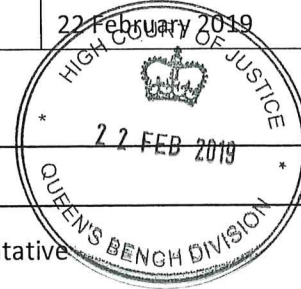


Application Notice

For help in completing this form please read the notes for guidance form N244 Notes

NOTICE OF HEARING
APPLICATION WILL BE HEARD AT THE
ROYAL COURTS OF JUSTICE, STRAND, LONDON
WC2A 2LL ON:
DATE: 19/3/19
TIME: TBC
IN A COURT TO BE CONFIRMED

In the High Court of Justice Queen's Bench Division	
Claim no.	QB-2019-000616
Fee Account no.	PBA0087028
Warrant no. (if applicable)	
Claimant (including ref.)	Nuneaton & Bedworth Borough Council and Warwickshire County Council
Defendants (including ref.)	(1) Thomas Corcoran & Ors
Date	22 February 2019



1. What is your name or, if you are a solicitor, the name of your firm?

Sharpe Pritchard LLP

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative

☐ Other (please specify)

If you are a solicitor whom do you represent

Claimant

3. What order are you asking the court to make and why?

The Claimant seeks an injunction in the terms of the draft Order attached for the reasons set out in the witness statements of Robert Watson, Martyn Stephens, Katherine Moreton, Philip Richardson and Carol Ingleston and their exhibits.

4. Have you attached a draft of the order you are applying for

☒ Yes

☐ No

5. How do you want to have this application dealt with?

☒ at a hearing

☐ without a hearing

☐ at a telephone hearing

6. How long do you think the hearing will last?

2

Hours

Minutes

Is this time estimate agreed by all parties?

☐ Yes

☒ No

7. Give details of any fixed trial date or period

-

8. What level of Judge does your hearing need?

High Court

9. Who should be served with this application?

Defendants

- 9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☒ the evidence set out in the box below

If necessary, please continue on a separate sheet

1. Witness statement of Robert Watson dated 15th February 2019 and its exhibits.
2. Witness statement of Martyn Stephens dated 19th February 2019 and its exhibits.
3. Witness statement of Katherine Ann Moreton dated 19th February 2019 and its exhibits.
4. Witness statement of Philip Richardson dated 19th February 2019 and its exhibits.
5. Witness statement of Carol Ingleston dated 15th February 2019 and its exhibits.

Statement of Truth

The applicant believes that the facts stated in this section (and any continuation sheets) are true.

Signed  Dated 22 February 2019
Applicant's Solicitor

Full name William Maxwell Hunt Rose

Name of applicant's solicitor's firm Sharpe Pritchard LLP

Position or office held Partner
(if signing on behalf of firm or company)

11. Signature and address details

Signed  Dated 22 February 2019
Applicant's Solicitor

Position or office held Partner
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Sharpe Pritchard LLP
Elm Yard
13-16 Elm Street
London
Postcode WC1X 0BJ

If applicable	
Phone no.	020 7405 4600
Fax no.	020 7831 1284
DX no.	353 London/Chancery Lane
Ref no.	WMHR/170.19

E-mail address	wrose@sharpepritchard.co.uk
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QUEEN'S BENCH DIVISION

IN THE MATTER OF S222 LOCAL GOVERNMENT ACT 1972
AND S187B TOWN AND COUNTRY PLANNING ACT 1990

Before

On the

BETWEEN

(1) NUNEATON AND BEDWORTH BOROUGH COUNCIL

(2) WARWICKSHIRE COUNTY COUNCIL

Claimants

-and-

(1) THOMAS CORCORAN & 53 OTHER NAMED DEFENDANTS IN SCHEDULE 1
OF THE CLAIM FORM

(2) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN
THE BOROUGH OF NUNEATON AND BEDWORTH

Defendants

Draft ORDER

IF YOU, ANY OF THE ABOVE NAMED FIRST TO FIFTY-THIRD DEFENDANTS OR PERSONS UNKNOWN DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON HEARING COUNSEL MISS CAROLINE BOLTON FOR THE CLAIMANTS AND THE DEFENDANTS NOT ATTENDING

AND UPON READING THE PAPERS AND HEARING THE APPLICATION FOR AN INTERIM INJUNCTION PENDING THE FINAL INJUNCTION HEARING PURSUANT TO SECTION 222 LOCAL GOVERNMENT ACT 1972 AND 187B TOWN AND COUNTRY PLANNING ACT 1990

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 1-9 OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006 AND SECTION 4 OF THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014. ANY PERSON CAUGHT BREACHING PARAGRAPHS 1-9 OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE THE COURT

Note to Arresting Officer: Where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006 or the Anti-social Behaviour Crime and Policing Act 2014 :-

- The defendant shall be brought before the judge within a period of 24 hours beginning at the time of their arrest
- A constable shall inform the person on whose application the injunction was granted forthwith where the defendant is arrested under these powers

Nothing in sections 27 of the Police and Justice Act 2006 or the Anti-social Behaviour Crime and Policing Act 2014 shall authorise the detention of the defendant after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculation any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

IT IS ORDERED THAT:

Until further order, The First to Fifty Third Defendants are forbidden from:

1. Setting up an encampment on any land within the administrative boundaries of Nuneaton and Bedworth Borough Council unless authorised to do so by the owner of the land
2. Setting up an encampment on any land within the administrative boundaries of Nuneaton and Bedworth Borough Council without written permission from the Local Planning Authority, or, planning permission granted by the planning inspector.
3. Entering and/or occupying any part of the Land for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for Thomas Corcoran (the First Defendant) and his wife Jessica Dodds (the Second Defendant) and any other family member agreed with the First Claimant for the purpose of accessing medical care for their daughter [REDACTED]
4. Bringing on to the Land or stationing on the Land any caravans/mobile homes other than when driving through the administrative boundaries of Nuneaton and Bedworth Borough Council or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of the land.
5. Deposit or cause to be deposited, controlled waste in or on the Land unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.

Persons Unknown (the Fifty-Fourth Defendant) are forbidden from:

6. Setting up an encampment on any land identified on the attached map and list of sites without written permission from the local planning authority, or, planning permission granted by a planning inspector
7. From entering and/or occupying any part of the land identified on the attached map and list of sites for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia
8. From bringing onto the Land or stationing on the Land any caravans/mobile homes other than when driving through the administrative boundaries of Nuneaton and Bedworth Borough Council or in compliance with the parking orders regulating the use of car parks or with express permission from the owners of the land.
9. Deposit or cause to be deposited, controlled waste in or on the Land unless an waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.
10. There be a power of arrest attached to prohibitions 1-9 of this order

The Land in this order means:

11. For the First to Fifty-Third Defendants, all land within the administrative boundaries of Nuneaton and Bedworth Borough Council as appears within the marked red outline on the attached map at Schedule 2 of this Order.
12. For Persons Unknown (the Fifty-Fourth Defendant) all the land marked on the map at Schedule 3 of this Order and identified by the key to the map and numbered 1 to 141, further details of which are on the list at Schedule 3 of this Order.
13. Service of this Order shall be by affixing a copy of this Order in a transparent envelope, or laminated copy, in a prominent position on the land.
14. The Defendants may each of them, or anyone notified of this Order, apply to the Court on 72 hours written notice to the Court and the Claimant to vary or discharge this order (or so much of it as affects that person)
15. Costs reserved.

GUIDANCE NOTES

EFFECT OF THIS ORDER

16. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or his instructions or with his encouragement.
17. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

EFFECT OF THIS ORDER

18. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

19. In this Order, where there is more than one Defendant, unless otherwise stated, references to “the Defendants” means each or all of them.
20. A requirement to serve on “the Defendants” means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
21. An Order requiring the Defendants to do or not to do anything applies to all Defendants.
22. “controlled waste” has the same meaning as within s.75(4) of the Environmental Protection Act 1990

COMMUNICATIONS WITH THE COURT

23. All communication to the Court about this order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010).

SCHEDULE 1 – LIST OF DEFENDANTS

List of Defendants and their addresses

- (2) JESSICA DODD, [REDACTED]
- (3) MICHAEL DOYLE, [REDACTED]
- (4) LUKE DELANEY, [REDACTED]
- (5) PATRICK McGINLEY, [REDACTED]
- (6) ALPHONSUS McGINLEY, [REDACTED]
- (7) MICHAEL STOKES, [REDACTED]
- (8) MICHAEL STOKES, [REDACTED]
[REDACTED]
- (9) DENNIS STOKES, [REDACTED]
- (10) DENNIS STOKES (JNR), [REDACTED]
- (11) BRIAN STOKES, [REDACTED]
- (12) JOHN MAUGHAN, [REDACTED]
- (13) TERRY MAUGHAN, [REDACTED]
- (14) TERRY MAUGHAN, [REDACTED]
- (15) PATRICK MAUGHAN, [REDACTED]
- (16) OWEN MAUGHAN, [REDACTED]
- (17) OWEN MAUGHAN, [REDACTED]
- (18) BERNARD CORCORAN, [REDACTED]
- (19) FRANCIS CORCORAN, [REDACTED]
- (20) FRANCIS MAUGHAN, [REDACTED]
- (21) MARTIN MAUGHAN, [REDACTED]
- (22) THOMAS MAUGHAN, [REDACTED]
- (23) JOHN MONGAN, [REDACTED]
- (24) MARTIN MONGAN, [REDACTED]
- (25) MARTIN MONGAN, [REDACTED]
- (26) LEONARD MONGAN, [REDACTED]
[REDACTED]
- (27) PAUL McDONAUGH, [REDACTED]
- (28) SIMON McDONAUGH, [REDACTED]
- (29) BERNARD McDONAUGH, [REDACTED]
- (30) JOHN McDONAUGH, [REDACTED]
- (31) MIKE McDONAUGH, [REDACTED]
- (32) MARTIN McDONAUGH, [REDACTED]
- (33) AARON McDONAUGH, [REDACTED]
- (34) KATHLEEN McDONAUGH, [REDACTED]
- (35) WINNIE McDONAUGH, [REDACTED]
- (36) MARTIN WARD, [REDACTED]
- (37) PAT WARD, [REDACTED]
- (38) MICHAEL WARD, [REDACTED]
- (39) KATHLEEN WARD, [REDACTED]
- (40) ROSELEEN WARD, [REDACTED]
- (41) BERNIE SWEENEY, [REDACTED]
- (42) JOHN CONNORS, [REDACTED]
- (43) TRACEY BROWN, [REDACTED]
- (44) WILLIAM BRIDGES, [REDACTED]

- (45) TOM WARD, [REDACTED]
- (46) EDDIE McDONAUGH, [REDACTED]
- (47) EDDIE (AKA EDWARD) WARD, [REDACTED]
- (48) CHRISTOPHER McDONAUGH, [REDACTED]
- (49) WILLIAM DOHERTY, [REDACTED]
- (50) GERRY O'BRIEN, [REDACTED]
- (51) ELIZABETH O'BRIEN, [REDACTED]
- (52) PEARL BLAINLEY, [REDACTED]
- (53) FIONA WARD, [REDACTED]
- (54) PERSONS UNKNOWN