

THE DOWNS COMMITTEE

Clifton and Durdham Downs (Bristol) Act 1861

Agenda

4. Public Forum (Pages 3 - 7)

To consider items of Public Forum sent to the Downs Committee. Interested parties can submit a written statement of approximately one side A4 to the Downs Committee by sending it to Democratic Services by no later than 12pm on Thursday 19th May.

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Friends of the Downs and Avon Gorge.

Public Forum Statement

Downs Engagement Survey.

May 20th 2022

FOD+AG welcomes the opportunity to comment on the recent Downs Engagement Survey and the Report of the Working Group on Governance

We remain committed to our core values to represent fairly all legitimate users of the Downs and to support the City Council and the Downs Committee in the good governance of the Downs.

We would at this stage like to offer a brief statement and reserve our full judgement until such time as the FOD+AG committee has had a chance to discuss the results of the survey and the subsequent recommendations to Downs committee. However, we do have some early observations that we would like to share with the committee.

The Friends of the Downs would urge the committee to permit more time to consider the draft report before adopting the recommendations contained within. Stakeholders have had less than a week to consider the proposals.

FOD+AG commends the Downs committee for the presentation and the quality of the survey but would comment that any check box exercise is limited in the data gathered and should be considered more of a snapshot of public opinion rather than a definitive response. The survey indicates nearly 60% of the responses are from over 55-year-olds, and over 55s are only 20% of the population {according to page 58 in the survey.} It would appear that young people aren't well represented. If we are to address future aspirations for the Downs then the survey should have attempted to capture more of their views. It is our considered view that over reliance on the survey when coming to such important decisions about the future of the Downs would be a mistake.

We would further comment with regard to the future governance of the Downs that greater weight should have been given to responses from local groups. Nine respected organisations including FODAG responded to the survey but little consideration seems to have been given to the comments offered. Such a vast array of commitment, expertise and experience could be considered a valuable resource to the Downs committee as these important decisions are taken.

We welcome a commitment to greater openness and transparency and a pledge to achieve targets in a timely manner.

The Friends of the Downs whilst welcoming the report would strongly recommend that the principles and the workplan are not adopted until such time as a clear framework has been established.

Robert Westlake

Chair

Friends of the Downs & Avon Gorge



Downs Committee Public Forum

Our Statement on the Downs Engagement Survey

Extraordinary Strategy and Governance Session, Downs Committee - Friday, 20th May 2022 at 2.00 pm

We welcome the opportunity to comment on the recent Downs Engagement Survey and the Report of the Working Group on Governance. We commend the Downs Committee for undertaking the survey, but we reserve our full judgement until the Bristol Tree Forum Committee has been able to discuss it and its recommendations.

In the meantime, we make the following observations:

1. We urge the committee to allow more time to consider the draft report before adopting its recommendations. Stakeholders have had less than a week to consider it.
2. We note that any check-box exercise is inevitably limited to a small sample of the public and cannot provide an in-depth response. A more comprehensive survey needs to be undertaken to capture a more representative range of views across Bristol before any final decisions are made.
3. Greater weight should have been given to the responses received from local groups. It appears to us that little consideration has been given to what they have said. Given that these groups represent a high level of commitment with a wide range expertise and experience, we feel that more should have been made of what they have had to say.
4. We welcome a commitment to greater openness and transparency and the pledge to achieve targets in a timely manner, but, whilst welcoming the report, we urge the committee not to adopt its principles and workplan until a fuller consultation has been undertaken and a clearer framework established.

Bristol Tree Forum

17 May 2021

DOWNNS FOR PEOPLE

For ever unenclosed, for all to enjoy

Downs Committee extraordinary meeting 20 May 2022

Public forum statement: Downs engagement report

Summary

1. *Downs for People (DfP)* welcomes this clear and thorough draft set of principles and work plan. It is an excellent start towards a more consultative future. ***But it would be premature to adopt the drafts now because:***

- ***there has been inadequate time to consider the drafts;***
- ***the Lord Mayor and some councillors on the committee will change next week;***
- ***free-standing comments by organisations have not been taken into account; and***
- ***the drafts are based on misunderstandings of the Committee's statutory powers.***

2. Ten organisations have called for a working group including external stakeholders to take governance issues forward. ***This should be established as a priority.***

Detail

General

1. This is an admirably clear report, with a comprehensive analysis of the 'tick box' on-line responses to the survey. Unfortunately, the analysis does not cover comments made in free-standing survey responses by *DfP* and other organisations. This leads to mistaken conclusions.

Prematurity

2. The Lord Mayor can take credit for having undertaken the survey and its analysis in his year in office. That year ends on 24 May. We understand the Lord Mayor's wish to 'finish the job' but allowing less than a week for comment on the drafts is not satisfactory, especially for organisations with committees. Concerns have already been expressed not only about the acceptability of the proposals but also about their lawfulness. These concerns need to be explored.

3. Rushing recommendations through now would be premature and pre-emptive. ***A decision on the principles and next year's work plan should be left to the incoming Lord Mayor and new committee.*** (The composition of the review group has not been made public, so that it is not clear whether it included the new Lord Mayor, Cllr Paula O'Rourke. Even if it did, at least two councillor members of the Committee will change.)

Statutory powers

Recreation paramount

4. The report ignores the points *DfP* made in its response about the statutory framework in which the Committee operates. Under the 1861 Downs Act the Committee has a single statutory remit, which is concerned only with recreation. It cannot turn itself into a conservation body any more than at national level *Sport England* or *Historic England* can assume the functions of *Natural England*. ***Recreation has to be the paramount principle.*** Recreation should be at the heart of the Committee's work: there should be a recreation plan, not just a conservation one.

Funding: City Council role, charging, lack of powers to enclose or build

5. Similarly, the draft misrepresents the statutory powers on funding. The focus of legislation from the 1861 Downs Act onwards has always been on funding by the City Council: the 1861 Act **requires** the Committee to make an estimate of its expenditure twice a year and to **demand** payment, up to a limit, from the Council. The limit on the sum that can be demanded was increased in later legislation and a discretionary element introduced. Under the County of Avon Act 1982 the Council can spend ‘the equivalent of the product of a rate of 1/2p in the pound’ on the Downs.

6. Unless other sources of money are found (DfP suggested some earlier), Council funding will need to continue because the Committee’s powers to charge for activities appear limited. Further, *DfP* cannot see that the Committee has the power to close off areas to hold events. In addition, the *Open Spaces Society* has pointed out that the Committee seems to have no powers to build or operate the proposed Sea Walls café (or anything similar).

7. Item 4.1 of the draft work plan recognises the need to: “Clarify consents required to carry out development works on existing sites” and that there is “a potential major cost if new legislation required”. Given respondents to the survey were generally opposed to new building on the Downs, it is to be hoped that the Committee would not pursue legislation for this reason. It would be certain to be controversial and therefore expensive.

Chairing

8. There is another mis-representation of the Downs Act in the background section on page 70 which states that the Lord Mayor **must** chair the Committee. Not so: the Act provides for the Master of the Merchant Venturers to chair in the absence of the Lord Mayor. This happened for decades from the 1960s onwards, and probably before. If both the Lord Mayor and the Master of the Merchant Venturers are absent, the Act provides for members of the Committee present to choose a chair.

9. *The principles and work plan should not be adopted until there is clarity about the statutory framework.*

Governance

10. Governance issues were covered only as an undeveloped ‘add-on’ in the survey and the analysis is predictably weak. We are glad that item 5.3 of the draft work plan recognises the need for further appraisal. We do not accept this should be confined to structures compatible with the Downs Act: legislation should not be ruled out unless effective non-legislative reforms are agreed and trialled successfully.

11. This is such an important issue that it should not be left to a working group consisting only of Downs Committee members. ***Nine organisations have supported the call we made in our survey response for a working group on governance issues to include some external members.*** The nine organisations are:

FODAG (Friends of the Downs and Avon Gorge)

Respect the Downs

Bristol Nordic Walking

Bristol Tree Forum

Bristol Walking Alliance

Clifton and Hotwells Improvement Society

CPRE Avon and Bristol

Redland and Cotham Amenities Society

Sneyd Park Residents Association