

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2019-000616

QUEEN'S BENCH DIVISION

BEFORE THE HONOURABLE MR JUSTICE LINDEN

23 May 2022

B E T W E E N :

(1) NUNEATON AND BEDWORTH BOROUGH COUNCIL

(2) WARWICKSHIRE COUNTY COUNCIL



-and-

QB-2019-000616

(1) THOMAS CORCORAN

(2)-(53) OTHER NAMED DEFENDANTS

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

Defendants

DIRECTIONS ORDER

UPON the listing of a directions hearing pursuant to the Order of the Court of Appeal dated 1 February 2022

AND UPON the Claimants' Applications of 2 September 2021, to rely on the further evidence of Police Sergeant Andrew Scrutton, and 19 May 2022 to discontinue the proceedings against the Forty-Fourth Defendant (William Bridges)

AND UPON the Claimants indicating that they intend to make an application to add a further site to the list of sites over which final injunctive relief is sought

AND UPON the Court noting the Order of Dove J made on 22 February 2019, and in particular paragraph 5 and the alternative service provision made therein in respect of the 54th Defendant (Persons Unknown)

AND UPON hearing Caroline Bolton and Natalie Pratt of counsel for the Claimants and the Defendants neither appearing nor being represented

IT IS ORDERED THAT:

Applications

1. Permission to discontinue the claim against the Forty-Fourth Defendant (William Bridges) is granted.
2. The Claimants are permitted to rely on the witness statement and accompanying exhibits of Police Sergeant Andrew Scrutton dated 1 September 2021.

Directions to trial

3. The Claimants shall file an amended Claim Form by 4.30pm on 27 June 2022. The Claimants have permission to amend the Claim Form to:
 - a. Correct typographical errors;
 - b. Strike through all those Defendants against whom the proceedings have been discontinued.
4. The Claimants are permitted to file and serve further updating evidence by 4.30pm on 25 July 2022.
5. The Claimants shall, by 4.30pm on 22 August 2022, file and serve on each and every Defendant:
 - a. The Amended Claim Form with the Particulars of Claim;
 - b. A Scott Schedule setting out the allegations against each of the 1st to 53rd Defendants with a reference to where the evidence in support of those allegations may be located in the Claimants' evidence;
 - c. Any application to add to the claim further sites over which injunctive relief is sought with supporting evidence. Any such application shall be heard at the trial of the claim.
6. By 4.30pm on 19 September 2022, any Defendant who wishes to rely on evidence at the trial of the claim shall send or provide that evidence to both the Claimants and the Court at the following addresses:
 - a. Sharpe Pritchard LLP, Elm Yard, 10-16 Elm Street, London WC1X 0BJ or at WRose@sharpepritchard.co.uk;
 - b. Room WG08, The Royal Courts of Justice, Strand, London, WC2A 2LL or at QBJudgesListingOffice@justice.gov.uk;

7. By 4.30pm on 19 September 2022, any Defendant who wishes to rely on evidence at the trial of the claim shall respond to the Scott Schedule referred to at paragraph 5(b) above and must send or provide that response to both the Claimants and the Court at the following addresses:
 - a. Sharpe Pritchard LLP, Elm Yard, 10-16 Elm Street, London WC1X 0BJ or at WRose@sharpepritchard.co.uk;
 - b. Room WG08, The Royal Courts of Justice, Strand, London, WC2A 2LL or at QBJudgesListingOffice@justice.gov.uk;
8. If any Defendant provides evidence or responses to the Scott Schedule in accordance with paragraphs 6 and/or 7 above or otherwise wishes to take part in the trial, that Defendant shall at the same time notify the Claimants in writing that they wish to do so and, if they wish to receive court documents other than by the means described at paragraphs 14-16 below, shall provide to the Claimants an address (which may be an email address) at which they wish the Claimants to communicate with them and/or at which they wish to be provided with the documents required to be served for the purposes of the claim.
9. The Claimants are permitted to file and serve any evidence in response to the Defendants' evidence and/or response to the Scott Schedule, such evidence to be filed and served by 4.30pm on 3 October 2022.
10. The claim shall be listed for trial on the first available date after 31 October 2022 with a time estimate of 2 days and a further ½ day judicial pre-reading.
11. The Claimants shall file and serve the hearing bundle 7 days before the date of trial, having attempted to agree it where possible.
12. The Claimants shall file and serve its skeleton argument 3 days before the date of trial.
13. Any represented Defendant shall also file and serve a skeleton argument 3 days before the date of trial and any other Defendant who wishes to do so may also send written arguments to the Claimants and the court at the addresses given at paragraphs 7(a) and (b) above.

Service

14. Where the Claimants have no email or postal address for a given Defendant and are unable to serve in accordance with CPR 6.9 and 6.14, the Claimants are permitted, pursuant to CPR 6.15, 6.26 and 6.27, to serve the 1st to 53rd Defendants with the documents referred to at paragraph 5 above, this Order and notice of the trial date by leaving a copy of the same in a transparent envelope, with a notice that a copy of all court documents can also be obtained from the Council offices at Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA between the hours of 10am and 4pm Monday to Friday, together with clear

written notification of where all court documents including the evidence can be found and how they can be obtained pursuant to paragraphs 16-18 below, including a digital link to a copy of these documents on the First Claimant's website, and by affixing the same to any caravan, mobile home or other vehicle, or to the front door of any residential premises which in each case is reasonably believed to be owned or occupied by the relevant Defendant, or by putting such copy documents through the letter box of any such residential premises. Any copy documents served by this method will be deemed served the second working day after service is completed in accordance with this paragraph.

15. The documents referred to at paragraph 5 above, notice of the trial date, and this Order shall be deemed served on the 54th Defendant (Persons Unknown) pursuant to CPR 6.14, 6.15, 6.26 and 6.27 by serving a copy (as opposed to an original), on all sites over which an injunction is sought by affixing them in a prominent place on the land with a notice to Persons Unknown that a copy of the court documents can also be obtained from the Council offices at Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA between the hours of 10am and 4pm Monday to Friday, excluding public holidays, together with clear written notification of where and how all court documents including the evidence can be found and how they can be obtained pursuant to paragraphs 16-18 below, including a digital link to a copy of these documents on the First Claimant's website. The deemed date of service of the documents referred to herein shall be the first working day after service is completed in accordance with this paragraph.
16. Where a given Defendant has not provided an address for service pursuant to paragraph 8 above, and subject to providing the notices and notifications of where and how to obtain court documents referred to at paragraphs 14 and 15 above, the Claimants are permitted, pursuant to CPR 6.15 and 6.27, to serve the evidence in support of the claim, the bundle for trial, their skeleton argument and the bundle of authorities by providing a digital link to these materials which is placed on the First Claimant's website and by notifying such Defendant by email or by post at their last known address when any of these documents is uploaded. Any documents served by this method will be deemed served on the day on which service is completed in accordance with this paragraph.
17. The First Claimant shall have a copy of all Court documents in these proceedings (including, but not limited to, any Claim Forms, Application Notices, Orders, bundles and skeleton arguments) and the evidence relied upon in these proceedings available for inspection at the Council offices at Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA between the hours of 10am and 4pm Monday to Friday, excluding public holidays. Further, the First Claimant shall upload the Court documents and evidence to a designated weblink relating to these proceedings on the First Claimant's website.

18. The Claimants shall provide a hard copy of any of the Court documents to any Defendant that requests such document(s) within 2 working days of receipt of such request.

Applications to vary this Order

19. The Claimants and Defendants (or anyone notified of this Order) may apply to the Court on 72 hours' written notice to vary or discharge this Order (or so much of it as affects that person). Where the application is made by anyone other than the Claimants:
- a. In addition to the applying party sending that application to both the Court and all other Parties, written notice of the application shall also be given to the Claimants, at Sharpe Pritchard LLP, Elm Yard, 10-16 Elm Street, London WC1X 0BJ or at WRose@sharpepritchard.co.uk, who shall forthwith forward the same to any party who has provided an address for service pursuant to paragraph 8 above;
 - b. If any evidence is to be relied upon in support of the application, in addition to the applying party sending that application to both the Court and all other parties, the evidence must be sent to the Claimants at Sharpe Pritchard LLP, Elm Yard, 10-16 Elm Street, London WC1X 0BJ or at WRose@sharpepritchard.co.uk, 2 working days in advance of the hearing, who shall forthwith send the same to any party who has provided an address for service pursuant to paragraph 8 above;
 - c. In the event that an application and/or evidence in support of the same is sent to the Claimants in accordance with paragraphs (a) and/or (b) above, or the Claimants make an application to vary this Order, the First Claimant shall also upload the same to the designated weblink relating to these proceedings on the First Claimant's website and make it available for inspection at the Council offices at Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA between the hours of 10am and 4pm Monday to Friday, excluding public holidays.

Costs

20. There shall be no order as to costs on the Order made at paragraph 1 above.
21. All other costs shall be costs in the case.

Mr Justice Linden
25 May 2022