

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Case ref: D90BM116

Before HHJ McKenna sitting as a Deputy Judge of the High Court

B E T W E E N :-

THE BOROUGH COUNCIL OF SANDWELL

Claimant

-and-

- (1) JOHN CASSIDY (date of birth 30 November 1972)
- (2) MARY CASSIDY
- (3) JOHNNY CASSIDY
- (4) MARTIN CASSIDY
- (5) PATRICK CASSIDY (date of birth 26 June 1977)
- (6) KATRINA CASSIDY
- (7) KATHLEEN CASSIDY
- (8) MARGARET CASSIDY
- (9) JEREMY CASSIDY
- (10) JEREMIAH CASSIDY
- (11) EILEEN CASSIDY
- (12) ELIZABETH CASSIDY
- (13) WILLIAM CASSIDY
- (14) ANDREW CASSIDY SENIOR



Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED FIRST TO FOURTEENTH DEFENDANTS [REDACTED]
[REDACTED] [REDACTED] DISOBEY THIS ORDER OR INSTRUCT OR

ENCOURAGE OTHERS TO BREACH THIS ORDER YOU 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 for the Claimant and the Defendants being given notice of the application but not attending

AND UPON reading the witness statements of Mark Bowhay and PC Tracey Dudley and the papers filed herein and considering the provisions of section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, section 222 of the Local Government Act 1972 and section 187 of the Town and Country Planning Act 1990 and section 27 of the Police and Justice Act 2006

IT IS ORDERED THAT:

John Cassidy

1. The First Defendant John Cassidy is forbidden whether by himself or by instructing or encouraging or permitting any other person from:
 - a. Using or threatening violence against any person in the Borough of Sandwell
 - b. Engaging in conduct causing or likely to cause a nuisance or annoyance to any person within the Borough of Sandwell;
 - c. Removing or damaging any padlock, lock, bolt or other means of securing any location within the Borough of Sandwell;
 - d. Entering the Borough of Sandwell.
2. This order may be served on the First Defendant by leaving a hard copy of all documents in his presence or on a site he is known to be occupying and his being informed that these are court documents for service upon him or by any other means of service authorised by the Court upon the other Defendants.
3. This order will remain in force until 6 June 2028.
4. A power of arrest shall be attached to this paragraph of this order, which will remain in force until 6 June 2028.

Second to Fourteenth Defendants

5. The Second to Fourteenth Defendants are forbidden whether by themselves or by instructing or encouraging or permitting any other person from:
 - a. Engaging in conduct causing or likely to cause a nuisance or annoyance to any person within the Borough of Sandwell;
 - b. Removing or damaging any padlock, lock, bolt or other means of securing any location within the Borough of Sandwell;
 - c. Depositing, leaving or dumping any rubbish, building materials, waste products or other refuse anywhere in the Borough of Sandwell;
 - d. Setting up an encampment anywhere within the Borough of Sandwell with the exception of the official transit site on condition that the Defendants abide by the terms and conditions of the transit site or with the express permission of the landowner;
 - e. Entering or occupying for residential purposes any land within the Borough of Sandwell with the exception of the official transit site or with the express permission of the landowner;
 - f. Entering or occupying any land within the Borough of Sandwell with vehicles other than to drive through the Borough of Sandwell without stopping otherwise than in the normal course of traffic or in an official car park or on the Claimant's official transit site or with the express permission of the owner of the land.

6. This order will remain in force until 6 June 2023.

7. The Court being satisfied that there is a risk of harm to persons in the locality from the conduct hereby restrained, a power of arrest is attached to this order whereby any constable may, under the power given by section 27 of the Police and Justice Act 2006, arrest without warrant any person if he or she was reasonable cause to believe that the person is in breach of the provisions of paragraphs 5 of this order. This order will remain in force until 6 June 2023.

8. This order may be served on the Second to Fourteenth Defendants by
 - a. affixing a copy of it in a transparent waterproof envelope in a prominent position on any land known to be occupied by the Defendants or any of them;
 - b. publishing it in a newspaper such as
 - Express & Star.

- Oldbury Weekly News.
- Smethwick Telephone.
- Tipton Herald.
- Wednesbury Herald.
- West Bromwich Chronicle.

c. Publishing it on the Claimant's website, Facebook page and Twitter account.

d. Service on the First Defendant in the manner set out in paragraph 2 above which is deemed to be service on the Second to Fourteenth Defendants 24 hours after service upon the First Defendant.

9. The Claimant undertakes to use reasonable endeavours to serve the named Defendants personally.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

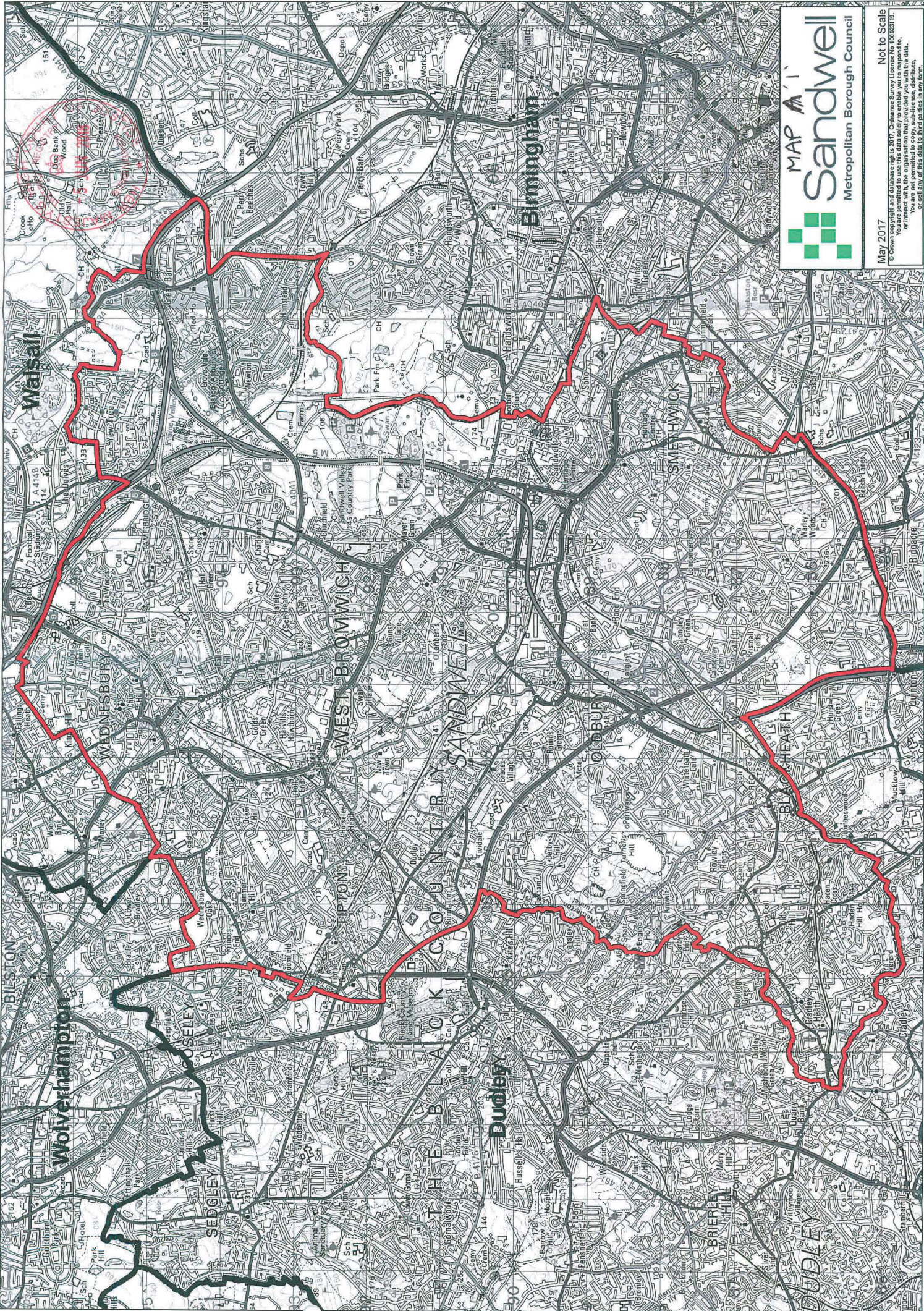
Definitions

14. In this order:

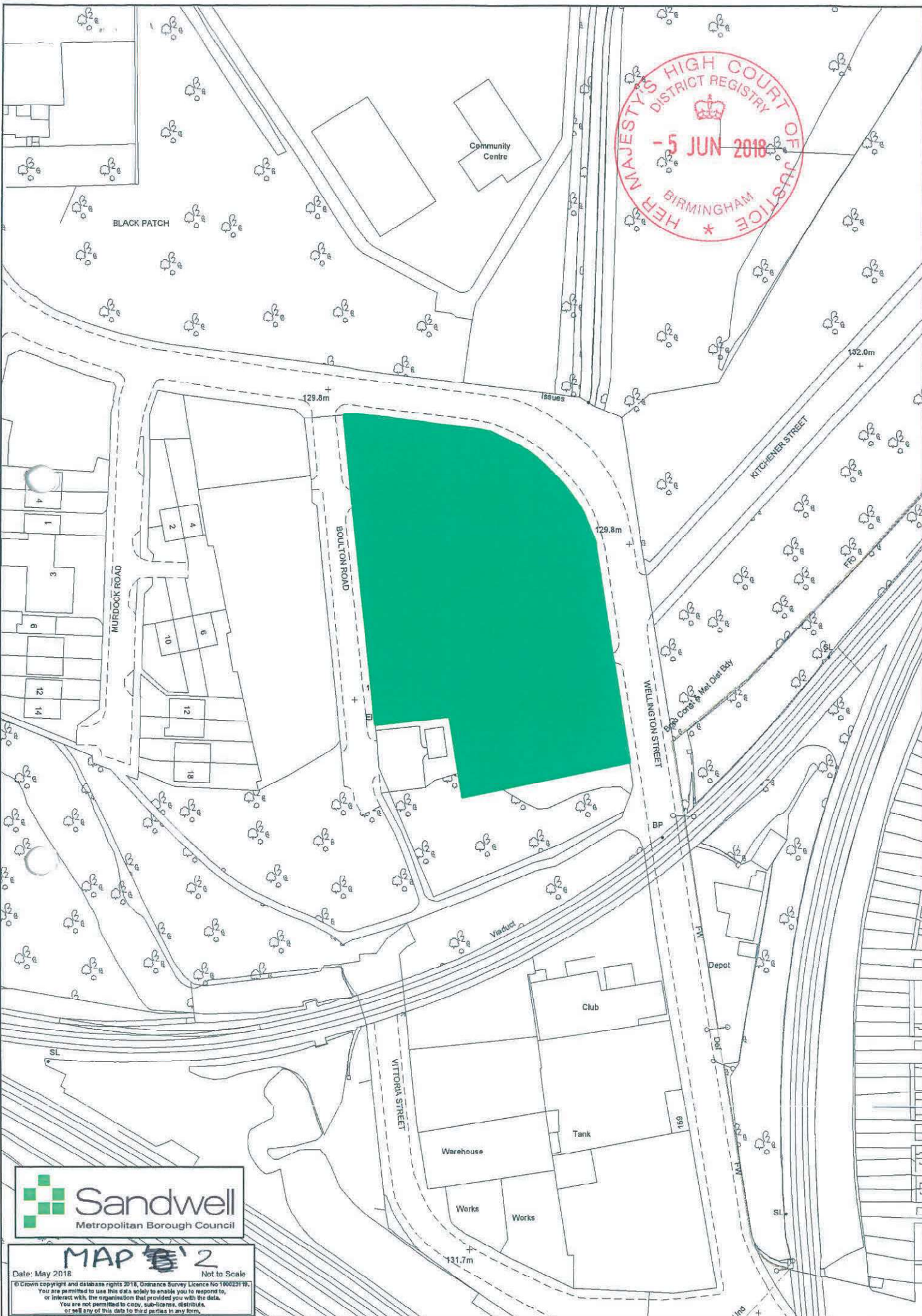
- a. The Borough of Sandwell means the area outlined in red on the map annexed hereto marked Map 1;
- b. "Encampment" means using land for residential purposes, whether temporary or otherwise, including the occupation of caravans, mobile homes, or other vehicles, the use of furniture or the storage of vehicles, caravans or other items and "residential purposes" means using the land as a home whether temporary or otherwise.
- c. "Land" does not include buildings.
- d. "The Official transit site" means the caravan site at Boulton Road, Smethwick B66 2LL as shown coloured green on the map annexed hereto marked Map 2;
- e. A person who is ordered not to do something must not do it by himself or in any other way such as by others acting on his behalf, on his instructions or with his encouragement.
- f. Reference to "the Defendants" means each or all of them save as otherwise stated.

15. It is a contempt of court for any person notified of this order knowing 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.

16. The First to Fourteenth Defendants shall pay the Claimant's costs of this application summarily assessed in the sum of £15,640.50.
17. The Defendants or any of them or any person affected by this order may apply to the Court on 48 hours' notice in writing to the Claimant to vary or discharge this order.
18. Any communications to the Court about this order should be sent to Room WG08, Royal Courts of Justice, Strand, London WC2A 2LL. (tel 0207 947 6010).



MAP 2



BLACK PATCH

Community Centre

MURDOCK ROAD

BOULTON ROAD

KITCHENS STREET

WELLINGTON STREET

VICTORIA STREET

Club

Warehouse

Tank

Works

Works

Depot

Dist

129.8m

129.8m

132.0m

131.7m



MAP 2
Date: May 2018 Not to Scale
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