



KB-2024-BHM-000170

IN THE HIGH COURT OF JUSTICE,
KINGS BENCH DIVISION,
BIRMINGHAM DISTRICT REGISTRY

In the matter of an application for an injunction under s.37(1), Senior Courts Act 1981,
s.1, Localism Act 2011, s.222, Local Government Act 1972, and s.130, Highways Act
1980.

B E T W E E N

LEICESTER CITY COUNCIL

Claimant

-and-

- (1) SHEPHELAH PRINGLE BRIDGES (AKA TRILLARY BANKS),**
- (2) NO LONGER PERSUED**
- (3) TWISTA**
- (4) TOTAL**
- (5) MNT**
- (6) BIGGOSS**
- (7) NAJI WAVEY**
- (8) DIRKSMAN LCR**
- (9) RUDES**
- (10) XTAC 4X4**
- (11) RTKAL**
- (12) LEM**
- (13) MISS FIRE**
- (14) NO LONGER PERSUED**

(15) PERSONS UNKNOWN WHO, OR WHO INTEND TO, ORGANISE, FACILITATE, PUBLICISE OR PROMOTE AN UNAUTHORISED CARNIVAL ON STOUGHTON STREET SOUTH, LEICESTER, LE2 0TH OR THE CONNECTING EVINGTON STREET, LEICESTER, LE2 0SA ON 3RD AUGUST 2024.

(16) PERSONS UNKNOWN WHO, OR WHO INTEND TO, PARTICIPATE IN AN UNAUTHORISED CARNIVAL ON STOUGHTON STREET SOUTH, LEICESTER, LE2 0TH OR THE CONNECTING EVINGTON STREET, LEICESTER, LE2 0SA ON 3RD AUGUST 2024 BY, IN CONNECTION WITH THAT CARNIVAL DOING, OR INSTRUCTING, ASSISTING OR ENCOURAGING ANY OTHER PERSON TO DO, ANY OF THE FOLLOWING ACTS:

(A) PLAYING LOUD MUSIC, LIVE OR RECORDED, WHETHER OR NOT AMPLIFIED THROUGH THE USE OF EQUIPMENT WHICH INCLUDES BUT IS NOT LIMITED TO MUSICAL INSTRUMENTS, FREE-STANDING SPEAKERS, SOUND SYSTEMS, MICROPHONES, DJ SETS OR GENERATORS,

**(B) SUPPLYING OR SELLING ALCOHOL WITHOUT A LICENCE
(C) DRINKING ALCOHOL ON THE ROADS, PAVEMENTS OR WITHIN THE
SMALL PLAYGROUND
(D) OBSTRUCTING OR BLOCKING THE ROADS, PAVEMENTS AND/OR SMALL
PLAYGROUND.**

Defendants

INTERIM INJUNCTION ORDER (WITHOUT NOTICE)

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS 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 August 2024 before His Honour Judge Tindal, sitting in the High Court of Justice at the Birmingham District Registry, Birmingham Civil and Family Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6PH, the Court considered an urgent, without notice, application by the Claimant for an injunction.

UPON hearing Ms Crocombe of Counsel for the Claimant, and none of the Defendant's attending.

AND UPON the court recording that the Defendants were served with notice of the hearing, the Claim Form, Particulars of Claim and supporting evidence was by the following methods:

- (i) Delivering copies of the bundle and written notice of the hearing to the First, Second and Fourteenth Defendant's address,
- (ii) Placing signs informing people of the Application, Hearing Date, Time and Location and where the documents can be obtained in prominent places around the restricted area (see Schedule 1 below)

- (iii) Uploading copies of the documents to its website,
- (iv) Providing hard copies of the documents at its front desk, and by
- (v) Leicestershire Police communicating details of the Claim and the hearing to:
 - a. People who they had spoken to about the unauthorised Carnival in the community, including the named music artists and prominent members of the community,
 - b. Key community police contacts in the area
 - c. Local councillors and Leicester's MP
 - d. Those who attended a community meeting at the African Caribbean Centre on 1 August 2024.

AND UPON considering an application for an injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981.

AND UPON the Court reading the evidence set out in the witness statements of Caroline Green dated 31 July 2024, Inspector Graham Wells dated 30 July 2024, and Matthew Robison dated 31 July 2024.

AND UPON the Court being satisfied for the purposes of section 12(2) of the Human Rights Act 1998 that the Claimant has taken all practicable steps to notify the Defendants of this application.

AND UPON the Court having particular regard to the importance of the Convention right to freedom of expression but finding in the circumstances that it is just and convenient, and proportionate, to grant injunctive relief in the terms set out herein, pending the trial of this claim.

AND FURTHER UPON the Claimant undertaking to take steps to serve the Defendants with a note of the hearing which took place on 2 August 2024 by 16 August 2024.

AND UPON HHJ TINDAL explaining his reasons to the Defendants as follows (but also ordering an expedited transcript of his judgment to be circulated next week):

- Judge Tindal accepts that after the official Leicester Carribean Carnival planned for 3rd August 2024 was cancelled only a month before, the Defendants simply wanted to arrange an event for the local community to celebrate on the first Saturday of August, as had been done for decades. Judge Tindal accepts that it would not be right or fair not to have community events this August and simply to wait until 2025.
- Judge Tindal accepts that there was no real risk of crime or disorder at the event and that the Defendants made it quite clear on the flyers they wanted a positive event without trouble where people could gather, celebrate and enjoy music.
- However, Judge Tindal was very worried that the event would be so popular that the location chosen – two narrow residential streets in Leicester – would be so crowded that it would not be safe for everyone. In particular, that there was a risk of a crush or that if people were otherwise taken ill, ambulances could not get into the crowded street.
- Moreover, Judge Tindal was persuaded to stop this event from happening tomorrow as the Council had been trying to agree an alternative date and location for it this month and promised him that they would continue to do so. Judge Tindal recognises it would not be on the traditional first Saturday of August but felt it was more important that the event be safe and enjoyable for everyone than it happen (unsafely) on that precise date.
- Judge Tindal invites any Defendant who wants to attend Court next Friday 9th August at 10am at Birmingham County Court on Bull Street if they want to try to persuade him to change or drop the order against them personally or to talk about any future event.

IT IS ORDERED THAT:

1. The First, Third-Thirteenth, Fifteenth and Sixteenth Defendants inclusive SHALL NOT (whether by themselves or by instructing, assisting, encouraging or allowing any other person):
 - (a) Organise, facilitate, publicise or promote (whether by themselves or with any other person) an unauthorised music event and/or street party on 3rd August 2024 within the prescribed area shaded in red on the map attached to this Order at Schedule 1. This includes, but is not limited to, providing setting up, operating or using staging, sound systems, generators, or other noise amplifying equipment;

(b) Participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in an unauthorised music event and/or street party on 3rd August 2024 within the prescribed area shaded in red on the map attached to this Order at Schedule 1 by performing any of the following acts:

- (i) Playing loud music, live or recorded, whether or not amplified through the use of equipment which includes but is not limited to musical instruments, free-standing speakers, sound systems, microphones, DJ sets or generators,
- (ii) Supplying or selling alcohol without a licence,
- (iii) Drinking alcohol on the roads, pavements or within the small playground, and/or
- (iv) Obstructing or blocking the roads, pavements, and/or small playground.

For the avoidance of doubt “participation” within the meaning of paragraph 1(b) above does not include the street party due to be held on 3 August 2024 outside the prescribed area by Kevan Johnson and his family. Moreover, a person will not be considered to have participated in an unauthorised music event and/or street party for the purposes of paragraph 1(b) above if:

- (a) their equipment is used without their permission,**
- (b) they attend the unauthorised music event and/or street party but leave within a reasonable period upon being told that the event has been cancelled and without participating in any of the activities listed at paragraph 1(b)(i)-(iv) above.**

2. This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.
3. The Order shall, in any event, be reconsidered at a further hearing at 10am on August 2024 at Birmingham Civil Justice Centre, Priory Law Courts, 33 Bull Street, Birmingham B4 6DS,
4. 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 at the address set out at the foot of this Order.

5. The Claimants have permission to amend the Claim Form and Particulars of Claim relating to the description of the 15th and 16th Defendants, service of those amended documents is dispensed with.
6. Pursuant to CPR rules 6.15, 6.27 and 81.4(2)(c) and (d), the Claimant shall be permitted to serve this Order and any other document filed in these proceedings on the Defendants by the alternative service methods specified at Schedule 2 to this Order.
7. The deemed date of service of the documents referred to at paragraph 6 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 2 to this Order.

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

Feizal Hajat

Legal Services

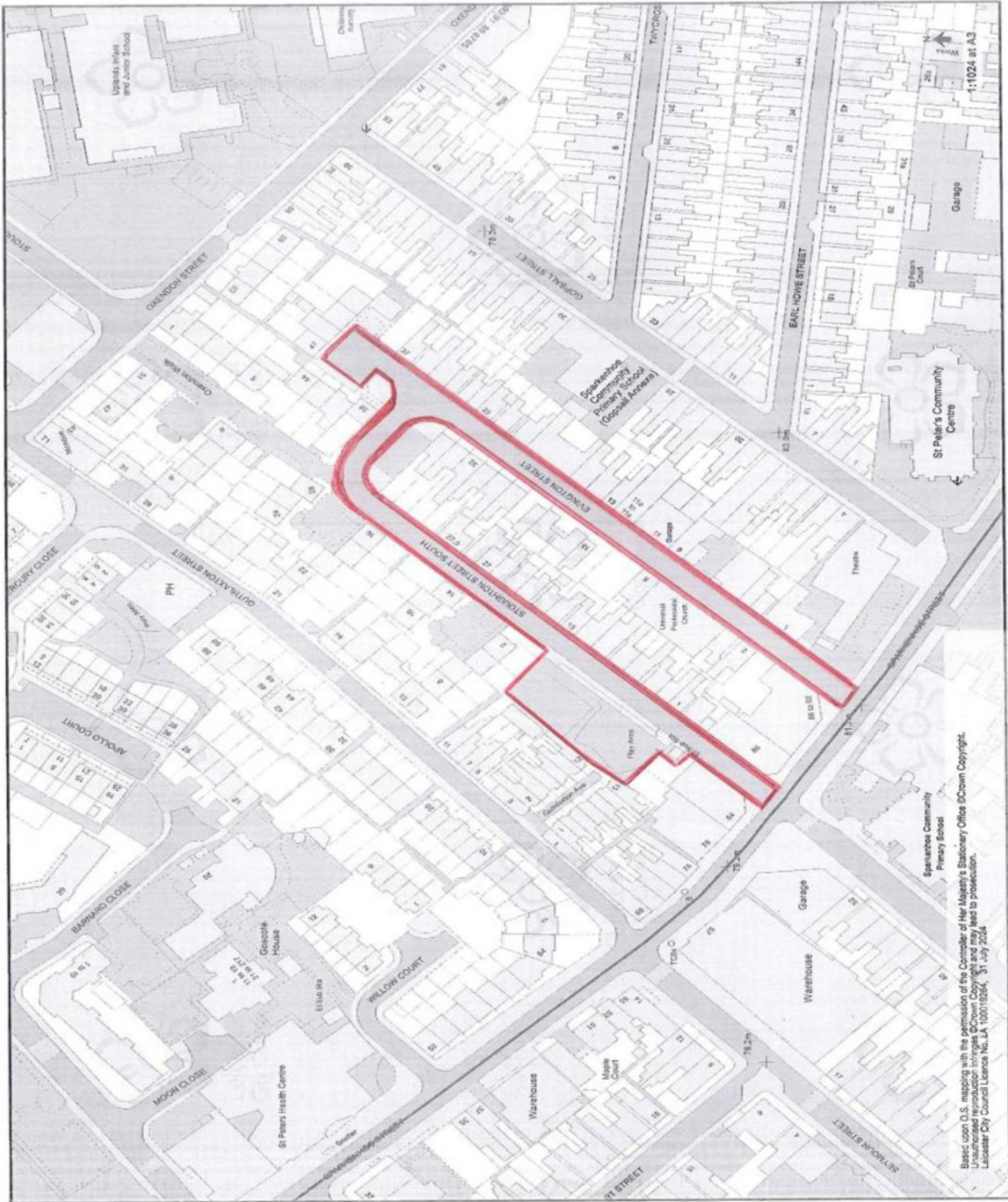
Leicester City Council

115 Charles Street

Leicester LE1 1FZ

Email : legal.services@leicester.gov.uk

SCHEDULE 1



SCHEDULE 2

1. Service of this Order and any other documents filed in these proceedings shall be effected by:
 - (i) Putting up copies of this Order in prominent locations in and around the prescribed area referred to at paragraph 1 of this Order.
 - (ii) Posting a copy of this Order and any other documents filed within these proceedings onto the Public Safety page of the Claimant's website,
 - (iii) Publishing the existence of this Order and any other document filed in these proceedings on all of the Claimant's social media channels with a link to where any person can download those documents,
 - (iv) Asking Leicestershire Police to publish the existence of this Order and any other document filed in these proceedings on all of their social media channels with a link to where any person can download those documents,
 - (v) Emailing any Defendant who provides an email address to the Claimant copies of the this Order and any other document filed in these proceedings,
 - (vi) Any other like manner as the Claimant may decide to use in order to bring the this Order and any other documents filed in these proceedings to the attention of the Defendants and any other persons likely to be affected.

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 a copy of the Claim Form, the Particulars of Claim, this Order and any other documents filed in these proceedings.

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.