

CLAIM NO: M10SE015

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

BETWEEN

(1) SHEFFIELD ENVIRONMENTAL SERVICES LIMITED

(2) VEOLIA ES SHEFFIELD LIMITED

(3) VEOLIA ES (UK) LIMITED

Claimants

and

PERSONS UNKNOWN

Defendants

**CLAIMANTS' NOTE OF HEARING BEFORE HIS HONOUR
JUDGE BADDELEY ON 5 DECEMBER 2025**

The hearing commenced at 10.22 am before his Honour Judge Baddeley (“J”) on 5 December 2025. Evie Barden (“EB”) appearing for the Claimants. The Defendants did not appear. This Note of Hearing has been prepared by Simmons & Simmons LLP (“S&S”) and reviewed by Counsel for the Claimants. It records the legal team’s note and recollection of the hearing as best as possible but may be subject to errors. An official transcript of the hearing has been applied for and will be uploaded to www.sheffield.veolia.co.uk as soon as it is available.

1. INTRODUCTION

1. EB introduced herself as appearing on behalf of all the Claimants. EB noted that all individuals present in court represented the Claimants and confirmed that there was no attendance from Persons Unknown.
2. J confirmed awareness of the absence of the Defendants.
3. EB addressed housekeeping matters, stating that the court had one core bundle and three exhibit bundles. J noted the supplementary bundle and an e-exhibits bundle.
4. EB confirmed that the video e-bundle was available on screen should J wish to view any video exhibits.
5. J stated that this was helpful but noted that the authorities bundle had not been seen until a paper copy was handed over that morning.
6. EB apologised to the Court and indicated that there were only a few authorities to which she wished to refer, and that she did not intend to trouble the court with overly lengthy authorities.
7. J noted the presence of a fifth witness statement of Robert Allen dated 4 December 2025 ("**Allen 5**") on the bench.
8. EB apologised for the late arrival of Allen 5 and explained that it described the notification of bundles for this hearing to Persons Unknown, as required by the Order of Mrs Justice Stacey dated 13 June 2025 (the "**Order**"), and corrected a small error in Ms Garraty's second statement ("**Garraty 2**"). EB clarified that the correct notice to affix had been provided to the court in the new exhibit for Allen 5.
9. J confirmed that the document was a copy of the notice and enquired whether everything was available on the Veolia website.
10. EB confirmed that all materials were available on the Veolia website.
11. J stated that the Veolia injunction webpage was easy to find.
12. EB explained that the hearing was for an application seeking an extension of the Order of Stacey J, due to expire on 13 December 2025. EB noted that the hearing was scheduled for 2.5 hours to allow for any developments, such as attendance or representations from Persons Unknown.
13. J confirmed that the time allocation was not a target to be met.

2. LEGAL TESTS

14. EB submitted that the correct approach was not to treat the hearing as a full re-hearing pursuant to the test in Wolverhampton CC and others v.

London Gypsies and Travellers and others [2023] UKSC 47; [2023] 1 AC 983, but to understand the basis of the previous order, analyse any changes, the efficacy of the order, any reasons to discharge it, and the basis for a continued order.

15. J confirmed that he had read Stacey J's judgment and that it was unnecessary to be taken through it in detail. J noted that he had viewed some of the videos, but could not open some of the longer videos.
16. EB proposed to play the relevant video (EB-947) in court.
17. ***The court watched EB-947 from 10:28 am to 10:30 am.***
18. EB proposed to play another video exhibit, EB-969, which was lengthier but contained relevant comments. EB explained that the video was from YouTube, filmed by an individual identified as "Donkey Dave", and depicted events at the pickets.
19. ***The court watched EB-969 from approx. 39 mins, from 10:32 am to 10:35 am.***
20. J enquired whether the video was from July 2025.
21. EB confirmed that it was and explained that at the Lumley Street depot, there had been no relevant direct action on that day, however, there were some vehicles prevented from exiting another site.
22. J indicated that it was unnecessary to view the video further.
23. EB agreed and submitted that there was not much need to review the remaining videos from July. EB outlined the intended approach for the hearing, and asked if J wished to be taken through the *Wolverhampton CC* test in detail.
24. J requested the page reference for the key paragraphs in *Wolverhampton CC*.
25. EB referred to paragraph 168 of the authorities bundle and several sub-paragraphs, offering to read them and refer to other authorities to amplify the context of renewals. EB referred to page 98, noting that *Wolverhampton CC* was not a protest case but concerned encampments on authority land, and highlighted comments at paragraphs 235 and 236. EB also referred to page 96 and paragraph 225 regarding geographical and temporal limits. EB suggested that the court read those sections, noting that the present application was for an extension rather than a new order.

26. J observed that Stacey J had been reluctant to grant a three-year order.¹
27. EB confirmed this and explained that various factors were addressed in the authorities. EB referred to page 101 of the authorities bundle, which contained the decision of Mr Justice Garnham in Rochdale Metropolitan Borough Council v Persons Unknown [2025] EWHC 1314 (KB), concerning the extension of a finite injunction.
28. EB took the court through the relevant test at pages 109–111, quoting from paragraph 44, Justice Ritchie’s judgment in High Speed Two (HS2) Ltd v Persons Unknown [2024] EWHC 1277 (KB) regarding the review of interim injunctions and the need to analyse changes based on evidence:

“On a review of an interim injunction against persons unknown and named Defendants, this Court is not starting de novo. The Judges who have previously made the interim injunctions have made findings justifying the interim injunctions. It is not the task of the Court on review to query or undermine those. However, it is vital to understand why they were made, to read and assimilate the findings, to understand the sub-strata of the quia timet, the reasons for the fear of unlawful direct action. Then it is necessary to determine, on the evidence, whether anything material has changed. If nothing material has changed, if the risk still exists as before and the claimant remains rightly and justifiably fearful of unlawful attacks, the extension may be granted so long as procedural and legal rigour has been observed and fulfilled.”

29. J queried the meaning of “sub-strata of the quia timet”. EB explained that “quia timet” means “what he fears”, and that Justice Ritchie was referring to this as the underlying premise of the relief sought.
30. EB continued, referring to paragraph 33 of the *High Speed Two* judgment:

“On the other hand, if material matters have changed, the Court is required to analyse the changes, based on the evidence before it, and in the full light of the past decisions, to determine anew, whether the scope, details and need for the full interim injunction should be altered. To do so, the original thresholds for granting the interim injunction still apply.”

31. EB further referred to paragraphs 51–52 in Garnham J’s judgment:

“This is not a ‘tick box’ exercise, but the matters on which evidence should be adduced and argument focused are (i) how effective the order has been; (ii) whether any reasons or grounds for its discharge have emerged; (iii) whether there is any proper justification for its

¹ See paragraph 54 of Sheffield Environmental Services Limited v Persons Unknown [2025] EWHC 2141 (KB).

continuance; and (iv) whether and on what basis a further order ought to be made. The parties should give full disclosure, supported by appropriate evidence, directed towards those questions.”

32. EB noted that Garnham J identified circumstances where the court should hear expanded argument or consider matters afresh, citing *Basingstoke and Deane BC v Loveridge* [2024] EWHC 1828 (KB) (Freedman J) as an example.
33. EB concluded that *Wolverhampton CC* remained the guiding authority and proposed to address procedural matters next.

3. NOTIFICATION

34. EB addressed the issue of notification in advance of the hearing.
35. EB referred to paragraphs 7 and 8 of the skeleton argument and drew the court’s attention to the underlying legislation, namely section 12 of the Human Rights Act 1998 (“**HRA 1998**”) and section 221(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“**TULR(C)A**”). EB submitted that, in broad terms the two provisions effectively required that where a hearing is to take place in the absence of a respondent who claims, or is likely to claim, to have acted in contemplation of a trade dispute, the court must be satisfied that all reasonable steps have been taken to notify such persons.
36. EB noted that, whilst there might be debate as to whether these provisions were strictly engaged in the present case, it was not necessary to address that issue in detail. EB explained that, for example, section 221(1) TULR(C)A and the so-called “golden rule” referred to by Stacey J in her judgment would not, in any event, protect the torts alleged in this matter (trespass and nuisance), as the individuals concerned were not picketing but protesting in the ordinary way, and thus would not fall within those statutory defences.
37. J enquired whether EB’s position was that the requirements had nonetheless been complied with.
38. EB confirmed that all steps had been carried out in accordance with the directions of Stacey J. EB referred the court to the Order in the core bundle at page 37, with the specific directions set out at pages 40 and 41, in particular paragraphs 10 and 11.
39. J asked whether Thompsons Solicitors (“**Thompsons**”) acted for Unite.
40. EB confirmed that Thompsons were indeed acting for Unite, and referred the court to the recital at page 39 of the Order, which recorded that Thompsons had provided email addresses for the service of further documents, and that this had become part of the Order. J acknowledged this.

41. EB referred to the evidence in the supplemental bundle at page 66 (with the relevant material commencing at page 65), confirming that S& S had sent the notification email on 18 November 2025, and that the documents had been uploaded to the Veolia website (<https://www.sheffield.veolia.co.uk/>) (apart from some of the videos) on 20 November 2025. EB explained that some of the videos had not been uploaded to the website due to their large file size, but that any anyone accessing the website can see an explanation of how they may be accessed.
42. J accepted EB's explanation.
43. EB confirmed that all materials were available for anyone visiting the website, and that the steps had been taken some weeks prior, ensuring that there had been ample notice of the application. EB further explained that notice of the application had been affixed at all sites except one on 20 November 2025, with Tinsley Park Road completed on 21 November 2025.
44. J enquired whether there was any authority as to the amount of notice required to be given to persons unknown in such circumstances.
45. EB submitted that the starting point was CPR Part 23, rule 23.7(b), which requires three days' notice. EB further referred to *Wolverhampton CC*, and in particular to paragraph 226 at page 96 of the authorities bundle, where the Supreme Court stated:
- "This should be done in sufficient time before the application is heard to allow those persons (or those representing them or their interests) to make focused submissions as to whether it is appropriate for an injunction to be granted and, if it is, as to the terms and conditions of any such relief."*
46. J observed that there was therefore no fixed time limit, but rather a requirement for reasonable notice.
47. EB confirmed that the application documents had been shared two weeks prior to the hearing, and that notice of the hearing had also been given two weeks in advance, such that sufficient time had been afforded.
48. J indicated agreement with this position.
49. EB then addressed further procedural matters arising from Stacey J's Order, as set out in paragraphs 27 and 31 of the skeleton argument. EB explained that there had been two minor issues: first, at one site, an earlier order had been affixed rather than the injunction Order, a matter identified in August and rectified on 16 August 2025; and second, notification of the amended particulars of claim and claim form had been delayed due to difficulty obtaining colour copies from the court.
50. J enquired as to when notice had been given of Stacey J's Order.

51. EB referred the court to paragraph 9 of the Order at page 40 of the core bundle, which described the steps required, including uploading the Order to the website, sending an email to Thompsons, and affixing the Order at the sites and locations marked on the plans. EB noted that paragraph 12 of the Order provided that effective notification would be deemed to have taken place when all steps had been carried out, save for the monitoring requirements. EB further referred to Ms Garraty's first witness statement ("**Garraty 1**") at paragraph 143 of the core bundle, which explained at paragraph 144(C) that there had been an oversight at the Workshop on Lumley Street, where the wrong notice had been affixed at the entrance, and that the table in evidence set out the dates on which this was rectified.
52. J observed that the majority of steps required to notify the Defendant had been completed on 16 June 2025, with the final step completed on 16 August 2025 (the rectification of the mistake at the Workshop), and noted that this would only have been material had there been an application for committal for breach of the injunction prior to 16 August 2025, which was not the case.
53. EB agreed, confirming that the update was provided for completeness, and that whilst it was necessary for the Claimants to act promptly to cover any potential breaches, the issue was not strictly relevant going forward. J noted that there was no date specified in the Order.
54. EB further explained that the delay in notification of the amended particulars of claim was due to court administrative difficulties, but that as soon as the suitable colour copies were obtained, they were notified to Persons Unknown.
55. J stated that the Claimants could not be criticised for delays caused by the court.

4. CIRCUMSTANCES SINCE THE GRANT OF THE ORDER

56. EB, having referred to paragraph 58 of Stacey J's decision, proceeded to address the circumstances since the grant of the injunction and the ongoing threat posed by the Defendants. EB indicated that these matters were generally described in Garraty 1 and Garraty 2, and in the second statement of Mr Ford. EB submitted that the threat which had justified the original application continued to exist, and that the specific concerns were set out at paragraphs 57 to 60 of the skeleton argument.
57. EB began by addressing the issue of ballots, noting that a ballot is required for lawful picketing to occur. EB directed the court to volume 3 of the exhibit bundle, tab 201, which contained the results of an industrial action ballot notified before the hearing on 13 June 2025 but conducted by Unite after the hearing. At page 1067, the results showed that 48 out of 58 eligible persons had voted, representing a turnout of 82.76%. Of those voting, 95.83% voted in favour of continuing industrial action. EB explained that the consequence of this ballot was a letter at page 1068, constituting the

required notice under section 234A TULR(C)A, which gave notice of strike action commencing on 9 July 2025. EB further noted that the first non-bold paragraph of the notice described the dispute as relating to the refusal to honour the existing National Recognition Agreement, in particular the entitlement of Unite representatives to paid time off or facilities.

58. EB then referred to tab 203 of the exhibit bundle, which contained a notice dated 26 August 2025 to Ms Garraty, with dispatch of the ballots expected on 2 September. EB explained that this related to ongoing discussions with the union regarding a pay claim submitted on 27 May 2025. EB observed that, although the language characterising the dispute had changed, the issues remained tied to those before the Central Arbitration Committee, and that the fundamental industrial action continued. EB then directed the court to page 1074, which summarised the matters in dispute and the period during which industrial action was expected to take place, namely from early October 2025 into 2026. EB emphasised the importance of these time limits in the context of the temporal hook for the timing of the injunction. EB referred to page 1076, which contained the outcome of the ballot that had been notified, with the results on the following page showing the number of people entitled to vote (60), and a reduction in the number of people voting (now 44), which was a reduction of 4, but with overwhelming support for continued strike action (95.45% of those voting). EB submitted that, in terms of what might be said against the Claimants, as reflected in Stacey J's observations, the absolute numbers were not large, but the proportion of those entitled to vote who did so, and who supported the action, remained high.
59. J confirmed understanding.
60. EB referred to tab 205 at page 1078 of the exhibit bundle, which contained the requisite notification to Veolia dated 17 September 2025. EB explained that, on this date, the union notified its intention to call its members to take part in continuous action commencing on 2 October. EB further referred to a subsequent notification dated 9 October 2025. EB explained that the 9 October notification is clear that it is further to the 17 September ballot, and that effect was that continuous action would not proceed as originally intended, but instead, Unite intended to call upon its members to participate in discontinuous action commencing on 10 November 2025, as set out at page 1081.
61. J enquired whether the industrial action was now taking place every other week.
62. EB confirmed that this was the case, as stated at page 1081, and that the action was intended to continue until 8 March 2026.
63. EB then referred to Garraty 2 in the supplementary bundle at page 12, paragraph 25, which described a meeting between Ms Garraty, Dean Ford of Veolia, and two other individuals at Unite on 4 November 2025. EB explained that Ms Garraty's evidence is that at that meeting, Unite's

position was there was no intention to return to the workplace full time, which EB inferred they meant while the dispute was ongoing. EB further noted that although it was uncertain whether a further ballot had taken place, according to Ms Garraty, Mr Sweeting of Unite had confirmed to her that one would be held.

64. J sought clarification as to whether there had been two ballots since the matter was before Stacey J, and whether Unite anticipated a further ballot.
65. EB confirmed that there had been two ballots.
66. J asked whether Stacey J had been aware of the first ballot of these two ballots.
67. EB confirmed that Stacey J had been aware of the first ballot but that the results of the ballot had not been known at the time of the hearing. EB further submitted that, over the course of the dispute, support for industrial action had remained broadly consistent, as evidenced at pages 1084–1085 of the exhibit bundle.
68. J acknowledged this.
69. EB submitted that, at the outset of the dispute, there had been 18 more members and approximately 10 more voters, but that the numbers had not dropped significantly in absolute terms. The number of individuals voting remained at around 45, with the percentage of those voting in support remaining high. EB noted that ballot results continued to show support in the high 90% range. EB submitted that, although it may have appeared in the summer that support was waning, this had not materialised, and the position was now static.
70. J indicated his understanding.
71. EB addressed the picket line, referring to paragraph 57 of the skeleton argument. EB submitted that, since the injunction was granted, picketing had continued outside the Lumley Street depot.
72. J enquired whether the picketing was occurring every other week, but was ongoing.
73. EB confirmed that this was correct, but referred to Ms Garraty's evidence in Garraty 2 at pages 11 and 12 of the supplementary bundle, paragraph 23, in which she described that there are consistent numbers of individuals picketing on Tuesdays, Wednesdays, and Thursdays. EB further referred to Mr Ford's evidence, in which he described that the number of picketers typically ranged between 6 and 15.
74. EB noted that there had been two instances of significantly increased numbers in July and August, with up to 40 protesters in July. EB explained that she used the term "protesters" nebulously because only some of those

would have been picketers. EB noted that the numbers jumped significantly again on 19 August to approximately 120 protesters. EB submitted that this escalation was consistent with the with the speech in which escalation was spoken about in the video footage from 9 July.

75. EB further submitted that, Ms Garraty's evidence in Garraty 1 makes it clear that there are certain individuals who are prepared to operate close to the line of what was permitted. EB submitted that on 19 August, the protesters had cleared the path, but not sufficiently to allow vehicles to depart. EB further submitted that, importantly, there had only been two occasions since the Order when vehicles had been prevented or delayed from leaving.
76. EB referred to the incident at the Beeley Wood site on 9 July, as described in Mr Ford's statement in the core bundle, Tab 11, page 165, paragraph 19.
77. EB explained that the Beeley Wood site was no longer in use. It had been acquired as a contingency when direct action began, but the lease had since been terminated.²
78. J enquired whether the Beeley Wood site was covered by Stacey J's injunction.
79. EB confirmed that it was not, and explained that the site had been obtained as part of the attempt to avoid the need to seek the injunction, in the hope that vehicles could be moved there to avoid the consequences of direct action, but that this had not been successful as protesters had moved to the entrance of Beeley Wood. The lease has since been terminated.
80. J asked whether this constituted a breach of Stacey J's injunction.
81. EB confirmed that it did not, and that it was simply further evidence of direct action.
82. EB submitted that the second occasion of direct action was evidenced in the video from 19 August.

5. EFFICACY OF THE ORDER TO DATE

83. EB proceeded to address the efficacy of the Order. EB stated that, overall, there had been a considerable reduction in direct action and, consequently, in the incidents of bins not being collected (referred to as "dropped bins"). EB noted that, as set out in Stacey J's judgment, the principal harm relied upon by the Claimants was the non-collection of bins caused by such action. EB submitted that, in absolute terms, there had been a marked reduction in the number of days on which direct action had occurred. Prior

² Cs' evidence was that the contingency site at Beeley Wood was licensed, rather than let.

to the grant of the injunction, there had been 20 days of direct action; in the six months since, there had arguably been only two such occasions.

84. J sought clarification as to whether “direct action” referred to physical acts resulting in bins being dropped.
85. EB confirmed that “direct action” referred to individuals who walked slowly at the entrance or exit to sites, thereby preventing the exit or entry of vehicles.
86. J enquired whether the 20 days of direct action had occurred between April and June, a period of approximately two months.
87. EB confirmed that this was correct, noting that the period was just shy of two months.
88. J asked whether, since the injunction, there had been only two occasions of direct action in nearly six months.
89. EB confirmed this, and referred the court to page 179 of the core bundle, paragraphs 47–48 of Dean Ford’s statement, which addressed the effect of direct action on the number of dropped bins. EB also referred to paragraph 62(3) of the skeleton argument, which made the point succinctly. EB submitted that, prior to the injunction, there had been a very high number of routinely dropped bins. The mass picket on 19 August demonstrated that such action still had the capacity to cause disruption, but, overall, there had been a decrease in dropped bins, and there appeared to be a causal link between the injunction and this reduction.
90. EB further referred to two pieces of evidence, at paragraphs 61(1) and (2) of the skeleton, relating to the direct action in August. As a consequence of that action, S&S, on behalf of the Claimants, had written to Mr Diviney and Mr Tice, who had been identified in the video evidence. EB submitted that it was unnecessary to refer to the precise terms of those letters.
91. J confirmed that he had seen the letters.
92. EB stated that, since that time, there had been no further instances of direct action by those individuals at the injunction sites. EB submitted that the threat of further action, in light of the injunction, appeared to have proved a real deterrent to such behaviour. EB nevertheless referred to the protest described in Garraty 2 at the Leeds site, which was not a site owned by the Claimants, where individuals in masks had engaged in similar conduct.
93. J enquired whether the Leeds site was a Veolia site.
94. EB clarified that, while the site in question was operated by an entity within the Veolia group, but not one of the specific Claimants in these proceedings. EB submitted that this indicated that the individuals

concerned were aware of the scope of the injunction and the sites to which it applied.

95. J noted that Ms Garraty believed one of the individuals in the videos of the Leeds site to be Mr Diviney.
96. EB confirmed this, and referred the court to an email at page 56 of the supplemental bundle as the source of that identification. EB further noted that the video evidence of Mr Diviney's statements demonstrated awareness of the injunction and that it was evident that the injunction was known about by people protesting.
97. EB submitted that the evidence showed that the protestors were not prepared to cross the line and be in breach of the Order, but might act in ways that approached the limits of compliance.
98. J noted that the letters sent to Mr Diviney and Mr Tice were a "shot across the bows".
99. EB confirmed that they had had the desired effect, namely to promote compliance with the court's orders.

6. WHETHER ANY GROUNDS FOR DISCHARGE HAVE EMERGED

100. EB submitted that the next issue was whether there were any grounds for discharge of the order. EB referred to the skeleton argument at paragraph 76 onwards, noting that a point that might be said against the Claimants might be that the Claimants had not sought to bring committal proceedings.
101. J indicated that he was not concerned about this point and understood why the Claimants might prefer to issue a "shot across the bows" rather than launch full committal proceedings. J observed that this was not a case akin to *Tendring District Council & Essex County Council v Persons Unknown* [2024] EWHC 2237 (KB), where an injunction had remained in place for years without enforcement. J stated that the principal concern was whether any individuals ought now to be named as defendants.
102. EB acknowledged the practical nature of this point and submitted that, as set out in *Wolverhampton CC*, if there are known threats, those individuals must be identified, although the authorities do not explain how to identify whether someone is a threat or not. EB stated that seeking an injunction against any individual is a draconian relief, and that, absent evidence that a particular person poses a risk to the relevant sites, it would be disproportionate to name them. EB submitted that consideration must be given to whether there are repeat offenders. EB acknowledged the recent evidence in respect of Mr Diviney in Leeds, but submitted that the letters sent had proved effective in relation to the injunction sites. EB stated that, while those individuals were likely to be repeat offenders, the present evidence indicated that their activities at the injunction sites had ceased.

103. EB noted the need for the Claimants to keep the matter under review, in accordance with the continuing obligation of full and frank disclosure, which requires the Claimants to bring matters before the Court if circumstances were to change.
104. EB submitted that, at this stage, the current approach remained the most proportionate.
105. EB further observed that, had the Claimants sought to join named individuals, the individuals might have responded that this was disproportionate because they had stopped the relevant conduct.
106. EB made the following submissions in conclusion:
 - (A) In any event, the point was not a reason not to continue against persons unknown: the application was brought against persons unknown to capture those people in an amorphous group of shifting numbers of participants, which meant that the “persons unknown” formulation remained appropriate.
 - (B) The absence of known risks at present meant that it was not appropriate to name individuals.
 - (C) Should circumstances change in future, the position could be revisited.
 - (D) Not joining named individuals now may provide a defence against committal in future, but that risk falls on the Claimants.
107. J indicated understanding.
108. EB confirmed that this concluded the list of matters relating to the efficacy of the order.
109. EB further noted that a point that may be taken against the Claimants in potential arguments regarding contempt or grounds for discharge may be the move to discontinuous action, which might be said to be a sea change which might go to the waning enthusiasm point made by Stacey J. However, EB submitted that this was not presently the case.
110. J observed that he had seen a reference in the materials to Unite saying that this was in essence a “ratcheting up” of their action.
111. EB confirmed that this material was to be found in the exhibit bundle, volume 3 at page 970, tab 167.
112. J enquired whether this was the Unite newsletter.
113. EB confirmed that the material originated from the Unite website and suggested that it might be helpful for the court to read the entirety of it.

114. J observed that the union stated that the move to alternating week action was to disrupt the use of agency workers in strike-breaking roles.
115. EB confirmed this, but submitted that it was not accepted by EB nor the Claimants that agency workers were being used in that way. EB stated that, in any event, the stated purpose of the alternating week action was to cause greater disruption.
116. J queried whether the article might be said to be spin.
117. EB submitted that, while such statements might be regarded as propaganda, the public-facing position of Unite was a commitment to achieving their aims by means disruptive to Veolia.

7. CONTINUING JUSTIFICATION

118. EB submitted that the next issue was the continuing justification for the injunction. EB stated that, at the present stage, it appeared that the strikes were likely to continue until at least March of the following year, and that the evidence suggested that it might be longer be longer until the dispute is resolved. EB referred to the evidence of Ms Garraty in Garraty 1, located in the core bundle at page 158, which addressed the ongoing position between GMB and Unite and the complexity of the mechanism by which they were trying to negotiate. EB explained that no agreement had yet been reached, as reflected in Ms Garraty's most recent statement, which also recorded that, at a meeting in November, Mr Sweeting had indicated that a further ballot would be held and that the dispute would continue.
119. EB submitted that, it might be said that it would be appropriate to seek a longer term of a year with annual renewal, however, the Claimants only sought a further six-month extension. EB explained that this conservative approach had been adopted due to the nature of matters, and that the current ballot covered the period up to March 2026, and so the Claimants sought a buffer period beyond that. EB emphasised, however, that the underlying foundation which had led to the direct action remained present and had not dissipated. EB submitted that, if the injunctions were not continued, there was a real risk that the type of activity witnessed during the summer would resume. EB relied not only on the factual history but also on public statements made by Unite, which, in EB's submission, were designed to encourage a narrative of maximum disruption to the Claimants.
120. J enquired whether the statements referred to were those at page 970 of the exhibit bundle.
121. EB confirmed this and submitted that there was a clear link between that and there are people who were allied to this cause, who were prepared to use the unlawful means that have previously used. EB said that this could be seen in the incident at the Leeds site in October. EB submitted that these individuals had not completely disavowed those unlawful means and that

they had moved to sites not protected by the injunctions. EB submitted that this constituted evidence of a continuing risk.

122. In relation to harm, EB submitted that Stacey J had addressed harm in her judgment, but that the key point to be drawn from that was that none of the other attempts by the Claimants had been effective at avoiding the harm that the Claimants had sought to prevent, thus the injunctions were necessary and had been effective.

8. DRAFT ORDER

123. EB proceeded to make submissions on the terms of the draft order. EB submitted that a further six months was reasonable in all the circumstances.
124. J enquired whether the wording of the order sought was identical to the previous order, or whether there were any amendments.
125. EB confirmed that there was an absence of a recital regarding Thompsons, as there had been no relevant communications with them. EB further explained that, in terms of notifications and service, as set out at pages 12 and 13, these related solely to the order and service of the application, rather than the claim itself. EB submitted that this approach was consistent with the guidance in *Wolverhampton CC*, which made clear that these were without notice proceedings.
126. J acknowledged this explanation.
127. EB confirmed that there was no section dealing with amendments, as no amendments were sought.
128. EB submitted that, aside from the points already mentioned, the terms of the order remained the same.
129. EB observed that, although it might have been possible simply to vary the previous order, a new order was sought for the sake of clarity, so that those at the site or anyone attending would have a single, clear document.
130. J indicated that a decision would be provided later that morning, aiming for quarter past twelve.
131. The hearing was adjourned at 11:38 am.

9. Judgment

132. Judgment was handed down *ex tempore* at 12:18 am. Please see the Claimants' note of the judgment.