



SHEFFIELD TREE ACTION GROUPS (STAG)

Press Release

4 February 2019

TREE CAMPAIGNERS CALL ON SHEFFIELD CITY COUNCIL TO EXPLAIN UNLAWFUL USE OF TRADES UNION LAW TO BREACH PROTESTORS' HUMAN RIGHTS

**Police pay £24,300 compensation to campaigners
following wrongful arrests under controversial Trades Union Law**

The Independent Office for Police Conduct has ruled that seven tree campaigners were wrongfully arrested in 2016 and 2017. Howells Solicitors, acting for the arrested people, say that the arrests were a breach of the fundamental right to peaceful protest under the Human Rights Act 1998. SCC's contractors, Amey, were instrumental in persuading South Yorkshire Police to use the anti-Trades Union Law. SCC agreed the use of the law and have never questioned its use.

In a press statement issued today (copy below), Howell's Solicitors explained how SYP had committed a serious breach of their clients' human rights through the inappropriate use of section 241 of the Trades Union and Labour Relations Act (TULRA).

In November 2016 Amey persuaded police officers to use S241 TULRA to arrest campaigners protecting a tree that they believed to be wrongly targeted for felling. SYP went on to use TULRA to make a series of 14 arrests between November 2016 and February 2017. Subsequently all prosecutions were dropped by the Crown Prosecution Service.

Although a number of local politicians expressed concern that anti-Trades Union law was being used by the Labour-run City Council, SCC continued to support its use and some politicians have denounced the campaigners as 'law breakers'.

Paul Brooke, Co-Chair of STAG, said:

We call on SCC Leader, Julie Dore, to explain why she felt it appropriate to use an anti-Trades Union law, which is widely condemned within her own political party. Now that the use has been shown to be both unlawful and a breach of human rights, STAG calls on SCC to make a public apology to the individuals concerned and to the wider public, who will be rightly disturbed by today's revelations.

Recently, technical investigations by Amey and STAG into a number of trees previously condemned for felling by SCC as a 'last resort' have shown that, in fact, relatively simple routine measures can be used to restore the highway and footway to a good condition and preserve valuable healthy trees. Campaigners believe that the trees being protected by the arrested campaigners might still be standing today had such measures been taken earlier.

Contacts:

Paul Brooke, Co-Chair, STAG and one of the people awarded compensation for wrongful arrest

Calvin Payne, one of the people awarded compensation for wrongful arrest

Chris Rust, STAG press group

Notes:

1. On 2 Nov 2017 at Marden Rd in Nether Edge, Sheffield, campaigners acting to protect a condemned tree saw Amey staff handing documents to police officers who had been called to the scene. After a long discussion and senior officers being called to the site, a reporter from BBC Radio Sheffield asked the Police Inspector about this and was told that Amey had proposed the use of S241 TULRA to the police and this had led to discussions between police lawyers and Amey before the decision was made to arrest protestors under TULRA.
2. Over 5,000 trees have been felled since 2012 under Sheffield's controversial 25 -ear Streets Ahead Highway renewal PFI contract. According to SCC's own figures at least 2,000 of these were healthy trees. STAG's own analysis indicates that the great majority of big older trees that were felled were healthy and might have continued to benefit the community for 100 years or more.
3. Council records indicate that before the start of the contract SCC intended to 'replace' half of the city's 36,000 street trees. After citizens became aware of this and campaigns started to protect the trees, SCC have switched policy several times and it has been increasingly difficult to understand the plans and how they have changed. SCC now claim they will 'replace' 10,000 trees by the end of the 25-year contract.
4. Following extensive discussions between STAG, SCC and Amey, during October and November 2018, SCC and Amey are now following a new scheme which will lead to fewer trees being felled and some fellings being deferred for up to nine years. However tree campaigners have not agreed that this is an acceptable solution since nearly all the condemned trees are healthy. In most towns and cities solutions have been found to deal with the minor disturbance to kerbs and footways that are given as the reason for these 'last resort' fellings.
5. In the talks STAG asked that SCC commission an inquiry or review into what has gone wrong over street tree management and policy, in the spirit of learning from past mistakes. SCC said they were 'not minded' to do this and campaigners continue to call for an independent inquiry in view of the large number of issues not resolved, the very

high public cost of legal actions to the Council, and evidence of misuse of the law. This recent release of information about wrongful arrests has added to those calls.

Copy of Press Release from Howells Solicitors

SHEFFIELD TREE CAMPAIGNERS IN OUT OF COURT SETTLEMENT WITH SOUTH YORKSHIRE POLICE

Seven campaigners who were arrested under Trade Union Laws by South Yorkshire Police whilst protesting against tree felling in Sheffield have secured an out of court settlement over their claim for wrongful arrest and breach of the Human Rights Act.

A total of £24,300 has been paid to Calvin Payne, Simon Crump, Jeremy Peace, Paul Brooke, Gemma Lock, Kate Billington and Margaret Mark.

The seven were arrested between November 2016 and February 2017 and were kept in custody for up to 9 hours.

All were charged under section 241 of the Trade Union and Labour Relations Act but proceedings were subsequently discontinued.

The Independent Office for Police Conduct upheld their complaints and found the arrests were “not appropriate”.

Following this, an out of court settlement has now been reached with South Yorkshire Police in respect of the civil claims for damages. Part of the claim was a claim for breach of the Human Rights Act 1998 which recognises protestors’ right to peaceful protest.

Commenting on the settlement, Iftikhar Manzoor of Howells Solicitors specialist Civil Liberties department who acted for the protestors said “I am pleased that South Yorkshire Police agreed to this settlement. The right to peaceful protest is fundamental in a democratic society. The recognition that this right was breached was central to the concerns of all the protestors in pursuing their complaints and damages claims. The importance of this outcome is a hope that lessons will be learnt by the police to avoid such unnecessary arrests in the future which were upsetting and stressful for my clients.”

One of the campaigners Paul Brooke said “What I find astonishing is that South Yorkshire Police have not made any form of apology for our wrongful arrests. This was a deliberate act to prevent legitimate protest and was a violation of our very basic rights”

There are a number of outstanding claims still to be resolved.

Note:

There will be a press briefing on Monday 4 February 2019 at 10.00am at Howells Solicitors, 15-17 Bridge Street, Sheffield, S3 8NL