



Author/Lead Officer of Report: Ryan Keyworth,
Director of Finance and Commercial Services

Tel: 0114 205 7303

Report of: *Kate Josephs*

Report to: *Co-operative Executive*

Date of Decision: *19th January 2022*

Subject: *Appointment of the Independent Chair of the Local Inquiry into the Street Trees Dispute*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? <i>Deputy Leader and Executive Member for Community Engagement and Governance</i>				
Which Scrutiny and Policy Development Committee does this relate to? <i>Overview and Scrutiny Management Committee</i>				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>1060</i>				
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

<p>Purpose of Report:</p> <p><i>This report sets out:</i></p> <ul style="list-style-type: none"> • <i>the context for the commitment in the Co-operative Agreement to "appoint an independent person to conduct a local non-statutory inquiry into the management of the street trees dispute";</i> • <i>the work undertaken during 2021 to carry out this commitment;</i> • <i>the recommended outcome of the recruitment process to identify a suitable Independent Chair; and</i> • <i>a financial envelope for the inquiry.</i>
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Recommendations:

Co-operative Executive are recommended to:

1. *Note the work conducted to establish a firmly independent inquiry into the street trees dispute*
2. *Delegate authority to the Chief Executive and Director of Finance and Commercial Services to take the necessary steps to secure Sir Mark Lowcock as the Independent Chair of the Inquiry, in consultation with the Deputy Leader and Executive Member for Community Engagement and Governance*

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Appendix A – Application Pack for the role of Independent Chair

Appendix B – Co-operation Agreement

Appendix C – Record of Questions and Answers from 1st September Public Meeting

Appendix D – Record of Questions and Answers from 9th September Public Meeting

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Ryan Keyworth</i>
		Legal: <i>Scott Fitzjohn</i>
		Equalities: <i>Adele Robinson</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>Kate Josephs</i>
3	Cabinet Member consulted:	<i>Cllr Julie Grocutt & Cllr Douglas Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Ryan Keyworth</i>	Job Title: <i>Director of Finance and Commercial Services</i>
	Date: <i>14th January 2022</i>	

1. THE CONTEXT FOR THIS WORK

- 1.1 In July 2012 the Council entered into a 25 year city wide highways maintenance PFI “Streets Ahead” contract with Amey. As part of its obligations to maintain the highway under the Contract, Amey is also responsible for maintenance of the city street trees.
- 1.2 Local residents began to express concerns in relation to the number of street trees being felled by Amey on behalf of the Council in 2013 and established the Sheffield Tree Action Group (STAG) in 2015 as an umbrella protest group. The disputes between protesters on the one side and the Council and its contractors have been well documented, and were a challenging time for the city.
- 1.3 In 2018 representatives of Sheffield City Council, Amey and the steering group for Sheffield Tree Action Groups (STAG) came together through a series of mediated talks to understand the different positions and find a way forward. As a result of these talks, a joint position statement between the parties was agreed and published in December 2018. A new way of working was agreed in relation to highway maintenance and the replacement of street trees. A new street tree strategy was agreed. More recently the Council has committed to create a street tree dispute archive containing all relevant material held by the Council.
- 1.4 Nonetheless there has remained discontent about how the conflict was managed and the Council has continued to receive a significant number of requests for documentation regarding the period in dispute. There was also a desire expressed by a number of parties that there should be an Independent Inquiry into the delivery of the Streets Ahead program (under Contract) and the conduct of all parties during the conflict.
- 1.5 In May 2021, following local elections, a new cooperative administration was formed between the Labour party and the Green party. As part of their cooperation agreement, the two parties have set out a number of priorities for the new Co-operative Executive including the appointment of an independent person to conduct a local non-statutory inquiry into the management of the street trees dispute with to the aim of “reflecting on and understanding what unfolded, to learn any lessons, and to support Sheffield to move forward confidently.”

2. ESTABLISHING THE INQUIRY

- 2.1 As a first step, the Council appointed its Director of Finance and Commercial Services, Ryan Keyworth, to lead work to identify a suitable chair and establish an independent inquiry. This reflected his position as a senior officer who could provide direction and drive to the work, whilst being unconnected to the history of the matter, due to re-

joining the Council following the key period of the dispute. Ryan Keyworth was asked to report only to the Deputy Leader and Executive Member for Community Engagement and Governance, the Executive Member for Climate Change, Environment and Transport, and the Chief Executive to avoid conflicts of interest. The Liberal Democrat Group were asked to nominate a member to be involved in overseeing this work but declined to do so.

2.2 To further ensure the independence of the inquiry process, and to ensure that this is recognised by all stakeholders, the Council has appointed external legal advisers to provide advice and support during the process to identify and appoint the Chair, and subsequently to support the Chair as they conduct the inquiry. A full procurement exercise was undertaken to identify the best supplier for this service, resulting in Weightmans LLP being formally appointed on 26th August 2021.

2.3 A key first step in the work was to engage with stakeholders on all sides of the dispute to set out the Council's approach and listen to their views in response, with a view to building trust in the process.

To this end, the Council hosted two public meetings, one through a remote meeting platform and the other in person to ensure accessibility. Those attending these meetings heard from Cllr Julie Grocutt; Cllr Douglas Johnson; Kate Josephs, the Council's Chief Executive; and Ryan Keyworth. Collectively, speakers set out what the Council hoped to achieve through the Inquiry, and the developing approach to appointing a suitable independent chair, including sharing a draft person specification.

2.4 It was emphasised through these meetings that the Council is committed to the inquiry being, and being seen to be, independent. This engagement work took place at an early stage in the process of establishing the inquiry with the deliberate intention of providing an opportunity for all stakeholders to ask questions or raise concerns, and for these to shape the development of the work.

2.5 Key messages from these events included:

- A desire for the Inquiry to establish a full version of the truth of what happened, for everyone to feel they have been listened to, and for lessons to be learned
- The vital importance to the success of this work of the Inquiry being independent, and being seen to be so by all parties
- The need for the Independent Chair to be able to manage relationships across all stakeholder groups to ensure full participation, in particular in terms of who gives evidence to the Inquiry
- Concern about how the Council will approach co-operating with the Inquiry, especially with regard to access to documents

- That there remains ongoing issues around lack of trust and ill feeling about the period in question that need to be confronted and worked through
- That this process is critical to Sheffield's future reputation

2.6 Based on the discussion at these meetings Council officers, with the support of Weightmans, designed a recruitment process for the Independent Chair modelled on that which the Council uses for senior officers, with the following key features:

- Advertising in national news outlets to generate broad interest, supported by publicity through SCC news channels
- Application form designed to guide potential applicants to set out their:
 - Experience and capabilities
 - Vision for the inquiry
 - Understanding of the dispute
 - Estimated cost and support needs
- Officer, Elected Member, and stakeholder involvement in the interview process
- Independent support and input from Weightmans throughout.

2.7 It has been agreed that following appointment of the Chair, they alone will have authority to set the Terms of Reference, with the Council a stakeholder in consultations with the same status as any other.

3. RECRUITING THE INDEPENDENT CHAIR

3.1 Recruitment of the Independent Chair is a critical factor in the success of the Inquiry, both in terms of it being conducted successfully and in terms of the city having trust in its findings. With this in mind, the recruitment process was designed to ensure a high calibre of applicant, and that the successful candidate would be independent of the history of the matter, and seen to be so.

3.2 To ensure the broadest possible field of applicants, the advert was placed nationally as well as through the Council's local routes. The Council also issued a press release highlighting advertising for an independent chair as a major step in this work, which was picked up by local and regional press, providing further publicity for the opportunity.

3.3 The full application pack is at Appendix A of this paper; rather than a standard job application, this reflected the nature of the opportunity and what is required of the independent chair by asking interested parties to set out:

- Relevant capabilities and experience
- Their vision for the inquiry and intended approach to the work, including their approach to engaging stakeholders

- Their understanding of the dispute and initial view on where investigations should focus
- Cost
- Support needs

3.4 The deadline for applications was set for 4pm on 10th December. There was strong interest in the role from people in a range of occupations. Submitted applications were narrowed down by a shortlisting panel consisting of the Chief Executive, the Director of Finance and Commercial Services, and advisers from Weightmans LLP, using the scoring system set out in the pack. Based on this two candidates were invited for interview.

3.5 Interviews took place on 11th January, with candidates assessed by a panel of senior officers supported by Weightmans LLP, and a panel of Executive Members. They also had the opportunity to present their vision for the inquiry to an audience of stakeholders, and take questions and comments in response. This session was observed by the member and officer panel members to factor into decision making.

3.6 Following this day, the panel members met to score the candidates. Based on the assessment process, their clear recommendation was to offer the role of Independent Chair to Sir Mark Lowcock.

4. HOW DOES THIS DECISION CONTRIBUTE?

4.1 This decision enacts a commitment made in the Co-operative Agreement.

5. HAS THERE BEEN ANY CONSULTATION?

5.1 Following the commitment made in the Co-operative Agreement to appoint an independent person to chair an inquiry, officers have engaged with stakeholders in this work to determine the right way forward. This has included the two public meetings described above, but also ongoing communication around intentions and progress.

6. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

6.1 Equality of Opportunity Implications

6.1.1 No significant equality of opportunity implications of this decision have been identified. The contract with the Chair will require that the Council's key policies, including those cover equality and diversity, are followed throughout the Inquiry.

6.2 Financial and Commercial Implications

- 6.2.1 Ultimately, the terms of reference for the Inquiry will drive the costs of conducting the Inquiry. The final terms of reference will be a matter for the Chair to determine following consultation with the inquiry's stakeholders.
- 6.2.2 A lengthy inquiry with a broad terms of reference would clearly cost more than a more focussed and targeted inquiry.
- 6.2.3 At this early stage in the process, based on the proposal submitted by Sir Mark Lowcock, it would be reasonable to expect total Inquiry costs to be in the order of £500k. However, this may change as the process for developing and signing off the terms of reference proceeds.
- 6.2.4 The bulk of the costs will relate to a small team to support the Independent Chair in addition to legal and other advisory costs. The Chair will be paid a fee based on a discount of his final salary when he resigned from the civil service in 2017.
- 6.2.5 A budget for the Inquiry of £500k will be built into the 2022/23 Revenue Budget that will be presented to Council for approval in March 2022. This will be updated, if required, through the normal budget monitoring process.
- 6.2.6 The size of the savings across the organisation and the use of reserves that may be required to set a balanced budget for 2022/23 means that the costs for this Inquiry are being funded from Reserves. Any over-run will also need to come from Reserves.
- 6.2.7 The expenditure incurred by the Inquiry will be published openly and transparently on the Inquiry's website, including fees paid to the Chair and Legal costs.

6.3 Legal Implications

- 6.3.1 The creation of an independent inquiry and appointment of an independent chair has a number of legal implications, and further potential legal implications depending on the terms of reference to be approved at a later date. These are set out below:
1. Procurement – The appointment of external solicitors (Weightmans LLP) and the independent chair has been and will be undertaken within procurement rules.
 2. Contractual – The Independent Chair will be an agent of the Council, not an employee. This means the Council will have a contractual relationship with the Chair but the Chair will be independent and the Council will not be able to control the Chair's actions except within the contract for services the Council has with the Chair. The Council itself will become a

stakeholder/contributor to the process once the Inquiry has been established.

3. Non-statutory Inquiry format – This inquiry will be non-statutory. The chair will not have any formal legal powers to call witnesses or evidence. Engagement of the witnesses and stakeholders will be entirely voluntary; as will disclosure of documents to the Chair and Inquiry by each of them. If third party organisations or ex-employees do not wish to participate, or only offer limited participation then there are no legal powers to compel them to engage. If participation is limited or not forthcoming then this may impact on the Chair's ability to conduct a thorough Inquiry which could consequently diminish the effectiveness and desired outcome of the Inquiry itself. It likely that the success of the Inquiry will depend upon the Chair's ability to engage with the stakeholders.
4. Information Sharing – there will be a great deal of information and documents related to the street trees dispute from all the stakeholders e.g. Council, Amey, STAG, SYP. It is likely that some of the information will contain either personal or sensitive data. The Council will be processing the data collected. Therefore, the Council will need to ensure that sure processing is undertaken lawfully. Systems will be put in place to allow the Chair secure and confidential access to the relevant documents and information. DPA and confidentiality risks will be mitigated by use of external legal advisors.
5. Employee relations – In engaging with the Inquiry, the Council may need some of its employees to engage with the Inquiry through provision of documents and/or attending. The Council owes duties of mutual trust and confidence to its employees which needs to be borne in mind when engaging in this process.
6. Monitoring Officer – Gill Duckworth, Director of Legal & Governance, is the Council's monitoring officer. Due to the potential for scrutiny of the Legal & Governance department's role in the street trees dispute this means that the Director is unable to directly undertake her duties specifically in relation to the inquiry.

6.3.2 These legal implications and subsequent risks have been addressed and will be managed in 2 ways. Firstly, Weightmans LLP solicitors have been appointed as an independent and external set of solicitors to advise the Council on setting up and conducting an independent inquiry. Weightmans LLP are a leading multi-disciplinary firm who have specialist lawyers working in in all the legal fields likely to arise during this process e.g. Local Government, Highways, Environmental, Inquiries and Investigations. They are acting independently of the Council's Legal Services department.

6.3.3 Secondly, Ryan Keyworth is being supported by Scott Fitzjohn, Senior Lawyer, from the Council's Legal & Governance. He has not had any prior involvement in the street trees dispute and is working independently within a 'firewall' to assist Ryan Keyworth and Weightmans LLP to implement the independent Inquiry. Scott Fitzjohn was previously involved in representing the Council at the Hillsborough Inquests.

6.3.4 Additionally, the Trees Archive project is currently compiling documents/data relating to the street trees dispute. This process is being led by the Sheffield Archives team who are using trained archivists who are used to dealing with and processing sensitive information.

6.4 Other Implications

6.4.1 No other implications have been identified.

7. **ALTERNATIVE OPTIONS CONSIDERED**

7.1 The need for an independent Inquiry was included in the May 2021 Labour and Green Co-operation Agreement. No alternative to meeting that requirement was considered.

8. **REASONS FOR RECOMMENDATIONS**

8.1 There are two key reasons for the recommendations in this report:

1. The appointment of an independent person to conduct a local inquiry into the street trees dispute fulfils a commitment in the Labour and Green Co-operation Agreement;
2. A rigorous assessment process has identified Sir Mark Lowcock as the recommended candidate for this role.

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The Independent Inquiry into the Sheffield Street Trees Dispute

Application for the position of Chair

Section 1.0: Introduction and Contract Details

- 1.1 The deadline for submission of a completed application form to Sheffield City Council is 4pm on Friday 10 December 2021.
- 1.2 This is an application form for the role of Chair – Independent Inquiry into the Sheffield Street Trees Dispute.
- 1.3 The successful applicant will enter into a contract for services with Sheffield City Council (“the Council”) to undertake an Inquiry into the Sheffield Street Trees Dispute, in accordance with the advertisement placed publicly:

“Sheffield City Council seeks applicants for the role of Independent Chair for a non-statutory local Inquiry into what has become known as the Sheffield Street Tree Dispute.

This work will fulfil a commitment made by the Council’s Co-Operative Executive following the outcome of the local elections in May 2021, seeking to develop a shared understanding of events and to allow the city to move forward together.

The Council is committed to an entirely Independent Inquiry. The successful candidate will need to embody this quality and be able to demonstrate it to all stakeholders.

In addition, it will be important for the successful candidate to;

- *Be entirely independent of and unconnected to, the street trees dispute;*
- *Have a track record of dealing with sensitive, complex, and difficult issues;*
- *Be experienced in building trust across diverse sets of stakeholders;*
- *Exhibit confidence, authority and decisiveness whilst being even handed in their approach.*

They will need to have strong communication, chairing and investigative skills, with the ability to digest and understand large volumes of data and information. They will also need to have strong project management skills, with the ability to bring a complex piece of work to a conclusion within a reasonable time frame and in line with their proposed budget.

The first task of the successful applicant will be to engage with stakeholders from all sides of the dispute to develop the Terms of Reference for the Inquiry, with overall responsibility for content of those residing with the independent chair“.

To express an interest in this opportunity, or to find out more, please email streettreesinquiry@sheffield.gov.uk to ask questions and request an application pack.

The closing date for applications is 4pm on Friday 10th December 2021.”

- 1.4 The information and instructions provided within this application form are designed to ensure that all applicants are given equal and fair consideration. If you have any doubts as

to what is required, or you have difficulty providing the information, please contact the person named below.

- 1.5 If you have any queries relating to the application form, or would like to request further information, please contact the person named below.
- 1.6 Contact for this application;

Ryan Keyworth
Director of Finance and Commercial Services, Sheffield City Council
streettreesinquiry@sheffield.gov.uk

Section 2.0: Intended Appointment Timetable

Stage and Appointment Process	Date
Publication of advertisement	15.11.2021
Deadline for return of application forms	10.12.2021 at 4pm
Evaluation of application forms	13.12.2021 to 16.12.2021
Notification to shortlisted candidates	17.12.2021
Independent Chair Interview day	Early January 2022
Appointment and announcement of Independent Chair	Mid-Late January 2022
Inquiry formal launch (including formal launch event)	End of March 2022

Section 3.0: General Information

- 3.1 How you prepare and present your application can be a crucial factor in securing the appointment. The following points may help you to understand what can turn this application into a successful application.
- 3.2 Read all the instructions and information included within this document. Preparation is the key, so fully understand what is being asked of you. Applications and questions should be submitted electronically to streettreesinquiry@sheffield.gov.uk
- 3.3 Please use this form to provide a full a response to the requirements as possible. This is your chance to give solutions, rather than create more questions. Answer the questions but be concise and do not make us search too hard for answers.
- 3.4 Please stick to the word limits. We reserve the right to disregard any element of answers which exceed the word limit - from the word limit onwards.
- 3.5 Do not use your application as an opportunity to provide glossy (but meaningless/irrelevant) brochures about you or your organisation. Only include such material if relevant.
- 3.6 Be upfront – we will be as honest about our requirements as possible. In return, we look for honest applications with no hidden costs or exclusions.
- 3.7 Be aware of the deadline for submission and plan ahead to ensure you meet it.

- 3.8 Make sure that your application is completed legibly with all prices in pounds sterling (and clarifying whether it is inclusive or exclusive of VAT).
- 3.9 Please ensure that where information is to be sought from third parties – for example if you provide referees or guarantees – such request can be dealt with speedily and at no cost to the Council. You should contact any referees you suggest for their agreement to provide a reference prior to putting their details into your application.
- 3.10 You must notify the Council in writing of any change of information submitted in your application at any time during the application process.
- 3.11 Late bids **will be rejected**. It is your responsibility to ensure that your application is received on time.
- 3.12 Make sure that the information you put into your application is correct and check that all the information you wish to submit is included before you send it in. Information submitted after the deadline has passed, including any amendments to your application, will not be considered.
- 3.13 The Council will keep all applications received securely and open them once the submission deadline has expired. All applications submitted will be opened on the same date.
- 3.14 The Council shall not be responsible for any expenses that you may incur in any aspect of the application process.
- 3.15 If you have any queries relating to the application document, or would like to request further information, please contact Ryan Keyworth via streettreesinquiry@sheffield.gov.uk. You must ensure that any queries are made no later than 5 working days before the application closes (i.e. queries must be received no later than 4pm Friday 3 December 2021).
- 3.16 You should note that any questions/queries/issues raised by you that are not commercially sensitive or confidential will be shared with the other applicants and the Council's written answers to these may also be circulated to all other applicants.

Section 4.0: Process and Evaluation

- 4.1 The application evaluation process will include;
1. Evaluation of the method statement and question responses (below).
 2. Evaluation of pricing proposals.
 3. An interview day, involving two rounds of formal interviewing and an opportunity to meet stakeholders.
- 4.2 The Council will evaluate the applications it receives on a balance of quality and price. The Council is not bound to accept the cheapest, or any application, and will appoint an independent chair on the basis of the best combination of quality and price.
- 4.3 The application forms will be evaluated by a panel of Council officers, supported by Weightmans LLP, in accordance with the following weighted criteria as set out in more detail at 4.8 below:

- Quality 70%
- Price 30%

4.4 It is anticipated that the top three applications, as assessed by the panel on the basis set out at 4.3 above, will go forward to the second stage of recruitment – the interview day.

4.5 The interview day will be operated as follows for the three shortlisted candidates;

- An individual interview with the officer panel and Weightmans (interviews 45 mins to 1 hour maximum).
- An opportunity for the candidates to meet stakeholders. The candidates will be asked to introduce themselves to stakeholders by way of a 10 minute presentation and take stakeholder questions. This exercise does not form a scoring part of the application process but will be observed.
- An individual interview with a panel of Council Members.

4.6 Post interview day, the panel of officers, Weightmans and panel of Members will meet to discuss interviews and review applications in light of those interviews. The applications will be evaluated and the successful candidate informed.

4.7 The scoring criteria will be split into the following sub weightings on both the paper assessment and at the interviews;

4.8 Quality – 70%

Criteria	Weighting
1. Previous experience. Details of independent investigations, inquiries and other work of a similar nature to the Council’s proposed inquiry that you have undertaken, together with details of how you worked with instructing agencies/partners to deliver those projects to meet the client’s requirements.	15%
2. Capabilities. Details, including your CV, of the qualifications, skills and experience that you have for this project, together with details of those areas with which you will require support from the Council and/or its legal advisors.	15%
3. Vision and delivery. Outline your proposed methodology for delivering a fully independent inquiry. This includes your approach to the inquiry and: <ul style="list-style-type: none"> ▪ How you would propose to meet with the Council’s requirements. ▪ Your capacity to set and meeting deadlines. ▪ The processes to be used to liaise with all stakeholders. ▪ How you propose to acquire and manage large volumes of documentation, ensuring confidentiality. ▪ How you will ensure that stakeholders are kept appropriately involved and engaged and have an opportunity to present their accounts. ▪ Your ability to hold and conduct fair public hearings. ▪ Your ability to devise, manage and deliver the project within a reasonable timeframe and budget. 	20%
4. The Street Trees Dispute. Your understanding of the background to the dispute, they key events and the need for an Independent	20%

Inquiry, to include thoughts on scope and length of the time period to be investigated, together with the issues.	
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4.9 Price

Criteria	Weighting
1. Price	15%
2. Please provide an indication of the infrastructure & support that you will need, to include, for example, - office space, access to computers/document management systems, legal advice, advice on core issues (e.g. arboriculture), secure document storage, data protection, and collection of the street tree narratives.	15%

4.10 An example of the evaluation score matrix is included below for information only. Note that failure to achieve half of the available points for any one quality criterion will bar an application from further consideration. Additionally, applications must achieve an aggregate score of 60% to be considered.

4.11

Score	Response
0	Unacceptable response <ul style="list-style-type: none"> ▪ No response, or ▪ Not compliant with the service specification within the application form ▪ Response not relevant or question not answered ▪ Very high risk that the applicant would have serious difficulties delivering the required standards.
1	Poor response <ul style="list-style-type: none"> ▪ The response is only partially compliant with the service specification within the application. ▪ The response has deficiencies, eg supportive evidence is minimal ▪ The response indicates that the applicant would only meet some of the requirements of the contract some of the time. ▪ Considerable work would be needed with the applicant to minimise the risk of service delivery failure. ▪ High risk that standards are unlikely to be met.
2	Acceptable response <ul style="list-style-type: none"> ▪ The response is compliant with the service specification within the application form. ▪ Some short falls in meeting service requirements and key areas but any concerns are of a minor nature. ▪ Further evidence may be required to support compliance element. ▪ Some risk that standards are unlikely to be met.
3	Good response <ul style="list-style-type: none"> ▪ The response is compliant with the application form and the service specification therein. ▪ Good supporting evidence, which is relevant, credible and supports assertions made in the application.

	<ul style="list-style-type: none"> ▪ A small amount of work may be required in non-key areas with the applicant to minimise any risk of service delivery failure. ▪ Indicates that the applicant has understood the specification and can apply and deliver the standards.
4	<p>Excellent response</p> <ul style="list-style-type: none"> ▪ The response is compliant with the service specification within the application form. ▪ Offers relevant detailed evidence to support the applicant’s claims of experience and capability. ▪ Demonstrates a wholly comprehensive understanding of the service requirements for an independent inquiry. ▪ The proposed approach will result in that standard being delivered or exceeded.

4.12 The Council reserves the right to reject any application which fails to comply fully with the requirements of the selection process as outlined above, or that contains serious misrepresentation in the application or any supporting document.

4.13 The Council reserves the right to require some or all of the applicants to clarify answers contained in their submissions in writing, if required to adequately evaluate the application.

Section 5.0: Background information

5.1 City overview.

Sheffield is one of England’s largest cities with a population of 560,100. Sheffield has grown from largely industrial roots to encompass a wide economic base. The city has two universities (with over 59,000 students) and is considered to be the greenest city in England – it is the only city to include part of a national park, the Peak District, within its city borders.

The Council employs 8,000 across three portfolios: Resources and Policy Performance and Communications (PPC) People and Place. For further information about the Council please visit www.sheffield.gov.uk

5.2 Sheffield City Council’s One year plan aims to “put Sheffield first”, delivering on clear priorities in the coming months, and laying the foundations for a bright future. It will focus on empowering people and businesses to thrive, building sustainability into all areas of life and keeping Sheffield’s diverse communities at the heart of all plans.

There are four areas in the One Year Plan, with clear priorities and actions in each. They are Communities and Neighbourhoods; Education, Health and Care; Climate Change, Economy and Development; and Our Council.

Communities and Neighbourhoods:

ambition for all communities to love and be proud of where they live, to have great facilities, feel safe and live without discrimination, and be healthier and happier. To support this work, the plan focuses on

- engaging, enabling and empowering residents through Local Area Committees, and supporting communities as Covid restrictions ease
- making sure everyone has high quality, safe homes, in neighbourhoods that are clean, green, safe and thriving
- supporting young people in Sheffield to develop and flourish and investing in sport and leisure facilities to support better health and wellbeing

Education, Health and Care:

ambition for every single person in Sheffield to be able to achieve their full potential, addressing educational inequalities and supporting people to stay fit and healthy, so fewer people reach crisis point and families thrive. To support this work, the plan focuses on

- giving everyone the best start in life and supporting children and young people through the Covid recovery process
- striving to provide the best children's services, supporting those in our care to achieve their full potential, delivering effective, person-focused SEND services, and reducing exclusions
- enabling adults to live the life that they want to live, improving the transition of vulnerable children into adulthood, investing in social care services and more integrated working with health care partners

Climate Change, Economy and Development:

ambition for Sheffield to be a flourishing, sustainable and inclusive city, creating opportunity and great jobs for Sheffielders. Working with businesses towards a dynamic environment for enterprise and innovation and achieving net zero carbon by 2030. To support this work, the plan focuses on

- taking immediate steps to reduce carbon emissions, tackling harmful pollution and making the air we breathe safer, while securing a sustainable future for public transport and delivering high quality, sustainable homes
- supporting Sheffield businesses to recover and grow, regenerating our high streets, establishing thriving city and local centres, and maximising opportunities for arts and cultural activities in all parts of the city to support economic recovery
- supporting people to get the skills and advice they need to get back into work, supporting young people with 500 new apprenticeships, working with people and employers to upskill our workforce and developing new career opportunities

Our Council:

ambition to lead boldly with purpose and decisiveness, putting the communities and people of Sheffield at the heart of everything, and working hard to deliver excellence always. To support this work, the plan will focus on

- being a well-run council, connected to our communities, committed to excellence and ready for the future
- involving residents in the decisions that affect them, supporting our diverse communities in recovering from the impact of Covid and taking visible action to fight poverty and inequality
- attracting sustainable jobs and more investment to Sheffield by being a confident, outward looking city that is recognised regionally and nationally.

5.3 Background to the Independent Inquiry.

- 5.3.1 In July 2012 the Council entered into a 25 year city wide highways maintenance PFI “Streets Ahead” contract with Amey Hallam Highways Limited (“Amey”). The purpose of the contract with Amey (the “Contract”) is to maintain the highway network so that it complies with the Council’s obligation as local highway authority, meets users’ needs for safety, cleanliness, and general appearance, facilitates the use of all forms of transport and improves customer satisfaction. As part of its obligations to maintain the highway under the Contract, Amey is also responsible for maintenance of the city street trees. This aspect of the Contract, and in particular the felling of street trees as part of highway maintenance/street tree management, has become controversial over the last couple of years.
- 5.3.2 Local residents began to express concerns in relation to the number of street trees being felled by Amey on behalf of the Council in 2014 and established the Sheffield Tree Action Group (STAG) in 2015 as an umbrella protest group. Then in early 2016 campaigners obtained an injunction against the Council to cease felling of street trees pending a judicial review on the lawfulness of its decisions.
- 5.3.3 The matter proceeded to a rolled up hearing in the High Court in March 2016 at which the challenge was dismissed by Holgate J. However, there continued to be concern expressed by the citizens who began to use peaceful protest (e.g standing under a tree canopy to prevent the tree from being felled in a safe manner), to prevent/disrupt the removal of further street trees. This led in 2017 to a decision by the Council to seek injunctions to prevent further disruption of the works. This action was successful, but did nothing to ease the tensions and the protests continued. The ongoing dispute led to high profile public interest in Sheffield street trees and a difficult relationship between the Council and residents. There was significant media coverage, large numbers of requests for information relating to the dispute and to the Contract were received by the Council, and the street tree removals and the Contract were regularly subject to public questions and petitions at Council meetings.
- 5.3.4 In 2018 representatives of Sheffield City Council, Amey and the steering group for Sheffield Tree Action Groups (STAG) came together through a series of mediated talks to understand the different positions and find a way forward. As a result of these talks, a joint position statement between the parties was agreed and published in December 2018. A new way of working was agreed in relation to highway maintenance and the replacement of street trees. A new street tree strategy was agreed. More recently the Council has committed to create a street tree dispute archive containing all relevant material held by the Council.
- 5.3.5 Nonetheless there has remained discontent about how the conflict was managed and the Council has continued to receive a significant number of requests for documentation regarding the period in dispute. There was also a desire expressed by a number of parties that there should be an Independent Inquiry into the delivery of the Streets Ahead program (under Contract) and the conduct of all parties during the conflict.
- 5.3.6 In May 2021, following local elections, a new cooperative administration was formed between the labour party and the green party. As part of their cooperation

agreement, the two parties have set out a number of priorities for the new cooperative executive including the appointment of an independent person to conduct a local non-statutory inquiry into the management of the street trees dispute with to the aim of “*reflecting on and understanding what unfolded, to learn any lessons, and to support Sheffield to move forward confidently.*”

Section 6.0: Specification

6.1 The Council seeks an independent person to become the Independent Chair of its Inquiry.

6.2 It is envisaged that the Independent Chair of the Street Trees Inquiry will need to exhibit the following qualities, as set out in the person specification.

The Chair will:

- Be independent – from all stakeholders’ point of view – and not connected to the dispute so far.
- Be interested in the subject matter.
- Have a track record of dealing with sensitive and difficult issues.
- Have the reputation to carry this off.
- Have credibility with all stakeholders.
- Have time to see this through.

The Chair will need to possess the following characteristics:

- Capable of building trust.
- Calm measured and even handed.
- Confidence, authority, and decisiveness.
- Fair minded.
- Capable of building and carrying a consensus.

The Chair will need to have the following capabilities/competencies:

- Objective, fair and open minded.
- Strong communication skills – including public/media.
- Strong chairing skills – including managing a diverse range of stakeholders.
- Strong investigative/analytical skills.
- Able to build and maintain relationships with diverse stakeholder groups.
- Able to deal with large volumes of information/data paperwork.
- Able to assimilate large volumes of evidence – written and verbal.
- Able to make links across the evidence base.
- Project/time management skills.
- Able to instruct and analyse expert evidence and form conclusions on it.

Section 7.0: Documents to be completed and returned to Sheffield City Council

Applicants must submit all the documentation listed below, duly completed, as their application. Use the checklist below to make sur that all of the required information is included.

7.1 Checklist:

- Method statements
- Pricing schedule
- References

7.2 In relation to the pricing schedule, please complete the table below.

7.3 Details of the minimum level of professional indemnity and other insurance you will provide for the contract.

Section 8.0; Method Statements, Pricing Schedule and Insurance

The method statements are your response to the specification and should set out how you will meet the requirements. Your method statements and will be appended to and form part of the contract between you and the Council.

They should set out how you will undertake the specified work to deliver the aims of the appointment. This is your opportunity to show your understanding and how you can add value to the brief, to identify how you will deliver the work and evidence your ability to deliver on the project.

Responses to the question in this section will be used to evaluate the quality element of the application which accounts for 70% of the overall evaluation and the second part of the price question which accounts for 15% of the overall evaluation.

Responses to the questions will be scored in accordance with the methodology and criteria described above. Please ensure a response is provided to all of the questions.

<p>8.1 Previous experience. Details of independent investigations inquiries and other work of a similar nature to the Council’s proposed inquiry that you have undertaken, together with details of how you worked with instructing agencies/partners to deliver those projects to meet the client’s requirements</p>
<p>Answer:</p> <p>Word limit 1500 words</p>

<p>8.2 Capabilities. Details, including your CV, of the qualification, skills and experience that you have for this project, together with details of those areas with which you will require support from the Council and/or its legal advisors.</p>
<p>Answer:</p> <p>Word limit 1500 words</p>

<p>8.3 Vision and delivery. Outline your proposed methodology for delivering a fully independent inquiry. This includes your approach to the inquiry and:</p> <ul style="list-style-type: none"> ▪ How you would propose to meet with the Council’s requirements.
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<ul style="list-style-type: none"> ▪ Your capacity to set and meet deadlines. ▪ The processes to be used to liaise with all stakeholders. ▪ How you propose to acquire and manage large volumes of documentation, ensuring confidentiality. ▪ How you will ensure that keep stakeholders are appropriately involved and engaged and have an opportunity to present their accounts. ▪ Your ability to hold and conduct fair public hearings. <p>Your ability to devise, manage and deliver the project within a reasonable timeframe and budget.</p>
<p>Answer:</p>
<p>Word limit 2000 words</p>

<p>8.4 The Street Trees Dispute. Your understanding of the background to the dispute, the key events and the need for an Independent Inquiry, to include thoughts on scope and length of the time period to be investigated, together with the issues.</p>
<p>Answer:</p>
<p>Word limit 1500 words</p>

<p>8.5 Pricing. This question is worth 15% (ie half of the pricing total score of 30%)</p>		
<p>Hourly rate</p>	<p>Daily rate (assumption 7 hour day)</p>	<p>Details of all travel subsistence and additional expenses that you will charge (if not included in the hourly rate)</p>

<p>8.6 Please provide an indication of the infrastructure and support that you will need, to include, for example, - office space, access to computers/document management systems, legal advice, advice on core issues (e.g. arboriculture), secure document storage, data protection, and for collection of the street tree narratives.</p> <p>This question is worth 15% (ie half of the pricing total score of 30%)</p>
<p>Answer:</p>
<p>Word limit 1000 words</p>

<p>8.7 Details of the minimum level of professional indemnity and other insurance you will provide for the contract</p>

Answer:

Section 9.0: References

Please provide details for relevant contracts awarded to, or work undertaken by you during the last three years, highlighting any relevant experience in relation to this contract. We may want to take up references using the information you provide. Please indicate if references can be sort and if so from whom.

Name & Address of Organisation and Department	Contract Name	Contract Value	Contract Date	Type of work	Name & Contact Details of Referee



Labour and Green Co-operation Agreement Sheffield City Council

This Agreement is dated 19 May 2021 and is made between the Labour and Green political groups elected as Members of Sheffield City Council

This is an agreement for the 2021/22 municipal year and will therefore come to an end at the AGM in May 2022 unless extended by agreement of both parties.

This Agreement has been drawn up following detailed discussions between the two groups.

The Green and Labour Groups acknowledge that no party has an overall majority on Sheffield City Council and this requires a new way of working to be established between the parties. Both groups are committed to working in an open, inclusive and democratic way and ensuring the council has stability and effective leadership.

In order to support this and reflecting the decision of the people of Sheffield in the governance referendum, a politically proportionate transition committee model has been introduced and will be piloted to enable a new way of working in the council which will facilitate the transition to the committee system.

Both parties will support the appointment of Terry Fox as Leader of the Council, Julie Grocutt as Deputy Leader of the Council and the appointment of five Labour and three Green Executive Members (designed to represent political proportionality). Whilst the Liberal Democrats declined to join the Executive. If they were to reconsider this decision, then they will get three seats, two to be offered by Labour and one offered by the Greens

Both parties will work together in the interests of Sheffield.

In order to secure the city's recovery we will:

- Implement the new Local Area Committees, giving power back to our communities;
- Introduce a new approach to community safety with additional safer neighbourhood wardens;
- Provide additional investment in our young people;
- Support the recovery of our district centres;
- Implement the recommendations in the Arup report dated 19 March to create a pathway to deliver the shared ambition for net zero; and
- Appoint an independent person to conduct a local non-statutory inquiry into the management of the street trees dispute.

Both parties agree:

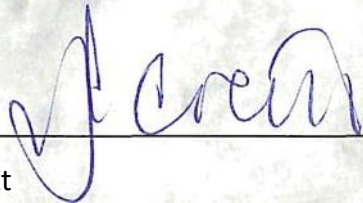
- A commitment to deal with each other fairly and honestly
- To recognise that this is a new way of working that has not been experienced in Sheffield before
- To recognise that all parties, officers and the public will take time to get used to a new style of governance
- To recognise that mistakes will be made and to address these respectfully
- Always to act in the best interests of the residents of the city
- To develop a new system to manage council business, taking account of the new working arrangements. This should ensure:
 - All Cabinet briefings are open to both parties;
 - All papers going to Cabinet are fully shared with both parties before the agenda is published;
 - All Council communications in relation to executive decisions are cleared by both parties before issue; and
 - Consensus is sought wherever possible and a mechanism will be established between the leadership of both groups to resolve any issues that may arise.

A programme of meetings will be planned to facilitate discussions on the budget. It is the full intention to reach a consensus on the Council's 2022/23 Budget and Housing Revenue Account

Signed on behalf of the Labour Group

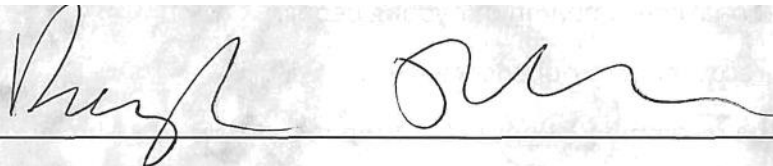


Councillor Terry Fox



Councillor Julie Grocutt

Signed on behalf of the Green Group



Councillor Douglas Johnson



Councillor Alison Teal

Independent Street Trees Inquiry Public Meeting – Record of Questions & Answers

1st September – Online via Zoom

Panel: Cllr Julie Grocutt (JG), Cllr Douglas Johnson (DJ), Kate Josephs (KJ), Ryan Keyworth (RK)

Questions answered live

Questioner	Question
Kythé Beaumont	Would it be possible to have a written copy of the draft person specification for the chair for this discussion? Might help focus my thoughts!
Answer	
KJ: Yes, we'll circulate this to everyone attending.	

Questioner	Question
Alan Billings/Maggie Linford	What is the budget for the Inquiry?
Answer	
RK: That will depend on the scope of the terms of reference and will be a decision for Councillors to make, following a conversation with stakeholders and the chair. There is no budget envelope at this stage.	

Questioner	Question
Marcus Combie	Cllr Grocutt, you mention you only heard about this in the news media in your opening statement. Doesn't it pose a problem for the inquiry that records around statements from Cllr Lodge to the Guardian and the media cannot be found despite searches conducted by the council?
Answer	
KJ: We are trying to find everything that is relevant from the point of view of the archive, and the inquiry will have access to all of that. Our intention is that the chair and inquiry will have access to all the information from SCC that they need, including any media. We will have a look at the specifics of this issue.	

Questioner	Question
Lee Armstrong	How are you going to support the chair to establish the scope & terms of reference, and make them deliverable? We all know the inquiry needs to be able to investigate many different parts of the council's operations (commercials, governance, FOI, finance, environment, councillors, management, policing, communications, legal, culture, project management, health and safety, etc, etc)? I want to understand how you will ensure the inquiry has the right expertise, funding and access to achieve its objectives.
Answer	
KJ: The Chair's appointment is a critical first step and as soon we have appointed we will have a sense of their strengths and where support might be needed. We expect to establish a team to support the chair alongside the development of the Terms of Reference. The Co-op Exec are keen to get this up and running but we need to make sure we do it well.	

DJ: The big challenge will be how focused the inquiry is – we can find a chair and ask to take the lead but there is a risk that it gets sidetracked into looking at things that aren't relevant. We could have 1m pieces of paper – no one can read all those, what are the things we really want the inquiry to focus on to the exclusion of others?

Questioner	Question
Albert Thwiepp	Will the time period covered by the Inquiry begin at the start of the PFI procurement process?
Answer	
RK: That will be covered in the Terms of Reference – we expect to consult on this as part of the Terms of Reference development.	

Questioner	Question
Benoit Compin	Are the trials going to be reviewed as people are waiting, and council officers lied in court?
Answer	
RK: We cannot imagine that period will be excluded from the ToR.	

Questioner	Question
Anonymous Attendee	Has there been/will there be, a formally announced halt to SCC's normal document retention policies?
Answer	
KJ: I will take this away and come back with a response.	

Questioner	Question
Anonymous Attendee	Can interested parties be offered credible reassurance about the Council's sincerity re the II in the light of the well-publicised and continuing FOIR, SAR and formal complaint non-compliance?
Answer	
<p>KJ: You can be absolutely assured of my sincerity regarding a commitment to openness, as a public servant, around sharing information and transparency. FOI has been impacted by staff shortages due to Covid and we are addressing this. We have made a clear commitment to address this.</p> <p>I suppose the proof of this will be in the way we establish and conduct the Inquiry. Hopefully the conversations we're having and the approach we are taking is a step in the right direction.</p>	

Questioner	Question
Marcus Combie	Will the Street Tree Archive be presented where possible in a searchable format or database? With both original copy and machine readable/searchable text.
Answer	
<p>KJ: I'm happy for us to commit that everything that is possible to achieve this will be done.</p> <p>Additional information following the meeting: Yes, as far as it is possible. The catalogue will be fully searchable and each document / item individually catalogued and capable of being downloaded by the reader.</p>	

Questioner	Question
Maggy Linford	If a potential witness wants legal advice before giving evidence will it be paid for by the council?
Answer	
RK: We haven't considered this question at this stage: I'm aware that some Inquiries have paid and others haven't. We'll take advice on this and answer when we can. I'd prefer not to see an Inquiry where everyone feels that they need a lawyer to accompany them – that would go against the spirit of reconciliation that we're trying to achieve.	

Questioner	Question
Graham Wroe	Will SYP fully cooperate with the Inquiry?
Answer	
Alan Billings confirmed they would.	

Questioner	Question
Alan Billings	Until we have pinned down the Terms of Reference and made clear what is and isn't in scope the potential for this to go on forever is vast – is thought being given to being very precise about the focus and what this is an inquiry into, and whether this should be time limited? I can see the potential for this work being never-ending, and am concerned as a citizen of Sheffield.
Answer	
KJ: Points around time limit and focus are well made and considerations for SCC to take as we firm up the process. The purpose of this meeting is to share openly discussions and thoughts we are having and ensure those who have interest can share questions, thoughts, reflections on what should and shouldn't be included. We won't initiate the inquiry until those things are in place.	
JG: Alan makes good points and it's important that Terms of Reference are clear for everyone. I agree that we need to avoid this being a never-ending piece of work and need to ensure we focus on the things that matter and that people want some clarity and resolution to.	
DJ: It's really important to have focus on what goes in and what comes out of the inquiry – it would be useful to have reflections from those attending on that question.	
RK: email address to be circulated following the meeting: we welcome responses and thoughts from those attending.	

Questioner	Question
Isabel O'Leary	What is being done to prevent destruction or hiding of relevant docs?
Answer	
KJ: Absolutely clear that is integral part of PS duty to be committed to Nolan Principles, standards and code of conduct, and expectation that officers adhere to these. We will reiterating that commitment to staff.	

Questioner	Question
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Ruth Hubbard	Pleased there will be consultation on the terms of reference. Is it the council's expectation that this will have an impact or influence? Can the chair be asked to be clear about how these 'consultations' have had an impact?
Answer	
RK: Yes, to both parts of the question.	

Questioner	Question
Anonymous Attendee	Does Ryan envisage that 'witness' invitations are published? I.e. will the public be aware of refusals by those invited?
Answer	
RK: I would expect the Chair to decide on this, taking legal advice into account. It is a non-statutory Inquiry that will have no formal powers to compel participation. A key skill of the Chair will be to establish and conduct the Inquiry in a way that encourages participation, but there's a role for all stakeholders in ensuring this too.	

Questioner	Question
Margaret Riley	As an interested citizen I'm finding it difficult to get my head round how big or small this should be and how much it will cost as a citizen of Sheffield: it's controversial for some, for others not on the radar. How long will it take to appoint the chair and get Terms of Reference – if this takes a while, what does this mean for length of the inquiry? If lessons learned take too long to get out there we have lost the opportunity to learn. How to ensure its proportional in terms of cost, efficiency and effectiveness – have we considered specifying what is out of scope so can be clear on what it won't deliver?
Answer	
KJ: We shouldn't extrapolate from the time it takes to appoint a chair to the length of time to conduct the inquiry – we need to get this right. Once the chair and other things are in place we can crack on. There are trade-offs to be made in terms of depth/scope/cost – we need to be honest with Sheffield about this.	

Questioner	Question
Christine King	How will it work? Will people just turn up with evidence?
Answer	
RK: We are having a conversation with external lawyers at the moment about that. We expect that once the Terms of Reference are sorted there will be a review of the archive material, we expect the chair to invite written submissions, we expect the inquiry to hold public hearings. The detail of how that will work and timescales haven't been worked through yet – part of this is with chair, but also influenced by breadth and depth of the Terms of Reference. Key questions for written submissions could be set out in the Terms of Reference – but also could be in-person hearings.	

Questioner	Question
Graham Wroe	Does the archive include video evidence? How do you submit evidence to the archive?
Answer	

Question answered in follow up communications: Yes – if you contact pete.evans@sheffield.gov.uk who is our Archives and Local Studies Manager he can advise on how to submit.

Questioner	Question
Marcus Combie	What has the council identified so far as what went wrong and what needs to be looked at?
Answer	
<p>KJ: That's the point of the Inquiry: we are trying really hard to focus on what we need to do to support the inquiry and do not want to muddy the waters.</p> <p>DJ: Looking at what could come out of this is the opportunity for people to tell their stories; that is something I would like to see.</p>	

Questioner	Question
Ruth Hubbard	Follow up to Marcus....you have asked about the kinds of outcomes people would like to see. What views exist so far about the kinds of outcomes the council - officers and councillors - would like to see?
Answer	
<p>JG: We want this to bring all interested parties together with a resolution that can satisfy everyone, so that people can feel heard, so that the Council can learn lessons and so we don't find ourselves in a situation like this again. It's about how we put things right in a way that makes sure everyone can have their say and tell their story, and as a city we can move forward and show what a great place we are again. We'll only achieve that if everyone feels listened to and understood.</p> <p>KJ: As officers we are proud to serve our city and believe it is a fantastic place with huge potential, and what we want to see is the ability of us all to move forward together. We need to invest time in listening and learning lessons, but also recognise it's important for the future of the city to be able to do that. Until we've got to a place where we can say we have learned from this it will always be a drag on our potential.</p>	

Questioner	Question
Justin Buxton	Please could Kate assure citizens that the council will not use the inquiry as an excuse to avoid pursuing personal complaints against the council?
Answer	
<p>KJ: There is a complaints procedure for the Council that we follow diligently, and it is really important to me – we need to ensure this is able to continue, whether it's about trees or any other item of Council business.</p> <p>RK: No, we will not use the Inquiry for this purpose. We will seek to respond to all complaints provided that we can do that in a way that does not prejudice the Inquiry. If people who have made complaints feel the Council is using the Inquiry in this way, please get in touch and we will look into it.</p>	

Questioner	Question
Justin Buxton	Will the chair of the inquiry have access to documents deemed to be LPP?
Answer	

RK: The presumption will be 'yes' unless there is a compelling reason not to – sorry for the caveat, but I'm not familiar with all the documents or the reasons for redactions in the past.

KJ: My starting assumption is that everything will be made available to the Chair.

Questions answered in text or following the meeting

Questioner	Question
Alan Billings	Is the chair appointed? or how ill the chair be appointed?
Answer	
Not yet. We've drafted a person specification which we're talking about at the public meetings. Appointment of the Chair will follow a similar process to that for senior council staff and there will be the opportunity for stakeholders to feed into that process. The final appointment decision will be made by Councillors. There will be an open advert for the position of Chair and we may choose to supplement that advert by using recruitment consultants to ensure that we get a broad range of applicants and therefore a strong shortlist.	

Questioner	Question
Alan Billings	What support staff will the chair have?
Answer	
We will build a team around the chair to complement their skills and experience. To be clear, we expect a dedicated team to be put in place to support the Inquiry process.	

Questioner	Question
Isabel O'Leary	Institute of Gov suggests purpose of inquiries should be 1)What happened 2) What went wrong 3) Who was at fault 4) Recommendations
Answer	
Your point is noted: we've also engaged external legal advisors who have extensive experience of setting up and supporting inquiries to make sure we get it right.	

Questioner	Question
Christine King	Comment from non-attendee that I also think would be useful and could help in clarifying the scope: "I'd like to see a timeline of key events, consultations, negotiations along with named personnel and departments/agencies involved in each activity. That would provide an overview of events and those responsible"
Answer	
Clearly one for the Chair and the Terms of Reference, but we think a clear timeline will be critical to the Inquiry	

Questioner	Question
Paul Selby	I was a member of STAG, and am now a member of the Street Trees Partnership Group. People will not be compelled to give evidence to the inquiry
Questioner	
Maggy Linford	I suspect the success of the inquiry will depend on who attends and gives evidence.

Answer

Absolutely. We want to ensure that the Inquiry is conducted in a way that encourages all stakeholders to participate. It is a non-statutory Inquiry that will have no formal powers to compel participation. A key skill of the Chair will be to establish and conduct the Inquiry in a way that encourages participation.

Questioner

Sue Laing

Question

You mentioned the importance of Nolan Principles and without pre-empting anything in the enquiry - this was probably a major issue for complainers - and therefore I think it's important to continue to reiterate these principles throughout the process together with the principles for people in public life.

Answer

KJ: I'm happy to Sue: they are the core of our work as public servants and will be a given in the inquiry.

Questioner

Albert Thwiepp

Question

Ms Josephs' intro included phrase 'public inquiry'. I think Kate meant 'in public'. Important distinction.

Answer

KJ: I did use incorrect phrasing, apologies - and you are right.

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Independent Street Trees Inquiry Public Meeting – Record of Questions & Answers

9th September – Reception Rooms, Sheffield Town Hall

Panel: Cllr Julie Grocutt (JG), Cllr Douglas Johnson (DJ), Kate Josephs (KJ), Ryan Keyworth (RK)

Questioner	Question
Paul Selby	I was a member of STAG and am now a member of the Street Trees Partnership Group. People will not be compelled to give evidence to the inquiry: we suspect some criminality has taken place which will have an impact on people’s willingness to give evidence, how can you encourage individuals to give evidence to the inquiry?
Answer	
<p>KJ: The Chair needs to work to encourage this. Some historic inquiries have offered the option to give evidence anonymously: we could consider something like this. A question for the Chair.</p> <p>RK: We will have to cross that bridge when we come to it. I acknowledge it is not an easy question to answer, and we know we need to get people to participate. We will need to work with the Chair on this. There was a question about legal representation or advice at the previous meeting, and we don’t have answer to this yet. We don’t want people to put themselves in a difficult legal position, for example either through defamatory statements, or by opening themselves up to legal questions. Neither do we want people turning up “lawyered up.” That won’t encourage the kind of approach we want. This is part of a set of tricky questions to answer before the inquiry can commence: we will be open about where we end up, and explain why that is, or the Independent Chair will.</p> <p>DJ: we know we can’t compel witnesses, and this would also be the case for a statutory inquiry. If someone refuses to help, it may look bad on them and their reputation. To take one example, in the Grenfell Inquiry some directors from the cladding company refused to give evidence. We have to recognise that an Inquiry is not a court of law. The most important thing will be to hear the evidence that people want to put forward.</p>	

Questioner	Question
Louise Wilcockson	How will the psychological damage caused by felling be assessed and recourse addressed? It cannot just be cathartic. What will the hardnosed outcomes be, even if that is just full acknowledgement of the damage caused to people? What can we do to avoid it happening again? Serious damage has been caused – PTSD, psychosis & not just hurt feelings. It is important not to dress this inquiry up as a cathartic experience about closure.
Answer	
<p>JG: We need a strong Chair can properly pick that up and ensure it is considered. It has been valuable to listen to what you and others have said, and we need to properly consider how that can come out of inquiry. It is down to the Chair to listen, understand & make clear recommendations. This will be part of the skill of the chair in understanding and putting forward recommendations for Council.</p> <p>DJ: it is not for us to say what the outcomes should be, this will be for the Chair to pick up.</p> <p>KJ: we need to recognise that people have experienced trauma and the process will be traumatic for some people.</p>	

Questioner	Question
Justin Buxton	When you say members would have final approval on Terms of Reference in relation to time and cost: who would those members be? Is this Co-operative Executive? Full Council? There is potentially a fair amount of negotiation in developing the Terms of Reference: I can see that if it went to Full Council it could be a political football?
Answer	
<p>RK: If the decision comes before May 2022 it will be the Co-operative Executive; if after then we will need to understand decision making arrangements.</p> <p>KJ: It is really important that the Chair can be confident that in their appointment they are also receiving the endorsement of the Council to make measured objective recommendations. Members would have to clear about what reason they might have to reject the advice of the Independent Chair. We need to be open about the trade-offs involved with the Council's budget position.</p>	

Questioner	Question
Dave Dillner	Will the inquiry start with contract negotiations, and the presentation of business plan to DfT? There were omissions and oversights in the contract process, with no arborists or ecologists involved. Why were decisions being made by highways and finance people? Trees were treated as street furniture. You made a rod for your own backs. Why are council officers lying about what was done? These are the things that need uncovering. Can you give an assurance that the inquiry will start there?
Answer	
KJ: I don't see that's it's not possible to start at the beginning.	

Questioner	Question
Robert Cutts	A lot has been said about money: will there not be an inquiry? Will members vote for it?
Answer	
<p>RK: It is for the elected Members to decide how the Council spends its money.</p> <p>KJ: elected Members have committed to an Inquiry. I appreciate the scepticism, there is going to be an Inquiry.</p> <p>JG: If the decision comes to Co-operative Exec we are all signed up to it.</p> <p>DJ: Clearly, it's got to happen. The question is around how it is funded, but it has to fit in there somewhere.</p>	

Questioner	Question
Caroline Milner	In terms of the inquiry and the information available for it: will this not be restricted to the archive?
Answer	

RK: No it won't: the inquiry can go where it wants. We don't need the archive to be complete to start the Inquiry.

Questioner	Question
Jon Johnson	We all want to move on from this. Governance is a major issue behind this: how will those lessons be learned? There is and interaction here with the issues raised earlier around people being willing to contribute.
Answer	
KJ: I don't want to prejudge the terms of reference, but it is not a stretch to imagine that governance will be a part of the inquiry. One of the things that will be important in the appointment of the Chair will be an understanding of what good looks like in governance. This also comes back to understanding what happened and unpicking it: not just the rules and arrangements but the human behaviours around governance. Sheffield City Council are constantly trying to improve governance: we have an LGA Peer Review coming up, and fully expect and hope we get recommendations to build on from that. We won't wait for the Inquiry to report to improve. A key point is to ensure people to contribute: this will be really important for the city to be able to move forward.	

Questioner	Question
Louise Wilcockson	Some of us have seen the changing of the guard before and saw how the Independent Tree Panel was established but then its recommendations not followed, with the ITP report recommending that the majority of Rustlings Road trees remain in place being published at 4:30am and following by the trees being felled at 5am. This is not just about getting a set of recommendations: they need to be followed.
Answer	
KJ: We accept this, and know that some recommendations may be straightforward, while some may be challenging.	

Questioner	Question
Benoit Compin	On 6 th March 2018 I was arrested on false grounds of breaching an injunction for the second time. I am grateful people are involved with no previous connection and would like a conversation with the Council to sort outstanding issues.
Answer	
RK: I'm happy to have a direct conversation about that.	

Questioner	Question
Justin Buxton	I understand Weightmans are advising on the appointment of the Independent Chair: do SCC see Weightmans following through and providing support through the process?
Answer	
RK: Weightmans are advising me at the moment, but I can see that changing to advising the Chair. The appointment was for the whole process.	

Questioner	Question
Martin Pickles	Who is it who decides the scope of the inquiry, the content and depth? Is it this panel, or is it the Chair? There are many episodes, and a lot to unpack that explains about behaviour, and the chance of things being missed. Do we have set of fundamental questions that are driving this?
Answer	
RK: There are lot of things to establish here: breadth and depth; start and end dates; how many episodes to go into? We will need to set a framework but it will be up to the Chair to make recommendations on start date and end date, and what will be covered in that time. When it comes to timeframe and cost, Members will need to sign that off.	

Questioner	Question
Isabel O’leary	What do you think is the purpose of the inquiry?
Answer	
JG: For me it is about looking into a period of time in Sheffield that has caused angst, anxiety, and upset to people, and caused public criticism of the Council that we need to deal with so that everyone involved can feel an opportunity to be understood, where we look to move forward as a city, and get back to doing what we need to do in terms of running the city.	
DJ: This is a really important question. We know that some bad stuff happened, and we also know things have moved on, a lot of people have gone, and we are in different times, and a new way of working has to build in a certain amount of openness and transparency. It will cost money. But too many loose threads are hanging and people need to tell their stories. I don’t know where that will lead us, what the findings or recommendations will be, but the process is important.	
RK: This is about truth and reconciliation: getting to the truth, reconciliation comes from that truth being acknowledged, and if sorry needs to be said it needs to be said properly. The mission is to get a Chair who can deliver that.	
KJ – there will be people who challenge us on using public money on this but it is really important – until there is a process of listening and ensuring it does not happen again – we won’t be able to move forward as a city with a sense of trust and collective purpose in these times to be the best we can be. Outcome – we begin to build some trust back.	

Questioner	Question
Jon Johnson	With regard to LACs, are we moving down a road we’ve been down before or are we going to learn the lessons as we go? We can’t wait for the inquiry to finish to move forward.
Answer	
KJ: An iterative, constant approach to learning and being curious is the right way to go. LACs are part of the vanguard of our new way of working, in and of communities, but this will also be about behaviour change as well as structures. We need to move forward and build in lessons as we go.	

Questioner	Question
Dave Dillner	We’d all like to see closure, but when talk about moving on and putting this behind us, can you imagine how difficult this will be for campaigners

	to stomach when some of the main perpetrators, councillors and officers, are still in post?
Answer	
JG: Ultimately, we need to try to get everyone there so they can have their say.	
DJ: We have to recognise it has been a big part of people's lives and they have been badly affected by it. The Inquiry will do what it can, but can't be expected to fix everything that has gone wrong.	

Questioner	Question
Louise Wilcockson	It is important to be mindful that part of the reason to be willing to commit sufficient funds to this inquiry, is not just about a healing process at local level. It is about rectifying Sheffield's global image and ability to compete on the global platform. We cannot be in the position of continuing to market ourselves as the Outdoor City, with the legacy of the tree felling casting its shadow still. We must not forget that this was a £2.2bn contract of which the .2 is often missed off. The cost of an inquiry would be a drop the ocean in comparison and that should be seen within this context. Also, Birmingham decided to sue Amey whereas we spent money suing our citizens.
Answer	
KJ: I agree; but it's clear there will be a cost commitment to this. SCC will commit funding to this, but in the current budget circumstances there will be trade-offs and choices and we have to be open about that.	

Questioner	Question
Benoit Compin	What we spend on the inquiry will depend on the transparency of SCC – this is an opportunity for the members and officers involved to be open.
Answer	
KJ: I anticipate all discussions around finances will be in the open.	
RK: the Inquiry will be better if people feel able to be fully open and free. An advance process of reconciliation could help with this?	

Questioner	Question
Isabel O'leary	It is good to hear learning can be done as we go: can learning be done about how Birmingham got out of their highways contract?
Answer	
KJ: We could look at this: I am spending time with the new Birmingham CEX so can discuss with her. We are committed to being outward looking, more so than has been the case in the past.	

Questioner	Question
Justin Buxton	For me, there are three strands the inquiry needs to address: the reputational loss to Sheffield; the personal cost to people; and the financial cost. I think there was misuse of public funds on several fronts, and there is a responsibility for the Council to inspect whether funds were used properly, especially in relation to delegated authority rather than through democratic process. There is an argument for why money should

	be invested in that. To add to this, a total of £413k spent on courts, plus police time, all a waste of money.
Answer	
Justin's comments were noted.	

Equality Impact Assessment

Introductory Information

Budget/Project name

Appointment of Independent Chair of the Inquiry into the Street Trees Dispute

Proposal type

- Budget
- Project

Decision Type

- Cabinet
- Cabinet Committee (e.g. Cabinet Highways Committee)
- Leader
- Individual Cabinet Member
- Executive Director/Director
- Officer Decisions (Non-Key)
- Council (e.g. Budget and Housing Revenue Account)
- Regulatory Committees (e.g. Licensing Committee)

Lead Cabinet Member

Cllr Julie Grocutt

Entered on Q Tier

- Yes
- No

Year(s)

- 21/22
- 22/23
- 23/24
- 24/25
- other

EIA date

16/11/2021

EIA Lead

- Adele Robinson
- Annemarie Johnston
- Bashir Khan
- Beverley Law
- Ed Sexton
- Louise Nunn
-
-

Person filling in this EIA form

Daniel Spicer

Lead Director for Project

Ryan Keyworth

Lead Equality Objective

- Understanding Communities
- Workforce Diversity
- Leading the city in celebrating & promoting inclusion
- Break the cycle and improve life chances

Portfolio, Service and Team

Cross-Portfolio

- Yes No

Portfolio

Resources

Is the EIA joint with another organisation (eg NHS)?

- Yes No

Brief aim(s) of the proposal and the outcome(s) you want to achieve

Appointment of an independent person to conduct a local non-statutory inquiry into the management of the street trees dispute, in line with the commitment made in the May 2021 Labour and Green Co-operation Agreement.

Impact

Under the [Public Sector Equality Duty](#) we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the [Council website](#) including the [Community Knowledge Profiles](#).

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

Overview

Briefly describe how the proposal helps to meet the Public Sector Duty outlined above

This proposal aims to establish a trusted independent person to deliver the local inquiry into the Street Trees dispute, beginning the process of Sheffield moving on from this episode and supporting the fostering of good relations in the city. It will be a stipulation of the contract with the Chair that they adhere to all SCC policies.

Impacts

Proposal has an impact on

<input type="radio"/> Health	<input type="radio"/> Transgender
<input type="radio"/> Age	<input type="radio"/> Carers
<input type="radio"/> Disability	<input type="radio"/> Voluntary/Community & Faith Sectors
<input type="radio"/> Pregnancy/Maternity	<input type="radio"/> Cohesion
<input type="radio"/> Race	<input type="radio"/> Partners
<input type="radio"/> Religion/Belief	<input type="radio"/> Poverty & Financial Inclusion
<input type="radio"/> Sex	<input type="radio"/> Armed Forces
<input type="radio"/> Sexual Orientation	<input type="radio"/> Other

Give details in sections below.

Health

Does the Proposal have a significant impact on health and well-being (including effects on the wider determinants of health)?

Yes No *if Yes, complete section below*

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Comprehensive Health Impact Assessment being completed

Yes No

Please attach health impact assessment as a supporting document below.

Public Health Leads has signed off the health impact(s) of this EIA

Yes No

Health Lead

Age

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Disability

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Pregnancy/Maternity

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Race

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Religion/Belief

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Sex

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Sexual Orientation

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Transgender

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Carers

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Voluntary/Community & Faith Sectors

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Cohesion

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Partners

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Poverty & Financial Inclusion

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Armed Forces

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Other

Staff

- Yes No

Please specify

Impact

- Positive Neutral Negative

Level

- None Low Medium High

Details of impact

Customers

- Yes No

Please specify

Impact

- Positive Neutral Negative

Level

- None Low Medium High

Details of impact

Cumulative Impact

Proposal has a cumulative impact

Yes No

<input type="radio"/> Year on Year	<input type="radio"/> Across a Community of Identity/Interest
<input type="radio"/> Geographical Area	<input type="radio"/> Other

If yes, details of impact

Proposal has geographical impact across Sheffield

Yes No

If Yes, details of geographical impact across Sheffield

Local Area Committee Area(s) impacted

All Specific

If Specific, name of Local Partnership Area(s) impacted

Action Plan and Supporting Evidence

Action Plan

No negative equality impact has been identified.

Supporting Evidence (Please detail all your evidence used to support the EIA)

Consultation

Consultation required

Yes No

If consultation is not required please state why

[Redacted]

Are Staff who may be affected by these proposals aware of them

- Yes No

Are Customers who may be affected by these proposals aware of them

- Yes No

If you have said no to either please say why

[Redacted]

Summary of overall impact

Summary of overall impact

No impact has been identified.

Summary of evidence

[Redacted]

Changes made as a result of the EIA

No changes required: this relates to the appointment of the Chair, and we expect that the Inquiry itself will take account of equalities in its delivery.

Escalation plan

Is there a high impact in any area?

- Yes No

Overall risk rating after any mitigations have been put in place

- High Medium Low None

Sign Off

EIAs must be agreed and signed off by the equality lead in your Portfolio or corporately. Has this been signed off?

- Yes No

Date agreed 16/12/2021

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