

Claim No: QB-2022-001236

Filed on behalf of the Claimant
Steven Maxey
FIFTH Witness Statement

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) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE

(19A) PERSONS UNKNOWN WHO, OR WHO INTEND TO, PARTICIPATE IN PROTESTS WITHIN THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA (THE "TERMINAL") AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS, AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS.

(19B) PERSONS UNKNOWN WHO, OR WHO INTEND TO, PARTICIPATE IN PROTESTS IN THE LOCALITY OF THE TERMINAL, AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS, AND WHO, IN CONNECTION WITH ANY SUCH PROTEST, DO, OR INTEND TO DO, OR INSTRUCT ASSIST OR ENCOURAGE ANY OTHER PERSON TO DO, ANY OF THE FOLLOWING:

- (A) ENTER OR ATTEMPT TO ENTER THE TERMINAL;
- (B) CONGREGATE AT ANY ENTRANCE TO THE TERMINAL;
- (C) OBSTRUCT ANY ENTRANCE TO THE TERMINAL;

- (D) CLIMB ON TO OR OTHERWISE DAMAGE OR INTERFERE WITH ANY VEHICLE OR ANY OBJECT ON LAND (INCLUDING BUILDINGS, STRUCTURES, CARAVANS, TREES AND ROCKS);
- (E) DAMAGE 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;
- (F) AFFIX THEMSELVES TO ANY OTHER PERSON OR OBJECT OR LAND (INCLUDING ROADS, STRUCTURES, BUILDINGS, CARAVANS, TREES OR ROCKS);
- (G) ERECT ANY STRUCTURE;
- (H) ABANDON ANY VEHICLE WHICH BLOCKS ANY ROAD OR IMPEDES THE PASSAGE OF ANY OTHER VEHICLE ON A ROAD OR ACCESS TO THE TERMINAL;
- (I) DIG ANY HOLES IN OR TUNNEL UNDER (OR USE OR OCCUPY EXISTING HOLES IN OR TUNNELS UNDER) LAND, INCLUDING ROADS; OR
- (J) ABSEIL FROM BRIDGES OR FROM ANY OTHER BUILDING, STRUCTURE OR TREE ON LAND.

(19C) PERSONS UNKNOWN WHO, OR WHO INTEND TO, ORGANISE, PUBLICISE OR PROMOTE ANY PROTEST WITHIN THE TERMINAL AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS.

(19D) PERSONS UNKNOWN WHO, OR WHO INTEND TO, ORGANISE, PUBLICISE OR PROMOTE ANY PROTEST IN THE LOCALITY OF THE TERMINAL, AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS, AT WHICH PROTEST THEY INTEND OR FORESEE OR OUGHT TO FORESEE THAT ANY OF THE ACTS DESCRIBED AS PART OF THE DESCRIPTION OF DEFENDANT 19B WILL BE CARRIED OUT.

(20) JOHN JORDAN

AND 106 OTHERS LISTED AT SCHEDULE 1

Defendants

FIFTH 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 its 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 by the Claimant to make this statement on its behalf.

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.

THE CONTINUING NEED FOR THE INJUNCTION AND POWER OF ARREST

3. Ahead of the hearing listed on 18 September 2025 to review the operation of the injunction and power of arrest granted by the High Court in this case, I have undertaken an internal review of the current need for a final injunction and power of arrest. I remain of the view that the final injunction and power of arrest are necessary for the following reasons.

4. Firstly, Just Stop Oil and Extinction Rebellion, the main protest groups with which the known Defendants to this application are affiliated, remain active. Just Stop Oil’s website homepage currently reads “JUST GETTING STARTED” and boasts that “civil resistance” is how the group “won no new oil and gas licenses in 2024”. This is followed by ominous further messages such as “We know how to win, but it’s going to take all of us” and “A new revolutionary direct action campaign is coming. Help us build what’s next.”. Whilst it is not clear from website itself what this revolutionary direct action may be, it is fanciful to suggest that oil refineries will not be targeted in some way, or that they are now so clearly safe from direct action-style targeted activity that the injunction and power of arrest are no longer necessary.

5. Secondly, the Council is still being notified of planned direct-action by other, unaffiliated, climate action groups. As recently as July of this year, we were informed by police that there was information suggesting that direct-action protests were being planned by environmentalists this summer. I have been asked not to reveal the specific details of the information that we were given and, so far, no activities have taken place at Kingsbury. Whilst there has not been disruption in Kingsbury, it is plain that some individuals remain highly motivated to conduct acts of mass direct action in relation to their views about fossil fuels. Like Just Stop Oil, Extinction Rebellion and similar groups, the groups behind this kind of action are operating covertly. This makes it impossible for the Council or the police to contact those in charge of organising such events to

ascertain whether Kingsbury will be a target and, if so, discuss how the protest can be conducted safely. Even if we could contact such people, I doubt very much that they would be prepared to give advance details of their plans as to do so would allow us to prepare for them and thus reduce their impact. In the circumstances, the injunction is the only safeguard against unlawful protest.

6. Finally, the nature of the risk posed by protests characterised by direct action and civil disobedience at Kingsbury Oil Terminal has not changed. It remains a site holding exceptionally flammable products for distribution across the country. The protests carried out by Just Stop Oil in 2022 risked a massive explosion, which in turn carried a risk to the life and livelihood of all those working in Kingsbury Oil Terminal and living in the local area, and a risk of widespread pollution to the ground, waterways and air.

7. I have, in the course of providing this statement, considered whether:

- (i) Any continued interference with protestors' rights by the injunction and power of arrest is necessary, and
- (ii) The injunction could be amended so that it could achieve its legitimate aim with any less restrictive prohibitions.

8. I have also reconsidered the human rights and equality impact assessments that I prepared in advance of the final hearing last year and have concluded that on the information available to me, those assessments remain correct and appropriate.

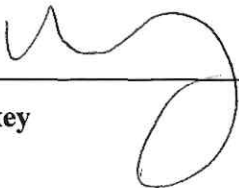
9. In my view, the injunction continues to be necessary in its present form for all of the reasons set out at paragraphs 4-6 above. Whilst there have not been any further protests at the Terminal since September 2022, protests at the Terminal continue to be threatened. It is, in my view, the existence of the final injunction and power of arrest in their current form combined with the Council's commitment to enforcement that has prevented these protests from occurring.

CURRENT OPERATION OF THE INJUNCTION AND POWER OF ARREST

10. As there have been no protests at Kingsbury since the final injunction was granted last year, there is little for me to say about the current operation of the injunction in addition to what I said in my evidence for that hearing. I have spoken to the Police and they continue to support the injunction and power of arrest in its current form.

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:  _____
Steven Maxey

Date: 27/8/25

