

On behalf of: Claimant  
By: Dean Smith  
No: 1  
Exhibit: DS  
Date: 3 February 2026

**CLAIM NO: TBC**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**BIRMINGHAM CITY COUNCIL**

Claimant

- and -

**PERSONS UNKNOWN**

Defendant

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**WITNESS STATEMENT OF  
DEAN SMITH**

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I, **DEAN SMITH**, of Smithfield Depot, Sherlock Street, Birmingham, West Midlands, B5 6HX **WILL SAY** as follows:

1 I am the Service Manager at the Smithfield Depot, Sherlock Street, Birmingham, West Midlands, B5 6HX (**Depot**) which is part of the refuse collection arm of Birmingham City Council (**Council**). The Depot at Smithfield is being utilised by the waste collection service whilst renovations are made to the usual depot for which I have responsibility, which is Lifford Lane Depot, Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ (**Lifford Lane**). Renovation work has been ongoing at the Lifford Lane depot since April 2025 and the layout of the site during those works meant that the impact of the industrial action and unlawful behaviours by Unite the Union (**Unite**) were heightened. As a result, a decision was made to relocate the waste service from Lifford Lane to Smithfield whilst the industrial action and renovations remained ongoing

together. The move took place on 16 June 2025 and we will return to the Lifford Lane Depot once the industrial action is concluded.

- 2 I have been in my position since May 2024 and have extensive experience in managing waste management operations across the city.
- 3 I provide this statement in relation to the ongoing protests by persons unknown (**Defendants**) which seek to disrupt the Council's waste collection service at the Smithfield Depot and other operation depots at Atlas and Perry Barr and the Council's application for an injunction in respect of the same.
- 4 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.
- 5 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.
- 6 The facts and matters set out in this statement are true to the best of my knowledge and belief. They are within my own knowledge unless otherwise stated. Where I refer to information supplied by others, the source of the information is identified.
- 7 There is now produced and shown to me an accompanying exhibit marked "**Exhibit DS**". These documents are identified in this witness statement by references to the page numbers in the form "[**DS**/**tab no**]".

### **Site Summary**

- 8 The Smithfield Depot is shown in the plan at [**DS/1**].
- 9 The Depot is part of a much larger open site which previously housed markets and was more recently used for events at the Commonwealth Games. The site is owned by Lendlease and is planned for significant development, with construction due to commence this year. The Depot takes up a small section of the wider site with portacabins providing office space.

- 10 There are 150 staff based at the site including management, loaders, drivers and support staff who have relocated from Lifford Lane. We have 45 waste vehicles based on the site and it also acts as a storage site for new food waste and recycling bins which are due to be issued to residents ahead of transformation of the waste service.
- 11 Under our agreement with the site owner, we have use of a single access gate to the site onto the junction of Pershore Street and Sherlock Street. There are other access points on the site but we do not have agreement from the site owner to use these for deployment of vehicles.
- 12 In my role I am supported by 6 Assistant Service Managers (**ASM**) that manage the day to day running of people and operations of the Depot. I also have a team of business support officers that carry out administration for the depot.

### **Industrial Action at Lifford Lane and Smithfield**

- 13 The background to the industrial action by members of Unite has been set out by my colleague Chris Smiles in his statement and, therefore, I do not repeat that here.
- 14 When the industrial action commenced in January 2025, the Smithfield Depot was not used for deployment of waste vehicles. Vehicles currently deployed from Smithfield were instead deployed from the Lifford Lane depot (Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ). The Lifford Lane depot was the subject of picketing and protesting by Unite throughout the period January – May 2025 and I had the same responsibility for managing that site and the deployment of waste vehicles during that period.
- 15 From my involvement throughout the industrial action, I am familiar with the Council staff from the Lifford Lane/Smithfield Depot who are on strike as part of the industrial dispute, particularly the picket supervisors and those regularly taking part in the pickets. I have also come to know and recognise a number of national employees and representatives of Unite.
- 16 The Council obtained its injunction against Unite on 23 May 2025 (the "**Order**") and the service redeployed to Smithfield on 16 June 2025.

Although the service had redeployed away from the Lifford Lane site, it was necessary at that time for vehicles to collect staff from there before commencing their rounds and there was an incident on 14 July 2025 when Unite protestors were present in the roads around the depot making vehicles turn away from the Lifford Lane depot.

- 17 I am also aware of some of the striking staff and Unite protestors from Lifford Lane being present during subsequent disruption near the Atlas depot in the period up to 30 July 2025.
- 18 Since relocating to the Smithfield depot, there have been pickets and protests by Unite protestors who have redeployed from Lifford Lane but they have been in compliance with the terms of the Order. Whilst I am aware that the Perry Barr and Atlas depots continued to be disrupted by Unite protestors up to 30 July 2025, we have not experienced any disruption to the service by Unite protestors since relocating from Lifford Lane. We continue to see around 40 – 60 Unite protestors in attendance each day within the Assembly Areas required by the Order.

## 12 December 2025

- 19 I was aware of occasional disruption at other depots by the Defendants in the period September – November 2025. The first time that we saw any such disruption at Smithfield was on 12 December 2025.
- 20 The Smithfield depot was targeted by a group of the Defendants for the first time on 12 December 2025 with around 40 Defendants in attendance from 05:30.
- 21 Images taken on the day show the Defendants blocking the gate **[DS/2]** and **[DS/3]**. A further image showed the Defendants standing on the opposite side of the road displaying a banner which reads "*From Brum to Chennai*" (**Chennai Banner**) **[DS/4]**.
- 22 Whilst the protests meant that vehicles were prevented from being deployed, police were in attendance and took prompt action to intervene and move the Defendants away from the exit **[DS/5]**. This meant that all vehicles were deployed by 07.10 as shown by the daily sit report **[DS/6]**.

23 The police response that day was excellent. They came on site with riot vans and police cars, sought me out and had a clear understanding of the background of the situation. We spoke about the need to deploy and they instructed me to line up our vehicles ready for deployment. The police themselves lined up and gave warnings to the Defendants that they needed to clear the exit. When they did not do so, the police line pushed the protestors back to clear the exit and we deployed the vehicles nose to tail.

24 The sit report also confirms that there was a similar protest at the Perry Barr depot on the same day. However, the police approach there was to allow the protests to continue for three hours.

25 The next working day's sit report shows that the blockades at the Smithfield and Perry Barr Depots on 12 December 2025 meant that 85% of scheduled collections across the operational depots were made (15% missed) [DS/7]. This amounts to a total of 10,416 properties not receiving their collection that day.

### **19 December 2025**

26 The Smithfield Depot was targeted again on 19 December 2025 with around 80 of the Defendants in attendance and a group of them again walking in front of the exit gate to prevent deployment from the Depot as shown by the video at [DS/8] and images at [DS/9-20]. The timing of the images show the same vehicle (VX25 UZC) being held at the gate for at least 30 minutes.

27 As captured in the daily sit report [DS/21], I spoke with the Defendant who seemed to be in charge of the protests that day and reached an agreement that the waste vehicles would be allowed to leave the Depot one at a time after each one stopped to speak with the Defendants. Myself or one of the ASMs will normally try and speak to the Defendants. They wear masks with Oscar the Grouch or balaclavas so I do not know who any of them are. Some won't talk to us but on this occasion, due to the frustration of the situation I had approached their huddle and asked who I should speak to as I needed to get my vehicles out.

28 The police were active in helping to manage the agreement and if drivers didn't want to stop to speak with the Defendants then the police helped to ensure that they were not detained. Whilst this still caused a considerable delay, it at least allowed for a gradual release of the vehicles. This allowed all vehicles on site to be deployed by 08.15 (around a 2-hour delay from normal).

29 As can be seen from the images and the sit report, the police were in attendance and supported with the agreed deployment.

30 No other sites were disrupted on this date. The next working day's sit report shows that the blockade meant that 99% of scheduled collections were made (1% missed) [DS/22]. This amounts to a total of 694 properties not receiving their collection that day.

### **15 January 2026**

31 The next instance of disruption at Smithfield was on 15 January when 21 vehicles were prevented from deploying by the Defendants walking in front of the gate as shown by the videos at [DS/23-24] and the images taken from vehicle VS25 UZF at [DS/25-28]. I was not present on this date but the deployment was managed by one of the Depot's ASMS, Cameron Baynes.

32 As shown by the daily sit report [DS/29] and follow up email [DS/30] police were in attendance as of 08.00 but did not intervene to clear the Defendants until after 09.00.

33 On the same day there was a similar protest at the Atlas Depot.

34 The next working day's sit report shows that the disruption meant only 77% scheduled collections were made (23% missed) [DS/31]. This amounts to a total of 17,238 properties not receiving their collection that day.

### **29 January 2026**

35 Further disruption took place on 29 January 2026 when 30 vehicles were prevented from deploying. The Defendants were blockading and pigeon walking slowly in circles in front of the gates. This is shown in the images at [DS/32] and [DS/33] and video [DS/34].

36 The sit report for the day confirms that protests also took place at Atlas and Perry Barr that day [DS/35].

37 The Defendants were present at the Depot at 05:30. I spoke with them and asked them to move but did not receive a response despite asking three times. These interactions with the Defendants were recorded in an addendum to the sit-report [DS/36].

38 The blockade was reported to the police at 06:25 but their response was non-committal. Two officers came to the site but they did not have an understanding of the background to the situation. I informed them about the approaches which had helped us with deployment on 15 and 19 December 2025. The police then spoke with the Defendants who said they were willing to allow us to deploy a vehicle every 15 minutes. That came from the Defendants who essentially told the police what they are willing to allow and the police seemed to simply accept the situation. I told the police that this was unacceptable but their response was that they viewed it as safe protesting with no criminal behaviour and that they did not have the numbers to intervene in any event.

39 We were forced to sit and wait for the Defendants to let trucks leave. I sought to prioritise the deployment of our trade and flat collection vehicles. However, the 15-minute intervals we were promised were not abided by. When one truck had been siting for over 20 minutes, I asked one of my ASMs (Tyrone Quddus) to raise this with the Defendants. The Defendant who responded (who refused to give his name) suggested that our watches were fast and then turned away.

40 We had anticipated that there might be disruption at the Depot on this day from information passed to us by an anonymous source who does not wish to be named. I had, therefore, made a plan for alternative deployment in the event of a blockade. The previous day I had asked one of the ASMs to ensure that one of the alternative gates could be opened. I had to take the decision to do this despite not having the landlord's permission to use the gate as I felt that this was necessary in the event of a blockade.

41 At the start of the day there had been Defendants present at the alternative gate but as the blockade was continuing they had moved away. I arranged

for some vehicles to line up and block the view of the alternative gate from the main gate. The remaining trucks then lined up to the alternative gate and one of the ASMs (Vic Walker) opened up the gate. Our hope was that if we could get the first vehicle out then the others would follow nose to tail.

42 Unfortunately, the open layout of the site (as can be seen from [DS/37]) meant that Defendants could see the vehicles driving at pace towards the alternative gate. This meant that a group of around 20 Defendants could run round to the alternative gate. There were also Defendants sitting in cars at the alternative gate and together they blocked the exit when the gate was opened.

43 We were eventually able to deploy out of the alternative gate as the protestors started to drift away. Vehicles were fully deployed at 10:05 as confirmed by the follow up email to the sit report [DS/38].

44 There are other gates on the site and we have looked at using these for deployment. However, many of the exits are unsuitable due to their size or are blocked off with concrete bollards to prevent unauthorised access. During previous disruption during a Megapicket event on 25 July 2025 (described further below), we had tried using one of these but again the Defendants were already waiting at the gate and they seem to monitor all of the gates to prevent us from using them.

45 The sit report for the following day shows that disruption at Atlas, Perry Barr and Smithfield on this date resulted in 53% of total collections (47% missed) being made [DS/39]. This amounts to a total of 35,226 properties not receiving their collection that day

### **Megapicket – 30 January 2026**

46 On 30 January 2026 a mass protest event advertised as a "Megapicket" took place across the Council's Depots.

47 This was the third such event after a similar event at Lifford Lane on 9 May 2025 and a second event across all of the Depots on 25 July 2025.

48 As noted in the day's sit report, the event saw disruption by the Defendants at Atlas, Perry Barr, Lifford Lane, Smithfield and also at other Council depots unrelated to the dispute with Unite [DS/39].

49 There were about 100 – 120 Defendants in attendance at the Depot and they blockaded the exit. They were present from around 06.05 and set up tents and a metal tin fire. Speeches took place from around 08.00 using microphones which had been set up.

50 The Defendants, which appeared to include members of the firefighter's union can be seen in the following images which show both the blocking of the exit and those within the Assembly Area [DS/40] to [DS/50]. Some of the Defendants blocking the exit are shown holding Unite flags and banners. However, I do not recognise those carrying the Unite flags and those individuals from Unite who I recognised as being present (which included Unite's National Lead Officer, Onay Kasab) remained within the designated Assembly Area.

51 The level of disruption across the Depots resulted in a decision being taken to cancel deployment of any vehicles. As confirmed by the day's sit report no vehicles were deployed across any of the Depots [DS/39].

52 By 10:00, the Defendants had dispersed from all Depots. This is shown in the sit report for the day. This also records the police's view that the Defendants as a result of the deployment being cancelled and that had if vehicles had deployed the protest would have become more aggressive and continued for longer [DS/39].

53 The sit report for the following day shows that disruption at Atlas, Perry Barr, Smithfield and Brewery Lane on this date resulted in 23% of total collection being made (77% missed) [DS/51].

### **Identity of Defendants**

54 Throughout the disruption which I have outlined above, I have been present at the Depot during the incidents or have reviewed the images and videos of the Defendants undertaking the protests along with the ASMs at the site. I do not recognise the Defendants as being employees of the Council or being members or representatives of Unite who have been involved in previous disruption.

55 I have started to notice that it is the same people who are attending regularly, for example one regular protestor is in a wheelchair and I see

that they are regularly attending the protests across the Depots, but I do not know the identities of any of the Defendants. In my previous discussion with the Defendant who seemed to be in charge on 19 December 2025, he mentioned that he was a student so I would guess that many of the Defendants are also students given their ages.

### **Site Specific disruption**

56 The protests by the Defendants are having an impact on the staff at the Depot. When they are unable to deploy there is a clear frustration amongst the crews when they are held by the blockades for extended periods. They know what is happening and they want to get out and do their jobs but they are being prevented from doing so.

57 There is also a clear impact on the management team at the site. They are having to focus a lot of their time and energy on the welfare of the crews but they share the frustration of not being able to get out and complete the work. The common consensus across the workforce is that everyone is sick of the situation, having endured previous disruption by Unite which is now being picked up by the Defendants.

58 **Statement of Truth**

59 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:  
  
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**DEAN SMITH**

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No: 1  
Exhibit: DS  
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**PERSONS UNKNOWN**

Defendant

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DEAN SMITH**

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