

On behalf of: Claimant
By: Richard Smith
No: First
Exhibit: RS
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
RICHARD SMITH**

I, RICHARD SMITH, of Perry Barr Depot, Holford Driver, Perry Barr, Birmingham B42 2TU **WILL SAY** as follows:

- 1 I am the Service Manager for the Perry Barr Depot (**Depot**) which is part of the refuse collection arm of Birmingham City Council (**Council**). I have been in this position for twelve years and have extensive experience in managing waste management operations across the city.
- 2 This statement is provided in relation to the ongoing protests affecting the Council's waste collection service for the city and the Council's application for an injunction in respect of the same.
- 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. 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.

- 4 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.
- 5 There is now produced and shown to me an accompanying exhibit marked "Exhibit RS". These documents are identified in this witness statement by references to the page numbers in the form "[**RS/tab no**]".

Site Summary

- 6 The Perry Barr Depot is located on Holford Drive in the North of Birmingham and is shown on the diagram at [**RS/1**]. The Depot is owned by the Council. The Depot is accessed via one main entrance on Holford Drive.
- 7 Around 230 people work at the Depot. Roughly 169 people are deployed on the refuse and recycling service and the remainder work across Street Management and other support services. There are roughly 59 vehicles deployed from the depot daily (including 2 clinical waste vehicles) as part of normal operations but that is reduced to around 34 vehicles due to the industrial action which has been ongoing with Unite the Union (**Unite**) since January 2025 and has been taking place continuously since 11 March 2025. The total numbers deployed also includes 7 vehicles which are deployed each day by Tom Whites Waste Management, a third party based in Coventry who have provided supported during the industrial action by Unite.

Industrial Action

- 8 The background to the Birmingham bin strikes and the legal proceedings between the Council and Unite has been set out by my colleague Chris Smiles in his own statement.
- 9 I do not propose to repeat the background here. However, it is important to note that picketing and protests by Unite continue at the Depot. This

includes pickets at the gate and Unite protestors attending on a daily basis and protesting within designated assembly areas. Those members of Unite who are participating in those activities are subject to the terms of the interim injunction made against Unite by Mrs Justice Dias on 23 May 2025 [**RS/2**]. The interim injunction was subsequently extended by consent until trial or further order on 29 May 2025 [**RS/3**] and on 25 June 2025 to cover the Smithfield Depot [**RS/4**] (together “**the Order**”).

- 10 After the Order was in place, there continued to be some disruption of vehicles deployed from the Depot until around 18 July 2025. This included some blockades at the Depot gates on 23 June, 25 June and 3 July 2025. Thereafter, disruption took place away from the Depot on the access roads close by, with Unite protestors slow walking in front of vehicles on the highway, particularly along Holford Drive and around the Holford Estate. This continued until around 18 July 2025 and caused significant delay to the deployment of vehicles.
- 11 I understand that Unite have accepted that this continued disruption was in breach of the Order as part of the contempt proceedings.
- 12 Unite protesters continue to attend the Depot on a daily basis with around 30 – 40 usually in attendance. They are generally well behaved and remain within the Assembly Areas that they are required by the Order, though there are occasional instances of verbal abuse towards the Depot staff.
- 13 This statement is to address the disruptive behaviour of the Defendants, being persons unknown who I have not recognised as being either employees of BCC or representatives or employees of Unite.

Sporadic Disruption at other Depots

- 14 Disruption led by Unite continued at Perry Barr until 18 July 2025 and the other depots until 31 July 2025 but ceased thereafter as the Council pursued a contempt application against Unite for breach of the Order.
- 15 I was aware of sporadic disruption by the Defendants thereafter at other Depots, but the Perry Barr Depot was not affected by this.

- 16 The Depot did not see any further disruption until early December when instances of disruption by the Defendants began to take place regularly across all three operational depots, which by this time was Perry Barr, Atlas and Smithfield.

12 December 2025

- 17 The first instance which the Perry Barr Depot faced disruption by the Defendants was on 12 December 2025. This was on the same day as similar disruption at the Smithfield Depot. This is shown by the daily sit-report which is issued to stakeholders in the waste service each day to document deployment issues [**RS/5**].
- 18 The disruption involved the Defendants walking in circles in front of the Depot gates (as shown by the video at [**RS/6**]) and preventing all Council vehicles from exiting the Depot. I was aware that this was a similar tactic to that which had been deployed previously by the Defendants at the Atlas depot in late November and early December.
- 19 Although the Depot deploys vehicles for both the waste service and other services such as the street cleansing team, the Defendants would not let any Council vehicles in or out. This was a different approach from previous blockades by Unite, as they had generally let out any vehicles not associated with the waste service as they were aware that those other services were not part of the dispute with Unite.
- 20 Police were in attendance but did not take action to remove the Defendants. I understand from discussions with Chris Smiles (Head of Waste, Logistics and Collection) that the police's view is that it is reasonable to allow the protests to continue for three hours and this is what we saw on the day. This meant that vehicles which would normally be deployed from the Depot by 06.30 were delayed until 09.40, as shown by the update to the sit report [**RS/7**]. However, I understand that although similar disruption took place at Smithfield on the same day, it was addressed much more promptly by the police moving on the Defendants and preventing them from blockading the depot there with minimal delay.
- 21 The next working day's sit report shows that the blockades at Perry Barr and Smithfield on 12 December 2025 meant that 85% of scheduled

collections were made (15% missed) [RS/8]. This amounts to a total of 10,416 properties not receiving their collection that day.

8 January 2026

- 22 Following a quiet period over Christmas and New Year when all Unite's protesting and picketing at the Depot ceased and the Defendants were not protesting, the Defendants were present at the Depot again on 8 January. They again blocked the exit gate, whilst holding a banner across the road and walking around in circles on the road which is shown by the following videos and images: [RS/9] - [RS/13]. This is also shown by the video at [RS/14].
- 23 Police were in attendance throughout the protest but allowed the Defendants to continue their blockade and did not intervene until 09.00, with all vehicles being deployed by 09.10 [RS/15].
- 24 As shown by the sit report, similar disruption by the Defendants took place on the same day at the Atlas Depot [RS/16]. After the police intervened at Perry Barr, I understand that the police then moved on to Atlas to address the Defendant's protests there.
- 25 I was made aware of a post on Facebook on 8 January 2026 by a group called Justice for Refuse Workers & Cleaners indicated that protests at "*a couple of depots*" had been undertaken by a group of activists unhappy with the Labour Council. The image on the post shows the Defendants at the Depot with their banner which read "*Labour members for the bin strikers*" (**Labour Banner**) [RS/17].
- 26 The next working day's sit report shows that the blockades at Perry Barr and Atlas on 8 January 2026 meant that 82% of scheduled collections were made (18% missed) [RS/18]. The amounts to a total of 13,491 properties not receiving their collection that day.

12 January 2026

- 27 As shown by the sit report for the day, it was only possible to deploy a single vehicle from the Depot on 12 January 2025 before the Defendants formed a blockade by pigeon walking slowly in circles at the exit from the

Depot [**RS/19**]. Disruption by the Defendants also took place at Smithfield depot on this date [**RS/20**].

- 28 Vehicles were not deployed from Perry Barr until 10.15, a delay of around 4 hours on usual deployment. This is confirmed by the follow up email to the day's sit report [**RS/21**].
- 29 The next working day's sit report shows that the blockades at Perry Barr and Smithfield on 12 January 2026 meant that only 22% of scheduled collections were made (78% missed) [**RS/22**]. This amounts to a total of 56,973 properties not receiving their collection that day.
- 30 I have been made aware of a video posted on Facebook [**RS/23**], [**RS/24**] and YouTube [**RS/25**] by an organisation called Reel News on 21 January 2026. The video indicates that the footage was taken at the Depot on 12 January 2026 and shows the Defendants walking in front of various Council waste vehicles as they try to deploy. The video confirms that the Defendants are purely targeting Council vehicles, with vehicles from Veolia and "*anybody who wants to get in*" not being obstructed. However, there were other vehicles from the Council's street cleaning and grounds maintenance teams (who are not party to the dispute with Unite) which were held up in the blockade.
- 31 The video also suggests that more members of the public should join the Defendants by turning up at the Depots to walk in front of vehicles. This is something I certainly would not want to see. The Depot is based in an industrial estate which sees a lot of traffic including HGVs, particularly during working hours and particularly at the moment as we have roadworks in the area. There is also a school nearby, so we get children walking in the vicinity. The Defendants we are already seeing in attendance are standing in live lanes of traffic. As the waste vehicles are being blocked, they are having to line up at the exit, which blocks the exit lane for other HGVs and vehicles using the site, meaning that these vehicles are having to use a single lane for both entry and exit. I feel that it is an accident waiting to happen and that an accident could leave someone with life changing injuries.

19 January 2026

- 32 It was only possible to deploy three vehicles from the site before the Defendants blockaded the exit by pigeon walking slowly in circles. This is confirmed by the sit-report for the day [RS/26] and is shown by the video at [RS/27] and image at [RS/28]. These were taken by me.
- 33 Police were called to the site but refused to intervene until three hours had passed. As a result, vehicles were not deployed until 10.20, as confirmed by the update to the sit-report [RS/29]. A delay of almost 4 hours to our usual deployment. I escalated this up to the chain to Chris Smiles but the response we kept getting back was that three hours was their standard approach and that it was for local police to determine what is reasonable, even though we were seeing delays of much longer than three hours.
- 34 The next working day's sit report shows that the blockade meant that 75% of scheduled collections were made (25% missed) [RS/30]. This amounts to a total of 18,261 properties not receiving their collection that day.

21 January 2026

- 35 14 of the 22 vehicles to be deployed were delayed due to protestors blocking the gate as shown by the images at [RS/31] – [RS/33]. As shown by the sit report this coincided with disruption by the Defendants at the Atlas Depot on the same day [RS/34].
- 36 One of the images obtained that day [RS/35] is an image taken from a waste vehicle showing the Defendants circling in front of the vehicle, with the Labour banner used previously by protestors on 8 January being held by other protestors in the background. Other images show the Defendants holding a GMB Union flag [RS/36] and a Socialist Workers Party flag [RS/37]. This is something we have started to see more and more of, with other unions and organisations being represented by flags and banners of those in attendance.
- 37 The delayed vehicles were not released until 09.40 as shown by the update to the sit report [RS/38]. This represents a delay of over three hours.
- 38 The next working day's sit report shows that the blockades at Perry Barr and Atlas on 21 January 2026 meant that 52% of all scheduled collections

were made (48% missed) [RS/39]. This amounts to a total of 35,816 properties not receiving their collection that day.

27 January 2026

- 39 The Defendants were again in attendance at the Depot on 27 January 2026, with a blockade formed by the Defendants walking in front of the Depot exit as shown by the video at [RS/40] and image at [RS/41].
- 40 The sit report for the day confirms that protests also took place at Atlas that day [RS/42].
- 41 The Defendants were in place from 05.35 and the blockade was reported to police at that time. One of the Service Managers for the Depot (Justin Hilyer) spoke with the police sergeant dealing with matters who indicated that there was an agreement in place between the Defendants and management that vehicles would be released every 5 minutes. However, there was no such agreement from the Council and this was addressed by Chris Smiles with senior police contacts but we were told that Silver-level police support was being withdrawn as management support was not warranted.
- 42 It is common for the ASMs to speak with police to try and reach a way to get vehicles deployed as quickly as possible. Sometimes the Defendants will allow trucks to be released in intervals but when they do indicate that vehicles will be released they don't always abide by it. On this occasion they allowed a vehicle from our Street Cleaning team and our clinical waste vehicles to leave but the waste service vehicles were held in the blockade. I usually leave the ASMs to have these discussions and stay away from the front gate, following previous instances where abuse from Unite protestors in the Assembly Areas has been targeted at me, suggesting that they know where I live.
- 43 Justin asked the local police to intervene and to obtain detail of the Defendants involved but the sergeant refused to do so. These interactions with the police and the Defendants were recorded in an addendum to the sit-report [RS/43].

- 44 Vehicles were fully deployed by 09.30 as confirmed by the follow up email to the sit-report [**RS/44**].
- 45 The sit report for the following day shows that disruption at Atlas and Perry Barr on this date resulted in 93% of total collections being made (7% missed) [**RS/45**]. This amounts to a total of 5,088 properties not receiving their collection that day.

28 January 2026

- 46 There was a significant escalation in the number and approach taken by the Defendants the following day. A large number of Defendants were in attendance and they were letting off flares, with lots of shouting and chanting over a tannoy. This was very intimidating for my staff and myself and I was stopped briefly by the protestors when trying to get into the Depot in the morning.
- 47 12 vehicles were delayed being deployed due to the Defendants present at the Depot, with a blockade formed at the deployment gates. The Defendants were pigeon walking and stood holding a banner shown in images [**RS/46**] to [**RS/56**].
- 48 The sit report for the day confirms that protests also took place at Atlas that day [**RS/45**].
- 49 The activists were in place from 05:15 and the issue was reported to the police at 05:21. The police attended the Depot shown in image [**RS/57**] and [**RS/58**].
- 50 One of the ASMs for the Depot, Michael Chipman, spoke with the police sergeant dealing with matters who indicated that the Defendants might let the vehicles leave at 06:00 and at specific intervals. They did allow some to depart but they were not at the intervals which had been promised. I asked the police to ascertain IDs of the Defendants but they were not able to do this. These interactions with the police were recorded in an addendum to the sit-report [**RS/59**].
- 51 I also spoke with a police inspector on the same day and the discussion was very positive, saying he thought they would be able to get agreement

from the Defendants to release a vehicle every five minutes, but that was not borne out.

52 Vehicles were fully deployed by 10:45 as confirmed by the follow up email to the sit-report **[RS/60]**.

53 The sit report for the following day shows that disruption at Atlas and Perry Barr on this date resulted in 84% of total collections being made (16% missed) **[RS/61]**. This amounts to a total of 11,939 properties not receiving their collection that day.

29 January 2026

54 Further disruption at the Depot took place on 29 January 2026 and there was again an increased level of attendance and disruption.

55 22 vehicles were delayed being deployed as the Defendants were pigeon walking in front of the deployment gates. This is shown in the following images **[RS/62]** and **[RS/63]** and videos **[RS/64]** and **[RS/65]**.

56 The sit report for the day confirms that protests also took place at Atlas and Smithfield that day **[RS/61]**.

57 The activists were in place from 05:10 and the issue was reported to the police at 05:18. Michael Chipman (ASM) spoke with police sergeant dealing with matters who indicated that the Defendants might let the vehicles leave at 06:00 and specific intervals. These interactions with the police were recorded in an addendum to the sit-report **[RS/66]**. The Defendants indicated that they would allow trucks to leave, first at 15-minute intervals, then 10-minute intervals and then 5-minute intervals. However, whilst the Defendants allowed some vehicles to be released, including the two clinical waste vehicles, there was no regular release as had been suggested.

58 I challenged the police on this they said they were under resourced and couldn't escalate matters without back up. I also advised the police that the Defendants were trespassing onto Council property by blocking 15/20 metres inside boundary rather than at the gates. The boundary is clearly marked by signage at the Depot making clear that there is no unauthorised admittance. The officer agreed with this but said that they did not have the

resources to act. I was forced to go out personally and make clear to the Defendants where the boundaries of the Council's property were due to my concern for the safety of people in attendance.

- 59 I would say that this is indicative of the police approach at the Depot throughout the disruption by the Defendants, where their attendance has mainly been to spectate during the disruption. They say that they are assessing matters on what is a reasonable level of protest. However, what is reasonable is completely unclear and does not take account of the fact that the Depot is being targeted repeatedly. The police have also been asked by ASMs to ascertain the IDs of the Defendants but they were not able to do this.
- 60 The lack of engagement from the police meant that vehicles were not fully deployed until 10:50, over 5 hours after the matter was first reported to police, as confirmed by the follow up email to the sit report [**RS/67**].
- 61 The sit report for the following day shows that disruption at Atlas and Perry Barr on this date resulted in 53% of total collections being made (47% missed) ([**RS/68**]). This amounts to a total of 35,226 properties not receiving their collection that day.

Megapickets - 30 January 2026

- 62 On 30 January 2026 a mass protest event was organised to take place across all of the Council's waste depots in support of the striking bin workers. Other sites were also affected. This was the third event of this type which had taken place since the start of the industrial action with Unite, with previous events having taken place on 9 May and 25 July 2025. Although I was not present at work on either of those dates I am aware that they caused significant disruption to the affected depots and that it had not been possible to deploy vehicles on those dates.
- 63 The event on 30 January 2026 saw significant numbers of Defendants protesting across all of the depots, which meant that no deployment could take place as confirmed by the sit report for that day [**RS/68**].
- 64 At Perry Barr there were around 50 – 70 Defendants in attendance blocking the exit gate. This can be seen in the videos at [**RS/69**] and

[**RS/70**] and images [**RS/71**] to [**RS/75**]. These were taken by me from the site office. The Defendants let off flares and were playing loud music which could be heard from the site office and including swearing. There were also speeches given by attendees over the loudspeakers.

65 I did not see anyone I recognised from Unite outside of the Assembly Areas. The blockading and associated disruption was done by the Defendants.

66 The Defendants dispersed around 10:00. The police's view was that the reason dispersal was due to the cancellation of deployment which prevented a more aggressive and prolonged protest. This is confirmed by the sit report for the day [**RS/68**].

67 The sit report for the following day confirms that disruption at all Depots on this date resulted in 23% of total collections being made (77% missed) [**RS/76**].

Identity of Protestors

68 Throughout the disruption which I have outlined above, I have been present at the Depot during many of the incidents and I have also reviewed the images and videos of the Defendants along with the ASMs at the site. Having done so, I can confirm that I do not know the identities of the Defendants taking part in the disruption and do not recognise them as employees of the Council or being members or representatives of Unite who have been involved in previous disruption, or from anywhere else.

Site Specific disruption

69 The disruption by the Defendants has resulted in the general mood among staff being affected. They are fed up with having to sit around for extended periods at a time waiting to get out of the Depot. They hate sitting around doing nothing and it is soul destroying for them. Every day of disruption has an effect on them, dragging down the mood as they feel it is not worth coming into work.

70 The ASMs are also having to deal with the issues in the front line, which puts them in front of the Unite protestors who can be abusive. As noted

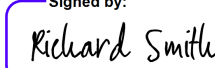
above, I have had to stay away from the area due to threats and abuse directed at me.

- 71 Veolia are the site custodians and they are also being affected by the Defendants actions. Although Veolia trucks are not being deliberately blockaded (as shown by the Reel News video), their access to the site and that of other contractors is being seriously impacted due to the waste vehicles being held in line at the exit. Their vehicles (some of which are 44 tonne trucks) are having to go into the opposite lane to get in and out of the site. The whole situation is a recipe for disaster.

Statement of Truth

- 72 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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RICHARD SMITH

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