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EPSOM AND WALTON DOWNS CONSERVATORS

Tuesday 13 April 2021 at 6.00 pm

Place: Remote Meeting

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

The link to the meeting is: <https://attendee.gotowebinar.com/register/3577075674585533455>
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.

Committee Members

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 Steven McCormick, the Council
Councillor Lucie McIntyre, the Council
Stephen Wallis, Jockey Club Racecourses (the Company)
Councillor Clive Woodbridge, the Council

Yours sincerely



Clerk to the Conservators

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

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 [Council's website](#). 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 Democraticservices@epsom-ewell.gov.uk.

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. APPLICATION FOR FENCING: SPRING AND DERBY FESTIVAL RACE MEETINGS 2021 (Pages 5 - 10)

To determine an application for fencing arrangements for the Spring and Derby Festival Race Meetings 2021.

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APPLICATION FOR FENCING: SPRING AND DERBY FESTIVAL RACE MEETINGS 2021

Head of Service:	Amardip Healy, Chief Legal Officer
Wards affected:	College Ward; Town Ward; Woodcote Ward;
Appendices (attached):	1 - Application for fencing, Spring and Derby Festival Race Meetings 2021

Summary

To determine an application for fencing arrangements for the Spring and Derby Festival Race Meetings 2021.

Recommendation (s)

The Conservators are asked to:

- (1) Determine the application for fencing/secure area arrangements as set out in the application for consent, attached at the Appendix to this report.**

1 Reason for recommendation

- 1.1 Epsom Downs Racecourse is required to seek the consent of the Conservators for fencing on the Downs other than that permitted by the Epsom and Walton Downs Regulation Act 1984.

2 Background

- 2.1 At the meeting in January 2021 the Conservators noted and agreed dates for the racing calendar for Epsom Downs for 2021. The first two fixtures of the calendar are the Spring Race Meeting due to be held on the 20th April 2021 and the Derby Festival due to take place on the 4th and 5th June 2021.
- 2.2 The Racecourse is required to restrict spectator access to both of these fixtures in accordance with government guidance on the control of Covid-19.
- 2.3 To enable the exclusion/restriction of spectators in accordance with government guidance, the Racecourse has submitted an application for consent to fencing/secure area arrangements. This is attached as the Appendix to this report.

- 2.4 Similar fencing arrangements were approved by the Conservators for the single day of racing held on the Downs last year, on 4 July 2020.
- 2.5 At the meeting in January 2021 the Conservators granted consent to an application from the Racecourse for extensions to the period permitted for fencing of the Lonsdale and Upper Tattenham Enclosures. The consent granted at that meeting does not cover the fencing proposed by the application presented with this report.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 There is no requirement for the Conservators to risk assess the application as the risk management responsibility for racing events rests with the Applicant.

3.2 Crime & Disorder

- 3.2.1 None for the purposes of this report.

3.3 Safeguarding

- 3.3.1 None for the purposes of this report.

3.4 Dependencies

- 3.4.1 None for the purposes of this report.

3.5 Other

- 3.5.1 None for the purposes of this report.

4 Financial Implications

- 4.1.1 None for the purposes of this report.

- 4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

- 5.1 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...”

5.2 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.

5.3 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.

5.4 **Monitoring Officer’s comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council’s Key Priorities:** Not relevant to this report.

6.2 **Service Plans:** Not relevant to this report.

6.3 **Climate & Environmental Impact of recommendations:** None.

6.4 **Sustainability Policy & Community Safety Implications:** None.

6.5 **Partnerships:** None.

7 Background papers

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

Previous reports:

- Report to Conservators, 25 January 2021 Epsom Downs Racing Season 2021
- Report to Conservators, 12 May 2020, Variation to Derby Race Day

Other papers:

- Epsom & Walton Downs Regulation Act 1984
- Epsom and Walton Downs Byelaws

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Spring Meeting and Derby Festival 2021

Summary of Application

- (1) As you will be aware, racing is currently permitted to operate under strict guidance from both the DCMS and the BHA (British Horseracing Authority). In order to comply with current government guidance, all fixtures until the 17th May 2021 will continue to operate Behind Closed Doors (BCD) in accordance with Step 2 of the Government Roadmap as issued on 22nd February. The Spring Meeting, scheduled for Tuesday 20th April, will therefore have to be run on this basis.
- (2) Assuming that positive data is received, the next stage of the Roadmap will see restrictions lifted further from 17th May 2021, with Elite Sports being permitted a limited number of spectators within their facilities. For the Derby Festival, this will mean a maximum of 4,000 spectators within the stands side infrastructure of the racecourse. Due to this restriction in numbers, the outer enclosures and traditionally accessed areas, including the Hill, will need to remain closed for the duration of the event.
- (3) As a result of these restrictions, it will be necessary to secure the areas around the Hill and outer enclosures from public access, to the same extent as was permitted by Conservators and enforced for the single day's racing last year (Saturday 4th July). To further support the COVID-19 measures, application for the temporary suspension of parts of the affected footpaths and bridleways for a 24hr period on Tuesday 20th April and a 48hr period from Friday 4th to Saturday 5th June are being sought from the appropriate authorities
- (4) The Government Roadmap currently indicates a further relaxation of restrictions after 21st June, and with Epsom not racing after the Derby Festival until Thursday 1st July, consideration of the arrangements for post Derby race meetings in 2021 will be addressed in due course with the intention of staging a full fixture list.
- (5) The fencing application is for the creation of an exclusion zone on three days, to enable the Spring Meeting and Derby Festival to be staged within the guidance set out as part of the Government's COVID-19 Response, produced February 2021.
- (6) The application for fencing as shown in *Appendix One*, around the perimeter of the Epsom Downs, will be through the use of temporary fencing and supplemented with appropriate levels of Security on the following three days:-

Tuesday 20th April

Friday 4th June

Saturday 5th June

Key

-  Exclusion Zone
-  Stables Area / Pull-Up Area (outside Downs area)
-  Grandstand Road Temporary Road Closure (0630hrs – 1900hrs)

