

O.R.D.E.R.**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
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**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT
REGISTRY**

16 Feb 2023

BIRMINGHAM

Claim no:

KB-2022-BHM-000188

KB-2022-BHM-000188

Claimants

WOLVERHAMPTON CITY
COUNCIL & OTHERS

	<p>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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Defendants	<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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Before the Honourable Mr Justice Freedman sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 6 and 13 February 2023

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

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

And Upon the Court having reconsidered the grant of the Injunction and Power of Arrest, following the grant of urgent interim relief by Order of the Honourable Mrs Justice Hill sealed on 22 December 2022, as directed by paragraph 5 of that order

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

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

And Upon the Court noting the order of the Honourable Mrs Justice Hill sealed on 22 December 2022 giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of: the Injunction and Power of Arrest sealed on 22 December 2022; and further evidence.

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

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

And Upon the Claimants 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:

Injunction in force

1 The Injunction and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, shall remain in force until the hearing of the claim unless varied or discharged by further Order of the Court.

2 There shall be the following further hearings set out below at which hearings the court will also hear applications in the case *Birmingham City Council v Persons Unknown KB-2022-BHM-000221*. For the avoidance of doubt this matter and *Birmingham City Council v*

Persons Unknown KB-2022-BHM-000221 have not been consolidated but raise similar issues.

- (1) A further review hearing (time estimate) 1 day before before a Judge of the High Court in a window between 15 May 2023 and 26 May 2023 (“The May Review Hearing”).
 - (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 Claimants shall file with the court a succinct report to inform the court of their experience with the publication, operation and enforcement of the Injunction Order, including for example, breaches, warnings or problems, if any arising out the extended order (including the Power of Arrest).
 - (d) The Claimants shall take like steps to those identified at paragraphs 5(1), (2), (3), (4) (6) & (9) below to publicise the date of such hearing.
 - (e) The Claimants have permission to file updating evidence not less than 7 days prior to the further review. Alternative service of any such evidence may be effected by taking like steps to those set out at paragraphs 5(1), (2), (3), (4) (6) & (9) below.
 - (f) At this hearing the court will consider:
 - (i) whether the Injunction and Power of Arrest should remain in force or be varied or discharged;
 - (ii) the nature of the hearing referred to below;
 - (iii) if known, the effect of the Supreme Court judgment in *Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others (Appellants)*;
 - (iv) appropriate directions for the hearing referred to below.
- (2) There shall be a final hearing or a further review hearing on a date and of a nature to be determined at The May Review Hearing in May 2023.

Definitions

3 In this Order the following definitions have been applied:

- (1) “the Injunction” means the Order of Hill J sealed on 23 December 2022.

- (2) “the Power of Arrest” means the Power of Arrest, sealed on 23 December 2022.
- (3) “the Interim Relief Application” - the Application Notice of 13 December 2022, including the draft Injunction Order referred to therein.
- (4) “the Alternative Service Application” – the Application Notice of 7 October 2022, seeking permission for alternative service of Claim Form.
- (5) “the Applications” – the Interim Relief Application, the Alternative Service Application and the application for a final injunction issued on 13 October 2022.
- (6) “the Documents”
 - (a) Notice of Hearing and a sealed copy of this Order
 - (b) Part 8 Claim Form;
 - (c) Particulars of Claim
 - (d) N16A application for an Injunction;
 - (e) Draft Injunction Order
 - (f) Draft Power of Arrest
 - (g) The Interim Relief Application;
 - (h) The Alternative Service Application.
- (7) “the Evidence” materials set out at Schedule A below.

Service by Alternative Method-Previous Order

- 4 Pursuant to CPR r.6.27 and CPR r.81.4 the steps that the Claimants have taken to serve: the Injunction and Power of Arrest; and further evidence in support on the Defendants shall amount to good and proper service of the proceedings on the Defendants and each of them.

Service by Alternative Method-This Order

- 5 The Court will provide copies of this Order to the Claimants’ solicitors (whose contact details are set out below) for service. 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 21 February 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 introduction of injunction and power of arrest by 23:59 on 21 February 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, this Order, the Documents and the Evidence and be updated by 23:59 on 21 February

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 21 February 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 23:59 on 21 February 2023.
- (7) Ensuring that the video previously uploaded to the video sharing website "YouTube" 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 13 February 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 21 February 2023.

- (8) 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 for car cruising activity stating "NEW HIGH COURT INJUNCTION PROHIBITING CAR CRUISING AND STREET RACING IN FORCE IN THIS AREA"
- (9) The Claimants shall request that West Midlands Police:
 - (a) post on their website and Instagram, Twitter, and Facebook accounts, a link to the media release.
 - (b) ensure that copies of the Injunction, Power of Arrest and this order are available at the front desks of their stations throughout the Black Country

Area.

Such requests to be made by 23:59 on 21 February 2023

- 6 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 5 have been complied with.
- 7 The Claimants shall file a witness statement confirming that the steps taken to effect service set out at paragraph 5, within 7 days of the final step being taken. If paragraph 5 has not been fully complied with the 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.

Further Case Management

- 8 Without prejudice to the foregoing, any person affected by the Injunction 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 at paragraph 14. 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.
- 9 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.
- 10 Any Defendant who fails to comply with paragraph 9 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.
- 11 The Claimants otherwise have permission to apply to extend or vary this Order or for

further directions.

Documents in the Claim and Application

- 12 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

- 13 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: kb.birmingham@justice.gov.uk T: 0121 681 4441
F: 01264 785 131
DX: 701987 Birmingham 7

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

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

Approved

Mr Justice Freedman

Dated: 16 February 2023

SCHEDULE A

Please see:

- (1) Material contained in the Bundle of Evidence in support of Application for an Injunction as set out at Parts, B, C, D, E, F, G, H, I and K of the attached Index
- (2) Witness statements of:
 - (a) Fifth witness statement of Paul Brown, dated 1 February 2023
 - (b) Sixth witness statement of Paul Brown, dated 3 February 2023
 - (c) Second witness statement of Adam Sheen, dated 3 February 2003

SCHEDULE B – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 8 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 13 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 14 of this Order; and/or

(b) Send electronic copies of the documents to the e-mail address at paragraph 14 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-rules/civil/rules/part08>

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