

### Appendix 3

**From:** gill.marshall@leeds.gov.uk [mailto:gill.marshall@leeds.gov.uk]  
**Sent:** 25 August 2009 12:32  
**To:** Paley-Smith  
**Cc:** peter.marrington@leeds.gov.uk  
**Subject:** RE: WOODHOUSE MOOR - PARK BYELAWS

Dear Mr Paley-Smith

I am aware of the view that Councillor Brett has said there is a no fines policy. However I believe that either this is not the correct interpretation of what he has said or alternatively that he has been misinformed.

The point I was trying to make is that to be a council policy someone has to have made a decision that we will never enforce. That someone could be a council officer or could be a committee of the council. The person or body with the right to make that decision is dependant on who has authority to do that under the council's constitution.

In the case of byelaws that would be the relevant director. That is currently Jean Dent but has in the past been other officers who are no longer at the council. To my knowledge no such officer has made a decision and it would be bizarre to do so when they have instructed us to arrange for new bye-laws to be made.

However that is a different scenario to what I suspect that you are actually concerned about which is that fact that we haven't actually enforced them. That could be for a variety of reasons ranging from the fact that we haven't needed to prosecute because warnings from Council staff and/or police that the bye-laws are being breached have been sufficient to stop the activity, through to the possibility that we haven't enforced them because relevant staff are either not aware of the bye-laws or don't know how to put an evidence pack together.

In the latter case the result would be the one that you are complaining about but it would not be for the reasons you state. There would have been no conscious decision to have a policy but equally there would have been no review of the need to enforce or the skills required by staff.

I hope this clarifies matters somewhat

Gill Marshall  
Section Head Regulatory and Enforcement  
Leeds City Council  
tel 247 8822  
fax 224 3634