

CLAIM NO:

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

BEFORE [INSERT]

DATED [X]

BETWEEN:

BIRMINGHAM CITY COUNCIL

Claimant

-and-

**PERSONS UNKNOWN WHO, IN SUPPORT OF STRIKES ORGANISED BY UNITE THE UNION
AND WITHOUT THE CLAIMANT'S CONSENT**

**(1) ENTER OCCUPY OR REMAIN ON, OR BLOCK OR OBSTRUCT THE ENTERING OR EXITING
OF ANY OTHER INDIVIDUAL OR VEHICLE TO OR FROM THE FOLLOWING LOCATIONS:**

**(A) ATLAS DEPOT, 70/72 KINGS ROAD, TYSELEY, BIRMINGHAM, B11 2AS (AS SHOWN EDGED
RED ON THE ATTACHED PLAN 1)**

**(B) LIFFORD LANE DEPOT, EBURY ROAD, KINGS NORTON, BIRMINGHAM B30 3JJ (AS
SHOWN EDGED RED ON THE ATTACHED PLAN 2)**

**(C) PERRY BARR DEPOT, HOLFORD DRIVE, BIRMINGHAM, B42 2TU (AS SHOWN EDGED RED
ON THE ATTACHED PLAN 3)**

**(D) SMITHFIELD DEPOT, SHERLOCK STREET, BIRMINGHAM, B5 6HX (AS SHOWN ON THE
ATTACHED PLAN 4)**

AND/OR

**(2) BLOCK OR OBSTRUCT ANY OF THE CLAIMANT'S STREET MANAGEMENT VEHICLES
INCLUDING BUT NOT LIMITED TO; WASTE COLLECTION VEHICLES, STREET SCENE,
TRADE WASTE AND CLINICAL WASTE VEHICLES WITHIN THE CITY OF BIRMINGHAM (AS
SHOWN ON EDGED RED ON THE ATTACHED MAP, MAP 1)**

Defendants

CERTIFICATE OF URGENCY

1. The Claimants have today issued the enclosed claim (the "Claim") and application for an injunction to prevent Persons Unknown (the "Defendants") from, without the consent of the Claimants:

(i) entering, occupying or remaining upon the following sites:

a. Atlas Depot, 70/72 Kings Road, Tyseley, Birmingham, B11 2AS (as shown edged in red on the following Plan 1 in Schedule 1)

b. Lifford Lane Depot, Ebury Road, Kings Norton, Birmingham B30 3JJ (as shown edged in red on the attached Plan 2 in Schedule 1)

c. Perry Barr Depot, Holford Drive, Birmingham B42 2TU (as shown edged in red on the

attached Plan 3 in Schedule 1)

- d. Smithfield Depot, Sherlock Street, Birmingham, B5 6HX (as shown edged in red on the attached Plan 4 in Schedule 1).

(Together "**the Premises**")

(ii) blocking or obstructing or otherwise interfering with the access of any other individual or vehicle to or from the Premises; or

(iii) blocking or obstructing the public highway within the City of Birmingham with the purpose or effect of preventing, slowing or otherwise disrupting the passage of Street Management vehicles including but not limited to; waste collection vehicles, street scene, trade waste and clinical waste vehicles operating out of the Premises.

2. The Claim and Application are brought in the context of ongoing disruptive direct action engaged in by the Defendants in connection with strikes organised by UNITE The Union ("**UNITE**").

3. The filed documents include the following:

(A) Claim Form dated 4 June 2025 dated 3 February 2026 (with continuation sheet);

(B) Application Notice Form N244 dated 3 February 2026 with continuation sheet, together with the draft order sought;

(C) Supporting witness statements of:

(a) Witness Statement of Christopher Smiles dated 3 February 2026 with accompanying Exhibit CS of equal date;

(b) Witness statement of Dean Smith 3 February 2026 with accompanying Exhibit DS of equal date;

(c) Witness Statement of Richard Smith 3 February 2026 with accompanying Exhibit RS of equal date;

(d) Witness statement of David Miller 3 February 2026 with accompanying Exhibit DM of equal date; and

(e) Witness statement of Carol Culley 3 February 2026 with accompanying Exhibit CC of equal date.

4. I certify that the claim is urgent for the following reasons, as detailed in the witness statement of Christophr Smiles, and DLA Piper UK LLP having liaised with the Court Office as to availability, respectfully request that the Court list the Application for the injunction to be heard on 12 or 13 February 2026:

A . The strike action organised by UNITE and associated protest activity has been ongoing since 2 January 2025 and has been the subject of an order on 23 May 2025 by Mrs Justice Dias to restrain unlawful picketing and protesting. The terms of that Order have been breached by UNITE and the outcome of a consequent contempt hearing is still awaited.

B. However, since mid-January 2026, the protest activity which was the subject of the Claimant's application for an injunction and its subsequent contempt application has significantly escalated in terms of direct action, including trespass and/or private nuisance and/or obstruction of the highway. This activity has caused, and is continuing to cause, severe disruption to the provision by the Claimant of its waste collection service for the residents of Birmingham;

C. There remains a real and imminent risk of further direct action by the Defendants unless and until UNITE's demands are satisfied. The situation shows no signs of being resolved and the escalation of direct action appears set to continue and/or increase. Both the Claimant and the local community are continuing to suffer substantial harm as a direct result of the Defendants' direct action; and

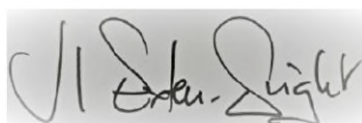
D. The Claim and the Application are technically ex parte as they are brought against Persons Unknown. Nonetheless, the Claimants are under an obligation to take reasonable steps to notify individuals who may be affected by the Claim and Application. The Claimants propose to notify the Defendants of the Claim and Application documents via various electronic and hard copy materials, including website uploads, emails and notices affixed at site locations operated by the Claimant or at which the relevant protesting activity has been taking place. A hearing on 12 or 13 February 2026 will therefore allow sufficient time for the Defendants to be notified of the Application and to make preparations accordingly, whilst also taking into account the need for this Application to be heard as soon as possible.

5. The time estimate for the hearing of the Application is 3 hours, to include pre-reading and judgment

(if appropriate), but this may be affected by whether the Defendants intend to take an active part in the Claim and Application.

6. In all the circumstances, I believe that the Application is fit to be heard on an urgent basis and the Claimant therefore respectfully requests that the Court lists the application for a 3-hour hearing on 12 or 13 February 2026.

Signed:

A handwritten signature in black ink, appearing to read 'J Exten-Wright', is shown within a rectangular box.

Full name: Jonathan Exten-Wright

Position or Office held: Claimant's solicitors – Partner, DLA Piper UK LLP

Date: 3 February 2026

**SCHEDULE 1 – PLANS 1-4 – PLANS OF THE PREMISES BEING
THE CLAIMANT’S DEPOTS**

PLAN 1 – ATLAS DEPOT



Date of Map Creation: 02/02/2026

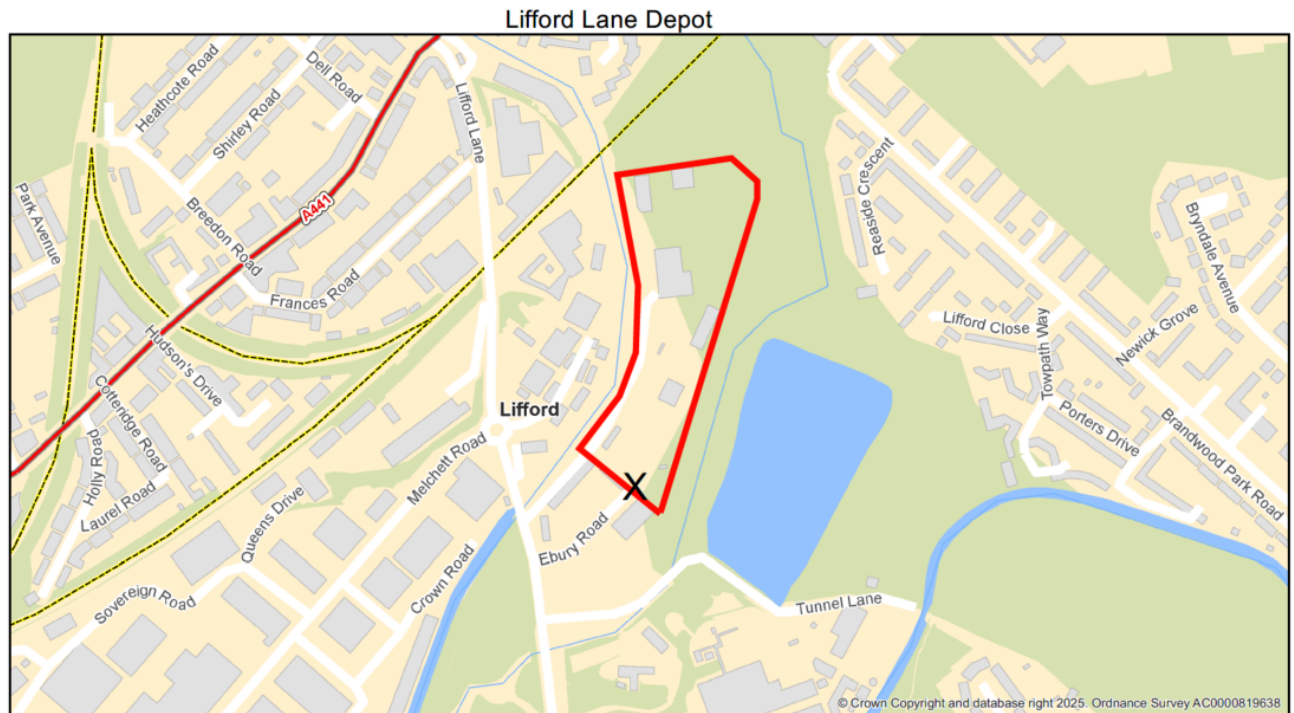
Map Created By: Nick Massey

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PLAN 2 – LIFFORD LANE DEPOT



Date of Map Creation: 02/02/2026

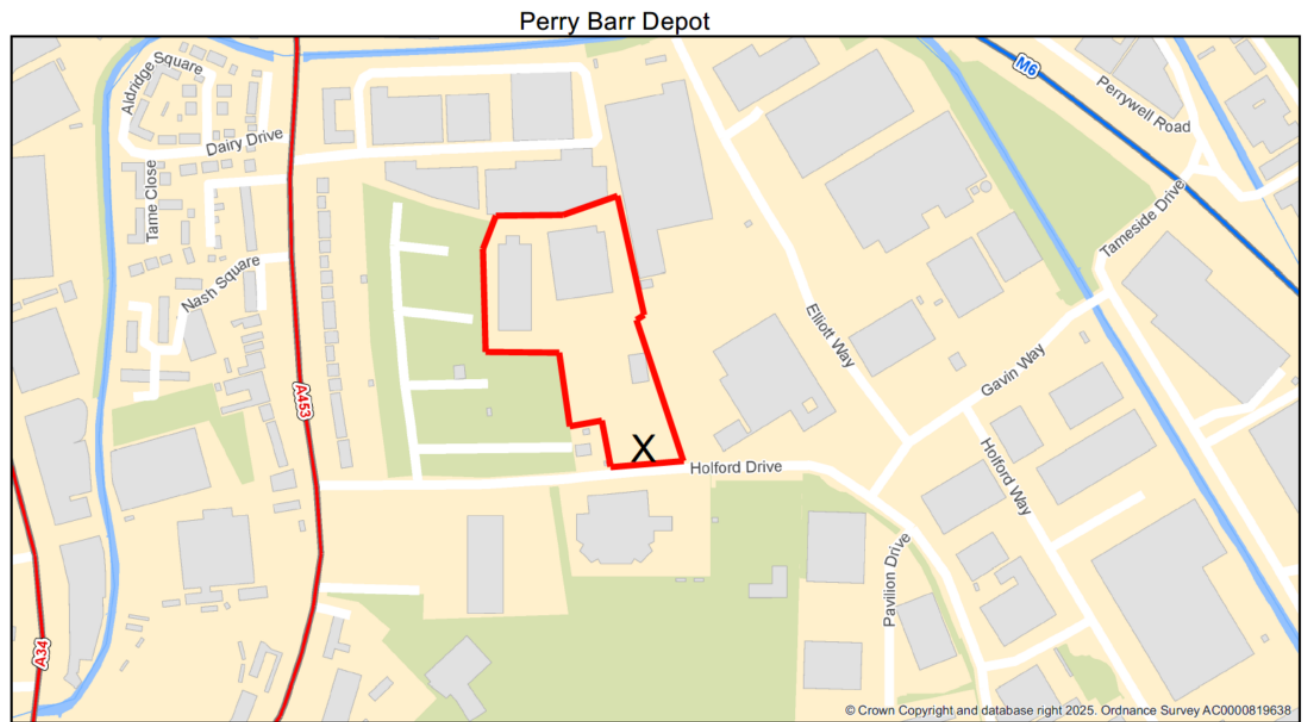
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PLAN 3 – PERRY BARR DEPOT



Date of Map Creation: 02/02/2026

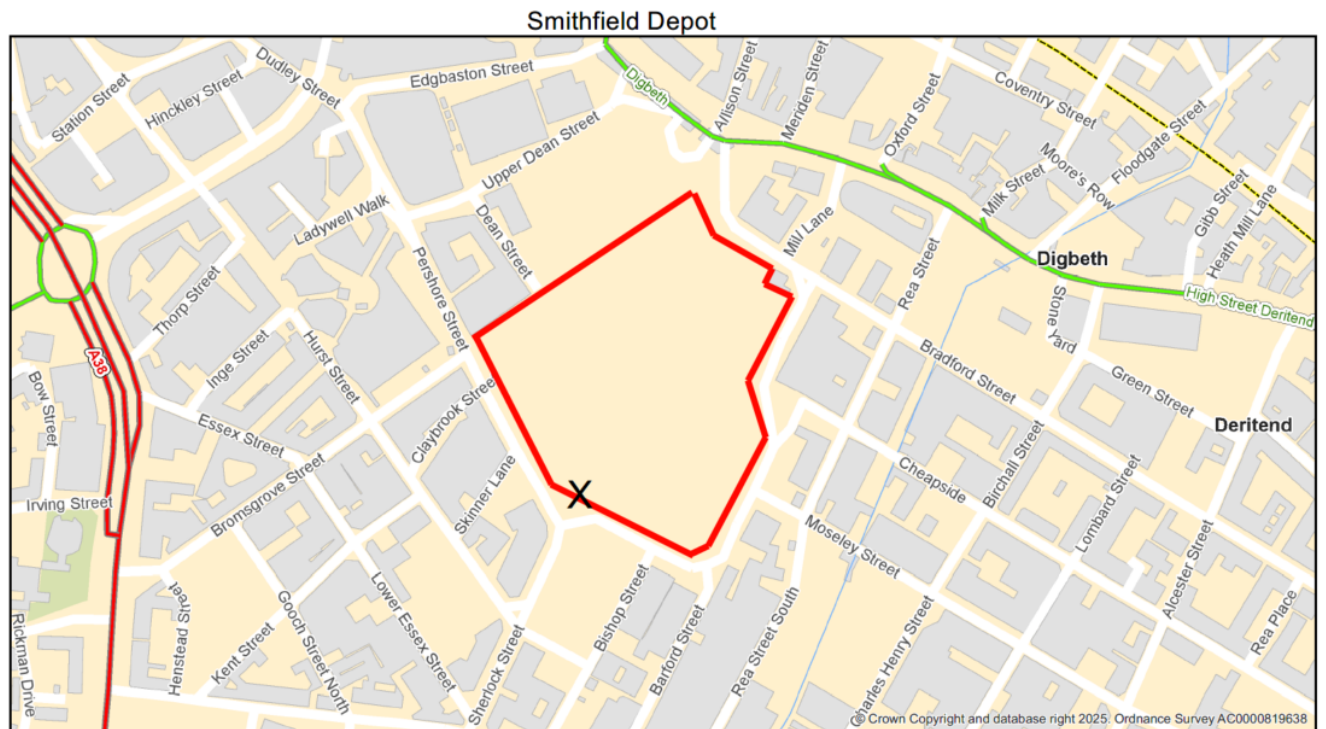
Map Created By: Nick Massey

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PLAN 4 – SMITHFIELD DEPOT



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