

Claim No: QB-2022-001236

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

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

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

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

-and-

THE ADDITIONAL DEFENDANTS LISTED
AT SCHEDULE A TO THIS ORDER

Defendants

SECOND WITNESS STATEMENT OF STEVEN MAXEY

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

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

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

Protests at the Terminal Since the Grant of the Interim Injunction

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

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

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

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

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

Necessity of Final Injunction

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

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

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

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

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

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

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

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

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

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

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

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

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

Undertakings

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

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

14. The Claimant's position is as follows:

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

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

Service of the Order of Soole J dated 6 December 2023

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

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Date: 18/1/24

SCHEDULE A

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

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

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

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

(155) EDRED WHITTINGHAM

(156) CAREN WILDEN

(157) MEREDITH WILLIAMS

(158) PAMELA WILLIAMS

Filed on behalf of the Claimant

Steven Maxey

Second Witness Statement

Exhibit SM/5

Claim No: QB-2022-001236

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

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

(16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) NO LONGER PURSUED

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

(20) JOHN JORDAN

-and-


THE ADDITIONAL DEFENDANTS LISTED

AT SCHEDULE A TO THIS ORDER

Defendants

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

Signed:

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

18/1/24

ChiefExecAdmin

Subject: How you can protect NWBC residents

From: Sarah Webb <sarahwebb999@gmail.com>

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

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

Subject: How you can protect NWBC residents

Caution: Warning external email

Dear Councillor,

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

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

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

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

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

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

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

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

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

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

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

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

Sarah Webb

ChiefExecAdmin

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

From: Catherine Rennie-Nash <crennienash@gmail.com>

Sent: Monday, August 21, 2023 10:58:36 pm

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

Dear Councillor,

My name is Catherine Rennie-Nash and I do not live in your constituency.

I am writing to you as I am deeply concerned about some of the actions of North Warwickshire Borough Council (NWBC) in their approach to democracy and the law.

I have been campaigning around the climate emergency for a number of years now, and I have tried many ways to bring about the urgent change that's needed to secure a liveable future for my grandchildren, all young people and the most marginalised in the world, such as voting, going on marches, signing petitions and supporting groups trying to bring about change. However, I have been continually disappointed by the response from politicians of all parties to the growing threat and, out of desperation, fear and frustration decided the only way that might have a chance of success was nonviolent civil disobedience to the point of arrest to try and make change happen.

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

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- In 2019 the UK Parliament declared a climate emergency
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- In 2021, Fatih Birol, the International Energy Agency's executive director
- and one of the world's foremost energy economists said: "If governments are serious about the climate crisis, there can be no new investments in oil, gas and coal, from now – from this year."
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- In 2022, when it was clear the UK Government were not going to act upon this,
- concerned citizens, having tried all other means to enact change, embarked on a civil resistance campaign under the banner of Just Stop Oil whose demand was the ceasing of new fossil fuel projects
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-
- Just Stop Oil's campaign involved blockading fossil fuel sites, including
- at Kingsbury in North Warwickshire, to try and create a political crisis and have the issue debated and acted upon in the UK Parliament
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- In anticipation of this action Valero Energy brought out a high court injunction
- to prevent such a blockade
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- From 1st April 2022, supporters of Just Stop Oil began trying to the stop
- the flow of deadly fossil fuels from the Kingsbury site, there were numerous arrests for which people were charged and the correct criminal procedures have taken place
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- Later in April 2022 NWBC brought out a high court injunction which included powers of arrest for the simple act of holding a placard outside the Kingsbury site
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- Feeling the injustice of this, having their legal right to protest denied by civil law, several people decided to continue to protest and pay the consequences
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The NWBC injunction was unnecessary as criminal procedures were already in place to deal with protest activity, plus Valero and others at the Kingsbury site already had civil injunctions in place. The NWBC injunction did nothing to reduce protest activity, it merely criminalised peaceful protest. I find this action by your council deeply disturbing and also a waste of taxpayers' money.

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

I urge you to:

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

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

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

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

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

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

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

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

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

Yours Sincerely,

Catherine Rennie-Nash

Subject: FW: re Kingsbury Injunction

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

Dear Councillor,

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

Firstly I give the context of my recent story.

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

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

However it was clear that something needed doing.

I made two resolutions:

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

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

(1) Open University

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

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

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

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

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

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

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

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

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

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

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

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

I urge you to:

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

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

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

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

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

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

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

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

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

Yours sincerely,

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

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

ChiefExecAdmin

Subject: FW: Thursday 21st Sept - Injunction Injustice

From: coffee_climate2 <coffee_climate2@protonmail.com>
Sent: Sunday, September 17, 2023 10:00:12 PM
To: David Humphreys <DavidHumphreys@NorthWarks.gov.uk>
Subject: Thursday 21st Sept - Injunction Injustice

Caution: Warning external email

Dear David

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

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

Many thanks,

Karen Wildin

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

ChiefExecAdmin

Subject: FW: Injunction of Kingsbury Terminal

From: clare@clarewalters.co.uk <clare@clarewalters.co.uk>

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

To: David Wright <DavidWright@NorthWarks.gov.uk>

Subject: Injunction of Kingsbury Terminal

Caution: Warning external email

Dear David,

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

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

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

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

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

It is not me that is the real criminal here.

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

I look forwards to hearing from you.

Your sincerely,

Clare

Clare Walters
07984115927

ChiefExecAdmin

Subject: FW: Thursday 21st Sept - Injunction Injustice

From: coffee_climate2 <coffee_climate2@protonmail.com>

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

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

Subject: Thursday 21st Sept - Injunction Injustice

Caution: Warning external email

Dear Peter

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

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

Many thanks,

Karen Wildin

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

Filed on behalf of the Claimant

Steven Maxey

Second Witness Statement

Exhibit SM/6

Claim No: QB-2022-001236

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

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

(16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) NO LONGER PURSUED

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

(20) JOHN JORDAN

-and-

THE ADDITIONAL DEFENDANTS LISTED

AT SCHEDULE A TO THIS ORDER

Defendants

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

Signed:

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

18/1/24

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

Present: Councillor Humphreys in the Chair

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

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

25 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

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

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

27 Mayor's Announcements

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

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

28 Questions Pursuant to Standing Order No 7

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

Dr David Samson:

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

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

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

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

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

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

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

Resolved:

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

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

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

Resolved:

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

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

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

Resolved:

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

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

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

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

Resolved:

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

Resolved:

a External Auditors Report

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

b Budgetary Control Report 2023/23 Ended 30 June 2023

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

c Electoral Review – Local Government Boundary Commission

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

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

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

d Capital Programme – 2022/23 Final Position

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

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

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

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

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

Councillor Gosling:

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

To honour the outstanding life and legacy of Her late Majesty Queen Elizabeth II and the love and respect felt for her by the people of North Warwickshire by providing a permanent tribute (or collection of tributes), which will be identified following a wide-ranging consultation.

A Member Working Group of five Councillors would be established to oversee this work.

Despite all the emotion of that Evenings speeches, despite what appeared to be a shared ambition to mark the incredible contribution she made and to provide our residents with spaces to celebrate and morn the late queen, no consultation has been initiated, no tributes have been planned or proposed and the ironically named working group seems to not really be working.

On the recent anniversary of Her Majesty's death, having a memorial community spaces or tributes that could have provided solace, a place to remember, to celebrate her many achievements, it could have been a focal point for those in our community who wished to recognise and mark the day, those who still feel the loss. Not actioning this motion has denied our resident that opportunity; it has denied them the opportunity to contribute positively through consultation and community action to create a fitting tribute, a community asset.

Could the council please update the Labour group and the people of North Warwickshire as to when we are likely to see action and whether we shall have achieved this goal by 8 of September 2024 or will this be another missed opportunity?”

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

“I agree with Councillor Gosling that all Members were agreed that the Council should work with partners to create a permanent tribute, or series of tributes, and that objective still remains. There was no suggestion either in the motion nor in the discussion at Full Council that it would be ready for the first anniversary. I am also surprised that if this was Councillor Gosling’s expectation that she has not mentioned it in any meeting since the motion was unanimously agreed.

By way of context, Councillor Gosling may not be aware that the National Memorial Committee has only just been established with its Chairman, Lord Janvrin, appointed on 3 September. The plan is for a national memorial and a national legacy programme to be developed over the coming months, with the memorial not likely to be in place until 2026, in order to mark the 100th anniversary of our late Queen’s birth.

When we discussed this last year, it was suggested that one potential source of funding might be the UK Shared Prosperity Fund or the Rural England Prosperity Fund, neither of which had been confirmed at that point. As Councillor Gosling will be aware as she is on the Shared Prosperity Fund Panel, no schemes have yet been suggested.

However, I do agree that the working group should have met by now and I have asked the Chief Executive to convene this Group to meet hopefully next month. Given the current composition of the Council I would suggest 6 Members – 3 Conservative, 2 Labour and 1 from the Dordon Independent Group. I also agree that, having not received any suggested schemes, the Council should now proactively seek ideas from the public and we will discuss this at the forthcoming annual meeting with the Town and Parish Councils as well as explicitly making it a theme for further funding rounds of the Shared Prosperity scheme. In addition, we will include this in the upcoming consultation on residents’ priorities which will help inform the new Corporate Plan.”

34 Minutes of Community and Environment Board – 8 August 2023

It was proposed by Councillor Bell, seconded by Councillor Fowler and;

Resolved:

That the minutes of the meeting of the Community and Environment Board held on 8 August 2023 be approved and adopted.

35 Minutes of Resources Board held on 5 September 2023

It was proposed by Councillor Symonds, seconded by Councillor Taylor and;

Resolved:

That the minutes of the meeting of the Resources Board held on 5 September 2023 be approved and adopted.

36 Minutes of Standards Committee held on 6 September 2023

It was proposed by Councillor Jarvis, seconded by Councillor Fowler and;

Resolved:

That the minutes of the meeting of the Standards Committee held on 6 September 2023 be approved and adopted.

37 Notice of Motion under Standing Order No 10

The following Notice of Motion was proposed by Councillor Gosling and Seconded by Councillor Hobley.

“As our residents will face another worrying winter period due to the ongoing cost of living crisis, this Council should take positive practical steps to help. Council is recommended to give delegated powers to the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition to create a Financial Hardship Fund with £5,000 per Ward for residents, community groups or organisations to support residents in emergency financial crisis.”

An amendment to the Motion was then proposed by Councillor Bell and Seconded by Councillor Davey

“That this Council refers this matter to the Executive Board to consider holistically the issue of what further financial inclusion work the Council can undertake in order to assess what measures can be put in place to prevent residents falling into financial crisis.”

An amendment to the Notion of Motion was then proposed by Councillor Gosling and Seconded by Councillor Hobley.

“As our residents will face another worrying winter period due to the ongoing cost of living crisis, this Council should take positive and practical steps to help. Council is recommended to give delegated powers to the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition to create a Financial Hardship Fund with £5,000 per Ward for residents, community groups, organisations and schools who support residents in financial hardship and that this Council refers this matter to the Executive to consider holistically the issues of what further financial inclusion work this Council can undertake, in order to access what measures can be put into place to prevent our residents falling into financial crisis.”

In accordance with Standing Order No 11(1) the recorded vote on the amendment by Councillor Bell was as follows:

For – Bates, Bell, Clews, Davey, Fowler, Humphreys, Jarvis, Jenns, Reilly, Simpson, Singh, Smith, Symonds, Watson and D Wright.

Against – Barnett, Chapman, Dirveiks, Farrow, Gosling, Hobley, Jackson, Melia, Osborne, Parsons, H Phillips, Ridley, Ririe, Stuart, Taylor and Whapples.

Upon being put to the meeting the Mayor declared the amended Motion, to be lost.

In accordance with Standing Order No 11(1) the recorded vote on the amendment by Councillor Gosling was as follow:

For – Barnett, Chapman, Dirveiks, Farrow, Gosling, Hobley, Jackson, Melia, Osborne, Parsons, H Phillips, Ridley, Ririe, Stuart, Taylor, and Whapples.

Against – Bates, Bell, Clews, Davey, Fowler, Humphreys, Jarvis, Jenns, Reilly, Simpson, Singh, Smith, Symonds, Watson and D Wright.

Upon being put to the meeting the Mayor declared the substantive Motion to be carried.

38 Common Seal

It was proposed by Councillor Fowler and seconded by Councillor Clews and

Resolved:

That the Chief Executive be authorised to affix the Common Seal to any Orders, Deeds and Documents as necessary to give effect to the decisions of the Council, including any passed during part of the meeting which is held in private, in accordance with Article 11.05 of the Articles of the Constitution.

39 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

40 Exempt Extract of the Planning and Development Board – 10 July 2023

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

Resolved:

That the exempt extract of the minutes of the meeting of the Planning Board held on 10 July 2023 be approved and adopted.

41 Exempt Extract of the Minutes of Special Sub-Group – 17 July and 15 August 2023

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

Resolved:

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

42 Exempt Extract of the Minutes of Executive Board – 19 July and 18 August 2023

It was proposed by Councillor Wright, seconded by Councillor Symonds and

Resolved:

- a That the exempt extract of the minutes of the meeting of the Executive Board held on 19 July 2023 be approved and adopted;**
- b That the Senior Management Recruitment Sub-Committee be re-established with eight Councillors, 4 Conservative, 3 Labour and 1 Dordon Independent with the Chairman of the Executive Board appointed as Chairman;**
- c That the exempt extract of the minutes of the meeting of the Executive Board held on 18 September 2023 be approved and adopted.**

42 Exempt Extract of the Minutes of Standards Committee – 6 September 2023

It was proposed by Councillor Jarvis, seconded by Councillor Fowler

Resolved:

That the exempt extract of the minutes of the meeting of Standards Committee held on 6 September 2023 be approved and adopted.

**Chairman of the next ensuing meeting
of the Council**

Filed on behalf of the Claimant

Steven Maxey

Second Witness Statement

Exhibit SM/7

Claim No: QB-2022-001236

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

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

(16) JANE THEWLIS

(17) ANTHONY WHITEHOUSE

(18) NO LONGER PURSUED

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

(20) JOHN JORDAN

-and-


THE ADDITIONAL DEFENDANTS LISTED

AT SCHEDULE A TO THIS ORDER

Defendants

This is the exhibit SM/7 referred to in the Witness Statement

Signed:



18/1/24

Certificate of service

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

On what day did you serve? 1 2 / 1 2 / 2 0 2 3

The date of service is 1 2 / 1 2 / 2 0 2 3

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

Copies of the Court's Orders dated 30 November and 6 December together with a covering letter (copy attached).

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

The last 5 Defendants on the attached schedule being Defendants named in para. 7 (ii) of the Order dated 6 December and/or previous Orders permit e-mail service.

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with
(.....time left, where document is other than a claim form) *(please specify)*
- by other means permitted by the court
(please specify)
by e-mail as specified in the Order dated 6 December 2023
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*
- by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*

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

The e-mail address for each Defendant shown on the attached spreadsheet.

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

e-mail address

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

Full name

Signed
(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.

Certificate of service

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

On what day did you serve? 1 1 / 1 2 / 2 0 2 3

The date of service is 1 1 / 1 2 / 2 0 2 3

What documents did you serve?

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

Copies of the Court's Orders dated 30 November and 6 December together with a covering letter (copy attached)

On whom did you serve?

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

The first 39 Defendants on the attached schedule being Defendants named in para. 7 (ii) of the Order dated 6 December.

How did you serve the documents?

(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with
(.....time left, where document is other than a claim form) *(please specify)*
-
- by other means permitted by the court
(please specify)
- by e-mail as specified in the Order dated 6 December 2023
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*
- by other electronic means (.....time sent, where document is other than a claim form) *(please specify)*
-

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

The e-mail address for each Defendant shown on the attached spreadsheet.

- Being the**
- claimant's
 - defendant's
 - solicitor's
 - litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

e-mail address

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

Full name

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

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) 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.

Kingsbury Defendants Contact e-mail addresses

No	Name	e-mail address	
25	Marcus BAILIE	marcus.bailie@yahoo.com	
28&29	Paul BELL	paulbell237@gmail.com	
33	Molly BERRY	mb.lipreading@gmail.com	
34	Gillian (Jill) BIRD	jillartbird@yahoo.co.uk	
40	Emily BROCKLEBANK	emilyjoy.b@gmail.com	
44	Jade CALLAND	jadecalland15@gmail.com	
46	Caroline CATTERMOLE	carolinecattermole@gmail.com	
48	Michelle CHARLESWORTH	mcharlesworth71@hotmail.co.uk	
55	Janine EAGLING	j_eagling@hotmail.com	
76	Diana HEKT	hekt@outlook.com	
4	Tim HEWES	tim.hewes50@icloud.com	
78	Jo HINDLEY	hindley.jo@gmail.com	
81	Joe HOWLETT	Joe.howlett@protonmail.com	
84	Ruth JARMAN	ruthj999@gmail.com	
85	Stephen JARVIS	sp.jarvis2@yahoo.co.uk	
88	Charlotte KIRIN	charlotte.kirin@gmail.com	
90	Jerrard Mark LATIMER	jerrardmarkl@gmail.com	
8	Alyson LEE	alysonjee@gmail.com	
93	Victoria LINDSELL	victorialindsell@hotmail.com	
94	El LITTEN	el_ten@outlook.com	
98	Diana MARTIN	diana3640@googlemail.com	
104	Simon MILNER-EDWARDS	smoscarb215@gmail.com simonmilneredwards@icloud.com	
106	Darcy MITCHELL	darcymsq@gmail.com	
107	Eric MOORE	Eric2424@protonmail.com	

V. McHugh

Kingsbury Defendants Contact e-mail addresses

108	Peter MORGAN	petermorgan1900@gmail.com	
113	Christian MURRAY-LESLIE	cmurrayleslie@icloud.com	
115	Chloe NALDRETT	chloe.naldrett@gmail.com	
120	George OAKENFOLD	georgeoakenfold@hotmail.com	
123	Richard PAINTER	rhpainter@hotmail.com	
9	Amy PRITCHARD	AMYCAITLINYOGA@GMAIL.COM	
10	Stephen PRITCHARD	stevepritchard@greenisp.co.uk	
11	Paul RAITHBY	paulraithby64@gmail.com	
135	Vivien SHAH	jessicaupson@me.com	
137	Daniel SHAW	dnlshaw45@gmail.com	
139	Susan SIDEY	susanmsidey@gmail.com	
150	Sarah WEBB	sarahwebb999@gmail.com	
17	Anthony WHITEHOUSE	anthony@twhiteh.co.uk	
158	Meredith WILLIAMS	meredith.williams29@gmail.com	
159	Pam WILIAMS	pamthecwm@gmail.com	
24	Stephanie AYLETT	stephanie.aylett@hotmail.com	
65	Callum GOODE	legal_callumgoode@proton.me	
6&20	John JORDAN	seanirish2022@protonmail.com	
102	Julia MERCER	oyster.julia@gmail.com	
153	William (Bill) WHITE	revbillwhite@yahoo.com	

(44)

V. McGruffog

Certificate of service

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

On what day did you serve? 18 / /

The date of service is / /

What documents did you serve?

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

On whom did you serve?

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

How did you serve the documents?

(please tick the appropriate box)

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

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

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other (please specify)

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

Full name

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

Date 18 / /

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