

AGENDA ITEM NO: 13

Background Note for Downs Committee

Proposed Gifting of assets of Clifton Down Charitable Trust Limited (CDCT) – Charity No 1013795

150th Anniversary of the Downs Act. On 17th May 1861 the Downs Act was given Royal Assent, thereby combining the land owned by the Merchant Venturers (Clifton Down) with the land acquired by the City (Durdham Down) and dedicating this whole area to public recreation and benefit. Since that time the Downs have been preserved and managed on behalf of the citizens of Bristol by the Downs Committee. Next year, 2011, marks the 150th Anniversary of the establishment of this very special Bristol icon - an asset that has provided pleasure to countless people over many generations – and it is an anniversary that should be marked and celebrated. The Trustees of the Clifton Downs Charitable Trust (CDCT), a registered charity, therefore propose that the remaining areas of land, currently falling under their ownership and outside the control and management of the Downs Committee and the City, should be gifted in 2011 to the City of Bristol, and that this transfer is marked with a suitable public celebration.

CDCT Objects. The objects of CDCT effectively mirror the aims of the Downs Act, and are to hold the land within its ownership:

- in the interests of social welfare and public recreation for use of the public, with preference for the inhabitants of Bristol
- for the protection and preservation of its natural and ecological features for the benefit for the public, with preference for the inhabitants of Bristol

CDCT Ownership and Responsibilities. CDCT, which is established as a charitable company limited by guarantee, is responsible for a stretch of land on the edge of Clifton Down bordering the Portway (see attached sketch map). BCC is responsible for the rock faces from Clifton Rocks Railway to Bridge Valley Road and above the former tennis court site which form part of the land owned by CDCT. The Downs Committee is responsible for land under its jurisdiction.

Costs

Stand-alone Entity. The average annual costs for managing and maintaining CDCT land, as a discreet entity, are as follows:

- Insurance - c£5,000
- Inspection and Maintenance - c£5,000

Combined Entity. In the event that CDCT land was combined within the ownership of BCC it is anticipated that, through the application of significant economies of scale, overall costs would be markedly reduced. Informal soundings indicate that this incremental piece of land would result in no further increase in premium to the

lands already insured by BCC, whilst any additional management/inspection requirements should be met with relative ease by the Downs Ranger and his team.

Points to Note. The current split ownership/responsibilities raises a number of issues:

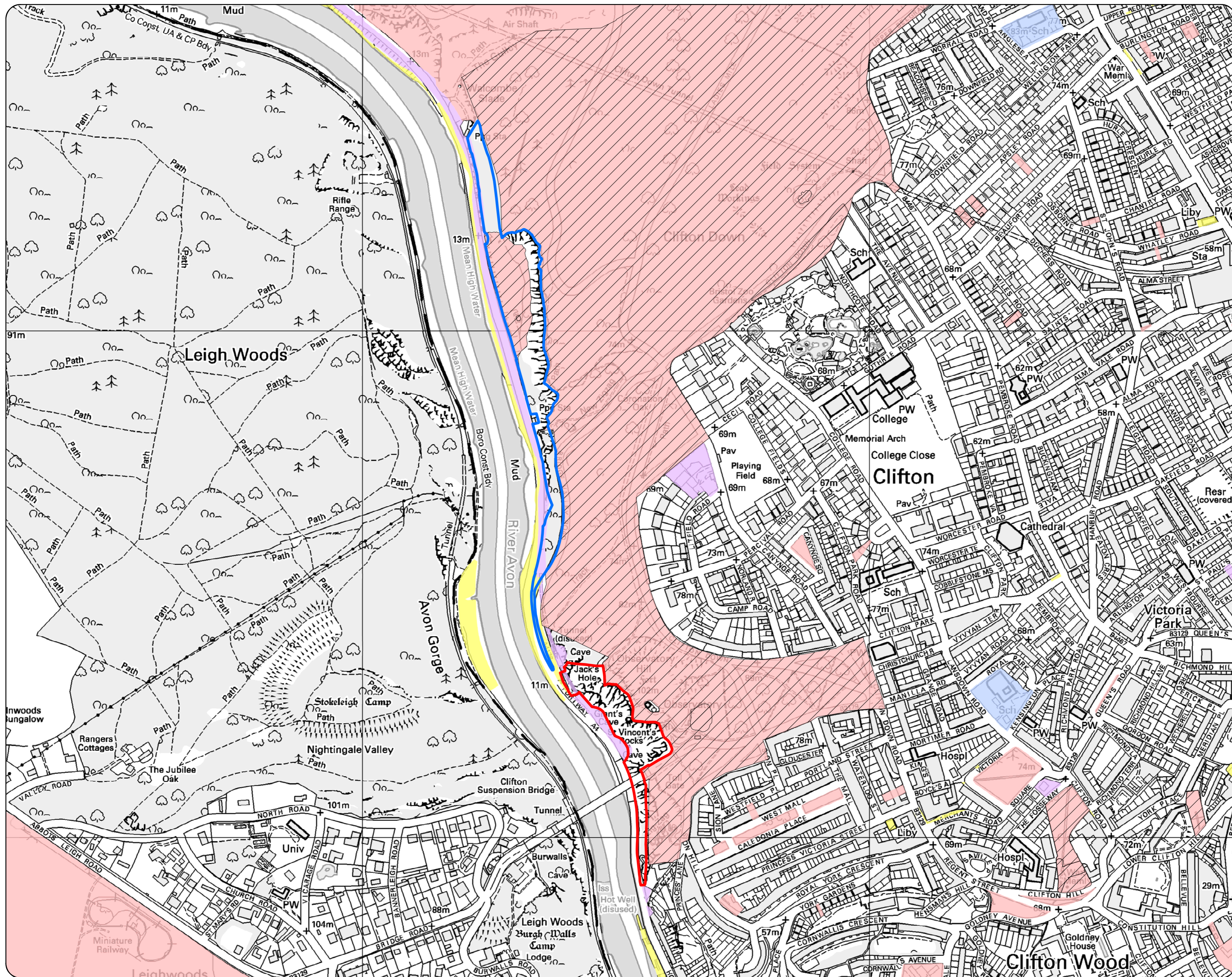
- Coordination of Ownership. Currently the varied ownership inhibits unified care and maintenance along the whole of the Gorge as well as the ability to plan and implement flora and fauna conservation. In addition, clear and cohesive ownership would enable the City, more easily, to care for, protect and present the Gorge and surrounding areas in the most favourable light.
- Rockfall on Portway. In the event of any rockfall and damage to the Portway and the traffic flow within the CDCT area of responsibility, insurance cover for the first event would be met. Any consequent and significant rise in premium after such an event is likely to be beyond the means of CDCT and, following consultation with the Charity Commission, liquidation will almost certainly follow. The responsibility for this land, given its impact upon road safety and traffic flow on the Portway, is likely therefore to pass, via the Crown, to the City or Highways authorities. However, it should be noted that in 1988 substantial works designed to provide long term protection against rock falls were carried out to those rock faces owned by CDCT. Subsequently these areas have been subject to annual inspection and any recommended remedial work has been undertaken, which have invariably been minor in nature.
- Capital Donation. A transfer or gifting of assets by CDCT will include both land and capital assets. It is assessed that the latter will be able to defray any identified additional and reasonable assessed maintenance costs over a determined period and to contribute towards the costs of a planned celebratory event to mark the 150th Anniversary of the Downs Act.

Current status of Proposal

The Directors of CDCT brought the proposal to the attention of Jan Ormondroyd (CE BCC) earlier in the year and it has since been passed to officers within BCC lands and legal departments to consider, with a view to enabling elected representatives to reach a decision by November 2010. To assist the decision making process, this proposal needs to be discussed, considered and hopefully endorsed and supported by the Downs Committee.

An agreement in principle will enable an approach to be made to the Charity Commission, whose approval of any transfer will be required. However, it is anticipated that provided that any gift is made subject to the trusts identified above (CDCT Objects) there is no good reason for approval to a transfer not to be forthcoming.

August 2010



Clifton Down Rock Face

- DEPARTMENT**
- CD - City Development
 - CYPS - Children/Young People's Services
 - HSC - Health And Social Care
 - NH - Neighbourhoods
 - RE - Resources

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SITE PLAN - To ensure boundary accuracy, please refer to deeds.

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CORPORATE PROPERTY TEAM

Plan No : N5636a
 Prop ID Ref :
 Polygon Ref :
 Scale : 1:5,000
 Date : 18 February 2010

BRISTOL CITY COUNCIL

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