

# SHEFFIELD TREE ACTION GROUPS (STAG)

Press Release

3 November 2017

## Tree campaigner walks free following court case Judge imposes suspended sentence and costs

Tree campaigner **Calvin Payne** has been given a three-month suspended prison sentence today at Sheffield Combined Courts. Earlier this week, High Court judge Mr Justice Males ruled that Mr Payne was in contempt of court, having breached an injunction on three occasions: twice by entering a safety zone around tree works and then by encouraging others to do so via social media. But today the judge decided not to impose an immediate custodial sentence.

Speaking outside court, Mr Payne said:

*"There were two possibilities in my mind when I woke up this morning, and the other one was worse than what I got. I think that the judge's comments were fair in the circumstances. I won't stop what I do, but I will change what I do.*

*"Everything we do in the campaign is in response to something the Council does. There are definitely circumstances in which I wouldn't have broken this injunction. We spent several weeks trying to find ways to work within it. I'll follow the injunction from now on, and I hope the Council will as well."*

On 27 October Mr Justice Males dismissed allegations against **Councillor Alison Teal**, saying she had not breached the injunction that he had granted in August 2017. Sheffield City Council had alleged that she had remained in a safety zone after it was set up around a tree. However the judge concluded that Amey and the Council had not followed his definition of a safety zone, as clearly set out in the injunction.

On Thursday night the Council dropped their case against a third campaigner, **Siobhan O'Malley**. Her solicitor said that, had the case been heard in court, it would have been dismissed on the same grounds as Cllr Teal's.

This afternoon Ms O'Malley said:

*"I'm really glad that the Council have dropped the case. The Council have tried to spin it that they dropped it because I made an agreement, but that isn't true. I did sign an agreement, but actually they dropped it because I had strong evidence that I didn't breach the injunction, and I think the judge would have agreed if he'd had a chance. It doesn't change my status at all, really. The council are trying to make it look like I gave in, but the law is more thorough than SCC's press statements.*

*I'd like to just thank everyone in STAG and Howells solicitors and the tree-loving folk of Sheffield for all the support and kindness and acceptance in such chaotic times."*

In court last week, Mr Justice Males gave a clear suggestion to the Council that they should drop the case against Ms O'Malley, observing that she clearly found it "very distressing" and that she had readily agreed not to enter a safety zone after the hearing.

STAG co-chair Chris Rust said:

*"It's very disappointing that it took the Council so long to drop the case against Siobhan O'Malley, particularly as the judge gave them a heavy hint last week that they should not proceed. Pursuing her all week, in the way that they have, shows a total lack of compassion and, once again, makes them look vindictive."*

Campaigner Paul Brooke, who gave evidence in court last week, said:

*"The Council keep saying that Alison Teal was let off on a technicality. That's clearly nonsense: the judge has been very clear about what is a safety zone, and the Council and Amey didn't understand it properly."*

Paul Powlesland, the barrister who acted for Mr Payne, said:

*"I'm one of thousands of people around the country and around the world who support what the tree campaign is doing, because I find the destruction of these beautiful, magnificent trees to be heart-breaking. I would urge everyone involved in this campaign and everyone in Sheffield to keep going and take whatever action they can, within the law and within the terms of the injunction, to preserve these trees and this beautiful green city."*

Yaaser Vanderman, the barrister appearing for SCC, stated that the Council's costs in bringing last week's action were at least £64,000, not allowing for the very high cost of private investigators. Mr Payne's barrister described this in court as "overkill", asking why SCC employed a QC and two other lawyers in court at such a high public expense. The judge ordered Mr Payne to pay £16,000.

The Council will be required to pay Cllr Teal's legal costs in full, adding further to the significant burden on Council Tax payers.

## **Contact:**

STAG press team: [sheffieldtreeactiongroupsmedia@gmail.com](mailto:sheffieldtreeactiongroupsmedia@gmail.com)