

On behalf of: Claimant  
By: Deborah Carter-Hughes  
No: First  
Exhibit: DCH  
Date: 11 February 2026

**Claim No: KB-2026-BHM-000043**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**(1) BIRMINGHAM CITY COUNCIL**

Claimant

- and -

**(1) PERSONS UNKNOWN**

Defendant

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**WITNESS STATEMENT OF  
DEBORAH CARTER-HUGHES**

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**I, DEBORAH CARTER-HUGHES**, of The Council House, Victoria Square, Birmingham, B1 1BB **WILL SAY** as follows:

- 1 I am the Assistant Director Legal Services – Corporate Law & Deputy Monitoring Officer at Birmingham City Council (**Council**). I have been in this role since January 2024. I am responsible for leading the Council's internal legal team, ensuring a robust and innovative legal services and lead on complex and high-profile cases for the Council as appropriate. I have been the lead internal legal advisor on the waste strikes since January 2025.
- 2 I am a solicitor of the Senior Courts of England and Wales. I qualified as a solicitor in 2008 and have worked in local government since 2006. Prior to starting at the Council, I was Executive Director at Pathfinder Legal

Services, a local authority owned law firm providing legal advice to four founder local authorities.

- 3 This statement has been prepared with the assistance of the solicitors for the Claimant, DLA Piper UK LLP (**DLA**), 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 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. In particular, this statement is intended to set out the efforts made by the Council to notify the Defendants of the Council's application and the hearing which has been scheduled to take place on 13 February 2026.
- 5 I am duly authorised by the Claimant to make this witness statement on behalf of the Claimant 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.
- 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 In making this witness statement I do not intend to waive privilege in any respect and am not authorised by the Claimant to do so.
- 8 There is now produced and shown to me an accompanying exhibit marked "Exhibit DCH". These documents are identified in this witness statement by references to the page numbers in the form "[**DCH/tab no**]".

### **Background**

- 9 Industrial action by Unite the Union (**Unite**) at the Council's Atlas, Lifford Lane and Perry Bar Depots has been ongoing since 2 January 2025. Continuous strike action has been taking place since 11 March 2025.

Industrial action at the Council's Smithfield Depot has been ongoing since 16 June 2025 when services were redeployed there from the Lifford Lane Depot. The Atlas, Lifford Lane, Perry Bar and Smithfield Depots are together referred to as the **Depots**.

- 10 As outlined in detail in the witness statement of Christopher Smiles, the Council has encountered blockading of waste vehicles by Persons Unknown in support of Unite's industrial action. This initially took place on a sporadic basis from 17 September 2025 but grew in frequency over December 2025 and January 2026 resulting in the Council making an injunction application on 3 February 2026 (**Application**).

#### **Notification of the injunction application and other documents**

- 11 In preparation for the Application being submitted, the Council had prepared a webpage upon which the documentation relating to the Application could be made available to the public following submission: [https://www.birmingham.gov.uk/info/20009/waste\\_and\\_recycling/3164/waste\\_injunction\\_for\\_persons\\_unknown](https://www.birmingham.gov.uk/info/20009/waste_and_recycling/3164/waste_injunction_for_persons_unknown) (**Webpage**). The Webpage also included a link to YouTube, where the video evidence relied upon by the Council in its Application was made available.

- 12 Once the Application was submitted, the following items were uploaded to the Webpage and were available online:

- 12.1 Application Notice;
- 12.2 Claim Form;
- 12.3 Certificate of Urgency;
- 12.4 Draft Order;
- 12.5 Witness statements and exhibits:
  - (a) Christopher Smiles;
  - (b) Dean Smith;
  - (c) Richard Smith;

(d) David Miller; and

(e) Carol Culley.

13 With the exception of the exhibit of Carol Culley, these items were uploaded to the Webpage on the evening of 3 February 2026. The exhibit of Carol Culley was initially omitted in error, but was uploaded the following morning (4 February 2026).

14 I instructed DLA to take steps immediately following submission of the Application to notify Unite and other organisations who were identified as having potential contact with the Defendants of the Application. I understand that after the Application was made, DLA did the following:

14.1 On 3 February 2026, DLA sent separate emails to: Strike Map [**DCH/1**], the Socialist Workers Party [**DCH/2**]; Reel News [**DCH/3**]; and the Birmingham Socialist Party [**DCH/4**]. The emails notified the organisations of the Application and provided a link to the Webpage.

14.2 On 3 February 2026, DLA sent an email to Sharon Graham, Onay Kasab and Annmarie Kilcline at Unite copying Neil Todd of Thompsons (Unite's solicitors in relation to the injunction obtained by the Council against Unite). The email contained an electronic link to a shared drive containing the documents filed with the court in relation to the Application and a link to the Webpage where the documents can be accessed. The email was resent to Mr Kasab after a typographical error in his email address when sending initially [**DCH/5**].

14.3 On 4 February 2026, DLA delivered a cover letter and hard copies of the documents filed with the Court in relation to the Application by hand to Unite's head office [**DCH/6**]. The following image shows the documents being delivered [**DCH/7**].

15 I also gave instructions to both Council staff and (via DLA) process servers for notices in the form at [**DCH/8**] to be printed on A4 paper and put up at the Depots to notify the Defendants about the Application. The notices

included a QR code to allow anyone viewing the notice to access the Webpage. It has been confirmed to me that the following steps were taken:

- 15.1 Atlas Depot: on 4 February 2026, David Miller (Service Manager) emailed me to confirm [**DCH/9**] that he had affixed two copies of the notice at either side of the gate at the Redfern Road exit from the Depot at 03:48. This is shown in the following images [**DCH/10-12**]. The sit report for 6 February 2026 confirmed the notices were in place at 03:48 [**DCH/13**]. It was later clarified to David that the notice should also be placed at the Kings Road exit and he confirmed that this had been done by an email sent at 12:35 on 4 February 2026 [**DCH/14**].
- 15.2 Lifford Lane Depot: I instructed DLA to appoint process servers to put up the notices at the Lifford Lane Depot as we did not have anyone available to put up the notice at the Depot. The process servers who were appointed were Expert Investigations Limited (c/o 8 Elm Court, Arden Street, Stratford upon Avon, Warwickshire CV37 6PA) (**Expert Investigations**). Glenn Marriott of Expert Investigations has provided a witness statement which confirms that he attended the Lifford Lane Depot at 05:55 on 4 February 2026 and affixed two copies of the notice to the gate using cable ties [**DCH/15**]. The notices can be seen in the following images [**DCH/16**].
- 15.3 Perry Barr Depot: on 4 February 2026, Richard Smith (Depot Manager) emailed me at 03:52 to confirm that he had affixed two copies of the notice to the fence at the Perry Barr Depot, one next to the pedestrian entrance to the Depot and the other next to the gate where blockades had been taking place [**DCH/17**]. These are shown at the following images [**DCH/18-30**]. This is also confirmed by the sit report for 6 February 2026 [**DCH/13**].
- 15.4 Smithfield Depot: on 4 February 2026, Dean Smith (Depot Manager) contacted me by email to confirm that at 04:30 he had affixed three copies of the notice at the entrance to the Depot, on the fence to the left and right of the gate, and on the retractable gate itself [**DCH/31**]. These can be seen in the following images

[*DCH/32-35*]. This is also confirmed by the sit report for 6 February 2026, although the sit report gives the exact time as 04:36 [*DCH/13*].

16 I gave instructions for details of the Application to be published on the Webpage and on social media. On 4 February 2026, the Council made posts on X, LinkedIn, Bluesky, Facebook and the Birmingham City Council News page, about the Application which included a link to the documents filed with the court in relation to the Application on the Webpage [*DCH/36*].

### **Notification of the injunction hearing**

17 I was made aware by DLA on the morning of 5 February 2026 that the Court had listed a hearing to take place in respect of the Application at the Birmingham Civil and Family Justice Centre, the Priory Courts, 33 Bull Street, Birmingham B4 6DS, at 10.30am on Friday 13 February 2026 (**Hearing**).

18 I instructed DLA to take further steps to notify Unite and other organisations of the Hearing. As shown by the relevant exhibits, DLA sent separate emails to the Birmingham Socialist Party, Reel News, SWP Birmingham, and Strike Map notifying them of the Hearing [*DCH/37-40*]. The notice made clear that the hearing served as an opportunity for the Defendants to make representations regarding the Application.

19 On the same day, DLA also sent an email to Sharon Graham, Onay Kasab and Annmarie Kilcline at Unite copying Neil Todd of Thompsons (Unite's solicitors in relation to the injunction obtained by the Council against Unite) to notify them of the Hearing [*DCH/41*].

20 I also gave instructions for details of the Hearing to be published on the Webpage and further updates to be published on social media. The following steps were taken:

20.1 On 5 February 2026, the Council published details of the Hearing and a link to the Court Order dated 5 February 2026 (**Hearing Order**) on the Webpage [*DCH/42-43*].

20.2 On 5 February 2026, the Council made posts on X, LinkedIn, Bluesky, and Facebook about the Hearing which included the date,

time and location of the hearing and a link to the Webpage where the Hearing Notice was available [**DCH/44**].

21 I also gave instructions for notices in the form at [**DCH/45**] to be printed on A4 paper and put up at each of the Depots alongside a copy of the Hearing Order. The revised notices included details of the Hearing and I asked that these be put up in place of those original notices which had been posted on 4 February 2026. It has been confirmed to me that the following steps were taken:

21.1 Atlas Depot: on 6 February 2026, David Miller (Depot Manager) emailed me at 10:00 to confirm [**DCH/46**] that he had affixed the new notices at both the Redfern Road and Kings Road entrances that morning at 04.00. The sit report references this as 04.35 and I understand that this time was the time of a message that was sent after the notices were put up [**DCH/13**]. David provided photos showing the notices placed alongside, rather than instead of, the original notice at the Redfern Road entrance [**DCH/47-50**]. After clarifying with David, the Hearing Order was put up at both entrances at 12:00 on 9 February 2026, as shown by the email at [**DCH/51**]. The Hearing Order is shown in the photographs attached to the email sent by David Miller on 10 February at 10:18 [**DCH/52**]. The photographs are at [**DCH/53-54**].

21.2 Lifford Lane Depot: I instructed DLA to appoint process servers to put up the notices at the Lifford Lane Depot. The process servers who were appointed were Expert Investigations. Glenn Marriott of Expert Investigations has provided a witness statement which states that he attended the Lifford Lane Depot at 06:00 on 6 February 2026 and affixed two copies of the updated notice and two copies of the Hearing Order to the gate using cable ties [**DCH/55**]. The notices can be seen in the image at [**DCH/56**].

21.3 Perry Barr Depot: on 6 February 2026, Justin Hillyer (Service Manager) emailed me at 09:33 to confirm that he had put the revised notice up that morning [**DCH/57**]. This is shown in the images at [**DCH/58-59**]. The Hearing Order was not initially put up alongside the revised notice. When I queried this, the Hearing

Order was put up at 14:15 on 9 February 2026 by Richard Smith [DCH/60]. The Hearing Order is shown in photographs included in an email sent by Richard Smith at 10:17 on 10 February 2026 [DCH/61].

21.4 Smithfield Depot: on 6 February 2026, Dean Smith (Service Manager for Smithfield) contacted me by email at 04:22 to confirm that the updated notice and Court Order had been affixed to the entrance to the Depot, on the left gate, right gate and centre gate [DCH/62]. These can be seen in the following images [DCH/63-67] and is confirmed by the sit report for the day [DCH/13].

22 I also gave instructions for DLA to appoint process servers to hand out leaflets at each of the Depots on 6 February 2026. Glenn Marriott of Expert Investigations attended each of the Depots to hand out leaflets. Mr Marriot attended each of the Depots in sequence: Lifford Lane, Smithfield, Atlas and Perry Barr. However, there were no protestors present at any of the Depots for him to provide leaflets to [DCH/55]. This is shown by the images at [DCH/68].

### **Checking the notices**

23 I asked the Depot managers to check that the notices remained in place at the Depots each day and this was captured in the sit reports over the subsequent days [DCH/13] and [DCH/69-71]. However, the information provided was incomplete and I understand that the reason for this is that the sit reports are populated using the times from text messages that can be sent after the time that the checks have been completed. I therefore followed up where necessary to clarify timings of checks with the respective sites and understand the checks were completed as follows:

24 In respect of Atlas Depot:

24.1 The spreadsheet at [DCH/72] shows that the notices at the Kings Road and Redfern Road entrances to Atlas Depot were in place when they were checked at 04:00 and 16:40 and 04:05 and 16:45 respectively on 5 February 2026 by David Miller.

24.2 As outlined at 21.1 above, I was in contact with David in the period thereafter to clarify the notices which had been put up and pictures are exhibited above. I know from Mr Miller that he has continued to check that the orders are in place twice each day.

25 In respect of Lifford Lane:

25.1 On 4 February 2026, Dean Smith contacted me at 07:25 to confirm that the notices were in place [**DCH/73**].

25.2 I was informed by Dean Smith that Siobhan Stubbs (Veolia Site Manager) carried out checks of the notices at around 6:30 daily between 5 February 2026 and 10 February 2026, excluding weekends. No issues with the notices have been recorded. This is shown by the emails at [**DCH/74-75**].

26 In respect of Perry Barr Depot:

26.1 Following the departure of the protestors on the morning of the 4 February 2026, Richard Smith informed me by email that the notices remained in situ as of 09:30 [**DCH/76**]. This is shown at the following images [**DCH/77-80**].

26.2 On 5 February 2026, the notices were checked at 14:00 and 15:15 by Richard Smith. This is shown by the sit report for 6 February 2026 [**DCH/13**].

26.3 On 6 February 2026, Justin Hilyer emailed to confirm that he had put the revised notice up [**DCH/57**]. The notices are visible in the photographs that were sent by Justin Hilyer [**DCH/58-59**].

26.4 On 7 February 2026, the notices were checked by William Owen (ASM) and they were still in place. This is shown by the email at [**DCH/81**] and the images at [**DCH/82-83**].

26.5 On 9 February 2026, Justin Hillyer sent me an email at 09:25 to confirm that he had removed the original notices [**DCH/84**]. The photographs that were attached to his email show that the notices were still in place [**DCH/85-86**].

26.6 On 10 February 2026, the notices and Hearing Order were still in place, as shown by the photographs included in the email from Richard Smith at [**DCH/61**].

27 In respect of Smithfield Depot:

27.1 On 4 February 2026, the notices were checked at 15:00 by the security guards at the depot and there was no damage to the notices. This is shown in the sit report for 6 February 2026 at [**DCH/13**], the excel document at [**DCH/87**] and the email at [**DCH/88**].

27.2 On 5 February 2026, the signs were checked at 5:30 and 15:00 by Cameron Baynes and the security guards at the depot respectively, and there were no issues reported. This is shown by the excel document at [**DCH/87**] and the email at [**DCH/88**] although there is a disparity in the check being carried out at 05.00 or 05.30 in the two documents and the exact timing of the check is unclear as the sit report suggests it was done at 04:46 [**DCH/13**].

27.3 On 6 February 2026, new notices were put up as outlined above. These were checked by Dean Smith at 04:35 and 15:00, as shown by the excel document at [**DCH/87**].

27.4 On 8 February 2026, the notices were checked by Desmond McNamara at 05:00 and 15:00, and there were no issues to report [**DCH/87**].

27.5 On 9 February 2026, the notices were checked at 04:15 and 15:00 by Dean Smith and there were no issues to report [**DCH/87**]. This is also shown by the sit report for the day, although the sit rep gives the time of 04:40am [**DCH/71**].

27.6 On 10 February 2026, the notices were checked by Dean Smith at 04:10 and 15:00, and there were no issues to report [**DCH/87**].

### **Press articles and social media posts**

28 I am aware of the following press articles in relation to the Application:

- 28.1 "Urgent Birmingham legal bid to stop protests outside bin depots or risk 'rubbish mountain'" posted by Birmingham Live dated 4 February 2026 [**DCH/89**];
  - 28.2 "Birmingham City Council seeks injunction to ban 'Megapickets' and solidarity action" posted by Institute of Employment Rights dated 4 February 2024 and quoting Strike Map co-founder Henry Fowler; Fire Brigades Union General Secretary Steve Wright; and ASLEF General Secretary Dave Calfe [**DCH/90**];
  - 28.3 "Birmingham council accused of cowardice as it seeks ban on protests in support of bin workers" posted by Morning Star dated 4 February 2026 and quoting Strike Map co-founder Henry Fowler; Fire Brigades Union General Secretary Steve Wright; and ASLEF General Secretary Dave Calfe [**DCH/91**]; and
  - 28.4 "Birmingham City Council seeking injunction to stop protests outside depots" posted by Rayo dated 4 February 2026 and quoting Strike Map co-founder Henry Fowler [**DCH/92**].
- 29 I am also aware of social media posts by Unite For A Workers' Economy and Strike Map about the injunction, including a post by Strike Map dated 4 February 2026 quoting Strike Map co-founder Henry Fowler. These are shown at [**DCH/93-94**]. The Facebook post by Unite For A Workers' Economy posted on 31 January 2026 shares an article by Express and Star that is available at [**DCH/95**]. The Facebook post by Strike Map posted on 5 February 2026 shares an article by Express and Star that is available at [**DCH/96**].

### **Further Planned Steps**

- 30 Ahead of the hearing on 13 February 2025, I have provided DLA with further instructions for process servers to undertake leafleting at all four Depots on the mornings of 10, 12 and 13 February 2025.
- 30.1 10 February 2026 – Glenn Marriott of Expert Investigations was again asked to attend the Depots to provide leaflets to any protestors present. He attended in sequence of: Perry Barr, Smithfields; Atlas; and Lifford Lane. The only protestors who he

encountered were at Smithfield where a blockade took place (see below). Mr Marriott sought to provide leaflets to the protestors who were responsible for the blockade, but they refused to accept the leaflets provided. There were no other protestors present at any of the other Depots. Mr Marriott has provided a statement and exhibit setting out his actions [**DCH/97-98**].

- 31 I have also asked staff at the Depots to continue to check twice daily to confirm that the notice documentation and Hearing Order remains displayed.
- 32 Further posts were made on the Council's social media channels to reiterate the details of the Hearing Order on 10 February 2026 [**DCH/99**]. Further posts are planned for 12 February 2026.

#### **Further Disruption**

- 33 The incidents of disruption are detailed in Dean Smith, David Miller and Richard Smith's witness statements, so I do not plan to discuss the disruption in detail. However, since the Application was made, further disruption took place at Smithfield Depot on 10 February 2026, with six of the Defendants slowly pigeon walking in front of the three exits to the depot stopping vehicles from deploying. This is shown by the sit report and enclosed images for the day at [**DCH/100**].
- 34 Dean Smith asked the Defendants to allow trucks to leave, which resulted in an agreement to allow one truck to leave every 15 minutes. Site staff also managed to get twelve vehicles out through an alternative exit. However, following this, two of the Defendants moved to the alternative exit and the Defendants stopped all vehicles from leaving the Depot. The Defendants left the gates at around 08:05. This is shown by the Daily Activist Engagement Log for the day at [**DCH/101**] and the email at [**DCH/102**].
- 35 All vehicles were deployed from Smithfield Depot by 08:07 as shown by the sit report at [**DCH/100**].

36 I understand that the Smithfield Depot was also blockaded by the Defendants on the morning of 11 February 2026, but I await further details at the time of signature.

**Statement of Truth**

37 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 11 February 2026

Signed by:  
  
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**DEBORAH CARTER-HUGHES**

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By: Deborah Carter-Hughes  
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