



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

Claim No. KB-2022-BHM-000188

14 Dec 2022

BIRMINGHAM

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

KB-2022-BHM-000188

B E T W E E N :-

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

Claimants

-and-

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

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

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

Defendants

ORDER

Before Her Honour Judge Emma Kelly sitting as a judge of the High Court, in the Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 14 December 2022

Upon the Claimants' application, by an Application Notice dated 7 October 2022, for directions and approving service in respect of 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 the Claimants having issued a further Application Notice, dated 13 December 2022, seeking urgent without notice interim relief but the same not being listed today

And upon reading the witness statement of Paul Brown dated 7 October 2022 filed in support of the application dated 7 October 2022

And upon the Claimants confirming that any Order in these proceedings is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted and such activities take place

And upon hearing Counsel for the Claimant at a hearing without notice to the Defendants

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 Part 6

IT IS ORDERED THAT:

Definitions

1 In this Order the following definitions have been applied:

- (1) “the Interim Relief Application” - the Application Notice of 13 December 2022, including the draft Injunction Order referred to therein.
- (2) “the Alternative Service Application” – the Application Notice of 7 October 2022, seeking permission for alternative service of Claim Form.
- (3) “the Applications” – the Interim Relief Application, the Alternative Service Application and the application for a final injunction issued on 13 October 2022.
- (4) “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.
- (5) “the Evidence” - materials set out at Schedule A below.
- (6) “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

2 Pursuant to CPR r. 6.15 and r.6.27 the Claimants have permission to serve the Claim Form, the Applications, the Documents and the Evidence on the Defendants by the alternative means set out at paragraphs 2(1) to 2(7) below.

- (1) Issuing a media release stating that a High Court Injunction and Power of Arrest have been applied for.

Such release must provide:

- (a) Details of the application and summarise the orders sought;
- (b) The deadline for filing an acknowledgement of service;
- (c) The date, time and location of the hearing of the Interim Relief Application;
- (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 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 Friday 16 December 2022.

- (2) Placing on the Claimants' social media including Twitter Facebook and Instagram links to the above media release regarding the Applications to the High Court for an injunction and power of arrest by 23:59 on Friday 16 December 2022.
- (3) Updating the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the application to the High Court for an injunction and power of arrest

<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

Such pages shall carry a direct link to:

- (a) The Documents;
- (b) The Evidence;
- (c) A Sealed copy of this order,

by 23:59 on Friday 16 December 2022

- (4) Ensuring that the home (or landing) page of each of the Claimants' main websites has a prominent direct link to the dedicated webpages referred to above.
- (5) Uploading to the video sharing website "You Tube", and the Claimants' websites and social media pages to include Instagram, Twitter and Facebook a video outlining:
 - (a) The nature of the applications and summarising the orders sought;
 - (b) The deadline for filing an acknowledgement of service;
 - (c) The date, time and location of the hearing of the Interim Relief Application;
 - (d) The Claimant's contact details;
 - (e) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
 - (f) Details of where and how copies of the Documents and the Evidence may be obtained.

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

The Claimants shall use their best endeavours to upload the video by 23:59 on Friday 16 December 2022 and in event it shall be uploaded by 23.59 on 21 December 2022.

- (6) Ensuring that copies of the Documents and the Evidence are available at the front desks of the Claimants' main offices by 23:59 on Friday 16 December 2022.
- (7) The Claimants' shall request that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts, a link to the media release. Such request to be made by 23:59 on Friday 16 December 2022

- 3 The Applications, Documents and Evidence shall be deemed served on the Defendants at 23.59 after the final step in paragraph 2 has been complied with.
- 4 The Claimants shall file a witness statement confirming that the steps taken to effect service set out at paragraph 2, within 7 days of the final step being taken. If paragraph 2 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. 6.15(2) & r. 6.27.
- 5 Any person who wishes to appear at the final hearing must file and serve on the Claimants an Acknowledgment of Service no later than 4pm on 20 January 2023.
- 6 The Interim Relief Application shall be listed for a face-to-face hearing on **20 December 2022 at 10.30 am** for before a High Court Judge sitting **at The Royal Courts of Justice, Strand, London WC2A 2LL.**
 - (1) Any request by a party to attend the hearing remotely shall be submitted by email to the Birmingham Diary Manager at birmingham.cty.dm@justice.gov.uk
 - (2) On 20 December 2022 the case shall be listed alongside but not consolidated with the case *Birmingham City Council v Nagmadin & others including Persons Unknown - KB-2022-BHM-000221*.
 - (3) The Claimants shall file (via CE-filing) revised draft orders setting out the relief sought at the hearing by 4.00pm on Friday 16 December 2022.

- (4) The Claimants shall liaise with the Claimant in claim number KB-2022-BHM-000221 to produce and file a joint bundle of authorities by 4.00pm on Friday 16 December 2022.

7 Costs in the case.

SCHEDULE A

Please see:

- (1) Attached Index to Bundle for Injunction Application (Parts B, C, D, E, F and G).
- (2) Witness Statement of Lisa Fox – 28/10/2020
- (3) Witness Statement of Rabinder Kaur – 3/11/2020
- (4) Witness Statement of Rachel Fanthom – 13/04/2021
- (5) Witness Statement of Jeffrey Differ – 27/10/2020
- (6) Witness Statement of Richard Hardy – 16/10/2020
- (7) Witness Statement of David England – 3/11/2020
- (8) Witness Statement of Hema Hayer – 27/10/2020
- (9) Witness Statement of Faye Willetts – 12/04/2021