

**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, 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**

**and**

**PERSONS UNKNOWN**

**Defendants**

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**INJUNCTION ORDER**

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**PENAL NOTICE**

**IF YOU 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 27<sup>th</sup> September 2017, before His Honour Judge McKenna, sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS, the Court considered an application to vary the Final Injunction ordered by The Honourable Mr Justice Morris on the 14 July 2017.

Upon hearing the claim for a Final Injunction without notice to the Defendants.

AND UPON considering an application to vary the Final Injunction Order granted on the 14 July 2017 before The Honourable Mr Justice Morris.



AND UPON the hearing of the claim to vary the Final Injunction, without notice to the Defendants.

AND UPON considering the Witness Statement of Mark Croxford dated 8 September 2017, Witness Statement of Police Sergeant Trevor Mehaffy dated 5 September 2017, Witness Statement of Mike Hinton dated 12<sup>th</sup> September 2017, Witness Statement of Fire Officer Andrew Young dated 6 September 2017, Witness Statement of Parveen Nar and Witness Statements of one local resident.

**IT IS ORDERED THAT**

1. All persons are forbidden to enter or remain on any part of the land which is coloured in red on the plan attached to this Order at Schedule 1, situated at and known as:
  - (i) Selly Oak Park;
  - (ii) Selly Park Recreation Ground;
  - (iii) Hazelwell Park; and
  - (iv) Swanshurst Park.for the purpose of establishing, joining or being part of an encampment on that land.
2. All persons are also forbidden to promote, organise or publicise in any manner, the existence of, or the intention to establish, an encampment on any part of the land referred to at paragraph 1 of this Order.
3. All persons who are part of any encampment referred to at paragraph 1 above are also forbidden to perform any the following acts on any part of the land the boundaries of which are marked in blue on the map attached to this Order at Schedule 2:
  - (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) dropping litter

(vi) damaging any property belonging to the claimant or to any other person (including, but not limited to trees and plants).

4. “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 3 above.
6. 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.
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.
8. This Order shall remain in force until midnight on 14 July 2019.
9. The time for serving the Claimant’s Claim Form shall be extended, pursuant to CPR Rule 7.6 until 14 July, 2019.

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

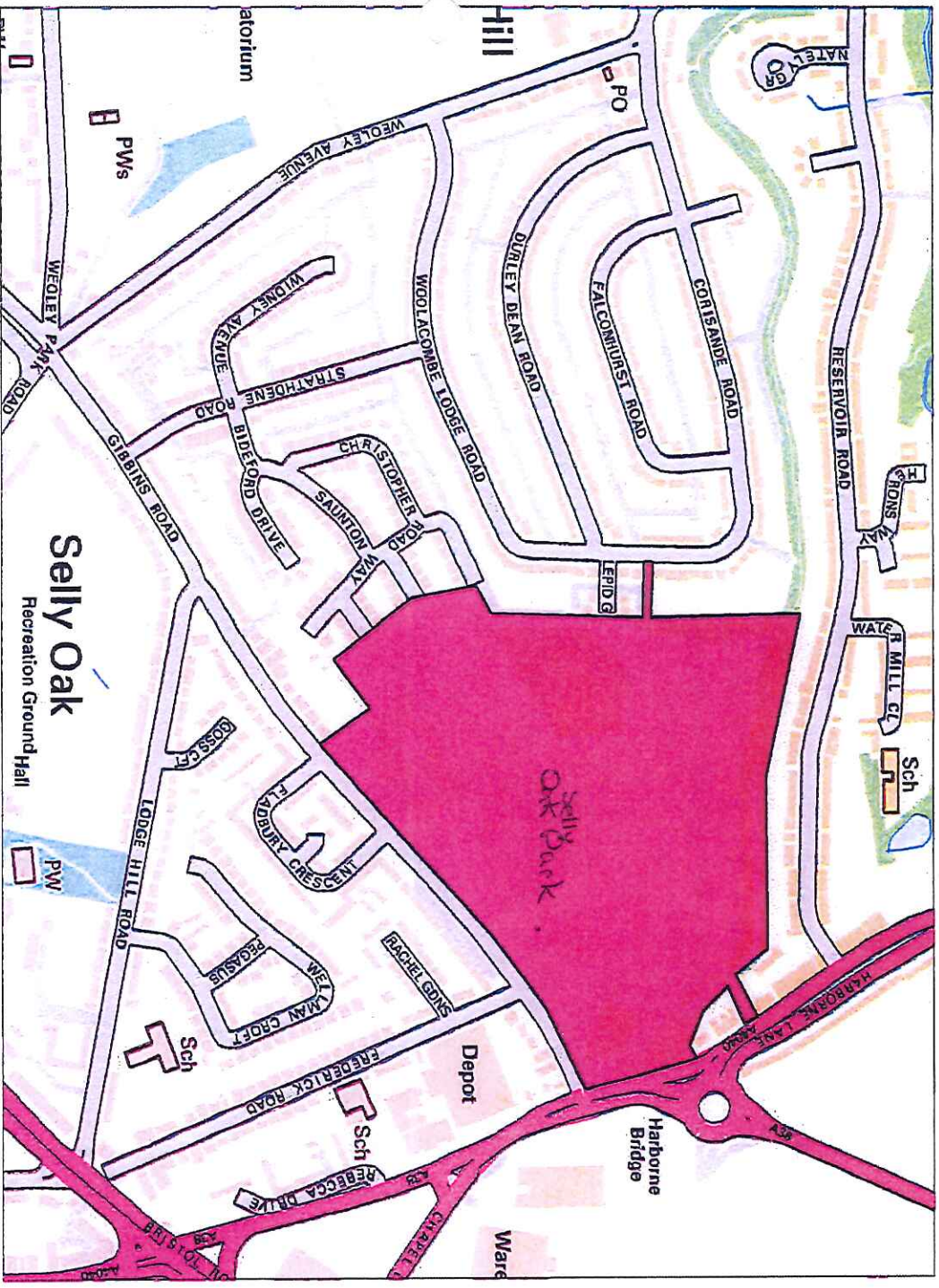
**SCHEDULE 1**

[MAP]

**SCHEDULE 1**

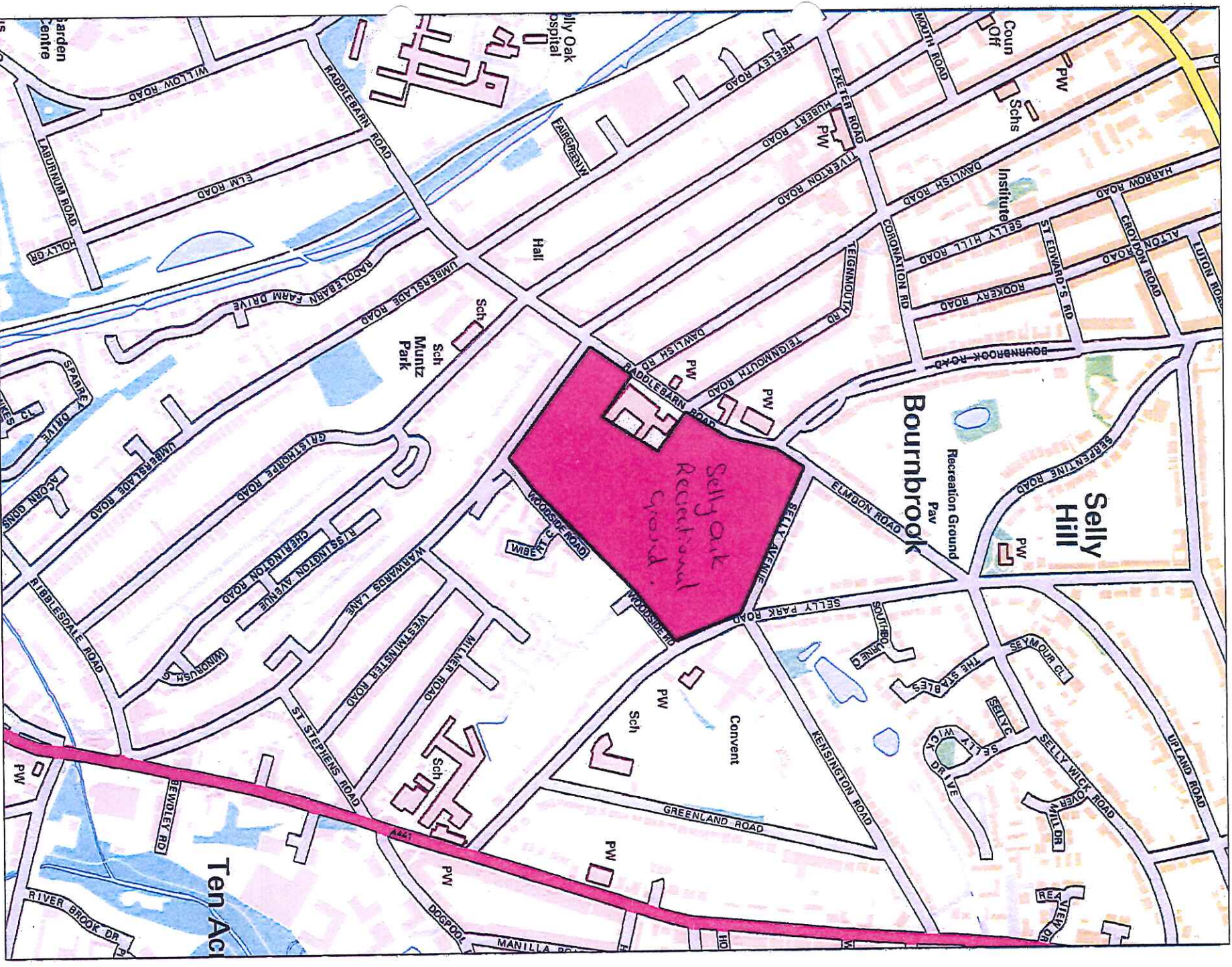


# Selly Oak Park





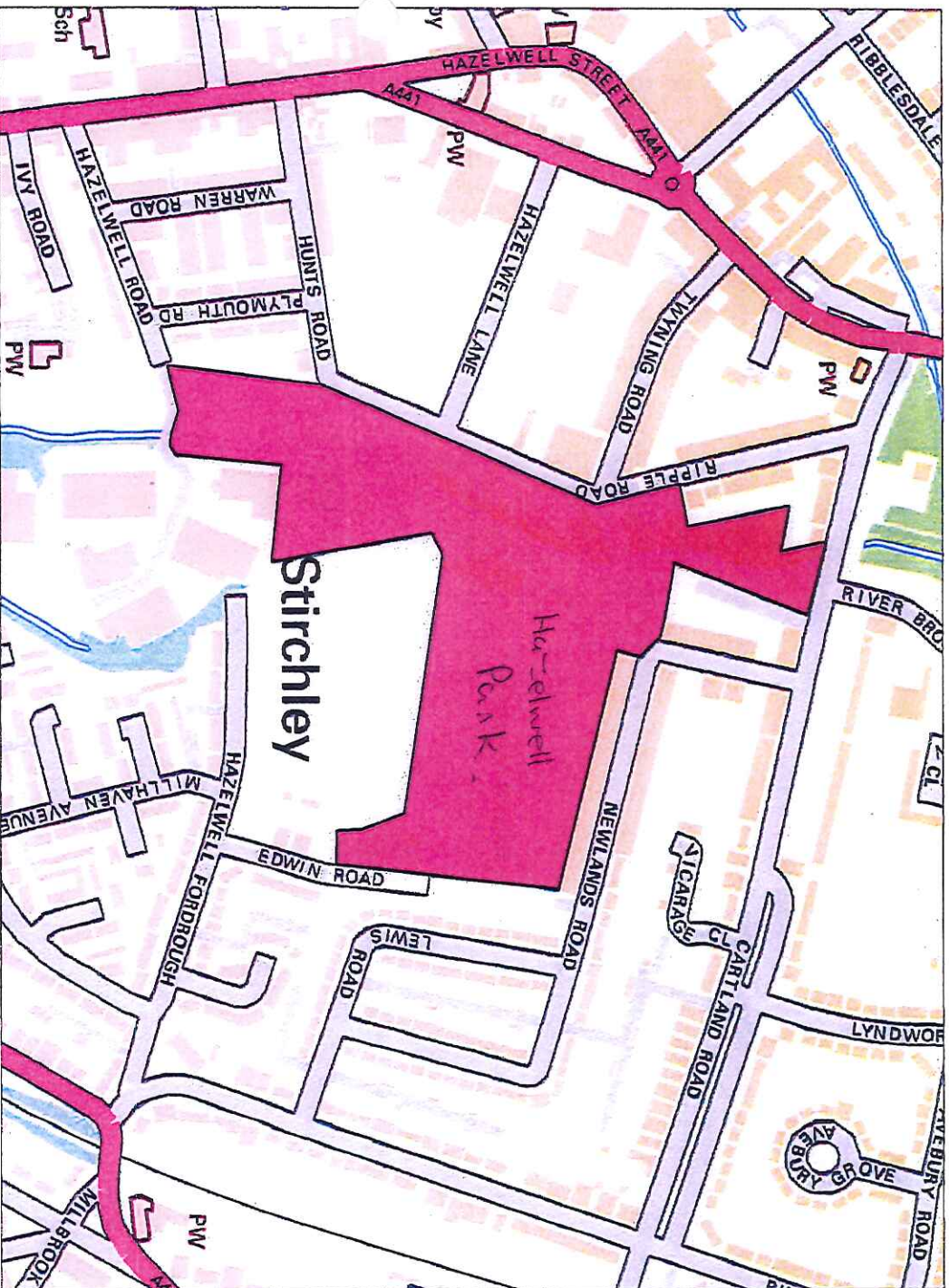
# Selly Oak Recreational ground





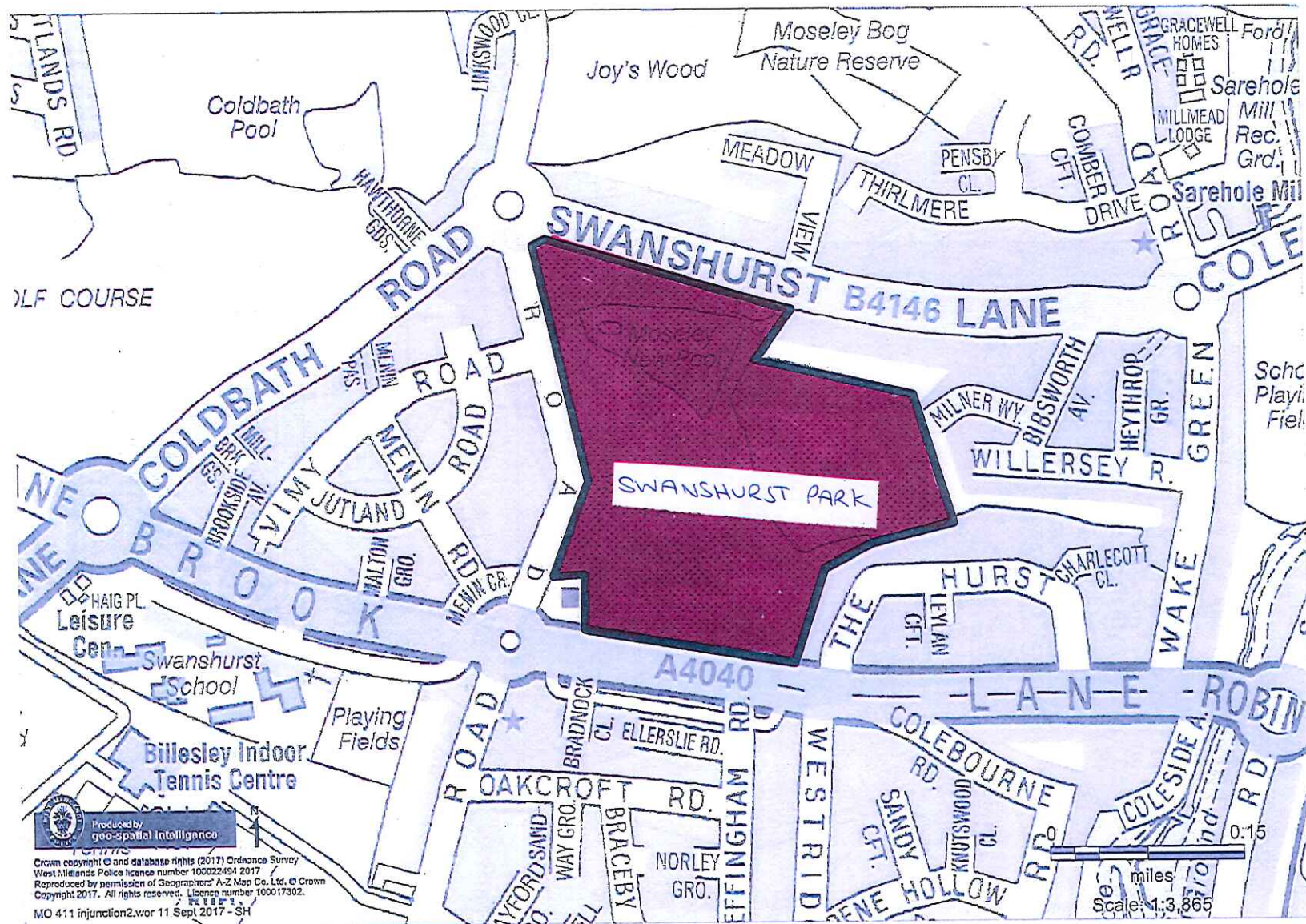
schedule 1

# Hazelwell Park





Schedule 1.

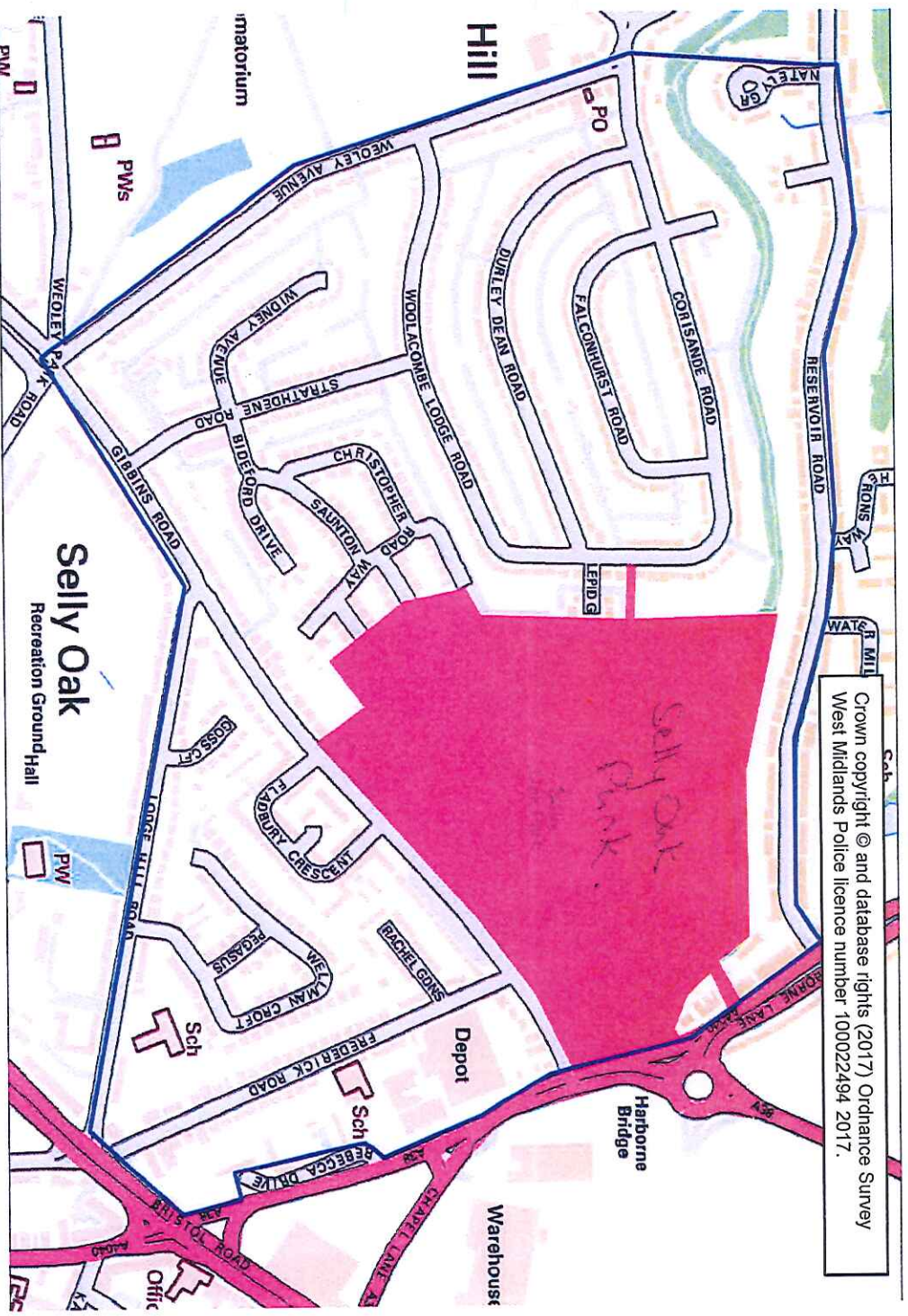


## **SCHEDULE 2**

**[MAP]**

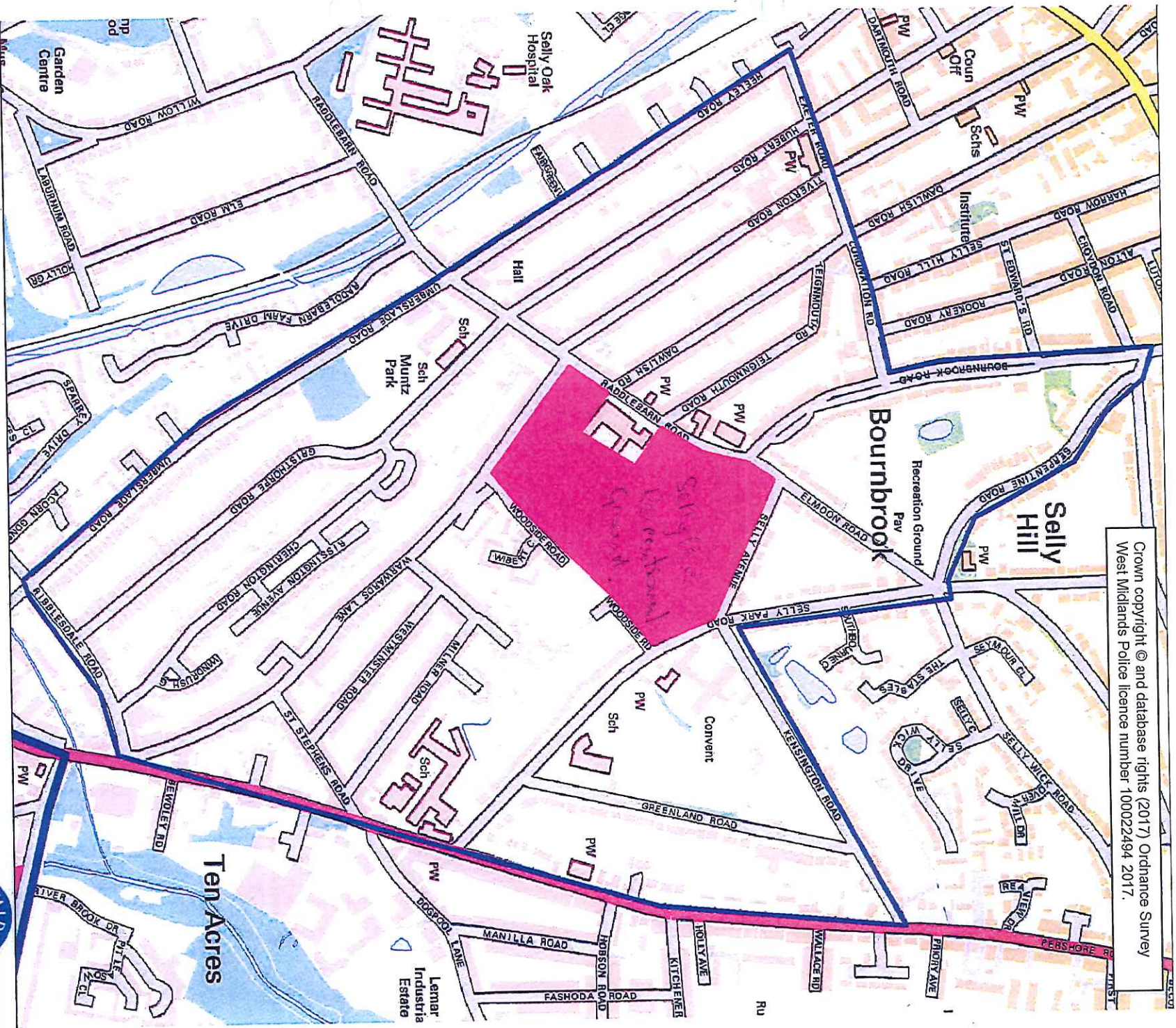


## Selly Oak Park





# Selly Park Recreational Ground

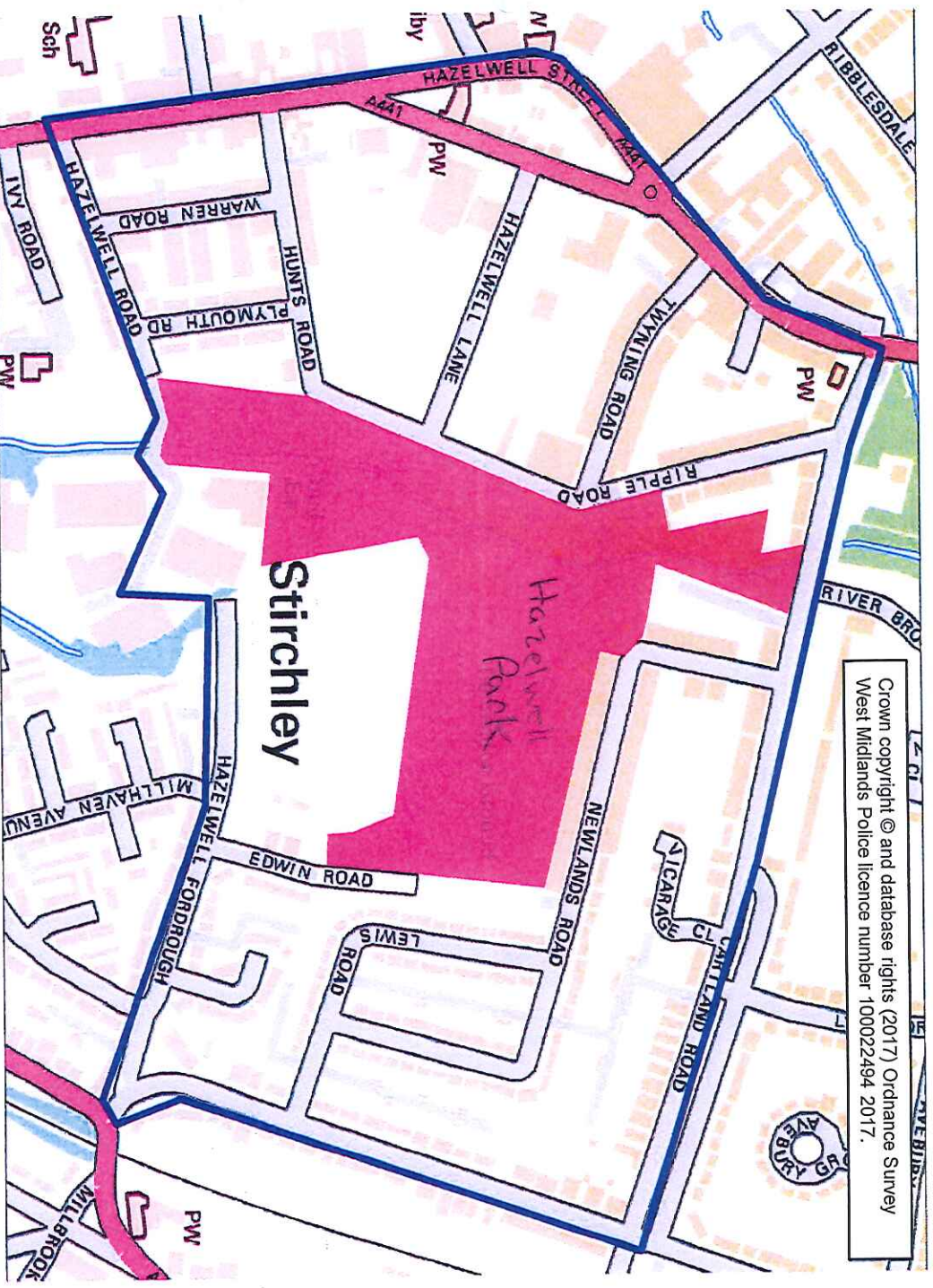




Schedule 2.

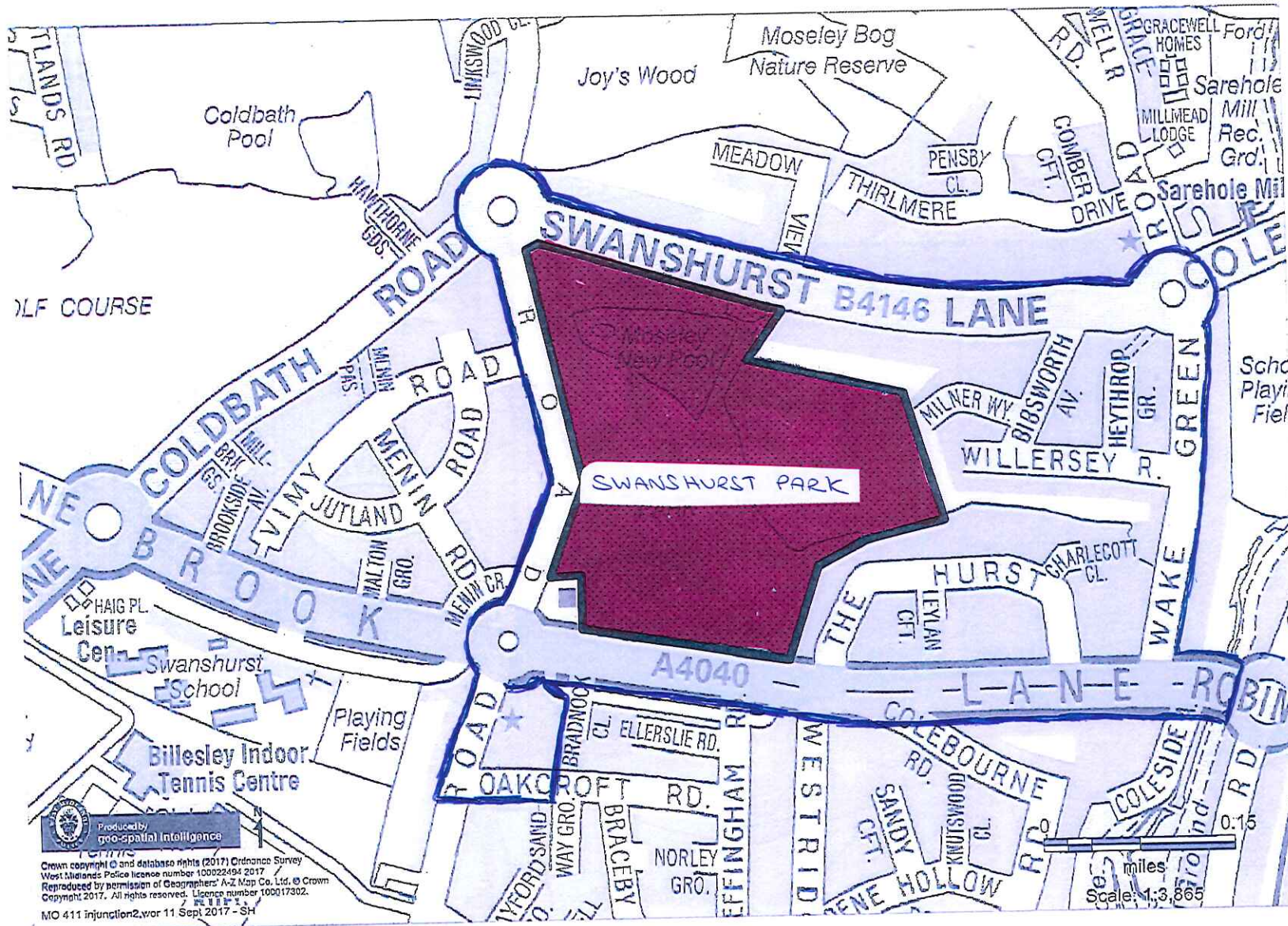
Restricted

## Hazelwell Park





Sched 2





### **SCHEDULE 3**

#### ***“Encampment”***

1. “Encampment” means one or more household, using or occupying land, 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 or livestock.

#### **SCHEDULE 4**


1. Service of this Order shall be effected by
  - (i) placing signs informing people of this the Order and the area in which it has effect in prominent locations throughout the Claimant's local government area and particularly in the locations referred to at paragraph 20 of the Particulars of Claim herein,
  - (ii) placing a public notice or advertisement prominently in at least two newspapers circulating weekly in the Claimant's area;
  - (iii) posting a copy of the Order on its website, and publicizing it using the Claimant's facebook page and twitter account, and posting on other relevant social media sites including YouTube, and local police facebook and twitter accounts.
  - (iv) 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; 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.

**SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION - POWER OF ARREST**

**Under section 27, Police and Justice Act, 2006.**

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

Claim no: C90 BM 148

Birmingham City Council		Claimant
Persons Unknown		Defendant

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 14<sup>th</sup> July 2017 and varied on the 27<sup>th</sup> day of September 2017.

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

**1. All persons 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 1, situated at and known as:**

- (i) Selly Oak Park
- (ii) Selly Park Recreation Ground,
- (iii) Hazelwell Park, or
- (iv) Swanshurst Park

*(Where marked \* delete as appropriate)*

for the purpose of establishing, joining or being part of an encampment on that land.

**2. All persons who are part of any encampment referred to at paragraph 1 above are also forbidden to perform any the following acts on any part of the land the boundaries of which are marked in blue on the map attached to this Order at Schedule 2:**

- (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) dropping litter;
- damaging any property belonging to the claimant or to any other person (including, but not limited to trees and plants).

**3. The term "Encampment" has the meaning set out at Schedule 3 to this Order:**

**"Encampment" means one or more household, using or occupying land, 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 or livestock.**

**Power of Arrest**

The court thinks that—

there is a significant risk of harm to a person.

A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

**This Power of Arrest**

Shall continue until midnight on 14<sup>th</sup> July 2019.

**Note to the Arresting Officer**

Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—
  - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
  - (b) a judge of the county court, if—
    - (i) the injunction was granted by the county court, or
    - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
  - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
- In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
- The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

Ordered by

His Honour Judge McKenna

On

27<sup>th</sup> September 2017