

Claim No. C90BM222

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

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

SOLIHULL METROPOLITAN BOROUGH COUNCIL

Claimant

and

PERSONS UNKNOWN

Defendants



INJUNCTION ORDER

IF YOU DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED.

On the 30th day of August, 2019, before His Honour Judge Worster, sitting as a Judge of the High Court at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS, the Court considered an application for an injunction.

Upon hearing counsel for the Claimant, without notice to the Defendants

AND UPON considering an application to extend the duration of the injunction (made by HHJ Robert Owen QC sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS) 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 FURTHER UPON the Court finding in the circumstances that it is just, convenient, and proportionate, to continue injunctive relief in the terms set out herein

IT IS ORDERED THAT

1. All persons are forbidden from participating in a car-cruise within the Claimant's local government area, the boundaries of which are delineated in black on a map attached to this Order at Schedule 1.
2. It is also forbidden for anyone to promote, organize or publicise in any manner, any car-cruise within the defined geographical area as delineated in the map at Schedule 1 to this Order.
3. The terms "car-cruise" and "participating in a car-cruise" have the meanings set out in Schedule 2 to this Order.
4. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to clause 1 above, in relation to any person participating in a car-cruise who is the driver of, or a passenger in, 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 car-cruise within the meaning of Schedule 2 to this Order.
5. Any person served with a copy of this extended Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant.

6. The Claimant shall be permitted to serve the Claim Form dated 5th August 2016, Order of 18th August 2016 and this extended Order and the said power of arrest by the alternative methods specified at Schedule 3 to this Order.
7. This Order shall continue in force for a further 3 years until 12 noon 1 September, 2022.
8. The time for serving the Claimant's Claim Form and supporting documents shall be extended, pursuant to CPR Rule 7.6 until 12 noon 1 September 2022.

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

SCHEDULE 1

[MAP]

SCHEDULE 2

“Car-Cruise”

1. “Car-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) at any time on the public highway or at any place to which the public have access within the Solihull local government area as shown on the map at Schedule 1, at which any person, whether or not a driver, 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) litter;
- (v) any nuisance to another person not participating in the car-cruise.

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

- (i) driving at excessive speed, or otherwise dangerously,
- (ii) driving in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in motor-vehicles;
- (v) sounding horns or playing radios;
- (vi) dropping litter;
- (vii) supplying or using illegal drugs;
- (viii) urinating in public;
- (ix) shouting or swearing at, or abusing, threatening or otherwise intimidating another person;
- (x) obstruction of any other road-user.

“Participating in a Car-Cruise”

3. A person participates in a car-cruise whether or not he is the driver of, or passenger in, a 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 car-cruise” shall be interpreted accordingly.

SCHEDULE 3

1. Service of this extended Order shall be effected by
 - (i) maintaining signs informing people of this the Order and the area in which it has effect in prominent locations throughout the Claimant's local government area and particularly in the locations referred to at paragraph 9 of the Particulars of Claim herein,
 - (ii) placing a public notice or advertisement prominently in the Evening Mail or such other newspaper as circulates weekly in the Claimant's area,
 - (iii) posting a copy of the Order on its website, and publicizing it using the Claimant's facebook page and twitter account, and local police facebook and twitter accounts,
 - (iv) posting a copy of the Order on other relevant social media sites including motorheadz.uk, YouTube, 'Stay Connected' email alert, and/or
 - (v) in any other like manner as appears to the Claimant to be likely to bring the Order to the attention of persons likely to be affected by it.

2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
 - (i) a copy of the Claim Form of 5th August 2016, and all supporting documents relied on to obtain that Order; and
 - (ii) a copy of this Order.

The Claimant shall not, however, be required to (although it may) serve copies of the DVD evidence relied on to obtain that Order, or to divulge to the person 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 person served 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 COUNTY COURT AT BIRMINGHAM

Claim no:
C90BM222

Solihull Metropolitan Borough Council	Claimant
Persons Unknown	Defendant

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 18 August 2016

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

1. **All persons are forbidden from participating in a car-cruise within the Claimant's local government area, the boundaries of which are delineated in black on a map attached to this Order at Schedule 1.**
2. **A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to clause 1 above, in relation to any person participating in a car-cruise who is the driver of, or a passenger in, 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 car-cruise within the meaning of Schedule 2 to this Order.**

*(Where marked * delete as appropriate)*



SCHEDULE 2

"Car-Cruise" means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) at any time on the public highway or at any place to which the public have access within the Solihull local government area as shown on the map at Schedule 1, at which any person, whether or not a driver, 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) litter;
 - (v) any nuisance to another person not participating in the car-cruise.
2. **The activities referred to at para.1, above, are:**
 - (i) driving at excessive speed, or otherwise dangerously,
 - (ii) driving in convoy;
 - (iii) racing against other motor-vehicles;
 - (iv) performing stunts in motor-vehicles;

- (v) sounding horns or playing radios;
- (vi) dropping litter;
- (vii) supplying or using illegal drugs;
- (viii) urinating in public;
- (ix) shouting or swearing at, or abusing, threatening or otherwise intimidating another person;
- (x) obstruction of any other road-user.

“Participating in a Car-Cruise”

3. A person participates in a car-cruise whether or not he is the driver of, or passenger in, a 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 car-cruise” shall be interpreted accordingly.

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

Shall come into force at 2pm 30th August 2019 and continue until 12 noon on 1 September 2022.

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

His Honour Judge Worster

On

30th August 2019