

## **Sheffield Street Trees Inquiry**

---

### **Statement of Cllr Douglas Johnson**

---

1. I am making this written statement to support the evidence I will give to the Sheffield Street Trees Inquiry on 22 September 2022. The information in this statement is given from my direct knowledge wherever possible and, where matters are not within my direct knowledge, they are true to the best of my belief.
2. I became an active member of Sheffield Green Party in about 2009. I was elected as a councillor to represent the City Ward of Sheffield in May 2016. In May 2019, I became Leader of the Green Group of councillors. In May 2021, the elections returned a council in No Overall Control. The Labour and Green groups negotiated a new Administration to be run by a Co-operative Executive, as the former Cabinet was to be known, and I became the Executive Member for Climate Change, Environment and Transport. My colleagues, Cllr Alison Teal and Cllr Paul Turpin, also became Executive Members, although not in respect of the operational aspects of street trees.
3. At the same time as the local elections in May 2021, the electorate voted in a binding referendum requiring the Council to convert from a

Leader and Cabinet model of governance to one based on committees. At the May 2022 local elections, the council remained in No Overall Control and the new committee system came into being. I currently chair the Housing Policy Committee.

### **Background to the Private Finance Initiative (PFI) contract**

4. The origins of the Highways PFI contract arose in the Labour government in the 2000s. At that time, Sheffield's roads had suffered from a chronic lack of investment and the city was commonly referred to as "pot hole city."
5. A technical presentation from 2010<sup>1</sup> sets out that the Council submitted an expression of interest to government in 2006 for a highway maintenance PFI project and a separate one for a street lighting PFI. In March 2008, Sheffield was chosen as one of three "Pathfinder" areas. In 2009, the Government agreed an award of £674.1 million. The scale of the costs was described as:
  - PFI Credits of £674.1 million
  - Council's Highways budgets plus additional £10 million a year
  - Total spend of over £2 billion over 25 years
6. The PFI project was therefore hugely expensive and significantly increased the council's annual spending on highway maintenance. It

---

<sup>1</sup> The Development of the Sheffield Highway Maintenance PFI Project, Presentation to the Yorkshire & Humberside branch of the Chartered Institution of Highways and Transportation by Ian Kirby, then PFI Project Team Technical Workstream Leader at SCC, 28th January 2010. These dates are also set out in a report to Cabinet on 9 November 2011.

was frequently boasted that this was the largest PFI project ever seen in local government. I have not at any point seen any discussion of whether there was ever any consideration of increasing this level of maintenance spending but not committing to the PFI project. However, it was clear that the council was committing to a 25-year contract to spend £2 billion (later £2.2 billion) with the majority of these costs being met out of council funds.

### **Trees**

7. A characteristic of the public information at this stage, that appears to have carried forward over subsequent years when the contract was in operation, was to downplay the number of mature trees to be felled. For instance, a presentation given to councillors at a briefing of the Central Community Assembly on 24 November 2011 is typical of such communications. It specifies the anticipated levels of work per year during the Core Investment Period [the first 5 years] with current levels shown in brackets:

“70km of main road resurfacing (10km)

210km of local road resurfacing (22km)

500km of footway resurfacing (50km)

11000 street lighting column replacements (250)

Other schemes such as bridge strengthening works, traffic signal site replacements, tree replacements, drainage schemes.”

8. Overall, this gave the impression that the headlines were the significantly increased amounts of resurfacing. By contrast, it does not suggest the nature of works to trees would be anything other than routine and uncontroversial. It might have been assumed that tree replacements would relate to small numbers of minor or dead trees, rather than the impressive, mature, healthy specimens that were intended for felling in practice.
9. Uncovering the detail of exactly how many trees were contracted to be felled became a significant point of controversy later on. I assume the coyness about being open about the type and number of trees to be felled was because those involved knew full well that tree felling could be emotive. In my view, it would have been far better had this information been more openly available so that any public debate could have been held – and resolved - at an earlier point in time.

#### **Political support and scrutiny**

10. It is important to note there was full support for the PFI project from both the Labour and LibDem groups, comprising the vast majority of all city councillors. The project continued in full after the LibDem group won control of the council in the 2008 elections as well as when Labour regained full control in the 2011 elections, by which time the Labour government had given way to the Conservative / LibDem Coalition. So, for instance, every LibDem and Labour councillor voted on a

formal motion at the 1 October 2008 full council meeting<sup>2</sup> to welcome and approve the project.

11. In my view, the very long timescale building up this PFI project, together with the political investment from both councillors and officers, meant that it was probably very difficult, in 2011 or 2012, to look critically at whether this was still a good value decision. For instance, the Treasury Select Committee published a damning report on existing PFIs on 19th August 2011<sup>3</sup>, which found that “*the substantial increase in private finance costs means that the PFI financing method is now extremely inefficient.*” This report was referred to at the full council meeting on 7 December 2011 but comprehensively dismissed by almost all councillors voting their “wholehearted support” for the PFI.<sup>4</sup>

12. This “wholehearted” support from the two large political groups diminished the scope for cross-party scrutiny. It was effectively left to the two Green councillors and a few interested members of the public.

13. Cllr Rob Murphy (Green Party) tabled a written question at the full council meeting<sup>5</sup> on 4 April 2012 to ask, “*Will there be any public or Councillor scrutiny of the Highways PFI contract before signing?*” The

---

<sup>2</sup> Minutes of council meeting on 1 October 2008, [https://democracy.sheffield.gov.uk/Data/Council/20081105/Agenda/\\$Minutes%201st%20October%202008.doc.pdf](https://democracy.sheffield.gov.uk/Data/Council/20081105/Agenda/$Minutes%201st%20October%202008.doc.pdf), accessed 20 Sep 22

<sup>3</sup> <https://publications.parliament.uk/pa/cm201012/cmselect/cmtreasy/1146/114602.htm>,

<sup>4</sup> Minutes of the meeting of the Council held on 7th December 2011. Available at [https://democracy.sheffield.gov.uk/Data/Council/20120104/Agenda/\\$3%20Minutes%20of%20Previous%20Council%20Meeting.doc.pdf](https://democracy.sheffield.gov.uk/Data/Council/20120104/Agenda/$3%20Minutes%20of%20Previous%20Council%20Meeting.doc.pdf), accessed 20 Sep 22

<sup>5</sup> Written Questions, available at [https://democracy.sheffield.gov.uk/Data/Council/20120404/Agenda/\\$Written%20Questions%20and%20Answers.doc.pdf](https://democracy.sheffield.gov.uk/Data/Council/20120404/Agenda/$Written%20Questions%20and%20Answers.doc.pdf), accessed 20 Sep 22

answer given by the then Leader of the Council (Cllr Julie Dore) was “*Yes through the PFI Working Group and it has undergone detailed and regular scrutiny by the Government’s Department for Transport and by HM Treasury and prior to contract signature, the final business case will be reviewed by the Department for Transport and HIM Treasury.*”

14. It can be seen from this that the only possible scrutiny by anyone in Sheffield outside the Administration could be by the “PFI Working Group.” Most Member Working Groups are cross-party and appointed by full council to show democratic legitimacy. However, unlike other cross-party Member Working Groups, this one does not appear in the list of cross-party working groups appointed by full council. I do not know who was part of it and I assume it therefore comprised only members closely linked to the Administration meeting in private.

15. In the same set of questions, Cllr Murphy also asked, “*The Cabinet Member quoted during the public consultations on the budget process that 50% of roadside trees will be replaced during the life of the contract, is this still the case?*” The answer given was, “*The PFI contractor will be required to replace a minimum of 25% of existing highway trees, although the actual number may well be somewhat higher depending on the number of trees which are diseased or safety hazards.*”

16. Cllr Murphy’s questions also addressed the cost of monitoring such a large project. He was told, “*The project is based on the principle of self*

*monitoring by the Service Provider. A Client Team is currently being established within the Council to manage the delivery of the contract by the Service Provider. The work of the Client Team will include focused checks on the Service Provider's compliance with the contract. The cost of funding the Client Team is currently estimated at £1¾million a year at current prices."*

17. The Council finally entered into a 25-year contract with Amey Hallam Highways Ltd in June 2012.

18. My view of this is that the vast majority of councillors had lost the ability to appraise critically the merits of entering a PFI, despite the changing political and economic climate. Furthermore, the tight control of the democratic system under the "Strong Leader" system of governance practically excluded any form of meaningful scrutiny of the project proposals.

### **Early disquiet**

19. The practical scale of the tree-felling operations became apparent in 2013. The level of public disquiet led to Councillor Jillian Creasy organising a public meeting on 9 October 2013<sup>6</sup>, at which officers from Amey and the Council, including the Cabinet Member at the time (Cllr Jack Scott), were present to respond to members of the public.

20. I recall the meeting was well-attended by the public. Many people expressed their anguish at the dramatic change to their streets and the impact on their homes and lives when mature trees were felled. The

---

<sup>6</sup> My contemporaneous report of the meeting is at <http://archive.sheffieldgreenparty.org.uk/2013/10/10/packed-meeting-calls-for-better-consultation-on-streetsahead-work/>

other theme that arose at the meeting was that there was no effective mechanism for dialogue or consultation. The impression was that officers were unwilling to envision a system of consulting with residents as opposed to simply informing them.

21. Following the meeting, Cllr Creasy met with Cllr Jack Scott and various officers in November 2013 and she sent me some notes afterwards. Present at the meeting were Steve Robinson (the Council's Head of Client Team), Darren Butt (Amey's Head of Maintenance), two press staff for Amey and Cllr Jack Scott. Cllr Creasy's notes from the meeting seem to me – especially with hindsight – to identify themes that were significant in later years, including:

- *“They came with sheaves of paper about tree replacement, but asked me what I wanted to discuss, so I said consultation before, during and after work in a given zone. We didn't discuss trees specifically after that.”*
- *“Their main point is that this is a “like for like” scheme so no need for consultation.”*
- *“The language and body language was very telling: Amey, council officers and cab member are very pal-y and not challenging each other. Lots of laughter and in-jokes. Steve Robinson in particular is very down on criticism.”*
- *“This is much wider than whether trees are felled or not and how they are replaced – or not.”*



22. It seems to me, especially with the benefit of hindsight, that the fundamental problems had been identified here: the lack of consultation; the lack of appreciation for the need for consultation; the lack of critical appraisal between the parties whose relationship was governed by a formal, legal contract; and ultimately contempt for the public.

### **Fitzalan Square trees**

23. City Ward, which I represent, has few trees. Those in Fitzalan Square led to a chain of correspondence which made clear to me a series of deficiencies in the tree-felling process.

24. In August 2015, I noticed that four mature trees in stone planters had been fenced off and had notices pinned to them. However, the notices were very high up in the tree and in small print so I couldn't read them. I e-mailed Streets Ahead on 14 August 2015 to ask what was proposed and to say I would be very disappointed if the trees were removed without very good reason.

25. The initial response was from Amey, not the council. They stated unequivocally that the decision to fell the trees "will not be reviewed" and "we do not provide copies of site assessments to members of the public." The reason for removal was said to be damage to the planters (rather than the highway). I was told the trees had been inspected by "structural experts" and "arboricultural inspections from Amey," as well as "arboricultural and highway engineers from the council." However,

no written records of these inspections could be produced. The only records were screenshots of the case management system which recorded only “minor” threats that were only likely “potentially with time.”

26. A further response from Darren Butt dismissed my criticisms of these contradictions with the bald statement, *“I appreciate the paperwork provided does not evidence the assessments, deliberations and discussions that have taken place. However, we have a wealth of expert knowledge and experience within the Streets Ahead team which has been used in this case ...”*

27. I was certainly not convinced. As a matter of public administration, it would not be possible for a large organisation (let alone two separate ones regulated by a contract between them) to be able to withstand adequate scrutiny that would justify a sensitive decision. The issue was certainly controversial: 3000 people subsequently signed a petition calling for trees in Fitzalan Square to be retained.<sup>7</sup> I did not feel confident that the mantra of “absolute last resort” was genuine.

28. A similar chain of e-mails explored the issues around the “Chelsea Elm” in 2017, by which time I was corresponding in my capacity as a councillor. The Chelsea Elm was a prominent and mature elm tree which had proved resistant to Dutch elm disease and was found to be a home to the rare White-letter Hairstreak Butterfly.

---

<sup>7</sup> <https://you.38degrees.org.uk/petitions/save-the-fitzalan-square-plane-trees>, accessed 20 Sep 22

29. In short, Paul Billington, now the council's most senior officer dedicated to the Streets Ahead contract, insisted there was "*significant and extensive*" decay in order to justify felling the tree. That view was simply not supported by the expert arboricultural evidence commissioned by the council which said the damage to the tree was "*minor but rectifiable.*"

30. What this told me was that Amey could give apparently earnest but substantially dismissive responses to criticism because they had no fear of serious comeback by the council's Client Team.

#### **Independent Tree Panel ("ITP")**

31. As a result of the public disquiet, the then Cabinet Member, Cllr Terry Fox, announced the setting up of a Highway Tree Forum in order to address the sheer number of public complaints.

32. This was not a success. Therefore, on 4 November 2015, Cllr Terry Fox announced the creation of the Independent Tree Panel. Although it was called "independent," the members were appointed by the Council Administration. The process was that residents would be sent survey forms about trees on their street. If more than half the respondents opposed the tree felling on that street, the case would be referred to the panel.

33. Criticism of this process – which led to future controversy - was that only one response per household was permitted; secondly, that surveys were often not delivered and many people complained they

never received one; thirdly, the pool for selection was based on the postal address of the street, not proximity to the tree in question. This caused obvious problems at T-junctions on long roads.

34. What did not become clear at the time was the weight that the Council Administration would give to the views of the ITP. Although the council stated it "*will listen carefully to the advice of the panel,*" I understand that the Council over-ruled the opinions of the ITP in 92% of cases.

### **The Rustlings Road debacle**

35. In July 2015, the full Council received and debated a petition of over 10,000 signatures objecting to the proposed felling of trees on Rustlings Rd, an avenue of lime trees alongside Endcliffe Park, which is a large and popular park in Sheffield.

36. The Council did not succeed in resolving the concerns over the Rustlings Road trees. Instead, as was later confirmed by the Council, the way forward was settled at a joint meeting between Council staff, Amey and the Police on 12 October 2016, where it was decided to plan a dawn raid on the popular Rustlings Road trees.

37. As will be described by others, this took place in the early hours of 17 November 2016. The ITP decision [which advised the council to retain most of the trees] was published at 4.25am. A number of cars were towed away and three people were arrested, including an emeritus professor and a retired teacher.

38. On 25 November 2016, the Council issued a formal apology<sup>8</sup> for what was “*not the acceptable course of action.*” The apology said, “*we know we got it wrong last week with the way the work was started. We have listened and are sorry for the mistakes that we made.*”
39. At the next meeting of the council, on 7 December 2016, at least 19 members of the public asked questions on tree-felling, including one resident of Ventnor Rd who asked about the fact the one tree on his street had been felled even before the deadline for responses to the ITP consultation - despite the apology that had just been given.
40. The Cabinet member (Cllr Mazher Iqbal) admitted to the decision “*not to give advance notification of the works due to the expected protester actions*” on Rustlings Road.
41. I found the level of detailed planning for the Rustlings Road operation – with council highways staff, Amey staff, police, towing contractors, the website team, legal advisers as well as senior councillors – to be an astonishing error of judgement by the Council and almost guaranteed to lose any confidence the public might have in the Council. It was all the more astonishing when there was a simple and low-cost alternative of just leaving the trees where they were and monitoring them in due course.

---

<sup>8</sup> <https://sheffnews.com/news/rustlings-road-trees>, accessed 20 Sep 22

### **Action against Councillor Alison Teal**

42. A petition of 5,925 people objecting to the felling of trees on Ecclesall Road triggered a debate at the full council meeting on 5 April 2017. During that debate, the Lord Mayor asked Cllr Alison Teal (Green Party) to leave the chamber because of her view that the Cabinet Member had misled people with his previous statements. The Lord Mayor relied on the council procedure rule against *“irrelevance, tedious repetition, repeated breach of order, unbecoming language, racist, sexist, homophobic or other offensive behaviour or conduct on the part of a Member of a manner which could reasonably be regarded as bringing his/her office or the Authority into disrepute.”* The Labour majority backed the Lord Mayor and voted to expel Cllr Teal. After this vote, every one of the Opposition members walked out in support of Cllr Teal. The three Opposition parties took the rare step of issuing a joint public statement, criticizing the means used by the Administration to stifle debate. This was the only time I have known this to happen and reflected the reaction to what councillors saw as the increasingly authoritarian approach of the Administration.

### **A hardening of approach**

43. The steps that followed this meeting represented a hardening of the Administration’s attitude towards political dissent. The following day, Gillian Duckworth, the Council’s Monitoring Officer and Head of Legal and Governance, wrote to all Opposition councillors *“expressing my*

*concern at the behaviour of your groups.” After she met with Cllr Teal and me, she issued a further e-mail on 13 April 2017 stating that Cllr Teal’s “behaviour in the Council meeting on the 5th April 2017 was not to the standard expected of an elected councillor” and that “by refusing to comply with a reasonable request of the Lord Mayor you demonstrated a potential breach of the Code [of Conduct for councillors].”*

44. To me, this indicated the start of a definite hardening of the Administration’s attitude towards political and public opposition and the abuse of a dominant majority to silence criticism.

45. It is well documented elsewhere how the Administration then proceeded to attempt to enforce its aims through civil litigation against Cllr Teal and other members of the public, including applications to imprison them. Also, as documented elsewhere, this entire action was unsuccessful and self-defeating, with the eventual result that the Administration, under a new Cabinet member, had to call a truce with campaigners.

#### **Questioning the Council’s rationale – and rationality**

46. I believe that one of the difficulties in this dispute between the public and the Administration was that the council’s reasons for pressing ahead so strongly with the tree-felling programme were very unclear.

47. I met with Cllr Bryan Lodge, the Cabinet Member, Paul Billington and a technical officer on 21 March 2017 and asked questions about the

operation of the contract between the council and Amey. We were informed that (1) Amey did not profit by the cutting down or retention of any individual tree and (2) nor did the Council. It was said that payments under the contract did not relate to individual trees. We were also informed it costs Amey more to cut down a tree than to leave it.

48. In relation to the contract between the Council and Amey, I pressed for further responses on whether (1) if the council asked for certain trees to be retained, Amey would enforce the contract against the Council and (2) if Amey requested that certain trees were retained, whether the council would seek to enforce the contract against Amey. In both cases, I received reassurances that no such action was contemplated.

49. When further pressed on the position where both the council and Amey were of like mind, I received the explanation that changes to the contract would require the approval of Government and of the relevant banks. However, subsequent correspondence confirmed there was no direct agreement between the Council and the banks or between the council and the government.

50. This lack of clarity made it very hard for councillors in my position to respond to constituents' enquiries because there was simply no common sense way to explain the Council's arbitrary actions. I believe this aspect of the Council's decision-making and actions contributed to



ongoing ill-feeling and an atmosphere of continual confrontation with the community.

### **Conclusions**

51. I believe the consequences of this PFI are:

- a. Undoubtedly, Sheffield's road surfaces are improved, as they should be with the amount of money spent; and perhaps not as well as they should be and far from complete.
- b. The council is bound in to contractual costs that increase year on year when, at a time of severe financial pressure, almost all other council budgets are reducing.
- c. Several thousand mature trees have been lost, to the great sadness of many people; although others were pleased.
- d. Communities became divided over the clashes between those who wanted to retain trees against those who wanted them felled; the personal cost of those who were intensely involved is still keenly felt and some bitterness remains.
- e. Sheffield became famous nationally and internationally for absurd scenes of high-handed oppression - unnecessarily and completely avoidably.
- f. The combined persistence and weight of public pressure showed that it could defeat a tight and determined administration in the long run.

- g. Trust suffered; the reputation of the council as an organisation with integrity and the interests of the city at heart took a battering.
- h. The wave of discontentment led to the biggest ever petition requiring a council to hold a referendum on its governance – and a clear win for those who voted for a change of governance system.
- i. The eventual outcome (embodied in the current street trees strategy) has been shown to be a far more effective approach in using conciliation and discussion rather than confrontation.

**Douglas Johnson**  
**20 September 2022**