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Report of the Director of City Development

Executive Board

Date: 26 August 2009

Subject: Woodhouse Moor Park Barbecue Use

Electoral Wards Affected:
Hyde Park and Woodhouse

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

EXECUTIVE SUMMARY

1. This report considers the issue of barbecue use on Woodhouse Moor Park and provides a response to the deputation received at Full Council on 15 July 2009.
2. The report sets out the consultation approach and provides a summary of the findings following concerns raised, discussed at Scrutiny Board (City Development) on 9 June and 7 July 2009.
3. The report sets out the outcome of the consultation process and demonstrates that the majority of respondents are in favour of a designated barbecue area. The report however also acknowledges that there has been strong opposition to this concept in certain sections of the community.
4. The report appraises 3 options as follows:
 - Option 1: Provision of a permanent designated barbecue area as outlined in the consultation process
 - Option 2: Enforce byelaws preventing barbecue use as outlined in the consultation process
 - Option 3: To trial a designated barbecue area
5. Members of Executive Board are requested to note the analysis and summary of consultation activity and approve the implementation of Option 3 from 1 April 2010 until the end of the barbecue season.

1.0 Purpose Of This Report

- 1.1 This report considers the issue of barbecue use on Woodhouse Moor Park and provides a response to the deputation received at Full Council on 15 July 2009 (contained in Appendix 2 of this report). It also outlines the results of a recent consultation exercise on this issue with local residents and stakeholders and promotes a solution for Executive Board endorsement and decision.

2.0 Background Information

- 2.1 At the meeting of Full Council on the 2 July 2008 a deputation was received regarding a number of issues concerning Woodhouse Moor Park. In particular the issue of barbecue use and the associated anti-social behaviour was raised along with more general concerns about the park. The response to these issues was submitted in a report to Executive Board on the 8 October 2008. Executive Board noted the proposal to consult on this issue, and this consultation process is now complete.
- 2.2 Further to the Executive Board resolution, a consultation methodology was developed around gauging opinion on the concept of a designated barbecue area at Woodhouse Moor Park. This was developed in consultation with local ward members and officers of the North West Inner Area Committee to gauge opinion and inform any decision on this matter from all stakeholders involved. Accordingly, there were 3 primary means of consultation. First, a household survey to all residences within a defined catchment area around the park also sent to 65 relevant community organisations; second, open consultation events on the issue; and finally consultation with the Police and Fire Authorities.
- 2.3 Ward Councillors representing Hyde Park and Woodhouse Ward and Headingley Ward requested that Scrutiny Board (City Development) investigate the consultation process following concerns received from residents stating that they did not receive a questionnaire. This matter was considered by Scrutiny on the 9 June and 7 July 2009.

3.0 Main Issues

- 3.1 Over the years problems with the use of portable barbecue units on Woodhouse Moor has led to the Council considering the most appropriate way to manage this issue. At present barbecues are prohibited on Woodhouse Moor Park. However, simply by the levels of use, it is evident that barbecues are a popular activity by some users of the park. It is also apparent that there is opposition to this activity with passionate views held in certain quarters.
- 3.2 Although the Parks and Countryside service have consistently maintained a policy of not allowing barbecues on Woodhouse Moor Park, the difficulty of enforcing this has led the service to consider the provision of a suitable area in the park for portable barbecues as a potential pragmatic solution. This option can be considered as there is a clause in the byelaws that allows designated areas for barbecues. There are indeed already designated barbecue areas at Chevin Forest Park, Otley and at the Wetherby Wilderness car park adjacent to Wetherby Ings.
- 3.3 A comprehensive consultation approach was therefore developed to gauge opinion and inform decision making on this concept, considered in the following section.

3.4 Consultation Approach

- 3.4.1 A questionnaire was prepared that asked members of the community whether they wanted a designated barbecue area or not. In addition the questionnaire also asked for comments on the draft scheme and reasons for not having a designated barbecue area. To assist in their deliberations respondents received a plan and explanation of what a designated barbecue area would entail.
- 3.4.2 Distribution Business Services Limited were appointed to conduct the household survey. The questionnaires were distributed at the end of March 2009 to 9,982 households that fell within an 800m catchment zone around the park. Properties were selected from the Local Land and Property Gazetteer (LLPG), which allowed every property within the consultation zone eligible for the payment of Council Tax to be identified, including residences occupied by students. Up to the end of July 2009 the number of returned questionnaires was 590, a return rate of 5.91%. Based on feedback from Distribution Business Services Limited, this is understood to be a reasonable rate of return for this type of questionnaire. Each questionnaire had a unique number which ensured that only valid completed questionnaires were included in the analysis.
- 3.4.3 In addition to the postal questionnaire, three open consultation events were held at local venues during late March and early April. These events were advertised by posters displayed in the Woodhouse Moor Park and at all main entrances leading into the Park. In addition all the community organisations received the above posters with their questionnaires for distribution amongst their members. Questionnaires were distributed at each event.
- 3.4.4 Scrutiny Board (City Development) requested information concerning the consultation approach which was considered at length in the light of complaints from residents about not receiving a questionnaire. Evidence was received from Members, a number of Council officers, a representative of Distribution Business Services Limited and a spokesperson representing local community associations and the Friends of Woodhouse Moor. The following issues were considered:
- The consultation methodology, including management processes adopted by the company to verify questionnaire distribution
 - The distribution of responses and how they were validated, and whether the response rate was reasonable for a questionnaire of this nature
 - Information on all the streets in the 800m catchment area and those from which a completed questionnaire had been received, including the statistical validity
 - Evidence provided about addresses where a complaint had been received about non-delivery
 - The advantages and disadvantages of conducting the survey again
- 3.4.5 Scrutiny Board received and noted the information provided and based on the evidence presented rejected the request for further scrutiny as the consultation process had been carried out in a proper and thorough manner. The Board did acknowledge that some properties and individuals had not received a questionnaire for a variety of reasons.
- 3.4.6 The deputation to full council in July has questioned the statistical validity of the questionnaires returns. As reported to Scrutiny Board (City Development) the total number of completed questionnaires returned as at 15 June was 587. A list of 155

streets where completed questionnaires had been returned at this date was included in the report. It is important to note that in 39 cases out of the 587 responses it was not possible to identify the street as the respondent did not indicate the full postcode. This did not invalidate returned questionnaires as it was made clear to the respondent that indicating the postcode was voluntary. A list of all of the 551 streets in the 800m catchment area was also provided in the report, including back streets and streets containing commercial or industrial premises.

3.4.7 In reaching a conclusion on the statistical validity of the questionnaire response, the number of addressable households on each street is an important factor, a point which was made during the Scrutiny Board meeting on 9 July. Within the data provided, there were 180 instances of streets with no household address identified, and an example at Holburn Towers where there are 99 households that technically are not identified on a street. It should also be noted that only 10 streets accounted for 1,539 of the 9,982 households identified, thus illustrating the variance in the number of households on each street within the catchment area.

3.5 Consultation Findings

3.5.1 The findings are initially structured around the following consultation approaches:

- Responses to the postal questionnaire
- Responses to the questionnaire from the 65 community groups
- Responses to the questionnaire at the open consultation events

3.5.2 The postal questionnaire shows that 71.9% of the 590 respondents were in favour of having a designated barbecue area. Comments made in support signify a preference for this approach, point out the benefits of a designated area to those without gardens, acknowledge that the barbecue area will reduce the amount of scorched grass whilst freeing up other areas of the park. The key concern is ensuring effective enforcement to control antisocial behaviour associated with barbecue activity and ensure that this only occurs in the designated area. Concerns were also raised about the use of concrete reducing the area of green space and general unsightly nature of the designated area.

3.5.3 Questionnaires were sent to 65 community organisations, of which 12 responded, with 4 in favour and 8 opposed to a designated barbecue area. The key concerns were issues around enforcement and that the area would be unsightly. Other concerns include respiratory and pollution issues, the location of the proposed area and that people would not confine barbecue activity to the designated area and associated antisocial behaviour with this activity. Other comments include issues around the use of concrete and loss of green space, as well as comments in support of a designated area.

3.5.4 There were 129 completed questionnaires received as a result of 3 the open consultation events, of which 105 were opposed to the concept of a designated barbecue area, with 22 in support and 2 not stating an opinion. The two key concerns raised at these events were enforcement, and preventing anti-social behaviour associated with this activity. Participants were also concerned about the use of concrete, loss of green space, respiratory and pollution issues along with people not confining barbecue activity to the designated area. As a general indicator on the balance of response from the 3 open consultation events 81% through this mechanism were against with 17% in support.

- 3.5.5 It should also be acknowledged that correspondence has been received on this issue from members of the public, community groups, political representatives along with coverage in the local media. The issues raised concur with those raised at Scrutiny Board and contained in the comments made on the questionnaire. In particular they reflect the passionate strength of feeling held in some quarters that advocate the view that the Council should rigidly enforce the byelaws as they stand and not permit barbecues under any circumstances.
- 3.5.6 Based on the range of consultation methods used it is apparent that overall there is a view from the community in favour of a designated barbecue area. However, there are elements of the community who are opposed and those views have been clearly expressed through the consultation process. In considering the balance of responses received through the consultation process it is evident that a sizeable majority of residents responding to the postal questionnaire were in favour of the proposition. On the basis that this aspect of the consultation formed the primary means of eliciting the overall view of the public, then officers propose that due weight needs be given to the results in this area in determining how this matter is moved forward. Notwithstanding this point, it is important not to lose sight of other means of consultation where it is clear that there are elements of the community against this proposal which at times have been manifested as outright opposition. As a general indicator of the balance of that feeling through all the consultation process a summary table of the results is attached as Appendix 1.
- 3.5.7 The West Yorkshire Fire and Rescue Service were approached for their view on this issue. They indicated that a designated area for disposable barbecues would be a workable solution in their view. They also indicated that the issue to address from their perspective is the appropriate and safe disposal of hot charcoal from the barbecues. They felt it unlikely that a disposable barbecue will set fire to the ground in the park. Rather, in their opinion they felt that the problem was more likely to occur when the refuse bin containing combustible materials is mixed with the hot ashes. It is also their view that prohibiting their use will only move barbecue users to backyards where there will be less control over correct disposal and a likelihood of more refuse bin fires. They furthermore indicated that they are not against barbecues in principle, it is the question of disposal which is an issue, and if cinder bins are provided and are used solely for cinders/charcoal then this will be seen as a favourable solution by the Fire Service as the occurrence of bin fires should be reduced.
- 3.5.8 West Yorkshire Police have been consulted on this issue, and whilst not commenting on the merits or otherwise of having a designated barbecue area, the view expressed is that if the Council were to introduce such an area, the enforcement of this would have to fall to the Council and not the police. The Police have indicated that the deployment of officers to the Moor on a daily basis would continue as at present, but due to other pressing policing demands would be unable to direct them to enforce such a byelaw. In respect of supporting Council officers to enforce the byelaw the direction to police officers would be that they would become involved only at times when other factors were present, i.e. when Council officers receive threats or public order / safety becomes an issue. The Police would not endorse the routine accompanying Council officers on joint enforcement visits.
- 3.5.9 The issues concerning the use of portable barbecues at Woodhouse Moor Park impact on equality, diversity and community cohesion. In considering these impacts it should be noted that the consultation process was designed to give an opportunity for all households within an 800m catchment area surrounding the park to express an opinion, along with a cross section of community groups in the area. In

considering impacts from this perspective it was felt that current use of portable barbecues in the park by sections of the community could represent a barrier to wider access and enjoyment of the park by other users. Community cohesion is therefore a key issue and the consultation process has been designed to develop a balanced solution to address this, discussed in later sections of this report. It is also acknowledged that access for people with mobility issues could be an issue if a designated barbecue area was provided.

3.6 Overall consultation conclusions

3.6.1 The consultation process to date has focussed on 2 options, namely the provision of a permanent designated barbecue area, or to enforce byelaws to prevent barbecue use. In determining whether further options should be considered it is useful to summarise key points raised in the analysis of views expressed in questionnaires and from other agencies.

- On balance, there is a view that a designated area for portable barbecues is worth considering
- Enforcement is crucial to a successful outcome, but there are limits in capacity to provide enforcement
- Providing a solution that can be effectively enforced should ensure that associated anti-social behaviour issues can also be addressed
- Concerns have been raised about the use of concrete and the general unsightly nature of the area as set out in the consultation questionnaire
- There is also a concern that widespread barbecue use in the park impacts on the enjoyment of other users

3.6.2 A third option is therefore proposed namely to trial a designated barbecue area and considered in the following option appraisal.

3.7 Option Appraisal

3.7.1 In determining a solution, the following options are appraised.

- Option 1: Provision of a permanent designated barbecue area as outlined in the consultation process
- Option 2: Enforce byelaws preventing barbecue use as outlined in the consultation process
- Option 3: To trial a designated barbecue area

3.7.2 For each of these options, an analysis is presented to inform the Council's decision on this matter.

3.7.3 **Option 1: Provision of a permanent designated barbecue area as outlined in the consultation process.**

3.7.4 This would have the benefit that barbecue activity would be managed, thus freeing up other areas of the park for the enjoyment of other users. It would also provide opportunity for people without gardens to enjoy barbecuing and the related social interaction. It supports the majority view of the questionnaire findings. By determining a specific area, enforcement activity could well prove more effective and coupled with education information and signage it is hoped that people would act more responsibly, and in particular stay within the designated area and dispose

of cinders and litter in the appropriate bins provided. It is however recognised that the use of concrete slabs albeit flush with the ground, could be unsightly and disrupt the visual appeal of the green landscape. Any implementation of this solution would take due regard to people with mobility issues and include priority access to facilities adjacent to existing paths and include information on signage and literature.

3.7.5 Option 2: Enforce byelaws preventing barbecue use as outlined in the consultation process

3.7.6 If the enforcement activity was effective then it would prevent grass scorching and the associated anti-social behaviour with this activity. Given the demand for this activity however, there could be considerable difficulties in enforcing this issue, particularly given the view expressed by the Police. If byelaws continued to be flouted there is a danger of a status quo situation and thus no effective means of addressing issues identified. It would also deny an opportunity for people with no access to gardens to carry out barbecue activity, and also would go against the majority view of the questionnaire findings.

3.7.7 Option 3: To trial a designated barbecue area

3.7.8 This option gives the Council the opportunity to gain a greater understanding of the merits of a designated area and its potential demerits prior to concluding any long term proposal. It would also have the benefit that barbecue activity would be managed, thus freeing up other areas of the park for the enjoyment of other users. It supports the majority view of the questionnaire findings. It would also provide opportunity for people without gardens to enjoy barbecuing and the related social interaction. By determining a specific area, enforcement activity could well prove more effective and coupled with education information and signage it is hoped that people would act more responsibly, and in particular stay within the designated area and dispose of cinders and litter in the appropriate bins provided. The issues identified with concrete slabs would be addressed by the use of cellular grassed paving flush with the ground. This has benefits of providing a flat stable surface and also protect the root zone whilst providing a softer landscape treatment. This solution would be trialled for a season. Any implementation of this solution would take due regard to people with mobility issues and include priority access to facilities adjacent to existing paths and include information on signage and literature.

4.0 Implications For Council Policy And Governance

4.1 Subject to Executive Board approval, officers will seek to implement the proposal within the development framework of the council.

5.0 Legal And Resource Implications

5.1 The use of barbecues are the subject of byelaws which were discussed in the previous report to Executive Board. In summary barbecues are prohibited on Woodhouse Moor and all other parks within the Leeds Metropolitan Borough under the Leeds City Council Byelaw for Pleasure Grounds, Public Walks and Open Spaces (17 December 2008) section 11 clause (1) which states: *11 (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.*

5.2 However the option to consider designated areas is appropriate as there is a clause in the Leeds City Council Byelaws for Pleasure Grounds, Public Walks and Open Spaces (17 December 2008) section 11 clause (1) which states: *11(2) Byelaw 11(1)b shall not apply to the lighting or use, in such a manner as to safeguard*

against damage or danger to any person, of a properly constructed barbecue, in a designated area for barbecues.

- 5.3 Advice received from the Council Regulatory and Enforcement section indicates that existing byelaws can be enforced by an Authorised Officer provided that the required scheme of delegation is implemented. At this stage such an officer would be able to caution and/or prosecute, but would not be able to issue a fixed penalty notice. The byelaw would need to be exhibited in order to commence the legal process.
- 5.4 The cost of providing a designated area included materials, bins and signage is estimated at £22.4k, for which funding would be sought from existing partners such as the Area Committee, and utilising the Parks and Countryside revenue budget.

6.0 Conclusions

- 6.1 In considering the 3 options highlighted above, consideration has been given to the outcome of the consultation process whereby the majority of respondents are in favour of a designated barbecue area. It has also been outlined that there has been strong opposition in certain sections of the community. In view of this position, on balance, it is felt that the most appropriate way to progress is to implement Option 3: to trial a designated barbecue area, as the most appropriate means to determine whether this approach proves effective, or otherwise, in managing the barbecue issues on Woodhouse Moor Park over the longer term.
- 6.2 In addition it is also proposed that cognisance is taken of the general dislike of concrete as a landscape solution and on this basis it is proposed that officers identify a different landscape treatment that will integrate better within the green fabric of park. A potential solution would be using cellular grassed paving systems as an alternative to concrete slabs.
- 6.3 Implicit in the adoption of option 3 is the need to ensure the enforcement of byelaws concerning the remainder of the park. It is proposed that the enforcement activity will be undertaken by ParksWatch officers in the area during times when barbecue activity is most likely to take place to ensure that during the trial barbecues are restricted to the designated area. Additional training would need to be provided to ensure that they could act as Authorised Officers and carry out any due legal process required.

7.0 Recommendations

- 7.1 Members are asked to note the analysis and summary consultation activity contained in this report.
- 7.2 Members of Executive Board are requested to approve the implementation of Option 3: to trial a designated barbecue area, from 1 April 2010 until the end of the barbecue season.

Background Papers:

- Delegation to Full Council 2 July 2008
- Executive Board report 8 October 2008
- Questionnaire responses and correspondence
- Scrutiny Reports (City Development): 9 June and 7 July 2009
- Deputation to Full Council July 2009

Appendix 1

CONSULTATION SUMMARY FOR THE PROPOSED DESIGNATED BARBECUE AREA ON WOODHOUSE MOOR PARK

The method of the consultation was as follows: -

- Postal questionnaire sent to 9,982 residences that fall within the 800m catchment zone around Woodhouse Moor Park.
- Questionnaire sent to 65 community organisations in the vicinity of Woodhouse Moor Park
- Questionnaires given to participants at the University Student Union Open Consultation Venue 20/3/09
- Questionnaires given to participants at the Woodhouse Moor Park Bowls Pavilion Open Consultation Venue 26/3/09
- Questionnaires given to participants at the Wrangthorn Church Open Consultation Venue 2/4/09

The results are as follows: -

- Considering the aspect of whether to install a designated barbecue area the results are: -

	Postal Questionnaire	Community Organisations	University Student Union Venue	Bowls Pavilion Venue	Wrangthorn Church Venue	Overall Summary
Number of respondents	590	12	52	62	15	731
In favour	71.9%	33.3%	15.4%	21.0%	6.7%	61.5%
Against	27.3%	66.7%	84.6%	75.8%	93.3%	37.5%
No response	0.8%	0%	0%	3.2%	0%	1.0%

Appendix 2: Copy of Delegation received at Full Council on 15 July 2009

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