

**SCRUTINY BOARD (SAFER AND STRONGER COMMUNITIES)  
CALL IN MEETING**

**WEDNESDAY, 25TH SEPTEMBER, 2013**

**PRESENT:** Councillor B Anderson in the Chair

Councillors J Akhtar, J Bentley,  
A Blackburn, N Buckley, D Coupar,  
J Hardy, G Hyde, J Jarosz, M Rafique and  
N Walshaw

**28 Exempt Information - Possible Exclusion of the Press and Public**

Members were advised that legal advice may be sought which warranted the exclusion of the press and public under Access to Information Procedure Rule 10.4 (5), 'Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings'. (Minute No. 33 refers)

**RESOLVED** – That the press and public be excluded from the meeting during the consideration of legal advice in accordance with Access to Information Procedure Rule 10.4 (5) 'Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings'.

**29 Late Items**

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed to accept the following supplementary information:

- Proposal to remove the subsidisation of allotment services – an extract of the agreed observations and recommendations of the Scrutiny Board in relation to the 2013/14 initial budget proposals of the Environment and Neighbourhoods directorate (Minute no. 33 refers).
- Allotment Consultation Timeline Information Pack from the Environment and Housing directorate (Minute no. 33 refers).

The above documents were not available at the time of agenda despatch, but were subsequently made available on the Council's website.

**30 Declarations of Disclosable Pecuniary Interests**

There were no disclosable pecuniary interests declared to the meeting.

### **31 Apologies for Absence and Notification of Substitutes**

Apologies for absence were received from Councillor P Davey, with Councillor J Akhtar in attendance; Councillor R Grahame, with Councillor J Hardy in attendance; and Councillor M Harland, with Councillor M Rafique in attendance as substitutes.

### **32 Call In Briefing Paper**

The Head of Scrutiny and Member Development submitted a report in relation to the procedural aspects of the call in process.

The Board noted the call in arrangements in accordance with the Council's constitution and that the options available to the Board were: to release the decision for implementation; or to recommend that the decision be reconsidered.

**RESOLVED** – That the report outlining the call in procedures be noted.

### **33 The Future Management and Pricing Arrangements for Allotments**

The report of the Head of Scrutiny and Member Development presented the background papers to a decision which had been Called In in accordance with the Council's constitution. The decision was an Executive Board decision on the future management and pricing arrangements for allotments.

The Chair welcomed the following representatives to the meeting:

- Councillor R Downes, Signatory to the Call-in
- Councillor A Blackburn, Signatory to the Call-in and Scrutiny Board Member (Safer and Stronger Communities)
- Ian Wood, Chair of the Leeds and District Allotment Gardeners Federation
- Councillor M Dobson, Executive Board Member for Environment
- Sean Flesher, Chief Officer Parks and Countryside
- Leonie Wallace, Principal Legal Adviser

The following supplementary information was submitted to the Scrutiny Board:

- Proposal to remove the subsidisation of allotment services – an extract of the agreed observations and recommendations of the Scrutiny Board in relation to the 2013/14 initial budget proposals of the Environment and Neighbourhoods directorate
- Allotment Consultation Timeline Information Pack from the Environment and Housing directorate.

The Chair also highlighted that e-mail correspondence had been sent directly to Members of the Scrutiny Board prior to the meeting by Mr Ian Wood and Mr Tony Riley outlining their concerns regarding the Executive Board's decision.

At this juncture, legal advice relating to the Executive Board decision was sought which warranted the exclusion of the press and public under Access to Information Procedure Rule 10.4 (5) 'Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings'.

The meeting then resumed in open session and Councillor Downes was invited to present the reasons for calling in the decision. These included the following:

- That the response rate to the consultation was considered to be low (15%).
- The consultation document was not very clear to allotment holders and presented limited options.
- The consultation failed to fully explore the proposals put forward by the Leeds and District Allotment Gardeners Federation to help reduce costs and increase revenue.
- The consultation document referred to the provision of allotments being subsidised by the Council by around £130K each year, when the current figure cited in the Executive Board report is now £80K.

Mr Wood, Chair of the Leeds and District Allotment Gardeners Federation, added the following points:

- That the Leeds and District Allotment Gardeners Federation (LDAGF) welcomes a consultation on the provision of allotments and also supports the principle of price increases as historically these have been too low.
- However, the LDAGF believes that the Council's consultation was misleading and incomplete.
- That the consultation document referred to both pricing and management proposals, which should have been subject to separate consultation.
- That the LDAGF had not had sight of the final design of the consultation document.
- The LDAGF had sent a copy of the consultation document to the Campaign for Plain English and found that did not meet its Crystal Mark Standard.
- That reference to a 'third party provider' linked to Option 3 in the consultation document should have referred to a partnership approach between the Council and the LDAGF.
- There was no acknowledgement of the proposals put forward to the Council by the LDAGF around other efficiency measures.
- That the LDAGF would be happy to help rewrite and fund a new consultation.

In response, Councillor Dobson, Executive Board Member for Environment and Sean Flesher, Chief Officer Parks and Countryside, highlighted the following issues in support of the Executive Board decision:

- That whilst the consultation document had highlighted 3 options, it also sought any other views. As such, the responses received had led to alternative approaches being considered.
- That the LDAGF had conducted a counter consultation in May 2013 sharing its views on the Council's consultation, particularly in relation to Option 3. This may therefore have had an impact.
- That the service was acting upon the recommendation made by the Safer and Stronger Communities Scrutiny Board in January 2013 in terms of adopting a phased approach towards price increases.
- That whilst the majority of respondents did not want concessions, the equality and diversity, cohesion and integration assessment had highlighted the importance of being sensitive to the needs of those that are unable to afford a price increase. This was therefore factored into the final decision.
- That the agreed price increases are proportionate and not unreasonable.
- That the service remains committed to maintaining a dialogue with the LDAGF around self-maintained sites.

The main points raised during the Board's discussion were:

- Clarification of the maximum weekly amount to be paid for an allotment plot in line with the price increases.
- Comparable response rates following similar public consultations. In view of this, it was felt that the 15% response rate was good.
- Clarification of the approval process for the consultation document and opportunities where issues surrounding the proposed wording of the consultation document could have been raised earlier.
- Particular reference was made to an e-mail sent to the Chair of the LDAGF on 4th April 2013 setting out the draft consultation options. Reference was also made to a meeting of the Allotment Working Group on 18th April 2013. Minutes of this meeting were circulated to Board Members. These referred to the Council's planned consultation and a summary of the main options being considered as part of this consultation. It was noted that members of the LDAGF had also attended this meeting.
- It was reported that the consultation document had also been circulated to all Elected Members prior to the commencement of the consultation which provided another opportunity for any issues to be raised.
- A copy of the consultation document was provided to the Scrutiny Board. In consideration of this, particular reference was made to the concluding section 'Allotments Provision – What do you think?' which had also sought the general views of allotment holders about the future of allotment provision.
- It was highlighted that the Council is still keen to continue working closely with the LDAGF. In moving forward, Board Members also reiterated the importance of maintaining a close working relationship.

Councillor Dobson summed up on behalf of the Executive and Councillor Downes summed up on behalf of the signatories to the Call In.

**RESOLVED** – That the report and information provided be noted.

**34 Outcome of Call-In**

Following a vote by members present, it was

**RESOLVED** – to release the decision for implementation.

(The meeting concluded at 5.00 pm.)