

## 18-03-13 Toby Foster / Bryan Lodge Transcription

Recording at <https://www.facebook.com/100013974575520/videos/392352874573862/>

Foster	Friday we heard claims that Sheffield City Council are planning to fell seventeen and a half thousand street trees. Councillor Bryan Lodge who is the councillor in charge of Streets Ahead and everything that's happening with Amey was in this studio in February 2017.
Lodge	<i>(recording from Feb 2017) We are about four thousand trees, four four and a half thousand trees been replaced already. We're looking probably by the end of the core investment period about six thousand so we actually lose on average about two hundred trees a year though vehicle strikes, through bad weather, you know blown over like a few weeks ago, through dead and dying and diseased, so over the remaining life of the contract they will be maintained and they will be dealt with anyway. So there aren't another six thousand or five thousand trees to come down</i>
Foster	In the same interview Darren Butt from Amey said there was going to be the core investment period with six thousand trees then probably two hundred trees a year. Bryan Lodge joins me in the studio now, Bryan good morning
Lodge	Good Morning
Foster	You can understand why people are confused here because once you released this previously redacted statement it said that seventeen and a half thousand trees will be felled.
Lodge	Right well, just before we go can I just clear up something that was said yesterday. Yesterday I got a call at twenty past seven asking me if I could come on, I said I couldn't come on yesterday morning. That went out on the radio that said I refused to go on. I think we just need to be clear that I've never refused to come on.
Foster	We cleared it up about a minute later
Lodge	There's a little bit difference between reporting I was unable to come on or saying that I refused to come on.
Foster	Yesterday after that we said you were on your way to work and you weren't able to come on, we put it on Twitter as well,
Lodge	Right OK
Foster	You said in this contract seventeen and a half trees were going to come down
Lodge	Well I've always been consistent, as you played in that clip there, I've been consistent throughout that said we lose around two hundred trees a year
Foster	Yep
Lodge	We've said around six thousand in the core investment period. Add those together and it's around ten thousand. That's the figure. The seventeen and a half thousand figure in effect is like insurance in case something happens.
Foster	It's not, it's in the contract and it's written down.

Lodge	Do you want me to answer the question Toby you asked...
Foster	It's in the contract, it's written down
Lodge	And it's there and I'm telling you what the situation is. It allows us to do the work, if necessary, up to seventeen and a half thousand trees a year, sorry, seventeen and a half thousand trees throughout the life of the contract. If there is a catastrophic event, if there is something like Dutch Elm, Ash dieback that kills number of trees, we've got provision in there that allows the council to have this work done without further expense.
Foster	You misunderstood. Bryan the thing said that you will fell seventeen and a half thousand trees unless the council deviates from that. It doesn't say the other way round.
Lodge	The decision on any trees that are taken to be replaced is made by the council. So that seventeen and a half thousand figure in there allows us up to seventeen and a half thousand trees
Foster	No. It doesn't say "up to" anywhere. It doesn't say "up to" anywhere and you know it.
Lodge	Well I'm explaining to you now Toby
Foster	What? Are you going to add the words "up to"?
Lodge	The contract allows us to do seventeen and a half trees a year with no additional cost to Sheffield City Council
Foster	Not seventeen and a half thousand trees a year
Lodge	No decision - not seventeen and a half thousand trees a year
Foster	It doesn't say that
Lodge	It says 'up to two hundred a year'
Foster	No it doesn't it says 'a minimum of two hundred a year' Have you read this contract Bryan?
Lodge	I have, I've read elements of the contract that I need to read.
Foster	Well hang on, you've said you've read the elements of the contract that you need to read?
Lodge	There are elements of this contract that, it's a huge document,
Foster	So which don't you need to read?
Lodge	Well there are bits and pieces of this contract Toby, like any contract, that go into
Foster	Had you read this bit before yesterday?
Lodge	I'm aware of bits and pieces of this. I'm aware of the things in here and I've read sections of this contract that deal with the contract and the performance of Amey around the contract.
Foster	Just tell me where it says up to seventeen and a half thousand

Lodge	Well I'm telling you now the situation is it provides for the council if there are over seventeen and a half thousand trees replaced then it costs the city council money. So that is a provision in there that says if there are anything up to seventeen and a half thousand trees
Foster	It doesn't
Lodge	I'm trying to explain to you
Foster	No but you're not telling the truth
Lodge	I'm telling you the truth
Foster	(unintelligible) mistaken
Lodge	I am telling the truth
Foster	It doesn't say 'up to' anywhere
Lodge	I'm not lying, I am telling you the truth
Foster	Mistaken Bryan,
Lodge	It is covered in the contract
Foster	Where does it say so?
Lodge	It is covered in the contract, anything over seventeen and a half thousand trees will cost the city council additional funding
Foster	Right, where does it say "up to", which you've just said.
Lodge	In the specific wording it doesn't say that specific wording
Foster	Right now, this is a contract, this isn't nuance, this is a contract. It doesn't say "up to", it says "seventeen and a half thousand trees." Which is why people, not me, have accused you very publicly of keeping things from the public, and indeed telling them that this wasn't the case, telling us that this wasn't the case.
Lodge	I've been consistent throughout
Foster	People
Lodge	in telling you ten thousand trees. Two hundred a year. I've been consistent, you've put it in the clip That's what I've said.
Foster	You've been consistent
Lodge	I've been consistent and that's what we have always said. Ten thousand trees if you (unintelligible)
Foster	But that consistently doesn't tie up with the contract that you've signed
Lodge	It's a reassurance in there, it's not a target. It is not a tar, well as I've explained to you
Foster	Yeah
Lodge	No decision to take out a tree is made by Amey. It is the Council that takes any decision to take out a tree, to replace a tree

Foster	Why didn't you tell anybody about this seventeen and a half thousand figure?
Lodge	It was in parts of the contract that were redacted because of
Foster	Why was it redacted?
Lodge	Commercial sensitivity
Foster	What's commercially sensitive about it?
Lodge	It's part of the performance statistics across the whole contract which have now been released where we recognised there were areas of that
Foster	You didn't recognise it. You were forced to release it by
Lodge	We were working, and we've told you before we've been working to release sections of this contract. We've had officers working on a weekly basis going through
Foster	(unintelligible)
Lodge	We've had to release these earlier than anticipated, yeah there's no doubt about that
Foster	Why didn't you want to release them yet
Lodge	Because there were issues in there that were commercially sensitive
Foster	Which ones?
Lodge	Around the whole, around the whole sections which have been released which are commercially sensitive, we've said that all along
Foster	Which ones?
Lodge	Looking at things in there, there are , there are performance requirements within that contract which could be beneficial to a competitor that is bidding against Amey. But one of the things we've said throughout is that as sections of the contract remove that commercial sensitivity, we will release them. We tried looking at things to redact, unredact sections of the contract and officers have been working on it throughout.
Foster	Why didn't this seventeen and a half thousand figure get mentioned to Mr Justice Males?
Lodge	Because the figure that was talked about, and it's quite clear in there, six thousand trees was the figure within the core investment period.
Foster	But it wasn't quite clear in there was it?
Lodge	Yes it was, because it's the core investment period.
Foster	Yes but what people were talking about was the figure that they thought was going to be chopped down. Paul Billington may have said that that was within the core investment period but nobody mentioned then the fact that seventeen and a half thousand was in this contract.
Lodge	The figure of six thousand, and the implied figure of ten thousand in ongoing was covered in a press release issued by the council in 2017

Foster	There is no, you've got to stop this. There is no implied ten thousand in that contract.
Lodge	I've told you what that ten thousand figure is, I've told you now, I've told, I'll repeat it again. Two hundred a year that we lose on average through vehicle strikes, through disease, I've told you, you played it out in the clip at the start
Foster	No, point me to it in the contract
Lodge	It says (unintelligible) in there
Foster	We know, Julie Dore told us that she's tried to renegotiate this contract, she's been told where to get off., because she can't. So we know this contract is binding. You tell me in this contract, you want to tell us it's ten thousand, you tell me where that is?
Lodge	Well I'm telling you what it is
Foster	No, tell me where it is?
Lodge	I'm telling you what it is. Two hundred a year. The Council take every
Foster	Tell me where it is?
Lodge	The council take all decisions on trees that be replaced
Foster	Bryan
Lodge	The Council take all decisions
Foster	This is a contract you can't get out of. This is a contract that you can't get out of, this is a contract that has led to us watching seventy four year old men thrown in the back of vans, this is a contract and it has led
Lodge	(Unintelligible) being arrested and put in a van by the police is an issue for you to take up with the police
Foster	To us being in the national papers, this is an issue that has led to us being in the national papers. This is an issue that is shaming parts of Sheffield. You tell me, the figure you've given us, ten thousand trees, you tell me where that is in that contract that we know you can't get out of.
Lodge	Well I'm telling you how that figure's arrived at, and I'm telling you seventeen and a half thousand
Foster	Sorry Bryan, will you answer the question?
Lodge	Figure is there in case we need to do that, that is covered within the contract for the council at no additional cost.
Foster	Will you please answer the question?
Lodge	No decisions are taken to remove trees unless it is the actual last resort to do so
Foster	Why doesn't it say that in the contract?
Lodge	I am not a contract lawyer that words contracts, I rely on much better qualified people that deal with that and that deal with the work that's in

	there. So I'm telling you and I'll repeat it again for the avoidance of doubt. We aim, we know we lose around two hundred trees a year on average, if you multiply that out for the remainder of the contract, it's about four hundred, er four thousand trees. Add the six thousand we said the core investment period, it's ten thousand trees.
Foster	And that's what you hope to be the case?
Lodge	That's what we anticipate will be the case.
Foster	Despite the fact that you're reading from a contract that says that's not the case.
Lodge	The contract says seventeen and a half thousand pounds (sic)
Foster	Right
Lodge	That allows, that's a reassurance in case there are issues that come up
Foster	Bryan, that's crackers
Lodge	That allow in case here are issues that come up
Foster	You know that's bonkers
Lodge	That allows the council in case of a large number of trees in case there is disease if there are incidents that happen
Foster	Bryan, you know that's not, you know that's crackers. You can't tell me that you want something to happen despite the fact that you've signed a contract that says something else will happen.
Lodge	Nothing happens until the council gives approval, so we will not approve, willy nilly, removal of trees
Foster	So why did you sign? Why did you sign to say you would?
Lodge	Trees are removed based on the criteria in there and the council will always look to try and retain (unintelligible) if possible
Foster	Bryan you, whose head has this gone over? Whose struggles with this because somebody's going to end up paying for this aren't they?
Lodge	The contract is there to provides (unintelligible) to do it
Foster	Who signed it?
Lodge	Sorry?
Foster	Who signed the contract
Lodge	I'm not exactly sure which officers signed it but the officers that signed it have gone through, it's gone through all the procurement process, it's gone through the legals, it's gone through people who are much better qualified than me to look at this
Foster	But that's apparent, That's apparent, because you're talking about ten thousand which isn't anywhere in the contract
Lodge	But we've just explained to you time and time again, we were tell you, and

	I've been consistent on that, we spoke about six thousand in the core investment period and that was what was discussed in court, that was what in the court case, in the statements that were in there, we said around two hundred per annum that we lose on average to disease or whatever and that's the provision that's in there.
Foster	Right. If I tell you I get paid a hundred thousand pounds a year, that sounds great. I don't, my contract says something very different. Because I say it, it doesn't make it true. Speak to the bank. Because you say you want ten thousand trees to come down, it doesn't make it true. It says seventeen and a half thousand. The council can't afford to change that or whatever. The fact that you won't, I can identify with that and the fact that you kept this from people really smells.
Lodge	I understand
Foster	People are holding their noses
Lodge	(unintelligible) trying to reassure you, time and time again, throughout the years, when I've been n this radio station in telling you there is no target. Let me tell you again, there is no target.
Foster	What? Apart from the target we can all read?
Lodge	That is not a target, that is to cover the council in case the requirement to take those number of trees out. It is not a target Toby. If it was a target how are we going to achieve that? What (unintelligible)
Foster	You're right, you're right, it's not a target. A target is something that you put up there and there is a chance that you might miss it. That is a contractual obligation. You are right, there's a difference.
Lodge	No it's not, it's not a target, not a target
Foster	It's an obligation
Lodge	and there is no intention on behalf of the council to allow seventeen and a half thousand trees to be taken out in the city
Foster	Well in that case you want to find whoever signed (unintelligible) that you would
Lodge	And I think you'll find that when it talks about they said it requires the council to make provision in there and that's part of where any decisions around trees are made by the council. The council takes
Foster	What if you're not on the council next time?
Lodge	Sorry? Well if that's not us that's another Council's administration that will make a decision to allow Amey to take trees down. If that's the situation then they will be accountable to the electorate at the time.
	Break
Foster	Let's talk about the issue of public confidence here because it is getting very difficult, isn't it, up in the kind of West of Sheffield. Darren Butt, I put to him that either you stop chopping the trees down or you hit people harder. He said they'd hit them harder. They did, the police are out now arresting people, we had thirty three bobbies

Lodge	I think you just need to be careful with saying things like that, "hit them harder". Amey are doing their contractual obligations
Foster	So what happens now? Where do we go?
Lodge	I hope people will recognise that there is work that needs to be done out there. They will protest peacefully. There is no reason for anybody to get arrested, there is no reason for anybody to be subject to police investigation as long as they behave responsibly and they demonstrate peacefully.
Foster	But is nobody going to, is nobody going to realise that you'll lose in the dressing room here. The Yorkshire Post has got you on the front page, "Council Officers' estimate on trees too low." he's talking about Paul Billington, we're not supposed to know council officers' names,
Lodge	Yesterday Paul Billington appeared in a court case, so clearly you were going to know because he was putting statements forward around things in the court case so (unintelligible)
Foster	Absolutely right he was, absolutely right he was. What did he say? "For the avoidance of doubt, the vast majority of street trees in Sheffield are being retained, thirty thousand out of thirtysix thousand." There is no reference in the rest of his statement to the numbers of other trees to be felled after that.
Lodge	He's talking about the core investment period, six thousand (unintelligible) what we've always said
Foster	So he did put himself in there. So now you've got the Yorkshire Post saying that his position is untenable
Lodge	Let me just be, let me be clear, be clear on this. We don't make decisions based an editorial in the Yorkshire Post
Foster	No that's apparent but where do you make decisions based on?
Lodge	You seem to be running, you seem to be running something this morning based on stories in the Yorkshire post. This press release went out and advised Radio Sheffield and other media outlets on Friday afternoon. You have left it till Monday morning and Tuesday morning to do anything about it. Are you investigating based on what a journalist in the Yorkshire Post is saying? Or where is the editorial integrity of Radio Sheffield that wants to investigate and find the facts themselves. I'm telling you, councillor, I'm telling you Paul Billington said, "six thousand trees," in court, around the core investment period. And I've told you that, we've told you that time and time again and you're quoting a bit that's reported in another paper.
Foster	I'm quoting what he said, I'm quoting what he said. You know this is going to bite you, what's going to happen?.
Lodge	The Amey,
Foster	People are sick of this
Lodge	Amey will continue, I'm sick, I'm sick and tired of all the grief that goes on around this

Foster	So why are you doing it?
Lodge	<p>Amey are doing the work that's there, because I am getting letters, I am getting emails, I am getting phone calls from people that are telling me that the work needs to be done on their streets, that they want the work done. There are five hundred and fifty thousand people roughly in Sheffield and we are seeing a hundred people out on the street protesting around this, we've seen by-elections across the city. So a by-election in Nether Edge, which is the real hotbed of this campaign, and it returned a Labour Councillor.</p> <p>Last year, in the midst of all this that's going on, it returned a Labour Councillor. So I know from what people are telling me. I was at work yesterday and some of my colleagues at work were saying, God we're just sick of this, just get on with it, tell em just get on with it and do it. And that's what people have been telling us.</p>
Foster	Then something like this throws up and of course everything that you've ever said just gets thrown up in the air.
Lodge	No, everything I've ever said is that figure of six thousand in the core investment and we lose around two hundred per year which is ten thousand.
Foster	Unless, Bryan, you admit that that's not in the, that on the contract
Lodge	That's the contract, that's the wording of the contract, clearly that's the wording of the contract but I've told you, the council make all final decisions, and we aim to replace the trees that are needed. There is provision in there so we are not exposed to additional costs over and above that.
Foster	Bryan, are you saying that the council's decision supercedes a signed legal contract?
Lodge	<p>No, I'm saying, the decision to take any tree out is made by the council. So to do any trees, to remove any trees, replace any trees requires the sign-off by the council, and we won't sign off, willy nilly, just to say, "OK we've not hit a target, this is the number of trees that have got to come down. You can see already where we are retaining trees there are situations where we've signed off and said OK look at this then Amey come back and say, "you know what, there are things that we can do, there's things that we looked at and we've reduced the number of trees. That six thousand figure that we talked about in the core investment period probably, probably won't reach that because there are things that have been done to save some of those trees.</p> <p>So it's a moving target throughout. Trees are living things, we know that, trees affect what happens in the environment they're sat in, the pavements, the roads, the carriageways, and we will need to make sure we have a highway that's fit for purpose for years to come. That seventeen and a half thousand figure in there gives us the confidence that we will not be exposed to additional costs if something catastrophic happens to our tree stock. We will have a much more balanced age profile of trees across the city in the end.</p> <p>But I'll repeat once again, the council take all decisions on replacing trees. We know we lose around two hundred trees a year on average, we will lose probably a few more than that in different incidents, in bad weather or flooding or things like that but we are confident that that figure in there is there as a reassurance that we will not incur additional costs.</p>

Foster	Is there somewhere else that's currently redacted that says that's just an insurance? Is there something I'm missing?
Lodge	We've told, we've been confident and clear, sorry, we've been clear all along in saying the council take all decisions on trees we've replaced
Foster	But is there something in the contract that says this is an insurance?
Lodge	The contract is quite clear that the council take the decisions on replacing any trees, So Amey cannot replace a tree unless the council say, "yes you can do that." That seventeen and a half thousand figure is in there that anything over that figure will cost the council additional money. That gives reassurance to members of the public that there is no additional cost to the council if something catastrophic happens to the tree population
Foster	OK, It actually says that you'll take out seventeen thousand, that's what the contract says.
Lodge	It's, the wording is there. I appreciate what it reads if you just read it in there and it reads quite damning if you look at that but we've been clear throughout that we say around two hundred a year, six thousand in the core investment, ten thousand trees we anticipate.
Foster	OK, you're quite right, if you read the words then yeah you're right it says that. What else have we got? Yeah you can spoil anything with facts can't you, that's what the facts of that contract are
Lodge	We give out facts and people just try and spoil that and dispute that. I mean you have the gentleman who was on earlier and said he's heard me talk about obligations and things, I don't think I don't think I can recall ever saying it's an obligation to take out that number of trees and things so there is misinterpretation and there's misrepresentation on facts that are out there when it suits people to different ends. I accept that, I understand that's what happens out there in the world, that's what happens in campaigns, that what happens in the media. I will be honest with the people of Sheffield as I have been throughout. This work needs to be done for the city. There are people across the city that want the work to be done and we will continue to do it because we know it's the right thing to do to make the city and the network safe and accessible for everybody
Foster	What happens to the trees when they are cut down?
Lodge	The trees? The timber is taken away, some goes through, some is given out to community groups if community groups want it for things, there are ventures that are in some schools, there are wood carvers that take it, some goes through Heeley City Farm who then sell it on to raise funds for them, some, where it is diseased so clearly not usable, then it goes for biomass, it goes that way..
Foster	OK, when we, I don't know what the end of it's going to be really, but when we do get to the end of it what happens, how do you think things will look? What, because the campaigns that are there aren't going to stop are they and we can't start populating the jails with the pensioners of Nether Edge.
Lodge	If people protest peacefully and do not cause disruption then why would the police be involved in arresting people? So that's not an issue. Anybody who gets arrested do so of their own volition. We've said that all along, we ask people to respect the safety zone and stay out of the safety

	zone. If people breach the safety zone then we'll go through the courts for contempt of court, there is an injunction there.
Foster	And how long
Lodge	If people behave in an unruly fashion or they are not behaving peacefully and the police consider it to be an issue then that will be something that the police will do.
Foster	And what's going to happen when the police go, "hang on a minute, we had thirty bobbies up there whilst over in the poor end a bloke got stabbed to death. Actually we may need to look at our priorities here."
Lodge	<p>Maybe the protestors need to understand, maybe the protestors need to understand and look at things. You said yourself a couple of weeks ago they wouldn't allow behaviour such as through football fans or political demonstrations, EDL or anything like that. The police would not allow those things to carry on and go through. The Police assessed what happened on Meersbrook Park Rd and looked at things and considered there was evidence of criminality there. The police have a duty to maintain public order and that's the way the police look at it.</p> <p>Now those decisions are for the police to take. I would urge, urge everybody not to be in there, not to be breaching the peace, not to cause potential breach of the peace, not to look at damaging property or assault, and that goes for all counts and if anybody has any evidence of assault then feed it into the police.</p> <p>We've heard the deputy Chief Constable, we've heard the police view on things that they will not tolerate criminality, and I quite agree we shouldn't tolerate criminality on any part.</p>
Foster	Julie Dore has said that she's tried to get out of this contract, she's asked to renegotiate it, she's been told no, she's asked to just terminate it she's been told no, so it's clear that the council want out. She's said they do.
Lodge	I wasn't party to those conversations so I don't know what's in there, I can just assure people now there are no ongoing conversations taking place or negotiations round terminating the contract.
Foster	Well no because they told you you can't. I mean Julie's told (me? us?)
Lodge	I can't comment on it, I wasn't in the meeting then so I don't know, I can't comment.
Foster	So you're the cabinet member in charge of this and you weren't aware of the fact that Julie Dore was trying to cancel it?
Lodge	I can't comment on things that were said when I wasn't at a meeting where she was talking to Amey about things. Everybody has meetings, it's right that the council reviews contracts, it's right that
Foster	(unintelligible) she tried to terminate it
Lodge	It's right as the leader of the council engaging in conversation with people and engages in conversation around contracts.
Foster	So she had the meeting where she asked them if she could terminate the contract?
Lodge	I don't know because I wasn't there

Foster	And the cabinet member doesn't know?
Lodge	I wasn't in the meeting so I don't know what was said
Foster	This is the strong leader model when she's doing that without telling people isn't it?
Lodge	I can't comment on what was said at a meeting. I've told you now there are no ongoing conversations around
Foster	You were in the council meeting when she said though, weren't you?
Lodge	I was in the council meeting when she said that but
Foster	Have you asked her about it?
Lodge	I wasn't in the meeting when she had a meeting with Amey where they were looking at details of the contract.
Foster	So you were in the council meeting when she said she'd tried to terminate it. Obviously you asked her about it since then, what did she say?
Lodge	I can't comment on things that were said in meetings that I wasn't present at that meeting
Foster	No, so you've obviously asked her about it?
Lodge	I have conversations with Julie around elements of my portfolio and contracts in my portfolio, things like the Veolia contract, things like this
Foster	Have you asked her?
Lodge	I spoke to Julie about the Amey, Streets Ahead contract and we have regular discussions and conversations about it
Foster	So you said to her, what are you doing about talking about cancelling it?
Lodge	Julie has spoken to people, quite clearly, she's spoken to them and had conversations, which is quite right as leader of the council to have conversations with our major contractors and talk about the contract.
Foster	It's right that you are not at that meeting is it?
Lodge	There are regular meetings that take place with different people throughout, there are meetings I have with senior people of Amey that Julie's not at and I have conversations with people there, but I'm telling you now, there are no conversations ongoing around terminating the contract.
Foster	Bryan Lodge, cabinet member for Sheffield City Council, thanks very much for coming in.