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EPSOM AND WALTON DOWNS CONSERVATORS

Monday 25 January 2021 at 6.00 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <u>https://attendee.gotowebinar.com/register/3577075674585533455</u> Webinar ID: 121-103-619

Telephone (listen-only): 020 3713 5022, Telephone Access code: 568-944-237

The members listed below are summoned to attend the Epsom and Walton Downs Conservators meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

<u>Committee Members</u> Councillor Liz Frost, the Council (Chairman) Simon Durrant, Jockey Club Racecourses (the Company) (Vice-Chairman) Andrew Cooper, Jockey Club Racecourses (the Company) Simon Dow, Horserace Betting Levy Board (the Levy Board) Councillor Bernice Froud, the Council Councillor Jan Mason, the Council Councillor Jan Mason, the Council Councillor Steven McCormick, the Council Councillor Lucie McIntyre, the Council Stephen Wallis, Jockey Club Racecourses (the Company) Councillor Clive Woodbridge, the Council

Yours sincerely

K. Belda

Clerk to the Conservators

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000



Kathryn Beldon, CPFA Clerk to the Conservators



Public information

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the <u>Council's website</u>. The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at <u>Democraticservices@epsom-ewell.gov.uk</u>.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the above items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are not permitted at meetings of the Epsom and Walton Downs Conservators.

AGENDA

1. MINUTES OF PREVIOUS MEETING (To Follow)

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 9 November 2020 and 17 December 2020 (to follow) and to authorise the Chairman to sign them.

2. BUDGET 2021/22 (Pages 5 - 14)

This report seeks approval for the 2021/22 budget and the recommended precepts on the constituent bodies.

3. EPSOM DOWNS RACING SEASON 2021 (Pages 15 - 24)

This report informs the Conservators of dates for race meetings in 2021 and presents a request from Epsom Downs Racecourse for consent for race meetings and extensions to the periods permitted for fencing, as required by the Epsom and Walton Downs Regulation Act 1984 and Epsom and Walton Downs Byelaws.

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BUDGET 2021/22

Head of Service:	Lee Duffy, Chief Finance Officer
Wards affected:	College Ward; Town Ward; Woodcote Ward;
Appendices (attached):	Appendix 1 – Recommended Budget for 2021/22

Summary

This report seeks approval for the 2021/22 budget and the recommended precepts on the constituent bodies.

Recommendation (s)

The Conservators are asked to:

- (1) Note the latest income and expenditure position for 2020/21;
- (2) Approve the 2021/22 budget, as set out in Appendix 1 to this report, with a request for a 2.4% increase in precept from the constituent bodies as follows:
 - i. Epsom and Ewell Borough Council: £260,140
 - ii. Epsom Downs Racecourse: £130,070
 - iii. Epsom & Walton Downs Training Board: £43,360
- (3) Note the conclusion of the 2019/20 external audit of the accounts.

1 Reason for Recommendation

1.1 To inform the Conservators of the financial position and forecast outturn for 2020/21, and seek approval for the 2021/22 budget.

2 Background

- 2.1 As a basis for agreeing a budget and contribution levels for 2021/22, this report:
 - 2.1.1 Informs the Conservators of the current year income and expenditure position and forecast outturn as at 31 March 2021;

2.1.2 Seeks approval of the recommended budget for 2021/22 as set out in Appendix 1, with a request for 2.4% increase in precepts from constituent bodies as follows:

Epsom and Ewell Borough Council: £260,140 Epsom Downs Racecourse: £130,070 Epsom and Walton Downs Training Board: £43,360

2.1.3 Informs the Conservators of the audit conclusion of the 2019/20 accounts.

3 Forecast for 2020/21

- 3.1 The Conservators received a mid-year monitoring report at the meeting on 9 November 2020. A detailed update of forecast income and expenditure for 2020/21 is included in Appendix 1.
- 3.2 Net expenditure for 2020/21 is now forecast at £419,474 which would result in an underspend of £3,916 against the budget of £423,390. This forecast is slightly improved on the November 2020 position, due to a reduction in anticipated grounds maintenance running costs as a result of reduced activities on the Downs.
- 3.3 The net underspend is mainly due to the closure of the Tattenham Conveniences (since the start of the Covid-19 outbreak in March 2020) and savings on the associated running costs. These savings are offset by a £6,780 reduction in events income, a £3,000 cost for consultant fees in support of the revised EAFRD bid, and a £5,000 contribution to the working balance to cover the future revenue costs of the bid.
- 3.4 The working balance stood at £56,021 at 31 March 2020. The latest forecast of the working balance at 31 March 2021 is £64,938, which includes the £5,000 contribution from the revenue budget to fund the external grant bid.

4 Budget Estimates 2021/22

- 4.1 The recommended budget estimates for 2021/22 are attached at Appendix 1. An initial draft budget had been presented to Conservators at the November 2020 meeting, which showed an indicative increase in precepts of 2.8%. Following further review of the budget, the recommended increase has reduced to 2.4%, mainly because the typical cost of managing the Travellers Site on Derby day has reduced from c.£5,500 to c. £4,000 in recent years (2018/19 and 2019/20), and the budget has been adjusted accordingly.
- 4.2 The budget position for 2021/22 is summarised in the following table:

	£'000
Grounds Maintenance	57

Keepers Hut	7
Central and staffing expenses	360
Derby Travellers Caravan Site	4
Tattenham Corner Conveniences	19
Events and Other Income	(14)
Net Expenditure	434
Contribution from EEBC/EDR/TB	(434)
Budget Surplus	0

- 4.3 The 2021/22 budget includes provision for the continued operation of Tattenham Corner Conveniences. Should any decision be taken to subsequently change the conveniences' operation, the current budget provision for 2021/22 could be re-purposed as a contribution towards any upfront costs of change, with any ongoing savings realisable in the budget from 2022/23 onwards. As such, it is recommended that the 2021/22 budget be approved as proposed.
- 4.4 Net Expenditure is estimated at £433,570, this is £10,180 (2.4%) higher than the current year's budget.

5 Repairs and Renewals Fund

5.1 The repairs and renewals fund balance was £41,386 as at 31 March 2020. The budget for 2021/22 allows for a contribution of £2,000 into this reserve, which is prudent given the potential need for future repairs to car parks or at Tattenham Corner Conveniences.

6 Audit of the Accounts 2019/20

- 6.1 The external auditors, PKF Littlejohn LLP, have completed the audit of the account for the year ended 31 March 2020.
- 6.2 The auditors concluded that the accounts had been prepared in accordance with proper practices and raised no matters of concern. As such, no changes are required to the financial position for 2019/20 as reported in June 2020.
- 6.3 The accounts and audit documents have been published on the Council's website in accordance with the requirements of the Accounts and Audit Regulations 2015.

7 Risk Assessment

Legal or other duties

7.1 Impact Assessment

- 7.1.1 The estimated working balance of £64,938 for 2021/22 is approximately 14% of net expenditure which, along with the Repairs and Renewals fund, provide cover for unexpected expenditure. Any withdrawals from the working balance will need to be carefully assessed, to ensure sufficient funds are retained in reserves to cover unexpected expenditure and maintain a stable level of contribution form preceptors.
- 7.2 Crime & Disorder
 - 7.2.1 None arising from the contents of this report.
- 7.3 Safeguarding
 - 7.3.1 None arising from the contents of this report.
- 7.4 Dependencies
 - 7.4.1 None arising from the contents of this report.
- 7.5 Other
 - 7.5.1 None arising from the contents of this report.

8 Financial Implications

- 8.1 Precepts contributions totalling £433,570 in 2021/22 are met by the Borough Council (60%), Epsom Racecourse (30%) and the Training Board (10%).
- 8.2 **Section 151 Officer's comments**: An increase, if approved by the Conservators and the preceptors, would provide additional contributions of £10,180 in 2021/22 to be met by the Borough Council (+£6,110), Epsom Racecourse (+£3,050), and the Training Board (+£1,020).
- 8.3 The Repairs and Renewals Fund for vehicles and equipment stood at £41,386 as at 31 March 2020. There has been no use of this fund to date during 2020/21.

9 Legal Implications

- 9.1 There are no legal implications arising from the contents of this report.
- 9.2 **Monitoring Officer's comments**: none arising from the contents of this report.

10 Policies, Plans & Partnerships

10.1 **Council's Key Priorities**: The following Key Priorities are engaged: Effective Council, Green & Vibrant.

- 10.2 **Service Plans**: The matter is included within the current Service Delivery Plan.
- 10.3 Climate & Environmental Impact of recommendations: None.
- 10.4 Sustainability Policy & Community Safety Implications: None.
- 10.5 **Partnerships**: The Jockey Club, Training Board and Epsom and Ewell Borough Council are represented by Members on the Conservators committee.

11 Background papers

11.1 The documents referred to in compiling this report are as follows:

Previous reports:

Mid-Year Budget Monitoring Report, 9 November 2020

Other papers:

• None.

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EWDC Budget Position						
					2020/21	<u>2021/22</u>
2019/20		2020/21	Actuals to	2020/21	Forecast	Budget
<u>Outturn</u>		Budget	30.11.2020	Forecast	<u>Variance</u>	Estimates
<u><u>f</u></u>		<u>£</u>	<u>£</u>	<u>£</u>	<u>£</u>	£
	Grounds Maintenance					
574	Maintenance of Grounds	200	0	0	-200	200
4,515	Car Park Repairs	3,000	0	0	-3,000	<mark>3,060</mark>
4,700	Tree Maintenance Schedule	3,310	0	3,310	0	<mark>3,380</mark>
0	Transport and Plant repairs & mntce.	500	0	500	0	0
8,538	Fuel	10,000	5,108	9,000	-1,000	10,200
0	Spot hire of vehicles	860	0	860	0	<mark>880</mark>
1,941	Transport Insurance recharge	1,980	2,626	2,626	646	2,680
425	Chemicals for weed control	410	0	410	0	420
2,872	Disposal of Waste	2,930	0	2,930	0	2,990
32,061	Transport fleet SLA NJMC	29,420	0	29,420	0	30,010
2,620	Internal trade waste fees	3,360	0	3,360	0	3,430
58,247	Sub-Total	55,970	7,734	52,416	-3,554	57,250
	Keepers Hut					
2,601	Engineering and fabric recharges	2,250	1,540	2,640	390	2,735
1,550	Building and M&E maintenance	1,040	0	1,040	0	1,060
1,821	Electricity	1,500	292	1,500	0	1,530
773	Rates	790	786	786	-4	800
4,481	Cleaning contract recharges	0	-158	-158	-158	0
202	Water dispenser costs	600	27	150	-450	200
155	TV Licence	160	158	158	-2	165 、
62	General office expenses	100	0	100	0	100 t
921	Insurance recharges	940	0	940	0	165 100 790 7,380
12,565	Sub-Total	7,380	2,644	7,156	-224	7,380
	Central Expenses					
28,000	Additional pension contribution	28,000	0	28,000	0	28,000 -
5,000	Contribution to Repairs& Renewals Fund	2,000	0	2,000	0	2,000

Agenda Item 2 Appendix 1

		_		_	2020/21	<u>2021/22</u>
2019/20		2020/21	Actuals to	2020/21	Forecast	Budget
Outturn		Budget	<u>30.11.2020</u>	<u>Forecast</u>	<u>Variance</u>	Estimates
0	Contribution to Working Balance	0	0	5,000	5,000	0
507	Clothing & uniforms	610	60	610	0	620
7,560	Consultants Fees (EAFRD Project Funding)	0	3,550	3,550	3,550	10,500
1,030	External Audit	1,020	1,200	1,200	180	1,040
1,075	Miscellaneous expenses	1,020	428	1,020	0	1,040
1,138	General office expenses	1,000	1,860	1,860	860	1,000
18,834	VAT payments	18,360	0	18,360	0	18,730
233,230	OS SLA recovery EWDC	267,840	0	267,840	0	274,540
33,532	Management costs SLA rec	20,020	0	20,020	0	20,520
1,228	Insurance	1,220	0	1,220	0	1,025
500	Internal audit	510	0	510	0	520
331,634	Sub-Total	341,600	7,099	351,190	9,590	359,535
	Derby Travellers Caravan Site					
3,915	Contract Payments	5,500	0	0	-5,500	4,000
3,915	Sub-Total	5,500	0	0	-5,500	4,000
	Tattenham Corner conveniences					
-162	Vandalism Repairs	510	0	510	0	0
2,955	Engineering and fabric recharges	2,530	1,736	2,976	446	3,075
1,120	Building and M&E maintenance	2,040	0	1,020	-1,020	1,040
778	Electricity	1,630	287	1,000	-630	1,020
3,142	Business Rates	3,210	3,194	0	-3,210	0
354	Water Charges	1,020	73	500	-520	510
11,183	Cleaning contract recharges	9,850	15	15	-9,835	12,135
1,739	Insurance recharges	1,770	0	1,770	0	1,485 t
21,109	Sub-Total	22,560	5,305	7,791	-14,769	19,265
		-		-	-	
427,469	Gross Expenditure	433,010	22,781	418,553	-14,457	1,485 19,265 447,430
	Income:					-
-6,361	Hire charges	-6,780	3,761	3,761	10,541	-3 <i>,</i> 460

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Agenda Item 2 Appendix 1

					2020/21	<u>2021/22</u>
2019/20		<u>2020/21</u>	Actuals to	<u>2020/21</u>	<u>Forecast</u>	Budget
<u>Outturn</u>		<u>Budget</u>	<u>30.11.2020</u>	<u>Forecast</u>	<u>Variance</u>	<u>Estimates</u>
-2,686	Interest on Balances	-1,840	0	-1,840	0	-1,880
-960	Misc. income	-1,000	-150	-1,000	0	-1,020
0	Contribution from Jockey Club to EARDF project	0	0	0	0	-7,500
-10,007	Income	-9,620	3,611	921	10,541	-13,860
417,463	Net Expenditure	423,390	26,392	419,474	-3,916	433,570
	Precepts:					
-244,360	Borough Council	-254,030	-254,030	-254,030	0	<mark>-260,140</mark>
-40,730	Training Board	-42,340	-42,340	-42,340	0	-43,360
-122,170	Epsom Racecourse	-127,020	-127,020	-127,020	0	-130,070
-407,260		-423,390	-423,390	-423,390	0	-433,570
10,203	Surplus (-) / Deficit in Year	0	-396,998	-3,916	-3,916	0
,						
66,224	Balance b/fwd 1 April	56,021		56,021		64,938
56,021	Balance c/fwd 31 March	56,021		64,938		64,938

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EPSOM DOWNS RACING SEASON 2021

Head of Service:	Amardip Healy, Chief Legal Officer
Wards affected:	College Ward; Town Ward; Woodcote Ward;
Appendices (attached):	1: Fencing dates calendar

Summary

This report informs the Conservators of dates for race meetings in 2021 and presents a request from Epsom Downs Racecourse for consent for race meetings and extensions to the periods permitted for fencing, as required by the Epsom and Walton Downs Regulation Act 1984 and Epsom and Walton Downs Byelaws.

Recommendation (s)

The Conservators are asked to:

(1) That the Conservators note the dates of the 2021 racing season for Epsom Downs detailed in paragraph 2.1 of this report, and grant their consent to the following meetings in accordance with section 14 of the Epsom and Walton Downs Regulation Act 1984:

Thursday 1 July (Evening)

Thursday 8 July (Evening)

Thursday 15 July (Evening)

Thursday 29 July (Evening)

Sunday 26 September

- (2) That the Conservators note that Epsom Downs Racecourse has applied to Surrey County Council for the temporary suspension of Footpath 50 as detailed in section 4 of this report.
- (3) That the Conservators consider and determine an application from Epsom Downs Racecourse for consent under the Byelaw 2 (i) (a) to extend the fencing period for the Upper Tattenham Enclosure and Lonsdale Enclosure for 4 days to cover the period 17 May - 20 May 2021.
- (4) That the Conservators consider and determine an application from Epsom Downs Racecourse for consent under the Byelaw 2 (i) (a) to extend the

fencing period for the Lonsdale Enclosure to enable fencing to remain in place on 16 June and between the dates of 9 – 15 August 2021.

1 Reason for Recommendation

- 1.1 Epsom Downs Racecourse is required by the Epsom and Walton Downs Regulation Act 1984 and Epsom and Walton Downs Byelaws to seek the consent of the Conservators for race meetings held at certain times and extensions to the periods permitted for fencing.
- 1.2 The recommendations of this report present Epsom Downs Racecourse's requests for consent for the 2021 race season for the Conservators consideration.

2 Background

- 2.1 Epsom Downs Racecourse has informed the Clerk of the planned dates of its race meetings in 2021. These are as follows:
 - Tuesday 20 April
 - Friday 4 June (Ladies' Day)
 - Saturday 5 June (Derby Day)
 - Thursday 1 July (Evening)
 - Thursday 8 July (Evening)
 - Thursday 15 July (Evening)
 - Thursday 29 July (Evening)
 - Monday 30 August (Bank Holiday)
 - Tuesday 31 August
 - Thursday 9 September
 - Sunday 26 September

3 Applications for Evening and Sunday race meetings

- 3.1 Section 14 of the Epsom and Walton Downs Regulation Act 1984 (the Act) requires the consent of the Conservators for any race meeting to commence or continue after 7pm on any day, or at any time on a Sunday.
- 3.2 Epsom Downs Racecourse requests the consent of the Conservators to the following race meetings (also listed above):

- Thursday 1 July (Evening)
- Thursday 8 July (Evening)
- Thursday 15 July (Evening)
- Thursday 29 July (Evening)
- Sunday 26 September

4 Application for temporary suspension of Footpath 50

4.1 Epsom Downs Racecourse has applied to Surrey County Council for the temporary suspension of Footpath 50 on 4 and 5 June, over the Derby period. This Footpath crosses the Racecourse Track near to the Princes Stand/Lonsdale Enclosure, and a similar suspension has been granted by the County Council for the past 5 years. Whilst this is a matter for consideration by the County Council, the Conservators are notified for their information.

5 Applications for racing-related fencing

- 5.1 Specific elements of the racing-related fencing applications submitted by Epsom Downs Racecourse require the Conservators' consideration: an application for the extension of the fencing period for the Upper Tattenham Enclosure for the Derby weekend, and applications for the extension of the fencing period for the Lonsdale Enclosure. The details of these applications are set out in sections 5 and 6 below, and displayed in Appendix 1.
- 5.2 Paragraph (4) (d) (i) of section 17 of the Act permits the Racecourse to erect fencing for the Upper Tattenham Enclosure, Lonsdale Enclosure (and other enclosures) 14 days prior to each race event, and requires its removal within 10 days after each race event, unless there is an overlap with the preparatory period for the next event. Fencing erected for the Enclosures outside these periods requires the consent of the Conservators under Byelaw 2 (i) (a).

6 Application for extension of the Upper Tattenham Enclosure fencing period

- 6.1 Epsom Downs Racecourse has requested permission for one extension to the fencing period for the Upper Tattenham Enclosure during the 2021 racing season. The requested extension is as follows:
 - 6.1.1 A 4-day extension to the set-up period for steel security fencing and turnstile blocks for the Upper Tattenham Enclosure between Monday 17 May Thursday 20 May 2021. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 21 May 2021.
- 6.2 A similar extension to this has been approved by the Conservators for a number of years.

7 Application for extension of the Lonsdale Enclosure fencing period

- 7.1 Epsom Downs Racecourse has requested permission for three extensions to the fencing period for the Lonsdale Enclosure during the 2021 racing season. The requested extensions are as follows:
 - 7.1.1 A 4-day extension to the set-up period for steel security fencing and turnstile blocks for the Lonsdale between Monday 17 May – Thursday 20 May 2021. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 21 May 2021.

A similar extension to this has been approved by the Conservators for a number of years.

7.1.2 A 1-day extension to the fencing period for steel security fencing and turnstile blocks for the Lonsdale Enclosure on 16 June, and a 7-day extension between Monday 9 August – Sunday 15 August 2021.

Unless an extension is granted, paragraph (4) (d) (i) of section 17 of the Act, requires Epsom Downs Racecourse to remove this fencing on 15 June 2021, before it is permitted to re-install it 17 June 2021. Additionally, paragraph (4) (d) (i) of section 17 of the Act requires the Racecourse to remove the fencing on 9 August before it is permitted to re-install it on 16 August, unless an extension is granted.

7.2 Similar extensions to these have been approved by the Conservators for a number of years, but specific dates have varied depending on the racing calendar.

8 Summary and calendar

8.1 A summary of the fencing extensions requested is included in the table below. A calendar of fencing dates is also attached as Appendix 1 to this report.

Fencing location	Fencing extension requested (2021)	No. of days requested	Requested/granted last year?
Upper Tattenham Enc.	17 – 20 May	4 days	Yes. Granted.
Lonsdale Enc.	17 – 20 May	4 days	Yes. Granted.
Lonsdale Enc.	16 June	8 days	Yes. Granted.
	9 – 15 August		

9 **Previous decisions**

- 9.1 A fencing-period extension in advance of the Derby Festival has been requested by the Racecourse and granted by the Conservators for the past 19 years, following an initial application by the Racecourse in advance of the 2002 Derby Festival. This initial decision was made by the Conservators following advice from the Clerk that whilst the Act did not specifically empower them to vary the fencing period, as long as they acted within their general duty to protect the Downs and did not authorise any activity which would prevent the public from exercising their rights of access, they were not prohibited from considering it.
- 9.2 The Conservators have subsequently considered and approved similar extensions in each year they have been requested.
- 9.3 The Epsom and Walton Downs Consultative Committee has considered the fencing extensions granted by the Conservators at its meetings on 4 November 2002, 12 June 2010, 16 June 2015 and 28 September 2015. At the meeting of 28 September 2015 the Committee received a report inviting its views on the fencing extensions granted for 2015. In response to this invitation, one Member of the Committee expressed that they did not agree with the view that the Conservators had powers under the Act or Byelaws to approve fencing extensions.

10 Risk Assessment

Legal or other duties

- 10.1 Impact Assessment
 - 10.1.1To mitigate potential impact upon Downs users, Epsom Downs Racecourse has undertaken to provide a work schedule for all fencing to the Clerk prior to its installation.
 - 10.1.2To mitigate the impact of the requested extension to the fencing period for the Lonsdale Enclosure, Epsom Downs Racecourse has undertaken to fasten open gates at both ends of the Enclosure between race meeting dates, to enable free access of the area by all Downs visitors.
 - 10.1.3 The Conservators have considered and approved similar fencingperiod related extensions for the past 19 years. No issues relating directly to the extensions have been encountered during this time, and it is therefore considered that the risks relating to granting them are low.
- 10.2 Crime & Disorder
 - 10.2.1None for the purposes of this report.
 - 10.2.2None for the purposes of this report.

10.3 Safeguarding

10.3.1 None for the purposes of this report.

10.4 Dependencies

10.4.1 None for the purposes of this report.

10.5 Other

10.5.1None for the purposes of this report.

11 Financial Implications

- 11.1 None for the purposes of this report.
- 11.2 **Section 151 Officer's comments**: None for the purposes of this report.

12 Legal Implications

12.1 Landowners generally would normally be permitted to erect temporary fences without consent. However, the erection of such structures on the Downs is prohibited by virtue of the byelaws made under the 1984 Act. Specifically, byelaw 2(i) provides that:

"A person shall not, without the consent of the Conservators, on the Downs:

(a) enclose any part of the Downs or erect any building shed or other structure thereon or construct any roads or parking places,

(b) place any tent stall show exhibition swing roundabout or other like thing..."

- 12.2 The above restriction is subject to Section 17, which, notwithstanding the byelaws, grants rights to the racecourse to erect fencing in the preparatory period/racing period.
- 12.3 The proposal in this case is beyond the rights granted under section 17 and therefore requires the consent of the Conservators under the Byelaws. In deciding whether to grant consent, the Conservators will need to have regard to their primary duty under Section 10 of the 1984 Act to preserve the Downs, noting the company's rights under section 17, and consider what impact granting consent would have on the preservation of the Downs, and on the rights of the public over the Downs.
- 12.4 **Monitoring Officer's comments**: None arising from the contents of this report.

13 Policies, Plans & Partnerships

13.1 **Council's Key Priorities**: Not relevant to this report.

- 13.2 **Service Plans**: Not relevant to this report.
- 13.3 Climate & Environmental Impact of recommendations: None.
- 13.4 Sustainability Policy & Community Safety Implications: None.
- 13.5 **Partnerships**: None.

14 Background papers

14.1 The documents referred to in compiling this report are as follows:

Previous reports:

• Epsom Downs Racing Season 2020 report and Minutes – meeting of the Conservators held 27 January 2020.

Other papers:

- Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on: 4 November 2002, 12 June 2010, 16 June 2015 and 28 September 2015Epsom and Walton Downs Regulation Act 1984.
- Epsom and Walton Downs Byelaws
- Epsom Downs Racing Season 2021 applications

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Agenda Item 3 Appendix 1

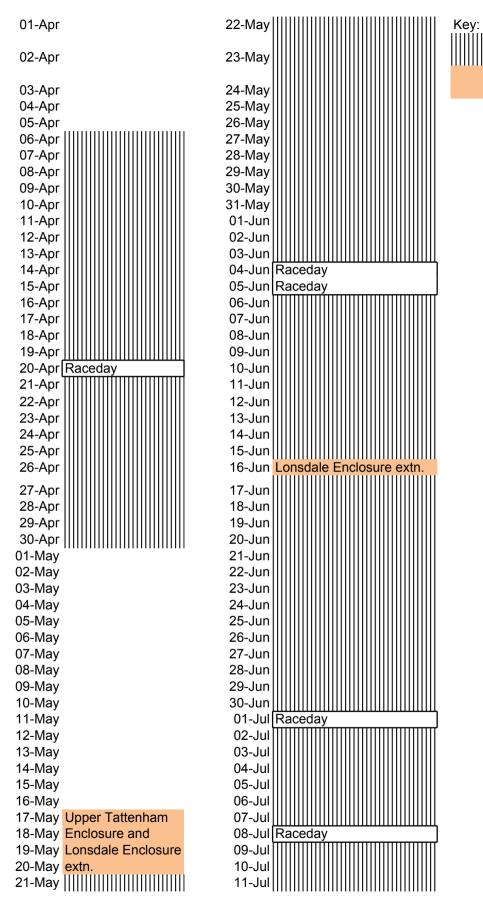
Fencing Period

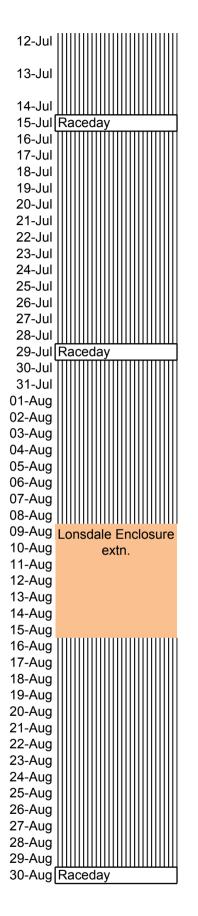
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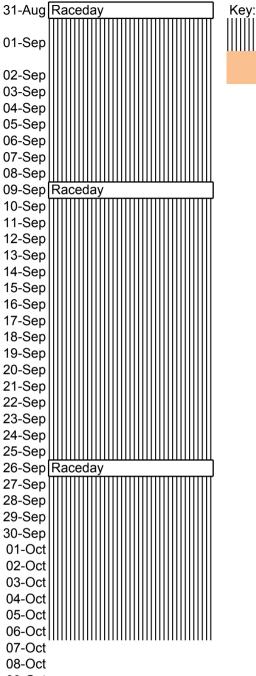
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permitted by the Act Fencing extension

Epsom Racecourse fencing periods - 2021 race season







09-Oct 10-Oct Agenda Item 3 Appendix 1

 Fencing Period permitted by the Act
Fencing extension requested