

KING'S BENCH DIVISION

IN THE MATTER OF AN APPLICATION FOR AN INJUNCTION AGAINST PERSONS UNKNOWN AND NEWCOMERS;

AND IN THE MATTER OF THE LOCAL GOVERNMENT ACT 1972 AND THE HIGHWAYS ACT 1980

BETWEEN:

- (1) THE MAYOR AND BURGESSES OF
THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
(2) THE LORD MAYOR AND ALDERMEN OF
THE CITY OF WESTMINSTER**

Claimants

- and -

1. **Persons Unknown who participate between the hours of 6:00pm and 7:00am in a gathering of 2 or more persons within the area the Royal Borough of Kensington and Chelsea and the City of Westminster set out in Map Exhibit 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 6 pm and 6 am in a gathering of 2 or more persons within the area the Royal Borough of Kensington and Chelsea and the City of Westminster set out in Map Exhibit 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 6 pm and 6 am 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 area of the Royal Borough of Kensington and Chelsea and the City of Westminster set out in Map Exhibit 1.**

Defendants

**SKELETON ARGUMENT
ON BEHALF OF THE CLAIMANT**

INTRODUCTION AND SUMMARY

1. The Claimant local authorities, the Councils of the Royal Borough of Kensington and Chelsea and the City of Westminster ('the Council') makes a Part 8 Claim for a prohibitory

injunction preventing those Persons Unknown named in the application from participating in, organising, publicising or promoting activities that shall be referred to as ‘**Car Cruising**’ within the Royal Borough (‘**K&C**’ when referred to geographically) and the City (‘**Westminster**’ when referred to geographically). ‘Car Cruising’ is defined in the Details of Claim and the draft Order filed with this claim as ‘organised or impromptu events at which drivers of motor vehicles 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.’

2. The application is made because of frequent instances of this behaviour on and around the following areas of Westminster and K&C:
 - (1) Exhibition Road, the northern part of which (closer to the Royal Albert Hall) is within the area of Westminster and the southern part of which (adjacent to the Science Museum, the Natural History Museum and the Victoria and Albert Museum) is within the area of K&C;
 - (2) Soho in Westminster;
 - (3) Waterloo Place in the St. James’ ward of Westminster; and
 - (4) New Bond Street in the West End ward of the City of Westminster.
3. Car Cruising within the Westminster section of the Exhibition Road has been prohibited by a Public Spaces Protection Order (‘**a PSPO**’) imposed by the Council of the City of Westminster in December 2021 (‘**the Westminster PSPO**’). No PSPO has been imposed by the Council and the imposition of the Westminster PSPO did not stop or reduce markedly the incidence of Car Cruising within that section of the Exhibition Road Area.
4. The statutory grounds on which the Claimants rely in making the Claim are set out in the Details of Claim. The facts alleged there are established by witness statements, filed with the claim, of witnesses residing and/or working around the areas affected and by police officers and by videos exhibited to the same. The evidence shows that there are, routinely and regularly and usually between 9 pm and 3 am on Friday/Saturday and Saturday/Sunday nights, gatherings of youths with cars and of others gathering to watch them in which the former race cars, do stunts and other dangerous driving; that these activities take place at

night and last until the early hours of the morning; and that they are accompanied by anti-social behaviour including abusive language and threats towards members of the public.

5. The Claimants apply for an order dispensing with the requirement to serve the application and claim before considering it, on the grounds that the Persons Unknown cannot be reliably identified. However, they will, before the hearing, publish the Claim Form, Particulars, draft order, supporting witness statements and this skeleton argument on its website, together with the notification of a hearing once the latter is obtained. The draft order sought would dispense with the requirement of personal service for the same reason and direct that service may be made by an alternative method, namely by publishing the order through posters placed in places affected and through publicising it on the Councils' websites, through social media and in motoring and other publications likely to be read by some of the participants.
6. This skeleton argument does not repeat the statutory framework that is set out in the Details of Claim. It addresses: (a) the circumstances in which the court may grant 'newcomer injunctions' against persons unknown who are both current and past wrongdoers and may be in the future; (b) injunctions on the grounds of Car Cruising; and (c) the grounds on which the Claimants submit that the considerations in *American Cyanamid v Ethicon* ([1975] A.C. 396) are met and that the Court should grant an interim injunction in the terms sought.
7. The Application Notice is accompanied by a draft Injunction Order that sets out the definition of what would become Prohibited Activities and the service provisions in detail, to which the Court is referred. It may be that the Court will be content to make an interim injunction without making directions for a trial of the claim for final injunctive relief, as it has in other claims for injunctive relief to prevent Car Cruising. The Court is asked to list a return date in one year, with a direction that the Claimant file and serve (by publishing it on its website) updating evidence about the compliance and non-compliance with the Injunction and details of enforcement. The usual provisions would apply, allowing any person affected to apply at short-notice to vary or set it aside. This has been done in other injunctions against newcomers, as is set out below.

8. The Claimants file a hearing bundle with the claim, which includes the Claim Form, Details of Claim, application notice and all evidence relied upon. Documents within it shall be referred to as, for example, #35, in this skeleton argument.

‘NEWCOMER’ INJUNCTIONS

9. The Supreme Court considered circumstances in which ‘newcomer’ injunctions may be imposed in *Wolverhampton City Council and others London Gypsies and Travellers and others* ([2023] UKSC 47; [2024] 2 WLR). The Court was concerned in that case with ‘newcomers’ in the sense of trespassers entering land after an injunction was granted. While that is not the case here, the judgment has relevance because it considered the common law basis on which the Court could bind persons – called ‘newcomers’ in the context of injunctions preventing trespassers ‘coming onto’ land – who were unaffected by the injunction at the date it was granted; and because of the useful test it sets out for courts to impose before imposing injunctions against ‘newcomers’.

10. The following exposition of the law by their Lordships is of general application:

- (1) That an injunction against newcomers is only likely to be justified as a novel exercise of an equitable discretionary power if (at para 167):

- (i) There is a compelling need, sufficiently demonstrated by the evidence, for the protection of civil rights (or, as the case may be, the enforcement of planning control, the prevention of anti-social behaviour, or such other statutory objective as may be relied upon) in the locality which is not adequately met by any other measures available to the applicant local authorities (including the making of byelaws)....

- (ii) There is procedural protection for the rights (including Convention rights) of the affected newcomers, sufficient to overcome the strong *prima facie* objection of subjecting them to a without notice injunction otherwise than as an emergency measure to hold the ring. This will need to include an obligation to take all reasonable steps to draw the application and any order made to the attention of all those likely to be affected by it (see paras 226—231 below); and the most generous provision for liberty (i.e. permission) to apply to have the injunction varied or set aside, and on terms that the grant of the injunction in the meantime does not foreclose any objection of law, practice, justice or convenience which the newcomer so applying might wish to raise.

- (iii) Applicant local authorities can be seen and trusted to comply with the most stringent form of disclosure duty on making an application, so as both

to research for and then present to the court everything that might have been said by the targeted newcomers against the grant of injunctive relief.

(iv) The injunctions are constrained by both territorial and temporal limitations so as to ensure, as far as practicable, that they neither outflank nor outlast the compelling circumstances relied upon.

(v) It is, on the particular facts, just and convenient that such an injunction be granted. It might well not for example be just to grant an injunction restraining Travellers from using some sites as short-term transit camps if the applicant local authority has failed to exercise its power or, as the case may be, discharge its duty to provide authorised sites for that purpose within its boundaries.

(2) Newcomer injunctions are not constitutionally improper and ‘so far as the local authorities are seeking to prevent the commission of civil wrongs such as trespass, they are entitled to apply to the civil courts for any relief allowed by law.’ (Para 170).

(3) That (at para 172):

In our view the theoretical availability of byelaws or other measures or powers available to local authorities as a potential alternative remedy is not shown to be a reason why newcomer injunctions should never be granted against Travellers. Rather, the question whether byelaws or other such measures or powers represent a workable alternative is one which should be addressed on a case by case basis. We say more about that in the next section of this judgment.

(4) The Court set down the following considerations as guidance to court’s asked to consider imposing newcomer injunctions (as summarised in the headnote of the Weekly Law Report of the case, altering the numbering to improve clarity):

...such an injunction was only likely to be justified as a novel exercise of the court’s equitable discretionary power if the applicant:

(a) demonstrated a compelling need for the protection of civil rights or the enforcement of public law not adequately met by any other available remedies (including statutory remedies),

(b) built into the application and the injunction sought, procedural protection for the rights (including Convention rights) of those persons unknown who might be affected by it,

(c) complied in full with the disclosure duty which attached to the making of a without notice application and

(d) showed that, on the particular facts, it was just and convenient in all the circumstances that the injunction sought should be made;

(e) that, if so justified, any injunction made by the court had to

(i) spell out clearly and in everyday terms the full extent of the acts it was prohibiting, corresponding as closely as possible to the actual or threatened unlawful conduct,

(ii) extend no further than the minimum necessary to achieve the purpose for which it was granted,

(iii) be subject to strict temporal and territorial limits,
(iv) be actively publicised by the applicant so as to draw it to the attention of all actual and potential respondents and (v) include generous liberty to any person affected by its terms to apply to vary or discharge the whole or any part of the injunction; and that, accordingly, it followed that the challenge to the court's power to grant the impugned injunctions at all failed
(post, paras 142—146, 150, 167, 170, 186, 188, 222, 225, 230, 232, 238).

11. In his judgment handed down on 24th May 2024 in *High Speed Two (HS2) Ltd and another v Persons Unknown and others* [‘*HS2*’] ([2024] EWHC 1277 (KB), at para 30), Ritchie J applied the test to be applied in applications for interim ‘newcomer’ injunctions that he had set out in *Valero Energy v Persons Unknown* [‘*PU*s’] & *Bencher & Ors* [‘*Valero Energy*’] ([2024] EWHC 134, at para 57, excluding the first four that apply only to applications for summary judgment), which in turn took into account :

Balance of convenience - compelling justification

(5) In interim injunction hearings, pursuant to *American Cyanamid v Ethicon* [1975] AC 396, for the Court to grant an interim injunction against a defendant the balance of convenience and/or justice must weigh in favour of granting the injunction. However, in PU cases, pursuant to *Wolverhampton*, this balance is angled against the applicant to a greater extent than is required usually, so that there must be a “compelling justification” for the injunction against PUs to protect the claimant's civil rights. In my judgment this also applies when there are PUs and named defendants.

(6) The Court must take into account the balancing exercise required by the Supreme Court in *DPP v Ziegler* [2021] UK.SC 23, if the PUs' rights under the European Convention on Human Rights (for instance under Articles 10(2) and 11(2)) are engaged and restricted by the proposed injunction. The injunction must be necessary and proportionate to the need to protect the Claimants' right.

Damages not an adequate remedy

(7) For the Court to grant a final injunction against PUs the claimant must show that damages would not be an adequate remedy.

(B) Procedural Requirements - Identifying PUs

(8) The PUs must be clearly and plainly identified by reference to: (a) the tortious conduct to be prohibited (and that conduct must mirror the torts claimed in the Claim Form), and (b) clearly defined geographical boundaries, if that is possible.

The terms of the injunction

(9) The prohibitions must be set out in clear words and should not be framed in legal technical terms (like "tortious" for instance). Further, if and in so far as it seeks to prohibit any conduct which is lawful viewed on its own, this must also be made absolutely clear and the claimant must satisfy the Court that there is no other more proportionate way of protecting its rights or those of others.

The prohibitions must match the claim

(10) The prohibitions in the final injunctions must mirror the torts claimed (or feared) in the Claim Form.

Geographic boundaries

(11) The prohibitions in the final injunctions must be defined by clear geographic boundaries, if that is possible.

12. Ritchie J extended the injunction against PUs, including newcomers, in *HS2*, albeit not in respect of some recently acquired land (see para 62). He found, at para 58, that it was not necessary to require the claimant to establish its case at trial given that the injunction was against persons unknown; and that it would be reasonable to extend the injunction for lengthy periods, with regular reviews.

INJUNCTIONS PROHIBITING CAR CRUISING

13. In *Sharif v Birmingham City Council* ([2020] EWCA Civ 1488; [2021] 1WLR 685) the Court of Appeal dismissed an appeal against an injunction prohibiting ‘street cruising’. This was described by the trial judge (and set out in para 3 of the judgment of the Court of Appeal) as follows:

1. ‘Street cruise’ means a congregation of the drivers of two or more motor vehicles (including motor cycles) on the public highway or at any place to which the public have access within the claimants local government area... at which any person, whether or not a driver or rider, performs any of the activities set out at paragraph 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) litter; (v) any nuisance to another person not participating in the street cruise.

2. The activities referred to at paragraph 1, above, are: (i) driving or riding at excessive speed, or otherwise dangerously; (ii) driving or riding 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.

14. The Court will note from reading the draft order that this definition has been adapted for use in this case, albeit reflecting the evidence filed by the Claimant.
15. The appeal in *Sharif* was against the committal of a defendant for contempt, the injunction having been granted without any defendants being represented. The defendant had applied to discharge the injunction on the grounds that ‘Parliament had provided for PSPOs, to combat the very type of behaviour complained about and, therefore, the courts should give effect to Parliament’s intention and only in very rare circumstances would it be appropriate

for the court to grant injunctive relief’ (para 9). This argument was rejected by the trial judge and the Court of Appeal, which dismissed his appeal.

16. The CA considered the statutory background to PSPOs, introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (paras 14-21). It took into account (at para 25) the judgment of Bingham LJ (as he then was) in *City of London Corporation v Bovis Construction Ltd (No 2)* [1992] 3 All ER 697, at 714) in which he held (in that case in respect of nuisance injunctions) that:

‘...the essential foundation for the exercise of the court’s discretion to grant an injunction is not that the offender is deliberately and flagrantly flouting the law but the need to draw the inference that the defendant’s unlawful operations will continue unless and until effectively restrained by the law and that nothing short of an injunction will be effective to restrain them...’

17. The CA noted (at para 34 in *Sharif*) Jackson LJ’s observation, in *Birmingham City Council v James* [2014] 1 WLR 23 ‘that there are many situations in which, on the facts, two different pre-emptive orders are available and that there is no “closest fit” principle which cuts down the court’s statutory powers to make pre-emptive orders’ and noted (and followed) his cautionary note that ‘in future cases the Court of Appeal should not be invited to trawl through the legislation in some quest for the closest fit’.

18. The CA rejected the submission of counsel to the defendant that its judgment in *Birmingham City Council v Shafi* [2009] 1 WLR 1961 suggested that the Court should not impose injunctions when there was an alternative statutory means under statute, such as a PSPO, by which the activity prohibited by an injunction. Rather, *Shafi*, was authority for the proposition that where a statutory remedy – in that case an Anti-Social Behaviour Order – was available, that would grant ‘identical or almost identical’ terms and means of punishment of those in breach, that means should be adopted. As the CA held in *Sharif*, that was not the case with a PSPO, which (a) could only be imposed by a local authority after a lengthy consultation process (para 37); and (b) imposed no more than a financial penalty on those breaching its terms and so was likely to be ineffective (para 39).

19. Injunctions against Persons Unknown described in almost identical terms to the Defendants in this claim have since been granted by Julian Knowles J in *Wolverhampton CC v Persons Unknown*; *Birmingham CC v Persons Unknown* ([2024] EWHC 2273 (KB)) and by Hill J

in *Enfield LBC v Persons Unknown* ([2024] EWHC 3142 (KB)), both of which followed *Sharif*.

APPLICATION OF THE *AMERICAN CYNAMID* CONSIDERATIONS

20. In summary and in general terms, the evidence of the witnesses establishes – at least on a *prima facie* basis pending trial – that, since early 2025 there has been an escalation in the incidence of Car Meets and Car Cruising in the Westminster and K&C sections of the area around Exhibition Road. This has included (as set out in the Details of Claim):

- (1) Car meets lasting from around 11 pm until the early hours of the morning (typically around 3 am), including vehicles driving fast and dangerously, doing Donuts, Drifting, playing loud music, revving their engines and Exhaust Popping; and which were viewed by much larger crowds of spectators filming and otherwise actively encouraging the Car Cruising;
- (2) Drivers participating in the Car Meets using their vehicles to block pavements and the entrances to residential and commercial buildings;
- (3) Drivers or spectators participating in the Car Meets illegally parking their vehicles in resident bays;
- (4) Large numbers of motorbikes riding along the pavements at speed and doing Stunts, including Wheelies;
- (5) Other anti-social behaviour by the drivers and spectators of the Car Meets, including by swearing at and threatening members of the public not involved, the police and other enforcement agencies, especially those asking for the Car Meets to stop;
- (6) On 3rd May 2024, a motorbike gaining access to the reception of Imperial College (which is within both K&C and Westminster, Imperial College Road marking the boundary between the boroughs), whereupon the driver drove and did Stunts, damaging the floor (WS of Claire Napper, dated 26th July 2025, #64/65; Safer Neighbourhood Team analysis (see below), #130).
- (7) On 25th May 2025 a Car Meet of around fifty motor cyclists on their bikes on the pavement. Some of motorbikes were being driven at speed and doing Wheelies on the pavement, which was videoed by the car races, on their phones (information provided by the Metropolitan Police Service, #155); and
- (8) On 11th October 2025, a Car Meet of around one hundred vehicles across both

sections of the starting at around 9:45 pm, before the audience left the Albert Hall and large numbers of them walked towards South Kensington London Underground Station, within K&C (WS of Pc Meadows dated 16th October 2025, #61).

The incidents on specific dates are evidenced by witnesses reporting that they occurred on those dates; and the general (but undated) conduct is evidenced by evidence of conduct over a longer period.

21. A wider analysis of evidence of Car Meets on Exhibition Road s set out in ‘Exhibition Road Car Meets’ by the Knightsbridge and Belgravia Safer Neighbourhood Team (#125-32). On behalf of K&C Council, Leanne Maher provides a witness statement dated 24th March 2026, in which she sets out a narrative of Car Meets on Exhibition Road from May 2024 and their impact on the area (#138-48). She states that the frequency of the Meets increased in 2025 (paras 30/31, #145) and (at para 33):

Residents have consistently described these incidents as frightening and intimidating. Reports describe the experience as feeling like being “under attack” within their own homes, highlighting the severity of the psychological and emotional impact.

33. There are also clear risks to physical safety. Intelligence reports confirm incidents where vehicles have nearly collided with members of the public, including an instance where a car almost struck an elderly driver. Additionally, there are safeguarding concerns arising from the presence of large numbers of young people, some believed to be under the age of 18, in environments involving dangerous driving and disorder.

22. The incidence of Car Meets on New Bond Street and their effect on residents, commercial residents and visitors is set out in a Business Impact Statement by Akin Shodeinde of the New West End Company dated 27th June 2025 (#57-59). Mr Shodeinde gives evidence of dangerous stunts, excessive engine noise, a woman nearly being struck by a vehicle, a near collision with a delivery driver, tyre burnouts leaving stains, the obstruction of road networks and more. He says that ‘local workers and residents, particularly vulnerable individuals with sensory sensitivities, have reported distress, confusion, and fear during these meets’ (#58) and that the behaviour risks normalising chaos in an area known for and entitled to its calm (at least outside of regular shopping hours). Mr Shodeinde includes an incident log of eight incidents between 22nd March and 2nd November 2025.

23. Evidence of Car Meets around Waterloo Place is given by Teresa Song in a witness statement dated 15th May 2021 (#101-03) and by Susan Rawlinson, in a witness statement dated 24th February 2021. Ms Song states that Car Meets were ‘ongoing’ from when she moved to the area in June 2020 to the date of her statement and usually started after she was settling to go to sleep. This caused her particular distress due to her pre-existing medical condition outlined in her witness statement. Ms Rawlinson stated that the Car Meets have been regular since she moved into the area in August 2019 and she outlines Car Cruising behaviour, including donuts in front of buses on Pall Mall. She highlights the national security concern given the proximity to what is now the London residence of Their Majesties The King and Queen (Clarence House) and the residence of the Foreign Secretary (1 Carlton Gardens). Additional evidence about this area is given by James Waddington (witness statement dated 2nd March 2021, #118-20).
24. Evidence of Car Meets in Frith Street in Soho is given by Marcus Kilgour in a witness statement dated 22nd April 2025 (#122/23). He says that after he moved back to live on that street in October 2024 around 60-65 motorbikes congregate in the area causing ‘unbearable’ noise, doing burnouts that cause rubber tyre marks on the road. Noise is excessive up to 11 pm although some only disperse at 3 am.
25. The consequences of this behaviour are set out in paragraph 16 of the Details of Claim and include the risk of serious harm to any person in the areas in which Car Cruising takes place, delays to emergency vehicles, serious nuisance to residents, workers and visitors to the area and damage to property.
26. The above is easily sufficient to establish a serious issue to be tried. Indeed, it is difficult to see that any unknown person could have an arguable defence to the imposition of an injunction against them, albeit it is accepted that the Claimant must surmount a more onerous test if it is to persuade the Court to impose an injunction on newcomers.
27. For reasons outlined by the Court of Appeal in *Sharif*, the Court should not hesitate to grant the injunction because that there has been a PSPO prohibiting these activities, it was not extended and it may be imposed again. Indeed, in this case there is direct evidence that goes further than the general observation that a PSPO is unlikely to create sufficient deterrence to reduce Car Cruising because of the non-custodial penalties for breaches,

which is that one was imposed and applied to part of the area within Westminster and that it was ineffective. Indeed, the evidence suggests that there has been an increase of Car Cruising in the Exhibition Road area (including the Westminster section) since early 2025.

28. It is submitted that the narrow balance of convenience easily justifies an injunction against Car Cruising, including injuncting newcomers. Addressing and applying the tests set out in *Wolverhampton*.

- (a) A compelling need for the protection of civil rights or the enforcement of public law not adequately met by any other available remedies.

The Councils have a lawful right to control the public highway, protect its residents from anti-social behaviour and from the risk of personal injury and death that Car Cruising poses.

- (b) Built into the application and the injunction sought, procedural protection for the rights (including rights under the (European) Convention for the Protection of Human Rights and Fundamental Freedoms ('**the Convention**')) of those persons unknown who might be affected by it.

First, no Convention rights could conceivably be engaged. The right to a private and family life protected by Article 8 does not extend to anti-social behaviour with others; and this behaviour is not a part of association for the means of campaigning or protesting about matters of public interest that might engage Article 11.

This application and hearing date will have been publicised on the Council's website by the date of the hearing and the Court is asked to make an order that would require the Councils to publish the order, claim form, application notice, evidence in support, notification of the return date and notification of the right of any person affected to apply to set aside or vary the order: (i) within the area in which this disorder occurs; (ii) on a page of the Councils' websites, the link to which must be advertised on the above notification; (iii) on social media; and (iv) in the type of publications likely to be read by those with a thirst for daredevil behaviour with cars.

- (c) Complied in full with the disclosure duty which attached to the making of a without notice application.

Insofar as it might be relevant to the Court's assessment or otherwise, the evidence sets out the enforcement that has taken place, without stopping or materially reducing it. The Councils are unaware of any other disclosure that may affect the

Court's assessment of the tests to be applied in applications for newcomer injunctions; and, in particular, those prohibiting Car Cruising. They will, of course, keep this under review.

- (d) Showed that, on the particular facts, it was just and convenient in all the circumstances that the injunction sought should be made.

See para 19-25 above.

- (e) That, if so justified, any injunction made by the court had to:

- (i) Spell out clearly and in everyday terms the full extent of the acts it was prohibiting, corresponding as closely as possible to the actual or threatened unlawful conduct.

The wording of the injunction follows closely that of those prohibiting Car Cruising that have been imposed by the High Court and the Court of Appeal, including in Enfield LBC v Persons Unknown, that was drafted by counsel representing Enfield LBC in that case and the Councils in this one; and sets out in detail the activities that are prohibited, where and when.

- (ii) Extend no further than the minimum necessary to achieve the purpose for which it was granted.

It is submitted that the activities of Car Cruising are sufficiently varied to justify an injunction as wide as this one.

- (iii) Be subject to strict temporal and territorial limits.

The injunction will, if granted, be restricted to Westminster and K&C. While it is accepted that the evidence establishes the prevalence of Car Cruising within the Exhibition Road area only, in respect of K&C, it is submitted that a borough wide injunction is reasonably required. Were it narrowly imposed it is likely to displace the activity to other areas. The Councils rely, in support of this proposition, to evidence of its prevalence in four areas of Westminster, as set out above; and its prevalence in Westminster in addition to the risk of displacement clearly justify a borough-wide injunction in that City;

- (iv) Be actively publicised by the applicant so as to draw it to the attention of all actual and potential respondents.

See under (b), in this paragraph, above.

- (v) Include generous liberty to any person affected by its terms to apply to vary or discharge the whole or any part of the injunction; and that, accordingly, it

followed that the challenge to the court's power to grant the impugned injunctions at all failed.

The proposed order would allow an application to vary and discharge provided that it was on five working days' notice, which it is submitted is a reasonable period. Moreover, it will last for no more than a year before the Court will have an opportunity to review it, following the precedent of HS2 and Enfield LBC v Persons Unknown.

29. As a London Borough Council, the Council will be able to satisfy any damages awarded to the Defendants should these injunctions be set aside or not granted on a final basis. Further and in any event, Whipple J (as she then was) found, in *Cambridge City Council v Traditional Cambridge Tours Ltd* [2018] EWHC 1304 (QB), that it was unnecessary for cross-undertakings in damages to be made where an interim injunction was imposed on the application of a claimant local authority; and Hill J indicated her agreement with that finding in *Enfield LBC v Persons Unknown*. It is, in any event, inconceivable that damages could be awarded to a person for being unable to engage in the activities prohibited.

30. In the premises, the Court is invited to grant the Council the interim injunction sought and to list this matter for a further hearing on a return date.

26th March, 2026

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