

EPSOM AND WALTON DOWNS CONSERVATORS

Monday 6 November 2023 at 6.00 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
Tom Sammes, Jockey Club Racecourse (the Company)
Councillor Kim Spickett, the Council
Councillor Clive Woodbridge, the Council

Yours sincerely



Clerk to the Conservators

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

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

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 on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the 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, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

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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 Act 1972 (as amended). 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

Questions and statements from the public are not permitted at meetings of this Committee. [Annex 4.2](#) of the Epsom & Ewell Borough Council Operating Framework sets out which Committees are able to receive public questions and statements, and the procedure for doing so.

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AGENDA

1. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 14)

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on **30 May 2023** (attached) and **19 June 2023** (attached) and to authorise the Chair to sign them.

2. MINUTES OF THE EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE, 14 DECEMBER 2022 AND 16 OCTOBER 2023 (Pages 15 - 28)

To receive the Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on 14 December 2022 and the 16 October 2023.

3. NEW APPOINTMENT TO THE CONSERVATORS (Pages 29 - 30)

This report confirms the appointment of a new member of the Epsom and Walton Downs Conservators by Jockey Club Racecourses following the retirement of Stephen Wallis and requests the Conservators to note the appointment.

4. MID-YEAR BUDGET MONITORING (Pages 31 - 40)

This item reports on the income and expenditure position as at 31 August 2023 and seeks guidance on the preparation of the budget and precept for 2024/25.

5. ASH DIEBACK (Pages 41 - 46)

This report is to advise the Conservators of the progress of Ash Dieback works to trees that are affected by the disease which have taken place to date, the programme of works that will be undertaken going forwards, and to note the increased costs associated with tree works.

6. DATES OF MEETINGS IN 2024 (Pages 47 - 50)

The Conservators are requested to agree the dates of their normal meetings to be held in 2024.

**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held at the Council Chamber, Epsom Town Hall on 30 May 2023**

PRESENT -

Councillor Steven McCormick (the Council) (Chair); Simon Durrant (Jockey Club Racecourses (the Company)) (Vice-Chair); Andrew Cooper (Jockey Club Racecourses (the Company)), Stephen Wallis (Jockey Club Racecourses (the Company)), Councillor Liz Frost (the Council), Councillor Bernice Froud (the Council), Councillor Clive Woodbridge (the Council), Councillor Kim Spickett (the Council) and Councillor Christine Cleveland (the Council)

Absent: Simon Dow (Horserace Betting Levy Board (the Levy Board))

Officers present: Piero Ionta (Head of Legal Services and Monitoring Officer), Samantha Whitehead (Streetcare Manager), Tim Richardson (Democratic Services Manager) and Phoebe Batchelor (Democratic Services Officer)

30 MEMBERSHIP, APPOINTMENT OF CHAIR AND APPOINTMENT OF VICE CHAIR OF THE CONSERVATORS

It was resolved that the Conservators appointed Councillor Steven McCormick as Chair to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2024.

It was resolved that the Conservators appointed Simon Durrant as Vice-Chair to hold office until the first meeting of the Conservators held after the Annual meeting of the Council held in May 2024.

Following consideration, the Conservators unanimously resolved to:

(1) Note that the following appointments to the Membership of the Conservators by the constituent bodies:

Epsom and Ewell Borough Council (the Council): Councillors Christine Cleveland, Liz Frost, Bernice Froud, Steven McCormick, Kim Spickett and Clive Woodbridge; Jockey Club Racecourses (the Company): Andrew Cooper, Simon Durrant and Stephen Wallis; Horserace Betting Levy Board (the Levy Board): Simon Dow.

31 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.

32 ARRANGEMENTS ON EPSOM DOWNS IN RESPECT OF THE DERBY FESTIVAL

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 6.29 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held at the Council Chamber, Epsom Town Hall on 19 June 2023**

PRESENT -

Councillor Steven McCormick (the Council) (Chair), Simon Durrant (Jockey Club Racecourses (the Company)) (Vice-Chair), Councillor Christine Cleveland (the Council), 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)) and Councillor Clive Woodbridge (the Council)

Absent: Andrew Cooper (Jockey Club Racecourses (the Company))

Officers present: Andrew Bircher (Interim Director of Corporate Services), Brendan Bradley (Head of Finance), Justin Turvey (Interim Head of Place Development) Samantha Whitehead (Streetcare Manager), John Samuel (Interim Property Development & Regeneration Manager) and Phoebe Batchelor (Democratic Services Officer)

33 THANKS

The Conservators expressed thanks and appreciation to the dedication and contributions of former Chair, Councillor Liz Frost, during her tenure.

The Conservators also wished to extend thanks for the efforts and dedication of Councillor Jan Mason during her time as a valued member of the Conservators.

34 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Epsom and Walton Downs Conservators held on 16 January 2023 were agreed as a true record and signed by the Chair.

35 DERBY UPDATE

The Conservators received an update on this year's Derby Festival.

The following matters were considered:

- a) **Note of Congratulations.** A Member of the Conservators extended congratulations to the Jockey Club on the success of the Derby Festival weekend and the efforts gone into the planning and careful execution of

the event under difficult circumstances and with great respect and cooperation of the other users of the downs.

- b) **Explanation of Security Issues.** A Member of the Conservators expressed thanks for the explanation provided by the Vice Chair regarding the security issues that were faced at this year's Derby Festival. The Conservators expressed the hope that the explanation would provide some reassurance to local residents who were concerned about the lack of communication regarding security arrangements for the Derby.
- c) **Royal Attendance.** A Member of the Conservators noted that there was no working Royal in attendance at this year's Derby and asked if there is anything that the Council or the Conservators could do to re-establish that connection with the Royal family and encourage future Royal attendance at the Derby. The Vice Chair responded to inform the Conservators that the Queen attended the Derby in a personal and private capacity instead of as part of a diarised official engagement. It was noted that there was nothing that the Council or Conservators could do to influence the arrangements and there was nothing to suggest that working members of the Royal family would not attend in future years.

Following consideration, the Conservators unanimously resolved to:

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

36 FINAL ACCOUNTS 2022-23

The Conservators received a report seeking approval of the Conservators' final accounts for the financial year 2022/23.

Following consideration, the Conservators unanimously resolved 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 the report.**
- (3) **Consider and approve the Accounting Statements as set out in section 2 of Appendix 3 to the report.**
- (4) **Confirm that the arrangements for the internal audit as set out in the 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.**

37 STRATEGIC RISK REGISTER

The Conservators received a report which presented a Strategic Risk Register for the Downs, covering the risks, mitigations, responsibility, and management action required.

The following matters were considered:

- a) **Impact of Climate Change.** A Member of the Conservators raised that an awareness of the impact of climate change on the Downs and the racing industry was not included in the Risk Register. The Member expressed that this issue should be included in future iterations of the Register, to enable the Conservators to decide how best to mitigate the effects. The Interim Director of Corporate Services responded to confirm that further discussion would take place to ensure that Climate Change can be included in the Strategic Risk Register.
- b) **Grassland Fire Risk.** A Member of the Conservators raised that a significant issue faced by the Downs as a result of climate change, is grassland fire. Grassland fires would be detrimental to the training industry and the Conservators noted the need to make a combined approach in reaching out to Surrey Fire and Rescue to determine if they could cope with a grassland fire on the Downs. It was noted that fire risk had not yet been included in the Jockey Club Risk Register.
- c) **Update the Strategic Risk Register.** The Chair informed the Conservators that the Strategic Risk Register is a living document and asked for it to be updated to reflect the following issues:
 - a. the potential risk of fire on the Downs.
 - b. the impact of pollen on the training community on the Downs.

Following consideration, the Conservators unanimously resolved to:

- (1) **Agree the Strategic Risk Register.**

38 RURAL DEVELOPMENT FUND - VISITOR TRAILS AND WAYFINDER PROJECT UPDATE

The Conservators received a report providing an update on the completion of the visitor trails and wayfinder project and the final grant claim submission.

The following matters were considered:

- a) **Picnic Tables.** A Member of the Conservators raised a concern regarding the picnic tables, which had been drilled through without authority. The concern centred around the suggestion of putting umbrellas in the picnic tables and how that would affect horses using the Downs. The Member suggested that a racehorse trainers should be consulted to determine if use of umbrellas in the picnic tables would be appropriate and acceptable.

The Interim Property and Regeneration Manager confirmed that liaison and discussion with the trainers would happen. The Chair suggested that a suitable approach might be for umbrellas to only be permitted to be put out after racehorse training time had ended.

- b) **Bin use by Downs keepers.** A Member of the Conservators raised a question about the bins that have been replaced, asking whether they had made it easier for Downs keepers to empty whether they were anticipated to be able to withstand the heightened use. The Interim Property and Regeneration Manager confirmed that no complaints have been received so far about the bins being hard to empty or move. The Chair followed up to ask if there was still an option to go back to the manufacturers if an issue arose. The Interim Property and Regeneration Manager confirmed that was the case.
- c) **VAT.** A Member of the Conservators asked if the initial bid for the EAFRD grant was filled out incorrectly initially to incur the VAT costs and raised that even though the Conservators are not a VAT registered body, some of the components that make up the Conservators are and queried if that would make a difference to the VAT bill. The Head of Finance responded to state that no matter how the form was filled out, it would always be the case that EARFD do not fund the VAT element of the project and informed the Conservators that it cannot be reclaimed as the Conservators are the body that incurred the expenditure, and they are not VAT registered.

Following consideration, the Conservators unanimously resolved to:

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

39 TREE MANAGEMENT ON THE DOWNS

The Conservators received a report advising them of the current practice of tree safety management on Epsom Downs. It set out the threats posed by Ash Dieback Disease and provided 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 Conservators were asked to recognise that Ash dieback works would need to be carried out, and to 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.

The following matters were considered:

- a) **Tree Management Funds.** A Member of the Conservators raised that due to the nature of the issue, there would be similar requests for money to manage Ash Tree removal over the coming years and it might be more productive to put money aside to deal with these en masse now rather than dealing with a small amount and continuing to further diminish the reserves of the Conservators. The Chair responded to highlight that 26

high priority trees would be dealt with now if the requested budget of £17,000 was approved. This was in line with the Council's risk-based approach and the Chair confirmed that there would be similar requests for funds in future years to deal with the current medium and low priority trees, as there was not sufficient budget to deal with all high, medium, and low priority trees at once.

- b) **Replenishing reserves.** A Member raised that at some point all precepting members of the Conservators would need to increase their financial contribution in order to replenish the Conservators' reserves and to enable the continued management of issues such as Ash Dieback control. The Chair expressed agreement with the comments.

Following consideration, the Conservators unanimously resolved to:

- (1) **Recognise that Ash Dieback works will need to be carried out on Epsom Downs as the disease progresses.**
- (2) **Confirm that they wished 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.**

40 FORMATION OF A DOWNS BYELAWS WORKING GROUP

The Conservators received a report seeking approval to form of a Downs Byelaws Working Group and proposing a draft Terms of Reference for comment.

The following matters were considered:

- a) **Legal officer support and timescale for completion.** A Member of the Conservators raised that full support from legal services would be needed when carrying out this work and that the Training Grounds Management Board and the Jockey Club would need to consult with legal advisors about any suggested changes to Byelaws. They further commented that there must be a rigorous revision and checking process on each suggested change and this must be undertaken by all key stakeholders.

The Streetcare Manager informed the Conservators that it can take a considerable amount of time to enact any changes.

- b) **Costs.** A Member of the Conservators queried if the involvement of the Secretary of State incurred costs. The Streetcare Manager confirmed that there were costs but that similar items brought to the Conservators in the past had been covered within budget.
- c) **Draft Terms of Reference.** A Member of the Conservators asked if there was flexibility in the terms of reference of the working group to consider the inclusion of restriction of access onto the racing surface on race days. The Chair responded to confirm that the first point of business for the working group would be to confirm its terms of reference and that the comments would be taken into account.
- d) **Membership of the working group.** The Chair opened it up to members of the Conservators to raise if they wished to join the working group and confirmed that this would be followed up by both the Chair and the Streetcare Manager.

Following consideration, the Conservators unanimously resolved 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.**

41 EPSOM DOWNS MODEL AIRCRAFT CLUB (EDMAC) MOBILITY IMPAIRED PARKING

The Conservators received a report requesting permission for accessible parking to be made available to Epsom Downs Model Aircraft Club (EDMAC) on a permanent basis.

The following matters were considered:

- a) **Parking arrangements for other EDMAC Members.** A Member of the Conservators raised that a concern that due to the nature of the location and activity, other EDMAC members might also be asking for use of the parking arrangement. The Streetcare Manager informed the Conservators that the Top Car Park was open until 9pm during the summer months. This was currently sufficient and had been for many years.

- b) **Discrimination against Blue Badge local residents.** A Member of the Conservators asked if local residents who have Blue Badges were being discriminated against by not having use of the access road and proposed parking. The Streetcare Manager responded to inform the Conservators that there was no official parking in the location to access and that it was proposed to provide accessible parking to EDMAC which is close to where their activity takes place.
- c) **Communication to other users of the Downs.** The Chair asked how the changes could be communicated to other groups who use the Downs in a manner which would avoid conflict. The Streetcare Manager confirmed that with the help of the Council's Democratic Services and Communications teams, the information could be communicated to all Downs Consultative Committee members and key stakeholders in a timely fashion.
- d) **Downs House access.** A Member of the Conservators expressed that when Downs House was back in full operation, there would be a significant amount of vehicular traffic going across the Downs over all hours of the day and night. The Member expressed that it might therefore be difficult to use a combination lock to manage all access, and that an increase in cars driving and parking on the Downs would have an impact on the safe access and egress of the horses, especially if EDMAC members are arriving and setting up before the 12 o'clock agreed time. The Streetcare Manager responded to confirm that the boundaries of the arrangement would be communicated to EDMAC and suggested that a report detailing a review of the EDMAC parking arrangement be brought back to the Conservators in a years' time.
- e) **Disabled Parking.** A Member of the Conservators expressed that it would be productive to establish disabled parking spaces in the Mile End Car Park and create a new access route onto the Downs that is accessible to disabled members of the public and wheelchair users, but not for vehicles.
- f) **Amendment to recommendation.** Stephen Wallis proposed an amendment to recommendation 1 of the report as follows:
- a. "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 **for a period of 1-year.**"
 - b. This amendment was unanimously agreed by the Conservators.
- g) **Additional Recommendation.** The Chair proposed an additional recommendation as follows:
- c. "A report would be brought to the Conservators in a years' time to review the parking arrangement and that the item would be added to the Forward Plan."
 - d. This amendment was unanimously agreed by the Conservators.

Following consideration, the Conservators resolved 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 for a period of 1-year.**
- (2) A report reviewing the arrangement will come back to the Conservators in June 2024 and the item will be added to the Forward Plan.**

The meeting began at 6.45 pm and ended at 7.58 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

MINUTES OF THE EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE, 14 DECEMBER 2022 AND 16 OCTOBER 2023

Head of Service:	Piero Ionta, Head of Legal
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	Appendix 1 – Minutes of the Epsom and Walton Downs Consultative Committee held on 14 December 2022 Appendix 2 – Minutes of the Epsom and Walton Dows Consultative Committee held on the 16 October 2023

Summary

To receive the Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on 14 December 2022 and the 16 October 2023.

Recommendation (s)

The Conservators are asked to:

- (1) Receive and note the Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on 14 December 2022 and the 16 October 2023.**

1 Reason for Recommendation

- 1.1 The Minutes of meetings of the Epsom and Walton Downs Consultative Committee are presented to the Conservators for information and consideration. This report presents the Minutes from the meetings of the Committee held on 14 December 2022 and the 16 October 2023.

2 Background

- 2.1 The Epsom and Walton Downs Consultative Committee was created following an undertaking made to the Select Committee of the House of Lords during the passing of the Epsom and Walton Downs Regulation Act 1984.
- 2.2 The Committee's Constitution was ratified by the Conservators on 24 April 2014, and sets its terms of reference as follows:

“To provide a means of regular consultation:

- on the future management and control of the tracks, rides, paths and areas for hack riding;
- on the rights of horse riders on Epsom and Walton Downs pursuant to Section 15 of the Epsom and Walton Downs Regulation Act 1984 and the byelaws made under the Act; and
- on any other matters affecting the use and enjoyment of the Downs by the public.

2.3 The Constitution of the Epsom and Walton Downs Consultative Committee sets out that the Minutes of Committee’s meetings will be given to the Conservators for consideration.

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 for the purposes of this report.

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

5 Legal Implications

5.1 None for the purposes 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:

- None

Other papers:

- [Constitution of the Epsom and Walton Downs Consultative Committee, ratified by the Epsom and Walton Downs Conservators](#)

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Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE held at the Council Chamber, Epsom Town Hall on 14 December 2022

PRESENT -

Councillor Liz Frost (Chair); Simon Durrant (Epsom Downs Racecourse), Councillor Bernice Froud, Sarah Rayfield (British Horse Society), Alex Stewart (Epsom Downs Riders Protection Society) and Nigel Whybrow (Training Grounds Management Board).

In Attendance: Caroline Baldock (Epsom Equestrian Conservation Team), Richard Balsdon (College Ward Residents' Association), Nick Lock (Epsom Civic Society) and James Vincenti (Epsom Downs Model Aircraft Club)

Absent: Andrew Cooper (Epsom Downs Racecourse), Bob Eberhard (Epsom and Ewell Cycle Action Group), Nick Harrison (Tattenhams Residents' Association), Steven McCormick (Woodcote Residents' Association), Conor Morrow (Lower Mole Countryside Management Service), Stuart Walker (Epsom Golf Club) and Samantha Whitehead

Officers present: Jackie King (Interim Chief Executive), Ian Dyer (Head of Operational Services), Mark Shephard (Head of Property and Regeneration), John Samuel (Interim Property and Regeneration Manager) and Tim Richardson (Democratic Services Manager)

1 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Epsom and Walton Downs Consultative Committee held on 12 January 2022 were agreed as a true record and the Chairman was authorised to sign them.

2 EAFRD UPDATE

The Committee received an update report on European Agricultural Fund for Rural Development (EAFRD) infrastructure installation which provides improvements to information and signage on Epsom and Walton Downs.

The following matters were considered:

- a) **EAFRD funding.** The Committee noted that the Conservators had been awarded over £132,000 in grant funding from the European Agricultural

Fund for Rural Development for improvements to signs and information on the Downs.

- b) **Works.** The Interim Property Development and Regeneration Manager informed the Committee that the following works had been completed or were in progress:
- 150 way marking posts.
 - 25 finger posts with over 80 direction fingers.
 - 40 A0 size information boards.
 - 8 A1 size lectern information boards.
 - 15 oak litter bins.
 - 4 tables and 8 benches around the Tea Hut area.
 - 5 interpretive benches located across the Downs.
 - 2 sets of electronic posts at the mile crossing and Rubbing House crossing, which are able to separately record pedestrians, cyclists and horses passing through.
 - 48 warning signs and information inserts were anticipated to be installed by the end of January 2023.
 - In addition, the Jockey Club was funding an educational rubbing trail consisting of 12 rubbing plates depicting historic events on the Racecourse and Downs.
- c) **Repairs to damage / vandalism.** The Committee noted that damage to the signs was repaired by the Council's operational services staff.
- d) **Bins.** The Committee noted that the full quota of bins had been received and installed on the Downs. Officers would consider whether any further bins were required.

Following consideration, the Committee unanimously resolved:

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

3 MATTERS RAISED BY COMMITTEE MEMBERS

The Committee considered matters raised by Members.

The following matters raised by the Epsom Downs Riders' Protection Association Member were considered:

- a) **Replacement of Hack Sand Track with Hack grass canter.** The Training Grounds Management Board Member informed the Committee that the new grass canter opened in October 2022 and had proved very popular with hack riders.
- The Committee received a comment from an invited representative that the start of the track had become very wet and rough following the recent exceptional levels of rain, which had led to a fall from a horse. The Training Grounds Management Board Member informed the Committee that the area was rolled on a weekly basis to maintain its condition, and that he had not received any complaints regarding it. The Epsom Downs Riders' Protection Association Member informed the Committee that hack riders were delighted with the new canter.
- b) **Condition of hack canter at top of Six Mile.** It was noted that the Council's Streetcare Manager and the Epsom Downs Riders' Protection Association Member of the Committee would meet on 20 December to discuss this matter.
- c) **Marking of hack ride across The Hill and hack post renewal on the Downs.** The Committee was informed that the replacement of hack post signs was underway.
- d) **Water logging of track at top of Rifle Butts Alley.** The Committee was informed that scrub clearance work in this area had been undertaken.
- e) **Update on Downkeepers' winter work programme.** It was noted that the Council's Streetcare Manager and the Epsom Downs Riders' Protection Association Member of the Committee would meet on 20 December to discuss this matter.
- f) **Traffic light phasing for pedestrians and racehorses crossing by bus shelter.** The Committee was informed by the Head of Operational Services that no issues had been reported with regard to the traffic light phasing in the past 3 months.

Following consideration, the Committee resolved:

- (1) That it had considered the matters raised by members of the Committee as set out in the report.**

4 MATTERS RAISED FOR CONSIDERATION BY INVITED REPRESENTATIVES

The Committee considered issues raised by representatives invited to attend the meeting.

The following issues raised by the Epsom Downs Model Aircraft Club (EDMAC) Representative were considered:

- a) **Signage.** The EDMAC Representative asked whether it would be possible for the Club to be referenced on relevant signs on the Downs. The Head of Operational Services informed the Committee that some signs would feature a map of the Downs including the model aircraft area.
- b) **Epsom Downs Model Aircraft Club (EDMAC) mobility impaired parking.** The EDMAC Representative asked whether it would be possible for alternative parking arrangements for to be provided for Club Members with mobility issues. Some members were having difficulties with the present arrangements. The Chair informed the Committee that this matter would be considered at a future meeting of the Conservators.

Following consideration, the Committee resolved:

- (1) That it had considered the matters raised by invited representatives as set out in this report.**

5 ITEMS FOR THE ATTENTION OF THE CONSERVATORS

The Committee did not identify any items from the meeting which would require verbal representation to the Conservators.

The meeting began at 6.00 pm and ended at 6.30 pm

COUNCILLOR LIZ FROST (CHAIR)

Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE held at the Council Chamber, Epsom Town Hall on 16 October 2023

PRESENT -

Councillor Steven McCormick (Chair); Simon Durrant (Epsom Downs Racecourse), Councillor Bernice Froud, Sarah Rayfield (British Horse Society) and Nigel Whybrow (Training Grounds Management Board)

In Attendance: Caroline Baldock (Epsom Equestrian Conservation Team), Richard Balsdon (College Ward Residents' Association), Nick Harrison (Tattenham & Preston Residents' Association), Nick Lock (Epsom Civic Society), Roger Marples (Epsom Downs Model Aircraft Club) and James Vincenti (Epsom Downs Model Aircraft Club)

Absent: Alex Stewart (Epsom Downs Riders Protection Society), Jane Clarke (Woodcote Epsom Residents' Society (WERS)), Bob Eberhard (Epsom and Ewell Cycle Action Group), Tom Sammes (Epsom Downs Racecourse) and Stuart Walker (Epsom Golf Club)

Officers present: Jackie King (Chief Executive), Samantha Whitehead (Streetcare Manager) and Phoebe Batchelor (Democratic Services Officer)

6 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Epsom and Walton Downs Consultative Committee held on 14 December 2022 were agreed as a true record and the Chair was authorised to sign them.

7 MATTERS RAISED BY COMMITTEE MEMBERS

The Committee considered matters raised by Members.

The following matters raised by the Epsom Downs Riders' Protection Association Member were considered:

- a) **Condition of Hack Canter Ride at the top of Six Mile Hill.** The Committee were informed by the Council's Streetcare Manager that this will be added to the Winter Workplan for this year. The Chair informed the Committee that an update would be fed back to the Training Grounds Management Board.

- b) Protection from Damage to large noticeboards around the Downs.** The Committee were informed by the Streetcare Manager that the protective covering for the boards will be put up over the winter months and the old signs will be removed, to avoid any confusion and add clarity. The Streetcare Manager and Downskeepers are working with Surrey County Council Rights of Way to ensure that all signs for bridleways are in the right place. The Chair informed the committee that the byelaws will be put up on the noticeboards. This was confirmed by the Streetcare Manager, who also shared that maps and interpretation boards will be put up on the noticeboards over the winter.

The Committee received a comment from an invited representative regarding the inclusion of the Epsom Downs Model Aircraft Club site on the noticeboards. This was noted by the Council's Streetcare Manager for inclusion.

An additional item raised by Epsom and Ewell Borough Council Member was considered:

- c) Overgrown Vegetation.** The EEBC Member raised that residents in Roseberry Road had complained about vegetation encroaching into their back gardens from the Downs. The EEBC Member informed the Committee that the vegetation was cut back within 3 days of letting the Streetcare Manager know and queried whether that is the best route to proceed with when the vegetation needs to be cut back again. The Streetcare Manager confirmed that they should be told when it needs to be done again and explained that workplans are being created for the Lead Downskeeper to cover this in future.

Following consideration, the Committee resolved:

- (1) That it had considered the matters raised by members of the Committee as set out in the report.**

8 MATTERS RAISED FOR CONSIDERATION BY INVITED REPRESENTATIVES

The Committee considered issues raised by representatives invited to attend the meeting.

The following issues raised by the invited representatives were considered:

Woodcote Epsom Residents' Society (WERS), Councillor Bernice Froud on behalf of Jane Clarke;

- a) Maintenance of the Downs.** The Committee were informed by the Council's Streetcare Manager that the Downs Habitat Management Plan is very prescriptive in what areas should stay long and what areas should be cut short. The Streetcare Manager informed the Committee that the Habitat Management Plan has been written, by the Council's Countryside team, with the need to balance biodiversity with the racing industry in

mind and explained that the plan can be found on the EEBC website. The Committee were informed that the Habitat Management Plan is a live document which can change. The Chair highlighted that the TGMB had raised the issue that pollen poses for horses, and that this is going to be taken into consideration going forward.

Epsom Civic Society, Nick Lock and Epsom Equestrian Conservation Team, Caroline Baldock;

- b) **Noticeboards Content.** The Committee noted that this item was covered during Agenda item 2, issue number 2.
- c) **Spoil heaps of training track material.** The Training Grounds Management Board Member informed the Committee that there is a plan to make a start on recirculating the track material by the end of October 2023 and confirmed that it will be reused on the Downs, with whatever isn't used being disposed of. The TGMB Member explained that there is no finish date identified as of yet, but that the spoil heaps will begin to be dealt with soon and in close collaboration with the Streetcare Manager and Council Team. The Streetcare Manager highlighted that all the materials will be recycled. The Chair asked the TGMB Member if some of the items are recycled to/from other Jockey Club courses. The TGMB confirmed that is correct.

The Committee received a comment from an invited representative that the recycling of the material that came off the gallops is full of rocks and the rocks need to be removed or crushed in order to protect the horses. The TGMB Member confirmed to the Committee that the surface being used on the horse walks doesn't have any stones in, it's off the Polytrack and the bottom track and is a different surface.

- d) **Incorrect Signage.** The Streetcare Manager explained that there will be less confusion once the old signs are taken down over the winter months.

The Committee received a comment from an invited representative that it is important to highlight the official and accurate training days and times on the signs so that dog walkers are aware when they should have their dogs on leads and are not keeping them unnecessarily on the lead when they do not need to be. The Streetcare Manager explained that it was simpler and more consistent to keep 'before 12 o'clock Monday – Sunday' on the signs. The Committee were informed by the Streetcare Manager that the byelaws state that dogs must be under proper control at all times and the signs requiring dogs to be on a lead before 12 o'clock are a polite request that is followed by most visitors to the Downs, therefore, due to the under-control byelaw and another byelaw stating that nothing must interfere with the training of racehorses, there is sufficient room for the Downskeepers to enforce the byelaws and prosecute if necessary.

The Committee received a comment from an invited representative regarding the process of updating or changing the byelaws. The Chair

responded to explain that it is an item that would have to go to Conservators and legal work would need to be commissioned prior to a public consultation before being sent to the Secretary of State and then the byelaws being updated. The Streetcare Manager confirmed that it is a long and costly process but if dogs not being kept under control becomes a big problem, then it will go to Conservators.

Epsom Equestrian Conservation Team, Caroline Baldock;

- e) **Lark Nest.** It was noted that the Streetcare Manager would take this up with the Countryside team and feed back to the invited representative concerned.
- f) **Oak Trees.** The Streetcare Manager confirmed that the replanting of Oak Trees couldn't all be done in one year due to budgetary constraints but that it could be done over a succession of years, with one Oak Tree being planted over the next four years and managed within the existing budget.
- g) **Misplaced Signs for Bridleways.** The Streetcare Manager confirmed that they would be meeting the SCC Rights of Way Officer up on the Downs where they would be ensuring that all signs are in the correct place.
- h) **Crossing Lights for Farm Lane.** The Chair informed the Committee that they would follow up on this with SCC.
- i) **Dustbins.** The Streetcare Manager informed the Committee that they have not received any complaints regarding the bins since this was first looked into and rectified and confirmed that they would check with Downskeepers regarding any new issues with the bins.
- j) **Fencing on Tattenham Corner Road.** The Jockey Club Member informed the Committee that vandals had caused the gaps in the fence and that the Racecourse would be dealing with it in 2024.

Tattenham & Preston Residents' Association, Nick Harrison;

- k) **Public Toilets.** The Chair informed the Committee that if funding could be found then options could be explored for reinstating public toilets on the Downs. The Chair explained that it is not a current work item of the Conservators but could be looked at next year as a possibility.
- l) **Location of Ice Cream Van.** The Streetcare Manager informed the Committee that they would look into and start a conversation with the Vendor about looking at alternative sites.

The Committee received a comment from an invited representative pointing out that EEBC licence the Ice Cream Van so there is an onus on the Council to ensure no unnecessary risks are being taken. The

Streetcare Manager informed the Committee that a risk assessment will be done.

The Committee received a comment from an invited representative regarding Electric Vehicles and the fact that they are quieter and are more likely to not be heard by children and adults so could potentially cause an incident if the site was not moved to a more appropriate and safer setting.

College Ward Residents' Association, Richard Balsdon;

- m) **Sycamore Trees.** The Streetcare Manager agreed to consult with the Council's Tree Officer and the Countryside team to see what can be done regarding the Sycamore Trees in question.
- n) **Volunteer cleaning of Grandstand Road Carpark.** The Clerk to the Conservators suggested that the volunteer could be invited to have tea with the Mayor and receive a certificate or award for their continued hard work and contribution to the Downs.

The Committee received a comment from an invited representative regarding the anti-social behaviour which occurs in the Grandstand Road Car Park and whether it is allowed to continue there in a semi-contained environment in order to take pressure off of other areas in the borough where this kind of behaviour could occur. The Chair responded to state that there is no agreement or understanding that allows the anti-social in Grandstand Road Car Park to focus there and continued to explain that if it becomes a growing issue, then it can be raised with the Crime & Disorder Committee and the Police to deal with further.

The Streetcare Manager explained to the Committee that the Police rely on the number of reports they receive, so people have to keep reporting the issue until it appears on their radar and efforts will go into targeting the behaviour that occurs in and around the Grandstand Road Car Park. The Committee were informed that there is a Public Space Protection order for Psychoactive Substances, which means that they can be confiscated, by the Police and certain Council officers.

An invited representative raised an additional matter that was considered;

- o) **EDMAC Blue Badge Parking.** An invited representative queried if the approved disabled parking spaces for EDMAC would continue to be voted through every year when they come up for consideration again by the Conservators. The Chair agreed to look at the June 2023 Conservators decision and come back to the representative.

Following consideration, the Committee resolved:

- (1) **That it had considered the matters raised by invited representatives as set out in this report.**

9 ITEMS FOR THE ATTENTION OF THE CONSERVATORS

The Committee did not identify any items from the meeting which would require verbal representation to the Conservators.

The Chair informed the Committee that Agenda Item 2, issues 1 and 2 and Agenda Item 3, issues 3, 6, 12 and 13 would be followed up on before the next Consultative Committee Meeting.

The meeting began at 6.00 pm and ended at 6.54 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

NEW APPOINTMENT TO THE CONSERVATORS

Head of Service:	Piero Ionta, Head of Legal
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward
Appendices (attached):	None

Summary

This report confirms the appointment of a new member of the Epsom and Walton Downs Conservators by Jockey Club Racecourses following the retirement of Stephen Wallis and requests the Conservators to note the appointment.

Recommendation (s)

The Conservators are asked:

- (1) That the following appointment to the Membership of the Conservators by the constituent body be noted:**
 - Jockey Club Racecourses (the Company): Tom Sammes in place of Stephen Wallis**

1 Reason for Recommendation

- 1.1 The Company are required to appoint a new member to the Conservators as soon as reasonably practicable following Stephen Wallis' retirement from the Jockey Club.

2 Membership of the Conservators

- 2.1 The arrangements for appointment and term of office for members of the Epsom and Walton Downs Conservators is defined within the Epsom and Walton Downs Regulation Act 1984. Section 6 of the Act sets out that the Conservators shall have 10 Members, appointed by the constituent bodies as follows:

2.1.1 6 Members appointed by "the Council" (Epsom and Ewell Borough Council),

2.1.2 3 Members by "the Company" (Jockey Club Racecourses) and

2.1.3 1 Member by “the Levy Board” (Horserace Betting Levy Board).

2.2 The Clerk has received confirmation of the following new appointments from the constituent body:

2.2.2 The Company: Tom Sammes in place of Stephen Wallis;

3 Risk Assessment

3.1 A lack of clarity over the membership of the Conservators is likely to lead to significant legal, financial, administrative, and reputational risks to the Conservators. It is therefore important that membership arrangements are confirmed and are in accordance with the Epsom and Walton Downs Regulation Act 1984.

4 Financial Implications

4.1 None arising from the contents of this report.

4.2 **Chief Finance Officer’s comments:** None for the purposes of this report.

5 Legal Implications

5.1 The Membership of the Epsom and Walton Downs Conservators as detailed within this report is in accordance with the provisions of the Epsom and Walton Downs Regulation Act 1984.

5.2 **Monitoring 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 arising from the contents of this report.

6.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report.

6.5 **Partnerships:** No implications arising from this report.

7 Background papers

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

Other papers:

- Epsom and Walton Downs Regulation Act 1984

2023/24 MID-YEAR BUDGET MONITORING

Head of Service:	Brendan Bradley, Head of Finance
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward.
Appendices (attached):	Appendix 1 – 2023/24 Mid-Year Monitoring Appendix 2 – 2022/23 External Audit Report

Summary

This item reports on the income and expenditure position as at 31 August 2023 and seeks guidance on the preparation of the budget and precept for 2024/25.

Recommendation (s)

The Conservators are asked to:

- (1) Note the mid-year income and expenditure position;
- (2) Provide guidance on the preparation of the budget for 2024/25;
- (3) Note the conclusion of the 2022/23 external audit of the accounts;
- (4) Agree the £10,000 reserve transfer between the Repairs & Renewals Fund and the working balance.

1 Reason for Recommendation

- 1.1 To make the Epsom & Walton Downs Conservators (EWDC) aware of the mid-year financial position for 2023/24 and seek guidance on the provisional budget estimates for 2024/25.

2 Background

- 2.1 The Conservators budget for 2023/24 was agreed at the meeting of 23 January 2023.
- 2.2 The attached budget monitoring statement at Appendix 1 shows income and expenditure from 01 April 2023 and provides a forecast outturn position for 2023/24, in the standard accounts format for EWDC.

- 2.3 Net expenditure for 2023/24 is forecast at £479,600, which would result in an adverse variance of £20,950 against the budget of £458,650. This adverse variance is mainly due to additional tree maintenance costs to tackle Ash Dieback, as agreed by Conservators in June, plus additional spot hire of vehicles during the Wayfinder Trails installation.
- 2.4 The working balance stood at £41,142 at 31 March 2023. The projected £20,950 deficit, partially offset by a £6,000 budgeted contribution to reserves, would reduce the working balance to £26,192.

3 Budget Estimates 2024/25

- 3.1 The final column of Appendix 1 provides an indicative budget position for 2024/25. This indicative budget has been prepared ahead of the Council finalising its service estimates and the figures are provisional. Based on the indicative budget, an overall 6% increase in precepts would be required to set a balanced budget for next year.
- 3.2 The main provisional changes from 2023/24 are:
- 3.2.1 Staffing budgets have been increased by an estimated 5%, although this is an indicative amount while pay deal negotiations for 2024/25 remain ongoing.
- 3.2.2 Fees and charges income budgets have been increased by 6%.
- 3.2.3 The tree maintenance budget has increased by 82%, from £7,300 to £13,300, to provide additional resources for a phased approach to tackling Ash Dieback.
- 3.2.4 The budgeted contribution to the working balance has increased from £6,000 to £11,180, in order to replenish the working balance and improve financial resilience.
- 3.2.5 The majority of other running budgets have been inflated by 6% to reflect overall inflation where necessary.
- 3.3 The indicative budget provides a useful basis to identify the main issues that should be addressed in the budget report in January 2024. It enables early consideration of the recommended precepts for 2024/25 and any options the Conservators would like to have included in the budget report.
- 3.4 An increase in each preceptor's contribution of 6% would create a balanced budget which incorporates an annual contribution of £11,180 to replenish the working balance.
- 3.5 Inflation is currently at 6.7% (August 2023 consumer price index). The Government's current inflation target is 2%.

- 3.6 An alternative option of a 4% increase in precepts could see the 2024/25 budget at Appendix 1 maintained, but with the contribution to the working balance reduced from £11,180 to £2,010.
- 3.7 Conservators are asked to provide any further guidance on this indicative budget and whether a 4% or 6% provisional increase in precepts is supported, to be factored into the final budget to be brought back to Conservators for approval in January 2024.

4 Audit of the Accounts 2022/23

- 4.1 The external auditors, PKF Littlejohn LLP, have completed the audit of the accounts for the year ended 31 March 2023.
- 4.2 The auditors have signed off the audit certificate but included the following 'except for' matter to bring to Conservators' attention.
- 4.3 During 2021/22 EWDC incurred expenditure of £40,422 on the Visitor Trails project, funded by European Agricultural Fund for Rural Development (EAFRD) grant income, although the grant cash was only received after the year-end date of 31 March 2022. Similarly in 2022/23, EWDC incurred expenditure of £42,591 on the project, but the grant income cash from the EAFRD was only received in May 2023, after 31 March 2023 year-end.
- 4.4 To fairly present EWDC's financial position at each year-end, grant income due at 31 March was accrued in the respective year's accounts, because it would not have been a fair presentation to report the expenditure but not to declare the accrued income.
- 4.5 The issue raised by the auditor is that as well as a requirement to present fairly EWDC's financial position, it is also a requirement of the 'Joint Panel on Accountability and Governance Practitioners' Guide' that grant income should be accounted for on a cash basis, not an accruals basis.
- 4.6 The contradiction for EWDC is that had grant income been presented in the accounts on a cash basis, it would not have resulted in a fair presentation of the Conservators' financial position at year end.
- 4.7 As such, the external auditor has signed off the external audit without requiring any changes to the accounts but included the 'except for' matter to recognise the conflicting requirements of following the Practitioners' Guide.
- 4.8 The accounts and audit documents have been published on the Council's website in accordance with the Accounts and Audit Regulations 2015 requirement to do so by 30 September. The external auditor's report is attached at Appendix 2.

5 Risk Assessment

Legal or other duties

5.1 Equality Impact Assessment

5.1.1 None arising from the contents of this report.

5.2 Crime & Disorder

5.2.1 None arising from the contents of this report.

5.3 Safeguarding

5.3.1 None arising from the contents of this report.

5.4 Dependencies

5.4.1 None arising from the contents of this report.

5.5 Other

5.5.1 The Conservators maintain a separate strategic risk register.

5.5.2 The Conservators hold a working balance and a Repairs and Renewals Fund reserve, to mitigate the risk of unexpected expenditure. Any withdrawals from the working balance will need to be carefully assessed, to ensure sufficient funds are retained in reserves to cover unexpected expenditure and maintain a stable level of contribution from preceptors.

6 Repairs & Renewals Fund

6.1 The Conservators' Repairs & Renewals Fund has a projected balance of £32,880. This is a reserve held to cover unexpected costs of replacing vehicles, equipment and building repairs.

6.2 Since Tattenham Corner Conveniences were demolished in 2022, Conservators' exposure to potential building repairs has reduced, leaving the Keepers' Hut remaining as the only property to be maintained.

6.3 To reflect this reduced exposure to potential building repairs, it is recommended that £10,000 could be transferred from the Repairs & Renewals Fund to the working balance.

6.4 Officers consider that retaining £22,880 in the Repairs & Renewals Fund would be adequate to mitigate the risks of unexpected repairs at Keepers' Hut and ad hoc replacement of vehicles and equipment. Furthermore, the indicative 2024/25 budget includes a provision of £2,000 to replenish the Repairs & Renewals Fund annually.

7 Financial Implications

- 7.1 Precept contributions are met by the Borough Council (60%), Epsom Racecourse (30%), and the Training Board (10%).
- 7.2 In reserves, the Conservators hold the working balance, which has a projected, uncommitted balance of £26,192 at 31 March 2023. In addition, the Repairs and Renewals Fund will hold a projected balance of £32,880.
- 7.3 If the proposed transfer between the two reserves is agreed, the working balance would increase by £10,000 to £36,192, with the Repairs & Renewals Fund decreasing to £22,880.
- 7.4 **Section 151 Officer's comments:** The Conservators are asked to provide guidance on the indicative budget for 2024/25. Based on this guidance, a final draft budget will be brought back to Conservators for approval in January 2024. With reserves at relatively low levels compared to recent years, Conservators may be guided towards a 6% precept increase, however a 4% option has also been included for consideration.

8 Legal Implications

- 8.1 There are no legal implications arising from the contents of this report.
- 8.2 **Legal Officer's comments:** None for the purpose of this report

9 Policies, Plans & Partnerships

- 9.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Effective Council
 - Green & Vibrant
- 9.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 9.3 **Climate & Environmental Impact of recommendations:** None
- 9.4 **Sustainability Policy & Community Safety Implications:** None
- 9.5 **Partnerships:** The Jockey Club, Training Board and Epsom and Ewell Borough Council are represented by Members on the Conservators Committee.

10 Background papers

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

Previous reports:

- Budget 2023/24 – 23 January 2023

- Final Accounts 2022-23 – 19 June 2023

Other papers:

- None

<u>2022/23</u> <u>Outturn</u>	<u>EWDC Mid-Year Budget Monitoring 2023/24</u>	<u>2023/24</u> <u>Budget</u>	<u>Actuals to</u> <u>31.08.2023</u>	<u>2023/24</u> <u>Forecast</u> <u>Outturn</u>	<u>2023/24</u> <u>Forecast</u> <u>Variance</u>	<u>2024/25</u> <u>Indicative</u> <u>Budget based</u> <u>on 6% precept</u> <u>increase</u>
£		£	£	£	£	£
	Grounds Maintenance					
490	Maintenance of Grounds	220	0	220	0	220
4,500	Car Park Repairs	3,245	0	3,245	0	3,440
3,480	Tree Maintenance Schedule	7,300	0	24,300	17,000	13,300
6,369	Fuel	10,825	1,950	10,825	0	10,825
1,488	Spot hire of vehicles	940	6,814	6,814	5,874	1,000
2,791	Transport Insurance recharge	2,845	0	2,845	0	3,015
0	Chemicals for weed control	445	0	445	0	445
0	Disposal of Waste	3,270	0	0	-3,270	0
30,910	Transport fleet recharge	32,530	0	32,530	0	34,480
3,530	Internal trade waste fees	3,740	0	3,740	0	3,965
53,557	Sub-Total	65,360	8,764	84,964	19,604	70,690
	Keepers Hut					
2,728	Engineering and fabric recharges	3,105	1,284	3,105	0	3,290
198	Building and M&E maintenance	1,120	-198	1,120	0	1,190
622	Electricity	5,530	673	3,500	-2,030	3,675
786	Rates	810	0	973	163	1,030
292	Water dispenser costs	220	199	300	80	320
159	TV Licence	175	159	159	-16	175
0	General office expenses	100	0	100	0	100
912	Insurance recharges	835	0	1,021	186	1,145
5,696	Sub-Total	11,895	2,117	10,278	-1,617	10,925
	Central Expenses					
28,000	Additional pension contribution	28,000	0	28,000	0	28,000
4,722	Budgeted contribution to Repairs & Renewals Fund	4,000	0	4,000	0	2,000
6,000	Budgeted contribution to Working Balance	6,000	0	6,000	0	11,180
505	Clothing & uniforms	660	0	660	0	700
1,200	External Audit	1,240	0	1,638	398	1,260
467	Miscellaneous expenses	1,100	0	1,100	0	1,165
575	General office expenses	1,060	82	1,060	0	1,125
22,472	VAT payments	20,980	0	23,596	2,616	25,010
282,780	Operational Services Recharge EWDC	296,920	0	296,920	0	311,765
20,636	Management Costs Recharge	22,200	0	22,200	0	23,310
1,194	Insurance	1,090	0	1,343	253	1,420
540	Internal audit	555	0	555	0	590
369,091	Sub-Total	383,805	82	387,072	3,267	407,525
	Derby Travellers Caravan Site					
4,230	Contract Payments	4,250	0	4,250	0	4,505
4,230	Sub-Total	4,250	0	4,250	0	4,505

<u>2022/23</u> <u>Outturn</u>	<u>EWDC Mid-Year Budget Monitoring 2023/24</u>	<u>2023/24</u> <u>Budget</u>	<u>Actuals to</u> <u>31.08.2023</u>	<u>2023/24</u> <u>Forecast</u> <u>Outturn</u>	<u>2023/24</u> <u>Forecast</u> <u>Variance</u>	<u>2024/25</u> <u>Indicative</u> <u>Budget based</u> <u>on 6% precept</u> <u>increase</u>
£		£	£	£	£	£
	Tattenham Corner conveniences					
16,255	Demolition Project Costs	0	0	0	0	0
-16,808	Planned Contribution from Repairs & Renewals Fund	0	0	0	0	0
0	Building and M&E maintenance	0	99	99	99	0
100	Electricity	0	0	0	0	0
453	Water Charges	0	97	97	97	0
0	Sub-Total	0	196	196	196	0
	EWDC EAFRD Funding					
8,808	Spot hire of vehicles	0	0	0	0	0
124,929	EAFRD Project Costs	0	0	0	0	0
-91,661	EAFRD Grant Income	0	0	0	0	0
-6,539	Contribution from EEBC (S106 funding)	0	0	0	0	0
-2,900	Contribution from Jockey Club	0	0	0	0	0
-21,216	Planned Contribution from Working Balance	0	0	0	0	0
11,422	Sub-Total	0	0	0	0	0
443,996	Gross Expenditure	465,310	11,159	486,760	21,450	493,645
	Income:					
-3,848	Hire charges	-3,775	-2,942	-3,775	0	-4,005
-1,952	Interest on Balances	-1,500	0	-2,000	-500	-2,000
-1,196	Misc. income	-1,385	0	-1,385	0	-1,470
-6,995	Gross Income	-6,660	-2,942	-7,160	-500	-7,475
437,001	Net Expenditure	458,650	8,217	479,600	20,950	486,170
	Precepts:					
-259,620	Borough Council	-275,190	-275,190	-275,190	0	-291,700
-43,270	Training Board	-45,865	-45,865	-45,865	0	-48,620
-129,810	Epsom Racecourse	-137,595	-137,595	-137,595	0	-145,850
-432,700		-458,650	-458,650	-458,650	0	-486,170
4,301	Surplus (-) / Deficit in Year	0	-450,433	20,950	20,950	0
60,659	Working Balance brought forward 1 April			41,142		26,192
6,000	Add budgeted in year contribution to working balance			6,000		11,180
-21,216	Less contribution to EAFRD project from working balance			0		0
-4,301	Surplus/deficit for the year			-20,950		0
41,142	Forecast Working Balance carried forward 31 March			26,192		37,372
40,965	Repairs & Renewals Balance brought forward 1 April			28,880		32,880
4,722	Add budgeted in year contribution to R&R Fund			4,000		2,000
-16,808	Less contributions from R&R Fund			0		0
28,880	Forecast Repairs & Renewals Balance carried forward 31 March			32,880		34,880

In respect of **Epsom and Walton Downs Conservators- OT0018**

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 (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR 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.

The AGAR was not prepared in accordance with proper practices:

- In our External Auditor report for 2021/22 we reported that the smaller authority had included an accrual of grants receivable of £40,422 in Section 2, Box 3 in that year. The Joint Panel on Accountability and Governance Practitioners’ Guide does not allow for grants receivable to be accrued or deferred, they must be accounted for in the year in which they are received. Although proper practices require grants received to be accounted for on a cash basis, in order to give a fair presentation of the authority’s financial position, the authority considered it necessary to credit this grant entitlement as income for 2021/22 although payment had not been received by 31 March 2022. This grant was received during the year 2022/23 and so had the accounts been prepared in accordance with proper practices this would have been shown as income in Box 3 in 2022/23 and not 2021/22. The smaller authority has confirmed that there was an accrued grant receivable of £42,591 as at 31 March 2023 which has been treated in the same way.

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

None.

3 External auditor certificate 2022/23

We 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.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

PKF Littlejohn LLP

Date

22/09/2023

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ASH DIEBACK

Head of Service:	Justin Turvey, Interim Head of Place Development
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	none

Summary

This report is to advise the Conservators of the progress of Ash Dieback works to trees that are affected by the disease which have taken place to date, the programme of works that will be undertaken going forwards, and to note the increased costs associated with tree works.

Recommendation (s)

The Conservators are asked to:

- (1) **Note the progress of Ash Dieback works to trees affected by the disease which have taken place to date, and the programme of works that will be undertaken.**
- (2) **Note that an 82% increase in the annual tree maintenance budget, from £7,300 to £13,300 has been factored into the Conservators' indicative 2024/25 budget setting for consideration to fund the programme of works.**

1 Reason for Recommendation

- 1.1 To note the work which has been undertaken in respect of Ash Dieback on The Downs since the last Conservators meeting in June and the programme of works that are intended to be undertaken in relation to higher risk trees over the coming months, and to note the increased budget requirement to enable works to be undertaken to deal with Ash Dieback over a number of years.

2 Background

- 2.1 At the Conservators' June meeting, £17,000 was allocated from available reserves to tackle high risk Ash Dieback. That meeting agreed that a further report would be brought back to Conservators in November to agree a phased approach and identify the ongoing budget requirement to tackling Ash Dieback over a number of years.

3 Ash Dieback Works

- 3.1 A felling licence is required from the Forestry Commission to agree a programme of tree works, unless the Forestry Commission have agreed that the trees are exempt (e.g. because they present an immediate danger). Following the June Conservators' meeting, officers submitted the application to the Commission and have held discussions with them. An exemption agreement was received at the end of October to fell both the high and medium priority trees (circa 70 trees).
- 3.2 Although the Council have only recently received the licence, the majority of work would not have been undertaken over the summer months in any event due to the bird nesting season. Fortunately, only one Ash Tree on The Downs has been considered dangerous enough to warrant immediate works so far this year, that decision being taken because of its health and proximity to Vale School.
- 3.3 Having received approval from the Forestry Commission, officers are now setting up a working group and have held discussions with the Council's tree contractors. The contractors have confirmed availability for high priority works and, given the limited working hours on The Downs, officers are looking to match the works on The Downs with local works in the morning to enable work on The Downs to take place in the afternoons.
- 3.4 As well as the work identified above, the programme of regular formal inspections will continue in line with the Council's adopted Tree Management Plan and Ash Dieback Action Plan, and officers will update the Action Tracker as appropriate.

4 Cost Estimate

- 4.1 At the meeting in June, The Conservators agreed to immediately set aside £17,000 from reserves to fund the high priority works, recognising that further funding would be required. Surveys from 2022 identified that works to the value of £49,707 (based on contract rates) would be required at the time the surveys were undertaken.

- 4.2 The £17,000 therefore still left a gap of c.£33,000 to undertake the required works. It should also be noted that whilst accurate at the time, Ash trees are likely to decay at different rates, potentially over years, and the costs associated with removal and making safe will vary according to the location and access, rate of decay, size etc, and that inflationary pressures are likely to mean that these costs increase over time. Not agreeing the current level of funding presents the risk that additional funding above current requested levels is required at a later date.

Given the above, it is considered that £6,000 increase (equating to an 82% uplift) in the annual tree maintenance budget, from £7,300 to £13,300, will be needed to fund the remaining c.£33,000 of Ash Dieback works, phased over a six-year period.

5 Risk Assessment

Legal or other duties

5.1 Equality Impact Assessment

5.1.1 None arising from this report

5.2 Crime & Disorder

5.2.1 None arising from this report

5.3 Safeguarding

5.3.1 None arising from this report

5.4 Dependencies

5.4.1 None arising from this report

5.5 Other

5.5.1 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.

6 Financial Implications

- 6.1 Ash Dieback will result in increased expenditure over a period of years to manage the risk.

6.2 An additional annual budget requirement of £6,000 per annum should enable the managed plan of works to be undertaken over a period of six years.

6.3 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.

6.4 **Section 151 Officer's comments:** The additional £6,000 budget requirement has been factored into the Conservators' indicative 2024/25 budget, which is reported in the separate agenda item '2023/24 Mid-Year Budget Monitoring'.

7 Legal Implications

7.1 This proposal enables compliance with obligations on the Council required by the Occupiers Liability Act 1957 the Health and Safety at Work Act 1974.

7.2 **Legal Officer's comments:** None other than those highlighted in this report

8 Policies, Plans & Partnerships

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

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

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

8.3 **Climate & Environmental Impact of recommendations:** 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.

8.4 **Sustainability Policy & Community Safety Implications:** The safe management of trees provides community safety.

8.5 **Partnerships:** 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.

9 Background papers

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

Previous reports:

- Epsom and Walton Downs Conservators Committee meeting June 2023 'Tree Management on The Downs'

Other papers:

- Epsom and Walton Downs Habitat Management Plan, 2023-2028 (January 2023)
- DERFA: Grants for ash with ash dieback, February 2023
- Epsom & Ewell Tree Management Plan 2023
- Epsom & Ewell Ash Dieback Action Plan 2023

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DATES OF MEETINGS IN 2024

Head of Service:	Piero Ionta, Head of Legal and Monitoring Officer
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	none

Summary

The Conservators are requested to agree the dates of their normal meetings to be held in 2024.

Recommendation (s)

The Conservators are asked to:

- (1) agree to hold their normal meetings in 2024 on the following dates:**
 - a) Monday 22 January 2024 at 18.00 hours**
 - b) Monday 17 June 2024 18.00 hours**
 - c) Monday 4 November 2024 18.00 hours**

1 Reason for Recommendation

- 1.1 It is necessary to set dates for meetings of the Conservators for the forthcoming year to enable business to be processed.

2 Background

- 2.1 It is recommended that the Conservators agree to hold their normal meetings evenly across the year and the dates within the recommendation are the dates which follow the normal pattern for meetings.

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.

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

5 Legal Implications

5.1 None.

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

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The Council's Key Priorities are not relevant to this matter.

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

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

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

6.5 **Partnerships:** None.

7 Background papers

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

Previous reports:

- None.

Other papers:

- None.

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