

Minutes

of the Joint Meeting of the

Community and Corporate Organisation Policy & Scrutiny Panel,

and

Strategic Planning and Economic Development Policy & Scrutiny Panel

Wednesday, 25th May 2016

held at the Town Hall, Weston-super-Mare, Somerset.

Meeting Commenced: 3.00pm Meeting Concluded: 4.50pm

Community and Corporate Organisation Policy and Scrutiny Panel Members:

P Terry Porter (Chairman of the Panel)

A Jan Barber (Vice-Chairman of the Panel)

P Mark Canniford

P Sarah Codling

P Bob Garner

P Richard Nightingale

A David Oyns

P Charles Cave

(substituting for Jan Barber)

P Derek Mead

(substituting for David Shopland)

P James Clayton

A Peter Crew

- John Ley-Morgan

P Jerry O'Brien

A David Shopland

- Reyna Knight

(substituting for David Oyns)

P Kate Stowey

(substituting for Peter Crew)

Strategic Planning and Economic Development Policy and Scrutiny Panel Members:

P Chris Blades (Chairman of the Panel)

P Marcia Pepperrall (Vice-Chairman of the Panel)

A Jan Barber

A John Crockford-Hawley

P Donald Davies

P Terry Porter

A Richard Tucker

P Mike Bell

(substituting for Richard Tucker)

P Kate Stowey

(substituting for Peter Crew)

P Peter Burden

A Peter Crew

- David Jolley

P James Tonkin

- Nick Wilton

P Charles Cave

(substituting for Jan Barber)

P Deborah Yamanaka

(substituting for John Crockford-
Hawley)

P: Present

A: Apologies for absence submitted

Other Councillors in attendance: Felicity Baker, Peter Bryant, Ruth Jacobs, David Pasley, Dawn Payne

Officers in attendance: Vanessa Andrews, Nicholas Brain, Philippa Penney, Leo Taylor (Corporate Services), John Flannigan (Development & Environment)

CCO Confirmation of Chairman (Agenda Item 1)

1

Councillor Terry Porter was confirmed as Chairman for the meeting.

CCO Public Discussion (Standing Order SSO 9) – Portbury Nature Reserve
2 (1)

Mr. Giles Morris addressed the Panels.

Mr. Morris stated that he was a volunteer with Avon Wildlife Trust (AWT) and the Royal Society for the Protection of Birds and had extensive experience in this field with no political motive. Mr. Morris said that he wanted to secure the future of the nature reserve, and felt that the report was unbalanced, lacked evidence and failed to identify a way forwards for the reserve. He felt that the management of the nature reserve should be left to specialist conservationists.

The Chairman thanked Mr. Morris for his address.

CCO Public Discussion (Standing Order SSO 9) – Portbury Nature Reserve
3 (2)

Dr. Michael Brighton addressed the Panels.

Dr. Brighton stated that he was a wildlife enthusiast and felt that the future of the nature reserve should be with a robust organisation with wildlife at heart. He was concerned that the report was based on unsound data, and was amateurish, misleading and reckless. He was concerned with the quality of decision making for the reserve's future and that the wildlife would suffer.

The Chairman thanked Dr. Brighton for his address.

CCO Public Discussion (Standing Order SSO 9) – Portbury Nature Reserve
4 (3)

Ms. Sylvia Holliman addressed the Panels.

Ms. Holliman said that she supported the previous speakers and agreed that the report was flawed and biased. She was concerned about the failure to mention a lack of continuity if the Council was to be taken over and an inability to guarantee safeguard for the nature reserve in perpetuity when the Council didn't exist as such itself. Ms Holliman felt that the primary duty had to be to the wildlife and not as a recreational resource and should therefore be managed by a wildlife body.

The Chairman thanked Ms. Holliman for her address.

CCO 5 Public Discussion (Standing Order SSO 9) – Portbury Nature Reserve (4)

Mrs. Judith Brighton addressed the Panels.

Mrs. Brighton appealed to Councillors to overturn the decision regarding the future of Portbury Wharf Nature Reserve. Mrs. Brighton stated that there was overwhelming support for Avon Wildlife Trust and a distrust of North Somerset Council. The local press was consistently full of letters opposing North Somerset Council's decision, with the voices in support of scrapping the levy being very few in number. Mrs. Brighton objected to any increase in council tax to pay for the scrapped levy, and was concerned that the nature reserve had been referred to as a 'park'. Mrs. Brighton called on Members to support this view and to reject the decision for the sake of the wildlife.

The Chairman thanked Mrs. Brighton for her address.

CCO 6 Public Discussion (Standing Order SSO 9) – Portbury Nature Reserve (5)

Mr. Jonathon Mock addressed the Panels.

Mr. Mock stated that he had been a resident for 40 years and was a wildlife enthusiast. He questioned as to why the Council was getting involved in a purely private agreement and seemed to be taking on the large and unknown financial commitment of a public limited company. Mr. Mock emphasised that Portbury Wharf was a nature reserve and not a recreational resource, and that any loss of habitat or negative input on the wildlife would cause huge reputational damage to the Council. This meeting provided an opportunity to express concerns regarding reputational risk and for Members to distance themselves from this decision.

The Chairman thanked Mr. Mock for his address.

CCO 7 Declarations of Interest by Members

None

CCO 8 Call in of Executive Member Decision – the adoption of land known as Portbury Nature Reserve, Portishead, North Somerset (CSD 151) (Agenda Item 5)

The Chairman explained that the decision had been called in for a number of reasons which fell across the remit of the two Policy and Scrutiny Panels. In the interests of expedience and clarity, public participation and member debate were being conducted in a joint meeting of the two Panels, following which each Panel would consider the matters within its own remit separately.

Councillor Davies sought and received clarification from the Head of Legal and Democratic Services on a number of constitutional issues, including: planning policy framework, the scheme of delegation, land transfer obligations; and contract tender arrangements.

Councillor Canniford explained his reasons for the call in. He felt that there were too many unanswered questions and that the process had taken such a long time. He was not happy with removing the covenants, ceasing the levy and expecting taxpayers to pay instead. Councillor Canniford also questioned why the decision had been taken when it would appear that neither locals, residents nor taxpayers wanted it.

Councillor Davies explained his reasons for the call in. He was concerned that the original model of the nature reserve being run by the developer, which was held as an exemplar, was now being overturned. Councillor Davies noted concern that the reserve may become a park and questioned whether the Council had the capability and finances to manage it. He felt that there was a lack of genuine evidence in the report and that the decision and the document were poorly drafted.

The Executive Member stated that he welcomed the debate. He felt that there had been a great deal of misleading information and acknowledged the huge amount of work that had gone into the report on which his decision was based. Councillor Pasley emphasised that the nature reserve was a priority.

The Community and Environment Service Manager outlined the Council's existing responsibility for open spaces and wildlife, along with the extensive qualifications and experience held by his team. The Council was not, as had been suggested by some, just mowing areas of the reserve, but had also reintroduced grazing as started by AWT and was using the AWT management plan enabling continued management of the reserve in the same manner.

Clarification was given on a number of issues including: that the Section 106 agreement had not been breached; that questions relating the Port Marine Management Limited's (PMML) accounts were not a matter for this Council but should be directed to PMML itself; that membership of the management company did not extend to every resident; and that the ongoing management costs of the reserve had been thoroughly assessed.

Members further discussed the historical context leading up to the S.106 agreement and the subsequent changes from that point onwards. Council

adoption of the nature reserve land would not preclude future consideration of a vehicle for management involving local members and interested parties.

It was proposed and seconded that the Executive Member be requested to reconsider his decision to adopt the land known as Portbury Nature Reserve for the reasons given to the Community and Corporate Organisation Policy and Scrutiny Panel. The proposal was put to the vote by Members of that Panel and was LOST (4 votes in favour, 7 against).

It was proposed and seconded that the Executive Member be requested to reconsider his decision to adopt the land known as Portbury Nature Reserve for the reasons given to the Strategic Planning and Economic Development Policy and Scrutiny Panel. The proposal was put to the vote by Members of that Panel and was LOST (4 votes in favour, 5 against).

Concluded: that, in the absence of any other motion, the discussion be concluded.

Chairman
