

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

Claim No. KB-2022-BHM-000188

For Hearing 26 February 2026 at 10.30am (HHJ Emma Kelly)

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-

PERSONS UNKNOWN &
NAMED DEFENDANTS

Defendants

Written Submissions on behalf of
the Claimants

*References to the Bundle of Documents¹ filed on 24 February 2026 appear
in square brackets with page number followed, if appropriate, by para
number.*

*References to the Authorities Bundle² filed on 24 February 2026 appear in
square brackets prefixed with "Auth" with page number followed, if
appropriate, by para number*

¹ pdf page count 278 (final page F35)

² pdf page count 131 (final page A128)

Introduction

- 1 These Submissions are filed to address several issues likely to arise on the review hearing in this matter, listed on 26 February 2026.

Preliminary Issues

- 2 The Claimants position statement [A59-62] directed by Ritchie J on 26 February 2025 should now be before the court.

- 3 Two preliminary matters need attention:

- (1) Relief from sanctions for the late filing of the position/ witness statement; and
- (2) Discontinuance of the claim by the Second Claimant ('Dudley')

Relief

- 4 This is addressed at paragraphs 10 and 11 of the witness statement of Adam Janes Richard Sheen, dated 24 February 2026 [A6-14], filed in support of the application. The *Denton* criteria are set out and considered.

- 5 The court is respectfully requested to grant relief, if required.

Discontinuance

- 6 This is addressed at paragraphs 6 and 9 of the witness statement of Adam Janes Richard Sheen, dated 24 February 2026, filed in support of the application [A6-14].
- 7 As all other Claimants have consented, in writing, to Dudley discontinuing their claim CPR 38.2(2)(c) has been complied with.
- 8 Given the uncertain categorisation of Persons Unknown injunctions (interim; final; quasi-final) the Second Claimant seeks the court's permission, pursuant to CPR 38.2(1)(a)(i) to discontinue the claim.
- 9 It should be noted that none of the Named Defendants were joined as a result of committal proceedings brought by Dudley.
- 10 Should permission be granted the Second Claimant will serve every claimant and named defendant with a notice of discontinuance in accordance with CPR 38.3 and file a copy with the court. In order to serve the Persons Unknown copies will be placed on each claimants' website.
- 11 The wider issues arising from Dudley's discontinuance are considered in the "Review" section below.

Review

12 In his judgment in this matter on the first review Ritchie J considered how a review should operate *Birmingham CC v Persons Unknown* [2025] EWHC 1102 (KB) [Auth A113-128] at [43-70].

13 Further consideration was given to the approach to be adopted on review by HHJ Emma Kelly, sitting a Judge of the High Court, in *North Warwickshire BC v Defendants listed at Schedule A* [2025] EWHC 2403 (KB) [Auth A1-A14] at [12-13] where she stated:

12. The importance of a review hearing, particularly in cases involving persons unknown, was emphasised by the Supreme Court in *Wolverhampton City Council & others v London Gypsies and Travellers & others* [2023] UKSC 47

(“*Wolverhampton*”). At [225] the review hearing:

“...will give all parties an opportunity to make full and complete disclosure to the court, supported by appropriate evidence, as to how effective the order has been; whether any reasons or grounds for its discharge have emerged; whether there is any proper justification for its continuance; and whether and on what basis a further order ought to be made.”

13. A review hearing is not an opportunity to revisit the original merits of the claim afresh. The proper focus of the review is to consider whether anything material has changed since the injunction and power of arrest were granted. Material changes may be factual and/or developments in the law since the order was granted. If there has been a material change or changes, the Court needs to question whether the scope of the

injunction needs amending or indeed whether there remains a compelling need for any kind of injunction or power or arrest at all. Such an approach is consistent with the views expressed in a number of post-*Wolverhampton* cases including by Ritchie J in *HS2 v Persons Unknown* [2024] EWHC 1277 (KB) at [32]-[33], Hill J in *Valero v Persons Unknown* [2025] EWHC 207 (KB) (“*Valero*”) at [20]-[23], and Sweeting J in *Esso Petroleum Company v Persons Unknown* [2025] EWHC 1768 (KB) (“*Esso*”) at [5]-[8].

14 The following principles have been extracted.

The Valero Factors [Auth A121/44-A124/67]

(1) Cause of action.

The causes of action remain unchanged. The grant and operation of the Injunction were not contingent on Dudley being a party.

(2) Full and frank disclosure.

All Claimants have attempted to give full and frank disclosure, including but not limited to, the change in position by Dudley

(3) Sufficient evidence to prove the claim.

Please see the witness statements of Pardip Nagra [B1-B49], dated 2 February 2026 and PC Mark Campbell [B50-B55], dated 29 December 2025. These clearly indicate that while reduced the behaviour complained of remains a problem that requires effective suppression e.g. Nagra at [paras 6, 20, & 21] and Campbell at [paras 5, & 6]

(4) A compelling justification

The justification remains unchanged namely the need to protect the public from the obvious hazards associated with street racing.

(5) Damages are not an adequate remedy.

The position remains unchanged

(6) Identifying the Persons unknown

(7) The terms of the injunctions.

(8) The prohibitions must match the claim.

These matters have been the subject of judicial oversight and revision and it is submitted that:

- the current descriptions of the First to Fourth Defendants are satisfactory;
- the terms are tightly focused and confined to the offending behaviour, as are the prohibitions

(9) Geographic boundaries

A revised plan is attached to the application, which simply omits the local authority area of Dudley

(10) Temporal limits

- (11) Duration, I have just mentioned my concerns about this but currently the limits are appropriate

The proposed temporal limits and (subject to the application to restore the three-year term) duration remain unchanged. The need for the Injunction remains unchanged.

- (12) Service
- (13) A right to set aside or vary
- (14) Review

These matters are all provided for.

Requirements on Review [Auth 124/68]

15 At [68] Ritchie J stated

Next, I humbly cite my own judgment in *HS2 v Persons Unknown* [2024] EWHC 1277 at paragraphs 32 to 33:

"[32] Drawing these authorities together, on a review of an interim injunction against PUs," and I would add now on a review of a quasi-final injunction against PUs, "and named Defendants, the court is not starting **de novo**, the judges who have previously made the interim injunctions have made findings justifying the interim injunctions. It is not the task of the court on review to query or undermine those. However, it is vital to understand why they were made, to read and assimilate the findings, to understand the substrata of the **quia timet**, the reasons for the fear of unlawful direct action. Then it is necessary to determine, on the evidence, whether anything material has changed. If nothing material has changed, if the risks still exist as before and the

Claimants remain rightly and justifiably fearful of unlawful attacks, the extension may be granted so long as procedural and legal rigour has been observed and fulfilled.

[33] On the other hand, if material matters have changed, the court is required to analyse the changes, based on the evidence before it, and in the full light of past decisions, to determine anew, whether the scope, details and need for the full interim injunction should be altered. To do so the original thresholds for granting the interim injunctions still apply."

- 16 His analysis at [Auth 123/60] identified four factors:
- (1) Appropriate evidence
 - (2) Effectiveness
 - (3) Discharge
 - (4) Are there any other reasons or grounds for discharge to have emerged?
- 17 The evidence relied upon is set out in the witness statements of Pardip Nagra and PC Mark Campbell. This also demonstrates the effectiveness of the Injunction e.g. Nagra [B1-B49] at [para 5, PN1, 6, 8, PN2, 21, 22, & 2] and Campbell [B50-B55] at [3, 4, 7 & 11].
- 18 The proposed discontinuance of the claim brought by Dudley represents a material change and the court is required to analyse that change (see above).

19 It is respectfully submitted that so far as remaining Claimants are concerned “the original thresholds for granting the interim injunctions still apply.”

20 The removal of the Second Claimant from proceedings will have no effect on the operation and effectiveness of the Injunction in the other claimants’ local authority areas. Their need for the protection and benefit of the Injunction continues.

Duration of Injunction

21 This aspect is fully addressed in the witness statement of Adam Janes Richard Sheen, dated 24 February 2026, at paragraphs 12 to 19 [A11-A13], which are reproduced below for ease of reference.

12 The order granted by Julian Knowles J on 27 February 2024 was to expire at 11.59pm on 1 March 2027 (para 9). On the same day the learned judge made a similar order in the case of *Birmingham City Council v Nagmadin ats ors* (KB-2022-BHM-000221) which has been heard alongside this case. Julian Knowles J directed that the *Birmingham* order expire on 27 February 2027 (para 50).

13 The *Birmingham* case was also before the court on 26 February 2025 alongside this case. Ritchie J continued the *Birmingham* order without altering the term.

14 At no point during the hearing on 26 February 2025 was any alteration in the term of the Injunction in this case suggested. Further the matter is not referred to in the Judgment.

15. Indeed the order made by Ritchie J provided that the Power of Arrest should “remain in force until 23.59 on 1 March 2027” (para 5).
16. However, paragraph 9 of Ritchie J’s order provided:

“This Injunction and Power of Arrest shall, continue until discharged by further order of the court but shall expire after 14 months if it is not renewed.”
17. This would be 26 April 2026 (or possibly 4 May 2027 as the order was amended under the slip rule).
18. Having noted the alteration of the date the Claimants decided to raise the matter at this review hearing on 26 February 2026, at which time the Injunction and Power of Arrest would still be in force, rather than incur the expense of an additional hearing in the interim.
19. It is respectfully suggested that restoring the three-year term would enable the matter to remain linked to the Birmingham case saving court resources and that there does not appear to be any reason for the reduction in the term.

Conclusions

- 22 It is respectfully submitted that the existing injunction should continue on its present terms but that the term be restored to three years.

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Wednesday, February 25, 2026

