



Case No: KB-2022-BHM-000188

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**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.**

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

(7) Mr ISA IQBAL

(8) Mr MASON PHELPS

(9) Ms REBECCA RICHOLD

Defendants

BEFORE the Honourable Mr Justice Julian Knowles , 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 27 February 2028

UPON hearing: Mr Singleton of counsel for the Claimants in Claim No. KB-2022- BHM-000188

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

AND UPON Claimants' application ,dated 9 December 2022, for an interim injunction and power of arrest pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980.

IT IS ORDERED THAT:

1. Final Injunctions and Powers of Arrest are granted in the terms of the drafts annexed to this Order.

Case Management

2. Any person served with a copy of, or affected by, this Order including, for the avoidance of doubt, the Final Injunction and Final Power of Arrest, may apply to the Court to vary or discharge it, on 48 hours written notice to the claimants or, at the address set out at the foot of this Order. Further information is contained at paragraphs 10 to 12 of and Schedule 1 to this Order.

Service

3. Pursuant to CPR r.6.27 and CPR r.81.4, the steps that the Claimants have taken to serve the order of Hill J sealed on 22 December 2022 as amended by the order 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.

4. 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

Service of this Order

5. The claimants shall serve this Order on the First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 15 March 2024:

(a) Issuing a media release highlighting the grant of a Final 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, if applicable;
- (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 copies of the Injunction and Power of Arrest are available at the front desks of the Claimants' main offices by 12 March 2024.

(f) 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 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 signage to be activated and in place by 00:01 on 15 March 2024

(g) 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.

6. The Claimants shall serve this Order on the fifth sixth seventh, eighth and ninth 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 15 March 2024.

Amended Claim Documents, Injunction and Power of Arrest

7. The Claimants shall serve version 5 of the Claim Form, the Particulars of Claim (version 6) the Power of Arrest (version 7), and the Final Injunction on the First, Second, Third and Fourth Defendants by completing the following steps before 16:00 on 15 March 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 5 of the Claim Form, the Particulars of Claim (version 6) the Power of Arrest (version 7), and the Final Injunction.

(c) Placing hard copies of version 5 of the Claim Form, the Particulars of Claim (version 6) the Power of Arrest (version 7), and the Final Injunction at the front desks of the relevant Claimant's offices.

8. 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 7 has been complied with.

9. The Claimants shall serve version 5 of the Claim Form; version 6 of the Particulars of Claim, the Power of Arrest (version 7), and the Final Injunction, on the named Defendants by email. Service must be completed by 16:00 on 15 March 2024.

When providing copies of Version 7 of the Power of Arrest to the police the Claimants shall provide a copy of the Final Injunction.

Further matters

10. Without prejudice to the foregoing, any person wishing to exercise a right granted by paragraph 2 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.

11. Any person applying to vary or discharge either Final 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.

12. Any Defendant who fails to comply with paragraphs 10 and 11 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.

Application by the Claimants to add Rebecca Richold as the Ninth Defendant

13. The application, dated 30 January 2024, by the Claimants to add Rebecca Richold as the Ninth Defendant is granted.

14. Further service of version 5 of the Claim Form, the Particulars of Claim (version 6) the Power of Arrest (version 7), the Final Injunction and this order on the Ninth Defendant is dispensed provided that paragraph 9 above is complied with.

Communications with Claimants and the Court

15. All communications to the Court about the 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

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

The claimants' solicitors and their contact details are:

FAO: Black Country Car Cruise

Legal Services

Wolverhampton City Council

Civic Centre

St Peters Square

Wolverhampton

WV1 1RG

E: litigation@wolverhampton.gov.uk

T: T: 01902 556556

DX: 744350 Wolverhampton 27

Ref: LIT/AS/LIJ017753P

Costs

17. There be no order for costs

SCHEDULE 1 – STEPS TO VARY OR DISCHARGE THIS ORDER

If, in accordance with paragraph 2 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 15 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 16 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 e-mail address at paragraph 16 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.