



Report of the Chief Democratic Services Officer

Executive Board

Date: 8 February 2008

Subject: **SCRUTINY INQUIRY INTO RIVER SAFETY MANAGEMENT AT WHARFEMEADOWS PARK, OTLEY – FINAL REPORT AND RECOMMENDATIONS**

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 To present the report of the Scrutiny Board (Culture and Leisure) following its 'River Safety Management at Wharfemeadows Park, Otley' inquiry.

2.0 Background Information

2.1 In July 2007, the Scrutiny Board (Culture and Leisure) received a request for scrutiny from the Wharfemeadows Action Group (WAG), relating to the proposed fencing arrangements within Wharfemeadows Park. Following a full presentation by WAG the Scrutiny Board agreed to undertake an inquiry to examine the:

- Recent decisions of the Executive Board regarding Wharfemeadows;
- Grounds for those decisions; and,
- Advice submitted.

2.2 Specific terms of reference for the Inquiry were agreed at the September 2007 Scrutiny Board meeting.

2.3 As part of the inquiry, Members heard from a range of witnesses and received evidence from a number of sources, including WAG, the Council's Legal Department, a representative from the Royal Society for the Prevention of Accidents (RoSPA), the Council's Safety, Well-being and Attendance Manager and the Principal Area Manager (West): The Board undertook a site visit, considered a written statement from Otley Town Council and correspondence from the local Member of Parliament. In addition, the Chair of the Scrutiny Board had a face-to-face discussion with the Leader and Chair of Otley Town Council to discuss specific issues and concerns in more detail.

- 2.4 Following consideration of all the evidence and a series of discussions, a draft report was produced for the Scrutiny Board's consideration at its meeting on 14 January 2008. In accordance with the Scrutiny Board Procedure Rules (14.3), the draft report was considered alongside officer advice provided by the Assistant Chief Executive (Corporate Governance).
- 2.5 At its meeting on 14 January 2008 the Scrutiny Board agreed a final report (Appendix 1). At the same meeting, a Member of the Board declared their intention to produce and issue a Minority Report. This is appended to the attached Scrutiny Board report.

3.0 Main Issues

- 3.1 Given the scope of the Scrutiny Board's inquiry and in accordance with the Scrutiny Board Procedure Rules (14.7 – which requires the appropriate Council body to consider a report of a Scrutiny Board within two months of it being submitted to the Proper Officer), the attached final report (Appendix 1) is referred to the Executive Board for consideration.
- 3.2 In accordance with the Scrutiny Board Procedure Rules (15.1), the Executive Board is asked to send its response to the Scrutiny Board (Culture and Leisure) within 2 months of this meeting. In response to the report and recommendations, the Executive Board is requested to detail:
- a) Views on the conclusions and recommendations;
 - b) Details of any actions already taken in response to the recommendations;
 - c) Proposed actions and timescales; or
 - d) Reasons for inaction
- 3.3 Paragraph 30 of the attached report sets out one of the Scrutiny Board's key statements. It states:

'On all accounts faced with the legal advice and the evidence from the risk assessments, the Executive Board made the decision it did in all good faith with all available and appropriate information before it.'

- 3.4 This statement may provide useful context for Executive Board when considering its response to the attached Scrutiny Board report, its conclusions and recommendations

4.0 Recommendations

- 4.1 The Executive Board is requested to consider the attached scrutiny inquiry report and provide a response on its content and recommendations (as outlined in section 2 above).