

Case No: KB-2022-BHM-000188

KB-2022-BHM-000221

IN THE HIGH COURT OF JUSTICE
KINGS'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.

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)

(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

(7) Mr ISA IQBAL

Defendants

AND

BETWEEN

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

(14) GURINDER SINGH SAHOTA

Defendants

BEFORE Her Honour Judge Emma Kelly, sitting 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 on 20 December 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 Richie dated 16 May 2023 on 4 September 2023, the Court having found on that occasion 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 of the claim unless varied or discharged by further Order of the Court.

Case Management

2. There shall be a final hearing as set out below at which hearing 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.

3. The final hearing shall be before a High Court Judge on 27 and 28 February 2024 at 10:30am in the High Court of Justice, Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS. Time estimate 2 days plus reading time of 1 day (on 26 February 2023 or such other day to be allocated by the Court) in addition to the hearing time. The following directions apply to the final hearing:

(a) The Wolverhampton claimants and Birmingham CC have permission to file and serve updating evidence by 16:00 on 13 February 2024. Alternative service of any such evidence may be effected by taking like steps to those set out at 12 and 14 of this Order in the Wolverhampton claim and 16 and 18 in the Birmingham claim

(b) By 16:00 on 19 February 2024 the Wolverhampton claimants and Birmingham CC shall file with the Court:

- a. Hard-copy and electronic bundles containing all the Orders, application documents and evidence relevant to the application;
- b. It should also include drafts of the orders sought.
- c. The Claimants' solicitors should liaise with the court as to how video evidence is going to be provided to the Judge prior to the hearing, and how that evidence is going to be played during the hearing.

(c) By 16:00 on 21 February 2024 the Wolverhampton claimants and Birmingham CC shall file with the Court:

- a. Skeleton Arguments;
- b. A common bundle of authorities.

4. 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 paragraphs 19-21 of and Schedule 1 to this Order.

Service

5. 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.

6. Personal service of this Order and the amended Claim Form, Particulars of Claim, Injunction and Power of arrest above is dispensed with in relation to the first, second, third and fourth Defendants in the Wolverhampton claim, and is dispensed with in relation to the Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Defendants in the Birmingham claim.

Service of this Order

7. The Wolverhampton claimants shall serve this Order on the First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 12 January 2024:

- (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 any future hearings including the final hearing on 27 February 2024;
 - (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) 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 this Order.

8. The Wolverhampton Claimants shall serve this Order on the fifth sixth and seventh 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 12 January 2024.

9. Birmingham CC shall personally serve this Order on the First, Second, Fourth Fifth, Sixth and Seventh Defendants by 16:00 on 12 January 2024.

10. Birmingham CC shall serve this Order on the Eighth, Ninth and Tenth Defendants by completing the following steps before 16:00 on 12 January 2024:

(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 any future hearings, including the final hearing on 27 February 2024. The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
- (iv) The Claimants' contact details; and
- (v) 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) 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 this Order.

11. Birmingham CC shall serve this Order on the Eleventh, Twelfth, Thirteenth and Fourteenth Defendants by email. Service must be completed by 16:00 on 12 January 2024.

Amended Claim Documents, Injunction and Power of Arrest

12. Wolverhampton Claimants shall serve version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest on the

First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 12 January 2024:

(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 4 of the Claim Form, the Particulars of Claim, and the Injunction and the Power of Arrest.

(c) Placing hard copies of version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest at the front desks of the relevant Claimant's offices.

13. 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 12 has been complied with.

14. The Wolverhampton Claimants shall serve version 4 of the Claim Form, the Particulars of Claim, and the Injunction and version 5 of the Power of Arrest on the named Defendants by email. Service must be completed by 16:00 on 12 January 2024.

When providing copies of Version 5 of the Power of Arrest to the police the Wolverhampton Claimants shall provide a further copy of Version 4 of the Injunction.

15. Birmingham CC shall personally serve the Fifth Amended 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 12 January 2024.

16. Birmingham CC shall serve the Fifth Amended 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 12 January 2024:

(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 the Fourth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest at the front desks of the relevant Claimant's offices.

17. The Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest 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 16 has been complied with.

18. Birmingham CC shall serve the Fifth Amended Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest on the Eleventh, Twelfth and Thirteenth Defendants by email. Service must be completed by 16:00 on 12 January 2024.

Further matters

19. Without prejudice to the foregoing, any person wishing to exercise a right granted by paragraph 4 of this Order may apply to the Court at any but if they wish to do so they must inform the relevant Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application) via the contact details set out below at the foot of this Order. Schedule 1 to this Order indicates the process which must be followed for any such application.

20. Any person applying to vary or discharge either Amended 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.

21. Any Defendant who fails to comply with paragraphs 19 and 20 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.

Relief from Sanctions Application by the Wolverhampton Claimants

22. The application, dated 12 December 2023, by the Wolverhampton Claimants for relief from sanctions is granted and the time for service in paragraph 1 the Order of HHJ Kelly, dated 1 November 2023 is extended to 4.00pm on 14 December 2023.

23. The Wolverhampton Claimants application of 12 December 2023 was made without notice to the Defendants who may apply to have paragraph 22 above set aside or varied. Such application must be made within 7 days after the date on which the order was served on the person making the application.

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
Birmingham Civil and Family 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 view or download copies of the documents shall contact the 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 4 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

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>

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
- (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.

