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C287-292 C294-308 C310-315 C317 C319 C321-323 C325-327 C329-330	5 <sup>th</sup> Witness statement of Mark Campbell MRC4 Police log 2779 MRC5W/S Narinder Bains ANPR user MRC6 Map MRC7 footage Applegreen service station MRC8 W/s PO Whitmore and dashcam MRC9 w/s PO Styler and dashcam MRC10 Road sign	02/05/23
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# Claim Form (CPR Part 8)

In the											
Claim no.											
Fee Account no.											
Help with Fees - Ref no. (if appli- cable)	<table><tr><td>H</td><td>W</td><td>F</td><td>-</td><td></td><td></td><td>-</td><td></td><td></td><td></td></tr></table>	H	W	F	-			-			
H	W	F	-			-					

Claim Form (Version 6) amended pursuant to the order of HHJ Kelly made on 31

January 2024

Claimant



Defendant(s)

(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) Mr Mohammed Wajahas Shabbir (12) Zoe Lloyd (13) Callum Blunderfield (14) Gurinder Singh Sahota (15) Connor Hill (16) Asim Rahman (17) Aman Kayani

Does your claim include any issues under the Human Rights Act 1998? ☐ Yes ☐ No

Details of claim (see also overleaf)

Defendant's  
name and  
address

--

£

Court fee	
Legal representative's costs	
Issue date	

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal).

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim no.	
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Details of claim (continued)

Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

## Statement of Truth

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.

☐ **I believe** that the facts stated in these particulars of claim are true.

☐ **The Claimant believes** that the facts stated in these particulars of claim are true. **I am authorised** by the claimant to sign this statement.

### Signature

*H. MacPherson*

☐ Claimant

☐ Litigation friend (where claimant is a child or a Protected Party)

☐ Claimant's legal representative (as defined by CPR 2.3(1))

### Date

Day

Month

Year

Full name

Name of claimant's legal representative's firm

If signing on behalf of firm or company give position or office held

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

**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.1, Localism Act 2011, s.222, Local Government Act 1972 and s.130, Highways Act 1980.

**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**

**Defendants**

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**NAMED DEFENDANT'S ADDRESSES FOR SERVICE**

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**1. First Defendant**

36 Pickering Croft, Bartley Green, Birmingham, B32 2LN

**2. Second Defendant**

25 Ballams Wood Drive, Northfield, B31 5HF

**3. Fourth Defendant**

Unknown

**4. Fifth Defednant**

61 Westcroft Avenue, Wolverhampton, WV10 8NQ

**5. Sixth Defendant**

5 Brambling, Wilnecote, Tamworth, Staff, B77 5PQ

**6. Seventh Defendant**

REDACTED

11. Eleventh Defendant

12 Twyford Road Birmingham B8 2NJ

12. Twelfth Defendant

10 Winnington Road Birmingham B8 2QH

13. Thirteenth Defendant

23 Wagtail Drive Stowmarket IP145GH

14. Fourteenth Defendant

61 Pear Tree Road Great Barr B4 36HX

15. Fifteenth Defendant 38 College Road WS10 0BT

16. Sixteenth Defendant 380 Alum Rock Road B83 DA

17. Seventeenth Defendant 7 Bordesley Green East B9 5SS



Application for Injunction
(General Form)

Name of court
Claim No.
Claimant's Name and Ref.
Defendant's Name and Ref.
Fee Account no.

- Notes on completion
Tick which boxes apply and specify the legislation where appropriate
(1) Enter the full name of the person making the application
(2) Enter the full name of the person the injunction is to be directed to
(3) Set out any proposed orders requiring acts to be done. Delete if no mandatory order is sought.
(4) Set out here the proposed terms of the injunction order (if the defendant is a limited company delete the wording in brackets and insert 'whether by its servants, agents, officers or otherwise').
(5) Set out here any further terms asked for including provision for costs
(6) Enter the names of all persons who have sworn affidavits or signed statements in support of this application
(7) Enter the names and addresses of all persons upon whom it is intended to serve this application
(8) Enter the full name and address for service and delete as required

By application in pending proceedings
Under Statutory provision
This application is made under Part 8 of the Civil Procedure Rules



This application raises issues under the Human Rights Act 1998
Yes No

The Claimant applies to the court for an injunction order in the following terms:
The Defendant must

The Defendant be forbidden (whether by himself or by instructing or encouraging or permitting any other person)

And that

The grounds of this application are set out in the written evidence of sworn (signed) on

This written evidence is served with this application.
This application is to be served upon

This application is filed by
(the Solicitors for) the Claimant (Applicant/Petitioner)
whose address for service is

Signed H. MacPherson Dated

\* Name and address of the person application is directed to
To\* of
This section to be completed by the court
This application will be heard by the (District) Judge
at on the day of 20 at o'clock
If you do not attend at the time shown the court may make an injunction order in your absence
If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

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

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222, Local Government Act 1972, and s.130 of the Highways Act 1980.**

**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**

**Defendants**

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**INTERIM INJUNCTION ORDER**

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**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**

On the 20<sup>th</sup> and 21<sup>st</sup> days of December, 2022, before The Honourable Mrs Justice Hill, sitting at the Royal Courts of Justice, the Strand, London, WC2A 2LL the Court considered an application for an interim injunction.

**UPON** hearing Counsel Mr Manning and Ms Crocombe for the Claimant, without notice to the Defendants, but on informal notice having been given to the Defendants;

**AND UPON** considering an application for an injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.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 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;

**AND FURTHER 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, in respect of the Claimant's Claim Form, Applications and evidence in support;

**AND FURTHER UPON** it appearing to the court that there is good reason to authorise service of this Order and Power of Arrest by alternative means pursuant to CPR rr.6.15, 6.27 and 81.4(ii)(c) and (d);

## IT IS ORDERED THAT

### **Injunction**

1. The Defendants are forbidden to participate in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
2. The terms "street-cruise" and "participating in a street-cruise" have the meanings set out in Schedule 2 to this Order.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any person participating in a street-cruise who is the driver or rider of, or a passenger in or on, any vehicle to which paragraphs 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.
4. 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.

### **Further Case Management**

5. This Order and attached Power of Arrest shall, in any event, 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 ("the return date"). This case shall be listed alongside, but not consolidated with, the case of *Wolverhampton City Council & others v Persons Unknown* - KB-2022-BHM-000188.
6. The Claimant shall have permission to file and serve any updating evidence not less than 7 days before the return date.

Further, the Claimant shall file and serve, not less than 7 days before the return date, the following evidence:

- (i) Data analytics of the Claimant's web pages and social media posts used by the Claimant 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;
- (ii) Evidence of a like nature in relation to the Claimant's web pages and social media used by the Claimant to effect service of this Order and the attached Power of Arrest;
- (iii) Evidence of the steps that the Claimant has taken to notify persons against whom enforcement proceedings were taken in relation to the Injunction and Power of Arrest prohibiting street cruises granted by HH Judge Worster on 3 October 2016 and extended by His Honour Judge Rawlins on 22 October 2019.

- 7. Any person who wishes to appear at the hearing referred to at paragraph 5 above must file and serve on the Claimant an Acknowledgment of Service not less than 7 days before the return date.
- 8. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

### **Service**

- 9. Personal service of this Order, the attached Power of Arrest and the evidence referred to at paragraph 6 of this Order is dispensed with in relation to the Eighth and Ninth Defendants pursuant to CPR rules 6.15, 6.27 and 81.4(2)(c) and (d), and the Claimant shall be permitted to serve them on the Eighth and Ninth Defendants by the alternative methods specified at Schedule 3 to this Order, save that service of the evidence referred to at paragraph 6 above may be effected by (i) updating the dedicated pages of the websites of the Claimants referred to above by adding a direct link to copies of the witness statements referred to; and (ii) ensuring that copies of the updating evidence are available at the front desks of the Claimants' main offices within the times prescribed by paragraphs 6 and 7.

10. This Order and the attached Power of Arrest and any evidence pursuant to paragraphs 6 or 7 of this Order shall be deemed served on the Defendants at 23.59 on the day on which, in each case, the final step in paragraph 1, Schedule 3 has been complied with.
11. The Claimant shall file a witness statement confirming that the steps to effect service of this Order and Power of Arrest set out at paragraph 1 of Schedule 3 to this Order have been taken within 7 days of the final step being taken. If paragraph 1 of Schedule 3 has not been fully complied with the Claimant shall outline the deficiency and provide an explanation so that a judge may consider whether to authorize retrospective alternative service pursuant to CPR r. 6.15(2) & r. 6.27.
12. Costs in the claim.

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

**DATED this 22<sup>nd</sup> day of December 2022**

#### **THE CLAIMANT'S CONTACT DETAILS**

**Birmingham City Council Legal and Governance**

**Ref: LSCSY/HM/150673**

**PO Box 15992**

**Birmingham B2 2UQ**

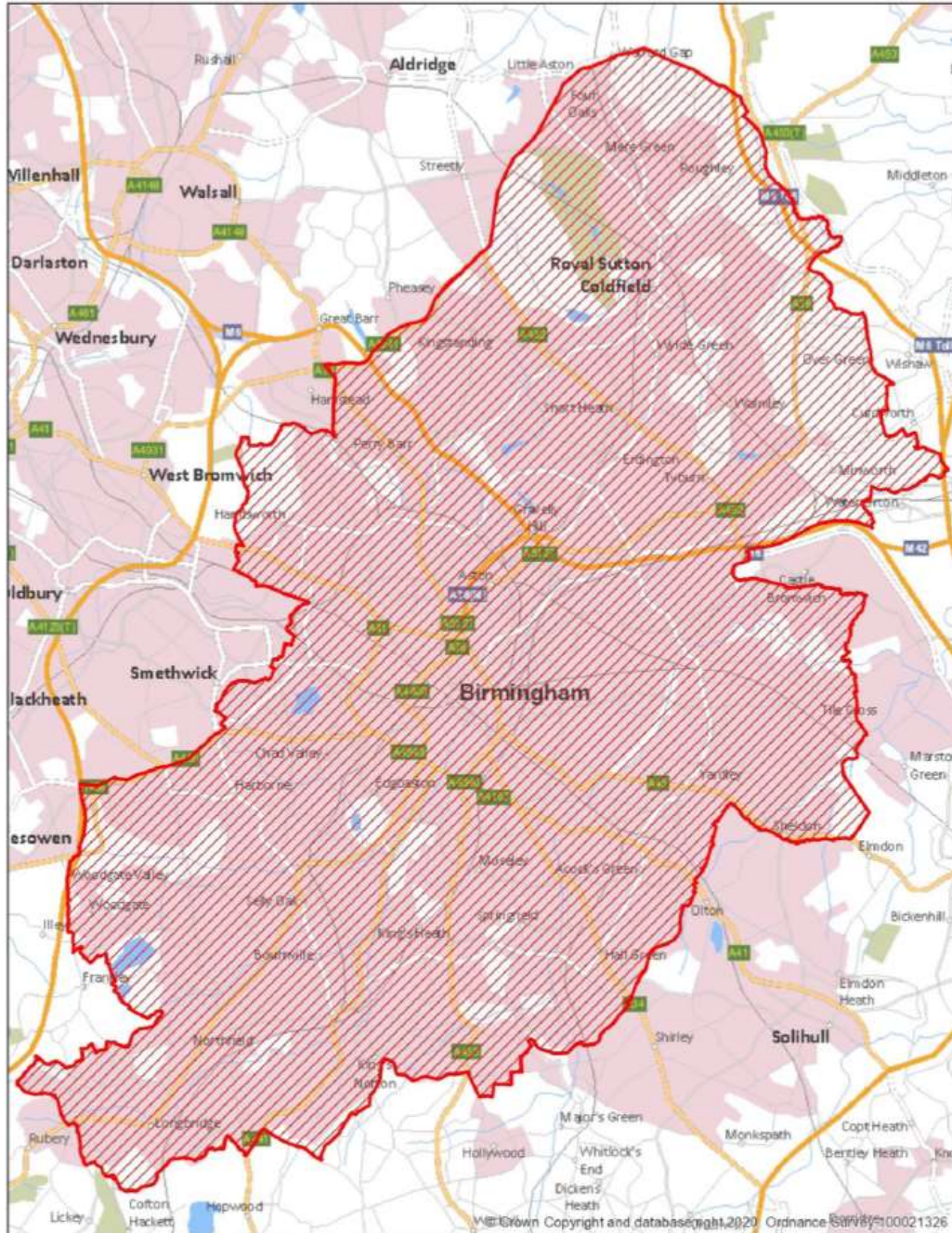
**E: [HousingLitigationTeam@birmingham.gov.uk](mailto:HousingLitigationTeam@birmingham.gov.uk)**

**T: 0121 303 2808**

**DX: MDX 326401 Birmingham 87**

## SCHEDULE 1

### Birmingham Administrative Boundary



The thick red line indicates the Birmingham administrative boundary.



0 1.25 2.5 5 Kilometers



## **SCHEDULE 2**

### ***“Street-Cruise”***

1. “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant’s local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any person, who is a driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

### ***“Participating in a Street-Cruise”***

3. A person participates in a street-cruise if he is the driver or rider of, or passenger in or on, a motor-vehicle, if he is present and performs or encourages any other person to perform any activity, to which paras.1-2 above apply, and the term “participating in a street-cruise” shall be interpreted accordingly.



### SCHEDULE 3

1. Service of this Order and the power of arrest shall be effected by

- (i) Placing and maintaining signs informing people of:
  - (a) This Order and power of arrest, and
  - (b) The area in which they have effect, and
  - (c) How they can find out more information about this Claim and obtain copies of the Claimant's application and supporting documents, this Order and the power of arrest,

in prominent locations within the Claimant's local government area and particularly in the locations referred to at Schedule 4 to this Order, by 23.59 hours on 10 January 2023

- (ii) Issuing a media release stating that the Claimant has obtained an interim High Court Injunction and Power of Arrest.

Such release must provide:

- (a) Details of the Application and summarise this Order and power of arrest obtained;
- (b) The date, time and location of the next hearing;
- (c) The addresses of the dedicated webpages maintained by the Claimant regarding street cruising;
- (d) The Claimant's contact details;
- (e) Details of where and how copies of the documents and evidence filed in the case 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 hours on 23 December 2022.

- (iii) Placing on the Claimant's social media including Twitter, Facebook and Instagram links to the above media release regarding this Order and the power of arrest by 23.59 hours on 23 December 2022.
- (iv) Updating the dedicated pages on the Claimant's website about the Applications to the High Court for an injunction and power of arrest

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

Such page shall carry a direct link to this Order and the power of arrest by 23.59 hours on 23 December 2022.

- (v) Uploading a post to the Claimant's social media pages to include Instagram, Twitter and Facebook outlining:
  - (a) A summary of this Order and the power of arrest.
  - (b) The date, time and location of the next hearing.
  - (c) The Claimant's contact details.
  - (d) The addresses of the dedicated webpage maintained by the Claimant regarding car cruising.

Such posts are to be uploaded by 23.59 hours on 23 December 2022.

- (vi) Ensuring that copies of this Order and the power of arrest are available at the front desks of the Claimant's main office by 23.59 hours on 23 December 2022.
- (vii) The Claimant shall request that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts a link to the media release referenced at (ii) above. Such request to be made by 23.59 hours on 23 December 2022.
- (viii) The Claimant shall use its best endeavours to post a link to its dedicated webpage on any open Instagram account listed below and to send a private message containing a link to that webpage to the account holder of any private

Instagram account, requesting that the said link be posted on the said account.

The accounts referred to are:

- (a) @Forza\_Birmingham
- (b) @Birminghamoutlaws
- (c) @midlands.modified
- (d) @mostwanted\_brum
- (e) @tracksbirmingham\_
- (f) @brum\_traxx
- (g) @btec.forza\_birmingham
- (h) @motorheads\_uk

2. If the Claimant takes enforcement proceedings against any of the 8<sup>th</sup> or 9<sup>th</sup> Defendants in respect of this Order, the Claimant shall, if so directed by the Court, serve on that Defendant:

- (i) a copy of the Claimant's application and all supporting documents relied on to obtain this Order and power of arrest; and
- (ii) a copy of this Order and power of arrest.

The Claimant shall not, however, be required to (although it may) serve copies of the DVD evidence relied on to obtain this Order, or to divulge to the Defendant served the names or addresses of the witnesses whose statements are served in accordance with this paragraph.

3. The Court will consider whether to join the Defendant to the proceedings as a named Defendant and whether to make any further Order.

#### **SCHEDULE 4**

1. The particular locations referred to at Paragraph 1 of Schedule 3 to this Order are as follows.

- (i) Heartlands Parkway at Bromford Island
- (ii) Heartlands Parkway at Cuckoo Road Island
- (iii) Saltley Gate Island, Heartlands Parkway/Saltley Road
- (iv) Nechells Parkway at Lawley Middleway
- (v) A38 Sutton bypass (Bassett's Pole) into city.
- (vi) A38 Sutton bypass, near M6 toll junction.
- (vii) A38 Sutton bypass out of city.
- (viii) A38 Sutton bypass at Minworth, Island into city.
- (ix) Kingsbury Road at Minworth, Island out of city.
- (x) Kingsbury Road at Tyburn House Island.
- (xi) A45, Small Heath Highway at Poets Corner Island.
- (xii) A45, Small Heath Highway at Heybarnes Island.
- (xiii) A45, Coventry Road at Swan Island.
- (xiv) A45, Coventry Road at Hobs Moat Road.
- (xv) A45, Coventry Road at Goodway Road.

# SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION - POWER OF ARREST

Under section 27, Police and Justice Act, 2006.

## IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION ROYAL COURTS OF JUSTICE

Claim no: KB – 2022 -BHM- 000221

Birmingham City Council	Claimant
(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	Defendants

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 21 December 2022

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

*(Where marked \* delete as appropriate)*

1. The Defendants are forbidden to participate in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.

A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any person participating in a street-cruise who is the driver or rider of, or a passenger in or on, any vehicle to which paras 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.

### Schedule 2

#### **"Street-Cruise"**

1. "Street-Cruise" means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant's local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any person, who is a driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);

- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:
- (i) driving or riding at excessive speed, or otherwise dangerously,
  - (ii) driving or riding in convoy;
  - (iii) racing against other motor-vehicles;
  - (iv) performing stunts in or on motor-vehicles;
  - (v) obstructing the highway or any private property.



**Power of Arrest**

The court thinks that—there is a significant risk of harm to a person.

A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

**This Power of Arrest**

This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.

**Note to the Arresting Officer**

Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—
  - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
  - (b) a judge of the county court, if—
    - (i) the injunction was granted by the county court, or
    - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
  - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
- In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
- The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

Ordered by

The Honourable Mrs Justice Hill

On

22 December 2022

**AMENDED BY ORDER OF THE HONOURABLE MR JUSTICE RITCHIE DATED  
19<sup>TH</sup> MAY 2023**



Claim No. KB-2022-BHM-000221  
KB-2022-BHM-000221

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

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222,  
Local Government Act 1972, and s.130 of the Highways Act 1980.**

**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

**Defendants**

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**AMENDED INTERIM INJUNCTION ORDER**

---

**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**

On the 20<sup>th</sup> and 21<sup>st</sup> days of December, 2022, before The Honourable Mrs Justice Hill, sitting at the Royal Courts of Justice, the Strand, London, WC2A 2LL the Court considered an application for an interim injunction.

**UPON** hearing Counsel Mr Manning and Ms Crocombe for the Claimant, without notice to the Defendants, but on informal notice having been given to the Defendants;

**AND UPON** considering an application for an injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.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 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;

**AND FURTHER 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, in respect of the Claimant's Claim Form, Applications and evidence in support;

**AND FURTHER UPON** it appearing to the court that there is good reason to authorise service of this Order and Power of Arrest by alternative means pursuant to CPR rr.6.15, 6.27 and 81.4(ii)(c) and (d);

**AND AT A HEARING** on 19<sup>th</sup> day of May 2023, before the Honourable Mr Justice Ritchie sitting at the High Court of Justice, Birmingham District Registry, Priory Courts 33 Bull Street, Birmingham B4 6DS

**AND UPON** the Court conducting a review of the interim injunction and power of arrest granted by Hill J on 22 December 2022 and continued by Freedman J on 13 February 2023

**AND UPON** the Court considering that further clarification was necessary as to the particular categories of Defendant who are Person Unknown to whom this injunction and power of arrest applies

**AND FURTHER UPON** the Claimant undertaking, and being given permission, to file a Re-Amended Claim Form and Further Re-Amended Particulars of Claim to reflect the addition to the proceedings of the 10<sup>th</sup> Defendant referred to above

**AND FURTHER UPON** hearing counsel, Mr Manning, for the Claimant, no defendant attending the hearing on 19<sup>th</sup> May 2023.

## **IT IS ORDERED THAT**

### **Injunction**

1. The 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup> Defendants are forbidden from participating in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.

2. The terms “street-cruise” and “participating in a street-cruise” have the meanings set out in Schedule 2 to this Order.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any **of the 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup> Defendants** ~~person~~ participating in a street-cruise ~~who is~~ **as** the driver or rider of, or a passenger in or on, any vehicle to which paragraphs 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.
4. This Order and attached Power of Arrest initially came into force at 00.01 on 24 December 2022 and shall from 23.59 on the date of re-service, continue and remain in force as amended until the hearing of the claim unless varied or discharged by further Order of the Court.

#### **Further Case Management**

5. An order for further directions in this claim has been issued separately today. ~~This Order and attached Power of Arrest shall, in any event, 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 (“the return date”). This case shall be listed alongside, but not consolidated with the case of *Wolverhampton City Council & others v Persons Unknown* KB 2022-BHM-000188.~~
6. ~~The Claimant shall have permission to file and serve any updating evidence not less than 7 days before the return date.~~

~~Further, the Claimant shall file and serve, not less than 7 days before the return date, the following evidence:~~

- (i) ~~— Data analytics of the Claimant’s web pages and social media posts used by the Claimant 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;~~

- ~~(ii) Evidence of a like nature in relation to the Claimant's web pages and social media used by the Claimant to effect service of this Order and the attached Power of Arrest;~~
- ~~(iii) Evidence of the steps that the Claimant has taken to notify persons against whom enforcement proceedings were taken in relation to the Injunction and Power of Arrest prohibiting street cruises granted by HH Judge Worster on 3 October 2016 and extended by His Honour Judge Rawlins on 22 October 2019.~~

7. Any person who wishes to appear at the hearing referred to at paragraph 5 above must file and serve on the Claimant an Acknowledgment of Service not less than 7 days before the return date.
8. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

### **Service**

9. Service of the Amended Injunction and Amended Power of Arrest, is determined in the combined case management order issued separately today. ~~Personal service of this Order, the attached Power of Arrest and the evidence referred to at paragraph 6 of this Order is dispensed with in relation to the Eighth and Ninth Defendants pursuant to CPR rules 6.15, 6.27 and 81.4(2)(c) and (d), and the Claimant shall be permitted to serve them on the Eighth and Ninth Defendants by the alternative methods specified at Schedule 3 to this Order, save that service of the evidence referred to at paragraph 6 above may be effected by (i) updating the dedicated pages of the websites of the Claimants referred to above by adding a direct link to copies of the witness statements referred to; and (ii) ensuring that copies of the updating evidence are available at the front desks of the Claimants' main offices within the times prescribed by paragraphs 6 and 7.~~

~~10. This Order and the attached Power of Arrest and any evidence pursuant to paragraphs 6 or 7 of this Order shall be deemed served on the Defendants at 23.59 on the day on which, in each case, the final step in paragraph 1, Schedule 3 has been complied with.~~

~~11. The Claimant shall file a witness statement confirming that the steps to effect service of this Order and Power of Arrest set out at paragraph 1 of Schedule 3 to this Order have been taken within 7 days of the final step being taken before the next case management conference. If paragraph 1 of Schedule 3 has not been fully complied with the Claimant shall outline the deficiency and provide an explanation so that a judge may consider whether to authorize retrospective alternative service pursuant to CPR r. 6.15(2) & r. 6.27.~~

12. Costs in the claim.

**Signed: Ritchie J**

**Made: 19 May 2023**

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

## **THE CLAIMANT'S CONTACT DETAILS**

**Birmingham City Council Legal and Governance**

**Ref: LSCSY/HM/150673**

**PO Box 15992**

**Birmingham B2 2UQ**

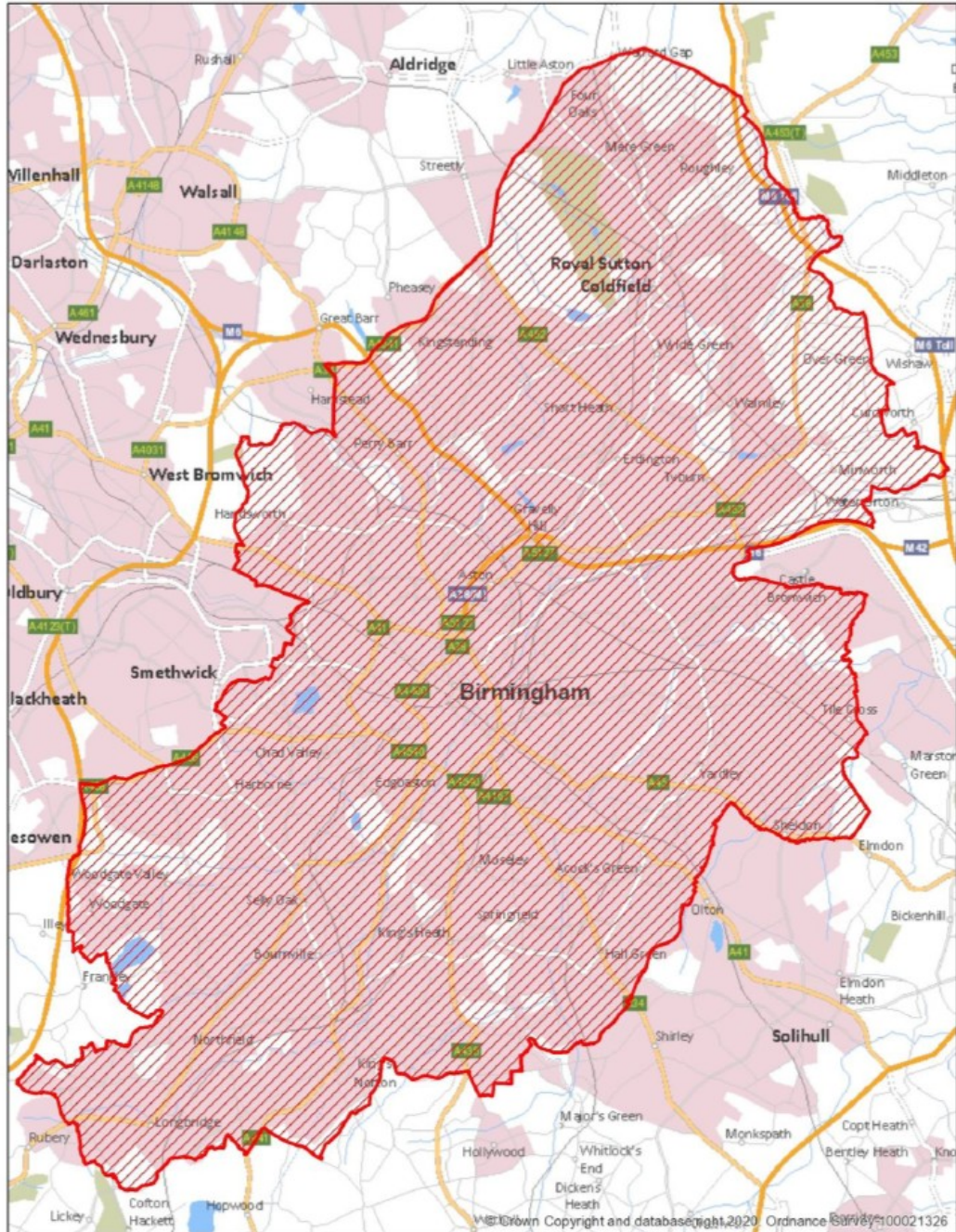
**E: [HousingLitigationTeam@birmingham.gov.uk](mailto:HousingLitigationTeam@birmingham.gov.uk)**

**T: 0121 303 2808**

**DX: MDX 326401 Birmingham 87**

## SCHEDULE 1

### Birmingham Administrative Boundary



The thick red line indicates the Birmingham administrative boundary.



0 1.25 2.5 5 Kilometers



## SCHEDULE 2

### ***“Street-Cruise”***

1. “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant’s local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any ~~person, who is a~~ driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

### ***“Participating in a Street-Cruise”***

3. ~~Any of the 1<sup>st</sup> to 7<sup>th</sup> (inclusive) or 10<sup>th</sup> Defendants~~ ~~A person~~ participates in a street-cruise if he is the driver or rider of, or passenger in or on, a motor-vehicle ~~at a street cruise~~ ~~if he is present~~ and performs or encourages any other ~~person driver, rider or passenger~~ to perform any activity, to which paras.1-2 above apply, and the term “participating in a street-cruise” shall be interpreted accordingly.

### **SCHEDULE 3**

#### **SERVICE**

1. Service of this amended Order and the amended power of arrest shall be effected by

- (i) Placing and maintaining signs informing people of:
  - (a) This Order and power of arrest, and
  - (b) The area in which they have effect, and
  - (c) How they can find out more information about this Claim and obtain copies of the Claimant's application and supporting documents, this Order and the power of arrest,in prominent locations within the Claimant's local government area and particularly in the locations referred to at Schedule 4 to this Order, by 23.59 hours on 10 January 2023. (It is declared that the currently erected signs already satisfy this provision)
- (ii) Issuing a media release stating that the Claimant has obtained an amended interim High Court Injunction and Power of Arrest.  
Such release must provide:
  - (a) Details of the Application and summarise this Order and power of arrest obtained;
  - (b) The ~~date, time and~~ fact that there will be a case management hearing in July 2023 and the location of the next hearing;
  - (c) The addresses of the dedicated webpages maintained by the Claimant regarding street cruising;
  - (d) The Claimant's contact details;
  - (e) Details of where and how copies of the documents and evidence filed in the case 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 hours on 26 May 2023

- (iii) Placing on the Claimant's social media including Twitter, Facebook and Instagram links to the above media release regarding this Order and the power of arrest by 23.59 hours on 26 May 2023
- (iv) Updating the dedicated pages on the Claimant's website about the ~~Applications to the High Court~~ amendments to the injunction and the power of arrest

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

Such page shall carry a direct link to this Order and the power of arrest by 23.59 hours on 26 May 2023.

- (v) Uploading a post to the Claimant's social media pages to include Instagram, Twitter and Facebook outlining:
  - (a) A summary of this Order and the power of arrest.
  - (b) The date, time and location of the next hearing.
  - (c) The Claimant's contact details.
  - (d) The addresses of the dedicated webpage maintained by the Claimant regarding car cruising.

Such posts are to be uploaded by 23.59 hours on 26 May 2023.

- (vi) Ensuring that copies of this Order and the power of arrest are available at the front desks of the Claimant's main office by 23.59 hours on 26 May 2023.
- (vii) The Claimant shall request that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts a link to the media release referenced at (ii) above. Such request to be made by 23.59 hours on 26 May 2023.



(viii) The Claimant shall use its best endeavours to post a link to its dedicated webpage on any open Instagram account listed below and to send a private message containing a link to that webpage to the account holder of any private Instagram account, requesting that the said link be posted on the said account.

The accounts referred to are:

- (a) @Forza\_Birmingham
- (b) @Birminghamoutlaws
- (c) @midlands.modified
- (d) @mostwanted\_brum
- (e) @tracksbirmingham\_
- (f) @brum\_traxx
- (g) @btec.forza\_birmingham
- (h) @motorheads\_uk

2. If the Claimant takes enforcement proceedings against any of the 8<sup>th</sup> ~~or 9<sup>th</sup>~~ 10<sup>th</sup> Defendants in respect of this Order, the Claimant shall, if so directed by the Court, serve on that Defendant:

- (i) a copy of the Claimant's application and all supporting documents relied on to obtain this Order and power of arrest; and
- (ii) a copy of this Order and power of arrest.

The Claimant shall not, however, be required to (although it may) serve copies of the DVD evidence relied on to obtain this Order, or to divulge to the Defendant served the names or addresses of the witnesses whose statements are served in accordance with this paragraph AND

3. The Court will consider whether to join the Defendant to the proceedings as a named Defendant and whether to make any further Order.

#### **SCHEDULE 4**

1. The particular locations referred to at Paragraph 1 of Schedule 3 to this Order are as follows.

- (i) Heartlands Parkway at Bromford Island
- (ii) Heartlands Parkway at Cuckoo Road Island
- (iii) Saltley Gate Island, Heartlands Parkway/Saltley Road
- (iv) Nechells Parkway at Lawley Middleway
- (v) A38 Sutton bypass (Bassett's Pole) into city.
- (vi) A38 Sutton bypass, near M6 toll junction.
- (vii) A38 Sutton bypass out of city.
- (viii) A38 Sutton bypass at Minworth, Island into city.
- (ix) Kingsbury Road at Minworth, Island out of city.
- (x) Kingsbury Road at Tyburn House Island.
- (xi) A45, Small Heath Highway at Poets Corner Island.
- (xii) A45, Small Heath Highway at Heybarnes Island.
- (xiii) A45, Coventry Road at Swan Island.
- (xiv) A45, Coventry Road at Hobs Moat Road.
- (xv) A45, Coventry Road at Goodway Road.

END



**AMENDED SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION  
POWER OF ARREST**

**Under section 27, Police and Justice Act, 2006.**

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

Claim no: KB – 2022 -BHM- 000221  
KB-2022-BHM-000221

Birmingham City Council	Claimant
(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 <b>(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</b>	Defendants

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 21 December 2022 which was amended on 19<sup>th</sup> May 2023 by Ritchie J:

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

1. The **1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup>** Defendants are forbidden from participating in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to **any of the 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup> Defendants** ~~any person~~ participating in a street-cruise ~~who is~~ **as** the driver or rider of, or a passenger in or on, any vehicle to which paras 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.

*(Where marked \* delete as appropriate)*

**Schedule 2**

**"Street-Cruise"**

1. "Street-Cruise" means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant's local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any ~~person, who is a~~ driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:
- (i) driving or riding at excessive speed, or otherwise dangerously,
  - (ii) driving or riding in convoy;
  - (iii) racing against other motor-vehicles;
  - (iv) performing stunts in or on motor-vehicles;
  - (v) obstructing the highway or any private property.

<b>Power of Arrest</b>	<p>The court thinks that—there is a significant risk of harm to a person.</p> <p>A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.</p>
<b>This Power of Arrest</b>	<p>This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.</p>
<b>Note to the Arresting Officer</b>	<p>Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:</p> <ul style="list-style-type: none"><li>• A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.</li><li>• A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—<ul style="list-style-type: none"><li>(a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;</li><li>(b) a judge of the county court, if—<ul style="list-style-type: none"><li>(i) the injunction was granted by the county court, or</li><li>(ii) the injunction was granted by a youth court but the respondent is aged 18 or over;</li></ul></li><li>(c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.</li></ul></li><li>• In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.</li><li>• The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.</li><li>• The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.</li></ul>
Ordered by	Hill J <b>as amended by Ritchie J</b>
On	21 December 2022 <b>Amended on 19 May 2023</b>

Signed Ritchie J  
19 May 2023

**AMENDED BY ORDER OF THE HONOURABLE MR JUSTICE RITCHIE DATED  
19<sup>TH</sup> MAY 2023**



**RE AMENDED BY ORDER OF HER HONOUR JUDGE KELLY DATED 30<sup>TH</sup>  
AUGUST AND 4<sup>TH</sup> SEPTEMBER**

KB-2022-BHM-000221

Claim No. KB-2022-BHM-000221

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

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222,  
Local Government Act 1972, and s.130 of the Highways Act 1980.**

**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) MR MOHAMMED WAJAHAS SHABBIR**
- (12) ZOE LLOYD**

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**REAMEDED INTERIM INJUNCTION ORDER**

---

**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**

On the 20<sup>th</sup> and 21<sup>st</sup> days of December, 2022, before The Honourable Mrs Justice Hill, sitting at the Royal Courts of Justice, the Strand, London, WC2A 2LL the Court considered an application for an interim injunction.

**UPON** hearing Counsel Mr Manning and Ms Crocombe for the Claimant, without notice to the Defendants, but on informal notice having been given to the Defendants;

**AND UPON** considering an application for an injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.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 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;

**AND FURTHER 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, in respect of the Claimant's Claim Form, Applications and evidence in support;

**AND FURTHER UPON** it appearing to the court that there is good reason to authorise service of this Order and Power of Arrest by alternative means pursuant to CPR rr.6.15, 6.27 and 81.4(ii)(c) and (d);

**AND** on 19<sup>th</sup> day of May 2023, before the Honourable Mr Justice Ritchie sitting at the High Court of Justice, Birmingham District Registry, Priory Courts 33 Bull Street, Birmingham B4 6DS

**UPON** the Court conducting a review of the interim injunction and power of arrest granted by Hill J on 22 December 2022 and continued by Freedman J on 13 February 2023

**AND UPON** the Court considering that further clarification was necessary as to the particular categories of Defendant who are Person Unknown to whom this injunction and power of arrest applies

**AND FURTHER UPON** the Claimant undertaking, and being given permission, to file a Re-Amended Claim Form and Further Re-Amended Particulars of Claim to reflect the addition to the proceedings of the 10<sup>th</sup> Defendant referred to above

**AND FURTHER UPON** hearing counsel, Mr Manning, for the Claimant, no defendant attending

**AND FURTHER, ON 30 August 2023 and 4 September 2022, on the Claimant undertaking, and being given permission, to file a Further Re-amended Claim Form and further Re-amended Particulars of Claim to reflect the addition to the proceedings of the 11<sup>th</sup> and 12<sup>th</sup> Defendants.**

**AND FURTHER UPON hearing counsel for the Claimant and counsel for the 11<sup>th</sup> Defendant and solicitor for the 12<sup>th</sup> Defendant**

**IT IS ORDERED THAT**

**Injunction**

1. The 1st to 7th (inclusive) and 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Defendants are forbidden to participate in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
2. The terms "street-cruise" and "participating in a street-cruise" have the meanings set out in Schedule 2 to this Order.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any of the 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Defendants ~~person~~ participating in a street-cruise ~~who is~~ as the driver or rider of, or a passenger in or on, any vehicle to which paragraphs 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.
4. 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.

**Further Case Management**

5. This Order and attached Power of Arrest shall, in any event, be reconsidered at a further hearing **on 4<sup>th</sup> October 2023 at 10.30** ~~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 (“the return date”). This case shall be listed alongside, but not consolidated with the case of *Wolverhampton City Council & others v Persons Unknown* - KB-2022-BHM-000188.

6. ~~The Claimant shall have permission to file and serve any updating evidence not less than 7 days before the return date.~~

~~Further, the Claimant shall file and serve, not less than 7 days before the return date, the following evidence:~~

- ~~(i) Data analytics of the Claimant’s web pages and social media posts used by the Claimant 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;~~
- ~~(ii) Evidence of a like nature in relation to the Claimant’s web pages and social media used by the Claimant to effect service of this Order and the attached Power of Arrest;~~
- ~~(iii) Evidence of the steps that the Claimant has taken to notify persons against whom enforcement proceedings were taken in relation to the Injunction and Power of Arrest prohibiting street cruises granted by HH Judge Worster on 3 October 2016 and extended by His Honour Judge Rawlins on 22 October 2019.~~

7. Any person who wishes to appear at the hearing referred to at paragraph 5 above must file and serve on the Claimant an Acknowledgment of Service not less than 7 days before the return date.
8. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

## **Service**

9. **Service of the Further Amended Injunction and Further Amended power of arrest shall be effected in accordance with the case management directions given on 4<sup>th</sup> September 2023** .~~Personal service of this Order, the attached Power of Arrest and the evidence referred to at paragraph 6 of this Order is dispensed with in relation to the Eighth and Ninth Defendants pursuant to CPR rules 6.15, 6.27 and 81.4(2)(c) and (d), and the Claimant shall be permitted to serve them on the Eighth and Ninth Defendants by the alternative methods specified at Schedule 3 to this Order, save that service of the evidence referred to at paragraph 6 above may be effected by (i) updating the dedicated pages of the websites of the Claimants referred to above by adding a direct link to copies of the witness statements referred to; and (ii) ensuring that copies of the updating evidence are available at the front desks of the Claimants' main offices within the times prescribed by paragraphs 6 and 7.~~
10. ~~This Order and the attached Power of Arrest and any evidence pursuant to paragraphs 6 or 7 of this Order shall be deemed served on the Defendants at 23.59 on the day on which, in each case, the final step in paragraph 1, Schedule 3 has been complied with.~~
11. ~~The Claimant shall file a witness statement confirming that the steps to effect service of this Order and Power of Arrest set out at paragraph 1 of Schedule 3 to this Order have been taken within 7 days of the final step being taken. If paragraph 1 of Schedule 3 has not been fully complied with the Claimant shall outline the deficiency and provide an explanation so that a judge may consider whether to authorize retrospective alternative service pursuant to CPR r. 6.15(2) & r. 6.27.~~
12. Costs in the claim.

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

## **THE CLAIMANT'S CONTACT DETAILS**

**Birmingham City Council Legal and Governance**

**Ref: LSCSY/HM/150673**

**PO Box 15992**

**Birmingham B2 2UQ**

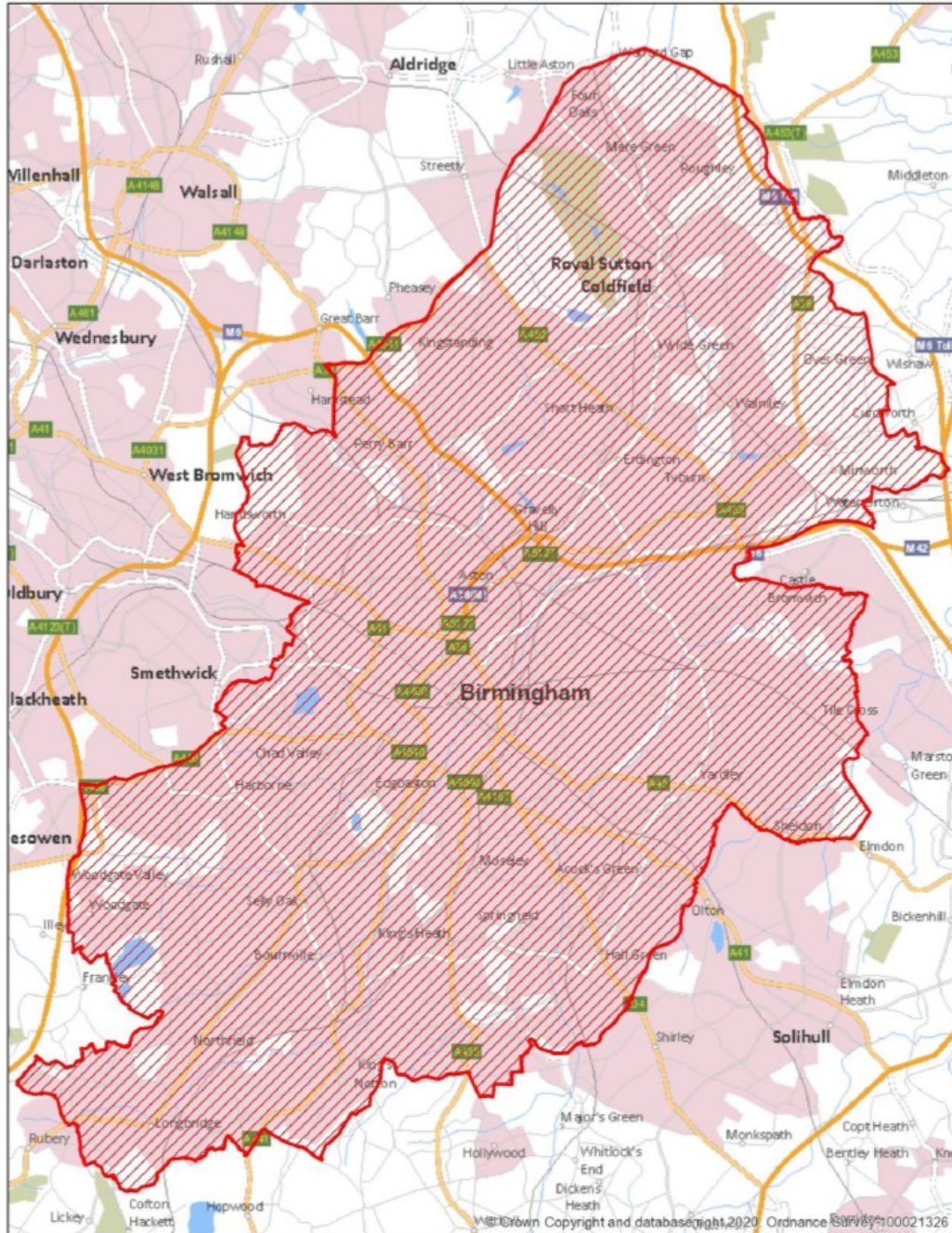
**E: [HousingLitigationTeam@birmingham.gov.uk](mailto:HousingLitigationTeam@birmingham.gov.uk)**

**T: 0121 303 2808**

**DX: MDX 326401 Birmingham 87**

## SCHEDULE 1

### Birmingham Administrative Boundary



The thick red line indicates the Birmingham administrative boundary.



0 1.25 2.5 5 Kilometers



## SCHEDULE 2

### ***“Street-Cruise”***

1. “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant’s local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any ~~person, who is a~~ driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

### ***“Participating in a Street-Cruise”***

3. The 1<sup>st</sup> to 7<sup>th</sup> (inclusive), 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Defendants participate in a street-cruise if they are or any of them is the driver or rider of, or passenger in or on, a motor-vehicle at a street cruise and performs or encourages any other driver, rider or passenger to perform any activity, to which paras.1-2 above apply, and the term “participating in a street-cruise” shall be interpreted accordingly.

### SCHEDULE 3

1. Service of this Re-Amended Order and the Re-Amended power of arrest shall be effected by the means ordered by the Court on 4 September 2023 and set out in the Case Management Order from the said hearing.

- (i) — ~~Placing and maintaining signs informing people of:~~
  - (a) — ~~This Order and power of arrest, and~~
  - (b) — ~~The area in which they have effect, and~~
  - (c) — ~~How they can find out more information about this Claim and obtain copies of the Claimant's application and supporting documents, this Order and the power of arrest,~~  
~~in prominent locations within the Claimant's local government area and particularly in the locations referred to at Schedule 4 to this Order, by 23.59 hours on 10 January 2023~~
- (ii) — ~~Issuing a media release stating that the Claimant has obtained an interim High Court Injunction and Power of Arrest.~~  
~~Such release must provide:~~
  - (a) ~~Details of the Application and summarise this Order and power of arrest obtained;~~
  - (b) ~~The date, time and location of the next hearing;~~
  - (c) ~~The addresses of the dedicated webpages maintained by the Claimant regarding street cruising;~~
  - (d) ~~The Claimant's contact details;~~
  - (e) ~~Details of where and how copies of the documents and evidence filed in the case 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 hours on 23 December 2022.~~

~~(iii) — Placing on the Claimant's social media including Twitter, Facebook and Instagram links to the above media release regarding this Order and the power of arrest by 23.59 hours on 23 December 2022.~~

~~(iv) — Updating the dedicated pages on the Claimant's website about the Applications to the High Court for an injunction and power of arrest~~

~~—— <https://www.birmingham.gov.uk/streeteruiseapplication2022>~~

~~—— Such page shall carry a direct link to this Order and the power of arrest by 23.59 hours on 23 December 2022.~~

~~(v) — Uploading a post to the Claimant's social media pages to include Instagram, Twitter and Facebook outlining:~~

~~(a) — A summary of this Order and the power of arrest.~~

~~—— (b) — The date, time and location of the next hearing.~~

~~—— (c) — The Claimant's contact details.~~

~~(d) — The addresses of the dedicated webpage maintained by the Claimant regarding car cruising.~~

~~Such posts are to be uploaded by 23.59 hours on 23 December 2022.~~

~~(vi) — Ensuring that copies of this Order and the power of arrest are available at the front desks of the Claimant's main office by 23.59 hours on 23 December 2022.~~

~~(vii) — The Claimant shall request that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts a link to the media release referenced at (ii) above. Such request to be made by 23.59 hours on 23 December 2022.~~

~~(viii) The Claimant shall use its best endeavours to post a link to its dedicated webpage on any open Instagram account listed below and to send a private message containing a link to that webpage to the account holder of any private Instagram account, requesting that the said link be posted on the said account.~~

~~The accounts referred to are:~~

~~(a) @Forza\_Birmingham~~

~~(b) @Birminghamoutlaws~~

~~(c) @midlands.modified~~

~~(d) @mostwanted\_brum~~

~~(e) @tracksbirmingham\_~~

~~(f) @brum\_traxx~~

~~(g) @btcc.forza\_birmingham~~

~~(h) @motorheads\_uk~~

2. If the Claimant takes enforcement proceedings against any of the 8<sup>th</sup>, 9<sup>th</sup> and/or 10<sup>th</sup> Defendants in respect of this Order, the Claimant shall, if so directed by the Court, serve on that Defendant:

- (i) a copy of the Claimant's application and all supporting documents relied on to obtain this Order and power of arrest; and
- (ii) a copy of this Order and power of arrest.

The Claimant shall not, however, be required to (although it may) serve copies of the DVD evidence relied on to obtain this Order, or to divulge to the Defendant served the names or addresses of the witnesses whose statements are served in accordance with this paragraph.

3. The Court will consider whether to join the Defendant to the proceedings as a named Defendant and whether to make any further Order.



## SCHEDULE 4

~~1. The particular locations referred to at Paragraph 1 of Schedule 3 to this Order are as follows:~~

- ~~(i) Heartlands Parkway at Bromford Island~~
- ~~(ii) Heartlands Parkway at Cuckoo Road Island~~
- ~~(iii) Saltley Gate Island, Heartlands Parkway/Saltley Road~~
- ~~(iv) Nechells Parkway at Lawley Middleway~~
- ~~(v) A38 Sutton bypass (Bassett's Pole) into city.~~
- ~~(vi) A38 Sutton bypass, near M6 toll junction.~~
- ~~(vii) A38 Sutton bypass out of city.~~
- ~~(viii) A38 Sutton bypass at Minworth, Island into city.~~
- ~~(ix) Kingsbury Road at Minworth, Island out of city.~~
- ~~(x) Kingsbury Road at Tyburn House Island.~~
- ~~(xi) A45, Small Heath Highway at Poets Corner Island.~~
- ~~(xii) A45, Small Heath Highway at Heybarnes Island.~~
- ~~(xiii) A45, Coventry Road at Swan Island.~~
- ~~(xiv) A45, Coventry Road at Hobs Moat Road.~~
- ~~(xv) A45, Coventry Road at Goodway Road.~~

**AMENDED BY ORDER OF THE HONOURABLE MR JUSTICE RITCHIE DATED 19 MAY 2023**

**RE-AMENDED BY ORDER OF HHJ KELLY DATED 30 AUGUST 2023 and 4 SEPTEMBER 2023**



**RE- AMENDED SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION  
POWER OF ARREST**

**Under section 27, Police and Justice Act, 2006.**

KB-2022-BHM-000221

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

Claim no: KB – 2022 -BHM- 000221

Birmingham City Council	Claimant
(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 Wajahas Shabbir (12) Zoe Lloyd	Defendants

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 21 December 2022

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

*(Where marked \* delete as appropriate)*

1. The **1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup> 11<sup>TH</sup> and 12<sup>TH</sup>** Defendants are forbidden to participate in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to **any of the 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup> 11<sup>TH</sup> and 12<sup>TH</sup> Defendants** ~~any person~~ participating in a street-cruise ~~who~~ is **as** the driver or rider of, or a passenger in or on, any vehicle to which paras 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.

Schedule 2

**"Street-Cruise"**

1. “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant’s local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any ~~person, who is a~~ driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

---

**Power of Arrest**

The court thinks that—there is a significant risk of harm to a person.

A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

---

**This Power of Arrest**

This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.

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**Note to the Arresting Officer**

Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—
  - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
  - (b) a judge of the county court, if—
    - (i) the injunction was granted by the county court, or
    - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
  - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
- In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
- The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

Ordered by	Hill J as amended by Ritchie J as re -amended by HHJ Kelly
On	21 December 2022 Amended on 19 May 2023 Re- Amended on 30 August and 4 <sup>th</sup> September 2023

Version 5 Interim Injunction amended pursuant to the Order of HHJ Kelly made on  
16<sup>th</sup> October 2023.



Claim No. KB-2022-BHM-000221  
KB-2022-BHM-000221

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

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222,**  
**Local Government Act 1972, and s.130 of the Highways Act 1980.**

**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) MR MOHAMMED WAJAHAS SHABBIR  
(12) ZOE LLOYD  
(13) CALLUM BLUNDERFIELD  
(14) GURINDER SINGH SAHOTA

**Defendants**

---

**FURTHER AMENDED INTERIM INJUNCTION ORDER**

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**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**

On the 20<sup>th</sup> and 21<sup>st</sup> days of December, 2022, before The Honourable Mrs Justice Hill, sitting at the Royal Courts of Justice, the Strand, London, WC2A 2LL the Court considered an application for an interim injunction.

**UPON** hearing Counsel Mr Manning and Ms Crocombe for the Claimant, without notice to the Defendants, but on informal notice having been given to the Defendants;

**AND UPON** considering an application for an injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.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 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;

**AND FURTHER 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, in respect of the Claimant's Claim Form, Applications and evidence in support;

**AND FURTHER UPON** it appearing to the court that there is good reason to authorise service of this Order and Power of Arrest by alternative means pursuant to CPR rr.6.15, 6.27 and 81.4(ii)(c) and (d);

AND on 19<sup>th</sup> day of May 2023, before the Honourable Mr Justice Ritchie sitting at the High Court of Justice, Birmingham District Registry, Priory Courts 33 Bull Street, Birmingham B4 6DS

**UPON the Court conducting a review of the interim injunction and power of arrest granted by Hill J on 22 December 2022 and continued by Freedman J on 13 February 2023**

**AND UPON the Court considering that further clarification was necessary as to the particular categories of Defendant who are Person Unknown to whom this injunction and power of arrest applies**

**IT IS ORDERED THAT**

**Injunction**

1. The 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Defendants are forbidden to participate in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
2. The terms "street-cruise" and "participating in a street-cruise" have the meanings set out in Schedule 2 to this Order.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any of the 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup>

Defendants participating in a street-cruise as the driver or rider of, or a passenger in or on, any vehicle to which paragraphs 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.

4. 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.
5. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

#### **Service**

6. Service of this Further Amended Injunction and Further Amended power of arrest shall be effected in accordance with the order of HHJ Kelly made on 16<sup>th</sup> October 2023.
7. Costs in the claim.

**If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.**

#### **THE CLAIMANT'S CONTACT DETAILS**

**Birmingham City Council Legal and Governance**

**Ref: LSCSY/HM/210929**

**PO Box 15992**

**Birmingham B2 2UQ**

**E: [HousingLitigationTeam@birmingham.gov.uk](mailto:HousingLitigationTeam@birmingham.gov.uk)**

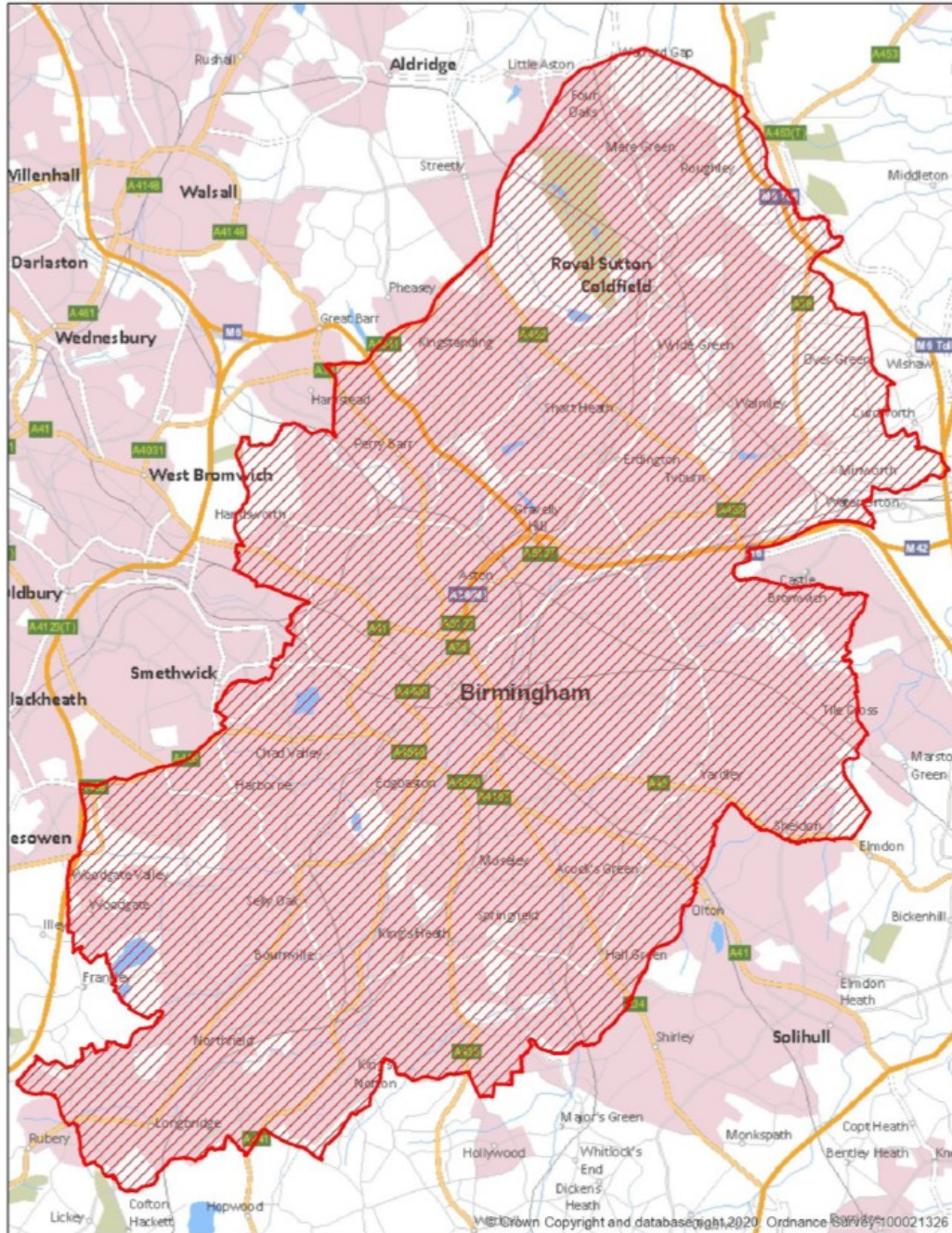
**T: 0121 303 2808**

**DX: MDX 326401 Birmingham 87**



## SCHEDULE 1

### Birmingham Administrative Boundary



The thick red line indicates the Birmingham administrative boundary.



0 1.25 2.5 5 Kilometers



## **SCHEDULE 2**

### ***“Street-Cruise”***

1. “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant’s local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

### ***“Participating in a Street-Cruise”***

3. The 1<sup>st</sup> to 7<sup>th</sup> (inclusive), 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Defendants participate in a street-cruise if they are or any of them is the driver or rider of, or passenger in or on, a motor-vehicle at a street cruise and performs or encourages any other driver, rider or passenger to perform any activity, to which paras.1-2 above apply, and the term “participating in a street-cruise” shall be interpreted accordingly.

### **SCHEDULE 3**

1. Service of this Re-Amended Order and the Re-Amended power of arrest shall be effected by the means ordered by the Court on 16<sup>th</sup> October 2023 and set out in the Order of HHJ Kelly dated 19<sup>th</sup> October 2023 from the said hearing.
2. If the Claimant takes enforcement proceedings against any of the 8<sup>th</sup>, 9<sup>th</sup> and/or 10<sup>th</sup> Defendants in respect of this Order, the Claimant shall, if so directed by the Court, serve on that Defendant:
  - (i) a copy of the Claimant's application and all supporting documents relied on to obtain this Order and power of arrest; and
  - (ii) a copy of this Order and power of arrest.

The Claimant shall not, however, be required to (although it may) serve copies of the DVD evidence relied on to obtain this Order, or to divulge to the Defendant served the names or addresses of the witnesses whose statements are served in accordance with this paragraph.

3. The Court will consider whether to join the Defendant to the proceedings as a named Defendant and whether to make any further Order.





**SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION – POWER OF ARREST**

**Under section 27, Police and Justice Act, 2006.**

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

Claim no: KB – 2022-BHM-000221

Birmingham City Council	Claimant
(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 Wajahas Shabbir (12) Zoe Lloyd (13) Callum Blunderfield (14) Gurinder Singh Sahota	Defendants

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 21 December 2022

*(Here set out those provisions of the order to which this power of arrest is attached and no others)*

*(Where marked \* delete as appropriate)*

1. The 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup> 11<sup>TH</sup> 12<sup>TH</sup> 13<sup>th</sup> and 14<sup>th</sup> Defendants are forbidden to participate in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any of the 1<sup>st</sup> to 7<sup>th</sup> (inclusive) and 10<sup>th</sup> 11<sup>TH</sup> 12<sup>TH</sup> 13<sup>th</sup> and 14<sup>th</sup> Defendants participating in a street-cruise as the driver or rider of, or a passenger in or on, any vehicle to which paras 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.

**Schedule 2**

**“Street-Cruise”**

1. “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which

the public have access within the Claimant's local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

<b>Power of Arrest</b>	<p>The court thinks that—there is a significant risk of harm to a person.</p> <p>A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.</p>
<b>This Power of Arrest</b>	<p>This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.</p>
<b>Note to the Arresting Officer</b>	<p>Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:</p> <ul style="list-style-type: none"><li>• A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.</li><li>• A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—<ul style="list-style-type: none"><li>(a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;</li><li>(b) a judge of the county court, if—<ul style="list-style-type: none"><li>(i) the injunction was granted by the county court, or</li><li>(ii) the injunction was granted by a youth court but the respondent is aged 18 or over;</li></ul></li><li>(c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.</li></ul></li><li>• In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.</li><li>• The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.</li><li>• The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.</li></ul>
Ordered by	Hill J as amended by Ritchie J as re -amended by HHJ Kelly
On	21 December 2022 Amended on 19 May 2023 Re- Amended on 30 August, 4 <sup>th</sup> September 2023 5 <sup>th</sup> October 2023 and 16 <sup>th</sup> October 2023



# Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

<b>Name of court</b>	<b>Claim no.</b>
<b>Fee account no.</b> (if applicable)	<b>Help with Fees – Ref. no.</b> (if applicable)
	<b>H W F</b> – <input type="text"/> <input type="text"/> <input type="text"/> – <input type="text"/> <input type="text"/> <input type="text"/>
<b>Warrant no.</b> (if applicable)	
<b>Claimant's name</b> (including ref.)	
<b>Defendant's name</b> (including ref.)	
<b>Date</b>	

1. What is your name or, if you are a legal representative, the name of your firm?

2. Are you a ☐ Claimant ☐ Defendant ☐ Legal Representative  
☐ Other (please specify)

If you are a legal representative whom do you represent?

3. What order are you asking the court to make and why?

4. Have you attached a draft of the order you are applying for? ☐ Yes ☐ No

5. How do you want to have this application dealt with? ☐ at a hearing ☐ without a hearing  
☐ at a remote hearing

6. How long do you think the hearing will last?  Hours  Minutes  
 Is this time estimate agreed by all parties? ☐ Yes ☐ No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

9. Who should be served with this application?

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.



10. What information will you be relying on, in support of your application?

- ☐ the attached witness statement
- ☐ the statement of case
- ☐ the evidence set out in the box below

If necessary, please continue on a separate sheet.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

☐ No

## Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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.

- ☐ **I believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☐ **The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

### Signature

- ☐ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☐ Applicant's legal representative (as defined by CPR 2.3(1))

### Date

Day

Month

Year

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

Applicant’s address to which documents should be sent.

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If applicable

Phone number

Fax phone number

DX number

Your Ref.

Email

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

Claim No. KB-2022-BHM-000221



KB-2022-BHM-000221

In the matter of an application for an injunction under s.37(1), Senior Courts Act 1981, s.1, Localism Act 2011, s.222, Local Government Act 1972 and s.130, Highways Act 1980.

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

Defendants

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ORDER

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**Before** Her Honour Judge Emma Kelly sitting as a judge of the High Court, in the Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 14 December 2022

**Upon** the Claimant's application, by an Application Notice dated 9 December 2022, for directions and approving service in respect of the Claim Form, the Claimant's Application and the evidence in support by alternative means pursuant to CPR rr.6.15, 6.27 and 81.4(2)(c) and (d)

**And upon** reading the witness statement of Michelle Lowbridge, dated 9 December 2022, filed in support of the said application

**And upon** the Claimant having issued a further Application Notice, dated 9 December 2022, for urgent without notice interim relief but the same not being listed today

**And upon** the Claimant confirming that any Order in these proceedings is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted and such activities take place

**And upon** hearing Counsel for the Claimant at a hearing on notice to the First, Second, Fourth, Fifth, Sixth and Seventh Defendants but without notice to the Eighth and Ninth Defendants

**And upon** the Fourth and Fifth Defendants attending in person

**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 Part 6

**IT IS ORDERED THAT:**

## Definitions

1 In this Order the following definitions have been applied:

- (1) “the Interim Relief Application” - the Application Notice of 9 December 2022, including the draft Injunction Order referred to therein.
- (2) “the Alternative Service Application” – the Application Notice of 9 December 2022, seeking permission for alternative service of Claim Form.
- (3) “the Applications” – the Interim Relief Application, the Alternative Service Application and the application for a final injunction issued on 16 November 2022.
- (4) “the Documents”
  - (a) Notice of Hearing and a sealed copy of this Order
  - (b) Part 8 Claim Form, as amended;
  - (c) Particulars of Claim, as amended;
  - (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.
- (5) “the Evidence” - materials set out at Schedule A below
- (6) “the Claimants’ contact details”:

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

**Directions for Service**

2 Pursuant to CPR r 6.15 and 6.27 the Claimant has permission to serve Claim Form, the Applications, Documents and the Evidence on the Defendants by the alternative means set out at paragraphs 2(1) to 2(8) below.

- (1) Issuing a media release stating that a High Court Injunction and Power of Arrest have been applied for.

Such release must provide:

- (a) Details of the Applications and summarise the orders sought;
- (b) The deadline for filing an acknowledgement of service;
- (c) The date, time and location of the hearing of the Interim Relief Application;
- (d) The addresses of the dedicated webpages maintained by the Claimant regarding street cruising;
- (e) The Claimant's contact details;
- (f) Details of where and how copies of 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 Friday 16 December 2022.

- (2) Placing on the Claimant's social media including Twitter, Facebook and Instagram links to the above media release regarding the Applications to the High Court for an injunction and power of arrest by 23:59 on Friday 16 December 2022
- (3) Updating the dedicated pages on the Claimant's website about the Applications to the High Court for an injunction and power of arrest

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

Such pages shall carry a direct link to:

- (a) The Documents;
- (b) The Evidence;
- (c) A Sealed copy of this order,

by 23:59 on Friday 16 December 2022 save that documents at Section E of the Evidence shall be updated by 23.59 on Wednesday 21 December 2022.

- (4) Ensuring that the home (or landing) page of the Claimant's main website has a prominent direct link to the dedicated webpage referred to above.
- (5) Uploading to the video sharing website "You Tube", and the Claimant's website and social media pages to include Instagram, Twitter and Facebook a video outlining:
  - (a) The nature of the applications and summarising the orders sought;
  - (b) The deadline for filing an acknowledgement of service;

- (c) The date, time and location of the hearing of the Interim Relief Application;
  - (d) The Claimant's contact details;
  - (e) The addresses of the dedicated webpages maintained by the Claimant regarding car cruising;
  - (f) Details of where and how copies of the Documents and the Evidence may be obtained.
- Items (d) and (e) shall appear on screen as text.

The Claimant shall use its best endeavours to comply with this requirement by 23:59 on Friday 16 December 2022 but shall in any event comply by 23.59 on 21 December 2022.

- (6) Ensuring that copies of the Documents and the Evidence are available at the front desks of the Claimant's main office.  
by 23:59 on Friday 16 December 2022.
- (7) The Claimant shall 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
- (8) The Claimant shall use its best endeavours to post a link to its dedicated webpage on any open Instagram account listed below and to send a private message containing a link to that webpage to the account holder of any private Instagram account, requesting that the said link be posted on the said account. The accounts referred to are:
  - (a) @Forza\_Birmingham
  - (b) @Birminghamoutlaws
  - (c) @WVracetracks
  - (d) @midlands.modified
  - (e) @redacted

- (f) @mostwanted\_brum
- (g) @tracksbirmingham\_
- (h) @brum\_traxx
- (i) @btec.forza\_birmingham
- (j) @motorheads.uk

- 3 The Applications, Documents and Evidence shall be deemed served on the Defendants at 23.59 after the final step in paragraph 2 has been complied with.
- 4 The Claimant shall file a witness statement confirming that the steps taken to effect service set out at paragraph 2, within 7 days of the final step being taken. If paragraph 2 has not been fully complied with the Claimant shall identify the deficiency and provide an explanation so that a judge may consider whether to authorise retrospective alternative service, pursuant to CPR r. 6.15(2) & r. 6.27.
- 5 Any person who wishes to appear at the final hearing must file and serve on the Claimant an Acknowledgment of Service no later than 4pm on 20 January 2022.
- 6 The Interim Relief Application shall be listed for a face-to-face hearing on **20 December 2022 at 10.30 am** for before a High Court Judge sitting at **The Royal Courts of Justice, Strand, London WC2A 2LL.**
  - (1) Any request by a party to attend remotely shall be submitted by email to the Birmingham Diary Manger at [birmingham.cty.dm@justice.gov.uk](mailto:birmingham.cty.dm@justice.gov.uk)
  - (2) On 20 December 2022 the case shall be listed alongside but not consolidated with the case *Wolverhampton City Council & others v Persons Unknown - KB-2022-BHM-000188*

- (3) The Claimant shall file (via CE-filing) revised draft orders setting out the relief sought at the hearing by 4.00 pm on Friday 16 December 2022.
- (4) The Claimant shall liaise with the Claimants in claim number KB-2022-BHM-000188 to produce and file a joint bundle of authorities by 4.00pm on Friday 16 December 2022.
- (5) The Claimant shall ensure that a copy of the original skeleton argument prepared for the hearing on 7 December 2022 is uploaded onto CE-File by 4.00pm on Friday 16 December 2022.

7 Costs in the case.

## SCHEDULE A

Please see Attached Index to Bundle for Injunction Application

Claim No: KB-2022-BHM-000221



KB-2022-BHM-000221

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

**Freedman J**  
**13 February 2023**

**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**

**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**

**Defendants**

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**ORDER**

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**Before the Honourable Mr Justice Freedman sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 6 and 13 February 2023**

**UPON** hearing Mr Manning of counsel for the Claimants, there being no appearance by any named Defendant and no other person having notified the Court or the Claimant that they wished to be joined as a party or heard

**AND UPON** the Claimants' application for an interim injunction dated 9 December 2022 pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980

**AND UPON** the Court reviewing the grant by Hill J of an interim injunction and power of arrest dated 22 December 2022 as required by para.5 of the said Injunction

**AND UPON** the court having exercised 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 the Injunction Order and that the Power of Arrest should therefore be continued.

**AND UPON** the Court noting the order of the Honourable Mrs Justice Hill sealed on 22 December 2022 giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of the Injunction and Power of Arrest sealed on 22 December 2022 and any further evidence.

**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 Court concluding that, in the circumstances, it would be preferable to continue the injunction and power of arrest granted by Hill J, dated 22 December 2022, rather than to grant a new interim injunction

and power of arrest in order to avoid the potential for confusion that may be caused by the Claimant serving further interim orders by alternative means and difficulty in relation to the enforcement of any alleged breaches by reason of different interim injunctions being in force at different times

**AND UPON** the Claimants undertaking to inform the Court forthwith if the Supreme Court delivers judgement in the appeal known as *Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others (Appellants)* UKSC/2022/0046

**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 (or is not required) and such activities take place under an approved code or licence from a recognised regulatory body.

## **IT IS ORDERED THAT**

### **Injunction in force**

1. The Interim Injunction and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, shall remain in force until the hearing of the claim unless varied or discharged by further Order of the Court.

2 There shall be the following further hearings set out below at which hearings the court will also hear applications in the case *Wolverhampton City Council v Persons Unknown* KB-2022-BHM-000188 (the “Wolverhampton claim”). For the avoidance of doubt, this matter and the “Wolverhampton claim”) have not been consolidated but raise similar issues.

3. A further review hearing shall take place (time estimate 1 day) before a Judge of the High Court on a date to be fixed in a window between 15 May and 26 May 2023:

(a) Such hearing may be held remotely if the Judge so directs.



- (b) Further, the Judge may direct that the time estimate be amended
  - (c) Not less than 7 days prior to the hearing the Claimant shall file with the Court a succinct report to inform the Court of its experience with the publication, operation and enforcement of the current interim injunction and/or the power of arrest, including, for example, in relation to any breaches, warnings or problems, which have arisen.
  - (d) The Claimant shall take like steps to those identified at paragraph 8 (1)-(8) below to publicise the date of such hearing
  - (e) The Claimant has 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 paragraph 8 (1)-(8) below.
- 4. At the said hearing the court will consider:
    - (i) whether the interim injunction and power of arrest should remain in force or be varied or discharged;
    - (ii) the nature of the hearing referred to at paragraph 5 below;
    - (iii) if known, the effect of the Supreme Court judgment in *Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others (Appellants)*;
    - (iv) appropriate directions for the hearing referred to at paragraph 5 below
  - 5. There shall be a final hearing, or further review hearing, before a High Court Judge on a date and of a nature to be determined at the review hearing referred to at paragraph 4 above.
  - 6. Any person served with a copy of, or affected by, this Order or the interim injunction and power of arrest dated 22 December 2022, may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

### **Service**

- 7. Pursuant to CPR r.6.27 and CPR r.81.4 the steps that the Claimants have taken to serve the Injunction and Power of Arrest and further

evidence in support on the Defendants shall amount to good and proper service of the proceedings on the Defendants and each of them.

8. Personal service of this Order and the matters referred to at paragraph 3(d) and (e) above is dispensed with in relation to the Eighth and Ninth Defendants pursuant to CPR rules 6.27 and 81.4(2)(c) and (d), and the Claimant shall be permitted to serve them on the Eighth and Ninth Defendants by the following alternative methods.

- (1) Issuing a media release concerning the continuation of the Injunction and Power of Arrest

Such release must provide:

- (a) a summary of this Order;
    - (b) the date, time and location of any future hearings, if known
    - (d) the addresses of the dedicated webpages maintained by the Claimant regarding street cruising;
    - (e) The Claimants' contact details as set out below; and
    - (f) Details of where and how copies of the interim injunction, power of arrest, this Order and the Claim Form and supporting documentation relied on by the Claimant 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 21 February 2023

- (2) Placing on the Claimant's social media including Twitter, Facebook and Instagram links to the above media release

by 23:59 on 21 February 2023

- (3) Updating the 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>

This webpage shall carry a direct link to the Injunction Order, the Power of Arrest, this Order, the Claim form and the supporting documentation referred to at (1) above  
by 23:59 on 21 February 2023

(4) 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  
by 23:59 on 21 February 2023

(5) Ensuring that copies of the interim injunction and power of arrest made by Hill J, and this Order, are available at the front desks of the Claimants' main offices  
by 23:59 on 21 February 2023

(6) Ensuring that the web pages hosting the video previously uploaded to the video sharing website "You Tube" and the Claimants' websites and social media pages (including Instagram, Twitter and Facebook), now states that this Order has been made and the interim injunction and power of arrest continue in force.  
by 23:59 on 21 February 2023

(7) Using its best endeavours to post a link to its dedicated webpage on any open Instagram account listed below and to send a private message containing a link to that webpage to the account holder of any private Instagram account, requesting that the said link be posted on the said account. The accounts referred to are:

- (a) @Forza\_Birmingham
- (b) @Birminghamoutlaws
- (c) @midlands.modified
- (d) @mostwanted\_brum
- (e) @tracksbirmingham\_
- (f) @brum\_traxx
- (g) @btec.forza\_birmingham
- (h) @motorheads\_uk

(8) Requesting that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts, a link to the media release

such requests to be made by 23:59 on 21 February 2023

- (9) Maintaining the existing road signs informing people of:
- (a) the interim injunction and power of arrest, and
  - (b) the area in which they have effect, and
  - (c) how they can find out more information about this Claim and obtain copies of the Claimant's application and supporting documents

in the current locations within the Claimant's local government area

9 This Order shall be deemed served on the Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 8 has been complied with.

10. The Claimant shall file a witness statement confirming that the steps taken to effect service set out at paragraph 8, within 7 days of the final step being taken. If paragraph 8 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.

### **Further Case Management**

11. Any person applying to vary or discharge this Order, pursuant to paragraph 6 above, 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 person who fails to comply with paragraph 11 above shall not be permitted to defend or take any further role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them.

Approved  
Mr Justice Freedman  
16 February 2023

Claim Nos: KB-2022-BHM-000188  
KB-2022-BHM-000221



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

KB-2022-BHM-000221

**Mr Justice Ritchie**  
**19 May 2023**

**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**

**Defendants**

**A N D 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**

**Defendants**

\_\_\_\_\_

**ORDER**

\_\_\_\_\_

**Before** the Honourable Mr Justice Ritchie sitting at the High Court of Justice,  
Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4  
6DS on 19 May 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 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 in both the Wolverhampton claim and the Birmingham claim, as required by para.5 of the said Injunctions and para.3 of the Orders of the Honourable Mr Justice Freedman sealed on 16 February 2023.

**AND UPON** the Court noting the Orders of Mrs Justice Hill sealed on 22 December 2022 in the Wolverhampton claim and the Birmingham claim giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of the Interim Injunctions and Powers of Arrest sealed on 22 December 2022 and any further evidence, and noting the like provisions for alternative service contained in the Orders of Mr Justice Freedman sealed on 16 February 2023.

**AND UPON** the Court considering that in both the Wolverhampton claim and the Birmingham claim further clarification was necessary so as to define the particular categories of Defendant who are Person Unknown to whom the said Interim Injunctions and Powers of Arrest apply

**AND UPON**

- (i) the Wolverhampton claimants undertaking to file an Amended Claim Form and Amended Particulars of Claim to reflect the addition of the 4<sup>th</sup> Defendant and to specify the tort(s) and/or crime(s) that this Order is intended to prevent or inhibit, referred to above and by 4.00 pm on 9 June 2023



(ii) Birmingham CC undertaking to file a Re-Amended Claim Form and Further Re-Amended Particulars of Claim to reflect the addition to the proceedings of the 10th Defendant referred to above by 4.00 pm on 26 May 2023

**AND UPON** the Court concluding that, in the circumstances, it would be preferable to continue the said Interim Injunctions and Powers of Arrest granted by Mrs Justice Hill as amended in the form attached at Schedule 1 to this Order rather than to grant new interim injunctions and powers of arrest in order to avoid the potential for confusion that may be caused by the Claimants serving further interim orders by alternative means and difficulty in relation to the enforcement of any alleged breaches by reason of different interim injunctions being in force at different times

**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 Wolverhampton claimants and Birmingham CC undertaking to inform the Court forthwith if the Supreme Court delivers judgment in the appeal known as *Wolverhampton City Council and others v London Gypsies and Travellers and others* UKSC/2022/0046

**AND UPON** the Wolverhampton claimants and Birmingham CC confirming that this Order is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted (or is not required) and such activities take place under an approved code or licence from a recognised regulatory body.

## **IT IS ORDERED THAT**

### **Injunctions in force**

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, shall remain in force in the amended form attached at Schedule 1 to this Order until the hearing of the claim unless varied or discharged by further Order of the Court. The said Amended Interim Injunctions and Powers of Arrest shall come into force immediately and be deemed served on the Defendants at 23.59 on the date upon which, in each case, the final step in paragraphs 11 and 13 have been complied with.

### **Permission to amend**

2. (i) The Wolverhampton claimants shall have permission to file and serve an Amended Claim Form and Amended Particulars of Claim to add the 4<sup>th</sup> Defendant in the form set out above and to specify the tort(s) and/or crime(s) that this Order is intended to prevent or inhibit, by 4.00 pm on 9 June 2023.  
  
(ii) Birmingham CC has permission to file and serve a Re-Amended Claim Form and Further Re-Amended Particulars of Claim to add the 10<sup>th</sup> Defendant in the form set out above, by 4.00 pm on 27<sup>th</sup> May 2023.

### **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 case management hearing shall take place (time estimate 1 day) before a Judge of the High Court on the first open date after 10 July 2023.
  - (a) Such hearing may be held remotely if the Judge so directs.
  - (b) Further, the Judge may direct that the time estimate be amended.
  - (c) 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.
  - (d) The Wolverhampton claimants shall take like steps to those identified at paragraph 11(1)-(8) below to publicise the date of such hearing; Birmingham CC shall take like steps to those identified at paragraph 13(1)-(8) to publicise the date of such hearing
  - (e) 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 sub-paragraph (d) above.
5. At the said hearing the court will consider:
  - (i) if known, the effect of the Supreme Court judgment in *Wolverhampton City Council and others v London Gypsies and Travellers and others*;
  - (ii) appropriate directions, including a time estimate, for the hearing referred to at paragraph 6 below

6. There shall be a final hearing, or further review hearing, before a High Court Judge on the first open date after 1 October 2023. The nature of the hearing is to be determined at the case management conference referred to at paragraphs 4-5 above.
7. Any person served with a copy of, or affected by, this Order including, for the avoidance of doubt, the Amended Interim Injunctions and Powers of Arrest attached at Schedule 1 to this Order, 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 attached at Schedules 2 and 3 to this Order.

### **Service**

8. 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 Freedman J sealed on 16 February 2023; notice of this hearing (including of the changed date) and the further evidence filed in advance of this hearing pursuant to para.3(d) and (e) of the order of Freedman J sealed on 16 February 2023 shall amount to good and proper service on the Defendants and each of them.
9. Personal service of this Order (including, for the avoidance of doubt, the Amended Interim Injunction and Power of Arrest attached at Schedule 1 to this Order) and the matters referred to at paragraph 4(d) and (e) above is dispensed with in the Wolverhampton claim, and is dispensed with in relation to the Eighth, Ninth and Tenth Defendants in the Birmingham claim pursuant to CPR rules 6.27 and 81.4(2)(c) and (d).
10. The Court will provide copies of this Order to the solicitors for the Wolverhampton claimants' and Birmingham CC (whose contact details are set out below) for service.
11. In the Wolverhampton claim, service of this Order shall be effected by:
  - (1) Issuing a media release highlighting the continuation of the Injunction and Power of Arrest, such release must provide:
    - (a) Details of the application and summarise the orders made;
    - (b) Any deadline for filing any documents by the Defendants;
    - (c) The date, time and location of any future hearings, if known

- (d) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;
- (e) The Claimants' contact details; and
- (f) 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.

by 23:59 on 26 May 2023

- (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 the introduction of the injunction and power of arrest by 26 May 2023
- (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 this Order:  
<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](https://go.walsall.gov.uk/black_country_car_cruising_injunction)
- (4) Such pages shall carry a direct link to the Injunction Order, the Power of Arrest, the Order of Freeman J, this Order, the Documents and the Evidence and be updated by 23:59 on 26 May 2023
- (5) 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 by 23:59 on 26 May 2023

- (6) Ensuring that copies of the Injunction, the Power of Arrest and this Order are available at the front desks of the Claimants' main offices by 23:59 on 26 May 2023
- (7) Ensuring that the video previously uploaded to the video sharing website "You Tube" and the Claimants' websites and social media pages (including Instagram, Twitter and Facebook), now states that this Order has been made and the Injunction and Power of Arrest continue in force.

This may be done by uploading a fresh video (which must contain all the matters previously ordered by Hill J) or prominently adding text to the existing video (or the description of the existing video on any website or social media page) stating "Following a hearing on 19 May 2023 The Injunction and Power of Arrest continue in force"

The video and/or addition of text shall be uploaded or the text added by 23:59 on 26 May 2023

- (8) Requesting 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 26 May 2023
- (9) Continuing 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  
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";

- 12. The Wolverhampton claimants shall file a witness statement confirming that the steps taken to effect service set out at paragraph 11, not less than 7 days before the date of the hearing referred to at paragraphs 4- 5 above. If paragraph 11 has not been fully complied with, the Wolverhampton 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.

13. In the Birmingham claim, Birmingham CC shall be permitted to serve the documents referred to at paragraph 9 above on the Eighth Ninth and Tenth Defendants by the following alternative methods.

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

- (a) a summary of this Order;
- (b) the date, time and location of any future hearings, if known
- (d) the addresses of the dedicated webpages maintained by the Claimant regarding street cruising;
- (e) The Claimants' contact details as set out below; and
- (f) Details of where and how copies of the interim injunction, power of arrest, this Order and the Claim Form and supporting documentation relied on by the Claimant 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 26 May 2023

(2) Placing on the Claimant's social media including Twitter, Facebook and Instagram links to the above media release

by 23:59 on 26 May 2023

(3) Updating the 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>

This webpage shall carry a direct link to the Injunction Order, the Power of Arrest, this Order, the Claim form and the supporting documentation referred to at (1) above

by 23:59 on 26 May 2023

(4) 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

by 23:59 on 26 May 2023

(5) Ensuring that copies of the said Amended Interim Injunction and Power of Arrest made by Hill J, and this Order, are available at the front desks of the Claimants' main offices  
by 23:59 on 26 May 2023

(6) Ensuring that the web pages hosting the video previously uploaded to the video sharing website "You Tube" and the Claimants' websites and social media pages (including Instagram, Twitter and Facebook), now states that this Order has been made and the interim injunction and power of arrest continue in force.  
by 23:59 on 26 May 2023

(7) Using its best endeavours to post a link to its dedicated webpage on any open Instagram account listed below and to send a private message containing a link to that webpage to the account holder of any private Instagram account, requesting that the said link be posted on the said account. The accounts referred to are:

- (a) @Forza\_Birmingham
- (b) @Birminghamoutlaws
- (c) @midlands.modified
- (d) @mostwanted\_brum
- (e) @tracksbirmingham\_
- (f) @brum\_traxx
- (g) @btec.forza\_birmingham
- (h) @motorheads\_uk

(8) Requesting that West Midlands Police post on their website and Instagram, Twitter, and Facebook accounts, a link to the media release such requests to be made by 23:59 on 26 May 2023

- (9) Maintaining the existing road signs informing people of:
- (a) the interim injunction and power of arrest, and
  - (b) the area in which they have effect, and
  - (c) how they can find out more information about this Claim and obtain copies of the Claimant's application and supporting documents in the current locations within the Claimant's local government area

14. This Order shall be deemed served on the Defendants at 23.59 on the date upon which, in each case, the final step in paragraph 13 has been complied with.

15. The Claimant shall file a witness statement confirming that the steps taken to effect service set out at paragraph 13, not less than 7 days before the date of the hearing referred to at paragraphs 4-5 above. If paragraph 13 has not been fully complied with the Claimant 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.

### **Further matters**

16. Without prejudice to the foregoing, any person affected by the Amended Interim Injunction or Power of Arrest in the Wolverhampton claim or the Birmingham claim may apply to the Court at any time to vary or discharge it 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 2 to this Order indicates the process which must be followed for any such application. Useful sources of support and information are listed in Schedule 3.

17. 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.

18. Any Defendant who fails to comply with paragraph 17 above shall not be permitted to defend these proceedings or take any further role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them.

19. The Wolverhampton claimants and Birmingham CC otherwise have permission to apply to extend or vary the Amended Interim Injunctions and Powers of Arrest or for further directions.

### **Documents in the Claim and Application**

20. 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 relevant 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**

21. 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  
F: 01264 785 131  
DX: 701987 Birmingham 7

22. 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

23. Costs reserved.

## SCHEDULE 1

The Wolverhampton claim

- (i) Amended interim injunction
- (ii) Amended power of arrest

The Birmingham claim

- (iii) Amended interim injunction
- (iv) Amended power of arrest

## **SCHEDULE 2 – STEPS TO VARY OR DISCHARGE THIS ORDER**

If, in accordance with paragraph 16 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 form<sup>1</sup>;
- (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 21 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 22 of this Order; and/or

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<sup>1</sup> 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 22 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.

### **SCHEDULE 3 – 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-rules/civil/rules/part08>

Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>



Claim No. KB-2022-BHM-000221

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

KB-2022-BHM-000221

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222, Local Government Act 1972, and s.130 of the Highways Act 1980.**

**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 WAJAHAS SHABBIR**

**(12) ZOE LLOYD**

**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 4 September 2023

**UPON** an Order on the determination of proceedings for contempt of court having been made against the 11<sup>th</sup> Defendant on 30 August 2023 and by paragraph 1 of the order dated 30 August 2023 the Court having granted permission to the Claimant to amend the Claim, Particulars of Claim, the Amended Interim Injunction Order (as amended by the Order of Mr Justice Ritchie dated 19 May 2023) and the Power of Arrest attached to that order so as to add the 11<sup>th</sup> Defendant, but the timing of service of the aforementioned amended documents having been adjourned to be determined at today's hearing

**AND UPON** an Order on determination of proceedings for contempt of court having been made by the Court against the 12<sup>th</sup> Defendant (Ms Zoe Lloyd) on 4 September 2023

**AND UPON** the Court finding that the 12<sup>th</sup> Defendant has, by reason of her breach of the Interim Injunction granted by Hill J on 22 December 2022 as amended by Ritchie J on 19 May 2023 (the "Interim Injunction,") also become a Defendant to the Claim.

**AND UPON** hearing Counsel for the Claimant and solicitor for 12<sup>th</sup> Defendant

**IT IS ORDERED THAT:**

1. The Claimant has permission to amend the Claim Form, Particulars of Claim, Interim Injunction and Power of Arrest to add Ms Zoe Lloyd the 12<sup>th</sup> Defendant as a Defendant to the Claim. (This permission is in addition to the like permission granted in respect of the 11<sup>th</sup> Defendant by paragraph 1 of the order of HHJ Kelly, dated 30 August 2023.)

2. The Claimant shall file and serve copies of the amended documents referred to at paragraph 1 of this Order by 4.00 pm on 11 September 2023.

3. Service on the 11<sup>th</sup> and 12<sup>th</sup> Defendants of the amended documents referred to at para.1 of this Order together with the documents referred to at Sch.3, para.2 to the Interim Injunction shall be effected by transmitting them electronically to the Defendants' solicitors.

4. The Claimant shall serve the amended documents referred to at paragraph 1 of this Order on the 1<sup>st</sup> to 7<sup>th</sup> Defendants inclusive by 4.00 pm on 11 September 2023.

5. As to service on 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Defendants, personal service of the amended documents referred to at paragraph 1 of this Order is dispensed with pursuant to CPR rules 6.15, 6.27 and 81.4(2)(c) and (d), and the Claimant shall be permitted to serve them by the following alternative methods:

(1) Updating the 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>

This webpage shall carry a direct link to the Interim Injunction, the Power of Arrest, this Order, the Claim form and the supporting documentation relied on by the Claimant to obtain the Interim Injunction

by 23:59 on 11 September 2023

(2) Posting on the Claimant's X (formerly known as Twitter), Facebook and Instagram accounts, the information that the documents referred to at para.1 of this Order have been amended to add the 11<sup>th</sup> and 12<sup>th</sup> Defendants and links to the dedicated webpage referred to at para.5(1) of this Order

by 23:59 on 11 September 2023



(3) Ensuring that copies of the amended documents referred to at para.1 of this Order are available at the front desks of the Claimants' main offices  
by 23:59 on 11 September 2023.

6. Costs in the application.



Case No: KB-2022-BHM-000188

KB-2022-BHM-000221

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

KB-2022-BHM-000221

**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 13<sup>th</sup> 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 5<sup>th</sup> and 6<sup>th</sup> 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://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3231/street_racing)

[https://go.walsall.gov.uk/black\\_country\\_car\\_cruising\\_injunction](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://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3231/street_racing)

[https://go.walsall.gov.uk/black\\_country\\_car\\_cruising\\_injunction](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 form<sup>1</sup>;
- (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

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<sup>1</sup> 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.

Case No: KB-2022-BHM-000188

KB-2022-BHM-000221



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

KB-2022-BHM-000221

**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**

**Defendants**

**AND**

**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**

**(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://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3231/street_racing)

[https://go.walsall.gov.uk/black\\_country\\_car\\_cruising\\_injunction](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://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3231/street_racing)

[https://go.walsall.gov.uk/black\\_country\\_car\\_cruising\\_injunction](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 form<sup>1</sup>;
- (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

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<sup>1</sup> 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>

paragraph 25 of this Order; and/or

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

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.



**HM Courts  
& Tribunals  
Service**



KB-2022-BHM-000221

**In the High Court of Justice  
Birmingham District Registry**

Birmingham City Council, .HILARY  
MACPHERSON, BIRMINGHAM CITY  
COUNCIL, LEGAL AND GOVERNANCE  
DEPARTMENT, PO BOX 15992, BIRMINGHAM  
B2 2UQ, 326401

**Claimant**

1. Birmingham City  
Council

/

**Defendant**

Persons Unknown

**Date**

23-11-2022

## Notice of Application Hearing

TAKE NOTICE that the **APPLICATION HEARING** will take place on

**Wednesday 7<sup>th</sup> December at 10:30 Before Her Honour Judge Kelly**

At the Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street,  
Birmingham, B4 6DS

When you should attend, in person

**3 hours** has been allowed for the APPLICATION HEARING

**A HARD COPY HEARING BUNDLE MUST BE FILED BY 4 DAYS PRIOR TO THE HEARING  
AND CONTAIN A CASE SUMMARY, AGREED IF POSSIBLE.**

**The Claimant's are to serve this Notice of Hearing upon the Defendants.**

**Please Note:** This case may be released to another Judge, possibly at a different Court



# Notice of Application Hearing

Take notice that the application hearing will take place on

**Wednesday 14 December 2022 at 10:30 am with a time estimate of 3 hours.**

This matter

will be listed together with case number KB-2022-BHM-000188 between  
Wolverhampton

City council & others v Persons unknown



At Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33  
Bull Street,

Birmingham, B4 6DS

When you should attend, in person

The Claimants are to serve this notice of hearing upon the defendants



 <b>HM Courts &amp; Tribunals Service</b>	 <p>22 Jan 2023</p> <p>BIRMINGHAM</p> <p>KB-2022-BHM-000221</p> <p><b>In the High Court of Justice Birmingham District Registry</b></p>	
<p>Birmingham City Council, .HILARY MACPHERSON, BIRMINGHAM CITY COUNCIL, LEGAL AND GOVERNANCE DEPARTMENT, PO BOX 15992, BIRMINGHAM B2 2UQ, 326401</p>	<p><b>Claimant</b></p>	<p>1. Birmingham City Council</p>
<p>Azhi Nagmadin, .36 Pickering Croft, Bartley Green, .Birmingham B32 2LN, Ellen Jessica Roberts, .25 Ballams Wood Drive, Northfield, .Birmingham B31 5HF, Charlton Beckford, ., . , Rashori Reid, ., . , Thomas Whittaker, 61 West Croft Avenue, Wolverhampton WV10 8NQ, Arthur Rodgers, 3 Brambling, Wilnecote, Tamworth B77 5PQ, ABC ABC, 2 Waltdene Close, Birmingham B43 7SR, Persons Unknown, ., ./</p>	<p><b>Defendant</b></p>	<p>1. Azhi Nagmadin, 2. Ellen Jessica Roberts, 3. Charlton Beckford, 4. Rashori Reid, 5. Thomas Whittaker, 6. Arthur Rodgers, 7. ABC ABC, 8. Persons Unknown</p>
	<p><b>Date</b></p>	<p>22-01-2023</p>

## Notice of Injunction Hearing

TAKE NOTICE that the **Hearing** will take place on

**Monday 6 February 2023 at 10:30**

At the Business and Property Courts in Birmingham, Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS



When you should attend, in person

**1 day** has been allowed for the HEARING

The Claimant's solicitors must serve this notice on the Defendants

**A HARD COPY HEARING BUNDLE MUST BE FILED BY 4 DAYS PRIOR TO THE HEARING AND CONTAIN A CASE SUMMARY, AGREED IF POSSIBLE.**

**Please Note:** This case may be released to another Judge, possibly at a different Court

 <b>HM Courts &amp; Tribunals Service</b>	 <p>07 Feb 2023</p> <p>BIRMINGHAM</p> <p>KB-2022-BHM-000221</p> <p><b>In the High Court of Justice Birmingham District Registry</b></p>	
<p>Birmingham City Council, .HILARY MACPHERSON, BIRMINGHAM CITY COUNCIL, LEGAL AND GOVERNANCE DEPARTMENT, PO BOX 15992, BIRMINGHAM B2 2UQ, 326401</p>	<b>Claimant</b>	<p>1. Birmingham City Council</p>
<p>Azhi Nagmadin, .36 Pickering Croft, Bartley Green, .Birmingham B32 2LN, Ellen Jessica Roberts, .25 Ballams Wood Drive, Northfield, .Birmingham B31 5HF, Charlton Beckford, ., . , Rashori Reid, ., . , Thomas Whittaker, 61 West Croft Avenue, Wolverhampton WV10 8NQ, Arthur Rodgers, 3 Brambling, Wilnecote, Tamworth B77 5PQ, ABC ABC, 2 Waltdene Close, Birmingham B43 7SR, Persons Unknown, ., ./</p>	<b>Defendant</b>	<p>1. Azhi Nagmadin, 2. Ellen Jessica Roberts, 3. Charlton Beckford, 4. Rashori Reid, 5. Thomas Whittaker, 6. Arthur Rodgers, 7. ABC ABC, 8. Persons Unknown</p>
	<b>Date</b>	<p>07-02-2023</p>

## Notice of Directions Hearing

TAKE NOTICE that the **Hearing** will take place on

**Wednesday 22 February 2023 at 10:30 before Mr Justice Freedman**

At the Business and Property Courts in Birmingham, Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS

When you should attend, in person

**1 hour** has been allowed for the HEARING

**A HARD COPY HEARING BUNDLE MUST BE FILED BY 4 DAYS PRIOR TO THE HEARING AND CONTAIN A CASE SUMMARY, AGREED IF POSSIBLE.**

**Please Note:** This case may be released to another Judge, possibly at a different Court



**HM Courts  
& Tribunals  
Service**



KB-2022-BHM-000221

**In the High Court of Justice  
Birmingham District Registry**

Wolverhampton City Council, ., Dudley Metropolitan Borough Council, ., Sandwell Metropolitan Borough Council, ., Walsall Metropolitan Borough Council, ./Legal Services, Wolverhampton City Council, Civic Centre, St Peter's Sqaure, Wolverhampton WV1 1RG, 744350 Wolverhampton 27		<b>Claimant</b>	1. Wolverhampton City Council, 2. Dudley Metropolitan Borough Council, 3. Sandwell Metropolitan Borough Council, 4. Walsall Metropolitan Borough Council
Persons Unknown, N/A, N/A/		<b>Defendant</b>	1. Persons Unknown
		<b>Date</b>	16-02-2023

## Notice of Further Review Hearing

TAKE NOTICE that the **FURTHER REVIEW HEARING** will take place on

**Monday 15<sup>th</sup> May 2023 at 10:30 AM**

At the Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS

When you should attend, IN PERSON

**1 day** has been allowed for the FURTHER REVIEW HEARING

**The Claimant's Solicitors are to serve this Notice of Hearing upon the Defendants**

**A HARD COPY HEARING BUNDLE MUST BE FILED BY 4 DAYS PRIOR TO THE HEARING AND CONTAIN A CASE SUMMARY, AGREED IF POSSIBLE**

**Please Note:** This case may be released to another Judge, possibly at a different Court



**HM Courts  
& Tribunals  
Service**



KB-2022-BHM-000221

**In the High Court of Justice  
King's Bench Division  
Birmingham District Registry**

Birmingham City Council, .HILARY  
MACPHERSON, BIRMINGHAM CITY  
COUNCIL, LEGAL AND GOVERNANCE  
DEPARTMENT, PO BOX 15992, BIRMINGHAM  
B2 2UQ, 326401

**Claimant**

1. Birmingham City  
Council

Azhi Nagmadin, .36 Pickering Croft, Bartley  
Green, .Birmingham B32 2LN, Ellen Jessica  
Roberts, .25 Ballams Wood Drive, Northfield,  
.Birmingham B31 5HF, Charlton Beckford, ., . ,  
Rashori Reid, ., . , Thomas Whittaker, 61 West  
Croft Avenue, Wolverhampton WV10 8NQ,  
Arthur Rodgers, 3 Brambling, Wilnecote,  
Tamworth B77 5PQ, ABC ABC, 2 Waltdene  
Close, Birmingham B43 7SR, Persons Unknown,  
., ./

**Defendant**

1. Azhi Nagmadin, 2.  
Ellen Jessica Roberts, 3.  
Charlton Beckford, 4.  
Rashori Reid, 5. Thomas  
Whittaker, 6. Arthur  
Rodgers, 7. ABC ABC,  
8. Persons Unknown

**Date**

19-07-2023

## Notice of Further Case Management Hearing

TAKE NOTICE that the **FURTHER CASE MANAGEMENT HEARING** will take place on

**Thursday 21<sup>st</sup> September 2023 at 10:30 before Her Honour Judge Kelly**

At the Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street,  
Birmingham, B4 6DS

When you should attend, **IN PERSON**

**1 day** has been allowed for the HEARING

**Matters KB-2022-BHM-000221 and KB-2022-BHM-000188 are to be heard together.**

**A HARD COPY HEARING BUNDLE MUST BE FILED BY 4 DAYS PRIOR TO THE HEARING AND CONTAIN A CASE SUMMARY, AGREED IF POSSIBLE.**

**Please Note:** This case may be released to another Judge, possibly at a different Court

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

**Before Her Honour Judge Kelly  
On the 4<sup>th</sup> August 2023**



KB-2022-BHM-000221

B E T W E E N;

**Birmingham City Council**

Claimant

- and -

- 1. Azhi Nagmadin,**
- 2. Ellen Jessica Roberts,**
- 3. Charlton Beckford,**
- 4. Rashori Reid,**
- 5. Thomas Whittaker,**
- 6. Arthur Rodgers,**
- 7. ABC ABC,**
- 8. Persons Unknown**

Defendants

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**ORDER**

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**UPON** the Court re-listing the case management hearing in this matter prior to the expiry of the deadline for filing dates of availability as provided by paragraph 2 of the order of HHJ Kelly dated 26 July 2023

**AND UPON** the Court being notified that Counsel in claim number KB-2022-BHM-000188 is unavailable on 21 September 2023

**IT IS ORDERED THAT:**

1. The case management hearing listed on 21 September 2023 shall be vacated and relisted in accordance with any dates of availability filed by the parties prior to 4pm on 2 August 2023.



2. This order has been made by the court of its own initiative under CPR 3.3. Any party affected by this order may apply to have it set aside, varied or stayed within 7 days of the date on which the order is served on that party.