

IN THE IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

BETWEEN:

BIRMINGHAM CITY COUNCIL

APPLICANT

- AND -

PERSONS UNKNOWN

RESPONDENTS

INJUNCTION EXTENSION APPLICATION HEARING - 30 APRIL 2026

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Claim Form

In the	HIGH COURT OF JUSTICE KING'S BENCH DIVISION	
Fee Account no.	PBA0087960	
Help with Fees - Ref no. (if applicable)	H W F	23 Mar 2026 BIRMINGHAM
For court use only		
Claim no.		
Issue date	KB-2026-BHM-000043	

You may be able to issue your claim online which may save time and money. Go to www.moneyclaims.service.gov.uk/make-claim to find out more.

Claimant(s) name(s) and address(es) including postcode
 BIRMINGHAM CITY COUNCIL
 Council House, Victoria Square, Birmingham B1 1BB



Defendant(s) name and address(es) including postcode
 Persons Unknown who, in connection with strikes organised by UNITE the Union, and without the consent of the Claimant, either occupy, remain on, or prevent, slow down or otherwise interfere with the entrance of exit of individuals and or vehicles operated from the Claimants Depots ("the Depots") specified in the continuation sheet and/or block or obstruct the Claimant's Waste Collection Vehicles engaged in the provision of waste collection service within the City of Birmingham as set out in the continuation sheet

Brief details of claim

The Defendants are engaged in protest activity in the form of direct action at or adjacent of the Depots which action takes the form of impeding or preventing the Claimant's vehicles and personel from entering or exiting those Depots. In addition, the Defendants have also engaged in direction action by blocking the Claimant's vehicles on the public highway where such vehicles have been able to leave the Depots. The Claimant's seek an injunction to restrain the Defendants **until 1 January 2028** from further engaging in such activity by preventing them from:

- (a) entering, occupying or remaining on the Claimant's land at the Depots;
- (b) blocking, slowing down or otherwise preventing or impeding the Claimant's vehicles from exiting or entering the Depots;
- (c) blocking, slowing down or otherwise preventing or impeding the progress of Claimant's vehicles in the course of their waste collection activities in the City of Birmingham.

The addresses of such Persons Unknown are not known to the Claimant but the Claimant will take the steps set out in the continuation sheet in order to notify the Defendants of the claim documents

Value
 N/A

Defendant's name and address for service including postcode

As above

	£
Amount claimed	N/A
Court fee	646
Legal representative's costs	to be assessed
Total amount	646

For further details of the courts www.gov.uk/find-court-tribunal. When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim no.

You must indicate your preferred County Court Hearing Centre for hearings here
(see notes for guidance)

Birmingham District Registry - King's Bench Division

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

- No

Does, or will, your claim include any issues under the Human Rights Act 1998?

- Yes
 No

Claim no.

Particulars of Claim

attached

to follow

Statement of truth

Note: you are reminded that a copy of this claim form must be served on all other parties.

I understand that proceedings for contempt of court may be brought against a person 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.

- I believe** that the facts stated in this claim form and any attached sheets are true.
- The claimant** believes that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the claimant to sign this statement.

Signature

DCarter-Hughes

- Claimant
- Litigation friend (where claimant is a child or protected party)
- Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year

23 03 2026

Full name

DEBORAH CARTER HUGHES

Name of claimant's legal representative's firm

DLA Piper

If signing on behalf of firm or company give position or office held

ASSISTANT DIRECTOR LEGAL SERVICES

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

160 Aldersgate Street

Second line of address

Barbican

Town or city

London

County (optional)

Postcode

E C 1 A 4 H T

If applicable

Phone number

020 7349 0296

DX number

33866 Finsbury Square

Your Ref.

36257/120050

Email

Jonathan.Exten-Wright@dlapiper.com
Euan.Bruce@dlapiper.com

Continuation Sheet: Claim Form

The Depots:

- (A) Atlas Depot – 70/72 King’s Road, Tylsley, Birmingham B11 2AS
- (B) Lifford Land Depot – Ebury Road, Kings Norton, Birmingham B30 3JJ
- (C) Perry Barr Depot – Holford Drive, Birmingham B42 2TU
- (D) Smithfield Depot – Sherlock Street, Birmingham B5 6HX

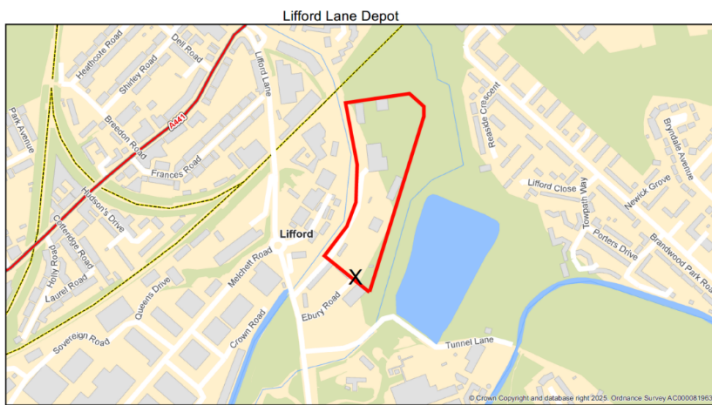
Steps taken to notify the Defendants

- a) uploading copies of the application documentation onto the following website:
<https://www.birmingham.gov.uk/WasteInjunctionPersonsUnknown>
- b) sending an email to the following: 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 stating that a claim has been brought and an application made, and that the Documents can be found at the website
- c) delivering a hard copy of the Documents to Unite the Union at Unite House, 128 Theobalds Road, Holborn, London, WC1X 8TN
- d) affixing a notice at those locations marked with an “x” on the following Plans 1-4:

a. PLAN 1 – ATLAS DEPOT



b. PLAN 2 – LIFFORD LANE DEPOT

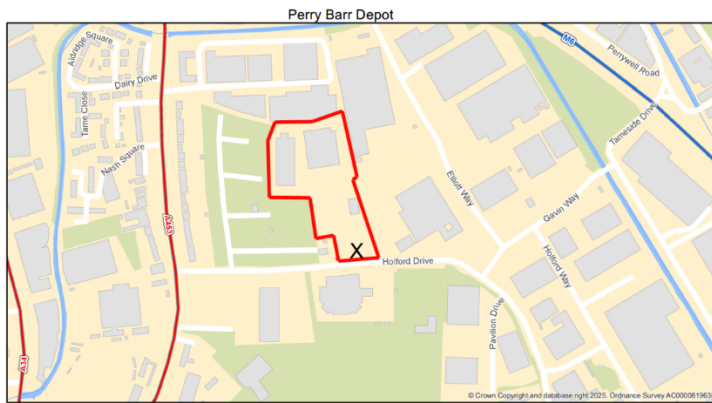


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c. PLAN 3 – PERRY BARR DEPOT



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d. PLAN 4 – SMITHFIELD DEPOT



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 Scale: 1:4,504.26

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CLAIM NO: KB – 2026 – BHM - 000043

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

KB-2026-BHM-000043

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.

FF

OFFICIAL

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

.....

.....

Signed

Dated

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

.....

Position

GG

OFFICIAL

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

Scale: 1:4,504.26

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PLAN 3 – PERRY BARR DEPOT

Perry Barr Depot



Date of Map Creation: 02/02/2026

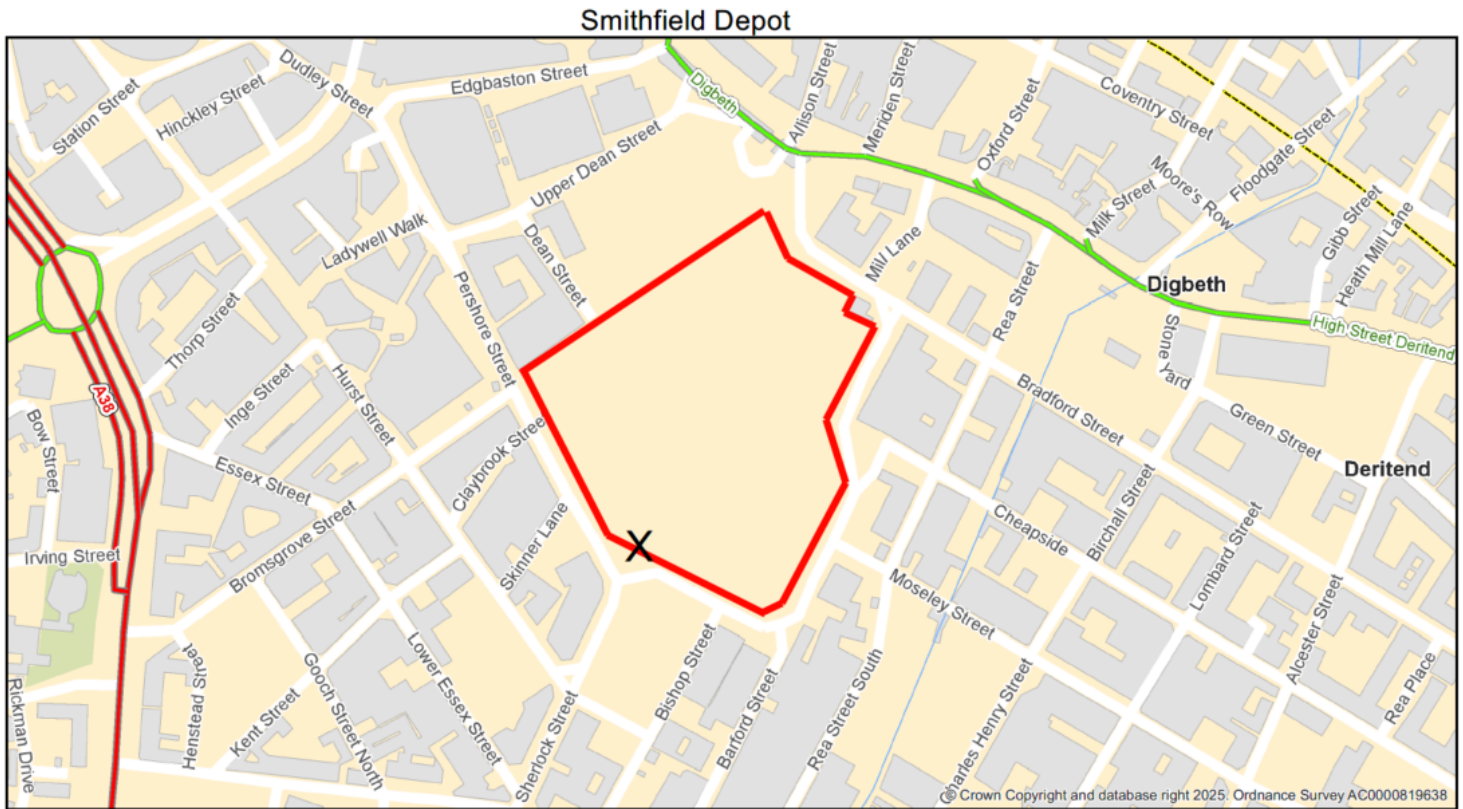
Map Created By: Nick Massey

Scale: 1:4,504.26

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PLAN 4 – SMITHFIELD DEPOT



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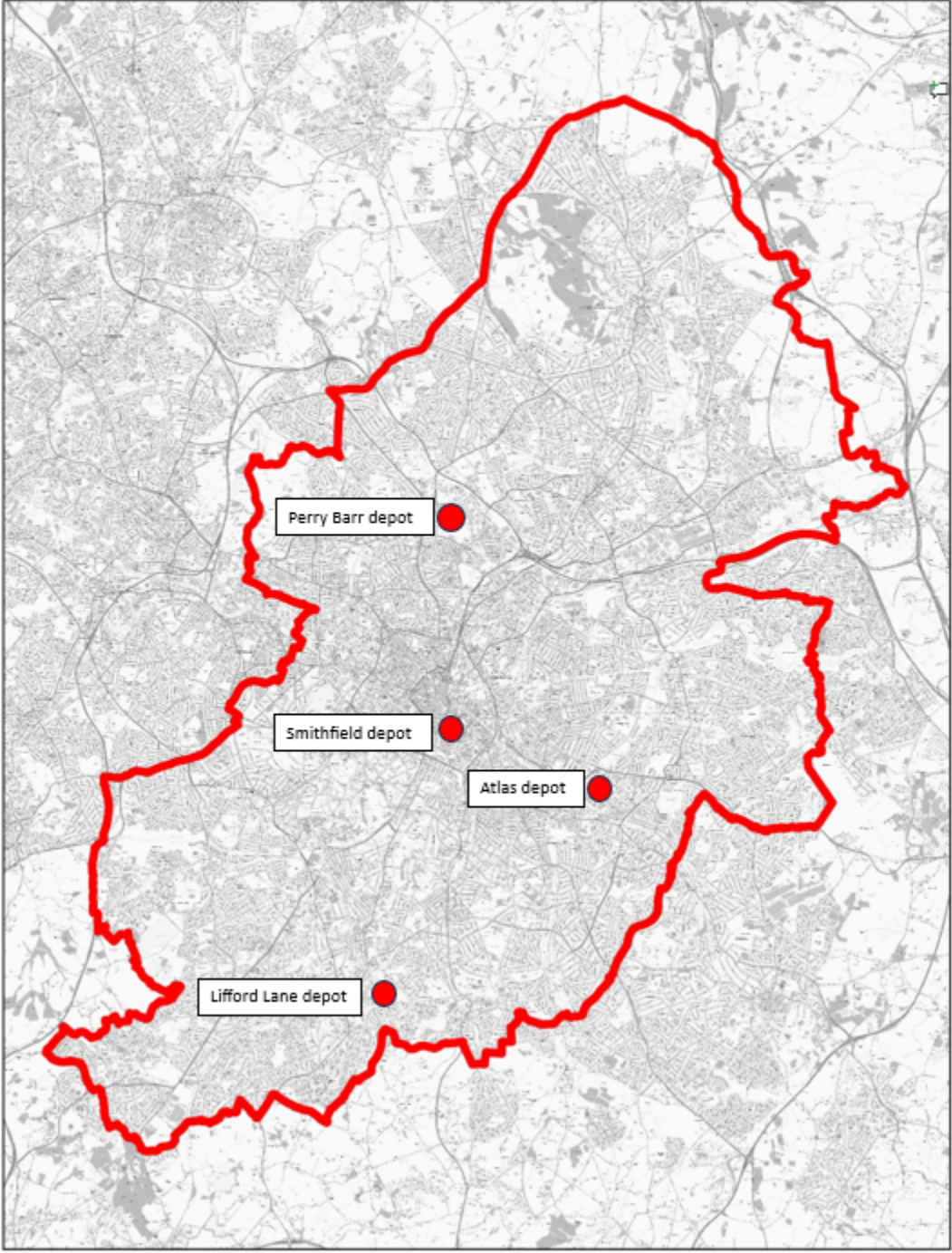
Date of Map Creation: 02/02/2026

Map Created By: Nick Massey

Scale: 1:4,504.26



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

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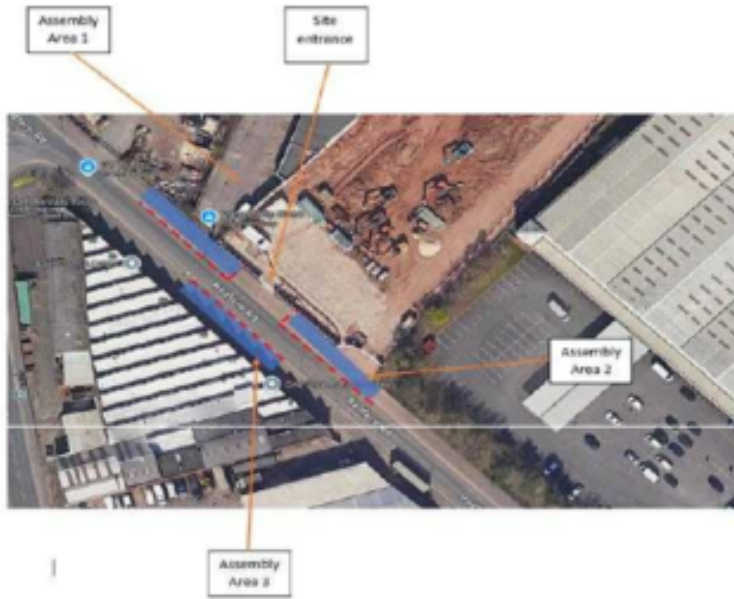
SCHEDULE 2

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

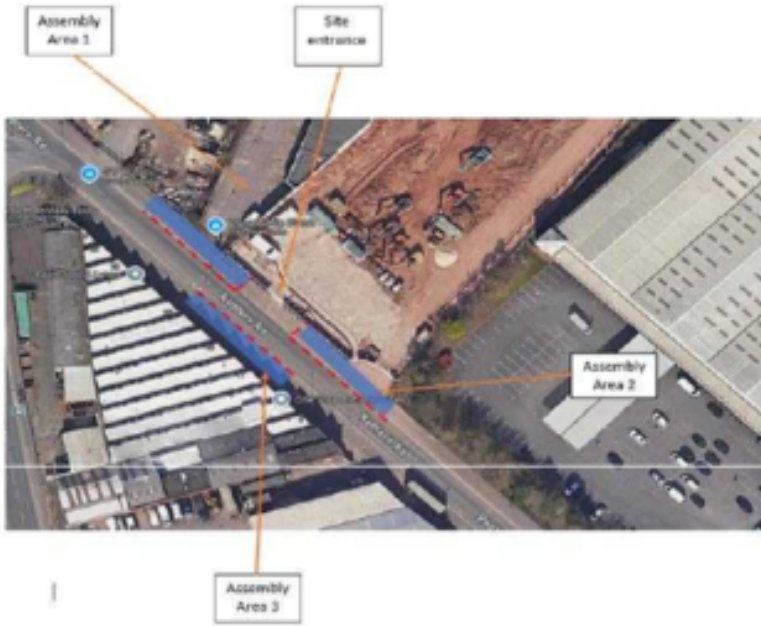
SCHEDULE 2

**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

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



Neutral Citation Number: [2026] EWHC 373 (KB)

Case No: KB-2026-BHM-000043

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Birmingham Civil & Family Justice Centre
33 Bull Street, Birmingham B4 6DS

Date: 20 February 2026

Before :

THE HONOURABLE MR JUSTICE PEPPERALL

Between :

BIRMINGHAM CITY COUNCIL

Claimant

- and -

**PERSONS UNKNOWN WHO, IN SUPPORT
OF THE 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**
- (B) LIFFORD LANE DEPOT, EBURY ROAD,
KINGS NORTON, BIRMINGHAM**
- (C) PERRY BARR DEPOT, HOLFORD DRIVE,
BIRMINGHAM**
- (D) SMITHFIELD DEPOT, SHERLOCK
STREET, BIRMINGHAM**

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**

Defendants

Bruce Carr KC and **Anna Greenley** (instructed by **DLA Piper UK LLP**) for the **Claimant**
Stuart Richardson, a protester, appearing in person
Alistair Wingate also appearing in person

Hearing date: 13 February 2026

Approved judgment

This judgment was handed down remotely on 20 February 2026
by circulation to the parties and by release to the National Archives.

THE HONOURABLE MR JUSTICE PEPPERALL:

1. The bin workers of Birmingham have been taking industrial action through Unite the Union since 2 January 2025. The action was escalated to continuous strike action on 11 March 2025 and, eleven months later, shows no sign of resolution. The evidence before me indicates that the union has a mandate for strike action until May 2026 although I take judicial notice of the fact that the mandate has now been extended until September 2026.
2. Following earlier litigation between Birmingham City Council and Unite, the union is no longer obstructing bin lorries while they are on their collection rounds or preventing the lorries from entering or exiting the council's waste depots. Since at least September 2025, the striking bin workers have, however, been supported by other protesters who are sympathetic to their cause. These protesters have adopted many of the same tactics as were previously used by the union such that bin collections are again disrupted. While initially sporadic, this direct action has stepped up significantly in recent weeks. The council now seeks an injunction to restrain unknown protesters from trespassing upon four council waste depots, blocking or obstructing the entrances and exits to those depots, and from blocking the roads in Birmingham so as to obstruct the council's street management vehicles.

THE HEARING

3. At the hearing of the council's application, I was addressed by Bruce Carr KC, who appears with Anna Greenley, for the council. The hearing was attended by a number of interested parties. Although no one had filed evidence or submissions in opposition to the application,

I asked those in court whether anyone present identified themselves as a defendant and would wish to address the court. Two people came forward:

- 3.1 A retired teacher, Stuart Richardson, identified himself as a defendant and addressed the court.
 - 3.2 Alistair Wingate did not accept that he was a defendant but identified himself as a member of the public who was strongly supportive of the direct action. It seemed to me that even if he had not himself trespassed on or blocked any of the depots or obstructed any of the council's street management vehicles, he was potentially someone who might have already, or might intend, to cause or encourage someone else to take direct action. Accordingly, it was also appropriate to allow him to make submissions in opposition to the application.
4. At the end of the hearing, one other member of the public sought to address me. He had not made himself known at the start of the hearing. He did not accept that he was a defendant but wished to make a further submission. Had he identified himself as a defendant then I would have heard him notwithstanding that the hearing was about to conclude. In the event, I instead allowed him to consult with Mr Wingate. I then heard Mr Wingate briefly on the further point that this man had wished to make.
 5. At the conclusion of the hearing, I reserved judgment. I did so not because I was in any doubt as to the underlying merits of the application but because I did not receive the assistance that I needed on the question of service.

SERVICE & NOTIFICATION

6. By its second application dated 11 February 2026, the council seeks orders dispensing with service of the claim form and other documents pursuant to rr.6.16 and 6.28 of the Civil Procedure Rules 1998, and with the need to confirm personal service in any contempt proceedings pursuant to r.81.4(2)(c).
7. Unfortunately the council did not seek to develop its submissions on this application in its skeleton argument. In oral argument, I drew Mr Carr's attention to Canada Goose v. Persons Unknown [2020] EWCA Civ 303, [2020] 1 W.L.R. 2802, in which the Court of Appeal upheld Nicklin J's refusal to dispense with service in a protest case under r.6.16. Mr Carr sought to distinguish Canada Goose on the basis that some of the protesters in that case had been identified. He acknowledged that the court should only dispense with service as a last resort and invited me, should I consider it more appropriate, to rely on the same evidence to make an order for service by alternative means pursuant to r.6.15. As to that route, he expressed concern as to practicality of giving the required further directions pursuant to r.6.15(4).

THE LEGAL PRINCIPLES

8. Service of the claim form is obviously important. It is the act by which a defendant is subjected to the court's jurisdiction: Barton v. Wright Hassall LLP [2018] UKSC 12, [2018] 1 W.L.R. 1119, at [8]. Further, save where there is good reason not to do so, the rules require the applicant seeking an interim order to serve their application notice not less than three

clear days before the hearing of the application: r.25.6(2). Equally, notification, even if falling short of service, is important in this case. Although not alluded to in his submissions on this issue, Mr Carr accepted that s.12 of the Human Rights Act 1998 is engaged because the council seeks relief which, if granted, might affect the exercise of the convention right to freedom of expression. That concession means that the application is subject to s.12(2) of the Act which provides:

“If the person against whom the application for relief is made (‘the respondent’) is neither present nor represented, no such relief is to be granted unless the court is satisfied—

- (a) that the applicant has taken all practicable steps to notify the respondent; or
- (b) that there are compelling reasons why the respondent should not be notified.”

9. It is necessary to consider both the court’s jurisdiction to authorise alternative means of service pursuant to rr.6.15 and 6.27, and its jurisdiction to dispense with service altogether pursuant to rr.6.16 and 6.28. First, the rules on alternative service:

9.1 Rules 6.15(1)-(2) provide:

“(1) Where it appears to the court that there is a good reason to authorise service by a method or at a place not otherwise permitted by this Part, the court may make an order permitting service by an alternative method or at an alternative place.

(2) On an application under this rule, the court may order that the steps already taken to bring the claim form to the attention of the defendant by an alternative method or at an alternative place is good service.”

9.2 If the court makes such an order, r.6.15(4) requires that the order must specify:

- “(a) the method or place of service;
- (b) the date on which the claim form is deemed served; and
- (c) the period for—
 - (i) filing an acknowledgement of service;
 - (ii) filing an admission; or
 - (iii) filing a defence.”

9.3 While r.6.15 only concerns alternative means for serving the claim form, r.6.27 provides that the rule equally applies to service of any other document in a case.

10. Secondly, the rules on dispensing with service:

10.1 Rule 6.16(1) provides:

“The court may dispense with service of a claim form in exceptional circumstances.”

10.2 Rule 6.28 provides that the court may dispense with service of other documents but does not impose a condition of exceptionality.

11. The Supreme Court considered the question of service of proceedings against unknown defendants in Cameron v. Liverpool Victoria Insurance Co. Ltd [2019] UKSC 6, [2019] 1 W.L.R. 1471. Lord Sumption identified at [21] that it is an “essential requirement for any form of alternative service that the mode of service should be such as can reasonably be expected to bring the proceedings to the attention of the defendant.”
12. Canada Goose was itself a protest case against persons unknown. At [82], the Court of Appeal observed:
 - “(1) The ‘persons unknown’ defendants in the claim form are, by definition, people who have not been identified at the time of the commencement of the proceedings. If they are known and have been identified, they must be joined as individual defendants to the proceedings. The ‘persons unknown’ defendants must be people who have not been identified but are capable of being identified and served with the proceedings, if necessary by alternative service such as can reasonably be expected to bring the proceedings to their attention. In principle, such persons include both anonymous defendants who are identifiable at the time the proceedings commence but whose names are unknown and also newcomers, that is to say people who in the future will join the protest and fall within the description of the ‘persons unknown’.
 - (2) The ‘persons unknown’ must be defined in the originating process by reference to their conduct which is alleged to be unlawful.
 - (3) Interim injunctive relief may only be granted if there is a sufficiently real and imminent risk of a tort being committed to justify [precautionary] relief.
 - (4) As in the case of the originating process itself, the defendants subject to the interim injunction must be individually named if known and identified or, if not and described as ‘persons unknown’, must be capable of being identified and served with the order, if necessary by alternative service, the method of which must be set out in the order.”
13. In London Borough of Barking & Dagenham v. Persons Unknown [2021] EWHC 1201 (QB), Nicklin J rightly stressed the need for a more rigorous approach to applications under r.6.15. He particularly drew attention to a failure by the courts in a number of traveller injunction cases to give the required directions pursuant to r.6.15(4). While his decision in Barking & Dagenham was overturned on appeal, there is nothing in the Court of Appeal’s decision (reported at [2022] EWCA Civ 13, [2023] Q.B. 295) or the Supreme Court’s decision (reported as Wolverhampton City Council v. London Gypsies & Travellers [2023] UKSC 47, [2024] A.C. 983) that casts doubt on this part of the judge’s analysis.
14. In Anderton v. Clwyd County Council (No. 2) [2002] 1 W.L.R. 3174, Mummery LJ observed, at [58], that the power to dispense with service of a claim form had been exercised in cases where there was “no point in requiring [the claimant] to go through the motions of a second attempt to complete in law what he had already achieved in fact”. In Cameron, Lord Sumption added, at [25], that it might also be appropriate to dispense with service where a defendant deliberately evaded service and could not be reached by way of alternative service under r.6.15. He added:

“This would include cases where the defendant is unidentifiable but has concealed his identity in order to evade service. A court would have to be satisfied of that before it could dispense with service on that basis ... No submission was made to us that we should treat this as a case of evasion of service, and there are no findings which would enable us to do so. I would not wish arbitrarily to limit the discretion which r.6.16 confers on the court, but I find it hard to envisage any circumstances in which it could be right to dispense with service of the claim form in circumstances where there was no reason to believe that the defendant was aware that proceedings had been or were likely to be brought. That would expose him to a default judgment without having had the opportunity to be heard or otherwise to defend his interests.”

15. Citing Cameron, Nicklin J observed in Barking & Dagenham, at [48]:

“Save in respect of the exceptional category of claims brought [against the world], it is difficult to conceive of circumstances in which a court would be prepared to grant an order dispensing with the requirement to serve the claim form upon persons unknown under r.6.16 ...”

16. In Wolverhampton, the Supreme Court stressed the importance of service at [55]-[56]:

“55. Service is significant for many reasons. One of the most important is that it is a general requirement of justice that proceedings should be brought to the notice of parties whose interests are affected before any order is made against them (other than in an emergency), so that they have an opportunity to be heard. Service of the claim form on the defendant is the means by which such notice is normally given. It is also normally by means of service of the order that an injunction is brought to the notice of the defendant, so that he or she is bound to comply with it. But it is generally sufficient that the defendant is aware of the injunction at the time of the alleged breach of it.

56. Conventional methods of service may be impractical where defendants cannot be identified. However, alternative methods of service can be permitted under CPR r.6.15. In exceptional circumstances (for example, where the defendant has deliberately avoided identification and substituted service is impractical), the court has the power to dispense with service, under CPR r.6.16.”

THE STEPS TAKEN TO GIVE NOTICE OF THESE PROCEEDINGS

17. While the depot managers recognise the union members who have been picketing the depots, none of them have been able to identify the protesters who have been taking part in direct action since last autumn. Identification has been made more difficult by the fact that some – but by no means all - of the protesters have worn face coverings. The council’s solicitor, Deborah Carter-Hughes, therefore set out the steps taken to give notice of these proceedings in her two witness statements:

17.1 At the heart of the council’s strategy, it set up a dedicated webpage on the www.birmingham.gov.uk site that contains all relevant information about the council’s claim and this injunction application. On 3 February, the council uploaded the application notice, the claim form, the council’s certificate of urgency, the draft order, the witness statements and all but one exhibits to that site so that anyone accessing the webpage would be able to download and read such documents. On 4 February,

the final exhibit was also uploaded once it was realised that it had been omitted in error. Further, the webpage was updated on 5 February once the hearing date was known and the council uploaded the directions order made earlier that day by Her Honour Judge Kelly.

- 17.2 The second part of the strategy was to give notice to the various organisations who were identified in the evidence as having potential contact with the protesters. Accordingly, emails were sent on 3 February to Strike Map, the Socialist Workers' Party, Reel News and the Birmingham Socialist Party. Further, emails were sent to Unite officials and to the solicitor who had represented the union in the proceedings between the council and Unite. In each case, the emails explained that the council had issued an application and the relief sought against persons unknown who were protesting in support of the industrial action taken by Unite. The emails gave notice that the documents relating to the application had been placed online and contained two separate links to the webpage; one being a clickable URL and the other being an embedded QR code, both of which would take the reader directly to the webpage.
- 17.3 On 4 February, the council delivered hard copies of the application paperwork to Unite's London head office.
- 17.4 Again on 4 February, the council prominently fixed A4 notices to the railings at each of the depots. The notices explained the fact that the council had applied for an injunction and the relief sought. The notices contained the QR code so that anyone with a smartphone would easily be able to find the webpage.
- 17.5 That same day, the council also published details of the injunction application on X, LinkedIn, Bluesky, Facebook and the council's news page. Links were given to the webpage.
- 17.6 On 5 February, the court listed the application for hearing on 13 February. Upon being made aware of the listing details, the council emailed the various organisations giving notice of the hearing date.
- 17.7 Again on 5 February, the hearing details were added to the webpage.
- 17.8 That same day, further social media posts were made publishing the details of the hearing and again providing a link to the webpage.
- 17.9 On 6 February, replacement notices were fixed at prominent positions near the entrances and exits to the depots. The new notices published the date, time and location of the hearing and again provided readers with a QR code linking them directly to the webpage. In addition, copies of Judge Kelly's order were displayed at the same locations although, in error, the order was not fixed to the railings at two of the depots until 9 February.
- 17.10 A process server attended each of the depots on 6 February with the intention of handing out information leaflets but there were no protesters at any of the depots that morning. The same exercise was repeated on 10 February when leaflets were offered to, but declined by, protesters at the Smithfield depot. Further leafleting was undertaken on 12 February and was planned for the morning of 13 February. On 12 February, protesters were encountered at all of the depots. Some took leaflets while others refused to take them.
- 17.11 The notices erected at the depots were checked regularly between 4 and 13 February in order to ensure that they remained in place.

17.12 Further hearing documents, including Ms Carter-Hughes' first statement and exhibits, counsel's skeleton argument, the hearing bundles and the service application, were also uploaded to the webpage.

17.13 On 12 February, the council again published details of the hearing on social media.

18. The council's application generated media coverage from as early as 4 February. Articles appeared on the Express & Star, Birmingham Live, Institute of Employment Rights, Morning Star, and Rayo websites. The Institute of Employment Rights and Morning Star stories included quotes from Henry Fowler of Strike Map and the general secretaries of the Fire Brigades Union and ASLEF about the application. Rayo also quoted Mr Fowler. Further, the application generated social media posts by Unite for a Workers' Economy and Strike Map.
19. Further, on 11 February, Reel News posted details on Facebook of a planned demonstration to take place outside the court building at 10.00 am on 13 February. The post included a link to the webpage.

CONCLUSIONS ON SERVICE & NOTIFICATION

20. I accept that it has not been possible to identify the amorphous group of protesters in this case and that conventional means of service have not been possible. I am therefore satisfied that there is a good reason for making an order authorising service by alternative means pursuant to r.6.15. While service is challenging in this protest case, just as much as in many other cases where the claimant does not know the identities of the defendants, the court's power to dispense with service of the claim form pursuant to r.6.16 is to be reserved for exceptional cases where it is not possible to notify the defendants effectively by alternative means. Here, I consider that there were alternative means of service that could effectively notify the protesters of this claim. Accordingly, I reject Mr Carr's submission that the court should dispense with service of the claim form pursuant to r.6.16.
21. While the court's power to dispense with service of documents other than claim forms is not constrained by an exceptionality requirement, the principal use of r.6.28 is to dispense with the formality of service in cases where both parties already have a document. Having concluded that alternative steps could be effective, I reject Mr Carr's submission that the court should dispense with service of this injunction application.
22. Having reached these conclusions, I treat the council's application for orders dispensing with service as also encompassing the lesser relief of authorising service by alternative means pursuant to rr.6.15 and 6.27. It is then necessary to consider the steps actually taken in this case in order to determine whether they were sufficient such that the court should make retrospective orders pursuant to rr.6.15(2) and 6.27, or whether it should give directions for further steps now to be taken.
23. I am satisfied on the evidence that the council has done everything that it reasonably could do to notify the protesters involved in this direct action about the council's claim, the injunction application and the hearing on 13 February. Furthermore, I consider that the

council's strategy was successful in generating conventional and social media coverage that helped to get the word out. While the planned demonstration outside the court did not come to much (or at least, if it did, it was not audible from within the building), the steps taken by the council were in fact successful in bringing the hearing to the attention of Mr Richardson, Mr Wingate and the other interested parties who attended court.

24. I therefore order pursuant to rr.6.15(2) and r.6.27 that the steps already taken constitute good service of the claim form and the application on those defendants who have previously protested in the vicinity of the depot gates on or between 17 September 2025 and 12 February 2026. On handing down this judgment, I shall give further directions pursuant to r.6.15(4).
25. Of course, that order cannot deal with the question of service upon so-called newcomers. The injunction is necessarily sought without notice to such persons. However, as the Supreme Court made clear in Wolverhampton, the order sought will, if granted, bind the world such that anyone who knowingly breaches the order will be liable to be held in contempt regardless of whether they have been served with the proceedings.

THE EVIDENCE

26. The council relies on witness statements from Christopher Smiles, its Head of Waste, Logistics and Collection; Dean Smith, Richard Smith and David Miller, its Service Managers for individual depots; Carol Culley CBE, its Director of Finance; and Deborah Carter-Hughes, its Assistant Director of Legal Services.
27. Mr Smiles explains that the council operates its waste collection and management service from four depots:
 - 27.1 Atlas Depot on King's Road, Tyseley in the east of the city;
 - 27.2 Lifford Lane Depot on Ebury Road, Kings Norton in the south of the city;
 - 27.3 Perry Barr Depot on Holford Drive, Perry Barr in the north-west of the city; and
 - 27.4 Smithfield Depot on Sherlock Street in the city centre.

INDUSTRIAL ACTION

28. Since 2 January 2025, bin workers who are members of Unite have been taking industrial action in respect of pay and conditions. Strike action has been continuous since 11 March 2025. In order to maintain a service during the strike, the council has operated a contingency waste service. Mr Smiles says that its contingency plan has been effective in providing a weekly waste service for Birmingham residents when it has not been disrupted by protesters.
29. In 2025, the council's contingency waste collection service was disrupted by Unite members who blocked the depots thereby preventing the bin lorries from being deployed. By 31 March 2025, the volume of uncollected waste across Birmingham was 22,000 tonnes. The council declared the waste situation to be a major incident.

30. Matters then improved with assistance from West Midlands Police until mid-May. From 15 May 2025, union members again started blockading the depots. The resumption of such tactics led the council to sue Unite in claim KB-2025-001839. The council recognised Unite's right to conduct peaceful picketing at the depots in accordance with ss.219 and 220 of the Trade Union & Labour Relations (Consolidation) Act 1992, but challenged the lawfulness of the union's actions in forming blockades to disrupt the collection of waste. Interim relief was granted by Dias J on 23 and 29 May 2025, and extended by Calver J on 24 June 2025. Such orders restrained Unite from picketing other than with six pickets at each depot within defined assembly areas.
31. From 8 July 2025, the union's tactics changed and blockades were formed on access roads away from the depot gates thereby funnelling the bin lorries down certain roads which were then blocked. On 24 July 2025, the council initiated contempt proceedings. At a hearing before Jefford J on 14 October 2025, Unite admitted ten allegations of contempt of court.
32. Mr Smiles confirms that the combination of the injunctions obtained and the contempt application in Birmingham City Council v. Unite the Union succeeded in preventing further disruption to the contingency waste collection service by Unite.

DIRECT ACTION BY OTHER PROTESTERS

33. As litigation succeeded in restraining Unite from disrupting waste collections, Mr Smiles says that other protesters picked up where the union had left off. As he put it in evidence, it is as if the very activities that led to the injunction and committal against Unite have simply been "outsourced" to defendants. Specifically, the protesters have walked slowly in front of bin lorries; they have blockaded depots preventing vehicles from getting on to the road in order to start their collection rounds; and they have blocked bin lorries on the access roads that lead to the depots.
34. This new disruption started on 17 September 2025. Direct action continued sporadically through the autumn and early winter but became more regular during December 2025 before increasing significantly throughout January 2026.

17 September 2025

35. On 17 September 2025, protesters stopped bin lorries at the junction of Redfern and Wharfdale Roads near to the Atlas depot. They were blocked both at the front and back and held for about 90 minutes before they were released. The disruption meant that 5,223 households did not have their scheduled waste collection that day.
36. The Birmingham Socialist Party claimed joint responsibility for the incident in a Facebook post later that day, claiming:

"This morning, our comrades joined other independent activists to block bin wagons in support of the striking bin workers. Due to Labour's use of Tory anti-trade union laws, the Unite members are unable to picket effectively themselves. That's why independent activists have taken matters into their own hands.

Join us in supporting the bin workers this Saturday at 9.30 outside the Unite building on Jennings Road, B7 4EH. We'll be marching to the council house to show John Cotton and the Labour council that Birmingham residents back the bin workers!"

October and November 2025

37. On 17 October and 25 November 2025, protesters variously stood across the exit of Atlas depot and walked in circles. Either way, they blocked the depot so that bin lorries could not get out affecting 2,778 households on the first date and a 6,541 households on the second.
38. On 26 November, the Birmingham Socialist Party posted a story on Facebook claiming that the party, together with Socialist Students and other community activists, had "conducted independent direct action to block bin wagons in support of the striking workers". Again, the complaint was made that the council had used "Tory anti-trade union laws to prevent the striking workers from effectively picketing themselves" adding "that's why activists have taken action into their own hands".

December 2025

39. From 5 December 2025, these sporadic incidents became more regular and started to cause a more substantial impact on the council's waste collection service. Protesters deployed the same tactics to disrupt the service on 5 December at Atlas depot leading to 30,554 households not having their scheduled waste collection service; on 12 December at Perry Barr and Smithfield depots affecting 10,416 households; and on 19 December at Smithfield depot affecting a further 694 households.

January 2026

40. After a break over the Christmas and New Year period, direct action resumed on 8 January 2026 when protesters deployed the same tactics to disrupt waste collections at Perry Barr and Atlas depots. 13,491 households did not receive their scheduled waste collection that day being 18% of the day's rounds. A social media post made by a group called Justice for Refuse Workers & Cleansers claimed that protests had led to a couple of depots being prevented from operating by a group of "plucky activists".
41. Further action followed on 12 January at Perry Barr and Atlas depots delaying deployment by about 4 hours. 78% of scheduled collections were not made that day affecting 56,973 households. One of the protesters told David Miller, the depot manager for Atlas depot, that they intended to blockade three times a week going forward. Mr Smiles undertook some rough calculations and estimated that such level of action across two depots would lead to the uncollected waste on the streets of Birmingham increasing by 2,500 tonnes each week.
42. A group called Reel News posted a video of the action taken at Perry Barr on both YouTube and Facebook. The commentary complained that the council was not taking any action to resolve the strike and that it had obtained an injunction to stop the bin workers and Unite from picketing their workplaces. It then explained:

“So supporters of the bin workers have taken it upon themselves to take direct action and shut down depots instead – and these actions are increasing week by week, leaving the service in complete chaos and the council increasingly desperate as their popularity nosedives.

The video shows how you can shut down a depot, with footage from one of the solidarity pickets on January 12. So now it's over to you. Unite is barred from organising these actions, but the rest of us can; so why not turn up at a depot with your mates one morning and do a slow walk yourself?”

43. Further direct action was taken on 15 January at Smithfield and Atlas depots causing 17,238 households not to have a collection. There was a further blockade on 19 January at Perry Barr depot delaying deployment by almost 4 hours and affecting 18,261 households, and on 21 January at Perry Barr and Atlas depots delaying full deployment by over three hours at both depots and affecting 35,816 households.
44. Mr Smiles explains that the council deployed additional resources in an effort to counteract the disruption caused by the direct action. Doing so enabled the council to rectify missed collections ahead of the week that commenced 26 January. There were, however, blockades on four days out of five affecting all of the depots in the following week:
 - 44.1 First, there were blockades on 27 and 28 January at Perry Barr and Atlas depots affecting 5,088 and 11,939 households respectively.
 - 44.2 On 29 January, action was stepped up also to include Smithfield depot. 47% of scheduled collections were missed affecting 35,226 households. On that day, Richard Smith, the depot manager at Perry Barr, says that the protesters trespassed on to the depot itself by forming the blockade some 15-20 metres inside the gates. The action at Perry Barr meant that all vehicles were not fully deployed for over 5 hours.
 - 44.3 The direct action culminated on 30 January with a self-proclaimed “megapicket” that blockaded all of the council's waste depots and also its depot on Brewery Street which houses the council's Street Scene team responsible for road sweeping even though that team was not involved in the industrial action. This action led to the complete closure of the council's waste collection service that day.
45. A promotional flyer for the megapicket bore the name of Strike Map and claimed that the event was supported by a number of unions and other sympathetic workers' organisations and political parties. An article in the Morning Star on the day of the megapicket declared that “mass picketing and the rise of the megapicket have been defining features of 2025 for Strike Map and the wider labour movement”. It added that two earlier megapickets on 9 May and 25 July 2025 “successfully shut sites when Unite's injunction prevented workers from doing so themselves”. Extolling the value of direct action, Henry Fowler and Rob Poole, the co-founders of Strike Map, explained:

“That means going beyond megapickets and publicly organised events. It means embracing the kind of direct action we have seen developing in Birmingham over recent weeks, led by activists supporting striking workers and causing daily disruption at key sites ...

We must disrupt production. We must build effective picket lines. We must hit profits.”

46. The Morning Star article also asserted that Unite had become a national affiliate of Strike Map.
47. The combined effect of the direct action that week was that 67,000 households, being 19% of the 340,000 households across the city, did not receive a waste collection service. Mr Smiles said that ongoing disruption at anything like the same level would mean that the council would not be able to catch up the missed collections and that the waste lying uncollected on the streets would continue to climb.
48. The cost of the additional resources required to redress the missed collections just in the week of 26 January to 1 February was £113,798. That spend brought the total cost of overtime and additional resources required because of the direct action during January 2026 to £411,523, more than four times higher than the equivalent cost of £97,612 in December 2025. Mr Smiles says that this level of cost is not sustainable.

February 2026

49. This claim was issued early in the following week. By her statements, Ms Carter-Hughes updated the court to explain that there were further blockades at Smithfield depot on 10 and 11 February and at Smithfield and Atlas depots on 12 February. Accordingly, after some apparent inactivity at the start of February, direct action resumed in the week of 9-13 February. One detail of the action taken on 12 February is particularly important to the public nuisance claim. On this occasion, a bin lorry was allowed out of Atlas depot but impeded as two protesters then walked slowly down Redfern Road all the way to the junction with Wharfedale Road. This delayed the lorry by some 15 minutes and was then repeated for the next bin lorry.
50. Mr Smiles identified one unpleasant incident when a protester repeatedly called an employee at the Atlas depot a “scab” in an intimidating manner. Otherwise, the video evidence indicates that the vast majority of these protests have been good natured.
51. The blockades have not been total. Protesters have often allowed bin lorries out at intervals of around 15 minutes. Nevertheless, such strategy inevitably meant that lorries have been backed up and that some are waiting for hours.
52. The council has sought to engage the police. These protests have not, however, been violent and in preventing any offence of obstructing the highway contrary to s.137 of the Highways Act 1980, the police have been conscious of the need to allow reasonable time for protest in accordance with the Supreme Court’s decision in DPP v. Ziegler [2021] UKSC 23, [2022] A.C. 406. The police have interpreted Ziegler as meaning that they should not intervene in a peaceful protest which persists no longer than a few hours or which allows the bin lorries out, albeit one at a time and with some delay between each release.

53. The extent of the direct action taken during January 2026 was the tipping point that caused the council to decide to bring these proceedings.

THE PROPER APPROACH TO THIS APPLICATION

54. In his skeleton argument, Mr Carr analysed this application on conventional American Cyanamid principles. That approach would only require the council to demonstrate at this interim stage a serious issue to be tried. Since, however, the council concedes that article 10 is engaged, this case is subject to s.12 of the Human Rights Act 1998. I have already considered its requirement for notification of any application for relief that might affect the exercise of article 10 rights. In this context, it is necessary also to consider s.12(3) which provides that in such a claim “no such relief is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.”
55. Although the orders that I propose to make mean that certain protesters are deemed to have been served, an important purpose of this application is to obtain an injunction that also binds newcomers. To that extent, this is an application against the whole world and is therefore necessarily made without notice. Thus, Mr Carr rightly accepts that, in accordance with Wolverhampton, the council has to establish a “compelling” need for the protection of its civil rights that would not adequately be met by any other measures available to the local authority: Wolverhampton, at [167](i).
56. Accordingly, to obtain the relief sought, the council must not just prove a serious issue to be tried but that it is more likely than not to succeed in its claim at trial and that there is a compelling need for relief that would not adequately be met by other measures. Further, as with any application for an injunction, the court must be satisfied that it is just and convenient to grant relief.
57. Further, in accordance with the guidance in Wolverhampton at [167], a number of other matters are necessary:
- 57.1 First, any order should include adequate procedural protection for the rights of affected newcomers to overcome the fact that the order is being made without notice otherwise than as an emergency measure to hold the ring. Such protection should include directions to take all reasonable steps to draw the application and order made to the attention of all those likely to be affected by it, and “the most generous” provision for liberty to apply to have any order varied or set aside.
- 57.2 Secondly, the council should be required to comply with the most stringent form of disclosure duty on making the application, so as both to research for and present to the court everything that might have been said by newcomers against the grant of relief.
- 57.3 Thirdly, injunctions should be subject to territorial and temporal limits so that they “neither outflank nor outlast the compelling circumstances relied upon”.

ARGUMENT

58. In argument, Mr Carr made plain that the council did not suggest that the activities of the protesters had been anything other than peaceful. He argued that it would, however, be ironic if the protesters had greater rights to protest than the Unite members who are employed as bin workers and directly affected by this dispute.
59. Mr Carr submitted that the council has established good causes of action in trespass, private nuisance and public nuisance. Mr Carr accepted that the application engaged the protesters' convention rights under articles 10 and 11, but drew a distinction between the right to seek to persuade others not to work (which he acknowledged is protected by article 11) and compelling those people not to work by blocking their lorries (which he submitted is not a core right within the article). While he accepted that the law protects the right to peaceful protest, he argued that there was no realistic defence to the council's claim and that any convention claim was bound to fail. He submitted that the protesters can protest anywhere they like but what they must not do is block the free movement of the bin lorries as they collect waste throughout the city.
60. Mr Carr acknowledged that it might be argued that no injunction is necessary beyond the immediate depot premises given that the vast majority of the direct action took place outside the depot gates. Against that, he submitted that bin lorries had been blocked away from the depots on two occasions and direct action had also targeted the Brewery depot even though the street cleansing team are not involved in the industrial action. Further he argued that protesters had thus far focused their action on the depot gates because that has been effective in obstructing the waste collection service but that the court needed to appreciate that the protest would simply move down the road if any order only restrained conduct at the gates.
61. Further Mr Carr acknowledged that it might be argued that any injunction should be limited to waste collection vehicles, but responded that the megapicket showed a willingness to block any vehicles, even those engaged in combatting fly tipping.
62. Mr Carr also submitted that it might be argued that the council should have named Henry Fowler and Rob Poole as defendants but responded that there was no evidence of their attendance at any of the protests or of their involvement in any direct action.
63. Mr Carr accepted that there is limited evidence of trespass and that there is only evidence of two incidents – one on 17 September 2025 and one on 12 February 2026 – of the council's waste management vehicles being obstructed on the roads away from the depots. Nevertheless, he pointed to the strength of feeling and the obvious intention that protesters should take effective direct action with the express purpose of disrupting the waste collection service.
64. Mr Wingate asked that the court consider what the dispute was really about. He complained as a longtime resident about the ongoing erosion of council services, the proposed reduction to fortnightly collections and the accumulation of rubbish on the streets as a result of years

of neglect. He argued that the public interest was in investing properly in services and ensuring that the city has properly paid bin workers. He said that bin workers were facing a pay cut and that it was a huge attack on workers. He queried in any event whether anyone could trespass on public land. The defence to this claim was, he asserted, one of social justice and public decency. Mr Wingate asserted that the court should uphold the right to protest on council land that was funded by the public.

65. Mr Richardson cautioned that an injunction would have serious implications for the democratic right to peaceful protest. He was particularly concerned at the application to restrain protest activity away from the depot gates. He said that while there were a small group of protesters circulating around the entrance to Atlas depot there were a larger number making their views known and not interrupting or threatening any individual or stopping any lorry from emerging. Further, he said that the protesters who were blocking the exits were protesting peacefully and that the court should uphold the long tradition of peaceful direct action. He said that the protesters withdrew every 15 minutes to let a lorry out. He also relied on the fact that the police did not intervene and obviously did not consider that a crime had been committed. Mr Richardson criticised the council's application as a repressive move to limit people's democratic rights.
66. In reply, Mr Carr accepted that on a number of occasions the protesters had allowed a lorry out every 15 minutes or so. He made the point that such strategy meant, for example, that lorry 12 from a particular depot would be deployed three hours behind schedule.

DISCUSSION

THE PLEADED CLAIMS

67. The council brings this action in trespass, private nuisance and public nuisance:
- 67.1 Trespass:
- a) The claim in trespass is straightforward in that it is alleged that the protesters have entered onto the council's land without its permission. There is no merit in Mr Wingate's point that the depots are publicly owned since they were acquired with monies raised from taxes. That is as may be, but local authorities can nevertheless own land and maintain an action in trespass.
 - b) Here, protests have for the most part been conducted outside the depot gates. There is, however, evidence of trespass on one depot on one occasion in that on 29 January 2026 protesters encroached beyond the gates and trespassed on to the Perry Barr depot by some 15-20 metres.
 - c) While that is only evidence of one incident of trespass, it has happened and I accept that a landowner whose title is not disputed is, in principle, entitled to an injunction to restrain a threatened or apprehended further trespass: HS2 v. Persons Unknown [2022] EWHC 3360 (KB), at [74].
- 67.2 Private nuisance:
- a) The tort of private nuisance is committed when a defendant substantially and unreasonably interferes with a landowner's enjoyment of his land. Interference with a landowner's right of access to his land from the public highway can

amount to private nuisance: Caudrilla Bowland Ltd v. Persons Unknown [2020] EWCA Civ 9, [2020] 4 W.L.R. 29, at [13].

- b) There is, in my judgment, clear evidence that the protesters have interfered with the council's peaceful enjoyment of its land in that their direct action has prevented the council from having free access to and egress from its depots.

67.3 Public nuisance:

- a) While private nuisance is concerned with the enjoyment of land, public nuisance is a crime committed against the public at large. Where, however, a claimant suffers "special damage" beyond that suffered by the general public, the public nuisance is also actionable in tort: R v. Rimmington [2006] A.C. 459, at [44].
- b) Unlawful obstruction of the highway is an offence contrary to s.137 of the Highways Act 1980 and may also amount to the crime of public nuisance. Where the obstruction causes the claimant "special damage" beyond that suffered by the general public, it can also amount to the tort of public nuisance. Here, I consider that the targeted obstruction of the council's waste management vehicles on the highway is capable of amounting to the tort of public nuisance.

THE RIGHT TO PROTEST

68. It is, however, necessary then to consider the protesters' convention rights. The law protects the right of peaceful protest in a democratic society. Two articles of the convention are engaged:

68.1 First, article 10 protects the freedom of expression, and provides so far as is material:

- "(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers ...
- (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

68.2 Secondly, article 11 which protects the freedom of assembly and association, and provides, again so far as is material:

- "(1) Everyone has the right to freedom of peaceful assembly ...
- (2) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others ..."

69. Large-scale peaceful protest can inevitably cause inconvenience to others but some level of inconvenience must be tolerated in a democratic society in order to protect such rights. Both article 10 and article 11 are qualified rights and recognise that the right to protest may be

restricted where that is “necessary” for, among other matters, the protection of the rights and freedoms of others. That calls for a fact-specific enquiry into the proportionality of the relief sought that requires evaluation of the circumstances of the individual case: Ziegler, at [59].

70. Analysing this case consistently with the approach taken by the Supreme Court in Ziegler, at [58], involves the following steps:
- 70.1 First, the protesters’ actions have been undertaken in exercise of their own convention rights under articles 10 and 11. Such rights are, however, qualified.
 - 70.2 Secondly, the injunction sought from the court would amount to an interference with such rights.
 - 70.3 Thirdly, such interference would be prescribed by law.
 - 70.4 Fourthly, such interference would – if granted – be in pursuit of a legitimate aim as set out in articles 10 and 11, namely the protection of the rights of others; specifically the property rights of the council protected by article 1 of the First Protocol to the convention and the common law of trespass and private nuisance to enjoy the use of its own land by preventing trespass and ensuring the unrestricted access to and egress from its depots, and the law of public nuisance that prevents the deliberate and targeted obstruction of its vehicles on the public highway.
 - 70.5 The question for resolution in this claim will ultimately be whether such interference with the protesters’ convention rights would be necessary in a democratic society so that a fair balance was struck between the requirements of freedom of expression and assembly and, on the other hand, the protection of the rights and freedoms of others.
71. The right to protest is, in my judgment, no answer to the claim in trespass. Effective protest neither requires nor can justify the trespass on to the council’s land: Cuciurean v. Secretary of State for Transport [2021] EWCA Civ 357, DPP v. Cuciurean [2022] EWHC 736 (Admin), at [45]-[46].
72. In Kudrevicius v. Lithuania 62 EHRR 1107, the European Court of Human Rights held, at [97], that the deliberate obstruction of major roads engaged article 11 but that such “physical conduct purposely obstructing traffic and the ordinary course of life in order to seriously disrupt the activities carried out by others is not at the core of that freedom as protected by article 11”. The court added that such conclusion “might have implications for any assessment of necessity to be carried out under the second paragraph of article 11”. Accordingly, as the Supreme Court made clear in Ziegler, deliberate obstructive conduct that had a more than de minimis impact on others is not of itself sufficient to answer the article 11 claim and the court must still conduct a careful evaluation in order to determine proportionality. Lords Hamblen and Stephens summarised the position at [70]:
- “It is clear ... that intentional action by protesters to disrupt by obstructing others enjoys the guarantees of articles 10 and 11, but both disruption and whether it is intentional are relevant factors in relation to an evaluation of proportionality. Accordingly, intentional action even with an effect that is more than de minimis does not automatically lead to the conclusion that any interference with the protesters’ articles 10 and 11 rights is proportionate. Rather, there must be an assessment of the

facts in each individual case to determine whether the interference with article 10 or article 11 rights was 'necessary in a democratic society'."

73. In carrying out that assessment, the Supreme Court approved the guidance given by Lord Neuberger MR in City of London Corporation v. Samede [2012] EWCA Civ 160, [2012] 2 All E.R. 1039, at [39]-[41], that the lawfulness of protest on the highway will depend on a number of factors including (a) the extent to which the protest breaches domestic law, (b) the importance of the precise location to the protesters, (c) the duration of the protest, (d) the degree to which the protesters occupy land, (e) the extent of the actual interference the protest causes to the rights of others, including property rights of landowners, and the rights of members of the public, (f) the general character of the views whose expression the convention is being invoked to protect, and (g) whether the protesters believed in the views they were expressing.
74. In this case, I distinguish between inconvenience incidentally caused by the exercise of the right of peaceful protest and that caused deliberately by taking direct action, albeit peacefully, to obstruct the waste collection service. There is nothing incidental about the inconvenience in this case; rather it is a matter of deliberate design intended to bring pressure to bear on the council in support of the ongoing industrial action. In accordance with Kudrevicius and Ziegler, the fact that the inconvenience in this case was deliberate does not of itself mean that injunctive relief is proportionate. It is, however, a factor that I take into account since direct action of this sort is not at the core of the right protected by article 11.
75. In addition, I take into account the factors identified by Lord Neuberger in Samede. Doing so, I conclude that (a) there is strong evidence that the protesters have breached the domestic law of both private and public nuisance; (b) the right to protest outside the depots may be important to the protesters, but not the right to block the gates or obstruct the bin lorries on their rounds; (c) the duration of the protest should not simply be measured in hours on a single date, rather this direct action should be assessed in its proper context of an escalating pattern of direct action that has been conducted across no fewer than nine different working days across multiple depots just in the month of January; (d) the protesters have on each occasion occupied land immediately outside the depot gates, and on 29 January occupied part of the highway to prevent bin lorries from either proceeding on their way or turning around; (e) these protests have by design caused enormous disruption to the council's ability to provide a waste collection service to the residents of Birmingham with the consequence that uncollected rubbish has built up on the streets leading to an obvious loss of amenity, increased fly tipping and environmental risk; (f) these protests are in support of the legitimate political view that the council has not treated the bin workers fairly; and (g) there is no reason to think that such view is anything other than sincerely held.
76. Balancing all of those factors, I consider that the city council has established that it is more likely than not that the court at trial would find that the proportionality assessment clearly favours injunctive relief to restrain the excesses of direct action and to limit the protesters to peaceful protest that does not obstruct the delivery of its waste management service. Further, I conclude that the council has established a compelling need for relief in order to protect its enjoyment of its land and its ability to deliver an effective waste collection service, and that such need cannot be adequately met by any other measures including either negotiation with the protesters or further engagement with the police.

77. Further, I accept that robust procedural protection for the rights of newcomers can be built into the order; that the council has properly drawn to my attention the potential defences to its claim and the arguments that might have been presented to me; and that it is just and convenient to grant interim relief in this case.

CONCLUSION

78. For these reasons:

78.1 I order pursuant to rr.6.15(2) and 6.27 that the steps already taken to bring the claim form and these applications to the attention of the protesters at the council's waste depots is good service on such protesters, and I give further directions as required by r.6.15(4). Further, I direct that my order be served on these protesters by the same means.

78.2 I grant Birmingham City Council interim relief restraining acts of trespass upon the depot sites, obstruction of the depot entrances and exits, and the obstruction of the council's street management vehicles throughout Birmingham.

78.3 My order will, however, make clear that nothing within my order prevents:

- a) lawful picketing by union members and officials in accordance with the orders made in Birmingham City Council v. Unite by Dias and Calver JJ; or
- b) peaceful protests whether at the depots or elsewhere that does not trespass on council land and which does not obstruct the free passage of vehicles or people.

78.4 I will provide all parties affected by such order generous permission to apply to vary or discharge my order.

78.5 I decline to make any order dispensing with service of any future committal application.

79. Mr Carr's draft sought what he described as interim relief for an initial period of six months. While the Court of Appeal in Barking & Dagenham and the Supreme Court in the case on further appeal (Wolverhampton) stressed that that the usual boundaries between interim and so-called final orders – which in such cases always remain subject to further review and discharge – are not rigid, a claim for the entire relief sought in a claim form cannot properly be described as interim. Upon this application, I therefore grant relief until trial or further order but in any event for not more than an initial period of three months.

THE FURTHER CONDUCT OF THIS CASE

80. The council has chosen to use the Part 7 claim procedure. This is unorthodox in protester claims in which the facts are unlikely to be in dispute and there is no real expectation of a final trial. While I did not hear argument on this issue, the Part 7 procedure has a number of features that would appear to make it inappropriate in this case:

80.1 First, default judgment is available under Part 12 upon a defendant's failure to acknowledge service or file a defence. That said, default judgment could not be entered administratively in this case in view of the remedy sought: r.12.4(3); and the council would be well advised not to make such an application. Against that, default judgment cannot be entered in a Part 8 claim: rr.8.1(5) and 12.2(b); and the only consequence of

a failure to acknowledge service of a Part 8 claim is that such defendant may not take part in the hearing of the claim unless the court gives him or her permission to do so: r.8.4.

80.2 Secondly, Part 7 requires the parties to plead out their cases. Indeed, the council is now required to serve its Particulars of Claim within 14 days after service of the claim form. Since the court is making an order pursuant to r.6.15, time is already ticking.

80.3 Thirdly, should – which seems unlikely – defences be filed, directions questionnaires will be sent out and the case would be listed for a costs and case management hearing. Under Part 8, there is no provision for formal defences or directions questionnaires and no automatic costs management, case management hearings or disclosure.

81. There is, however, no application before the court for an order that the claim proceeds under Part 8 and I have not heard argument on the point. Further, any such application is not urgent and would have to be made on notice. Accordingly, the matter must proceed under Part 7 and Particulars of Claim will have to be served. Given the fact that the claim is itself limited to a claim for injunctive relief for a period of six months, the council should then give urgent consideration to whether it seeks an order for a speedy trial.



CLAIM NO: KB-2026-BHM-000043

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT
REGISTRY
The Hon Mr Justice
Pepperall
20 February 2026**

KB-2026-BHM-000043

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**
- (B) LIFFORD LANE DEPOT, EBURY ROAD, KINGS NORTON, BIRMINGHAM B30 3JJ**
- (C) PERRY BARR DEPOT, HOLFORD DRIVE, BIRMINGHAM, B42 2TU**
- (D) SMITHFIELD DEPOT, SHERLOCK STREET, BIRMINGHAM, B5 6HX**

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**

Defendants

ORDER FOR AN INJUNCTION

PENAL NOTICE

**IF YOU THE WITHIN DEFENDANTS OR PERSONS UNKNOWN OR ANY OF YOU
DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS
ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE**

IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR PERSONS UNKNOWN TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

IMPORTANT NOTICE TO THE DEFENDANTS AND PERSONS UNKNOWN

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

UPON the Claimant's Claim Form, issued on 6 February 2026

AND UPON the Claimant's application dated 3 February 2026 for an interim injunction

AND UPON the Claimant's further application dated 11 February 2026 seeking to dispense with service of the claim form (the "Service Application")

AND UPON the Claimant notifying Persons Unknown of the Claim Form, injunction application and evidence ("the Documents") in support by carrying out each of the following steps (a) uploading copies of the Documents onto the following website: <https://www.birmingham.gov.uk/WasteInjunctionPersonsUnknown> (the "**Website**") with the notice of the hearing dated 5 February 2026 being uploaded to the Website on the same date, additional evidence being uploaded on 11 and 12 February 2026 in advance of the hearing which took place on 13 February 2026 (the "**Hearing**"), and the Service Application being uploaded on 11 February 2026; (b) on 3 February 2026, sending an email to the following: 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 (the "Third Parties") stating that a claim has been brought and an application made, and that the Documents can be found on the Website; (c) on 5 February 2026, sending emails to the Third Parties to notify them of the Hearing and providing a copy of the Court's Hearing Order; (d) on 4 February 2026, delivering a hard copy of the Documents to Unite the Union at Unite House, 128 Theobalds Road, Holborn, London, WC1X 8TN; (e) on 4 February 2026, affixing a notice at those locations marked with an "x" on Plans 1-4 setting out that the Documents can be

found on the Website and updating the notices from 6 February 2026 to include details of the Hearing and displaying the notice of the Hearing also, with checks being undertaken by the Claimant on a daily basis to ensure that the notices remained in place; (f) on 4 February 2026, publishing on the Claimant's social media channels that the application has been made and that the Documents can be accessed on the Website and publishing further updates on 5 and 12 February 2026 to include details of the Hearing; and (g) leafleting of persons in attendance at the Premises to notify them of the Application and the Hearing on 6, 10, 12 and 13 February 2026

AND UPON hearing Leading Counsel for the Claimants and representations from Stuart Richardson (who identified himself as a Defendant) and Alistair Wingate (who identified himself as a member of the public opposed to the Claimant's application) at the hearing on 13 February 2026

AND UPON the Claimant giving and the Court accepting the undertakings set out at Schedule 4 to this Order

AND UPON the "Premises" being defined as

- (i) Atlas Depot, (70/72 Kings Road, Tyseley, Birmingham, B11 2AS)
- (ii) Lifford Lane Depot, (Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ)
- (iii) Perry Barr Depot (Holford Drive, Perry Barr, Birmingham, West Midlands, B42 2TU)
- (iv) Smithfield Depot, (Sherlock Street, Birmingham, West Midlands, B5 6HX)

AND UPON the "Prohibited Territory" being defined as those public highways within the boundary marked on the map at Schedule 2

IT IS ORDERED THAT: -

INJUNCTION

1. Until **20 May 2026**, final determination of the claim or further order, whichever shall be the earlier, the Defendants must not, without the consent of the Claimant, enter, occupy or remain upon the Premises.

2. Until **20 May 2026**, final determination of the claim or further order, whichever shall be the earlier, the Defendants must not, without the consent of the Claimant, block or obstruct the exiting or entering of any other individual or vehicle to or from the Premises or otherwise impede the exiting or entrance of such individuals or vehicles.
3. Until **20 May 2026**, final determination of the claim or further order, whichever shall be the earlier, the Defendants must not block or otherwise obstruct 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. In respect of paragraphs 1 to 3, the Defendants must not do any of these things (a) himself , herself or themselves, or in any other way; or (b) by means of another person acting on his/her/their behalf or acting on his/her/their instructions.
5. This injunction does not prohibit picketing or protesting in accordance with s.220(1) of the Trade Union Labour Relations (Consolidation) Act 1992 and the injunction order of Mrs Justice Dias dated 27 May 2025, as extended to trial or further order by consent in an order of 29 May 2025 and as extended to the Smithfield Depot by consent in an order dated 25 June 2025.
6. Further, this injunction does not prohibit protesting anywhere within the area shown on the map in Schedule 2 provided that such protesting does not otherwise breach the terms of this Order.

VARIATION

7. Anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order or so much of it as affects that person but they must first give the Claimant's solicitors 72 hours' notice of such application. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's solicitors at least 48 hours in advance of any hearing.
8. Any person applying to vary or discharge this Order must provide the court and the Claimant's solicitors with their full name, address and address for service.

9. The Claimant has liberty to apply to vary this Order.

SERVICE AND NOTIFICATION

10. The Court directs pursuant to r.6.15(2) that the steps already taken to notify the Defendants of these proceedings and set out in the recitals above constitute good service of the claim form on those Defendants who have previously protested in the vicinity of the depot gates to any of the Premises on or between 17 September 2025 and 12 February 2026 [“the Existing Protesters”].

11. The Court further directs pursuant to r.6.27 that such steps above constitute good service of the remaining documents uploaded to the Website on the Existing Protesters.

10. This Order shall be deemed to have been served pursuant to r.6.27 on the Existing Protesters and any further Defendants who attend in the vicinity of the depot gates at any of the Premises while the notices referred to in paragraph (c) below remain affixed to such entrance upon the Claimant carrying out each of the following steps:

- a. Uploading a copy of the Order onto the Website.
- 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 along with a notice directing the Defendants to the Website.
- d. Distributing leaflets at each of the Premises notifying those present in the vicinity of the depot gates of the granting of the Order and giving 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.

12. The Claim Form is deemed to have been served on 9 February 2026. Accordingly:

- a. the Claimant must file Particulars of Claim by 4pm on 23 February 2026;
- b. the Defendants must file any acknowledgment of service by 4pm on 23 February 2026;
- c. in the event of any acknowledgment of service being filed, the Defendants shall file their Defence or any admissions by 9 March 2026.

FURTHER DIRECTIONS

13.Liberty to apply.

14.Costs are reserved.

COMMUNICATIONS WITH THE CLAIMANT

15.The Claimant's solicitors and their contact details are:

DLA Piper UK LLP

160 Aldersgate Street

London

EC1A 4HT

Telephone: 0207 3490296

Contact name: Euan Bruce

Out of hours contact no: 07738295509 (Euan Bruce)

Email SM-BCCInjunction@dlapiper.com

SCHEDULE 1 - PLANS 1-4 - PLANS OF THE PREMISES BEING THE CLAIMANT'S DEPOTS

PLAN 1 - ATLAS DEPOT



Date of Map Creation: 02/02/2026

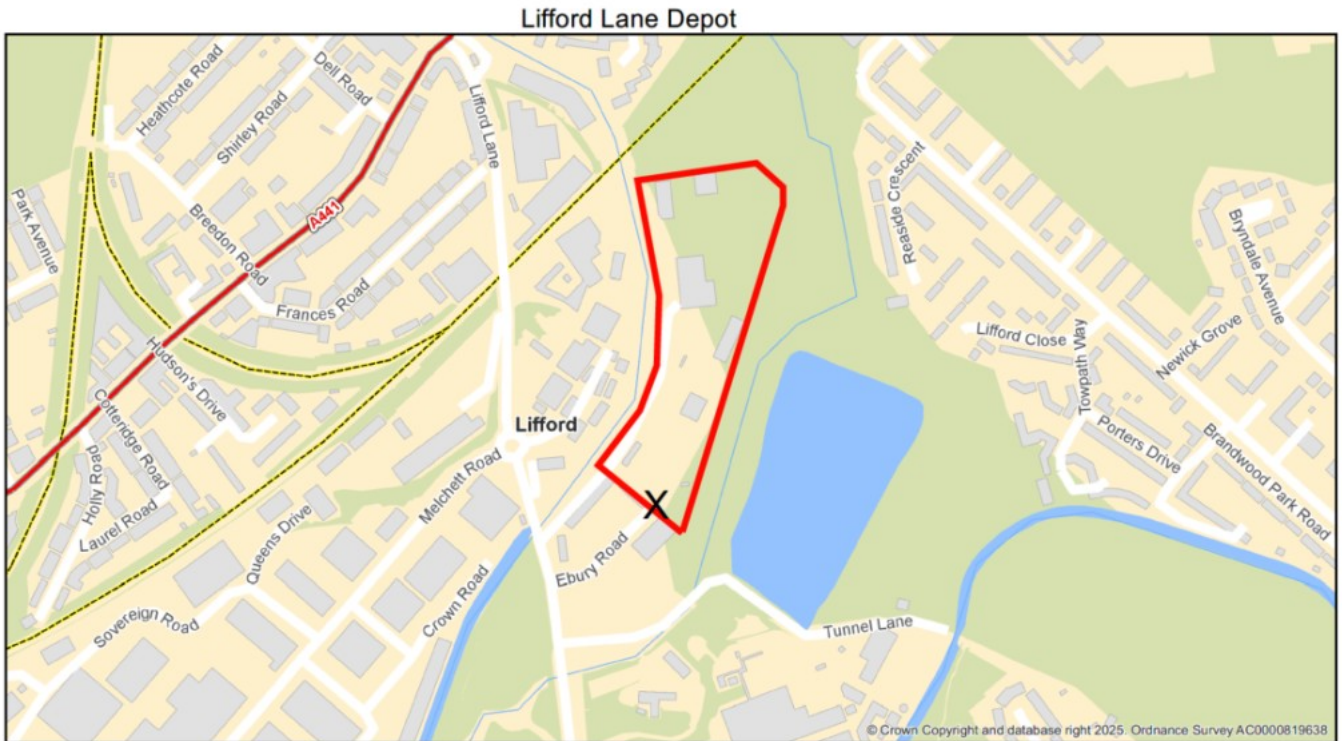
Map Created By: Nick Massey

Scale: 1:4,504.26

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PLAN 2 - LIFFORD LANE DEPOT



Date of Map Creation: 02/02/2026

Map Created By: Nick Massey

Scale: 1:4,504.26

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PLAN 3 - PERRY BARR DEPOT

Perry Barr Depot



Date of Map Creation: 02/02/2026

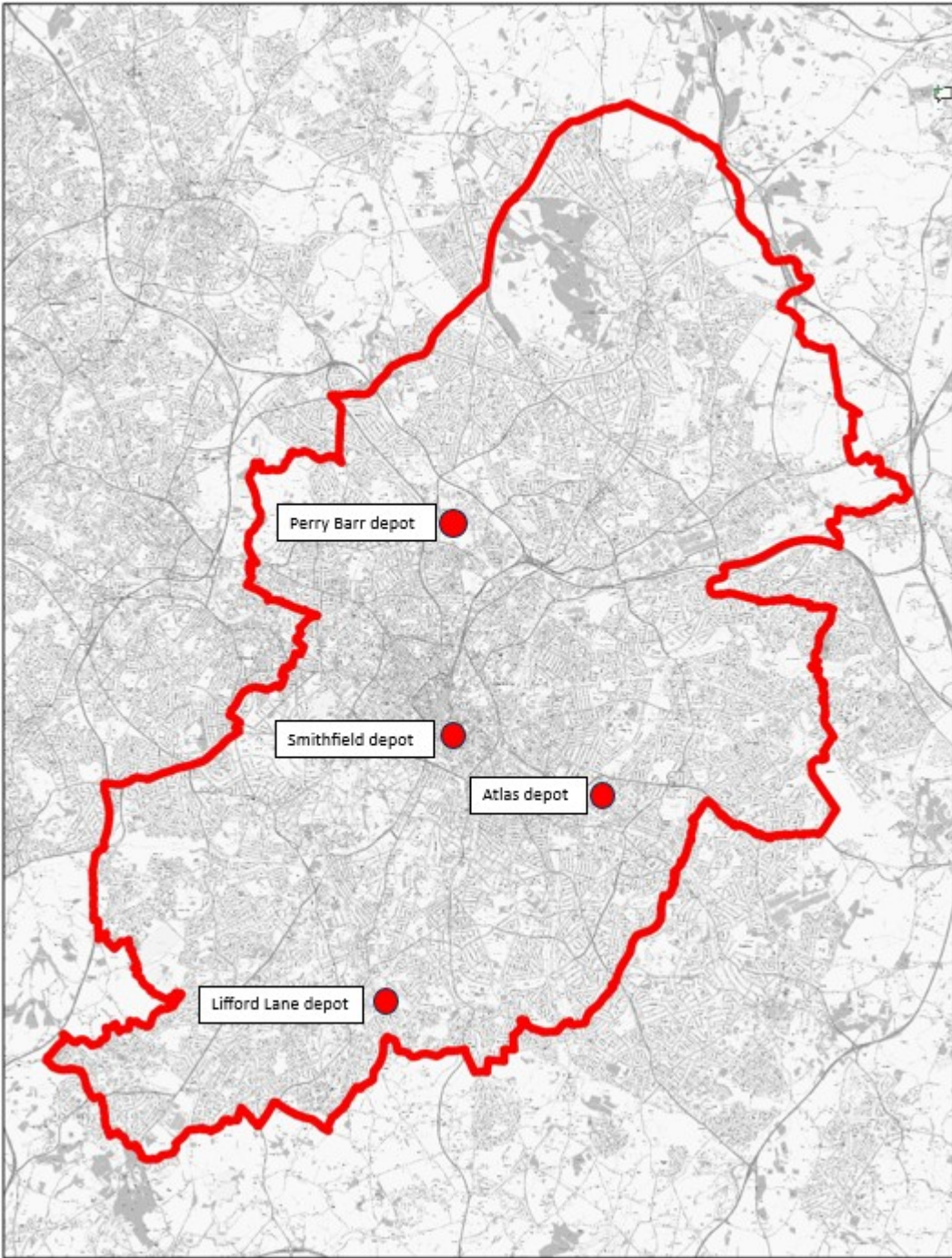
Map Created By: Nick Massey

Scale: 1:4,504.26

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SCHEDULE 2 - MAP OF PROHIBITED TERRITORY



SCHEDULE 3 - WITNESS STATEMENTS

The Claimant relied on the following Witness Statements:

1. Witness Statement of Christopher Smiles dated 3 February 2026 with accompanying Exhibit CS;
2. Witness statement of Dean Smith dated 3 February 2026 with accompanying Exhibit DS;
3. Witness Statement of Richard Smith dated 3 February 2026 with accompanying Exhibit RS;
4. Witness statement of David Miller dated 3 February 2026 with accompanying Exhibit DM;
5. Witness statement of Carol Culley dated 3 February 2026 with accompanying Exhibit CC;
6. First witness statement of Deborah Carter-Hughes dated 11 February 2026 with accompanying Exhibit DCH.
7. Second witness statement of Deborah Carter-Hughes dated 12 February 2026 with accompanying Exhibit DCH2.

SCHEDULE 4

Undertakings
given to the
Court by the
Claimant

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.

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



BETWEEN:

BIRMINGHAM CITY COUNCIL

KB-2026-BHM-000043

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, MAP 1)**

Defendants

ORDER

BEFORE Her Honour Judge Emma Kelly sitting in the High Court of Justice, King's Bench Division, Birmingham District Registry on 17 March 2026 and considering the matter on the papers

UPON the Claimant's application, dated 25 February 2026, seeking permission to amend the Claim Form in the form of the draft Amended Claim Form attached to the application notice ("the Application")

AND UPON the Claimant issuing the Claim Form on 6 February 2026 and the Claim form being deemed served on 9 February 2026

AND UPON the Judgment of Mr Justice Pepperall being handed down on 20 February 2026 and granting an interim injunction in favour of the Claimant

AND UPON the Claimant filing its Particulars of Claim on 23 February 2026

IT IS ORDERED THAT: -

1. The Applicant is granted. The Claimant has permission under CPR 17.1(2)(b) to amend the Claim Form in the form of the draft Amended Claim Form filed with the application notice, dated 25 February 2026.
2. The Claimant shall file the Amended Claim Form, within 7 days of the date of service of this Order on the Claimant.
3. This Order and the Amended Claim shall be deemed served on the Defendants pursuant to CPR 6.27 upon completion of all of the following steps:
 - a. Uploading a copy of the Order and the Amended Claim Form onto the Website (as defined in the interim injunction order of Pepperall J dated 20 February 2026).
 - b. Sending an email to neiltodd@thompsons.law; sharon.graham@unitetheunion.org; onay.kasab@unitetheunion.org; annmarie.kilcline@unitetheunion.org; enquiries@wsp.org.uk; birminghamsocialistparty@gmail.com; info@reelnews.co.uk; and strikemap@gftu.org.uk, attaching in each case a copy of this Order and the Amended Claim Form.
 - c. Affixing a copy of the Order and the Amended Claim Form in A4 size at the entrance to each of the Premises along with a notice directing the Defendants to the Website.

- d. Distributing leaflets at each of the Premises notifying those present in the vicinity of the Depot gates of the Order and Amended Claim Form giving details of the Website.
 - e. Publishing details of this Order and the Amended Claim Form on the Claimant's social media channels that the Order and the Amended Claim Form can be accessed on the Website.
4. No order as to the costs of the Application.
5. By this order the Court has disposed of an application without service. Any party affected by this order may apply to have it set aside or varied, with any such application to be made within 7 days of service of this order on the party making the application.

Brief Reasons

- (a) By order of Pepperall J, dated 20 February 2026, the claim form in this case was deemed served on 9 February 2026. Accordingly, pursuant to CPR 17.1(2) any subsequent amendment of the claim form requires (a) the written consent of all the other parties (not practicable with persons unknown defendants) or (b) the permission of the Court.
- (b) The proposed amendment is limited to the insertion of the words “until 1 January 2028” in the Claim Form in respect of the temporal limit of the injunction that is sought. The Claim Form in its original form was silent as to the duration of injunction order that was being sought. The Court has a wide discretion to grant permission to amend. The Court considers it appropriate to grant permission in circumstances where the Application is made at an early stage of proceedings, it reduces rather than expands the scope of the final relief sought, and it ensures the Claim Form accords with the relief sought in the Particulars of Claim. There is no material prejudice to the Defendants.
- (c) There will be no order as to the costs of the Application. The practical effect of this will be that the Claimant will have to bear its own costs of the

Application. That is appropriate given the omission to include the duration on the original Claim Form is an error of the Claimant's own making.

Dated 17th day of March 2026



CLAIM NO: KB-2026-BHM-000043

KB-2026-BHM-000043

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

**BEFORE HHJ EMMA KELLY
(Sitting as a Judge of the High
Court)**

DATED 23 APRIL 2026

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
(B) LIFFORD LANE DEPOT, EBURY ROAD, KINGS NORTON, BIRMINGHAM B30 3JJ
(C) PERRY BARR DEPOT, HOLFORD DRIVE, BIRMINGHAM, B42 2TU
(D) SMITHFIELD DEPOT, SHERLOCK STREET, BIRMINGHAM, B5 6HX

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**

Defendants

ORDER

Upon the Court reviewing the Claimant's application, dated 20 April 2026, ("the Extension Application") seeking an extension of the interim injunction granted by Pepperall J on 20 February 2026

IT IS ORDERED THAT: -

1. The Extension Application shall be listed for hearing before a High Court Judge at **10.30am on Thursday 30 April 2026** at Birmingham Civil and Family Justice Centre, The Priory Courts, 33

Bull Street, Birmingham B4 6DS. Time estimate 3 hours.

2. The Claimant shall by 4pm on 24 April 2026 serve the Extension Application, the evidence in support, the draft order sought, and this order on the Defendants (together “the Extension Application Documents”) by carrying out each of the following steps:
 - a. Uploading a copy of the Extension Application Documents onto https://www.birmingham.gov.uk/downloads/download/6860/waste_persons_unknown_injunction (“the Website”).
 - 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 Extension Application Documents.
 - c. Affixing a copy of the Extension Application Documents in A4 size at the entrance to each of the premises identified as (A), (B), (C) and (D) in the description of the First Defendant (“the Premises”), along with a notice directing the Defendants to the Website.
 - d. Distributing leaflets at each of the Premises notifying those present in the vicinity of the depot gates of the hearing of the Extension Application and giving details of the Website.
 - e. Publishing details of the Extension Application Documents on the Claimant's social media channels and that the Extension Application Documents can be accessed on the Website.
3. The Claimant shall by 4pm on 28 April 2026 file a witness statement setting out what steps it has taken to serve the Defendants of the Extension Application and this order.
4. The Claimant shall by no later than 1pm on 28 April 2026 file an electronic and hard copy paginated and indexed hearing bundle.
5. Any skeleton arguments shall be filed and exchanged by 1pm on 28 April 2026.
6. This order has been made of the Court’s own initiative. Any party affected by the order may apply to have the order set aside, varied or stayed, with any such application to be made within 7 days of service of his order on the party making the application.


Dated this 23rd day of April 2026

HHJ Emma Kelly

Application notice

For help in completing this form please read the notes for guidance form N244 Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court KBD Birmingham District Registry	Claim no. KB-2026-BHM-000043	
Fee account no. (if applicable) PBA0087960	Help with Fees - Ref. no. (if applicable) KB-2026-BHM-000043	
Warrant no. (if applicable)		
Claimant's name (including ref.) Birmingham City Council		
Defendant's name (including ref.) Persons Unknown (see attached sheet)		
Date	20 April 2026	

1. What is your name or, if you are a legal representative, the name of your firm?

DLA Piper UK LLP

2. Are you a Claimant Defendant Legal Representative
 Other (please specify)

If you are a legal representative whom do you represent?

BIRMINGHAM CITY COUNCIL

3. What order are you asking the court to make and why?

An order extending the injunction granted by Mr Justice Pepperall by way of an Order dated 20 February 2026 (sealed on 23 February 2026) (**Order**). The injunction is currently in force until 20 May 2026.

Pursuant to the Order of HHJ Emma Kelly dated 17 March 2026 (and sealed on 18 March 2026), the Claimant was given permission to file an amended Claim Form extending the period of the injunction until 1 January 2028 (**Amended Claim Form**). The Claimant filed the Amended Claim Form on 23 March 2026.

The Claimant applies for the Order to be extended until 1 January 2028, in accordance with the period provided for by the Amended Claim Form.

The Claimant applies for permission of the court to effect service of claim form, particulars of claim and other documents in these proceedings by alternative service pursuant to CPR 6.15 and 6.27.

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a remote hearing

6. How long do you think the hearing will last?

3	Hours		Minutes
---	-------	--	---------

Is this time estimate agreed by all parties?

Yes No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

N/A

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

N/A

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

In necessary, please continue on a separate sheet.

Please see the attached:

- (a) Witness Statement of Deborah Carter-Hughes dated 20 April 2026 and Exhibit DCH3 of the same date; and
- (b) Witness Statement of Carol Culley dated 20 April 2026.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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.

- I believe that the facts stated in section 10 (and any continuation sheets) are true.
- The applicant believes that the facts stated in section 10 (and any continuation sheets) are true. I am authorised by the applicant to sign this statement.

Signature

D Carter-Hughes

- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year

20	4	2026
----	---	------

Full name

DEBORAH CARTER-HUGHES

Name of applicant's legal representative's firm

DLA PIPER UK LLP

If signing on behalf of firm or company give position or office held

ASSISTANT DIRECTOR LEGAL SERVICES

Applicant's address to which documents should be sent.

Building and street

160 Aldersgate Street

Second line of address

Barbican

Town or city

London

County (optional)

Postcode

E | C | 1 | A | 4 | H | T

If applicable

Phone number

Fax phone number

DX number

33866 Finsbury Square

Your Ref.

Email

Jonathan.Exten-Wright@dlapiper.com
Euan.Bruce@dlapiper.com

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

BEFORE [INSERT]

DATED 20 April 2026

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
- (B) LIFFORD LANE DEPOT, EBURY ROAD, KINGS NORTON, BIRMINGHAM B30 3JJ
- (C) PERRY BARR DEPOT, HOLFORD DRIVE, BIRMINGHAM, B42 2TU
- (D) SMITHFIELD DEPOT, SHERLOCK STREET, BIRMINGHAM, B5 6HX

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

Defendants

CERTIFICATE OF URGENCY

1. The Claimants have today issued the enclosed application (the "**Application**") to extend the interim injunction of Mr Justice Pepperall by order of 20 February 2026 (the "**Order**") to prevent the Defendants from, without the consent of the Claimant:

- (i) entering, occupying or remaining upon the following sites:
 - a. Atlas Depot, 70/72 Kings Road, Tyseley, Birmingham, B11 2AS (as shown edged in red on the following Plan 1 in Schedule 1)
 - b. Lifford Lane Depot, Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ (as shown edged in red on the attached Plan 2 in Schedule 1)

c. Perry Barr Depot, Holford Drive, Perry Barr, Birmingham, West Midlands, B42 2TU
(as shown edged in red on the attached Plan 3 in Schedule 1)

d. Smithfield Depot, Sherlock Street, Birmingham, West Midlands, B5 6HX (as shown
edged in red on the attached Plan 4 in Schedule 1).

(Together "**the Premises**")

(ii) blocking or obstructing the exiting or entering of any other individual or vehicle to or from the
Premises or otherwise impeding the exiting or entrance of such individuals or vehicles; or

(iii) blocking or otherwise obstructing the public highway within the boundary marked 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.

2. The Application is brought in the context of disruptive direct action engaged in by the Defendants in
connection with strikes organised by UNITE The Union ("UNITE").

3. The filed documents include the following:

(A) Application Notice Form N244 dated 20 April 2026, together with the draft order sought;

(B) Supporting witness statement of Deborah Carter-Hughes dated 20 April 2026 (being her Third
statement in respect of this claim) with accompanying Exhibit DCH3 of equal date;

(C) Supporting witness statement of Carol Culley dated 20 April 2026 (being her Second statement in
respect of this claim).

4. I certify that the claim is urgent for the following reasons as detailed in the Third witness statement of
Deborah Carter-Hughes, and, further to DLA Piper UK LLP having liaised with the Court Office as
to availability, respectfully request that the Court list the Application for the injunction to be heard
week commencing 27 April 2026:

A. The strike action organised by UNITE and associated protest activity has been ongoing
since 2 January 2025 and has been the subject of an injunction order on 23 May 2025 by Mrs
Justice Dias to restrain unlawful picketing and protesting. UNITE having breached that order
and subsequently admitted contempt, by a judgment handed down on 17 March 2026,

UNITE was ordered to pay a fine in the sum of £265,000 to HM Courts and Tribunals Service.

B. Following its admission that it was in breach of the injunction order, UNITE ceased its unlawful protest and picketing activities. However, substantially similar activities were quickly resumed by the Defendants with the levels of disruption escalating from December 2025 onwards. This activity caused severe disruption to the provision by the Claimant of its waste collection service for the residents of Birmingham. As a result, the Claimant applied for an injunction against Persons Unknown on 3 February 2026 which was granted by Mr Justice Pepperall in an order dated 20 February 2026 (sealed on 23 February 2026) (“the Order”).

C. Since the Order, there has been protest activity at the site of Tom Whites in Coventry on 13 March 2026 and 1 April 2026. Tom Whites is a contractor who have been undertaking waste collection services in Birmingham on behalf of the Claimant.

D. If a further order is not made, the Interim Injunction will expire on 20 May 2026. The fact that the activities by Persons Unknown were escalating up to the date of the injunction application and only ceased because of the subsequent Order combined with recent protest activity at Tom Whites, shows that there remains a real and imminent risk of further direct action by the Defendants unless and until UNITE’s demands are satisfied. The situation shows no signs of being resolved.

E. The Application is technically ex parte as it is brought against Persons Unknown. Nonetheless, the Claimants are under an obligation to take reasonable steps to notify individuals who may be affected by the Application. The Claimants propose to notify the Defendants of the Application documents via the same means as the original Order i.e. utilising various electronic and hard copy materials, including website uploads, emails and notices affixed at site locations operated by the Claimant or at which the relevant protesting activity has been taking place. A hearing week commencing 27 April 2026 will therefore allow sufficient time for the Defendants to be notified of the Application and to make preparations accordingly, whilst also taking into account the need for this Application to be heard as soon as possible.

5. The time estimate for the hearing of the Application is 3 hours, to include pre-reading and judgment (if appropriate), but this may be affected by whether the Defendants intend to take an active part in the Claim and Application.

6. In all the circumstances, I believe that the Application is fit to be heard on an urgent basis and the Claimant therefore respectfully requests that the Court lists the application for a 3-hour hearing in the period 29 April – 1 May 2026.

Signed:

A handwritten signature in black ink, appearing to read 'Jonathan Exten-Wright', is written over a light grey rectangular background.

Full name: Jonathan Exten-Wright

Position or Office held: Claimant's solicitors – Partner, DLA Piper UK LLP

Date: 20 April 2026

**SCHEDULE 1 – PLANS 1-4 – PLANS OF THE PREMISES BEING
THE CLAIMANT’S DEPOTS**

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

Scale: 1:4,504.26

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PLAN 3 – PERRY BARR DEPOT

Perry Barr Depot



Date of Map Creation: 02/02/2026

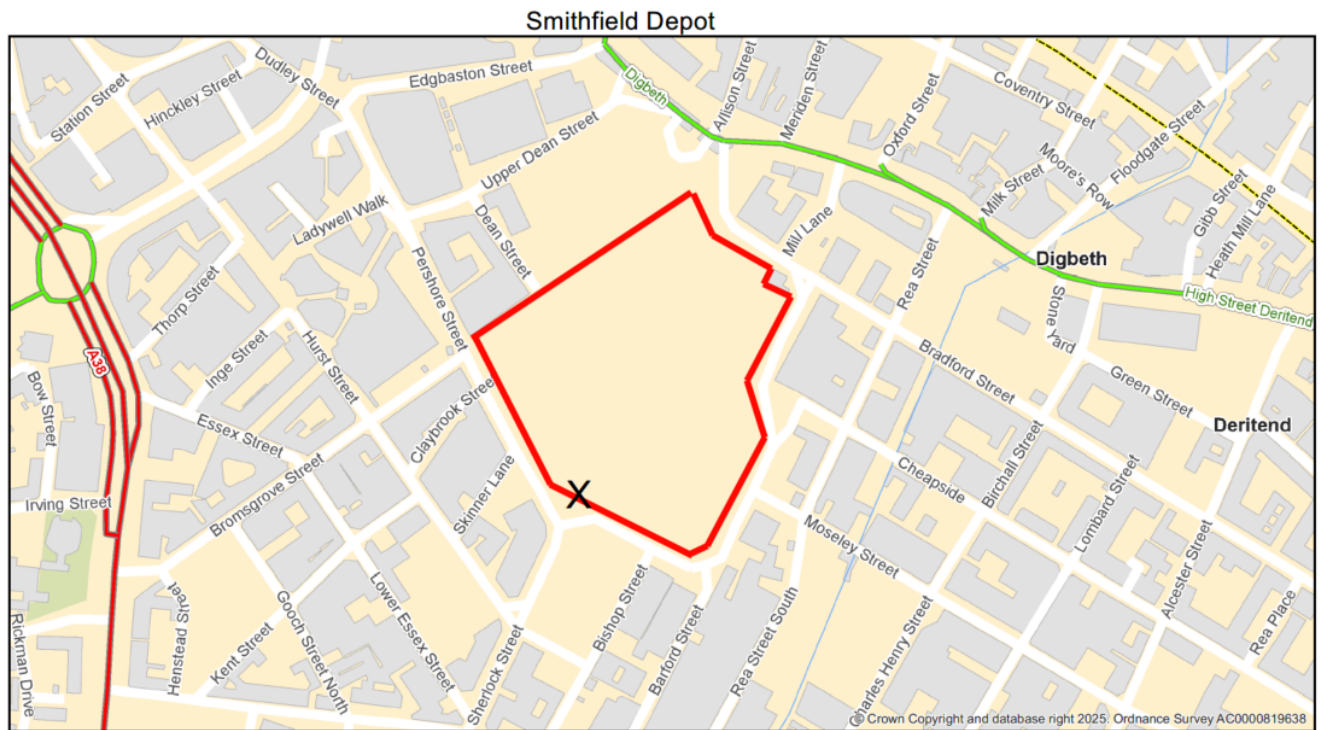
Map Created By: Nick Massey

Scale: 1:4,504.26

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PLAN 4 – SMITHFIELD DEPOT



Date of Map Creation: 02/02/2026

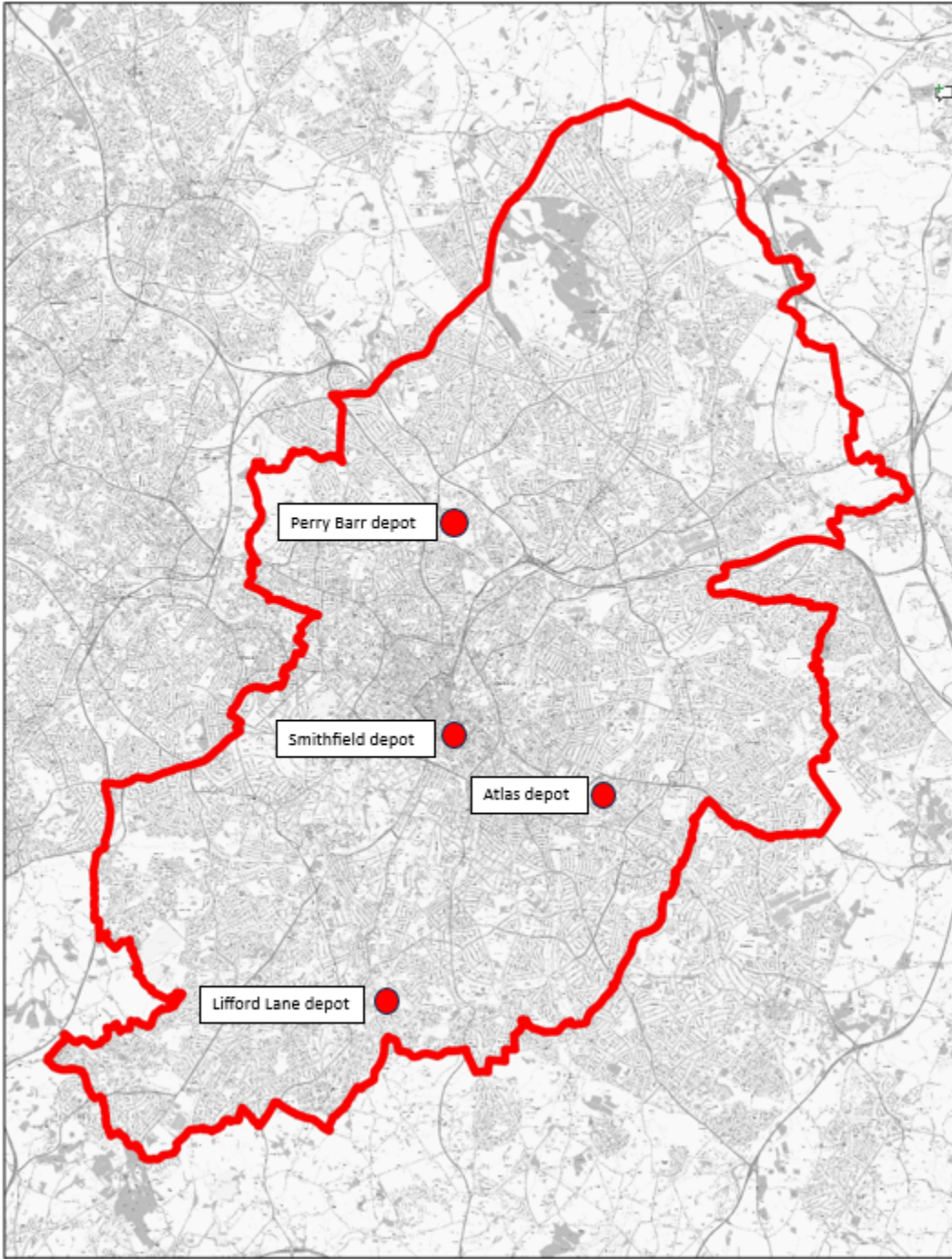
Map Created By: Nick Massey

Scale: 1:4,504.26

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SCHEDULE 2 – MAP OF PROHIBITED TERRITORY



IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT
REGISTRY

BEFORE [INSERT]

DATED [X]

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
- (B) LIFFORD LANE DEPOT, EBURY ROAD, KINGS NORTON, BIRMINGHAM B30 3JJ
- (C) PERRY BARR DEPOT, HOLFORD DRIVE, BIRMINGHAM, B42 2TU
- (D) SMITHFIELD DEPOT, SHERLOCK STREET, BIRMINGHAM, B5 6HX

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

Defendants

ORDER FOR AN INJUNCTION

PENAL NOTICE

IF YOU THE WITHIN DEFENDANTS OR PERSONS UNKNOWN OR ANY OF YOU DISOBEY THIS ORDER OR
INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT
OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS
THE DEFENDANTS OR PERSONS UNKNOWN TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE
HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

IMPORTANT NOTICE TO THE DEFENDANTS AND PERSONS UNKNOWN

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

UPON the Claimant's Claim Form, issued on 6 February 2026 and amended and reissued on 23 March 2026 pursuant to the Order of HHJ Emma Kelly dated 17 March 2026

AND UPON the Claimant's application of 3 February 2026 for an interim injunction heard before Mr Justice Pepperall on 13 February 2026 at a hearing attended by Leading Counsel for the Claimant and Stuart Richardson (who identified himself as a Defendant) and Alistair Wingate (who identified himself as a member of the public opposed to the Claimant's application)

AND UPON an order for an interim injunction being made by Mr Justice Pepperall on 20 February 2026 until 20 May 2026, final determination of the claim or further order

AND UPON the Claimant's application of 20 April 2026 for extension of the interim injunction ("**Extension Application**")

AND UPON the Claimant notifying Persons Unknown of the Extension Application and evidence ("the **Documents**") in support by carrying out each of the following steps (a) uploading copies of the Documents onto the following website: <https://www.birmingham.gov.uk/WasteInjunctionPersonsUnknown> (the "**Website**") with the notice of the hearing dated [date] being uploaded to the Website on [date], additional evidence being uploaded on [date] in advance of the hearing which took place on [date] (the "**Hearing**") (b) on [date] sending an email to the following: 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 (the "**Third Parties**") stating that the Extension Application has been made, and that the Documents can be found at the Website (c) on [date] sending emails to the Third Parties to notify them of the Hearing and providing a copy of the Court's Hearing Order; (d) on [date] delivering a hard copy of the Documents to Unite the Union at Unite House, 128 Theobalds Road, Holborn, London, WC1X 8TN (e) on [date] affixing a notice at those locations marked with an "x" on Plans 1-4 setting out that these documents can be found on the Website and updating the notices from [date] to include details of the Hearing and displaying the notice of the Hearing also, with checks being undertaken by the Claimant on a daily basis to ensure that the notices remained in place (f) on [date] publishing on the Claimant's social media channels that the Extension Application has been made and that the Documents can be accessed on the Website and publishing further updates on [date] to include details of the Hearing; (g) leafleting of persons in attendance at the Premises to notify them of the Application and the Hearing on [dates].

AND UPON hearing Leading Counsel for the Claimants at the Hearing

AND UPON hearing representations from [X].

AND UPON the Claimant giving and the Court accepting the undertakings set out at Schedule 4 to this Order

AND UPON the "Premises" being defined as

- (i) Atlas Depot, (70/72 Kings Road, Tyseley, Birmingham, B11 2AS)
- (ii) Lifford Lane Depot, (Ebury Road, Kings Norton, Birmingham, West Midlands, B30 3JJ)
- (iii) Perry Barr Depot (Holford Drive, Perry Barr, Birmingham, West Midlands, B42 2TU)
- (iv) Smithfield Depot, (Sherlock Street, Birmingham, West Midlands, B5 6HX)

AND UPON the “Prohibited Territory” being defined as those public highways within the boundary marked on the map, entitled Map 1 at Schedule 2

IT IS ORDERED THAT: -

INJUNCTION

1. Until 1 January 2028, final determination of the claim or further order, whichever shall be the earlier, the Defendants must not, without the consent of the Claimant, enter, occupy or remain upon the Premises.
2. Until 1 January 2028, final determination of the claim or further order, whichever shall be the earlier, the Defendants must not, without the consent of the Claimant, block or obstruct the exiting or entering of any other individual or vehicle to or from the Premises or otherwise impede the exiting or entrance of such individuals or vehicles.
3. Until 1 January 2028, final determination of the claim or further order, whichever shall be the earlier, the Defendants must not block or otherwise obstruct 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. In respect of paragraphs 1 to 3, the Defendants must not do any of these things (a) himself, herself or themselves, or in any other way; (b) by means of another person acting on his/her/their behalf or acting on his/her/their instructions.
5. This injunction does not prohibit picketing or protesting in accordance with s.220(1) of the Trade Union Labour Relations (Consolidation) Act 1992 and the injunction order of Mrs Justice Dias dated 27 May 2025, as extended to trial or further order by consent in an order of 29 May 2025 and as extended to the Smithfield Depot by consent in an order dated 25 June 2025.
6. Further, this injunction does not prohibit protesting anywhere within the area shown on the map in Schedule 2 provided that such protesting does not otherwise breach the terms of this Order.

VARIATION

7. Anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order or so much of it as affects that person but they must first give the Claimant's solicitors 72 hours' notice of such application. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's solicitors at least 48 hours in advance of any hearing.
8. Any person applying to vary or discharge this Order must provide the court and the Claimant's solicitors with their

full name, address and address for service.

9. The Claimant has liberty to apply to vary this Order.

SERVICE AND NOTIFICATION

10. The Court directs pursuant to r.6.15(2) that the steps already taken to notify the Defendants of these proceedings and set out in the recitals above constitute good service of the claim form on those Defendants who have previously protested in the vicinity of the depot gates to any of the Premises on or between 17 September 2025 and [date] (the “Existing Protesters”).
11. The Court further directs pursuant to r.6.27 that such steps above constitute good service of the remaining documents uploaded to the Website on the Existing Protesters.
12. The Order shall be deemed to have been served pursuant to r.6.27 on the Existing Protesters and any further Defendants who attend in the vicinity of the depot gates at any of the Premises while the notices referred to in paragraph (c) below remain affixed to such entrance upon the Claimant carrying out each of the following steps:
- a. Uploading a copy of the Order onto the Website.
 - 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 along with a notice directing the Defendants to the Website.
 - d. Distributing leaflets at each of the Premises notifying those present in the vicinity of the depot gates of the granting of the Order and giving 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.

FURTHER DIRECTIONS

13. Liberty to apply.

14. Costs are reserved.

COMMUNICATIONS WITH THE CLAIMANT

15. The Claimants solicitors and their contact details are:

DLA Piper UK LLP
160 Aldersgate Street
London
EC1A 4HT
Telephone: 0207 3490296

Contact names: Euan Bruce

Out of hours contact no: 07738295509 (Euan Bruce)

Email SM-BCCInjunction@dlapiper.com

SCHEDULE 1 – PLANS 1-4 – PLANS OF THE PREMISES BEING THE CLAIMANT’S DEPOTS

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



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Map Created By: Nick Massey

Scale: 1:4,504.26



PLAN 3 – PERRY BARR DEPOT

Perry Barr Depot



Date of Map Creation: 02/02/2026

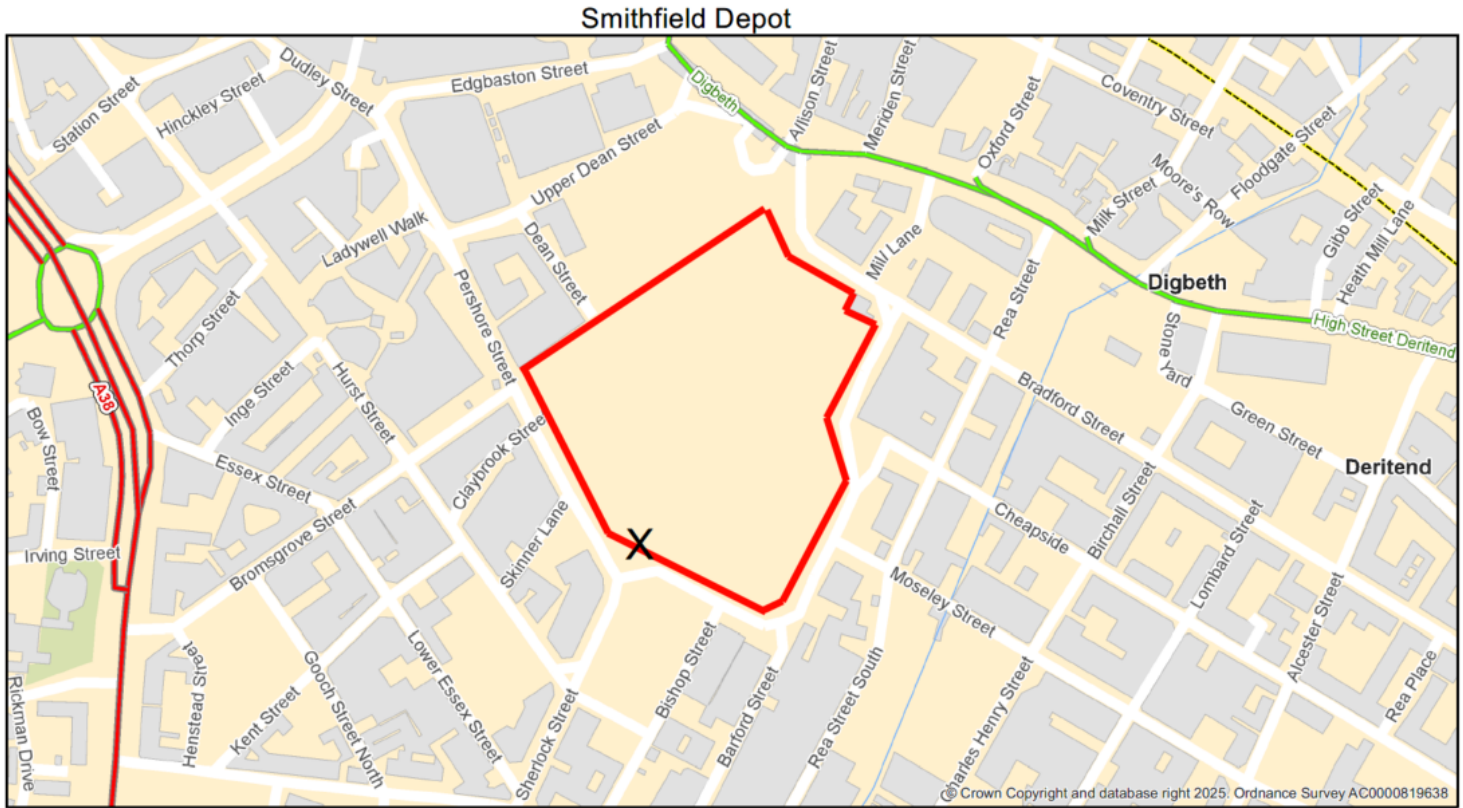
Map Created By: Nick Massey

Scale: 1:4,504.26

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PLAN 4 – SMITHFIELD DEPOT



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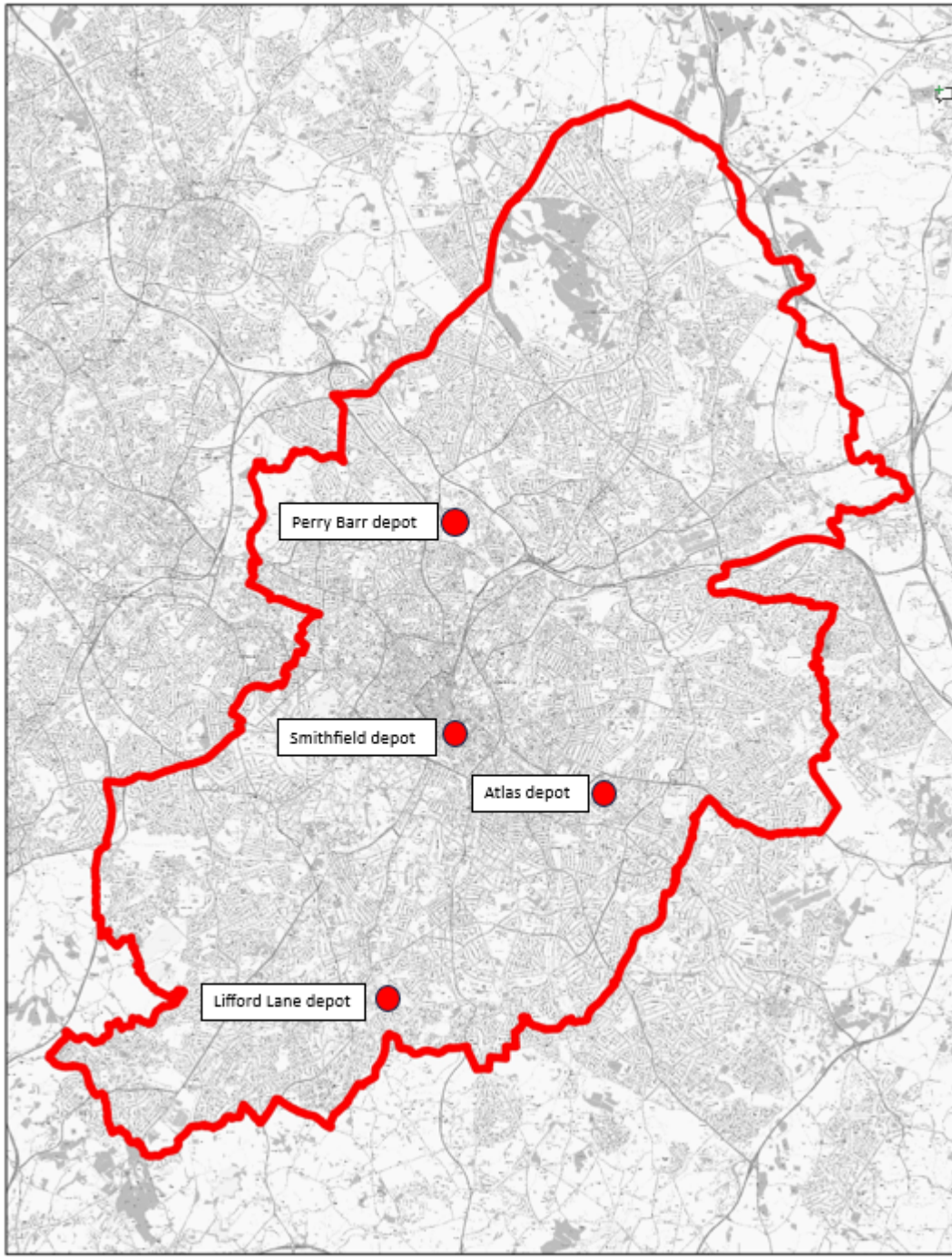
Date of Map Creation: 02/02/2026

Map Created By: Nick Massey

Scale: 1:4,504.26



SCHEDULE 2 - MAP OF PROHIBITED TERRITORY



SCHEDULE 3 – WITNESS STATEMENTS

The Claimant relied on the following Witness Statements:

1. Third witness statement of Deborah Carter-Hughes dated 20 April 2026 with accompanying Exhibit DCH3 of the same date;
2. Second witness statement of Carol Culley dated 20 April 2026.

SCHEDULE 4

**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.

On behalf of: Claimant
By: Deborah Carter-Hughes
No: Third
Exhibit: DCH3
Date: 20 April 2026

Claim No: KB-2026-BHM-000043

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION**

BETWEEN:

(1) BIRMINGHAM CITY COUNCIL

Claimant

- and -

(1) PERSONS UNKNOWN

Defendant

**WITNESS STATEMENT OF
DEBORAH CARTER-HUGHES**

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 adviser 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.

FFÍ

OFFICIAL

- 3 This is the third witness statement I have provided in respect of this claim. Unless indicated otherwise, definitions used in my earlier statements are adopted here.
- 4 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 a full and frank disclosure in respect of the situation. In preparation of this statement, I have sought to comply with this duty.
- 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 DCH3**". These documents are identified in this witness statement by references to the page numbers in the form "**[DCH3/tab no]**".
- 9 The purpose of this witness statement is to provide an update on the situation in respect of disruption to operations at the Council's waste depots in support of the Claimant's application for an extension to the injunction granted against Persons Unknown. This statement should be read alongside my previous two statements which set out the escalating disruption which led to the Claimant applying for an injunction.
- 10 I have provided this statement in two parts, the first updating the court on disruption since the day of the injunction hearing and the second on the

procedural aspects including notification and service of the claim and order.

UPDATE ON DISRUPTION

Disruption on the day of the Court Hearing

- 11 I attended the High Court hearing in Birmingham before Mr Justice Pepperall on 13 February 2026. On the morning of the hearing, there was further disruption at the Perry Barr and Smithfields depots by the Defendants.
- 12 This is captured by the sit-report for the day which confirms that vehicles at Smithfields were delayed from deploying until 10.10 by a large group of 70 or 80 protestors and that a group of 30 or 40 protestors at Perry Barr prevented deployment until 11.00 [DCH3/1].
- 13 The Council had also instructed Expert Investigations via DLA to undertake further leafleting of the Depots on 12 and 13 February 2026, distributing the notice shown at [DCH3/2]. Mr Marriott provided a statement indicating that many of the protestors present at Perry Barr and Smithfields had refused to take the leaflets offered to them and that the group at Smithfields had been abusive towards him [DCH3/3].
- 14 I am also aware of a video published on YouTube by Reel News from the day of the hearing which shows a number of the Defendants blockading vehicles at the Perry Barr depot and then slow walking a line of vehicles down the road as they try to deploy [DCH3/4].
- 15 The video also shows an interview with Paul Jackson, one of the Council's employees who is taking part in the strike with Unite. He states that he is there on strike and to "*show solidarity*" with those who are protesting.
- 16 One of the Defendants in the video (a gentleman wearing a grey buff and an orange Veolia hi-vis jacket, who I recognise from previous videos of the Defendants and I will refer to here as "**Mr Greybuff**") is shown speaking with the driver of a vehicle which is being prevented from departing the depot. In his discussion with the driver he states: "*this may very well be the last time that you see us as there is a High Court hearing today and we expect the court will probably take a dim view of what we've been doing*"

and tell us to stop". In my view this demonstrates the Defendant's knowledge that their actions throughout their blockades of the Council's vehicles have been unlawful and were likely to result in an injunction being granted at the hearing on 13 February 2026. The actions of the protestors appear to be a 'last hurrah' before the injunction was granted by Mr Justice Pepperall.

Coventry Disruption – 13 March 2026

- 17 Whilst the injunction has been effective in preventing the blockading of the Claimant's vehicles and premises, there is clear evidence that the Defendants have taken advantage of the fact that the current order is limited in its terms to covering the city of Birmingham only. In response, protestors have on a number of occasions, moved their activities to Coventry.
- 18 On 13 March 2026 an incident arose at the Ryton depot of Tom Whites contractors in Coventry (The Recycling Centre, Stonebrook Way, Longford, Coventry, CV6 6LN). Tom Whites are the waste collection provider for Coventry who have been providing support to Birmingham since last year using their own staff and vehicles.
- 19 The incident involved a group of Defendants blockading the depot and preventing 25 vehicles and crews deploying from the Ryton depot for the purpose of providing waste collection services to Birmingham. This is confirmed by the sit report for the day [DCH3/5].
- 20 A video posted by Reel News shows the disruption taking place [DCH3/6]. The video begins showing the individuals arriving at the depot with the label "*Persons Unknown*" shown on the screen. The group of Defendants then blockade the entrance using flares and a loudspeaker. The video includes wording to the effect that Tom White's vehicles were to be blocked whether or not they were involved in waste collection.
- 21 The video also suggests that the action is being taken against Tom Whites as they are "*scabbing on the bin strike*". In a discussion with a driver, a protestor (who I believe is Mr Greybuff from the Reel News video on 13 February 2025) makes it clear that the protest is due to the Birmingham bin strike and wording on the video then states "*the council got an*

injunction on Persons Unknown to stop all protests in Birmingham but Coventry wasn't included".

22 These comments make it clear that it is the same group of Defendants who are responsible for the blockade at the Ryton depot. Their actions here demonstrate that, if the Order against them were to be lifted, they would immediately return to similar blockading of the Council's waste vehicles and depots in Birmingham, purportedly in order to exert leverage over the Council to reach a resolution in the industrial dispute with Unite.

23 Mr Greybuff is also shown in a Twitter post made on the day of disruption blocking a Tom Whites vehicle at the site [DCH3/7].

24 As well as Mr Greybuff, I have also been able to identify the following individuals from the Reel News video:

24.1 One gentleman who attended the hearing on 13 February 2026 and walks with a cane. This gentleman attended late at the hearing and asked to be heard. He indicated that he was an interested member of the public and not one of the protestors. Mr Justice Pepperall considered that as a member of the public was already being heard (Alistair Wingate) and the hearing was well underway, it was not proportionate to hear a second individual. Looking back at other photos, the gentleman's cane is quite distinctive, as are his shoes and jacket, and I recognise him in photos from previous protests at Atlas and Perry Barr on 8, 15 and 21 January 2026 [DCH3/8].

24.2 I also recognise another gentlemen in the Reel News Video and the photo at [DCH3/7] from previous disruption at the Brewery Depot on 30 January 2026 [DCH3/9]. In both images he is wearing the same orange hi-vis jacket, camouflage trousers and flat cap ("**Mr Camouflage**").

Coventry Disruption – 24 March 2026

25 Further protests have taken place at Coventry City Council's offices on 24 March 2026 [DCH3/10]. This did not involve the blockading of any Tom Whites vehicles and appear to have been led by Unite. Press images show Peter Randle and Lee (whose surname I do not know) present at the

protest. Both men are known to me to be national Unite representatives from their involvement in the industrial action in Birmingham. They were also key individuals involved in breaches of the injunction obtained, and still in effect, against Unite for which it has been found in contempt of court and fined £265,000. The article on BBC news also includes comments from Matthew Reid, an employee of the Council and Unite representative.

Coventry Disruption – 1 April 2026

- 26 There was further disruption at the Tom Whites site on 1 April 2026 with Tom Whites vehicles being blockaded by Defendants walking in front of the depot gates. The protesters included individuals who were carrying GMB Union flags, and as of 12:35pm no Coventry crews had been deployed. This is shown by the sit rep for the day [DCH3/11]. Ultimately no Tom Whites vehicles were deployed for the site that day.
- 27 A video of the protest on 1 April 2026 has again been published on YouTube by Reel News [DCH3/12]. Mr Greybuff is again present in the video speaking with Tom Whites' drivers as they are blocked from leaving the site and Mr Camouflage can also be seen in the video as shown by the screenshot at [DCH3/9].
- 28 On this occasion I am unable to identify any other individuals due to the blurring which has been applied to the video.
- 29 The Reel News video also appears to include footage of the Unite protest at Coventry City Council's offices on 24 March 2026.

Continuing threat of disruption

- 30 The injunction has been effective in Birmingham. However, the strike action is ongoing with the current mandate until 9 August 2026. Unite the Union remain under an injunction until trial or further order and it is considered that an extension to this injunction against Persons Unknown is needed to prevent the Defendants returning to their previous strategy of standing in for Unite and causing serious disruption to the delivery of waste services in Birmingham.
- 31 As set out above, it has already been seen that the Defendants have looked for alternative means to circumvent the injunction and it is

considered that were the injunction not extended, they would simply return to disruption by the blocking of bin lorries at the Birmingham depots. The threat of direct action will continue whilst the underlying dispute between the Claimant and Unite has not been resolved. This makes the extension of the injunction not only justified but necessary for the Council to be able to maintain its waste services to the residents of Birmingham.

PROCEDURAL MATTERS

Transcript

- 32 We instructed DLA to appoint a transcription service for the hearing that took place on 13 February 2026. DLA appointed Opus 2 who attended the hearing remotely to take a transcript.
- 33 Following the hearing Opus 2 sent across the transcript which was uploaded on the Council website on 16 February 2026. This was dealt with by my colleagues in the legal team, Julia Lynch (Assistant Director Legal Services – Litigation Law & Deputy Monitoring Officer) as I was on leave in the week of 16 – 20 February 2026. There were some small corrections to the transcript that DLA requested to correct. These were corrected in an updated version which was then uploaded onto the website on 23 February 2026 and the original version was replaced [DCH3/13].

Court Judgment

- 34 On the afternoon of Friday 20 February 2026, the judgment of Mr Justice Pepperall was handed down ("**Judgment**") [DCH3/14]. The Judgment confirmed that an interim injunction would be granted preventing acts of trespass on the Depot sites, obstruction of the Depot entrances and exits and the obstruction of street management vehicles throughout Birmingham.
- 35 Whilst the Judgment had been handed down on 20 February 2026, the sealed order implementing the injunction was not handed down until the afternoon of the following Monday, 23 February 2026 ("**Order**") [DCH3/15].
- 36 Whilst we awaited the Order, the Council immediately took steps to ensure that the Defendants were notified of the Judgment and the anticipated terms of the Order. The Judgment was uploaded to the Webpage on 20

February 2026 and wording was added to the landing page which made clear that the Judgment had been issued.

- 37 Steps were also taken to ensure that the Judgment was publicised on the Council's social media channels [DCH3/16-18].
- 38 The Council also instructed DLA to send emails to Unite and their legal representative (Thompsons Solicitors LLP ("**Thompsons**")) [DCH3/19], Reel News [DCH3/20], Strike Map [DCH3/21], the Socialist Workers Party [DCH3/22] and Birmingham Socialist Party [DCH3/23] to provide notification that the Judgment had been awarded in favour of the Council.
- 39 Due to the timing of the Judgment on Friday afternoon, it was not possible for the Judgment to be displayed at the Depots until the Monday morning. On 22 February, following instruction by my colleague Julia Lynch at the Council [DCH3/24], Christopher Smiles instructed each of the Depot Managers to ensure that the notices regarding the judgment were placed at each of the Depots the following day [DCH3/25]. On 23 February 2026, I received an email from Dean Smith that attached an email from Siobhan Stubbs and confirmed that the notice had been put up at Lifford depot [DCH3/26-27]. The email from Siobhan Stubbs attached the photograph at [DCH3/28]. There was some confusion about what needed to be put up at the depots and, as a result, notices were not put up at the other sites until the following day once we had obtained the Order.
- 40 The Council instructed Arkline Legal Agents via DLA to serve leaflets referring to the Injunction being granted on 20 February 2026 to Persons Unknown at each of the Depots. This was undertaken by Saab Samra of Arkline Legal Agents on 23 February 2026 who attended each of the Depots to hand out the leaflets shown at [DCH3/29]. Mr Samra attended each of the Depots in the following order: Perry Barr, Smithfields, Atlas and Lifford Lane. He has confirmed that he encountered the Defendants at all four Depots and found that many of the protestors refused to accept the leaflets. He therefore left the notices on site and on coffee tables at the Depots. Mr Samra has provided a statement and exhibit regarding his efforts [DCH3/30].

41 All of the notifications outlined above made clear that, whilst the Judgment had been issued, the injunction would only take effect once the terms of the final order were confirmed.

42 On 23 February 2026, DLA delivered a letter and a copy of the Judgment by hand to Unite's head office [DCH3/31]. The image at [DCH3/32] shows the documents being delivered.

Order, Particulars of Claim, and Application to Amend the Claim Form

43 On 23 February 2026 the Council, via DLA submitted its Particulars of Claim in respect of the action against the Defendants. Once it had been submitted, this was immediately added to the Webpage.

44 When the Court issued the Order on the afternoon of 23 February 2026, this was also added to the Webpage and further steps were then immediately taken to serve the documentation on the Defendants.

45 The Council instructed DLA to provide further emails to Unite [DCH3/33], Thompsons [DCH3/34], Reel News [DCH3/35], Socialist Workers Party [DCH3/36], Birmingham Socialist Party [DCH3/37] and Strike Map [DCH3/38] to notify them of the filing of the Particulars of Claim and receipt of the Order from the Court.

46 A correction email was sent from DLA to Unite [DCH3/33], Thompsons [DCH3/34], Reel News [DCH3/35], Socialist Workers Party [DCH3/36], Birmingham Socialist Party [DCH3/37] and Strike Map [DCH3/38] on 24 February 2026 to correct the deadline for filing an Acknowledgment of Service and Defence.

47 On 24 February 2026 I emailed the Depot managers to ask them to put up new notices which reflected the Order having been issued as well as the Judgment and there was then some back and forth with the managers to confirm what needed to be put up [DCH3/39]. We then have the following emails to confirm that the updated notice and Order had been affixed for each Depot:

47.1 Perry Barr: Email from Richard Smith confirming the notices were affixed at Perry Barr, with photos of them in place [DCH3/40].

- 47.2 Atlas: Email from David Miller confirming the notices were affixed at Atlas [DCH3/41] and attaching images for each of the gates at the site [DCH3/42-43].
- 47.3 Smithfield: Email from Dean Smith confirming the notices were affixed at Smithfield [DCH3/44] and attaching two images of the Order in place [DCH3/45-46].
- 47.4 Lifford: Email from Siobhan Stubbs confirming the notices were put up [DCH3/47] and attaching three images showing the Order in place [DCH3/48-50].
- 48 We also instructed ESA Risk Ltd via DLA to serve the Particulars of Claim, the Order and a notice confirming details of the Injunction [DCH3/51] on 24 February 2026 at the Atlas, Smithfield, Perry Barr and Lifford Lane Depots. This was undertaken by Saab Samra of ESA Risk Ltd who attended each of the Depots to hand out the Sealed Order and supporting documents. He has confirmed that he encountered Defendants at all four Depots and was able to serve copies of the Sealed Order together with supporting documents. Mr Samra provided a statement and exhibit regarding his efforts at each Depot as follows:
- 48.1 At the Atlas Depot Mr Samra placed 35 bundles on the floor next to a coffee table and described the protestors having 'kicked away' the bundles which dispersed across the pavement [DCH3/52].
- 48.2 At Lifford Lane Depot, Mr Samra left the 15 bundles on a wall adjacent to where the protestors were standing [DCH3/53].
- 48.3 At the Perry Barr Depot, Mr Samra left 15 bundles on a coffee table in front of the protestors with one protestor stating that they would *'dispose of them in the same manner as he had done previously'* [DCH3/54].
- 48.4 At the Smithfields Depot, Mr Samra attempted to place 35 bundles in front of the protestors when a single protestor took the bundles and placed them on his vehicle. As a result, Mr Samra took the bundles and served them by placing them on the floor in front of the Defendants [DCH3/55].

49 On 24 February 2026, the Council posted on its social media with a notification that the Particulars of Claim had been filed with the Court with a link to the Council's website which also contained the Sealed Order. This was posted on the Council's Facebook, LinkedIn, Bluesky and Twitter [DCH3/56].

Amended Claim Form Submission

- 50 On 25 February 2026, the Council submitted an application notice, draft order and amended claim form to the Court. The application was to amend the claim form to insert the words "*until 1 January 2028*" in respect of the time limit on the injunction that is sought. The Claim Form was silent in the original form as to the duration being sought [DCH3/57].
- 51 A copy of the Council's application to amend the claim form and supporting documents were uploaded to the Council's Webpage and made available to the public following submission of the documentation to the Court on 25 February 2026.
- 52 37 The following day on 26 February the Council instructed DLA to provide emails to Unite (copied to Thompsons) [DCH3/33], Reel News [DCH3/35], Socialist Workers Party [DCH3/36], Birmingham Socialist Party [DCH3/37] and Strike Map [DCH3/38]. Copies of the application to amend the claim form, draft order and amended claim form, together with a link to the response pack included in the Council's website link were attached to the emails.
- 53 38 On 26 February 2026, the Council posted on its social media with a notification to say that the application to amend the claim form had been submitted to specify that injunctive relief is being sought until 1 January 2028. This was posted on the Council's Facebook, LinkedIn, Bluesky and Twitter [DCH3/58].
- 54 39 On 27 February 2026 we instructed Expert Investigations via DLA to serve the Notice of an Application to Amend the Claim [DCH3/59]. This was undertaken by Glenn Marriott of Expert Investigations who attended each of the Depots to hand out leaflets to protestors. Mr Marriott attended each of the Depots in the following sequence: Perry Barr, Smithfield, Atlas and Lifford Lane. He has confirmed that there were only 2 protestors present

at the Perry Barr Depot and neither of them took possession of the notice but stated they were fully aware of the content. Mr Marriott has provided a statement and exhibit regarding his efforts [DCH3/60].

- 55 40 The Court issued an Order granting the application dated 18 March 2026 ("**Claim Form Order**") [DCH3/61]. This was received by DLA on 20 March 2026. As required by the Claim Form Order, the Council asked DLA to submit the amended claim form to the Court and this was done on 23 March 2026 ("**Amended Claim Form**"). The Council then took steps to notify Persons Unknown of the accepted application and Amended Claim Form.
- 56 41 On 23 March 2026, the Council uploaded the Claim Form Order and the Amended Claim Form to the Webpage.
- 57 42 The Council also instructed DLA to send notification emails to Unite and their legal representative (Thompsons) [DCH3/33], Reel News [DCH3/35], Strike Map [DCH3/38], the Socialist Workers Party [DCH3/36] and Birmingham Socialist Party [DCH3/37]. The email attached a copy of the Claim Form Order and the Amended Claim Form.
- 58 43 On 24 March 2026, the Court returned the sealed version of the amended claim form ("**Sealed Claim Form**"). The Council uploaded the Sealed Claim Form to the Webpage, in place of the Amended Claim Form.
- 59 44 We had instructed Expert Investigations via DLA to serve notice of the order granted for amendment of the claim form in the form at [DCH3/62] ("**Notice of Amendment of Claim Form Order**"). On 24 March 2026, this was undertaken by Mr Marriott and Catherine Dell of Expert Investigations who attended Perry Barr depot, Smithfield depot, Atlas depot and Lifford Lane depot. Mr Marriott has provided a statement and exhibits documenting his visits [DCH3/63].
- 60 45 Further emails were sent out by DLA on 24 March 2026 providing the Sealed Claim Form to Unite and their legal representative (Thompsons) [DCH3/33], Reel News [DCH3/35], Strike Map [DCH3/38], the Socialist Workers Party [DCH3/36] and Birmingham Socialist Party [DCH3/37].

- 61 46 On 23 March 2026, the Council posted on its social media with a notification to say that the application to amend the claim form had been granted to specify that injunctive relief is being sought until 1 January 2028. This was posted on the Council's LinkedIn, Bluesky, Facebook and Twitter [DCH3/64].

Monitoring of notices

- 63 47 I have continued to be provided with updates by the Service Managers at each of the Depots who have continued to monitor the notices and confirmed that copies of the relevant notices remain in place:

63.1 47.1 Week commencing 23 February 2026

- (a) Smithfield and Lifford Lane Depots: Dean Smith, Cameron Baynes and Siobhan Stubbs continued to monitor the notices at Smithfield and Lifford Lane from 23 February 2026 to 27 February 2026 [DCH3/65].
- (b) Atlas Depot: David Miller provided updated monitoring of notices at Atlas from 23 February 2026 to 01 March 2026 [DCH3/66].
- (c) Perry Barr Depot: Richard Smith and Justin Hilyer continued to monitor the notices remaining in place at Perry Barr from 23 February 2026 to 27 February 2026 [DCH3/67].

63.2 47.2 Week commencing 2 March 2026

- (a) Smithfield and Lifford Lane Depots: Cameron Baynes, Siobhan Stubbs and Dean Smith continued to monitor the notices at Smithfield and Lifford Lane from 2 March 2026 to 6 March 2026 [DCH3/68].
- (b) Atlas Depot: David Miller provided updated monitoring of notices at Atlas from 2 March 2026 to 8 March 2026 [DCH3/69].

- (c) Perry Barr Depot: Richard Smith and Justin Hilyer continued to monitor the notices at Perry Barr from 2 March 2026 to 7 March 2026. On 4 March and by human error the Depot Manager forgot to check the notices which is why there was no signature on this date [DCH3/70].

63.3 47.3 Week commencing 9 March 2026

- (a) Smithfield and Lifford Lane Depots: Dean Smith and Siobhan Stubbs continued to monitor the notices at Smithfield and Lifford Lane from 9 March 2026 to 13 March 2026 [DCH3/71]. The notices were replaced on 13 March 2026 due to high winds.
- (b) Atlas Depot: David Miller continued to monitor the notices at Atlas between 9 March 2026 and 13 March 2026 [DCH3/72].
- (c) Perry Bar Depot: Richard Smith continued to monitor the notices at Perry Barr between 9 March 2026 and 13 March 2026 [DCH3/73].

63.4 47.4 Week commencing 16 March 2026

- (a) Smithfield and Lifford Lane Depots: Dean Smith and Siobhan Stubbs continued to monitor the notices at Smithfield and Lifford Lane from 16 March 2026 to 20 March 2026 [DCH3/74].
- (b) Atlas Depot: Chelsea O Connor and security continued to monitor the notices at Atlas from 16 March 2026 to 23 March 2026 [DCH3/75].
- (c) Perry Barr Depot: Richard Smith continued to monitor the notices at Perry Barr between 16 March 2026 and the morning of the 21 March 2026 [DCH3/76].

63.5 47.5 Week commencing 23 March 2026

- (a) Smithfield and Lifford Lane Depots: Dean Smith, Siobhan Stubbs, and Lewis Adams continued to monitor the notices at Smithfield and Lifford Lane from 23 March 2026 to 27 March 2026 [DCH3/77].
- (b) Atlas Depot: David Miller and security continued to monitor the notices at Atlas between 23 March 2026 to 29 March 2026 [DCH3/78].
- (c) Perry Barr Depot: Richard Smith continued to monitor the notices at Perry Barr from 23 March 2026 to 27 March 2026 [DCH3/79].

63.6 47.6 Week commencing 30 March 2026

- (a) Smithfield and Lifford Lane Depots: Lewis Adams has continued to monitor the notices at Smithfield [DCH3/80] with input from Siobhan Stubbs for Lifford Lane from 30 March 2026 to 5 April 2026 [DCH3/81].
- (b) Atlas Depot: David Miller and security continued to monitor the notices at Atlas between 30 March 2026 to 5 April 2026 [DCH3/82].
- (c) Perry Barr Depot: Richard Smith continued to monitor the notices at Perry Barr from 30 March 2026 to 5 April 2026 [DCH3/83].

63.7 47.7 Week commencing 6 April 2026

- (a) Smithfield and Lifford Lane Depots: Dean Smith and Siobhan Stubbs continued to monitor the notices at Smithfield and Lifford Lane from 6 to 12 April 2026 [DCH3/84].
- (b) Atlas Depot: David Miller and security continued to monitor the notices at Atlas between 6 to 12 April 2026 [DCH3/85].
- (c) Perry Barr Depot: Richard Smith continued to monitor the notices at Perry Barr from 6 to 12 April 2026 [DCH3/86].

63.8 47.8 Week commencing 13 April 2026

- (a) Smithfield and Lifford Lane Depots: Dean Smith and Siobhan Stubbs continued to monitor the notices at Smithfield and Lifford Lane from 6 to 17 April 2026 [DCH3/87]
- (b) Atlas Depot: David Miller and security continued to monitor the notices at Atlas between 13 to 17 April 2026 [DCH3/88]
- (c) Perry Barr Depot: Richard Smith continued to monitor the notices at Perry Barr from 13 to 17 April 2026 [DCH3/89]

Statement of Truth

64 48 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 20 April 2026

Signed by:
Deborah Carter-Hughes
305B2C2A1A004E8.....

DEBORAH CARTER-HUGHES

On behalf of: Claimant
By: Deborah Carter-Hughes
No: Third
Exhibit: DCH3
Date: 20 April 2026

Claim No: KB-2026-BHM-000043

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION**

BETWEEN:

(1) BIRMINGHAM CITY COUNCIL

Claimant

- and -

(1) PERSONS UNKNOWN

Defendant

**WITNESS STATEMENT OF
DEBORAH CARTER-HUGHES**

DLA Piper UK LLP
160 Aldersgate Street
London
EC1A 4HT
United Kingdom
Tel: +442071537755
Fax: +442077966666

Ref:
YAH/EAB/36257/120050/UKM/210986014.14
Solicitors for the Claimant

FHF

OFFICIAL

On behalf of: Claimant
By: Carol Culley
No: Second
Exhibit: N/A
Date: 20 April 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

**SECOND WITNESS STATEMENT OF
CAROL CULLEY**

I, CAROL CULLEY OBE, of BIRMINGHAM CITY COUNCIL **WILL SAY** as follows:

- 1 I am employed by Birmingham City Council (**Council**) as the Executive Director of Finance and s.151 Officer. I am the statutory S151 Officer for the Council with responsibility for ensuring sound administration of the Council's financial affairs.
- 2 I joined BCC on 17 March 2025, having previously held roles with Manchester City Council as Deputy Chief Executive and City Treasurer, Best Value Commissioner as part of Government Intervention at Woking Borough Council and I am a past President of the Chartered Institute of Public Finance and Accountancy (CIPFA). I am a qualified CIPFA Accountant.

3 This is the second witness statement I have provided in respect of this claim. Definitions used in my earlier statement are adopted here.

Cross Undertaking In Damages


4 As set out in my previous statement it has been explained to me that a cross-undertaking in damages is required to cover any loss suffered by the Defendants in the event that it is established in the future that the injunction sought should not have been granted (**Damages**).

5 As the Council is now seeking an extension of the injunction which is in place, I confirm that the Council's position remains as set out in my previous statement. The Council has funds to meet any Damages arising in respect of the current application and the Commissioners are supportive of the action we are taking.

Statement of Truth

6 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 20 April 2026

Signed by:

.....
UDC8C1901E9844B.....

CAROL CULLEY

On behalf of: Claimant
By: Carol Culley
No: Second
Exhibit: N/A
Date: 20 April 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

**SECOND WITNESS STATEMENT OF
CAROL CULLEY**

DLA Piper UK LLP
160 Aldersgate Street
London
EC1A 4HT
United Kingdom
Tel: +442071537755
Fax: +442077966666

Ref: ATA/ATA/36257/120050/UKM/211840599.1
Solicitors for the

FH

On behalf of: Claimant
By: Deborah
Carter-Hughes
No: Third
Exhibit: DCH3
Date: 20 April 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

**EXHIBIT OF DEBORAH
CARTER-HUGHES**

This is the exhibit marked "**DCH3**" in the witness statement of **DEBORAH CARTER-HUGHES** dated this 20 day of April 2026.

Signed by:

Signed. 3C5B2C2A1A004E8...

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3	DCH3/3 - Process Server Statement and Exhibit	13 February 2026	8-14
4	DCH3/4 - Reel News YouTube Video	13 February 2026	15
5	DCH3/5 - Daily Operational Situation Report	13 March 2026	16-18
6	DCH3/6 - Reel News Video	13 February 2026	19
7	DCH3/7 - Twitter Post	13 March 2026	20
8	DCH3/8 - Photograph - Gentleman with a Cane	1 April 2026	21-23
9	DCH3/9 - Photograph - Mr Camouflage	1 April 2026	24-25

10	DCH3/10 - BBC News Article	24 March 2026	26-28
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37	DCH3/37 - DLA Piper Emails to Birmingham Socialist Party	23 February - 24 March 2026	144-146
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Friday 13th February 2026

Daily Operational Sit Rep

8:30am morning update:

1. Morning deployment from depots:

Atlas and supporting depots: 18 BCC vehicles have been deployed from Atlas and alternative depots between 04:00am and 05:00am and 18 deployed between 06:20am and 06:40am; 14 Coventry crews deployed. There is no picket at the depot this morning and no protesters. All vehicles safely deployed by 06:40am.

Smithfield: 6 vehicles deployed between 05:00 am and 05:30am; 4 Coventry crews deployed. There is a picket at the depot and approx. 70/80 protesters and activists. There are activists' pigeon walking in front of the three exits stopping the vehicles from deploying. There is no picket or protesters outside Lifford depot. As of 08:30 am, 23 vehicles still to be deployed.

All vehicles safely deployed by 10:10 am.

Perry Barr: As of 08:30 am, 2 BCC vehicles have been deployed from the depot; 6 Coventry crews deployed. There is no picket at the depot this morning however there are approx. 30/40 protesters. Activists are pigeon walking in front of the depot gate stopping the vehicles from deploying. As of 08:30 am 20 vehicles still to be deployed.

All vehicles safely deployed by 11:00 am.

Total number of waste collection vehicles deployed today: 68, including 44 BCC vehicles and 24 for Coventry. As of 08:30am, 43 vehicles still to be deployed.

1 x MHRC running seven days a week.

2. Opening hours of the Household Waste & Recycling Centres: continued extended opening hours in operation: Kings Norton 07.00 - 21:00, weekends 08:00-18:00 and other centres 08.00 until 18:00 weekdays and 08:00-16:30 weekends. Between 21.12.2025 and 31.03.2026 all Household Waste and Recycling centres have extended opening hours from 07:00am until 21:00pm Monday to Friday and 08:00am until 18:00pm Saturday and Sunday. Booked slots are currently showing; 38% for Friday 13th February, 20% for Saturday 14th February and 16% for Sunday 15th February.

Please see below booking for the HWRC for Thursday 12th February

Thursday 12/02/2026 (Cars)				
LOCATION	AVAILABLE SLOTS	BOOKED SLOTS	REMAINING SLOTS	PERCENTAGE BOOKED
Sutton Coldfield	1696	674	1022	39.7%
Kings Norton	912	819	93	89.8%
Perry Barr	1176	587	589	49.9%
Castle Bromwich	0	0	0	#DIV/0!
Tyseley	1420	651	769	45.8%

Thursday 12/02/2026 (Vans)				
LOCATION	AVAILABLE SLOTS	BOOKED SLOTS	REMAINING SLOTS	PERCENTAGE BOOKED
Sutton Coldfield	24	24	0	100.0%
Kings Norton	0	0	0	
Perry Barr	24	24	0	100.0%
Castle Bromwich	24	17	7	70.8%
Tyseley	48	47	1	97.9%

Data report for Thursday 12th February.

How much waste has been collected by weight?

1044 tonnes collected at kerbside; 122 tonnes collected at the HWRC

Did we deliver the planned activity in the day?

No

What is the overall level of residual waste?

68% of scheduled collections have been made. This is due to protestors at Smithfield and Atlas depots stopping vehicles from deploying.

Agency planned deployment.

Drivers:

	Legally Permissible	Actual	Variance
Atlas	32	31	1
Perry Barr	22	22	0
Smithfield	27	21	6

Loaders:

	Legally Permissible	Actual	Variance
Atlas	105	70	35
Perry Barr	82	44	38
Smithfield	82	60	22

Variance in loaders is in line with operational expectations.

What are our deployment plans for tomorrow? **As follows –**

- **Atlas 34 vehicles**
- **26 contractor crews – Coventry**
- **Smithfield: 30 vehicles**
- **Perry Barr: 22 vehicles**

TO ALL PERSONS UNKNOWN
INVOLVED IN PROTEST ACTIVITY RELATING TO THE INDUSTRIAL
ACTION TAKEN BY MEMBERS OF UNITE THE UNION
NOTICE OF INJUNCTION APPLICATION
HEARING – 13 FEBRUARY 2026

On 3 February 2026, Birmingham City Council issued an application for an injunction prohibiting protesting activities by Persons Unknown who, in support of strikes organised by Unite the Union (“Unite”):

(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;
- (b) Lifford Lane Depot, Ebury Road, Kings Norton, Birmingham B30 3JJ;
- (c) Perry Barr Depot, Holford Drive, Birmingham, B42 2TU;
- (d) Smithfield Depot, Sherlock Street, Birmingham, B5 6HX.

and/or

(2) block or obstruct any of the claimant’s waste collection vehicles engaged in waste collection services within the City of Birmingham.

The application does not seek to limit protesting activity that does not seek to block or obstruct the provision of waste services in the City of Birmingham nor to limit lawful picketing and protest activity carried out in accordance with the existing injunction granted by the High Court against Unite and in favour of Birmingham City Council (dated 27 May 2025, extended on 29 May and applied to the Smithfield Depot on 25 June 2025).

A hearing has now been listed to take place at 10.30am on **Friday 13 February 2026**. The hearing will take place at the Birmingham Civil and Family Justice Centre, the Priory Courts, 33 Bull Street, Birmingham B4 6DS. The hearing is expected to last for 3 hours.

The hearing serves as an opportunity for those Persons Unknown who are the subject of our application to make representations to the Court regarding our application.

To assist us in managing this process, we would be grateful if you could notify our solicitors if you intend to attend the hearing by email to SM-BCCInjunction@dlapiper.com

Take Notice: If the application is granted, anyone breaching the injunction could be imprisoned for up to 2 years, fined, and/ or have their assets seized for contempt of court.

Documents relating to the Application and Hearing can be obtained from the Birmingham City Council website using the QR Code.

