

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

**CLAIMANTS' APPLICATION FOR INJUNCTIVE RELIEF
BUNDLE OF DOCUMENTS FOR USE AT A HEARING LISTED 27 FEBRUARY AND
28 FEBRUARY 2024**

VOLUME ONE

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A. SECTION A - Statements of Case



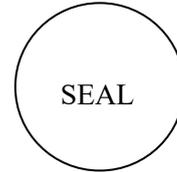
Claim Form (CPR Part 8)

In the	High Court of Justice, King's Bench Division, Birmingham District Registry	
Claim no.	KB-2022-BHM-000188	2024
Fee Account no.	PBA0082737	BIRMINGHAM
Help with Fees – Ref no. (if applicable)	H W F -	KB-2022-BHM-000188



Claimant

- (1) WOLVERHAMPTON CITY COUNCIL
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL



Defendant(s)

- (1-4) PERSONS UNKNOWN AS DESCRIBED IN THE ATTACHED AMENDED PARTICULARS OF CLAIM
- (5) ANTHONY PAUL GALE (A Named Defendant)
 - (6) WIKTORIA SZCZUBLINSKA (A Named Defendant)
 - (7) ISA IQBAL (A Named Defendant)
 - (8) MASON PHELPS (A Named Defendant)

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

Details of claim (see also overleaf)

The Claimants respectfully invite the honourable court to grant injunctive relief (reinforced with a power of arrest) pursuant to the Court's powers under section 37(1) Senior Courts Act 1981, to restrain street racing and associated dangerous driving activities in the Black Country Area (which the Claimants define for the purposes of this injunction application, as the entirety of the combined local government areas of Dudley, Sandwell, Walsall and Wolverhampton Councils).

Should the honourable court be minded to grant the injunctive relief sought by the Claimant, the Claimants further invite the Court to exercise the discretion granted to it pursuant to rule 81.8 of the Civil Procedure Rules and dispense with the requirement to serve any injunction and power of arrest on Persons Unknown personally and instead serve any injunction and power of arrest granted by alternative means.

Full details of the Claim, together with draft orders and further details of the requisite steps the Claimants suggest would achieve effective alternative service of the order should the honourable court be minded to grant any injunction and power of arrest on persons unknown, and should the honourable court further be minded to permit the Claimants to serve any order by alternative means to personal service, are particularised in the attached documentation.

Defendant's name and address

(1-4) PERSONS UNKNOWN (as described in the Amended Particulars of Claim)
 (5) Mr ANTHONY GALE (care of Messrs Waldrons Solicitors)
 (6) Miss WIKTORIA SZCZUBLINSKA (care of Messrs Charles Strachan Solicitors)
 (7) Mr Isa Iqbal (care of Messrs Waldrons Solicitors)
 (8) Mr MASON PHELPS
masonphelpsb36@hotmail.co.uk

	£
Court fee	569.00
Legal representative's costs	T.B.A.
Issue date	

For further details of the courts <http://www.gov.uk/find-court-tribunal>.

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

Claim no.	KB-2022-BHM-000188
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Details of claim (*continued*)

The Claimants would respectfully draw attention to the attached amended particulars of claim for full details of this claim.

Statement of Truth

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

The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name DAVID PATTISON

Name of claimant's legal representative's firm Legal Services, Wolverhampton City Council

signed



position or office held: Chief Operating Officer
(if signing on behalf of firm or company)

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

Date

30 JANUARY 2024

"BLACK COUNTRY CAR CRUISE"
Wolverhampton City Council, Civic Centre, St Peter's
Square, Wolverhampton WV1 1RG
DX744350 Wolverhampton 27
Ref: LIT/AS/LIJ017753P
E-mail: litigation@wolverhampton.gov.uk

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

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

Claim No. KB-2022-BHM-000188
IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

B E T W E E N:-

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH
COUNCIL
3. SANDWELL METROPOLITAN BOROUGH
COUNCIL
4. WALSALL METROPOLITAN BOROUGH
COUNCIL

Claimants

-and-

- 1-4 PERSONS UNKNOWN
5. Mr ANTHONY PAUL GALE
6. Miss WIKTORIA SCZCUBLINSKA
7. Mr ISA IQBAL
8. Mr MASON PHELPS

Defendants

PARTICULARS OF CLAIM (Version
5 amended pursuant to the
Order of HHJ Kelly, dated 29
January 2024)

Wolverhampton City Council,
Legal Services,
Civic Centre,
St Peter's Square,
Wolverhampton, WV1 1RG
(Ref: LIJ017753P/01201576)

Solicitor for the Claimants

[Amended pursuant to Order of the Court \(HHJ Kelly\) made on 29 January 2024](#)

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

In the matter of an application for an injunction under s.222 Local Government Act 1972 and s.130 of the Highways Act 1980

B E T W E E N:-

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN
BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR

RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE
DRIVING

WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)
4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR
ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF
3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN
THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH
SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR
OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

PARTICULARS OF CLAIM (Version
5 amended pursuant to the Order
of HHJ Kelly, dated 29 January
2024)

Introduction

- 1 Part 8 of the Civil Procedure Rules 1998 applies to this claim.

- 2 In these Particulars of Claim the following definitions have been applied:
 - (1) "The Black Country" the combined local authority areas of all the Claimants. The Claimants areas are shown on the plan annexed hereto (Plan A).

- (2) "Car Cruising" organised or impromptu events at which drivers of cars race, perform driving stunts, drive dangerously and drive in convoy. Such activities may be noisy, dangerous and illegal, obstructing highways and the premises bordering them, damaging property and putting the safety of spectators and other persons at risk.
- (3) The "Original Injunction" Injunction granted by HHJ Owen QC on 1 December 2014 and renewed by HHJ McKenna on 9 January 2018 in *Wolverhampton & Others v Persons Unknown* [2014] (Claim No A90BM228) which was in effect from 2 February 2015
- (4) "Stunts" Driving manoeuvres often undertaken as part of car cruising including:
 - (a) "Burnouts" Causing a vehicle to destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.
 - (b) "Donuts/Donutting" Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving-off causing noise, smoke and tyre marks to be created.
 - (c) "Drifting" Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
 - (d) "Undertaking" passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

3 The Claimants are local authorities with the meaning of the Local Government Act 1972.

The Defendants

3A The First, Second, Third and Fourth Defendants are persons, as yet unknown, who have engaged or intend to engage in the conduct that the Injunction seeks to restrain.

3B The Fifth, Sixth, ~~and~~ Seventh and Eighth Defendants (“the Named Defendants”) are persons who were found to be in breach of interim injunction granted by the Honourable Mrs Justice Hill on 22 December 2022, and amended by the Honourable Mr Justice Ritchie on 19 May 2023 who thereby became parties to the claim by subsequent orders of the court.

4 The West Midland Police Force (‘the Police’) serve the areas of all the Claimants.

5 Since, at least, 2012 the Claimants have, in co-operation with the Police, have been attempting to eliminate car cruising in their areas.

6 By this claim the Claimants seek an injunction restraining car cruising across the whole of the Black Country.

Background

7 The Claimants obtained the Original Injunction which was in effect from 2 February 2015 until 1 February 2021.

8 The Claimants aver that the Original Injunction caused or contributed to a substantial reduction in car cruising in the Black Country and the committal proceedings brought for breach of the Original Injunction served as a deterrent to persons contemplating car cruising.

9 The Original Injunction did not eliminate car cruising but did cause a decrease in such activity. Since the order lapsed there has been a marked increase.

Relevant Enactments

10 Section 37(1) Senior Courts Act 1981 provides that:

“The High Court may by order (whether interlocutory or final) grant an injunction or appoint a receiver in all cases in which it appears to the court to be just and convenient to do so.”

11 For the reasons set out in the evidence filed herewith (and the evidence in support of the application for the Original Injunction) the Claimants will contend it is just and convenient for the honourable court to grant an injunction in this instance.

12 Section 111(1) Local Government Act 1972 provides that:

“Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.”

13 Section 222 Local Government Act 1972 extends that power and empowers local authorities to become involved in litigation if so doing facilitates the discharge of their functions and is in the interest of their inhabitants.

14 Section 222(1) Local Government Act 1972 provides that:

(1) “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, and
- (b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.”

15 Further, section 1 of the Localism Act 2011 provides that a local authority has power to do anything that individuals may do.

16 Accordingly, the Claimants are entitled to bring this claim for the benefit of all inhabitants of the Black Country. Further it is just and convenient and in accordance with the overriding objective for all the Claimants to bring a single claim.

17 By section 130, Highways Act 1980, the Claimants are under a duty to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority. The injunctive relief sought in these proceedings is necessary to protect the rights of the public to the use and enjoyment of highways within the Claimants' districts.

18 By section 6 of the Crime and Disorder Act 1998, local authorities must formulate and implement, *inter alia*, a strategy for the reduction of crime and disorder in their areas (including anti-social and other behaviour adversely affecting the local environment), which strategy the authorities must keep under review for the purposes of monitoring its effectiveness and making any necessary or expedient changes.

19 Section 17(1) Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

20 The Claimants contend that taking measures to combat car cruising falls within and forms part of their statutory function (set out above) to reduce crime and disorder in their areas.

Factual Background

- 21 The Claimants will rely upon the witness statements filed with this Claim Form and those filed in support of the adjourned application to extend the Original Injunction.
- 22 In summary the Claimants aver that:
- (1) Persons participating in car cruising meet on highways and areas adjacent to highways. Such areas include industrial estates and carparks.
 - (2) The locations for such meetings vary but are to be found throughout the Black Country.
 - (3) Such meetings may be publicised in advance via social media or word of mouth or may be impromptu.
 - (4) At such meetings some or all of conduct set out above takes place.
 - (5) Such conduct affects the safety, comfort, well-being and livelihoods of inhabitants of the Black Country.
 - (6) Such conduct diverts the resources of the Police, Ambulance Service and hospitals away from other legitimate matters.
- 23 The Original Injunction was effective in reducing and inhibiting car cruising.

24 Since 2 February 2021 car cruising has again increased with more events and larger numbers of spectators at such events. The Police are receiving an increased volume of calls relating to such activities.

25 Such increased activity has continued following the relaxation of restrictions on social gatherings imposed during the covid-19 pandemic. There appears to be a growing perception among those who engage in car cruising that the Claimants and the Police are impotent to restrict the activity.

25A The conduct described above frequently involves the commission of criminal offences which is deliberate and which cannot adequately be prevented or restrained by the use of criminal law sanctions.

25B Such offences may include but are not limited to:

- (1) Dangerous driving;
- (2) Speeding;
- (3) Racing;
- (4) Driving without insurance

25C The said conduct is also tortious and, in particular, constitutes a public nuisance.

25D Further, by engaging in the conduct described above, the Defendants infringe or threaten to infringe

- (1) other road users' and pedestrians' right to life, pursuant to Article 2, European Convention on Human Rights (the "Convention").

On 20 November 2022 a fatal road traffic collision occurred in the area of the Third Defendant when a vehicle collided with persons spectating at a cruise/street race.

and/or

- (2) the right to respect for the private and family lives, pursuant to Article 8, Convention, of residents living in the locality of the roads or spaces used for street-cruising.

25E While all persons have the right to freedom of association and peaceful assembly (Convention, Art.11), such rights are qualified and may lawfully be interfered with in the interests of 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.

25F Such rights do not extend to permitting the commission of serious criminal activity that imperils the lives of others.

25G Injunctive relief sought is necessary in a democratic society and is proportionate. It represents the only way to protect the rights referred to above and is in accordance with a legitimate aim.

Justification for an Injunction

26 An Injunction in the terms sought would assist the Claimants in discharging their statutory duties set out above.

27 Such an Injunction would be of benefit to persons generally throughout the Black Country.

28 The proposed Injunction does not interfere with rights and freedoms of the Defendants since the behaviour that it seeks to prohibit is illegal and/or anti-social. The Defendants remain free to attend lawful motor-sports events and exhibitions.

Power of Arrest

29 Section 27 of the Police and Justice Act 2006 provides *inter alia*:

“(1) This section applies to proceedings in which a local authority is a party by virtue of section 222 of the Local Government Act 1972 (c 70) (power of local authority to bring,

defend or appear in proceedings for the promotion or protection of the interests of inhabitants of their area).

(2) If the court grants an injunction which prohibits conduct which is capable of causing nuisance or annoyance to a person it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.

(3) This subsection applies if the local authority applies to the court to attach the power of arrest and the court thinks that either—

(a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or

(b) there is a significant risk of harm to the person mentioned in that subsection...”

30 The Claimants aver that car cruising causes and is capable of causing nuisance or annoyance to persons in the Black Country and that the car cruising creates a significant risk of harm to such persons.

Service of this Claim Form

31 The Claimants seek orders for service of the Claim Form and supporting documentation by alternative means pursuant to CPR 6.15 & 6.27. The proposed steps to effect service are set out in a draft Order. Such steps are likely to bring this Claim and the hearing of the application for an Injunction to the attention of those persons who

may wish to oppose the making of the order or intervene in the proceedings.

Service of any Injunction Granted

32 The Claimants will also seek an order dispensing with personal service of the Injunction. The proposed steps to bring the order to the attention of persons likely to be affected by any Injunction are set out in a draft order.

33 The Claimants submit that such steps are likely to ensure that awareness of the existence of the Injunction will be widespread throughout the Black Country.

And the Claimants claim:

- (1) An Injunction Order in the form annexed hereto;
- (2) A Power of Arrest ancillary to such Injunction;
- (3) Such further or other relief as the Court thinks fit.

MICHAEL SINGLETON

DATED this 07 day of October 2022

The Claimants believe that the facts stated in these Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised by all the Claimants to sign this statement.

FULL NAME: DAVID PATTISON

POSITION OR OFFICE HELD: CHIEF OPERATING OFFICER

A handwritten signature in cursive script, appearing to read "David Pattison".

SIGNED

REDATED this Sixth day of June 2023

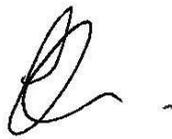
The Claimants believe that the facts stated in these Particulars of Claim (version 5) are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false

statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised by all the Claimants to sign this statement.

FULL NAME: TRACEY CHRISTIE

POSITION OR OFFICE HELD: HEAD OF LEGAL SERVICES

A handwritten signature in black ink, appearing to be 'T. Christie', followed by a period.

SIGNED:

REDATED: this THIRTIETH day of JANUARY 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-2022-BHM-000188

Mr Justice Ritchie 19 May 2023

In the matter of an application for an injunction under s.222 Local
Government Act 1972 and s.130 of the Highways Act 1980

B E T W E E N:-

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN
BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING
WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF

3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

Amended by Order of the Honourable Mr Justice Ritchie on 19 May 2023

Fifth and Sixth Defendants added as parties pursuant to the Order of HHJ Kelly made on 4 October 2023

Seventh Defendant added as a party pursuant to the Order of HHJ Kelly made on 1 November 2023

[Eighth Defendant added as a party pursuant to the Order of HHJ Kelly made on 29 January 2024](#)

To: the Fourth Defendants being Persons Unknown being drivers, riders or passengers in or on motor vehicle(s) who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving

And to: the Fifth, Sixth, Seventh and Eighth Defendants ("the Named Defendants") being persons who have been found to be in breach of this Interim Injunction and who thereby became parties to the claim by [subsequent orders of the court](#)

PENAL NOTICE

IF YOU THE WITHIN NAMED PERSONS UNKNOWN AND THE NAMED DEFENDANTS, DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO

BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY OF THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order but you must obey the order unless it is varied or discharged by the Court.

A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

This Order was made when the Defendants were not present at court but notice of the Claimants application had been given

Before the Honourable Mr Justice Ritchie sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 19 May 2023

Upon hearing Mr Singleton of counsel for the Claimants and there being no appearance by any other person and neither the Court nor the Claimants having received any notification that any other person wished to be joined as a party or heard

And Upon the Claimants' application, by an Application Notice dated 7 October 2022 for an injunction pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980

And Upon the Court having granted an Injunction and Power of Arrest, by Order of the Honourable Mrs Justice Hill sealed on 22 December 2022

And Upon the Court having further reconsidered the grant of the Injunction and Power of Arrest (following a previous review held by the Honourable Mr Justice Freedman on 6 and 13 February 2023), as directed by paragraph 2 of the Order of Freedman J sealed on 16 February 2023

And Upon the court having exercised its discretion to grant injunctive relief pursuant to section 37(1) Senior Courts Act 1981;

And Upon the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by the Injunction Order and that the Power of Arrest should therefore be continued.

And Upon the Court noting the order of the Honourable Mr Freedman sealed on 16 February 2023 giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of: that order; and further evidence.

And Upon it appearing to the court that there is good reason to authorise service by a method or place not otherwise permitted by CPR Parts 6 & 81

And Upon the Claimants renewing their undertaking to inform the Court forthwith if the Supreme Court deliver judgement in the appeal known as *Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others (Appellants)* [2022] UKSC/0046

And Upon the Claimants reconfirming that this Order is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted (or is not required) and such activities take place under an approved code or licence from a recognised regulatory body.

And Upon the Court considering that further clarification was necessary as to the particular categories of Defendant who are Person Unknown to whom this injunction and power of arrest applies

And further upon the Claimant undertaking, and being given permission, to file an Amended Claim Form and An Amended Particulars of Claim to reflect the addition to the proceedings of the Fourth Defendant referred to above and to specify the tort(s) and/or crime(s) that this Order is intended to prevent or inhibit. Such amendments to be filed by 4.00pm, 9 June 2023 and served by the same date by adopting like measures to those set out at paragraphs 11 (3) & (6) in the Combined Directions Order

IT IS ORDERED THAT:

Injunction in force

1 The Injunction and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, shall remain in force save that paragraph 1 of that Order be amended as set out below until the hearing of the claim unless varied or discharged by further Order of the Court

IT IS FORBIDDEN for any of the Fourth Defendants or any of the Named Defendants being a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving.

Stunts are driving manoeuvres often undertaken at such gatherings including but not limited to:

- (1) “Burnouts” Causing a vehicle to damage or destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.

- (2) "Donuts/Donutting" Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving off causing noise, smoke and tyre marks to be created.
- (3) "Drifting" Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
- (4) "Undertaking" passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code

A Power of Arrest pursuant to section 27 Police and Criminal Justice Act 2006 shall apply to paragraph 1 of this Order.

Definitions

2 In this Order the following definitions have been applied:

- (1) "the Injunction" means the Order of Hill J sealed on 23 December 2022 and as amended by this Order
- (2) "the Power of Arrest" means the Power of Arrest, sealed on 23 December 2022 and as amended by this Order
- (3) "the Interim Relief Application" - the Application Notice of 13 December 2022, including the draft Injunction Order referred to therein.

Injunction Order (Version 5)
Claim No. KB-2022-BHM-000188

- (4) "the Alternative Service Application" – the Application Notice of 7 October 2022, seeking permission for alternative service of Claim Form.
 - (5) "the Applications" – the Interim Relief Application, the Alternative Service Application and the application for a final injunction issued on 13 October 2022.
 - (6) "the Documents"
 - (a) Notice of Hearing and a sealed copy of this Order
 - (b) Part 8 Claim Form;
 - (c) Particulars of Claim
 - (d) N16A application for an Injunction;
 - (e) Draft Injunction Order
 - (f) Draft Power of Arrest
 - (g) The Interim Relief Application;
 - (h) The Alternative Service Application.
 - (7) "the Evidence" materials set out at Schedule A below
 - (8) "the Combined Directions Order" means the order made on 19 May 2023 by Richie J giving further directions for this matter and the case of Claim No. KB-2022-BHM-000221 (respectively "Birmingham CC" and the "Birmingham claim"),
- 3 This Amended Order shall come into force immediately and be deemed served on the Defendants at 23.59 on the date upon which,

in each case, the final step in paragraph 11 of the Combined Directions Order have been complied with.

Further Matters

- 4 Without prejudice to the foregoing, any person affected by this Amended Interim Injunction or Power of Arrest may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
- 5 Further information on how to make such application and useful sources of information are set out in the Combined Directions Order.
- 6 The costs of this application are reserved.

SCHEDULE A

Please see:

- (1) Material contained in the Bundle of Evidence in support of Application for an Injunction as set out at Parts, B, C, D, E, F, G, H, I and K of the attached Index
- (2) Material contained in the "Bundle of Documents for Review Hearing 15 May 2023 (sic)" in support of Application for an Injunction as set out at Parts B, C, and D of the attached Index
- (3) Witness statements of:
 - (a) Tenth witness statement of Paul Brown, dated 9 May 2023
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INDEX TO ORDER DATED 19.5.2023

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18.	Exhibit Cover Exhibit PB3H(i)	K 56
19.	Exhibit PB3H(i) - Part 1 of Statement of Anrdew Clarke (Sandwell MBC)	K 57 - K 60

20.	Exhibit PB3H(i) - Part 2 Exhibit Cover AC1	K 61
21.	Exhibit PB3H(i) - Part 3 Exhibit AC1	K 62 - K 78
22.	Exhibit PB3H(i) - Part 4 Exhibit Cover AC2	K 79
23.	Exhibit PB3H(i) - Part 5 Exhibit AC2	K 80 - K 82
24.	Exhibit Cover Exhibit PB3H(ii)	K 83
25.	Exhibit PB3H(ii) - Statement of Nick Hooper with Exhibits (Dudley MBC)	K 84 - K 102
26.	Exhibit Cover Exhibit PB3H(iii)	K 103
27.	Exhibit PB3H(iii) - Witness Statement of Tim Philpot and Exhibits (Wolverhampton City Council)	K 104 - K 114
28.	Exhibit Cover Exhibit PB3H(iv)	K 115
29.	Exhibit PB3H(iv) - Part 1 Witness Statement of Steven Gittins (Walsall MBC)	K 116 - K 120
30.	Exhibit PB3H(iv) - Part 2 Exhibit Cover SJG4	K 121
31.	Exhibit PB3H(iv) - Part 3 Exhibit SJG4 Car Cruising Replacement signs 24.1.23	K 122 - K 138
32.	Receipt Filing Paul Brown Witness Statement 27 01 23 and Exhibit Bundle (split into two parts due to file size) 27 01 23.pdf	K 139

B E T W E E N:

- (1) WOLVERHAMPTON CITY COUNCIL
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

and

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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Defendants

BUNDLE OF DOCUMENTS FOR REVIEW HEARING 15 MAY 2023

A. SECTION A - Statements of Case

1. Wolverhampton CC & Ors v Persons Unknown - Statement of Case for Hearing 15 May 2023 A 1 - A 7

B. SECTION B - Evidence Filed on Behalf of the Claimant

1. Witness Statement Pardip Nagra (Wolverhampton City Council) 02 May 2023 B 1 - B 3
2. Statement of Mark Wilson (Dudley MBC) 25 April 2023 B 4 - B 6
3. Statement of Pardip Sandhu (Sandwell MBC) 3 May 2023 B 7 - B 17
4. Witness Statement of Steve Gittins (Walsall MBC) 03 May 2023 B 18 - B 21
5. Statement of PC Mark Campbell 02 May 2023 B 22 - B 25
6. 7th Statement of Paul Brown 27 2 23 B 26 - B 33
7. Exhibit Cover PB7A B 34
8. EXHIBIT PB7A B 35 - B 45
9. Exhibit Cover PB7B B 46
10. EXHIBIT PB7B B 47 - B 61
11. Exhibit Cover PB7C B 62
12. EXHIBIT PB7C B 63 - B 67
13. Exhibit Cover PB7D B 68
14. EXHIBIT PB7D B 69 - B 70
15. Exhibit Cover PB7E B 71
16. EXHIBIT PB7E B 72 - B 78
17. Exhibit Cover PB7F B 79
18. EXHIBIT PB7F B 80 - B 88
19. 8th Statement of Paul Brown 28 April 23 B 89 - B 93
20. Exhibit Cover PB8A B 94
21. EXHIBIT PB8A B 95 - B 108
22. 9th Witness Statement of Paul Brown B 109 - B 112
23. EXHIBIT PB9A B 113 - B 143

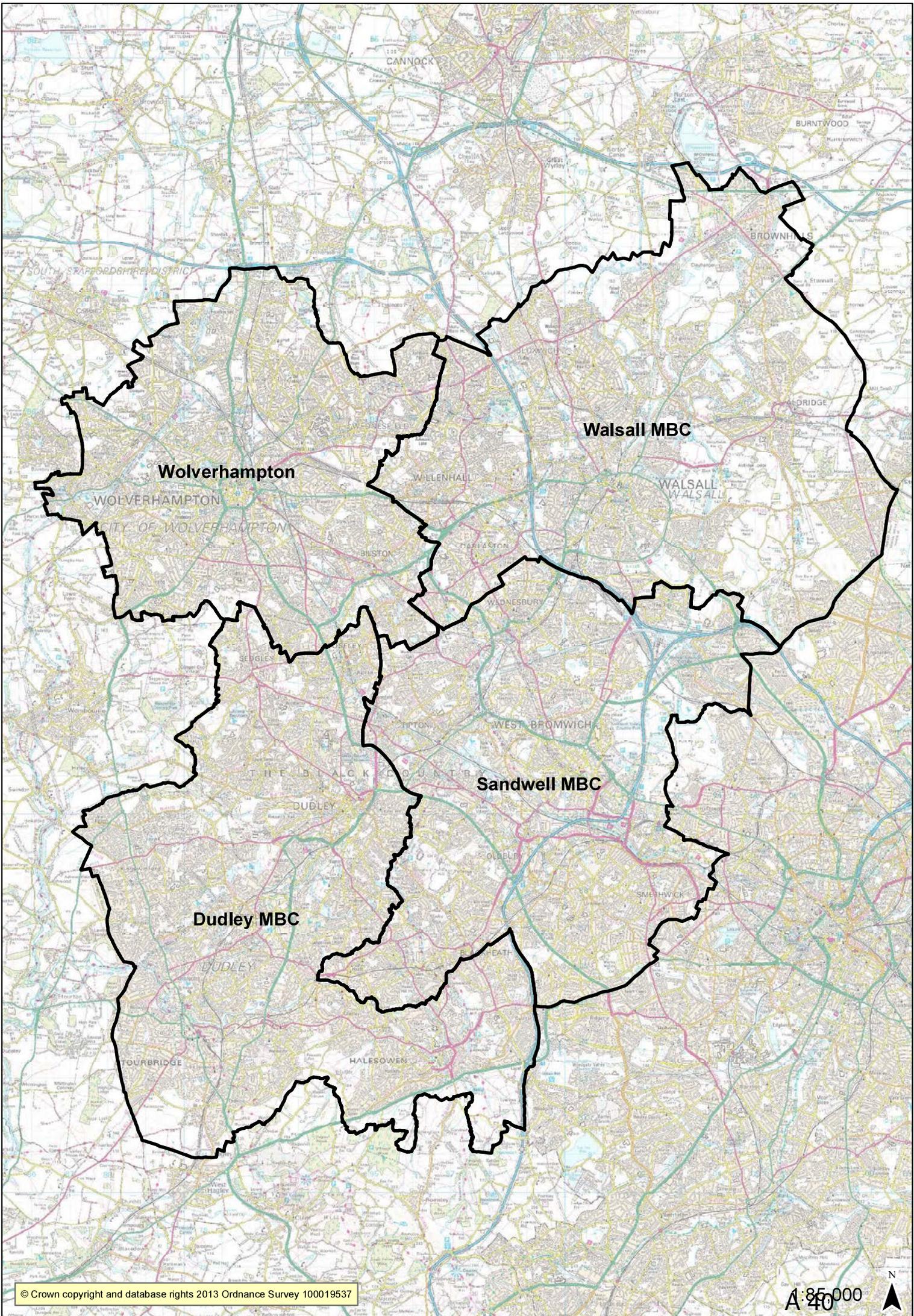
C. SECTION C - Evidence Filed on Behalf of The Defendant

1. Confirmation of No Evidence from Any Defendant C 1

D. SECTION D - Court Orders, Judgments and Transcripts of Hearings

1. SEALED INJUNCTION ORDER (Order of Hill J) 22.12.22 Wolverhampton City Council and others v Unknown KB-2022-BHM-000188 D 1 - D 24
2. SEALED POWER OF ARREST (Order of Hill J) 22.12.22 KB-2022-BHM-000188 D 25 - D 27
3. Wolverhampton City Council v Persons Unknown and Others: KB- 2022-BHM 000188 (21.12.22) - Approved judgment of Hill J D 28 - D 45
4. Order 13 02 23 (sealed 16 February 23) Wolverhampton City Council v Persons Unknown and Others 2023 KB-2022-BHM-000188 D 46 - D 59
5. Schedule A Index (Schedule to Order Sealed 16 February 2023) D 60 - D 66
6. Plan A (attached to order 16 February) D 67
7. TRANSCRIPT of JUDGMENT 13 February 2023 - Wolverhampton City Council v Persons Unknown (KB-2022-BHM-000188) D 68 - D 84

8. TRANSCRIPT of HEARING 06 February 2023 Wolverhampton City Council & Ors v Persons Unknown - KB.2022.BHM-00188 D 85 - D 143
9. Hearing Notice - Hearing: 15 May 2023 at 10.30 a.m. D 144



CANNOCK

BURNWOOD

BROWNHILLS

SOUTH STAFFORDSHIRE DISTRICT

Walsall MBC

Wolverhampton

WOLVERHAMPTON
CITY OF WOLVERHAMPTON

WALSALL
WALSALL

Sandwell MBC

Dudley MBC

THE BLACK COUNTRY

DUDLEY

FOURBRIDGE

HALESOWEN



B E T W E E N:

<p>(1) WOLVERHAMPTON CITY COUNCIL (2) DUDLEY METROPOLITAN BOROUGH COUNCIL (3) SANDWELL METROPOLITAN BOROUGH COUNCIL (4) WALSALL METROPOLITAN BOROUGH COUNCIL</p>	Claimants
<p>(1) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING</p> <p>(2) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING</p> <p>(3) PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)</p> <p>(4) PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING</p> <p>(5) MR ANTHONY PAUL GALE (a Named Defendant)</p> <p>(6) MISS WIKTORIA SCZCUBLINSKA (a Named Defendant)</p> <p>(7) MR ISA IQBAL (a Named Defendant)</p> <p>(8) MR MASON PHELPS (a Named Defendant)</p>	Defendants

**INJUNCTION - SECTION 37(1) SENIOR COURTS ACT 1981
(PROCEEDINGS BROUGHT PURSUANT TO SECTION 222 LOCAL GOVERNMENT ACT 1972)**

**POWER OF ARREST (VERSION 6)
Under section 27 Police and Criminal Justice Act 2006**

Granted by Order of Hill J on 22 December 2022
Amended by Order of Ritchie J on 19 May 2023
Amended by Order of HHJ Kelly on 04 October 2023
Amended by Order of HHJ Kelly on 1 November 2023

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN

Amended by Order of HHJ Kelly on 20 December 2023

Amended by Order of HHJ Kelly on 29 January 2024

The Court orders that a power of arrest under section 27 Police and Criminal Justice Act 2006 applies to the following paragraph of an order made by Hill J on 22 December 2022, confirmed by order of Freedman J on 13 February 2023, amended by order of Ritchie J on 19 May 2023, and further amended by orders of HHJ Kelly on 4 October 2023, 1 November 2023 and 20 December 2023.

(Here set out the provisions of the order to which this power of arrest applies and no others).

(Where marked * delete as appropriate)

IT IS FORBIDDEN for any of the Fourth Defendants or any of the Named Defendants being a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3:00 p.m. and 7:00 a.m. in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving

“Stunts” are driving manoeuvres often undertaken at such gatherings including but not limited to:

- a. “Burnouts” – Causing a vehicle to destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.
- b. “Donuts/Donutting” – Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving-off causing noise, smoke and tyre marks to be created.
- c. “Drifting” – Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
- d. “Undertaking” – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code

POWER OF ARREST

In respect of a power of arrest under section 27 Police and Criminal Justice Act 2006, the Court, upon being satisfied pursuant to section 27(3) Police and Criminal Justice Act 2006 that the relevant conduct consists of or includes the use or threatened use of violence and/or there is a significant risk of harm to a person mentioned in section 27(2) of the said Act, has ordered that a power of arrest be attached to the order.

A power of arrest is attached to the order whereby any constable may (under the power given by Section 27(4) Police and Criminal Justice Act 2006) arrest without a warrant a person whom he has reasonable cause for suspecting to be in breach of any of the provisions set out in this order or otherwise in contempt of court in relation to such provision.

This Power of Arrest

Originally came into effect on 12.01 a.m. (00:01 hours) on 22 December 2022 **and remains in force**, as subsequently amended on 19 May 2023, 04 October 2023, 01 November 2023 and 20 December 2023, **until 11:59 pm (23:59 hours) on 01 March 2024**, unless it is extended, varied or discharged by further order of the court.

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN

**Note to the
Arresting Officer**

Where a person is arrested under the power given by section 27(4) Police and Criminal Justice Act 2006, section 27(6) Police and Criminal Justice Act 2006 requires that:

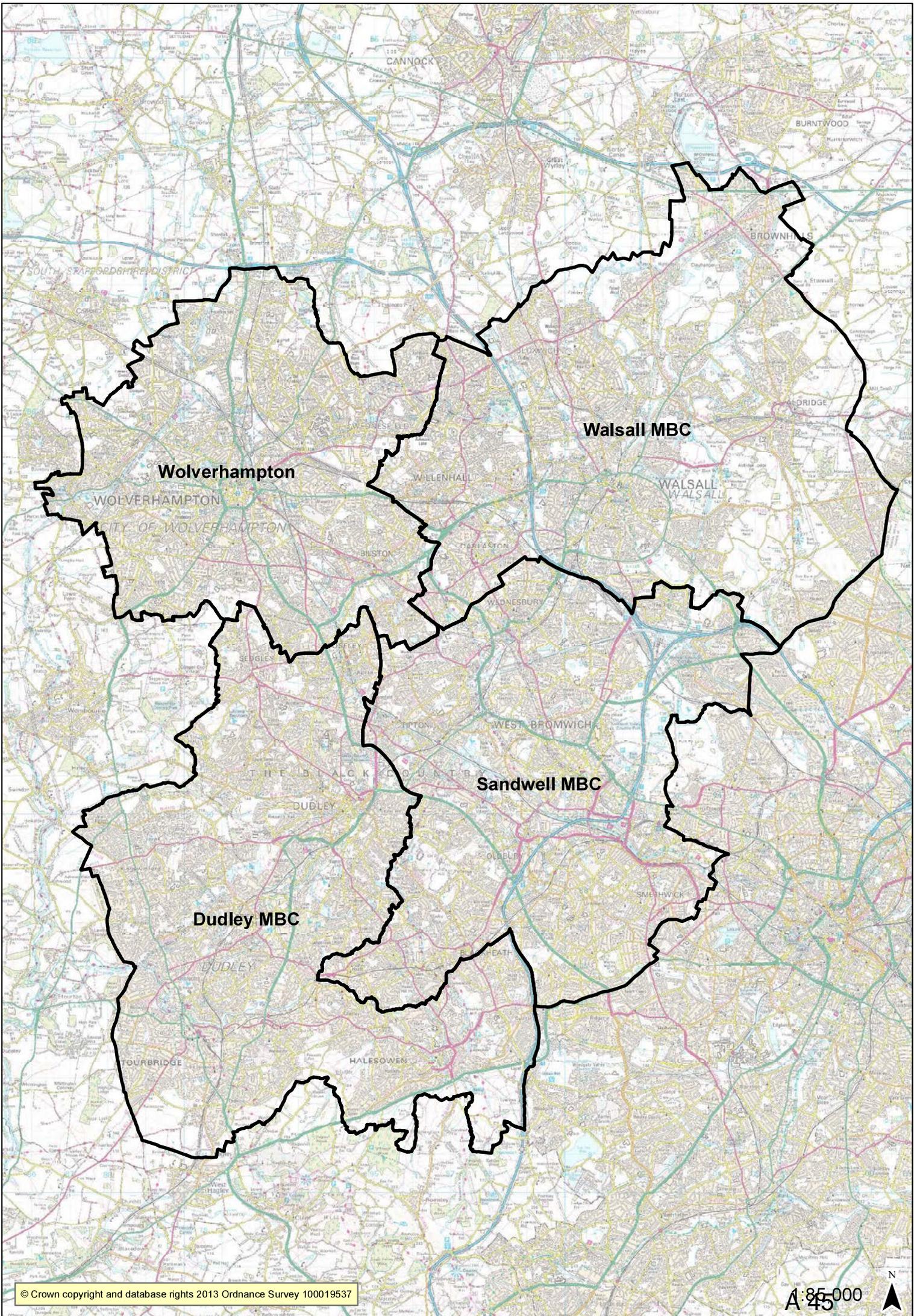
- A constable shall, after making such an arrest, forthwith inform the person on whose application the injunction was granted;
- Such person shall be brought before the relevant judge within 24 hours beginning at the time of his arrest; And if the matter is not then disposed of forthwith, the Judge may remand such person.
- Nothing in section 155 authorises the detention of such person after the expiry of the period of 24 hours beginning at the time of his arrest, unless remanded by the court.
- In reckoning any period of 24 hours for these purposes, no account shall be taken of Christmas Day, Good Friday or any Sunday.

Ordered by

The Honourable Mrs Justice Hill, The Honourable Mr Justice Ritchie and Her Honour Judge
Kelly

On

22 December 2022, 19 May 2023, 04 October 2023, 01 November 2023, 20 December 2023,
and 29 January 2024.



Wolverhampton

Walsall MBC

Sandwell MBC

Dudley MBC



**B. SECTION B - Overarching Evidence Filed on Behalf of The Claimant
Councils For the Final Hearing**

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

SEVENTH WITNESS STATEMENT OF PARDIP NAGRA

I, Pardip Nagra, Anti-Social Behaviour Team Leader of Wolverhampton Homes, Wednesfield Housing Office, Alfred Squire Road, Wednesfield, Wolverhampton, WV11 1XU, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. I make this statement further to my statement dated 11th December 2023 and following the interim injunction that was granted by Mrs Justice Hill sitting at the High Court (Royal Courts of Justice) London on 21st December 2022 against persons unknown regarding the issue of street racing within the Black Country.

Assessment of the Current Car Cruising/Street Racing Scene in Wolverhampton

3. As detailed within my statement dated 19th July 2022 in support of this application, a number of residents within the Black Country had, within the 2014 street racing injunction application, reported the impact that street racing was having on them and/or their communities. The evidence provided to the High Court within that 2014 application detailed that a large number of car cruisers, often 250 in number, regularly raced their vehicles along the Black Country Route in Wolverhampton as well as on other roads and areas within Dudley, Walsall and Sandwell.
4. I have been able to contact two of the witnesses that provided evidence previously, in order to ascertain whether or not they were still experiencing street racing in their areas or if the interim High Court injunction had curtailed this problem.
5. In an email sent to me on 2nd February 2024, Mrs Jennifer Bateman advised that although she can hear vehicles racing on an occasional Friday evening

near to her home in Wolverhampton, the issues have greatly reduced since the interim injunction had been granted in this matter.

6. Mrs Bateman commented that she does not now feel constantly threatened by racing cars on her drive back home at night and that her sleep was no longer frequently and regularly disturbed by the significant noise that was caused by the street racers. Mrs Bateman went to say that she earnestly hoped that the interim order was made a full order as she felt that this would not only improve residents' lives but would also save lives. A copy of Mrs Bateman's email to me on this occasion is here and exhibited to this statement as exhibit "**PN1**".
7. My colleague Rachel Fanthom, of Wolverhampton's ASB Team, had also previously provided evidence in this matter. Upon speaking to her for an update of her experiences with street racing now, Rachel advised that she can occasionally hear racing cars and engines being revved on the Black Country Route, from her home in Bilston, which is in close proximity to the Black Country Route. Rachel advised that although it was evident that street racing was still occurring in Wolverhampton, the racing was now very sporadic and occurred on a Sunday night only occasionally since the interim injunction was granted in December 2022.
8. A check of Wolverhampton Homes Anti-Social Behaviour (asb) duty email inbox showed that between the dates of January 2023 to December 2023 (post interim injunction being granted), there were a total of 101 complaints received regarding street racing. The same check was carried out for the period January 2022 to December 2022 and showed that 81 complaints had been received. Whilst the statistics could be viewed as showing a rise in street racing since the interim injunction came into place, I believe that the slight increase in reports in 2023 have come about from the publicity campaign of the injunction raising the awareness of members of the public that this injunction exists and that they should report matters to us.

Assessment of the Current Car Cruising/Street Racing Scene in Sandwell and Signage Advertising the Injunction in Sandwell

9. My colleague Pardip Sandhu, Town Lead ASB Officer at Sandwell Metropolitan Borough Council, advises in his statement dated 30th January 2024 that he has contacted two residents that live on Kenrick Way, West Bromwich, the prominent location for street racing within the Black Country.
10. Both residents advised that street racing is still regularly occurring on Kenrick Way with one resident advising that she had witnessed up to 200 vehicles involved in the racing at times.
11. The residents advised that they had lived in the area for a number of years and that other residents were now leaving due to the street racing activities. They advised that they support this injunction application. A copy of Pardip Sandhu's statement is her and exhibited to this statement as exhibit "**PN2**".
12. In addition to the statement provided by Pardip Sandhu, Andrew Clarke, ASB Town Lead at Sandwell Metropolitan Borough Council has also provided a statement detailing his recent inspection of street racing signage within Sandwell. Andrew Clarke's statement dated 25th January 2024 is here and exhibited to this statement as exhibit "**PN3**".

Assessment of the current car cruising/street racing scene in Dudley and Signage Advertising the Injunction in Dudley

13. My colleague Mark Wilson, Community Safety Officer at Dudley Metropolitan Borough Council, advises in his statement dated 1st February 2024, that Manor Way, Halesowen continues to be a hotspot for street racing activity and that sporadic reports of racings cars and motorbikes have also been received from the Merry Hill area.
14. Mark confirmed that all street racing signage within the Dudley area has been inspected and that monthly inspections will commence on 26th February 2024.

A copy of Mark's statement is here and exhibited to this statement as exhibit "PN4".

Assessment of the current Car Cruising/Street Racing Scene in Walsall and Signage Advertising the Injunction in Walsall

15. My colleague Steven Gittins, Community Safety Manager at Walsall Metropolitan Borough Council advises that Walsall continue to receive some complaints of street racing, though the issues have generally reduced since the original 2014 High Court injunction and subsequent live interim injunction have been in place.
16. Steven advised that two residents in the Aldridge area advised that street racing issues had improved in their area, they had not gone away. Other residents advised that issues are still ongoing.
17. Another resident from Aldridge informed Steven that street racing is still a significant problem and that drivers are using traffic islands as a race track, with some drivers driving over the islands rather than around them.
18. Steven details that an inspection of Walsall's street racing signage was recently carried out and that it was found that all metal signs remain in situ whilst all foamex signs appeared to be missing. Replacement signs have been ordered and will be installed by Walsall's Highways Department in late February/early March 2024. A copy of Steven Gittins' statement is here and exhibited to this statement as "PN5".

Signage Advertising the Injunction in Wolverhampton

19. Tim Philpott, Service Lead for Wolverhampton City Council's Transport Strategy department advises in his statement dated 9th February 2024 that an inspection of all Wolverhampton Street racing signage was carried out on 5th February 2024. The inspection showed that a metal sign on the Black Country

Route, parallel to Nice 1 Limited off Coseley Road Island was in need of repair/replacement and that two foamex signs in Springvale Way, Bilston were in need of replacement.

20. Tim notes that the above work is anticipated to be carried out by 1st March 2024 and that all other signage within Wolverhampton is in place and correct.
21. Tim advised that Wolverhampton's signage will be inspected as part of the regular Highways Maintenance Inspection Regime starting 1st April 2024. Signs on the Black Country Route will be checked every two months whilst those signs on minor roads will be checked every three months. Tim states that any damaged or missing signs will be repaired or replaced promptly. A copy of Tim Philpott's statement is here and exhibited to this statement as exhibit "PN6".

Committal Applications Since the Interim Injunction was granted 21 December 2022

22. I can confirm that there have been five committal applications in the current interim injunction, four of which have resulted from breaches within Sandwell whilst one was brought to the High Court by Wolverhampton City Council. A copy of the current schedule of committals is here and exhibited to this statement as exhibit "PN7".

Spectators, Organisers and Assessment of West Midlands Police

23. I have read the witness statement of PC Mark Campbell, which I understand is also submitted within the bundle of evidence in this matter. I was struck by PC Campbell's comments about the fact that five individuals have lost their lives within the West Midlands, during the last eighteen months, due to street racing activities. The fatalities included spectators as well as drivers taking part in street racing.
24. Two of the above fatalities occurred in November 2022, when a vehicle illegally racing within Oldbury, Sandwell, lost control and came off of the road, colliding into a crowd of five people, killing two and causing three individuals to suffer life threatening injuries.

25. PC Campbell advised that organised street racing meets are now occurring throughout the week as well on weekends and that he believes it will not be long until this is a daily occurrence.
26. PC Campbell notes that since the current interim injunction came into place and following a change in Police tactical plans in order to tackle the street racing, West Midlands Police have received an over 60% reduction in reports of street racing.
27. I note, from PC Campbell's statement, that spectators cause problems and exacerbate the problem of car cruising by encouraging street racing and create a danger to themselves and others in gathering at the side of the road to witness car cruises. If a car were to lose control during a car cruise at a location where a number of people have gathered, to watch car cruising, there is the very real danger that a vehicle (or vehicles losing control) can career into these spectators causing serious, or possibly, fatal injuries, as was the case in November 2022, as detailed above.
28. I note the honourable Court has always had concerns that, if spectators were brought into the ambit of the injunction, there is a risk "innocent bystanders" and members of the public who happen to be "in the wrong place at the wrong time" could be unfairly caught by the Injunction. However, I suggest the Claimant Councils and West Midlands Police have given this issue considerable thought. PC Campbell discusses this at length in his statement dated 9th February 2024. PC Campbell's statement details safeguards the Claimants suggest could be put in place to prevent "innocent bystanders" being "inadvertently" found to be in (or accused of) contempt of court, such as removing the power of arrest for this aspect of the injunction.

29. From the statements I have read, witnesses to whom I have spoken and the evidence I have seen (as referred to in this statement), it is the Claimant Councils' case, supported by West Midlands Police that organisers should be brought within the ambit of the injunction as whilst some car cruises/street races are initiated on an impromptu basis, those who seek to organise car cruises seem to want the events to attract as many participants as possible. It is the Claimants' case that the greater the number of participants, the bigger the spectacle and possibly the greater the number of spectators, but certainly the greater the risk of harm and impact of the nuisance suffered to those in the locality going about their lawful business.
30. It is the Claimants' case that such organisers should be brought within the ambit of the injunction. This, the Claimants consider, would deter would-be organisers, and should car cruises/street racing be organised in breach of such term of the injunction, their punishment(s), which the Claimants would look to publicise, would have the desired deterrent effect thereby reducing the harm and nuisance caused by car cruising/street racing and suffered by those in the locality lawfully going about their business.

Alternative Remedies

31. The Claimant Councils have thoroughly considered alternative remedies to an injunction. The Claimant Councils met on 11 and 19 January 2024 and considered this at length. From the Claimants' deliberations, only public spaces protection orders or byelaws were potential alternative remedies worthy of consideration. Neither of these remedies were ultimately considered viable, feasible or practicable to combat the menace of car cruising due to the limitations of these remedies.
32. In very brief summary, byelaws are not considered by the Claimants to be an appropriate and viable alternative to an injunction to tackle car cruising. Byelaws cannot prohibit offences which are already covered by legislation. Many aspects of car cruising/street racing involve existing criminal offences.

33. If a byelaw were sought solely to prohibit the nuisance that car cruising causes the community, it is doubtful that the results of any public consultation exercise would yield much support for this as the Claimants' impressions of responses to publicity exercises carried out to serve and publicise the injunction, are that members of the public want tougher measures and a byelaw would not be perceived as tougher than an injunction.
34. The penalty for breach of a byelaw is a financial penalty. The Claimants doubt the threat of a financial penalty alone would be an effective deterrent to car cruisers and would-be car cruisers.
35. Making a byelaw is not a quick exercise. There are highly involved consultation and democratic processes which each authority would have to go through before this could be made, including obtaining approval of the byelaw from the Secretary of State, which is by no means guaranteed. If the Claimants were minded to make byelaws to address car cruising, there is then the practical difficulties of each of the four Claimant authorities coordinating their democratic processes such that byelaws entered into force across all four authorities at the same time. The Claimants respectfully contend there is a need to ensure a coordinated response and a need to ensure a remedy covering all four Claimant Councils at the same time to avoid simply displacing the menace of car cruising from one authority into neighbouring authority area(s).
36. Public spaces protection orders are not considered by the Claimants to be appropriate and viable alternatives to an injunction to tackle car cruising. A borough wide public spaces protection order has to be proportionate to withstand appropriate scrutiny through the democratic process or the courts if the public spaces protection order were challenged within six weeks of being made.
37. A borough wide public spaces protection order affecting every privately owned, but publicly accessible parcel of land in a local authority area may not be

considered proportionate. Without a borough wide/city-wide remedy to tackle car cruising, it is feared that car cruising will simply displace from currently known hotspots to alternative hotspots within each Claimant's local authority area. The same considerations as to displacement into neighbouring authorities' areas and the difficulties of coordinating the democratic processes of making a public spaces protection order, discussed above, also apply.

38. As is the case with byelaws, the Claimant Councils do not consider the financial penalties for breach of a public spaces protection order would be a sufficient deterrent to car cruisers and would-be car cruisers. By contrast to injunctions, neither byelaws nor public spaces protection orders can be reinforced with a power of arrest, which the Claimants consider to be effective to deter some car cruisers and would-be car cruisers.
39. Byelaws and Public Spaces Protection Orders are considered by the Claimants to be reactionary rather than proactive remedies. The Claimants recognise that the injunctive relief sought (and which has been granted by the Court on an interim basis in this application) is, in part, precautionary, in that not only has injunctive relief been granted to protect hotspots in each local authority's area where car cruises/street racing has occurred but on a borough-wide/city-wide basis for the entirety of the Claimants' local authority areas. The Claimants respectfully consider that only such precautionary and proactive relief that an injunction can provide is sufficient to prevent the displacement of the problem of car cruising that is of such concern to the Claimants.
40. I attach hereto, marked **Exhibit "PN8"**, a briefing note, for public consideration, prepared by my colleague Adam Sheen, Solicitor-Advocate (Civil and Criminal) and Senior Solicitor at Wolverhampton City Council dated 19 January 2024 encapsulating the Claimants' deliberations at their meetings 11 and 19 January 2024 as to alternative remedies (alternative to an injunction) to tackle car cruising/street racing.

41. With reference to alternative remedies, I note that in his statement of 9 February 2024, PC Mark Campbell discusses alternative remedies available to the police and concludes that dispersal powers (direction from a police inspector to leave an area) under section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014, can only last for a maximum duration of 48 hours, meaning that participants in car cruising/street racing could simply return after 48 hours and continue their activities.

42. Similarly, regarding actions by the police pursuant to section 59 Police Reform Act 2002 (the police power to stop vehicles and/or remove them from the road where those vehicles have been involved in acts of careless or inconsiderate driving) requires a driver to have committed the act of careless driving before it can be used, and even if seized, the impounded vehicle has to be returned to the driver the following day. Whilst the a section 59 warning is valid for twelve months, police have observed that drivers served with section 59 warnings for careless/inconsiderate driving whilst participating in a car cruise, have returned within that twelve-month period to take part in car cruising. By contrast, the police consider the proactive and preventative effect of the Injunction to be extremely advantageous in policing and tackling car cruising and street racing.

Concluding Remarks

43. As required by the Court to serve the injunction and applications within this application on Persons Unknown, the Claimants have undertaken extensive publicity exercises and pride themselves upon how open they have been and how well they have publicised the injunction and applications. The Claimant Councils and West Midlands Police remain committed to maintaining this level of publicity. The Claimants, as public authorities, readily hold themselves accountable and invite the Court, if it is minded to grant the injunction on a final (or more permanent basis) to require that the injunction is maintained subject to regular reviews (at which the Court should receive frank reports and evaluations) of the operation of the injunction and its impact upon the menace of car cruising/street racing over the period covered by the report.

44. I believe that the above information from the four Black Country Local Authorities clearly illustrates that street racing is still a very real issue within the Black Country and that a full order is required to provide reassurance to the public and to save lives. It is for this reason that I fully support this application and am willing to provide evidence in the matter.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed

Pardip Nagra

Date

12.02.24

Print name in full Pardip Nagra

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

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4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN1

This is the document referred to as "Exhibit PN1" in the witness statement of Pardip Nagra dated 12 February 2024.

From: Jenny Bateman
Sent: Friday, February 2, 2024 6:46 PM
To: Pardip Nagra <Pardip.Nagra@wolverhamptonhomes.org.uk>
Subject: Re: Street racing within Wolverhampton

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good Evening

Thank you for contacting me about the present state of play concerning Street Racing/Car Cruising in the area.

Despite hearing the occasional noise of revving engines suggesting that some street racing is still taking place, mostly on a Friday night and after 11pm in the area of The Black Country Route and Overfield Drive, since the Interim Injunction became live in December 2022, in my opinion, there has been a noticeable reduction in street racing in our immediate area.

Thanks to the Injunction, we do not now feel constantly threatened by racing cars when driving home at night, notwithstanding the occasional speeding car, and our sleep is now not frequently and regularly disturbed by the significant noise that we used to experience before the Injunction. The Injunction has led to a great improvement in our quality of life and feelings of safety when out on the roads.

I do hope most earnestly that the current Interim Injunction is made a full order as I am sure that this would not only improve residents quality of life but more importantly, save lives.

Thank you to all the various agencies involved in applying for a full order, your hard work is greatly appreciated.

Best Wishes

Jennifer Bateman (Mrs)

Jenny Bateman

On 2 Feb 2024, at 15:19, Pardip Nagra <Pardip.Nagra@wolverhamptonhomes.org.uk> wrote:

Sensitivity: PROTECT

Good afternoon Ms Bateman,

I would like to introduce myself as one of the Team Leaders at Wolverhampton's Anti-Social Behaviour Team. I am currently dealing with the High Court street racing/car cruising injunction across the Black Country and can advise that we will soon be in court to request that our current interim injunction is made a full order. As part of my evidence gathering in support of this application, I am contacting previous witnesses to street racing and can see that you have kindly supported our previous applications.

Could you please advise if you are still experiencing street racing within Wolverhampton and if so, what have you witnessed exactly? I would also be keen to hear if you feel that street racing in your area has reduced since the interim High Court injunction became live in December 2022.

I would appreciate any information you could provide me re this matter, in order to understand the current state of play with street racing within Wolverhampton.

Thank you,

Pardip Nagra | Anti-Social Behaviour Team Leader | T: 01902 552950
Wolverhampton Anti-Social Behaviour Team |
www.wolverhamptonhomes.org.uk

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IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN2

This is the document referred to as "Exhibit PN2" in the witness statement of Pardip Nagra dated 12 February 2024.

For: Claimants
Statement of: Pardip Sandhu
Statement no: 5
Exhibits: PS3
Date: 30th January 2024

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

CLAIM NO: KB-2022-BHM-000188

BETWEEN:

- (1) WOLVERHAMPTON CITY COUNCIL**
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL**
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL**
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

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WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

WITNESS STATEMENT OF PARDIP SANDHU

I, Pardip Sandhu, Town Lead Anti-Social Behaviour Officer for Sandwell Metropolitan Borough Council, based in Oldbury, Sandwell, West Midlands, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. This is my fifth statement in this matter.
3. On 22nd January 2024 I contacted two residents that live on Kenrick Way, West Bromwich. This is the main hot spot area for West Bromwich and Sandwell and cars are involved in street racing in this area on a regular basis, resulting in recent Police arrests and Suspended Custodial Sentences.
4. The first resident said that the cars are speeding up and down on most weekends, which is very disturbing for them and their family. They said that that they cannot relax in their own home due to the noise which goes on until the early hours of the morning.
5. The second resident said that they have witnessed up to 200 cars on Kenrick Way at times. They said that they see the Police in the area when these incidents occur and have also witnessed them chasing the cars.
6. They further stated that they have lived in the area for 25 years and know that other residents are leaving the area because of the issues with the street racers and the impact it is having on their lives. They said that they support the Injunction.

7. Car cruising and Nuisance Motorbikes within Sandwell continues to cause alarm and distress to local residents who live nearby. This includes all respective towns within Sandwell including, West Bromwich, Wednesbury, Tipton and Oldbury.
8. Incidents reported to Sandwell Council from May 2023 until present are here marked as “PS3” which I exhibit to my statement, which includes the periods when the Injunction was not in place to current. The incidents reported back in 2022 were a lot more compared to the incidents reported in 2023. These are also exhibited to “PS3” within my statement.
9. The Injunction is needed to deter further activity and for the Police and the local authority to take enforcement action against individuals involved in this activity.
10. I therefore fully support all the authorities in the application for the injunction.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Date

30/1/24

Print name in full Pardip Sandhu

**IN THE HIGH COURT OF JUSTICE
CLAIM NO KB-2022-BHM-000188
KING'S BENCH DIVISION**

- (1) WOLVERHAMPTON CITY COUNCIL**
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WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

EXHIBIT "PS3"

I verify that this exhibit is marked as "PS3" in my statement.

Incident reference number 81381 on 1/6/23

Caller is calling regarding vehicles that are racing in the area on the expressway near address in West Brom and near Hargate Lane; 2 signs were added, one on All saints way by Sandwell General with the other on the expressway by Hyperama business; caller advises the vehicles are causing noise nuisance and caller doesn't feel signs are stopping issues; signs saying 20 MPH not being adhered to.

Ongoing issue throughout the day and night, no one vehicle is responsible, caller advises whilst on the highway they feel this is an asb issue and noise associated to this activity.

81807 on 21/6/23

Kenrick Park - Noticed boy racers starting to gather along Kenrick Way. Passed to the Police on 999, log number: 4867/170623 AA

82198 on 7/7/23

Reference FS-Case-529486518

Councillor Liam Preece has sent in an enquiry which has been reassigned to you. Please log into DASH to investigate.

Summary of the case

Raise a new case

Your case is about : Unknown - Central Triage Team > Central Triage Team

Category chosen : General enquiry - Please send to correct service and update me

Full details : Please see attached email from the resident, she has concerns around illegal street racing and any measures the Council can take to address the issue in her area. Please respond to the resident. Many thanks.

Constituent details : [Monika Kozinska monika.kozinska82@gmail.com Flat 130 Kenrick House Green Street, West Bromwich B70 6DN]

Is this a safeguarding issue? : No

Officer receiving the case : Pardip Sandhu - Town Lead ASB Officer

Response time : 10 working days

82201 on 7/7/23

From: Gareth Mason [WEST MIDLANDS POLICE] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: FW: RHPT Hercules weekend 24-25/06

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Colleagues,

Please find below a summary of the weekend's Hercules activity, you will see TPO/10 referred to. This is our internal form for reporting traffic offences for summons. Please excuse the formatting as this came directly from one of the officers:

Hercules activity Saturday 24th June 23. Running log 3433

Very little activity early on with sporadic movement of target vehicles on ANPR.

Very small gatherings located at Kenrick Way SW and BP petrol Station Cooks Laner SH. TPO/10 issued at Kenrick Way for failing to display front reg plate. S.59 Warning issued at Cooks Lane..

s.163 stop on Hercules hotlist vehicle, driver warned re injunction, and he left the area.

Other logs 4831 refers to Cooks Lane and 4781 anonymous WMP Chat, describing racing, exhaust popping noises coming from Hallens Drive, SW we were not made aware and the Log was closed without any attendance.

2330 hours Logs 5392, 5395, 18, 60, Cato Street North/Heartlands Parkway calls regarding 50 cars racing.

I attended to find approx 200 spectators and 40-50 vehicles racing, one attempted to make off and drove into cul-de-sac at the end of Mainstream way, vehicle seized s.59 without warning as deemed inappropriate to warn due to circumstances and reported for s.3 offence. (previously given a TPO10 this evening for no front plate at Kenrick Way)

I also issued 10 TPO10's to vehicles that had been abandoned around the traffic roundabout by the pedestrian observers for wilful obstruction.

PS Brown attended with TC units and OT22 vehicles and crowds dispersed at approx. 0140 hours

In summary main activity for the evening started at 2330 and was concentrated in the BW area.

Activity Sunday 25th June 23 Running Log 2882

Information received that racing was planned for 2100 hours at Landor Street, Birmingham. Attended the location to await attendance.

30-40 vehicles attended between 2100 - 2130 all left location without stopping.

Heartlands Parkway/ Mainsteam way was again the main location for ASB, the location attracted above 200 spectators and 30- 40 vehicles racing a various time during the evening. They dispersed upon police attendance however just moved location a resumed elsewhere.

Various logs throughout the evening at Heartlands Parkway BW, Small Heath Highway BW, Bikenhill Lane SH and Black Country Route WV.

All groups did disperse upon police arrival.

3 copies of the Court order served.

Kenrick Park - Noticed boy racers starting to gather along Kenrick Way. Passed to the Police on 999, log number: 4867/170623 AA

82697 on 4/8/23

From: Kay Millar <[REDACTED]>

Sent: 04 August 2023 12:19

To: Pardip Sandhu <Pardip_Sandhu@sandwell.gov.uk>

Subject: Raising yet again fast cars and road racing

Hi Pardip

How are you? I've not had direct contact for a while

I seen somewhere in this mountain of emails that a tasking meeting is happening soon?

I'd like to raise yet again I'm afraid the constant complaints of Racing Cars on Hydes Road, Rydding Lane, Hall Green Road and also recently road racing on a section of Ruskin Street and Gladstone Street, a 20mph area/zone.

I'm just keeping this on the radar!

Best Regards

Kay

CLlr Kay Millar

Hateley Heath Ward

M: [REDACTED]

83336 on 26/8/23

Regularly up and down hilton street and skidmore more drive in West Bromwich. The noise is so loud from these bikes and driven so dangerously and recklessly.

Daily occurrence mainly in evenings. The bikes can be located on skidmore drive parked outside the address flat no unknown. Will provide images and video when I get them.

I wish to remain anonymous to yo fear of repercussions

84242 on 8/10/23

I was woken up by a very noisy racing car which drove down and up the street a couple of times. I didn't have a chance to see the car or the driver. This is to be reported in a context of extreme intensification of those practices this weekend (can still hear some at the moment on Sunday morning 8am) around Sandwell. I heard so many racing cars yesterday on 7th October when walking along the canal. I read your report on your fight against car racing being banned in the West Midlands which should be part of law anyway but cannot see or rather hear any difference compared to before especially when the weather is good. I wish the police was more active on those days and weekends.

84275 on 10/10/23

Car cruising needs stopping

84286 on 10/10/23

The Hamstead Road outside my house is clearly a road racing event. It happens every night. I am sure it is part of a timed circuit and people racing each other in close proximity. One night one of them will end up in Newton Road causing a major accident.

85103 on 27/11/23

Operation Hercules Working Log: 2759 of 19/11/23 -

Log 4097 of 19/11/23 - 11 cars racing Kelvin Way at approximately 2230 hours

Log 4158 of 19/11/23 ? 40 cars gathered around Kelvin Way (2255 hours)

Log 4168 of 19/11/23 ? Racing on Kenrick Way approximately (2256 hours)

Log 4169 of 19/11/23 - boy racers congregating on Maria Street (Kenrick Way) 2257 hours

Log 4181 of 19/11/23 ? vehicles racing up and down Kenrick Way West Bromwich 2300 hours

Log 4210 of 19/11/23 ? 30 cars speeding up Kelvin Way 2310 hours

Log 4226 of 19/11/23 ? Vehicles racing up dual carriageway 2314 hours

**IN THE HIGH COURT OF JUSTICE
CLAIM NO KB-2022-BHM-000188
KING'S BENCH DIVISION**

- (1) WOLVERHAMPTON CITY COUNCIL**
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WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

**WITNESS STATEMENT OF
PARDIP SANDHU**

West Bromwich

Incident reference number 75623 on 24/6/22

Sent: 27 July 2022 02:26

To: ASB Team <asb_team@sandwell.gov.uk>

Subject: Community Reporting Online Form - Off Road Bike

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments unless you recognise the sender and know the content is safe.

WHEN? Date and time: 26/07/22 Approx 1800hrs to 2100hrs. On 22/6/22 approx 1615hrs 2000hrs. On 24/6/22. Don't remember the time.

WHAT were they doing? HOW were they causing a nuisance? Riding a motorbike along the canal. L- plate. Young kid. Followed by another lad on a small electric black bike. Very noisy and dangerous. They travel very fast and because I live in Navigation lane, B71 3NP, the noise of them driving up and down is very annoying. Also I walk along the canal regularly and they are driving very fast, often with passengers in a very unsafe area, next to the water on a very narrow pathway. Walkers, like myself and other cyclists have to constantly move out of their way as they drive up and down.

WHERE? Be as specific as possible Along the canal at Thamebridge Parkway. Riding up and down the nearside bank of the canal constantly passing Navigation Lane. The canal backs onto Navigation Lane, They ride regularly between the bridge at Crankhall lane and another bridge which heads to Walsall (Don't know the name).

WHAT DOES THE BIKE LOOK LIKE? Colour markings? Registration? On this occasion, I couldn't really see the colour. Maybe darkish blue. It was a much bigger bike than I had seen them on before. Maybe 175cc/200cc. I think it was a road bike. Not really sure. On previous occasions, it is a white trials bike with burned orange colouring . Maybe, 100 to 125cc. The child on the motorbike is always followed by a black electric bike.

WHAT DOES THE RIDER LOOK LIKE? Age, physical description, clothing? On this occasion, I couldn't see but on previous occasions, the child on the motorbike looks approx. Age 9years. The guy following him is approx. 16/17 years old. There are usually 2 x electric bikes following. One of the lads on these bikes has a small, goaty beard. Dark hair and often wears a baseball cap. On previous occasions, there are about 4 x lads. In t-shirts and longish shorts. At least 2 of them wear baseball caps.

WHERE ARE THEY HEADING? Just riding up and down along the canal, nearside to Navigation Lane. Between Crankhall lane bridge, Thamebridge Parkway bridge and a bridge further on which leads to Walsall. As previously stated. I don't know the name of the bridge at this time.

DO YOU KNOW THE ADDRESS WHERE THE BIKE IS STORED OR WHERE THE RIDER LIVES? I assume, it is Wednesbury, near to the canal but I don't know exactly. They may even visit someone in Navigation Lane, not sure. I have passed details onto the police previously with a registration number of a scooter . I did try to take the registration number today but couldn't get it all. I know there were letters WZTH and the number 1, in the details but that's all. I don't understand why you don't stop them. It's been going on for years and they are very easy to find because they are always there.

75167 on 15/7/22

Sent: 15 July 2022 16:51

To: ASB Team <asb_team@sandwell.gov.uk>

Subject: Community Reporting Online Form - Off Road Bike

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments unless you recognise the sender and know the content is safe.

WHEN? Date and time:

16:37 15/07/2022

Comes most days around the same times sometimes later

WHAT were they doing? HOW were they causing a nuisance?

revving the bike racing up and down the street then going into the park

WHERE? Be as specific as possible

blades road west Bromwich b70 0ha

and also Farley park through the blades road entrance

WHAT DOES THE BIKE LOOK LIKE? Colour markings? Registration?

No registration plates

Bike is a large off road bike

Very load

orange in colour

black petrol tank

WHAT DOES THE RIDER LOOK LIKE? Age, physical description, clothing?

Around 15 years old

Around 5ft 8in tall

Mousey brown hair

Black hoodie

Black or blue tracksuit bottoms

Trainers

WHERE ARE THEY HEADING?

racing up and down blades road and the surrounding streets

also goes onto Farley park a lot of the time he goes through the barrier on blades road then up into the Farley park

DO YOU KNOW THE ADDRESS WHERE THE BIKE IS STORED OR WHERE THE RIDER LIVES? no I have seen the bike in Dudley port so maybe from the denby estate or tipton

75166 on 28/6/22

Sent: 28 June 2022 21:18

To: ASB Team <asb_team@sandwell.gov.uk>

Subject: Community Reporting Online Form - Off Road Bike

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments unless you recognise the sender and know the content is safe.

WHEN? Date and time:

Currently still there now at 21:11 been since just after 18:00 today, this is now a regular occurrence, I can see 1 motorbike this evening sometimes there are two

WHAT were they doing? HOW were they causing a nuisance?

Noise, revving, wheelies, going up & down the football pitches, and around the field runs behind the All Saints Church and Newton Rd and Churchfields Estate.

WHERE? Be as specific as possible

Football fields, where the pavilion & carpark comes from Newton Rd. Side of Old Church and Churchfields Estate.

WHAT DOES THE BIKE LOOK LIKE? Colour markings? Registration? Blue and I think black today when two I think the other is orange.

WHAT DOES THE RIDER LOOK LIKE? Age, physical description, clothing?

Dark clothing, young white males x3 I can see now, one has light jogging bottoms ? Grey the current rider has jeans and black top,

WHERE ARE THEY HEADING?

Round and round the field, top speed, wheelies, revving, making as much noise and churning up field as possible. Children trying to sleep & have school in the house next to the field and the next house along.

DO YOU KNOW THE ADDRESS WHERE THE BIKE IS STORED OR WHERE THE RIDER LIVES? No

75165 on 23/6/22

Sent: 23 June 2022 21:30

To: ASB Team <asb_team@sandwell.gov.uk>

Subject: Community Reporting Online Form - Off Road Bike

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments unless you recognise the sender and know the content is safe.

23rd June, riding really lousy up and down the bridal path along the graveyard on Churchfields place. Mostly around 7-9 evenings. Nuisance and dangerous as they ride really fast. This has been happenings for weeks now and they are very inconsiderate.

Thanks

WHAT were they doing? HOW were they causing a nuisance?

WHERE? Be as specific as possible

WHAT DOES THE BIKE LOOK LIKE? Colour markings? Registration?

WHAT DOES THE RIDER LOOK LIKE? Age, physical description, clothing?

WHERE ARE THEY HEADING?

DO YOU KNOW THE ADDRESS WHERE THE BIKE IS STORED OR WHERE THE RIDER LIVES?

75164 on 15/7/22

Sent: 15 July 2022 16:51

To: ASB Team <asb_team@sandwell.gov.uk>

Subject: Community Reporting Online Form - Off Road Bike

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments unless you recognise the sender and know the content is safe.

WHEN? Date and time:

16:37 15/07/2022

Comes most days around the same times sometimes later

WHAT were they doing? HOW were they causing a nuisance?
revving the bike racing up and down the street then going into the park

WHERE? Be as specific as possible

blades road west Bromwich b70 0ha

and also Farley park through the blades road entrance

WHAT DOES THE BIKE LOOK LIKE? Colour markings? Registration?

No registration plates

Bike is a large off road bike

Very load

orange in colour

black petrol tank

WHAT DOES THE RIDER LOOK LIKE? Age, physical description, clothing?

Around 15 years old

Around 5ft 8in tall

Mousey brown hair

Black hoodie

Black or blue tracksuit bottoms

Trainers

WHERE ARE THEY HEADING?

racing up and down blades road and the surrounding streets

also goes onto Farley park a lot of the time he goes through the barrier on blades road then up into the Farley park

DO YOU KNOW THE ADDRESS WHERE THE BIKE IS STORED OR WHERE THE RIDER LIVES? no I have seen the bike in Dudley port so maybe from the denby estate or tipton

75163 on 23/6/22

To: ASB Team <asb_team@sandwell.gov.uk>

Subject: Community Reporting Online Form - Off Road Bike

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments unless you recognise the sender and know the content is safe.

WHEN? Date and time: daily evenings between 7pm and 10pm

WHAT were they doing? HOW were they causing a nuisance? Riding around churchfields playing fields and the actual housing estate wrecklessly causing noise pollution danger to children and padestrians

WHERE? Be as specific as possible churchfields playing fields west bromwich

WHAT DOES THE BIKE LOOK LIKE? Colour markings? Registration? Different drivers

WHAT DOES THE RIDER LOOK LIKE? Age, physical description, clothing?

Youngish early 20s a group 2 has bleached blonde hair 2 brown a bit hard to describe as driving very fast

WHERE ARE THEY HEADING?

Around the estate/pathways and field

DO YOU KNOW THE ADDRESS WHERE THE BIKE IS STORED OR WHERE THE RIDER LIVES?

No

75295 on 25/7/22

Sent: 25 July 2022 17:07

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Street racing a449 Stafford road

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Hi.

I have been reporting illegal street racers outside my property for last few years.

I was the one that was on the BBC news and had an interview with superintendent David waine.

We live on the south staffs side on Wolverhampton in wv10 7ps. This is classed as a no man's land due to the fact no inforced councils have car crusing bans and the area between Wolverhampton council and Cannock council.

The street racers know this and is now a regular occurrence around 10pm Sunday night. They come from an organisation in Birmingham called FORZA_BIRMINGHAM.

They have live accounts on Twitter, Facebook, snap chat and Instagram. They have thousands of followers.

The one guy will send out a post giving a time and a location post code.

This then floods social media and thru arrive in the hundreds, including spectators that block roads and drives to film the racing.

Not too long ago me and a neighbor were actually attacked by a number of them for filming and calling the police out. This was all caught on CCTV too.

We now have permission to call 999 and report it soon as it happens under operation Hercules.

The residents are also talking about creating a rolling go slow when they arrive to stop the race.

The police are actually powerless due to the numbers.

Soon as the police arrive, they are long gone.

If you would like to discuss this further please get in touch.

75294 on 25/7/22

Sent: 25 July 2022 14:06

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Street Racing

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Dear Sirs,

I would like to add some comments to the street racing injunction.

Please include the A38 stretch between The M5 Jct 4 and Rubery

Street racing has become a real issue in the last 6 -10 months or so. They start at the motorway roundabout (jct4) and you can hear them coming even though it's well over a mile away, they get closer and closer, and louder and louder, usually flat out by then, then they brake really hard with lots of back firing and popping just before the bridge over the A38 in Rubery. They come past Callowbrook Lane going at least 120mph, if not more.

There have been a number of fatalities on this stretch over recent years, and if we don't get speed cameras, or an injunction, or something there is going to be more.

These are loud, fast, powerful cars. I have seen Ferraris, Porsches, high end BMW's and Audis, these are very expensive cars, as well as the 'normal' street racing Hondas, Subaru's, Nissans etc. There is a regular Ferrari that comes past our house (Callowbrook Lane) flat out, in top gear. This would be about 160mph, then comes to a screaming halt to slow down in time for the road narrowing before Morrisons.

Someone is going to die! At that speed there is nothing that will stop these cars going straight through the hedge and into our houses, it just takes a second!

Please address this issue, as part of your injunction, or please pass it on to those who can.

I work in Redditch, our son lives in Walsall and I see these same cars, same faces and same attitude to speed, in all three locations, so they are very widespread and mobile, something has to be done.

Thank you for your consideration,

75294 on 25/7/22

Sent: 25 July 2022 10:39

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Street racing

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

I live in Heath Town and there is a lot of street racing along Dean's Road, especially in afternoon and evening time. The vehicles above the road speed limit, very loud, probably with catalytic converter removed doing revs.

Even our cats in the garden so scared that they run to the home due to stress.

Also I know there is a group of teenagers from Birmingham (Erdington) coming to Walsall and Wolverhampton area for street racing mainly at the weekends. They block the access for the other drivers between the junctions to have a road for a racing purpose.

Also so many teens on electric scooters around having a second person as well.

We need more visible police on streets activity acting on crimes!!!

75291 on 26/7/22

ent: 26 July 2022 07:56

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Street racing

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Dear Sirs,

I would like to put forward my comments regarding the above.

My partner and I regularly attend events in the West Midlands area and find that on returning home in the late evening we are put at risk by vehicles racing past. The vehicles are acting dangerously by driving the wrong way around roundabouts, undertaking and taking shortcuts on along the highway.

Regards

75290 on 16/7/22

ent: 16 July 2022 15:11

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Street Racing on Northgate, Walsall Wood

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

I'm a new resident to Walsall Wood on a new build estate after relocating in 2020 from a quiet area in Sandwell.

We are fed up to the back teeth of the noisy street racing, day and night with dirt bikes/scramblers on the main road called Northgate, Walsall Wood off our estate. Please be kind enough as our Council to do something about these noisy, polluting vehicles asap.

We look forward to hearing from you about what is going to be done before an accident takes place.

Regards

Get Outlook for Android

75289 on 26/7/22

Sent: 26 July 2022 09:05

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Extreme noise pollution/speeding/car cruising

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Regarding renewal of the car cruising injunction, I would like to add that the problem extends far beyond the issue of cruising.

I live in Woodman Close Halesowen, approximately 200 metres from the A456 Manor Way, adjacent to the Halesowen Cycle and Athletics track. Our lives are being made a total misery by the proliferation of illegally modified cars and motorbikes with popping exhausts travelling at extreme speed and using the road as a race track at all times of the day and night. Ordinary legal traffic causes very little noise and is easy to zone out, but there is a huge number of vehicles which have been modified to cause maximum noise.

This issue has actually been worsened by the placement of a speed camera by the athletics track which causes the offenders to slow down for approximately 20 metres, with a cacophony of exhaust popping, then accelerate as hard as they can to well in excess of the speed limit, only to do the same at the next set of lights by the Audi garage. Many of these motorbikes and cars are so loud that they can literally be heard coming from the top of the Hagley Mile, all the way up to Quinton, which is a distance of probably three or four miles.

I have made several complaints to the Council since 2017 regarding this extreme noise pollution which has been exacerbated by the Council's inaction. In fact their token speed camera has made the problem even worse by causing even more acceleration/deceleration noise. Yes, the camera probably does make the road safer, but only for a laughable distance of 20 metres and at the cost of local residents having to put up with the sounds of a racetrack on their doorstep.

In summary, this is not just a cruising issue. Residents are being subjected 24/7 to illegal levels of noise which seemingly neither the police nor the Council have any interest in. We need average speed cameras along the length of the A456 and surrounding roads, ideally with noise activated cameras to catch the antisocial car and motorbike modifiers.

Thank you,

75287 on 25/7/22

25 July 2022 15:19

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Street racing

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Dear Sir/ Madam,

I would like to highlight the many incidences of street racing in the local area. I live on Mandale Road, WV10, and have witnessed many incidences of cars, quad bikes and Motocross bikes being raced along the road, onto Cannock Rd and back to complete a circuit of the track. This occurs late into the evenings and weekends, and presents a constant nuisance as well as being unsafe for pedestrians walking. This issue has been highlighted by several residents recently in favour of speed bumps or cameras, but has been ignored. Please consider our area for action and forward this email to our local MP.

Kind regards,

David Burnham

75286 on 25/7/22

25 July 2022 15:19

To: Litigation <Litigation@wolverhampton.gov.uk>

Subject: Penn Road

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Hi the issues of street racing have been highlighted down the Penn Road for at least the last 5 yes. I have been in touch with Cllr Martin and the Police to drive forward speed monitor cables, signs, speed gun/ vehicles. The noise and speed of high-powered cars and motorcycles is shocking, why is there no average speed cameras from the Roebuck pub to the Wombourne island. There have been accidents but there is an opportunity to implement measures to reduce speed save lives and ensure noise nuisance from cars and motorcycles is reduced from cameras with audio equipment, come on Wolverhampton set the benchmark and start with the Penn Road.

Thanks

76292 on 13/9/22

Kenrick Park - Noticed a large group of males and several cars gathering on Maria Street. They appear to be a group of boy racers and a group filming a drill video. Registrations of some of the vehicles are: Silver Seat Leon GU64 TXE, White Honda Y312 DHN, Silver Honda YH52 ZFK, Black Mercedes Benz MW17 WRG & Grey Audi BN67 XNV. Passed to the Police, log number:4458/130922. NJW

76292 on 14/9/22

Kenrick Park - Noticed boy racers gathering on Kenrick Way. Passed to the Police on 999, log number: 72/140922. NJW

76497 on 19/9/22

Greenford House - Recived few calls about Boy racers racing on Kenrick Way called the Police on 999.Log number 3382-19-09-22.Footage saved for the Police. AA

Incident reference number 81381 on 1/6/23

Caller is calling regarding vehicles that are racing in the area on the expressway near address in West Brom and near Hargate Lane; 2 signs were added, one on All saints way by Sandwell General with the other on the expressway by Hyperama business; caller advises the vehicles are causing noise nuisance and caller doesn't feel signs are stopping issues; signs saying 20 MPH not being adhered to.

Ongoing issue throughout the day and night, no one vehicle is responsible, caller advises whilst on the highway they feel this is an asb issue and noise associated to this activity.

81807 on 21/6/23

Kenrick Park - Noticed boy racers starting to gather along Kenrick Way. Passed to the Police on 999, log number: 4867/170623 AA

82198 on 7/7/23

Reference FS-Case-529486518

Councillor Liam Preece has sent in an enquiry which has been reassigned to you. Please log into DASH to investigate.

Summary of the case

Raise a new case

Your case is about : Unknown - Central Triage Team > Central Triage Team

Category chosen : General enquiry - Please send to correct service and update me

Full details : Please see attached email from the resident, she has concerns around illegal street racing and any measures the Council can take to address the issue in her area. Please respond to the resident. Many thanks.

Kenrick House Green Street, West Bromwich B70 6DN]

Is this a safeguarding issue? : No

Officer receiving the case : Pardip Sandhu - Town Lead ASB Officer

Response time : 10 working days

82201 on 7/7/23

From: Gareth Mason <gareth.mason@westmidlands.police.uk>

Sent: 26 June 2023 07:49

Dear Colleagues,

Please find below a summary of the weekend's Hercules activity, you will see TPO/10 referred to. This is our internal form for reporting traffic offences for summons. Please excuse the formatting as this came directly from one of the officers:

Hercules activity Saturday 24th June 23. Running log 3433

Very little activity early on with sporadic movement of target vehicles on ANPR.

Very small gatherings located at Kenrick Way SW and BP petrol Station Cooks Lane SH. TPO/10 issued at Kenrick Way for failing to display front reg plate. S.59 Warning issued at Cooks Lane..

s.163 stop on Hercules hotlist vehicle, driver warned re injunction, and he left the area.

Other logs 4831 refers to Cooks Lane and 4781 anonymous WMP Chat, describing racing, exhaust popping noises coming from Hallens Drive, SW we were not made aware and the Log was closed without any attendance.

2330 hours Logs 5392, 5395, 18, 60, Cato Street North/Heartlands Parkway calls regarding 50 cars racing.

I attended to find approx 200 spectators and 40-50 vehicles racing, one attempted to make off and drove into cul-de-sac at the end of Mainstream way, vehicle seized s.59 without warning as deemed inappropriate to warn due to circumstances and reported for s.3 offence. (previously given a TPO10 this evening for no front plate at Kenrick Way)

I also issued 10 TPO10's to vehicles that had been abandoned around the traffic roundabout by the pedestrian observers for wilful obstruction.

PS Brown attended with TC units and OT22 vehicles and crowds dispersed at approx. 0140 hours

In summary main activity for the evening started at 2330 and was concentrated in the BW area.

Activity Sunday 25th June 23 Running Log 2882

Information received that racing was planned for 2100 hours at Landor Street, Birmingham. Attended the location to await attendance.

30-40 vehicles attended between 2100 - 2130 all left location without stopping.

Heartlands Parkway/ Mainstream way was again the main location for ASB, the location attracted above 200 spectators and 30- 40 vehicles racing a various time during the evening. They dispersed upon police attendance however just moved location a resumed elsewhere.

Various logs throughout the evening at Heartlands Parkway BW, Small Heath Highway BW, Bikenhill Lane SH and Black Country Route WV.

All groups did disperse upon police arrival.

3 copies of the Court order served.

Kenrick Park - Noticed boy racers starting to gather along Kenrick Way. Passed to the Police on 999, log number: 4867/170623 AA

82697 on 4/8/23

From: Kay Millar
Sent: 04 August 2023 12:19
To: Pardip Sandhu <Pardip_Sandhu@sandwell.gov.uk>
Subject: Raising yet again fast cars and road racing

Hi Pardip

How are you? I've not had direct contact for a while

I seen somewhere in this mountain of emails that a tasking meeting is happening soon?

I'd like to raise yet again I'm afraid the constant complaints of Racing Cars on Hydes Road, Rydding Lane, Hall Green Road and also recently road racing on a section of Ruskin Street and Gladstone Street, a 20mph area/zone.

I'm just keeping this on the radar!

Best Regards

Kay
Cllr Kay Millar
Hateley Heath Ward

83336 on 26/8/23

Regularly up and down hilton street and skidmore more drive in West Bromwich. The noise is so loud from these bikes and driven so dangerously and recklessly.

Daily occurrence mainly in evenings. The bikes can be located on skidmore drive parked outside the address flat no unknown. Will provide images and video when I get them.

I wish to remain anonymous to yo fear of repercussions

84242 on 8/10/23

I was woken up by a very noisy racing car which drove down and up the street a couple of times. I didn't have a chance to see the car or the driver. This is to be reported in a context of extreme intensification of those practices this weekend (can still hear some at the moment on Sunday morning 8am) around Sandwell. I heard so many racing cars yesterday on 7th October when walking along the canal. I read your report on your fight against car racing being banned in the West Midlands which should be part of law anyway but cannot see or

rather hear any difference compared to before especially when the weather is good. I wish the police was more active on those days and weekends.

84275 on 10/10/23

Car cruising needs stopping

84286 on 10/10/23

The Hamstead Road outside my house is clearly a road racing event. It happens every night. I am sure it is part of a timed circuit and people racing each other in close proximity. One night one of them will end up in Newton Road causing a major accident.

85103 on 27/11/23

Operation Hercules Working Log: 2759 of 19/11/23 -

Log 4097 of 19/11/23 - 11 cars racing Kelvin Way at approximately 2230 hours

Log 4158 of 19/11/23 ? 40 cars gathered around Kelvin Way (2255 hours)

Log 4168 of 19/11/23 ? Racing on Kenrick Way approximately (2256 hours)

Log 4169 of 19/11/23 - boy racers congregating on Maria Street (Kenrick Way) 2257 hours

Log 4181 of 19/11/23 ? vehicles racing up and down Kenrick Way West Bromwich 2300 hours

Log 4210 of 19/11/23 ? 30 cars speeding up Kelvin Way 2310 hours

Log 4226 of 19/11/23 ? Vehicles racing up dual carriageway 2314 hours

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN3

This is the document referred to as "Exhibit PN3" in the witness statement of Pardip Nagra dated 12 February 2024.

For: Claimants
Statement of:
Statement no: 2
Exhibits: AC3-AC5
Date: 25 January 2024

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

CLAIM NO: KB-2022-BHM-000188

BETWEEN:

**(1) WOLVERHAMPTON CITY COUNCIL
(2) DUDLEY METROPOLITAN BOROUGH COUNCIL
(3) SANDWELL METROPOLITAN BOROUGH COUNCIL
(4) WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

WITNESS STATEMENT OF ANDREW CLARKE

I, Andrew Clarke, ASB Town Lead of Sandwell Metropolitan Borough Council, Sandwell Council House, Freeth Street, Oldbury, B69 3DE, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. I write this statement in relation to the Street Racing / Car Cruising Injunction granted at the High Court on the 21st December 2022, and in response to their directions in this matter.
3. This is my second statement in these proceedings.
4. Confirmation of all signage locations in Sandwell, was one of the steps set out in terms of one of the requirements set out at Court.
5. Having undertaken an inspection on the morning of 17th January 2024, I can confirm that signage is currently displayed at the following locations:
6. A temporary sign is displayed at Retail Park Entrance of Axeltree Way (J9 towards Wednesbury), WS10 9QY.
7. A temporary sign is displayed at Axeltree Way Junction (near to Curry's PC World), WS10 9QY
8. A temporary sign is displayed at Axeltree Way Island (near to Burger King), WS10 9QY
9. A temporary sign is displayed at MoorCroft Drive at its junction with Hallens Drive, WS10 7DD
10. A temporary sign is displayed at Hallens Drive Island, at its junction with Patent Drive, WS10 7XB

11. A permanent sign is displayed along the A41 Black Country New Road, near to the Dreams Superstore at its junction with Javelin Park.
12. A temporary sign is displayed at A41 Island Great Bridge (near to Olympus Distribution), DY4 7HY
13. A temporary sign is displayed at the entrance to Asda Retail Park (Great Bridge Street Junction), B70 0EN
14. A temporary sign is displayed at Dudley Port towards Great Bridge (prior to junction with Sedgley Road East), DY4 7RL
15. A temporary sign is displayed at Green Street (Junction with Kenrick Way), B70 6DR
16. A temporary sign is displayed A4182 Kenrick Way starting section (heading away from West Bromwich), B70 6EA
17. A temporary sign is displayed A4182 Kenrick Way end section (heading away from West Bromwich), B70 6EA
18. A temporary sign is displayed at A4182 Kenrick Way Start section (heading towards West Bromwich), B70 1AG
19. A temporary sign is displayed at A4182 Kenrick Way (heading towards West Bromwich, near the junction with Union Street), B70 1AG
20. A temporary sign is displayed at Black Lake (Junction with New Swan Lane), towards Wednesbury, B70 0FT
21. A temporary sign is displayed at Birchley Retail Park (Former Toys R Us site), Entrance from A4034, B69 4RJ

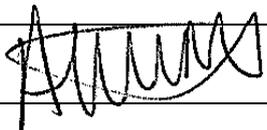
22. A temporary sign is displayed at Birchley Retail Park (Former Toys R Us site), Exit from Car Park, B69 4RJ
23. A permanent sign is displayed at the exit from Junction 9 of the M5, at its junction with Birchley Island.
24. During the inspection of the signage, photographs were taken. It was not possible to photograph all signs as I undertook the inspection in an unliveried personal vehicle and not all locations were safe for alighting. However, most locations were photographed. These photographs are here marked **AC3**, which I exhibit to my statement.
25. The inspection also confirmed that following signs, previously erected and inspected, have been noted as missing. Replacements have been requested from the councils Highways Team, who have also been informed of the courts requirement that they be installed (or scheduled for installation) by no later than 1st March 2024.
26. Axeltree Way Island (IKEA Side), WS10 9SF
27. Brickhouse Lane South (outside Asda petrol station), DY4 7HJ
28. Entrance to McDonalds Car Park, Great Bridge, DY4 7HJ
29. The inspection and maintenance schedule for these signs will be minimally once every 6 months and more frequently should resources permit it.
30. As of 18th January 2024, I can confirm that Sandwell Council have provided a phone number and e-mail address for people to contact to report missing signs, on our dedicated car cruising injunction webpage at <https://www.sandwell.gov.uk/streetracing>.

31. Plans and maps showing the locations of the signage throughout Sandwell are marked **AC4**, which I exhibit to my statement.
32. Plans for further permanent signage include the installation of 2 new permanent signs at Kenrick way, with further permanent signs in the immediate locality. However, the permanent signage along Kenrick Way has been delayed my matters outside the council's control.
33. The current permanent car cruising signs are too large to affix onto standard lighting columns and require additional support poles, which require excavations. Kenrick Way is a traffic sensitive area and has a mainline pipeline running through, as such the council are not allowed to undertake excavations without prior consent from Fisher German, who manage the oil pipeline. We have made a number of requests for this permission; however, it has not yet been granted. We continue to request these permissions urgently and we will undertake the work as soon as permission is secured.
34. Plans and maps showing the locations of the planned new signage throughout Sandwell, are marked **AC5**, which I exhibit to my statement.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Date

25/01/2024

Print name in full Andrew Clarke

For: Claimants
Statement of: Andrew Clarke
Statement no: 2
Exhibits: AC3 – AC5
Date: 25 January 2024

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

CLAIM NO: KB-2022-BHM-000188

BETWEEN:

- (1) WOLVERHAMPTON CITY COUNCIL**
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL**
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL**
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

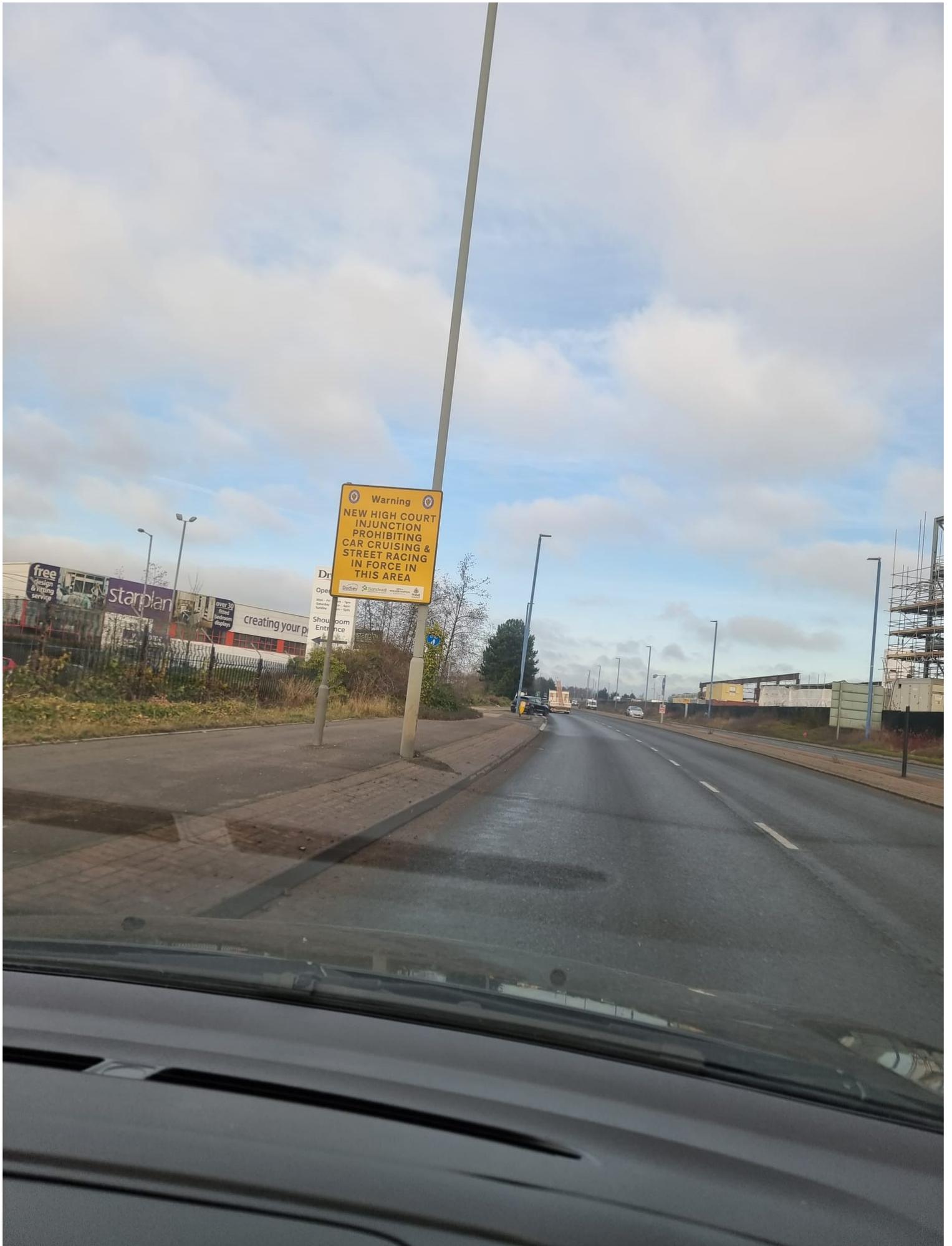
WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

EXHIBIT AC3

This is the document referred to as “Exhibit AC3” in the witness statement of Andrew Clarke dated 25 January 2024







(M6, M5)

Walsall (A461)

Dudley (A461)
Wednesbury

Great Bridge (A41)

Warning
NEW HIGH COURT
INJUNCTION
PROHIBITING
CAR CRUISING &
STREET RACING
IN FORCE IN
THIS AREA

Dudley Borough Council





Warning
NEW HIGH COURT
INJUNCTION
PROHIBITING
CAR CRUISING &
STREET RACING
IN FORCE IN
THIS AREA



























Warning
NEW HIGH COURT
INJUNCTION
PROHIBITING
CAR CRUISING &
STREET RACING
IN FORCE IN
THIS AREA

Dudley Sandwell CITY OF WOLVERHAMPTON
Metropolitan Council



SANDWELL'S CAR CRUISING SIGN LOCATIONS

Wednesbury

Location 1

Wood Green Road at the junction with Axletree Way (J9 towards Wednesbury)

Large Permanent sign

Location 2

Axletree Way Island (IKEA side) Lighting Column No.12

Foamex Sign

Location 3

Axletree Way at the junction near to Curry's, lighting column no.1

Foamex Sign

Location 4

Axletree Way Island (PC World/Burger King/Currys), lighting column no. 34

Foamex Sign

Location 5

Moorcroft Drive (Junction with Patent Drive), lighting column no. 1

Foamex Sign

Location 6

Hallens Drive (Island at the junction with Patent Drive), lighting column no.13

Foamex Sign

Location 7

Hallens Drive (Island at junction nearest the canal, near to Johnsons Control), lighting column no. 19

Foamex Sign

Location 8

A41 (Black Country Route near to Dreams)

Large permanent sign

Tipton

Location 9

A41 Island Great Bridge (by Olympus), lighting column no. R3/5

Foamex Sign

Location 10

Brickhouse Lane South (near to petrol station), lighting column no. 7

Foamex Sign

Location 11

Entrance to McDonalds car park, Great Bridge, attached to lighting column (no number)

Foamex Sign

Location 12

Entrance to Asda Retail (off Great Bridge Street), attached to lighting column

Foamex Sign

Location 13

Dudley Port Junction of Sedgley Road East, prior to the traffic lights, heading towards Great Bridge.
Lighting column no. 34

Foamex Sign

West Bromwich

Location 14

Green Street (Junction of Kenrick Way towards West Bromwich, lighting column no. 12

Foamex Sign

Location 15

Kenrick Way towards West Bromwich (just past Cricketers Arms), lighting column no. 55

Foamex Sign

Location 16

Kenrick Way travelling from West Bromwich, attached to lighting column (no number)

Foamex Sign

Location 17

Black Lake (Junction with New Swan Lane, travelling towards Wednesbury

Foamex Sign

Oldbury

Location 18

Toys R Us car park entrance, attached to lighting column

Foamex Sign

Location 19

Toys R Us, centre of car park, attached to lighting column

Foamex Sign

Location 20

Toys R Us car park exit at junction with Wolverhampton Road, attached to lighting column

Foamex Sign

Location 21

Junction 2, M5, at the junction with Birchley Island

Large permanent sign

IMPORTANT
The Contractor will be responsible for setting out the work. All dimensions must be obtained from or checked on site. Figured dimensions to be used in preference to scale.



LOCATION PLAN

Axletree Way Wednesbury

Location 2
Foamex Car
Cruising sign

B & Q

Location 3
Foamex Car
Cruising sign

Burger King

Location 4
Foamex Car
Cruising sign

Pizza Hut

KFC

JUNCTION 9, M6



Location 1
Large Metal
type sign



HIGHWAYS GROUP MANAGER

Robin Weare, BSc, C.Eng, M.I.C.E. MBA.
Sandwell Council House
Froeth Street Oldbury
West Midlands B69 3DE
E-mail: Highways@sandwell.gov.uk

PROJECT
Car Cruising
Signage

LOCATION
Wednesbury

DRAWING TITLE
Car Cruising
Signage

SCALE Not to Scale

ISSUED BY S Chadwick

DATE 17th Jan 2023

DRAWN BY Sharon Lang

DRAWING No 40972 S/4

IMPORTANT
The Contractor will be responsible for setting out the work. All dimensions must be obtained from or checked on site. Figured dimensions to be used in preference to scale.



LOCATION PLAN

Hallen Drive / Patent Drive Wednesbury

Location 6
Foamex Car Cruising
sign

Location 5
Foamex Car Cruising
sign

Location 7
Foamex Car Cruising
sign



Location 8
Large Metal
type sign



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Sandwell Council House
Froeth Street Oldbury
West Midlands B69 3DE
E-mail: Highways@sandwell.gov.uk

PROJECT
Car Cruising
Signage

LOCATION
Wednesbury

DRAWING TITLE
Car Cruising
Signage

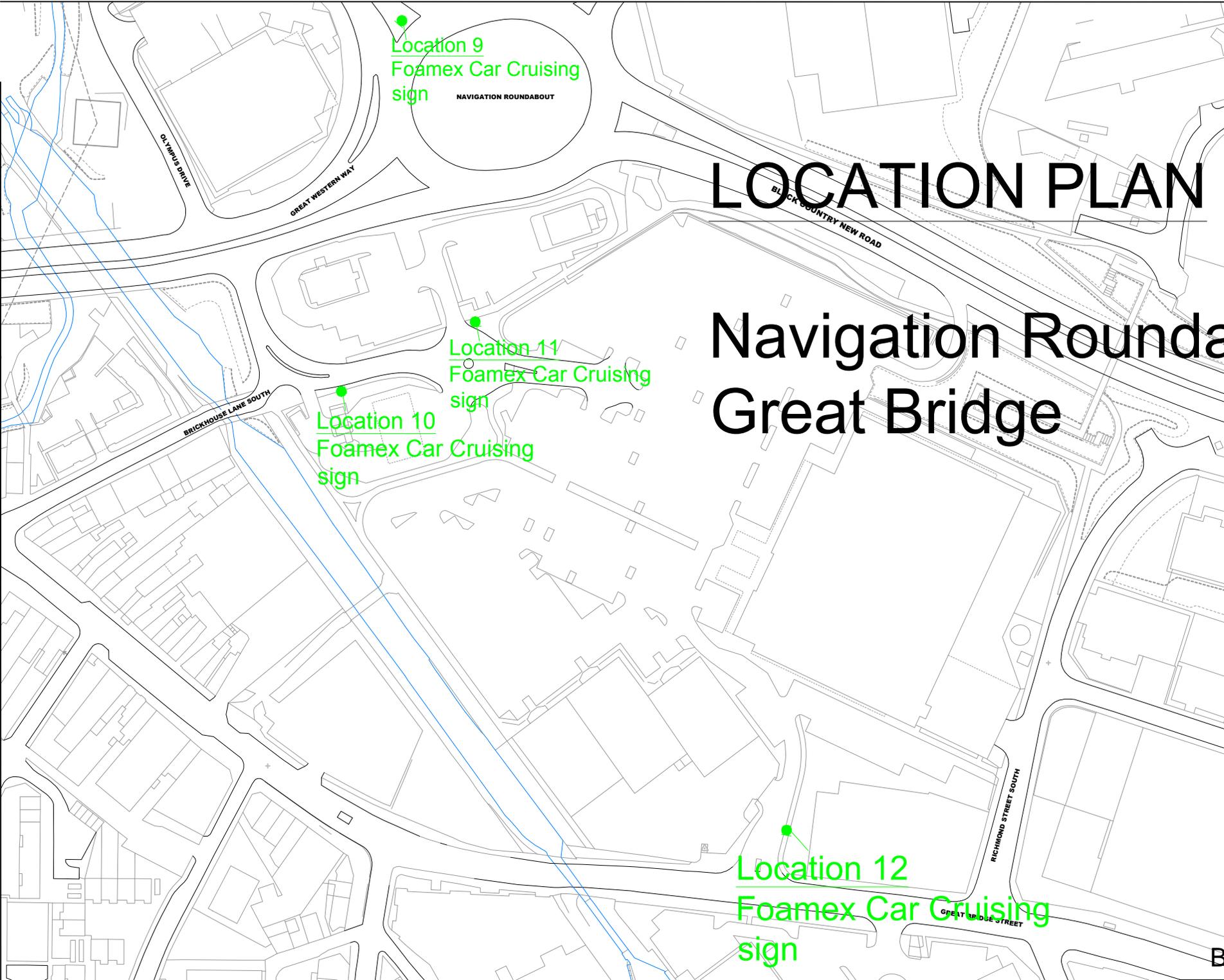
SCALE Not to Scale

ISSUED BY S Chadwick

DATE 17th Jan 2023

DRAWN BY Sharon Lang

DRAWING No 40972 /1 S/4



LOCATION PLAN

Navigation Roundabout Great Bridge

Location 9
Foamex Car Cruising
sign

Location 11
Foamex Car Cruising
sign

Location 10
Foamex Car Cruising
sign

Location 12
Foamex Car Cruising
sign

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IMPORTANT
The Contractor will be responsible
for setting out the work.
All dimensions must be obtained
from or checked on site.
Figured dimensions to be used in
preference to scale.



HIGHWAYS GROUP MANAGER
Robin Weare, BSc, C.Eng, M.I.C.E, MBA.
Sandwell Council House
Fleeth Street Oldbury
West Midlands B69 3DE
E-mail: Highways@sandwell.gov.uk

PROJECT
Car Cruising
Signage

LOCATION
Great Bridge Area

DRAWING TITLE
Car Cruising Signage - Great
Bridge

SCALE Not to scale

ISSUED BY S Chadwick

DATE 17th Jan 2023

DRAWN BY Sharon Lang

DRAWING No 40973 S/4

LOCATION PLAN

Dudley Port
Tipton
near to junction with
Sedgley Road East

Location 13
Foamex Car Cruising
sign

SEDGLEY ROAD EAST

DUDLEY PORT

GROVELAND ROAD

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Ordnance Survey Licence No 100032119

IMPORTANT
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for setting out the work.
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Figured dimensions to be used in
preference to scale.



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Robin Weare, BSc, C.Eng, M.I.C.E, MBA.
Sandwell Council House
Fleeth Street Oldbury
West Midlands B69 3DE
E-mail: Highways@sandwell.gov.uk

PROJECT
Car Cruising
Signage

LOCATION
Great Bridge Area

DRAWING TITLE
Car Cruising Signage - Great
Bridge

SCALE Not to scale

ISSUED BY S Chadwick

DATE 17th Jan 2023

DRAWN BY Sharon Lang

DRAWING No 40973/1 S/4



LOCATION PLAN

Kenrick Way West Bromwich

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Sandwell Council House
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PROJECT
Car Cruising Signage

LOCATION
Kenrick Way,
West Bromwich

DRAWING TITLE
Car Cruising Signage -
West Bromwich

SCALE	Not to Scale
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ISSUED BY	S Chadwick
-----------	------------

DATE	2nd Aug 2023
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DRAWN BY	Sharon Lang
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DRAWING No	41141 S/4
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IMPORTANT
The Contractor will be responsible for setting out the work. All dimensions must be obtained from or checked on site. Figured dimensions to be used in preference to scale.



LOCATION PLAN

Black Lake
West Bromwich
(near to junction with
New Swan Lane)

Location 17
Foamex Car
Cruising sign

BLACK LAKE

CHURCH LANE

NEW SWAN LANE



HIGHWAYS GROUP MANAGER
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E-mail: Highways@sandwell.gov.uk

PROJECT
Car Cruising
Signage

LOCATION
Kenrick Way,
West Bromwich

DRAWING TITLE
Car Cruising Signage -
West Bromwich

SCALE Not to Scale

ISSUED BY S Chadwick

DATE 2nd Aug 2023

DRAWN BY Sharon Lang

DRAWING No 41141/1 S/4

IMPORTANT
The Contractor will be responsible for setting out the work. All dimensions must be obtained from or checked on site. Figured dimensions to be used in preference to scale.

BIRCHLEY ISLAND

LOCATION PLAN

Electricity Distribution Site

Birchley Island
Oldbury
(Area in and around B & M
Car park)



Location 21
Large Metal type
Car Cruising Sign

Location 18
Foamex Car Cruising
sign

Location 19
Foamex Car Cruising
sign

Location 20
Foamex Car Cruising
sign



HIGHWAYS GROUP MANAGER

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Sandwell Council House
Freeth Street Oldbury
West Midlands B69 3DE
E-mail: Highways@sandwell.gov.uk

PROJECT
Car Cruising
Signage

LOCATION
Oldbury

DRAWING TITLE
Car Cruising Signage -
Oldbury Area

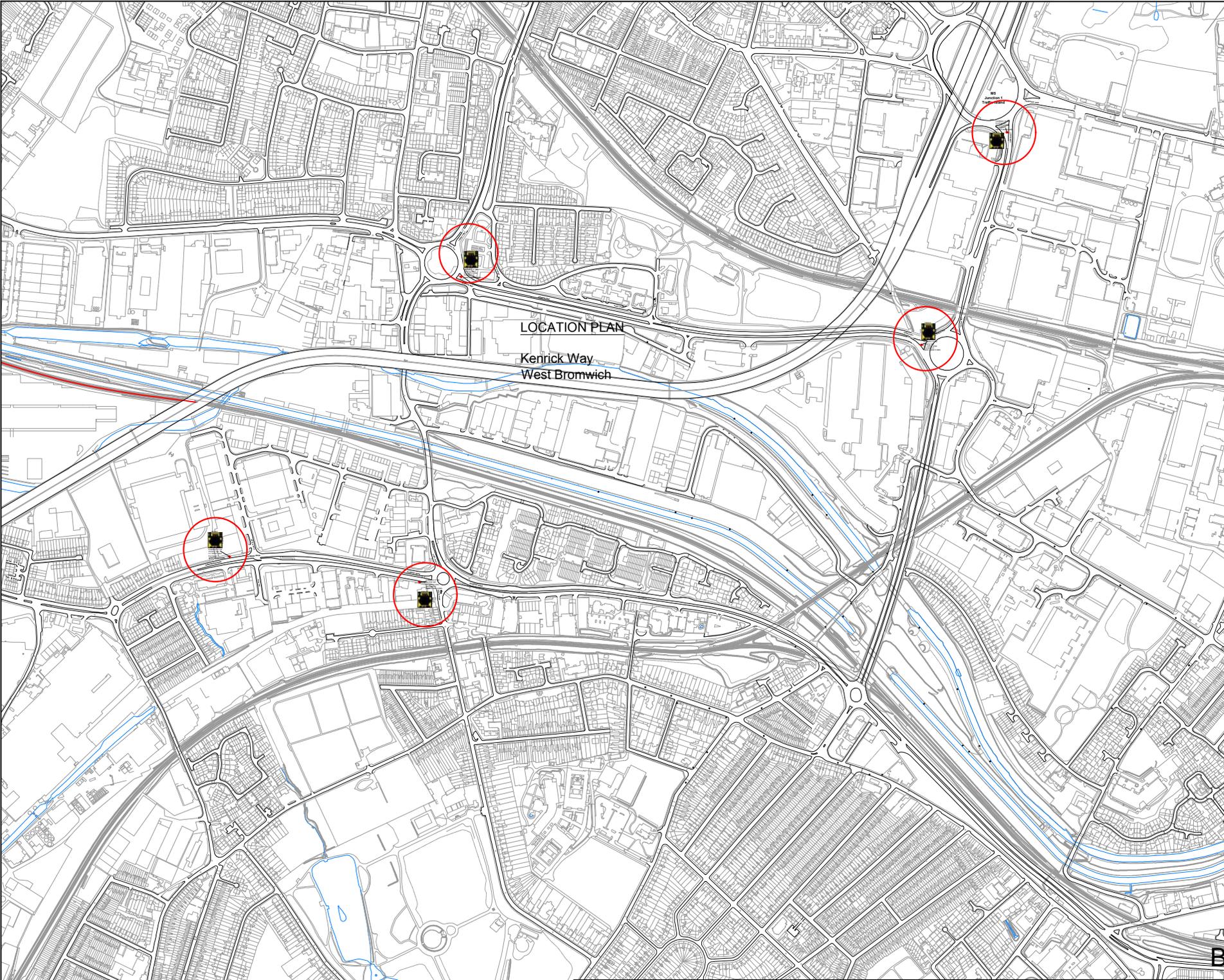
SCALE Not to Scale

ISSUED BY S Chadwick

DATE 17th Jan 2023

DRAWN BY Sharon Lang

DRAWING No 41138 SJ4



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IMPORTANT
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HIGHWAYS GROUP MANAGER
 Robin Weare, BSc, C.Eng, M.I.C.E, MBA,
 Sandwell Council House
 Fresh Street Oldbury
 West Midlands B69 3DE
 E-mail: Highways@sandwell.gov.uk

PROJECT
 Car Cruising Signage

LOCATION
 Kenrick Way,
 West Bromwich

DRAWING TITLE
 Car Cruising Signage -
 West Bromwich

SCALE	Not to Scale
ISSUED BY	S Chadwick
DATE	2nd Aug 2023
DRAWN BY	Sharon Lang
DRAWING No	41141/2 S/4

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN4

This is the document referred to as "Exhibit PN4" in the witness statement of Pardip Nagra dated 12 February 2024.

For: Claimants
Statement of: Mark Wilson
Statement no: 4
Exhibits:
Date: 1st February 2024

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

CLAIM NO: KB-2022-BHM-000188

BETWEEN:

**(1) WOLVERHAMPTON CITY COUNCIL
(2) DUDLEY METROPOLITAN BOROUGH COUNCIL
(3) SANDWELL METROPOLITAN BOROUGH COUNCIL
(4) WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

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WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

FOURTH WITNESS STATEMENT OF MARK WILSON

I, MARK WILSON, Community Safety Officer, will say as follows:-

1. I am employed by Dudley Metropolitan Borough Council as a Community Safety Officer. As the Borough's lead for Anti-Social Behaviour, Car Cruising, Public Space Protection Orders, Prevent and Hate Crime, part of my role is to ensure that Dudley is a safe place to live, work and visit and to work collaboratively across the West Midlands region in respect of community safety issues.
2. I make this statement supplemental to the witness statements which I signed on 25th April 2023, 20th September 2023 and 30th November 2023.
3. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
4. This statement is given to update the Court on car cruising activities and the condition of the signage in the Dudley Borough relation to the Injunction and street racing.
5. Since my previous witness statement Manor Way continues to be a hotspot for car cruise activity with regular reports of vehicles gathering at Shell Petrol station and racing along the dual carriageway. There have also been sporadic complaints of cars and motorbikes racing at the Merry Hill Centre.

6. I can confirm that all the signage in the Dudley Borough relating to the Injunction and street racing has recently been inspected by our Transport and Highways team and they report that all are in good condition with no visible damage.
7. A schedule for monthly inspections is now in place with the next inspection of the signage being due to take place on 26th February 2024.
8. Damaged signage can be reported to our call centre, Dudley Council Plus, by telephone on 0300 555 2345 or email at DudleyCouncilPlus@dudley.gov.uk. Any reports will be forwarded to a member of the Transport and Highway Services team who will arrange to inspect and repair/replace the signs where required.
9. I believe that the injunction continues to have a positive effect and it is important that it remains in place and a final order made to ensure the public safety and protect law abiding members of the public and businesses who have suffered for many years from the negative impact of car cruising and street racing. However, as sought the terms of the order demonstrably need widening to include spectators and organisers.
10. I believe the facts stated in this statement to be true. I understand that proceedings for contempt may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Date

01/02/2024

Print name in full Mark Wilson

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN5

This is the document referred to as "Exhibit PN5" in the witness statement of Pardip Nagra dated 12 February 2024.

Statement of: Steven Gittins
For: Claimants
Statement no: 2
Exhibits: MRC3 - MRC4
Date: 05 February 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

SECOND WITNESS STATEMENT OF STEVEN GITTINS

I, STEVEN JOHN GITTINS, Community Safety Manager, Walsall Metropolitan Borough Council, Civic Centre, Darwall Street, Walsall, WS1 1TP (“the Council”) WILL SAY AS FOLLOWS:

1. I make this statement further to those which I have previously made in support of the Black Country boroughs’ application for an injunction prohibiting people from engaging in street racing and car cruising.
2. An injunction was initially granted from 1 February 2014 to 1 February 2018, and subsequently extended until it lapsed on 1 February 2021. A further interim injunction was granted on 22 December 2022 and subsequently extended in February, October and December 2023. I provided evidence in support of both the original and subsequent applications.
3. There have to date been no applications for committals for breaches of the above injunction in the Borough of Walsall.
4. As per my previous statements, although there has been an upturn in activity over the period 23/12/22 – 22/12/23, it continues to be the case overall that problems associated with street racing and car cruising related activity within the borough, remain reduced since the original car cruising injunction and then subsequent injunctions came into effect. This remained the case, even during the 22-month period when the injunction was not in place. This it is believed is at least in part due to the lack public understanding that the injunction was no longer of force and Signage remaining in situ. It is arguable that the continued reduction was due to a legacy effect of the previous order.
5. During the period 23/12/21 – 22/12/22, which is the 12 months prior to the granting of the first interim injunction, the Council’s Community Protection Team received two reports concerning anti-social behaviour relating to “joy riding/motor vehicles”. During the subsequent 12 months, 23/12/22 – 22/12/23 9 reports were received, and between 23/12/23 and 24/1/24 a further 1 report was received. Over the same periods police reported 104, 202 and 9 incidents logs for the borough that contain the word “racing” respectively. This will pick

up a range of vehicle related anti-social behaviour including that related to specifically to Street Racing/Car Cruising. Although it remains the case that there are reports from various locations within the borough, Darlaston, Moxley and Junction 9 of the M6/Black Country Route remain areas of concern.

6. Acting Inspector Upton, the local police lead for this activity, stated that the injunction has been a real deterrent in terms of preventing some of the real risk and issues that street racing brings. He is concerned that if the injunction were no longer in place, we would see a surge in this dangerous activity, particularly along the Black Country Route corridor.
7. A number of residents who have previously provided information in support of the injunction have again been contacted. Two residents in the Hereford Close area of Aldridge stated that the situation had improved but has not gone away, with one stating explicitly that the injunction has worked. Another Aldridge resident, from Leighswood Close, stated that there was still a significant problem, and that he can hear vehicles racing nearby when in bed at night. Local traffic islands are also used as a racetrack with vehicles sometimes driving over, rather than around them. A further resident from Aldridge Road stated that they definitely wanted the injunction to remain in situ, for fear of things getting out of control again. When vehicles do engage in car cruising, they are very loud and drive so fast that they are fearful of reversing off their drive. A nearby business has also frequently had to replace their fence due to damage caused by street racers. An owner of a business on Aldridge Road stated that whilst they do not think the situation had got any worse, they did on occasion see pairs of vehicles racing in the streets. They also felt that much of the behaviour would likely be taking place when the business was closed. Over the Christmas period staff had arrived at work during the morning to find large skid marks on the grassed area in front of their premises.
8. Councillor Paul Bott a Ward Member for Darlaston South, which includes the Moxley area, reported that prior to the original injunction being in place, there was car cruising/street racing activity every weekend on the Black Country Route and surrounding areas, including the car park of a local Aldi. However, since the injunction has been in place the situation has greatly improved and

he no longer receives any complaints. He is fully supportive of the injunction continuing and is concerned about what would happen if a further order were not granted. Once word that an order was no longer in place, he is fearful that this dangerous activity would again increase and that the residents and communities would suffer again as a result. A resident who resides in the Burns Road area of Moxley feels that, although the issues associated with car cruising are nowhere as near as bad as they used to be, they did start to get worse again at the end of 2023 and in early 2024. This time they are not in the area all of the time, appearing periodically for a week and then disappearing, assumingly to another area. When they are in the area it usually from Thursday, through into the weekend and the exhaust noise with “pops and bangs” is very loud.

9. I have recently requested that our Highways Team undertake a further survey of our Car Cruising/Street Racing signage, inclusive of the large fixed and temporary Foamex signs. The audit was undertaken between 19th and 29th January 2024. The audit showed that the large, fixed signs are in order, but that almost all of the smaller Foamex signs were missing. The location of the signs have been plotted by the councils geospatial team and the map is accessible from the Street Racing Web Page on the Council’s web site at <https://mymaps.walsall.gov.uk/streetracingsolo.html> The web page also details the e mail and phone number on which any problems with the signs can be reported via the Council’s Community Protection Team. I now produce and map showing the location of Walsall’s Street Racing signs as exhibit SJG1.
10. The large, fixed signs are at the locations detailed below:
 1. A4031 West Bromwich Road Near Greenside Way
 2. A454 Little Aston Road/junction of Chester Road
 3. A452 Chester Road North
 4. A452 Chester Road, Shire Oak Junction
 5. A34 Stafford Road, Near Yates Farm
 6. A462 Essington Road, near footway link to Kewstoke Close
 7. A4124 Lichfield Road, near the footpath to Highmoor Close
 8. A461 Bescot Road, near depot M6 Junction 9

9. A41 Black Country New Road, between Southern Way and Bull Lane,
10. A463 Black Country Route (westbound) (near to The Lunt)
11. A463 Black Country Route (eastbound) near to The Lunt)
12. A454 Black Country Route (eastbound) (near to Wellmans Road)
13. A454 Black Country Route (westbound) (near to Marshland Way entry slip road)

The remaining smaller Foamex signs are at locations detailed below.

1. Coppice Road Brownhills Lamppost 3
2. Coppice Road Brownhills Lamppost 5
3. Maybrook Road Brownhills Lamppost 13
4. Black Country New Road, Pedestrian Crossing, Lamppost 19

11. In consultation with the police, it has been agreed that temporary signs will be ordered and replaced on the Black Country New Road, Moxley High Street and Moxley Road. Also, in response to concerns raised by residents, temporary signs will also be replaced on Brickyard Road and Northgate Way Aldridge. In total this will number in the region of 15 replacement signs. In order to allow for any further replacements that may be required over time, and to respond to any new emerging hotspots, 50 of the temporary Foamex signs will be ordered. An order is being raised for the replacements signs and highways have confirmed that they will undertake installation which it is anticipated will be completed in late February/early March. Walsall Council's Highways dept will also undertake regular inspections of the signs, inspecting those on A Roads every two months and any others at least every three months. This first inspection will be completed by 1st April 2024 and any issues, or missing signs will be reported to Community Safety for follow up/corrective action.

12. Although the situation in respect of car cruising/street racing in Walsall has improved since the original injunction was granted, reports of this dangerous anti-social activity and the dangers associated with it are still received, and it

remains a significant concern. This including the potential displacement if Walsall were not included in the injunction, due to its location at the end of the Black Country Route and other arterial road networks. There are clearly still some issues in and around the Aldridge area and in other areas of the borough. Also, it is feared that if Walsall were not included then this dangerous anti-social activity would increase within the borough.

13. Walsall's Community Safety Partnership is planning to adopt a new "Road Harm" reduction priority in its 2024 – 27 Community Safety Strategy. Although this will cover a number of harms associated with anti-social and criminal road/vehicle use, it will include those connected with street racing and demonstrates how seriously the partnership and the borough is treating these issues. The injunction is an important tool, to help to deliver against this priority, and address and reduce the significant risks and danger to the borough's inhabitants resulting from this anti-social activity.
14. It remains my view that the granting of the previous injunctions has had a very beneficial effect in protecting the boroughs inhabitants by reducing the level of anti-social behaviour and significant danger caused by street racing and car cruising activity.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Date

05/02/2024

Print name in full STEVEN JOHN GITTINS

Claimant
Steven Gittins
Second Witness
Statement
05 February 2024

**IN THE HIGH COURT OF JUSTICE
CLAIM NO. KB-2022-BHM000188
KINGS BENCH DIVISION**

BETWEEN:

- (1) WOLVERHAMPTON CITY COUNCIL**
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL**
- (3) SANDWELL METROPOLITAN BOROUGH
COUNCIL**
- (4) WALSALL METROPOLITAN BOROUGH
COUNCIL**

Claimants

-and-

PERSONS UNKNOWN

Respondents

WITNESS STATEMENT OF STEVEN GITTINS

**David Pattison
Director of Governance
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG**

Ref: LIJ017753P/01314155

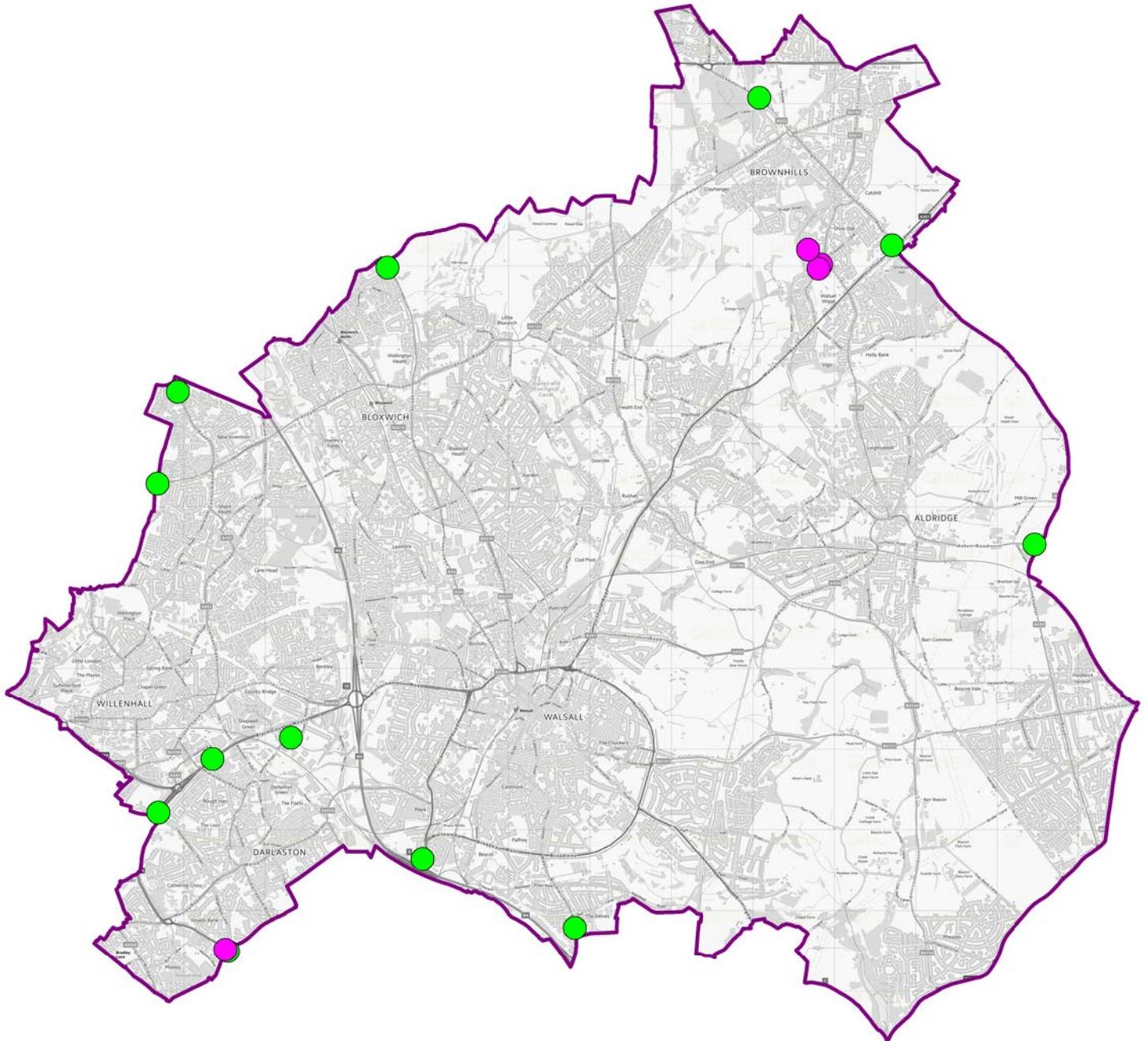
Solicitor for the Council



Walsall Street Racing Signs

● Street Racing Small Foamex Signs

● Street Racing Large Fixed Signs



IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN6

This is the document referred to as "Exhibit PN6" in the witness statement of Pardip Nagra dated 12 February 2024.

**SCHEDULE OF COMMITTALS
BLACK COUNTRY CAR CRUISING INJUNCTION
DECEMBER 2022 – JANUARY 2024**

No.	Name	Local Authority Area in which breach(es) occurred or are alleged to have occurred	Date of Breach(es) or Alleged Breaches	Status of Case	Outcome
1	Mason Phelps	Sandwell MBC	July 2023	Completed	<p>29 January 2024 –</p> <p>Defendant was found to have been racing other vehicles and, at times, travelling at approximately twice the speed limit, on Kenrick Way, West Bromwich, Sandwell in breach of the injunction.</p> <p>Sentence: 42 days' imprisonment suspended for 12 months on condition that the Defendant complies with the terms of the injunction.</p>
2	Rebecca Richold	Sandwell MBC	September 2023	Completed	<p>9 January 2024 –</p> <p>Defendant's admission of racing on Kenrick Way, West Bromwich, Sandwell in breach of injunction, accepted by court and breaches of injunction found to be made out.</p> <p>Sentence: 27 days' imprisonment suspended for 12 months on condition that the Defendant complies with the terms of the injunction.</p>
3	Anthony Gale	Sandwell MBC	May 2023	Completed	<p>3 October 2023 –</p> <p>Defendant's admission of racing on Kenrick Way, West Bromwich, Sandwell in breach of injunction, accepted by court and breaches of injunction found to be made out.</p> <p>Sentence: (1/3 credit given for early admission): 23 days' imprisonment suspended for 12 months on condition that Defendant complies with terms of the injunction.</p>

4	Wiktoria Szczublinska	Sandwell MBC	May 2023	Completed	<p>3 October 2023 –</p> <p>Defendant’s admission of racing on Kenrick Way, West Bromwich, Sandwell in breach of injunction, accepted by court and breaches of injunction found to be made out.</p> <p>Sentence: (1/3 credit given for early admission): 28 days’ imprisonment suspended for 12 months on condition that Defendant complies with terms of the injunction.</p>
5	Isa Iqbal	Wolverhampton City Council	May 2023	Completed	<p>1 November 2023 –</p> <p>Defendant’s admission of performing a “drifting” manoeuvre around a traffic roundabout in Bilston, Wolverhampton in breach of injunction, accepted by court and breaches of injunction found to be made out.</p> <p>Sentence: (1/3 credit given for early admission): 28 days’ imprisonment suspended for 12 months on condition that Defendant complies with terms of the injunction.</p>

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN7

This is the document referred to as "Exhibit PN7" in the witness statement of Pardip Nagra dated 12 February 2024.

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

WITNESS STATEMENT OF TIM PHILPOT

I, TIM PHILPOT of CITY OF WOLVERHAMPTON COUNCIL, CIVIC CENTRE, ST PETERS SQUARE, WOLVERHAMPTON, WV1 1SH, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. This statement is given to update the Court on replacement and additional signs in relation to the Injunction and street racing which have been ordered and installed, or which are planned to be installed within the City of Wolverhampton.
3. Signs have been designed and produced in both metal and Foamex material. A document showing the design of the signs is attached to this statement and marked as TP1.
4. A total of 15 locations, detailed below were identified for the installation of signage in 2023. 10 of these are adjacent to the Black Country Route and require the larger metal signs. 5 are in streets giving access to the Black Country Route where the smaller Foamex signs are suitable.

Metal Signs

- Black Country Route near Vulcan Road Roundabout near Bilston Town Football Club (Lamppost 151)
- Black Country Route Vulcan Road Island near Greenhous Volkswagen Van Centre (Lamppost 152)

- Black Country Route near to Lunt Road/Vulcan Road Junction (Lamppost 169)
- Black Country Route westbound near Lunt Junction parallel to Darlaston Brook (Lamppost 200)
- Black Country Route parallel to McDonalds Off Coseley Road Island (freestanding)
- Black Country Route parallel to Nice 1 Limited Off Coseley Road Island Lamppost 062
- Black Country Route Oxford St Roundabout near Brook Street (Lamppost 128)
- Black Country Route eastbound near Overfield Drive (Lamppost 17)
- Black Country Route north side of roundabout junction with Black Country New Road
- Black Country Route on westbound carriageway approaching roundabout junction with Black Country New Road

Foamex signs

- Springvale Avenue (3 no.)
- Springvale Way (2 no.)

The locations of these signs are shown in the document attached to this statement marked as TP2.

5. Signage as above was installed in 2023. An inspection of signage on 05 February 2024 found the following defects.

- Metal sign at Black Country Route parallel to Nice 1 Limited Off Coseley Road Island Lamppost 062 in need of repair/replacement
- 2 Foamex signs in Springvale Way in need of replacement

These are anticipated to be rectified by 01 March 2024. All other signage is in place and correct.

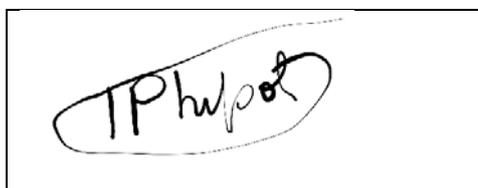
Two Foamex signs were installed in error on the Black Country Route. These are not effective in this location being too small to be read at speed. As there is a larger metal sign on this section of road, these Foamex signs will not be maintained or replaced.

6. Details of the above signs and their locations have been forwarded for inclusion on the Council's website on the following link <https://wolverhampton.maps.arcgis.com/apps/webappviewer/index.html?id=f7be734351534608907e3162133bcb74> along with a contact link [Contact Roads | City Of Wolverhampton Council](#) and phone number 01902 551155 for reporting missing or damaged signs.
7. The above signs will be inspected as part of a regular Inspection Regime. Starting by 01 April 2024 signs on the Black Country Route will be checked every two months and those on minor roads every three months. Any missing or damaged signs will be repaired or replaced promptly.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Date

09/02/2024

Print name in full Tim Philpot

Car Cruising & Street Racing Injunction 2024
 Witness Statement (Wolverhampton)

Appendix TP1

Sign Designs



1) at 75 xht
 1525 x 1700 mm
 area: 2.592 sq.m

Metal Sign

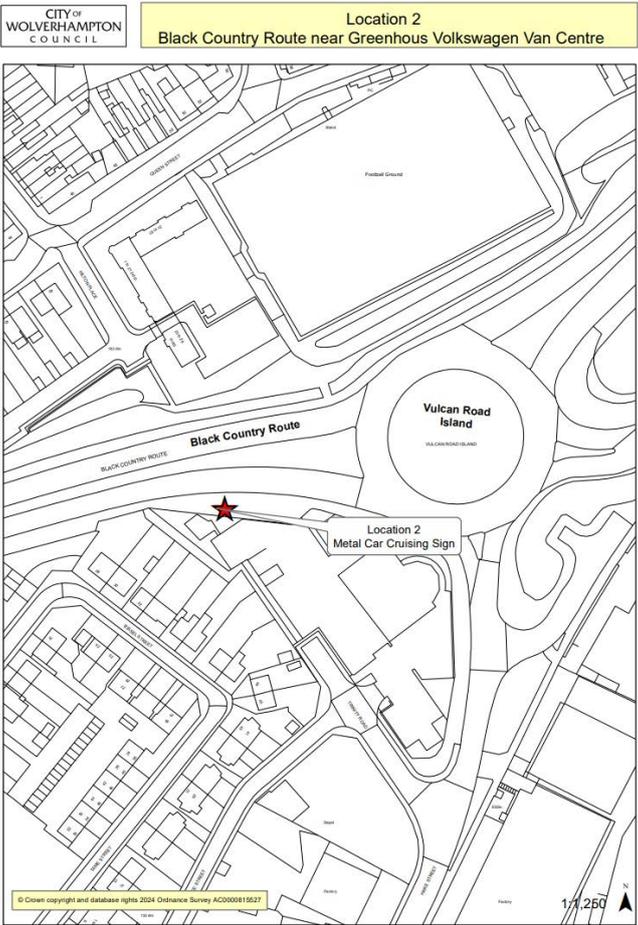
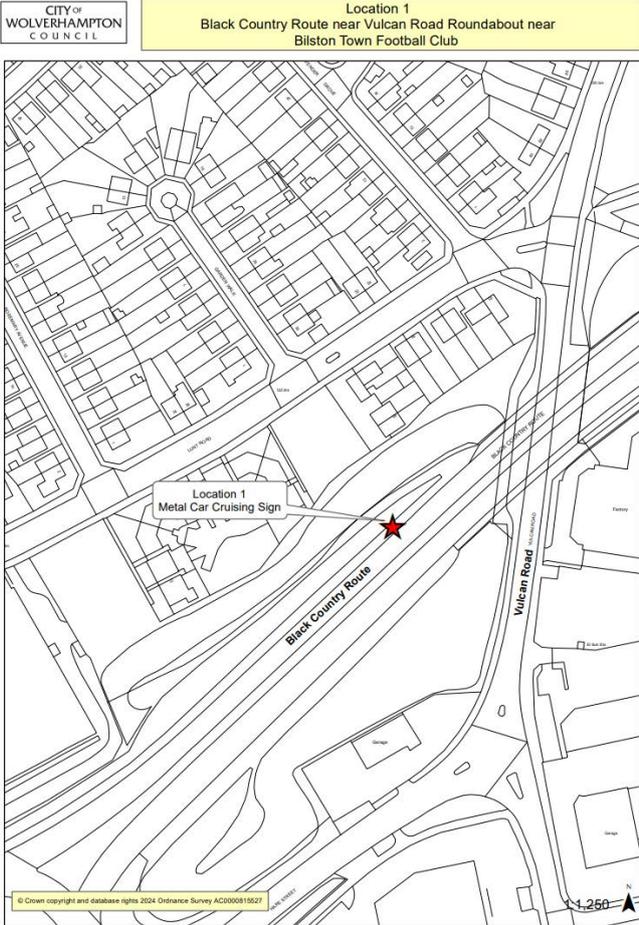


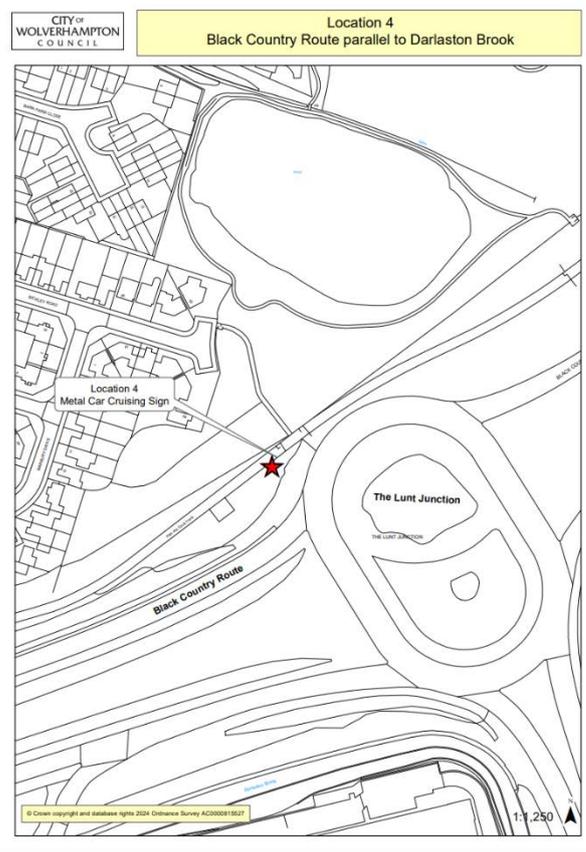
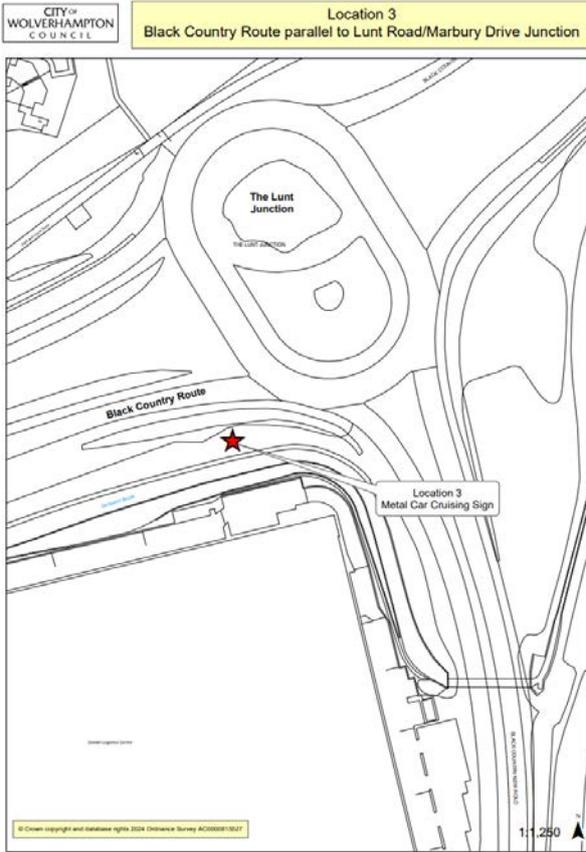
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Border colour:	BLACK
TEXT	
Style:	Transport Heavy
Colour:	/black
Lowercase (x-height) (mm):	20
Capital height (mm):	28
DIMENSION	
Width (mm):	400
Height (mm):	500
Area (sq.m):	0.2
Tolerance (+/- mm)	0

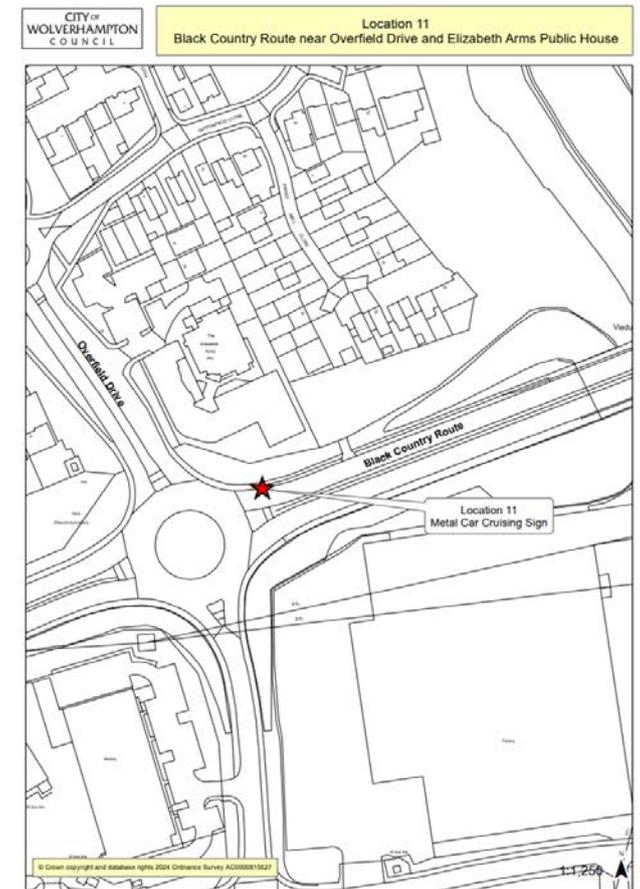
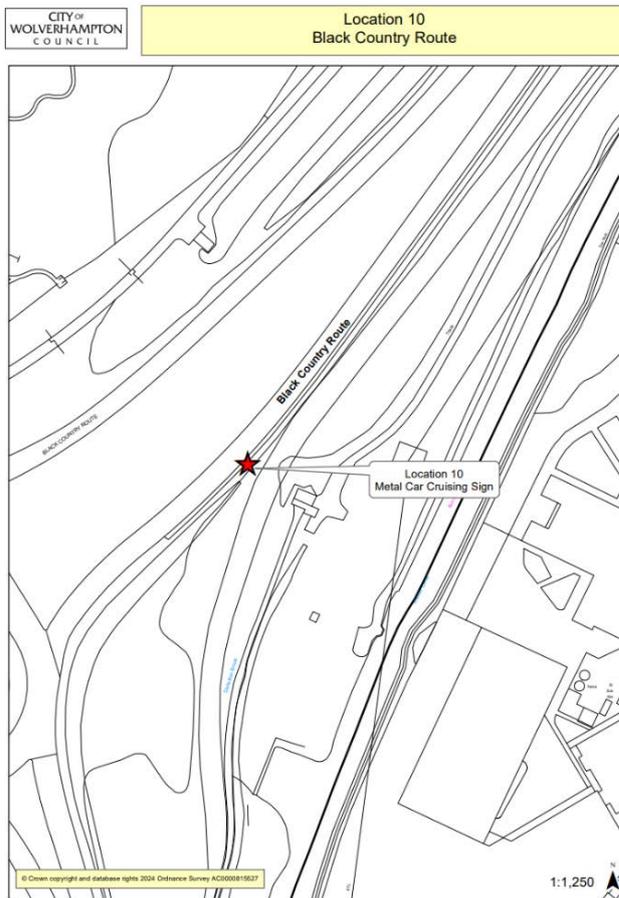
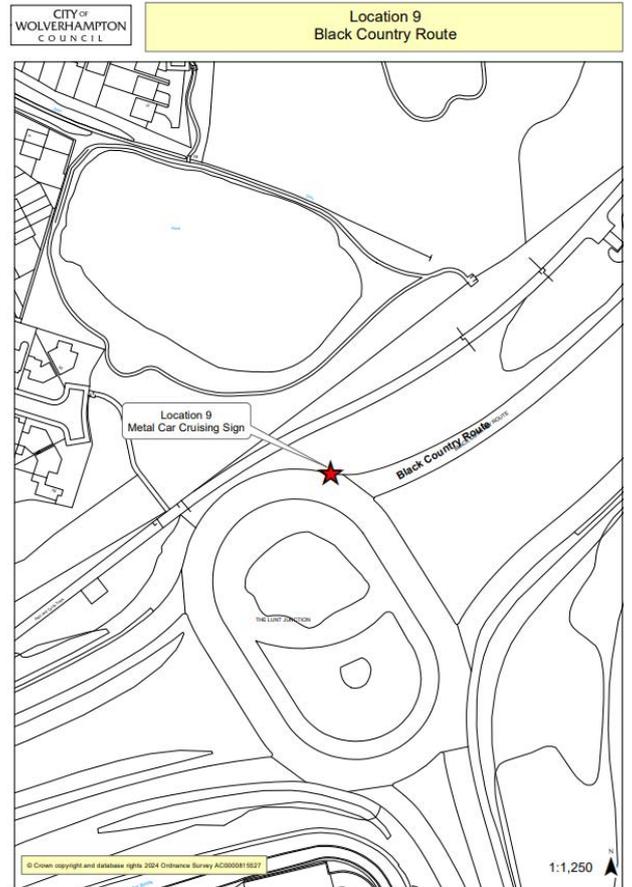
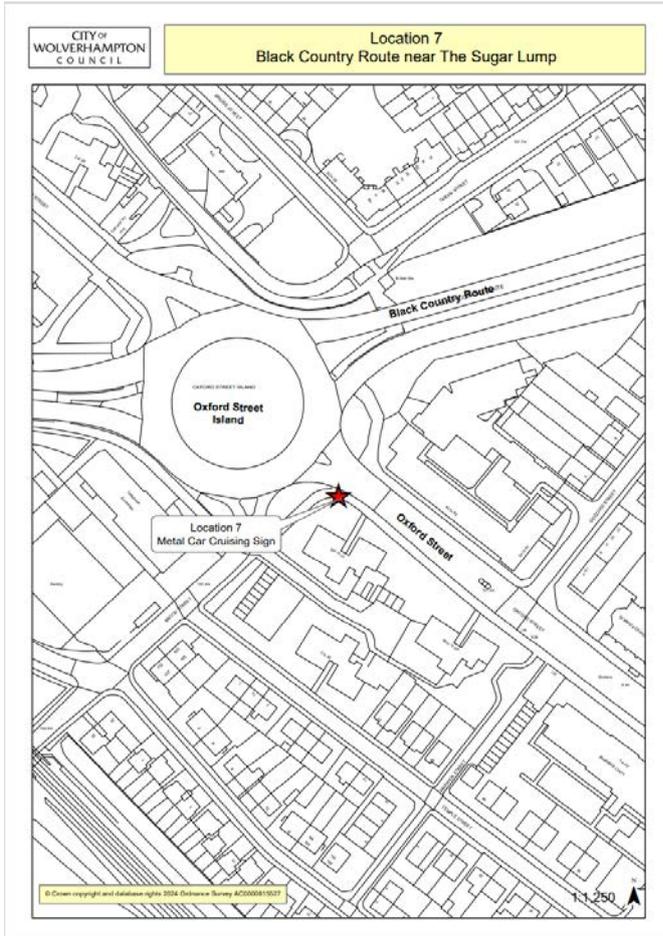
Foamex Sign

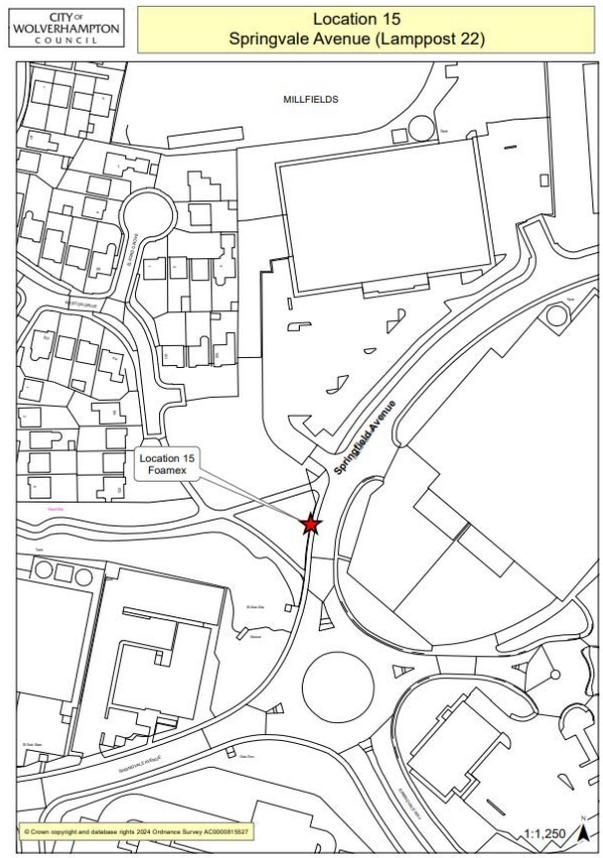
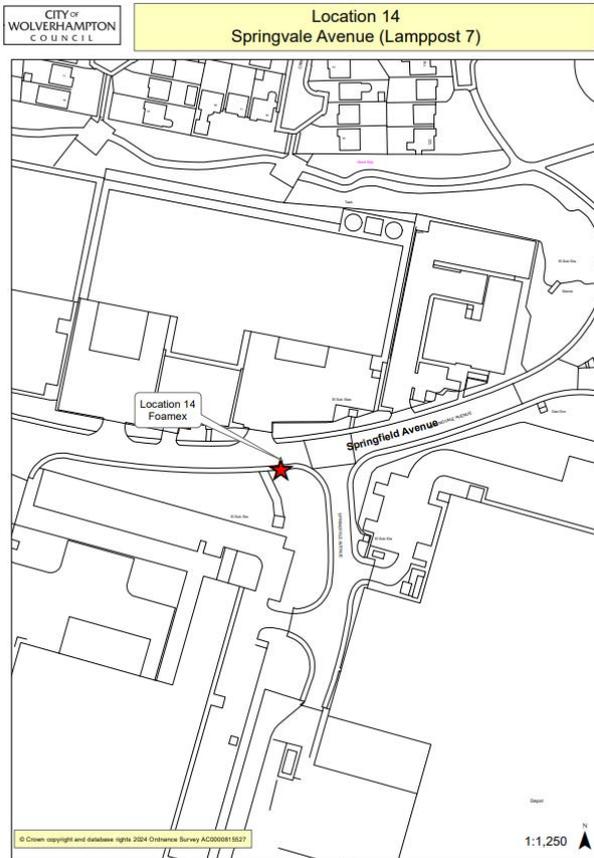
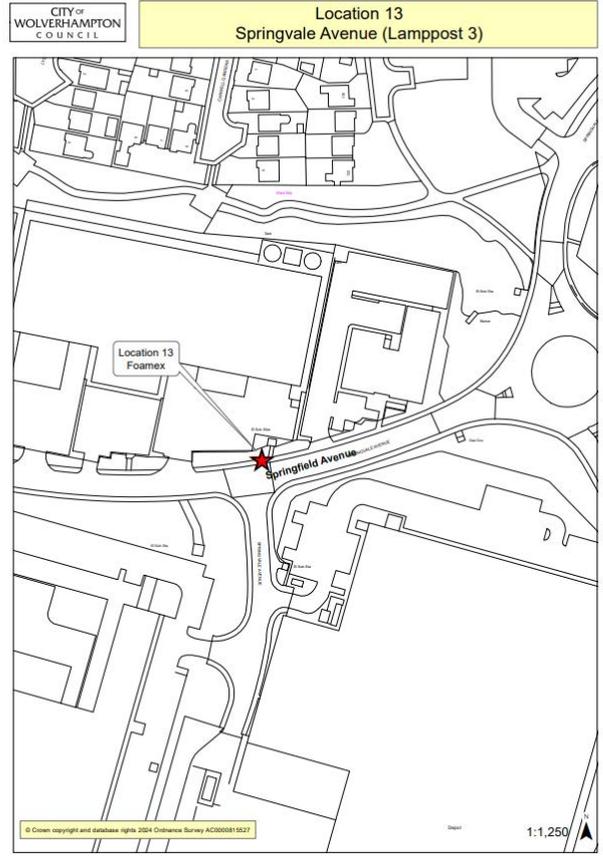
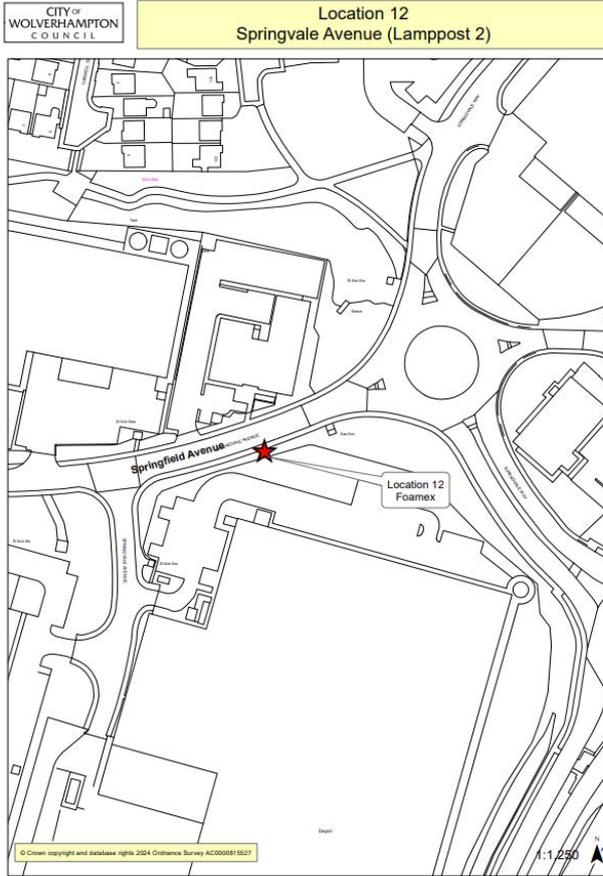
Car Cruising & Street Racing Injunction 2024 Witness Statement (Wolverhampton)

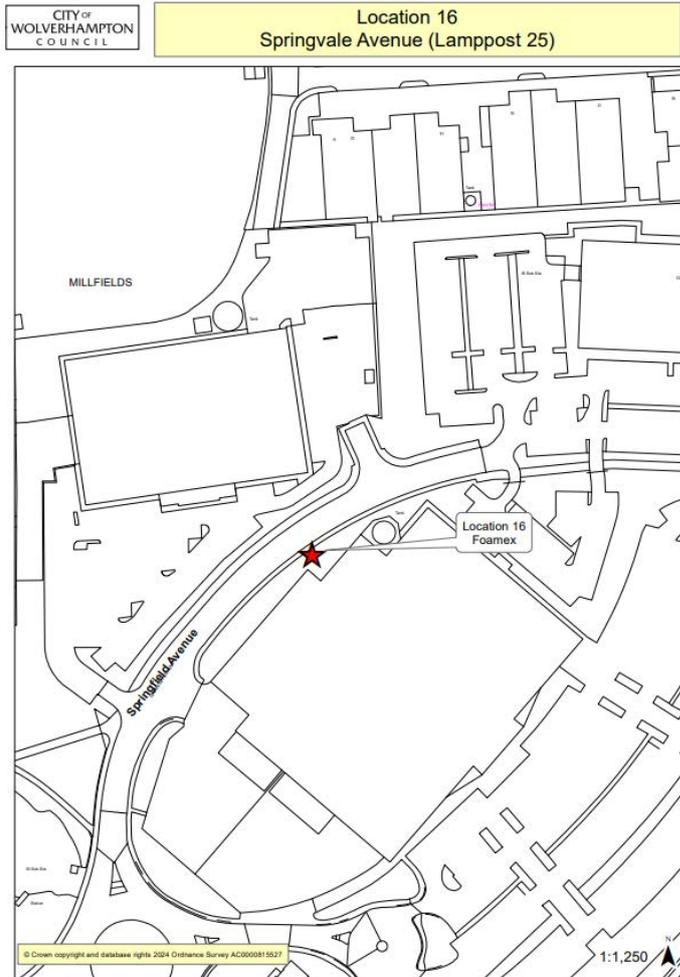
Appendix TP2 Sign Locations











IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

- 1. WOLVERHAMPTON CITY COUNCIL**
- 2. DUDLEY METROPOLITAN BOROUGH COUNCIL**
- 3. SANDWELL METROPOLITAN BOROUGH COUNCIL**
- 4. WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT PN8

This is the document referred to as "Exhibit PN8" in the witness statement of Pardip Nagra dated 12 February 2024.

Briefing Note

Title: Considerations of Alternative Powers to Tackle Car Cruising
Date: 19 January 2024

Prepared by: Adam Sheen

Job Title: Senior Solicitor
(Wolverhampton City Council)

Intended Audience: Internal Partner organisation Public Confidential

1. Purpose

1.1 Consultation meetings between lawyers and anti-social behaviour officers/community safety protection officers for each of Wolverhampton City Council and the Metropolitan Borough Councils of Dudley, Sandwell and Walsall involved in the Black Country Car Cruising Injunction Application matter were held 11 January and 19 January 2024. Whilst these meetings were legally privileged, Wolverhampton City Council and the Metropolitan Borough Councils of Dudley, Sandwell and Walsall are content to disclose publicly the conclusions from these meetings focussed on whether byelaws and public spaces protection orders could provide a workable and viable alternative to an injunction against persons unknown and newcomers to tackle car cruising/street racing in a local authority area. The Councils' decisions in this regard which they are content to make public and present as part of their application for an injunction to restrain car cruising/street racing within their combined local authority areas, are set out within this briefing note.

2. Background

2.1 In the Supreme Court case of *Wolverhampton City Council and Others v London Gypsies and Travellers and Others [2023] UKSC 47*, the Supreme Court held at paragraph 171 of the judgment that when applying for injunctions against persons unknown and newcomers:

“The availability of non-judicial remedies such as the making of byelaws and the exercise of other statutory powers, may bear on questions (i) and (v) in para 167 above: that is to say, whether there is a compelling need for an injunction, and whether it is, on the facts, just and convenient to grant one.”¹

...

¹ *Wolverhampton City Council and Others v London Gypsies and Travellers and Others [2023] UKSC 47* paragraph 171

*The question whether byelaws or other such measures or powers represent a workable alternative is one which should be addressed on a case by case basis”.*²

3.2 The Council and its neighbouring Black Country Borough Councils (the Metropolitan Borough Councils of Dudley, Sandwell and Walsall) currently have an application for such injunction before the High Court to restrain car cruising across the entirety of the four local authorities combined areas. The High Court granted an interim injunction in this matter in December 2022 which remains in force at the time of writing. The matter is to proceed to a final hearing commencing on 27 February 2024. In light of the passages of the Supreme Court’s judgment cited above, the availability of alternative remedies will necessarily form part of the High Court’s considerations at the next hearing.

3. Options – Alternative Remedies

3.1 After due deliberation and consultation across the four Black Country Borough Councils, it has been determined that the only potential alternatives to an injunction restraining car cruising/street racing which local authorities could invoke would be byelaws and public spaces protection orders. The merits, deficiencies and practicalities of these alternative remedies are considered in detail below. The legal framework concerning byelaws and public spaces protection orders is first set out below and then this is considered in the context of the menace of car cruising/street racing in the local authorities’ areas.

4. Byelaws – The Legal Framework³

4.1 Overview

4.1.1 In *Wolverhampton City Council and Others v London Gypsies and Travellers and Others [2023] UKSC 47* the Supreme Court said of byelaws:

*“Byelaws are a form of delegated legislation made by local authorities under an enabling power. They commonly require something to be done or refrained from in a particular area or location. Once implemented, byelaws have the force of law within areas to which they apply.”*⁴

*There is a wide range of powers to make byelaws. By way of example, a general power to make byelaws for good rule and government and for the prevention and suppression of nuisances in their areas is conferred on district councils in England and London Borough Councils by section 235(1) of the Local Government Act 1972 (“the LGA 1972”). The general confirming authority in relation to byelaws made under this section is the Secretary of State.”*⁵

² *Wolverhampton City Council and Others v London Gypsies and Travellers and Others [2023] UKSC 47*. Paragraph 172.

³ The article “Local Authority of Powers to Create Byelaws” by Claire Ward and Lexis +, published on Lexis + UK, is duly acknowledged.

⁴ *Wolverhampton City Council and Others v London Gypsies and Travellers and Others [2023] UKSC 47* Paragraph 209

⁵ *Wolverhampton City Council and Others v London Gypsies and Travellers and Others [2023] UKSC 47* Paragraph 210

...

*We recognise that byelaws are sometimes subjected to detailed and appropriate scrutiny by the courts in assessing whether they are reasonable, certain in their terms and consistent with the general law, and whether the local authority had the power to make them. It is an aspect of the third of these four elements that generally byelaws may only be made if provision for the same purpose is not made under any other enactment”.*⁶

4.1.2 Byelaws are local laws, or “local statutory provision” per section 270 of the Local Government Act 1972,⁷ have the force of law in the area(s) to which they apply and require something to be done or refrained from. Failure to comply with the provisions of a byelaw in force contains a penalty for non-compliance - often a financial penalty.

4.1.3 To be enforceable in law a byelaw must be:

- (a) created within the local authority’s powers;
- (b) made by the appropriate decision maker;
- (c) created by a transparent process; and
- (d) written in clear and certain terms.

4.2 Local Authority powers to make byelaws

4.2.1 The power to create a byelaw is a statutory power and derives from specific statutory powers or general statutory provisions. The power to make byelaws for the regulation of open spaces, for example, derives from section 15 of the Open Spaces Act 1906. Alternatively, there is the general power granted to local authority to create byelaws to prevent nuisance deriving from section 235 of the Local Government Act 1972. The power to create a byelaw stipulating what can and cannot be done in an area to which the byelaw applies is confined by the parameters of the applicable statute. Thus, a byelaw:

- (a) cannot operate contrary to the normal rule of law;
- (b) must be deemed necessary in the circumstances; and
- (c) must be consistent with existing legal framework.

4.2.2 A byelaw cannot be made where there is already provision in primary legislation covering the issue of concern. Similarly, a byelaw cannot make something permissible which is not otherwise allowed. A byelaw is only enforceable whilst its enabling legislation remains in force. In making a byelaw a local authority must act reasonably, proportionately, and otherwise in compliance with general public law requirements and principles.

⁶ *Wolverhampton City Council and Others v London Gypsies and Travellers and Others [2023] UKSC 47.*
Paragraph 214

⁷ “provision of a local Act (including an Act confirming a provisional Order) or a provision of a public general Act passed with respect only to the whole or part of an existing local government area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act local laws that have the force of law within the areas to which they apply”.

4.3 The Appropriate Decision Maker

- 4.3.1 Byelaws were generally considered by a local authority and confirmed by the Secretary of State. Since 2016, local authorities can make byelaws and confirm the byelaw following approval from the Secretary of State.⁸ The creation of a byelaw is a non-executive function⁹ and the local authority's constitution should stipulate whether the function has been delegated to a committee or officer and, if not so delegated, the creation of byelaws remains a decision for full Council.
- 4.3.2 Three decisions should be enshrined in the local authority's byelaw-making process, and each decision should be explicitly resolved by the appropriate decision maker. First, there should be a decision to seek approval for the byelaw from the Secretary of State; secondly, there should be a proposal and recommendation to create the byelaw itself (reinforced with a report detailing the need for byelaw, statutory provision for the byelaw, confirmation that the proposed byelaw does not conflict with any primary legislation, detail the public consultation exercise undertaken to which the proposed byelaw has been subject (and provide a summary of any responses to the consultation (positive or negative), and maps delineating the area(s) to which the byelaw would apply if made and any other appropriate supporting information should be annexed to such report).

4.4 Process for Creating Byelaws

- 4.4.1 A local authority considering a byelaw should undertake thorough research and scrutiny to satisfy itself that the byelaw is necessary, lawful and proportionate. Where there is specific enabling legislation to create a byelaw which the local authority is following, this will be specify the procedure to be followed to adopt the byelaw.
- 4.4.2 Where the local authority seeks to invoke the alternative procedure,¹⁰ there must be a proportionality assessment (including whether the byelaw's intended objective could be secured by alternative means, impact upon people likely affected by the byelaw and whether the regulatory burden on those persons would increase or reduce as a result of the byelaw (expressed in monetary terms insofar as it is possible to do so) and how the byelaw compares with taking no further action. The local authority should consult with all persons it considers will be potentially affected by the byelaw).
- 4.4.3 Once that process has been satisfied, approval should be sought from the Secretary of State. Approval will be considered by the Secretary of State within 30 days and must include the terms of a draft order, a statement and local authorities decision report. The Secretary of State then decides whether to approve, refuse or request further time for considering the byelaw.¹¹ Upon approval from the Secretary of State, the local authority must then propose to make the byelaw. There are then various publicity steps to be satisfied (including publication requirements)¹². A 28-day period must then be allowed for the public to make representations. Upon consideration of any representations received within that timeframe, the local authority:

⁸ The Byelaws (Alternative Procedure) (England) Regulations 2016 SI 2016/165 Regulation 3, Schedule 1

⁹ The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000/2853) Schedule 1, Section F

¹⁰ The Byelaws (Alternative Procedure) (England) Regulations 2016 SI 2016/165 Regulation 5

¹¹ Ibid. Regulations 6-7

¹² Ibid. Regulation 8

- (a) makes the proposed byelaw;
- (b) makes the proposed byelaw with modifications; or
- (c) resolves not to make the proposed byelaw.

4.4.4 The powers under which the byelaw is created, also encompass the power to amend or revoke the byelaw. Amendment or revocation of the byelaw is a matter for full council and should follow the same process as that required for creation of the byelaw.

4.5 Terms of byelaws

4.5.1 Byelaws must be clear and unambiguous. The penalty for non-compliance with the terms of the byelaw should be set out patently clearly in the terms of the byelaw itself. The Department for Housing, Community and Local Government (now the Department for Levelling Up, Housing and Communities) has provided publicly available terms of model byelaws. When drafting proposed byelaws, local authorities must consider their Public Sector Equality Duties and applicable provisions of the Equality Act 2010. Any byelaw made must be made under the common seal of the local authority.¹³

4.6 Enforcement of byelaws

4.6.1 Byelaws are typically enforced by the local authority or the police. Technically, unless precluded in the enabling legislation, any person can enforce a byelaw. The enabling legislation will detail the applicable offence when a person contravenes a byelaw.

4.6.2 If the applicable byelaw is made under the alternative procedure or under the general nuisance power (section 235 Local Government Act 1972), anyone found guilty of contravening the byelaw on summary conviction is liable for a financial penalty fixed by the enactment conferring the power to make the byelaw, or if no level of penalty is stipulated, the sum of £50 is assumed as the maximum.

4.6.3 For continuing offences of contravening the byelaws, applicable maximum sums stipulated in the enabling legislation will be the maximum financial penalty in that respect, or if no sum is stipulated, the sum of £5 for each day during which the offence continues after conviction.¹⁴ Additional powers may confer the ability to seize and retain property in connection with the contravention of a byelaw for which someone has been convicted.¹⁵

4.6.4 If the relevant legislation permits it, fixed penalty notices can be issued in the alternative to prosecution for certain classes of byelaws.¹⁶

¹³ Ibid. Regulation 11

¹⁴ Section 235 Local Government Act 1972

¹⁵ Section 237ZA Local Government Act 1972

¹⁶ Section 237A(1) Local Government Act 1972

4.6.5 If a byelaw is challenged in the courts or in defence to a prosecution, unlike other legislation, a court can quash a byelaw if the court considers the byelaw to be unenforceable.¹⁷ If a byelaw prohibits, by the creation of an offence, an activity regulated by a public spaces protection order, the byelaw is of no effect whilst the public spaces protection order is in force.¹⁸ The Secretary of State may, however, designate a person or body (other than the local authority) to make a byelaw affecting the restricted area and creating an offence.¹⁹

5. Public Spaces Protection Orders – The Legal Framework

5.1 Overview

5.1.1 Public Spaces Protection Orders (“PSPOs”) are governed by sections 59-74 of the Anti-Social Behaviour, Crime and Policing Act 2014.

5.1.2 A local authority has power to make a PSPO if it is satisfied on reasonable grounds that two conditions are met:²⁰

5.1.3 First that the activities carried on, or the activities which are likely to be carried on, within a public place within the local authority’s area have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;²¹ and secondly that the effect, or likely effect of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable and justifies the restrictions imposed in the proposed PSPO.²²

5.1.4 A public place means any place to which the public has access on payment or otherwise as of right or by virtue of express or implied permission.²³ Those in the locality also includes occasional visitors.²⁴

5.2 Prohibitions and Requirements within PSPOs

5.2.1 A PSPO is an order that identifies the public place to which it applies (referred to as the “restricted area”) and:

- (a) prohibits specified things being done within the restricted area;
- (b) requires specified things to be done by persons carrying on specified activities in the restricted area; or
- (c) does both.²⁵

¹⁷ Boddington v British Transport Police [1998] 2 All ER 203

¹⁸ Section 70 Anti-Social Behaviour, Crime and Policing Act 2014

¹⁹ Section 71 Anti-Social Behaviour, Crime and Policing Act 2014

²⁰ Section 59(1) Anti-Social Behaviour, Crime and Policing Act 2014

²¹ Section 59(2) Anti-Social Behaviour, Crime and Policing Act 2014

²² Section 59(3) Anti-Social Behaviour, Crime and Policing Act 2014

²³ Section 74(1) Anti-Social Behaviour, Crime and Policing Act 2014

²⁴ Dulgheriu v Ealing LBC (National Council for Civil Liberties (t/a Liberty) intervening) [2019] EWCA Civ 1490

²⁵ Section 59(4) Anti-Social Behaviour, Crime and Policing Act 2014

5.2.2 The only requirements and prohibitions that may be imposed in the PSPO are those which it is reasonable to impose to prevent or reduce the detrimental effect of the activities continuing, recurring.²⁶

5.2.3 A prohibition or requirement may apply to all persons, only specified persons in specified categories or except specified persons from being caught within the PSPO and may always apply at all times and/or in all circumstances or only at specified times and/or only in specified circumstances or except certain times and/or in all circumstances except certain circumstances.²⁷

5.2.4 A PSPO must identify the activities of concern, detail the consequences of breaching any restrictions on the consumption of alcohol in contravention of the PSPO (if applicable), detail the consequences of a failure to comply with the PSPO and specify the period for which the PSPO has effect.²⁸ A PSPO when made must be published in compliance with regulations made by the Secretary of State. A PSPO cannot be made for a period of more than three years unless it is extended.²⁹

5.2.5 A local authority has power to vary a PSPO in force (increase or reduce the restricted area, add further restricted areas, altering, adding or removing requirements in the order³⁰ or discharging it.³¹

5.2.6 In deciding whether:

- (i) to make a PSPO and the terms of a PSPO;
- (ii) to extend a PSPO and the duration of the extension;
- (iii) to vary a PSPO and in what way; or
- (iv) discharge a PSPO,³²

a local authority must have regard to the rights of freedom of expression, and the right of freedom and assembly set out in the European Convention on Human Rights.³³ Clearly, when drafting and considering proposed PSPOs, local authorities must consider their Public Sector Equality Duties and applicable provisions of the Equality Act 2010, principles of good governance and reasonableness and proportionality of what is proposed.

²⁶ Section 59(5) Anti-Social Behaviour, Crime and Policing Act 2014

²⁷ Section 59(6) Anti-Social Behaviour, Crime and Policing Act 2014

²⁸ Section 59(7) Anti-Social Behaviour, Crime and Policing Act 2014

²⁹ Section 60(1) Anti-Social Behaviour, Crime and Policing Act 2014

³⁰ Sections 61(1)-(3) Anti-Social Behaviour, Crime and Policing Act 2014

³¹ Section 61(4) Anti-Social Behaviour, Crime and Policing Act 2014

³² Sections 72(1)(a)-(d) Anti-Social Behaviour, Crime and Policing Act 2014

³³ Sections 72(1)-(2) Anti-Social Behaviour, Crime and Policing Act 2014

5.3 Consultation

5.3.1 In addition, before making a PSPO, extending the period of time for which a PSPO has effect or discharging a PSPO the local authority must carry out the requisite consultation, publicity and notification.³⁴ The necessary consultation requires consultation with the chief officer of police and the local policing body for the policing area that includes the restricted area(s), as far as is practicable, the owner or occupier of affected land (other than the local authority) within the restricted area and whatever community representatives the local authority thinks it appropriate to consult.

5.4 Challenging the validity of PSPOs

5.4.1 Within six weeks of the making or variation of a PSPO, an application may be made by an interested person (namely, an individual who lives within, works within or regularly visits the restricted area) to the High Court challenging the validity of the PSPO (or varied PSPO). On application the High Court may suspend the operation of the PSPO or any prohibition or requirement in the PSPO pending final determination of proceedings. If the High Court determines the local authority did not have power to make the PSPO (or to include certain prohibitions or requirements within the PSPO) or that that interest of the applicant have been substantially prejudice by a failure to comply with a requirement within sections 59-74 of the Anti-Social Behaviour, Crime and Policing Act 2014, the court may quash or suspend the order (or any specific requirement or prohibition within the order (or varied order) either generally or so far as is necessary for the protection of the interests of the applicant.³⁵

5.4.2 The validity of a PSPO can be challenged by way of a defence to a prosecution for breach of a term of a PSPO at any time. A person cannot be guilty of an offence of contravening a term of a PSPO that the local authority did not have the power to make.³⁶

5.5 Enforcement

5.5.1 A person who, without reasonable excuse:

- (a) fails to carry out an activity mandated by the PSPO; or
- (b) fails to comply with a requirement to which they are subject,

commits an offence.³⁷

5.5.2 A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale. (A level 3 fine on the standard scale is currently £1,000).³⁸

³⁴ Sections 72(3)-(7) Anti-Social Behaviour, Crime and Policing Act 2014

³⁵ Sections 66(1)-(7) Anti-Social Behaviour, Crime and Policing Act 2014

³⁶ Section 67(3) Anti-Social Behaviour, Crime and Policing Act 2014

³⁷ Section 67(1) Anti-Social Behaviour, Crime and Policing Act 2014

³⁸ Section 67(2) Anti-Social Behaviour, Crime and Policing Act 2014

- 5.5.3 In the alternative to prosecution, a constable or an authorised person (a person authorised by the local authority which made the PSPO)³⁹, may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence of contravening the terms of the PSPO.⁴⁰ Payment of the charge specified in the fixed penalty notice discharges any liability for the offence.⁴¹ The amount specified for payment within the fixed penalty notice must not exceed £100.⁴² A fixed penalty notice may specify two amounts and specify that if the lower of those is paid within less than 14 days, the lower of the two amounts specified is the amount of the fixed penalty to be paid.⁴³
- 5.5.4 A fixed penalty notice must give reasonably detailed particulars of the circumstances alleged to constitute the offence, specify the period for payment of the amount of the fixed penalty notice, specify the details of the person to whom payment of the fixed penalty notice may be paid and specify permissible methods of payment.⁴⁴ Fixed penalty notices can be served by post.⁴⁵

6. Conclusions

6.1 Byelaws are not considered an appropriate and viable alternative to an injunction to tackle car cruising

- 6.1.1 There are several reasons which lead to the conclusion byelaws are not appropriate and alternative remedies to an injunction to tackle car cruising. First, byelaws cannot prohibit that which is already covered by legislation. Many aspects of car cruising involve criminal offences. Many of these criminal offences have already made criminal offences by existing primary legislation.
- 6.1.2 Secondly, insofar as car cruising involves nuisance, it is accepted that a general power to make byelaws for good rule and government and for the prevention and suppression of nuisances in their areas is conferred on district councils in England and London Borough Councils by section 235(1) of the Local Government Act 1972. However, it is doubtful, given the overall public support for a car cruising injunction and the general impression from public responses that even tougher measures are desirable to combat car cruising, that if a proposed byelaw tackling the nuisance element of car cruising alone, was sent for public consultation, there would be much public support for this.
- 6.1.3 Thirdly, the remedy for breach of a byelaw under section 235(1) of the Local Government Act 1972 is a financial penalty. This, the local authorities respectfully suggest, is highly unlikely to be a deterrent to any would-be Black Country car cruisers. Contrast this, with the threat of a custodial sentence for contempt of court if found in breach of an injunction to restrain car cruisers, and it is suggested that an injunction would clearly be far more of a deterrent. Having the local authority expend resources in seeking and implementing what would therefore be an ineffective remedy, and asking the Secretary of State to sanction such remedy which the local authorities consider non-viable and wholly inadequate to tackle

³⁹ Section 68(11) Anti-Social Behaviour, Crime and Policing Act 2014

⁴⁰ Section 68(1) Anti-Social Behaviour, Crime and Policing Act 2014

⁴¹ Section 68(2) Anti-Social Behaviour, Crime and Policing Act 2014

⁴² Section 68(6) Anti-Social Behaviour, Crime and Policing Act 2014

⁴³ Section 68(7) Anti-Social Behaviour, Crime and Policing Act 2014

⁴⁴ Section 68(5) Anti-Social Behaviour, Crime and Policing Act 2014

⁴⁵ Section 68(8) Anti-Social Behaviour, Crime and Policing Act 2014

car cruising, does not, in the view of the local authorities, accord with principles of good governance.

- 6.1.4 Finally, making a byelaw is not a quick exercise. There are necessarily consultation stages, and involved democratic processes for each authority to go through and then there is the process of sending the proposed byelaw to the Secretary of State for approval or confirmation which is not guaranteed. A further consideration is that it will be extremely difficult to align the democratic processes within all four applicant Black Country authorities such that, assuming a byelaw to tackle car cruising was made and approved, this happened across all four authorities at the same time. In that scenario, some authorities would have a tool (albeit a tool the local authorities consider wholly ineffective) to tackle car cruising and others would not.
- 6.1.5 Even if the local authorities were of the conclusion a byelaw was an appropriate alternative remedy, the local authorities would not consider it appropriate to invite the court to maintain the interim injunction pending approval of a byelaw because, in the local authorities' respectful submissions, simply put, an alternative remedy is either a viable alternative or it is not. The local authorities will respectfully contend between February 2021 and December 2022, when the local authorities did not have the benefit of a car cruising injunction, there was an increase in car cruising activity throughout the Black Country.

6.2 Public Spaces Protection Orders are not considered an appropriate and viable alternative to an injunction to tackle car cruising

- 6.2.1 Whilst there is the power to make borough wide public spaces protection orders where the circumstances of the nuisance being tackled are such as to justify it, it is not immediately clear to the local authorities that imposing a borough wide public space protection order affecting every privately owned publicly accessible parcel of land in the local authority area would be considered proportionate.
- 6.2.2 If not all roads and publicly accessible land within the local authority area is covered the local authorities respectfully contend the evidence before the court clearly demonstrates the risk of displacement. Car Cruising ceases to be a problem (or is a much greatly reduced problem) at hotspots where measures are in place and simply displaces elsewhere in the local authority area or into neighbouring authority areas.
- 6.2.3 An injunction sought is an equitable discretionary remedy of the court. With reference to this injunction application being, in part, a precautionary (*quia timet*) injunction, in deciding whether to grant the injunction, the court will have carefully scrutinised and considered the proportionality of granting such precautionary relief. It is open to the court to reach the determination, the evidence presented by the claimant councils justifies the precautionary remedy sought. However, if the councils were to make a borough wide public spaces protection order including as part of the restricted area privately owned land which had not at that time been subject to any car cruising activity, potentially in respect of that parcel of land, there could be a challenge.
- 6.2.4 The court process and injunction application are thus front loaded in that any challenge or doubts about the appropriateness of precautionary relief can be considered in full before any precautionary remedy is granted. If such precautionary relief is granted, either the court

would have concluded concerns were unwarranted or the court would have concluded the factors in granting the precautionary relief outweigh any concerns to the contrary. By contrast, although there would be a consultation exercise, given the overwhelming evidence before the local authorities as to displacement and the risk of displacement of car cruising, if the local authorities were minded to make a borough wide public spaces protection order to combat car cruising with tackling displacement in mind, it is difficult to envisage how any representations from the consultation exercise could dissuade them from doing so. This may lead to the public spaces protection order being challenged.

- 6.2.5 As with the conclusions concerning byelaws, the local authorities do not consider the fines (levied through fixed penalties) or as sentences for convictions for breaching the public spaces protection orders on prosecution, would be anywhere near enough of a sufficient deterrent to car cruisers or would be car cruisers as compared with the risk of receiving a custodial sentence if found in breach of an injunction. Furthermore, the local authorities invite the court to reinforce any injunction with a power of arrest. Contravention of byelaws or breaches of public spaces protection orders are non-arrestable offences. Again, the local authorities will respectfully suggest there is a considerable difference in the deterrence aspects of these remedies.
- 6.2.6 The same considerations as to the difficulties in synchronising any public spaces protection orders democratic processes (if the local authorities considered public spaces protection orders viable alternative remedies which they clearly do not) discussed above in relation to byelaws also apply.
- 6.2.7 In its judgment in the case of *Sharif v Birmingham City Council [2020] EWCA Civ 1488*, the Court of Appeal concluded that there is no legal principle that a local authority must seek a specific legal remedy which is the closest fit with the behaviour which the local authority seeks to prevent. In that case the Appellant had argued that to tackle car cruising the local authority should have made a public spaces protection order rather than seeking a persons unknown injunction.
- 6.2.8 The Court of Appeal considered that a public spaces protection order may well be insufficient to deter car cruising/street racing as breach only carried a financial penalty and was a non-arrestable offence. Furthermore, the making of a Public Spaces Protection Order the Court of Appeal concluded was an administrative act carried out by the local authority itself and was not subject to judicial oversight at the time the public spaces protection order was made. The Court of Appeal considered the Respondent council had been entitled to an injunction under section 222 of the Local Government Act 1972 in circumstances where street cruising would continue unless effectively restrained by an injunction.
- 6.2.9 For the avoidance of doubt, none of the Claimant local authorities consider a public spaces protection order as a remedy of a remotely good fit for the reasons cited above let alone the closest fit ,and consider, as the Court of Appeal concluded in the case of *Sharif v Birmingham City Council*, the nature of car cruising/street racing is that the problem will continue, unless effectively restrained by an injunction. The local authorities will respectfully contend, as demonstrated through their evidence presented to the court, between February 2021 and December 2022, the problem of car cruising markedly increased in the Black Country area. During this time there was no effective injunction in place to restrain car cruising.

C. SECTION C - Overarching Evidence Filed on Behalf of West Midlands Police For the Final Hearing

Statement of: PC Mark Campbell
For: Claimants
Statement no: 5
Exhibits: MRC3 - MRC4
Date: 09 February 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

FIFTH WITNESS STATEMENT OF POLICE CONSTABLE MARK CAMPBELL

I, PC Mark Campbell, WILL SAY AS FOLLOWS:

1. I am PC 6018 Campbell and I am making this statement on behalf of the West Midlands Police in support of the claimants' application for an Injunction in relation to Street cruising within the Black Country local authority area. I have been a Police officer for 27 years and have worked on a number of specialist teams. I am now subject lead for Operation Hercules which is the West Midlands Police tactical approach to street cruising, which over the last couple of years has become a growing issue.
2. I have been the West Midlands lead on this subject for approximately 5 years, and in that time, I have witnessed the organised approach that organisers take in facilitating Street cruising events. I have had a leading role in a number of different approaches to tackle the issues that street cruising causes. This application however is made knowing the positive impact which a further injunction would have in supporting the Police and local authority to tackle the unlawful behaviour of the individuals who put the public at risk on an increasingly frequent basis.
3. Operation Hercules has been set up by the West Midlands Police as a strategic response to organised street cruising that takes place across the region. During the street cruising events numbers of vehicles, including cars, motorcycles and Quad bikes, will congregate together often in car parks or other open spaces to race or show off their vehicles. These groups will then travel to a section of road where some of these drivers, watched by large groups of spectators, race at high speed, behave in an anti-social manner, and perform dangerous stunts including drifting.
4. Drifting means, when a vehicle is driven around a roundabout or a bend in a road at such a high speed that that traction is lost between either the rear tyres or the front tyres and the road surface, therefore forcing the vehicle into a skid which is controlled by some acceleration together with steering action into the direction of the skid. These opposite forces cause the vehicle to drift around the bend or roundabout on the absolute edge of the vehicle's handling capabilities. Should the driver lose control of the vehicle at this point, due to a blown tyre or loss of grip from the tyres a collision would be highly likely.

5. Given the fact that street-cruising involves a large number of vehicles and spectators, it poses a very serious risk to public's safety not only to the individuals who are often standing both on and off the carriageway watching in very close proximity and encouraging these activities, but also to other road users going about their business. In my experience there is never any kind of stewarding or marshalling of the spectators and again this significantly raises the threat, harm and risk factors relevant to those individuals. The dangers posed have been evidenced on numerous occasions in recent times, whereby 5 individuals have lost their lives due to dangerous driving stemming from illegal street cruising. These fatalities included spectators and drivers who were actively taking part in street cruising.
6. Organised meets are now taking place throughout the week and on weekends. It is likely that not before too long these meets will become a daily occurrence in the Black Country and surrounding areas. The race meetings are becoming increasingly well organised with only a few key individuals at the heart of organising them. I will deal with this issue in more detail below.
7. In April 2021 officers from the Operation Hercules team identified 3 main car cruising organisers who were organising and attending illegal car cruising meets. Members of the Operation Hercules obtained and executed 9 search warrants on these suspected organisers' home addresses and their vehicles. The warrants were obtained under Conspiracy to Cause a public nuisance legislation as it was believed that the following individuals were directing hundreds if not thousands of followers to attend various locations throughout the Black Country, where a public nuisance was caused.
8. The Magistrates were supportive of the warrants, and it is expected that more warrants will be executed going forwards. The volume of evidence against the individuals obtained from officers and via intelligence was substantial, and during the searches a large amount of electrical recording devices were seized and downloaded. It was clear from the start that the organisation of the car cruising meets was via social media, hence the phones, laptops and other recording devices which were seized. The three individual street cruising organisers have now pleaded guilty to causing a public nuisance and are still awaiting sentencing. Between the 3 organisers they have over 40,000 followers.

9. In December 2022 the 4 local authorities within the Black Country were successful in obtaining an interim street cruising injunction, this application was submitted to the High Court due to the very real need for a street cruising injunction to be obtained to try to curb the ever-increasing issues of street racing on the streets of the Black Country and throughout the West Midlands area.
10. The issues of these illegal street racing meets came to a head on a night in November 2022, when a vehicle taking part in the illegal street racing came off the road, colliding with five spectators, crushing them. This collision resulted in the death of two young spectators and the other three individuals received life threatening injuries. Unfortunately, this collision is not a one off, we see fatal and serious collisions involving street cruising on a regular occurrence. In the last 18 months there have been 5 fatalities on the streets of the West Midlands directly involving street cruisers.
11. On obtaining the interim injunction and widely publicising it, I saw an immediate reduction on the number of street racing meets in the Black Country and this was also reflected in the number of calls the Police were receiving from members of the public.
12. From February 2021 to September 2022 the day-to-day Policing of the street cruising fell to Force Traffic Teams. From September 2022 to January 2024 Policing of the street cruising fell to a team within the Roads Policing department called the Road Harm Prevention Team (RHPT). This change was due to a restructuring of the West Midlands Police.
13. The role of RHPT officers was to engage with the street cruisers and enforce the High Court Injunction and prosecute individual drivers for any offences observed. Due to the restructuring process and numerous commitments Force Traffic Teams were responsible for only a small number of officers who could be deployed at any one time to these meets.

14. Even with these commitments the RHPT had prosecuted over 300 street cruisers across the Black Country local authority area and West Midlands force area either by way of utilising Traffic law or by arresting 4 street cruisers for breach of the injunction. This enforcement has had an impact on the number of large-scale organised meets within the Black Country.
15. Looking towards the future, in January 2024 there has been a further restructuring to the West Midlands Traffic departments and their shift patterns. This has resulted in a crossover of shift patterns, meaning the doubling of officers dedicated to tackling the illegal street cruising meets. The effect of this has already resulted in a massive reduction in calls to service for street racing.
16. In the last 12 months there has been 1508 calls to service in regards to street cruising, the peak of these calls came in the summer months, where in August the Police received 198 calls. Since the change in Force Traffics shifts and a larger dedicated approach to tackling the street cruising, the calls to service has dropped by over 60%. This reduction has carried on to this day. This lowering of incidents is mainly down to high profile arrests of street cruisers and the general enforcement of the street racing injunctions across the whole of the West Midlands.
17. It is clear to me that the street cruising organisers are choosing not to attend the Black Country areas in large numbers, and I put this down to the enforcement of the injunction and other tactics developed to deal with street cruising. This only highlights the very need for the new Section 222 High Court street cruising injunction to be obtained.
18. As part of my role within Operation Hercules I am currently involved in various meetings with senior officers from all of the local authority areas, these meetings result in the development of problem orientating Policing plans for each area where a street racing issue is taking place such as Kenrick Way, Black Country Route, Manor Way together with smaller car parks where the meets tend to start. The High Court injunction forms the largest part of tackling these problem areas. The very fact that local neighbourhood officers will be working even closer with the Force traffic officers, using the powers of the injunction, will only result in a greater reduction of street cruising and hopefully safer streets for the general public to use.

19. The Operation Hercules team has also started running a diversionary course for drivers attending street cruising meets, where anti-social behaviour is taking place, the delegates are invited to attend the course which is run by West Midlands Fire service, the Birmingham and Black Country local authorities and West Midlands Police.
20. At the time of writing, over 120 delegates have attended the course. This is by no means a complete way of preventing street cruising, but it is educating attendees into the dangers of street racing and the overall effect of the street cruising meets. During these courses the individual drivers were informed of the High Court Interim injunction and were advised of the consequences of breaching the interim injunction. Out of the 120 attendees only a handful of drivers have returned. I believe this only strengthens the application for a full injunction as it appears that the threat of being arrested has had a positive reaction on the street cruisers.
21. The Operation Hercules team is also being increased in numbers, which will provide the ability to conduct more intelligence led warrants and also to work closer with the local authorities in order to identify street cruisers and organisers. This will increase the number of drivers identified as being involved in street cruising and in turn will lead to a greater number of street cruisers being prosecuted under the terms of the injunction. These tactics again can only help to spread the word that street cruising will not be tolerated in the Black Country.

Spectators

22. This new Section 222 High Court Street cruising injunction application is requesting spectators to be included within the injunction. I would like to broach this issue with the court to highlight the dangers caused by the attending spectators.
23. The West Midlands region is blighted by the issues of illegal street cruising which generally take place on most weekends. These meets can attract as few as ten vehicles all the way up to 300 vehicles depending on the date, the weather or occasion.

24. These meets will always attract a percentage of vehicles looking to show off by performing stunts, the majority of these attending vehicles will then park up in junctions, around roundabouts or in any position to give the occupants a view of the illegal street racing which will inevitably happen. Many of the occupants vacate their vehicles, standing around the islands to watch and video the racing.
25. I often call street cruising or street racing a spectator sport, in certain areas of the Black country I have personally witnessed hundreds of spectators standing in very dangerous locations, they can be seen recording the footage on their phones, which later gets posted on the various social media sites. In my experience the more spectators line the streets, roundabouts or junctions the more dangerous I see the driving become. It is clear that the drivers will be encouraged to perform more stunts such as drifting around islands at greater speeds than would have been done without the crowds.
26. I cannot overstate how dangerous these meets are to spectators. Unfortunately, my concerns became a reality on 20th November 2022. On that evening a street cruising meet was gathered on Oldbury Road, Sandwell, when a street cruiser lost control of his vehicle, crashing into 5 spectators. This collision led to the loss of two young lives, individuals both of whom I personally knew from my involvement in tackling street racing. These two individuals had stood at the side of the road to spectate the racing on that stretch of road. The three other spectators received life changing injuries. Just one moment of madness led to change the lives of so many.
27. These fatal collisions are not unusual, they are happening all over the country on a regular basis, which I respectfully suggest just goes to prove the need for the Black Country High Court injunction to incorporate the banning of spectators at street cruising events.

28. I am, however, aware around the issues of committal action being taken against spectators, the possibility of innocent bystanders walking past such events and being caught up in the crowds. I believe that to mitigate against the risk of innocent bystanders being subject to enforcement action, there should not be a power of arrest attached to any term of the injunction catering for spectators if the court is minded to grant such a term.
29. Rather, when individuals are seen and are considered to be spectating at a car cruise, their details should be taken and recorded. Where such suspected spectator's details have been recorded on more than one occasion (or where a spectator has most evidently encouraged a car cruise/street race, for example by waving a flag to start a race or time-trial), their details and account of their alleged spectating activities should be reviewed by Police officers from the Operation Hercules team. Where officers from the Operation Hercules team then deem it appropriate, those details should in turn be sent to the relevant Claimant local authorities to then consider bringing on-notice committal proceedings,
30. I respectfully suggest, this would create a process of gate keeping and therefore mitigate against the risk of any unnecessary enforcement against innocent bystanders.
31. I have produced a compilation DVD showing a number of locations where street cruising has taken place within the Black Country, showing numbers of spectators lining streets, roundabouts and junction. I can produce this DVD to court as **(Exhibit MRC 3)** (Ref No MRC/1)
32. I can describe the individual footage as follows:
 - 31.1 Clip no 1 was recorded by Police on body worn video cameras, it was taken in May 2023 on Kenrick Way, Sandwell. It shows large numbers of spectators standing on the roadside, some are sitting on the Armco barriers, some are actually standing in the road. The potential danger these spectators are exposed to is huge, a momentary lapse of concentration or a mechanical failure could easily lead to another multiple fatality.

- 31.2 Clip no 2 is from October 2021 on the Black Country Route, again showing a large number of spectators lining the roundabouts, the areas these spectators choose to watch the illegal racing leaves them at particular risk of being involved in a collision. The fact that the cruisers drift around the islands means that the spectators are stood in the area where a car will come off the roundabout if they have a mechanical failure.
- 31.3 Clip No 3 is taken in December 2023 on Hare Street @ Black Country Route, Bilston, again showing vehicles lining junctions and the roundabouts, with large numbers of spectators watching the racing. All of them potential victims of high-speed collisions caused by the street cruising.
- 31.4 Clip no 4, taken in August 2023 at Western Way @ Black Country New Road, detailing a large number of vehicles lining the road and on the Police attendance the groups of spectators returning to their cars to move off.
- 31.5 Clip No 5, taken in May 2023 on Kenrick Way, Sandwell. The footage is from a Police motorbike, video captures large groups of spectators gathering at the roundabouts to watch and encourage the street cruising. Spectators can be heard verbally abusing the officer as he causes a vehicle to stop.
- 31.6 The last piece of footage is not from the West Midlands, this piece of footage is from Stevenage, but depicts a very regular scene in the West Midlands, hundreds of spectators are seen lining a road, standing in the central reservation. The footage shows how a street racing meet goes terribly wrong in a split second. Two street racers are seen to collide, the colliding vehicles then strike the spectators. 19 spectators are collided with causing catastrophic injuries to many of them.

33. I feel there is a massive case for spectators to be included within the terms of the new application by the Black Country, everything within our powers should be done to try to prevent any further loss of life caused from the actions of the street cruising.

Enforcement

34. Seeking to enforce against street cruisers places a significant demand on Policing teams and on the occasions where the number of attendees is high, it can result in high risk to all involved. On previous occasions I have policed the street cruises throughout the Black Country, Birmingham and the greater West Midlands area, during these meets I have witnessed 400 plus vehicles parked either in a car park or more worryingly on a stretch of dual carriageway such as Black Country Route or Manor Way.
35. The potential for a very serious collision is massive, due to the speed some of the vehicles will travel at. However, when the Police are called to attend these meets the street cruisers will drive off in a chaotic manner, often over central reservations, along footpaths, sometimes travelling the wrong way down a dual carriageway into oncoming vehicles, this type of driving is extremely dangerous and no doubt will end another fatal or serious collision.
36. These meets have a knock-on effect in that large numbers of officers are required to Police the street cruisers meets, the teams are not, therefore, providing the necessary Policing to other parts of the community. In addition, other teams across the Policing structure such as Force Traffic, Operations Dog units, Operational support units, Force support, drone Teams and National Air service (Helicopter), to name a few are often required to intervene and add support.

37. Not only is the cost of policing these events huge, but the price paid by communities including residents and businesses are incalculable. They are exposed to a high level of harm, noise, intimidation, disruption and frankly torment, threats made to innocent members of the public is taking place all too often. I have personally spoken to members of the public who are at their wits' end wanting to move from the area; one even had suicidal thoughts due to the constant noise and intimidation, one individual was assaulted and robbed of their mobile phone after approaching a group of street cruisers performing stunts.
38. It is abundantly clear that the risk posed to the public in terms of their safety and also their mental health is very high. This applies to those participating, watching and organising events, but also to those taking part, simply living or working nearby or even just driving past at the wrong time. Unfortunately, this has already been evidenced in the 5 fatalities across the West Midlands.
39. These collisions again only highlight the burden placed on the Criminal justice system, Courts and His Majesty's Prison service. More to the point, bringing criminal proceedings requires an incident to have occurred. The aim of all of those involved with the making of this application is to prevent such incidents occurring in the first place.
40. Unfortunately for West Midlands Police, Local authorities and the general public, the Black Country does have street racing hot spots such as Kenrick Way and Manor Way. It is therefore vital that action is taken to replace the previous interim injunction which had previously been granted. In an attempt to try to prevent any further serious or fatal collisions.

41. A new High Court Street cruising injunction will without doubt aid in the policing and prevention of street cruising. It is highly valuable power and a tried and tested means of prevention and resolution. There is not a “One size fits all” approach to this issue, but an injunction with a power of arrest is an essential part of the collaborative approach needed to reduce the numbers involved and help deter those on the periphery along with giving the Police and the local authority the powers to deal with offenders determined to engage in unlawful behaviour.
42. In my experience, there is no other remedy available to the authorities, which has the effect of preventing street cruising from taking place, as the injunctions obtained by various local authorities in the West Midlands over the past 11 years have been proven to do.
43. I have produced a compilation DVD featuring footage from Police sources, highlighting the dangers caused by the Street cruisers and the ability of Police to try to Police these meets. I can produce this compilation DVD as **(Exhibit MRC 4)** (Ref No MRC/2). It comprises the following clips of footage.
- 43.1 Clip no 1 is footage recorded by officers in May 2023 on Kenrick Way, Sandwell. The footage shows the road lined by spectators, parked vehicles and ultimately ends in the arrest of a street cruiser for breaching the injunction.
- 43.2 Clip no 2 is footage recorded by officers in September 2023 again on Kenrick Way, Sandwell. The recording timed at 22:54 hrs shows large numbers of spectators lining Kenrick Way and a vehicle travelling a double the speed limit. The opposite carriageway is full of vehicles attending this illegal meet. On a usual night without the presence of the street cruisers this road would be empty.
- 43.3 Clip no 3 is footage from May 2022 on Manor Way, Halesowen. This is another hot spot for street racing. Officers attended this location and observed a vehicle travelling at speed towards the M5. This vehicle failed to stop for officers and left the location. The driver was subsequently reported for the offences.

43.4 Clip no 4 is footage recorded from the Waterfront Car park, Dudley, officers attended a large street cruising meet at that location. This type of meet is typical across the West Midlands, a large amount of tyre marks can be seen on the tarmac due to the numbers of drivers using the car park to perform stunts. A white BMW is later seen drifting around the car park causing a real danger to other spectators. The vehicle was stopped and the driver reported.

43.5 Clip no 5 is recorded on Manor Way, Halesowen, at the Shell Service station, another meeting point for the street cruisers. In the footage approximately 50 vehicles are seen on the fore court, blocking the entrances causing obstruction to other vehicles. This obstruction created danger to other road users and the amount of noise from revving engines has a massive impact on local residents.

43.6 Clip no 6 is recorded from the body worn cameras of a motorcycle officer travelling along Kenrick Way. The footage highlights the danger caused by the high speeds the street cruisers travel at. The driver of the BMW was subsequently arrested.

Organisation of street cruises

44. The way in which events are often organised is that a group will advertise a post code and a time on one of the various social-media platforms for all those interested to attend. From there, different postcodes will be further posted throughout the evening. Vehicles participating in these street cruises will then see these postcodes to race and then in turn cause mass anti-social behaviour. This is very much an organised group and many amongst these groups are aware of the injunction. It is feared that if the interim injunction were to come to an end without being replaced with a final injunction, this would give the racers a free pass to conduct even more illegal meets.

Participants

45. It is impossible to say how many people are actually involved in/or participate at these street cruising events as numbers tend to fluctuate rapidly. However, the average street cruising meeting can attract up to 150 to 200 vehicles per night. Bank holidays and warm weather does impact on these numbers greatly. These can swell the numbers upwards of 500 vehicles, I have witnessed at Black Country Route, Kenrick Way, West Bromwich and Manor Way, Halesowen over 300 spectators standing around the various roundabouts and lining the road, encouraging the racers to go faster and perform more dangerous drifting.
46. Spectators will record the racing on their mobile phones, which is then posted onto the various social-media sites. The sheer volume of spectators places unrealistic demands on the Police and make it a large-scale public order event rather than a local policing issue. I have again, on more than one occasion, witnessed the large crowds of spectators turn on the Police, throwing missiles at the Police cars and officers, causing damage and injury.
47. We have on average 100 to 150 spectators lining the street and roundabouts, actively taking part in the racing by encouraging the behaviour; I will often see spectators standing in the road or in the middle of the roundabout to get the best filming location. My greatest fear is that once again one of these street cruising meets a car will lose control, leave the carriageway and collide with the spectators, as stated earlier this type of collision has already taken place causing the death of two spectators.
48. As I have described, the spectators have very much become a part of the issue, to the point I describe the street cruising as a spectator sport. At present the powers which the police have to their disposal are limited, i.e. dispersal powers under Section 35 of the Anti-Social Behaviour Crime and Policing 2014 Act, obtained from an Inspector. However, the direction to exclude someone from an area can only last a maximum of 48 hours, meaning that participating individuals can simply return again for the next street cruising event.

49. The street cruising events are becoming increasingly well organised and professional, with only a few key social media sites being used to organise the meets. The organisers will hide behind the anonymity of these social media sites, so their names do not appear and incriminate themselves. However, it has become clear that the minute warrants are executed on a specific individual or social media account holder, another organiser will appear and take over where the previous organiser left. After the arrest of a number of street racing organisers, I have become aware that their Instagram accounts are sold on to other street cruisers after their identity was discovered by the Police. This tactic makes it extremely difficult for the Police to keep a track on who is running the accounts.
50. The main street cruising accounts appear on Instagram. However, since the arrest and series of warrants that was executed on the previously known street cruising organisers, a number of new accounts have changed tactics to evade Police and are now using closed WhatsApp and Snap chat to organise the meeting points.
51. I am aware of a number of street racing accounts that have come to the forefront of organising/advertising the meets. They are as follows:
- @Forza_Birmingham, is an Instagram account and has over 45,000 followers.
 - @Forza_Leicester, is an Instagram account and has over 1,000 followers
 - @Forza_Derby, is an Instagram account and has over 5000 followers
 - @Forza_Telford, is an Instagram account and has over 4,000 followers
52. When all of these groups gather it creates in some cases gatherings of over 400 vehicles.

53. At present these groups organise racers to gather at various known locations on a weekly basis, these many groups will advertise together to attract more attendees and therefore create a much larger issue for the Police and local authority to deal with.
54. Between just the above-mentioned organisers they have somewhere in the region of 60,000 followers, this means that if even a small proportion of those were to attend a street cruise, there could easily be in the region of 500 vehicles or more present. However, as I have previously mentioned, new intelligence provided by West Midlands Police does suggest that there is a movement away from the Instagram accounts towards Snapchat and WhatsApp following a policing success on a number of the organisers of street cruising events, depriving the Police their ability to disrupt these events.
55. Throughout the last 5 years where I have been the force lead officer in dealing with the street cruisers, I have noticed the age range of individuals dealt with for traffic offences/ section 59 warning notices varies widely, anywhere from 17 year olds who have just passed their test all the way up to over 50 years old, the attendees are from various ethnic backgrounds, including White, Black and Asian, and there are just as many females as male attendees. This information also refers to the drivers, passengers and spectators. On-going work is still be conducted to establish and analyse who all of the exact organisers are of these meets are in order to prosecute them.
56. Vehicles that attend can vary from the standard unmodified vehicles to heavily modified vehicles. Many of the modifications are made to the vehicle to improve the basic performance of the vehicles, and these include adding hybrid turbos, air intake valves or even replacing engines.
57. One of the main causes of the anti-social behaviour is the noise coming from the cars. Many have had the catalytic converters removed (de catted), have a straight exhaust pipe from the engine so the volume of noise exceeds the allowed decibel levels, or a larger bore exhaust system is added, this again creates a large volume of noise.

58. The biggest issue is the extremely loud bangs that come from the cars, often the Police will get reports of a gun being shot, but in fact it is purely a modified cars exhaust system burning off the excess fuel.
59. There is a wealth of Road Traffic legislation available to Officers along with powers under the Police Reform act and Anti-Social Crime and Policing act, but these rely quite heavily on the Criminal Justice System to a large extent. This means that some criminal behaviour must have taken place, and police must have caught the accused.
60. The criminal justice system does not have any protective or preventative effect in stopping the street-cruises from taking place and, for the reasons I have already explained, policing large events is so resource intensive that West Midlands Police cannot realistically attend every event in the numbers necessary to apprehend significant numbers of participants. It follows from this that conventional policing and prosecution has very little if any deterrent effect.
61. On many levels prosecuting individual drivers via the criminal justice system comes with its own problems, in previous years when the Black County's Street cruising injunction had not been renewed, the only way to prosecute the cruisers/drivers was to see a moving traffic offence and prosecute for that offence, such as careless driving, speeding or simply a construction and use offence. At the time of the offence the driver was spoken to, but basically was allowed to go about their business, possibly re-joining the street cruisers at the next location. Once the driver was issued with a ticket for the offence it could take anywhere upwards of six months for their case to be heard. Recently, I have been in court with a careless drive offence that took nine months to get into Court. This is simply not providing the correct deterrent to change the mind-set of the cruiser to prevent them re-attending.

62. There needs to be an alternative method of resolution. Injunctive relief operates to prevent the conduct described above from taking place, with the effect that residents, businesses and other road users are not affected and do not have to wait for a further disruptive event before action can be taken. We have also found that an injunction serves not only as a clear and immediate deterrent, but also as a means of immediate removal of the issue before an event can even begin.
63. Enforcement of the injunction is very quickly spread through social media posts throughout the street cruising community and demonstrates a determination on the part of the Police that robust action is being taken. This not only deals with the individual at the time but sends a very important wider message.
64. Other options available to the Police to change the driver's behaviour include the issuing of fixed penalty notices for offences such as careless driving, speeding, mobile phone offences or basic construction and use, but as previously mentioned, this can take time to achieve the necessary prosecution either in court or an acceptance of the offence. The combination of points on their licence and a financial penalty can, on occasions, deal with poor driving standards. However, just the sheer volume of participants means that the vast majority will not be prosecuted and will therefore just carry on attending the street cruising events.
65. On a few occasions the Police will see some kind of dangerous driving or will be engaged in a pursuit, where the offending vehicle then fails to stop for Police. This type of offence can lead to a custodial sentence depending on the severity of the offence, but these types of incidents are few and far between, having little impact on the larger group, but, potentially, can prove dangerous to other innocent drivers caught up in the pursuit.

66. Public Space Protection Orders (PSPO) under the Anti-Social Behaviour, Crime and Policing 2014 Act may also in principle be available. However, and based on the evidence, I feel that a PSPO would be difficult to implement and would not be likely to be an effective remedy. In my limited knowledge of the PSPO orders, I do feel that the transient nature of the Street cruisers would simply mean that if a small area is covered by one of these orders the street cruisers would simply drive 5 minutes down the road to another location not covered by a PSPO order.
67. Under Section 59 of the Police Reform Act 2002, Officers have the power to stop vehicles from driving or to remove them from the road or from a private place, where they are involved in careless or inconsiderate driving and have caused anti-social behaviour. This is a useful power, but again it requires the driver to have committed the anti-social behaviour and bad driving, which is the purpose of this application to prevent, and ultimately the offending driver will get their vehicle back, if seized, possibly the following day, and then will be in a position to reoffend at a later date.

Impact of previous injunctions

68. When the Black Country Local Authorities obtained the original Section 222 Street cruising Injunction in 2014 (an order which came into force in 2015), the effect on the street cruisers was almost instantaneous. Due to the possibility of arrest the Street cruiser meets virtually stopped. I did refer to it as like a “silver bullet”, and for approximately 18 months the situation did not change, to the point where the Police as a whole regarded the issue as having permanently gone away.
69. A noticeable drop in Police call logs from members of the public was also observed to the point where the Police as a whole did not need to target the historical racing locations. It was felt that the introduction of the injunction was extremely successful.

70. Officers are currently heavily reliant on traffic law, but this fails to impact on those who attend to spectate, as I have said, and for the reasons I have given, it is not effective against such a large, transient and continually returning group of people.
71. I believe that nothing short of an injunction will be effective in stopping these individuals, as it was before the cruisers came to understand that it was no longer enforceable. I do believe that with the supporting injunction in place and with Operation Hercules team providing knowledge and briefings, Officers will be adequately equipped to utilise the current traffic law within a combination of specific multi agency operations to target the street cruisers.
72. West Midlands Police are increasingly working with local authorities, VOSA (vehicle and operator services agency) and specially trained PG 9 trained officers, which enables the Police to deal with a large group of street cruisers either on a car park or with a road, identifying faults or offences and prosecuting the drivers. The PG 9 officers are able to prohibit the vehicles, using these powers in combination with the injunction with have a massive ripple effect throughout the street cruising scene.
73. I respectfully suggest the injunction needs to be supported by a power of arrest. It has been demonstrated time and again that arresting offenders is a highly effective deterrent in street-cruising cases. I have witnessed first-hand the effect arresting a driver, who has breached the previous injunction, has had on the other street racers; it is massive. It sends a huge message to all the other drivers and spectators, to the point that on many occasions the night is finished, and they go home, not wanting to be the next driver to be arrested.
74. This point is greatly increased when the arrest is advertised with the help of social media. The reverberations throughout the car scene after an arrest is posted on West Midlands Police Twitter or Facebook is incalculable. This only helps promote the Injunction and spreads the word to the public about the actions the Police and local authority are taking to deal with the issue.

75. A power of arrest as part of an injunction is important not only to prevent immediate offending from an individual or group of individuals but also to send a wider message to those persistent offenders that there is an immediate means of addressing their actions which carries robust consequences. I also believe that a civil remedy of this kind has the added benefit of preventing some participants from entering into the criminal justice system with all the negative consequences that that has for their future prospect and will, without doubt, also save the lives of others.
76. The cost to the Police of attending street cruising meets and dealing with any of the issues has a massive impact in the ability of the Police to deal with other potentially more serious offences which may be occurring elsewhere at the same time. The Policing from the Operation Hercules team has been very robust and has definitely displaced some of the Street cruisers to other locations such as Birmingham and Solihull and even further afield, such as Milton Keynes, Leicester, Derby and Staffordshire.
77. There is no doubt in my mind that the bad days of the previous years will definitely return without this style of Policing being present, and can only improve with the reintroduction of a new Injunction and the extra powers it provides.
78. Dedicated traffic officers have issued in excess of 800 drivers with Section 59, 2002 Act, warnings to drivers for using their vehicles in an anti-social manner, this warning lasts for 12 months, but this has not prevented the same vehicles returning to take part in the street cruising. It simply makes the driver more aware of the potential of the Police to seize their vehicle if they commit a careless or inconsiderate offence, coupled with any Anti-social behaviour.

79. The street cruising organisers are well aware of the Section 59 powers and are even advising anyone receiving the warning of their rights and that the Police have to return the said seized vehicle the following day. This has empowered the cruisers not to be fearful of this power as they will only be deprived of the vehicle for 24 hours even if this power is exercised. However, due to the large number of participants, the changing nature of the group and the small proportion of arrests made, it is impossible to identify all or most of the persons involved in street-cruising.
80. Signage detailing the previous Section 222 High Court Street cruising injunction was placed at prominent locations to advertise the injunction's existence. These particular locations were selected due to the street cruisers using these roads to attend meets and to race on.
81. Additionally, the interim injunction was widely publicised across a variety of news channels when it came in force both locally and nationally. It would be virtually impossible for street-cruisers not to be aware of the previous injunction or the interim injunction currently in force. In fact, when stopped, many often commented on such signs, informing the Police that they are aware of the injunctions signs as they say: "You can't miss them".
82. The importance of the signage and a large-scale media report cannot be underestimated. I am aware on more than one occasion that when a street cruiser has been arrested, they will state that "They didn't know about the injunction" even though it had been widely publicised, and they had driven past the signage on more than one occasion that evening.
83. Engagement is at the heart of my work ethos, I try to encourage and expect this from my team and as with many Police initiatives, partnership working is essential. Due to my knowledge within the field of Street cruising and street racing I have worked with various Police forces and local authorities throughout the Country. I am currently working in partnership with the Metropolitan Police, Leicester, West Mercia, Staffordshire and Warwickshire Police Forces in relation to their ever-increasing issue with illegal street racing and street cruising.

84. I am in the process of advising the local authority as to the advantages of a Street cruising junction and various other tactical options that the Police can invoke. I have also worked closely with Solihull local authority, in previously renewing their injunctions and more recently am engaged with trying to obtain a further Injunction for Birmingham.
85. Operation Hercules has been a West Midlands initiative based around the Street Cruising section 222 injunction. The Hercules team has become very proficient at attending street cruises and dealing quickly with street cruisers, so much so that we have displaced large volumes of the cruisers to our neighbouring Police forces. I am therefore working alongside these forces on a regional basis to advise and provide support to enable them to deal with illegal street racing.
86. The tactical side of Operation Hercules is very much a first of its kind and it is hoped that its success with the support of positive intervention of the courts that a precedent of positive action can be taken.
87. The West Midlands Police very much support the Black Country Councils' application for a Section 222 High Court Street cruising injunction and will work with the local authorities to enforce the injunction. With the development of a new dedicated team, a new tactical approach to tackling street cruising I am sure we can have a massive effect on the streets of the West Midlands.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed

M. Campbell

Date

09/02/2024

Print name in full

MARK CAMPBELL

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Statement of: PC Mark Campbell
For: Claimants
Statement no: 5
Exhibits: MRC3 - MRC4
Date: 09 February 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT MRC3

Exhibit MRC3 is video evidence available separately on a disc (and the First Claimant's Website <https://www.wolverhampton.gov.uk/parking-and-roads/street-racing-injunction-application>)

showing spectators at various car cruising/street racing events.

Statement of: PC Mark Campbell
For: Claimants
Statement no: 5
Exhibits: MRC3 - MRC4
Date: 09 February 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

B E T W E E N:

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

-and-

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6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

Defendants

EXHIBIT MRC4

Exhibit MRC4 is video evidence available separately on a disc (and the First Claimant's Website <https://www.wolverhampton.gov.uk/parking-and-roads/street-racing-injunction-application>) showing dangers caused by car cruisers at various car cruising/street racing events and risks to police officers called out in response to these events

D. SECTION D - Claimants' Evidence Demonstrating purported compliance with publicity requirements in order of 20 December 2023 and impact of Claimants' publicity generally

Statement of: Paul Brown
For: Claimants
Statement no: 18
Exhibits: PB18A
Date: January 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

In the matter of an application for an injunction under s.222 Local Government Act 1972 and s.130 of the Highways Act 1980

B E T W E E N:

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

-and-

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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL
Defendants

EIGHTEENTH WITNESS STATEMENT OF PAUL STEVEN BROWN

I, PAUL STEVEN BROWN of the City of Wolverhampton Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RG WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief. This is my 18th statement in these proceedings.
2. The City of Wolverhampton Council is the authority which is leading the joint application of the Councils of Wolverhampton, Dudley, Sandwell and Walsall (hereinafter referred to as the "Black Country Boroughs") seeking injunctive relief to restrain street racing (also referred to as car cruising) in the Black Country Boroughs.
3. I have been employed since 25 June 2007 as a Senior Communications Adviser and latterly Communications Manager in the communications team of the City of Wolverhampton Council.
4. In collaboration with my colleagues Pardip Nagra (ASB Team Leader) and Adam Sheen (Senior Solicitor, Legal Services) a communications plan has been developed, with the initial steps implemented, initially to raise awareness of the application to the High Court for an interim street racing injunction for the Black Country Area and, should the court be minded to grant this, to promote the existence of the injunction, and the power of arrest, once it is formally in place.
5. Recognising this is a joint enterprise, I have been liaising closely with my counterparts in the communications teams of Dudley, Sandwell and Walsall Councils and West Midlands Police.
6. The order of the High Court made by Her Honour Judge Kelly on 20 December, 2023, required the Claimants to take a series of publicity steps publicising the outcome of the hearing to bring notice of the hearing to the attention of "Persons Unknown".

7. The information below details these steps and how, I respectfully suggest, the Claimant Councils have fulfilled these steps.
8. (a) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:
 - (i) Details of the application and summarise the orders made;
 - (ii) Any deadline for filing any documents by the Defendants;
 - (iii) The date, time and location of the future hearings including the final hearing on 27 February 2024.
 - (iv) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
 - (v) The Claimants' contact details; and
 - (vi) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail, Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central.

I can confirm that a media release was issued on 21 December 2023. Please see **Exhibit PB18A attached hereto** which includes the "Media release, issued 21 December 2023". There was extensive coverage in the local print and broadcast media; please see "Express and Star, 21 December 2023" and "BBC News, 21 December 2023" in **Exhibit PB18A attached hereto**. There was also coverage on BBC WM, Birmingham Live, the Stourbridge News and other outlets.

The media release was also published on the websites of the four claimants. Please see “City of Wolverhampton Council media release”, “Dudley Council media release”, “Sandwell Council media release” and “Walsall Council media release” in **Exhibit PB18A attached hereto**.

The court may wish to know that a further media release was issued on 9 January, 2024, reminding readers of the February hearing and how people could go about contesting the application should they so wish. Please see **Exhibit PB18A attached hereto** which includes the “Media release, issued 9 January 2024”.

The court may also wish to know that, following a court hearing relating to an incident in Sandwell, Sandwell Council issued a media release (available at <https://www.sandwell.gov.uk/news/article/354/street-racer-receives-suspended-prison-sentence-for-racing-in-west-bromwich>) on 15 January, 2024, which included details about the hearing in February 2024. This was also picked up by the media - please see **Exhibit PB18A attached hereto** which includes “Birmingham Live, 16 January 2024”.

9. (b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the above media release.

I can confirm that social media was posted on the above accounts at various times between 21 December 2023 and the time of writing. Please see “X posts”, “Facebook posts” and “Instagram posts” in **Exhibit PB18A attached hereto**.

The court may also wish to know that West Midlands Police shared posts via their Wolverhampton Police, Dudley Police, Sandwell Police and Walsall Police X/Twitter accounts.

10. (c) Updating the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

<https://www.dudley.gov.uk/residents/parking-and-roads/roadshighways-andpavements/car-cruising-injunction>

https://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3231/street_racing

https://go.walsall.gov.uk/black_country_car_cruising_injunction

Such pages shall carry a direct link to this Order.

I can confirm that the dedicated street racing pages have been updated as required. See "City of Wolverhampton Council street racing page", "Walsall Council street racing page", "Sandwell Council street racing page" and "Dudley Council street racing page" in **Exhibit PB18A attached hereto**.

- 11.(d) Ensuring that the home (or landing) page of each of the Claimants' main websites have and retain a prominent direct link to the dedicated webpages referred to above.

I can confirm that each home page contains a link to the street racing webpage. See "City of Wolverhampton Council homepage", "Dudley Council homepage", "Sandwell Council homepage" and "Walsall Council homepage" see in **Exhibit PB18A attached hereto**.

- 12.(e) Requesting that the police forces for the West Midlands, Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link to this Order.

I can confirm that this request was made on 11 January to the above forces and that some have shared messaging on their social channels as a result. Please see "Email to police forces" within **Exhibit PB18A attached hereto**.

- 8.1. The court may wish to know that the social media posts issued by the City of Wolverhampton Council on X, Facebook and Instagram achieved

a reach of 41.6k, impressions of 61.6K and an engagement rate of 0.24%.

Reach is described by Orlo, the social media system used by the City of Wolverhampton Council as follows: "This shows you the total number of times the posts in this campaign have been seen by different people."

Impressions. "This gives you the total number of times the posts in this campaign have been shown on a person's screen."

Engagement: "This shows the level of engagement the content you have shared has generated during the campaign."

Please note, the above relates only to posts issued by The City of Wolverhampton Council. Partner councils and West Midlands Police shared a number of posts, and the data around reach and impressions will not be captured in the above.

Furthermore, between 21 December and 25 January 2024, the City of Wolverhampton Council's street racing webpage received 115 views, the Walsall Council street racing webpage received 63 views, the Sandwell Council street racing webpage received 215 views and the Dudley Council street racing webpage received 66 views.

13. For the above reasons stated reasons, I believe that notice of the outcome of the hearing for the application of the Injunction and Power of Arrest has been brought to the attention of the public at large, and in particular, those likely to be affected by this application, or those engaging, looking to engage, or likely to engage, in the behaviour prohibited by this application and the interim injunction if granted.

14. I will continue to ensure future steps in the Communications Plan are acted upon at the relevant time and will continue to liaise with my counterparts in Communications Teams of Dudley, Sandwell and

Walsall Councils and West Midlands Police to ensure that they are disseminating the information as and when necessary.

STATEMENT OF TRUTH

I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full Name: PAUL STEVEN BROWN

Position: COMMUNICATIONS MANAGER

Name of Claimant: City of Wolverhampton Council

Signed

A rectangular box containing a handwritten signature in blue ink, which appears to read 'Paul Brown'.

Print Name PAUL BROWN

Dated: 25 January 2024

Statement of: Paul Brown
For: Claimants
Statement no: 18
Exhibits: PB18A
Date: January 2024

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-BHM-2022-000188

In the matter of an application for an injunction under s.222 Local Government Act 1972 and s.130 of the Highways Act 1980

B E T W E E N:

1. WOLVERHAMPTON CITY COUNCIL
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5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. Mr ISA IQBAL

Defendants

EXHIBIT PB18A

This is the document referred to as "Exhibit PB18" in the witness statement of Paul Brown dated January 2024.

Interim street racing injunction permitted to remain in force

Released: Thursday 21 December, 2023



The interim injunction banning street racing in the Black Country has been permitted to continue by the High Court, with the claimants set to apply for a full injunction early next year.

The interim injunction prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

It covers the whole of the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine, or an order to have their assets seized.

At a hearing in Birmingham yesterday (Wednesday 20 December, 2023), Her Honour Judge Kelly permitted the interim injunction to remain in force, and ordered that a final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024.

The application is led by the City of Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police.

Councillor Jasbir Jaspal, the City of Wolverhampton Council's Cabinet Member for Adults and Wellbeing, said: "We are pleased that the High Court has seen fit to continue this interim injunction.

"It has been in effect for a year and has achieved a substantial amount of success – both in helping to prevent instances of street racing from occurring in the first place, and in leading to the conviction of a number of individuals for contempt of court in recent months.

"While the onset of winter, and poorer weather and longer nights, typically leads to a reduction in instances of street racing, we know that prevalence increases over the holiday period.

"Residents also remain concerned about the effects of street racing and complaints continue to be received by the authorities about incidents across the region, in particular Overfield Drive and the Black Country Route in Bilston, Kenrick Way, West Bromwich, and Manor Way, Halesowen. Therefore, it is very appropriate that the interim injunction remains in place.

"People who breach the interim injunction should be under no illusions as to the penalties they could face; they will be in contempt of court, which is a very serious offence, and could face up to two years' in jail, an unlimited fine, or have assets like their vehicle seized.

"These are stiff punishments which are proving a deterrent to would-be street racers and helping us to keep our region's streets free of this anti-social and dangerous behaviour."

She added: "The applicants will return to the High Court in February for a final hearing where we will apply for a full injunction. We will also be seeking to extend the scope of the injunction so that it covers spectators and organisers, as both groups are not only encouraging meetings to take place, but are also putting their lives at risk by partaking in this activity."

The final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024, in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS, from 10.30am on each day.

For more information about the interim injunction, please visit the street racing injunction pages of the applicants – Wolverhampton (www.wolverhampton.gov.uk/street-racing-injunction), Walsall, (https://go.walsall.gov.uk/black_country_car_cruising_injunction), Sandwell (www.sandwell.gov.uk/streetracing), or Dudley (www.dudley.gov.uk/car-cruising-injunction).

Incidents of street racing should be reported via asbu@wolverhamptonhomes.org.uk or to West Midlands Police on 101. In an emergency, always dial 999.

ENDS

Media release, issued 21 December 2023

Interim street racing injunction for Black Country permitted to remain in force after court hearing

The interim injunction banning street racing in the Black Country has been permitted to continue by the High Court, with a full injunction set to be applied for early next year.

By **Lisa O'Brien** | Published Dec 21, 2023



The interim injunction bans people from participating in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

It covers the whole of Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties

Express and Star, 21 December 2023

Black Country street racing ban extended



| The High Court has extended an injunction banning street racing

Alex McIntyre

BBC News, West Midlands

21 December 2023

The ban on street racing in the Black Country has been extended following a hearing at the High Court.

An interim injunction, which prohibits car meets during which racing or stunts take place, will remain in place until further court hearings in February.

The order covers Wolverhampton, Dudley, Sandwell and Walsall, with anyone in breach facing imprisonment, a fine or an order to have their vehicles seized.

City of Wolverhampton Council will apply for a full injunction early next year.

The interim order, which a judge ruled could remain in force at a hearing on Wednesday, had been in place for about a year.

It applies to people participating as a driver, rider or passenger, in a gathering of two or more people who "engage in motor racing or motor stunts or other

BBC News, 21 December 2023

The interim injunction banning street racing in the Black Country has been permitted to continue by the High Court, with the claimants set to apply for a full injunction early next year.

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Interim street racing injunction permitted to remain in force

SHARE



WAS THIS PAGE USEFUL?



LAST UPDATED

21 December 2023

City of Wolverhampton Council media release



21 DEC 2023

public realm Cabinet - highways and environment Environment, Highways and Street Services

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Dudley Council media release

Interim street racing injunction permitted to remain in force

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The interim injunction banning street racing in the Black Country has been permitted to continue by the High Court, with the claimants set to apply for a full injunction early next year.



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The interim injunction prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

It covers the whole of the boroughs of Sandwell, Dudley, Walsall and Wolverhampton and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine, or an order to have their assets seized.

At a hearing in Birmingham yesterday (Wednesday 20 December 2023), Her Honour Judge Kelly permitted the interim injunction to remain in force, and ordered that a final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024.

The application is led by the City of Wolverhampton Council on behalf of Sandwell Council, Dudley Council and Walsall Council, and supported by West Midlands Police.

A spokesperson for the application said: "We are pleased that the High Court has seen fit to continue this interim injunction.

"It has been in effect for a year and has achieved a substantial amount of success – both in helping to prevent instances of street racing from occurring in the first place, and in leading to the conviction of a number of individuals for contempt of court in recent months.

Sandwell Council media release

Interim street racing injunction permitted to remain in force

Published on 21 December 2023

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At a hearing in Birmingham yesterday (Wednesday 20 December, 2023), Her Honour Judge Kelly permitted the interim injunction to remain in force, and ordered that a final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024.

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Walsall Council media release

Final street racing hearing to be held next month

Released: Tuesday 9 January, 2024



A final hearing into an injunction banning street racing in the Black Country will be heard by the High Court next month.

An interim injunction has been in place in the region since December 2022, prohibiting people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

It covers the whole of the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine, or an order to have their assets seized.

At a hearing in Birmingham last month, Honour Judge Kelly permitted the interim injunction and Power of Arrest to remain in force, and ordered that a final hearing takes place on Tuesday and Wednesday 27 and 28 February 2024.

At it, the claimants will be seeking to extend the scope of the injunction so that it covers spectators and organisers.

The application is led by the City of Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police.

Councillor Jasbir Jaspal, the City of Wolverhampton Council's Cabinet Member for Adults and Wellbeing, said: "The interim injunction has been in effect for a year and has achieved a substantial amount of success – both in helping to prevent instances of street racing from occurring in the first place, and in leading to the conviction of a number of individuals for contempt of court in recent months.

"Nevertheless, residents also remain concerned about the effects of street racing and complaints continue to be received by the authorities about incidents across the region, in particular Overfield Drive and the Black Country Route in Bilston, Kenrick Way, West Bromwich, and Manor Way, Halesowen.

“Therefore, we will be returning to the High Court next month to seek a full and final injunction which we hope will also cover spectators and organisers, as both groups are not only encouraging meetings to take place, but are also putting their lives at risk by partaking in this activity.”

The final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024, in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS, from 10.30am on each day.

The claimants’ details are as follows:

FAO: Black Country Car Cruise
Legal Services
City of Wolverhampton Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1RG

Alternatively, email litigation@wolverhampton.gov.uk or call 01902 556556.

Anyone seeking to contest the Claimants’ application should send to the court and the claimants an N244 application form, written grounds for permission to bring the application, reasons for the proposed variation/discharge of the Order, and a witness statement or statements containing the evidence to be relied upon in support of the application.

Physical copies should be sent to the above address by 4pm on 6 February 2024, while electronic copies should be sent to the court by the same date – please contact the court to obtain an address.

For more information about the interim injunction, please visit the street racing injunction pages of the applicants – Wolverhampton (www.wolverhampton.gov.uk/street-racing-injunction), Walsall, (https://go.walsall.gov.uk/black_country_car_cruising_injunction), Sandwell (www.sandwell.gov.uk/streetracing), or Dudley (www.dudley.gov.uk/car-cruising-injunction).

Incidents of street racing should be reported via asbu@wolverhamptonhomes.org.uk or to West Midlands Police on 101. In an emergency, always dial 999.

ENDS

Media release, issued 9 January 2024

Woman racer avoids jail despite 70mph street race in 40 zone

Rebecca Richold, 20, was handed a suspended sentence

BLACK COUNTRY By [Isabelle Bates](#)
09:44, 16 JAN 2024

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A general view of Kenrick Way in West Bromwich (Image: Google)

A woman has avoided jail after she was caught street racing at 70mph in a 40 zone. Rebecca Richold was slapped with a suspended sentence following the incident.

The 20-year-old of Armstrong Drive, [Worcester](#), was involved in street racing - otherwise known as street cruising - on Kenrick Way in [West Bromwich](#) on September 2 last year. She was travelling at 70mph along the dual carriageway, a court heard.

An [interim injunction](#) has been in place across the [Black Country](#) since December 2022, prohibiting people from participating, as a driver, a rider or a passenger, in a gathering of two or

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Learn more: go.walsall.gov.uk/newsroom/final...

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Sandwell Council @sandwellcouncil · Jan 16

Street racing is banned across the Black Country under an injunction order. A street racer who breached the order by racing other vehicles at speeds of around 70mph in a 40mph area along Kenrick Way in West Bromwich has this month received a suspended prison sentence. More info [👉](#)



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Wolverhampton Today
14 January at 18:00

The interim injunction banning street racing in the Black Country remains in force, with the claimants set to apply for a full injunction next month.

It covers the whole of the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving. Anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine, or an order to have their assets seized.

Incidents of street racing should be reported via asbu@wolverhamptonhomes.org.uk or to police on 101, in an emergency, always dial 999. For more information about the interim injunction, visit the street racing injunction pages of the applicants – Wolverhampton (<https://orouk.uk/0439>), Walsall (<https://orouk.uk/WN4u>), Sandwell (<https://orouk.uk/pk70>), or Dudley (<https://orouk.uk/2a0r>).

A final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024, in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS, from 10.30am on each day.



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9 January at 14:40

A final hearing into an injunction banning street racing in the Black Country will be heard by the High Court at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS, on Tuesday and Wednesday 27 and 28 February.

An interim injunction has been in place in the region since December 2022, prohibiting people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at wh... See more



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21 December 2023 at 10:15

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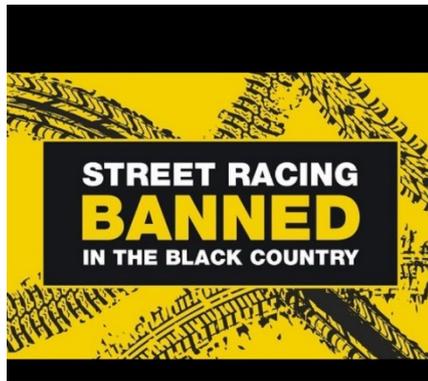
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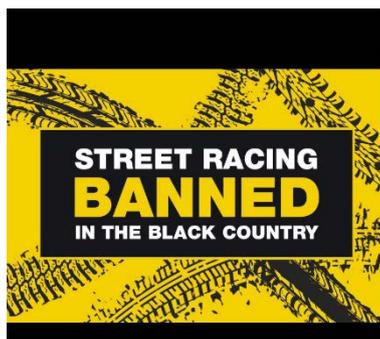
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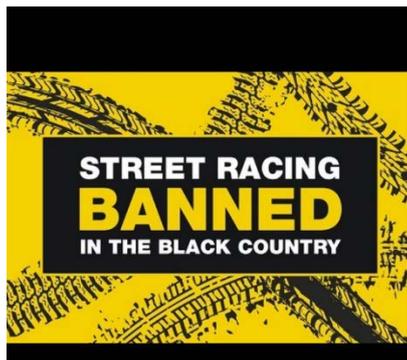
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An interim injunction has been in place in the region since December 2022, prohibiting people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving. It covers the whole of the boroughs of Wolverhampton, Dudley,

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It covers the whole of the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving. Anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine, or an order to have their assets seized.

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Speaking on behalf of the Black Country councils, Councillor

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sandwellcouncil Street racing – also known as car cruising – is banned across the Black Country under an injunction order.

A street racer who breached the order by racing other vehicles at speeds of around 70mph in a 40mph area along Kenrick Way in West Bromwich has this month received a suspended prison sentence.

This successful court case follows others where street racers have been brought to justice for breaching the injunction in Kenrick Way.

And it serves as a further warning to people about this extremely dangerous and anti-social activity.

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An interim injunction has been in place in the region since December 2022, prohibiting people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving. It covers the whole of the boroughs of Sandwell, Dudley, Walsall and Wolverhampton and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine, or an order to have their assets seized.

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An interim injunction banning 'street racing', also known as 'car cruising', is in force in the Black Country.

It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.



For the purposes of the injunction, stunts are defined as driving manoeuvres often undertaken at such gatherings including but not limited to:

"Burnouts" – causing a vehicle to destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed

"Donuts/Donutting" – causing a vehicle to rotate around a fixed point (normally the front axle) while not moving-off causing noise, smoke and tyre marks to be created

"Drifting" – turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input

"Undertaking" – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

The Injunction has a Power of Arrest attached to it which gives the police the power to arrest anyone who breaches it.

Breach of an injunction is a contempt to court and if proved the court has the power to impose a sentence of imprisonment, a fine, or an order seizing a person's assets.

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- [Black Country Car Cruising Injunction - Sealed Power of Arrest - Version 5 - 20 December 2023 \(22/12/2023\)](#)

City of Wolverhampton Council street racing page

Black Country street racing injunction

Overview

An interim injunction banning street racing (also known as car cruising) is in force in the Black Country.

The Black Country area includes all of the boroughs of Dudley, Sandwell, Walsall and Wolverhampton.

You can download full details of the interim injunction in the supporting documents section.

What the interim injunction means

It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

At these gatherings, some people engage in motor racing or motor stunts or other dangerous or obstructive driving. For the purposes of the injunction, stunts are defined as driving manoeuvres including, but not limited to:

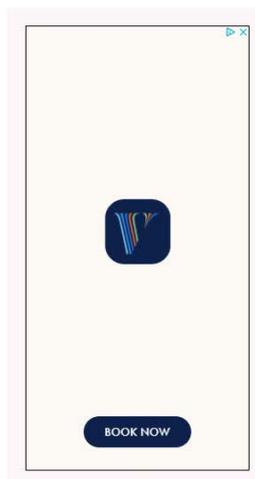
- burnouts - causing a vehicle to destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed
- donuts/donutting - causing a vehicle to rotate around a fixed point (normally the front axle) while not moving-off causing noise, smoke and tyre marks to be created
- drifting - turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input
- undertaking - passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

Details of the injunction

The injunction has a power of arrest attached to it. This gives the police the power

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Walsall Council street racing page

High Court grants order banning street racing in the Black Country



An interim injunction banning 'street racing', also known as 'car cruising', is in force in the Black Country.

It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

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- "Burnouts" – causing a vehicle to destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed
- "Donuts/Donutting" – causing a vehicle to rotate around a fixed point (normally the front axle) while not moving-off causing noise, smoke and tyre marks to be created
- "Drifting" – turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input
- "Undertaking" – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

The Injunction has a Power of Arrest attached to it which gives the police the power to arrest anyone who breaches it.

Breach of an injunction is a contempt to court and if proved the court has the power to impose a sentence of imprisonment, a fine, or an order seizing a person's assets.

The Black Country Area includes all of the Boroughs of Sandwell, Dudley, Walsall and Wolverhampton.

Full details of the interim injunction, including evidence presented to the High Court, the Sealed Order, Power of Arrest and other supporting documentation such as a map showing the Black Country area, can be found on [our street racing downloads webpage](#).

Sandwell Council street racing page

High Court grants order banning street racing in the Black Country

An interim injunction banning 'street racing', also known as 'car cruising', is in force in the Black Country.

It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

For the purposes of the injunction, stunts are defined as driving manoeuvres often undertaken at such gatherings including but not limited to:

- "Burnouts" – causing a vehicle to destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed
- "Donuts/Donutting" – causing a vehicle to rotate around a fixed point (normally the front axle) while not moving-off causing noise, smoke and tyre marks to be created
- "Drifting" – turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input
- "Undertaking" – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

The Injunction has a Power of Arrest attached to it which gives the police the power to arrest anyone who breaches it.

Breach of an injunction is a contempt to court and if proved the court has the power to impose a sentence of imprisonment, a fine, or an order seizing a person's assets.

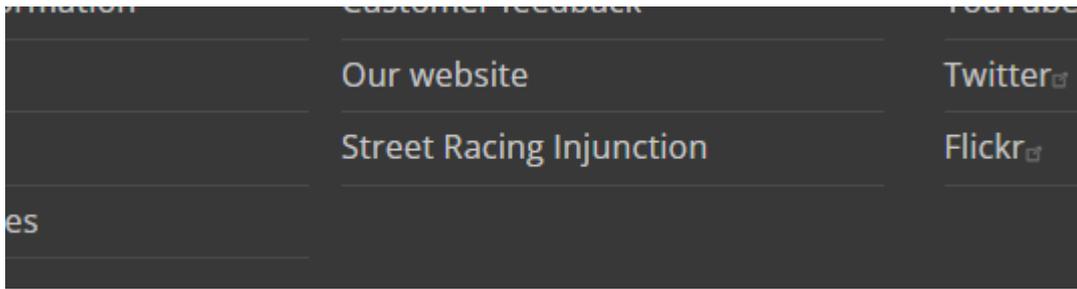
The Black Country Area includes all of the Boroughs of Wolverhampton, Dudley, Sandwell and Walsall.

Full details of the interim injunction, including evidence presented to the High Court, the Sealed Order, power of arrest and other supporting documentation such as a map showing the Black Country area, can be found in the downloads section of this page.

Incidents of street racing should be reported via asbu@wolverhamptonhomes.org.uk or to West Midlands Police on 101. In an emergency, always dial 999.

[Audio information about the interim street racing injunction application.](#)

Dudley Council street racing page



City of Wolverhampton Council homepage

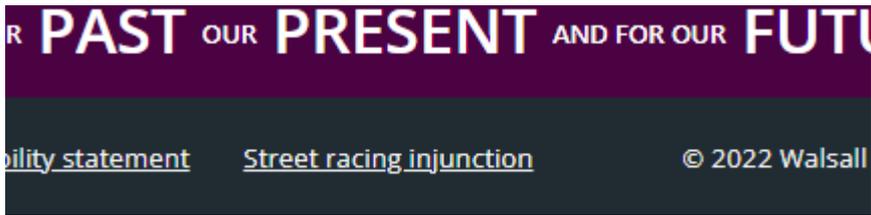
[Modern Slavery](#) [Car Cruising Ban - High Court](#)



Dudley Council homepage



Sandwell Council homepage



Walsall Council homepage

Street racing injunction in Black Country



Paul Brown

To: news@warwickshire.police.uk; news@westmercia.police.uk; Press.office@staffordshire.pns.police.uk; Corporate Communications

Retention Policy: 2 Year Retention Policy (2 years)

Expires: 10/01/2026



Thu 11/01/2024 10:10

NOT PROTECTIVELY MARKED

Hello

As you may be aware, an interim injunction banning street racing is in effect in the Black Country covering Wolverhampton, Sandwell, Dudley and Walsall. As part of our application to the High Court for the injunction, the High Court has directed that we requesting that the police forces for Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link to this Order.

Note, you are not bound by the court to do this, but if you are able to give the following posts a share, it would be greatly appreciated:

FB: https://www.facebook.com/WolverhamptonToday/videos/street-racing-banned-in-the-black-country/762588059046157?locale=en_GB

X: <https://twitter.com/WolvesCouncil/status/1744730814376812678>

Insta: <https://www.instagram.com/p/C14hjb7i48s/?hl=en>

If you are able to do this, please let me know so that I can get some screen grabs as evidence to the court.

Kind regards

Paul Brown
Communications Manager
City of Wolverhampton Council
01902 555497

Email to police forces

E. SECTION E - Court Order 20 December 2023

Case No: KB-2022-BHM-000188

KB-2022-BHM-000221

IN THE HIGH COURT OF JUSTICE
KINGS'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY



In the matter of an application for an injunction under s.37(1), Senior
Courts Act 1981, s.222, Local Government Act 1972 and s.130,
Highways Act 1980.

BETWEEN

- (1) WOLVERHAMPTON CITY COUNCIL
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

and

(1) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE
HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE
PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON
PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT
ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER
DANGEROUS OR OBSTRUCTIVE DRIVING

(2) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE
HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE

PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON
PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION
THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR
RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR
OBSTRUCTIVE DRIVING

(3) PERSONS UNKNOWN PROMOTING ORGANISING
PUBLICISING (BY ANY MEANS WHATSOEVER) ANY
GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2
OR MORE PERSONS WITH THE INTENTION OR EXPECTATION
THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR
RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING
WITHIN THE BLACK COUNTRY AREA
SHOWN ON PLAN A (ATTACHED)

(4) PERSONS UNKNOWN BEING DRIVERS, RIDERS OR
PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE
BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING
OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA
SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH
DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS
OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

(5) Mr ANTHONY GALE

(6) Miss WIKTORIA SZCZUBLINSKA

(7) Mr ISA IQBAL

Defendants

AND

BETWEEN

BIRMINGHAM CITY COUNCIL

Claimant

-and-

(1) AHZI NAGMADIN

(2) JESSICA ELLEN ROBERTS

(4) RASHANI REID

(5) THOMAS WHITTAKER

(6) ARTHUR ROGERS

(7) ABC

(8) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND
TO PARTICIPATE IN STREET-CRUISES IN BIRMINGHAM,
AS CAR DRIVERS, MOTORCYCLE RIDERS, PASSENGERS
AND/OR SPECTATORS

(9) PERSONS UNKNOWN WHO, OR WHO INTEND TO,
ORGANISE, PROMOTE OR PUBLICISE STREET CRUISES
IN BIRMINGHAM

(10) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND
TO PARTICIPATE IN STREET CRUISES IN BIRMINGHAM AS
CAR DRIVERS, MOTORCYCLE RIDERS OR PASSENGERS IN
MOTOR CARS OR ON MOTORCYCLES

(11) MOHAMMED SHABBIR

(12) ZOE LLOYD

(13) CALLUM BLUNDERFIELD

(14) GURINDER SINGH SAHOTA

Defendants

BEFORE Her Honour Judge Emma Kelly, sitting in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS on 20 December 2023.

UPON hearing:

- (i) Mr Singleton of counsel for the Claimants in Claim No. KB-2022- BHM-000188 (respectively the "Wolverhampton Claimants" and the "Wolverhampton claim") and
- (ii) Mr Manning and Ms Crocombe of counsel for the Claimants in Claim No. KB-2022- BHM-000221 (respectively "Birmingham CC" and the "Birmingham claim"),

AND UPON there being no appearance by any Defendant, and no other person having notified the Court, the Wolverhampton Claimants or Birmingham CC that they wished to be joined as a party or heard.

AND UPON Birmingham CC's application for an interim injunction and power of arrest dated 9 December 2022 pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980 and the Wolverhampton Claimants' like application dated 13 December 2022.

AND UPON the Court reviewing the grant by the Honourable Mrs Justice Hill of Interim Injunctions and Powers of Arrest dated 22 December 2022 as amended by the Honourable Mr Justice Ritchie on 16 May 2023 in both the Wolverhampton claim and the Birmingham claim.

AND UPON the Court having dispensed with the need for Birmingham CC to serve the Eighth, Ninth and Tenth Defendants via the method stipulated in paragraph 13(6) of the Order of Mr Justice Richie dated 16 May 2023 on 4 September 2023, the Court having found on that occasion that paragraph 13(6) was impossible to comply with.

IT IS ORDERED THAT:

1. In both the Wolverhampton claim and the Birmingham claim, the Interim Injunctions and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, and as amended by the Honourable Mr Justice Ritchie on 16 May 2023 shall remain in force until the hearing of the claim unless varied or discharged by further Order of the Court.

Case Management

2. There shall be a final hearing as set out below at which hearing the court will consider the Wolverhampton claim and the Birmingham claim together. For the avoidance of doubt, the Wolverhampton claim and the Birmingham claim have not been consolidated but it is convenient for them to be heard together as they raise similar issues.

3. The final hearing shall be before a High Court Judge on 27 and 28 February 2024 at 10:30am in the High Court of Justice, Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS. Time estimate 2 days plus reading time of 1 day (on 26 February 2023 or such other day to be allocated by the Court) in addition to the hearing time. The following directions apply to the final hearing:

(a) The Wolverhampton claimants and Birmingham CC have permission to file and serve updating evidence by 16:00 on 13 February 2024. Alternative service of any such evidence may be effected by taking like steps to those set out at 12 and 14 of this Order in the Wolverhampton claim and 16 and 18 in the Birmingham claim

(b) By 16:00 on 19 February 2024 the Wolverhampton claimants and Birmingham CC shall file with the Court:

- a. Hard-copy and electronic bundles containing all the Orders, application documents and evidence relevant to the application;
- b. It should also include drafts of the orders sought.
- c. The Claimants' solicitors should liaise with the court as to how video evidence is going to be provided to the Judge prior to the hearing, and how that evidence is going to be played during the hearing.

(c) By 16:00 on 21 February 2024 the Wolverhampton claimants and Birmingham CC shall file with the Court:

- a. Skeleton Arguments;
- b. A common bundle of authorities.

4. Any person served with a copy of, or affected by, this Order including, for the avoidance of doubt, the Interim Injunctions and Powers of Arrest, may apply to the Court to vary or discharge it, on 48 hours written notice to the Wolverhampton claimants or Birmingham CC, whichever be the relevant claimant, at the applicable address set out at the foot of this Order. Further information is contained at paragraphs 19-21 of and Schedule 1 to this Order.

Service

5. In both the Wolverhampton claim and the Birmingham claim, and pursuant to CPR r.6.27 and CPR r.81.4, the steps that the Wolverhampton claimants and Birmingham CC have taken to serve the order of Ritchie J sealed on 16 May 2023; notice of this hearing and the further evidence filed in advance of this hearing shall amount to good and proper service on the each of the Defendants.

6. Personal service of this Order and the amended Claim Form, Particulars of Claim, Injunction and Power of arrest above is dispensed with in relation to the first, second, third and fourth Defendants in the Wolverhampton claim, and is dispensed with in relation to the Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Defendants in the Birmingham claim.

Service of this Order

7. The Wolverhampton claimants shall serve this Order on the First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 12 January 2024:

- (a) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:
 - (i) Details of the application and summarise the orders made;
 - (ii) Any deadline for filing any documents by the Defendants;
 - (iii) The date, time and location of any future hearings including the final hearing on 27 February 2024;
 - (iv) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
 - (v) The Claimants' contact details; and

- (vi) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail, Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central.

- (b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the above media release.

- (c) Updating the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

<https://www.dudley.gov.uk/residents/parking-and-roads/roadshighways-and-pavements/car-cruising-injunction>

<https://www.sandwell.gov.uk/info/200284/roads-travel-and-parking/3231/street-racing>

<https://go.walsall.gov.uk/black-country-car-cruising-injunction>

Such pages shall carry a direct link to this Order.

- (d) Ensuring that the home (or landing) page of each of the Claimants' main websites have and retain a prominent direct link to the dedicated webpages referred to above.

(e) Requesting that the police forces for the West Midlands, Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link this Order.

8. The Wolverhampton Claimants shall serve this Order on the fifth sixth and seventh Defendants ('the named Defendants') by email, the named Defendants having agreed to accept service by this method. Service must be completed by 16:00 on 12 January 2024.

9. Birmingham CC shall personally serve this Order on the First, Second, Fourth Fifth, Sixth and Seventh Defendants by 16:00 on 12 January 2024.

10. Birmingham CC shall serve this Order on the Eighth, Ninth and Tenth Defendants by completing the following steps before 16:00 on 12 January 2024:

(a) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:

- (i) Details of the application and summarise the orders made;
- (ii) Any deadline for filing any documents by the Defendants;
- (iii) The date, time and location of any future hearings, including the final hearing on 27 February 2024. The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
- (iv) The Claimants' contact details; and
- (v) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail,

Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central.

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the above media release.

(c) Updating its dedicated page on its website about the Injunction and Power of Arrest and this Order:

<https://www.birmingham.gov.uk/streetcruiseapplication2022>

Such page shall carry a direct link to this Order.

(d) Ensuring that the home (or landing) page of its main website has and retains a prominent direct link to the dedicated webpage referred to above.

(e) Requesting that the police forces for the West Midlands, Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link this Order.

11. Birmingham CC shall serve this Order on the Eleventh, Twelfth, Thirteenth and Fourteenth Defendants by email. Service must be completed by 16:00 on 12 January 2024.

Amended Claim Documents, Injunction and Power of Arrest

12. Wolverhampton Claimants shall serve version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest on the

First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 12 January 2024:

(a) Uploading copies to the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

<https://www.dudley.gov.uk/residents/parking-and-roads/roadshighways-and-pavements/car-cruising-injunction>

<https://www.sandwell.gov.uk/info/200284/roads-travel-and-parking/3231/street-racing>

<https://go.walsall.gov.uk/black-country-car-cruising-injunction>

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the relevant website containing version 4 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest.

(c) Placing hard copies of version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest at the front desks of the relevant Claimant's offices.

13. This Order shall be deemed served on the First, Second Third and Fourth Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 12 has been complied with.

14. The Wolverhampton Claimants shall serve version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest on the named Defendants by email. Service must be completed by 16:00 on 12 January 2024.

When providing copies of Version 5 of the Power of Arrest to the police the Wolverhampton Claimants shall provide a further copy of Version 4 of the Injunction.

15. Birmingham CC shall personally serve the Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the First, Second, Fourth, Fifth, Sixth and Seventh Defendants by 16:00 on 12 January 2024.

16. Birmingham CC shall serve the Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the Eighth Ninth and Tenth Defendants by completing the following steps before 16:00 on 12 January 2024:

(a) Uploading copies to its dedicated page on its website about the applications to the High Court for an injunction and power of arrest:

<https://www.birmingham.gov.uk/streetcruiseapplication2022>

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the Fourth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest.

(c) Placing hard copies of the Fourth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest at the front desks of the relevant Claimant's offices.

17. The Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest shall be deemed served on the Eighth, Ninth and Tenth Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 16 has been complied with.

18. Birmingham CC shall serve the Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the Eleventh, Twelfth and Thirteenth Defendants by email. Service must be completed by 16:00 on 12 January 2024.

Further matters

19. Without prejudice to the foregoing, any person wishing to exercise a right granted by paragraph 4 of this Order may apply to the Court at any but if they wish to do so they must inform the relevant Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application) via the contact details set out below at the foot of this Order. Schedule 1 to this Order indicates the process which must be followed for any such application.

20. Any person applying to vary or discharge either Amended Interim Injunction or Power of Arrest must provide their full name and address, an address for service, and must also apply to be joined as a Named Defendant to the proceedings at the same time.

21. Any Defendant who fails to comply with paragraphs 19 and 20 above shall not be permitted to defend or take any role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them.

Relief from Sanctions Application by the Wolverhampton Claimants

22. The application, dated 12 December 2023, by the Wolverhampton Claimants for relief from sanctions is granted and the time for service in paragraph 1 the Order of HHJ Kelly, dated 1 November 2023 is extended to 4.00pm on 14 December 2023.

23. The Wolverhampton Claimants application of 12 December 2023 was made without notice to the Defendants who may apply to have paragraph 22 above set aside or varied. Such application must be made within 7 days after the date on which the order was served on the person making the application.

Communications with Claimants and the Court

24. All communications to the Court about the Wolverhampton claim or the Birmingham claim (which should quote the case number) should be sent to:

Birmingham District Registry
Birmingham Civil and Family Justice Centre
Priory Courts
33 Bull Street,
Birmingham B4 6DS
E: kb.birmingham@justice.gov.uk T: 0121 681 4441
DX: 701987 Birmingham 7

25. Any person who wishes to view or download copies of the documents shall contact the Claimants' solicitors via the contact details below:

The Wolverhampton claimants' solicitors and their contact details are:

FAO: Black Country Car Cruise
Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG
E: litigation@wolverhampton.gov.uk

T: T: 01902 556556

DX: 744350 Wolverhampton 27

Ref: LIT/AS/LIJ017753P

Birmingham CC's solicitors' contact details are:

Birmingham City Council Legal and Governance

Ref: LSCSY/HM/150673

PO Box 15992

Birmingham B2 2UQ

E: HousingLitigationTeam@birmingham.gov.uk

T: 0121 303 2808

DX: MDX 326401 Birmingham 87

Costs

26. Costs in the application.

SCHEDULE 1 – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 4 above, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed:

1. Any person seeking to contest the Claimants' entitlement to interim relief should file with the court (i.e. send to the court) and serve (i.e. send to the Claimants):

(a) An N244 application form¹;

(b) Written grounds (which may be contained in within the N244 application form or a separate document) for:

i. permission to bring the application; and

ii. the application (i.e. reasons for the proposed variation / discharge of the Order).

(c) A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.

2. In order to file the above documents with the Court, the applicant should:

(a) Send physical copies of the documents to the address at paragraph 24 of this Order; and/or

(b) Speak to the Court to obtain an address to send electronic copies of the documents to.

3. In order to serve the above documents on the Claimants, the applicant

¹ See the following link which provides a digital version of the form, and guidance notes:

<https://www.gov.uk/government/publications/form-n244-application-notice>

should:

- (a) Identify the relevant Claimants (the Wolverhampton Claimants or Birmingham CC); and then
- (b) Send physical copies of the documents to the relevant address at paragraph 25 of this Order; and/or
- (c) Send electronic copies of the documents to the relevant e-mail address at paragraph 25 above.

4. The person making the application should indicate to the Court and Claimants whether they consider the matter requires a court hearing or can be dealt with by the judge reviewing the paper application and any response from the Claimants.

5. Thereafter the Claimants shall have 14 days to file and serve evidence and submissions in response, including as to whether an oral hearing is required to determine the application.

6. Within 21 days the Court shall decide

- (a) whether to grant permission for the application to proceed; and
- (b) if permission is granted, whether a hearing is necessary, and/or may request from the parties evidence on any further matters necessary to determine the application. If the Court decides that a hearing is necessary, it shall seek to schedule the hearing (accommodating availabilities of the parties) within 42 days (6 weeks).

7. If the Court decides that further evidence is needed from any party, it may set strict deadlines by which that evidence must be filed. Both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.



INJUNCTION ORDER (VERSION 4)

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-2022-BHM-000188

KB-2022-BHM-000188

Mr Justice Ritchie 19 May 2023

In the matter of an application for an injunction under s.222 Local Government Act 1972 and s.130 of the Highways Act 1980

B E T W E E N:-

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. MR ISA IQBAL

Defendants

Amended by Order of the Honourable Mr Justice Ritchie on 19 May 2023

Fifth and Sixth Defendants added as parties pursuant to the Order of HHJ Kelly made on 4 October 2023

Seventh Defendant added as a party pursuant to the Order of HHJ Kelly made on 1 November 2023

To: the Fourth Defendants being Persons Unknown being drivers, riders or passengers in or on motor vehicle(s) who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving

And to: the Fifth, ~~and~~ Sixth and Seventh Defendants ("the Named Defendants") being persons who have been found to be in breach of this Interim Injunction and who thereby became parties to the claim

PENAL NOTICE

IF YOU THE WITHIN NAMED PERSONS UNKNOWN AND THE NAMED DEFENDANTS , DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO

BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY OF THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order but you must obey the order unless it is varied or discharged by the Court.

A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

This Order was made when the Defendants were not present at court but notice of the Claimants application had been given

Before the Honourable Mr Justice Ritchie sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 19 May 2023

Upon hearing Mr Singleton of counsel for the Claimants and there being no appearance by any other person and neither the Court nor the Claimants having received any notification that any other person wished to be joined as a party or heard

And Upon the Claimants' application, by an Application Notice dated 7 October 2022 for an injunction pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980

And Upon the Court having granted an Injunction and Power of Arrest, by Order of the Honourable Mrs Justice Hill sealed on 22 December 2022

And Upon the Court having further reconsidered the grant of the Injunction and Power of Arrest (following a previous review held by the Honourable Mr Justice Freedman on 6 and 13 February 2023), as directed by paragraph 2 of the Order of Freedman J sealed on 16 February 2023

And Upon the court having exercised its discretion to grant injunctive relief pursuant to section 37(1) Senior Courts Act 1981;

And Upon the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by the Injunction Order and that the Power of Arrest should therefore be continued.

And Upon the Court noting the order of the Honourable Mr Freedman sealed on 16 February 2023 giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of: that order; and further evidence.

And Upon it appearing to the court that there is good reason to authorise service by a method or place not otherwise permitted by CPR Parts 6 & 81

And Upon the Claimants renewing their undertaking to inform the Court forthwith if the Supreme Court deliver judgement in the appeal known as *Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others (Appellants)* [2022] UKSC/0046

And Upon the Claimants reconfirming that this Order is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted (or is not required) and such activities take place under an approved code or licence from a recognised regulatory body.

And Upon the Court considering that further clarification was necessary as to the particular categories of Defendant who are Person Unknown to whom this injunction and power of arrest applies

And further upon the Claimant undertaking, and being given permission, to file an Amended Claim Form and An Amended Particulars of Claim to reflect the addition to the proceedings of the Fourth Defendant referred to above and to specify the tort(s) and/or crime(s) that this Order is intended to prevent or inhibit. Such amendments to be filed by 4.00pm, 9 June 2023 and served by the same date by adopting like measures to those set out at paragraphs 11 (3) & (6) in the Combined Directions Order

IT IS ORDERED THAT:

Injunction in force

- 1 The Injunction and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, shall remain in force save that paragraph 1 of that Order be amended as set out below until the hearing of the claim unless varied or discharged by further Order of the Court

IT IS FORBIDDEN for any of the Fourth Defendants or any of the Named Defendants being a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving.

Stunts are driving manoeuvres often undertaken at such gatherings including but not limited to:

- (1) “Burnouts” Causing a vehicle to damage or destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.

- (2) “Donuts/Donutting” Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving off causing noise, smoke and tyre marks to be created.
- (3) “Drifting” Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
- (4) “Undertaking” passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code

A Power of Arrest pursuant to section 27 Police and Criminal Justice Act 2006 shall apply to paragraph 1 of this Order.

Definitions

2 In this Order the following definitions have been applied:

- (1) “the Injunction” means the Order of Hill J sealed on 23 December 2022 and as amended by this Order
- (2) “the Power of Arrest” means the Power of Arrest, sealed on 23 December 2022 and as amended by this Order
- (3) “the Interim Relief Application” - the Application Notice of 13 December 2022, including the draft Injunction Order referred to therein.

- (4) "the Alternative Service Application" – the Application Notice of 7 October 2022, seeking permission for alternative service of Claim Form.
- (5) "the Applications" – the Interim Relief Application, the Alternative Service Application and the application for a final injunction issued on 13 October 2022.
- (6) "the Documents"
 - (a) Notice of Hearing and a sealed copy of this Order
 - (b) Part 8 Claim Form;
 - (c) Particulars of Claim
 - (d) N16A application for an Injunction;
 - (e) Draft Injunction Order
 - (f) Draft Power of Arrest
 - (g) The Interim Relief Application;
 - (h) The Alternative Service Application.
- (7) "the Evidence" materials set out at Schedule A below
- (8) "the Combined Directions Order" means the order made on 19 May 2023 by Richie J giving further directions for this matter and the case of Claim No. KB-2022-BHM-000221 (respectively "Birmingham CC" and the "Birmingham claim"),

3 This Amended Order shall come into force immediately and be deemed served on the Defendants at 23.59 on the date upon which,

in each case, the final step in paragraph 11 of the Combined Directions Order have been complied with.

Further Matters

- 4 Without prejudice to the foregoing, any person affected by this Amended Interim Injunction or Power of Arrest may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
- 5 Further information on how to make such application and useful sources of information are set out in the Combined Directions Order.
- 6 The costs of this application are reserved.

SCHEDULE A

Please see:

- (1) Material contained in the Bundle of Evidence in support of Application for an Injunction as set out at Parts, B, C, D, E, F, G, H, I and K of the attached Index
- (2) Material contained in the "Bundle of Documents for Review Hearing 15 May 2023 (sic)" in support of Application for an Injunction as set out at Parts B, C, and D of the attached Index
- (3) Witness statements of:
 - (a) Tenth witness statement of Paul Brown, dated 9 May 2023
 - (b) Eleventh witness statement of Paul Brown, dated 17 May 2023

INDEX TO ORDER DATED 19.5.2023



KB-2022-BHM-000188

Urgent Application For Interim Relief

1. Application For Urgent Relief December 2022.pdf

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| 6. | Map of Black Country Area | A 27 |
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3.	Witness Statement of Nicki Wellings (Wolverhampton) 11 06 22	F 4
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2.	POWER OF ARREST (Granted 22.12.2022)	J 25 - J 27
3.	PLAN A Map of the Black Country Councils Areas	J 28
4.	KB 2022 BHM 000221 - Birmingham City Council v Nagmadin Ors; KB 2022 BHM 000188 Wolverhampton City Council & Ors v Persons Unknown (21.12.22) - Approved judgment	J 29 - J 46

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20.	Exhibit PB3H(i) - Part 2 Exhibit Cover AC1	K 61
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IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM NO: KB-2022-BHM000188

B E T W E E N:

- (1) WOLVERHAMPTON CITY COUNCIL**
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL**
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL**
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

and

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

BUNDLE OF DOCUMENTS FOR REVIEW HEARING 15 MAY 2023

A. SECTION A - Statements of Case

1. Wolverhampton CC & Ors v Persons Unknown - Statement of Case for Hearing 15 May 2023 A 1 - A 7

B. SECTION B - Evidence Filed on Behalf of the Claimant

1. Witness Statement Pardip Nagra (Wolverhampton City Council) 02 May 2023 B 1 - B 3
2. Statement of Mark Wilson (Dudley MBC) 25 April 2023 B 4 - B 6
3. Statement of Pardip Sandhu (Sandwell MBC) 3 May 2023 B 7 - B 17
4. Witness Statement of Steve Gittins (Walsall MBC) 03 May 2023 B 18 - B 21
5. Statement of PC Mark Campbell 02 May 2023 B 22 - B 25
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9. Exhibit Cover PB7B B 46
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13. Exhibit Cover PB7D B 68
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15. Exhibit Cover PB7E B 71
16. EXHIBIT PB7E B 72 - B 78
17. Exhibit Cover PB7F B 79
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19. 8th Statement of Paul Brown 28 April 23 B 89 - B 93
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22. 9th Witness Statement of Paul Brown B 109 - B 112
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C. SECTION C - Evidence Filed on Behalf of The Defendant

1. Confirmation of No Evidence from Any Defendant C 1

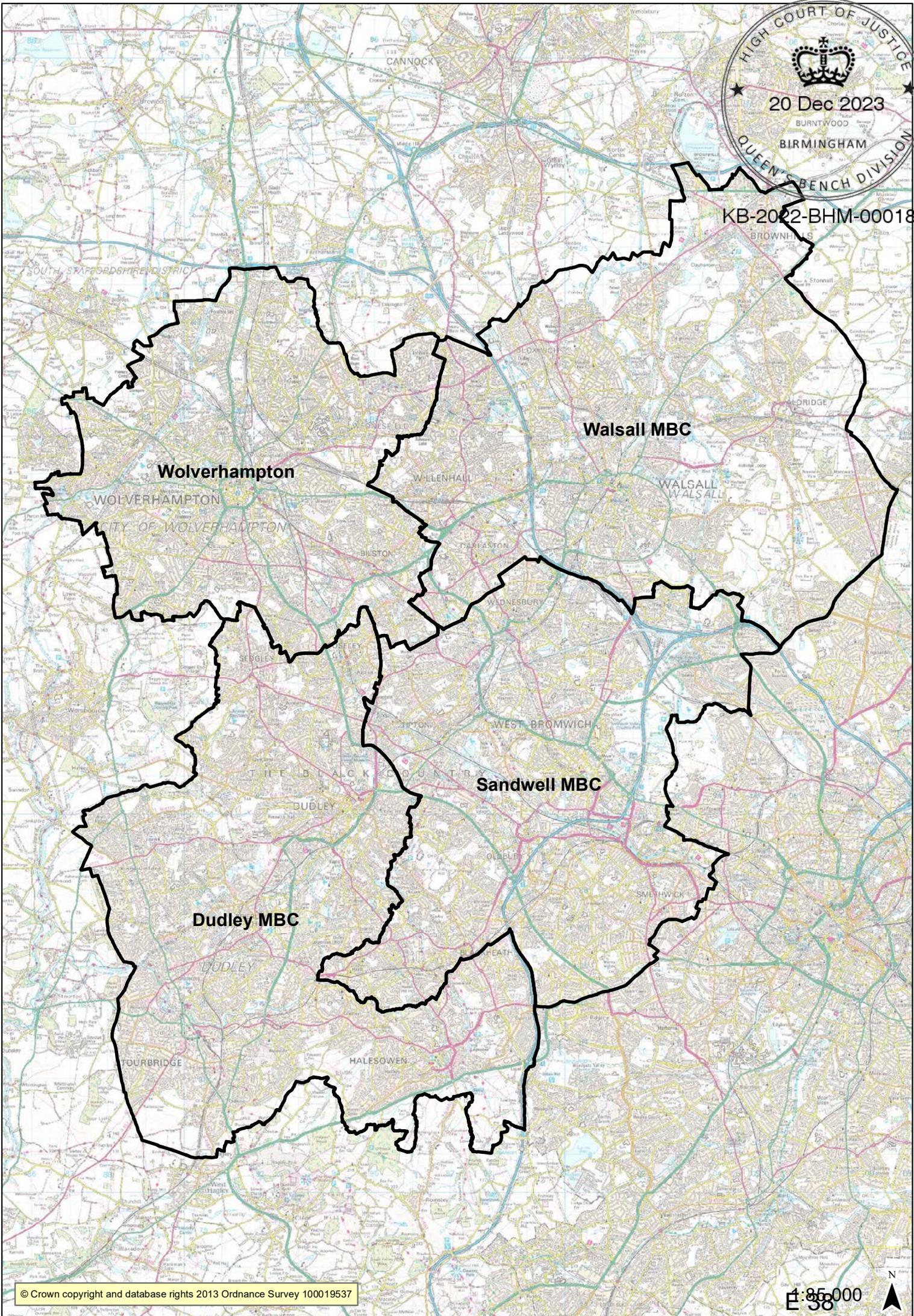
D. SECTION D - Court Orders, Judgments and Transcripts of Hearings

1. SEALED INJUNCTION ORDER (Order of Hill J) 22.12.22 Wolverhampton City Council and others v Unknown KB-2022-BHM-000188 D 1 - D 24
2. SEALED POWER OF ARREST (Order of Hill J) 22.12.22 KB-2022-BHM-000188 D 25 - D 27
3. Wolverhampton City Council v Persons Unknown and Others: KB- 2022-BHM 000188 (21.12.22) - Approved judgment of Hill J D 28 - D 45
4. Order 13 02 23 (sealed 16 February 23) Wolverhampton City Council v Persons Unknown and Others 2023 KB-2022-BHM-000188 D 46 - D 59
5. Schedule A Index (Schedule to Order Sealed 16 February 2023) D 60 - D 66
6. Plan A (attached to order 16 February) D 67
7. TRANSCRIPT of JUDGMENT 13 February 2023 - Wolverhampton City Council v Persons Unknown (KB-2022-BHM-000188) D 68 - D 84

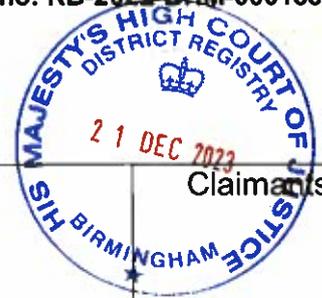
8. TRANSCRIPT of HEARING 06 February 2023 Wolverhampton City Council & Ors v Persons Unknown - KB.2022.BHM-00188 D 85 - D 143
9. Hearing Notice - Hearing: 15 May 2023 at 10.30 a.m. D 144



KB-2022-BHM-000188



BETWEEN:



(1) WOLVERHAMPTON CITY COUNCIL
(2) DUDLEY METROPOLITAN BOROUGH COUNCIL
(3) SANDWELL METROPOLITAN BOROUGH COUNCIL
(4) WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

(1) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

Defendants

(2) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

(3) PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

(4) PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

(5) MR ANTHONY PAUL GALE

(6) MISS WIKTORIA SCZCUBLINSKA

(7) MR ISA IQBAL

**INJUNCTION - SECTION 37(1) SENIOR COURTS ACT 1981
(PROCEEDINGS BROUGHT PURSUANT TO SECTION 222 LOCAL GOVERNMENT ACT 1972)**

**POWER OF ARREST (VERSION 5)
Under section 27 Police and Criminal Justice Act 2006**

Granted by Order of Hill J on 22 December 2022
Amended by Order of Ritchie J on 19 May 2023
Amended by Order of HHJ Kelly on 04 October 2023
Amended by Order of HHJ Kelly on 1 November 2023
Amended by Order of HHJ Kelly on 20 December 2023

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN

The Court orders that a power of arrest under section 27 Police and Criminal Justice Act 2006 applies to the following paragraph of an order made by Hill J on 22 December 2022, confirmed by order of Freedman J on 13 February 2023, amended by order of Ritchie J on 19 May 2023, and further amended by orders of HHJ Kelly on 4 October 2023, 1 November 2023 and 20 December 2023.

(Here set out the provisions of the order to which this power of arrest applies and no others).

(Where marked * delete as appropriate)

IT IS FORBIDDEN for any of the Fourth Defendants or any of the Named Defendants being a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3:00 p.m. and 7:00 a.m. in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving

“Stunts” are driving manoeuvres often undertaken at such gatherings including but not limited to:

- a. “Burnouts” – Causing a vehicle to destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.
- b. “Donuts/Donutting” – Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving-off causing noise, smoke and tyre marks to be created.
- c. “Drifting” – Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
- d. “Undertaking” – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code

POWER OF ARREST

In respect of a power of arrest under section 27 Police and Criminal Justice Act 2006, the Court, upon being satisfied pursuant to section 27(3) Police and Criminal Justice Act 2006 that the relevant conduct consists of or includes the use or threatened use of violence and/or there is a significant risk of harm to a person mentioned in section 27(2) of the said Act, has ordered that a power of arrest be attached to the order.

A power of arrest is attached to the order whereby any constable may (under the power given by Section 27(4) Police and Criminal Justice Act 2006) arrest without a warrant a person whom he has reasonable cause for suspecting to be in breach of any of the provisions set out in this order or otherwise in contempt of court in relation to such provision.

This Power of Arrest

Originally came into effect on 12.01 a.m. (00:01 hours) on 22 December 2022 and remains in force, as subsequently amended on 19 May 2023, 04 October 2023, 01 November 2023 and 20 December 2023, until 11:59 pm (23:59 hours) on 01 March 2024, unless it is extended, varied or discharged by further order of the court.

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN

**Note to the
Arresting Officer**

Where a person is arrested under the power given by section 27(4) Police and Criminal Justice Act 2006, section 27(6) Police and Criminal Justice Act 2006 requires that:

- A constable shall, after making such an arrest, forthwith inform the person on whose application the injunction was granted;
- Such person shall be brought before the relevant judge within 24 hours beginning at the time of his arrest; And if the matter is not then disposed of forthwith, the Judge may remand such person.
- Nothing in section 155 authorises the detention of such person after the expiry of the period of 24 hours beginning at the time of his arrest, unless remanded by the court.
- In reckoning any period of 24 hours for these purposes, no account shall be taken of Christmas Day, Good Friday or any Sunday.

Ordered by

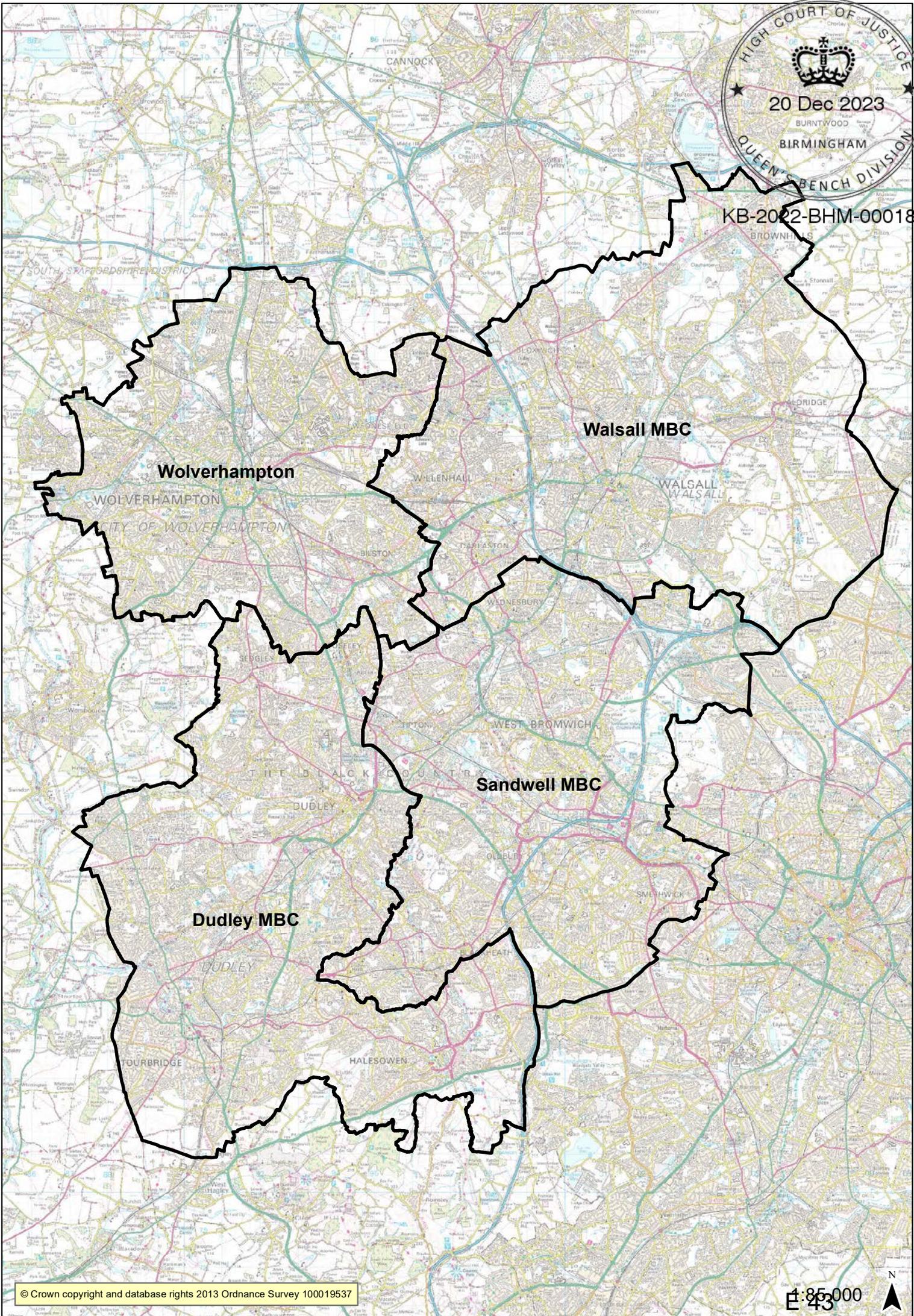
The Honourable Mrs Justice Hill, The Honourable Mr Justice Ritchie and Her Honour Judge Kelly

On

22 December 2022, 19 May 2023, 04 October 2023, 01 November 2023 and 20 December 2023.



KB-2022-BHM-000188



Wolverhampton

Walsall MBC

Sandwell MBC

Dudley MBC



F. SECTION F - Contempt orders and Service of Documents on Named Defendants Since 2023 and applications to join certain named persons as Defendants to the Injunction

Certificate of service

Name of court THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL & OTHERS	
Name of Defendant PERSONS UNKNOWN, ANTHONY GALE & OTHERS	

On what day did you serve?

The date of service is

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

1. Order from hearing 20 December 2023 (unsealed and sealed copy);
2. Amended Injunction;
3. Plan A accompanying injunction;
4. Schedule A accompanying injunction;
5. Power of arrest; and
6. Plan A accompanying power of arrest.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Messrs Waldrons Solicitors (care of Ms Amanda Jenkins, solicitor) Solicitors for 5th Defendant – Mr Anthony Gale

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) (please specify)
- by other means permitted by the court (please specify)
- by Document Exchange
- by fax machine (.....) time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (11.00 hours on 22 December 2023) (Please specify time sent, where document is other than a claim form)

e-mail sent to: amanda.jenkins@waldrons.co.uk at 11.00 hours

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

e-mail sent to amanda.jenkins@waldrons.co.uk

Being the claimant's defendant's
 solicitor's litigation friend

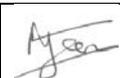
- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other (please specify)

Specified business e-mail address (as given at the hearing on 3 October 2023, where the Court ordered the 5th Defendant be joined as a party to the injunction and injunction application)

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed 
Claimants' Solicitor

Position or office held
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Adam Sheen

From: Adam Sheen
Sent: 22 December 2023 11:00
To: amanda.jenkins@waldrons.co.uk
Subject: WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN & OTHERS - YOUR CLIENT: MR ANTHONY GALE
Attachments: 2039156 - Black Country Car Cruising Injunction - Sealed Power of Arrest - Version 5 (20 December 2023).pdf; 2039151 - 2033634 - Schedule A to Injunction Index to injunction order 19 May 2023.pdf; 2039152 - Sealed Plan A to accompany Black Country Car Cruising Injunction and Power of Arrest (20 December 2023).pdf; 2039153 - Amended Black Country Injunction V4.pdf; 2039155 - Further Copy of Order from Hearing on 20 December 2023 sealed 21 December 2023.pdf; 2039144 - Black Country Car Cruising Injunction - Order from hearing 20 December 2023.pdf; 2039141 - 2033632 - Plan A.pdf
Importance: High

Dear Sirs,

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA & ISA IQBAL

Claim no: KB-2022-BHM-000188

Hearing: 20 December 2023 at 11 a.m. before Her Honour Judge Kelly Sitting as a High Court Judge

Your Client: Mr Anthony Gale

I write further to the above hearing. As you will recall at Your Client's Committal hearing 3 October 2023, your e-mail address was cited as the address to which documents in the substantive claim were to be served going forward. Further to the order of Her Honour Judge Kelly on 20 December, please find attached by way of service on your Client the following documents:

1. Order from Hearing 20 December 2023;
2. Further copy of order from hearing 20 December (sealed 21 December);
3. Amended Injunction Version 4 (V4);
4. Sealed Plan A;
5. Schedule A;
6. Power of Arrest; and
7. Sealed Plan A

I thank you for your attention in this matter.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02039684

Please note: these details do not constitute a digital signature.
Wolverhampton City Council does not accept service of documents by email or fax.
This e-mail is sent by or on behalf of Tracey Christie, Head of Legal Services.

Certificate of service

Name of court THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL & OTHERS	
Name of Defendant PERSONS UNKNOWN, WIKTORIA SZCZUBLINSKA & OTHERS	

On what day did you serve?

The date of service is

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

1. Order from hearing 20 December 2023 (unsealed and sealed copy);
2. Amended Injunction;
3. Plan A accompanying injunction;
4. Schedule A accompanying injunction;
5. Power of arrest; and
6. Plan A accompanying power of arrest.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Messrs Charles Strachan Solicitors (care of Ms Olivia Stenton and Ms Mandy Edwards, Legal Representatives) Solicitors for 6th Defendant – Miss Wiktoria Szczublińska

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) (please specify)
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- by Document Exchange
- by fax machine (.....) time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (11.34 hours on 22 December 2023) (Please specify time sent, where document is other than a claim form)

e-mail sent to olivia@charlesstrachan.com and mandy@charlesstrachan.com at 11.34 hours

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

e-mail sent to olivia@charlesstrachan.com and mandy@charlesstrachan.com

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other (please specify)

Specified business e-mail address (as given at the hearing on 3 October 2023, where the Court ordered the 6th Defendant be joined as a party to the injunction and injunction application)

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed
Claimants' Solicitor

Position or office held
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

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Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Adam Sheen

From: Adam Sheen
Sent: 22 December 2023 11:34
To: olivia@charlesstrachan.com
Cc: mandy@charlesstrachan.com
Subject: FW: WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN & OTHERS - YOUR CLIENT: MISS WIKTORIA SZCZUBLINSKA
Attachments: 2039156 - Black Country Car Cruising Injunction - Sealed Power of Arrest - Version 5 (20 December 2023).pdf; 2039151 - 2033634 - Schedule A to Injunction Index to injunction order 19 May 2023.pdf; 2039152 - Sealed Plan A to accompany Black Country Car Cruising Injunction and Power of Arrest (20 December 2023).pdf; 2039153 - Amended Black Country Injunction V4.pdf; 2039155 - Further Copy of Order from Hearing on 20 December 2023 sealed 21 December 2023.pdf; 2039144 - Black Country Car Cruising Injunction - Order from hearing 20 December 2023.pdf; 2039141 - 2033632 - Plan A.pdf
Importance: High

Dear Sirs,

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA & ISA IQBAL
Claim no: KB-2022-BHM-000188
Hearing: 20 December 2023 at 11 a.m. before Her Honour Judge Kelly Sitting as a High Court Judge
Your Client: Miss Wiktorja Szczublińska

I write further to the above hearing. As you will recall at Your Client's Committal hearing 3 October 2023, your e-mail address was cited as the address to which documents in the substantive claim were to be served going forward. Further to the order of Her Honour Judge Kelly on 20 December, please find attached by way of service on your Client the following documents:

1. Order from Hearing 20 December 2023;
2. Further copy of order from hearing 20 December (sealed 21 December);
3. Amended Injunction Version 4 (V4);
4. Sealed Plan A;
5. Schedule A;
6. Power of Arrest; and
7. Sealed Plan A

I thank you for your attention in this matter.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square

Wolverhampton
WV1 1RG

LIJ017753P/02039717

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Certificate of service

Name of court THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL & OTHERS	
Name of Defendant PERSONS UNKNOWN, WIKTORIA SZCZUBLINSKA & OTHERS	

On what day did you serve?

The date of service is

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

1. Order from hearing 20 December 2023 (unsealed and sealed copy);
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3. Plan A accompanying injunction;
4. Schedule A accompanying injunction;
5. Power of arrest; and
6. Plan A accompanying power of arrest.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Messrs Waldrons Solicitors (care of Ms Elle-May Macey, Solicitor) Solicitors for 7th Defendant – Mr Isa Iqbal

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
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- by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) (please specify)
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- by Document Exchange
- by fax machine (.....) time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (11.36 hours on 22 December 2023) (Please specify time sent, where document is other than a claim form)

e-mail sent to elle-may.macey@waldrons.co.uk at 11.36 hours

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

e-mail sent to elle-may.macey@waldrons.co.uk

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other (please specify)

Specified business e-mail address (as given at the hearing on 1 November 2023, where the Court ordered the 7th Defendant be joined as a party to the injunction and injunction application)

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed
Claimants' Solicitor

Position or office held
(If signing on behalf of firm or company)

Date

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In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Adam Sheen

From: Adam Sheen
Sent: 22 December 2023 11:36
To: 'elle-may.macey@waldrons.co.uk'
Subject: FW: WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN & OTHERS - YOUR CLIENT: MR ISA IQBAL
Attachments: 2039156 - Black Country Car Cruising Injunction - Sealed Power of Arrest - Version 5 (20 December 2023).pdf; 2039151 - 2033634 - Schedule A to Injunction Index to injunction order 19 May 2023.pdf; 2039152 - Sealed Plan A to accompany Black Country Car Cruising Injunction and Power of Arrest (20 December 2023).pdf; 2039153 - Amended Black Country Injunction V4.pdf; 2039155 - Further Copy of Order from Hearing on 20 December 2023 sealed 21 December 2023.pdf; 2039144 - Black Country Car Cruising Injunction - Order from hearing 20 December 2023.pdf; 2039141 - 2033632 - Plan A.pdf
Importance: High

Dear Sirs,

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA & ISA IQBAL

Claim no: KB-2022-BHM-000188

Hearing: 20 December 2023 at 11 a.m. before Her Honour Judge Kelly Sitting as a High Court Judge

Your Client: Mr Isa Iqbal

I write further to the above hearing. As you will recall at Your Client's Committal hearing 1 November 2023, your e-mail address was cited as the address to which documents in the substantive claim were to be served going forward. Further to the order of Her Honour Judge Kelly on 20 December, please find attached by way of service on your Client the following documents:

1. Order from Hearing 20 December 2023;
2. Further copy of order from hearing 20 December (sealed 21 December);
3. Amended Injunction Version 4 (V4);
4. Sealed Plan A;
5. Schedule A;
6. Power of Arrest; and
7. Sealed Plan A

I thank you for your attention in this matter.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02039735

Please note: these details do not constitute a digital signature.
Wolverhampton City Council does not accept service of documents by email or fax.
This e-mail is sent by or on behalf of Tracey Christie, Head of Legal Services.

Certificate of service

Name of court THE HIGH COURT OF JUSTICE, KING'S BENCH DIVISION, BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL, DUDLEY MBC, SANDWELL MBC & WALSALL MBC	
Name of Defendant PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA, MR ISA IQBAL & MR MASON PHELPS	

On what day did you serve?

The date of service is

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

1. Amended claim form
2. Amended particulars of claim (version 5)
3. Amended injunction (version 5) (and annexes)
4. Amended power of arrest (version 6) (and annexes)
5. Order from hearing 20 December 2023.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Ms Amanda Jenkins - Solicitor for Mr Anthony Gale (5th Defendant)

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) *(please specify)*
- by other means permitted by the court *(please specify)*
- by Document Exchange
- by fax machine (.....) time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*
- by other electronic means (11.53 hours 2 February 2024) *(Please specify time sent, where document is other than a claim form)*

e-mail sent to: amanda.jenkins@waldrons.co.uk at 11.53 hours

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

e-mail sent to: amanda.jenkins@waldrons.co.uk

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

Specified business e-mail address (as given at the hearing on 3 October 2023 where the Court ordered the 5th Defendant be joined as a party to the injunction and injunction application).

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed
Claimants' Solicitor

Position or office held
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
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Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Adam Sheen

From: Adam Sheen
Sent: 02 February 2024 11:53
To: 'amanda.jenkins@waldrons.co.uk'
Subject: WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN & MR ANTHONY GALE
Attachments: 2065321 - N208 Claim Form (Amended) Jan 2024 SEALED.pdf; Amended Particulars of Claim v5 30 01 24.pdf; Amended Injunction Version 5.pdf; Schedule A to Injunction Index to Injunction Order 19 May 2023.pdf; Plan A.pdf; Power of Arrest 29 01 2024 v6.pdf; 2039144 - Black Country Car Cruising Injunction - Order from hearing 20 December 2023.pdf

FAO: MS AMANDA JENKINS

Dear Sirs

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN & MR ISA IQBAL
CLAIM NO: KB-2022-BHM-000188
PREVIOUS HEARING: 3 OCTOBER 2023
FINAL HEARING IN RESPECT OF THE COUNCILS' APPLICATION FOR THE SUBSTANTIVE BLACK COUNTRY CAR CRUISING INJUNCTION: 27 FEBRUARY 2024 at 10.30 a.m. HIGH COURT, BIRMINGHAM DISTRICT REGISTRY
YOUR CLIENT: MR ANTHONY GALE

On 29 January 2024, Mr Mason Phelps was found in contempt of court for breaching the injunction. Mr Phelps was added as a party to the Injunction. Whilst I am aware this contempt of court had nothing to do with your Client, as Mr Phelps was made a party to the injunction following this committal, the claim form, particular of claim, injunction and power of arrest were amended. I attach amended versions of these documents (together with directions from the substantive injunction hearing on 20 December 2023 to take the matter to a final hearing on 27 February 2024) for completeness. The injunction and power of arrest (latest amended versions) are currently unsealed. I will send sealed versions as and when these become available from the court.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02066403

Please note: these details do not constitute a digital signature.
Wolverhampton City Council does not accept service of documents by email or fax.
This e-mail is sent by or on behalf of Tracey Christie, Head of Legal Services.

Certificate of service

Name of court THE HIGH COURT OF JUSTICE, KING'S BENCH DIVISION, BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL, DUDLEY MBC, SANDWELL MBC & WALSALL MBC	
Name of Defendant PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA, MR ISA IQBAL & MR MASON PHELPS	

On what day did you serve?

The date of service is

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

1. Amended claim form,
2. Amended particulars of claim (version 5)
3. Amended injunction (version 5) (and annexes)
4. Amended power of arrest (version 6) (and annexes)
5. Order from hearing 20 December 2023.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Ms Olivia Stenton and Ms Mandy Edwards – Solicitors and legal representatives for Miss Wiktorina Szczublinska (6th Defendant)

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) *(please specify)*

- by other means permitted by the court *(please specify)*
- by Document Exchange
- by fax machine (.....) time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*
- by other electronic means (11.46 hours 2 February 2024) *(Please specify time sent, where document is other than a claim form)*

e-mail to: olivia@charlesstrachan.com at 11.46 hours
mandy@charlesstrachan.com at 11.46 hours

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

e-mail sent to: olivia@charlesstrachan.com and mandy@charlesstrachan.com

- Being the**
- claimant's
 - defendant's
 - solicitor's
 - litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

Specified business e-mail address (as given at the hearing on 3 October 2023 where the Court ordered the 6th Defendant be joined as a party to the injunction and injunction application).

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed
Claimants' Solicitor

Position or office held
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

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Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Adam Sheen

From: Adam Sheen
Sent: 02 February 2024 11:51
To: olivia@charlesstrachan.com; mandy@charlesstrachan.com
Subject: RE: WOLVERHAMPTON CITY COUNCIL & ORS v PERSONS UNKNOWN & WIKTORIA SZCUBLINSKA

FAO: MS OLIVIA STENTON & MS MANDY EDWARDS

Dear Sirs,

With apologies, the date of the previous hearing for your client was 3 October 2023 not 1 November as stated in my e-mail below. I apologise for any confusion.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02066406

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This e-mail is sent by or on behalf of Tracey Christie, Head of Legal Services.

From: Adam Sheen
Sent: 02 February 2024 11:46
To: olivia@charlesstrachan.com; mandy@charlesstrachan.com
Subject: WOLVERHAMPTON CITY COUNCIL & ORS v PERSONS UNKNOWN & WIKTORIA SZCUBLINSKA

FAO: MS OLIVIA STENTON & MS MANDY EDWARDS

Dear Sirs

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN & MR ISA IQBAL
CLAIM NO: KB-2022-BHM-000188
PREVIOUS HEARING: 1 NOVEMBER 2023
FINAL HEARING IN RESPECT OF THE COUNCILS' APPLICATION FOR THE SUBSTANTIVE BLACK COUNTRY CAR CRUISING INJUNCTION: 27 FEBRUARY 2024 at 10.30 a.m. HIGH COURT, BIRMINGHAM DISTRICT REGISTRY
YOUR CLIENT: MISS WIKTORIA SZCZUBLINSKA

On 29 January 2024, Mr Mason Phelps was found in contempt of court for breaching the injunction. Mr Phelps was added as a party to the Injunction. Whilst I am aware this contempt of court had nothing to do

with your Client, as Mr Phelps was made a party to the injunction following this committal, the claim form, particular of claim, injunction and power of arrest were amended. I attach amended versions of these documents (together with directions from the substantive injunction hearing on 20 December 2023 to take the matter to a final hearing on 27 February 2024) for completeness. The injunction and power of arrest (latest amended versions) are currently unsealed. I will send sealed versions as and when these become available from the court.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02066382

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Certificate of service

Name of court THE HIGH COURT OF JUSTICE, KING'S BENCH DIVISION, BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL, DUDLEY MBC, SANDWELL MBC & WALSALL MBC	
Name of Defendant PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA, MR ISA IQBAL & MR MASON PHELPS	

On what day did you serve? / /

The date of service is / /

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

1. Amended claim form
2. Amended particulars of claim (version 5)
3. Amended injunction (version 5) (and annexes)
4. Amended power of arrest (version 6) (and annexes)
5. Order from hearing 20 December 2023.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Ms Elle-may Macey – Solicitor for Mr Isa Iqbal (7th Defendant)

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) *(please specify)*

- by other means permitted by the court *(please specify)*

- by Document Exchange
- by fax machine (.....) time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*

- by other electronic means (10.55 hours 2 February 2024) *(Please specify time sent, where document is other than a claim form)*

e-mail to elle-may.macey@waldrons.co.uk at 10.55 hours

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

e-mail sent to: elle-may.macey@waldrons.co.uk

- Being the**
- | | |
|---|---|
| <input type="checkbox"/> claimant's | <input checked="" type="checkbox"/> defendant's |
| <input checked="" type="checkbox"/> solicitor's | <input type="checkbox"/> litigation friend |

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

Specified business e-mail address (as given at the hearing on 1 November 2023 where the Court ordered the 7th Defendant be joined as a party to the injunction and injunction application).

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed
Claimants' Solciitor

Position or office held
(If signing on behalf of firm or company)

Date / /

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
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Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Adam Sheen

From: Adam Sheen
Sent: 02 February 2024 10:55
To: elle-may.macey@waldrons.co.uk
Subject: WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN AND ISA IQBAL
Attachments: 2065321 - N208 Claim Form (Amended) Jan 2024 SEALED.pdf; Amended Particulars of Claim v5 30 01 24.pdf; Amended Injunction Version 5.pdf; Power of Arrest 29 01 2024 v6.pdf; Plan A.pdf; Schedule A to Injunction Index to Injunction Order 19 May 2023.pdf; 2039144 - Black Country Car Cruising Injunction - Order from hearing 20 December 2023.pdf

FAO: Ms Elle-May Macey

Dear Sirs

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN & MR ISA IQBAL
CLAIM NO: KB-2022-BHM-000188
PREVIOUS HEARING: 1 NOVEMBER 2023
FINAL HEARING IN RESPECT OF THE COUNCILS' APPLICATION FOR THE SUBSTANTIVE BLACK COUNTRY CAR CRUISING INJUNCTION: 27 FEBRUARY 2024 at 10.30 a.m. HIGH COURT, BIRMINGHAM DISTRICT REGISTRY
YOUR CLIENT: MR ISA IQBAL

On 29 January 2024, Mr Mason Phelps was found in contempt of court for breaching the injunction. Mr Phelps was added as a party to the Injunction. Whilst I am aware this contempt of court had nothing to do with your Client, as Mr Phelps was made a party to the injunction following this committal, the claim form, particular of claim, injunction and power of arrest were amended. I attach amended versions of these documents (together with directions from the substantive injunction hearing on 20 December 2023 to take the matter to a final hearing on 27 February 2024) for completeness. The injunction and power of arrest (latest amended versions) are currently unsealed. I will send sealed versions as and when these become available from the court.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02066284

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This e-mail is sent by or on behalf of Tracey Christie, Head of Legal Services.

Certificate of service

Name of court THE HIGH COURT OF JUSTICE, KING'S BENCH DIVISION, BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL, DUDLEY MBC, SANDWELL MBC & WALSALL MBC	
Name of Defendant PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA, MR ISA IQBAL & MR MASON PHELPS	

On what day did you serve?

The date of service is

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

1. Amended claim form; 2. Amended particulars of claim (version 5); 3. Amended injunction (version 5) (and annexes); 4. Amended power of arrest (version 6) (and annex); and 5. Order from hearing 20 December 2023.

Copies of (a) Form N603 from Hearing 29 January 2024 (finding of contempt); (b) order of HHJ Kelly 29 January 2024; and (c) Official Transcript of judgment 29 January 2024 were also provided.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Mr Mason Phelps (8th Defendant) to his personal e-mail address.

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with ([.....] time left, where document is other than a claim form) (please specify)
- by other means permitted by the court (please specify)
- by Document Exchange
- by fax machine ([.....] time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (10.42 hours 2 February 2024) (Please specify time sent, where document is other than a claim form)
e-mail sent to: masonphelps36@hotmail.co.uk at 10.42 hours

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

e-mail sent to: masonphelps36@hotmail.co.uk

- Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other (please specify)

Specified personal e-mail address (as given at the hearing on 29 January 2024 as the address for service on the Defendant where the Court ordered the 8th Defendant be joined as a party to the injunction and injunction application).

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed
Claimants' Solicitor

Position or office held
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

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Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

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Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
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Adam Sheen

From: Adam Sheen
Sent: 02 February 2024 10:42
To: masonphelps36@hotmail.co.uk
Cc: mumtaz_bahadur@sandwell.gov.uk; lisa_callaghanbutler@sandwell.gov.uk
Subject: WOLVERHAMPTON CITY COUNCIL & SANDWELL MBC v PERSONS UNKNOWN & MR MASON PHELPS
Attachments: 2065321 - N208 Claim Form (Amended) Jan 2024 SEALED.pdf; Amended Particulars of Claim v5 30 01 24.pdf; Amended Injunction Version 5.pdf; Schedule A to Injunction Index to Injunction Order 19 May 2023.pdf; Plan A.pdf; Power of Arrest 29 01 2024 v6.pdf; 2065315 - 2024 EWHC 139 (KB) KB-2022-BHM-000188 WCC v Phelps- Approved Judgment.pdf; 2039144 - Black Country Car Cruising Injunction - Order from hearing 20 December 2023.pdf; 2062125 - Order Sandwell MBC v Mason PHELPS 29 Jan 2024.pdf; N603 Sandwell MBC v Phelps.pdf

Dear Mr Phelps

WOLVERHAMPTON CITY COUNCIL & SANDWELL MBC v PERSONS UNKNOWN & MR MASON PHELPS
CLAIM NO: KB-2022-BHM-000188
PREVIOUS HEARING: 29 JANUARY 2024
FINAL HEARING IN RESPECT OF THE COUNCILS' APPLICATION FOR THE BLACK COUNTRY CAR CRUISING INJUNCTION: 27 FEBRUARY 2024 at 10.30 a.m. HIGH COURT, BIRMINGHAM DISTRICT REGISTRY

I write further to the hearing on 29 January 2024 when you were found in contempt of court for breach of the Black Country Car Cruising injunction. I note at this hearing you were added as a party a named Defendant to the substantive Black Country Car Cruising Injunction. Pursuant to the order of Her Honour Judge Kelly made at the above hearing, the Councils have applied to court to amend various documents namely the application for injunction, the injunction and power of arrest itself naming you as a party a named Defendant to the injunction.

There is a hearing in respect of the Black Country Car Cruising Injunction – the final hearing in respect of that application – on 27 February 2024 at 10.30 a.m. at the High Court, Birmingham District Registry. You are now a party to this injunction so may attend the hearing and make representations in respect of the injunction if you are so minded. You are not obliged to take any further action in this respect of the injunction, make any representations or attend court again in this regard if you do not wish to do so. The hearing on 27 February will not have any effect on the order made by the Court on 29 January 2024. This is entirely a matter for you and a matter on which you may wish to take legal advice.

Nevertheless, in compliance with the order of Her Honour Judge Kelly on 29 January, please find attached, by way of service:

1. Amended Claim Form;
2. Amended Particulars of Claim ;
3. Amended Injunction (and schedule and Plan A annexed to the injunction). (This Amended Injunction is currently unsealed. A further sealed version will be sent as and when this becomes available from the court);
4. Amended Power of Arrest (This Amended Power of Arrest is currently unsealed. A further sealed version will be sent as and when this becomes available from the court); and
5. Directions from the previous hearing in respect of the substantive Black Country Car Cruising Injunction Application 20 December 2023.

I also attach, for completeness, a copy of the committal order (Form N603), judgment and minute order made at the hearing on 29 January 2024.

A wealth of information about the Black Country Car Cruising Injunction – including all the court orders, documents and bundle for court can be found at <https://www.wolverhampton.gov.uk/parking-and-roads/street-racing-injunction-application>. I confirm a copy of an updated bundle for use at the final hearing on 27 February 2024 will be uploaded to this Website in due course.

I am aware, as the breach of injunction for which you were found in contempt occurred in Sandwell MBC, Sandwell MBC brought the committal proceedings. I copy in colleagues from Sandwell MBC Legal Services with conduct of the Black Country Car Cruising Injunction Application on behalf of Sandwell MBC for completeness.

Yours sincerely

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02066184

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This e-mail is sent by or on behalf of Tracey Christie, Head of Legal Services.

Order on determination of proceedings for contempt of court

(issued under rule 81.9(1) of the Civil Procedure Rules)



KB-2022-BHM-000188

Name of court

The High Court of Justice

Claim no.

KB-2022-BHM-000188

Claimant's name (including ref.)

The Borough Council of Sandwell

Defendant's name (including ref.)

Rebecca Richold

After hearing counsel for the claimant and for the defendant

And after

- considering an application by the claimant for an order determining contempt proceedings
- considering a summons issued rule under 81.6(3) of the Civil Procedure Rules
- reading the evidence filed by the parties and hearing oral evidence at the hearing of the application or summons

Note – In this order, 'claimant' means the person making the contempt application and 'defendant' means the person against whom the application was made.

The court being satisfied beyond reasonable doubt that the defendant is guilty of contempt of court

- in the manner stated in the court's judgment
- by breaching an order of the court made on

Day

22

Month

12

Year

2022

by breaching an undertaking given to the court on

Day

Month

Year

not to (state breach of undertaking etc.)

AND the matters required by Civil Procedure Rule 81.4(2) having been included in the

application

summons

It is ordered that:

1. The defendant be committed to prison for a period of

Days

Weeks

Months

Years

27

2. The committal of the defendant to prison under paragraph 1 above shall be suspended on the following terms - set out terms below

The Defendant's term of imprisonment is suspended for 12 months on the condition that she comply with the interim injunction granted by the Honourable Mrs Justice Hill on 22 December 2022 as amended by the Honourable Mr Justice Ritchie on 19 May 2023, or any subsequent amended form of injunction in this case.

3. The defendant shall pay to HM Paymaster General a fine of

£

within

days

4. The relevant commissioners authorised for the purpose by the claimant and to be approved by the court shall be authorised at the request of the claimant to confiscate, seize and sequester the following real and personal property of the defendant

until they clear

their contempt or

until further order

5. The defendant shall pay the claimant's costs

on the indemnity basis

summarily assessed in the sum of

£

to be subject to detailed assessment, if not agreed.

6. The defendant may apply under rule 81.10 of the Civil Procedure Rules 1998 to discharge this order.

7. The defendant has the right to appeal.

8. The court before which any appeal must be brought is

Court of Appeal (Civil Division)

9. The Appellant's Notice must be filed at the appeal court by 4pm on

Day

Month

Year

30

01

2024

10. A transcript of the judgment given at this hearing will be published on the website of the judiciary of England and Wales.

Dated

Day

Month

Year

09

01

2024

Certificate of service

Name of court	Claim No.
Name of Claimant	
Name of Defendant	

On what day did you serve? / /

The date of service is / /

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

On whom did you serve?

(If appropriate include their position e.g. partner, director).

How did you serve the documents?

(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)
-
- by other means permitted by the court (please specify)
-
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (.....time sent, where document is other than a claim form) (please specify)
-

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim
- other (please specify)

I believe that the facts stated in this certificate are true.

Full name

Signed  Position or office held
 (Claimant) (Defendant) ('s solicitor) ('s litigation friend) (If signing on behalf of firm or company)

Date / /

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Order on determination of proceedings for contempt of court

(issued under rule 81.9(1) of the Civil Procedure Rules)



KB-2022-BHM-000188

Name of court

King's Bench Division (Birmingham District F

Claim no.

KB-2022-BHM-000188

Claimant's name (including ref.)

SANDWELL METROPOLITAN BOROUGH
COUNCIL and others
(Ref:MAB)

Defendant's name (including ref.)

MASON PHELPS

After hearing counsel for the Third claimant and a solicitor for the defendant

And after

- considering an application by the Third claimant for an order determining contempt proceedings
- considering a summons issued rule under 81.6(3) of the Civil Procedure Rules
- reading the evidence filed by the parties and hearing oral evidence at the hearing of the application or summons

Note – In this order, 'claimant' means the person making the contempt application and 'defendant' means the person against whom the application was made.

The court being satisfied beyond reasonable doubt that the defendant is guilty of contempt of court

- in the manner stated in the court's judgment
- by breaching an order of the court made on

Day

22

Month

12

Year

2022

by breaching an undertaking given to the court on

Day

Month

Year

not to (state breach of undertaking etc.)

AND the matters required by Civil Procedure Rule 81.4(2) having been included in the

application

summons

It is ordered that:

1. The defendant be committed to prison for a period of

Days	Weeks	Months	Years
<input type="text" value="42"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

2. The committal of the defendant to prison under paragraph 1 above shall be suspended on the following terms - set out terms below

That the Defendant complies with the terms of the Injunction Order made by the Honourable Mrs Justice Hill, on 22 December 2022 and amended by order of the Honourable Mr Justice Ritchie on 19 May 2023, 2023, and as may subsequently be amended in future from time to time, until 4.00pm on 28 January 2025

3. The defendant shall pay to HM Paymaster General a fine of

£ within days

4. The relevant commissioners authorised for the purpose by the claimant and to be approved by the court shall be authorised at the request of the claimant to confiscate, seize and sequester the following real and personal property of the defendant

until they clear

their contempt **or**

until further order

5. The defendant shall pay the claimant's costs
 on the indemnity basis
 summarily assessed in the sum of
£
 to be subject to detailed assessment, if not agreed.
6. The defendant may apply under rule 81.10 of the Civil Procedure Rules 1998 to discharge this order.
7. The defendant has the right to appeal.
8. The court before which any appeal must be brought is
9. The Appellant's Notice must be filed at the appeal court by 4pm on
Day Month Year
10. A transcript of the judgment given at this hearing will be published on the website of the judiciary of England and Wales.

Dated

Day Month Year

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

KB-2022-BHM-000188



B E T W E E N:-

KB-2022-BHM-000188

3. SANDWELL METROPOLITAN BOROUGH COUNCIL

Third Claimant

-and-

MASON PHELPS

Defendant

Order

Before Her Honour Judge Emma Kelly sitting, as a Judge of the High Court, at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS on 4 and 29 January 2024;

UPON an application, dated 29 August 2023, by the Third Claimant for relief from sanctions,

And upon an application by the Third Defendant for the committal of Mr Mason Phelps (“the Defendant”) for contempt of court for breaching the terms of paragraph 1 of the interim injunction granted by the Honourable Mrs Justice Hill on 22 December 2022, and amended by the Honourable Mr Justice Ritchie on 19 May 2023

And Upon hearing the evidence

And upon hearing counsel, Mr Singleton, for the Third Claimant and solicitor, Mr Robinson, for the Defendant

And upon the Court making an order on the determination of proceedings for contempt of court in the N603 form attached

And upon the Defendant agreeing to be served with the documents in the substantive claim by email at: masonphelps36@hotmail.co.uk and the court directing that where any email (including attachments) is likely to be too large for transmission the Defendant may be served by email provided that such email contains a link to a file sharing service (such as Dropbox or similar) or dedicated section of the Third Claimant's website, containing the documents.

And upon the court reminding the Defendant that he is entitled to make application to pay any sums due under this order by instalments.

IT IS ORDERED THAT

- 1 The Third Claimant be granted relief from sanctions and the time for service of the committal application, specified in the order of the Honourable Mr Justice Martin Spencer dated 31 July 2023, be extended to 15 August 2023
- 2 The Defendant be joined as the Eighth Defendant to the Claim
- 3 The Defendant be served with version 4 of Claim Form, version 4 of Particulars of Claim, version 5 of Power of Arrest, Injunction order (as amended) and the courts order made on 20 December 2023, giving

directions for a final hearing. Service to be completed by 4.00 pm 5 February 2024.

- 4 The Defendant shall be committed to prison for a term of 42 days, suspended for 12 months on terms that he comply with the requirements of the Interim Injunction granted by Hill J on 22 December 2022 as amended by Ritchie J on 19 May 2023, and as may subsequently be amended in future from time to time.
- 5 The Defendant do pay the Thirds Claimant's costs of the application to commit summarily assessed in the sum of £7,040.30 by 29 April 2024.
- 6 The judgment of Her Honour Judge Kelly on sentence shall be transcribed at public expense on an expediated basis and an approved copy placed on the Judiciary website, together with the written reserved judgment on liability.

29 January 2024

Neutral Citation Number: [2024] EWHC 139 (KB)

Case No: KB-2022-BHM-000188

IN THE HIGH COURT OF JUSTICE
KING’S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Birmingham Civil and Family Justice
The Priory Courts
33 Bull Street
Birmingham B4 6DS

Date: 29 January 2024

Before:

HER HONOUR JUDGE EMMA KELLY

Between :

- (1) Wolverhampton City Council**
- (2) Dudley Metropolitan Borough Council**
- (3) Sandwell Metropolitan Borough Council**
- (4) Walsall Metropolitan Borough Council**

Claimants

- and -

Mason Phelps

Defendant

Mr Michael Singleton (instructed by the Claimants’ in-house legal departments) for the **Claimants.**

Mr Errol Robinson (solicitor of McGrath & Co Solicitors) for the **Defendant.**

Hearing date: 4th January 2024
Handing down date: 29th January 2024

Approved Judgment

Her Honour Judge Emma Kelly:

1. By N600 application notice, dated 9 August 2023, Sandwell Metropolitan Borough Council (“the Third Claimant”) seeks a finding of contempt against Mr Mason Phelps (“the Defendant”) for alleged breach of an interim injunction by his actions when driving his motor car on 29 July 2023.
2. The Third Claimant is represented by Mr Singleton of counsel. The Defendant is represented by his solicitor, Mr Robinson. Neither legal representative produced a skeleton argument, schedule of issues or bundle of authorities. The advocates apologised for their omissions in that regard however it remains the case that they did not seek to comply with the King’s Bench Division Guide 2023 or otherwise provide the court with the assistance they should have done. At the request of the court, following the close of evidence and during the lunch adjournment, the legal representatives provided the court with hard copies of any authorities they wished to refer to with the relevant passages marked up.

Background

3. By order dated 22 December 2022 Hill J granted an interim injunction with a power of arrest attached prohibiting what is known as “car cruising” or “street cruising” within the geographical area referred to as “the Black Country.” The Black Country incorporates the administrative areas of the four local authority claimants. There were three defendants to the claim, each a class of persons unknown.
4. Car cruising or street cruising is a form of anti-social behaviour. As Hill J noted [see [2022] EWHC 56 (KB) at para. 5]:

“There is no statutory definition of car cruising or street cruising as far as I am aware, but it involves (to adopt the wording of the draft injunction in the Wolverhampton case) gatherings of two or more people where some of those present engage in motor racing, motor stunts or other dangerous or obstructive driving. Street cruises attract participants who, whether or not they are taking part in driving or riding, support and encourage others to do so, play loud music, rev their engines, show off their cars, and engage in other similar antisocial activities. These activities are highly dangerous, having caused serious injury and, in some cases, fatalities. The activities taking place at these cruises are frequently unlawful.”

5. By order dated 19 May 2023 Ritchie J reviewed and amended the interim injunction (“the Amended Interim Injunction”) and power of arrest. He also gave permission for a fourth defendant to be added to the proceedings defined as:

“Persons unknown being drivers, riders or passengers in or on motor vehicle(s) who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country area shown on plan A (attached) at which such defendants engage in motor racing or motor stunts or other dangerous or obstructive driving.”

6. Paragraph 1 of the Amended Interim Injunction states:

“The Injunction and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, shall remain in force save that paragraph 1 of that Order be amended as set out below until the hearing of the claim unless varied or discharge by further order of the Court.

IT IS FORBIDDEN for any of the Fourth Defendants being a driver, rider or passenger in or on motor vehicle to participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving.

Stunts are driving manoeuvres often undertaken at such gathering including but not limited to:

‘Burnouts’ Causing a vehicle to damage or destroy its tyres by applying power to the drive wheels while braking so as to remain in pace while the wheels revolve at speed.

‘Donuts/Donutting’ Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving off causing noise, smoke and tire marks to be created.

‘Drifting’ Turning by placing the vehicle in a skid so that most sideways motions is due to the skid not any significant steering input.

‘Undertaking’ Passing a vehicle on its nearside so as to undertake in circumstances not permitted by the Highway Code.

A power of arrest pursuant to section 27 of the Police and Criminal Justice Act 2006 shall apply to paragraph 1 of this order.”

7. Paragraph 3 of the Amended Interim Injunction states:

“This Amended Order shall come into effect immediately and be deemed served on the Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 11 of the Combined Directions Order have been complied with.”

8. Paragraph 4 of the Amended Interim Injunction provided that any person affected by the order may apply at any time to vary or discharge it.
9. The Amended Interim Injunction contained a penal notice.
10. The “Combined Directions Order” referred to in paragraph 3 of the Amended Interim Injunction is a case management order made in respect of both this claim and a similar car cruising action brought by Birmingham City Council under claim number KB-2022-BHM-000221. The two claims are being case managed together. Paragraph 9 of the Combined Directions Order, also dated 19 May 2023, dispensed with the need for personal service of the Amended Interim Injunction and power of arrest on the defendants, all of whom are categories of

persons unknown. Paragraph 11 of the same order set out the steps required of the claimants to effect service by an alternative method of the Amended Interim Injunction, power of arrest and Combined Directions Order:

“In the Wolverhampton claim, service of this Order shall be effected by:

- (1) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:
 - (a) Details of the application and summarise the order made;
 - (b) Any deadline for filing documents by the defendants;
 - (c) The date, time and location of any future hearings, if known;
 - (d) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
 - (e) The Claimants’ contact details; and
 - (f) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail, Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central

by 23:59 on 26 May 2023

- (2) Placing on the Claimants' social media including Twitter Facebook and Instagram links to the above media release regarding the granting of the High Court injunction and power of arrest and highlighting the introduction of the injunction and power of arrest by 26 May 2023
- (3) Updating the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:
<https://www.wolverhampton.gov.uk/street-racing-injunction>
<https://www.dudley.gov.uk/residents/parking-and-roads/roads-highways-and-pavements/car-cruising-injunction>

https://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3231/street_racing

https://go.walsall.gov.uk/black_country_car_cruising_injunction

- (4) Such pages shall carry a direct link to the Injunction Order, the Power of Arrest, the Order of Freedman J, this Order, the Documents and the Evidence and to be updated by 23:59 on 26 May 2023
- (5) Ensuring that the home (or landing) page of each of the Claimants' main websites has a prominent direct link to the dedicated webpages referred to above by 23:59 on 26 May 2023
- (6) Ensuring that copies of the Injunction, the Power of Arrest and this Order are available at the front desks of the Claimants' main offices by 23:59 on 26 May 2023
- (7) Ensuring that the video previously uploaded to the video sharing website "You Tube" and the Claimants' websites and social media pages (including Instagram, Twitter and Facebook), now states that this Order has been made and the Injunction and Power of Arrest continue in force..

This may be done by uploading a fresh video (which must contain all the matters previously ordered by Hill J) or prominently adding text to the existing video (or the description of the existing video on any website or social media page) stating "Following a hearing on 19 May 2023 the Injunction and Power of Arrest continue in force"

The video and/or additional of text shall be uploaded or the text added by 23:59 on 26 May 2023

- (8) Requesting that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts, a link to the media release. Such request to be made by 23:59 on 26 May 2023
- (9) Continuing to cause to be displayed at regular interval on the Claimants' electronic road signage the words "NEW HIGH COURT INJUNCTION PROHIBITING CAR CRUISING AND STREET RACING IN FORCE IN THIS AREA"; or words to the same effect; and thereafter

Maintaining official road signs (fixed, and temporary) throughout the Black Country Area in locations that are, or have been, hotspots car cruising activity stating "NEW HIGH COURT INJUNCTION PROHIBITING CAR CRUISING AND STREET RACING IN FORCE IN THIS AREA."

11. The final hearing of the claim has not yet taken place and is listed for hearing on 27 and 28 February 2024.
12. At around 10.10pm on Saturday 29 July 2023 the police observed and then stopped an orange Seat Leon motor car being driven by the Defendant on Kenrick Way, West Bromwich. The police arrested the Defendant pursuant to the power of arrest attached to the Amended Interim Injunction.
13. The Defendant was produced before Martin Spencer J at a remote hearing on 31 July 2023. The Defendant was bailed and the matter adjourned for the Defendant to obtain legal representation. Martin Spencer J made various case management directions. They included, at paragraph 1 of his order, a requirement that the Claimant file and serve a formal committal application. The judge dispensed with the requirement that the parties rely on affidavit evidence and permitted reliance on evidence in witness statement form. In accordance with that order, much of the evidence before the court is in witness statement form.
14. The Third Claimant, in whose administrative area the driving and arrest had taken place, filed and served a written contempt application, dated 9 August 2023. The application particularises the facts alleged to constitute the contempt as follows:

“On 29 July 2023 around 10.10pm the Defendant was driving a vehicle, SEAT LEON KP58 MWV, at speeds of approximately 80 mph and was racing other vehicles on Kenrick Way, West Bromwich, West Midlands.”
15. The Defendant encountered some difficulties in securing legal representation and public funding. Hearings on 5 September 2023 and 5 October 2023 had to be adjourned due to a lack of representation. The Defendant was discharged from bail on 5 September 2023 and the contempt matter thereafter proceeded pursuant to the written application. By the hearing on 12 October 2023 the Defendant was both represented and in receipt of legal aid. At that hearing the Defendant indicated through his solicitor that he denied the allegation of contempt on the basis that he had no knowledge of the injunction. The application was listed for trial in accordance with the parties’ and court’s dates of availability.

The issues

16. The Defendant puts the Third Claimant to proof generally however the principal issues, as identified by the legal representatives, are as follows:
 - i) Has the Amended Interim Injunction been served in accordance with paragraph 11(9) of the order of Ritchie J, dated 19 May 2023, in circumstances where an inspection on 3 August 2023 identified that two of the three injunction road signs on Kenrick Way had been removed by unidentified persons?

- ii) If the Amended Interim Injunction has been served, does the Defendant nonetheless have a defence to the contempt application if he was personally unaware of the existence of the injunction?

The evidence

The Third Claimant's evidence

17. The Court heard oral evidence from PC Tim Lewis, one of two police officers on duty in an unmarked police car at around 2210 hours on Kenrick Way, West Bromwich. PC Lewis confirmed the contents of his two witness statements, dated 30 July 2023 and 7 August 2023. He stated that he had been made aware by personal radio of large amounts of performance vehicles gathering in Kenrick Way. He described vehicles racing along Kenrick Way completing circuits between the Spon Lane traffic island and the Telford Way traffic island. He stated that he observed the Orange Seat Leon, registration number, KP58 MWV travel around the Spon Land island onto Kenrick Way where it raced other vehicles travelling in the same eastbound direction, undertaking slower moving traffic. PC Lewis described the police car following at speeds up 75-80mph and not catching the Leon until it started to slow when caught up in other traffic. The police vehicle then illuminated its blue lights, stopped the Leon and PC Lewis arrested the Defendant. PC Lewis described the racing being observed by some 50-100 spectators and other vehicles being parked around the traffic island and on a service road.
18. PC Lewis produced two pieces of video footage, one taken from the in-car camera of his police vehicle and the second taken from his body worn camera. In his oral evidence and by reference to the video footage as it played in court, PC Lewis provided an explanation as to the road layout, the route taken by the police officers and the sightings of the Defendant's vehicle. He describes first seeing the Defendant's orange Seat Leon driving around the Telford Way traffic island and exiting onto Telford Way. He stated that he next saw the Seat entering the Spon Land island before it raced down Kenrick Way.
19. PC Lewis was cross-examined about what the Defendant said on arrest. He accepted that when in the back of the police car, the Defendant said, when asked, that he was not aware of an injunction. It was put to PC Lewis that the Defendant had said words to the effect of "I haven't even got a s.59." PC Lewis said he would have to relisten to the video to comment on the words used but, on relistening, could not discern the words from the recording.
20. The Third Claimant also relies on the evidence of PC Mark Nicholson, by his statement dated 9 August 2023. PC Nicholson was on duty with PC Lewis that evening and was the driver of the police vehicle. PC Nicholson did not attend Court to give oral evidence and, as such, the weight that can be attached to his evidence is necessarily reduced. In any event, his evidence adds nothing to that given by PC Lewis and as seen in the video evidence.
21. The Court also heard oral evidence from Pardip Sandhu, the Third Claimant's "Town Lead Anti-Social Behaviour Officer." He confirmed the contents of his witness statement, dated 10 August 2023, save to the extent that he clarified that

the Third Claimant had been unable to obtain any CCTV footage from the local authority control room and did not seek to rely on the same. He explained that he visited Kenrick Way on 3 August 2023 and noted that two of three signs referencing the interim injunction had been removed from Kenrick Way without the permission of the Third Claimant. He exhibits a photograph of the remaining sign located on the westbound carriageway of Kenrick Way adjacent to traffic lights by the Telford Way island. In cross examination Mr Sandhu accepted that the remaining sign was quite small and that it faced northwards and out across the carriageway rather than facing oncoming traffic.

22. The Third Claimant further relies on the affidavit evidence of Paul Brown, the First Claimant's Senior Communications Advisor, dated 29 June 2023. Mr Brown's affidavit was prepared to address the steps taken by the Claimants to serve the Amended Interim Injunction as required by paragraph 11 of the Combined Directions Order of Ritchie J of 19 May 2023. Mr Brown did not attend to give oral evidence but the Defendant does not take issue with the initial steps taken to effect service.

The Defendant's evidence

23. The Defendant elected to file and serve a witness statement, dated 8 November 2023, and give oral evidence. His statement is extremely short and the material parts state:

“2. I deny breaching the Injunction....

5. On the night in question, the 29th July 2023, I accept I was driving on Kenrick Way in West Bromwich.

6. I had been to my friend's house in Rednal, Birmingham, to collect his two dogs to take care of them for a week while he went on holiday.

7. The dogs were in the car when I was pulled over by police.

8. I then drove down the M5 from Rednal to West Bromwich to meet some friends to go for a drive and get some food.

9. I was not aware of an injunction being in place.

10. At no point did I see any signs which indicated the road was in a High Court injunction zone. It was pitch black at the time.”

24. The Defendant expanded on his account under cross examination. He explained that he lived in Erdington, Birmingham and agreed that, after collecting the dogs in Rednal, he entered the M5 northbound at junction 4 with an intended route home on the M5 northbound, filtering onto the M6 southbound before exiting the M6 at junction 6 onto the A38. He told the court that he had been intending to go and get some food with his friend. He stated that as he was driving down the M5 he saw “all the cars” on the other side of the road and, as he liked cars, decided to go and have a look. He explained that his friend was driving in another car in front of him and the two had spoken on the phone and agreed to

stop to look at the cars. He admitted driving to the end of Kenrick Way and then doubling back on himself. He stated he did not remember driving at 75mph but accepted that he thought he did change lanes. He maintained he had just been there to see the cars and allow others to see his car. He said he had been looking for somewhere to pull over to watch but it was too busy. He was stopped just as he was about to leave the area. The Defendant maintained that he didn't know about the injunction. He was asked about his reference to not having a "section 59" notice and said that his knowledge of such matters came from friends who had been stopped for anti-social driving who had received such a notice.

The legal framework

25. Disobedience of a civil injunction amounts to civil contempt. The contempt proceedings remain civil in nature. The burden of proof rests upon the Third Claimant to prove the elements of the contempt to the criminal standard, namely beyond reasonable doubt. [*Re Bramblevale Ltd* [1970] Ch 128 (CA), applied in *Secretary of State for Transport v Cuciurean* [2021] EWCA Civ 357.]
26. The Court may order service by alternative means in respect of injunctions against persons unknown. [*Canada Goose UK Retail Ltd v Persons Unknown* [2020] EWCA Civ 303 at para. 82(2).] In *Secretary of State for Transport v Cuciurean* [2021] EWCA Civ 357 Warby LJ considered alternative service in the context of the then requirements of CPR 81.

"14. Rule 81.5 as it stood at the material time provided that a judgment or order could not be enforced by contempt proceedings unless "a copy of it has been served on the person required to ... not do the act in question" or "the court dispenses with service under rule 81.8". The primary rule required personal service of the order, as defined in CPR 6.5(3) . In the case of an individual, this is "(a) ... leaving it with that individual". The exceptions were provided for in Rule 81.8 as follows:-

"(1) In the case of a judgment or order requiring a person not to do an act, the court may dispense with service of a copy of the judgment or order in accordance with rules 81.5 to 81.7 if it is satisfied that the person has had notice of it—

(a) by being present when the judgment or order was given or made;
or

(b) by being notified of its terms by telephone, email or otherwise.

(2) In the case of any judgment or order the court may—
(a) dispense with service under rules 81.5 to 81.7 if the court thinks it just to do so; or

(b) make an order in respect of service by an alternative method or at an alternative place."

15. In this case there was no question of dispensing with service. We are concerned with r 81.8(2)(b): service by an alternative method. Personal

service on someone whose identity is unknown can pose difficulties. As the Court pointed out in *Canada Goose* at [82(1)], persons unknown defendants "are, by definition, people who have not been identified at the time of the commencement of the proceedings". But they must be

"people who ... are capable of being identified and served with the proceedings, if necessary by alternative service such as can reasonably be expected to bring the proceedings to their attention."

The Court went on to state at [82(5)] that where alternative service is ordered, "the method ... must be set out in the order." Methods of alternative service vary considerably but typically, in trespass cases, alternative service will involve the display of notices on the land, coupled with other measures such as online and other advertising."

27. The whole of CPR 81 was replaced from 1 October 2020 but the requirements as to service remain the same. Personal service of an injunction order is required by CPR 81.4(2)(c), unless the Court has permitted alternative service. [*MBR Acres Ltd v Maher* [2022] EWHC 1123 (QB) at para. 105]
28. The Defendant seeks to argue that, even if the Third Claimant can establish compliance with the alternative service provisions, he cannot be held in contempt if he did not have personal knowledge of the injunction. Through his solicitor, he relies on the judgment in *P v P (Contempt of Court: Mental Capacity)* [1999] 7 WLUK 278. In that case the primary issue was whether the husband had the mental capacity to understand the terms of an injunction. Judge LJ, in a second judgment dealing only with the husband's argument that the contempt jurisdiction does not encompass an individual who does not know or comprehend the nature of the court's jurisdiction, held as follows:

"Proceedings for contempt of court are punitive. In cases which arise from disobedience to an order made by the court prohibiting a particular act, proof of the alleged contempt involves establishing the commission of that prohibited act together with the requisite guilty mind. To amount to contempt the disobedience must be wilful or deliberate rather than accidental and unintentional, and so, consistently with that principle, contempt cannot be established, for example, against an individual who, unaware of the existence of the order, acts contrary to its terms. What however is not required is proof that in committing the prohibited act he intended to be contumacious or that he was motivated by a desire to defy the court.

"Mens rea, or an intention on the part of the person proceeded against to omit or commit the act, the omission or commission of which constitutes disobedience of the injunctive order, must be established ... Mens rea in this context does not mean a wilful intention to disobey the court's order, but an intention to do the act which constitutes the disobedience with knowledge of the terms of the order, although not necessarily an understanding that the act is prohibited." (Per Lord Donaldson

MR in *Re Supply of Ready Mixed Concrete* [1992] 2 QB 213 at 230, and 239, respectively.)”

29. In *Atkinson v Varma* [2020] EWCA Civ 1602 the court was concerned with contempt proceedings arising from alleged breach of orders made to disclose details of assets and copy bank statements to liquidators of a company. Mr Varma appealed against the first instance finding that he was in contempt in circumstances where the judge had accepted his evidence that he had not realised that his failures to act as ordered by the court were breaches of the court orders. The Court of Appeal considered the mental element required for a finding of contempt. Rose LJ held as follows:

“52. ... Arlidge, Eady & Smith on Contempt (5th ed) at para. 12-93 cites the judgment of Warrington J in *Stancomb v Trowbridge UDC* [1910] 2 Ch 190 , 194. He expressed the principle as follows:

"If a person or a corporation is restrained by injunction from doing a particular act, that person or corporation commits a breach of the injunction and is liable for process of contempt if he or it in fact does the act and it is no answer to say that the act was not contumacious in the sense that in doing it there was no direct intention to disobey the order."

53. Arlidge then lists a long line of authority confirming that principle; motive is immaterial to the question of liability. In para. 12-101, the learned authors refer to the case of *Irtelli v Squatriti* [1993] QB 83 as hinting at "a degree of apparent coalescence between the requirements for mens rea in civil and criminal contempt". In that case the defendants were enjoined from selling, disposing or otherwise dealing with a property of which they owned the freehold. They later executed a charge over the property in favour of another. At the first instance hearing they did not attend and were found liable for contempt. On appeal, the Court of Appeal discharged the order on the basis that "it was impossible to conclude that the appellants had intentionally breached the injunction". There are various unsatisfactory features about the judgments in *Irtelli* . The first, as Lewison LJ pointed out during argument, is that the record in the law report of counsel's submissions on behalf of the appellants indicates that he did not assert that they were not liable for contempt, but submitted rather that the breach of the order was 'merely technical'. Secondly, the court was not referred to the contrary authorities such as *Stancomb* or *Knight v Clifton* [1971] Ch 700 . The court was, on the other hand, referred to *Supply of Ready Mixed Concrete* [1992] QB 213 , a decision of the Court of Appeal which was later overturned on this point by the House of Lords: *Director General of Fair Trading v Pioneer Concrete (UK) Ltd* [1995] 1 AC 456 ('Pioneer').

54. In my judgment *Irtelli v Squatriti* cannot stand in the light of the many earlier and later cases which establish that once knowledge of the order is proved, and once it is proved that the contemnor knew that he was doing or omitting to do certain things, then it is not necessary for the contemnor to know that his actions put him in breach of the order; it is enough that as a matter of fact and law, they do so put him in breach. In *Pioneer* , Lord Nolan

(with whom Lord Mustill, Lord Slynn of Hadley and Lord Jauncy of Tullichettle agreed) quoted from the opinion of Lord Wilberforce in *Heatons Transport (St Helens) Ltd. v Transport and General Workers' Union* [1973] AC 15 to explain the policy behind the principle: (479G of Pioneer)

"The view of Warrington J [in *Stancomb*] has thus acquired high authority. It is also the reasonable view, because the party in whose favour an order has been made is entitled to have it enforced, and also the effective administration of justice normally requires some penalty for disobedience to an order of a court if the disobedience is more than casual or accidental and unintentional."

30. The current version of Arlidge, Eady & Smith on Contempt remains the 5th edition, published in 2017, accompanied by a first supplement published in 2019. There have been further cases of relevance since then such that its commentary on the mental element in civil contempt cannot be considered to be up-to-date.
31. In *Secretary of State for Transport v Cuciurean* [2021] EWCA Civ 357 Mr Cuciurean was an unnamed defendant said to be one of the Persons Unknown who had breached an injunction prohibiting trespass on land being used as part of the HS2 high-speed rail project. The injunction order against the Persons Unknown had been subject to alternative service provisions, which the first instance judge found had been complied with. A finding of contempt was made, which Mr Cuciurean appealed. At para. 13 of the judgment, Warby LJ summarised the ingredients of civil contempt in the following manner:

"13. The ingredients of civil contempt are not laid down by statute but established by common law authorities. In this case, both parties have relied on the following summary by Proudman J, DBE in *FW Farnsworth Ltd v Lacy* [2013] EWHC 3487 (Ch) [20] , approved by this Court in *Cuadrilla Bowland Ltd v Persons Unknown* [2020] EWCA Civ 9, [2020] 4 WLR 29 [25]:

"A person is guilty of contempt by breach of an order only if all the following factors are proved to the relevant standard: (a) having received notice of the order the contemnor did an act prohibited by the order or failed to do an act required by the order within the time set by the order; (b) he intended to do the act or failed to do the act as the case may be; (c) he had knowledge of all the facts which would make the carrying out of the prohibited act or the omission to do the required act a breach of the order. The act constituting the breach must be deliberate rather than merely inadvertent, but an intention to commit a breach is not necessary, although intention or lack of intention to flout the court's order is relevant to penalty.""

32. Mr Cuciurean argued that the claimant had to prove good service of the injunction to the criminal standard, including negating any suggestion of injustice raised by the defendant. The injustice he referred to was his asserted

lack of knowledge of the terms of the order. Warby LJ rejected the ground of appeal, dealing with it in the following way:

“55. ... The Grounds of Appeal assert that "The correct test is whether there was good service or not, which is for the claimant to prove beyond reasonable doubt, including negating any suggestion of injustice raised by the defendant."

56. This is a problematic formulation. It assumes that in order to establish "good service" a claimant must prove not only that what was done complied with the rules or the relevant Court order but also something more, including (if the issue is raised by the defendant) that proceeding on that basis is not unjust. As the Judge observed, there is no authority to support any such proposition. More than that, the proposition appears to be contrary to authority. The effect of the authorities was summarised by Lord Oliver in *Attorney General v Times Newspapers Ltd* [1992] 1 AC 181, 217-218 :

"One particular form of contempt by a party to proceedings is that constituted by an intentional act which is in breach of the order of a competent court. Where this occurs as a result of the act of a party who is bound by the order ... it constitutes a civil contempt by him which is punishable by the court at the instance of the party for whose benefit the order was made and which can be waived by him. The intention with which the act was done will, of course, be of the highest relevance in the determination of the penalty (if any) to be imposed by the court, but the liability here is a strict one in the sense that all that requires to be proved is service of the order and the subsequent doing by the party bound of that which is prohibited."

57. The proceedings in *Cuadrilla* were conducted on that basis. It was common ground that the ingredients of civil contempt were those identified in *Farnsworth* (above) but it was understood that proof that these were met would not necessarily establish knowing disobedience to the order. HHJ Pelling QC addressed the possibility that "the respondents did not, in fact, know of the terms of the order even though technically the order had been served as directed". He identified this as an issue "relevant to penalty if that stage is reached", observing that in such a case "it is highly likely that a court would consider it inappropriate to impose any penalty for the breach...": [2019] E30MA3131 [14]. On appeal, this Court endorsed this as a "sensible approach": *Cuadrilla* (above) [25].

58. These authorities indicate that (1) in this context "notice" is equivalent to "service" and vice versa ; (2) the Court's civil contempt jurisdiction is engaged if the claimant proves to the criminal standard that the order in question was served, and that the defendant performed at least one deliberate act that, as a matter of fact, was non-compliant with the order; (3) there is no further requirement of mens rea , though the respondent's state of knowledge may be important in deciding what if any action to take in respect of the contempt. I agree also with the Judge's description of the appellant's argument below: "it replaces the very clear rules on service with an altogether incoherent additional criterion for the service of the order."

But nor am I comfortable with the notion that service in accordance with an order properly made can be set aside if the respondent shows that it would be "unjust in the circumstances" to proceed. This is not how the Court saw the matter in *Cuadrilla*, nor is it a basis on which good service can generally be set aside. It also seems to me too nebulous a test."

33. In *MBR Acres v Maher* [above] the principal issue before Nicklin J was whether service of an injunction on an instructed solicitor amounted to good service. However, at paragraphs 27 and 28 of his judgment, he commented on the effect of the Court of Appeal's decision in *Cuciurean* (above):

"27. In some cases, the need to secure compliance with a lawful injunction order will justify the Court granting permission to serve the injunction order by means other than personal service. In *Cuciurean*, the Court of Appeal held that if an order for alternative service has been made, and its terms complied with, then the respondent will have been given sufficient notice of the injunction order to sustain a contempt application. Thereafter, if s/he is found, to the necessary standard, to have breached the terms of the order, the defendant will be held to be in contempt of court.

28. But that is not an end of the matter. If such 'deemed' notice is unfair on the facts of any individual case, there are two safeguards.

i) First, in an appropriate case, a respondent can apply to set aside the alternative service order. As the Court of Appeal noted in *Cuciurean*, on any application for an order for alternative service, the Court must be satisfied that such an order is justified by evidence and an appropriate order to make. Fundamentally, the Court will not grant an order for alternative service unless satisfied that the proposed method of service is such as can reasonably be expected to bring the order to the attention of the defendant: *Cameron -v- Liverpool Victoria Insurance Co Ltd* [2019] 1 WLR 1471 [21] per Lord Sumption; and *Ineos Upstream Ltd -v- Persons Unknown* [2019] 4 WLR 100 [34 (3)] per Longmore LJ. Too liberal an approach to alternative service orders increases the risk that respondents to injunction orders will not actually receive notice of what the Court has ordered them to do. In turn, that risks generating costly satellite contempt applications that serve little purpose.

ii) Second, if the Court is satisfied on the evidence that, despite the alternative service order, the respondent was not aware of the terms of the injunction, then applying *Cuciurean* – and consistent with ECtHR jurisprudence (see further [94]-[97] below) – that will be highly relevant to the penalty (if any) that the Court would impose for the breach: see [58] and [62] per Warby LJ."

34. In *Wolverhampton City Council & others v London Gypsies and Travellers & others* [2023] UKSC 47 the Supreme Court concluded that the court does have the power to grant 'newcomer' injunctions, namely ones which bind persons unknown who were not identifiable when the order was granted and who had not at that time infringed or threatened any right or duty which the claimant

seeks to enforce. The case did not directly concern the mental element required for contempt to be established or the requirements of service of an injunction. In the context of considering how newcomer injunctions are to be treated, at paragraph 132 of the judgment:

“132. As it seems to us, the difficulty which has been experienced in the English cases, and to which *Gammell* has hitherto been regarded as providing a solution, arises from treating newcomer injunctions as a particular type of conventional injunction inter partes, subject to the usual requirements as to service. The logic of that approach has led to the conclusion that persons affected by the injunction only become parties, and are only enjoined, in the event that they breach the injunction. An alternative approach would begin by accepting that newcomer injunctions are analogous to injunctions and other orders which operate contra mundum, as noted in para 109 above and explained further at paras 155-159 below. Although the persons enjoined by a newcomer injunction should be described as precisely as may be possible in the circumstances, they potentially embrace the whole of humanity. Viewed in that way, if newcomer injunctions operate in the same way as the orders and injunctions to which they are analogous, then anyone who knowingly breaches the injunction is liable to be held in contempt, whether or not they have been served with the proceedings. Anyone affected by the injunction can apply to have it varied or discharged, and can apply to be made a defendant, whether they have obeyed it or disobeyed it, as explained in para 40 above. Although not strictly necessary, those safeguards might also be reflected in provisions of the order: for example, in relation to liberty to apply. We shall return below to the question whether this alternative approach is permissible as a matter of legal principle.” [Emphasis added.]

35. The Supreme Court summarised the nature of newcomer injunctions at paragraph 238(ii):

“(ii) Such an injunction (a "newcomer injunction") will be effective to bind anyone who has notice of it while it remains in force, even though that person had no intention and had made no threat to do the act prohibited at the time when the injunction was granted and was therefore someone against whom, at that time, the applicant had no cause of action. It is inherently an order with effect contra mundum, and is not to be justified on the basis that those who disobey it automatically become defendants.”

Discussion and analysis

Service of the injunction

36. Alternative service of the Amended Interim Injunction was considered and authorised by Ritchie J at paragraph 11 of the Combined Directions Order of 19 May 2023. The Court does not have a transcript of the judgment of Ritchie J. However, his requirements as the alternative service are in substance the same as the provisions as to alternative service authorised by Hill J when granting the original interim injunction on 22 December 2022. The transcript of her judgment [[2023] EWHC 56 (KB)] expressly considers the appropriate method

of alternative service in the context of the requirements of *Canada Goose*. The Defendant does not take issue with the methods of alternative service authorised by Ritchie J nor has he availed himself of liberty to apply provision provided to any person affected by the order.

37. What is in issue is whether the Third Claimant can prove to the criminal standard of proof that the Amended Interim Injunction has been served as required by paragraph 11.
38. Mr Robinson, on behalf of the Defendant, submits that the Claimants have failed to comply with the alternative service provision embodied in paragraph 11(9) of the Combined Directions Order by failing to maintain official road signs on Kenrick Way. No issue is taken with the compliance with the other aspects of paragraph 11. He argues that the Third Claimant must demonstrate that it had a reasonable system of inspection to maintain the injunction road signage but that there is no evidence of any such system. He suggested an inspection regime of possibly every 3 to 4 weeks was required to satisfy the ongoing maintenance obligation. He further submits that the remaining sign on Kenrick Way was insufficient to discharge the obligation for signage on the basis that it was too small and pointed out across the carriageway rather than towards drivers.
39. Mr Singleton, on behalf of the Third Claimant, relies on the evidence of Mr Brown as to service. He submits that the alternative service provisions do not prescribe specific sites at which signage must be erected and maintained. He argues that “maintaining” the signage in the context of paragraph 11(9) should be construed as meaning keeping the signage under review and, if signage is removed, reinstating it in a reasonable period. He submits the fact that Mr Sandu inspected the signage 5 days after the Defendant’s arrest demonstrates the ongoing oversight on the part of the Claimants.
40. The affidavit evidence of Mr Brown, dated 29 June 2023, was not challenged. In that statement he adopts the contents of his witness statement of 13 June 2023, which deals with the steps taken to comply with paragraph 11 of the Combined Directions Order. At paragraph 15 of his statement, he states: “I can confirm that the signage continues to be displayed, both at fixed locations and at regular intervals on digital signage, as described above, throughout the Black Country area.” That evidence has not been challenged. The evidence of Mr Sandhu is that three signs had originally been installed on Kenrick Way as an identified car cruising hotspot. That aspect of Mr Sandhu’s evidence has not been challenged. Neither has the Defendant challenged the reasonableness of the erecting three signs on Kenrick Way. In light of the combination of that evidence, I am satisfied to the criminal standard and find as a fact that as at 29 June 2023, the date of Mr Brown’s affidavit, the three signs were displayed on Kenrick Way. Those signs, being situated in an identified car cruising hot spot, complied with the requirements of paragraph 11(9). It therefore follows that two of the signs on Kenrick Way must have been removed at an unidentified time, and without the Claimants’ permission, between 29 June 2023 and Mr Sandhu’s inspection on 3 August 2023. In other words, at some stage over a five week period.

41. Paragraph 11(9) of the Combined Directions Order requires the Claimants to “[maintain] official road signs (fixed, and temporary) throughout the Black Country Area in locations that are, or have been, hotspots car cruising activity...” The interpretation of the obligation under that clause has to be construed in the context of paragraph 11 as a whole. The alternative service provisions were no doubt designed to ensure that details of the Amended Interim Injunction entered the public domain in a multitude of ways. This included via print media, radio, television, social media (both of the Claimants and the police), the Claimants’ websites, hard copies at the Claimants’ offices, YouTube, electronic road signage and fixed road signage. It is also relevant that, simultaneously with the granting of the Amended Interim Injunction in this case, a similar injunction was granted in favour of Birmingham City Council, the neighbouring local authority and the one where the Defendant lived, in claim KB-2022-BHM-000221. As the Combined Directions Order demonstrates, similar provisions as to alternative service of that injunction were made. The practical effect therefore was that there will have been publicity over a large geographical area as to the granting of injunctions to prevent car cruising. The obligation to maintain official road signs is thus but one of a plethora of means by which the Amended Interim Injunction was to be promoted.
42. It is further relevant that paragraph 11(9) imposes no requirement to erect signage in specific locations or to erect a specified number of signs in a hotspot or is it prescriptive as to the size or how the signage is to be installed. The obligation to maintain has to be seen against the fact that the Claimants were given significant latitude as to how and where to install signage.
43. In my judgment, the obligation to “maintain” the signage means to reasonably maintain. It would be unworkable and contrary to the public interest to impose a requirement that the Claimants must ensure that the signage is always be in place, not least because it would allow those wishing to engage in car cruising to circumvent the order by simply removing the signage. The evidence before the Court is that the Third Claimant was reasonably maintaining the signage at Kenrick Way. The very fact that Mr Sandhu undertook an inspection on 3 August, just 4 working days after the Defendant’s arrest, demonstrates the Third Claimant’s commitment to checking the signage. Mr Robinson’s submission that an inspection is required “possibly every 3 to 4 weeks” is unsupported by any authority. It also ignores the reality that, once an inspection reveals a sign is missing, the Claimants will need a reasonable time to source a replacement. On the time scales in this case, the two signs were missing for, at most, five weeks. Even an inspection every 3 to 4 weeks is unlikely to have yielded a replacement sign prior to the 29 July 2023. The Defendant’s position ignores the other multiple means by which notice of the Amended Interim Injunction was served. As such, I am satisfied to the criminal standard that the Claimants served the Amended Interim Injunction as required by paragraph 11 of the Combined Directions Order.

The Defendant’s state of knowledge

44. Mr Robinson, on behalf of the Defendant, submits that in order for the Third Claimant to establish contempt, it must prove that the Defendant had personal knowledge of the existence of an injunction albeit not necessarily the detail of

the terms. In the course of his submissions, he expanded upon this arguing that the requisite knowledge of the order requires something more than service. In support of his argument, he relies on the judgment in *P v P* that a “contempt cannot be established, for example, against an individual who, unaware of the existence of the order, acts contrary to its terms.” He further argues that *Wolverhampton City Council v London Gypsies and Travellers* supports his proposition in that it refers to a contemnor’s knowledge as being a requirement for a finding of contempt: “anyone who knowingly breaches the injunction is liable to be held in contempt, whether or not they have been served with the proceedings.” [At para. 132] Mr Robinson does not accept that *Cuciurean* applies to a defendant who has no knowledge of an order at all.

45. Mr Singleton, on behalf of the Third Claimant, does not accept the Defendant’s analysis. He submits that although some historic authorities, such as *P v P*, indicated that an act undertaken in ignorance would not sound in contempt, that issue has been clarified in *Varma*. He submits that the position is further clarified in *Cuciurean* which establishes that service equates to notice such that personal knowledge is not a required element. Mr Singleton argues that *Wolverhampton City Council v London Gypsies and Travellers* has to be read in light of *Cuciurean* to the effect that, if someone is served, they are fixed with knowledge of the injunction.
46. In my judgment, the decision in *P v P* has to be read in light of the subsequent decisions of the Court of Appeal. The Defendant cannot simply cherry pick a historic authority without recognising subsequent developments in the law. In *Varma* the Court of Appeal held that *Irtelli v Squatriti*, in which contempt proceedings failed on the basis that it could not be proved that the defendant had intentionally breached the injunction, could not stand. *Varma* established that “once knowledge of the order is proved, and once it is proved that the contemnor knew that he was doing or omitting to do certain things, then it is not necessary for the contemnor to know that his actions put him in breach of the order; it is enough that as a matter of fact and law, they do so put him in breach.”
47. The problem with the Defendant’s submission on this issue is that it requires the Third Claimant to prove not only service, which it has done, but also something more, namely that the Defendant did not have personal knowledge of the Amended Interim Injunction. The requirement to prove “something more” was considered by the Court of Appeal in *Cuciurean* where, at paragraph 56, Warby LJ held that “there is no authority to support any such proposition. More than that, the proposition appears contrary to authority.” Warby LJ went on, at paragraph 58, to agree with the first instance judge’s view that such a formulation “replaces the very clear rules on service with an altogether incoherent additional criterion for the service of the order.” The Defendant’s argument in this case gives rise to exactly the same concerns. Instead of service being governed by the express terms of paragraph 11 of the Combined Directions Order, an additional criterion would have to be applied. That additional criterion is not only vague (“knowledge of the existence of the injunction albeit not the precise terms”) but founded on matters than can only be in the personal knowledge of the Defendant.

48. The Defendant's submission that the decision of the Supreme Court in *Wolverhampton City Council v London Gypsies and Travellers* undermines the position of the law as held at paragraphs 54 -62 of *Cuciurean* is unattractive. It must be borne in mind that the issue before the Supreme Court was not whether personal knowledge was required to establish contempt, nor did the Supreme Court overrule *Cuciurean*. Moreover, in my judgment, insofar as paragraph 132 of *Wolverhampton* requires an individual to "knowingly" breach an injunction before contempt can arise, such a formulation is consistent with the decision in *Cuciurean*. Warby LJ, at paragraph 58, held that "'notice' is equivalent to 'service' and vice versa..." The knowledge referred to by the Supreme Court in *Wolverhampton* is to be equated with the notice provided by service. There is thus no inconsistency on this issue between *Cuciurean* and *Wolverhampton*.
49. For the aforementioned reasons, the Defendant's submissions on this issue are flawed and contrary to the current authorities. The Third Claimant has proved service in accordance with paragraph 11 of the Combined Directions Order and does not additionally need to prove that the Defendant was personally aware of the existence of the order.
50. The Defendant's state of knowledge may however be important if all other aspects of the contempt are established and the Court has to determine what action to take thereon. The parties have requested that the Court make a finding of fact at this stage as to the Defendant's state of knowledge.
51. The Court raised with the advocates the issue as to the burden and standard of proof in establishing the Defendant's state of knowledge. Each party has diametrically opposing positions on the point but neither can take the Court to any authority in support of their propositions.
 - i) The Third Claimant submits that, assuming all elements of the contempt have been proved by the Third Claimant to the criminal standard, the burden then falls on the Defendant to prove on the balance of probabilities that he had no personal knowledge of the Amended Interim Injunction. In other words, that the breach was non-contumacious. Mr Singleton submits that such is a matter of mitigation not defence. As the facts are within the personal knowledge of the Defendant, it follows that the Defendant must establish them.
 - ii) The Defendant submits that whilst the Defendant has an evidential burden, it is for the Third Claimant to disprove the alleged lack of personal knowledge to the criminal standard. Mr Robinson draws an analogy with the law of self-defence in criminal law.
52. Per *Cuciurean* at paragraph 58, a defendant's state of knowledge may be important in deciding what action to take in respect of any proved contempt. It is not however a constituent element of the contempt. By the time the Court is considering sentence, it necessarily follows that the Court must already have been persuaded that a claimant had proved the contempt to the criminal standard.

53. The authors of Blackstones Criminal Practice 2024 at D:20.81 provide the following commentary under the heading ‘Requirement to Prove Mitigation’:

“D20.81

... The requirement to prove mitigation should not be confused with the resolution of a factual dispute as to the circumstances of the offence in a Newton hearing (see D20.8 et seq.). The cases appear to draw a distinction between 'true Newton' situations, where the dispute is about the immediate circumstances of the offence, and what have been described as 'reverse Newton' situations. In the latter, the dispute is about extraneous matters about which the prosecution witnesses are unlikely to have any knowledge. Since these matters would not have formed part of the prosecution case, or be within the prosecution's knowledge, and may well be within the peculiar knowledge of the offender, the rule is that the onus of satisfying the judge rests on the defence.”

54. In *R v Guppy* (1995) 16 Cr. App. R. (S.) Hirst LJ considered the burden of proof in relation to Newton hearings and mitigation and held:

“... There seems to us to be a marked difference in principle between the Newton situation (where the issue goes directly to the facts and circumstances of the crime itself as presented respectively by the prosecution and defence), and consideration of extraneous facts put forward in mitigation, which will usually be within the exclusive knowledge of the defendant or appellant himself, and will have been raised by him entirely on his own initiative.

We agree with the view of the editors of Archbold , and we consider that if his extraneous mitigation is of doubtful validity, he should have to make it good, and that the prosecution should not be obliged to disprove it...

As a result we hold that, in relation to extraneous matters of mitigation raised by a defendant or appellant, a civil burden of proof rests on the defendant or appellant, though of course in the general run of cases the sentencing judge will readily accept the accuracy of defending counsel's statements in this context.”

55. The Defendant's asserted lack of personal knowledge is irrelevant to the proof of contempt. It bears on mitigation only. It is a not matter upon which the Third Claimant's witnesses could have any knowledge, being something within the peculiar knowledge of the Defendant. By analogy with the position in criminal law discussed above, in my judgment the Defendant thus bears the burden in establishing his state of personal knowledge to the civil standard of proof. Such an approach is not only consistent with the criminal jurisdiction, but it accords with first principles that the burden of proof lies on the party making the assertion. [See for example, *Robins v National Trust Co* [1927] AC 515 at 520]. As a matter of principle, it would therefore be illogical to impose a further requirement on a claimant to prove an ingredient not forming part of the contempt to the criminal standard. The Defendant's analogy with self-defence is flawed; whereas self-defence provides a complete defence to an offence, a

lack of personal knowledge in the context of contempt is a matter of mitigation only.

56. Furthermore, as noted by Nicklin J in *MBR Acres* [at para. 28(1)], a party affected by an alternative service provision has the ability to apply to vary the terms. If the Defendant had issued an application to vary the service provision, the burden of proof would have rested on him on the balance of probabilities to prove his application. It would therefore be inconsistent with the operation of the liberty to apply procedural safeguard if a defendant who has not sought to vary the alternative service provisions, is put in a more advantageous position than someone who has.
57. For the aforementioned reasons, I proceed on the basis that it is for the Defendant to prove his personal state of knowledge on the balance of probabilities.
58. The Defendant's assertion to the Court that he was unaware of the injunction, together with his similar comment to the police officers on arrest, are wholly self-serving and need to be assessed against his credibility as a whole. The Defendant was an unsatisfactory witness. At times in his oral evidence he was evasive and on other occasions his account was inconsistent with the account he gave in his witness statement. By way of example:
 - i) In his witness statement, the Defendant contended that he "drove down the M5 from Rednal to West Bromwich to meet some friends to go for a drive and get some food." That account provides two reasons for visiting West Bromwich: (1) to meet some friends to go for a drive and (2) to get some food. His oral evidence was materially different. He told the Court that (1) he was already driving with one friend in convoy on the M5; (2) he made a spur of the moment decision to go to West Bromwich, not to "meet friends to go for a drive", but to go and look at the gathered cars and let people see his car; (3) he was not planning to get some food in West Bromwich but had been planning to do that closer to home in Birmingham. His witness statement was startling by its brevity running to only a handful of sentences. It was therefore surprising that he was not able to maintain his original account when giving his oral evidence and this is, in my assessment, a sign that he was not telling the truth about his reasons for visiting West Bromwich that evening.
 - ii) His evidence that he made an impromptu decision to leave the M5 motorway to simply observe other cars when he saw "all the cars on the other side of the road and decided to take a look" is fanciful. The car cruise was not taking place on the M5. It was taking place in West Bromwich on Kenrick Way. The sighting of multiple vehicles on a motorway at nearly 11pm is most unlikely to have alerted a hitherto uninformed driver to the fact that a car cruise was taking place nearby, still less where to find the said car cruise.
 - iii) His evidence as to how he and his friend made the decision to leave the motorway to drive to Kenrick Way was evasive. On his own evidence his friend was driving in front in another vehicle. When he was asked

how the both made the joint decision to leave the motorway, he paused before suggesting they spoke by mobile phone. The far more likely explanation is that the decision to visit Kenrick Way was a decision that had been taken prior to the two vehicles leaving Rednal.

- iv) Although the Defendant's evidence was that he was only planning to "stop and look at the cars," the video evidence clearly demonstrates that this is not what he did. On his own case he accepted driving in one direction along Kenrick Way before coming back on himself. He made no effort to pull off onto any of the side roads, as other spectators had done. If, as he asserts, he was looking for somewhere to pull over but it was too busy, the same would have been apparent when he first drove down Kenrick Way and he could have departed the scene.
 - v) The Defendant's evidence is that he told the police he didn't even have a "section 59." He told the Court that he was aware of such notices from other friends who had been stopped for anti-social driving and received such a warning. The "section 59" refers to s.59 of the Police Reform Act 2002 which gives the police the ability to give a warning to persons using vehicles in a manner causing alarm, distress or annoyance, prior to seizing such vehicles if the conduct is repeated. Most members of the public are likely ignorant of such a police power and it is revealing that the Defendant admits associating with those who have fallen foul of this provision.
 - vi) On the Defendant's own case, he went to Kenrick Way both to look at other people's cars but also for others to see his car. The Defendant's car was a distinctive orange Seat Leon. The fact that he thought other car enthusiasts may want to view his vehicle at around 11pm in an urban residential area provides a revealing insight into who he thought would be at such an event.
 - vii) The Defendant failed to provide any credible explanation as to why he was following his friend who was driving in the lead vehicle. Whilst he suggested that the two were planning to go for food, this does not bear scrutiny. The Defendant had collected his friends' two dogs from Rednal to look after them for the week whilst his friend went away. If, as he told the Court, he was planning to get food closer to his home in Birmingham, it makes no sense for the Defendant to have driven to Rednal to collect the dogs only for his friend to then drive all the way back towards Birmingham to eat. The far more likely explanation is that the two friends were driving in convoy to the car cruise, with the intention of thereafter separating and going to their respective homes. The Defendant provided no details as to his friend's identity, let alone did he call him to give evidence in support.
59. For the aforementioned reasons, I conclude that the Defendant is not a reliable witness. The Defendant's evidence establishes that he has an interest in cars; he associates with others who also have an interest in cars including those who have received s.59 warnings for anti-social behaviour; he has a distinctive car that he believes others may want to see; he knows how to locate a car cruise

occurring late at night in an urban residential area many miles from his home and is prepared to attend and participate in such a car cruise. He is, in my judgment, someone who is clearly part of a community of individuals who are interested in car cruising. His evidence to the Court that he was wholly oblivious to the very existence of an injunction prohibiting car cruising cannot be believed. The existence of the Amended Interim Injunction, and the original interim order, have been publicised extensively in the Black County and indeed wider West Midlands since being granted in December 2022 with a further wave of publicity in May 2023. Against that background, the Defendant falls hopelessly short in proving on the balance of probabilities that he was unaware of the existence of the injunction. Indeed, even if my earlier finding as to the burden and standard of burden of proof on the knowledge issue were later held to be incorrect, such is the incredulity of the Defendant's account, I would have been persuaded to the criminal standard that the Defendant knew of the existence of the Amended Interim Injunction.

The Defendant's driving on Kenrick Way

60. Although the principal issues in dispute in this application are those of service and state of knowledge, the Defendant, as he is entitled to do, puts the Third Claimant to strict proof as to the other elements of contempt.
61. The Third Claimant must prove to the criminal standard that the Defendant's actions that evening fell within that prohibited by paragraph 1 of the Amended Interim Injunction and that he intended to do the action alleged. Having considered the evidence of PC Lewis and viewed the video evidence, I am satisfied to the criminal standard that the Defendant's actions breach the order:
 - i) The evidence of PC Lewis and the video evidence establishes that the Defendant was a driver of a motor vehicle on a road within the Black Country Area (as defined) between the hours of 3.00pm and 7.00am. The Defendant does not challenge this.
 - ii) The video evidence provides a clear visual of the large number of vehicles that were gathered on and immediately adjacent to Kenrick Way. Indeed, the Defendant's own case is that it was too busy for him to stop. The volume of vehicles thus satisfies the requirement of paragraph 1 there be a gathering of 2 or more persons.
 - iii) Paragraph 1 requires a driver to have engaged in "motor racing or motor stunts or other dangerous or obstructive driving." The video evidence again provides a clear visual of the manner of the Defendant's driving. The dual carriageway is in an urban residential area with a 40mph speed limit. Notwithstanding that it was nearly 11pm, the road is busy with other cars driving at speed, there are multiple vehicles parked adjacent to Kenrick Way and multiple pedestrian spectators lining the roadside. The video footage shows the Defendant's vehicle accelerate hard away from the traffic island at Spon Lane alongside other vehicles also proceeding at speed in the same direction. His vehicle is initially in the outside lane, overtakes two vehicles then undertakes another. He then pulls back into the outside lane and overtakes another vehicle before

attempting to undertake again but gets stuck behind slower moving traffic in both lanes. The police evidence, which was not challenged, is that the police car followed the Defendant's vehicle at 75-80mph and did not catch up until the Defendant was forced to slow behind other traffic approaching Telford Road traffic island. The manner of the Defendant's driving is clearly deliberate and consistent with 'motor racing' and 'obstructive driving' as prohibited by paragraph 1. I do not however find the driving to be that classified by the order as a motor stunt.

Conclusion

62. The Third Claimant had proved to the criminal standard that the Defendant's actions on 29 July 2023 amounted to civil contempt. The Amended Interim Injunction was served in accordance with the alternative service provisions, the establishing of contempt was not dependent on the Third Claimant proving that the Defendant had personal knowledge of the order and, in any event, the Defendant was so aware of the existence of the Amended Interim Injunction. The matter will be listed for the handing down of this judgment and to hear submissions as to the appropriate penalty.

HHJ Emma Kelly

G. SECTION G - Application to join a further named Defendant as a party to the Injunction

N244

Application notice

For help in completing this form please read the notes for guidance form N244Notes.



Name of court The High Court of Justice, King's Bench Division, Birmingham District Registry	Claim no. 31 Jan 2024 KB-2022-BHM-000188
Fee account no. (if applicable) PBA0082797	Help with Fees - Ref no. (if applicable) HWF KB-2022-BHM-000188
Warrant no. (if applicable)	
Claimant's name (including ref.) WOLVERHAMPTON CITY COUNCIL (ref: LIT/AS/LIJ017753P)	
Defendant's name (including ref.) MS REBECCA RICHOLD	
Date	30 JANUARY 2024

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

WOLVERHAMPTON CITY COUNCIL

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

The Claimants (the Black Country Councils namely: Wolverhampton City Council, Dudley MBC, Sandwell MBC and Walsall MBC)

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

The Claimants respectfully invite the Court to make an order that, following a finding on 9 January 2024 that the Defendant had breached the terms of the injunction granted on behalf of the Claimants (the Black Country Car Cruising/Street Racing injunction (granted 22 December 2022 (as amended))), she be named as a party to the injunction application and any injunction and power of arrest orders made in respect of that Claim. The Claimants will aver that upon being found in contempt of court for breaching the Black Country Car Cruising/Street Racing injunction she became a known Defendant for the purposes of the injunction and should henceforth be named as a Defendant to the Injunction (in addition to the other named Defendants and "Persons Unknown" as described in the injunction).

The Claimants respectfully assert that naming as parties to the Black Country Car Cruising/Street Racing injunction upon being found in breach of the injunction is the practice the Court has adopted with the other four Defendants who have been found to have breached the terms of the injunction (and are accordingly named as the fifth to eighth Defendants). The Claimants respectfully invite the court to adopt a consistent approach and name Ms Rebecca Richold as ninth Defendant to the Black Country Car Cruising/Street Racing injunction.

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

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

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

Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

Final Hearing: 27-28 February 2024

8. What level of Judge does your hearing need?

High Court Judge/Deputy High Court Judge

9. Who should be served with this application?

The Defendant – Ms Rebecca Richold

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

FAO: Mr William Harrington
Messrs Harringtons Legal LLP
Gazette Buildings
168 Corporation Street
Birmingham
B4 6TF
william.harrington@harringtonslegal.co.uk

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

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

If necessary, please continue on a separate sheet.

1. At a hearing before Her Honour Judge Kelly sitting as a High Court judge to determine committal proceedings brought by the Metropolitan Borough of Sandwell Council on 9 January 2024, the Defendant, Ms Rebecca Richold, admitted that she had breached the terms of the injunction (known as “the Black Country Car Cruising/Street Racing Injunction” granted to the Claimants on 22 December 2022 as subsequently amended), by racing her vehicle on Kenrick Way, West Bromwich (in the Borough of Sandwell) contrary to the terms of the Black Country Car Cruising/Street Racing Injunction.
2. Upon accepting the Defendant’s admission and making a finding that the Defendant had committed a contempt of court, the Court ordered that the Defendant be committed to prison for a period of 27 days but that the Defendant’s committal to prison be suspended for a period of 12 months on condition that she comply with the Injunction as granted by the Honourable Mrs Justice Hill on 22 December 2022 as subsequently amended or any subsequent amended form of the Injunction.
3. The Defendant is, at the time of writing, one of five Defendants who has been found to have breached the Injunction. With reference to each of the other four contemnors against whom the Court has imposed orders on determination of proceedings for contempt of court, upon making such orders the Court also made ancillary orders that those contemnors be made parties and named as Defendants to the Claim (the application for injunction) and that each Defendant be served with an amended version of the Claim Form, Particulars of Claim, power of arrest and injunction order – all such documents being amended to name each of the contemnors as a named or known Defendant.
4. On 9 January 2024, the Court did not make such ancillary order in respect of Ms Richold. The Claimants do not believe that either the advocate for the Claimants or the advocate for the Defendant invited the Court to make such ancillary order or consider such order during the hearing.
5. The Claimants respectfully aver that upon admitting breaching the Injunction and being found in breach of the Injunction, the Defendant has become a “known” defendant and thus respectfully invite the court to add the Defendant as a named party – the ninth Defendant – to the Injunction. The Claimants respectfully contend that making the Defendant an additional named party to the Injunction in this way would be consistent with the approach hitherto adopted by the Court in respect of those found by the Court to have breached the terms of the Injunction.
6. The Claimants confirm they will invite the Court to consider this matter as one of the first orders of business at the hearing on 27 February 2024 (the final hearing of the Black Country Car Cruising/Street Racing Injunction). When serving the Defendant’s solicitor with a copy of this application, the Claimants’ solicitors confirm they will draw attention to the hearing on 27 February, should the Defendant wish to make representations at the hearing about this application or the Injunction application generally (notwithstanding that the Defendant would not be a named party until after the Court had considered the matter on 27 February and made an order naming the Defendant as a party to the Injunction if the Court were minded to do so).

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No

Statement of Truth

[The applicant understands that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.]

- I believe** that the facts stated in section 10 (and any continuation sheets) are true.
- The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day	Month	Year
31	01	2024

Full name

David Pattison

Name of applicant's legal representative's firm

Legal Services Wolverhampton City Council

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

Chief Operating Officer

Applicant's address to which documents should be sent.

Building and street

Civic Centre

Second line of address

St Peter's Square

Town or city

Wolverhampton

County (optional)

West Midlands

Postcode

W V 1 1 R G

If applicable

Phone number

01902 556556

Fax number

DX number

744350 Wolverhampton 27

Your Ref.

LIT/AS/LIJ017753P

Email

litigation@wolverhampton.gov.uk

B E T W E E N:

(1) WOLVERHAMPTON CITY COUNCIL
(2) DUDLEY METROPOLITAN BOROUGH COUNCIL
(3) SANDWELL METROPOLITAN BOROUGH COUNCIL
(4) WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

and

MS REBECCA RICHOLD

Defendant

[DRAFT] ORDER

BEFORE sitting at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 27 February 2024

UPON hearing Counsel for the Claimants and Counsel/Solicitor-advocate for the Defendant/the Defendant in Person/there being no representation on behalf of the Defendant *

AND UPON considering an application by the Claimants dated 30 January 2024 to join the Defendant as a named Defendant to the Claimants' application for injunctive relief against Persons Unknown and named Defendants to restrain street racing, car cruising and related activities in the Black Country (the Claimants' combined local government areas)

AND FURTHER UPON noting rule 19.2 of the Civil Procedure Rules permits the court to add parties to a claim where it is desirable to do so for all matters in dispute to be resolved or, where there is an issue involving the new party and an existing party and it is desirable to add that new party so that the issue may be resolved

[* delete as appropriate]

IT IS ORDERED THAT:

1. The Defendant be joined as the Ninth Defendant to the Claim.
2. The Defendant be served with any amended injunction and power of arrest and any other such order the Court may be minded to make at the hearing commencing on 27 February and is cited as the Ninth Defendant in any such order.
3. Service of any order on the Ninth Defendant may be effected by, and be deemed good service, by e-mail to her solicitors (Messrs Harringtons Legal LLP) at: wiliam.harrington@harringtonslegal.co.uk
4. There be no order as to costs.

Case No: KB-2022-BHM-000188

KB-2022-BHM-000221

IN THE HIGH COURT OF JUSTICE
KINGS'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY



In the matter of an application for an injunction under s.37(1), Senior
Courts Act 1981, s.222, Local Government Act 1972 and s.130,
Highways Act 1980.

BETWEEN

- (1) WOLVERHAMPTON CITY COUNCIL
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

and

(1) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE
HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE
PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON
PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT
ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER
DANGEROUS OR OBSTRUCTIVE DRIVING

(2) PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE
HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE

PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON
PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION
THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR
RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR
OBSTRUCTIVE DRIVING

(3) PERSONS UNKNOWN PROMOTING ORGANISING
PUBLICISING (BY ANY MEANS WHATSOEVER) ANY
GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2
OR MORE PERSONS WITH THE INTENTION OR EXPECTATION
THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR
RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING
WITHIN THE BLACK COUNTRY AREA
SHOWN ON PLAN A (ATTACHED)

(4) PERSONS UNKNOWN BEING DRIVERS, RIDERS OR
PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE
BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING
OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA
SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH
DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS
OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

(5) Mr ANTHONY GALE

(6) Miss WIKTORIA SZCZUBLINSKA

(7) Mr ISA IQBAL

Defendants

AND

BETWEEN

BIRMINGHAM CITY COUNCIL

Claimant

-and-

(1) AHZI NAGMADIN

(2) JESSICA ELLEN ROBERTS

(4) RASHANI REID

(5) THOMAS WHITTAKER

(6) ARTHUR ROGERS

(7) ABC

(8) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND
TO PARTICIPATE IN STREET-CRUISES IN BIRMINGHAM,
AS CAR DRIVERS, MOTORCYCLE RIDERS, PASSENGERS
AND/OR SPECTATORS

(9) PERSONS UNKNOWN WHO, OR WHO INTEND TO,
ORGANISE, PROMOTE OR PUBLICISE STREET CRUISES
IN BIRMINGHAM

(10) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND
TO PARTICIPATE IN STREET CRUISES IN BIRMINGHAM AS
CAR DRIVERS, MOTORCYCLE RIDERS OR PASSENGERS IN
MOTOR CARS OR ON MOTORCYCLES

(11) MOHAMMED SHABBIR

(12) ZOE LLOYD

(13) CALLUM BLUNDERFIELD

(14) GURINDER SINGH SAHOTA

Defendants

BEFORE Her Honour Judge Emma Kelly, sitting in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS on 20 December 2023.

UPON hearing:

- (i) Mr Singleton of counsel for the Claimants in Claim No. KB-2022- BHM-000188 (respectively the "Wolverhampton Claimants" and the "Wolverhampton claim") and
- (ii) Mr Manning and Ms Crocombe of counsel for the Claimants in Claim No. KB-2022- BHM-000221 (respectively "Birmingham CC" and the "Birmingham claim"),

AND UPON there being no appearance by any Defendant, and no other person having notified the Court, the Wolverhampton Claimants or Birmingham CC that they wished to be joined as a party or heard.

AND UPON Birmingham CC's application for an interim injunction and power of arrest dated 9 December 2022 pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980 and the Wolverhampton Claimants' like application dated 13 December 2022.

AND UPON the Court reviewing the grant by the Honourable Mrs Justice Hill of Interim Injunctions and Powers of Arrest dated 22 December 2022 as amended by the Honourable Mr Justice Ritchie on 16 May 2023 in both the Wolverhampton claim and the Birmingham claim.

AND UPON the Court having dispensed with the need for Birmingham CC to serve the Eighth, Ninth and Tenth Defendants via the method stipulated in paragraph 13(6) of the Order of Mr Justice Richie dated 16 May 2023 on 4 September 2023, the Court having found on that occasion that paragraph 13(6) was impossible to comply with.

IT IS ORDERED THAT:

1. In both the Wolverhampton claim and the Birmingham claim, the Interim Injunctions and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, and as amended by the Honourable Mr Justice Ritchie on 16 May 2023 shall remain in force until the hearing of the claim unless varied or discharged by further Order of the Court.

Case Management

2. There shall be a final hearing as set out below at which hearing the court will consider the Wolverhampton claim and the Birmingham claim together. For the avoidance of doubt, the Wolverhampton claim and the Birmingham claim have not been consolidated but it is convenient for them to be heard together as they raise similar issues.

3. The final hearing shall be before a High Court Judge on 27 and 28 February 2024 at 10:30am in the High Court of Justice, Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS. Time estimate 2 days plus reading time of 1 day (on 26 February 2023 or such other day to be allocated by the Court) in addition to the hearing time. The following directions apply to the final hearing:

(a) The Wolverhampton claimants and Birmingham CC have permission to file and serve updating evidence by 16:00 on 13 February 2024. Alternative service of any such evidence may be effected by taking like steps to those set out at 12 and 14 of this Order in the Wolverhampton claim and 16 and 18 in the Birmingham claim

(b) By 16:00 on 19 February 2024 the Wolverhampton claimants and Birmingham CC shall file with the Court:

- a. Hard-copy and electronic bundles containing all the Orders, application documents and evidence relevant to the application;
- b. It should also include drafts of the orders sought.
- c. The Claimants' solicitors should liaise with the court as to how video evidence is going to be provided to the Judge prior to the hearing, and how that evidence is going to be played during the hearing.

(c) By 16:00 on 21 February 2024 the Wolverhampton claimants and Birmingham CC shall file with the Court:

- a. Skeleton Arguments;
- b. A common bundle of authorities.

4. Any person served with a copy of, or affected by, this Order including, for the avoidance of doubt, the Interim Injunctions and Powers of Arrest, may apply to the Court to vary or discharge it, on 48 hours written notice to the Wolverhampton claimants or Birmingham CC, whichever be the relevant claimant, at the applicable address set out at the foot of this Order. Further information is contained at paragraphs 19-21 of and Schedule 1 to this Order.

Service

5. In both the Wolverhampton claim and the Birmingham claim, and pursuant to CPR r.6.27 and CPR r.81.4, the steps that the Wolverhampton claimants and Birmingham CC have taken to serve the order of Ritchie J sealed on 16 May 2023; notice of this hearing and the further evidence filed in advance of this hearing shall amount to good and proper service on the each of the Defendants.

6. Personal service of this Order and the amended Claim Form, Particulars of Claim, Injunction and Power of arrest above is dispensed with in relation to the first, second, third and fourth Defendants in the Wolverhampton claim, and is dispensed with in relation to the Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Defendants in the Birmingham claim.

Service of this Order

7. The Wolverhampton claimants shall serve this Order on the First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 12 January 2024:

- (a) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:
 - (i) Details of the application and summarise the orders made;
 - (ii) Any deadline for filing any documents by the Defendants;
 - (iii) The date, time and location of any future hearings including the final hearing on 27 February 2024;
 - (iv) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
 - (v) The Claimants' contact details; and

- (vi) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail, Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central.

- (b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the above media release.

- (c) Updating the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

<https://www.dudley.gov.uk/residents/parking-and-roads/roadshighways-and-pavements/car-cruising-injunction>

[https://www.sandwell.gov.uk/info/200284/roads travel and parking/3231/street racing](https://www.sandwell.gov.uk/info/200284/roads%20travel%20and%20parking/3231/street_racing)

[https://go.walsall.gov.uk/black country car cruising injunction](https://go.walsall.gov.uk/black%20country%20car%20cruising%20injunction)

Such pages shall carry a direct link to this Order.

- (d) Ensuring that the home (or landing) page of each of the Claimants' main websites have and retain a prominent direct link to the dedicated webpages referred to above.

(e) Requesting that the police forces for the West Midlands, Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link this Order.

8. The Wolverhampton Claimants shall serve this Order on the fifth sixth and seventh Defendants ('the named Defendants') by email, the named Defendants having agreed to accept service by this method. Service must be completed by 16:00 on 12 January 2024.

9. Birmingham CC shall personally serve this Order on the First, Second, Fourth Fifth, Sixth and Seventh Defendants by 16:00 on 12 January 2024.

10. Birmingham CC shall serve this Order on the Eighth, Ninth and Tenth Defendants by completing the following steps before 16:00 on 12 January 2024:

(a) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:

- (i) Details of the application and summarise the orders made;
- (ii) Any deadline for filing any documents by the Defendants;
- (iii) The date, time and location of any future hearings, including the final hearing on 27 February 2024. The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
- (iv) The Claimants' contact details; and
- (v) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail,

Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central.

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the above media release.

(c) Updating its dedicated page on its website about the Injunction and Power of Arrest and this Order:

<https://www.birmingham.gov.uk/streetcruiseapplication2022>

Such page shall carry a direct link to this Order.

(d) Ensuring that the home (or landing) page of its main website has and retains a prominent direct link to the dedicated webpage referred to above.

(e) Requesting that the police forces for the West Midlands, Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link this Order.

11. Birmingham CC shall serve this Order on the Eleventh, Twelfth, Thirteenth and Fourteenth Defendants by email. Service must be completed by 16:00 on 12 January 2024.

Amended Claim Documents, Injunction and Power of Arrest

12. Wolverhampton Claimants shall serve version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest on the

First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 12 January 2024:

(a) Uploading copies to the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

<https://www.dudley.gov.uk/residents/parking-and-roads/roadshighways-and-pavements/car-cruising-injunction>

<https://www.sandwell.gov.uk/info/200284/roads-travel-and-parking/3231/street-racing>

<https://go.walsall.gov.uk/black-country-car-cruising-injunction>

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the relevant website containing version 4 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest.

(c) Placing hard copies of version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest at the front desks of the relevant Claimant's offices.

13. This Order shall be deemed served on the First, Second Third and Fourth Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 12 has been complied with.

14. The Wolverhampton Claimants shall serve version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest on the named Defendants by email. Service must be completed by 16:00 on 12 January 2024.

When providing copies of Version 5 of the Power of Arrest to the police the Wolverhampton Claimants shall provide a further copy of Version 4 of the Injunction.

15. Birmingham CC shall personally serve the Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the First, Second, Fourth, Fifth, Sixth and Seventh Defendants by 16:00 on 12 January 2024.

16. Birmingham CC shall serve the Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the Eighth Ninth and Tenth Defendants by completing the following steps before 16:00 on 12 January 2024:

(a) Uploading copies to its dedicated page on its website about the applications to the High Court for an injunction and power of arrest:

<https://www.birmingham.gov.uk/streetcruiseapplication2022>

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the Fourth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest.

(c) Placing hard copies of the Fourth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest at the front desks of the relevant Claimant's offices.

17. The Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest shall be deemed served on the Eighth, Ninth and Tenth Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 16 has been complied with.

18. Birmingham CC shall serve the Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the Eleventh, Twelfth and Thirteenth Defendants by email. Service must be completed by 16:00 on 12 January 2024.

Further matters

19. Without prejudice to the foregoing, any person wishing to exercise a right granted by paragraph 4 of this Order may apply to the Court at any but if they wish to do so they must inform the relevant Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application) via the contact details set out below at the foot of this Order. Schedule 1 to this Order indicates the process which must be followed for any such application.

20. Any person applying to vary or discharge either Amended Interim Injunction or Power of Arrest must provide their full name and address, an address for service, and must also apply to be joined as a Named Defendant to the proceedings at the same time.

21. Any Defendant who fails to comply with paragraphs 19 and 20 above shall not be permitted to defend or take any role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them.

Relief from Sanctions Application by the Wolverhampton Claimants

22. The application, dated 12 December 2023, by the Wolverhampton Claimants for relief from sanctions is granted and the time for service in paragraph 1 the Order of HHJ Kelly, dated 1 November 2023 is extended to 4.00pm on 14 December 2023.

23. The Wolverhampton Claimants application of 12 December 2023 was made without notice to the Defendants who may apply to have paragraph 22 above set aside or varied. Such application must be made within 7 days after the date on which the order was served on the person making the application.

Communications with Claimants and the Court

24. All communications to the Court about the Wolverhampton claim or the Birmingham claim (which should quote the case number) should be sent to:

Birmingham District Registry
Birmingham Civil and Family Justice Centre
Priory Courts
33 Bull Street,
Birmingham B4 6DS
E: kb.birmingham@justice.gov.uk T: 0121 681 4441
DX: 701987 Birmingham 7

25. Any person who wishes to view or download copies of the documents shall contact the Claimants' solicitors via the contact details below:

The Wolverhampton claimants' solicitors and their contact details are:

FAO: Black Country Car Cruise
Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG
E: litigation@wolverhampton.gov.uk

T: T: 01902 556556

DX: 744350 Wolverhampton 27

Ref: LIT/AS/LIJ017753P

Birmingham CC's solicitors' contact details are:

Birmingham City Council Legal and Governance

Ref: LSCSY/HM/150673

PO Box 15992

Birmingham B2 2UQ

E: HousingLitigationTeam@birmingham.gov.uk

T: 0121 303 2808

DX: MDX 326401 Birmingham 87

Costs

26. Costs in the application.

SCHEDULE 1 – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 4 above, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed:

1. Any person seeking to contest the Claimants' entitlement to interim relief should file with the court (i.e. send to the court) and serve (i.e. send to the Claimants):

(a) An N244 application form¹;

(b) Written grounds (which may be contained in within the N244 application form or a separate document) for:

i. permission to bring the application; and

ii. the application (i.e. reasons for the proposed variation / discharge of the Order).

(c) A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.

2. In order to file the above documents with the Court, the applicant should:

(a) Send physical copies of the documents to the address at paragraph 24 of this Order; and/or

(b) Speak to the Court to obtain an address to send electronic copies of the documents to.

3. In order to serve the above documents on the Claimants, the applicant

¹ See the following link which provides a digital version of the form, and guidance notes:

<https://www.gov.uk/government/publications/form-n244-application-notice>

should:

- (a) Identify the relevant Claimants (the Wolverhampton Claimants or Birmingham CC); and then
- (b) Send physical copies of the documents to the relevant address at paragraph 25 of this Order; and/or
- (c) Send electronic copies of the documents to the relevant e-mail address at paragraph 25above.

4. The person making the application should indicate to the Court and Claimants whether they consider the matter requires a court hearing or can be dealt with by the judge reviewing the paper application and any response from the Claimants.

5. Thereafter the Claimants shall have 14 days to file and serve evidence and submissions in response, including as to whether an oral hearing is required to determine the application.

6. Within 21 days the Court shall decide

- (a) whether to grant permission for the application to proceed; and
- (b) if permission is granted, whether a hearing is necessary, and/or may request from the parties evidence on any further matters necessary to determine the application. If the Court decides that a hearing is necessary, it shall seek to schedule the hearing (accommodating availabilities of the parties) within 42 days (6 weeks).

7. If the Court decides that further evidence is needed from any party, it may set strict deadlines by which that evidence must be filed. Both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

CITY OF
WOLVERHAMPTON
C O U N C I L

2 February 2024

BY FIRST CLASS POST

Ms Rebecca Richold



Worcester

WR1

Tracey Christie

Head of Legal Services

Your Ref:

My Ref: AS/LIJ017753P

Dear Ms Richold

**Re: WOLVERHAMPTON CITY COUNCIL, DUDLEY MBC, SANDWELL MBC AND WALSALL
MBC v PERSONS UNKNOWN & OTHERS
Claim Number: KB-2022-BHM-000188**

Your previous hearing: 9 January 2024

**Final Hearing of Application for Black Country Car Cruising Injunction: 27 February 2024 at
10.30 a.m. High Court, Birmingham District Registry**

Further to the hearing on 9 January 2024 when you admitted and were sentenced in respect of a breach of the Black Country Car Cruising Injunction, the Claimants respectfully contend an application should have been made (as a simple invitation to the court during the hearing) to add you as a named Defendant to the substantive injunction. This, the Claimants will respectfully contend, is standard practice and such invitations have readily been granted by the Court.

Following the finding of contempt (for breach of injunction) against you on 9 January 2024, you are a known person to the Claimants and, in the Claimant's respectful contentions, should be made a Defendant to the injunction. Clearly, you may wish to have a say in respect of the Black Country Car Cruising Injunction application. Any party to the injunction is not obliged to do so, and it will not affect any order the court has made against them (including the order made against you on 09 January 2024), but a party to the injunction may wish to have their say in court in respect of the final hearing of the Councils' application for a Black Country Car Cruising Injunction and is entitled to attend court to make representations on **27 February 2024 at 10.30 a.m. at the High Court, Birmingham District Registry (33 Bull Street, Birmingham, B4 6DS)**. With reference to the final hearing on 27 February, I attach court directions made at the previous hearing in the matter (20 December 2023).

In light of the above, the Claimants have made an application to the Court to join you as a party to the injunction. Please find attached, by way of service, a copy of the application to join you as a party to the Black Country Car Cruising Injunction. The Claimants have invited the Court to list the application to add you as a party to the Injunction as the first order of business at the final hearing on 27 February and have suggested to the court that five-minutes of hearing time be allocated in this regard.

A wealth of information about the Black Country Car Cruising Injunction – including all the court orders, documents and bundle for court can be found at <https://www.wolverhampton.gov.uk/parking-and-roads/street-racing-injunction-application>. I confirm a copy of an updated bundle for use at the final hearing on 27 February 2024 will be uploaded to this Website in due course.

City of Wolverhampton Council
Legal Services, Civic Centre, St Peters Square
Wolverhampton, WV1 1RG, DX 744350 Wolverhampton 27

Lexcel
Practice Management Standard
Law Society Accredited

 [wolverhampton.gov.uk](https://www.wolverhampton.gov.uk)

 @WolvesCouncil

 Wolverhampton Council

City of Wolverhampton Council does not accept service of documents by fax or email.

I would respectfully remind you that you are, of course, entitled to independent legal advice and representation in the matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Sheen', with a horizontal line drawn through it.

Adam Sheen
Solicitor-Advocate (Civil & Criminal)

For and on behalf of
Head of Legal Services

Direct: 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Certificate of service

Name of court THE HIGH COURT OF JUSTICE, KING'S BENCH DIVISION, BIRMINGHAM DISTRICT REGISTRY	Claim No. KB-2022-BHM-000188
Name of Claimant WOLVERHAMPTON CITY COUNCIL, DUDLEY MBC, SANDWELL MBC & WALSALL MBC	
Name of Defendant PERSONS UNKNOWN, ANTHONY GALE, WIKTORIA SZCZUBLINSKA, MR ISA IQBAL & MR MASON PHELPS	

On what day did you serve?

The date of service is

What documents did you serve?
Please attach copies of the documents you have not already filed with the court.

Application (Form N244) dated 30 January 2024 to join Ms Rebecca Richold as a party to the injunction and injunction application (claim no: KB-2022-BHM-000188) and draft order.

On whom did you serve?
(If appropriate include their position e.g. partner, director).

Ms Rebecca Richold – Prospective Ninth Defendant

How did you serve the documents?
(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....) time left, where document is other than a claim form) *(please specify)*

- by other means permitted by the court *(please specify)*

- by Document Exchange
- by fax machine (.....) time sent, where document is other than a claim form) *(you may want to enclose a copy of the transmission sheet)*
- by other electronic means (.....) time sent, where document is other than a claim form) *(please specify)*

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

....., Worcester,
WR1
[DEFENDANT'S HOME ADDRESS REDACTED. Copy without redaction available to the Court].

- Being the**
- | | |
|--------------------------------------|---|
| <input type="checkbox"/> claimant's | <input checked="" type="checkbox"/> defendant's |
| <input type="checkbox"/> solicitor's | <input type="checkbox"/> litigation friend |

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/corporation within the jurisdiction with a connection to claim
- other *(please specify)*

I believe that the facts stated in this certificate are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name

Signed
Claimant's Solicitor

Position or office held
(If signing on behalf of firm or company)

Date

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Adam Sheen

From: will.harrington <william.harrington@harringtonslegal.co.uk>
Sent: 02 February 2024 14:33
To: Adam Sheen
Cc: mumtaz_bahadur@sandwell.gov.uk; lisa_callaghanbutler@sandwell.gov.uk
Subject: RE: WOLVERHAMPTON CITY COUNCIL & ORS v PERSONS UNKNOWN & MS REBECCA RICHOLD CLAIM NO: KB-2022-BHM-000188 HEARING: 27 FEBRUARY 2024 AT 10.30 a.m. HIGH COURT, BIRMINGHAM DISTRICT REGISTRY - IMPORTANT

You don't often get email from william.harrington@harringtonslegal.co.uk. [Learn why this is important](#)

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Dear Sirs

Thank you for your email and attachments below.

We are not instructed in respect of the Civil proceedings and cannot accept service on behalf of the Defendant Miss Richold.

Kind regards.

Will
Will Harrington
Partner

Tel. 0121 321 1999
Web. harringtonslegal.co.uk
Email. w.harrington@harringtonslegal.co.uk



From: Adam Sheen <Adam.Sheen@wolverhampton.gov.uk>
Sent: 2 February 2024 09:54
To: will.harrington <william.harrington@harringtonslegal.co.uk>
Cc: mumtaz_bahadur@sandwell.gov.uk; lisa_callaghanbutler@sandwell.gov.uk
Subject: WOLVERHAMPTON CITY COUNCIL & ORS v PERSONS UNKNOWN & MS REBECCA RICHOLD CLAIM NO: KB-2022-BHM-000188 HEARING: 27 FEBRUARY 2024 AT 10.30 a.m. HIGH COURT, BIRMINGHAM DISTRICT REGISTRY - IMPORTANT

Sensitivity: PROTECT

Dear Sirs,

WOLVERHAMPTON CITY COUNCIL, DUDLEY MBC, SANDWELL MBC and WALSALL MBC v PERSONS UNKNOWN & MS REBECCA RICHOLD CLAIM NO: KB-2022-BHM-000188

**APPLICATION TO ADD MS RICHOLD AS A NAMED PARTY TO THE SUBSTANTIVE BLACK COUNTRY CAR CRUISING INJUNCTION
FINAL HEARING IN RESPECT OF THE SUBSTANTIVE BLACK COUNTRY CAR CRUISING INJUNCTION - 27 FEBRUARY 2024 AT 10.30 a.m. HIGH COURT, BIRMINGHAM DISTRICT REGISTRY
YOUR CLIENT: MS REBECCA RICHOLD**

Further to the hearing on 9 January 2024 when your Client admitted and was sentenced in respect of a breach of the Black Country Car Cruising Injunction, the Claimants respectfully contend an application should have been made (as a simple invitation to the court during the hearing) to add your Client as a named Defendant to the substantive injunction. This, the Claimants will respectfully contend, is standard practice and such invitations have been granted been accepted by the Court. Following the finding of contempt, your Client is a known person to the Claimants and, in the Claimant's respectful contentions should be made a Defendant and, indeed, she may wish to have a say in respect of the Black Country Car Cruising Injunction application – in respect of which there is a final hearing on 27 February 2024 at 10.30 a.m. at the High Court, Birmingham District Registry. With reference to the final hearing on 27 February, I attach directions from the previous hearing in the matter (20 December 2023).

In light of the above, the Claimants have made an application to the Court to join your Client as a party to the injunction. Please find attached, by way of service, a copy of the application to join your Client as a party to the Black County Car Cruising Injunction. The Claimants have invited the Court to list the application to add your Client as a party to the Injunction as the first order of business at the final hearing on 27 February for a five-minute hearing. A wealth of information about the Black Country Car Cruising Injunction – including all the court orders, documents and bundle for court can be found at <https://www.wolverhampton.gov.uk/parking-and-roads/street-racing-injunction-application>. I confirm a copy of an updated bundle for use at the final hearing on 27 February 2024 will be uploaded to this Website in due course.

I am aware, as the breach of injunction for which your Client was found in contempt occurred in Sandwell MBC, Sandwell MBC brought the committal proceedings. I copy in colleagues from Sandwell MBC Legal Services with conduct of the Black Country Car Cruising Injunction Application on behalf of Sandwell MBC for completeness.

Yours faithfully

Adam Sheen
Solicitor-Advocate (Civil & Criminal)
Tel. 01902 554926
Email: adam.sheen@wolverhampton.gov.uk

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

LIJ017753P/02066156

Please note: these details do not constitute a digital signature.
Wolverhampton City Council does not accept service of documents by email or fax.
This e-mail is sent by or on behalf of Tracey Christie, Head of Legal Services.

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Order on determination of proceedings for contempt of court

(issued under rule 81.9(1) of the Civil Procedure Rules)



KB-2022-BHM-000188

Name of court

The High Court of Justice

Claim no.

KB-2022-BHM-000188

Claimant's name (including ref.)

The Borough Council of Sandwell

Defendant's name (including ref.)

Rebecca Richold

After hearing counsel for the claimant and for the defendant

And after

- considering an application by the claimant for an order determining contempt proceedings
- considering a summons issued rule under 81.6(3) of the Civil Procedure Rules
- reading the evidence filed by the parties and hearing oral evidence at the hearing of the application or summons

Note – In this order, 'claimant' means the person making the contempt application and 'defendant' means the person against whom the application was made.

The court being satisfied beyond reasonable doubt that the defendant is guilty of contempt of court

- in the manner stated in the court's judgment
- by breaching an order of the court made on

Day

22

Month

12

Year

2022

by breaching an undertaking given to the court on

Day

Month

Year

not to (state breach of undertaking etc.)

AND the matters required by Civil Procedure Rule 81.4(2) having been included in the

application

summons

It is ordered that:

1. The defendant be committed to prison for a period of

Days

Weeks

Months

Years

27

2. The committal of the defendant to prison under paragraph 1 above shall be suspended on the following terms - set out terms below

The Defendant's term of imprisonment is suspended for 12 months on the condition that she comply with the interim injunction granted by the Honourable Mrs Justice Hill on 22 December 2022 as amended by the Honourable Mr Justice Ritchie on 19 May 2023, or any subsequent amended form of injunction in this case.

3. The defendant shall pay to HM Paymaster General a fine of

£

within

days

4. The relevant commissioners authorised for the purpose by the claimant and to be approved by the court shall be authorised at the request of the claimant to confiscate, seize and sequester the following real and personal property of the defendant

until they clear

their contempt or

until further order

5. The defendant shall pay the claimant's costs

on the indemnity basis

summarily assessed in the sum of

£

to be subject to detailed assessment, if not agreed.

6. The defendant may apply under rule 81.10 of the Civil Procedure Rules 1998 to discharge this order.

7. The defendant has the right to appeal.

8. The court before which any appeal must be brought is

Court of Appeal (Civil Division)

9. The Appellant's Notice must be filed at the appeal court by 4pm on

Day

Month

Year

30

01

2024

10. A transcript of the judgment given at this hearing will be published on the website of the judiciary of England and Wales.

Dated

Day

Month

Year

09

01

2024

Certificate of service

Name of court	Claim No.
Name of Claimant	
Name of Defendant	

On what day did you serve? / /

The date of service is / /

What documents did you serve?

Please attach copies of the documents you have not already filed with the court.

On whom did you serve?

(If appropriate include their position e.g. partner, director).

How did you serve the documents?

(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by delivering to or leaving at a permitted place
- by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)
-
- by other means permitted by the court (please specify)
-
- by Document Exchange
- by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)
- by other electronic means (.....time sent, where document is other than a claim form) (please specify)
-

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

Being the claimant's defendant's
 solicitor's litigation friend

- usual residence
- last known residence
- place of business
- principal place of business
- last known place of business
- last known principal place of business
- principal office of the partnership
- principal office of the corporation
- principal office of the company
- place of business of the partnership/company/ corporation within the jurisdiction with a connection to claim
- other (please specify)

I believe that the facts stated in this certificate are true.

Full name

Signed  Position or office held
 (Claimant) (Defendant) ('s solicitor) ('s litigation friend) (If signing on behalf of firm or company)

Date / /

Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules (www.justice.gov.uk) and you should refer to the rules for information.

Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.