

# EPSOM AND WALTON DOWNS CONSERVATORS

Monday 19 June 2023 at 6.45 pm

Place: Council Chamber, Epsom Town Hall

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

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

## Committee Members

Councillor Steven McCormick, the Council (Chair)  
Simon Durrant, Jockey Club Racecourses (the Company) (Vice-Chair)  
Councillor Christine Cleveland, the Council  
Andrew Cooper, Jockey Club Racecourses (the Company)  
Simon Dow, Horserace Betting Levy Board (the Levy Board)  
Councillor Liz Frost, the Council  
Councillor Bernice Froud, the Council  
Councillor Kim Spickett, 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](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

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- Do not re-enter the building until told that it is safe to do so.



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A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available in the public gallery at the Town Hall. If you wish to observe the meeting from public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), telephone: 01372 732000.

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### **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 below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

### **Questions and statements from the Public**

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## **AGENDA**

### **1. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 14)**

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 16 January 2023 (attached) and to authorise the Chair to sign them.

### **2. DERBY UPDATE (Pages 15 - 16)**

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

### **3. FINAL ACCOUNTS 2022-23 (Pages 17 - 34)**

This report seeks approval of the Conservators' final accounts for the financial year 2022/23.

### **4. STRATEGIC RISK REGISTER (Pages 35 - 44)**

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

### **5. RURAL DEVELOPMENT FUND - VISITOR TRAILS AND WAYFINDER PROJECT UPDATE (Pages 45 - 48)**

This report is to update Conservators on the completion of the visitor trails and wayfinder project and final grant claim submission.

### **6. TREE MANAGEMENT ON THE DOWNS (Pages 49 - 68)**

This report is to advise the Committee of the current practice of tree safety management on Epsom Downs. It sets out the threats posed by Ash Dieback Disease and provides a preliminary assessment of the scale of the disease identified during arboricultural surveys, together with the costs for a programme of tree safety work centred around the initial control of this disease. The Committee is asked to recognise that Ash dieback works will need to be carried out, set aside funds for the works identified as high priority, and consider formation of a working panel to undertake the works and explore replanting options.

### **7. FORMATION OF A DOWNS BYELAWS WORKING GROUP (Pages 69 - 74)**

This report seeks approval to form of a Downs Byelaws Working Group and proposes a draft Terms of Reference for comment.

**8. EPSOM DOWNS MODEL AIRCRAFT CLUB (EDMAC) MOBILITY IMPAIRED PARKING** (Pages 75 - 78)

To request permission for accessible parking to be made available to Epsom Downs Model Aircraft Club (EDMAC) on a permanent basis.

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**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS  
held at the Council Chamber, Epsom Town Hall on 16 January 2023**

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**PRESENT -**

Councillor Liz Frost (the Council) (Chair); Simon Durrant (Jockey Club Racecourses (the Company)) (Vice-Chair); 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) and Councillor Steven McCormick (the Council)

In Attendance: Stephen Wallis (attending virtually, items 19 – 29 only)

Absent: Councillor Lucie McIntyre (the Council) and Councillor Clive Woodbridge (the Council)

Officers present: Jackie King (Clerk to the Conservators), Andrew Bircher (Interim Director of Corporate Services), Brendan Bradley (Head of Finance), Sarah Clift (Senior Countryside Officer) (attending virtually. Items 19 - 21 only), John Samuel (Interim Property and Regeneration Manager), Samantha Whitehead (Streetcare Manager) and Tim Richardson (Democratic Services Manager)

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**18 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous meeting of the Epsom and Walton Downs Conservators held on 7 November 2022 were agreed as a true record and signed by the Chair.

**19 EAFRD UPDATE**

The Conservators received a report providing an update report on EAFRD infrastructure installation which provides improvements to information and signage on Epsom and Walton Downs.

The following matters were considered:

- a) **Update on installation.** The Interim Property Development and Regeneration Manager provided the Conservators with a verbal update on installation of the infrastructure. The Conservators were informed that issues of door swelling on the oak litter bins had been reported to the manufacturer, and that a technician would be attending the Downs to assess the problem. The manufacturer had also supplied an annual

maintenance plan for the oak elements being installed, and this would be implemented by officers within existing resources.

The Conservators were informed that the project had been delivered within budget, and that no compromises had been made with regard to the specification of works.

In addition to the works set out in the report, the Jockey Club was funding an educational brass-rubbing trail consisting of 12 rubbing plates depicting historic events on the Racecourse and Downs.

- b) **Delivery of outstanding items.** The Conservators were informed that the Holwood style wooden signs had now been delivered. The information board inserts were in production and would be delivered soon.
- c) **Deadline for completion of works.** The Conservators noted that the Regional Payments Agency (RPA) had extended the deadline for completion of works to 31 January 2023. The Interim Property Development and Regeneration Manager informed the Conservators that he was in contact with the RPA regarding this matter, and that the Agency was comfortable with a further extension if it was required.

Following consideration, the Conservators unanimously resolved to:

- (1) **Note the progress made on improvements to signs on the Downs.**

## 20 BUDGET 2023/24

The Conservators received a report seeking approval for the 2023/24 budget and the recommended precepts on the constituent bodies.

Following consideration, the Conservators unanimously agreed to:

- (1) **Note the latest income and expenditure position for 2022/23;**
- (2) **Approve the 2023/24 budget and the requested precepts, as set out in section 5 and Appendix 1 to the report.**

## 21 EPSOM AND WALTON DOWNS HABITAT MANAGEMENT PLAN 2023-2028

The Conservators received a report presenting Habitat Management Plans 2023-2028 for Epsom and Walton Downs and Epsom Golf Course.

The following matters were considered:

- a) **Integration with Climate Change Action Plan, Climate Change Emergency and Climate Change Working Group.** Following a question from a Member, the Conservators were informed by the Senior Countryside Officer that the Habitat Management Plans were not directly cross-referenced with the Council's Climate Change Action Plan and



Climate Emergency at present. The Conservators considered that cross-referencing would be beneficial and requested that it be undertaken.

- b) **Future update on progress.** The Conservators considered that an update report on the objectives of the Habitat Management Plans (with particular reference to the reintroduction of grazing on Juniper Hill, use of cut and collect equipment and creation of an Epsom and Walton Downs volunteer group) should be presented to their meeting in November 2023 and added to the Forward Plan.
- c) **Thanks to Officers.** The Conservators recorded their thanks to the Officers for their work to produce the Habitat Management Plans.
- d) **Brian Angove.** The Conservators were informed that Brian Angove, former Conservation Officer to the Conservators had sadly died in October 2022. Mr Angove had been instrumental in the production of the first Habitat Management Plan for the Downs. The Conservators expressed their sorrow on hearing this news.

Following consideration, the Conservators unanimously resolved to:

- (1) **Approve the contents of the Habitat Management Plans and the prescription table, which sets out the ideal actions for future management of the Downs and Golf Course.**
- (2) **Agree that officers work towards the three main objectives of the five-year plan as set out in 2.5 of the report and bring an interim report to the Conservators' November meeting.**

## 22 EPSOM DOWNS RACING SEASON 2023

The Conservators received a report informing them of dates for race meetings in 2023 and presenting a request from Jockey Club Racecourses 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 following matters were considered:

- a) **Nature of applications.** Simon Durrant provided the Conservators with an overview of the applications, and the fencing extensions requested.
- b) **Racecourse access for locally trained horses.** In response to a question from a Member of the Conservators, Andrew Cooper informed the meeting that the Racecourse would consider whether it would be possible to open parts of the course to locally trained horses later in the year. This would be dependent upon a number of factors, such as ground and weather conditions and workload of staff.

Following consideration, the Conservators unanimously resolved to:

- (1) **Note the dates of the 2023 racing season for Epsom Downs detailed in paragraph 2.1 of the report, and grant their consent to the following meetings in accordance with section 14 of the Epsom and Walton Downs Regulation Act 1984:**
  - **Wednesday 5 July (Evening)**
  - **Thursday 13 July (Evening)**
  - **Thursday 20 July (Evening)**
  - **Thursday 3 August (Evening)**
  - **Sunday 1 October**
- (2) **Note that Jockey Club Racecourses has applied to Surrey County Council for the temporary suspension of Footpath 50 as detailed in section 4 of the report.**
- (3) **Consider and determine an application from Jockey Club Racecourses for consent under Byelaw 2 (i) (a) to extend the fencing period for the Upper Tattenham Enclosure and Lonsdale Enclosure for 4 days to cover the period 15 May - 18 May 2023.**
- (4) **Consider and determine an application from Jockey Club Racecourses for consent under the Byelaw 2 (i) (a) to extend the fencing period for the Lonsdale Enclosure to enable fencing to remain in place between the dates of 14 – 20 June 2023.**

## 23 REVIEW OF USE OF THE OWNERS AND TRAINERS AND DERBY ARMS CAR PARKS BY THE RACECOURSE

The Conservators received an update on the use of the Owners and Trainers and Derby Arm car parks by the Racecourse during 2022 and to formally request permission for ad-hoc use in 2023.

The following matter was considered:

- a) **Change to car park numbers.** The Conservators noted that the Owners and Trainers and Derby Arms car parks were no longer numbered as car parks 2 and 6 by Epsom Downs Racecourse. The numbers would be updated in future applications.
- b) **Restriction of access.** The Conservators noted that vehicular access to the Derby Arms car park area was restricted by a steel barrier while the area was not being used as temporary car parks.

Following consideration, the Conservators unanimously resolved to:

- (1) **Note the level use by the Jockey Club of the Owners and Trainers car park and Derby Arms car park during 2022.**
- (2) **To approve an application by the Jockey Club to use these car parks during 2023 for ad-hoc events, subject to the production of a Management Plan to be approved by senior officers in consultation with the Chair of the Conservators.**

**24 RACEDAY HORSE WALK APPLICATION FROM JOCKEY CLUB RACECOURSES**

The Conservators received a report presenting a proposal from the Jockey Club, seeking the approval of the Conservators for changes to the route and running rails alongside key gallops and horsewalk by the racecourse between the Queen Elizabeth II Stand and the Rubbing House crossing on Epsom Downs.

The following matters were considered:

- a) **Overview of application.** Andrew Cooper provided the Conservators with a verbal summary of the proposed works. Mr Cooper informed the Conservators that the planning application for the works had not yet been submitted to the Council, as the Racecourse wished to consider the Conservators' comments prior to doing so. It was intended to undertake the majority of the proposed works following this year's horse racing season, and for it to be in place for the 2024 Derby Festival. It was proposed to undertake works to move the chute by which mounted horses with jockeys access the racecourse track prior to the 2023 racing season.

Mr Cooper informed the Conservators that in addition to benefits to access for horses accessing the racecourse track, the works would also enable the footprint of the existing hospitality area at the location to be altered. Contractors would access the area for the build of the hospitality area via the hard standing area at the rear of the Prince's Stand.

- b) **Views of local Racehorse Trainers.** Simon Dow informed the Conservators that local Racehorse Trainers were supportive of the proposed works. It was noted that further consultation with local Racehorse Trainers would be undertaken by the Racecourse
- c) **Exit/escape routes from horsewalk for pedestrians.** The Conservators were informed that the horsewalk would have at least 3 exit gates built into the Ashley Road side, to enable safe pedestrian exit in the event that walkers found themselves trapped in the area with horses approaching. It was noted that these would need to be checked as being shut during times of movement of horses in training through the area. There would also be an open end to the horsewalk at its Rubbing House end. Andrew Cooper informed the Conservators that the Racecourse would consider whether manning of the horse walk during key times immediately following its completion would be necessary, and that signs to inform pedestrians would be provided.

- d) **Existing low level lighting.** Following a question from a Member, Andrew Cooper informed the Conservators that the existing lighting in the area had been placed there to assist pedestrians walking from the hotel to events at the Racecourse. The existing lighting was not currently functioning and the Racecourse would look into the fault with it. The works to the horsewalk proposed installing lighting on the Ashley Road side in addition to the existing lighting.

Following consideration, the Conservators unanimously resolved to:

- (1) **Approve the proposals set out in the application by the Jockey Club, subject to planning permission being obtained.**

## 25 SCHEME FOR BBQS AT THE RACECOURSE REVIEW

The Conservators received a report presenting a review of the use of barbecues during 2022 race meetings and an application from Epsom Downs Racecourse for the use of barbecues at 2023 events.

The following matters were considered:

- a) **Climate change considerations.** In response to a question from a Member, Simon Durrant informed the Conservators that there were no specific actions proposed by the Racecourse in relation the use of barbecues at race meetings and climate change at present, and that the number of barbecues used in 2022 was very small.
- b) **Management of barbecues.** Simon Durrant informed the Conservators of the measures taken by the Racecourse in order to control the use of barbecues on the approved dates. The Conservators were informed that due to the risks created by the high temperatures, the Racecourse had not permitted the use of barbecues, during the 2022 August Bank Holiday despite having the prior agreement of the Conservators. It was noted that barbecues on the Downs at racing events were managed by the Racecourse staff, with no involvement from the Downskeepers.
- c) **Nature of application.** The Conservators noted that the application submitted by Epsom Downs Racecourse was to permit barbecues at Ladies Day, The Derby and the August Bank Holiday Race meetings in 2023 in two controlled areas.
- d) **Historical context.** Andrew Cooper informed the Conservators that for a period of many years barbecues had been permitted at racing events on the Downs and were widespread. Mr Cooper informed the Conservators that this had changed a number of years ago following a different interpretation of the Downs Byelaws by Council Officers.

Following consideration, the Conservators unanimously resolved to:

- (1) **Note the success of the Barbecue Scheme during 2022 race meetings.**

- (2) **Grant Epsom Downs Racecourse permission to use barbeques at specific race meetings throughout 2023, namely Ladies Day, The Derby and the August Bank Holiday.**

26 MINUTES OF THE EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE, 14 DECEMBER 2023

The Conservators received a report presenting the draft Minutes of the meeting of the Epsom and Walton Downs Consultative Committee held on 14 December 2022.

The following matter was noted:

- a) **Minute 4 b) Epsom Downs Model Aircraft Club (EDMAC) mobility impaired parking.** The Chair informed the Conservators that officers had been requested to prepare a report for a future meeting of the Conservators setting out the options for parking for EDMAC members with impaired mobility.

Following consideration, the Conservators unanimously resolved to:

- (1) **Receive and note the Minutes of the meeting of the Epsom and Walton Downs Consultative Committee held on 14 December 2022.**

27 EVENTS ON THE DOWNS

The Conservators received a report presenting a request from Cancer Research UK to hold the annual Race for Life Event on the Downs in 2023.

The following matter was considered:

- a) **Event arrangements.** The Streetcare Manager informed the Conservators that the event organisers anticipated a smaller number of participants in this year's event in comparison to previous years, and reported that there had been no issues with management of the event in previous years. It was noted that the event was scheduled to commence following the conclusion of Racehorse Training, at 11.30am on a Sunday. It was also noted that the event organiser published the number of participants at its events, and paid a financial deposit to be used in the event of any damage caused to the condition of the Downs.

Following consideration, the Conservators unanimously resolved to:

- (1) **Approve the application from Cancer Research UK to hold the 2023 Race for Life Event on the Downs.**

**28 EXCLUSION OF PRESS AND PUBLIC**

The Conservators unanimously resolved under Section 1 Paragraph (2) of the Public Bodies (Admission to Meetings) Act 1960 to exclude the public from the Meeting for Part Two of the Agenda on the grounds that publicity of the business would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted. This Section of the Public Bodies (Admission to Meetings) Act 1960 applies to meetings of the Conservators by virtue of section 8(7) of the Epsom and Walton Downs Regulation Act 1984.

**29 ANTI-SOCIAL BEHAVIOUR ON EPSOM DOWNS GOLFCOURSE**

The decision on this item is recorded in a separate (not for publication) restricted Minute.

*The meeting began at 6.00 pm and ended at 7.55 pm*

COUNCILLOR LIZ FROST (CHAIR)

## DERBY UPDATE

<b>Head of Service:</b>	Piero Ionta, Head of Legal
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote and Langley Vale Ward;
<b>Appendices (attached):</b>	Appendix 1: Derby Update (to follow)

### Summary

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

### Recommendation (s)

**The Conservators are asked to:**

- (1) Note the update on the 2023 Derby from the Epsom Downs Racecourse**

#### 1 Reason for Recommendation

- 1.1 To update the Conservators on the 2023 Derby Festival.

#### 2 Background

- 2.1 The Derby Festival took place from 2-3 June 2023.
- 2.2 Epsom Downs Racecourse have provided an update on the Festival's events, which is attached as Appendix 1.

#### 3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment

3.1.1 None

- 3.2 Crime & Disorder

3.2.1 None

- 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 arising from the contents of this report.

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

**5 Legal Implications**

5.1 None arising from the contents of this report.

5.2 **Legal Officer's comments:** None for the purposes of this report.

**6 Policies, Plans & Partnerships**

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

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

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

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

6.5 **Partnerships:** None.

**7 Background papers**

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

**Previous reports:**

- Epsom Downs Racing Season 2023 - <https://democracy.epsom-ewell.gov.uk/documents/s25703/Epsom%20Downs%20Racing%20Season%202023.pdf>

**Other papers:**

- None



## **FINAL ACCOUNTS 2022-23**

<b>Head of Service:</b>	Lee Duffy, Chief Finance Officer
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote and Langley Vale Ward;
<b>Appendices (attached):</b>	Appendix 1 – 2022/23 Revenue Account Appendix 2 – Financial Statements 2022/23 Appendix 3 – Annual Governance and Accountability Return 2022/23

### **Summary**

This report seeks approval of the Conservators' final accounts for the financial year 2022/23.

### **Recommendation (s)**

**The Conservators are asked to:**

- (1) Receive the final accounts for 2022/23, 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 Chair 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 30 June 2023.

## **2 Background**

- 2.1 This report represents the Conservators' final accounts for the year ended 31 March 2023.

- 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 2022.

### 3 Revenue Account for 2022/23

- 3.1 Overall, net expenditure for the year was £437,001 compared to the original budget of £432,700, resulting in a deficit for the year and a decrease in the working balance of £4,301.
- 3.2 At Q3, a deficit of £8,559 had been forecast. The year-end £4,301 deficit is mainly due to the following items:

Explanation of significant variances	Adverse/(Favourable) Variance £
Grounds Maintenance – Net reduction in running costs, mainly due to underspent fuel budget	(5,413)
Keeper's Hut – net reduction in running costs	(1,914)
EAFRD Project – one-off unreclaimable VAT from grant funded project	11,422
Income – increased income from events and interest received in light of Covid-19 recovery	(1,165)

- 3.3 A separate paper will be taken to Conservators regarding the unreclaimable VAT on the EAFRD project referred to in the table above.

### 4 Repairs and Renewals Fund

- 4.1 The balance of the fund at 31 March 2023 was £28,879, following a net contribution to revenue in year of £12,808 and interest earned of £722, as show in the following table:

	£
<b>Balance brought forward 1 April 2022</b>	<b>40,965</b>

Contribution from R&R Fund to revenue to cover demolition costs associated with Tattenham Conveniences as agreed by Conservators in January 2022	-16,808
Annual budgeted contribution from revenue to R&R Fund	4,000
Interest on balance (0.215% interest rate)	722
<b>Balance carried forward (uncommitted) 31 March 2023</b>	<b>28,879</b>

- 4.2 At the January 2022 meeting, it was agreed that £36,000 would be earmarked to fund demolition of Tattenham Corner Conveniences, however, the final costs came in at £18,448, therefore the uncommitted balance is higher than previously reported at 20 June 2022 meeting.

## 5 Internal Audit

- 5.1 From 1 April 2019, the 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 and Scrutiny Committee on 6 April 2023.
- 5.2 The 2023/24 Internal Audit Plan was submitted in April 2023 to the same Committee who act as an Audit Committee under the Council's constitution. The Audit & Scrutiny Committee receive quarterly audit progress reports and a year-end Annual Report & Opinion.
- 5.3 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.
- 5.4 SIAP 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 2023.

## 6 Annual Governance and Accountability Return

- 6.1 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 01 April 2022 to 31 March 2027. The AGAR for the year ending 31 March 2023 is attached at Appendix 3.
- 6.2 Any significant changes to the AGAR following external audit will be reported back to the Conservators.

- 6.3 Each smaller authority is now required by law to:
  - 6.3.1 Prepare Accounting Statements for the year ended 31 March 2023 in the form required by proper practices (the relevant AGAR, Form 1, 2 or 3)
  - 6.3.2 Approve and publish the unaudited AGAR including Accounting Statements by 30 June 2023
  - 6.3.3 Provide for the exercise of public rights
  - 6.3.4 Publish the audited AGAR, including the signed external auditor report by 30 September 2023
- 6.4 With regard to the AGAR, the Conservators will note that:
  - 6.4.1 The detailed budget is submitted to the Conservators each year prior to contributions being levied from constituent bodies.
  - 6.4.2 Officers monitor the account as part of the Council's budget monitoring arrangements.
  - 6.4.3 The Treasurer presents a mid-year monitoring report to the Conservators.
  - 6.4.4 The Treasurer presents a year-end report to the Conservators (this report).
  - 6.4.5 All transactions are subject to the Council's financial management and internal control arrangements.
  - 6.4.6 The Council's financial processes and operational activity are subject to risk profile as part of the audit needs assessment.

## **7 Risk Assessment**

### **Legal or other duties**

- 7.1 An updated Risk Register is expected to be taken for approval to the meeting in June 2023.
- 7.2 The working balance stands at £41,142 at year-end, having taken account of the previously agreed contribution of £21,216 in relation the EAFRD project. The 2023/24 budget includes provision for an annual contribution of £6,000 back to the working balance, to replenish this reserve over time. Together with the Repairs and Renewals fund, the working balance reserve provides sufficient financial cover to manage unexpected expenditure and risks.
- 7.3 Equality Impact Assessment
  - 7.3.1 None arising from the contents of this report.

7.4 Crime & Disorder

7.4.1 None arising from the contents of this report.

7.5 Safeguarding

7.5.1 None arising from the contents of this report.

7.6 Dependencies

7.6.1 None arising from the contents of this report.

7.7 Other

7.7.1 None arising from the contents of this report.

**8 Financial Implications**

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

**9 Legal Implications**

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

9.2 **Legal Officer's comments:** None arising directly from this report.

**10 Policies, Plans & Partnerships**

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

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

10.3 **Climate & Environmental Impact of recommendations:** None

10.4 **Sustainability Policy & Community Safety Implications:** None

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

**11 Background papers**

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

**Previous reports:**

- Budget 2022/24 – (23 January 2023)

**Other papers:**

- Strategic Risk Register 2023
- EAFRD Project Update

**EWDC Outturn 2022/23**

<b><u>2021/22</u></b> <b><u>Outturn</u></b>		<b><u>Current Approved</u></b> <b><u>2022/23 Budget</u></b>	<b><u>2022/23 Outturn</u></b>	<b><u>2022/23 Outturn</u></b> <b><u>Variance</u></b>
<u>£</u>		<u>£</u>	<u>£</u>	<u>£</u>
	<b><u>Grounds Maintenance</u></b>			
0	Maintenance of Grounds	210	490	280
0	Car Park Repairs	3,150	4,500	1,350
3,380	Tree Maintenance Schedule	3,480	3,480	0
5,885	Fuel	10,510	6,369	-4,141
0	Spot hire of vehicles	910	1,488	578
3,174	Transport Insurance recharge	2,760	2,791	31
0	Chemicals for weed control	430	0	-430
0	Disposal of Waste	3,080	0	-3,080
30,010	Transport fleet SLA NJMC	30,910	30,910	0
3,430	Internal trade waste fees	3,530	3,530	0
<b>45,879</b>	Sub-Total	<b>58,970</b>	<b>53,557</b>	<b>-5,413</b>
	<b><u>Keepers Hut</u></b>			
2,639	Engineering and fabric recharges	2,820	2,728	-92
765	Building and M&E maintenance	1,090	198	-892
1,041	Electricity	1,580	622	-958
786	Rates	830	786	-44
106	Water dispenser costs	210	292	82
159	TV Licence	170	159	-11
90	General office expenses	100	0	-100
775	Insurance recharges	810	912	102
<b>6,362</b>	Sub-Total	<b>7,610</b>	<b>5,697</b>	<b>-1,913</b>

	<b><u>Central Expenses</u></b>			
28,000	Additional pension contribution	28,000	28,000	0
462	Contribution to Repairs & Renewals Fund	4,000	4,722	722
3,000	Contribution to Working Balance	6,000	6,000	0
415	Clothing & uniforms	640	505	-135
390	Consultants	0	0	0
1,200	External Audit	1,200	1,200	0
2,112	Miscellaneous expenses	1,070	467	-603
109	General office expenses	1,030	575	-455
24,876	VAT payments	20,370	22,472	2,102
274,540	OS SLA recovery EWDC	282,780	282,780	0
41,385	Management costs SLA rec	21,140	20,636	-504
1,006	Insurance	1,060	1,194	134
520	Internal audit	540	540	0
<b>378,016</b>	Sub-Total	<b>367,830</b>	<b>369,091</b>	<b>1,261</b>
	<b><u>Derby Travellers Caravan Site</u></b>			
5,000	Contract Payments	4,120	4,230	110
<b>5,000</b>	Sub-Total	<b>4,120</b>	<b>4,230</b>	<b>110</b>
	<b><u>Tattenham Corner conveniences</u></b>			
1,640	Demolition Project Costs	34,360	16,255	-18,105
2,976	Engineering and fabric recharges	0	0	0
333	Building and M&E maintenance	0	0	0
663	Electricity	0	100	100
-3,194	Business Rates	0	0	0
507	Water Charges	0	453	453
1,457	Insurance recharges	0	0	0
0	Planned contribution from R&R Reserve	-34,360	-16,808	17,552
<b>4,382</b>	Sub-Total	<b>0</b>	<b>0</b>	<b>0</b>



	<b>EWDC EAFRD Funding</b>			
0	Spot hire of vehicles	8,809	8,808	0
47,922	EAFRD Project Costs	113,507	124,929	11,422
-40,422	EAFRD Grant Income	-91,661	-91,661	0
0	Contribution from S106	-6,539	-6,539	0
-7,500	Contribution from other organisation	-2,900	-2,900	0
0	Planned Contribution from Working Balance	-21,216	-21,216	0
<b>0</b>	<b>Sub-Total</b>	<b>0</b>	<b>11,422</b>	<b>11,422</b>
<b>439,639</b>	<b>Gross Expenditure</b>	<b>438,530</b>	<b>443,997</b>	<b>5,467</b>
	<b>Income:</b>			
0	Hire charges	-3,560	-3,848	-288
-990	Interest on Balances	-960	-1,952	-992
-920	Misc. income	-1,310	-1,196	114
<b>-1,910</b>	<b>Income</b>	<b>-5,830</b>	<b>-6,995</b>	<b>-1,165</b>
<b>437,728</b>	<b>Net Expenditure</b>	<b>432,700</b>	<b>437,002</b>	<b>4,302</b>
	<b>Precepts:</b>			
-260,140	Borough Council	-259,620	-259,620	0
-43,360	Training Board	-43,270	-43,270	0
-130,070	Epsom Racecourse	-129,810	-129,810	0
<b>-433,570</b>		<b>-432,700</b>	<b>-432,700</b>	<b>0</b>
<b>4,158</b>	<b>Surplus (-) / Deficit in Year</b>	<b>0</b>	<b>4,301</b>	<b>4,302</b>

<b>61,817</b>	<b>Working Balance brought forward 1 April</b>
<b>3,000</b>	Add budgeted in year contribution to working balance
	Less contribution to EAFRD project from working balance
<b>-4,158</b>	Surplus/deficit for the year

<b>60,659</b>
<b>6,000</b>
<b>-21,216</b>
<b>-4,301</b>

57,659

Working Balance carried forward 31 March

41,142

Financial Statements 2022/23 (Subject to Audit)

**EPSOM AND WALTON DOWNS CONSERVATORS  
REVENUE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2023**

	2021/22 £'000	2022/23 £'000
Income:-		
Interest on Balances	1	2
Other Income	49	106
Epsom and Ewell Borough Council Precept	260	260
Epsom and Walton Downs Training Board Precept	43	43
Epsom Down Racecourse Precept	130	130
	<b>483</b>	<b>541</b>
Expenditure:-		
Employees	28	28
Premises	12	30
Transport	10	7
Suppliers and Services	82	155
Third Party Payments	0	0
Support Services	353	341
	<b>485</b>	<b>561</b>
Deficit for the year	-1	-20
Balance Brought Forward at 1 April	62	61
<b>Balance Carried Forward at 31 March</b>	<b>61</b>	<b>41</b>

Financial Statements 2022/23

**EPSOM AND WALTON DOWNS CONSERVATORS  
BALANCE SHEET AS AT 31 MARCH 2023**

31 March 2022			31 March 2023	
£'000	£'000		£'000	£'000
		<b>FIXED ASSETS</b>		
	0	Plant and Equipment		0
		<b>CURRENT ASSETS</b>		
12		Debtors (General)	0	
90		Debtors (Epsom and Ewell B.C.)	143	
102			143	
		<b>LESS: CURRENT LIABILITIES</b>		
	102	Creditors	73	70
	<b>102</b>			<b>70</b>
		Represented By:-		
		<b>RESERVES</b>		
	41	Repairs and Renewals Fund		29
	61	Working Balance		41
	<b>102</b>	<b>Total Reserves</b>		<b>70</b>

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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 Form 3 of the Annual Governance and Accountability Return 2022/23

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Form 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 2023**.
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 2023**. 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 2023
  - 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 2022/23

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 2023 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 2022/23**, approved and signed, page 4
- **Section 2 - Accounting Statements 2022/23**, approved and signed, page 5

Not later than 30 September 2023 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 Form 3 of the Annual Governance and Accountability Return (AGAR) 2022/23

## Agenda Item 3 Appendix 3

- 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. Any amendments must be approved by the authority and properly initialled.
- 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 2023.
- 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.
- 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 bank reconciliation is incomplete or variances not **fully** explained then 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 2022) equals the balance brought forward in the current year (Box 1 of 2023).
- 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 2023**.

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 the dates set for the period for the exercise of public rights, 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 Responsible Financial Officer signed the accounting statements before presentation to the authority for approval?	✓	
	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 been published where required?	✓	
	Has the bank reconciliation as at <b>31 March 2023</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 2022/23

### EPSOM AND WALTON DOWNS CONSERVATORS

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During the financial year ended 31 March 2023, 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 2022/23 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 2021/22, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2021/22 AGAR tick "not covered")			✓
L. The authority published the required information on a website/webpage up to date at the time of the internal audit in accordance with the relevant legislation.	✓		
M. In the year covered by this AGAR, the authority correctly provided for a period for the exercise of public rights as required by the Accounts and Audit Regulations (during the 2022-23 AGAR period, were public rights in relation to the 2021-22 AGAR evidenced by a notice on the website and/or authority approved minutes confirming the dates set).	✓		
N. The authority has complied with the publication requirements for 2021/22 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).

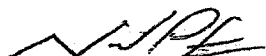
Date(s) internal audit undertaken

31/05/2023

Name of person who carried out the internal audit

Neil Pitman

Signature of person who carried out the internal audit



Date

31/05/2023

\*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).

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 2023, that:

	Agreed		
	Yes	No*	'Yes' means that this authority:
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:

19/06/2023

and recorded as minute reference:

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

Chairman

Clerk

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## EPSOM AND WALTON DOWNS CONSERVATORS

	Year ending		Notes and guidance
	31 March 2022 £	31 March 2023 £	
1. Balances brought forward	102,320	101,624	<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	433,570	432,700	<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	49,937	108,817	<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	456,201	545,119	<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	101,624	70,022	<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	89,773	142,870	<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		<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		<i>The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).</i>

For Local Councils Only	Yes	No	N/A	
11a. Disclosure note re Trust funds (including charitable)		✓		<i>The Council, as a body corporate, acts as sole trustee and is responsible for managing Trust funds or assets.</i>
11b. Disclosure note re Trust funds (including charitable)			✓	<i>The figures in the accounting statements above do not include any Trust transactions.</i>

I certify that for the year ended 31 March 2023 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**

*B. Bradley*

Date

*23/05/2023*

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

**19/06/2023**

as recorded in minute reference:

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

In respect of

EPSOM AND WALTON DOWNS CONSERVATORS

**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 2023; 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 2022/23**

(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 2022/23**

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 2023.

\*We do not certify completion because:

External Auditor Name

ENTER NAME OF EXTERNAL AUDITOR

External Auditor Signature

SIGNATURE REQUIRED

Date

DD/MM/YYYY

## STRATEGIC RISK REGISTER

**Head of Service:** Andrew Bircher, Interim Director of Corporate Services

**Wards affected:** College Ward; Town Ward; Woodcote and Langley Vale Ward;

**Appendices (attached):**

### 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) Agree the 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. The 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 to the overall management of the Downs are identified, recorded, and mitigation measures considered and implemented.
- 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 several arrangements in place to do this.

- 2.4 The function of a strategic risk register is to provide focus on good practices, raise awareness of risks, take actions to reduce their impact and likelihood, and support horizon scanning.
- 2.5 It is proposed that the strategic risk register be agreed and modified as necessary, and in line with context, circumstances and environment in which the Conservators operate.

### **3 Review of Risks**

- 3.1 Appendix 1 sets out the strategic risk register for the Conservators and covers health and safety, legal responsibility, insurance, and event management. Many risks are managed daily through internal controls, policies and procedures.
- 3.2 All risks have been reviewed and mitigations updated as necessary. Three risks have been retired since the last register was published, with the reasons included on page 4 of Appendix 1. One new risk has been added regarding future beacon lighting events.
- 3.3 The risks are scored according to the risk matrix included on the final page of Appendix 1.

### **4 Risk Assessment**

Legal or other duties

- 4.1 Equality Impact Assessment
  - 4.1.1 None arising from the contents of this report.
- 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 Risk management requires the contributions and oversight of all partners.
- 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 **Legal Officer's comments:** None for the purposes of this report.

## 7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** Not relevant for this report.
- 7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:**
- 7.4 **Sustainability Policy & Community Safety Implications:** The strategic risk register covers the impacts of events and the usage of the Downs, which will be closely monitored, and the register reviewed as necessary.
- 7.5 **Partnerships:** The Jockey Club, Training Grounds Management 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:

- Epsom and Walton Downs Conservators (2022) *Strategic Risk Register*, 20th June, Section 7. Online available: [Epsom and Ewell Democracy \(epsom-ewell.gov.uk\)](https://www.epsom-ewell.gov.uk) [last accessed 15/05/2023].

### Other papers:

- None.

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Epsom & Walton Downs Conservators' Risk Register

ID.	Category	Risk Identified <i>Risk that...</i>	Risk Consequences	Risk Owner	Likelihood	Impact	Inherent Risk	Mitigations & Controls	Likelihood (2)	Impact (2)	Residual Risk	Direction of Travel	Future Actions to Further Mitigate & Control Risk	Date Last Updated
EWDC1	Operational	Incident on the Downs or failure to provide adequate health & safety arrangements	* Breach of Health & Safety. * Reputational damage.	Conservators	4	3	12 - High	* New warning signs installed across the Downs (positive feedback from users received). * 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. All incidents /accidents reported and reviewed.	3	3	9 - Medium	No change		May-23
EWDC2	Operational	Risk of major disruption or injury to users on the Downs	* Breach of Health & Safety. * Reputational damage. * Impact on Derby/ races or other events.	Conservators	4	3	12 - High	* Emergency Plans and Business Continuity Plan (JC have plans for Derby and race days). * Ongoing support for Derby through Derby Planning Group, JASPE and SAG. * Insurance arrangements. * Risks assessments. * Reporting committee arrangements. * Applied Resilience support in place. * Council Incident Liaison Officers who attend the Derby.	3	3	9 - Medium	No change		May-23

EWDC3	Operational	Failure to maintain the standards across the Downs including maintenance of the car parks	* Potential accident or claim.	Conservators	3	4	12 - High	* Ongoing maintenance programme in place and visual inspections in place. * 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. * Work was undertaken to raise edges in key areas to avoid further damage by cars driving in inappropriate areas.	2	3	6 - Medium	No change	* Inspection of car parks to be undertaken to assess the cost of any future works required [in progress].	May-23
EWDC4	Operational	Staffing Resources	* Could reduce operational standards until team fully staffed.	Conservators	4	4	16 - High	* Full complement of staff in place. * Access to temporary staff.	3	2	6 - Medium	No change	* Unique environment which can impact staffing resilience (e.g. is a member of staff is sick).	May-23
EWDC5	Operational	Conflicting usage / activities across the Downs	* Poor behaviour of specific groups. * Reduction in number of horses being training. * Damage to Downs (inc. habitats).	Conservators	3	2	6 - Medium	* Information signs installed across the Downs. * Downs issues are escalated to the Joint Enforcement Group (standard agenda item). * Reporting of issues and taking remedial action if required. * Role of the Consultative Committee also involves referring matters arising in this regard. * Ongoing monitoring unauthorised events, and signposting to events booking system.	3	2	6 - Medium	No change	* Booking information to be added to map entry boards [in progress].	May-23
EWDC7	Projects	Reprovision of toilet facilities	* Failure to deliver project.	Conservators	3	3	9 - Medium	* Signposting to Cemetery where there are council maintained facilities. * Monitor reports of demand for facilities (currently low).	3	2	6 - Medium	No change		May-23



EWDC9	Financial	There is a budget shortfall or insufficient funds to support the work of the Conservators	* Work programme not completed and maintenance/ operational cover reduced.	Conservators	3	4	12 - High	* Agreed balanced budget each year. * Budget monitoring. * Financial accounts audited. * Repairs and renewal for the replacement of plant. * Grant funding successful. * Monitoring progress of the project implementation.	3	2	6 - Medium	No change	* Prioritise tasks in the forward plan. * Further investigate contingency measures to address rising inflationary costs and the cost of fuel. * Explore additional funding opportunities.	May-23
EWDC10	Legal	Decisions made by the Conservators are illegal, inconsistent or fail to comply with the Epsom and Walton Downs Regulation Act 1984	* Decisions are challenged.	Conservators	3	4	12 - High	* Legal advice is provided by the Legal Team when appropriate and included within reports. * Training of Conservators so there is a clearer understanding of roles and responsibilities.	2	2	4 - Medium	No change	* New Head of Legal Services joining the council in May 2023.	May-23
EWDC11	Governance	Adequacy of insurance arrangements for the Downs	* Ensuring all aspects are covered and clarity of cover.	Conservators	3	3	9 - Medium	* Each partner has in place satisfactory insurance cover.	2	2	4 - Medium	No change		May-23
EWDC12	Governance	Conflict of interests of partner	* To ensure decisions are made in best interest of conservators.	Conservators	2	3	6 - 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. * Governance: Act of Parliament (Epsom & Walton Downs Regulation Act).	2	2	4 - Medium	No change	* Stakeholder performing their duty well over the year.	May-23
EWDC13	Operational	Adequacy of service obligations	* Ensure Downs is well maintained and accessible.	Conservators	3	3	9 - Medium	* Conservators receive updates on service. * Conservators Service Delivery Plan.	2	2	4 - Medium	No change	* Downs Strategy / plan for the future.	May-23
EWDC16	Events	Future beacon lighting events	* Health and safety. * Unsuccessful event.	Conservators	3	4	16 - High	* Static beacon in place. * Blueprint for running successful and safe beacon events in place. * Dynamic risk assessments.	2	2	4 - Medium	No change		

EWDC15	Citizens	Safeguarding on the Downs	* A safeguarding issue arises / not reported.	Conservators	2	4	8 - Medium	* Reporting arrangements in place.	2	1	2 - Low	No change	* Mandatory training to be rolled out to all staff [in progress].	May-23
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Retired EWDC Risks

ID.	Category	Risk Identified <i>Risk that...</i>	Risk Consequences	Risk Owner	Head of Service	Likelihood	Impact	Inherent Risk	Mitigations & Controls	Likelihood (2)	Impact (2)	Residual Risk	Direction of Travel	Future Actions to Further Mitigate & Control Risk	Date Last Updated
Retired: EWDC6	Events	Delivery of the Queens Jubilee events and beacon [event held]	Failure to deliver successful events and light the beacon.	Jubilee Planning Group	DofCS	2	4	8 - Medium	* Group in place to manage events. * Risk assessments in place. * Partnerships in place to address event, traffic and stewarding plans.	2	3	6 - Medium			May-23
Retired: EWDC8	Projects	Replacement of the Hack Sand with a Hack Canter [completed]	* Failure to deliver project.	Jockey Club	MD of JC	3	3	9 - Medium	* Jockey Club to manage implementation.	2	2	6 - Medium			May-23
Retired: EWDC14  Page 43	Events	Management of agreed events on the Downs and illegal events [covered by EWDC5]	* Events badly managed risking habitat or those taking part, or non approved events being held.	Streetcare Manager	Conservators	3	3	9 - 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. * New or high risk events only to be brought to conservators as agreed.	2	2	4 - Medium		* Further exploration into enhancing awareness of the requirements for events on the Downs, and the monitoring of events and their impact on the Downs.	May-23

Scoring Matrix

Likelihood	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4
	Multiplier	1	2	3	4
		Impact			
		Insignificant	Minor	Major	Severe

Key

	High risks
	Medium risks
	Low risks
	Risk tolerance boundary

## **RURAL DEVELOPMENT FUND – VISITOR TRAILS AND WAYFINDER PROJECT UPDATE**

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

**Wards affected:** College Ward; Town Ward; Woodcote and Langley Vale Ward;

**Appendices (attached):**

### **Summary**

This report is to update Conservators on the completion of the visitor trails and wayfinder project and final grant claim submission.

### **Recommendation (s)**

**The Conservators are asked to:**

**(1) Note the completion of the project.**

### **1 Reason for Recommendation**

1.1 To update Conservators on completion of the visitor trails and wayfinder project.

### **2 Background**

2.1 In August 2021, formal confirmation was received that a bid to the European Agricultural Fund for Rural Development (EAFRD) had been successful, and that a project to install visitor trails and wayfinder signage on the Downs could commence.

2.2 To secure the external funding, Conservators had to commit £20,000 match funding from the working balance reserve, which was subsequently increased to £21,216 (agreed at Conservators' November 2021 meeting) to fund additional waymarking discs.

### **3 Project Completion**

3.1 The majority of the project work has now been completed, within the revised March 2023 project deadline. The new infrastructure on the Downs will deliver lasting benefits and improve the visitor experience.

- 3.2 The final draft of artwork for the information boards is in the process of being agreed and is programmed to be signed off and installed by the end of June 2023.
- 3.3 Following completion of the work, the final grant claim with the EAFRD has been settled. However, in determining the final grant claim, a funding shortfall of £11,422 relating to VAT has been identified.
- 3.4 The original June 2019 report to Conservators, which set-out to the project, confirmed that VAT would be irrecoverable from HMRC (paragraph 3.1) – this is because EWDC is not a VAT registered body.
- 3.5 However, the funding agreement with EAFRD states at section 6 “You declared in the Application that you are registered for Value Added Tax (“VAT”) and will not be including VAT in your grant claims”.
- 3.6 As EWDC is not registered for VAT, the VAT elements of any expenditure will therefore have to be met from Conservators’ own reserves, as they cannot be reclaimed from HMRC, nor from EAFRD.
- 3.7 Whilst the project plan included a planned revenue contribution by Conservators of £21,216, the unrecoverable VAT and expenditure on the project totals £32,638. This means that there is a final funding shortfall of £11,422, which has been reported as a cost pressure within the final 2022/23 revenue account (see separate agenda item 3) and will be funded from the Conservators’ working balance reserve.
- 3.8 As the project was principally funded by the European Agricultural Fund, which closed in 2022, officers are unable to approach the EAFRD for additional funding to cover the VAT liability.

#### **4 Risk Assessment**

##### Legal or other duties

- 4.1 Equality Impact Assessment
  - 4.1.1 None arising from the contents of this report.
- 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 The working balance reserve will stand at £41,142 as at 31 March 2023, as reported in the separate 22/23 final accounts report (agenda item 3).
- 5.2 The 2023/24 budget includes provision for an annual contribution of £6,000 back to the working balance, to replenish this reserve over time.
- 5.3 **Section 151 Officer's comments:** Financial implications are included in the body of the report.

## 6 Legal Implications

- 6.1 None.
- 6.2 **Legal Officer's comments:** None arising directly from this report

## 7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** Not relevant to this report.
- 7.2 **Service Plans:** The matter is/is not included within the current Service Delivery Plan. Not relevant to this report.
- 7.3 **Climate & Environmental Impact of recommendations:** None.
- 7.4 **Sustainability Policy & Community Safety Implications:** None.
- 7.5 **Partnerships:** None.

## 8 Background papers

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

### **Previous reports:**

- Rural Development Growth Programme for England Application for Funding, June 2019
- Rural Development Fund – Visitor Trails and Wayfinder Project Progress, November 2021

### **Other papers:**

- Final Accounts 2022-23, June 2023

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## TREE MANAGEMENT ON THE DOWNS

<b>Head of Service:</b>	Justin Turvey, Interim Head of Place Development
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote and Langley Vale Ward;
<b>Appendices (attached):</b>	<ol style="list-style-type: none"><li>1. Detailed location of proposed tree work on Epsom Downs</li><li>2. Assessment of trees requiring work to be undertaken</li></ol>

### Summary

This report is to advise the Committee of the current practice of tree safety management on Epsom Downs. It sets out the threats posed by Ash Dieback Disease and provides a preliminary assessment of the scale of the disease identified during arboricultural surveys, together with the costs for a programme of tree safety work centred around the initial control of this disease. The Committee is asked to recognise that Ash dieback works will need to be carried out, set aside funds for the works identified as high priority, and consider formation of a working panel to undertake the works and explore replanting options.

### Recommendation (s)

**The Conservators are asked to:**

- (1) Recognise that Ash Dieback works will need to be carried out on Epsom Downs as the disease progresses.
- (2) Confirm if they wish to instruct Officers to form a working panel with representatives from the Downs Keepers, Operational Services (Street Care Manager), Tree Officer and Countryside Officer to formulate a logistical plan to manage Ash Dieback on Epsom Downs, prioritising work that will need to be carried out this summer/autumn.
- (3) Set aside £17,000 to be taken from reserves in addition to existing tree maintenance budgets to fund these works.
- (4) Consider the funding of a future tree planting plan produced by the working panel to help restore the landscape and biodiversity, subject to receipt of grant aid.

- (5) Recognise that there will need to be additional programmes of Ash tree removal as the disease progresses and request a report be prepared for the November meeting to consider future funding and tree management.**

## **1 Reason for Recommendation**

- 1.1 There is currently an annual tree safety maintenance budget of £7,300 for tree work on Epsom Downs.
- 1.2 There are an estimated 34 hectares of Ash dominated woodland on Epsom and Walton Downs (excluding The Warren woodland) with additional areas of Ash trees in hedgerows.
- 1.3 The Epsom and Walton Downs Regulation Act 1984 includes the requirement for the Conservators to have regard to the rules of good forestry. Ash dieback is causing significant tree mortality among Ash populations on the Downs and substantial additional funding is required to manage the tree resource safely. The funding required is for the felling of diseased Ash trees at risk of failure or breaking apart.

## **2 Background**

### Tree Management on Epsom Downs

- 2.1 Woodland management on Epsom Downs has gradually progressed to more conservation-based objectives. This has led to an ecologically dynamic regime of minimum intervention. In January 2023, The Committee adopted a Habitat Management Plan 2023-2028 which provides an un-costed woodland management plan. The plan recognised the urgency of dealing with Ash dieback as a priority hence the need for redirection of funding priorities to these tree safety operations. This proposed tree safety management plan supports the principals outlined in the adopted Habitat Management Plan.
- 2.2 Historically the Council has organised a limited tree safety inspection and maintenance programme on Epsom and Walton Downs, proportionate to risk, undertaken by the Council's Tree Officer. The inspections cycles have a target of three-year frequencies and comprise walk-by inspection undertaken to trees in the following zones: adjacent to Langley Vale Road, principal footpaths; Warren Wood, by The Vale School and trees along housing boundaries. The inspections have been carried out by a qualified arboriculturalist. Tree Inspection undertaken by the Council excludes the entire area of Epsom Golf Course and trees around The Grandstand, stable yards and hub of the racing facilities. Tree service activity requests are also raised by the Downs Keepers from on-site tree defect observations and these are also actioned by the Council's Tree Officer on a priority basis from the available budget.

- 2.3 The last review of the Council's approach to tree risk management (from the tree risk policy originally adopted in 2014) was undertaken as part of the Tree Management Plan 2023.
- 2.4 Formally a limited tree maintenance budget of £7,300 per year has been allocated for essential tree safety work on Epsom and Walton Downs arising out of the tree safety surveys and prioritised service requests. It is clear this amount is far too low to cover the safety management of the disease pandemic of Ash Dieback. The last routine tree inspection undertaken by the Council's Tree Officer in August 2022 identified tree safety works (with varying degrees of urgency) to the value of £59,157; the vast majority of which related to trees with Ash Dieback. This sum does not cover Epsom & Ewell Borough Council staff time in association with the works, or any other costs e.g. replanting.

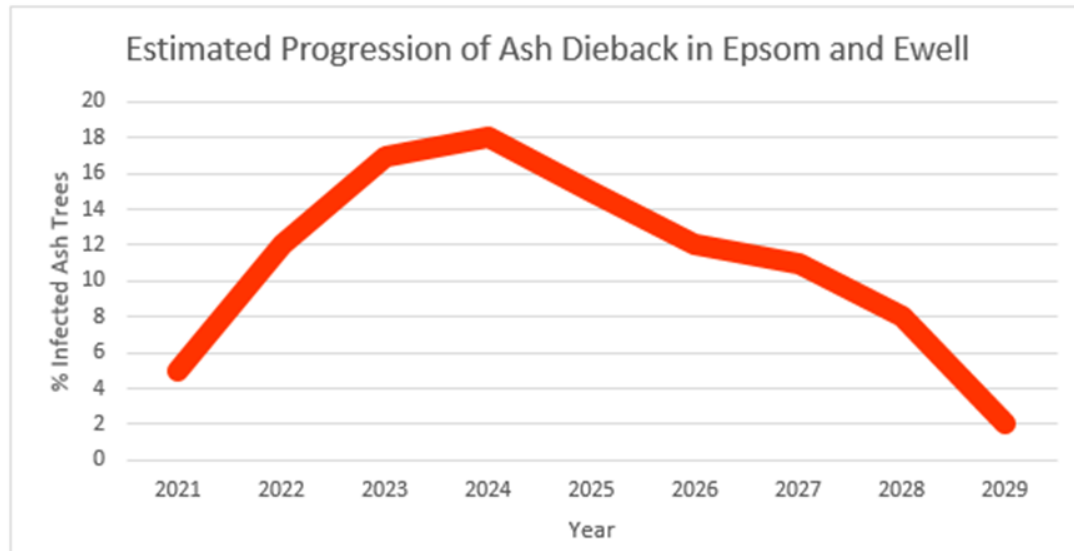
Duty of care in relation to tree safety

- 2.5 There is a requirement under the Occupiers Liability Act 1984 to take reasonable care to "maintain its land in such a condition that it does not harm any person or damage any property." This requirement is reinforced in certain circumstances by the Health and Safety at Work Act 1974.
- 2.6 Trees are a potential liability and therefore it is important for a landowner to comply with their duty of care and not to put persons or property at unreasonable risk from tree hazards. Robust tree risk management systems and practice help to defend against potential civil claims of negligence.

Ash Dieback Disease

- 2.7 Ash Dieback (*Hymenoscyphus fraxineus*) is the most significant tree disease to affect the UK since Dutch Elm Disease and has the potential to infect more than two billion UK Ash trees (from saplings to mature trees) and lead to the death of approximately 75-90% of them. The disease is spread by fungal spores and was first discovered in Poland in 1992 where more than 90% of Ash trees have died. The disease spread across Europe and was first recorded in the UK in 2012. The first confirmed infection of Ash Dieback in Epsom & Ewell was in 2014 in the southern end of the Borough.
- 2.8 The most immediate threat from the disease is the increased risk to public safety because of mature Ash trees dying and subsequently falling or shedding large limbs.
- 2.9 In addition to the loss of biodiversity the disease will have negative impacts on the quality and appearance of the landscape. If the ecosystem services and other benefits currently provided by Ash trees and Ash woodlands are not to be permanently lost it will be necessary to manage restocking by natural regeneration and replanting to plan for recovery.

- 2.10 The estimated surge of Ash Dieback mortality and advanced dieback is shown below. This is likely to be a true reflective time scale for the progression of the disease on Epsom and Walton Downs compared to the northern half of the Borough where infection is 1-2 years behind.



#### Ash tree populations in the Borough and on The Downs

- 2.11 The exact number of Ash trees in Epsom & Ewell is unknown; however in total (excluding saplings) there are estimated to be 200,000 trees including 60,000 trees on Borough Council maintained land. It is reasonable to assume there are at least 20,000 Ash trees in the Borough (excluding saplings). There are estimated to be over 6,000 Ash trees on Borough Council maintained land and 1,033 Ash trees on Epsom and Walton Downs (excluding saplings and early pole stage trees).
- 2.12 Woodland on Epsom Downs suffered heavily in the 1987 storms. Although there is a mix of age class among the Ash population on The Downs, the majority of the wooded compartments contain late pole stage Ash that seeded after the 1987 storms. However, larger notable Ash are found on the north side of Epsom Downs around the area of The Warren, blocks of large Ash are also found in the woodlands south west of the racecourse and south of the gallops. The woodlands on The Downs are Ash dominated. Ash growing on the thin chalk soils typical of The Downs have a higher mortality rate and are the first to display symptoms of terminal decline from the disease. The adverse landscape impact will therefore be greater on The Downs. There is also a safety need for early intervention in this area as it is likely to suffer the highest concentration of large dead Ash trees first.

#### Ash Dieback Approach

- 2.13 The Council recognises that it is a considerable financial challenge to deliver a robust plan to manage the effects of Ash Dieback on The Downs and across the borough. It has therefore been agreed to take a risk-based approach to managing unsafe Ash trees through the Arboricultural Services Contract (where cost efficient) and in line with the risk management policy adopted by the Council set out above and focussing on those trees that may cause harm to the public.
- 2.14 The approach suggested mirrors the Council's approach to Ash dieback across the Borough, where the Council's Tree Management Plan recognises the financial challenges that the disease causes and takes a risk-based approach to managing unsafe Ash trees through the tree management contract, focussing on those trees that may cause harm to the public.
- 2.15 Following the agreed risk-based approach the Council's Tree Officer undertook a tree inspection survey in the risk zones on Epsom Downs. The survey extended the detection of observable defects in trees to include risk assessment of declining Ash trees.

Tree works undertaken 2022/23

- 2.16 From the Tree Officer's survey in August 2022, £59,157 of tree works were identified on The Downs. These works included approximately 200 diseased Ash trees identified as being high, medium or low risk that will require felling. The cost is a direct calculation from the schedule of rates generated from the competitively tendered arboricultural services contract based on size category of trees and the tree work operation. Following negotiation with the contractor to leave timber on site and by undertaking an element of high priority tree works at a reduced rate this figure was reduced to £54,555. The following table sets out the high-risk zone/high priority tree works already undertaken during 2022/23:

Item	Tree work actuals 2022/23	Cost
1	Derby Access Pruning	£247
2	High Priority Tornado Storm Damage	£252
3	High Priority Footpath Tree Work (adjacent to Langley Vale Road and closest racecourse)	£3,500 (part of reduced quote)
	<b>Total</b>	<b>£3,999</b>
4	Epsom Downs Warren Wood (adjacent to Vale School) – EEBC land	£2,848

- 2.17 Residual works remain of an additional £1,980 for item 3 and £535 for item 4. Ecology advice was to delay works on these trees due to possible nesting activity.

Future Ash Dieback Works The following tree works have been identified as the balance of outstanding essential tree work items from the August 2022 survey

Item	Future Ash Dieback Works	Cost
1	Epsom Downs Warren Wood and Housing Boundary (including item 4 above residual work)	£5,710
2	Epsom Downs footpath tree work	£40,517
3	Epsom Downs footpath residual tree work (item 3 above)	£1,980
4	Ancillary tree works	£1,500
	<b>Total</b>	<b>£49,707</b>

- 2.18 Completing all of the above tree works would not be affordable within Conservator's existing annual budget and working balance reserve. As such, the report requests that £17,000 is set aside (to be taken from reserves) in addition to existing tree maintenance budgets to fund the works to the trees which have been identified as a high priority.
- 2.19 The detailed location of the tree work items 1-3 above are shown in appendix 1 (with red indicating high priority) along with a summary of the inspection of each tree/group of trees and identification of them as high, medium or low priority in appendix 2.
- 2.20 It should be noted that further tree surveys are required to assess for Ash dieback (at two-year intervals). There is no provision for this level of enhanced future surveys, and it is anticipated that after the tree work above there may be some further Ash dieback works as trees continue to die over time.

Logistical constraints

- 2.21 The half day restriction on tree work operations to prevent disruption to racehorse training restricts the ability to obtain competitive quotations for forestry-based operations as contractors are less inclined to bid for half day working. The Council's arboricultural service contractors only favour undertaking the works if local tree works can be matched for the morning and facilities are provided on site for secure plant storage.

- 2.22 A felling licence is required from the Forestry Commission to agree the programme of works unless the Forestry Commission agrees that the trees are exempt (i.e. because they are dangerous).
- 2.23 Tree works need to comply with the agreed habitat management plan in respect of protection of important habitats and protected species. Warren Wood is an ancient woodland. There should be provision for ecology advice (including European protective species surveys) and monitoring. Tree work operations must not damage special chalk grassland habitats.
- 2.24 No finance is currently being proposed for site enrichment planting following felling. Gapping up tree planting could be a stipulation of a felling licence. Preparation of a tree planting plan prepared by a working panel is suggested.
- 2.25 Tree surgery rates are not likely to be as competitive as a hybrid between tree surgery and forestry contractor's rates. Ash trees infected with Ash dieback become embrittled and become more hazardous to remove the longer they are left requiring specialist plant such tracked grapple saws and mobile elevated work platforms, meaning that removal becomes more expensive.
- 2.26 Underground service checks are required in advance of forestry/tree surgery works.
- 2.27 Procurement services are required to enable commissioning of services over certain financial thresholds. Procurement assistance may be necessary to tender off contract tree works.
- 2.28 Informal principal footpaths may need to be blocked to deter public access as a more cost-effective solution to felling diseased pole stage Ash trees. The working panel should explore this possibility.
- 2.29 It is advisable to engage communication services over tree felling and replanting activity.

#### Funding and Grant Assistance

- 2.30 Central Government grant funding is available to assist with the control of Ash Dieback under the Tree Health Pilot Scheme 2023. This is a scheme that supplements the Countryside Stewardship Woodland Tree Health Grants for Restocking. The Councils Countryside Team have experience of Countryside Stewardship Grant applications process.
- 2.31 It must be noted, however, that grants do not cover the cost of felling Ash trees with Ash Dieback. The grant only covers:
  - Road closures and traffic management – 60% of the cost.
  - Facilitation – up to £24 per hour.

- Protected Species Surveys – 80% of the cost.
- Restocking – up to £6,000 per hectare for ancient woodland, £4,720 per hectare for other woodlands, up to £270.44 per tree or £2.29 per whip outside of woodland.
- Maintenance - £350 per hectare in woodland, up to £189 per large tree or £0.14 per whip outside of woodland.

### **3 Risk Assessment**

Legal or other duties

#### **3.1 Equality Impact Assessment**

3.1.1 None arising from this report

#### **3.2 Crime & Disorder**

3.2.1 None arising from this report

#### **3.3 Safeguarding**

3.3.1 None arising from this report

#### **3.4 Dependencies**

3.4.1 None arising from this report

#### **3.5 Other**

##### **3.5.1 Health and Safety**

- dead and declining large trees will pose a risk to nearby residents, property, and people using the site for recreation or Horse training
- Ash, especially when dead and declining, can be extremely brittle and unstable, elevating the risk for the safety of contractors.

##### **3.5.2 Economic**

- increased short-term expenditure to manage the risk
- removing trees individually, as and when they become dangerous, will become more expensive as time progresses, and is more expensive overall than a managed plan of works.

##### **3.5.3 Reputational**



- public anxiety over the loss of trees and changes to the landscape, risk of harm, inconvenience of closed access, potential temporary loss of electricity (for trees close to power lines)
- we are the authority administering tree protection legislation, and will decide applications to remove our own protected trees

#### 3.5.4 Environmental

- impacts on recreation and amenity through loss and change of landscapes, ecosystems, biodiversity.

### 4 Financial Implications

4.1 The Council currently has an annual budget for tree work on Epsom Downs of £7,300. Allocating a further one-off sum of £17,000 from the working balance reserve will provide a total 2023/24 tree management budget of £24,300, and will reduce the working reserve balance from £41,142 to £24,142.

4.2 **Section 151 Officer's comments:** Allocating a one-off sum of £17,000 from the working balance reserve will significantly reduce funds available to manage other risks and unforeseen events.

At its Autumn meeting, Conservators will be presented with a longer-term, phased programme for tackling Ash Dieback, which will need to identify funding, alongside a plan for how the working balance reserve can be replenished to strengthen financial resilience.

### 5 Legal Implications

5.1 This proposal enables compliance with obligations required by the Occupiers Liability Act 1984 and by the Health and Safety at Work Act 1974

5.2 **Legal Officer's comments:** The primary duty under the Epsom and Walton Downs 1984 Act (the Act) is to preserve the natural beauty of the Downs. S10 of the Act lays down the duties and the powers of the Conservators and states "... to preserve the Downs so far as possible in their natural state of beauty and to have regard to the rules of good forestry .....(a) do any work necessary for preserving, restoring, planting and maintaining the turf, trees, shrubs plants and grass...". It is therefore considered to be a duty under the Act for the identified tree works to be carried out.

### 6 Policies, Plans & Partnerships

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

6.1.1 Green & Vibrant, Safe and Well and supports delivery of the Annual Plan.

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

6.3 **Climate & Environmental Impact of recommendations:**

6.3.1 The plan supports objectives in the Biodiversity Action Plan and Climate Change Action Plan, maintaining and enhancing biodiversity and contributing to increased carbon sequestration and meeting the Council climate change targets. Well managed Ecosystems are key to ensuring climate stability.

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

6.4.1 The safety management of trees provides community safety.

6.5 **Partnerships:**

6.5.1 the successful delivery of these tree management proposal relies on sustaining relationships with a number of stakeholders such as the Borough Council, Jockey Club, Training Grounds Management Board, the public and volunteers

## 7 Background papers

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

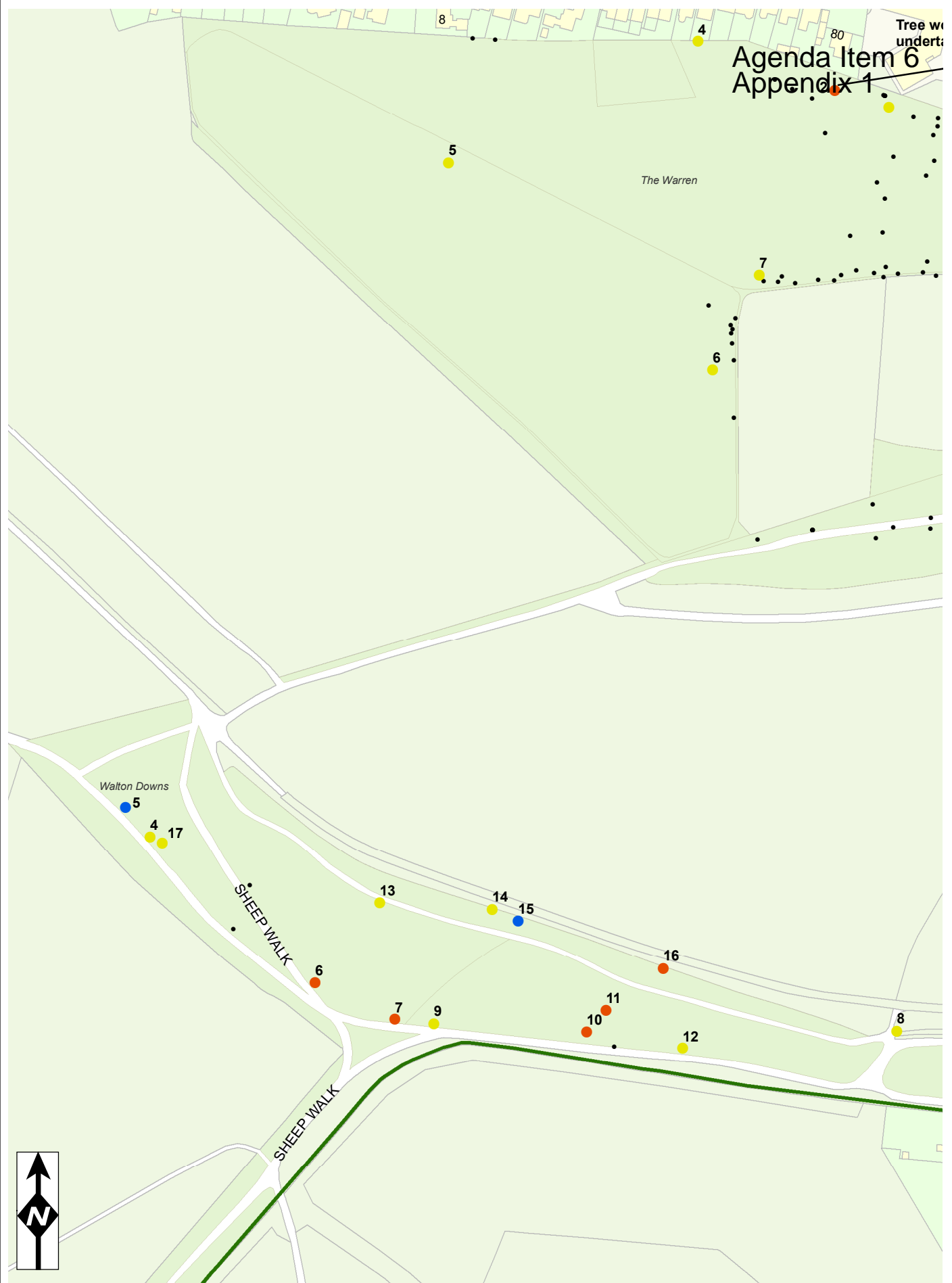
### **Previous reports:**


- Epsom and Walton Downs Habitat Management Plan, 2023-2028 (January 2023)

### **Other papers:**

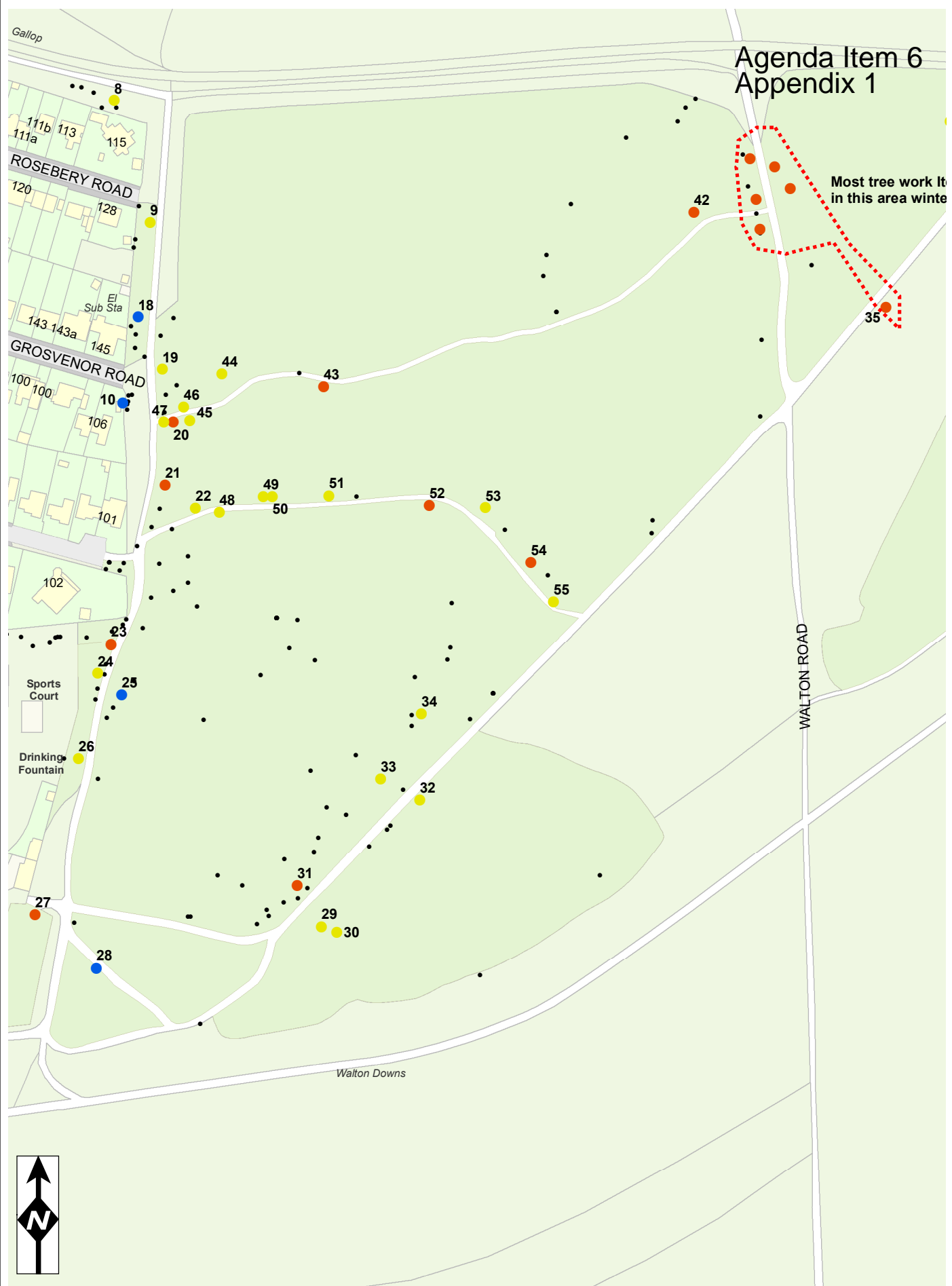
- DERFA: Grants for ash with ash dieback, February 2023
- Epsom & Ewell Tree Management Plan 2023

# Agenda Item 6 Appendix 1



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Reference EWDTW 1		
Revision No:		
Date: 25/5/2023	1:2,500	

# Agenda Item 6 Appendix 1



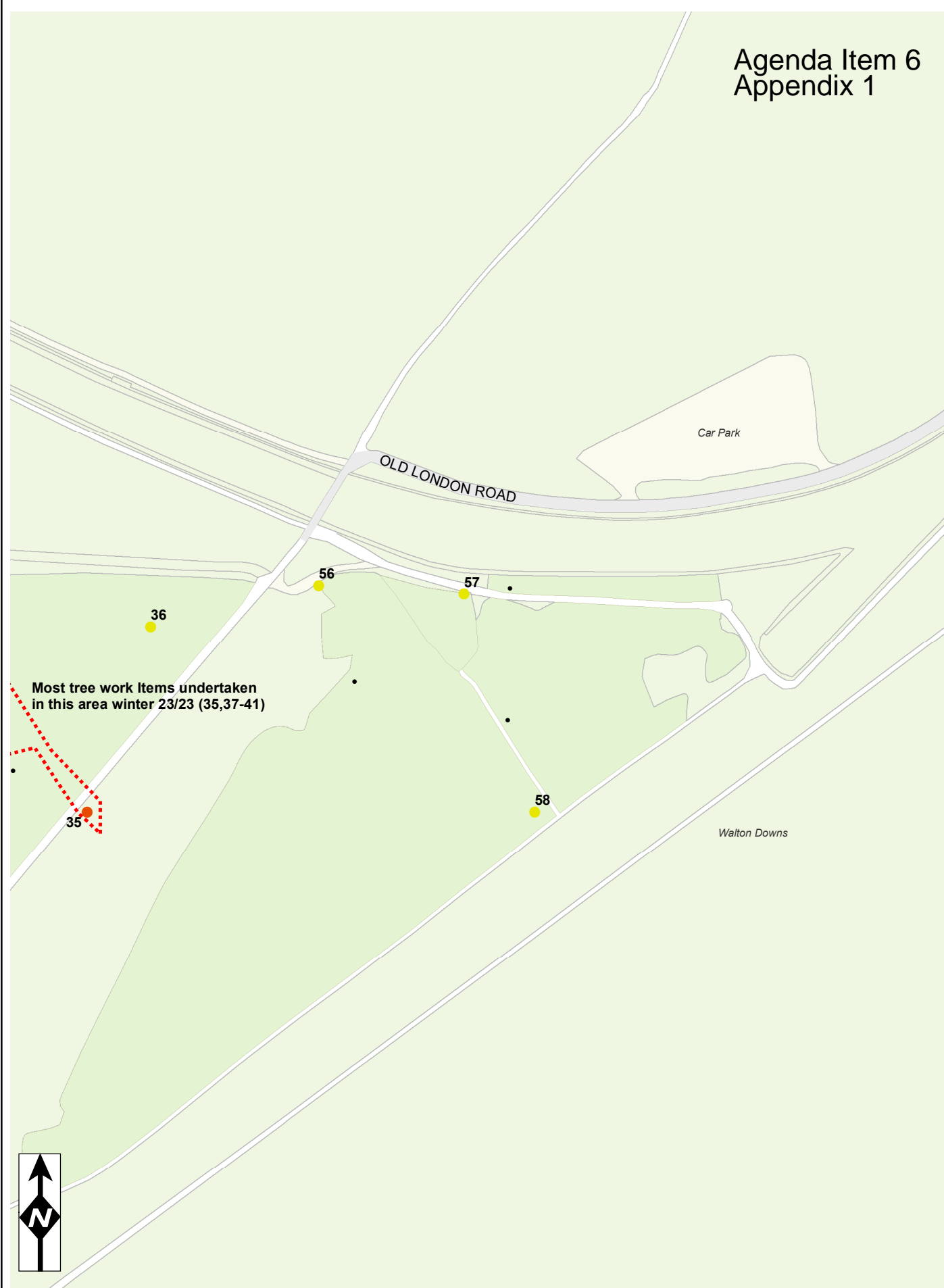
Created by: Jeremy Young  
Reference EWDTW 3  
Revision No:  
Date: 25/5/2023


Epsom and Walton Downs Tree work 2023

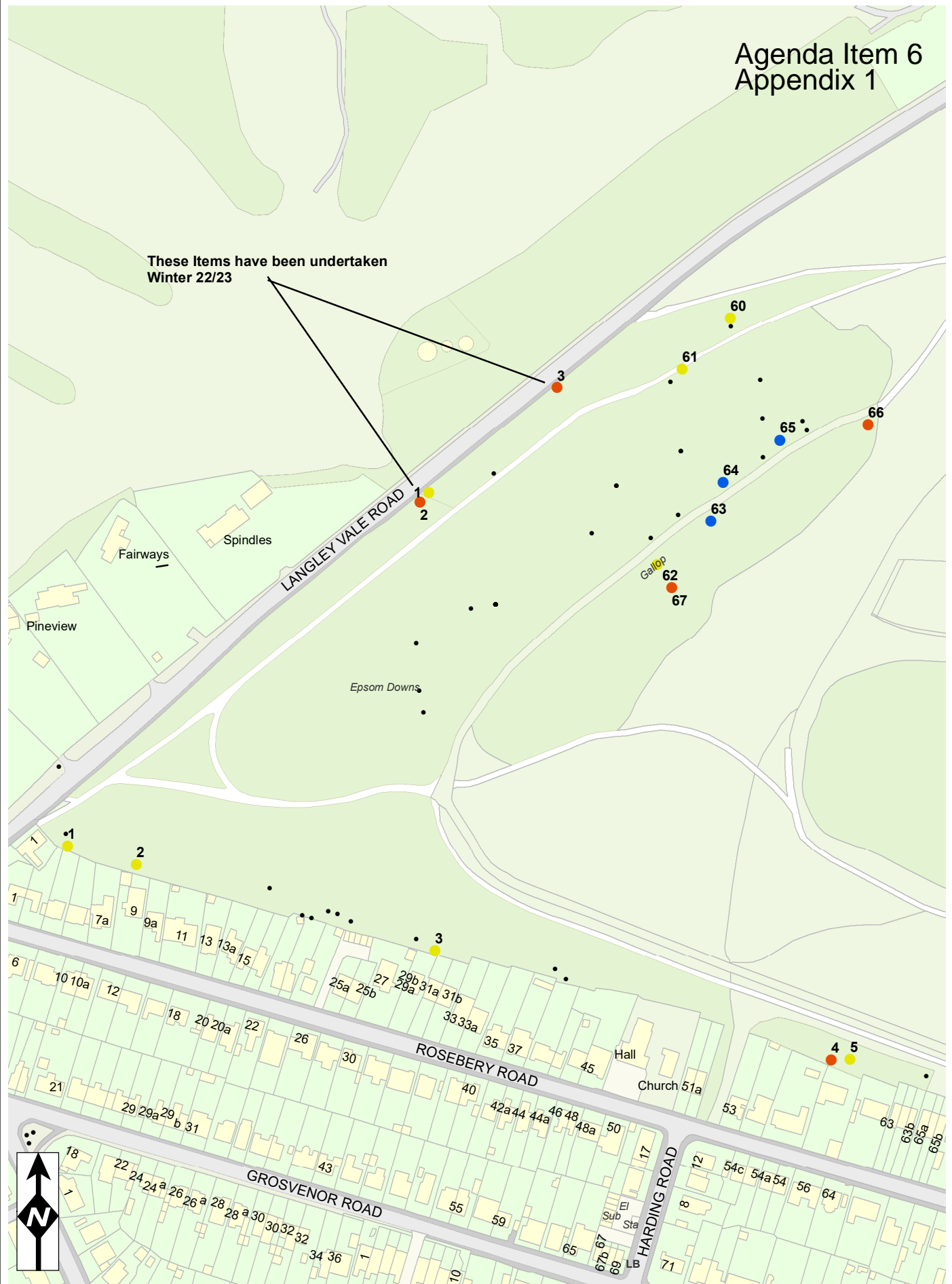
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Reference EWDTW 4		
Revision No:		
Date: 25/5/2023		



Created by: Jeremy Young

Reference EWDTW 5

Revision No:

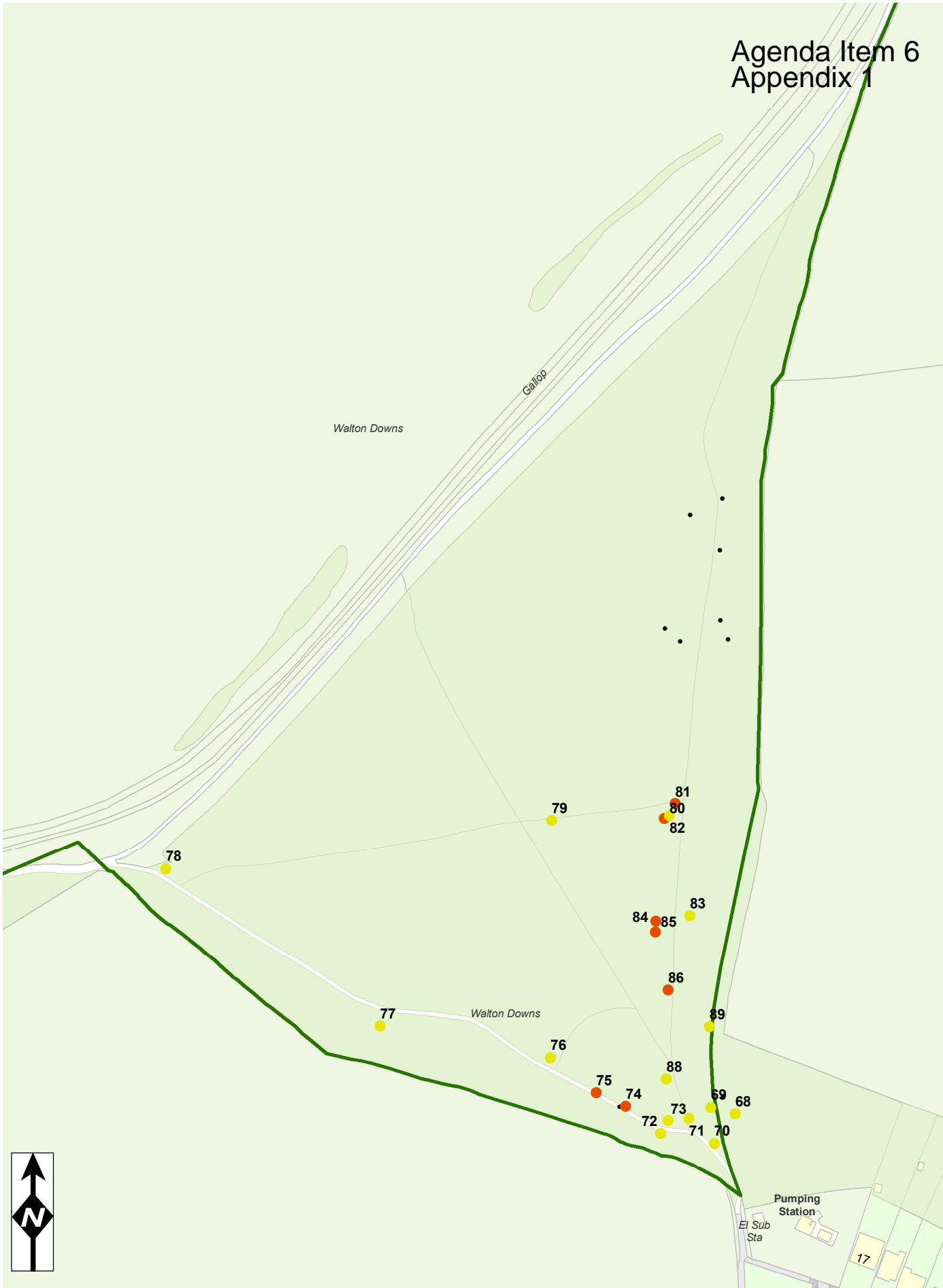
Date: 25/5/2023

Epsom and Walton Downs Tree work 2023

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Plot No	Site	Tree work Item	Species	No	Defect	Risk Rating/Work Priority
6	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	1	Moribund /Dead	H
7	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	5	70% Dieback	H
8	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	8	70% Dieback	M
9	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	9	70% Dieback	M
10	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell large high forest 4B	Ash	1	90% Dieback	H
11	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	Moribund /Dead	H
12	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	60% Dieback	M
13	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium high forest 4A	Ash	1	75% Dieback	M
13	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell large high forest 4A	Ash	1	75% Dieback	M
14	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium ornamental 2B	Ash	6	75% Dieback	M
15	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	11	Moribund /Dead	L
16	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	Moribund /Dead	H
17	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	60% Dieback	M
18	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	1	30% Dieback	L
19	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	2	60% Dieback	M
20	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	Moribund /Dead	H
21	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	3	Moribund /Dead	H
22	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium high forest 4A	Ash	1	60% Dieback	M
23	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	Moribund /Dead	H
26	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	1	75% Dieback	M
27	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium high forest 4A	Ash	1	Moribund /Dead	H
28	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	2	30% Dieback	L
29	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	2	60% Dieback	M
30	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	6	60% Dieback	M
31	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	Moribund /Dead	H
32	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	5	70% Dieback	M
33	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	1	70% Dieback	M
34	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	Moribund /Dead	M
36	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	Moribund /Dead	M
42	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	Moribund/Dead	H
42	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell large low forest 3C	Ash	1	Moribund/Dead	H
43	EPSOM AND WALTON DOWNS FOOTPATHS	Person hourly rate - Arb operations	Ash	8	Windblown and 3 dead standing	H
44	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	2	Moribund/Dead	M
45	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	Moribund/Dead	M
46	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	2	Moribund/Dead	M

47	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	4	Moribund/Dead	M
48	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	1	60% Dieback	M
49	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	3	60% Dieback	M
50	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	1	50% Dieback	M
51	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	30% Dieback	M
52	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	1	70% Dieback	H
53	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	1	70% Dieback	M
54	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	Moribund/Dead	H
54	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	1	Moribund/Dead	H
54	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	3	Moribund/Dead	H
55	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	70% Dieback	M
56	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell large ornamental 2C	Ash	1	80% Dieback	M
60	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	2	70% Dieback	M
60	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium ornamental 2B	Ash	1	70% Dieback	M
61	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	50% Dieback	M
62	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	70% Dieback	M
63	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	6	60-70% Dieback	M
64	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	16	50-60% Dieback	L
65	EPSOM AND WALTON DOWNS FOOTPATHS	Person emergency hourly rate - Normal work	Ash	3	60-70% Dieback	L
66	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	Moribund/Dead	H
66	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	Moribund/Dead	H
67	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	10	60-100% Dieback	M
70	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium high forest 4A	Ash	1	60-70% Dieback	M
69	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	2	70% Dieback	M
71	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium high forest 4A	Ash	1	50% Dieback	M
73	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	60% Dieback	M
74	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	75% Dieback	H
75	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	7	70-100% Dieback	H
76	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	50% Dieback	M
77	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	1	60% Dieback	M
78	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	1	75% Dieback	M
78	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small low forest 3A	Ash	1	75% Dieback	M
79	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	2	Moribund/Dead	M
80	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium high forest 4A	Ash	1	80% Dieback	H
81	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	2	70-100% Dieback	H
83	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell small ornamental 2A	Ash	16	75% dieback	M
84	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium low forest 3B	Ash	1	Moribund/Dead & Uprooted	H
85	EPSOM AND WALTON DOWNS FOOTPATHS	Sectional tree fell medium high forest 4A	Ash	1	Moribund/Dead	H

86	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	2	Moribund/Dead	H
88	EPSOM AND WALTON DOWNS FOOTPATHS	Clear tree fell medium low forest 3B	Ash	4	75-100% Dieback	M
89	EPSOM AND WALTON DOWNS FOOTPATHS	Crown reduction by 20-40% medium high for	Ash	1	60% Dieback basal decay	M

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## **FORMATION OF A DOWNS BYELAWS WORKING GROUP**

<b>Head of Service:</b>	Ian Dyer, Head of Operational Services
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote and Langley Vale Ward;
<b>Appendices (attached):</b>	Appendix One – Draft Terms of Reference for the Downs Byelaws Working Group

### **Summary**

This report seeks approval to form of a Downs Byelaws Working Group and proposes a draft Terms of Reference for comment.

### **Recommendation (s)**

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

- (1) Approve the formation of a Downs Byelaws Working Group**
- (2) Approve the draft Terms of Reference, noting any amendments.**
- (3) Appoint the Chair of the Conservators to Chair the Downs Byelaws Working Group and appoint at least two additional members of this committee to form part of the group.**
- (4) To delegate authority to the Chair to appoint/invite additional councillors, stakeholders and officers to the Downs Byelaws Working Group as required.**

## **1 Reason for Recommendation**

- 1.1 The formation of a Working Group comprising of members, officers and stakeholders as required, is necessary to ensure that the Downs Byelaws are fit for purpose and cover new activities which need to be managed.

## **2 Background**

- 2.1 A workshop was held in October 2021 with the Conservators to identify a programme of additional work that they would like undertaken.
- 2.2 The work plan was considered and approved by the Conservators at their meeting on 20 June 2022 and one of the items that was considered a high priority was updating the Downs Byelaws to ensure that they fit for purpose and covered new activities which need to be managed.

- 2.3 The current Downs byelaws form part of the Epsom and Walton Downs Regulation Act 1984, Section 11 of the Act deals with the Conservators' right to make Byelaws.
- 2.4 It is therefore proposed that a Working Group is formed as a subgroup of the Epsom and Walton Downs Conservators to undertake a thorough review of the Byelaws.
- 2.5 To set out responsibilities and provide focus for the Working Group a draft Terms of Reference has been prepared and is shown at appendix one.
- 2.6 Members are invited to comment on this draft and suggest amendments which will be made prior to circulation of the final document to the group.

### 3 Risk Assessment

#### Legal or other duties

- 3.1 Equality Impact Assessment
  - 3.1.1 None for the purpose of this report
- 3.2 Crime & Disorder
  - 3.2.1 None for the purpose of this report
- 3.3 Safeguarding
  - 3.3.1 None for the purpose of this report
- 3.4 Dependencies
  - 3.4.1 None for the purpose of this report
- 3.5 Other
  - 3.5.1 None

### 4 Financial Implications

- 4.1 There are no specific financial implications arising from this report.
- 4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

### 5 Legal Implications

- 5.1 There are no specific legal issues arising from this report
- 5.2 **Legal Officer's comments:** none arising from this report

## **6 Policies, Plans & Partnerships**

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

6.1.1 Effective Council

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

6.3 **Climate & Environmental Impact of recommendations:**

6.4 **Sustainability Policy & Community Safety Implications:** One of the key objectives of the Working Group is to ensure public safety on the Downs and enjoyment for all users.

6.5 **Partnerships:** It is suggested that the Downs Byelaw Working Group invites key stakeholders to participate in the process as required.

## **7 Background papers**

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

### **Previous reports:**

- Work Plan Items 2022 – 7 November 2022

### **Other papers:**

- None

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## Downs Byelaws Working Group

### Draft Terms of Reference

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#### Role of the Group

To assess the current Byelaws pertaining to Epsom and Walton Downs and to make recommendations to the Epsom and Walton Downs Conservators based on findings.

Assessment should include but is not limited to:

- dogs,
- bicycles
- drones
- electric cycles and scooters
- scattering of ashes
- drugs

The Working Group will explore the legal steps necessary to undertake the changes

The Working Group will produce a new, draft set of Byelaws to present to the Conservators for approval.

Once agreed by the Conservators the Working Group will assist with a public consultation of new Byelaws and follow the legal processes necessary to effect the changes required.

The Working Group will assist with the promotion and publicity of the new byelaws

#### Decision Making/Reporting

Reports and recommendations from the Group will be presented through the Committee process to the Epsom and Walton Downs Conservators meetings.

#### Membership

The Chair of the group will be the Chair of the Epsom and Walton Downs Conservators. The Chair will be joined by least two members of the Epsom and Walton Downs Conservators.

Officers will provide support as listed and other officers will be invited to meetings as required. Stakeholders will be consulted and then invited to attend meetings, if appropriate.

**Officers:**      Streetcare Manager/Assistant Streetcare Manager  
                      Lead Downskeeper  
                      Legal officers - when required

#### Frequency & Timing of Meeting

Agreed that the frequency of meetings will be determined by the Chair of Epsom and Walton Downs Conservators in consultation with the Streetcare Manager, with the project set for completion by 31 April 2024.

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## **EPSOM DOWNS MODEL AIRCRAFT CLUB (EDMAC) MOBILITY IMPAIRED PARKING**

**Head of Service:** Ian Dyer, Head of Operational Services  
**Wards affected:** College Ward; Town Ward; Woodcote and  
Langley Vale Ward;  
**Appendices (attached):**

### **Summary**

To request permission for accessible parking to be made available to Epsom Downs Model Aircraft Club (EDMAC) on a permanent basis.

### **Recommendation (s)**

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

- (1) Grant permission for four accessible parking spaces near to the flying area, made available to members of EDMAC who are in possession of a blue badge.**

## **1 Reason for Recommendation**

- 1.1 During Covid-19, temporary permission was granted to EDMAC to use an area on the Downs near the Model Aircraft Club flying zone for accessible parking for up to four vehicles. During this period there were no operational difficulties, security breaches or damage to the ground. Therefore, officers are comfortable recommending that this arrangement is re-instated for EDMAC members in possession of a blue badge on a permanent basis.

## **2 Background**

- 2.1 At the Consultative Committee Meeting on the 14 December 2022 representatives from EDMAC requested that the Conservators considered a request for members of the model aircraft flying club with severe mobility issues and who are in possession of a blue badge to have permission to park on the Downs near to the flying area.
- 2.2 This arrangement was successfully implemented on a temporary basis during Covid-19, when the top car park was closed to the public.

- 2.3 During Covid-19 the Lead Downskeeper put the following procedures in place to accommodate a request from EDMAC for accessible parking on the Downs:

**Procedures**

- The Downskippers will place a combination padlock on the Walton Road gate and share the code with EDMAC. This combination lock is for EDMAC members only and will be attached to the standard gate padlock, so that either lock can be used to gain access, negating the need to share the combination lock code with racecourse staff, residents of Downs House, and contractors.
- EDMAC members using this facility are responsible for locking the gate behind them and scrambling the numbers on the combination lock to prevent unauthorised entry.
- Users of the accessible parking spaces may then proceed to drive slowly and carefully up the Walton Road to the area in front of the “Mile Post” gate where up to four vehicles can be parked safely near to the flying area.
- EDMAC members must not park beyond the hack posts to avoid conflict with hack riders.
- EDMAC agree to restrict this parking area to members of the club who are in possession of a blue badge and to maintain a booking system to ensure that no more than four members make use of the facility at any one time. Maintaining a booking system will also ensure that EDMAC can monitor who is using the facility, should an issue arise.

- 2.4 The above system was agreed in consultation with EDMAC and ran smoothly for several months without concerns from either party.

**3 Risk Assessment**

Legal or other duties

**3.1 Equality Impact Assessment**

- 3.1.1 The introduction of permanent scheme to offer accessible parking to members of EDMAC ensures that all members of the model aircraft club can enjoy the facilities with ease.

**3.2 Crime & Disorder**

- 3.2.1 The proposed procedures ensure that the site is secure to unauthorised vehicles therefore minimising the risk of anti-social behaviour.

3.3 Safeguarding

3.3.1 none

3.4 Dependencies

3.4.1 The successful implementation of this scheme is dependent on the procedures being followed and the Downkeepers monitoring the scheme on an ongoing basis.

3.5 Other

3.5.1 none

**4 Financial Implications**

4.1 None for the purpose of this report

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

**5 Legal Implications**

5.1 There are no legal implications

5.2 **Legal Officer's comments:** None for the purposes of this report

**6 Policies, Plans & Partnerships**

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

- Safe and well

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:**

- If the procedures are adhered there are no sustainability or community safety implications.

6.5 **Partnerships:**

- This proposal reinforces the partnership between Conservators and members of the Consultative Committee

## **7 Background papers**

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

### **Previous reports:**

- [Epsom & Walton Downs Consultative Committee Minutes – 14 December 2022](#)

### **Other papers:**

- None