

## **An open apology to all residents of Sheffield, and beyond, for Sheffield City Council's actions during the street trees dispute**

We are sorry for the actions that we took during the street trees dispute.

We recognise that this full apology, for some, is a long time coming, and we understand that due to the Council's behaviour, some people will never forgive Sheffield City Council and have lost trust and faith in us. We hope that this apology will begin the process of restoring trust and faith.

We would like to specifically apologise to campaigners. We are sorry that they were misrepresented as unrepresentative and primarily concerned with their own streets. This inaccurate characterisation sowed discord within communities. A lot of people care about our street trees and gave their time and energy to try to protect them for the benefit of the whole city.

Since the publication of the Sheffield Street Trees Inquiry Report by Sir Mark Lowcock on 6 March 2023, we have taken time to study and understand the findings and reflect on our behaviour. The mistakes the Council made were set out very clearly by Sir Mark Lowcock, they should not have happened, and we apologise for them unreservedly. We have committed to taking the action needed to ensure we learn from the past and never repeat those same mistakes again.

The Inquiry found serious errors of strategic leadership and wisdom of decision making during the dispute. The errors made were enabled by an unsympathetic culture and problems with the quality of advice, capability, systems and resourcing which were not addressed when they should have been. Members' and officers' treatment of the public was at times poor, falling short of how we want to behave. There was little openness to scrutiny and a lack of use of guidance, good practice and consultation which could have alerted the Council and Amey to major issues in the design and implementation of the original tree replacement programme.

During the dispute the Council failed to communicate in an open and honest way, let misinformation enter the public domain and allowed it to remain there. Failing to consult, engage and listen to the public, experts and organisations, all of whom should have been our partners, made these mistakes worse.

The errors that the Council made led to harm. Our own staff, contractors and subcontractors were placed in unacceptable positions and subject to harassment. Protesters and campaigners were maligned, injured and experienced physical, emotional, and for some, financial stress. The action the Council took damaged Sheffield's reputation in a way that casts a long shadow.

The Council decided on the removal of healthy trees which should still be standing today. These healthy trees were important to residents and gave communities and the city benefits which were overlooked. Residents should not have had to fight their Council to retain and value healthy trees, particularly not those with special significance such as memorial, rare or veteran trees. We recognise that we got so much of this wrong and we apologise unreservedly.

### ***Missed opportunities and inadequate risk assessment***

In the design of the original tree replacement programme, while the Council did follow required processes and procedures, it did so with too narrow a focus and did

not consider the value of trees from a biodiversity, wellbeing or climate perspective. Inadequate risk assessment meant that there were flaws in the approach which were not noticed or addressed. The Council misinterpreted data it had commissioned leading to wrongly including in the contract the aim to replace 50% of Sheffield's street trees. These are serious issues. But they did not make it inevitable that a dispute would arise. That happened because of the decisions the Council made in handling the dispute and not suitably exploring alternative approaches before 2018.

We are sorry for developing and adopting a flawed plan and including the aim to replace half of the city's street trees. It was not made clear enough to everyone that this meant healthy trees would be removed, and that this would disproportionately affect some parts of the city. We accept that the responsibility for this rests with senior Council officers and senior politicians in the administrations of the governing groups between 2006 and 2012.

Once the dispute emerged, a lack of corporate oversight, control and leadership meant the escalating approach went unchecked for too long. This had serious consequences for the Council and organisations and individuals across the city.

### ***Sustained failure of strategic leadership***

Throughout the dispute too often decisions were made reactively and based on what the Council was entitled to do rather than what was wise to do. Insufficient thought was given to whether the actions taken to address the protests were the right thing to do or likely to be effective in resolving the real causes of the dispute. As the Inquiry points out, during the dispute the Council consistently chose to escalate the actions it took which understandably motivated those who disagreed with the tree replacement programme.

There were signs that the tree replacement programme was not progressing well from 2012. These should have been heeded. The events of Autumn 2016 should have been a final and clear indication that the approach we were taking was ineffective, inappropriate and should be rethought rapidly. The first arrests and the Rustlings Road operation should have acted as a wake-up call to the Council and should have told us that we were not listening, working in siloes and in secrecy and had placed the police in an invidious position. As the Inquiry notes, the Council had negotiating power and could have looked to vary the contract to start to resolve the dispute. Instead, the Council chose to escalate, including taking an unwisely punitive approach to contract managing Amey.

The Inquiry found that the dispute could have been resolved earlier. It drew particular attention to the opportunities missed in January 2018 when the Council chose to press Amey to continue with tree replacement, and the police for stronger action, even though major contract milestones had been met. This created the conditions for some of the worst on-street protests. This was unnecessary and harmful.

The Inquiry found that while the Council was entitled to take the legal action it did, it did not consider the wisdom or effectiveness of this action. It stretched, though did not break, the proportionate use of its authority beyond reasonable limits. This unwise action particularly affected people who were asked to sign legal agreements with the Council or the Court, named in the injunctions or had committal proceedings brought against them. The Council's actions had particularly serious implications for those found in breach of the injunctions, and we will work with them to maximise what can be done to address any ongoing impact of the committal proceedings. We

also want to offer specific apologies to former Councillor Alison Teal. The Inquiry observed that seeking punishment through the Courts of an elected opposition politician, who was clear that she intended to comply with the law, sits badly with democratic tradition.

We are sorry that these failures arose and that we did not take a different course of action earlier. Had we done so, we would likely have avoided the deep rifts with some of our residents and avoided some of the worst on-street clashes and the harms which those caused to people and workers present, communities and the city.

***A culture unreceptive to external views, discouraging of internal dissent and prone to group-think***

The Inquiry report describes ways of working in the Council during the dispute which fall far short of what we want to be as an organisation. It talks of an insular culture which was defensive and at times focused on blame and passing responsibility. This meant that our own staff, experts and the public received dismissive and rude treatment and had their concerns minimised. When organisations are insular and unwelcoming of scrutiny they can also become prone to group-think. This happened within the Council during the dispute and we have gone to great lengths to avoid ever repeating this mistake, it just cannot happen if we are to be the organisation the city deserves.

The Inquiry attributes the culture and strategic leadership failures ultimately to the political leadership who were responsible for setting the direction and tone. But they were not well enough supported by senior officers and the executive who should have focused on helping the politicians resolve the dispute, rather than sticking steadfastly to a flawed programme.

This approach set the tone for the communications during the dispute which the Inquiry described as untransparent and which saw members and officers say things that were misleading. We would like in particular to apologise for repeatedly saying in the media, and in correspondence, that there was no target for the tree replacement programme, that felling was always a last resort and that any change to the tree replacement programme would result in catastrophic costs. It is clear that this was not the case.

It was not only the public who were misled. While the Inquiry found that the outcomes of legal action would have been the same without the Council's version of the 5-year tree management strategy, this document was misleading and mishandled. The Council should have removed it from circulation and made the Courts aware that it was not part of Amey's operational approach. Misleading the Courts is a serious matter and we will write to them to apologise.

The Council also set-up, undermined and misled the Independent Tree Panel, most significantly over the engineering solutions available to save trees. It rejected many recommendations the panel made. This was destructive of public trust and disrespectful to the time, effort and professionalism of the panel. If the panel's advice had been followed the dispute may not have escalated as it did.

The Inquiry concluded that the political direction and mood within the Council was to prevail in the dispute and not to find a compromise. This is not the way we wish to behave as a Council. The Council exists to meet the needs of the city and to do that it must be flexible and seek to learn, understand and change, as well as make difficult decisions. We are sorry that the behaviour of the Council during the dispute

years had such a negative effect on staff, contractors, experts, the public, and extended the dispute.

### ***A lack of transparency, openness and on occasion, honesty***

The Inquiry repeatedly highlights the problems created by a lack of engagement and consultation. During the design phase, the Council did not learn lessons from the past nor ask the right questions of the right people. There was also a lack of insight into how communities would react which could have been anticipated had the Council chosen to undertake wider consultation.

During implementation the Council did not listen to warnings offered by Council staff, unions or local business leaders. This dismissive approach continued when concerns escalated. Knowledgeable people and organisations who the Council could have worked with were ignored, as were repeated calls for a political resolution to the dispute. This was exacerbated by failures to meet information requests; we withheld too much information for too long.

These issues highlighted by the Inquiry have also been remarked on by other investigations. Collectively, they warn the Council that these issues must be addressed throughout the organisation. We are aware of these issues and are working hard to ensure that they are tackled and that we welcome scrutiny to monitor our progress through formal processes and from residents. We are sorry that we have lost the trust of some of our residents. We recognise trust is earned and we have work to do to get to a place where faith is restored. While the road is long, we are committed.

### ***Moving forward together***

As Sir Mark Lowcock told the Council in his report, the starting point for reconciliation is a truthful and comprehensive account of what happened and why it happened. The Inquiry report provides this definitively.

We are grateful for the efforts from all of those who have worked to help Sheffield recover from the dispute. The joint tree inspections, establishment of the Sheffield Street Tree Partnership and the publication of its Strategy and changes to the Streets Ahead contract and the Inquiry, all mitigate against the dispute re-emerging. We will continue to build on this progress and ensure that if new problems and opportunities arise, we have the tools and spirit of partnership to deal with them.

Five years on, the Council is already a very different place. Through working openly and inviting scrutiny we are developing an understanding of where we need to improve. Actions including the development of our values have changed the way we work, placing people at the heart of what we do.

We understand that apologies without actions are meaningless. We have set-out actions in a formal report to Strategy and Resources Committee which will address all the Inquiry's recommendations. While we know that the decisions Sheffield City Council take will continue to require challenging trade-offs, this should ensure that lessons are learnt and that a dispute of this magnitude with our residents can never happen again.

We look forward to working with the residents of Sheffield going forwards, so we can continue our work to be the best we can be. We will listen and learn, we will try and maybe we will fail sometimes. Failing and making mistakes is a part of life, but refusing to listen and learn is a mistake we can never repeat.



**Councillor Tom Hunt, Leader of Sheffield City Council**



**Kate Josephs, Chief Executive of Sheffield City Council**

**20 June 2023**