

Injunction Order

Between Stevenage Borough Council, Claimant
and Persons Unknown, Defendant

Persons Unknown

In the County Court at
Luton

Claim Number G00LU797

Claimant
(including ref.) Stevenage Borough
Council

Defendant
(including ref.) Persons Unknown

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

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 1 February 2023, before Her Honour Judge Bloom, the Court considered an application for an injunction and power of arrest.

UPON hearing Counsel for the Claimant and 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 UPON the Court hearing evidence from Mrs Sarah Pateman and reading her witness statements dated 14 November 2022 and 31 January 2023, and hearing evidence from Chief Inspector Graeme Walsingham and reading his witness statement dated 11 November 2023, and reading the witness statement of PC Kooistra dated 31 January 2023,

AND UPON the Court being satisfied of good service of the Proceedings and evidence pursuant to its Order for service by alternative means dated 13 January 2023 and of the Interim Injunction and Power of Arrest dated 13 January 2023, in accordance with Schedule 3 to that Interim Injunction,

AND UPON the Claimant confirming that any Order in these proceedings is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted and such activities take place under an approved code or licence from a recognised regulatory body,

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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 grant an interim Injunction and Power of arrest in the following terms,

AND FURTHER UPON the Court providing for service of this Final Injunction Order and the attached power of arrest by the alternative means set out at Schedule 3 to this Order

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 and power of arrest is dispensed with pursuant to CPR Rule 81.8. Pursuant to CPR rule 6.27, and 81.4(2) (c) and (d), and the Claimant shall be permitted to serve 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 23.59 hours on 6 February 2023.
7. The Claimant shall file a witness statement confirming that the steps taken to effect service set out at Schedule 3, within 14 days of the final step being taken. If Schedule 3 has not been fully complied, with the Claimant shall identify the deficiency and provide an explanation so that a judge may consider whether to authorise retrospective alternative service, pursuant to CPR r. 6.27. The statement shall be sufficiently served by taking the step referred to at paragraph 1(iv) of Schedule 3 to this Order within 7 days of filing it with the Court.
8. 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.
9. This order and power of arrest shall come into force at 12 noon on 1 February 2023, and thereafter shall remain in force until 11.59 pm on 31 January 2028 unless varied or discharged by the Court.
10. Costs in the case.

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



Numbers denote the locations of key cruise sites within Stevenage (see Tabert Witness Statement, paragraph 14)
Letters denote the locations of dispersal zones on 2009 (Tabert Statement, paragraph 52)

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 this Order and power of arrest 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 hereto);

(ii) Issuing a media release stating that a Final Injunction and Power of Arrest have been granted by the Court until 31 January 2028.

Such release must provide:

(a) A summary of this Order and Power of Arrest;

(b) The information that any person affected by this Order may apply to the Court to vary or discharge it on 48 hours written notice to the Claimant;

(c) The Claimants' contact details;

(d) The addresses of the dedicated webpages maintained by the Claimants regarding car cruising;

(e) Details of where and how copies of the Claim Form and supporting evidence may be obtained.

Such release shall be made to, but is not limited to, local print publications including the Hertfordshire Mercury; local radio stations including BBC Three Counties Radio; the website Herts Live; and the following television stations, BBC London, BBC East, ITV London and ITV Anglia

by 23:59 on Monday 6 February 2023

(iii) Placing on the Claimants' social media including Twitter, Facebook and Instagram links to the above media release regarding the Applications

by 23:59 on Monday 6 February 2023.

(iv) Updating the dedicated pages on the Claimant's website about the Claim

<https://www.stevenage.gov.uk/news-and-events/news/car-cruising-renewal-of-injunction>

Such pages shall carry a direct link to:

(a) a sealed copy of this Order and

(b) a sealed copy of the attached power of arrest

by 23:59 on Monday 6 February 2023.

(v) Ensuring that the home (or landing) page of the Claimant's main website has a prominent direct link to the dedicated webpage referred to above.

(vi) Ensuring that copies of the Documents and the Evidence are available at the front desks of the Claimant's main office

by 23:59 on Monday 6 February 2023.

(vii) The Claimant shall request that Hertfordshire Police post on their website, Twitter and Facebook accounts a link to the media release.

Such request to be made by 23:59 on Monday 6 February 2023

(viii) The Claimant shall use its best endeavours to post a link to its dedicated webpage on any open Facebook and Instagram account listed below and to send a private message containing a link to that webpage to the account holder, requesting that the said link be posted on the said account. The webpages and accounts referred to are:

(a) <https://www.facebook.com/motorheadzuk/>

(b) @motorheadz.uk

(c) <https://www.facebook.com/CruiseHerts/>

(d) @cruiseherts

(e) <https://www.facebook.com/HertsCarSociety/>

(f) @hertscarsociety19

(g) <https://www.facebook.com/HertsBmwOC/>

(h) @herts_bmw_owners_club

(i) <https://www.facebook.com/RoyalHertsStatics/>

- (j) @royal_herts_statics
- (k) <https://www.facebook.com/groups/statictakeover/>
- (l) @static_takeover

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 Power of Arrest; 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.

