

Claim Nos: KB-2022-BHM-000188
KB-2022-BHM-000221



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

KB-2022-BHM-000188

Mr Justice Ritchie
19 May 2023

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.

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**

Defendants

A N D B E T W E E N

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**

Defendants

ORDER

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:

- (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 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 in both the Wolverhampton claim and the Birmingham claim, as required by para.5 of the said Injunctions and para.3 of the Orders of the Honourable Mr Justice Freedman sealed on 16 February 2023.

AND UPON the Court noting the Orders of Mrs Justice Hill sealed on 22 December 2022 in the Wolverhampton claim and the Birmingham claim giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of the Interim Injunctions and Powers of Arrest sealed on 22 December 2022 and any further evidence, and noting the like provisions for alternative service contained in the Orders of Mr Justice Freedman sealed on 16 February 2023.

AND UPON the Court considering that in both the Wolverhampton claim and the Birmingham claim further clarification was necessary so as to define the particular categories of Defendant who are Person Unknown to whom the said Interim Injunctions and Powers of Arrest apply

AND UPON

- (i) the Wolverhampton claimants undertaking to file an Amended Claim Form and Amended Particulars of Claim to reflect the addition of the 4th Defendant and to specify the tort(s) and/or crime(s) that this Order is intended to prevent or inhibit, referred to above and by 4.00 pm on 9 June 2023

(ii) Birmingham CC undertaking to file a Re-Amended Claim Form and Further Re-Amended Particulars of Claim to reflect the addition to the proceedings of the 10th Defendant referred to above by 4.00 pm on 26 May 2023

AND UPON the Court concluding that, in the circumstances, it would be preferable to continue the said Interim Injunctions and Powers of Arrest granted by Mrs Justice Hill as amended in the form attached at Schedule 1 to this Order rather than to grant new interim injunctions and powers of arrest in order to avoid the potential for confusion that may be caused by the Claimants serving further interim orders by alternative means and difficulty in relation to the enforcement of any alleged breaches by reason of different interim injunctions being in force at different times

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 Wolverhampton claimants and Birmingham CC undertaking to inform the Court forthwith if the Supreme Court delivers judgment in the appeal known as *Wolverhampton City Council and others v London Gypsies and Travellers and others* UKSC/2022/0046

AND UPON the Wolverhampton claimants and Birmingham CC confirming 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.

IT IS ORDERED THAT

Injunctions in force

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, shall remain in force in the amended form attached at Schedule 1 to this Order until the hearing of the claim unless varied or discharged by further Order of the Court. The said Amended Interim Injunctions and Powers of Arrest 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 paragraphs 11 and 13 have been complied with.

Permission to amend

2. (i) The Wolverhampton claimants shall have permission to file and serve an Amended Claim Form and Amended Particulars of Claim to add the 4th Defendant in the form set out above and to specify the tort(s) and/or crime(s) that this Order is intended to prevent or inhibit, by 4.00 pm on 9 June 2023.

(ii) Birmingham CC has permission to file and serve a Re-Amended Claim Form and Further Re-Amended Particulars of Claim to add the 10th Defendant in the form set out above, by 4.00 pm on 27th May 2023.

Case Management

3. There shall be the following further hearings set out below at which hearings 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.
4. A further case management hearing shall take place (time estimate 1 day) before a Judge of the High Court on the first open date after 10 July 2023.
 - (a) Such hearing may be held remotely if the Judge so directs.
 - (b) Further, the Judge may direct that the time estimate be amended.
 - (c) Not less than 7 days prior to the hearing the Wolverhampton claimants and Birmingham CC shall file with the Court case summaries to inform the Court of the current position in particular in relation to the awaited judgment of the Supreme Court in *Wolverhampton CC v London Gypsies and Travellers and others* [2022] UKSC/0046 and any current enforcement proceedings and Defendants to be named in connection with the interim injunction and/or the power of arrest.
 - (d) The Wolverhampton claimants shall take like steps to those identified at paragraph 11(1)-(8) below to publicise the date of such hearing; Birmingham CC shall take like steps to those identified at paragraph 13(1)-(8) to publicise the date of such hearing
 - (e) The Wolverhampton claimants and Birmingham CC have permission to file updating evidence not less than 7 days prior to the hearing. Alternative service of any such evidence may be effected by taking like steps to those set out at sub-paragraph (d) above.
5. At the said hearing the court will consider:
 - (i) if known, the effect of the Supreme Court judgment in *Wolverhampton City Council and others v London Gypsies and Travellers and others*;
 - (ii) appropriate directions, including a time estimate, for the hearing referred to at paragraph 6 below

6. There shall be a final hearing, or further review hearing, before a High Court Judge on the first open date after 1 October 2023. The nature of the hearing is to be determined at the case management conference referred to at paragraphs 4-5 above.
7. Any person served with a copy of, or affected by, this Order including, for the avoidance of doubt, the Amended Interim Injunctions and Powers of Arrest attached at Schedule 1 to this Order, 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 attached at Schedules 2 and 3 to this Order.

Service

8. 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 Freedman J sealed on 16 February 2023; notice of this hearing (including of the changed date) and the further evidence filed in advance of this hearing pursuant to para.3(d) and (e) of the order of Freedman J sealed on 16 February 2023 shall amount to good and proper service on the Defendants and each of them.
9. Personal service of this Order (including, for the avoidance of doubt, the Amended Interim Injunction and Power of Arrest attached at Schedule 1 to this Order) and the matters referred to at paragraph 4(d) and (e) above is dispensed with in the Wolverhampton claim, and is dispensed with in relation to the Eighth, Ninth and Tenth Defendants in the Birmingham claim pursuant to CPR rules 6.27 and 81.4(2)(c) and (d).
10. The Court will provide copies of this Order to the solicitors for the Wolverhampton claimants' and Birmingham CC (whose contact details are set out below) for service.
11. 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 orders made;
 - (b) Any deadline for filing any 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 Freeman J, this Order, the Documents and the Evidence and be updated by 23:59 on 26 May 2023
- (5) 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 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 addition 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 intervals 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";

- 12. The Wolverhampton claimants shall file a witness statement confirming that the steps taken to effect service set out at paragraph 11, not less than 7 days before the date of the hearing referred to at paragraphs 4- 5 above. If paragraph 11 has not been fully complied with, the Wolverhampton claimants shall identify the deficiency and provide an explanation so that a Judge may consider whether to authorise retrospective alternative service, pursuant to CPR r. 6.27 & r. 81.4.

13. In the Birmingham claim, Birmingham CC shall be permitted to serve the documents referred to at paragraph 9 above on the Eighth Ninth and Tenth Defendants by the following alternative methods.

(1) Issuing a media release concerning the continuation of the Injunction and Power of Arrest, such release must provide:

- (a) a summary of this Order;
- (b) the date, time and location of any future hearings, if known
- (d) the addresses of the dedicated webpages maintained by the Claimant regarding street cruising;
- (e) The Claimants' contact details as set out below; and
- (f) Details of where and how copies of the interim injunction, power of arrest, this Order and the Claim Form and supporting documentation relied on by the Claimant 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 Claimant's social media including Twitter, Facebook and Instagram links to the above media release

by 23:59 on 26 May 2023

(3) Updating the 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>

This webpage shall carry a direct link to the Injunction Order, the Power of Arrest, this Order, the Claim form and the supporting documentation referred to at (1) above

by 23:59 on 26 May 2023

(4) 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

by 23:59 on 26 May 2023

(5) Ensuring that copies of the said Amended Interim Injunction and Power of Arrest made by Hill J, and this Order, are available at the front desks of the Claimants' main offices
by 23:59 on 26 May 2023

(6) Ensuring that the web pages hosting 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 interim injunction and power of arrest continue in force.
by 23:59 on 26 May 2023

(7) Using its best endeavours to post a link to its dedicated webpage on any open Instagram account listed below and to send a private message containing a link to that webpage to the account holder of any private Instagram account, requesting that the said link be posted on the said account. The accounts referred to are:

- (a) @Forza_Birmingham
- (b) @Birminghamoutlaws
- (c) @midlands.modified
- (d) @mostwanted_brum
- (e) @tracksbirmingham_
- (f) @brum_traxx
- (g) @btec.forza_birmingham
- (h) @motorheads_uk

(8) Requesting that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts, a link to the media release such requests to be made by 23:59 on 26 May 2023

- (9) Maintaining the existing road signs informing people of:
- (a) the interim injunction and power of arrest, and
 - (b) the area in which they have effect, and
 - (c) how they can find out more information about this Claim and obtain copies of the Claimant's application and supporting documents in the current locations within the Claimant's local government area

14. This Order shall be deemed served on the Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 13 has been complied with.

15. The Claimant shall file a witness statement confirming that the steps taken to effect service set out at paragraph 13, not less than 7 days before the date of the hearing referred to at paragraphs 4-5 above. If paragraph 13 has not been fully complied with the Claimant shall identify the deficiency and provide an explanation so that a judge may consider whether to authorise retrospective alternative service, pursuant to CPR r. 6.27 & r. 81.4.

Further matters

16. Without prejudice to the foregoing, any person affected by the Amended Interim Injunction or Power of Arrest in the Wolverhampton claim or the Birmingham claim may apply to the Court at any time to vary or discharge it 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 2 to this Order indicates the process which must be followed for any such application. Useful sources of support and information are listed in Schedule 3.

17. 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.

18. Any Defendant who fails to comply with paragraph 17 above shall not be permitted to defend these proceedings or take any further role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them.

19. The Wolverhampton claimants and Birmingham CC otherwise have permission to apply to extend or vary the Amended Interim Injunctions and Powers of Arrest or for further directions.

Documents in the Claim and Application

20. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the relevant Claimants' solicitors whose contact details are set out below so long as any requests include a postal address and the full name of the requestor.

Communications with Claimants and the Court

21. 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 Civil Justice Centre
Priory Courts
33 Bull Street,
Birmingham B4 6DS
E: kb.birmingham@justice.gov.uk T: 0121 681 4441
F: 01264 785 131
DX: 701987 Birmingham 7

22. 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

23. Costs reserved.

SCHEDULE 1

The Wolverhampton claim

- (i) Amended interim injunction
- (ii) Amended power of arrest

The Birmingham claim

- (iii) Amended interim injunction
- (iv) Amended power of arrest

SCHEDULE 2 – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 16 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 21 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 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 22 of this Order; and/or

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>

(c) Send electronic copies of the documents to the relevant e-mail address at paragraph 22 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.

SCHEDULE 3 – USEFUL REFERENCES AND RESOURCES

The attention of all parties is drawn to the following references and resources:

Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation: <https://weareadvocate.org.uk/>

Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org>

King’s Bench Division Guide: <https://www.judiciary.uk/guidance-and-resources/kings-bench-division-guide-2022-2/>

A Handbook for for Litigants in Person: <https://www.judiciary.uk/guidance-and-resources/handbook-litigants-person-civil-221013>

Civil Procedure Rules Part 8:
<https://www.justice.gov.uk/courts/procedure/civil/rules/part08>

Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>