

B. Re amended Particulars of Claim

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

Claim No: KB-2022-000221

In the matter of an application for an injunction under s.37(1), Senior
Cord [C]5 (od [C]8vr-4.C8v-3.995 (37S)3.475/TT2 1)-3.995 (i)-4.004 (7)]2475/TT2 1)19(1)12.9981

OR PASSENGERS IN MOTOR CARS OR ON
MOTORCYCLES

Defendant s

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any highway for which they are the highway authority. The Claimant considers that the injunctive relief sought in these proceedings is necessary to protect the rights of the public to the use and enjoyment of highways within its district.

6. By s.6(1),(8) of the Crime and Disorder Act 1998, the Claimant must formulate and implement, inter alia, a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment), which strategy the Claimant must keep under review for the purposes of monitoring its effectiveness and making any necessary or expedient changes.
7. By section 17, Crime and Disorder Act 1998, the Claimant is under a statutory duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.

The Defendants

7A The First Defendant runs the Instagram account @Forza_Birmingham, which has 24000 followers, which he uses to organise, promote and/or publicise street cruising events within Birmingham which are attended by hundreds of vehicles, especially at the Asda superstore at Minworth, Heartlands Parkway, the A38, Sutton Bypass, and West Boulevard, Quinton. The First Defendant has been arrested for his role in organising street cruising events, but a charging decision is yet to be made.

7B The Second Defendant manages the club ~~cl R V H G~~ : K D W V \$ S S * U R X S
~~3 5 R V H * R V H~~ which she uses to organise, promote and/or publicise street cruising events. She has organised a large number of

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organise, promote and/or publicise street cruising events in Birmingham.

7D The Fifth Defendant runs the Instagram account WV racetracks, which has 700 followers, and which he uses to organise, promote and/or publicise street cruising events. Whilst these events frequently start

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Hall, Birmingham City and Aston Villa football clubs, and Warwickshire County Cricket Club, with the attendant facilities situated in the locality;

- (iv) commercial, retail and entertainment parks containing retail outlets, cinemas and other entertainment venues, serviced by large car-parking areas.

The History

9. From about 2008, the area of the A47 from Heartlands to Fort Parkway, Chester Road and Dunlop Way and the surrounding roads and industrial estates has attracted car enthusiasts. In particular, large numbers of people congregated in this area

[Tesco Spring Hill, 32 Ellen St, Birmingham B18
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[LLandor Street, Birmingham

[LSoho, Birmingham

22. At street-cruising events, participants drive cars or ride motorcycles (frequently high-performance vehicles which have been modified to increase their power and engine/exhaust noise) in a dangerous manner, causing obstruction and/or nuisance to other road users, pedestrians and to those living or working in the locality including, for example, by:

- (i) driving or riding fast and/or dangerously and/or
- (ii) performing stunts and/or manoeuvres and/or racing while other road users are in the locality, and/or
- (iii) obstructing the entrances and exits of public roads and/or commercial premises.

23. Street-cruises also attract participants who, whether or not taking part in the activities described in the last paragraph, attend for the purpose of any or all of the following activities:

- (i) watching and discP998 ()-s (t)-3.998 (()-4.004 (ft)-4.004 (aki)6.004 ()-4.004 (fan)2.

27. The conduct described above constitutes the commission of criminal offences which are deliberate and flagrant and/or which cannot effectively be restrained by the use of criminal law sanctions.
28. The said conduct is also tortious and, in particular, constitutes a public nuisance.
29. Further, by engaging in the conduct described above, the Defendants infringe or threaten to infringe:
 - (i) other road users ¶ D Q G S H G H N G W L I E Q U R \$ quant to Article 2, European Convention on Human Rights (the ³ & R Q Y H Q W L R Q ´

PARTICULARS

- (i) Residents have suffered disturbance, harm and property damage by reason of the matters complained of.
- (ii) Pedestrians and other road users have felt threatened and intimidated, and have been put at serious risk of harm by the said matters.
- (iii) Businesses have had access to their premises obstructed and interrupted, causing

considered to provide any real deterrent and could not be introduced immediately.

- (v) The various operations and attendance of Police officers has had an impact on police resources, caused adverse effects for the legitimate users of the roads in the area, strained police resources preventing those officers from attending more pressing Police matters and search operations which have, on occasions, involved multiple Police units including the Police helicopter.

Relief

35. The Claimant has identified as Defendants those who
- (i) were and/or are still involved in organising, promoting and publicising street-cruising events;
 - (ii) were previously committed for breach of the injunction granted in October 2016;
 - (iii) are currently awaiting their committal trial.
36. However, in order for the injunction to serve its purpose, it is necessary for it to be granted against Persons Unknown as defined above.
37. The participants in the activities referred to above are transient and mobile. The highly transient nature of the boy-racer community renders it difficult for the Claimant or the Police to identify participants. Different participants and spectators attend different cruises in different locations and in very large numbers. If one group were to be prohibited from attending street-cruises, this would make little practical difference to the problem as other people could attend instead.
38. Further, when confronted, participants become aggressive and their conduct more dangerous to themselves, other road users and the Police by, for example, throwing fireworks or turning off their headlights so as to avoid detection.
39. Further, while there are currently several main locations at which street-cruises are commonly held, these are not the only affected parts of the area. Almost all of the major roads which run through the borough are

used by participants and spectators making their way to and from events, or could be used by participants for events if injunctive relief were limited to certain locations.

40. Moreover, the Claimant believes that an order covering the whole of its area is necessary and proportionate in that:

- (i) the Order contains only such measures as are necessary to control the problem of street-cruising, and do not seek to impose any broader prohibitions;
- (ii) the conduct sought to be prohibited is unlawful and dangerous, and has a severe effect on the human rights of law-abiding members of the community, businesses and the ability of law enforcement authorities including the Claimant to achieve a safe and law-abiding area; and
- (iii) without an Order covering the local authority area, the Claimant fears that the problems will simply be displaced to other parts of the area, and that it will not be possible to provide effective protection to cover those engaging in lawful activities in areas through which participants and spectators travel on the way to and from their events; the Claimant has already experienced the effect of such displacement as a result of the Order made in favour of the 5 local authorities referred to above, in December 2015.

41. The Claimant considers it appropriate and expedient for the promotion and protection of the interests of the inhabitants of their area that the defendants be restrained, by way of injunction, from committing tortious and criminal acts and, in particular (though without prejudice to the generality of the foregoing), acts amounting to a public nuisance and to deliberate and flagrant breaches of the criminal law (and which cannot be prevented by use of the criminal law). Specifically, but without prejudice to the generality of the foregoing, the Claimant considers that it is in the interests of the inhabitants of the Birmingham area:

- (i) that the Claimant endeavours to establish and maintain a law abiding community;
- (ii) that local businesses, residents and workers in the Birmingham area are protected from the serious and specific threats to their

safety, property, Convention rights and peaceful existence presented by the street-cruisers.

42. Further, or alternatively, the Claimant considers that the injunctive relief sought in these proceedings is necessary to protect the rights of the

STATEMENT OF TRUTH

[I believe] [The Claimant believes] that the facts stated in these Particulars of Claim are true. [I understand] [The Claimant understands] that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed	Michelle Lowbridge « « « « « « « «
Name	MICHELLE LOWBRIDGE « « « « « « « «
Position or Office held	« « ASB Partnership Manager « « « « « «
Dated this	« 18 October 2022

Reamended this 5 day of December 2022

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Jonathan Manning
Charlotte Crocombe

