

- 1) Made on behalf of the Claimants
- 2) R Allen
- 3) Second Witness Statement
- 4) Exhibit RCKA2
- 5) Dated 13 June 2025

CLAIM NO: KB-2025-LDS-000078

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

BETWEEN

(1) SHEFFIELD ENVIRONMENTAL SERVICES LIMITED

(2) VEOLIA ES SHEFFIELD LIMITED

(3) VEOLIA ES (UK) LIMITED

Claimants

and

PERSONS UNKNOWN

Defendants

**SECOND WITNESS STATEMENT OF ROBERT CHARLES
KINKEAD ALLEN**

I, Robert Charles Kinkead Allen of Simmons & Simmons LLP, CityPoint, 1 Ropemaker St, London EC2Y 9SS will say as follows:-

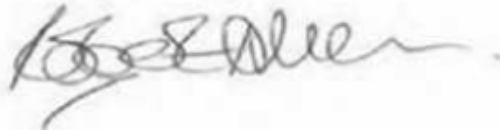
SECTION A: INTRODUCTION

1. I am a solicitor of the Senior Courts of England and Wales and a Partner at Simmons & Simmons LLP ("S&S"). S&S is instructed by Sheffield Environmental Services Limited, Veolia ES Sheffield Limited and Veolia ES (UK) Limited (the "Claimants"), and I have conduct of these proceedings for the Claimants. The Claimants are part of a group of companies whose parent entity is Veolia Environnement S.A., which I refer to generally as "Veolia".
2. I am duly authorised by the Claimants to make this witness statement on behalf of the Claimants in support of their Claim and application for an injunction (the "Injunction Application") against Persons Unknown (the "Defendants"), both of which were issued on 4 June 2025.
3. I give this witness statement for the purpose of updating the Court since my last statement dated 12 June 2025.
4. The facts and matters to which I refer in this witness statement are true to the best of my knowledge, information and belief. Where I rely upon others or documents as the source of my knowledge, I set out the source of that information, which is also true to the best of my knowledge, information and belief.
5. In making this witness statement I do not intend to waive privilege in any respect and am not authorised by the Claimants to do so.
6. I exhibit to this statement a paginated bundle of documents marked "**RCKA2**" to which I refer in this statement. References in this statement in bold square brackets in the form **[RCKA2/[•]]**.
7. I am instructed that a protest took place today at Lumley Street, and that protestors arrived at 06:10 am. I am instructed that the police were called and they attended at 06:45 am. At 07:50 am, the protestors split into two groups and walked in circles in front of the vehicles down both routes of Lumley Street, delaying the progress of the vehicles by another 10 minutes.

8. I am instructed that there were also protestors at Bernard Road, Sheffield, S4 7YX (the "**ERF**") who were not carrying out direct action. These protestors were handing out an A5 double sided leaflet at the ERF **[RCKA2/3]**.
9. I am instructed that the strike action conducted by UNITE the Union ("**Unite**") has been treated as lawful by the Claimants. I am instructed that Unite are regularly balloting, approximately every 12 weeks. In the time available we have not been able to adduce all notifications of ballot and of results, but I exhibit the first ballot and its results, the latest results received and several other representative examples. I exhibit to my statement a letter from Unite dated 10 June 2024 notifying their intention to hold a ballot for industrial action **[RCKA2/4]**. I exhibit the first ballot results dated 2 July 2025 **[RCKA2/9]** and a further letter dated 9 July 2024 **[RCKA2/11]**.
10. In the ballot results notified on 2 July 2024, the number of individuals who were entitled to vote was 78, the number of votes cast was 56, and the votes cast as a percentage of individuals who were entitled to vote was 71.79%. Of the 56 votes cast, 52 voted yes, which was 92.86%, and 4 voted no, which was 7.14%.
11. I exhibit a notice of an intention to ballot for industrial action dated 20 January 2025 **[RCKA2/14]**. I exhibit the latest notification of the ballot results dated 6 February 2025 **[RCKA2/19]**.
12. In the ballot results notified on 6 February 2025, the number of individuals who were entitled to vote in the ballot was 59, the number of votes cast was 47, and the votes cast as a percentage of individuals who were entitled to vote was 79.66%. Of the 59 votes cast, 45 voted yes, which was 97.83%, and 1 voted no, which was 2.17%.
13. I exhibit the latest letter notifying an intention to ballot for industrial action dated 29 May 2025 **[RCKA2/21]**. I am instructed that the latest results are not yet available.

14. Sophie Garraty, a Senior Employee Relations Specialist employed by Veolia has produced a table setting out the dates of ballot notifications and outcomes, as well as notifications of strike action **[RCKA2/30]**. We are in the process of confirming the accuracy of these details.
15. I am instructed that Ms Garraty has also confirmed that on 30 May 2025, Veolia had 10 drivers on annual leave, 2 drivers on non-working days, and 2 drivers were sick, and that this level of absence is unusual.
16. I am instructed that contracted finishing time for the drivers based at the Lumley Street Depot is 3 pm, and for the loaders of the vehicles it is 3.15 pm, but that their normal finish time, on the task and finish basis, is between 1 to 1.30 pm.
17. I am instructed that Unite conducted strikes for one week in July 2024, and that since August 2024 it has been continuous with between 37 and 39 Veolia employees who are members of Unite on strike at any one time. I refer to paragraph 31 of the first witness statement of Elizabeth Johnson dated 4 June 2025, which states that there are 200 staff employed for the waste collection services. I am instructed that people have picketed every weekday since August 2024 and that Veolia has never raised any issues with that picketing.
18. I also exhibit to this statement confirmation from solicitors for Unite, Thompsons Solicitors LLP, that they are content to receive documents by email in these proceedings **[RCKA2/26]**.
19. I am instructed that Veolia was told by the GMB Union that it had made a complaint to the Trade Union Congress ("**TUC**") in or around December 2024 regarding disputes over recognition in relation to Veolia. I am instructed that Veolia has been told by Unite that there was no complaint.
20. On 6 June 2025, Thompsons sent a letter to S&S on 6 June 2025 regarding their concerns about the wording of the draft order as filed on 4 June 2025 (a copy of the letter is in the bundle for the hearing on 13 June 2025 (the "Hearing Bundle") at tab 14). S&S has had five phone calls with Thompsons

to discuss the concerns that they raised. S&S wrote to Thompsons on 9 June 2025 with a revised draft order to address their concerns (tabs 15 and 16 of the Hearing Bundle). S&S subsequently filed a revised draft Order on 10 June. I exhibit a letter dated 12 June 2025 from Thompsons Solicitors LLP, in which they confirmed that they have no further comments on the draft Order **[RCKA2/29]**.



Signed

Full name

Robert Charles Kinkead Allen

Position or Office held

Partner at Simmons & Simmons LLP

Dated

13 June 2025