

B E T W E E N :

LONDON BOROUGH OF HAVERING

Claimant

-and-

(1) WILLIAM STOKES
(2)-(105) OTHER NAMED DEFENDANTS
(106) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE LONDON BOROUGH OF HAVERING

Defendants

**THE CLAIMANT'S FURTHER SUBMISSIONS FOLLOWING THE
DIRECTION OF THE COURT DATED 10 MAY 2024**

1. The Court has been provided with the Claimant's skeleton argument in these proceedings and further additional written submissions following the decision of the Supreme Court in **Wolverhampton City Council and Others v London Gypsies and Travellers and others** [2023] UKSC 47. The content of those submissions are still relied upon. In addition to those submissions the Court on 10 May 2024, directed of its own motion, that the Claimant provide an update in witness statement form in respect of the named Defendants and in particular whether there has been any further encampments by named Defendants between 1 November 2022 and 30 April 2024. The Court also gave permission for the Claimant to provide any relevant written submissions concerning this updated evidence. Accordingly, the Claimant has provided this written submission and the witness evidence directed by the Court. The relevant witness evidence is the witness statements of Jane Eaststaff and PC Pomaah.
2. This submission is structured as follows:

- (i) Submissions to the Court concerning the two recent decisions in the cases of *Test Valley District Council & others v Bowers & others* [QB-2020-002112] and *Basingstoke & Deane & Others v Loveridge & Others* [QB-2018-003748], both decisions are relevant to Court's decision in these proceedings; and
- (ii) To confirm the position concerning encampments in the Claimant's administrative area between 1 November 2022 and 30 April 2024.

Recent Decisions

3. This Claim and the claims in the *Test Valley* and *Basingstoke & Deane* were caught within the appeal to the Supreme Court in *Wolverhampton*, the Claimants in these cases were represented by the same Counsel. The *Test Valley* decision concerned a claim against named Defendants and Persons Unknown, and the *Basingstoke & Deane* decision concerned an application to continue the order of the Court against Persons Unknown only. In both cases the Claimants were successful in achieving the orders sought. A copy of the sealed orders are provided with this submission.

Encampments Within the Administrative Area of London Borough of Havering Between 1 November 2022 and 30 April 2024

4. The Claimant in these proceedings has provided further information in respect of encampments that have occurred within its Borough between 1 November 2022 and 30 April 2024. That evidence is provided in the witness statements of Jane Eaststaff. The police have also provided evidence from PC Pomaah. It is acknowledged that neither of these witness statements identify further incidents by the *named* Defendants in these proceedings, and only identify incidents by new Defendants or Persons Unknown. The Claimant submits that the Court should still grant an Order against the named Defendants as well as Persons Unknown for the following reasons:
 - (i) The Claimant is obliged to name a defendant in these proceedings if they know the name of the defendant, even if that defendant has only been identified at one encampment. A defendant may be present at a number of encampments throughout the borough, but the Claimant may have only been able to identify them as present

on one occasion. This may be because vehicle registration checks were not performed by the police to identify who was present at a particular encampment, or, because the defendants refused to provide their identity.

(ii) The fact a particular defendant has been identified allows that defendant to be served and to take part in the proceedings (unlike the newcomer who cannot be served and must rely upon the liberty to apply provisions in the injunction Order). None of the named Defendants in these proceedings have filed any defence to the Claim or offered any undertaking to the Court, they have remained silent and not engaged with the proceedings.

5. Accordingly, considering that the Claimant is still experiencing difficulties with unauthorised encampments and the named Defendants have not taken part in the proceedings or offered any form of undertaking, and given the very real difficulty in identifying members of encampments at each encampment, the Claimant submits it is just and proportionate to grant an injunction against both named Defendants and Persons Unknown.

**CAROLINE BOLTON
NATALIE PRATT
RADCLIFFE CHAMBERS
30 May 2024**