

**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

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

Defendants

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AMENDED PARTICULARS OF CLAIM

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**The Claimant**

1. The Claimant is a local authority within the meaning of s.270(1), Local Government Act 1972 and within the meaning of s.8(1), Localism Act 2011, as a district council. It is the responsible authority within the meaning of s.5(1), Crime and Disorder Act 1998.

2. Section 1, Localism Act 2011 confers power on a local authority to do anything that individuals, with full capacity, generally may do, in any way whatever and unlimited by the existence of any other power of the authority which to any extent overlaps the general power.
3. Section 222, Local Government Act 1972 confers a power upon a local authority to prosecute, defend or appear in legal proceedings, and to institute civil proceedings in its own name, where the authority considers it expedient to do so for the promotion or protection of the interests of the inhabitants of its area. The Claimant considers that the injunctive relief sought in these proceedings is expedient for such purposes.
4. Section 111, Local Government Act 1972 confers power upon a local authority to do anything which is calculated to facilitate, or is conducive to or incidental to, the discharge of any of its functions.
5. By s.130(2), Highways Act 1980 the Claimant has the power to assert and protect the rights of the public to the use and enjoyment of any highway in their area 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), 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 s.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.

### **Persons Unknown**

8. The Defendants are persons unknown who participate in car cruises as drivers, passengers and spectators. The nature of car-cruising is such that the participants are transient, cannot be sufficiently identified, and may fluctuate at each event. The highly transient nature of the cruising community renders it difficult for the Claimant or the police to identify participants. Different participants and spectators attend different cruises and in large numbers. If only one group were to be prohibited from attending cruises, this would make little practical difference to the problem as other people would be likely to attend in their place.

### **Stevenage**

9. Stevenage is a New Town, 32 miles north of London with a population of around 88,000 people.
10. The Stevenage area has a long history of organised cruises, the most established of which were, until recently, organised by a group known Cruise Herts, which had been operating since about 2003.
11. Car cruises have been held, over the last few years, in numerous locations across the town, including:
  - (a) Cockerell Close industrial estate, off Gunnels Wood Road;

- (b) along the Gunnels Wood Road dual carriageways, using a loop from the traffic lights by the former John Lewis site, around the roundabout, to the end of the road by the Glaxo Smith Kline premises and then back to the said traffic lights;
- (c) Stevenage Leisure Park;
- (d) Monkswood Way Retail Park;
- (e) the Roaring Meg and Wickes retail parks (situated on Monkswood Way);
- (f) Fairlands Showground car park, Broadhall Way;
- (g) Arlington Business Park;
- (h) Fairlands Valley Sailing Centre; and
- (i) on Monkswood Way and Broadhall Way.

### **The conduct complained of**

12. At car-cruising events, participants drive or ride vehicles, frequently high-performance vehicles that have been modified to increase their power and engine/exhaust noise, fast and dangerously. Stunts and manoeuvres are performed at high speed, races and time trials held, and danger, obstruction and nuisance are caused to local residents, those who work in the locality and other road users and pedestrians by driving or riding fast and/or performing stunts while other road users are in the locality, and obstructing the entrances and exits of public roads and/or commercial premises, and causing noise, damage and other nuisance.

### PARTICULARS

- a. Driving at speeds in excess of the speed limits thereby creating a danger to other highway users.
- b. Racing and driving in convoy thereby creating a danger to other highway users.

- c. Performing stunts in or on motor vehicles.
- d. Causing an obstruction on a public highway.
- e. Causing excessive noise including the noise from motor vehicles and from music systems so as to create a nuisance to members of the public.
- f. Causing disruption to local businesses and local residents.
- g. Creating a real risk of harm both physical and psychological to other highway users, pedestrians and local residents.
- h. Causing a public nuisance and annoyance.
- i. Using intimidating and/or threatening behaviour towards residents and police.
- j. Littering.

13. Car-cruises also attract participants who, whether or not taking part in the activities above, attend the events and, for that purpose, congregate at the location of the event for the purpose of any or all of the following activities:

- a. watching and discussing the activities described above;
- b. supporting or encouraging the participants in the activities described above;
- c. showing off their own cars to other participants;
- d. revving their engines;
- e. playing loud music;
- f. sounding their horns;
- g. shouting and cheering, and using foul language;
- h. harassing, intimidating and/or assaulting other people;
- i. causing damage to property, whether accidentally or deliberately;
- j. generally behaving in an intimidating and harassing manner;
- k. causing obstruction to the entrances of surrounding residential and commercial premises;

1. parking and congregating in crowds on car parks or at the sides of roads, so as to cause obstruction to other road users and those seeking to access commercial and retail premises whether for work or as customers, and create a significant risk of harm.
14. On 18 July 2019 at about 9.45 pm, during a car-cruising event attended by around 400 people, a serious accident on Monkswood Way occurred. Two cars taking part in the event collided and were unable to stop safely, leaving the highway and colliding, ploughing into the crowd of spectators who were watching the event, 18 of whom sustained injuries. This incident, which attracted national media publicity, involved the attendance of all three emergency services.
15. More recently, in April 2020, police received reports of cruising-type activities around Wedgewood Way/Pin Green Industrial estate in Stevenage. On 30 April 2020, at about 9.00 pm police attended this location following a report of seven to ten vehicles racing and revving their engines. Several of the cars were parked; some participants disappeared on foot, but a number of drivers were spoken to and warned, and one vehicle was seized. A number of the participants were from outside the local area.
16. On 9 July 2020, police discovered via social media that a car cruise was being planned in Hertfordshire for 12 July 2020 by groups calling themselves the “Herts Car Society” and “Static Takeover”. The location was not advertised, but advertised meeting points included Monkswood Way Retail Park and Gunnels Wood Road, both in Stevenage.
17. Following an intervention on the Static Takeover Facebook page by the Claimant authority, the event took place on 12 July at Tesco, Hatfield. Some 800 cars attended. Stevenage Police were amongst those deployed

to cover Welwyn and Hatfield until the cruisers departed. Moreover, Stevenage Police had deployed a Sergeant and 6 PCs throughout Stevenage that evening on a preventive basis, covering dual-carriageways, retail parks and other areas. A s.35 Dispersal Notice was also prepared. A number of modified vehicles were stopped, though none was verified as meeting up to join a convoy.

18. Car-cruises can occur on any day of the week, although they are most common in the spring and summer and during the evening and night. The Claimant and the police have received numerous complaints from local residents about the nuisance and anti-social behaviour that is caused by or as a result of the car-cruising.
19. The said conduct is tortious and constitutes a public nuisance. It is also criminal but the criminal law is unable to provide adequate remedies to control it.

### **Damage**

20. The said conduct is tortious and constitutes a public nuisance. The car-cruises have caused and continue to cause a significant nuisance, disturbance, annoyance and expense to residential and commercial occupiers in the Claimant's area.

### PARTICULARS

- a. Residents have suffered disturbance and harm by reason of the matters complained of.
- b. Pedestrians and other road users have suffered injury, felt threatened and intimidated, and have been put at serious risk of harm by the said matters.

- c. Businesses have had access to their premises obstructed and interrupted, causing financial loss as customers cannot access the premises to make purchases.
  - d. Businesses have also suffered damage to and interference with their property, and trespass to their sites.
21. It is highly likely that the Defendants will, unless restrained by an injunction, continue commit this nuisance. Although the group known as Cruise-Herts has indicated an intention to stop holding cruises, other groups are also active in organising cruises in the area.
22. The Claimant and the police and local businesses have attempted to prevent or curtail the activities described above and their effect on other people. The following principal steps have been taken, but have not been effective to prevent or curtail the conduct complained of, nor to reduce the number of participants in car-cruises attending this area.

### PARTICULARS

- a. Police teams have conducted various operations including Operation Aquarius which is a continuing operation that commenced in 2010 and is still running, the aim of which is to disrupt the activities of car cruisers, including by the use of mobile ANPR readers and dispersal orders. Police ask participants to desist, and warn them as to their conduct.
- b. Police have issued various Community Protection Notice warnings for vehicle related anti-social behaviour.
- c. The various operations and deployment of police officers to deal with car cruises has had a serious impact on police resources, caused adverse effects for the legitimate users of the roads in the area, and



strained prevented the deployment of those officers on other, more pressing police matters.

- d. Barriers and other physical impediments (such as speed bumps) have been placed at some affected locations, such as Cockerell Close, Fairlands Showground and Monkswood Way, but
  - (i) these cannot be used while the public car parks or commercial or retail premises situated at those locations are open for business;
  - (ii) car cruises have broken such barriers on occasions to obtain access to the location, causing criminal damage, and
  - (iii) such physical barriers have tended to cause cruises simply to move to another location.

## **RELIEF**

23. The Claimant seeks an injunction against the Defendants to protect the Stevenage local government area, together with a power of arrest pursuant to section 27 Police and Justice Act 2006.
24. An injunction is necessary as steps already taken by the police to attempt to prevent the activities have been insufficient to address the problem. 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.
25. The Claimant seeks an injunction to cover the entire district of Stevenage. Whilst there are some main locations at which car-cruises and gatherings are commonly held, namely Roaring Meg and Monkswood Way, these are not the only affected parts of the area. Locations used for cruises have changed over the years. The contents of paragraph 11 above are repeated. Other roads are used by participants

making their way to and from events, and could be used for events if injunctive relief were to be limited to the locations referred to above.

26. For the reasons set out above, the Claimant believes that the conduct complained of includes a significant risk of harm to local businesses, residents, workers and road users so that it is necessary for a power of arrest pursuant to s.27 Police and Justice Act 2006 to attach to paragraph 1 of the draft injunction attached to these Particulars of Claim.

AND the Claimant claims

1. Final injunctive relief in the terms of the attached draft.
2. A power of arrest in the terms of the attached draft.

#### **STATEMENT OF TRUTH**

The Claimant believes that the facts stated in these Particulars of Claim are true. I am duly authorised by the Claimant to sign this statement.

Full name: James Ryan Arrandale

Position or office held: Solicitor

Signed...



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**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.**

BETWEEN

STEVENAGE BOROUGH COUNCIL

CLAIMANT

and

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

DEFENDANTS

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INJUNCTION ORDER

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**IF YOU 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.**

On [DATE], before [JUDGE], sitting at [COURT], the Court considered an application for an injunction.

Upon hearing counsel for the Claimant, the Defendants not appearing

AND UPON considering an 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 s.37(1) Senior Courts Act 1981

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

IT IS ORDERED THAT

1. All persons 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. It is also forbidden for anyone 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 motor cycles but including quad bikes) to which paragraphs 1 and 2 of Schedule 2 to this Order applies. 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. 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.
6. 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.
7. This order and power of arrest shall come into force at 12.01 am on [DATE] 2020, and thereafter shall remain in force for 3 years, until midnight on [DATE] 2023 unless previously varied or discharged by the Court.
8. The time for serving the Claimant's Claim Form and supporting documents shall be extended, pursuant to CPR Rule 7.6 until [END DATE OF INJUNCTION].

**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 2 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;
- (v) 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 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;
- (xi) stopping or parking vehicles or otherwise congregating at the location of a street cruise for the purpose of watching it.

### ***“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 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” means a motorized or automotive vehicle with more than 2 wheels (including quad bikes) but excludes motor-cycles (including any motor-cycles with more than 2 wheels).

### 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;
  - (ii) placing a public notice or advertisement prominently in a newspaper circulating in the Claimant's area,
  - (iii) posting a copy of the Claim Form, Particulars of Claim and this Order on its website, and publicising it using the Claimant's facebook page and twitter account, and local police facebook and twitter accounts,
  - (iv) posting a copy of the Claim Form, Particulars of Claim and this Order on other relevant social media sites including motorheadz.uk and YouTube, and/or
  - (v) in 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 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 of [DATE], 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 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.

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.