

On behalf of: Claimant
By: Anthony Cox
No: First
Exhibit: AC
Date: 29 April 2026

KB-2026-BHM-000043

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

(1) BIRMINGHAM CITY COUNCIL

Claimant

- and -

(1) PERSONS UNKNOWN

Defendant

**WITNESS STATEMENT OF
ANTHONY COX**

I, **ANTHONY COX**, of The Council House, Victoria Square, Birmingham, B1 1BB
WILL SAY as follows:

- 1 I am the City Solicitor (Monitoring Officer) of Birmingham City Council (**Council**). I have been in this role since June 2025. I am responsible for leading the Council's legal team and have ultimate responsibility for the Council's legal issues.
- 2 I am a solicitor of the Senior Courts of England and Wales. I qualified as a solicitor in 1992. Prior to joining the Council last year, I was Director of Legal and Governance and Monitoring Officer at Walsall Metropolitan Borough Council.
- 3 This statement has been prepared with the assistance of the solicitors for the Claimant, DLA Piper UK LLP (**DLA**), through the exchange of emails

and videoconferencing meetings. I understand that due to the nature of the application being made by the Council, there is a requirement on myself and the Council to provide a full and frank disclosure in respect of the situation. In preparation of this statement, I have sought to comply with this duty.

- 4 I am duly authorised by the Council to make this witness statement on behalf of the Council in relation to the ongoing protests affecting the Council's waste collection service for the city and the Council's application for an extension of the injunction against the Defendants in respect of the same.
- 5 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.
- 6 In making this witness statement I do not intend to waive privilege in any respect and am not authorised by the Claimant to do so.
- 7 There is now produced and shown to me an accompanying exhibit marked "Exhibit AC". These documents are identified in this witness statement by references to the page numbers in the form "[AC/tab no]".

Industrial Dispute

- 8 The industrial action being undertaken by Unite the Union (Unite) against Birmingham City Council commenced on 11 March 2025. This is a longstanding trade dispute. The Council have tried to settle the dispute with Unite, and there have been negotiations under the auspices of ACAS however these have not achieved a resolution to date.
- 9 As set out in the witness statements provided by my colleagues Deborah Carter-Hughes and Christopher Smiles, Unite's conduct of their picketing and protesting activities impacted on the Council's ability to provide the waste service to the people of Birmingham and led to an injunction being obtained against Unite in May 2025. Further disruption by the Defendants undertaken in support of Unite has then led to the current injunction being obtained against them.

- 10 The industrial dispute with Unite remains ongoing. Formal negotiations between the Council and Unite last took place on the 9 July 2025 when the Council withdrew from the ACAS negotiations.
- 11 On the 27 April 2026 the Leader of the Council, Councillor John Cotton made a public statement regarding proposals to resolve the Waste Dispute [AC/1]. He made it clear that he was making this statement to the media in his capacity as “Leader of the Labour Group” and not as Leader of Birmingham City Council in a meeting with senior officers on the 27 April 2026 [AC/2]. The statement made was on behalf of a political grouping not the Council as a whole.
- 12 No formal agreement has been reached between Birmingham City Council and Unite. This point was made clear by Cllr Cotton in his statement, when he said that if Labour were re-elected under his leadership, then the administration would "work to get this deal approved" and that a deal was "within sight" [AC/3]. This is also reflected by Unite in their own press release, which refers to the announcement made by Councillor Cotton as a "statement of intent" [AC/4] and in comments from Onay Kasab (Unite National Officer) where he indicates that "the deal needed finalising and to go to our members" and that it would "need to be signed off by whoever is in charge at the council after polling day" [AC/5].
- 13 There has been some reporting in the media that a “deal” has been agreed with the Council. This is not the case. There would need to be further negotiations in relation to any proposals to ensure clarity of the proposal before agreement could be reached. There is always the possibility that it will not prove possible to reach agreement.
- 14 The Council has always been clear that any decision to make an offer to Unite must be formally agreed by the Executive (Cabinet) of the Council. This will require a comprehensive report to be submitted to the Cabinet by officers setting out all of the options available to the Council to resolve the dispute. Any such report will need to be considered and require the approval of both the external auditor and Government Commissioners. This cannot take place until after the local elections due to the formal notice requirements for items to be put on a cabinet agenda and due to the sensitivity of the pre-election period. It may not be possible to reach a

formal agreement, as has been the case previously during negotiations with Unite in the context of the current dispute.

- 15 The Council is holding all-out local elections on 7 May 2026 and has been in a pre-election period of sensitivity since 20 March 2026. As a consequence of the election process, the composition of the Council will not be known until after 7 May 2026. There is, therefore, the possibility of a change of administration which would mean that any prospective settlement foreshadowed by Cllr Cotton would need to be reconsidered. There will also need to be an election to determine who the next Leader of the Council will be. This will be formally determined at the Annual Council meeting on the 19 May 2026 based on a simple majority vote.
- 16 I note that the injunction currently expires on 20 May 2026 and it is, therefore, not possible for an offer to resolve the dispute to be agreed before that time. Councillors' terms of office cease on the fourth day after the ordinary day of election on the 7 May 2026 and newly elected councillors come into office on the day on which their predecessors retire. The new administration including election of Leader will be determined at the Annual General Meeting of Council on the 19 May 2026. This meeting sets up the committee structure and appointments to committees for the new municipal year. It is normal for there to be no formal meetings of Council between the local elections and the Annual General Meeting of Council.
- 17 Whichever party or coalition of parties form the next administration, they will need to be briefed about the detail of the waste dispute and the options to settle the dispute. This could take time. The Council's Cabinet meets on a 6-weekly cycle, and whilst there is provision to hold emergency cabinet meetings, certain qualifications have to be met under the law and the Council's constitution to permit this. Even if the newly formed Cabinet decided to support accepting the current proposal made by the Labour Group, it could take up to six months for the Council to be in a position to make an offer to settle the dispute. It is also a possibility that any newly formed Council Cabinet would not support the current proposal and negotiations would have to restart.

18 Whilst the announcement by Cllr Cotton offers the prospect of a resolution, it is contingent on the outcome of the election, and a newly formed Cabinet supporting the proposal. It is not possible for there to be sign off prior to the expiry of the current injunction. As such, and given the considerable uncertainty surrounding the potential resolution of this complex dispute, the Council will still require an injunction against the Defendants to ensure that there is no disruption to refuse collection across the city.

Undertaking

19 In light of the uncertainty outlined above, the Council would be prepared to provide an undertaking to the Court that, if a resolution were reached in the industrial dispute with Unite prior to the expiry of any extension of the injunction against the Defendants, then the Council would stake steps to bring this to the attention of the Court with a view to such potential order being discharged.

Statement of Truth

20 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 29 April 2026

Signed by:

.....941D09FAB4FF442.....

ANTHONY COX

On behalf of: Claimant
By: Anthony Cox
No: First
Exhibit: AC
Date: 29 April 2026

KB-2026-BHM-000043

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

BETWEEN:

(1) BIRMINGHAM CITY COUNCIL

Claimant

- and -

(1) PERSONS UNKNOWN

Defendant

**WITNESS STATEMENT OF
ANTHONY COX**

DLA Piper UK LLP
1 St. Peter's Square
Manchester
M2 3DE
United Kingdom
Tel: +441612354532
Fax: +441612354111

Ref: LFR/EAB/36257/120050/UKM/212023911.5
Solicitors for the Claimant