



Claim No: QB-2021-BHM-000056

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**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'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, 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**

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**INJUNCTION ORDER**

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## **PENAL NOTICE**

**IF YOU, THE WITHIN-NAMED DEFENDANT 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 19 January 2022, before Her Honour Judge Kelly sitting as a Judge of the High Court at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS, the Court considered an application for an injunction.

**UPON** hearing counsel Jonathan Manning and Charlotte Crocombe for the Claimant, with the Defendants not appearing.

**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 interim 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, and proportionate, to grant interim 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 within the City of Birmingham as 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 unauthorised 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).
3. "Unauthorised Encampment" has the meaning set out at Schedule 3 to this Order.
  4. A Power of Arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraphs 1 and 2 of this Order above.
  5. Any person served with a copy of this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant.
  6. 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.
  7. This order and the attached power of arrest shall remain in force until 23:59 on 10 March 2022 or until further order.
  8. The time for serving the Claimant's Claim Form and supporting documents shall be extended, pursuant to CPR Rule 7.6 until 23:59 on 10 March 2022 or until further order.

9. There shall be a further hearing in this application on 10 March 2022 at 10:30, at Birmingham District Registry, Priory Law Courts, 33 Bull Street, Birmingham, B4 6DS. The time estimate is 1 day. The parties are to attend in person. If you do not attend the Court may make an order in your absence.

**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**

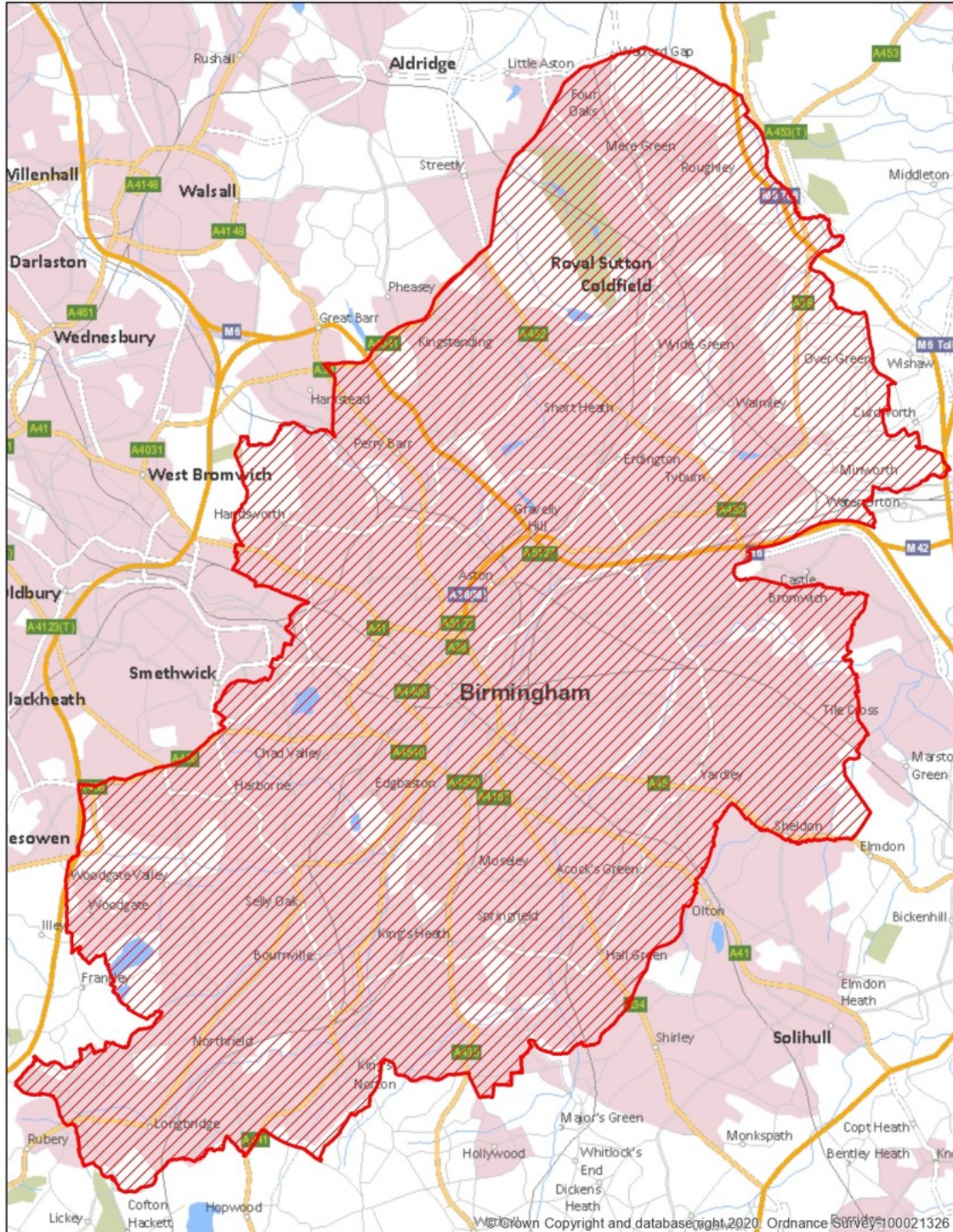
1. The person currently in possession of or a passenger in vehicle 07MO3760
2. The person currently in possession of or a passenger in vehicle 131-LS-566
3. The person currently in possession of or a passenger in vehicle AD06THN
4. The person currently in possession of or a passenger in vehicle AU10 TWP
5. The person currently in possession of or a passenger in vehicle AX53FEF
6. The person currently in possession of or a passenger in vehicle BIG6307
7. The person currently in possession of or a passenger in vehicle BIGS307
8. The person currently in possession of or a passenger in vehicle BJ56EPK
9. The person currently in possession of or a passenger in vehicle BJ69ZDE
10. The person currently in possession of or a passenger in vehicle BJ69ZDF
11. The person currently in possession of or a passenger in vehicle BL56EEA
12. The person currently in possession of or a passenger in vehicle BLT8EPK
13. The person currently in possession of or a passenger in vehicle BT54AHE
14. The person currently in possession of or a passenger in vehicle BU11YVJ
15. The person currently in possession of or a passenger in vehicle CF60PBV
16. The person currently in possession of or a passenger in vehicle CF60FBV
17. The person currently in possession of or a passenger in vehicle DG07NWI
18. The person currently in possession of or a passenger in vehicle DG07NWA
19. The person currently in possession of or a passenger in vehicle DK54ZKO
20. The person currently in possession of or a passenger in vehicle DK66VED
21. The person currently in possession of or a passenger in vehicle DK66VXD
22. The person currently in possession of or a passenger in vehicle DU11YVJ
23. The person currently in possession of or a passenger in vehicle DV13GUE
24. The person currently in possession of or a passenger in vehicle DV13 GUR
25. The person currently in possession of or a passenger in vehicle DV18ZDG
26. The person currently in possession of or a passenger in vehicle DV18DZG
27. The person currently in possession of or a passenger in vehicle DV60VTT
28. The person currently in possession of or a passenger in vehicle DX54ZKO
29. The person currently in possession of or a passenger in vehicle EX15AYK
30. The person currently in possession of or a passenger in vehicle FL08AXS
31. The person currently in possession of or a passenger in vehicle FL11PLO

1. The person currently in possession of or a passenger in vehicle FL64JYK
2. The person currently in possession of or a passenger in vehicle FL54YJK
3. The person currently in possession of or a passenger in vehicle FV08XFE
4. The person currently in possession of or a passenger in vehicle GF11ONL
5. The person currently in possession of or a passenger in vehicle GF11DNL
6. The person currently in possession of or a passenger in vehicle GK130JA
7. The person currently in possession of or a passenger in vehicle KCK8903
8. The person currently in possession of or a passenger in vehicle KCK890F
9. The person currently in possession of or a passenger in vehicle KJZ9398
10. The person currently in possession of or a passenger in vehicle KM05KXY
11. The person currently in possession of or a passenger in vehicle KP57TGU
12. The person currently in possession of or a passenger in vehicle KT16KXY
13. The person currently in possession of or a passenger in vehicle LB07AKU
14. The person currently in possession of or a passenger in vehicle LB07AKO
15. The person currently in possession of or a passenger in vehicle LB60NBU
16. The person currently in possession of or a passenger in vehicle LF03FOT
17. The person currently in possession of or a passenger in vehicle LI05RYC
18. The person currently in possession of or a passenger in vehicle LM16HTD
19. The person currently in possession of or a passenger in vehicle LN15HTV
20. The person currently in possession of or a passenger in vehicle LR18EOU
21. The person currently in possession of or a passenger in vehicle MK13OZS
22. The person currently in possession of or a passenger in vehicle NX08CWA
23. The person currently in possession of or a passenger in vehicle PJ07NEU
24. The person currently in possession of or a passenger in vehicle PK58XBZ
25. The person currently in possession of or a passenger in vehicle PK58YBZ
26. The person currently in possession of or a passenger in vehicle PN19YHR
27. The person currently in possession of or a passenger in vehicle PX09XMV
28. The person currently in possession of or a passenger in vehicle SG16THN
29. The person currently in possession of or a passenger in vehicle SJ18LLD
30. The person currently in possession of or a passenger in vehicle SK21VJG
31. The person currently in possession of or a passenger in vehicle SN21VJG
32. The person currently in possession of or a passenger in vehicle SK71RGO
33. The person currently in possession of or a passenger in vehicle SK61RGO
34. The person currently in possession of or a passenger in vehicle SN67ZSD
1. The person currently in possession of or a passenger in vehicle VE19WVW

2. The person currently in possession of or a passenger in vehicle VN06JHL
3. The person currently in possession of or a passenger in vehicle WG09JUC
4. The person currently in possession of or a passenger in vehicle WJ55CPF
5. The person currently in possession of or a passenger in vehicle YY54MFO
  
6. Persons unknown who have, since 06 August 2021, used the vehicles identified at paragraph 1-70 of this Schedule 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.
  
7. Persons unknown who have, since 06 August 2021, entered the land at 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.

## SCHEDULE 2

### Birmingham Administrative Boundary



The thick red line indicates the Birmingham administrative boundary.



0 1.25 2.5 5 Kilometers





### **SCHEDULE 3 – MEANING OF UNAUTHORISED ENCAMPMENT**

1. “Unauthorised Encampment” means one or more household, using or occupying land without permission, 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, quadbikes 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 of this order, together with details of the date of hearing of the Claimant's claim (including any return date) 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 the Order and the area in which it has effect 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, and
- q. Horselea Croft / Cottsmeadow Drive

- (iv) Posting a copy of the Claim Form and this Order and Power of Arrest on the Claimant's website and publicising it using the Claimant's Facebook page and twitter account and posting on other relevant social media sites including YouTube, local police Facebook and twitter accounts, [www.gypsy-traveller.org](http://www.gypsy-traveller.org), and [www.travellermovement.org.uk](http://www.travellermovement.org.uk) with the permission of the account owners.
- (v) 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.