



Neutral Citation Number: [2026] EWHC 2019 (KB)

Case No: KB-2026-002079

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 31/07/2026

Before :
Mr Justice Dexter Dias

Between :

OXFORDSHIRE COUNTY COUNCIL

Claimant

- and -

**(1) BEN CULLEN
(2) KEVIN GOOD
(3) RYAN BRIDGE
(4) TRUDY WELLS
(5) PERSONS UNKNOWN INTENDING TO (i)
ATTACH FLAGS TO HIGHWAY STRUCTURES
OR MARK FLAGS ON THE HIGHWAY IN THE
COUNTY OF OXFORDSHIRE, (ii) HARASS
MEMBERS OF OXFORDSHIRE COUNTY
COUNCIL OR (iii) OBSTRUCT OR HARASS
EMPLOYEES OR CONTRACTORS OF
OXFORDSHIRE COUNTY COUNCIL
INVOLVED IN THE REMOVAL OF FLAGS
FROM HIGHWAY STRUCTURES**

Defendants

Robin Green KC (instructed by the Claimant) for the Claimant
23 June 2026: Ryan Bridge, Ben Cullen and Trudy Wells in person
9 July 2026: Ryan Bridge in person

Hearing dates: 23 June and 9 July 2026
(Judgment circulated in draft: 27 July 2026)

Approved Judgment

This judgment was handed down remotely at 11.00 am on 31 July 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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Mr Justice Dexter Dias :

1. This is the judgment of the court.
2. To assist the parties and the public to follow the main lines of the court’s reasoning, the text is divided into 12 sections, as set out in the table of contents above. The table is hyperlinked to aid swift navigation.

I. Introduction

3. This case concerns applications for injunctions by a local authority.
4. Oxfordshire County Council (“OCC”), the claimant in this case, asks the court to exercise its equitable discretion to grant relief by prohibiting individuals who have no consent or authorisation under enactment from attaching flags to highway structures such as lampposts and lighting columns and painting the highway similarly within the county.

5. This is because from August 2025, at numerous sites across Oxfordshire, individuals, some known and some unknown, including those claiming association with movements called Raise the Colours (“RTC”) and Raise the Colours Oxfordshire (“RTCO”), began affixing (attaching) Flags of St George and Union Flags (Union Jacks) to lampposts, lighting columns and highway structures such as street signs, barriers and railings. Highway surfaces have been painted with similar flags. Other individuals, some known, others unknown, have encouraged this conduct. OCC is the highway authority for most of the highways in Oxfordshire, that is, the legal entity charged under the law with the duty to maintain the highway. By virtue of statute, the highway authority has vested in it proprietary rights in the highways. OCC has repeatedly removed the flags, but they have been replaced or placed elsewhere in the county. At times, its attempts to remove the flags have been obstructed.
6. OCC applies to the High Court for relief. It seeks the court’s assistance to prevent further breaches of the criminal law, trespass contrary to the civil law and interference with its proprietary rights, which it says occurs when people affix flags to the highway or highway structures without the highway authority’s consent or other legal authorisation. The case raises questions of both legal importance and public concern about the extent and limits of the court’s powers to grant injunctions. Injunctions are substantial orders that prevent people doing certain acts on pain of punishment should they choose to ignore the court’s order. The sanctions include unlimited fines, seizure of assets and imprisonment. The tension in cases such as this is between attempts at restraining future breaches of the public law and infringement of any human rights under the European Convention on Human Rights (“ECHR”) that are engaged by the activity of attaching flags to publicly owned property. These may include article 10, the right to freedom of expression, and article 11, the right to peaceful assembly and association, including the right to peaceful protest.
7. It is vital to draw a fundamental distinction at the outset. No one suggests that affixing flags to private property, subject to the widely published standard conditions, is unlawful. As the government guidance of flying flags states (Flying flags: a plain English guide (updated 20 July 2021)):

“Flags are a very British way of expressing joy and pride – they are emotive symbols which can boost local and national identities, strengthen community cohesion and mark civic pride.

The government wants to see more flags flown, particularly the Union Flag, the flag of the United Kingdom. It is a symbol of national unity and pride. The government has recently issued guidance encouraging the flying of the Union Flag on all UK government buildings throughout the year, alongside other national and local flags.

We are keen for local authorities and other local organisations to follow suit.”

8. Therefore, when individuals wish to fly flags from parts of publicly owned infrastructure, how and in what way is that contrary to the general government guidance on flag flying and the law? That is the cardinal question arising in this case. The

government guidance continues, “all flag flying is subject to some standard conditions”. All flags must:

- be maintained in a condition that does not impair the overall visual appearance of the site
- be kept in a safe condition
- have the permission of the owner of the site on which they are displayed (this includes the Highway Authority if the sign is to be placed on highway land)
- not obscure, or hinder the interpretation of official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport
- be removed carefully where so required by the planning authority.”

9. There are further restrictions and conditions for flying flags under the Town and Country Planning (Control of Advertisements) Regulations. Added to this is the content of the Highways Act 1980 (“HA 1980”). By section 132(1), the statute creates a criminal offence against various acts of interference with the highway including affixing items such as flags. Section 132(2) empowers the highway authority to remove material affixed without consent or authorisation under an enactment. Section 303 makes it an offence to obstruct any person, whether council employee or contractor, acting in execution of its statutory functions under the HA 1980, for example by removing flags attached without consent or authorisation. I will set out the statutory and legal framework in more detail shortly. However, in brief, this is the context of the applications for injunctions before the court.
10. The parties are as follows. As noted, OCC is the claimant in the applications for injunctions and is represented by Mr Green KC.
11. The defendants fall into two categories. First, named defendants. They are Ben Cullen, Kevin Good, Ryan Bridge and Trudy Wells. Kevin Good did not appear at the first hearing. The other three defendants appeared and represented themselves. Only Ryan Bridge appeared at the return date hearing.
12. The second category of defendants is a category of unknown defendants, commonly called in law “persons unknown” or “newcomers”. This class of defendants must be defined in the originating process by reference to their conduct which is alleged to be unlawful (*Canada Goose v Persons Unknown* [2020] 1 WLR 2802, [2020] EWCA Civ 303, para 82; *Wolverhampton City Council v London Gypsies and Travellers* [2024] AC 983, [2023] UKSC 47 (“*Wolverhampton*”), para 221). The draft injunction defines persons unknown as:

“persons unknown intending to (i) attach flags to highway structures or mark flags on the highway in the County of Oxfordshire, (ii) harass members of Oxfordshire County Council or (iii) obstruct or harass employees or contractors of

Oxfordshire County Council involved in the removal of flags from highway structures”

13. The motivation for the claimant’s application against persons unknown is that a significant body of participants in the affixing of flags in Oxfordshire remains unidentified at the time of the applications, and indeed at the hearings before the court. They have been described in the claim form and the draft order as “persons unknown”. As seen immediately above, they are identified by their intended conduct. The legal authority to grant an injunction against persons unknown or “newcomers” is no longer in doubt following the landmark decision of the Supreme Court in *Wolverhampton*. As the Supreme Court said (para 3):

“The issue is liable to arise whenever there is a potential conflict between the maintenance of private or public rights and the future behaviour of individuals who cannot be identified in advance.”

14. This is precisely the problem that arises in this case.

II. Judgment scheme

15. Building on the introduction, the judgment proceeds in Section III by detailing the injunctions sought and the undertakings given. In Section IV, the issues are identified, before in Section V the case against the defendants is set out in overview. Section VI provides the first part of the essential legal framework focusing on the law concerning the highway and interferences with it, along with the bases for injunctive relief. The evidence is presented in two parts. In Section VII, I present general evidence about flag-related activity in Oxfordshire provided by the police, the council and local residents. In Section VIII, the focus is on the evidence against individual named defendants. In Section IX, I return to the law and draw the diverse strands together to offer a precis of the applicable law as I understand it. In Section X, the court’s analysis of Issue 1 is provided, the application for an injunction against persons unknown. Section XI provides a similar analysis for the injunction application against the named defendant Kevin Good who has not given an undertaking. Finally, in Section XII the disposal of the case is shortly stated.

III. Injunction applications and undertakings

Injunctions

16. The terms of the injunctions applied for are limited to Oxfordshire and those highways for which the claimant acts as highway authority. The claimant seeks injunctions against the defendants, named and unnamed, to prohibit their:

“(1) attaching flags or causing flags to be attached to highway structures;

(2) painting or marking flags on the highway;

- (3) obstructing the Claimant's officers or contractors from removing flags from highway structures;
- (4) causing harassment, alarm or distress to the Claimant's members or to officers or contractors of the Claimant who are or have been involved in the removal of flags from highway structures"

Undertakings

- 17. At the first hearing date on 23 June 2026, Ben Cullen, Trudy Wells and Ryan Bridge eventually gave and signed undertakings not to engage in any future flag-related activity. Although Ben Cullen originally said that he opposed the application, he changed his position during the course of the hearing. Trudy Wells did similarly. She said that she wanted to have "nothing more to do with the flags in future".
- 18. The terms of the undertakings are:
 - "not to:
 - (1) attach any flag or cause any flag to be attached to any lamp post, lighting column or other highway structure in the County of Oxfordshire;
 - (2) obstruct Oxfordshire County Council's employees or contractors who are involved in removing flags from highway structures, or cause them harassment, alarm or distress;
 - (3) encourage any other person to do (1) or (2)".
- 19. The court explained to the defendants the seriousness of giving such a promise to the court. Such undertakings are the equivalent of an injunction and breach of them may be punished the same as a breach of an injunction (*Neath Canal Company v Ynisarwed Resolven Colliery Company* (1875) 10 Ch. App. 450, 457). Kevin Good, while not present, informed the court through Ben Cullen and Trudy Wells that he also would give an identical undertaking. By the return date on 9 July 2026, Kevin Good had not signed the undertaking. Therefore, the claimant applies for an injunction against him.
- 20. It should be said at the outset that there was a significant development between the first hearing and the return date. In the intervening period, Ben Cullen went on trial at Reading Crown Court. He is accused of serious criminal offences relating to possession of child pornography. Ben Cullen denies the allegations which date back to 2021. However, Ryan Bridge who is a prominent member of RTC told the court on the return date, albeit in Ben Cullen's absence, that RTC knew nothing about the child pornography allegations. If RTC had known of the allegations against Ben Cullen, RTC would have had "nothing to do with Ben Cullen". Further, Ryan Bridge disputes whether RTCO is properly affiliated with his central RTC organisation.

IV. Issues

21. Therefore, the following issues arise for determination:

Issue 1: should the court grant a final injunction against persons unknown?

Issue 2: should the court grant a final injunction against Kevin Good?

V. The case against the defendants

22. In overview, the claimant submits that the named defendants are part of a group of individuals, including persons unknown, that since August 2025 has engaged in a sustained and cross-county campaign to unlawfully attach flags to public infrastructure, that is without OCC's consent and without authorisation from any enactment.
23. It is important to note that the case against each defendant is different in particulars. Each set of allegations will be particularised in due course. There has not been a trial. The evidence before the court remains evidence of allegations, a fact especially important where questions of criminal liability arise.
24. Although the claimant has repeatedly removed unauthorised flags, more flags are later affixed. People directed by the claimant, whether council employees or contractors, have been obstructed in the execution of their removal duties, to the extent that at times they have simply given up on the removal. Workers connected to the claimant's attempts to remove flags were intimidated and "named and shamed" on social media. An OCC councillor who shortly before a council meeting voiced concern about the flying of flags received a series of abusive emails and threats and had flags affixed in the street outside her home.
25. On 30 March 2026, OCC contacted the named defendants through a cease and desist letter requesting that they stop affixing flags and marking flags on the highway, stop obstructing removal efforts and stop harassing council staff and contractors. The text said in part:

"Dear Raise the Colours, Raise the Colours Oxfordshire, Ben Cullen, Kevin Good and all affiliates of Raise the Colours Oxfordshire,

RE: Affixation of flags across Oxfordshire

We write in relation to serious concerns raised in reference to your organisation's conduct in and around Oxfordshire since August 2025, which has escalated further in the last week. Your organisation, including individuals affiliated with the same, have engaged in conduct causing or likely to cause harassment, alarm or distress to residents, road users and communities across Oxfordshire. This includes but is not limited to the following:

- affixation of flags and other paraphernalia, attached to public land or infrastructure (lampposts, bridges, railings, road signs et cetera) and the blockage of highways in doing so, which has or is likely to cause a significant road safety risk to all road users and communities across Oxfordshire;
- reported to engage in potential threatening and intimidating behaviour and conduct towards members of the public while affixing unauthorised flags and other paraphernalia – including tracking devices - to public land and infrastructure;
- reported to engage in potentially obstructive and intimidating conduct towards the Council's employees and agents who are acting in the course of their duties, including seeking to do the same, to cause further distress and alarm to individuals and companies
- lawfully instructed to remove unauthorised items placed on public infrastructure by members of your organisation.

Critically, the affixation of unauthorised flags and other paraphernalia on public land and infrastructure includes the following potential risks:

- the installation of the flags, the congregation of crowds and the use of vans and other equipment when doing so, obstructs the highway and poses a significant risk to members of the public (including members of your organisation) and road users which could lead to fatal consequences;
- they risk interference with the electrical or structural integrity of public assets, and may result in deploying significant resource to address the same;
- they result in hazards to maintenance operatives who have been unable to conduct their duties without fear of confrontation and intimidation;
- they may impact on lighting levels on the public highway, which is in place to ensure safe passage on the highway both for motor vehicles and pedestrians some of whom may be elderly, young and vulnerable.

...

Under the circumstances, the Council may consider all available options to include but not limited to civil and criminal proceedings against your organisation - and individuals affiliated with the same - to prevent further unauthorised action. This is to include but is not limited to criminal offences under the

Highways Act 1980 for obstructing the highway and affixing items on the public highway without consent. Crucially, the current view of the Council is that there are grounds to pursue injunctive relief against your organisation and those affiliated with the same, based on its rights and duties under the legislative framework for highways and the common law.

This is therefore a formal request for your organisation and its affiliates to:

Immediately cease and desist from the above activities including but not limited to the affixation of flags and other paraphernalia on public land and infrastructure in and around Oxfordshire”

26. On 21 April 2026, a response letter was received from RTC that denied all the allegations. On 14 May 2026, OCC sent a letter before action (“LBA”) in similar terms. The letter to Ben Cullen is representative:

“LETTER BEFORE ACTION: DO NOT IGNORE

RE: Letter before action: affixing flags to highway structures; obstructing and harassing Oxfordshire County Council employees and contractors

Dear Mr Cullen,

Oxfordshire County Council is the local highway authority for Oxfordshire. It owns and manages most of the highways in the county which are maintainable at public expense, including structures in the highway such as lamp posts, fences, bollards and signs.

Since August 2025 you and others have been affixing flags to highway lamp posts in Oxfordshire without the permission of the Council or any other lawful authority. This is an offence under section 132 of the Highways Act 1980 and a trespass. It also creates a risk of injury to yourself and other users of the highway, and of damage to the lamp posts themselves. The act of affixing flags disrupts the public’s use of the highway.

The Council has removed unlawfully affixed flags on multiple occasions, at a cost to the public.

Unfortunately, its employees and contractors have encountered hostility and obstruction when carrying out these tasks, including from you.

...

The Council is minded to seek an injunction from the High Court to restrain you and others from affixing flags to lamp posts and other highway structures in Oxfordshire and from obstructing or

harassing Council employees and contractors whose job is to remove them. To avoid this, the Council requests that you desist from any further such acts and undertake in writing that you will not act in this way.

If you do not provide the written undertaking sought by 18 May 2026, or fail to comply with it thereafter, the Council will issue proceedings without further reference to you and will seek both injunctive relief and its costs.”

27. There was no response.
28. In light of the failure of these steps aimed at resolving the dispute without court application, the claimant applies to the High Court for injunctions to prohibit a range of activities. The claimant seeks injunctions prohibiting:
 - (1) attaching flags or causing flags to be attached to highway structures;
 - (2) painting or marking flags on the highway;
 - (3) obstructing the Claimant’s officers or contractors from removing flags from highway structures;
 - (4) causing harassment, alarm or distress to the Claimant’s members or to officers or contractors of the Claimant who are or have been involved in the removal of flags from highway structures
29. In respect of two defendants, Ben Cullen and Ryan Bridge, the claimant seeks a power of arrest to be attached to prohibitions (3) (obstructing) and (4) (harassment). Proceedings were formally served on the named defendants on 16 June 2026. Of the named defendants, only Ryan Bridge responded formally. He filed an acknowledgement of service dated 20 June 2026. In that he stated that he did not wish to litigate the matter for “pragmatic” reasons as it would be “time-consuming and expensive”. He had “no intention of doing or participating in any of the actions” sought to be prohibited by the injunction. He stated:

“For the record, I have attached flags to highway structures in Oxfordshire on two previous occasions only.”
30. He “wholly reject[s]” allegations of harassment whether of council workers or contractors involved in the removal of flags. He denies any criminal conduct. He asks the court to consider whether an injunction is “reasonable, proportionate and necessary in the circumstances”. He is “content” for the court to rule based on his provided responses.
31. I next set out the most essential elements of the legal framework governing highways and the duties and powers of a highway authority.

VI. Law

The Highways

32. There are different classes of roads which different highway authorities have a duty to maintain. Under section 1(1) of the HA 1980, the Minister is generally the highway authority for roads such as trunk roads. Subject to these express statutory exceptions, the role of a county council is set out at section 1(2) as relevant:

“(2) Outside Greater London the council of a county [or metropolitan district] are the highway authority for all highways in the county”

33. It follows that OCC is the highway authority for the vast majority of highways in the county of Oxfordshire. This leads on to the question of “vesting” or gaining a proprietary interest. Section 263 of the Act provides materially:

“263 Vesting of highways maintainable at public expense.

(1) Subject to the provisions of this section, every highway maintainable at the public expense, together with the materials and scrapings of it, vests in the authority who are for the time being the highway authority for the highway.”

34. While not acquiring the freehold to the deep subsoil, the highway authority has vested in it the surface of the highway and the top layers of soil. This is what the Supreme Court terms the “zone of ordinary use” (*London Borough of Southwark v Transport for London* [2020] AC 914, [2018] UKSC 63, paras 8-12). Along with acquiring such proprietary rights, the highway authority has a duty to maintain the highway. This arises from section 41(1):

“41 Duty to maintain highways maintainable at public expense.

(1) The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty ... to maintain the highway.”

35. Furthermore, under section 130(1), the highway authority has a protective duty in respect of public rights:

“130 Protection of public rights.

(1) It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it.”

36. This requires the highway authority to take reasonable steps to ensure the highway is reasonably passable for users. As noted by Toulson LJ (as he then was) in *Ali v Bradford MBC* [2012] 1 WLR 16, para 33, the section 130 duty is primarily concerned with public access to the highway. The duty to maintain the highway, part of which naturally includes its maintenance in a safe condition, arises more obviously under section 41.

This is indicated by the statutory addition of section 41(1A) where the maintenance duty includes “so far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice”. Therefore, the highway authority has a duty to assert the public’s access rights and a maintenance duty which includes keeping the highway safe. The steps a county council as highway authority deems expedient in the performance of its functions under the HA 1980 derive authority from section 130(5) of the Act:

“(5) Without prejudice to their powers under section 222 of the Local Government Act 1972, a council may, in the performance of their functions under the foregoing provisions of this section, institute legal proceedings in their own name, defend any legal proceedings and generally take such steps as they deem expedient.”

37. Section 132(2) of the HA 1980 empowers highway authorities to remove any picture, letter, sign or other mark affixed in the highway or on any structure without consent or authorisation:

“132 Unauthorised marks on highways.

...

(2) The highway authority for a highway may, without prejudice to their powers apart from this subsection and whether or not proceedings in respect of the matter have been taken in pursuance of subsection (1) above, remove any picture, letter, sign or other mark which has, without either the consent of the authority or an authorisation given by or under an enactment, been painted or otherwise inscribed or affixed upon the surface of the highway or upon any tree, structure or works on or in the highway.”

Affixers

38. The HA 1980 also creates a criminal offence for acts that interfere with or adapt the highway without the highway authority’s consent or authorisation under enactment. Section 132(1) provides:

“132 Unauthorised marks on highways.

(1) A person who, without either the consent of the highway authority for the highway in question or an authorisation given by or under an enactment or a reasonable excuse, paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway or upon any tree, structure or works on or in a highway is guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.”

39. A Level 4 fine is one not exceeding £2500. Therefore, such acts of interference with the highway cannot result in a custodial sentence under section 132(1).

Wilful encouragers

40. If a person does not directly participate in affixing flags, nor wilfully obstructs, she or he may nevertheless commit an offence if they intentionally encourage such conduct. Such acts of intentional encouragement are contrary to section 44 of the Serious Crime Act 2007. It provides:

“(1) A person commits an offence if—

(a) he does an act capable of encouraging or assisting the commission of an offence; and

(b) he intends to encourage or assist its commission.

(2) But he is not to be taken to have intended to encourage or assist the commission of an offence merely because such encouragement or assistance was a foreseeable consequence of his act.”

Obstructers

41. However, the highway authority, when seeking to remove material that has been affixed, whether through its employees or contractors, may encounter people who obstruct them. The HA 1980 contains a statutory provision to meet such interference. Section 303 provides:

“A person who wilfully obstructs any person acting in the execution of this Act or any byelaw or order made under it is, in any case for which no other provision is made by this Act, guilty of an offence and liable to a fine not exceeding level 1 on the standard scale; and if the offence is continued after conviction, he is guilty of a further offence and liable to a fine not exceeding £5 for each day on which the offence is so continued.”

Instituting legal proceedings

42. Should a local authority consider it expedient to promote or protect the interests of inhabitants in its area, it may institute legal proceedings in its name. This arises under section 222(1)(a) of the Local Government Act 1972, which provides:

“Where a local authority ... consider it expedient for the promotion or protection of the interests of the inhabitants of their area—

(a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name ...”

Bases for injunctions

Interference with statutory functions

43. One of the steps the highway authority can take is to apply to the High Court for an injunction to prevent conduct that interferes with the execution of its statutory functions (*Abbasi v Newcastle Upon Tyne NHS Trust* [2026] AC 63, [2025] UKSC 15 (“*Abbasi*”), paras 67-75, 78). In *Abbasi*, the Supreme Court referenced and explained the *Broadmoor* jurisdiction (*Broadmoor Special Hospital Authority v Robinson* [2000] QB 775 (“*Broadmoor*”)).
44. In *Broadmoor*, the defendant had been convicted of manslaughter and was a patient in the special hospital. He wrote a book in which he described how he had killed his victim and identified other patients and gave details of their offences and mental states. The hospital authority obtained an ex parte injunction restraining him from distributing the book and ordering him to deliver up, and cause his printers to deliver up, all copies of it. That injunction was discharged on the defendant’s application, and the Court of Appeal (Lord Woolf MR, Morritt and Waller LJ) dismissed an appeal against that decision. However, a majority of the court upheld the existence of jurisdiction to grant an injunction on the application of the hospital authority where a defendant was interfering with the performance of its public responsibilities. Lord Woolf MR stated (para 25):

“if a public body is given a statutory responsibility which it is required to perform in the public interest, then, in the absence of an implication to the contrary in the statute, it has standing to apply to the court for an injunction to prevent interference with its performance of its public responsibilities and the courts should grant such an application when ‘it appears to the court to be just and convenient to do so.’”

45. Turning to *Abbasi*, the Supreme Court held (para 75):

“a hospital authority (or other public authority) can apply to the court for an injunction to prevent conduct which interferes with its performance of its statutory functions, and that the court can grant an injunction where the circumstances make it just and convenient to do so (and, it is necessary to add, provided that the grant of an injunction is compatible with Convention rights, where those are engaged).”

Anti-social behaviour

46. An alternative basis for granting an injunction is provided by section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”). This statute empowers the court to grant an injunction to restrain anti-social behaviour, defined in section 2(1)(a) as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”. Section 5(1)(a) of the 2014 Act provides that an injunction under section 1 may be granted on the application of a local authority. While I have considered this basis for an injunction carefully, in the circumstances of this case, I

have been able to determine the claimant's applications without having to exercise the court's powers under this statute. I mention it for the sake of completeness.

Convention rights

47. In reaching a decision about whether it is just and convenient to grant such an order, the court must weigh any competing rights such as those arising under the ECHR. In my decision, I consider two of the rights that potentially are engaged: the right to freedom of expression under Article 10 and the right to freedom of peaceful assembly and association with others under Article 11.

48. Article 10 provides:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

49. Article 11 provides:

“1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, 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. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, the police or of the administration of the state.”

50. The Supreme Court set out the five steps in the assessment of the lawfulness of the interference with Convention rights in *DPP v Ziegler* [2022] AC 408, [2021] UKSC 23 (“*Ziegler*”) paras 16, 58. I detail these later, closer to my analysis.

OCC policy

51. The council has adopted several policies to comply with its statutory duties. For example, OCC's *Highways Structure Policy* states:

“The Council will carry out our statutory duties to ensure that outside parties do not damage our highway structures...which could compromise the safety of the public or unduly increase the costs of maintaining our assets.”

52. As part of its safe passage duty, the OCC's *Road Markings and Road Studs* policy states:

“The Council will provide or ensure provision of adequate and appropriate road markings to ensure safe passage to users of the highway network by giving clear direction and warning.”

53. I turn to the evidence filed by the claimant. It is convenient to divide it into two broad parts (1) general evidence; (2) evidence against the named defendants.

VII. Evidence: general

Ben Clark

54. Ben Clark is Chief Superintendent in the Thames Valley Police (“TVP”). His current role is as commander of the local command unit for the County of Oxfordshire. He began this in November 2024. His role entails commanding the day-to-day policing operations across the county.
55. He states that for over ten months RTCO members and RTC supporters have affixed flags to highway assets and infrastructure (including but not limited to lampposts, street signs, trees, barriers, and/or railings), marking road signs and obstructing the highway. Limited TVP resources are being directed to ensure community safety and cohesion as a result of unauthorised items being placed on council property.
56. Since August 2025, TVP has received 94 calls from the public about unauthorised placement of flags on highway assets across Oxfordshire. TVP has received frequent reports of incidents involving RTC and RTCO. The leaders of these groups are believed to be Ryan Bridge nationally and Ben Cullen locally. Superintendent Clark has received a number of communications from local councillors and residents voicing concerns around the impact of the activities of RTC and RTCO in creating fear and division in communities.
57. This number of calls for service has placed a considerable demand load on TVP because of the flag affixing activities. Each call has to be assessed in terms of threat, harm and risk in order to determine the most appropriate response. Whilst it is difficult to put a cost figure on this – the cost to policing of calls varies widely depending on the response – Home Office research into “cost per incident” from 2023 suggests that average and non-complex calls for service range between £250-£1280 per incident. Taking the

lower figure, this would suggest that the activities of RTC have cost TVP in Oxfordshire at least £23,500 and the true figure is likely to be higher.

58. The responsibility for prosecuting offences under section 132 of the HA 1980 rests with the relevant highway authority and thus OCC is best placed to manage this issue and this has been communicated to the council.
59. On 24 March 2026, there was an incident on Abingdon Road, the main arterial road leading into Oxford from the south. Following reports by members of the public, TVP was called to the scene and Ryan Bridge was arrested for two offences of causing harassment, alarm and distress (section 4a and section 5 of the Public Order Act 1986) and two offences of racially aggravated harassment in section 31 of the Crime and Disorder Act 1998. Ryan Bridge was subsequently interviewed and was released on conditional police bail pending further enquiries.
60. The summary of the allegations is that Ryan Bridge, together with others, had used a cherry-picker van to put up flags on lampposts along the Abingdon Road which leads into Oxford city centre. TVP received numerous calls about his behaviour towards people at the scene. Allegations were made by persons at the scene that Ryan Bridge was filming and pointing in their faces and shouting abuse – including comments which capable of being homophobic and racially-aggravated. Witnesses stated these include targeting a French man, an Italian woman, a Greek woman, and shouting ‘lesbian’ and ‘gay boy’ at two other members of the public. At the time of this judgment, this incident remains under investigation and no charges have (yet) been laid. Equally, should charges be brought, Ryan Bridge would be presumed innocent. These remain allegations.
61. On 15 April 2026, TVP was called to the scene outside a McDonalds in Benson, Oxfordshire, following a reported assault. The incident involved a security detail working on behalf OCC protecting workmen who were removing flags from highway assets owned and maintained by the council. TVP officers attended the scene and arrested Ben Cullen for physical assault. It was alleged that Ben Cullen assaulted a member of the council’s security team instructed to protect contractors and employees tasked with the removal of flags.
62. On taking a statement from the complainant, it was alleged that Ben Cullen had attempted to head-butt the complainant and additionally climbed onto a cherry picker being used by the contractors for removal. Additionally, footage from Ben Cullen’s personal Facebook account apparently shows Ben Cullen describing council workers engaged in removing flags as “fucking rats”. After investigation, the matter was concluded with no further action being taken. This was because the complainant withdrew his support for a prosecution after he was concerned that his personal details were released into the public domain.
63. As a result of all this, resources and finances that could be used for wider community safety and quality of life issues have been diverted from the police’s work to make the county a safer place to live for all members of the public.

Susanna Pressel

64. Susanna Pressel is an OCC councillor. She states that a comment she made in a private online briefing meeting for councillors was leaked to the RTCO Facebook page. She then received a lot of abusive emails which was very upsetting for her, her family and her friends. Some of the emails were threatening. She received the following emails on her official council email address:
- On 14 January 2026: “Pressel, if theses [sic] are your words then you are a disgrace and a low life oxygen thieving parasitic cowardly scumbag.”
 - On 16 January 2026: “Someone should lay in weight [sic] when your old ass is walking around and teach you a lesson. Go waste yourself you old bag.”
 - On 17 January 2026: “Just wanted to drop a word into your communist headspace. We all ‘SEE’ you!”
65. She received other emails of a similar nature insinuating she is a traitor to the British people. This has been incredibly upsetting for her and her family. Four unauthorised flags were then put up on lampposts in her small residential street. Her neighbours were incensed. This made her feel even more threatened because she had not realised that these people knew where she lived. For the first time in her life, she was worried about being alone in the house. She had to ask the police for help. They examined the emails and gave her a personal alarm.

Anthony Palman Brown

66. Anthony Palman Brown is employed by OCC as Team Leader of the Electrical Lighting Team.
67. He states that for over 10 months members of RTCO and RTC have affixed flags and other items to highway assets and infrastructure (including but not limited to lampposts, street signs, trees, barriers, and/or railings), marking road signs, and obstructing the highway. This in turn has had a significant impact on road safety and public safety, as well as community cohesion within Oxfordshire. Limited council resources continue to be directed to the safe removal of flags and other items, at preventing the obstruction of the highway, and remedying damage caused by members of RTCO and RTC.
68. RTC's stated aim is to promote national pride and patriotism. The council is not opposed to those aims and proudly includes national flags on council property. However, when individuals and groups with no authority, experience, or expertise use ladders and/or cherry picker vans, obstruct the highway and cause a nuisance to road users, pedestrians and communities across the county to place flags on lampposts and other assets, this becomes a public safety issue. OCC reached the view that it is necessary to intervene to safeguard road users (including those affixing the unauthorised items); to protect highway assets; and to prevent an inappropriate and inefficient use of finite resources in circumstances where local government funding is severely limited. The conduct of members of RTCO and RTC has wasted public resources and caused heightened community tensions in circumstances where those resources could be directed to addressing existing and potential issues affecting the highway or otherwise redirected to key priority services provided by the council.

69. The council has not granted permission to any individual or group to attach flags or other items to lamp columns or street furniture. Such unauthorised attachments may pose a risk to public safety; interfere with the electrical or structural integrity of the assets; result in hazards for maintenance operatives; impact on lighting levels on the public highway due to the unauthorised obstructions below the lanterns; breach highway legislation and council asset policies.
70. On Tuesday 31 March 2026 at 20:20 hours Anthony Palman Brown saw a live broadcast on RTC's Facebook channel. He witnessed an incident involving members of RTCO and RTC and the council's contracting team, VolkerHighways, who were working on Abingdon Road in Oxford. The VolkerHighways team experienced verbal abuse from RTCO and RTC members whilst they were trying to remove flags placed on highway assets. This escalated into an interference with their duties. Vehicles were used to block in the contractors' mobile elevated working platform, preventing them from continuing their work. RTCO, led by Ben Cullen, claimed they were protesting by standing next to the street lighting column and around the vehicle, which further restricted movement and prevented the removal of additional flags.

Thomas King

71. Thomas King works as a highway electrician for VolkerHighways, which is contracted by the council to maintain and repair the streetlighting.
72. He has had to interact with RTCO for a number of months following their activities in and around Oxfordshire. Their actions have caused him and his colleagues significant distress due to their hostile conduct. He is afraid to go to work, and the contractors have had to change their working practices. They are no longer able to work alone and now have to wear unbranded PPE and work in unbranded vehicles. The impact of RTCO's actions on him has been detrimental; his family and friends are concerned for his safety and wellbeing while trying to carry out his job.
73. When he and his colleague arrived back at the depot on Monday 13 April 2026, Ben Cullen was outside seeming in wait for them to arrive back. Ben Cullen then approached the van in a very hostile manner demanding his flags back and shouting abuse at him and his colleague while recording both of them. Ben Cullen put his phone up to both of their faces, calling them "fucking traitors". Ben Cullen then began demanding they open the van and give him his flags back. Thomas King explained they had not been taking flags down but doing streetlighting maintenance. He then showed him inside the back of the van. Ben Cullen went to his car, then ran back towards a work colleague (Keiran White: evidence below). Ben Cullen moved right into Keiran White's face, accusing him of calling his wife a "c*nt". His colleague had not said anything. Ben Cullen and his wife both then left in a grey Vauxhall car. Thomas King reported this to VolkerHighways management and to the council.

Keiran White

74. Keiran White is an electrical apprentice with VolkerHighways.
75. He states that he is afraid to go to work due to the hostile interactions with RTCO and this has had an adverse effect on his health and well-being. RTCO and Ben Cullen have been intimidating and threatening and have caused him distress and alarm.

76. When he and his colleague Thomas King arrived back at their yard on Monday 13 April 2026, Ben Cullen was outside seeming to wait for them to arrive back. He then approached the van in a very hostile manner demanding the return of his flags and shouting abuse at him and his colleague Thomas King while recording both of them and putting the phone up to both of their faces, calling them “fucking traitors”, demanding the return of his flags. Ben Cullen accused Keiran White of using an abusive word to his wife, when he had not said anything.

David Easton Jnr

77. David Easton is a project manager with VolkerHighways.
78. He has had to interact with RTCO for a number of months following their activities in and around Oxfordshire. Their actions have caused him and his colleagues significant distress due to the online activity (including posting material) where the RTCO leaders such as Ben Cullen and Trudy Wells post the address of his office and phone number online for all to see. These posts gathered comments of people looking to march on his office, block them in the depot and sarcastic remarks around vandalism of the depot. The worst post said:
- “An intimidating display would be hanging council workers from those same lamp posts. As a warning to anyone else who wants to commit treason in the country.”
79. Ben Cullen and Trudy Wells came to his depot to demand flags back and although that conversation was not threatening, it was intimidating. He is afraid to go to work and they have been forced to change their working practices to ensure the doors into the depot are locked and only accessible if escorted by a member of staff. The main car park gate now has to be locked at all times to ensure no entry by RTCO or their followers. They have to wear non-branded uniforms due to RTCO publishing their company name and information online and the ensuing negative publicity by the same. They are working in fear.
80. VolkerHighways has had to instruct its teams to work in pairs as staff members feel unsafe to work alone. This is causing them to have increased costs of doing their normal work as they are unable to achieve the same level of productivity. They now have to check vehicles daily for tracking tags. They have had one instance where Ben Cullen read out the full home address of a vehicle operative employed to remove flags. They have since found a tag which was dropped near the windscreen wipers of the vehicle that this operative takes home in the evening.
81. The company has had to instruct all operatives, traffic management staff and security staff on site to wear a face covering to hide their identity as whenever they are confronted by RTCO members they are usually broadcasting live or videoing to post on Facebook. These videos usually gather comments from people asking for the staff to be “named and shamed” and threatened in some way. All David Easton’s interactions with RTCO have been hostile. They have been intimidating, threatening and causing distress and alarm.

82. Posting the company office address online and informing RTCO's followers of the operational base in Oxfordshire resulted in concerning comments on the internet. The firm is unsure if the group is going to carry out their actions as they commented.
83. Ben Cullen and Trudy Wells turned up at their office demanding the return of flags. Ben Cullen was politely told that the firm did not hold the flags at their depot and he would need to contact OCC. After this conversation, Ben Cullen left the front door and two of their youngest staff members were confronted as they returned to the depot. Ben Cullen put his phone in their faces, intimidating them and making them show him the inside of their van to prove they did not have any flags.
84. He feels that RTCO has stepped up their flag affixing and it has got worse since the legal notice was issued. RTCO is showing blatant disregard for the notice. David Easton's fear is that unless RTCO is stopped by the police and courts, their behaviour will worsen and this will have an impact on communities as well as his team, council employees and other contractors trying to fulfil their duties.
85. The impact of RTCO's actions on David Easton has been detrimental for the following reasons. It has made him concerned that members of his staff, including himself, could be followed home or have trackers left on their cars leading them to their home address. It makes him consider what treatment he would get if they followed him home. He is a volunteer coach at a local football club. He had requested his business sponsor the kit of his son's football team. After their business was named online and negative and threatening comments made about his staff, he is hesitant about having the company logo on the kit while the children travel around Oxfordshire playing in tournaments and having friendly matches.

Kirk McLellan

86. Kirk McLellan is a highway electrician with VolkerHighways.
87. He states that he has had to change working practices and "de-brand" the company vans. Its teams now use PPE and work in pairs as a security measure. He is afraid to go to work. The impact of RTCO's actions on him has been detrimental as his daughter is of mixed-race origin and he does not want to attend work anymore. All his interactions with RTCO have been hostile. They have been intimidating and threatening and cause distress and alarm.
88. On 14 April 2026, he was spat at by an RTCO supporter. He was carrying out a supply check on a lamp column at the junction of Harvest Way/Jubilee Way in Witney around 06:40 hours. A dark car drove past him shouting "Volker highways are dirty fucking c*nts" and then spat towards him and carried on driving. He reported this to VolkerHighways management and the council.

Leigh Burgess

89. Leigh Burgess is a contracts manager at VolkerHighways.
90. She works as part of the senior management team which means she must ensure all her staff and sub-contractors are safe when carrying out their normal street lighting works

and when they instructed to remove unauthorised items such as flags from streeting lighting columns. This causes her significant additional stress and workload.

91. The additional stress impacts her sleep and blood pressure levels for which she is taking prescribed medication. To help protect her staff, they have been holding regular update briefings, talks and general catch ups to reassure them and one another. At the depot, additional security measures have been added. All depot gates are now locked day and night. Prior to this, they would have been open during the daytime to allow for deliveries. CCTV cameras have been installed. Some operatives who would have been engaged in lone working now have to work with a minimum of two persons per team. The impact of RTCO's actions on her has been detrimental as she is "only human" and takes some of the stress home. She is always checking her phone and emails for messages and incidents making it very hard to "switch off" and unwind from work. She is fearful of being followed home, tracked and exposed on social media without her consent.
92. On 13 April 2026, Ben Cullen called at the depot demanding his flags be returned. She explained their instruction from the council was to remove flags and give them to the council. She continued to explain that there were no flags at the site. Ben Cullen said they will have 20 people out tomorrow looking for their crews to stop them removing any more flags. A few minutes later, a two-person crew returned to the depot and was aggressively confronted by Ben Cullen and Trudy Wells while opening the depot gates.
93. In addition to the above incident, the following is a selection of some of the incidents she has encountered. Two subcontractor crews have had trackers placed on their work van and their home addresses located and repeated back to them by Ben Cullen following site altercations. Their crews have been stopped and obstructed while working on routine street lighting maintenance works and asked to return flags and stop taking them down. Members of the public have been shouting abuse at their staff. As a result of the cumulative impact of RTCO's actions, the council has employed security teams to accompany VolkerHighways and subcontractor crews during flag removal operations.
94. This has incurred a huge amount of management time and resources both by VolkerHighways and the council to ensure the safe management of flag removal. At present, this is often over 50 per cent of her team's working week.

Residents

95. I turn to evidence from local residents. The claimant applied for their names to be anonymised for their protection. The court granted the application. Gender neutral pronouns have been used.

Resident 1

96. Resident 1 works in the corporate sector and has lived in Oxfordshire for three decades.
97. They have witnessed much harassment and intimidation over the past few months associated with RTCO and their activities. They have been involved in several incidents

personally, and have raised their concerns with TVP. Most of their encounters with RTCO and Ben Cullen have been hostile.

98. On Tuesday 21 April 2026, they were coming home from the gym, walking along the high street near the Wallingford Museum. They saw Ben Cullen parked near the museum and recognised his car. He started to drive slowly in their direction. His hand was on the door, and he made a finger gun, pointed this towards them and tapped the side of his car using this sign moving his hand in an upward jerk to simulate recoil. They were in shock and could not say anything. He then accelerated away. They have reported this to the police and the police have discussed the matter with them. This encounter has shaken them, and they no longer feel safe in their neighbourhood.
99. Since the council issued their formal legal notice, RTCO and Ben Cullen seem to be more aggressive, confrontational and abusive towards residents and council employees and contractors. On 28 April 2026, they reviewed the RTCO Facebook page where the group and its supporters and sympathisers post their activities. A photograph of an unknown person removing flags from streetlights was posted on this page by a “Gilbert Rae”. Below this post, Ben Cullen confirms “I know where he lives and I will be going to his house after 5”.
100. They have continued to observe Ben Cullen and RTCO supporters place flags across Oxfordshire. On 6 May 2026, they took a photograph of Ben Cullen with an unknown male using a ladder to place flags on streetlights in Wallingford after the council had removed them. Whenever the council has removed flags, RTCO has returned to the same places to affix flags again. Similarly on 7 May 2026, they were sent photographs of Ben Cullen and an unknown male putting up flags and filming passersby in Wallingford.

Resident 2

101. Resident 2 works in financial services and has lived in Oxfordshire for two decades.
102. In the early hours of 28 November 2025, they woke up at 01:00 hours to the sound of a ladder. Checking the Ring doorbell camera, they saw Ben Cullen and another member of RTCO adding a flag to street furniture on XX Road.
103. Their road’s WhatsApp chat decided they did not want these flags and at 18:00 hours on 28 November 2025, a group of ten neighbours started to remove eight flags using a ladder. This was reported on Facebook and Ben Cullen turned up when they had two more flags left to remove. Ben Cullen threatened to push the resident’s partner off the ladder and alluded to being a violent criminal, speaking about serving 15 years in prison. He filmed them and posted them on his Facebook page. Their partner has reported the threatening behaviour to the police and they and other neighbours provided witness statements.
104. On 17 May 2026, they witnessed Ben Cullen and other members of RTCO replacing flags on street furniture in the High Street in Wallingford that the council had recently removed. They have also submitted the photos of this activity on FixMyStreet.

Resident 3

105. Resident 3 has worked in the corporate world and has lived in Oxfordshire for two decades.
106. At around 15:30 hours on Sunday 12 April 2026, they witnessed three individuals putting up flags on Didcot Station Road using a long ladder which the people had transported on their car.
107. Resident 3 witnessed the individuals put up flags on the property of Didcot Parkway Station as well as on lampposts on the highway, claiming when challenged that they had permission. They were aggressive and personally insulting, seeking to provoke them and others with them into direct conflict.

Resident 4

108. Resident 4 works in education and has lived in Oxfordshire for over a decade.
109. They were walking home from work on the evening of Tuesday 24 March 2026, and at about 18.40 hours they were on Folly Bridge. They saw a white Ford transit van with a cherry-picker platform parked on the zigzag lines by the pedestrian crossing. There was a man on the cherry-picker platform, apparently attaching a flag to the lamppost, and a group of men, in high-vis jackets by the van, with a driver and two women inside the van cabin. The group gave the impression that they were authorised highway workers as the van had “Highway Maintenance” markings on its rear. However, one of the men wore a mask. Most of them were wearing sweatshirts with RTC branding.
110. Resident 4 pointed out to the men standing on the pavement by the van and the driver that they were causing an obstruction and were parked illegally on zigzag lines. The resident asked them if they had authority to carry out what they were doing. The individuals repeatedly insisted they did have the authority, but after being asked failed to provide any documentation.
111. At some point in the conversation, the men were joined by another man, also in hi-vis and RTC branded clothing. He was in his 40s, white, about 5’7” with greying hair tied back in a ponytail/bundle and had a Midlands accent. They later learned that this man was Ryan Bridge. He thrust his phone camera at them, apparently filming the encounter. Ryan Bridge and the other men were intimidating towards them.
112. Resident 4 noticed that further down Abingdon Road was a TVP car with a couple of police officers. The officers insisted they could do nothing, as it was a civil matter.
113. Resident 4 is now concerned about their own personal safety. Friends and neighbours have been identified and doxed [public disclosure of identifiable personal information] by RTCO and its supporters, and subsequently received online abuse and threatening emails. Resident 4 is a single working parent to a teenage girl who has dual nationality.

Resident 5

114. Resident 5 works in the media and has lived in Oxfordshire for more than a decade.

115. For many months now they have been reporting instances of unauthorised flags on FixMyStreet and by emailing the leader of OCC. Initially the flags were at a few roundabouts and a few footbridges over main roads. But over the last few months the level of activity has stepped up considerably, and flags have begun appearing in many more locations in Oxford and other local towns and country roads.
116. The actions and conduct of RTCO members – with their persistent use of St George’s Cross and Union Jack flags on public property across the county – has caused Resident 5 and their family considerable distress. Wallingford has been “blanketed” with flags. From a safety perspective, the myriad flags can be extremely distracting while driving.

Resident 6

117. Resident 6 is retired and has lived in Oxfordshire for five decades.
118. Both Resident 6, and many other residents who are too frightened to come forward, have been aggressively harassed by Ben Cullen in the past when questioning his actions. Some of them have been filmed by him with videos posted online so that they can be mocked in an aggressive and sexualised manner.
119. They first became aware of the RTC movement in late 2025 and encountered Ben Cullen and his colleagues on 18 November 2025 when they were putting up flags in Wallingford. He was extremely aggressive when questioned and made sexual gestures while filming Resident 6.
120. They next encountered Ben Cullen with Kevin Good in Wallingford on 9 April 2026 shortly after some flags had been taken down. They were putting flags up again and informed Resident 6 that if they were taken down, they would be putting them back up again. This proved to be the case. The flags also cause distraction and hazard on the highways. After dark when there is wind blowing, they frequently cause a flickering effect detrimental to eyesight and road safety.

VIII. Evidence against named defendants

Ben Cullen

121. Ben Cullen is alleged to be a prominent member of the local RTC organisation, RTCO. He and his partner (sometimes said to be wife) Trudy Wells live together in Wallingford and are administrators (“admins”) of Facebook accounts on which activities around flag flying and affixing are promoted and publicised. The claimant has filed a substantial body of evidence that demonstrates Ben Cullen’s close involvement with flag-related activities around Oxfordshire. There is a recording of Ben Cullen outside the home of Councillor Susanna Pressel after she made comments about the affixing of flags prior to a county council meeting. Many examples exist of Ben Cullen’s overall involvement, including:
 - 6 January 2026, Ben Cullen posted a photograph of himself holding a flag outside County Hall with the caption: “Flying high outside OCC”.

- Ben Cullen's Instagram account has uploaded a recording in mp4 format dated 15 January 2026 depicting OCC contractors assigned to remove flags.
- On 24 January 2026, Trudy Wells posted a photograph of Ben Cullen and others using a ladder to place flags on highway assets with the caption "Benson, Kidlington, Chiltern and Wantage all flying high today".
- On 30 January 2026, Ben Cullen posted a photograph of multiple bags full of flags with the caption "Getting ready to smash Oxfordshire tomorrow".
- On 31 January 2026, Ben Cullen (with Kevin Good) is in a compilation of photographs of flying flags in Witney.
- On 2 February 2026, Ben Cullen posted a photograph of flags on the Green Road roundabout with the caption "First flags going up on greenroad roundabout today!"
- On 8 February 2026, Ben Cullen posted, "Due to the huge amount of potholes in Wallingford that the council seemingly have no intention of fixing, we have decided to paint them all with St George's crosses. (We might as well brighten them up whilst they are wrecking your cars!) If you could send me details of any potholes in the area and I will get on to them."
- On 12 February 2026, Ben Cullen posted a photograph of himself and Kevin Good with a Reform Party candidate holding a flag with the caption "What are the lefties going to do when Reform get in power".
- On 12 February 2026, Ben Cullen posted, "As we have so much love and support for the flags from all you amazing people in Didcot, we have decided to repay you by putting up an extra special display of flags. Weather permitting we will flag from The Mulberry all the way to the Aldi roundabout on Sunday. We will also finish Iffley roundabout. Hope you enjoy."
- On 15 February 2026, Ben Cullen posted a photograph of himself and unknown associates using ladders to place flags on highway assets with the caption "Broadway is flying high again! Ben, Kev and Jordan out today!"
- A Facebook video dated 18 March 2026 shows Ben Cullen and unknown associates in a cherry picker van inscribed, "Highway Maintenance". They wear high visibility jackets and untangle flags on a lamppost on a busy road.

- A Facebook video dated 19 March 2026 depicts eight flags on lampposts on a busy roundabout in Abingdon. Ben Cullen provides the voiceover.
- A recording on Facebook dated 23 March 2026 shows Ben Cullen placing a flag on a busy roundabout and four flags on lampposts.
- On 30 March 2026, Ben Cullen posted, “See you all at 11:30 to go and do are drive rounds! To catch the traitors taking the flags down”. A person comments on Ben Cullen’s post, “Council staff should be hanged.”
- On 1 April 2026, there is a Facebook post by Ben Cullen entitled, “we will [sic] taking someone with us tonight to lay under the council vans”. The comment from Ben Cullen says, “Flags up tonight”.
- On 4 April 2026, Ben Cullen posted, “I have been doing a lot of thinking recently and have come to the decision that I cannot monitor all our flag areas myself. I will now be monitoring Didcot, Abingdon, Crowmarsh, Wallingford, Benson, Sainsbury’s Oxford, Iffley and Green Road as this is my side of Oxford. If any of the flags in these areas get taken down then I will make sure they are back up in 48 hours”.
- On 5 April 2026, Ben Cullen posted a photograph of an elected council member (Councillor Pressel) commenting, “Hope they like the flags I put up in background”.
- On 15 April 2026, Ben Cullen was arrested on suspicion of assault by beating. TVP released the following statement, “At around 11am on Wednesday (15/4), we were called to an assault without injury incident in Oxford Road, Wallingford. A 45-year-old man, from Wallingford, has been arrested on suspicion of assault by beating. He has since been released on police bail...This incident occurred whilst flags were in the process of being removed from street furniture.” It is important to observe that an arrest is not a conviction.
- On 17, 18 and 21 April 2026 Ben Cullen posted flags being put up again in Wallingford, Didcot, Benson and Abingdon following removal.
- A Facebook post dated 19 April 2026 is of a video of Ben Cullen and Trudy Wells encountering OCC contractors at a busy roundabout. The traffic and the contractors are obstructed. The claimant submits that the encounter amounts to a confrontation and the harassment of the contractors. It is alleged that Ben Cullen verbally abuses the contractors.

- On 3 May 2026, Ben Cullen posted a video of himself on the RTCO Facebook channel. The video is entitled, “So the council have been taking our flags down again at two in the morning, all wearing masks...” The claimant alleges that the video shows Ben Cullen intimidating contractors. A strobe light is used by a RTCO supporter to obstruct the contractors’ view as they are driving on Saxton Road, Abingdon.
- On 14 May 2026, Ben Cullen was sent a letter before action by the claimant. Initially, he sought to change his role, attending RTCO actions but informing other people, contractors or the police, that he had the role of an “observer”. In a video on Facebook posted by Trudy Wells, she and Ben Cullen are alleged by the claimant to be obstructing contractors and stating “we know where you live”.
- On 15 May 2026, Trudy Wells posted on the RTC Facebook channel “Ben Cullen live now catching the council taking flags down at Green Road Roundabout”.
- On 16 May 2026, Ben Cullen asked supporters to notify him when flags had been removed.
- A video dated 18 May 2026 is said by the claimant to support the allegation that Ben Cullen obstructed and prevented OCC contractors from conducting duties. Ben Cullen claimed he is now an observer and auditor since he is not allowed to affix flags.
- On 20 May 2026, Ben Cullen is alleged to have harassed and intimidated OCC contractors.
- On 27 May 2026, an anonymous participant posted on the RTCO Facebook channel photographs of a new stock of flags with the caption: “half of the flags have arrived, the rest will arrive tomorrow. Ready for a big night replacing flags that were taken down whilst we were away, but we are back now and as relentless as ever to keep our country flying, so all flags taken down will be replaced the next day!” It is the claimant’s allegation that this was posted by Ben Cullen or Trudy Wells now seeking to disguise their participation.
- On 5 June 2026, Ben Cullen posted on the RTCO Facebook page using his own account: “Sorry we have not replaced the flags as of yet, but we have been having meetings and attending marches. We have now organised groups to go out hourly to catch the bike riding mask wearing group that are taking our flags. The flags will put back up this weekend and they will be monitored hourly.”

- On 7 June 2026, in a Facebook post Ben Cullen states that the roundabouts at Green Road and Wallingford will be “flagged”.

Trudy Wells

122. I deal next with the evidence filed by the claimant against Trudy Wells, Ben Cullen’s partner. The claimant has filed multiple videos and social media posts attesting to Trudy Wells’ involvement in the activities of RTCO. Her activities as admin of the Facebook account include encouraging others to affix flags and exhorting the naming and shaming of people who take a contrary view about flying flags on highway structures.

- There is a post dated 30 January 2026 by Trudy Wells on the Facebook channel showing flags being put up in Oxford.
- On 20 March 2026, Trudy Wells posted, “The flags have been taken down in 4 areas over the past few nights! We have enough flags to replace these, but supplies are starting to run low. If you would like to donate on our GoFundMe page, then please pm me and I will send you the link. From Saturday night every area that has flags will be monitored 24/7 so we can find out who are taking them and we WILL name and shame them! On Sunday the boys will be out in force putting the flags back up”.
- On 22 March 2026, Trudy Wells posted, “Almost all flags that were taken down have been replaced today. We haven’t quite finished due to work and family commitments but will be back out within next few days. We are trying to raise money to purchase a lot more flags, if you would like to donate then please PM me”.
- On 26 March 2026, Trudy Wells posted, “We will be going Live again tonight at multiple locations (depending on how many vans the council send out)”.
- Following the Council’s cease and desist letter of 30 March 2026, Trudy Wells posted on the RTC page on 2 April 2026, “Our devices for the flags work! We were alerted to them being moved today and we found the company taking them. The police arrived and made them give all our flags back, we then followed them back to their base in Abingdon”.
- A video dated 2 April 2026 depicts Trudy Wells following contractors to their base and retrieving removed flags.
- On 3 April 2026, Trudy Wells posted a photograph of flags returned from the council’s contractors with the caption, “These are all the flags we managed to get back from Volker. They will all be back up and more by the end of Monday”.

- A post by Trudy Wells dated 8 April 2026 is entitled, “latest shipment of flags has arrived”.
- On 9 April 2026, Trudy Wells posted a photograph of the RTC emblem with the caption, “All Wallingford flags will be back up tonight, Crowmarsh and Didcot will be fixed and anywhere else that needs fixing. Marathon flag flying session tonight. If they get taken down, we will be putting them back up.”
- On 11 April 2026, Trudy Wells posted a photograph captioned: “in Kingstanding today helping with the new roundabout. Will be going Live later”.
- On 13 April 2026, a supporter notified the RTCO Facebook channel that flags have been removed. Trudy Wells commented, “we are on our way”.
- On 23 April 2026, Trudy Wells posted a photograph captioned, “All flags on Hitchcock Way, Didcot will be tidied and replaced this week with Union Jacks”.
- On 10 May 2026, Trudy Wells posted a photograph captioned, “Green Road Roundabout will be flying high again tomorrow! They can take them down, but we will put them straight back up again”.
- On 14 May 2026, OCC sent a letter before action to Trudy Wells at the address she shares with Ben Cullen. Despite the letter, Trudy Wells continued to accompany Ben Cullen and others, seek donations for RTCO and provide updates to RTCO supporters on its social media channels.
- On 14 May 2026, Trudy Wells posted a compilation of photographs showing flags being replaced captioned, “You take them down, we put them and more straight back up again! If you taken any from our areas, Wallingford, Didcot, Green Road, Brightwell, Shillingford, Berinsfield, Benson, Crowmarsh, Abingdon and the roundabouts surrounding Wallingford, we will put them straight back up next day. Big thanks to Ryan and Billy of RTC.org for all of your help and support.” Ryan is Ryan Bridge, another named defendant. Billy Allison is also associated with the national RTC organisation.
- On 15 May 2026, Trudy Wells posted, “Ben Cullen live now catching the council taking flags down at Green Road Roundabout”.

123. Trudy Wells’ conduct after the first hearing on 23 June 2026 will be detailed later.

Kevin Good

124. Kevin Good is a high-profile member of RTCO. There are similarly multiple videos, posts, statements and other forms of evidence confirming Kevin Good's involvement in and facilitation of the activities of RTCO. His involvement includes but is not limited to unauthorised placement of items on highway assets without the highway authority's consent.

- In a Facebook post dated 9 October 2025, Kevin Good is depicted replacing flags on a carriageway bridge.
- On 22 December 2025, Kevin Good stated, "Help raise £1000 to be able to purchase flags to raise in the community of Oxfordshire, to show our Patriotism. – JustGiving Crowdfunding."
- On 4 January 2026, Kevin Good posted, "Hi if any1 see any1 pulling down flags or flag area down, put on this post. Pics nd vids of them would help more to shame nd identify them. Thank u."
- A Facebook video dated 15 January 2026 shows Kevin Good placing flags on a lamppost.
- On 8 February 2026, Kevin Good posted images and videos of himself placing flags on highway assets with the caption, "witney beautifully flying".
- On 15 February 2026, Kevin Good posted a photograph of himself and Ben Cullen holding a "United the Kingdom" flag with the caption, "Too wet today, no flags going up again. Good coffee with good company"
- A Facebook video dated 21 March 2026 shows Kevin Good attaching a flag to a bridge of a busy dual carriageway.
- A Facebook video recording by Kevin Good dated 22 March 2026 is captioned "Wolvercote back up" and shows flags attached to flagpoles on a busy roundabout. A similar video by Kevin Good of the same date is entitled, "Witney/Duckington back up". It depicts eight flags affixed to lampposts around a roundabout near a hotel.
- On 23 March 2026, Kevin Good posted photographs of himself on ladders placing flags on highway assets with the caption, "Witney, cutteslowe, wolvercote, carterton back up. 7 roundabouts 1day".
- On 30 March 2026, OCC sent a cease and desist letter naming Kevin Good.

- On 1 April 2026, Kevin Good posted photographs showing flags back up at the bottom of Corn Street in Witney. Kevin Good posts a video entitled, “bottom corn st back up”.
- On 14 May 2026, the claimant sent a letter before action to Kevin Good.

125. Kevin Good’s conduct after 23 June 2026 will be detailed later.

Ryan Bridge

126. Ryan Bridge is a co-founder of the RTC national group.

127. Ryan Bridge played a prominent role in the flag activity on Abingdon Road on 24 March 2026. This event led to confrontations between those affixing flags and members of the public. Ryan Bridge was subsequently arrested by TVP. The police’s statement was as follows:

“Last week, Thames Valley Police launched an investigation following reports of incidents of public order offences on Abingdon Road, Oxford. Officers are investigating those public order offences and have arrested a 44-year-old man from Bromsgrove, Worcestershire on suspicion of causing racially and religiously aggravated harassment, alarm or distress. He has been released on police bail.”

128. Once more, it is essential to note that an arrest is not a conviction. Ryan Bridge’s further activity includes:

- In a Facebook post dated 25 March 2026, Ryan Bridge is depicted in an encounter with a cyclist and a passerby while attaching flags in Oxfordshire.
- A Facebook post dated 26 March 2026 depicts Ryan Bridge in a high visibility jacket attaching flags and interacting with members of the public.
- A Facebook post dated 1 April 2026 depicts Ryan Bridge in a cherry picker van putting up flags in Oxford. He interacts with local residents as part of a live stream of the action.
- A Facebook post dated 3 April 2026 depicts Ryan Bridge interacting with a member of the public who objects to the affixing of flags. He appears to touch the objector.
- In a Facebook post dated 8 April 2026, Ryan Bridge and others affix flags in Oxford. Ryan Bridge puts up a flag near the ice rink.
- On 14 May 2026, the claimant sent a letter before action to Ryan Bridge. The letter was publicised by Ryan Bridge during a Facebook live session on the RTC channel on 18 May 2026,

followed by a plea for donations to RTC. Ryan Bridge has subsequently referred to the correspondence in media appearances.

- In a Facebook post dated 6 June 2026, Ryan Bridge states that Ben Cullen is out “flagging”.

129. Ryan Bridge attended the return date and was clear about distancing himself and RTC from Ben Cullen.

IX. Precis of applicable law

130. I next provide a precis of the law as I understand it, the contents of which I will apply, involving as it does equity and common law, statutory provision and judge-made precedent.

The highway authority

1. A highway’s essential characteristic at common law is a way, following a defined route, over which all the King’s subjects (i.e. the public at large) have a right to pass freely (*R v McCafferty & Ors.* [2026] UKSC 20, para 31).
2. Every highway maintainable at public expense vests in the relevant highway authority, whether the Minister, county council or other (section 263, HA 1980).
3. A county council (or metropolitan district) acts as the highway authority for all the highways in the county, subject to express statutory exception (section 1(2), Highways Act 1980 (“HA 1980”)).
4. The highway authority has a duty to maintain the highway (section 41, HA 1980).
5. The highway authority has a duty to assert and protect the rights of the public to use and enjoy the highway (section 130(1), HA 1980).
6. The highway authority may remove any flag or marking on the highway affixed or painted without consent, authorisation of enactment or reasonable excuse (section 132(2), HA 1980).
7. It is no reasonable excuse for a person to mistakenly believe that there is a right to affix flags to publicly owned highway structures or to paint the highway (*Cambridgeshire and Isle of Ely County Council v Rust* [1972] 2 QB 426).

Offences

8. A person who without the highway authority’s consent (or authorisation of enactment or reasonable excuse) paints a flag on the highway or affixes a flag to any structure in a highway is guilty of a criminal offence (section 132(1), HA 1980), with a maximum penalty of fine not exceeding £2500 (a Level 4 fine).

9. A person who intends to encourage or assist the commission of an offence under section 132(1), HA 1980 commits a separate criminal offence (section 44, Serious Crime Act 2007).
10. A person who wilfully obstructs any person (whether employed or contracted by the highway authority) acting in the execution of the highway authority's duties and powers under the HA 1980 is guilty of a criminal offence and liable to a fine not exceeding £200 (Level 1 fine); if the offence is continued after conviction, that person is guilty of a further offence and liable to a fine not exceeding £5 for each day on which the offence is continued.

Enforcement

11. Where a local authority considers it expedient for the promotion or protection of the interests of the inhabitants of its area, it may prosecute in any legal proceedings or institute civil proceedings in its own name (section 222(1), Local Government Act 1972).
12. Alternatively, a county council may in performance of its functions under the HA 1980 institute legal proceedings in its own name and generally take such steps as it deems expedient (section 130(5), HA 1980).
13. One of the steps a highway authority may take is to apply to the High Court for an injunction to prevent conduct that interferes with its statutory functions (*Abbasi v Newcastle Upon Tyne NHS Trust* [2026] AC 63, para 75 (“*Abbasi*”)); this may include preventing unlawful interference with the highway.
14. If a court grants an injunction that prohibits conduct capable of causing nuisance or annoyance to a person, it may attach a power of arrest if the court thinks that either (a) the conduct includes the use or threatened use of violence; or (b) there is the significant risk of harm to the adversely affected person mentioned (section 27, Police and Justice Act 2006).

Injunctions

15. Section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 empowers the court to grant an injunction to restrain anti-social behaviour, defined in section 2(1)(a) as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”. Section 5 provides that a local authority may so apply.
16. The applications for interim injunctions are determined using the standard three questions identified in *American Cyanamid Co v Ethicon (No.1)* [1975] AC 396 (serious issue to be tried, damages adequate remedy, balance of convenience).
17. The considerations for grant of an injunction against persons unknown (a “newcomer” injunction) are those enunciated by the Supreme Court in *Wolverhampton City Council v London Gypsies and Travellers* [2024] AC 983 (“*Wolverhampton*”), including requiring a “compelling need” to be established by

evidence for the protection of civil rights, that is, rights under the civil law (paras 167(i), 218).

18. In deciding whether to grant a final injunction, particularly against persons unknown, the court may have regard to a range of factors to determine whether the criteria under section 37 of the Senior Courts Act 1981 are met and it is just and convenient to grant the injunction (*Valero Energy Ltd v PU* [2024] EWHC 134 (KB) (“*Valero*”); *Shell v Persons Unknown* [2024] EWHC 3130 (KB), [2025] PTSR 1213, para 59).
19. As injunctions are equitable in origin and remain so despite statutory confirmation (most recently by section 37(1), Senior Courts Act 1981 (*Wolverhampton*, para 17)). As the point of equity is to do justice between the parties, the remedy is highly fact-specific.
20. Further, as a court of inherent jurisdiction, the High Court possesses the power, and bears the responsibility, to act to maintain the rule of law (*Wolverhampton*, para 18).
21. The categories of equity are not closed and equity can adapt to provide a remedy for a violation or threatened violation of rights to protect those who enjoy the rights against those who would infringe them. It has often been recognised that the width and flexibility of the equitable jurisdiction to issue injunctions are not to be cut down by categorisations based on previous practice (*Wolverhampton*, para 21).
22. In particular, where public authorities acting as the highway authority seek to enforce obedience to the public law and therefore apply for injunctions in the public interest, identifying a cause of action is less necessary (*Wolverhampton*, paras 43-45).

Interference with rights under the European Convention on Human Rights (“ECHR”)

23. While the court may grant an injunction where it is just and convenient to do so, this is provided the grant is compatible with any engaged ECHR (“Convention”) rights (*Abbasi*, *ibid.*).
24. Where Convention rights such as Article 10 (right to freedom of expression) and/or Article 11 (right to peaceful assembly and association) are engaged and potentially interfered with, the court will consider the questions set out in *DPP v Ziegler* [2022] AC 408, (“*Ziegler*”), para 58. Adapted for the purposes of the instant situation, the key questions are:

(1) Is what the defendant did in exercise of one of the rights in articles 10 or 11?

(2) If so, is there an interference by a public authority with that right?

(3) If there is an interference, is it “prescribed by law”?

(4) If so, is the interference in pursuit of a legitimate aim as set out the qualifications to the rights (para 2, article 10; para 2, article 11) such as the protection of the rights of others to use and enjoy the highway or the prevention of disorder?

(5) If so, is the interference “necessary in a democratic society” to achieve that legitimate aim, which requires an assessment of proportionality.

25. To determine the final *Ziegler* question, the court will ask itself the questions set out by Lady Hale in *R (Tigere) v Secretary of State for Business, Innovation and Skills* [2015] UKSC 57 (“*Tigere*”), para 33, which in turn lean on the well-known proportionality test in *Bank Mellat v Her Majesty’s Treasury No. 2* [2014] AC 700, [2013] UKSC 39 (“*Bank Mellat*”), para 74:

- “a. does the measure have a legitimate aim;
- b. is the measure rationally connected to that aim;
- c. could a less intrusive measure have been used; and
- d. bearing in mind the severity of the consequences, the importance of the aim and the extent to which the measure will contribute to that aim, has a fair balance been struck between the rights of the individual and the interests of the community?”

26. It is for the party seeking the measure that interferes with Convention rights to establish each of the *Tigere/Bank Mellat* questions.

Protest and trespass

- 27. The public has a primary right to pass and repass along the highway, including the right to reasonable use (*Director of Public Prosecutions v Jones* [1999] 2 AC 240 (“*Jones*”), 254G-255A, per Lord Irvine; see also *Ziegler*).
- 28. Peaceful protest falls within the scope of the fundamental rights of free speech and freedom of assembly guaranteed by articles 10(1) and 11(1) (*Cuciurean v Secretary of State for Transport* [2021] EWCA Civil 357, para 9(1)).
- 29. There is a public right, which is not unfettered, of peaceful protest on the highway (*Jones*, per Lord Irvine, 257D).
- 30. As qualified rights, articles 10 and 11 are subject to limitations or restrictions which are prescribed by law and necessary in a

democratic society. Those limitations and restrictions include the law of trespass (*DPP v Cuciurean* [2022] QB 888 (“*Cuciurean*”), para 46).

31. Against this, property rights might have to yield to articles 10 and 11 if, for example, a law governing the exercise of those rights and use of land were to destroy the essence of the freedom to protest (including the freedom of expression). However, that would be an extreme situation (*Cuciurean*, para 46, per Lord Burnett CJ).
32. Since the highway authority has vested in it by statute the right to possession of the highway (section 263, HA 1980) and a duty to assert and protect the rights of the public to use and enjoy the highway (section 130(1), HA 1980), the highway authority’s rights must be balanced against the rights of the individuals to protest or exercise their right to freedom of expression.
33. It will be a fact-specific assessment for the court adopting the five questions in *Ziegler* (para 58) with the fifth step approached using the recognised proportionality analysis in *Bank Mellat* (para 74) and *Tigere* (para 33).
34. Since the highway authority has vested proprietary rights in the highway and highway structures, unreasonable use by persons without consent or authority may amount to trespass.
35. There is no inherent right to affix flags to highway structures or to mark the highway with flags without consent or lawful authority, indeed, subject to the reasonable excuse qualification to the statutory offence under section 132(1) of the HA 1980 and engaged Convention rights, such acts prima facie constitute criminal offences.
36. Equally, individuals have no inherent right to access or interfere with highway structures such as lampposts and lighting columns to affix flags; this may amount to trespass, the law of which gives effect to a protected civil right.

131. Having full regard to these principles, I next consider the application for an injunction against persons unknown.

X. Issue 1: persons unknown

132. I examine the merits of the claimant’s application by considering the 15 factors helpfully identified by Ritchie J in *Valero*, which drew on the Supreme Court’s decision in *Wolverhampton*. I emphasise that I do not regard these factors as a prescriptive test, but relevant matters for consideration when the court determines whether to exercise its equitable discretion.

(1) Identified cause of action

133. While the claimant identifies trespass as a civil cause of action as one basis for applying for injunctions, OCC has the status of a highway authority. As such, there is a range of further statutory provisions and duties that arise. Where a highway authority seeks to

enforce compliance with the public law, there is less need for a cause of action (*Wolverhampton*, paras 43-45). The injunction is applied for in the public interest. There is invariably a high public interest in ensuring the public law is observed and this court has a duty as part of its jurisdiction to promote the rule of law. Where there is, as here, widespread and repeated *prima facie* breaches of the criminal law contrary to the HA 1980, there is a clear public interest in the highway authority applying for an injunction. However, the statutory offences under the HA 1980, while not identical to public order offences under the Public Order Act 1986, are conceptually similar. In that sense, the words of Lady Arden in *Ziegler* (para 92) are important:

“The Human Rights Act 1998 has had a substantial effect on public order offences and made it important not to approach them with any preconception as to what is or is not lawful.”

134. The statutory offence under section 132(1) contains a “reasonable excuse” exception. Issues of reasonableness and the effect of engaged Convention rights must be carefully considered, which I do below. Furthermore, the Supreme Court in *Abbasi* confirmed the *Broadmoor* jurisdiction that permits public authorities to take steps, which may include applying for an injunction to prevent conduct that interferes with its statutory functions. The highway authority has a duty to maintain the highway and to protect the rights of general public to use and enjoy the highway without undue hindrance.

(2) Full and frank disclosure

135. I am satisfied that the claimant has been meticulous in its disclosure duties. The court has been supplied with a mass of material and OCC has updated the court and filed additional material as it became available and relevant. I have carefully considered the statement of Paul Fermer, Director of Environment and Highways at OCC and the statements of the claimant’s solicitor Ms Basbaydar. If I may say so, Ms Basbaydar has been particularly attentive to detail and diligent. While I accept the submission made by the claimant that an injunction sought against persons unknown makes it “inherently difficult” to place before the court “facts and matters which might support the actions of unknown persons”, I do regard the claimant in a without notice application such as this as having not only a duty of full and frank disclosure but of fair presentation, as outlined by Carr J (as she then was) in the list of propositions in *Tugushev v Orlov (No 2)* [2019] EWHC 2031 (Comm) (“*Tugushev*”) at paras 7-8. Carr J said at proposition (iii):

“Full disclosure must be linked with fair presentation. The judge must be able to have complete confidence in the thoroughness and objectivity of those presenting the case for the applicant. Thus, for example, it is not sufficient merely to exhibit numerous documents.”

136. The duty extends to addressing “any likely defences” (proposition (iv)), but it is certainly no part of the presentation duty to place before the court every conceivable argument that may be advanced however theoretical, unlikely or unmeritorious. This is evident from what Carr J said at proposition (v):

“The duty requires an applicant to make the court aware of the issues likely to arise and the possible difficulties in the claim, but

need not extend to a detailed analysis of every possible point which may arise.”

137. However, there must be a conscientious attempt to identify clear, obvious and viable arguments so the court may assess them. As to this duty, I am satisfied that the claimant has fairly placed before the court the primary arguments that may have arisen if the unknown individuals were present. I consider the possible objections to the injunction and general defences shortly.

(3) Sufficient evidence to prove the claim

138. The claimant has filed a substantial body of evidence detailing the activities of the named defendants and persons unknown. It is for conventionally understood reasons (*Swain v Hillman* [2001] 1 All ER 91, 95B) not appropriate to hold a “mini-trial”. One named defendant Ryan Bridge accepts that he was involved on two occasions in affixing flags in Oxfordshire. The evidence against the other three named defendants details their involvement in different ways in affixing flags or encouraging the activity. There is powerfully graphic video evidence. Particularly in Ben Cullen’s case, there is evidence of his obstructing and interfering with the claimant’s attempts to remove flags. The claimant has, I judge, a strong case against each named defendant of being involved in what is *prima facie* unlawful activity. It comfortably exceeds the modest realistic prospect of success threshold. The evidence filed also establishes several unknown people involved in the *prima facie* unlawful affixing of flags.

(4) No realistic defence

139. Ryan Bridge has filed an acknowledgement of service. None of the other three named defendants has. No named defendant has filed a defence. None of them has sought a trial to contest the evidence filed by the claimant. Notwithstanding this lack of or limited engagement, the claimant sought to identify possible defences and arguments in compliance with its duty of fair presentation. This is the responsible way to proceed. Nevertheless, I respectfully concur with Coulson LJ’s observation in *London Borough of Bromley v Persons Unknown* [2020] All ER 114, [2020] EWCA Civil 12, para 2, that “in an adversarial system, there can be no substitute for reasoned submissions from those against whom an injunction is directed.” In the absence of formulated submissions, the court has done the best it can to identify and examine the obvious main lines of defence.
140. It is no defence for the defendants to labour under a mistake of law that affixing flags or marking the highway is lawful, with that mistake amounting to a “reasonable excuse” under section 132(1) of the HA 1980. In *Cambridgeshire and Isle of Ely County Council v Rust* [1972] 2 QB 426, the Divisional Court examined the question of such mistakes of law. A trader set up a stall in a layby on the A47 trunk road. He took the steps of asking officials whether it was permitted and was never told that it was not. However, he was never granted a licence to trade on the highway. After several years, an information was laid against him alleging that he acted contrary to section 127 of the Highway Act 1959. Lord Widgery CJ said at 434B:

“I do not believe at any time one can have lawful excuse for conduct because one is mistaken as to the law; everyone is supposed to know the law.”

141. Therefore, it would be no realistic defence to assert that the individual believed it was lawful to affix flags to highway structures. But that leaves open the question of reasonable excuse under section 132(1) by relying on Convention rights. This requires a *Ziegler* analysis. The question is ultimately one of proportionality and the fair balance between competing rights: OCC's proprietary rights and statutory functions and any claims of freedom of expression and possibly protest and assembly. As for protest, in the absence of any filed defence, the nature of the protest remains unclear. In the filed evidence, and in particular in the video footage, claims are made by named defendants that the affixing of flags is an expression of patriotism and a celebration of Englishness. As Mr Fermer explains in his evidence, the claimant does not dispute that public expressions of patriotism are legitimate, and this could hardly be disputed. The question is how and when the expressions are made. By affixing flags to highway structures without consent or lawful authorisation, individuals are *prima facie* committing a criminal offence. This is a significant factor in the fair balance evaluation. The affixing is also, for reasons explained, likely to amount to trespass contrary to the claimant's vested proprietary rights. If the animating idea is to express patriotism, one must consider alternative avenues for such expression. Union Flags and Flags of St George can be, within the rules, flown on private property. There is clear and detailed governmental guidance about this that is easily accessible on the internet in seconds. As Lord Burnett CJ said in *DPP v Cuciurean* (paras 45-46), the bar or prohibition sought would have to "destroy the essence of those rights" and the "essence of freedoms of expression and assembly would [have to] be destroyed". I cannot see how this is realistically the case. The answer lies in Lord Burnett's concluding sentence in para 46, that "Legitimate protest can take many other forms". Similarly, patriotism can be expressed in many other ways than trespassing and committing criminal offences and particularly, as the filed evidence reveals, where the road safety of the public is or may be jeopardised.
142. I should add that in respect of equitable remedy, I have considered the question of laches (see the foundational expression of the doctrine in *Lindsay Petroleum Company v Hurd* (1874) LR 5 PC 221). Laches is the equitable doctrine of unreasonable delay that may disentitle the claimant from a favourable exercise of the court's discretion. The affixing of flags began in Oxfordshire in August 2025. However, OCC tried to deal with the unauthorised and non-consensual affixing and marking by removal. This failed as the conduct continued persistently. OCC attempted to resolve the matter by way of legal notice and then LBA. Once more, these steps failed. I judge that the delay between the beginning of the flag-flying campaign and the application for equitable relief is not of a scale to forfeit relief. The steps the claimant took to avoid a formal application in court appear proportionate to me and it reached a point where the intervention of the court became necessary.

(5) Compelling justification (Wolverhampton)

(6) Ziegler balancing exercise

143. I take factors (5) and (6) together. Turning to the five questions identified in *Ziegler*, they are capable of being answered in short order. First, I proceed on the basis that the article 10 and 11 Convention rights of the named defendants and persons unknown are engaged. Second, there is a proposed interference with those rights by a public authority. Third, the interference is prescribed by law, falling under the statutory functions of the claimant as highway authority and the civil law of trespass. Fourth, the

claimant pursues a legitimate aim for the purposes of the paragraph 2 qualifications of each of articles 10 and 11: the protection of the right of members of the general public to access, use and enjoy the highway and the protection of the highway authority's vested proprietary rights. That leaves the fifth question, the proportionality analysis: whether the interference is necessary in a democratic society to achieve that legitimate aim. This necessitates consideration of the *Tigere/Bank Mellat* questions.

144. First, the “measure”, the injunction applied for, has a legitimate aim: to prevent further breaches of the public and civil law and this is sufficiently important to justify interference with a fundamental right. Second, the injunction is rationally connected to that aim in that it makes it more likely, given the consequences of breaching the injunction, that breaches of the public law will be prevented. Third, less intrusive means could not be used as prosecuting individuals for offences under the HA 1980 is retrospective, with sanction limited to relatively modest financial penalty, and do little to operate prospectively to deter future breach of the law. The claimant submits that the “limited fines” available to a court under the relevant provisions of the HA 1980 is unlikely to deter those intent on affixing flags. I agree. This leaves the fourth question, that of fair balance.
145. The Supreme Court explained in *Wolverhampton*, in a vivid reflection of the seriousness of the step of granting an injunction against persons unknown and thus effectively against the world, that there must be more than is usually required for such discretionary relief, and a “compelling justification” is needed. Lord Reid, Lord Briggs and Lord Kitchen, with whom Lord Hodge and Lord Emlyn-Jones agreed, explained at para 218 that the claimant:

“must satisfy the court by full and detailed evidence that there is a compelling justification for the order sought (see para 167(i) above). There must be a strong probability that a tort or breach of planning control or other aspect of public law is to be committed and that this will cause real harm. Further, the threat must be real and imminent.”

146. The court had said at para 167(i):

“(i) There is a compelling need, sufficiently demonstrated by the evidence, for the protection of civil rights (or, as the case may be, the enforcement of planning control, the prevention of anti-social behaviour, or such other statutory objective as may be relied upon) in the locality which is not adequately met by any other measures available to the applicant local authorities (including the making of byelaws). This is a condition which would need to be met on the particular facts about unlawful ... activity within the applicant local authority's boundaries.”

147. I am satisfied on the evidence that prosecuting identified individuals under section 132(1) will not provide sufficient relief to the claimant and is unlikely to have sufficient deterrent effect given the persistency and determination of their conduct. The maximum fine is £2500. There is no prospect of a custodial sentence. The affixing of flags and the painting of insignia on the highway has continued consistently and persistently since August 2025. There is little prospect absent an injunction that it will stop. A county

council is therefore faced with pervasive prima facie illegality with the remedy under the common law proving insufficient to meet the threat. This is the historic function of equity. An injunction as an equitable remedy exists to provide a remedy for a right. Here there is a combination of OCC's proprietary rights vested by Parliament in it under statute as highway authority and the claimant's duty to protect the rights of the general public to access the highway and the duty of the highway authority to maintain the highway appropriately for such public use. I judge that this is a vital combination. There is a compelling need for equitable relief by way of injunction. The force that such an equitable remedy provides is that a breach of an injunction may result in seizure of assets, unlimited fine and imprisonment. This provides an effective remedy where common law measures are insufficient. The injunction will assist in not just protecting the claimant's "civil rights" (that is, rights under civil law), but also will assist in preventing unlawful interference with its statutory functions and duties such as its duty as highway authority to maintain the highway, including by removing flags and other materials that have been affixed without consent or lawful authorisation.

148. Even if an injunction has not been granted previously to prevent interference with statutory functions in this way, it seems to me that this presents no objection of principle as the categories of equity are not closed. The court's equitable discretion remains flexible. The point is to do justice between the parties. I judge that justice is best done by granting injunctions to prevent named individuals or persons unknown from affixing flags or marking the highway similarly, obstructing the claimant's employees or the claimant's contractors from removing unlawful material or markings, and harassing both categories of people engaged in removing unlawfully affixed material or markings.
149. As a cross-check, I have considered the approach of the Court of Appeal in the Occupy Now case (*City of London Corporation v Samede* [2012] PTSR 1624). This case involved a claim for possession and an injunction in relation to a protest camp set up in the churchyard of St Paul's Cathedral. Lord Neuberger MR giving the judgment of the court, identified relevant factors in the balancing exercise. He said at para 39:
- "those factors include (but are not limited to) the extent to which the continuation of the protest would breach domestic law, the importance of the precise location to the protesters, the duration of the protest, the degree to which the protesters occupy the land, and the extent of the actual interference the protest causes to the rights of others, including the property rights of the owners of the land, and the rights of any members of the public."
150. The continuation of affixing flags would unquestionably breach the domestic law. The importance of the location to the "protesters" (affixers of flags) is that they will be prominently displayed and visible on public highways. Moreover, such public flying of flags creates clear risks to road safety, as attested to both by the police, the council and residents, and can be distracting to users of the highway. The affixing of flags is an interference with the proprietary rights of the claimant, a trespass, and prima facie a criminal offence created by Parliament directed at the safe regulation of the highway.
151. I conclude that the factors in favour of granting the injunctive relief sought by the claimant significantly outweigh the factors against. The balance falls decisively in favour of granting the injunction against persons unknown with the necessary

safeguards built in to ensure that on proper application this exercise of the court's equitable discretion can be meaningfully reviewed.

(7) Damages not adequate remedy

152. This question raises an elementary question about the necessity of equitable relief. If common law damages were adequate, a remedy in equity would be unnecessary. Here, however, damages would be inadequate since the claimant is primarily seeking relief to prevent future breaches of the public law.
153. There is a line of cases where public authorities have brought proceedings in their own name under section 222 of the Local Government Act 1972. In *Stoke-on-Trent City Council v B&Q (Retail) Limited* [1984] AC 754, the local authority sought an injunction to enforce Sunday trading laws due to the sanction of financial penalties under the Shops Act 1950 being inadequate to deter breaches of the public law. As Bingham LJ (as he then was) said in *City of London Corporation v Bovis Construction Limited* [1992] All ER 697, 714H-J the essential foundation of the court's exercise of discretion is not that the offender deliberately and flagrantly flouted the law but that the court can infer that the defendant's unlawful behaviour will continue "unless and restrained by the law and that nothing short of an injunction will be effective to restrain them".
154. In the instant case, there is a substantial body of evidence that indicates that aside from the named defendants there are associates of theirs engaged in the affixing of flags and the other activities the claimant seeks to restrain. I have little doubt that without an injunction such modest financial penalties as exist under the HA 1980 will be ineffective.
155. I also have regard to the further updating evidence filed by the claimant for the return date hearing. Ms Basbaydar's statement dated 7 July 2026 attests to further concerning activity around the affixing of flags. On 1 July 2026, the claimant's contractors attempted to remove flags on Saxton Road and an unknown person obstructed them.
156. Two days after giving an undertaking to the court, Ben Cullen contacted the leader of OCC on Facebook on 25 June 2026 in the following terms:
- "We are going to fight it all the way now as we have been given the financial backing and the best legal team free of charge And we never had enough [time] to get legal help and u will not be happy when you see who is backing us We win this case watch And I think we can get a petition with millions to back it With just are groups we have over a million followers and that's including Tommy [Robinson] and people like that with there [sic] followers".
157. One of the residents whose evidence has been detailed in anonymous form above provided further evidence that Ben Cullen was affixing flags again on 27 June 2026. When he saw the resident had observed him, he spread his arms wide interpreted by the witness as "come on then".
158. A Facebook group named Patriotic Oxfordshire is now promoting various activities in Oxfordshire, including the placement of flags on highway structures. This group was

created on 11 June 2026 and was previously named RTCO. The administrators of this group are Ben Cullen, Trudy Wells, Timothy Campbell and a Tagg Thb.

159. On 26 June 2026, the Tagg Thb account posted, “When the flags come down they will be going back up again no face no case! This is England not a foreign country! We will be relentless like Ben was!!!”. This is likely a reference to Ben Cullen.
160. On 28 June 2026, Trudy Wells posted photographs of Ben Cullen on the Patriotic Oxfordshire Facebook group placing flags on highway structures using tall ladders captioned: “In Cambridge today with Flagman UK and Charlie Baker”. This act is contrary to the comment Trudy Wells made in court at the 23 June hearing that she wanted to have nothing more to do with flags in the future. The comments about this post read as follows:

Kevin Good, “Up the flags.from poole to Southampton not 1 in sight”

Ben Cullen, “that is happening” in response to a member comment: “Really stupid but funny idea, put a bunch of flags just outside Oxfordshire borders, so its not technically in Oxfordshire but you can still see them.”

161. On 30 June 2026, the Tagg Thb account posted, “All flags will be going back up in and around Wallingford! You take the down we put them back up! Everyone watch out for 23 Croft Road as he likes to take photos of people putting them up and he takes the flags down in the night”.

(8) Identifying persons unknown

162. The draft injunction carefully identifies individuals who would fall into the category of persons unknown by detailing the offending conduct in plain language rather than esoteric or technical legal terms and with clear ascertainable geographical boundary limits.

(9) Injunction terms

163. The draft injunction is clear about the prohibited conduct. It does not seek to prohibit lawful conduct but seeks to restrain breaches of the public and civil law.

(10) Alignment between prohibitions and wrongs claimed or feared

164. There is no question but that the injunction terms mirror the feared future breaches of the public.

(11) Clear geographical boundaries

165. The injunction is strictly confined to the boundaries of Oxfordshire and only in respect of the highways for which the claimant acts as highway authority.

(12) Temporal duration

166. The injunction applied for is for a year. It is not in perpetuity and terminates at that 12-month point failing further application.

(13) Service

Alternative means of service have been put in place to provide effective and reasonable notice of the injunction to newcomers. The claimant has:

- published a dedicated webpage giving access to the key court documents including the sealed claim form, Order, application notice, particulars of claim and supporting evidence.
- notified the groups known as Raise the Colours, Raise the Colours Oxfordshire and Oxfordshire Flying Squad of the Order, the key court documents and supporting evidence by sending an email giving notice that the documents relating to the claim and the Order have been placed online and providing a link to the relevant webpage. This was emailed to: admin@raisethecoloursofficial.com, press@raisethecolours.org.uk and Ryan Bridge's personal email address.
- published details of the claim and Order with links to the relevant webpage on the Claimant's corporate social media channels including LinkedIn, Bluesky, Facebook, Nextdoor, WhatsApp and the Claimant's news page.

(14) Right to apply

167. The proposed injunction includes a right to apply to set aside or vary on 7 days' notice.

(15) Review

168. The injunction will end after 12 months if there is no application by the claimant for renewal.

Conclusion: Persons Unknown

169. Following my assessment of the above relevant factors, I judge that it is just and convenient to grant an injunction against persons unknown. I have no hesitation in concluding that absent a restraining injunction, a substantial group of unknown individuals will affix flags in Oxfordshire contrary to the criminal law and the proprietary rights of the highway authority. There is also a strong risk of substantial interference with the exercise of OCC's statutory duties and powers around maintaining the highway (including that it is safe to use), protecting the rights of the general public of access to and passage along highways in Oxfordshire, and removing unlawfully affixed or inscribed material. As the Supreme Court said in *Wolverhampton* (para 3), if injunctions were available only against identifiable individuals, the "anonymity of wrongdoers" would grant them an effective "immunity from the operation of the law".

However, I take such an exercise of equitable discretion very seriously, given that the injunction applies, as the Supreme Court said in *Wolverhampton* (para 143(i)), “potentially to anyone in the world”, at least against anyone who intends to affix flags without consent or authorisation from enactment within Oxfordshire.

170. Nevertheless, as a court of inherent jurisdiction, the High Court possesses the power, and bears the responsibility, to act to maintain the rule of law (*Wolverhampton*, para 18). I judge that granting an injunction against persons unknown on these facts maintains and preserves the rule of law, including providing an effective remedy to prevent future legal wrongs. I judge that the equitable discretion is sufficiently flexible and adaptable to circumstance to meet the facts of this case and provide relief, although it may not completely fall within the categories of previously granted injunctions. In this I am fortified by Lord Scarman’s observation that “the width and flexibility of equity are not to be undermined by categorisation” (*Castanho v Brown & Root (UK) Ltd & Anor.* [1981] AC 557, 573). This is clearly confirmed in *Wolverhampton* at para 21.

XI. Issue 2: Kevin Good

171. Kevin Good failed to acknowledge service and failed to attend the hearing date on 23 June 2026. Although he indicated through Ben Cullen and Trudy Wells via telephone that he was prepared to give an undertaking, despite contact from the claimant, Kevin Good failed to sign the undertaking.
172. The question the court must ask in an application for a final injunction is whether it is just and convenient for the court to grant the application. CPR 24.3 provides that the court may give summary judgment on the whole of a claim or on an issue if:

“(a) it considers that the party has no real prospect of succeeding on the claim, defence or issue; and

(b) there is no other compelling reason why the case or issue should be disposed of at a trial.”

173. I have detailed the substantial evidence of flag-related activity undertaken by Kevin Good. He has had every opportunity to oppose the injunction application and declined to do so. I judge that should an injunction not be granted there is a real, substantial and imminent risk that Kevin Good will continue to engage in affixing flags without consent or authorisation. That is, that the defendant will commit an actionable harm. That is because I cannot see that the defendant has any real prospect of raising a defence against the affixing of flags being deemed an offence contrary to section 132(1) of the HA 1980. Further, there is no realistic defence to accessing the highway and highway structures for the purpose of affixing flags being a trespass and contrary to the claimant’s vested proprietary rights. The claimant has a clear right under civil law and there is a strong risk Kevin Good will interfere with. As Ms Basbaydar said in her statement (para 20):

“The Second Defendant, Mr Kevin Good, was sent a copy of the court undertaking by post on 24 June 2026. He was also contacted by telephone on 25 June 2026 to confirm he was in receipt of this correspondence and whether he could send a signed copy to the Council for onward submission to the Court. To date, Mr Good has not returned a copy of his signed undertaking to the Council. It is not clear whether he has sent this directly to the Court as the Council has received no further communication from Mr Good.”

174. Light is cast on Kevin Good’s attitude to future affixing of flags from his comment on the new Patriotic Oxfordshire Facebook group page on 28 June 2026. This is five days after he indicated to the court that he would give an undertaking promising to the court that he would not engage in future prohibited activity. Invoking Bingham LJ’s approach in *Bovis Construction*, I draw an inference that unless and until Kevin Good is restrained by injunction, he will continue to engage in unlawful conduct connected to affixing flags in Oxfordshire. As the authors of *Snell’s Equity* (35th Edn., 2025) state (18-027), the risk of future interference should be “appreciable”. I judge that there is a strong risk of future criminal offences contrary to the HA 1980 by Kevin Good. Damages would plainly be inadequate for future breaches of the public law and trespass.
175. This determines the first element of the test in CPR 24.3 in the claimant’s favour.
176. Given Kevin Good’s absence from the hearings, and his inconsistent behaviour, I judge that it is just and convenient to grant a final injunction against him. Nevertheless, an injunction is never automatic. As Lord Nicholls said in *Mercedes Benz AG v Leiduck* [1996] AC 284, 308, the exercise of the court’s jurisdiction must be principled, “but the criterion is injustice”. I judge that justice requires the grant of the remedy the claimant seeks to prevent future identified legal wrongs and breaches of the public law. There is a compelling need for the court to exercise its equitable discretion here in a way that not only protects the claimant’s proprietary rights but to protect the general public, whose right to use of the highway the highway authority is entrusted under statute to protect and assert.
177. I build in safeguards by giving the defendant liberty to apply to discharge the injunction on notice. Further, the injunction is not perpetual or permanent. It is of fixed duration, expiring after 12 months. The claimant must reapply and strictly justify its renewal.

XII. Disposal

178. Put shortly, the court’s conclusions are:

Issue 1: Final injunction granted against persons unknown

Issue 2: Final injunction granted against Kevin Good

179. This judgment is handed down electronically without the need for any parties to attend and is simultaneously released to the National Archives.