



To: All Members of the Council

Dear Councillor,

**COUNCIL - TUESDAY, 21ST JULY, 2026 , Council Chamber - Epsom Town Hall,
<https://www.youtube.com/@epsomandewellBC/playlists>**

Please find attached the following document(s) for the meeting of the Council to be held on Tuesday, 21st July, 2026.

**11. CURRENT GOVERNANCE ARRANGEMENTS - EPSOM AND WALTON
DOWNS CONSERVATORS (Pages 3 - 16)**

On 22 June and 2 July 2026, the Epsom and Walton Downs Conservators considered the potential implications of Surrey Local Government Reorganisation (LGR) for the governance and operation of the Conservators under the Epsom and Walton Downs Regulation Act 1984. The Conservators were invited to identify any provisions of the Act, or associated governance arrangements, that may require amendment, clarification or further review to support the transition from Epsom & Ewell Borough Council to East Surrey Council on 1 April 2027.

This report presents the outcome of those considerations and seeks Council's approval of any recommendations proposed by the Conservators before they are submitted to the Ministry of Housing, Communities and Local Government (MHCLG) for consideration as part of the legislative changes associated with LGR.

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

Yours sincerely

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Chief Executive

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CURRENT GOVERNANCE ARRANGEMENTS - EPSOM AND WALTON DOWNS CONSERVATORS

Head of Service:	Jackie King, Chief Executive
Report Author:	Phoebe Batchelor
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	Appendix 1 – Epsom and Walton Downs Governance Changes Proposal Appendix 2 – Epsom Racecourse Proposal

Summary

On 22 June and 2 July 2026, the Epsom and Walton Downs Conservators considered the potential implications of Surrey Local Government Reorganisation (LGR) for the governance and operation of the Conservators under the Epsom and Walton Downs Regulation Act 1984. The Conservators were invited to identify any provisions of the Act, or associated governance arrangements, that may require amendment, clarification or further review to support the transition from Epsom & Ewell Borough Council to East Surrey Council on 1 April 2027.

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Recommendation (s)

The Council is asked to:

- (1) Approve and adopt the recommendations identified by the Conservators.**
- (2) Authorise the Chief Executive in their capacity as Clerk to the Conservators to submit any adopted proposals, following consideration and receiving approval of a majority of East Surrey Council shadow councillors representing Epsom and Ewell wards, to MHCLG for consideration as part of the Local Government Reorganisation legislative review process.**

1 Reason for Recommendation

- 1.1 The Council is asked to consider the outcome of the Conservators' review and determine whether any proposed amendments, clarifications or additional governance measures are necessary to ensure the continued effective governance and operation of the Epsom and Walton Downs Conservators following the abolition of Epsom & Ewell Borough Council on 31 March 2027.

2 Background

- 2.1 The Epsom and Walton Downs Regulation Act 1984 ('the 1984 Act') provides the statutory framework governing the management and use of Epsom and Walton Downs. It establishes the Conservators and sets out their composition, powers, and responsibilities.
- 2.2 The Conservators are responsible for preserving the Downs and balancing public access with racehorse training and events.
- 2.3 The Act includes provisions relating to:
 - 2.3.1 Membership of the Conservators (including appointments by the Council and other bodies)
 - 2.3.2 Management and maintenance of the Downs
 - 2.3.3 Public access rights and restrictions
 - 2.3.4 Financial arrangements (including the setting of budgets and precepts)
- 2.4 Local government reorganisation in Surrey will result in the abolition of Epsom & Ewell Borough Council on 31 March 2027, with a new unitary authority (East Surrey Council – 'ESC') created to take on its functions.
- 2.5 This structural change raises questions about how references within the 1984 Act to "the Council" and related governance arrangements will operate in practice following transition.
- 2.6 Due to LGR, any existing council appointments will move from Epsom and Ewell Borough Council to East Surrey Council as of vesting day on 1 April 2027.
- 2.7 MHCLG have and continue to review any changes that require legislative actions to be taken to give effect to LGR. The current position is that any reference to Epsom and Ewell Borough Council within the 1984 Act shall simply be changed to East Surrey Council and that no further changes are necessary to deal with the transition that shall take place on vesting day (1 April 2027).
- 2.8 The Conservators have set out specific, in Appendix 1, requests that they would like MHCLG to consider, that they believe to be necessary to allow for the transition to East Surrey Council to be effective.

- 2.9 These requests have been shared with East Surrey Council shadow councillors representing Epsom and Ewell wards for their consideration and are currently being reviewed by them. Their comments will be incorporated in Appendix 1 before it is submitted to MHCLG.
- 2.10 The Jockey Club (Epsom Racecourse) have submitted an additional separate proposed amendment to the Act, as set out within Appendix 2. The proposed amendment was raised and discussed by Conservators at the Conservators Working Group Meeting.

3 Implications

- 3.1 The Conservators identified a number of areas that may be affected by Local Government Reorganisation, including:
 - 3.1.1 Membership and appointments to the Conservators.
 - 3.1.2 Governance and accountability arrangements.
 - 3.1.3 Financial governance and budgeting arrangements.
 - 3.1.4 Staffing and operational support arrangements.
- 3.2 Whilst existing statutory functions are expected to transfer automatically to East Surrey Council, consideration has been given to whether any additional legislative clarification may be beneficial in ensuring continuity and avoiding ambiguity following vesting day.

4 Risk Assessment

Legal or other duties

- 4.1 Equality Impact Assessment
 - 4.1.1 None.
- 4.2 Crime & Disorder
 - 4.2.1 None.
- 4.3 Safeguarding
 - 4.3.1 None.
- 4.4 Dependencies
 - 4.4.1 None.
- 4.5 Other
 - 4.5.1 None.

5 Financial Implications

- 5.1 5.1 The Epsom and Walton Downs Conservators operate under separate statutory financial arrangements established by the Epsom and Walton Downs Regulation Act 1984. The recommendations within this report relate primarily to governance and constitutional matters arising from Local Government Reorganisation and do not, at this stage, create any additional financial liabilities for the Council.
- 5.2 **Section 24 considerations:** There are no Section 24 conditions arising directly from the recommendations contained within this report.
- 5.3 **Section 151 Officer's comments:** The proposals are intended to provide continuity and clarity of governance following the transition to East Surrey Authority. And based on the information set out in the report, there are no immediate financial implications for Epsom & Ewell Borough Council. However, it is important that any changes proposed to MHCLG do not inadvertently alter the existing financial responsibilities, funding arrangements or liabilities associated with the Conservators without full consideration of the impact on the successor authority.

6 Legal Implications

- 6.1 **Legal Officer's comments:** None other than as set out in the report

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Effective Council
- 7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** None.
- 7.4 **Sustainability Policy & Community Safety Implications:** None.
- 7.5 **Partnerships:** These proposals have been shared with East Surrey Council shadow councillors, as set out in paragraph 2.9 of this report, to facilitate their comments.
- 7.6 **Local Government Reorganisation Implications:** This report directly relates to the implementation of Surrey Local Government Reorganisation and seeks to ensure that governance arrangements for the Conservators remain effective and legally robust for vesting day.

8 Background papers

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

Previous reports:

- [Review of Current Governance Arrangements – 22 June 2026](#)

Other papers:

- [Epsom and Walton Downs Regulation Act 1984](#)
- [Epsom and Walton Downs Conservators Byelaws](#)

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Epsom and Walton Downs Governance Changes

Necessary Changes to ensure the continued effective governance, management, and operation of Epsom and Walton Downs following LGR;

- **Update wording, membership and appointments:** Change references from the Epsom and Ewell Borough Council to East Surrey Council. All references to Epsom and Ewell Borough area, need to refer to the former Epsom and Ewell borough boundaries.
 - The current 6 council members of Conservators will no longer be appointed by Epsom and Ewell Borough Council after the 31st of March 2027 but instead will be drawn from the new East Surrey Council.
 - The Membership should be restricted so that only councillors elected to the 5 divisions in Epsom & Ewell area (below) or neighbouring wards (from Mole Valley and Reigate and Banstead) are eligible to be appointed as Conservators. The wards are;
 1. West Ewell
 2. Ewell Village, Stoneleigh, and Nonsuch
 3. Ewell Court, Auriol, and Cuddington
 4. Epsom West
 5. Epsom Town and Downs
 6. Ashted
 7. Tadworth, Walton & Kingswood
 8. Nork & Tattenhams

This would mean there is a pool of 16 Councillors from ESC who can be chosen from to appoint the 6 council Conservator members.

- **Reason:** This is important to ensure local people are active and engaged in the management of Epsom and Walton Downs. This also allows specifically affected areas, with knowledge and understanding of the Downs, to be directly involved in its management and operations.
- **Update governance and accountability:** Update all references to the Borough Council's roles, responsibilities, or oversight to East Surrey Council.
 - Clerk of the Conservators – reference in (9) 1 should amend from the Chief Executive of EEBC to a delegated legal and governance officer role from within East Surrey Council i.e. it doesn't need to be the Chief Executive of ESC. This role will be delegated by the Chief Executive of ESC.
 - The designated officer would ideally have a local connection or interest in the Downs.
 - **Reason:** The Clerk to the Conservators is responsible for the governance and legality of the Conservators and would therefore benefit from having a good understanding of the Downs and its users and uses. The Clerk to the Conservators also works closely in collaboration with the council's Democratic Services function, interested stakeholders, namely the Landowners (Epsom Racecourse) and the Training Grounds Management Board so should have a detailed understanding of how the relationship operates. They must also have a good knowledge of the EWD Act and associated byelaws.

- **Preparatory time and take-down time:** Section 17 of the Act sets out the time for race meet construction and de-construction of any temporary structures or fencing. The Derby Festival event should be singled out in the Act and given a permanent extension to the construction build and take down time. This period should be extended to 4 weeks prior to the Derby Festival and 4 weeks following the Derby Festival to ensure that the relevant constructions can be put up with enough time. These new extensions would contrast with the current 14-day preparatory period and 10-day take down period.
 - **Reason:** To avoid having to hold additional meetings of the Conservators to request extensions (extensions which have been granted for 24 years) and to allow all contractors and staff adequate time to put up and take down all associated structures within an acceptable time period.

Additional suggested changes to the Act;

- **Pony trap exclusion** from the Downs and no access to gallops.
 - Not currently covered and continued incursions require the addition.
- **Gallops** (Ensure licensed trainers are only allowed to use gallops)
 - The area shaded pink on the Epsom Downs Signed Map is exclusively used for trainers and staff who maintain gallops. The public has the right to air and exercise on foot to cross these areas, but they do not have the right to ride or train horses on them.
- **Commercial Activity & Events** (Strengthen the events aspect as currently only talks to gatherings).
 - Currently no legal power to stop non-fee generating gatherings on Epsom and Walton Downs which could be a risk to racehorse training and may contribute to anti-social behaviour.
- **Barbecues and Fire Risks** (Strict formal restrictions on open fires/disposable grills).
 - Add in a section related to all racing fixtures and the specific areas where this can take place, under the responsibility of the 'Company'.
- **Updating Environmental Mandates** (Align Act with modern biodiversity net gain/climate resilience).
 - More flexible start to current training times to accommodate extreme weather.

Byelaw Changes;

Epsom and Walton Downs Conservators Byelaw Modernisation

This section sets out the agreed principles for modernising the current byelaws, retaining established Downs-specific protections, aligning where possible with MHCLG Model Byelaw Set 2, and introducing targeted modern provisions for contemporary management issues. All references to consent have been standardised to written consent.

Modernisation Principles

- Evolution not revolution – retain the existing framework wherever it remains effective.
- Protect racehorses, trainers, riders and gallops as a primary objective.
- Retain all provisions rooted in the Epsom and Walton Downs Regulation Act 1984.
- Adopt Model Byelaw terminology where appropriate.
- Improve clarity, enforceability and modern relevance.
- Support appropriate revenue generation through authorised activities and concessions.
- Preserve public access whilst regulating conduct.

Proposed Structure

Part 1 – Interpretation

- Retain existing statutory definitions from the 1984 Act.
- Add definitions for Drone, Commercial Activity, Authorised Officer, Horse Training Area, E- bike and Powered Transport Device.
- Define Written Consent as consent given in writing by the Conservators or an authorised officer, including electronic communication.

Part 2 – Protection of the Downs

- No structures, excavation, removal of materials, damage to vegetation or wildlife without written consent.
- No metal detecting without written consent.
- No grazing without written consent.

Part 3 – Fire Safety and Environmental Protection

- No camping without written consent.
- No fires, disposable barbecues or fire pits except where authorised by written consent.
- Protection of biodiversity, habitats and nesting wildlife.

Part 4 – Horses and Horse Training Areas

- Retain all existing gallop and training protections.
- No person shall disturb, harass or endanger a horse.
- Dogs must not chase or interfere with horses.
- Licensed trainers and authorised users only in designated training areas.

Part 5 – Dogs

- Dogs on lead during training periods and remain under effective control thereafter.
- Lead requirements where signed.
- Grant specific power under the byelaws to the Epsom and Walton Downs Conservators to impose restrictions on commercial dog walking activity on Epsom & Walton Downs through written consent. Conservators will have the power to define times, locations,

number of dogs and ability to charge a licence fee for this commercial activity.

Part 6 – Cycles and Powered Transport

- Update bicycle provision to include e-bikes, e-scooters and powered transport devices.
- Pedestrians and horses retain priority.

Part 7 – Vehicles and Parking

- Retain vehicle restrictions.
- Parking only in authorised places.
- Future parking charging powers subject to separate legal review.

Part 8 – Commercial Activities, Concessions and Events

- No commercial activity without written consent.
- Enable authorised food, drink and ice cream concessions through written consent.
- Enable regulated events and organised activities through written consent.

Part 9 – Advertising, Sponsorship and Filming

- No advertising or banners without written consent.
- Permit sponsorship, interpretation and event signage where approved by written consent.
- Commercial filming and photography require written consent.

Part 10 – Aircraft, Drones and Kites

- Retain appropriate model aircraft and kite controls.
- Introduce modern drone/UAV controls requiring written consent.

Part 11 – Noise and Nuisance

- Controls on amplified music, speakers, generators and nuisance behaviour.

Part 12 – Enforcement and Penalties

- Retain powers of removal.
- Retain offences and penalties.
- Retain exemptions for authorised operational activities.

NOTE TO CONSERVATORS

Re: Epsom and Walton Downs Regulation Act 1984 & Proposed Amendments

1. Advice has been obtained by JCR from leading Counsel John Steel KC concerning the questions asked by EEBC of the Conservators in its Report dated 22 June 2026 concerning whether any proposed amendments may be required to the Epsom and Walton Downs Regulation Act 1984 (“the 1984 Act”) in the context of Local Government Reorganisation (“LGR”) and the transfer of functions from Epsom and Ewell Borough Council (“EEBC”) to East Surrey Council on 1 April 2027.
2. The Conservators are familiar with the background. In short, the present LGR process appears to provide a limited opportunity to seek amendments to the 1984 Act. Any proposed amendment must therefore be modest, targeted and capable of being justified as necessary, or very close to necessary, for the smooth transition to the successor council and the continued effective management of the Downs. It must obtain the support of both the existing Council EEBC and the shadow Councillors of ESC.
3. The amendment concerns the power of the Conservators to install physical speed reduction measures at crossing points on public rights of way where necessary for safety. This is required because of the increased use of cycles, electrically assisted pedal cycles (“EAPCs”), e-scooters and other conveyances on the Downs, particularly where bridleways or other public rights of way cross gallops used by racehorses in training.
4. The amendment proposed is ‘minor’ in terms of its wording (i.e. a “minor amendment” in Parliamentary drafting terms) but is important in the context of the current safety of users of the Downs and what the Conservators have and do not have power to do. It also gives the Conservators power to minimise liability and risk which the Conservators have as managers of the land.
5. Leading Counsel has considered other possible amendments but considers that they may be too controversial and or extensive and would even if supported by both sets of councillors, be unlikely to be supported by the government, MHCLG. Other amendments would be formalities, such as changes in the names of the Council and would be carried out by the Council EEBC and MHCLG in any event.

The proposed amendment

6. The proposed amendment to the 1984 Act is in two parts as follows:

- a) In section 10 (c) of the 1984 Act add the words “including speed reduction measures for conveyances on a public right of way” after the words “and other structures” before the words “for the purposes of their functions under this Act:”
 - b) In section 2 add the following interpretation: “conveyance” means any vehicle or other means of transporting persons or goods² and includes any motorcycle, cycle, electrically assisted pedal cycle (EAPC), powered transporter, scooter, cart, carriage, buggy or other form of conveyance, whether motorised, horse-drawn or otherwise.
7. The rationale for the amendment is that a real and increasing safety issue has arisen on the Downs. Racehorses in training may be travelling at approximately 25 to 30 mph and may have little or no warning of a cyclist, EAPC or other user crossing a gallop. A collision at such speed could have very serious, and potentially fatal consequences for the rider, horse and other user.
8. Existing controls are not sufficient. Signage has been erected and Byelaw 18 establishes right-of-way rules at crossing points of the gallops, but these measures do not physically require cyclists or other users to slow down or dismount before crossing. Near misses have occurred and the Conservators as managers of the Downs should take a precautionary and preventative approach before a serious accident occurs.
9. The difficulty is that section 10(c) of the 1984 Act gives the Conservators a conditional power to construct and maintain certain structures for the purposes of their functions, but legal advice indicates that this may not clearly extend to physical barriers, bollards, chicanes, step-over gates or other speed-reduction measures on a bridleway or public right of way as they would be an obstruction for which under other legislation the Conservators would be liable, potentially criminally. The proposed amendment is necessary to put the matter beyond doubt.
10. The amendment is deliberately limited. It does not seek to remove public rights of access or to prevent lawful use of public rights of way. It would simply confirm that the Conservators may install proportionate speed-reduction measures for conveyances where reasonably necessary, subject to the existing safeguards and consents required under the (new replacement) Act.
11. The proposed definition of “conveyance” is also important. The issue is not confined to conventional bicycles. It includes EAPCs, powered transporters, e-

scooters, carts, buggies and other means of transport, whether motorised or otherwise. A broad definition is required to ensure that the Act remains effective as technology and patterns of use change.

12. The amendment should therefore be advanced as a necessary safety clarification arising from modern conditions which were not within the contemplation of Parliament in 1984. It would assist the Conservators and East Surrey Council in continuing to manage the Downs safely and effectively, while preserving the statutory balance between public recreation, racehorse training, the Derby and the protection of the Downs.
13. Other possible amendments concerning membership, governance, finance, staffing and operational support may require discussion, but they should not distract from this principal amendment. The recommended course is to seek support for this necessary targeted amendment as the clearest and most defensible change within the present LGR process.

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