

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

BETWEEN:

BIRMINGHAM CITY COUNCIL

Claimant

-and-

PERSONS UNKNOWN WHO, IN SUPPORT OF STRIKES ORGANISED BY UNITE THE UNION AND WITHOUT THE CLAIMANT'S CONSENT

(1) ENTER OCCUPY OR REMAIN ON, OR BLOCK OR OBSTRUCT THE ENTERING OR EXITING OF ANY OTHER INDIVIDUAL OR VEHICLE TO OR FROM THE

FOLLOWING LOCATIONS:

(A) ATLAS DEPOT, 70/72 KINGS ROAD, TYSELEY, BIRMINGHAM, B11 2AS (AS SHOWN EDGED RED ON THE ATTACHED PLAN 1)

(B) LIFFORD LANE DEPOT, EBURY ROAD, KINGS NORTON, BIRMINGHAM B30 3JJ (AS SHOWN EDGED RED ON THE ATTACHED PLAN 2)

(C) PERRY BARR DEPOT, HOLFORD DRIVE, BIRMINGHAM, B42 2TU (AS SHOWN EDGED RED ON THE ATTACHED PLAN 3)

(D) SMITHFIELD DEPOT, SHERLOCK STREET, BIRMINGHAM, B5 6HX (AS SHOWN ON THE ATTACHED PLAN 4)

AND/OR

(2) BLOCK OR OBSTRUCT ANY OF THE CLAIMANT'S STREET MANAGEMENT VEHICLES INCLUDING BUT NOT LIMITED TO; WASTE COLLECTION VEHICLES, STREET SCENE, TRADE WASTE AND CLINICAL WASTE VEHICLES WITHIN THE CITY OF BIRMINGHAM (AS SHOWN ON EDGED RED ON THE ATTACHED MAP 1)

Defendants

PARTICULARS OF CLAIM

INTRODUCTION

1. The Claimant is the City Council of Birmingham with a workforce of approximately 11,500 employees. The Claimant's Waste Operations Service ("the Waste Service") has responsibility for the collection of residual, recycling, garden refuse, trade, commercial and clinical waste for the City of Birmingham.

2. This is a claim for injunctive relief against Persons Unknown who have, in support of strike action by Unite the Union (“Unite”), since 17 September 2025, and increasingly since December 2025, been blockading the Claimant’s waste depots and disrupting the collection of the City of Birmingham’s waste.
3. These proceedings following the granting of an interim injunction by Mrs Justice Dias against Unite the Union which was extended until trial or further order on 29 May 2025 and to cover the Claimant’s Smithfield depot on 25 June 2025 (“the Unite Injunction”). The industrial action is continuing, subject to the terms of the Unite Injunction
4. Since 31 July 2025, Unite has ceased disrupting the Waste Service. However, from 17 September 2025, the actions that Unite are prohibited by the Unite injunction from undertaking, namely blockading, obstructing and preventing use of the public highway by the Claimant’s waste and street management vehicles, are being performed by the Defendants as described below.
5. The Defendants’ actions have caused increased numbers of missed collections through December 2025 and January 2026 and the situation has reached a point where urgent relief is required to prevent the further buildup of missed collections and waste on Birmingham’s streets.

THE PREMISES AND PROHIBITED TERRITORY

6. The land and property to which this Claim relates is those sites from which the Waste Service operates and which were at all material times owned and occupied by the Claimant, (as qualified below), namely:
 - a. Atlas Depot, 70-172 Kings Road, Tyseley, Birmingham, B11 2AS shown edged red on the plan at Appendix 1, Plan 1 (Atlas Depot).
 - b. Perry Barr Depot, Holford Drive, Perry Barr, Birmingham, West Midlands, B42 2TU, shown edged red on the plan at Appendix 1, Plan 2 (Perry Barr Depot).
 - c. Lifford Lane Depot, Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ, shown edged red on the plan at Appendix 1, Plan 3 (Lifford Lane Depot). The site is leased to Veolia with a license back to the Claimant to operate from it;
 - d. Since 16 June 2025, Smithfield Depot, (Sherlock Street, Birmingham, West Midlands, B5 6HX, shown edged red on the plan at Appendix 1, Plan 4 (Smithfield Depot) has housed the Refuse Service for the south side of Birmingham.

(together the Premises or Depots, and each individually a Depot)

7. Due to renovations at the Lifford Lane Depot, between April and 16 June 2025 the Waste Service was redeployed from its usual base on site to an annex on site known as the Remakery. This was susceptible to particular disruption during the industrial action due to the layout of the Lifford Lane site. As a result, the service was redeployed to the Smithfield Depot from 16 June 2025. The Lifford Lane Depot is still used for offloading of waste and it is expected that the service will return to the Remakery at the Lifford Lane site once industrial action is at an end.
8. The “Prohibited Territory” is shown at Appendix 1, Map 1, the red outline on which shows the boundaries of where the Waste Service operates together with the location of the four Depots.

THE STRIKE ACTION AND PREVIOUS DISRUPTION BY UNITE

9. Since 2 January 2025, members of Unite have been taking industrial action in respect of a trade dispute with the Claimant. Discontinuous strike action commenced on 6 January 2025 and continuous strike action has been ongoing since 11 March 2025. The most recent ballot by Unite took place on or about 10 February 2026, providing a mandate for continuing industrial action until September 2026.
10. From March 2025 to May 2025, the Waste Service was the subject of significant disruption caused or permitted by Unite. The Claimant avers that the disruption amounted to unlawful, tortious behaviour which has a significant impact on the Council's ability to undertake the waste service for the residents of Birmingham. This involved Unite protestors blockading the Claimant's waste vehicles and preventing them from deploying from the gates of the Depots.
11. After Unite failed to comply with its own assurances concerning picketing and protesting the Claimant applied for an interim injunction. This was granted on 23 May 2025 and subsequently extended by consent until trial or further order as appended at Appendix 2. The terms of the injunction reflect those assurances offered by Unite including the location and extent of the Designated Assembly Areas.
12. Despite the Unite Injunction being in place, Unite continued to blockade the Claimant's waste vehicles. From 8 July 2025 Unite's tactics changed so that blockades of vehicles took place away from the Depot gates with Unite blocking the access roads from the Perry Barr and Atlas Depots and slow-walking in front of the vehicles.

13. On 24 July 2025, the Claimant made a contempt application against Unite. This was heard on 14 October 2025 with Unite accepting they would be fined for multiple breaches of the Order. Judgment is expected imminently. Whilst it had initially contested that the Unite Injunction prohibited obstruction away from the Depots, i.e. on the public highways, Unite conceded that this was the meaning of the order during the contempt proceedings.

UNLAWFUL PROTESTING ACTIVITY BY PERSONS UNKNOWN

14. The unlawful action by Unite ceased from 31 July 2025. However, since 17 September 2025, the same behaviours have been performed by the Defendants, namely the slow walking and standing in front of the Claimant's vehicles and obstruction of the public highway to prevent their passing.

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

16. The following instances of unlawful behaviour by the Defendants have occurred:

- a. 17 September: Atlas Depot – the Defendant blocked the passage of waste vehicles as they drove away from the Depot at the junction of Redfern and Wharfedale Road. Facebook post indicating that members of the Birmingham Socialist Party had been responsible for the protest along with other "*independent activists*". The post suggested that the action had been taken by the Defendants due to Unite being unable to "*picket effectively*" and went on to say "*that is why independent activists have taken matters into their own hands*", again suggesting that the motivation is simply to bypass the effect of the injunction granted against Unite.;
- b. From 5 December 2025, the Claimant started to see these sporadic disruptions by the Defendants becoming more regular and causing a greater impact on the service particularly in late January 2026. On each occasion, the Defendants would block the exits to the Depots, either by slowly walking in circles in front of the gates or simply standing and blockading the exit:
 - i. 5 December 2025 – Atlas Depot – Masked Defendants again block the Depot gate delaying deployment of 15 vehicles until 10.40 am. 44% of collections missed (30,554 properties);

- ii. 12 December 2025 – Perry Barr Depot – police allow protest to continue for three hours with the consequence that 15% of collections missed (10,416 properties) across Perry Barr & Smithfield Depots;
- iii. 12 December 2025 – Smithfield Depot – Around 40 people attend and whilst some block the gates, prompt police intervention prevents any significant delays in deployment;
- iv. 19 December 2025 – Smithfield Depot – Around 80 people attend and a group of them walk in front of the depot exit preventing deployment. Limited delays and only 1% of collections missed (694 properties);
- v. 8 January 2026 – Perry Barr Depot – Blockade causes delay in deployment until 9.10 am;
- vi. 8 January 2026 – Atlas Depot – 8 Defendants block exit with vehicles not deployed until 10.10 am after police intervention. 18% of collections missed (13,491 properties);
- vii. 12 January 2026 – Perry Barr Depot – 4 hour delay in deployment until 10.15 am due to slow walking at Depot exit;
- viii. 12 January 2026 – Atlas Depot – Blockading of depot exit leading to 4 hour delay in deployment and 78% of collections missed across Perry Barr and Atlas (56,973 properties);
- ix. 15 January 2026 – Smithfield Depot – 21 vehicles prevented from deployment until after 9.00 am;
- x. 15 January 2026 – Atlas Depot – Blockading of depot exit with deployment delayed until 10.05 and 23% of collections missed across Atlas and Smithfield Depots (17,238 properties);
- xi. 19 January 2026 – Perry Barr Depot – Slow walking at Depot exit leads to only 3 vehicles being initially deployed (out of around 27). All vehicles eventually deployed by 10.20 am;
- xii. 21 January 2026 – Perry Barr Depot – Vehicles delayed by over 3 hours until around 9.40 am;

- xiii. 21 January 2026 – Atlas Depot – Blockading of depot exit leading to 48% of collections being missed across Perry Barr and Atlas (35,816 properties);
 - xiv. 27 January 2026 – Perry Barr Depot. Blockade in place from 5.35 am and deployment delayed until 9.30 am. Across Perry Barr and Atlas, 7% of collections missed (5,088 properties);
 - xv. 27 January 2026 – Atlas Depot – vehicles released at intervals but deployment still delayed by several hours until 9.00 am;
 - xvi. 28 January 2026 – Perry Barr Depot. Slow walking across Depot exit delays deployment until 10.45 am. Across Perry Barr and Atlas 16% of collections missed (11,939 properties);
 - xvii. 28 January 2026 – Atlas Depot – slow walking in front of vehicles delays deployment until 10.00 am;
 - xviii. 29 January 2026 – Perry Barr Depot – Blockade at Depot entrance causes delays in deployment. Defendants encroach onto Depot land. Deployment delayed until 10.50 am – over 5 hours late;
 - xix. 29 January 2026 – Atlas Depot – slow walking delays deployment until 10.10 leading to 47% of collections being missed across all depots (35,226 properties);
 - xx. 29 January 2026 – Smithfield Depot – Defendants say that they will allow vehicles to leave at 15 minute intervals but in fact there are longer delays. Alternative arrangements are made for deployment in order to avoid blockade – alternative exit route then blockaded by Defendants and deployment delayed until 10.05 am.
- c. On 30 January 2026, an event was held which has been advertised as a "Megapicket" (the third that has taken place since the industrial dispute with Unite commenced):
- i. The event took place across all the Depots, as well as at the Council's Brewery Depot (Brewery Street, Birmingham, B6 4JB), which houses the Council's Street Scene team (which is not part of the industrial dispute). The Defendants blockaded each of the Depots and Brewery Street and the significant numbers of Defendants present meant that it was not possible to deploy vehicles from any of the Operational Depots.

- ii. Promotional material for the event on 30 January suggests that Strike Map were responsible for the event, but that it was supported by a number of trade unions and other organisations: *"ASLEF, AEP, BFAWU, Birmingham TUC, Blacklist Support Group, CWU, Equity, FBU, GFTU, Green Party, Manchester TUC, NEU, NHS Workers Say Not, NSSN, PCU PCS, RMT, RCPOD, Troublemakers at work, UNISON Greater Manchester Transport Branch, UNISON Homerton Hospital Branch, We Demand Change, Wolverhampton TUC and Your Party"*
- iii. An article in the Morning Star on the day of the event by the co-founders of Strike Map noted that previous events had *"successfully shut sites when Unite's injunction prevented workers from doing so themselves"*. The article demonstrates the intention of Strike Map and the Defendants to exert leverage over the Claimant by undertaking actions which Unite are prevented from doing by the Unite Injunction.

17. Since the "Megapicket", and until the date of filing these Particulars of Claim

- a. 10 February 2026 – Smithfield Depot – six Defendants pigeon walking in front of the three exits to the Depot.
- b. 11 February 2026 – Smithfield Depot – Defendants blocking the main exit from the Depot.
- c. 12 February 2026 – Atlas Depot – Defendants slow walking in circles at the Depot's exit gate to form a blockade continuing down the road until the junction of Wharfedale Road.
- d. 12 February 2026 – Smithfield Depot – Defendants blockading multiple gates around the Depot. With assistance from the police, it was agreed that 2 vehicles could leave every 15 minutes from 9am onwards.

LIASON WITH THE POLICE IN RELAITON TO THE DISRUPTION

- 18. Despite repeated engagement and requests for assistance by the Claimant, West Midlands Police's ("the Police") response has been insufficient to allow delivery of the Waste Service.
- 19. Until recently the Police has adopted the approach of allowing protestors to remain in situ for three hours at a time before being willing to intervene, purportedly on the basis of their interpretation of the Supreme Court decision in *Director of Public Prosecutions v Ziegler*

[2021] UKSC 23. The Claimant avers this interpretation is based on an erroneous interpretation of a decision on particular facts following a criminal prosecution. The Police's permitting of the blockages has increasingly leading to periods of protests lasting for four hours and more before vehicles could be deployed.

20. However, as the disruption escalated in the week of 26 January 2026 and the Claimant sought increased intervention from the Police, their response has been to step away even further, leaving the protestors to determine for themselves how long the protest should last.

IMPACT OF THE UNLAWFUL ACTIVITY BY THE DEFENDANTS

21. The Claimant has faced disruption of its Waste Service for a period of over 12 months since Unite began its industrial action. Following the contempt application, Unite has ceased its unlawful activities but the Defendants have now stepped in and have been seen causing increasing levels of disruption, as set out above.
22. The frequency of disruption and impact on missed collections has escalated since December 2025 and appears only now to have abated, since the Claimant made its application for an injunction on 3 February 2025.
23. Where collections are missed, residents of the city are being directly disadvantaged because of the Defendant's actions. The disruption by the Defendants means that the Claimant is unable to operate a consistent service and where disruption occurs on the same days and at the same Depots each week, it is the same residents whose rounds are repeatedly missed and so the impact on those individuals is intensified.
24. The week of 26 January 2026 saw the greatest levels of disruption by the Defendants to date. This included blockading on four days out of five, with all operational sites affected. As of close of the Waste Service on 1 February 2026 when overtime work was conducted to try and catch up on missed collections through the week, there were over 67,000 properties who did not receive their collection that week (19% of the total households in the city). This means those households must either hold their waste in the household, or it spills into the street.
25. Should the Defendants not be restrained, the health and safety risk to the residents of Birmingham will only increase as the level of missed collections and waste on the street intensifies.
26. Whereas the Claimant was able to address the missed collections in the period up to 25 January 2026, this comes at significant cost to a public body. For the week of 26 January – 1 February

2026, the costs of deploying additional resources to seek to redress the missed collections was £113,798.47, bringing the total cost of overtime and additional resource in January 2026 to £411,522.58. This is compared with total costs of £97,612.40 for the entirety of December. Even with this additional expenditure, the Claimant would not be able to reduce the number of missed collections if the disruption returned to its levels immediately before the Claimant made its application.

CAUSES OF ACTION

27. The incidents at paragraphs 14-17 above amount to trespass private and public nuisance.
28. On 29 January 2026 at Perry Barr depot, Defendants trespassed by blocking vehicles when stood 15 – 20 metres inside the boundary of the land.
29. In relation to private nuisance, the acts undertaken by the Defendants at the entrances to the Depots and on the public highways leading to them, amount to an undue and substantial interference with the Claimants' enjoyment of the Depots. In particular, the effect is that the Claimants' employees, agents and licensees cannot freely come and go from the Depots, onto the public highway adjoining, to undertake their lawful activities, due to the passage of their vehicles being blockaded and obstructed by the Defendants.
30. Further, or alternatively, the Defendants' actions amount to a public nuisance by unreasonable obstruction of the highway and the deliberate interference with the primary use of the highway which is to pass and repass, together with causing a health and safety risk to the public. The Defendants have thereby caused or permitted the nuisance to occur and remain, that nuisance being reasonably foreseeable.

HUMAN RIGHTS

31. The Unite Injunction mirrors terms offered, but not voluntarily complied with, by Unite in respect of its picketing and protesting activities. The order having been made in those terms and extended to trial by consent, duly restrains those with the greatest legitimate interest in the industrial action.
32. For it to be proportionate for Unite to be so restrained but the Defendants to be permitted to disrupt the Waste Service, would be an irrational outcome.
33. To the extent Articles 10 and 11 are therefore engaged, the granting of the injunction in the terms sought is justified as a proportionate means of achieving a legitimate aim:

- a. the Defendant's actions amount to direct action which should be afforded less weight than simple protest;
- b. the relief sought does not seek to restrain peaceful protest, only that which seeks to blockade and prevent the passage of waste vehicles in the Prohibited Territory;
- c. the disruption and harm caused to the residents of the City of Birmingham is considerable and carries real health and safety risks;
- d. no less restrictive measures are available – West Midlands Police has repeatedly confirmed it will allow protest for three hours before moving on protestors which does not, and has not, allowed for delivery of the Waste Service and has not prevented the actions on which the Claimant's claim is based.

IDENTIFICATION OF THE DEFENDANTS

34. The Claimant has been unable to identify the Defendants, who are not known to the Claimant's Depot Managers or Waste Operations or the Head of Waste Logistics and Collection. The Defendants often wear masks which further hinders their identification. The Claimant has asked the Police for their assistance in identifying potential Defendants but no names, other than those of Unite members, have been received.

RELIEF SOUGHT

35. Having seen a considerable escalation in the level of disruption from December 2025 and into January 2026, if not restrained by the Court, the Defendants are highly likely to continue to cause such nuisance which has caused significant disruption to the City of Birmingham's waste service.
36. Damages would not be an adequate remedy given the nature of the damage, distress, disruption and inconvenience to the residents of Birmingham being not easily quantifiable, nor the impact on the employees of the Waste Service.
37. The Claimant therefore seeks an injunction to restrain the Defendants from further acts of private and/or public nuisance and/or trespass..

SERVICE/NOTIFICATION

38. Pursuant to *Wolverhampton CC v London Gypsies & Travellers* [2024] 2 WLR 45, the Claimants cannot serve Persons Unknown. Rather, the Claimant has already notified Persons

Unknown of the injunction application and Claim Form by taking the same steps in respect of these Particulars of Claim:

- a. Uploading a copy of the Order onto the website at address:
<https://www.birmingham.gov.uk/WasteInjunctionPersonsUnknown>.
- b. Sending an email to neiltodd@Thompsons.law; sharon.graham@unitetheunion.org; onay.kasab@unitetheunion.org; annmarie.kilcline@unitetheunion.org; enquiries@swp.org.uk; birminghamsocialistparty@gmail.com; info@reelnews.co.uk; and strikemap@gftu.org.uk, attaching in each case a copy of this Order.
- c. Affixing a copy of the Order in A4 size at the entrance to each of the Premises. Monitoring that the warning notices remain affixed and legible is to be carried out by the Claimant in the first week of each month until discharge of this Order.
- d. Distributing leaflets at each of the Premises notifying those present of the granting of the Order and which give details of the Website.
- e. Publishing details of the Order on the Claimant's social media channels and that the Order can be accessed on the Website.

AND THE CLAIMANT CLAIMS:

- (1) An order that until 1 January 2028, the Defendants are restrained from entering on to the Premises;
- (2) An order that until 1 January 2028, the Defendants are restrained from blocking or obstructing the exiting or entering of any other individual or vehicle to or from the Premises or otherwise impede the exiting or entering of such individuals or vehicles;
- (3) An order that until 1 January 2028, the Defendants are restrained from blocking or otherwise obstructing the public highway within the Prohibited Territory as marked as the area within the boundary as drawn on the map at Schedule 2 with the purpose or effect of preventing, slowing or otherwise disrupting the passage of Street Management vehicles including but not limited to; waste collection vehicles, street scene, trade waste and clinical waste vehicles operating out of the Premises;
- (4) Costs;

(5) Further or other relief.

BRUCE CARR KC

ANNA GREENLEY

23 February 2026

Statement of Truth

I believe that the facts stated in this Particulars of Claim 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.

D Carter-Hughes

23 February 2026

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Signed

Dated

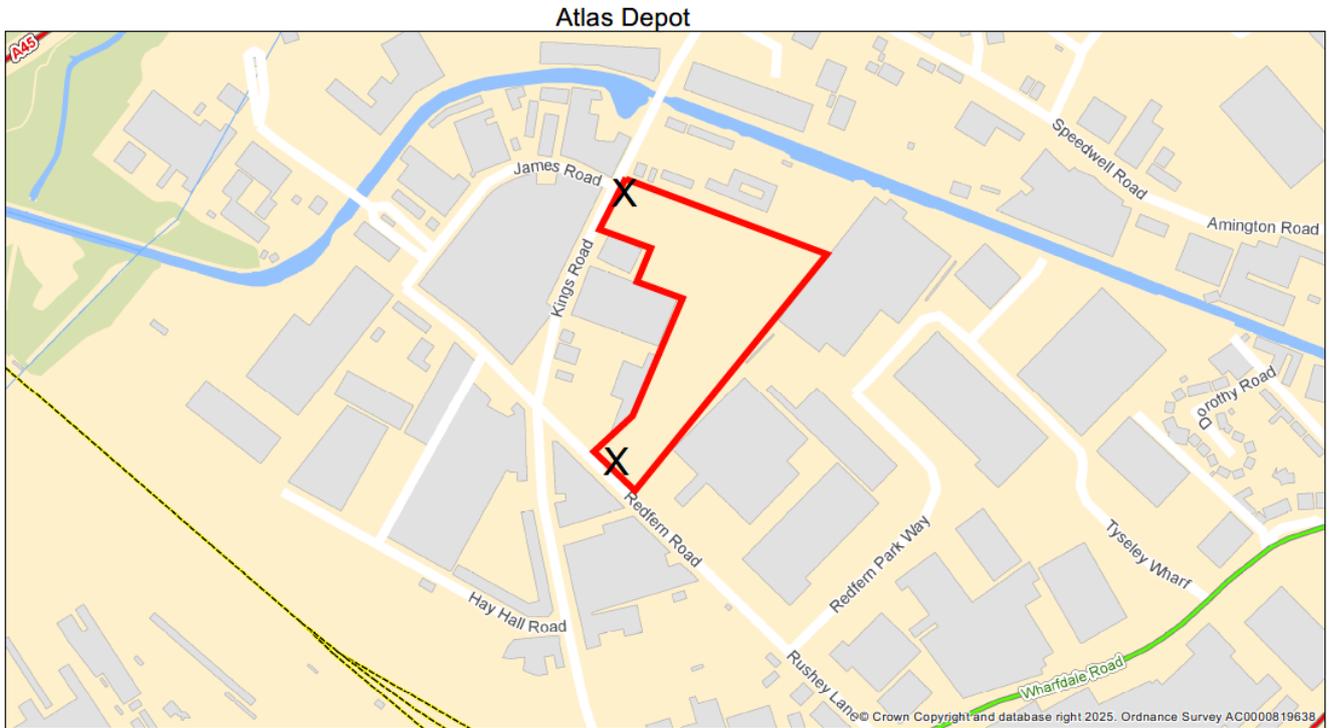
Assistant Director – Legal Services – Corporate Law & Deputy Monitoring Officer

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Position

APPENDIX 1

PLAN 1 – ATLAS DEPOT



Date of Map Creation: 02/02/2026

Map Created By: Nick Massey

Scale: 1:4,504.26

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PLAN 2 – LIFFORD LANE DEPOT

Lifford Lane Depot



Date of Map Creation: 02/02/2026

Map Created By: Nick Massey

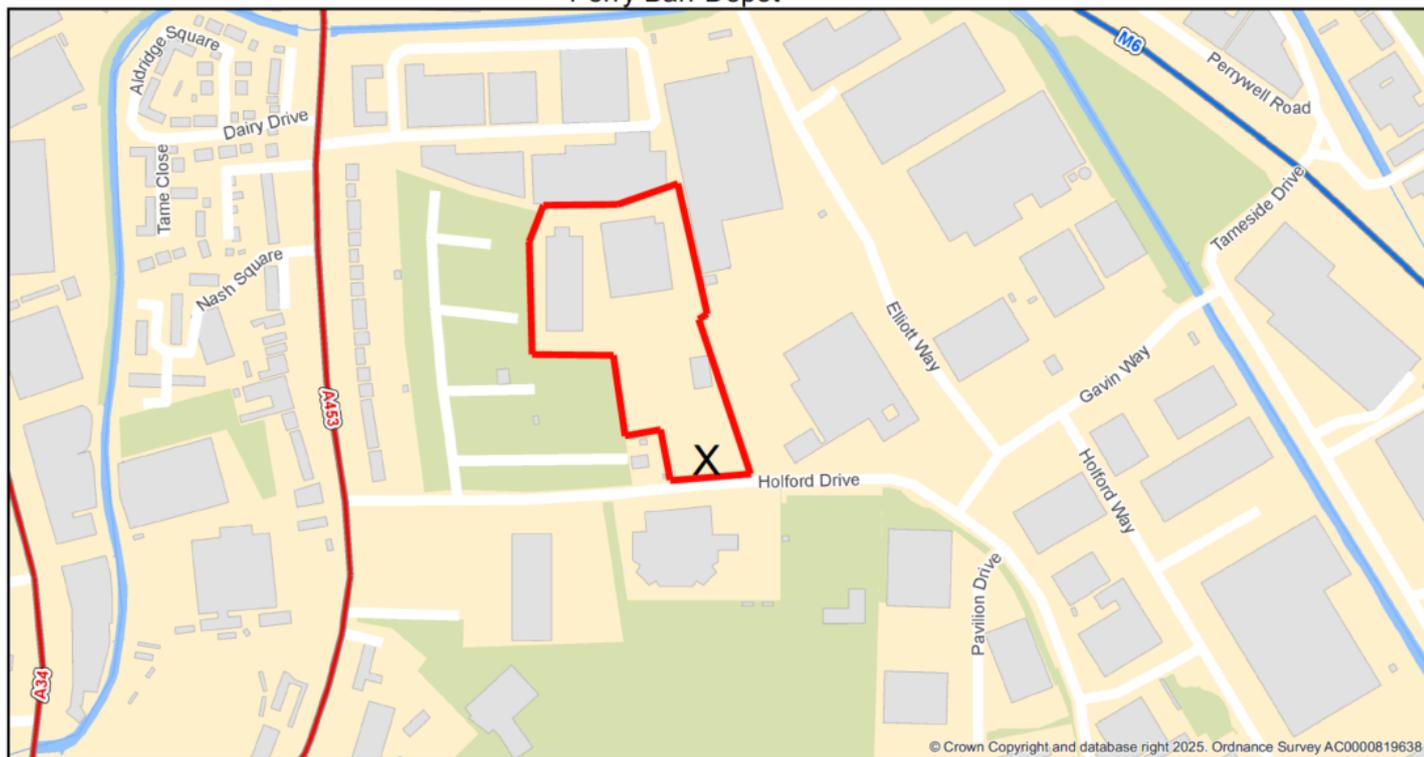
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PLAN 3 – PERRY BARR DEPOT

Perry Barr Depot



Date of Map Creation: 02/02/2026

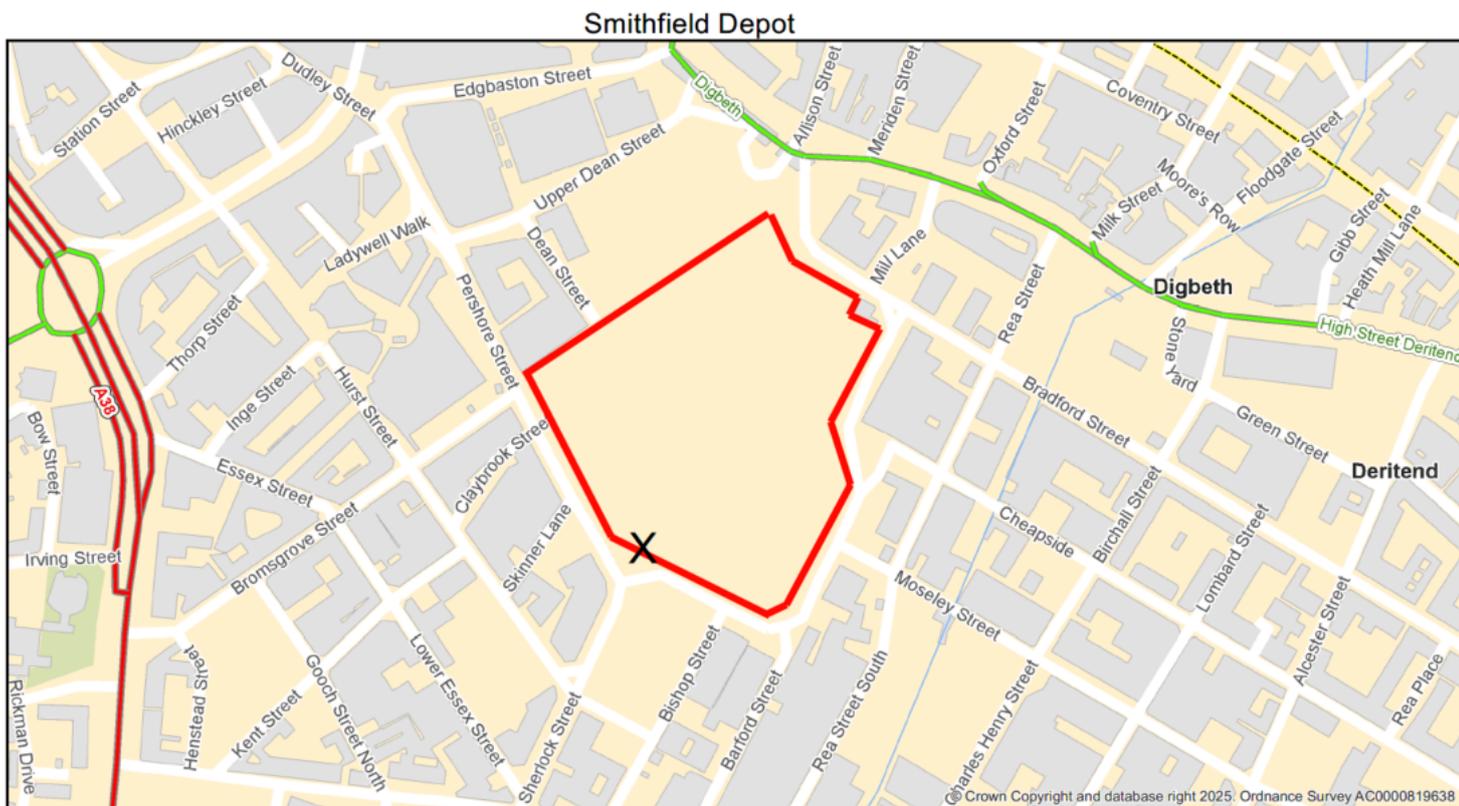
Map Created By: Nick Massey

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PLAN 4 – SMITHFIELD DEPOT



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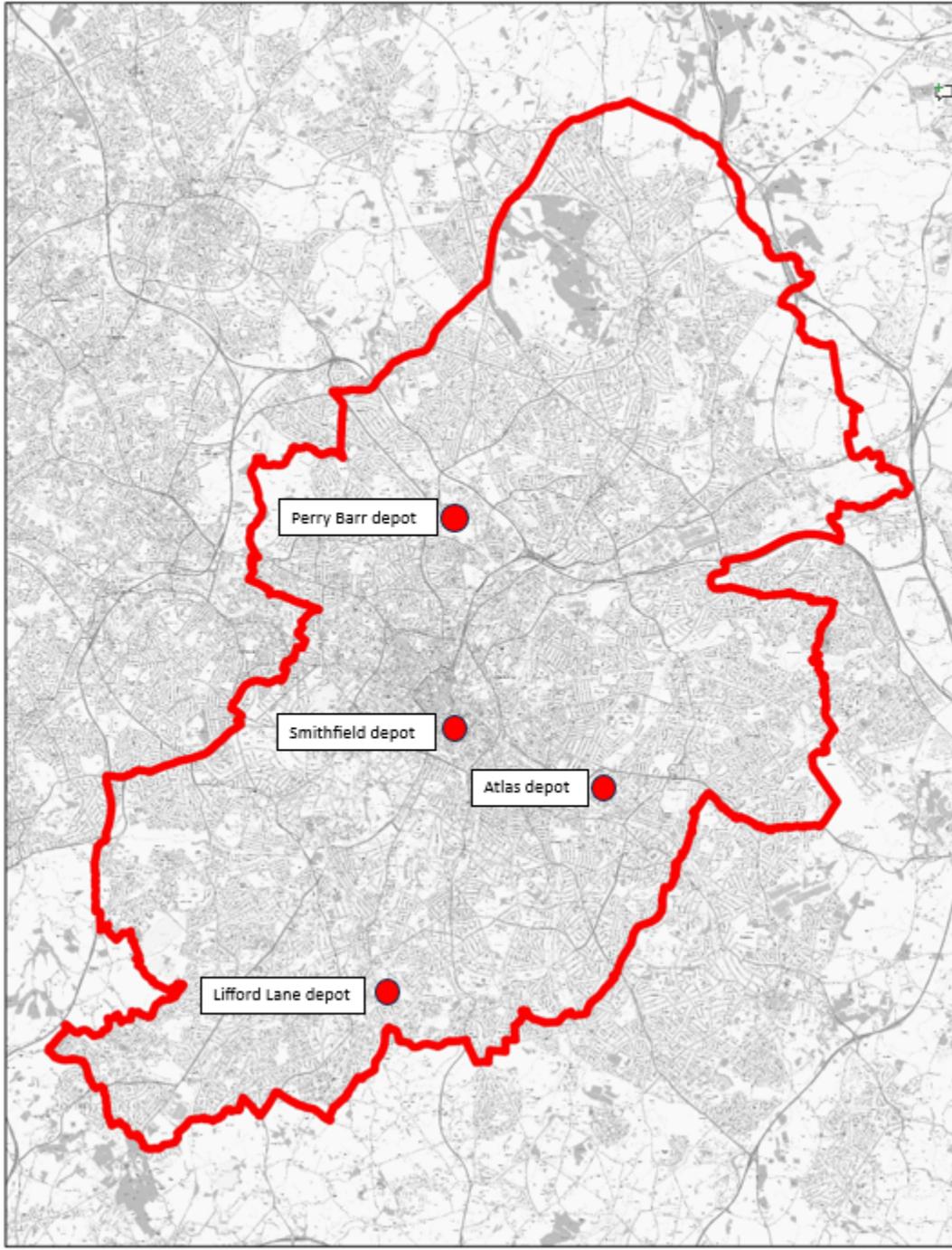
Date of Map Creation: 02/02/2026

Map Created By: Nick Massey

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MAP 1 - MAP OF PROHIBITED TERRITORY



APPENDIX 2 – INJUNCTION ORDERS OF MRS JUSTICE DIAS

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

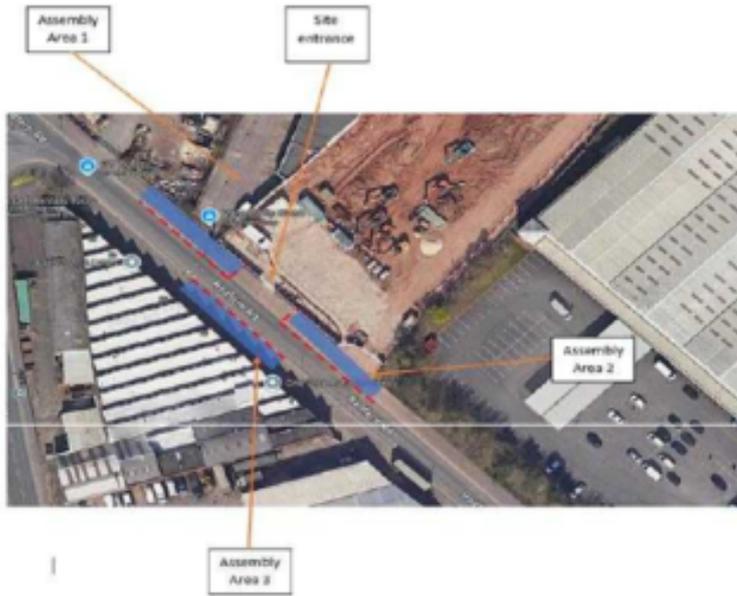
SCHEDULE 2

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

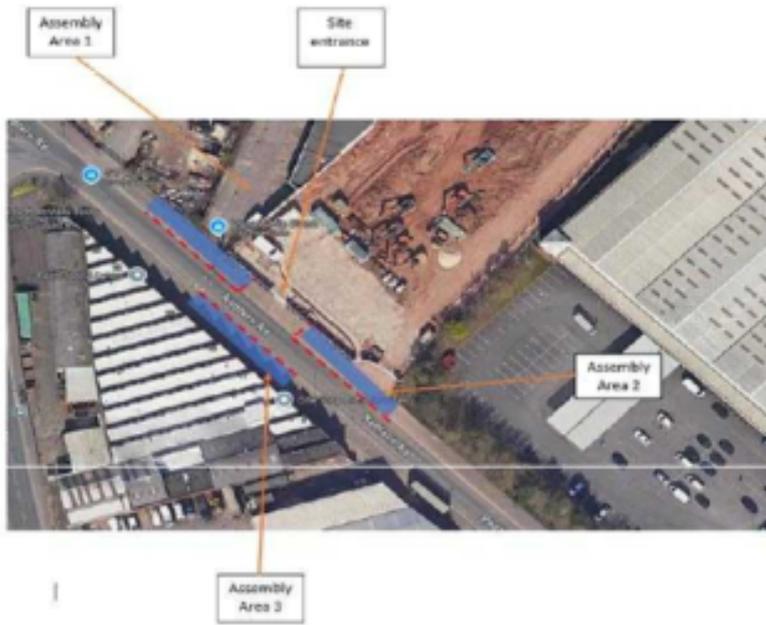
SCHEDULE 2

**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

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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

BETWEEN:-



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