



Report of the head of Scrutiny and Member Development

Executive Board

Date:

Subject: Wharfemeadows Park Fencing Proposals – Recommendation of Scrutiny Board (Culture and Leisure)

Electoral Wards Affected:
Otley and Yeadon

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. At its meeting on 16th July Members of Scrutiny Board (Culture and Leisure) agreed to make a recommendation to Executive Board that work to erect a fence at Wharfemeadows Park in Otley be suspended whilst an inquiry is undertaken by the Board. This follows a request for scrutiny from the Wharfemeadows Action Group.

1.0 Background Information

- 1.1 A request for scrutiny was submitted to the Scrutiny Board (Culture and Leisure) at its meeting on 16th July regarding the plans to erect a fence along a stretch of water in Wharfemeadows park in Otley. This request was submitted and presented by the Wharfemeadows Action Group. This group had previously raised this issue with the Area Committee.
- 1.2 This request for scrutiny was supported by Otley Town Council and by Greg Mulholland MP. The Executive Board Member with responsibility for Leisure attended the Scrutiny Board meeting, along with the Chief Recreation Officer. Following discussion, the Scrutiny Board agreed to undertake an inquiry into the Council's approach to water safety in general and agreed to specifically include a review of the decision relating to Wharfemeadows.
- 1.3 Members of the Board felt that whilst this inquiry was underway it would be prudent for the Executive Board to suspend work on the fencing at Wharfemeadows park. The Scrutiny Board will aim to complete the inquiry as soon as possible and work on this is already underway.

2.0 Main Issues

- 2.1 Below is the relevant extract from the draft minutes of the Scrutiny Board (Culture and Leisure) meeting of 16th July 2007, summarising the discussion and highlighting the recommendation to Executive Board that the that work on the fencing be suspended until the Board has reported its findings.

Request for Scrutiny - Wharfemeadows Park Fence

The Head of Scrutiny and Member Development submitted a report regarding a request for scrutiny that had been received from the Wharfemeadows Action Group. The request had been made following **proposals for fencing arrangements within Wharfemeadows Park** and the implications city wide. The letter outlining the request for scrutiny was attached to the report.

Sylvia Reid, Linda Lukats and Tony Hartigan of the Wharfemeadows Action Group attended the meeting to present the request for scrutiny.

Sylvia Reid addressed the meeting and read a statement of the Group's request. Main issues highlighted included the following:-

- The reason for the request for scrutiny was that the decision to install fencing along the River Wharfe and the associated water safety strategy should be fully examined.
- Ward Members were not in favour of the original fencing plan, had lobbied Executive Members not to approve the scheme and had expected their Executive Members to vote against the proposals.
- Plans and studies had indicated a need for greater access to the river.
- That the fencing proposals were linked to the Coroner's report following the inquest into the tragic drownings at Roundhay Park.
- The Coroner's report had only recommended improved signage which would have probably cost in the region of a few thousand pounds instead of the £1.5 million pounds the fencing and water policy would cost Leeds
- Local people were informed that the Royal Society for Prevention of Accidents (RoSPA) had instructed the Council to fence off the river even though RoSPA is not a statutory body.
- Concern was expressed that the recommendations were based on an Appeal Court ruling that had been overturned in the House of Lords.

- Otley Town Council unanimously supported the Wharfemeadows Action Group

In support of her submissions, Sylvia Reid made reference to minutes of the meetings of the Executive Board meetings held on 9 February and 16 May, 2007, the verbatim minutes of Council held on 21 February 2007, the Wharfemeadows Action Group deputation to Council on 18 April 2007 and various press articles.

Members suggested that as this issue was such a complex matter that a Working Group could be established to scrutinise the issue in order to be able to report back to the full Scrutiny Board more quickly. It was also suggested that no work should be undertaken until the conclusion of any Inquiry and that the Board wished to recommend to the Executive Board that officers be instructed to suspend the erection of the fence until the Board published its recommendations.

The Chair made reference to a late submission that had been received from Greg Mulholland, MP for Leeds North West. It was reported that this would be considered as part of any Inquiry into this matter.

Councillor Proctor stated his support for the inquiry and made suggestions relating to potential witnesses. He also stated that the Executive Board was unanimous in voting in the favour of the original proposals.

Denise Preston, Chief Recreation Officer raised the following points in relation to issues discussed:

- RoSPA was commissioned to prepare a report on Water Health and Safety for the Council
- Legal advice and that of the Senior QC was fully considered at all stages of the development of the **policy on the Safety Management of Open Water**
- The 9th February Executive Board report clearly stated that the coroner had only asked the Council to examine signage at Roundhay.
- All of the points raised in the WAG letter attached to the Agenda papers had been fully considered and explained in the Executive Board reports on 16th May and 13th June 2007.
- The Executive Board decision was to proceed with the works and until that resolution was changed officers would continue with works.

RESOLVED –

- (a) That a full Scrutiny Inquiry is carried out.
- (b) That a Working Group be established to undertake the Inquiry and report back to the Board.
- (c) That it be recommended to the Executive Board that work on the fencing be suspended until the Board has reported its findings.

3.0 Recommendations

- 3.1 The Executive Board is requested to consider and respond to the following recommendation made by Scrutiny Board (Culture and Leisure);

That it be recommended to the Executive Board that work on the fencing be suspended until the Board has reported its findings.