

Claimants
J A Chatfield
First
"JAC 1"
3rd June 2024

IN THE HIGH COURT OF JUSTICE

CLAIM NO: KB-2024-001199

KING'S BENCH DIVISION

B E T W E E N:

THE MAYOR & BURGESSES OF THE LONDON BOROUGH OF ENFIELD

Claimants

-and-

[1] CHARLES SNELL

[2] DAVID SNELL

[3] STEPHEN MAY

[4] ABDELLAH TAYEB (AKA CASTRO)

[5] MICHAL WUJECK

[6] PERSONS UNKNOWN

Defendants

FIRST WITNESS STATEMENT OF JONATHAN ALEXANDER CHATFIELD

I, Jonathan Alexander Chatfield of 212 Strand, London, WC2R 1AP, Process Server for the purpose of service instructed by London Borough of Enfield of Civic Centre, Silver Street, Enfield, EN1 3XA, the Claimant, will say as follows:-

1. THAT I did on Thursday 30th May 2024 at 15.00 hrs personally serve the Third Defendant, Abdellah Tayeb (a.k.a. Castro) with a sealed copy of the Order of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 endorsed with a Penal Notice and copy of the Judgment of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 on the tow path of the River Lee Navigation System, Enfield, London N18 3BY.
2. At the time of service, the Penal Notice endorsed on the Order dated 21st May 2024 was brought the attention of Third Defendant, Abdellah Tayeb (a.k.a. Castro).

3. THAT I did on Thursday 30th May 2024 at 15.00 hrs personally serve the Fifth Defendant, Michal Wujek with a sealed copy of the Order of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 endorsed with a Penal Notice and copy of the Judgment of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 on the tow path of River Lee Navigation System, Enfield, London N18 3BY.
4. At the time of service, the Penal Notice endorsed on the Order dated 21st May 2024 was brought the attention of the Fifth Defendant, Michal Wujek.
5. THAT I did on Thursday 30th May 2024 at 15.55 hrs personally serve the Second Defendant, David Snell with a sealed copy of the Order of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 endorsed with a Penal Notice and copy of the Judgment of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 at Long Narrow Boat (Black with Red Top) River Lee Navigation System, Enfield, London N18 3BY.
6. At the time of service, the Penal Notice endorsed on the Order dated 21st May 2024 was brought the attention of the Second Defendant, David Snell.
7. THAT I did on Wednesday 8th May 2024 between 15.15 hrs and 16.00hrs attend the at River Lee Navigation System, Enfield, London N18 3BY and located the parcels of land identified as titles AGL536977, AGL216617 and AGL536978.
8. I then effected service of the Index; Part 8 Claim Form dated 18th April 2024; Application Notice; Draft Order; Order of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; Judgment of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; the first Witness Statement of Karen Maguire dated 18th April 2024 with exhibit “KM1”; the second Witness Statement of Karen Maguire dated 7th May 2024 with exhibit “KM2”; the first Witness Statement of Rauf Iqbal dated 7th May 2024 with exhibit “RI 1”; the witness statement of service dated 25th April 2024, with index of documents served but without exhibits; the witness statements of service dated 8th May 2024, with index of documents served but without exhibits; the Order of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 endorsed with a Penal Notice and copy of the Judgment of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 (“the Documents”) by inserting four complete set of the Documents into four sealed transparent envelopes each individually addressed to “The Occupiers” by affixing four complete sets of the

Documents to wooden stakes and placing the stakes in the four corners of the land known as title AGL216617. There were no structures to which I could affix the Documents to.

9. I effected service of the Index; Part 8 Claim Form dated 18th April 2024; Application Notice; Draft Order; Order of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; Judgment of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; the first Witness Statement of Karen Maguire dated 18th April 2024 with exhibit “KM1”; the second Witness Statement of Karen Maguire dated 7th May 2024 with exhibit “KM2”; the first Witness Statement of Rauf Iqbal dated 7th May 2024 with exhibit “RI 1”; the witness statement of service dated 25th April 2024, with index of documents served but without exhibits; the witness statements of service dated 8th May 2024, with index of documents served but without exhibits; the Order of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 endorsed with a Penal Notice and copy of the Judgment of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 (“the Documents”) by inserting six complete set of the Documents into six sealed transparent envelopes each individually addressed to “The Occupiers” by affixing five complete sets of the Documents to wooden stakes and placing the stakes at intervals along the strip of land known as title AGL536977 and by affixing one complete set of the Documents to a Heras fencing panel next to an accumulation of personal effects. There were no structures to which I could affix the Documents to.
10. I effected service of the Index; Part 8 Claim Form dated 18th April 2024; Application Notice; Draft Order; Order of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; Judgment of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; the first Witness Statement of Karen Maguire dated 18th April 2024 with exhibit “KM1”; the second Witness Statement of Karen Maguire dated 7th May 2024 with exhibit “KM2”; the first Witness Statement of Rauf Iqbal dated 7th May 2024 with exhibit “RI 1”; the witness statement of service dated 25th April 2024, with index of documents served but without exhibits; the witness statements of service dated 8th May 2024, with index of documents served but without exhibits; the Order of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 endorsed with a Penal Notice and copy of the Judgment of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 (“the Documents”) by inserting two complete set of the Documents into two sealed transparent envelopes each individually addressed to “The Occupiers” by affixing two complete set of the Documents to the palisade fencing on the east side of the land known as title AGL536978. There were no structures to which I could affix the Documents to.

11. A true copy of the Index; Part 8 Claim Form dated 18th April 2024; Application Notice; Draft Order; Order of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; Judgment of Rory Dunlop KC sitting as a Deputy Judge of the High Court dated 1st May 2024; the Order of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 endorsed with a Penal Notice and copy of the Judgment of His Honour Judge Auerbach (sitting as a Judge of the High Court) dated 21st May 2024 so served by me are now produced and shown to me as an exhibit marked “JAC 1”. I have deliberately not exhibited the first Witness Statement of Karen Maguire dated 18th April 2024 with exhibit “KM1”; the second Witness Statement of Karen Maguire dated 7th May 2024 with exhibit “KM2”; the first Witness Statement of Rauf Iqbal dated 7th May 2024 with exhibit “RI 1”; the witness statement of service dated 25th April 2024, with index of documents served but without exhibits; the witness statements of service dated 8th May 2024, with index of documents served but without exhibits to avoid duplication and due to their size.

Statement of Truth

I believe 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 as to its truth.



Signed

Jonathan Alexander Chatfield

Dated: 3rd June 2024

IN THE HIGH COURT OF JUSTICE

CLAIM NO: KB-2024-001199

KING’S BENCH DIVISION

B E T W E E N:

THE MAYOR & BURGESSES OF THE LONDON BOROUGH OF ENFIELD

Claimants

-and-

[1] CHARLES SNELL

[2] DAVID SNELL

[3] STEPHEN MAY

[4] ABDELLAH TAYEB (AKA CASTRO)


[5] MICHAEL WUJECK

[6] PERSONS UNKNOWN

Defendants

—————
“JAC 1”
—————

This is the exhibit marked “JAC 1” referred to in the
Witness Statement of Jonathan Alexander Chatfield dated 3rd June 2024

Signed

Jonathan Alexander Chatfield

Dated: 3rd June 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. KB-2024-001199

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

BETWEEN

THE MAYOR & BURGESSES OF
THE LONDON BOROUGH OF ENFIELD

Claimant

-and-

(1) CHARLES SNELL
(2) DAVID SNELL
(3) STEPHEN MAY
(4) ABDELLAH TAYEB (AKA CASTRO)
(5) MICHAEL WUJECK
(6) PERSONS UNKNOWN

Defendants

NOTICE OF APPLICATION AND CLAIM DOCUMENT
CONCERNING PERSONS UNKNOWN
PURSUANT TO ORDER OF MR RORY DUNLOP KC
DATED 1 MAY 2024 &
ORDER OF HHJ AUERBACH DATED 21 MAY 2024
DIRECTIONS HEARING LISTED 12 JUNE 2024 AT
KINGS BENCH, ROYAL COURTS OF JUSTICE
STRAND, LONDON, WC2A 2LL
Telephone: 020 7947 6000 / 020 3936 8957

DOCUMENTS OF SERVICE HEREIN:

No:	DOCUMENTS	Date	Pages
	Index		1-2
1.	Part 8 Claim Form (Trespass and Nuisance)	18.04.2024	3-5
2.	Application Notice	18.04.2024	6-9

3.	Draft Injunction Order	undated	10-13
4.	Order of Rory Dunlop KC	01.05.2024	23-25
5.	Judgement Rory Dunlop KC	01.05.2024	26-33
6.	Witness Statement of Karen Maguire	18.04.2024	34-47
7.	Exhibit Bundle to Witness Statement of Karen Maguire	18.04.2024	48-325
8.	Second Witness Statement of Karen Maguire with Exhibits	07.04.2024	326-352
9.	Witness Statement of Rauf Iqbal with Exhibits	07.05.2024	353-389
10.	Witness Statements of Service (with Index of docs served & NoH but without exhibits as already provided herein)	25.04.2024	390-395
11.	Witness Statement of Service (with Index of docs served & Extension to Ds to serve evidence but without exhibits as already provided herein)	08.05.2024	396-401
12.	Order of HHJ Auerbach	21.05.2024	unnumbered
13.	Judgment HHJ Auerbach	21.05.2024	unnumbered



Claim Form (CPR Part 8)

In the HIGH COURT OF JUSTICE KINGS'S BENCH DIVISION	
Claim no.	
Fee Account no.	PBA 0079006
Help with Fees - Ref no. (if appli- cable)	H W F - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>

Claimant
LONDON BOROUGH OF ENFIELD
CIVIC CENTRE
SILVER STREET
ENFIELD
EN1 3XA



Defendant(s)

- (1) CHARLES SNELL UNREGISTERED FIRST LONG NARROW BOAT (BLACK WITH RED TOP), RIVER LEE NAVIGATION SYSTEM, ENFIELD
- (2) DAVID SNELL UNREGISTERED FIRST LONG NARROW BOAT, (BLACK WITH RED TOP) RIVER LEE NAVIGATION SYSTEM, ENFIELD
- (3) STEPHEN MAY UNREGISTERED SECOND NARROW LONG BOAT (BLACK), RIVER LEE NAVIGATION SYSTEM, ENFIELD
- (4) ABDELLAH TAYEB (AKA CASTRO) UNREGISTERED BLUDE & WHITE BOAT, RIVER LEE NAVIGATION SYSTEM, ENFIELD
- (5) MICHAEL WUJECK SHACK STRUCTURE ON EMABANKMENT, RIVER LEE NAVIGATION SYSTEM, ENFIELD
- (6) PERSONS UNKNOWN

KB-2024-001199

Does your claim include any issues under the Human Rights Act 1998? Yes No

Details of claim (see also overleaf)

The Claimant's claim is in trespass and nuisance and to prevent anti-social behaviour pursuant to section 222 of the Local Government Act 1972.

Nuisance by reason of unauthorised occupation, trespass and mooring of boats on Claimant's Land and the River Lee Navigation System.

1. The Claimant, seeks an Interim and final injunction pursuant to section 222 of the Local Government Act 1972.
2. The Claimant is the registered proprietor of various plots of land within its Meridian Water Regeneration Project site (Meridian Water) within the Borough of Enfield and includes the following Titles AGL536977, AGL536978 and AGL216617 and as marked in red on the attached plans to the Titles. The sites that the Claimant seeks the protection of by way of an injunction for Land identified on Plan 1 and 2 marked yellow and 3 edged blue.
3. Meridian Water is a major urban development project of the Claimant and has to date seen the development of a new train station and will in due course include commercial and shopping areas and 12,000 residences and also include the erection of a bridge across the River Lee Navigation System pursuant to Title AGL536978.

Defendant's
name and
address

- (1) CHARLES SNELL (AS ABOVE)
- (2) DAVID SNELL (AS ABOVE)
- (3) STEPHEN MAY (AS ABOVE)
- (4) ABDELLAH TAYEB (AKA CASTRO) (AS ABOVE)
- (5) MICHAEL WUJECK (AS ABOVE)
- (6) PERSONS UNKNOWN

	£
Court fee	£569.00
Legal representative's costs	
Issue date	

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Details of claim (continued)

4. The Claimant is contracted with its partners Taylor Woodrow for ongoing works at Meridian Water for essential preparatory works and development of the embankment and these works in line with its rights as outlined in the Lease of Airspace held under Title number AGL536978; works commenced on 6 December 2023 and were scheduled to clear the embankment by end of March 2024. Currently, these works are being impeded by the unauthorised occupation, trespass and moorings and nuisance arising therefrom arising on the Claimant's Meridian Water site as referred to at Paragraphs 2 above.

5. Accordingly, for the reasons set out in the witness evidence in support of this Claim, it is necessary and expedient for the promotion and/or protection of the Titles to seek an injunction in the terms of the draft Order attached to this claim so as to prevent the repeated unauthorised occupation, trespass and moorings, nuisance and anti-social behaviour arising therefrom on the Claimant's Meridian Water site as referred to at Paragraphs 2 above.

6. It is necessary to bring these proceedings against Persons Unknown in the vicinity of the Land due to the:

- (a) health and safety risk to unauthorised occupiers/trespassers; and
- (b) risk to the ongoing works and/or staff of the Claimant and/or its contractors and/or third parties due to conduct or lack of conduct of the unauthorised occupiers/trespassers concerning but not limited to unsupervised dangerous dogs on the Land; and
- (c) risk to health and safety due to fly tipping of human and household waste and hoarding; and
- (d) risk of weekly financial contractual penalties to the Claimant due to delay in works arising due to obstruction of the works.

7. It is not possible to identify all individuals who have and are trespassing on the Land, many of whom are not prepared to identify themselves.

8. The draft Order against Persons Unknown is confined the scope of the order to specifically identifiable sites on the Land as identified on Plan 1 and 2 marked yellow and 3 edged blue.

9. The Claimant seeks an interim injunction against the Defendants' in the following terms; namely that the Defendants' should be forbidden (whether by themselves or by instructing, assisting or encouraging or permitting any other person) from:

- (a) Occupying in any way, including by setting up an encampment on or in;
- (b) Bringing onto and/or mooring or leaving any boats on;
- (c) Bringing onto and/or leaving any caravans, mobile homes, pick-up trucks, vans or lorries and/or any associated vehicles on;
- (d) Entering for the purposes of fly-tipping or discarding rubbish;
- (e) Fly-tipping or discarding rubbish on or in;
- (f) Engaging in any anti-social behaviour on or in; or
- (g) Causing nuisance by reason of any unauthorised occupation, trespass, mooring of boats or in any other way on or in;

any part of the of the Land identified on Plan 1 (AGL536977) in yellow, Plan 2 (AGL216617) in yellow and Plan 3 (AGL536978) edged blue and/or any part of the River Lee Navigation System adjacent to the Land.

And that a power of arrest be attached.

And their costs of the claim.

Legal Services,
London Borough of Enfield,
PO Box 50,
Civic Centre,
Silver Street,
Enfield,
EN1 3XA

LS/C/BK/169168

Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

Statement of Truth

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.

I believe that the facts stated in these particulars of claim are true.

The Claimant believes that the facts stated in these particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature

B Kaur

Claimant

Litigation friend (where claimant is a child or a Protected Party)

Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

18

Month

04

Year

2024

Full name

BALBINDER KAUR

Name of claimant's legal representative's firm

LEGAL SERVICES, LONDON BOROUGH OF ENFIELD

If signing on behalf of firm or company give position or office held

ASSISTANT PRINCIPAL LAWYER

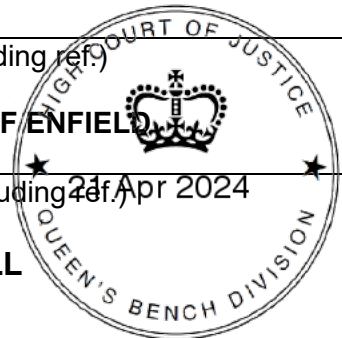
Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:
<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of Court IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION		Claim no.								
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)									
PBA0079006	<table border="1"> <tr> <td>H</td> <td>W</td> <td>F</td> <td>-</td> <td></td> <td>-</td> <td></td> <td></td> </tr> </table>		H	W	F	-		-		
H	W	F	-		-					
Warrant no. (if applicable)										
Claimant's name (including ref.) LONDON BOROUGH OF ENFIELD										
Defendant's name (including ref.) (1) CHARLES SNELL (2) DAVID SNELL (3) STEPHEN MAY (4) ABDELLAH TAYEB (AKA CASTRO) (5) MICHAEL WUJECK (6) PERSONS UNKNOWN										
Date										



1. What is your name or, if you are a legal representative, the name of your firm?

LEGAL SERVICES, LONDON BOROUGH OF ENFIELD

2. Are you a Claimant Defendant Legal Representative

Other (please specify) _____

If you are a legal representative whom do you represent? **Claimant**

3. What order are you asking the court to make and why?

The following order:

- 1. Abridging time for service of the Part 8 Claim Form pursuant to CPR 3.1(2)(a) in order that the Claimant may apply for an interim injunction against the Defendants forthwith;**

(The Claimant's application is made as it recognises that the hearing of a Part 8 Claim that includes an injunction to prevent unlicensed activities and/or environmental harm can, ordinarily only be heard 21 days after service of the Claim Form by virtue of CPR 8APD20.8.)

- 2. Listing a hearing for this application without notice to the Defendant (albeit on informal written notice) due to the extreme urgency of the application;**
- 3. An interim injunction against the Defendants' in the following terms; namely that the Defendants' should be forbidden (whether by themselves or by instructing or encouraging or permitting any other person) from:**
 - Occupying in any way, including by setting up an encampment on or in;**
 - a) Bringing onto and/or mooring or leaving any boats on;**
 - b) Bringing onto and/or leaving any caravans, mobile homes, pick-up trucks, vans or lorries and/or any associated vehicles on;**
 - c) Entering for the purposes of fly-tipping or discarding rubbish;**
 - d) Fly-tipping or discarding rubbish on or in;**
 - e) Engaging in any anti-social behaviour on or in; or**
 - f) Causing nuisance by reason of any unauthorised occupation, trespass, mooring of boats or in any other way on or in;**
 - g)**

any part of the of the Land identified on Plan 1 (AGL536977) in yellow, Plan 2 (AGL216617) in yellow and Plan 3 (AGL536978) edged blue and/or any part of the River Lee Navigation System adjacent to the Land;

- 4. A power of arrest be attached to Paragraphs 3a-g above.**

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a telephone hearing

6. How long do you think the hearing will last? Hours Minutes

Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

9. Who should be served with this application?

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

Please find attached the Witness Statement of Karen Maguire dated 18 April 2024

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) 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 BKaur Dated: 18 April 2024
 Applicant('s legal representative)(~~'s litigation friend~~)

Full name Balbinder Kaur

Name of applicant's legal representative's firm: Legal Services, London Borough of Enfield

Position or office held Assistant Principal Lawyer
 (if signing on behalf of firm or company)

11. Signature and address details

Signed BKaur Dated 18 April 2023
 Applicant('s legal representative)(~~'s litigation friend~~)

Position or office held Assistant Principal Lawyer
 (if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

LEGAL SERVICES, PO BOX 50, CIVIC CENTRE, SILVER STREET, ENFIELD,			If applicable	
			Phone no.	020 8132 0091
			Fax no.	
			DX no.	
			Ref no.	LS/C/BK/169168
Postcode	E	N	1	
			3	X
			A	
e-mail address	balbinder.kaur@enfield.gov.uk			

IN THE HIGH COURT OF JUSTICE

Claim No.

KING'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

IN THE MATTER OF A CLAIM FOR A PROHIBITORY AND MANDATORY
INJUNCTION

B E T W E E N :

**THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF ENFIELD**

Claimant

- and -

**(1)CHARLES SNELL
(2)DAVID SNELL
(3)STEPHEN MAY
(4)ABDELLAH TAYEB (AKA CASTRO)
(5)MICHAEL WUJECK
(6)PERSONS UNKNOWN**

Defendants

INJUNCTION ORDER

PENAL NOTICE

If you the within named CHARLES SNELL, DAVID SNELL or MICHAEL WUJECK, all of no fixed abode, or any other Person Unknown, whether by yourselves or by instructing, assisting or encouraging any other person, 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.

IMPORTANT:-

NOTICE TO DEFENDANTS

This Order prevents you from doing the acts set out in the Order. You should read it all carefully. You are advised to consult a Solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.

UPON THE COURT CONSIDERING the Claimant's skeleton argument, the Part 8 Claim Form, the Application Notice for the interim injunction, the witness statement of Karen Maguire, dated..., and the exhibits attached thereto;

AND UPON the application of the Claimant for an interim prohibitory injunction against the Defendants, filed without notice but on informal notice to the Second, Third and Fourth Defendants;

AND UPON HEARING FROM Counsel for the Claimant [*the Defendants not attending or being represented*];

IT IS ORDERED THAT:

1. You, the said CHARLES SNELL, DAVID SNELL or MICHAEL WUJECK, all of no fixed abode, or any other Person Unknown, whether by yourselves or by instructing, assisting or encouraging any other person, shall not:
 - (a) Occupy in any way, including by setting up an encampment on or in;
 - (b) Bring onto and/or mooring or leaving any boats on;
 - (c) Bring onto and/or leaving any caravans, mobile homes, pick-up trucks, vans or lorries and/or any associated vehicles on;
 - (d) Enter for the purposes of fly-tipping or discarding rubbish;
 - (e) Fly-tip or discard rubbish on or in;
 - (f) Engage in any anti-social behaviour on or in; or
 - (g) Cause nuisance by reason of any unauthorised occupation, trespass, mooring of boats or in any other way on or in;

any part of the of the Land identified on Plan 1 (AGL536977) in yellow, Plan 2 (AGL216617) in yellow and Plan 3 (AGL536978) edged blue and/or any part of the River Lee Navigation System adjacent to the Land.

AND THE COURT FURTHER ORDERS AND DIRECTS THAT:

Issue of Proceedings, evidence and Return Date

2. The Defendants may, if so advised, file evidence in response to the application; and such evidence, if relied upon, shall be filed and served not later than 4 pm on;
3. This matter shall be listed for a hearing on a return date on **the first available date after** **[OR on ... at]** with a time-estimate of half a day and the following directions shall apply:
 - (1) The parties shall agree an updated hearing bundle which shall be filed and served by the Claimant not less than two clear working days before the hearing; and
 - (2) Skeleton arguments by any represented party shall be exchanged and filed not less than one clear working day before the hearing;

Service and committal proceedings

4. The date for service of the Part 8 Claim and evidence in support is abridged to one working day prior to this hearing;
5. This Order shall be served on the Defendants;
6. Service of any injunction order made by the Court pursuant to CPR 6.15(1) is permitted by an alternative method (insofar as this is necessary) namely by affixing it on any vehicles, vessels and/or encampments on the Land identified on Plan 1 (AGL536977) in yellow, Plan 2 (AGL216617) in yellow and Plan 3 (AGL536978) edged blue and/or any part of the River Lee Navigation System adjacent to the Land.;
7. Any committal application issued in respect of a breach of any injunction order made by the court, may be supported by witness statements in place of affidavits;

Variation or discharge of this order

8. This Order shall remain in force until further order;
9. Any of the Parties may apply to the Court at any time to vary or discharge this Order but if they wish to do so they must first inform the other parties or the other parties'

solicitors in writing at least 12 hours beforehand, which may be by email to Balbinder Kaur, solicitor to the Claimant, at Balbinder.Kaur@Enfield.gov.uk.

Communications with the Court

10. All communications to the Court about this Order should be sent to the King's Bench Division of the High Court, the Royal Courts of Justice, The Strand, London WC2A 2LL quoting the case number. The office is open between 9am and 4pm Monday to Friday. The telephone number is 020 7947 6000

Costs

11. The costs of this application for an interim injunction shall be reserved;

Name and Address of Claimant's Solicitor

Legal Services,
The Council of the London Borough of Enfield,
Silver Street,
Enfield EN1 3XA

Telephone: 020 8132 0091

Email: Balbinder.Kaur@Enfield.gov.uk.

Fax: 020 8379 6492

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-001199

KING'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

AND IN THE MATTER OF A CLAIM FOR A PROHIBITORY AND MANDATORY INJUNCTION

1st May 2024

Mr Rory Dunlop, KC, sitting as a Deputy Judge of the High Court

B E T W E E N :

**THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF ENFIELD**

- and -

**(1)CHARLES SNELL
(2)DAVID SNELL
(3)STEPHEN MAY
(4)ABDELLAH TAYEB (AKA CASTRO)
(5)MICHAEL WUJECK
(6)PERSONS UNKNOWN**

Defendants



KB-2024-001199 Claimant

ORDER

UPON THE COURT CONSIDERING the Claimant's skeleton argument, the Part 8 Claim Form, the Application Notice for the interim injunction, the witness statement of Karen Maguire, dated 18th April 2024 and the exhibits attached thereto and the letter from the Community Law Partnership dated 30 April 2024;

AND UPON the application, dated 18 April 2024, of the Claimant for an interim prohibitory injunction against the Defendants, filed without notice (albeit that attempts were made to serve documents on the Defendants on 25 April 2024);

AND UPON HEARING FROM Counsel for the Claimant and the Second and Fifth Defendants in person, the First, Third and Fifth Defendants not attending or being represented;

IT IS ORDERED THAT:

Application, evidence and return date

1. The Claimant's application for an interim prohibitory injunction is adjourned part-heard to a hearing between 14th and 17th May 2024, with a time-estimate of half a day; and the following directions shall apply:
 - (1) The Claimant shall file an updated hearing bundle, agreed if possible, which shall be filed and served by the Claimant not less than two clear working days before the hearing; and
 - (2) Skeleton arguments by any represented party shall be exchanged and filed not less than one clear working day before the hearing;

2. The Claimants shall, by 4 pm on 7th May 2024, file further evidence:
 - (1) From Karen Maguire explaining why she stated in paragraph 3 of her witness statement of 18th April 2024 that in the 21 days after making the application "*the Council will face financial penalties of around £142,000 per week*" and why she and the Claimant failed to correct that statement until asked questions about it by the court.
 - (2) Exhibiting all correspondence between the Claimant and Taylor Wood in relation to the possibility and size of penalty charges that might be imposed; and
 - (3) Otherwise addressing any other matter relevant to the application;

3. The Defendants may, but are not required to, file evidence in response to the application and the evidence of the Claimants; and, if so advised, shall file and serve any witness statement or document on which they rely by 4 pm on 9th May 2024,

Service and committal proceedings

4. This Order shall be served on the Defendants;

5. The Claimant may serve this order, the application notice, the claim form, the witness statement in support of the application and the evidence bundle in support and any further witness statement and other evidence filed pursuant to this order, on Persons Unknown by an alternative method (pursuant to CPR 6.15(1)), namely by affixing it on any vehicles, vessels and/or encampments on the Land identified on the following Plans exhibited to Karen Maguire's witness statement: Plan 1 (AGL536977) in yellow, Plan 2 (AGL216617) in yellow and Plan 3 (AGL536978) edged blue and/or any part of the River Lee Navigation System adjacent to the land marked on the said plans;

Communications with the Court

6. All communications to the Court about this Order should be sent to the King's Bench Division of the High Court, the Royal Courts of Justice, The Strand, London WC2A 2LL quoting the case number. The office is open between 9am and 4pm Monday to Friday. The telephone number is 020 7947 6000

Costs

7. The costs of and occasioned by this application shall be reserved;



Neutral Citation Number: [2024] EWHC 1061 (KB)

Case No: KB-2024-001199

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 3 May 2024

Before:

RORY DUNLOP KC
(Sitting as a Deputy High Court Judge)

Between:

**THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF ENFIELD**

Claimant

- and -

- (1) CHARLES SNELL**
- (2) DAVID SNELL**
- (3) STEPHEN MAY**
- (4) ABDELLAH TAYEB (AKA CASTRO)**
- (5) MICHAEL WUJECK**
- (6) PERSONS UNKNOWN**

Defendants

Francis Hoar (instructed by the **Claimant**) for the **Claimant**
The First and Fifth Defendants in person

Hearing dates: 1 May 2024

Approved Judgment

This judgment was handed down remotely at 3pm on 3 May 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....

RORY DUNLOP KC

Rory Dunlop KC:

1. This is an application by the Claimant local authority and freeholder, the Council of the London Borough of Enfield for an interim injunction. The application was made without notice. There was what the Claimant has called ‘informal notice’ – i.e. an attempt on 25 April 2024 to place relevant documents in locations where they would be seen by the Defendants.
2. Francis Hoar of counsel appeared on behalf of the Claimant. The First and Fifth Defendants appeared in person. I am grateful to both sides for their assistance.
3. I announced at the hearing that I was going to adjourn the application part heard to a date between 14 and 17 May 2024. I also said I would reserve judgment. This is that reserved judgment.

Factual Background

4. This application relates to a location along the edge of the River Lee owned by the Claimant (“the Location”).
5. The Claimant is involved in a regeneration project in a broader area including the Location. The regeneration project has been termed Meridian Water. The Claimant has provided a witness statement from Karen Maguire, who is the Claimant’s lead officer for trespass and encampments, including those that affect the Meridian Water project. She says that the gross development value of Meridian Water is £6 billion and it will see 10,000 new homes and thousands of jobs.
6. It appears that the Claimant has entered into a contract with Taylor Woodrow, a construction company, to clear land and vegetation in preparation for the Meridian Water project. At some point, after some clearing had taken place, the Claimant discovered that the Defendants were living in area where Taylor Woodrow were due to be working. Ms Maguire says she became aware of the trespass approximately a year ago.
7. The First and Second Defendants are a father and son who have been living on a long narrow boat, which is moored in a location owned by the Claimant. Ms Maguire says they have likely lived at that site for 2-3 years. She says they have challenging health issues. She says that she has been engaging with them and trying to persuade them to move further up the River Lee but they have not yet agreed to do so. At the hearing Mr Hoar appeared to accept that the First Defendant was disabled.
8. The Third Defendant is also living in a narrow long boat. Ms Maguire says he has likely been at the site for approximately 2-3 years.
9. The Fourth Defendant is, I infer although this is not made entirely clear, living in a boat. Ms Maguire says that he has moved from further upstream. She says he is compliant with requests to move but has not yet agreed to move. He owns dogs.
10. The Fifth Defendant, Mr Wujek, is living in what Ms Maguire describes as a ‘shack like structure’ at the relevant location. Mr Wujek explained that it was a shed. Ms Maguire says she believes he has been on site for approximately 6 months. Mr Wujek told me that

he has three adult dogs. He told me that they have recently had puppies but he does not plan to keep the puppies. He told me that the dogs are essential to his mental health. He told me he suffered from depression and bipolar disorder. Ms Maguire says she has engaged with Mr Wujek to help him seek accommodation that will accept dogs but this has proved ‘challenging’. Mr Wujek told me that Ms Maguire had not been in contact with him since January this year.

11. In addition there are 2 boats which do not belong to anyone, as the owner is deceased, and others whom Ms Maguire does not know who access the location.
12. On 11 January 2024, Ms Maguire asked for letters and notices to be served on the named Defendants. It appears that on or before 2 February 2024 the Canal & River Trust (“CRT”) placed a mooring suspension notice at the Location. She advised applying for a possession order and injunction to remove the boats. I have seen no evidence that Mr Wujek was provided with any equivalent notice in relation to his shed.
13. On 7 March 2024 Taylor Woodrow served notice on the Claimant of a ‘compensation event’, namely ‘client does not allow access to and use of Site’. The detail given was ‘There are illegal boaters present along the west bank of the River Lea Navigation Canal’. They said that the contractor needed access to this area in order to carry out vegetation clearance and surveys. They say as part mitigation, they have proposed to fence off the area and progress the available areas. The notice did not quantify the extent of the compensation expected. It referred to illegal boaters but not specifically to Mr Wujek’s shed.

These proceedings

14. The Claimant filed a Part 8 claim form dated 18 April 2024 and an application notice dated 18 April 2024. Each was sealed on 21 April 2024.
15. The application notice sought an order abridging time for service of the Part 8 claim form. It said that ordinarily there needed to be 21 days between service of the Claim Form and the hearing, pursuant to CPR 8APD20.8.
16. In the section of the application notice asking about who should be served with the application it was said ‘*N/A (application without notice although the Claimant will attempt to serve the draft notice and evidence in support on the identified Defendants and to inform them of the date of the hearing).*’
17. The application and Part 8 claim form were accompanied by a signed witness statement from Karen Maguire, dated 18 April 2024. It contained a statement of truth. As the Claimant was intending (and did) make an application without notice, it was particularly important that the Claimant and Ms Maguire gave the court a true, fair and complete account of the relevant evidence.
18. In paragraph 3 of her witness statement, Ms Maguire said this: ‘*The Application Notice also seeks the abridgement of time for service. This part of the application is necessary because of a fear that if this application is not proceeded with immediately there will be at least 21 days before the Claimant is able to obtain the relief they seek against the Defendants’ and in that time the Council will face financial penalties of around £142,000 per week and there is a risk of significant damage could be sustained to the locations.*’ I

asked Mr Hoar to clarify what ‘in that time’ referred to and he said it was the 21 days from the issuing of the application, i.e. 21 April 2024. Paragraph 32 of her statement purported to break down that figure of £142,000, with various figures including staff £84,000.

19. I have provided with a witness statement from Aron Graves, a process server, in which he states that, on 25 April 2024, he served documents on the named Defendants by leaving those documents at their boat or shack. The documents consisted of a Notice of Hearing; sealed Claim Form issued on 21st April 2024; Application Notice dated 18th April 2024; Witness Statement of Karen Maguire dated 18th April 2024 with exhibit “KM1” and Draft Injunction Order; (“the Documents”).
20. Shortly before the hearing I was provided with a letter dated 30 April 2024 from the Community Law Partnership (“CLP”). They referred to David Snell as their client but they also made clear that they had not yet served a notice of acting as they were still in the process of obtaining funding from the Legal Aid Agency, having only had their first appointment with Mr Snell on 30 April 2024. In that letter they stated that their client had not received the full bundle associated with the application, only 10 pages which had been provided to him by another boater.
21. CLP submitted that their client had not been given sufficient notice of the proceedings to enable him to be properly heard. CLP cited *Canada Goose v Persons Unknown* [2020] 1 WLR 2802 and *Cameron v Liverpool Victoria Insurance Co Ltd* [2019] 1 WLT 1471 (SC). They also made submissions in relation to their client’s attempts to obtain housing. They submitted that their client had a priority need and the Claimant was under a duty to house him. They submitted that the alternative mooring sites that had been offered to their client were not suitable.

The hearing

22. The hearing began with submissions from Mr Hoar for the Claimant. He developed the submissions in his skeleton argument as to why I should grant an interim injunction in the form sought. He accepted, in response to my question, that he was not aware of a similar injunction being granted without notice. He submitted that as a result of the contractual provisions that permit contractors, ‘*there are penalties of £142,000 per week against the council for as long as it is impossible to undertake work*’. He compared this to the approximate average cost of school place which he told me was £7,000. He, in effect, submitted that the Defendants were costing the equivalent of 20 school places each week. I asked some questions about this alleged weekly cost. I discuss below the later responses he gave me. He asked that, if the court was minded to adjourn, there should be a longer listing of ½ a day and it should be heard in the week beginning
23. Mr Snell said he had never had any help from Karen Maquire. He had been in touch with Minister of Housing and had been looking for housing at all time for himself and his son. That was why he was why moored. He said he didn’t want to live like this but he had to. He said he had only found out about this on Friday. He asked for the hearing to be adjourned. He said CLP told him that the legal aid founding could be sorted out next week. He asked for the hearing not to take place on 13 May because of an appointment that day but said he was available the rest of that week.

24. Mr Wujek said that he had a lot of mental health issues and his dogs give him a life. He said he was last contacted about alternative accommodation in January. He said he had not heard anything from Karen Maguire since then. He said he suffered from depression and bipolar disorder and his dogs keep him alive. He said the Claimant knew about his 2.5 years ago. He said the last time he spoke to Ms Maguire was 25 January 2024. She said she will come and see me. He said the work where they were has not stopped. They built a fence. It is all accessible to these people. He said he had three adult dogs. One was a mixture of bulldog and Rotweiler and the others were brothers – mixes of Bandog and American bulldog. He said they were not illegal. He said one of his dogs had puppies 6 weeks ago but he meant to give them away.
25. Mr Snell said they had not done anything wrong. He hadn't broken the law. Before they came to the Location they weren't on the graph.
26. Mr Wujek said he never wanted to obstruct any of the building work. He said he used to have a boat. He didn't have much work. The only way was to stay in that. He said nobody came and saw them. He said that nobody checked their accommodation. He said he didn't believe the Claimant was paying £142,000 – the fence stopped him and the contractors were able to work around him. He said he could not leave his dogs and might be forced to live in Poland. He said he couldn't obtain any legal aid as it was too short notice. He said he would consider instructing CLP.
27. In reply, Mr Hoar told me, on instructions, that the Claimant has managed to avoid the penalty charges being incurred so far. He asserted that they had done as much as they can. They had been successful so far in asking the contractor not to impose penalties to date.

Legal Framework

28. Rule 23.4 of the Civil Procedure Rules (“CPR”) provides:
“A copy of the application notice must be served on each respondent unless a rule, practice direction or court order permits otherwise.”
29. CPR Rule 6 sets out the permissible methods of service.
30. Civil Procedure Rules 25.3 provides:
“How to apply for an interim remedy
- 25.3
- (1) The court may grant an interim remedy on an application made without notice if it appears to the court that there are good reasons for not giving notice.*
- (2) An application for an interim remedy must be supported by evidence, unless the court orders otherwise.*
- (3) If the applicant makes an application without giving notice, the evidence in support of the application must state the reasons why notice has not been given.”*

Discussion

31. The application notice and the draft order I was provided with sought an order abridging time for service of the Part 8 claim form. Paragraph 1 of the application notice referred to §20(8) of Practice Direction 8A of the CPR. §20(8) provided that for certain kinds of applications for injunction (to prevent environmental harm or unlicensed activities) the claim form must be filed not less than 21 days before the hearing. Practice Direction 8A no longer exists. §20 of Practice Direction 8A was replaced by §21 of Practice Direction 49E, which makes similar provision for there to be at least 21 days between the service of notice and the hearing.
32. When I pointed this out to Mr Hoar at the hearing, he submitted that his client's Application Notice was wrong to refer to the Practice Direction on applications for injunctions to prevent environmental harm or unlicensed activities. He submitted that §21 of Practice Direction 49E did not apply as the application for an injunction was not made under any of the provisions listed at §21.1.
33. I accept that submission. However, in my judgment, the underlying purpose of §21.8 of PD 49E is relevant – i.e. that injunctions should not be made unless those who would be affected by the injunction have had sufficient notice to give them a fair chance to be heard (see *Cameron v Liverpool Victoria Insurance Co Ltd* [2019] UKSC 6; [2019] 1 WLR 1471 at [17]).
34. In their letter of 30 April 2024, CLP argue that their client, the First Defendant, has not had proper service. He has only received 10 pages of the bundle and even that was from a different boater. The result of this was that, until the hearing began, he had not seen the evidence being relied on by the Claimant and did not know their case. He instructed CLP on 30 April 2024, the day before the hearing, but CLP did not have time to obtain legal aid funding to appear at the hearing. CLP argued that the failure to properly serve the necessary materials on the First Defendant should be fatal to the application.
35. Mr Hoar's answer to this appeared to be that the application was made without notice so it did not need to be served. That would only be a good answer if there was a good justification for making the application without notice. In my judgment, for the following reasons, there was no such justification and it would not be appropriate for me to rule on the application at this stage.
36. First, the Claimant has known that the Defendants were present at the Location for a very long time. There are emails relating to the Defendants from the start of this year. Ms Maguire says in paragraph 11 of her statement that the trespass came to her attention about a year ago. From what Mr Wujek said in court, the Claimant may have known of his presence even longer.
37. Secondly, the Claimant must have known for a considerable period of time of the risk of contractual penalties if the Defendants impeded Taylor Wood's work. Mr Hoar submitted that the Claimant was entitled to try to persuade the Defendants to leave before resorting to litigation. That must be right, of course, but it does not justify the course of action the Claimant took – i.e. making some attempts to engage with the Defendants before suddenly and without warning making an application without notice. The compensation event

notification from Taylor Woodrow was dated 5 March 2024. I heard no satisfactory explanation for why, on the one hand, it was acceptable for the Claimant to take a month and a half from that notification to make this application but yet, on the other hand, the matter was so urgent that notice could not be given and it had to be heard by this court only just over a week after the application was filed.

38. Thirdly, the supposed justification for the urgency and for making an application without notice was not supported by any reliable evidence. In her witness statement Ms Maguire asserted that *'there will be at least 21 days before the Claimant is able to obtain the relief they seek against the Defendants' and in that time the Council will face financial penalties of around £142,000 per week.'*
39. I queried that assertion because the only evidence from Taylor Wood was a communication dated 5 March 2024 which (a) referred to a 'compensation event' without quantifying the extent of compensation and (b) indicated that the problem could be mitigated by fencing off the area. The photographs I have been provided with appear to show such fencing. It seemed highly surprising to me that, with the relatively small areas occupied by the Defendants fenced off, the Claimant could be losing £142,000 a week including £84,000 in staff costs. I asked Mr Hoar whether the Claimant had accepted that it was liable to Taylor Wood for £142,000 a week and from what date they accepted that liability.
40. Mr Hoar took instructions and told me in reply that, in fact, the Claimant had not yet incurred any financial penalties – the mitigation of the fencing had so far been effective. He asserted, on instructions, that the contractors had done all they could in terms of mitigation and penalties would start to be incurred. He accepted that Ms Maguire's statement could have been clearer and he attempted to rephrase it as if it had said that the Council 'may' financial penalties in the 21 days after issue, rather than what she actually said: 'will'.
41. I am very troubled by this. If I had not asked Mr Hoar the questions I did, and if he had not taken instructions and provided the answers, I would have been misled by Ms Maguire's statement (and by Mr Hoar's submissions in reliance on that statement) into believing that the Claimant had, since the issue of proceedings approximately two weeks ago, been paying around £142,000 a week in financial penalties as a result of the Defendants' presence at the Location. To make such a misleading statement in the context of a without notice application is very serious. In the order I approve, I have directed for Ms Maguire to provide an explanation of how she came to draft paragraph 3 of her witness statement in the way she did and why she and the Claimant failed to correct it at any point until I asked questions about it. In these circumstances, I am not prepared to accept the assertions Mr Hoar made, on instructions, about the current position. It will be a matter for the judge hearing the adjourned hearing how they deal with any further evidence from Ms Maguire or the Claimant.
42. Mr Hoar accepted that the health and safety matters relied on by the Claimant would not, in themselves, justify the urgency with which the hearing has been brought on.
43. I do not think that the Claimant is saved by the attempts, on 25 April 2024, to provide what the Claimant has called 'informal service'. It is far from clear that this service was effective. Further, the Claimant did not have permission to provide service in this way on the 6th Defendant, i.e. Persons Unknown. Moreover, it was too little too late to ensure a

fair hearing – the First Defendant only received part of the bundle and even that was only one working day before the hearing. Although he acted promptly to instruct CLP, they could not get legal aid funding in time given the short deadlines. I do not know whether the Third or Fourth Defendants have received service.

44. In my judgment, justice was best served by adjourning the hearing to a date between 14 and 17 March 2024 (inclusive). I hope that, by that time, CLP will have the legal aid funding to appear for some or all Defendants. I hope that will ensure that the Defendants have a fair hearing of anything they may want to say in opposition to the application. I will set directions for there to be further evidence filed and served in preparation for that hearing. It will be a matter for the judge at the adjourned hearing what weight they can give to any evidence coming from the Claimant in light of the misleading assertions in §3 of Ms Maguire’s statement.
45. The adjourned hearing will not be before me. Speaking only for myself, I would have liked to know what, in practice, will happen to the Defendants if the injunction were granted. I wanted to know, for example, whether Mr Wujek’s shed would be destroyed and whether he would be able to find housing with his dogs. At some points in Mr Hoar’s submissions, he appeared to suggest that it was not appropriate for this court to enquire into such matters – the Defendant could be trusted to comply with its statutory housing duties and that was an end to it. He said that if Mr Wujek was expecting housing that would include all his dogs he would be disappointed and there was a statutory duty to house him but not his dogs.
46. If I had been determining the application, I would not have accepted the submission that it was irrelevant to enquire into the practical consequences of granting the order. In general, at the interim injunction stage, it is not appropriate to form a final view on merits. Instead, it is necessary to weigh the prejudices to the parties if the injunction is granted and if it is not granted. If the result of granting the injunction were, say, that the shed which has been Mr Wujek’s home were destroyed and his dogs were put down or taken away from him, that would be a prejudice to him which he may think could not be compensated at a final hearing. I am by no means saying that this factor would outweigh the prejudice to the Claimant in not granting the injunction. I am only saying, from my own perspective, that I think the court may be assisted by more information on the steps the Claimant will take to enforce any injunction and the impact on the Defendants. Another judge may disagree.
47. I have directed that the further evidence from the Claimant be filed by 7th May, not 9th May as the Claimant proposed, as I want to give the Defendants time to respond to the new evidence if they wish. I also think, in the circumstances, that it is necessary for the court to have the actual correspondence between the Claimant and Taylor Wood relating to financial compensation. If any of this correspondence is confidential, the Claimant can make whatever application they deem necessary to protect that confidence. I do think the court will be assisted by seeing that correspondence. The court may not need to see the whole contract if the correspondence makes the position sufficiently clear.
48. The Claimant asked for costs to be reserved. That seems to me appropriate in the circumstances.
- 49.

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-001199

KING'S BENCH DIVISION

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972

IN THE MATTER OF A CLAIM FOR AN INJUNCTION

B E T W E E N :



KB-2024-001199

**THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF ENFIELD**

Claimant

- and -

**(1) CHARLES SNELL
(2) DAVID SNELL
(3) STEPHEN MAY
(4) ABDELLAH TAYEB (A.K.A. CASTRO)
(5) MICHAL WUJEK
(6) PERSONS UNKNOWN**

Defendants

INJUNCTION ORDER

PENAL NOTICE

If any you, the within-named CHARLES SNELL, DAVID SNELL, ABDELLAH TAYEB (A.K.A. CASTRO) and MICHAL WUJEK, all of no fixed abode, whether by yourselves or by instructing, assisting or encouraging any other person, 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.

IMPORTANT:-

NOTICE TO DEFENDANTS

This Order requires you to do, and prevents you from doing, the respective acts set out in the Order. You should read it all carefully. You are advised to consult a Solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.

UPON THE COURT CONSIDERING the Claimant's skeleton argument, the Part 8 Claim Form, the Application Notice for the interim injunction, the witness statements of Karen Maguire dated 18 April and 7 May 2024, Aron Graves dated 25 April 2024, Rauf Iqbal dated 7 May 2024, Frederick Chatfield dated 10 May 2024, and the exhibits attached thereto;

AND UPON the application of the Claimant for an interim injunction against the First, Second, Fourth and Fifth Defendants;

AND UPON HEARING FROM Counsel for the Claimant and from the Second Defendant (on his own behalf and on behalf of the First Defendant) and from the Fifth Defendant;

AND UPON THE COURT DIRECTING that the steps taken to effect service upon the Fourth Defendant shall be treated as good service;

AND UPON THE COURT DIRECTING that the spelling of the name of the Fifth Defendant in these proceedings be corrected to the spelling shown in this Order.

IT IS ORDERED THAT:

1. You, the said **CHARLES SNELL, DAVID SNELL, ABDELLAH TAYEB (A.K.A. CASTRO)** and **MICHAL WUJEK**, all of no fixed abode, whether by yourselves or by instructing, assisting or encouraging any other person, shall not, **after 12 June 2024:**

- (a) Occupy, or continue to occupy, in any way, including by occupying any structure on, or setting up an encampment on or in;
- (b) Continue to moor, or bring onto and/or moor or leave, any boat on;
- (c) Bring onto and/or leave any caravans, mobile home, pick-up truck, van or lorry and/or any associated vehicles on; or
- (d) Cause, or continue to cause, any nuisance by reason of any unauthorised occupation, trespass, mooring of boats or in any other way on or in;

any part of the Land under Title Numbers AGL536977, AGL536978 and AGL216617 and more particularly identified on the plan attached to this order edged red and/or any part of the River Lea Navigation System adjacent to that Land.

AND THE COURT FURTHER ORDERS AND DIRECTS THAT:

Next Steps

- 2. This matter shall be listed for a further directions hearing to take place in week 10 – 14 June 2024, with a time estimate of two hours, to consider what further directions are being sought or may be appropriate in relation to next steps in these proceedings including in relation to any further applications which may have been made at that time.

Service and committal proceedings

- 3. This Order shall be served by the Claimant on each of the First, Second, Fourth and Fifth Defendants.
- 4. Any committal application issued in respect of a breach of this injunction Order may be supported by witness statements incorporating statements of truth in place of affidavits.

Variation or discharge of this order

- 5. This Order shall remain in force until further order.

6. Any of the parties may apply to the Court at any time to vary or discharge this Order but if they wish to do so they must first inform the other affected parties or their solicitors in writing at least 12 hours beforehand, which, in respect of the Claimant, may be by email to Balbinder Kaur, solicitor to the Claimant, at Balbinder.Kaur@Enfield.gov.uk.

Communications with the Court

7. All communications to the Court about this Order should be sent to the King's Bench Division of the High Court, the Royal Courts of Justice, The Strand, London WC2A 2LL quoting the case number. The office is open between 9am and 4pm Monday to Friday. The telephone number is 020 7947 6000.

Costs

8. The costs of this application for an interim injunction shall be costs in the case.

21 May 2024

Name and Address of Claimant's Solicitor

Legal Services,
The Council of the London Borough of Enfield,
Silver Street,
Enfield EN1 3XA

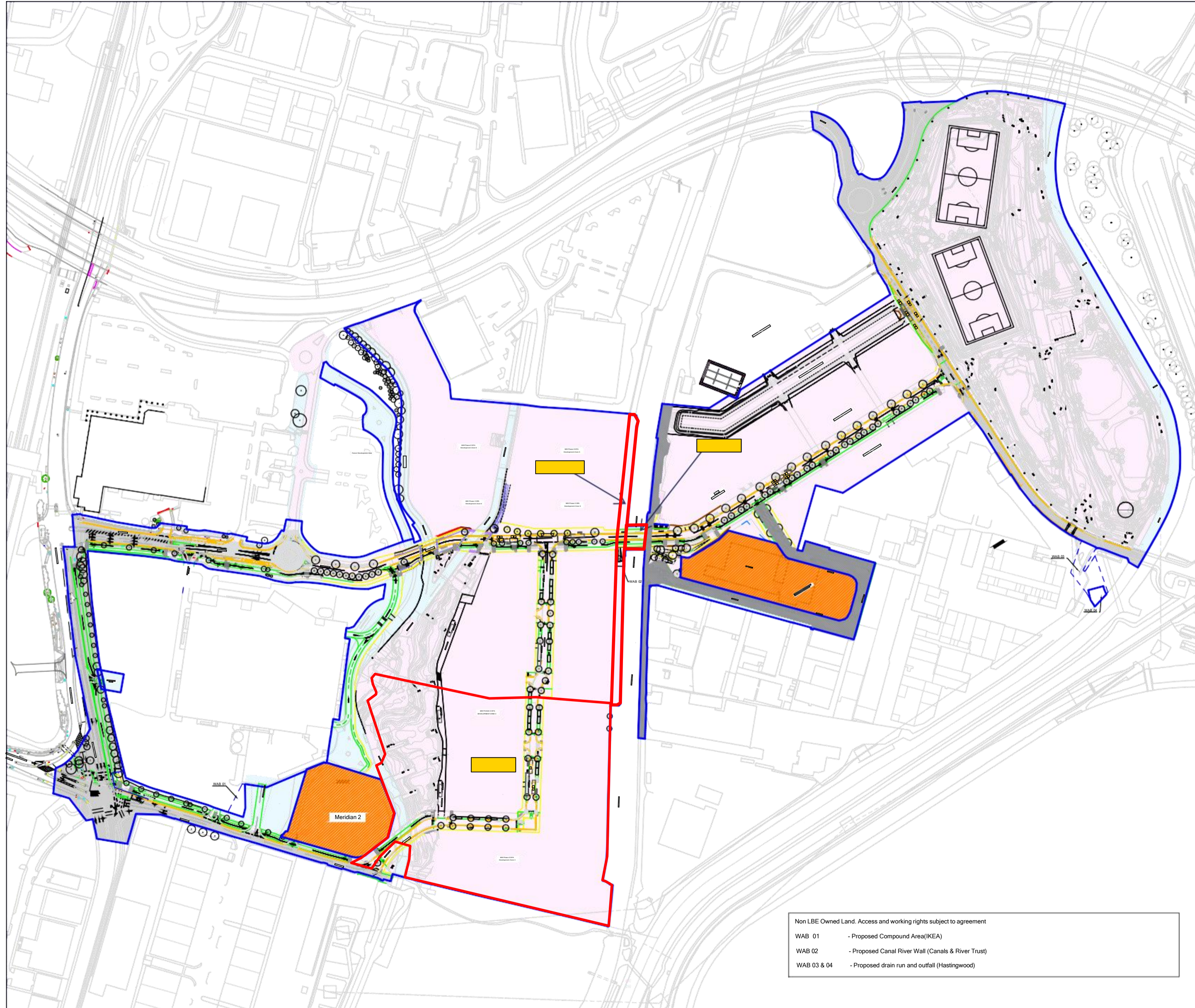
Telephone: 020 8132 0091

Email: Balbinder.Kaur@Enfield.gov.uk.

Fax: 020 8379 6492

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- KEY:**
- CLIENT OWNED LAND
 - RIGHTS OF ACCESS/ENTRY/WORKS/ OTHER IN PLACE(REFER TO CPO SCHEDULE
 - PUBLIC HIGHWAY
 - AREAS NOT WITHIN SIW SCOPE OF WORK
 - CLIENT OWNED ASSEST MANAGED AND MAINTAINED BY ENFILED COUNCIL AS PUBLIC HIGHWAY
 - PRIVATE ESTATE ROAD OWNED BY THE CLIENT
 - WORKS AREA BOUNDARY



Non LBE Owned Land. Access and working rights subject to agreement

WAB 01 - Proposed Compound Area(IKEA)

WAB 02 - Proposed Canal River Wall (Canals & River Trust)

WAB 03 & 04 - Proposed drain run and outfall (Hastingwood)

P02	12/10/23	Council owned Highway Assesst Managed Details Added	FC	PH	PH		
P01	22/09/23	First Issue	FC	PH	PH		
Rev	Date	Comment	By	Des	Chk	App	Auth

Originator: FC

Contract: Meridian Water S.I.W

Location: Site Wide

Working Boundary Plan

 <small>Copyright © Taylor Woodrow Infrastructure Limited</small> TAYLOR WOODROW INFRASTRUCTURE LIMITED Abrial House Imperial Way Watford WD24 4WW Tel: 01923-233433	By:	FC	Scale:	NTS	Size:	A1
	Designed:	PH	Names shown are valid for current revision		Status:	
	Checked:	PH				
	Approved:					
Purpose of Issue:		S1W-TWC-XX-XX-SK-X-000003		Revision:		P02



Neutral Citation Number: [2024] EWHC 1206 (KB)

Case No: KB-2024-001199

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21 May 2024

Before:

HIS HONOUR JUDGE AUERBACH
(Sitting as a Judge of the High Court)

**THE MAYOR & BURGESSES OF THE LONDON
BOROUGH OF ENFIELD**

Claimant

- and -

CHARLES SNELL (1)
DAVID SNELL (2)
STEPHEN MAY (3)
ABDELLAH TAYEB (A.K.A. CASTRO) (4)
MICHAL WUJEK (5)
PERSONS UNKNOWN (6)

Defendants

Francis Hoar (instructed by **Legal Services, London Borough of Enfield**) for the **Claimant**
The Second Defendant appeared in person for himself and the **First Defendant**
The Fifth Defendant appeared in person
No attendance or representation for the **Third, Fourth** or **Sixth Defendants**

Hearing date: 14 May 2024

Approved Judgment

This judgment was handed down remotely at 10:30am on 21 May 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

HIS HONOUR JUDGE AUERBACH:

Introduction and Background

1. The Claimant is a London local authority. This claim arises in the context of the Meridian Water Regeneration Project (Meridian Water), which is a project to develop 10,000 new homes. The project is located on freehold land owned by the Claimant traversed by a stretch of the River Lea (sometimes spelled Lee).
2. The Claimant has a contract with Vinci Construction UK Limited, which operates through Taylor Woodrow, for what the Claimant describes as essential preparatory works and development of the river embankment for the purposes of the Meridian Water project, to include the clearing of the embankment and related construction works abutting the river. These particular works had a contractual commencement date of 6 December 2023.
3. On 18 April 2024 the Claimant filed a part 8 claim in trespass and nuisance and to prevent alleged anti-social behaviour. There were five named Defendants. The Sixth Defendant was persons unknown.
4. The Second Defendant, David Snell, is the father of the First Defendant, Charles Snell. David is 64. Charles is 29. They have been living on a narrow long boat on the relevant stretch of the River Lea for several years.
5. The Third Defendant, Steven May, is said by the Claimant to have had a narrow long boat moored on the relevant stretch of river. When the action began the Claimant's position was that it believed that he was continuing to use the boat at least as a place to sleep. However, during the course of the hearing before me, I was told that relief was no longer sought against him, as the Claimant now understands that he has gone.
6. The Fourth Defendant, Abdellah Tayeb (or Castro) also has a boat which the Claimant says is currently moored on the relevant stretch of river.
7. The Fifth Defendant, Michal Wujek, is living in a structure on the Claimant's relevant land which the Claimant calls a shack and he calls a shed. He has been doing so for at least some months.
8. The claim is for a final injunction. It was accompanied by an application for an interim injunction. Both were sealed on 21 April 2024. The Claimant applied for time for service to be abridged, and for the hearing of the interim injunction application to be listed without notice to the Defendants, due to what was said to be the extreme urgency of the application.
9. The claim and application were accompanied by a signed witness statement of Karen Maguire dated 18 April 2024 and containing a statement of truth. Ms Maguire is the Claimant's Lead Officer for Trespass and Encampments.
10. At paragraph 3 Ms Maguire stated that abridgment of time for service was necessary because of a fear "that if this application is not proceeded with immediately there will be at least 21 days before the Claimant is able to obtain the relief they seek against the Defendants and in that time the Council will face financial penalties of around £142,000

per week and there is a risk of significant damage could be sustained to the locations that the proposed Order seeks to protect ...”. She also provided a breakdown of those figures at paragraph 32.

11. There was a hearing in respect of that application, before Rory Dunlop KC, sitting as a Deputy High Court Judge, on 1 May 2024. There was by that time before the Court also a further statement from a process server, Aron Graves, of 25 April 2024, indicating what steps had been taken with a view to bringing documents relating to the claim to the attention of the Defendants. Mr Hoar of counsel appeared at that hearing for the Claimant. The Second and Fifth Defendants appeared in person. There was no attendance by, or appearance for, the other Defendants on that occasion.
12. The judge announced that he was adjourning the application part heard to a date between 14 and 17 May 2024. A reserved judgment was handed down on 3 May 2024 and the judge’s associated order was sealed on 7 May 2024. The order included further directions for today’s hearing.
13. In summary, the following pertinent points arise from that judgment and order.
14. First, the judge was not satisfied that the Defendants had had sufficient notice, nor that there was sufficient justification for proceeding without proper notice. There was a letter before the judge from the Community Law Partnership (CLP) referring to David Snell as their client and indicating that legal aid funding was being sought. Mr Snell asked for the hearing to be adjourned to any date in the week of 13 May, other than 13 May itself, when he had a medical appointment, on the basis that it was anticipated that legal aid would be sorted out by then. Mr Wujek indicated that he was also considering instructing CLP.
15. Secondly, and relatedly, the judge sought clarification and explanation of the figures given in Ms Maguire’s witness statement at paragraphs 3 and 32. At paragraphs 40 and 41 of his judgment the judge noted that he had been told that the Claimant had not yet incurred any financial penalties, as the mitigation, by way of fencing that had been put in place by Taylor Woodrow around the area being occupied by the Defendants, had so far been effective. The judge said that he was very troubled by this, as, had he not asked questions he would have been misled into believing that the Claimant had been paying penalties at the rate of £142,000 since the issuing of the claim. He gave directions for further evidence to be produced about this aspect for the adjourned hearing.
16. Thirdly, while recognising that it would of course be a matter for the judge presiding at the adjourned hearing, the judge indicated that for his part he would have wanted to know more about what the implications for the Defendants would be, were the interim injunction sought to be granted, on the basis that he would regard this as relevant to weighing the balance of prejudice.
17. The application came back before me at a hearing on 14 May 2024.
18. Since the last hearing the Claimant had filed a second witness statement of Ms Maguire dated 7 May 2024 and a statement of Rauf Iqbal, Strategic Infrastructure Works Construction Programme Manager, also of 7 May 2024. It has also filed a further process-server’s statement, from Frederick Chatfield, of 10 May 2024.

19. At the hearing before me Mr Hoar of counsel once again appeared for the Claimant. The Second Defendant, David Snell, and the Fifth Defendant, Michal Wujek, each again appeared in person. David Snell told me, and I accept, that he was also appearing on behalf of his son, Charles Snell.
20. As I have noted, in the course of the hearing Mr Hoar indicated that relief was no longer sought against the Third Defendant, Stephen May. He also indicated in the course of the hearing that, at least at this hearing, relief was no longer sought against persons unknown, given what he acknowledged was a failure thus far fully to comply with DHCJ Rory Dunlop KC's specific order regarding service in that regard. He indicated that this may be revisited.
21. In discussion at the start of the hearing, which began at midday, Mr Snell indicated that he did not have legal aid or legal representation, he did not anticipate that situation changing in the future and he was not asking me to postpone this hearing. He did not have any issue about service.
22. Mr Wujek did apply for an adjournment at the start. He said he had contacted CLP on 30 April 2024 with a view to representation but had only heard back from them that they would be unable to help him by email late on 8 May. He also said he had received some documents only very late. He had contacted the Court about the logistics of providing documents he might wish to rely upon, but had only heard back yesterday. He needed more time to marshal his arguments and evidence. He said he was at a disadvantage as a litigant in person and because English is not his first language. Mr Hoar opposed the application.
23. I gave an oral decision refusing the application. I considered that Mr Wujek had, taking account of the first postponement, now had a fair opportunity to obtain legal representation. His command of English is excellent – he had expressed himself fluently and articulately to me. Any issues about service could be considered by me as part of my overall consideration. His being a litigant in person was not, as such, a reason not to proceed. I would make appropriate allowances for that. He could put in any documents he had brought with him on which he wished to rely. If I granted an injunction I would allow time to comply. Mr Hoar had raised an issue as to whether legal aid would in fact be available in any event at all, as the Defendants are said to be trespassers. That appeared to me to be a potential issue, but I did not rely upon it.
24. After lunch it transpired that an email had been sent to the Court from CLP at just after midday. In summary, this confirmed that they did not have legal aid funding and were unable to represent Mr Snell. They asked for a second adjournment to give him a further opportunity to obtain legal aid and representation. They had also prepared a draft witness statement and sent it to him, but not received a signed or approved version. They asked the Court to take into account any signed statement which he might bring with him. They also submitted that there had not been proper service on the Sixth Defendant (persons unknown) in the manner required by Judge Dunlop KC's order, failing which, they submitted, no interim injunction should be granted at this hearing.
25. In discussion of that letter, Mr Snell told me that his position remained that he was *not* applying for an adjournment. He wanted the matter to be decided without further delay, as not knowing where he stood was causing him continuing stress on top of his other ill health. In further discussion it was confirmed that Mr Snell had no issue about service

and Mr Wujek also clarified that he accepted that he had been properly served as well (though he disputed a remark about his dogs attributed to him by the process server).

26. Mr Hoar put in a few additional documents relating to recent communications between the Claimant and Mr Wujek. I heard oral submissions from Mr Hoar followed by Mr Snell and then Mr Wujek and then a brief reply from Mr Hoar. Both Mr Snell and Mr Wujek made points about what they said were aspects of the history of matters. Mr Wujek spoke at some length and put in some photographs that he had taken of the fencing.
27. I reserved my decision and explained what the next steps would be.
28. I did not have any sworn evidence from any of the Defendants, but did take into account what both Mr Snell and Mr Wujek told me, in addition to the sworn evidence from the Claimant. There was a good deal of clear contemporaneous documentary evidence, such as emails, before the Court.

Service

29. As I have noted, no issue about service was taken by or on behalf of the First or Second Defendants nor, ultimately, the Fifth Defendant, and interim relief was no longer sought at the hearing before me against the Third or Sixth Defendants.
30. As to the Fourth Defendant, Mr Tayeb (a.k.a. Castro), Mr Graves' statement of 25 April 2024 records that he attended at the Fourth Defendant's boat and effected service on him at that stage of the matter (after the claim had been issued but prior to the first interim relief hearing). Following the 1 May hearing, Mr Chatfield's witness statement of 10 May 2024 records that on 8 May he attended at Mr Castro's boat and effected service of all the further required documents by affixing two complete sets in transparent envelopes to the gate of his boat in the presence of the Fifth Defendant (Mr Wujek) who said that Mr Tayeb was on the boat but would not come out. Mr Chatfield also says that he was unable to get to the boat itself due to the 7 aggressive dogs that were present.
31. At the hearing before me Mr Hoar indicated that he did not claim that what happened on the second occasion amounted to personal service, but, in the circumstances invited me to treat the overall steps already taken as good service on the Fourth Defendant sufficient for the purposes of this hearing.
32. Having regard to all the circumstances, including the personal service effected on the first occasion (including notice of the existence of these proceedings and that interim relief was being sought) and the steps that were taken on the second occasion, and the reason why personal service was not effected on the second occasion, I do consider that sufficient steps have been taken such that it is fair to treat them as good service on the Fourth Defendant, and will so order.

The Interim Relief Sought

33. There was a draft order before me. It described the interim relief sought as "prohibitory" but I put it to Mr Hoar that, in substance, the order being sought would require the Defendants concerned to leave the affected area (in the cases of those who

had boats by moving their boats to a different part of the waterway) and so it would be mandatory in effect. I also put it to him that, if granted, though strictly by way of interim relief, it would, in effect, give the Claimant all the relief that it seeks.

34. Mr Hoar accepted both of those points. He also accepted that this is therefore a case where, in considering whether to grant relief, I should evaluate the strength of the evidence in support of the Claimant's case, applying a higher standard than that of "serious question to be tried" deriving from **American Cyanamid v Ethicon Limited** [1975] UKHL 1; [1975] AC 396.
35. Mr Hoar also accepted that the focus of the application and evidence presented, in substance, is on the basis for the relief that the Defendants are trespassing and/or in nuisance deriving from the trespass, and that any other impact caused by them on the local area was ancillary to their presence, so that an order requiring them, in effect, to move on, and not to reoccupy the affected area, would be sufficient. As to costs, the order sought was that these be reserved.

The Claimant's Standing and Strength of Case

36. As a local authority the Claimant has the power under section 222 **Local Government Act 1972** to institute this claim. I am satisfied on the evidence before me that it plainly (as that section requires) considers it expedient to do so for the promotion or protection of the interests of the inhabitants of the area.
37. While Mr Snell told me that those who are working on site had told him that they are not doing any work where he is, the evidence before me plainly shows that the Meridian Water project covers the area where the Defendants are, and requires clearance and construction works to take place along the relevant stretch of the waterway, in particular in readiness for the building of a bridge across the river.
38. Further, on 5 March 2024 Taylor Woodrow gave the Claimant notification of a compensation event pursuant to the contract between them, identifying the event as being "Client does not allow access to and use of Site", referring to the presence of "illegal boaters" and indicating that access was required "in order to carry out vegetation clearance and surveys ahead of canal wall works and earthworks...". The notice also stated that as "as part mitigation, the Contractor has proposed phased access to fence off, create ramps, and progress available areas." Both the Claimant and Mr Wujek furnished the Court with photographs of the fencing, though Mr Wujek complained, and Mr Hoar accepted, that his photographs show gaps in the fence.
39. I am also satisfied from the material relating to title and ownership in the evidence presented, that the Claimant is the freeholder of all of the relevant land. The waterway itself is controlled by CRT. However, the Claimant has a lease of airspace, in order in particular to facilitate the building of the bridge, for the purposes of the Meridian Water project, and I am also satisfied that the works require unimpeded access to the riverfront.
40. I am also satisfied, by reference to various authorities cited by Mr Hoar, that, as the River Lea is a non-tidal river, the Claimant, as the riparian owner of both banks on the relevant stretch, owns the river bed, and has the right of access to and egress from the water. The permanent mooring of a boat which obstructs such access accordingly

amounts to an actionable nuisance (**Ackerman v London Borough of Richmond** [2017] EWHC 84 (Admin)). The Claimant also has the proprietary right to prevent mooring to land of which it is the owner (**RB Kingston-upon-Thames v Salzer** [2022] EWHC 3081).

41. A distinction must be drawn between boats which may stop temporarily in the course of navigating along the river, and those which are not just, as it were, passing through. In relation to the latter, the unauthorised attachment of a boat by mooring to the Claimant's land will constitute a trespass, as will a material stationing of the boat, even if not by physical mooring to the land (such as by mooring to a post standing on the river bed).
42. The Claimant accordingly has standing to bring this claim not only to promote the interests of those in its area, but as property owner: **Richmond LBC v Trotman** [2024] EWHC 9 (KB).
43. Mr Snell told me that he renews his mooring licence every August. But Ms Maguire attests that mooring on the relevant stretch was suspended by CRT from 7 February 2024 to 15 January 2025 and has exhibited the notice and an email of 2 February 2024 from CRT indicating that it had been posted up. There was also an email from the National Bargee Travellers Association to Ms Maguire of 9 February 2024 written expressly on behalf of Mr Snell, referring to the suspension notice that had been delivered to his boat. I also note that CRT has stated that it deems the continued presence of unauthorized moored boats tethered to the Claimant's land to be a nuisance for which it is responsible.
44. There is no basis in anything that I have read or heard for concluding that there has been anything that would amount in law to acquiescence by the Claimant with respect to the continuing presence of any of the Defendants.
45. Putting it all together, I am therefore satisfied that the Claimant has a very strong, if not unanswerable, case that the continuing presence of all of the Defendants against whom it seeks interim relief, within the area in respect of which that relief is sought, is an actionable trespass, as well as a nuisance.

Further Matters Relating to the Defendants

46. I have already said something about the general background and the Defendants against whom interim relief is presently sought. I now set out some further pertinent factual matters of which I am satisfied from the evidence presented.
47. The Claimant has engaged with CRT to identify alternative mooring locations for the boats that remain on the affected stretch of the river, on other parts of the waterway.
48. In relation to the First and Second Defendants (the Snells) it is clear from the evidence before me, including email communications, that the Claimant has agreed with the CRT options to move the Snells' boat to any of three proposed designated mooring locations elsewhere on the River Lea Navigation System, at the Claimant's cost. They were advised of the latest position in an email of 15 April 2024 and asked which of the three options they preferred.

49. In an email of 20 April 2024 David Snell described his and his son's health conditions and set out their particular reasons for objecting to the new locations to which the Claimant had proposed that their boat be moved. He referred to an email that he had sent to a Councillor in February 2023. He stated that they are willing to move to housing but set out their particular requirements and referred to reasonable adjustments under the **Equality Act 2010**.
50. They have also been told what they need to do to make a homelessness application, and there is an email of 2 May from Ms Maguire to her colleagues in the Housing Advice Service raising their case as a housing application, identifying in summary their health issues, and providing the contact email that she has for David Snell. She also states that she does not have a currently usable telephone number and the Claimant at present only has an email address. She also states (as of 7 May 2024) that checks indicate that to date no formal application or supporting evidence can be found on the Claimant's systems.
51. Mr Snell made similar points to me as he made in his 20 April email to the Claimant. He told me that in light of what he had been told by a Councillor he did not believe that the Claimant would be able to offer suitable housing for him and his son; but he did not contradict Ms Maguire's evidence that they have not actually to date made an application together with the necessary supporting information and evidence that would be needed to enable the Claimant's relevant team to assess their need including whether they have a priority need.
52. On the information before me, it appears that the Fourth Defendant, Abdellah Tayeb (or Castro) also has a boat currently moored at the site. He owns a number of dogs which are with him.
53. The Fifth Defendant, Mr Wujek, has been referred to the Claimant's STEPS programme, which provides support for obtaining training and employment. He has also made an application for Universal Credit.
54. He has three adult dogs and there are also a number of puppies. Mr Wujek does not want to keep the puppies but says that he has depression and bipolar disorder and wants to keep the other dogs because he says they are essential to his mental well-being. He told the Claimant at one point that if possible he would wish to return with the dogs to live in Poland. Ms Maguire says that the Claimant looked into this but ascertained that transporting the dogs would not be possible.
55. Ms Maguire says that Mr Wujek has been advised that he can make a homeless application but has so far not done so, because he is concerned that he will be parted from his dogs. She has provided evidence of her efforts to find an organisation that is willing to take the dogs. He has been offered support to rehome the puppies. There are ongoing enquiries being made to find a social landlord who might take him with the adult dogs. Ms Maguire states that the Claimant is financially supporting this application in light of his engagement with STEPS, and the application that has been made for Universal Credit. Mr Hoar handed up a further email of 8 May indicating that a flat had been found which would accommodate the dogs; and related WhatsApp exchanges.

56. Mr Wujek spoke to me about matters to do with his mental health, the importance to his wellbeing of his dogs, and why he considers that the accommodation proposed would not present an acceptable solution for him. He said that what he would like is to be in position to return to Poland, with his dogs, but he needs time to be able to earn the money to do so. He has many, more wide-ranging, criticisms of the Claimant and its stewardship.
57. What Mr Wujek told me is consistent with the picture painted by the Claimant's evidence and the written communications and does not materially contradict it.

Impact on the Claimant of Not Granting Relief

58. I turn to the consequences for the Claimant of the ongoing situation and in the event of the Court not granting relief.
59. First, I am satisfied that the continued presence of the Defendants concerned, is disrupting, and will continue to disrupt, the progress of the works, and in particular the projected timetable of them. The documents show that the start date was in December 2023. Access to the waterfront for works to make ready for the bridge construction was required from 28 February 2024. On 29 January 2024 Taylor Woodrow served an early warning notice under the contract referring to the presence of boaters and encampments on the bank. On 5 March 2024 the notification of compensation event was served. The steps hitherto taken by Taylor Woodrow are plainly by way only of partial mitigation to enable progress to be made pending full access being enabled.
60. Regarding compensation I am now satisfied, from the further evidence by way of the second statement of Ms Maguire, and in particular by way of the witness statement of Mr Iqbal, who attended my hearing, and enabled Mr Hoar also to answer my further questions, that the position is as follows.
61. First, Taylor Woodrow have not, as yet, claimed compensation in any specific amount. But the terms of the contract, and the 5 March 2024 notice, mean that the Claimant is on risk of such a claim. Secondly, the figures given in Ms Maguire's first witness statement were provided to her by Mr Iqbal's team. Thirdly, the original source of the figures is the project supervisor, AECOM, who were instructed to assess the Claimant's exposure following the 5 March 2024 notice. The figures are its estimate of the potential weekly exposure.
62. I am not surprised that, in view of the state of the evidence before him, and what he was told, the judge on the last occasion expressed severe concern. A deponent to a statement of truth has a duty to explain the source of information given that is not within their own knowledge. Further, as the financial exposure was stated to be the particular reason for seeking urgent interim relief, without full notice to the Defendants, it was particularly important for the Claimant to give the Court a full and clear account in that regard. Ms Maguire should have spelled out far more clearly than she did in her first witness statement the source, and significance, of the figures that she was giving the Court.
63. However, as Mr Hoar pointed out to me, Ms Maguire's first statement did not in fact say that the financial loss would certainly be incurred (she referred to a "fear" that the Claimant "will face" penalties). In her second statement she has also rightly apologised

to the Court, and I accept also that there was no deliberate attempt to mislead the Court by her or anyone else on the part of the Claimant. I am also satisfied that a full and clear picture has now been given.

64. In addition, I am satisfied by evidence produced that the Claimant faces the risk of other potential significant financial consequences in the longer term relating to funding arrangements, if this phase of the project does not progress or complete to the time. I also accept that delays to the completion of the project itself would have a wider impact on the Claimant's citizens.

Article 8

65. Article 8 of the **European Convention on Human Rights** provides:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

66. In **Manchester City Council v Pinnock** [2011] UKSC 45; [2011] 2 AC 104, which concerned possession proceedings against a local authority tenant, Lord Neuberger, for the Court, concluded at paragraph [61]:

“First, it is only where a person's "home" is under threat that article 8 comes into play, and there may be cases where it is open to argument whether the premises involved are the defendant's home (e.g. where very short-term accommodation has been provided). Secondly, as a general rule, article 8 need only be considered by the court if it is raised in the proceedings by or on behalf of the residential occupier. Thirdly, if an article 8 point is raised, the court should initially consider it summarily, and if, as will no doubt often be the case, the court is satisfied that, even if the facts relied on are made out, the point would not succeed, it should be dismissed. Only if the court is satisfied that it could affect the order that the court might make should the point be further entertained.”

67. I accept that, for these purposes, the Snells' boat is their current home, and the structure in which Mr Wujek is living is also his current home. Bearing in mind that they are litigants in person, but given that they have attended hearings to resist these proceedings, and the substance of their reasons for opposing relief, I treat them as having raised an Article 8 issue, and I proceed on the basis that granting the relief sought would interfere with their Article 8 rights.
68. However, I am satisfied that the Claimant is acting so as to vindicate its rights both as local authority and as property owner, and that there is a significant risk of the harms that I have described if relief is not granted, and of the very strong, if not unanswerable,

case that these Defendants are trespassers. Further, the Snells' boat can be moved. Alternative moorings have been identified and the Claimant will support the process.

69. Further, in the cases of all of these Defendants (the Snells and Mr Wujek) the Claimant has a statutory housing duty and has been encouraging them to engage with that process. While I appreciate that all three of these Defendants have expressed concerns, the statutory homelessness regime provides a fair and adequate mechanism, designated by Parliament, for evaluating and accommodating their particular needs and circumstances; and there would be other redress available to them, if, having for their part followed that process, they considered that the Claimant had not properly met its duties to them.
70. I am in all the circumstances therefore satisfied, in terms of the balancing exercise required for Article 8(2) purposes, that the interference with their Article 8(1) rights in this case, by the granting of the relief sought, would be justified and not disproportionate.
71. So far as the Fifth Defendant is concerned, sufficient steps having been taken to bring these proceedings, including the fact that the Claimant is seeking interim relief, to his attention, and he has not engaged with the process or advanced any case, whether in person or otherwise. Nevertheless, on the information I have I have assumed that his Article 8 rights would be infringed by granting the relief sought. But, bearing in mind that there is no reason to suppose that his boat could not also be moved, and in any event, in view of the Claimant's statutory housing duty to him, any interference with such rights in his case, would, on the information before me, not be disproportionate and would be justified.

Equality Act 2010

72. The account given of the health and medical issues affecting both David Snell and Charles Snell (which the Claimant does not as such dispute) indicates that David Snell in particular, but possibly also Charles Snell, could well be disabled within the definition in the **Equality Act 2010**. There is evidence relating to Mr Wujek which raises the possibility that this is also so in his case.
73. Although I do not have medical evidence before me, and am not in a position to determine whether each of these Defendants is disabled in law, I proceed on the assumption that they are, in which case the duty of reasonable adjustment will potentially, at the appropriate point, be engaged. The decision in **Akerman-Livingston v Aster Communities Limited** [2015] UKSC 15; [2015] AC 1399 explains, that, where **Equality Act** duties arise, they are additional, and not identical in impact to, the potential effect of Article 8.
74. But in these cases, the Claimant is not a landlord requiring these Defendants to move out because of something arising in connection with their medical or health issues. Where, if it can be invoked, the duty of reasonable adjustment may bite, is in relation to whatever arrangements may be offered or made in relation to them, for alternative accommodation under the Claimant's housing duty. Once again, were it considered by any of them that the Claimant had not made adjustments to which they were reasonably entitled, in the course of the homelessness process, there would be other legal recourse open to them.

Overall Conclusion

75. For all of these reasons, having considered, in all the relevant circumstances, the strength of the Claimant's underlying case, the Article 8 and **Equality Act** aspects, and the overall impact on the respective parties of either granting or not granting the interim relief sought, I am satisfied that it is just to grant that relief against all four of the Defendants in respect of whom it is currently sought.

Terms of the Order

76. At the hearing before me, the terms of the draft interim injunction presented to me were considered. I have amended the draft so that is clear that it requires the affected Defendants to cease occupation of the affected area (whether on the water or dry land) by a specified date. As I discussed with Mr Hoar, I consider that sub-paragraphs (d), (e) and (f) of the original draft are unnecessary, as, on the evidence, they essentially address matters consequent upon occupation.
77. I agree also with Mr Hoar's suggestion that the land affected should be identified by reference to the area outlined in red on a single plan attached to the order, so that the position is clear; and that the plan appearing at the bundle for this hearing at page [179] is suitable for this purpose.
78. As the order will require these Defendants positively to move, they must be allowed the opportunity to do so. However, analogously with the approach that would be taken in a possession case, and in all the circumstances that I have described, the time allowed should be relatively short. When we discussed the matter at the hearing, Mr Hoar asked me that I should allow a week from the date of my decision. Mr Snell said he would be content with two weeks. Mr Wujek said he would like up to five or six weeks, in particular to sort out arrangements relating to his dogs.
79. I bear in mind that had the Claimant given proper notice in the first place we would probably actually have got to this point sooner; that element of delay is down to it. In Mr Wujek's case I am also prepared to allow a little more time, bearing in mind that, unlike the Snells and Mr Tayeb, he is not living in a boat that can itself be moved. However, I also bear in mind that he has been aware for some weeks now that this day may well be coming.
80. Mr Hoar suggested I could stipulate different dates for different Defendants, but I think it better, for clarity, to one long-stop date for them all (being the longest that I would be prepared to grant for any one of them). Weighing it all up, my order will provide that occupation must in all cases cease no later than 12 June 2024. The Claimant seeks, and I will direct, costs in the case.
81. I will direct that the matter be listed for a further two-hour hearing in the week ending 14 June 2024. That will be an opportunity for the Claimant to inform the Court whether it is seeking a further and final hearing, and/or further relief against persons unknown. That will also be an opportunity for any of the Defendants to make any application they may wish. However, as I explained to those who attended, any application to vary the terms of my order would need to be on specific identified grounds and supported by appropriate evidence.

82. I am causing the revised draft order which I have now produced to be provided to the Claimant, so that it can return a copy with any suggested corrections and the relevant plan attached to it. The final wording of the order will, of course, be determined by me; and, once finalised and approved by me, will be sealed by the Court. The Claimant will then be responsible for personal service.