

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

Birmingham Civil and Family Justice Centre
The Priory Courts, 33 Bull Street
Birmingham B4 6DS

Date: 27 February 2026

Before:

HHJ Emma Kelly sitting as a Judge of the High Court

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 area shown on plan B (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 area shown on plan B (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 area shown on plan B (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 area shown on plan B (attached) at

Defendants

**which such defendants engage in motor racing
or motor stunts or other dangerous or
obstructive driving**

**And those persons listed at Schedule 1 as
Named Defendants**

Mr Micheal Singleton (instructed by **Wolverhampton City Council Legal Services**) for the
Claimants.

The **Defendants** did not attend and were not represented.

Hearing date: 26 February 2026.

Judgment handed down remotely at 4pm on 27 February 2026 by circulation to the parties or
their representatives by email and by release to the National Archives.

APPROVED JUDGMENT

HHJ Emma Kelly:

Introduction

1. This is the second annual review of a quasi-final injunction and power of arrest granted to the four local authority claimants (“the Claimants”). The review was listed alongside the review of a similar injunction granted to Birmingham City Council under claim number KB-2022-BHM-000221 (“the *Birmingham* claim”). The claims are not however consolidated and different issues arise in each. A separate judgment is handed down in respect of the review hearing in the *Birmingham* claim: [2026] EWHC 442 (KB).
2. The First, Third and Fourth Claimants seek the continuation of the substance of the existing injunction and power of arrest, with some minor amendments. The Second Claimant seeks to discontinue its claim and do not therefore seek ongoing relief.
3. The First to Fourth Defendants are categories of ‘Persons Unknown’. The remaining Defendants are named individuals (“the Named Defendants”), each of whom has been found to be in contempt of the interim or quasi-final versions of the injunction. None of the Defendants attended or were represented at the review hearing.

Background

4. The claim arose from car cruising or street cruising activity that was occurring on the public highways or other areas to which the public had access within the Claimants’ local authority areas. For those not familiar with the concept of car cruising, it typically involves a congregation of motor vehicles (including motorcycles) on the public highway, or in another place to which the public have access. The drivers or riders of the vehicles drive at excessive speeds or otherwise dangerously, often racing, driving in convoy, performing stunts, and obstructing the public highway or private property. The gatherings often attract crowds of spectators.
5. On 22 December 2022, Hill J granted an urgent interim injunction and power of arrest. The interim orders were varied on a number of occasions prior to the final hearing.
6. On 27 February 2024, Julian Knowles J granted a quasi-final injunction (“the Injunction”) and power of arrest (“the Power of Arrest”). The Power of Arrest was attached to one limb only of the Injunction. By paragraph 9 of the Injunction, the Injunction and Power of Arrest were to “expire at 11.59pm on 1 March 2027 unless it is extended, varied or discharged by further order of the court”. The Injunction provided for a review hearing.
7. The first annual review of the Injunction and Power of Arrest took place before Ritchie J on 26 February 2025: [2025] EWHC 1102 (KB). The single judgment deals with both the review hearing in this case and in the *Birmingham* claim. Ritchie J made some minor amendments to the Injunction but otherwise

continued it (“the Amended Injunction”). The substance of the Power of Arrest remained unchanged. By paragraph 5 of the Amended Injunction, the Power of Arrest remained “in force until 23.59 on 1 March 2027 unless extended, varied or discharged by further order of the court”. However, paragraph 9 of the Amended Injunction stated: “this injunction and power of arrest shall, continue until discharged by further order of the court but shall expire after 14 months if it is not renewed.” The approved transcript of the ex tempore judgment of Ritchie J from 26 February 2026 does not explain why there is an internal inconsistency in the Amended Injunction as to the date of expiry of the power of arrest, nor does it make any reference to an intention to reduce or otherwise alter the overall term of the Amended Injunction from that granted by Julian Knowles J. The Claimants do not recall any discussion during the hearing before Ritchie J as to any variation of the term and only noticed the reference to “14 months” when the sealed order was served. The Amended Injunction provided for a further review on 26 February 2026.

8. Ritchie J made also made an accompanying directions order on 26 February 2025, amended under the slip rule on 7 March 2025 (“the Directions Order”).
9. The Claimants have filed and served the following updated witness statements:
 - i) Pardip Nagra, the Anti-Social Behaviour Team Leader of Wolverhampton Homes, dated 2 February 2026. The exhibits to Mr Nagra’s statement include witness statements from various dates in January 2026 from Anti-Social Behaviour Officers from the Second, Third and Fourth Claimants.
 - ii) PC Mark Campbell, the West Midlands Police subject lead for Operation Hercules, dated 29 December 2025.
 - iii) Paul Brown, Communications Manager at the First Claimant, dated 24 December 2025 and 6 February 2026.
 - iv) Adam Sheen, the Claimants’ solicitor, dated 24 February 2026.
10. By application notice, dated 24 February 2026, the Claimants seek (a) relief from sanctions to rely on the statement of Mr Sheen, dated 24 February 2026, (b) permission for the Second Claimant to discontinue its claim, and (c) an extension of the term of the injunction and power of arrest to reinstate the term ordered by Julian Knowles J.
11. To the extent that it was required, and for the reasons given in an ex tempore judgment during the hearing, I granted the Claimants relief from sanctions so as to be able to rely on Mr Sheen’s statement. The other two aspects of the Claimants’ application are dealt with in this judgment.

Service

12. Paragraph 7 of the Amended Injunction states that the said order would be deemed served on completion of the final step in paragraphs 6 and 7 of the

Directions Order. It appears that the cross-referencing to the paragraph numbering has gone awry. Paragraph 6 of the Directions Order relates to the deemed date of service and paragraph 7 makes no order as to costs. It is paragraphs 4 and 5 of the Directions Order that deal with service. Paragraph 4 of the Directions Order granted permission to the Claimants to serve “this Order” on the First to Fourth Defendants by alternative methods specified in Schedule 2 to the order. The term “this Order” is not expressly defined in the Directions Order but Mr Singleton informed the court that the Claimants understood that to encompass all of the Directions Order, Amended Injunction and Power of Arrest. The Schedule 2 requirements involve the issuing of a media release, advertising on social media, updating of dedicated street racing webpages and home pages, provision of hard copies at front desks, and requesting West Midlands Police to post details on their social media. The provisions as to service of the Amended Injunction, Power of Arrest and Directions Order are arguably not as clear as they could be. However, the intention was clearly that the three documents should be served on the First to Fourth Defendants in accordance with the requirements of Schedule 2 of the Directions Order, and on the Named Defendants by the email or postal addresses provided by each of those Defendants to the Claimants earlier in the proceedings.

13. The witness statement of Paul Brown, dated 24 December 2025, addresses service of the Amended Injunction, Power of Arrest and Directions Order on the First to Fourth Defendants. Mr Brown describes the media releases issued, social media posts by the Claimants and West Midlands Police, the updating of the Claimants’ websites including direct links on the home page to the dedicated street racing webpages, media coverage, and the Claimant’s ongoing use of digital and fixed signage. Mr Brown’s earlier statement of 20 March 2025 also addressed the required service steps including the additional step of placing copies at the front desks of the Claimants’ main offices. The service steps taken by the Claimants accord with Schedule 2 in relation to service on the First to Fourth Defendants. Notwithstanding the ambiguity on the Injunction Order and Directions Order as to exactly what was required, I am satisfied that the steps take to date by the Claimants amount to good service to ensure that the Defendants had notice of the orders.
14. Paragraph 5 of the Directions Order granted permission for the Claimants to serve “this Order” on the named Defendants “using email addresses and/or postal addresses that have been provided to the Claimants in the course of these proceedings”. A certificate of service dated 19 March 2025 confirms service on the Named Defendants.
15. Paragraph 10 of the Amended Injunction and paragraph 1 of the Directions Order provide the date and location of the review hearing. Therefore, even if a Defendant had not been present at the last review hearing, which they were not, they have since been served with notice of today’s hearing.
16. Paragraph 2 of the Directions Order required the Claimants to file an updating witness statement not less than 14 days prior to the review hearing. The order

made no mention of such evidence being served on the Defendants. The Claimants have however taken steps of their own volition to publicise the annual review date and to serve copies of the updated evidence. Mr Brown's statement of 6 February 2026 explains the steps taken by the Claimants, which involved replicating steps required by an order I made on 23 April 2024 in advance of the first review hearing. The Claimants issued a media release on 14 January 2026 highlighting the second review hearing, published information on their social media accounts the same day, updated their websites (including with a copy of the hearing bundle albeit minus the N244 application of 24 February 2026) and requested that West Midlands Police also post details on their social media accounts. The Claimants also served the hearing bundle on the Named Defendants and their solicitors on 3 February 2026. Notwithstanding the lack of direction as to service of evidence or a reminder as to the review hearing date, the steps taken by the Claimants were reasonable, responsible ones and I am satisfied that proper, adequate notice has been provided to the Defendants both of today's hearing and the updated evidence relied upon. To the extent that the Defendants have not been served with the N244 application of 24 February 2026, I indicated during the hearing that any order made in relation to that application would have CPR 23.10 wording on the face of the order.

Legal Framework

17. The Supreme Court identified the importance of review hearings, particularly in cases involving persons unknown, in *Wolverhampton City Council & others v London Gypsies and Travellers & others* [2023] UKSC 47 ("*Wolverhampton*"). At [225]:

“[the review hearing]...will give all parties an opportunity to make full and complete disclosure to the court, supported by appropriate evidence, as to how effective the order has been; whether any reasons or grounds for its discharge have emerged; whether there is any proper justification for its continuance; and whether and on what basis a further order ought to be made.”

18. I considered the approach to be taken on review in *North Warwickshire Borough Council v Persons Unknown* [2025] EWHC 2403 (KB). At [13]:

“13. A review hearing is not an opportunity to revisit the original merits of the claim afresh. The proper focus of the review is to consider whether anything material has changed since the injunction and power of arrest were granted. Material changes may be factual and/or developments in the law since the order was granted. If there has been a material change or changes, the Court needs to question whether the scope of the injunction needs amending or indeed whether there remains a compelling need for any kind of injunction or power of arrest at all. Such an approach is consistent with the views expressed in a number of post-*Wolverhampton* cases including by Ritchie J in *HS2 v Persons Unknown* [2024] EWHC 1277 (KB) at [32]-[33], Hill J in *Valero v Persons Unknown* [2025] EWHC 207

(KB) (“*Valero*”) at [20]-[23], and Sweeting J in *Esso Petroleum Company v Persons Unknown* [2025] EWHC 1768 (KB) (“*Esso*”) at [5]-[8].”

19. The determination as to whether there has been any material change involves consideration of the factors that needed to be considered when the injunction was first granted or, in this case, last reviewed. Ritchie J identified the relevant factors at the first review hearing in this case at [44]-[59].

The evidence

20. The Claimants’ updating evidence includes the following:
- i) The Second Claimant wishes to discontinue its claim and no longer wishes to maintain the Amended Injunction and Power of Arrest in its local authority area. The other Claimants consent to the Second Claimant discontinuing but wish to maintain the protective orders in respect of their areas. [Mr Sheen’s statement at para. 6-9 and exhibit AJRS1.]
 - ii) A local resident witness who previously provided evidence in support of the claim reported on 5 January 2026 that street racing in her area had reduced significantly since the Injunction came into force and she considers the order a great success but she felt the problem would return if the injunction was withdrawn. [Mr Nagra at para. 5.]
 - iii) Another local resident reported hearing vehicles racing along the Black Country Route near her home almost every Sunday hearing but that it had been quieter since October 2025 although she believes the activity will return when the warmer weather commences. [Mr Nagra at para. 6.]
 - iv) From February 2025 to December 2025, the Wolverhampton Homes Anti-Social Behaviour duty email inbox received 66 complaints about street racing. In the year prior to the Injunction in February 2024, there were 91 plus complaints. [Mr Nagra at para. 8-9.]
 - v) The Third Claimant received in excess of 40 complaints of street racing over the last year. [Mr Nagra at para. 12.]
 - vi) The Second Claimant continues to receive regular reports of street racing in specific areas. [Mr Nagra at para. 17.]
 - vii) The Fourth Claimant has not made any applications for contempt in the last year but has noted a slight rise in vehicle related anti-social behaviour. Several local residents in Walsall and a local councillor reported remaining in full support of the injunction and noted the incidence of street racing had drastically improved since the order was in place. [Mr Nagra at para. 19-23.]

- viii) There have been fifteen successful contempt applications since the interim order was first granted, five of them occurring since the last review hearing. [Mr Nagra at para. 29.]
- ix) The main organising group (@forza_birmingham) has a following of over 52,000 followers. They have openly stated they will not be organising any meets in the West Midlands for the foreseeable future and no large scale events have occurred for approximately six months. The activity has however been displaced to neighbouring areas, mainly West Mercia. A new organising group (@represent.mids) has emerged. Recent car cruising social media sites have polls asking groups where they want to attend. In nearly all polls, numerous followers have stated they do not wish to go to the West Midlands due to the risks associated with breaching the injunction. [PC Campbell at para. 5.]
- x) There is a mixed picture as to the volume of calls to the police in relation to car cruising, speeding vehicles and anti-social behaviour in the Claimant's administrative areas. Not all of the calls will relate to car cruising but some of the Claimant areas have seen an increase in 2025 from 2024, and other a decrease. Overall, the number of car cruise meets has hugely decreased. [PC Campbell at para. 6.]
- xi) Speed alert data from Automatic Number Plate Recognition cameras in the West Midlands shows a marked increase in the number of alerts being triggered from April 2025 to November 2025. [PC Campbell at para. 7.]
- xii) The police are continuing to run diversionary courses aimed at drivers identified as attending street cruising events or breaching the injunction. Since February 2025, 138 drivers have attended courses. [PC Campbell at para. 8.]

The Second Claimant's position

- 21. The Second Claimant seeks permission to discontinue its claim. By CPR 38.2(2), there are various circumstances in which a claimant wishing to discontinue must obtain the permission of the court to do so rather than simply filing and serving a notice of discontinuance. This includes, at CPR 38.2(2)(a) where the court has granted an interim injunction and, at CPR 38.2(2)(c) where there is more than one claimant unless every other claimant consents in writing.
- 22. The First, Third and Fourth Claimants have all provided their consent in writing to the Second Claimant discontinuing its claim. This is not therefore a case where the Court's permission is required under CPR 38.2(2)(c). However, the Second Claimant recognises that the quasi-final nature of the Injunction against the First to Fourth Defendants could be considered interim in nature and thus seeks permission. It is not necessary for me to determine whether the quasi-final nature of the Injunction is such that it falls within the meaning of an interim injunction for the purposes of CPR 38.2(2)(a), although there may well be merit in that argument, as I am persuaded in any event that it is appropriate to grant

permission. The Amended Injunction and Power of Arrest, extending as they do to Persons Unknown defendants, are draconian remedies. It would be inappropriate to tie a claimant to a claim for such remedies that they no longer seek. There is no prejudice to the Defendants in the Second Claimant discontinuing its claim as the terms proposed by the remaining Claimants would be less restrictive in nature. Further, the evidence before the Court is that no contempt proceedings have flowed from breaches of the Injunction in the Second Claimant's administrative boundary. This suggests the nature of the street cruising problem is less pronounced in that area. I therefore grant permission for the Second Claimant to discontinue their claim.

Discussion

23. At the review hearing on 26 February 2025, Ritchie J considered the substantive requirements (at [44] – [49]) and the procedural requirements (at [50] – [58]). Those findings are the starting point for this review.
24. I consider first whether there has been any material factual change which calls into question the need or required scope of the Amended Injunction. The Second Claimant's decision to discontinue is a material factual change. However, in my judgment, that of itself does not detract from the merits of the remaining three Claimants' positions. Each Claimant is a separate legal entity with its own local considerations to take into account. The only other change is an identified decrease in the amount of street cruising activity since the granting of the Injunction, with a further decrease over the last year.
25. I have also considered if there has been any material legal change since the last review hearing. Counsel for the Claimants is not aware of any material change in the law, neither am I. The potential ramifications of the decision in *MBR Acres Ltd & others v Curtin* [2025] EWHC 331 (KB) were known about and discussed at the review hearing before Ritchie J, and his judgment addresses the various issues. Nothing has changed in that regard since then.
26. Taking the substantive requirements in turn:
 - i) The Claimants' existing causes of action remain unchanged.
 - ii) I accept that the Claimants have provided full and frank disclosure. The Claimants has taken steps to remind Defendants of the review hearing and serve its evidence, notwithstanding the lack of formal direction to do so. Mr Singleton properly highlighted that the Second Claimant's discontinuance was a material change of circumstance which the Court should take into account.
 - iii) There remains sufficient evidence to prove the claim. In addition to the updated witness evidence as to street cruising activity, the additional proved contempt applications over the last year further add to the established factual matrix in support of the claims.

- iv) The potential defences of any Defendant remain unchanged from the considerations before the Court at the last review hearing.
- v) The compelling justification for the injunction and power of arrest remains. The updated evidence establishes that (a) the Amended Injunction and Power of Arrest are having a deterrent effect but that (b) street cruising activity continues to be a problem. The evidence indicates that street cruising activity continues to be an issue in its administrative areas as evidenced by the successful contempt applications over the past year, the need for diversionary courses, reports from local residents and police monitoring activity. To the extent that overall street cruising activity has reduced from that seen prior to injunctive relief being in place, it is well established that evidence of that kind is not evidence that the risk has abated: Hill J in *Valero* at [34]; *London Borough of Havering v Stokes & Ors* [2025] EWHC 2603 (KB) at [33].
- vi) Damages continue not to be an adequate remedy. The form of anti-social behaviour occasioned by street-cruising is not something the Claimant local authorities can be compensated for in damages, still less would be any comfort to local residents and lawful road users.

27. Turning to the procedural requirements:

- i) The definitions of the Persons Unknown Defendants were amended slightly last year by Ritchie J. The only extent to which I consider it necessary to further amend the description of the Persons Unknown is by reference to the removal of the Second Claimant's administrative area from the area shown on what was plan A. The description will be updated by reference to a revised "plan B" removing the Second Claimant's area.
- ii) The substantive terms of the Amended Injunction were narrowed by Ritchie J. There is no good reason to further amend the substance.
- iii) The acts prohibited by the Amended Injunction continue to match the claims.
- iv) As already highlighted above, the geographical boundary of the required order does need amendment to remove the Second Claimant's administrative area from its scope.
- v) The temporal limits of the required order do need reconsideration. The inconsistency in the Amended Injunction as to the expiry date of the power of arrest, and the reference to an end date of 14 months need amendment. The judgment of Ritchie J made no reference to him planning to reduce the three year term granted by Julian Knowles J. Moreover, his judgment also dealt with the *Birmingham* claim. The order made in the *Birmingham* claim following the review hearing did not reduce the term from that granted by Julian Knowles J. It seems most likely that the Amended Injunction contains a typographical error and

that the intention was that the three year term be maintained, subject to this further review occurring. In any event, the Claimants have issued an application to extend the term to a total term of three years, as originally granted. The updated evidence before the Court as to the ongoing risks of street cruising justifies the need for ongoing protection. I therefore propose to continue the injunction and power of arrest to 23.59pm on 1 March 2027, as envisaged by the Injunction granted in February 2024.

- vi) The Amended Injunction permitted the Claimants to serve the Defendants by alternative means. Alternative service remains appropriate in respect of the First to Fourth Defendants. The provisions of Schedule 2 of the Directions Order remains appropriate steps of alternative service. The alternative service provisions of the Injunction in its original (and indeed interim) form required the Claimants to maintain roadside hard copy and electronic signage advertising the existence of the Injunction. That requirement was removed from the Amended Injunction albeit the Claimants continue to maintain the signage. I discussed the removal with counsel during submissions. It is unclear why the requirement was removed; the judgment is silent on that issue. I propose to reinstate the requirement for the signage to be checked and then maintained as one of the requirements of alternative service. The evidence before the Court suggests that the signage is an important tool in bringing the existence of the (Amended) Injunction and Power of Arrest to the attention of the Defendants.
- vii) The Amended Order also made provision for alternative service on the Named Defendants by post or email. Those steps remain proportionate. The Named Defendants have each played no role in these proceedings after the point in which their contempt applications were concluded. It would be disproportionate to effect personal service of the revised injunction and power of arrest on them.
- viii) The right to apply to set aside or vary will continue in light of the guidance from the Supreme Court in *Wolverhampton*.
- ix) There is no need for a further annual review as the order will expire by effluxion of time at 23.59pm on 1 March 2027. The First, Third and Fourth Claimants have indicated that it is likely that they will apply to extend the injunction in due course. Any application would need to be served on the Defendants and listed for hearing. The merits of any extension would therefore be subject to the scrutiny of the Court at that stage. It behoves the relevant Claimants to make any application in a timely manner.
- x) Neither the Injunction nor Amended Injunction provide for the Claimants to give an undertaking as to costs. There is no basis for imposing such a condition now.

28. In conclusion, I am satisfied that there have been no material changes to the facts, or any material legal developments, that warrant the discharge of injunctive protection or power of arrest. I propose to make minor amendments to the form of the Amended Injunction and Power of Arrest to reflect the observations I have made above. That is best achieved by a replacement form of injunction order and power of arrest to ensure clarity. The new orders will replace the Amended Injunction and current Power of Arrest, which will be discharged and cease to apply once the new orders have been served.

HHJ Emma Kelly

^ SCHEDULE 1

(NAMED DEFENDANTS)

Defendant Number	Defendant Name	Date Defendant added as a party (and judge making order)
5	Mr ANTHONY PAUL GALE	4 October 2023 (HHJ Kelly)
6	Miss WIKTORIA SCZCUBLINSKA	4 October 2023 (HHJ Kelly)
7	Mr ISA IQBAL	1 November 2023 (HHJ Kelly)
8	Mr MASON PHELPS	29 January 2024 (HHJ Kelly)
9	Ms REBECCA RICHOLD	27 February 2024 (Julian Knowles J)
10	Mr OLIVER DAVID CLARKE	21 May 2024 (HHJ Kelly)
11	Mr SIKANDER HUSSAIN	23 May 2024 (HHJ Kelly)
12	Mr OMAR TAGON	12 November 2024 (HHJ Wall)
13	Mr TY HARRIS	25 November 2024 (HHJ Wall)
14	Mr VIVKASH BALI	25 November 2024 (HHJ Wall)
15	Mr QAMAR HUSSAIN	25 April 2025 (HHJ Rawlings)
16	Mr SCOTT HILL	15 May 2025 (HHJ Tindall)
17	Mr JAMES REYNOLDS	15 September 2025 (HHJ Charman)
18	Mr JAMES HOLDING	15 September 2025 (HHJ Charman)
19	Mr OSKAR ARIF	12 December 2025 (HHJ Najib)