

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

BETWEEN :

(1) SHEFFIELD ENVIRONMENTAL SERVICES LIMITED
(2) VEOLIA ES SHEFFIELD LIMITED
(3) VEOLIA ES (UK) LIMITED

Claimants

-and-

PERSONS UNKNOWN (AS DEFINED IN THE CLAIM FORM)

Defendants

CLAIMANTS' SKELETON ARGUMENT

For hearing 5 December 2025: time estimate 3 hours

References are in the form:

[CORE/PAGE] referring to the core bundle

[EXHIBIT/VOL/PAGE] referring to the exhibit bundles

[SUPP/PAGE] referring to the supplemental bundle

[AB/PAGE] referring to the authorities bundle

Suggested Pre-Reading (Time Estimate: 2 hours of judicial time)

- Cs' chronology

- Order of Stacey J dated 13 June 2025 (“**Stacey J Order**”) [CORE/37-49]

- The transcript of the hearing before Stacey J on 13 June 2025 [CORE/69-129]

- Stacey J's approved judgment (“*Veolia v PU*”) [CORE/53-68]

- The first witness statement of Sophie Garraty dated 22 October 2025 (“**Garraty 1**”)
[CORE/140-159]

- The first witness statement of Dean Ford dated 22 October 2025 (“**Ford 1**”)
[CORE/160-181]

- The third witness statement of Robert Allen dated 22 October 2025 (“**Allen 3**”)
[CORE/130-139]

- The second witness statement of Donald McPhail dated 21 October 2025 [CORE/182-

185]

- The second witness statement of Sophie Garraty (“**Garraty 2**”) [SUPP/4-15]
- The fourth witness statement of Robert Allen (“**Allen 4**”) [SUPP/63-68]
- The draft order [CORE/9-20]

Introduction

1. Cs are part of a corporate group whose parent entity is Veolia Environnement S.A. In this skeleton argument, the term “**Veolia**” is used to refer to the group. Cs provide municipal waste management services in Sheffield.
2. In the spring and summer of 2025, Veolia became the target of direct action at its waste management sites in Sheffield by individuals who were acting in support of pickets by members of Unite the Union (but which direct action was outside of the pickets) (“**Unite**”). Cs responded to that threat by seeking injunctive relief against “Persons Unknown” invoking the “newcomer” jurisdiction as recently explained by the Supreme Court in *Wolverhampton CC and others v. London Gypsies and Travellers and others* [2023] UKSC 47; [2024] 1 AC 983 [AB/21].
3. By order of Stacey J made on 13 June 2025, Cs were granted injunctions until 13 December 2025.
4. At this hearing, Cs seek an extension of the injunctions until 13 June 2026.
5. The practice developed by the Courts when hearing renewal applications on an uncontested basis has been not to revisit the merits of the case as if *de novo*: that exercise was conducted by Stacey J on 13 June 2025. The authorities emphasise that – while it is not a straight-jacket for the Court nor should it be approached as a “tick-box” exercise – the Court’s primary focus at a renewal application should be on: (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 continuance; and (iv) whether and on what basis a further order ought to be made: *Rochdale Metropolitan Borough Council v Persons Unknown* [2025] EWHC 1314 (KB) at ¶¶43-50 *per*. Garnham J [AB/109-111].
6. In order to conduct that analysis, it is important to fully understand the context and rationale for the previous injunction such that the Court can understand the sub-strata of the order: *Hanson Quarry Products Europe Limited v. Persons Unknown* [2025] EWHC 1748 (KB) at [15] *per*. Elizabeth O’Neill (sitting as a Deputy High Court Judge) [AB/120].

Notice of this hearing & s. 12 Human Rights Act 1998

7. Since Ds’ Convention right to freedom of expression is engaged, and since Ds are (by definition) neither present nor represented, by virtue of s.12 of the Human Rights Act 1998

(“HRA 1998”) before making the order the Court must be satisfied either that (i) Cs have taken all practicable steps to notify the respondents, or that (ii) there are compelling reasons why the respondents should not be notified.

8. A mirror provision is found in s.221(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“TULR(C)A”) [AB/8]: if an application for an injunction is made in the absence of a respondent who claims or is likely to claim that they acted in contemplation or furtherance of a trade dispute, the Court must be satisfied that all steps which in the circumstances were reasonable have been taken with a view to securing that notice of the application and an opportunity of being heard have been given to the respondent.
9. Mr Allen explains at ¶9 of Allen 4 [SUPP/65-67] and Ms Garraty explains at ¶¶16-21 of Garraty 2 [SUPP/8-11] the steps taken to give notice of the application and this hearing being:
 - (1) Uploading the application notice, draft order and evidence to Cs’ dedicated website for these proceedings. The only exception to that is in relation to certain video files which are too large to be uploaded. But, a visitor to the website would find a statement that those videos could be obtained by request by emailing veoliainjunction@simmons-simmons.com;
 - (2) Sending copies of the documents to Unite’s solicitors by email;
 - (3) Affixing a notice at the locations marked on Plans 1- 5 to the Stacey J Order stating that the application had been made, the date and location of the hearing and identifying where copies of the relevant documents can be found. This was completed by 24 November 2025; and
 - (4) Affixing the notice of hearing at the locations marked on Plans 1- 5 to the Stacey J Order. This was completed by 28 November 2025.
10. Those steps in paragraphs 9(1) - (3) are those which were directed for notification of further applications and documents by the Stacey J Order at paragraphs 10-11. The step set out in paragraph 9(4) was an additional step which Cs took for completeness notwithstanding there being no requirement in the Stacey J Order.
11. As to that:
 - (1) What Cs have done by way of service or notification is – they submit – all that is “practicable” and “reasonable”, insofar as there is a meaningful distinction between the tests in the HRA 1998 and TULR(C)A. On any footing, the test is a less stringent test than “possible”.
 - (2) Cs struggle to think of additional steps beyond those taken, which are realistically

likely to draw these proceedings to a materially larger pool of interested respondents.

- (3) Moreover, unless and until someone is named as a defendant, or knowingly breaches the order, there is strictly no defendant to the proceedings and, by parity of reasoning, no available respondent to Cs' application.
 - (4) In the circumstances, Cs submit that the tests in both the HRA 1998 and TULR(C)A (insofar as either is applicable) are satisfied.
12. Clearly the issue of how notification might be effected is one upon which there can be different approaches. If present or represented, Ds could have made submissions to the effect that further and additional measures could have been taken. It might be said on behalf of Ds (for example) that the application could be advertised in local or national press. Whilst it is right to draw these potential arguments to the attention of the Court in the absence of any representation for Ds, there is no good reason to consider that the steps already taken are in any way inadequate, or that addition of any further measure would have any significant prospect of drawing the existence of the application to the attention of someone who would not have been made aware of its existence by the measures actually undertaken.

Background

13. The nature of Veolia's operations and its interests in the sites protected by the injunction are set out in ¶¶8-11 of *Veolia v. PU* [CORE/56]. In short:
14. The municipal waste management services Veolia provides in Sheffield are carried out under a contract between C1 and Sheffield City Council. C2 and C3 performs those services on behalf of C1.
15. In order to do so, C2 employs approximately 200 staff to drive 60 refuse collection vehicles ("RCV"). Cs also have interests in five sites for those purposes:
 - (1) The Lumley Street Depot, in which C1 has the relevant leasehold interest. The Lumley Street Depot is shown on Plan 1 to the Stacey J Order. The RCVs are scheduled to leave the Lumley Street Depot every week day at 6.45am to collect household waste and recycling and, after depositing the waste or recycling at the appropriate centre, the RCVs return to the Lumley Street Depot.
 - (2) The Lumley Street Workshop, in which C1 has the relevant leasehold interest. The Lumley Street Workshop is shown on Plan 2 to the Stacey J Order and is located to the north of the depot, separated by Lumley Street. This land is used by as a workshop for the RCVs.
 - (3) The Energy Recovery Facility at Bernard Road, in which C1 has the relevant

leasehold interest. This is where domestic waste is taken to for incineration.

(4) 93 Tinsley Park Road, in which C3 has the relevant leasehold interests. This site is where mixed dry recycling is deposited.

(5) Crown Works, Rotherham Road, of which C3 is the freehold owner. This site is a waste disposal facility for paper and card recycling.

16. The operatives and drivers of the RCVs have pre-assigned routes. When they complete their routes and deposit their waste, they complete their work day. Otherwise, their day terminates at 3pm. When bin collection rates are at 100%, around 70,000 bins are collected each day.

The original threat and the Stacey J Order

17. The original threat giving rise to the injunctions has its roots in a dispute between two trade unions: GMB and Unite. GMB has an exclusive recognition agreement for collective bargaining with C3 in respect of matters such as pay, hours and holidays for employees of Veolia on the Sheffield City Council contract. The dispute between the unions arises because Unite would also like to be recognised for those purposes but GMB does not agree to that and Veolia respects GMB's wishes: *Veolia v PU* at ¶7 [CORE/55].

18. That dispute began in 2024. In consequence, Unite balloted its members to see if they wished to take part in industrial action in a trade dispute described as Veolia's refusal to recognise Unite members to have their terms negotiated by their union. The ballot closed on 2 July 2024 with the result that the majority of those who cast a vote, voting in favour of strike action. That strike action commenced at the end of July 2024 and continued thereafter, with periodic ballots being held on average approximately every 15 weeks. Initially the strike was discontinuous for one week in July 2024 but, following that, it became continuous: *Veolia v PU* at ¶13 [CORE/57].

19. From July 2024, there has been a picket line outside the Lumley Street Depot attended by Veolia staff on strike and Unite officials (which has been conducted in accordance with the Code of Practice and TULR(C)A): *Veolia v PU* at ¶17 [CORE/57].

20. By way of relevant legal context:

(1) Under s.219 of TULR(C)A, a person who carries out acts in contemplation or furtherance of a trade dispute is not actionable in tort on the grounds of inducing or threatening to induce a breach of contract or conspiring to induce that. This does not constitute a defence to trespass or nuisance: *Clerk & Lindsell on Torts*, 24th edn at 23-142 [AB/2-3; 348].

(2) A trade dispute includes: "...a dispute between workers and their employer which relates wholly or mainly to one or more of the following— [...] (g) machinery

for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures": s.244(1) of TULR(C)A [AB/17].

- (3) The acts included in s.219(1) encompass picketing provided that the picketing is done in the course of peaceful picketing (s. 220 of TULR(C)A) and the picketing, if organised or encouraged by a trade union, is done in compliance with the requirements of s.220A of TULR(C)A: s.219(2) [AB/2, 5-6].
 - (4) A picket organised or encouraged by a trade union will, itself, only be lawful if done under the support of a ballot of its members; in which at least 50% of those entitled to vote, did; and, in which at least 50% of those people acceded to the industrial action: ss.219(4) and 226 of TULR(C)A [AB/2, 9-10].
 - (5) That must then be notified to the employer within 14 days of the ballot: s.234A of TULR(C)A [AB/12].
21. At some point in time, the picket was joined by a number of individuals, who, in support of Unite, attend and hand out leaflets, play loud music, and fire air horns and red smoke: *Veolia v PU* at ¶20 [CORE/58].
 22. From 15 April 2025, a different type of activity started at the Lumley Street Depot. The activity was undertaken by masked individuals and it commenced at some time before the RCVs were due to depart at 6.45am. What the masked individuals did was walk slowly in circles in front of the gate at the depot so as to prevent the RCVs from exiting the depot. The activity continued for some hours such that the departure of the RCVs was delayed and a number of bins were uncollected ("dropped" being the term used): *Veolia v PU* at ¶22 [CORE/58].
 23. A contingency plan was implemented by Veolia which involved moving the RCVs to a temporary site but that plan was unsuccessful in mitigating the effect of the direct action by the masked individuals because masked individuals also prevented RCVs from exiting that site: *Veolia v PU* at ¶23 [CORE/59].
 24. At ¶24 of *Veolia v PU*, Stacey J set out seventeen dates between 15 April 2025 and 5 June 2025 on which direct action had occurred at Cs' sites. In respect of each, she set out the sites at which the direct action had occurred, the length of time the direct action lasted, the length of delay occasioned by the direct action on the RCVs and the number of dropped bins in consequence. In addition, after the issue of the injunction application and giving notice to Ds, direct action was repeated on three dates at two sites: *Veolia v PU* at ¶¶25-27 [CORE/59-61].
 25. The principal harm caused by the direct action was the increased number of dropped bins,

which was causing considerable disruption to the residents of Sheffield City Council and disruption to the working employees of Veolia: *Veolia v PU* at ¶¶31, 33, 53, 55 [CORE/62, 63, 66, 67].

26. In addition, the direct action was causing additional cost to Veolia: principally that was in overtime costs, but also in additional security and the cost of C2's licence for the contingency site. Between, April 2025 and 13 June 2025, those costs were in excess of £60,000: *Veolia v PU* at ¶¶34, 53 [CORE/ 63, 66-67].

Notice of the Stacey J Order and the amended claim form

27. At ¶¶21–26 of Allen 3 and at ¶¶9-14 of Garraty 1, Mr Allen and Ms Garraty describe the steps taken to notify Ds of the claim documents and the Stacey J Order [CORE/135-137; CORE/142-145].
28. That evidence shows that Cs completed all of the steps in paragraph 9 of the Stacey J Order on 16 August 2025: ¶23 of Allen 3 [CORE/136] and ¶12 of Garraty 1 [CORE/143-144]. The length of time between the making of the order and notification is explained by Ms Garraty in ¶12(C): in error, Cs originally affixed an earlier order at one of the locations marked X on Plan 2 to the Stacey J Order rather than the Stacey J Order. That error was discovered and rectified on 16 August 2025.
29. As to the undertaking in paragraph (3) of Schedule 2, Cs uploaded Allen 1 and Allen 2 to the dedicated website by 6pm on 13 June 2025: ¶26 of Allen 3 [CORE/137] and ¶7 of Garraty 2 [SUPP/5-6].
30. Cs filed an amended claim form and particulars of claim on 16 and 17 June 2025 respectively. There was a delay in Cs' solicitors receiving sealed colour copies of the documents for service from the Court. That occurred on 3 September 2025: ¶20 of Allen 3 [CORE/135]. Notification of those documents to Ds then occurred on 4 September 2025 by the steps in paragraph 11 of the Stacey J Order, i.e., uploading to the dedicated website and sending an email to Unite's solicitors with the documents: ¶24 of Allen 3 [CORE/136].
31. Ms Garraty also explains what steps have been taken to monitor the presence of the order and warning notices at the sites at ¶¶28-38 of Garraty 1 and ¶¶10-13 of Garraty 2 [SUPP/6-7].

Events since the grant of the injunctions

32. A description of the relevant events since the injunctions were granted is set out in Cs' chronology and in the evidence from Mr Ford at ¶¶13-37 [CORE/163-177] and Ms Garraty's evidence at ¶¶15-26 of Garraty 1 [CORE/145-151]. Those identified as being the most material are as follows:
33. Following the injunctions being made, typically between 6 to 15 individuals have

continued to picket at the Lumley Street sites, generally on Tuesdays, Wednesdays and Thursdays: ¶13 of Ford 1 [CORE/163].

34. On 9 July 2025, a mass picket took place at the Lumley Street Depot. In advance, Veolia emailed the Socialist Worker – a news organisation which had published an article about the forthcoming event – and three individuals who are connected with the picketing to inform them of the Stacey J Order and its terms. The RCVs departed from the site prior to the majority of protestors arriving at the site. There were some individuals present at the time of the RCVs’ departure but they did not physically prevent any departures: ¶18 of Ford 1 [CORE/164-165].
35. Also on the same day, approximately 8 individuals gathered at Veolia’s contingency site, Beeley Wood, and sought to block the departure of RCVs. The majority of RCVs had departed by the time that the individuals arrived, but two RCVs were delayed in departing due to the individuals’ activities: ¶19 of Ford 1 [CORE/165].
36. Another mass picket was then arranged to take place at the Lumley Street Depot and at the Tinsley Park Road site on 19 August 2025 for the “one year anniversary of the Sheffield Bin Strike”: ¶21 of Ford 1 [CORE/165]. In advance, Veolia again contacted those organisations identified on the promotional posters for the picket to inform them of the Stacey J Order and its terms: ¶22 of Ford 1 [CORE/165].
37. There are a number of pieces of video footage of the events on 19 August 2025 but the clearest and most relevant is that at EB-947 which is footage captured by Veolia’s closed circuit television at the Lumley Street Depot from around 6.46am (although the time stamp does not match this because it is erroneously 7 hours ahead: ¶28 of Ford 1 [CORE/167-168]). It shows a group of individuals at the exit to the site, almost entirely on the public highway. When the RCV approached the exit, the group parted so that the front of the vehicle could cross the “private property” line but the individuals remained close to the sides of the vehicle. In view of the individuals’ proximity to the vehicle and the number of individuals in the street, a decision was taken that it was not safe for the driver to attempt to exit: ¶28(D)-(J) of Ford 1 [CORE/170-172].
38. Subsequently, once the crowd had reduced, it was possible for the RCVs to leave the depot, which occurred from 8.45am: ¶31 of Ford 1 [CORE/173-174].
39. At Tinsley Park Road, a group of around 20 protestors arrived at c.9.45am, with most departing by around 11.30am. No departures were prevented or delayed, albeit that the drivers of the RCVs experienced difficulty in manoeuvring the vehicles out of the exit due to where protestors had parked their vehicles: ¶33 of Ford 1 [CORE/175].
40. On 19 August 2025, 8,483 bins were dropped, resulting in a completion rate of 87%: ¶47 of Ford 1 [CORE/179].

41. On 20 August 2025, Alistair Tice published an article in the Socialist Worker in which he stated “despite a High Court injunction, strike supporters exercised their right to ask drivers to stop, take a leaflet, have a conversation. The first wagon due out didn’t try to leave the depot, and all the refuse trucks were delayed by two hours, giving the strikers a huge boost” **EXHIBIT/3/963-964**].
42. Following a ballot on 15 September 2025, Unite gave Veolia notice on 17 September 2024 under s.234A of TULR(C)A that they intended to call on their members to take part in continuous strike action from 2 October 2025 [**EXHIBIT/3/1076-1080**].
43. On 9 October 2025, Unite gave a further notice to Veolia that, pursuant to the ballot on 15 September 2025, under s.234A of TULR(C)A that they intended to call on their members to take part in discontinuous action which would be week long strike action for 9 identified weeks between 10 November 2025 and 8 March 2025 [**EXHIBIT/3/1081-1083**].
44. On 16 October, Unite published an article on its website announcing the discontinuous strike action which it announced was “set to cause greater disruption” to Cs [**EXHIBIT/3/970-971**].
45. That discontinuous action started on 10 November 2025: ¶22 of Garraty 2 [**SUPP/11**].

The law: injunctions against “persons unknown”

46. Ds are “newcomers” of the sort discussed in *Wolverhampton CC v London Gypsies & Travellers* [2023] UKSC 47; [2024] 1 AC 983: persons who are not identifiable at the date that proceedings are commenced, but who are intended to be bound by the terms of the injunction sought. **The proceedings are typically a form of enforcement of undisputed rights rather than a form of dispute resolution:** ¶143(iv) [**AB/75**]. They involve a “wholly new type of injunction with no very closely related ancestor from which it might be described as evolutionary offspring”: ¶144 [**AB/76**]. They are likely only to be justified as a novel exercise of an equitable discretionary power if the conditions in ¶167 are met: ¶¶167, 235 [**AB/83, 98**].
47. The Supreme Court emphasised that its discussion had focused on injunctions against gypsies and travellers (in that context) and that “nothing we have said should be taken as prescriptive in relation to newcomer injunctions in other cases, such as those directed at protestors who engage in direct action by, for example, blocking motorways, occupying motorway gantries or occupying HS2’s land with the intention of disrupting construction. Each of these activities may, depending on all the circumstances, justify the grant of an injunction against persons unknown, including newcomers”: ¶235 [**AB/98**]. At ¶236 [**AB/98-99**], it gave the following guidance with respect to ‘newcomer’ injunctions against protestors:

“Counsel for the Secretary of State for Transport has submitted and we accept that each of these cases has called for a full and careful assessment of the justification for the order

sought, the rights which are or may be interfered with by the grant of the order, and the proportionality of that interference. Again, in so far as the applicant seeks an injunction against newcomers, the judge must be satisfied there is a compelling need for the order. Often the circumstances of these cases vary significantly one from another in terms of the range and number of people who may be affected by the making or refusal of the injunction sought; the legal right to be protected; the illegality to be prevented; and the rights of the respondents to the application. The duration and geographical scope of the injunction necessary to protect the applicant's rights in any particular case are ultimately matters for the judge having regard to the general principles we have explained.”

48. *Wolverhampton* shows that:

- (1) This is an emerging jurisdiction, equitable and discretionary, still in its early stages, with a dynamic role for the Courts to play in working out the ‘rules’ or practices which should apply as experience of such cases accumulates (¶185 [AB/87-88]). For that reason, it would be wrong to treat authorities articulating, or purporting to articulate, a series of principles or ‘tests’ as decisive or prescriptive at this point in time.
- (2) There is no difference in point of substance between interim and final orders, largely because whether expressed as an interim order or as a final order, they are always *ex parte* in relation to newcomers, with the result that it is never too late (before breach) for a newcomer to apply to vary or set aside the injunction in reliance on “any reasons which could have been advanced in opposition to the grant of the injunction when it was first made”; this principle, combined with express provision for anyone to apply to vary/ set aside the injunction, fully meets the requirements of procedural fairness: e.g., ¶¶ 139, 143, 144, 177, 178, 232 [AB/74, 75-76, 86, 96-97]. See also more recently in the protest context, *Drax Power Ltd v. Persons Unknown* [2024] EWHC 2224 (KB) at ¶18 (Ritchie J) [AB/134].
- (3) The overarching questions are those identified in *Wolverhampton* at ¶218 [AB/95], specifically: (i) is there a compelling need sufficiently demonstrated by the evidence that justifies the exercise of the Court’s jurisdiction to give effective protection to the claimant’s rights; (ii) have adequate procedural safeguards been provided to protect the affected newcomers; and (iii), overall, is it just and convenient for an injunction to be granted on the facts of the case.

49. As to the compelling need: the Court must be satisfied that “there must be a strong probability that a tort ... is to be committed and that this will cause real harm. Further the threat must be real and imminent”: *Wolverhampton* at ¶218 [AB/95]. Imminence means the absence of prematurity: see e.g. Julian Knowles J in *London City Airport Ltd v. Persons Unknown* [2024] EWHC 2557 (KB) at ¶29 [AB/149].

50. Subject to that, the principles outlined by the Supreme Court in *Wolverhampton* were helpfully drawn together and synthesised with then-established practice, by Ritchie J in

Valero Energy Ltd v Person Unknown [2024] EWHC 134 (KB) at ¶¶57–58 [AB/182-185], posing quite a long list of questions. Essentially the same requirements might be expressed in different and perhaps more succinct ways (e.g., in *Jockey Club Racecourses Ltd v PU* [2024] EWHC 1786 (Ch) at ¶¶14–20 [AB/196-199]; in *Shell Oil UK Ltd v. PU* [2024] EWHC 3130 (KB) at ¶59 [AB/224-225]) — but provided it is viewed (as intended) as a helpful checklist, rather than as a straitjacket, Ritchie J’s approach has stood the test of time to date, so far as we are aware.

51. The Stacey J Order was predicated on that approach. Naturally Cs will revisit, to the extent that the Court considers helpful or appropriate: but, as explained above, Cs’ primary submission is that the Court is not, generally, determining the matter *de novo* at a renewal hearing.

The appropriate test for renewal

52. Please see ¶¶5 - 6 above.

Submissions: introduction

53. Overall, Cs’ position is that the circumstances which justified making the order in June 2025, have not changed in a way that casts doubt on whether there continues to be a compelling need for it.

(1) The basis for the Stacey J Order

54. The original threat and harm leading to the Stacey J Order are set out at ¶¶17 - 26 above.
55. At the hearing on 13 June 2025, Stacey J was satisfied that there was a compelling need for the injunctive relief (¶¶47-57 of *Veolia v. PU* [CORE/65-67]) but was concerned that the proposed length of the injunctions would outlast the need in light of the period of strikes notified in accordance with the procedure under TULR(C)A, stating at ¶58 of *Veolia v. PU* [CORE/67] that:

“...If there are further strikes notified after the balloting requirements have been adhered to, further applications may be made. I note however that the strike appears to have waning support and the number of Unite members, ballot turnout and support for industrial action has dwindled a little over the last year...”

(2) Circumstances since the grant of the order

56. This is addressed generally in ¶¶32 - 42 above. Cs set out below greater detail and analysis on the issues identified by Stacey J in ¶58 of *Veolia v. PU*.
57. As for attendance at pickets since 13 June 2025:

- (1) Approximately 6 – 15 individuals continued to picket continuously until at least 22 October, generally on Tuesdays, Wednesdays and Thursdays: ¶¶13 and 35 of Ford 1 [CORE/163, 176].

- (2) At the July mass picket, at its height there were 30-40 protestors: ¶20 of Ford 1. At that picket, an individual called Joseph Diviney gave a speech. That speech was filmed and the footage is at EB-969 in the exhibits bundle. In that speech, he read that part of the transcript of the hearing before Stacey J which is at [CORE/88 at C-D]. Following that, Mr Diviney stated that “this looks like an escalation to me...If you think this was a mass picket today, you ought to see what happens when we get to the year mark”: ¶41 of Ford 1 [CORE/178].
- (3) At the August mass picket, the number of individuals in attendance peaked at approximately 120: ¶22 of Ford 1 [CORE/165].
- (4) The same approximate number of individuals picketed in the weeks of 10 November and 24 November (on Tuesdays, Wednesday and Thursdays) as when the strikes were continuous: ¶22 of Garraty 2.

58. As regards the ballots by Unite:

59. It has balloted its members on two occasions since the hearing on 13 June 2025. On each occasion there has been a majority of members in support of strike action.

60. Stacey J’s reference to “dwindling” ballot turnout and support is a reference to the reduction in numbers entitled to vote and casting votes between July 2024 and February 2025: the July numbers were 78 and 56 respectively and the February 2025 numbers were 59 and 47 respectively. Between February 2025 and September 2025 [EXHIBIT/3/1084-1085]:

- (1) The number of members entitled to vote has remained broadly the same since February 2025, decreasing to 58 in June 2025 and increasing to 60 in September 2025.
- (2) There was a reduction in the number of those persons who did vote from 47 in February 2025 (remaining the same in June 2025) to 44 in September 2025. But, that is a modest reduction of 6%.
- (3) The percentage of votes cast has, at all times since February 2025, been higher than it was in July 2024.
- (4) Of those casting a vote, the percentage of those in favour of industrial action has consistently remained at 95-96% since February 2025 (whereas in July 2024 it was 93%).

61. Unite’s avowed design behind the recent change in approach vis-à-vis discontinuous strikes is for it to “cause maximum disruption” to Veolia [EXHIBIT/3/970-971].

(3) Efficacy of the order to date

62. The evidence broadly indicates the injunctions have proved an effective deterrent:

- (1) The protestors appear to be well aware of both: (i) the injunctions, and (ii) the distinction between protest that is “good natured and well within ambit of lawful protest and persuasion” (¶52 of *Veolia v. PU* [CORE/66]) and the prohibited conduct. This is apparent from:
 - (a) Mr Diviney’s speech on 9 July 2025;
 - (b) Mr Tice’s article of 20 August 2025 [EXHIBIT/3/963-964];
 - (c) The incident on 31 October 2025 at Veolia’s Leeds site: Garraty 2 [SUPP/12-15].
- (2) Although some individuals have operated at the borderline, and, indeed, arguably breached the injunctions on 19 August 2025, the correspondence from Cs’ solicitors on 29 September 2025 to Joseph Diviney and Alistair Tice explaining the consequences of breaching the injunctions and putting them on notice that any further breaches may result in applications to Court, has had the desired effect i.e., those individuals have not carried out any further activity at the sites which might be said to be in breach of the injunctions.
- (3) Most critically, there has been a dramatic reduction in the number of actual or attempted incidents where protestors have sought to prevent or delay RCVs leaving the injunction sites since the injunctions were granted. In turn, that has drastically improved the dropped bin rates. Between 15 April 2025 – 5 June 2025, there were a total of 73,185 dropped bins: [EXHIBIT/1/517, 523, 531, 539, 545, 553, 559, 565, 571, 577, 586; EXHIBIT/2/715]. Cs’ evidence, in respect of two sample weeks where there was no direct action following the grant of the Stacey J Order (being the weeks commencing 21 July 2025 and 25 August 2025) is that the average completion rate was 99.07% [EXHIBIT/3/972--977]. On the dates of the July and August mass pickets, the completion rates were 100% and 86.75% respectively [EXHIBIT/3/972-977].

(4) Justification for its continuance

63. As identified by Stacey J, the direct action is directly allied to the ongoing industrial action by Unite members in connection with the Sheffield City Council contract. While there has been a reduction in the number of Unite members since July 2024 and, accordingly, a modest reduction in absolute numbers of members supporting the strike action since its inception, there has continued to be an overwhelming majority of its members voting in the ballot and in support of industrial action.

64. While that strike action continues, Cs remain justifiably concerned of imminent risk of

serious harm and continue to require the protection of the injunctions. Between April 2025 and the grant of the injunctions, there was a faction of supporters of the strike action who were prepared to achieve the protestors' aims through direct action designed to disrupt Veolia's operations. The continues to be a desire by those protesting Veolia to "cause [it] maximum disruption". The incident at Veolia's Leeds site on 31 October 2025 involved the precise conduct Cs have been concerned to avoid occurring at the injunction sites in Sheffield. In those circumstances, the evidence indicates a strong probability that the faction of supporters prepared to carry out direct action have not disappeared and may resume their activities at the injunction sites, if unprotected by the injunctions.

65. Further still, as Stacey J noted at ¶54 [CORE/67], "Veolia has explored and exhausted all less restrictive or intrusive and less confrontational measures with no avail... this application is a last resort". The evidence now shows a clear correlation between the reduction in dropped bins and the injunctions. Were the injunctions now refused, the overwhelming likelihood is that the direct action previously seen would resume.

(5) Whether any grounds for discharge have emerged

66. It might be said by Ds that the recent ballot in favour of discontinuous action shows that support for the strike action is indeed waning as predicted by Stacey J, rather than remaining at consistent levels. As to that:

- (1) The most recent Unite ballot of 15 September 2025 supports industrial action until the middle of March 2026 [EXHIBIT/3/1071-1077]. By s. 234(1)(a) of TULR(C)A, the industrial action will continue to be valid for six months from the date of the ballot i.e., it can continue lawfully until the middle of March 2026.
- (2) Ms Garraty was told by Shane Sweeting of Unite on 4 November 2025 that a further ballot would take place and that Unite members had no intention to return to work until the dispute between Veolia and Unite was resolved about collective recognition: ¶24 of Garraty 2 [SUPP/12].
- (3) That is consistent with the dispute between GMB and Unite not being resolved yet. That dispute appears to be at an impasse: ¶¶44 of Garraty 1 [CORE/158] and ¶25 of Garraty 2 [SUPP/12].
- (4) Unite's publicity regarding the discontinuous strikes has suggested that it is not a product of lessening enthusiasm from the members, but a deliberate design is to maximise the impact of Unite's industrial action on Veolia. Cs accept that one explanation for that publicity could be that Unite is placing a favourable slant on a worsening situation. But, the totality of the evidence shows that – *at present* – Unite's members continue to support the industrial action against Veolia such that there is an imminent risk of serious harm from the anticipated direct action.

67. Cs have addressed the potential ambiguity about the direction of the industrial action in the length of the extension to the injunctions proposed, set out below at ¶70.

(6) The basis of any further order

68. For the most part, Cs' proposed order [CORE/9-19] replicates the form of order made by Stacey J, which Cs commend to the Court as the approach to take (subject to any adjustments it considers appropriate in light of the practical operation of the injunctions and any changing circumstances: see *Esso Petroleum Company Limited v. Persons Unknown* [2025] EWHC 1768 (KB) at ¶8 *per. Sweeting J* [AB/275]).

69. Experience suggests that the Court will wish to be taken through the form of order during the hearing. At this juncture, C address two specific points in the draft order: (1) length of any order; and (2) identification of Ds.

Temporal limits

70. Cs seek continuation of the order until 13 June 2026. That is what is reasonably necessary to protect Cs' rights given the evidence set out above in ¶¶66(1) to 66(3).

71. In light of the impasse between GMB and Unite, Cs might have sought injunctions for a longer period with annual reviews. Cs are under a continuing obligation of full and frank disclosure and, were there to be a development which indicated that the injunctions had outlasted the compelling need, Cs would be bound to bring the matter back before the Court: see *Wolverhampton* at ¶219 [AB/95]. Given that, were GMB and Unite to come to an agreement or there be another resolution of the strike activity, Cs would be bound to inform the Court and seek discharge of the injunctions. But, Cs have – conservatively – sought only to ask for the minimum indulgence of the Court's exceptional jurisdiction on this occasion, given the developing situation vis-à-vis strike action.

Identification of Ds

72. A point which might be taken against Cs is that they ought to have joined Joseph Diviney and Alistair Tice as named defendants to the claim based upon the Supreme Court's comment in *Wolverhampton* at ¶221 that so far as is possible actually to identify persons to whom the order is directed and who will be enjoined by its terms, by name or in some other way, the applicant ought to do so [AB/93]. See also *Transport for London v. Persons Unknown* [2025] EWHC 55 (KB) *per. Morris J* at ¶52 [AB/293-294].

73. That concerns description of defendants. The Supreme Court did not address the question of when someone should be named as a defendant. That is a choice for the applicant seeking the injunction to make, based upon whether the individual presents a risk vis-à-vis the civil rights which the applicant seeks to protect.

74. In that regard:

- (1) Cs have taken the decision that Mr Diviney and Mr Tice do not currently pose a threat which ought to be captured by the injunctions at this present stage in light of the correspondence from Cs' solicitors on 29 September 2025 and their subsequent lack of direct action at the injuncted sites: Mr Diviney and Mr Tice are not currently infringing or threatening to infringe Cs' rights at the injuncted sites.
- (2) Cs' decision is proportionate and reasonable in that light. If matters were to change, Cs would need to come back before the Court to extend the injunctions to them as named defendants.
- (3) Likewise, Mr Diviney and Mr Tice are entitled, under the generous liberty to apply provisions, to apply to the Court at any time to seek to vary or set aside the order, and raise particular arguments or circumstances applicable to them: ¶183 of *Wolverhampton* [AB/87].

(6) Other *Wolverhampton* factors

75. As set out above, Stacey J conducted a thorough analysis of the factors identified in *Wolverhampton* following the practice established in *Valero*. There are no legal or factual developments or changes which necessitate the Court going behind the findings made by Stacey J.

Full & frank disclosure

76. Cs have addressed any points which might have been made against them in the course of this skeleton argument. The only other point which occurs to Cs which might be made against them is that Cs have chosen not to enforce the injunctions granted in respect of incidents in August with the effect that there is no compelling justification for the continuance of the injunctions because, whether the applicant does not consider a breach serious enough to enforce or due to costs constraints, the applicant should not be granted an injunction in the first place: *Tendring District Council v. Persons Unknown* [2024] EWHC 2237 (KB) *per.* Ritchie J at ¶23 [AB/337].
77. This is a different case to *Tendring*, in which injunctions were in place since 2013 and where the local authority was seeking an injunction for the seventh year in a row. Ritchie J expressed concern that the injunctions had never been enforced (despite breaches). Ritchie J, in fact, granted the injunction for a further year but provided a warning that if the applicant applied for a further injunction on evidence that showed there had been a breach and no contempt proceedings had been brought, he would not grant a further injunction because the injunctions are “nuclear weapons of civil law are not handed down willy nilly to be ignored. They are to be obtained seriously and enforced properly.”
78. In *Heathrow Airport Ltd v. Persons Unknown* [2025] EWHC 2489 (KB), Turner J

considered a case more similar to the instant case in which there was a breach shortly after the grant of the order. At ¶13, the judge noted that “just because you have them does not mean to say you should automatically detonate them at the slightest provocation” [AB/346]

79. Like *Heathrow*, this is not a case where Cs have been indulgent or informal about the injunctions; they have sought to act appropriately and proportionately to committal in light of the severity of a committal application and the potential that the individuals might not have realised the consequences of their actions: ¶29 of Allen 3 [CORE/138].

Just and convenient

80. In the round, therefore, this is a case where the relief has not outlasted the risk. It would be just and convenient to extend the injunction.

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