

PRESS RELEASE
SHEFFIELD TREE ACTION GROUPS
05 October 2017

City Council's Blatant Spin about Residents' Safety?

Council say "no concerns" about felling safety Yet HSE issues two 'Notices of Contravention' for breaking health and safety law after tree is felled into private garden

This week Sheffield City Council issued another of their "Myth Busting" press releases claiming the Health and Safety Executive had 'no concerns' about the safety of street tree felling work.

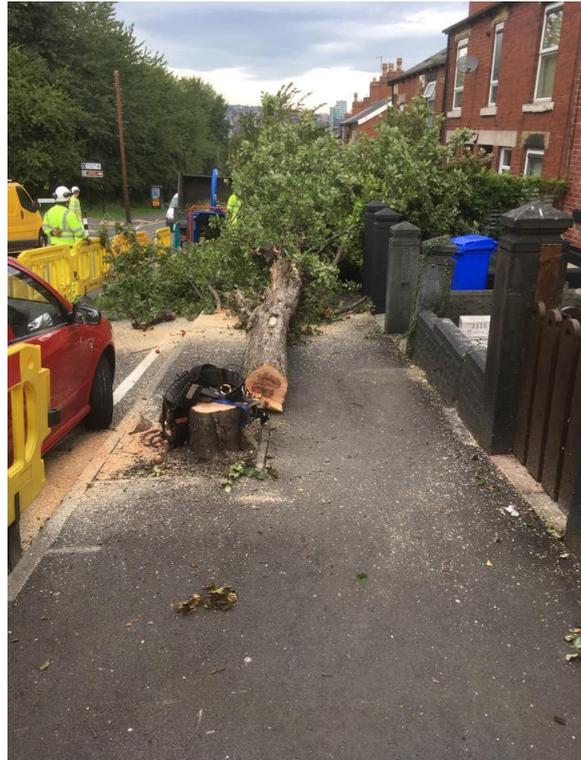
But only recently, the Streets Ahead contractor, Amey, and a sub-contractor, Acorn, were each served with a 'Notice of Contravention' by the Health and Safety Executive. A large tree had been felled directly into a small front garden in Myrtle Road, Meersbrook, on 11 August.

These notices mean that an HSE Inspector has decided that the contractors have broken the law. As a result the contractors will be subjected to greater scrutiny and require direct support from the HSE, at the company's expense, to rectify the safety problems that they have created.

Sheffield Health and Safety professional and tree campaign supporter, **Richard Davis** said:

To claim the HSE have no concerns is ridiculous. This is like OFSTED putting a school into 'Special Measures' and outside help being needed to put things right. Not only does it mean that Amey must be more careful in future, and face a big bill for the expert advice they receive, but if there are any more incidents like this, the consequences could be very serious indeed. Apart from prosecution, it could allow Sheffield City Council to cancel the contract. Councillor Dore has threatened that in the past, now that wrongdoing has been established she needs to consider it seriously before things get worse. As they head up the contracting chain, the Council would also be implicated should there be a serious incident, something Liverpool City Council found to their detriment a year ago when jointly prosecuted for the safety failings of one of their contractors.

Councillor Bryan Lodge was challenged by Richard Davis about the HSE's issuing of two contravention notices in a petition at the full Council meeting on Wednesday 4th October, but provided no response on the matter. **Richard Davis** added:



Judging by Councillor Lodge's lack of response, he clearly doesn't understand the gravity of the HSE enforcement action. The law has been broken. It is not a trivial matter where public safety is concerned. Have Amey even told the Council that these contravention notices have been issued?

Rebecca Hammond, Co-Chair of STAG, - Sheffield Tree Action Groups, commented:

We are not surprised by this. The tree was close to the home of two very well known campaign supporters and the contractors seemed very keen to fell trees on that street.

Is it possible that desperation to press on has led them to cut corners on our residential streets? I just hope we'll not see a really serious incident before this sorry mess is over.

It feels like a spiteful game. Last week Amey turned up to fell a healthy 100 year old tree, only a day after Environment Minister Michael Gove had viewed it and declared it would be 'bonkers' to chop it down just because it had disturbed a kerbstone. Caution and good sense seem to have been thrown out of the window a long time ago.

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Background information

The original complaint to HSE was made by Richard Davis using witness evidence and photographs supplied by Tree Campaign supporters.

This press release is based on information supplied to Richard Davis by an HSE Inspector, Richard has raised an FoI request for copies of the relevant documents.

The HSE 'Fee For Intervention' process is used when an inspector believes that the law has been broken but the circumstances do not justify an expensive prosecution. The company has to pay the HSE inspection and advice costs (which could be very high).

General Information about the HSE 'Fee For Intervention' process
<http://www.hse.gov.uk/fee-for-intervention/what-is-ffi.htm>

Detailed guide pdf to the process
<http://www.hse.gov.uk/pubns/hse47.pdf>

SCC's 'Myth Busting' Claim that HSE have "no concerns" about tree felling safety

Myth 22: *Amey aren't complying with health and safety regulations*

Truth: *Following a large number of complaints to the HSE (Health & Safety Executive) regarding Amey's conduct on the Streets Ahead contract, senior officers from HSE undertook random site visits to both the Amey depot at Olive Grove and out on-site during tree works and routine resurfacing works.*

After completing these checks, the HSE confirmed that they currently have no concerns about health and safety on the contract and furthermore, on all occasions, site working cordons were found to be fully adequate.

As part of the Streets Ahead contract the Council works closely with Amey to ensure all health and safety procedures are appropriate for the work being undertaken.

In July 2016, Amey won a prize in the 'Most effective use of internal communications' category at the HR Excellence Awards 2016 for its Target Zero campaign. Target Zero is one of the campaigns carried out by Amey in order to achieve a safety culture in the company.

<http://www.sheffieldnewsroom.co.uk/streettreemyths3/>

Some time ago, the HSE did make such a statement. However subsequent events have made it obsolete as the HSE clearly now have very serious concerns and have identified law-breaking

At the public council meeting on 3 October 2017, Cllr Bryan Lodge, the Cabinet member in charge of the Streets Ahead contract, made a similar assertion to that made in the 'myth busting' press release. It appears possible that Amey had not notified him of the HSE ruling which may be a breach of contract in itself. (The contract is highly redacted so it's not completely sure about such matters.)

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Photo of the incident (taken by neighbour who has released copyright).

