

Atlas Depot



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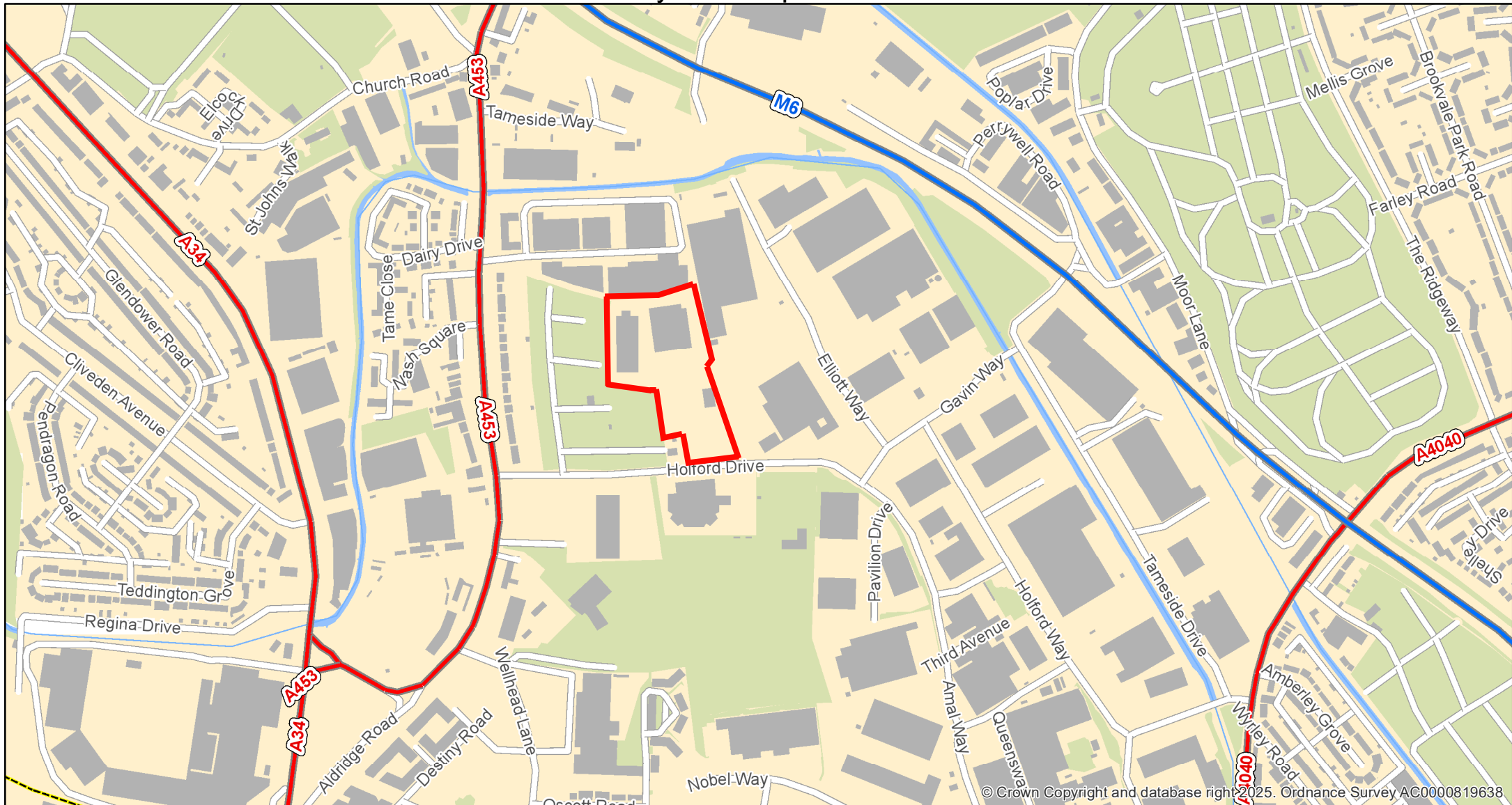
Date of Map Creation: 27/01/2026

Map Created By: Nick Massey

Scale: 1:4,504.26



Perry Barr Depot



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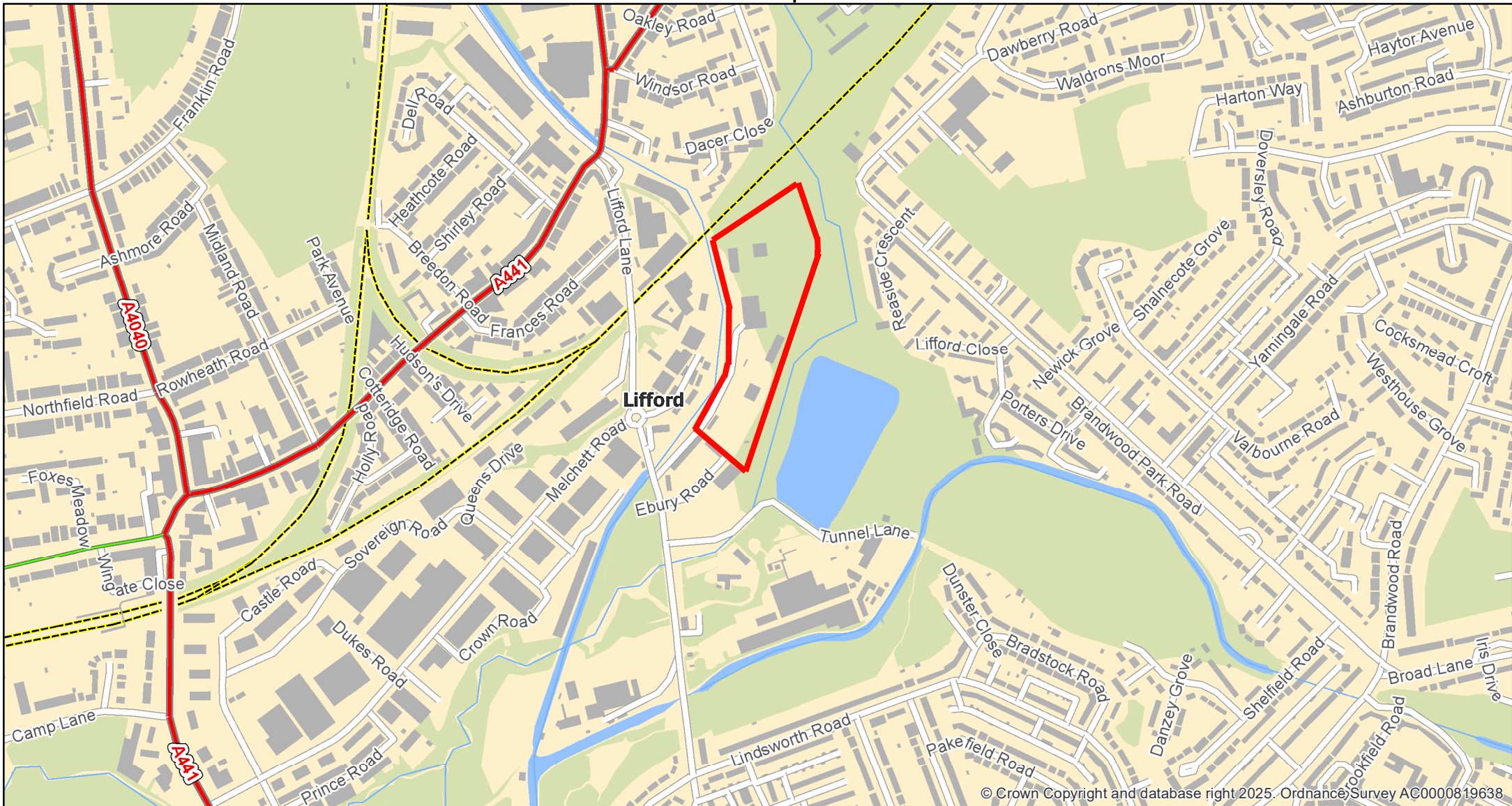
Date of Map Creation: 30/01/2026

Map Created By: Nick Massey

Scale: 1:7,991.96



Lifford Lane Depot



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Smithfield Depot



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Birmingham City Council declares major incident

Birmingham City Council has today declared a major incident to address the impact of the waste service industrial action.

The council has a contingency plan using our limited resources to collect from all properties in the city once a week, but actions on the picket line have prevented us from doing this.

The daily blocking of our depots by pickets has meant that we cannot get our vehicles out to collect waste from residents. Often, we can only get out one vehicle out per hour.

This has meant that to date around 17,000 tonnes of waste remains uncollected across the city.

This has led to rising concerns of risks to public health and damage to our environment.

The council is already working to an emergency plan; declaring a major incident will initially allow the council to:

- Quickly increase the availability of street cleansing and fly-tip removal with an additional 35 vehicles and crews around the city.
- Work with partners to better manage the risks the city is facing, including health and fire risks and allow for increased data and intelligence sharing. Initially this will be focussed upon support to allow our vehicles to safely exist and enter our depots on time.
- Allow the council to explore what further support is available from neighbouring authorities and government to assist us in managing the situation.

Councillor John Cotton, leader of Birmingham City Council, said: "It's regrettable that we have had to take this step, but we cannot tolerate a situation that is causing harm and distress to communities across Birmingham.

"I respect the right to strike and protest, however actions on the picket line must be lawful and sadly the behaviour of some now means we are seeing a significant impact on residents and the city's environment.

"Unless we declare a major incident and deploy the waste service's contingency plan, then we would be unable to clear the backlog of waste on the streets or improve the frequency of collections.

"I want to thank residents for their continued patience under difficult circumstances and the community groups who have been working hard within their communities to help with clear-up.

"I would reiterate that we have made a fair and reasonable offer to our workers which means none of them have to lose any money and I would urge Unite to reconsider their position."

The council usually deploys around 200 vehicles over 8-hour daily shifts. Our contingency allows 90 vehicles per day but because of pickets blocking depots they are deployed much later and therefore for shorter working periods.

Normally we would make well over 500,000 collections per week. Our strike contingency would mean 360,000 but due to the blockade of depots we are doing far below this.

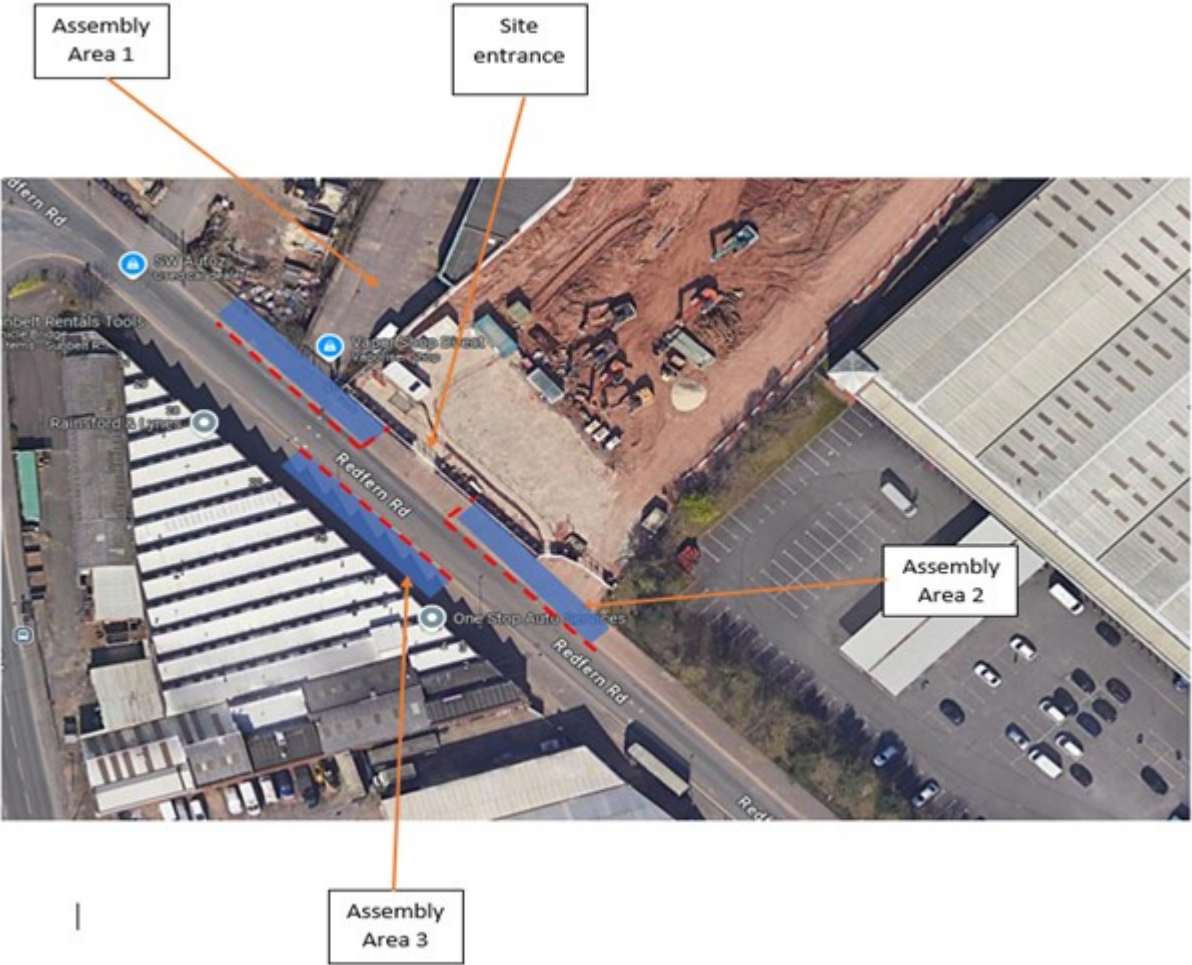
- Our waste collection rate against our reduced service plan (one single collection per property / week) has declined from 87% in the week of 10th March, to 64% in the week of 17th March, to 17% in the week of 24th March.
- The daily rate of accumulation of uncollected waste in the city has increased from 483 tonnes per day in the week of 10th March, to 655 tonnes per day in the week of 17th March, to almost 900 tonnes per day in the week of 24th March.
- We estimate there are now over 17,000 tons of uncollected rubbish in the city.

Notes to editors –

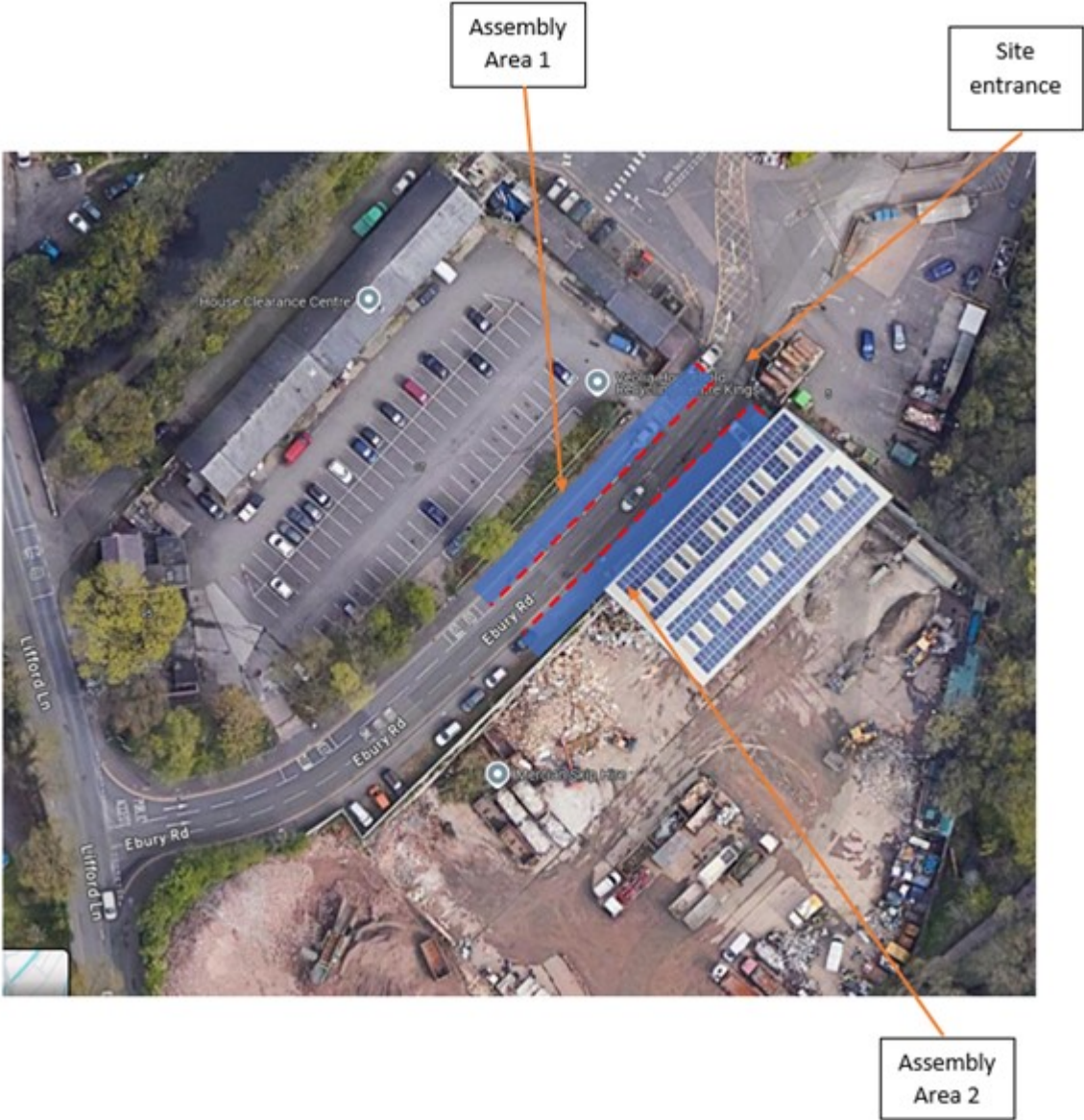
Our contingency arrangements include:

- We are now running a significantly reduced service to maintain a single weekly collection to each property in the city to maintain public health and safety.
- We have suspended recycling, green waste, bulky waste and paused the introduction of food waste collection.
- We have increased the opening hours of our household waste recycling centres. We will now look to increase these hours further to increase capacity.
- We have increased the availability of our Mobile Household Waste collection vehicles from five to seven days a week.
- We are increasing caretaking capacity for BCC tower blocks to avoid the build-up of refuse and improve fire safety.
- We have established a multi-agency response with key partners including police to share information and ensure we can deploy our vehicles on time from our depots

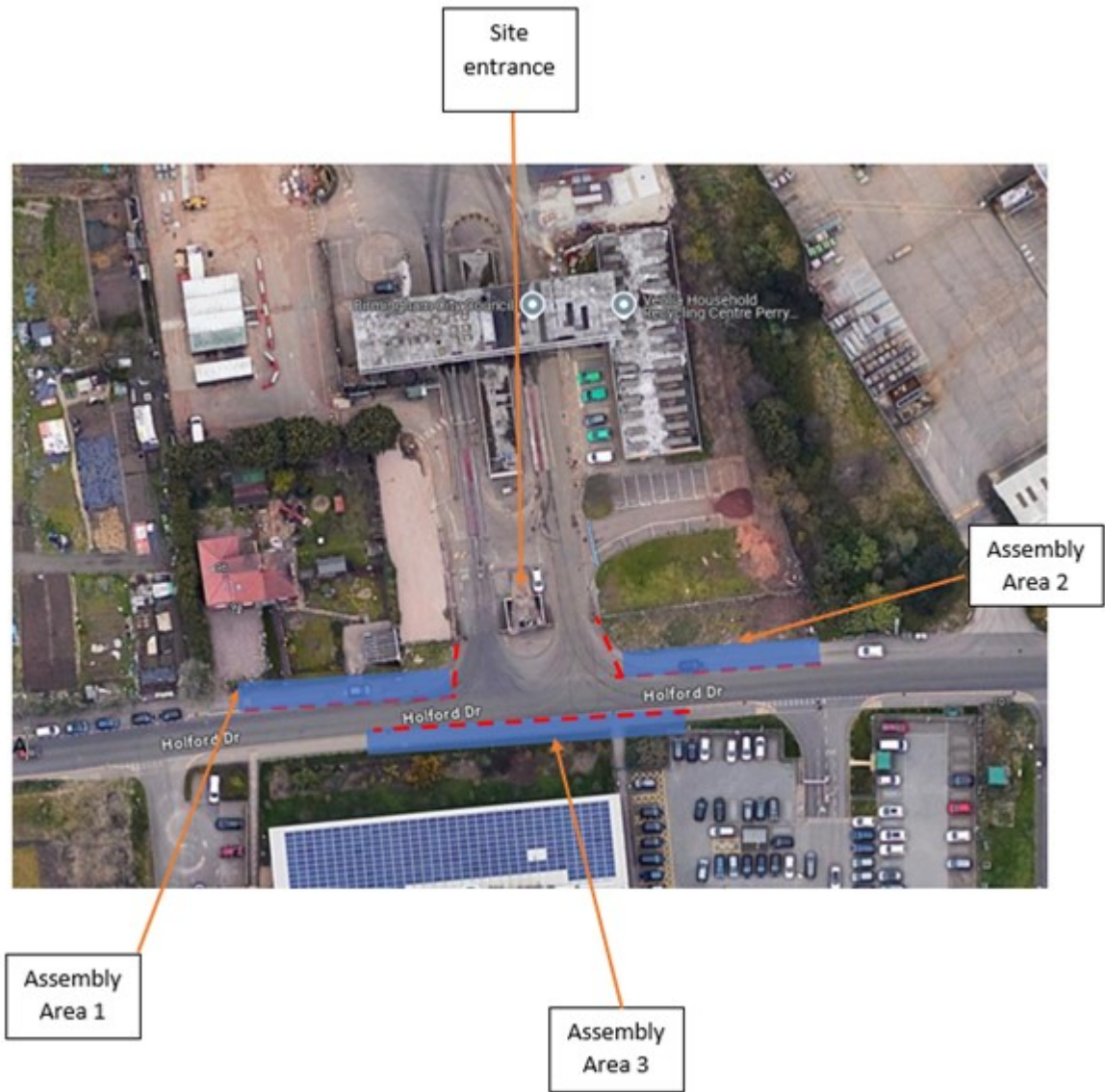
Atlas



Lifford Lane



Perry Bar



Smithfields Depot





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Your ref: SPA/SPA/36257/I20046/UKM/205482906.2

21st May 2025

Dear DLA,

Birmingham City Council and Unite the Union – Ongoing Industrial Dispute

We write in response to your letter dated 19 May 2025 on behalf of our clients Unite the Union (Unite) and Mr Randle.

In the very short time available in which you have asked us to respond we have understandably not been able to address all the allegations you have made about events that have occurred on the picket line since 1 May 2025. Please be aware however that there are a number of points we will want make in regard to those allegations, which are not characterised accurately, in further correspondence. Our client's rights are reserved.

You already have our position in regard to the earlier incidents that predate 1 May 2025 that are once again repeated in your latest letter. We will also address these allegations in subsequent correspondence when we complete our review of the CCTV footage. As an aside we understand that issues concerning Mr Masters are being dealt with as part of a separate disciplinary investigation process and we consider that in light of that it would be inappropriate to enter into further correspondence around those matters in correspondence pertaining to these matters. That process should be allowed to run its course.

The purpose of this letter is to set out a basis upon which both (i) picketing; and (ii) protesting can take place going forward that will avoid the need for recourse to litigation. We observe that your correspondence continues to conflate (i) and (ii) in circumstances where they are conducted separately, and those participating in (i) and (ii) have separate rights and entitlements. It is clear that the legal rights afforded to both pickets and protesters are materially different in scope and substance. This distinction is not reflected in your correspondence.

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Personal
Injury



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Clinical
Negligence

We would reiterate that it is not in the interests of any party to bring these issues to a court. All that will succeed in doing is exacerbating industrial tensions and make a resolution to this dispute even more difficult to reach. We understand further talks at ACAS are likely to ensue shortly and it is vital they can go ahead unhindered and without distraction. It is essential that both parties are given the space for those to progress in the hope of securing a successful outcome.

We have considered carefully the undertakings you seek, and on any analysis they are obviously inappropriate. Unite cannot lawfully be limited to positioning 6 pickets from each of the Assembly Areas identified on the maps contained within your letter for reasons we will address below, and the proposals make no provision for any protesting (as distinct from picketing) to take place at all. As mentioned above, it appears that you conflate the principles of picketing and protesting and do not recognise the latter as something Unite is entitled to organise at all.

Unite has the right to organise both lawful pickets and protests, and the rights of those participating in each are both enshrined in Articles 10 and 11 of the European Convention on Human Rights, and any restrictions on those rights must be “prescribed by law” and “necessary in a democratic society”.

Picketing. The right to picket is set out in s. 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) and provides that a picket may attend “at” their workplace. This means that they may wait on the public highway at the door, gateway or other entrance or exit of their workplace. To say that a picket may also additionally attend “near” their workplace implies that they are not confined to those locations, but may picket elsewhere in the immediate vicinity of the workplace: the word “near” in context is not a restraining word, but an expanding word (*Rayware Ltd v Transport and General Workers' Union* [1989] IRLR 134, CA; *Timex Electronics Corp v Amalgamated Engineering and Electrical Union* 1994 SLT 438, Ct of Sess).

The Code of Practice on Picketing 2024 (“the Code”) provides at paragraphs 31 and 32 that those picketing are, entitled to explain their case to those entering and leaving, ask them not to do so. If picketing is confined to the Assembly Areas then it would not be possible for any pickets to explain their case or engage with anyone crossing the picket line. This would significantly interfere with and/or emasculate their lawful rights set out in primary legislation, as supported by provisions of the Code which are enshrined under the European Convention of Human Rights. We trust no Labour Council would ever seek to do this.

The right to protest. In relation to the right to protest the default position is that people should be allowed to freely exercise both of their Convention rights of freedom of expression and freedom of assembly by participating in a public protest whenever and wherever they wish, unless there is some compelling reason to limit or prevent them from so doing. Any interference with these rights therefore must also be both necessary and proportionate in response to a pressing social need.

The Unite Offer

For the avoidance of doubt, Unite's position is that notwithstanding the points referred to in your correspondence, both (i) the conduct of picketing; and (ii) protesting has been lawful.

Nevertheless, Unite is prepared to provide the following assurances to Birmingham City Council (BCC). As you are aware Unite has acted responsibly, and has liaised closely with the Police throughout this dispute. It is committed to exercising its lawful rights responsibly and appropriately. The feedback provided by the West Midlands Police to Unite since the protest/picketing has been observed by the Force has been positive. Unite's offer must be viewed within that important context.

The commitments made by Unite are given after careful consideration and having taken advice from Leading Counsel in relation to the relief you seek. Unite proposes that these assurances are reviewed by both parties within 7 days and would be implemented with immediate effect from 06:00 on Tuesday 27 May (for reasons explained in more detail below).

The Unite assurances are as follows:

1. Unite will limit its picketing activities pursued in accordance with s. 220 TULRCA (as distinct from exercising its separate right to protest) to 6 pickets attending at the site entrance to the Atlas Depot, (70172 Kings Road, Tyseley, Birmingham, B11 2AS), Lifford Lane Depot, (Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ) and Perry Barr Depot (Holford Drive Perry Barr, Birmingham, West Midlands, B42 2TU).
2. The 6 Pickets concerned (not just the picket supervisor) will wear High-Vis vests (or other clothing) making them clearly identifiable as those entitled to picket each site. Accordingly, they will therefore be clearly and visibly distinguishable from those exercising their lawful right to protest.
3. The 6 Pickets will not seek to form any blockade or seek to sit in the road to prevent a vehicle from passing through the site entrance if it wishes to do so. The picketing activities will be restricted to the rights explained in the Code, namely, the pickets peacefully seeking to explain their case to those entering and leaving and peacefully persuading or asking them politely not to do so.
4. We note that in relation to past events, concerns have been raised some days after they have occurred. Upon reflection, we do not consider that this is an appropriate way for both parties to regulate the situation. We consider that it would be appropriate to create a facility for BCC to raise any concerns that it

has in “real time” about any events occurring (i) on the picket lines; or (ii) in respect of those exercising their lawful right to protest. In relation to this, Unite provides the following contact information in relation to the picket supervisors

- Atlas Depot (Picket Supervisor: Lee Haven. Number: 07447407306)
- Lifford Lane Depot (Picket Supervisor: Danny Taylor. Number: 07838283093)
- Perry Barr Depot (Picket Supervisor: Mike Masters. Number: 07804605933)

In addition we provide the following contact information for Unite employees Zoe Mayou (07525 816 490) & Shane Edwards (07711 347 653).

These individuals can be contacted at any time that (i) picketing and (ii) protest activities are being undertaken. It is hoped this will negate the need for protracted correspondence between lawyers about events that occurred several weeks earlier and instead can be resolved quickly and effectively on the picket line as soon as they occur. On any analysis, this is a proportionate and measured way in which to address any concerns that BCC has (or may have).

5. Other than the 6 Unite pickets at each site entrance or exit at the depots concerned, all other protestors will confine legitimate protesting activities to the Assembly Areas identified on the maps appended to your correspondence at the sites concerned. They will not wear high-vis vests as referred to above. This clear demarcation of protesting and picketing activities is in line with the principles of Thames Cleaning & Support Services v UWW [2016] IRLR 695 in which the High Court made provision for: (i) an “exclusion zone” for protest activity (a geographically defined area where people can protest); and (ii) an injunction limiting the number of pickets at or near the place of work to 6 pickets.
6. Mr Randle will not attend picketing and/or protesting activities at any of the three depots until the position is reviewed further.

We trust you will accept this proposal as both a genuine and sincere way in which to ensure that lawful (i) picketing and (ii) protesting can continue, while seeking to preserve your client’s interests without the need for litigation. These proposals are made on an open basis, and constitute a pragmatic and proportionate response to your client’s interests, as well as the statutory rights to picket, and the right to engage in separate protest activity.

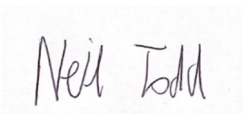
These arrangements will, as we make clear above, be subject to review. We consider this is an appropriate and proportionate way to deal with the matters in contention and ensuring priority can be given to the resolution of the dispute through further negotiations at ACAS.

Unite intends to put these measures in place from 06.00 on Tuesday 27 May 2025. As you will appreciate Unite will need some time to explain this position properly to its members in order to police the situation effectively. As the Bank Holiday is imminent people are away and it will take some time for meetings to be held, and instructions issued so all concerned are clear on how activities are to be conducted going forward. For the avoidance of doubt though Mr Randle will not attend any of the depots in the period prior to 06:00 on Tuesday 27 May.

We trust what is proposed above is acceptable to Birmingham City Council. We confirm we are instructed to accept service of any injunction application although in light of what Unite is agreeing to above, we trust that will not be necessary particularly as we can see no basis for a Court to require anything further from Unite than what is offered here. In light of the case law, we do not consider that any further limitation would be either lawful or proportionate.

We suggest that in light of our proposal which will take effect in 36 hours' time BCC refrains from issuing legal proceedings in order for these arrangements to become embedded. It is hoped that this correspondence can draw a line under these issues. BCC must recognise Unite's lawful right to both (i) picket and (ii) protest and in return Unite is providing express assurance to control these activities in ways that go considerably beyond what is required under statute and in the Code, and in relation to case law regarding the right of individuals to exercise their lawful right to protest.

Yours sincerely

A handwritten signature in dark ink, reading "Neil Todd", is enclosed within a light grey rectangular border.

Neil Todd

Thompsons Solicitors

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. KB-2025-001839

BEFORE MRS JUSTICE DIAS

DATED 23 MAY 2025



IN AN INTENDED ACTION BETWEEN

BIRMINGHAM CITY COUNCIL

Intended Claimant

And

UNITE THE UNION

Intended Defendant

INJUNCTION ORDER

PENAL NOTICE

IMPORTANT:-

NOTICE TO THE INTENDED DEFENDANT ("the Defendant")

(1) This Order prohibits you from doing the acts set out in this Order. You should read it all carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.

(2) If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.

An Application was made on 23 May 2025 by Counsel for Birmingham City Council (who is to be the Claimant in a Claim against Unite the Union) to the Judge who heard the Application supported by the Witness Statements / affidavits listed in schedule 1 to this order, and accepted the undertakings in Schedule 2 at the end of this Order. The application was attended by Counsel for the Defendant

IT IS ORDERED that up to and until Thursday 29 May 2025 at 2.00 pm "the Return Date"

(1) the Defendant whether by itself or by its employees, officers, agents or otherwise howsoever,

will, take all reasonable steps to ensure that its members or relevant officials:

a. will refrain from picketing activities in connection with its current campaign of industrial action other than at the site entrances to the :

- (i) Atlas Depot, (70172 Kings Road, Tyseley, Birmingham, B11 2AS),
- (ii) Lifford Lane Depot, (Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ); and
- (iii) Perry Barr Depot (Holford Drive Perry Barr, Birmingham, West Midlands, B42 2TU).

(together "**the Depots**")

And will do so solely for the purpose of peacefully persuading any person to work or abstain from working; and only at the pickets' own place of work (or in the case of a trade union official at or near the place of work of a member of his trade union whom he is accompanying and whom he represents) in accordance with the provisions of section 220 Trade Union & Labour Relations Act 1992

b. Will, at any one time, have no more than 6 pickets at the entrance to the respective work place(s) of such person or persons picketing (**"the Designated Pickets"**) each of whom will wear High-Vis vests or other clothing enabling their identification as one of the Designated Pickets. The Designated Pickets:

- i. will refrain from seeking to prevent any vehicle from passing through the site entrance to each of 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;
- ii. will limit their activities to explaining their case to those entering and leaving the Depots and peacefully seeking to persuade or asking them not to do so in accordance with the provisions of the Code of Practice on Picketing dated March 2024.

c. refrain from carrying out any protesting activities outside of the designated Assembly Areas (**"the Assembly Areas"**) identified at Schedule 3 to this order.

(2) In order to comply with the provisions of paragraph (1) of this Order, the Defendant will take steps including but not limited to:

- a. as soon as is reasonably practicable take such steps as are reasonably necessary to ensure that its members are aware of the terms of this order and are informed that they should comply with its terms;
- b. taking reasonable steps to inform its members present at the Depots of the requirement to remain within the Assembly Areas.

VARIATION OR DISCHARGE OF THIS ORDER

The Defendant may apply to the Court at any time to vary or discharge this Order but if he wishes to do so he must first inform the Claimant's solicitors in writing.

NAME AND ADDRESS OF CLAIMANT'S SOLICITORS

The Claimant's solicitors are: DLA Piper UK LLP, 160 Aldersgate Street, London EC1A 4HT, 020 7349 0296.

INTERPRETATION OF THIS ORDER

(1) In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".

(2) Where there are two or more Defendants then (unless the contrary appears):

- a. References to "the Defendant" mean both or all of them;
- b. An Order requiring "the Defendant" not to do anything requires each Defendant not to do it; and
- c. A requirement relating to service of this Order or of any legal proceedings on "the Defendant" means on each of them.

THE EFFECT OF THIS ORDER

(1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

(2) A Defendant that is a corporation and is ordered not to do something must not do it itself or by its directors, officers, employees, agents or in any other way.

SERVICE OF THIS ORDER

This Order shall be served by the Claimant on 24th May 2025.

Dated this 23rd day of May 2025.

Mrs Justice Dias DBE

SCHEDULE 1

Witness statements

The Claimant relied on the following Witness Statements:

1. Witness Statement of Richard Brooks
2. Witness Statement of Carol Culley
3. Witness Statement of Christopher Smiles
4. Witness Statement of Dean Smith
5. Witness Statement of Richard Smith
6. Witness Statement of Robert Edmondson

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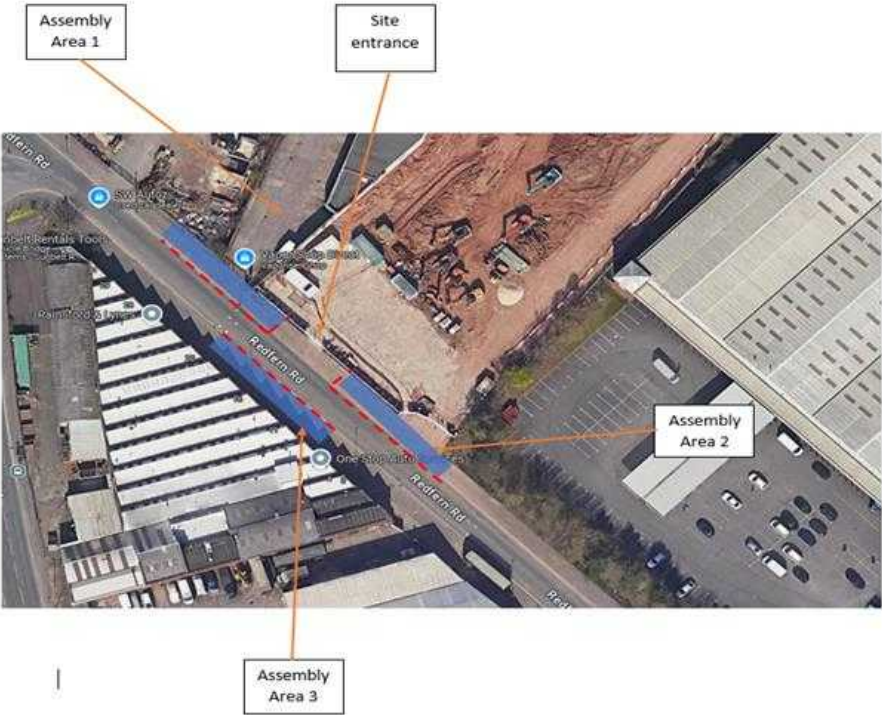
SCHEDULE 2

Undertakings **given to the Court** **by the Claimant**

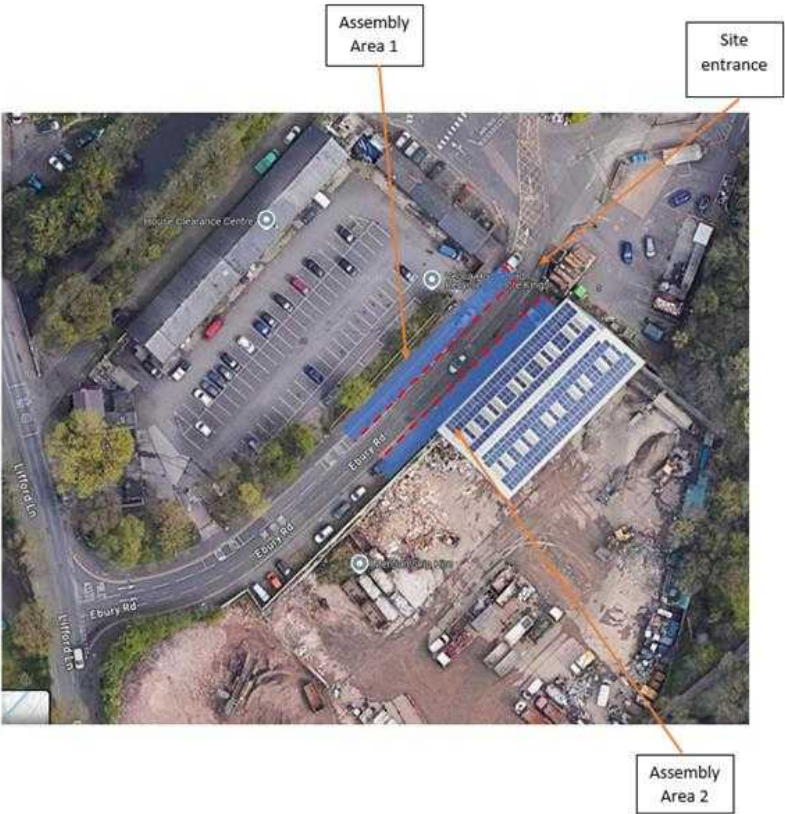
1. To pay any damages that the Defendants (or any other party served with or notified of this Order) shall sustain that the Court considers the Claimant should pay.
2. To issue a Claim Form and pay the appropriate fee on this or the next working day and to serve the Claim Form on the Defendant as soon as practicable.
3. To file an up to date hearing bundle for use by the judge no later than 10.00am the business day before the Return Date to include copies of this Order, the issued application for today's hearing and the issued application for the Return Date, any documents required by the Court to be provided by the previous order, skeleton arguments, reading lists, bundles of authorities and a full bundle for the hearing together with an updated estimate of the length of the hearing.

Schedule 3

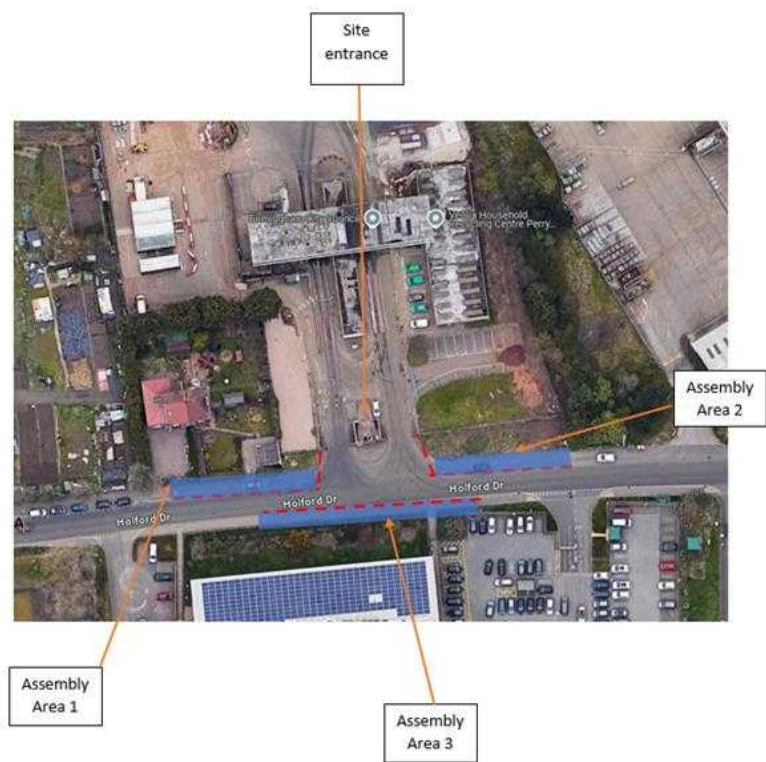
Atlas Depot, 70-172 Kings Road, Tyseley, Birmingham, B11 2AS



Lifford Lane Depot, Ebury Road, Kings Norton, , Birmingham, West Midlands, B30 3JJ



Perry Barr Depot, Holford Drive, Perry Barr, Birmingham, West Midlands, B42 2TU



**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BEFORE MRS JUSTICE DIAS**

Claim No. KB-2025-001839

DATED 29 May 2025



KB-2025-001839

BETWEEN:

BIRMINGHAM CITY COUNCIL

Claimant

And

UNITE THE UNION

Defendant

ORDER FOR AN INJUNCTION

PENAL NOTICE

IMPORTANT:-

NOTICE TO THE INTENDED DEFENDANT ("the Defendant")

(1) This Order prohibits you from doing the acts set out in this Order. You should read it all carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.

(2) If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.

UPON the Claimant's application of 23 May 2025 for an interim injunction heard before Mrs Justice Dias on 23 May 2025 at a hearing attended by Leading Counsel for the Claimant and Leading Counsel for the Defendant.

AND UPON an order for an interim injunction being made by Mrs Justice Dias with a return date of 29 May 2025

BY CONSENT IT IS ORDERED that until trial or further order:

- (1) the Defendant whether by itself or by its employees, officers, agents or otherwise howsoever, will, take all reasonable steps to ensure that its members or relevant officials:
 - a. will refrain from picketing activities in connection with its current campaign of industrial action other than at the site entrances to the :
 - (i) Atlas Depot, (70172 Kings Road, Tyseley, Birmingham, B11 2AS),
 - (ii) Lifford Lane Depot, (Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ); and
 - (iii) Perry Barr Depot (Holford Drive Perry Barr, Birmingham, West Midlands, B42 2TU).

(together “**the Depots**”)

And will do so solely for the purpose of peacefully persuading any person to work or abstain from working; and only at the pickets' own place of work (or in the case of a trade union official at or near the place of work of a member of his trade union whom he is accompanying and whom he represents) in accordance with the provisions of section 220 Trade Union & Labour Relations Act 1992
 - b. Will, at any one time, have no more than 6 pickets at the entrance to the respective work place(s) of such person or persons picketing (“**the Designated Pickets**”) each of whom will wear High-Vis vests or other clothing enabling their identification as one of the Designated Pickets. The Designated Pickets:
 - i. will refrain from seeking to prevent any vehicle from passing through the site entrance to each of 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;
 - ii. will limit their activities to explaining their case to those entering and leaving the Depots and peacefully seeking to persuade or asking them not to do so in accordance with the provisions of the Code of Practice on Picketing dated March 2024.
 - c. refrain from carrying out any protesting activities outside of the designated Assembly Areas (“the Assembly Areas”) identified at Schedule 3 to this order.
- (2) In order to comply with the provisions of paragraph (1) of this Order, the Defendant will take steps including but not limited to:
 - a. as soon as is reasonably practicable take such steps as are reasonably necessary to ensure that its members are aware of the terms of this order and are informed that they should comply with its terms;
 - b. taking reasonable steps to inform its members present at the Depots of the requirement to remain within the Assembly Areas.

COSTS

Costs reserved.

VARIATION OR DISCHARGE OF THIS ORDER

Either party may apply to the Court at any time to vary or discharge this Order but if he wishes to do so he must first inform the other party's solicitors with 48 hours notice.

INTERPRETATION OF THIS ORDER

- (1) In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".
- (2) Where there are two or more Defendants then (unless the contrary appears):
 - a. References to "the Defendant" mean both or all of them;
 - b. An Order requiring "the Defendant" not to do anything requires each Defendant not to do it; and
 - c. A requirement relating to service of this Order or of any legal proceedings on "the Defendant" means on each of them.

THE EFFECT OF THIS ORDER

- (1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A Defendant that is a corporation and is ordered not to do something must not do it itself or by its directors, officers, employees, agents or in any other way.

WE AGREE TO AN ORDER BEING MADE IN THE ABOVE TERMS

Signed: *Mrs Justice Dias DBE*

Dated: 29 May 2025

SCHEDULE 1

Witness statements

The Claimant relied on the following Witness Statements:

1. Witness Statement of Richard Brooks
2. Witness Statement of Carol Culley
3. Witness Statement of Christopher Smiles
4. Witness Statement of Dean Smith
5. Witness Statement of Richard Smith
6. Witness Statement of Robert Edmondson

The Defendant relied on the following Witness Statement:

1. Witness Statement of Onay Kasab

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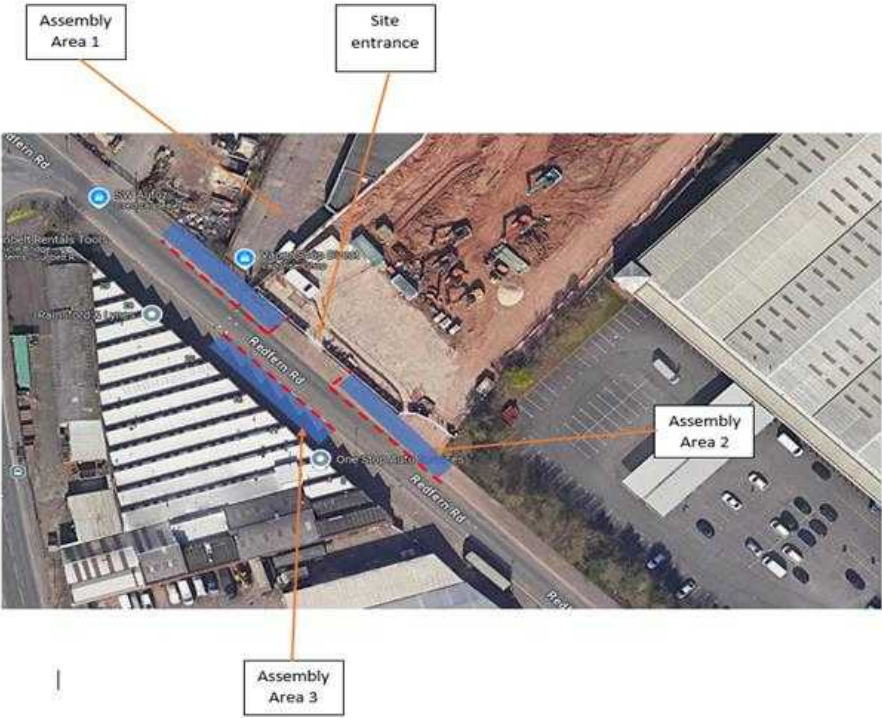
SCHEDULE 2

Undertakings given to
the Court by the
Claimant

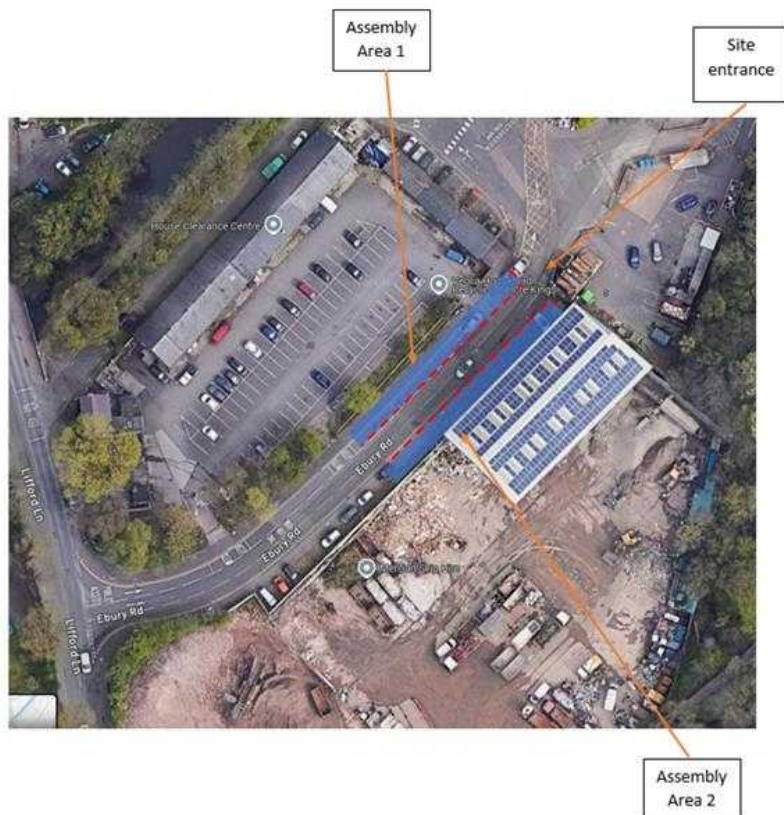
1. To pay any damages that the Defendants (or any other party served with or notified of this Order) shall sustain that the Court considers the Claimant should pay.
2. To issue a Claim Form and pay the appropriate fee on this or the next working day and to serve the Claim Form on the Defendant as soon as practicable.
3. To file an up to date hearing bundle for use by the judge no later than 10.00am the business day before the Return Date to include copies of this Order, the issued application for today's hearing and the issued application for the Return Date, any documents required by the Court to be provided by the previous order, skeleton arguments, reading lists, bundles of authorities and a full bundle for the hearing together with an updated estimate of the length of the hearing.

Schedule 3

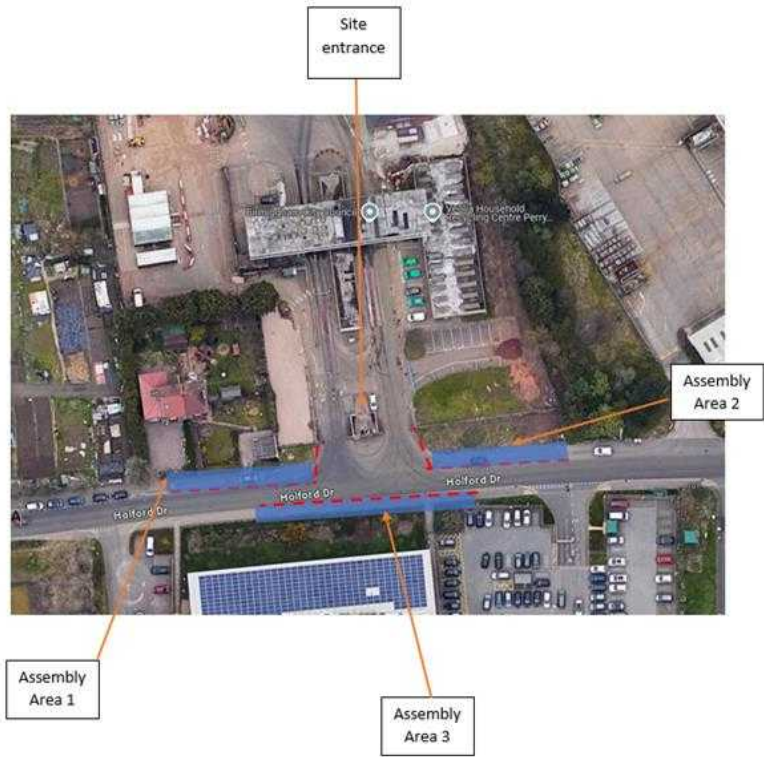
Atlas Depot, 70-172 Kings Road, Tyseley, Birmingham, B11 2AS



Lifford Lane Depot, Ebury Road, Kings Norton, , Birmingham, West Midlands, B30 3JJ



Perry Barr Depot, Holford Drive, Perry Barr, Birmingham, West Midlands, B42 2TU



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

Claim No. KB-2025-001839

BEFORE THE HONOURABLE MR JUSTICE CALVER

B E T W E E N:-



KB-2025-001839

BIRMINGHAM CITY COUNCIL

Claimant

And

UNITE THE UNION

Defendant

ORDER

UPON the Claimant's application of 23 May 2025 for an interim injunction heard before Mrs Justice Dias on 23 May 2025 at a hearing attended by Leading Counsel for the Claimant and Leading Counsel for the Defendant.

AND UPON an order for an interim injunction being made by Mrs Justice Dias with a return date of 29 May 2025

AND UPON an order by consent being entered into by the parties dated 29 May 2025

BY CONSENT IT IS ORDERED that until trial or further order:

(1) The order of Mrs Justice Dias dated 29 May 2025 (**Order**) is varied as follows:

- a. The list of Depots at paragraph 1(a) of the Order is varied to include Smithfields Depot, (Sherlock Street, Birmingham, West Midlands, B5 6HX) (the **Additional Site**)
- b. Schedule 3 is varied to include the Additional Site



- (2) The provisions of the Order (as varied) will apply to the Additional Site with effect from the date the parties signed the consent order.
- (3) In order to comply with the provisions of the Order as now varied so as to also apply to the Additional Site, the Defendant will as soon as is reasonably practicable take such steps as are reasonably necessary to ensure that its members are aware of the variation and are informed that they should comply with its terms.
- (4) The Claimant's legal representative will effect service of the sealed consent order upon the Defendant's legal representative.

(5) Costs of this application be costs in the case.

Dated 24 June 2025



28

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FAO Neil Todd
Thompsons Solicitors LLP
Manchester
PO Box 11031

Your reference

NTO/M24H0802

Our reference

EAB/EAB/36257/120046
UKM/207715356.1

By Email Only : neiltodd@thompsons.law

17 September 2025

Dear Sirs

**Birmingham City Council (BCC)
Unite the Union (Unite)
High Court Claim no: KB-2025-001839**

We write to you in relation to the Order of Mrs Justice Dias of 29 May 2025 (**Order**) and our contempt application which is to be heard on 13 – 15 October 2025.

We have been made aware by our client of what appears to be further breaches of the Order by Unite having taken place this morning near to the Atlas depot. We enclose a video and photographs of the disruption in question, which mirrored the previous disruption by Unite protestors at the same location between 16 – 30 July 2025.

Whilst we have had sight of social media posts which suggests that the Birmingham Socialist Party were directly responsible for the disruption this morning, it is our client's understanding from an anonymous source who does not wish to be identified that the protestors in attendance this morning were organised by a national officer of Unite, namely an individual known as Lee (whose surname is unknown). This individual has been implicated in a number of the breaches of the Order to date. A photo is enclosed of him present during a previous blockade of waste vehicles at the same location on 30 July 2025. We understand Lee to be part of Unite's Organising Committee. We have previously asked you to confirm this gentleman's full name and role with Unite but you have failed to do so. Please can this now be provided.

We will be including the detail above and the enclosed evidence as part of the additional affidavit for Christopher Smiles being prepared in respect of the Contempt Application. However, we invite you to address this matter urgently with your client. Our client understands from the same anonymous source that similar disruption is planned to take place tomorrow and we ask you to take urgent steps to ensure compliance with the Order.

We also ask that Unite take immediate steps to ensure that all documents, text messages, WhatsApp messages and other communications relevant to the above incident and the ongoing strike action are retained by Unite, its employees, officials and agents. We also ask that urgent instructions are issued by Unite to its members involved in the ongoing strike action to retain all such information which they have in their possession.

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A list of offices and regulatory information can be found at dlapiper.com.

UK switchboard
+44 (0) 20 7349 0296



Yours faithfully

DLA Piper UK LLP

DLA Piper UK LLP

Encl.

From: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Sent: 18 September 2025 16:17
To: Euan Bruce
Cc: William Webb (Thompsons Solicitors); Rachel Halliday (Thompsons Solicitors); Amber Davies (Thompsons Solicitors); Jonathan Exten-Wright; Dharma Carlin; Sarah Parkin
Subject: RE: BCC v Unite - Claim No: KB-2025-001839 [DLAP-UKMATTERS.FID6097688]

****EXTERNAL****

Dear DLA

We write in response to your letter of 17 September alleging further breaches of the Order by Unite.

As stated in your letter, this action appears (from the evidence you have provided to us) to have been organised by the Birmingham Socialist Party. We note (from the social media screenshot you have provided) that the Birmingham Socialist Party refer to taking this action because Unite members are, in the language of Birmingham Socialist Party’s social media post, “*unable to picket effectively*”. We further note that your allegation is based on an anonymous tip off, and that the individual labelled as Lee (in the photograph you have provided said to be from 30 July 2025) does not from the evidence you have provided to us appear to have been present during any incidents which may have occurred on 17 September.

We have taken instruction from Unite. Unite firmly deny any involvement in the activities which you allege took place near the Atlas Depot on 17 September 2025. Given the seriousness of this allegation (and in order to allow us to conduct any further investigations) please confirm the following:

- 1. When was this tip-off made?
- 2. What is the basis of the contention held by the person who gave the tip-off, and in particular its nexus to Unite and any officer or employee of Unite?
- 3. What is the basis of the contention that there will be another protest on 18 July?

Notwithstanding Unite’s position outlined above, it has given further guidance to its representatives today on the terms of the Order and what is required with respect to picketing/protesting. You will recall that Unite most recently issued permanent written guidance on 1 September 2025, and until your letter of 17 September Unite was not aware of any alleged breaches of the Order. As further explained in the affidavit of Annmarie Kilcline, the terms of the Order and the restrictions in place on picketing and protest activities by Unite have been explained repeatedly at the picket line.

Yours faithfully

Thompsons

Neil Todd
Partner, Trade Union Law Group
Thompsons Solicitors
0161 819 3528



From: Euan Bruce <Euan.Bruce@dlapiper.com>
Sent: 17 September 2025 15:46
To: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Cc: William Webb (Thompsons Solicitors) <WilliamWebb@thompsons.law>; Rachel Halliday (Thompsons Solicitors) <RachelHalliday@thompsons.law>; Amber Davies (Thompsons Solicitors) <AmberDavies@thompsons.law>; Jonathan Exten-Wright <Jonathan.Exten-Wright@dlapiper.com>; Dharma Carlin <Dharma.Carlin@dlapiper.com>; Sarah Parkin <Sarah.Parkin@dlapiper.com>
Subject: RE: BCC v Unite - Claim No: KB-2025-001839 [DLAP-UKMATTERS.FID6097688]

Dear Sirs

Please see our attached correspondence and accompanying enclosures.

The video referenced in our letter can be accessed using the following link -  [17.09.2025 - Atlas - Start of Obstruction.avi](#), which should be available to everyone in copy on this email.

Yours faithfully
DLA Piper UK LLP

Euan Bruce
Legal Director

T: +441312425010
M: +447738295509
euan.bruce@dlapiper.com

DLA Piper Scotland LLP

From: Euan Bruce
Sent: 16 September 2025 18:49
To: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Cc: William Webb (Thompsons Solicitors) <WilliamWebb@thompsons.law>; Rachel Halliday (Thompsons Solicitors) <RachelHalliday@thompsons.law>; Amber Davies (Thompsons Solicitors) <AmberDavies@thompsons.law>; Jonathan Exten-Wright <Jonathan.Exten-Wright@dlapiper.com>; Dharma Carlin <Dharma.Carlin@dlapiper.com>; Sarah Parkin <Sarah.Parkin@dlapiper.com>
Subject: RE: BCC v Unite - Claim No: KB-2025-001839 [DLAP-UKMATTERS.FID6097688]

Dear Sirs

I am not sure why that would be the case. I attach the pdfs again here in case it works this time. However, I confirm that they are simply pdf versions of the following press articles and we do not rely on any videos in respect of these points:

- [Sharon Graham threatens to take any fines for Birmingham strikers from affiliation fees - LabourList](#)
- [Sky News, 7 September 2025](#)

Yours faithfully
DLA PIPER UK LLP

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M: +447738295509
euan.bruce@dlapiper.com

DLA Piper Scotland LLP

From: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Sent: 16 September 2025 18:33
To: Euan Bruce <Euan.Bruce@dlapiper.com>
Cc: William Webb (Thompsons Solicitors) <WilliamWebb@thompsons.law>; Rachel Halliday (Thompsons Solicitors) <RachelHalliday@thompsons.law>; Amber Davies (Thompsons Solicitors) <AmberDavies@thompsons.law>; Jonathan Exten-Wright <Jonathan.Exten-Wright@dlapiper.com>; Dharma Carlin <Dharma.Carlin@dlapiper.com>; Sarah Parkin <Sarah.Parkin@dlapiper.com>
Subject: RE: BCC v Unite - Claim No: KB-2025-001839 [DLAP-UKMATTERS.FID6097688]

****EXTERNAL****

Thank you for providing the same.

One of the attachments is blocked and we cannot access. I presume it is a video of an interview for Sky News. I would be grateful if you could confirm and look to see if there is any other way of providing it.

Yours sincerely

Thompsons

Neil Todd
Partner, Trade Union Law Group
Thompsons Solicitors
0161 819 3528



From: Euan Bruce <Euan.Bruce@dlapiper.com>
Sent: 16 September 2025 18:28
To: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Cc: William Webb (Thompsons Solicitors) <WilliamWebb@thompsons.law>; Rachel Halliday (Thompsons Solicitors) <RachelHalliday@thompsons.law>; Amber Davies (Thompsons Solicitors) <AmberDavies@thompsons.law>; Jonathan Exten-Wright <Jonathan.Exten-Wright@dlapiper.com>; Dharma Carlin <Dharma.Carlin@dlapiper.com>; Sarah Parkin <Sarah.Parkin@dlapiper.com>
Subject: RE: BCC v Unite - Claim No: KB-2025-001839 [DLAP-UKMATTERS.FID6097688]

Dear Sirs

Apologies, these were omitted in error. Please find them attached here.

Yours faithfully
DLA Piper UK LLP

Euan Bruce
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M: +447738295509
euan.bruce@dlapiper.com

DLA Piper Scotland LLP

From: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Sent: 16 September 2025 18:20
To: Euan Bruce <Euan.Bruce@dlapiper.com>
Cc: William Webb (Thompsons Solicitors) <WilliamWebb@thompsons.law>; Rachel Halliday (Thompsons Solicitors) <RachelHalliday@thompsons.law>; Amber Davies (Thompsons Solicitors) <AmberDavies@thompsons.law>; Jonathan Exten-Wright <Jonathan.Exten-Wright@dlapiper.com>; Dharma Carlin <Dharma.Carlin@dlapiper.com>; Sarah Parkin <Sarah.Parkin@dlapiper.com>
Subject: RE: BCC v Unite - Claim No: KB-2025-001839 [DLAP-UKMATTERS.FID6097688]

****EXTERNAL****

Dear DLA,

You refer to the following:

“I attach copies of the two articles included in the miscellaneous section for your information”. However we are unable to locate any such articles. Please can you clarify the position.

Yours faithfully

Thompsons

Neil Todd

Partner, Trade Union Law Group
Thompsons Solicitors
0161 819 3528



From: Euan Bruce <Euan.Bruce@dlapiper.com>
Sent: 16 September 2025 18:15
To: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Cc: William Webb (Thompsons Solicitors) <WilliamWebb@thompsons.law>; Rachel Halliday (Thompsons Solicitors) <RachelHalliday@thompsons.law>; Amber Davies (Thompsons Solicitors) <AmberDavies@thompsons.law>; Jonathan Exten-Wright <Jonathan.Exten-Wright@dlapiper.com>; Dharma Carlin <Dharma.Carlin@dlapiper.com>; Sarah Parkin <Sarah.Parkin@dlapiper.com>
Subject: RE: BCC v Unite - Claim No: KB-2025-001839 [DLAP-UKMATTERS.FID6097688]

Dear Sirs

We write to you in relation to paragraph 4 of the consent order which requires the Claimant to agree and file a copy of an agreed bundle by 20 September 2025.

We are in the process of preparing the proposed bundle and attach a draft index of the items we would propose to include for your comment. As you will see, there is a placeholder for the rebuttal evidence that will be provided tomorrow. I attach copies of the two articles included in the miscellaneous section for your information. The remaining items should, we hope, be apparent. We will provide a complete bundle for your review as soon as we can but please provide us with any comments you have in the meantime.

The nature of the evidence in this case means that there will be a number of videos which form part of the evidence for both the substantive injunction application and the contempt application. A folder of these will be provided with cross referencing to the page of the proposed bundle.

Your faithfully
DLA PIPER UK LLP

Euan Bruce
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euan.bruce@dlapiper.com

DLA Piper Scotland LLP

From: Neil Todd (Thompsons Solicitors) <NeilTodd@thompsons.law>
Sent: 10 September 2025 14:27
To: Euan Bruce <Euan.Bruce@dlapiper.com>; Jonathan Exten-Wright <Jonathan.Exten-Wright@dlapiper.com>; Dharma Carlin <Dharma.Carlin@dlapiper.com>; Sarah Parkin <Sarah.Parkin@dlapiper.com>
Cc: William Webb (Thompsons Solicitors) <WilliamWebb@thompsons.law>; Rachel Halliday (Thompsons Solicitors) <RachelHalliday@thompsons.law>; Amber Davies (Thompsons Solicitors) <AmberDavies@thompsons.law>
Subject: BCC v Unite - Claim No: KB-2025-001839

****EXTERNAL****

Dear DLA,

We write in relation to paragraph 2 of the Consent Order dated 19 August 2025 which requires us to serve our evidence in respect of your client’s contempt application.

On that basis we attach the following:

- 1. Affidavit of Annmarie Kilcline with relevant exhibit.
- 2. Affidavit of Luke Dalton with relevant exhibit.

Yours faithfully

Thompsons

Neil Todd
Partner, Trade Union Law Group

 Manchester Office
[Our Offices page](#)



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Refer to CS/14 in the OneDrive Folder

Refer to CS/15 in the OneDrive Folder