

N244

Application notice

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Name of court IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION BIRMINGHAM DISTRICT REGISTRY		Claim no. KB-2022-BHM-000188										
Fee account no. (if applicable)		Help with Fees - Ref. no. (if applicable)										
PBA0082797		<table border="1"> <tr> <td>H</td> <td>W</td> <td>F</td> <td>-</td> <td></td> <td></td> <td>-</td> <td></td> <td></td> </tr> </table>		H	W	F	-			-		
H	W	F	-			-						
Warrant no. (if applicable)												
Claimant's name (including ref.) Wolverhampton City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council and Walsall Metropolitan Borough Council												
Defendant's name (including ref.) 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)												
Date		12.12.2022										

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

Legal Services

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative

☐ Other (please specify)

If you are a legal representative whom do you represent?

Claimant

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

The Claimants seek an urgent without notice injunction on the terms set out in the appended draft

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

6. How long do you think the hearing will last? Is
this time estimate agreed by all parties?

☐ at a remote hearing

Hours Minutes

☐ Yes ☒ No

7. Give details of any fixed trial date or period

Existing Application for directions
listed on 14 December

8. What level of Judge does your hearing need?

High Court Judge/ Section 9 Judge

9. Who should be served with this application?

N/A

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

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

☐ the attached witness statement

☒ the statement of case

☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

The application is exceptionally urgent because there is real risk to the life and well-being of residents in the Claimants' local authority areas

It is not possible to give the Defendants any notice of the application as they are "Persons Unknown" and would only become Defendants once any order is served upon them and they act in breach of it

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

I understand 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

12

Month

12

Year

2022

Full name

David Pattison

Name of applicant's legal representative's firm

Legal Services

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

Chief Operating Officer and Solicitor to the Council

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)

Postcode

W	V	1	1	R	G		
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If applicable

Phone number

01902 554926

Fax phone number

DX number

DX: 744350 Wolverhampton 27

Your Ref.

AS/LIJ017753P

Email

adam.sheen@wolverhampton.gov.uk

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-

PERSONS UNKNOWN

Defendant

SKELETON ARGUMENT ON
BEHALF OF THE CLAIMANTS

Wolverhampton City Council,
Legal Services,
Civic Centre,
St Peter's Square,
Wolverhampton

Ref: LIJ017753P/01201576

Solicitor for the Claimants

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

Claim No. KB-2022-BHM-000188

For Hearing 14 December 2022 at 10.30am

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)

Defendants

SKELETON ARGUMENT ON
BEHALF OF THE CLAIMANTS

Preliminary

- 1 This application was listed on 6 December 2022 when the Claimants were not in attendance. The Claimants were unaware of the hearing. It appears as if the relevant notice (which was sent to the correct email address) was caught by a 'spam filter'.
- 2 The solicitor with conduct has already apologised to the court for the failure to attend but the Claimants wish to place their apology on record.
- 3 The application has now, pursuant to an order of HHJ Emma Kelly (sitting as a High Court Judge), been listed to be heard (but not consolidated) with an application raising similar issues: *Birmingham City Council v Persons Unknown* KB-2022-BHM-000221.
- 4 It is understood that Birmingham City Council have now issued a further application seeking urgent interim relief. The Claimants in this matter will do the same for similar reasons. This is addressed below.
- 5 Reliance will be placed on the case of *Barking and Dagenham LBC and others v Persons Unknown and others* [2022] EWCA Civ 13 ('*Barking & Dagenham*'). The Supreme Court have granted permission to appeal and an expedited hearing is listed on 8 and 9 February 2023.

Introduction

- 6 By this application the Claimants seek:
- (1) An order permitting substituted service of the Claim Form and consequential directions; and
 - (2) An urgent interim injunction restraining the conduct complained of.
- 7 An urgent interim injunction did not form part of the initial application but recent events (see below) mean such relief is necessary in the immediate future.

Background

- 8 On 1 December 2014 HHJ Owen QC granted an injunction to restrain car cruising *Wolverhampton & Others v Persons Unknown* [2014] (Claim No A90BM228). That injunction (the Original Injunction) was subsequently renewed by HHJ McKenna on 9 January 2018.
- 9 The Original injunction was in effect from 2 February 2015 until 1 February 2021.
- 10 Although application was made to further extend the order such application was adjourned following the first instance decision of Nicklin J in *Barking & Dagenham*.

- 11 Following the decision of the Court of Appeal in *Barking & Dagenham*, reversing Nicklin J, it is apparent that the legal landscape has altered considerably since 2014 and a fresh application is more appropriate (and likely to accord with the current guidance) than attempting to amend and extend the Original Injunction.
- 12 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.
- 13 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.

The impact of the Original Injunction

The position after 2014

- 14 The injunction which Judge Owen QC granted was successful in that it led to a significant reduction in car cruising, albeit such behaviour was not eliminated. See in particular:
- (1) Witness statement of Pardip Nagra [B12/32-B14/42]
 - (2) Witness statement of PC Campbell [B201/71]

- (3) Witness statement of Pardip Sandhu [C7/6]
- (4) Witness statement of Steve Gittins [C39/3]
- (5) Witness statement of PS Lee Plant [C55-C73]
- (6) Witness statement of Jennifer Bateman [D10/8-D11/14].

The position after expiry of the original injunction

15 Please see:

- (1) Witness statement of Pardip Nagra [B15/43-B18/55; B19/59; &B21/70;]
- (2) Witness statement of PC Campbell [B201/72-73]
- (3) Witness statement of Pardip Sandhu [C8/13]
- (4) Jennifer Bateman at paras 8-11 [D10/8-D11/11]
- (5) Witness statement Steve Gittins [C40/6-C41/10]
- (6) Witness statement of Margaret Clemonson [D3].
- (7) Witness statement of Teja Sikhu [D7]
- (8) Witness statement of Richard Hubbard Harris [E16/4-E17/8]
- (9) Second witness statement of Richard Hubbard Harris [E28/5-E32/12]
- (10) Witness statement of John Slater-Kiernan E53/3-E54/7]

Recent Events

16 On 20 November 2022 a fatal road traffic collision occurred in Oldbury, which is within the Claimants' local authority areas. Two

people were killed. It is the unequivocal evidence of PC Mark Campbell¹ that this was directly linked to illegal street racing and that the deceased were spectators at the event.

Legal Issues

17 There have been a number of developments in the law which need to be addressed since the Original Injunction was granted

- (1) Can the injunction sought be binding on someone who was not a defendant when it was granted?
- (2) How must an injunction against persons unknown identify the persons who are bound by it?
- (3) What conduct can be restrained by such an injunction?

The nature of the injunction being sought in this case

18 Before turning to the legal issues which might stand in the way of this claim, it is right to set out clearly the basis of the claim and the nature of the injunction being sought.

19 This is a claim for *quia timet* relief to prevent future car cruises. Although there have been car cruises in the past, they are relevant only as evidence of the need for an injunction. They are not the cause of action.

¹ Para 5 witness statement, dated 9 December 2022

- 20 The Claimants submit that the evidence establishes that car cruising will happen if not restrained, but the Claimants are unable to identify the persons who are likely to engage in it. For this reason, there cannot be named defendants.
- 21 The injunction, if granted, will define defendants as persons who, in the future, engage in particular activities. Accordingly, not only are there no *named* defendants. There are no defendants currently in existence.
- 22 It follows that in granting the injunction the court will not be finally determining rights between litigants. There will be no *res judicata*.
- 23 The proposed order would be conditional on its terms being brought to the attention of anyone who is to be required to obey it (see below).
- 24 Defendants will come into being only when and if they commit the prohibited acts with knowledge of the order.
- 25 The order sought is therefore provisional:
- (1) It will only take effect against an individual when s/he acts inconsistently with it, is identified and is brought before the court.
 - (2) This new defendant will not thenceforth be a person unknown but will become a named defendant.

(3) A person who becomes a defendant is entitled to challenge the order and to ask the court to set it aside (see paragraph 17 above).

(4) Further the order will be widely disseminated and provision has been made for anyone potentially affected to apply to join the proceedings and oppose the order

26 The order will contain a provision for its own expiry or renewal. Therefore it will not be a final order, even though there will be no traditional return day and even though it will not be expressed to last only until a future trial.

27 For this reason, the court making the order will not be *functus officio*. Its role will not have ceased. On the contrary, it will continue to review the order and will have power at any time to discharge or to extend it. Just as the court has power to grant an injunction to last for ever, so it has power to grant an injunction for a period of time with a provision for extension.

28 As to the legal issues identified above.

29 In light of the Court of Appeal's detailed review of the law in *Barking & Dagenham* reference will largely be confined to that judgment. Unless stated otherwise para numbers refer to *Barking & Dagenham*.

Can the injunction sought be binding on someone who was not a defendant when it was granted?

30 The answer is well established as “yes”. The principles are most clearly articulated in *South Cambridgeshire District Council v Gammell* [2005] EWCA Civ 1429. In that case an injunction was granted against persons unknown causing caravans to be stationed on a certain plot of land. At the time of the injunction, Ms Gammell was not on the land but she later brought a caravan onto it. The Court of Appeal held that she became a party to the proceedings when she did an act which brought her within the definition of defendant. Thus Ms Gammell “became both a person to whom the injunction was addressed and the defendant when she caused or permitted her caravan to occupy the site.” There was no need to make her a defendant to the proceedings thereafter. She had already become a defendant.

See *Barking & Dagenham* at paras 25-32 & 79-83

31 This is not a protestor case in which a private business seeks to protect its commercial interests. It is a claim by an elected authority discharging its statutory duties. This claim is within the category of claims in which an injunction can be issued against the whole world, as in *Venables* to which the Court of Appeal referred in *Barking & Dagenham* at para 75.

32 The court’s duty is to look at the rights being infringed and ask if a *contra mundum* injunction is necessary to vindicate those rights. The

claimants rely on the familiar principle repeated by Baroness Hale in *Environment Secretary v Meier* [2009] UKSC 11 at [25]:

The underlying principle is ubi ius, ibi remedium: where there is a right, there should be a remedy to fit the right. The fact that “this has never been done before” is no deterrent to the principled development of the remedy to fit the right, provided that there is proper procedural protection for those against whom the remedy may be granted. So the questions are: what is the right to be protected? And what is the appropriate remedy to fit it?

33 The present claimants are not private enterprises seeking to uphold their right to do business for profit, undisturbed by protestors. They are elected public bodies seeking to protect the inhabitants of their area from criminal activity:

(1) Section 222 Local Government Act 1972 provides that a local authority may bring civil proceedings in its own name where it considers it expedient for the protection of the interests of the inhabitants of its area. This entitles the claimants to sue for an injunction to restrain public nuisance, being “a nuisance ... which materially affects the reasonable comfort and convenience of life of a class of Her Majesty’s subjects”, per Romer LJ in *Attorney-General v PYA Quarries Limited* [1957] 2 QB 169 at 184.

(2) Lawton LJ observed in the Court of Appeal in *Stoke-on-Trent Council v B&Q Ltd* [1984] 1 Ch 1 at 23H that it is

in everyone’s interest, and particularly so in urban areas, that a local authority should do what it can within its powers to establish and maintain an ambience of a law-abiding

community; and what should be done for this purpose is for the local authority to decide.

- (3) The claimants also have a duty, under section 130 Highways Act 1980, to assert and protect the rights of the public to the use and enjoyment of the highway. Under section 130(5) that duty is reinforced by the power to institute proceedings.

How must an injunction against persons unknown identify the persons who are bound by it?

- 34 The answer is supplied in *Canada Goose* (see *Barking & Dagenham* at 56). The court was there concerned with protestors, but the principles apply to car cruises:

(1) The “persons unknown” defendants in the claim form are, by definition, people who have not been identified at the time of the commencement of the proceedings. If they are known and have been identified, they must be joined as individual defendants to the proceedings. The “persons unknown” defendants must be people who have not been identified but 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. In principle, such persons include both anonymous defendants who are identifiable at the time the proceedings commence but whose names are unknown and also Newcomers, that is to say people who in the future will join the protest and fall within the description of the “persons unknown”. (2) The “persons unknown” must be defined in the originating process by reference to their conduct which is alleged to be unlawful. ... (4) As in the case of the originating process itself, the defendants subject to the interim injunction must be individually named if known and identified or, if not and described as “persons unknown”, must be capable of being

identified and served with the order, if necessary by alternative service, the method of which must be set out in the order.

- 35 The categories of defendants in this case have been fashioned in accordance with this guidance. That is why the claimants no longer seek an order in identical terms to that in the Original Injunction because that simply described the defendants as “persons unknown” without reference to the activity which would turn them into defendants.

What conduct can be restrained by such an injunction?

- 36 The answer is to be found in the same paragraph in *Canada Goose* referred to above:

(5) The prohibited acts must correspond to the threatened tort. They may include lawful conduct if, and only to the extent that, there is no other proportionate means of protecting the claimant’s rights. (6) The terms of the injunction must be sufficiently clear and precise as to enable persons potentially affected to know what they must not do. The prohibited acts must not, therefore, be described in terms of a legal cause of action, such as trespass or harassment or nuisance. They may be defined by reference to the defendant’s intention if that is strictly necessary to correspond to the threatened tort and done in non-technical language which a defendant is capable of understanding and the intention is capable of proof without undue complexity. It is better practice, however, to formulate the injunction without reference to intention if the prohibited tortious act can be described in ordinary language without doing so. (7) The interim injunction should have clear geographical and temporal limits. It must be time limited because it is an interim and not a final injunction.

37 The injunction as framed in the draft order would prohibit mere participation in the gathering. That is an appropriate order because (i) these events take place at night in places to which the law-abiding public does not usually go (except as users of the highway, passing through); (ii) the court should not show undue consideration for those who gather to encourage anti-social behaviour; (iii) there is no other proportionate means of protecting the rights which the claimants seek to protect. In particular, the evidence establishes that spectators are a major part of the problem in that their presence encourages the drivers and causes very considerable risks to their own and others' safety.

38 The Second prohibition of the proposed injunction is open to the objection that it describes the prohibited activity (partly) in terms of the defendant's subjective state of mind. That objection should not prevail. The reference to the defendant's intention does not cause complexity or difficulties of proof and is necessary to enable the police to intervene without having to wait for someone to commit a dangerous act. It is a feature of car cruises that they can at least be broken up before any harm is done.

Further Legal Issues

- (1) Should urgent interim relief be granted in this case?
- (2) How must the Claim Form (or other application) which claims such an injunction be served?

(3) How must the injunction itself be served?

Should urgent interim injunction be granted in this case?

39 Practice Direction A to CPR 23 provides that Applications may be made without service of the application in six specified cases. The first 2 are particularly relevant.

(1) *where there is exceptional urgency,*

(2) *where the overriding objective is best furthered by doing so,*

40 In light of the evidence contained in the witness statement of PC Mark Campbell (see below) it is clear that there is a substantial risk of death or serious injury in the coming days. It is also clear that such risk is very real.

41 Further for obvious reasons there are, as yet, no defendants to serve the application on. The draft order makes provision for extensive publicity regarding the application and any relief granted. The order would not come into force until steps to publicise the order had taken place.

42 The order sought seeks only to restrain anti-social and criminal conduct. This is not analogous to protestor cases. There is no protected right to break the law and cause nuisance to others. The public at large has an unqualified right to life.

43 The issue of possible fatalities had been raised before:

(1) The Tesco Incident [C3/6].

(2) The Stevenage Collision [B25/82 & B183/15].

44 However, those incidents had either occurred well away from the Claimants' areas (Stevenage) or during the currency of the Original Injunction (Tesco).

45 It is suggested that the most recent incident clearly demonstrates a need for urgent relief.

(1) It took place in Oldbury (part of the Third Claimant's (Sandwell) local authority area.

(2) It was clearly a result of conduct that the Injunction sought seeks to prohibit.

(3) The police are anticipating an upsurge of such Steet cruises in the immediate future. (See witness statement of PC Campbell, dated 9 December 2022 filed in the Birmingham application).

How must the Claim Form (or other application) which claims such an injunction be served?

46 Plainly an anonymous defendant who is identified by description cannot be served in the normal manner. This was addressed in Canada Goose at [82] (see above). Where there are:

“persons unknown” defendants (they) must be people who have not been identified but 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.

47 CPR 6.15 provides *inter alia*:

- (1) *Where it appears to the court that there is a good reason to authorise service by a method or at a place not otherwise permitted by this Part, the court may make an order permitting service by an alternative method or at an alternative place.*
- (2) *On an application under this rule, the court may order that steps already taken to bring the claim form to the attention of the defendant by an alternative method or at an alternative place is good service.*

48 Further CPR 6.16 provides:

- (1) *The court may dispense with service of a claim form in exceptional circumstances.*
- (2) *An application for an order to dispense with service may be made at any time and*
 - (a) *must be supported by evidence; and*
 - (b) *may be made without notice.*

49 CPR 6.27 applies the provisions of Part 6.15 to documents other than a Claim Form.

50 The court is referred to: the witness statements of Paul Brown at [A65-A71; B226-B228; the annexed communication plan [B229-B237]; and the draft order for service by Alternative means [A20-A24].

51 The service provisions in the draft order are based on an order made by Julian Knowles J in the HS2 Litigation². It is suggested that it strikes an appropriate balance between the right of the Claimants and those potentially affected by the application.

Urgent Relief

52 The Claimants' application was originally for a staged process i.e. (1) Issue; (2) Application for alternative service; & (3) on-notice hearing.

53 If urgent relief is granted then the order will need to be modified to authorise alternative service of the without notice Injunction.

54 A draft accompanies the application.

How must the injunction itself be served?

55 Similar considerations to service of the Claim Form arise with regard to service of the injunction. However, the need for a Newcomer to be made aware of the injunction require greater procedural safeguards and publicity.

56 So far as is relevant CPR 81.4 now provides:

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1105125/Orders-Basic_Order.pdf

(1) Unless and to the extent that the court directs otherwise, every contempt application must be supported by written evidence given by affidavit or affirmation.

(2) A contempt application must include statements of all the following, unless (in the case of (b) to (g)) wholly inapplicable —

...;

(c) confirmation that any such order was personally served, and the date it was served, unless the court or the parties dispensed with personal service;

(d) if the court dispensed with personal service, the terms and date of the court's order dispensing with personal service;...

57 The Claimants again refer to witness statements of Paul Brown [A65-A71; B226-B228; the annexed communication plan B229-B237].

58 It is envisaged that the injunction should not come into force until the Claimants have complied with those steps provided for in the order.

59 These extensive notice provisions should achieve the joint aims of ensuring that knowledge of the injunction is widely disseminated throughout the claimants' local authority areas and protecting any "Newcomer" from committal proceedings where he has unknowingly breached the order.

Conclusions

60 The claimants submit that in light of the evidence there is good reason to:

- (1) grant an injunction in the terms sought;
- (2) grant such an injunction on an urgent without notice basis;
- (3) permit service by alternative means of the Application(s),
Claim Form and any orders made.

MICHAEL SINGLETON

(Counsel for the Claimants)

INJUNCTION

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

To:	1. Persons Unknown who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more
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IN THE HIGH COURT OF JUSTICE KING’S BENCH DIVISION BIRMINGHAM DISTRICT REGISTRY	
Claim no:	
Claimants	WOLVERHAMPTON CITY COUNCIL & OTHERS

<p>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>Defendants</p> <p>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>
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PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD IN CONTEMPT OF COURT AND IMPRISONED OR FINED OR YOUR ASSETS MAY BE 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 and had not been given notice of the Claimants applications

Before sitting, at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on

UPON the Claimants' application, by an Application Notice dated ,for an injunction pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980 and the Court exercising its discretion to grant injunctive relief pursuant to section 37(1) Senior Courts Act 1981

AND UPON the Court making an Order on making directions and approving service in respect of this interim injunction, the Claim Form, the Claimant's Application and the evidence in support by alternative means pursuant to CPR r. 6.15 and r. 6.27.

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

AND UPON hearing Counsel for the Claimants and without notice to the Defendants.

IT IS ORDERED THAT:

Injunction in force

1 IT IS FORBIDDEN for the Defendants 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 some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

2 IT IS ALSO FORBIDDEN for the Defendants 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) 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 IT IS ALSO FORBIDDEN for the Defendants to promote organise publicise (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)

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

- (1) “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.
 - (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
- 4 A Power of Arrest pursuant to section 27 Police and Criminal Justice Act 2006 shall apply to clauses 1 & 2 of this Order.

Definitions

5 In this Order the following definitions have been applied:

- (1) “The Injunction” means this Order
- (2) “The Power of Arrest” means the sealed Power of Arrest
- (3) “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
- (4) “the Evidence” materials set out at Schedule A below
- (5) “the Claimants’ contact details”:

FAO: Black Country Car Cruise

Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG
E: litigation@wolverhampton.gov.uk T: 01902 556556
DX: 744350 Wolverhampton 27
Ref: LIT/AS/LIJ017753P

Directions for Service

- 6 Pursuant to CPR r. 6.15 & r. 6.27 the Claimants have permission to serve the Documents and the Evidence on the Defendants by the alternative means set out at paragraphs 7(1) to 7(7) below
- 7 Pursuant to CPR r. 6.27 & r. 81.4 the Claimants have permission to serve the Injunction and Power of Arrest on the Defendants by the alternative means set out at paragraphs 7(1) to 7(7)

below

- (1) Issuing a media release highlighting the application for and granting of the High Court injunction and power of arrest on an urgent without notice basis

Such release must provide:

- (a) Details of the application and summarise the orders granted;
- (b) Any deadline for filing an acknowledgement of service or other documents by the Defendants;
- (c) The date, time and location of any future hearings
- (d) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
- (e) The Claimants' contact details;
- (f) Details of where and how copies of the Injunction, Power of Arrest, 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, and BBC Midlands Today and ITV Central.

- (2) Placing on the Claimants' social media including Twitter and Facebook links to the above media release regarding the granting of the High Court injunction and power of arrest and highlighting introduction of injunction and power of arrest.
- (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 date of introduction of the injunction at the following webpages:

<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

Such pages shall carry a direct link to this Injunction Order, the Power of Arrest, the Documents and the Evidence .

- (4) Placing a copy of the Injunction and Power of Arrest in the Express & Star and Chronicle Week newspapers
- (5) Uploading to the video sharing website “You Tube”, a video of someone presenting and reciting a copy of the terms of the Injunction with a stark warning that should people be participate in car cruising in the Black Country they may be in breach of the Injunction and liable to committal proceedings for contempt of court which could result in the court imposing: a sentence of imprisonment; a fine; or an order seizing a person’s assets. The video shall also outline:
 - (a) The deadline for filing an acknowledgement of service or any other documents by any Defendant;
 - (b) The date, time and location of the next hearing of the application;
 - (c) The Claimant's contact details;
 - (d) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
 - (e) Details of where and how copies of the Injunction the Power of Arrest ,Documents and the Evidence may be obtained.

Items (c) and (d) shall appear on screen as text.

- (6) Erecting and maintaining official road signs (fixed, temporary and electronic) throughout the Black Country Area in locations that are, or have been, hotspots of car cruising activity stating “HIGH COURT INJUNCTION PROHIBITING CAR CRUISING IN FORCE IN THIS AREA
- (7) Ensuring that copies of the Injunction and Power of Arrest are available at the front desks of the Claimants’ main offices. West Midlands Police will ensure that copies of the Injunction and Power of Arrest are available at the front desks of their stations throughout the Black Country Area.

- 8 The Injunction, Power of Arrest, Documents and Evidence shall be deemed served on the Defendants at 23.59 on the date upon which the final step in paragraph 7 has been complied with.
- 9 The Claimants shall file a witness statement by their proper officer confirming that the steps taken to effect service set out at paragraph 7(1) to 7(7) have been completed, within 14 days of the final step being taken.
- 10 Any person who wishes to appear at the hearing referred to at paragraph 12 below must file and serve on the Claimants an Acknowledgment of Service no later than 4pm on **[please complete]**
- 11 The Claimants' may file any updating evidence by no later than 4pm on **[please complete]**
- 12 The matter shall be listed for hearing before a High Court Judge (s.9 if practicable) with a time estimate of 1 day on **[please complete]**

Commencement, Term and Duration

- 13 The Injunction and Power of Arrest shall come into effect at 00:01 on the day following the completion of the steps in paragraph 7.
- 14 This Order & Power of Arrest shall, expire at 11.59 pm on _____ unless it is extended, varied or discharged by further the court.
- 15 A further hearing will take place as provided by paragraph 12 above to decide whether this

interim order shall continue in force or be varied or discharged.

16 Costs in the case

Further Case Management

17 Without prejudice to the foregoing, any person affected by this Order 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) via the contact details set out below. Schedule B to this Order indicates the process which must be followed for any such application. Useful sources of support and information are listed in Schedule C.

18 Any person applying to vary or discharge this Order 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.

19 The Claimants otherwise have permission to apply to extend or vary this Order or for further directions.

20 Save as provided for above, the Claim be stayed generally with liberty to restore.

Documents in the Claim and Application

- 21 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 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

- 22 All communications to the Court about this Order (which should quote the case number) should be sent to:

Birmingham District Registry Civil Justice Centre
Priory Courts
33 Bull Street

Birmingham B4 6DW

E: qb.birmingham@justice.gov.uk T: 0121 681 4441
F: 01264 785 131
DX: 701987 Birmingham 7

- 23 Any person who wishes to view or download copies of the documents shall contact the Claimants' solicitors via the contact details below

- 24 The 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

Dated:

SCHEDULE A

SCHEDULE A

Please see Attached Index to Bundle for Injunction Application (Parts B, C, D, E, F and G).

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 3:00 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) 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 3:00 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

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00 P.M. AND 7:00 A.M. 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)

Respondents

BUNDLE OF EVIDENCE IN SUPPORT OF APPLICATION FOR AN INJUNCTION

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B. SECTION B - Global Overarching Statements

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2.	Overarching Statement of Pardip Nagra (For Wolverhampton) 19 July 2022	B 4 - B 35
3.	EXHIBIT PN1	B 36
4.	Exhibit PN1 - Statement of Lisa Fox (From 2014 Application) 02 11 2013	B 37 - B 40
5.	EXHIBIT PN2	B 41
6.	Exhibit PN2 - Statement of Peter James (From 2014 Application) 09 11 2013	B 42 - B 44
7.	EXHIBIT PN3	B 45
8.	Exhibit PN3 - Statement of Carl Yeomans (From 2014 Application) 07 11 2013	B 46 - B 49
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10.	Exhibit PN4 - Statements of David Clark (From 2014 Application) 12 03 2014	B 51 - B 70
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14.	Exhibit PN6 - Statement of Lydia Pulford (From 2014 Application) 11 11 2013	B 90 - B 92
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17.	Exhibit PN7 Statement of Fanella Bird (From 2014 Application) 23 11 2014	B 96
18.	EXHIBIT PN8	B 97
19.	Exhibit PN8 - Statement of PC J Hartford (From 2014 Application) 16 11 2013	B 98 - B 99
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21.	Exhibit PN9 - Statement of Richard Hardy (From 2014 Application) 06 11 2013	B 101 - B 103
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23.	Exhibit PN10 - Statement of Police Inspector Julie Mason (From 2014 Application) 23 07 2014	B 105 - B 109
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25.	EXHIBIT PN12	B 111
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31.	Exhibit PN14 - Letter from Councillor Leach to Wolverhampton ASB Team 05 22	B 131
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37.	Exhibit PN17 - Version 1 Print Friendly Version of story published on E & S Website 15 08 2018	B 137 - B 142
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39.	EXHIBIT PN18	B 161
40.	Exhibit PN18 - Essex Live Article 5 April 2021 (Print Friendly Version)	B 162 - B 164
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42.	EXHIBIT PN19	B 171
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50.	Witness Statement of Paul Brown (Communications Manager) (For Wolverhampton)16 September 2022	B 225 - B 227
51.	STREET RACING COMMUNICATIONS PLAN (FINAL VERSION) FOR BUNDLE	B 228 - B 236
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C. SECTIONC- Overarching Statements of Professionals for Each Claimant Local Authority

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3.	Exhibit Cover - Exhibit PS1 (Pardip Sandhu 27.9.2022)	C 13
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1.	Witness Statement of Dharminder Dhaliwal (Wolverhampton) Tier 3	D 1 - D 2
2.	Witness Statement of Margaret Clemson (Wolverhampton) Tier 3	D 3 - D 4
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4.	Witness Statement of Taylor Harvey-Beardsmore (Wolverhampton) Tier 3	D 6
5.	Witness Statement of Teja Sidhu (Wolverhampton) Tier 3	D 7
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E. SECTION E- Statements of Councillors, MPs, Residents and Business for Dudley

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2.	Statement of Stacy Hewerdine - Waterfront Security 10-05-22 (For Dudley)	E 7 - E 12
3.	Exhibit Cover - EXHIBIT SH1 [Stacy Hewedine] (For Dudley) (Clearer Version of Exhibit SH1)	E 13
4.	EXHIBIT SH1 (Waterfront Car Park) [Stacy Hewerdine] (For Dudley) (Clearer Version)	E 14
5.	Signed statement of Richard Hubbard- Harris - Showcase 10-05-22 (For Dudley)	E 15 - E 22
6.	Exhibit Cover RHH1 [Richard Hubbard-Harris] (For Dudley) (Clearer Version of Exhibit RHH1)	E 23
7.	EXHIBIT RHH1 Car Park (Showcase Cinema, Dudley) [Richard Hubbard-Harris] (For Dudley) (Clearer Version)	E 24
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10.	Signed 2nd stmt of Richard Hubbard-Harris dated 14-09-22	E 27 - E 33
11.	Exhibit RHH2 - (Video Footage Available Separately)	E 34
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14.	Exhibit RHH4 - Cover Sheet	E 41
15.	EXHIBIT RHH4	E 42
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24.	Signed statement of John Slater-Kiernan - Shell Garage 11-05-22 (For Dudley)	E 52 - E 56
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F. SECTION F - Statements of Councillors, MPs, Residents and Business for Sandwell

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2.	Witness Statement of Donata Halasa (Sandwell) 10 06 22	F 2 - F 3
3.	Witness Statement of John Gallagher (Sandwell) 31 05 22	F 4 - F 5
4.	Witness Statement of Nicki Wellings (Wolverhampton) 11 06 22	F 6
5.	Witness Statement of Ronald Hill (Sandwell) 31 05 22	F 7
6.	Witness Statemet of Sheila Powell (Sandwell) 10 06 22	F 8 - F 9

G. SECTION G - Statements of Councillors, MPs, Residents and Business for Walsall

1.	Witness Statement of Simon Pearson (Walsall) 28 04 22	G 1 - G 2
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3.	Witness Statement of Julia Westwood (Walsall) 13 05 2022	G 5 - G 6
4.	Witness Statement of Lee Roden (Walsall) 21 05 2022	G 7 - G 8
5.	Witness Statement of Robert Norton (Walsall) 22 05 2022	G 9 - G 10
6.	Witness Statement of Ravdeep Khara (Walsall) 24 05 2022	G 11 - G 12

SCHEDULE B – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 18 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 22 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) Send physical copies of the documents to the address at paragraph 24 of this Order; and/or

(b) Send electronic copies of the documents to the e-mail address at paragraph 24 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).

¹ 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>

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 C – 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:

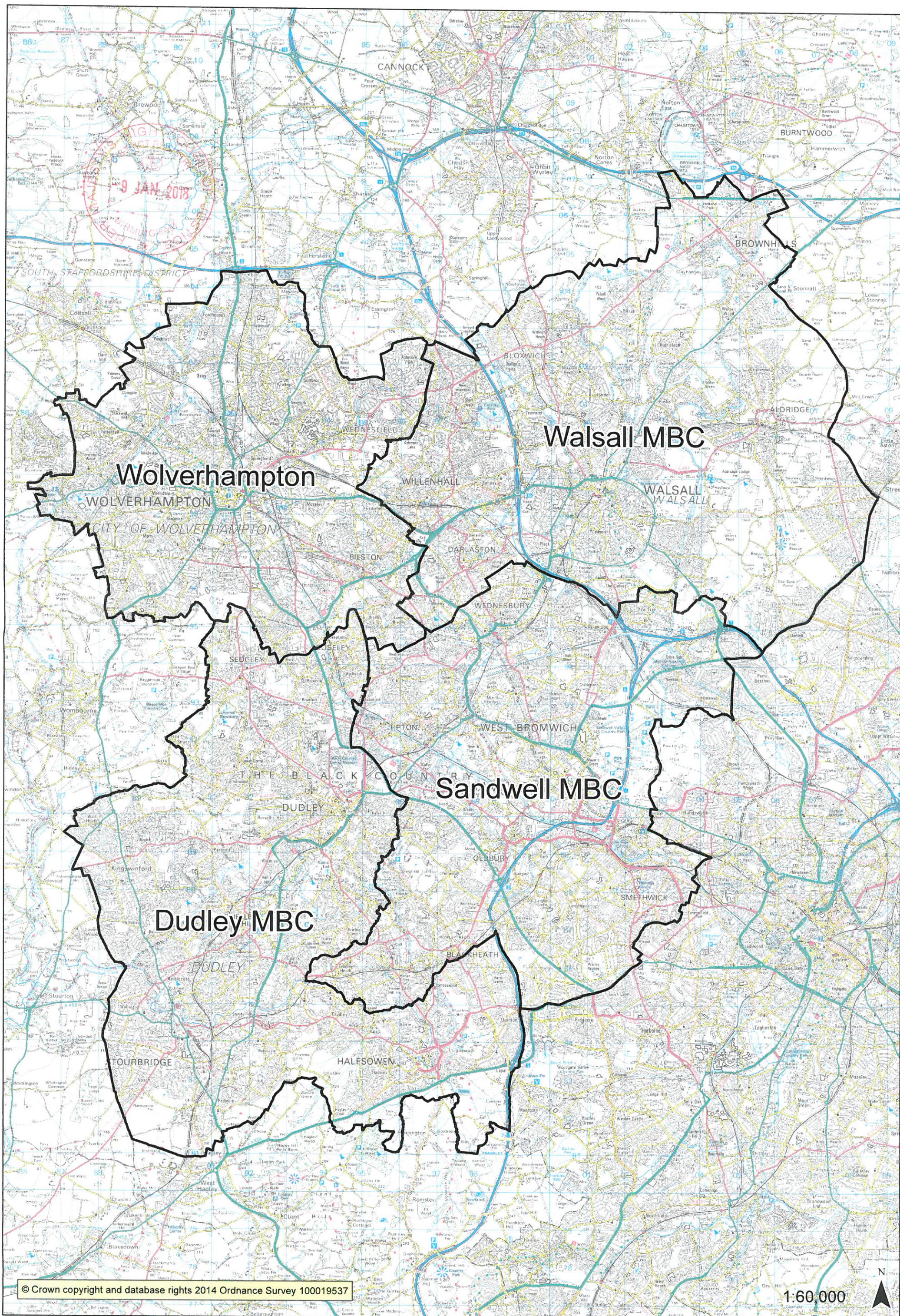
<https://www.supportthroughcourt.org>

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>



Wolverhampton

Walsall MBC

Sandwell MBC

Dudley MBC

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
(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

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

POWER OF ARREST

Under section 27 Police and Criminal Justice Act 2006

SEAL

The court orders that a power of arrest under section 27 Police and Criminal Justice Act 2006 applies to the following paragraph(s) of an order made on

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN

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

(Where marked * delete as appropriate)

2. **IT IS FORBIDDEN for the Defendants 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) at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.**
3. **IT IS ALSO FORBIDDEN for the Defendants 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**

Shall come into effect on 12.01 a.m. (00:01 hours) on _____ and shall continue until 11:59 pm (23:59 hours) on _____, unless it is extended, varied or discharged by further order of the court.

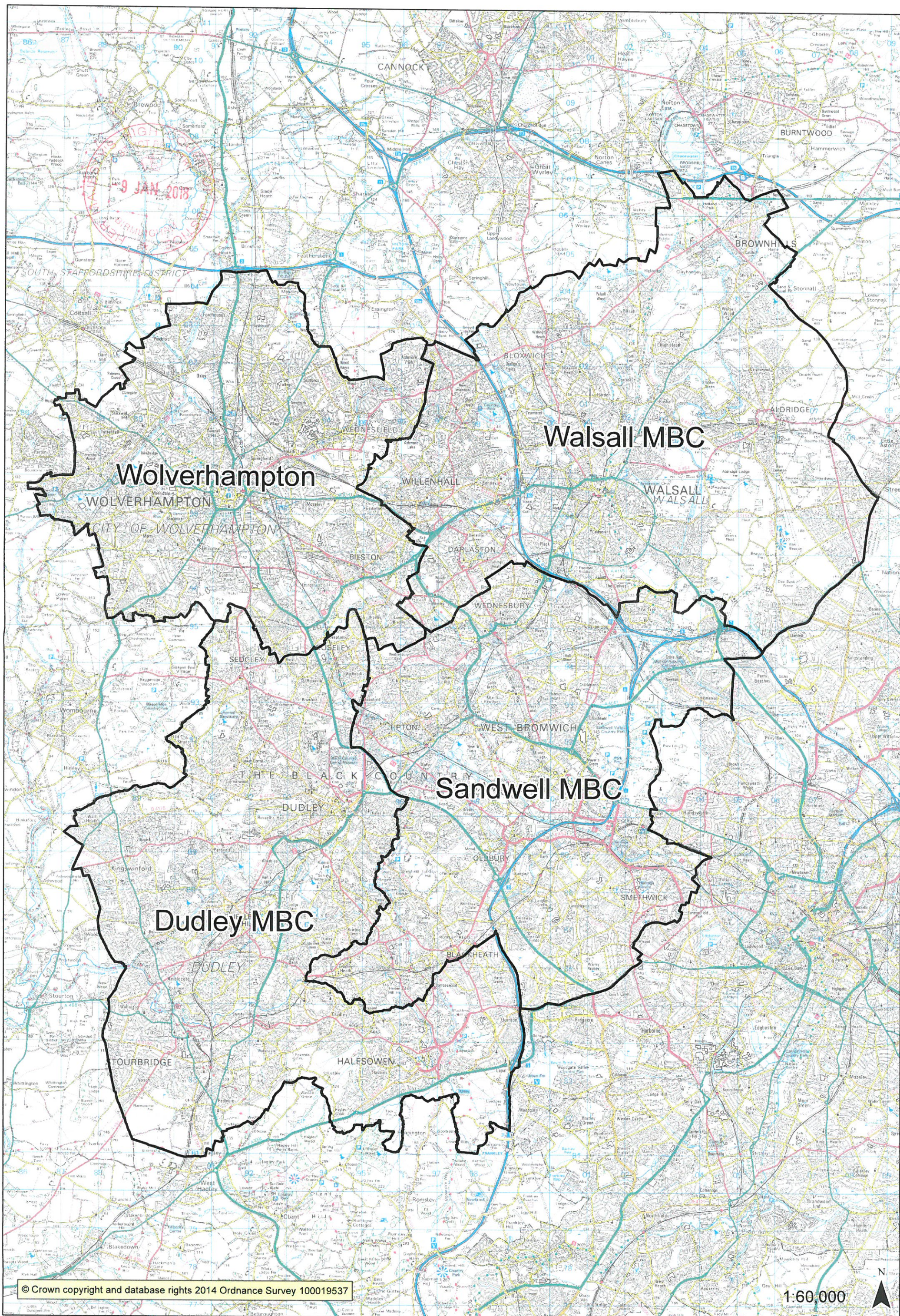
**Note to the
Arresting Officer**

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

On



Wolverhampton

Walsall MBC

Sandwell MBC

Dudley MBC

**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

WITNESS STATEMENT OF POLICE CONSTABLE MARK CAMPBELL

I, Mark Campbell, Police Constable 6018 of West Midlands Police currently stationed at Chelmsley Wood Police Station WILL SAY AS FOLLOWS:

1. This is my second 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 generally and is a statement I make specifically in support of the Claimants' application for an interim injunction to restrain the activity of street racing within the Black Country (December 2022).

2. I have been a Police officer for 25 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. I have been the West Midlands lead on this subject for approximately 3 years, and in that time. I have witnessed the organised approach that organisers take in facilitating such events. I have had a leading role in a number of different approaches to tackle the issues that street cruising causes.
3. On 9th December 2022 I provided a witness statement in respect of Birmingham City Council's 2022 application for an injunction to restrain street racing within the Birmingham City Council area (Claim no: KB-2022-BHM-000221). That particular statement was made by me in support of an application by Birmingham City Council whom I understood intended to apply for an urgent interim street racing injunction following a fatal road traffic incident in Oldbury, West Midlands (which falls within the Sandwell Metropolitan Borough Council Local Government area) late night on Sunday 20 November 2022. I exhibit a copy of that statement hereto marked as "**Exhibit MRC4**" for ease of reference.
4. In my profession opinion there is an urgent requirement for a Black Country and Birmingham interim Street Cruising injunction to be in place before Christmas, my concerns within my statement for Birmingham equally apply to the Black Country Borough Councils Application.
5. I fully understand that the Black Country Borough Councils now seek an urgent interim Street Cruising Injunction due to a double fatality road traffic collision, which occurred on Sunday 20th November in Oldbury, West Midlands. This double fatality was directly linked to an illegal street racing incident in Oldbury. The two individuals who were spectating were there to watch the street racing and the driver who caused the collision attended to take part in the cruise. This only highlights the real dangers caused by these activities and brings the untold tragedy to the forefront on everyone's minds. Had this illegal street cruising meet not taken place then the two individuals killed in the collision would still be alive. This tragedy is only too personal to me due to the fact that I knew one of the deceased. I had spoken to him on numerous occasions, he had also attended a diversionary/educational course that I run, which aims to highlighting the dangers of attending these meets
6. I can confirm I support and endorse the Claimant Black Country Borough Councils' application for urgent relief and consider the rise in incidents of car cruising with the Black Country and Birmingham areas of the West Midlands presents an imminent and significant risk of serious and possibly fatal injuries and significant nuisance for those affected areas. I also confirm responding to and dealing with the increase in street racing and street racing related activities is burdening already stretched police resources.
7. I am willing to attend court in this matter if required.

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

9 December 2022

Print name in full MARK CAMPBELL

For: Claimants
Statement of: Mark
Campbell
Statement no: 2
Exhibits: MRC4 – MRC4
Date: 9 December 2022

**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 MRC4

This is the document referred to as "**Exhibit MRC4**" in the witness statement of PC Mark Campbell dated 9 December 2022.

(1) Birmingham City Council
(2) Claimant
(3) Statement of Mark Campbell
(4) 3rd
(5) Exhibits”
(6) 9/12/2022

IN THE HIGH COURT OF JUSTICE Claim No: KB-2022-BHN-000221
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

In the matter of an application for an injunction under s.37(1), Senior Courts Act 1981, s.1, Localism Act 2011, s.222, Local Government Act 1972 and s.130, Highways Act 1980.

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**

Defendants

**WITNESS STATEMENT OF
MARK CAMPBELL**

I, Mark Campbell, of West Midlands Police, 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 claimant's application for an urgent interim Injunction in relation to Street cruising within Birmingham and in support of the Claimant's application for alternative service.
2. I have been a Police Officer for 25 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. This has become a growing issue over the last couple of years. I have been West Midlands lead on this subject for approximately 3 years, and in that time, I have learned how the organisers facilitate such events. I have had a leading role in a number of different approaches to tackle the issues that street cruising causes. For example, I have together with the West Midlands Fire service developed a diversionary/educational course, highlighting the dangers of attending street cruising meets and the ripple effect that takes place if a collision occurs. Operation Hercules team have been involved in executing a number of warrants on individuals believed to be involved in organising or promoting street cruising, these warrants have had an impact on some of the organisers, but this tactic need to continue due to other organisers coming to the forefront.
3. I make this 3rd statement further to my statements dated 24th October 2022 and 1st December 2022. I am duly authorised to do so.

Alternative Service

4. I was asked by Birmingham Local authority to advertise on the West Midlands Police social media pages this application for a High Court street cruising injunction to draw this application to a wide audience who may have an interest in street cruising and to enable them to attend court if they wished. West Midlands Police advertised the new application on West Midlands Police/ Birmingham Police Facebook and Twitter feeds on [DATE]. The Facebook post was viewed by 154 people and we received 95 comments.
5. In particular, the Facebook post brought the proceedings to the attention of the Fourth Defendant, Rashani REID, the contact details for whom the Local Authority nor the Police previously had. The Fourth Defendant telephoned the Police and spoke to me. He told me that he had viewed the West Midlands Police Facebook post and asked why his name had appeared as a defendant as he stated that he did not organise street racing. He was spoken to regarding the fact that he had previously admitted to organising static meets within a car park and he had previously been seen attending these meets. REID was informed that Birmingham Local Authority were applying for a new High Court Street cruising injunction. The very fact that REID read the West Midlands Facebook post only highlights the effectiveness of advertising on social-media.
6. As part of the "Operation Hercules" tactical plan of dealing with the Street cruisers/street racers we often use West Midlands Traffic Facebook page to advertise the Police's response to any illegal street cruising meets. Over the last two years it has become clear that a very large number of the street cruisers, who attend meets in the West Midlands follow the various West Midlands Police Facebook and Twitter accounts. On numerous occasions the Police

having had arrested someone in relation to street racing or seized a car for taking part in this illegal activity, posted about this on social media, and the post has received over 500 comments. On a few occasions the number of comments has reached nearly 1 thousand. A number of the comments or views were from individuals that the I personally recognise from either attending or promoting street cruising meets.

Interim Injunction.

7. In my profession opinion an interim injunction needs to be in place urgently and before Christmas.
8. On Sunday 20th November 2022, there was a horrendous road traffic collision in which two young individuals lost their lives and two other spectators were seriously hurt, one received life changing injuries. This double fatality was directly linked to an illegal street racing meet incident in Oldbury. The two individuals who lost their lives were spectating at the race and the driver, who was arrested at the scene admitted attending the meet, but to purely show his car. This reasons for the collision are still currently being investigated. No further details can be released.
9. These incidents, in combination with the incidents that I described in my first witness statement dated 24 October 2022 at paragraphs 10, 13 and 54, highlight the real dangers caused by street cruising and brings the untold tragedy to the forefront of everyone's minds. Had these illegal street cruising meets not taken place then those individuals killed would still be alive.
10. The fact that the two most recent street cruising events were held within such a short period of time of each other also suggests that the organisers are taking advantage of the fact that the previous street-cruising injunction is no longer in place.

11. The crash that happened on 20 November 2022 also highlights the need for the various approaches taken by the Police to combat street cruising to work in combination with an injunction. This tragedy is personal to me in that I knew one of the deceased. I had spoken to him on numerous occasions, and had also attended a diversionary/educational course that I run, which aims to highlighting the dangers of attending these meets. If an injunction had been in force on 20 November 2022, it is significantly less likely that the street cruise would have been organised, and therefore the now deceased would not have had the opportunity to attend.
12. The circumstances of these deaths is not just something that happens in the West Midlands area, but a number of deaths throughout the England directly result from illegal street cruising meets.
13. I am aware of three upcoming street racing meets. The first and second organised meets are due to be held on Friday 9th December 2022 and Saturday 17th December 2022 in Birmingham at an undisclosed location. These meets are organised via a number of regional groups and are expected to be well attended.
14. The third illegal meet I am aware of is due to take place on 26th December, this is an annual event and always attracts large numbers of vehicles to various locations in the Birmingham and West Midlands areas, including the areas proposed to be covered by the Black Country Injunction application. Last years' Boxing Day meet attracted in the region of two hundred vehicles. During the event, those cars raced each other along roads including the A38 Sutton by pass, A47 including Port Parkway and Heartlands Parkway. Futhermore, the event attracted large amounts of anti-social behaviour including criminal damage in a number of car

parks including Asda, Minworth where Christmas trees were set on fire with the flames from modified cars.

15. 2023 will no doubt attract even more street cruising events which again will no doubt turn into illegal street racing, causing untold dangers to not only the car racers themselves, the spectators, but also innocent members of the public.

16. The reason I feel so strongly about this is because I have been tackling the issue of illegal street cruising for a number of years, and it has been proved that not just one type of enforcement will stop this illegal activity, a multi-pronged response including a Street cruising injunction is required. The Police have used various tactics in order to reduce the sheer volumes of calls that the Police receive on a weekly basis and has had some success, however from speaking with a large number of attendees to the street racing I am often told "You will not stop this". In my experience, an injunction with a power of arrest enables the police not only to arrest individuals involved in a street cruising meet, thereby disrupting that meet, but also means that people disperse in order to avoid being arrested. This is a very powerful tool. At the moment the individuals involved still organise more meets and unfortunately lessons are not learned. I cannot state how important the obtaining of interim relief is due to this attitude.

17. I am willing to attend court to give evidence.

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 honest belief in its truth

Signed M.Campbell

West Midlands Police

Dated this 9th day of December 2022