



SCRUTINY BOARD (CITY DEVELOPMENT)

Call-In Meeting to be held in Civic Hall, Leeds on
Wednesday, 16th September, 2009 at 9.00 am*
*(No pre-meeting)

MEMBERSHIP

Councillors

S Armitage	-	Cross Gates and Whinmoor;
C Beverley	-	Morley South;
R Downes	-	Otley and Yeadon;
T Grayshon	-	Morley South;
R Harington	-	Gipton and Harehills;
M Lobley	-	Roundhay;
T Murray	-	Garforth and Swillington;
A Ogilvie	-	Beeston and Holbeck;
R Pryke (Chair)	-	Burmantofts and Richmond Hill;
D Schofield	-	Temple Newsam;
S Smith	-	Rothwell;
N Taggart	-	Bramley and Stanningley;
G Wilkinson	-	Wetherby;

Please note: Certain or all items on this agenda may be recorded on tape

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes.)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>CALL-IN OF DECISION - BRIEFING PAPER</p> <p>To consider a report of the Head of Scrutiny and Member Development.</p>	1 - 4
7			<p>CALL-IN OF A DECISION - REVIEW OF EXECUTIVE BOARD DECISION OF 26TH AUGUST 2009 - MINUTE 66 - DEPUTATION TO COUNCIL - NORTH HYDE PARK RESIDENTS' ASSOCIATION, SOUTH HEADINGLEY COMMUNITY ASSOCIATION, AND FRIENDS OF WOODHOUSE MOOR REGARDING THE COUNCIL'S PROPOSAL TO ESTABLISH BARBECUE AREAS ON WOODHOUSE MOOR</p> <p>In accordance with the Scrutiny Procedure Rules, to review an Executive Board decision of 26th August 2009 (Minute 66 refers) in relation to a Deputation to Council from the North Hyde Park Residents' Association, South Headingley Community Association, and Friends of Woodhouse Moor regarding the Council's proposal to establish barbecue areas on Woodhouse Moor.</p>	5 - 36

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>OUTCOME OF CALL-IN</p> <p>In accordance with the Scrutiny Procedure Rules, to consider the Board's formal conclusions and recommendation(s) arising from consideration of the Called-In decision.</p>	



Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 16th September 2009

Subject: CALL- IN OF DECISION – BRIEFING PAPER

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION AND BACKGROUND

- 1.1 In accordance with the Council's Constitution, a decision of the Executive Board has been Called In.¹ The background papers to this particular decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.
- 1.2 This report advises the Scrutiny Board (City Development) on the procedural aspects of Calling In the decision.
- 1.3 The Board is advised that the Call In is specific to the report considered by the Executive Board and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call-In.

2.0 REVIEWING THE DECISION

- 2.1 The process of reviewing the decision is as follows:
- Members who have requested the Call-In invited to explain their concern/reason for Call-In request.
 - Relevant Executive Member/Officer(s) asked to explain decision.
 - Further questioning from the Board as appropriate.

¹ Scrutiny Board Procedure Rules Paragraph 22

OPTIONS AVAILABLE TO THE BOARD

- 3.1 Having reviewed the decision, the Scrutiny Board (City Development) will need to agree what action it wishes to take. In doing so, it may pursue one of three courses of action as set out below:

Option 1- Release the decision for implementation

- 3.2 Having reviewed this decision, the Scrutiny Board (City Development) may decide to release it for implementation. If the Scrutiny Board (City Development) chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

Option 2 - Recommend that the decision be reconsidered.

- 3.3 The Scrutiny Board (City Development) may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the Executive Board.
- 3.4 In the case of an Executive Board decision, the report of the Scrutiny Board will be presented to the next scheduled meeting. The Executive Board will reconsider its decision and will publish the outcome of its deliberations within the minutes of the meeting. The decision may not be Called In again whether or not it is varied.

Option 3 - Recommend that the decision be reconsidered and refer the matter to full Council if recommendation not accepted.

- 3.5 This course of action would only apply if the Scrutiny Board determined that a decision **fell outside the Council's Budget and Policy Framework** and this determination were confirmed by the Council's Section 151 Officer (in relation to the budget) or Monitoring Officer (in relation to other policies).
- 3.6 If, at the conclusion of this meeting, the Scrutiny Board forms an initial determination that the decision in question should be challenged on the basis of contravening the Budget and Policy Framework, then confirmation will subsequently be sought from the appropriate statutory officer.
- 3.7 Should the statutory officer support the Scrutiny Board's determination, then the report of the Scrutiny Board will be presented in the same manner as for Option 2. If the decision maker accepts the recommendation of the Scrutiny Board in these circumstances, then the revised decision will be published in the same manner as for Option 2 and the decision may not be Called In again. If, however, the decision maker does not accept the recommendation of the Scrutiny Board, then the matter will be referred to full Council for final decision. Decisions of full Council may not be Called In.
- 3.8 Should the appropriate statutory officer not confirm that the decision contravenes the Budget and Policy Framework, then the report of the Scrutiny Board would normally be progressed as for Option 2 (i.e. presented as a recommendation to the decision

taker) but with no recourse to full Council in the event that the decision is not varied. As with Option 2, no further Call-In of the decision would be possible.

- 3.9 However, the Scrutiny Board may resolve that, if the statutory officer does not confirm contravention of the Budget and Policy Framework, then it should be released for implementation in accordance with Option 1.

4.0 FAILURE TO AGREE ONE OF THE ABOVE OPTIONS

- 4.1 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call-In.

5.0 FORMULATING THE BOARD'S REPORT

- 5.1 If the Scrutiny Board decides to release the decision for implementation (i.e. Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.

- 5.2 If the Scrutiny Board wishes to recommend that the decision be reconsidered (i.e. Options 2 or 3), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.

- 5.3 Because of the tight timescales within which a decision Call-In must operate, it is important that the Scrutiny Board's report be agreed at the meeting.

- 5.4 If the Scrutiny Board decides to pursue either of Options 2 or 3, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Unit, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/ agree this statement as appropriate (a separate item has been included in the agenda for this purpose).

- 5.5 This statement will then form the basis of the Scrutiny Board's report (together with factual information as to details of the Called In decision, lists of evidence/witnesses considered, Members involved in the Call-In process etc).

- 5.6 The Scrutiny Board is advised that there is no provision within the Call In procedure for the submission of a Minority Report.

6.0 RECOMMENDATION

- 6.1 The Scrutiny Board (City Development) is asked to note the contents of this report and the procedure as detailed within it.

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Originator: Richard Mills

Tel:247 4557

Report of the Head of Scrutiny and Member Development

Scrutiny Board (City Development)

Date: 16th September 2009

**Subject: : Call In - Review of Executive Board Decision of 26th August 2009
Minute 66 - Deputation to Council - North Hyde Park Residents'
Association, South Headingley Community Association, and Friends of
Woodhouse Moor regarding the Council's proposal to Establish Barbecue
Areas on Woodhouse Moor**

**Electoral Wards Affected:
Hyde Park and Woodhouse**

X

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION AND BACKGROUND

1.1 This paper presents the background papers to a decision which has been Called In in accordance with the Council's Constitution.¹

1.2 Papers are attached as follows:

- Copy of completed Call In request form
- Report of the Director of City Development
- Executive Board Minutes of 26th August 2009

1.3 Appropriate Members and/or officers have been invited to attend the meeting in order to explain the decision and respond to questions.

2.0 RECOMMENDATION

2.1 The Scrutiny Board (City Development) is asked to review this decision and to determine what further action it wishes to take.

Background Papers

None

¹ Scrutiny Board Procedure Rules Paragraph 22

CALL IN REQUEST – Option (b)

A Call In request may be made by:

- a) Any five non-executive Members of council, OR
- b) two non-executive Members of council if they are not from the same political group¹

Date of decision publication:	3 September 2009 28 August 09.	
Delegated decision ref:		or
Executive Board Minute no:	66	or
Area Committee Name and decision ref:		
Decision description:	Barbeque areas on Woodhouse floor	
.....		

Reasons for Call In:
 All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. *Please tick the relevant box(es) and give an explanation.*

<input type="checkbox"/>	Proportionality (ie the action must be proportionate to the desired outcome)
<input checked="" type="checkbox"/>	Due consultation and the taking of professional advice from officers
<input checked="" type="checkbox"/>	Respect for human rights
<input type="checkbox"/>	A presumption in favour of openness
<input checked="" type="checkbox"/>	Clarity of aims and desired outcomes
<input checked="" type="checkbox"/>	An explanation of the options considered and details of the reasons for the decision
<input type="checkbox"/>	Positive promotion of equal opportunities
<input type="checkbox"/>	Natural justice

Explanation

See attached sheet

.....

.....

¹ A Member cannot count as one of the two / five signatures if they are a member of the Scrutiny Board to which the Call In will be referred. In the case of decisions made by Area Committees, a Member cannot count as one of the two / five signatures if they are a member of that Area Committee.

Leeds City Council Scrutiny Support Unit

The following signatories request that the above decision be called in:

1) Signature *[Handwritten Signature]* Political group *Independent*
 Print name *Linda Kneen - Councillor*

2) Signature *[Handwritten Signature]* Political group *Labour*
 Print name *[Handwritten Name]*

This form should be submitted to the Head of Scrutiny and Member Development (Scrutiny Support Unit, 1st Floor West, Civic Hall) by **5.00pm on the fifth working day after the decision publication date**. The office is open from 9.00am to 5.00pm.

(For further information on the Call In procedure please refer to the Scrutiny Support Unit intranet site, or contact the Unit on 39 51151).

For office use only: (box A)

Received on behalf of the Head of Scrutiny and Member Development by:
[Handwritten Signature] (signature)
 Date: *7 Sep. 2009* Time: *11:20 AM* SSU ref: *2009-1037*

For office use only: (box B)

Exemption status checked:	<input checked="" type="checkbox"/>	Call In authorised: Yes / No
Date checked:	<input checked="" type="checkbox"/>	Signed: <i>[Handwritten Signature]</i>
Signatures checked:	<input checked="" type="checkbox"/>	Date: <i>7.9.09</i>
Receipts given:	<input checked="" type="checkbox"/>	
Validity re article 13	<input checked="" type="checkbox"/>	

Receipt details: *E. Platt*

Explanation:

There has been no public consultation about the currently recommended option (the trial area) and little indication of the size of this area, the surface treatment, or where exactly this area might be located.

The decision does not adequately balance the human rights of barbecue users against those of other users of the park, including disabled people.

It is not clear what the outcome will be, particularly as regards cellular concrete. A recent letter to residents says "no concrete" but it seems that likely that concrete will in fact be used. It is not clear how the exercise will be assessed, or how the park will be restored if the experiment is judged to have failed.

It is not clear what other options have been considered, or how this trial might impact on other parks in Leeds.

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Report of the Director of City Development

Executive Board

Date: 26 August 2009

Subject: Woodhouse Moor Park Barbecue Use

<p>Electoral Wards Affected: Hyde Park and Woodhouse</p> <p><input type="checkbox"/> Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input checked="" type="checkbox"/></p> <p>Community Cohesion <input checked="" type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
Eligible for Call In <input checked="" type="checkbox"/>	Not Eligible for Call In (Details contained in the report) <input type="checkbox"/>

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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WOODHOUSE MOOR BARBECUES

Lord Mayor, Councillors, my name is Martin Staniforth and my colleagues are Sue Buckle, ^{Richard Hallawell} ~~Bill McKinnon~~, ^{Tony Green} ~~Philip Walshaw~~ and Professor John Kent. I would welcome the opportunity to speak to you today to oppose the Council's unpopular, expensive and damaging plan to concrete over part of Woodhouse Moor, though I am sad that it is still necessary to do so. I am speaking on behalf of all the community groups in the Hyde Park and Woodhouse area. More importantly I am speaking on behalf of the hundreds of local people who have objected to this scheme at meetings and in writing, and the thousands who have been denied a voice because of the Council's failure to deliver consultation packs to them.

Lord Mayor, I want to concentrate on three issues. First, the proposal itself This would involve sinking 40 large concrete blocks into an open, grassy area of the Moor to allow for up to 80 barbecues to be lit at any one time. Local people have strongly opposed this plan both because of the impact it would have and because it is another sign of the Council's lack of concern for Woodhouse Moor. What used to be an open space for all to enjoy is becoming an area where, on sunny weekends, many people feel uncomfortable and unsafe because of the drunkenness, vandalism and anti-social behavior which goes on there, apparently unchecked. Local people don't want to see money wasted on concrete blocks. They want it spent on improving the Moor, undoing the damage that has been done in recent years, and making it a welcoming, attractive and safe area for all.

Second, consultation. The Council claims to have sent 10,000 questionnaires to local households seeking their views on the proposal. However it's very clear, from public meetings and other surveys, that many people who should have received questionnaires didn't do so. But instead of investigating the complaints, Council officers have relied on assurances from the delivery company that they delivered to all households in the area, with one or two exceptions. Well, to quote Mandy RiceDavies, they would say that, wouldn't they! Officers also seem to believe that because some people in a street responded, everyone in that street must have received a questionnaire. However, as I'm sure you know, people delivering house-to-house often take short cuts and miss out houses or whole streets to get the job done quickly.

Fin ally, apparently replies were received from only 155 of the 551 streets which should

have received questionnaires. Statisticians say it is highly improbable that replies would be concentrated in such a small number of streets if the forms had been properly delivered. My colleague Professor Kent, Professor of Mathematics at Leeds University, would be pleased to answer any questions you may have about the statistical analysis of the figures.

And now we have the truly bizarre situation that the Council's Scrutiny Board has said the consultation was earned out properly while at the same time it has been extended to the end of July so that people who didn't receive questionnaires can send in their comments by e-mail! Frankly this isn't a consultation, it's a shambles, a fiasco, and the investigation nothing more than a whitewash. It should be abandoned now and there should be an independent investigation into what went wrong.

Third, the role of local residents' associations. We were excluded from the group which drew up this proposal. I use the word "excluded" deliberately because a Council officer told me that while associations had been invited to the first meeting "subsequent meetings of this forum evolved into a partnership of agency representatives and council officers providing a cohesive and constructive working group that are committed to and actively resolving the various issues on Woodhouse Moor". Apparently local residents have nothing to contribute to resolving issues facing the Moor, despite our very real commitment to its long-term health. This is not the first time that proposals have been put forward for changes to the Moor without involving local people, and not the first time they have been strongly opposed by them. The exclusion of local residents from groups considering plans for the Moor is unacceptable, results in bad decision-making, and must be ended.

Lord Mayor, Woodhouse Moor is an historic park, dear to those who live near it and use it regularly. It is an asset that we hold in trust for future generations, and we should leave it in better condition than we find it. If the current proposal goes ahead, our legacy will be 40 concrete blocks and a degraded open space. We therefore call for the current plans for a barbecue area to be dropped, for the flawed consultation process to be abandoned and for local residents to be fully involved in any group developing plans for the Moor in future.

EXECUTIVE BOARD

WEDNESDAY, 26TH AUGUST, 2009

PRESENT: Councillor R Brett in the Chair

Councillors A Carter, J L Carter, R Finnigan,
S Golton, R Harker, P Harrand, J Monaghan,
J Procter and K Wakefield

Councillor R Lewis – Non-Voting Advisory Member

61 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- a) Appendices 1 and 2 to the report referred to in minute 66 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as disclosure could prejudice the commercial interests of the Council and other outside bodies.
- b) Appendices 1, 2 and 4 to the report referred to in minute 72 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information by reason of the fact that:-
 - i) Appendices 1 and 2 – The success of the scheme could potentially be prejudiced by speculative investors acquiring properties in advance of the Council's action.
 - ii) Appendix 4 – The costs attributed to the purchase of private properties are purely estimates at this stage and their disclosure could prejudice the Council's ability to reach an agreement on the purchase price with the owners.
- c) Appendices 1, 2 and 4 to the report referred to in minute 73 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information by reason of the fact that:-

- i) Appendices 1 and 2 – The success of the scheme could potentially be prejudiced by speculative investors acquiring properties in advance of the Council’s action. Each of these appendices identifies the location of the affected properties.
 - ii) Appendix 4 – The costs attributed to the purchase of private properties are purely estimates at this stage and their disclosure could prejudice the Council’s ability to reach an agreement on the purchase price with the owners.
- d) Appendices 1 and 2 to the report referred to in minute 84 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as publication would be detrimental to the finances of the authority and thereby the provision of its services to the public.

62 Declaration of Interests

Councillor Finnigan declared a personal interest as a Director of Aire Valley Homes in relation to minutes 67, 68, 69 and 70 of this meeting, as appropriate.

63 Withdrawal of Item - Playbuilder Initiative Update

The Chair, with the consent of the Board, withdrew the above report from the agenda.

64 Minutes

RESOLVED – That the minutes of the meeting held on 22nd July 2009 be approved.

DEVELOPMENT AND REGENERATION

65 Adoption of the Supplementary Planning Document of the Street Design Guide and Response to the Deputation of the National Federation of the Blind

The Director of City Development submitted a report on the outcome of consultation on the Street Design Guide including further discussions following the attendance of the deputation to Council on 10th September 2008 on behalf of the National Federation of the Blind. The report presented the amended Street Design Guide and recommended its adoption as a Supplementary Planning Document.

RESOLVED – That the Street Design Guide, as now drafted and presented to the Board, be approved as a Supplementary Planning Document, subject to an amendment to paragraph 3.2.2.18 of the guide by deletion of the reference to 25 dwellings and replacement with reference to 10 dwellings and any subsequent associated references.

LEISURE

66 Deputation to Council - North Hyde Park Residents' Association, South Headingley Community Association, and Friends of Woodhouse Moor regarding the Council's proposal to Establish Barbeque Areas on Woodhouse Moor

The Director of City Development submitted a report in response to the deputation to Council from North Hyde Park Residents' Association, South Headingley Community Association and the Friends of Woodhouse Moor organisation on 15th July 2009. The report outlined the result of a recent consultation exercise with local residents and stakeholders and presented a proposed solution for the consideration of the Board.

The report appraised 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

RESOLVED -

- a) That the analysis and summary consultation activity contained in the report be noted.
- b) That approval be given to the implementation of Option 3: to trial a designated barbecue area, from 1 April 2010 until the end of the barbecue season.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted against this decision.)

NEIGHBOURHOODS AND HOUSING

67 Response to the Environment and Neighbourhoods Scrutiny Board Inquiry into Older People's Housing

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations from the Scrutiny Board (Environment and Neighbourhoods) inquiry into older people's housing.

The Chair of the Scrutiny Board attended the meeting, presented the inquiry findings and requested that officers offer a more robust response to recommendation 9.

RESOLVED – That the proposed responses to the Scrutiny Board (Environment and Neighbourhoods) recommendations, as contained in the submitted report, be approved and that the request of the Scrutiny Chair be acceded to.

68 Response to the Environment and Neighbourhoods Scrutiny Board Inquiry into the Private Rented Sector

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations from the Scrutiny Board (Environment and Neighbourhoods) inquiry into the private rented sector.

The Chair of the Scrutiny Board attended the meeting and presented the inquiry findings.

RESOLVED – That the proposed responses to the Scrutiny Board (Environment and Neighbourhoods) recommendations, as contained in the submitted report, be approved.

69 Regeneration of Holbeck - Phase 4

The Director of Environment and Neighbourhoods submitted a report outlining the options for regeneration of the Holbeck area and seeking approval of the acquisition and clearance of 20 properties within Holbeck by utilising £1,300,000 of Single Regional Housing Single Regional Housing Pot funding during 2009/11.

The options presented were:-

- a) Do the minimum to meet legal conformity.
- b) Undertake group repair and internal remodelling.
- c) Acquisition, clearance and redevelopment of the site for housing.

Following consideration of Appendices 1, 2 and 4 to the report, designated as exempt under the terms of Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting, it was

RESOLVED –

- a) that Scheme expenditure to the to the amount of £1.300,000 be authorised.
- b) That officers proceed in accordance with option C
- c) That the Director of Environment and Neighbourhoods and the Director of City Development authorise and promote any necessary Compulsory Purchase Orders should such become necessary

70 Regeneration of Cross Green - Phase 3

The Director of Environment and Neighbourhoods submitted a report outlining the options for regeneration of the Cross Green area and seeking approval of the acquisition and clearance of 14 street lined semi detached properties built in the early 1900s by utilising £1,100,000 of Single Regional Housing Pot funding during 2009/11.

The options presented were:-

- a) Do the minimum to meet legal conformity.
- b) Undertake group repair.
- c) Acquisition, clearance and redevelopment of the site for housing.

Following consideration of Appendices 1, 2 and 4 to the report, are designated as exempt under the terms of Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting, it was

RESOLVED -

- a) That Scheme expenditure to the amount of £1,100,000 be authorised.
- b) That officers proceed in accordance with option C.
- c) That the Director of Environment and Neighbourhoods and the Director of City Development authorise and promote any necessary Compulsory Purchase Orders should such become necessary

DEVELOPMENT AND REGENERATION

71 Leeds (River Aire) Flood Alleviation Scheme

Further to minute 191 of the meeting held on 13th February 2009, the Director of City Development submitted a report providing an update on the progress made in relation to the Leeds Flood Alleviation Scheme, outlining the feedback from the public consultation exercise, and presenting for approval the latest version of the Design Vision and Guide, along with a recommended approach to be adopted by the Environment Agency in designing a scheme for the River Aire.

The report outlined the following 5 options identified by the Environment Agency, upon which the Council were invited to express a preference:-

- a) 1 in 200 years plus precautionary climate change: Raised flood defences. Total scheme cost £145m. £0m external funding required.
- b) 1 in 200 years plus precautionary climate change: Upstream Storage. Total scheme cost £180m. £30-35m external funding required.
- c) 1 in 200 years Managed Adaptive approach dealing with climate change in the future. Total scheme cost £145m. Raised defences - £5-10m external funding required.
- d) 1 in 200 years Managed Adaptive approach dealing with climate change in the future. Total scheme cost £150m. Upstream Storage - £15-20m external funding required.

- e) 1 in 200 years Managed Adaptive approach dealing with climate change in the future. Total scheme cost £200m. Bypass Channel - £65m – 70m external funding required.

RESOLVED –

- a) That the progress on the Leeds (River Aire) Flood Alleviation Scheme and the comments received during the public consultations be noted.
- b) That the latest version of the Design Vision and Guide document be approved.
- c) That the Environment Agency be informed that a Managed Adaptive approach to protecting Leeds from major flooding should be adopted by the Agency.

72 The Agenda for Improving Economic Performance

The Director of City Development submitted a report presenting the draft 'Agenda for Improved Economic Performance' proposed for formal consultation.

RESOLVED – That the document, as submitted, be approved for a formal consultation process.

73 Leeds United - Thorp Arch Academy

The Director of City Development submitted a report on the history and current position of the Leeds United Thorp Arch Academy and on options for the Council to support Leeds United Football Club in the continuation of the facility.

The report presented the options of declining the Club's request for assistance, of giving the Club a loan to acquire the facility or of the Club novating to the Council its option to purchase and the Council acquiring the facility and leasing it back to the Club.

Following consideration of appendices 1 and 2 to the report, designated as exempt under Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting it was

RESOLVED –

- a) That the request from Leeds United 2007 for support in exercising its option to acquire the Thorp Arch training facility be noted.
- b) That the option of offering a loan to the Club be discounted.
- c) That the Director of City Development be authorised, in consultation with the Director of Resources, the Assistant Chief Executive

(Corporate Governance) and the Executive Member Development and Regeneration, to enter into discussions with the Club on the lines now discussed in order to explore whether the option of the Club novating to the Council its option to purchase with subsequent acquisition by the Council and lease back to the club can be progressed. Such preliminary discussions to include the need for appropriate guarantees in respect of the income from the lease to the Club, adequate provision for community and educational use, securing levels of Council control appropriate to the City's hosting of international sporting events, necessary maintenance arrangements and such other matters as may be necessary to protect the Council's interests as owner of the facility.

- d) That a meeting of this Board be convened sufficiently in advance of the 10th October 2009 deadline, in the event that the discussions referred to in (c) give rise to a recommendation to progress the option to a conclusion.

ENVIRONMENTAL SERVICES

74 Response to the Young People's Scrutiny Forum Inquiry entitled, 'Protecting Our Environment'

The Director of City Development, the Director of Environment and Neighbourhoods and the Chief Executive of Education Leeds submitted a joint report in response to the recommendations of the Young People's Scrutiny Forum inquiry into the protection of the environment.

The Chair of the Scrutiny Board (Children's Services) attended the meeting and presented the inquiry findings.

RESOLVED – That the proposed responses to the Young People's Scrutiny Forum's recommendations, as contained in the submitted report be approved.

75 Response to the Environment and Neighbourhoods Scrutiny Board Inquiry into Street Cleaning

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations from the Scrutiny Board (Environment and Neighbourhoods) inquiry into street cleaning.

The Chair of the Scrutiny Board attended the meeting and presented the inquiry findings.

RESOLVED – That the proposed responses to the Scrutiny Board (Environment and Neighbourhoods) recommendations, as contained in the submitted report, be approved.

CHILDREN'S SERVICES

76 Proposal to close the LEA maintained nursery and change the lower age limit of Christ the King Catholic Primary School, Bramley

The Chief Executive of Education Leeds submitted a report presenting the outcome of the statutory notice period to close the maintained nursery with effect from 31st August 2009 and to change the lower age limit of Bramley Christ the King Catholic Primary School from 3-11 years to 5-11 years of age.

RESOLVED – That the lower age of Christ the King Catholic Primary School be changed from 3-11 years to 5-11 years of age and that the LEA maintained nursery be closed.

77 Design and Cost Report - Seacroft Children's Centre Accommodation and Extension

The Acting Chief Officer for Early Years and Integrated Youth Support Service submitted a report on the costs and fees related to the proposed refurbishment and extension of the existing Seacroft Children's Centre.

RESOLVED – That authority be given to incur expenditure on construction £819,350 and fees £180,650 on the refurbishment and extension of the existing Seacroft Children's Centre to enable the relocation of children, staff and services from East Leeds Children's Centre and the amalgamation of the two children's centres.

78 Response to the Children's Services Scrutiny Board Inquiry into 'Entering the Education System'

The Director of Children's Services submitted a report in response to the recommendations of the Scrutiny Board (Children's Services) inquiry entitled, 'Education Standards - Entering the Education System'.

The Chair of the Scrutiny Board attended the meeting and presented the findings of the inquiry.

RESOLVED – That the proposed responses to the Scrutiny Board (Children's Services) recommendations, as contained in the submitted report, be approved.

LEISURE

79 Vision for Council Leisure Centres

Further to minute 74 of the meeting held on 2nd September 2009, the Director of City Development submitted a report proposing a Vision for Leisure Centres following extensive public consultation and a review of Sport England's Facility Planning Model.

RESOLVED – That approval be given to the following proposals:-

Proposal 1 – The Eight Refurbishment Sites

- i) Modernisation and improvement to the quality of the facilities provided at the following sites, and detailed in table 3 to the report: Kirkstall, Rothwell, Aireborough, Otley Chippendale Pool, Bramley, Pudsey, Scott Hall* (*scheme currently being delivered) and Wetherby with a commitment to deliver and resource this work up to 2020.
- ii) The Director of City Development to submit bids in respect of the Free Swimming Capital Modernisation Programme 2010/11 by 4th September 2009.
- iii) The indicative phasing of works, as detailed in table 3 to the report, was noted.

Proposal 2 – Inner East

- iv) Re-provision of Fearnville and East Leeds Leisure Centres in the form of one new, purpose built, well being centre, with a commitment to deliver and resource by 2013/15.
- v) To seek expressions of interest to transfer East Leeds and Fearnville Leisure Centres to a Community Organisation.
- vi) East Leeds Leisure Centre and Fearnville Leisure Centre to remain under Council management until such time that:-
 - a) a new well being centre is confirmed; or
 - b) a suitable community organisation has been identified to whom to transfer the asset(s).
- vii) To seek to transfer the management of Richmond Hill Sports Hall to a Community Organization.

Proposal 3 – Outer East

- viii) To re-provide Kippax and Garforth Leisure Centres in the form of one new or refurbished swimming pool, fitness suite and other appropriate dry side sports facilities to serve the communities of Garforth and Kippax, with a commitment to deliver and resource by 2017.

Proposal 4 South Leeds & Middleton

- ix) To seek expressions of interest to transfer South Leeds Sports Centre to a Community Organisation
- x) To close South Leeds Sports Centre (if no suitable community group is identified) when the new Morley Leisure Centre opens in 2010, and concentrate leisure provision at the John Charles Centre for Sport and Morley

- xi) To provide a new well being facility for Middleton, at or in close proximity to the current St George's Centre, with a commitment to deliver and resource by 2013/15.
- xii) To seek expressions of interest to transfer the existing Middleton Leisure Centre to a Community Organisation
- xiii) Middleton Leisure Centre to remain under Council management until such time that a) a new well being centre is confirmed (at St George's Centre) or b) a suitable community organisation has been identified to whom to transfer the existing Middleton Leisure Centre (asset).

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted for Proposal 1, abstained from voting on Proposals 2 and 4 and voted against Proposal 3.)

ADULT HEALTH AND SOCIAL CARE

- 80 Leeds - A City for All Ages: Developing a Strategic Approach to Ageing**
The Director of Adult Social Services submitted a report outlining proposals for the development of a strategic response to the development of demographic change and the ageing society under the banner of "Leeds – a City for all ages".

RESOLVED –

- a) That consultation be commenced to develop a strategic framework for the city to address demographic change and an ageing society.
- b) That the outline of the strategic framework, as described in section 6 of the submitted report, be supported.
- c) That 'Leeds – a city for all ages' be used as a headline to encourage and engage all age groups, but in particular people over 50, in setting the strategic framework to address the ageing society.

- 81 Response to the Adult Social Care Scrutiny Board Inquiry into Major Adaptations for Disabled People**

The Director of Adult Social Services and the Director of Environment and Neighbourhoods submitted a joint report in response to the recommendations from the Scrutiny Board (Adult Social Care) inquiry into major adaptations for disabled people.

The Chair of the Scrutiny Board attended the meeting, presented the inquiry findings and reiterated the request at minute 67 that officers offer a more robust response to this same recommendation 9.

RESOLVED –

- a) That the proposed responses to the Scrutiny Board (Adult Social Care) recommendations, as contained in the submitted report, be approved and that the request of the Scrutiny Board Chair be noted.
- b) That this Board requests that future Scrutiny Board inquiry reports should, as a matter of course, make reference to any cost implications arising from the recommendations.

CENTRAL AND CORPORATE

82 Design and Cost Report: Demolition of East Leeds Family Learning Centre

The Chief Officer (Corporate Property Management) submitted a report on proposals for the demolition of the East Leeds Family Learning Centre.

RESOLVED –

- a) That approval be given to the proposed demolition of the remaining ELFLC buildings.
- b) That approval be given for the use of the revenue savings following the vacation of the ELFLC site to provide £880,000 of unsupported borrowing to part fund the demolition costs.
- c) That the transfer of £118,505 from the Demolitions and Dilapidations Fund (scheme 15620) to fund the balance of the demolition costs be approved.
- d) That Authority to Spend of £998,505 in respect of the demolition of the ELFLC premises be given.

83 Financial Health Monitoring 2009/10 - First Quarter Report

The Director of Resources submitted a report on the Council's financial health position for 2009/10 after the first three months of the financial year.

RESOLVED –

- a) That the projected financial position of the authority after three months of the new financial year be noted and that directorates be requested to continue to develop and implement action plans.
- b) That the following budget adjustments be approved:-
 - i) A revenue contribution to capital (RCCOs) to fund decency works on the Woodbridge estate (£500,000) and a projected shortfall in funding for the HICT orchard project (£200,000) within the Housing Revenue Account.

- ii) A virement in the sum of £800,000 within City Development directorate from the Highways Direct Labour Organisation account, as detailed in the City Development report attached to the submitted report.
- iii) The reallocation of the Strategy and Policy budget within City Development as detailed in the City Development report attached to the submitted report.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter.)

84 Local Taxation Collection Policy, Business Rate Hardship Relief and Discretionary Rate Relief Guidance

The Director of Resources submitted a report on proposals regarding the categories and criteria used to write off outstanding Council Tax and Business Rates debts, the current guidelines used in respect of hardship relief and the current guidelines used in respect of discretionary rate relief.

Following consideration of Appendices 1 and 2 to the report, designated as exempt under the terms of Access to Information Procedure Rule 10.4(3) which were considered in private at the conclusion of the meeting, it was

RESOLVED –

- a) That approval be given to the revised criteria to be used to write off debts for both Council Tax and Business Rates as outlined in the revised local taxation collection policies in exempt Appendices 1 and 2 to the report.
- b) That the revised guidance for Discretionary Rate relief be approved.
- c) That the current hardship relief guidelines be retained.

DATE OF PUBLICATION: 28th August 2009
LAST DATE FOR CALL IN: 7th September 2009

(Scrutiny Support will notify Directors of any items called in by 12:00 noon on 8th September 2009.)