

BRISTOL CITY COUNCIL

DOWNS COMMITTEE

July 2016

Report of: Service Director, Environment and Leisure

Title: Downs Management Report

Ward: N/A

**Officer Presenting Report: Andrew Gordon,
Heritage Planning and Partnership Officer**

Contact Telephone Number: Internal 74497

RECOMMENDATION:

Members:

To note the points and recommendations made in the report.

Summary

This report reflects the objectives of the Downs Management Plan and to inform members of progress since the last meeting.

The significant issues in the report are:

- Enjoyment
- Access
- Working Groups
- Landscape
- Wildlife
- Management and Resources.

1. Policy

Not Applicable

2. Consultation

a) Internal

John Williams, Area Manager North.

Andrew Gordon, Heritage Planning and Partnership Officer

Mike Allen, Business Manager
Becky Belfin, Nature Conservation Officer
Richard Ennion, Environmental Improvement Manager

b) External

Mandy Leivers, Avon Gorge and Downs Biodiversity Education Officer
Jack Penrose, FOD + AG
Chris Westcott, Natural England

3. Context

Enjoyment:

New welcome signs will be installed by the Downs team in July 2016 at the approach to Observatory Hill (same location as the existing panel), the White Tree roundabout and Stoke Road (beside the Water Tower).

Access:

Bristol City Council (BCC) Security Services recorded 2 incidents of anti-social behaviour as result of carrying out patrols from 14 April to 23 June 2016, one unauthorised parking on The Downs grass and one BBQ. One complaint was received from a local resident principally about what he perceives as lack of control of unauthorised BBQ's. Officers have explained that BCC Security Services are employed and charged with dealing with anti-social behaviour when carrying out patrols and deal with incidents as they find them. In general they are able to get people to comply with the byelaws. They have also explained that if you examine the records of patrols in general, the number of incidents throughout the year is relatively low and that due to the size of The Downs, it is not possible for security to cover the whole site. The approach, when someone reports a number of incidents in an area, is to arrange for security to target this area to try and reduce the number of further incidents.

Working Groups

Movement and Place Framework subgroup

Members will remember it was agreed at their last meeting, that a subgroup should meet, to discuss how to take forward, the preferred options selected at the Movement and Place Framework workshop held in March 2016. This has been delayed due to local elections. However officers' considered that before the subgroup convenes, it is important that officers firstly try to identify possible sources of funding. Once this has been achieved then the subgroup could start to look at the details of a project to deliver the options.

Landscape:

Heritage Planning and Partnership Officer held a meeting with Friends of the Downs and Avon Gorge (FOD+AG) and the key discussion points were:

1. FOD+AG will present proposals to members for the production and funding of interpretation panels for the Victorian Steps, the recently restored Haven and the proposed restoration of the Tramway.
2. If acceptable officers would obtain quotes from City Design to produce and install the boards to ensure they meet BCC standards
3. Funding for the panels will be sought from various sources including Downs Committee and adjacent Neighbourhood Partnerships.
4. It was proposed that FOD+AG could undertake an annual survey of the various structures on the Downs. It was noted that of the 22 structures, 9 were listed, which implied an added responsibility for their maintenance, of which 4 were the responsibility of a third party. It was agreed that officers would find out who in BCC is currently responsible for these structures, if there is a budget set aside for their maintenance, and if FOD+AG would have to demonstrate professional competence in carrying out the survey.
5. FOD+AG offered to carry out any repair and maintenance of the structures subject to appropriate risk assessments and that their time would be used to offset BCC costs providing all the necessary materials and equipment.
6. FOD+AG reported on the state of the Victorian Steps after the recent flooding and the work so far undertaken by FOD+AG to reinstate the upper section down to the Ventilation Tower. It was noted that the drains on Circular Road were still not fit for purpose and the investment into the Steps was in danger of being completely neutralised if they were not updated. FOD+AG should continue to liaise with BCC Officers with a view to resolving this situation.

Recommendation: To support FODAG's proposals and consider making a contribution to funding the repair and maintenance of the listed structures subject to budget constraints.

Wildlife

Summary of activities of the Avon Gorge and Downs Wildlife Project education programme for April to June 2016

The project has had a busy spring and early summer with 558 people attending 20 public events including: walks, talks, courses, a musical event for toddlers and a children's holiday event. The project officers' taught 842 school children (with three of the schools visiting the Downs for the first time) and 243 University and Higher Education students. A teacher from Elmfield school (which caters for pupils who are all hearing-impaired) wrote: *"Love these sessions which bring to life the curriculum in a way children enjoy and will remember"*.

In April, project officers attended the first anniversary of the opening of Avon Wildlife Trust's Bennett's Patch and White's Paddock reserve where we spoke to approximately 100 people about the project.

In May, as part of the Your Downs project officers also took part in the Peaceful Portway event where we interacted with 63 people, creating wildlife masks with children, talking to visitors about the project and sharing our leaflets. A further 23 people joined us for the 'Discover the Avon Gorge family walk' which we ran in conjunction with the Friends of the Downs and Avon Gorge (FOD+AG). This walk was also part of the Bristol Walk Fest as was the 'Ups and Downs in the Avon Gorge' walk which we co-led with FOD+AG and Walking for Health. Attendees comments included: *"Simply brilliant"*, *"Amazing"*, *"Fun and inspiring"*, *"Very informative and enjoyable"*.

At the end of May, 15 children and parents from the Easton Family Centre joined us for a half-term walk (only three people in the group had been to the Downs before). Officers co-led the walk with FOD+AG, in partnership with the Bristol City Council Health Improvement Team.

In June, the project officers joined forces with the Zoo and Wild Place Project education teams to run a tent at the Bristol Festival of Nature (where we taught 160 children in our 'peregrine falcon and food chains' sessions on the schools day and saw over 5,461 people visit the tent over the weekend as a whole).

Tree safety works

Members should note that £12,000 been allocated in the Downs budget , to undertake works to trees on the downs to reduce the risk to people and property, including dealing with a backlog of works.

Management and Resources:

The city wide hay tender has been completed and the contractor appointed. The Downs hay cut will cost £8,816 including taking the hay bales to the city farms.

Downs Team report

Following the Funderworld and Foodies Festival events in May, the team carried out extensive ground reinstatement works to repair the grounds by chain harrowing, spiking and rolling, followed by top soiling and reseeding. The next event that will be taking place in this area will be the Bristol University Fresher's Fair in September 2016, so there should be sufficient time for the area to recover.

The football season ended on the Downs in May and this is when the team carry out pitch renovations by top soiling and reseeding to ensure they are in

good condition for the start of the new season in September.

The Downs supervisor has had initial meetings with both the organisers of the major music event, planned for early September and the Tour of Britain stage which will take place the following weekend, to ensure the impact on The Downs is minimised.

The summer months on the Downs inevitably result in a large part of the team's time being taken up by litter removal to make the site presentable and useable, before they are able to do other important work. As the weather improves visitor numbers increase and the amount of litter the team has to collect rises in volume. To help with this, temporary oil drum bins, are placed in strategic positions around the Downs. They have also been helped by having horticultural French student for 3 weeks in June.

This period is when grass growth is at peak levels requiring the team to carrying out frequent mowing operations. Daily Goat monitoring continues.

The Downs team assisted with event preparation and clearing up for both the Rainbow Run and the Race For Life on 18th June.

Provisional plans are already being made for the teams winter 2016/17 programme. They intend to focus on delivering works set out in The Downs scrub management plan from October through to the end of the year. They will also carry out further tree and scrub removal works in the area around the children's play area in Clifton. Throughout February the team will aim to open up another viewpoint through the trees next to the Promenade in Clifton.

The Downs Supervisor has met with the BCC Highways drainage technicians about the best approach to solve the drainage problems on Circular Rd. They have produced a survey report of the gullies of the road and drainage maps showing drainage run locations. This found that the gullies are not connected to a drainage run and are almost certainly going to a soak away. Highways team have reported that the drainage pipes have collapsed and are full of tree roots. They have suggested existing drains could be repaired (but these are very likely to be affected by roots of nearby trees) and then install a new soak away, but this may not be more effective than the current one. The reason for this is, a soak away only works when the ground around it is not saturated. When run off events occur, the ground in the area, is always saturated. Highways have a works programme for non-running gullies but funding is limited and this is prioritised on repairing gullies where there is risk of property and high speed roads being flooded.

Management Plan

Officers have started to review, update and combine the Downs and Avon

Gorge management plans. It is intended that a meeting will be organised, which includes members of the Committee and the Avon Gorge and Downs Wildlife Project partners. This will provide feedback on the draft plan and review actions, including identifying those that have been completed, those that are ongoing, those not completed and whether or not they should be taken forward and to recommend new ones. It is intended that a draft plan is presented to the Committee meeting in September 2016, then if approved, the next stage is to consult key partners and stakeholders and a final plan produced in time for the November Committee meeting. If approved, the plan would start to be implemented after the existing Downs plan expires, at the end of January 2017.

Recommendation: To approve the proposed management plan review programme.

Finance

Due to a 140 objections (see full set of objections in BCC licensing officers report to the Public Safety and Protection Committee and summary of nature/type of objections and officer comments in attachment 1 a and b) being received, as result of the street trading consent application for the Sea Walls refreshment unit concession, this was referred to the Public Safety and Protection Committee on 7th of June 2016 for determination. The committee noted that these objections had not been considered by the Downs Committee which has the statutory responsibility for managing the land concerned. The committee resolved to defer determination of the street trading consent application in order to allow observations about it to be provided by The Downs Committee that can be taken into account when the decision is made whether to grant or refuse the application. They requested the Downs Committee make their observations as quickly as possible (see minutes of meeting and letter to the Lord Mayor in attachment 2).

In addition to making any observations the committee have requested that members clarify:

- Whether the byelaw* trading consent has been given to Steve Bellot, or whether any consent is specific to the company he is associated with (Avon Gorge Catering Limited)? *Officers' response: the tender for the concession was submitted by Mr Jason Birakos. The street trading consent application was submitted by Mr Steve Bellot, when officers' highlighted this discrepancy to Jason Birakos, they were informed that there are three people in the company (Steve Bellot, Richard Cormack and Jason Birakos) known as Gorge Catering Ltd.*
- What conditions if any are imposed under the byelaw consent? *Officer's response: a Downs Committee subgroup was delegated with considering the terms and conditions set out in the contract document between Bristol City Council and Gorge Catering Company which met and agreed to these on 27th April 2015.*

- The times and days for which byelaw consent has been given.
Officers' response: a members subgroup was delegated by the Downs Committee to consider the terms and conditions set out in a tender documents which met and agreed to these on 27th April 2015, including the operating times and days of between 0700 to 2200 hours seven days a week. The contract to operate between BCC and the company includes these hours and days. Members should be aware that the street trading consent application is to trade between 0600 to 2200 hours.

* "No person shall on The Downs, without the consent of the Downs Committee, sell or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article"

Recommendation: In view the request from Public Safety and Protection Committee members should:

- 1. Provide their observations on the 140 objections received with respect to the application for the Street Trading consent.**
- 2. To decide whether or not they wish to confirm their consent for the concession under the Downs byelaw.**
- 3. Provide clarification on who they have given consent to under the byelaw and what conditions were attached including times and days.**

Works Compounds

Members will recall that they resolved at their last meeting that a report containing proposals for future charging for the use of Downs for site compounds be brought to the next Meeting of the Committee. As consequence officers' have contacted the Council Property Services valuation officer, to establish what the proposed charge should be. He has advised that the charge made for the Bristol Water compound on Durdham Down, a couple of years ago, was £150 per week. In view of this officers suggest a charge of £200 per week should be made for future compounds, allowing for the time period since the Bristol Water compound. The Bridge Trust has been consulted and their response was (see letter in attachment 3) as follows:

The bridge trustees are most concerned at the proposal to levy a charge for the use of the Downs for works compounds associated with necessary maintenance works on the bridge. At £200 per week this could add significantly to the cost of bridge maintenance works. This would ultimately mean that less maintenance would get done. Such bridge maintenance works are fully funded from toll income; an increase in the toll from 50p to £1 was necessary in 2014 due to the ever increasing bridge maintenance costs due to the age of the bridge, and it would not be palatable to bridge users to consider increasing the toll

again. It is therefore essential that we do all we can to get the very best value out of the bridge toll revenue.

The Trust receives no financial support from the City Council towards the maintenance of the bridge, despite the bridge being an essential part of Bristol's road network as well as being a huge pull for Bristol tourism. Whilst we accept this position, it would seem rather perverse to have to make a payment to the City/Downs Committee to enable the Trust to maintain the bridge. The trustees understand and fully support the need to minimise the frequency and duration of works compounds on the Downs, as we appreciate these can be something of an eyesore for local residents and users of the Downs. The need for compounds has been quite intense over the last 8 years, but is expected to be significantly less frequent in the next 5-year period. Instead of payment of a charge, we propose that the Trust undertake to minimise the frequency and duration of works compounds, and that the Trust and the Downs Committee work together to minimise the impact of such compounds.

The bridge trustees therefore request that an exemption is made to the proposed charge, either for charities in general, or specifically in connection with the Clifton Suspension Bridge maintenance works. We will also, of course, carry out the reinstatement of the grass on completion of the current works and any future works requiring a compound.

Recommendation: To approve the charge of £200 per week for allowing a temporary compound on the Downs and consider whether or not the Bridge Trust should be exempt from this charge.

Risk Assessment:

As mentioned by officers at the last meeting a qualitative risk assessment of the rock faces associated with Sea Walls has been completed. This confirmed that faces have a loose rock hazard. As consequence this advised that both charitable and commercial event abseiling should not be permitted, on the grounds as this is likely to involve novice or inexperienced people, who could cause loose rock to fall and cause injury or even death to people below. All abseiling event organisers who have sought permission have been informed that the Council cannot give permission for this activity in view of the liabilities.

Individual climbing will continue to be permitted as it is recognised, climbers do this at their own risk. However it is advised they should be members or affiliated to the British Mountaineering Council to ensure they have the necessary insurance cover.

A meeting was held with officers from Bristol City Council Environmental

Improvement team Corporate Safety, Insurance and legal team to discuss the issues with ensuring the safety of the Avon Gorge rock faces, on the Bristol side.

The recommendations to the Council Service Directors for Clean and Green and Highways were:

- The Councils transport division should be responsible for developing a safety plan for the Avon Gorge and enactment of cyclical safety inspections, including responsibility for risk mitigation works and maintenance of risk mitigation systems.
- A corporate budget should be identified to fund ongoing risk assessments, rock inspections and remedial works including repair and refurbishment of physical risk mitigation measures.
- The health and safety responsibilities of the Clifton Down Charitable Trust, which owns (and leases) sections of rock face in the Avon Gorge, should be quantified and plans agreed to ensure that risk to the A4 Portway is managed appropriately.

Inspection of the railings along the Zig Zag footpath has found sections that are either broken or missing. Works will be needed repair or replace the railings.

Consultants WSP Parson Brinkerhoff (WPB) have completed the inspection report for Black Rock Quarry catch fence and have recommended that repairs to fence will need to be carried out in the next 3-12 months to reduce the risk of rock falls onto the Portway. As a consequence officers have commissioned WPB to produce a specification of works and all tender documentation at cost of £13,912.

Recommendation: to note the H & S report and costs for the repair to the for producing a specification/ tender documents for repairing the Black Rock Quarry catch fence.

5. Public Sector Equality Duties

5a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

6. Legal and Resource Implications

Legal

The Clifton and Durdham Downs (Bristol) Act 1861 provides that the Downs should remain as a place for the resort and recreation of the citizens of Bristol, and that a committee should be appointed to manage them. The recommendations of this report are within the powers conferred by this statute.

Financial

(a) Revenue:

(b) Capital

None

Financial advice provided by Mike Allen. Business Partner.

7. Land

The land is under the control of the Downs Committee.

8. Personnel

Not applicable

Appendices: 1& 2

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None

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