

Imposing The Brakes on Car Cruising- *Birmingham City Council v Persons Unknown and others; Wolverhampton City Council and another v Persons Unknown and others [2025] EWHC 1102 (KB)*

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INTRODUCTION

1. The hearing that took place on 26 February 2025 before Mr Justice Ritchie in the Kings Bench Division related 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* (*'Birmingham Case'*). 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* (*'Wolverhampton Case'* as *Wolverhampton is the lead Authority*).

BRIEF PROCEDURAL HISTORY

2. The Local Authorities commenced their most recent actions in December 2022 and both these cases have run in parallel and have been case managed together. The causes of action are an injunction pursuant to section 222 *Local Government Act 1972*; section 1 *Localism Act 2011* and section 130 *highways Act 1986*. The injunction was applied for against feared torts and crimes and also on the basis that the Claimants stated that they were unable to control or prevent significant risk of harm and injury to the public. As such these claims have been dealt with as *quia timet* but also on the basis of proven car cruising. Consequently, the cause of action include past crimes and torts and *quia timet*.
3. Previous applications have been made by both Local Authorities since on or around 2010 and subsequently thereafter.

4. Further, the Police have attempted to stop street cruising and executed Operations "Shield" and "Hercules", unfortunately, despite those legendary names and akin to Herculaneum, those endeavours became buried. Strained resources, cuts to budgets and the insufficiency to properly protect the public were blamed for their inefficacy.
5. Interim injunctions were granted by Hill J with a power of arrest attached on 22 December 2022.
6. The interim injunctions were confirmed and continued on 13 February 2023 by Freedman J.
7. The injunctions were then amended in both claims by Richie J on 19 May 2023. The amendments defined the unknown persons more narrowly and defined street cruising more succinctly to exclude letting off fireworks, public urination and various other non-street cruising activities, and focused the injunctions on the mischief which the *contra mundum* 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.
8. On 27 February 2024 the matter was considered by Julian Knowles J who continued the injunctions but re-widened them to include the wording removed by Richie J on 19 May 2023.

9. It was those final injunctions that came before Ritchie J on 26 February 2026 which are the subject of this Article.

THE EVIDENCE

10. The evidence before Ritchie J in favour of continuation of the Injunctions was all affirmative, in that the injunctions to date had been very successful in protecting the public and it is essential that they continue.
11. Evidence was put before the Court to show that street cruising complaints had massively reduced by 52% in Birmingham. Breaches had been dealt with by committals and swift sentences handed out in each of the 30 cases that came before the Court. The majority of large-scale street cruising had been eliminated.
12. A road harm prevention team had been set up and the interim and quasi-final injunctions had had a gradual and beneficial effect. The police have also put in place CCTV at hotspots and use stingers (that is spikes that cross the road to pop tyres). The Police and Local Authority have put up signs to warn of the injunctions, an aeroplane flies overhead to identify where street cruising is taking place. The police also carry out the normal arrest activities.
13. Evidence was also put before the Court that out of those who had been put through committal proceedings none of those became repeat reoffenders.
14. Conspiracy charges had been levelled against organisers and some have been imprisoned for up to 4 years.

15. Evidence from the Police summarised that at the top of the spectrum are criminal charges, in the middle are the injunctions and at the bottom are fixed penalty notices, this range has been effective in their campaign.
16. The Wolverhampton evidence corroborated the Birmingham evidence and stated that the injunctions have reduced racing. There have been multiple arrests and multiple committal applications. In the Wolverhampton area complaints from members of the public have reduced by 38 per cent.

RATIONALE

17. Ritchie J confirmed his decision in *Valero Energy Ltd and other companies v Persons Unknown and others* [2024] EWHC 134 (KB) at para [57] and found that there are now 15 factors to be considered on a review of a contra mundum final injunction against persons unknown (“PUs”).
18. These 15 factors have been imposed because a final injunction against PUs is a nuclear option in civil law akin to a temporary piece of legislation affecting all citizens in England and Wales for the future so must be used only with due safeguards in place. These factors fall under two heads, substantive requirements and procedural requirements.

SUBSTANTIVE REQUIREMENTS

Cause of action (1)

19. There must be a civil cause of action identified in the claim form and particulars of claim.

The usual *quia timet* (since he fears) action relates to the fear of torts such as trespass, damage to property, private or public nuisance, tortious interference with trade contracts, conspiracy with consequential damage and on-site criminal activity.

20. In this matter the claims have been dealt with as *quia timet* and also in relation to what has been proven as currently happening with car cruising. The Local Authorities seek help to let them stop the danger based on past crimes and torts as well as *quia timet*.

Full and frank disclosure (2)

21. There must be full and frank disclosure by the Claimant (applicant) seeking the injunction against the PUs. Ritchie J found that both Birmingham and Wolverhampton have succeeded in this respect.

Sufficient evidence to prove the claim (3)

22. There must be sufficient and detailed evidence before the Court on a review to justify either continuing the injunctions, amending them or not continuing them.

23. Ritchie J found sufficient evidence on the balance of probabilities to justify continuing the injunctions.

No realistic Defence (4)

24. In PU cases where there is no Defendant present, the matter is considered *ex-parte* by the Court. If there is no evidence served and no foreseeable realistic Defence, the Claimant is left with an open field for the evidence submitted by them and their realistic prospect found may be upgraded to a balance of probabilities decision by the Judge.
25. The Court does not carry out a mini trial but does carry out an analysis of the evidence to determine if the Claimant's evidence is credible and acceptable.
26. The Defendant must be found unable to raise a defence to the claim which has a realistic prospect of success, taking into account not only the evidence put before the Court (if any), but also, evidence that a putative PU Defendant might reasonably be foreseen as able to put before the Court (for instance in relation to the PUs civil rights to freedom of speech, freedom to associate, freedom to protest and freedom to pass and repass on the highway).
27. Ritchie J took into account the *European Convention on Human Rights* and the right to free and unfettered assembly and reiterated 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. He did 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.

Compelling justification test (5)

28. In interim injunction hearings, pursuant to *American Cyanamid v Ethicon* [1975] AC 396, for the Court to grant an interim injunction against a Defendant the balance of convenience and/or justice must weigh in favour of granting the injunction. However, in PU cases, pursuant to *Wolverhampton City Council & Others v London Gypsies and Travellers and Others* [2023] 2 WLR 45, this balance is angled against the applicant to a greater extent than is required usually, so that there must be a “compelling justification” for the injunction against PUs to protect the Claimant's civil rights.

29. It was found that compelling justification had been well proven, despite the qualified rights under both *articles 10 and 11 of the European Convention*, on the evidence before Ritchie J.

Damages not an adequate remedy (6)

30. For the Court to grant a final injunction against PUs the Claimant must show that damages would not be an adequate remedy.

31. Damages in the context of car cruising can never be an adequate remedy for a person should they lose their ability to walk and become paraplegic. In those circumstances, compensation will assist in care, accommodation and other matters but it is not an adequate remedy in replacing loss of limbs and/or amenity in that respect.

PROCEDURAL REQUIREMENTS

Identifying the PUs (7)

32. The PUs must be clearly and plainly identified by reference to: (a) the tortious conduct to be prohibited (and that conduct must mirror the torts claimed in the Claim Form), and (b) clearly defined geographical boundaries, if that is possible.

33. Ritchie J redrafted the order in this matter to make it easier for members of the public to understand which categories are caught.

The terms of Injunction (8)

34. The prohibitions must be set out in clear words and should not be framed in legal technical terms (like “tortious” for instance). Further, if and in so far as it seeks to prohibit any conduct which is lawful viewed on its own, this must also be made absolutely clear and the Claimant must satisfy the Court that there is no other more proportionate way of protecting its rights or those of others.

35. The Injunction terms made are set out below in summary.

The prohibitions must match the claim (9)

36. The prohibitions in the final Injunctions must mirror the torts Claimed (or feared) in the Claim Form.

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37. Ritchie J altered the wording so that the Order does not catch people who are supplying or using illegal drugs, urinating in public, setting off fireworks, shouting, swearing or abusing, threatening or otherwise intimidating each other. The reasoning for this is that street injunctions are intended to stop driving or riding at excessive speed or dangerously; driving or riding in convoy; racing; performing stunts or obstructing the highway or any private property. It is those activities that are the focus of these injunctions.

Geographic boundaries (10)

38. The prohibitions in the final Injunctions must be defined by clear geographic boundaries, if that is possible.

39. The Injunction Orders set out geographical boundaries.

Temporal limits - duration (11)

40. The duration of the final Injunction should be only such as is proven to be reasonably necessary to protect the Claimant's legal rights in the light of the evidence of past tortious activity and the future feared (*quia timet*) tortious activity.

41. Ritchie J ordered that these Injunctions should be reviewed each year at this time as that is necessary

Service (12)

42. Understanding that PUs by their nature are not identified, the relevant documents to include proceedings, the evidence, the Injunction applications and the draft order must be served by

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alternative means which have been considered and sanctioned by the Court. The applicant must, under the *Human Rights Act 1998 S.12(2)*, show that it has taken all practicable steps to notify the respondents.

The right to set aside or vary (13)

43. The PUs must be given the right to apply to set aside or vary the injunction on shortish notice as set out by the Supreme Court.

Review (14)

44. Even a final injunction involving PUs is not totally final. Provision must be made for reviewing the injunction in the future. The regularity of the reviews depends on the circumstances. Thus, such injunctions are “*Quasi-final*” not wholly final.

45. Ritchie J applied the Supreme Court decision in *Wolverhampton City Council & Others v London Gypsies and Travellers and Others* [2023] 2 WLR 45, at paragraph 225:

"...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."

46. All of those factors were considered and addressed individually in the judgment and found that there is proper justification for the continuance of these orders, these injunctions will be

reviewed each year and they are currently very effective in protecting the public, catching criminals, bringing them before the Courts promptly and imposing swift punishment. Further, the Police and Local Councils are enforcing these Injunctions, which is a *sine qua non* and imperative for future review.

47. Ritchie J cited his 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."

48. Ritchie J concluded that the review is passed with some amendments being made to the Injunctions and concluded at paragraph [70]:

"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."

Costs and undertakings (15)

49. These may be relevant in final injunction cases and Ritchie J ordered that those should continue.

THE BLACK COUNTRY INJUNCTIONS

50. The final Injunctions forbid persons who are a driver, rider, passenger in or on a motor vehicle to participate between the hours of 3pm and 7am in a gathering of two or more persons within the Black Country area at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

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51. Stunts are defined as driving manoeuvres often undertaken at such gatherings including but not limited to:

“Burnouts” Causing a vehicle to damage or destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.

“Donuts/Donutting” Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving off causing noise, smoke and tyre marks to be created.

“Drifting” Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.

“Undertaking” passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.

52. The Injunction, further covers organisers and spectators, prohibiting persons unknown from promoting, organising publicising gatherings, or from participating in a gathering as a spectator with the intention or expectation that some of those present will engage in street racing.

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53. The Injunction covers the entirety of the boroughs of Wolverhampton, Dudley, Sandwell and Walsall. Birmingham City has a separate Injunction with similar terms.

54. The Injunction and associated Power of Arrest attached to the Injunction will remain in force for a period of at least three years and will be subject to annual review.

IMPACT

55. The evidence before the Court found that the reason why Committal under the Injunctions are 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.

56. The combined accomplishment of Birmingham City Council and the Black Country is further justification of why nothing short of an Injunction will do in curbing street racing. Local Authorities around the Country should take note of these successes and consider the approach taken by these Claimants.



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Law is correct as at 27 August 2025

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