

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

Claim No. KB-2022-BHM-000188

For Hearing 26 February 2025 at 10.30am

In the matter of an application for an injunction under s.222 Local
Government Act 1972 and s.130 of the 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-

PERSONS UNKNOWN &
NAMED DEFENDANTS

Defendants

REPORT ON BEHALF OF THE
CLAIMANTS ON THE OPERATION
OF THE INJUNCTION

Introduction

- 1 On 27 February 2024 the Honourable Mr Justice Julian Knowles granted the Claimants a final injunction to address the issue of Car Cruising/Street Racing carried on in their local authority areas.

- 2 That order made final, and expanded the ambit of, an interim injunction that had originally been granted by the Honourable Mrs Justice Hill on 21 December 2022.

- 3 Julian Knowles J directed *inter alia* that:

“A review hearing will take place in open court (elh 30 minutes) before a Judge of the High Court (section 9 if practicable) after this order has been in force for 12 months and for no longer than 14 months. The Claimants shall file with the court a succinct report to inform the court of their experience with the publication, operation and enforcement of the extended order, including for example, breaches, warnings or problems, if any arising out the extended order (including the Power of Arrest)..” [v1/D80/10].

- 4 By an order [v1/D16-19], sealed on 8 May 2024 Her Honour Judge Emma Kelly, sitting as a judge of the High Court, set the date for the review hearing and gave ancillary directions as to service of the notice of hearing and the filing of further evidence.

- 5 This report relies on several sources of information. That information will be before the court in the form of witness statements. The witness statements are contained in two bundles filed with the court:

- (1) Volume 1 is a core bundle and contains the Claimants' overarching witness statements describing the operation of the Injunction;
 - (2) Volume 2 contains greater detail, particularly with regard to the committal proceedings brought following breaches of the Injunction
- 6 References to the bundles appear in square brackets with the volume number appearing first followed by the page number and, if appropriate, the paragraph number.

Purpose of a Review Hearing

- 7 The Supreme Court in *Wolverhampton City Council & Others v London Gypsies and Travellers & Others* [2023] UKSC 47 stressed the need for 'newcomer injunctions' to be kept under review (c.f. [v2/H72/para 225]).
- 8 In *Transport for London v Persons Unknown* [2025] EWHC 55 (KB) Morris J stated that a judge on a review hearing should:
- "...consider whether any reasons or grounds for discharge of the Final Injunctions emerged and whether there was a proper justification for the continuance of the Final Injunctions.

(The claimant) has already provided detailed evidence at a full trial and the Court has, on two occasions, already made a full determination of the issue of risk and the balance of interests. **In my judgment, in those circumstances there needed to be some material change in order to justify a conclusion that the Final Injunctions should not continue.**" (paras 54 & 55)."

Service & Publicity

- 9 The twenty-first witness statement of Paul Brown [v1/B70-185] addresses the issue of compliance with the terms of the order regarding publicity and service on the defendants.
- 10 It should be noted that as required by the order of HHJ Kelly notice of the review hearing has been given to the world-at-large [v1/B71/6-/B74/14] as well as the individual named defendants [v1/B75/15-B75/20] in respect of the initial notification.
- 11 Further, as required, recent notice of the review hearing has again been given to the world-at-large [v1/B76/21-/B78/28] as well as the individual named defendants [v1/B79/30-31].
- 12 Indeed the Claimants have gone beyond that which was ordered by: publicising the matter to neighbouring police forces [v1/B78/29];

issuing additional media releases [v1/B80/33]; via social media posting [v1/B80/34-35] and; on the Claimants' websites [v1/B80/36].

Operation of Injunction

13 The Final Injunction has now been in force for a year and has achieved a substantial measure of success. There has been a reduction in both the frequency of incidents and their locations.

14 Please see the witness statements of Pardip Nagra (PN) [v1/B1-B52] and PC Mark Campbell (MC) [v1/B61-69]. The Injunction is perceived as being effective and is welcomed by the Claimants and the communities they represent.

15 In particular reference is made to:

- (1) PN [v1/B2/3-5]
- (2) PN [v1/B3/8-B4/11];
- (3) PN [v1/B4/12-16];
- (4) PN [v1/B5/17-20]
- (5) MC [v1/B62/5-B64/6]
- (6) MC [v1/B66/13]

16 However, there remains a well-founded concern that were the injunction to be discharged or its terms relaxed there would be rise in car cruising c.f. PN [v1/B6/24] & MC [v1/B62/5].

Enforcement

17 Pardip Nagra has provided a Schedule of the committal applications made for breaches of the injunction [v1/B30-B33]. Committals have resulted in suspended custodial sentences.

18 Further details of the individual contempts can be found within Section E of volume 2.

Legal Developments

19 Two recent sets of statutory provisions have a potential impact on Persons Unknown Injunctions namely:

- (1) Police Crime Sentencing and Courts Act 2022 made modifications to the law relating to the criminal offences of public nuisance and wilful obstruction of the highway. In the case of *public nuisance*, the 2022 Act replaced the previous common law offence with a statutory offence; the effect of which was to reduce the maximum sentence from an

unlimited term to a maximum of 10 years. The sentence on summary conviction was increased to 12 months.

- (2) Public Order Act 2023 enacted, *inter alia*, two new offences; s.1 introduced the summary only offence of "locking on", punishable with imprisonment up to 6 months and/or an unlimited fine. Section 7 introduced the offence, triable either way, of interference with use or operation of key national infrastructure, punishable on summary conviction as in the case of s.1.

Section 18(6) of the Act preserved the ability of parties to bring civil proceedings.

20 It is respectfully submitted that:

- (1) The provisions of the Police Crime Sentencing and Courts Act 2022 do not affect the position. The commission of both the offence of causing a public nuisance and other serious criminal offences have always been central to the Claimants' claim c.f. the judgment of Julian Knowles J [v1/D28/21-D29/23].

As his lordship recognised the *B&Q* and *Bovis*, the criteria for granting a civil injunction in support of the criminal law were fulfilled [v1/D31/33-D33/40].

The police have successfully prosecuted organisers of street racing for the criminal offence of causing a public nuisance [v1/B67/15] but this is an adjunct to the injunction not an alternative.

- (2) As regards the Public Order Act 2023 it is respectfully doubted that it is applicable. Car cruising is not a 'protest activity'. It will not involve 'locking on' or tunnelling.


Even were it possible to bring such conduct within s.7 of the Act (interference with use or operation of key national infrastructure) an injunction would still be appropriate. As HHJ Emma Kelly observed at para 88 of *North Warwickshire BC v Barber ats ors* [2024] EWHC 2254 (KB):

"...the existence of relevant criminal offences does not, of itself, mean it is inappropriate to grant an injunction to restrain public nuisance nor, particularly in cases where a local authority has a particular responsibility for enforcement, to restrain breaches of acts which would amount to other criminal offences."

Conclusions

- 21 All four Claimants support the continuation of the Injunction. It has been and continues to be effective in reducing anti-social behaviour and promoting public safety.

I, the undersigned, confirm that I am duly authorised to sign this Report on behalf of all four Claimants.

Signed: 

Print name: ADAM JAMES RICHARD SHEEN

Position Held: Solicitor-Advocate (Civil and Criminal), Litigation Team, Legal Services, Wolverhampton City Council

Date: 18 February 2025