

Public statement to the Downs Committee, 5 July 2021 – Suzanne Audrey

It seems to have required a Freedom of Information request to begin to uncover information about the way in which a 20-year licence was granted for zoo parking on the Downs. Since then a group of people (dedicated to ensuring the Downs “shall for ever hereafter remain open and unenclosed, and as a place for the public resort and recreation of the citizens and inhabitants of Bristol”) pressed for a judicial review of the matter.

In relation to the judicial review, my understanding is:

August 2020. Downs for People (DfP) lodged judicial review proceedings in the High Court to get the licence quashed. The defendants were Bristol City Council and the Downs Committee, with the Society of Merchant Venturers and the Bristol, Clifton and West of England Zoological Society named as interested parties.

27 November 2020. Bristol Zoo announced that it would be closing its Clifton site. Although closure would bring an end to zoo parking on the Downs, DfP remained very concerned because Bristol City Council and the Downs Committee would not agree that parking on the Downs was lawful only when related to activity on the Downs. They argued that they had a power to use any part of the Downs as a car park at their discretion.

January 2021. DfP submitted its grounds for challenge to the High Court. The defendants submitted reasons why those grounds should be resisted.

22 March 2021. His Honour Judge Cotter QC gave permission for the case to go to court to examine: the claim by DfP that the Downs Committee had no power to licence car parking for activities not on the Downs because such parking was contrary to the terms of the 1861 Act, and: the claim by the defendants that decisions by the Downs Committee were not subject to review by the courts.

15 April 2021. His Honour Judge Cotter QC listed the case to be heard on Thursday 13 May in Bristol’s biggest courtroom so that members of the public could attend.

12 May 2021. Agreement was reached on an out-of-court settlement. An order agreed by the parties was approved by the Hon Mr Justice Henshaw and issued by the High Court. In the settlement, the defendants – the Downs Committee and Bristol City Council – have given a legally binding undertaking that they will never again set aside land on the Downs for parking for activities taking place elsewhere. The defendants have also agreed to pay up to £72,000 towards DfP’s legal costs, twice as much as the maximum award if the case had gone to court.

If the above summary is correct, this whole saga raises important questions about the way in which The Downs Committee conducts its business. The finance update (agenda item 11) indicates a significant deficit and refers to the costs of the Judicial Review as a major contributing factor. Other than that, there does not seem to be a specific agenda item about this unfortunate series of events.

If possible, please can the Downs Committee prepare a report for the public outlining the processes and decisions that resulted in granting the licence, the legal proceedings and the out-of-court settlement.

Please can the Downs Committee also offer reassurance that there will be greater transparency of decision-making in future, and decisions will be taken on the understanding that the Downs “shall for ever hereafter remain open and unenclosed, and as a place for the public resort and recreation of the citizens and inhabitants of Bristol”.