



Case No: **KB-2022-BHM-000188**
KB-2022-BHM-000221

KB-2022-BHM-000188

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

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

KB-2022-BHM-000188

B E T W E E N

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

Claimants

and

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

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

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

**(4) PERSONS UNKNOWN BEING DRIVERS, RIDERS OR
PASSENGERS IN OR ON MOTOR VEHICLE(S) 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 SUCH
DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS
OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING**

**(5) Mr ANTHONY GALE
(6) Miss WIKTORIA SZCZUBLINSKA**

Defendants

AND

KB-2022-BHM-000221

B E T W E E N

BIRMINGHAM CITY COUNCIL

Claimant

-and-

**(1) AHZI NAGMADIN
(2) JESSICA ELLEN ROBERTS
(4) RASHANI REID
(5) THOMAS WHITTAKER
(6) ARTHUR ROGERS
(7) ABC
(8) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND
TO PARTICIPATE IN STREET-CRUISES IN BIRMINGHAM,
AS CAR DRIVERS, MOTORCYCLE RIDERS, PASSENGERS
AND/OR SPECTATORS
(9) PERSONS UNKNOWN WHO, OR WHO INTEND TO,
ORGANISE, PROMOTE OR PUBLICISE STREET CRUISES
IN BIRMINGHAM
(10) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND
TO PARTICIPATE IN STREET CRUISES IN BIRMINGHAM AS
CAR DRIVERS, MOTORCYCLE RIDERS OR PASSENGERS IN
MOTOR CARS OR ON MOTORCYCLES
(11) MOHAMMED SHABBIR
(12) ZOE LLOYD
(13) CALLUM BLUNDERFIELD**

Defendants

BEFORE Her Honour Judge Emma Kelly, sitting as a Judge of the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS on 4 October 2023.

UPON hearing:

- (i) Mr Singleton of counsel for the Claimants in Claim No. KB-2022- BHM-000188 (respectively the “Wolverhampton Claimants” and the “Wolverhampton claim”) and
- (ii) Mr Manning and Ms Crocombe of counsel for the Claimants in Claim No. KB-2022- BHM-000221 (respectively “Birmingham CC” and the “Birmingham claim”),

AND UPON there being no appearance by any Defendant, and no other person having notified the Court, the Wolverhampton Claimants or Birmingham CC that they wished to be joined as a party or heard.

AND UPON Birmingham CC’s application for an interim injunction and power of arrest dated 9 December 2022 pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980 and the Wolverhampton Claimants’ like application dated 13 December 2022

AND UPON the Court reviewing the grant by the Honourable Mrs Justice Hill of Interim Injunctions and Powers of Arrest dated 22 December 2022 as amended by the Honourable Mr Justice Ritchie on 16 May 2023 in both the Wolverhampton claim and the Birmingham claim.

AND UPON the Court having dispensed with the need for Birmingham CC to serve the Eighth, Ninth and Tenth Defendants via the method stipulated in paragraph 13(6) of the Order of Mr Justice Ritchie dated 16 May 2023, the Court having concluded, for the reasons given in a Judgment in the case of Birmingham CC v Lloyd, on 4 September 2023, that paragraph 13(6) was impossible to comply with.

IT IS ORDERED THAT:

1. In both the Wolverhampton claim and the Birmingham claim, the Interim Injunctions and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, and as amended by the Honourable Mr Justice Ritchie on 16 May 2023 shall remain in force until the hearing until the hearing of the claim unless varied or discharged by further Order of the Court.

2. (i) Birmingham CC has permission to file and serve a version 4 of the Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest so as to record the addition of the 13th Defendant as a party by 4.00 pm on 11 October 2023.
(ii) The Wolverhampton claimants shall have permission to file and serve version 3 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest to add the 5th and 6th Defendants by 4.00 pm on 11 October 2023

Hereafter any amended Statements of Case and Orders shall be described in the following manner: identifying the nature of the document, which version of the document it is and when and by whom permissions to amend was given.

e.g. Particulars of Claim (version 2) amended pursuant to an order of Ritchie J made on 19 May 2023 would be the Wolverhampton Claimants Amended Particulars of Claim.

Case Management

3. There shall be the following further hearings set out below at which hearings the court will consider the Wolverhampton claim and the Birmingham claim together. For the avoidance of doubt, the Wolverhampton claim and the Birmingham claim have not been consolidated but it is convenient for them to be heard together as they raise similar issues.

4. A further review hearing shall take place before a High Court Judge at 10.30 am on 20 December 2023 in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS, with a time estimate 1 day, and prior Judicial reading time of 1 day.

(a) Not less than 7 days prior to the hearing the Wolverhampton claimants and Birmingham CC shall file with the Court case summaries to inform the Court of the current position in particular in relation to the awaited judgment of the Supreme Court in *Wolverhampton CC v London Gypsies and Travellers and others* [2022] UKSC/0046 and any current enforcement proceedings and Defendants to be named in connection with the interim injunction and/or the power of arrest.

(b) The Wolverhampton claimants and Birmingham CC have permission to file updating evidence not less than 7 days prior to the hearing. Alternative service of any

such evidence may be effected by taking like steps to those set out at paragraphs 14 and 16 of this Order in the Wolverhampton claim and paragraphs 18 and 20 of this Order in the Birmingham claim.

(c) Not less than 7 days prior to the hearing the Wolverhampton claimants and Birmingham CC shall file with the Court a hard copy of each bundle containing all the Orders, application documents and evidence relevant to the application. It should also include drafts of any proposed orders.

(d) Both the Wolverhampton claimants and Birmingham CC must give active consideration as to whether this hearing can be converted into a final hearing if the judgment of the Supreme Court in *Wolverhampton CC v London Gypsies and Travellers and others* [2022] UKSC/0046 is handed down in good time prior to 20 December 2023. Any request that the hearing to be converted into a final hearing must be made in writing to the Court to include details as to what time estimate is being proposed and why, whereupon the matter shall be referred to HHJ Kelly for consideration as to further case management directions and as to whether the Court can accommodate a final hearing commencing on 20 December 2023

(e) At the review hearing, the Court will determine, amongst other things, the appropriate directions for the final hearing of each claim which has been listed in accordance with paragraph 5 of this Order.

5. There shall be a final hearing, before a High Court Judge at 10.30 am on 27 and 28 February 2024 in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS, with a time of 2 days and prior Judicial reading time of 1 additional day.

6. Any person served with a copy of, or affected by, this Order including, for the avoidance of doubt, the Interim Injunctions and Powers of Arrest, may apply to the Court to vary or discharge it on 48 hours written notice to the Wolverhampton claimants or Birmingham CC, whichever be the relevant claimant, at the applicable address set out at the foot of this Order. Further information is contained at paras 21-23 of and Schedule 1 to this Order.

Service

7. In both the Wolverhampton claim and the Birmingham claim, and pursuant to CPR r.6.27 and CPR r.81.4, the steps that the Wolverhampton claimants and Birmingham CC have taken to serve the order of Ritchie J sealed on 16 May 2023; notice of this hearing and the further evidence filed in advance of this hearing shall amount to good and proper service on the each of the Defendants.

8. Personal service of this Order and the amended Claim Form, Particulars of Claim, Interim Injunction and Power of arrest above is dispensed with in relation to the first, second, third and fourth Defendants in the Wolverhampton claim, and in relation to the Eighth to Thirteenth Defendants inclusive in the Birmingham claim.

Service of this Order

9. The Wolverhampton claimants shall serve this Order on the First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 25 October 2023:

- (a) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:
- (i) Details of the application and summarise the orders made;
 - (ii) Any deadline for filing any documents by the Defendants;
 - (iii) The date, time and location of the future hearings.
 - (iv) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
 - (v) The Claimants' contact details; and
 - (vi) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail, Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central.

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the above media release.

(c) Updating the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

<https://www.dudley.gov.uk/residents/parking-and-roads/roadshighways-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 Order.

(d) Ensuring that the home (or landing) page of each of the Claimants' main websites have and retain a prominent direct link to the dedicated webpages referred to above.

(e) Ensuring that a copy of this Order is available at the front desks of the Claimants' main offices.

(f) Requesting that the police forces for the West Midlands, Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link to this Order on the dedicated web-pages referred to at (c) above.

10. The Wolverhampton Claimants shall serve this Order on the fifth and sixth Defendants ('the named Defendants') by email, the named Defendants having agreed to accept service by this method. Service must be completed by 16:00 on 11 October 2023.

11. Birmingham CC shall personally serve this Order on the First, Second, Fourth, Fifth, Sixth and Seventh Defendants by 16:00 on 18 October 2023.

12. Birmingham CC shall serve this Order on the Eighth, Ninth and Tenth Defendants by completing the following steps before 16:00 on 25 October 2023:

(a) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:

- (i) Details of the application and summarise the orders made;
- (ii) Any deadline for filing any documents by the Defendants;
- (iii) The date, time and location of the future hearings.
- (iv) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
- (v) The Claimants' contact details; and
- (vi) Details of where and how copies of the Injunction, Power of Arrest, this Order, the Documents and the Evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Express and Star, Chronicle Week, the Birmingham Mail, Halesowen & Dudley News and Stourbridge News; local radio stations including BBC WM, Free Radio, Signal 107, WCR FM and Heart; the website Birmingham Live (aka) BLive; and the following television stations, BBC (to include the Midlands Today programme) and ITV Central.

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the above media release.

(c) Updating its dedicated page on its website about the Injunction and Power of Arrest and this Order:

<https://www.birmingham.gov.uk/streetcruiseapplication2022>

Such page shall carry a direct link to this Order.

(d) Ensuring that the home (or landing) page of its main website has and retains a prominent direct link to the dedicated webpage referred to above.

(e) Ensuring that a copy of this Order is available at the front desks of the Claimants' main offices.

(f) Requesting that the police forces for the West Midlands, Warwickshire, West Mercia, Staffordshire and Leicestershire post on their website and Instagram, X (previously known as Twitter), and Facebook accounts, a link to this Order on the dedicated webpage referred to at (c) above.

13. Birmingham CC shall serve this Order on the Eleventh, Twelfth and Thirteenth Defendants by email, the said Defendants having agreed to accept service by this method. Service must be completed by 16:00 on 11 October 2023.

Service of the Amended Claim Documents, Interim Injunction and Power of Arrest

14. Wolverhampton Claimants shall serve version 3 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest on the First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 25 October 2023:

(a) Uploading copies to the dedicated pages on the websites of Wolverhampton City Council, Dudley Council, Sandwell Council and Walsall Council about the Injunction and Power of Arrest and this Order:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

<https://www.dudley.gov.uk/residents/parking-and-roads/roadshighways-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

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the relevant website containing version 3 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest.

(c) Placing hard copies of version 3 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest at the front desks of the relevant Claimant's offices.

15. This Order shall be deemed served on the First, Second, Third and Fourth Defendants at 23:59 on the date upon which, in each case, the final step in paragraph 14 has been complied with.

16. The Wolverhampton Claimants shall serve version 3 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest on the named Defendants by email, the said Defendants having agreed to accept service by email. Service must be completed by 16:00 on 11 October 2023.

17. Birmingham CC shall personally serve version 4 of the Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the First, Second, Fourth, Fifth, Sixth and Seventh Defendants by 16:00 on 18 October 2023.

18. Birmingham CC shall serve version 4 of the Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the Eighth Ninth and Tenth Defendants by completing the following steps before 16:00 on 25 October 2023:

(a) Uploading copies to its dedicated page on its website about the applications to the High Court for an injunction and power of arrest:

<https://www.birmingham.gov.uk/streetcruiseapplication2022>

(b) Placing on the Claimants' social media including X (previously known as Twitter), Facebook and Instagram links to the Fourth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest.

(c) Placing hard copies of version 4 of the Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest at the front desk of the Claimant's main office.

19. This Order shall be deemed served on the Eighth, Ninth and Tenth Defendants at 23:59 on the date upon which, in each case, the final step in paragraph 18 has been complied with.

20. Birmingham CC shall serve this Order on the Eleventh, Twelfth and Thirteenth Defendants by email, the said defendants having agreed to accept service by this method. Service must be completed by 16:00 on 11 October 2023.

Further matters

21. Without prejudice to the foregoing, any person wishing to exercise a right granted by paragraph 6 of this Order may apply to the Court at any time but if they wish to do so they must inform the relevant Claimants' solicitors in writing immediately (and in any event not less than 48 hours before the hearing of any such application) via the contact details set out below at the foot of this Order. Schedule 1 to this Order indicates the process which must be followed for any such application.

22. Any person applying to vary or discharge either Interim Injunction or Power of Arrest 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.

23. Any Defendant who fails to comply with paragraphs 21 and 22 above shall not be permitted to defend or take any role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them.

Communications with Claimants and the Court

24. All communications to the Court about the Wolverhampton claim or the Birmingham claim (which should quote the case number) should be sent to:

Birmingham District Registry Civil Justice Centre

Priory Courts

33 Bull Street,

Birmingham B4 6DS

E: kb.birmingham@justice.gov.uk T: 0121 681 4441

DX: 701987 Birmingham 7

25. Any person who wishes to make an application under para.6 and 21 of this Order or otherwise to contact the Wolverhampton claimants or Birmingham CC about these claims shall contact the relevant Claimants' solicitors via the contact details below:

The Wolverhampton 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

Birmingham CC's solicitors' contact details are:
Birmingham City Council Legal and Governance
Ref: LSCSY/HM/150673
PO Box 15992
Birmingham B2 2UQ
E: HousingLitigationTeam@birmingham.gov.uk
T: 0121 303 2808
DX: MDX 326401 Birmingham 87

Costs

26. Costs in the application.

SCHEDULE 1 – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 6 above, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed:

1. Any person seeking to contest the Claimants' entitlement to interim relief should file with the court (i.e. send to the court) and serve (i.e. send to the Claimants):

- (a) An N244 application form¹;
- (b) Written grounds (which may be contained in within the N244 application form or a separate document) for:
 - i. permission to bring the application; and
 - ii. the application (i.e. reasons for the proposed variation / discharge of the Order).
- (c) A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.

2. In order to file the above documents with the Court, the applicant should:

- (a) Send physical copies of the documents to the address at paragraph 24 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) Identify the relevant Claimants (the Wolverhampton Claimants or Birmingham CC); and then
- (b) Send physical copies of the documents to the relevant address at paragraph 25 of this Order; and/or

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>

(c) Send electronic copies of the documents to the relevant e-mail address at paragraph 25 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).

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.