

IF YOU FAIL TO OBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR BE FINED OR YOUR ASSETS MAY BE SEIZED

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

Claim Number: KB-2023-002981

BEFORE MR JUSTICE MURRAY

B E T W E E N



KB-2023-002981

**TENDRING DISTRICT COUNCIL
ESSEX COUNTY COUNCIL**

Claimants

AND

**PERSONS UNKNOWN
INTENDING TO PARK OR PLACE CARAVANS, CAMPERVANS,
MOBILE HOMES OR TENTS ON CERTAIN LAND OR CERTAIN ROADS
WITHIN TENDRING DISTRICT BETWEEN THURSDAY 17 AUGUST 2023
AND SATURDAY 2 SEPTEMBER 2023 INCLUSIVE**

Defendants

ORDER FOR AN INJUNCTION

IMPORTANT

Notice to the Defendants

You should read the terms of the Order and the Guidance Notes very carefully.

You are advised to consult a Solicitor as soon as possible.

This Order prohibits you from doing the acts set out in this Order. If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.

UPON hearing Counsel for the Claimants without notice to the Defendants

AND UPON the Court reading the Witness Statement of Michael Carran, with exhibits, attached as Schedule 1 to this Order

AND UPON The First Claimant undertaking to file the Claim Form and Particulars of Claim within 3 working days of the hearing and serving this Order as directed by paragraph 3 of this Order as soon as possible

AND UPON on the Claimants' application for an injunction in relation to "The Claimants' Open Land", the "Seafront Roads" and the "Car Park land" as described in Schedule 2 attached to this Order, all located within the district of Tendring

IT IS ORDERED that:

1. The Defendants and each of them shall not:
 - (a) Leave or permit to remain any campervan, mobile home or caravan or tent on the Seafront Roads and the Claimants' Open Land at any time without written authorisation from Tendring District Council;
 - (b) Leave or permit to remain any campervan, mobile home or caravan or tent on the Car Park land on any day after the time of 22.00 (10 pm) or before 07.30 (7.30 am).
2. Paragraphs 1 (a) and (b) of this Order shall have effect from 00:01 hours on Thursday 17 August 2023 until 23:59 on Saturday 2 September 2023.

FURTHER ORDERS

3. The First Claimant undertakes to file the Claim Form and Particulars of Claim with the Court within 3 working days of any Order.

4. The Court ordered under CPR Part 6.27 that service of this Order be effected by

(a) publishing a notice on the First Claimant's website alerting readers' attention to the terms of the Order and displaying a copy of this Order together with the attached Schedules and plans;

(b) placing copies of this Order reproduced on A3 size paper, laminated, and secured to the land in a conspicuous position as set out below with readers' attention being directed to the Schedules and plans available on the First Claimant's website in accordance with paragraph 3(a) above :

(i) in respect of The Claimants' Open Land and Car Park Land in two separate positions at the entrance to the land

(ii) in respect of The Seafront Roads at intervals of no less than 100 metres in positions adjacent to, and clearly visible from, the carriageway;

and that personal service be dispensed with.

5. The Court further ordered under CPR Part 6.15 that service of the Claim Form be effected by leaving sufficient copies available for collection on request during office hours at the Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE, and publishing a notice on the First Claimant's website advertising the availability of such copies and that the Claim Form be deemed served 7 days after the date of this Order, and that the period for filing an admission,

defence or acknowledgement of service be 21 days after the date of this Order.

6. The Court further ordered that any person may apply to the Court on notice to the Claimants to ask the Court to set aside or vary the Order. For the avoidance of doubt such an application shall not by itself affect the requirement to obey this order at any time before the Court has considered the application and decided to vary the Order. The Claimants' contact details for giving notice are: Governance and Legal Services, Tendring District Council, Town Hall, Station Road, Clacton-on-Sea, Essex, CO15 1SE. Email: legal.admin@tendringdc.gov.uk Telephone 01255 686868.

GUIDANCE NOTES

Effect of this Order

- A. 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 on his instructions or with his encouragement.

Parties other than the Claimant and Defendant

B. **Effect of this Order-**

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 his assets seized.

Interpretation of this Order

- C. In this Order, where there is more than one Defendant, (unless otherwise stated) references to “the Defendant” means both or all of them.
- (1) A requirement to serve on “the Defendant” means on each of them. However, the Order is effective against any Defendant on whom it is served.
- (2) An Order requiring “the Defendant” to do or not to do anything applies to all Defendants.

Communications with the Court

- D. Any communications about this order or its effect can be made in writing to Room E03, Royal Courts of Justice, Strand, London WC2A 2LL, or by

telephone on 020 3936 8957. The telephone line is open between 10am and 4pm on Monday to Friday except for public holidays.

SCHEDULE 1: WITNESS STATEMENT OF MICHAEL CARRAN AND EXHIBITS

SCHEDULE 2: PLAN