



Claim No. 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 and power of arrest under s.1, Localism Act 2011, s.222, Local Government Act 1972, s.130 of the Highways Act 1980 and s.27, Police and Justice Act 2006.

B E T W E E N

BIRMINGHAM CITY COUNCIL

Claimant

and

- (1) AHZI NAGMADIN
(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) GURBINDER SINGH SAHOTA
(15) CONNOR HILL
(16) ASIM RAHMAN
(17) AMAN KAYANI
(18) ADHNAN MOHAMMED
(19) MOHAMMED DAANYAAL
(20) BRADLEY HAYES

Defendants

FINAL 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 27th of February 2024, before The Honourable Mr Justice Julian Knowles, sitting in the High Court of Justice, at Birmingham District Registry, The Priory Law Courts, 33 Bull Street, Birmingham, B4 6DS the Court considered an application for a final injunction.

UPON hearing Counsel Mr Manning and Ms Crocombe for the Claimant, and upon the Second Defendant attending and giving an undertaking to the Court which the Court accepted.

AND UPON the Court considering an application for a final 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 concluding that there is a compelling need for the protection of civil rights and the enforcement of public law by the grant of the injunction sought, which is not currently being adequately met by any other remedy available to the Claimant.

AND UPON the Claimant having brought to the attention of the Court any matter which the 8th 9th or 10th Defendants might wish to raise by way of opposition to the making of the order.

AND UPON the Court considering that it is just and convenient in all the circumstances that an injunction ought to be made.

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 Claimant 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 UPON it appearing to the Court that the means of notifying the 8th 9th and 10th Defendants of the making of this injunction Order and the attached Power of Arrest set out at Schedule 3 to this Order are appropriate and sufficient, or, in the alternative that there is good reason to authorise service of this Order and Power of Arrest by the alternative means set out at Schedule 3 pursuant to CPR rr.6.15, 6.27 and 81.4(ii)(c) and (d).

AND UPON the Orders of Her Honour Judge Emma Kelly dated 30 January 2024, 20 February 2024, 26 February 2024 having reserved to this hearing the question of how service is to be effected of the Amended claim documents and evidence in support of the application on the 15th to 20th Defendants.

AND UPON the Court accepting that good service of the documents referred to in the Order of her Honour Judge Emma Kelly dated 20 December 2023 had been effected as set out in the 14th witness statement of Michelle Lowbridge dated 25 January 2024

IT IS ORDERED THAT:

Final Injunction

1. The 1st and 4th – 20th 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 1st and 4th – 20th Defendants are also forbidden to organise, promote or publicise in any manner any street-cruise intended to take place within the City of Birmingham

the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.

3. The terms “street-cruise” and “participating in a street-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 paragraph 1 above, in relation to any of the 1st and 4th-20th Defendants who participates 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, for example as a spectator.
5. This Order and attached Power of Arrest shall come into force at 4:00pm on 27 February 2024 and remain in force until 23:59 on 27 February 2027 unless varied or discharged by further Order of the Court.

Review Hearings

6. There shall be annual hearings to review the operation of this injunction and power of arrest, the first of which is to be held on 26 February 2025 at 10:30 at Birmingham District Registry, The Priory Law Courts, 33 Bull Street, Birmingham, B4 6DS. The time estimate is 1 day. Local Authorities are to contact the Court no less than 14 days before the hearing date, if the time estimate is significantly different.

Liberty to Apply

7. 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 on the 11th-20th Defendants

8. The Claimant shall be permitted to serve the amended claim documents, this Order and Power of Arrest on the 11th-20th Defendants using email addresses that have been provided to the Claimant in the course of these proceedings. The Claimant shall also be

permitted to serve by email the evidence in support of its claim upon the 15th-20th Defendants.

Service on the 8th-10th Defendants

9. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve this Order and Power of Arrest, on the 8th-10th Defendants by the alternative methods specified at Schedule 3 to this Order.
10. Service of the amended claim documents on the 1st and 4th-14th is dispensed with.
11. Service of amended claim documents on existing defendants is dispensed with hereafter in all cases where the only amendment is the addition of a new defendant pursuant to paras 2 and 3 of Schedule 3 to this Order (i.e. enforcement proceedings against the 8th 9th or 10th Defendant).
12. The deemed date of service of this Order and Power of Arrest on the 8th, 9th and 10th Defendants shall be the date of completion of the steps described in paragraph 1 of Schedule 3 to this Order. The completion of those steps is to be verified by a witness statement or certificate of service to be filed at Court and uploaded to the Claimant's dedicated webpage referred to at para.1(iii) of Schedule 3 to this Order within 7 days of completing those steps. Service of the said witness statement on the 8th 9th and 10th Defendants is dispensed with.

Interim Injunction and Power of Arrest

13. The interim Order and Power of Arrest granted by Hill J on 22 December 2022, as amended on 19 May 2023 and re-amended on 30 August 2023, 4th September 2023, 5th October 2023 and 16th October 2023 shall be discharged upon completion by the Claimant of the steps specified at paragraph 1 of Schedule 3 to this Order.

Costs

14. There shall be no order as to costs.

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

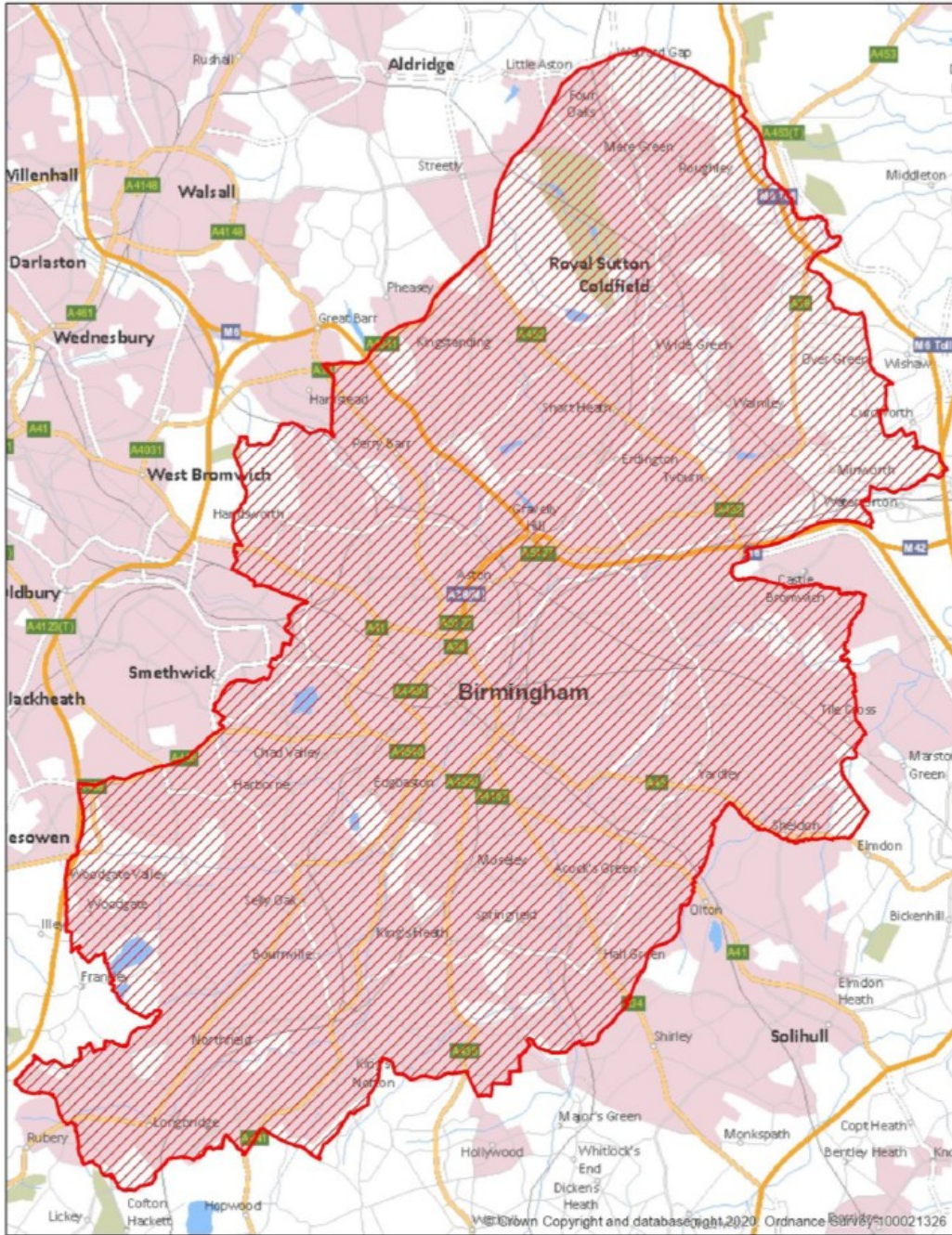
E: HousingLitigationTeam@birmingham.gov.uk

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 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 street-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;
- (vi) supplying or using illegal drugs;
- (vii) urinating in public;
- (viii) shouting or swearing at, or abusing, threatening or otherwise intimidating another Person; and/or
- (ix) setting off fireworks.

“Participating in a Street-Cruise”

3. A person participates in a street-cruise if he or she is

- (i) the driver or rider of, or passenger in or on, a motor-vehicle at a street cruise and performs or encourages any person there present to perform any activity, to which paras.1-2 above apply, or
- (ii) a spectator at a street cruise,

and the term “participating in a street-cruise” shall be interpreted accordingly.

SCHEDULE 3

1. Service of the Claimant's application and of this Order and power of arrest on the 8th, 9th and 10th Defendants shall be effected by:

(i) Issuing a media release concerning the grant of a final injunction and power of arrest, which provides:

- (a) a summary of the effect of the final injunction and power of arrest;
- (b) the date, time and location of the review hearing, if known
- (c) the addresses of the dedicated webpages maintained by the Claimant regarding street cruising;
- (d) The Claimants' contact details as set out above; and
- (e) Details of where and how copies of the final injunction, power of arrest, and the amended claim documents 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 5 March 2024

(ii) Placing on the Claimant's social media including X, Facebook and Instagram links to the above media release by 23:59 on 5th March 2024.

(iii) 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 5 March 2024.

(iv) Ensuring that the home (or landing) page of the Claimant's website have and retain a prominent direct link to the dedicated webpages referred to above by 23:59 on 5th March 2024.

(v) Ensuring that copies of this Order and Power of Arrest are available at the front desk of the Claimant's main office by 23:59 on 5th March 2024.

(vi) 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

(vii) Requesting that West Midlands Police post on their website and Instagram, X, and Facebook accounts, a link to the media release referred to at (i) above, such requests to be made by 23:59 on 5th March 2024.

(viii) Maintaining the existing road signs informing people of:

- (a) the 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

2. If the Claimant takes enforcement proceedings against any of the 8th, 9th, 10th 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.

The time for serving the Claimant's claim form and supporting documents shall be extended pursuant to CPR rule 7.6 until 27 February 2027.

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