

# SHEFFIELD CITY COUNCIL

## Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

### Meeting held 13 September 2017

**PRESENT:** Councillors Denise Fox (Chair), Ian Auckland (Deputy Chair), Mike Chaplin, Neale Gibson, Mark Jones, Abdul Khayum, Ben Miskell, Robert Murphy, Moya O'Rourke, Colin Ross, Jackie Satur, Gail Smith, Martin Smith and Paul Wood

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. PUBLIC QUESTIONS AND PETITIONS**

4.1 The Committee received the following questions from members of the public:-

(a) Nigel Slack

- (i) In the Working Group's findings on technical issues (page 30) they '...find that there is a need for dialogue of technical issues between the community and Streets Ahead.' Can the Committee ask the Cabinet Member to comment on how these will be undertaken?
- (ii) Also on page 30, the report comments on street tree species. Officers have supplied, in answer to a question at the previous meeting, a long list of potential species for any replanting. Can a more specific recommendation be provided to enable the community to judge whether '...such trees should also have a ceremonial/stately appearance when mature.' and thereby comment on the suggestions?
- (iii) It is unfortunate that this 'cross party' Committee chooses to make 'party political' comments in the report, under the heading 'Commitments by Sheffield Council' when many members of the community (about 7,300 at the last count) feel many of these commitments have already been broken. Will a member of this Committee be at Cabinet to reflect that point of view from the

community?

- (iv) (Recommendation 1) Will the Committee ask the Cabinet Member how he will interpret and apply the comment ‘...all appropriate means available to the Council...’?

(Recommendation 3) Will the Committee ask the Cabinet Member how he will interpret and apply the comment ‘...where practical and affordable...’?

- (v) Will this Committee ask the Cabinet Member whether he will be using the inflated costings in the Streets Ahead contract for any assessment of Recommendation 3, or is he prepared to take expert advice from beyond the biased contractor?

4.2 In response, the Chair stated that she would be attending the Cabinet meeting on 20<sup>th</sup> September 2017, to introduce the final report of the Western Road First World War Memorial Scrutiny Task and Finish Working Group. Councillor Bryan Lodge stated that responses to a number of the questions raised by Mr Slack would be responded to, as part of the consideration of the report, by the Cabinet, at its meeting to be held on 20<sup>th</sup> September 2017. In response to the question regarding the integrity of the contractor, Councillor Lodge stated that it was simply Mr Slack’s view that the contractor was biased, but pointed out that the Judge, as part of the recent Court hearing, had dismissed this view. Councillor Lodge also indicated that he disagreed with the comments with regard to inflated costings in the Streets Ahead contract.

(b) Dave Dillner

Dave Dillner requested copies of the four arboriculturalist and engineering reports on the 23 threatened trees on Western Road.

4.3 Councillor Bryan Lodge stated that this information would be shared at the Cabinet meeting to be held on 20<sup>th</sup> September 2017. Paul Billington, Director of Culture and Environment, added that the Council had released as much information as possible, which it considered appropriate, in order to assist the Cabinet in making a decision.

(c) Alan Story

- (i) Mr Story referred to a petition requesting that the Rt Hon Jeremy Corbyn, MP, acts as a mediator in the ongoing dispute with regard to the tree replacement programme in the City, and questioned whether arrangements had been made for this to happen.
- (ii) Mr Story, whilst referring to the definition of the word ‘stewardship’, stated that the trees planted on Western Road in 1919, in memory of former pupils of Westways School, who had lost their lives during the First World War, had been handed to Sheffield City Council, with a request that the Council act as stewards in terms of their future maintenance, and queried whether this would have been done if, at the

time, the people who planted the trees would have been aware that they would have been felled at some stage in the future.

- 4.4 Councillor Bryan Lodge stated that, with regard to the comments about Jeremy Corbyn, it was Mr Corbyn's choice as to whether he chose to act as a mediator in the ongoing dispute in relation to the tree replacement programme in the City.

(d) Elizabeth Motley

Elizabeth Motley stated that she believed that there were appropriate engineering solutions in terms of retaining the memorial trees on Western Road, but that the Council could not afford to pay for such works. Ms Motley believed that the Western Road memorial trees were to be considered differently from other trees earmarked for replacement. She referred to the Council's plans to plant a number of trees in parks and woodlands in the City, in memory of the Sheffield soldiers who died during the First World War, stating that the pupils from Westways School who died during the War, walked up and down Western Road, and not through a park. She also stated that she had been told that the tree roots could be cut without having a major effect on the tree or the highway, and queried whether or not this was the case.

- 4.5 The Chair stated that a written response regarding the tree roots would be sent to Ms Motley.

(e) Adrian Millward

Adrian Millward stated that he had raised questions at previous meetings of the Scrutiny Committee, and that it had been three months since he had received a response. He questioned whether there was a time limit in terms of written responses to questions.

- 4.6 The Policy and Improvement Officer stated that she was not aware of there being such a time limit, although every effort was made to ensure that a response was provided as soon as possible. Whilst apologising for the delay in this case, she stated that there were often situations, such as in this case, where a considerable level of information was required to inform a response.

## **5. MINUTES OF PREVIOUS MEETINGS**

### 5.1 20<sup>th</sup> July 2017 (Special)

The minutes of the special meeting of the Committee held on 20<sup>th</sup> July 2017, were approved as a correct record, with the exception of Item 6 (Call-in of the Cabinet Member Decision on Non-City Centre Parking), which was amended by the substitution of the figure "4000" for "14,000" in paragraph 6.6.

### 5.2 27<sup>th</sup> July 2017

The minutes of the meeting of the Committee held on 27<sup>th</sup> July 2017, were approved as a correct record, with the exception of Item 4 (Public Questions and

Petitions) by the substitution of the name 'Banes' for the name 'Barnes' in paragraphs 4.7 and 4.8.

**6. WESTERN ROAD FIRST WORLD WAR MEMORIAL SCRUTINY TASK AND FINISH WORKING GROUP RECOMMENDATIONS - UPDATE**

6.1 The Committee received a report of the Policy and Improvement Officer, containing the report of the Western Road First World War Memorial Scrutiny Task and Finish Working Group. The report had been considered by the Committee, at its meeting held on 27<sup>th</sup> July 2017 and, as part of its resolution, the Committee had amended the wording in Recommendation 1, as well as requesting the Cabinet to provide an initial response to the Working Group's recommendations by September 2017.

6.2 Councillor Bryan Lodge (Cabinet Member for Environment and Street- scene) provided an initial response to the recommendations. Also in attendance for this item were Councillor Mary Lea (Cabinet Member for Culture, Parks and Leisure), Paul Billington (Director of Culture and Environment) and Lisa Firth (Head of Parks and Countryside).

6.3 Also in attendance were a number of members of the public, including a number of residents of Western Road.

6.4 Councillor Lodge stressed that no decisions had been made in respect of the Western Road First World War memorial trees, and that any such decisions would be made by the Cabinet, at its meeting to be held on 20<sup>th</sup> September 2017. The report of the Task and Finish Working Group contained the amendment to Recommendation 1 in the report, and Councillor Lodge stated that he had been invited to this meeting in order to provide a verbal response to the Working Group's recommendations. He stated that the Working Group exercise had proved very helpful to the City Council in helping to identify a number of other memorial trees across the City, as well as those on Western Road. It was believed that 97 trees had been planted on Western Road, with 54 remaining to the present day. Councillor Lodge stated that the Council had been aware of a number of issues regarding trees on Western Road for a number of years, but it had been deemed that the issues be dealt with as part of the Streets Ahead programme. Councillor Lodge stressed that it was important that the views of all residents were considered, on the basis that the Council had received complaints from some residents with regard to damage being caused to their properties by the tree roots. Council officers were also working with the War Memorial Trust in connection with the memorial plaque.

6.5 Councillor Lodge then referred to each of the Working Group's recommendations, and made the following comments:-

Recommendation 1 - The Council recognised the avenue of trees on Western Road as an important memorial to those pupils from Westways School who lost their lives during the First World War and, in the light of this, had planned to replace as many of those trees as practicable, in consultation with the residents of Western Road.

Recommendation 2 – The Lifecycle Investment Programme going forward provides for a proactive tree management plan.

Recommendation 3 – There would be more detail on the proposed action to be taken in respect of individual trees on Western Road and Mona Avenue, including details of the various engineering solutions, at the Cabinet meeting on 20<sup>th</sup> September 2017. A considerable amount of work had already been undertaken in terms of assessing the condition of the trees and, with regard to those trees which had been categorised into the ‘6Ds’ criteria (Dangerous, Dead, Diseased, Dying, Damaging or Discriminatory), if a tree met one or more of the criteria, a further assessment would be carried out to decide whether the tree should be removed and replaced. It was stressed that the public needed to be aware that funding for the treatment of the trees needed to be identified on the basis that such works fell outside the scope of the Streets Ahead contract. The Cabinet would look at each individual tree, and ensure that everything possible was done to restore the avenue of trees on Western Road.

Recommendation 4 – as above

Recommendation 5 – The Council aimed to replant as many trees as possible on Western Road to link in with the Centenary Anniversary for Armistice Day in November, 2018.

Recommendation 6 – Councillor Lodge indicated that he would be happy to attend a future meeting of this Committee to provide an update in terms of the immediate, medium and long-term, future maintenance plan for the Western Road War memorial trees.

Recommendation 7 – The Cabinet would be making the decisions based on the information with regard to the differences and challenges identified in the Council’s technical recommendations, following the Independent Tree Panel report, and the technical submissions from the local community. This would also include listening to the Council’s arboriculturists and highway engineers. As part of the investigations, it had been identified that 144 memorial trees were missing from official records, and that the Council would do everything possible to replace these, by replanting in the most suitable locations.

- 6.6 Councillor Mary Lea stated that the Council, using funding from Parks and Countryside, had planned to plant 300 trees in the City’s Parks and Woodlands, in memory of Sheffield residents who lost their lives during the First World War, to mark the anniversary of the end of the War in 2018. Officers in Parks and Countryside were working with the Royal British Legion on plans for a series of new monuments in memory of those Sheffield soldiers killed in the War, and would be seeking the views of local residents as to where such trees should be planted. Councillor Lea added the War Memorial Trust were very supportive of the initiative.
- 6.7 Members of the Committee raised questions, and the following responses were provided:-

- It had always been the intention to make as much information as possible available at the Cabinet meeting on 20<sup>th</sup> September, 2017, including details of the engineering solutions. The Council has got to be mindful that not all residents on Western Road and Mona Avenue want all 97 trees replaced therefore, there was a need to seek some form of agreement from those residents in terms of the number of trees to be replaced.
- A number of the trees had been identified for replacement on the basis that, following detailed investigations, there were no viable engineering solutions in terms of highway improvements to enable such trees to be saved. The investigations had included looking at other solutions which had been used across the City, such as the build out, or removal of, kerbs, which had resulted in varying degrees of success. Officers were also mindful of similar problems being experienced in other areas of the country.
- The tariffs in the Streets Ahead contract, in terms of the costs of undertaking specific highway works, were commercially sensitive, therefore had been redacted from any publicly available reports. There had not been any details in terms of costings provided at this stage on the basis that it was not yet clear as to what works were required. Whilst the Committee, at this meeting, was not scrutinising the details, and costs of, the works required, it could call-in the decision of the Cabinet if it considered there was a requirement for further scrutiny.
- There was still a need to understand what costs were required in connection with the works, particularly if there were engineering works required. There may then be a need to identify additional funding to be put towards such alternative solutions. It was likely that objections would be received from some residents in terms of build outs and other required highway improvements. There were likely to be additional costs involved with regard to such improvements, with regard to loss of parking and residents having difficulty accessing driveways.
- As had been highlighted with regard to the tree replacement programme in different areas of the City, there had been a difference of opinion from residents in terms of the treatment of trees. The Cabinet would have to consider all the information available, and make a decision in terms of the memorial trees on Western Road and Mona Avenue.
- The Council had planted approximately 60,000 trees in 2016, and would continue to plant new trees, and replace those in the “6Ds” criteria. Any additional works, over and above those stated in the Streets Ahead Programme, would have to come out of the Highways budget, which was very limited at the present time. The funding for the 300 trees to be planted in the City’s parks and woodland, in memory of Sheffield people who lost their lives in the First World War, was to be met from the Parks and Woodlands budget. The costs of planting, and subsequent maintenance of, trees in parks and woodlands was considerably cheaper than those planted on the highway.

- It had been considered that there had been sufficient consultation with local residents in connection with the City's tree placement element of the Streets Ahead Programme, both in terms of the Programme City-wide, and more so, with regard to the Western Road memorial trees. This had included consultation by this Committee, the Committee's Western Road First World War Memorial Scrutiny Task and Finish Working Group and the Independent Tree Panel. The consultation had also been considered useful in terms of helping the Council to ensure that the City's highways were safe for all users. It had been noted in the recent Court case that the consultation undertaken by the Council had not only met its legal requirements, but had gone over and above in terms of its duties.
- If there were any delays in terms of the proposed works, on the basis that the tree planting season is from November to March, this would result in financial implications for the Council in connection with the Streets Ahead contract.
- If the Cabinet decided that the trees should be retained, there would be a requirement to transfer the trees from the current Streets Ahead contract. This would result in major financial costs to the Council, both in terms of amendments to the contract and to the subsequent financial responsibility in terms of future maintenance.
- If it was decided that external funding was required for any highway works, over and above those to be funded through the current Streets Ahead Programme, such as Community Infrastructure Levy (CIL), there would be a need to the Council to go through all the required procedures in respect of such allocation. If external funding was considered as an option, there would still be a requirement for a commuted sum, in terms of maintenance costs, to cover the rest of the 20 year Streets Ahead contract. There could also be issues with regard to discrimination, in that residents in some areas of the City were more able to provide such public funding, and there could also be conflict between neighbours in terms of the choices made.
- The Council would be happy to accept offers of funding from the War Memorial Trust and Royal British Legion.
- Whilst the precise figure in terms of the Council's legal costs in the two Court cases was not available, it was believed to be a considerable sum, and could be provided to Members. Similarly, the costs involved in the establishment, and operation of, the Independent Tree Panel, could also be forwarded to Members.

6.8 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, the information now reported and the responses to be questions raised;
- (b) thanks Councillors Bryan Lodge and Mary Lea, and Paul Billington and Lisa Firth, for attending the meeting and responding to the questions raised; and

- (c) requests that as much information as possible, with regard to the Western Road memorial trees, be made publicly available, in an attempt to save Council costs in respect of potential Freedom of Information requests.

## **7. WORK PROGRAMME 2017/18**

- 7.1 The Committee received a report of the Policy and Improvement Officer which set out its Work Programme for 2017/18.
- 7.2 Members made a number of suggestions in terms of issues they wished to be added to the Work Programme, including the former Ski Village, small businesses and bus travel. In response to comments from Councillor Rob Murphy, who queried why the Green Commission had been removed from the Work Programme, Alice Nicholson stated that “Growing Sustainably: A Bold Plan for a Sustainable Sheffield” was the Council’s response to the Green Commission, and she was looking into the best way of dealing with the issue, and would report back thereon to a future meeting.
- 7.3 **RESOLVED:** That the Committee approves its Work Programme for 2017/18, subject to consideration being given to the inclusion of the additional items now referred to.

## **8. WRITTEN RESPONSES TO PUBLIC QUESTIONS**

- 8.1 The Committee received and noted a report of the Policy and Improvement Officer (Alice Nicholson) setting out the written responses to the public questions raised at its meeting held on 27<sup>th</sup> July, 2017.

## **9. DATE OF NEXT MEETING**

- 9.1 It was noted that, although the next meeting of the Committee was scheduled to be held on Wednesday, 11<sup>th</sup> October, 2017, at 5.00 p.m., in the Town Hall, there was a by-election on Thursday, 12<sup>th</sup> October, 2017, which may result in the meeting date being re-arranged.