

On behalf of: Claimant  
By: David Miller  
No: First  
Exhibit: DM  
Date: 3 February 2026

**CLAIM NUMBER: TBC**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

BETWEEN:

**BIRMINGHAM CITY COUNCIL**

Claimant

- and -

**PERSONS UNKNOWN**

Defendant

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**WITNESS STATEMENT OF  
DAVID MILLER**

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**I, DAVID MILLER**, of Atlas Depot, 170-172 Kings Road Tyseley, Birmingham, B11 2AS **WILL SAY** as follows:

- 1** I am the Service Manager at the Atlas Depot (**Depot**) which is part of the refuse collection arm of Birmingham City Council (**Council**). I have held this role since September 2024, having previously been employed at the Council's Lifford Lane depot for 23 years. This statement is in relation to the ongoing protests by the Defendants affecting the Council's waste collection service and application for an injunction in respect of the same.
- 2** This statement has been prepared with the assistance of the solicitors for the Claimant, DLA Piper LLP, through the exchange of emails and videoconferencing meetings.
- 3** 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 full

and frank disclosure in respect of the situation. In preparation of this statement, I have sought to comply with this duty.

- 4 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.
- 5 There is now produced and shown to me an accompanying exhibit marked "**Exhibit DM**". These documents are identified in this witness statement by references to the page numbers in the form "**[DM/tab no]**".
- 6 The background to the Birmingham bin strikes has been set out by my colleague Chris Smiles in his own statement and, therefore, I do not propose to repeat the background in my statement.

### **Site Summary**

- 7 Atlas Depot is located on Kings Road which is a main road in the Tysley area of Birmingham. The Depot is owned by the Council. The area is largely industrial with other waste providers, such as Paul McGowen Grab Hire, located in the vicinity. Birmingham City Council's energy from waste facility is also located less than a mile from Atlas Depot.
- 8 The Depot is accessed from two entrances: one on Redfern Road and the other on Kings Road. Both entrances lead into the Depot directly from the public highway. Waste collective service vehicles are deployed only from the Redfern Road entrance as shown on the diagram at **[DM/1]**. It is not possible to deploy from the other exit as there is a weight limit of 7.5 tonnes which excludes all waste vehicles.
- 9 Around 400 people work at Atlas Depot, roughly 289 people are deployed on the refuse and recycling service. The remainder work across a variety of services including: Street Management, Business Development, Fleet Maintenance and a number of other support services.
- 10 There are roughly 106 vehicles deployed from the Depot daily as part of normal operations. During the period of industrial action, there has been a reduced deployment as part of the Council's contingency planning, with around 40 waste collection vehicles deployed daily.

## Industrial Action at Atlas

- 11 Industrial action by Unite the Union (**Unite**) and its members has been ongoing at Atlas since 2 January 2025. Continuous strike action has been taking place since 11 March 2025.
- 12 During the industrial action, vehicles were regularly blocked from exiting the Depot by members of Unite. From being present during the disruption, speaking to those involved and reviewing photos and videos of the disruption I was able to identify employees of the Council and individuals who I knew to be either local elected representatives of Unite or who I understood to be national representatives from Unite.
- 13 The disruption led to the Council obtaining an injunction against Unite and its members to stop them from being able to blockade the Depot (**Order**). The terms of the Order mean that Unite and its members are still allowed to picket with up to 6 staff on the gate in high-vis clothing, but any additional Unite protestors in attendance must stay within designated Assembly Areas identified in the Order.
- 14 The Order was obtained on 23 May 2025 but there still continued to be disruption by Unite up to 31 July 2025. This was often focused on the deployment of vehicles from the Atlas Depot where Unite began to adopt a tactic of funnelling vehicles onto certain routes by blocking their ability to turn and then blockading vehicles on the public highway.
- 15 This tactic was mainly deployed at the junction of Redfern Road and Wharfdale Road which is about 300 meters from the Depot gate [**DM/2**]. The Unite protestors would block off the turns at the junction and force the vehicles onto Rushey Lane where they were then held up by further Unite protestors. An example of this behaviour is shown by the following images from 28 July 2025:
  - 15.1 Image taken from one of the Council's waste vehicles approaching the junction of Wharfdale Road and Redfern Road showing Unite protestors, including an individual (Lee (surname unknown)) understood to be a member of Unite's national organising committee preventing traffic from turning [**DM/3**].

- 15.2 Image from Rushey Lane (straight across from the perspective of the vehicle in the previous image) showing the same vehicle (V021 YUB) being blockaded by identified Council employees (Paul Jackson and Tom Brady) and Unite employees (Lee (surname unknown) and Mike (surname unknown)) **[DM/4]**;
- 15.3 An image from the same location on Rushey Lane, showing the same vehicle (V021 YUB) being held by the same individuals in the same position 40 minutes later **[DM/5]**.

**16** I understand that Unite has admitted that this amounts to a breach of the injunction order as part of the contempt proceedings against them.

**17** This type of disruption by Unite ceased from 31 July 2025. Since then, we have been generally able to deploy all vehicles from the site within an hour, meaning all vehicles are generally deployed by 07.00 each morning. Occasionally Unite pickets have sought to speak with the crews as they exit but most choose not to talk. Those that do will speak for a few minutes before exiting.

**17 September 2025**

- 18 After Unite protests had ceased from 31 July 2025, the next instance of disruption took place on 17 September 2025. It related to waste vehicles being deployed from the Atlas Depot.
- 19 After vehicles had been deployed and were driving down Redfern Road, the Defendants wearing high-vis vests ran into the road to block the vehicles at the junction with Wharfdale Road. Some of the group unfurled a banner on the road which reads "*Direct Action*". This is shown in the video exhibited at **[DM/6]** timed at 06:23.
- 20 The vehicle in question sought to reverse back along Redfern Road but it was blocked by the Defendants at both the front and back and held on Redfern Road. This is shown by the image taken from the same vehicle (VX25 UZU) at 07:10 **[DM/7]**.
- 21 Further photos were taken of the Defendants responsible for the protest **[DM/8]** – **[DM/10]**. I have reviewed the images and video of the incident with my colleagues at the Atlas Depot. We do not recognise any of the

unmasked Defendants as being Council employees taking part in strike action or individuals known or believed to be employees or representatives of Unite.

- 22 The Defendants remained in place until 08.00 delaying the deployment of the vehicles at Atlas for around 90 minutes. This is confirmed by the daily sit report for that day [**DM/11**].
- 23 The following days' sit report confirmed that 93% of collections had been made to 17 September 2025 as a result of the protest [**DM/12**]. This amounts to a total of 5,223 properties not receiving their collection that day.
- 24 I was later made aware of posts on social media indicating that members of the Birmingham Socialist Party had been responsible for the protest along with other "*independent activists*" [**DM/13**] and [**DM/14**]. The post shows more clearly the banner used during the protest which reads "*Support the Strike – Direct Action*" (**Direct Action Banner**).
- 25 Whilst the Birmingham Socialist Party had claimed to be involved in the incident, I understand that one of the Depot Managers was informed by an anonymous source that did not wish to be named that a representative of Unite had been responsible for organising the Defendants and that further similar protests were planned for the following day.
- 26 I understand that the issue was raised with Unite via the Council's solicitors and that they denied any involvement in the incident.
- 27 The Defendants were present again at the junction the following day but as we had been told that protests might take place we were able to divert the vehicles away from the junction and avoid the blockade.

#### **17 October 2025**

- 28 The next instance of disruption at the Depot occurred on 17 October 2025. This involved a blockade being formed at the gate of the Depot by a group of around 6 Defendants wearing various masks and face coverings.

29 The Defendants stood across the Depot exit holding a banner which appeared to be the same Direct Action Banner as used in the previous protest [DM/15].

30 It was not possible to deploy any vehicles during the blockade. Police were called but allowed the protest to continue for around 3 hours until 10.00 when the Defendants moved on. This is confirmed by the daily sit-report from the day [DM/16] and the follow up email which confirmed final deployment time [DM/17].

31 The next working day's sit report shows that the blockade meant that 96% of scheduled collections across all operation depots were made (4% missed) [DM/18]. This amounts to a total of 2,778 properties not receiving their collection that day.

### **25 November 2025**

32 Similar protests again took place at the Redfern Road gate on 25 November, with around 9 activists blocking the exit from the Depot. This prevented 16 of 34 waste vehicles from being deployed on time, as shown by the day's sit-report [DM/19]. Vehicles which should have deployed at 06.30 were delayed until 09.46, which is confirmed by the follow up email to the sit-report [DM/20].

33 The Police had attended an early stage in the protest but did not intervene to stop the protest. My Assistant Service Manager (ASM) who was on the gate that day saw the police speaking with the Defendants but did not engage with myself or anyone else from the Depot and then left. The ASMs take turns on manning the gate but I cannot recall who was responsible that day. My sense is that the Defendants have control over how the protests play out. They leave when they want to leave and if they are prepared to let out vehicles in intervals then they sometimes do so, but sometimes they say they will do this but do not actually allow vehicles to leave. The police are just there to observe and do not really provide us with any assistance. The Defendants decide what they are prepared to allow and we find ourselves arguing with the police who seem to side with the Defendants and say it is a peaceful protest and they have the right to protest so we just have to stand and wait.

34 Those involved in the protest were believed to be from the Socialist Workers Party due to a flag being carried by the Defendants in the images obtained of the Defendants. However, the image and video also show the Direct Action Banner being used by previous protests which had been attributed to the Birmingham Socialist Party [DM/21] and [DM/22].

35 A separate protest also blocked the staff entrance to the Depot at Kings Road, but waste vehicles are not deployed from this exit so there was no impact on deployment [DM/23].

36 On the day in question, I approached Unite's picket supervisor (Sam Yates) to ask for assistance in moving the group away from the exit and he responded to say that the group were "*nothing to do with us*". This message has been repeated by various Unite representatives who I have spoken with when they have been present in the Assembly Areas during the Defendants' blockades.

37 The next working day's sit report shows that the blockade meant that 91% of scheduled collections across all depots were made (9% missed) [DM/24]. This amounts to a total of 6,541 properties not receiving their collection that day.

38 I am aware of Facebook posts dated 26 and 27 November 2025 by the Birmingham Socialist Party sharing photos of the protests and appearing to take credit for some involvement in the protest, along with "*Socialist Students and other community activists*" [DM/25] and [DM/26].

## 5 December 2025

39 The Depot was again targeted by masked Defendants on 5 December 2025. The Defendants again stood in front of the deployment gate at the Depot holding the Direct Action Banner [DM/27] and [DM/28].

40 As shown by the sit-report for that day, the protest delayed the deployment of 15 vehicles from the Depot [DM/29] which were not fully deployed until 10.40 [DM/30]. This means staff have already worked for five hours and are still entitled to breaks as they have had to sit and wait ready to exit if circumstances allow. That leaves only two hours or so for the service to operate following the disruption.

41 The next working day's sit report shows that the blockade meant that 56% of scheduled collections across all depots were made (44% missed) [DM/31]. This amounts to a total of 30,554 properties not receiving their collection that day.

42 Again, I have been made aware of a Facebook post, dated 10 December 2025, by the Birmingham Socialist Party referencing them having taken direct action at the Tyseley Depot (Atlas Depot) and sharing details of this alongside other protests undertaken in support of the striking bin workers [DM/32].

### 8 January 2026

43 I was aware of similar protests happening at the other depots during December before the protests stopped over the Christmas and New Year period 22 December 2025 – 2 January 2026. Unite picketing and protests also stopped during this period.

44 The next disruption faced at the Atlas Depot was on 8 January 2026 with similar tactics to block the Depot exit.

45 There were around 8 Defendants present and they were again holding the Direct Action Banner [DM/33] - [DM/37]. One image of the protest also shows an individual holding a Socialist Worker Party flag [DM/36], whilst another attendee was wearing a hi-vis vest with a logo reading "SPS" which I do not recognise [DM/36].

46 I was aware that similar protests took place on the same day at the Perry Barr depot and these are recorded in the sit-report [DM/38].

47 As confirmed by the follow up email to the sit-report, all vehicles at the Depot were deployed by 10.10 after police intervened to clear the Defendants [DM/39].

48 I was made aware by a group WhatsApp with other Service Managers of a post on social media suggesting that a group of "*plucky group of activists*" had been responsible for the disruption. I cannot say who posted the image as the messages were deleted. The image shows disruption from the Perry Barr depot but there is reference to the same group being responsible for preventing the operation of the service at "a couple of

*depots*". The post was made by a group called Justice for refuse Workers and Cleansers [DM/40].

49 The next working day's sit report shows that the blockades on 8 January 2026 meant that 82% of scheduled collections across all depots were made (18% missed) [DM/41]. This amounts to a total of 13,491 properties not receiving their collection that day.

### **12 January 2026**

50 Deployment from the Depot was again disrupted on 12 January 2026 when around half of the Depot's vehicles were deployed before the Defendants blockaded the exit gate. This is confirmed by the day's sit report, which also shows that similar disruption took place at the Perry Barr depot that day [DM/42].

51 Images show the Defendants walking across the gate at the Depot to prevent deployment of vehicles [DM/43] and [DM/44]. This is also shown by the video at [DM/45].

52 Vehicles were not deployed until 10.15, a delay of around 4 hours on usual deployment. This is confirmed the follow up email to the sit-report [DM/46].

53 The next working day's sit report shows that the blockades on 12 January 2026 meant that 22% of scheduled collections across all depots were made (78% missed) [DM/47]. This amounts to a total of 56,973 properties not receiving their collection that day.

54 Whilst the disruption was taking place on 12 January 2025, I made efforts to speak with the Defendants. I asked who was in charge and put in contact with a Defendant who said he was "Matt". I recognised him as having been present during protests previously. I asked him what their plan was and how long the blockade would last. This would be my normal approach of trying to be as peaceful as possible with the Defendants and generally the protests are peaceful with no animosity. I normally will make an effort to try and reach an agreement to release vehicles as early as possible. In doing so, it feels like I have to cut off my nose to spite my face, engaging with them and seeking to negotiate for the sake of getting a few more vehicles out a little earlier than they would otherwise. On this

occasion Matt said they were there to peacefully protest but refused to negotiate the release of any vehicles unless the police were there. He refused to say how long they would be there but said "*you will see a lot of us*" and indicated that they would be protesting three days a week going forward.

55 Given the potential level of disruption that this could cause I spoke with my line manager Chris Smiles (Head of Waste, Logistics and Collection) to flag the issue.

56 When I have spoken with some of the Defendants in the past, they have made comments to suggest that there would be further disruption, such as saying "*we will see you tomorrow*". These have not always come to fruition, so I took the comments from Matt with a pinch of salt. However, since he has said this the pattern of their protest has increased and put real strain on the service.

### **15 January 2026**

57 Disruption occurred at the Depot again on 15 January 2026 with 17 vehicles prevented from deploying by the Defendants walking in front of the gate as shown by the images at [DM/48] and [DM/49] and the videos at [DM/50] and [DM/51].

58 Police attended from 08.00, as confirmed by the day's sit report. The sit report also confirms that disruption also took place that day at the Smithfield Depot [DM/52]. A follow up email confirmed that vehicles were cleared by 10.05, although the Defendants left around an hour earlier at Smithfield despite police being present at both depots from 08.00 [DM/53].

59 Although the police were in attendance, there was no response from them. We report to them from the minute the protestors stand in front of the gate. However, the police just tell us that the Defendants are allowed to peacefully protest and on this occasion that last over four hours rather than the three-hour period we had been advised.

60 Placards left at the Depot by the Defendants were collected by colleagues at and were noted as being branded as Socialist Worker as shown in the

photos taken [DM/54] and [DM/55]. We are increasingly seeing lots of different flags for different groups as part of the disruption.

61 The next working day's sit report shows that the blockades on 15 January 2026 meant that 77% of scheduled collections across all depots were made (23% missed) [DM/56]. This amounts to a total of 17,238 properties not receiving their collection that day.

#### **21 January 2026**

62 Further blockades took place on 21 January 2026 with half of the Council's vehicles prevented from deploying from the Depot until 09.40, a delay of over three hours. This is confirmed by the day's sit report [DM/57] and follow up email confirming deployment [DM/58]. Disruption also took place at the Perry Barr depot on the same day.

63 The images exhibited at [DM/59] – [DM/65] show the group of around 10 Defendants walking in front of the gates, preventing deployment of the vehicles on 21 January 2026.

64 The next working day's sit report shows that the blockades on 21 January 2026 meant that 52% of scheduled collections were made (48% missed) [DM/66]. This amounts to a total of 35,816 properties not receiving their collection that day.

65 Whilst the Defendants' protests have generally been conducted peacefully, there was an incident this day where an unidentified female Defendant was abusive towards one of ASMs (Chelsea O'Connor). The Defendant called her a scab and made comments about "*illegal rules*" but I am not sure what was meant by this. One of the crews waiting to deploy then joined Chelsea and there was an exchange of words between the crew member and the Defendant, who then asked Chelsea to "*control her pitbull*". The Defendant then called Chelsea a scab several more times before Chelsea walked away. Although police were parked nearby and appeared to observe the incident, they remained in their vehicle and did not intervene. Chelsea was clearly very frustrated by the incident and let down by the police not addressing the behaviour despite seeing the incident.

#### **27 January 2026**

66 From 27 January 2026 the level of disruption by the Defendants has increased. They have changed their tack to offer to let vehicles out at intervals. However, they know how many trucks we have and that, in order for us to deploy the number of trucks we need to, they will still be able to delay our full deployment for several hours based on the intervals they offer. This approach seems to appease the police and so they do not intervene.

67 The Defendants were again in attendance at the Depot and at Perry Barr on 27 January 2026 as shown by the sit report for the day [DM/67]. The Defendants arrived at Atlas Depot at 05.45 and a report was formally made to police at 06.00, albeit police were already on site from 05.30. This is captured in the addition to the sit report setting out my interactions with the police and the Defendants [DM/68]. In my interactions with an unidentified Defendant, he initially indicated that vehicles would be let out every 15 minutes. The police later asked for this to be reduced and the Defendant agreed to release every 10 minutes, and then every 5 minutes from 08.30 before the Defendants left at 09.00.

68 A video showing the Defendants blocking the exit gate is shown at [DM/69] as well as an image at [DM/70].

69 The Defendants left at 9am and the remaining vehicles were deployed thereafter, as confirmed by the follow up email to the sit-report [DM/71]. This was through the Defendants' own choice rather than any action from the police, who appeared anxious to intervene in any way.

70 The following day's sit report [DM/72] showed that the disruption at Atlas and Perry Barr resulted in 93% of collections being made across all depots (7% missed). This amounts to a total of 5,088 properties not receiving their collection that day.

#### **28 January 2026**

71 Further disruption took place on 28 January 2026 due to the Defendants walking in front of the Depot gates. The disruption meant that, as of 08.30, eight Council vehicles were still to be deployed. This is shown by the day's sit report at [DM/72]. All vehicles were deployed by 10.00, as shown by the follow up email at [DM/73].

72 The video exhibited at [DM/74] shows Defendants holding a banner and various flags in front of the deployment gates.

73 The video also shows a Defendant talking to a member of staff at the Depot. This is the individual who has identified himself as "Matt". I spoke with him and he agreed that the Defendants would allow a vehicle to depart every 15 minutes.

74 Police did not attend the Depot to deal with the protest. I understand that Chris Smiles spoke with the police control room and was told that police would not be sent out as they did not view the stopping of the waste vehicles to amount to disruption.

75 The sit report for the following day shows that disruption at Atlas and Perry Barr on this date resulted in 84% of total collections being made (16% missed) [DM/75]. This amounts to a total of 11,939 properties not receiving their collection that day.

#### **29 January 2026**

76 Disruption occurred at all of the Council's depots on 29 January 2026. This included the Defendants walking in front of the Depot gates stopping vehicles from deploying. The disruption meant that as of 08.30, eighteen Council vehicles were still to be deployed from Atlas Depot. This is shown by the day's sit report at [DM/75].

77 I spoke with one of the Defendants at the outset of the disruption and he indicated that they would be there until 10.00. I sought to keep the peace and engage with them and they did agree to release vehicles at intervals as a result. However, I was still left with 9 vehicles waiting to deploy when the Defendants chose to leave and we were unable to complete their deployment until 10.10, as shown by the email at [DM/76].

78 The video exhibited at [DM/77] shows the Defendants standing at the Depot gates holding flags. One of the flags has Anti-Imperialist Front branding.

79 The sit report for the following day shows that disruption at Atlas, Perry Barr and Smithfield on this date resulted in 53% of total collections being

made (47% missed) **[DM/78]**. This amounts to a total of 35,226 properties not receiving their collection that day.

### **Megapicket Events**

**80** On 30 January 2026 a third Megapicket event was held across the depots. This followed previous events across the Council's depots on 9 May and 25 July 2025. I understand that these events have been organised to show support for the striking Unite members.

**81** The event on 30 January meant that there were Defendants at Atlas Depot as well as Perry Barr and Smithfield. There was also disruption at the Council's Brewery Lane depot which is part of the Street Cleaning team and completely separate from the waste team.

**82** Two coaches with the Defendants attended at Atlas, totalling around 100 – 150 Defendants who blockaded the Depo as can be seen in images at **[DM/79]** and **[DM/80]**.

**83** The ASMs and I did not have any interaction with the Defendants as the gates remained closed throughout. As of 08.30, there had not been any Council vehicles deployed from Atlas Depot and decision was ultimately taken to cancel deployment across all depots for the day. This is shown by the day's sit report at **[DM/78]**.

**84** As of 10.00, the Defendants had dispersed from all depots, including Atlas Depot, as shown by the sit report for the day at **[DM/78]**.

**85** West Midlands Police were of a view that the Defendants dispersed from all of the depots because the Council vehicles were not being deployed, and that had Council vehicles been deployed, the protest would have continued for longer. This is shown by the sit report for the day at **[DM/78]**.

**86** The sit report for the following day shows that disruption at Atlas, Perry Barr, Smithfield and Brewery Lane on this date resulted in 23% of total collections being made (77% missed) **[DM/81]**.

### **Identity of the Defendants**

**87** Throughout the disruption which has taken place at the Atlas Depot, I have either been present at the Depot during the incidents or have reviewed the images and videos of the Defendants along with the Assistant Service Managers at the site.

**88** I can confirm that I do not know the identities of those individuals taking part in the disruption and do not recognise them as employees of the Council or being members or representatives of Unite who have been involved in previous disruption. I have started to notice the same people taking part in the disruption. There is nobody that I know or recognise, but the Defendants are increasingly confident, choosing not to wear masks and just showing their faces, so we can see the same people in attendance.

### **Site Specific disruption**

**89** The biggest impact of the Defendants' behaviour is on the city residents. They are taxpayers who are not getting the service that they pay for and that is frustrating for the service.

**90** I also see a significant impact on the morale of the workforce who are coming to work at 05.30 and having to deal with the disruption and then sit in their vehicles for four hours or more each day. We cannot send them for breaks during that time as they need to be ready to deploy but that leaves little time once they are deployed to fulfil their rounds.

**91** There is also a very real impact on the managers who are facing pressure from residents in the run up to an election period as well as from private sector customers who are seeing their waste collection disrupted. Morale has certainly been affected.

### **Statement of Truth**

**92** 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 3 February 2026

Signed by:

David Miller

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**DAVID MILLER**

On behalf of: Claimant  
By: David Miller  
No: First  
Exhibit: DM  
Date: 3 February 2026

**CLAIM NUMBER: TBC**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**BETWEEN:**

**BIRMINGHAM CITY COUNCIL**

Claimant

- and -

**PERSONS UNKNOWN**

Defendant

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**WITNESS STATEMENT OF  
DAVID MILLER**

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