

Filed on behalf of the Claimant
C. Tobin
Second Witness Statement
Date:
Exhibits CHT2-CHT5

Claim No: QB-2022-001236

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

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

BALDWIN and OTHERS

Defendants

This is the exhibit marked as CHT2 referred to in the Witness Statement of Clive Tobin dated
10 March 2023

Signed:



Dated: 10 March 2023

Clive Tobin

From: Clive Tobin
Sent: 26 January 2023 15:06
To: McLean, Katie | (She/Hers)
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

I hope that you are well.

You may be aware that an application has been filed by Hodge Jones and Allen Solicitors on behalf of a non-party in which the Court is requested to set aside the Order. Although the application has not been listed yet, the Council wishes to respond to Hodge Jones and Allen as soon as possible. Clearly any application, any response to it and any adjudication upon it will need to be decided in the context of the Order from the hearing in May. Are you able to confirm when this will be ready to be handed down?

Kind regards,

Clive

Head of Legal Services
& Monitoring Officer
North Warwickshire Borough Council
Council House, South Street
Atherstone, Warwickshire, CV9 1DE
01827 719251
<https://www.northwarks.gov.uk/site/>

From: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Sent: 12 January 2023 11:42
To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

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Dear Clive,

Happy New Year! I hope you had a lovely break too.

I do have an update from Mr Justice Sweeting. He has nearly finished the judgment and hopes it will be ready for distribution by Monday. His Lordship sends his apologies for this delay.

Kind regards,

Katie

Katie McLean (she/her)

Clerk to The Hon. Mr Justice Sweeting

Clerks to HM Judges | HMCTS | Royal Courts of Justice | Strand | London | WC2A 2LL

E-mail: katie.mclean1@justice.gov.uk | Phone: 07858 680852



HM Courts & Tribunals Service

Here is how HMCTS uses personal data about you

From: Clive Tobin <CliveTobin@NorthWarks.gov.uk>

Sent: 09 January 2023 16:41

To: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

I hope that you had a good break over Christmas and the New Year.

Is there any update from His Lordship Judge Sweeting in relation to the Judgment?

Kind regards,

Clive

From: Clive Tobin

Sent: 16 December 2022 14:05

To: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

I am well and hope that you are likewise. Thank you for the update. I look forward to receiving the judgment next week.

Have a good weekend.

Kind regards,

Clive

Head of Legal Services

& Monitoring Officer

North Warwickshire Borough Council

Council House, South Street

Atherstone, Warwickshire, CV9 1DE

01827 719251

<https://www.northwarks.gov.uk/site/>

From: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>

Sent: 16 December 2022 14:03

To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

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Dear Clive,

I hope you are well.

I am writing to you to let you know that although his Lordship is finishing the judgment today, he does not think it will be ready to circulate until Monday.

I will send it to you as soon as it is ready.

Kind regards,


Katie

Katie McLean (she/her)

Clerk to The Hon. Mr Justice Sweeting

Clerks to HM Judges | HMCTS | Royal Courts of Justice | Strand | London | WC2A 2LL

E-mail: katie.mclean1@justice.gov.uk | Phone: 07858 680852

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From: McLean, Katie | (She/Hers)

Sent: 13 December 2022 16:42

To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Clive,

I really apologise as I had thought I sent through a reply to this email on Friday.

His Lordship is currently working on the judgment and hopes to have it with you by the end of the week.

I will send it to you and all other parties as soon as possible.

Kind regards,

Katie

From: Clive Tobin <CliveTobin@NorthWarks.gov.uk>

Sent: 09 December 2022 16:52

To: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

I hope that you are well.

Has his Lordship been able to provide the judgment yet?

Have a good weekend.

Kind regards.

Clive

Head of Legal Services
Ext: 2251
Mobile: 07435 998525

From: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Sent: 29 November 2022 11:41
To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

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Dear Clive,

I'm so sorry to be sending a follow up.

Unfortunately, an issue arose over the weekend which has prevented his Lordship from being able to provide the draft judgment today.

I will let you know as soon as it is on its way.

Kind regards,
Katie

From: McLean, Katie | (She/Hers)
Sent: 28 November 2022 14:18
To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Hi Clive,

I hope you're well!

Unfortunately, the judgment couldn't go out last week. However, I should be circulating a draft tomorrow morning.

Do let me know if you have any questions.

Katie

From: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Sent: 28 November 2022 12:59
To: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

I hope that you are well. Was Mr Justice Sweeting able to hand down judgment last week as intended?

Kind regards,

Clive

From: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Sent: 18 November 2022 16:26
To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

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Hi Clive,

Pleased to hear it!

To confirm, counsel will not need to attend as it will not be handed down in court.

Kind regards,

Katie

From: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Sent: 18 November 2022 13:33
To: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

I am well thank you and hope that you are also.

Thanks for your swift response below. Please can you confirm whether judgment will be handed down in open court and therefore that counsel will need to attend?

Kind regards,

Clive

From: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Sent: 18 November 2022 13:07
To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

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Dear Clive,

I hope you're well.

His Lordship still hopes to have the judgment ready for hand down next week.

The jury is now out for our criminal trial, so there's a possibility a matter may arise, but otherwise there is unlikely to be any delay.

All the best,
Katie

From: Clive Tobin <CliveTobin@NorthWarks.gov.uk>

Sent: 18 November 2022 13:01

To: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

Further to the e-mails below, are you able to confirm that the Judgment will be passed down next week?

Kind regards,

C. H. Tobin

Head of Legal Services
& Monitoring Officer
North Warwickshire Borough Council
Council House, South Street
Atherstone, Warwickshire, CV9 1DE
01827 719251
Mobile: 07435 998525

<https://www.northwarks.gov.uk/site/>

From: Clive Tobin

Sent: 09 November 2022 16:12

To: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear Katie,

I am well thank you and hope that you are also. I can imagine that you are extremely busy given that Mr Justice Sweeting had no clerk over the summer!

I will wait to hear further from you regarding the judgment.

Kind regards,

Clive

From: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>

Sent: 09 November 2022 15:47

To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>

Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

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Dear Clive,

I hope you are well.

I apologise that you are only just receiving a response. Mr Justice Sweeting was without a clerk over summer.


His Lordship hopes to pass down judgment in the week of 21 November 2022.
Unfortunately, he is currently involved in another complex matter and so cannot offer a date before then.

I will keep you updated.

Kind regards,
Katie

Katie McLean (she/her)

Clerk to The Hon. Mr Justice Sweeting (currently sitting at Birmingham Crown Court)
Clerks to HM Judges | HMCTS | Royal Courts of Justice | Strand | London | WC2A 2LL
E-mail: katie.mclean1@justice.gov.uk | Phone: 07858 680852

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From: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Sent: 09 November 2022 11:53
To: Lloyd, John <john.lloyd@Justice.gov.uk>
Cc: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

John,

Thanks for your reply. I look forward to hearing from Katie.

Kind regards,

Clive

From: Lloyd, John <john.lloyd@Justice.gov.uk>
Sent: 09 November 2022 11:17
To: Clive Tobin <CliveTobin@NorthWarks.gov.uk>
Cc: McLean, Katie | (She/Hers) <Katie.McLean1@justice.gov.uk>
Subject: RE: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

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Dear Mr Tobin,

I pass on your email to Katie McLean (copied in) who is the permanent clerk to Mr Justice Sweeting for urgent action. I am sure she will get back to you soon.

Regards,
John

Mr John Lloyd | Clerk to The Hon. Mr Justice Soole
Judge in charge of the Kings's Bench list
Room W14 | Royal Courts of Justice | Strand | London | WC2A 2LL | DX44450 Strand
Tel: DD (020) 7947 7538 | Mobile: 07882 132151 | john.lloyd@justice.gov.uk
Web: www.gov.uk/hmcts

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<https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>

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From: Clive Tobin <CliveTobin@NorthWarks.gov.uk>

Sent: 09 November 2022 11:08

To: Lloyd, John <john.lloyd@Justice.gov.uk>

Cc: Administrative Court Office, KB & ACO Transcripts Requests

<KB&ACOTranscriptsRequests@administrativecourtoffice.justice.gov.uk>; KB Issue & Enquiries
<KBEnquiries@Justice.gov.uk>

Subject: FW: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Importance: High

Dear John,

Please can you confirm as a matter of urgency when Mr Sweeting J will be handing down his judgment in relation to the hearing in May? It is now some six months since the hearing and the Council is concerned to ensure that the position on enforcement of the Order is certain.

I look forward to hearing from you.

Kind regards,

C. H. Tobin

Head of Legal Services
& Monitoring Officer
North Warwickshire Borough Council
Council House, South Street
Atherstone, Warwickshire, CV9 1DE
01827 719251
<https://www.northwarks.gov.uk/site/>

From: Clive Tobin

Sent: 04 October 2022 11:46

To: john.lloyd@justice.gov.uk

Cc: QB&ACOTranscriptsRequests@administrativecourtoffice.justice.gov.uk; KBEnquiries@justice.gov.uk

Subject: FW: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear John,

Further to the e-mails below and attached, please can you confirm whether the Judgment has yet been handed down?

Kind regards,

C. H. Tobin

Head of Legal Services
& Monitoring Officer
North Warwickshire Borough Council
Council House, South Street
Atherstone, Warwickshire, CV9 1DE

01827 719251

<https://www.northwarks.gov.uk/site/>

From: Clive Tobin

Sent: 17 August 2022 12:33

To: john.lloyd@justice.gov.uk

Subject: FW: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear John,

Please can you confirm whether the Judgment has been handed down?

Kind regards,

Clive

Head of Legal Services

Ext: 2251

Mobile: 07435 998525

From: Clive Tobin

Sent: 11 August 2022 12:11

To: john.lloyd@justice.gov.uk

Subject: FW: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear John,

Further to my e-mail below and attachment, please can you confirm whether the judgment has been handed down?

Kind regards,

C. H. Tobin

Head of Legal Services

& Monitoring Officer

North Warwickshire Borough Council

Council House, South Street

Atherstone, Warwickshire, CV9 1DE

01827 719251

<https://www.northwarks.gov.uk/site/>

From: Clive Tobin

Sent: 26 July 2022 15:41

To: john.lloyd@justice.gov.uk

Subject: Re: QB-2022-001236 North Warwickshire Borough Council v Baldwin and Others

Dear John,

Please see attached a copy of an e-mail sent to Katherine Stent in relation to the above matter.

Are you able to confirm whether the judgment has yet been handed down?

Kind regards,

C. H. Tobin

Head of Legal Services
& Monitoring Officer
North Warwickshire Borough Council
Council House, South Street
Atherstone, Warwickshire, CV9 1DE
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Clive Tobin

From: Stent, Katherine <Katherine.Stent@justice.gov.uk>
Sent: 26 July 2022 14:55
To: Clive Tobin
Subject: Automatic reply: N Warks Judgment

I no longer work for HMCTS.

Please direct your query to john.lloyd@justice.gov.uk for both Mr Justice Choudhury and Mr Justice Sweeting.

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Clive Tobin

From: Clive Tobin
Sent: 26 July 2022 14:55
To: Stent, Katherine
Cc: Jonathan Manning; Charlotte Crocombe; Annie Ryan
Subject: RE: N Warks Judgment

Dear Katherine,

Further to the correspondence below, please can you confirm whether HHJ Sweeting has now handed down his judgment in relation to this matter?

Kind regards,

C. H. Tobin

Head of Legal Services
& Monitoring Officer
North Warwickshire Borough Council
Council House, South Street
Atherstone, Warwickshire, CV9 1DE
01827 719251
<https://www.northwarks.gov.uk/site/>

From: Stent, Katherine <Katherine.Stent@justice.gov.uk>
Sent: 31 May 2022 17:38
To: Jonathan Manning <jmanning@4-5.co.uk>
Cc: Charlotte Crocombe <ccrocombe@4-5.co.uk>; Clive Tobin <CliveTobin@NorthWarks.gov.uk>; Stephen Simblet <stephens@gclaw.co.uk>; Annie Ryan <AnnieRyan@NorthWarks.gov.uk>
Subject: RE: N Warks Judgment

Dear Jonathan,

Many thanks, I have passed this on to His Lordship as well as Mr Simblet's email.

Please let me know if I can be of any further assistance.

Kind regards,

Kate

Katherine Stent
Clerk to The Hon. Mr Justice Choudhury

Temporary Clerk to The Hon. Mr Justice Sweeting

Room W14
Clerk to HM Judges | HMCTS | Royal Courts of Justice | Strand | London | WC2A 2LL
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Mobile: 07866053865
DX: 44450 RCJ/Strand

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<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

From: Jonathan Manning <jmanning@4-5.co.uk>

Sent: 30 May 2022 12:52

To: Stent, Katherine <Katherine.Stent@justice.gov.uk>

Cc: Charlotte Crocombe <ccrocombe@4-5.co.uk>; Clive Tobin <CliveTobin@NorthWarks.gov.uk>; Stephen Simblet <stephens@gclaw.co.uk>; Annie Ryan <AnnieRyan@NorthWarks.gov.uk>

Subject: N Warks Judgment

<https://linksharing.samsungcloud.com/9LDowELI3XTd>

Valid until 1 Jun 2022

Dear Kate

I thought it might be helpful to Mr Justice Sweeting if I sent over a judgment in the similar Thurrock case that has just been delivered.

Mr Simblet was involved in that case as I understand it, so is aware of its contents.

Kind regards

Jonathan

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Jonathan Manning
Barrister

Telephone: +44 (0) 20 7404 5252

Email: jmanning@4-5.co.uk

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Filed on behalf of the Claimant
C. Tobin
Second Witness Statement
Date:
Exhibits CHT2-CHT5

Claim No: QB-2022-001236

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

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

BALDWIN and OTHERS

Defendants

This is the exhibit marked as CHT3 referred to in the Witness Statement of Clive Tobin dated 10 March 2023

Signed:



Dated: 10 March 2023

Table of Persons Arrested at Kingsbury Oil Terminal since April 2022 whom the Claimant seeks to be added as Defendants to the Proceedings

	Surname	First Names	Address / Email Address	Postcode
1	ADAMS	Thomas	55 Hayclose Crescent, Kendal, Cumbria	LA9 7NT
2	ADAMS	Mary	303 Granite Apartments, 30 River Gardens Walk, London, Greater London	SE10 0GA
3	ARIES	Collin	36 West Street, Banbury, Oxfordshire	OX16 3HD
4	AYLETT	Stephanie	Stephanie.aylett@hotmail.com	
5	BAILIE	Marcus	Old Mill House, Cilfynydd, Mid Glamorgan	CF37 4HR
6	BAIN	Mair	9a Enfield Road, Derby, Derbyshire	D22 4DG
7	BAYSTON	Jeremy	2/1 43 Kersland Street, Glasgow	GL12 8BS
8	BELL	Paul	96 Warwards Lane, Birmingham, West Midlands	B29 7RD
9	BELL	Paul	116 Sutherland Avenue, Coventry, West Midlands	CV5 7NJ
10	BENN	Sarah	127 Balden Road, Harbourne, Birmingham	B32 2EL
11	BENTLEY	Ryan	Unknown	
12	BERKSHIRE	David Robert	11 Bradwell Street, Sheffield, South Yorkshire	S2 3ED
13	BERRY	Molly	White Lion Wharf, Starters End, Marsworth, Herts	HP23 4LJ
14	BIRD	Gillian	16 Lynmouth Road, Bristol, Somerset	BS2 9YH
15	BLACKMORE	Rachel Jane	Old Crown, 19 West End, Weston Turville, Aylesbury, Buckinghamshire	HP22 5TT
16	BOWERS	Paul	44 Fairfax Avenue, Tarvin, Chester, Cheshire	CH3 8DR
17	BRAMFITT	Kate	Burnleigh, Whitby Avenue, Hexham, Northumberland	NE46 3JJ
18	BREEN	Scott	1 Vineries Close, Sipson, West Drayton, Middlesex	UB7 0JH
19	BRENCHEER	Alice	4 Station Parade, Leeds, West Yorkshire	LS5 3HG

20	BROCKLEBANK	Emily	30 East View, Yeadon, Leeds, West Yorkshire	LS19 7AD
21	BURNETT	Tommy	14 Castle Rise, Kendal, Cumbria	LA9 7BQ
22	BURNS	Tez	2 Beaufort Court, Cadle, Swansea, Dyfed	SA5 4PH
23	BURROW	George	14 Dockray Hall Road, Kendal, Cumbria	LA9 4QY
24	CALLAND	Jade	25 Chaucer Grove, Leigh, Wigan	WN7 5JZ
25	CARR	Olwen	10 Aldrich Road, Oxford, Oxfordshire	OX2 7ST
26	CATTERMOLE	Caroline	71 Patterdale Road, Lancaster, Lancashire	LA1 3HS
27	CAVE	Ian	Talbot Cottage, Cocks Lane, Enstone, Chipping Norton, Oxfordshire	OX7 4LF
28	CHARLESWORTH	Michelle	12 Villeboys Close, Abingdon, Oxfordshire	OX14 3XP
29	COHEN	Zoe	3 Brook House Court, Lakeside Road, Lymm, Cheshire	WA13 0GR
30	COLEMAN	Jonathan	40 Buxton Crescent, Rochdale, Greater Manchester	OL16 4TU
31	COOPER	Paul	7 Quarry Road, Broseley Wood, Broseley, Shropshire	TF12 5QE
32	COOPER	Clare	7 Quarry Road, Broseley Wood, Broseley, Shropshire	TF12 5QE
33	DONALD-MCKIM	Jeaninie	65 Grove Road, Bladon, Woodstock, Oxfordshire	OX20 1RG
34	DOWDS	Kathryn	33 Cavalier Drive, Apperley Bridge, Bradford, West Yorkshire	BD10 0UF
35	EAGLING	Janine	15 Tower Hamlets Road, Walthamstow, Waltham Forest	E17 4RQ
36	ECKELAERS	Stephen	17 Farndale Avenue, Choppington, Northumberland	NE62 5YQ
37	ELSWORTH	Sandra	47 Devonshire Road, Morecambe, Lancashire	LA3 1AN
38	EXLEY	Holly June	73 Windsor Road, Buxton, Derbyshire	SK17 7NR
39	FORD	Cameron	14 The Homing, Cambridge, Cambridgeshire	CB5 8SD
40	GARRATT-WRIGHT	William Thomas	59 Stansfield Road, Todmorden, West Yorkshire	OL14 5DR

41	GARRATT-WRIGHT	Elizabeth	59 Stansfield Road, Todmorden, West Yorkshire	OL14 5DR
42	GIBSON	Alasdair	Unknown	
43	GILCHRIST	Alexandra	89 Rugby Road, Leamington Spa, Warwickshire	CV32 6DH
44	GINGELL	Stephen	Unknown	
45	GOODE	Callum	callumgoode@proton.me or legal_callumgoode@proton.me	
46	GRIFFITH	Kathryn	5 King Street, Much Wenlock, Shropshire	TF13 6BL
47	GRIFFITH	Fiona	5 King Street, Much Wenlock, Shropshire	TF13 6BL
48	GROUND	Joanne	Flat 2, 45 Store Street, Manchester, Greater Manchester	M1 2WA
49	GUTHRIE	Alan	16 Stamford Street, Millbrook, Stalybridge, Greater Manchester	SK15 3JB
50	GWYNE	David	4 Towerlands Street, Liverpool, Merseyside	L7 8TT
51	HADFIELD	Scott	18 Gill Street, Selston, Nottingham, Nottinghamshire	NG16 6EJ
52	HAMPTON	Susan	14 Lincoln Court, Berkhamsted, Hertfordshire	HP4 3EN
53	HANDLING	Jake	Unknown	
54	HARDING	Fiona	9 Chapmans Crescent, Chesham, Buckinghamshire	HP5 2QU
55	HARRISON	Gwen	6 Spital View, Kendal, Cumbria	LA9 4NX
56	HEKT	Diana	12 Victoria Road, Meltham, Holmfirth, West Yorkshire	HD9 5NL
57	HILL	Eli	Unknown	
58	HINDLEY	Joanna	103 Tindal Street, Birmingham, West Midlands	B12 9QU
59	HOLLAND	Anna	Westgate House 252-258, 6, Westgate Road, Newcastle upon Tyne, Tyne & Wear	NE4 6AQ
60	HOMFRAY	Ben	2 Claremont Gardens, Nottingham, Nottinghamshire	NG5 1BE
61	HOWLETT	Joe	12 Kilmersdon, Radstock, Somerset	BA3 5TD

62	HOYLAND	Eric	Elder Cottage, Oaklands Park, Newnham, Gloucestershire	GL14 1EF
63	JAMES	Reuben	14 Springhill, Stroud, Gloucestershire	GL1 1TN
64	JARMAN	Ruth	Toll House, Farnham Road, Odiham, Hook, Hampshire	RG29 1AA
65	JARVIS	Stephen	29 Torrington Lane, Bideford, Devon	EX39 4EP
66	JOHNSON	Samuel	2 Keens Lane, Reydon, Suffolk	IP8 6NT
67	JONES	Inez	Unknown	
68	KIRIN	Charlotte	12 Peckham Street, Bury St. Edmunds, Suffolk	IP33 1SY
69	KOWALSKI	Jennifer	2 Tylney Road, Paisley, Renfrewshire	PA1 3JN
70	LATIMER	Jerard	9a 9 Poole Road, Hackney, London	E9 7AE
71	LAURIE	Charles	169 Edward Vinson Road, Kent,	ME13 8FF
72	LAY	Peter	6 Derwent Close, Waterlooville, Hampshire	PO8 0DH
73	LINDELL	Victoria	Calcutt House, Flecknoe, Rugby, Warwickshire	CV23 8AU
74	LITTEN	El	21 Stanley Street, Luton, Bedfordshire,	LU1 5AL
75	MANI	Emma	17 Turner Court, High Street, Berkhamsted, Hertfordshire	HP4 3ZE
76	MANN	Rachel	19 Lime Avenue, Leamington Spa, Warwickshire	CV32 7DE
77	MANN	David	45 Kerry Avenue, Ipswich, Suffolk	IP1 5LQ
78	MARTIN	Diana	15 Forgebank Walk, Halton, Lancaster, Lancashire	LA2 6FD
79	MAXEY	Larch	Flat, 101 High Street, Totnes, Devon	TQ9 5PF
80	McFADDEN	Elidh	2/1, 1019 Sauchiehall Street, Glasgow, City of Glasgow	G3 7TZ
81	McKECHNIE	Louis	62 Clearmount Road, Weymouth, Dorset,	DT4 9LE
82	MERCER	Julia	4 Beaumont Street, Todmorden, West Yorkshire	OL14 5JZ
83	MILLER	Craig	114 Wessex Road, Didcot, Oxfordshire	OX11 8BL

84	MILNER-EDWARDS	Simon	19 Dartmouth Road, Manchester, Greater Manchester	M21 8XL
85	MITCHELL	Barry	36 Granville Street, St. Georges, Telford, Shropshire	TF2 9JS
86	MITCHELL	Darcy	2 Dodbrook Cottages, Staverton, Totnes, Devon	TQ9 6NZ
87	MOORE	Eric	Helmsley Mews, Newcastle upon Tyne, Tyne & Wear	NE2 1BE
88	MORGAN	Peter	110 Chester Road North, Sutton Coldfield, West Midlands	B73 6SL
89	MORGAN	Richard	Unknown	
90	MURPHY	Orla	2/1, 1019 Sauchiehall Street, Glasgow, City of Glasgow	G3 7TZ
91	MURPHY	Joanne	17 Sibson Road, Manchester, Greater Manchester	M21 9RH
92	MURRAY	Gilbert	7 Hawthorne Avenue, Norwich, Norfolk	NR6 6LE
93	MURRAY-LESLIE	Christian	122 Derby Road, Melbourne, Derby, Derbyshire	DE73 8FL
94	NAIDU	Rajan	6 Gosford Street, Birmingham, West Midlands	B12 9ER
95	NALDRETT	Chloe	19 Monk Road, Bristol, Somerset	BS7 8LE
96	NEECE	Jane	5a Waltham Road, Branston, Grantham, Lincolnshire	NG32 1RY
97	NIXON	David	23c Kirkstall Road, Barnsley, South Yorkshire	S71 1RU
98	NORTON	Theresa	Flat 4, 2 Esplanade Gardens, Scarborough, North Yorkshire	YO11 2AW
99	O TOOLE	Ryan	Cornwall Garage Group, London Road, Wendover, Aylesbury, Buckinghamshire	HP22 6PN
100	OAKENFOLD	George	116 Shirehampton Road, Bristol, Somerset	BS9 2DY
101	ONLAY	Nicolas	48 Richmond Road, London	N15 6QB
102	OSBOURNE	Edward	33 Ise View Road, Desborough, Kettering, Northamptonshire	NN14 2PX
103	PAINTER	Richard	127 Balden Road, Harborne, Birmingham, West Midlands	B32 2EL
104	POWTER	David	40 Kings Walk, Shoreham-by-Sea, West Sussex	BN43 5LG

105	PRIDE	Stephanie	Valley View, Flat 4, 13 Grosvenor Road, Scarborough, North Yorkshire	YO11 2LZ
106	REDFERN	Helen	435 Lobley Hill Road, Gateshead, Tyne & Wear	NE11 0BT
107	REDING	Simon	201 Slade Lane, Manchester, Greater Manchester	M19 2AE
108	REID	Margaret	Fell House, Low Fellside, Kendal, Cumbria	LA9 4NH
109	RENNIE-NASH	Catherine	30 Garden Road, Kendal, Cumbria	LA9 7ED
110	ROCK	Isabel	32 Red Post Hill, London, Greater London, SE24 9JQ	SE24 9JQ
111	SCOTHORNE	Caterine	7 Alfred Place, Edinburgh, City of Edinburgh	EH9 1RX
112	SCOTT-WARREN	Jason	30 Humberstone Road, Cambridge, Cambridgeshire	CB4 1JF
113	SCULTHORPE	Gregory	Welbeck Lodge, Welbeck Road, Doncaster, South Yorkshire	DN4 5EY
114	SETTLE	Samuel	31 Station Road, Wallingford, Oxfordshire	OX10 0JX
115	SHAH	Vivienne	9 School Lane, Evington, Leicester, Leicestershire	LE5 6DR
116	SHATFORD	Sheila	135 Ridgeway Road, Bristol, Somerset	BS16 3EF
117	SHAW	Daniel	78 Adams Avenue, Northampton, Northamptonshire	NN1 4LJ
118	SHEEKY	Paul	395 Wellfield Street, Warrington, Cheshire	WA5 1PX
119	SIDEY	Susan	75 Hansford Square, Bath, Somerset	BA2 5LJ
120	SILVER	Noah	14A NANSENSTRASSE, Berlin	
121	SMITH	Joshua	6 Ashfield Drive, Manchester, Greater Manchester	M40 1WJ
122	SPRINGORUM	Kai	Unknown	
123	STEVENSON	Mark	The Clays Organic Market Garden, Thame Road, Warborough, Wallingford, Oxfordshire	OX10 7DG
124	TAYLOR	Anne	100 Walton Street, Oxford, Oxfordshire	OX2 6EB
125	TORRANCE BRIGHT	Hannah	1/2, 492 St. Vincent Street, Glasgow, City of Glasgow	G3 8XU

126	TOUIL	Jane	20 Taylor Street, Rochdale, Greater Manchester	OL12 0HX
127	UPTON	Jessica	46 Chester Street, Oxford, Oxfordshire,	OX4 1SN
128	WALTERS	Isabel	46 Cockley Hill Lane, Huddersfield, West Yorkshire	HD5 0HH
129	WATKINS	Craig	73 Windsor Road, Buxton, Derbyshire	SK17 7NR
130	WEBB	Sarah	6 Kinecroft, Wallingford, Oxfordshire	OX10 0DT
131	WEBB	Ian	32 Nuttings Road, Cambridge, Cambridgeshire	CB1 3HU
132	WHITE	Alex	6 Nab Wood Crescent, Shipley, West Yorkshire	BD18 4HX
133	WHITE	William	26 Cedarway, Bollington, Macclesfield, Cheshire	SK10 5NS
134	WHITE	Samantha	2 Claremont Gardens, Nottingham, Nottinghamshire, NG5 1BE	NG5 1BE
135	WHITTAKER-DE-ABREU	Lucia	93 Arthur Street, Derby, Derbyshire	DE1 3EJ
136	WHITTINGHAM	Edred	Unknown	
137	WILDEN	Caren	5 St Swithins Road, Leicester, Leicestershire	LE5 2GE
138	WILLIAMS	Meredith	43 East St. Helen Street, Abingdon, Oxfordshire	OX14 5EE
139	WILLIAMS	Pamela	Cwm Deildre, Van, Llanidloes, Powys	SY18 6NZ

Filed on behalf of the Claimant
C. Tobin
Second Witness Statement
Date:
Exhibits CHT2-CHT5

Claim No: QB-2022-001236

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

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

BALDWIN and OTHERS

Defendants

This is the exhibit marked as CHT4 referred to in the Witness Statement of Clive Tobin dated
10 March 2023

Signed:



Dated: 10 March 2023

Claimant
1st statement
C. Tobin
27th April 2022
Exhibit CHT/1

Claim No. QB-2022-001236

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

- (1) DAVID BALDWIN**
- (2) THOMAS BARBER**
- (3) MICHELLE CADET-ROSE**
- (4) TIM HEWES**
- (5) JOHN HOWLETT**
- (6) JOHN JORDAN**
- (7) CARMEN LEAN**
- (8) ALISON LEE**
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- (11) PAUL RAITHBY**
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- (14) JOHN SMITH**
- (15) BEN TAYLOR**
- (16) JANE THEWLIS**
- (17) ANTHONY WHITEHOUSE**
- (18) ANDREW WORSLEY**

**(19) PERSONS UNKNOWN WHO ARE ORGANISING,
PARTICIPATING IN OR ENCOURAGING OTHERS TO
PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION
AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE
KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

Defendants

AND BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

and

**(20) SARAH BENN
(21) MOLLY BERRY
(22) EMILY BROCKLEBANK
(23) KATHERYN DOWDS
(24) JAKE HANDLING
(25) GWEN HARRISON
(26) SIMON MILNER-EDWARDS
(27) BARRY MITCHELL
(28) CHRISTIAN MURRAY-LESLIE
(29) DIANA MARTIN
(30) DAVID NIXON
(31) STEPHANIE PRIDE
(32) AMY PRITCHARD
(33) SIMON REDING
(34) MARGARET REID
(35) CATHERINE RENNIE-NASH
(36) ISABEL ROCK
(37) VIVIENNE SHAH
(38) JOSH SMITH
(39) HANNAH TORRANCE BRIGHT
(40) SARAH WEBB**

Proposed Defendants

WITNESS STATEMENT OF CLIVE TOBIN

I, CLIVE TOBIN, of The Council House, South Street, Atherstone, CV9 1DE,
Solicitor and Local Government Officer WILL SAY AS FOLLOWS:

1. I am employed by North Warwickshire Borough Council ("the Council") as the Head of Legal Services. I am duly authorised on behalf of the Council to make this witness statement.
2. I make this witness statement in relation to the interim injunction and power of arrest granted by Mr Justice Sweeting, on a without notice basis, on 14 April 2022, and the ongoing proceedings related to that injunction ("the injunction").
3. By way of introduction, during the week commencing 11 April following discussions between myself and Steve Maxey, the Council's Chief Executive, the Claimant decided to issue proceedings for an injunction to prohibit the dangerous and disruptive behaviour then being undertaken by protestors at the Kingsbury Oil Terminal (the "Terminal"). I authorised Ms Ryan, Principal Solicitor, to issue those proceedings which she did on 13th April, and they came before Mr Justice Sweeting, as I have said, the following day.

Additional Defendants

4. At the time that the proceedings were heard on 14 April, the only names of protestors known to the Claimant were those 18 Defendants named in the proceedings. Since that time, additional names have become known.
5. Committal proceedings are proceeding against Mr Jake Handling (Proposed Defendant 24) and, Mr Josh Smith (PD 38) following their arrest inside the Shell Depot at Kingsbury Oil Terminal (the "Terminal") on 23 April 2022.

6. They were also arrested on 15 April 2022 inside the Terminal, and it was intended to produce them to court on 19 April, but it was necessary to release them prior to production as the custody time limit under s.27(4), Police and Justice Act 2006 was about to expire. The Claimant has decided not to pursue Mr Handling and Mr Smith in relation to the arrest on 15 April on the basis that the Claimant can not be certain that they were aware of the injunction on that occasion.
7. Committal proceedings are being pursued against 16 protestors who were arrested while blocking an entrance to the Terminal on 26 April 2022. They are the following proposed Defendants:
 - (20) Sarah Benn
 - (21) Molly Berry
 - (22) Emily Brocklebank
 - (25) Gwen Harrison
 - (26) Simon Milner-Edwards
 - (27) Barry Mitchell
 - (30) David Nixon
 - (31) Stephanie Pride
 - (32) Amy Pritchard
 - (33) Simon Reding
 - (34) Margaret Reid
 - (35) Catherine Rennie-Nash
 - (36) Isabel Rock
 - (37) Vivienne Shah
 - (38) Josh Smith
 - (39) Hannah Torrance Bright
 - (40) Sarah Webb
8. It is intended by the Claimant to pursue committal proceedings against:
 - (28) Christian Murray-Leslie and
 - (29) Diana Martinin relation to alleged breaches of the Order over the night and early morning of 14-15 April 2022, when they affixed themselves to each other on a gantry inside the Shell Depot of the Terminal. They were not arrested by police for breach of the injunction (though they were arrested

for criminal matters) and paper committal proceedings will be issued shortly.

9. Finally, the Claimant is also aware of Katheryn Dowds (PD 23) who was arrested for breach of the Injunction on 15 April 2022, inside the Valero Depot at the Terminal. Although she is not being made subject to committal proceedings, as the Claimant can not be certain that she was aware of the injunction, the Claimant now has her name and address.
10. The Claimant seeks permission to add these additional 21 people as the 20th-40th Defendants inclusive. I do not believe that they should remain within the 19th Defendant ("Persons Unknown") now that they are identifiable and have been arrested inside the areas edged in red on the map attached to the injunction.

Power of Arrest

11. Secondly, I have observed that the Power of Arrest issued on 14 April 2022, and which applies to the Order, states that it applies to the order made on 10 March 2022. As stated above, since the Council's application had not been made on 10 March and was not heard until 14 April, this appears to be a typographical error and I would ask that the Court corrects this using its power in Part 40.12 of the Civil Procedure Rules, so as to refer to the Injunction dated 14 April 2022, as amended by Order dated 21 April 2022.

Committal evidence

12. Thirdly, I ask that the Court allows the Claimant to rely on the section 9 witness statements completed by police officers and other witnesses including Mr Dawson, and the witness statements made by Mr Maxey in relation to the committal proceedings.
13. Although CPR Part 81 requires evidence on committal to be made by way of affidavit, all the statements contain declarations of similar effect to

a statements of truth, which state that the maker of the statement understands the consequences of making a statement which they do not believe to be true. Moreover, Mr Maxey is a solicitor and an officer of the court, as well as the Chief Executive of the Claimant, and the other witnesses aside from Mr Dawson (whose statement is in s.9 format) are police officers.

14. Given the time available, it has not been possible to obtain affidavit evidence from those witnesses. I am aware that an extensive policing operation is ongoing at the Terminal and that over 200 arrests have been made in total in connection with these protests, the vast majority of which relate to criminal charges. The police officers involved in the operation have prepared section 9 witness statements in relation to those arrests and resulting criminal charges which set out the events that have occurred at the Terminal and include the events which are alleged to amount to breach of the Injunction. These statements are made contemporaneously and, given the number of arrests and the fact that many of the incidents have occurred out of ordinary office hours, it would not be practical for all those officers to prepare and swear affidavit evidence in time for any committal proceedings, particularly for those in custody

Service on solicitors/by post

15. Further, I am aware that those arrested for alleged breaches of the Injunction reside in various parts of the United Kingdom, none being resident in Warwickshire. Accordingly, it is not practical for the Claimant to serve Committal Applications and evidence on those concerned personally. I therefore ask the Court to permit service of those applications and evidence either on solicitors where they are represented or else by post, if necessary using recorded delivery.
16. I would ask that the Court amends the Injunction in the form attached to this application, and marked as CHT/1, to allow these means of service for committal applications and evidence on those alleged to have breached the order in the future.

STATEMENT OF TRUTH

I believe(s) that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

A handwritten signature in black ink, appearing to be 'Am2'.

Date: 27th April 2022

Claimant

1st statement

C. Tobin

27th April 2022

Exhibit CHT-1

Claim No. OB-2022-001236

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

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PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION
AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE
KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA**

Defendants

AND BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

and

**(20) SARAH BENN
(21) MOLLY BERRY
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(36) ISABEL ROCK
(37) VIVIENNE SHAH
(38) JOSH SMITH
(39) HANNAH TORRANCE BRIGHT
(40) SARAH WEBB**

Proposed Defendants

THIS IS THE EXHIBIT MARKED "CHT-1" REFERRED TO IN THE
WITNESS STATEMENT OF CLIVE TOBIN DATED
27 APRIL 2022

Filed on behalf of the Claimant
C. Tobin
Second Witness Statement
Date:
Exhibits CHT2-CHT5

Claim No: QB-2022-001236

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

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

BALDWIN and OTHERS

Defendants

This is the exhibit marked as CHT5 referred to in the Witness Statement of Clive Tobin dated
10 March 2023

Signed:



Dated: 10 March 2023

HODGE JONES & ALLEN

By email only: stevemaxey@northwarks.gov.uk ; annieryan@northwarks.gov.uk

North Warwickshire Borough Council, Legal Services
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Atherstone
Warwickshire
CV9 1DE

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ahardy@hja.net

Direct tel: 0207 874 8517
Direct fax: 0207 874 8305
Switchboard: 020 7874 8300

Our ref: 1044234.0001/ALH
Your ref: SM/AR - Protestors Kingsbury

22 April 2022

Dear Sir / Madam

**North Warwickshire Borough Council v 18 named defendants and persons unknown
Claim no. QB-2022-0001236**

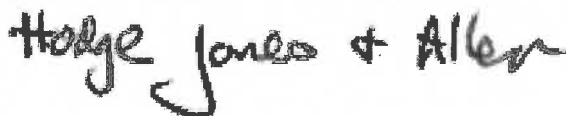
We refer to the above referenced claim and associated interim orders posted on the North Warwickshire Borough Council website.

We act for Jessica Branch, who is associated with Extinction Rebellion but who has not participated in any protests in North Warwickshire, nor does she intend to do so. As such she does not consent to being identified as a named defendant. Nevertheless she is concerned by the scope of the injunction order.

Please provide the following copy documents as soon as practicable, in light of the forthcoming return hearing on 28 April 2022:

1. Skeleton argument for the hearing on 14 April 2022 before Mr Justice Sweeting
2. Note of the hearing 14 April 2022
3. Judgment of Mr Justice Sweeting
4. Order dated 10 March 2022, referred to in the order granting power of arrest dated 14 April 2022
5. Any skeleton argument, note of hearing and judgment in relation to the order dated 10 March 2022.

Yours faithfully



Hodge Jones & Allen Solicitors Limited

HODGE JONES & ALLEN

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Our ref: 1044234.0001/ALH
Your ref: SM/AR - Protestors Kingsbury

26 April 2022

Dear Sir / Madam

North Warwickshire Borough Council v 18 named defendants and persons unknown
Claim no. QB-2022-0001236

We refer to your letter dated 26 April 2022.

The Claimant has come to court to obtain ex parte relief which affects an indeterminate number of persons. There is therefore there is a duty of full and frank disclosure and a duty for the Claimant to keep a note and make the skeleton arguments available to those affected. The return date is Thursday.

While our client does not intend to breach any injunction she is nonetheless concerned about its impact and the restriction of freedom of expression and may wish to participate in protests in the future. She is also concerned over the legality of the order and the chilling effect it has.

In any event, a person cannot judge whether s/he might wish to intervene or wish to become a defendant unless s/he is provided with sufficient information about the legal basis for the injunction, which includes the note of judgment and the skeleton argument submitted to the court.

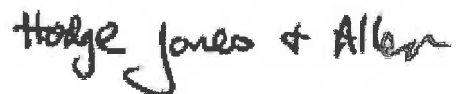
There are clearly errors in the documentation that is publicly available, as the typographical error on the hearing date shows. The publicly available documentation provides very limited information if any on the legal basis of the injunction and the arguments put to the court.

Without the skeleton argument and note of hearing we are unable to assess the legal basis of the injunction or whether the court was provided with all relevant information and arguments. We cannot therefore properly assess whether we would wish to make representations on the return date.

We require this material and have already asked for it, and have now been refused. We require it forthwith. If the Claimant continues to refuse to supply it, that failure may well be raised before the judge on the return date, and may well be a reason for depriving the Claimant of its discretionary relief, or for the matter having to be adjourned, with the resulting costs.

As a public body the Claimant is obliged to facilitate the right to protest protected under Articles 10 and 11 ECHR in your locality. It is also bound by general duties of transparency and fairness in decision making. Adopting an unnecessarily obstructive position on the provision of information does not further these obligations.

Yours faithfully

A handwritten signature in black ink that reads "Hodge Jones & Allen". The signature is written in a cursive, flowing style.

Hodge Jones & Allen Solicitors Limited