



## **SHEFFIELD TREE ACTION GROUPS (STAG)**

Press Release

**11 February 2019**

### **SHEFFIELD CITY COUNCIL IS FORCED TO APOLOGISE FOR 'MISLEADING' LOCAL RESIDENTS**

### **OMBUDSMAN: EVIDENCE FOR TREE REMOVAL BEING 'LAST RESORT' IS 'FAR FROM CONVINCING'**

**Council 'at fault' in its work with Independent Tree Panel  
and broke its promise to share information with the public**

The Local Government and Social Care Ombudsman has upheld complaints against Sheffield City Council by two Totley residents. The Ombudsman's findings include serious criticism of the way SCC worked with its own Independent Tree Panel. He stated that the Council had misled the citizens who had complained by claiming that technical reports showed clear evidence for the need to fell a much-loved tree when they actually said the opposite. The Ombudsman also cast serious doubt on SCC statements that felling of healthy trees is only undertaken as a 'last resort,' a claim frequently made by City Councillors.

The Ombudsman's nine-page report was issued on 30 January 2019. As a result SCC have been forced to reconsider their decision on a very distinctive Alder tree on Aldam Way in Totley. They have also been required to apologise to the two complainants for misleading them.

#### **SCC misled the public and concealed information**

The Ombudsman, Michael King, found that SCC and its contractor had concealed a tree expert's report, apparently because the findings contradicted SCC's plan to fell the tree. When local resident Sally Goldsmith complained about the plans, SCC's contractor, Amey, claimed to have an engineer's report that justified the felling. But that report has never been made public and it is not possible to see the evidence it contained.

A separate engineer's report obtained by Ms Goldsmith said that damage to the highway was minor and it was not necessary to remove the tree. The Ombudsman stated that, on the basis of the various reports he had seen and photographic evidence of the road condition, SCC's claims of serious disturbance to the roadway were not justified. His damning conclusion was that:

***"The contractor deliberately set out not to reveal the true advice it had received."***

**Ms Goldsmith said:**

*I very much look forward to receiving the apology from the Council as set out in the Ombudsman's decision. I was very upset that the Council had lied to me. I'm really pleased that the tree is now saved. Residents have helped to protect the tree during two attempted fellings, but the tree is still here gracing the road. They love it.*

A longer personal statement from Ms Goldsmith is appended below

**Doubts about SCC claims that 'felling is a last resort'**

Sheffield Councillors and Council Officers have claimed repeatedly that trees are only felled as a last resort. For example the Yorkshire Post (16 May 2018) reported:

*In January 2016, Sheffield Council leader Julie Dore said 'removing trees is a last resort' in response to concerns about residents not being informed before felling begun in some areas of the city. A council 'myth-buster' press release published in April 2017 to address accusations from campaigners that healthy trees were being removed unnecessarily said this was not the case and 'tree replacement is always a last resort'.*

<https://www.yorkshirepost.co.uk/news/sheffield-council-challenged-to-prove-last-resort-claims-on-tree-felling-after-contract-revelation-1-9167631>

However the Ombudsman, considering the wide range of evidence about this particular planned felling, stated very clearly:

***I therefore consider this a case where the evidence justifying removal as the 'last resort' open to the Council was far from convincing.***

**Ann Anderson**, of Save Dore, Totley and Bradway Trees, said:

*This is very timely now that joint investigations by Amey and STAG are showing up many cases where damage caused by roots has been exaggerated and healthy trees can be retained with normal paving techniques. For a long time tree campaigners have been saying that this is the case but SCC continue to repeat their 'last resort' claims.*

**SCC Mismanaged the Independent Tree Panel.**

The Ombudsman also found that Sheffield City Council (SCC) were at fault for not giving its Independent Tree Panel (ITP) the full information it needed to make a reliable recommendation on whether that tree could be retained. Tree campaigners have previously pointed out that SCC have never followed an ITP recommendation that was not agreed by the contractor, Amey, indicating that the panel was simply a PR exercise by SCC despite costing Council Tax payers more than £1 million in charges for contract delays.

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## Personal Statement

**The Alder, the Council, the Ombudsman and me**

**Sally Goldsmith, Totley resident**

I love that tree – it sits on a curve of a quiet little road of 1970s social housing, sort of punctuating it, softening it. It's an odd tree in that it has twin trunks, but truly graceful and underneath it in Spring are loads of wild violets. A blackbird uses it as a singing post too. Just behind the flats on the road is our local ancient wood (in which I am a volunteer) and a curly stream lined with alders. I've often wondered if this alder is a relation, sensitively retained when the Council built these houses and flats at the edge of the city.

I know a lot of people round here as I'm very active as a volunteer in my community. The tree is part of my regular dog walking route and when I heard it was to go, I put little posters in each letterbox asking people to display them if they wanted the tree to stay. Nearly 50% of them did so and I later discovered many more who loved the tree. I've only discovered one household who don't like it - because it blocks light into their garden, not a reason the Council will use to fell.

The whole history of dealing with the Council and with their contractor Amey over this tree, as with others around the city, has been labyrinthine. Every step of the way I seem to have had conflicting information about the tree and the reasons to fell – and the reasons kept changing. And then to discover that they had lied to me about the contents of an expert report saying it should stay was the final straw. I was so upset that I tried to ask a question about it on behalf of residents at a full Council meeting but was prevented from doing so by the Lord Mayor, Councillor Anne Murphy after about 15 seconds. It has taken me months and months to doggedly pursue this.

I'm so pleased that the Ombudsman took on and upheld my complaint, asking the Council to apologise to me and a resident of the road. Also, for raising real concerns over the confusing information, the veracity of the Council's statement that "felling is always the last resort" and over their lack of transparency when dealing with the public. I have to say that this reflects on the Council, not only with regard to this tree but for many threatened trees throughout the city.

For example, not so far away from me, six tall mature lime trees were felled on Chatsworth Road. A seventh has been looked at again under the new and very welcome joint investigations with Amey in order to potentially retain some previously threatened trees. This one has had a sensible solution involving digging round it with an airspade – a quick job – and relaying a kerb. The other 6, already felled, had exactly the same problems, simple to solve. But they are no more. Felling as a last resort? I think not.

Crews arrived twice to try and fell our alder tree but were seen by residents on look out from their windows or others on patrol and who, with supporters got under it. If they hadn't, the tree would be gone by now. The crews were friendly. However, the residents and I were videoed by the Council, as if we were common criminals. We believed we weren't acting illegally, as this was before the Council's injunction.

Even now the surveys of the tree that the Council commissioned are not in the public domain. No wonder people distrust them over the trees – it's been impossible to get information and when you do get any, to trust it. It's not a way that I think a democratic council should behave. I used to vote Labour here and I'd always thought the Council was our friend, but I don't now.

The Local Government Ombudsman has been very thorough in his investigation (which has taken over a year) and very even handed and professional in his approach – coming backwards and forwards between me and the Council with questions, opportunities to reply and to send information. I feel so pleased that he has upheld my complaint and that the Council say they now intend the tree to be retained.

I'm also grateful to the two arboriculturalists I found who looked at the tree for me, confirming exactly what the Council's expert had said – that the tree only needed pruning. I'm also grateful to the highly experienced retired highways engineer who looked at the pavement damage for me and whose evidence was crucial to the Ombudsman's ruling that it was in no way clear that the damage was a reason to fell the tree and that it was no wonder I was puzzled over the Council's reasons and intentions.

The Council appeared unable to produce their own highway survey report for the Ombudsman, although they said it existed.

I look forward to the apology.

### **Notes from STAG Press Group:**

1. Over 5,000 trees have been felled since 2012 under Sheffield's controversial 25-year Streets Ahead Highway renewal PFI contract. According to SCC's own figures at least 2,000 of these were healthy trees; campaigners believe it to be at least 3,000. 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.
2. 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.
3. 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.
4. 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.