

Claim No. G00LU797

IN THE COUNTY COURT AT LUTON

**In the matter of an application for an injunction under s.1, Localism Act 2011,
s.222, Local Government Act 1972, and s.130 Highways Act 1980.**

B E T W E E N

STEVENAGE BOROUGH COUNCIL

CLAIMANT

and

(1) PERSONS UNKNOWN WHO
PARTICIPATE OR INTEND TO
PARTICIPATE IN CAR CRUISES IN
STEVENAGE, AS DRIVERS,
PASSENGERS OR SPECTATORS

FIRST
DEFENDANTS

(2) PERSONS UNKNOWN WHO, OR WHO
INTEND TO, PROMOTE, ORGANISE OR
PUBLICISE CAR CRUISES IN
STEVENAGE

SECOND
DEFENDANTS

FINAL INJUNCTION ORDER

IF YOU THE WITHIN NAMED 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 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 [DATE], before [JUDGE], the Court considered an application to renew an injunction and power of arrest granted by this Court on 7 December 2020.

UPON hearing counsel for the Claimant, the Defendants not appearing

AND UPON the Court considering the application for an injunction and power of arrest brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.38 of the County Courts Act 1984

AND FURTHER 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 FURTHER UPON the Court considering it just and convenient, and proportionate, to renew the injunction and power of arrest in the following terms

IT IS ORDERED THAT

1. The Defendants are forbidden from participating in a Car-Cruise within the Claimant's local government area (known as "Stevenage") the boundaries of which are delineated in black on a map attached to this Order at Schedule 1.

2. The Defendants are forbidden to promote, organise or publicise in any manner any Car-Cruise within Stevenage (as delineated at Schedule 1 to this Order).
3. The terms “Car-Cruise” and “participating in a Car-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 Car-Cruise who is the driver of, or a passenger in, any Motor-Vehicle as defined in paragraph 4 of Schedule 2 below (i.e. not including any motorcycles but including quad bikes) to which paragraphs 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 Car-Cruise within the meaning of Schedule 2 to this Order.
5. Personal service of this injunction is dispensed with pursuant to CPR Rule 81.8. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve the Claim Form and supporting documents relied on, and this Order and power of arrest, by the alternative methods specified at Schedule 3 to this Order.
6. The deemed date of service of the documents referred to at paragraph 5 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 3 to this Order.
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.
8. This order and power of arrest shall come into force at 12.00 am on 8 December 2022, and thereafter shall remain in force for 3 years, until 11.59 pm on 7 December 2025 unless previously varied or discharged by the Court.
9. The time for serving the Claimant’s Claim Form and supporting documents shall be extended, pursuant to CPR Rule 7.6 until 11.59 pm on 7 December 2025.

10. The Claimant shall have permission to amend the Claim Form so as to add as Defendants to the claim, the Second and Third Defendants.

If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.

NAME AND ADDRESS OF THE CLAIMANT'S LEGAL REPRESENTATIVES

The Claimant's solicitors' contact details are:

Legal Services,

Hertfordshire County Council

County Hall

Hertford

SG13 8DE

SCHEDULE 1

[MAP]

SCHEDULE 2

“Car-Cruise”

1. “Car-Cruise” means a congregation of the drivers of two or more Motor-Vehicles (as defined in paragraph 4 below) on the public highway or at any place to which the public have access within the Claimant’s local government area (known as “Stevenage”) as shown delineated in black on the map at Schedule 1, at which any person, whether or not a driver, 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 Car-Cruise.

2. The activities referred to at para.1, above, are:
 - (i) driving at excessive speed, or otherwise dangerously;
 - (ii) driving in convoy;
 - (iii) racing against other motor vehicles;
 - (iv) performing stunts in motor vehicles;
 - (v) sounding horns or playing amplified music;
 - (vi) revving engines;
 - (vii) supplying or using illegal drugs;
 - (viii) urinating in public;
 - (ix) shouting or swearing at, or abusing, threatening or otherwise intimidating another person; or
 - (x) obstructing any other road-user.

“Participating in a Car-Cruise”

3. A person participates in a Car-Cruise whether or not he is the driver of, or passenger in, a Motor-Vehicle (as defined in paragraph 4 below), if he or she 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 Car-Cruise” shall be interpreted accordingly.

“Motor vehicle”

4. In this Order, the term “motor vehicle” excludes motorcycles but includes quad bikes.

SCHEDULE 3

1. Service of the proceedings and this Order shall be effected by:
 - (i) Maintaining signs informing people of this Order and the area in which it has effect in prominent locations throughout Stevenage and particularly at its boundaries on major roads (in general accordance with the plan attached herewith);
 - (ii) Ensuring that the details of the Injunction and power of arrest are clearly publicised in a newspaper circulating in the Claimant's area;
 - (iii) Posting a copy of the Order and power of arrest, together with the Claim Form and supporting documents relied on, on its website, and publicising them using the Claimant's Facebook page and Twitter account, and requesting that local police publicise them via their Facebook and Twitter accounts;
 - (iv) Taking all reasonable steps to secure the publication of the Order and power of arrest, and/or information about where they and the documents referred to at (iii) above can be obtained, on other relevant social media sites including
 - (a) motorheadz.uk,
 - (b) Cruise-Herts Facebook and Instagram pages
 - (c) Herts Car Society Facebook page
 - (d) Herts BMW Owner Club Facebook page
 - (e) Royal Herts Statics Facebook page
 - (f) Static Takeover Facebook page and/orin any other like manner as appears to the Claimant to be likely to bring the proceedings and this Order to the attention of persons likely to be affected by it.

2. If the Claimant takes enforcement proceedings against any person in respect of this Order, the Claimant shall, if so directed by the Court, serve on that person:
 - (i) A copy of the Claim Form of 20 August 2020, and all supporting documents relied on to obtain the injunction dated 7 December 2020 and this Order; and
 - (ii) A copy of this Order and power of arrest.
3. The Claimant shall not, however, be required to divulge to the person served the names or addresses of any individual member of the public whose details appear in the evidence served in accordance with this paragraph.
4. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.