

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

CLAIM NO: KB-2022-BHM-000188

BETWEEN:

- (1) WOLVERHAMPTON CITY COUNCIL**
- (2) DUDLEY METROPOLITAN BOROUGH COUNCIL**
- (3) SANDWELL METROPOLITAN BOROUGH COUNCIL**
- (4) WALSALL METROPOLITAN BOROUGH COUNCIL**

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00 P.M. AND 7:00 A.M. IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (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 3:00 P.M. AND 7:00 A.M. IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) 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 3:00 P.M. AND 7:00 A.M. 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 THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

Respondents

SECOND WITNESS STATEMENT OF ADAM SHEEN

I, ADAM JAMES RICHARD SHEEN, of Wolverhampton City Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RG WILL SAY AS FOLLOWS:

1. My name is Adam James Richard Sheen. I am a practising Solicitor-Advocate (Civil and Criminal) employed by Wolverhampton City Council within the Litigation Team of the Council's Legal Services Team. I qualified as a solicitor in September 2005 and gained my Higher Courts (Civil Advocacy) and Higher Courts (Criminal Advocacy) qualifications in 2013 and 2014 respectively. I have been employed by Wolverhampton City Council Legal Services since February 2007.
2. My role comprises, amongst other things, advising and representing various departments of the Council, and its arm's length management organisation, in a broad array of litigious matters. A particular focus of my work concerns litigation involving seeking legal remedies to tackle alleged anti-social behaviour.
3. I make this statement my second statement in these proceedings, from my own knowledge, except where otherwise stated, and after considering relevant information held by the Claimants, as well as making all due and proper enquiries of the Claimants' employees, servants or agents.
4. I am the solicitor with day-to-day conduct of a joint application brought by Wolverhampton City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council and Walsall Metropolitan Borough Council (together referred to as the "Black Country Councils"), for injunctive relief to restrain the activities of street racing and associated dangerous driving activities within the entirety of the combined local government area for which the Black Country Borough Councils are jointly responsible.
5. By paragraph 12(3) of the injunction order made in this matter by the Honourable Mrs Justice Hill sitting at the High Court of Justice in London on 22 December 2022 the Claimants were ordered to file and serve, not less than seven days before the hearing (subsequently listed for 6 February 2023):

Evidence of the steps that the Claimants have taken to notify persons against whom enforcement proceedings were taken in relation to the Injunction and Power of Arrest prohibiting street cruising granted by HHJ Owen QC on 1 December 2014 and renewed by HHJ McKenna on 9 January 2018 in Wolverhampton and Others v Persons Unknown [2014] (Claim no: A90BM228) which was in effect from 2 February 2015 until 1 February 2021.

6. By paragraph 13 of the injunction order made in this matter on 22 December 2022 service of the Claimants' evidence of their efforts to notify persons against whom enforcement proceedings had previously been taken between 2 February 2015 and 1 February 2021 was to be effected on Persons Unknown by:

Updating dedicated pages of the Claimants' Websites [pertaining to the Black Country Street Racing/Car Cruising Injunction] with a direct link to a witness statement [bearing this evidence] and ensuring that copies of the updating evidence [the witness statement pertaining to steps taken to notify persons against whom enforcement proceedings had previously been taken] were available at the front desks of the Claimants' offices.

7. I make this statement in an effort to detail the steps the Claimants have taken in this regard.
8. On 3 February 2023 on behalf of the First Claimant, Wolverhampton City Council, I wrote to 45 people against whom the First Claimant had taken enforcement proceedings during the time the previous Black Country Car Cruising Injunction was in force. These letters were sent to the addresses the First Claimant held on file (and had obtained during the various committal proceedings against those individuals) and were sent by First Class post. These letters signposted these individuals to the First Claimant's dedicated pages on its Website where copies of the injunction application, supporting evidence and other related information could be located. The hearing listed 6 February 2023 was also highlighted in this letter. A copy of a template letter sent to each of these individuals appears attached hereto marked "**Exhibit AS1**" for ease of reference.

9. I understand from colleagues employed in Legal Services of the Second Defendant, Dudley Metropolitan Borough Council, that details of those previously subjected to enforcement action whilst the previous Black Country Car Cruising Injunction was in force have proven difficult to locate and thus the few people against whom the Second Defendant brought enforcement action have not been notified directly at the time of writing.

10. I am informed by colleagues in Legal Services at the Third Claimant, Sandwell Metropolitan Borough Council, that a similar letter to that exhibited at "**Exhibit AS1**" attached, was sent out to the individuals against whom the Third Claimant took enforcement action during the time the previous Black Country Car Cruising Injunction was in force by First Class Post on 3 February 2023.

11. I confirm for the sake of completeness, the Fourth Claimant, Walsall Metropolitan Borough Council, did not take any enforcement proceedings whilst the previous Black Country Car Cruising injunction was in force.

12. I confirm instructions were also given to relevant people at each of the four Claimant Councils on 3 February 2023 to upload this witness statement to the dedicated pages of the Claimants' respective websites and to leave a copy of this statement with the documentation pertaining to the Claimants' Black Country Car Cruising Injunction Application retained at the Reception Desks of the respective Claimants' Offices.

13. I am patently aware and humbly admit that this evidence as to the Claimants' steps to notify individuals previously subject to enforcement action is a few days outside the deadline set in paragraph 12 of the order of the honourable Court 22 December 2022 (and has not occurred in respect of the Second Claimant due to difficulties locating the previous Defendants' details at the time of writing). This arose due to an oversight arising from the considerable efforts and focus the Claimants necessarily had on ensuring compliance with the onerous service steps required of them in the other paragraphs of the order of 22 December 2022 and overlooking this step until 2 February 2023.

14. On behalf of the four Claimant Councils, I profusely and sincerely apologise to the Court and stress no disrespect was intended to the honourable court.
15. Although the Claimants do not seek in any way to hide from this late compliance (and limited non-compliance with reference to the Second Claimant), I respectfully contend no prejudice has been caused to those individuals previously subject to enforcement action by this for the following reasons.
16. First, upon reading the statement of Police Constable Mark Campbell dated 27 January 2023 filed within these proceedings, it is evident that those involved in street racing and car cruising have become aware of the Injunction through the extensive publicity campaigns serving the same and publicising the application, and now actively seek to avoid staging car cruises within the Black Country area to avoid breaching the Injunction.
17. I respectfully aver, it stands to reason that if any of those individuals against whom previous enforcement proceedings were taken remain involved with the street cruising activities in the Black Country area, they would also be aware of this application and injunction through the Claimants' publicity campaigns notwithstanding they had not been directly notified of this until 3 February 2023.
18. Secondly, when application was made to restore the lapsed Black Country Car Cruising injunction in 2021 and notice of application for an injunction was timeously sent to those individuals previously involved in enforcement proceedings including notice of a hearing in May 2021 (which was subsequently adjourned generally), nobody applied to the court or notified any Claimant that they wished to attend the hearing. Nearly all simply ignored the correspondence notifying them of the same.
19. The Claimants confirm, however, they did receive telephone calls and/or e-mails from three or four persons previously involved in enforcement proceedings. The Claimants would respectfully categorise all these communications as "hostile". All such responses received were to the effect of: "*The enforcement proceedings against us have concluded. Do not bother us again*".

20. The Claimants would thus respectfully submit that those individuals previously involved in enforcement proceedings have no desire to become involved in the proceedings for this injunction application and even if they did, they should have been aware of the application for some time through the Claimants' significant publicity activities and have had ample opportunity to contact the Claimants about this since the application for injunction was first publicised (December 2022).
21. The Claimants also note that paragraphs 12(1) and 12(2) of the order of 22 December 2022 required the Claimants to file and serve its data analytics evidence pertaining to the numbers of people their dedicated car cruising injunction webpages and social media channels reached in this regard seven days before the hearing (which was subsequently listed for 6 February 2023). A statement from my colleague, Paul Brown Communications Manager, Wolverhampton City Council was filed and served in this regard 3 February 2023.
22. The Claimants again would respectfully acknowledge this was outside the deadline within paragraph 12 of the or order of 22 December 2022 but would contend this was a mere oversight. Again, on behalf of the Claimants, I profusely apologise for this slightly delayed compliance.
23. I would aver on behalf of the Claimants this has caused no prejudice to any Defendant because this analytical evidence is evidence of the effect of service of the injunction through the Claimants' carefully orchestrated publicity campaigns rather than this being a particular step to effect service of the injunction on Persons Unknown. Nevertheless, I wish to place on record the Claimants' apologies for this delayed compliance.
24. I respectfully contend that for the reasons elaborated in the witness statements of my colleague Paul Brown filed in this application, the Claimants have fully and timeously complied with all other service steps set out in the order of 22 December 2022.

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.

Signed



Date

03 February 2022

Print name in full ADAM JAMES RICHARD SHEEN

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KING'S BENCH DIVISION**

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Respondents

EXHIBIT AS1

This is the document referred to as "Exhibit AS1" in the witness statement of Adam Sheen dated 3 February 2023.

2 February, 2023

**CITY OF
WOLVERHAMPTON
C O U N C I L**

BY FIRST CLASS POST

[Insert Name]

[Insert Address]

Tracey Christie

Head of Legal Services

Your Ref:

My Ref: AS/LIJ017753P

Dear [Name]

Re: Wolverhampton City Council, Dudley MBC, Sandwell MBC and Walsall MBC (“Claimants”)

-v-

- (1) Persons Unknown who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (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 Black Country Area shown on Plan A (attached) 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 the Black Country Area shown on Plan A (attached)**

(“Defendants”)

Claim Number: KB-2022-BHM-000188

Application to Renew Black Country Car Cruising Injunction (14 December 2022) and application to vary and extend Black Country Car Cruising Injunction and Power of arrest (granted 22 December 2022)

Hearing: 06 February 2023 at 10.30 a.m. at the High Court, Birmingham District Registry

As you are probably aware from the extensive publicity in the traditional and social media, the Claimants have applied to court to renew the Black Country Car Cruising Injunction (“the Injunction”) (previously in force from 02 February 2015 to 01 February 2021).

This matter was last before the High Court on 20 December 2022 at which the court considered the Claimants’ application on a short notice basis, following a hearing on 14 December at which the Court determined how the application should be served (publicised). The honourable court granted an interim injunction and power of arrest on 22 December 2022 which came into force on 24 December 2022. The Injunction was served following an extensive carefully orchestrated publicity campaign.

A further hearing in respect of this application will take place on **06 February 2023** at the **High Court, Birmingham District Registry at 10.30 a.m.**

The address of the Court is Birmingham Civil Justice Centre, 33 Bull Street, Birmingham, B4 6DS.

You can find details of the Injunction application and a copy of the Injunction at the following Web address:

<https://www.wolverhampton.gov.uk/street-racing-injunction>

I contact you further to paragraph 12(3) of the order made by the Honourable Mrs Justice Hill on 22 December 2022, which required the Claimants to notify all those against whom enforcement action was taken when the previous Black Country Car cruising Injunction was in force, of this current application, interim injunction and forthcoming hearing, clearly noting that you were one such person.

If you wish to, you may attend the hearing on 6 February 2023 and/or pass this information on to anyone who might wish to object to the making of an injunction. However, you are not obliged to do this or take any action whatsoever in response to this letter if you do not wish to do so.

If you did wish to attend the forthcoming hearing, you should contact the High Court Office at qb.birmingham@justice.gov.uk (telephone: 0121 681 4441) and me using the details below or e-mail to litigation@wolverhampton.gov.uk. I would respectfully remind you that you have the right to independent legal advice in this matter.

Yours sincerely

Adam Sheen

Solicitor-Advocate (Civil & Criminal)

For and on behalf of
Head of Legal Services

Direct: 01902 554926

Email: adam.sheen@wolverhampton.gov.uk