



Claim No. QB-2021-BHM-000056

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

QB-2021-BHM-000056

In the matter of an application for an injunction under s.1, Localism Act 2011, s.222, Local Government Act 1972, s.130 of the Highways Act 1980 and s.187B Town and Country Planning Act 1990.

B E T W E E N

BIRMINGHAM CITY COUNCIL

Claimant

and

- (1) THOMAS CASH**
- (2) PATRICK CONNORS**
- (3) PATRICK CONNORS**

(4) PERSONS UNKNOWN BEING THE DEFENDANTS IDENTIFIED BY DESCRIPTION AT SCHEDULE 1 HEREOF WHO HAVE, SINCE 06 AUGUST 2021, PARTICIPATED IN ANY OF THE UNAUTHORISED TRAVELLER ENCAMPMENTS ESTABLISHED WITHIN THE CITY OF BIRMINGHAM AT DAISY FARM PARK, SWANSHURST PARK, BILLESLEY COMMON, CHINN BROOK RECREATION GROUND, THE DELL, FOX HOLLIES PARK, COFTON PARK, KINGS NORTON PLAYING FIELD, KINGS HEATH PARK, HIGHBURY PARK, KINGS NORTON PARK, SENNELEYS PARK, SELLY OAK PARK, WALKERS HEATH RECREATION GROUND, STECHFORD HALL PARK, STECHFORD RECREATIONAL GROUND AND / OR HORSELEA CROFT / COTTSMEADOW DRIVE.

Defendants

INJUNCTION ORDER

PENAL NOTICE

IF YOU, THE WITHIN-NAMED DEFENDANTS DO NOT OBEY THIS ORDER YOU WILL BE GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED.

On 10 March 2022, before Her Honour Judge Wall, sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS, the Court considered an application for an interim injunction.

UPON hearing counsel Mr Jonathan Manning and Ms Charlotte Crocombe for the Claimant.

AND UPON considering an application for an injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981

AND FURTHER UPON the Court finding in the circumstances that it is just and convenient, to grant injunctive relief in the terms set out herein.

IT IS ORDERED THAT

1. The Defendants are forbidden to enter or remain on any part of the land which is hatched in red on the plan attached to this Order at Schedule 2, for the purpose of establishing, joining or being part of an unauthorised encampment as defined at Schedule 3 to this Order.
2. Any Defendant who is part of any encampment referred to at paragraph 1 above is also forbidden, whether by himself or by instructing, encouraging, allowing or permitting any other person, to perform any the following acts within the City of Birmingham
 - (i) Threatening, abusing or distressing any other person (including by permitting animals for which they are responsible to do so).
 - (ii) Urinating or defecating other than in a lavatory provided for the purpose.

- (iii) Allowing any animal for which they are responsible to defecate without properly disposing of the faeces.
- (iv) Fly-tipping.
- (v) Leaving household rubbish, rubbish, appliances, inflammable materials and/or gas bottles at any encampment.
- (vi) Carrying knives and/or shotguns.
- (vii) Playing music at excessive volume at any encampment.
- (viii) Driving any vehicle at excessive speed or in a dangerous manner.
- (ix) Damaging any property belonging to the claimant or to any other person (including, but not limited to trees and plants).

4. “Unauthorised Encampment” has the meaning set out at Schedule 3 to this Order.
5. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraphs 1 and 2(i)(vi) and (viii) above.
6. 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.
7. The Claimant shall be permitted to serve the Claim Form, this Order and the said power of arrest by the alternative methods specified at Schedule 4 to this Order. The date of deemed service is 25 April 2022.
8. This Order and power of arrest shall remain in force until 11.59 pm on 10 March 2023 or until further order.
9. The time for serving the Claimant’s Claim Form and supporting documents shall be extended, pursuant to CPR Rule 7.6 until 11.59 pm on 10 March 2023.

10. Costs reserved.

If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.

SCHEDULE 1 – LIST OF DEFENDANTS

1. Persons unknown who have, at any time between 06 August 2021 and 08 February 2022, used any of the vehicles identified below at sub-paragraphs 1.1-1.70, whether as a driver or a passenger, for the purpose of entering one or more of Daisy Farm Park, Swanshurst Park, Billesley Common, Chinn Brook Recreation Ground, The Dell, Fox Hollies Park, Cofton Park, Kings Norton Playing Field, Kings Heath Park, Highbury Park, Kings Norton Park, Senneleys Park, Selly Oak Park, Walkers Heath Recreation Ground, Stechford Hall Park, Stechford Recreational Ground, or Horselea Croft / Cottsmeadow Drive within the City of Birmingham to establish, join and/or be a part of any unauthorised encampment there.

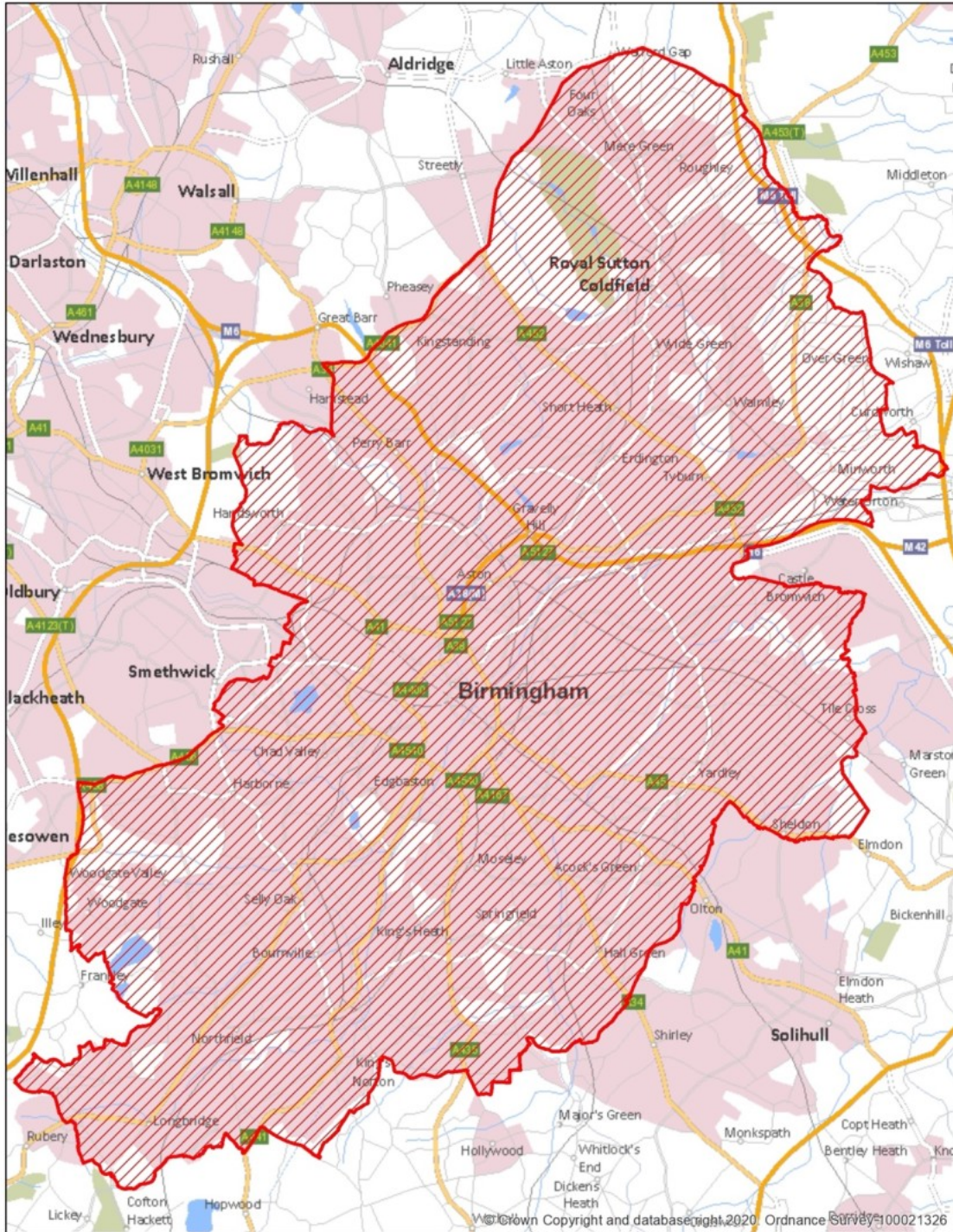
- 1.1 07MO3760
- 1.2 131-LS-566
- 1.3 AD06THN
- 1.4 AU10 TWP
- 1.5 AX53FEF
- 1.6 BIG6307
- 1.7 BIGS307
- 1.8 BJ56EPK
- 1.9 BJ69ZDE
- 1.10 BJ69ZDF
- 1.11 BL56EEA
- 1.12 BLT8EPK
- 1.13 BT54AHE
- 1.14 BU11YVJ
- 1.15 CF60PBV
- 1.16 CF60FBV
- 1.17 DG07NWJ
- 1.18 DG07NWA
- 1.19 DK54ZKO
- 1.20 DK66VED
- 1.21 DK66VXD

1.22 DU11YVJ
1.23 DV13GUE
1.24 DV13 GUR
1.25 DV18ZDG
1.26 DV18DZG
1.27 DV60VTT
1.28 DX54ZKO
1.29 EX15AYK
1.30 FL08AXS
1.31 FL11PLO
1.32 FL64JYK
1.33 FL54YJK
1.34 FV08XFE
1.35 GF11ONL
1.36 GF11DNL
1.37 GK130JA
1.38 KCK8903
1.39 KCK890F
1.40 KJZ9398
1.41 KM05KXY
1.42 KP57TGU
1.43 KT16KXY
1.44 LB07AKU
1.45 LB07AKO
1.46 LB60NBU
1.47 LF03FOT
1.48 LI05RYC
1.49 LM16HTD
1.50 LN15HTV
1.51 LR18EOU
1.52 MK13OZS
1.53 NX08CWA
1.54 PJ07NEU
1.55 PK58XBZ

- 1.56 PK58YBZ
- 1.57 PN19YHR
- 1.58 PX09XMV
- 1.59 SG16THN
- 1.60 SJ18LLD
- 1.61 SK21VJG
- 1.62 SN21VJG
- 1.63 SK71RGO
- 1.64 SK61RGO
- 1.65 SN67ZSD
- 1.66 VE19WVW
- 1.67 VN06JHL
- 1.68 WG09JUC
- 1.69 WJ55CPF
- 1.70 YY54MFO

SCHEDULE 2

Birmingham Administrative Boundary



The thick red line indicates the Birmingham administrative boundary.

SCHEDULE 3
Meaning of Unauthorised Encampment

1. “Unauthorised Encampment” means one or more household, using or occupying land, without the permission of the Claimant, whether temporarily or otherwise, for residential purposes, including by occupying or stationing on the land any caravan, mobile home, other vehicle or structure, or any item or thing ancillary to such use or occupation including (but not limited to) electricity generators, motor-cycles, quad bikes and/or livestock.

SCHEDULE 4

1. Service of the Claim Form and this Order shall be effected by:-

- (i) Serving those Defendants on the land on which they are currently encamped by leaving copies for them at their caravans or on their vehicles so far as it is possible to do so;
- (ii) Affixing a copy of the Claim Form and a copy of this order, to any land within the city of Birmingham currently occupied by one of more Defendants;
- (iii) Placing signs informing people of the Claim and this Order, the area in which it has effect, and how to obtain further information about the same, in prominent locations in the Claimant's local government area and particularly at:
 - a) Daisy Farm Park,
 - b) Swanshurst Park,
 - c) Billesley Common,
 - d) Chinn Brook Recreation Ground,
 - e) The Dell,
 - f) Fox Hollies Park,
 - g) Cofton Park,
 - h) Kings Norton Playing Field,
 - i) Kings Heath Park,
 - j) Highbury Park,
 - k) Kings Norton Park,
 - l) Senneleys Park,
 - m) Selly Oak Park,
 - n) Walkers Heath Recreation Ground,
 - o) Stechford Hall Park,
 - p) Stechford Recreational Ground,
 - q) Horselea Croft / Cottsmeadow Drive

- (iv) Posting a copy of the Claim Form and this Order on the Claimant's website, and publicising it using its Facebook page and twitter account, and posting on other relevant social media sites, and local police Facebook and twitter accounts.
 - (v) Using its best endeavours to post a copy of the Claim Form and this Order on www.gypsy-traveller.org.uk and www.travellermovement.org.uk with the permission of the account owners.
 - (vi) Any other like manner as Claimant may decide to use in order to bring the Order to the attention of persons likely to be affected by it.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person:
- (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order, unless it has already previously done so; and
 - (ii) a copy of this Order.

The Claimant shall not, however, be required to divulge to the person served the names or addresses of the lay witnesses whose statements are served in accordance with this paragraph.

3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.