

NONSUCH PARK JOINT MANAGEMENT COMMITTEE

Monday 19 June 2023 at 10.30 am

Mansion House, Nonsuch Park

The Members listed below are summoned to attend the Nonsuch Park Joint Management Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Committee Members

Councillor Christopher Woolmer, London Borough of Sutton (Chair)

Councillor Julian Freeman, Epsom & Ewell Borough Council

Councillor Anthony Froud, Epsom & Ewell Borough Council

Councillor Peter Geiringer, London Borough of Sutton

Councillor Christine Howells, Epsom & Ewell Borough Council

Councillor Louise Phelan, London Borough of Sutton

Yours sincerely



Clerk to the Committee

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

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by staff. It is vital that you follow their instructions.

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

Public information

This meeting will be held at the Mansion House, Nonsuch Park. A limited number of seats will be available in the public seating area. If you wish to observe the meeting from seating area, please arrive at the Mansion House 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.

Agendas, reports and minutes for this Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the 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 from the Public

Up to 30 minutes will be set aside for questions from members of the public at meetings of this Committee. Any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough may ask a question or make a statement on matters within the Terms of Reference of the Committee.

All questions must consist of one question only and cannot consist of multiple parts. Questions cannot relate to any matters contained within the meeting's agenda. Questions cannot relate to planning or licensing committees matters, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chair are defamatory, offensive, vexatious or frivolous will not be accepted. Each question will be limited to 3 minutes in length.

If you wish to ask a question at a meeting of this Committee or would like further information with regard to asking a question, please contact Democratic Services at: democraticservices@epsom-ewell.gov.uk

Questions must be received in writing by Democratic Services by noon on the tenth working day before the day of the meeting. For this meeting this is **Noon, 5 June**.

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Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

AGENDA

1. QUESTION FROM THE PUBLIC

To take any questions or statements from members of the Public.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 27 March 2023 (attached) and to authorise the Chair to sign them.

4. CALENDAR OF MEETINGS 2023/24 (Pages 9 - 14)

To fix the dates and times for meetings of the Nonsuch Park Joint Management Committee for the 2023/24 Municipal Year.

5. COMMITTEE GOVERNANCE AND PUBLIC PARTICIPATION ARRANGEMENTS (Pages 15 - 22)

To update the governance and public participation arrangements for the Nonsuch Park Joint Management Committee, following recent updates to the Epsom & Ewell Constitution.

6. NONSUCH PARK BYLAWS AND DOG CONTROL REVIEW (Pages 23 - 30)

This report provides members of the Nonsuch Park Joint Management Committee with the outcome of the Byelaw and Dog Control Working Party meeting and proposes a consultation exercise to gauge public opinion on a proposal to launch a pilot licencing scheme to regulate commercial dog walking in Nonsuch Park.

7. NONSUCH FINAL ACCOUNTS 2022-23 (Pages 31 - 40)

This item presents the Joint Management Committee's final accounts for financial year 2022/23.

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**Minutes of the Meeting of the NONSUCH PARK JOINT MANAGEMENT
COMMITTEE held at the Mansion House, Nonsuch Park on 27 March 2023**

PRESENT -

Councillor Christopher Woolmer (London Borough of Sutton) (Chair); Councillors Kate Chinn (Epsom & Ewell Borough Council), Christine Howells (Epsom & Ewell Borough Council) (as nominated substitute for Councillor David Reeve), Louise Phelan (London Borough of Sutton) and Vanessa Udall (London Borough of Sutton) (as nominated substitute for Councillor Peter Geiringer)

In Attendance: Jon Whitehead (Representative) (Nonsuch Voles) and Michael Teasdale (Representative) (Friends of Nonsuch)

Absent: Councillor Peter Geiringer (London Borough of Sutton), Councillor Colin Keane (Epsom & Ewell Borough Council) and Councillor David Reeve (Epsom & Ewell Borough Council)

Officers present: Jackie King (Town Clerk, Epsom & Ewell Borough Council), Andrew Bircher (Interim Director of Corporate Services, Epsom & Ewell Borough Council), Mark Shephard (Head of Property and Regeneration, Epsom & Ewell Borough Council), Tony Foxwell (Senior Surveyor, Epsom & Ewell Borough Council), Samantha Whitehead (Streetcare Manager, Epsom & Ewell Borough Council), Brendan Bradley (Head of Finance, Epsom & Ewell Borough Council), Ian Wolstencroft (Contract Officer London Borough of Sutton) and Dan Clackson (Democratic Services Officer, Epsom & Ewell Borough Council)

26 QUESTION TIME

No questions were received from members of the public.

27 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors with respect to any items on the agenda.

28 MINUTES OF THE PREVIOUS MEETING

A Member highlighted that the minutes of the previous meeting of the Committee held on 23 January 2023 referred in error to the Council Chamber, Epsom Town Hall as the location of the meeting. The Committee agreed that the minutes be amended to refer to the Mansion House as the location of the meeting.

The Committee agreed that the minutes were otherwise a true record of the meeting and authorised the Chair to sign them, following the agreed amendment.

29 NONSUCH PLANNED MAINTENANCE REPORT UPDATE AND NEW PRIORITY WORKS FOR 2023-24

The Committee received a report providing an update on the current financial year 2022-23 priority planned maintenance programme (including the additional health & safety and emergency works undertaken during the year). The report also sought approval for the forthcoming 2023-24 priority planned maintenance works.

The following matters were considered by the Committee:

- a) **Maintenance Works:** In response to a concern from the Chair regarding the potential for leakages, the Senior Surveyor confirmed that the provider of the museum roofing material had provided a manufacturer's guarantee and confirmed that the material is resilient to leaking.
- b) **Potential Fundraising Opportunity:** It was proposed by the Committee that QR codes for making donations could be located at appropriate locations around the Park, such as the museum. The Streetcare Manager explained that the Committee would require a charity status in order to do that. The Nonsuch Voles Representative confirmed that although the Voles do not have a charity status, the work they do is for a charitable purpose, and that they would be interested in investigating with the NJMC the practicalities of the Voles being able to accept donations.
- c) **Heritage Days:** In response to a query from the Committee, the Streetcare Manager explained that Awareness Days celebrating English heritage used to be run in the Park. She explained that historically the events were focussed on education and information and were not commercialised, and elaborated that commercialisation of the event would come with increased Officer resource, and financial and organisational costs. She stated that the event in the past was well received and enjoyed by visitors. The Committee agreed that an investigation be undertaken into the viability of restarting Heritage Day events in the Park and the viability of commercialisation of the events.
- d) **Friends of Nonsuch and Nonsuch Voles Awareness:** The Streetcare Manager suggested that the possibility of setting up information stools in the Park, on occasion, could be investigated in order to raise awareness of the Nonsuch Voles and Friends of Nonsuch for Park visitors.

- e) **Mansion Tenancy Arrangement:** In response to a question from the Committee, the head of Property and Regeneration explained that the Council lease the Mansion to the catering company, Bovingdons, and that they contribute to the external maintenance of the Mansion. He explained that altering their contract to require their involvement in any Commercial events run by the Council would affect the amount of rent the Council could charge them for their tenancy. He stated that to date they have been a very successful tenant.

Following consideration, the Committee unanimously resolved to:

- (1) **Note the progress of the works (including the additional Health & Safety and emergency works) carried out during the current financial year 2022-23.**
- (2) **Approve the proposed planned maintenance priority works for 2023-24.**

The meeting began at 10.00 am and ended at 10.46 am

COUNCILLOR CHRISTOPHER WOOLMER (CHAIR)

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CALENDAR OF MEETINGS 2023/24

Head of Service:	Andrew Bircher, Interim Director of Corporate Services
Wards affected:	Nonsuch Ward;
Appendices (attached):	Appendix 1 – Draft Programme of Meetings 2023/24

Summary

To fix the dates and times for meetings of the Nonsuch Park Joint Management Committee for the 2023/24 Municipal Year.

Recommendation (s)

The Committee is asked to:

- (1) **Fix the day and time of its meetings for the municipal year 2023/24, as set out in the appendix.**

1 Reason for Recommendation

- 1.1 In accordance with Paragraphs 6 and 7, set out in the Agreement dated 1993, the Committee is required to fix the day and time of its four ordinary meetings for the current municipal year at its first meeting of the year.

2 Background

- 2.1 A draft programme of meetings for 2023/24 was approved by the Committee at its meeting on 23 January 2023.
- 2.2 It should be noted that the January meeting on the draft programme has since been amended to a start time of 10:30 to accommodate a pre-meeting introductory session at 10:00. The amended draft programme is set out at the appendix to this report.
- 2.3 The Committee is asked to agree the dates and times of its meetings for the 2023/24 municipal year, as set out at the appendix to this report.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment

3.1.1 None

3.2 Crime & Disorder

3.2.1 No issues

3.3 Safeguarding

3.3.1 No issues

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 There are no new financial implications arising from the contents of this report.

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

5 Legal Implications

5.1 None arising from the contents of this report

5.2 **Legal Officer's comments:** None

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The Council's 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:

- Future dates for meetings of the Nonsuch Park Joint Management Committee – 23 January 2023

<https://democracy.epsom-ewell.gov.uk/documents/s26000/Future%20dates%20for%20meeting%20of%20the%20Nonsuch%20park%20joint%20management%20committee.pdf>

Other papers:

- Agreement (dated 7 May 1993) to amend an Agreement dated 12 April 1937 regarding the management of land known as Nonsuch Park.

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Draft Programme of Meetings of the Nonsuch Park Joint Management Committee for the Municipal Year 2023/24, *(amended to include introductory session on 19 June)*:

- 1) Monday 19th June 2023 at 10.30 hours *(Introductory Session 10:00-10:30)*
- 2) Monday 16th October 2023 at 10.00 hours
- 3) Monday 22nd January 2024 at 10.00 hours
- 4) Monday 25th March 2024 at 10.00 hours

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GOVERNANCE AND PUBLIC PARTICIPATION ARRANGEMENTS FOR THE NONSUCH PARK JOINT MANAGEMENT COMMITTEE

Head of Service:	Andrew Bircher, Interim Director of Corporate Services
Wards affected:	Nonsuch Ward;
Appendices (attached):	Appendix 1: 'Public Participation at Nonsuch Park Joint Management Committee' protocol

Summary

To update the governance and public participation arrangements for the Nonsuch Park Joint Management Committee, following recent updates to the Epsom & Ewell Constitution.

Recommendation (s)

The Committee is asked to:

- (1) Discard the protocol for 'Public Participation at Nonsuch Park Joint Management Committee' and agree that the Epsom & Ewell Committee Rules of Procedure and Protocol for Public Speaking apply to the Nonsuch Park Joint Management Committee, pending a new joint management arrangement.**

1 Reason for Recommendation

- 1.1 To ensure that the business of the Committee continues to be carried out effectively and in accordance with good governance.
- 1.2 To enable continued engagement between the NJMC and members of the public / park users to ensure Nonsuch Park meets the diversity of needs.

2 Background

Rules of Procedure

- 2.1 In 1937 an agreement was entered into by the then London County Council, London Borough of Sutton, Surrey County Council and Epsom & Ewell Borough Council ("Epsom & Ewell"), following the purchase of lands which now form part of Nonsuch Park ("the Park"). At the time, Surrey County Council handed over management and maintenance of the Park to Sutton and Epsom & Ewell Councils. As a result, the Joint Management Committee ("the JMC") was set up to manage the Park.
- 2.2 In 1993, both Councils entered into an agreement to amend some of the requirements of the original 1937 agreement. Amongst other matters, it was agreed that the JMC would be renamed the Nonsuch Park Joint Management Committee ("the NJMC").
- 2.3 The original 1937 agreement setting up the JMC has since been lost. As a result, the rules of procedure of the Committee became unclear. References to 'standing orders' have been found in historic minutes for the JMC, but a record of those standing orders cannot be found.
- 2.4 In the interest of good order and effective conduct of business and transparent and effective decision-making, it is important for the NJMC to have a clear set of rules of procedure for the running of the Committee.
- 2.5 The NJMC is a joint Committee between Sutton and Epsom & Ewell Councils. However, neither Council's Constitution deals specifically with the Committee rules of procedure for the NJMC.
- 2.6 Historically, the rules of procedure at meetings of the NJMC have effectively been those of Epsom & Ewell. Currently Epsom & Ewell provide support to the NJMC in terms of Democratic Officer support, the Clerk to the Committee is the Chief Executive of Epsom & Ewell, and all support in relation to finance, planned maintenance reporting, property management and park management is provided by Epsom & Ewell.
- 2.7 At its meeting dated 4 February 2019, the NJMC was presented with a report asking the Committee to formally adopt the rules of procedure of Epsom & Ewell's Constitution, to which the Committee agreed.

Public participation

- 2.8 However, it was acknowledged in the report that as the NJMC was not a policy making committee, there would be no provision for public participation at meetings of the NJMC under the Epsom & Ewell Constitution's current rules of procedure.

- 2.9 It is important for the NJMC to hear from and engage with park users, stakeholders and partners to ensure Nonsuch Park meets the diversity of needs. To enable public participation at its meetings, the report also asked the NJMC to adopt a bespoke 'Public Participation at Nonsuch Park Joint Management Committee' protocol, to which the Committee agreed. This protocol has been attached at appendix 1 to this report.

Update to the Epsom & Ewell Constitution

- 2.10 Epsom & Ewell Borough Council, at its Full Council meeting on 14 February 2023, approved an update to its Constitution and the implementation of an Operating Framework, effective from 4 May 2023.
- 2.11 As part of the update to the Constitution, minor changes were made to the Committee rules of procedure. Substantial changes were made to the protocol for public speaking at Committees, set out in the Council's Operating Framework. The updated rules of procedure can be seen at Appendix 5 of the Epsom & Ewell Borough Council Constitution. The updated protocol for public speaking can be seen at Annex 4.2 of the Epsom & Ewell Borough Council Operating Framework.
- 2.12 According to the updated protocol for public speaking, the NJMC would no longer be precluded from receiving engagement from members of the public due to the fact that the protocol no longer limits public participation to meetings of policy making committees only.

Recommendation

- 2.13 The Committee is asked to note the Epsom & Ewell Committee Rules of Procedure and Protocol for Public Speaking following the recent update and agree that they apply to the Nonsuch Park Joint Management Committee until such a time as other arrangements are agreed.
- 2.14 The Committee is asked in turn to discard its current protocol for 'Public Participation at Nonsuch Park Joint Management Committee' as its purpose in enabling the NJMC to allow public participation at its meetings has been rendered redundant.
- 2.15 It should be noted that the updated public participation protocol of the Epsom & Ewell Operating Framework provides a platform for the submission of statements from members of the public as well as questions. Questions relating to matters on the meeting's agenda are no longer disallowed under the updated protocol, and the deadline for the submission of questions to be asked at Committee has been reduced from 10 working days to 3 working days before the meeting. Overall, the updated protocol enables a greatly improved experience for engagement between the NJMC and members of the public / park users.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None

3.2 Crime & Disorder

3.2.1 No issues

3.3 Safeguarding

3.3.1 No issues

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 There are no direct financial implications.

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

5 Legal Implications

5.1 This brings the Committee in line with the new Constitution, which came into effect on 4 May 2023.

5.2 **Legal Officer's comments:** None that arise directly 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:

- Governance Arrangements for the Joint Management Committee, 4 February 2019

<https://democracy.epsom-ewell.gov.uk/documents/g582/Public%20reports%20pack%2004th-Feb-2019%2010.00%20Nonsuch%20Park%20Joint%20Management%20Committee.pdf?T=10>

Other papers:

- Agreement (dated 7 May 1993) to amend an Agreement dated 12 April 1937 regarding the management of land known as Nonsuch Park.
- Epsom & Ewell Borough Council Constitution: Appendix 5 – Standing Orders relating to the Conduct of Committees, Sub-Committees, and Advisory Panels (date of issue: 04/05/2023)

<https://democracy.epsom-ewell.gov.uk/documents/g1574/Public%20reports%20pack%2004th-May-2023%20Constitution%20of%20Epsom%20and%20Ewell%20Borough%20Council.pdf?T=10&Info=1>

- Epsom & Ewell Borough Council Operating Framework: Annex 4.2 – Protocol for Members of the Public Speaking at Committees (date of issue: 04/05/2023)

<https://www.epsom-ewell.gov.uk/sites/default/files/documents/council/about-council/governance/Annex%204-2%20-%20Protocol%20Members%20of%20Public%20Speaking.pdf>

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Public Participation at Nonsuch Park Joint Management Committee

The London Borough of Sutton and Epsom & Ewell Borough Council jointly have responsibility for the management of Nonsuch Park. This responsibility is discharged on behalf of both Council by the Nonsuch Joint Management Committee. The Committee is made up of 3 elected members from each of the two local authorities.

The meetings of the Nonsuch Park Joint Committee (often referred to as the JMC) are open to the public but they are not public meetings. The Joint Committee values both the views and the support of all interest parties and park users. To ensure Nonsuch Park meets the diversity of needs, it is important for the JMC to both hear from an engage with all with park users, stakeholders and partners.

One method of engagement is by engaging directly with the JMC. This could be through asking questions of the JMC or being a recognised body or group.

Request to ask a question at a meeting

- 1.1 At meetings of the JMC up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the JMC which may not include matters listed on a Committee Agenda.
- 1.2 All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.
- 1.3 The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.
- 1.4 Any person wishing to ask a question must submit their request to ask a question in writing (either in hard copy or by email) to the Chief Legal Officer of Epsom & Ewell Borough Council. The request must arrive by noon on the tenth working day before the day of the meeting.
- 1.5 When requested to ask their question, the speaker will be asked for their name and address and if appropriate the organisation or group they represent. These details will be noted in the record of the meeting.

Submission of written questions to a meeting.

- 1.6 A person who wishes to ask a written question must submit their question in writing (either in hard copy or by email) to the Chief Legal Officer of Epsom & Ewell Borough Council. The written question must arrive by noon on the tenth working day before the day of the meeting.
- 1.7 The member of the public submitting a written question must set out:
- (a) the wording of the question they wish to ask
 - (b) an address, email address or telephone number at which they can be contacted before and after the meeting
 - (c) whether they live, work, attend an educational establishment or own or lease land in the Borough and if so, details.
- 1.8 Following receipt of a written question, the Chief Legal Officer will ensure that the member of the public asking the question is contacted and told whether their request complies with the conditions above. If contact details are not readily identifiable or have not been supplied, the question will not be accepted even if in all other respects it is valid.

Question process at a meeting

- 1.9 Public questions will be taken as the last agenda item. 1.8 The Chairman may decline to answer a question or may give an answer orally at the meeting or may provide a written reply.
- 1.10 At the Meeting the Chairman will ask the questioner if the response answers their concern or if they wish to ask one supplementary question. If a supplementary question is asked, it must arise from the reply given. The Chairman may decline to answer a supplementary question.
- 1.11 Written questions shall be taken first and in the order they were received followed by any oral questions, until 30 minutes have elapsed since the first question was called.
- 1.12 If a member of the public asks or wishes to ask more than one question, their second question (written or oral) shall be taken after all other individuals who wish to ask a question have been given the opportunity to do so.

Invitations to address the JMC

- 2.1 There may be occasions when the JMC may wish to seek the views of a 3rd party on a matter they are considering. Such a matter cannot relate to an application for permission to run an activity, the hiring or letting of any part of the Nonsuch Park.
- 2.2 The Chairman following advice from the Chief Legal Officer, will have the power to invite any such party if their specialist or particular knowledge would assist the JMC in the consideration of any relevant matter.

NONSUCH PARK BYLAWS AND DOG CONTROL REVIEW

Head of Service:	Ian Dyer, Head of Operational Services
Wards affected:	Nonsuch Ward;
Appendices (attached):	Appendix One – Analysis of Issues and Remedies

Summary

This report provides members of the Nonsuch Park Joint Management Committee with the outcome of the Byelaw and Dog Control Working Party meeting and proposes a consultation exercise to gauge public opinion on a proposal to launch a pilot licencing scheme to regulate commercial dog walking in Nonsuch Park.

Recommendation (s)

The Committee is asked to:

- (1) Note the outcome of the Byelaw and Dog Control Working Party**
- (2) Agree to keep the existing byelaws but explore further measures to regulate the use of drones and commercial dog walking in the park.**
- (3) Agree to actively promote the Civil Aviation Drone and Model Aircraft Code.**
- (4) Agree to carry out a six-week local consultation exercise to gauge public opinion on a proposal to introduce a pilot licencing scheme to regulate commercial dog walking in Nonsuch Park.**
- (5) To delegate the collation of consultation responses to officers and the decision to commence the pilot scheme to the Chairman and Clerk as set out in the timetable in paragraph 2.13 of this report**

1 Reason for Recommendations

- 1.1 To take additional steps to ensure public safety by implementing a scheme for licencing commercial dog walkers to operate in Nonsuch Park which will require them to operate in a safe and professional manner, provide evidence of public liability insurance and risk assessments to ensure they have considered and have measures in place, to mitigate the risks of conducting their business in a public open space.
- 1.2 To promote the Civil Aviation Drone and Model Aircraft Code to ensure that drones are used safely and with proper regard for privacy.

2 Background

- 2.1 On 23 January 2023, members of the Joint Management Committee resolved to set up a byelaw and dog control working party comprising of officers and councillors, to further discuss all the options available to the committee for regulating the use of the Nonsuch Park to ensure public safety and enjoyment of the facilities.
- 2.2 The working party met on Monday 6 March 2023 and were tasked with the objective of deciding if the introduction of model byelaws and a public space protection to regulate dog control in the park were the most proportionate and effective tools to deal with current issues.
- 2.3 To agree a pathway, members of the working party had to be clear of the local problems it sought to overcome and decide if there was any existing legislation that could provide the desired remedy.
- 2.4 The group agreed that the main issues they sought to resolve were:
 - General dog control and responsible dog ownership
 - Multiple/commercial dog walking
 - The use of drones
 - The use of electric scooters and electric bikes
- 2.5 An analysis of the above was conducted by the working party and is shown in Appendix One.
- 2.6 On balance it was agreed that although the terminology was somewhat archaic, the existing byelaws, were mostly fit for purpose except for the use of drones in the park and measures to control multiple dog walking.
- 2.7 In conclusion the working party were happy to put forward recommendations to the Joint Management Committee to keep the existing byelaws but put further measures in place to regulate commercial dog walking and the use of drones in the park.

3 Drones

- 3.1 In the absence of a specific byelaw to control the use of drones, the working party agreed that the use of drones could be reasonably controlled by the promotion of the Civil Aviation Drone and Model Aircraft Code.

4 Commercial Dog Walking

- 4.1 Although the existing byelaws state that all dogs should be under proper control, the working party were keen to explore further measures to regulate commercial dog walking.

- 4.2 The working party agreed that a sensible first step towards regulating commercial dog walking could be licencing commercial dog walkers in Nonsuch Park. This approach has been adopted in other local authority areas and is encouraged by the RSPCA.
- 4.3 The working party were keen to stress that the main reason for licencing should be to encourage safe and professional working practices and to ensure that commercial dog walkers had appropriate insurance and that all necessary risk assessments were in place. The working party agreed that the licence should be modestly priced to cover the administration involved in processing applications to encourage uptake.
- 4.4 The working party raised concerns that introducing a licencing scheme in Nonsuch Park could cause displacement of commercial dog walkers to other parks and open spaces in both London Borough of Sutton and Epsom & Ewell, it was therefore agreed that, if introduced, the licencing scheme should be trailed for a six-month period so that uptake and displacement could closely be monitored.
- 4.5 The working party were advised that ahead of adopting any licence scheme a local consultation exercise should be conducted for a period of no less than six weeks.
- 4.6 It is therefore proposed that a local consultation on adopting a commercial dog walking licencing scheme in Nonsuch Park should be prepared ready to be circulated both online and in hard copy format by both London Borough of Sutton and Epsom & Ewell Borough Council commencing 1 August 2023 and ending on 10 September 2023.
- 4.7 Once the consultation is complete it is proposed that officers collate the responses and present these to the Chair and the Clerk of the Joint Management Committee, to decide if the scheme should go ahead and if so, agree the finer details of the scheme and date of implementation.

5 Risk Assessment

Legal or other duties

5.1 Equality Impact Assessment

5.1.1 None for the purpose of this report

5.2 Crime & Disorder

5.2.1 By keeping existing byelaws, promoting the Drone and Model Aircraft Code and potentially introducing a commercial dog walker licencing scheme, the Joint Management Committee will take a proportionate approach to ensuring that Nonsuch Park is safe and enjoyable for all park users.

5.3 Safeguarding

5.3.1 The measures proposed in this report are designed to safeguard the public

5.4 Dependencies

5.4.1 The implementation of the commercial dog walker licencing scheme will be dependent on the outcome of the local consultation exercise.

5.5 Other

5.5.1 N/A

6 Financial Implications

6.1 Officer resource will be required to conduct the consultation exercise, all other expenses will be covered from the Joint Management Committee's annual revenue budget.

6.2 **Section 151 Officer's comments:** Costs should be met from existing budgets as outlined above.

7 Legal Implications

7.1 Epsom & Ewell Borough Council's Legal Officer was a member of the working party and has provided advice on the proposals and current legislation contained in the main report and appendix.

7.2 **Legal Officer's comments:** Legal will continue to advise the Committee throughout the process.

8 Policies, Plans & Partnerships

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

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

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

8.4 **Sustainability Policy & Community Safety Implications:** This recommendations in this report are designed to ensure reasonable steps are taken to ensure community safety.

8.5 **Partnerships:** The Joint Management Committee is committed to working with the public and stakeholders to seek their views before implementing new policies for the park.

9 Background papers

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

Previous reports:

- Nonsuch Park Byelaws Review – 23 January 2023

Other papers:

-

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Analysis of Issues and Remedies

Issue	Model Byelaws	Existing Byelaws	Other legislation
General dog control and responsible dog ownership	No provision	A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground, unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any animal or water fowl, and from entering any ornamental water.	Dangerous Dogs Act 1991: States that it is a criminal offence to allow your dogs to be dangerously out of control or to keep a dog which is legally considered to be a dangerous breed Anti-Social Behaviour, Crime and Policing Act 2014 – allows Councils to make Public Space Protection Orders for dog control
Multiple/Commercial Dog Walking Dog Walking	No provision	No explicit provision	Anti-Social Behaviour, Crime and Policing Act 2014 – allows Councils to make Public Space Protection Orders for dog control The council already licence commercial activity in the park which could be extended to include commercial dog walking
The use of drones	Covered by model aircraft regulations	None	Civil Aviation Authority – UK Drone and Model Aircraft Code
The use of electric scooters	An electric scooter is a motorised two-wheel vehicle or Personal Light Electric Vehicle (PLEV). They differ from electric bikes not just because they don't have pedals but because they are classed as motor vehicles under the road traffic laws. Therefore they are covered by the byelaws.	As before electric scooters would be covered by the byelaws	

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FINAL ACCOUNTS 2022-23

Head of Service:	Brendan Bradley, Head of Finance
Wards affected:	Nonsuch Ward;
Appendices (attached):	Appendix 1 – Final 2022/23 Revenue Account Appendix 2 – Financial Position at 31 March

Summary

This item presents the Joint Management Committee's final accounts for financial year 2022/23.

Recommendation (s)

The Committee is asked to:

- (1) Receive the final accounts for 2022/23

1 Background

- 1.1 This report presents the final accounts for the year ended 31 March 2023.

2 Revenue Account for 2022/23

- 2.1 The final revenue account is attached at Appendix 1, which shows income and expenditure against budget. The balance sheet, which shows assets, liabilities and reserves at 31 March 2023 is shown at Appendix 2.
- 2.2 Overall, there was a net deficit of £13,460 on the revenue account at year end, which was mainly due to the following factors:
- 2.3 Gross expenditure was £24,299 above budget, mainly due to:
 - 2.3.1 Mansion House engineer and fabric maintenance costs are nearly £8,000 over budget. This is due to additional maintenance work and costs increasing with inflation. Going forward, it is expected that costs will continue to increase due to inflation. For 2023/24, any excess expenditure will need to be met by the agreed £84,160 building maintenance budget. The engineer and fabric maintenance budget was updated to reflect latest charges and will continue to be monitored.

- 2.3.2 Council tax for London Road Lodge is £6,790 over budget as the prospective tenant's planning application took longer to conclude than expected, which extended the JMC's liability to the empty property council tax premium. Going forward, once the lease is agreed, council tax will no longer be the JMC's liability.
- 2.3.3 Property agency fees amounted to £5,830 for interim legal and letting fees, plus an additional £1,287 for lease drafting work. These one-off costs related to the prospective London Road Lodge letting.
- 2.3.4 At Mansion House, electricity and gas were a combined £9,300 over budget due to global energy price increases. To mitigate increased costs in 2023/24, the budgets for electricity and gas were broadly doubled. A recharge of 59% of increased utility costs will be passed on to Bovingdons as part of the property lease. Utility costs will continue to be closely monitored.
- 2.4 Gross income was £11,430 higher than budgeted at £231,530 against a budget of £220,100, primarily due to:
 - 2.4.1 Hire charges exceeded the income budget of £8,250 by £2,000. A large part of this income was generated by the Town and Country Festival event last summer. There are two Town and Country Festival events scheduled to happen this summer, expected to generate c.£5,000 net income each.
 - 2.4.2 A contribution of £1,500 was received from Friends of Nonsuch towards Nonsuch pathways maintenance.
- 2.5 The overall deficit of £13,460 will be met by a contribution from the Working Balance Reserve.

3 Nonsuch Reserves

- 3.1 At 31 March 2023, the Repair and Renewals fund held a balance of £14,101. This balance will increase by £7,642 to £21,744, following the budgeted contribution of £7,260 and interest received of £382.
- 3.2 At 31 March 2023, the Working Balance Reserve held a balance of £79,179. This balance will decrease to £65,719 following a contribution to cover the 2022/23 deficit of £13,460.

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 The principal risks that the JMC manages are as follows:
 - 4.2.1 Funding for repairs and maintenance, particularly at buildings and for potholes on roads.
 - 4.2.2 Properties becoming vacant, with the associated loss of rent and exposure to council tax.
 - 4.2.3 Lack of resource to fund management plan
 - 4.2.4 The JMC mitigates these risks through the monitoring of buildings and roads by officers, and by managing relationships with tenants. The JMC also holds a working balance and a repairs and renewals reserve, which can be used to fund one-off, unexpected budget variances.
- 4.3 Crime & Disorder
 - 4.3.1 None arising from the contents of this report.
- 4.4 Safeguarding
 - 4.4.1 None arising from the contents of this report.
- 4.5 Dependencies
 - 4.5.1 None arising from the contents of this report.
- 4.6 Other
 - 4.6.1 None arising from the contents of this report.

5 Financial Implications

- 5.1 Financial implications are set-out in the body of the report.
- 5.2 **Section 151 Officer's comments:** The JMC's budget for 2023/24, which was set in January 2023, addresses the adverse budget variances identified in this report. However, 2022/23's outturn has caused the working balance reserve to decrease by £13,460 to £65,719, thereby reducing the JMC's financial resilience.
- 5.3 When setting 2024/25's budget later this year, consideration will be given to how the working balance reserve can be replenished. For example, when London Road Lodge becomes income generating, a proportion of the income may need to be earmarked for this purpose to ensure the JMC's financial resilience is maintained.
- 5.4 Budgets will continue to be closely monitored; the next finance update is due to be reported to the JMC on 16th October 2023.

6 Legal Implications

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

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council, Green & Vibrant.
- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report.
- 7.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report.
- 7.5 **Partnerships:** London Borough of Sutton and Epsom and Ewell Borough Council have shared responsibility for managing Nonsuch Park.

8 Background papers

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

Previous reports:

- NJMC Finance Report and Budget 2023/24 – 27 January 2023

Other papers:

-

NONSUCH PARK JMC - 2022-23

2021/22 Outturn		2022/23 Budget	2022/23 Outturn	2022/23 Outturn Variance	2023/24 Budget
£	<u>Expenditure</u>	£	£	£	
	Grounds				
804	Maintenance of grounds	804	617	-183	830
500	Plants Seeds and fertiliser	503	500	0	520
3,317	Emptying bins	3,417	3,420	0	3,520
27,505	Maintenance of roads	18,560	21,170	2,610	19,120
4,410	Purchase of plants	4,663	3,810	-850	4,000
13,120	Tree maintenance contract scheduled works	13,120	13,120	0	15,900
0	Asbestos Surveys	1,136	0	-1,140	680
5,796	Engineering and fabric recharge	7,625	6,899	-731	7,770
2,946	Building and M&E maintenance works	1,065	40,133	39,063	1,090
2,668	Electricity	2,382	1,557	-823	4,760
115	Gas	1,447	54	-1,396	250
1,942	Water charges - metered	5,286	5,261	-29	3,700
11,432	Council Tax for London Road Lodge	5,550	12,337	6,787	2,780
841	Cleaning contract recharges	3,180	1,227	-1,953	2,650
1,123	Petrol, diesel & oil	1,130	1,130	0	1,760
2,250	Transport insurance	1,960	1,982	22	2,060
364	Op Services equipment & tools : R & M	1,558	414	-1,146	1,600
4,575	Hire of Bins	4,050	4,050	0	4,900
7,056	Purchase of memorials e.g benches trees	3,628	1,484	-2,146	3,500
0	Legal expenses for London Road Lodge	0	263	263	0
0	Publicity	0	328	328	0
0	General office expenses	211	229	19	0
23,417	Transport fleet SLA NJMC	24,147	24,150	0	26,590
2,041	Insurance recharges	2,140	2,411	271	2,480
116,222	Sub-Total	107,562	146,546	38,966	110,459

2021/22 Outturn		2022/23 Budget	2022/23 Outturn	2022/23 Outturn Variance	2023/24 Budget
£	<u>Mansion House</u>	£	£	£	
0	Vandalism repairs	201	0	-200	210
0	Asbestos Surveys	452	0	-450	450
16,447	Engineer and fabric	12,191	20,231	8,041	20,900
97,817	Building and M&E maintenance works	79,400	38,972	-40,428	84,160
13,992	Electricity	11,084	18,705	7,625	22,170
6,561	Gas	4,140	5,814	1,674	6,210
2,090	Council Tax	0	0	0	0
14,717	Cleaning Contract recharges	9,910	12,495	2,585	11,160
0	Legal fees	0	1,287	1,287	0
18,099	Commercial tenanted property insurance	18,500	20,855	2,355	21,000
6,362	Insurance recharges	6,682	7,527	847	7,750
176,083	Sub-Total	142,560	125,887	- 16,663	174,010
	<u>Central Expenses</u>				
26,000	Additional pension contribs	26,000	26,000	0	26,000
0	Clothing & uniforms	151	0	-150	160
0	General office expenses	804	90	-710	1,060
1,311	Commercial tenanted property insurance	1,400	1,507	107	1,550
0	Projects budget	3,000	0	-3,000	3,000
905	External Audit	935	940	0	960
0	Property Agency Fees	0	5,829	5,829	0
1,006	Insurance recharges	1,055	1,188	128	1,230
523	Internal audit recharges	523	520	0	540
103,064	Grounds Maintenance Staff Recharge	106,254	106,250	0	106,250
34,789	Management costs SLA recharge	35,869	35,870	0	35,870
-23,097	Contribution to/(from) NJMC R&R fund	7,260	7,642	382	8,690
144,501	Sub-total	183,251	185,836	2,586	185,309
436,807	Gross Expenditure	433,373	458,270	24,890	469,779
2021/22 Outturn		2022/23 Budget	2022/23 Outturn	2022/23 Outturn Variance	

£	<u>Income</u>	£	£	£	
0	Friends of Nonsuch contribution	0	-1,500	-1,500	0
-150	Miscellaneous income	0	0	0	0
0	Filming Income	-2,000	-1,900	100	- 2,000
-9,747	Memorial receipts	-3,610	-3,658	-48	- 3,500
0	London Road Lodge/Ewell lodge	0	0	0	- 3,500
-18,099	Mansion House insurance recovered	-18,500	-20,855	-2,355	- 21,000
-107,700	Mansion House - Bovingdons letting	-106,700	-107,700	-1,000	- 106,700
-21,974	Mansion House - Service charges variable	-18,997	-21,838	-2,841	- 26,000
-5,463	Mansion House - Service charges fixed	-5,463	-5,463	0	- 6,150
-2,354	Old Boathouse - Licence to occupy	-2,200	-2,354	-154	- 2,350
-2,754	Nursery Lodge insurance recovered	-1,400	-2,369	-969	- 1,550
-1,410	NJMC service charges (Nursery lodge)	-1,360	-904	456	- 1,410
-9,526	Events and Fitness Groups Hire charges	-8,250	-10,290	-2,040	- 13,000
-9,716	Staff property rent- Castlemaine and Sparrow Farm lodge	-9,720	-9,716	4	- 9,720
-20,000	Nursery Lodge rental income	-20,000	-21,000	-1,000	- 22,000
-10,740	Mansion House Flat 1 Rent	-10,740	-10,740	0	- 11,638
-5,473	Mansion House Flat 3 Rent	-9,180	-9,180	0	- 9,180
-401	Interest on balances	-1,980	-2,062	-82	- 4,000
-225,506	Sub-Total	-220,100	-231,530	-11,430	-243,698
211,301	Net Expenditure	213,273	226,740	13,460	226,081
	<u>Precepts:</u>				
-103,430	Precept to be levied on EEBC	-106,640	-106,640	0	113,040
-103,430	Precept to be levied on LB Sutton	-106,640	-106,640	0	113,040
- 206,860	Sub-Total	- 213,280	-213,280	-	-226,081
4,441	Surplus (-) / Deficit in Year		13,460	13,460	
-					
83,620	Balance b/fwd. 1 April		79,179		
79,179	Balance c/fwd. 31 March		65,719		

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Financial Statements 2022/23

**NONSUCH PARK JOINT MANAGEMENT COMMITTEE
REVENUE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2023**

	2021/22 £'000	2022/23 £'000
Income:-		
Fees & Charges	69	69
Rents	156	161
Interest on Balances	0	2
London Borough of Sutton	103	107
Epsom & Ewell Borough Council	103	107
	432	445
Expenditure:-		
Employees	26	26
Premises	227	206
Transport	3	3
Suppliers and Services	31	37
Support Services	171	178
	460	451
Budgeted contribution to Repairs & Renewals Fund	(-23)	7
Surplus / (Deficit) for the year	(4)	(13)
Balance Brought Forward at 1 April	83	79
Balance Carried Forward at 31 March	79	66

Financial Statements 2022/23

NONSUCH PARK JOINT MANAGEMENT COMMITTEE
BALANCE SHEET AS AT 31 MARCH 2023

31 March 2022 £'000		31 March 2023 £'000
	CURRENT ASSETS	
93	Debtors (Epsom and Ewell B.C.)	87
93		87
	LESS: CURRENT LIABILITIES	
0	Creditors	0
93		87
	Financed By:-	
	<u>RESERVES</u>	
14	Repairs and Renewals	22
79	Revenue Balance	66
93		87