



***It's Our City!* Public Statement on the Response to the Street Trees Inquiry Report.**

Sir Mark Lowcock has given Sheffield the truth. Now, can we handle it?

This statement is a public contribution to debate following the publication of the Lowcock Report. *It's Our City!* has a particular interest in the Report because our community activities were explicitly political, though non-Party-political non-partisan and citizen-led, powerful interventions designed, specifically, to speak to the dysfunctional politics seen in the street tree crisis, and experienced by many others across the city. *It's Our City!* formally de-constituted ' in July 2021 but we continue informally. Some of us have continued to follow-through on governance change work (nationally, in research, and) providing critical challenge to our council's governance change activities, to continue to try to do justice to the voices of Sheffield citizens from all over the city. The active members of the outgoing Coordinating Group have briefly reconvened to develop and issue this public statement following the publication of the Sheffield Street Trees Inquiry Report.

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25th March 2023.

The Report

The Final Report of the Independent Inquiry into the Sheffield Street Trees Dispute was published on 6th March and is lengthy and detailed. It is a catalogue of bad decisions, wrongdoing, collusion and misuse of authority by our most senior council leaders, over many years. The Report says the "political leadership" of our city was responsible, setting the tone and direction, and some individuals are identified. The Report is not trivial in its criticism, it is comprehensively damning.

Not many people will read its 227 pages but, if they did, they would recognise much of its content. What happened to street tree campaigners in our city was only the biggest, most extreme, and visible manifestation of the impacts of the hostile political culture and defensive, insular leadership, in our Council. Overall, these dynamics have had a long-term impact upon many citizens, community groups and organisations across the city. The Report itself emphasises that the street tree crisis exposed problems in our council that go beyond the tree crisis, and the seriousness of the resulting loss of public trust.

The Report is about our Council, and about all of us.

(A brief summary, series of direct quotations, plus link to the Report, is below this Public Statement.)

The Process

In his presentation of the Report Sir Mark told us that his approach had been to tell us the truth about what happened in the street tree crisis.

At first read, and after such a clear, detailed and damning account, it is the 'recommendations' section in the Report that appears its *weakest*. Yes, the recommendations include specific apologies and recompense to those tree campaigners targeted, victimised and criminalised by the Council campaign against citizens. However, beyond that, the recommendations are short and very general.

This is deliberate.

Sir Mark is instructive. He emphasises his approach is informed by 'truth and reconciliation'. He says his task was to tell us *the truth*.

But he cannot "deliver" the reconciliation.

So now we have the truth of what happened, in all its disturbing detail. Sir Mark knows that we all must properly hear, and take in, this truth. And seek to learn from it. In his presentation of the Report, this is precisely what he asked us to do.

But the reconciliation is for us to handle. The truth simply presents us with an opportunity. The 'reconciliation' is for us, to own, as a city.

Much is written about reconciliation, but the starting point or prerequisite for reconciliation is acknowledgement, ownership, and accountability (justice). It is a powerful signal that something is possible, and is the start of confidence-building.. And reconciliation certainly includes: public truth sharing; apology and reparations; trust building and transparency; and joint and connected leadership for integrating learning (and shaping the future).. It also requires political will.

The Response

Within 24hrs of the publication of the Report, and despite its utterly damning contents, we heard from our Council Leader, Cllr Terry Fox, that there would be *no resignations*. He would not be resigning and he informed us he had *already refused Cllr. Lodge's resignation* the previous night. Both Cllr Fox and Cllr Lodge are named in the Report as the two responsible Cabinet members during the most serious years of the street trees crisis. (There are also four other former Cabinet members from that time who are still sitting councillors.) Cllr Fox has since risen to be Leader of the Council, and Cllr Lodge is Chair of the significant Finance Sub-Committee.

Cllr Fox also told us that *the council has changed*, and asserted that it is doing well under the new committee system they have introduced. He said he believed he remained the best person to lead the city.

Amidst all this, the (apparent) *acceptance* of the report, and the *apology* that Cllr Fox delivered was, unsurprisingly, lost.

Interviewer Toby Foster of BBC Radio Sheffield was almost speechless. Later, he rediscovered his mojo and coined what he had heard as “Sorry Not Sorry”.

Also issued (8th March) was a two paragraph statement from Sheffield Labour Councillors: www.sheffield-labour-councillors.org/2023/03/08/a-statement-from-sheffield-labour Sheffield Labour led our Council throughout the street tree crisis, under top-down “strong leader” governance where only 10 (Labour) out of 84 councillors across the city held almost all decision-making power (in the Cabinet).

There is now something of a shutdown in Sheffield Labour. When asked, for example in Local Area Committees, Labour councillors have stuck to the Party line, and within the statements issued.

There is also evidence of some doubling down.. In the South East Local Area Committee on 22nd March, the Chair Cllr McGowan closed down any and all public discussion about the Inquiry Report, saying “People can read the Report on the website if they want, and make up their own minds.”

Opposition parties (Lib Dems and Greens) did not act, or did not act fast enough (before the local elections period), to secure the removal of the Leader as they could have done. They chose not to. Nor did the Lord Mayor act fast enough to set a date for an Extraordinary Council Meeting (eventually requested by the Greens) before the elections period. This could have secured some initial accountability - to light the way, and signal a reorientation, to reconciliation).

Tree campaigners, and many others, have, rightly, called on the Leader and Cllr Lodge to resign as councillors.

The Damage

There is a ridiculousness to the political response of course. Cllr Fox says he fully accepts the Report, but his actions (and those of his political colleagues) show he does not.

There is misunderstanding of the Inquiry process that our politicians apparently bought into, to understand what ‘reconciliation’ requires.

The response – and “bunker mindset” – echoes some of the behaviours and political culture that underpinned and contributed to the start, , maintenance and escalation.....of the street tree crisis.

And in hiding behind the new council committee system the dishonesty continues. Cllr Fox deeply opposes (and has always opposed) the loss of “strong leader” power (that also helped enable its chronic abuse). A more democratic starting point under the committee system was delivered by the sustained work and commitment of citizens across our city exercising community rights in the Localism Act – not by our council. In recent weeks the Leader has sought to continue to undermine the committee system (1). His rapid conversion, upon publication of the Inquiry Report, is not convincing. As Chair of Sheffield City Partnership Board, Lord David Blunkett’s misleading comments have been highly inadvisable and unhelpful, for confidence in the future and for reconciliation work. He has given the impression that he seeks, primarily, to shore up his party political colleagues in our city (and to resist acknowledgement, ownership, accountability and what reconciliation involves).

So, yes, there is a ridiculousness.

On top of the damage of the street tree crisis, the new damage now comes from the fact that those with great responsibility for the bad decisions and toxic council behaviour through the crisis remain

in positions of power in our council, and over our city. The impression is they can only do politics, clinging to power, and acting in what they perceive as their own narrow party political interests. They seek to block efforts for 'reconciliation' by refusing the most basic ownership and accountability required to enable and support that work.

Can we handle it?

Well, yes we can, and we must. Our city is not our failing politics, our failing political leadership, and its toxic political culture (where we have but merely scratched the surface for change).

People are, and always were, bigger than simply 'the politics' we are subjected to.

We have many 'leaders' in our city - in council officers, in other statutory bodies, across voluntary and faith sector organisations. And it is citizens and communities across Sheffield who, in recent years, and even from their relatively power-less positions, have shown the most stunning 'leadership'.

This is not to underplay the impact of failing political leadership. In the current situation there will be great drag and distortion, we will not be in the right place for reconciliation work and it will be undermined. Despite this, we must continue, although our politicians have so far indicated that they will be marginal to constructive and positive ways forward..

A few suggestions to support 'reconciliation'

Accountability

Things can still happen in the political sphere despite the immediate political refusal of accountability. After local elections there will be an Extraordinary Council Meeting that will discuss the Inquiry Report. Depending on the outcome of local elections, and discussions within political party groups, it is also possible that the current Leader and Cllr Lodge (and maybe others) will at least no longer occupy the positions of power they currently cling to. They should still step down as councillors. Opposition parties, too, should ask and challenge themselves about how much they have also been caught up in a political culture that has not served Sheffield well.

There are other important steps that can and should be taken, a refusal of basic political accountability does not stop other avenues where accountability needs to be actively pursued.

For example, if they are not already, our council should be talking to its external auditors who have particular statutory responsibilities of investigation and public reporting (and for reporting across the sector in Public Interest Reports) where there is specific council wrongdoing. Questions about the possible misuse of public monies in a number of areas related to the street trees crisis are raised by the Inquiry Report, and these concerns have even continued to emerge since its publication (for example, in relation to council action to put pressure on the police to intervene and arrest more protesters).

The Monitoring Officer should also be considering what action to take given his statutory responsibilities to maintain high standards of conduct. The exposure by the Inquiry Report of the apparent, extended and comprehensive failure to uphold each and every one of the Nolan Principles of Public Life should be cause for great alarm, and intervention. The Monitoring Officer should

publicly declare what action he will now be taking, to send a powerful signal that the statutory leadership responsibilities here will not be avoided, as they have been previously.

Public truth sharing

Our council must make efforts to disseminate the Report and its findings to all its partners and across civil society, especially given the systematic rebuffing of external stakeholders identified, and for discussion and apologies. There must be opportunities for public discussion - we must hear more about *why* things went so wrong, and people and political groups behaved as they did. Emphasis should be on acknowledgement, ownership and honest exploration, not unproven (some would say empty) claims that it does not matter because everything has already changed.

Importantly, in light of the Report findings, the council should make considerable efforts to share the truth with citizens, particularly those who were subject to the dishonest and misleading propaganda perpetrated by politicians and the council, which sought to generate wider hostility to tree campaigners and divide Sheffield communities. Some retractions, repair work, and apologies are in order here; perhaps the LACs could play an active role in this, though some political blocks and efforts to silence discussion here have already been seen. Public truth sharing should also pay tribute to tree campaigners, what they endured, and what they did.

Transparency and trust building

One effect of political blocks to reconciliation is to silence and to attempt to impose widespread self-censorship on statutory, voluntary and community organisations, under the threat of political exclusion or censure from those clinging to power. This drives dialogue behind closed doors when it needs to be open, honest, collaborative and transparent. Efforts to block, silence or have secretive discussions should be resisted by all, as much as possible – the insularity evident in Lowcock needs to be replaced by a conscious and active external orientation. Our council leaders (officers) and others have a pivotal role to play in this, and for public trust (and alliance) building. This work requires courage.

Transparency and trust-building work for reconciliation means shifts in relationships (and roles) between officers, stakeholders, communities and citizens, and with our politicians. There is little justification for continuing chants of “We are a Member-led council” which is just another way of asserting narrow power and authority over others – when this has proved toxic, and while change remains uncertain at best. We must embrace plurality. We can surely find ways of prioritising, promoting and funding transparency and trust-building work for joint and collaborative action. Certainly mechanisms for embracing critical challenge, with transparency, are required. Had previous warnings, advice and insights been listened to, we would not now be in the position we are in. Mistakes will be made along the way for all this, and we must learn to overcome these and persist.

Joint leadership and making connections

The Lowcock Inquiry Report is about all of us - how we live and work together, and care for each other – and a collective legacy that we bring to the present, and for the future.

But it is by far from being the only signpost to change in Sheffield. The wholly unfinished governance changes (about the way our city works) needs to re-focus and embrace stakeholder and citizen-work that has, to date, been rejected. For this, strong performance measures and constitutional amendments are required to embed change at the heart of council decision-making and for open, participatory governance. The Sheffield Race Equality Commission work (that included

some just-as-powerful public testimony as we saw in the Street Tree Inquiry Public Hearings (and that presented just-as-challenging required shifts in thinking and practice) heralds change too. And the recent Corporate Peer Challenge exercise in our council (and where the Inquiry Report should also be referred back to) provides a very different framework of operation for council approaches, mechanisms and activities.

Finally, but importantly, we would like to pay tribute to Sheffield's tree campaigners – and to all community campaigners – for the work they have done, and will do in the future, in support of our city. It is through the work of these communities that Sheffield has such strong feelings of commitment and solidarity, despite a longstanding and dysfunctional political culture that must be changed.

Notes

- (1) Public question submitted to full Council, 20th February 2023, no answer has yet been received (the requirement is for a reply within 10 days).

The Leader's comments on local governance

There is a very recently published (31st Jan) Public Interest Report written by Grant Thornton about Cheshire East Council governance. The report notes that the biggest critical factor in re-setting their governance has been the shift to a committee system. This has enabled Cheshire East to address an historical abuse of strong leader power. Cheshire East Council has done huge amounts of sustained work over many years on securing governance change, and its new committee system appears to be working well, as endorsed in the detailed Public Interest Report.

Here, at members questions in last full Council, the Leader was asked whether he thought the new committee system was working well. He provided a one word answer, "No".

(I also saw him quoted in the press implying that the delays, difficulties and failures of Fargate Container Park were to do with the new committee system - rather than his 'strong leader' decision on the container park last February.)

I recognise that Cllr Fox and many of those around him in the Labour Group, though by no means all, were opposed to the change of governance. And that this change, in combination with the inevitable 'no overall control' is a big challenge to those who were accustomed to, and believe in, what went before, and that citizens and communities saw - the top-down imposition of political authority on the city by the few, operating a form of extreme strong leader governance.

I am not entirely in disagreement with Cllr Fox, however, that the new arrangements could be better, though I suspect my concerns may be quite different from his. I have made mine pretty repeatedly known to Governance Committee and officers (as have others), though sadly to no effect. There has been no influence exercised by stakeholders or citizens in the new constitution nor any meaningful engagement for the Governance Review - despite a Chief Executive who wants to talk about 'co-design'.

However, it was always a far more democratic starting point. The core principal of committee governance that full council is sovereign and that all elected councillors should play a role in decision-making, is a far, far better fit for Sheffield.

But it *is* only a starting point, and change is hard. The Leader's one word answer "No" is not at all suggestive of the commitment to change that he expressed after the resounding referendum vote. Despite the other challenges the council and city faces, making governance change real will require

sustained effort over time, and will probably be error-strewn and slow. It requires vision, understanding, commitment and leadership.

Can I ask that he reiterates his commitment to changing and improving the way the council works for citizens, rather than him give the impression that he may be just a bit annoyed and resistant, and potentially seeking to undermine what will be a long-term change project? If he cannot offer a bit of vision, understanding, leadership and commitment, should he be considering whether someone else might be better placed to be Council Leader?

WHAT DOES THE INQUIRY REPORT SAY?

Full report at: <https://www.sheffield.gov.uk/your-city-council/independent-inquiry-into-street-trees-dispute>

Summary

The Inquiry Report is excoriating and distressing. It exposes systematic failures, a catalogue of wrongdoing, toxic behaviour, the misuse of authority, and a Council waging war on its citizens. Sir Mark Lowcock found there had been “serious and sustained failures of strategic leadership”. The Report could not be clearer where responsibility ultimately lies – with the “political leadership” of our council. They set the “direction and tone”. For the small group of the most senior council officers directly involved in leading others too) there was no evidence that they acted outside this political steer.

The Report documents “misleading the courts”, putting pressure on the police (to take more forceful action and arrest more tree campaigners), stretching the “proportionate use of its authority beyond reasonable limits”, “actively seeking punishment through the courts, including potentially imprisonment”, “subterfuge and potential breaches of civil law” (on Rustlings Rd) and “misleading the public” (they were “neither transparent, nor honest”). These are obviously all pretty serious findings for any institution, let alone a public body charged with the stewardship of our city.

In the detailed account of events he provides Lowcock also vividly captures the disturbing (and wholly perverse) *stance* and *attitude* adopted within the council leadership, and towards its local citizens. So we hear of “a bunker mentality”, a main objective being to “defeat the protestors”, “enforcing its will” (with talk of “battle, war and conflict” and “demonising STAG”). And about the way that experts and organisations offering support in good faith “were consistently and systematically rebuffed” with “defensive reactions” to anyone not fully endorsing their approach (and who were then treated as political enemies). Our council was “deluded” and a culture of “defensive insularity” meant no one outside their bubble was to be listened to. And, “The tone adopted by some Council leaders added to the battle mentality and entrenchment – for example media messaging which appeared to try to make the dispute a class issue, behaviour dismissive of members of the public at open council meetings”.

Who was responsible?

“The Council’s behaviour amounted to a serious and sustained failure of strategic leadership. Responsibility for that ultimately rests with the political leadership – in particular, the relevant Cabinet member and the Council Leader; they were responsible for setting the direction and tone.” (p.13)

What were they thinking?

A “bunker mentality...developed in the Council...a culture that was unreceptive to external views, discouraging of internal dissent and prone to group-think.” (p.9)

The Council “were out of touch...they were deluded into believing all was well” (p.8)

“There was a hardening of the Council’s mindset” (p.9) and “...increasingly its mindset was to defeat those opposing the tree replacement programme, not to seek an agreement with them.” (p.13) and “seeking to enforce its will...” (p.10)

“...a political culture that was unwelcoming of external input, interpreted anything other than positive endorsement as disloyal criticism, and was prone to defensive reactions. At times this bordered into blame culture.” (p.182)

“...the hard-line stance of the Council leadership...” (p.183)

“...Council’s culture of defensive insularity...” (p.187)

“The Council was unwilling to consider compromise or deviation...” (p.92)

Attitude to others (the public, experts, campaigners)

“They dismissed...evidence...from experts and interest groups.” (p.8) and “Knowledgeable people and organisations made multiple attempts to engage with the Council. These were mostly initially generous, good natured and offered in the spirit of partnership. They highlighted relevant guidance and made offers of support, and in some cases, mediation...These were consistently and systematically rebuffed...” (p.187)

“The Council’s behaviour....was the fuel that drove the protests.” (p.10)

“It was assumed there was no need for consultation with local people” (p.49)

“...information not being provided; and also an unwillingness to provide the public with accurate information or explanation of why decisions had been made.” (p.181)

“They ignored those who said the dispute needed a political solution.” (p.9)

“...the Council often had little representation on the streets, leaving Amey and the police to reluctantly handle the protests.” (p.55) and...”[the Council] resorted to bearing down on the protesters...through injunctions and the police.” (p.67)

“...the effect of demonising STAG.” (p.189) and “...a main objective was to defeat the protesters.” (p.189)

Behaviours and wrongdoing

“...The Council adopted increasingly disproportionate measures” (p.10) and “stretched the proportionate use of its authority beyond reasonable limits.” (p.13) or in an “appropriate way” (p.189)

“The Council doubled down...at increasingly greater costs...” (p.182)

“...words like battle, war and conflict were increasingly used in internal conversations.” (p.9)

“Some of the things the Council did were...unacceptable. Some of the ideas it flirted with...were worse. (p.10)

“Playing out spats in the media, using un-evidenced assertions, refusing to give ground and repeating opaque and misleading public messaging....” (p.184)

“...three groups or institutions were misled: the public, the Independent Tree Panel and the courts” (p.149) and “...the court was misled on both occasions....they did not correct the record.” (p.150/1)

“The Council failed to correct inaccuracies in the evidence before the courts...this is...a serious matter for the Council.” (p.152)

“The tone adopted by some Council leaders added to the battle mentality and entrenchment – for example, media messaging which appeared to try to make the dispute a class issue, behaviour dismissive of members of the public at open council meetings....instead of focusing on how to resolve the dispute.” (p.187)

“...what the campaigners saw as the Council’s irrational, unreasonable, deceitful, dishonest, bullying and intimidating behaviour...” (p.10)

“Actively seeking punishment through the courts, including potentially imprisonment, of an elected opposition politician who was clear that she intended to comply with the law, sits badly with democratic tradition.” (p.188)

“...the police were put in an invidious position...” (p.11) and “They were put under pressure by both the Council and Amey...” (p.166)

The justification to the public “became severely misleading.” (p.10)

“The Council...lacked transparency, and repeatedly said things that were economical with the truth, misleading and, in some cases were ultimately exposed as dishonest.” (p.13)

“...the Council were neither transparent, nor honest. This is unacceptable for a public body.” (p.152)

“The Ombudsman found faults against the Council in the handling of the operation on Rustlings Road, including subterfuge and potential breaches of civil law (p.179). And “multiple examples where the Council had not met the standards of good administration...the secretive practice....misrepresentation of advice from surveys and the police...criticised the handling of the complaints, failure to respond...and delays and discrepancies in information..” (p.177)

“The Local Government Ombudsman also found in the Council a ‘lack of transparency, openness and on occasion, honesty. The findings of...the Inquiry align with this.” (p.152)

The impact on Sheffield

At times the Council was “destructive of public trust and confidence.” (p.12) and the Council...“eroded public trust and confidence in ways that went beyond the narrow issue of the street tree dispute.” (p.13)

“The work of the Inquiry has exposed problems in the Council that go beyond the handling of the street trees dispute.” (p.15)

“...relying on legal solutions caused the Council wider reputational damage, as well as costing a significant amount of money.” (p.139)

“This pattern contributed to deteriorating trust between the public and the Council.” (p.181) and

“This bred mistrust and that mistrust was proven well-grounded as more information was made public.” (p.187)

“...the Council failed to see the harms it was doing to itself, its reputation, and the city.” (p.183)

“The Council appears not always to have fully understood the long-term consequences of reputational damage.” (p.211)

“The dispute did significant harm.” (p.14)

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