

IN THE HIGH COURT AT THE ROYAL COURTS OF JUSTICE

CASE NO:

IN THE MATTER OF AN APPLICATION FOR AN INJUNCTION UNDER
S.111 & 222 LOCAL GOVERNMENT ACT 1972 AND
S.130 OF THE HIGHWAYS ACT 1980

BETWEEN:

THE LONDON BOROUGH OF ENFIELD

CLAIMANT

- and -

1. **Persons Unknown who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the London Borough of Enfield, Map Exhibit MR1/1 (attached) at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.**
2. **Persons unknown who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the London Borough of Enfield, Map Exhibit MR1/1 with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving.**
3. **Persons Unknown promoting organising publicising (by any means whatsoever) any gathering between the hours of 3:00pm and 7:00am of 2 or more persons with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving within London Borough of Enfield, Map Exhibit MR1/1.**

DEFENDANT

PARTICULARS OF CLAIM

1. The Claimant, the London Borough of Enfield, is a local authority.
2. In these Particulars of Claim the following definitions have been applied:
 - i. The London Borough of Enfield Map as referred to is exhibited as MR/1 is the Claimant area annexed.

- ii. "Car Cruising": organised or impromptu events at which drivers of cars race, perform driving stunts, drive dangerously and/or drive in convoy. Such activities may be noisy, dangerous, and illegal, obstructing highways and the premises bordering them, damaging property, and putting the safety of spectators and other persons at risk.
 - iii. "Car Meets": gatherings of two or more person to engage in Car Cruising;
 - iv. "Stunts": Dangerous driving manoeuvres often undertaken as part of Car Cruising including but not limited to:
 - v. "Burnouts": Causing a vehicle to burn, 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.
 - vi. "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.
 - vii. "Drifting" Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
 - viii. "Undertaking" passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code.
3. The Claimant is a Local Authority with the meaning of the Local Government Act 1972.
 4. The Metropolitan Police Force serve the Claimant area.
 5. Since at least 2018 the Claimant in co-operation with the Police have been attempting to eliminate Car Cruising in its areas.
 6. By this claim the Claimant seeks an injunction restraining Car Cruising across the whole of the London Borough of Enfield.

BACKGROUND

7. Due to Car Meets and the anti-social behaviour of participants in Car Cruising activities, the Claimant consulted for specific areas such as the A406 (North Circular Road and A10 plus Retail Car Parks, within the London Borough of Enfield and a Public Spaces Protection Order ('PSPO') prohibiting Car Meets and

Car Cruising was imposed during 2018. However, this has failed even to reduce the incidence of Car Cruising despite the Police attending these meets following calls from members of the public, leading to arrests of persons and the Police issuing summonses and seizing vehicles.

8. The evidence demonstrates that these meets were and are becoming more frequent in nature, that they cause significant nuisance to members of the public and local residents that live within the vicinity. Further, the dangers associated with Car Meets are serious, and have in the past (before the PSPO was imposed) led to death and personal injury. These activities present a significant risk of death and personal injury to those that participate and/or attend and to other road users and pedestrians.
9. In February 2021, the Claimant renewed its **PSPO** prohibiting Car Meets and Car Cruising (**'the PSPO'**) as per **Exhibit MR1/29-31**, with Map exhibited by the Claimant's Head of Regulatory Services, Martin Rattigan. However, the imposition of the PSPO did not reduce the incidence of Car Cruising and the PSPO expired in February 2024. While the Claimant is engaging in a consultation before deciding whether to make a further PSPO, no such PSPO is currently in force.

RELEVANT ENACTMENTS

10. Section 37(1) Senior Courts Act 1981 provides that:
 - i. "The High Court may by order (whether interlocutory or final) grant an injunction or appoint a receiver in all cases in which it appears to the court to be just and convenient to do so."
11. For the reasons set out in the evidence filed, it is just and convenient for the court to impose the injunctive relief sought.
12. Section 111(1) Local Government Act 1972 provides that:

"Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do

anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions."

13. Section 222 Local Government Act 1972 extends that power and empowers local authorities to become involved in litigation if so, doing facilitates the discharge of their functions and is in the interest of their inhabitants.
14. Section 222(1) Local Government Act 1972 provides that:
 - i. "Where a local authority considers it expedient for the promotion or protection of the interests of the inhabitants of their area-
 - ii. they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and
 - iii. they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment."
15. Further, Section 1 of the Localism Act 2011 provides that a local authority has power to do anything that individuals may do.
16. Accordingly, the Claimants may bring this claim for the benefit of the inhabitants of the London Borough of Enfield. Further, it is just and convenient and in accordance with the overruling objective for the Claimants to bring a single claim against persons unknown, including newcomers (persons unaware of the injunction who may become subject to it after it is made).
17. By section 130, Highways Act 1980, the Claimants are under a duty to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority. The injunctive relief sought in these proceedings is necessary to protect the rights of the public to the use and enjoyment of highways within the Claimants' districts.
18. By section 6 of the Crime and Disorder Act 1998, local authorities must:

formulate and implement, *inter alia*, a strategy for the reduction of crime and disorder in their areas (including anti-social and other behaviour adversely affecting the local environment), which strategy the authorities must keep under review for the purposes of monitoring its effectiveness and making any necessary or expedient changes.

19. Section 17(1) Crime and Disorder Act 1998 provides that:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies 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."

20. Taking measures to restrict Car Cruising falls within and forms part of the Claimant's above statutory function to reduce crime and disorder in their areas.

21. In summary the Claimants aver that:

- i. Persons unknown are participating in Car Meets at which Car Cruising takes place on highways and areas adjacent to highways, including industrial estates and carparks;
- ii. The locations for such meetings vary but are all within the London Borough of Enfield;
- iii. Car Meets may be publicised in advance via social media or word of mouth or may be impromptu;
- iv. At Car Meets some or all of the conduct set out above takes place;
- v. Such conduct affects the safety, comfort, well-being and livelihoods of inhabitants of the London Borough of Enfield;
- vi. Such conduct diverts the resources of the Police, Ambulance Service, and hospitals away from other legitimate matters and risks obstructing the emergency services driving to incidents; and
- vii. Since 2018, Car Cruising has increased with more events and larger numbers of spectators, leading to an increased volume of calls relating to such activities to the Police and other emergency services.

Justification for an Injunction

22. An Injunction in the terms sought would assist the Claimants in discharging their statutory duties set out above.
23. Such an Injunction would be of benefit to persons generally throughout the London Borough of Enfield.
24. The proposed Injunction does not interfere with rights and freedoms of the Defendants since the behaviour that it seeks to prohibit is illegal and/or anti-social. The Defendants remain free to attend lawful motor-sports events and exhibitions. The injunction does not restrict or prevent lawful and proportionate associations and/or protests for the purpose of campaigning about or bringing to public attention matters of public interest or importance; and so does not engage the rights of association and protest protected by Article 11 of the (European) Convention for the Protection of Human Rights and Fundamental Freedoms, to which the Claimant and the Court must have regard pursuant to s 6 of the Human Rights Act 1998.

Power of Arrest

25. Section 27 of the Police and Justice Act 2006 provides, *inter alia*:
 - (1) This section applies to proceedings in which a local authority is a party by virtue of section 222 of the Local Government Act 1972 (c 70) (power of local authority to bring, defend or appear in proceedings for the promotion or protection of the interests of inhabitants of their area).
 - (2) If the court grants an injunction which prohibits conduct which is capable of causing nuisance or annoyance to a person it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.
 - (3) This subsection applies if the local authority applies to the court to attach the power of arrest and the court thinks that either-
 - (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or

- (b) there is a significant risk of harm to the person mentioned in that subsection.

26. The Claimants aver that Car Cruising causes and is capable of causing nuisance or annoyance to persons in the London Borough of Enfield and that the Car Cruising creates a significant risk of harm to such persons by creating a risk of personal injury or death through motor vehicles being raced, doing stunts and/or otherwise driving dangerously.

Application to dispense with service and steps to bring this Claim Form to the attention of persons potentially affected

27. The Claim seeks remedies against Persons Unknown who cannot be identified and newcomers and so cannot be served. The Court is asked to dispense with the requirement of service before this injunction is granted and to order that the Claimant takes the steps to bring this application, claim form, particulars of claim and underlying evidence to the attention of those who may be affected as are set out in the draft Order.

Service of any Injunction Granted

The Claimant asks the Court to dispense with personal service of the Injunction and to direct that it may be served by the alternative means set out in the draft Order, such steps being likely to bring the existence of the Injunction to the attention of those who may be affected.

AND THE CLAIMANT CLAIMS:

- i. An Injunction Order in the form annexed hereto;
- ii. A Power of Arrest ancillary to such Injunction; and
- iii. Such further or other relief as the Court thinks fit.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand 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.

I am duly authorised to make this statement.

Signed: *BKaur*

Balbinder Kaur

For Director of Law and Governance
London Borough Enfield
Legal Services

Dated: 15 November 2024

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