

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

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) 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

Defendant

REVIEW BUNDLE

Tab	Document	Date	Pages
A. Claim Documents			
1.	Application Notice	13/04/2022	4-7
2.	Particulars of Claim	13/04/2022	8-19

B. Final Injunction, Power of Arrest and Judgment following Final Hearing			
3.	Final Injunction Order	06/09/2024	20-34
4.	Power of Arrest	06/09/2024	35-41
5.	Judgment of HHJ Kelly	06/09/2024	42-78
C. Certificates of Service			
6.	Persons Unknown – Final Injunction, Power of Arrest etc.	09/09/2025	79-82
7.	Named Defendants via Email – Final Injunction, Power of Arrest etc.	17/09/2024	83-86
8.	Named Defendants via Post - Final Injunction, Power of Arrest etc.	17/09/2024	87-90
9.	Persons Unknown – Fifth Witness Statement of Steven Maxey	28/08/2025	91-92
10.	Named Defendants via Post - Fifth Witness Statement of Steven Maxey	27/08/2025	93-97
D. Witness Evidence Concerning the Operation of the Injunction and Power of Arrest			
11.	Fifth Witness Statement of Steven Maxey	27/08/2025	98-103
12.	Fourth Witness Statement of Steven Maxey	05/06/2024	104-116
13.	First Witness Statement of Steven Maxey	13/04/2022	117-137
E. Miscellaneous			
14.	Schedule 1 (List of Defendants)	06/09/2024	138-141

Application notice

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

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

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

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

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 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.
- 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: 
Position: Principal Solicitor, NWBC
Date: 13/4/22

IN THE HIGH COURT 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.

Before:

Her Honour Judge Emma Kelly Sitting as a Judge of the High Court

Dated: 6th September 2024

B E T W E E N

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

FINAL 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 11-12 June 2024 before Her Honour Judge Emma Kelly, sitting as a Judge of the High Court, sitting in the High Court of Justice, Kings Bench Division at the 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 Ms Lee (the 8th Defendant), Ms Hindley (the 78th Defendant) and Ms Naldrett (the 115th Defendant) in person.

AND UPON Timothy Hewes (the 4th Defendant), Stephen Pritchard (the 9th Defendant), Paul Raithby (the 11th Defendant), Marcus Bailie (the 25th Defendant), David Roberts Barkshire (the 32nd Defendant), Molly Berry (the 33rd Defendant), Kate Bramfitt (the 37th Defendant), Zoe Cohen (the 49th Defendant), Ruth Jarman (the 84th Defendant), Charles Laurie (the 91st Defendant), Victoria Lindsell (the 93rd Defendant), Christian Murray-Leslie (the 113th Defendant), Stephanie Pride (the 125th Defendant), Vivienne Shah (the 135th Defendant), and Sarah Webb (the 150th Defendant) attending in person.

AND UPON Caroline Cattermole (the 46th Defendant), Diana Martin (the 98th Defendant), Nicolas Onley (the 121st Defendant) and Daniel Shaw (the 137th Defendant) attending by remote link.

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 FURTHER UPON the handing down of judgment [2024] EWHC 2254 (KB) on 6 September 2024 at Birmingham District Registry, The Priory Law Courts, 33 Bull Street, Birmingham, B4 6DS.

AND FURTHER UPON the Court concluding that the actions of the Defendants at Kingsbury Oil Terminal amount to a public nuisance, and that there remains a threat of further public nuisance being committed.

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 that the restrictions of the Defendants' Article 10 and 11 rights contained within this order are (a) prescribed by law, (b) in pursuance of a legitimate aim, and (c) necessary in a democratic society.

AND FURTHER UPON the Court being satisfied that there is a compelling need for injunctive relief to protect the inhabitants of North Warwickshire and those who work in or travel through or otherwise visit the area from the more extreme types of protest activity at and in the locality of the Terminal that amount to public nuisance and/or criminal offences which is not currently being met by any other remedy available to the Claimant.

AND FURTHER UPON the Claimant having brought to the attention of the Court any matter which the 19th Defendants might wish to raise by way of opposition to the making of the order.

AND FURTHER UPON the Court considering that it is just and convenient in all the

circumstances that an injunction ought to be made.

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):

Prohibition on protests within the boundaries of Kingsbury Oil Terminal

(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 of fossil fuels and/or the use of fossil fuels and/or the grant of licences to extract 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.

Prohibition on certain protect activities within the locality of Kingsbury Oil Terminal

(b) in connection with any protest against the production of fossil fuels and/or the use of fossil fuels and/or the grant of licences to extract fossil fuels, 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 come into force on completion of the last of the service requirements detailed at paragraph 11 below and remain in force until 16:00 on 6 September 2027 unless previously varied or discharged by further Order of the Court.
4. The Interim Injunction and power of arrest dated 13 June 2024 shall be extended so as to remain in force until this Order and power of arrest come into force in accordance with paragraph 3 above, after which they shall be discharged.

Review Hearings

5. 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 **18 September 2025 at 10:30am** at Birmingham District Registry, The Priory Law Courts, 33 Bull Street, Birmingham, B4 6DS. The time estimate is 1 day.

6. The Claimant is to file and serve any updated evidence as to the operation of the injunction and power of arrest, and the updated position, 21 days prior to each review hearing in this matter.
7. A hearing bundle is to be filed with the Court and served 7 days prior to each review hearing in this matter together with, if the Claimant seeks any amendment to this Order or power of arrest, a copy of the proposed amendments.
8. Any skeleton arguments in this matter shall be filed with the Court and served 3 days prior to each review hearing in this matter.

Liberty to Apply

9. 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.

Service

10. Pursuant to CPR rule 6.38, the Claimant has permission to serve this Order and power of arrest on the 142nd Defendant outside of the jurisdiction.
11. 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, 22, 30, 32, 36, 37, 43, 49, 50, 53, 56, 58, 59, 60, 61, 69, 70, 71, 72, 79, 82, 83, 91, 92, 97, 99, 101, 103, 114, 117, 121, 122, 124, 127, 128, 129, 130, 131, 133, 135, 136, 146, 151, 156, and 157, by the alternative method of recorded first class post.
 - (b) On the Defendants numbered 4, 6, 8, 10, 11, 17, 20, 24, 25, 28, 29, 33, 34, 40, 44, 46, 48, 55, 65, 68, 76, 78, 81, 84, 85, 88, 90, 93, 94, 98, 102, 104, 106, 107, 108, 111, 113, 115, 120, 123, 137, 138, 139, 150, 153, and 158 by email.

(c) On the Defendants numbered 3, 5, 7, 9, 14, 15, 19A, 19B, 19C, 19D, 23, 31, 38, 42, 62, 64, 73, 75, 77, 86, 87, 91, 100, 105, 109, 110, 112, 118, 119, 125, 137, 141, 142, 145 and 155 by the alternative methods specified at Schedule 3 to this Order.

12. The deemed date of service of this Order and power of arrest on the Defendants identified in paragraph 11(c) above shall be the date of completion of the steps described in Schedule 3, paragraph 1 of this Order. The completion of those steps is to be verified by a witness statement to be filed at Court and uploaded to the Claimant's dedicated webpage within 7 days of completing those steps. Service of the said witness statement on the Defendants is dispensed with.

Costs

13. No order as to 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: sofiaali@northwarks.gov.uk, annieryan@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 BARKSHIRE**
- (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 CATTERMOLLE**
- (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**

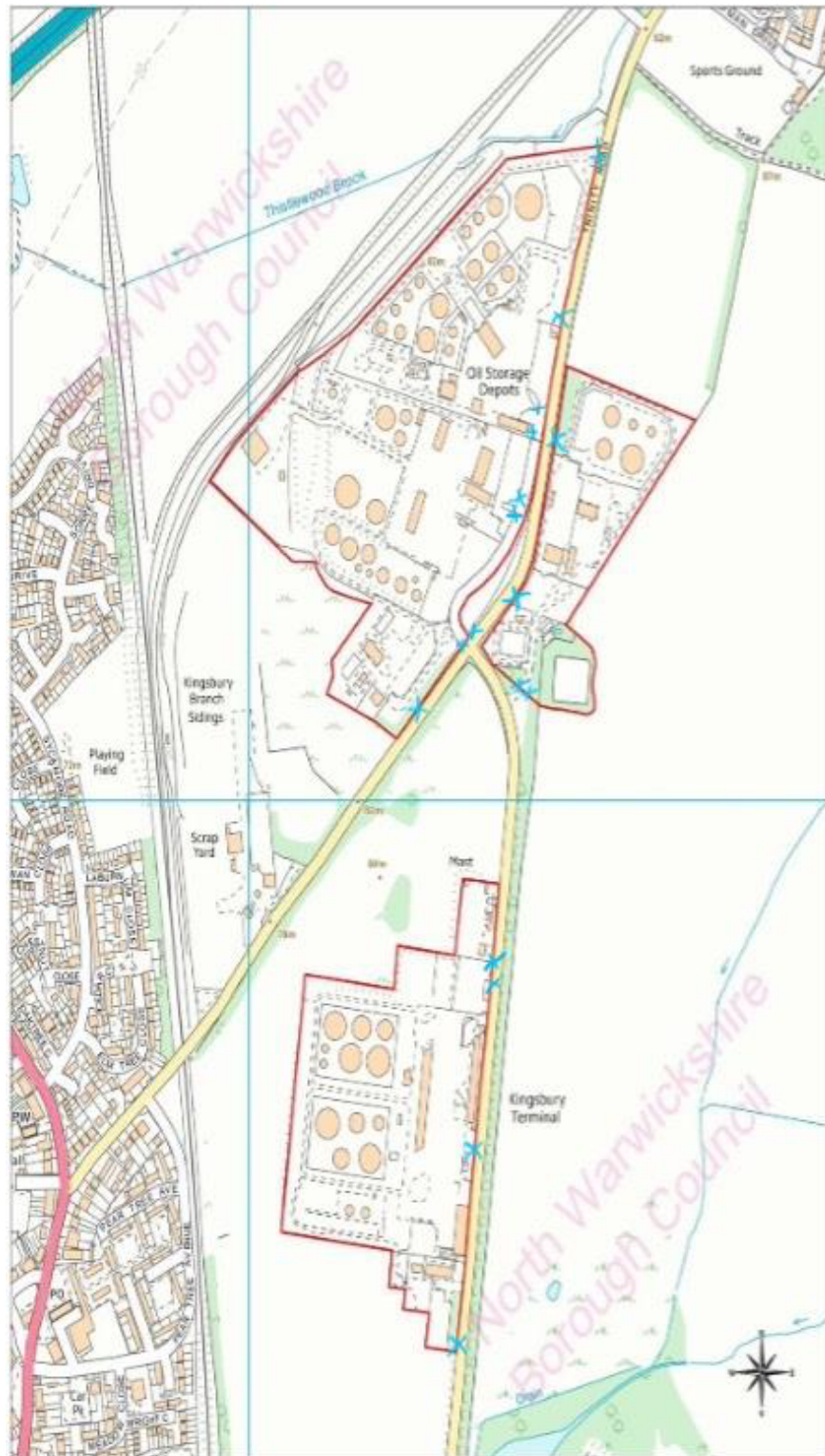
(70) DAVID GWYNE
(71) SCOTT HADFIELD
(72) SUSAN HAMPTON
(73) JAKE HANDLING
(75) GWEN HARRISON
(76) DIANA HEKT
(77) ELI HILL
(78) JOANNA HINDLEY
(79) ANNA HOLLAND
(81) JOE HOWLETT
(82) ERIC HOYLAND
(83) REUBEN JAMES
(84) RUTH JARMAN
(85) STEPHEN JARVIS
(86) SAMUEL JOHNSON
(87) INEZ JONES
(88) CHARLOTTE 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
(145) HANNAH TORRANCE BRIGHT
(146) JANE TOUIL
(150) SARAH WEBB
(151) IAN WEBB
(153) WILLIAM WHITE
(155) LUCIA WHITTAKER-DE-ABREU
(156) EDRED WHITTINGHAM

(157) CAREN WILDEN

(158) MEREDITH WILLIAMS

SCHEDULE 2



North Warwickshire
Borough Council

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



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

SCHEDULE 3

1. Service of this Order and power of arrest on the 3, 5, 7, 9, 14, 15, 19A, 19B, 19C, 19D, 23, 31, 38, 42, 62, 64, 73, 75, 77, 86, 87, 91, 100, 105, 109, 110, 112, 118, 119, 125, 137, 141, 142, 145 and 155 Defendants shall be effected by the completion of all of the following steps:

(a) Placing 17 signs sized A1 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

at the entrances to the Terminal and along the boundary of the Terminal as marked in blue on the map at Schedule 2 above.

(b) Placing a copy of this Order and power of arrest prominently at the entrances to the Terminal,

(c) Posting a copy of this Order and power of arrest on the Claimant's dedicated webpage for these proceedings,

(d) Signposting the existence of this Order and power of arrest from the Claimant's website landing page,

(e) Publicising the Order, power of arrest and the link through which they can be obtained using the Claimant's Facebook, X (formerly Twitter), Instagram and LinkedIn accounts,

(f) Using its best endeavours to ensure that a link to this Order and power of arrest is posted on the Warwickshire Police social media accounts,

(g) Using its best endeavours to tag this Order and power of arrest to the Facebook and X (formerly Twitter) accounts of Just Stop Oil, and

(h) Emailing this Order and power of arrest to:

(i) juststopoil@protonmail.com

(ii) youthclimateswarm@protonmail.com

2. In addition to the methods of service set out in paragraph 1 above, the Claimant may also serve this Order and power of arrest in any other manner in order to bring the documents to the attention of the Defendants and other persons likely to be affected.
3. 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.
4. In the case of Defendants 19A, 19B, 19C and 19D, 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

Dated: 6 September 2024

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

Her Honour Judge Emma Kelly

Dated the 6th September 2024



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.

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

**POWER OF ARREST
UNDER SECTION 27, POLICE AND JUSTICE ACT, 2006**

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 6 September 2024.

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

Prohibition on protests within the boundaries of Kingsbury Oil Terminal

- (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 of fossil fuels and/or the use of fossil fuels and/or the grant of licences to extract 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.

**Prohibition on certain protect activities within the locality of Kingsbury Oil
Terminal**

- (b) in connection with any protest against the production of fossil fuels and/or the use of fossil fuels and/or the grant of licences to extract fossil fuels, 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.

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 **This power of arrest shall remain in force until 16:00 on 6 September 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 judge of the High Court.
- 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.

Ordered by: HHJ Emma Kelly

On:

6 September 2024

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 BARKSHIRE
(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 CATTERMOLLE
(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
(145) HANNAH TORRANCE BRIGHT
(146) JANE TOUIL
(150) SARAH WEBB
(151) IAN WEBB
(153) WILLIAM WHITE
(155) LUCIA WHITTAKER-DE-ABREU
(156) EDRED WHITTINGHAM
(157) CAREN WILDEN
(158) MEREDITH WILLIAMS

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 6 September 2024

Before :

HHJ Emma Kelly sitting as a Judge of the High Court

Between :

**NORTH WARWICKSHIRE BOROUGH
COUNCIL**

Claimant

- and -

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

Defendants

Mr Jonathan Manning and Ms Charlotte Crocombe (instructed by North Warwickshire Borough Council, Legal Services) for the Claimant.

Ms Alison Lee (8th Defendant), **Ms Joanna Hindley** (78th Defendant) and **Ms Chloe Naldrett** (115th Defendant) in person and who participated in the hearing.

Mr Timothy Hewes (4th Defendant), **Mr Stephen Pritchard** (9th Defendant), **Mr Paul Raithby** (11th Defendant), **Mr Marcus Bailie** (25th Defendant), **Mr David Robert Barkshire** (32nd Defendant), **Ms Molly Berry** (33rd Defendant), **Ms Kate Bramfitt** (37th Defendant), **Ms Zoe Cohen** (49th Defendant), **Ms Ruth Jarman** (84th Defendant), **Mr Charles Laurie** (91st Defendant), **Ms Victoria Lindsell** (93rd Defendant), **Mr Christian Murray-Leslie** (113th Defendant), **Ms Stephanie Pride** (125th Defendant), **Ms Vivienne Shah** (135th Defendant), **Ms Sarah Webb** (150th Defendant) in person but who observed the hearing only.

Ms Caroline Cattermole (46th Defendant), **Ms Diana Martin** (98th Defendant), **Mr Nicolas Onley** (121st Defendant) and **Mr Daniel Shaw** (137th Defendant) in person by remote link but who observed the hearing only.

Hearing dates: 11-12 June 2024.

Judgment handed down: 6 September 2024

APPROVED JUDGMENT

HHJ Emma Kelly:

Introduction

1. This is a claim for an injunction to restrict protests inside and in the locality of an inland oil terminal known as Kingsbury Oil Terminal (“the Terminal”) in Kingsbury, Warwickshire. The claim is brought by North Warwickshire Borough Council (“the Council”). The Terminal is situated within the geographical area for which the Council has responsibility.
2. The claim arises from protest activities undertaken at and around the Terminal by individuals associated with the action group known as Just Stop Oil. Just Stop Oil is a civil resistance group whose aims are to end all new licensing and consents for the exploration, development and production of fossil fuels in the United Kingdom. The named defendants are individuals said to have engaged in protest activities at the Terminal. The Council also pursues four categories of persons unknown defendants.

Background

3. From around 31 March 2022 to 10 April 2022 there were a series of protests at the Terminal by individuals associated with Just Stop Oil. I shall address the details of those protests in due course but they included both trespass onto the Terminal site and protests on land adjacent to the Terminal, including on the public highway.
4. In response to the protests, on 13 April 2022 the Council issued an application for a without notice interim injunction and power of arrest against 18 named defendants who had been arrested at a protest at the Terminal and a further unnamed defendant defined 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.”
5. By order dated 14 April 2022 Sweeting J granted a without notice interim injunction. In summary, the order prohibited any protest against the production or use of fossil fuels at the Terminal within an area demarcated on a plan attached to the injunction or within a ‘buffer zone’ of five metres of those boundaries. The order further prohibited certain types of conduct in connection with any such protest taking place anywhere within the wider ‘locality’ of the Terminal. The prohibited conduct was detailed in eleven sub-paragraphs and included activities such as obstructing the entrance of the Terminal, climbing onto or otherwise damaging or interfering with vehicles or objects, damaging pipes and equipment, and tunnelling under land. A power of arrest was attached to the order.
6. Following the grant of the interim order, there was further protest activity at the Terminal and the police exercised the power of arrest against various individuals said to fall within the definition of the persons unknown defendant. Again, I will revert to the detail of those ongoing protests in due course.

7. On 5 May 2022 Sweeting J heard the on notice return date of the interim injunction and an application by a Mr Jake Handling (73rd defendant and a protestor arrested for alleged breach of the interim order) and a Ms Jessica Branch (claiming to be an interested party) to discharge the interim injunction. The Council sought continuation of the interim injunction to trial but no longer required a five metre buffer zone around the perimeter of the Terminal. Sweeting J continued the interim injunction in an amended form and the power of arrest until the hearing of the claim. He gave reasons for his decision in a judgment handed down on 14 July 2023: [2023] EWHC 1719 (KB). The terms of the amended interim injunction are as follows:

“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.”

8. Protest activity continued. Between April 2022 and September 2022 the police exercised the power of arrest attached to the interim order on a large number of occasions. In that period findings of contempt were made against some 72 individuals, including some who were found to have breached the injunction on two, three or four occasions.
9. By order dated 31 March 2023 Sweeting J granted the Council’s application to add a further 139 named defendants to the claim, being individuals who had been arrested at or in the locality of the Terminal in relation to protest activity after the interim injunction was granted and whose identities were now known. Case management directions were given to trial. The trial of the claim was due to take place in July 2023 but was adjourned on several occasions to await the decision of the Supreme Court in *Wolverhampton City Council v London Gypsies and Travellers* [2023] UKSC 47 (“*Wolverhampton*”).
10. By order dated 6 December 2023 Soole J extended the time for any defendant, or person who wished to be heard at the final hearing, to file and serve an acknowledgment of service to 4pm on 27 December 2023. His order provided that any defendant or person failing to comply with the same would not be permitted to defend or take any further role in these proceedings without further order of the court. No defendant or any other person filed an acknowledgment of service whether by 27 December 2023 or otherwise.
11. As the claim has progressed, a number of the defendants offered undertakings that were acceptable to the Council. At a hearing before Mould J on 22 May 2024, the Court accepted those undertakings and the interim injunction and power of arrest were discharged against those defendants. A further defendant, Mr Alex White (152nd defendant) was not able to attend the hearing on 22 May to proffer his undertaking but did so on 11 June 2024 and the interim relief against him was similarly discharged. A number of other defendants offered undertakings but the Council declined to accept them, largely on the basis that such individuals had been arrested at the Terminal after the interim injunction was granted on 14 April 2022 and the lack of ability to attach a power of arrest to an undertaking troubled the Council. As a result of the various undertakings, the number of defendants against whom the claim proceeds has reduced. Schedule A to this judgment sets out the defendants against whom there remains a live claim.
12. On the first day of the trial on 11 June 2024, a number of unrepresented defendants attended the hearing. Of those attending, the majority simply wanted to observe the proceedings. However three defendants, Ms Alison Lee (8th defendant), Ms Joanna Hindley (78th defendant) and Ms Chloe Naldrett (115th

defendant) wished to address the court. I explained the effect of the order of Soole J and indicated that any defendant wishing to apply to participate in the hearing would be required to file an application for relief from sanctions. Each of the three defendants filed written applications for relief from sanctions, which I heard on the afternoon of the first day of trial. The three defendants did not seek to cross-examine the Council's witnesses or call any evidence of their own. They simply wanted a short opportunity to address the court by way of closing submissions. I granted each of their applications for relief from sanctions limited to permitting each to address the court in closing for 10 minutes on condition of serving a short document setting out the bullet point issues they wished to cover. Each defendant complied with those directions.

13. At the start of the trial, the Council applied to amend the definition of the persons unknown defendant to address concerns expressed by Sweeting J in his judgment on the interim order that the current definition did not provide sufficient particularity as to the conduct alleged to be unlawful. The Council's primary position was that, following the decision of the Supreme Court in *Wolverhampton*, there was no longer a need to amend the definition. If however the Court disagreed, the Council sought to amend the definition to include particulars of conduct in four new categories of persons unknown. For the reasons given in an ex tempore judgment on 11 June 2024, I concluded that the definition remained inadequate but granted permission for the Council to amend the claim to include what have become defendants 19A, 19B, 19C and 19D. The detail of those descriptions appears in Schedule A to this judgment.

The evidence

14. The factual evidence relied on by the Council was unchallenged. The only witness to give oral evidence was Mr Steven Maxey, the Council's Chief Executive. Mr Maxey adopted the contents of five witness statements he had made during the course of the proceedings and dated 13 April 2022, 3 May 2022, 18 January 2024, 20 February 2024 and 5 June 2024.
15. In addition, the Council relied on written evidence from the following individuals who were not called to give oral evidence:
 - i) Mr David Smith, Temporary Assistant Chief Constable for Warwickshire Police, dated 10 April 2022.
 - ii) Mr Jeff Morris, Delivery Lead for Warwickshire County Council County Highway Services, dated 12 April 2022.
 - iii) Mr Stephen Brown, Distribution Operations Manager for Shell International Petroleum Company Limited, dated 13 April 2022.
16. The Council concluded it was not proportionate to call the aforementioned three witnesses in circumstances where no defendant had elected to acknowledge service and defend the claim. Mr Smith's witness statement has been prepared in a form that complies with s.9 of the Criminal Justice Act 1967 rather than containing a statement of truth in the wording required by Civil Procedure Rule Practice Direction 22 para. 2.2. Mr Smith exhibits to his statement a number of

statements from various police officers involved in policing protests at the Terminal in April 2022. Those statements are also in s.9 form and have signed declarations as to the truth of the contents of the statements. The lack of statements of truth in a CPR PD 22 compliant form does not, in my judgment, detract from the cogency of the written evidence in light of the otherwise formal manner in which the statements have been prepared with signed declarations of truth.

17. The Council's evidence provides a detailed picture of the Terminal and protest activity that has occurred both within and in the locality of the Terminal. The salient points of the evidence are set out below.

The Terminal

18. The Terminal is a series of inland oil terminals with 50 storage tanks and storage capacity for around 405 million litres of flammable liquids. It comprises four separate but neighbouring oil terminal sites which are located on the edge of the village of Kingsbury. The sites comprising the Terminal are operated by Shell UK Ltd, United Kingdom Oil Pipelines Ltd, Warwickshire Oil Storage Ltd and Valero Energy Ltd. Those companies have formed the Kingsbury Common User Group which enables the management of specific shared assets such as fire-fighting systems and allows operators to discuss common issues.
19. The Terminal is an 'Upper Tier' site for the purposes of the Control of Major Accident Hazards Regulations 2015 ("COMAHR") by virtue of the large quantities of dangerous substances that are present on site. It is said to be one of the largest oil terminals in the country.
20. The Terminal is a multi-fuel site, storing and distributing petrol and diesel (both standard and V-power), heating oils and aviation fuel. Most of the fuel, save for additives or biofuels which are imported by road, is fed into the Terminal by pipeline from the United Kingdom Oil Pipeline system. The products are then distributed from the Terminal using road tankers. Hundreds of vehicles enter and exit the Terminal each day. The Terminal is described as a critically important supply point for the Midlands. In addition to distributing fuel to petrol station forecourts, it supplies major airports in the region including Birmingham International and East Midlands airports.
21. There are various security measures at the Terminal. For example, the part of the Terminal operated by Shell UK Ltd is surrounded by six foot high palisade fencing or six foot high chain link fencing. Pedestrian access is via turn-style gates and vehicular access via locked gates. Only visitors or employees with a designated pass can gain access. All vehicles entering the site have to be registered on Shell UK Ltd's internal system and have vehicle and driver accreditations. There is a 24 hour, 7 day a week security presence with high-definition CCTV and security guards working day and night. Operational plans for the Terminal include a requirement that "all controlled items (mobile phones, cigarettes, lighters, paging units, matches etc) should be handed over at the Terminal Control Room...due to potential presence of explosive atmospheres."

The surrounding area

22. The Terminal lies to the east of the village of Kingsbury and to the south-west of the smaller village of Piccadilly. The villages of Kingsbury and Piccadilly have approximately 8000 residents with some of the residential areas being no more than a few hundred metres from the Terminal. A railway line abuts parts of the Terminal on the Kingsbury side of the site and other nearby land is used by the Ministry of Defence as rifle ranges. The area is well connected to the motorway network with a junction of the M42 being nearby.
23. Kingsbury lies on the River Tame which has a catchment area spanning Birmingham, Solihull, Sandwell, Walsall, Tamworth, Nuneaton and Hinckley. Locally there are 8 sites of special scientific interest, 7 local nature reserves and 27 non-statutory sites of local importance.

The protest activity

24. On 31 March 2022 to 1 April 2022 around 40 protestors attended the Terminal in possession of glue and devices to lock themselves onto objects. Some of the protestors stopped and then climbed onto oil tankers which were trying to access or egress the Terminal. Other protestors glued themselves to the road and sat in the roadway to the main entrance to the Terminal. The police stopped a Ford Transit van which contained a large quantity of timber, climbing ropes, food stuffs and devices for locking on. The occupants of the van freely admitted that the contents of the van were for building a tree house and encampment. Distribution operations at the Terminal were suspended and the police made 42 arrests.
25. At around 1930 hrs on 2 April 2022 approximately 40 protestors attended the Terminal and blocked the main entrance to the Terminal. Some glued themselves to the carriageway and others appeared to be using a long tube to chain themselves together. Others climbed on top of oil tankers. The activity continued throughout the night and into 3 April. Operations at the Terminal were suspended. It partially reopened at 1730hrs with protesters remaining on site until midnight. The police made various arrests throughout the day and, taken with the arrests of the previous day, the total number of arrests increased to 68.
26. At around 0730 hrs on 5 April 2022 around 20 protesters attended the Terminal and again blocked the main entrance, locking onto each other and gluing themselves to the carriageway. Two others climbed on top of an oil tanker holding a 'save the oil' sign. Their presence prevented the tanker from moving. Operations at the Terminal were again suspended, only resuming at around 1100hrs. However, at around 1130 hrs a second group of protesters targeted motorway junctions 9 and 10 of the M42, climbing onto oil tankers servicing the Terminal as those vehicles moved slowly off the slip roads. Operations at the Terminal were again suspended and traffic built up onto the motorway. The protesters were removed and the roads reopened at 1430hrs.
27. At around 0030 hrs on 7 April 2022 protesters approached the main entrance to the Terminal and attempted to glue themselves to the carriageway. As the police

were attending to those individuals, another group of around 40 protesters approached the rear of the Terminal across fields. They sawed through an exterior gate and scaled a fence to gain access to the Terminal. Once within the perimeter fencing, the protesters dispersed to a number of different locations. Some climbed on top of three large fuel storage tanks containing unleaded petrol, diesel and fuel additives. Two others entered insecure cabs of fuel tankers and secured themselves inside using a lock on device. Others climbed on top of two fuel tankers, onto the floating roof of a large fuel storage tank and into a half-constructed fuel storage tank. The protestors used a variety of lock on devices to secure themselves to those structures. A complex police operation was initiated, utilising a variety of specialist teams, who worked alongside staff from the Terminal and fire service. The Terminal was not cleared of protesters until approximately 1700 hrs.

28. On 9 April 2022 further protest activity took place. At around 1050 hrs four protesters arrived at the main entrance to the Terminal and attempted to glue themselves to the carriageway. A short time later another protester was arrested trying to abseil from a road bridge over Trinity Road to the north of the Terminal. At around 1530 hrs a caravan was deposited at the side of the road on Piccadilly Way to the south of the Terminal. Some 20 protesters glued themselves to the sides and top of the caravan. It was later discovered that occupants within the caravan were attempting to dig, via a false caravan floor, a tunnel under the road. The police entered the caravan at around 0200 hrs on 10 April 2022 and the six occupants were arrested. Activity continued into 10 April with protestors scaling oil tankers and gluing themselves to the carriageway.
29. Between the 31 March and 10 April 2022 the police made approximately 180 arrests at or in the locality of the Terminal in relation to protest related activity. A common feature of many of the arrests is that the detainees were passively resistant, going limp and thus requiring the police officers to carry the individual into custody. Much of the protest activity was publicised on Just Stop Oil's website, which included videos and photographs of the protest activity. A video clip featuring an individual identified as John 'aka' Sean Jordan shows Mr Jordan on top of the caravan stating "...I am here with Just Stop Oil, we are currently on the tenth day of our campaign having started on 1st April..." The protests commonly featured orange Just Stop Oil livery on placards or banners and protestors wearing orange high-viz vests. On 12 April 2022 Just Stop Oil published a press release on their website stating: "We find ourselves, as others have done through history, having to do what is unpopular, to break the law to prevent a much greater harm taking place ... While Just Stop Oil supporters have their liberty the disruption will continue."
30. Following the granting of the without notice interim injunction on 14 April 2022 the protest activity at the Terminal reduced but did not cease. Between the 14 April and 14 September 2022 there were a further 14 protests resulting in over 120 arrests. The Council brought successful contempt applications against 72 protestors for 109 separate breaches of the interim injunction. In the various contempt proceedings, none of those arrested sought to challenge the claimant's

factual case that the protests were in relation to the production and/or use of fossil fuels.

31. At just before 0800 hrs on 26 April 2022 16 individuals gathered on a grass verge outside the main entrance to the Terminal. A peaceful protest, with various signs and banners, lasted for approximately two hours. By around 1000 hrs a number of the protesters spread out across the carriageway and sat down obstructing access to and egress from the Terminal. The protestors were arrested for breaching the interim injunction.
32. At just after 1600 hrs on 27 April 2022 a group of 10 individuals gathered on a grass verge to the side of the main entrance to the Terminal to protest against the production and use of fossil fuels. The protest was peaceful but inside the five metre buffer zone imposed by the original without notice injunction. The protesters were arrested and successful contempt proceedings followed.
33. At around 1135 hrs on 28 April 2022 a group of eight protesters, including some of those arrested on 27 April, engaged in a further peaceful protest adjacent to the external fencing to the terminal within the five metre buffer zone. The protesters were arrested
34. At approximately 1400 hrs on 4 May 2022 a group of 11 protestors attended the Terminal. They stood on a grass verge to the side of the entrance to the Terminal with placards and banners before moving to walking across the road outside the Terminal. The protest was peaceful but again inside the buffer zone. Some of those attending the protest on 4 May 2022 did so in defiance of a court order requiring them to attend court that day to face contempt proceedings in respect of events on 27 April. The protesters on 4 May 2022 were arrested and successful contempt proceedings followed.
35. At around 1400 hrs on 12 May 2022 a group of eight protestors attended the Terminal. A number of group sat down in the middle of the access road to the Terminal entrance blocking access.
36. On 24 August 2022 three protesters occupied a tunnel that had been dug alongside and under Piccadilly Way, some 400 metres from the Terminal. The incident was publicised by Just Stop Oil on its social media platforms, which posted details of the protestors' support of Just Stop Oil's aims together with video footage and video stills taken inside the tunnel. Contempt proceedings against two of the protesters failed for want of service of the interim injunction and the proceedings against the third succeeded only in respect of his occupation of the tunnel for a limited period of time following service of the order after entry into the tunnel. The existence of the tunnel and its occupation in conjunction with a protest in the locality of the Terminal nonetheless occurred.
37. At approximately 1130 hrs on 14 September 2022, 51 protesters were arrested in connection with a protest on the private access road to the entrance to the Terminal. The protest was peaceful but its location blocked access and egress to the Terminal with many of the protestors sitting across the carriageway. Some held Just Stop Oil banners and others wore orange high viz vests featuring the Just Stop Oil logo.

38. There have been no protests at the Terminal since September 2022. Mr Maxey's evidence is however that the Council has since been targeted by protestors associated with Just Stop Oil.
- i) In August and September 2023 various councillors received emails from named defendants including Sarah Webb, Catherine Rennie-Nash, Bill White, Karen Wildin and Clare Walters. Each defendant was critical of the Council's action in pursuing this claim.
 - ii) On 21 September 2023 protestors attended the Council's offices with banners and positioned themselves near to one of the entrances.
 - iii) On 27 September 2023 protestors interrupted a Council meeting, refused the Mayor's request for order and refused to leave the Council chamber causing the meeting to be suspended. The matter was only resolved following intervention by the police.
 - iv) Mr Maxey subsequently met with some of the protestors to hear their complaints. He states that the protestors informed him that they took the view that the Council should not have obtained the interim injunction as it was preventing their protests from causing the disruption which they thought was necessary given their concerns about climate change.

The impact of the protest activity

39. The protests caused significant disruption to the operation of the Terminal, at times causing operations to be suspended. The disruption impacted on the companies operating from the Terminal, individual staff members working at the Terminal and others, such as tanker drivers, who were required to visit the Terminal as part of their work.
40. There is also evidence of the protests causing more widespread harm and risk of harm. Mr Smith, Temporary Assistant Chief Constable for Warwickshire Police, provides evidence as to the impact of the protests on police resources. He describes the policing operation as being one of the most significant he has experienced in his career. Large numbers of officers were deployed from across the force to the Terminal day and night. This caused non-emergency policing services to be reduced and, although core policing services were maintained, the protests impacted on the quality and level of policing available during that period. Officers who would otherwise have been policing communities, roads or supporting victims of crime were taken away from those duties to police the protests. The scale and sophistication of the protests meant that Warwickshire Police had to bring in additional police officers from other regional forces, in addition to specialist policing teams such as the working at heights teams and protest removal teams. Mr Smith reports this coming at significant additional financial cost to the police force.
41. The protests had an impact on the local community and beyond. A number of public highways around the Terminal had to be closed causing inconvenience to members of the public. The protest activity extended to disruption on the M42 motorway. Mr Smith considers that the significant police presence during the

protests created a level of fear and anxiety in the local community. He acknowledged the community had been disturbed by the large policing operation which had extended into unsociable hours and occasioned regular essential overnight use of the noisy police helicopter. The impact of the protests extended beyond the immediate community and across the wider West Midlands region, with fuel shortages occurring at some petrol station forecourts.

42. The protests also impacted Warwickshire County Council. Mr Morris, of County Highways Service, explains that the digging of the tunnel under the road on 9 and 10 April 2022 resulted in County Highways Engineers attending out of hours, a manual operative attending from Balfour Beatty, the emergency closing of the road and remedial works being required. He understands the cost to the taxpayer of his department's involvement to be in the region of £3189.95.
43. A number of the Council's witnesses comment on their concerns for public safety should protest activity at the Terminal cause a fire or explosion. Mr Smith considers the same would likely have catastrophic implications for the local community including the risk of widespread pollution to the ground, waterways and air. He notes that the protesters had no regard to the extremely hazardous nature of the site or for the safety of either themselves or others when using mobile phones at the Terminal, scaling and locking themselves onto very volatile fuel storage tanks, tunnelling in close proximity to high-pressure fuel pipelines and causing the forced stopping and scaling of fuel tankers on the public highway. Mr Smith states that such actions not only cause unacceptable levels of risk to the protestors themselves but also to the public and members of the emergency services attending any incidents.

The parties' positions

44. The Council seeks a final injunction in broadly the same terms as the interim order as amended at the hearing on 5 May 2022. The Council has set out the detail of its position in its skeleton argument of 5 June 2024 and in closing submissions. I shall return to the detail of those submissions in due course.
45. No defendant has filed an acknowledgment of service, defence or any witness evidence in response to the claim. Three of the defendants only have made closing submissions, each opposing the granting of an injunction notwithstanding that none of them have filed an acknowledgment of service or defence. Each of the three defendants stated that they had no intention of breaking any injunction in respect the Terminal in the future.
46. Ms Lee (8th defendant) submitted that no injunction is required in circumstances where, since the making of the interim injunction, wider powers now exist under the criminal law providing a deterrent to protestors, as well as making it easier for the police to act in the event of a protest. She referred to the increased maximum sentence for the offence of wilful obstruction of the highway, increased in May 2022 to a 6-month term of imprisonment by virtue of the Police, Crime, Sentencing and Courts Act 2022. She also relied on a variety of new offences under the Public Order Act 2023, which introduced offences relating to protest activity of 'locking on', tunnelling, obstructing major transport works and interfering with major infrastructure. Ms Lee submitted that

the threat to the Terminal no longer exists as Just Stop Oil's tactics have changed and they have since turned their attention to more 'media friendly' protests. She argued that the proposed injunction is not a deterrent and amounts to an unlawful restriction of the rights of environmental defenders to protest.

47. Ms Hindley (78th defendant) told the court of her stress and worry since being named as a defendant following her arrest on three occasions in connection with the protests at the Terminal in 2022. She does not believe an injunction is proportionate and expressed concern that the Council is passing on the cost of the litigation to local residents. Ms Hindley submitted that the court should take into account what she described as malice and racism that she said prioritised local interests over the environmental devastation of the livelihoods of vulnerable brown and black people across the world.
48. Ms Naldrett (115th defendant) told the court that she was dismayed to discover that the conclusion of the contempt proceedings did not absolve those involved from remaining as named defendants to the claim for an injunction. She told the court she had no intention of returning to the Terminal and risking triggering her suspended sentence. She submitted that the claim for an injunction was not a good use of the court's time and that no injunction was required in light of the increased criminal powers under the Public Order Act 2023. She asked the court to prioritise the rights of ordinary people over those of oil companies.

The issues

49. It is useful at this juncture to summarise the key issues that require determination:
 - (1) Does the Council have the standing to bring these proceedings and, if so, can it establish the causes of action relied upon?
 - (2) Do the facts of this case justify restriction of the Article 10 and 11 rights of the protesters and, if so, to what extent?
 - (3) If it is appropriate to grant relief to restrict protest activity, is it appropriate to grant injunctive relief against (a) the named defendants and/or (b) 'newcomer' persons unknown taking into account the requirements outlined in *Wolverhampton*?
 - (4) If an injunction is to be granted, what are the appropriate terms thereof, and should a power of arrest be attached?

The Legal Framework

Standing of a local authority to bring proceedings and the underlying causes of action

50. The Council seeks to rely on a number of statutory provisions as bases for bringing the claim for injunctive relief. The principal power relied on is s.222(1) of the Local Government Act 1972 which states:

“(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 ...”

51. Whether it is ‘expedient’ for the purposes of s.222 to bring legal proceedings is for the local authority to decide subject to such decision being compatible with usual principles of judicial review. In *Stoke on Trent Council v B & Q Ltd* [1984] 1 Ch 1 Lawton LJ at 23A held as follows:

“...[The local authority] must safeguard their resources and avoid the waste of their ratepayers money. It is in everyone’s interest, and particular so in urban areas, that a local authority should do what it can within its powers to establish and maintain an ambiance of a law abiding community; and what should be done for this purpose is for the local authority to decide.”

52. The Council puts its case on the basis that that the granting of an injunction “is appropriate and expedient for the promotion or protection of the interests of the inhabitants of their area, and in the exercise of the Court’s discretion, that the defendants be restrained, by way of injunction, from committing tortious and criminal acts and, in particular acts amounting to a public nuisance and to breaches of the criminal law that the criminal law is unable to prevent.” [Para. 56 of the Council’s skeleton argument dated 5 June 2024.]

53. Subject to meeting the ‘expediency’ requirement, s.222 empowers local authorities to bring actions for injunctive relief to restrain public nuisance and criminal offending. In *Nottingham City Council v Zain* [2001] EWCA Civ 1248 the local authority sought to restrain a defendant alleged to have been involved in drug dealing on the grounds that his actions constituted a public nuisance. Schiemann LJ, at para. 8-13, held:

“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.”

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...

13. ...In my judgement it is within the proper sphere of a local authority's activities to try and put an end to all public nuisances in its area provided always that it considers that it is expedient for the promotion or protection of the interests of the inhabitants of its area to do so in a particular case. Certainly my experience over the last 40 years tells me that authorities regularly do this and so far as I know this has never attracted adverse judicial comment. I consider that an authority would not be acting beyond its powers if it spent time and money in trying to persuade those who were creating a public nuisance to desist. Thus in my judgement the County Council in *PYA* was not acting beyond its powers in seeking the Attorney General's fiat in trying to put a stop to the nuisance by dust in that case and thus exposing itself to potential liability in costs. It follows that, provided that an authority considers it expedient for the promotion and protection of the interests of the inhabitants of its area, it can institute proceedings in its own name with a view to putting a stop to public nuisance.”

54. Keene LJ, agreeing with the judgment of Schiemann LJ, added the following observations at para. 27:

“... 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...”

55. As Sweeting J observed when considering the application for an interim injunction in this case ([2023] EWHC 1719 (KB) at para. 78), the terms of an injunction can extend to prohibiting lawful as well as unlawful conduct.

“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.”

56. Sweeting J, at para. 81 of his judgment, noted that the previous common law criminal offence of public nuisance has been abolished and replaced by a statutory offence of public nuisance under s.78 of the Police, Crime, Sentencing and Courts Act 2022 in the following terms:

“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.

(3) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the act or omission mentioned in paragraph (a) of that subsection.

(4) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding [the general limit in a magistrates' court] , to a fine or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both.

(5) In relation to an offence committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (increase in magistrates' court power to impose imprisonment) the reference in subsection (4)(a) to [the general limit in a magistrates' court][1](#) is to be read as a reference to 6 months.

(6) The common law offence of public nuisance is abolished.

...

(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).”

57. In addition to s.222, the Council also relies on powers under the Localism Act 2011 and under the Highways Act 1980.

i) Section 1(1) of the Localism Act 2011 confers on a local authority the “power to do anything that individuals [of full capacity] may generally do.” By section 1(5): “the generality of the power conferred by subsection (1) (“the general power”) is not limited by the existence of any other power the authority which (to any extent) overlaps the general power.”

ii) By section 130(2) of the 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.” By section 130(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.”

58. The court has the ability to attach a power of arrest to an injunction in the circumstances provided by section 27 of the Police and Justice Act 2006:

“(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...

(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.”

The applicability of the Human Rights Act 1998

59. The Council accepts that this claim engages s.12 of the Human Rights Act 1998 and Articles 10 and 11 of the European Convention on Human Rights.

60. Article 10, freedom of expression, 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 national security, territorial integrity or 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, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

61. Article 11, freedom of assembly and association, provides:

“1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

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 national security or 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...”

62. The engagement of Article 10 requires consideration of s.12 of the Human Rights Act 1998. The relevant parts of that Act are as follows:

“12.— Freedom of expression.

(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.

(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.

...

(4) The court must have particular regard to the importance of the Convention right to freedom of expression ...”

63. Articles 10 and 11 are qualified rights and thus can be restricted in the circumstances set out in paragraph 2 of each article. The approach to determining a whether a restriction of those rights is lawful was considered by Warby J (as he then was) in *Birmingham City Council v Afsar and others* [2019] EWHC 3217 (QB) in the context of a claim for injunctive relief by a local education authority to prevent protest activity within an exclusion zone around a school. At para. 102 Warby J held as follows:

“102. The jurisprudence shows that Article 10 protects speech which causes irritation or annoyance, and information or ideas that "offend, shock or disturb" can fall within its scope: see, eg, *Sánchez v Spain* (2012) 54 EHRR 24 [53], *Couderc v France* [2016] EMLR 19 [88]. ... Article 11 "protects a demonstration that may annoy or cause offence to persons opposed to the ideas or claims that it is seeking to promote": *Lashmankin* [145]. But the rights engaged in this case have outer limits. ... Article 11(1) does not protect violent or disorderly protest; the primary right is one of "peaceful" assembly. Further,

whilst the right to education is unqualified, the rights guaranteed by Articles 8, 9, 10 and 11 are all qualified. Paragraph (2) of each Article makes clear that interference with the primary right may be legitimate if (but only if) two conditions are satisfied. It must be not only in accordance with or prescribed by law (a matter I have dealt with above) but also "necessary in a democratic society" in pursuit of one or more legitimate aims. Paragraph (2) of each Article identifies "the interests of ... public safetyor the protection of the rights and freedoms of others." Another legitimate aim identified in each Article is "the prevention of public disorder" or, in the case of Article 9(2), "the protection of public order", which would appear to be synonymous."

64. The application of Articles 10 and 11 in relation to criminal proceedings brought for wilful obstruction of the highway arising from protest activity was considered by the Supreme Court in *DPP v Ziegler* [2021] UKSC 23. At para. 16 the Supreme Court adopted the explanation given by the Divisional Court in the same case as to the enquiry that needs to be undertaken under the Human Rights Act 1998.

"63...It requires consideration of the following questions:

- (1) Is what the defendant did in exercise of one of the rights in articles 10 or 11 ?
- (2) If so, is there an interference by a public authority with that right?
- (3) If there is an interference, is it 'prescribed by law'?
- (4) If so, is the interference in pursuit of a legitimate aim as set out in paragraph (2) of article 10 or article 11, for example the protection of the rights of others?
- (5) If so, is the interference 'necessary in a democratic society' to achieve that legitimate aim?

64. That last question will in turn require consideration of the well-known set of sub-questions which arise in order to assess whether an interference is proportionate:

- (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?

65. The Council accepts that when determining whether a restriction on any Article 10 or 11 right is justified, “it is not enough to assert that the decision was taken was a reasonable one” and “a close and penetrating examination of the factual justification for the restriction is needed.” [*R (Gaunt) v Office of Communications (Liberty Intervening)* [2011] EWCA Civ 692 at para. 33.]

Injunctions against persons unknown

66. During the period in which the final hearing in this matter was adjourned, the Supreme Court handed down judgment in *Wolverhampton*. That case concerned applications for injunctions to prevent travellers from establishing unauthorised encampments in local authority areas. The Supreme Court reviewed the development of the law in relation to injunctions against ‘newcomer’ persons unknown, namely persons who, at the time of the grant of the injunction, are not identifiable and who cannot be shown to have committed any conduct which is sought to be prohibited or indeed to have any intention to do so in the future. At para. 167 the Supreme Court held:

“167. These considerations lead us to the conclusion that, although the attempts thus far to justify them are in many respects unsatisfactory, there is no immovable obstacle in the way of granting injunctions against newcomer Travellers, on an essentially without notice basis, regardless of whether in form interim or final, either in terms of jurisdiction or principle. But this by no means leads straight to the conclusion that they ought to be granted, either generally or on the facts of any particular case. They are only likely to be justified as a novel exercise of an equitable discretionary power if:

(i) There is a compelling need, sufficiently demonstrated by the evidence, for the protection of civil rights (or, as the case may be, the enforcement of planning control, the prevention of anti-social behaviour, or such other statutory objective as may be relied upon) in the locality which is not adequately met by any other measures available to the applicant local authorities (including the making of byelaws). This is a condition which would need to be met on the particular facts about unlawful Traveller activity within the applicant local authority's boundaries.

(ii) There is procedural protection for the rights (including Convention rights) of the affected newcomers, sufficient to overcome the strong prima facie objection of subjecting them to a without notice injunction otherwise than as an emergency measure to hold the ring. This will need to include an obligation to take all reasonable steps to draw the application and any order made to the attention of all those likely to be affected by it (see paras 226-231 below); and the most generous provision for liberty (ie permission) to apply to have the injunction varied or set aside, and on terms that the grant of the injunction in the meantime does not foreclose any objection of law, practice, justice or convenience which the newcomer so applying might wish to raise.

(iii) Applicant local authorities can be seen and trusted to comply with the most stringent form of disclosure duty on making an application, so as both to research for and then present to the court everything that might have been said by the targeted newcomers against the grant of injunctive relief.

(iv) The injunctions are constrained by both territorial and temporal limitations so as to ensure, as far as practicable, that they neither outflank nor outlast the compelling circumstances relied upon.

(v) It is, on the particular facts, just and convenient that such an injunction be granted. It might well not for example be just to grant an injunction restraining Travellers from using some sites as short-term transit camps if the applicant local authority has failed to exercise its power or, as the case may be, discharge its duty to provide authorised sites for that purpose within its boundaries.”

67. The Supreme Court recognised, at para 171, that “the availability of non-judicial remedies, such as the making of byelaws and the exercise of other statutory powers, may bear on questions (i) and (v) in para. 167 above...” When considering question (i), namely whether there is a compelling need for the remedy, the Supreme Court considered the availability of alternative powers available to the local authority by means such as public spaces protection orders, criminal offences and byelaws. [Paras. 204-216 of the judgment.]

68. At para. 235 of the judgment, the Supreme Court recognised the relevance of newcomer injunctions to protestor cases and noted:

“235. The emphasis in this discussion has been on newcomer injunctions in Gypsy and Traveller cases and nothing we have said should be taken as prescriptive in relation to newcomer injunctions in other cases, such as those directed at protesters who engage in direct action by, for example, blocking motorways, occupying motorway gantries or occupying HS2's land with the intention of disrupting construction. Each of these activities may, depending on all the circumstances, justify the grant of an injunction against persons unknown, including newcomers. Any of these persons who have notice of the order will be bound by it, just as effectively as the injunction in the proceedings the subject of this appeal has bound newcomer Gypsies and Travellers.”

Discussion

Does the Council have standing to bring proceedings for injunctive relief and, if so, can it establish the causes of action relied upon?

69. The effect of decisions such as *Nottingham City Council v Zain* is that it is settled law that a local authority can rely on s.222 of the Local Government Act 1972 to bring proceedings to restrain actual or threatened public nuisance or

breach of the criminal law where the local authority considers “it expedient for the promotion or protection of the interests of the inhabitants of the area.”

70. The Council argues that it is expedient to bring these proceedings for the promotion and protection of the interests of the inhabitants of North Warwickshire when one takes into account the desirability of establishing and maintaining a law-abiding community; the need to protect inhabitants and visitors of North Warwickshire from serious threats to their safety, health, property and peaceful existence; the need to ensure that businesses of North Warwickshire can go about their lawful operations without disruption, and the need to protect emergency service staff and resources.
71. When considering whether it is expedient to act under s.222, the Council has to take into account any particular responsibilities it has. In this case, s.17 of the Crime and Disorder Act 1998 imposes a duty on the Council “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 (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and ...(c) re-offending in its area...” The Council also has the ability as a non-highway authority council under s.130(2) of the Highways Act 1980 to “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...”
72. The Council relies on underlying causes of action in public nuisance and breach or threatened breach of the criminal law. This is not one of those claims, as discussed by Keene LJ at para. 27 of *Zain*, where the injunction is brought to restrain only breaches of the criminal law such that a local authority may have to demonstrate it has some particular responsibility. As it happens, on the facts of this case, the Council does in any event have such a responsibility by virtue of s.17 of the Crime and Disorder Act 1998.
73. The Council’s decision as to whether it was expedient to bring proceedings to promote or protect the interests of its inhabitants took into account multiple factors including the aforementioned statutory responsibilities, the high risks associated with storing very large volumes of flammable products at an ‘Upper Tier’ site adjacent to residential areas, and the significant scale and extent of disruption caused by protest activity occurring both inside and in the locality of the Terminal. In my judgment, those matters clearly justify the Council utilising its power under s.222.
74. The unchallenged evidence relied on by the Council establishes the commission of the tort of public nuisance and the threat of further such torts being committed. The actions of the protestors materially affected the reasonable comfort and convenience of those trying to go about their lives in North Warwickshire and the wider Midlands. Those affected included locals unable to use roads closed due to protest activity; businesses based at and those associated with the Terminal unable to operate fully due to operations at the Terminal being suspended; oil tanker drivers unable to go about their work when their vehicles were requisitioned by protestors; vehicle users finding they could not obtain fuel from forecourts suffering fuel shortages; local residents inconvenienced by the

scale and noise of required police operations, and individuals affected by the disruption to usual policing caused by additional police resources being diverted to policing the protests. Furthermore, the evidence demonstrates a risk of substantial public nuisance should an explosion or fire occur. The evidence of widespread use of mobile phones by the protesters in close proximity to highly flammable fuels, and the digging of tunnels without regard to the location of underground oil pipework, clearly creates a very significant risk to life, property and the environment. It was more by good luck rather than good judgement that the actions of some of the protesters did not result in a fire or explosion.

75. In light of my finding that the Council has established the commission of the tort of public nuisance, it is unnecessary to consider whether the same facts gave rise to any criminal offences that were in force at that time. The existence of the criminal law as a possible alternative remedy will however be relevant when considering whether it is appropriate for the court to exercise its discretion to grant injunctive relief.

The restriction of Article 10 and 11 rights

76. The Council accepts that the claim engages s.12 of the Human Rights Act 1998 given that the relief sought may affect the protestors' rights to freedom of expression. Some of the named defendants, and necessarily the persons unknown defendants, were neither present nor represented at the trial. By s.12(2) no relief is to be granted unless the court is satisfied that the Council has taken all practicable steps to notify the defendants. The question of service of the order of Soole J dated 6 December 2023 and of the Notice of Hearing was the subject of consideration at the start of the hearing on 11 June 2024. For the reasons given in an ex tempore judgment that day, and as embodied in my order of 12 June 2024, I was satisfied that proper notice had been given to the defendants that have chosen not to acknowledge or defend the claim or attend the trial.
77. It is not in dispute that Articles 10 and 11 are engaged. The issue is whether it is appropriate to interfere with those qualified rights. The Council encourages the court to adopt the approach adopted by *Sweeting J* at para. 133-136 of his judgment granting the interim injunction in this case. Whilst many of the considerations will be the same, in my judgment it is important to reconsider the appropriate framework of questions posed by the Supreme Court in *Ziegler* afresh, having now heard the evidence and the submissions of the three defendants.
78. The answers to the first four questions posed at para. 63 of *Ziegler* can be answered in fairly short order.
- (1) The protesters actions in gathering with others to protest against the granting of licences for the production and use of fossil fuels was an exercise of their Article 10 and 11 rights.
 - (2) The Council's seeking of an injunction to restrict the rights to protest clearly interferes with the protestors' Article 10 and 11 rights as it would prevent much of the activity that has previously occurred.

- (3) The interference is however prescribed by law in that the court has a discretion to grant an injunction under s.37 of the Senior Courts Act 1981 and the Council has the standing to bring a claim for injunctive relief pursuant to s.222 of the Local Government Act 1972.
 - (4) The interference is in pursuit of a legitimate aim namely the prevention of disorder or crime, the protection of health and the protection of rights of others.
79. The more complex question is that posed at para. 63(5) of *Ziegler* namely whether the interference is 'necessary in a democratic society' to achieve that legitimate aim? That involves consideration of the four further questions identified by the Supreme Court in para. 64(1) – (4).
 80. The Council's primary concern is to protect the local community and environment from the risks associated with extreme forms of protesting in close proximity to highly flammable fuels. Given the potential ramifications of any fire or explosion at or in the locality of the Terminal, the stated aims to prevent crime and disorder, protect the health of the community and the rights of others are sufficiently important to justify interference with the Article 10 and 11 rights. The Council can therefore satisfy the question posed by para. 64(1).
 81. The terms of the proposed injunction seek to prohibit protests inside the Terminal (ie on private land to which the defendants have no right to enter anyway) and to restrict certain specified acts in the locality of the Terminal. The Council does not seek to prohibit all protest activity in the locality of the Terminal but only more extreme form of protest activity, such as blocking entrances, climbing on structures, locking on, digging or tunnelling and abseiling. For the purposes of the question posed by para. 64(2), there is thus a rational connection between the terms of the injunction sought and the aims of preventing crime and disorder and protecting the health of the community and rights of others.
 82. It is then necessary to consider whether there are less restrictive means available to achieve the Council's aims. (Para. 64(3) of *Ziegler*.) The defendants' submissions to the effect that an injunction is unnecessary in light of expanded criminal law powers can be viewed as a request that the court adopt a less restrictive approach and allow the position to be governed by existing laws.
 83. The main alternative remedies to be considered as potential means of achieving the Council's aims are (a) a Public Spaces Protection Order ('PSPO'), (b) byelaws and (c) the existing criminal law. The evidence of Mr Maxey (witness statement 5 June 2024 at paras. 7-9) sets out his views on the suitability of a PSPO and byelaws. Mr Smith (witness statement 10 April 2022 at page 4) comments on the attempted use of criminal law to control the protest activity.
 84. The Supreme Court in *Wolverhampton* (at para. 204) discussed the availability of PSPOs in the context of considering whether there was a compelling justification for a newcomer injunction against persons unknown. It was noted that a PSPO is directed at behaviour and activities carried on or in a public place which have a detrimental effect on the quality of life of those in the area. A

number of the disadvantages of a PSPO identified by Mr Maxey are valid concerns. The level of protection provided by a PSPO is restricted by virtue of the Council not having jurisdiction to impose such an order on private land. Any order could not therefore extend to the Terminal itself and would be limited to any public land adjacent thereto. The evidence in this case is that some of the protest activity, including some of the more extreme activity in locking onto fuel tanks, occurred inside the perimeter fencing. A PSPO would not therefore address the aim of protecting the local community from the health implications of a fire or explosion caused by a protest within the Terminal. Furthermore, the maximum sanction for breach of a PSPO is a level 3 fine (up to £1000) giving rise to concern that such an order would not have the same deterrent effect as an injunction, breach of which gives rise to a maximum penalty for contempt of two years' imprisonment. Additionally, breach of a PSPO is not an arrestable offence meaning that the police would not be able to remove with immediate effect a protester whose actions were putting at risk the local community. That limits the utility of a PSPO. In my judgement, a PSPO is not a viable less restrictive means of achieving the Council's aims.

85. Byelaws suffer many of the same shortfalls as seen with PSPOs. Breach of a byelaw gives rise to a maximum fine of £500 and is not an arrestable offence. The Council cannot unilaterally make a byelaw and the process requires assessment, consultation, application and approval of the scheme by the Secretary of State and further consultation. It is not therefore an agile solution either in terms of speed of implementation or in terms of the ability to vary the byelaw should circumstances change. It is not therefore a viable less restrictive means of achieving the Council's aims.
86. Since the making of the interim order by Sweeting J in May 2022, the range and seriousness of criminal offences relevant to protest activity have increased. From 12 May 2022, the sentence for the offence of wilful obstruction of the highway has increased from a fine to a maximum of 6 months' imprisonment. (s.80 of the Police, Crime, Sentencing and Courts Act 2022 amending s.137 of the Highways Act 1980.) The Public Order Act 2023 ("the 2023 Act") introduced a range of new offences with effect from 3 May 2023. Those offences include an offence of locking on (s.1), being equipped for locking on (s.2), causing serious disruption by tunnelling (s.3), causing serious disruption by being present in a tunnel (s.4), being equipped for tunnelling (s.5) and interfering with the use or operation of key national infrastructure including downstream oil infrastructure (s.7). There are differing maximum sentences for each of those offences but, other than the 'being equipped' offences which attract fines, the remainder can attract sentences of imprisonment. Section 10 and 11 of the 2023 Act extend police powers of stop and search to a number of the offences. The prosecution can apply for a serious disruption prevention order (s.20) subject to various conditions being met. Those conditions include a requirement that a defendant has committed another protest-related offence or a protest-related breach of an injunction within the five years ending on the day of conviction for the current offence. Certain individuals, such as the chief constable, can apply for a serious disruption prevention order on application (s.21). A local authority such as the Council does not however have standing to make such an application.

87. Ms Lee's submission is that the enhanced criminal powers provide a deterrent to protesters and give increased powers of arrest to the police such that an injunction is no longer required. The Council does not accept the increased criminal powers obviate the need for an injunction. Mr Manning submits that the object of the proceedings is defeated if the local community has to wait until criminal offences occur before action is taken. He submits that the evidence from the police suggests that the criminal justice system is not well equipped to prevent protesters returning to the site because individuals arrested are not typically remanded in custody and offences take time to progress through the criminal courts. It is said that it can also be a matter of circumstance whether an individual protester is prosecuted as that is subject to the view taken by the prosecuting authorities rather than the Council. Mr Manning submits that there is no evidence of the deterrent effect of the increased criminal penalties and new offences in circumstances where public nuisance was already a common law offence in 2022 and did not deter the protestors from acting. In short, the Council submits that the criminal law does not provide a systematic means of protecting the local area from the harm that the authorities are concerned about.
88. It is not helpful that the police evidence relied on by the Council has not been updated to reflect any effects of the introduction of new criminal offences and increased sentencing powers. However, the existence of relevant criminal offences does not, of itself, mean it is inappropriate to grant an injunction to restrain public nuisance nor, particularly in cases where a local authority has a particular responsibility for enforcement, to restrain breaches of acts which would amount to other criminal offences. Indeed, in *Zain*, serious criminal offences existed in respect of the alleged illegal drug activity but it was nonetheless appropriate to grant injunctive relief. The criminal justice system does not, in my judgment, achieve the Council's aims in as comprehensive a manner as injunctive relief could. Firstly, I am not persuaded that new criminal offences and increased sentencing powers have the same deterrent effect as an injunction and power of arrest. The common law offence of public nuisance existed when the protests occurred in 2022 and, as a common law offence, technically had a maximum sentence of life imprisonment. That did nothing to deter the protesters. The increased sentence for wilful obstruction of the highway and many of the offences under the 2023 Act have lower maximum sentences than the 2 years' maximum imprisonment for contempt of court. Secondly, the mechanism by which a protester is brought before the civil courts following arrest is expeditious in that it requires production before a court within 24 hours. It therefore provides both a significant deterrent to a would-be unlawful protester who risks immediate incarceration, and immediate respite to the local community. Thirdly, an injunction hands control of the pursuit of contempt proceedings against protestors to the local authority. By contrast, with criminal proceedings it is for the criminal prosecuting authority to determine whether to pursue a matter. The Council is likely better placed to assess whether contempt proceedings further the Council's aims in preventing crime and disorder in its area and protecting the health of its residents. Moreover, the Council has a positive duty under s.17 of the Crime and Disorder Act 1998 to exercise its 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 (including anti-social and other behaviour adversely

affecting the local environment) and to prevent re-offending. Permitting the Council rather than prosecuting authorities to take action to prevent unlawful protest activity is consistent with the Council's obligation to do all it reasonably can to prevent crime and disorder. Fourthly, an injunction is designed to be preventative in nature as opposed to the criminal law which reacts to events that have already occurred. In seeking to prevent crime and disorder and protecting the health and rights of others, it is little comfort that the criminal law will swing into action only after the damage has been done. I do not therefore conclude that reliance on the existing criminal law is an adequate less restrictive means of achieving the Council's aims.

89. The final question in determining whether an interference with a qualified convention right is proportionate requires consideration of whether there is a fair balance between the rights of the individual and the general interest of the community, including the rights of others. (Para. 64(4) of *Ziegler*.) The proposed injunction does not prohibit all protests in the locality of the Terminal but only those which involve more extreme forms of protest activity which put the community at risk. By permitting some protest activity, the proposed injunction strikes a fair balance between the rights of the protestors and the general interest of the local community.

Is it appropriate to grant injunctive relief against the named defendants?

90. In *Canada Goose UK Retail Ltd v Persons Unknown* [2020] EWCA Civ 303 the Court of Appeal guidance at para. 82(1) was to the effect that if an individual is "known and has been identified, they must be joined as individual defendants to the proceedings." The decision in *Wolverhampton* does not affect that proposition. Of named defendants appearing at Schedule A to the judgment, those numbered up to and including the 17th defendant were the original named defendants to the claim having been arrested at or in the locality of the Terminal in relation to protest activity taking place between 31 March and 10 April 2022. The defendants numbered 20th onwards were added as named defendants following their arrest at or in the locality of the Terminal in relation to protest activity after the initial interim injunction was granted on 14 April 2022.
91. Mr Maxey recognises in his evidence that "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...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 participate in such conduct." [Para. 16(iii) of his statement of 5 June 2024.]
92. In my judgment it is appropriate to grant injunctive relief in principle against each of the named defendants appearing in in Schedule A. None of the defendants have filed a defence and thus have not sought to challenge the claimant's case that each defendant has been arrested for relevant protest activity at the Terminal and is affiliated with Just Stop Oil and its aims. Indeed, when making their submissions the 8th, 78th and 115th defendants did not seek to dispute their involvement in protest activity at the Terminal nor seek to disavow their support of the aims of Just Stop Oil. Whilst there has been no

protest activity at the Terminal since September 2022, the evidence establishes that Just Stop Oil has continued in disruptive protest activity in other locations. [Para. 8(c) of the statement of Mr Maxey dated 18 January 2024.] In her submissions, the 8th defendant acknowledged an ongoing intention of Just Stop Oil to protest but with a focus on more ‘media friendly’ opportunities. By that she was referring to protest activity that prompts maximum media attention. The opportunity for headline-making is only too obvious if a fire or explosion occurred at the Terminal. The behaviour of a number of the defendants during the various contempt proceedings also evidences the defendants’ collective intention to cause disruption in aid of their cause. Such conduct included many defendants refusing to accept the jurisdiction of the court and some variously telling the court they would not attend future hearings if bailed, refusing to come out of cells to attend court, climbing on dock furniture, gluing body parts to the dock, and removing their clothes when in the dock. There is a clearly a risk that unless restrained the named defendants may engage in future protest activity at or in the locality of the Terminal that endangers the local community.

Is it appropriate to grant injunctive relief against ‘newcomer’ persons unknown taking into account the requirements outlined in *Wolverhampton*?

93. Any newcomer injunction is a form of without notice injunction and, as recognised by the Supreme Court in *Wolverhampton* at para. 167, only likely to be justified as “a novel exercise of discretionary power” if certain conditions are met.

Compelling need not adequately met by any other measures

94. There is however a compelling need for injunctive relief to protect the inhabitants of North Warwickshire and those who work in or travel through or otherwise visit the area from the more extreme types of protest activity at and in the locality of the Terminal that amount to public nuisance and/or criminal offences. For the reasons discussed in paragraphs 82 to 88 of this judgment, the required protection cannot be met by other measures available to the Council. The ongoing nature of Just Stop Oil’s protest activity is such that there is a real risk of future incidences of public nuisance occurring and/or of criminal offences being committed at or in the locality of the Terminal.

Procedural protections

95. Any newcomer injunction must ensure that there are sufficient procedural protections to safeguard the newcomers against draconian nature of a without notice order. The persons unknown defendants have been given notice of this claim, the interim injunctions and the progression of the proceedings to the trial dates by various methods of alternative service. Those steps have included physical signage at the Terminal, use of the Council’s website and social media accounts, and direct communications with Just Stop Oil through their email addresses and social media accounts. Persons unknown have therefore already had ample opportunity to participate in these proceedings but have elected not to. Any final injunction against newcomers can also be the subject of stringent alternative service provisions to ensure persons potentially affected are given full information as to the terms and scope of the order, any power of arrest and

the trial papers before the court. The Council has provided details of the steps it proposes to take to publicise an order, power of arrest and documents contained in the trial bundles. Those steps involve making use of signage along the boundary of and at the entrances to the Terminal, posting documents on its website, publicising through the Council's social media, asking local police to publicise through their social media and communicating directly with Just Stop Oil through known email addresses and social media. Such an approach will ensure effective notice can be given to newcomers. Mindful of its obligations to ensure procedural fairness, the Council concedes that any order should have a generous liberty to apply provision enabling any person served with the order or affected by it to apply to the court to vary or discharge the order on 48 hours' notice to the Council. This will ensure any newcomer has the ability to raise any objection even though they have not participated in the trial.

Disclosure duty

96. The Council acknowledges its obligation to comply with its disclosure duty on seeking a remedy against newcomer persons unknown. The Council's skeleton argument, at paragraphs 68 to 73, addresses the Council's duty and considers what arguments defendants might wish to pursue. It has also ensured that the court has before it the interim injunction judgment of Sweeting J at [2023] EWHC 1719 (KB) which discusses the arguments raised by the 73rd defendant and Ms Hardy at the interim hearing. Mr Manning's closing submissions included taking the court through the various new criminal offences introduced by the 2023 Act, and the increased sentencing powers for wilful obstruction of the highway, to ensure full consideration could be given to possible less restrictive alternative measures. I am therefore persuaded that the Council is both alive to its disclosure duty and has complied with the same in putting its case and counter-arguments as fairly as possible.

Territorial and temporal limits

97. The terms of the draft order limit the geographical scope of the injunction to two areas. The first area is defined in paragraph 1 of the draft order as covering the Terminal itself. That area is privately owned land upon which the defendants have no right to access without the permission of the land owner. The land is identifiable in the draft order by reference to boundaries edged in red on a colour plan attached to the order. The plan is drawn to a scale of 1:5000. The geographical limit is thus clear to see. The second area is defined in paragraph 2 of the draft order as being "anywhere in the locality of the Terminal..." The Council acknowledges that the term "locality" is a flexible concept but submits it is one which has the necessary clarity having been endorsed as appropriate for use in injunctive orders by the Court of Appeal in *Manchester City Council v Lawler* [1998] 31 HLR 119. Butler-Sloss LJ (as she then was) noted that "in the locality" was a term adopted by parliament and considered it would be "a question of fact for the judge whether the place in which the conduct occurred was or was not within the locality." I considered the construction of the term in contempt proceedings within this claim (*NWBC v Aylett, Goode & Jordan* [2022] EWHC 2458 (KB) at para. 94-100). I maintain my conclusion that the expression is not unreasonably vague such that it may be susceptible to more than one interpretation. It is an expression adopted by parliament and endorsed

for use in injunctions by the Court of Appeal. Furthermore, a defendant facing contempt proceedings has the additional procedural safeguard arising from the requirement on the Council to establish to the criminal standard of proof that a given place is "within the locality."

98. Any newcomer injunction must also be subject to strict temporal limits. The Council seeks an injunction for a period of three years from trial with annual hearings to review its operation. The interim injunction has itself been in force for over two years, which is longer than anticipated when the claim was first issued. In the context of gypsy or traveller newcomer injunctions, the Supreme Court in *Wolverhampton* (at para. 225) took the view that such injunctions "ought to come to an end (subject to any order of the judge), by effluxion of time in all cases after no more than one year unless an application is made for their renewal." Slightly different considerations apply where an injunction limits only certain types of protest behaviour as the consequences of an order are less draconian than for a gypsy or traveller being deprived of somewhere to site the vehicle in which they live. In *Valero Energy Ltd & others v Persons Unknown* [2024] EWHC 134 (KB) ("*Valero Energy*") Ritchie J granted a newcomer injunction against protestors for a period of five years subject to annual reviews. The claimants in *Valero* owned or had a right to possession of eight oil refinery or oil terminal sites in England and Wales which had been targeted by protest groups including Just Stop Oil. Whilst an annual review is essential to ensure ongoing consideration of the appropriateness of an injunction remaining in force, a term of three years is within appropriate temporal limits. The sustained duration of protest activity between March and September 2022 and the regular ongoing protest activity of Just Stop Oil at other locations demonstrates the need for the term of any order to extend to three years.

Just and convenient

99. The Council seek to protect their inhabitants from unlawful activity in the form of public nuisance and/or the commission of criminal offences. The highly flammable nature of the products stored on and transported to and from the Terminal means that some of the protest activity seen at this location has risked fire or explosion. The balance of convenience falls in favour of granting injunctive relief to protect the local population whilst still permitting the defendants to engage in protest activity in the locality of the Terminal.
100. The terms of the final injunction in *Valero Energy* already provides some protection to the local community as it covers part of the Terminal that is within the control of one of the four operators of the Terminal. I do not take the view that the *Valero Energy* order renders it inappropriate to grant the Council relief. Firstly, the Council does not hold the benefit of that order and would not be able to enforce it. Secondly, the claimants to the *Valero Energy* claim are not local authorities and thus could not rely on s. 27 of the Police and Justice Act 2006 so as to seek a power of arrest. Thirdly, the order does not cover the Terminal as a whole nor the locality of the Terminal.
101. I am therefore persuaded it is appropriate for the court to exercise its discretion to grant injunctive relief against the newcomer defendants.

The terms of the injunction and whether a power of arrest should be attached.

102. For the reasons aforementioned, it is appropriate for an injunction to be granted against all the defendants listed in schedule A for a term of three years from the trial with annual review hearings. The substance of the draft order will be adopted but the court will hear submissions on the detail of the required order after the judgment has been handed down.
103. The Council seeks that a power of arrest be attached to the injunction pursuant to s.27 of the Police and Justice Act 2006. The application of s.27 to the facts of this case was considered by Sweeting J when granting the interim injunction: [2023] EWHC 1719 (KB) at paras. 108 to 115. That analysis is still applicable following the hearing of the evidence. The decision in *Wolverhampton* does not undermine the ability of the court to attach a power of arrest to an injunction against persons unknown. The substance of the injunction will prohibit conduct which is capable of causing nuisance or annoyance to the inhabitants of the Council's area. It remains the case that there is a significant risk of harm for the purposes of s.27(3)(b) given the extreme forms of protest seen at the Terminal, the ongoing protest activity of Just Stop Oil generally and the implications of a fire or explosion at the Terminal. I am therefore satisfied that the Council meets the threshold test imposed by s.27(2) and (3). Whether to then attach a power of arrest becomes an exercise of discretion. As was the position at the interim stage of this case, there remain cogent reasons why a power of arrest is appropriate, indeed an imperative. Firstly, a power of arrest will enable the police to immediately remove a protestor from the scene and thereby reduce or extinguish the risk to others. Secondly, a power of arrest ensures that the Council can take effective enforcement action. A protestor would be arrested, detained, identified and brought before a court within 24 hours. Without such a power, the Council would find it impossible or at least extremely difficult in many cases to ascertain the names and addresses of the perpetrators so as to bring a paper contempt application. That in turn would diminish the desired deterrent effect of the injunction. A power of arrest will therefore be attached to the order.

Required form of order

104. I will hear submissions on the detail of the required order on the handing down of judgment but make the following provisional comments on the latest version of the draft order as supplied by the Council at trial:
- i) The description of the protests covered should be extended to mirror the definition adopted in the description of defendants 19A to 19D, namely a protest "against the production of fossil fuels and/or the use of fossil fuels and/or the grant of licences to extract fossil fuels."
 - ii) The order will cover the Terminal and the locality of the Terminal.
 - iii) The order will prohibit all protest activity within the Terminal itself but, in respect of the locality of the Terminal, the prohibited activity will be limited to defined actions as particularised in draft paragraph 1(b)(i) to (xi).

- iv) The alternative service provisions in Schedule 3 in respect of the persons unknown defendants and those defendants for whom the Council has no contact details requires amendment to ensure that (a) it is clear that all alternative service steps must be undertaken, (b) the relevant documents are publicised widely including signposting from the Council's website landing page and (c) there is no ambiguity as to the size and number of physical signs that will be required.
- v) Further case management directions need to be made in respect of the first review hearing.

HHJ Emma Kelly

SCHEDULE A

SCHEDULE OF DEFENDANTS

(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
(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

(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 BARKSHIRE

(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 CATTERMOLLE
(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
(145) HANNAH TORRANCE BRIGHT
(146) JANE TOUIL
(150) SARAH WEBB
(151) IAN WEBB
(153) WILLIAM WHITE
(155) LUCIA WHITTAKER-DE-ABREU
(156) EDRED WHITTINGHAM
(157) CAREN WILDEN
(158) MEREDITH WILLIAMS

Certificate of service

[Click here to reset form](#)[Click here to print form](#)

On what day did you serve?

2 1 / 1 2 / 2 0 2 4

The date of service is

2 1 / 1 2 / 2 0 2 4

Name of court

High Court at Birmingham

Claim No.

QB-2022-001236

Name of Claimant

North Warwickshire Borough Council

Name of Defendant

Barber and Others

What documents did you serve?

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

Final Injunction Order, Power of Arrest, Order and Judgment of HHJ Kelly, all dated 6 September 2024

On whom did you serve?

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

17 A1 signs at Kingsbury Oil Terminal

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)

as per the Order of HHJ Kelly dated 6 September 2024

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

as above

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 Sofia Ali

Signed Sofia Ali

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

Position or office held Head of Legal Services

(If signing on behalf of firm or company)

Date 0 9 / 0 9 / 2 0 2 5

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (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
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

[Click here to reset form](#)[Click here to print form](#)

On what day did you serve?

2 6 / 0 9 / 2 0 2 4

The date of service is

2 6 / 0 9 / 2 0 2 4

Name of court

High Court at Birmingham

Claim No.

QB-2022-001236

Name of Claimant

North Warwickshire Borough Council

Name of Defendant

Barber and Others

What documents did you serve?

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

Final Injunction Order, Power of Arrest, Order and Judgment of HHJ Kelly, all dated 6 September 2024

On whom did you serve?

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

Facebook, Twitter, LinkedIn, Council's website, Police, email to Ring2021 juststopoil, youthclimate emails, Council offices

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)

as per the Order of HHJ Kelly dated 6 September 2024

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

as above

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 Sofia Ali

Signed Sofia Ali

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

Position or office held Head of Legal Services

(If signing on behalf of firm or company)

Date 0 9 / 0 9 / 2 0 2 5

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (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
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

[Click here to reset form](#)[Click here to print form](#)

On what day did you serve?

1 6 / 0 9 / 2 0 2 4

The date of service is

1 6 / 0 9 / 2 0 2 4

Name of court

High Court at Birmingham

Claim No.

QB-2022-001236

Name of Claimant

North Warwickshire Borough Council

Name of Defendant

Cohen and Others

What documents did you serve?

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

Final Injunction Order, Power of Arrest, Order and Judgment of HHJ Kelly, all dated 6 September 2024

On whom did you serve?

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

Defendants listed in the attached appendix

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 (12:38.....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

Email addresses listed in the attached appendix

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

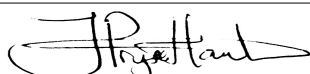
☒ other (please specify)

email address

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

Full name Josephine Pryse Hawkins

Signed



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

Position or office held

Solicitor

(If signing on behalf of firm or company)

Date

1 7 / 0 9 / 2 0 2 4

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (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
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.

Appendix		
Defendant Number	Name	Email Address
4	Timothy Hewes	[REDACTED]
6	John Jordan	[REDACTED].com
8	Alyson Lee	[REDACTED]
10	Stephen Pritchard	[REDACTED]
11	Paul Raithby	[REDACTED]
17	Anthony Whitehouse	[REDACTED]
20	John Jordan	[REDACTED]
24	Stephanie Aylett	[REDACTED]
25	Marcus Bailie	[REDACTED]
28	Paul Bell	[REDACTED]
29	Paul Bell	[REDACTED]
33	Molly Berry	[REDACTED]
34	Gillian Bird	[REDACTED].k
40	Emily Brocklebank	[REDACTED]
44	Jade Calland	[REDACTED]
46	Caroline Cattermole	[REDACTED]
	Michelle Charlesworth	[REDACTED]
55	Janine Eagling	[REDACTED]
65	Callum Goode	[REDACTED]
68	Joanne Grounds	[REDACTED]
76	Diana Hekt	[REDACTED]
78	Joanna Hindley	[REDACTED]
81	Joe Howlett	[REDACTED]
84	Ruth Jarman	[REDACTED]
85	Stephen Jarvis	[REDACTED]
88	Charlotte Kirin	[REDACTED].com
90	Jerrard Mark Latimer	[REDACTED]
93	Victoria Lindsell	[REDACTED]
94	El Litten	[REDACTED]
98	Diana Martin	[REDACTED]
102	Julia Mercer	[REDACTED]
104	Simon Milner-Edwards	[REDACTED] [REDACTED]
106	Darcy Mitchell	[REDACTED]
107	Eric Moore	[REDACTED]
108	Peter Morgan	[REDACTED]
111	Joanne Murphy	[REDACTED]
113	Christian Murray-Leslie	[REDACTED]
115	Chloe Naldrett	[REDACTED]
120	George Oakenfold	[REDACTED]
123	Richard Painter	[REDACTED]
137	Daniel Shaw	[REDACTED]

138	Paul Sheeky	[REDACTED]
139	Susan Sidey	[REDACTED]
150	Sarah Webb	[REDACTED]
153	William White	[REDACTED]
158	Meredith Williams	[REDACTED]

Certificate of service

Click here to reset form

Click here to print form

Name of court High Court at Birmingham	Claim No. QB-2022-001236
Name of Claimant North Warwickshire Borough Council	
Name of Defendant Cohen and Others	

On what day did you serve? 1 6 / 0 9 / 2 0 2 4

The date of service is 1 8 / 0 9 / 2 0 2 4

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Final Injunction Order, Power of Arrest, Order and Judgment of HHJ Kelly, all dated 6 September 2024

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Defendants listed in the attached appendix

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

Addresses listed in the attached appendix

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

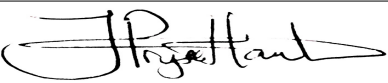
☐ principal office of the company

☐ 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 Josephine Pryse Hawkins

Signed  Position or office held Solicitor

(Claimant) (Defendant) ('s solicitor) (s litigation friend) (If signing on behalf of firm or company)

Date 1 7 / 0 9 / 2 0 2 4

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (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
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.

Appendix		
Defendant Number	Name	Address
2	Thomas Barber	[REDACTED] [REDACTED]
22	Mary Adams	[REDACTED] [REDACTED]
30	Sarah Benn	[REDACTED]
32	David Robert Berkshire	[REDACTED] [REDACTED]
36	Paul Bowers	[REDACTED] [REDACTED]
37	Kate Bramfitt	[REDACTED] [REDACTED] [REDACTED]
43	George Burrow	[REDACTED]
49	Zoe Cohen	[REDACTED] [REDACTED]
50	Jonathan Coleman	[REDACTED] [REDACTED]
53	Jeaninie Donald-McKim	[REDACTED] [REDACTED]
56	Stephen Eeckelaers	[REDACTED] [REDACTED]
58	Holly June Exley	[REDACTED]
59	Cameron Ford	[REDACTED] [REDACTED]
60	William Thomas Garratt-Wright	[REDACTED] [REDACTED]
61	Elizabeth Garratt-Wright	[REDACTED] [REDACTED]
69	Alan Guthrie	[REDACTED] [REDACTED]
70	David Gwyne	[REDACTED]
71	Scott Hadfield	[REDACTED] [REDACTED]
72	Susan Hampton	[REDACTED] [REDACTED]
79	Anna Holland	[REDACTED] [REDACTED]
82	Eric Hoyland	[REDACTED] [REDACTED]
83	Reuben James	[REDACTED]
91	Charles Laurie	[REDACTED]
92	Peter Lay	[REDACTED] [REDACTED]
97	David Mann	[REDACTED]
99	Larch Maxey	[REDACTED]
101	Louis McKechnie	[REDACTED] [REDACTED]
103	Craig Miller	[REDACTED]

114	Rajan Naidu	[REDACTED] [REDACTED]
117	David Nixon	[REDACTED] [REDACTED]
121	Nicolas Onlay	[REDACTED]
122	Edward Osbourne	[REDACTED] [REDACTED]
124	David Powter	[REDACTED] [REDACTED]
127	Simon Reding	[REDACTED] [REDACTED]
128	Margaret Reid	[REDACTED]
129	Catherine Rennie-Nash	[REDACTED]
130	Isabel Rock	[REDACTED]
131	Caterine Scothorne	[REDACTED] [REDACTED]
133	Gregory Sculthorpe	[REDACTED] [REDACTED] [REDACTED]
135	Vivienne Shah	[REDACTED] [REDACTED]
136	Sheila Shatford	[REDACTED]
146	Jane Touil	[REDACTED] [REDACTED]
151	Ian Webb	[REDACTED] [REDACTED]
156	Edred Whittingham	[REDACTED]
157	Caren Wilden	[REDACTED]

Certificate of service

On what day did you serve?

28/08/2025

The date of service is

28/08/2025

Name of court
High Court, Kings Bench Division

Claim No.
QB-2022-001236

Name of Claimant
North Warwickshire Borough Council

Name of Defendant
Barber & Others and Persons Unknown

What documents did you serve?

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

5th Witness Statement of Steve Maxey - Notice of Review Hearing

On whom did you serve?

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

The Defendant set out in paragraph 7 (iii) (a), (b), (c), (d), (e), & (f) of the Order dated 6 December 2023

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)

Adding to the Council's Website, Facebook, Twitter LinkedIn, & link sent to Police & Just Stop Oil accounts

☐ 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

Ring2021@protonmail.com, juststopoil@protonmail.com, youthclimateswarm@protonmail.com as para 7(iii) (e)

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)

Notice at entrances to Council's offices as para 7(iii)(f)

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

Full name Brooke Haywood

Signed



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

Position or office held

Digital Communications Officer, North Warwickshire Borough Council

(If signing on behalf of firm or company)

Date

28/08/2025

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (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
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

On what day did you serve?	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
The date of service is	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Name of court	Claim No.
Name of Claimant	
Name of Defendant	

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**
- | | |
|--------------------------------------|--|
| <input type="checkbox"/> claimant's | <input type="checkbox"/> defendant's |
| <input type="checkbox"/> solicitor's | <input type="checkbox"/> 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) 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
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.

Appendix to Certificate of Service

	Defendant Number	Defendant Surname	Defendant First Name	Last known address	Post code
1.	2	BARBER	Thomas	[REDACTED]	[REDACTED]
2.	22	ADAMS	Mary	[REDACTED]	[REDACTED]
3.	30	BENN	Sarah	[REDACTED]	[REDACTED]
4.	32	BERKSHIRE	David Robert	[REDACTED]	[REDACTED]
5.	36	BOWERS	Paul	[REDACTED]	[REDACTED]
6.	37	BRAMFITT	Kate	[REDACTED]	[REDACTED]
7.	43	BURROW	George	[REDACTED]	[REDACTED]
8.	49	COHEN	Zoe	[REDACTED]	[REDACTED]
9.	50	COLEMAN	Jonathan	[REDACTED]	[REDACTED]
10.	53	DONALD-MCKIM	Jeaninie	[REDACTED]	[REDACTED]
11.	56	ECKELAERS	Stephen	[REDACTED]	[REDACTED]
12.	58	EXLEY	Holly June	[REDACTED]	[REDACTED]
13.	59	FORD	Cameron	[REDACTED]	[REDACTED]

14.	60	GARRATT-WRIGHT	William Thomas	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
15.	61	GARRATT-WRIGHT	Elizabeth	[REDACTED] [REDACTED] [REDACTED]st [REDACTED]	[REDACTED] [REDACTED]
16.	69	GUTHRIE	Alan	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
17.	70	GWYNE	David	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
18.	71	HADFIELD	Scott	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
19.	72	HAMPTON	Susan	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
20.	79	HOLLAND	Anna	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
21.	82	HOYLAND	Eric	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
22.	83	JAMES	Reuben	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
23.	92	LAY	Peter	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
24.	97	MANN	David	[REDACTED] [REDACTED]	[REDACTED]
25.	99	MAXEY	Larch	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
26.	101	McKECHNIE	Louis	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
27.	103	MILLER	Craig	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
28.	114	NAIDU	Rajan	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]

29.	117	NIXON	David	[REDACTED] [REDACTED]	[REDACTED]
30.	121	ONLAY	Nicolas	[REDACTED] [REDACTED]	[REDACTED]
31.	122	OSBOURNE	Edward	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]
32.	124	POWTER	David	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
33.	127	REDING	Simon	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
34.	128	REID	Margaret	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
35.	129	RENNIE-NASH	Catherine	[REDACTED] [REDACTED] a	[REDACTED]
36.	130	ROCK	Isabel	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
37.	131	SCOTHORNE	Caterine	[REDACTED] [REDACTED] n	[REDACTED]
38.	132	SCULTHORPE	Gregory	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
39.	135	SHAH	Vivienne	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
40.	136	SHATFORD	Sheila	[REDACTED] [REDACTED]	[REDACTED]
41.	146	TOUIL	Jane	[REDACTED] [REDACTED] [REDACTED] r	[REDACTED]
42.	151	WEBB	Ian	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]
43.	156	WHITTINGHAM	Edred	[REDACTED] [REDACTED]	[REDACTED]
44.	157	WILDEN	Caren	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]

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.

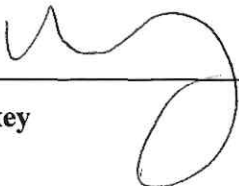
9. In my view, the injunction continues to be necessary in its present form for all of the reasons set out at paragraphs 4-6 above. Whilst there have not been any further protests at the Terminal since September 2022, protests at the Terminal continue to be threatened. It is, in my view, the existence 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

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

FOURTH 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. 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,¹

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**.

¹ (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=AQAAANed5dRV3wcsS9SwwNTLBHQv-ivWRHhHXenX8nEFX--O39ITeqjfeHLwh0aiJQfuMMFmmUNLCPynzy-il74Ruc51P9BykaxqQ- tnciMOHSF2OgjtchOt5pj879cBtiK3l-Q_r_4OppWWyZ0jzxbTvB1ZMNRzmVlW4tkUwSDshG

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: 5th 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 CATTERMOLLE**
- (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

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
- (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

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 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 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 dark ink, consisting of a series of loops and a long horizontal stroke.

Dated: 13th April 2022

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 series of loops and a long horizontal stroke.

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?	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>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>
4	<p>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>
5	<p>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 could have a differential impact on racial groups?		<div>No</div> <div>Please explain. 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.</div>		

9	Are there concerns that the action could have a differential impact due to gender?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
10	Are there concerns that the action could have a differential impact due to disability?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
11	Are there concerns that the action could have a differential impact due to sexual orientation?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
12	Are there concerns that the action could have a differential impact due to age?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
13	Are there concerns that the action could have a differential impact due to faith, religion or belief?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		

14	Are there concerns that the action could have a differential impact due to them having dependants/ Caring responsibilities?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
15	Are there concerns that the action could have a differential impact due to them having an offending past?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
16	Are there concerns that the action could have a differential impact due to them being trans-gendered or transsexual?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
17	Are there concerns that the action could have a differential impact due to socio-economic reasons?		No	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?	The injunction is aimed at particular experienced behaviour, which is not linked to, or more prevalent amongst any one group.		
18	Could the differential impact identified in 8 – 17 amount to there being the potential for adverse impact in this action?		No	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.

19	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	Y	N	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?		No	
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.....

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 BARKSHIRE**
- (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
(145) HANNAH TORRANCE BRIGHT
(146) JANE TOUIL
(150) SARAH WEBB
(151) IAN WEBB
(153) WILLIAM WHITE
(155) LUCIA WHITTAKER-DE-ABREU
(156) EDRED WHITTINGHAM

(157) CAREN WILDEN

(158) MEREDITH WILLIAMS