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AGENDA ITEM 1 b



MINUTES OF AN EXTRAORDINARY FULL COUNCIL MEETING OF BRISTOL CITY COUNCIL HELD ON 2 JUNE 2015 AT 6.00 p.m.

- P The Lord Mayor - Councillor Campion-Smith
- A The Deputy Lord Mayor - Councillor Watson
- P The Mayor - George Ferguson
- P Councillor Abraham
- P Councillor Alexander
- P Councillor Bolton
- P Councillor Bradshaw
- P Councillor Brain
- P Councillor Breckels
- P Councillor Budd
- P Councillor Cheney
- P Councillor Clark
- P Councillor Clarke
- P Councillor Cook
- A Councillor Daniels
- P Councillor Davies
- P Councillor Denyer
- P Councillor Eddy
- P Councillor Fodor
- P Councillor Frost
- P Councillor Glazzard
- P Councillor Gollop
- P Councillor Goulandris
- P Councillor Greaves
- P Councillor Hance
- P Councillor Harvey
- A Councillor Hickman
- P Councillor Hiscott
- P Councillor Holland
- P Councillor Hopkins
- P Councillor Hoyt
- P Councillor Jackson
- P Councillor Jama
- P Councillor Joffe
- P Councillor Kent
- P Councillor Khan
- P Councillor Kirk

P Councillor Langley
P Councillor Leaman
P Councillor Lovell
P Councillor Lucas
P Councillor Malnick
P Councillor McMullen
A Councillor Massey
P Councillor Mead
A Councillor Means
P Councillor Melias
P Councillor Milestone
A Councillor Mongon
A Councillor Morgan
P Councillor D Morris
P Councillor G Morris
P Councillor Negus
P Councillor Payne
P Councillor Pearce
P Councillor Phipps
A Councillor Quartley
P Councillor Radice
A Councillor Rylatt
P Councillor Shah
P Jenny Smith
A Councillor Stafford-Townsend
P Councillor Stone
P Rob Telford
P Councillor Thomas
P Councillor Threlfall
A Councillor Tincknell
P Councillor Weston
P Councillor Windows
P Councillor Wollacott
P Councillor Wright

Honorary aldermen and alderwomen in attendance:

R Griffey, J McLaren, P Roberts, R Walker

13. DECLARATIONS OF INTEREST

(agenda item 1)

With regard to agenda item 4 (Call-in referral – Mayor’s decision on Avonmouth and Portbury docks freehold), Councillor Harvey declared an interest relating to the fact he was an employee of Bristol Port Company. It was noted that Cllr Harvey would not take part in the discussion of that item of business.

14. STATEMENTS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

(agenda item 2)

Note: at the suggestion of the Lord Mayor, statements and questions were dealt

with immediately before the relevant agenda item.

Statements:

The Full Council received and noted the following statements:

Re: agenda item 3 - Call-in referral - Mayor's decision on digital advertising:

- Statement PS 3.1 from John Payne, Bristol Civic Society

Re: agenda item 4 - Call-in referral - Mayor's decision on Avonmouth and Portbury docks freehold:

- Statement PS 4.1 from David Redgewell, Martin Cinnamond and Ian Beckey, South West Transport Network
- Statement PS 4.2 from Robert McKeown
- Statement PS 4.3 from Paul Mugford
- Statement PS 4.4 from Rodney North, William Medd and Alderman Royston Griffey
- Statement PS 4.5 from Stephen Layland

Statements were presented by those individuals who were present at the meeting.

Questions:

The Full Council noted that the following questions had been received:

Re agenda item 4 - Call-in referral - Mayor's decision on Avonmouth and Portbury docks freehold:

- Question PQ 4.1 from Alderman Royston Griffey
- Question PQ 4.2 from Alderwoman Rosalie Walker
- Question PQ 4.3 from Christina Biggs

The Mayor gave verbal responses to those questioners who were present at the meeting, and also responded to supplementary questions.

It was noted that written responses would be sent to questioners following the meeting.

15. CALL-IN REFERRAL – MAYOR’S DECISION ON AVONMOUTH & PORTBURY DOCKS FREEHOLD
(agenda item 4)

At the suggestion of the Lord Mayor, the Full Council agreed to vary the order of items as listed on the agenda and proceeded to consider a report of the Service Director - Legal & Democratic Services requesting that (following a referral by the Call-In Sub-Committee) the Full Council debate the Mayor’s decision on Avonmouth and Portbury docks freehold, with a view to determining either:

- a. To object to the decision and refer it back to the Mayor, together with its views; or
- b. Not to object to the decision, in which case the decision would become effective immediately.

For the purposes of enabling the debate to take place, the Lord Mayor moved the report, and Councillor Jackson seconded the report.

Following the debate, the Full Council voted on the following motion:

- “That Full Council objects to the Mayor’s decision on Avonmouth and Portbury docks freehold, and that it be referred back to the Mayor, together with the views of Full Council.”

Upon being put to the vote, the motion was CARRIED (41 members voting in favour, 16 against, with 3 abstentions), and it was accordingly

RESOLVED:

- **That Full Council objects to the Mayor’s decision on Avonmouth and Portbury docks freehold, and that it be referred back to the Mayor, together with the views of Full Council.**

(Note: a summary of the views of members as expressed during the debate is set out at appendix A).

16. CALL-IN REFERRAL – MAYOR’S DECISION ON DIGITAL ADVERTISING
(agenda item 3)

The Full Council considered a report of the Service Director - Legal & Democratic Services requesting that (following a referral by the Call-In Sub-Committee) the Full Council debate the Mayor’s decision on digital advertising, with a view to determining either:

- a. To object to the decision and refer it back to the Mayor, together with its views; or
- b. Not to object to the decision, in which case the decision would become effective immediately.

For the purposes of enabling the debate to take place, the Lord Mayor moved the report, and Councillor Jackson seconded the report.

Following the debate, the Full Council voted on the following motion:

- “That Full Council objects to the Mayor’s decision on digital advertising, and that it be referred back to the Mayor, together with the views of Full Council.”

Upon being put to the vote, the motion was LOST (16 members voting in favour, 41 against, with 1 abstention).

It was noted therefore that Full Council was not objecting to the Mayor’s decision on digital advertising and that the decision would become effective immediately.

It was also noted that in light of issues raised at this meeting, Cllr Gollop (on behalf of the executive) would meet with Cllr Pearce (Chair of the Overview and Scrutiny Management Board) and relevant officers to review the procedures around exempt / confidential information, with a view to ensuring that decision making was as transparent as possible, and that there was clear understanding about the circumstances when information would be classified as exempt and about members’ rights in terms of accessing that information.

(The meeting ended at 8.18 p.m.)

LORD MAYOR

Appendix A to Minutes of Extraordinary Full Council - 2 June 2015

Summary of views of members as expressed during the debate on agenda item 4: Call-in referral - Mayor's decision on Avonmouth & Portbury docks freehold

1. Cllr Negus:

- The Council had a responsibility to protect the assets of the city.
- The proposal in his opinion was based on a short term realisation of a sum (£10m) for this land rather than based on a long term view of the asset, in the interests of the city and residents into the future.
- Previous Council administrations (including the last Liberal Democrat administration, of which he had been a member) had taken a longer term view of the value of this asset and had resisted approaches from the port company regarding the freehold disposal of this land.
- The officer report, in his view, gave a “one sided” view of the proposal. The exempt land valuation report gave one view of the proposed sale price; there was no recognition of the long term implications / cost to the city, e.g. if the value of the site was to rise at a future point during the remaining 127 years of the current lease. The sale would also mean that the Council would lose its ability to have influence (in the interest of Bristol's residents) in steering the future destiny of this commercial site, e.g. the opportunity would be lost for the Council to engage with future marine energy activity / tidal lagoon opportunities in the Severn estuary area.
- In his view, if the land was sold now, this asset would inevitably be re-sold on at a later date at a higher price.
- The Mayor should look again at this decision in light of the potential value of this land over time – the situation could change over the remaining lifetime of the lease.
- In his view, the current proposal would represent a dreadful decision, for which the Mayor would be held accountable.

2. Cllr Holland:

- There remained concerns and frustration about the way in which information about this proposal had not been shared properly with members and the failure to engage effectively with the wider council membership before the taking of the original decision. A number of questions and concerns raised by members since the original “in principle” decision taken by the Mayor in April 2014, and during the recent call-in process remained unaddressed.
- There was a need to re-assess the procedures around “exempt” information (i.e. information that was not included in public reports), to ensure greater transparency in decision making and ensure there was clear understanding about the circumstances when information would be classified as exempt and about members' rights in terms of accessing that information.
- As highlighted in the public forum statements, there were transport-related issues which needed to be fully assessed in the context of

the sale of this land, e.g. the extent of any impact on the Henbury railway loop line.

- The Mayor's decision was based on a view that £10m represented a good price for the land at the present time, but it was also important to consider and assess that against the value of any benefit and influence to be derived from retaining the leasehold in the longer term.

3. Cllr Abraham:

- He was fully supportive of the Mayor's decision.
- It was important to recognise the historical context - prior to the sale of the port in 1991, the port had been losing £12m a year; Bristol had benefitted from the port company's investment; 10,000 jobs had resulted from that investment. The Council had received £68m of income since 1991 via its 12.5% sharehold.
- It was a misconception to think that the current leasehold arrangement meant that the Council had any real influence over the future of this land. He was concerned that there was a degree of misinformation about this point. The Council's real influence lay in its role as the planning authority.
- It was important to be aware that the Council would retain its position as a 12.5% shareholder in the port company.
- In his view, the sale price of £10m represented a good deal for Bristol.

4. Cllr Bolton:

- He urged Full Council to object to the Mayor's decision and to refer it back to the Mayor for reconsideration.
- The Green group supported the business operation of the port company at Avonmouth docks but was opposed to this freehold sale. This land should be regarded as a community asset, held for long term benefit, and not sold for a short term gain. The council should manage the land, and not look to sell it.
- There were a number of transport related issues where safeguards were needed, e.g. in relation to the Henbury railway loop line.
- If the sale did ultimately go ahead, he was not convinced that the sale price was sufficiently high.
- The Mayor should reverse his decision.

5. Cllr Hopkins:

- It was important to recognise the successful operation of the docks since the original sale of the port in 1991. However, the Council should not now give away its influence.
- In his view, the exempt land valuation report had not presented a convincing, or balanced argument in support of the sale.
- As indicated by other speakers, there were a number of transport related issues that needed to be addressed.
- The Council had a responsibility to act on behalf of all Bristol citizens. Even if a sale was progressed, advantage should be taken of a "desperate purchaser" and a higher sale price negotiated.
- The last Liberal Democrat administration had been told (at that point in time) that a sale price of £3-4m could be achieved for this land; that administration had refused taking forward that proposal.

- The Council should focus on the long term interest of keeping this land; it should not be treated as a “smash and grab” sale.
6. Cllr Brain:
- The lease had 127 years to run; it was very difficult to predict the future and so make a judgement now that this sale was appropriate.
 - He was concerned that there was “more to this picture than meets the eye” and that there was a very real risk of a future re-sale realising much more than the current sale price of £10m.
7. Cllr Gollop:
- He was very concerned about the misinformation being presented by some about the influence to be derived from the leasehold arrangement. It was important to recognise that the current arrangements effectively gave the Council no strategic influence over port operations.
 - He understood the deeply held concerns of some members about the decision to progress a freehold disposal. Ultimately though, in his view, the Council (given the history of investment made, and risks taken, by the port company) should show confidence in the company and give total support to its business. In his view, the Mayor’s decision should be supported.
8. Cllr Pearce:
- He was concerned about this decision and, as a matter of political faith, he struggled with the sale of a public asset such as this.
 - Much had been made of the price (£10m) to be obtained by the Council from this sale, but he was concerned about the issue of value.
 - He retained concerns about the advice the Mayor had received on this matter. There had been a land valuation report, but questions remained, including the issue of whether a higher sale price could be achieved.
9. Rob Telford:
- He had chosen not to read the exempt land valuation report because in his view, any member of the public should have been able to see this.
 - He was concerned about the difficulty in predicting the future if the sale progressed; for example, there could be a future sale of the port to another company, which might in certain circumstances look to disinvest in Bristol Port because of wider commercial considerations.
 - In terms of the £10m sale price, he was concerned that insufficient information had been made available about how that money would be used.
10. Cllr Weston:
- Bristol as a city needed a thriving port and improved rail infrastructure. In his view, this sale would not impact on or jeopardise the Henbury railway loop line.
 - He was satisfied with the advice contained within the exempt land valuation report.

- If invested wisely, the sum of £10m to be realised from the sale would result in very substantial longer term benefits for the city. The issue of holding on to the lease for the longer term had been raised but in his view the Council would do much better in the longer term by progressing this sale and investing now.

11. Cllr Khan:

- He felt that there were still a number of questions that had not been answered.
- He was concerned, given that 127 years remained on the lease, a sale was being “rushed into”. In his view, the Council should retain this asset for the longer term.

12. Cllr Melias:

- It was important to recognise the importance of the port as an employer.
- The Council should support the port company as a business. The acquisition of the freehold would enhance the port company’s ability to attract investment in a deep sea container terminal.
- The £10m to be realised from the sale would result in a positive impact for the city, including local investment in the communities closest to the port.

13. Jenny Smith:

- Transport related issues needed to be addressed, e.g. in relation to the Henbury railway loop line.
- She was concerned about longer term implications if the land was sold on a freehold basis now, including the issue of the land being re-sold at a higher price at a future date.
- She was concerned that insufficient information had been made available about how the £10m to be realised from the sale would be used.

14. Cllr Mead:

- He expressed particular concern around how the procedures around “exempt” information had been applied, which had led to difficulties in members being able to engage in effective scrutiny. It was essential to ensure that members had access to all relevant information.

Summary of points made by Mayor Ferguson in responding to the debate:

- He understood the “emotion” that some councillors felt about this issue, but felt that there was some misunderstanding about the degree of influence that the Council had in reality under the current leasehold arrangement.
- The £10m price was considerably higher than the site valuation.
- In relation to the use of the £10m to be realised if the sale proceeded, he had written to the 4 councillors for the Avonmouth and Kingsweston wards to advise that £1m from the proceeds would be invested locally, in consultation with those local

communities. The remaining £9m would be invested in regeneration schemes in the city.

- The sale should not be seen as “letting the family silver go” but as an opportunity to re-invest and add value both now and in the longer term. He suspected that whatever the proposed sale price might be, there would always be some who felt the price was not sufficiently high.
- He respected the points raised through the call-in process, and, if so requested by the Full Council, would re-consider his decision. He asked councillors to consider themselves, however, whether it was sensible to request this, or whether it would be best to proceed with the sale and use the £10m now and into the future on behalf of Bristol’s citizens.