

# EPSOM AND WALTON DOWNS CONSERVATORS

Monday 21 June 2021 at 6.00 pm

Place: Council Chamber, Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/rt/7571318848250724621>

Webinar ID: 245-246-667

Telephone (listen-only): 020 3713 5012, Telephone Access code: 294-164-321

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

Andrew Cooper, Jockey Club Racecourses (the Company)  
Simon Dow, Horserace Betting Levy Board (the Levy Board)  
Simon Durrant, Jockey Club Racecourses (the Company)  
Councillor Liz Frost, the Council  
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 held at the Town Hall, Epsom and will be available to observe live on the internet.**

This meeting will be 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. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) , telephone: 01372 732000

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](mailto: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. APPOINTMENT OF CHAIR**

To appoint a Chair to the Conservators to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2022.

### **2. APPOINTMENT OF VICE-CHAIR**

To appoint a Vice-Chair to the Conservators to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2022.

### **3. MINUTES OF PREVIOUS MEETING (Pages 5 - 10)**

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 25 January and the Minutes of the Conservators' Meeting held on 13 April (attached) and to authorise the Chairman to sign them.

### **4. FINAL ACCOUNTS 2020-21 (Pages 11 - 28)**

This report seeks approval of the Conservators' final accounts for the financial year 2020/21.

### **5. STRATEGIC RISK REGISTER (Pages 29 - 42)**

To present the Strategic Risk Register for the Conservators which covers the risks, mitigations, responsibility and action required to manage the risks identified.

### **6. TATTENHAM CORNER CONVENIENCES (Pages 43 - 48)**

This report considers the options available for the provision of public conveniences.

### **7. DERBY UPDATE (Pages 49 - 52)**

To provide an update on this year's Derby Festival.

### **8. REQUEST FOR A TRAFFIC REGULATION ORDER (Pages 53 - 68)**

To approve a request to Surrey County for a Traffic Regulation Order for part of Old London Road.

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**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS  
held on 25 January 2021**

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**PRESENT -**

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), Stephen Wallis (Jockey Club Racecourses (the Company)) and Councillor Clive Woodbridge (the Council).

Absent: Councillor Lucie McIntyre (the Council)

Officers present: Kathryn Beldon (Chief Executive), Brendan Bradley (Chief Accountant), Amardip Healy (Chief Legal Officer), Samantha Whitehead (Streetcare Manager), Karen Wilkins (Accountant), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

**8 MINUTES OF PREVIOUS MEETING**

The Minutes of the previous meeting of the Epsom and Walton Downs Conservators Committee held on 9 November 2020 and 17 December 2020 were agreed as a true record and the Conservators authorised the Chairman to sign them.

**9 BUDGET 2021/22**

The Conservators received a report seeking approval for the 2021/22 budget and the recommended precepts on the constituent bodies.

The Committee received a verbal introduction from the Chief Accountant.

The following matters were raised by the Conservators:

- a) **Business rates:** Following a question from a Conservator, the Officer confirmed that business rates had been payable on public conveniences up until this year, however this is no longer the case following changes by central Government.
- b) **Racehorse training:** Conservators noted the current allocated training period for racehorse trainers. The Conservators noted that, should the Jockey Club need to formally request additional resources on the downs,

a formal report detailing the additional resource requirement and proposed funding would need be brought to the Committee at a future date.

Following consideration, it was resolved unanimously that the Conservators:

- (1) **Agreed to note the latest income and expenditure position for 2020/21;**
- (3) **Agreed to note the conclusion of the 2019/20 external audit of the accounts.**

Following consideration, it was resolved 7 Members voting for, 1 Member voting against and the Chairman not voting that the Committee:

- (2) **Approved 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**

## 10 EPSOM DOWNS RACING SEASON 2021

The Conservators received a report informing the Conservators of dates for race meetings in 2021 and presented 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.

The Committee received a verbal introduction from the Vice-Chairman, highlighting the challenges going forward over uncertainties due to the pandemic.

The following matters were raised by the Committee:

- a) **Fencing:** Conservators noted that arrangements for the racing season were still fluid as it was not known what the Government's regulations and guidance would be for events such as horse racing. Adherence may be achieved by fencing off a smaller area of the Downs than was necessary last year.
- b) **Deadlines:** Following a question from a Conservator, the Officer confirmed that they would liaise with Democratic Services to ascertain the legal deadlines for any upcoming events and publications.

Following consideration, it was resolved unanimously:

- (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.

*The meeting began at 6.00 pm and ended at 6.46 pm*

COUNCILLOR LIZ FROST (CHAIRMAN)

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**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS  
held on 13 April 2021**

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**PRESENT -**

Councillor Liz Frost (the Council) (Chairman); Simon Durrant (Jockey Club Racecourses (the Company)) (Vice-Chairman); Councillors Andrew Cooper (Jockey Club Racecourses (the Company)), Simon Dow (Horserace Betting Levy Board (the Levy Board)), Bernice Froud (the Council), Jan Mason (the Council), Stephen Wallis (Jockey Club Racecourses (the Company)) and Clive Woodbridge (the Council)

Absent: Councillor Steven McCormick (the Council) and Councillor Lucie McIntyre (the Council)

Officers present: Kathryn Beldon (Chief Executive), Amardip Healy (Chief Legal Officer), Samantha Whitehead (Streetcare Manager), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

**11 APPLICATION FOR FENCING: SPRING AND DERBY FESTIVAL RACE MEETINGS 2021**

The Conservators received a report determining an application for fencing arrangements for the Spring and Derby Festival Race Meetings 2021.

The Conservators received a verbal introduction from the Vice-Chairman.

The following matter was raised by the Committee:

- a) **Arrangements with traveller community:** Following a question from a Conservator, the General Manager of Epsom Downs Racecourse confirmed that conversations are underway with the Traveller Liaison Officer to build the arrangements into plans for fencing.

Following consideration, the Conservators resolved unanimously to:

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

*The meeting began at 6.00 pm and ended at 6.18 pm*

COUNCILLOR LIZ FROST (CHAIRMAN)

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## **FINAL ACCOUNTS 2020-21**

<b>Head of Service:</b>	Lee Duffy, Chief Finance Officer
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote Ward;
<b>Appendices (attached):</b>	Appendix 1 – 2020/21 Revenue Account Appendix 2 – Financial Statements 2020/21 Appendix 3 – Annual Governance and Accountability Return 2020/21

### **Summary**

This report seeks approval of the Conservators' final accounts for the financial year 2020/21.

### **Recommendation (s)**

#### **The Conservators are asked to:**

- (1) Receive the final accounts for 2020/21, subject to external audit;**
- (2) Approve the Annual Governance Statements as set out in section 1 of Appendix 3 to this report;**
- (3) Consider and approve the Accounting Statements as set out in section 2 of Appendix 3 to this report;**
- (4) Confirm that the arrangements for the internal audit as set out in this report are effective for auditing purposes;**
- (5) Authorise the Chairman and Clerk to sign the Annual Governance Statement and the Accounting Statements on behalf of the Conservators.**

## **1 Reason for Recommendation**

- 1.1 To meet the statutory requirement for the Conservators to consider and approve the financial statements by 31 August 2021

## **2 Background**

- 2.1 This report presents the Conservators' final accounts for the year ended 31 March 2021.

- 2.2 The revenue account, attached at Appendix 1, details income and expenditure for the year compared to the budget.
- 2.3 The financial statements are attached at Appendix 2 and the Annual Governance and Accountability Return, which requires approval of the Conservators, is attached at Appendix 3.
- 2.4 The Annual Governance and Accountability Return will be subject to external audit between July and September 2021.

### 3 Revenue Account for 2020/21

- 3.1 Overall, net expenditure for the year was £417,594 compared to the original budget of £423,390, resulting in a surplus for the year and an increase in the working balance of £5,796.
- 3.2 At Q3, a surplus of £3,916 had been forecast; the main variances to budget and the forecast are shown in the following table:

Explanation of significant variances	Variance £
Grounds Maintenance – Reduction in anticipated spend on Waste Disposal due to Derby not taking place; net reduction in running costs due to reduced activities as a result of Covid-19	-3,622
Keeper's Hut - net reduction in running costs due to reduced activities as a result of Covid-19	-1,153
Increase in VAT payments due to increased staffing and management SLA costs as agreed at budget setting for 2020-21	2,179
Tattenham Conveniences – Reduction in running costs due to facilities being closed as a result of Covid-19	-13,896
Reduction in anticipated Derby contract payments – actual charges can vary depending on number of caravans per year	-500
Income – Reduced income from events and interest received as a result of Covid-19	11,196

### 4 Impact of Covid-19

- 4.1 Central Government's "full lockdown" measures were announced on 23 March 2020, and began to ease in May 2020, however, restrictions tightened again in the latter part of 2020, resulting in further lockdown restrictions imposed in December 2020 and January 2021.

- 4.2 As a result of the lockdown measures, no events took place on the Downs during the financial year, which contributed to a net loss of income of £11,196, including £3,761 un-recouped income from 2019-20. The income from metal detector licences was unaffected.
- 4.3 The Tattenham Corner conveniences remained closed throughout the year.

## 5 Repairs and Renewals Fund

- 5.1 The balance on the fund at 31 March 2021 was £40,503, following a contribution to revenue in year of £1,000 and interest earned of £117, as shown in the following table:

	£
<b>Balance brought forward 1 April 2020</b>	<b>41,386</b>
Contribution to revenue to cover Conservator's bid for EU grant	-1,000
Interest on balance (0.29% interest rate)	117
<b>Balance carried forward 31 March 2021</b>	<b>40,503</b>

## 6 Internal Audit

- 6.1 From 01 April 2019, Southern Internal Audit Partnership (SIAP) provide internal audit services to the Council and the Conservators, which includes completion of the Internal Audit Report within the Conservator's Annual Governance and Accountability Return. The role and scope of SIAP is detailed with the Internal Audit Charter which was presented to the Council's Audit, Crime & Disorder & Scrutiny Committee on 8 April 2021.
- 6.2 The revised Internal Audit Plan 2021/22 to 2023/24 was submitted in April 2021 to the same Committee who act as an Audit committee under the Council's constitution. The Audit, Crime & Disorder & Scrutiny Committee receive quarterly audit progress reports and a year-end Assurance Report.
- 6.3 All financial transactions for the Conservators are processed through Epsom and Ewell Borough Council's financial systems and transactions recorded on the Council's financial management system.
- 6.4 SIAP Contract Manager makes the appropriate arrangements for the Annual Internal Audit Report section of the Annual Return to be checked and signed off, which was completed in May 2021.

**7 Annual Governance and Accountability Return**

- 7.1 Smaller Bodies in England must complete an annual return, known as the Annual Governance and Accountability Return (AGAR) to the appointed External Auditor. PKF Littlejohn LLP have been appointed as the auditor to all relevant smaller authorities in Surrey for 5 years from 2017/18. The AGAR for the year ending 31 March 2021 is attached at Appendix 3.
- 7.2 Any significant changes to the AGAR following external audit will be reported back to the Conservators.
- 7.3 Due to Covid-19, the statutory requirements have been amended from previous years, and for 2020/21 each smaller authority is now required by law to:
  - 7.3.1 Prepare Accounting Statements for the year ended 31 March 2021 in the form required by proper practices (the relevant AGAR, Part 1, 2 or 3)
  - 7.3.2 Approve and publish the unaudited AGAR including Accounting Statements by 31 August 2021
  - 7.3.3 Provide for the exercise of public rights
  - 7.3.4 Publish the audited AGAR, including the signed external auditor report by 30 September 2021
- 7.4 With regard to the AGAR, the Conservators will note that:-
  - 7.4.1 The detailed budget is submitted to the Conservators each year prior to contributions being levied from constituent bodies
  - 7.4.2 Officers monitor the account as part of the Council's budget monitoring arrangements.
  - 7.4.3 The Treasurer presents a mid-year monitoring report to the Conservators.
  - 7.4.4 The Treasurer presents a year-end report to the Conservators (this report).
  - 7.4.5 All transactions are subject to the Council's financial management and internal control arrangements.
  - 7.4.6 The Council's financial processes and operational activity are subject to risk profile as part of the audit needs assessment.

## 8 Risk Assessment

Legal or other duties

### 8.1 Impact Assessment

8.1.1 The working balance of £61,817 at the year-end is approximately 15% of net expenditure and is considered adequate for meeting unforeseen expenditure.

8.1.2 An updated Risk Register will be taken for approval to the meeting on 21 June 2021.

### 8.2 Crime & Disorder

8.2.1 None arising from the contents of this report.

### 8.3 Safeguarding

8.3.1 None arising from the contents of this report.

### 8.4 Dependencies

8.4.1 None arising from the contents of this report.

### 8.5 Other

8.5.1 None arising from the contents of this report.

## 9 Financial Implications

9.1 **Section 151 Officer's comments:** Financial implications are set-out in the body of the report.

## 10 Legal Implications

10.1 There are no legal implications arising from the contents of this report.

10.2 **Monitoring Officer's comments:** none arising from the contents of this report.

## 11 Policies, Plans & Partnerships

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

11.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

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

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

- 11.5 **Partnerships:** The Jockey Club, Training Board and Epsom and Ewell Borough Council are represented by Members on the Conservators committee.

## **12 Background papers**

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

**Previous reports:**

- Budget 2021/22 (25 January 2021)

**Other papers:**

- Strategic Risk Register 2021

**EWDC Outturn 2020/21**

<b><u>2019/20</u></b>		<b><u>2020/21</u></b>	<b><u>2020/21</u></b>	<b><u>2020/21 Outturn</u></b>
<b><u>Outturn</u></b>		<b><u>Budget</u></b>	<b><u>Outturn</u></b>	<b><u>Variance</u></b>
<b><u>£</u></b>		<b><u>£</u></b>	<b><u>£</u></b>	<b><u>£</u></b>
	<b><u>Grounds Maintenance</u></b>			
574	Maintenance of Grounds	200	140	-60
4,515	Car Park Repairs	3,000	3,840	840
4,700	Tree Maintenance Schedule	3,310	3,310	0
0	Transport and Plant repairs & mntce.	500	0	-500
8,538	Fuel	10,000	8,939	-1,061
0	Spot hire of vehicles	860	713	-147
1,941	Transport Insurance recharge	1,980	2,626	646
0	Hire of paladins	0	0	0
425	Chemicals for weed control	410	0	-410
2,872	Disposal of Waste	2,930	0	-2,930
32,061	Transport fleet SLA NJMC	29,420	29,420	0
2,620	Internal trade waste fees	3,360	3,360	0
<b>58,247</b>	Sub-Total	<b>55,970</b>	<b>52,348</b>	<b>-3,622</b>
	<b><u>Keepers Hut</u></b>			
0	Maintenance of grounds	0	0	0
2,601	Engineering and fabric recharges	2,250	2,639	389
1,550	Building and M&E maintenance	180	0	-180
1,821	Electricity	1,500	959	-541
773	Rates	790	786	-4
4,481	Cleaning contract recharges	0	-158	-158
202	Water dispenser costs	600	163	-437
155	TV Licence	160	158	-3
62	General office expenses	100	0	-100
921	Insurance recharges	940	820	-120
<b>12,565</b>	Sub-Total	<b>6,520</b>	<b>5,367</b>	<b>-1,153</b>

	<b>Central Expenses</b>			
28,000	Additional pension contribution	28,000	28,000	0
0	Engineering and fabric recharges	0	0	0
5,000	Contribution from Repairs & Renewals Fund	2,000	-1,000	-3,000
0	Contribution to Working Balance	0	0	0
0	Purchase of memorials	0	0	0
507	Clothing & uniforms	610	274	-336
7,560	Consultants Fees (EAFRD Project Funding)	0	3,550	3,550
1,030	External Audit	1,020	1,200	180
1,075	Miscellaneous expenses	1,020	950	-70
1,138	General office expenses	1,860	1,860	0
18,834	VAT payments	18,360	20,371	2,011
233,230	OS SLA recovery EWDC	267,840	267,840	0
33,532	Management costs SLA rec	20,020	20,020	0
1,228	Insurance	1,220	1,064	-156
500	Internal audit	510	510	0
<b>331,634</b>	Sub-Total	<b>342,460</b>	<b>344,639</b>	<b>2,179</b>
	<b>Derby Travellers Caravan Site</b>			
3,915	Contract Payments	5,500	5,000	-500
<b>3,915</b>	Sub-Total	<b>5,500</b>	<b>5,000</b>	<b>-500</b>
	<b>Tattenham Corner conveniences</b>			
0	Planned Maintenance costs	0	0	0
-162	Vandalism Repairs	510	0	-510
2,955	Engineering and fabric recharges	2,530	2,976	446
1,120	Building and M&E maintenance	2,040	36	-2,004
778	Electricity	1,630	725	-905
3,142	Business Rates	3,210	3,194	-16
354	Water Charges	1,020	176	-844
11,183	Cleaning contract recharges	9,850	15	-9,835
1,739	Insurance recharges	1,770	1,543	-227
<b>21,109</b>	Sub-Total	<b>22,560</b>	<b>8,664</b>	<b>-13,896</b>

<b>427,469</b>	<b>Gross Expenditure</b>	<b>433,010</b>	<b>416,018</b>	<b>-16,992</b>
	<b>Income:</b>			
-6,361	Hire charges	-6,780	3,761	10,541
-2,686	Interest on Balances	-1,840	-875	965
-960	Misc. income	-1,000	-1,310	-310
0	Contribution from Jockey Club to EARDF project	0	0	0
<b>-10,007</b>	<b>Income</b>	<b>-9,620</b>	<b>1,576</b>	<b>11,196</b>
<b>417,463</b>	<b>Net Expenditure</b>	<b>423,390</b>	<b>417,594</b>	<b>-5,796</b>
	<b>Precepts:</b>			
-244,360	Borough Council	-254,030	-254,030	0
-40,730	Training Board	-42,340	-42,340	0
-122,170	Epsom Racecourse	-127,020	-127,020	0
<b>-407,260</b>		<b>-423,390</b>	<b>-423,390</b>	<b>0</b>
<b>10,203</b>	<b>Surplus (-) / Deficit in Year</b>	<b>0</b>	<b>-5,796</b>	<b>-5,796</b>
<b>66,224</b>	Balance b/fwd 1 April	<b>56,021</b>	<b>56,021</b>	<b>56,021</b>
<b>56,021</b>	Balance c/fwd 31 March	<b>56,021</b>	<b>61,817</b>	<b>61,817</b>

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Financial Statements 2020/21 (Subject to Audit)

**EPSOM AND WALTON DOWNS CONSERVATORS**  
**REVENUE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2021**

	2019/20 £'000	2020/21 £'000
Income:-		
Interest on Balances	3	1
Other Income	7	-2
Epsom and Ewell Borough Council Precept	244	254
Epsom and Walton Downs Training Board Precept	41	42
Epsom Down Racecourse Precept	122	127
	<b>417</b>	<b>422</b>
Expenditure:-		
Employees	28	28
Premises	40	19
Transport	15	11
Suppliers and Services	38	34
Third Party Payments	0	0
Support Services	306	325
	<b>427</b>	<b>416</b>
Surplus for the year	-10	6
Balance Brought Forward at 1 April	66	56
<b>Balance Carried Forward at 31 March</b>	<b>56</b>	<b>62</b>

Financial Statements 2020/21

**EPSOM AND WALTON DOWNS CONSERVATORS**  
**BALANCE SHEET AS AT 31 MARCH 2021**

31 March 2020			31 March 2021	
£'000	£'000		£'000	£'000
		<b>FIXED ASSETS</b>		
	0	Plant and Equipment		0
		<b>CURRENT ASSETS</b>		
0		Debtors (General)	0	
113		Debtors (Epsom and Ewell B.C.)	123	
113			123	
		<b>LESS: CURRENT LIABILITIES</b>		
15	97	Creditors	21	102
	<b>97</b>			<b>102</b>
		Represented By:-		
		<b>RESERVES</b>		
	41	Repairs and Renewals Fund		41
	0	Capital Adjustment Account		0
	56	<b>Revenue Balance</b>		62
	<b>97</b>			<b>102</b>

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# Annual Governance and Accountability Return 2020/21 Part 3

To be completed by Local Councils, Internal Drainage Boards and other Smaller Authorities\*:

- where the higher of gross income or gross expenditure exceeded £25,000 but did not exceed £6.5 million; or
- where the higher of gross income or gross expenditure was £25,000 or less but that:
  - are unable to certify themselves as exempt (fee payable); or
  - have requested a limited assurance review (fee payable)

## Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2020/21

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Part 3 of the Annual Governance and Accountability Return at the end of each financial year in accordance with *Proper Practices*.
2. The Annual Governance and Accountability Return is made up of three parts, pages 3 to 6:
  - The Annual Internal Audit Report **must** be completed by the authority's internal auditor.
  - **Sections 1 and 2** **must** be completed and approved by the authority.
  - **Section 3** is completed by the external auditor and will be returned to the authority.
3. The authority **must** approve Section 1, Annual Governance Statement, before approving Section 2, Accounting Statements, and both **must** be approved and published on the authority website/webpage **before 1 July 2021**.
4. An authority with either gross income or gross expenditure exceeding £25,000 or an authority with neither income nor expenditure exceeding £25,000, but which is unable to certify itself as exempt, or is requesting a limited assurance review, **must** return to the external auditor by email or post (not both) **no later than 30 June 2021**. Reminder letters will incur a charge of £40 +VAT:
  - the Annual Governance and Accountability Return Sections 1 and 2, together with
  - a bank reconciliation as at 31 March 2021
  - an explanation of any significant year on year variances in the accounting statements
  - notification of the commencement date of the period for the exercise of public rights
  - Annual Internal Audit Report 2020/21

Unless requested, do not send any additional documents to your external auditor. Your external auditor will ask for any additional documents needed.

Once the external auditor has completed the limited assurance review and is able to give an opinion, the Annual Governance and Accountability **Section 1, Section 2 and Section 3 – External Auditor Report and Certificate** will be returned to the authority by email or post.

## Publication Requirements

Under the Accounts and Audit Regulations 2015, authorities must publish the following information on the authority website/webpage:

Before 1 July 2021 authorities **must** publish:

- Notice of the period for the exercise of public rights and a declaration that the accounting statements are as yet unaudited;
- **Section 1 - Annual Governance Statement 2020/21**, approved and signed, page 4
- **Section 2 - Accounting Statements 2020/21**, approved and signed, page 5

Not later than 30 September 2021 authorities **must** publish:

- Notice of conclusion of audit
- **Section 3 - External Auditor Report and Certificate**
- **Sections 1 and 2 of AGAR** including any amendments as a result of the limited assurance review.

It is recommended as best practice, to avoid any potential confusion by local electors and interested parties, that you also publish the Annual Internal Audit Report, page 3.

The Annual Governance and Accountability Return constitutes the annual return referred to in the Accounts and Audit Regulations 2015. Throughout, the words 'external auditor' have the same meaning as the words 'local auditor' in the Accounts and Audit Regulations 2015.

\*for a complete list of bodies that may be smaller authorities refer to schedule 2 to the Local Audit and Accountability Act 2014.

## Guidance notes on completing Part 3 of the Annual Governance and Accountability Return (AGAR) 2020/21

- The authority **must** comply with *Proper Practices* in completing Sections 1 and 2 of this AGAR. *Proper Practices* are found in the *Practitioners' Guide\** which is updated from time to time and contains everything needed to prepare successfully for the financial year-end and the subsequent work by the external auditor.
- Make sure that the AGAR is complete (no highlighted boxes left empty), and is properly signed and dated. If the AGAR contains unapproved or unexplained amendments, it may be returned and additional costs will be incurred.
- The authority **should** receive and note the Annual Internal Audit Report before approving the Annual Governance Statement and the accounts.
- Use the checklist provided below to review the AGAR for completeness before returning it to the external auditor by email or post (not both) no later than 30 June 2021.
- The Annual Governance Statement (Section 1) must be approved on the same day or before the Accounting Statements (Section 2) and evidenced by the agenda or minute references.
- The Responsible Financial Officer (RFO) must certify the accounts (Section 2) before they are presented to the authority for approval. The authority must in this order; consider, approve and sign the accounts.
- The RFO is required to commence the public rights period as soon as practical after the date of the AGAR approval.
- Do not send the external auditor any information not specifically requested. However, **you must inform your external auditor about any change of Clerk, Responsible Financial Officer or Chairman, and provide relevant authority owned generic email addresses and telephone numbers.**
- Make sure that the copy of the bank reconciliation to be sent to your external auditor with the AGAR covers all the bank accounts. If the authority holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree the bank reconciliation to Box 8 on the accounting statements (**Section 2, page 5**). An explanation **must** be provided of any difference between Box 7 and Box 8. More help on bank reconciliation is available in the *Practitioners' Guide\**.
- Explain fully significant variances in the accounting statements on **page 5**. Do not just send a copy of the detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include complete numerical and narrative analysis to support the full variance.
- If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or variances are not fully explained, additional costs may be incurred.
- Make sure that the accounting statements add up and that the balance carried forward from the previous year (Box 7 of 2020) equals the balance brought forward in the current year (Box 1 of 2021).
- The Responsible Financial Officer (RFO), on behalf of the authority, **must** set the commencement date for the exercise of public rights of 30 consecutive working days which **must** include the first ten working days of July.
- The authority **must** publish on the authority website/webpage the information required by Regulation 15 (2), Accounts and Audit Regulations 2015, including the period for the exercise of public rights and the name and address of the external auditor **before 1 July 2021**.

Completion checklist – 'No' answers mean you may not have met requirements		Yes	No
All sections	Have all highlighted boxes have been completed?	✓	
	Has all additional information requested, including <b>the dates set for the period for the exercise of public rights</b> , been provided for the external auditor?		
Internal Audit Report	Have all highlighted boxes been completed by the internal auditor and explanations provided?	✓	
Section 1	For any statement to which the response is 'no', has an explanation been published?	✓	
Section 2	Has the authority's approval of the accounting statements been confirmed by the signature of the Chairman of the approval meeting?		
	Has an explanation of significant variations from last year to this year been published?	✓	
	Has the bank reconciliation as at <b>31 March 2021</b> been reconciled to Box 8?	✓	
	Has an explanation of any difference between Box 7 and Box 8 been provided?	✓	
Sections 1 and 2	Trust funds – have all disclosures been made if the authority as a body corporate is a sole managing trustee? <b>NB:</b> do not send trust accounting statements unless requested.		

**\*Governance and Accountability for Smaller Authorities in England – a Practitioners' Guide to Proper Practices**, can be downloaded from [www.nalc.gov.uk](http://www.nalc.gov.uk) or from [www.ada.org.uk](http://www.ada.org.uk)

## Annual Internal Audit Report 2020/21

### EPSOM AND WALTON DOWNS CONSERVATORS

WWW.EPSOM-EWELL.GOV.UK

During the financial year ended 31 March 2021, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2020/21 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.			✓
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.			✓
I. Periodic bank account reconciliations were properly carried out during the year.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. If the authority certified itself as exempt from a limited assurance review in 2019/20, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2019/20 AGAR tick "not covered")			✓
L. If the authority has an annual turnover not exceeding £25,000, it publishes information on a website/webpage up to date at the time of the internal audit in accordance with the Transparency code for smaller authorities.			✓
M. The authority, during the previous year (2019-20) correctly provided for the period for the exercise of public rights as required by the Accounts and Audit Regulations (evidenced by the notice published on the website and/or authority approved minutes confirming the dates set).	✓		
N. The authority has complied with the publication requirements for 2019/20 AGAR (see AGAR Page 1 Guidance Notes).	✓		
O. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable
			✓

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

17/05/2021

Name of person who carried out the internal audit

NEIL PITMAN

Signature of person who carried out the internal audit

Date

19/05/2021

\*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned; or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

## Section 1 – Annual Governance Statement 2020/21

We acknowledge as the members of:

### EPSOM AND WALTON DOWNS CONSERVATORS

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2021, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

\*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

21/06/2021

and recorded as minute reference:

MINUTE REFERENCE

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

WWW.EPSOM-EWELL.GOV.UK AVAILABLE WEBSITE/WEBPAGE ADDRESS

## Section 2 – Accounting Statements 2020/21 for

### EPSOM AND WALTON DOWNS CONSERVATORS

	Year ending		Notes and guidance
	31 March 2020 £	31 March 2021 £	
1. Balances brought forward	102,224	97,407	<i>Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.</i> <i>Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.</i>
2. (+) Precept or Rates and Levies	407,260	423,390	<i>Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.</i>
3. (+) Total other receipts	10,392	-1,459	<i>Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.</i>
4. (-) Staff costs	28,000	28,000	<i>Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.</i>
5. (-) Loan interest/capital repayments	0	0	<i>Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).</i>
6. (-) All other payments	394,469	389,018	<i>Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).</i>
7. (=) Balances carried forward	97,407	102,320	<i>Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).</i>
8. Total value of cash and short term investments	112,653	123,183	<i>The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.</i>
9. Total fixed assets plus long term investments and assets	0	0	<i>The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.</i>
10. Total borrowings	0	0	<i>The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).</i>
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	<i>The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.</i>
			<i>N.B. The figures in the accounting statements above do not include any Trust transactions.</i>

I certify that for the year ended 31 March 2021 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

Date

21/05/21

I confirm that these Accounting Statements were approved by this authority on this date:

as recorded in minute reference:

Signed by Chairman of the meeting where the Accounting Statements were approved

## Section 3 – External Auditor’s Report and Certificate 2020/21

In respect of

ENTER NAME OF AUTHORITY

### 1 Respective responsibilities of the auditor and the authority

Our responsibility as auditors to complete a **limited assurance review** is set out by the National Audit Office (NAO). A limited assurance review is **not a full statutory audit**, it does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and hence it **does not** provide the same level of assurance that such an audit would. The UK Government has determined that a lower level of assurance than that provided by a full statutory audit is appropriate for those local public bodies with the lowest levels of spending.

Under a limited assurance review, the auditor is responsible for reviewing Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with NAO Auditor Guidance Note 02 (AGN 02) as issued by the NAO on behalf of the Comptroller and Auditor General. AGN 02 is available from the NAO website –

<https://www.nao.org.uk/code-audit-practice/guidance-and-information-for-auditors/> .

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2021; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

### 2 External auditor’s limited assurance opinion 2020/21

(Except for the matters reported below)\* on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return, in our opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met. (\*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the authority:

(continue on a separate sheet if required)

### 3 External auditor certificate 2020/21

We certify/do not certify\* that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2021.

\*We do not certify completion because:

External Auditor Name

ENTER NAME OF EXTERNAL AUDITOR

External Auditor Signature

SIGNATURE REQUIRED

Date

DD/MM/YY

## STRATEGIC RISK REGISTER

<b>Head of Service:</b>	Gillian McTaggart, Head of Policy, Performance & Governance
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote Ward;
<b>Appendices (attached):</b>	Appendix 1 Conservator's Strategic Risk Register

### Summary

To present the Strategic Risk Register for the Conservators which covers the risks, mitigations, responsibility and action required to manage the risks identified.

### Recommendation (s)

#### The Conservators are asked to:

- (1) **Approve the completed Strategic Risk Register**

## 1 Reason for Recommendation

- 1.1 This report provides an update of the annual strategic risk register, reflecting changes in usage due to societal and other developments which impact the users of the Downs.

## 2 Background

- 2.1 The Conservators have particular responsibilities as a group and as a partnership working with each other. This risk register highlights the responsibilities which the Conservators have and how each of the risks are mitigated.
- 2.2 An annual review of the risk register is required to ensure potential risks are recorded, remedied and reported, in order to feed in to the suite of key performance indicators which will be presented at regular intervals to the Conservators.
- 2.3 Effective risk management is an integral part of ensuring services are delivered. Managing risks can have a major impact in meeting priorities and delivering responsibilities and there are a number of arrangements in place to do this.

- 2.4 The function of a strategic risk register is to provide focus on good practices, to facilitate, guide and train.
- 2.5 It is proposed that the strategic risk register be agreed and modified as necessary in line with the needs of the Conservators.

### **3 Review of risks for 2020/21**

- 3.1 This report sets out the strategic risk register for the Conservators and covers health and safety, legal responsibility, insurance and event management. Many risks are managed on a daily basis through internal controls, policies and procedures.
- 3.2 During 2020/21, there have been a number of national and local lockdowns that have resulted in increased demand by users of the Downs. Additional measures were put in place to mitigate the risks and improve safety by all partners. There was a significant increase in the number of new users unaware of the precautions and controls in place when the race horses were being trained who were educated and informed by additional staff. There was also a significant increase in litter and issues with parking during the summer months when restrictions were eased from the first national lockdown. The health and safety measures remain constantly under review as we implement the government's road map to recovery and return to a more normal operational use.
- 3.3 The Clerk to the Conservators will continue to work with Surrey County Council and other partners to improve traffic safety near the Downs.
- 3.4 A decision on the bid to the EARDF was delayed due to Covid-19 but if approved, the improved signage will also improve the measures in place to approve health & safety.

### **4 Risk Assessment**

#### Legal or other duties

#### 4.1 Impact Assessment

- 4.1.1 The updated strategic risk register is attached at Annex 1.

#### 4.2 Crime & Disorder

- 4.2.1 None arising from the contents of this report.

#### 4.3 Safeguarding

- 4.3.1 None arising from the contents of this report.

#### 4.4 Dependencies

- 4.4.1 None arising from the contents of this report.

4.5 Other

4.5.1 None arising from the contents of this report.

**5 Financial Implications**

5.1 There are no specific financial implications for the purposes of this report.

5.2 **Section 151 Officer's comments:** none arising from the contents of this report.

**6 Legal Implications**

6.1 There are no specific legal implications for the purposes of this report.

6.2 **Monitoring Officer's comments:** none arising from the contents of this report.

**7 Policies, Plans & Partnerships**

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

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

7.4 **Sustainability Policy & Community Safety Implications:**

7.5 The strategic risk register notes the application of the habitat management plan and how its implementation impacts events and the usage of the Downs, this will be closely monitored and the register reviewed as necessary.

7.6 **Partnerships:** The Jockey Club, Training Board and Epsom and Ewell Borough Council are represented by Members on the Conservators committee.

**8 Background papers**

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

**Previous reports:**

- None

**Other papers:**

- None

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## EPSOM &amp; WALTON DOWNS CONSERVATOR'S RISK REGISTER

The Risk Evaluation Matrix provides guidance on scoring probability and impact. The residual risk are shown on the Summary Table below

Probability	1	2	3	4	5	
Almost Certain						5
Probable						4
Possible			EWDC1 EWDC2, EWDC5, EWDC7, EWDC8, EWDC9	EWDC4		3
Unlikely		EWDC6, EWDC 11	EWDC3		EWDC 10	2
Rare				EWDC12		1
	Insignificant	Minor	Moderate	Major	Highly significant	Impact

## EPSOM &amp; WALTON DOWNS CONSERVATOR'S RISK REGISTER

Ref	Description of Risk/ Opportunity	Rating	Risk Level	Mitigation in place	Accountable	Actions required	Residual Risk	Residual Rating	Direction of Travel
EWDC1	Failure to maintain the standards across the Downs including maintenance of the car parks  High use of the car parks during lockdown have resulted in issues	20	High	Habitat Management Plan Golf Club Management Plan  Some remedial work has taken place in car park due to higher usage as a result of COVID-19 Also work was undertaken to raise edges in key areas to avoid further damage by cars driving in inappropriate areas	Sam Whitehead Streetcare Manager	Draft Habitat Plan due to be agreed at Conservators meeting in November 2021  Inspection of car parks to be arranged to assess the cost of any future works required	9	Medium	
EWDC2	Incident on the Downs or failure to provide adequate health & safety arrangements	20	High	The Conservators can place reliance on Health & Safety arrangements for the Council, The Jockey Club and The TGMB; The Council has operational H&S policies risk assessments and guidance. During lockdowns additional measures have been put in place to support H&S.	Ian Dyer Head of Operational Services	The adequacy of the Health and Safety arrangements to be kept under review and reported to the Clerk to the Conservators	9	Medium	

## EPSOM &amp; WALTON DOWNS CONSERVATOR'S RISK REGISTER

EWDC3	There is a budget shortfall or insufficient funds to support the work of the Conservators	16	Medium	Agreed balanced budget each year Budget monitoring Financial accounts audited Repairs and renewal for the replacement of plant Grant funding application submitted for signage improvement	Chief Finance Officer	New Bid has been submitted, however delay in decision by EARDF due to COVID-19. Our Consultants have advised to inform EARDF that it is a time sensitive project to; hoping for a decision by end of June 2021	6	Medium	
EWDC4	Decisions made by the Conservators are legal and consistent Failure to comply with the Epsom and Walton Downs Regulation Act 1984	20	High	Legal advice is provided by the Chief Legal Officer when appropriate and included within reports Training of Conservators so there is a clearer understanding of roles and responsibilities Some significant issues remain in the process of being clarified, e.g. the hack sand, and external advice may be required to avoid conflicts of interest	Amardip Healy Chief Legal Officer	Ongoing advice from Chief Legal Officer. Conservators to obtain external legal advice when appropriate	12	High	

## EPSOM &amp; WALTON DOWNS CONSERVATOR'S RISK REGISTER

EWDC5	Risk of major disruption or injury to users on the Downs	9	Medium	Emergency Plans and Business Continuity Plan. Insurance arrangements. Risks assessments. Reporting committee arrangements Due to the increased users on the Downs, the High Street Taskforce provided cover Monday to Saturday two mornings a week	Ian Dyer Head of Operational Services	Assurances on arrangements to be sought by the Clerk to the Conservators	9	Medium	
EWDC6	Failure of partners to meet their obligations	9	Medium	Clarity of roles and responsibilities of partner organisations	Conservators		4	Low	
EWDC7	Adequacy of insurance arrangements for the Downs	16	Medium	Each partner has in place satisfactory insurance cover Each partner has own insurance cover in place	Conservators	Each partner has own insurance cover in place	4	Low	
EWDC8	Conflict of interests of partner	9	Medium	The Conservators consist of representatives from Council, Jockey Club and Training Ground Management Board and have a duty to act in the best interest of a Conservator whilst decision making. Committee report template to note legal obligations and where necessary contain internal/external legal advice	Conservators/ Chief Legal Officer	Regular reminders/ training as to responsibilities as a conservator	9	Medium	

## EPSOM &amp; WALTON DOWNS CONSERVATOR'S RISK REGISTER

EWDC 9	Conflicting usage / activities across the Downs	20	High	Reporting of issues and taking remedial action if required Role of the Consultative Committee also involves referring matters arising in this regard As a result of COVID-19, additional security in place, but no reported increase in incidents.	Streetcare Manager	Improve Signposting and information will improve education /information to public Continue monitoring & awareness of issues	9	Medium	
EWDC 10	Adequacy of service obligations	20	High	Conservators receive updates on service	Conservators	Development of performance indicators delayed due to COVID-19; to be looked at in 2021/22 and report to Conservators	10	Medium	
EWDC 11	Management of events on the Downs	12	Medium	Arrangements are in place to agree those events that can be held on the Downs and are pre-approved. Where applicable fee paid, contract signed	Conservators and Streetcare Manager	Ongoing monitoring of events and impact on the Downs to be included in service delivery as issues arise New or high risk events only to be brought to conservators as agreed	4	Low	

## EPSOM &amp; WALTON DOWNS CONSERVATOR'S RISK REGISTER

EWDC 12	Safeguarding on the Downs	5	Low	Reporting arrangements in place	Streetcare Manager/ Operational services	Arrangements in place and staff aware	4	Low	
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## Defined Strategic Risk Levels

### Risk Evaluation Matrix

The tables below give guidance on assessing risks on a scale of 1 to 5 in terms of their probability and their impact. These give broad range of risks to provide consistency across all risk registers. However you may have additional criteria that you want to consider in assessing a risk. The risk is scored without taking into consideration of the score in place - “**a natural or inherent risk**” and then scored taking into account the control measures or mitigation measures in place these are referred to as the, “Residual Risks”

<b>Probability Score</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Description</b>	<b>Rare</b>	<b>Unlikely</b>	<b>Possible</b>	<b>Probable</b>	<b>Almost Certain</b>
Frequency	This will probably never happen or occur	Not expected to happen/occur	Might happen or occur occasionally	Will probably happen/ occur but it is not a persisting issue	Will undoubtedly happen/ occur , possibly frequently
Likelihood	Less than 5% chance	Around 10% chance	Around 25% chance	Around 60% chance	Around 90% chance

<b>Impact Score</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Descriptor</b>	<b>Insignificant t</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Highly significant</b>
Employees	No impact on staff or service delivery	Short term low staffing Temporary reduction in service No impact on staff morale	Medium term staffing issues Loss of experienced staff to deliver services Minor staff dissatisfaction	Late delivery of key services Lack of experienced staff Low morale	Non delivery of key objectives High impact on services Very low morale

## EPSOM &amp; WALTON DOWNS CONSERVATOR'S RISK REGISTER

Finance	Minimal financial implication Below £25,000	Budget pressures < £25 k to £100k	Budget pressures between £100,000 and £200,000	Budget risk £200k to £500k Loss of income	Significant loss of income more than 10% budget Not covered by insurance Budget risk over £500,000
Statutory duties/Legislation	Minimal or no impact	Minor breach Reduced rating if unresolved	Single breach if statutory duty Challenging external recommendations	Several breaches Enforcement action or improvement notices Critical report Low performance rating	Multiple breaches Prosecution for Judicial Review Service collapse
Projects/ Programmes	Little/no slippage no threat to outcomes				
Health& Safety- impact on the safety and well-being of the public and staff	No ill effects	Short lived/minor injury or illness that may require first aid assistance Small number of work days lost	Moderate injury/ill effects requiring hospitalisation. Risk of prosecution from enforcement agencies	Single fatality and or long term illness or multipole serious injuries RIDDOR reporting?	Multiple and /or multiple incidences or permanent disability or ill health.

	Low	Medium	High
<b><u>Impact of risk materialising</u></b>			
<b>Finance –</b>	Budget pressures < £100,000	Budget pressures between £100,000 and £200,000	
<b>Reputation</b>	Loss of confidence and trust in the council felt by a small group or within a small geographical area	A limited loss of confidence and trust in the council within the local community	A major loss of confidence and trust in the council within the local community and wider with national interest
<b>Service delivery</b>	Disruption to a council service	Some disruption to more than one service across the council or severe disruption to one service	Severe wide spread disruption to services across the council
<b>Health and Safety</b>	Minor injury or illness requiring minimal intervention or treatment	Moderate injury or illness requiring professional intervention / multiple minor injuries	Extensive and multiple injuries including possible loss of life
<b>Likelihood of risk materialising</b>	Remote / low probability	Possible / medium probability	Almost certain / highly probably

The above is not prescriptive criteria, but a guidance tool for management.

#### **Assurance levels of the controls scored 1 to 5**

Strength of controls is scored on a scale of 1(low) to 5 (high) to identify what is in place to mitigate the risks including controls, processes, action plans and targets.

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## **TATTENHAM CORNER CONVENIENCES**

**Head of Service:** Mark Shephard, Head of Property and Regeneration

**Wards affected:** College Ward; Town Ward; Woodcote Ward;

**Appendices (attached):**

### **Summary**

This report considers the options available for the provision of public conveniences.

### **Recommendation (s)**

**The Conservators are asked to:**

- (1) Agree to explore with the Jockey Club whether a single or double modular toilet facility can be accommodated directly adjacent to the Tea Hut and if suitable, a costed proposal will be brought back to the Conservators for consideration.**
- (2) If the Tea Hut option is not feasible, to explore the cost of providing a single or double modular toilet facility adjacent to the Down Keepers Hut.**
- (3) The outcome of 1) or 2) above will be reported back to the Conservators at a future meeting.**
- (4) To agree that the existing facility should remain closed while the alternative options are explored.**

## **1 Reason for Recommendation**

- 1.1 To provide an affordable public toilet facility on the Downs.

## **2 Background**

- 2.1 The public toilets are situated on the Tattenham Corner Road, comprising a 1970's brick and tiled roof building. They consist of large male and female toilet areas with a small disabled toilet. They have been closed since March 2020 due to the ongoing Covid-19 pandemic.

- 2.2 The toilets are served by minimal parking with tree coverage at the rear of the building providing concealment. Furthermore, their relatively isolated location (set back from the road with no adjacent buildings), render them extremely vulnerable to vandalism and are renowned for antisocial behaviour.

- 2.3 A photograph of the property is shown below:



- 2.4 The Conservators' annual budget to operate the toilets is £19,265 including approximately £1,250 pa attributable to vandalism. The Council contributes approximately £12,000 by way of a 60% precepts contribution.
- 2.5 On behalf of the Conservators, the Council is responsible for opening and closing the facilities 7 days a week throughout the year including all maintenance, repairs and cleaning. The toilets were previously opened each day at 6.30 am and closed following cleaning at approximately 7 pm.
- 2.6 To ensure its continued future operation, the building requires extensive internal and external refurbishment at an estimated cost of £80,000. Whilst a considerable cost in itself, the fundamental issue for the Conservators to consider is that a refurbishment will not deter future anti-social behaviour or vandalism.
- 2.7 Without the refurbishment, the toilets are considered unfit to be re-opened. As such, the Conservators are asked to agree that the facility should remain closed while the following alternative options are explored.

### **3 Alternative options for consideration**

#### **3.1 Demolition without re-provision**

- 3.1.1 The existing concealed location of the toilets inherently contributes to anti-social behaviour and frequent vandalism. They are also poorly located and not particularly close to the more heavily used public areas such as the Tea Hut and its car park.
- 3.1.2 Demolition would be approximately £30,000 and would prevent the anti-social behaviour associated with the public toilets and remove all future maintenance and responsibilities.

**3.2 Demolition with potential modular toilet re-provision**

3.2.1 A modular toilet is a modern, alternative approach to providing public toilet facilities. It can be clad with brick or oak to match its environment and surrounding buildings.

3.2.2 Indicative manufacturer costs for a modular toilet with standard timed doors are:-

Single - £42,000

Double - £59,500

Triple - £72,500

3.2.3 The costs are for a basic specification modular toilet with a flat roof. Additional cost would be incurred to provide a pitched or green roof and oak or brick cladding.

3.2.4 The interior of the standard modular toilet is designed to last for 25 years and the structure for 40 years. The new fittings and fixtures would be relatively easy to clean and robust to tolerate public use. However, it should be appreciated that no facility will withstand repeated and sustained vandalism.

3.2.5 Site preparation ground works i.e. foundation and installation of services can be undertaken in advance in readiness for connection. The cost of this work is budgeted at approximately £15,000.

3.2.6 The cost of demolition and basic modular toilet re-provision is:-

Demolition of toilets	£30,000
Foundations & services	£15,000
Basic single modular toilet	£42,000
<u>Total</u>	<u>£87,000</u>

3.2.7 The £87,000 total cost is for a basic modular toilet only but provides a useful comparison in not being dissimilar to the cost of refurbishing the existing toilets. The benefits would be the vastly reduced running costs of the new facility and the anticipated reduction in anti-social behaviour.

3.2.8 The annual estimated running costs would be approximately £5,000 for cleaning, consumables and pest control, with a further £2,000 per annum for maintenance.

3.2.9 These figures are based on cost from the Council's existing clearing and FM contractor for a similar sized building.

### **3.3 Re-provision to Down Keepers Hut site**

- 3.3.1 The Down Keepers Hut would be the most suitable location being situated on Conservators owned land. However, it is also the most challenging site to consider public toilet re-provision.



- 3.3.2 As shown in the above photograph, to one side of the building is a gated access serving the Racecourse to bring in all equipment, fencing, temporary buildings etc for the Derby and other large events. Consequently, this area of the site would almost certainly not be available for use.
- 3.3.3 In addition, this side of the building also has the water and waste service connections and hence, additional cost would therefore be incurred to extend the services to serve an alternative part of the site.
- 3.3.4 To the other side of the Downs Keepers Hut is an underground mains power cable which would cause difficulties and possibly prevent the foundation being laid for a modular building.
- 3.3.5 Due to the site challenges, it is recommended this option is only explored as the fall-back position if the Tea Hut site below is unavailable.

### **3.4 Re-provision to Tea Hut site**

- 3.4.1 The Tea Hut is not on Conservators owned land and would therefore require consultation with Epsom Racecourse.
- 3.4.2 It is well situated next to a public car park and would offer the most suitable location for public conveniences.



- 3.4.3 In contrast to the Downs Keepers Hut, the Tea Hut offers plenty of space either side of the building with no obstructions. It is assumed the Tea Hut is already served by water and waste connections, thereby potentially offering a straightforward solution for the addition of a modular facility.
- 3.4.4 Conservators should note that a modular facility located adjacent to the Tea Hut would remain the responsibility of the Council on behalf of the Conservators i.e. all maintenance, repairs, cleaning etc.
- 3.4.5 It is recommended this option be explored with the Jockey Club and if suitable, a costed proposal will be brought back to the Conservators for consideration.

#### **4 Risk Assessment**

Legal or other duties

##### **4.1 Impact Assessment**

4.1.1 Not applicable.

##### **4.2 Crime & Disorder**

4.2.1 Due to the inherent location and design of the existing facilities as described in this report, the facilities attract anti-social behaviour and frequent vandalism.

##### **4.3 Safeguarding**

4.3.1 Not applicable.

##### **4.4 Dependencies**

4.4.1 None.

##### **4.5 Other**

4.5.1 None.

## 5 Financial Implications

- 5.1 The Conservators' annual budget for operating the public toilets is £19,265.
- 5.2 In reserves, the Conservators hold a repairs and renewals fund balance of £40,500 and a working balance reserve of £62,000.
- 5.3 **Section 151 Officer's comments:** The provision of public conveniences would need to be achievable within the financial resources available to the Conservators.
- 5.4 Should reserves be required to fund one-off costs, the Conservators would then either have to operate with reduced reserves over the longer term, or identify an alternative means of replenishing the reserves.

## 6 Legal Implications

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

## 7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged: Opportunity and Prosperity, Effective Council.
- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** Not applicable.
- 7.4 **Sustainability Policy & Community Safety Implications:** Not applicable.
- 7.5 **Partnerships:** The Jockey Club, Training Board and EEBC are represented by Members on this Committee.

## 8 Background papers

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

**Previous reports:**

- None

**Other papers:**

- None

## DERBY UPDATE

<b>Head of Service:</b>	Amardip Healy, Chief Legal Officer
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote Ward;
<b>Appendices (attached):</b>	1: Derby Update

### Summary

To provide an Update on this year's Derby Festival

### Recommendation (s)

**The Conservators are asked to:**

- (1) Note the update on the 2021 Derby from Epsom Downs Racecourse**

### 1 Reason for Recommendation

- 1.1 To update the Conservators on the 2021 Derby Festival.

### 2 Background

- 2.1 The Derby Festival went ahead in accordance with the Government's road map for sporting events. This meant attendance was limited to 4000 people.
- 2.2 Epsom Downs Racecourse have provided an update on the Festival's events, which is attached at Appendix 1.

### 3 Risk Assessment

Legal or other duties

#### 3.1 Impact Assessment

3.1.1 n/a

#### 3.2 Crime & Disorder

3.2.1 n/a

#### 3.3 Safeguarding

3.3.1 n/a

3.4 Dependencies

3.4.1 n/a

3.5 Other

3.5.1 n/a

#### 4 Financial Implications

4.1 None arising from the contents of this report.

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

#### 5 Legal Implications

5.1 None arising from the contents of this report.

5.2 **Monitoring Officer's comments:** None arising from the contents of this report.

#### 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: n/a

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations :**n/a

6.4 **Sustainability Policy & Community Safety Implications :**n/a

6.5 **Partnerships:**n/a

#### 7 Background papers

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

**Previous reports:**

- Epsom Downs racing Season 25 January 2021  
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=170&MId=1056&Ver=4>

**Other papers:**

- none

**Cazoo Derby Festival 2021**

The Cazoo Derby Festival was, for a second year, not quite the Festival that we are all used to but nevertheless a well received and delivered event.

- 1.1 Through the communication to the Traveller community and support from colleagues within Surrey & Sussex Police, we had no Traveller encampment across the Downs.
- 1.2 Access to the Downs was restricted between 0001hrs on Friday 4<sup>th</sup> June until 2359hrs on Saturday 5<sup>th</sup> June. Full access was available to the public and local training community as normal on Sunday 6<sup>th</sup> June and everything was in a clean / tidy state. I have not been made aware of any issues to date.
- 1.3 The team did a brilliant job in getting the site prepared and despite us not being able to welcome the usual large numbers of spectators there was been no compromise on the standard of presentation around the course. We had 4,000 spectators on site, split between General Admissions, Hospitality, Owners, Annual Members and Sponsors. The Hill and Outer Enclosures were closed off to support the event safety and security protocols and there was just over four miles of fencing in place.
- 1.4 All current Covid-19 guidance was well adhered to, with spectators wearing face masks for all indoors area (when not eating or drinking). Social distancing was required in all indoor areas with the rule of six applicable in all hospitality areas. The Grandstand enclosure featured a number of bars to accommodate seated drinking and each was served using a smartphone App.
- 1.5 Unfortunately, The Queen was not in attendance this year but it is great news that Cazoo Derby Day 2022 is now confirmed as an official part of Her Majesty's Central Weekend Platinum Jubilee celebrations.

Simon Durrant  
General Manager – Epsom Downs Racecourse

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## REQUEST FOR A TRAFFIC REGULATION ORDER

<b>Head of Service:</b>	Amardip Healy, Chief Legal Officer
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote Ward;
<b>Appendices (attached):</b>	1: TGMB letter dated 11 May 2020 2: TGMB letter dated 23 March 2021 3: Map of Car Parks on the Downs 4: Downs Public Warning Poster

### Summary

To approve a request to Surrey County for a Traffic Regulation Order for part of Old London Road.

### Recommendation (s)

**The Conservators are asked to:**

- (1) Confirm whether they wish to request a Traffic Regulation Order for a timed closure of part of old London Road which leads to the Top Car Park;**
- (2) If they wish to request a Traffic Regulation Order for either Option 1 or Option 2 as set out at paragraph 2.21 of this report;**
- (3) If agreed, to request the Clerk to the Conservators to write to Surrey County Council to consider the Conservators request for a Traffic Regulation Order at the next available meeting of the Epsom & Ewell Local Committee.**

### 1 Reason for Recommendation

- 1.1 To seek a Traffic Regulation Order to protect the health and safety of all users of the Downs.

## **2 Background**

### **Old London Road**

- 2.1 On the 16 March 2020, the Government introduced new and updated industry guidance on limiting the spread of Covid-19, following a change in approach to a 'delay' phase. By 18 March 2020, the advice changed and schools were directed to close from 23 March 2020 until further notice. By 20 March further guidance was issued requiring the immediate closure of entertainment, hospitality and indoor leisure premises across the country to take place from the end of trading hours.
- 2.2 On 20 March 2020 Council Officers reported an unprecedented number of people using the parks and open spaces across the Borough and on the Downs. There was clear evidence that large numbers of the public were not observing the social distancing rules along with the advice to stay at home and not to gather in groups.
- 2.3 By 23 March 2020 Council Officers became seriously concerned about the level of activity on the Downs and the impact of this on public safety in terms of spreading the virus, the pressures this was placing on keeping the public away from the horses in training during the mornings and also on impact on the health and safety of staff officers including the Downskeepers who work on the Downs. This was all at a time when the primary focus of the Council was on supporting the Borough's most vulnerable residents as part of its civil contingency duties. The Council placed a number of posters on Downs setting out the guidance on social distancing.
- 2.4 Following concerns raised by Surrey Police, all the car parks managed by the Council on the Downs were also closed. The nature and level of use of that part of Old London which crosses the Racecourse to the Top Car Park, compromised the safety of all users. The closure of the Top Car Park requires the gate at old London Road to remain closed, since there was no other way of securing closure of the car park and or preventing verge parking along the length of this part of Old London Road. As a result Surrey County Council agreed to the temporary closure of that part of Old London Road.
- 2.5 Despite the car parks on the Downs being closed, there was a significant increase in visitors. This generating more litter and more fly-tipping which the Downskeepers and volunteer groups removed. The Downskeepers tried to keep the public away from the gallops in the morning, dealing with angry car drivers wanting to visit the Downs, along with trying to manage the many cases careless parking on the busy roads.
- 2.6 Many visitors, particularly those new to the Downs fail to appreciate the extent of racehorse training which takes place.

- 2.7 By a letter dated the 11 May 2020, Epsom Downs Training Management Board, wrote to the Conservators (Appendix 1):

*"I am writing to you to bring to your attention to a discussion .... Concerning the impact of the COVID 19 restrictions have had on the Epsom Downs Training Grounds. Prior to lockdown measures, the training grounds saw a sudden and large increase in people accessing the Downs for exercise during the hours of training 6.30am -12.00pm....there were more visitors roaming the Downs who were unaware they were crossing a gallop which could result in a serious accident....The TGMB feels that keeping these car parks temporarily shut would greatly assist in ensuring the safety of all concerned during the hours of training until the public health situation returns to normal."*

- 2.8 As a result at their meeting on the 22 May 2020, the Conservators agreed to the Top Car Park remaining closed in May 2020 (Appendix 2). The Conservators spoke about the safety of the public and other Downs users, with particular reference to the Racehorse Trainers. They highlighted the importance of the Downs as a Racehorse training environment, and need to prioritise use for racehorse training between the hours of 06.15- noon.

- 2.9 During the Autumn of 2020, further complaints around the safety were raised. Some examples include the following:

*"There are very large numbers of public walking with small children, dogs on extendable leads, cycling etc across, alongside and even on the gallops. Just today there were so many people at the top of the sand gallops that I had to call another trainer to warn them of the potential danger. "*

*"One example was 2 people walking down the horse shoot, towards the end of the gallops with toddlers, they said they hadn't been on the downs before and it was evident that they did not understand the potential dangers, nor where racehorses would be."*

*"There have been numerous occasions where we have had to stop and ask people to get off of the mile gallop as they were walking on it with babies, dogs or using it for their run. Sadly we have even been subjected to argumentative and rude behaviour when we asked them to leave the gallops."*

- 2.10 As a result, despite the call on resources to deliver the Covid19 support effort to those in need in the Borough, resources were drawn away to manage the increasing serious health and safety situation on the Downs.

- 2.11 Posters setting out the risks to and from the different users were heavily promoted both on social media and with signage on the Downs (Appendix 4). The Council also diverted its Covid High Street Task Force, to support safe use of the Downs by the public.

- 2.12 Unfortunately, despite all the attempts to educate the public as to the multiplicity of users of the Downs, and their conflicts, there were regular tensions between different categories of users. In March 2021, the Training Grounds Management Board wrote to the Conservators to raise their concerns about the opening hours of the Car Parks (Appendix 2). The letter states

*“During the past year, there has been a considerable increase in public use of the Downs, which is significantly increasing the risks in the training of racehorses and to users of the Downs during the morning hours. These risks have been quantified by an independent, third party Health & Safety expert as 'High' for both the training community and Downs users. This situation clearly needs to be addressed and promptly.”*

- 2.13 There have been a number discussions with the County over the use of temporary powers around active travel. During the pandemic the Government introduced the Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020 (2020 No 536). The regulations amended temporarily legislation related into Traffic Orders which are required to make and enforce changes to a road's use or its design. It had been hoped Surrey County Council might have been able to use these powers to address the issues at Old London Road. However, this did not prove possible, and the Regulatory provision expired at the end of April 2021.
- 2.14 Unfortunately as a result of the County Elections in May 2021, the County advised they were not able to bring a report to their March 2021 Local Committee meeting to bring forward a TRO.

#### **Traffic Regulation Order being requested**

- 2.15 Under normal operations, with the exception of the Top Car Park, the other car parks on the Downs are kept unlocked and are available for public use all year round with the exception of race days. Access to the Top Car Park is prevented by a gate on the Old London Road which, under usual circumstances, is locked at 5pm in the winter and 9pm in the summer. For the last 20 years this part of Old London Road has closed at night. This measure was introduced to address the high levels of night time anti-social behaviour in the Top Car Park.
- 2.16 It is important to reiterate that the lands upon which the car parks are located is not owned either by the Council or by the Conservators. The land is privately owned. As such the normal rules which govern Council owned car parks, do not apply.
- 2.17 To manage safely the range of uses on the Downs, it is proposed that Old London Road closes during racehorse training times and also overnight. This would help to address the issues the racehorse training industry have raised and also manage the night time anti-social behaviour.

2.18 The Racehorse Training Times are Monday to Saturday 6am to 12 –noon, and on Sundays from 8am to 9.30.

2.19 The two options for closing times are:

2.19.1 Option 1: All year fixed hours:

The night time closures would mean the car park would be closed from Sunday to Friday overnight each day from 5pm until noon of the next day and on a Saturday from 5pm until 9.30 on a Sunday morning.

**Or**

2.19.2 Option 2: Summer and winter hours:

the summer hours (1<sup>st</sup> April to 30 September each year ) : road closure from Sunday to Friday overnight each day from 7pm until noon of the next day and on a Saturday from 7pm until 9.30 on a Sunday morning; and

the winter hours (1<sup>st</sup> October to 31 March each year): road closure from Sunday to Friday overnight each day from 5pm until noon of the next day and on a Saturday from 5pm until 9.30 on a Sunday morning.

2.20 The benefits of fixed hours all year round makes public notice of opening times much easier to manage.

2.21 The Conservators are asked to select either Option 1 or Option 2 as a recommendation to take forward to Surrey County Council for a Traffic Regulation Order.

### **3 Risk Assessment**

Legal or other duties

3.1 Impact Assessment

3.1.1 None

3.2 Crime & Disorder

3.2.1 The nature of the location of the Top Car Park and its unrestricted access make is vulnerable to night time anti-social behaviour. The closure of the London Road at night would help to manage this risk.

3.3 Safeguarding

3.3.1 None

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

**4 Financial Implications**

4.1 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 Traffic Regulation Orders (TROs) provide a process which can restrict or prohibit the use of the highway network, in line with The Road Traffic Regulation Act 1984. They can help better manage the highway network for all road users, including pedestrians.

5.2 A Traffic Regulation Order can only be proposed for the reasons set out in the legislation and a scheme can only be proposed if the regulations allow it. Common examples of schemes that require a TRO include:

- Speed limits
- On-street parking restrictions
- Weight limits
- One-way streets and banned turns
- Prohibition of Driving

5.3 The TRO process is managed by the Highway Authority, Surrey County Council. The County have asked for the Conservators to make a recommendation for hours they would wish to see, which is in turn related to the racehorse training times and night time closures.

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

**6 Policies, Plans & Partnerships**

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: N/A

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

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

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

6.5 **Partnerships:** N/A

## 7 **Background papers**

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

### **Previous reports:**

- Opening and Closure of Car Parks on the Downs, 22 May 2020

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=170&MId=1005&Ver=4>

### **Other papers:**

- None

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TGMB  
c/o Jockey Club Estates  
101 High Street  
Newmarket  
Suffolk, CB8 8JL

11<sup>th</sup> May 2020

Epsom and Walton Downs Conservators  
c/o Town Hall  
The Parade  
Epsom  
Surrey, KT18 5BY

To Whom It May Concern,

Further to a Training Grounds Management Board (TGMB) meeting held on Thursday 7<sup>th</sup> May 2020, I am writing to you to bring to your attention to a discussion at our meeting concerning the impact the COVID-19 restrictions have had on the Epsom Downs Training Grounds. Prior to the lockdown measures, the training grounds saw a sudden and large increase in people accessing the Downs for exercise during the hours of training (6:30am – 12:00pm). This in turn led to a greater concern surrounding health and safety on the Downs as there were more visitors roaming the Downs who were unaware they were crossing a gallop which could result in a serious accident.

Since the closure of the top car park and the London Road car park, this problem has become more manageable as the training grounds area of the Downs is now less accessible to the public. Please can I urge that the Conservators Committee give strong consideration to maintaining the closures, even when the lockdown measures begin to ease countrywide. The TGMB feels that keeping these car parks temporarily shut would greatly assist in ensuring the safety of all concerned during the hours of training until the public health situation returns to normal.

I look forward to hearing for you.

Yours faithfully,

Simon Philip  
Chairman of TGMB

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Training Grounds  
Management Board  
c/o Jockey Club Estates  
101 High Street  
Newmarket  
Suffolk, CB8 8JL

23<sup>rd</sup> March 2021

Epsom and Walton Downs Conservators  
c/o Town Hall  
The Parade  
Epsom  
Surrey, KT18 5BY

Dear Conservators,

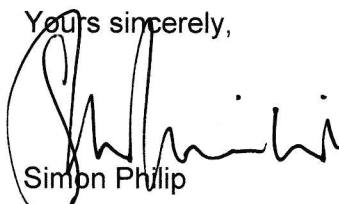
Further to a Training Grounds Management Board (TGMB) meeting held on Friday 5<sup>th</sup> February 2021, I am writing to you to ask you to consider closing the car parks around Epsom and Waltons Downs until 12pm Mondays to Saturdays and until 9am on Sundays.

During the past year, there has been a considerable increase in public use of the Downs, which is significantly increasing the risks in the training of racehorses and to users of the Downs during the morning hours. These risks have been quantified by an independent, third party Health & Safety expert as 'High' for both the training community and Downs users. This situation clearly needs to be addressed and promptly.

Along with some new and improved signage and a wider awareness campaign, the TGMB feel that the closure of the car parks until the times mentioned above would assist in encouraging people to visit the Downs after the hours of training, when the risks are significantly lower and improve the overall safety of all Downs users. There is no intention to stop people visiting the Downs; the objective is to persuade them to not come at times when racehorse training is prioritised within terms of the Act.

I look forward to hearing for you.

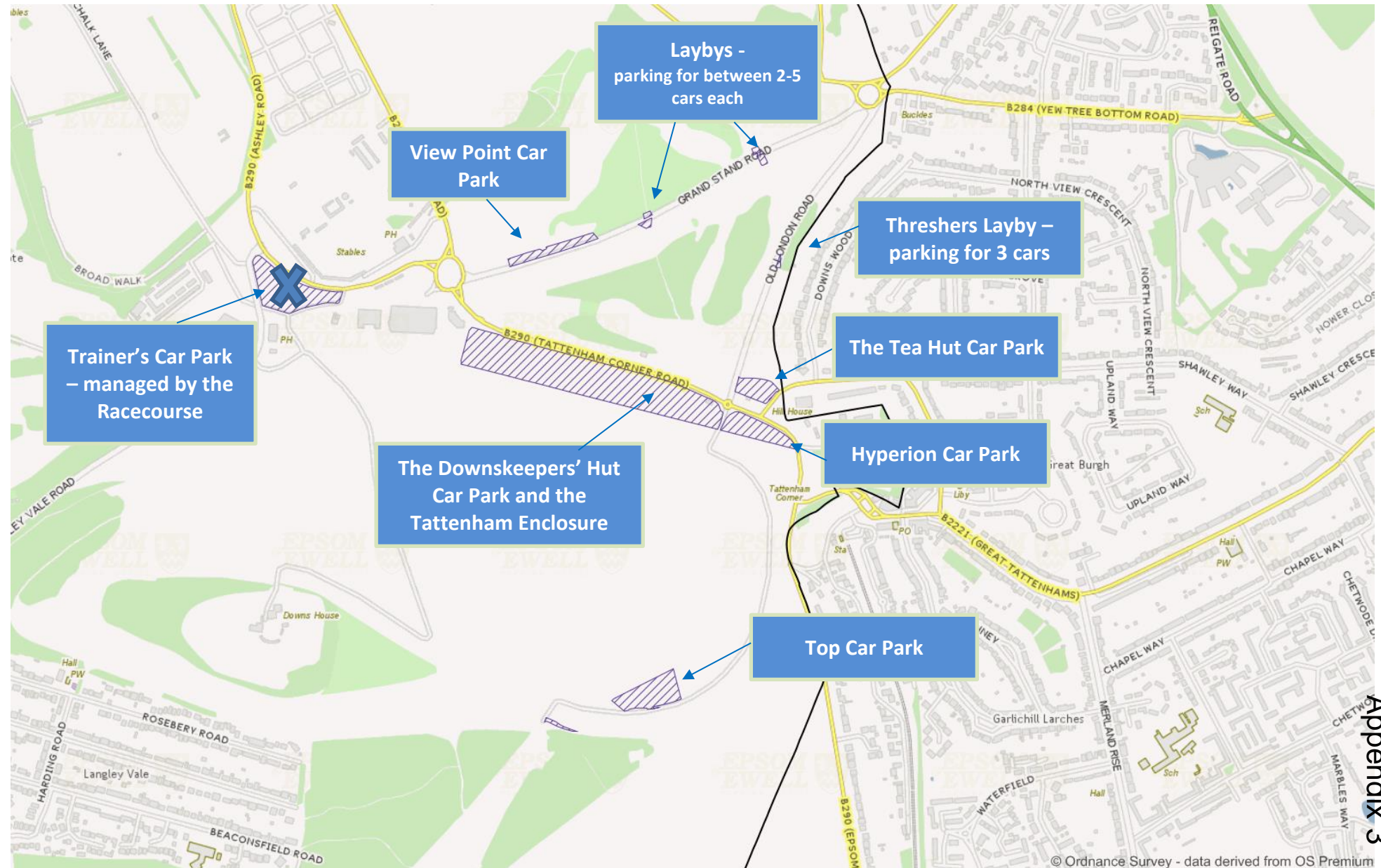
Yours sincerely,



Simon Philip  
Chairman of TGMB

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## Car Parks on the Downs



**Car parks managed by the Epsom & Walton Downs Conservators**

<b>Name</b>	<b>Max Capacity</b>	<b>Conflicts and challenges</b>
Grandstand Road - View Point	30	Potential for conflict with the Golf Course
Grandstand Road - Laybys x 4	2-5 cars each	Potential for conflict with the Golf Course
Old London Road – Threshers Layby	3-4	No conflict
Old London Road – Top Car Park	120	Anti-social behaviour, necessity to lock the gate at the Old London Road in the evenings
The Tea Hut Car Park	40	No conflicts
The Downskeepers' Hut Car Park and the Tattenham Grass Extension	50-60 and if further extension is used can go to 300	No conflicts with Downskeepers' Hut but using the extension and leaving open could result in anti-social behaviour from car drivers.
Hyperion Car Park	30	Not used because race horses from one of the biggest and busiest years tend to cross this grass to and from gallops.

# Epsom and Walton Downs

Home of the Epsom and Walton Downs Racehorse Training Grounds

## Code of Conduct

Epsom and Walton Downs is private land regulated by the Epsom & Walton Downs Regulations Act 1984  
Downskeepers contact number 01372 722931/732000.



**RACEHORSE TRAINING TIMES**  
**PRIORITY ACCESS**  
**MONDAY TO SATURDAY 6AM -12 NOON**  
**SUNDAY 8AM - 9.30AM**



**YOU MAY BE IN DANGER WHEN IN PROXIMITY TO RACEHORSES TRAINING**  
**REMAIN VIGILANT AT ALL TIMES.**

**IF YOU ENCOUNTER RACEHORSES WHILST ON THE DOWNS, STOP, KEEP STILL & STAY CALM.**  
**RESPOND TO REQUESTS FROM RIDERS OR DOWNSKEEPERS.**

### PEDESTRIANS



Avoid The Downs during  
racehorse training times for your  
own safety.  
Racehorses can behave  
unpredictably when startled.

### DOG WALKERS



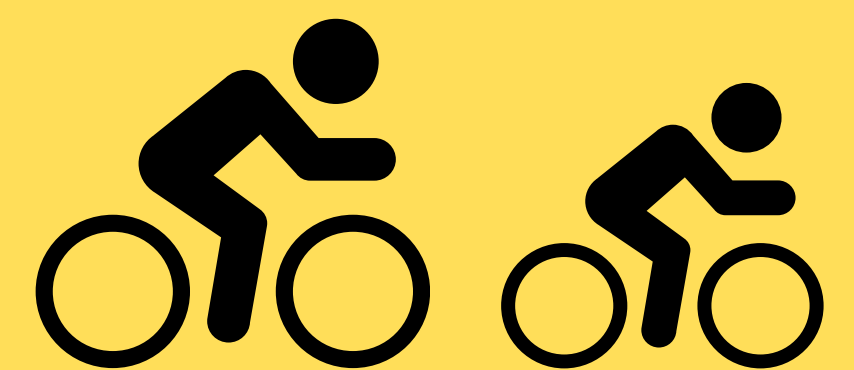
Dogs must be kept on short  
leads during racehorse training  
times.  
Dogs must be in sight and under  
control all other times.

### RUNNERS AND JOGGERS



Avoid the gallops during  
racehorse training times.  
Follow instructions or alter route  
if requested by the  
Downskeepers.

### CYCLISTS



Stay on the designated routes  
created for cyclists.  
Stop and give way to  
racehorses, hack riders and  
pedestrians.



Help protect and preserve our Downs.  
Dispose of litter responsibly in bins provided.  
For further information please visit [www.epsom-ewell.gov.uk/thedowns](http://www.epsom-ewell.gov.uk/thedowns)



THE JOCKEY CLUB  
EPSOM DOWNS

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