

SHEFFIELD TREE ACTION GROUPS (STAG)

Press Release
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Amey Failed to Disclose Conviction for Death of Worker ***Were SCC deliberately misled during contract negotiations? FOI requests reveal Amey did not declare criminal conviction for health and safety offence during contract bidding process.***

In 2011, during the negotiations for their £2.2bn 25 year contract to repair and maintain Sheffield's highways and street trees, Amey was convicted of the workplace fatality of Peter Cole, age 61 from Lymm, Cheshire. The incident occurred on a highways contract, whilst undertaking similar work to the proposed Streets Ahead project.

Health and Safety professional **Richard Davis** used a series of Freedom of Information requests to discover that Amey did not inform Sheffield City Council about this conviction, even though they were required to do so as per the terms of the Council's "Bid Process Agreement", which could have led to their disqualification.

Richard Davis said:

"At best, Amey may have used smoke and mirrors when bidding for this lucrative contract; at worst they may have deliberately withheld or provided false, misleading information in order stay in the running. Breach of health and safety law is a criminal offence, and Amey will have been fully aware of the potential implications of not disclosing this criminal conviction when submitting their bid."

At the outset, Amey had to inform the Council of the fatality that had occurred and that criminal legal proceedings were threatened or pending against them, as per the Public Contracts Regulations. Seeing as Amey didn't inform the Council of their subsequent conviction, there is every likelihood that they also never informed them of the fatality and potential prosecution in the first place when completing the Council's questionnaire in 2009.

Equally, the Council cannot be absolved of blame here: it is their contracts team and legal experts who should be determining the accuracy of information contained within the bids before making the decision of who to award the contract to. Clearly this has not happened.

I have raised concerns at Council meetings of Amey's truly abysmal safety record; only this year, Amey were convicted yet again of another horrific fatality on a local authority highways contract. Unsafe working practices have also been observed on the Streets Ahead contract, including removing tree branches directly above the heads of unprotected members of the public.

The issue here is not simply about breaches of site safety, it is about an organisation that,

arguably, should never have been awarded the contract in the first place on grounds of health and safety. Which begs the question, have Amey done the same with other local authorities around the country?

Because Amey's criminal conviction occurred late in the contracting process, it raises suspicion that withholding this highly relevant information was no coincidence. The Council need to provide full transparency as to what exactly happened."

Chris Rust, Co-Chair of Sheffield Tree Action Groups (STAG) commented:

"There is a very nasty picture building up here which puts Amey's determination to chop down huge numbers of valued healthy street trees into a new focus. Sheffield City

But that's not all. Cumbria Council refused to renew their highways contract with Amey when they realised that these huge contracts give big companies a monopoly over our streets. Cumbria's Council Leader said that Amey could 'name their price' for any changes to the contract work, however minor. Meanwhile, Birmingham City Council have been locked in a dispute with Amey about the quality of their work in a similar highways contract.

SCC don't have the resources to question Amey's detailed specifications when checking prices which helps to explain some of Amey's crazy-sounding estimates for saving individual trees, such as the £50,000 that they quoted for one tree on Chelsea Road. and more than £10,000 each to save trees on Rustlings Rd.

On top of that Amey were leading partners in the huge contract to renew schools in Edinburgh where nine tons of new masonry collapsed at Oxbang School and many of the rebuilt schools were found to have negligent defects that could have caused similar failures. It's a mercy that this disaster happened when no children were in the school. How can our City Council continue to trust such an organisation?"

STAG is meeting with SCC early in July but the history of such talks has gives little confidence that the Council is willing to have a constructive conversation. **Helen McIlroy** of Save Nether Edge Trees, who has attended several previous meetings between SCC and tree campaigners said:

"Sadly the Council's approach to these meetings has been about persuading us to go away, rather than talking about how to clear up this mess. Sometimes they come up with suggestions or offers but nothing that our supporters would see as offering a way forward. The Independent Tree Panel they set up has been a pointless and very expensive waste of time. It would be great if the Council saw us, citizens of Sheffield, as potential allies in working out a solution, rather than just troublemakers who get in the way of their multinational partners. There is so much commercial secrecy preventing citizens from knowing what is really going on and we are just asking the Council to open up and have an honest discussion.

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