

On behalf of: Claimant
By: Christopher Smiles
No: First
Date: 3 February 2026

CLAIM NUMBER; [TBC]

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

(1) BIRMINGHAM CITY COUNCIL

Claimant

- and -

(1) PERSONS UNKNOWN

Defendant

**WITNESS STATEMENT OF
CHRISTOPHER SMILES**

I, CHRISTOPHER SMILES, of City Operations Directorate, Birmingham City Council, PO Box 2122, B3 3BU **WILL SAY** as follows:

- 1 I am employed by Birmingham City Council (**Council**) as Head of Waste, Logistics and Collection. I am duly authorised by the Council to make this statement.
- 2 This statement is provided in support of the Council's injunction application against those persons unknown who have undertaken protests in apparent support of striking bin workers in the period 17 September 2025 to date (Defendants).
- 3 This statement has been prepared with the assistance of the solicitors for the Claimant, DLA Piper LLP, through the exchange of emails and videoconferencing meetings.

- 4 I understand that due to the nature of the application being made by the Council, there is a requirement on myself and the Council to provide full and frank disclosure in respect of the situation. In preparation of this statement, I have sought to comply with this duty.
- 5 The facts and matters set out by me in this statement are either known by me directly and are true or are known by me indirectly and are believed to the best of my knowledge to be true. In relation to matters falling into the latter category, I have set out the source of my knowledge and belief.
- 6 There is now produced and shown to me an accompanying exhibit marked "Exhibit CS". These documents are identified in this witness statement by references to the page numbers in the form "[**CS/Tab no**]".
- 7 My role has responsibility for the Council's waste service which operates from the following sites:
 - 7.1 Atlas Depot, 70-172 Kings Road, Tyseley, Birmingham, B11 2AS shown edged red on the plan at [**CS/1**] (**Atlas Depot**).
 - 7.2 Perry Barr Depot, Holford Drive, Perry Barr, Birmingham, West Midlands, B42 2TU, shown edged red on the plan at exhibit [**CS/2**] (**Perry Barr Depot**).
 - 7.3 Lifford Lane Depot, Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ, shown edged red on the plan at exhibit [**CS/3**] (**Lifford Lane Depot**).
 - 7.4 Since 16 June 2025, Smithfield Depot, (Sherlock Street, Birmingham, West Midlands, B5 6HX, shown edged red on the plan at [**CS/4**] (**Smithfield Depot**) has housed the Refuse Service for the south side of Birmingham.

(together the **Depots**, and each individually a **Depot**)
- 8 Due to renovations at the Lifford Lane Depot, between April and 16 June 2025 the waste service was redeployed from its usual base on site to an annex on site known as the Remakery. This was susceptible to particular disruption during the industrial action due to the layout of the Lifford Lane site. As a result, the service was redeployed to the Smithfield Depot from

16 June 2025. The Lifford Lane Depot is still used for offloading of waste and the intention is that the service would return to the Remakery at the Lifford Lane site once industrial action is at an end.

9 I get briefed daily by the Service Managers for each of the operational Depots, and they are supported by Assistant Service Managers (ASMs) at each of the sites. We usually share messages and calls throughout the period of deployment each morning. When the service is running normally we exchange messages and calls from 05:30 to about 08:00, with deployment of waste collection vehicles usually scheduled for 06.30. If there is any disruption to the deployment, then the briefings carry on until about 11:00. The Business Support team prepare a situation report which reflects the exchange of information through the morning based on input from myself, Rob Edmondson and the Service Managers. This is issued daily around 08.30, with an update, if required, thereafter, to confirm once all vehicles have been deployed. I am usually on the ground at one of the Depots each morning. We have a weekly Waste Strategic meeting which is chaired by the Executive Director for City Operations. I am also the chair of the Tactical Waste Group which meets once a week and reports into the Strategic Waste Group to provide an operational overview.

10 The Council is applying for an injunction against the Defendants to bring an end to blockades of the Council's waste depots, which have meant that to the week ending 30 January 2026, around 67,000 of the 340,000 households in the city (nearly 19%) having not received their waste collection, despite additional resource utilised by the Council [CS/34]. The Council has seen a steady increase in blockades by the Defendants since early December 2025, but the frequency and the impact of the blockades on the waste service have increased significantly in January 2026. The disruption has affected the ability of the Council to provide a key service for the residents of the city.

11 The levels of disruption experienced due to the Defendant's behaviour in the week of 26 January 2026, culminating on 30 January 2026 in the complete closure of waste services across all Depots and interference with other Council depots and services which are not part of the industrial dispute with Unite, mean that we have reached a tipping point that we cannot remedy the level of shortcomings caused by the Defendant's

actions through the available mitigation. This means we are at the point that the numbers of missed collections will grow week on week and waste will build up on the city's streets. Given the lack of engagement from the police to address the issue, action is urgently required by the Court to address the unlawful behaviour which is at its cause.

12 To assist the Court in navigating this witness statement, it is made up of the following sections:

- 12.1 Section 1 – Industrial Action and Injunction against Unite
- 12.2 Section 2 – The Contempt Proceedings against Unite
- 12.3 Section 3 – Summary of Disruption by the Defendants
- 12.4 Section 4 - Impact of Disruption by the Defendants
- 12.5 Section 5 – Engagement with Police
- 12.6 Section 6 – Order Sought

Section 1 - Industrial Action and Injunction against Unite

13 The background to the protests being undertaken by the Defendants is that since 2 January 2025, members of Unite the Union (**Unite**) have been taking industrial action in respect of a trade dispute with the Council. Discontinuous strike action by Unite and its members commenced on 6 January 2025 and continuous strike action has been ongoing since 11 March 2025. Strike action has taken place at the Depots since then, with strike action being undertaken moving to Smithfield when the service relocated to there from Lifford Lane on 16 June 2025.

14 Since the commencement of the industrial action by Unite, a contingency waste service has been in operation and the Council has made adjustments to its normal collection routes and model to make efficiencies. This has meant that, when it has been free from blockade and disruption, the contingency service has been successful in providing a waste service for the residents of Birmingham once a week. However, disruption of the service, previously by Unite and now by the Defendants, has prevented this.

- 15 In the period March - May 2025 the Waste Service was the subject of significant disruption led by Unite. It is the Council's position that the behaviour of Unite went beyond any attempt at peaceful picketing, and instead amounted to unlawful, tortious behaviour which had a significant impact on the Council's ability to undertake the waste service for the residents of Birmingham. This behaviour involved Unite protestors blockading the Council's waste vehicles and preventing them from deploying from the gates of the Depots.
- 16 Unite's actions led to waste building up on the city's streets and, on 31 March 2025, a "*Major Incident*" was declared in accordance with the Civil Contingencies Act 2004 due to concerns for public health due to the build-up of waste on the streets [CS/5]. At the time that the Major Incident was declared, the volume of waste which was uncollected in the city was 22,000 tonnes.
- 17 The declaration of a Major Incident allowed the Council to put additional contingencies into effect and to implement closer working relationships between the Council and other organisations to assist with remedying the Major Incident.
- 18 Around the same time, on 3 April 2025, West Midlands Police indicated that they were prepared to issue a "*Section 14 Notice*" under the Public Order Act 1986. This allows police to impose conditions on public assemblies, including pickets. The effect of this would be to restrict the pickets' presence to fenced off areas at the gates of each depot and preventing the obstruction of vehicles leaving the Depots and travelling on the surrounding roads.
- 19 Discussions between West Midlands Police and Unite resulted in Unite agreeing to voluntarily comply with the Police request with no need for the Section 14 Notice to be formally made.
- 20 The areas identified in the Section 14 Notice where picketing was to be permitted are identified as follows and as show in the diagrams at [CS/6]. These areas were identified by the waste team in discussions with the police and were subsequently adopted as the Assembly Areas of the injunction obtained by the Council against Unite (see para 25 below);

- 20.1 Atlas – This site has three designated assembly areas. Two are immediately adjacent to the site entrance and the third is directly opposite the site entrance, thus enabling picketers to be seen and heard by both the site owners/management and members of the public. Assembly area 1 is to the immediate left of the entrance gate, assembly area 2 is to the immediate right of the entrance gate and assembly area 3 is directly opposite the site entrance on the opposite side of the road. All three areas are demarcated using barriers between the pavement and the roadway.
- 20.2 Lifford Lane – This site has two designated assembly areas. Both are immediately adjacent to the site entrance, thus enabling picketers to be seen and heard by both the site owners/management and members of the public. Assembly area 1 is to the immediate left of the entrance gate and assembly area 2 is to the immediate right of the entrance gate. Both areas are demarcated using barriers between the pavement and the roadway.
- 20.3 Perry Barr - This site has three designated assembly areas. Two are immediately adjacent to the site entrance and the third is directly opposite the site entrance, thus enabling picketers to be seen and heard by both the site owners/management and members of the public. Assembly area 1 is to the immediate left of the entrance gate, assembly area 2 is to the immediate right of the entrance gate and assembly area 3 is directly opposite the site entrance on the opposite side of the road. All three areas are demarcated using barriers between the pavement and the roadway.

- 21 The s.14 Order remained in place from 4 April to 14 May 2025. During that period there were a number of occasions where obstruction of vehicles and aggressive behaviour from the Unite pickets took place. Nonetheless, during this period the effect of the s.14 Order, together with the additional contingencies brought in to support with the Major Incident, allowed the Council to address the build-up of waste on the streets.
- 22 When West Midlands Police communicated on 14 May 2025 that they no longer felt that the legal threshold for the s.14 Order was met, there was an immediate return to blockading of the Depots by Unite the next morning.

That disruption escalated until the Council was compelled to seek an injunction to restrain Unite from what the Council alleges amounted to breaches of section 220(1) Trade Union Labour Relations (Consolidation) Act 1992 and a public nuisance.

- 23 Shortly before the injunction application came to be made, Unite's solicitors (Thompsons Solicitors) wrote to the Council's solicitors (DLA Piper) on 21 May 2025 [**CS/7**]. In that letter, Unite put forward a proposal under which, in their words "*both (i) picketing; and (ii) protesting can take place going forward that will avoid the need for recourse to litigation.*" The letter then set out in some detail Unite's position in relation to both of these activities and, with regard to the right to protest, specifically referred to the rights derived from Articles 10 and 11 of the European Convention on Human Rights. Having set out its position, Unite then offered assurances that the number of pickets at each relevant location would be kept to 6 and that protesting would be confined to the Assembly Areas that had previously been identified.
- 24 Unite's offer was put forward with an implementation date of 27 May 2025 (after the bank holiday weekend) however, given the impact of ongoing disruption at its Depots, the Council was not willing to accept the proposed delay until 27 May 2025. In response Unite offered earlier assurances on picketing, but not any restriction on protesters. The Council was prepared to accept Unite's assurances. However, on 23 May 2025, despite the pickets being limited to six, Unite's protestors completely blockaded the Council's refuse trucks preventing the deployment of vehicles. As a result, the Council felt obliged to make an application for the court for an interim injunction, albeit based on earlier implementation of terms that Unite itself had offered.
- 25 The Council's application resulted in an interim injunction being granted against Unite by Mrs Justice Dias on 23 May 2025 [**CS/8**]. The interim injunction was subsequently extended by consent until trial or further order on 29 May 2025 [**CS/9**] and on 25 June 2025 to cover the Smithfield Depot [**CS/10**] (together "**the Order**").
- 26 In summary, the terms of the Order require that Unite take all reasonable steps to ensure that its members or relevant officials:

- 26.1 refrain from picketing activities in connection with its current campaign of industrial action except for picketing at the site entrance to the Depots solely for the purpose of peaceful picketing.
- 26.2 will have no more than 6 pickets at the entrance to each Depot, with each picket clearly designated by high-visibility clothing. The pickets must also refrain from preventing any vehicle from passing through the site entrance to the Depots including by forming a blockade, sitting in the road or slow walking in front of the entrances to or the road leading to each of the Depots.
- 26.3 refrain from carrying out any protesting activities outside of the designated Assembly Areas (**Assembly Areas**) identified in the Order.

Section 2 – The Contempt Proceedings against Unite

- 27 Despite the Order being in place, there continued to be further disruption by Unite of the waste service in breach of the injunction.
- 28 After some initial issues with Unite protestors not remaining within the Assembly Areas on 27 May and 3 June 2025, this escalated to blockades at the Depot gates at the Perry Barr Depot (23 June, 25 June and 3 July 2025) and Atlas Depot (24 June 2025).
- 29 From 8 July 2025 Unite's tactics changed so that blockades of vehicles took place away from the Depot gates. Unite's approach was to block the access roads from the Perry Barr and Atlas Depots and to slow-walk in front of the vehicles.
- 30 At the Atlas Depot, this involved Unite protestors funnelling the waste vehicles onto specific routes, with protestors from Unite blocking off turns to force vehicles onto certain roads where they were blockaded and held for extended periods. This tactic was particularly seen around 300 meters from the exit to the Atlas Depot at the junction of Wharfdale Road and Redfern Road. In the period up to 30 July 2025, there were frequently Unite protestors present at the junction to prevent the waste vehicles from turning off. They were instead funnelled straight ahead onto a narrow lane (Rushey Lane) where other members of Unite would form a blockade.

Further detail of this pattern of behaviour is set out in the statement of my colleague David Miller who is the Service Manager for Atlas.

- 31 At Perry Barr, Unite protestors would slowly walk in the road and blockade vehicles along Holford Drive which acts as the main deployment route for vehicles from the Depot. In most cases this was around 500 – 700m from the Depot gates.
- 32 These breaches by Unite of the Order led to repeated correspondence between the Council's solicitors and those of Unite to seek to address matters. When this was not successful in resolving issues, the Council made a contempt application against Unite on 24 July 2025. Despite the application by the Council, breaches of the Order continued until 30 July 2025.
- 33 Unite originally attempted to argue that they had understood the Order to permit them to protest away from the Depots. However, in their affidavit evidence in response to the contempt application it was conceded that this was incorrect and that Unite was in breach of the Order on at least 10 occasions between 8 and 21 July 2025. The contempt application was heard before Mrs Justice Jefford on 14 October 2025 with Unite accepting that it will be fined for its repeated breaches. A judgment is awaited by the parties to that action and I understand the Council's legal team have been told it should be handed down imminently. The underlying claim for a final injunction and for damages against Unite is due for a Costs and Case Management Conference, expected to be in May of this year.
- 34 The industrial action by Unite is continuing, subject to the terms of the Order. The most recent ballot by Unite took place on 17 November 2025, providing a mandate for continuing industrial action until May 2026.
- 35 I have been involved in dealing with the disruption stemming from Unite's industrial action since its inception and have given evidence for the Council at each stage of the litigation against Unite. Given my involvement in matters, as well as my position with the Council, I am familiar with the members of Council staff who are taking part in the industrial action, particularly the key actors who have been involved in the disruption such as picket supervisors and national representatives from Unite.

Section 3 – Summary of Disruption by the Defendants

36 By obtaining the Order and pursuing the contempt application against Unite, the Council has, since 31 July 2025, succeeded in preventing disruption to the service by Unite. However, the actions that Unite are prohibited from undertaking by the terms of the Order are now, since 17 September 2025, being performed by the Defendants. The very same activities which led to the injunction application and to the further application for contempt, have, on the face of it simply been outsourced from Unite and its members, to the Persons Unknown who are now the subject of this application – the Defendants, in simple terms, are doing what Unite and its members were doing previously and which has been the subject of first, an injunction and secondly, a contempt application. The slow walking, blockading of vehicles and preventing them from using the highway, is now being carried out by the Defendants. Furthermore, in social media posts, various organisations sympathetic to the Unite cause, have said in terms that this action is called for due to the restrictions to which Unite and its members are subject. I refer to these in more detail below.

37 Whilst initially sporadic in the aftermath of the Council's contempt application against Unite, the disruption by the Defendants has become more regular during December 2025 and its frequency has increased significantly throughout January 2026, resulting in the Council making this application.

38 The Council has sought to address the Defendants' protests by engaging with the police as outlined in Section 5 below. However, the support provided by the police has not been effective at addressing the Defendants' behaviour and their willingness to intervene to prevent or bring an end to the protests has diminished significantly in the week of 26 January 2026 as set out in detail in Section 5 below.

39 Details of the disruption by the Defendants are set out in the witness statements of my colleagues who are the Service Managers for each of the Depots. However, I look to provide a brief summary here of the pattern of disruption that we have seen by the Defendants across the sites, with

occasional disruption occurring in the period May 2025 to November 2025 and more regular protests from December 2025 to date.

40 17 September

- 40.1 As outlined above, following the Council's contempt application against Unite for breach of the Order, disruption by Unite was curtailed from 31 July 2025.
- 40.2 Following a period without disruption over the summer, an incident then occurred on 17 September 2025 next to the Atlas Depot. Vehicles which were being deployed were stopped at the junction of Wharfside Road and Redfern Road by the Defendants in hi-vis vests.
- 40.3 After vehicles had been deployed and were driving down Redfern Road, the Defendants wearing high-vis vests ran into the road to block the vehicles at the junction with Wharfside Road. Details of the disruption are set out in the statement of David Miller (Service Manager for Atlas). Deborah Carter Hughes in the Council's legal team passed me details of a Facebook post indicating that members of the Birmingham Socialist Party had been responsible for the protest along with other "*independent activists*" [CS/11].
- 40.4 The post suggested that the action had been taken by the Defendants due to Unite being unable to "*picket effectively*". However, this is clearly not the case as the terms of the Order only require that Unite conduct picketing in accordance with the Code of Practice on Picketing. The post went on to say "*that is why independent activists have taken matters into their own hands*", again suggesting that the motivation is simply to bypass the effect of the injunction granted against Unite.
- 40.5 Whilst the Birmingham Socialist Party had claimed to be involved in the incident, one of my Service Managers was informed by an anonymous source that did not wish to be named that a representative of Unite had been responsible for organising the protest and that further similar protests were planned for the following day. Given this information and the similarities which the

incident bore with previous, regular disruption by Unite at the same junction from July 2025, we asked our solicitors (DLA Piper UK LLP) to write to Unite's solicitors to address this point. They did so by letter of 17 September 2025 [CS/12]. Unite's solicitors (Thompsons LLP) responded by email of 18 September 2025 refuting that Unite had any involvement in the incident and they reiterated this position at the contempt hearing on 17 October 2025 [CS/13].

40.6 As indicated would be the case by our source, the Defendants were present the following day. However, the advance notice that this would be the case allowed us to make arrangements so that the vehicles could take an alternative route.

41 Depot Blockades by the Defendants

41.1 Following the blockade of the highway on 17 September 2025, there was occasional disruption by the Defendants at the Atlas depot on 17 October and 25 November 2025. These protests involved the Defendants standing across the exit or walking in circles to block vehicles from exiting.

41.2 From 5 December 2025, we started to see these sporadic disruptions by the Defendants becoming more regular and causing a greater impact on the service particularly in late January 2026. On each occasion, the Defendants would block the exits to the Depots, either by slowly walking in circles in front of the gates or simply standing and blockading the exit:

- (a) 5 December 2025: Atlas
- (b) 12 December 2025: Perry Barr; and Smithfield
- (c) 19 December 2025: Smithfield
- (d) 22 December – 2 January 2026: over the festive period, there were no protestors or Unite pickets present at any of the Depots. Unite pickets returned to the Depots on 5 January 2026.

- (e) 8 January 2026: Perry Barr; and Atlas
- (f) 12 January 2026: Perry Barr; and Atlas
- (g) 15 January 2026: Smithfield; and Atlas
- (h) 19 January 2026: Perry Barr
- (i) 21 January 2026: Perry Barr; and Atlas
- (j) 27 January 2026: Perry Barr; and Atlas
- (k) 28 January 2026: Perry Barr; and Atlas
- (l) 29 January 2026: Smithfield; Perry Barr; and Atlas

41.3 Whilst the Defendants have generally conducted their protests in a peaceful manner, the level of protestors in attendance has increased over the last two days, together with use of flares and tannoyas as part of the protests.

42 Megapicket – 30 January 2026

42.1 On 30 January 2026, an event was held which has been advertised as a "*Megapicket*".

42.2 The event took place across all of the Council's Depots, as well as at the Council's Brewery Depot (Brewery Street, Birmingham, B6 4JB), which houses the Council's Street Scene team. This seemed to be caused by the decision to redeploy some Street Scene vehicles from Perry Barr to Brewery Depot in anticipation of the Megapicket. The disruption resulted in a number of roadsweeping and other vehicles blockaded by Defendants slow walking at the gates and letting off flares [CS/14 – 16]. The Street Scene team are not part of the industrial dispute between the Council and Unite. In one of the videos a Defendant speaking to the driver of the vehicle references that it is the street cleaners that he is speaking to and is clearly aware that they were not part of the industrial dispute [CS/17]. Further images of the disruption are shown at [CS/18 – 22].

42.3 The Defendants blockaded each of the Depots and Brewery Street and the significant numbers of Defendants present meant that it was not possible to deploy vehicles from any of the Operational Depots. As recorded in the sit report for the day protestors dispersed around 10.00 but this was due to the fact that a decision had been made to withdraw the service for the day [CS/23]

42.4 Based on promotional material we had seen for the event, we had anticipated that the event would also target following sites, but these were unaffected on the day:

- (a) the depot of Tom Whites (contractors engaged by Coventry City Council and provided to support us through mutual aid to do waste collections in the Perry Barr area and who travel from their own depot in Ryton, Coventry); and
- (b) an energy recovery facility operated by Veolia in the Tyseley area, where the Council's waste service vehicles go to deposit waste for incineration.

42.5 This is the third such event which has been held following events a similar event on 25 July 2025 and an earlier event which affected the Lifford Lane Depot on 9 May 2025. These earlier events occurred amidst the period of disruption by Unite. The events appear to have been arranged by an organisation called Strike Map, who I understand are a voluntary organisation of trade union activists whose website provides details of industrial action taking place across Britain and Ireland. In previous correspondence with Unite regarding the event on 25 July 2025, they have disavowed having any involvement in organising the event [CS/24].

42.6 Promotional material for the event on 30 January suggests that Strike Map were responsible for the event, but that it was supported by a number of trade unions and other organisations: "ASLEF, AEP, BFAWU, Birmingham TUC, Blacklist Support Group, CWU, Equity, FBU, GFTU, Green Party, Manchester TUC, NEU, NHS Workers Say Not, NSSN, PCU PCS, RMT, RCPOD, Troublemakers at work, UNISON Greater Manchester Transport

Branch, UNISON Homerton Hospital Branch, We Demand Change, Wolverhampton TUC and Your Party" [CS/25].

42.7 An article in the Morning Star on the day of the event by the co-founders of Strike Map noted that previous events had "*successfully shut sites when Unite's injunction prevented workers from doing so themselves*". The article demonstrates the intention of Strike Map and the Defendants to exert leverage over the Council by undertaking actions which Unite are prevented from doing by the Order. The article suggests that there was a need to "*embrace the kind of direct action we have seen developing in Birmingham over recent weeks, led by activists supporting striking workers and causing daily disruption at key sites*" and that the escalation of direct action was a "*key tactic for winning disputes*". I also note from the article that Unite are now a "*national affiliate*" of Strike Map [CS/26].

43 Week commencing 2 February 2026

43.1 Whilst the Council continues to monitor matters in the course of preparing this statement, there have not been any blockades by the Defendants on 2 or 3 February 2026.

44 Along with my colleagues from the relevant Depots, I have reviewed the images and videos of the Defendants' protests as outlined in this Section 3 and do not recognise any individual involved in the disruption outlined as being Council employees taking part in strike action or individuals known or believed to be employees or representatives of Unite. Nor do I know their identity in any other capacity.

45 As well as the increasing frequency with which the disruption has been taking place, we were also able to gather some further information about the Defendant's protests:

45.1 8 January 2026 - A post was made on social media by a group called "*Justice for Refuse Workers & Cleansers*" indicating that protests at "*a couple of depots*" meant that they were "*apparently prevented from operating by a group of plucky activists*" (coinciding with disruption at Perry Barr and Atlas that day). The image on the

post shows the banner which had been used at Perry Barr that day reading "*Labour members for the bin strikers*" [CS/27] and also contained further encouragement to action in concluding with the words "*get stuck right in folks*".

45.2 12 January 2026 - During a discussion between the Depot Manager for Atlas (David Miller) and one of the protestors, the protestor indicated that they intended to blockade three times a week going forward. An anonymous source who does not wish to be named also informed me around that time that the Defendants intended to target multiple Depots going forward. Based on the disruption we had seen at that time, I understood this together to mean that disruption would take place at the Perry Barr and Atlas Depots three times a week going forward.

45.3 21 January 2026 - I was made aware of a video which had been posted on both YouTube [CS/28] and Facebook [CS/29] by a group called Reel News. It showed video footage which seemed to be from 12 January 2026 and the protest which took place at Perry Barr. The commentary accompanying the video shows, as seen most clearly in the Facebook post at [CS/30], that the intention of the protestors actions is to put pressure on the Council in respect of the trade dispute with Unite. The post and videos also encourage members of the public to attend at the Depots and block the exit of vehicles by walking in front of them. This is the conduct prohibited by the Order against Unite. The post contains the following words:

"The video shows how you can shut down a depot with footage from one of the solidarity pickets on January 12. So now it over to you. UNITE is banned from organising these actions but the rest of us can; so why not turn up at a depot with your mates one morning and do a slow walk yourself."

45.4 The video commentary also suggests (incorrectly) that Unite members are not allowed to picket their own depots and then says, "*so supporters decide independently to shut down the job.*"

45.5 On or around 27 January 2026, I was also made aware of earlier Facebook posts by the Birmingham Socialist Party regarding their involvement in the protests on 25 November [CS/31] [CS/32] and 5 December [CS/33]. The 5 December post contains the following words:

"We joined independent community activists to block wagons to subvert Labour's attempts to prevent effective picketing."

- 46 When I was informed of the comment made by the protestor to David Miller on 12 January 2026, I carried out an initial rough calculation of the impact that this would have on the service was that that level of disruption across two sites until around 10.30 as we had seen to date, occurring three times a week would see the service fall 2 days behind in collections by the end of week one, adding on 2 days of backlog each week. As a rough calculation only, I estimated that the threatened level of disruption by the Defendants could lead to a build up of 2,500 tonnes of waste on the city's streets each week.
- 47 The comment and the prospect of significant waste build ups occurring on the streets again caused significant concern within the Council. I viewed the comments as credible given they matched with an increasing pattern of disruption to the Service since early December and it was at this point that the Council took steps to begin exploring further legal action to prevent the disruption.
- 48 My concerns were heightened further by the comments in the Reel News video posted on 21 January 2026. I was particularly concerned by the encouragement to members of the public to attend at the Depots to undertake their own protests. As well as the additional disruption to the service that this would cause, there is a considerable health and safety risk for any individual who attends and seeks to block the HGVs used by the service. The suggestion in the Reel News video that they viewed such action as being necessary as Unite are prevented from undertaking picketing by the terms of the Order is also clearly untrue and misleading. Unite remain entitled to picket, provided they do so in accordance with the

Code of Conduct on Picketing and the Order. If they choose not to undertake picketing, then that is a choice for them.

Section 4 – Impact of Disruption by the Defendants

- 49 The Council has faced disruption of its waste service for a period of over 12 months since Unite began its industrial action. We recognise and respect the right of Unite and its members to take lawful industrial action and, in the meantime, the Council put into effect a contingency service with reduced staffing and vehicles, which (when Unite have complied with the Order) has been successful in continuing to deliver a weekly waste collection service for the residents of Birmingham.
- 50 When Unite's behaviours went beyond lawful picketing, there was a heightened impact on the waste service which had a real effect on the residents of Birmingham and made carrying out their duties very difficult for our non-striking staff. As a result, the Council took action to obtain the Order and it was a huge relief to the service and its staff when this was obtained.
- 51 When Unite continued to demonstrate unlawful behaviours in breach of the Order, the negative impact on staff and the service returned. The Council was forced, once again, to seek legal redress to prevent unlawful disruption to the service and ensure that collections could continue for the residents of Birmingham.
- 52 The terms of the Order clearly prohibit Unite and its members from blockading, delaying or obstructing the waste vehicles as they look to deploy from the Depots or on their deployment routes. Unite and its members are entitled to lawfully picket and engage with crews to look to persuade them that they should join the picket. They are also entitled to lawfully protest by doing so within the Assembly Areas identified in the Order.
- 53 The Defendants currently disrupting the waste service suggest in their social media comments that this is not the case and that Unite and its members are prevented from lawfully picketing and that their actions, with the intention to "*shut down*" the Depots as stated in the Reel News video, are necessary as a result. This is simply untrue. Despite this the

Defendants have effectively taken over the baton from Unite's previously unlawful actions in order to do what Unite is prevented from doing i.e. unlawfully obstruct the provision of Birmingham's waste service from being delivered.

- 54 The disruption by the Defendants has an obvious and direct impact on the service being provided to the residents of Birmingham. It is clear from the comments which have been made by or in support of the Defendants in the Reel News video and comments made online by the Birmingham Socialist Party that this is entirely the intention of the Defendants. It is a clear effort to exert leverage over the Council in its dispute with Unite as the Defendants either do not understand or do not agree with the terms of the Order.
- 55 The day to day impact of the protests varies depending on various factors, particularly the frequency of the disruption over recent days, the number of vehicles which we are able to deploy prior to the blockades and the police response and length of time they allow the protests to continue on any particular day (which is considered in detail below).
- 56 The frequency of disruption has grown since early December as shown by the first graph at [CS/34]. This graph shows the cumulative number of missed collections in the period since 1 December 2025. We moved onto a new system at this time and do not have data for previous months.
- 57 Where collections are missed, residents of the city are being directly disadvantaged as a result of the Defendant's actions. The disruption by the Defendants means that the Council is unable to operate a consistent service and where disruption occurs on the same days and same depots each week, it is the same residents whose rounds are repeatedly missed and so the impact on those individuals is intensified.
- 58 To avoid disruption to residents, the Council has deployed additional resource, where it is available, to try and catch up on those missed collections. In the period of disruption up to 25 January 2026, the Council was able to use additional resource from Tom Whites and the Council's own staff, such that missed collections were rectified ahead of the week commencing 26 January 2026.

59 We would normally have a steady level of missed collections as part of our normal operation. This is shown in the graph at [CS/34] for the period of December where, despite some disruption, we were able to maintain a steady level due to the use of overtime after an initial spike in the first week of December when the service was closed on 1 December by the commencement of strike action by agency staff and then a day of disruption by the Defendants on 5 December. There was a considerable spike in the number of missed properties due to disruption by the Defendants on 8 January followed immediately by bad weather on 9 January 2026. The peaks and troughs thereafter show the periods of disruption by the Defendants and the Council's efforts to remedy these through use of overtime and additional resource to prevent the level of missed collections from growing.

60 The week of 26 January 2026 has seen the service face the most considerable levels of disruption by the Defendants to date. This has included blockading on four days out of five, with all of our operational sites affected and preventing us from mitigating the disruption. Alongside this there has been a reduction in levels of police support as described in Section 5 below. This disruption means that as of close of the service on 1 February 2026 when overtime work was conducted to try and catch up on missed collections through the week, we had over 67,000 properties who did not receive their collection that week (19% of the total households in the city). This means those households must either hold their waste in the household, or it spills into the street.

61 Even assuming that the disruption caused by the Megapicket event on 30 January would not be repeated on a regular basis, if the same level of disruption that we have seen in the remainder of the week were to be replicated in the weeks going forward then the Council will simply not be able to catch up on the missed collections based on its current position. This is shown in the projection on the graph at [CS/34] which shows that the number of missed collections will continue to climb now that we have passed the tipping point.

62 This is because the Council is limited in the amount of overtime it can ask staff to undertake due to limitations on working and driving hours. We have

also been reliant on staff and managers supporting other sites to maximise our overtime deployment.

- 63 The second graph at [CS/34] shows the tonnages of waste on the street as a result of the disruption, again showing a considerable reduction in waste through January to try and address the period of disruption but this climbing in the week of 26 January and projected as increasing consistently going forward based on the levels of disruption experienced.
- 64 Furthermore, whilst the Council has been able to address the number of missed collections in the period up to 25 January 2026, doing so comes at additional cost to the Council. For the week of 26 January – 1 February 2026, the costs of deploying additional resources to seek to redress the missed collections was £113,798.47. This brings the total cost of overtime and additional resource in January to £411,522.58. This is compared with total costs of £97,612.40 for the entirety of December (at a time when we were already seeing disruption by the Defendants start to increase) [CS/35].
- 65 As outlined above, even with these additional costs, we do not anticipate being in a position to reduce the number of missed collections.
- 66 Such considerable additional cost is unsustainable for the Council. If the levels of disruption observed in the week of 26 January were to continue throughout February and March, then maintaining the current levels of overtime costs for February and March increasing to £430,404.19 and £476,518 respectively, bringing the total additional expenditure for the period December - March to over £1.4 million.
- 67 Other options to mitigate the impact of the Defendants actions have been considered as part of an internal options paper [CS/36]. Alongside use of overtime, this has looked at the possibility of sourcing additional resource through direct recruitment or obtaining additional support from Tom Whites and also at the appointment of more fly-tipping crews to respond to the build up of fly-tipped waste. We have also looked at opportunities to redeploy staff and vehicles between the Depots, but given all of our operational Depots have been targeted, we have reached the view that having crews spread across the Depots offers the most resilient option.

We have also considered deploying vehicles to undertake mobile collection of waste, which was one of the measures adopted during disruption by Unite last year. However, we found that this often encouraged people to fly-tip and generated more waste on the streets.

68 There has also been a wider impact on other teams within the Council, with the Defendants not discriminating between different types of Council vehicles. During previous protests by Unite, their usual approach was that only waste collection vehicles were blockaded, with other services free to come and go at the Depots. However, that has not been the approach of the Defendants, meaning that vehicles of other Council services have been impacted by the blockade. Furthermore, other operators have been significantly impacted by the blockades, particularly Veolia who own the Perry Barr site. During the megapicket they were forced to cancel their bulk haulage operations and have seen these significantly impacted on days when our vehicles are blockaded at the Depot exit.

69 This has had the impact that Street Scene teams are unable to respond to instances of fly-tipping in the city, which adds to the accumulation of waste on the streets in some areas of the city. The issue has been highlighted by recent social media posts by Unite [CS/37] and in both local [CS/38] and national press [CS/39].

70 In addressing the overspill of waste and increased fly-tipping which have accompanied the disruption of the waste service, the Street Scene team are unable to undertake their normal day to day tasks and this has further knock on impacts for residents, who see their streets becoming more littered, which can then leach into the environment.

71 The pressure faced by crews during the blockades and obstructions is considerable. Although the disruption by the Defendants has generally been peaceful, the drivers and crews are being held for several hours at a time. During that time, they must be ready to respond to unpredictable behaviour by the Defendants stepping in front of their vehicles. The Defendants are not familiar with the layout of the sites, the operational approach of the service and the risks associated with the vehicles involved. Suggestions by the protestors that members of the public should "*turn up*" at the Depots and "*do a slow walk themselves*" as suggested in the Reel

News video from 21 January 2026 further exacerbates the risks involved. There was also one incident where an ASM at our Atlas Depot was repeatedly called a "scab" in an intimidating manner by a Defendant.

72 For our staff to be placed in this situation despite the efforts which the Council has already taken to ensure that they can carry out their duties without unlawful interference, is incredibly discouraging for them and the Council and places huge amounts of additional pressure on their wellbeing.

73 As well as the obvious impact on residents who do not receive a waste collection each week due to the disruption by the Defendants, our Public Health team, led by Sally Burns (Director of Public Health) is examining the longer term impact on residents of the continuing disruption stemming from the disruption by Unite and now the Defendants, which has now been continuing for over 12 months. Whilst we recognise that this is in part due to lawful industrial action, some of the most disruptive acts have been the result of unlawful action by Unite and the Defendants and there is concern that the presence of waste is having an impact on the mental health of residents. There is particular concern for the most vulnerable groups in the city, such as elderly residents and those with disabilities.

Section 5 – Engagement with Police

74 I would say that the police's response to the Defendant's behaviour since it began has been muted. Until recently they have adopted the approach of allowing protestors to remain in situ for three hours at a time before being willing to intervene. This was increasingly leading to periods of protests lasting for four hours and more before vehicles could be deployed. However, as the disruption has escalated in the week of 26 January 2026 and we have sought support from the police to intervene, their response has been to step away from providing such support and leaving the protestors to determine for themselves how long the protest should last.

75 I understand from discussions with senior police representatives that the three hour approach which had been adopted by the police is in response to the legal case of *DPP v Zeigler* [2021] UKSC 23 and that three hours is

their interpretation of what is a reasonable time to allow members of the public to protest when considered from a criminal law perspective.

76 On 17 September 2025, the police attended and instructed the Council's vehicles to move off the highway to avoid blocking traffic. However, they did not take any steps to stop the Defendants from blocking the vehicles. The protests lasted around 90 minutes until the Defendants chose to stop and the vehicles were then free to move on.

77 As outlined in the sit report for the day [CS/40] we had sought a debrief from the police on their approach to the incident and we wanted to set up a meeting to ensure a fair and transparent approach was taken to addressing the issues. I exchanged some messages to with Superintendent Jack Hadley on 17 September 2025 regarding the incident but when I pressed him for a debrief I did not get a response [CS/41].

78 When subsequent blockades by the Defendants took place on 17 October and 25 November I had some further messages with Superintendent Hadley to make him aware of the issues [CS/41] and I recall speaking with him on these occasions and when the disruption began to take place more regularly in December and early January. The police would attend these incidents but their approach was to allow the protests to take place for three hours before stepping in to address matters. This is the same as the approach taken by police during previous disruption by Unite. The exception to this was during the period when the s.14 Order was in effect.

79 In light of the escalating disruption by the Defendants I reached out by text message to Superintendent Hadley on 8 January 2026 when disruption was taking place at the Atlas and Perry Barr depots [CS/42]. This is in accordance with the escalation process in place for dealing with police matters. Bronze level referrals are dealt with by the Depot Service Managers and the local police sergeant dealing with the disruption. If necessary, matters are escalated to me at Silver level, where I would reach out to Superintendent Hadley. If necessary to escalate matters further, it would go to Rob Edmondson at Gold level and he would interact with Assistant Chief Constable (ACC) Mike O'Hara or Ian Parnell.

80 I did not receive a response to my text to Superintendent Hadley on 8 January 2025. I sought to contact him again on 12 January 2025 when further disruption was taking place at the Atlas and Perry Barr depots [CS/42]. This was also the day on which a Defendant suggested to David Miller that blockades would be carried out three days a week going forward at the Atlas and Perry Barr Depots. I called Superintendent Hadley and informed him that the protestors had agreed to release one vehicle every 15 mins. However, the Defendants failed to do this so I tried calling him again. His response was to ask me to contact the Force Incident Manager (FIM) instead. I did this but I also messaged Superintendent Hadley to make clear that a meeting was needed to agree a better approach in light of the threat of increased levels of disruption going forward. I also notified him that the Defendants were not complying with what had been agreed by the police on that day, with complete blockades ongoing for four hours by that stage. In his response he indicated that he felt there was some mixed messaging which was confusing matters and that officers had seen other cleaning vehicles leaving the site and thought that waste vehicles were being released [CS/43].

81 Rob Edmondson and I then met with Superintendent Hadley and ACC Parnell on 13 January 2025 to discuss their application of their three-hour rule. During the discussion we challenged them on their approach and made clear that their delay in dealing with the protests was causing a significant disruption to the deployment of our waste vehicles. We challenged why, if they were insisting on a period of time, it could not be a one-hour period but they maintained that it was appropriate to allow the protests to take place for three hours before intervening on the basis of the Zeigler judgment. We have asked to be provided with minutes taken by the police's note-taker during this meeting but the police have refused to provide them.

82 Rob and I disagreed with this and felt that this seemingly standardised approach from a case involving a different situation (single day, protest outside an exhibition) did not take account the particular circumstances and the impact on the Council and residents of the city but we were simply told that this would remain the police's approach.

83 As a result of the police being unwilling to change their approach, Rob and I felt we had no choice but to at least try and get an agreed memorandum of understanding between ourselves and the police. Whilst we strongly disagreed with the police's position, this was to try and ensure that, if it had to be the case that vehicles would be held for three hours, that the Defendants would not be allowed to continue their protests for any longer than that and that prompt action would be taken by the police to intervene and clear all vehicles at that time. This was because we had frequently been experiencing disruptions for longer than the three-hour Zeigler period, and we wanted to get the vehicles deployed as soon as possible.

84 During the meeting Rob and I also challenged Superintendent Hadley and ACC Parnell on the differing approaches which had arisen on different days, particularly a more robust response which had been seen at Smithfield over the Christmas period. I was told that this was down to local police taking differing approaches and that it was ultimately a matter for their discretion.

85 I had further text messages with Superintendent Hadley on 15 January 2025 when protests were taking place at Smithfield and Atlas [CS/44] and [CS/45]. I provided him with the police reference numbers for the disruption at both. A few hours later I messaged him again to flag that the local police contact at Atlas at Bronze level had indicated that vehicles would not be released until 10am, 4 hours after protests were first reported. I queried whether this was a change to the three-hour approach and was informed that there was no change to the general rule but that the situation was "*being led by Birmingham*". I understood this to mean it was essentially a decision being taken at a local police level and longer periods of disruption were possible.

86 I followed up with Superintendent Hadley and ACC Parnell by email later that morning to provide a summary of how the police's approach had differed between the Smithfield and Atlas depots. The response at Smithfield had involved the police reaching an agreement with the Defendants that one vehicle could leave every 15 minutes and they adhered to this until 09.00 when the police required the release of all vehicles as three hours had passed [CS/46].

87 In light of the frustrations about the differing approaches being taken by the police between sites and the delays to deployment lasting over 3 hours, I emailed Superintendent Hadley and ACC Parnell again on 15 January 2026 to provide them with a draft memorandum of understanding which Rob Edmondson and I had prepared [CS/47] and [CS/48]. As noted, the purpose of sending this was, as a last resort, to try and ensure that, if the police were adamant that the three hour rule needed to be applied, then even though we disagreed with that, there were at least clear processes in place to ensure that the start time of the blockade was accurately recorded, the matter reported to the police and that the police then took appropriate steps to ensure that all vehicles at the relevant Depot were released within ten minutes of the three hour period coming to an end.

88 There was and has been no reply to my emails on 15 January 2026. In the meantime, Councillor Majid Mahmood, who is the Council's Cabinet member for Environment and Transport, wrote to both ACC Parnell [CS/49] and the Home Secretary [CS/50]. The letters outlined the Council's concerns regarding the threat of increasing disruption from protestors and the impact this would have on the Council's ability to fulfil a weekly collection for every household in the city. The letter clearly set out the Council's view that the police's application of the three-hour rule to comply with the Zeigler ruling was not reflective of the level of disruption being caused to the residents of Birmingham and seeking a meeting to review the situation.

89 My next contact with Superintendent Hadley was a text message to flag that further disruption was taking place on Monday 19 January 2026 [CS/51]. I was seeking support to ensure that the Defendants would not be permitted to remain for any longer than the three-hour period adopted by the police. I did not receive a reply to this message and understand that both Superintendent Hadley and ACC Parnell have been absent during this time.

90 There was also no immediate response to Councillor Mahmood's letters. However, an article on BirminghamLive on 20 January 2026 [CS/52] addressed the letter to ACC Parnell and included the following comment from an unnamed police spokesperson: "*We continue to have a police presence at depots as and when required. Birmingham City Council was*

granted an injunction last year to manage the impact of this disruption. We continue to liaise closely with Birmingham City Council throughout the industrial action."

91 I would take issue with the statement in two respects. First, the grant of an injunction is irrelevant as it applies only to Unite and it is the Defendants who are causing the disruption at the present time. It requires Unite and its members to refrain from any sort of blockade of the Councils' waste vehicles, but Unite have repeatedly told us that the disruption which has taken place since 31 July 2025 is nothing to do with them. We have, therefore, been reliant on the police taking appropriate action to prevent the current protestors from disrupting the service. Their application of the so called "Zeigler rule" means that this has not occurred. Secondly, whilst there have been ongoing discussions with the police, these have been completely ineffective and the police approach has not altered in light of the disruption we have repeatedly faced and made them aware of.

92 In the absence of Superintendent Handley I reached out to Superintendent Paul Minor on 19 January 2026 to try and identify an alternative point of contact [CS/53]. After some confusion over who the appropriate point of contact was, I was first put in contact with James Littlehales as the FIM and he supported in relation to disruption on 21 January 2026 [CS/54]. I was then put in contact with Superintendent Karl Thomas. However, when I contacted him on 20 January 2026 to flag disruption at the Depots, I did not get a response (as was the case the following day when I messaged him again) [CS/55]. When I emailed Superintendent Thomas on 20 January 2026 to arrange a meeting, it was clear he knew nothing about the situation and the issues which the Council was facing [CS/56]. I felt that our issues were simply being ignored.

93 ACC Parnell replied to Rob and I by email on 22 January 2026 [CS/57] and identified Chief Inspector (CI) Chris Grandison as the designated lead on the matter going forward. CI Grandison also emailed me the same day to suggest that in the previous discussion with ACC Parnell we had discussed a "*number of vulnerabilities*" with the Order and that the Council would seek to amend or clarify the order [CS/58]. I do not agree that this was discussed and do not know where CI Grandison took this point from as it was not referenced by ACC Parnell's email. The terms of the Order are

clear in that they apply to Unite and its members and not any other persons and the Council has always understood that.

94 On 23 January 2026, a response was also received from ACC Parnell to Councillor Mahmood's letter [CS/59]. The letter simply mirrored the statements which had been made to the press previously.

95 The same day, I was emailed by CI Chris Grandison [CS/60]. His email provided an updated operational plan for "*Operation Dusker*" (the police response to the industrial action with Unite) which had been provided to officers involved. My reading of the email was that officers would continue not to intervene until three hours had passed and that the police's position was unchanged. I also took issue with the suggestion within the update to officers that "*it has been agreed with Birmingham City Council that three hours is a general benchmark for acceptable disruption before officers should begin actively considering escalation options*". There was no such agreement.

96 In response to the emails from ACC Parnell and CI Grandison, I sent an email on 26 January 2026. The purpose of my email was threefold. First, I wanted to make clear that the Council had not and did not agree with the three-hour approach applied by the police. Secondly, to make clear that the three-hour approach was causing a disruptive effect on the City's waste service. Finally, to make clear the existing injunction was solely against Unite, which the police do not seem to appreciate, and set out the Council's intention to seek an injunction against the Defendants. I also asked CI Granison if the police could help identify any protestors should further legal action be necessary [CS/61].

97 CI Grandison replied the following day saying asking for details of the dates when disruption had taken place and then followed up to provide details of individuals whose names had been taken during disruption on the dates identified [CS/61]. This set out all of the names of individuals who had been taken throughout Operation Dusker, but these were all Unite individual (or members of my own staff) and I was satisfied related to issues from last year as I have not witnessed Unite protesters involved in the present disruption by the Defendants.

98 I was also in contact with the police throughout the morning of 27 January 2026 when disruption was taking place at the Atlas and Perry Barr depots. I first spoke with a Sergeant Hill at 05.35 to report the presence of the Defendants at the Perry Barr depot. I pressed him to confirm how deployment would be managed but was informed that officers on the ground would manage matters. I then called again at 06.17 to report the disruption at Atlas. During that discussion I was asked if it was right that there is a "*general agreement that [the Defendants] can blockade for a period of time*" and I stressed that there was no such agreement and that this may be the police position but the Council were not in agreement. I was then informed by Sergeant Hill that the local police at Perry Barr had indicated that they had mediated between management and the Defendants that vehicles would be released every 5 – 15 minutes. I made clear that this was not being observed by the Defendants. The release of vehicles was sporadic at best and served no real benefit to the Council. I relayed this to the force decision makers who relayed the information to local officers. Ultimately deployment was delayed by over 4 hours at Perry Barr and over 3 hours at Atlas.

99 I was in contact with police on 28 January 2026 when the Defendants were again blockading Perry Barr and Atlas. I was told by one of the Force Decision Makers in the in the police control room. They were clearly unaware of any plan of action and how they should respond. They said that the protesters had the right to protest for three hours. The police confirmed that they had agreed with the Defendants to let vehicles out in 15, 10 and then 5 minute intervals but this did not occur to any useful extent. After protests at Atlas started at around 05.50, only one vehicle had been released by 08.00 and it was not until 10.04 that deployment was completed (over four hours). Deployment at Perry Barr was not completed until 10.45 (five hours).

100 A similar situation arose during further disruption at all three operational Depots on 29 January 2026. I again raised the disruption with the Force Decision Makers in the police control room. I then spoke with Sergeant Hill who indicated that they only had 6 officers available to deal with the issue and that he was not prepared to enforce the three hour period. He instead indicated that the protesters were causing reasonable disruption

which was permitted. I pressed the Sergeant to explain to me what reasonable disruption amounted to but he was unable to give me an explanation. I spoke to CI Grandison and pressed him on the same point but he was unable to give an answer. We were told that vehicles would be released in intervals of 15 minutes between 0600 – 0700, then 10 minutes from 0700-0800 and then every 5 minutes from 0800 – 0900. However, these intervals were not honoured at Perry Barr and Smithfield (there was some deployment from Atlas but this was still delayed fully until 10.10). It was only when the Defendants chose to leave that the disruption came to an end. At Perry Barr this resulted in a delay to deployment of over 5 hours.

- 101 The police's approach seems to have been to drop the three-hour Zeigler approach but without any credible alternative to replace it. Seeking agreement from the Defendants to release vehicles is ineffective from the Council's perspective as it is either not complied with or allows very limited delayed deployment. As a consequence, the Defendants are allowed to remain in situ for extended periods and the disruption to the waste service has increased.
- 102 As a result of the issues faced, Rob Edmondson wrote to ACC Parnell on 29 January 2026 seeking to clarify the approach being taken by the police, which had left us without even the clarity of the three hour rule, which we had thought was excessive but at least provided a clear end point. He received a response later that day indicating that they were considering the position [CS/62].

Section 6 - Order Sought

- 103 By reason of the matters set out above, I respectfully ask the Court to make an order in the form of the draft provided against the persons unknown who have been responsible for the continuing protests.
- 104 The principal relief which is sought is an order restraining persons unknown from obstructing the public highway and committing public and private nuisance.
- 105 During previous disruption by Unite, we have seen crews being isolated by protestors and subjected to abuse and intimidation. Whilst the crews and

vehicles are being blockaded at the depots is frustrating and has a significant impact on the service, we are at least able to protect and support the crews whilst they are being subject to disruption. There is the real prospect of them being blockaded at any time during their rounds and if an individual crew is blocked then it is a much more personal attack on that crew and there is the prospect of escalation as a result. As such, we ask that the injunction provides protection for our crews across the city.

106 In respect of the claim for an interim Injunction, the evidence is that the persons unknown have committed torts are likely to continue to do so, whilst encouraging other members of the public to join their actions.

107 Continued commission of these torts will have a considerable impact on:

- 107.1 the Council's ability to provide waste collection services;
- 107.2 the safety and wellbeing of the Council's staff; and
- 107.3 the public health of the people of Birmingham.

108 A monetary award would be insufficient remedy for the Claimant in these circumstances as losses are likely to be impossible or difficult to quantify and arise over an extended period of time. The loss is intangible but very real to the people of Birmingham. In any event, any prospect of enforcing any sort of award is somewhat unrealistic when dealing with protests by persons unknown.

109 The Council has given careful consideration to seeking an injunction in these circumstances. We are cognisant of the fact that there is a legitimate right to protest but consider that the actions of the persons unknown are unlawful and disproportionate to any legitimate protest being undertaken. The terms of the Order already give a clear ability to peaceful protest which is available to the persons unknown without impacting on the waste service.

Statement of Truth

110 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.

Dated 3 February 2026

 Signed by:
452AB940D508485.....

CHRISTOPHER SMILES

On behalf of: Claimant
By: Christopher Smiles
No: First
Date: 3 February 2026

CLAIM NUMBER; [TBC]

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BETWEEN:

(1) BIRMINGHAM CITY COUNCIL

Claimant

- and -

(1) PERSONS UNKNOWN

Defendant

**WITNESS STATEMENT OF
CHRISTOPHER SMILES**

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