/07970 747985

Fax number

DX number

Your Ref.

SM/AR - Protestors Kingsbury

Email

stevemaxey@northwarks.gov.uk
annieryan@northwarks.gov.uk

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**

PARTICULARS OF CLAIM

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 it 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.
- l. 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*

c)

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

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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- (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

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 1st 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 1st 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 1st 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 1st April it became clear that no such effect had occurred. Indeed, between 1 and 11 April, the behaviour of the protesters 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 6th April/early morning of 7th 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 9th and 10th 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: 13th April 2022

d)

Amended This 21st 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**
- (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

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 **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

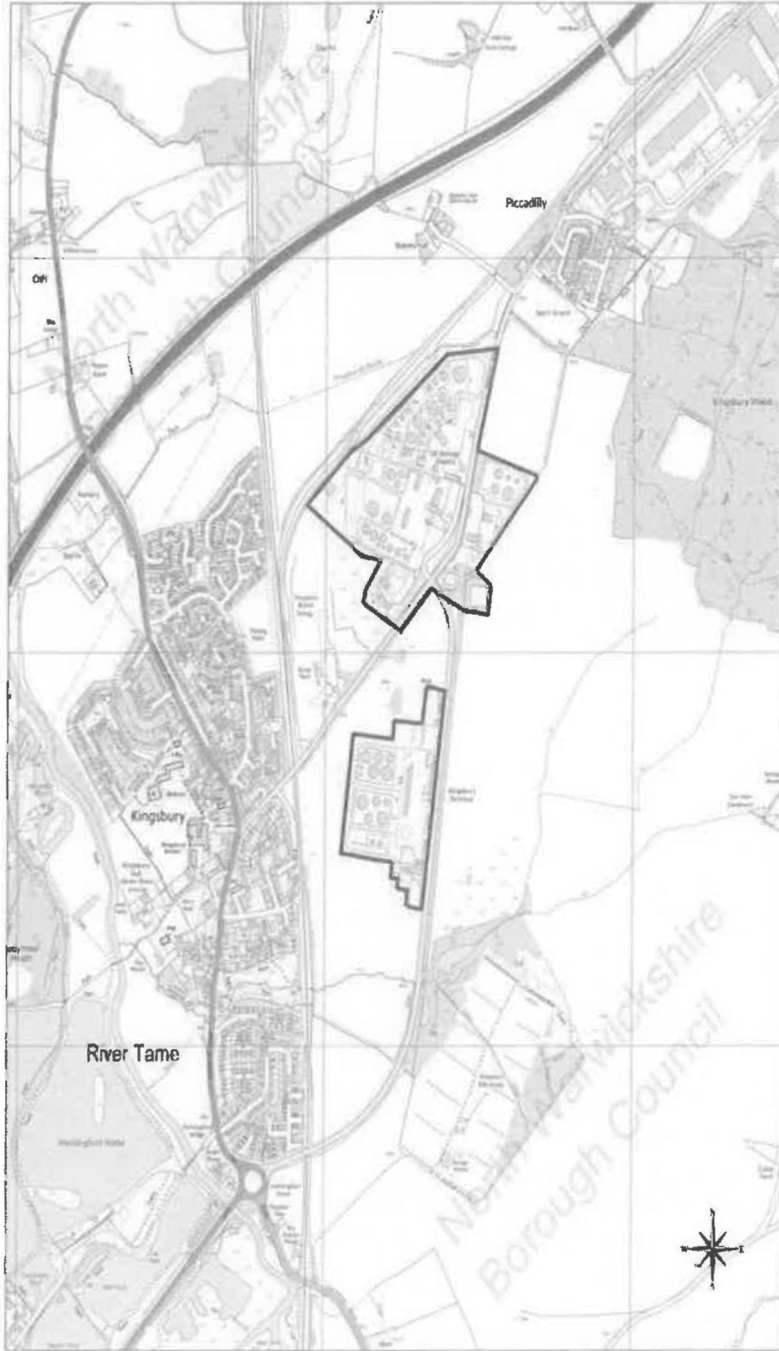
Warwickshire CV9 1DE

Email:

clivetobin@northwarks.gov.uk

annieryan@northwarks.gov.uk

SCHEDULE 1



North Warwickshire
Borough Council

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Ordnance Survey 100017910



Operator	zooxxx
Department	zooxxx
Drawing No.	zooxxx
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

e)

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)

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.

*(Where marked * delete as appropriate)*

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.

This Power of Arrest

Shall continue until the trial of this claim or 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

Mr Justice Sweeting

On

14 April 2022

A

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 to

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

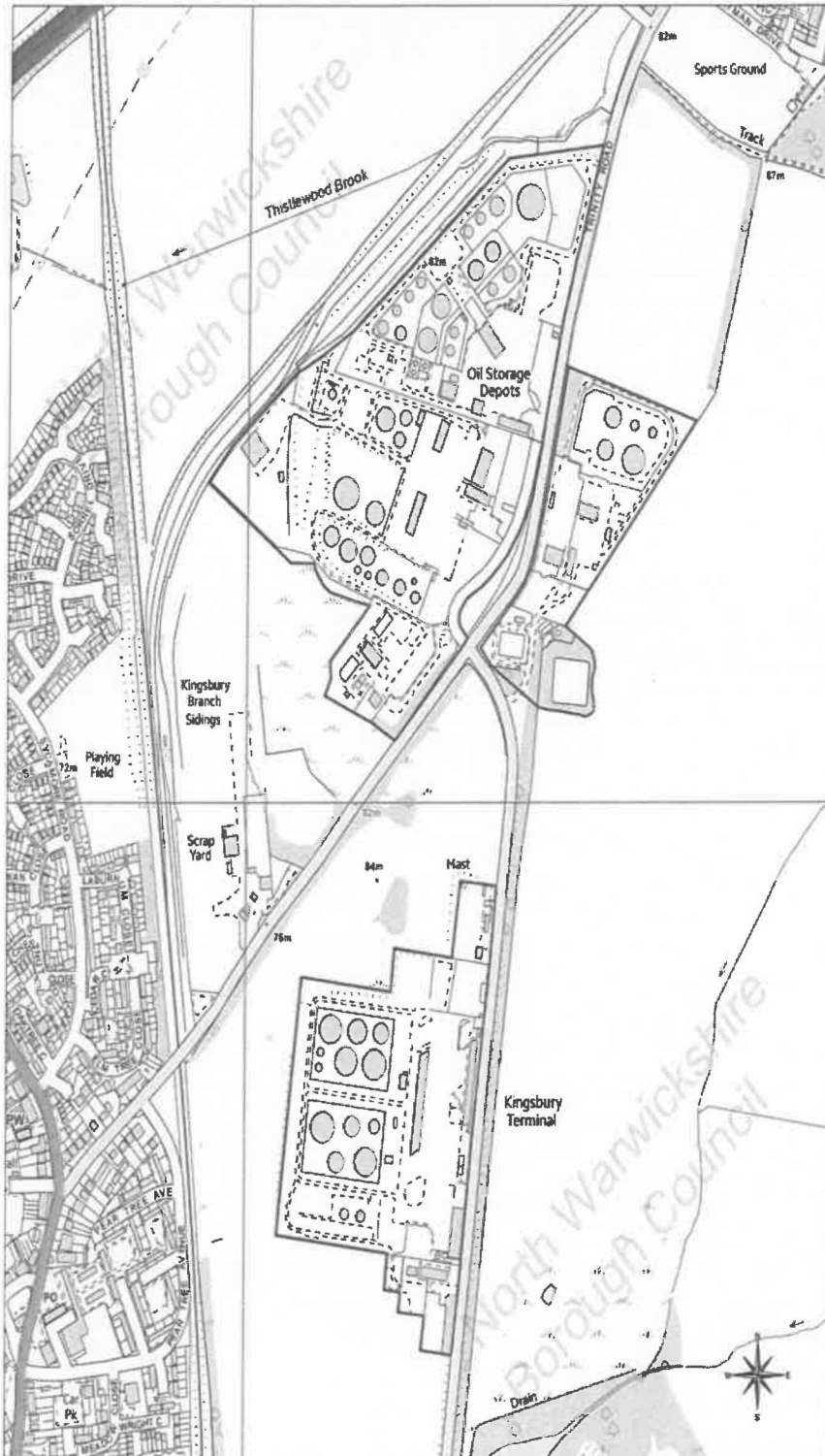
Warwickshire CV9 1DE

Email:

clivetobin@northwarks.gov.uk

annieryan@northwarks.gov.uk

SCHEDULE 1



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Ordnance Survey 100017910



North Warwickshire
Borough Council



Operator:	100000x
Department:	100000x
Drawing No:	100000x
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 6th 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.

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.

This Power of Arrest

Shall continue until the hearing of the Claim 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

Mr Justice Sweeting

On

6th May 2022
