

I. SECTION I - Supplemental Evidence Bundle as filed 14 December 2022

IN THE HIGH COURT OF JUSTICE
QUEEN’S BENCH DIVISION
(BIRMINGHAM DISTRICT REGISTRY)

CLAIM NO: 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

- (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

SUPPLIMENTAL EVIDENCE BUNDLE

BUNDLE

1.	Lisa Fox Statement	28-10-2020	p 1 - p 2
2.	Rajbinder Kaur Statement	03-11-2020	p 3 - p 4
3.	Rachel Fanthom Statement	13-04-2021	p 5 - p 7
4.	Jeffrey Differ Statement	27-10-2020	p 8 - p 9
5.	Richard Hardy Statement	16-10-2020	p 10 - p 11
6.	David England Statement	03-11-2020	p 12 - p 13
7.	Hema Hayer Statement	27-10-2020	p 14 - p 16
8.	Faye Willetts Statement	12-04-2021	p 17 - p 21

BUNDLE

- i) Statement of: Lisa Fox
- ii) Statement No: 1
- iii) For: Claimant
- iv) Dated:
- v) Exhibits:

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO: F90BM019

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

Respondents

WITNESS STATEMENT OF LISA FOX

I, Lisa Fox of [REDACTED]

WILL SAY AS FOLLOWS:

1. I am Lisa Fox of the address stated above.
2. This statement is in relation to the Road Racing Injunction which was made legal on 1st December 2014 and extended for a further three years on 9 January 2018. It is therefore due for renewal soon.
3. Prior to this injunction vehicles were constantly causing excessive noise and racing along the Black Country Route to the rear of my property. This was particularly prevalent on Sunday evenings into Monday mornings. This caused me to contact police to resolve the issue.
4. Since the introduction of this injunction, as well as active police action, I am pleased to say the problem has stopped and my family can sleep without the

anti-social disturbance. There was a period of racing activity for approximately three weeks during July – August 2020. However, since 7 August 2020 there have been no further issues with road racing along the Black Country Route.

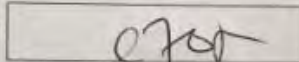
5. Therefore, I can say that the injunction has been a success and I provide my complete support for the continuation of this valuable piece of law to stop road racing in my area.

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.

Name of Claimant: Wolverhampton City Council

Signed



Date

28/10/20

Print name in full LISA FOX

- i) Statement of: Rajbinder Kaur
- ii) Statement No: 1
- iii) For: Claimant
- iv) Dated:
- v) Exhibits:

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO: F90BM019

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

Respondents

WITNESS STATEMENT OF RAJBINDER KAUR

I, Rajbinder Kaur of [REDACTED]

[REDACTED] WILL SAY AS FOLLOWS:

1. I am Rajbinder Kaur of the address stated above.
2. I make this statement in relation to the Road Racing Injunction which is in placed until January 2021 in Wolverhampton and the Black Country.
3. When the injunction was first imposed it had a big impact. There were far less cars racing and the excessive noise these vehicles were making was massively reduced. I would go as far as saying there were no cars, it was a though it never happened in the first place.
4. The injunction was extended in January 2018 for three years as it had such a positive impact.

5. Since March 2020 when the Covid-19 lockdown was first introduced there have been times when the car cruising has resumed. The noise is so loud and frightening I worry for the other road users in case there is an accident. The car cruising when it starts can go on for a number of hours well into the early morning. It affects my sleep pattern and can trigger my anxiety.
6. I would completely support a further extension to the injunction as in my opinion it is a success and deters the anti-social behaviour.

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.

Name of Claimant: Wolverhampton City Council

Signed

Rajinder K

Date

31/1/2020

Print name in full RAJBINDER KAUR

- i) Statement of: Rachel Fanthom
- ii) Statement No: 1
- iii) For: Claimant
- iv) Dated:
- v) Exhibits:

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO:

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

Respondents

WITNESS STATEMENT OF RACHEL FANTHOM

I, Rachel Fanthom, of Wolverhampton Homes, WILL SAY AS FOLLOWS:

1. I am employed by Wolverhampton Homes as an Anti-social Behaviour Officer; I have held this position for six years.
2. On Saturday 10th April 2021 at approx. 23:05 hours I entered the Black Country Route (A463) from Birmingham New Road (A4123). When I was approaching the first roundabout I saw a dark coloured car on the central reservation crossing area on my left which is Overfield Drive, outside the Elisabeth Arms pub.
3. At first glance it looked like the driver had lost control and had ended up in that position, however, it soon became apparent that it had actually been parked there on purpose as there were a few people surrounding the vehicle and were laughing and talking. The driver was behind the steering wheel and there appeared to be passengers in the vehicle too. I also noticed that there were 2

other cars parked on the other side of the road outside the entrance to the pub car park and they all seemed to know one another.

4. Upon entering the roundabout fully, I then saw approximately 5/6 cars on the other side opposite Overfield Drive, which is Anchor Lane; all were revving their engines and the headlights were on but weren't moving anywhere. I knew that they were not just driving from that direction as the only buildings on that road are industrial units and the waste recycling centre, none of which would be open at that time.
5. I proceeded straight over around the roundabout to continue on the Black Country Route and could then see on the opposite side of the carriageway that there were more cars parked up outside the car auctions building; there were approximately 7/8 that I could see again, all revving their engines and with their headlights on.
6. As I made my way along that stretch towards the next roundabout where B&Q, Springvale is, a green Audi came up alongside me and started revving as if they wanted me to race with them. I ignored them and continued as normal so they sped off in front of me onto the roundabout and beyond out of sight.
7. When I got to the roundabout at Bilston by the Fire Station, I took the first exit as was going to McDonalds drive thru. When I pulled onto the car park there it was as if it was the middle of the day with the amount of cars there and a queue for the drive thru. As I waited to get to the ordering booth, I could see groups of 3/4 cars leave together and then another 3/4 would enter, this would happen every few minutes. When I was then giving my order I could hardly hear the operative for the noise of the cars revving and beeping horns. When I finally got to the window to pay the girl there apologised for the noise and said that it is like that a lot with the cars going racing, although she said that that night had been particularly bad. I suggested to her that the store manager should notify the police if they felt that they were acting criminally or causing a nuisance.
8. Once I had collected my order I parked up on the Lidl part of the car park so as not to be by all of the cars that appeared to be altogether and so that I could consume my drink. In the 5 minutes that I was parked up, I observed in the region of 30 cars parked on the car park, headlights on, revving engines, some

beeping horns and some even driving recklessly around the car park. I did try and call 101 myself to report it but there was no answer so I gave up. Most of the vehicles had some kind of performance specification or modification but were a mixture of all different makes & models and even a couple of motorbikes there too.

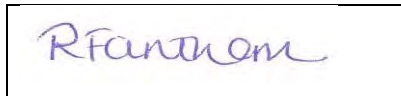
9. When I left the car park I decided to go a different way home so as not to get caught up in anything that was going on on Black Country Route so I went via Millfields Road instead. Even as I went that way I could see cars seemingly racing each other around the main Bilston roundabout and could hear cars further down the road too but could not see that far.

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.

Name of Claimant: Wolverhampton City Council

Signed



Date

13.4.2021

Print name in full RACHEL FANTHOM

- i) Statement of: J Differ
- ii) Statement No: 1
- iii) For: Claimants
- iv) Dated:
- v) Exhibits:

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO: F90BM019

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

Respondents

WITNESS STATEMENT OF JEFFREY DIFFER

I, Jeffrey Differ of [REDACTED], WILL SAY AS
FOLLOWS:

1. I am Jeffrey Differ of the address stated above.
2. I am giving this statement in regards to issues of anti-social behaviour caused by car cruising in and around the A41 and the Black Country New Road, Moxley.
3. Previously I have made impact statements in regards to this problem due to the fact the noise nuisance and the associated anti-social elements attributed to cruising have caused me to feel harassed.
4. I can state that when people attend the locality with the intention of cruising/racing, I struggle to sleep because of the noise of the engines/exhausts.

5. I can confirm that I am fully behind the renewing of the order prohibiting car cruising. I believe that renewing the order will save people's lives and allow residents to live a normal life not blighted by sleep deprivation.

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.

Name of Claimant: Walsall Metropolitan Borough Council

Signed



Date

27/10/20

Print name in full JEFFREY DIFFER

i) Statement of: R Hardy
ii) Statement No: 1
iii) For: Claimants
iv) Dated:
v) Exhibits:

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO: F90BM019

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

Defendants

WITNESS STATEMENT OF RICHARD HARDY

I, Richard Hardy of [REDACTED] WILL SAY AS
FOLLOWS:

1. I am the above named person and work at the above address.
2. I am making this statement in relation to the ongoing car cruising injunction that is currently in place in the Black Country area, including Wolverhampton, Walsall, Dudley and Sandwell and has been for some while.
3. As a business owner in Aldridge, Walsall, I am well aware of the issues that arise with car cruising as, in particular, the premises itself is situated on Brickyard Road, Aldridge, which is a common place for vehicles to drive at excess speeds and gather in masses in vehicles, playing loud music and generally being an annoyance to owners such as myself and customers alike.

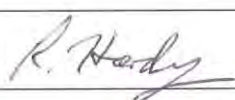
4. At times, the vehicles will take part in drag racing also as the road the premises is on is straight and well suited to this type of activity. This creates a dangerous proposition for both vehicles and persons taking part and also other road users as the estate is regularly used as a cut through to other main road routes in Aldridge and the Walsall Wood area.
5. I am aware that the car cruising injunction is coming up for renewal or extension and it is my view that the injunction should stay in place as the injunction has provided peace to a certain extent to me and other business owners.
6. Since the injunction has been in place I have seen a significant reduction of vehicle activity in Aldridge. I have noticed less noise, less anti-social behaviour in vehicles and I feel as though if the injunction were to be removed then this would invite such vehicles back to the area and the work that has already been done to minimise this problem would be undone.

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.

Name of Claimant: Walsall Metropolitan Borough Council

Signed



Date

16TH OCTOBER 2020

Print name in full RICHARD HARDY

i) Statement of: D England
ii) Statement No: 1
iii) For: Claimants
iv) Dated:
v) Exhibits:

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO: F90BM019

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

Respondents

WITNESS STATEMENT OF DAVID ENGLAND

I, David England of Warburton's Bakery, Moorcroft Drive, Wednesbury, WS10 7DE
WILL SAY AS FOLLOWS:

1. I am David England and work at the address stated above, Warburton's Bakery. I have worked at Warburton's bakery in Wednesbury for nearly 11 years and I am the currently health and safety executive with the company.
2. I have been fully aware of the car cruising injunction obtained by the four Black Country councils and the police which covers the area of Sandwell amongst other boroughs.
3. I have previously and still do have regular discussions with our drivers that come in and out of our depot twenty-four seven. I do this so that I can address any issues of safety which they may have, such as gatherings of car cruisers within the Hallens Drive and Patent Drive areas of Wednesbury that we used to have to endure in previous times.

4. We used to have issues of vehicles and pedestrians using the footpaths and the highway to observe other vehicles racing in tandem on the highway which caused obvious risks of injury and damage to our drivers and their vehicles when they had to access the bakery.
5. I make this statement in order to evidence that since the injunction we have had a very positive result in relation to a significant reduction in this type of activity in and around our bakery. I am not aware of any significant gatherings of such car cruising meets since when I made my last statement.
6. I maintain that without the continuance of the injunction then there will almost certainly be a return of large numbers of spectators and drivers attending the area in and around our bakery which would cause an increased risk to the health and safety to our staff members coming in and out of their work place. This would cause an increase in calls for the demand of the emergency services.

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.

Name of Claimant: Sandwell Metropolitan Borough Council

Signed



Date

3/11/2020

Print name in full DAVID ENGLAND

DAVID ENGLAND -

- i) Statement of: H Hayer
- ii) Statement No: 1
- iii) For: Claimants
- iv) Dated:
- v) Exhibits:

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO: F90BM019

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

Respondents

WITNESS STATEMENT OF HEMA HAYER

I, Hema Hayer of [REDACTED], WILL SAY AS
FOLLOWS:

1. I am Hema Hayer of the address stated above. I have lived at this address for the last 14 years with my husband and two boys. Our home is positioned on a housing estate on the other side of the canal from a road called Hallens Drive in Wednesbury.
2. Hallens Drive is a road that goes from the A41 dual carriageway in Wednesbury in a U-shape onto Patent Drive. This then ends again on the A41. In essence, this is a circular route which is now used as a race track by boy racers/car cruisers every Sunday night.
3. I would say that for 10 years all the time we have been living here we have experienced terrible noise and intimidation by these gatherings of racing cars.

It also used to be on a Saturday night but nowadays it's every Sunday evening.

4. I remember a few years ago after I gave a witness statement about car racing the council and police managed to obtain a car cruising injunction which covered Hallens Drive, Wednesbury as it is within Sandwell Borough Council.
5. When this injunction was granted it was fantastic! It made a huge difference to our lives. This was because we had experienced years of the regular racing on a Sunday night and it was lovely to not have this anti-social behaviour intimidating us.
6. The matter has been made worse because one of my sons suffers with migraines and this was aggravated by the sound of aggressive accelerating.
7. We actually were too intimidated to use that road network due to this activity; I refused point blank to drive through there, especially on a Sunday night. Once the injunction was policed on a regular basis the activity in Hallens Drive finished and we had our weekends back again.
8. However, the boy racers have progressively got worse over time. We had about 12 months of it being fantastic but then over another period of approximately 12 months it has progressively got worse again. I don't know why but it seems that it isn't policed as much as it used to be.
9. I am aware that the police have recently used drones to record this activity and other matters are being looked at regarding long-term solutions, but we had to contact the police recently due to cars racing each other.
10. We are very concerned that the car racing is going to return every Sunday evening again. We would then have to reconsider our position here as we have worked hard on our home, especially over the last 12 months or so.
11. The injunction has worked brilliantly, and I only hope that it will continue to be policed and also prosecute any attendees breaching it.

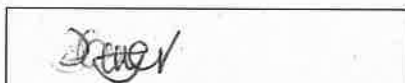
12. Ultimately, we want a long-term solution to make the area undesirable for car cruisers to attend. We know of several residents where we live that have experienced the anti-social use of these vehicles racing up and down causing a danger to other road users. They are all happy to give statements if needed.
13. I have also heard them setting off fireworks on Sunday evenings when they have been racing the cars. It has made me feel that I just can't go down that area, especially on Sunday evenings.
14. I just want to live in a safe place and feel comfortable in my own home at the weekend with my family. I don't want to feel the intimidation and vulnerability again.
15. We are prepared to help and support the council and police in order to help prevent the activity from becoming a regular problem again.

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.

Name of Claimant: Sandwell Metropolitan Borough Council

Signed



Date

27.10.20

Print name in full HEMA HAYER

Statement filed on behalf of: Dudley MBC
Statement of: Faye Willetts
Statement No: 1
Dated :
Filed:

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

CLAIM NO: A90BM228

BETWEEN:

- (1) WOLVERHAMPTON CITY COUNCIL
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL

APPLICANTS

- and -

PERSONS UNKNOWN

RESPONDENTS

WITNESS STATEMENT OF FAYE WILLETTS

IN SUPPORT OF RENEWAL OF CAR CRUISING INJUNCTION

I, FAYE WILLETTS, of [REDACTED] will say
as follows:-

1. I am Faye Willetts of the address stated above. I have lived at this address for 10 years along with my husband.
2. I am giving this statement regarding issues of anti-social behaviour caused by street racing along Manor Way (A456), Halesowen.

3. Manor Way, Halesowen, known as the A456, is a major route from Junction 3 of the M5 motorway towards Halesowen in the Dudley borough. Manor Way is a relatively straight dual carriageway with varying speed limits of between 70 and 40 mph.
4. My home is on one of the many housing estates close to Manor Way. Having lived here for many years, I am accustomed to a certain level of traffic noise from Manor Way. However, towards the latter part of Summer 2020 I noticed that the noise from Manor Way had increased considerably during weekend evenings, and in particular on a Sunday evening. It sounded like numerous individuals were engaging in road racing activities, revving engines and driving at very high speeds.
5. Although my view of Manor Way is restricted I am able to make out vehicle headlights and it is clear to me that individuals are using Manor Way as a race track, driving at very high speed and weaving in and out of other road users who are travelling at or below the legal speed limit. From the noise of the engines, I believe that the vehicles are racing along the dual carriageway between the island at J3 of the motorway and the Grange island approximately a mile further along Manor Way. These events appear to me to be organised as they occur so regularly and the vehicles generally arrive and leave together at the same time each week, between 8.30pm and 11pm.

6. Since the injunction lapsed at the end of January 2021, I have noticed that in addition to the weekend events, there have also been regular incidents whereby my husband and I are woken around 2am by the sound of vehicles racing along Manor Way. For example, during the week commencing 15th March 2021, we were woken by these activities on Monday, Wednesday and Sunday evening. On each occasion the racing has continued for around an hour and I believe that it stops only when the police turn up, having been called by my husband and other residents.
7. I am aware that numerous other residents living near to Manor Way have also experienced nuisance from the street racing activities. Last year we formed a resident's group to discuss the matter and report incidents to our local MP and police. I am aware that residents living on another road closer to Manor Way regularly experience nuisance from loud horns and fireworks but I have not personally heard these from my home. I am also aware that some residents have attempted to record the street racing and as a result have been threatened and abused by individuals involved. It has also been reported that the Shell Petrol Station on Manor Way is being used as a meeting point for these individuals and residents have reported seeing 'donuts' being performed on the forecourt. This is clearly concerning as if one of these stunts were to go wrong and the vehicle were to hit a petrol pump there could be a very serious risk of harm, not only to those involved but to innocent families using the petrol station.

8. The noise from this street racing is distressing to me as the loud engines/exhausts make it hard to relax or sleep. Many of the vehicles are modified as the sound of the engine revving is amplified and one vehicle backfires often which sounds like a gun going off. I am also concerned that there may be a crash due to the dangerous and high speed driving. This makes me on edge and anxious. Losing sleep on such a regular basis makes it hard to function at work and is extremely stressful. Due to the number of houses on the estates alongside Manor Way, I believe that these activities are potentially affecting up to 2000 people, particularly the more recent incidents occurring in the early hours of the morning when there is much less ambient noise and sound travels further.
9. I am also aware that racing is taking place on Lapal Lane South, which is a road off Manor Way leading up to the Woodgate Valley area – this is a winding single lane country road that passes through some residences but in particular a Residential Care Home. I understand the residents of the Care Home are being awoken on a regular basis because of this issue.
10. I can confirm that I am fully behind the renewing of the order prohibiting car cruising. I believe that if the order is not renewed these activities will become an even more regular occurrence and will ultimately result in someone being seriously injured or killed. It is also necessary so that

my family and other residents can live a normal life, not blighted by sleep deprivation and anxiety.

11. For the above reasons I fully support the renewal of this Injunction within Dudley and the Black Country.

12. I believe the facts stated in this statement to be true. I understand that proceedings for contempt 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.

Name of Claimant: Dudley Metropolitan Borough Council

Signed Date 12/04/2021

Print Name in Full : MRS. FAYE WILLETTS

Signature 

Faye Willetts

J. SECTION J - COURT ORDERS

IN JUNCTION

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:

KB-2022-BHM-000188



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>	<table border="1"> <tr> <td data-bbox="917 48 1122 1411">Defendants</td><td data-bbox="1122 48 1549 1411"> <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> </td></tr> </table>	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>
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>		

PENAL NOTICE

IF YOU THE WITHIN NAMED PERSONS, INCLUDING PERSONS UNKNOWN, DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY OF THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN

CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS 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 but informal notice of the Claimants application had been given

Before the Honourable Mrs Justice Hill sitting at, the Royal Courts of Justice, Strand, London, WC2A 2LL on 20 and 21 December 2022

Upon hearing Mr Singleton of counsel for the Claimants and without notice to the Defendants, but on informal notice having been given to the Defendants;

UPON the Claimants' applications, by

- (1) 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
- (2) a further Application Notice, dated 13 December 2022, seeking urgent without notice interim relief.

AND UPON the Court exercising 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 this Order and that a power of arrest should therefore be granted.

AND UPON the Court noting the order of Her Honour Judge Emma Kelly, sitting as a judge of the High Court, made on 14 December 2022 giving directions and approving service by alternative means pursuant to CPR r. 6.15 and r. 6.27 Claimants' Claim Form, Applications and the evidence in support.

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.

IT IS ORDERED THAT:

Injunction in force

- 1 IT IS FORBIDDEN** for any Defendant being a driver, rider or passenger in or on a motor vehicle 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.

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

- (1) “Burnouts” Causing a vehicle to damage or 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
- 2** A Power of Arrest pursuant to section 27 Police and Criminal Justice Act 2006 shall apply to paragraph 1 of this Order.

Definitions

- 3** 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 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
- (8) “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

4 Pursuant to CPR r. 6.15 and r.6.27, the steps that the Claimants have taken in compliance with the Order of Her Honour Judge Emma Kelly, sitting as a judge of the High Court, made on 14 December 2022 to serve the Claim Form, the Applications and the Evidence in support on the Defendants shall amount to good and proper service of the proceedings on the Defendants and each of them.

5 Personal service on the Defendants 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 5(1) to 5(9) 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; 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 23 December 2022

(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 23 December 2022.

- (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

https://go.walsall.gov.uk/black_country_car_cruising_injunction

Such pages shall carry a direct link to this Injunction Order, the Power of Arrest, the Documents and the Evidence and be updated by 23:59 on 23 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 23:59 on 23 December 2022.
- (5) Ensuring that copies of the Injunction and Power of Arrest are available at the front desks of the Claimants' main offices by 23:59 on 23 December 2022
- (6) Placing a copy of the Injunction and Power of Arrest (by Public Notice) in the Express & Star newspaper in the next available edition following the grant of this order. Such notice to be commissioned as soon as possible.
- (7) Uploading to the video sharing website "You Tube" and the Claimants' websites and social media pages to include Instagram, Twitter and Facebook, 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.

The video shall be uploaded by 23:59 on 23 December 2022

- (8) Causing 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

Erecting and maintaining official road signs (fixed, and temporary) throughout the Black Country Area in locations that are, or have been, hotspots car cruising activity stating "NEW HIGH COURT INJUNCTION PROHIBITING CAR CRUISING AND STREET RACING IN FORCE IN THIS AREA";

The electronic signage to be activated by 00:01 on 24 December 2022 and other signage by 23:59 on 20 January 2023.

- (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 and Power of Arrest are available at the front desks of their stations throughout the Black Country Area.

Such requests to be made by 23:59 on 23 December 2022

- 6 The Injunction, Power of Arrest, Documents and any further evidence (see paragraphs 9 and 12) shall be deemed served on the Defendants at 23.59 on the date upon which, in each case, the final step in paragraphs 5, 9 and 12 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.
- 8 Any person who wishes to appear at the hearing referred to at paragraph 11 below must file and serve on the Claimants an Acknowledgment of Service no later than 7 days before the hearing referred to at paragraph 11 below.
- 9 The Claimants may file and serve any updating evidence no later than 7 days before the hearing referred to at paragraph 11 below.

Commencement, Term and Duration

- 10 This Order and attached Power of Arrest shall come into force at **00.01 on 24 December 2022** and remain in force until the hearing of the claim unless varied or discharged by further Order of the Court.
- 11 This Order and attached Power of Arrest shall, be reconsidered at a further hearing at a time to be fixed on a **date to be confirmed between 1 February 2023 and 10 February 2023** at the Birmingham Civil Justice Centre, Priory Law Courts, 33 Bull Street, Birmingham B4 6DS before a Judge of the High Court with a time estimate of 1 day. This case shall be listed alongside, but not consolidated with the case of *Birmingham City Council & others v Persons Unknown* - KB-2022-BHM-000221.

- 12 Further, the Claimants shall file and serve, not less than 7 days before the return date, the following evidence:
- (1) Data analytics of the Claimants' web pages and social media posts used by the Claimants to effect service of the documents referred to at paras 2(2), (4) and (5) of the Order of Judge Emma Kelly dated 14 December 2022; demonstrating, where possible, how many hits each page/post has received
 - (2) Evidence of a like nature in relation to the Claimants' web pages and social media used by the Claimants to effect service of this Order and the attached Power of Arrest;
 - (3) Evidence of the steps that the Claimants have taken to notify persons against whom enforcement proceedings were taken in relation to the Injunction and Power of Arrest prohibiting street cruising granted by HHJ Owen QC on 1 December 2014 and renewed by HHJ McKenna on 9 January 2018 in *Wolverhampton & Others v Persons Unknown* [2014] (Claim No A90BM228) which was in effect from 2 February 2015 until 1 February 2021.
- 13 Service of updating evidence referred to at paragraph 9 above and data analytics evidence referred to at paragraph 12 may be effected by:
- (1) updating the dedicated pages of the websites of the Claimants referred to at paragraph 5(3) above) by adding a direct link to copies of the witness statements referred to; and ensuring that copies of the updating evidence are available at the front desks of the Claimants' main offices within the times prescribed by paragraphs 9 and 12.

14 Costs in the case

Further Case Management

- 15 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.

- 16 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.
- 17 The Claimants otherwise have permission to apply to extend or vary this Order or for further directions.

Documents in the Claim and Application

- 18 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

- 19 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

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

21 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: 22 December 2022

SCHEDULE A

Please see:

- (1) Attached Index to Bundle for Injunction Application (Parts B, C, D, E, F and G).
- (2) Attached Index to Supplemental Bundle for Injunction Application

SCHEDULE B – STEPS TO VARY OR DISCHARGE THIS ORDER

If 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 19 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 21 of this Order; and/or
- (b) Send electronic copies of the documents to the e-mail address at paragraph 21 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>

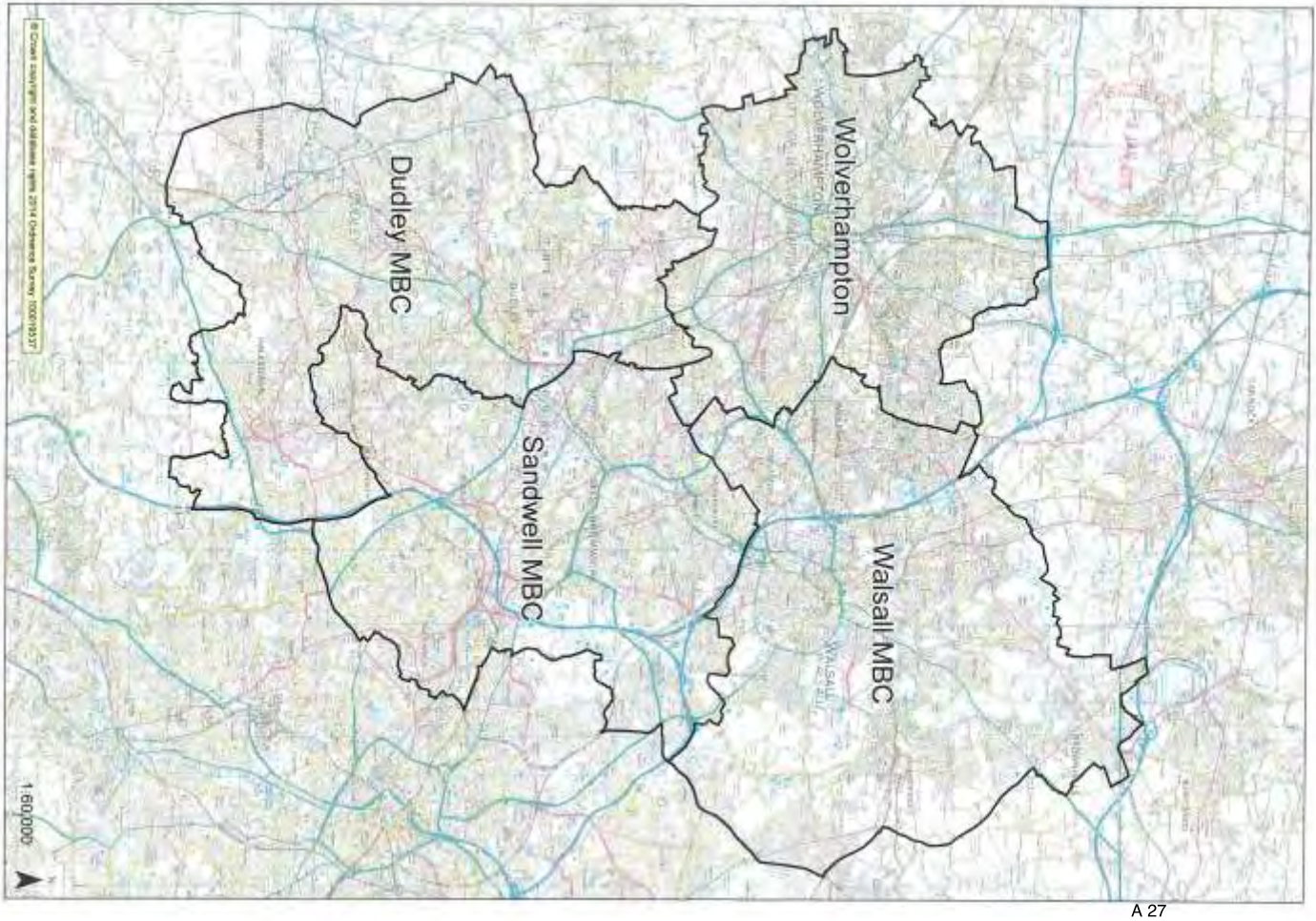
King's Bench Division Guide: <https://www.judiciary.uk/guidance-and-resources/kings-bench-division-guide-2022-2/>

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>

PLAN A



A 27

SCHEDULE A

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BETWEEN:

(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 of an order made on 22 December 2022

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)

IT IS FORBIDDEN for any Defendant being a driver, rider or passenger in or on a motor-vehicle 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

“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 24 December 2022 and shall continue until 11:59 pm (23:59 hours) on 21 December 2023 ,unless it is extended, varied or discharged by further order of the court.

WOLVERHAMPTON CITY COUNCIL & OTHERS v PERSONS UNKNOWN

**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:

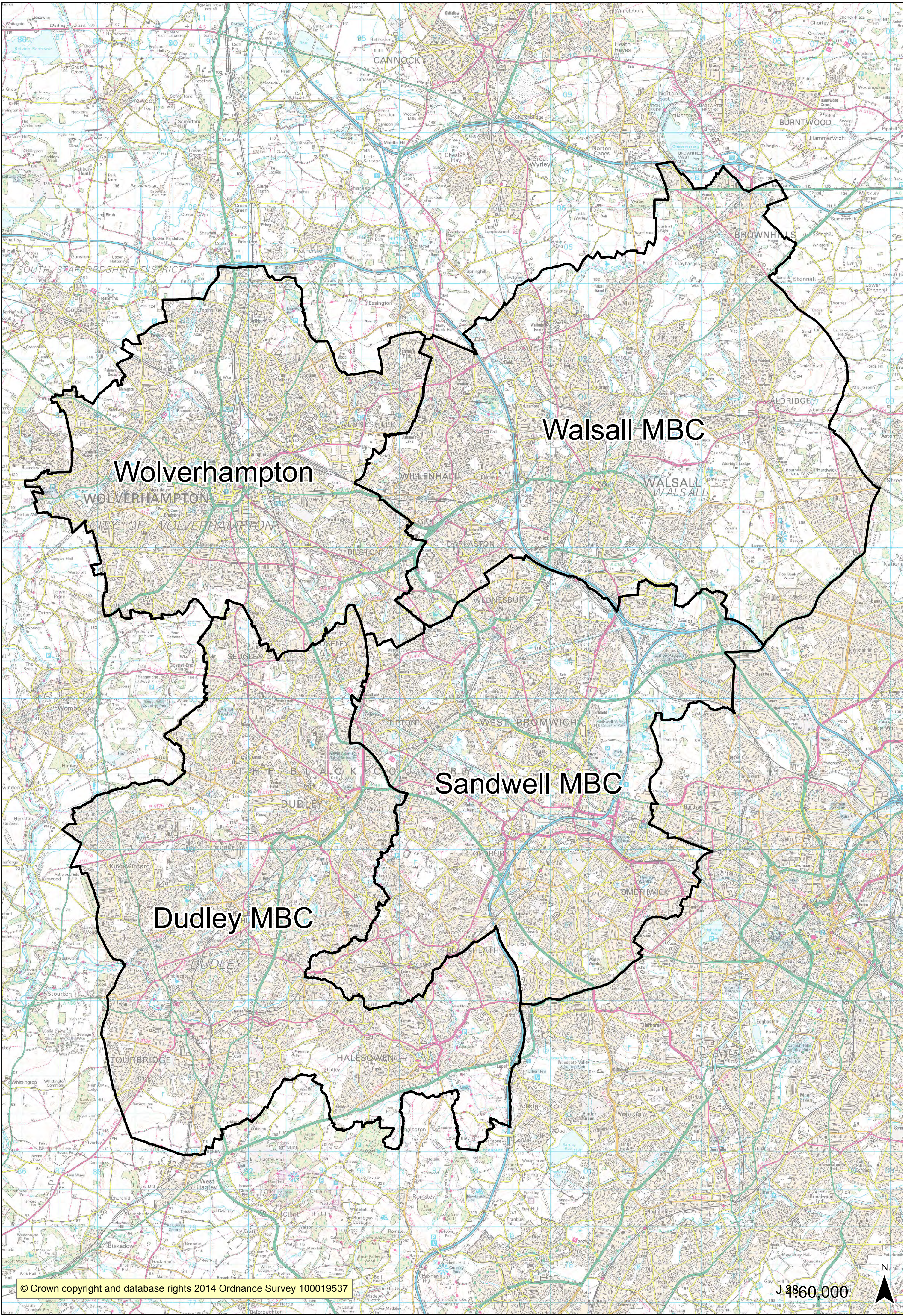
- A constable shall, after making such an arrest, forthwith inform the person on whose application the injunction was granted;
- Such person shall be brought before the relevant judge within 24 hours beginning at the time of his arrest; And if the matter is not then disposed of forthwith, the Judge may 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

The Honourable Mrs Justice Hill

On

22 December 2022



Wolverhampton

Walsall MBC

Sandwell MBC

Dudley MBC



If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

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IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY
[2023] EWHC 56 (KB)



Royal Courts of Justice
Strand
London, WC2A 2LL

Wednesday, 21 December 2022

Before:

MRS JUSTICE HILL

B E T W E E N :

No. KB-2022-BHM-000221

BIRMINGHAM CITY COUNCIL

Claimant

- and -

- (1) AHZI NAGMADIN
- (2) JESSICA ELLEN ROBERTS
- (3) ~~CASE WITHDRAWN~~
- (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

- (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 TWO 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 TWO 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 TWO 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

MR J MANNING and MS C CROCOMBE (instructed by Legal Services, Birmingham City Council) appeared on behalf of Birmingham City Council.

MR M SINGLETON (instructed by Legal Services, Wolverhampton City Council) appeared on behalf of Wolverhampton City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council and Walsall Metropolitan Borough Council.

THE DEFENDANTS did not appear and were not represented.

J U D G M E N T

(V i a M S T e a m s H e a r i n g)

MRS JUSTICE HILL:

INTRODUCTION

- 1 This is my judgment on two separate applications for urgent interim relief in the form of injunctions and powers of arrest. They were listed together before me on 20 December 2022 (yesterday), although the cases have not been formally consolidated.
- 2 The first application dated 9 December 2022 is made by Birmingham City Council. It relates to a Part 8 claim issued on 16 November 2022.
- 3 The second application, dated 12 December 2022, is made by Wolverhampton City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council and Walsall Metropolitan Borough Council, who together I shall refer to as “the Wolverhampton Claimants”. It relates to a Part 8 claim issued on 7 October 2022.
- 4 By both applications, the claimants seek injunctions to prevent “car cruising” or “street cruising” within their jurisdictions. These terms were described by Bean LJ in *Sharif v Birmingham City Council* [2020] EWCA Civ 1488 at [1] as referring to a:

“...form of anti-social behaviour which has apparently become a widespread problem in the West Midlands in particular.”
- 5 There is no statutory definition of car cruising or street cruising as far as I am aware, but it involves (to adopt the wording of the draft injunction in the Wolverhampton case) gatherings of two or more people where some of those present engage in motor racing, motor stunts or other dangerous or obstructive driving. Street cruises also attract participants who, whether or not they are taking part in the driving or riding, support or encourage others to do so, play loud music, rev their engines, show off their own cars, and engage in other similar antisocial activities. These activities are highly dangerous, having caused serious injury and, in some cases, fatalities. The activities taking place at these cruises are frequently unlawful.
- 6 In each of the cases before me, an urgent interim injunction did not form part of the initial application but recent events are said to mean such relief is necessary in the immediate future.
- 7 In the Birmingham case, the injunction is sought against six named defendants, as well as two categories of persons unknown.
- 8 The Wolverhampton case does not involve any named defendants. The injunction is sought against three categories of persons unknown.
- 9 I have been greatly assisted by the written and oral submissions from Jonathan Manning and Charlotte Crocombe, counsel for Birmingham City Council, and Michael Singleton, counsel for the Wolverhampton Claimants.

THE FACTS

The Birmingham claim

- 10 The evidence provided in the Birmingham claim was primarily in the form of several witness statements from Michelle Lowbridge, the council's antisocial behaviour manager, and PC Mark Campbell, the subject lead for Operation Hercules, which is West Midlands Police's tactical approach to street cruising. PC Campbell also exhibited various statements from residents and a local councillor describing the serious adverse impact of car cruising on their daily lives. He also exhibited a statement from a security guard at a supermarket in Birmingham who described how the car park is used as a meeting point for car cruises.
- 11 From this evidence, the particulars of claim, and the skeleton arguments the factual background to the Birmingham claim can be summarised as follows.
- 12 On 3 October 2016, HHJ Worster, sitting as a Judge of the High Court at Birmingham District Registry, made an injunction in almost identical operative terms to the ones sought in this claim with a power of arrest with effect from 24 October 2016. That order was extended by HHJ Rawlings on 22 October 2019 expiring on 1 September 2022.
- 13 The evidence suggests that the 2016 injunctions successfully disrupted the continuation of the problems of cruising in the Birmingham area. This meant that the problems faced by local residents, businesses and other road users were significantly reduced but not eliminated altogether. The Covid-19 pandemic and its accompanying restrictions further suppressed street cruising activity in the Birmingham area to some extent for a time.
- 14 As a result of decisions of the High Court in cases involving Traveller injunctions sought by other authorities, such as *London Borough of Enfield v Persons Unknown & Ors* [2020] EWHC 2717 (QB) and *London Borough of Barking and Dagenham & Ors v Persons Unknown & Ors* [2021] EWHC 1201 (QB), Birmingham City Council and the West Midlands Police stopped enforcing the injunction pending clarification of the law by the Court of Appeal.
- 15 The combination of the lifting of lockdown restrictions, the perception by street cruisers that the 2016 injunction was unenforceable due to the issues with the case law to which I have alluded, and then the expiry of that injunction on 1 September 2022, has, on the evidence, led to an increase in the number of calls to the police for assistance that is significant.
- 16 The evidence of PC Campbell, particularly his statement dated 24 October 2022, provided a clear explanation of the improvement in the quality of life that was experienced when the previous injunction was made and enforced, and to the problems that have now resurfaced. PC Campbell's evidence also explained why the other powers the police have sought to use to deal with street cruising have proven ineffective (see, in particular, his evidence at paras.52-53, pp.C72-C73 of the bundle).
- 17 On 14 January 2022, the Court of Appeal handed down its decision in *London Borough of Barking and Dagenham & Anor v Persons Unknown & Ors* [2022] EWCA Civ 13 holding, in summary, as follows:
 - (1) It is extremely undesirable for the court to lay down limitations on the scope of as broad and important a statutory provision as s.37, which is the main power under

which I am being asked to make this injunction and I will return to that shortly (see [72] and [120] *per* Sir Geoffrey Vos MR);

- (2) *South Cambridgeshire District Council v Gammell* [2006] 1 WLR 658 is authority for the proposition that where a persons unknown injunction is made, whether an interim or final order, a “newcome”r who breaches its provisions knowing of them becomes a party to the proceedings at that stage and can apply for the injunction to be discharged (see [30] and [82] *per* Sir Geoffrey Vos MR);
 - (3) This route to having the injunction reconsidered adequately protects the rights of such newcomer defendants as the court retains jurisdiction and supervision of such proceedings until the injunction comes to an end (see [92]);
 - (4) One of the premises of *Gammell* was that injunctions generally could be validly granted against newcomers in unauthorised encampment cases (see [99]);
 - (5) In *Ineos Upstream Ltd v Persons Unknown and others* [2019] EWCA Civ 515, the Court of Appeal held that there was no conceptual or legal prohibition on suing persons unknown who were not currently in existence but would come into existence when they committed the prohibited tort (see [94]);
 - (6) There is no reason why the court cannot devise procedures when making longer term persons unknown injunctions to deal with a situation in which persons violate the injunction and make themselves new parties and then apply to set aside the injunction originally violated as happened in *Gammell* itself (see [82]); and
 - (7) The Supreme Court decision in *Cameron v Liverpool Victoria Insurance Co Ltd (Motor Insurers’ Bureau Intervening)* [2019] UKSC 6 did not deal with these principles as they were not relevant to the case and did not disprove them.
- 18 The parties in these claims submitted that in light of the decision in *Barking and Dagenham*, the issue of service, while important in the usual way, is not a requirement that goes to the jurisdiction of the court to make an interim injunction against persons unknown, or, indeed, a final one.
- 19 Birmingham City Council took the view that despite this ruling, it was appropriate to apply for a fresh injunction with a power of arrest, not least given that the 2016 injunction only had a few months to run.
- 20 The witness statement of Michelle Lowbridge dated 13 October 2022 explained that the authority has considered its duties under the Human Rights Act 1998 and its public sector equality duty under the Equality Act 2010, s.149.

The Wolverhampton claims

- 21 The evidence provided in the Wolverhampton claims comprised overarching statements from Adam Sheen, a solicitor employed by Wolverhampton City Council with conduct of the applications; Pardip Nagra, team leader for Wolverhampton’s antisocial behaviour team; Chief Superintendent Ian Green, West Midlands Police Force lead for Operation Hercules; Paul Brown, communications manager for Wolverhampton; and PC Campbell.

- 22 Pardip Nagra's statement provided a summary of witness evidence from members of the public and businesses as well as the local authority leads across each of the four local authority areas within the Wolverhampton group and also exhibited relevant statements. As in the Birmingham claim, PC Campbell exhibited various statements from residents, a local councillor, and two MPs.
- 23 From this material and the other documents, the factual background to the Wolverhampton claims can be summarised as follows.
- 24 On 1 October 2014, HHJ Owen QC granted an injunction to restrain car cruising in the Wolverhampton area. This was renewed by HHJ McKenna on 9 January 2018. The original injunction was in force from 2 February 2015 until 1 February 2021. An application was made to further extend this order but that was adjourned following the first instance decision in *Barking and Dagenham*.
- 25 As with the Birmingham claim, the evidence in the Wolverhampton claims shows that the 2014 injunction caused or contributed to a substantial reduction in car cruising in the Wolverhampton area and the other areas within this group, and that the committal proceedings brought for breach of the original injunction served as a deterrent to persons contemplating car cruising. I note, in particular, the statements of Pardip Nagra, paras.32-42; PC Campbell, para.71; Pardip Sandhu, para.6; Steve Gittins, para.3; PS Plant and Jennifer Bateman, paras.11-14.
- 26 Again, the Wolverhampton Claimants' evidence show that there has been a marked increase in car cruising activity since the lapse of the 2014 injunction, and, again, I note the evidence of Pardip Nagra, paras.43-55, 59, and 70; PC Campbell, paras.72-73; Pardip Sandhu, para.13; Steve Gittins, paras.4-10; Jennifer Bateman, paras.,8-11; Margaret Clemenson, Richard Hubbard-Harris, and John Slater-Kiernan.
- 27 Like Birmingham City Council, the Wolverhampton Claimants recognise that the Court of Appeal's decision in *Barking and Dagenham* changed the legal landscape with respect to persons unknown injunctions and, accordingly, they also decided to make a fresh application for an injunction rather than attempting to amend or extend the 2014 one.
- 28 Mr Singleton informed me that no impact assessment has been carried out by his clients in accordance with the public sector equality duty. He submitted that there were no protected characteristics obviously engaged, nor is there a human right to drive in such a manner that deaths are caused.

THE PROCEDURAL HISTORY

- 29 The Birmingham claim is brought against six named defendants, one of whom has been anonymised. Each name defendant is someone known to have been involved in promoting car cruising. When the Birmingham case was issued, the claimants served the claim form personally on all the name defendants, save for one. Ms Lowbridge exhibited the relevant certificates of service in her witness evidence. The exception to this was Rashani Reid. No papers were left by the process servers in respect of him. However, the fact of the claim having been made had already been publicised on West Midlands's Police's Facebook page and Mr Reid saw information about it there. He then contacted PC Campbell.
- 30 Mr Manning informed me that Birmingham has made contact with the solicitor who represented several of those against whom contempt proceedings were brought arising out

of the original injunction to update them as to developments. Ms Lowbridge also explained in her evidence that on 1 December 2022, a letter was sent to 71 individuals who had been stopped as part of a police operation related to car cruising on 30 May 2020 to advise them of the proceedings. Mr Singleton informed me that prior to an application to renew the Wolverhampton injunction in early 2021, which was later adjourned as I have indicated in light of the developing case law, the Wolverhampton Claimants wrote to every alleged contemnor under the original injunction to update them. None of them expressed an interest in becoming involved in the proceedings.

- 31 On 7 December 2022, a hearing took place in the Birmingham case before HHJ Kelly, sitting as a Judge of the High Court in the Birmingham District Registry. On that date, the named defendant, albeit anonymised as “ABC”, attended the hearing. Mr Manning informed me that ABC indicated at the hearing that she was “reporting back” to the other name defendants. HHJ Kelly permitted certain amendments to the claim form at this hearing. The claimant had hoped to obtain an interim junction at this hearing but HHJ Kelly invited them to make an application for alternative service being aware that the Wolverhampton Claimants had, by this point, done so.
- 32 After the hearing, HHJ Kelly’s order was again served personally on the named defendants and they were made aware of the next hearing date of 14 October. On that date, a further hearing took place before HHJ Kelly this time involving both claims. Mr Reid and another named defendant in the Birmingham claim, Thomas Whittaker, attended. Mr Manning informed me that Mr Reid indicated his concern at his name being in the media, and Mr Whittaker expressed a concern at needing time off work to deal with the hearings. Both addressed the Judge and said that they did not want to be defendants.
- 33 On 14 December, HHJ Kelly made an order in each case permitting the claimant to serve the relevant documents on the persons unknown by alternative means pursuant to CPR 6.15 and 6.27. The relevant documents in each case were the claim form; the particulars of claim; the application for an injunction with a draft of the injunction order sought and the draft power of arrest; the interim relief application; the alternative service application; and the notice of the hearing on 20 December 2022.
- 34 The alternative means of service ordered by HHJ Kelly in each case were, in summary:
- (1) Issuing a media release to local print publications, radio stations, and websites;
 - (2) Placing information about the applications on the claimants’ social media accounts;
 - (3) Updating the dedicated pages on the claimants’ website about the injunction application;
 - (4) Ensuring that the homepage of the claimants’ main website had a prominent and direct link to the dedicated website;
 - (5) Uploading a video about the applications to YouTube and the claimants’ website and social media accounts;
 - (6) Making hard copies of the documentation available at the front desk at the claimants’ main office; and
 - (7) Requesting West Midlands Police to post information on their social media accounts.

- 35 These steps were to be undertaken by 23.59 on 16 December 2022, save that if it was not possible to meet that deadline with respect to the YouTube video, that was required to be uploaded by 23.59 on 21 December 2022.
- 36 The Court of Appeal had recognised in *Canada Goose UK Retail Ltd v Persons Unknown* [2020] 1 WLR 2802 at [50] that posting on social media and attaching copies of documentation at nearby premises would have a greater likelihood of bringing notice of the proceedings to the attention of defendants.
- 37 The methods of alternative service approved by HHJ Kelly are similar to those approved by Julian Knowles J in *High Speed Two (HS2) Ltd & Anor v Four Categories of Persons Unknown & Ors* [2022] EWHC 2360 (KB). At [22]-[23] of that judgment, he noted that the methods of service used by the claimants had been based on those which had been endorsed and approved by the High Court in other cases where injunctions were sought in similar terms to those in this application.
- 38 In the Birmingham case, HHJ Kelly also ordered that the claimant use best endeavours to post a link to the dedicated webpage on certain Instagram accounts known to be involved in promoting car cruising and to send private messages to the account holders if those accounts, again by 23.59 on 16 December 2022.
- 39 The orders also provided that (i) the relevant documents were deemed served on the defendants at 23.59 after the final step in the alternative service provisions had been complied with; (ii) each claimant file evidence of their compliance with the provisions for alternative service within seven days; and (iii) anyone who wished to appear at the final hearing should file and serve on the claimant an acknowledgement of service no later than 4.00 p.m. on 20 January 2023.
- 40 By a statement dated 19 December 2022, Paul Brown, communications manager in the communications team of Wolverhampton City Council, confirmed that all the alternative service provisions had been complied with in respect of the Wolverhampton Claimants, including the uploading of the YouTube video. It therefore appears that the final step in the completion of the alternative service steps in the Wolverhampton claims was the uploading of that video and assuming that that took place, as it appears to have done on 19 December, the effect of HHJ Kelly's order is that persons unknown, the persons unknown defendants, had been deemed served with the documents at 23.59 on 19 December 2022.
- 41 At the hearing on 20 December 2022, I was provided with an unsigned but approved statement from Ms Lowbridge in respect of the Birmingham claim, again confirming that all the alternative service provisions had been complied with, including the uploading of the YouTube video on 19 December 2020. Again, the effect of HHJ Kelly's order is therefore that the persons unknown defendants to the Wolverhampton claims are deemed to have been served with the documents at 23.59 on 19 December.
- 42 Mr Manning informed me that after the 14 December 2022 hearing, he had a discussion with both Mr Reid and Mr Whittaker and that they indicated that they might make written representations for consideration at the 20 December 2022 hearing. No such representations have been received.

THE URGENCY OF THE APPLICATIONS

- 43 The claimants submitted that the applications for interim relief were urgent due to the risk of fatalities or serious injuries at imminent car cruising events.
- 44 I was provided with evidence of incidents in Stevenage in July 2019, Warrington in April 2022 and Scunthorpe in September 2022, which gave a graphic illustration of the real dangers of car cruising involving, as they did, various fatalities and life changing injuries.
- 45 However, more pertinently, PC Campbell's evidence explained that on 20 November 2022, a fatal road traffic collision occurred in Oldbury, which is within the local authority area of one of the Wolverhampton Claimants, Sandwell. Two people who had been spectators at a car cruising event were killed. His evidence was clear that their deaths were directly linked to illegal street racing (see his witness statement dated 9 December 2022 at para.8).
- 46 Further, his evidence was that the police are anticipating an upsurge in car cruising events in the immediate future. In particular, there is a large car cruising event planned for 26 December 2022, Boxing Day, which according to para.14 of PC Campbell's 9 December 2022 statement is an annual event that is likely to attract a significant number of people. He explained that last year, it attracted in the region of two hundred vehicles and that during the event, cars raced each other along roads, including the A38 Sutton by-pass, the A47, including Fort Parkway, and Heartlands Parkway. He also explained that it attracted large amounts of antisocial behaviour, including criminal damage in a number of car parks, including that of the Asda in Minworth where Christmas trees were set on fire with the flames from modified cars. I accept that this evidence illustrates that there is a very real and substantial risk of death or serious injury in the coming days due to car cruising.
- 47 As I have already explained, the application for urgent interim relief has been served on the named defendants in the Birmingham claim and the effect of HHJ Kelly's order is that the persons unknown defendants have both been deemed served with it. Given the compressed time scale, there has not been three days between service of the applications and the hearing date. However, given the imminent risks of death or serious injury, I am satisfied that it is appropriate to determine the application in a period shorter than three days as permitted by the practice direction to CPR 23A(4.1). The same practice direction provides at CPR 3 that an application may be made without service in certain circumstances, namely where there is exceptional urgency and where the overriding objective is best furthered by doing so being two of them. To the extent that I am wrong in my analysis as to whether the applications have been served on the persons unknown, I am satisfied that both these conditions in CPR 23A(3) are met such that it is appropriate for me to determine the applications at this stage.

SUBMISSIONS AND DISCUSSION

- 48 Under the Senior Courts Act 1981, s.37:

“(1) The High Court may by order (whether interlocutory or final) grant an injunction ... in all cases in which it appears to the court to be just and convenient to do so.”

The ‘B&Q’ and ‘Bovis’ criteria

- 49 These applications are for precautionary, or in the Latin *quia timet*, relief to prevent future car cruises. The claimants submit that the evidence clearly shows that car cruising will

happen if not restrained. The claims are put on the basis that car cruising is a public nuisance, namely a nuisance which:

“...materially affects the reasonable comfort and convenience of life of a class of His Majesty’s subjects...” (*Attorney General v PYA Quarries* [1952] QB 169 at [184])

- 50 The claimants have various powers enabling them to bring proceedings to restrain such a nuisance. The principal power relied upon is the Local Governments Act 1970, s.222. This provides that a local authority may bring civil proceedings in its own name where it considers it:

“...expedient for the promotion or the protection of the interests of the inhabitants of its area.”

- 51 As to this power, in *Stoke-On-Trent City Council v B and Q (Retail) Ltd* [1984] 1 Ch 1 at 23B, Lawton LJ observed 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.”

- 52 In *City of London Corp v Bovis Construction Ltd* [1992] 3 All ER 697, the Court of Appeal considered an injunction granted under s.222 to tackle nuisance caused by noise. Bingham LJ said this at [714]:

“The guiding principles must I think be:

(1) that the jurisdiction is to be invoked and exercised exceptionally and with great caution...;

(2) that there must certainly be something more than mere infringement of the criminal law before the assistance of civil proceedings can be invoked and accorded for the protection or promotion of the interests of the inhabitants of the area: see the *Stoke-on-Trent* case at 767B, 776C, and *Wychavon District Council v Midland Enterprises (Special Events) Ltd* (1986) 86 LGR 83 at 87; and

(3) that the essential foundation for the exercise of the court’s discretion to grant an injunction is not that the offender is deliberately and flagrantly flouting the law but the need to draw the inference that the defendant’s unlawful operations will continue unless and until effectively restrained by the law and that nothing short of an injunction will be effective to restrain them...”

- 53 The claimants also have a duty under the Highways Act 1982, s.130, to assert and protect the rights of the public to the use and enjoyment of the highway which is reinforced at s.130(5) by the power to institute proceedings. In addition, they have a power under the Localism Act 2011, s.1, to do anything that individuals with full capacity generally may do

in any way whatever and unlimited by the existence of any other power of the authority which to any extent overlaps with the general power.

- 54 Based on the evidence provided by the claimants, I am satisfied not only that those who engage in car cruising deliberately and flagrantly flout the law but that they will continue to do so unless and until effectively restrained by the law and that nothing short of an injunction will be effective to restrain them. Noting that the injunction jurisdiction is to be involved and exercised exceptionally and with great caution, I am satisfied that those elements of the *Bovis* test are met.
- 55 I am fortified in that finding by the observation of Bean LJ in *Sharif* at [42] about the 2016 Birmingham car cruising injunction to the effect that:
- “Judge Worster and Judge McKenna were well entitled to conclude, in the words of Bingham LJ’s third criterion in *Bovis*, that car cruising in the Birmingham area would continue unless and until effectively restrained by the law, and that nothing short of an injunction would be effective to restrain them. I regard this as a classic case for the granting of an injunction.”
- 56 It is a feature of these applications that they seek borough-wide injunctions. In *Bromley LBC v Persons Unknown & Others* [2020] EWCA Civ 20 at [102]-[108], the Court of Appeal, while holding that borough-wide injunctions will be difficult to justify against travelling communities due to the specific duties owed by public authorities to those communities, it did not address such orders nor suggest that the principles there should apply to other types of application, or that such orders would always be inappropriate or disproportionate.
- 57 It was submitted to me in writing that in these cases, borough-wide orders are sought but only in circumstances where criminal and dangerous behaviour has been committed and where the rights of a specific community are not engaged in any similar way to the traveller cases. I accept those submissions.
- 58 It is also relevant that these are not cases in which a private business seeks to protect its commercial interests. Rather, they are claims by elected local authorities seeking to discharge their statutory duties. Such claims are within the category of claims in which an injunction can be issued against the whole world as in *Venables v News Group Newspapers Ltd* [2001] Fam 430 to which the Court of Appeal referred in *Barking and Dagenham* at [75].
- 59 I agree that the orders sought are necessary and proportionate subject to what I shall say shortly about compliance with the *Canada Goose* criteria as there is no other means of effectively protecting the local people referred to in the various jurisdictions of the local authority claimants. It is relevant that courts have previously considered these issues on two occasions and concluded that any interference with the rights of the defendants were justified and proportionate. It is right to note that none of the human rights even potentially in play are absolute and all may be interfered with in pursuance of a lawful aim where such interference is necessary in a democratic society. The protection of health, the prevention of crime and disorder, and the protection of the rights and freedoms of others are legitimate grounds for seeking and granting the orders sought, and they help illustrate the necessity and proportionality of them.

- 60 I have also considered the fact that in *Birmingham City Council v Shafi* [2008] EWCA 1186; [2009] 1 WLR 1961, the Court of Appeal held that where an antisocial behaviour order (an “ASBO”) was available under the Crime and Disorder Act 1998, it would usually be inappropriate for the court to exercise its discretion to grant an injunction against named defendants if the procedure described by that Act was not used but, instead, an application was made under s.222. This is because the 1998 Act was considered to contain safeguards such as the requirement to prove allegations to the criminal standard of proof for defendants that were not present in the 1972 Act, i.e. in ordinary civil proceedings. However, in *Sharif* (to which I have already referred), the Court of Appeal held that *Shafi* was not relevant to and did not prevent the grant of an injunction under s.222 to restrain car cruises. For completeness, I should note that Mr Manning advanced in writing several other persuasive reasons of principle to the effect that *Shafi* is no longer good law and/or is distinguishable, and I agree with and adopt those submissions.

The ‘Canada Goose’ requirements regarding persons unknown

- 61 The fact that some of the defendants to the Birmingham claim and all of those in the Wolverhampton claims are persons unknown means that further important matters need to be considered. The guidelines set out for the Court of Appeal in *Canada Goose* at [82], endorsed again by the Court of Appeal in *Barking and Dagenham*, in respect of persons unknown are as follows:

“(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.

(3) Interim injunctive relief may only be granted if there is a sufficiently real and imminent risk of a tort being committed to justify [precautionary] relief.

(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.

(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. We shall elaborate this point when addressing Canada Goose's application for a final injunction on its summary judgment application."

I address each of these criteria in turn.

Criteria 1 and 2

62 In the *Canada Goose* case, the court was concerned with protestors but the principles apply to car cruises. The categories of defendants in these cases have been fashioned in accordance with the *Canada Goose* guidance with the aim of ensuring that the injunction against persons unknown identifies the persons who are bound by it. That is why the claimants no longer seek an order in identical terms to those originally provided, which simply describe the defendants as persons unknown without reference to the activity which would turn them into the defendants.

63 The Birmingham persons unknown defendants are defined as follows:

"(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."

64 The Wolverhampton defendants are defined as follows:

"(1) Persons unknown who participate between the hours of 3.00 p.m. and 7.00 a.m. in a gathering of two or more persons within the Wolverhampton 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 same hours in a gathering of two or more persons within the Wolverhampton area as 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. where two 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 Wolverhampton area shown on Plan A (attached).”

65 In my judgment, these definitions meet the *Canada Goose* requirements.

Criteria 3

66 This refers to the sufficiently real and imminent risk of a tort being committed to justify precautionary relief.

67 I am satisfied that this test is met on the basis I have already referred to which shows that car cruising is a public nuisance, that there is a real and immediate risk of car cruising occurring in the future and thus further instances of this tort of public nuisance. In light of this and the fact that this type of public nuisance poses a very real and substantial risk of death or serious injury as described by PC Campbell, I consider that precautionary relief is, in principle, justified.

Criteria 4

68 This requires that the defendants being subject to the interim injunction must be individually named if known and identified, and if not, must be capable of being identified and served with the order, if necessary by alternative service.

69 As to this criteria, similar considerations to service of the documents considered by HHJ Kelly on 14 December would arise with regard to service of any interim injunction. The parties have accepted that the need for a newcomer to be made aware of the injunction requires greater procedural safeguards and publicity.

70 The draft orders therefore provide that any interim order would be publicised by all of the methods of alternative service approved by HHJ Kelly. In addition, the claimants have made provision within the draft orders for the use of physical and/or electronic road signs at various key points in their geographical areas to further publicise the existence of the order.

71 During yesterday’s hearing, I pressed counsel for the Birmingham claim as to how quickly their signs could be updated with information about any interim injunction made. It is anticipated that this could be done by around 10 January 2023. My understanding is that the Wolverhampton Claimants use electronic signs as well as physical ones and changes could be made to their electronic signs in a shorter period with their physical signs being changed shortly thereafter.

72 In my judgment, the combined effect of the alternative service provisions authorised by HHJ Kelly and the road signs I have just referred to mean that effective notice of the injunction can be given to persons unknown.

73 So far as it is relevant, CPR 81.4 now provides as follows:

“(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...”

- 74 All the methods of notice I have referred to are set out in the draft orders. I accept the submission that the notice provision should achieve the joint aims of ensuring that knowledge of the injunction is widely disseminated throughout the claimants’ local authority areas and protecting any newcomers from committal proceedings where they have unknowingly breached the order. It is envisaged that the injunction would not come into force until the claimants have complied with all the steps provided for in the order and, accordingly, this element of the *Canada Goose* requirements is met.

Criteria 5 and 6

- 75 Birmingham City Council sought both an interim and final injunction that would prohibit “mere” participation in the gathering of a car cruising event. It was argued that this was appropriate because these events take place at night in places to which the law abiding public do not usually go except as users of the highway trying to pass through. It was said that the court should not show undue consideration for those who gather to encourage antisocial behaviour and that there is no other proportionate means of protecting the rights which the claimants seek to protect. In particular, Mr Manning contended that the evidence shows that spectators are a major part of the problem and that their presence encourages the drivers and causes very considerable risk to their own and others’ safety. He emphasised in further submissions today that several of the recent serious incidents have involved spectators being killed or injured.
- 76 The Wolverhampton Claimants sought an interim injunction on a narrower basis than their final injunction application. For interim purposes, they sought to injunct direct participation in car cruises by those who are drivers, riders, or passengers only.
- 77 In my judgment, it is appropriate at this interim stage to limit both injunctions to those who are drivers, riders, or passengers for the reasons advanced by Mr Singleton, namely bearing in mind the time constraints and the requirements for service and notice.
- 78 Further, the Wolverhampton draft order made clear on its face that it was 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 license from a recognised regulatory body. Counsel for Birmingham agreed to add such a provision to his draft and, in my judgment, this is appropriate to assist further in ensuring that the parameters of the injunction are well understood.

- 79 After further discussion in submissions today, Mr Manning was content to remove from his draft in the Birmingham case wording containing certain sub-clauses around supplying or using illegal drugs, public urination, shouting, swearing, and abusing others. While these activities do happen at car cruises, he accepted they did not meet his own “bare minimum” test which was appropriate given the interim stage of these proceedings.

Criteria 7

- 80 This relates to the need for clear geographical and temporal limits. I am satisfied that these requirements are met. Both draft orders have clear geographical limits as are illustrated by the maps and plans at schedule 1 of the draft Birmingham order and plan A appended to the draft Wolverhampton order. Both claimants are content to work towards a prompt return date in early February 2023 shortly after the 20 January 2023 deadline HHJ Kelly set for any acknowledgements of service.
- 81 Pulling all of these threads together, I am satisfied that all of these factors mean that it is appropriate to make the interim injunction sought.

THE POWER OF ARREST SOUGHT

- 82 The Police and Justice Act 2006, s.27, provides in material part that if the court grants an injunction which prohibits conduct which is capable of causing nuisance or annoyance to a person, it may, if ss.(3) applies, attach a power of arrest to any provision of the injunction.

- 83 Paragraph(3) provides that:

“This subsection applies if the local authority applies to the court to attach the power of arrest and the court thinks that either—

- (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or
- (b) there is a significant risk of harm to the person mentioned in that subsection.

This power is triggered by the fact that the application has been made under s.222.

- 84 The claimants submitted that a power of arrest is needed to provide an effective means of enforcement for the injunction if granted as, in short, the paper committal procedure would not enable police to deal with the problems by arresting participants at the scene and bringing them before the court. Moreover, it was said that the paper procedure is lengthy and depends on the authority knowing the names and addresses of those taking part. Without being able to identify the names of participants and to locate them, paper applications for committal are likely to be impossible to prosecute.
- 85 I accept the claimants’ submission that a power of arrest sought is appropriate noting that it is limited to those who are the direct participants in street cruises through being riders, drivers, or passengers. These activities not only cause a nuisance or annoyance to members of the general public but also pose a significant risk of harm to them for the purposes of s.27(3)(b).

FURTHER CASE MANAGEMENT DIRECTIONS

- 86 The draft orders will make provision for a prompt return date in early February 2023. They will include a requirement for each claimant to file evidence as to their compliance with the various methods by which the interim injunction is to be publicised.
- 87 In respect of the alternative service provisions, I expressed my concerns during yesterday's hearing that although evidence had been provided to the effect that the relevant documents have been uploaded to websites and publicised on social media channels, etc, there is no evidence yet available as to how many times the relevant news items have been viewed, how many times social media posts had been shared, etc. This type of data analytics evidence had been provided to Julian Knowles J in *HS2* before he made the final injunction (see [224]-[227] of the judgment).
- 88 In my view, it is important that the judge considering whether to make a final injunction in these cases has this information available to them. For that reason, I will make provision within the draft orders, for such evidence to be provided seven days before the return date.
- 89 I also indicated during yesterday's hearing that if the injunction was granted, both claimants should continue to correspond with those against whom enforcement proceedings were taken in relation to the earlier injunction and the power of arrest, and the 71 individuals referred to in the Birmingham claim to ensure they are aware of developments and could apply if they saw fit to apply to the court to vary or discharge the order. The draft orders should make appropriate provision for that.

CONCLUSION

- 90 For all these reasons, I am content to draft the interim injunctions sought with the modifications I have set out.
-

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete
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This transcript has been approved by the Judge

K. SECTION K - Claimants' Evidence re: Compliance with Court Orders and Updating Evidence

For: Claimants
Statement of: Pardip
Nagra
Statement no: 2
Exhibits:
Date: 23rd January 2023

**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 PARDIP NAGRA

I, Pardip Nagra, Anti-Social Behaviour Team Leader of Wolverhampton Homes, Wednesfield Housing Office, Alfred Squire Road, Wednesfield, Wolverhampton, WV11 1XU, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. I make this statement further to my statement dated 19th July 2022 and following the interim injunction that was granted by Mrs Justice Hill sitting at the High Court (Royal Courts of Justice) London on 21st December 2022 against persons unknown regarding the issue of street racing within the Black Country.
3. I can advise that since the above interim injunction was granted, Wolverhampton have received no complaints of street racing within the city. Having previously received emails and Councillor enquiries regarding the street racing issue on a regular basis, perhaps every 2-3 weeks, the ASB Team have received no complaints of street racing in Wolverhampton since 21st December 2022.

4. I do believe that the above lack of complaints is due directly to the interim injunction for street racing that was granted at court and believe that a full order, if granted, would continue to bring respite to the residents of Wolverhampton for the foreseeable future.

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 *Pardip Nagra*

Date 23.01.23

Print name in full Pardip Nagra

i) Statement of: Mark Campbell
ii) Statement No: 3
iii) For: Claimants
iv) Dated: 26.1.2023
v) Exhibits: None

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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

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Defendants

THIRD 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. I am PC 6018 Campbell of the West Midlands Police and I am making this further 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 Councils' local authority areas.
2. I am providing this statement in relation to the impact the new High Court interim street cruising injunction has had on street cruising in the Black Country Councils' local authority areas since the interim injunction was granted on the 22nd December and went live on 24th December 2022.
3. Since the interim injunction was granted, I have seen a massive decrease in large scale organised street cruising meets in the Black Country. West Midlands Police has received 17 calls to service over the last 4 weeks, which averages out at about 4 calls per week; this figure is lower than in previous years. I have examined the contents of the calls to service and have spoken with Force Traffic officers and it is clear that the majority of these calls relate to small groups of vehicles and not the larger groups previously seen at some of the main street cruising locations.
4. One of the main reasons for obtaining the interim High Court street cruising injunction on 22nd of December 2022 was in order to prevent a very large-scale street cruising meet on Boxing Day, Sunday 26th December. Historically this Boxing Day meets happens every year and is one of the largest meets of the year. However, after the successful granting of the interim injunction the Boxing Day meet didn't take place, again showing the importance of this piece of legislation to disrupt this activity.
5. I am also aware that the majority of street cruisers are appraised of the interim injunctions and are actively looking for alternative locations to meet up outside of the injunction areas. This clearly highlights the benefit of the interim injunction and I would respectfully suggest the absolute need for a full High Court street cruising injunction to be granted.

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 and honest belief in its truth

Full Name :Mark Campbell Position: Police Constable

Name of Claimant: City of Wolverhampton Council

Signed: M. Campbell

A handwritten signature in black ink, appearing to read 'M. Campbell', followed by the number '6018'.

Dated 27/01/2023

i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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

FOURTH WITNESS STATEMENT OF PAUL STEVEN BROWN

I, PAUL STEVEN BROWN of the City of Wolverhampton Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RG WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief. This is my third statement in these proceedings.
2. The City of Wolverhampton Council is the authority which is leading the joint application of the Councils of Wolverhampton, Dudley, Sandwell and Walsall (hereinafter referred to as the “Black Country Boroughs”) seeking injunctive relief to restrain street racing (also referred to as car cruising) in the Black Country Boroughs.
3. I have been employed since 25 June 2007 as a Senior Communications Adviser and latterly Communications Manager in the communications team of the City of Wolverhampton Council.
4. In collaboration with my colleagues Pardip Nagra (ASB Team Leader) and Adam Sheen (Senior Solicitor, Legal Services) a communications plan has been developed, with the initial steps implemented, initially to raise awareness of the application to the High Court for an interim street racing injunction for the Black Country Area and, should the court be minded to grant this, to promote the existence of the injunction, and the power of arrest, once it is formally in place.
5. Recognising this is a joint enterprise, I have been liaising closely with my counterparts in the communications teams of Dudley, Sandwell and Walsall Councils and West Midlands Police.
6. This statement identifies the steps taken by the Claimants to publicise the granting of an interim street racing injunction and power of arrest on 22 December 2022 following a hearing on 20 and 21 December 2022, with said injunction coming into effect at 00.01am on 24 December 2022.

7. By order of 22 December 2022, the Claimant Councils were required to take a series of publicity steps publicising the granting of the interim injunction.
8. The information below details these steps and how, I respectfully suggest, the Claimant Councils have fulfilled these steps.
9. At an earlier hearing of the matter on 14 December 2022, it was ordered that the Claimant Councils effect service of the application for an injunction by:

“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 & 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 23 December 2022”

9.2 I can confirm that a media release was issued by the City of Wolverhampton Council on behalf of the Claimants as above on Thursday 22 December 2022. **Please see “Exhibit PB3A” attached hereto which refers** and includes coverage in the Express & Star and Birmingham Mail, as well as screengrabs of the news items on each Claimant’s website.

Please also see E&S 22/12/22, Street racing banned in Black Country by High Court -

<https://www.expressandstar.com/news/crime/2022/12/22/street-racing-banned-in-black-country-by-high-court/>

Please also see Birmingham Mail/Birmingham Live 22/12/22, Street racing ban granted across Birmingham and Black Country to put the brakes on ‘reckless driving’ -

<https://www.birminghammail.co.uk/black-country/street-racing-ban-granted-across-25821415>

And BBC Midlands Today 22/12/22 (**Please see “Exhibit PB3A”** for screengrab of Councillor Jasbir Jaspal, the City of Wolverhampton Council’s Cabinet Member for Public Health and Wellbeing, speaking to the programme on behalf of the Claimants.

Further to the above, a subsequent media release was issued on Wednesday 11 January, 2023, warning of the possible consequences of breaching the injunction. **Please see “Exhibit PB3A”** for a copy of this, along with Express & Star coverage from 12 January 2023 and news items on the City of Wolverhampton Council and Sandwell Council websites.

10. The Order of 22 December also required that the Claimant Councils:

“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 23 December 2022.”

10.2 I can confirm that social media messaging as the above was published by the four councils on 22 December 2022, with reminders published from 24 December onwards, once the injunction was in effect. **Please see “Exhibit PB3B” attached hereto** which refers and comprises screengrabs of social media posts published on 22 December 2022. Social media was also shared by West Midlands Police.

11. The Order of 22 December also required the Claimant Councils to:

“Update 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](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 this Injunction Order, the Power of Arrest, the Documents and the Evidence and be updated by 23:59 on 23 December 2022.”

I can confirm that the above webpages were updated as required. **Please see “Exhibit PB3C” attached hereto which refers** and comprises screengrabs from the respective pages of the four claimants.

12. The Order of 22 December also required the Claimant Councils to:

“Ensure 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 23:59 on 23 December 2022.”

I can confirm that the homepages were updated as required. **Please see “Exhibit PB3D” attached hereto** which refers and comprises screengrabs from the homepages of the four claimants.

13. The Order of 22 December also required the Claimant Councils to:

“Ensure that copies of the Injunction and Power of Arrest are available at the front desks of the Claimants’ main offices by 23:59 on 23 December 2022.”

I can confirm that the above bundles were made available at the relevant offices as required.

14. The Order of 22 December also required the Claimant Councils to:

“Place a copy of the Injunction and Power of Arrest (by Public Notice) in the Express & Star newspaper in the next available edition following the grant of this order. Such notice to be commissioned as soon as possible.”

I can confirm the above required notice appeared in the Express & Star on 27 December, 2022. **Please see “Exhibit PB3E” attached hereto.**

15. The Order of 22 December also required the Claimant Councils to:

“Upload to the video sharing website “You Tube” and the Claimants’ websites and social media pages to include Instagram, Twitter and Facebook, 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:

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. The video shall be uploaded by 23:59 on 23 December 2022.”

I can confirm the video <https://www.youtube.com/watch?v=7uRlyMZXwL4&t> was produced, uploaded and shared via social media and went live on 22 December, 2022. **Please see “Exhibit PB2F” attached hereto** which includes screengrabs from YouTube and the Facebook, Twitter and Instagram pages of the four claimants.

16. The Order of 22 December also required the Claimant Councils 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

Erecting and maintaining official road signs (fixed, and temporary) throughout the Black Country Area in locations that are, or have been, hotspots car cruising activity stating “NEW HIGH COURT INJUNCTION PROHIBITING CAR CRUISING AND STREET RACING IN FORCE IN THIS AREA”;

The electronic signage to be activated by 00:01 on 24 December 2022 and other signage by 23:59 on 20 January 2023.”

16.1 I can confirm that the electronic signage was activated on 24 December 2022 including the wording, due to character limits, of STREET RACING PROHIBITED IN BLACK COUNTRY and other iterations

depending on character limit of the individual signs. In addition, the Street Racing Banned in the Black Country logo has been used where possible. **Please see “EXHIBIT PB3G” attached hereto** for examples.

16.2 Regarding physical signage, please see:

“EXHIBIT PB3H(i)” attached hereto being the witness statement and associated evidence from Andrew Clarke, ASB Team Manager of Sandwell Metropolitan Borough Council;

“EXHIBIT PB3H(ii)” attached hereto being the witness statement and associated evidence from Nick Hooper, Maintenance Manager of Dudley Metropolitan Borough Council;

“EXHIBIT PB3H(iii)” attached hereto being the witness statement of Tim Philpot, Professional Lead - Transport Strategy, of the City of Wolverhampton Council; and

“EXHIBIT PB3H(iv)” attached hereto being the witness statement Steven John Gittins, Community Safety Manager of Walsall Metropolitan Borough Council.

16.3 In essence, it is the contention of the Claimant Councils that, pursuant to the terms of the Order of 22 December 2022, all existing metal signs making reference to the previous Black Country Councils Car Cruising Injunction (2015-2021) situated on the major arterial routes in the Claimants’ local authority areas, were replaced with new metal signs bearing the wording stipulated in the Order of 22 December 2022 by 4 p.m. on 20 January 2023. Details and photographs are provided in the witness statements referred to in paragraph 16.2 above and exhibited hereto at **Exhibits PB3H(i) to PB3H(iv)**.

16.4 Regarding the foamex signs bearing the wording stipulated in the order of 22 December 2022, the existing foamex signs were replaced throughout the Claimants’ local authority areas by 4 p.m. on 20 January 2023 with a limited exception.

16.5 The limited exception is detailed in the statement of Nick Hooper which appears attached hereto at “**Exhibit PB3H(ii)**”. Essentially, Nick Hooper indicates in his statement that there was a delay in Dudley Metropolitan Borough Council receiving delivery of its 36 Foamex signs from the manufacturer. Whilst Dudley Metropolitan Borough Council expected to take delivery of these foamex signs in time to install these by 20 January, at the time of writing, these signs have not reached Dudley Metropolitan Borough Council and are expected to be delivered to Dudley Metropolitan Borough Council by 25 January and installation of these 36 foamex signs is planned for 26 and 27 January.

16.6 The Claimant Councils apologise to the honourable Court for this slight delay in compliance with the order of 22 December 2022, which was due to the sign manufacturer’s delay, outside of the Claimants’ control, and respectfully contend steps to remedy this defect (installation of the replacement 36 foamex signs two days after delivery) amounts to the Claimants taking remedial action as soon as possible.

16.7 The Claimant Councils have also identified further various hotspots where car cruising/street racing has reportedly taken place or is currently taking place being areas where there was no signage in respect of the injunction 2015-2021. The Claimants would, by way of example, draw attention to paragraphs 9 and 10 of the statement of Nick Hooper (**Exhibit PB3H(ii) attached**) which identifies Manor Way, Halesowen (Dudley Metropolitan Borough Council), as one such area. Nick Hooper highlights within his statement that metal signs in Manor Way, Halesowen will be installed by 26 January 2023.

16.8 The Claimants will respectfully contend that, as detailed in the witness statements referred to in paragraph 16.2 above and exhibited hereto at **Exhibits PB3H(i) to PB3H(iv)**, plans have been established to install these new signs (at new hotspots) just as soon as practicable and with the exception of signage at the roundabout near Junction 10 of the M6 (Walsall Metropolitan Borough Council) by 10 February 2023 and the

Claimants have already taken delivery of the signs to be installed at these “new hotspots”.

16.9 With reference to the signage at the roundabout near Junction 10 of the M6, Steve Gittins explains in his statement (**Exhibit PB3H(iv) attached**) that this area is currently undergoing major redevelopment works and signage cannot be installed until these redevelopment works have completed.

16.10 Regarding paragraphs 16.7 to 16.10 above, the Claimants would respectfully contend that signs at these new hotspots are signs over and above that required by the Order of 22 December. In the event the honourable court disagrees with the Claimants’ interpretation, in this regard, the Claimants will whole-heartedly apologise, and would respectfully assert the signs at “new hotspots” are being installed just as soon as is practicable and with the exception of the signage near the roundabout by Junction 10 of the M6 (Walsall), which has its own considerations, will be installed by 10 February 2023 (just fifteen working days after 20 January 2023).

17. The Order of 22 December also required the Claimant Councils to:

“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.”

I can confirm that the request was made and complied with, with West Midlands Police posting on the Force's main accounts and on the accounts of local police forces. **Please see “Exhibit PB2H” attached hereto which provides examples.**

18. For the above reasons stated, I believe that notice of the granting of the interim injunction and Power of Arrest has been brought to the attention of the public at large, and in particular, those likely to be affected by this application, or those engaging, looking to engage, or likely to engage, in the behaviour prohibited by this application and the interim injunction if granted.

17. I will continue to ensure future steps in the Communications Plan are acted upon at the relevant time, and will continue to liaise with my counterparts in Communications Teams of Dudley, Sandwell and Walsall Councils and West Midlands Police to ensure that they are disseminating the information as and when necessary.

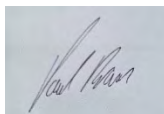
STATEMENT OF TRUTH

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 and honest belief in its truth

Full Name: PAUL STEVEN BROWN Position: COMMUNICATIONS
MANAGER

Name of Claimant: City of Wolverhampton Council

Signed



Print Name PAUL BROWN

Dated 27 January 2023

i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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

EXHIBIT PB3A

This is the document referred to as "Exhibit PB3A" in the witness statement of Paul Brown dated 27 January 2023.

Street racing banned in Black Country by High Court

Released: Thursday 22 December 2022



The High Court has granted a temporary injunction banning 'street racing', also known as 'car cruising', across the Black Country.

The interim injunction prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

The interim injunction is in place throughout the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine or an order to have their assets seized.

The application was led by the City of Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police. The interim injunction, which is served against 'persons unknown', was granted by The Honourable Mrs Justice Hill yesterday (Wednesday 21 December, 2022).

Provided the applicant councils have completed certain publicity steps, the interim injunction will come into effect at 00:01am on Saturday (24 December 2022).

Councillor Jasbir Jaspal, the City of Wolverhampton Council's Cabinet Member for Public Health and Wellbeing, said: "We are delighted that the High Court has granted this interim injunction which will help authorities to tackle the menace of street racing in the Black Country.

"A similar injunction was in force between 2015 and 2021 which helped dramatically reduce instances of street racing across the region, and we are very confident this new interim injunction will have the same positive effect.

“Street racing, also sometimes described as car cruising, is noisy, dangerous and illegal and some events have resulted in serious injuries and even death, as we have sadly seen recently in Sandwell.

"After announcing our intention to seek a new injunction earlier this year, we were inundated with comments from residents and businesses whose lives are still being blighted by street racing, with evidence of dangerous driving, excessive noise, littering and people and vehicles obstructing highways and properties.

“These helped us to build what the High Court has recognised to be an overwhelming case for this interim injunction, which will give the authorities the powers they need to crack down on street racing as and when it occurs.”

Chief Superintendent Ian Green, from West Midlands Police, said: “We have been working jointly with all local authorities over the past few years and are determined to tackle dangerous and reckless driving which puts the safety of others and themselves at risk.

“Alongside our partners we do not tolerate illegal car gatherings due to the danger and nuisance they create to communities and the wider public going about their lives.

"We have officers dedicated to addressing the issue from both neighbourhood teams and specialist traffic resources, who are also working with the insurance industry and providing diversionary and educational courses.

“We will take every opportunity to intervene and enforce against this activity.”

There will be a further High Court hearing early next year to consider whether the interim injunction should remain in force or be amended. At the hearing, the Black Country councils will seek to extend the terms of the injunction so that it also forbids people from promoting, organising or publicising a street racing event, or from being a spectator at such an event.

For more information, including details of full terms of the interim injunction and evidence in support of the application, please visit the street racing injunction pages of the applicants, which are being updated:

www.wolverhampton.gov.uk/street-racing-injunction,
https://go.walsall.gov.uk/black_country_car_cruising_injunction,
www.sandwell.gov.uk/streetracing, or www.dudley.gov.uk/car-cruising-injunction.

Incidents of street racing should be reported via asbu@wolverhamptonhomes.org.uk or to West Midlands Police on 101. In an emergency, always dial 999.

ENDS

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FURY OVER RAIL FARE HIKE PLAN

Angry MPs say proposal adds to cost-of-living pressures people are already facing

Temporary ban aims to halt street racing

A new temporary injunction banning 'street racing' across the Black Country has been granted by the High Court.

The interim injunction prohibits people from participating as a driver, rider or passenger in a gathering of two or more people leading to motor racing, motor stunts or other dangerous or obstructive driving.

Anyone breaching it could face penalties including imprisonment or a fine.

● Court – Page 7

NEWS 7

High Court ban on street racing in region

The High Court has granted a temporary injunction banning 'street racing' across the Black Country.

The interim injunction prohibits its people from participating as a driver, rider or passenger in a gathering of two or more people leading to motor racing, motor stunts or other dangerous or obstructive driving.

It is in place throughout Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine or an order to have their assets seized.

The application was led by Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police.

The interim injunction was granted by The Honourable Mrs Justice Hill on Wednesday.

Provided the applicant councils have completed certain publicity steps, it will come into effect tomorrow.

Councillor Jasbir Jaspal, Wolverhampton Council's cabinet member for public health and wellbeing, said: "We are delighted that the High Court has

granted this interim injunction which will help authorities to tackle the menace of street racing in the Black Country.

"A similar injunction was in force between 2015 and 2021 which helped dramatically reduce instances of street racing across the region, and we are very confident this new interim injunction will have the same positive effect. Street racing, also sometimes described as car cruising, is noisy, dangerous and illegal, and some events have resulted in serious injuries and even death, as we have sadly seen recently in Sandwell."

Street racing ban granted across Birmingham and Black Country to put the brakes on 'reckless driving'

The ban on car cruising and street racing has been put in place across the West Midlands region and comes a month after two teens were tragically killed watching an event

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By **Nick Horner** Senior reporter

20.00, 22 DEC 2022 | UPDATED 20.01, 22 DEC 2022

Bookmark 



Street racing ban granted across Birmingham and Black Country to put the brakes on 'reckless driving' - <https://www.birminghammail.co.uk/black-country/street-racing-ban-granted-across-25821415>

Street racing banned in Black Country by High Court

By **Lisa O'Brien** | **Dudley** | **Crime** | Published: 16 hours ago | Last Updated: 3 hours ago

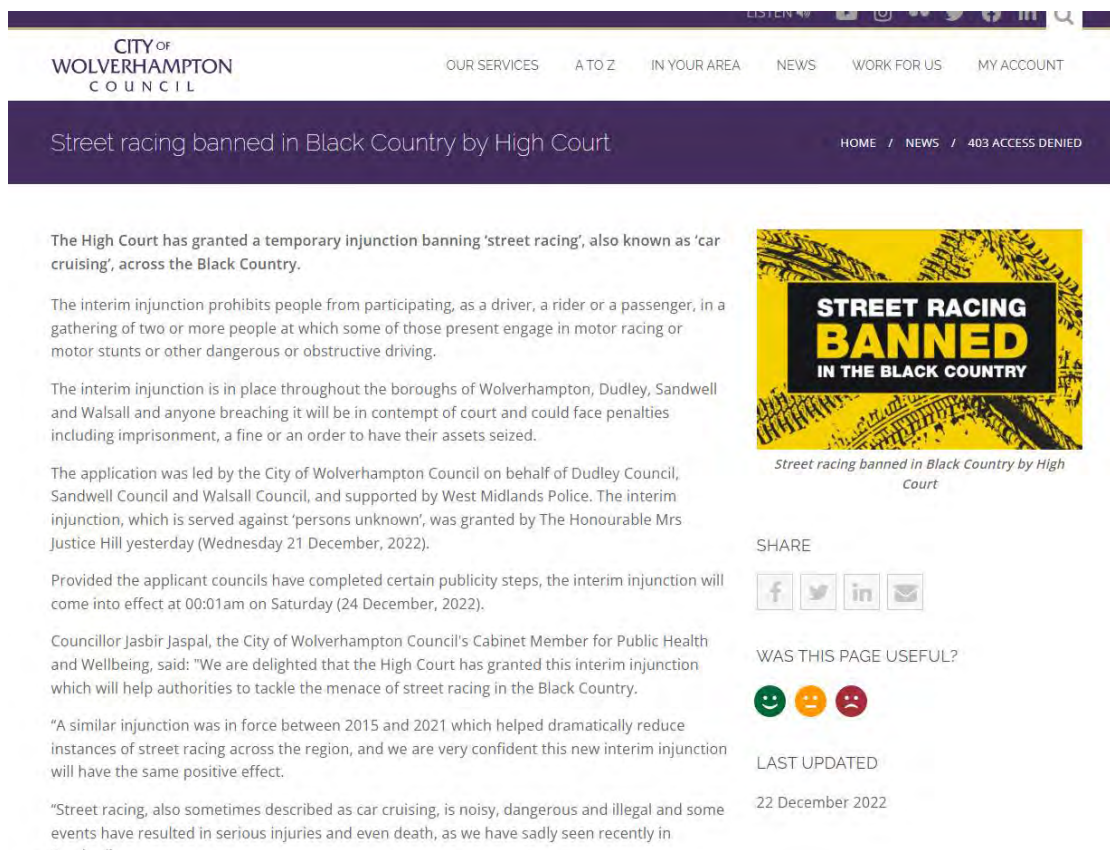
The High Court has granted a temporary injunction banning 'street racing' across the Black Country.



Street racing banned in Black Country by High Court - <https://www.expressandstar.com/news/crime/2022/12/22/street-racing-banned-in-black-country-by-high-court/>



BBC Midlands Today 22/12/2022



City of Wolverhampton Council

Street racing banned in Black Country by High Court

Posted on: 22/12/2022

#car cruising

Share    

The High Court has granted a temporary injunction banning 'street racing', also known as 'car cruising', across the Black Country.

The interim injunction prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

The interim injunction is in place throughout the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine or an order to have their assets seized.

The application was led by the City of Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police. The interim injunction, which is served against 'persons unknown', was granted by The Honourable Mrs Justice Hill yesterday (Wednesday 21 December, 2022).

Provided the applicant councils have completed certain publicity steps, the interim injunction will come into effect at 00:01am on Saturday (24 December 2022).

Chief Superintendent Ian Green, from West Midlands Police, said:

“ We have been working jointly with all local authorities over the past few years and are determined to tackle dangerous and reckless driving which puts the safety of others and themselves at risk. Alongside our partners we do not tolerate illegal car gatherings due to the danger and nuisance they create to communities and the wider public going about their lives. We have officers dedicated to addressing the issue from both neighbourhood teams and specialist traffic resources, who are also working with the insurance industry and providing diversionary and educational courses. We will take every opportunity to intervene and enforce against this activity. ”

There will be a further High Court hearing early next year to consider whether the interim injunction should remain in force or be amended. At the hearing, the Black Country councils will seek to extend the terms of the injunction so that it also forbids people from promoting, organising or publicising a street racing event, or from being a spectator at such an event.

Dudley Council

Street racing banned in Black Country by High Court

Published 22nd December 2022



The High Court has granted a temporary injunction banning 'street racing', also known as 'car cruising', across the Black Country.

The interim injunction prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

The interim injunction is in place throughout the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine or an order to have their assets seized.

The application was led by the City of Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police. The interim injunction, which is served against 'persons unknown', was granted by The Honourable Mrs Justice Hill yesterday (Wednesday 21 December, 2022).

Provided the applicant councils have completed certain publicity steps, the interim injunction will come into effect at 00:01am on Saturday (24 December 2022).

Sandwell Council

Street racing banned in Black Country by High Court

Published on 22 December 2022

[Print](#)

The interim injunction is in place throughout the boroughs of Wolverhampton, Dudley, Sandwell and Walsall.



Street racing banned in the Black Country

The High Court has granted a temporary injunction banning 'street racing', also known as 'car cruising', across the Black Country.

The interim injunction prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

The interim injunction is in place throughout the boroughs of Wolverhampton, Dudley, Sandwell and Walsall and anyone breaching it will be in contempt of court and could face penalties including imprisonment, a fine or an order to have their assets seized.

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Walsall Council

Street racers face jail for breaching High Court injunction

Released: Wednesday 11 January, 2023



Would-be 'street racers' and 'car cruisers' are being warned they could face a prison sentence if they breach a High Court injunction which is now in force across the Black Country.

The interim injunction, which came into effect on Christmas Eve, bans 'street racing', also known as 'car cruising', in the boroughs of Wolverhampton, Dudley, Sandwell and Walsall.

It prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

Anyone found to have breached the injunction by the High Court will be in contempt of court and could be hit with penalties ranging from imprisonment to a fine or an order to have their assets seized.

Councillor Paula Brookfield, the City of Wolverhampton Council's Cabinet Member for Governance, said: "People who are thinking of taking part in street racing or car cruising should be under no illusions as to the penalties they may face.

"Breaching the High Court injunction in place across the Black Country would be contempt of court, which is a very serious offence.

"As such, individuals could face up to two years' in jail, an unlimited fine or have assests, such as their vehicle, seized.

"In addition, a power of arrest applies to the injunction. This gives police the power to arrest suspects and bring them before the court within 24 hours to answer allegations that they have breached the injunction, so any potential breaches would be dealt with very swiftly indeed.

"These are stiff punishments which we hope will prove a deterrant to would-be street racers or car cruisers and therefore help keep our region's streets free

of this anti-social and dangerous behaviour.”

For more information about the interim injunction, please visit www.wolverhampton.gov.uk/street-racing-injunction.

Incidents of street racing should be reported via asbu@wolverhamptonhomes.org.uk or to West Midlands Police on 101. In an emergency, always dial 999.

The successful application was led by the City of Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police.

There will be a further High Court hearing in the coming weeks to consider whether the interim injunction should remain in force or be amended. At the hearing, the Black Country councils will seek to extend the terms of the injunction so that it also forbids people from promoting, organising or publicising a street racing event, or from being a spectator at such an event.

Councillor Brookfield added: “In the meantime, the interim injunction will continue to enable councils and the police to crackdown on street racing and make our boroughs safer places to live, work and socialise.”

ENDS

Notes to editors:

1/ For more information or to arrange an interview, please contact Paul Brown, Communications Manager, on 01902 555497 or email paul.brown@wolverhampton.gov.uk.

- **Issued by the City of Wolverhampton Council's Corporate Communications Team.**
- **For more information, please call 01902 555439.**
- **More news from the City of Wolverhampton Council is available at:**
 - www.wolverhampton.gov.uk/news
 - www.twitter.com/wolvescouncil
 - www.facebook.com/wolverhamptontoday
 - www.youtube.com/wolverhamptontoday

Prison warning if street racers breach ban

Street racers and car cruisers have been warned they face prison time if they breach a High Court injunction which is now in force across the Black Country.

The interim injunction, which came into effect on Christmas Eve, bans street racing, also known as car cruising, in the boroughs of Wolverhampton, Dudley, Sandwell and Walsall.

It prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

Anyone found to have breached the injunction by the High Court will be in contempt of court and could be hit with penal-

ties ranging from imprisonment to a fine or an order to have their assets seized.

Councillor Paula Brookfield, Wolverhampton Council's cabinet member for governance, said those thinking of taking part should be under no illusion about the penalties they may face.

She said: "Breaching the High Court injunction in place across the Black Country would be contempt of court, which is a very serious offence.

"As such, individuals could face up to two years in jail, an unlimited fine or have assets, such as their vehicle, seized.

"In addition, a power of arrest applies to the injunction. This gives police the power to arrest suspects and bring them before the court within 24 hours to answer allega-

tions that they have breached the injunction, so any potential breaches would be dealt with very swiftly indeed."

She added: "These are stiff punishments which we hope will prove a deterrent to would-be street racers or car cruisers and therefore help keep our region's streets free of this anti-social and dangerous behaviour."

The successful application was led by Wolverhampton Council on behalf of Dudley Council, Sandwell Council and Walsall Council, and supported by West Midlands Police.

There will be a further High Court hearing in the coming weeks to consider whether the interim injunction should remain in force or be amended.

Express & Star 12/01/2023

Street racers face jail for breaching High Court injunction

HOME / NEWS / STREET RACERS FACE JAIL FOR BREACHING HIGH COURT INJUNCTION

Would be 'street racers' and 'car cruisers' are being warned they could face a prison sentence if they breach a High Court injunction which is now in force across the Black Country.

The interim injunction, which came into effect on Christmas Eve, bans 'street racing', also known as 'car cruising', in the boroughs of Wolverhampton, Dudley, Sandwell and Walsall.

It prohibits people from participating, as a driver, a rider or a passenger, in a gathering of 2 or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

Anyone found to have breached the injunction by the High Court will be in contempt of court and could be hit with penalties ranging from imprisonment to a fine or an order to have their assets seized.

Councillor Paula Brookfield, the City of Wolverhampton Council's Cabinet Member for Governance, said: "People who are thinking of taking part in street racing or car cruising should be under no illusions as to the penalties they may face.

"Breaching the High Court injunction in place across the Black Country would be contempt of



Street racers face jail for breaching High Court injunction

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City of Wolverhampton Council

Street racers fail jail for breaching High Court injunction

Published 12th January 2023

Would-be 'street racers' and 'car cruisers' are being warned they could face a prison sentence if they breach a High Court injunction which is now in force across the Black Country.

The interim injunction, which came into effect on Christmas Eve, bans 'street racing', also known as 'car cruising', in the boroughs of Sandwell, Dudley, Walsall and Wolverhampton.

It prohibits people from participating, as a driver, a rider or a passenger, in a gathering of two or more people at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

Anyone found to have breached the injunction by the High Court will be in contempt of court and could be hit with penalties ranging from imprisonment to a fine or an order to have their assets seized.

People who are thinking of taking part in street racing or car cruising should be under no illusions as to the penalties they may face.

Breaching the High Court injunction in place across the Black Country would be contempt of court, which is a very serious offence.

As such, individuals could face up to two years in jail, an unlimited fine or have assets, such as

Sandwell Council

i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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
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DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A
(ATTACHED)**

Defendants

EXHIBIT PB3B

This is the document referred to as "Exhibit PB3B" in the witness statement of Paul Brown dated 27 January 2023.

Wolverhampton Today
Published by Orlo · 18 m · 🌐

The High Court has granted an interim injunction banning "street racing", also known as car cruising, across the Black Country.

It prohibits people from participating, as a driver, a rider or a passenger, in a street racing event anywhere within the boroughs of Wolverhampton, Dudley, Sandwell or Walsall. It will come into effect at 00.01am on Saturday (24 December) and anyone ignoring the injunction will be in contempt of court and could face penalties including imprisonment, a fine or an order having their assets seized.

The application was brought by the City of Wolverhampton Council on behalf of the four Black Country councils and with the support of West Midlands Police. Councillor Jasbir Jaspal, Cabinet Member for Public Health and Wellbeing, said: "We are delighted that the High Court has granted this interim injunction, which will help tackle the scourge of street racing in the Black Country."

"We have been inundated with comments from residents and businesses whose lives are being blighted by street racing, and these helped us build an overwhelming case for this injunction which will give the authorities the powers they need to crack down on street racing as and when it occurs."

Please click <https://orlo.uk/2npV6> to read the full story. For more information, including details of full terms of the interim injunction and evidence in support of the application, please visit www.wolverhampton.gov.uk/street-racing-injunction.



[See Insights and Ads](#) [Boost post](#)

City of Wolverhampton Council

Our Walsall
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The High Court has granted an interim injunction banning "street racing", also known as car cruising, across the Black Country.

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Full details from City of Wolverhampton Council [🔗](#)



Wolverhampton Today
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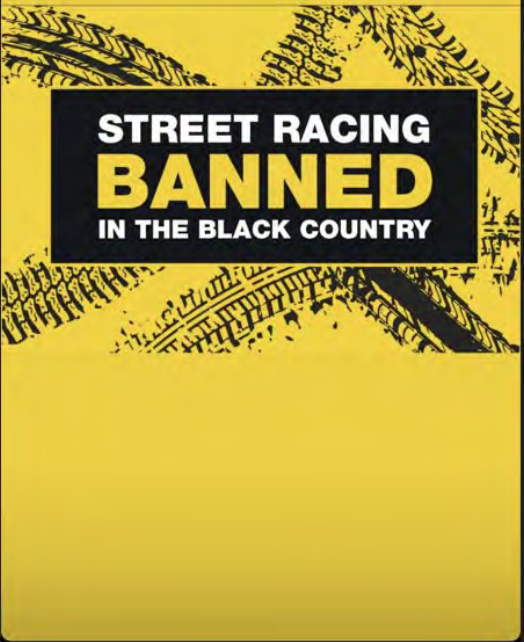
The High Court has granted an interim injunction banning "street racing", also known as car cruising, across the Black Country.

It prohibits people from partic... [See more](#)

Walsall Council


Dudley
Dudley borough 5m

The High Court has granted an interim injunction banning "street racing", also known as car cruising, across the Black Country



Dudley Council

Sandwell
17 h · 🌐



Wolverhampton Today
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Sandwell Council



City of Wolverhampton Council



Walsall Council



Sandwell Council



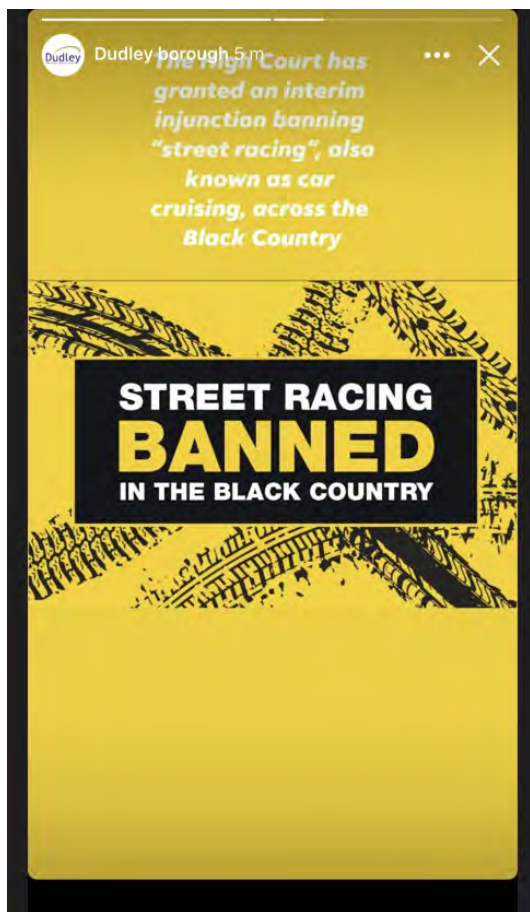
Dudley Council



City of Wolverhampton Council



Walsall Council



Dudley Council



Sandwell Council

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(3) SANDWELL METROPOLITAN BOROUGH COUNCIL
(4) WALSALL METROPOLITAN BOROUGH COUNCIL**

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(ATTACHED)**

Defendants

EXHIBIT PB3C

This is the document referred to as "Exhibit PB3C" in the witness statement of Paul Brown dated 27 January 2023.

Exhibit PB3C

High Court grants order banning street racing in the Black Country

HOME / PARKING AND ROADS / HIGH COURT GRANTS ORDER BANNING STREET RACING IN THE BLACK COUNTRY

An interim injunction banning 'street racing', also known as 'car cruising', will be in force from 12.01am on 24 December 2022.


It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

For the purposes of the injunction, stunts are defined as driving manoeuvres often undertaken at such gatherings including but not limited to:

"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

"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


"Drifting" – turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input



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- [Power of Arrest](#)
- [Sealed Orders Wolverhampton City Council and Others v Unknown](#)
- [Order of the High Court of Justice 14 December 2022](#)
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City of Wolverhampton Council

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It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

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- "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
- "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
- "Drifting" – turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input
- "Undertaking" – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

The Injunction has a Power of Arrest attached to it which gives the police the power to arrest anyone who breaches it.

Breach of an Injunction is a contempt to court and if proved the court has the power to impose a sentence of imprisonment, a fine, or an order seizing a person's assets.

The Black Country Area includes all of the Boroughs of Wolverhampton, Dudley, Sandwell and Walsall.

Full details of the interim injunction, including evidence presented to the High Court, the Sealed Order, power of arrest and other supporting documentation such as a map showing the Black Country area, can be found in the downloads section of this page.

There will be a further High Court hearing at Birmingham District Registry, Civil Justice Centre, Priory Courts, Birmingham B4 6DW in February 2023 to consider whether the interim injunction should remain in force or be amended. The exact date is on a date to be notified by the High Court and will be made available here and on the council's social media accounts.

At that hearing the Black Country councils will seek to extend the terms of the Injunction so that it:

Forbids people from participating between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

Forbids people from participating between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving.

Dudley Council

Street racing



Interim injunction bans street racing in the Black Country

An interim injunction banning 'street racing', also known as 'car cruising', will be in force from 00.01am on 24 December 2022.

It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

For the purposes of the injunction, stunts are defined as driving manoeuvres often undertaken at such gatherings including but not limited to:

- "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
- "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
- "Drifting" – turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input
- "Undertaking" – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

Black Country street racing injunction

Interim injunction bans street racing in the Black Country

An interim injunction banning 'street racing', also known as 'car cruising', will be in force from 12.01am on 24 December 2022. It forbids anyone who is a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving. For the purposes of the injunction, stunts are defined as driving manoeuvres often undertaken at such gatherings including but not limited to:

- 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
- 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
- Drifting – turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input
- Undertaking – Passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

Details of the injunction

The injunction has a Power of Arrest attached to it which gives the police the power to arrest anyone who breaches it. Breach of an injunction is a contempt of court and if proved the court has the power to impose a sentence of imprisonment, a fine, or an order seizing a person's assets. The Black Country Area includes all of the Boroughs of Wolverhampton, Dudley, Sandwell and Walsall.

Full details of the interim injunction, including evidence presented to the High Court, the Sealed Order, power of arrest and other supporting documentation such as a map showing the Black Country area, can be found in the downloads section of this page.

High Court hearing

There will be a further High Court hearing at Birmingham District Registry, Civil Justice Centre, Priory Courts, Birmingham B4 6DW in February 2023 to consider whether the interim injunction should remain in force or be amended. The exact date is on a date to

Rate t



Sandwell Council

Walsall Council

i) Statement of: Paul Brown
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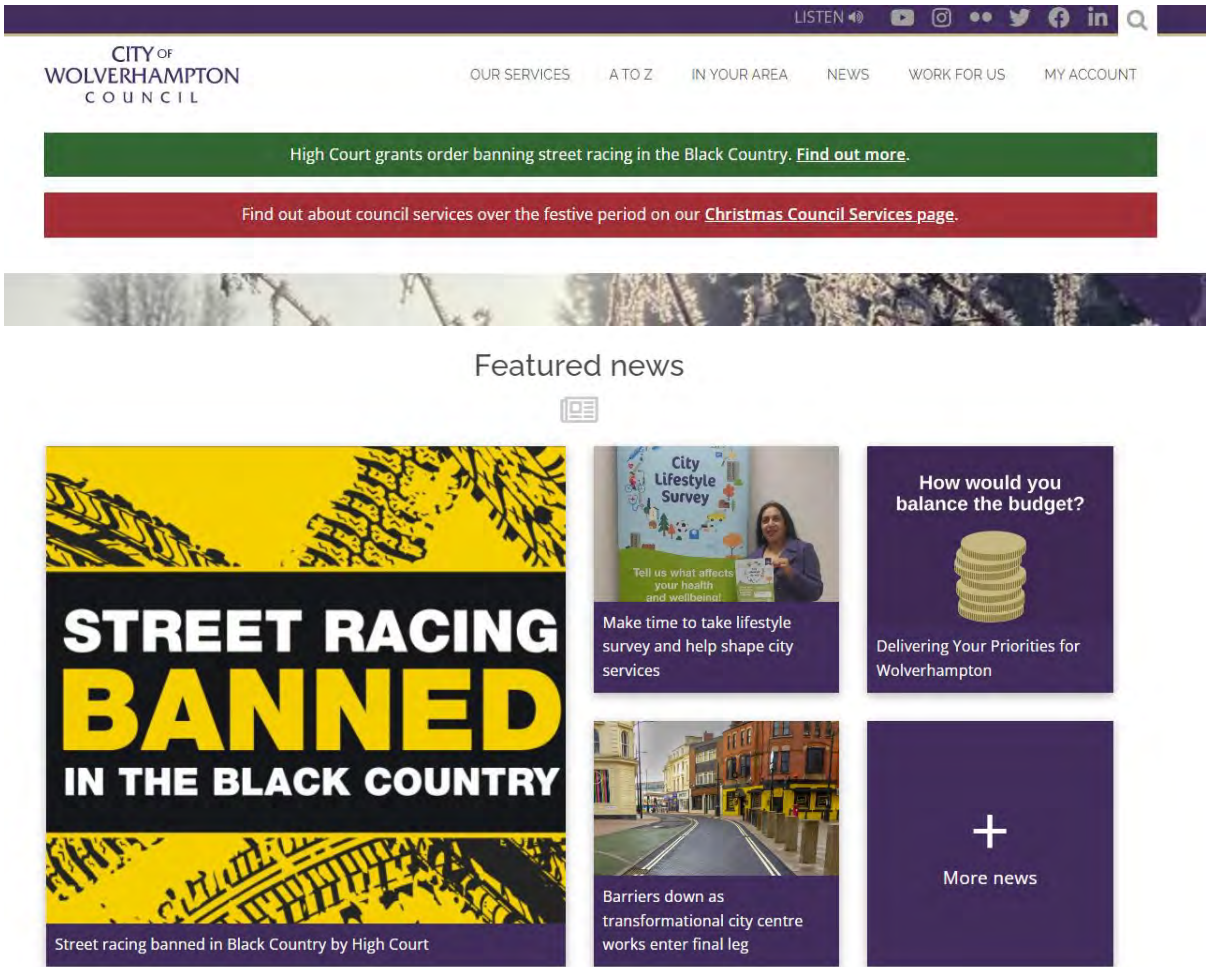
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(ATTACHED)**

Defendants

EXHIBIT PB3D

This is the document referred to as "Exhibit PB3D" in the witness statement of Paul Brown dated 27 January 2023.



City of Wolverhampton Council


Our offices and phone lines are closed over Christmas and New Year

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[Street racing interim injunction](#)

 An interim injunction banning 'street racing', also known as 'car cruising', will be in force across the Black Country, including Sandwell, from 00.01am on 24 December 2022.



**Supporting you to make the most of
your money and find help if you need it**


**STREET RACING
BANNED
IN THE BLACK COUNTRY**

An interim injunction banning 'street racing', also known as 'car cruising', is in force.

Sandwell Council

Car cruisers and street racing not welcome in the Black Country

Dudley Council

 Walsall Council

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Street racing interim injunction: An [interim injunction banning street racing across the Black Country](#), including Walsall, came in to force at 12:01am 24 December 2022.

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22 December 2022

[Street racing banned in Black Country by High Court](#)



20 December 2022

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Walsall Council

i) Statement of: Paul Brown
ii) Statement No: 4
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(ATTACHED)**

Defendants

EXHIBIT PB3E

This is the document referred to as "Exhibit PB3E" in the witness statement of Paul Brown dated 27 January 2023.



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For convenience you may email
any advertising requirements.

Please send email to

publicnotices@

mnamedia.co.uk

or call Suzanne Cooper

on 01902 319695.

Please include a name
and contact number for
confirmation of receipt.

Public Notices

PUBLIC NOTICE

WOLVERHAMPTON CITY COUNCIL
SECTION 1 OF THE LOCALISM ACT 2011, SECTION 222 LOCAL GOVERNMENT ACT 1972,
AND SECTION 130 OF THE HIGHWAYS ACT 1980

NOTICE OF A NEW INTERIM BLACK COUNTRY CAR CRUISING INJUNCTION

NOTICE IS HEREBY GIVEN that on 21 December 2022 the Honourable Mrs Justice Hill sitting at the High Court of Justice, Royal Courts of Justice, the Strand, London, WC2A 2LL, granted the Councils in the Black Country (Wolverhampton, Dudley, Sandwell and Wolverhampton) a new interim order ("the Injunction") banning street racing (also known as "car cruising") in the region. This followed the expiry of the previous injunction in February 2021.

The Injunction was made following an urgent application by the Claimant Black Country Councils dated 13 December 2022 which was made without notice to the Defendants, but upon short. Informal notice having been given to the Defendants in the terms of an order for alternative service made by Her Honour Judge Kelly sitting as a High Court Judge at the High Court of Justice, Birmingham District Registry on 14 December 2022.

The Injunction entered into force from 00:01 hours (one minute past midnight) on 24 December 2022.

The Defendants to whom this Injunction applies are Persons Unknown who participate between the hours of 3.00pm and 7.00am in a gathering of two (2) or more persons within the Black Country Area (the combined local government areas of Wolverhampton, Dudley, Sandwell and Walsall, illustrated on Plan A (attached to the Injunction), at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

By the Injunction, IT IS FORBIDDEN for any Defendant being a driver, rider or passenger in or on a motor vehicle 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 to the Injunction) at which some of those present 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:

- (1) "Burnouts" - Causing a vehicle to damage or 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 or 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.

Any Defendant who fails to comply with the Injunction may be held to be in contempt of court and imprisoned or fined, or their assets may be seized.

Any other person who knows of this order and does anything which helps or permits any of the defendants to breach the terms of this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.

On 21 December 2022 the Honourable Mrs Justice Hill also ordered that a power of arrest, pursuant to section 27 of the Police and Criminal Justice Act 2005, shall apply to the prohibited activities in the Injunction cited above. This power of arrest gives the police the power to arrest anyone who breaches the Injunction.

There will be a further High Court hearing at Birmingham District Registry, Civil Justice Centre, Priory Courts, Birmingham, B4 6DW in early February 2023 to consider whether the interim injunction should remain in force or be amended. The exact date will be notified by the High Court in due course. As soon as practicable after the Claimant councils become aware of such date, the Claimant Councils confirm they will post it on the street racing sections of their websites and on their social media accounts.

At that hearing the Black Country councils will seek to extend the terms of the Injunction so that it:

- (1) Forbids people from participating between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.
- (2) Forbids people from participating between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area 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) Forbids people from promoting, organising or publicising, by any means whatsoever, any gathering between the hours of 3pm and 7am of two or more persons within the Black Country area, with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving.

If anyone wishes to take part in that hearing, they should file a formal Acknowledgement of Service with the Court not less than seven (7) days before the hearing. Details of how to do so are set out in the Injunction. If anyone who wishes to participate in the hearing fails to file a duly completed Acknowledgement of Service, they will require the permission of the judge to take part in the hearing.

Full details of the interim injunction, including evidence presented to the High Court and other supporting documentation, including a map showing the Black Country area, can be found on the websites of the four claimant councils:

www.wolverhampton.gov.uk/street-racing-injunction
go.walsall.gov.uk/black_country_car_cruising_injunction
www.sandwell.gov.uk/streetracing
www.dudley.gov.uk/car-cruising-injunction

Hard copies of the injunction, Power of Arrest, evidence filed in support of the councils' application and court documents may be obtained from any of the councils' front desks on request.

The Claimants may be contacted regarding the injunction by writing to:

FAQ, Black Country Car Cruise
Legal Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RG

Alternatively, the Claimants may be contacted by email litigation@wolverhampton.gov.uk or call 01902 556556.

Incidents of street racing should be reported via asbu@wolverhamptonhomes.org.uk or to West Midlands Police on 101.

In an emergency, always dial 999.

Dated 27 December 2022

David Paterson
Director of Governance
and Solicitor to the Council
Civic Centre, St Peter's Square
Wolverhampton WV1 1RG

CITY OF
WOLVERHAMPTON
COUNCIL

i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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
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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**

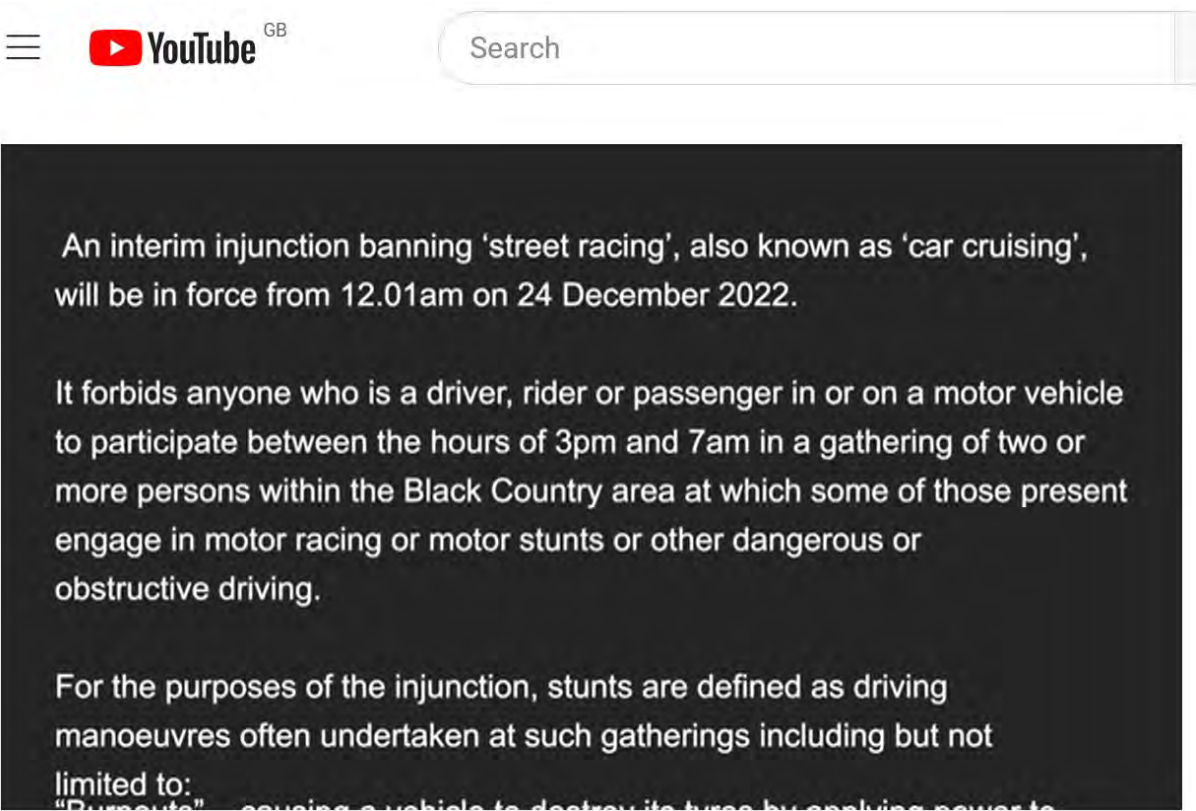
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DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A
(ATTACHED)**

Defendants

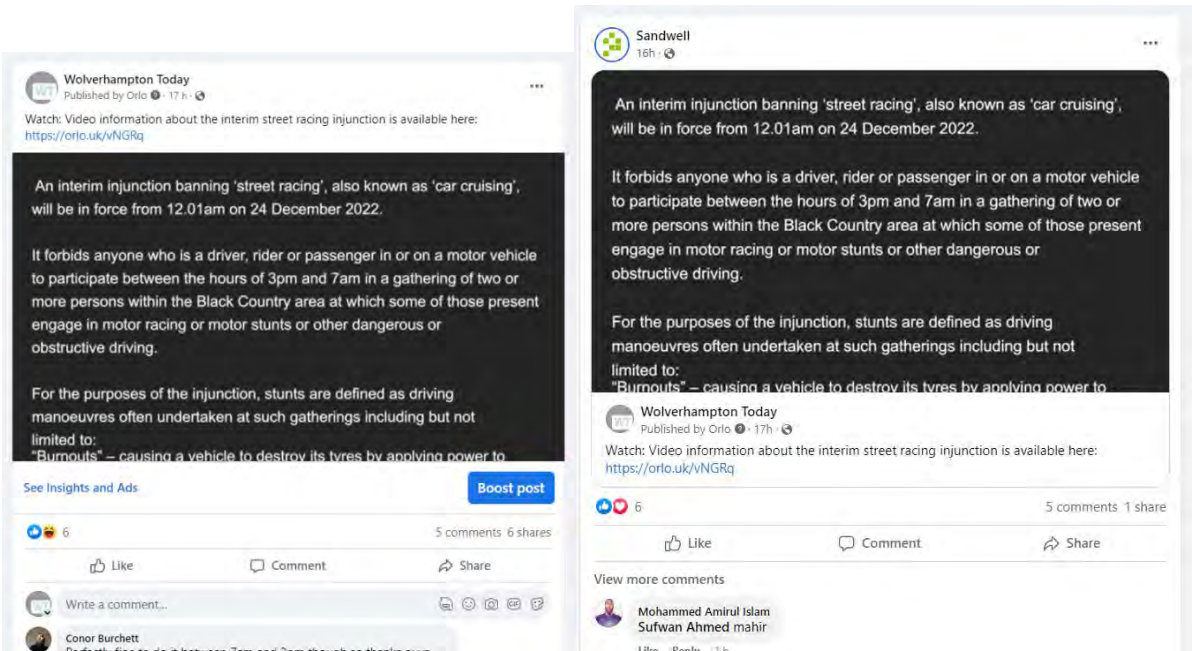
EXHIBIT PB3F

This is the document referred to as "Exhibit PB3F" in the witness statement of Paul Brown dated 27 January 2023.



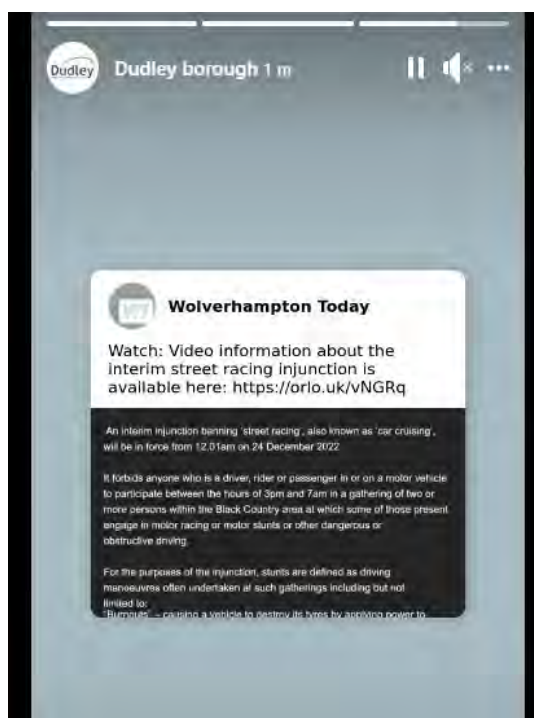
High Court injunction bans 'street racing' in Black Country

YouTube



City of Wolverhampton Council

Sandwell Council



Dudley Council



Walsall Council



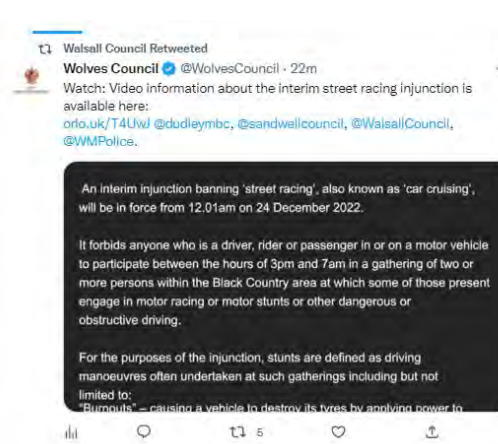
City of Wolverhampton Council



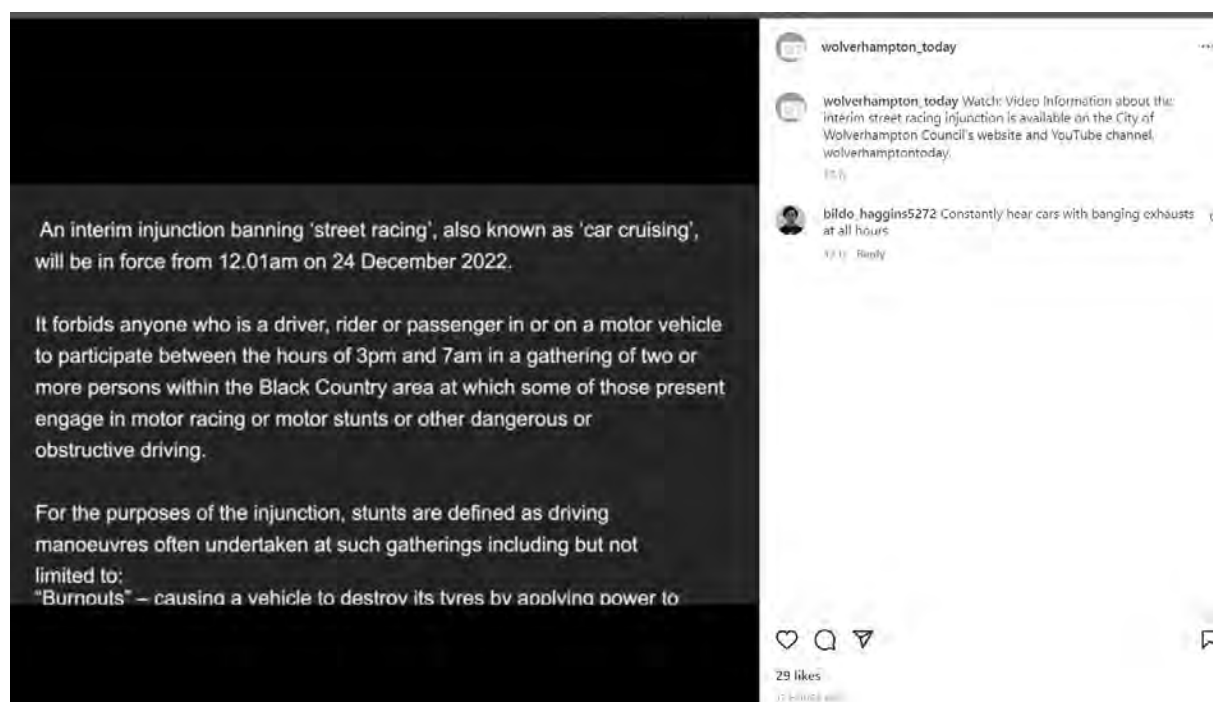
Sandwell Council



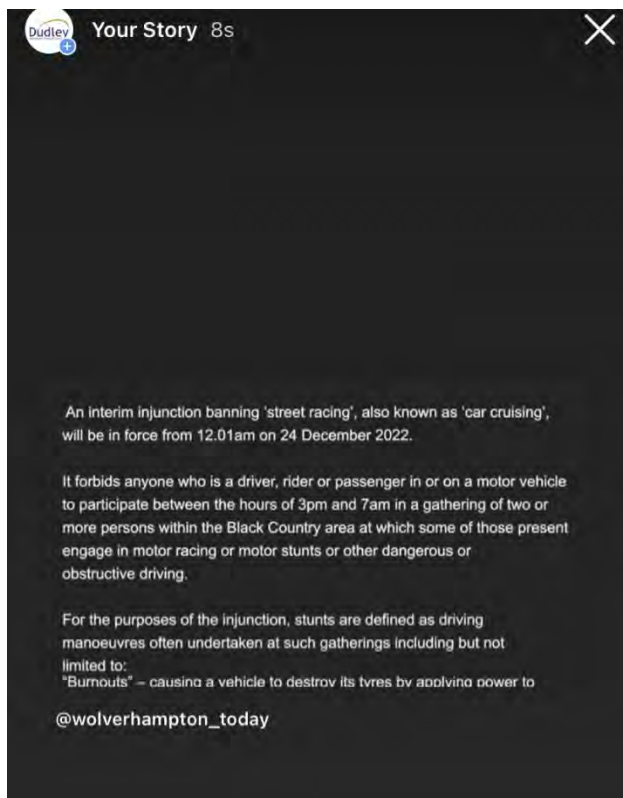
Dudley Council



Walsall Council



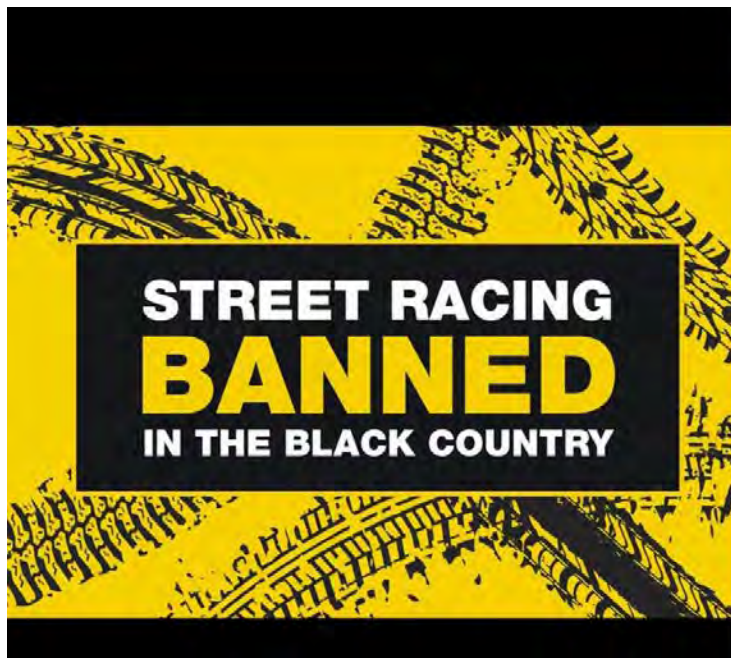
City of Wolverhampton Council



Dudley Council



Walsall Council



Sandwell Council



i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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

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RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE
DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A
(ATTACHED)**

Defendants

EXHIBIT PB3G

This is the document referred to as "Exhibit PB3G" in the witness statement of Paul Brown dated 27 January 2023.





i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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

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RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE
DRIVING WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A
(ATTACHED)**

Defendants

EXHIBIT PB3H(i)

This is the document referred to as "Exhibit PB3H(i)" in the witness statement of Paul Brown dated 27 January 2023.

For: Claimants
Statement of:
Statement no: 1
Exhibits: AC1-AC2
Date: 20th January 2023

**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-

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WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

WITNESS STATEMENT OF ANDREW CLARKE

I, Andrew Clarke, ASB Team Manager of Sandwell Metropolitan Borough Council, Sandwell Council House, Freeth Street, Oldbury, B69 3DE, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. I write this statement in relation to the Street Racing / Car Cruising Injunction granted at the High Court on the 21st December 2022.
3. Refreshed Signage and the request for new signage was one of the steps set out in terms of one of the requirements set out at Court. All replacements were carried out in a programme of work that took place on 19th January 2023.
4. On 21st December 2022, the court issued directions requiring the claimants file statements demonstrating compliance with the publicity steps of the order, specifically with regard to new and replacement signage.
5. I can confirm that all previous foamex signage in the Borough of Sandwell, have been replaced with new and installed at the following locations; these having been identified as hotspots for the activity prohibited by this injunction.
6. Retail Park Entrance of Axeltree Way (J9 towards Wednesbury), WS10 9QY.
7. Axeltree Way Island (IKEA Side), WS10 9SF
8. Axeltree Way Junction (near to Curry's PC World), WS10 9QY
9. Axeltree Way Island (near to Burger King), WS10 9QY
10. MoorCroft Drive at its junction with Hallens Drive, WS10 7DD
11. Hallens Drive Island, at its junction with Patent Drive, WS10 7XB
12. Hallens Drive (Island Junction nearest canal), WS10 7DD

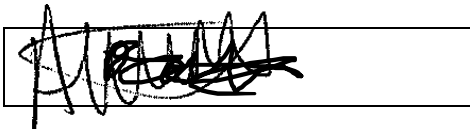
13. A41 Island Great Bridge (near to Olympus Distribution), DY4 7HY
14. Brickhouse Lane South (outside Asda petrol station), DY4 7HJ
15. Entrance to McDonalds Car Park, Great Bridge, DY4 7HJ
16. Entrance to Asda Retail Park (Great Bridge Street Junction), B70 0EN
17. Dudley Port towards Great Bridge (prior to junction with Sedgley Road East), DY4 7RL
18. Green Street (Junction with Kendrick Way), B70 6DR
19. A4182 Kendrick Way section (heading towards West Bromwich), B70 1AG
20. A4182 Kendrick Way section (heading away from West Bromwich), B70 6EA
21. Black Lake (Junction with New Swan Lane), towards Wednesbury, B70 0FT
22. Birchley Retail Park (Former Toys R Us site), Entrance from A4034, B69 4RJ
23. Birchley Retail Park (Former Toys R Us site), Centre of Car Park, B69 4RJ
24. Birchley Retail Park (Former Toys R Us site), Exit onto A4123, B69 4RJ
25. Sample photographs, showing some of the new/replacement signage in situ, is here marked as “**AC1**” which I exhibit to my statement.
26. I can confirm that all previous Large Metal Signage has been maintained or renewed at the following locations; which have been identified as hotspots for the activity prohibited by this injunction.
27. A41 (Black Country Route, near to Dreams Superstore), WS10 7DZ
28. J2 of M5, motorway junction, exit onto Birchley Island, B69 2BD
29. Sample photographs, showing some of the new/replacement signage in situ, is here marked as “**AC2**” which I exhibit to my statement.

30. I can confirm that new, foamex signage, has been ordered for future installation at the following location; this having been newly identified as a hotspot for the activity prohibited by this injunction. I am advised by our highways team, that the installation of this signage is programmed to take place within the next eight weeks.
31. Crystal Drive Smethwick, junction entering onto A457, B66 1QG
32. I can confirm that new, metal signage, has been ordered for future installation at the following locations; these having been newly identified as hotspots for the activity prohibited by this injunction. I am advised by our highways team, that the installation of this signage is programmed to take place within the next eight weeks.
33. A457, Smethwick (Junction with Crystal Drive), towards Smethwick, B66 1NN
34. A457, Smethwick (Junction with Tram Way), towards Oldbury, B66 1NR

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



Date

20th January 2023

Print name in full Andrew Clarke

For: Claimants
Statement of:
Statement no: 1
Exhibits: AC1 – AC2
Date: 20 January 2023

**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
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OBSTRUCTIVE DRIVING**

WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

EXHIBIT AC1

This is the document referred to as "Exhibit AC1" in the witness statement of Andrew Clarke dated
20. 01.2023



































For: Claimants
Statement of:
Statement no: 1
Exhibits: AC1 – AC2
Date: 20 January 2023

**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
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Claimants

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OBSTRUCTIVE DRIVING**

WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

EXHIBIT AC2

This is the document referred to as "Exhibit AC2" in the witness statement of Andrew Clarke dated
20. 01.2023







i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

B E T W E E N:

**(1) WOLVERHAMPTON CITY COUNCIL
(2) DUDLEY METROPOLITAN BOROUGH COUNCIL
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(4) WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

and

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(ATTACHED)**

Defendants

EXHIBIT PB3H(ii)

This is the document referred to as "Exhibit PB3H(ii)" in the witness statement of Paul Brown dated 27 January 2023.

For: Claimants
Statement of:
Statement no: 1
Exhibits:
Date: 19th January
2023

**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
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WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Defendants

WITNESS STATEMENT OF NICK HOOPER

I, NICK HOOPER, Maintenance Manager of Dudley Metropolitan Borough Council, Lister Road Depot, Dudley, DY2 8JW, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. This statement is given to update the Court on replacement and additional signs in relation to the Injunction and street racing which have been ordered and installed, or which are planned to be installed within the Dudley Borough.
3. Signs have been designed and produced in both metal and Foamex material. A document showing the design of the metal signs is attached to this statement and marked as **NH1**. A further document, showing the design of the Foamex signs is attached to this statement and marked as **NH2**.
4. A total of 12 metal signs and 36 Foamex signs have been ordered for installation at various sites in the Borough. The metal signs were received in Lister Road Depot on 17th January 2023.
5. Of the 12 metal signs, 5 of these have been ordered to replace existing signage (which is now out of date.) These signs are allocated to be fitted in the following locations, with a photograph of each location being attached to this statement and marked with the indicated exhibit number as follows:
 - Duncan Edwards Way sited between Points 63 and 64 (E:394107 N:289287) **NH3**
 - Duncan Edwards Way sited between Points 108 and 107 (E:394962 N:290346) **NH4**
 - Birmingham New Road (A4123) **NH5**
 - Birmingham Road (A461) **NH6**

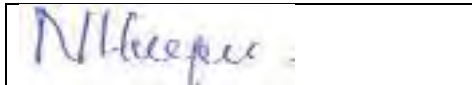
- Hagley Road (A456) **NH7**
6. The replacement signs referred to above were installed on 18th January 2023.
 7. In addition to the replacement signs, the remaining 7 metal signs are intended to be installed as follows :
 - 3 signs to be installed on Manor Way (A456)
 - 4 signs to be installed at the entrance ways to the Waterfront, Merry Hill.
 8. The metal signs at the entrances to the Waterfront were installed on 19th January 2023 as follows (a photograph is exhibited of the new sign in each location as indicated)
 - Merry Hill site 1- Entrance to Hop House **NH8**
 - Merry Hill site 2- Entrance to Waterfront East **NH9**
 - Merry Hill site 3- Between Point 21 &22 **NH10**
 - Merry Hill site 4- Off Island to Construction College **NH11**
 9. The signs ordered for Manor Way (A456) are proposed to be sited as follows, with the intention that they should be attached to the rear of existing directional signs (a photograph of the intended site of installation is exhibited as indicated)
 - 1 sign to be sited on the Westbound approach to Grange Road Roundabout **NH12**
 - 1 sign to the Eastbound approach to Grange Road Roundabout **NH13**
 - 1 sign to be sited on M5 Junction 3 exit onto Manor Way **NH14**
 10. The metal signs for Manor Way have been ordered and will be collected on Wednesday 25th January 2023, with installation scheduled for Thursday 26th January 2023.
 11. There has been an issue with delivery of the 36 Foamex signs. These are scheduled to be collected on 25th January 2023. The 6 signs which are intended for installation at Cross Street/Stafford Street Car Park are anticipated to be installed on Friday 27th January 2023.

12. New Mill Street/Minories and Flood Street Car Parks are currently in use as sites or compounds for the Midlands Metro Alliance and are therefore no longer public car parks under the control of Dudley Metropolitan Borough Council.
13. The remaining 30 Foamex signs are intended for installation at sites at Merry Hill Centre. These will be provided to Merry Hill Centre for installation as soon as possible after collection on 25th January 2023. A document showing the proposed locations of the signs is attached to this statement and marked as **NH15**.

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



Date

19.01.23

Print name in full NICHOLAS HOOPER



1) at 75 xht
1525 x 1700 mm
area: 2.592 sq.m



2) at 80 xht
1645 x 1800 mm
area: 2.961 sq.m

FACING
Background: YELLOW
Border size (mm): varies
Border colour: BLACK
TEXT
Style: Transport Heavy
Colour: BLACK
Lowercase('x'height (mm)): 75/80
Capital height (mm): 105/112
DIMENSION
Width (mm): as detailed
Height (mm): as detailed
Area (sq.m): as detailed
Tolerance:+ 5mm
1
Drawn by: MR
Date: 05/01/2023
Approved for manufacture
Company.....
Sign.....
MR 50

PLEASE CHECK AND CONFIRM ALL DETAIL, MATERIAL AND SIZING BEFORE MANUFACTURE COMMENCES

PLEASE TAKE TIME TO CHECK THE DRAWING AND ADVISE OF ANY CHANGES REQUIRED PRIOR TO APPROVAL.

-

FACING

Background:
YELLOW
Border size (mm):
7.5
Border colour:
BLACK

TEXT

Style:
Transport Heavy

Colour:
/black
Lowercase('x'height (mm)):
20
Capital height (mm):
28

DIMENSION

Width (mm): 400
Height (mm): 500
Area (sq.m): 0.2
Tolerance:+ 5mm
0

Drawn by: MR

Date: 05/01/2023

Approved for manufacture

Company.....

Sign.....

MR 0



PLEASE CHECK AND CONFIRM ALL DETAIL, MATERIAL AND SIZING BEFORE MANUFACTURE COMMENCES







Warning
No car cruising
in Black Country
area
HIGH COURT
INJUNCTION
in force

A4123



BEST PRICES - BEST CHOICE
ALL IN STOCK

Warning
No car cruising
in Black Country
area
HIGH COURT
INJUNCTION
in force

TESCO Extra

A591



A456

Warning
No car cruising
in Black Country
area
HIGH COURT
INJUNCTION
in force







SLOW









A456

Halesowen, England

Google

Street View - Oct 2022



Google

K 100

Image capture: Oct 2022 © 2023 Google United Kingdom Terms

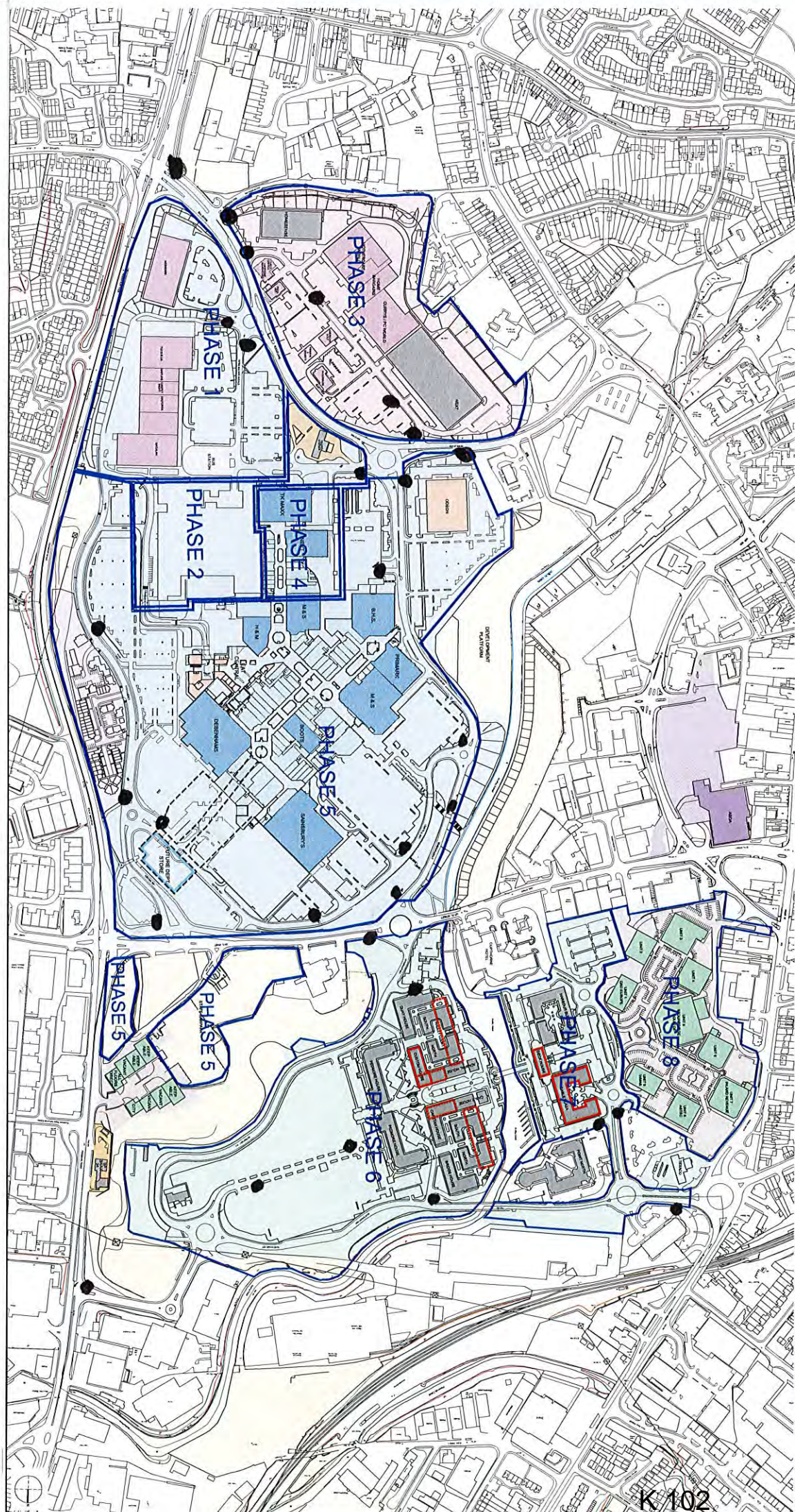


A456



Google

K 101



i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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

EXHIBIT PB3H(iii)

This is the document referred to as "Exhibit PB3H(iii)" in the witness statement of Paul Brown dated 27 January 2023.

For: Claimants
Statement of:
Statement no: 1
Exhibits:
Date: January 2023

**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 TIM PHILPOT

I, TIM PHILPOT of CITY OF WOLVERHAMPTON COUNCIL, CIVIC CENTRE, ST PETERS SQUARE, WOLVERHAMPTON, WV1 1SH, WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. This statement is given to update the Court on replacement and additional signs in relation to the Injunction and street racing which have been ordered and installed, or which are planned to be installed within the City of Wolverhampton.
3. Signs have been designed and produced in both metal and Foamex material. A document showing the design of the signs is attached to this statement and marked as TP1.
4. A total of 10 metal signs and 30 Foamex signs have been ordered for installation at various sites within the City. These were received by the appointed installation contractors Stourbridge Paving on 17 January 2023.
5. Of the 10 metal signs, 8 have been ordered to replace existing signage (which is now out of date). These signs were fitted in the following locations on or before 20 January 2023:-
 - Black Country Route near Vulcan Road Roundabout near Bilston Town Football Club (Lamppost 151)
 - Black Country Route Vulcan Road Island near Greenhous Volkswagen Van Centre (Lamppost 152)
 - Black Country Route near to Lunt Road/Vulcan Road Junction (Lamppost 169)
 - Black Country Route westbound near Lunt Junction parallel to Darlaston Brook (Lamppost 200)

- Black Country Route parallel to McDonalds Off Coseley Road Island (freestanding)
- Black Country Route parallel to Nice 1 Limited Off Coseley Road Island Lamppost 062
- Black Country Route Oxford St Roundabout near Brook Street (Lamppost 128)
- Black Country Route eastbound near Overfield Drive (Lamppost 17)

These signs are shown in photographs in the document attached to this statement marked as TP2.

6. In addition to the replacement signs the remaining two signs are intended to be installed in new locations as follows:-

- Black Country Route north side of roundabout junction with Black Country New Road
- Black Country Route on westbound carriageway approaching roundabout junction with Black Country New Road

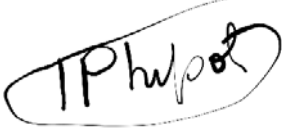
These locations are shown in photographs in the document attached to this statement marked as TP3.

7. Arrangements are being put in place to install these two additional signs. This work is anticipated to be completed by 10 February 2023
8. Of the 30 Foamex signs seven were deployed by 20 January 2023 to replace existing Foamex signs in Springvale Avenue. The remainder will be placed in new locations on approaches to the Black Country Route. This work is anticipated to be completed by 10 February 2023 These locations are shown in the document attached to this statement marked as TP4.

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

A handwritten signature in black ink, appearing to read 'TP Philpot', enclosed within a rectangular box.

Date

23/01/2023

Print name in full Tim Philpot

Car Cruising & Street Racing Injunction 2022

Witness Statement (Wolverhampton)

Appendix TP1

New Sign Designs



Metal Sign



FACING
Background: YELLOW
Border size (mm): 7.5
Border colour: BLACK
TEXT
Style: Transport Heavy
Colour: /black
Lowercase/uppercase (mm): 20
Capital height (mm): 28
DIMENSION
Width (mm): 400
Height (mm): 500
Area (sq.m): 0.2
Tolerance + 5mm
0

Foamex Sign

Car Cruising & Street Racing Injunction 2022
Witness Statement (Wolverhampton)
Appendix TP2
Replacement of existing metal signs



Location - Black Country Route Oxford Street Roundabout near Brook Street (Lamppost128)



Location - Black Country Route, Vulcan Road Roundabout near Greenhouse Volkswagen Van Centre (Lamppost 152)



Location - Black Country Route eastbound near Overfield Drive (Lamppost 17)



Location - Black Country Route parallel to McDonalds Off Coseley Road Island (freestanding)



Location - Black Country Route westbound near Lunt Junction parallel to Darlaston Brook (Lamppost 200)



Location - Black Country Route parallel to Nice 1 Limited Off Coseley Road Island Lamppost 062



Location - Black Country Route near to Lunt Road/Vulcan Road Junction (Lamppost 169)

No picture available

Location - Black Country Route near Vulcan Road Roundabout near Bilston Town Football Club (Lamppost 151)

Car Cruising & Street Racing Injunction 2022
Witness Statement (Wolverhampton)
Appendix TP3
Locations for installation of new metal signs

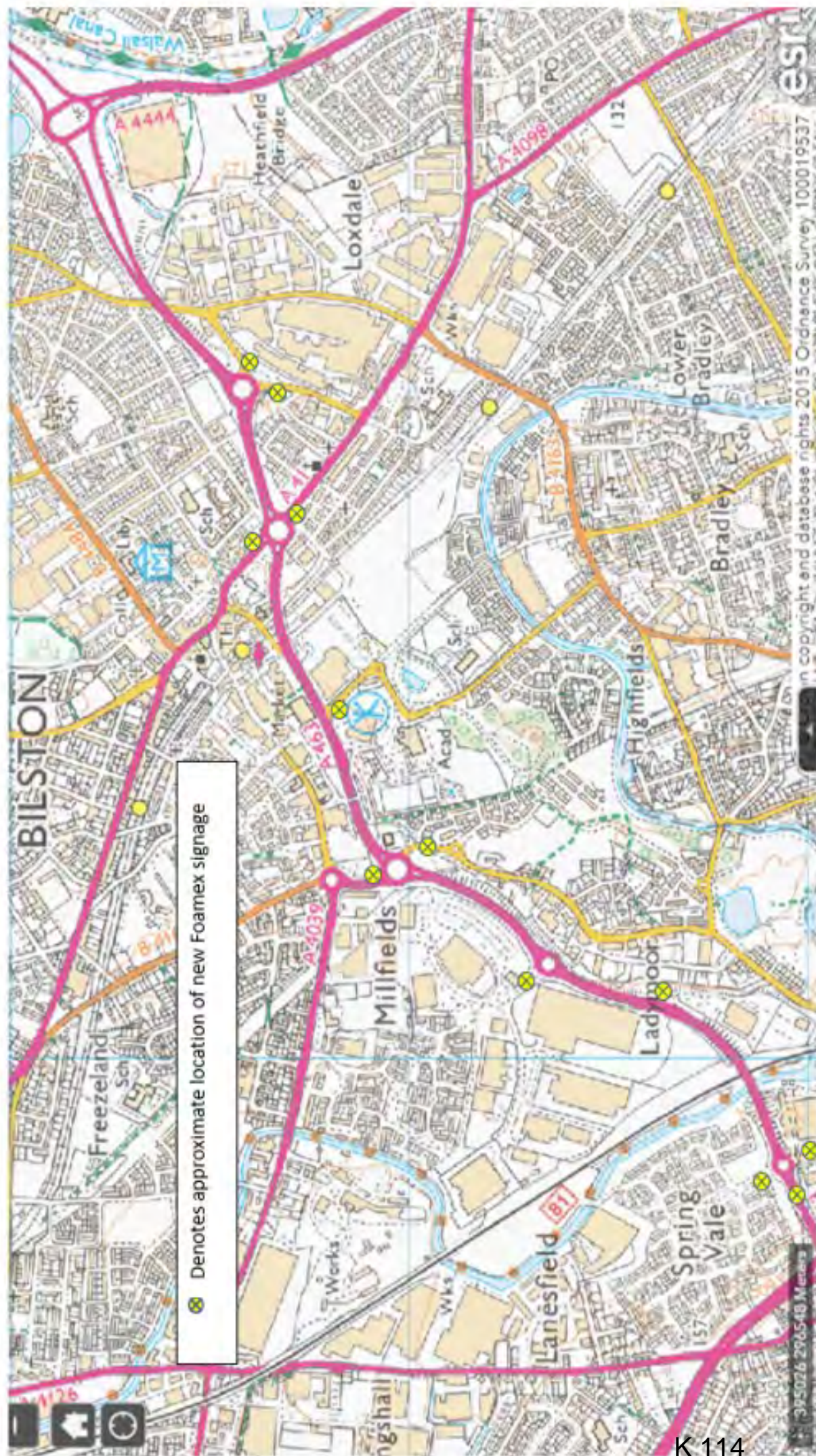


Location - Black Country Route Lunt Junction adjacent to Bickley Pool



Location - Black Country Route, approaching Lunt Junction westbound Lamppost 22

Car Cruising & Street Racing Injunction 2022
Witness Statement (Wolverhampton)
Appendix TP4 Locations of new Foamex signs



i) Statement of: Paul Brown
ii) Statement No: 4
iii) For: Claimants
iv) Dated: 27.1.2023
v) Exhibits: PB3A – PB3H(iv)

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM000188

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
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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 PB3H(iv)

This is the document referred to as "Exhibit PB3H(iv)" in the witness statement of Paul Brown dated 27 January 2023.

For: Claimants
Statement of: S Gittins
Statement no: 2
Exhibits: SJG4
Date: 24 January 2023

**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 STEVEN GITTINS

I, Steven John Gittins, Community Safety Manager of Walsall Metropolitan Borough Council, Civic Centre, Darwall Street, Walsall, WS1 1TP. WILL SAY AS FOLLOWS:

1. Except where indicated to the contrary, the facts in this statement are within my knowledge and are true. Where the facts in this statement are not within my direct knowledge, they are based on the source indicated and are true to the best of my information and belief.
2. An audit of all permanent and temporary (foamex) Car Cruising signs in the borough of Walsall was undertaken during August 2022. All of the signs detailed in the audit have now been replaced with updated Street Racing/Car Cruising signs on a like for like basis. All of the fixed signs have been replaced with new permanent signage and all of the temporary signs have been replaced with updated foamex signage. In addition, the permanent sign that was missing on the A454 Keyway, Walsall bound exit off Portabello has now been re-instated with a new, updated permanent sign. The audit document, which originally detailed the location and condition of each sign has been updated with images of the new signs in situ. I now produce as **Exhibit SJG4** the updated audit of Street Racing/Car Cruising signage in Walsall.
3. The lists below detail the location of fixed and temporary Street Racing/Car Cruising signs in Walsall:

Fixed Permanent Signs

- 1 – A454 Little Aston Road
- 2 – A452 Chester Road North
- 3 – A452 Chester Road, Shire Oak Junction
- 4 – A34 Stafford Road, Near Yates Farm
- 5 – A462 Essington Road
- 6 – A4124 Lichfield Road
- 7 – A461 Bescot Road

- 8 – A4031 West Bromwich Road
- 9 – A41 Black Country New Road
- 10 – A454 Keyway, Walsall

Temporary Foamex Signs

- 1 – Brickyard Road Lamppost 3
- 2 – Brickyard Road Lamppost 6
- 3 – Brickyard Road Lamppost 28
- 4 – Brickyard Road Lamppost 29
- 5 – Northgate Way Lamppost 1
- 6 – Northgate Way Lamppost 2
- 7 – Coppice Road Lamppost 3
- 8 – Coppice Road Lamppost 5
- 9 – Coppice Road Lamppost 21
- 10 – Coppice Road Lamppost 22
- 11 – Maybrook Road Lamppost 3
- 12 – Maybrook Road Lamppost 6
- 13 – Maybrook Road Lamppost 13
- 14 – Maybrook Road Lamppost 20
- 15 – Bescot Crescent Lamppost 24
- 16 – Bescot Crescent Lamppost 38
- 17 - Wisemore Stop Sign S05
- 18 – Wisemore Lamppost 6
- 19 – Moxley Road Lamppost 28
- 20 – High Street Moxley, Lamppost 6
- 21 – High Street Moxley, Lamppost 10
- 22 - High Street Moxley, Lamppost 11
- 23 - High Street Moxley, Lamppost 12
- 24 – Black Country New Road Lamppost 13
- 25 – Black Country New Road Lamppost 12
- 26 - Black Country New Road Lamppost 18
- 27 - Black Country New Road Lamppost 19

28 - Black Country New Road Lamppost 35

4. It was also suggested that the Black Country Route (BCR), approaching junction 10 should be a location considered for further signage. As a result, it has been determined that four additional signs will be installed at the locations detailed below:
 - 1- BCR - one addition sign on near side verge from Marshland Way
 - 2- BCR – one additional sign on near side following exit from Armstrong Way
 - 3- BCR - Two additional signs one in each direction will be installed in central reservation grass area between Darlaston Lane and The Keyway
5. For each of the four new signs, the poles will be delivered, and the new signage manufactured on 27/01/23. New posts and signage will be installed week commencing 30/01/23.
6. Consideration has also been given to additional fixed signage on the Black Country Route between the large island at junction 10 and the exit/roundabout that leads to the Boundary Outlet. This area is, however, within the designated area for the major Junction 10 works and is currently under the control of Sisk. Signs have been ordered which will be delivered on the 30/1/23. These final additional signs will be installed once the site has been handed back over to Walsall Council.
7. It was further suggested that the Black Country Route may benefit from additional temporary/foamex signage at a number of locations. However, upon further consideration it has been determined that the dimensions of the smaller, temporary signage are unsuitable for, and would not be sufficiently visible, on a road with a 50mph speed limit.

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



Date

24/01/2023

Print name in full

Steven John Gittins

**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 STEVEN GITTINS






This is the document referred to in as "Exhibit SJG4" in the witness statement of Steven Gittins dated 24 January 2023.






High Court Injunction – Street Racing Signs (Car Cruising)


Location	Sign Type	Sign Present	Comments	Photograph	New Replaced signs
A454 Little Aston Road	Large fixed	Yes	<p>Sign and post in good condition.</p> <p>The stickers with the police and borough names have faded.</p> <p>Trees need cutting back.</p>		
A452 Chester Road North	Large fixed	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>The stickers with the police and borough names have faded.</p>		





<p>Brickyard Lane Lamppost 3</p> <p>Brickyard Road not lane</p>	Small foamex	No	<p>Missing sign but there is evidence of where the sign was.</p> <p>Sign could do with being raised slightly when replaced.</p> <p>Post in good condition.</p> <p>Trees could possibly do with cutting back.</p>		
<p>Brickyard Lane Lamppost 6</p> <p>Brickyard Road, not lane.</p>	Small foamex	Yes	<p>Damaged sign.</p> <p>Post in good condition.</p>		
<p>Brickyard Lane Lamppost 28</p> <p>Brickyard Road not lane</p>	Small foamex	Yes	<p>Sign and post in good condition.</p> <p>Trees are not an issue at present but may need cutting back at some point.</p>		

<p>Brickyard Lane Lamppost 29</p> <p>Brickyard Road Not Lane</p>	Small foamex	Yes	<p>Faded sign.</p> <p>Post in good condition.</p>		
Northgate Way Lamppost 1	Small foamex	No	<p>Missing sign and no evidence of a sign previously being present.</p> <p>Post in good condition.</p>		
Northgate Way Lamppost 2	Small foamex	Yes	<p>Damaged sign.</p> <p>Sign needs re-positioning so it is facing the correct way.</p> <p>Post in good condition.</p>		





Coppice Road Lamppost 3	Small foamex	Yes	Sign and post in good condition but need cleaning. Trees need cutting back.		
Coppice Road Lamppost 5	Small foamex	Partly	Damaged sign with only a small section of the sign present. Post in good condition.	 	







Coppice Road Lamppost 21	Small foamex	Yes	Sign and post in good condition but need cleaning.		
Coppice Road Lamppost 22	Small foamex	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>The sign is obstructed slightly by the bus stop.</p>	 	

Maybrook Road Lamppost 3	Small foamex	Yes	<p>Damaged sign.</p> <p>Sign needs re-positioning to face the correct way.</p> <p>Post in good condition.</p> <p>Trees are not an issue at present but may need cutting back at some point.</p>		
Maybrook Road Lamppost 6	Small foamex	No	<p>Missing sign.</p> <p>Post in good condition.</p>		




Maybrook Road Lamppost 13	Small foamex	No	Missing sign. Post in good condition.		
Maybrook Road Lamppost 20	Small foamex	No	Missing sign. Post in good condition.		




<p>A452 Chester Road, Shire Oak Junction</p>	<p>Large fixed</p>	<p>Yes</p>	<p>Sign and post in good condition but need cleaning.</p> <p>The stickers with the police and borough names have faded.</p>		
<p>A34 Stafford Road near Yates Farm</p>	<p>Large fixed</p>	<p>Yes</p>	<p>Sign and post in good condition but need cleaning.</p> <p>The stickers with the police and borough names have faded.</p> <p>Trees are not an issue at present but may need cutting back at some point.</p>		





<p>A462 Essington Road near footway link to Kewstoke Close</p>	<p>Large fixed</p>	<p>Yes</p>	<p>Sign and post in good condition.</p> <p>The stickers with the police and borough names have faded.</p>				
<p>A4124 Lichfield Road near footpath link to Highmoor Close</p>	<p>Large fixed</p>	<p>Yes</p>	<p>Sign and post in good condition.</p> <p>The stickers with the police and borough names have faded.</p> <p>Trees are not an issue at present but may need cutting back at some point.</p>				







A461 Bescot Road near depot at M6 J9	Large fixed	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>The stickers with the police and borough names have faded.</p>		
Bescot Crescent Lamppost 24	Small foamex	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>Sign needs re-positioning to face the right way.</p>		
Bescot Crescent Lamppost 38	Small foamex	Yes	<p>Slightly faded sign but otherwise in good condition.</p> <p>Post in good condition.</p>		





A4031 West Bromwich Road near Greenside Way	Large fixed	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>The stickers with the police and borough names have faded.</p>		
Wisemore Stop Sign S05	Small foamex	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>Sign could do with being raised slightly.</p>		

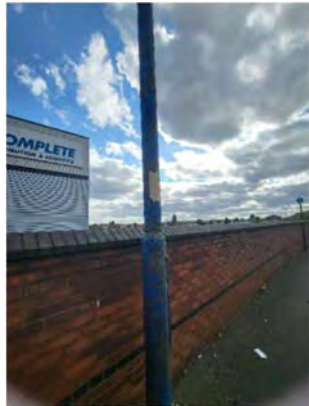
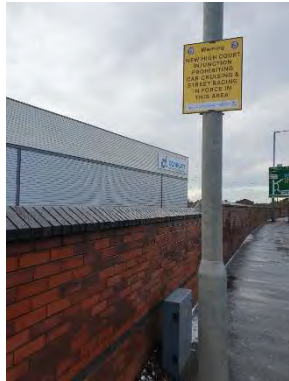

Wisemore Lamppost 6	Small foamex	No		Subsequently Located on post opposite pedestrian crossing.	
Moxley Road Lamppost 28	Small foamex	Yes	Sign and post in good condition but need cleaning.		

High Street, Moxley Lamppost 6	Small foamex	No	<p>Missing sign and no evidence of a sign previously being present.</p> <p>Post in good condition.</p> <p>The bus stop may obstruct the sign when present.</p>		
High Street, Moxley, lamppost 10	Small foamex	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>Trees need cutting back.</p>		 Note this is lamp post 11

High Street, Moxley Lamppost 11	Small foamex	Yes	<p>Slightly faded sign but otherwise in good condition, just needs cleaning.</p> <p>Post in good condition.</p> <p>Trees need cutting back.</p>		 <p>Note this is Lamp post number 10</p>
High Street, Moxley Lamppost 12	Small foamex	No	<p>Missing sign but there is evidence of where the sign was.</p> <p>Sign could do with being raised slightly when replaced.</p> <p>Post in good condition.</p>		

Black Country New Road (on traffic island by junction with Church Street opposite Aldi) Lamppost 13	Small foamex	No	<p>Unable to identify lamppost 12 and no evidence of any signs in the surrounding area.</p> <p>Subsequently located on lamppost 13. Brackets but no sign.</p>		
A41 Black Country New Road between Southern Way and Bull Lane	Large fixed	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>The stickers with the police and borough names have faded.</p> <p>Trees need cutting back.</p>		
<p>Black Country New Road Lamppost 12</p> <p>Hollyhead Road jct of Rowley View, leading to heathacres and Margaret Road.</p>	Small foamex	Yes	<p>Damaged sign.</p> <p>Signs needs re-positioning to face the correct way.</p> <p>Post needs cleaning and re-painting.</p>		

<p>Black Country New Road Pedestrian Crossing Lamppost 18.</p> <p>Corner of Dangerfield Lane</p>	Small foamex	Yes	<p>Slightly faded sign but otherwise in good condition, just needs cleaning.</p> <p>Sign needs re-positioning to face the correct way.</p> <p>Post in good condition but needs cleaning.</p> <p>Trees are not an issue at present but may need cutting back at some point.</p>		
<p>Black Country New Road Pedestrian Crossing Lamppost 19.</p> <p>Road opposite Dangerfield Lane.</p>	Small foamex	Yes	<p>Sign and post in good condition but need cleaning.</p> <p>Sign needs re-positioning to face the correct way.</p>		

Black Country New Road, towards Moxley. Lamppost 35. Opposite All St's Church.	Small foamex	No	Missing sign and no evidence of a sign previously being present. Post needs cleaning and re-painting.		Installed on Lamppost 34 
A454 Keyway, Walsall bound exit off Portobello Island	Large fixed	No	Missing sign but there are posts with no sign attached.	Unable to obtain a photograph of this location.	

E-Filing Submission Confirmation

The following electronic filing(s) were successfully submitted. Please keep a copy of this confirmation for your records.

Submitted Number 769591674830051637

Submitted Date 27-01-2023 02:34 PM

Filings Submitted:

Court	Case Number	Matter/Ref. Number	Filing Type(s)	Documents	Fees
Birmingham	KB-2022-BHM-000188		Filing - Witness Statement - General	3	£ 0.00
<u>Total</u>					<u>£ 0.00</u>