

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	<p>Unacceptable response</p> <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	<p>Poor response</p> <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	<p>Acceptable response</p> <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	<p>Good response</p> <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>		
Hourly rate	Daily rate (assumption 7 hour day)	Details of all travel subsistence and additional expenses that you will charge (if not included in the hourly rate)

<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