

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, and s.222, Local Government Act 1972.

B E T W E E N

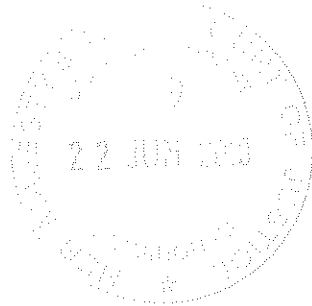
NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

PERSONS UNKNOWN

Defendants



INJUNCTION ORDER

IF YOU DO NOT OBEY THIS ORDER YOU WILL BE GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON

On the 22nd June 2018, before His Honour Judge Worster, sitting 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 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 hearing counsel for the Claimant, without notice to the Defendants

AND FURTHER UPON the Court finding in the circumstances that it is just and convenient, and proportionate, to grant injunctive relief herein,

IT IS ORDERED THAT

1. All persons are forbidden from participating in a street-cruise within the Claimant's local government area (known as "North Warwickshire"), the boundaries of which are delineated in blue on the map attached to this Order at Schedule 1.
2. It is also forbidden for anyone to promote, organise or publicise in any manner, any street-cruise within North Warwickshire as delineated in the map 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 clause 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 apply. 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.
5. Any person served with a copy of this 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, this Order and the said power of arrest by the alternative methods specified at Schedule 3 to this Order.
7. This Order shall come into force at 9.00am on 3rd August 2018 and shall remain in force until midnight on 22nd June 2021.
8. The time for serving the Claimant's Claim Form and supporting documents shall be extended, pursuant to CPR Rule 7.6 until 22nd June 2021.

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

“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 in the Claimant’s local government area (known as “North Warwickshire”), as shown delineated in blue on the map at Schedule 1, at which any person, whether or not a driver or rider, 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 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) 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 Street-Cruise”

3. A person participates in a street-cruise whether or not 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 shall be effected by
 - (i) placing signs informing people of this the Order and the area in which it has effect in prominent locations throughout the North Warwickshire and particularly in the locations referred to at paragraphs 12 and 19 of the Particulars of Claim herein,
 - (ii) placing a public notice or advertisement prominently in at least two newspapers circulating weekly in North Warwickshire;
 - (iii) posting a copy of the Order on its website, and publicising it using the Claimant's Facebook page and twitter account, and posting on other relevant social media sites such as motorheadz.uk, YouTube, and local police Facebook and twitter accounts;
 - (iv) any other like manner, whether additional to or in substitution for, those referred to at (ii) and/or (iii) above, as the Claimant may decide to use in order 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 and all supporting documents relied on to obtain this 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, or 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.

