

ENGLAND AND WALES / JUDGMENT

Birmingham City Council v Persons Participating, or Intending to Participate in, Street Cruises & Ors

COURT
IN THE HIGH COURT OF JUSTICEBEFORE
MR JUSTICE RITCHIE

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IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

Claim No.: KB-2022-BHM-000221

Wednesday, 26 February 2025

BEFORE: MR JUSTICE RITCHIE

BETWEEN: BIRMINGHAM CITY COUNCIL
and
Claimant
Persons Participating, or Intending to Participate in, Street Cruises
(8) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND TO PARTICIPATE
IN STREET-CRUISES IN BIRMINGHAM, AS CAR DRIVERS, MOTORCYCLE
RIDERS, PASSENGERS AND/OR SPECTATORS
Persons Organising, Promoting or Publicising Street Cruises, or Intending to do so
(9) PERSONS UNKNOWN WHO, OR WHO INTEND TO, ORGANISE, PROMOTE
OR PUBLICISE STREET CRUISES IN BIRMINGHAM
Persons Participating in, or Intending to Participate in, Street Cruises as Driver,
Riders or
Passengers
(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
AND THE NAMED DEFENDANTS LISTED AT SCHEDULE 1
Defendants

Case No: KB-2022-BHM-000188

(1) WOLVERHAMPTON CITY COUNCIL

(2) DUDLEY METROPOLITAN BOROUGH COUNCIL

WordWave International trading as DTI

(3) SANDWELL METROPOLITAN BOROUGH COUNCIL

(4) WALSALL METROPOLITAN BOROUGH COUNCIL

Claimants

- and -

Persons Participating in Street Cruises

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

Persons Attending or Intending to Participate in Street Cruises

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE AREA SHOWN ON PLAN 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

Persons Promoting Street Cruises

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

WITHIN THE AREA SHOWN ON PLAN A (ATTACHED)

Drivers, Riders or Passengers in or on Motor Vehicles who take part in Street Cruises

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

AND THOSE PERSONS LISTED AT SCHEDULE 2 AS NAMED DEFENDANTS

Defendants

MS CHARLOTTE CROCOMBE appeared for the Claimants in Birmingham.

MR MICHAEL SINGLETON appeared on behalf of the Claimants in Wolverhampton.

JUDGMENT

(Transcript of extemporary judgment Approved 6.5.2025) Approved Judgment: Birmingham City Council & Ors v Persons Unknown Mr Justice Ritchie 1. 2. 3. 4. 5. 6. 7.

Introduction

This hearing relates to a review of quasi-final injunctions granted in two cases. The first is Birmingham City Council v Persons Unknown (PUs) and another 35 Defendants. That was issued with case number KB-2022-BHM-000221. The second is Wolverhampton City Council, Dudley

Metropolitan Borough Council, Sandwell Metropolitan Borough Council and Walsall Metropolitan Borough Council v Persons Unknown v various named Defendants issued with case number KB-2022-BHM 000188. Undertakings None of the Defendants attended. However, the first Defendant in Birmingham sent along his wife who informed me of his position. His position is that he is in prison having been convicted of organising street racing and being sentenced to, I believe, more than 3 years imprisonment as a result. He no longer wishes to be involved in street racing and it may be that he will give an undertaking to that effect so that he may be released from these proceedings. The fourth and seventeenth Defendants in Birmingham likewise have communicated with Birmingham City Council and it may be that they will provide undertakings as well. In submissions I was prepared to accept that a sensible way forward would be for a council officer to attend on those Defendants or for them to attend on a council officer and for the undertaking to be read to the Defendant/s so that they understood it, for a witness statement to be signed by the council officer and for the undertakings, when signed, to be exhibited to that and sent to the court. That would be acceptable to me as sufficient for them to be deleted as a party to these proceedings. Bundles I am grateful to both counsel for their assistance. Firstly, in relation to bundles. There were five bundles, two skeleton arguments and a note relating to authorities. One of those bundles was a bundle of authorities. One of the other bundles had various authorities within it, despite the fact that it also had documents. Claims Turning the to the proceedings. In the Birmingham action, a claim form was issued on 7 December 2022 naming Defendants 1 to 7 and also naming three categories of unknown persons, who either participated or intended to participate in street cruising as drivers, passengers or spectators, or who organised or intended to organise, promote or publicise street cruises. In the claim form, the causes of action were to apply for an injunction under section 222 of the Local Government Act 1972, under section 1 of the Localism Act 2011 and under section 130 of the Highways Act 1986. The injunction was against feared torts and crimes. The Claimants stated they were unable to control or prevent the significant risk of harm and injury to the public and they sought a power of arrest. Approved Judgment: Birmingham City Council & Ors v Persons Unknown 8. 9. On 9 December 2022 Birmingham applied ex parte for an interim injunction. Re- amended Particulars of Claim are in my bundle. They asserted that the first, second and fourth, fifth, sixth and seventh Defendants had Instagram pages or WhatsApp group chats and with substantial thousands of followers, through which they organised street cruising events. Historically, it was set out that in Birmingham, from about 2008, on the A47 there were many street cruises. In 2010 the Claimants applied for an injunction which was granted but expired in 2013. Wolverhampton and the three other borough councils applied for injunctions in February 2015 which were granted. However, after the Birmingham injunction expired, the street cruising in Birmingham increased.

10. HHJ Worster granted an injunction to Birmingham in October 2016 which lasted until

2022. Under that there were 30 committal applications. One was challenged and the challenge went up to the Court of Appeal, the case name was Sharif v Birmingham City Council [2020] EWCA Civ. 1488, but the challenge was not successful. Then, litigation arising from a case called Canada Goose UK v Persons Unknown [2019] EWHC 2459 gave rise to certain worries about the nature of final or interim injunctions. Those took a while and were eventually

sorted out by the Supreme Court in *Wolverhampton v London Gypsies* [2023] UKSC 47, which I shall return to in a minute. The basis for the quia timet injunctions sought in the Reamended Particulars of Claim in Birmingham arose from dangerous driving, stunts, obstructing roads, noise, spectators potentially being injured but also behaving badly and harassing residents, setting off fireworks, damaging property and gathering together in large crowds. This behaviour led to complaints from residents; it often happened at weekends. 11. 13.

12. As for potential defences, there were none, save as to the freedom of peaceful assembly which is a qualified right under Article 11 of the European Convention on Human Rights, (ECHR), qualified that is by proportionality and the right of Parliament to pass laws to protect the general public. The police had attempted to stop street cruising. They executed Operations “Shield” and “Hercules” and had carried out prosecutions and issued fixed penalty notices, but their resources were strained and they were insufficient to properly protect the public and hence the relief was claimed. The current *Wolverhampton* action was started on 13 December 2022 and ran in parallel with Birmingham. They have been case managed together.

Orders

- 14.
15. On 22 December 2022 interim injunctions were granted by Hill J with a power of arrest attached. I refer to the judgment provided by Hill J and incorporate it here.
16. On 13 February 2023 Freedman J confirmed and continued the interim injunctions. I refer to the judgment passed down by him in relation to that hearing and incorporate it here.
17. On 19 May 2023 the interim injunctions came before me to determine whether they would continue to be in force. I amended the interim injunctions in both claims, defining the unknown persons more narrowly and defining street cruising more narrowly to exclude letting off fireworks, in public urination and various other non- Approved Judgment: Birmingham City Council & Ors v Persons Unknown street cruising activities, and focused the injunctions on the mischief which the contra mundum, that means against the world, injunctions were intended to be focused on and that is people who organise and take part in dangerous activities on public highways in motor vehicles. A power of arrest was attached in relation to drivers and passengers.
18. On 27 February 2024 Julian Knowles J continued the injunctions but re-widened them. It is apparent from his judgment that he does not seem to have been shown the narrowing injunctions that I made. If he was shown them, he did not agree with my narrowing and went back to the wider wording which mirrored the wording that had been set out in the Sharif case, which I have already referred to. In any event, it is those final injunctions that come before me for review on 26 February 2025. Julian Knowles J set out in his judgment, given seven months after the hearing, the history of the proceedings, his rationale and set

out that he applied the factors that I had set out in a case called Multiplex Construction Europe Ltd v Persons Unknown [2024] EWHC 239 (KB). These were the same factors that I had set out in a previous case called Valero Energy Ltd v Persons Unknown [2022] EWHC 911 (QB). That is the brief chronology. Service and new evidence 20. 21.

19. As for service and new evidence, I have read the affidavit of Michelle Lowbridge, dated 4 April 2024, about the service of the quasi-final injunctions ordered by Julian Knowles J in February 2024, through press releases, radio and online social media, through front desk hard copies and on signage around town. I have also read the witness statement of Oliver Humpidge, dated 19 February 2025, who is the Community Safety Partnership Manager in Birmingham. He says that the quasi-final injunction and the interim injunctions massively reduced complaints from members of the public about street cruising, namely by 52 per cent in Birmingham. There had been 30 breaches which had been dealt with by committal and the punishments were handed out in each case. In general, the injunctions had been very successful in protecting the public. It is his evidence to this court that it is essential that they continue. I also read the witness statement from PC Campbell, dated 20 February 2025. He is in charge of the police response to organised street cruising. He gives evidence in his witness statement that the injunctions have pretty much eliminated large scale organised street cruising. They have not eliminated small, irregular street cruising. He informs the court, most interestingly, that the police reorganised after the injunctions to focus on street cruising and that he had been able to inject the seriousness of the situation into the thinking of the senior ranks. A road harm prevention team had been set up and the interim and quasi-final injunctions had had a gradual and beneficial effect. In evidence, he showed that the complaint calls in 2023 were 442 but that complaint calls in 2024 were reduced to 209, which was just over a 50 per cent reduction. He was worried that street cruising had been displaced to Milton Keynes and Coventry; it does not appear that either Milton Keynes or Coventry are covered by similar injunctions. Interestingly, PC Campbell, who has really dug into this field and it seems to me has become an expert in street cruising and how to deal with it and the people that are involved in it, said that one of the people he spoken to confessed that: "I do not do 22. Approved Judgment: Birmingham City Council & Ors v Persons Unknown 23. 24. 25. 26. drugs, I do not do drink, my drug is street racing". This is a fascinating insight into the thought processes of some, but maybe not all, of those that get involved in this dangerous activity. The police have also put in place, or are putting in place, CCTV at hotspots and use stingers (that is spikes that cross the road to pop tyres). They put up, as do the local authority, signs to warn of the injunctions, have an aeroplane that flies overhead to identify where street cruising is taking place. The police also carry out the normal arrest activities. PC Campbell notices that nobody he has ever arrested and put through the committal proceedings has ever reoffended in the same field such that he or she has been rearrested, which he takes as a good sign. The police of course gather evidence to start criminal proceedings. Conspiracy charges are levelled against organisers and some have been imprisoned for quite long periods of time. They also instigate evidence to start dangerous driving proceedings against various drivers. PC Campbell summarised the range of weapons

available to the police to combat this dangerous activity. At the top are criminal charges, in the middle are the injunctions and at the bottom are fixed penalty notices. They find that this range is effective. Some of the restrictions on which range to use are of course due to police funding, also that the police can only arrest one driver or passenger at a time. In relation to spectators, there is no power of arrest attached to the injunction. However, PC Campbell says enforcement against drivers is crucial and important. However, if the injunction was to be enforced against spectators it would be an “on paper” enforcement and I am not aware that any of the committal applications so far have been against spectators. Neither counsel contradicted that observation. 29. 28.

27. As for the organisers, some have been prosecuted. Three have been found guilty, that is Mr Nagmadin, Ms Roberts and Mr Reid and they were sentenced to between 3 and 4 years in prison. I also take into account the witness statement of Ms M Lowbridge of 24 February 2025 about service online and notice of the review hearing. I take into account the witness statement of Fahmida Begum dated 24 February 2025 about service by post. I then turn to the Wolverhampton evidence which is set out in the following witness statements. Adam Sheen 18 February 2025; P Brown 24 February 2025; P Nagra 23 January 2025. P Nagra is the “antisocial team” leader, a rather marvellous title, but a very important job. P Nagra states that the injunctions have reduced racing and in the Wolverhampton area have led to nine committal applications. Before these proceedings were started, tragically, on 20 November 2022, one street racer lost control of the car and caused two fatalities and very serious injuries to three members of the public.
30. Next, I come to the other witness statement of PC Campbell dated 15 January 2025 relating to the Wolverhampton case, not Birmingham. In that he says that the injunctions have reduced complaints from members of the public by 38 per cent. There have been three arrests since February 2024. There was a near fatal collision in December 2024 but it was unrelated to street cruising. Approved Judgment: Birmingham City Council & Ors v Persons Unknown 32.
31. More importantly, he gave live evidence before me. He highlighted that there is a slight lack of police focus, manpower or finance in the West Midlands in the four authorities, not Birmingham, and this may be leading to reduced enforcement there. There is some displacement of car racing activity from Birmingham to there, he thinks. There was an increase in activity there in the last week. He considered there was more focused enforcement in Birmingham. In relation to my question why the police needed the injunction he stated that the injunction is useful when arresting people. A message is sent out: this is what we are doing. Street cruising almost stops when somebody is arrested. I asked whether that would occur if the arrest was merely for a crime and what he said is that they arrest for both but then the police determine whether they are going to go through the cascade of potential routes of punishment, the highest level being crime, the middle level being civil committal and the lower level being fixed penalty. The fact that there are three available routes seems to be useful to the police so they can choose what is the most effective method. The reason why committal under the injunction is effective is because the

alleged contemnors are brought before a High Court judge within a day and sentenced or dealt with, or acquitted, usually within 4 weeks and this gets the message out to potential street cruisers that it is fast and effective punishment. Whereas criminal proceedings, particularly for dangerous driving or conspiracy, may take up to a year or much more and that does not get the message out quick enough to put the word around to create a deterrent effect. 33.

34. He also said that he helps a lot of other forces around the country. Birmingham are doing better than most others because most others do not have the benefit of a council injunction banning street cruising. He speaks to other police forces and lectures other police forces on what is going on in Birmingham. Those other police forces and councils were not interested before, but they have a massive problem in other areas and conversations are beginning to enfranchise them to take things more seriously. He did a presentation recently in Wales.
35. When I asked him about banger racing and why there is nowhere around here that cars can race around a mud circuit or a track circuit, with adequate protection for spectators, he told me they were “all gone”. In any event, those street racers that he has spoken to want to race on the streets, they are not interested in racing in airfields like Santa Pod. He knows many of the individuals who have been involved and he knows the families of the individuals who have been killed by car cruising. One is Damian Corfield, whose son was killed as a result of a car cruising accident. He is involved with Mr Corfield to try and create videos to be shown in schools to nip this in the bud in young men and women. That is a laudable way forward. He is worried about what may happen in neighbouring counties which have no injunctions.

Submissions

It was submitted on behalf of all the Claimants as follows. Street cruising and racing on public highways involves speeding, loud noise, convoys, races, stunts and obstructions. It is organised online. It is antisocial and it leads to antisocial behaviour by spectators including setting off fireworks, drug taking, littering and shouting. The risk is that which is highlighted by the event on 20 November 2022: losing control of a 36. Approved Judgment: Birmingham City Council & Ors v Persons Unknown 37. 38. 39. 40. 41. car, hitting spectators and killing them or seriously injuring them. The history is set out well in the evidence that has been gathered by previous judges in these claims and are set out in their judgments. It was submitted by Ms Crocombe, through her skeleton and verbally, that these injunctions are needed to continue to prevent dangerous activities on the streets of Birmingham which would not be effectively prevented by the criminal law. They were not prevented by the criminal law in the past so they were granted and they will not be prevented by the criminal law if they are reviewed into extinction. It was submitted that they are needed to save lives, to save injuries and to reduce street cruising. It was submitted that the updated evidence shows that they work. The larger cruises are not being organised and are not taking place. Albeit smaller cruises continue, they are being cracked down upon and committal proceedings are being taken. Committal orders to date I have a list of committal orders. I apologise if my spelling of some names is occasionally inaccurate. Just

running through a few of them, Mohammed Daynard was given 28 days; Bradley Hayes 23 days, Mohammed Wajahat 31 days; Zoe Lloyd 14 days; Callum Blunderfield 46 days; Gurinder Sahota 28 days; Connor Hill 23 days; Asim Rahman 23 days; Aman Kayani 23 days; Adhnan Mohammed 22 days; Joseph Dawson 23 days; Daniel Gordon 23 days; Raaghib Afsar 28 days; Umar Mahmood 28 days; Victoria Adshead 26 days; Aaron Kirk 32; Bilal Ajmal 40. And there are many others. For Wolverhampton, it was submitted there is a pressing need for continuance of these injunctions. The criminal law, it was submitted, works in tandem with these civil law injunctions. These injunctions focus on the mid-rank offences rather than more serious ones. Although the injunctions catch the more serious ones the police take the more serious ones to criminal trial rather than to civil committal. These injunctions do not, I should say, focus on the more trivial offences of spectators who may be urinating against trees or setting off fireworks, because the powers of arrest are not attached to those breaches. I am going to come to how I am going to alter at least the Birmingham injunction in a minute. It was raised by Mr Singleton that street cruising gives rise to insurers withdrawing insurance and the actual cruising not being covered by the insurance because policies generally have a “no racing” clause. That of course triggers the liability of the Motor Insurers Bureau for the street cruising, an area of practice which is particularly difficult, but this raises the prospect of member of the public getting injured and not getting full compensation, particularly if the driver was untraced. The Untraced Drivers Agreement provides a different structure than common law damages under the Uninsured Drivers Agreement.

42. Both counsel dealt with a recent case: *MBR Acres Limited & Ors v Free the MBR Beagles & Ors* [2021] EWHC 2996 (QB). MBR raises various issues of law which I am going to deal with in a minute. The law Approved Judgment: *Birmingham City Council & Ors v Persons Unknown* 44.
43. Next, I come to the law relevant to the decision that I have to take. First, I am going to deal with the factors that need to be considered on a review, which are similar to the factors that needed to be considered when these injunctions were granted in the first place. However, there are two factors that need to be added at the end. There are 15 such factors, not 13 as I set out paragraph 57 of the judgment in *Valero No.1* and I am going to run through them. A: the substantive requirements Firstly, there needs to be a cause of action. These claims have already been dealt with as *quia timet* causes of action but they are more than a *quia timet*. They relate not just to what the Claimants fear, but also what is happening. The Claimants have proven what it is happening. The Claimants seek help to let them stop the danger based on past crimes and torts as well as *quia timet*. The facts are well set out in the pleadings in all five Claimants' particulars of claim and the factual matrix has been fully accepted by the previous judges who granted the interim and quasi final injunctions so I do not need to go back into them. Secondly, full and frank disclosure. Both Birmingham and Wolverhampton have done their best to provide full and frank disclosure. I am grateful to counsel and the councils for doing their best to be frank about the benefits and the disadvantages of these injunctions. Sufficient evidence to prove the claim. There must be sufficient and detailed evidence before the court on a review to justify either continuing the injunctions, altering

them or not continuing them. For the reasons that I have set out and on the evidence that has been put before me, I consider that there is sufficient evidence on the balance of probabilities to justify continuing injunctions, but there are other factors I will come to in a minute. 45. 46. 48.

47. As for there being no realistic defence, I have taken into account the European Convention on Human Rights and the right to free and unfettered assembly but it is a qualified right. That qualification is qualified by Parliament passing laws against crimes and also by this court passing injunctions against future crimes and torts. I do not consider that the Article 11 right grants young men or women the right to get into fast cars, to drive dangerously and to put elderly or any member of the public at risk from their dangerous driving. The balance of convenience test is displaced in cases such as this, so that it becomes a compelling justification test, that is what was set out in the *Wolverhampton v London Gypsies* case. I consider that compelling justification is well proven, despite the qualified rights under both Articles 10 and 11 of the European Convention, on the evidence before me. These injunctions are working and they are working in a way that has been maturely applied by the councils and the police. They are stratifying the appropriate punishment system according to the seriousness of the offending. That is going to have an effect at the lower end of the offending and I am going to come to that in a minute when redrafting the injunction.
49. Damages are clearly not an adequate remedy. They were not an adequate remedy before and they are not an adequate remedy now. Just to explain why: if members of the public are going to lose their ability to walk and become paraplegic, of course Approved Judgment: *Birmingham City Council & Ors v Persons Unknown* compensation will assist in care, accommodation and other matters, but they do not want compensation, they want their bodies back. Street cruising takes away their ability to play sport or perhaps through brain damage their ability to think and provide a useful life and compensation is not adequate for that. In any event, there is no guarantee that the people carrying out the street cruising have insurance and there is no guarantee that the Untraced Drivers Agreement, if that is the one that applies because the street cruiser is not caught, is going to provide full compensation. I do not consider damages to be an adequate remedy for the risk and the dangers involved in street cruising. B, the procedural requirements Identifying the PUs. I am going to be redrafting the orders slightly so that there are headings on the PUs so it is easier for members of the public to understand which categories are caught. Otherwise, the PUs are tightly drawn and properly focussed at the moment, if slightly legalistically. 50.
51. As for the terms of the injunctions. I am going to be redrafting those so that they do not catch people who are supplying or using illegal drugs, urinating in public, shouting or swearing or abusing, threatening or otherwise intimidating each other, setting off fireworks. Those are either serious crimes or wholly unpleasant illegal and nuisance causing criminal activities, but this is a street cruising injunction and intended to stop street cruising. It is not some form of backup against urinating in public or setting off fireworks. I am going to alter the injunctions so that those are deleted in the Birmingham cases from the definition of

street cruising. The definition of street cruising involves the activities which are in 1 to 5 in Schedule 2 of the Birmingham Order: driving or riding at excessive speed or dangerously; driving or riding in convoy; racing; performing stunts or obstructing the highway or any private property. Those are the focus of the street cruising injunctions.

52. The prohibitions must match the claim. I consider with the paired down versions they will match the claim.
53. Geographic boundaries, they are well set out in the previous injunctions and they do not need any amendment in my judgment.
54. Temporal limits. These are quasi final injunctions which are reviewed every year. I consider at the moment that review each year is necessary going forwards, although I could see a time when that review could either be every two years or three years depending on the way the councils wish to put it and the evidence obtained from the police. I can, I should say, also see a time when these injunctions should no longer continue despite the risk of street cruising, because if these injunctions were to become nationwide, so they are not just contra mundum in person, but their geographical boundaries become widened so that they are contra the whole country, so if every council gets a similar back to back injunction, then it seems to me that there are moral and legislative issues about whether the judiciary may be trespassing on what is truly legislative territory. I raise no more than my concern about that here. It is for others in future cases to decide whether that concern is becoming more serious. Maybe others higher up the judicial ladder than I. Approved Judgment: Birmingham City Council & Ors v Persons Unknown
55. Temporal limits, duration, I have just mentioned my concerns about this but currently 56. the limits are appropriate. Service. I consider that the Defendants should be served in the usual way. The PUs who are Defendants, who are not identified, need to be served in the same ways that were set out in the previous injunctions and orders. I will come back to a case that may have created some difficulties for that, namely the decision in MBR in a minute
57. As for the right to set aside or vary, the quasi-final orders contain that and that will continue because the Supreme Court said that such a right must be granted to unknown persons.
58. As for review, I have already passed some comment upon that and I consider that this quasi-final injunction should be reviewed each year.
59. As for the costs undertakings, those should be continued. 60. The issues I come to the issues in this case. Review: the first relates to the specific factors that should be considered on review. In *Wolverhampton City Council & Others v London Gypsies and Travellers and Others* [2023] 2 WLR 45, at paragraph 225, the Supreme Court ruled that: "...will give all parties an opportunity to make full and complete disclosure to the court supported by appropriate evidence as to how effective the order has been, whether any reasons or grounds for its discharge have emerged and whether there is any proper justification for

continuance and whether and on what basis a further order should be made." Let me just split that up.

61. Appropriate evidence. Is there appropriate evidence supporting the application? I have found that it is.
62. Effectiveness. How effective has the order been? I find that it has been very effective in protecting the public, catching the criminals, bringing them before the courts quickly and giving them a punishment that seems to be working.
63. Discharge. Are there any reasons or grounds for its discharge that have emerged? In my judgment, not yet. Firstly, the police and the councils are enforcing this, this is a sine qua non, or something that is necessary, otherwise a council will not get the injunction going forwards. These Claimants are enforcing.
64. Any other reasons? I have foreseen a cloud on the horizon, which I have mentioned, about whether it is proper countrywide to be providing these injunctions, but that is a cloud that is not above my head and hence I am not going to deal with it today.
65. Are there any other reasons or grounds for discharge to have emerged? I do not find that they are. These street cruises have not stopped, they are going on, they are just displacing elsewhere. The danger continues. Fortunately, this injunction together with police and local authority action has probably saved lives and I would say very probably saved injuries. The local councils and the police should be congratulated for doing that.
66. Whether there is any proper justification for continuance. I have just given it. Approved Judgment: Birmingham City Council & Ors v Persons Unknown
67. Whether and on what basis a further order should be made. I am going to tweak the orders in a minute. Law relating to review
68. Next, I humbly cite my own judgment in HS2 v Persons Unknown [2024] EWHC 1277 at paragraphs 32 to 33: "[32] Drawing these authorities together, on a review of an interim injunction against PUs," and I would add now on a review of a quasi-final injunction against PUs, "and named Defendants, the court is not starting de novo, the judges who have previously made the interim injunctions have made findings justifying the interim injunctions. It is not the task of the court on review to query or undermine those. However, it is vital to understand why they were made, to read and assimilate the findings, to understand the substrata of the quia timet, the reasons for the fear of unlawful direct action. Then it is necessary to determine, on the evidence, whether anything material has changed. If nothing material has changed, if the risks still exist as before and the Claimants remain rightly and justifiably fearful of unlawful attacks, the extension may be granted so long as procedural and legal rigour has been observed and fulfilled.

- [33] On the other hand, if material matters have changed, the court is required to analyse the changes, based on the evidence before it, and in the full light of past decisions, to determine anew, whether the scope, details and need for the full interim injunction should be altered. To do so the original thresholds for granting the interim injunctions still apply." 69. 70. I have considered those matters. I consider that the test on review is passed. I have given the reasons why. I consider that a slightly late but adequate notice and service has been given to the PUs and to the Defendants. I consider that the definition of PUs needs to be changed in the way discussed with counsel. Counsel are going to send me through draft amended injunctions. I may amend them a little bit more to tailor the PU definitions but that is to come. I consider that the definition of street cruising in the Birmingham case is not appropriate and drugs, urination, shouting and fireworks need to be taken out so that the focus is on dangerous driving. I consider that the benefits of continuing the injunctions are the speed of result, the immediacy, the deterrent factor, the fact that they are stratified just under serious crime but above non-serious fixed penalty crime, the fact they are better than public space protection orders because they are wider and the entrenched thinking of some street cruisers, that they do not really seem to get that they should not be doing it, they need to get their thrills some other way. MBR Acres Ltd and others v McGivern [2022] EWHC 2072
71. As for the four factors raised in MBR, I should deal with each of them because counsel have properly raised MBR, under their duty to show this court, on an ex parte Approved Judgment: Birmingham City Council & Ors v Persons Unknown 72. 73. 74. 75. application against PUs, that there may be headwinds or rocks in the course of the boat carrying the injunction which need to be dealt with. The first point is that judges should give permission for committal before committal proceedings are started in PU injunction cases. I am afraid I do not agree. I do not expect the police to have to come to court to get permission to start proceedings against somebody they have just arrested for street racing, driving far too fast, overtaking an elderly gentleman on a dual carriageway in a dangerous manner and putting spectators at risk. Nor do I expect Birmingham City Council to have to come to me for permission before they start committal proceedings. These are responsible, grown up, longstanding public authorities who take their responsibilities very seriously (albeit Birmingham is financial bankrupt). In any event, if such an arrested person is to be committed, they are brought before a High Court judge within a day. Any concerns can be dealt with by that High Court judge the next day. I have myself dealt with a few of these, as I know many of the senior judges here do. That is a sufficient filter to protect the previously unknown persons who become known when they are arrested. Secondly, actual knowledge of the injunction is required to be proved in the committal proceedings. I do not need to enter into the dispute about whether actual knowledge is required in the committal proceedings here because these are not committal proceedings. Nor do I need to set out the criteria for committal in an injunction order. I would not presume to do so, even if others have. There are very clear procedures and substantive requirements for committal proceedings to protect those who are the subject of allegations that they should be committed for contempt. It is a field in which judges take their responsibilities very

seriously. I will leave that up to any judge who has to deal with somebody brought before him or her on a committal application brought by the Claimants. Thirdly, there is no need for alternative service according to Nicklin J because they are unknown persons and it is a new type of injunction contra mundum. This is set out in paragraph 399(2). I am going to follow the Supreme Court's rulings on whether service is required for PUs because I am bound by it. I consider that, as a matter of principle, where the nuclear option of an injunction against the world is granted by a court, every possible protection should be given to those who may be affected by it, including methods of alternative service, to publicise the application for the injunction or the review thereof and the passing of the injunction. Publication will also assist in committal proceedings. Finally, the definition of PUs. According to Nicklin J, at paragraph 360, this is no longer necessary because they are injunctions contra mundum. I am going to follow the rulings of the Supreme Court to the effect that: because these are the nuclear weapons of the civil courts, they should be very carefully deployed and in circumstances which are very focused. I intend to continue the definitions in these claims, ensuring that the PUs are narrowly defined, so that only those who are properly defined are caught. If I turn out to be wrong about that, it makes absolutely no difference in this case because the operative parts of the injunctions match the operative parts of the definition of PUs and it will not be affecting the PUs who might be affected by the injunction and those are the ones that are important. Approved Judgment: Birmingham City Council & Ors v Persons Unknown 76. 77. 78. 79. Therefore, I do not consider that any of those four concerns stand in my way for continuing the injunctions. I have dealt with service but I should also mention there is one other witness statement from Shaheen Akhtar dated 25 February 2025 about some Defendants who contacted the councils after the event.

Conclusion

In conclusion, I have gone through the nature of the applications, the chronology of the cases, the previous judgments, the new evidence, the 15 factors required in Valero to consider on review and the main 4 factors about new evidence and whether anything has changed on review. I have sought to explain why I consider all factors are satisfied and why the orders can continue in an amended form. I will be inviting counsel to send draft orders to my clerk so that I can sign those off in the forthcoming days. Just to make it clear, in the interim, the injunctions currently in place will continue until I make a further order. SCHEDULE 1 Named Defendants in Birmingham

- (1) AHZI NAGMADIN
- (4) RASHANI REID
- (5) THOMAS WHITTAKER
- (6) ARTHUR RODGERS
- (7) ABC

- (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
- (21) JOSEPH DAWSON
- (22) DANIEL GORDON
- (23) RAGHIB AFSAR
- (24) UMAR MAHMOOD
- (25) VICTORIA ADSHEAD
- (26) AAROON KIRK
- (27) BILAL AMJAD
- (28) BENJAMIN DUNN
- (29) MOHAMMED KHALIL
- (30) MARLON FARRELL
- (31) JACOB WILLIAMS
- (32) MATTHEW OLIVER BRAYNE Approved Judgment: Birmingham City Council & Ors v Persons Unknown
- (33) ABDULRAHMAN ABDULKADER
- (34) ADAM JORDAN YEOMANS
- (35) HUSNAIN MAHMOOD SCHEDULE 2 (named Defendants in Wolverhampton) Defendant t
Number Defendant Name 6 8 10 12 14 END Mr ANTHONY PAUL GALE Miss WIKTORIA
SCZCUBLINSKA Mr ISA IQBAL Mr MASON PHELPS Ms REBECCA RICHOLD Mr OLIVER
DAVID CLARKE Mr SIKANDER HUSSAIN Mr OMAR TAGON Mr TY HARRIS Mr VIVKASH
BALI January Date Defendant added as a party (and judge making order) 4 October 2023

(HHJ Kelly) 4 October 2023 (HHJ Kelly) 1 November (HHJ Kelly) 2024 (HHJ Kelly) 27 February (Julian Knowles J) 21 May 2024 (HHJ Kelly) 23 May 2024 (HHJ Kelly) 12 November (HHJ Wall) 25 November (HHJ Wall) 25 November (HHJ Wall) Approved Judgment: Birmingham City Council & Ors v Persons Unknown 16

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Prepared on 26 October 2026 · Esheria